

March 24, 2021

ORDINARY MONTHLY MEETING

TO BE HELD

WEDNESDAY, MARCH 31, 2021

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

Dear Sir/Madam,

Your attendance is requested at the Ordinary Meeting of the Council of the City of Broken Hill to be held in the Council Chambers on **Wednesday, March 31, 2021** commencing at 6:30pm to consider the following business:

ABN 84 873 116 132

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

JAY NANKIVELL
ACTING 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 Acting 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, February 24, 2021.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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Meeting commenced at 6:30p.m.

PRESENT:

Councillor D. Turley (Mayor) Councillor C. Adams (Deputy Mayor)
Councillors B. Algate, M. Browne, M. Clark, D. Gallagher, T. Kennedy,
B. Licul, 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. 46427

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

Resolved

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

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil.

MAYORAL MINUTES

The Mayoral Minute will be considered in the Confidential Section.

NOTICES OF MOTION

ITEM 1 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 1/21 - DATED FEBRUARY 12, 2021 - REPLACEMENT OF DEAD STREET TREES

11/390

Motion

- Councillor T. Kennedy moved)
Councillor B. Algate seconded)
1. That Motions of Which Notice has been Given No. 1/21 dated February 12, 2021, be received.
 2. That Broken Hill City Council develops a policy to address the dead trees in and around Broken Hill and to save sick and dying trees.
 3. That a report be prepared outlining the cost to remove all dead trees and replace them with a species of tree chosen by Council in consultation with the community.
 4. That Council consider requesting quotes for the removal of dead trees and that the trees can be used by the contractor for the sale for firewood.

Amendment

- Councillor R. Page moved)
Councillor D. Gallagher seconded)
1. That Motions of Which Notice has been Given No. 1/21 dated February 12, 2021, be received.
 2. That Broken Hill City Council develops a policy to address the dead trees in and around Broken Hill and to save sick and dying trees.
 3. That a report be prepared outlining the cost to remove all dead trees and replace them with a species of tree chosen by Council in consultation with the community.
 4. That Council consider requesting quotes for the removal of dead trees and that the trees can be used by the Council for the sale for firewood.

LOST

Councillor Browne foreshadowed a further amendment should Councillor Page's amendment be lost.

FOR: Crs Gallagher and Page

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

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Amendment

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

1. That Motions of Which Notice has been Given No. 1/21 dated February 12, 2021, be received.
2. That Council defer further consideration of this matter pending presentation of Council's Tree Management Plan to the next Council Meeting.

CARRIED

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

AGAINST: Crs Algate, Gallagher, Kennedy and Page

RESOLUTION

Minute No. 46428

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

Resolved

1. That Motions of Which Notice has been Given No. 1/21 dated February 12, 2021, be received.
2. That Council defer further consideration of this matter pending presentation of Council's Tree Management Plan to the next Council Meeting.

CARRIED

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

AGAINST: Crs Algate, Gallagher, Kennedy and Page

ITEM 2 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 2/21 - DATED FEBRUARY 12, 2021 - WATER RESTRICTIONS

11/501

Councillor Kennedy accepted an addendum to the motion (moved as an amendment by Councillor Page), to include sending correspondence to the Federal Minister for Local Government.

RESOLUTION

Minute No. 46429

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

Resolved

1. That Motions of Which Notice has been Given No. 2/21 dated February 12, 2021, be received.
2. That Broken Hill City Council sends correspondence to Essential Water, the Federal Minister for Local Government, the Local Member Roy Butler and the appropriate Minister asking why Broken Hill is on water restrictions.

CARRIED UNANIMOUSLY

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ITEM 3 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 3/21 - DATED FEBRUARY 12, 2021 - COMPANION ANIMALS

19/160

Motion

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

1. That Motions of Which Notice has been Given No. 3/21 dated February 12, 2021, be received.
2. That Broken Hill City Council prepares a report about roaming dogs detailing attacks, unregistered animals, operating hours and complaints.
3. That the report includes Broken Hill City Council's obligations under the Companion Animals Act to address stray cats and dogs.
4. That Broken Hill City Council develop a policy to ensure that all off leash dog areas are well maintained and include adequate facilities to ensure a safe and pleasant experience for users.
5. That Broken Hill City Council provide Councillors with the opportunity to develop a policy that ensure Council operates 24 hours when dealing with roaming dogs.

Amendment

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

1. That Motions of Which Notice has been Given No. 3/21 dated February 12, 2021, be received.
2. That Council prepares a report regarding roaming cats and dogs, unregistered animals, operating hours and complaints.
3. That Council continue to make available and advertise the after-hours phone number of the Ranger.
4. That Council continues to promote responsible pet ownership and the use of Council's off-leash dog areas as safe and accessible places.

CARRIED

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

AGAINST: Crs Algate, Kennedy and Page

The amendment becomes the motion.

Motion

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

1. That Motions of Which Notice has been Given No. 3/21 dated February 12, 2021, be received.

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2. That Council prepares a report regarding roaming cats and dogs, unregistered animals, operating hours and complaints.
3. That Council continue to make available and advertise the after -hours phone number of the Ranger.
4. That Council continues to promote responsible pet ownership and the use of Council's off-leash dog areas as safe and accessible places.

Amendment

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

1. That Motions of Which Notice has been Given No. 3/21 dated February 12, 2021, be received.
2. That Council prepares a report regarding roaming cats and dogs, unregistered animals, operating hours and complaints.
3. That Council continue to make available and advertise the after-hours phone number of the Ranger.
4. That Council continues to promote responsible pet ownership and the use of Council's off-leash dog areas as safe and accessible places.
5. That the report to Council also includes costs associated with Council Meeting all obligations under the Companion Animals Act including providing after hours services so people can take seized cats and dogs to Council's Animal Shelter or an authorized facility.

WITHDRAWN

The amendment was withdrawn as the mover of the motion accepted Councillor Kennedy's amendment as part of the motion.

RESOLUTION

Minute No. 46430

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

Resolved

1. That Motions of Which Notice has been Given No. 3/21 dated February 12, 2021, be received.
2. That Council prepares a report regarding roaming cats and dogs, unregistered animals, operating hours and complaints.
3. That Council continue to make available and advertise the after-hours phone number of the Ranger.
4. That Council continues to promote responsible pet ownership and the use of Council's off-leash dog areas as safe and accessible places.

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5. That the report to Council also includes costs associated with Council Meeting all obligations under the Companion Animals Act including providing after hours services so people can take seized cats and dogs to Council's Animal Shelter or an authorized facility.

CARRIED UNANIMOUSLY

ITEM 4 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 4/21 - DATED FEBRUARY 12, 2021 - MULGA CREEK WETLANDS 20/422

Motion

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

1. That Motions of Which Notice has been Given No. 4/21 dated February 12, 2021, be received.
2. That Broken Hill City Council prepares a report about the Mulga Creek Wetlands to explain why Broken Hill City Council has not met its obligations or the aims of the wetlands to:
- a) improve the quality of stormwater runoff by removing pollutants from the water;
 - b) Promote environmental education and research with cooperative partnerships;
 - c) Capture and store stormwater to further improve water quality and to allow residual water to be used for irrigation; and
 - d) Provide a public open space to be enjoyed and to enhance public amenity.

Amendment

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

1. That Motions of Which Notice has been Given No. 4/21 dated February 12, 2021, be received.
2. That a report be prepared detailing the progress of the works already undertaken and planned to be undertaken to maintain the wetlands and mitigate the possibility of future flooding in the local area.
3. That the Mulga Creek Wetlands be included in Council's Memorandum of Understanding to be developed with Landcare Broken Hill.

CARRIED

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

AGAINST: Crs Algate, Gallagher, Kennedy and Page

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The amendment becomes the motion.

RESOLUTION

Minute No. 46431

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

Resolved

1. That Motions of Which Notice has been Given No. 4/21 dated February 12, 2021, be received.
2. That a report be prepared detailing the progress of the works already undertaken and planned to be undertaken to maintain the wetlands and mitigate the possibility of future flooding in the local area.
3. That the Mulga Creek Wetlands be included in Council's Memorandum of Understanding to be developed with Landcare Broken Hill.

CARRIED

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

AGAINST: Crs Algate, Gallagher, Kennedy and Page

ITEM 5 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 5/21 - DATED FEBRUARY 12, 2021 - DISABLED PARKING SPACE ADJACENT TO THE SILVER CITY CINEMA 11/397

Motion

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

1. That Motions of Which Notice has been Given No. 5/21 dated February 12, 2021, be received.
2. That Broken Hill City Council immediately start the process to install disabled parking or a drop-off zone at the front of the Silver City Cinema.
3. That Council waiver the parking fine that was issued to the owner of the Silver City Cinema, Mr John Wren.
4. That Council apologise for its heavy-handed approach.

Amendment

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

1. That Motions of Which Notice has been Given No. 5/21 dated February 12, 2021, be received.
2. That Broken Hill City Council immediately start the process to install disabled parking or a drop-off zone at the front of the Silver City Cinema.

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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. 46432

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

Resolved

1. That Motions of Which Notice has been Given No. 5/21 dated February 12, 2021, be received.
2. That Broken Hill City Council immediately start the process to install disabled parking or a drop-off zone at the front of the Silver City Cinema.

CARRIED

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

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 1/21 - DATED FEBRUARY 16, 2021 -
CORRESPONDENCE REPORT - NSW TRAINLINK COACH SERVICES BETWEEN BROKEN HILL
AND ADELAIDE AND BETWEEN BROKEN HILL AND MILDURA** 11/161

RESOLUTION

Minute No. 46433

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

Resolved

1. That Broken Hill City Council Report No. 1/21 dated February 16, 2021, be received.
2. That Council note correspondence from the Minister for Regional Transport and Roads dated 9 February 2021 in reply to the Mayor's correspondence of 14 December 2020.
3. That Council makes further representations to the Minister for Regional Transport and Roads and Transport for NSW prior to 30

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June 2021, advocating for both Trainlink coach services to remain operational permanently.

CARRIED UNANIMOUSLY

ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 2/21 - DATED FEBRUARY 02, 2021 - COUNCILLOR ATTENDANCE AND CALL FOR MOTIONS TO THE MURRAY DARLING ASSOCIATION NATIONAL CONFERENCE AND AGM, WENTWORTH 16-19 MAY 2021 11/364

RESOLUTION

Minute No. 46434

Councillor B. Algate moved)
Councillor M. Clark seconded)

Resolved

1. That Broken Hill City Council Report No. 2/21 dated February 2, 2021, be received.
2. That Council's Delegates to the Murray Darling Association National Conference to be held in Wentworth on 16-19 May 2021 be Mayor Turley and Councillors Browne, Kennedy, Page and Clark (Councillors to confirm availability with the General Manager's Office for travel/videoconference arrangements to be made).
3. That Council notes that motions to the conference require a letter of support from the hosting Council and must also include a resolution from the Murray Darling Association (MDA) Region 4 Meeting to be held via videoconference on 2 March 2021, prior to submission to the Conference Board by 12 April 2021.
4. That Councillors forward motions to the Acting General Manager prior to the Murray Darling Association Region 4 Meeting to be held on 2 March 2021.

CARRIED UNANIMOUSLY

ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 3/21 - DATED DECEMBER 11, 2020 - 2021 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS 11/304

RESOLUTION

Minute No. 46435

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

Resolved

1. That Broken Hill City Council Report No. 3/21 dated December 11, 2020, be received.
2. That Council submits the following motions to the 2021 National General Assembly of Local Government by March 26, 2021 along with a copy of the supporting Council resolution.
 - a) Museum Strategy for NSW:
That the Federal Government provides funding to the State Governments for the development of Museum Strategies for NSW with sufficient resources to ensure cultural heritage led vibrancy, collection

care and local storytelling initiatives are supported, developed and maintained for communities throughout the State.

b) Restoration and Remediation of Local Cemeteries:

That the Federal Government provides funding to State Governments to financially support local councils in the restoration and remediation of local cemeteries that have been severely damaged from climatic conditions and drought.

c) Support for Local Organisations that depend on Volunteering:

That the Federal Government provides support to the State Local Government Departments to establish a Local Government Volunteer Strategy that can support requests for government funding assistance to regional and rural communities in their efforts to encourage greater volunteer labour participation through offsetting the costs incurred by local organisations who provide those volunteer services.

d) Transmission Grid Upgrade:

That the Federal Government investigate and prepare a public report into the need for the urgent approval and development of new long distance, multi-gigawatt transmission lines and a redesigned grid to cope with the rapid expansion of renewable energy sources feeding into it. The approval process for new transmission lines can average a decade and severely lags behind solar and wind developments which may take one to two years to be finalised. Such development is essential for Australia to reach its zero emission targets by 2050 and to significantly lower energy costs for Australian households and industry.

e) Electric Vehicle Charging Bays:

That the Federal Government ensures an adequate provision of charging points for electric vehicles in regional areas including Broken Hill in order that regional areas are not deprived of the opportunity to purchase vehicles and also to ensure that people living in metropolitan areas can travel to regional and remote areas. Once the use of electric vehicles gains momentum, regional Australia should not miss out on tourism due to not having adequate charging bays.

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CARRIED UNANIMOUSLY

ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 4/21 - DATED FEBRUARY 08, 2021 - 2020-2022 DELIVERY PROGRAM KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2020, INCLUSIVE OF OPERATIONAL PLAN 2020/2021 OUTCOMES 16/165

Motion

- Councillor M. Browne moved)
Councillor B. Licul seconded)
1. That Broken Hill City Council Report No. 4/21 dated February 8, 2021, be received.
 2. That Council adopt the 2020-2022 Delivery Program Key Performance Indicators Progress Report for period ending 31 December 2020, inclusive of Operational Plan 2020/2021 outcomes.

Amendment

- Councillor T. Kennedy moved)
Councillor R. Page seconded)
1. That Broken Hill City Council Report No. 4/21 dated February 8, 2021, be received.
 2. That Council adopt the 2020-2022 Delivery Program Key Performance Indicators Progress Report for period ending 31 December 2020, inclusive of Operational Plan 2020/2021 outcomes.
 3. That a report be prepared for Council regarding the backlog of Construction Certificates and the impact that this has had on Council and the community.

WITHDRAWN

The amendment was accepted by the mover of the motion as an addendum to the motion.

RESOLUTION

Minute No. 46436

- Councillor M. Browne moved)
Councillor B. Licul seconded)
- Resolved**
1. That Broken Hill City Council Report No. 4/21 dated February 8, 2021, be received.
 2. That Council adopt the 2020-2022 Delivery Program Key Performance Indicators Progress Report for period ending 31 December 2020, inclusive of Operational Plan 2020/2021 outcomes.
 3. That a report be prepared for Council regarding the backlog of Construction Certificates and the impact that this has had on Council and the community.

CARRIED UNANIMOUSLY

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ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 5/21 - DATED FEBRUARY 08, 2021 - 2017-2021 DISABILITY INCLUSION ACTION PLAN KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2020 16/82

RESOLUTION

Minute No. 46437

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

Resolved

1. That Broken Hill City Council Report No. 5/21 dated February 8, 2021, be received.
2. That Council adopt the 2017-2021 Disability Inclusion Action Plan – Key Performance Indicators Progress Report for the reporting period ending 31 December 2020.

CARRIED UNANIMOUSLY

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 6/21 - DATED NOVEMBER 13, 2020 - ADOPTION OF DRAFT QUEEN ELIZABETH PARK PLAN OF MANAGEMENT 20/103

RESOLUTION

Minute No. 46438

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

Resolved

1. That Broken Hill City Council Report No. 6/21 dated November 13, 2020, be received.
2. That Council notes that Ministerial approval was granted on 30 October 2020 and the Draft Plan of Management Queen Elizabeth Park was publicly exhibited for a period of 44 days, in accordance with the *Local Government Act 1993*.
3. That Council adopts the Draft Plan of Management Queen Elizabeth Park as a Plan of Council.

CARRIED UNANIMOUSLY

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 7/21 - DATED FEBRUARY 16, 2021 - ADOPTION OF DRAFT RENEWABLE ENERGY ACTION PLAN 18/186

RESOLUTION

Minute No. 46439

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

Resolved

1. That Broken Hill City Council Report No. 7/21 dated February 16, 2021, be received.
2. That Council adopts the draft Renewable Energy Action Plan as a Plan of Council.
3. That Council commits \$50,000 to establish size requirements and shortlist locations for stage 1 of works as per the Renewable Energy Action Plan.
4. That stage 2 and 3 works are factored into the 2021/2022 budget discussions.

CARRIED

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

AGAINST: Crs Algate, Kennedy and Page

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 8/21 - DATED FEBRUARY 11, 2021 -
ADOPTION OF DRAFT CODE OF PRACTICE CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM
PROGRAMME POLICY** 12/14

RESOLUTION

Minute No. 46440

Councillor D. Gallagher moved)

Councillor B. Licul seconded)

Resolved

1. That Broken Hill City Council Report No. 8/21 dated February 11, 2021, be received.
2. That Council adopts the Draft Code of Practice Closed Circuit Television (CCTV) Programme Policy as a policy of Council and notes that it supersedes the previous policy adopted in 2019.

CARRIED UNANIMOUSLY

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 9/21 - DATED FEBRUARY 16, 2021 -
ADOPTION OF DRAFT HERITAGE STRATEGY 2020-2023** 11/469

RESOLUTION

Minute No. 46441

Councillor C. Adams moved)

Councillor M. Clark seconded)

Resolved

1. That Broken Hill City Council Report No. 9/21 dated February 16, 2021, be received.
2. That Council adopts the draft Heritage Strategy 2020 – 2023 as a Strategy of Council.

CARRIED

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

AGAINST: Cr Kennedy

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 10/21 - DATED FEBRUARY 05, 2021 -
ADOPTION OF DRAFT AGENCY INFORMATION GUIDE** 11/118

RESOLUTION

Minute No. 46442

Councillor M. Browne moved)

Councillor B. Licul seconded)

Resolved

1. That Broken Hill City Council Report No. 10/21 dated February 5, 2021, be received.
2. That Council adopt the Draft Agency Information Guide.
3. That the current Agency Information Guide be removed from Council's website and replaced with the revised Agency Information Guide.

CARRIED UNANIMOUSLY

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**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 11/21 - DATED FEBRUARY 11, 2021 -
DRAFT CORPORATE CREDIT CARD POLICY**

12/14

Motion

- Councillor D. Gallagher moved)
Councillor M. Browne seconded)
1. That Broken Hill City Council Report No. 11/21 dated February 11, 2021, be received.
 2. That Council endorses the draft Corporate Credit Card Policy for the purpose of public exhibition.
 3. That Council publicly exhibits the draft corporate Credit Card Policy and accepts submissions from the public for a period of 28 days.
 4. That Council receives a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the draft Corporate Credit Card Policy.

Amendment

- Councillor B. Algate moved)
Councillor T. Kennedy seconded)
1. That Broken Hill City Council Report No. 11/21 dated February 11, 2021, be received.
 2. That Council endorses the draft Corporate Credit Card Policy for the purpose of public exhibition.
 3. That Council publicly exhibits the draft corporate Credit Card Policy and accepts submissions from the public for a period of 28 days.
 4. That Council receives a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the draft Corporate Credit Card Policy
 5. That the policy be amended to reduce the \$10,000.00 credit card limit to \$4,000.00.

WITHDRAWN

The original motion was put.

Motion

- Councillor D. Gallagher moved)
Councillor M. Browne seconded)
1. That Broken Hill City Council Report No. 11/21 dated February 11, 2021, be received.
 2. That Council endorses the draft Corporate Credit Card Policy for the purpose of public exhibition.
 3. That Council publicly exhibits the draft corporate Credit Card Policy and accepts

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submissions from the public for a period of 28 days.

4. That Council receives a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the draft Corporate Credit Card Policy.

Amendment

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

1. That Broken Hill City Council Report No. 11/21 dated February 11, 2021, be received.
2. That Council endorses the draft Corporate Credit Card Policy for the purpose of public exhibition.
3. That Council publicly exhibits the draft corporate Credit Card Policy and accepts submissions from the public for a period of 28 days.
4. That Council receives a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the draft Corporate Credit Card Policy.
5. That a report be presented to Council regarding the need for the \$10,000.00 credit card and a quarterly report also be presented to Council on the expenditure of the \$10,000.00 credit card.

CARRIED UNANIMOUSLY

The amendment becomes the motion.

RESOLUTION

Minute No. 46443

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

Resolved

1. That Broken Hill City Council Report No. 11/21 dated February 11, 2021, be received.
2. That Council endorses the draft Corporate Credit Card Policy for the purpose of public exhibition.
3. That Council publicly exhibits the draft corporate Credit Card Policy and accepts submissions from the public for a period of 28 days.
4. That Council receives a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the draft Corporate Credit Card Policy.

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5. That a report be presented to Council regarding the need for the \$10,000.00 credit card and a quarterly report also be presented to Council on the expenditure of the \$10,000.00 credit card.

CARRIED UNANIMOUSLY

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 12/21 - DATED FEBRUARY 12, 2021 - QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDED DECEMBER 2020 12/160

RESOLUTION

Minute No. 46444

Councillor J. Nolan moved)

Councillor B. Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 12/21 dated February 12, 2021, be received.
2. That the 2nd Quarterly Budget Review Statement and recommendations be adopted.
3. That Council note the projected 2020/21 operating deficit (before capital) of \$2,358,000.
4. That Council note the 2020/21 projected capital budget expenditure of \$47,897,000.
5. That Council note the revised Long-Term Financial Plan 2021-2030

CARRIED

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

AGAINST: Cr Kennedy

As the time had reached 9:00pm (Council's Code of Meeting Practice Policy clause 18.2 states if the business of the meeting is unfinished at 9:00pm, the Council or Committee may, by resolution, extend the time of the meeting.) The Mayor called for a motion from the floor as to whether the meeting continue or be adjourned for the remaining items to be dealt with at the next Ordinary Meeting or to a date and time to be decided.

RESOLUTION

Minute No. 46445

Councillor R. Page moved)

Councillor B. Algate seconded)

Resolved

- That standing orders be suspended and the meeting continues until its completion.

CARRIED UNANIMOUSLY

The Mayor noted Councillor Algate's request to be excused from the meeting at approximately 9:20p.m.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 24, 2021

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 13/21 - DATED FEBRUARY 11, 2021 -
PROPOSED BORROWINGS - WASTE FLEET RENEWAL**

16/165

Motion

- Councillor B. Licul moved)
Councillor D. Gallagher seconded)
1. That Broken Hill City Council Report No. 13/21 dated February 11, 2021, be received.
 2. That Council approve borrowings of \$2,000,000 for the renewal of Councils Waste fleet.
 3. That Council seek three quotes for loan finance as per Council's adopted Loan Borrowing Policy.
 4. That Council authorise the Mayor and General Manager to sign any associated loan documents and apply the Common Seal of Council.

Amendment

- Councillor T. Kennedy moved)
Councillor R. Page seconded)
1. That Broken Hill City Council Report No. 13/21 dated February 11, 2021, be received.
 2. That a report be presented to the March 2021 Council Meeting advising all expenditure and revenue for the Waste Management Facility operations, including the weigh bridge charges and fees over the past 3 years.

LOST

FOR: Crs Algate, Kennedy and Page

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

The original motion was put.

RESOLUTION

Minute No. 46446

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

Resolved

1. That Broken Hill City Council Report No. 13/21 dated February 11, 2021, be received.
2. That Council approve borrowings of \$2,000,000 for the renewal of Councils Waste fleet.
3. That Council seek three quotes for loan finance as per Council's adopted Loan Borrowing Policy.
4. That Council authorise the Mayor and General Manager to sign any associated loan

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 24, 2021

documents and apply the Common Seal of
Council.

CARRIED

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

AGAINST: Crs Algate, Kennedy and Page

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 14/21 - DATED JANUARY 11, 2021 -
INVESTMENT REPORT FOR DECEMBER 2020** 17/82

RESOLUTION

Resolved

Minute No. 46447

Councillor B. Licul moved)

Councillor J. Nolan seconded)

1. That Broken Hill City Council Report No.
14/21 dated January 11, 2021, be received.

CARRIED UNANIMOUSLY

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 15/21 - DATED FEBRUARY 11, 2021 -
INVESTMENT REPORT FOR JANUARY 2021** 17/82

RESOLUTION

Resolved

Minute No. 46448

Councillor J. Nolan moved)

Councillor M. Clark seconded)

1. That Broken Hill City Council Report No.
15/21 dated February 11, 2021, be received.

CARRIED UNANIMOUSLY

Councillor Algate left the meeting at this point in the meeting proceedings (9:17p.m.).

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 16/21 - DATED FEBRUARY 03, 2021 -
INVESTMENT STRATEGY AND PORTFOLIO REVIEW FOR 2020/21 FYTD** 17/82

RESOLUTION

Resolved

Minute No. 46449

Councillor M. Clark moved)

Councillor B. Licul seconded)

1. That Broken Hill City Council Report No.
16/21 dated February 3, 2021, be received.

CARRIED

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

AGAINST: Cr Kennedy

ABSENT: Cr Algate

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 17/21 - DATED OCTOBER 23, 2020 -
DISPOSAL OF SURPLUS EQUIPMENT** 20/473

RESOLUTION

Resolved

Minute No. 46450

Councillor C. Adams moved)

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 24, 2021

Councillor J. Nolan seconded)

1. That Broken Hill City Council Report No. 17/21 dated October 23, 2020, be received.
2. That Council approve the sale of items as listed in the below report.
3. That the General Manager be authorised to set reserve prices where required.
4. That General Manager be authorised to add additional items to Auction if required.
5. That the General Manager be authorised to negotiate the sale of items post auction.
6. That the General Manager be authorised to donate or dispose of any unsold items post auction.

CARRIED UNANIMOUSLY

ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 18/21 - DATED FEBRUARY 12, 2021 - VOLUNTEER HERITAGE WALK TOUR DONATIONS 11/154

RESOLUTION

Minute No. 46451

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

Resolved

1. That Broken Hill City Council Report No. 18/21 dated February 12, 2021, be received.
2. That Council approves the donation of surplus funds of \$8,000.00 held in Council's Heritage Walk Tour Fund on behalf of the volunteers (donations collected by the Heritage Walk Tour volunteers), to the following local charities:
 - a) \$2,000.00 donation to the Far West Local Health Service Palliative Care Unit
 - b) \$2,000.00 donation to Silverlea Early Childhood Services
 - c) \$2,000.00 donation to the Bishop Fox Memorial Meal Centre (St Vincent de Paul)
 - d) \$2,000.00 donation to the RSPCA Broken Hill
3. That the Heritage Walk Tour volunteers be congratulated for their efforts in raising funds through walk tour operations for the abovementioned Broken Hill charitable organisations.

CARRIED UNANIMOUSLY

Councillor Page highlighted the Deputy Mayor's work with the Broken Hill Heritage Committee and thanked her for her efforts in the promotion of Broken Hill's heritage.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 24, 2021

**ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 19/21 - DATED FEBRUARY 09, 2021 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 409 HELD MONDAY, 14
DECEMBER 2020 AND MEETING NO 410 HELD TUESDAY, 2 FEBRUARY 2021**

11/397

RESOLUTION

Minute No. 46452

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

Resolved

1. That Broken Hill City Council Report No. 19/21 dated February 9, 2021, be received.
2. That the minutes of the Local Traffic Committee Meeting No. 409 held Monday, 14 December 2020 be received.
3. That the minutes of the Local Traffic Committee Meeting No. 410 held Tuesday, 2 February 2021 be received.
4. That Item Number 409.6.1 – No stopping/parking sign Blende Street near Con Crowley Village; that a no stopping zone to be installed to the west of the driveway on Blende Street for a 10m zone.
5. That Item Number 409.6.2 – Broken Hill Regional Art Gallery Car Park; that 6 'BHCC Staff Only' parking to remain the same, 8 'Art Gallery Patrons Only' parking to be installed alongside 'BHCC staff parking with 2-hour time restrictions.
6. That Item Number 407.8.1 – Busy Kids – Request for School Zone; that 4 'Child Zone' signs to be installed and the 7 car parking spaces adjacent to Busy Kids in Bagot Street be changed to 15-minute parking.

CARRIED UNANIMOUSLY

**ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 20/21 - DATED FEBRUARY 09, 2021 -
ACTION LIST REPORT**

11/21

RESOLUTION

Minute No. 46453

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

Resolved

1. That Broken Hill City Council Report No. 20/21 dated February 9, 2021, be received.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

**ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 21/21 - DATED FEBRUARY 08, 2021 -
S355 ANNUAL AND FINANCIAL REPORTS 2019/2020**

16/94

Recommendation

1. That Broken Hill City Council Report No. 21/21 dated February 8, 2021, be received.
2. That the 2019/2020 Alma Oval Community Committee Annual and Financial Reports be received and noted.
3. That the 2019/2020 BIU Band Hall Community Committee Annual and Financial Reports be received and noted.
4. That the 2019/2020 Friends of the Flora and Fauna of the Barrier Ranges Community Committee Annual Report be received and noted.
5. That the 2019/2020 Memorial Oval Community Committee Annual and Financial Reports be received and noted.
6. That the 2019/2020 Norm Fox Sporting Complex Community Committee Annual and Financial Reports be received and noted.
7. That the 2019/2020 Riddiford Arboretum Community Committee Annual Report be received and noted.
8. That the 2019/202020 Community Strategic Round Table Committee Annual Report be received and noted.
9. That the 2019/2020 Broken Hill Regional Art Gallery Advisory Committee Annual Report be received and noted.
10. That the 2019/2020 Broken Hill Heritage Committee Annual Report be received and noted.

**ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 22/21 - DATED FEBRUARY 02, 2021 -
MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 6 OCTOBER
2020**

12/52

Recommendation

1. That Broken Hill City Council Report No. 22/21 dated February 2, 2021, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 6 October 2020 be received.

**ITEM 28 - BROKEN HILL CITY COUNCIL REPORT NO. 23/21 - DATED FEBRUARY 03, 2021 -
MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETING HELD 18 JANUARY 2021**

15/87

Recommendation

1. That Broken Hill City Council Report No. 23/21 dated February 3, 2021, be received.
2. That minutes of the Broken Hill Heritage Committee Meeting held 18 January 2021 be received and noted.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 24, 2021

RESOLUTION

Minute No. 46454

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

Resolved

1. That the recommendations of items 26 to 28
be adopted.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 29 - QUESTIONS ON NOTICE NO. 1/21 - DATED DECEMBER 11, 2020 - COUNCILLOR
QUESTIONS TAKEN ON NOTICE AT THE DECEMBER 2020 ORDINARY COUNCIL MEETING**

12/160

RESOLUTION

Minute No. 46455

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

Resolved

1. That Questions On Notice No. 1/21 dated
December 11, 2020, be received.

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

From Item 17 (Quarterly Budget Review) - Library, Archives and Cultural Precinct Survey

Councillor Page requested that the survey results of the Library, Archives and Cultural Precinct be circulated to Councillors.

From Item 18 (Proposed Borrowings for Waste Fleet Renewal) - Waste Management Facility

Councillor Page requested information regarding the costs involved in Council accepting waste (soil), at the Waste Management Facility, that was associated with the construction of the Wentworth to Broken Hill pipeline.

From Item 24 (Traffic Committee Minutes) – School Bus Zone – Broken Hill Public School (Central)

Councillor Kennedy referred to the school bus zone at the Broken Hill Public School and asked if an explanation could be sought from the Committee as to why this school bus zone is only in force on a Friday afternoon from 12:00noon to 3:00pm and not all school days.

From Item 3 (Companion Animals) – Cat Desexing Program

The Mayor asked when the Cat Desexing Program will commence.

Civic Centre Online Ticket Bookings

Councillor Kennedy advised that he has been approached by residents who have had trouble with Council's online ticket bookings for attendance at events at the Civic Centre and asked that this be investigated.

Broken Hill Correctional Services Street Beautification Program

Councillor Licul asked if Council could investigate whether the Broken Hill Correction Services will be conducting their street beautification program this year.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 24, 2021

RESOLUTION

Minute No. 46456

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

Resolved

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

CARRIED UNANIMOUSLY

Members of the media and staff (with the exception of the Acting General Manager) left the Council Chambers at 9:25p.m.

CONFIDENTIAL MATTERS

ITEM 30 - MAYORAL MINUTE NO. 1/21 - DATED FEBRUARY 09, 2021 - CODE OF CONDUCT MATTER CC20/8 - CONFIDENTIAL CC20/8

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

RESOLUTION

Minute No. 46457

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

Resolved

1. That Mayoral Minute No. 1/21 dated February 9, 2021, be received.
2. That in accordance with clause 6.13(a) of the Procedures, no action is taken on the grounds that the employee is no longer a council official and is therefore not bound by a contract of employment with Council.
3. That Council note the apology offered in writing to the Mayor & Councillors.

CARRIED

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

AGAINST: Cr Kennedy

ABSENT: Cr Algate

Staff returned to the Council Chambers at 9:50p.m.

ITEM 31 - BROKEN HILL CITY COUNCIL REPORT NO. 24/21 - DATED FEBRUARY 17, 2021 - JUBILEE OVAL REDEVELOPMENT - CONFIDENTIAL 20/476

(General Manager's Note: This report considers Jubilee Oval Redevelopment and is deemed confidential under Section 10A(2) (a) (f) (g) (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 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; AND which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 24, 2021

RESOLUTION

Minute No. 46458

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

Resolved

1. That Broken Hill City Council Report No. 24/21 dated February 17, 2021, be received.
2. That Council waive the Development Contribution Fee for AFL Broken Hill's Jubilee Oval Redevelopment Project to the amount detailed in the report.
3. That Council provides financial assistance to AFL Broken Hill (on a cost recovery basis in accordance with Council's Procurement Policy) for the remaining costs of the estimated rectification works, to an additional value as detailed in the report.
4. That subject to insurance approval, Council reimburse the Development Contribution Fund the cost of the waived Development Contribution Fee.

CARRIED UNANIMOUSLY

**ITEM 32 - BROKEN HILL CITY COUNCIL REPORT NO. 25/21 - DATED FEBRUARY 16, 2021 -
EXPRESSIONS OF INTEREST - SOCIAL AND AFFORDABLE HOUSING PROPOSAL - 331
MURTON STREET - CONFIDENTIAL**

T14/1

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

RESOLUTION

Minute No. 46459

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

Resolved

1. That Broken Hill City Council Report No. 25/21 dated February 16, 2021, be received.
2. That Council does not accept the Expression of Interest proposal submitted during the Expression of Interest process.
3. That the General Manager be authorised to negotiate with the prior interested party within the terms outlined in the report.
4. That subject to the outcome of recommendation 3, the Mayor and General Manager be authorised to sign and apply the Common Seal of Council to contract documents to allow the sale to be executed.

CARRIED UNANIMOUSLY

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 24, 2021

**ITEM 33 - BROKEN HILL CITY COUNCIL REPORT NO. 26/21 - DATED FEBRUARY 09, 2021 -
T20/5 - BROKEN HILL AIRPORT REPLACEMENT OF AGL LIGHTING CONSTRUCTION WORKS -
CONFIDENTIAL** T20/5

(General Manager's Note: This report considers T20/5 - BROKEN HILL AIRPORT REPLACEMENT OF AERONAUTICAL GROUND LIGHTING CONSTRUCTION WORKS and is deemed confidential under Section 10A(2) (c) (d) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).

RESOLUTION

Minute No. 46460

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

Resolved

1. That Broken Hill City Council Report No. 26/21 dated February 9, 2021, be received.
2. That Council award tender T20/5 for the Airport Replacement of Aeronautical Ground Lighting Construction works to ADB Safegate Australia Pty Ltd for the tendered amount of \$1,882,775.57 (including GST).

CARRIED

**ITEM 34 - BROKEN HILL CITY COUNCIL REPORT NO. 27/21 - DATED JANUARY 19, 2021 -
LICENCE OF STURT PARK (CROWN RESERVE 1003026) TO MEGAN CUMMING -
CONFIDENTIAL** 11/445

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

RESOLUTION

Minute No. 46461

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

Resolved

1. That Broken Hill City Council Report No. 27/21 dated January 19, 2021, be received.
2. That Broken Hill City Council issue a 12 month non-exclusive licence to Megan Cumming, for use of Reserve 1003026 (Sturt Park) with the purpose of 'sporting and organised recreational activities'.
3. That the annual rent be the minimum Crown Lands rental, currently \$505 per annum.
4. That the Mayor and General Manager be authorised to sign and execute any documents relating to the licence under the Common Seal of Council.

CARRIED

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 24, 2021

RESOLUTION

Minute No. 46462

Councillor D. Gallagher moved
Councillor C. Adams seconded

Resolved

) That the meeting resume in open session.
)

CARRIED UNANIMOUSLY

Members of the media returned to the Council Chambers at 9:54p.m.

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

There being no further business the Mayor closed the meeting at 9:58p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 31 MARCH 2021.)

CHAIRPERSON

NOTICES OF MOTION

1. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 6/21 - DATED MARCH 19, 2021 - BUS STOP ON CORNER OF GYPSUM AND NEWTON STREETS (11/399).....30

2. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 7/21 - DATED MARCH 19, 2021 - COMMUNITY GARDEN FOR FORMER ALMA POOL SITE (11/161).....34

3. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 8/21 - DATED MARCH 19, 2021 - STREET LIGHTING (11/47)36

4. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 9/21 - DATED MARCH 19, 2021 - BROKEN HILL'S RATING CATEGORIES (11/274)39

ORDINARY MEETING OF THE COUNCIL

March 19, 2021

ITEM 1MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 6/21

SUBJECT: BUS STOP ON CORNER OF GYPSUM AND NEWTON STREETS
11/399

Notice of Motion

1. That Motions of Which Notice has been Given No. 6/21 dated March 19, 2021, be received.
2. That Broken Hill City Council start the process to install bus seating and shelter at the bus stop on the corner of Gypsum Street and Newton Street.
3. That the bus stop be named after Roz, Barb and Pat Gauci and a plaque installed.

Summary

Council has received a Notice of Motion from Councillor Kennedy on 19 March 2021 regarding the installation of bus seating and shelter.

Councillor Kennedy's Notice of Motion reads:

"That Broken Hill City Council start the process to install bus seating and shelter at the bus stop on the corner on Gypsum St and Newton St.

That the bus stop is named after Roz, Barb and Pat Gauci and a plaque installed.

Reasons for motion:

Reasons for motion are that members of the community approached me including a bus driver who asked that Roz, Barb and Pat be acknowledged. They stated that the three women have caught the bus on the corner without shelter for the past 50 years.

Roz, Barb and Pat have been heavily involved in the Railway Town community and particularly the West Football Club for most of their lives.

This is an opportunity for Council to give back to those that contribute so much to the community. It is little gestures like this that make Broken Hill unique as a city and what attracts tourists and new residents to the city."

Councillor Kennedy's Notice of Motion is attached.

Acting General Manager's Comment:

According to Transport NSW, there is currently no designated bus stop on the corner of Newton and Gypsum Street. The closest bus stop is Gypsum and Pell which currently has a seat but no shelter.

Council has recently completed an audit on all bus stops to form part of our asset management plans. There are 17 bus stops that have seats but no shelters on the designated bus route.

Staff are currently preparing next year's capital budget, and this can form part of budget discussions with Councillors to allow for expenditure prioritisation.

Council's Naming of Parks and Community Facilities Policy

Council has had similar requests in the past to commemorate and recognise persons in various ways, all of which are close to the hearts of persons, often family members and others who have known the persons in other ways and believe that some acknowledgement should occur. The current Policy seeks to address these requests sympathetically and as has been done in past, recognition could be supplied as outlined within the policy in discussion with the proposers.

The Policy states the below:

Requests to name a park or community facility after a person or family will be the exception as a general rule, and all proposals will be presented to Council for consideration.

1. Naming a park or community facility after a person or family will only be considered where a person or family member is deceased and:
 - a) Is widely known and respected within the local community;
 - b) Has a recognised historical link with the locality or is generally acknowledged as having made a significant contribution to the social, economic, sporting or cultural development of the community; and
 - c) Is of good repute and not likely to be subject of controversy.
2. The nominated person has widespread community support.
3. A family who is nominated should have made a significant contribution to the community over two (2) or more generations.
4. The proposal to the name of the park or facility should be advertised with signage, at or on, the property or facility for public comment for twenty one days prior to the presentation of a report to Council for its consideration.
5. Council will determine whether a request will be granted taking into consideration the advice of the Asset Naming Committee and the outcomes of the community consultation.
6. To apply, applicants must submit a written statement for the nominee(s). This must be supported by a minimum of three (3) parties, one of who must be a community group. Documentation must be validated by Statutory Declaration and signed by a Justice of the Peace or Commissioner of Declarations. Applicants will be given careful consideration by the Asset Naming Committee prior to being presented to Council for its consideration and decision.
7. Where Council grants a request to have a park named after a person an inscription will be included within the "Park Name" sign. The inscription will acknowledge the nature of the person's contribution to the community.
8. Wording of the plaque will be determined in consultation with the closest living relative.

9. Where Council grants a request to have a community facility (infrastructure) named after a person, the naming will be for the life of the facility. Should the facility be subject to damage or removal, Council is no longer under obligation to replace the facility or name another facility in its place. The plaque attached to the facility will be in proportion with the facility.

Attachments

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

T. KENNEDY
COUNCILLOR

RECEIVED
19 MAR 2021

BY: Jo 10.55am

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held on March 2021

From Councillor Tom Kennedy

That Broken Hill City Council start the process to install bus seating and shelter at the bus stop on the corner on Gypsum St and Newton St.

That the bus stop is named after Roz, Barb and Pat Gauci and a plaque installed.

Reasons for motion are that members of the community approached me including a bus driver who asked that Roz, Barb and Pat be acknowledged. They stated that the three women have caught the bus on the same corner without shelter for the past 50 years.

Roz, Barb and Pat have been heavily involved in the railway town community and particularly the West football club for most of their lives.

This is an opportunity for council to give back to those that contribute so much to the community. It is little gestures like this that makes Broken Hill unique as a city and what attracts tourists and new residents to the city.

Councillor Tom Kennedy



ORDINARY MEETING OF THE COUNCIL

March 19, 2021

ITEM 2MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 7/21SUBJECT: COMMUNITY GARDEN FOR FORMER ALMA POOL SITE 11/161**Notice of Motion**

1. That Motions of Which Notice has been Given No. 7/21 dated March 19, 2021, be received.
2. That Broken Hill City Council prepares a report about establishing a community operated gardens at the former Alma pool site.

