
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JANUARY 27, 2022

Meeting commenced at 6:32 pm.

REQUESTS FOR COUNCILLOR ATTENDANCE VIA AUDIO-VISUAL LINK:

As per the temporary amendment to the *Local Government (General) Regulation 2021* (which was extended until 30 June 2022 while NSW Councils adopt their new Codes of Meeting Practice due to the release of the OLG 2021 Model Code of Meeting Practice). The temporary amendment exempts Councils from complying with the requirement under their Codes of Meeting Practice for Councillors to be personally present at meetings to participate in them, and to allow Councillors to attend via audio-visual link where these facilities are available and once resolved by Council – the following Councillors have requested to join the Council Meeting via audio-visual link:

1. **Councillor Darriea Turley** – requests attendance via audio-visual link and has provided the reason:
“*self-isolation due to Public Health Order as close family member has been diagnosed with COVID-19*”.
2. **Councillor Marion Browne** – requests attendance via audio-visual link and has provided the reason:
“*awaiting test result*”.

RESOLUTION

Minute No. 46709

Councillor M Boland moved
Councillor R Algate seconded

Resolved

) That the requests submitted by Councillors
) Turley and Browne to attend the meeting via
audio-visual link be accepted.

CARRIED UNANIMOUSLY

PRESENT:

Councillor T. Kennedy (Mayor) Councillor J. Hickey (Deputy Mayor)
Councillors B. Algate, M. Boland, M. Browne (audio-visual link),
A. Chandler, D. Gallagher APM, H. Jewitt, R. Page and D. Turley AM
(audio-visual link).

General Manager, Chief Assets and Projects Officer, Chief Financial Officer,
Manager Communications and Marketing, Executive Manager Growth and
Investment, Executive Officer and Executive Assistant.

Media (4), Members of the Public (22).

APOLOGIES:

Nil.

PRAYER

Councillor Boland delivered the prayer

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 46710

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

That the Minutes of the Ordinary Meeting of the
Council of the City of Broken Hill held January
12, 2022 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil.

MAYORAL MINUTES

Nil.

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

*During debate of Item 1, the Mayor called for a motion to suspend Standing Orders to allow
Councillors to discuss matters contained within the report.*

RESOLUTION

Minute No. 46711

Councillor M Boland moved)
Councillor R Page seconded)

Resolved

That Standing Orders be suspended in order for
Councillors to speak on matters contained within
the Item 1 Report No. 15/22 – Timeline for
implementation of actions from the Council
Resolution of Mayoral Minute No. 2/22 (12
January 2022 Council Meeting).

CARRIED UNANIMOUSLY

ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 15/22 - DATED JANUARY 21, 2022 -

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TIMELINE FOR IMPLEMENTATION OF ACTIONS FROM THE COUNCIL RESOLUTION OF
MAYORAL MINUTE NO. 2/22 (12 JANUARY 2022 COUNCIL MEETING) D22/3036

RESOLUTION

Minute No. 46712

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 15/22 dated January 21, 2022, be received.
2. That the timeline contained within this report for the implementation of actions relating to Council's resolution of Mayoral Minute No. 2/22 from the 12 January 2022 Council Meeting be received and noted.
3. That the General Manager be thanked for providing the timeline for the implementation of the Mayoral Minute actions.

CARRIED UNANIMOUSLY

ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 16/22 - DATED JANUARY 20, 2022 - DRAFT
AMENDED CODE OF MEETING PRACTICE POLICY FOR PUBLIC EXHIBITION D22/2463

RESOLUTION

Minute No. 46713

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 16/22 dated January 20, 2022, be received.
2. That the following amendments be made to the Draft Code of Meeting Practice Policy prior to public exhibition:
 - a) Delete clauses 3.30-3.35 noted in green print that relate to pre-meeting briefing sessions (page 129)
 - b) Delete clause 5.2 part of clause shown in orange print that relates to attendance by audio-visual link (page 134).
 - c) Delete clauses 5.15-5.29 shown in orange print that relates to the holding of audio-visual links and audio-visual meetings (pages 135, 136 and 137).
 - d) Delete clause 5.43 shown in orange print relating to attendance of General Manager and staff by audio-visual link (page 139).
 - e) Delete clause 8.1 (02) the reference to audio-visual link shown in orange print (page 143).
 - f) Delete clause 14.20 relating to Councillors attending by audio visual link shown in orange print (page 155)
 - g) Delegate clauses 15.21 and 15.22 relating to disorder by Councillors attending by audio-visual link shown in orange print (page 159).
 - h) Delete clause 16.2 relating to conflicts of interest in respect to Councillors

