



# **BUSINESS PAPER**

Ordinary Meeting of Council

Council Chambers  
23 February 2022

6.30pm



**AUSTRALIA'S FIRST  
HERITAGE LISTED CITY**

Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993*, that an Ordinary Meeting of the Broken Hill City Council will be held in the Council Chambers on **Wednesday, 23 February 2022** commencing at **6:30pm** to consider the following business:

<b>AGENDA</b>	
1	Opening the Meeting 1a) Requests from Councillors to attend via audio-visual link
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
15	Confidential Matters
16	Conclusion of the Meeting

### **LIVESTREAMING AND RECORDING OF COUNCIL MEETINGS**

Please note: This Council Meeting will be livestreamed via YouTube and recorded and published online via Council's website. To those present at the meeting today, by participating in this public meeting you are consenting to your image, voice and comments being recorded and published.

The Mayor and/or General Manager have the authority to pause the livestream if comments or debate are considered defamatory or otherwise inappropriate for publishing. Participants are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.

# MINUTES FOR CONFIRMATION

Minutes of the Ordinary Meeting of the Council meeting held Thursday, January 27, 2022.

Minutes of the Extraordinary Meeting of the Council meeting held Wednesday, February 02, 2022.

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

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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

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
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**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 15/22 - DATED JANUARY 21, 2022 -  
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 scope of the Broken Hill CBD Revitalisation and Activation Project.

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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

**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



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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

Councillor 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

**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.*

### **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 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

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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.

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

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CHAIRPERSON

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MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
FEBRUARY 02, 2022

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Meeting commenced at 5:00pm.

**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:

3. **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”.

**RESOLUTION**

Minute No. 46727

Councillor M Browne moved  
Councillor D Gallagher seconded

**Resolved**

) That the request submitted by Councillor Turley  
) 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, D. Gallagher, H. Jewitt,  
R. Page and D. Turley (audio-visual link).

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

Media - nil, Members of the Public - nil.

**APOLOGIES:**

Nil.

**ABSENT:**

Councillor A. Chandler.

**PRAYER**

Councillor Boland delivered the prayer.

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country.

**PURPOSE OF THE MEETING**

The Extraordinary Meeting has been called to consider the following item of business:

1. Mayoral Minute No. 1/22 dated February 01, 2022 – Civic Centre Legal Matter -  
CONFIDENTIAL

## DISCLOSURE OF INTEREST

Nil.

### RESOLUTION

Minute No. 46728

Deputy Mayor J Hickey moved )  
Councillor M Browne 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

## CONFIDENTIAL MATTERS

### RESOLUTION

Minute No. 46729

Councillor D Gallagher moved )  
Councillor M Boland seconded )

### Resolved

That Standing Orders be suspended to allow Councillors to fully discuss Item 1.

CARRIED UNANIMOUSLY

*The meeting moved into closed session at 5:03pm*

### ITEM 1 - MAYORAL MINUTE NO. 1/22 - DATED FEBRUARY 01, 2022 - CIVIC CENTRE LEGAL MATTER - CONFIDENTIAL

D22/4828

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

### RESOLUTION

Minute No. 46730

Mayor T Kennedy moved )  
Councillor R Page seconded )

### Resolved

1. That Mayoral Minute No. 1/22 dated February 1, 2022, be received.
2. That Council authorise Redenbach Legal to negotiate within the defined settlement range and as per Senior Counsel advice, during mediation scheduled for Thursday February 2022.
3. That Council authorise the Mayor and General Manager to sign and execute all

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MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
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necessary paperwork, agreements, and court documents to finalise the matter, if agreement is reached within the defined settlement range.

4. That if mediation is not successful, Council proceeds to arbitration scheduled for March 2022.

CARRIED UNANIMOUSLY

**RESOLUTION**

Minute No. 46731

Councillor R Algate moved )

Councillor M Browne seconded )

**Resolved**

That the meeting resume in open session.

CARRIED UNANIMOUSLY

*The meeting resumed in open session at 5:10pm.*

At the Mayor's invitation, the General Manager reported on the resolution of the confidential matter.

There being no further business the Mayor closed the meeting at 5:12 p.m.

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

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CHAIRPERSON

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## ORDINARY MEETING OF THE COUNCIL

February 8, 2022

**ITEM 1****BROKEN HILL CITY COUNCIL REPORT NO. 27/22****SUBJECT:**                    **DISCLOSURE OF INTEREST RETURNS**                    **D22/6879****Recommendation**

1. That Broken Hill City Council Report No. 27/22 dated February 8, 2022, be received.
2. That Council note the submission of the required Disclosure of Interest Returns by Deputy Mayor Councillor Jim Hickey, Councillor Michael Boland, Councillor Alan Chandler, and Councillor Hayley Jewitt.
3. That access to Council's Register of Returns of Disclosures by Councillors and Designated Persons be in accordance with the provisions of the *Local Government Act 1993* and other relevant legislation.

**Executive Summary:**

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

All re-elected Councillors are not required to submit a new return. Whereas, newly elected Councillors are required to submit Disclosure of Interest Returns within three months of being elected.

Disclosure Returns have now been received by the General Manager from Council's four newly elected Councillors for the period from the date of the Electoral Commissions declaration of the local government elections to June 30, 2022.

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

**Report:**

Clauses 4.20 to 4.27 of Council's adopted Code of Conduct Policy (based on the Office of Local Government's Model Code of Conduct) outlines the provisions for Councillors and Designated Persons for the submission of Disclosure of Interest Returns. Clause (4.21) states:

**Disclosure of Interest in Written Returns**

- 4.21 A Councillor or designated person must make and lodge with the General Manager a return in the form set out in schedule 2 to this code, disclosing the Councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a Councillor or designated person, and

- b) 30 June of each year, and
- c) the Councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs a) or b).

As such all re-elected Councillors have previously submitted Disclosure of Interest Returns for the period until 30 June 2022 and these returns have previously been reported to Council.

In accordance with Clause 4.21 a) the newly elected Councillors (Councillor Michael Boland, Councillor Alan Chandler, Deputy Mayor Councillor Jim Hickey and Councillor Hayley Jewitt) are required to submit Disclosure Returns to the General Manager within three months of being elected and this report is to confirm that the newly elected Councillors have submitted such returns.

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

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

As per the *Local Government (General) Regulations 2021*, Designated Persons must complete the necessary Disclosure of Interest Return which declares their interest in:

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

**Community Engagement:**

Not applicable.

**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 (General) Regulations 2021.*  
Office of Local Government Model Code of Conduct for Local Council in NSW  
Broken Hill City Council Code of Conduct Policy

**Financial Implications:**

Nil

**Attachments**

There are no attachments for this report

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER

## ORDINARY MEETING OF THE COUNCIL

February 10, 2022

**ITEM 2****BROKEN HILL CITY COUNCIL REPORT NO. 28/22****SUBJECT:**                    **DELEGATIONS OF FUNCTIONS**                    **D22/5780****Recommendation**

1. That Broken Hill City Council Report No. 28/22 dated February 10, 2022, be received.
2. That That Council notes the Schedule of Delegable Functions for the Broken Hill City Council attached to this report at Attachment 1.
3. That Broken Hill City Council delegate to the Mayor of the Broken Hill City Council, the Functions in accordance with the Instruments of Delegation attached to this report at Attachment 2.
4. That Broken Hill City Council delegate to the Deputy Mayor of the Broken Hill City Council, the Functions in accordance with the Instruments of Delegation attached to this report at Attachment 3.
5. That Broken Hill City Council delegate to the General Manager of the Broken Hill City Council, the Functions in accordance with the Instruments of Delegation attached to this report at Attachment 4.

**Executive Summary:**

A report regarding Council's Delegations of Functions was presented to the first meeting of the newly elected Council on 12 January 2022 and Council resolved that the report be deferred pending a Councillor Briefing. The Councillor Briefing was held on Thursday 10 February 2022 and was facilitated by Ms Rachael Webb, Special Counsel at Local Government Legal.

The report is now re-presented to Council to consider adoption of the delegations of functions for the Mayor, Deputy Mayor, General Manager.

A Schedule of all delegable functions is attached to the report. These delegations will be sub-delegated to various staff by the General Manager as per his powers of sub-delegation under Section 378 of the *Local Government Act 1993*.

**Report:**

Councils have certain functions and duties which they must perform, and certain powers which they may exercise, pursuant to *the Local Government Act 1993* as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body. It is not practical or efficient for the Council as a body of elected members to perform the many functions or undertake the many duties and activities that are required in the day-to-day administration of the Council's roles and functions.

Delegations are the way in which the Council enables its Officers to undertake these duties on its behalf. Therefore, it is necessary for the Council to take formal steps to delegate the authority to make decisions, perform functions or undertake duties and activities on behalf of Council to the General Manager (this is pursuant to section 377 of the *Local Government Act 1993*).

There are a number of functions under the *Local Government Act 1993 Section 377* that Council cannot delegate. These are matters that Council must determine by resolution.

Sections 377 and 378 read as follows:

### **377 General power of the council to delegate**

- (1) *A Council may, by resolution, delegate to the general manager or any other person to body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:*
- a) The appointment of a General Manager,*
  - b) The making of a rate,*
  - c) A determination under section 549 as to the levying of a rate,*
  - d) The making of a charge,*
  - e) The fixing of a fee,*
  - f) The borrowing of money,*
  - g) The voting of money for expenditure on its works, services or operations,*
  - h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
  - i) The acceptance of tenders to provide services currently provided by members of staff of the council,*
  - j) The adoption of an operational plan under section 405,*
  - k) The adoption of a financial statement included in an annual financial report,*
  - l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
  - m) The fixing of an amount or rate for the carrying out by the Council of work on private land,*
  - n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work,*
  - o) The review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,*
  - p) The power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
  - q) A decision under section 356 to contribute money of otherwise grant financial assistance to persons,*
  - r) A decision under section 234 to grant leave of absence to the holder of a civic office,*
  - s) The making of an application, or the giving of a notice, to the Governor or Minister,*
  - t) This power of delegation,*
  - u) Any function under this or any other Act that is expressly required to be exercised by resolution of the Council.*
- (1A) *Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:*

- (a) *The financial assistance is part of a specified program, and*
  - (b) *The program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
  - (c) *The program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
  - (d) *The program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*
- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.*
- (3) *A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.*

**378 Delegations by the general manager**

- (1) *The general manager may delegate any of the functions of the general manager, other than this power of delegation.*
- (2) *The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*
- (3) *Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377(2).*

Under section 377 and 378 of the *Local Government Act 1993*, Council cannot delegate functions directly to an employee of Council. Rather, this must be done by first delegating to the General Manager who in turn sub-delegates to an employee. The General Manager therefore must be delegated the necessary functions to be able to sub-delegate those functions to an employee.

Attached to the report is a schedule of all delegable functions along with draft delegations recommended for the Mayor, Deputy Mayor and the General Manager. The draft delegations provide a standardised approach to the issuing of delegations which refer to a Schedule of Delegable Functions. This Schedule is updated by Local Government Legal and reflects changes to Acts and Regulations that affect Local Government.

Compliance with Council's policies are also included in Council's Instruments of Delegations as well as delegations from third party authorities.

The General Manager's draft delegations have been updated since the report was presented to the 12 January 2022 Council Meeting to include delegations from the Minister for Crown Lands for Council managed crown reserves within Broken Hill and the Willyama Common.

**Community Engagement:**

Not applicable.

**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, Sections 377-381.

**Financial Implications:**

Annual subscription to Local Government Legal's Delegations Database is \$6,050.00. This expenditure is included in the 2021/2022 Budget.