Summary

Council has received a Notice of Motion from Councillor Kennedy on 19 March 2021 regarding the establishment of a community garden at the former Alma Pool site.

Councillor Kennedy's Notice of Motion reads:

"That Broken Hill City Council prepares a report about establishing a community operated gardens at the former Alma Pool site.

Reasons for motion:

Reasons for the motion are that I have been contacted by interested community members to establish the area as a community gardens. This will give a purposeful use to land and it will reduce council maintenance costs, reducing weeds etc.

It will also work in with Council's sustainable communities policy."

Acting General Manager's Comment

Nil

Attachments

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

T. KENNEDY
COUNCILLOR

RECEIVED
19 MAR 2021

BY: *Jo 10.55am*

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held on March 2021

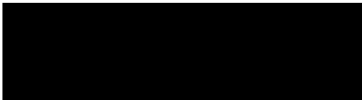
From Councillor Tom Kennedy

That Broken Hill City Council prepares a report about establishing a community operated gardens at the former Alma pool site.

Reasons for motion are that I have been contacted by interested community members to establish the area as a community gardens. This will give a purposeful use to land and it will reduce council maintenance costs, reducing weeds etc.

It will also work in with council's sustainable communities' policy.

Councillor Tom Kennedy



Poor lighting on roads has significant safety implications for the Council and the community."

Councillor Kennedy's Notice of Motion is attached.

Acting General Manager's comment:

Council is part of the Southern Lights Project which covers 41 Local Government Areas and 75,000 street lights.

Southern Lights NSW is an enabling infrastructure project designed to deliver better, safer, cheaper lighting and smarter, connected communities. Not only will lighting levels be improved, the project will provide significant connectivity benefits to regional and rural communities across southern NSW from Bega to Broken Hill.

An LED roll out when accompanied by smart controls technology can dramatically improve service levels because LED lights are much more reliable and because the smart controls can notify the operator of outages and other faults.

Smart controls technology also allows monitoring of energy consumption, a wide range of operating regimes not currently possible, including dimming during the off-peak, raising lighting levels during peak times and optimising lighting levels to exactly meet compliance levels, facilitating automated population of asset registers and improving the accuracy of billing.

It is well established that using LEDs for street lighting reduces the cost of lighting by substantially reducing both the amount of energy used by the lights, reducing the operational cost of the lights and by delivering high quality white light that increases the efficiency and effectiveness of public lighting which improves safety and reduces crime.

Notably, unlike metropolitan areas, many regional NSW residential streets (Broken Hill included) are currently lit with lower quality, yellow-coloured lighting, so a switch to LED lighting will make significant and noticeable improvements to public lighting.

Broken Hill's roll out is currently underway and so far 400 lights have been installed out of a total of 2033. The total project cost is: \$1.7M. It is expected the roll out will be finalised by July 2021.

It is recommended that this project be finalised prior to preparing a report on additional street lighting required to improve residential lighting levels, as the current switch to LED will make a significant difference to lighting levels across the City as well as ensuring we take a whole of city approach to street lighting improvement.

Attachments

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

T. KENNEDY
COUNCILLOR

RECEIVED
19 MAR 2021
BY: Jo. 10.55am

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held on March 2021

From Councillor Tom Kennedy

That Broken Hill City Council prepares a report to be tabled at the May 2021 meeting of council about having street lighting installed on both Holten drive and MacGillvray Drive and the road leading to the miners' memorial and Broken Earth cafe.

That BHCC prepare a report to be tabled at the July 2021 meeting of council with a time frame and costs to install adequate street lighting to all streets in the city.

Reasons for motion are that I have been contacted by concerned community members about the lack of street lighting on both Holton Dr and MacGillvray Dr.

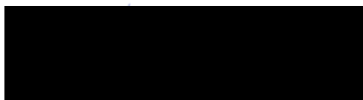
Holton Dr is used by many motorists at night, often kangaroos are on the road and a lack of street lighting makes the road potentially unsafe.

MacGillvray Dr and the road leading to the Miners' Memorial is particularly poorly lit and potentially extremely unsafe. The Miners' Memorial and the Broken Earth cafe are Tourist attractions and council should ensure both residents and tourist are as safe as possible.

Lighting in and around the city are a concern for the majority of the city and it is time the council formulated a plan to address the lack of street lighting.

Poor lighting on roads has significant safety implications for the council and the community.

Councillor Tom Kennedy



ORDINARY MEETING OF THE COUNCIL

March 19, 2021

ITEM 4MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 9/21

SUBJECT: BROKEN HILL'S RATING CATEGORIES 11/274

Notice of Motion

1. That Motions of Which Notice has been Given No. 9/21 dated March 19, 2021, be received.
2. That Broken Hill City Council starts the process to make the Kanandah Road precinct a separate rating business precinct.
3. That a report with options be tabled at the April 2021 meeting of Council with the view to make the Kanandah Road precinct a separate rate category before rates are set for the 2021-22 period.
4. That the rates for the Kanandah Road precinct be set at 2018 rates plus rate pegging.
5. That rates in and around Brown Street are reviewed and that options are tabled at the April 2021 meeting of Council so that those areas are able to have rate relief. Options should include opportunities for separate rating categories.

Summary

Council had received a Notice of Motion from Councillor Kennedy on 19 March 2021 regarding Broken Hill's rating categories.

Councillor Kennedy's Notice of Motion reads:

"That Broken Hill City Council starts the process to make the Kanandah Road precinct a separate rating business precinct.

That a report with options be tabled at the April 2021 meeting of Council with the view to make the Kanandah Road precinct a separate rate category before rates are set for the 2021-22 period.

That the rates for the Kanandah Road precinct be set at 2018 rates plus rate pegging.

That rates in and around Brown Street is reviewed and that options are tabled at the April 2021 meeting of Council so that those areas are able to have rate relief. Options should include opportunities for separate rating categories.

Reasons for motion:

Reasons for the motion are I have been contacted by residents from the Brown Street area and business owners from the Kanandah Road precinct who are struggling to meet their obligation.

Businesses in the City need to be supported by Council. The current situation at the Kanandah Road precinct is not sustainable for most businesses. The precinct had an

increase in rates of over 60%. The Valuer General and meeting with that office was not going to achieve any result and the Mayor and Councillors should have known this.

The Valuer General's are based on sales.

It is up to the Council to take the lead in this matter and ensure businesses are given every opportunity to thrive in our great City.

Residential rates particularly in and around Brown Street are unsustainable, causing considerable financial difficulty for many. The reclassification of that area has had dramatic increases in rates. It is incumbent on Councillors to ensure we have a fair and sustainable raising system.

Councillor Kennedy's Notice of Motion is attached.

Acting General Manager's comment:

As per Councils Resolution at the October Ordinary Council Meeting 2020, where Council:

Resolved

1. *That Broken Hill City Council Report No. 142/20 dated October 19, 2020, be received.*
2. *That Council note the information provided by the Valuer General.*
3. *That Council review the city's entire rating structure as part of preparing the 2021/22 Operational Plan to ensure a fair and equitable outcome for all rating categories across the city.*

Management are currently preparing draft rating models to review the entire rate structure for Broken Hill to ensure a fair and equitable distribution, inclusive of an option for a subcategory for the industrial area.

This will be workshopped with Councillors during budget workshops in April 2021 and will be presented as part of the Draft 2021/22 Operational Plan at the April 2021 Ordinary Council meeting.

It should also be noted that the Local Government Amendment (Rating) Bill 2021 has been introduced to parliament which addresses a lot of these inequalities with the current rating system.

Attachments

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

T. KENNEDY
COUNCILLOR

RECEIVED
19 MAR 2021

BY: Jo 10:55am

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held on March 2021

From Councillor Tom Kennedy

That Broken Hill City Council starts the process to make the Kanandah road precinct a separate rating business precinct.

That a report with options be tabled at the April 2021 meeting of council with the view to make the Kanandah rd Precinct a separate rate category before rates are set for the 2021-22 period.

That the rates for the Kanandah rd precinct be set at 2018 rates plus rate pegging.

That rates in and around Brown St is reviewed and that options are tabled at the April 2021 meeting of council so that those areas are able to have rate relief. Options should include opportunities for separate rating categories.

Reasons for the motion are I have been contacted by residents from the Brown St area and business owners from the Kanandah rd precinct who are struggling to met their obligation.

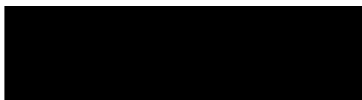
Businesses in the city need to be supported by council. The current situation at the Kanandah Road precinct is not sustainable for most businesses. The precinct had an increase in rates of over 60%. The valuer general and meeting with that office was not going to achieve any result and the Mayor and councillors should have known this.

The Valuer General's are based on sales.

It is up to the council to take the lead in this matter and ensure businesses are given every opportunity to thrive in our great city.

Residential rates particularly in and around Brown St are unsustainable, causing considerable financial difficulty for many. The reclassification of that area has had dramatic increases in rates. It is incumbent on councillors to ensure we have a fair and sustainable rating system.

Councillor Tom Kennedy



REPORTS FROM DELEGATES

1. REPORTS FROM DELEGATES NO. 1/21 - DATED MARCH 23, 2021 -
MINING AND ENERGY RELATED COUNCILS MEETING HELD IN
NORTH WOLLONGONG ON 26 FEBRUARY 2021 (11/195).....43

ORDINARY MEETING OF THE COUNCIL

March 23, 2021

ITEM 1REPORTS FROM DELEGATES NO. 1/21

SUBJECT: MINING AND ENERGY RELATED COUNCILS MEETING HELD IN NORTH WOLLONGONG ON 26 FEBRUARY 2021 11/195

Summary

Council has received a Delegates Report from Councillor Nolan regarding his attendance at the Mining and Energy Related Councils Meeting held in North Wollongong on 26 February 2021.

Councillor Nolan's Delegates Report is attached along with minutes of the Mining and Energy Related Councils Meeting held on 26 February 2021 and a presentation made to the meeting by Ms Chloe Hicks, Director Energy Infrastructure and Zones, Department of Planning, Industry and Environment providing an update on the Central West Orana Renewable Energy Zone and Electricity Infrastructure Roadmap.

Recommendation

1. That Reports from Delegates No. 1/21 dated March 23, 2021, be received.
2. That Councillor Nolan's Delegates Report be received and noted.

Attachments

1. Minutes of the Mining and Energy Related Councils Meeting held 26 February 2021
[↓](#)
2. Presentation - NSW Electricity Infrastructure Roadmap and Renewable Energy Zones
[↓](#)
3. Councillor Nolan's Delegates Report
[↓](#)

JAY NANKIVELL
ACTING GENERAL MANAGER

**MINUTES OF THE ASSOCIATION OF MINING & ENERGY RELATED
COUNCILS (NSW) INCORPORATED, SPECIAL GENERAL MEETING HELD
ON 26th FEBRUARY 2021, NOVATEL, ADMIRAL'S ROOM, NORTHBEACH
HOTEL, 2-14 CLIFF RD, NORTH WOLLONGONG, NSW**

1. Welcome by the Chair & Acknowledgement of Country.

The Chair, Councillor Peter Shinton opened the meeting at 9.10am and welcomed members to the meeting. He also acknowledged the traditional owners of the land that the meeting was held on in Wollongong and paid his respects to the Elders past, present and emerging.

2. Welcome by Lord Mayor, Wollongong City Council, Cr Gordon Bradbery, AM.

Cr Bradbery provided a comprehensive account of how Wollongong City Council has been involved in the establishment of the Association in 1982 and outlined the history of how it became a coal mining impacted region and how it has further evolved to an important knowledge service centre, an international trade hub and home to an industry focussed university.

The Lord Mayor indicated that Wollongong is now the regional capital of the Illawarra Region, contributing 60% of the Illawarra's \$20.4 billion economy and still growing with investment in emerging renewable energy developments particularly with hydrogen, natural gas and decarbonising energy. Happy to be part of the Association providing support to member councils.

Chair thanked the Lord Mayor, Cr Bradbery AM, for his interesting and informative welcome.

3. Present

Cr Peter Shinton	Warrumbungle Shire Council (Chair)
Cr Owen Hasler	Gunnedah Shire Council (Deputy Chair)
Cr Michael Banasik	Wollondilly Shire Council (Deputy Chair)
Cr Phyllis Miller	Forbes Shire Council (Ex Committee)
Cr Katheryn Smith	Mid Coast Council (Ex Committee)
Cr Noel Lowry	Wollondilly Shire Council
David Henry	Wollondilly Shire Council
Cr Mark Hall	Lachlan Shire Council
Ron Zwicker	Wollongong City Council
Cr Dom Figliomeni	Wollongong City Council
Cr Cath Blakey	Wollongong City Council
Cr Jim Nolan	Broken Hill City Council
Cr Scott Ferguson	Blayney Shire Council
Rebecca Ryan	Blayney Shire Council
Steve Loane	Forbes Shire Council
Cr Gordon Bradbery AM	Wollongong City Council (9.10-9.30am)

By Zoom

Cr Sue Moore	Singleton Council (Ex Committee)
Cr Melanie Dagg	Cessnock City Council
Cr Rob Hooke	Gunnedah Shire Council
Adrian Panuccio	Mid Coast Council
Cr Karlene Irving	Warren Shire Council

In attendance

Greg Lamont, Executive Officer. (Minute Taker) & Lisa Schiff (Observer)

4. Apologies.

SMM 1/2021 Resolved (Cr Miller/Cr Hall) that the apologies of the following delegates be received and noted:- Councillor Liz Mc Glynn, Bland Shire Council; Councillor Ian Davison & Heather Nicholls, Cabonne Shire Council; Councillor Alan Ward, Parkes Shire Council; Greg Tory, Lachlan Shire Council; Councillor Robert Khan, Wollondilly Shire Council; Andrew Johns, Gunnedah Shire Council; Councillor Joanne McRae & Councillor Kevin Duffy, Orange City Council; Michael McMahon & Cr Ben Shields, Dubbo Regional Council; Dan Thompson, Singleton Council; Cr Heather Druce & Steve Glen, Warren Shire Council; Cr Ian Woodcock & Michael Urquhart, Walgett Shire Council; Cr Jay Suvaal & Cr Bob Pynsent, Cessnock City Council; Councillor Jarrod Marsden & Peter Vlatko, Cobar Shire Council; Cr Des Kennedy & Brad Cam, Mid Western Regional Council.

5. Disclosures of Interest.

- (a) Mr Ron Zwicker declared an interest as a shareholder in AGL Gas Investments;
- (b) Cr Melanie Dagg declared an interest as her husband works at Rix's Creek Mine in the Hunter Valley;

SMM 2/2021 Resolved (Cr Hall/Cr Figliomeni) that the disclosures of interest and reasons for them be received and noted.

6. Alterations to the Constitution – Clause 7.1

SMM 3/2021 Resolved (Cr Hasler/Cr Miller) that Clause 7.1 be altered to read:
"The Executive of the Association shall comprise the Chairperson, two Deputy Chairpersons, if such delegates are willing to accept nomination; and three (3) other delegates as the Association shall from time to time determine necessary. All delegates appointed to the Executive Committee must come from separate member council areas".

(Note: the motion altering the constitution was passed unanimously – CI 23)

7. Close. The meeting closed at 9.34am

The minutes (pages 1-2) were confirmed at the Ordinary General Meeting held on 21st May 2021 and are a full and accurate record of proceedings of the meeting held on 26th February 2021.

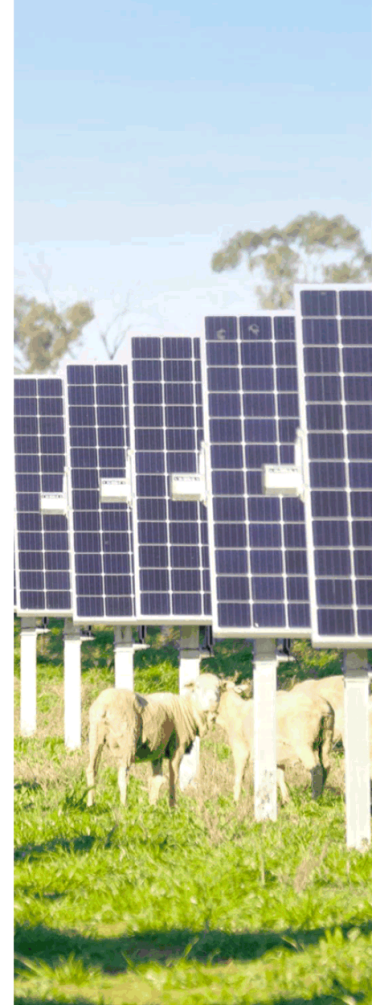
.....

Cr Peter Shinton, Chairperson



NSW Electricity Infrastructure Roadmap & Renewable Energy Zones

Chloe Hicks, Director Energy
Infrastructure and Zones



Acknowledgement of Country

We acknowledge that today we meet on many Aboriginal lands.

We acknowledge the traditional custodians of the lands and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work.



Planning,
Industry &
Environment



Artwork by
Nikita Ridgeway



Overview

- Electricity Infrastructure Roadmap & Electricity Infrastructure Investment Act 2020
- Update on the Renewable Energy Zones (REZs)
- Next steps



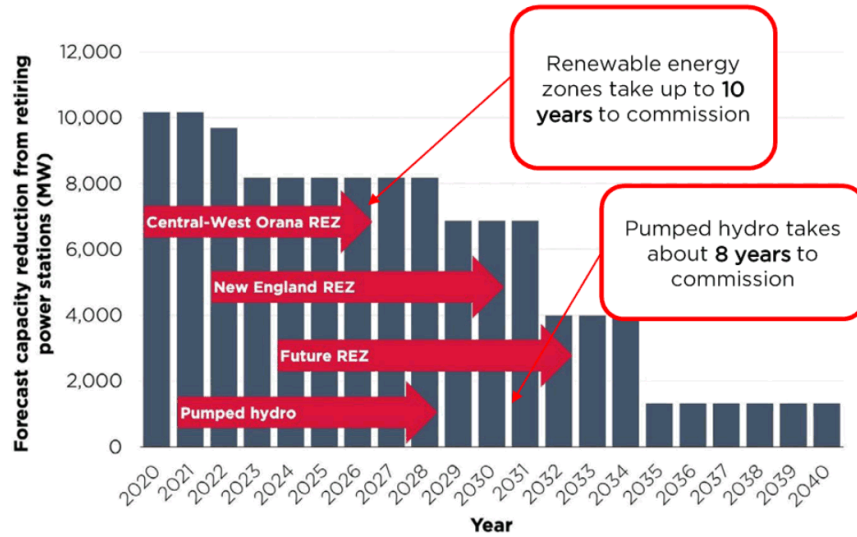
NSW Electricity Infrastructure Roadmap & Electricity Infrastructure Investment Act 2020





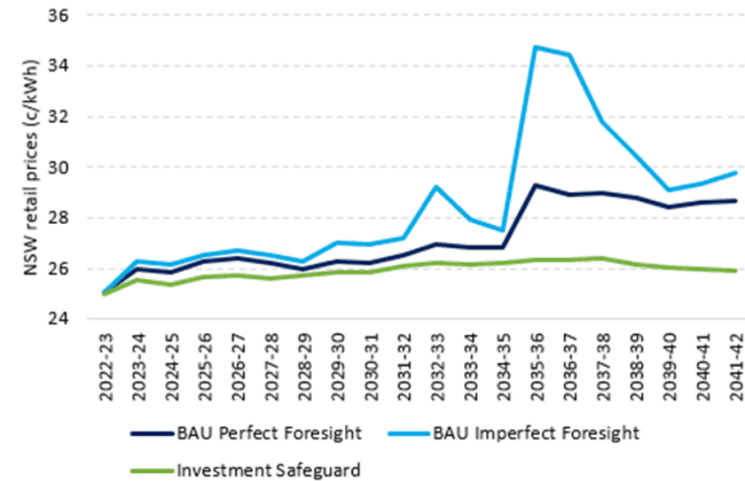
Why did we release a Roadmap?

Our current infrastructure took 30 years to build.
We need to replace it in less than 15 years



5

If the investment comes too late, NSW consumers face much higher electricity prices



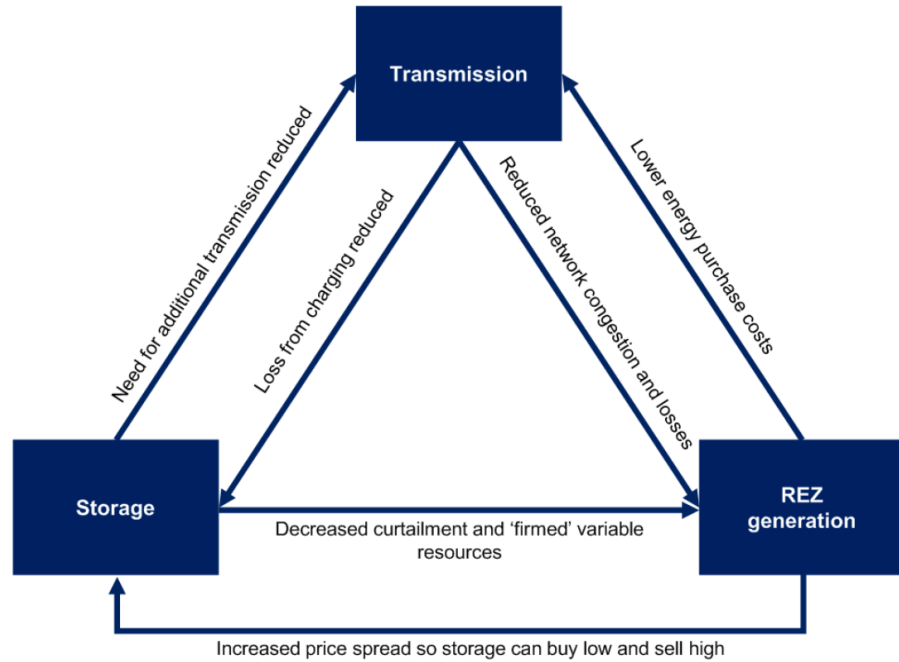


What is the Electricity Infrastructure Roadmap?

The Roadmap coordinates investment in transmission, generation, storage and firming infrastructure to replace aging power stations.

The Roadmap includes actions that will work together to deliver 'whole-of-system' benefits:

- Renewable Energy Zones
- Transmission Development Scheme
- Electricity Infrastructure Investment Safeguard
- Pumped Hydro Recoverable Grants Program
- Internationally competitive NSW industries





What will the Roadmap deliver?



Forecast **\$130 a year saving** on an average household electricity bill and **\$430 a year saving** on an average small business electricity bill from 2023 to 2040



\$32 billion in regional energy infrastructure investment expected to 2030



12 gigawatts in new generation and **2 gigawatts of long duration storage** estimated by 2030



90 million tonnes of reduced carbon emissions to 2030

Benefits for regional NSW



6,300 construction jobs and **2,800 ongoing jobs** expected in 2030, mostly in regional NSW



Up to **\$265 million in community enhancement funds** to host communities by 2042



\$1.5 billion in lease payments estimated by 2042 to landholders hosting new infrastructure

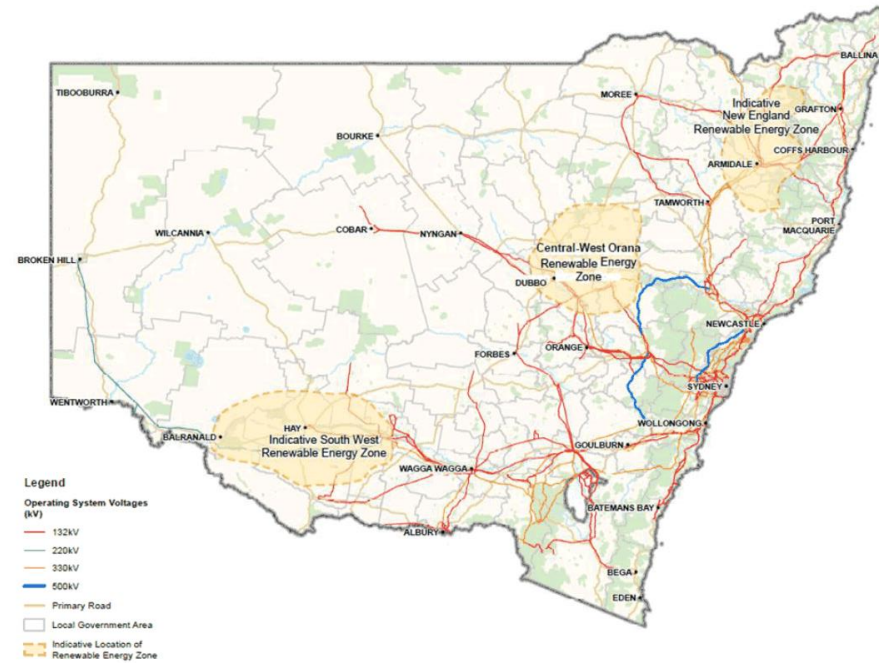


Improved **competitiveness of regional energy intensive industries**



What do the Roadmap and Act mean for Renewable Energy Zones?

- We now have the policy and legislative levers to deliver the REZs and employment, community benefits and best-practice engagement outcomes for host communities
- **NSW has now committed to five REZs:**
 - Central-West Orana – up to 3,000 MW REZ to be shovel-ready by 2022
 - New England
 - South-West
 - Hunter-Central Coast
 - Illawarra
- **They are expected to:**
 - help bring more than 12 GW of new generation online to 2030, and even more over time
 - support up to \$20.7 billion of private sector investment in the regions by 2030
 - support over 5,000 construction jobs at their peak





Regional benefits, employment opportunities and consultation for the REZs

NSW Renewables Energy Sector Board- prepare a plan to maximise use of local content, employment of local workers and opportunities for apprentices

Electricity Infrastructure Jobs Advocate- advise Minister on employment, education and training in regions and infrastructure to promote export opportunities

REZ declaration- the Minister will declare the Central-West Orana, New England, South-West, Hunter and Central Coast and Illawarra REZs

Guidelines on consultation and negotiation with local Aboriginal communities- to promote employment and income opportunities from REZ projects

Power to prohibit network connection in the REZ for projects >30 MW- Energy Corporation of NSW can exercise when needed to maintain social licence

Access fees- component included for community and employment purposes



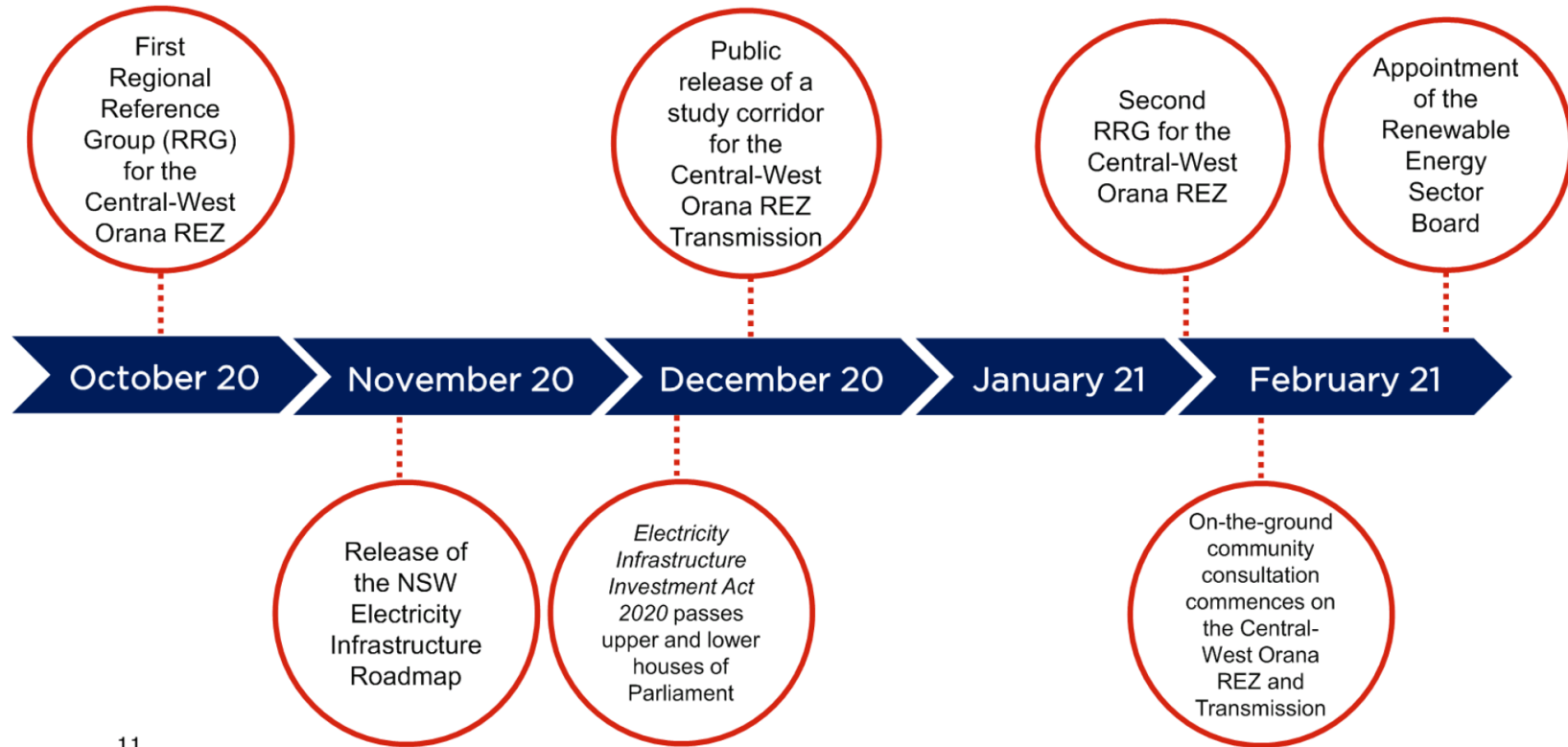


Update on the Renewable Energy Zones





Key milestones for the REZ program





Overview of the Central-West Orana REZ Transmission



- New transmission infrastructure is required in the Central-West Orana REZ to connect the renewable energy generation and storage projects to the existing electricity grid
- NSW Government is working with TransGrid to develop new transmission infrastructure to enable the REZ
- A study corridor was publicly released in late 2020 which is 180km in length and between 3-6km wide
- The final transmission easements will be either 60m or 80m wide
- The transmission project will be subject to an environmental assessment and planning approval process



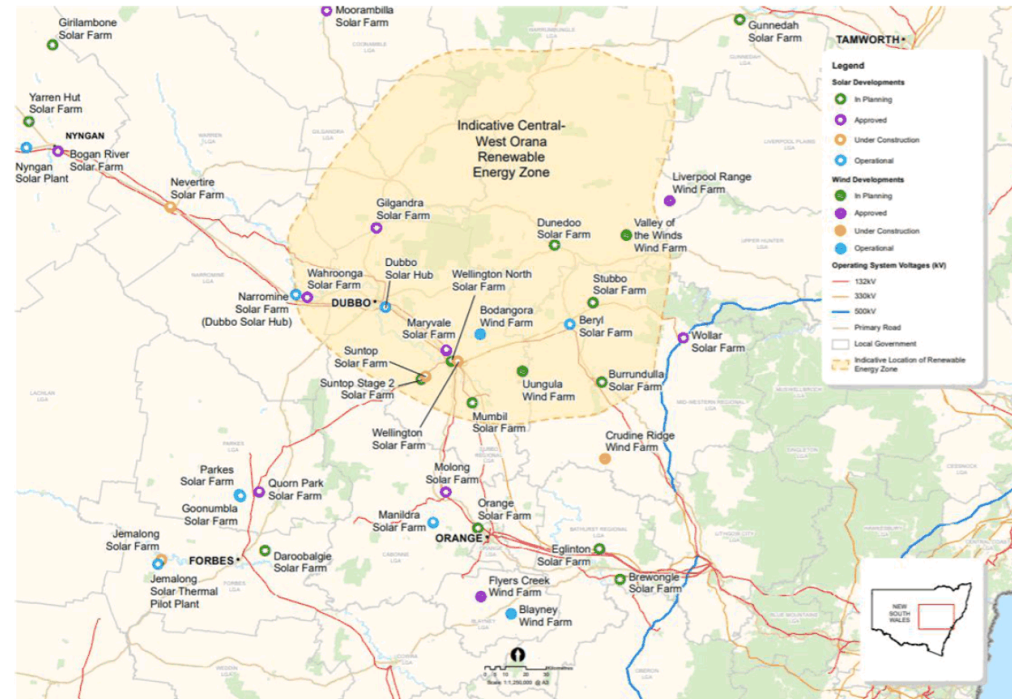
Update on Central-West Orana REZ consultation and engagement activities

Recent consultation:

- Release of the transmission study corridor in December 2020
- Community deliberative forums on the CWO REZ in Dubbo, Wellington and Gulgong from 22-24 February 2021
- Second CWO REZ Regional Reference Group in Dubbo on 22 February 2021
- TransGrid community drop-in sessions on the transmission study corridor in Wellington, Elong Elong, Dunedoo, Leadville, Gulgong and Cassilis from 15-24 February 2021

Upcoming consultation:

- Next community newsletter to landowners in the study corridor including a copy of the 'Renewable Energy Landholder Guide' we supported NSW Farmers in developing
- Building an on-the-ground presence in the Central-West Orana region





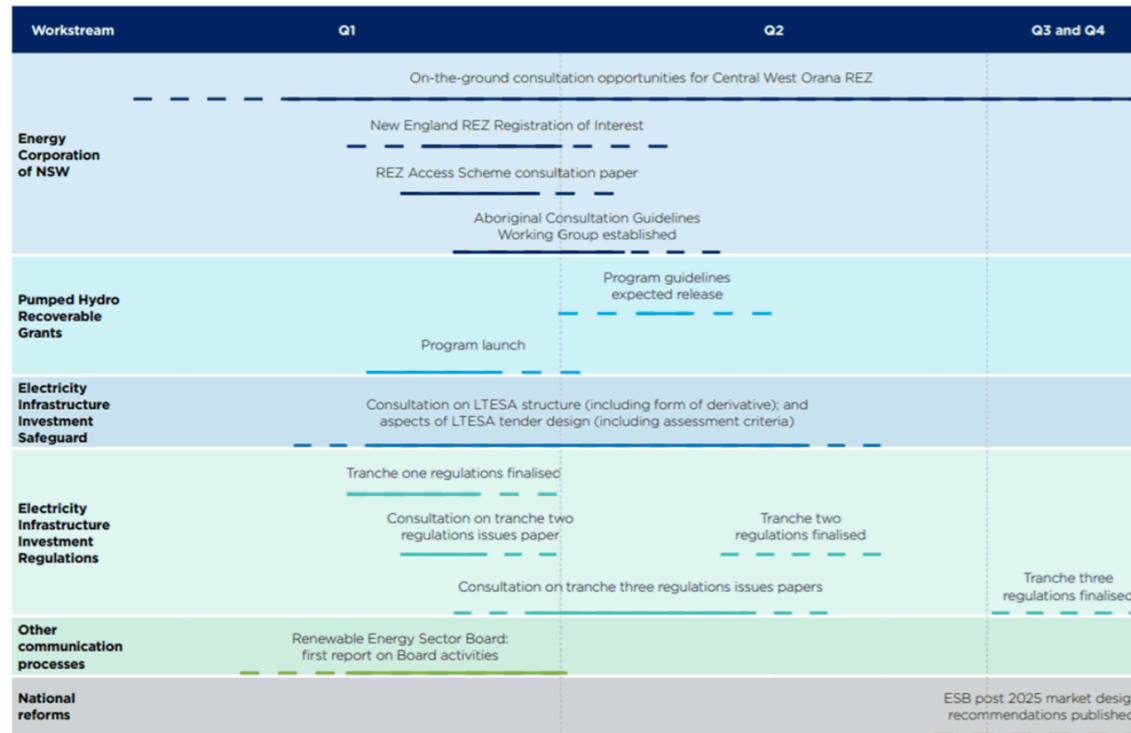
Next steps





Upcoming Roadmap and REZ consultation activities

Indicative Roadmap Consultation Opportunities (2021)



Association of Mining and Energy Related Councils NSW (MERC) Report February 2021

Councillor Jim Nolan is delegate to MERC and former Executive member.

The MERC is now meeting face to face again with some members choosing to attend via Zoom. As Executive Meetings comprise a smaller group then these will continue to be held entirely via Zoom, thus saving travel time and costs.

Jim attended all MERC February Wollongong events in person including the Special General and Ordinary General meetings on 26 February. Member Councils including Broken Hill continue to receive updates via the MERC monthly newsletter.

The MERC represents the interests of City and Shire Councils which are affected by mining and energy production including solar and wind power. The Association's coverage is currently 20 member Councils which gives us lobbying strength for member Councils at NSW State level. MERC has now been officially chosen by Resources NSW and the Deputy Premier as the peak body representing City and Shire Councils in NSW affected by Mining and Energy production. Both the Department of Planning, Infrastructure and Environment (DPIE) and the NSW Minerals Council recognize MERC as that peak body.

The Association meets four times per year, twice in Sydney coinciding with NSW State Parliamentary sittings and twice in the regions, hosted on a rotating basis by member Councils. The Association currently represents 21 NSW member Councils who have either Metalliferous (hard rock) mining, Coal/Coal seam gas mining and/or Energy production including Solar and Wind generation.

19 delegates attended the 27 November 2020 AGM and Ordinary meeting, 15 delegates in person and 4 delegates via Zoom. 3 Visiting speakers also attended by Zoom.

Meetings Summary

The Special General Meeting discussed alterations to the Constitution to allow for 2-year terms for Executive Committee and limiting membership of Executive to one delegate per Council. It was decided that the new wording regarding one delegate on Executive per member council was passed and the 2 year issue remain on the table for consideration of the next Executive Committee.

The Ordinary Meeting commenced with a minute's silence for the late Lillian Brady OAM, former Deputy Chair of the Association and Mayor of Cobar Shire Council. It was resolved that MERC write to Cobar Shire Council to congratulate them on the conduct of the State funeral held in Cobar on 19 February 2021 indicating that it was most fitting that Lillian Brady OAM was farewelled in the manner she was and stating that her contribution to MERC has been outstanding.

We heard from three guest speakers:

Chloe Hicks, Director Energy Infrastructure & Zones, DPIE provided an update on Central West Orana Renewable Energy Zone (REZ) & Electricity Infrastructure Roadmap. I asked specifically about Far West NSW and if we could expect any upgrade to our Transmission lines and whether there could be a Far West REZ including Broken Hill.

Unfortunately, I had already been advised just the previous day in discussion with Adam Mackett, AGL Project Director - that Stage 2 of the Silverton Wind Farm increasing it's size from 58 to 122 turbines would not occur. Adam explained this was due to the 'Western Murray Constraint'. Our NSW Grid is interconnected with Victoria and large solar farms have been built there which are already putting electricity on to our transmission line.

Chloe confirmed that the transmission line capacity is close to maximum and therefore there was no spare capacity for an increase in the size of the Silverton Wind Farm. Chloe further explained that since Broken Hill is so far from the more densely populated areas of NSW, that the cost of increasing the size of the transmission line would be too high, especially considering that line losses mean that not all the electricity generated is able to be used. See the REZ Powerpoint slide presentation attached.

Greg Warren MP Labor, Shadow Minister for Local Government:

Greg acknowledged passing of Cr Lillian Brady OAM and her significant contribution to Local Government and mining related communities.

- Spoke on the Local Government Rating Amendment Bill - 13 of the 42 recommendations in it from the IPART recommendations – awaiting the Coalition Governments position once submissions are evaluated;
- Stated that Labor supports the mining rate being outside of the general rates mix (which are pegged) for councils to determine the rates not the government;

- Requested members forward their rating review submissions to his office greg.warren@parliament.nsw.gov.au;
- Said that Emergency Services Levy collection should be done directly from State Government as is done in other states, so councils don't get the wrath of their communities with criticism of another rate levy. He is meeting with other state Ministers
- A sample Emergency Levy notice from another state to be distributed to delegates and Shadow Minister as information with names redacted. For members to lobby for this approach with the government.

David Shoebridge, MLC The Greens spoke on their Renewable Energy position:

- David has been Chairing the NSW Government Budget Estimates Committee;
- Stated he Greens have a commitment for renewable energy options including green hydrogen;
- Emphasised the Greens are keen to work with Local Government on renewable energy options to keep jobs in the regions and to grow local communities by keeping the wealth local.

General Meeting discussion and resolutions:

Letter from Cobar Shire Council re MERC supporting the establishment of a **Miners Memorial Day** on 4th December each year (this is St Barbara's Day who is the patron saint of miners), similar to what they have in Queensland and to approach the NSW Government to undertake this.

Resolved (Cr Nolan/Cr Smith) that MERC indicate to Cobar Shire Council that:

(a) MERC supports the establishment of a Miners Memorial Day for NSW however as long as the intention is that the name "Miners" includes all persons associated with mining and suggests that a Mineworkers Memorial Day may be a more appropriate name to embrace all mining industry workers that may have lost their lives whilst involved in mining. MERC will approach the NSW Minerals Council seeking their support for a State wide Memorial Day.

(b) MERC will approach the State Government upon receiving comments on the Renewable Energy Zones. Resolved (Cr Miller/Cr Smith) that MERC write to the Minister for Energy & Environment suggesting that the name Central West Orana

Renewable Energy Zone and the zone map don't correlate, indicating therefore that it be renamed to the Orana Renewable Energy Zone in view of the zone dominantly reflecting the Orana area and not Central West and Orana areas.

(c) Cr Banasik – Tahmoor Mine Extension. Concerned that the Subsidence Advisory Board has own internal review system that doesn't appear to be independent for compensation reviews, will raise at a future meeting.

(d) Cr Figliomeni – Carbon Abatement Policy. MERC to invite the NSW Minerals Council CEO to attend the next meeting of MERC to discuss their Carbon Abatement Policy to assist members address the issues in their LGA's if they haven't already. Resolved (Cr Figliomeni/Cr Smith) that MERC invite the CEO of NSW Minerals Council, Mr Steve Galilee, to attend a future meeting of MERC to discuss their Carbon Abatement Policy with members and the need for MERC to develop a similar policy for circulation to assist members..