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- attending via audio-visual link shown in orange print (page 161).
- i) Delete clause 19.2 (a) shown in orange print (page 165).
 - j) Delete part of clause 20.22 (a) shown in orange print (page 169).
 - k) Remove from the Definitions Table, the definition for audio-visual link shown in orange print (page 172).
2. That Council publicly exhibits the draft amended Code of Meeting Practice Policy for a 28 day period and accepts submissions for members of the community for a period of at least 42 days.
3. That following the public exhibition and submission period of the draft amended Code of Meeting Practice Policy, a report be presented to Council outlining any public submissions received and whether the draft amended Code of Meeting Practice Policy has been further amended due to the submissions received.

CARRIED

FOR: Councillors Algate, Boland, Chandler, Gallagher, Kennedy, Hickey, Jewitt and Page.
AGAINST: Councillors Browne and Turley.

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 17/22 - DATED JANUARY 17, 2022 -
BROKEN HILL CBD REVITALISATION AND ACTIVATION PROJECT - REVISED PROJECT SCOPE**
D22/1698

RESOLUTION

Minute No. 46714

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

- 1. That Broken Hill City Council Report No. 17/22 dated January 17, 2022, be received.
- 2. That a workshop be held with Councillors to further investigate and understand Council's desired vision and outcome in accordance with Council's revised budget.
- 3. That Council write to the Federal and State funding bodies and relevant Ministers advising of a proposed change in project scope including the withdrawal or reduction in Council's contribution to the project and seek advice as to whether funding can be redirected to a smaller project scope for a purpose-built archive facility incorporating a library facility as result of the Councillor workshop.
- 4. That Council writes to the Local Federal Member requesting that he lobbies for Council's proposal to change the project

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scope of the Broken Hill CBD Revitalisation and Activation Project.

5. That the site visit of Council's assets that is being organised for Councillors, includes the Library and Town Hall Façade.

CARRIED UNANIMOUSLY

ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 18/22 - DATED JANUARY 19, 2022 - FURTHER MOTION TO THE NSW LOCAL GOVERNMENT SPECIAL CONFERENCE TO BE HELD IN SYDNEY 28 FEBRUARY 2022 - 2 MARCH 2022 D22/2008

RESOLUTION

Minute No. 46715

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 18/22 dated January 19, 2022, be received.
2. That Council notes that the deadline for motions to be submitted to the NSW Local Government Special Conference to be held in Sydney from 28 February – 2 March 2022 is 30 January 2022.

CARRIED

FOR: Councillors Algate, Boland, Chandler, Gallagher, Kennedy, Hickey, Jewitt and Page.
AGAINST: Councillors Browne and Turley.

ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 19/22 - DATED JANUARY 20, 2022 - E.P. O'NEILL MEMORIAL PARK REDEVELOPMENT - PROGRESS UPDATE D22/2439

RESOLUTION

Minute No. 46716

Councillor H Jewitt moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 19/22 dated January 20, 2022, be received.
2. That Broken Hill City Council note the progress update of capital project E.P O'Neill Memorial Park Redevelopment.
3. That Council note the Councillor induction process includes a tour of all Council facilities/assets and major projects and that these will be scheduled in February at a time convenient with all Councillors.
4. That a workshop be held with Barnson Pty Ltd and Councillors as part of the face-to-face consultation scheduled for February 2022 to review the draft technical designs.

CARRIED UNANIMOUSLY

ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 20/22 - DATED JANUARY 21, 2022 - STAFFING NUMBERS AND CURRENT BUDGET D22/3101

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RESOLUTION

Minute No. 46717

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 20/22 dated January 21, 2022, be received and noted.
2. That Council staff include the USU in all negotiations that involve changes to Council's staffing structure.

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 21/22 - DATED JANUARY 19, 2022 -
PROPOSED CWA MURAL - ARGENT STREET**

D22/1951

RESOLUTION

Minute No. 46718

Councillor R Page moved)
Councillor A. Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 21/22 dated January 19, 2022, be received.
2. That the Public Art Policy be included in the Policy Workshop being arranged for Councillors; and that in readiness for the workshop, the Public Art Policy be amended to include that all recommendations of the Panel are presented to Council for final approval.

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 22/22 - DATED JANUARY 20, 2022 -
INVESTMENT REPORT FOR DECEMBER 2021**

D22/2157

RESOLUTION

Minute No. 46719

Councillor M Boland moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 22/22 dated January 20, 2022, be received.