**Attachments**

1. [↓](#) Schedule of Delegable Functions
2. [↓](#) Draft Delegations - Mayor
3. [↓](#) Draft Delegations - Deputy Mayor
4. [↓](#) Draft Delegations - General Manager

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER

## Schedule of Delegable Functions

Code	Function
Aged Care Act 1977	
AC Act 000	<p><b>Aged Care Approved Provider:</b></p> <p>Authority to act on behalf of the Council as a local government authority Approved Provider for the purposes of the Aged Care Act 1997 (Cth) and associated legislation.</p> <p>Pursuant to</p> <p>Aged Care Act 1977 (Cth)</p>
Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth)	
AFR Act 000	<p><b>All functions:</b></p> <p>Authority to act on behalf of the Council as a State/Territory entity for the purposes of the Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth) and associated legislation.</p> <p>Pursuant to</p> <p>Australia's Foreign Relation (State and Territory Arrangements) Act 2020</p>
Aviation Transport Security Act 2004 (Cth)	
ATS Act 001	<p><b>Transport Security Program:</b></p> <p>Authority on behalf of the Council as an aviation industry participant to undertake all functions in relation to a transport security program in accordance with Part 2 of the Aviation Transport Security Act 2004 (Cth).</p>

	<p>Pursuant to</p> <p>Part 2 and in particular ss18 and 22 and 23A and 26A</p>
ATS Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and or perform on behalf of the Council the Council's delegable functions as an airport operator and/or an aviation industry participant under this Act and the Regulations in force as amended from time to time.</p> <p>Pursuant to</p> <p>Aviation Transport Security Act 2004 and Aviation Transport Security Regulation 2005.</p>
Biodiversity Conservation Act 2016	
BC Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Biodiversity Conservation Act 2016</p>
BC Act 001	<p><b>Agreements:</b></p> <p>Authority on behalf of the council, being a public authority that owns or has the control and management of Crown land or lands of the Crown, to enter into a biodiversity stewardship agreement, conservation agreement or wildlife refuge agreement, or a joint management agreement.</p> <p>Pursuant to</p> <p>ss5.9(2), 5.21(2) and 5.28(2) and clause 2.25 of the Biodiversity Conservation Regulation 2017.</p>
BC Act 002	<b>Biodiversity Offsets:</b>

	<p>Authority to participate as the owner of land in the Biodiversity Offsets Scheme, including to apply for registration of a transfer of, or to retire, a biodiversity credit and appeal as the holder of a biodiversity credit to the Land and Environment Court.</p> <p>Pursuant to</p> <p>Part 6</p>
BC Act 003	<p><b>Biodiversity certification:</b></p> <p>Authority to apply for biodiversity certification, request that the application be declared a strategic application and enter into an agreement in connection with an application for biodiversity certification.</p> <p>Pursuant to</p> <p>ss8.5(1)(a), (2)(c) and (6)</p>
BC Act 004	<p><b>Biodiversity certification agreement:</b></p> <p>Authority to enter into a biodiversity certification agreement and apply to modify such an agreement.</p> <p>Pursuant to</p> <p>ss 8.16(3) and 8.22(2)(a)</p>
BC Act 005	<p><b>Disputes:</b></p> <p>Authority as a party to a biodiversity certification or biodiversity certification agreement, to refer a dispute to the Premier.</p> <p>Pursuant to</p> <p>s8.25</p>
BC Act 006	<p><b>Civil proceedings:</b></p> <p>Authority to bring proceedings in the Land and Environment Court to remedy or restrain a breach of the Act or regulations or</p>

	<p>Part 5A of the Local Land Services Act 2013, or breach of a biodiversity stewardship, private land conservation or biodiversity certification agreement.</p> <p>Pursuant to</p> <p>Part 13, Division 2</p>
BC Act 007	<p><b>Opinion as to significant affect:</b></p> <p>Authority on behalf of the council as consent authority to determine whether development or an activity is likely to significantly affect threatened species and hold an opinion as to whether a proposed development is likely to have serious and irreversible impacts on biodiversity values and be satisfied that an application for modification of development consent will not increase the impact on biodiversity values, in accordance with Part 7</p> <p>Pursuant to</p> <p>Part 7</p>
Biodiversity Conservation Regulation 2017	
BC Reg 001	<p><b>Biodiversity Values Map:</b></p> <p>Authority to hold the opinion on behalf of the Council that land contains vegetation connectivity features or threatened species habitat for the purposes of inclusion in the Biodiversity Values Map.</p> <p>Pursuant to</p> <p>clause 7.3(3)(j)</p>
Biosecurity Act 2015	
Bio Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of the Council as the Local Control Authority, the Council's delegable functions under this Act and the Regulations in force and as amended from time to time.</p>

	<p>Pursuant to</p> <p>Pursuant to the Biosecurity Act 2015</p>
Bio Act 001	<p><b>Appointment of Authorised Officers:</b></p> <p>Authority to appoint authorised officers in relation to weeds in accordance with Part 22 Division 2 of the Biosecurity Act 2015.</p> <p>Pursuant to</p> <p>Pursuant to section 372 of the Biosecurity Act 2015.</p>
Bio Act 002	<p><b>Recovery of Fees:</b></p> <p>Authority to charge and recover fees charged, or costs and expenses incurred by the Council acting as local control authority in connection with the exercise of functions by an authorised officer appointed by the Council, in accordance with Part 20 of the Biosecurity Act 2015.</p> <p>Pursuant to</p> <p>Pursuant to s373(1) of the Biosecurity Act</p>
Bio Act 005	<p><b>Biosecurity Directions and Undertakings:</b></p> <p>Authority to exercise the powers of the Secretary with respect to any biosecurity direction given by, or any biosecurity undertaking executed by an authorised officer appointed by the local control authority.</p> <p>Pursuant to</p> <p>Pursuant to s372(4) of the Biosecurity Act</p>

Bio Act 003	<p><b>Arrangements for joint exercise of functions:</b></p> <p>Authority to enter into an arrangement for the joint exercise of functions on behalf of the Council as a local control authority.</p> <p>Pursuant to</p> <p>Pursuant to s374 Biosecurity Act</p>
Bio Act 004	<p><b>Order requiring compliance with biosecurity undertaking:</b></p> <p>Authority to apply to the Land and Environment Court for an order if a person contravenes a biosecurity undertaking.</p> <p>Pursuant to</p> <p>Pursuant to s148(1)</p>
Bio Act 007	<p><b>Revocation of Biosecurity Direction:</b></p> <p>Authority to revoke or vary a biosecurity direction given by an authorised officer appointed by the Council.</p> <p>Pursuant to</p> <p>Pursuant to s125(3)</p>
Bio Act 006	<p><b>Exemption for watercourses:</b></p> <p>Authority to exempt the whole or part of a watercourse, river or inland water from the duty to control aquatic weeds.</p> <p>Pursuant to</p>

	Pursuant to clause 4(5) of Schedule 1
Bio Act 008	<p><b>Certificate as to Weed Control Notices:</b></p> <p>Authority to issue a Certificate as to weed control notices, expenses and charges on land.</p> <p>Pursuant to</p> <p>Schedule 7, clause 28</p>
Boarding Houses Act 2012	
BH Act 001	<p><b>Power of entry:</b></p> <p>Authority to authorise a person to enter a premises of a registered boarding house for the purpose of conducting an initial compliance investigation and issue an authority to enter premises under section 25. Authority to recover an approved fee in association with an initial compliance investigation in accordance with section 23.</p> <p>Pursuant to</p> <p>sections 17, 23 and 25</p>
BH Act 002	<p><b>Notice of Entry:</b></p> <p>Authority to give the proprietor or manager of the premises of a registered boarding house written notice of the intention to enter the premises in accordance with section 19 and to give a notification or use of force or urgent entry in accordance with section 21.</p> <p>Pursuant to</p> <p>sections 19 and 21 of the Boarding Houses Act 2012.</p>
BH Act 003	<p><b>Reasonable use of force:</b></p> <p>Authority to authorise the reasonable use of force in gaining entry to a premises to conduct an initial compliance</p>



	<p>investigation.</p> <p>Pursuant to section 20 of the Boarding Houses Act 2012.</p>
BH Act 004	<p><b>Exchange of information:</b></p> <p>Authority to enter into an information sharing arrangement with an administrator of the Boarding Houses Act 2012.</p> <p>Pursuant to section 94</p>
BH Act 005	<p><b>Court Proceedings:</b></p> <p>Authority to commence proceedings for an offence against a provision of Part 2 (Registration of Boarding Houses) of the Boarding Houses Act 2012.</p> <p>Pursuant to section 99 of the Boarding Houses Act 2012.</p>
BH Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Boarding Houses Act 2012</p>
Building and Development Certifiers Act 2018	
BPC Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and the</p>

	<p>Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Building and Development Certifiers Act 2018 and Building and Development Certifiers Regulation 2020</p>
BDC Act 001	<p><b>Contracts for certification work:</b></p> <p>Authority to execute a written contract for certification work to be done in the name of or on behalf of the council.</p> <p>Pursuant to</p> <p>section 31</p>
BDC Act 002	<p><b>Exchange of Information:</b></p> <p>Authority to enter into an arrangement with the Secretary for the purpose of sharing or exchanging information in accordance with s108 of the <i>Building and Development Certifiers Act 2018</i>.</p> <p>Pursuant to</p> <p>section 108</p>
BDC Act 003	<p><b>Carrying out certification work:</b></p> <p>Authority to carrying out certification work of a class prescribed by the regulations that is done in the name of or on behalf of the council.</p> <p>Pursuant to</p> <p>section 112</p>
Building and Development Certifiers Regulation 2020	
BDC Reg 001	<p><b>Appropriate person:</b></p> <p>Authority on behalf of the Council as a building owner to give a written opinion that a person is competent to exercise the</p>

	<p>function of an accredited practitioner (fire safety) under Divisions 4 and 5 of Part 9 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>Pursuant to</p> <p>Clause 65(1)(b)</p>
Building Products (Safety) Act 2017	
BP(S) Act 000	<p><b>All Functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Building Products (Safety) Act 2017</p>
BP(S) Act 001	<p><b>Building Product Rectification Order:</b></p> <p>Authority on behalf of the Council as a relevant enforcement agency to make a building product rectification order, including to be satisfied on reasonable grounds that the building is an affected building.</p> <p>Pursuant to</p> <p>section 20 of the Building Products (Safety) Act 2017</p>
BP(S) Act 002	<p><b>Exchange of information:</b></p> <p>Authority to enter into an information sharing arrangement with the Commissioner for Fair Trading, Department of Finance, Services and Innovation.</p> <p>Pursuant to</p> <p>section 86 Building Products (Safety) Act 2017</p>

Cemeteries and Crematoria Act 2013	
C&C Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Cemeteries and Crematoria Act 2013</p>
C&C Act 001	<p><b>Cemeteries Register:</b></p> <p>Authority to notify the Cemeteries Agency in relation to the Cemeteries and Crematoria Register.</p> <p>Pursuant to</p> <p>s27 Cemeteries and Crematoria Act 2013</p>
C&C Act 002	<p><b>Notice appeal:</b></p> <p>Authority to appeal against an improvement notice issued by the Cemeteries Agency.</p> <p>Pursuant to</p> <p>s33(5) Cemeteries and Crematoria Act 2013</p>
C&C Act 003	<p><b>Comply with Notice / Order:</b></p> <p>Authority to take any actions to comply with an improvement notice in accordance with section 33 or short term order in accordance with section 36 issued by the Cemetery Agency. Authority to give, withdraw or vary an enforceable undertaking in accordance with section 39 and report to the Cemeteries Agency as required by a notice in accordance with section 41.</p> <p>Pursuant to</p> <p>ss33, 36, 39 and 41 of the Cemeteries and Crematoria Act 2013</p>

C&C Act 004	<p><b>Interment right:</b></p> <p>Authority to grant or renew, transfer to another person or transfer to the cemetery operator, an interment right.</p> <p>Pursuant to</p> <p>s47, s58 and s59 of the Cemeteries and Crematoria Act 2013</p>
C&C Act 005	<p><b>Cemetery Operators Register:</b></p> <p>Authority to keep and amend the cemetery operator's register in accordance with section 63 and make a copy of an entry in the register available in accordance with 63(10).</p> <p>Pursuant to</p> <p>s63 Cemeteries and Crematoria Act 2013</p>
C&C Act 006	<p><b>Heritage Advisory Committee:</b></p> <p>Authority to establish a heritage advisory committee, and appoint a chairperson of the committee, in accordance with section 69.</p> <p>Pursuant to</p> <p>s69 Cemeteries and Crematoria Act 2013</p>
C&C Act 007	<p><b>Advice of committee:</b></p> <p>Authority to seek advice of the heritage advisory committee in accordance with section 69(2).</p> <p>Pursuant to</p> <p>s69 Cemeteries and Crematoria Act 2013</p>
C&C Act 008	<p><b>Conversion of Cemeteries:</b></p> <p>Authority to exercise the council's functions under Schedule 4 (Conversion of Cemeteries) including considering and</p>

	<p>determining objections and making an application to the Minister that the whole or any part of the land referred to in a resolution of council under clause 3 be declared as a public park and authority to determine to preserve, or remove and preserve or dispose of a monument in accordance with the relevant provisions.</p> <p>Pursuant to</p> <p>Schedule 4 (Conversion of Cemeteries) of the Cemeteries and Crematorium Act 2013.</p>
Children (Protection and Parental Responsibility) Act 1997	
CPPR Act 001	<p><b>Operational Area:</b></p> <p>Authority to request the Attorney General to declare (or revoke a declaration) that an area is an operational area for the purposes of Division 2 of Part 3.</p> <p>Pursuant to</p> <p>sections 14 and 16</p>
CPPR Act 002	<p><b>Prepare draft Crime Prevention Plan:</b></p> <p>Authority to prepare a draft local crime prevention plan for the council's area</p> <p>Pursuant to</p> <p>Section 31(1)</p>
CPPR Act 003	<p><b>Prepare draft Crime Prevention Plan:</b></p> <p>Authority to request assistance from the Attorney-General in preparing draft plan</p> <p>Pursuant to</p> <p>Section 31(2)</p>
CPPR Act 004	<p><b>Prepare draft Crime Prevention Plan:</b></p>