(e) Cr Blakey – Federal Environment Protection & Conservation legislation. Is concerned that the fines in this legislation are too small and it is ineffectual eg sediment dams failures with fines as low as \$15,000 relative to the damage done

(f) Cr Miller – EPA Penalties. The EPA breach process can cause members some issues where they are fined. Suggest getting a senior EPA person to a future meeting to outline the process where fines for breaches are imposed on members to fix the damage from the breaches. Cr Lowry suggested a Environment Management Package approach be considered. Resolved (Cr Miller/Cr Smith) that MERC invite a senior EPA officer (Armidale) to address delegates at the next meeting on the EPA penalty system where fines imposed are to be spent on rectifying the EPA legislation breach impacts.

(g) Cr Ferguson – Independent Planning Commission (IPC). Concerned that the IPC during COVID ceased "face to face" consultations with the regional communities and as a result people in regional areas are missing out on meeting the Commissioners in person to put their case and this should be re-instated now that the COVID risk has reduced. Blayney Shire Council has the facilities to hold a IPC consultation meeting within the numbers limit allowed. Resolved (Cr Miller/Cr Smith) that MERC write to the Minister for Planning & Public Places, Hon Rob Stokes requesting the IPC to resume "face to face" community consultations in rural communities.

Next Meeting will be held in Gunnedah 21st May 2021, venue to be confirmed.

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 28/21 - DATED MARCH 17, 2021 - CORRESPONDENCE REPORT - MENINDEE LAKES PROJECT (11/426).....69

2. BROKEN HILL CITY COUNCIL REPORT NO. 29/21 - DATED MARCH 24, 2021 - CORRESPONDENCE REPORT - LATE MOTION TO THE 2021 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (11/304)72

3. BROKEN HILL CITY COUNCIL REPORT NO. 30/21 - DATED MARCH 10, 2021 - COUNCIL MEETING ARRANGEMENTS (11/21)76

4. BROKEN HILL CITY COUNCIL REPORT NO. 31/21 - DATED MARCH 17, 2021 - MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 18 FEBRUARY 2021 (13/19)92

5. BROKEN HILL CITY COUNCIL REPORT NO. 32/21 - DATED MARCH 17, 2021 - INVESTMENT REPORT FOR FEBRUARY 2021 (17/82).....100

6. BROKEN HILL CITY COUNCIL REPORT NO. 33/21 - DATED MARCH 08, 2021 - COMPANION ANIMALS MANAGEMENT REPORT (19/160)113

7. BROKEN HILL CITY COUNCIL REPORT NO. 34/21 - DATED MARCH 08, 2021 - UPDATE ON CONSTRUCTION CERTIFICATE PROCESSING (11/514).....144

8. BROKEN HILL CITY COUNCIL REPORT NO. 35/21 - DATED FEBRUARY 19, 2021 - COUNCIL REAPPOINTMENT AS MANAGER OF THE WILLYAMA COMMON TRUST (11/63)147

9. BROKEN HILL CITY COUNCIL REPORT NO. 36/21 - DATED MARCH 17, 2021 - DEVELOPMENT APPLICATION 155/2020 - FOUR NEW DWELLINGS - 480 CUMMINS STREET, BROKEN HILL (DA 155/2020) 149

10. BROKEN HILL CITY COUNCIL REPORT NO. 37/21 - DATED MARCH 16, 2021 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO. 411 HELD TUESDAY, 2 MARCH 2021 (11/397)172

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ORDINARY MEETING OF THE COUNCIL

March 17, 2021

ITEM 1

BROKEN HILL CITY COUNCIL REPORT NO. 28/21

SUBJECT: CORRESPONDENCE REPORT - MENINDEE LAKES PROJECT
11/426

Recommendation

1. That Broken Hill City Council Report No. 28/21 dated March 17, 2021, be received.
2. That reply correspondence from The Hon Melinda Pavey MP, Minister for Water, Property and Housing dated 2 March 2021 regarding Council’s correspondence requesting an amendment to the terms of reference within the document “Menindee Lakes Sustainable Diversion Limit Adjustment Mechanism Project”, be received and noted.
3. That contact be made with the representative of the Department of Planning, Industry and Environment to obtain the Menindee Lakes Lower Darling Stakeholder Advisory Group’s meeting schedule, to ensure Council’s representation at Advisory Group meetings in the future.

Executive Summary:

Council has received correspondence from The Hon Melinda Pavey MP, Minister for Water, Property and Housing in reply to the Mayor’s correspondence of 10 November 2020 advising of Council’s resolution at the October 2020 Council Meeting regarding the Menindee Lakes Water Savings Proposal and the requested removal of the 106gl water savings target from the document “Menindee Lakes Sustainable Diversion Limit Adjustment Mechanism Project” to allow any future proposed water saving initiatives to be considered which may benefit the health of the Darling Baaka River and the well-being of the communities that rely upon it.

The Mayor sent correspondence to the Minister for Water, Property and Housing following Council’s resolution at the October 2020 Council Meeting which reads:

RESOLUTION

Minute No. 46368

Councillor T. Kennedy moved)
 Councillor J. Nolan seconded)

Resolved

1. That Broken Hill City Council Report No. 137/20 dated September 30, 2020, be received.
2. That correspondence dated 22 September 2020 from The Hon Melinda Pavey MP, Minister for Water, Property and Housing regarding the Menindee Lakes Sustainable Diversion Limit Adjustment Mechanism Project be received and noted.
3. That Council writes to The Hon Melinda Pavey MP, Minister for Water, Property and Housing requesting an amendment to the terms of reference within the document

“Menindee Lakes Sustainable Diversion Limit Adjustment Mechanism Project” to remove the 106gl water savings target, thus allowing many potential water saving ideas.

CARRIED UNANIMOUSLY

The Mayor has now received reply correspondence from The Hon Melinda Pavey MP, Minister for Water, Property and Housing (see attached).

Along with addressing Council’s request for an amendment to the document “Menindee Lakes Sustainable Diversion Limit Adjustment Mechanism Project” the Minister also advises that Broken Hill City Council has not taken up the offer of representation on the Menindee Lakes Lower Darling Stakeholder Advisory Group.

Council’s delegate on the Advisory Group is Councillor Browne. Contact will be made with the representative of the Department of Planning, Industry and Environment to obtain the Advisory Group’s meeting schedule to ensure Council’s representation in the future.

Attachments

1. Correspondence from the Minister for Water, Property and Housing dated 2 March 2021



JAY NANKIVELL
ACTING GENERAL MANAGER



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

- 2 MAR 2021

IM20/37043

Your Ref: L20/2855-11/426 DT:LB

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


Dear Councillor Turley

Thank you for your letter of 10 November 2020 on behalf of Broken Hill City Council, in relation to your request to amend the water savings target within the Menindee Lakes Project as part of the Sustainable Diversion Limit Adjustment Mechanism.

The NSW Department of Planning, Industry and Environment (DPIE) Water developed the concept proposal for the Menindee Lakes Project in 2017 which contemplated a range of works and measures including the 106 GL water savings target. However, the 2017 project concept proposal is not set in stone.

In response to recommendations of the Vertessy Report, following the fish deaths in 2018-19 in the Lower Darling, the Department is re-evaluating the Menindee Lakes Project. The report recommended the Project be reimagined to strive for a holistic mix of social, cultural, environmental and economic outcomes for the Menindee Lakes and Lower Darling regions.

As a result, the Project's focus has shifted, placing a greater emphasis on improving water security and environmental outcomes in the Menindee Lakes, Lower Darling and Great Darling Anabranch. The Department is currently working with the Menindee Lakes Lower Darling Stakeholder Advisory Group to rethink the Menindee Lakes Project. Broken Hill City Council has a seat on this important community governance committee. I understand up until this point, Council hasn't taken up this opportunity, unlike the Central Darling Shire and Wentworth Shire Councils, both of which have representation on the Stakeholder Advisory Group. I would like to reiterate the opportunity remains open to Broken Hill City Council, should you wish to be part of influencing all stages of this important project.

While delivering water savings will continue to be an important outcome for the Menindee Lakes Project, NSW is committed to improving the balance between water savings and the need to protect natural, ecological and cultural heritage values. This includes considering options that may not deliver water saving volumes anticipated in the 2017 concept proposal.

Should you have any further enquiries, I have arranged for Mr Dean Delahunty, A/Principal Project Officer – Menindee Lakes and Locks 8 & 9 Projects, in DPIE, to assist. Mr Delahunty may be contacted on 0407 520 758.

Yours sincerely,

22 FEB 2021


Melinda Pavey MP
Minister for Water, Property and Housing

ORDINARY MEETING OF THE COUNCIL

March 24, 2021

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 29/21

SUBJECT: CORRESPONDENCE REPORT - LATE MOTION TO THE 2021 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

11/304**Recommendation**

1. That Broken Hill City Council Report No. 29/21 dated March 24, 2021, be received.
2. That emailed correspondence from Mayor Darcy Byrne of Sydney Inner West Council dated 23 March 2021 requesting Councils to support their motion to the 2021 National General Assembly of Local Government for a decent rate of income for unemployed Australians, be received.
3. That Council considers forwarding the following late motion to the 2021 National General Assembly of Local Government:

“That the Federal Government’s revised rate of Jobseeker payment of \$44.00 per day is inadequate and will result in millions of Australian citizens being unnecessarily trapped in poverty. After 25 years with no increase to the incomes of unemployed Australians an increase of just \$3.57 per day above the previous rate of the Newstart payment is insufficient.”

Executive Summary:

Council received emailed correspondence from Mayor Darcy Byrne of Sydney Inner West Council on 23 March 2021 regarding their advocacy for a decent rate of income for unemployed Australians.

The Federal Government has recently announced that the rate of payment to unemployed Australians will be reduced from the current rate of the Jobseeker Payment, and the increase from the previous level of Newstart Payment will be \$25.00 per week. This equates to an increase in income of approximately \$3.50 per day for Australians without work, coming after a quarter of a century with no increase in real terms to the rate of payment.

Inner West Council have submitted the following motion for consideration at the 2021 National Assembly of Local Government:

“That the Federal Government’s revised rate of Jobseeker payment of \$44.00 per day is inadequate and will result in millions of Australian citizens being unnecessarily trapped in poverty. After 25 years with no increase to the incomes of unemployed Australians an increase of just \$3.57 per day above the previous rate of the Newstart payment is insufficient.”

The Mayor of Inner West Council is urging all NSW Councils to speak with one voice on this topic which will affect all unemployed Australians and seeks Councils to make a similar

resolution prior to the National Assembly of Local Government being held in Canberra, 20-23 June 2021.

Attachments

1. [↓](#) Email from the Mayor of Inner West Council

JAY NANKIVELL
ACTING GENERAL MANAGER

From: Mayor, Clr Darcy Byrne <darcy.byrne@innerwest.nsw.gov.au>
Sent: Tuesday, 23 March 2021 4:07 PM
Subject: Support for raising the rate of Jobseeker

Dear Mayor and Councillors,

I am writing to ask for your advocacy for a decent rate of income for unemployed Australians. The rate of Jobseeker is a matter of national policy, but the human consequences of the inadequate level of this payment will be felt in every local government area across the country.

The Federal Government has recently announced that the rate of payment to unemployed Australians will be reduced from the current rate of Jobseeker and that the increase from the previous level of Newstart will be \$25 per week.

This equates to an increase in income of approximately \$3.50 a day for Australians without work, coming after a quarter of a century with no increase in real terms to the rate of payment.

This decision by the Government will have drastic consequences for the rate of poverty across Australia, in regional, suburban, and inner metropolitan areas. There will be increased rates of child poverty and hunger, as well as hundreds and thousands of families going without basic necessities due to the inadequate rate of income for unemployed citizens.

Inner West Council has recently submitted the following motion for consideration at the National Assembly of Local Government that:

The Federal Government's revised rate of the Jobseeker payment of \$44 per day is inadequate and will result in millions of Australian citizens being unnecessarily trapped in poverty. After 25 years with no increase to the incomes of unemployed Australians an increase of just \$3.57 per day above the previous rate of the Newstart payment is insufficient.

Notwithstanding our different political parties and philosophical beliefs, local government representatives across Australia share a concern to make sure that that all Australians are able to afford basic necessities and a decent quality of life.

It is important that Mayors and Councillors representing local communities speak with one voice and advocate to the Federal Government for a more sensible and equitable level of income for unemployed citizens.

I hope you will pass a similar motion through your Council prior to the National Assembly of Local Government and support a strong position from the local government sector on this crucial issue when the National Assembly takes place in late June.

Yours sincerely,
Darcy Byrne
Mayor of Inner West Council

Mayor, Clr Darcy Byrne
Balmain Ward - Baludarri (Leather Jacket)
p +61 2 9392 5900 e darcy.byrne@innerwest.nsw.gov.au



Council acknowledges the Traditional Custodians of these lands, the Gadigal-Wangal people of the Eora Nation.



ORDINARY MEETING OF THE COUNCIL

March 10, 2021

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 30/21SUBJECT: COUNCIL MEETING ARRANGEMENTS 11/21

PREVIOUS ITEMS: BHCC169/20 - CONSIDERATION OF THE RETURN OF COUNCIL MEETINGS HELD IN THE COUNCIL CHAMBERS - Ordinary Council - 09 Dec 2020 6:30pm
BHCC94/20 - CONSIDERATION OF THE RETURN OF COUNCIL MEETINGS HELD IN THE COUNCIL CHAMBERS - Ordinary Council - 29 Jul 2020 6:30pm
BHCC47/20 - AMENDMENT TO COUNCIL'S CODE OF MEETING PRACTICE POLICY - Ordinary Council - 29 Apr 2020 6:30p.m.

Recommendation

1. That Broken Hill City Council Report No. 30/21 dated March 10, 2021, be received.
2. That Council endorses a temporary amendment to Council's Code of Meeting Practice Policy in order for Council Meetings to be conducted in accordance with the advice from the Office of Local Government Circular 21-01 regarding the amendment to Section 747A of the *Local Government Act 1993* and with the expiry date of 31 December 2021.
3. That a Councillor Workshop be held on 15 April 2021 to discuss the Office of Local Government's consultation paper "Remote Attendance by Councillors at Council Meetings" dated March 2021, and to formulate Council's submission.
4. That a further report be presented to the April 2021 Council Meeting for adoption of Council's submission to the Office of Local Government by 3 May 2021.

Executive Summary:

During the COVID-19 pandemic, NSW Councils have been required to change the way in which Council Meetings have been conducted. Council has been guided by the Office of Local Government (OLG) and has adhered to amendments made to the *Local Government Act 1993* pursuant to the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020* along with the NSW Government Public Health Order and have held Council Meetings via videoconference link for Councillors and staff and Livestreamed the Council Meetings in order for the public to view the meetings in real time. These amendments were due to expire at midnight on 25 March 2021.

Council resolved to return to the Council Chambers for the February 2021 Council Meeting with the option of Councillors, staff and Public Forum Presenters to join via videoconference link if they wished. A COVID-19 Safety Plan was put in place and arrangements were made for the public to attend in person (with the maximum number of members of the public capped at 18). This hybrid style of meeting was still in-line with the amended legislation.

On 9 March 2021, OLG released a "Remote Attendance by Councillors at Council Meeting" consultation paper (**submissions close 3 May 2021**) to seek comment from NSW Councils as to whether Councils may wish to see a permanent amendment to the Model Code of

Meeting Practice (Model Meeting Code) in order for individual Councillors to attend Council Meetings via videoconference link on an ongoing basis and under certain circumstances.

While the OLG are consulting on the proposed amendments to the Model Meeting Code, an amendment to the Regulation has been made to extend the prescribed period for the purposes of *section 747A of the Local Government Act 1993* (for Councillor attendance at meetings be satisfied if the meeting is held in whole or in part remotely using an audio visual link and livestreamed for the public), which will now expire on 31 December 2021.

Report:

Past arrangements for the Conduct of Council Meetings

At the Ordinary Council Meeting held 29 April 2020, Council considered a report regarding the impact of the COVID-19 pandemic and the need for temporary amendments to Council's Code of Meeting Practice Policy to allow for Council to adhere to the NSW Government Public Health Order imposed pursuant to the *Biosecurity Act 2015*, the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020* which amends various legislation including the *Local Government Act 1993*.

Council resolved to temporarily amend its Code of Meeting Practice Policy at the Ordinary Council Meeting held 29 April 2020 (Minute Number 46238) to comply with the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020* which was assented to on 24 March 2020.

Schedule 2 of the Bill makes the following amendments to the *Local Government Act 1993* to enable the conduct of Council and Committee Meetings being held remotely via audio visual link, below is a summary of the amendments as stated in the Bill:

Local Government Act 1993 No 30

Schedule 2.12[1] and [2] enable the Minister for Local Government to postpone the requirements relating to the holding of ordinary council elections and by-elections if the Minister believes that it is reasonable to do so. The provisions are repealed after 12 months.

Schedule 2.12[3] removes the need for persons to attend council meetings. The meetings may be held remotely by audio visual link or in any other manner approved by the Minister for Local Government. Members of the public are to be given access to the meeting by webcast or in any other manner approved by the Minister. The provision applies for a minimum period of 6 months and may apply for a total of 12 months if the regulations prescribe a longer period. **Schedule 2.12[3]** also contains a power for regulations under the *Local Government Act 1993* to modify the application of that Act for the purposes of responding to the public health emergency caused by the COVID-19 pandemic.

The following temporary amendments were made to Council's Code of Meeting Practice Policy:

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

- That the videoconference is recorded and uploaded to Council's website/facebook as soon as practicable after the meeting.
- That should a Chairperson need to be elected due to the absence of the Mayor and Deputy Mayor, the election is carried out by electronic means.

Council considered a further report at its Ordinary Meeting held 9 December 2021 which outlined advice from the OLG in Council Circular No. 20-23 regarding an extension to the period during which the special COVID-19 pandemic provisions of the *Local Government Act 1993* apply, with the extension now being until midnight on 25 March 2021. This amendment made it possible for attendance to be either whole or in part remotely using audio visual links. This allowed for a hybrid style of meeting whereby Councillors and Council staff could attend either in person or via audio visual link if practicable to do so.

Council resolved (Minute No. 46411) to make the following temporary amendments which would cease at midnight on 25 March 2021 in-line with the amendments to the *Local Government Act 1993*:

- That the Council Meetings will be held in the Council Chambers with the option for Councillors/staff/Public Forum presenters to attend via videoconference.
- That all NSW Public Health Order requirements be met and a COVID-19 Safety Plan be put in place for Councillors/Staff/members of the public to attend in person.
- That in order for Councillors (attending via videoconference) to be classed as attending a meeting, Councillors must have both a video and audio connection to the meeting.
- That single-use hard copies of the Business Papers will be available for the public to use at Council Meeting and to take away. The Business Paper is also available on Council's website for viewing by the public.
- That Council holds the Public Forum Session in the Council Chambers prior to each Ordinary and Extraordinary Council Meeting for the purpose of hearing submissions from members of the public on items of business to be considered. That presenters be given the option to attend either in person or via videoconference and those wishing not to attend in person can email submissions to Council up until 4:00pm the day before the Council Meeting. The submissions will then be circulated to Councillors, and the Mayor will read the submissions during the Public Forum Session.
- That the Council Meeting be livestreamed.
- That the visual and audio recording of the Council Meeting is uploaded to Council's website/facebook as soon as practicable after the meeting.
- That should a Chairperson need to be elected due to the absence of the Mayor and Deputy Mayor, the election is carried out via the hybrid model (electronic means and voting in person).

Council did not hold a meeting in January 2021 (as per Council's Code of Meeting Practice Policy), and prior to the February 2021 Council Meeting a COVID-19 Safety Plan was put into place for the return of in-person Council Meetings in the Council Chambers. The Safety Plan is based on the current Public Health Order requiring 2 square metres per person. Due to the fixed seating in the public gallery, the recycled air-conditioning, and the amount of usable space in the building, the maximum number of public (including members of the media) that can attend Council Meetings is 18.

The February 2021 Council Meeting saw all Councillors and Council staff present in-person, with nil members of the public present either in-person nor via videoconference link (although advertising was undertaken in the lead-up to the Council Meeting). The meeting was livestreamed in real time due to Council having to limit the number of members of the public in attendance.

New arrangements for the Conduct of Council Meetings

Due to NSW Councils' successful implementation of remote attendance for Councillors at Council Meetings, and a number of Councils requesting that this be a permanent amendment to the Model Code of Meeting Practice, the OLG have released a consultation paper "Remote Attendance by Councillors at Council Meetings" (see attached). The consultation process will seek the views of Councils on a proposed permanent amendment to the Model Meeting Code to allow Councils to permit individual Councillors to attend meetings remotely by audio-visual link in certain circumstances. Submissions regarding the consultation paper close on **3 May 2021**.

While the OLG is consulting on the proposed permanent amendment to the Model Meeting Code, Councils are required to abide by the temporary amendment which expires on 31 December 2021.

Requirements of the new temporary amendment (26 March 2021 to 31 December 2021)

Under the Regulation amendments, the decision to permit Councillors to attend and participate in meetings remotely by audio-visual link will be one that is at each Council's discretion. Councils should only give approval for Councillors to attend meetings by audio-visual link in exceptional circumstances, for example, because the Councillor is prevented from attending the meeting due to illness, disability, carer responsibilities, a natural disaster or because the Councillor is away from the local area on Council business.

The amendment also requires Council to permit members of the public to attend meetings in person to the maximum allowable under Council's COVID-19 Safety Plan and to livestream Council Meetings to ensure excluded members of the public (due to the COVID-19 Safety Plan restrictions) can view the meetings in real time.

These temporary amendments commence on 26 March 2021 and expire on 31 December 2021.

The temporary amendments to be made to Council's Code of Meeting Practice Policy are:

- **That the Council Meetings will be held in the Council Chambers with Council to determine by resolution, requests by Councillors to join the meeting via audio-visual link.**
- **That in order for Councillors (attending via videoconference) to be classed as attending a meeting, Councillors must have both a video and audio connection to the meeting.**
- **That all NSW Public Health Order requirements be met and a COVID-19 Safety Plan be put in place for members of the public to attend Council Meetings in person.**
- **That single-use hard copies of the Business Papers will be available for the public to use at Council Meeting and to take away. The Business Paper is also available on Council's website for viewing by the public.**
- **That the Council Meeting be livestreamed.**

Note: Members of the public must be present at the meeting to present during the Public Forum Session and under Council's COVID-19 Safety Plan must also register to attend the meeting.

OLG Consultation Paper – Remote Attendance by Councillors at Council Meetings

A Councillor Briefing will be held on 15 April 2021 for Councillors to discuss the OLG Consultation Paper – Remote Attendance by Councillors at Council Meetings and formulate Council's submission as to whether Council supports the permanent amendment to the *Local Government Act 1993* and the *Model Code of Meeting Practice for NSW Councils*

A report will be presented to the April 2021 Council Meeting to endorse Council's submission to OLG, to be lodged prior to 3 May 2021.

Should this provision become a permanent amendment to the Model Code, it will not be a mandatory provision, and each Council can resolve whether to include these provisions in their adopted Codes of Meeting Practice.

Community Engagement:

Council Meeting information updated on Council's website.
Council Meeting advertisement advises new process.

Strategic Direction:

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

Relevant Legislation:

Local Government Act 1993

Local Government (General) Regulation 2005

Biosecurity Act 2015

COVID-19 Legislation Amendment (Emergency Measures) Bill 2020

Model Code of Meeting Practice for NSW Council

Financial Implications:

Nil.

Attachments

1. [↓](#) OLG Circular to Councils No. 21-01
2. [↓](#) OLG Consultation Paper

JAY NANKIVELL

ACTING GENERAL MANAGER



Circular to Councils

Circular Details	21-01 / 9 March 2021 / A754070
Previous Circular	20-37 <i>Status of special COVID-19 measures</i>
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement / Response to OLG

Transitioning back to in-person council and committee meetings and consultation on proposed changes allowing remote attendance at meetings

What's new or changing

- The "prescribed period" for the purposes of section 747A of the *Local Government Act 1993* (the Act) during which the requirement for councillors and members of the public to attend meetings is satisfied if the meeting is held in whole or in part remotely using audio visual links, expires on **25 March 2021**.
- The Government recognises that most councils have successfully implemented remote attendance by councillors at meetings by audio-visual link during the COVID-19 pandemic and that some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.
- The Office of Local Government (OLG) has issued a consultation paper, *Remote Attendance by Councillors at Council Meetings*, to seek the views of councils and others on proposed amendments to the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) to allow councils to permit **individual** councillors to attend meetings remotely by audio-visual link in certain circumstances. The proposed new provisions will not be mandatory, and councils will be able to choose whether to include them in their adopted codes of meeting practice.
- The consultation paper is available on OLG's website at www.olg.nsw.gov.au. Submissions are due by COB **3 May 2021**.
- While OLG is consulting on the proposed amendments to the Model Meeting Code, amendments will be made to the *Local Government (General) Regulation 2005* (the Regulation) to allow councils to permit individual (but not all) councillors to attend meetings by audio-visual link. The amendments will be temporary and will expire on **31 December 2021**. Further guidance will be provided on the interim arrangements when the Regulation amendment is made.

What this will mean for your council

- The Regulation will be amended while OLG consults on the proposed amendments to the Model Meeting Code to allow councils to give approval for individual (but not all) councillors to attend meetings remotely. The amendments will be temporary and will expire on **31 December 2021**. The Regulation amendments will not allow whole councils to meet remotely by audio-visual link.
- Under the Regulation amendments, the decision to permit councillors to attend and participate in meetings remotely by audio-visual link will be one that is at

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

each council's discretion. Councils should only give approval for councillors to attend meetings by audio-visual link in exceptional circumstances, for example, because the councillor is prevented from attending the meeting due to illness, disability, carer responsibilities, a natural disaster or because the councillor is away from the local area on council related business.

- From **26 March 2021**, councils will once again be required under section 10 of the Act to permit members of the public to attend meetings in person, subject to the requirements of any Public Health Order in force at the time and social distancing requirements. Councils can limit the number of members of the public attending meetings to comply with the Public Health Order and to ensure appropriate social distancing.
- As of **12 February 2021**, the number of persons permitted to attend council and committee meetings in addition to councillors and staff under the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2021* (the Public Health Order) has been increased. Up to 25 persons may attend meetings. Councils can permit more than 25 persons to attend meetings provided the size of the meeting venue is sufficient to ensure there is at least 2 square metres of space for each person at the meeting venue. Councillors and council staff are not to be counted when calculating the space available for each person at the meeting venue and the number of persons who are attending a meeting.
- The number of persons permitted to attend meeting venues under the Public Health Order is the **maximum permissible**. Councils should continue to ensure appropriate social distancing is practiced at meetings and should undertake their own risk assessment of meeting venues and apply whatever COVID mitigation strategies may be necessary to ensure appropriate social distancing is practiced at meetings.
- Where councils are required to limit the number of members of the public attending meetings, they should consider livestreaming their meetings to ensure excluded members of the public can view them in real time.

Key points

- OLG is seeking the views of councils and others on the proposed amendments to the Model Meeting Code.
- If adopted by councils, under the proposed new provisions, councils will be able to give approval for individual councillors to attend a meeting remotely by audio-visual link where the councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of occasions in each year, because they are absent from the local area due to a prior work commitment.
- The proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.
- Submissions may be made to olg@olg.nsw.gov.au, labelled 'Remote attendance at council and committee meetings' and marked to the attention of OLG's Council Governance Team.
- Submissions should be made before **COB 3 May 2021**.

Where to go for further information

- More information on the current Public Health Order is available [here](#).
- The *Remote Attendance by Councillors at Council Meetings* consultation paper is available on OLG's website at www.olg.nsw.gov.au.

Office of Local Government
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- Further guidance will be provided on the interim Regulations allowing councillors to attend meetings remotely once they are made.
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



Tim Hurst
Deputy Secretary
Local Government, Planning and Policy

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Remote Attendance by Councillors at Council Meetings

Consultation Paper

March
2021



Office of Local Government, Department of Planning, Industry and Environment
5 O'Keefe Avenue Locked Bag 3015 Phone 02 4428 4100 olg@olg.nsw.gov.au
NOWRA NSW 2541 NOWRA NSW 2541 TTY 02 4428 4209 www.olg.nsw.gov.au

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Overview

Temporary amendments were made to the *Local Government Act 1993* (the Act) in March 2020 in response to the COVID-19 pandemic allowing councillors to participate in meetings remotely by audio-visual link. The amendments allowing remote attendance are time limited and will automatically expire on 25 March 2021.

Most councils have successfully implemented remote attendance by councillors at meetings by audio-visual link during the pandemic. Some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.

The Government agrees that allowing remote attendance by councillors at meetings may serve to remove some of the impediments that currently prevent underrepresented groups from serving on their local councils.

The Government is therefore proposing to amend the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) to include non-mandatory provisions that allow councils to permit councillors to attend council and committee meetings remotely by audio-visual link in certain circumstances.

While councils will be required to resume meeting in person from 26 March 2021, as an interim measure, the *Local Government (General) Regulation 2005* will be amended to allow councils to permit individual (but not all) councillors to attend meetings remotely until 31 December 2021 pending the changes to the Model Meeting Code.

While the Government strongly supports the objective of encouraging greater diversity of representation on councils, this should be counterbalanced by the need to ensure communities are effectively represented by

their elected councillors. The Government believes that to be effective local elected representatives, councillors need to live or work in the area and should exercise their duties diligently. Councillors should not, for example, be permitted to move interstate or overseas and attend every third meeting remotely to collect their fees. Councillors should also not be permitted to attend meetings while at work where their attention may be focussed on matters other than council business.

To ensure this does not occur, the grounds on which councillors will be permitted to attend meetings by audio-visual link will be limited. Under the proposed new provisions, councils will only be able to give approval for individual councillors to attend a meeting remotely by audio-visual link where the councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of occasions in each year, because they are absent from the local area due to a prior work commitment.

The Government recognises that remote attendance by councillors at meetings by audio-visual link may not be supported by all councils or may pose insurmountable logistical and technological challenges for some councils. For this reason, the proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.

What is being proposed?

✔ **The proposed amendments will allow councillors to attend meetings by audio-visual link with the approval of the council in certain circumstances.**

“Audio-visual” link will be defined as “a facility that enables audio and visual communication between persons at different places”.

Under the proposed amendments, a councillor will be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or the committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting in person because of ill health, disability, carer responsibilities or natural disaster.

A councillor will also be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting because they are absent from the local area due to a prior work commitment. However, a councillor will not be permitted to attend an ordinary or extraordinary meeting of the council or a meeting of a committee of the council by audio-visual link on these grounds on any more than three occasions in each year (inclusive of all ordinary, extraordinary and committee meetings attended by the councillor by these means).

Where a councillor is proposing to seek the council’s or a committee’s approval to attend a meeting by audio-visual link at the meeting concerned, they must first give the general manager at least 5 working days’ notice that they will be seeking the council’s or committee’s approval, to allow sufficient time for the necessary arrangements to be made for them to attend the meeting remotely, should the council or committee give its approval.

Where attending a meeting by audio-visual link, councillors will be required to do so from a location within NSW or within 100km of the NSW border.

✔ **As with decisions to grant a leave of absence under the existing provisions of the Model Meeting Code, the decision to permit a councillor to attend a meeting by audio-visual link is one that will be at the council’s or committee’s discretion.**

The council or committee will be required to act reasonably when considering whether to grant a councillor’s request to attend a meeting by audio-visual link.

However, the council or committee will be permitted to refuse a councillor’s request to attend a meeting by audio-visual link, where the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council’s code of meeting practice on one or more previous occasions when they have attended a meeting by audio-visual link.

➤ **When attending meetings by audio-visual link, meeting rules and standards will apply to councillors in the same way they would if the councillor was attending the meeting in person.**

The council's adopted code of meeting practice will apply to a councillor attending a meeting of the council or a committee of the council by audio-visual link in the same way it would if they attended the meeting in person.

Councillors will be required to give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.

Councillors will also be required to be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Where a councillor has attended a meeting by audio-visual link, the minutes of the meeting must record the fact that the councillor attended the meeting by audio-visual link.

➤ **Councillors attending meetings by audio-visual link will be required to disclose and appropriately manage conflicts of interest.**

Councillors attending a meeting by audio-visual link will be required to declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct.

Where the councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the

councillor's audio-visual link to the meeting must be terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

➤ **Councillors attending meetings by audio-visual link will be required to protect the confidentiality of information considered while the meeting is closed to members of the public.**

Councillors attending a meeting by audio-visual link will be required to ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the Act.

➤ **The proposed amendments will contain provisions that allow the chair to enforce compliance with meeting rules by councillors attending meetings by audio-visual link.**

Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson will be permitted to mute the councillor's audio link to the meeting for the purposes of enforcing compliance with the council's code of meeting practice.

If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson will be permitted to terminate the councillor's audio-visual link to the meeting.

Have your say

We now want to hear from you.



Key questions to consider

✔ Do you support the proposed changes to the Model Meeting Code to allow councillors to attend meetings remotely by audio-visual link?

✔ Do you have any concerns about the proposed changes? What are your concerns?

✔ Do you have any suggestions for how the proposed new provisions could be improved?

Submissions may be made in writing by **COB 3 May 2021** to the following addresses.

POST:

Locked Bag 3015
NOWRA NSW 2541



EMAIL:

olg@olg.nsw.gov.au

Further information

For more information, please contact Office of Local Government's Council Governance Team on **(02) 4428 4100** or via email at olg@olg.nsw.gov.au.

Submissions should be labelled 'Remote attendance at council and committee meetings' and marked to the attention of Office of Local Government's Council Governance Team.





ORDINARY MEETING OF THE COUNCIL

March 17, 2021

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 31/21

SUBJECT: MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 18 FEBRUARY 2021 13/19

Recommendation

1. That Broken Hill City Council Report No. 31/21 dated March 17, 2021, be received.
2. That minutes of the Audit, Risk and Improvement Committee meeting held 18 February 2021 be received.
3. That Council endorses the recommendations of the Audit, Risk and Improvement Committee Meeting held 18 February 2021.

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, 18 February 2021 and the minutes of these meetings are provided as attachments to this report.

Report:

The Audit, Risk and Improvement Committee met on 18 February 2021 to consider the following items of business:

1. Acting General Manager's Briefing
2. Internal Audit Progress Report
3. External Audit Progress Report
4. Draft Corporate Credit Card Policy
5. Annual Leave and Long Service Leave Early Warning Reports
6. Action List – Audit, Risk and Improvement Committee

Minutes of the meeting held 18 February 2021 are attached to this report for Council's endorsement.

The next meeting of the Audit, Risk and Improvement Committee will be held on 20 May 2021.

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. [↓](#) Minutes of the Audit, Risk & Improvement Committee Meeting 18/02/2021

JAY NANKIVELL
ACTING GENERAL MANAGER

AUDIT, RISK AND IMPROVEMENT COMMITTEE

18 FEBRUARY 2021

**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD THURSDAY, FEBRUARY 18, 2021 (10:00AM ACDT)**

PRESENT:

Mr Jim Mitchell (Chairman), Mr Damian Pulgies, Mayor Darriea Turley AM (part of the mee5ting), Councillor Dave Gallagher, Councillor Jim Nolan (part of the meeting), Mr Andrew Marsen (O'Connor Marsden), Ms Judy Malpas (O'Connor Marsden) Mr Brett Hangar (Nexia) Mr Manuel Moncada (NSW Audit Office),

Mr Jay Nankivell (Acting General Manager), Mr Simon Brown, (Acting Chief Financial Officer) Ms Razija Nu'man (Director Corporate) Mr Scott Howe (Risk Officer) and Mrs Louise Schipanski (Executive Support Officer).

APOLOGIES:

Nil.

ACKNOWLEDGEMENT OF COUNTRY

The Chairperson delivered the Acknowledgement of Country.

MINUTES FOR CONFIRMATION

Recommendation

Moved Councillor D Turley, Seconded Mr J Mitchell

That the Minutes of the Audit, Risk and Improvement Committee meeting held Thursday November 19, 2020 be confirmed.

CARRIED

MATTERS ARISING

Support of the Audit, Risk and Improvement Committee

Acknowledgment of the former General Manager's (Mr James Roncon) support of the Audit, Risk and Improvement Committee for activities that relate to Council especially internal and external reporting and the issue of risk improvement and appreciation of his work and wishes him well in his new appointment.

ACTING GENERAL MANAGER'S BRIEFING

Fire at Council Waste Facility

Major fire at Council's Waste Facility about a month ago, this burnt for approximately four days, and has raised a number of risks that Council was previously aware of and in the process of putting in place processes to control these risks. Next year's budget will allow the purchase of firefighting equipment and training for staff and be factored into long term financial planning.

Motion

Moved Councillor D Gallagher, Seconded Councillor J Nolan

That the Audit, Risk and Improvement Committee note the prioritisation in relation to the budget and the action taken in relation to the fire at the Waste facility.

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AUDIT, RISK AND IMPROVEMENT COMMITTEE

18 FEBRUARY 2021

CARRIED

Motion

Moved Mr D Pulgies, Seconded Councillor D Turley

The Audit, Risk and Improvement Committee note the Acting General Manager's report on the fire at the Waste Management Facility.

CARRIED

COVID-19 Update

Council is operating as business as normal. Controls can be scaled up or down relatively quickly, if required, with minimum business disruption as a result. Contractors and visitors have also been managed well.

Question on Notice

The Mayor asked the Acting General Manager for clarification whether Council is able to hold conferences and celebrations such as Australia Day, and whether Council can hold Exhibition Openings at the Art Gallery.

The Acting General Manager has taken this question on notice and will provide a response to all committee members.

Motion

Moved Councillor D Gallagher, Seconded Councillor J Nolan

The Audit, Risk and Improvement Committee note the Acting General Manager's report on COVID-19 update.

CARRIED

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 1/21 - DATED FEBRUARY 05, 2021 -
INTERNAL AUDIT - PROGRESS REPORT**

18/142

The Mayor raised a question regarding the Building and Development Applications and the concerns covered in the Internal Audit Progress Report. The Mayor asked how we are achieving this as this is a major risk to the organisation.? This report highlighted a major risk in the Planning and Development area.

The Acting General Manager advised that there are major risks to the organisation in the Planning and Development Area, a draft report was presented to the last Audit, Risk and Improvement Committee meeting, an outcome from that report is that the Planning and Compliance team is now meeting on weekly basis. The major two issues we have at the moment is around recruiting staff with the relevant professional, expertise and the technical knowledge in the building surveying area. We also have a backlog of Construction Certificates of about six months, where we are not meeting our statutory timeframes. This is mainly due to not being about to attain resources that we can recruit internally but also to obtain resources that we can contact out to, we have now secured contractors from Dubbo and Mildura to assist with the backlog. We are also advertising for two Building Surveyors at the moment to give extra resources to our Compliance department.

Council is currently finalising the recruitment of a new Manager Planning Development and Compliance.

The Chair would like to place on record his appreciation of the work that the internal audit have done in this audit and that this is the largest piece of work that the internal audit has done for Broken Hill

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AUDIT, RISK AND IMPROVEMENT COMMITTEE

18 FEBRUARY 2021

City Council and to Andrew and Judy and their team to say thank you, a draft copy of the report was presented at the last meeting, but was waiting on the responses from Council management to be included.

Recommendation

Moved Councillor D. Turley, Seconded Councillor D. Gallagher

1. That Broken Hill City Council Report No. 1/21 dated February 5, 2021, be received.
2. That the Audit, Risk & Improvement Committee note the final internal audit report on Building and Development Applications.
3. That the Audit, Risk & Improvement Committee note the Internal Audit Status Report from OCM.
4. That the Audit, Risk & Improvement Committee note the progress made on previous internal audit action items.

CARRIED

Internal Audit Plan

The Internal Audit Plan is tracking really well this year. All audits have been scoped and locked in timeframes for them to occur.

Airport Revenue Audit has been done and is now at reporting stage and will be ready to be presented to Management next week, for discussion.

Council's Management and Community Facilities and Section 355 Committees, audit is underway with the Auditor on site last week, and the Project Management Audit will commence in April.

The Audit Program will be completed, and all reports completed to be tabled by June. A draft Audit Program will be presented to the Audit Risk and Improvement Committee, scheduled for May.

Building and Development application process to be included on the next agenda along with the scheduling of the Internal Audit.

Motion

Moved Councillor J. Nolan, Seconded Councillor D. Gallagher

That the Audit, Risk and Improvement Committee notes the Internal Audit Plan report.

CARRIED

**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 2/21 - DATED FEBRUARY 10, 2021 -
EXTERNAL AUDIT - PROGRESS REPORT**

11/26

The Mayor raised an issue to be discussed later in the meeting as she has to leave.

Question in relation to credit card reconciliation approval. Currently the Chief Financial Officer approves the General Manager's credit card reconciliation, but as per section 2.5 this should be approved by the Mayor.

Mayor left meeting at 10.46am.

Results of the external audit progress report are satisfactorily, with five action items assessed as

Page 3

AUDIT, RISK AND IMPROVEMENT COMMITTEE

18 FEBRUARY 2021

moderate risk. One of the five actions has been completed with the remaining four progressing and expected to be completed by June 2021.

Updates are to be provided to the Audit Risk and Improvement Committee on the progress of Cybersecurity Framework and Risk policy. In relation to the penetration testing this has been included in the next budget to outsource the implementation of penetration testing.

The Committee noted that the draft version of the Contract Management Policy is scheduled to be included for May Audit Risk and Improvement Committee meeting.

Nexia advised that these will be followed up during this year's audit and an update will be included in the next interim management letter. The Annual Engagement Plan, for this year, will also be provided to the next meeting. A visit to Broken Hill is proposed to occur during the last week of May.

Recommendation

Moved Councillor D Turley, Seconded Councillor D Gallagher

1. That Broken Hill City Council Report No. 2/21 dated February 10, 2021, be received.

CARRIED

ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 3/21 - DATED FEBRUARY 09, 2021 -
DRAFT CORPORATE CREDIT CARD POLICY

12/14

The Audit Risk and Improvement Committee notes that this has happened and congratulations on doing this responsibly with the Audit Office.

Tightening of controls in alignment with the Audit Office findings has proven to be good timing. The currently approval process is that the Chief Financial Officer approves the General Manager's credit card reconciliation, and the General Manager approved the Mayor's reconciliation.

There are system constraints in place that do not allow for the Mayor or Councillors to be entered into Council's systems, due to the disruption of the hierarchy limits that the General Manager needs to be the top of the hierarchy in the system, not the Mayor.

Currently progress is that the Mayor credit card is approved by GM and GM approved by CFO.

Process to be set up that the Mayor approves the General Manager's reconciliation by signing off paper copy then reconciled in the system by the Chief Financial Officer.