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 23/22 - DATED JANUARY 21, 2022 - CITIES
POWER PARTNERSHIP - LOCAL LEADERS PROGRAM**

D22/2991

RESOLUTION

Minute No. 46720

Councilor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 23/22 dated January 21, 2022, be received.
2. That Councillors advise the General Manager's Office of their interest to join the Cities Power Partnership, Local Leaders Program as a Council delegate/s.

CARRIED UNANIMOUSLY

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 24/22 - DATED JANUARY 21, 2022 -
ACTION LIST REPORT**

D22/3148

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RESOLUTION

Minute No. 46721

Councillor D Gallagher moved)

Councillor H. Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 24/22 dated January 21, 2022, be received.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

Nil.

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

Nil.

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Public Forum Session

The Mayor requested that the General Manager responds to the items raised during the Public Forum Session that was held prior to the Council Meeting.

Webcasts of Council Meetings

The Manager Communications and Marketing referred to a matter raised during the Public Forum Session that the webcasts of previous Council Meetings could not be found on Council's website, and advised that there must have been some sort of error on Council's website as all webcasts were available. The Manager Communications and Marketing advised that he will investigate and rectify the issue.

Public Art Panel Members

The Mayor requested that the General Manager circulates to Councillors the names of the members of Council's Public Art Panel. The General Manager advised that no staff names would be released.

Matter raised during Public Forum Session regarding membership of Local Government NSW

Councillor Turley referred to the matter raised by a member of the public during the Public Forum Session regarding Council's membership of Local Government NSW and advised that she has taken the question on notice. Councillor Turley requested a meeting with the Mayor to discuss the matter further.

Broken Hill Fruit Fly Outbreak

The Mayor requested an update from the General Manager regarding investigations into programs to combat fruit fly in Broken Hill.

The General Manager gave a verbal update and will provide details to the next Council Meeting.

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RESOLUTION

Minute No. 46722

Councillor R Algate moved)
Councillor R Page seconded)

Resolved

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

CARRIED UNANIMOUSLY

Members of the public and media left the Council Chambers at 7:35pm.

CONFIDENTIAL MATTERS

During debate of Item 11, the Mayor called for a motion to suspend Standing Orders in order for Councillors to fully discuss the matter.

RESOLUTION

Minute No. 46723

Councillor D Turley moved)
Councillor R Page seconded)

Resolved

That Standing Orders be suspended whilst Councillors discuss Item 11, Confidential Report No. 25/22.

CARRIED UNANIMOUSLY

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 25/22 - DATED JANUARY 21, 2022 - PROPOSED TRANSPORT OPTIONS - CONFIDENTIAL D22/3118

(General Manager's Note: This report considers Proposed Transport Options 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. 46724

Councillor R Algate moved)
Deputy Mayor J. Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 25/22 dated January 21, 2022, be received and noted.
2. That Council negotiate the introduction of a new airline service as proposed by the 'Subject Airline' and as outlined in the report, in accordance with the proposed Air Services Agreement; and that Council receives an undertaking from the 'Subject Airline' that services are expanded should an opportunity present.
3. That Council negotiate any commercial incentive provided to the "Subject Airline" with

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our current provider to ensure fairness and equity.

CARRIED

FOR: Councillors Algate, Boland, Chandler, Gallagher, Kennedy, Hickey, Jewitt, Page and Turley.
AGAINST: Councillor Browne.

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 26/22 - DATED JANUARY 19, 2022 - PUBLIC REPORTING OF CONFIDENTIAL MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD 11 NOVEMBER 2021 - CONFIDENTIAL D22/1948

(General Manager's Note: This report considers the confidential minutes of the Extraordinary Council Meeting held 11 November 2021 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. 46725

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 26/22 dated January 19, 2022, be received.
2. That the open minutes of the Extraordinary Council Meeting held 11 November 2021 be amended to include the public reporting of the Council resolution of Confidential Report No. 179/21 dated November 10, 2021 – Proposed Transport Options, and the minutes be replaced on Council's website as detailed in this report.

CARRIED UNANIMOUSLY

RESOLUTION

Minute No. 46726

Councillor D Gallagher moved)
Councillor R Page seconded)

Resolved

That the meeting resume in open session.

CARRIED UNANIMOUSLY

Member of the public and media returned to the Council Chambers at 8:05pm.

At the Mayor's invitation, the General Manager reported on the confidential items considered in closed session.

There being no further business the Mayor closed the meeting at 8:08 pm.

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THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 23 FEBRUARY 2022)

CHAIRPERSON