	<p>Authority to publicise the intention to prepare a draft plan and seek and consider submissions on intention to prepare draft plan</p> <p>Pursuant to</p> <p>Section 31(3)</p>
CPPR Act 005	<p><b>Prepare draft Crime Prevention Plan:</b></p> <p>Authority to place draft plan on public exhibition</p> <p>Pursuant to</p> <p>Section 34</p>
CPPR Act 006	<p><b>Prepare draft Crime Prevention Plan:</b></p> <p>Authority to seek and consider submissions on draft plan</p> <p>Pursuant to</p> <p>Sections 34 and 35</p>
CPPR Act 007	<p><b>Prepare draft Crime Prevention Plan:</b></p> <p>Authority to adopt draft plan with or without amendments</p> <p>Pursuant to</p> <p>Section 35</p>
CPPR Act 008	<p><b>Prepare draft Crime Prevention Plan:</b></p> <p>Authority to amend or revoke plan</p> <p>Pursuant to</p>

	Section 37
CPPR Act 009	<p><b>Prepare draft Crime Prevention Plan:</b></p> <p>Authority to request the Attorney-General to approve a draft Local Crime Prevention Plan or adopted Local Crime Prevention Plan as a safer community compact</p> <p>Pursuant to</p> <p>Section 39</p>
CPPR Act 010	<p><b>Apply for financial assistance:</b></p> <p>Where there is or is proposed to be a safer community compact for a council's area, authority to apply to the Attorney General for financial assistance in accordance with section 40.</p> <p>Pursuant to</p> <p>Section 40</p>
CPPR Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Children (Protection and Parental Responsibility) Act 1997</p>
Children's Guardian Act 2019	
CG Act 000	<p><b>All functions under Part 4:</b></p> <p>Authority to exercise and/or perform on behalf of the Council, all delegable Functions of the General Manager (being the "head" of the relevant entity) under Part 4 of the Act, other than the power of delegation.</p>



	<p>Pursuant to</p> <p>Part 4 and Section 65</p>
Civil Aviation Act 1988 (Cth)	
CivA Act 001	<p><b>Civil Aviation Authorisation:</b></p> <p>Authority on behalf Council as the operator of an aerodrome to undertake all functions in relation to any necessary civil aviation authorisation as amended from time to time.</p> <p>Pursuant to</p> <p>Civil Aviation Act 1998 and Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998</p>
CA Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and perform on behalf of the Council the Council's delegable functions under the Civil Aviation Act 1988, Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998, as amended from time to time.</p> <p>Pursuant to</p> <p>Civil Aviation Act 1988, Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998</p>
Commons Management Act 1989	
CM Act 001	<p><b>Manage affairs of trust:</b></p> <p>Authority to decide whether to accept appointment to manage affairs of trust</p> <p>Pursuant to</p> <p>Section 7(2)</p>
CM Act 000	<p><b>All functions:</b></p>

	<p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Commons Management Act 1989</p>
Community Assistance Grants	
pa	<p><b>Authority to Approve Community Assistance Grants:</b></p> <p>Authority to give final approval of recommendations of the Community Assistance Grant Panel, through two rounds of grant funding annually and within the adopted annual budget of the grants program, as per the Community Assistance Grants Policy - Minute No. 45524 and S356 of the Local Government Act 1993.</p>
Community Land Development Act 1989	
CLD Act 001	<p><b>Compliance Certificate - Community Development and Precinct Land:</b></p> <p>Authority to grant a certificate in relation to the subdivision of a community development lot by a community plan of subdivision or subdivision of a precinct development lot by a precinct plan of subdivision in accordance with sections 8(4)(a) and 12(4)(a) respectively.</p> <p>Authority to issue a certificate signifying consent to the conversion of a community development lot to community property or neighbourhood lot to neighbourhood property under Schedule 6(1)(c) and Schedule 7(1)(c) respectively, or a certificate signifying consent to severing a community development lot from a community scheme, or a precinct development lot from a precinct scheme under Schedule 8(1)(b).</p> <p>Pursuant to</p> <p>Section 8(4)(a), 12(4)(a), Schedules 6(1)(c), 7(1)(c) and 8(1)(b).</p>
CLD Act 002	<p><b>Development Contracts:</b></p> <p>Authority to certify a development contract in accordance with section 26(5) and approve the registration of an amendment of a development contract in accordance with section 27(2)(b)</p>

	Pursuant to sections 26(5) and 27(2)(b)
CLD Act 003	<p><b>By-laws:</b></p> <p>Authority to request that a community management statement or neighbourhood management statement includes specified by-laws.</p> <p>Pursuant to Schedule 3(4), Schedule 4(4)</p>
CLD Act 004	<p><b>Variation or termination of schemes:</b></p> <p>Authority to represent the council as a party to Supreme Court proceedings to vary or terminate a scheme under sections 70 and 71, and authority to consent to the termination of a neighbourhood scheme under section 72.</p> <p>Pursuant to Section 71(3)</p>
CLD Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Community Land Development Act 1989</p>
Community Land Management Act 1989	
CLM Act 001	<p><b>Amendment of Development Contract:</b></p> <p>Authority to approve the amendment of a development contract and grant a development consent compliance certificate.</p>

	Pursuant to section 16
CLM Act 000	<b>All functions:</b> Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.  Pursuant to Community Land Management Act 1989
Companion Animals Act 1998	
CA Act 001	<b>Notice Requiring registration:</b> Authority to issue a notice requiring a companion animal to be registered.  Pursuant to section 10B of the Companion Animals Act 1998
CA Act 002	<b>Companion Animals killed by Traffic:</b> Authority to act in relation to companion animals killed by traffic.  Pursuant to section 11A
CA Act 003	<b>Appointment of authorised officers:</b> Authority to authorise an employee of the council as an authorised officer and provide the person with an identification card under section 69F of the Companion Animals Act 1998

	<p>Pursuant to section 5 (definitions)</p>
CA Act 004	<p><b>Off-leash Area:</b></p> <p>Authority to declare a public place to be an off-leash area in accordance with section 13(6).</p> <p>Pursuant to section 13(6)</p>
CA Act 005	<p><b>Prohibition in public places:</b></p> <p>Authority to make orders prohibiting dogs from recreation areas, public bathing areas, shopping areas and wildlife protection areas and to prohibit cats from wildlife protection areas</p> <p>Pursuant to sections 14 and 30</p>
CA Act 006	<p><b>Revoke declaration:</b></p> <p>Authority to revoke a dangerous dog declaration in accordance with section 39 and revoke a declaration by an authorised officer that a dog is a restricted dog in accordance with section 58D, and give notice of revocation or of non revocation.</p> <p>Pursuant to sections 39, 40 and 58D, 58DA</p>
CA Act 007	<p><b>Act in Court proceedings:</b></p> <p>Authority to act in any local court appeal proceedings in relation to companion animals, including appeal proceedings against the making of a dangerous dog declaration or refusal to revoke a dangerous dog declaration and an appeal to the District Court against disqualification from owning a dog or cat.</p>

	<p>Pursuant to section 41, 44, 46, 24</p>
CA Act 008	<p><b>Commence Court Proceedings:</b></p> <p>Authority, subject to the General Manager's consent, to institute and carry on proceedings in the Local Court for an offence against the Companion Animals Act 1998</p> <p>Pursuant to section 93</p>
CA Act 009	<p><b>Unclaimed seized or surrendered animals:</b></p> <p>Authority to sell or destroy unclaimed seized or surrendered animals, and recover fees, charges and expenses from an owner</p> <p>Pursuant to section 64 and 64A and 66 and 67(a)</p>
CA Act 010	<p><b>Arrangement with Departmental Chief-Executive:</b></p> <p>Authority to enter into an agreement or arrangement with the Departmental Chief Executive in accordance with section 83J.</p> <p>Pursuant to section 83J</p>
CA Act 012	<p><b>Fees:</b></p> <p>Authorise any fee or charge payable under this Act:</p> <p>(a) to be paid by instalments, and</p> <p>(b) to be reduced or waived in respect of persons in receipt of a pension, benefit or allowance under the <i>Social Security Act</i></p>

	<p>1991 of the Commonwealth.</p> <p>Pursuant to section 95</p>
CA Act 013	<p><b>Notify nuisance dog or cat order:</b></p> <p>Authority to notify Director General of issuing of nuisance dog or cat order</p> <p>Pursuant to section 32A(6) section 31(6)</p>
CA Act 014	<p><b>Destroy animal:</b></p> <p>Authority to destroy dog seized in transition period</p> <p>Pursuant to section 57(5)</p>
CA Act 015	<p><b>Detain animal:</b></p> <p>Authority to detain animal which is being investigated or is the subject of proceedings</p> <p>Pursuant to section 64(3A)</p>
CA Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p>

	<p>Pursuant to Companion Animals Act 1998</p>
CA Act 016	<p><b>Notice for permit for companion animal:</b></p> <p>Authority to give the owner of a companion animal a notice requiring the owner to apply for a Permit under Part 2A.</p> <p>Pursuant to section 11E</p>
Companion Animals Regulation 2018	
CA Regulation 001	<p><b>Registration Agent:</b></p> <p>Authority to act on behalf of Council as a registration agent for the purposes of companion animals registration including serving a notice requiring an animal to be registered under clause 24 of the Regulation.</p> <p>Pursuant to Clause 13 and 24 of the Companion Animals Regulation 2018</p>
Contaminated Land Management Act 1997	
CLMM Act 001	<p><b>Management Orders:</b></p> <p>Authority, where the Council is the subject of a management order or approved voluntary management proposal made under Part 3 of the CLM Act, to carry out, or cause to be carried out, any requirement of such an order or proposal.</p> <p>Pursuant to sections 30 and 31</p>
CLMM Act 002	<b>Voluntary management proposals:</b>



	<p>Authority to prepare and submit a voluntary management proposal to the EPA for contaminated land owned by Council</p> <p>Pursuant to section 17</p>
CLMM Act 003	<p><b>Costs:</b></p> <p>Authority to issue a notice requiring payment of any reasonable costs incurred by Council in carrying out the requirements of an investigation or remediation order, including the entry into an arrangement for the payment of those costs, and apply to Registrar General to register a costs notice and to remove such notice</p> <p>Pursuant to Sections 35, 39, 41</p>
CLMM Act 004	<p><b>Disputes between EPA and public authorities:</b></p> <p>Authority to refer a dispute between the EPA and Council to the Premier for settlement in accordance with this section 102</p> <p>Pursuant to Section 102</p>
CLMM Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Contaminated Land Management Act 1997</p>
Conveyancing Act 1919	
C Act 001	<b>Restrictions on use of land and public positive covenants (land held by prescribed authority):</b>

	<p>Authority to, by order, impose restrictions on the use of or impose public positive covenants on any prescribed land vested in the council, and vary any such restriction or covenant and rescind or revoke any such order, in accordance with section 88D.</p> <p>Pursuant to</p> <p>Section 88D</p>
C Act 002	<p><b>Restrictions on use of land and public positive covenants (land NOT held by prescribed authority):</b></p> <p>Authority to impose restrictions on the use of land or impose a public positive covenant on any land not vested in the council in accordance with section 88E.</p> <p>Pursuant to</p> <p>Section 88E</p>
C Act 003	<p><b>Effect of certain positive covenants:</b></p> <p>Authority to, on behalf of the council as the prescribed authority with the benefit of a public positive covenant over land, inspect the land, insure a structure, carry out development, recover expenses incurred and apply for registration of a charge over land in accordance with section 88F.</p> <p>Pursuant to</p> <p>Section 88F</p>
C Act 004	<p><b>Certificate of amount due:</b></p> <p>Authority to issue a certificate of amount due in accordance with section 88G.</p> <p>Pursuant to</p> <p>Section 88G</p>
C Act 005	<p><b>Enforcement of Covenants:</b></p>

	<p>Authority to apply to the Court on behalf of the council as a prescribed authority, to enforce a covenant imposing a restriction on the use of land or a positive covenant by seeking an injunction in accordance with section 88H, or for an order that the land be conveyed or transferred to the authority in accordance with section 88I or for an order requiring the delivery of any deed, certificate of title or other instrument relating to the title to the land in accordance with section 88J.</p> <p>Pursuant to sections 88H, 88I and 88J</p>
C Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Conveyancing Act 1919</p>
C Act 006	<p><b>Creation and release of easements, profits ? prendre and restrictions on use of land by plans:</b></p> <p>Authority to sign a s88B instrument on behalf of the council, except the "surrender of any land" owned by the council.</p> <p>Pursuant to Section 88B of the <i>Conveyancing Act 1919</i> and the lodgement rules under the <i>Real Property Act 1900</i>.</p>
Crown Land Management Act 2016	
CL Act 001	<p><b>Functions of Crown Land Managers:</b></p> <p>Authority to carry out all the functions of the Council acting as a Crown Land Manager of specified dedicated or reserved Crown Land, which includes the functions of the Council under the <i>Local Government Act 1993</i> in respect of public land, being either operational or community land, including to prepare a draft Plan of Management, to grant an approval and to grant leases and licences.</p> <p>Pursuant to</p>

	s2.21(4), Divisions 3.3 and 3.4, 3.6 (s3.33(2)) and 3.7
CL Act 002	<p><b>Notices prohibiting structure or land use:</b></p> <p>Authority on behalf of Council as a Crown Land Manager to cause a notice to be displayed that prohibits persons from carrying out an activity on Crown land, in accordance with s9.5(2).</p> <p>Pursuant to s9.5(2)</p>
CL Act 003	<p><b>Directions re vehicles on Crown land:</b></p> <p>Authority on behalf of Council as a Crown Land Manager to give reasonable directions to persons concerning the entry, use and parking or storage of vehicles on Crown land for the purpose of preventing danger or harm to persons, animals, structures or property.</p> <p>Pursuant to s9.6(4)</p>
CL Act 004	<p><b>Authorisation of employees:</b></p> <p>Authority on behalf of Council as a Crown Land Manager to authorise an employee of the Council (an "authorised employee") to exercise functions under s9.12.</p> <p>Pursuant to s9.12(1)(b)</p>
CL Act 005	<p><b>Transitional Reserve Trust:</b></p> <p>Authority to continue to carry out functions associated with Council acting as a reserve trust manager for the continuation period in accordance with clause 10A of Schedule 7.</p>