Recommendation

Moved Councillor D. Gallagher, Seconded Councillor J. Nolan

1. That Broken Hill City Council Report No. 3/21 dated February 9, 2021, be received.
2. That the Audit, Risk & Improvement Committee note the draft Corporate Credit Card Policy and the processes that will be put into place for corporate credit card reconciliation approvals.

CARRIED

ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 4/21 - DATED FEBRUARY 09, 2021 -
ANNUAL LEAVE AND LONG SERVICE LEAVE EARLY WARNING REPORT

13/19

Page 4

AUDIT, RISK AND IMPROVEMENT COMMITTEE

18 FEBRUARY 2021

Broken Hill is higher than the benchmark for accrued annual and long service leave. This is due to the fact that many employees who accrued long service leave prior to 2010 cannot be forced to take this leave and therefore is used as a retirement fund. In addition, Council offers higher annual leave incentives than the industry average as well as fortnightly RDO's, therefore making it more difficult to keep balances low.

There is a large resourcing impact when leave is taken in small teams for large blocks at a time. Staff have been encouraged to take smaller blocks of leave more frequently to reduce leave.

Recommendation

Moved Councillor D. Gallagher, Seconded Councillor J. Nolan

1. That Broken Hill City Council Report No. 4/21 dated February 9, 2021, be received.
2. The Audit Risk and Improvement Committee notes the report and update the Action as complete with an update provided. Review again third meeting of the year for an update.

CARRIED

ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 5/21 - DATED FEBRUARY 09, 2021 -
ACTION LIST - AUDIT, RISK AND IMPROVEMENT COMMITTEE

13/19

Recommendation

Moved Councillor D Gallagher, Seconded Councillor J Nolan

1. That Broken Hill City Council Report No. 5/21 dated February 9, 2021, be received.

CARRIED

Verbal Update on Risk

Continuous Improvement

New Enterprise Risk Management Framework was approved on 14 December 2020 and can now be rolled out to staff along with an education program. This framework will support staff with processes and accountability to manage risk.

Updating some compliance training across the business has been put into place including First Aid, Fire Warden and Emergency Management across the organisation. The procedural documents are also being updated.

COVID-19, business as usual – pandemic response has been successful with the varying procedures put into place and enable to ramp up or down when required.

A revised COVID-19 Safety Plan for the Broken Hill Regional Art Gallery and GEO Centre is in the process of being updated and rolled out, this will incorporate a larger building limit as per the two square metre rule and events and tours. This will allow the increase of numbers that are allowed. The Art Gallery is a licenced venue and this needs to be factored into the update.

Issues – Significant rain in Broken Hill

Significant rain events in Broken Hill over the last three to four months has caused some serious issues relating to the Mulga Creek Wetland, which was set up as a flood mitigation and environmental management facility about 13 years ago. Unfortunately, rain events 20-30mls in 30 minutes on 2 January and 40-50mls in 45 minutes in September 2020 has forced water to escape the wetland area

Page 5

AUDIT, RISK AND IMPROVEMENT COMMITTEE

18 FEBRUARY 2021

and has flooded some residential properties in the area. We are currently working through this and have received some third-party property claims.

Councillor Nolan has suggested that a policy be developed on how to direct the flow of water out of town.

Motion

Moved Councillor D. Gallagher, Seconded Councillor J. Nolan

That the Audit, Risk and Improvement Committee notes the verbal update on Risk.

CARRIED

NEXT MEETING

The next meeting of the Audit, Risk and Improvement Committee will be held 20 May 2021 at 10:00amCST.

The meeting closed at 11:25am.

The foregoing minutes were read and confirmed at the Audit, Risk and Improvement Committee Meeting held meeting held on 20 May 2021.

Chairperson

ORDINARY MEETING OF THE COUNCIL

March 17, 2021

ITEM 5**BROKEN HILL CITY COUNCIL REPORT NO. 32/21****SUBJECT:** **INVESTMENT REPORT FOR FEBRUARY 2021** **17/82****Recommendation**

1. That Broken Hill City Council Report No. 32/21 dated March 17, 2021, 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 28 February 2021, Council's Investment Portfolio had a current market valuation of \$27,990,636 or principal value (face value) of \$27,986,200 and was compliant with policy and legislative requirements as per the below table.

Report:

Council's investments as at 28 February 2021 are detailed in Attachment 1.

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

Market Review**Global issues**

Globally, the pace of the Covid-19 vaccine roll out picked up during the month. While still in early stages, optimism is beginning to pick up in hard hit industries such as travel and entertainment. Economists are looking at the second half of 2021 being particularly strong as consumer pent-up demand is expected to surge. In the US, President Biden's US\$1.9T stimulus/recovery package appears to have a good chance of being passed. Despite some parts of the package likely to be scrapped to get through the Senate, the spending plan has the financial markets anticipating inflationary pressures reflected by the US 10yr Treasury yield sitting at a 12 month high of 1.40% by the end of the month. In Europe, GDP data recorded better than expected results, albeit still negative 0.7% for the quarter. Meanwhile,

inflation among the 27 European countries averaged 1.2% and economic confidence surveys showed modest improvement.

Domestic issues

In Australia, labour statistics continue to show solid gains with another 29,000 jobs added and the unemployment rate declining to 6.4%. Over 90% of the jobs lost in the 2020 lockdowns have been recovered. Despite the positive trend in employment data, economists warn that Australia remains a long way off from sub-5% unemployment and any sustained wage growth inflation. Other solid economic data, such as retail sales, is also being tempered with warnings that the government's temporary fiscal and monetary stimulus measures are still playing a significant role in their upward trends. The Australian share market held onto modest gains after losing ground from midmonth highs. The AUD/USD ended February at 0.77c with economists forecasting 0.80c to be reached in the coming months.

Interest rates

At the end of February, the Australian 10 year swap rate rose from 1.10% to a high of 1.95% mirroring trends in the US as markets started to price in higher inflation due successful vaccine rollouts and forecasts of a solid economic rebound in 2021. Nevertheless, central bankers remain sceptical that any sustainable inflation is on the horizon and believe the market may be getting ahead of itself. The 3 month bank bill rate also jumped to 0.03% on the last day of February, its highest level since early November. As with all fixed rate securities, a rise in yield corresponds to a fall in the dollar value of the security. Consequently, the benchmark 3 month Bloomberg Bank Bill Index, a marked-to-market index of the previous 13 week's 3 month bank bills, made its first ever monthly negative return as all existing bank bills in the index were revalued lower due to the market rate jumping up from 0.01% to 0.03%.

Investment Portfolio Commentary

Council's investment portfolio posted a return of -0.69%pa for the month of February versus the bank bill index benchmark return of -0.01%pa. For the past 12 months, the investment portfolio returned -1.24%pa, underperforming the bank bill index benchmark's 0.21%pa by 1.45%pa.

During February, Council's investment portfolio had a \$500k 7 month TD with AMP mature with a yield of 1.40%pa. A current 7 month rate from AMP, the best available, is paying half that amount at 0.70%pa, indicative of the sharp drop in TD rates across the market. No new investments were made during the month.

The TCorpIM MT Growth Fund fell 0.5% in February. The Australian share market gained 1.4% for the month with Materials (+7.1%) the best performing sector as the price of base metals and iron ore surged during the month. Financial stocks (+5.2%) also gained as the major banks reported further falls in Covid-related loan deferrals. IT (-8.0%) and Utilities (-8.0%) were the worst performing sectors. Overseas markets were generally stronger with the US S&P 500 (2.8%), European S&P350 (+2.7%) and Japanese S&P 500 (+3.4%) all up while the Chinese S&P 300 (-0.6%) fell slightly. Despite this, a stronger AUD during the month moderated unhedged international share performance.

Council's Portfolio by Source of Funds – February 2021

As at 28 February 2021, Council's Investment Portfolio had a current market valuation of \$27,990,636 or principal value (face value) of \$27,986,200 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
GENERAL Fund	Operating Capital & Internal Restrictions	\$21,622,200
	Royalties Reserve	\$724,000
	Domestic Waste Management Reserve	\$2,539,000
	Grants	\$3,101,000
	TOTAL PORTFOLIO	\$27,986,200

Certificate by Responsible Accounting Officer

All investments have been placed in accordance with Council's Investment Policy, Section 625 of the *Local Government Act 1993* (as amended), the Revised Ministerial Investment Order gazetted 11 February 2011, Clause 212 of the *Local Government (General) Regulations 2005* and Third-Party Investment requirements of the then Department Local Government Circular 06-70. Council continues to obtain independent financial advice on its investment portfolio in accordance with the then Department of Local Government Circular of 16 September 2008.

Community Engagement:

Nil

Strategic Direction:

- Key Direction 4: Our Leadership
- Objective 4.1: Openness and Transparency in Decision Making
- Action 4.1.1: Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation.

Relevant Legislation:

This report is provided for Council's consideration in compliance with the requirements of *Part 9, Division 5, Clause 212 of the Local Government (General) Regulations 2005*.

Financial Implications:

The recommendation has no financial impact.

Attachments

1. [Download](#) February 2021 Investment Report

SIMON BROWN
MANAGER FINANCE

JAY NANKIVELL
ACTING GENERAL MANAGER



**Investment Summary Report
February 2021**



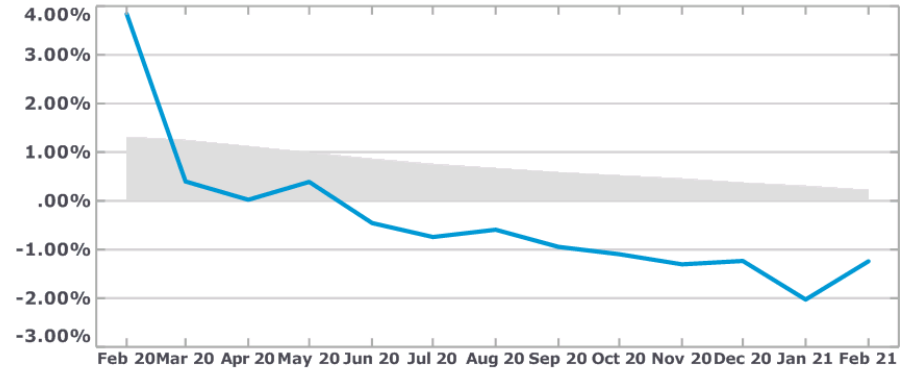
Broken Hill City Council
Executive Summary



Investment Holdings

	Face Value (\$)	Current Value (\$)
Cash	19,216,994.09	19,216,994.09
Managed Funds	5,269,205.53	5,269,205.53
Term Deposit	3,500,000.00	3,504,436.17
	27,986,199.62	27,990,635.79

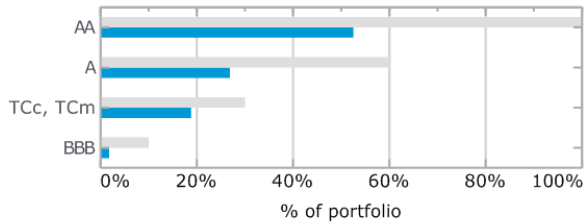
Investment Performance



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

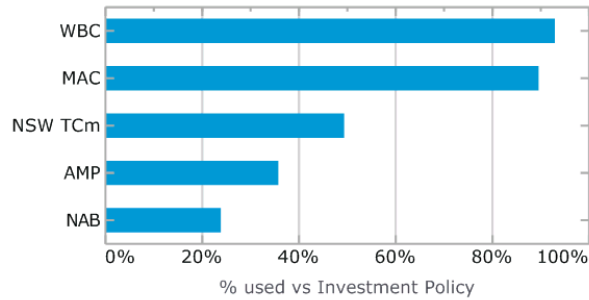
Investment Policy Compliance

Total Credit Exposure



Portfolio Exposure Investment Policy Limit

Highest Individual Exposures



Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	27,986,200	100%
	27,986,200	



Broken Hill City Council

Investment Holdings Report



Cash Accounts							
Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference	
6,282,425.56	0.0000%	Westpac Group	AA-	6,282,425.56	473409	Cheque	
5,415,953.27	0.5500%	Westpac Group	AA-	5,415,953.27	535442	90d Notice	
7,518,615.26	0.4898%	Macquarie Bank	A+	7,518,615.26	540354	Accelerator	
19,216,994.09	0.3466%			19,216,994.09			

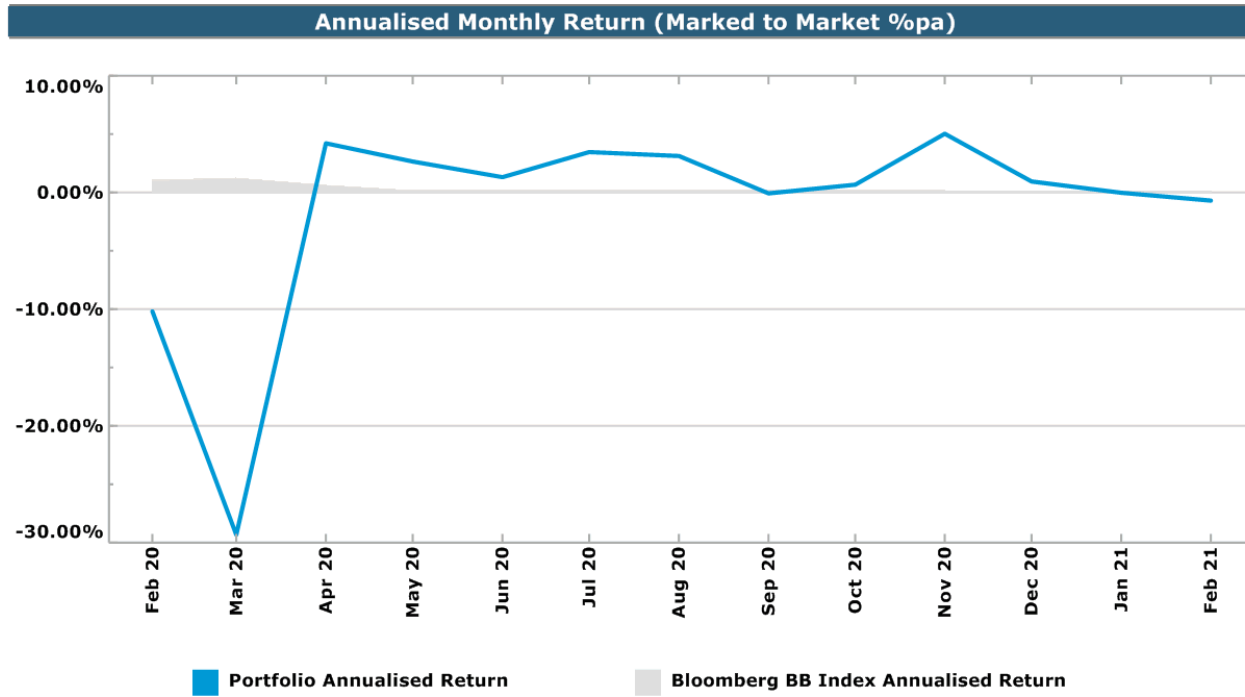
Managed Funds							
Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
1,126,409.15	-0.0017%	NSW T-Corp (Cash)	TCc	Cash Fund	1,126,409.15	535329	
4,142,796.38	-0.5240%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	4,142,796.38	536441	
5,269,205.53					5,269,205.53		

Term Deposits											
Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
3-Mar-21	500,000.00	0.4500%	National Australia Bank	AA-	500,000.00	30-Nov-20	500,560.96	540615	560.96	At Maturity	
17-Mar-21	500,000.00	0.4500%	National Australia Bank	AA-	500,000.00	30-Nov-20	500,560.96	540616	560.96	At Maturity	
31-Mar-21	500,000.00	0.4500%	National Australia Bank	AA-	500,000.00	30-Nov-20	500,560.96	540617	560.96	At Maturity	
14-Apr-21	500,000.00	0.4500%	National Australia Bank	AA-	500,000.00	30-Nov-20	500,560.96	540618	560.96	At Maturity	
12-May-21	500,000.00	0.7000%	AMP Bank	BBB	500,000.00	11-Nov-20	501,054.79	540562	1,054.79	At Maturity	
9-Jun-21	500,000.00	0.4700%	National Australia Bank	AA-	500,000.00	9-Dec-20	500,527.95	540687	527.95	At Maturity	
6-Oct-21	500,000.00	0.5000%	National Australia Bank	AA-	500,000.00	2-Dec-20	500,609.59	540637	609.59	At Maturity	
	3,500,000.00	0.4957%			3,500,000.00		3,504,436.17		4,436.17		

Broken Hill City Council
Accrued Interest Report - February 2021

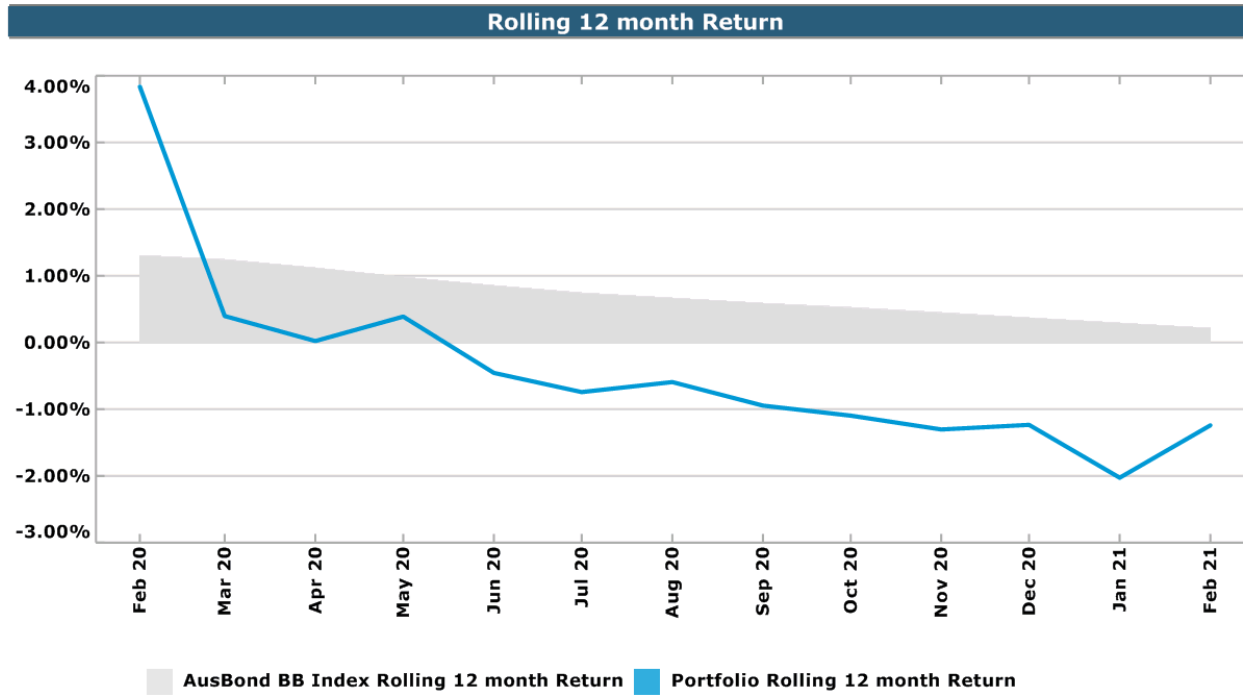


Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
<u>Cash</u>									
Westpac Group	473409	Cheque	6,282,425.56			0.00	28	0.00	.00%
Westpac Group	535442	90d Notice	5,415,953.27			2,284.12	28	2,284.12	.55%
Macquarie Bank	540354	Accelerator	7,518,615.26			2,971.57	28	2,971.57	.49%
Cash Total						5,255.70		5,255.70	.35%
<u>Managed Funds</u>									
Cash Fund	535329		1,126,409.15	29-May-17			28	-19.28	-.02%
Medium Term Growth Fund	536441		4,142,796.38	12-Feb-18			28	-21,823.55	-6.62%
Managed Funds Total								-21,842.83	-5.25%
<u>Term Deposits</u>									
AMP Bank	539971		500,000.00	29-Jun-20	03-Feb-21	4,200.00	2	38.36	1.40%
National Australia Bank	540615		500,000.00	30-Nov-20	03-Mar-21		28	172.60	.45%
National Australia Bank	540616		500,000.00	30-Nov-20	17-Mar-21		28	172.60	.45%
National Australia Bank	540617		500,000.00	30-Nov-20	31-Mar-21		28	172.60	.45%
National Australia Bank	540618		500,000.00	30-Nov-20	14-Apr-21		28	172.60	.45%
AMP Bank	540562		500,000.00	11-Nov-20	12-May-21		28	268.49	.70%
National Australia Bank	540687		500,000.00	09-Dec-20	09-Jun-21		28	180.28	.47%
National Australia Bank	540637		500,000.00	02-Dec-20	06-Oct-21		28	191.78	.50%
Term Deposits Total						4,200.00		1,369.31	.50%
						9,455.70		-15,217.82	-.69%



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Feb 2021	-0.69%	-0.01%	-0.68%
Last 3 Months	0.10%	0.01%	0.09%
Last 6 Months	0.97%	0.06%	0.91%
Financial Year to Date	1.56%	0.07%	1.49%
Last 12 months	-1.24%	0.21%	-1.45%

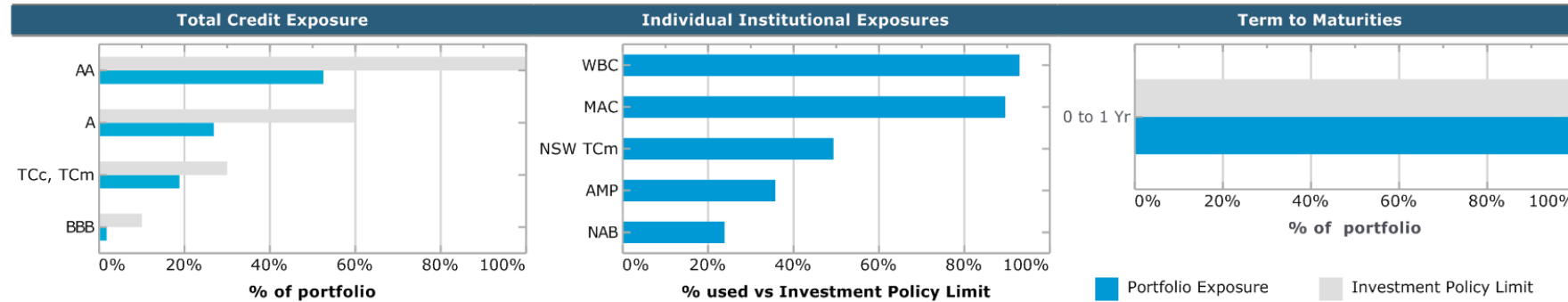
Broken Hill City Council
Investment Performance Report



Historical Performance Summary (actual)			
	Portfolio	AusBond BB Index	Outperformance
Feb 2021	-0.05%	-0.00%	-0.05%
Last 3 Months	0.02%	0.00%	0.02%
Last 6 Months	0.48%	0.03%	0.45%
Financial Year to Date	1.04%	0.05%	0.99%
Last 12 months	-1.24%	0.21%	-1.45%



Broken Hill City Council
Investment Policy Compliance Report



Credit Rating	Face Value (\$)	% used	Policy Max	Compliance
AA	14,698,379	53%	100%	a
A	7,518,615	27%	60%	a
TCc	1,126,409			
TCm	4,142,796			
TCc, TCm	5,269,206	19%	30%	a
BBB	500,000			
BBB	500,000	2%	10%	a
Total	27,986,200	100%		

Institution	% used vs Investment Policy Limit	Compliance
Westpac Group (LT) (AA-)	93%	a
Macquarie Bank (LT) (A+)	90%	a
NSW T-Corp (MT) (TCm)	49%	a
AMP Bank (LT) (BBB)	36%	a
National Australia Bank (LT) (AA-)	24%	a
NSW T-Corp (Cash) (TCc)	13%	a

Term	Face Value (\$)	% used	Policy Max	Compliance
Between 0 and 1 Year	27,986,200	100%	100%	a
Total	27,986,200			

Term	Face Value (\$)	% used
00. Cash + Managed Funds	24,486,200	87%
01. Less Than 30 Days	1,000,000	4%
02. Between 30 Days and 60 Days	1,000,000	4%
03. Between 60 Days and 90 Days	500,000	2%
04. Between 90 Days and 180 Days	500,000	2%
05. Between 180 Days and 365 Days	500,000	2%
Total	27,986,200	

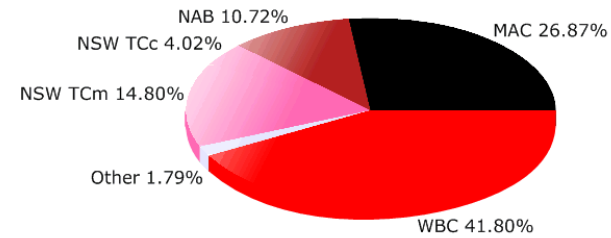
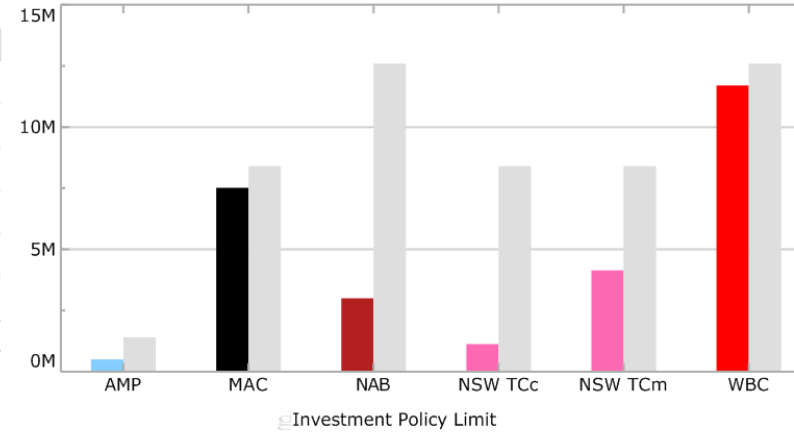
a = compliant
r = non-compliant

Broken Hill City Council
Individual Institutional Exposures Report



Individual Institutional Exposures **Individual Institutional Exposure Charts**

	Current Exposures		Policy Limit		Capacity
AMP Bank (BBB)	500,000	2%	1,399,310	5%	899,310
Macquarie Bank (A+)	7,518,615	27%	8,395,860	30%	877,245
National Australia Bank (AA-)	3,000,000	11%	12,593,790	45%	9,593,790
NSW T-Corp (TCc)	1,126,409	4%	8,395,860	30%	7,269,451
NSW T-Corp (TCm)	4,142,796	15%	8,395,860	30%	4,253,064
Westpac Group (AA-)	11,698,379	42%	12,593,790	45%	895,411
	27,986,200				



Broken Hill City Council

Cash Flows Report



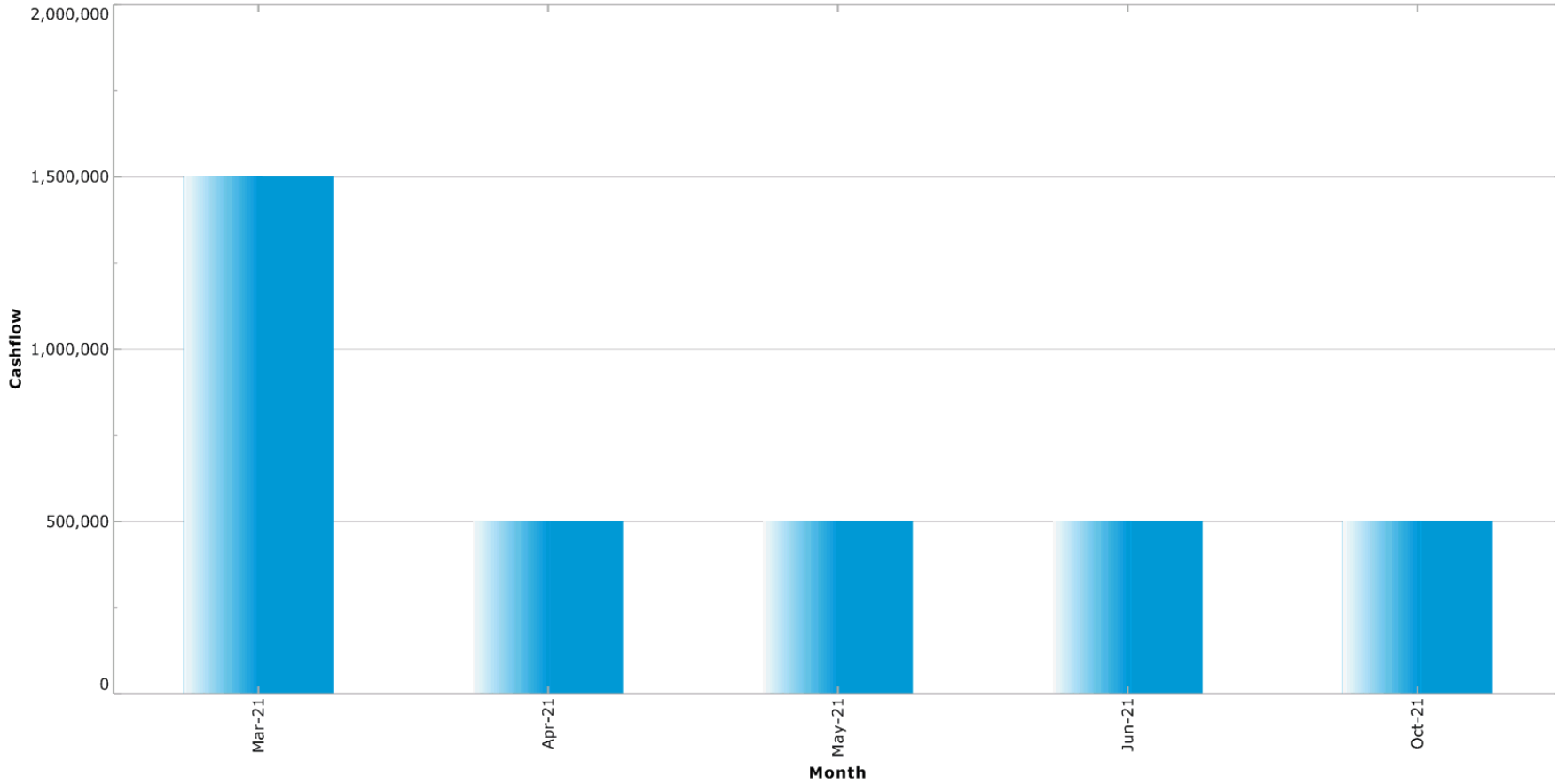
Current Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
3-Feb-21	539971	AMP Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposits	Interest - Received	4,200.00
				<u>Deal Total</u>	<u>504,200.00</u>
				Day Total	504,200.00
				Net Cash Movement for Period	504,200.00

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>
3-Mar-21	540615	National Australia Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		National Australia Bank	Term Deposit	Interest - Received	573.29
				<u>Deal Total</u>	<u>500,573.29</u>
				Day Total	500,573.29
17-Mar-21	540616	National Australia Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		National Australia Bank	Term Deposit	Interest - Received	659.59
				<u>Deal Total</u>	<u>500,659.59</u>
				Day Total	500,659.59
31-Mar-21	540617	National Australia Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		National Australia Bank	Term Deposit	Interest - Received	745.89
				<u>Deal Total</u>	<u>500,745.89</u>
				Day Total	500,745.89
				Net Cash Movement for Period	1,501,978.77

Broken Hill City Council
Cash Flows Report



ORDINARY MEETING OF THE COUNCIL

March 8, 2021

ITEM 6BROKEN HILL CITY COUNCIL REPORT NO. 33/21SUBJECT: COMPANION ANIMALS MANAGEMENT REPORT 19/160**Recommendation**

1. That Broken Hill City Council Report No. 33/21 dated March 8, 2021, be received.

Executive Summary:

At the 12 February 2021 Council Meeting it was resolved to adopt Notice of Motion No. 3/21 providing:

1. That Council prepares a report regarding roaming cats and dogs, unregistered animals, operating hours and complaints.
2. That Council continue to make available and advertise the after-hours phone number of the Ranger.
3. That Council continues to promote responsible pet ownership and the use of Council's off-leash dog areas as safe and accessible places.
4. That the report to Council also includes costs associated with Council meeting all obligations under the Companion Animals Act including providing after hours services so people can take seized cats and dogs to Council's Animal Shelter or an authorized facility.

This report addresses the Notice of Motion.

Report:Council's companion animal services

These are delivered through the framework provided by Companion Animal Management Plan that was adopted at the February 2020 Meeting of Council.

The Plan ensures an effective animal management service and meets the procedural functions under the Companion Animals Act 1998 (the Act) and the Companion Animals Regulation 2018. The Act and Regulations provide the legislation that gives effect to the way local authorities manage dogs and cats. The principle object of the Act is to provide for the effective and responsible care and management of companion animals.

Council provides a 24-hour animal management service based at the recently opened (February 2020) pound in Pro Hart Way. This includes individual pens for dogs (16) and cages for cats (10) together with exercise yards (3).

Two off-leash facilities with perimeter fencing are maintained at Queen Elizabeth Park and Patton Park.

The standard operations include two rangers who cover a roster from 8am to 4.30pm (7am-3.30pm during day-light saving) on weekdays.

Currently there is one ranger, with active recruitment progressing for the second position. A contract ranger is to commence on 23 March to ensure continuity.

After hour services respond to emergency situations only, with telephone calls managed by a customer service call center (02 8579 0325) and referred to the on-call ranger. In the event of dog attacks or urgent matters that require immediate action, the call center or police will contact the on-call ranger by telephone, and they will respond to the situation

Details on the after-hours service are contained on the Council website and provided to key agencies such as NSW Police.

In terms of non-urgent matters, the call center will send an email to the rangers and they will investigate on the following business day.

The current animal management operating budget for 2020-2021, expenditure year to date and comparison to 2019-20 are summarized in the following table. This includes the cost of \$1,572 (year to date) for the after-hours telephone service.

COMPANION ANIMALS FINANCIAL REPORT			
	YTD Actual 2020-21	Annual Budget 2020-21	Actual 2019-20
Operational Income			
Dog Control Infringement & Fines	-31,062	-30,000	-27,216
Dog Registration & Renewal	-8,694	-20,000	-19,919
Animal Shelter Fees	-3,469	-18,200	-5,644
Operational Income Total	-43,225	-68,200	-52,779
Operational Expense			
Employee Expenses	77,520	115,885	105,224
Administration	17,454	22,500	25,637
Animal Shelter Operations	28,158	47,117	8,211
External Pound Contract	0	0	57,482
00001034 - Animal Control Administration Total	123,132	185,502	196,554
Total	79,907	117,302	143,775

Companion Animal Activity

A summary for 2020-21 year-to-date activity is summarized in following table:

Companion Animals Data for Financial Year (1 July 2020 - 10 March 2021)			
Complaints	Number		
Barking dog	21		
Dog attack	46		
Roaming cats	26		
Roaming dogs	207		
Dogs surrendered	4		
Impounding data	Number	Unregistered	Percentage
Total dogs in animal shelter	145	122	84%
Total cats in animal shelter	45	45	100%
<i>NOTE: All dogs/cats must be registered before leaving the animal shelter</i>			
Free microchipping day at Animal shelter 11/12/2020	Number		
Dogs	15		
Cats	13		
Total	28		

The priority areas for attention in the coming months are:

- Responding to dog attacks (on a person or other dog) which are averaging over one per week and reports of roaming dogs that on average occur on a daily basis.
- Sizable number of dogs and cats that are not micro chipped or have lifetime registration within the community. This is illustrated by the proportion of unregistered animals that are impounded.
- Action plan for the sizable feral cat population that can build on the funded cat de-sexing program

Promotion

Council officers promote responsible pet ownership through a number of mechanisms that include use of the website, media releases and interviews and via rangers talking to owners when they undertake patrols of Broken Hill.

The Council website includes information on:

- Responsible pet ownership.
- Microchipping & Registration.
- Declared dangerous and menacing dogs.
- Nuisance dogs and cats.
- Lost and found cats and dogs.
- Off-leash areas.
- Pets in public places.
- Prohibited areas.
- Restricted dogs.
- Updating dog and cat's details on the NSW Companion Animals Register

Officers encourage pet owners to:

- Make sure their animal is microchipped, has a collar and a tag.
- Microchip their dogs and cats before 12 weeks of age, or when sold or given away and register by six months of age pursuant to the Companion Animal Act.

- Notify Council of certain changes and events e.g. revised telephone number and/or address or if there is change in the animal's ownership. If the animal is lost or dies, the owner needs to contact Council.

Strategies to increase the number of microchipped and registered companion animals include:

- Community education programs to promote the benefits of microchipping and greater understanding of the 2-step identification process.
- Encouraging companion animal owners to notify Council of changes of contact details.
- Free Microchipping events performed by Council's rangers. The most recent microchip program was rolled out in December 2020. Twenty eight animals were micro-chipped, and a number were identified as being unregistered. Council officers followed up with the owners to ensure that the animals are registered.
- Collaborate with state agencies to fund/assist with desexing programs. Council officers are currently collaborating with the National Desexing Network, RSPCA and local veterinary services to roll out the next cat desexing program.

Community Engagement:

The draft Companion Animal Management Plan was considered at 31 October 2019 Council Meeting and placed on public exhibition from 2-29 November 2019. This included advertisements in the Barrier Daily Truth, Council's website and hard copies available at the Council's Administrative Building and at the Charles Rasp Library.

Strategic Direction:

Key Direction:	1	Our Community
Objective:	1.1	People in our community are in safe hands
Strategy:	1.1.1	Implement infrastructure and services for the effective management and control of companion animals

Relevant Legislation:

Companion Animals Act 1998
Companion Animals Regulation 2018

Financial Implications:

As per Council's Delivery Program and Operational Plan.

Attachments

1. [↓](#) Broken Hill Companion Animal Management Plan

PAUL BAWDEN
MANAGER CITY DEVELOPMENT, PLANNING AND COMPLIANCE

JAY NANKIVELL
ACTING GENERAL MANAGER



**COMPANION ANIMAL
MANAGEMENT PLAN**



**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**



QUALITY CONTROL		
EDRMS REFERENCE	11/141 – Companion Animal Management Plan	
KEY DIRECTION	1. Our Community	
OBJECTIVE	1.1 People in our Community are in safe hands	
FUNCTION	Corporate Support	
STRATEGY	1.1.1 Implement infrastructure and services for the effective management and control of companion animals	
RESPONSIBLE OFFICER	Manager Planning Development and Compliance	
REVIEW DATE	October 2023	
DATE	ACTION	MINUTE No
26/02/2020	Adopted	46182
NOTES	Copies of all plans and policies mentioned in this document are available by visiting Council's website www.brokenhill.nsw.gov.au This Plan has been developed in accordance with the Companion Animals Act 1998 and the Companion Animals Regulation 2008.	
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> Companion Animals Act 1998 Companion Animals Regulation 2018 	
ASSOCIATED COUNCIL POLICIES	Nil	
ASSOCIATED DOCUMENTS	Broken Hill 2033 Community Strategic Plan	



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1. INTRODUCTION

The Companion Animal Management Plan provides the framework for the provision of an effective animal management service and procedural functions under the Companion Animals Act 1998 (the Act) and the Companion Animals Regulation 2018. The Act and the Regulations is the legislation that gives effect to the way local authorities manage dogs and cats. The principle object of the Act is to provide for the effective and responsible care and management of companion animals.

2. OBJECTIVE

- 1.1 To recognise that companion animals form part of the Broken Hill community, contributing to quality of life.
- 1.2 To ensure the needs of companion animals, their owner and other citizens are accommodated harmoniously.
- 1.3 To achieve high levels of responsible pet ownership through consultation, education and integrated management with the community, contributing to quality of life.

3. SCOPE

Broken Hill City Council's Companion Animals Management Plan aims to achieve high levels of responsible pet ownership through consultation, education and integrated management with the community that leads to a higher quality of life, for both our human and animal inhabitants.

Council recognises the importance of having a Companion Animal Management Plan as a key strategy in the effective management of companion animals in the community.

4. STATEMENT

Broken Hill City Council has identified the need to develop a Companion Animal Management Plan to improve outcomes in the area of companion animal management.

The aim of implementing a Companion Animal Management Plan is to provide guidance for Council to fulfil its responsibilities under the *Companion Animals Act, 1998* (the Act) by determining objectives and actions, along with a clear program of implementation.

These are grouped into the key areas of:

- Identification and Registration
- Public Safety
- Nuisance Animals
- Impounding Animals
- Dog off leash facility

It involves encouraging the responsible management of companion animals in line with community expectations and protecting the community from menacing and dangerous dogs and to promote responsible pet ownership.

By implementing the plan, Council aims to:

- Achieve a high level of responsible pet ownership through consultation, education and integrated management with the community.
- Provide an efficient service for customers updating or registering details on the NSW Companion Animal Register.

- Facilitate the prompt return to owner of seized animals and therefore reduce the number of animals that need to be impounded.
- Improve community awareness of the need and their responsibilities for effective animal control in public places.
- Ensure an efficient and effective response to reported dog attacks.
- Provide controlled leash-free recreational areas for dogs in the Broken Hill Local Government Area that is as safe as possible for dogs and people.
- Encourage re-homing of suitable unclaimed companion animals by residents and approved animal rescue organisations.
- Ensure procedures for enforcement of the Act are educationally based and project fairness.
- Have clear, consistent and achievable goals.
- Provide subsidised desexing programs to the local community through collaboration with other state agencies.

4.1 Promoting Responsible Pet Ownership:

Many of the issues identified in companion animal management can be related to irresponsible pet ownership.

Council encourages all pet owners to be responsible for their pets' actions. Owning a pet comes with responsibilities for the animal, and respect for the community.

Council aims to assist by educating and promoting responsible pet ownership, as set out by the Companion Animals Management Plan.

Being a responsible pet owner includes:

- Provide basic needs for health and welfare for the animal
- Minimise nuisance behaviour and potential negative impacts on the environment and community
- Keeping animals out of prohibited areas
- For dogs, ensuring they are under effective control of a leash whilst in public
- Confine their animal in their yard to prevent impacts on public safety and the environment
- Make sure their animal is identified with a microchip, collar and tag to assist in returning the animal if it becomes lost
- Register their animal
- De-sex their animal to minimise nuisance behaviour, minimise numbers of unwanted animals
- Clean up after their animal

5. Companion Animal Management:

5.1 Registration and Identification:

Objectives:

- To encourage the permanent microchip identification and registration of companion animals
- To facilitate the prompt return of lost or stray companion animals to their owners.
- To provide an efficient service for customers updating or registering details on the NSW Companion Animal Register.

Background:

There are still a large number of companion animals that are not microchipped, or lifetime registered within the Broken Hill community.

The management of companion animals is highly dependent on the animals being properly identified. Identification also leads to the ability to return the animals, and for the owners to be made accountable under the NSW Companion Animals Act.

Actions:

Appropriate identification and registration are integral to the management of companion animals. Microchipping and registration allow lost or straying animals to be identified and returned to their owners as quickly as possible, generally avoiding the need for animals to be impounded.

Council encourages pet owners to:

- Make sure their animal is microchipped, has a collar and a tag.
- Microchip their dogs and cats before 12 weeks of age, or when sold or given away and register by six months of age pursuant to the *Companion Animal Act*.
- Notify Council of certain changes and events e.g. change in phone number and/or address or if the animal change ownership. If the animal goes missing or dies, you must contact Council.

Strategies for Broken Hill City Council to increase the number of microchipped and registered companion animals include:

- Community education programmes to promote the benefits of microchipping and greater understanding of the 2-step identification process.
- Encouraging companion animal owners to notify Council of changes of contact details.
- Free Microchipping performed by Council's rangers.
- Collaborate with state agencies to fund/assist with desexing programs.

5.2 Impounding Animals:Objectives:

- To reduce the number of animals impounded and increase the return to owner rate.
- To facilitate the prompt return to owners of seized animals.
- To provide appropriate pound facilities and service for the surrender of animals.

Upon impounding an animal, the authorised officer shall take a photo of the animal and follow microchipping procedures.

Details of any animal impounded shall be recorded in the Daily Shelter Register (hard copy) retained in the Shelter Office. Animal details are then to be entered on a Record Card, which will be inserted in the card holder on the cage holding the animal.

All Shelter Register entries will be copied into the electronic monthly Register of Animals Impounded.

The animals' photo shall be placed onto Council's website giving advice that the animal has been impounded.

If an animal has not been claimed at the expiry of the relevant statutory period (seven days for non-identified animals and 14 days for identified animals), the animal may be rehomed or the animal's details may be provided to an animal rescue group and released to such group if the animal is desired. Once an animal is released, microchip details will be updated in the Companion Animal Registry.

Strategies for Broken Hill City Council to reduce the number of animals impounded at the Broken Hill Animal Shelter include:

- Conduct community education programmes to reduce irresponsible pet ownership.
- Encouraging companion animal owners to notify Council of changes of contact details of their registered pets.
- Free Microchipping performed by Council's rangers.
- Maintain the Council "Lost and Found" page to advertise a lost animal to assist in the prompt return of the animal to its lawful owner.

Copies of forms used are in Appendix 1.

5.3 Infant animals

Often very young infant animals are dumped or surrendered into Council's possession. Infant animals that cannot independently eat solid foods will be humanely euthanised or released under duty of care to rescue agencies.

Strategies for Broken Hill City Council to reduce the number of dumped and unwanted infant animals include:

- Community education programmes to promote responsible pet ownership.
- Promote desexing of companion animals.
- Actively pursue grants to assist with the funding of desexing programs.
- Charge a fee for the surrendering of unwanted infant animals.

5.4 Surrendered animals

Animals are regularly surrendered to Council by their owners for a variety of reasons. Owners who surrender a dog or cat are required to complete the Companion Animal Shelter Evaluation form and sign a surrender form which states that they are the bona fide owner and that the surrendered animal becomes the property of Council. Council will attempt to rehome the animal if it is considered suitable, if the animal is not suitable to be rehomed, the animal will be humanely euthanised.

Strategies for Broken Hill City Council to reduce the number surrendered animals include:

- Community education programmes to promote responsible pet ownership.
- Promote desexing of companion animals.
- Actively pursue grants to assist with the funding of desexing programs.
- Charging a fee for surrendering companion animals.

5.5 Euthanasia of Animals

The euthanasia of animals will be undertaken in accordance with animal welfare best practice requirements. The euthanasia of impounded animals may be undertaken by an authorised person or at the direction, of an attending Veterinarian (vet), or may be conveyed to a vet or the RSPCA for euthanasia.

Strategies for Broken Hill City Council to reduce the number of animals to be euthanised:

- Community education programmes to promote responsible pet ownership.

- Promote desexing of companion animals.
- Actively pursue grants to assist with the funding of desexing programs.
- Collaborate with rehoming organisations to rehome as many companion animals as possible.

5.6 Feral Cats

From time to time Rangers are required to trap feral cats. Feral cats may also be delivered to the shelter by the public. Feral cats are obvious by their behaviour. Cats that are considered feral and are caught by Council or delivered by the public will be humanely euthanised by a vet or an authorised person.

Strategies for Broken Hill City Council to reduce the number of feral cats include:

- Community education programmes to promote responsible pet ownership.
- Community education on semi-owned cats.
- Promote desexing of companion animals.
- Seek government funding to assist with feral cat control programmes.

5.7 Re-Homing

Council will endeavour to re-home as many companion animals that have been impounded as possible.

Council will enter into agreement with approved re-homing organisations for companion animals that are suitable to be re-homed.

When a companion animal is released for rehoming it will be microchipped and will be registered. Approved rehoming organisations are exempt from registration fees for re-homed companion animals.

Strategies for Broken Hill City Council assist with the rehoming of companion animals:

- Community education programmes to promote responsible pet ownership.
- Promote desexing of companion animals.
- All impounding fees will be waived for re-homed companion animals.

5.8 Sick or Injured Animals

Where an injured animal that can be identified is seized by Council the owner will be contacted where possible so that collection arrangements can be organised. In such a circumstance the owner will need to make the necessary arrangements for veterinary assistance or euthanasia.

Council will not accept any injured/sick animal from a member of the public and any person with an injured/sick animal is to be directed to the RSPCA for assistance.

If the owner cannot be readily contacted then the injured/sick animal will be delivered to a clinic for veterinary attention.

If an injured/sick animal cannot be identified then the animal will be delivered to a clinic for veterinary assistance.

When Council is made aware that a companion animal has been killed in a private or public place, Council will take steps to identify the animal and contact the owner.

Where an injured animal is delivered to a veterinarian by a member of the public who is not the owner of the animal, Council will not be liable or responsible for any costs incurred as a result of any treatment, including euthanasia, undertaken by any veterinarian on the animal.

6. COMMUNITY EXPECTATIONS

Companion animals play an important role in Australian society and culture. For some, companion animals are an important part of everyday life while others have no or little involvement with them. Community expectations are that companion animals be managed so that animal welfare is assured with minimal adverse social and environmental impacts.

6.1 Public Safety

Community safety is a key consideration in the management of companion animals in line with community expectations.

Dog attacks pose a serious public safety issue. Because of this, Council is committed to ensuring that menacing and dangerous dogs are controlled and regulated in the interests of public safety. Any dog attack incident will be investigated to determine the nature and cause of the attack. This is to assist in managing and minimising the risk of such an attack occurring again in the future.

Appendix 2 shows the Council protocol for the investigation of dog attack incidents. This identifies the procedures to be followed in both the investigation and enforcement phases of the process by Council following a dog attack. The protocol creates a framework for decision-making and aids in determining an appropriate response to the incident. Potential responses include warnings, education and prosecution, including dangerous and menacing dog declarations and destruction orders.

6.2 Dangerous, Menacing and Restricted Dogs

Under the Act, a dog is dangerous if it has, without provocation attacked or killed a person or animal. It is also dangerous if it has repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin).

Under the Act a dog is menacing if it has displayed unreasonable aggression towards a person or animal (other than vermin). It is also menacing if it has without provocation attacked a person or animal (other than vermin) without causing serious injury or death.

Council has developed a protocol for the Investigation of Dog Attacks and Procedure (See Appendix 2) to Declare a Dog as a Dangerous, Menacing or Restricted Breed Dog in accordance with Division 1 of Part 5 of the Act see Appendix 3. To revoke a declared Dangerous or Menacing Dog Order see appendix 4 and to revoke a Restricted Breed Dog Notice see Appendix 5.

In dealing with (potentially) dangerous or menacing dogs Council Rangers have discretion based on the circumstances of the case. The primary concern is the public interest of which community safety is a key consideration.

Factors for consideration when determining the public interest are:

- a) The harm or potential harm to the public that may be caused if a declaration is not made.
- b) Any mitigating or aggravating circumstances.
- c) The prevalence of public risk circumstances and the need for deterrence.
- d) Whether the consequences of any declaration would be unduly harsh or oppressive.

In accordance with the Act, Council follows specific procedures as outlined in the Protocol.

The owner of any companion animal who has been served with an Intention to Declare their animal as either dangerous or menacing may make representation to Council against the

proposed declaration. Any submission against the proposed intention will be reviewed in accordance with the Protocol.

Applications to revoke a dangerous or menacing dog declaration will only be resolved by Council and will be considered in accordance with Council's Protocol for the Assessment of Applications to Revoke a Dangerous or menacing Dog Declaration (See Appendix 5).

If a suspected restricted dog comes to the attention of Council, Council will issue the relevant Intention to Declare Notice in accordance with 58A of the Act to declare the dog a restricted dog.

6.3 Annual Inspections

Council will carry out annual Inspections of Declared Dangerous, Menacing and Restricted Breed Dogs to ensure continued compliance with the requirements of the Act.

Council views compliance with Dangerous, Menacing and Restricted Breed Dog declarations as a serious matter and non-compliance may attract an Infringement Notice.

6.4 Nuisance Dogs and Cats

Council recognises that animals can cause aggravation, discomfort and conflict. Noise complaints can be labour intensive, difficult at times to follow up, and can result in neighbour disputes.

Council aims to resolve animal complaints efficiently and effectively and aims to attempt to reach an amicable outcome for all parties involved.

Barking dogs account for a large percentage of noise complaints received by Council. Barking can be caused by many different things such as separation anxiety, attention seeking, boredom, or perceived territorial incursion. Barking may occur at any time of the day or night.

All dogs bark, the problem facing Council is that a dog barking is not an offence. Council must be able to prove that due to the amount of barking and the times that a dog barks is a nuisance. Council's general procedure in managing barking dog complaints is as follows:

- The complainant is advised to talk to the dog's owner as they may have not realised that their dog is a nuisance, and in many cases, will be happy to resolve the problem.
- If this is unsuccessful and the problem persists a barking dog diary should be compiled for a period of 7 – 10 days, and a formal written complaint should be addressed to the Ranger.
- In the event of dissatisfaction with any of these procedures a noise abatement order can be sought from the Local Court independently of Council.

Dogs may also be potential nuisance by habitual straying onto private property, being loose in a public place and or defecating in a public place.

The owner of a 'nuisance dog' may be served a control order under section 32A of the Act. This order is made to require the owner to mitigate potential nuisance by controlling dog behaviour.

Cats too can cause nuisance by straying, crying and damaging property. In these instances, Council may use provisions of section 31 of the Act to place control orders on the cat's owner to prevent the nuisance from happening.

7. LEASH FREE AREAS

The purpose of leash free areas is to allow dogs to exercise off lead so they can 'burn off' excess energy in a safe environment without being a nuisance to the general public and to provide socialisation experience with other dogs. By providing these opportunities, dogs are less likely to exhibit nuisance behaviour due to boredom and frustration when confined to their yard.

Under the *NSW Companion Animals Act 1998*, Council is obliged to provide one leash free area for community use.

Council has two designated areas located at the Queen Elizabeth Park and Patton Park:

- Queen Elizabeth Park – located adjacent to the North Primary School and the intersection of Chapple Street and Brazil Street.



- The eastern end of Patton Park at the intersection of South Street and Wilson Street.



8. CAT MANAGEMENT

Objectives:

- To increase the number of identified, registered and de-sexed cats.
- To minimise the adverse impact of cats on wildlife and public amenity.

Background:

The community have expressed concern regarding the number of stray cats and unwanted kittens having to be euthanised during breeding periods.

Council aims to educate the community about the benefits of desexing their cat, and address issues associated with straying cats.

Cats can be a nuisance to surrounding neighbours and can also threaten native wildlife.

Under Section 31 of the *Companion Animals Act*, a cat is a nuisance if:

- It makes a persistent noise
- Repeatedly damages anything outside the property on which it is ordinarily kept.

Council recognises cats are more difficult to confine to a property than dogs. It is envisaged that each complaint will need to be examined on a case by case basis. A distinction also needs to be made between feral and domestic cats.

Cats are required to be identified and registered under the *Companion Animals Act*.

Note: under the terms of the legislation, there is no definition for a 'stray cat'.

Actions:

Council aims to improve cat management by:

- Community education on the importance of desexing cats and responsible pet ownership.
- Offer free micro-chipping of companion animals to all local residents.
- Seek funding from State Government and other agencies to sponsor discounted and/or free desexing programs for cats.
- Seek funding from State Government for targeted Feral Cat control programs.
- Educate cat owners of the benefits of keeping cats confined at night to protect both the cat and wildlife.
- Increase public awareness of the need to identify and register cats.

9. COMPANION ANIMAL SHELTER

The Shelter is located at the Airport west of the airport car park and opposite the Flying Doctors Hangar Car park.



9.1 Shelter open times

The Shelter will be open to the public for collection or drop off animals, or for general enquiries from Monday - Friday.

- The staffed hours from Monday to Friday will be 9.00am to 10am and 2pm to 3pm. Rangers will be available to serve the public outside these hours by appointment only.
- The contact number for the shelter is **0482 791 213**. Rangers may be unable to take calls during dog attacks and investigations but will return any missed calls as soon as possible. Please note that Rangers only respond to emergency situations over weekends and after hours.

Note: The public is always urged to contact Council on **0482 791 213** prior to attending the shelter to ensure the shelter is attended and open. The shelter may be closed during the above times if Rangers are called out to an emergency e.g. dog attack.

10. IMPLEMENTATION

10.1 Roles and Responsibilities

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

Manager Planning Development and Compliance

10.2 Communication

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

10.3 Associated Documents

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

Nil

11. REVIEW

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

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

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

12. LEGISLATIVE AND LEGAL FRAMEWORK

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

- *Companion Animals Act 1998*
- *Companion Animals Regulation 2018*

13. DEFINITIONS

Authorised officer means an employee of a local authority authorised by the local authority for the purpose of the *Companion Animals Act 1998* and the *Impounding Act 1993*.

Dangerous Dog: for the purposes of this Protocol a dog is a dangerous dog if it;

- has, without provocation, attacked or killed a person or animal (other than vermin),
- has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin).

Dog Attack is defined by Section 16 of the *Companion Animals Act 1998* when a dog rushes at, attack, bites, harasses or chases any person or animal (other than vermin) whether or not any injury is caused to the person or animal.

Menacing Dog: for the purposes of this Protocol a dog is menacing if it:

- has displayed unreasonable aggression towards a person or animal (other than vermin),
- has, without provocation, attacked a person or animal (other than vermin) but without causing serious injury or death.

Restricted Breed Dog: is a dog of the following breed:

- American pit bull terrier or pit bull terrier,
- Japanese tosa,
- dogo Argentino,
- Perro de Presa Canario or Presa Canario,
- fila Brasileiro,
- any other dog of a breed, kind or description whose importation into Australia is prohibited by or under the *Customs Act 1901* of the Commonwealth,
- any dog declared by an authorised officer of a council under Division 6 of this Part to be a restricted dog,
- any other dog of a breed, kind or description prescribed by the regulation

14. APPENDIX 1 - DAILY REGISTER OF IMPOUNDED ANIMALS

Imp No.	Date	Sex	Colour	Breed	Location	Microchip No.	Owner/address	Contact	How	Disp date	How

BHCC POUND ANIMAL RECORD CARD

IMPOUND NUMBER:		DATE:	
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COLOUR:		GENDER:	
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BREED:	
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MICROCHIP NUMBER:		LOCATION FOUND:	
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BHCC POUND ANIMAL RECORD CARD

IMPOUND NUMBER:		DATE:	
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COLOUR:		GENDER:	
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BREED:	
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MICROCHIP NUMBER:		LOCATION FOUND:	
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15. APPENDIX 2

PROTOCOL FOR THE INVESTIGATION OF DOG ATTACKS

1. Introduction

Council Protocol for the Investigation of dog attacks is called up under the Broken Hill City Council Companion Animals Management Plan.

2. Purpose

The purpose of this Protocol is to provide direction to Broken Hill City Council authorised officers on the investigation and management of dog attacks by creating a framework for determining the appropriate course of action, from warnings and education to prosecution, dangerous dog declarations and destruction orders.

3. Supporting Documentation

This Protocol is to be read in conjunction with:

- a) Broken Hill City Council Companion Animals Management Plan 2019.
- b) *Companion Animals Act 1998* and Regulation 2008.
- c) *Impounding Act 1993*
- d) Any relevant practice, codes or guideline applicable to the investigation and management of dog attacks.

4. Definitions

Authorised officer means an employee of a local authority authorised by the local authority for the purpose of the *Companion Animals Act 1998* and the *Impounding Act 1993*.

Dangerous Dog: for the purposes of this Protocol a dog is a dangerous dog if it;

- has, without provocation, attacked or killed a person or animal (other than vermin),
- has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin).

Dog Attack is defined by Section 16 of the *Companion Animals Act 1998* when a dog rushes at, attack, bites, harasses or chases any person or animal (other than vermin) whether any injury is caused to the person or animal.

Menacing Dog: for the purposes of this Protocol a dog is menacing if it:

- has displayed unreasonable aggression towards a person or animal (other than vermin),
- has, without provocation, attacked a person or animal (other than vermin) but without causing serious injury or death.

5. First Response

- 5.1 Upon notification of a dog attack proceed to location.
- 5.2 Upon arrival at the scene assess the situation.
- 5.3 Seize the dog and secure if possible.
- 5.4 Should the dog attack still be in progress attempt to stop the attack by seizing the dog if safe to do so.

- 5.1 If the attacking dog is still at large and is posing a threat to any person or animal and if any members of the public are present, instruct the public to leave the area immediately. If possible secure the dog by means of a dog pole and secure in the cage of the ranger vehicle.
- 5.2 If the attacking dog is still at large and is posing a threat to any person or animal and cannot be secured, the authorised officer shall take all reasonable actions to prevent injury to any person or animal from the actions of the dog.
- 5.3 Assess if anyone requires medical attention or first aid. Call an ambulance if required.
- 5.4 If the attack has ceased speak to the person who generated the call and or witnessed the attack and record the following:
 - Time, date and location of the attack
 - Details of the attack
 - Description of the dog, the owners name and address if known.
 - Names and contact details of the person who generated the call, any person who was attacked and any witnesses.
 - Obtain a signed written statement outlining the details of the attack from the complainant and any witnesses.
 - For a minor attack - If the owner of the dog is present at the scene, the animal may be returned provided the owner can demonstrate that animal will be secured.
 - Should the dog have left the scene attempt to locate and seize it.
 - Should the dog have left the scene attempt to locate the alleged owner on the information provided by the complainant or witnesses and undertake an investigation.
 - For a serious attack - If the owner of the dog is present at the scene advise him/her that the dog will be seized in accordance with section 18 of the *Companion Animals Act 1998* and will be impounded at the Broken Hill City Council pound, where it will be held during the course of the investigation. If the owner refused to surrender the dog inform him/her that the Police will be called to enforce the seizure of the dog.
 - When a seized animal is delivered to a council pound or approved premises, the person in charge of the pound or premises is to give notice of the seizure of the animal to the person who appears (from the best endeavours of the person in charge to establish who the owner is) to be the owner of the animal. Notice of seizure need not be given if those best endeavours fail to establish the name and address of the owner of the animal.

16. APPENDIX 3

PROTOCOL FOR THE DETERMINATION PROCESS TO DECLARE A DOG AS A DANGEROUS DOG, A MENACING DOG OR RESTRICTED BREED DOG

Introduction

The purpose of this Protocol is to establish a framework to evaluate the representations from the owners of dogs upon who an Intention to Declare has been served under Section 35 of the *Companion Animals Act 2008*.

This protocol is designed to enable authorised officers and the public to understand the process of declaring a dog as either a dangerous dog or a menacing dog in response to instances of unacceptable behaviour exhibited by individual dogs and addresses the potential of a dog to cause problems in the future.

When undertaking a determination whether to declare or not declare a dog as a dangerous or menacing dog, Council will always consider the importance of public safety and interest.

Unreasonable aggression: for the purposes of this protocol means the behaviour exhibited by an allegedly dangerous or menacing dog when judged by an authorised officer to be unreasonable in the circumstances. The authorised officer will consider whether an ordinary dog when placed in the same circumstances of the allegedly dangerous or menacing dog would have behaved in the same manner.

Legislation

Section 34 of the *Companion Animals Act 1998* permits an authorised officer of Council to declare a dog as dangerous or menacing dog if the authorised officer is satisfied that;

- the dog is dangerous, or the dog has been declared a dangerous dog under a law of another State or a Territory that corresponds with this Act.
- the dog is menacing, or the dog has been declared a menacing dog under a law of another State or a Territory that corresponds with this Act.
- A declaration can be made on the officer's own initiative or on the written application of a police officer or any other person.

Section 37 of the *Companion Animals Act 1998* requires that an authorised officer must consider any objections from the owner of the dog to the proposed declaration;

- (1) The owner has seven days after the date the notice is given in which to object to the proposed declaration.
- (2) If the owner does not object within that time, the authorised officer can proceed to make the declaration after the seven days have passed.
- (3) If the owner does object within that time, the authorised officer must first consider the objection before proceeding to make the declaration.
- (4) A reference in this section to the authorised officer is a reference to any authorised officer of the council and is not limited to the authorised officer who gave the notice.

Declaration Process Dangerous or Menacing

1. The authorised officer of Council makes a decision to declare a dog as a dangerous dog or a menacing dog and serves upon the owner of the dog an Intention to Declare Notice stating that it is Council's intention to declare the dog as either a dangerous dog or a menacing dog.

2. The owner of a dog who has been served with an Intention to Declare Notice may either make a written submission to Council or make direct representations to the Manager Planning Development and Compliance, as to why the proposed declaration should not be made. Any submission or representation must be received by Council or occur within seven days of date that the Intention to Declare Notice.
3. Before making a dangerous or menacing dog declaration, authorised officers must consult with the Manager of Planning Development and Compliance and consider all representations made by the owner within the seven day period after they have received the Intention to Declare Notice.
4. Should no appeal be made by the owner to Council following the issue a of Intention to Declare Notice a dog to be dangerous or menacing, the authorised officer will declare the dog as a dangerous dog or a menacing dog under the meaning of the *Companion Animals Act 1998* and advise the owner within seven days.
5. Should the dog be declared a dangerous dog following an appeal against such a declaration, Council will provide advice to the owner of the dog that a court may revoke a dangerous dog declaration if it considers the action was inappropriate in the particular circumstances of the case (Dangerous dog only, does not include Menacing Dog).

Assessment Factors

When considering declaring a dog as either a dangerous dog or a menacing dog, the authorised officer will exercise discretion in the application of the dangerous and menacing dog declaration provisions to suit the individual circumstances of incident which they are responding to. The dominant factor is the public interest and the safety of the community.

Factors that will be taken into consideration when considering representations against the declaration will include;

The harm or potential harm to the public that may be caused if a declaration is not made.

- Any mitigating or aggravating circumstances.
- The prevalence of public risk circumstances and the need for deterrence.
- An objective assessment of the aggressive behaviour displayed by the dog. In other words, an authorised officer will consider whether an ordinary dog placed in the same circumstances of the allegedly dangerous or menacing dog would have behaved in such a manner.
- Whether the dog may have come to the attention of an authorised officer because it has displayed unreasonable aggression towards a person or animal – to the extent that it causes fear or apprehension of an attack.
- The application of a dangerous or menacing dog declaration by an authorised officer will be informed by the level of unreasonable aggression displayed by the dog. For example, it may be appropriate to issue a menacing dog declaration on a dog which has had a once-off display of unreasonable aggression. However, in the case of the dog that repeatedly displays unreasonable aggression, or shows a more serious level of unreasonable aggression, it may be more appropriate to issue a dangerous dog declaration.

A key principle of Council's determination is that the declaration will not be made for improper reasons, such as:

- Any elements of discrimination against the owner of the dog on any grounds including race, nationality, or political or community associations.
- Personal empathy or antipathy towards the owner of the dog.
- Personal empathy or antipathy towards the person subject to an alleged attack.
- The political or other affiliations of the authorised officer responsible for making the decision.

When assessing a proposed declaration, the authorised officer will take into consideration the following:

- Has the dog come to the attention of the officer because it has displayed unreasonable aggression towards a person or animal, to the extent that it has caused the death of an animal or fear or apprehension of an attack to a person or animal.
- Are there mitigating circumstances whereby the dog may only behave aggressively when guarding their owner's home or business.
- The level of unreasonable aggression displayed by the dog will be used to determine the appropriate response, i.e. no action, declaration of menacing dog or declaration of dangerous dog. For example, did the dog cause actual harm, was this a once off display, is the dog displaying escalating behaviour of unreasonable aggression.
- The strength of any evidence of the unreasonable aggression exhibited by the dog, including physical evidence, witness statements, videos, photos etc.
- The objections submitted or representations made by the dog owner. Any submission or representation is to include:
 - 1) Reasons why the declaration should not be made. This must be supported by evidence that the dog was either not responsible for the exhibition of unreasonable aggression or that there were mitigating circumstances.
 - 2) Any action that will prevent the dog displaying unreasonable behaviour in the future. This could include behavioural correctional training, de-sexing or the construction of a suitable enclosure.
 - 3) Any compensation provided by the owner of the dog to the person subject to a display of unreasonable aggression by the dog.

The authorised officer may require the owner of the dog to provide an animal behavioural assessment from an animal behaviour specialist or other qualified professional to support their representations. In such instances Council will require that the statement from an accredited animal behavioural specialist certifying that in their opinion the dog has received appropriate behavioural training resulting in the correction of the dog's aggressive and dangerous behaviour and outlining the nature and extent of the training that the dog has undergone to achieve this.

Declaration Process for Restricted Breed Dogs

If in the opinion of an Authorised Officer that a dog is a restricted breed dog, a Notice of Intent to declare the dog a Restricted Breed Dog may be issued to the owner of the dog.

The owner of the dog may have a breed assessment. If the animal is assessed to be a Restricted Breed or class of restricted breed dog, they may then choose to have a temperament assessment carried out on the dog. If the dog passes either of the assessments, the dog's owner shall be notified that the dog will not be declared a Restricted Breed Dog.

If the dog fails the assessments, the dog is to be declared a Restricted Breed Dog

The dog's owner has 28 days from the date of the Notice to arrange for assessments to be done. An authorised officer may extend this period in reasonable circumstances.

17. APPENDIX 4

PROTOCOL FOR THE ASSESSMENT OF APPLICATIONS TO REVOKE A DANGEROUS DOG OR MENACING DOG DELARATION

Introduction

The purpose of this Protocol is to establish a framework to enable Council to consider applications to revoke dangerous or menacing dog declarations.

Legislation

Section 39 of the *Companion Animals Act 1998* permits a Council to revoke a dangerous or menacing dog declaration.

Minimum term of declaration before application can be made

An application to revoke a dangerous or menacing dog declaration cannot be made until after the period of 12 months following the date on which the dog was declared to be a dangerous dog or a menacing dog.

Applications to Revoke a dangerous or menacing dog declaration to address following criteria.

The application must contain the following:

1. A statement as to why the declaration should be revoked.
2. A statement from an accredited animal behavioral specialist certifying that in their opinion the dog has received appropriate behavioral training resulting in the correction of the dog's aggressive and dangerous behavior and outlining the nature and extent of the training that the dog has undergone to achieve this.

Council to Make Decision

A dangerous or menacing dog declaration can only be revoked by the Manager Planning Development and Compliance.

Any application to revoke a dangerous or menacing dog declaration will be submitted to the Manager Planning Development and Compliance for determination.

The Manager Planning Development and Compliance resolution to approve or to refuse to revoke a dangerous or menacing dog declaration will be final.

Consideration Process

Council must be satisfied that it is appropriate to revoke a dangerous or menacing dog declaration before doing so. Council is to take into consideration the following:

- a) the circumstances under which the dangerous or menacing dog declaration was issued.
- b) the dog's current circumstances and behaviour in relation to the original declaration, including any behaviour modification training that may have been undertaken.
- c) any behavioral assessment obtained by the owner from an animal behaviour specialist.
- d) report from the Council's Ranger.

Informing Dog Owner of Resolution

Council will, as soon as practicable, inform the owner of the dog that the declaration has been revoked or that council has refused to revoke it.

Notification of Council Resolution

Councils must notify the Chief Executive, Local Government within seven days of revoking a dangerous or menacing dog declaration. This notification can be done by recording the details of the revocation on the Register using the 'Dangerous dog declaration process' or 'Menacing dog declaration process'.

18. APPENDIX 5**PROTOCOL FOR THE ASSESSMENT OF AN APPLICATION TO REVOKE A RESTRICTED DOG DECLARATION****Introduction**

The purpose of this Protocol is to establish a framework to enable Council to consider applications to revoke restricted dog declarations.

Applications to Revoke a Restricted Dog Declaration.

The application must contain the following;

1. A statement as to why the declaration should be revoked.
2. A statement from an accredited dog breed assessor that the dog is not a restricted dog. or
3. If the dog is a restricted breed dog, a temperament assessor that the dog is not a danger to the public and is not likely, without provocation, to attack or bite any person or animal.

Council to Make Decision

Any application to revoke a restricted dog declaration will be submitted to the Manager Planning Development and Compliance for determination. A Restricted dog declaration can only be revoked by the Manager Planning Development and Compliance.

The Manager Planning Development and Compliance resolution to approve or to refuse to revoke a restricted dog declaration will be final.

Consideration Process

Council must be satisfied that it is appropriate to revoke a restricted dog declaration. Before doing so. Council is to take into consideration the following:

- a) the circumstances under which the restricted dog declaration was issued.
- b) details of the dog's original breed assessment.
- c) Details as to why this assessment has been changed.
- d) report from the Council's Ranger.

Informing Dog Owner of Decision

Council must, as soon as practicable, inform the owner of the dog that the declaration has been revoked or that council has refused to revoke it.

Notification of Council Decision

A revocation can only be processed on the Companion Animals Register by an authorised officer of the Division.



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ORDINARY MEETING OF THE COUNCIL

March 8, 2021

ITEM 7BROKEN HILL CITY COUNCIL REPORT NO. 34/21

SUBJECT: UPDATE ON CONSTRUCTION CERTIFICATE PROCESSING
11/514

Recommendation

1. That Broken Hill City Council Report No. 34/21 dated March 8, 2021, be received.

Executive Summary:

At the February 2021 Council Meeting, when considering a report on the 2020-21 Delivery Program – Key Performance Indicators for Period ending 31 December 2020 it was resolved in part:

That a report be prepared for Council regarding the backlog of Construction Certificates and the impact that this has had on Council and the community.

This report provides that information.

Report:**Regulatory framework**

Broken Hill City Council is the principle regulatory body in relation to development within the Local Government Area.

The specifications and detailed plans for building works (other than very minor development) need to be approved through a Construction Certificate or Complying Development Certificate that is issued by either the Council or Registered Certifier (a private Building Surveyor). The regulations specify the stages where subsequent building inspections are required to ensure acceptable standards of building work.

In NSW, only people who hold the relevant class of registration can perform certification work. Where a Council carries out certification work, the individuals doing that work on its behalf must hold the appropriate class of registration. The Registration scheme is based on a hierarchy with classes corresponding to the complexity of building work.

With the majority of work at Broken Hill being in residential and ancillary structures, Class 3 certifiers would be sufficient however a Class 1 or 2 could also support major commercial, industrial and extractive projects.

Regional certifiers

The Council's organisational structure includes the positions of Senior Building Surveyor (Classes 1-2) and Building Surveyor (Class 3).

There are no private building certifiers with permanent offices in Broken Hill, likely reflecting the level of construction activity and isolation. The closest private certifiers are based in the Mildura/Wentworth region, which would involve significant travel for site assessments and construction inspections.

Maintaining Council's Certification Service

Over the last nine months there have been significant issues due to the loss of key staff and difficulties in recruitment.

The previous Manager who had provided assistance, left the organisation in May 2020 for another position. Recruitment was challenging with the position not filled in a permanent capacity until March 2021.

This coincided with the Senior Building Surveyor suffering ill health from February 2020 and following a period of leave passing away in November 2020.

Recruitment efforts for a temporary Building Surveyor commenced in May 2020 and extending over several months with advertisements for either a Senior Building Surveyor or Building Surveyor position. Due to several factors that included the impacts of COVID-19 and a national shortage of building surveyors a candidate was not identified.

Further pressure on the certifier market has followed the government's COVID-19 'recovery scheme' that seeks to boost construction across NSW and support the building industry through to July 2021.

A further recruitment effort for a Council certifier was commenced in early 2021. This included general advertising and direct correspondence to a significant number of registered certifiers. While the response was limited staff are pursuing several applicants.

Consultant support

With the difficulties in staff recruitment, efforts have been made to attract contract certifier support since June 2020.

The outcomes have been mixed with a certifier successfully working from June-August 2020. This was followed by a limited response from the commercial market before a part-time arrangement commenced in February 2021 with a regional certifier – who holds unrestricted registration (able to assess all classes of buildings). The current arrangement is working well at both the officer level and with applicants.

A more formal arrangement is currently being investigated that can provide improved certainty.

Construction Certificate applications

The limited staff/consultant resources have resulted in longer assessment times. It is a situation that officers recognise as being unsatisfactory.

As of 17 March 2021, there are 63 outstanding Construction Certificate applications (compared to 70 in February) at various stages of assessment. Some are awaiting additional information to be provided by applicants, while others are being assessed in chronological order. This is inevitably leading to some construction projects being stalled.

Approaches to work with applicants and the industry

Efforts have been made to communicate with applicants, including advice on alternate private certifiers.

With the recent commencement of the new Manager there is an opportunity to provide increased internal support to officers/consultants, including administration.

Initiatives are to extend across more reliable application reporting, use of 'stop the clock' to monitor where additional information is anticipated, correspondence to applicants on status/timelines for determinations, expedited packaging of certificates and encouraging pre-application meetings.

Conclusion

The need to overcome delays in the provision of construction certificates is recognised and the impacts on the local community and investors.

The situation reflects a number of compounding factors across the loss of staff, challenges of recruitment exacerbated by COVID-19, limited pool of qualified certifiers nationally and government efforts to grow the economy through development investment.

There is optimism that the consultant support achieved in February can be increased and better integrated with internal resources, and some genuine interest in the vacant building surveyor role.

In addition, there is a commitment to better support construction certificate applicants during the interim period.

Community Engagement:

Council officers are communicating with applicants on predicted timelines and have engaged in several media interviews to inform the community on the issues Council officers are facing.

Strategic Direction:

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

Relevant Legislation:

- *Environmental Planning and Assessment Act 1979 (EP&A Act)*
- *Building and Development Certifiers Act 2018 (B&DD Act)*

Financial Implications:

Council resolved at the February 2021 meeting to approve the December Quarterly Budget Review that included an additional \$50,000 to employ a contract building surveyor to assist in reducing the backlog in Construction Certificate approvals.

Attachments

There are no attachments for this report.

PAUL BAWDEN
MANAGER CITY DEVELOPMENT, PLANNING AND COMPLIANCE

JAY NANKIVELL
ACTING GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

February 19, 2021

ITEM 8BROKEN HILL CITY COUNCIL REPORT NO. 35/21

SUBJECT: COUNCIL REAPPOINTMENT AS MANAGER OF THE WILLYAMA COMMON TRUST 11/63

Recommendation

1. That Broken Hill City Council Report No. 35/21 dated February 19, 2021, be received.
2. That Council notify the Minister administering the *Commons Management Act 1989* that Council wishes to be reappointed as Trust Manager of the Willyama Common, for a further three-year term.

Executive Summary:

Council currently acts as Trust Manager of the Willyama Common (area illustrated on the following aerial photograph). Council's current term as Trust Manager expires on 9 April 2021. Crown Lands have contacted Council requesting confirmation that Council wishes to be reappointed as Manager of the Willyama Common Trust. The term will be a further three years, and a Council resolution is required to notify the Minister that Council is seeking reappointment as Trust Manager.

Report:

Broken Hill City Council has long acted as Trust Manager of the Willyama Common under the *Commons Management Act 1989*. Council manages the Common in accordance with the adopted Willyama Common Management Plan.

Council's current term as Trust Manager is due to expire on 9 April 2021. Crown Lands have contacted Council requesting confirmation that Council wishes to be reappointed as Trust Manager. As Council has an adopted Willyama Common Management Plan, and a number of ongoing leases and licences over the Willyama Common, it is recommended that Council seek reappointment for a further term of three years.

As making a notification to the Minister is a non-delegable function under the *Local Government Act 1993*, a Council resolution is required for this purpose. Crown Lands will then gazette Council's reappointment as Trust Manager, with the next term to expire in 2024.



Image 1. Map of the Willyama Common (highlighted in orange).

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:

Commons Management Act 1989

Financial Implications:

Nil.

Attachments

There are no attachments for this report.

PAUL BAWDEN
MANAGER CITY DEVELOPMENT, PLANNING AND COMPLIANCE

JAY NANKIVELL
ACTING GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

March 17, 2021

ITEM 9**BROKEN HILL CITY COUNCIL REPORT NO. 36/21**

SUBJECT: **DEVELOPMENT APPLICATION 155/2020 - FOUR NEW DWELLINGS - 480 CUMMINS STREET, BROKEN HILL 155/2020** **DA**

Recommendation

1. That Broken Hill City Council Report No. 36/21 dated March 17, 2021, be received.
2. That Development Application 155/2020 for the construction of four new dwellings at 480 Cummins Street be approved subject to the attached conditions.

Executive Summary:

A Development Application (DA) has been received to construct four new two-bedroom detached dwelling houses on a vacant lot at 480 Cummins Street, Broken Hill. The DA is an application for Crown development, with the applicant Kawai Yeung lodging the DA on behalf of the Aboriginal Housing Office.

The application is considered 'Crown development' under Section 4.33 of the *Environmental Planning and Assessment Act 1979*. Section 4.33 states the consent authority (in this case Council) cannot refuse an application for Crown development, without consent of the Minister.

Council also cannot impose any conditions unless agreed upon by the applicant or the Minister. The applicant has agreed to the attached conditions.

The DA is being referred to Council for approval due to the fact that six objections were received from neighbours. The objections have been addressed in the report below.

As the DA is Crown development and complies with the relevant planning controls, it is recommended that Council approve DA 155/2020 subject to the agreed upon conditions.

Report:**THE PROPOSAL**

The proposed development consists of four (4) new two-bedroom, single storey detached dwelling houses on the land at 480 Cummins Street.

The front two houses facing Cummins Street will share one driveway accessed from Cummins Street, while the rear two houses will share another driveway accessed from Cummins Lane. Each dwelling unit will also include a single garage and a car port. It is not proposed to subdivide the lot for this development.

The material palette of the proposed development will be simple and kept in line with surrounding development, and comprise mainly of masonry/face brick walls, corrugated colorbond metal roofing, and aluminium or composite timber batten front and rear fence, as well as lapped timber fence on the side boundaries.

The site is currently a vacant lot, with access to both Cummins Lane and Cummins Street. The aerial view of the existing lot, along with the proposed site plan and elevations can be found below.



Image 1. Aerial view of the existing site at 480 Cummins Street (NSW SIX Maps)

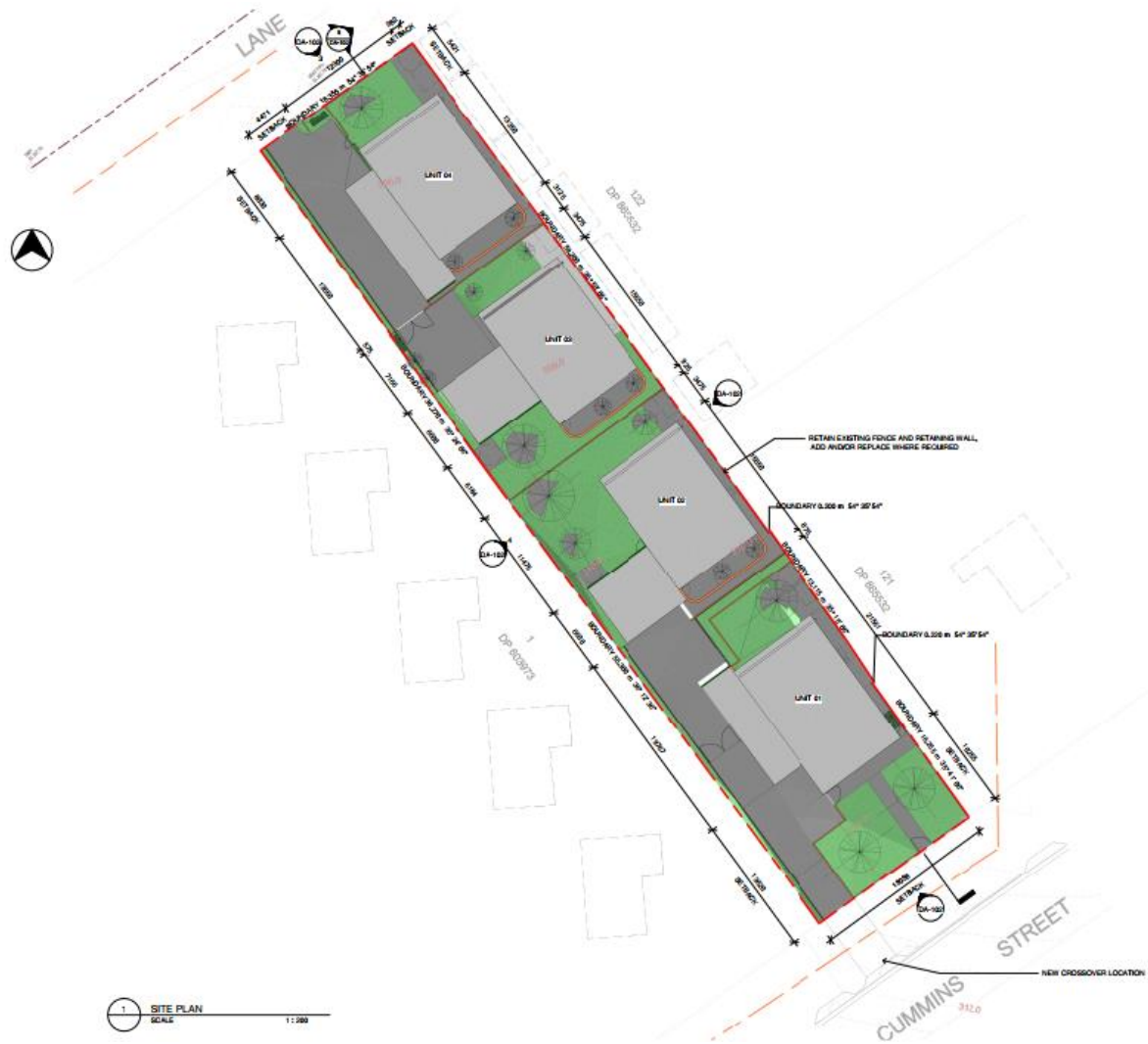


Image 2. Proposed site plan.