	Pursuant to clause 10A of Schedule 7
CL Act 000	<b>All Functions:</b> Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and the Regulations in force and as amended from time to time.  Pursuant to Crown Land Management Act 2016 and Crown Land Management Regulation 2018
Crown Land Management Regulation 2018	
CL Regulation 001	<b>Functions of Responsible Manager:</b> Authority to carry out the functions of the Council as the responsible manager (the Crown Land Manager) of dedicated or reserved Crown Land. The functions of a responsible manager include to set aside any part of the land (including any building or enclosure in or on the land) for any purpose for which the land may be used (clause 6), to determine conditions of entry and designate entrance and exit points (clause 8) and give a direction or written consent to do things (clause 10).  Pursuant to Part 2, Division 1 of the Crown Land Management Regulation 2018
Dams Safety Act 2015	
DS Act 000	<b>All Functions:</b> Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulation in force as amended from time to time.  Pursuant to Dams Safety Act 2015

DS 001	<p><b>Arrangement with Dams Safety NSW:</b></p> <p>Authority on behalf of Council to enter into an arrangement with Dams Safety NSW.</p> <p>Pursuant to</p> <p>s49 Dams Safety Act 2015</p>
Dangerous Goods (Road and Rail Transport) Act 2008	
DG Act 001	<p><b>Costs Recovery:</b></p> <p>Authority to recover costs and expenses incurred or the amount of loss or damage suffered in connection with an incident in accordance with the Dangerous Goods (Road and Rail Transport) Act 2008.</p> <p>Pursuant to</p> <p>sections 56, 57 and 68 of the Dangerous Goods (Road and Rail Transport) Act 2008</p>
DG Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and the Regulations made under this Act in force and as amended from time to time.</p> <p>Pursuant to</p> <p>The Dangerous Goods (Road and Rail Transport) Act 2008 and Dangerous Goods (Road and Rail Transport) Regulation 2014</p>
Disability Inclusion Act 2014	
DI Act 2014	<p><b>All Functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and any Regulation made under this Act in force from time to time.</p> <p>Pursuant to</p>

	The Disability Inclusion Act 2014
DI Act 001	<p><b>Agreement:</b></p> <p>Authority to enter into an agreement about financial assistance.</p> <p>Pursuant to</p> <p>section 30 of the Disability Inclusion Act 2014.</p>
Environmental Planning and Assessment Act 1979	
EPA Act 001	<p><b>LEP Planning Proposals:</b></p> <p>Authority to carry out the steps associated with the making of a local environmental plan, as the planning proposal authority, including preparing a planning proposal, requiring the owner to carry out studies or provide other information or pay the costs of the authority, carrying out community consultation and forwarding a planning proposal to the Minister (or the Greater Sydney Commission), in accordance with Part 3, Division 3.4 of the EP&amp;A Act.</p> <p>Pursuant to</p> <p>Part 3 Division 3.4 of the EP&amp;A Act</p>
EPA Act 002	<p><b>Prepare DCP:</b></p> <p>Authority to prepare, on behalf of the council as the relevant planning authority, a development control plan in accordance with Division 3.6.</p> <p>Pursuant to</p> <p>section 3.43 and generally Division 3.6</p>
EPA Act 004A	<p><b>Evaluation of DA:</b></p> <p>Authority to carry out all functions of the council as consent authority associated with the administration and evaluation of an application for development consent associated with the administration and assessment of an application for</p>

	<p>development consent.</p> <p>Pursuant to</p> <p>Part 4 of the EP&amp;A Act and Part 6 of the EP&amp;A Regulation.</p>
EPA Act 005	<p><b>Determinations and decisions subject to review:</b></p> <p>Authority to conduct a review of a determination of an application for development consent, the modification of a development consent and the decision of a council to reject and not determine an application for development consent.</p> <p>Pursuant to</p> <p>section 8.2</p>
EPA Act 007	<p><b>Complying Development:</b></p> <p>Authority to evaluate and determine an application for complying development in accordance with section 4.28 and modification of a complying development certificate in accordance with section 4.30.</p> <p>Pursuant to</p> <p>section 4.28 and 4.30 and generally Part 4, Division 4.5</p>
EPA Act 009	<p><b>Extension of lapsing period:</b></p> <p>Authority to determine an application for a 1-year extension of a consent in accordance with section 4.54.</p> <p>Pursuant to</p> <p>section 4.54</p>
EPA Act 010	<p><b>Voluntary Planning Agreements:</b></p> <p>Authority to enter into, or agree to the revocation or amendment of, a voluntary planning agreement in accordance with Division 7.1, Subdivision 2.</p>



	<p>Authority to execute Voluntary Planning Agreements on behalf of Council where agreement approved by council resolution</p> <p>Pursuant to</p> <p>Section 7.4</p>
EPA Act 011	<p><b>Developer Contributions:</b></p> <p>Authority to impose conditions of development consent imposing developer contributions</p> <p>Pursuant to</p> <p>Section 7.11 and 7.12</p>
EPA Act 012	<p><b>Preparation of contributions plan:</b></p> <p>Authority to prepare a draft contributions plan in accordance with section 7.18</p> <p>Pursuant to</p> <p>Section 7.18</p>
EPA Act 013	<p><b>Application for Modification:</b></p> <p>Authority to determine an application for modification of a consent, in accordance with section 4.55 or 4.56 and to form the opinion that a modification is of minimal environmental impact.</p> <p>Pursuant to</p> <p>Sections 4.55 and 4.56 of the EP&amp;A Act and cl.117 of the EP&amp;A Regulation</p>
EPA Act 015	<p><b>Revocation or modification of consent:</b></p> <p>Authority to revoke or modify a development consent in accordance with section 4.57.</p> <p>Pursuant to</p>

	Section 4.57
EPA Act 016	<p><b>Building and Subdivision Certificates:</b></p> <p>Authority to issue Part 6 Certificates in accordance with Part 6 of the EP&amp;A Act and all associated and ancillary functions including to require additional information.</p> <p>Pursuant to</p> <p>Sections 6.5 and generally Part 6 of the EP&amp;A Act and Parts 7 and 8 of the EP&amp;A Regulation.</p>
EPA Act 017	<p><b>Principal Certifier:</b></p> <p>Authority to act on behalf of the council as the principal certifier appointed in respect of building or subdivision work under Part 6.</p> <p>Pursuant to</p> <p>Section 6.5 and generally Part 6 of the EP&amp;A Act</p>
EPA Act 018	<p><b>Agreement as to work:</b></p> <p>Authority to reach agreement on behalf of the consent authority with an applicant for a subdivision certificate in circumstances where the work has not yet been completed, in accordance with section 6.15(2)(c).</p> <p>Pursuant to</p> <p>Section 6.15(2)(c)</p>
EPA Act 019	<p><b>Part 5 consideration:</b></p> <p>Authority, on behalf of the council as the determining authority in relation to an activity under Part 5, to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity in accordance with section 5.5 and Part 7 of the Biodiversity Conservation Act 2016.</p>

	<p>Pursuant to</p> <p>Section 5.5</p>
EPA Act 020	<p><b>Activities for which EIS required:</b></p> <p>Authority to determine whether to grant an approval in relation to an activity to which Division 5.1 Subdivision 3 (where an EIS is required) applies.</p> <p>Pursuant to</p> <p>Section 5.7</p>
EPA Act 021	<p><b>Appointment of Investigation Officers:</b></p> <p>Authority to appoint a person as a Council Investigation Officer for the purposes of Division 9.2 and to authorise a person to be an Authorised Person for the purposes of section 9.58 (Penalty notices as to certain offences).</p> <p>Pursuant to</p> <p>Section 9.14 of the Environmental Planning &amp; Assessment Act 1979 and clause 284((3)(c) of the Environmental Planning &amp; Assessment Regulation 2000.</p>
EPA Act 022	<p><b>Investigation Authority powers:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions as an "investigation authority" under Division 9.2, including: Authority to give the owner or occupier of premises written notice of the intention of an investigation officer to enter the premises, in accordance with section 9.17. Authority to authorise in writing (either generally or in a particular case) entry without notice if entry is required urgently in accordance with section 9.17(4)(d). Authority to give notice that an investigation officer used force for the purpose of gaining entry to premises in accordance with section 9.21(2). Authority to require a corporation to nominate a director or officer of the corporation in accordance with section 9.23(2). Authority to give the owner or occupier of premises written notice requiring the owner/occupier to provide reasonable assistance and facilities to an investigation officer in accordance with section 9.27. Authority to recover the reasonable costs of entry and inspection from the owner or occupier of the premises in accordance with section 9.29.</p> <p>Pursuant to</p>

	Division 9.2
EPA Act 026	<p><b>Settlement of disputes:</b></p> <p>Authority to submit a dispute to the Premier or the Minister for Planning and Infrastructure for settlement in accordance with section 10.2</p> <p>Pursuant to</p> <p>Section 10.2</p>
EPA Act 027	<p><b>Development Control Orders:</b></p> <p>Authority to exercise Council's functions under Division 9.3 and Schedule 5 as the relevant enforcement authority in relation to Development Control Orders.</p> <p>Pursuant to</p> <p>Division 9.3 and Schedule 5</p>
EPA Act 031	<p><b>Development Control Orders (representations and determinations):</b></p> <p>Authority to hear and consider representations as a nominated person and determine to give an order in accordance with the proposed order or in accordance with modification or not to give an order.</p> <p>Pursuant to</p> <p>Clause 14 and 15 of Schedule 5</p>
EPA Act 033	<p><b>Compliance Cost Notices:</b></p> <p>Authority on behalf of the relevant enforcement authority that gives a Development Control Order to serve on the other person a compliance cost notice and to recover any unpaid amount as a debt in accordance with Schedule 5, clause 37.</p> <p>Pursuant to</p>

	Clause 37 of Schedule 5
EPA Act 035	<p><b>Enforcement of orders by cessation of utilities :</b></p> <p>Authority to make application, or instruct the Council's lawyers, to make an application, to the Local Court or the Land &amp; Environment Court for an order directing that a provider of water, electricity or gas to cease to provide those services</p> <p>Pursuant to</p> <p>Schedule 5, clause 35</p>
EPA Act 036	<p><b>Restraint of breaches:</b></p> <p>Authority to commence and conduct court proceedings to remedy or restrain a breach of the EP&amp;A Act, in accordance with section 9.45.</p> <p>Pursuant to</p> <p>Section 9.45</p>
EPA Act 037	<p><b>Proceedings for offences:</b></p> <p>Authority to commence and conduct proceedings for an offence against the EP&amp;A Act or Regulations in accordance with section 9.57</p> <p>Pursuant to</p> <p>Section 9.57</p>
EPA Act 039	<p><b>Planning Certificates:</b></p> <p>Authority to issue a planning certificate in accordance with section 10.7 of the EP&amp;A Act.</p> <p>Pursuant to</p>

	Section 10.7
EPA Act 040	<p><b>Building Certificates:</b></p> <p>Authority to determine an application for building information certificate.</p> <p>Pursuant to</p> <p>Part 6, Division 6.7</p>
EPA Act 041	<p><b>Imposition of Conditions:</b></p> <p>Authority to accept payment of security, by way of either a deposit or bank guarantee, authorise the drawing of any monies paid as security and authorise the release of any payment of security by an applicant pursuant to a condition of development consent imposed</p> <p>Pursuant to</p> <p>Section 4.17(6)</p>
EPA Act 042	<p><b>Special Infrastructure Contributions:</b></p> <p>Authority to seek the consent of the Minister to accept, and to accept, the dedication of land or provision of material public benefit in satisfaction of a special infrastructure contribution condition imposed by the Minister</p> <p>Pursuant to</p> <p>Section 7.24(5)</p>
EPA Act 043	<p><b>Local infrastructure contributions:</b></p> <p>Authority to accept the dedication of land or the provision of a material public benefit in part or full satisfaction of a condition imposed under section 7.11(1) or (3) and to determine applications for refunds of, or credit for contributions or levies imposed as conditions of development consent.</p>