2 SOUTH EAST ELEVATION - CUMMINS STREET
DA-101 SCALE 1 : 200

Image 3. Proposed south east elevations (from Cummins Street)

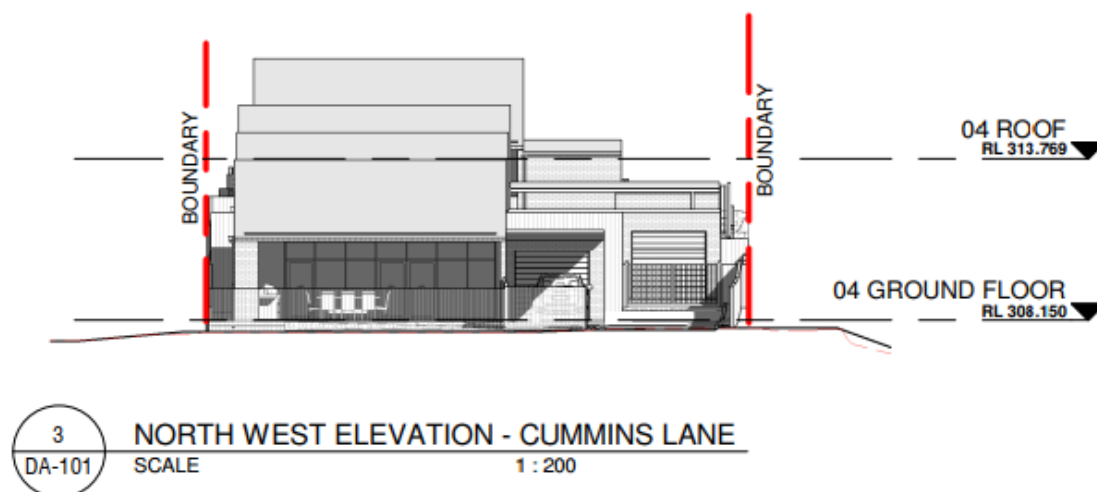


Image 4. Proposed north west elevations (from Cummins Lane)

CONSIDERATIONS UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

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

Section 4.15(a) (i) The provisions of any environmental planning instrument

Broken Hill Local Environmental Plan 2013 (LEP)

Aims of the Plan

The aims of the LEP are:

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

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

Zone Objectives

480 Cummins Street is zoned R1 General Residential, with the objectives of this zone being:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal is consistent with the objectives of R1 General Residential and permitted with consent under the Broken Hill LEP.

Clause 6.2 - Essential Services

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

The property at 480 Cummins Street is not a heritage item or within a heritage conservation area.

The application is considered Crown development and was not lodged under the provisions of any particular State Environmental Planning Policy (SEPP).

(a) (ii) Any proposed Instruments

Not Applicable.

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

Broken Hill Development Control Plan 2016

The applicant has provided detail in the Statement of Environmental Effects as to how the proposal complies with the relevant provisions of the DCP. The main provisions of the DCP relevant to this proposal are noted below.

3.2.4 Multi dwelling housing and residential flat buildings

The DCP design guidance notes that new buildings should create a well-proportioned building form, compatible with the character of neighbouring buildings. The applicant has provided the attached Design Verification Statement which outlines how the proposal complies with this design guidance.

The proposal also meets the landscaping requirements of the DCP, with the proposed landscaping to be simple and low maintenance.

Adequate provision has been made for the control, collection and disposal of stormwater, with the applicant providing a Stormwater Management Plan, prepared by Stellen Civil and Structural Engineering.

The proposed dwellings have been designed to maintain visual privacy and reduce noise, with recessed alfresco areas and full height side walls.

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

Not applicable.

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

Not applicable.

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

The site is residential vacant land with no significant vegetation, so there will be no significant impact on the natural environment. The applicant has also supplied a BASIX certificate to demonstrate compliance with the NSW Government's sustainability requirements.

There is currently no existing building on the site, so there will be no changes to any existing built environment.

In relation to economic impact, there are often fears that a new development may impact on property values of surrounding properties. Reference is made to *Alphatex Australia v The Hills Shire Council (No 2) [2009]* where it was noted "I pay no regard to the fears about loss of property values as, consistent with the position long taken in the Court, this is not a relevant planning consideration".

In relation to the social impact, the applicant has provided some information on behalf of the Aboriginal Housing Office (AHO) regarding the justification for the development. Relevant comments provided by the applicant include:

"The AHO recognises that the home is a vital tool to help unlock opportunities and break the cycle of disadvantage. New AHO homes are therefore located in areas that offer tenants good access to education, employment and key support services. New AHO homes are built away from areas of existing high social housing concentration and are designed to integrate positively into the streetscape and be indistinguishable from housing in the private market.

The site at 480 Cummins Street meets the AHO's location criteria for new housing construction and is considered highly suitable for Aboriginal social housing development.

AHO investment in new housing supply is informed by the AHO's Demand and Supply Model. The model forecasts Aboriginal housing demand over the period to 2031 and beyond and allows evidence-based decision making to support strategic portfolio growth. Broken Hill is identified as having high and growing demand for Aboriginal housing. The town is also recognised as a major employment and services hub for Far Western NSW. These combined factors make Broken Hill a priority for investment in new AHO housing supply.

An assessment of the demand data, waitlist numbers and required bedroom categories in the Broken Hill Allocation Zone informed the type and size of housing proposed. Almost 50% of the housing need in Broken Hill is for smaller, 1 & 2-bed units. Demographic trends in the NSW Aboriginal population are also showing significant growth in small families and single person households. With a recent AHO Asset Portfolio Review identifying a shortfall in smaller homes within the AHO housing

portfolio there is growing misalignment between Aboriginal housing demand and the shape of the AHO housing portfolio. This misalignment risks increased rates of both under occupancy and overcrowding if tenants are inappropriately housed. The construction of 4 x 2-bed homes will therefore support current and projected housing demand in Broken Hill and help address a key issue with the current AHO portfolio”

The demonstrated need for suitable Aboriginal social housing has been considered in the assessment process. The provision of an in-demand type of housing will not have a detrimental social impact on the Broken Hill community. The block has also been vacant for a number of years, and the development of residential housing in a residential area will not have a detrimental social impact.

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

The site is vacant land with an area of 1735 square metres, in an area zoned R1 General Residential. The site is long and narrow with access to both Cummins Street and Cummins Lane.

The neighbouring properties are all of residential use. There are other nearby multi-dwelling units in the area. The property at 478 Cummins Street has 5 units and is immediately adjacent to the proposed site, and 471 Wyman Street has 4 units and is on the opposite site of Cummins Lane to the site.

The site is within proximity to health and education services and is of walking distance to nearby bus stops.

As the site is a large block of vacant land in a residential area, with access to both Cummins Street and Cummins Lane, the site is suitable for the proposed four dwellings.

The site is not bushfire prone land and is not subject to any known risks that would prevent the development from being approved.

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

Neighbour notification was conducted in accordance with Council’s Community Engagement Strategy, with the surrounding neighbours notified of the proposal with a three-week period for submissions.

During this period, six objections were received from neighbours. The main grounds for objections are summarised as follows:

1. Some inaccuracies and omissions in the original documents submitted i.e. incorrect labelling on the elevations plan, the Statement of Environment Effects (SEE) not addressing the requirement for essential service, and some references to incorrect addresses in the SEE and the Stormwater Management Plan.
2. Objections regarding the suitability of the site for the development, compared to a location closer to the Central Business District.
3. The design and appearance of the buildings is not consistent with the neighbourhood, with some objections stating this will have a negative visual impact on the neighbourhood.
4. Concerns regarding an increase in density of the neighbourhood.

5. Concerns regarding an increase in noise levels as a result of the higher density.
6. It was noted that the application did not address the NSW Government's Low-Rise Housing Diversity Design Guide, and no Design Verification Statement was provided.
7. Concerns that the proposed development would increase residential rates in the area.
8. Concerns regarding the potential for further disposal of stormwater into Cummins Lane.

A request for further information was then sent to the applicant, requesting the applicant to address these submissions. The matters were addressed as follows:

1. The applicant provided an amended SEE, amended elevations plan, and an amended stormwater plan for the proposal. The amended SEE also confirmed that the essential services are available.
2. The applicant responded advising that the property is only one of two blocks of vacant land owned by the Aboriginal Housing Office (AHO) in Broken Hill. The AHO purchased this block due to the quiet residential location and positive neighbourhood reputation, and the area is zoned for residential development. The applicant has also advised of the site's suitability due to the proximity to health, education, and bus services.
3. The applicant is of the view that the existing dwellings in the area demonstrate a mix of styles of architecture. The applicant has provided a Design Verification Statement which justifies the design choices, comparing the facades, setbacks, and fenestration to the surrounding dwellings and units. The proposal also includes landscaping to add greenery to the neighbourhood.
4. The proposed density is permissible within the R1 General Residential zoning of the Broken Hill LEP. The block is relatively large, with access to both Cummins Street and Cummins Lane. The applicant has noted that four two-bedroom dwellings on a block this size is appropriate. There are nearby residential multi-dwelling developments. The adjoining property at 478 Cummins Street accommodates five dwellings, adjacent to the proposed site and the block is of an identical size. 471 Wyman Street is also nearby with four dwellings on the site. Precedent has therefore been established for a multi-dwelling development, and the proposed density is both appropriate and permissible for a block this size in a residential area.
5. As mentioned above, the applicant has noted that the proposed density is consistent with the neighbouring area for a block this size, and permissible under the relevant planning controls. In terms of further concerns regarding noise, the applicant has advised that the homes are designed to reduce noise impacts, with recessed alfresco areas, an integrated roof and full height side walls around the alfresco areas, directing sound away from neighbouring properties. The applicant has noted that the target tenants for the homes are individuals from the Aboriginal community who require access to health facilities and/or job opportunities, or single parents with a child requiring access to education. The applicant has advised that despite the potential for 16 occupants across the whole development, it is more likely that each unit will have an average of two occupants.
6. The applicant has provided further information addressing how the proposal complies with the NSW Government's Low-Rise Housing Diversity Design Guide. This guide is a best practice guide, and a tool that Councils can use when assessing DAs. The applicant has since confirmed that the development meets the relevant objectives of

the Guide, and that design considerations in the Broken Hill LEP and DCP have been thoroughly noted in the SEE. While a Design Verification Statement is not mandatory in this case, the applicant has since provided one to address the design choices. The Design Verification Statement is attached to this report.

7. The impact on residential rates is not a relevant planning consideration, however it is noted that the assumption that the development will impact residential rates is incorrect.
8. The Stormwater Management Plan has been prepared in accordance with the requirements of Council's Development Control Plan. The proposed development also includes 4 x 6,500 litre rainwater tanks to capture stormwater.

Consideration has been given to the submissions from neighbours, however the amended and additional information provided by the applicant addresses these concerns.

The proposal is overall compliant with the relevant planning controls, and the site is suitable for the development.

Section 4.15 (e) Public interest

The proposed development complies with the objectives of the R1 General Residential zone, to provide a diverse range of housing types and densities in this zone. The applicant has advised in the amended SEE that Broken Hill has been identified as having a high and growing demand for Aboriginal Housing, and the town is a major employment and services hub in Far West NSW. The applicant has also noted that there is an increase in demand for smaller 1-2 bedroom Aboriginal housing developments, and this development would be consistent with the demand. Given the demand for this style of housing, and overall suitability and permissibility of the site for the proposed development, the proposal is considered to be in the public interest.

CONCLUSION

The DA has been assessed against the relevant requirements of the *Environmental Planning & Assessment Act 1979*. During the assessment process, the applicant has provided further information to assist Council with the assessment and address concerns raised in the objections from neighbours. As the proposal complies with the relevant planning controls, it is recommended that Council approve DA 155/2020, subject to the conditions agreed upon by the applicant. It is noted that as the development is Crown development under Section 4.33 of the *Environmental Planning & Assessment Act*, Council cannot impose conditions without the consent of the applicant or Minister. Section 4.33 also advises that Council cannot refuse the DA without the consent of the Minister.

Community Engagement:

Neighbour notification was conducted in accordance with Council's Community Engagement Strategy. Six objections were received from neighbours, with these objections addressed in the report.

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:

Environmental Planning & Assessment Act 1979.

Financial Implications:

Refusal of a Development Application lodged by the Crown may result in associated legal costs.

Attachments

1. [↓](#) Design Verification Statement
2. [↓](#) Proposed Conditions of Consent

PAUL BAWDEN
MANAGER CITY DEVELOPMENT, PLANNING AND COMPLIANCE

JAY NANKIVELL
ACTING GENERAL MANAGER

Design Verification Statement

480 Cummins Street, Broken Hill, NSW

05.03.2021

Project and Address: 480 Cummins Street, Broken Hill, NSW

Applicant Name and Address: Kawai Yeung
Kaunitz Yeung Architecture
85 William Street, Darlinghurst NSW 2010,
On behalf of the Aboriginal Housing Office (AHO)

Architects Name and Registration No: Kawai Yeung 7763 NSW

Development Application (DA) No: 155/2020
Development Type: Multi Dwelling Housing development (as categorised by
the Council)

Subdivision Type: No Subdivision

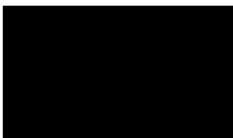
This design verification has been written in response to Broken Hill Council's Request for More Information dated 15 February 2021 and sent 17 February 2021. The Council requested a Design Verification Statement as outlined in the 'Low-Rise Housing Diversity Design Guide' be provided to support the Development Application.

While the Council clarified and acknowledged that there is no mandatory requirement for a Design Verification Statement, we are providing one to assist the Council.

For detailed information on how the proposal has complied with the relevant LEP and DCP, please also refer to the Statement of Environmental Effects (SEE).

I confirm that I was responsible for designing the development, and that the development is consistent with the relevant Design Objectives in the Low-Rise Housing Diversity Design Guide.

Yours sincerely,



Kawai Yeung

Local Character and Context:

Local Character

The proposed site, 480 Cummins Street is zoned R1 for general residential use and is permissible for multi-dwelling development. It is accessible from both Cummins Street and Cummins Lane. Surrounding blocks also zoned the same.



Figure 1.1 – Aerial photo of the site showing near-by multi-unit developments, public school and bus stop.

There is a number of multi-unit developments in the immediate vicinity, and therefore precedent has been established for multi-dwelling development:

1. 478 Cummins Street with 5 units, immediately adjacent to the proposed site.
2. 471 Wyman Street with 4 units, on the opposite side of Cummins Lane to the site.

Other nearby multi-dwelling developments include:

3. 477 Wyman Street with 3 units.
4. 506 Cummins Lane with 4 units.

The site at 480 Cummins Street will provide future residents with proximity to health and education opportunities, and is within walking distance from a number of services as follows:

- 270m to Morgan Street Public School

- 350m walking distance from Cummins Ln to bus stop 288059 at Wyman St at Iodide St which could take the resident to and from the CBD – Bus service 592 & 592A
- 450m walking distance from Cummins Street to bus stop 288059 at Wyman St at Iodide St which could take the resident to and from the CBD – Bus service 592 & 592A
- 750m to Broken Hill Regional Aquatic Centre
- 1.1km to Broken Hill Hospital



Figure 1.2 – Cadastre map showing majority of the lots within the same block are accessible from only one side – either Cummins Street or Cummins Lane. Our proposed design follows this pattern, thus allowing more green spaces in the middle of the lot at the end of the driveways.

Neighbourhood Scale & Streetscape

Existing Character

In the immediate vicinity to the proposed development there are two multi-unit residential developments.

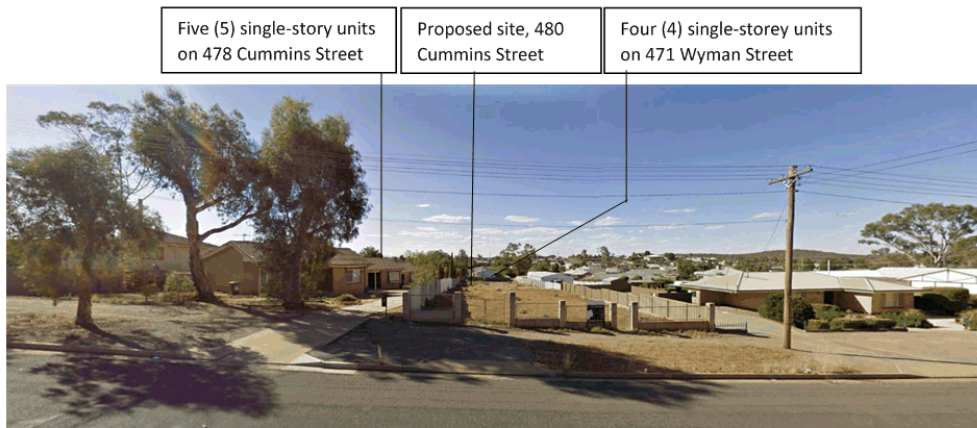


Figure 2 – Cummins Street street scape view showing multi-unit developments in the immediate vicinity to the site.



Figure 3 – 478 Cummins Street adjacent to proposed site viewed from Cummins Street.



Figure 4 – 478 Cummins Street adjacent to proposed site viewed from Cummins Lane.

478 Cummins Street adjacent to the site contains 5 detached dwelling units. The dwellings are constructed of face masonry walls and tiled roofs, and feature double carports at the rear and verandahs at the entry. Each carports are accessible via a driveway within the lot.



Figure 5 – 471 Wyman Street with 4 units behind the proposed site, viewed from Cummins Lane.



Figure 6 – 471 Wyman Street with 4 units behind the proposed site, viewed from Wyman Street.

471 Wyman Street on the opposite side of Cummins Lane to the proposed site contains 4 detached dwelling units. There is a driveway within the lot for vehicular access. The dwellings are constructed of weatherboard walls and metal roof, featuring full length verandahs facing the driveway and the backyards. The main street facades do not contain any fenestration, limiting opportunity for passive surveillance.

Other developments near the proposed site include:

474 Cummins Street, two lots south-east of the site is accessible only from Cummins St with no rear lane access, similar to majority of the lots on the same block. It is built of face masonry walls with a prominent metal roof. Its ground is also significantly raised, giving it a one and a half storey appearance. Similar to 478 Cummins Street it has a simple residential fenestration arrangement, with a central door and windows on either side.



Figure 7 – 474 and 478 Cummins Street south-west of the site showing simple fenestration arrangement of a central door with windows on either side.

482 Cummins Street, north-east of the site, is a double width lot featuring two driveways, and mostly hard impervious ground surfaces with little soft landscaped areas. The dwelling features metal roof and face masonry walls. It also has a carport/ verandah at the front, and simple fenestration arrangement with a central door and windows on either side.



Figure 8 – 482 Cummins Street north-east of the site.

To the opposite side of the site on Cummins Street are mostly two-storey dwellings of large area, bulk and massing. Often they feature multiple garage doors and wide driveways dominating the

streetscape with little green ground cover. They are mostly of face masonry and tiled roof construction.



Figure 9 – 479, 481 and 483 Cummins Street - two-storey dwellings opposite to the proposed site with prominent bulk, multiple garage doors and wide driveways dominating the streetscape.

On Cummins Lane north east to the site is a double width lot 473 Cummins Lane. Six metal sheds are built very close to the common fence to the proposed site.



Figure 10 – 473 Cummins Lane north east to the site.

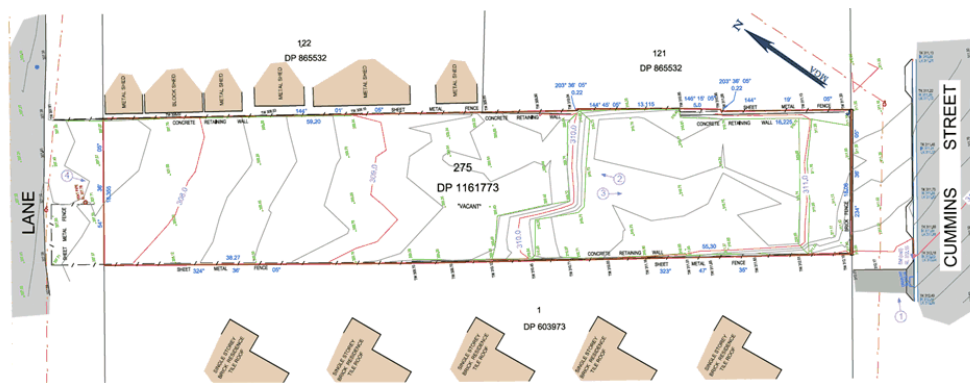


Figure 11 – Survey showing proposed site, adjacent developments and existing services.

The existing buildings surrounding the site show very different massing, styles of architecture, varying degree of responsiveness to local climate and environment, and differing approaches in addressing the streetscape, as demonstrated in Figures 3-10. A majority of them would have non-compliances with the objectives of the current Low-Rise Housing Diversity Design Guide. To ensure our development complies with the Design Guide, while still relating to existing local characters, the proposed development has noted the following local characteristics that would not violate good principles recommended in the design guide, and incorporated these into the proposed design:

- **Scale and built form.** The neighbourhood consists of single, one and a half storey, and double storey dwellings. Our proposed development consists of single-storey dwellings, which is small, fits well and will improve the existing streetscape of the neighbourhood.
- **Setback.** The proposed setbacks are in line with neighbouring buildings as shown in Figure 12.
- **Material.** The existing neighbourhood are built with predominantly the following materials, as evident in Figures 3-9 shown:
 - Metal roof sheeting or tiled roofing
 - Face masonry such as face brick.
 - Weatherboard or fibre cement cladding.

Our proposed external finishes of metal roof sheets, face brick and fibre cement cladding are consistent with the local material palette.

- **Verandahs and carports.** Many buildings feature verandahs and carports that are responsive to the local climate, and provide well shaded outdoor areas. Our proposed design features these local vernacular elements, and includes deep verandahs that provide well-shaded outdoor areas, and carports that lessen the bulk otherwise would have created if they were enclosed garages.
- **Façade and fenestration.** Surrounding buildings often feature a street façade with a central door with windows located on either sides of the door, or wide glazed fenestration under a verandah. This has been captured in our street elevation.

Site Scale



Figure 12 – Aerial photo of the site and nearby residential development, with the proposed roof plan superimposed. This image shows how the massing of the proposed development fits well within the existing neighbourhood.

Our proposed development consists of four two-bedroom dwellings with a modest building footprint and fits harmoniously within the existing scale and pattern of the neighbourhood as shown in Figure 12. The massing of the design has been broken up so that the main dwelling reads separately from the single garages and carports as much as possible.

All the dwellings share similar design principles, however are all slightly different to provide enough visual diversity whilst not detracting from the unity of the whole.

The unit facing Cummins Street (see Figure 13 below) has been specifically designed to fit in with the existing façade and fenestration arrangements seen in the neighbourhood. The front setback is a generous 10m to the master bedroom, and 12m to the entry/ bedroom 01. The front elevation is well articulated, with over half of the width set back by 2m from the front wall, forming a welcoming porch/ verandah at the entry. This not only reduces appearance of the building mass, but at the same time takes cues of the local vernacular. A single garage and a single carport are provided for each unit, instead of a double garage, to further reduce massing. The garages are also either set as far back as possible, or are separated from the main building by a light weight roof forming an open carport.

Two trees and soft landscaping are proposed for the front yard facing Cummins Street, which shall see greening and further positive contribution to the existing streetscape.

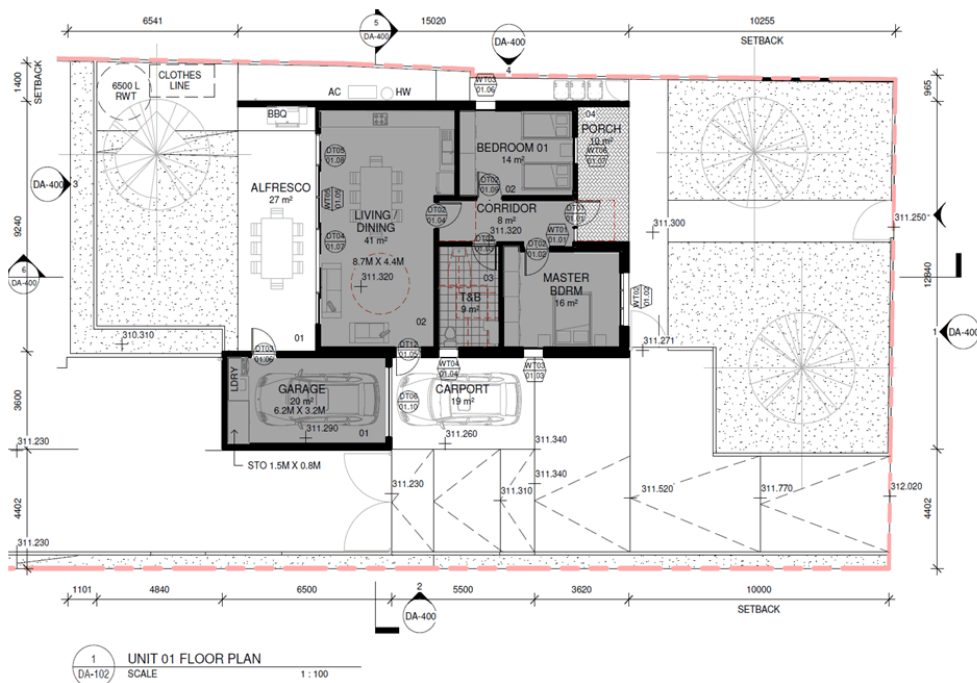


Figure 13 – Unit 01 (facing Cummins Street) Floor Plan showing a modest footprint and green front yard that will positively contribute to the streetscape. The front setback is a generous 10m to the master bedroom, and 12m to the entry/ bedroom 01. The garage has a separate roof from the main building and is set as far back as possible.

Consideration has been given so that the roofs slope in response to the natural slope of the site, consistent with the DCP:

Roof form should be sympathetic to the natural ground slope and/or to neighbouring buildings.



Figure 14 – Section showing the roof sloping in response to the natural slope of the site.

Further, by juxtaposing the location of the garages and carports, the design also provides a sense of visual diversity between the individual dwelling units whilst not detracting from the unity of the whole.

Overall the proposal is consistent with the relevant Design Objectives in the Low-Rise Housing Diversity Design Guide. It will be a positive contribution to the neighbourhood, and will set a precedence for good design in the area.

**Development Application 155/2020
Four new dwellings at 480 Cummins Street, Broken Hill
Proposed Conditions of Consent**

- (1) That all building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (2) That all necessary alterations and or extensions to services shall be carried out in accordance with the requirements of the appropriate Supply Authorities.
- (3) That immediate remedial measures shall be taken if in the opinion of Council, injury is being caused to the amenity of the neighbourhood due to any nuisance, traffic hazard or otherwise and that the use shall cease if it is considered that the use can no longer be tolerated.
- (4) The Applicant is to obtain an Occupation Certificate pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from the Principal Certifying Authority prior to occupation of the buildings.
- (5) Prior to the commencement of any work within the public road reserve, including construction of new driveways and dishcrossings, Roads Act approval must be obtained from Broken Hill City Council's Infrastructure Department.
- (6) Any public road, footpath, public reserve and/or infrastructure that is damaged by the development is to be repaired/restored at no cost to Council.
- (7) Construction activities at the development site shall be carried out only between 7.00am to 5.00pm Monday to Saturday. No work on Sundays and Public Holidays is permitted.
- (8) Dust control measures are to be implemented during earthworks and during construction works to reduce any impact on local air quality and to reduce dust emissions. This will include but may not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind-blown dust.
- (9) Prior to the commencement of any work on the site, the applicant is to obtain all relevant approvals to carry out any sewerage work, electricity work and water supply work from the relevant local service provider (Essential Energy and Essential Water) and comply with any conditions of those approvals.
- (10) Approved Plans/ Documents
Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Plans	10/12/2020	DA-000 – DA-800
Stormwater	19/08/2020	DR00 – DR-100
BASIX	10/12/2020	Certificate 1160680M
Elevations	22/02/2021	DA-102

ORDINARY MEETING OF THE COUNCIL

March 16, 2021

ITEM 10

BROKEN HILL CITY COUNCIL REPORT NO. 37/21

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO. 411 HELD TUESDAY, 2 MARCH 2021 11/397

Recommendation

1. That Broken Hill City Council Report No. 37/21 dated March 16, 2021, be received.
2. That the minutes of the Local Traffic Committee Meeting No. 411 held Tuesday, 2 March 2021 be received.

Executive Summary:

Under Guidelines published in March 2009 by the Roads and Traffic Authority (now known as Transport for NSW), 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 Transport for NSW 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, 2 March 2021 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. 411 - 2 March 2021

JAY NANKIVELL
ACTING GENERAL MANAGER

LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING NO 411

Held 2pm Tuesday, 2 March 2021
First Floor Meeting Room, Administrative Centre

Chairperson Bibek Bhattarai, Infrastructure Projects Engineer opened the meeting at 2pm and welcomed all representatives present.

411.1 Present

Bibek Bhattarai	Chairperson/Infrastructure Projects Engineer
Codie Howard	Works Manager
Paul Bezzina	Asset Officer
Marion Browne	Councillor
David Vant	Transport for NSW Representative
Peter Beven	Local Member's Representative
Tanya Ralph	Minute Secretary/Administration Officer
Chris Wallace	NSW Police

411.2 Apologies

Inspector Yvette Smith	NSW Police
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411.3 Disclosure of interest – NIL

411.4 Adoption of previous minutes

Previous minutes of meeting No 410 held 2 February 2021 were confirmed via online voting as follows:

All in favour: Moved: Codie Howard Seconded: Peter Beven

411.5 Council Resolutions

The following Committee Recommendations were adopted by Council at its meeting held on Wednesday, 24 February 2021.

ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 19/21 - DATED FEBRUARY 09, 2021 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 409 HELD MONDAY, 14 DECEMBER 2020 AND MEETING NO 410 HELD TUESDAY, 2 FEBRUARY 2021

11/397

RESOLUTION

Minute No. 46452

Councillor M. Browne moved

Councillor C. Adams seconded

Resolved

1. That Broken Hill City Council Report No. 19/21 dated February 9, 2021, be received.
2. That the minutes of the Local Traffic Committee Meeting No. 409 held Monday, 14 December 2020 be received.
3. That the minutes of the Local Traffic Committee Meeting No. 410 held Tuesday, 2 February 2021 be received.
4. That Item Number 409.6.1 – No stopping/parking sign Blende Street near Con Crowley Village; that a no stopping zone to be installed to the west of the driveway on Blende Street for a 10m zone.

5. That Item Number 409.6.2 – Broken Hill Regional Art Gallery Car Park; that 6 ‘BHCC Staff Only’ parking to remain the same, 8 ‘Art Gallery Patrons Only’ parking to be installed alongside ‘BHCC staff parking with 2-hour time restrictions.
6. That Item Number 407.8.1 – Busy Kids – Request for School Zone; that 4 ‘Child Zone’ signs to be installed and the 7 car parking spaces adjacent to Busy Kids in Bagot Street be changed to 15-minute parking.

CARRIED UNANIMOUSLY

411.6 Correspondence In – NIL

411.7 Correspondence Out – NIL

411.8 General Business

Item No.	EDRMS No.	Details
411.8.1		Replacement of Shoves along Argent Street
Discussion Notes		<p>Council’s Infrastructure Engineer, Bibek Bhattarai has informed the committee that a geotechnical investigation is underway to identify the condition of subsoil and need to design for required depth of rectification and type of material.</p> <p>The CBD Master Plan has determined that the median strip along Argent Street will be removed to increase the number of parking spaces. Following the installation of additional parking along Argent Street the shoves can then be replaced at this time.</p> <p>Council’s Infrastructure Superintendent, Codie Howard has informed the committee that the issue is around differing the work on the shoves will cause safety risks around pedestrians stepping out of their cars and falling over on the unlevel surface. If the area can be replaced and worked into the plan, then the planned works will commence in line with the CBD Master Plan.</p>
March 2021		Council would update the investigation report, design requirements in the next Local Traffic Committee meeting. Depending on the available budget finally plans for the rehabilitation work.
Recommendation		There were no recommendations discussed at this meeting.

411.9 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>Transport for NSW, 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</p>

	<p>Broken Hill City Council wanted to go down this path, instead of reinventing the wheel, speak to either of the above Council's.</p> <p>Local Member Representative, Peter Bevan discussed current parking behaviours in Argent Street. Normally when someone is travelling along Argent street, even if they 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.</p> <p>Discussion around the operation of the parallel parking bay, being that taxis would park in a location nearby and then just drive in, pick up their passenger and drive back out. It would be a rather quick stop.</p> <p>Discussion that if the parks are still signed as angle parks can it be signed as parallel parking as well? If the proposed parking goes through the LTC process and a traffic management plan is created, then it can be implemented. Signage would need to be installed to reflect the parking arrangements. Contact with either Dubbo or Orange Council's would be handy regarding wording of signs.</p> <p>Another suggestion was to mark yellow lines at the end of the current angled parks and then sign according to what the parking arrangements are within what times. The traffic management plan with Dubbo and Orange, does include coning as we would be unable to mark with yellow lines.</p> <p>Moving forward, discussions with the hotel and taxis company would need to happen. Possible discussion with Dubbo and Orange first to get an idea of the process and how it operates and then if this is what Council wants to do.</p> <p>Changing the angled parks to parallel will reduce parking however will not have as a huge of an impact at night as it would during the day. Ideally it be cleaner to change all 6 parks to parallel. In general, it is not ideal to mix angled and parallel parks.</p> <p>Discussion around possibility of putting parking bay at the start or the end of the hotel instead, however given the hotels location is in the middle of the block this would not be possible. There is already a taxi bay located further down which has parallel parking. However not having a taxi bay directly in front of the hotel may be an issue for patrons and the hotel as they would need to walk roughly 100ms.</p> <p>Suggestion to utilise a space near town square for a taxi bay.</p> <p>LTC discussed the possible of a night-time inspection to see how busy the area actually is.</p> <p>Possibility of widening the current parks and have 4 parks instead of 5 making it more visible. It is not visibility for cars but for the pedestrians.</p> <p>Question raised that if Council were not to go ahead with this recommended change, would this make Council liable if an accident were to occur?</p> <p>RMS, David Vant advised that if the issue goes through the LTC formal process including investigations and collation of data, Council would be unblameworthy.</p> <p>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.</p>
November 2019	Develop a Traffic Management Plan to be provided at the next LTC.

	Report to be provided by Chief Operations Officer, Anthony Misagh regarding consultation with Taxi companies, The Theatre Royal Hotel and the Police.
December 2019	Committee meeting cancelled.
February 2020	<p>Point to Point Transport Commissioner, Jenny and Chairperson, Raji have had a discussion regarding the issue at the Theatre Royal Hotel. Raji has also spoken to Orange and Dubbo Council's regarding the proposal as it has already been implemented at these sites.</p> <p>Current proposal is to change the 5 angled parks to 2 parallel parks only during taxi times. Parallel parking signs within the taxi zone sign including times would need to be installed.</p> <p>Raji has had a discussion with the Theatre Royal Hotel and Independent Taxi regarding the concerns raised and the proposal. Both have confirmed they do not have any issues with how the taxi bay currently operates.</p> <p>A discussion between Raji and Yellow Cabs has also occurred. It was identified that Yellow Cabs are the ones who have raised this issue with the Point to Point Transport Commissioner. Yellow cabs are in favour of the parallel parking.</p> <p>Raji raised the issue with Yellow Cabs on where the taxi's waiting to pick up passengers would park if the taxi zone was being utilised. The response provided was the normal carparking spaces further down which is actually illegal. Otherwise they will have to go around two blocks until taxi zone is free.</p> <p>Yellow Cabs also mentioned that the Demo Club have the same issue and parallel parking is required. Demo Club have an exit through the back door into a one-way laneway, this could be an option for taxi's to park/pick up out the back of the Club. Customers would just need to be made aware this is an option. There is no disabled access at the rear of the Club which could be an issue.</p> <p>As Police were not in attendance at the LTC meeting, notification of proposed changes in front of Theatre Royal Hotel to be supplied.</p> <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 Transport for NSW, David Vant is in Broken Hill Tuesday, 10 March 2020.</p> <p>Council report to be created with the above recommendation.</p>
March 2020	Ongoing – signs to be installed beginning of April 2020.
April 2020	Signs have been installed – item to stay open until next Local Traffic Meeting on Tuesday, 5 May 2020 for review. Council, Raji to follow up with Theatre Royal Hotel and Taxi companies.
May 2020	Chairperson, Raji to follow up and provide an update at June meeting.
June 2020	<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.
October 2020	Trial period to be extended to December due to Covid-19.
November 2020	Trial period to be extended until business has reopened.
December 2020	Follow up with Hotel in January 2021.
February 2021	The Royal Hotel is open; however, the night club is still closed. Council to follow up and provide the committee an update at the next meeting.
March 2021	The Royal Hotel is open; however, the night club is still closed. Council to follow up and provide the committee an update at the next meeting.
Item No.	406.6.1
EDRMS No.	D20/35512 and D20/40169
CRM No.	
Responsible Officer	
Current Status	Pending
Date	Item Details
September 2020	Review No Stopping Signs – TNT Broken Hill
Date	Committee Recommendation/s
September 2020	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.
Action Date	Running Actions
September 2020	Discussion around Crystal Lane and that there are no loading zones. Although the laneway is narrow there should still be a loading zoning. Committee determined at last meeting to install a loading zone in Oxide Street near the Astra. This zone can be utilised for Repco.

<p>October 2020</p>	<p>Discussion around Development Application (DA) conditions for deliveries for Repco. TNT have mentioned the use of a forklift for deliveries, was this taken into consideration in original DA and what were the conditions for unloading/loading of supplies with delivery vehicles. A Traffic Management Plan for the safety of pedestrians would have been submitted.</p> <p>Committee discussed the following:</p> <ul style="list-style-type: none"> • Laneway is 5.6m wide, delivery truck is close to 2.5m in size which would only leave available width of 3.1m for passing vehicles. • Delivery truck would need to be parked right against the building to allow for clearance. Reduce lane width to 3m maximum. • Presumption that the vehicle is unloaded from the rear or the side. • Available space near the 'No Stopping' sign is 9.6m. Operations would basically close that Lane, there is no way a delivery truck would be able to unload as well as have passing traffic. • Cannot see anything that has been changed in relation to deliveries. Council's Rangers have been issuing more fines and been more observant of things happening around the place. <p>Transport for NSW do not support the proposed loading zone and stick with the original recommendation of utilising the loading zone located in Oxide Street near the Astra.</p> <p>Council to investigate the original Development Application lodged and report back to the Committee.</p>
<p>November 2020</p>	<p>Advice: Council's Planning, Development and Compliance Department have conducted a search through Council's records on Development Applications (DA) for Oxide Street, Repco.</p> <p>There is no DA showing up for the premises in Oxide Street, being Repco. It is likely that, at the time, a DA was not required for the business to commence.</p> <p>Please note that in some cases, in commercial zones, shops can change over to other shops within existing buildings, without needing to gain DA consent. (this is called exempt development). So, there will be occasions where a tenant may change, but there will not necessarily be a requirement for a DA.</p> <p>Historically, in the CBD area within town, consideration was given to how businesses could operate within existing buildings, and still be able to load/unload goods. In many cases the only option would be from the rear lanes of properties. This was not necessarily dealt with through the DA process, but rather through Traffic committee consideration as a separate matter.</p> <p>Where businesses are building a new premise, on vacant land, then consideration can be given to enforce they provide an on-site loading area, however this is not the case with existing businesses such as in Argent Street, of course.</p> <p>To be sent a letter advising a city-wide audit will be conducted. Council to complete audit and report back to the Committee.</p>

December 2020	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
February 2021	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
March 2021	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
Item No.	407.8.1
EDRMS No.	
CRM No.	
Responsible Officer	
Current Status	Pending
Date	Item Details
October 2020	Busy Kids – Request for School Zone
Date	Committee Recommendation/s
Action Date	Running Actions
October 2020	<p>Discussion around full page article in the BDT on Wednesday, 30 September 2020 stating that an application for school signs had been rejected and that the LTC were seeking further clarification from the RMS Road Safety and Traffic Management Department.</p> <p>Transport for NSW, David Vant has spoken to a representative from Busy Kids and explained the exact situation. Busy Kids have been given a full explanation on why the signs requested are not allowed. A parking issue with Service NSW has been identified which is being followed up internally by Transport for NSW.</p> <p>Local Member Representative, Peter Bevan undertook an inspection at Rainbow Preschool which is in between two lanes (Wentworth Road and Bonanza Street) and located on a mining lease, there is one sign which states 'Preschool' only.</p> <p>Inspection also conducted at Happy Day Preschool which has eight signs in total. Four signs are school zone signs without lights and the other four signs are preschool signs.</p> <p>Committee discussed the following options:</p> <ul style="list-style-type: none"> • Possibility of 'Preschool' only signs on either side of the road.

	<ul style="list-style-type: none"> • As facility is not a preschool is there any childcare signs. Which can be used – not that the committee are aware of. • Possibility of a reduced speed limit in that block. • Traffic classifiers to be installed to obtain speed/driving behaviours. • Additional patrols of the area by Police or Council Rangers. <p>As per previous LTC meeting discussion, the childcare facility identified as having a school zone but not within a school precinct, Transport for NSW, David Vant has received notification that there is going to be a review of this signage with the possibility of the signs being removed as it is only a private business.</p> <p>Busy Kids have been informed that part of the mandate is that all children must be escorted on and off the premise by a responsible adult. Which is one of the reasons apart from not being a school why they do not qualify for a school zone.</p> <p>Busy kids were worried about parking situation with Service NSW, which Transport for NSW are going to try and address internally.</p> <p>Council to place traffic classifiers and obtain speed/driving behaviours and provide information to LTC at next meeting.</p>
November 2020	A site visit to be arranged with Busy Kids and Local Traffic Committee on Monday, 14 December 2020.
December 2020	<p>Site inspection conducted by the Committee on Monday, 14 December 2020. Transport for NSW, David Vant to arrange for design and creation of 4 signs for 'Child Zone'. Council to install signs.</p> <p>Council to have further consultation with Busy Kids regarding proposed 15-minute timed parking restrictions to be implemented for the 7 car parking spots directly out front of Busy kids.</p>
February 2021	<p>Council Infrastructure Engineer, Bibek Bhattarai liaised with the Busy Kids and they are happy to introduce seven, 15-minute car parking spaces. New parking signs to be ordered and installed by Council.</p> <p>Transport for NSW, David Vant to provide sign design for review at the next meeting.</p>
March 2021	<p>Transport for NSW, David Vant will provide sign design to the committee to review prior to the next meeting.</p> <p>Once the sign design has been confirmed, Council will install the signs accordingly.</p>
Item No.	407.6.1
EDRMS No.	
CRM No.	
Responsible Officer	

Current Status	Pending
Date	Item Details
October 2020	Burke Ward Public School – Line Marking Request – Lisa Bell
Date	Committee Recommendation/s
Action Date	Running Actions
October 2020	<p>Discussion around existing line marks and the school wanting to reinstate previous markings.</p> <p>Being a school, they are only allowed certain types of signs and line markings. Therefore, what they are asking may not necessarily be allowed as it is outside the standard requirements. An audit needs to be conducted to identify what line markings are already there and what line markings are missing.</p> <p>A site inspection to be arranged to confirm/audit the existing lines and signs.</p> <p>School is currently on holidays; however, Council's Asset Officer will meet with the school once school resumes to discuss the application and clarify exactly what the school is wanting.</p> <p>Gypsum Street is a regional road, which Council are looking to upgrade. Newton Lane is a local road. Rakow Street is a State Highway therefore may ask for assistance with expenditure from Transport for NSW. Transport for NSW would cover costs of State Road.</p> <p>Council to meet with the school and clarify request. Council to also conduct an audit of current line marking. Report to be provided at next LTC meeting.</p>
November 2020	<p>Discussed with principal and they are requesting designated line marking so that maximum vehicles can utilise the space. In between the holding line and the kerb.</p> <p>A site visit to be arranged with the School and Local Traffic Committee on Monday, 14 December 2020.</p>
December 2020	<p>Site inspection conducted by the Committee on Monday, 14 December 2020.</p> <p>Recommendation for a 'Kiss and Drop Zone' 5-6 car parks just after the traffic signals on Rakow Street. Signs to be organised by Transport for NSW and installed by Council.</p> <p>Rest of Rakow Street (near the school) to be marked bays for parallel parking.</p> <p>Council to create a design and provide to Committee.</p>
February 2021	<p>Council provided a Design Plan to the committee to review and approve.</p> <p>Transport for NSW, David Vant will arrange consultation with Transport for NSW, Project Officer around safety at schools and provide an update at the next committee meeting.</p>

March 2021	Transport for NSW, David Vant advised the committee that the design plan has been approved and he would consult with TfNSW safety officer and will provide the committee an update to the next committee meeting.
Item No.	408.6.1
EDRMS No.	D20/43197
CRM No.	
Responsible Officer	Council's Infrastructure Engineer, Bibek Bhattarai
Current Status	Pending
Date	Item Details
October 2020	No Stopping Zone – Musicians Club
Date	Committee Recommendation/s
Action Date	Running Actions
November 2020	<p>Discussion around location of delivery door which was identified as being in the laneway therefore the carpark cannot be utilised as a delivery option.</p> <p>Concerns raised that the fundamental issue is that Council's Development Application process should be identifying service deliveries as part of the application. However, Committee discussed that this is difficult given the age of the town and how long businesses have been operating.</p> <p>The issue is there are no stopping signs however these were obviously installed for a reason but is there any chance these can be changed to loading zones?</p> <p>This should sit with Council to come up with a solution and provide a recommendation to the Local Traffic Committee (LTC). The LTC is for road safety and management only.</p> <p>Seems to be a city-wide issue particularly relating to the CBD. Instead of responding to each request one by one, there needs to be a city-wide audit and survey of loading zones to identify where they are needed to service several businesses not install one for each business.</p> <p>Council have conducted a number of surveys of parking within in the CBD however it is more in relation to the timed parking and keeping the flow of traffic moving within Argent Street.</p> <p>Laneways are narrow and cannot be made wider therefore might have issues creating loading zone.</p>

	Generic letter to be sent to all businesses requesting a loading zone advising a city-wide audit will be conducted. Council to conduct an audit and refer back to the committee.
December 2020	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
February 2021	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
March 2021	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
Item No.	408.6.2
EDRMS No.	D20/40838 and D20/42158
CRM No.	
Responsible Officer	Council's Infrastructure Engineer, Bibek Bhattarai
Current Status	Pending
Date	Item Details
October 2020	Loading zone – Salvation Army
Date	Committee Recommendation/s
Action Date	Running Actions
November 2020	Generic letter to be sent to all businesses requesting a loading zone advising a city-wide audit will be conducted. Council to conduct an audit and refer back to the committee.
December 2020	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
February 2021	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
March 2021	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.

Item No.	408.6.3
EDRMS No.	D20/40839
CRM No.	
Responsible Officer	Council's Infrastructure Engineer, Bibek Bhattarai
Current Status	Pending
Date	Item Details
October 2020	Loading zone – Silver City Cinema
Date	Committee Recommendation/s
Action Date	Running Actions
November 2020	Generic letter to be sent to all businesses requesting a loading zone advising a city-wide audit will be conducted. Council to conduct an audit and refer back to the committee.
December 2020	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
February 2021	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
March 2021	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
Item No.	408.6.4
EDRMS No.	D20/42024
CRM No.	
Responsible Officer	Council's Infrastructure Engineer, Bibek Bhattarai
Current Status	Pending
Date	Item Details

October 2020	Loading Zone – Argent Lane – Broken Hill Pub
Date	Committee Recommendation/s
Action Date	Running Actions
November 2020	Generic letter to be sent to all businesses requesting a loading zone advising a city-wide audit will be conducted. Council to conduct an audit and refer back to the committee.
December 2020	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
February 2021	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
March 2021	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
Item No.	408.6.5
EDRMS No.	D20/42023
CRM No.	
Responsible Officer	Council's Infrastructure Engineer, Bibek Bhattarai
Current Status	Pending
Date	Item Details
October 2020	Loading Zone – Argent Lane – The Workies
Date	Committee Recommendation/s
Action Date	Running Actions
November 2020	Generic letter to be sent to all businesses requesting a loading zone advising a city-wide audit will be conducted. Council to conduct an audit and refer back to the committee.
December 2020	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.

February 2021	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
March 2021	City wide audit of Loading Zones and No Stopping Zones to be completed by March 2021.
Item No.	410.8.1
EDRMS No.	
CRM No.	
Responsible Officer	Council's Infrastructure Engineer, Bibek Bhattarai
Current Status	Pending
Date	Item Details
October 2020	Mica Lane
Date	Committee Recommendation/s
Action Date	Running Actions
February 2021	Local Member Representative, Peter Bevan raised concerns about Mica Lane at the back of the Broken Hill Public School near the top of the Kaolin Street as you turn into the Joe Keenan Lookout and Water Board, there is road that is partly sealed, the shoulder of the road is not sealed.
March 2021	Council's Asset Inspector advised the committee at the section of the road needs to be widened. Council's Infrastructure Engineer, Bibek informed the committee that further investigation will be conducted of the area and advise the committee of an outcome at the next committee meeting.

Next Meeting Date – Tuesday, 6 April 2021

410.11 Meeting Closed – 2.25pm

Attachments

1. [↓](#) Action List

JAY NANKIVELL
ACTING GENERAL MANAGER

Outstanding For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 19/03/2021
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Meeting	Officer/Director	Section	Subject
Ordinary Council 26/04/2018	VanDerBerg, Francois Nankivell, Jay	Reports	COMPULSORY ACQUISITION OF WARNOCK GOSSAN STREET ROAD RESERVE
Resolved:			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 59/18 dated April 6, 2018, be received. That Council make an application to the Minister and Governor for approval to acquire the sections of Warnock and Gossan Street traversing Crown Land in Lot 7469 in Deposited Plan 1182254, under Section 177 of the <i>Roads Act 1993</i> and Section 186 of the <i>Local Government Act 1993</i>. That the acquisition be undertaken in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. That upon acquisition, Council to undertake required actions to open the subject road by registration of a plan in accordance with Section 7 of the <i>Roads Act 1993</i>. 			
<p>16 May 2018 - 9:45 AM - Leisa Bartlett In progress.</p> <p>15 Aug 2018 - 3:32 PM - Leisa Bartlett MPDC advised - OLG advised that the land is subject to a Native Title Claim and that compulsory acquisition cannot go ahead at this stage. Council is waiting for further advice from OLG.</p> <p>11 Sep 2018 - 4:40 PM - Leisa Bartlett No change, 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 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, 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 in progress.</p> <p>8 Apr 2020 - 11:16 AM - Leisa Bartlett In progress.</p> <p>8 May 2020 - 11:58 AM - Leisa Bartlett Matter 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 in progress.</p> <p>12 Aug 2020 - 9:41 AM - Leisa Bartlett Matter in progress.</p> <p>17 Sep 2020 - 3:05 PM - Leisa Bartlett Matter on hold until the Federation Way Acquisition is complete.</p> <p>16 Oct 2020 - 8:42 AM - Leisa Bartlett Matter on hold.</p> <p>10 Nov 2020 - 4:11 PM - Leisa Bartlett Matter on hold.</p> <p>30 Nov 2020 - 2:06 PM - Leisa Bartlett Matter on hold.</p> <p>12 Feb 2021 - 10:00 AM - Leisa Bartlett Matter on hold until Federation Way Acquisition is complete</p>			

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18 Mar 2021 - 4:38 PM - Leisa Bartlett
In progress.

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/11/2019	VanDerBerg, Francois Nankivell, Jay	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>. That upon acquisition, Council undertake the required actions to open the subject road by registration of a plan in accordance with Section 7 of the <i>Roads Act 1993</i>. 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. 			
<p>12 Feb 2020 - 12:21 PM - Leisa Bartlett In progress.</p> <p>7 Apr 2020 - 10:46 AM - Leisa Bartlett 11/03/2020 - in progress</p> <p>8 Apr 2020 - 11:20 AM - Leisa Bartlett in progress.</p> <p>8 May 2020 - 12:16 PM - Leisa Bartlett Application to OLG is being drafted.</p> <p>10 Jun 2020 - 2:38 PM - Leisa Bartlett Application sent to Office of Local Government</p> <p>15 Jul 2020 - 1:54 PM - Leisa Bartlett Matter with the OLG.</p> <p>12 Aug 2020 - 9:42 AM - Leisa Bartlett Matter with OLG.</p> <p>17 Sep 2020 - 3:07 PM - Leisa Bartlett Matter with OLG. Enquiries were made with OLG, but no timeframe was given.</p> <p>16 Oct 2020 - 8:44 AM - Leisa Bartlett Awaiting approval from OLG.</p> <p>10 Nov 2020 - 4:14 PM - Leisa Bartlett Acquisition approved by OLG. Solicitor is preparing acquisition documents.</p> <p>30 Nov 2020 - 2:07 PM - Leisa Bartlett Acquisition Notices have been drafted.</p> <p>12 Feb 2021 - 10:02 AM - Leisa Bartlett Acquisition Notices have now been issued.</p> <p>18 Mar 2021 - 4:39 PM - Leisa Bartlett In progress.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Andrews, Anne Nankivell, Jay	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. 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. That the annual rent be \$12,000.00 per annum with an annual 2.5% increase. 			

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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.
16 Oct 2020 - 9:20 AM - Leisa Bartlett
Draft lease with Solicitors.
10 Nov 2020 - 4:23 PM - Leisa Bartlett
Solicitors have finalised the draft lease and the lease is being sent to Axicom Pty Ltd for signature.
30 Nov 2020 - 2:09 PM - Leisa Bartlett
Solicitors liaising with Axicom re execution of lease.
12 Feb 2021 - 10:03 AM - Leisa Bartlett
Solicitors liaising with Axicom.
18 Mar 2021 - 4:39 PM - Leisa Bartlett
Draft lease being finalised.

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Andrews, Anne Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST LICENCE OF PART LOT 7315 DP 1183447 TO BROKEN HILL SPEEDWAY CLUB
Resolved			
<p>1. That Broken Hill City Council Report No. 105/20 dated July 1, 2020, be received.</p> <p>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.</p> <p>3. That the lease term be 25 years and the annual rental be the minimum Crown Lands rental.</p> <p>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.</p>			
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. 16 Oct 2020 - 9:20 AM - Leisa Bartlett Draft lease with Solicitors. 10 Nov 2020 - 4:26 PM - Leisa Bartlett Licence is with the Broken Hill Speedway Club for signature. 30 Nov 2020 - 2:11 PM - Leisa Bartlett Licence with Speedway Club for signature. 12 Feb 2021 - 10:04 AM - Leisa Bartlett Licence signed by all parties and is now with the Minister for approval. 18 Mar 2021 - 4:40 PM - Leisa Bartlett In progress.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 30/09/2020	Andrews, Anne Nankivell, Jay	Confidential Matters	REQUEST FOR LEASE OF THE ALMA MECHANICS INSTITUTE, PATTON STREET
Resolved			
<p>1. That Broken Hill City Council Report No. 133/20 dated September 18, 2020, be received.</p>			

Outstanding For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 19/03/2021 Printed: Friday, 19 March 2021 10:56:14 AM
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2. That Council, in its capacity as Trust Managers, enters a lease agreement with West Darling Arts for the exclusive use of the Alma Mechanics Institute in Patton Street for an initial five year period with an option to extend for a further five years; and that approval also be sought from the Minister for Crown Lands.
3. That the lease be granted conditional to the West Darling Arts success in securing government grant funding to carry out necessary building works (to the flooring, kitchen, toilet, air-conditioning and electrical work) to the Alma Institute to make good the building for leasing purposes; and that the lease will commence at the conclusion of the building works to be carried out by the West Darling Arts using grant funding.
4. That rental be set at the Crown Lands minimum base rental (currently \$496 per annum and subject to annual CPI changes); and West Darling Arts be responsible for minor maintenance items (to be negotiated).
5. That all standard Crown Lands lease terms apply.
6. That the West Darling Arts pays all legal fees for the set-up of the lease agreement.
7. That the Mayor and General Manager be authorised to sign the lease agreement under the Common Seal of Council.

CARRIED UNANIMOUSLY

14 Oct 2020 - 5:33 PM - Leisa Bartlett

Applicant has been advised of Council resolution and an initial meeting is being arranged to discuss lease terms.

10 Nov 2020 - 4:27 PM - Leisa Bartlett

In lease discussions with applicant, a meeting is being arranged with representatives of West Darling Arts during the week commencing 16 November 2020.

30 Nov 2020 - 2:13 PM - Leisa Bartlett

Lease discussions commenced.

12 Feb 2021 - 10:05 AM - Leisa Bartlett

Lease discussions progressing.

*18 Mar 2021 - 4:40 PM - Leisa Bartlett***Draft lease close to finalisation.**

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/10/2020	Bartlett, Leisa Nankivell, Jay	Reports	CORRESPONDENCE REPORT - NSW GOVERNMENT SMALL BUSINESS SUPPORT GRANTS

Resolved

1. That Broken Hill City Council Report No. 135/20 dated October 13, 2020, be received.
2. That correspondence dated 6 October 2020 from The Premier of NSW, The Hon Gladys Berejiklian MP regarding the NSW Small Business Support Grant and Small Business Recovery Grant and advising that the correspondence has been forwarded to The Treasurer, The Hon Dominic Perrottet MP, be received and noted.
3. That Council writes to the Premier of NSW, The Hon Gladys Berejiklian MP and The Treasurer, The Hon Dominic Perrottet MP, requesting that Broken Hill be considered as a border town given its proximity to the South Australian border and its remoteness in order for Broken Hill businesses to be eligible for the NSW Southern Border Small Business Support Grant along with the NSW Small Business Support Grant and Small Business Recovery Grant.
4. That Council develops a policy that engages and helps small businesses that are struggling through difficult times.

CARRIED UNANIMOUSLY

10 Nov 2020 - 2:23 PM - Leisa Bartlett

Letters sent to the NSW Premier and Treasurer 10/11/20.

Item 4 (development of a policy) has been referred to the Our Economy KDWG.

27 Nov 2020 - 3:59 PM - Leisa Bartlett

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Our Economy KDWG met in November.
Email sent to all Councillors on 18 November 2020 seeking input into the structure of the policy.
12 Feb 2021 - 5:13 PM - Leisa Bartlett
Our Economy KDWG to organise a Business Consultation Workshop how they think Council can assist them.
17 Mar 2021 - 4:45 PM - Leisa Bartlett
Working with Kathy Hayman of BEC Business Advice to arrange a Business Consultation Workshop.

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/11/2020	Nankivell, Jay Nankivell, Jay	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 408 HELD TUESDAY, 10 NOVEMBER 2020
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 164/20 dated November 12, 2020, be received. That the minutes of the Local Traffic Committee Meeting No. 408 held Tuesday, 10 November 2020 be received. That Item Number 408.6.6 – Gypsum Street – Request for Angle Parking; that 5 angle parks (60 degree) be installed directly in front of Pets Tucker, Gypsum Street. No time limits to apply. That Item Number 403.6.6 – Brown Street – Speeding Motorists; that in the new bituminised section of Brown Street, at the inlet and outlet of the drainage, armco rails or w-beam rails are installed and at the two speed cushion locations hard plastic bollards are installed. That Item Number 406.6.6 – Blende Street – Library Parking; that the three 2-hour time restricted car parks at the side of the Library, be changed to 1-hour, and that a disabled car parking space and Broken Hill City Council staff only car parking space, be installed in the carpark at the 'Roundhouse Toilets'. That the matter of loading zones in the City be referred to Council for comprehensive review and further recommendations. 			
CARRIED UNANIMOUSLY			
<p><i>30 Nov 2020 - 2:21 PM - Leisa Bartlett</i> Item 3 - completed. Item 4 - scheduled for the end of January 2021. Item 5 - scheduled to be complete before Christmas shutdown. Item 6 - in progress. <i>12 Feb 2021 - 1:35 PM - Leisa Bartlett</i> Item 4 - Scheduled for completion March 2021 - Work has been delayed due to staff leave and storm clean up being carried out by Council's workforce. Item 5 - COMPLETE. Item 6 - In progress. <i>17 Mar 2021 - 4:51 PM - Leisa Bartlett</i> Item 3 - COMPLETE Item 4 - Scheduled to be complete at the end of April 2021. Item 5 - COMPLETE Item 6 - An audit of loading zones to be completed by the end of March 2021. The audit will then be presented to the Broken Hill Traffic Committee prior to being presented to Council.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 9/12/2020	Andrews, Anne Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST LICENCE TO NEXTGEN NETWORKS PTY LTD
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 175/20 dated November 24, 2020, be received. That the Willyama Common Trust amend the existing licence to Nextgen Networks Pty Ltd in accordance with the attached plan, being part Lot 7302 DP 1181129. 			

Outstanding For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 19/03/2021 Printed: Friday, 19 March 2021 10:56:14 AM
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<p>3. That the Willyama Common Trust renew the amended licence for a further period of 10 years (in accordance with the existing renewal option) and rent be set at \$2500 per annum.</p> <p>4. That the Mayor and General Manager be authorised to sign and execute any relevant documents under the Common Seal of Council, in the absence of a Trust Seal.</p>	CARRIED UNANIMOUSLY
<p><i>12 Feb 2021 - 10:12 AM - Leisa Bartlett</i> Processes have commenced to issue licence. 18 Mar 2021 - 4:41 PM - Leisa Bartlett Nextgen progressing draft licence.</p>	

Meeting	Officer/Director	Section	Subject
Ordinary Council 9/12/2020	Nankivell, Jay Nankivell, Jay	Confidential Matters	REQUEST FOR TENDER T20/2 FOR ACTIVE TRANSPORT PLAN - FOOTPATHS - VP213620
Resolved			
<p>1. That Broken Hill City Council Report No. 176/20 dated November 26, 2020, be received.</p> <p>2. That Conex Group Pty Ltd be awarded a 12-month contract for Tender T20/2 with the provision of extension for a further 12 months.</p> <p>3. That Gettin There Pty Ltd be awarded a 12-month contract for Tender T20/2 with the provision of extension for a further 12 months.</p> <p>4. That Council accept an agreement from Conex Group Pty Ltd and Gettin There Pty Ltd for the works of infrastructure identified in the Active Transport Plan. These works include but are not limited to the general maintenance of road assets, footpaths, kerb and gutters, disability kerb ramps including general maintenance of concrete rigid pavements.</p>			
CARRIED			
<p><i>12 Feb 2021 - 1:36 PM - Leisa Bartlett</i> Conex Group Pty Ltd and Gettin There Pty Ltd have been informed of award of Tender and Schedule of Works is currently being completed. Once confirmation of Schedule has been completed, Purchase Orders will be raised. 17 Mar 2021 - 4:54 PM - Leisa Bartlett Tender has been awarded and work is underway. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Bartlett, Leisa Nankivell, Jay	Notice of Motion	REPLACEMENT OF DEAD STREET TREES
Resolved			
<p>1. That Motions of Which Notice has been Given No. 1/21 dated February 12, 2021, be received.</p> <p>2. That Council defer further consideration of this matter pending presentation of Council's Tree Management Plan to the next Council Meeting.</p>			
CARRIED			
<p><i>17 Mar 2021 - 10:37 AM - Leisa Bartlett</i> The Notice of Motion will be re-presented to the April Council Meeting along with the draft Tree Management Plan. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
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<p>Outstanding For Action</p> <p>Action Sheets Report</p>	<p>Division: Ordinary Council</p> <p>Committee: Ordinary Council</p> <p>Officer:</p> <p>Further Report Required: Including Further Reports</p>	<p>Date From: 1/04/2018</p> <p>Date To: 19/03/2021</p> <p>Printed: Friday, 19 March 2021 10:56:14 AM</p>
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Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Bartlett, Leisa Nankivell, Jay	Notice of Motion	WATER RESTRICTIONS
Resolved			
<ol style="list-style-type: none"> That Motions of Which Notice has been Given No. 2/21 dated February 12, 2021, be received. That Broken Hill City Council sends correspondence to Essential Water, the Federal Minister for Local Government, the Local Member Roy Butler and the appropriate Minister asking why Broken Hill is on water restrictions. 			
CARRIED UNANIMOUSLY			
<p><i>17 Mar 2021 - 10:40 AM - Leisa Bartlett</i> Correspondence sent 10 March 2021. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Andrews, Anne Nankivell, Jay	Notice of Motion	COMPANION ANIMALS
Resolved			
<ol style="list-style-type: none"> That Motions of Which Notice has been Given No. 3/21 dated February 12, 2021, be received. That Council prepares a report regarding roaming cats and dogs, unregistered animals, operating hours and complaints. That Council continue to make available and advertise the after-hours phone number of the Ranger. That Council continues to promote responsible pet ownership and the use of Council's off-leash dog areas as safe and accessible places. That the report to Council also includes costs associated with Council Meeting all obligations under the Companion Animals Act including providing after hours services so people can take seized cats and dogs to Council's Animal Shelter or an authorized facility. 			
CARRIED UNANIMOUSLY			
<p><i>17 Mar 2021 - 10:43 AM - Leisa Bartlett</i> A report is presented to the March 2021 Council Meeting. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Howard, Codie Nankivell, Jay	Notice of Motion	MULGA CREEK WETLANDS
Resolved			
<ol style="list-style-type: none"> That Motions of Which Notice has been Given No. 4/21 dated February 12, 2021, be received. That a report be prepared detailing the progress of the works already undertaken and planned to be undertaken to maintain the wetlands and mitigate the possibility of future flooding in the local area. 			

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3. That the Mulga Creek Wetlands be included in Council's Memorandum of Understanding to be developed with Landcare Broken Hill.

CARRIED

17 Mar 2021 - 4:57 PM - Leisa Bartlett

Item 2 - Meeting held with consultant to complete the audit on the Mulga Creek Wetlands. Once complete a report will be presented to Council.

Item 3 - Landcare to provide a draft MOU to Council.

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Howard, Codie Nankivell, Jay	Notice of Motion	DISABLED PARKING SPACE ADJACENT TO THE SILVER CITY CINEMA
Resolved			
<p>1. That Motions of Which Notice has been Given No. 5/21 dated February 12, 2021, be received.</p> <p>2. That Broken Hill City Council immediately start the process to install disabled parking or a drop-off zone at the front of the Silver City Cinema.</p>			
CARRIED			
<p><i>17 Mar 2021 - 4:59 PM - Leisa Bartlett</i> The matter is being presented to the April Traffic Committee. Following this, it will be included in Council's works schedule.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Schipanski, Louise Nankivell, Jay	Reports	CORRESPONDENCE REPORT - NSW TRAINLINK COACH SERVICES BETWEEN BROKEN HILL AND ADELAIDE AND BETWEEN BROKEN HILL AND MILDURA
Resolved			
<p>1. That Broken Hill City Council Report No. 1/21 dated February 16, 2021, be received.</p> <p>2. That Council note correspondence from the Minister for Regional Transport and Roads dated 9 February 2021 in reply to the Mayor's correspondence of 14 December 2020.</p> <p>3. That Council makes further representations to the Minister for Regional Transport and Roads and Transport for NSW prior to 30 June 2021, advocating for both Trainlink coach services to remain operational permanently.</p>			
CARRIED UNANIMOUSLY			
<p><i>17 Mar 2021 - 10:45 AM - Leisa Bartlett</i> Correspondence will be sent closer to 30 June.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Schipanski, Louise Nankivell, Jay	Reports	COUNCILLOR ATTENDANCE AND CALL FOR MOTIONS TO THE MURRAY DARLING ASSOCIATION NATIONAL CONFERENCE AND AGM, WENTWORTH 16-19 MAY 2021
Resolved			
<p>1. That Broken Hill City Council Report No. 2/21 dated February 2, 2021, be received.</p> <p>2. That Council's Delegates to the Murray Darling Association National Conference to be held in Wentworth on 16-19 May 2021 be Mayor Turley and Councillors Browne, Kennedy, Page and Clark (Councillors to confirm availability with the General Manager's Office for travel/videoconference arrangements to be made).</p>			

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3. That Council notes that motions to the conference require a letter of support from the hosting Council and must also include a resolution from the Murray Darling Association (MDA) Region 4 Meeting to be held via videoconference on 2 March 2021, prior to submission to the Conference Board by 12 April 2021.
4. That Councillors forward motions to the Acting General Manager prior to the Murray Darling Association Region 4 Meeting to be held on 2 March 2021.

CARRIED UNANIMOUSLY

17 Mar 2021 - 10:46 AM - Leisa Bartlett

No submissions received from Councillors prior to cut-off of 2 March 2021. Travel arrangements being made for those Councillors wishing to attend.

COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Schipanski, Louise Nankivell, Jay	Reports	2021 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS

Resolved

1. That Broken Hill City Council Report No. 3/21 dated December 11, 2020, be received.
2. That Council submits the following motions to the 2021 National General Assembly of Local Government by March 26, 2021 along with a copy of the supporting Council resolution.
 - a) Museum Strategy for NSW:
That the Federal Government provides funding to the State Governments for the development of Museum Strategies for NSW with sufficient resources to ensure cultural heritage led vibrancy, collection care and local storytelling initiatives are supported, developed and maintained for communities throughout the State.
 - b) Restoration and Remediation of Local Cemeteries:
That the Federal Government provides funding to State Governments to financially support local councils in the restoration and remediation of local cemeteries that have been severely damaged from climatic conditions and drought.
 - c) Support for Local Organisations that depend on Volunteering:
That the Federal Government provides support to the State Local Government Departments to establish a Local Government Volunteer Strategy that can support requests for government funding assistance to regional and rural communities in their efforts to encourage greater volunteer labour participation through offsetting the costs incurred by local organisations who provide those volunteer services.
 - d) Transmission Grid Upgrade:
That the Federal Government investigate and prepare a public report into the need for the urgent approval and development of new long distance, multi-gigawatt transmission lines and a redesigned grid to cope with the rapid expansion of renewable energy sources feeding into it. The approval process for new transmission lines can average a decade and severely lags behind solar and wind developments which may take one to two years to be finalised. Such development is essential for Australia to reach its zero emission targets by 2050 and to significantly lower energy costs for Australian households and industry.
 - e) Electric Vehicle Charging Bays:
That the Federal Government ensures an adequate provision of charging points for electric vehicles in regional areas including Broken Hill in order that regional areas are not deprived of the opportunity to purchase vehicles and also to ensure that people living in metropolitan areas can travel to regional and remote areas. Once the use of electric vehicles gains momentum, regional Australia should not miss out on tourism due to not having adequate charging bays.

CARRIED UNANIMOUSLY

Outstanding For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 19/03/2021 Printed: Friday, 19 March 2021 10:56:14 AM
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17 Mar 2021 - 10:48 AM - Leisa Bartlett
Submissions to be lodged prior to 26 March 2021.
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Nu'man, Razija Nankivell, Jay	Reports	2020-2022 DELIVERY PROGRAM KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2020, INCLUSIVE OF OPERATIONAL PLAN 2020/2021 OUTCOMES

Resolved

- That Broken Hill City Council Report No. 4/21 dated February 8, 2021, be received.
- That Council adopt the 2020-2022 Delivery Program Key Performance Indicators Progress Report for period ending 31 December 2020, inclusive of Operational Plan 2020/2021 outcomes.
- That a report be prepared for Council regarding the backlog of Construction Certificates and the impact that this has had on Council and the community.

CARRIED UNANIMOUSLY

2 Mar 2021 - 4:04 PM - Jodie Brealey
20-22 DP KPI Progress report for period ending 31/12/2020 uploaded to Council website.
17 Mar 2021 - 10:49 AM - Leisa Bartlett
Report presented to March 2021 Council Meeting regarding the backlog of Construction Certificates.
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Nu'man, Razija Nankivell, Jay	Reports	2017-2021 DISABILITY INCLUSION ACTION PLAN KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2020

Resolved

- That Broken Hill City Council Report No. 5/21 dated February 8, 2021, be received.
- That Council adopt the 2017-2021 Disability Inclusion Action Plan – Key Performance Indicators Progress Report for the reporting period ending 31 December 2020.

CARRIED UNANIMOUSLY

2 Mar 2021 - 3:58 PM - Jodie Brealey
COMPLETE - DIAP Progress Report for period ending 31/12/2020 uploaded to Council website

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Bartlett, Leisa Nankivell, Jay	Reports	ADOPTION OF DRAFT QUEEN ELIZABETH PARK PLAN OF MANAGEMENT

Resolved

- That Broken Hill City Council Report No. 6/21 dated November 13, 2020, be received.
- That Council notes that Ministerial approval was granted on 30 October 2020 and the Draft Plan of Management Queen Elizabeth Park was publicly exhibited for a period of 44 days, in accordance with the *Local Government Act 1993*.
- That Council adopts the Draft Plan of Management Queen Elizabeth Park as a Plan of Council.

Outstanding For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 19/03/2021 Printed: Friday, 19 March 2021 10:56:14 AM
Action Sheets Report		

CARRIED UNANIMOUSLY
<i>17 Mar 2021 - 10:51 AM - Leisa Bartlett</i> All processes complete to adopt Plan. Plan has been placed on Council's website. COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Bartlett, Leisa Nankivell, Jay	Reports	ADOPTION OF DRAFT RENEWABLE ENERGY ACTION PLAN
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 7/21 dated February 16, 2021, be received. That Council adopts the draft Renewable Energy Action Plan as a Plan of Council. That Council commits \$50,000 to establish size requirements and shortlist locations for stage 1 of works as per the Renewable Energy Action Plan. That stage 2 and 3 works are factored into the 2021/2022 budget discussions. 			
			CARRIED
<i>17 Mar 2021 - 10:52 AM - Leisa Bartlett</i> All processes complete to adopt Plan. The Plan has been placed on Council's website. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Bartlett, Leisa Nankivell, Jay	Reports	ADOPTION OF DRAFT CODE OF PRACTICE CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM PROGRAMME POLICY
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 8/21 dated February 11, 2021, be received. That Council adopts the Draft Code of Practice Closed Circuit Television (CCTV) Programme Policy as a policy of Council and notes that it supersedes the previous policy adopted in 2019. 			
			CARRIED UNANIMOUSLY
<i>17 Mar 2021 - 10:53 AM - Leisa Bartlett</i> All processes complete to adopt Policy. Policy has been updated on Council's website. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Bartlett, Leisa Nankivell, Jay	Reports	ADOPTION OF DRAFT HERITAGE STRATEGY 2020-2023
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 9/21 dated February 16, 2021, be received. That Council adopts the draft Heritage Strategy 2020 – 2023 as a Strategy of Council. 			
			CARRIED
<i>17 Mar 2021 - 10:54 AM - Leisa Bartlett</i> All processes complete to adopt Strategy. the Strategy has been updated on Council's website. COMPLETE			

Outstanding For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 19/03/2021 Printed: Friday, 19 March 2021 10:56:14 AM
Action Sheets Report		

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Nu'man, Razija Nankivell, Jay	Reports	ADOPTION OF DRAFT AGENCY INFORMATION GUIDE
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 10/21 dated February 5, 2021, be received. That Council adopt the Draft Agency Information Guide. That the current Agency Information Guide be removed from Council's website and replaced with the revised Agency Information Guide. 			
CARRIED UNANIMOUSLY			
<p><i>17 Mar 2021 - 10:55 AM - Leisa Bartlett</i> All processes complete to adopt Guide. The Guide has been updated on Council's website. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Brown, Simon Nankivell, Jay	Reports	DRAFT CORPORATE CREDIT CARD POLICY
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 11/21 dated February 11, 2021, be received. That Council endorses the draft Corporate Credit Card Policy for the purpose of public exhibition. That Council publicly exhibits the draft corporate Credit Card Policy and accepts submissions from the public for a period of 28 days. That Council receives a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the draft Corporate Credit Card Policy. That a report be presented to Council regarding the need for the \$10,000.00 credit card and a quarterly report also be presented to Council on the expenditure of the \$10,000.00 credit card. 			
CARRIED UNANIMOUSLY			
<p><i>17 Mar 2021 - 10:56 AM - Leisa Bartlett</i> Draft Corporate Credit Card Policy has been placed on public exhibition closing 26 March 2021. A further report will be presented to the April Council Meeting for consideration of adoption. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Brown, Simon Nankivell, Jay	Reports	QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDED DECEMBER 2020
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 12/21 dated February 12, 2021, be received. That the 2nd Quarterly Budget Review Statement and recommendations be adopted. That Council note the projected 2020/21 operating deficit (before capital) of \$2,358,000. That Council note the 2020/21 projected capital budget expenditure of \$47,897,000. 			

Outstanding For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 19/03/2021
Action Sheets Report		Printed: Friday, 19 March 2021 10:56:14 AM

5. That Council note the revised Long-Term Financial Plan 2021-2030

CARRIED

17 Mar 2021 - 5:00 PM - Leisa Bartlett
All process complete to implement recommendations.
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Brown, Simon Nankivell, Jay	Reports	PROPOSED BORROWINGS - WASTE FLEET RENEWAL
Resolved			
1. That Broken Hill City Council Report No. 13/21 dated February 11, 2021, be received.			
2. That Council approve borrowings of \$2,000,000 for the renewal of Councils Waste fleet.			
3. That Council seek three quotes for loan finance as per Council's adopted Loan Borrowing Policy.			
4. That Council authorise the Mayor and General Manager to sign any associated loan documents and apply the Common Seal of Council.			
CARRIED			
17 Mar 2021 - 5:01 PM - Leisa Bartlett Commencing procurement/tendering process.			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Johansson, Anne Nankivell, Jay	Reports	DISPOSAL OF SURPLUS EQUIPMENT
Resolved			
1. That Broken Hill City Council Report No. 17/21 dated October 23, 2020, be received.			
2. That Council approve the sale of items as listed in the below report.			
3. That the General Manager be authorised to set reserve prices where required.			
4. That General Manager be authorised to add additional items to Auction if required.			
5. That the General Manager be authorised to negotiate the sale of items post auction.			
6. That the General Manger be authorised to donate or dispose of any unsold items post auction.			
CARRIED UNANIMOUSLY			
17 Mar 2021 - 12:09 PM - Leisa Bartlett Arrangements have been made for items to be included in Pickles Auctions between 17 April - 26 April 2021. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Nu'man, Razija Nankivell, Jay	Reports	VOLUNTEER HERITAGE WALK TOUR DONATIONS
Resolved			

Outstanding For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 19/03/2021 Printed: Friday, 19 March 2021 10:56:14 AM
Action Sheets Report		

1. That Broken Hill City Council Report No. 18/21 dated February 12, 2021, be received.
2. That Council approves the donation of surplus funds of \$8,000.00 held in Council's Heritage Walk Tour Fund on behalf of the volunteers (donations collected by the Heritage Walk Tour volunteers), to the following local charities:
 - a) \$2,000.00 donation to the Far West Local Health Service Palliative Care Unit
 - b) \$2,000.00 donation to Silverlea Early Childhood Services
 - c) \$2,000.00 donation to the Bishop Fox Memorial Meal Centre (St Vincent de Paul)
 - d) \$2,000.00 donation to the RSPCA Broken Hill
3. That the Heritage Walk Tour volunteers be congratulated for their efforts in raising funds through walk tour operations for the abovementioned Broken Hill charitable organisations.

CARRIED UNANIMOUSLY

17 Mar 2021 - 10:59 AM - Leisa Bartlett

Correspondence and Certificates of Appreciation sent to the Heritage Walk Tour Volunteers 03/03/21. Correspondence sent to the four local organisations advising of Council's decision and arranging payment of donations 03/03/21.
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Howard, Codie Nankivell, Jay	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 409 HELD MONDAY, 14 DECEMBER 2020 AND MEETING NO 410 HELD TUESDAY, 2 FEBRUARY 2021

Resolved

1. That Broken Hill City Council Report No. 19/21 dated February 9, 2021, be received.
2. That the minutes of the Local Traffic Committee Meeting No. 409 held Monday, 14 December 2020 be received.
3. That the minutes of the Local Traffic Committee Meeting No. 410 held Tuesday, 2 February 2021 be received.
4. That Item Number 409.6.1 – No stopping/parking sign Blende Street near Con Crowley Village; that a no stopping zone to be installed to the west of the driveway on Blende Street for a 10m zone.
5. That Item Number 409.6.2 – Broken Hill Regional Art Gallery Car Park; that 6 'BHCC Staff Only' parking to remain the same, 8 'Art Gallery Patrons Only' parking to be installed alongside 'BHCC staff parking with 2-hour time restrictions.
6. That Item Number 407.8.1 – Busy Kids – Request for School Zone; that 4 'Child Zone' signs to be installed and the 7 car parking spaces adjacent to Busy Kids in Bagot Street be changed to 15-minute parking.

CARRIED UNANIMOUSLY

17 Mar 2021 - 5:02 PM - Leisa Bartlett

All matters have been included in the Works Schedule.

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Nankivell, Jay Nankivell, Jay	Confidential Matters	JUBILEE OVAL REDEVELOPMENT

Resolved

1. That Broken Hill City Council Report No. 24/21 dated February 17, 2021, be received.

Outstanding For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 19/03/2021 Printed: Friday, 19 March 2021 10:56:14 AM
Action Sheets Report		

2. That Council waive the Development Contribution Fee for AFL Broken Hill's Jubilee Oval Redevelopment Project to the amount detailed in the report.
3. That Council provides financial assistance to AFL Broken Hill (on a cost recovery basis in accordance with Council's Procurement Policy) for the remaining costs of the estimated rectification works, to an additional value as detailed in the report.
4. That subject to insurance approval, Council reimburse the Development Contribution Fund the cost of the waived Development Contribution Fee.

CARRIED UNANIMOUSLY

17 Mar 2021 - 5:03 PM - Leisa Bartlett
Waiver of fees have been applied and financial assistance arranged.
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Nankivell, Jay Nankivell, Jay	Confidential Matters	EXPRESSIONS OF INTEREST - SOCIAL AND AFFORDABLE HOUSING PROPOSAL - 331 MURTON STREET
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 25/21 dated February 16, 2021, be received. 2. That Council does not accept the Expression of Interest proposal submitted during the Expression of Interest process. 3. That the General Manager be authorised to negotiate with the prior interested party within the terms outlined in the report. 4. That subject to the outcome of recommendation 3, the Mayor and General Manager be authorised to sign and apply the Common Seal of Council to contract documents to allow the sale to be executed. 			
CARRIED UNANIMOUSLY			
<p>17 Mar 2021 - 5:04 PM - Leisa Bartlett Actioned to Century 21 to complete the sale of land.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Howard, Codie Nankivell, Jay	Confidential Matters	T20/5 - BROKEN HILL AIRPORT REPLACEMENT OF AGL LIGHTING CONSTRUCTION WORKS
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 26/21 dated February 9, 2021, be received. 2. That Council award tender T20/5 for the Airport Replacement of Aeronautical Ground Lighting Construction works to ADB Safegate Australia Pty Ltd for the tendered amount of \$1,882,775.57 (including GST). 			
CARRIED			
<p>17 Mar 2021 - 5:05 PM - Leisa Bartlett Tender has been awarded. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/02/2021	Andrews, Anne	Confidential Matters	LICENCE OF STURT PARK (CROWN RESERVE 1003026) TO MEGAN CUMMING

<p>Outstanding For Action</p> <p>Action Sheets Report</p>	<p>Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports</p>	<p>Date From: 1/04/2018 Date To: 19/03/2021 Printed: Friday, 19 March 2021 10:56:14 AM</p>
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<p>Nankivell, Jay</p>
<p>Resolved</p> <ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 27/21 dated January 19, 2021, be received. 2. That Broken Hill City Council issue a 12 month non-exclusive licence to Megan Cumming, for use of Reserve 1003026 (Sturt Park) with the purpose of 'sporting and organised recreational activities'. 3. That the annual rent be the minimum Crown Lands rental, currently \$505 per annum. 4. That the Mayor and General Manager be authorised to sign and execute any documents relating to the licence under the Common Seal of Council. <p style="text-align: right;">CARRIED</p> <p><i>18 Mar 2021 - 4:41 PM - Leisa Bartlett Draft licence almost finalised.</i></p>

COMMITTEE REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 39/21 - DATED MARCH 16, 2021 - MEMBERSHIP OF SECTION 355 COMMITTEES (11/9).....208

2. BROKEN HILL CITY COUNCIL REPORT NO. 40/21 - DATED MARCH 11, 2021 - MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD TUESDAY, 16 FEBRUARY 2021 (12/51).....214

3. BROKEN HILL CITY COUNCIL REPORT NO. 41/21 - DATED MARCH 16, 2021 - MINUTES OF THE BROKEN HILL REGIONAL ART GALLERY ADVISORY COMMITTEE MEETING HELD 10 MARCH 2021 (12/46)218

4. BROKEN HILL CITY COUNCIL REPORT NO. 42/21 - DATED MARCH 17, 2021 - MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETING HELD 25 FEBRUARY 2021 (15/87)232

ORDINARY MEETING OF THE COUNCIL

March 16, 2021

ITEM 1BROKEN HILL CITY COUNCIL REPORT NO. 39/21SUBJECT: MEMBERSHIP OF SECTION 355 COMMITTEES 11/9**Recommendation**

1. That Broken Hill City Council Report No. 39/21 dated March 16, 2021, be received.
2. That Council appoints Mr James Bourne as a community representative on Riddiford Arboretum Community Committee.
3. That Council appoints Ms Eve-Lyn Kennedy as a community representative on the Memorial Oval Community Committee.