	<p>Pursuant to</p> <p>Section 7.11(5) and generally Division 7.1 Subdivision</p>
EPA Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Environmental Planning and Assessment Act 1979</p>
EPA Act 045	<p><b>Paper Subdivisions:</b></p> <p>Authority to carry out all delegable functions of the council as a relevant authority designated by a subdivision order</p> <p>Pursuant to</p> <p>Schedule 7 of the EP&amp;A Act</p>
EPA ACT 046	<p><b>Enforcement of undertakings:</b></p> <p>Authority to recommend that the Planning Secretary accept an undertaking that the planning authority has negotiated.</p> <p>Pursuant to</p> <p>section 9.5(5)</p>
EPA Act 044	<p><b>Revocation or regrant of development consents after order of Court:</b></p> <p>Authority to revoke a development consent to which an order of suspension applies, and to regrant the consent.</p> <p>Pursuant to</p> <p>Section 4.61</p>

EPA Act 047	<p><b>Variations to development standards:</b></p> <p>Authority to assume the concurrence of the Secretary of the Department of Planning and Environment under clause 4.6(4)(b) of the Standard Instrument - Principal Local Environmental Plan, in accordance with the Notice issued by the Secretary dated 21 February 2018 which is attached to Planning Circular P518-003.</p> <p>Pursuant to</p> <p>clause 4.6(4)(b) of the Council's Local Environmental Plan</p>
EPA Act 004B	<p><b>Determination of DA:</b></p> <p>Authority to carry out the functions of the council as consent authority associated with the determination of an application for development consent and associated functions.</p> <p>Pursuant to</p> <p>Part 4, specifically section 4.16 of the EP&amp;A Act and Part 6 of the EP&amp;A Regulation</p>
EPA Act 048	<p><b>Local Strategic Planning Statement:</b></p> <p>Authority to prepare, on behalf of the council, a Local Strategic Planning Statement in respect of its area.</p> <p>Pursuant to</p> <p>s3.9 of the Environmental Planning &amp; Assessment Act 1979</p>
Environmental Planning and Assessment Regulation 2000	
EPA Reg 001	<p><b>Costs and expenses of studies:</b></p> <p>Authority to negotiate and sign an agreement on behalf of the council as the relevant planning authority with a person who requests the preparation of a planning proposal for the payment of the costs and expenses incurred by the authority in undertaking studies and other matters required in relation to the planning proposal in accordance with clause 11 of the Regulations.</p>



	<p>Pursuant to clause 11</p>
EPA Reg 003	<p><b>Additional Information for DCP:</b></p> <p>Authority to request the owner of land to provide additional information for the purposes of making a development control plan (where an environmental planning instrument requires or permits such a plan to be prepared and submitted to the relevant planning authority) in accordance with clause 25.</p> <p>Pursuant to Clause 25</p>
EPA Reg 008	<p><b>Notice of voluntary surrender:</b></p> <p>Authority to carry out all functions of the Council as consent authority associated with the determination of a notice of voluntary surrender.</p> <p>Pursuant to Clause 97(4) of the <i>Environmental Planning and Assessment Regulation 2000</i></p>
EPA Reg 009	<p><b>Refund for withdrawal:</b></p> <p>Authority to refund to the applicant the whole or any part of any application fee paid in connection with an application what has been withdrawn.</p> <p>Pursuant to clause 52(3) of the EP&amp;A Regulation.</p>
EPA Reg 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Regulation in force</p>

	<p>and as amended from time to time.</p> <p>Pursuant to</p> <p>Environmental Planning and Assessment Regulation 2000</p>
EPA Reg 011	<p><b>Additional information for Modification Application:</b></p> <p>Authority to request an applicant for modification of a development consent to provide the consent authority with additional information about the development that the consent authority considers necessary to properly consider the application for modification.</p> <p>Pursuant to</p> <p>Clause 121A of the <i>Environmental Planning and Assessment Regulation 2000</i></p>
Finance	
pa	<p><b>Authority to Approve Purchases:</b></p> <p>Authority to authorise the purchase of goods and services to the spend limit and purchasing card limit allocated to the position within the area of budget responsibility.</p>
pa	<p><b>Authority to Approve Payments:</b></p> <p>Authority to certify electronic funds transfers, sign cheques and sign vouchers on behalf of Council to the limits authorised by the General Manager.</p>
pa	<p><b>Authority to General Manager to Write Off Debts:</b></p> <p>Authority to the General Manager to write off debts (including but not limited to rates, charges, interest and sundry debts) to the value of \$5,000 for any individual rate, charge or transaction (Minute No. 44690 Council Meeting 25/06/2014).</p>
Fines Act 1996	
Fines Act 001	<b>Internal Review:</b>

	<p>Authority to exercise the Council's functions as a reviewing agency under Part 3, Division 2A of the Fines Act 1996 including to decide not to conduct an internal review and take other such action as the delegate sees fit, in accordance with section 24B, conduct a review (provided the delegate was not involved in making the decision that is the subject of the review) in accordance with section 24C and 24E, serve a penalty reminder notice in accordance with section 24F, request additional information from the applicant in accordance with section 24D, give an official caution in accordance with section 24G.</p> <p>Pursuant to</p> <p>Sections 24B, 24C, 24D, 24E and 24F</p>
Fines Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Fines Act 1996</p>
Fire and Emergency Services Levy Act 2017	
FESL Act 000	<p><b>All Functions:</b></p> <p>Authority to exercise and or perform on behalf of the Council the Council's delegable functions under this Act and Regulations in force and amended from time to time.</p> <p>Pursuant to</p> <p>Fire and Emergency Services Levy Act 2017</p>
FESL Act 001	<p><b>Classification of land for levy:</b></p> <p>Authority to act on behalf of the Council to classify and sub-classify parcels of land in the council area, including in response to an application for classification or review and in response to zoning and change in use, to approve the form and manner of</p>

	<p>a change of circumstances under section 73(4), waive or refund part of the fixed component of the levy charged in respect of a parcel of land situated in more than one area under section 75(3) and to respond to or defend appeals in the Land and Environment Court, in accordance with Part 5 of the Fire and Emergency Services Levy Act 2017.</p> <p>Pursuant to</p> <p>Part 5 of the Fire and Emergency Levy Act 2017</p>
FESL Act 002	<p><b>Recovery of levy:</b></p> <p>Authority to act on behalf of Council to recover a levy payable to council under section 89 and to enter into an arrangement with the Chief Commissioner under section 91.</p> <p>Pursuant to</p> <p>Sections 89 and 91</p>
Fluoridation of Public Water Supplies Act 1957	
FPWS Act 001	<p><b>Fluorine to public water supplies:</b></p> <p>Authority to carry out the council's functions under the Fluoridation of Public Water Supplies Act 1957 and Fluoridation of Public Water Supplies Regulation 2007 including authority to apply to the Secretary of the Department of Health for approval to add fluorine to any public water supply under Councils control and to add fluorine to such water supply in accordance with such approval or direction, the Act and Regulation</p> <p>Pursuant to</p> <p>Section 6</p>
FPWS Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p>

	Fluoridation of Public Water Supplies Act 1957
Food Act 2003	
Food Act 001	<p><b>Seized items:</b></p> <p>Authority to deal with items seized by an authorised officer, in accordance with Part 4 Division 2.</p> <p>Pursuant to sections 47, 48, 49, 50, 51, 53</p>
Food Act 002	<p><b>Prohibition Notice and Certificate of Clearance:</b></p> <p>Authority to serve a prohibition notice or give a certificate of clearance in accordance with section 60</p> <p>Pursuant to sections 60(1) and (4)</p>
Food Act 003	<p><b>Compensation:</b></p> <p>Authority to determine an application for compensation in relation to a prohibition order and, if it is determined to grant compensation, to authorise the payment of such compensation in accordance with section 66</p> <p>Pursuant to section 66</p>
Food Act 004	<p><b>Fees and charges:</b></p> <p>Authority to exercise the powers of the Council in its capacity as enforcement agency in relation to fees and charges, being to waive the requirement to pay a fee, or extend the time for payment of a fee, in respect of an improvement notice in accordance with section 66AA of the Food Act 2003, to increase the charge or reduce or waive payment of a charge in accordance with clause 14(4), and to issue a notice imposing an annual administration charge, extend the time for payment</p>

	<p>of the charge or reduce or waive payment of the charge, in accordance with clause 15 of the Food Regulation 2015.</p> <p>Pursuant to</p> <p>Section 66AA(2) of the Food Act 2003 and clauses 14(4) and 15 of the Food Regulation 2015.</p>
Food Act 005	<p><b>Appointment of Authorised Officer:</b></p> <p>Authority for an enforcement agency to appoint a person as an authorised officer if the enforcement agency considers the person has appropriate qualifications or experience to exercise the functions of an authorised officer.</p> <p>Pursuant to</p> <p>Section 114</p>
Food Act 006	<p><b>Food Safety Programs:</b></p> <p>Priority classification system and frequency of auditing: authority to determine the priority classification of individual food businesses for the purposes of any food safety program, and to determine the frequency of auditing of any food safety programs.</p> <p>Pursuant to</p> <p>Section 93</p>
Food Act 007	<p><b>Court proceedings:</b></p> <p>Authority to act in relation to proceedings to review a decision to refuse a certificate of clearance.</p> <p>Pursuant to</p> <p>Section 65</p>
Food Act 008	<p><b>Institute proceedings:</b></p> <p>Authority to institute and carry on proceedings for an offence against the Food Act 2003 or the regulations.</p>

	<p>Pursuant to</p> <p>Sections 118, 119</p>
Food Act 009	<p><b>Authority to Sub-Delegate:</b></p> <p>Authority to sub-delegate a function of the Food Authority delegated by the Food Authority if authorised in writing to do so by the Food Authority.</p> <p>Pursuant to</p> <p>Section 109E(3)</p>
Food Act 010	<p><b>Delegated Powers:</b></p> <p>Authority for an Authorised Officer to carry out any function of the NSW Food Authority delegated and sub-delegated in accordance with section 109E.</p> <p>Pursuant to</p> <p>Section 109E</p>
Food Act 011	<p><b>Consent to Delegation:</b></p> <p>Authority to provide consent in writing to the Food Authority to the delegation of a function(s) of the NSW Food Authority.</p> <p>Pursuant to</p> <p>Section 109E(4)</p>
Food Act 012	<p><b>Appointment of Authorised Officer:</b></p> <p>Authority to appoint a person as an Authorised Officer for the purposes of the Food Act 2003 and provide each Authorised Officer appointed with a certificate of authority as an Authorised Officer under section 115.</p> <p>Pursuant to</p>

	Sections 114 and 115
Food Act 013	<p><b>Legal Proceedings:</b></p> <p>Authority to commence proceedings for an offence under the Food Act or Regulations</p> <p>Pursuant to</p> <p>Section 118</p>
Food Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Food Act 2003</p>
Game and Feral Animal Control Act 2002	
GFAC Act 001	<p><b>Recommending land be available for hunting:</b></p> <p>Authority to make recommendations in respect of land under control of council</p> <p>Pursuant to</p> <p>Sections 4, 20</p>
GFAC Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p>



	Game and Feral Animal Control Act 2002
Geographical Names Act 1966	
GN Act 001	<p><b>Make submissions:</b></p> <p>Authority to make submissions to the Board in respect of proposed names or changes to names</p> <p>Pursuant to</p> <p>Section 9</p>
GN Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Geographical Names Act 1966</p>
Government Information (Public Access) Act 2009	
GIPA Act 001	<p><b>Overriding Public Interest Against Disclosure:</b></p> <p>Authority to decide whether there is an overriding public interest against disclosure for the purposes of sections 6-9, 32(1)(d), 58(1)(d) and (f)</p> <p>Pursuant to</p>
GIPA Act 002	<p><b>Authorised Proactive release of information:</b></p> <p>Authority to make any government information held by the council publicly available unless there is an overriding public interest against disclosure of the information.</p> <p>Pursuant to</p>

	Section 7
GIPA Act 003	<p><b>Informal release of information:</b></p> <p>Authority to release government information held by it to a person in response to an informal request by the person (that is, a request that is not an access application) unless there is an overriding public interest against disclosure of the information.</p> <p>Pursuant to</p> <p>Section 8</p>
GIPA Act 004	<p><b>Validity of application:</b></p> <p>Authority to decide whether the application is a valid access application and notify the applicant of its decision in accordance with sections 51, 51A and 52</p> <p>Pursuant to</p> <p>Section 51</p>
GIPA Act 005	<p><b>Consultation:</b></p> <p>Authority to consult with a person before providing access to information relating to the person and decide whether information about a person consulted under this section is likely to be included in the agency's disclosure for the purposes of giving a written notice to the person, in accordance with section 54</p> <p>Pursuant to</p> <p>Section 54</p>
GIPA Act 006	<p><b>Personal factors of the application:</b></p> <p>Authority to require an applicant to provide evidence concerning any personal factors of the application that were relevant to a decision by the agency that there was not an overriding public interest against disclosure of the information.</p>

	<p>Pursuant to</p> <p>Section 55</p>
GIPA Act 007	<p><b>Deciding access applications:</b></p> <p>Authority to decide an access application and give the applicant notice of the decision in accordance with section 9 and Part 4, Division 4 (sections 57 – 63).</p> <p>Pursuant to</p> <p>Sections 9 and Part 4, Division 4 of the Government Information (Public Access) Act 2009</p>
GIPA Act 008	<p><b>Processing charge:</b></p> <p>Authority to carry out the functions of the Council as an agency under the Government Information (Public Access) Act 2009 which are provided for in Part 4, Division 5 (sections 64-71) of the Government Information (Public Access) Act 2009 in accordance with those sections, including the following functions:</p> <ul style="list-style-type: none"> <li>• To impose or waive a processing charge, or discounted processing charge, for dealing with an access application,</li> <li>• to require the applicant to make an advance payment of a processing charge</li> <li>• to refuse to deal further with an access application if the applicant has failed to pay an advance deposit within the time required for payment.</li> </ul> <p>Pursuant to</p> <p>Part 4, Division 5 of the Government Information (Public Access) Act 2009</p>
GIPA Act 009	<p><b>Deferral of access:</b></p> <p>Authority to defer access to information where the Council has decided to provide access in response to an access application, in accordance with section 78.</p> <p>Pursuant to</p>

	Section 78
GIPA Act 010	<p><b>Application for Internal review:</b></p> <p>Authority to agree to accept an application for internal review out of time.</p> <p>Pursuant to</p> <p>Section 83</p>
GIPA Act 011	<p><b>Conduct of Internal Review:</b></p> <p>Authority to determine an application for internal review of a decision of the Council and give the applicant notice of the decision in accordance with Part 5, Division 2.</p> <p>Pursuant to</p> <p>Part 5, Division 2 of the Government Information (Public Access) Act 2009</p>
GIPA Act 012	<p><b>Review by Information Commissioner:</b></p> <p>Authority, pursuant to a recommendation by the Information Commissioner, to reconsider a decision and make a new decision in accordance with section 93.</p> <p>Pursuant to</p> <p>Section 93</p>
GIPA Act 013	<p><b>Waiver, reduction or refund of fees and charges:</b></p> <p>Authority to waive, reduce or refund any fee or charge payable or paid under the Government Information (Public Access) Act 2009 in any case that the delegate thinks appropriate.</p> <p>Pursuant to</p>

	Section 127
GIPA Act 014	<p><b>Confidential information in register:</b></p> <p>Authority to decide whether or not to include information in the register</p> <p>Pursuant to section 32</p>
GIPA Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Government Information (Public Access) Act 2009</p>
Graffiti Control Act 2008	
GC Act 001	<p><b>Graffiti Removal Work :</b></p> <p>Authority to carry out graffiti removal work with consent of owner or occupier of private land or without such consent where graffiti visible from public place.</p> <p>Pursuant to Sections 11 and 12</p>
GC Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p>

	Graffiti Control Act 2008
Growth Centres (Development Corporations) Act 1974	
GCDC Act 001	<p><b>Agreements:</b></p> <p>Authority to negotiate an agreement with a development corporation in accordance with section 19 or 30.</p> <p>Pursuant to</p> <p>Sections 19 and 30</p>
GCDC Act 002	<p><b>Disputes:</b></p> <p>Authority to submit a dispute between the council and a development corporation to the Minister for Planning &amp; Infrastructure in accordance with section 32.</p> <p>Pursuant to</p> <p>Section 32</p>
GCDC Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Growth Centres (Development Corporations) Act 1974</p>
Heavy Vehicle National Law (NSW) and Heavy Vehicle (Adoption of National Law) Act 2013	
HV Act 000	<p><b>All Functions:</b></p> <p>All functions - Authority to exercise and/or perform on behalf of Council as the "road manager" the Council's delegable</p>

	<p>Functions under the this Act and the Regulations in force and as amended from time to time.</p>														
	<p>Pursuant to  Heavy Vehicles National Law (NSW), Heavy Vehicle (Adoption of National Law) Act 2013 and any Regulation made under this legislation.</p>														
<p>HV Act 001</p>	<p><b>Mass or Dimension Exemption Permit:</b></p> <p>Authority to exercise or perform the functions in Column 2, subject to the limitations in Column 3:</p> <table border="1" data-bbox="683 582 1879 1109"> <thead> <tr> <th data-bbox="683 582 1117 643">Column 1 - Reference</th> <th data-bbox="1122 582 1547 643">Column 2 - Function</th> <th data-bbox="1552 582 1879 643">Column 3 - Limitation</th> </tr> </thead> <tbody> <tr> <td data-bbox="683 646 1117 799">Part 4.5 Division 3 - Exemptions by permit</td> <td data-bbox="1122 646 1547 799">All functions of the Regulator in respect of the issue of or refusal to issue a mass or dimensional exemption (permit) under this Division.</td> <td data-bbox="1552 646 1879 799">The delegate may only exercise functions in respect of a road for which the delegate is the Road Manager.</td> </tr> <tr> <td data-bbox="683 802 1117 956">Part 4.7 Division 4 - Amendment, cancellation or suspension of mass or dimension authority granted by permit.</td> <td data-bbox="1122 802 1547 956">All functions of the Regulator in respect of the amendment, cancellation or suspension of a mass or dimension exemption (permit) under this Division.</td> <td data-bbox="1552 802 1879 956">The delegate may only exercise functions in respect of a road for which the delegate is the Road Manager.</td> </tr> <tr> <td data-bbox="683 959 1117 1112">Part 4.7 Division 5 - Provisions about permits for mass or dimension authorities</td> <td data-bbox="1122 959 1547 1112">All functions of the Regulator in respect of the return or replacement of a mass or dimension exemption (permit) under this Division.</td> <td data-bbox="1552 959 1879 1112">The delegate may only exercise functions in respect of a road for which the delegate is the Road Manager.</td> </tr> </tbody> </table> <p>The Instrument of Delegation specifies that the Delegate may subdelegate these functions to suitably qualified persons for the purpose of giving effect of the National Law in NSW.</p> <p>Pursuant to  The "Instrument of Delegation - Permits" dated 20 February 2017 made by the National Heavy Vehicle Regulator under</p>			Column 1 - Reference	Column 2 - Function	Column 3 - Limitation	Part 4.5 Division 3 - Exemptions by permit	All functions of the Regulator in respect of the issue of or refusal to issue a mass or dimensional exemption (permit) under this Division.	The delegate may only exercise functions in respect of a road for which the delegate is the Road Manager.	Part 4.7 Division 4 - Amendment, cancellation or suspension of mass or dimension authority granted by permit.	All functions of the Regulator in respect of the amendment, cancellation or suspension of a mass or dimension exemption (permit) under this Division.	The delegate may only exercise functions in respect of a road for which the delegate is the Road Manager.	Part 4.7 Division 5 - Provisions about permits for mass or dimension authorities	All functions of the Regulator in respect of the return or replacement of a mass or dimension exemption (permit) under this Division.	The delegate may only exercise functions in respect of a road for which the delegate is the Road Manager.
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	section 661 of the Heavy Vehicle National Law.
Heritage Act 1977	
Heritage Act 001	<p><b>Interim heritage orders:</b></p> <p>Authority (where authorised by the Minister for Heritage in accordance with section 25) to make an interim heritage order for a place, building, etc in the council's area that the delegate considers may, on further inquiry or investigation, be found to be of local heritage significance, and that the delegate considers is being or is likely to be harmed, in accordance with Part 3 of the Heritage Act 1977. Authority to revoke an interim heritage order in accordance with section 29(4)</p> <p>Pursuant to</p> <p>sections 25, 28 and 29</p>
Heritage Act 002	<p><b>Exemption from approval:</b></p> <p>Authority to grant an exemption from section 57(1) by causing an order to be published in the government gazette</p> <p>Pursuant to</p> <p>section 57(3)</p>
Heritage Act 003	<p><b>Applications for approval:</b></p> <p>Authority to give public notice of, and determine, an application for approval in relation to an item of environmental heritage in accordance with Part 4, Division 3, and to modify an approval in accordance with section 65A</p> <p>Pursuant to</p> <p>Sections 61, 62, 63, 63A, 63B, 64 and 65A</p>
Heritage Act 004	<p><b>Request Heritage Council:</b></p> <p>Authority to recommend to Minister listing of item on State Register</p>



	<p>Pursuant to Section 32</p>
Heritage Act 005	<p><b>Make submissions to Heritage Council:</b></p> <p>Authority to make submissions to Heritage Council on proposed recommendation for listing of item on State Register</p> <p>Pursuant to Section 33</p>
Heritage Act 006	<p><b>Request Heritage Council:</b></p> <p>Authority to recommend to Minister removal of listing of item on State Register and make submissions to Heritage Council in respect of a proposed recommendation to remove listing of item</p> <p>Pursuant to Section 38</p>
Heritage Act 007	<p><b>Make submissions to Heritage Council:</b></p> <p>Authority to make submissions to Heritage Council regarding item of environmental heritage worthy of conservation</p> <p>Pursuant to Section 166</p>
Heritage Act 008	<p><b>Refer a submission:</b></p> <p>Authority to refer a submission objecting to identification of item as of heritage significance in local environmental plan to a panel</p> <p>Pursuant to</p>

	Section 170B
Heritage Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Heritage Act 1977</p>
Heritage Regulation 2012	
Heritage Reg 001	<p><b>Request additional information:</b></p> <p>Authority to request the applicant of an application for approval in respect of an interim heritage order made by the Council to provide additional information necessary to properly consider the application.</p> <p>Pursuant to</p> <p>Clause 8B of the <i>Heritage Regulation 2012</i></p>
Holiday Parks (Long-term Casual Occupation) Act 2002	
HPLTCO Act 001	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform all functions of the council as park owner</p> <p>Pursuant to</p> <p><i>Holiday Parks (Long-term Casual Occupation) Act 2002 and the Holiday Parks (Long-term Casual Occupation) Regulation 2017</i></p>
HPLTCO Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the</p>

	<p>Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Holiday Parks (Long-term Casual Occupation) Act 2002 and the Holiday Parks (Long-term Casual Occupation) Regulation 2017</p>
Housing Act 2001	
Housing Act 001	<p><b>Enter into arrangements etc:</b></p> <p>Authority to enter into arrangements or agreements with corporation</p> <p>Pursuant to</p> <p>Section 13</p>
Housing Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Housing Act 2001</p>
Impounding Act 1993	
Imp Act 001	<p><b>Appointment of Impounding Officer:</b></p> <p>Authority to appoint a person as an impounding officer within the meaning of the Impounding Act 1993</p> <p>Pursuant to</p> <p>Section 4</p>
Imp Act 002	<b>Functions of an Impounding Authority:</b>

	<p>Authority to carry out the functions of the Council as an impounding authority in relation to how impounded items are to be dealt with</p> <p>Pursuant to</p> <p>Part 3 of the Impounding Act 1993</p>
Imp Act 003	<p><b>Court proceedings:</b></p> <p>Authority to represent the Council in relation to appeals against proceedings for offences, applications for review to the Administrative Decisions Tribunal.</p> <p>Pursuant to</p> <p>Sections 37 and 38</p>
Imp Act 004	<p><b>Authorisation of Authorised Person:</b></p> <p>Authority to authorise a person with special powers to destroy animals.</p> <p>Pursuant to</p> <p>Section 41</p>
Imp Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Impounding Act 1993</p>
Inclosed Lands Protection Act 1901	
ILP Act 001	<b>Request:</b>

	<p>Authority to request person to leave inclosed land owned or occupied by Council</p> <p>Pursuant to</p> <p>Sections 4 and 5</p>
ILP Act 002	<p><b>Destroy animal:</b></p> <p>Authority to destroy goat trespassing on inclosed land owned or occupied by Council</p> <p>Pursuant to</p> <p>Section 7</p>
ILP Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Inclosed Lands Protection Act 1901</p>
ILP Act 003	<p><b>Unlawful re-entry on inclosed lands:</b></p> <p>Authority to give a re-entry prohibition as the responsible authority for an organised event in accordance with section 4AA of the <i>Inclosed Lands Protection Act 1901</i>.</p> <p>Pursuant to</p> <p>Section 4AA</p>
Independent Pricing and Regulatory Tribunal Act 1992	
IPART Act 001	<b>Arrangements with other entities:</b>

	<p>Authority to enter into arrangement with Tribunal for provision of assistance to or by the Tribunal</p> <p>Pursuant to</p> <p>Section 9.</p>
IPART Act 002	<p><b>Provide information:</b></p> <p>Authority to provide information or make submissions to the Tribunal in connection with an investigation or report, or in connection with monitoring by the Tribunal</p> <p>Pursuant to</p> <p>Independent Pricing and Regulatory Tribunal Act 1992.</p>
IPART Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Independent Pricing and Regulatory Tribunal Act 1992</p>
Land Acquisition (Just Terms Compensation) Act 1991	
LAJTC Act 001	<p><b>Land Acquisition:</b></p> <p>Authority to carry out the functions of the council as an authority of the State under the Land Acquisition (Just Terms Compensation) Act 1991, subject to a council resolution to compulsorily acquire land including an interest in land.</p> <p>Pursuant to</p> <p>Land Acquisition (Just Terms Compensation) Act 1991</p>
LAJTC Act 000	<p><b>All functions:</b></p>