Executive Summary:

In accordance with the *Local Government Act 1993, Section 355* Council previously established Committees to assist Council with the operation and management of its parks, ovals and reserves, these are called Section 355 Asset Committees. Council has also previously established Section 355 Advisory Committees to provide advice to the General Manager on specific operations of Council.

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

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

Council adopted Asset and Advisory Committee Frameworks and Constitutions as the governance structure by which a Committee operates. Membership on each committee forms part of the constitution and includes the number of community representatives, stakeholder representatives (if any) and Councillor representatives required for each Committee to function effectively.

Report:

As per Council's adopted Asset and Advisory Committee Framework which states that:

- Committees are to be appointed every four (4) years, three (3) months after the Local Government General Election. The term of office for all Committees will be aligned to the term of office of the current Council (four years).
- All positions will be declared to be vacant two (2) months after the Local Government Election.

Council advertised for nominations for community representatives on its Section 355 Committees for the current term of Council (September 2016 to September 2020), during November 2016, January 2017 and in October 2019 in an attempt to fill positions that had become vacant. All applications received during these periods have previously been presented to Council with all nominations supported. Council accepts ongoing nominations throughout the current term of this Council for any vacancies remaining or arising on Section 355 Committees.

Council has received a nomination from Mr James Bourne for membership on the Riddiford Arboretum Community Committee and a nomination from Ms Eve-Lyn Kennedy as a community representative on the Memorial Oval Community Committee.

Name of Committee	Number of current community members	Number of vacancies in community member positions	Number of further nominations received	Name of Nominee
Riddiford Arboretum Community Committee	8	4	1	Mr James Bourne
Memorial Oval Community Committee	10	1	1	Ms Eve-Lyn Kennedy

It is recommended that Council accepts the applications for membership from Mr James Bourne and Ms Eve-Lyn Kennedy for membership on Council’s S355 Committees.

Community Engagement:

Council advertised for vacancies in community membership of its Section 355 Committees in November 2016, January 2017 and October 2019. Council also considers nominations that are received throughout the current Term of Council.

Strategic Direction:

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

Relevant Legislation:

Section 355 of the *Local Government Act 1993*
 Council’s adopted S355 Asset Committee Framework
 Riddiford Arboretum Community Committee Constitution

Financial Implications:

There are no financial implications.

Attachments

1. [↓](#) Nomination Form - Mr James Bourne
2. [↓](#) Nomination Form - Ms Eve-Lyn Kennedy

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAY NANKIVELL
ACTING GENERAL MANAGER

S355 Committee Nomination Form

BROKEN HILL
CITY COUNCIL

Submission date: 28 February 2021, 10:16AM
 Receipt number: S355CNF-12
 Related form version: 3

Name of Committee: Riddiford Arboretum

Personal Details

First Name James

Last Name Bourne

Contact Number

Email Address

Applicant Street Number

Applicant Street Name

Applicant Suburb/City Broken Hill

Applicant State NSW

Applicant Postcode 2880

Committee Details

Please outline why you would like to be a member of this committee:

I think the Arboretum is an important feature of the town that needs to be looked after and cared for.

Please outline details of any relevant experience for this committee:

I have participated in working bees for the last couple of years in a voluntary capacity

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

I am treasurer of the Barrier Field Nats, and was secretary prior to that over four years with the committee;
 Member of local Landcare and until recently committee member - left committee to volunteer my time at the Arboretum;
 Set up and managed U3A classes as committee member for over a year;

Please detail any other relevant information:

Signature

Name of signatory: James Bourne

[Link to signature](#)



355 COMMITTEE NOMINATION FORM

Please complete this form as accurately as possible and return to council@brokenhill.nsw.gov.au

SECTION 355 COMMITTEE

Name of Committee: Memorial Oval Community Committee

PERSONAL DETAILS

Name: Eve-Lyn Kennedy

Address: Broken Hill

Contact Number: Home: _____ Mobile: _____

Email: -u

COMMITTEE DETAILS

Please outline why you would like to be a member of this committee:

I understand there was a need for assistance so I volunteered.

Please outline details of any relevant experience to this committee:

Have been on committees for previous work positions and councils.

What is your previous experience with any committee? Please list name/s of committee/s and period/s of service:

c. above. have been an acting treasurer before and secretary.

Please detail any other relevant information:

PRIVACY STATEMENT

Council is collecting your personal information in accordance with the Privacy and Personal Information Protection Act 1998. The purpose for collecting your personal information is to obtain and record contact details and to assess your suitability for appointment to a S355 Committee.

The intended recipients of the personal information collected includes Council officers, S355 Committee members and contractors or other agents contracted by Council. If appointed to a committee, your name and contact details may be included on Council's website and in Council's Business Papers.

The supply of the information is voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.

You may make application for access or amendment to information held by Council. Council will consider any such application in accordance with the Act. Enquiries concerning this matter can be directed to the Public Officer council@brokenhill.nsw.gov.au or addressed to Broken Hill City 240 Blende Street. Broken Hill is the agency that holds the information collected.

Signature: _____ Date: 9.2.21

Printed Name: Eve-Lyn Elizabeth Kennedy



ORDINARY MEETING OF THE COUNCIL

March 11, 2021

ITEM 2

BROKEN HILL CITY COUNCIL REPORT NO. 40/21

SUBJECT: MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD TUESDAY, 16 FEBRUARY 2021 12/51

Recommendation

1. That Broken Hill City Council Report No. 40/21 dated March 11, 2021, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held Tuesday, 16 February 2021 be received.

Executive Summary:

Council has received minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Special Committee Meeting held Tuesday, 16 February 2021 for endorsement by Council.

Report:

As per Council’s Section 355 Asset Committee Framework Manual and the Constitution of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee (both adopted March 2017), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Community Engagement: Nil

Strategic Direction:

Key Direction:	1	Our Community
Objective:	1.4	Our built environment supports our quality of life
Strategy:	1.4.2	Maintain the serviceability of Council’s assets at an appropriate condition level

Relevant Legislation:

The Friends of the Flora and Fauna of the Barrier Ranges Community Committee operates under Council’s Section 355 Asset Committee Constitution and the *Local Government Act 1993* (Section 355).

Attachments

1. MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER
[↓](#) RANGES COMMUNITY COMMITTEE - FEBRUARY 2021

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAY NANKIVELL
ACTING GENERAL MANAGER

MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE S355 MEETING HELD 16 FEBRUARY 2021 AT 4PM – COUNCIL CHAMBER 240 BLENDE STREET, BROKEN HILL

12/51

1. **Present:** John Rogers (Chairperson), Kellie Scott (Vice Chairperson), Geoffrey Hoare, Gaylene Ford, Councillor Marion Browne, Evan Scott, Emily Scott, Sue Spangler, Darrell Ford (BHCC), Nicholas King (BHCC), Dean Fletcher, Ann Evers
2. **Apologies:** Ronald Tumes, Jamie Scott, Michael Ford, Nevada Ford, Jeff Crase, Paul Reed, Ray Allen, David Spielvogel, Jill Spielvogel, Merran Coombe,
Non-Attendance: Lyn Campigli and Alison Gardner.
3. **Confirmation of Minutes of Previous Meeting:**
Previous minutes: 17 November 2020
Moved: John Rogers
Seconded: Gaylene Ford
4. **Business arising from Previous Minutes:** Nil
5. **Correspondence:** Nil
6. **Update on Action List Items:**
 - 6.1 Working Bee – Saturday, 27 February 2021- 9am. Saturday 20th March 2021 - 9am
 - 6.2 Identification Cards – As required
 - 6.3 Paths to Repair – Pending
 - 6.4 Wheelchair Paths to be continued
7. **Reports:**
 - 7.1 New Assistant Ranger – Nicholas King
 - 7.2 Tourist Numbers
Numbers have reduced during December – January
Camping numbers were very high through October, due to COVID.
 - 7.3 Rain
Damage due to recent rainstorm is being repaired.

The sanctuary fence was washed out in 17 different places and all have been repaired.

New creek sand has been placed at the Sculpture site to replace washed out rocks.
 - 7.4 Maintenance

New BBQ installed in picnic area for Wheelchair access

New path being created at the campsite for Wheelchair access
 - 7.5 Film Crew

There will be a film crew visiting in June or July to film – Big Red
 - 7.6 Donations

Foodland is kindly donating old "greens" for fauna outside the enclosure.

7.7 Thank You

Thank you to volunteers for trimming the trees around the campsite.

8 **Rosters:**

March

- 6-7 March – Sue and Geoffrey Hoare

9 **General Business:**

9.3 Working Bee

Saturday, 27 February 2021 at 9am.

Replace bark chips washed away from paths

Trim trees

Repair a section of concrete in Flora

Form up wheelchair path at campsite (will depend on concrete)

Action List:

ACTION	WHO
1 Working Bee – Saturday, 27 February 2021	Committee
2 Identification Cards - As required	Customer Relations
3 Cold Set – bitumen pouring over crushed paths - pending	D Ford - Ranger

Next Meeting: Tuesday, 16 March 2021 – Council Chamber – 4pm (ACDT)

10 **Meeting Closed:** 4.16 pm

ORDINARY MEETING OF THE COUNCIL

March 16, 2021

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 41/21

SUBJECT: MINUTES OF THE BROKEN HILL REGIONAL ART GALLERY
ADVISORY COMMITTEE MEETING HELD 10 MARCH 2021 12/46

Recommendation

1. That Broken Hill City Council Report No. 41/21 dated March 16, 2021, be received.
2. That the minutes of the Broken Hill Regional Art Gallery Advisory Committee Meeting held 10 March 2021 be received.
3. That, in accordance with Council's Broken Hill Regional Art Gallery Collection Management Policy, Council endorses the accessioning and deaccessioning of art works as per the minutes of the Broken Hill Regional Art Gallery Advisory Committee Meeting held 10 March 2021 and as per the letters attached to this report from Ms June Baetge and Ms Martina Schindler.

Executive Summary:

Council has received minutes of the Broken Hill Regional Art Gallery Advisory Committee Meeting held 10 March 2021 for endorsement by Council.

Report:

As per Council's Section 355 Asset Committee Framework Manual and the Constitution of the Broken Hill Regional Art Gallery Advisory Committee (both adopted March 2017), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Accordingly, the Broken Hill Regional Art Gallery Advisory Committee has submitted minutes from its meeting held 10 March 2021 for Council's endorsement.

Community Engagement:

Nil.

Strategic Direction:

Key Direction: 4. Our Leadership
Objective: 4.3 We Unite to Succeed in Australia's First Heritage Listed City
Function: Corporate Support
DP Action: 4.3.1.02 Support Councils Section 355 Committees in undertaking their duties with Council

Relevant Legislation:

Section 355 of the *Local Government Act 1993*.

The Broken Hill Regional Art Gallery Advisory Committee operates under Council's S355 Advisory Committee Framework which includes the Section 355 Advisory Committee Manual (adopted 29 March 2017) and the Broken Hill Regional Art Gallery Advisory Committee Constitution (amended and adopted 27 June 2017).

Financial Implications:

Nil

Attachments

1. [↓](#) Minutes of the Art Gallery Advisory Committee Meeting 10/03/2021
2. [↓](#) Letters from Ms Baetge and Ms Schindler

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAY NANKIVELL
ACTING GENERAL MANAGER

ORDINARY MEETING MINUTES

Moved Rick Ball,
Seconded Susanne Olsen

MINUTES – Art Gallery Advisory Committee

Endorsed Cr Maureen Clark, Chair

Date	10/03/2021	Time Meeting opened: 1710	Time Meeting closed: 1750
Location	Broken Hill Regional Art Gallery		
Present	Cr. Maureen Clark, Tara Callaghan (non-member), Clark Barrett, Sue Olsen, Simon Molesworth, Jenny Cattonar, Robyn Taylor, Rick Ball		
Apologies	Eve-lyn Kennedy, Andrew Gosling, Cr Licul		
Next Meeting	To be confirmed		

AGENDA	MOVED BY	SECONDED
Welcome and Apologies		
Confirmation of Minutes from previous meeting held	Simon Molesworth	Clark Barrett
Correspondence: <ul style="list-style-type: none"> NIL 		
Reports: <ul style="list-style-type: none"> NIL 		
<p>General Business</p> <ol style="list-style-type: none"> <i>COVID Safety for meeting:</i> Please see Work Health Safety section of meeting minutes for details on how COVID safety measures were undertaken for safety of committee members and staff <i>Thank you</i> On behalf of the committee the chair thanked Eileen Wright for all of her work on the digitisation project On behalf of the committee the chair thanked Tara Callaghan for her work as she moves on to Brisbane in two weeks <i>Acquisition Assessments (more detailed information attached to minutes)</i> All artworks offered by collectors in Sydney who have visited the Gallery many times and are very impressed with our collection Gloria Petyarre – all in favour Kathleen Petyarre – all in favour Minnie Pwerle – all in favour 	all in favour all in favour all in favour all in favour	

AGENDA	MOVED BY	SECONDED
<p>Makinti Napanangka – all in favour</p> <p>4. <i>John Lindsay Gregory</i></p> <ul style="list-style-type: none"> • Artworks were offered to the Gallery in early 2017 after John passed away, by his sister June Bateage • Works have been in Gallery being held to be dealt with by Gallery and Museum Manager in line with general collection management and digitisation tasks undertaken within the digitisation project • Agreement was reached in February 2021 between the Gallery and the family on which works to keep and which to return, and all appropriate documentation was signed with the family • Gallery and Museum Manager advised committee on process undertaken with the family <p>5. <i>Clem Milward viewing</i> Committee visited the collection store to view the Clem Millward prints previously accessioned as well as view artworks and prints in collection store that is now in very good order after the Digitisation project</p>		
<p>Work, Health and Safety</p> <ul style="list-style-type: none"> - All committee members signed into the Service NSW QR code on arrival - All committee members were seated 1.5m apart in a large open space (Gallery) - The meeting did not exceed 2 hrs 		
<p>Future Agenda Items</p>		
<p>Next Meeting 2021</p>		
<p>Meeting Closed There being no further business the Chairperson declared the meeting closed at 1750</p>		

BROKEN HILL
CITY COUNCIL

BROKEN HILL REGIONAL ART GALLERY ACQUISITION ASSESSMENT FORM

Type of Artwork: Painting on canvas – 200 x 200cm

Date received: February 2021

Artist: GLORIA PETYARRE

Date/Year of creation: 2004

Title of artwork: Leafs

Method of proposed acquisition: (e.g. donation, CGP, bequest) CGP

Source (e.g. donor name): Private collectors, Brian and Robyn Anschau

Does source have legal title and willing to transfer same to BHRAG? Yes

Provenance of artwork: Purchased from Woolloongabba Art Gallery in Queensland
Dealt directly with Simon Turner who had been instrumental in setting up the Arts program in
many of the Indigenous Communities when he worked with the Government.
We have a certificate of Provenance WAG0192

Dimensions in mm (h x w x d) 200 x 200 cm

Storage and/or display requirements: To be hung on painting hanging racks, large artwork
but can be accommodated

CONDITION Excellent Good Fair Poor Fragile

Immediate or potential future conservation issues: Nil issues for conservation

Significance assessment (refer to above and Collection Management Policy: 8. Acquisition
Selection Criteria)

It is extremely important to note that BHRAG has a major deficit in both females and
indigenous artists within the collection, this generous donation is an opportunity to collect
some important and highly collectable work from female Indigenous artists – the following
acquisition criteria are met: 8.1 (all), 8.2 (all), 8.3.2, 8.4.1, 8.6.1, 8.7, 8.8

Gloria Tamerre Petyarre c. 1942. Utopia, NT: Language Group: Anmatyerre;

Niece of Emily Kngwarrrwe

Highly collectable (\$10,000 - \$20,000 for similar size)

In all state and national, international galleries. Won the Wynne landscape prize twice,
including 2004.

<https://www.kateowengallery.com/artists/Glo96/Gloria-Petyarre.htm>

Recommendation: Accept

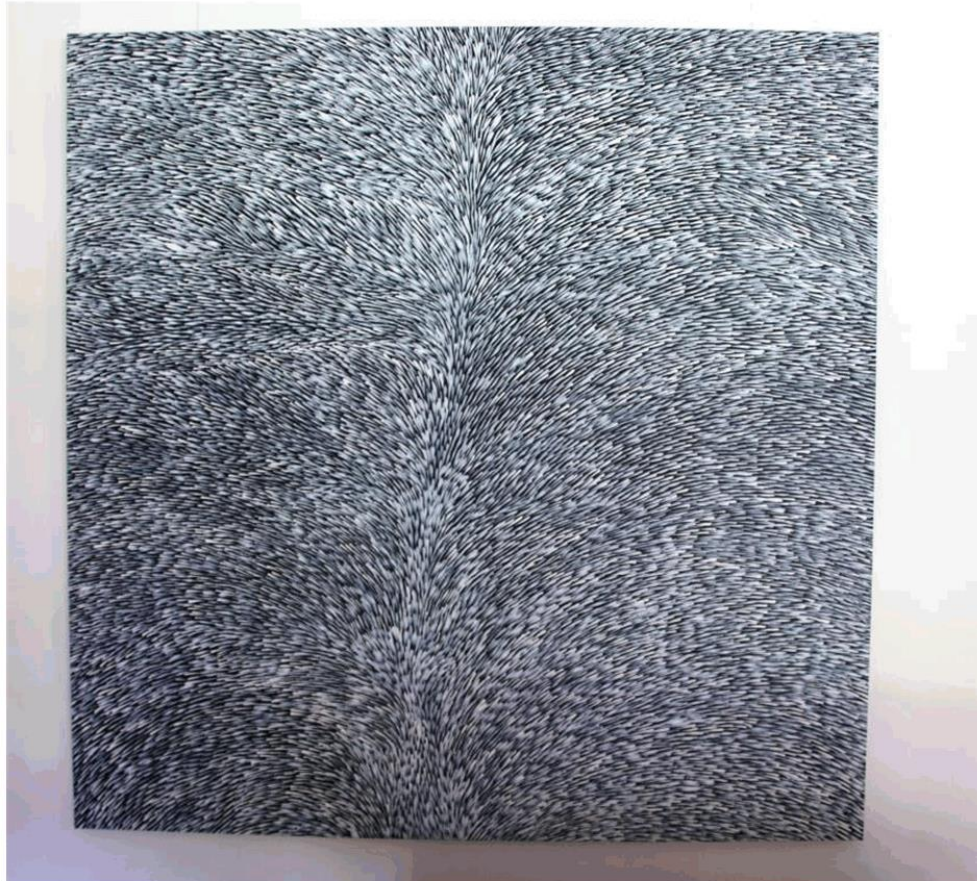
Artwork assessed by: Tara Callaghan on 09/03/2021

Position: Gallery and Museum Manager

Presented to Art Gallery Advisory Committee on 10/03/2021

Decision of Committee: Accept – all in favour

BROKEN HILL
CITY COUNCIL



Gloria Petyarre – Leafs (2004) 200cm x 200cm

BROKEN HILL
CITY COUNCIL

ACQUISITION ASSESSMENT FORM

Type of Artwork: Painting on canvas

Date received: February 2021

Artist: Kathleen Petyarre

Date/Year of creation: 2010

Title of artwork: Mountain Desert Lizard Dreaming

Method of proposed acquisition: (e.g. donation, CGP, bequest) CGP

Source (e.g. donor name): Private collectors, Brian and Robyn Anschau

Does source have legal title and willing to transfer same to BHRAG? Yes

Provenance of artwork:

We purchased from Artstralia 1 / Bill Green (Indigenous on line art gallery)

Certificate of Authenticity Catalogue number .. KP241/AA

Dimensions in mm (h x w x d) - 60 x 60cm

Storage and/or display requirements: To be hung on painting hanging racks, medium artwork can be accommodated

CONDITION Excellent Good Fair Poor Fragile

Immediate or potential future conservation issues: Nil issues for conservation

Significance assessment (refer to above and Collection Management Policy: 8. Acquisition Selection Criteria)

It is extremely important to note that BHRAG has a major deficit in both females and indigenous artists within the collection, this generous donation is an opportunity to collect some important and highly collectable work from famous female Indigenous artists – the following acquisition criteria are met: 8.1 (all), 8.2 (all), 8.3.2, 8.4.1, 8.6.1, 8.7, 8.8

Kathleen Petyarre c. 1940's -2018 Anmatyerre Utopia NT

Kathleen Petyarre has won the NT Telstra National Aboriginal and Torres Strait Islander Art Award on two occasions. Most of her seven sisters are all well established artists - Ada Bird Petyarre (dec), [Gloria Petyarre](#), [Nancy Petyarre](#) (dec), Myrtle Petyarre (dec) and Violet Petyarre.

(\$6000 - \$8000)

<https://www.mitchellfineartgallery.com/artists/stockroom-artists/kathleen-petyarre>

Recommendation: Accept

Artwork assessed by: Tara Callaghan on 09/03/2021

Position: Gallery and Museum Manager

Presented to Art Gallery Advisory Committee on 10/03/2021

Decision of Committee: All in favour

BROKEN HILL
CITY COUNCIL



Kathleen Petyarre - Mountain Desert Lizard Dreaming (2010) 60 x 60cm

ACQUISITION ASSESSMENT FORM



BROKEN HILL
CITY COUNCIL

Type of Artwork: Painting on canvas

Date received: February 2021

Artist: MINNIE PWERLE

Date/Year of creation: Unknown

Title of artwork: Awelye-Atrwengerrp (Bush Melon and Bush Melon Seed)

Method of proposed acquisition: (e.g. donation, CGP, bequest) CGP

Source (e.g. donor name): Private collectors, Brian and Robyn Anschau

Does source have legal title and willing to transfer same to BHRAG? Yes

Provenance of artwork:

We purchased the from Art Mob in Hobart

Certificate of authenticity AM2748/05

We have 7 photographs of the painting in progression

Dimensions in mm (h x w x d) 117 x 198cm

Storage and/or display requirements: To be hung on painting hanging racks, large artwork but can be accommodated

CONDITION Excellent Good Fair Poor Fragile

Immediate or potential future conservation issues: Nil issues for conservation

Significance assessment (refer to above and Collection Management Policy: 8. Acquisition Selection Criteria)

It is extremely important to note that BHRAG has a major deficit in both females and indigenous artists within the collection, this generous donation is an opportunity to collect some important and highly collectable work from famous female Indigenous artists – the following acquisition criteria are met: 8.1 (all), 8.2 (all), 8.3.2, 8.4.1, 8.6.1, 8.7, 8.8

Minnie Pwerle c. 1920 – 2006 Utopia, NT: Anmatyerre/Alyawarre

Highly collectable (\$20,000 - \$60,000 for similar sized works)

In many state/international galleries

<https://www.pwerle.com.au/minnie-pwerle/>

Recommendation: Accept

Artwork assessed by: Tara Callaghan on 09/03/2021

Position: Gallery and Museum Manager

Presented to Art Gallery Advisory Committee on 10/03/2021

Decision of Committee: All in favour

BROKEN HILL
CITY COUNCIL



BROKEN HILL
CITY COUNCIL

Minnie Pwerle - Awelye-Atrwengerrp (Bush Melon and Bush Melon Seed) (Date unknown) 117
x 198cm

ACQUISITION ASSESSMENT FORM

Type of Artwork: Painting on canvas

Date received: February 2021

Artist: MAKINTI NAPANANGKA

Date/Year of creation: Unknown

Title of artwork: Two Women –Fire

Method of proposed acquisition: (e.g. donation, CGP, bequest) CGP

Source (e.g. donor name): Private collectors, Brian and Robyn Anschau

Does source have legal title and willing to transfer same to BHRAG? Yes

Provenance of artwork:

We purchased from Art Mob in Hobart

Certificate of Authenticity AM2923/05

We have 24 photographs of the painting in progression

Dimensions in mm (h x w x d) - 122 x 182cm

Storage and/or display requirements: To be hung on painting hanging racks, large artwork
but can be accommodated

CONDITION Excellent Good Fair Poor Fragile

Immediate or potential future conservation issues: Nil issues for conservation

Significance assessment (refer to above and Collection Management Policy: 8. Acquisition
Selection Criteria)

It is extremely important to note that BHRAG has a major deficit in both females and
indigenous artists within the collection, this generous donation is an opportunity to collect
some important and highly collectable work from famous female Indigenous artists – the
following acquisition criteria are met: 8.1 (all), 8.2 (all), 8.3.2, 8.4.1, 8.6.1, 8.7, 8.8

Makinti Napanangka c. 1930 -2011. Kintore, NT; Pintipi

Was a leading Papunya Tula artist – compared with Emily K. for her “painterly freedom and
fearless blend of naïve and sophisticated elements” (Kate Owen gallery)

Highly collectable (\$20,000 for this size work)

In state and national, international galleries

<https://www.artgallery.nsw.gov.au/collection/artists/napanangka-makinti/>

BROKEN HILL
CITY COUNCIL

Recommendation: Accept
Artwork assessed by: Tara Callaghan on 09/03/2021
Position: Gallery and Museum Manager
Presented to Art Gallery Advisory Committee on 10/03/2021
Decision of Committee: All in favour



MAKINTI NAPANANGKA – Two Women Fire (unknown year) 122 x 182cm

June Baetge

[REDACTED]
Broken Hill NSW 2880

[REDACTED]
8th February 2021

Broken Hill Regional Art Gallery
Attn: Tara Callaghan
Gallery Manager
404-408 Argent Street
Broken Hill NSW 2880

Dear Tara

Re: John Lindsay Gregory artworks

In 2018 I provided the Broken Hill Regional Art Gallery with a number of my brother's artworks, after his passing. At the time I understood that the Gallery would assess the works and decide which ones they would like to keep. I now understand that the Gallery would like to keep 17 of the artworks to accession into the their collection.

I am thankful for this and request that the remainder of the artworks are passed on to my second cousin, Martina Schindler, who will distribute them to family members.

I would very much like the artworks of John's that the Gallery does not wish to keep, to be passed on to family members.

Kind regards,

[REDACTED]
June Baetge

Martina Schindler

[REDACTED]
Broken Hill NSW 2880
[REDACTED]

8th February 2021

Broken Hill Regional Art Gallery
Attn: Tara Callaghan
Gallery Manager
404-408 Argent Street
Broken Hill NSW 2880

Dear Tara

Re: John Lindsay Gregory artworks

My relative June Baetge has been in contact with me in relation to some artworks by John Lindsay Gregory.

I understand that June has donated a number of John's artworks to the Broken Hill Regional Art Gallery. I also understand that there are quite a number of artworks that the Gallery does not wish to retain and that June would like to stay in the family.

As a second cousin of June and John's I would very much like these artworks to be passed on to me, as per June's wishes, to be distributed amongst family members.

I trust the Gallery can expedite this request.

Kind regards,

[REDACTED]

Martina Schindler

ORDINARY MEETING OF THE COUNCIL

March 17, 2021

ITEM 4

BROKEN HILL CITY COUNCIL REPORT NO. 42/21

SUBJECT: MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETING HELD 25 FEBRUARY 2021 15/87

Recommendation

1. That Broken Hill City Council Report No. 42/21 dated March 17, 2021, be received.
2. That minutes of the Broken Hill Heritage Committee Meeting held 18 January 2021 be received and noted.
3. That, as noted in the minutes, Council advertises to fill the two vacant community representative positions on the Broken Hill Heritage Committee.

Executive Summary:

Council has received minutes from the Broken Hill Heritage Committee for its meeting held 25 February 2021 for endorsement by Council.

Report:

As per Council's Section 355 Advisory Committee Framework Manual and the Constitution of the Broken Hill Heritage Committee (both adopted March 2017), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Accordingly, the Broken Hill Heritage Committee has submitted minutes from its meeting held 25 February 2021 for Council's endorsement.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	2	Our Economy
Objective:	2.2	We are a destination of choice and provide a real experience that encourages increased visitation
Strategy:	2.2.1	Heritage Festival continues to grow and become nationally recognised

Key Direction:	4	Our Leadership
Objective:	4.3	We unite to succeed in Australia's first heritage listed city
Strategy:	4.3.1	Develop a strategy to protect Broken Hill Heritage Assets

Relevant Legislation:

The Broken Hill Heritage Committee operates under Council's S355 Advisory Committee Framework Manual, the Broken Hill Heritage Committee Constitution and the *Local Government Act, 1993* (Section 355).

Financial Implications:

Nil.

Attachments

1. [↓](#) Minutes of the Broken Hill Heritage Committee Meeting 25/02/2021

JAY NANKIVELL
ACTING GENERAL MANAGER

Broken Hill Heritage Committee

Councillor Room /Zoom

Council Administration

25 February 2021

MINUTES

Present: Marion Browne, Christine Adams, Maureen Clark and Ron Page, Tracey Stephens, Rachel Merton (part of meeting), Jay Nankivell (part of meeting), Simon Molesworth

Zoom Link : Liz Vine

Apologies: Mayor Dariea Turley, Andrew Gosling, Paula Chancellor, Anne Andrews

Councillor Browne chaired the meeting in the mayor's absence.

Minutes from Previous Meeting : Moved Simon Molesworth. Seconded Marion Browne. Passed

Business arising from the minutes was addressed through the action list later in the meeting.

Heritage Advisor's Report. Points included:

1. Liz to meet with Kate Gahan (BHCC Museum Advisor) during her next visit to Broken Hill. They will discuss mutual ways of assisting BDT in a proposed media/printing museum.
2. Tracey advised Paul Davies' completed/edited reports should be received within a couple of weeks.
3. CBD Master Plan will be available on website for all soon.
4. Simon expressed concern that Landcare had not been invited to a presentation of the Master Plan and more consultation had not been forthcoming between the consultants and Landcare. The general feeling of the committee was that it was perhaps a little premature for discussions re type of tree require in the CBD. Tracey to pass this concern on to consultants.

5. The following motions in relation to a revised Constitution be added include the following were moved by Marion and Seconded by Simon:
 - a. CURRENT COMMITTEE OBJECTIVE that the Committee will also provide advice and guidance on the development of strategies and identification of challenges and opportunities in relation to heritage, cultural planning and local identity including local history, and community involvement which encourages a sense of belonging within the City of Broken Hill.
 - b. CURRENT COMMITTEE DELEGATION. That this section include: initiating and assisting strategies, programs and events which have the aim of supporting, protection, promoting and celebrating Broken Hill as the First Heritage Listed City in Australia.
6. The Committee agreed that the 2 vacant positions on the committee be advertised.

ACTIONS

New & In-Progress Actions:

1	Action	Who	When	Status
	Festival programme:	Rachel Merton	1-4 APRIL	ongoing
	Thursday Night: Lighting up the city.			
	Official opening by Mayor Dariea Turley behind Town Hall; Jason King Players; Bells Van. Historical Images on wall; tables & chairs scattered.		1 April – 7-11pm	done
	Late opening Art Gallery and Geocentre		Open until 8pm	Done

<p>Website and tickets for dinner is now live. Tickets for Cemetary Tour will be live during the coming week.</p> <p>Augmented Reality Murals will commence 1 April and run for 12 months. 3 murals on Community Centre and 2 on train station have been augmented.</p>			
<p>Website and tickets for dinner is now live. Tickets for Cemetary Tour will be live during the coming week.</p>			
<p>Laneway Movie- Trades Hall</p>			
<p>Sunday:</p>			
<p>Saturday: Archives Open for research</p> <p>The Old Brewery Dinner and John Reid Awards.</p>		<p>Time?</p>	
<p>Good Friday: Cemetery Bus/Walk Tour/ morning tea at Broken Hill Tourist Park</p>		<p>9-11.30am 2 April \$10</p>	<p>Ross Unavailable</p> <p>Organised.</p>
<p>Ross Clark to present mineral talk</p>			

<p>2</p> <p><u>Advertising 2021 Broken Hill Heritage Festival: Secrets & Scandals of a Mining Town</u></p> <p>Neville Bent in videos app 1 min in duration and will be used in social media</p>		<p>1-4 April 2021</p>	<p>Sponsors: Perilya (major); FBH-\$2000; 2BH/Hill FM in kind sponsorship to \$3000. Southern Cross Ads are approved-one for one sponsorship. In discussion with AGL.; 2Fm; Broken Hill Tourist Park. To be advertised on Channel 7, Social media. and Radio.</p> <p>Posters already on our Smart Bins.</p>
<p>3</p> <p><u>Fringe Festival: Percy Brookfield Centenary Commemoration-27 March Sulphide Street Railway Museum</u></p> <p>Event at cemetery for Percy Brookfield</p> <p>Invite mayor of Riverton and author Paul Adams to Percy Brookfield events.</p> <ul style="list-style-type: none"> Contact made with Diana Ferry. Trades Hall have arranged for Paul Adams & a descendant of Percy Brookfield to visit Broken Hill from 22-25th March. Accommodation is arranged. Percy Brookfield Exhibition will open at the Trades Hall on Monday 22 March (evening) and Trades Hall will lay plaque at cemetery on 25 March the date of the funeral in 1921. 	<p>Community</p> <p>Committee arrange</p> <p>Mayor/Secretary</p>	<p>27 March</p> <p>28 March</p> <p>ASAP</p>	<p>In hand</p> <p>Riverton mayor an apology</p> <p>Paul Adams will attend all events</p> <p>Brookfield's great nephew will also attend.</p>

4	Walk Tours	AGM/VIC	Before during and after festival dates	Waiting on time and dates.
5	Mayor requests a review of the Terms of Reference for the committee so that all members are of operational matters that cannot be decided by the committee	Mayor	ASAP	Ongoing Copy of Constitution emailed to all members. Council staff to review asap as the present constitution limits action by the committee. At present we are restricted to historical events which matched the original name of the committee <i>Broken Hill Heritage Events Committee</i> . Anne hopes to have review draft completed and presented to committee in late February. Committee requests working party be incorporated in Terms of Reference to monitor 'end of mining life' in Broken Hill.
6	Possibility of 2 sub-committees: Strategy & Events.	Mayor/Committee	ASAP	Waiting on constitution review.
7	John Reid Awards.	Jay/Tracey/Committee	Urgent	Done
8	Broken Hill National Heritage Value Study (Paul Davies)	Anne Andrews	In progress	The report will be presented to committee and council for information only. In hand

9	Heritage City Smart App. Previously discussed. Inadvertently left off last month's agenda	Council Staff	ongoing	ongoing
10	Meeting to be arranged between Perilya/CBH and mayor re end of mine life. Committee is very concerned of suggestion that this is going to happen sooner than anticipated.	Mayor Turley	asap	Date set
11	Contact real estate agents' re use of empty shops for heritage use/exhibition	Mayor Turley	ongoing	ongoing
14	Paula provided the link for History Council NSW. https://historycouncilnsw.org.au/ and encourages the committee to consider joining	Secretary		Approved Council meeting 24/2/21 Council to follow up membership
15	Request for a discussion on the importance of the recording and preserving the oral history of Broken Hill residents at current meeting	Simon	ongoing	Secretary is in discussion with Tracey Fraser BHCC Library Co-Ordinator. Will follow up after festival.
16	Condition of heritage signs	All	ongoing	Anne advised some will be picked up through Wayfaring Project. Members are asked to take photos of any signs that need attention and alert council. Email to Anne/Tracey.

17

Discussion on possible use of Old Police Station becoming a hub for all Broken Hill groups.	committee	ongoing	a little premature as negotiations with Federal, State Gov and BHP re the Cultural Hub project and financial assistance are still occurring.
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Further Business

Meeting Hours.

Thurs 25 March, 29 April, 27 May, 24 June, 29 July, 26 August,

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETINGS

1. QUESTIONS ON NOTICE NO. 2/21 - DATED MARCH 02, 2021 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE FEBRUARY 2021 ORDINARY COUNCIL MEETING (12/160)242

ORDINARY MEETING OF THE COUNCIL

March 2, 2021

ITEM 1QUESTIONS ON NOTICE NO. 2/21

SUBJECT: COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE
FEBRUARY 2021 ORDINARY COUNCIL MEETING 12/160

Summary

The report provides responses to questions raised by Councillors during the February 2021 Council Meeting, which were taken on notice.

Recommendation

1. That Questions On Notice No. 2/21 dated March 2, 2021, 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 February 2021 Council Meeting.

Question:	<u>From Item 3 (Companion Animals) – Cat Desexing Program</u> 11/141 <i>The Mayor asked when the Cat Desexing Program will commence.</i>
Response:	Council is collaborating with the National Desexing Network to deliver this program to the community at end of March/early April 2021.
Question:	<u>From Item 17 (Quarterly Budget Review) - Library, Archives and Cultural Precinct Survey</u> 16/26 <i>Councillor Page requested that the survey results of the Library, Archives and Cultural Precinct be circulated to Councillors</i>
Response:	The survey results were circulated to Councillors on 2 March 2021.
Question:	<u>From Item 18 (Proposed Borrowings for Waste Fleet Renewal) - Waste Management Facility</u> 11/199 <i>Councillor Page requested information regarding the costs involved in Council accepting waste (soil), at the Waste Management Facility, that was associated with the construction of the Wentworth to Broken Hill pipeline.</i>
Response:	Council received \$6.5m in Income from the Wentworth to Broken hill pipeline project for the dumping of 32,000 tonnes of soil. The total cost to dispose of the soil was \$320,000 or \$10 per tonne, as per our cost

	<p>recovery fee for soil. Total profit was \$6,248,552 with \$6,000,000 transferred to reserve.</p> <p>No additional staff or plant resources were required at the waste facility. The soil accepted at the waste facility was a useful resource as it is used for cover material to comply with EPA requirements. Without this soil, cover material would need to be sourced elsewhere either through other waste deposits or sourced externally at a cost to council.</p>
Question:	<p><u>From Item 24 (Traffic Committee Minutes) – School Bus Zone – Broken Hill Public School (Central)</u> 11/397</p> <p><i>Councillor Kennedy referred to the school bus zone at the Broken Hill Public School and asked if an explanation could be sought from the Committee as to why this school bus zone is only in force on a Friday afternoon from 12:00noon to 3:00pm and not all school days.</i></p>
Response:	<p>Question will be an agenda item to discuss at the next Local Traffic Committee, being held on Tuesday 6th of April. Explanation to be presented to the April Council Meeting.</p>
Question:	<p><u>Civic Centre Online Ticket Bookings</u> 14/155</p> <p><i>Councillor Kennedy advised that he has been approached by residents who have had trouble with Council's online ticket bookings for attendance at events at the Civic Centre and asked that this be investigated.</i></p>
Response:	<p>Currently tickets for events can be either booked online through Council's ticketing system or made via calling Council's Box Office number: 08 8080 3575</p>
Question:	<p><u>Broken Hill Correctional Services Street Beautification Program</u> 12/146</p> <p><i>Councillor Licul asked if Council could investigate whether the Broken Hill Correction Services will be conducting their street beautification program this year.</i></p>
Response:	<p>The Broken Hill Correctional Services have advised that they will be recommencing their Street Beautification Program following their current program of cleaning up the Racecourse ready for the St Pat's Races. There is also the possibility of Community Corrections being involved in clean up works by those on Community Service Orders.</p>

Attachments

There are no attachments for this report

JAY NANKIVELL
ACTING GENERAL MANAGER

CLOSED

Council Meeting to be held Wednesday, March 31, 2021

1. BROKEN HILL CITY COUNCIL REPORT NO. 43/21 - DATED MARCH 18, 2021 - CONFIDENTIAL MINUTES FOR CONFIRMATION - ORDINARY COUNCIL MEETING HELD 24 FEBRUARY 2021 - CONFIDENTIAL

(General Manager's Note: This report considers confidential minutes for confirmation that relate to a personnel matter and is deemed confidential under Section 10A(2) (a) of the Local Government Act, 1993 which contains matters that will involve the discussion of personnel matters concerning a particular individual).

2. BROKEN HILL CITY COUNCIL REPORT NO. 44/21 - DATED MARCH 19, 2021 - SALE OF LAND FOR UNPAID RATES - CONFIDENTIAL

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

3. BROKEN HILL CITY COUNCIL REPORT NO. 45/21 - DATED MARCH 16, 2021 - PROPOSED LEASE OF SUITE 2 / 23-27 BROMIDE STREET - CONFIDENTIAL

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

4. BROKEN HILL CITY COUNCIL REPORT NO. 46/21 - DATED JANUARY 29, 2021 - T20/6 - STURT PARK SKATE PARK REDEVELOPMENT - CONFIDENTIAL

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

5. BROKEN HILL CITY COUNCIL REPORT NO. 47/21 - DATED MARCH 16, 2021 - T21/1 KANANDAH ROAD PAVEMENT REHABILITATION PROJECT, VP-226862 - CONFIDENTIAL

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

6. BROKEN HILL CITY COUNCIL REPORT NO. 48/21 - DATED FEBRUARY 26, 2021 - T21/4 QUEEN ELIZABETH PARK REDEVELOPMENT - CONFIDENTIAL

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

7. BROKEN HILL CITY COUNCIL REPORT NO. 49/21 - DATED MARCH 16, 2021 - T21/6 SPORTS LIGHTING PROJECT - CONFIDENTIAL

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