	<p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Land Acquisition (Just Terms Compensation) Act 1991</p>
Land and Environment Court Act 1979	
LEC Act 001	<p><b>Conciliation Conferences:</b></p> <p>Authority to reach agreement on behalf of the Council in a conciliation conference in Class 1, 2 or 3 proceedings in the Land and Environment Court.</p> <p>Pursuant to</p> <p>Section 34(3)</p>
LEC Act 002	<p><b>Conciliation Conferences:</b></p> <p>Authority to give consent, on behalf of the Council, to a Commissioner disposing of Class 1, 2 or 3 proceedings in the Land &amp; Environment Court after terminating a conciliation conference.</p> <p>Pursuant to</p> <p>Section 34(4)(b)</p>
LEC Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Land and Environment Court Act 1979</p>

Library Act 1939	
Library Act 001	<p><b>Library Committee:</b></p> <p>Authority to provide, or arrange for the provision of services in relation to the provision, control and management of libraries, library services and information services</p> <p>Pursuant to</p> <p>Section 11</p>
Library Act 002	<p><b>Enter into agreements and arrangements:</b></p> <p>Authority to enter into agreements or arrangements with other local authorities</p> <p>Pursuant to</p> <p>Sections 12, 12A</p>
Library Act 003	<p><b>Subsidy:</b></p> <p>Authority to apply to the Library Council of NSW for a subsidy in accordance with section 13</p> <p>Pursuant to</p> <p>Section 13</p>
Library Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Library Act 1939</p>



Library Regulation 2018	
Library Reg 001	<p><b>Registration, Rules and determining value:</b></p> <p>Authority to:</p> <p>a) determine the procedure for registration of library borrowers in accordance with clause 5(2) of the Regulation;  b) to refuse an application and cancel a person's registration as a borrower in accordance with clause 5(3) of the Regulation;  c) to make rules to regulate the use of a council's local libraries in accordance with clause 6 of the Regulation;  d) to determine the value of library material or series in accordance with clause 7 of the Regulation.</p> <p>Pursuant to</p> <p>Clauses 5, 6 and 7</p>
Library Reg 002	<p><b>Library users may be directed to leave:</b></p> <p>Authority to determine the maximum period for which a person may be excluded from the library in accordance with clause 17(3) of the Regulation</p> <p>Pursuant to</p> <p>Clause 17(3)</p>
Liquor Act 2007 and Liquor Regulation 2008	
Liq Act 001	<p><b>Authorise Complainant:</b></p> <p>Authority to authorise a person as a complainant in relation to a licensed premises for the purposes of section 79.</p> <p>Pursuant to</p> <p>Section 79(3)(c)</p>
Liq Act 002	<p><b>Submission re Late Hour Entry Declaration:</b></p>

	<p>Authority to make a submission to the Director-General in relation to a proposed late hour entry declaration or variation or revocation of a late hour entry declaration.</p> <p>Pursuant to</p> <p>Sections 89(2) and 90(3)</p>
Liq Act 003	<p><b>Making a complaint:</b></p> <p>Authority to make a complaint on behalf of the council as the local consent authority for a licenced premises in relation to a licensee, manager or close associate of a licensee to the Authority in accordance with section 139.</p> <p>Pursuant to</p> <p>Section 139 and clause 73 of the Liquor Regulation 2008</p>
Liq Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Liquor Act 2007</p>
Liq Act 004	<p><b>Written notice to the Secretary re complaints:</b></p> <p>Authority to give written notice to the Secretary that Council, as the local consent authority for the licensed premises, will be dealing with complaints of a type prescribed by the regulations.</p> <p>Pursuant to</p> <p>Section 79(6)(b)(ii) of the <i>Liquor Act 2007</i></p>
Local Government (General) Regulation 2005	

LG Reg 001	<p><b>Act as appropriate person:</b></p> <p>Authority to act as an appropriate person, within the meaning of clause 164 of the Local Government (General) Regulation 2005, to receive or deal with tenders submitted to Council.</p> <p>Pursuant to</p> <p>Clause 164</p>
LG Reg 002	<p><b>Decide method of tendering:</b></p> <p>Authority to decide, pursuant to clause 166 of the Local Government (General) Regulation 2005, the method of tendering to be used where Council is required to invite tenders in accordance with section 55 of the Local Government Act 1993.</p> <p>Pursuant to</p> <p>Clause 166</p>
LG Reg 003	<p><b>Expressions of Interest and Selective tendering:</b></p> <p>Authority to carry out all of a council's functions under, and in accordance with, clauses <u>168 (expressions of interest) and 169 (selective tendering method by which recognised contractors listed by council are invited to tender for particular kinds of proposed contracts)</u> of the <i>Local Government (General) Regulation 2005</i>.</p> <p>Pursuant to</p> <p>clauses 168 and 169 of the Local Government (General) Regulation 2005</p>
LG Reg 004	<p><b>Tenders:</b></p> <p>Authority to extend a deadline in a tender advertisement in accordance with cl.172 and to request or consent to a variation of a tender being made in accordance with cl.176(2).</p> <p>Pursuant to</p> <p>Pursuant to cl.172 and cl.176</p>

LG Reg 005	<p><b>Water supply may be restricted:</b></p> <p>Authority to form an opinion that the available stored water or capacity of a water supply system is insufficient and publish a notice in accordance with s.137</p> <p>Pursuant to</p> <p>Pursuant to cl. 137</p>
LG Reg 006	<p><b>Erection of notices to indicate catchment districts:</b></p> <p>Authority to erect notices for indicating the boundaries of districts and directing attention to any prohibitions or restrictions.</p> <p>Pursuant to</p> <p>Pursuant to cl. 139</p>
LG Reg 007	<p><b>Works constructed to serve 2 or more councils:</b></p> <p>Authority to agree the convenient point to supply water to another council.</p> <p>Pursuant to</p> <p>Pursuant to cl.141(1)</p>
LG Reg 008	<p><b>Fire hydrants:</b></p> <p>Authority to exercise and/or perform the Council's functions in relation to fire hydrants.</p> <p>Pursuant to</p> <p>clause 142</p>
LG Reg 009	<p><b>Inspection of pipes:</b></p> <p>Authority to inspect pipes and drains and measurement of water and sewage in accordance with cl. 143.</p>

	<p>Pursuant to</p> <p>Pursuant to cl. 143</p>
LG Reg 010	<p><b>Cutting off or restricting water supply:</b></p> <p>Authority to cut off or restrict the supply of water to premises and refuse to supply water to premises in accordance with cl.144(1) and (3)</p> <p>Pursuant to</p> <p>Pursuant to cl. 144.</p>
LG Reg 011	<p><b>New sewer or stormwater drain to be constructed if less costly:</b></p> <p>Authority to hold the belief in relation to the cost of existing sewers or stormwater drains and construct a new sewer or stormwater drain, and serve an order on the owners or occupiers of premises concerned, in accordance with cl.145.</p> <p>Pursuant to</p> <p>Pursuant to cl. 145.</p>
LG Reg 012	<p><b>Connections to council's sewerage system:</b></p> <p>Authority to carry out works and provide connections and impose a charge sufficient to meet the cost of the work or materials, in accordance with cl.146.</p> <p>Pursuant to</p> <p>Pursuant cl.146.</p>
LG Reg 013	<p><b>Premises to be connected to water supply:</b></p> <p>Authority to exercise and/or perform the Council's functions in relation to the connection of premises to water supply by an independent house service pipe.</p>

	<p>Pursuant to</p> <p>Pursuant to cl.152.</p>
LG Reg 014	<p><b>Laying of house service pipes:</b></p> <p>Authority to authorise the laying of a house service pipe at a lesser depth in accordance with cl.153(2).</p> <p>Pursuant to</p> <p>Pursuant to cl. 153(2).</p>
LG Reg 015	<p><b>Security of water meters:</b></p> <p>Authority to require the owner of premises to protect a meter, approve a lock and key and require the key to be deposited with the Council.</p> <p>Pursuant to</p> <p>Pursuant to cl. 155</p>
LG Reg 016	<p><b>Water meter for one premises:</b></p> <p>Authority to authorise a meter to measure water supplied to a premises and another premises.</p> <p>Pursuant to</p> <p>Pursuant to cl. 156(2)(b)</p>
LG Reg 017	<p><b>Hire of meters:</b></p> <p>Authority to enter into an agreement for the hire of a water meter from the Council.</p> <p>Pursuant to</p> <p>Pursuant to clause 157</p>

LG Reg 018	<p><b>Testing of meters:</b></p> <p>Authority to arrange for a water meter to be examined and tested, require an owner to rectify or replace a meter found to be defective and enter into a special contract to regulate the supply of water while a meter is being rectified or replaced.</p> <p>Pursuant to</p> <p>Pursuant to cl. 158</p>
LG Reg 019	<p><b>Unmetered premises:</b></p> <p>Authority enter into a special contract or give permission for an occupier of unmetered premises to use water other than for domestic purposes.</p> <p>Pursuant to</p> <p>Pursuant to cl. 161</p>
LG Reg 020	<p><b>Acceptance of Tenders:</b></p> <p>Authority to accept a tender in accordance with clause 178 of the <i>Local Government (General) Regulation 2005</i> but not in respect of tenders to provide services currently provided by members of staff of the Council (s.377(1)(i) <i>Local Government Act 1993</i>).</p> <p>Pursuant to</p> <p>clause 178</p>
LG Reg 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Regulation in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Local Government (General) Regulation 2005</p>

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	
LG (M) Reg 001	<p><b>Certificates of completion:</b></p> <p>Authority to issue a certificate of completion or a written notice that states why such a certificate is not being issued, in accordance with clause 69 of the Regulation</p> <p>Pursuant to</p> <p>Clause 69</p>
Local Government Act 1993	
LG Act 001	<p><b>Certificate as to classification of land:</b></p> <p>Authority to issue a certificate stating the classification of public land</p> <p>Pursuant to</p> <p>section 54</p>
LG Act 002	<p><b>Leases etc in respect of community land:</b></p> <p>Authority to grant a lease, licence or other estate in respect of community land in accordance with Chapter 6, Part 2, Division 2 of the Local Government Act 1993 and Part 4, Division 3 of the Local Government (General) Regulation 2005</p> <p>Pursuant to</p> <p>Section 45 and Chapter 6, Part 2, Division 2 of the Local Government Act 1993 and Part 4 Division 3 of the Local Government (General) Regulation 2005</p>
LG Act 003	<p><b>Approvals:</b></p> <p>Authority to reject a unclear or illegible application for approval for an activity specified in the table to section 68, or to determine such an application, or an application to amend, extend, renew, revoke or modify such an approval and in determining such an application, to give directions in response to an objection.</p>



	<p>Pursuant to</p> <p>Section 68, 82, 85, 86, 94, 106, 107, 108 and Chapter 6, Part 1 of the Local Government Act 1993 generally</p>
LG Act 004	<p><b>Mayor Functions:</b></p> <p>Authority to exercise and/or perform the role of the mayor.</p> <p>Pursuant to</p> <p>section 226</p>
LG Act 005	<p><b>Preparation of draft plans of management for community land:</b></p> <p>Authority to prepare a draft plan of management for community land in accordance with Chapter 6, Part 2, Division 2 of the Local Government Act 1993 and Part 4 of the Local Government (General) Regulation 2005</p> <p>Pursuant to</p> <p>Section 36</p>
LG Act 006	<p><b>Environmental upgrade agreement:</b></p> <p>Authority to enter into, and amend, an environmental upgrade agreement on behalf of the council with a building owner and a finance provider in relation to a building in accordance with Part 2A of Chapter 6.</p> <p>Pursuant to</p> <p>Section 54D</p>
LG Act 007	<p><b>Power to levy environmental upgrade charge:</b></p> <p>Authority to levy an environmental upgrade charge in accordance with an environmental upgrade agreement .</p>

	<p>Pursuant to</p> <p>Section 54I</p>
LG Act 009	<p><b>Private works:</b></p> <p>Authority to enter into an agreement with the owner or occupier of private land for the council to carry out works.</p> <p>Pursuant to</p> <p>Section 67</p>
LG Act 010	<p><b>Fees:</b></p> <p>Authority to require payment of a further approved fee if an application is amended.</p> <p>Pursuant to</p> <p>Section 80</p>
LG Act 011	<p><b>Withdrawal of Applications:</b></p> <p>Authority to authorise a refund in respect of fees paid by an applicant in respect of an application for a Section 68 Activity approval which is withdrawn</p> <p>Pursuant to</p> <p>Section 88(3)</p>
LG Act 012	<p><b>Review of determination of approvals:</b></p> <p>Authority to review the determination of an application for an approval for an activity in accordance with section 100</p> <p>Pursuant to</p> <p>Section 100</p>

LG Act 013	<p><b>Approvals for Filming:</b></p> <p>Authority to exercise the functions of the council in relation to applications for filming proposals including to determine an application under section 115, determine any security deposit, bond, fee or charge in accordance with section 116 and the reject an application under section 117, in accordance with Chapter 7, Part 1, Division 4.</p> <p>Pursuant to</p> <p>Section 115 and Chapter 7, Part 1, Division 4 of the Local Government Act 1993</p>
LG Act 014	<p><b>Orders:</b></p> <p>Authority to exercise Council's functions under Chapter 7, Part 2 of the Local Government Act 1993 in relation to the making of orders including:</p> <ul style="list-style-type: none"> <li>a) the giving of an Order under section 124;</li> <li>a) issue a notice of intention to give an order in accordance with section 132,</li> <li>b) hear and consider representations made in relation to a notice of intention to give an order, in accordance with section 133</li> <li>c) determine to give, or not give, an order in accordance with section 135;</li> <li>d) accept or reject particulars of work in accordance with section 141;</li> <li>e) prepare or authorise the preparation of particulars of work and order the owner to carry out that work under section 141(3);</li> <li>f) recover from the owner expenses incurred in preparing particulars of work in accordance with section 141;</li> <li>g) modify an order in accordance with section 152;</li> <li>h) revoke an order in accordance with section 153</li> </ul> <p>Pursuant to</p> <p>Section 124, Chapter 7, Part 2 of the Local Government Act 1993 and Part 3 of the Local Government (General) Regulation 2005</p>
LG Act 015	<p><b>Abatement of Public Nuisances:</b></p>

	<p>Authority to take action to abate a public nuisance or order a person responsible for a public nuisance to abate it.</p> <p>Pursuant to</p> <p>Section 125</p>
LG Act 016	<p><b>Local Policies:</b></p> <p>Authority to prepare a draft local policy for approvals and orders under sections 158 and 159.</p> <p>Pursuant to</p> <p>Sections 158 and 159</p>
LG Act 017	<p><b>Authorisation of Power of entry:</b></p> <p>Authority to authorise a council employee or other person to enter land in accordance with section 191, 191A and generally Chapter 8, Part 2 of the Local Government Act 1993.</p> <p>Pursuant to</p> <p>Sections 191 and 191A</p>
LG Act 018	<p><b>Written Authority:</b></p> <p>Authority to issue a written authority to a person authorised, to enter premises</p> <p>Pursuant to</p> <p>Section 199</p>
LG Act 019	<p><b>Notice of entry:</b></p> <p>Authority to give written notice to the owner or occupier of the premises of the intention to enter the premises and authority to give notification of the use of force or urgent entry to such persons or authorities as appear to the delegate to be</p>

	<p>appropriate in the circumstances.</p> <p>Pursuant to</p> <p>Sections 193 and 195</p>
LG Act 020	<p><b>Recovery of costs of entry and inspection:</b></p> <p>Authority to recover the reasonable costs of the entry and inspection from the owner or occupier of the premises in accordance with section 197.</p> <p>Pursuant to</p> <p>Section 197</p>
LG Act 021	<p><b>Appointment of Authorised Person:</b></p> <p>Authority to authorise an employee of a council as an authorised person, generally or specifically</p> <p>Pursuant to</p> <p>Section 3, Definition of "authorised person"</p>
LG Act 022	<p><b>Temporary appointments:</b></p> <p>Authority to appoint a person to a position temporarily</p> <p>Pursuant to</p> <p>Section 351</p>
LG Act 023	<p><b>Insurance:</b></p> <p>Authority to make arrangements for the council's adequate insurance against public liability and professional liability in accordance with the regulations.</p>

	<p>Pursuant to</p> <p>Section 382</p>
LG Act 024	<p><b>Categorisation of land for purposes of ordinary rates:</b></p> <p>Authority to determine and declare the categorisation of rateable land within the Council's area and to review a declaration.</p> <p>Pursuant to</p> <p>Section 514 and 523</p>
LG Act 025	<p><b>Application for change of category:</b></p> <p>Authority to determine applications to change the category of rateable land</p> <p>Pursuant to</p> <p>Section 525</p>
LG Act 026	<p><b>Adjustment of rates following change in category:</b></p> <p>Authority to make an appropriate adjustment of rates paid or payable following a change in the category of rateable land</p> <p>Pursuant to</p> <p>Section 527</p>
LG Act 027	<p><b>Agreement as to periodical payment of rates and charges:</b></p> <p>Authority to write off or reduce interest accrued on rates or charges where a person complies with an agreement for the payment of rates or charges, pursuant to section 564 of the Local Government Act 1993 (NSW).</p> <p>Pursuant to</p> <p>Section 564</p>

LG Act 028	<p><b>Write off rates, charges and accrued interest:</b></p> <p>Authority to write off rates, charges and accrued interest on rates and charges in accordance with section 567 of the <i>Local Government Act 1993</i> and clause 130 of the <i>Local Government (General) Regulation 2005</i></p> <p>Pursuant to</p> <p>Section 567 and 607 of the <i>Local Government Act 1993</i> and clause 130 of the <i>Local Government (General) Regulation 2005</i></p>
LG Act 029	<p><b>Notice to occupier re unpaid rates:</b></p> <p>Authority to serve a notice on the occupier of land in relation to unpaid rates or charges in accordance with section 569 of the <i>Local Government Act 1993</i></p> <p>Pursuant to</p> <p>Section 569</p>
LG Act 030	<p><b>Liability of eligible pensioners:</b></p> <p>Authority to reduce a rate or charge in respect of land on which a dwelling is situated for an eligible pensioner in accordance with section 575 of the <i>Local Government Act 1993</i></p> <p>Pursuant to</p> <p>Section 575</p>
LG Act 031	<p><b>Extension of concession to avoid hardship:</b></p> <p>Authority to order that a person is taken to be an eligible pensioner in accordance with section 577(1) and to order that a person is taken to be solely liable in respect of the land on which the dwelling is situated in accordance with section 577(2)</p> <p>Pursuant to</p> <p>Section 577</p>

LG Act 032	<p><b>Abandonment of pensioner rates and charges:</b></p> <p>Authority to waive or reduce rates, charges and interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth</p> <p>Pursuant to</p> <p>Section 582</p>
LG Act 033	<p><b>Aggregation of parcels subject to a rate or charge:</b></p> <p>Authority to form the opinion to treat parcels as being a single parcel and levy a charge accordingly and to form the opinion to aggregate the land values of parcels and levy the rate on the aggregated land values.</p> <p>Pursuant to</p> <p>Sections 531B and 548A</p>
LG Act 034	<p><b>Redetermination on partial change of circumstances:</b></p> <p>Authority to make a due adjustment to the rates payable, or apply the provisions postponing rates, as the delegate considers equitable in the circumstances, in accordance with section 598</p> <p>Pursuant to</p> <p>Section 598</p>
LG Act 035	<p><b>Reduction of subsequent rate:</b></p> <p>Authority to verify the eligibility of the rateable person for a reduction in a subsequent rate as prescribed by the regulations and reduce the subsequent rate in accordance with section 599</p> <p>Pursuant to</p> <p>Section 599</p>



LG Act 036	<p><b>Objection in respect of certain land vested in public bodies:</b></p> <p>Authority to object to the inclusion of a parcel of land in the list in accordance with section 600(6) of the Local Government Act 1993</p> <p>Pursuant to</p> <p>Section 600(6)</p>
LG Act 037	<p><b>Discretion to waive, reduce or defer payment of a rate:</b></p> <p>Authority to waive, reduce or defer the payment of the whole or any part of the increase in the amount of the rate payable by the ratepayer in such circumstances, for such period and subject to such conditions as the delegate thinks fit.</p> <p>Pursuant to</p> <p>Section 601(2)</p>
LG Act 038	<p><b>Certificate as to rates and charges:</b></p> <p>Authority to issue a certificate as to the amount (if any) due or payable to the council, by way of rates, charges or otherwise, in respect of a parcel of land in accordance with section 603.</p> <p>Pursuant to</p> <p>Section 603</p>
LG Act 39	<p><b>Estimates of coastal protection charges:</b></p> <p>Authority to provide, on request, a person who would be liable to pay an annual charge for coastal protection services in relation to proposed coastal protection works with an estimate of the person's liability for that annual charge (if the council were to make such a charge) for each of the following 5 years, in accordance with section 606A.</p> <p>Pursuant to</p> <p>Section 606A</p>

LG Act 040	<p><b>Operational Land:</b></p> <p>Authority to grant (and renew, vary, terminate and otherwise deal with) a lease or licence in relation to operational land.</p> <p>Pursuant to</p> <p>Pursuant to s22 <i>Local Government Act 1993</i>.</p>
LG Act 041	<p><b>Waive or reduce fees:</b></p> <p>Authority to waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.</p> <p>Pursuant to</p> <p>Section 610E</p>
LG Act 042	<p><b>Investment of money :</b></p> <p>Authority to invest money that is not, for the time being, required by the Council for another purpose in accordance with section 625 and the current Ministerial Investment Order published in the Government Gazette.</p> <p>Pursuant to</p> <p>Section 625</p>
LG Act 043	<p><b>Notices in Public Places:</b></p> <p>Authority to erect a notice in a public place in accordance with section 632 and in relation to bathing and other water-based recreational activities, in accordance with section 633.</p> <p>Pursuant to</p> <p>Sections 632 and 633</p>

LG Act 044	<p><b>Alcohol Prohibited Place:</b></p> <p>Authority to declare a public place as an alcohol prohibited place under section 632A(4).</p> <p>Pursuant to</p> <p>Section 632A(4)</p>
LG Act 045	<p><b>Alcohol Free Zone:</b></p> <p>Authority to prepare a proposal for the establishment of an alcohol-free zone under section 644</p> <p>Pursuant to</p> <p>Section 644</p>
LG Act 046	<p><b>Agreement re free parking area:</b></p> <p>Authority to execute an agreement on behalf of the Council with the owner of private land under which the land, or any part of the land, is set aside for use as a free parking area.</p> <p>Pursuant to</p> <p>Section 650(6)</p>
LG Act 047	<p><b>Request for name and address:</b></p> <p>Authority to request an occupier or manager of any premises or an agent of the owner of the premises to disclose the name and address of the owner of the premises or of the person receiving or authorised to receive the rents of the premises and of the manager or occupier of the premises.</p> <p>Pursuant to</p> <p>Sections 662 and 663</p>
LG Act 048	<p><b>Remedy or restraint of breaches of LG Act:</b></p>

	<p>Authority to bring and conduct proceedings for the purpose of an order to remedy or restrain a breach of the Local Government Act 1993 in accordance with section 673.</p> <p>Pursuant to</p> <p>Section 673</p>
LG Act 049	<p><b>Failure to comply with order?carrying out of work by the council:</b></p> <p>Authority to do or arrange to be done through the Council's employees, contractors or agents, all such things as are necessary or convenient to give effect to the terms of an order issued by the Council including the carrying out of any work required by the order and recover expenses incurred in accordance with section 678 of the LG Act and otherwise give effect to the functions provided for in section 678</p> <p>Pursuant to</p> <p>Section 678</p>
LG Act 050	<p><b>Laying of informations:</b></p> <p>Authority to lay information in respect of any proceedings for an offence</p> <p>Pursuant to</p> <p>Section 684</p>
LG Act 051	<p><b>Appearance in local court:</b></p> <p>Authority for an employee of the council appointed in writing by the general manager to represent the council in all respects in proceedings in the local court and to institute and carry on any proceedings in the local court which the council is authorised to institute and carry on under the Local Government Act 1993.</p> <p>Pursuant to</p> <p>Section 687</p>

LG Act 052	<p><b>Bankruptcy:</b></p> <p>Authority to represent Council and act on its behalf in any bankruptcy or winding up proceedings</p> <p>Pursuant to</p> <p>Section 688</p>
LG Act 053	<p><b>Other remedies:</b></p> <p>Authority to recover from the person:</p> <p>(a) any sum for damage sustained by it through the person's act or default, and</p> <p>(b) the costs and expenses incurred by it in remedying that damage, and</p> <p>(c) the value of anything wasted, misused or unlawfully consumed, diverted or taken by the person.</p> <p>Pursuant to</p> <p>Section 690</p>
LG Act 054	<p><b>Suing for debts:</b></p> <p>Authority to recover a rate, charge, fee or other money due to the council under this Act or the regulations as a debt.</p> <p>Pursuant to</p> <p>Section 695</p>
LG Act 055	<p><b>Agreement as to compensation:</b></p> <p>Authority to agree with a claim for compensation under section 12(5) of the Graffiti Control Act 2008 or section 128 or 198 of this Act, in case of dispute, may by agreement between the council and the person claiming the compensation be referred to arbitration under the Commercial Arbitration Act 2010.</p> <p>Pursuant to</p> <p>Section 730(1)</p>

LG Act 056	<p><b>Certificate as to notices:</b></p> <p>Authority to issue a certificate to an applicant as to whether there are any outstanding notices issued by the council under this Act in respect of any land within the council's area.</p> <p>Pursuant to</p> <p>Section 735A</p>
LG Act 057	<p><b>Protection of privacy :</b></p> <p>Authority to determine a request made by a person that any material that is available (or is to be made available) for public inspection by or under that Act be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or the person's family at risk.</p> <p>Pursuant to</p> <p>Section 739</p>
LG Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Local Government Act 1993</p>
LG Act 059	<p><b>General Manager's functions:</b></p> <p>Authority to perform the functions of the General Manager, other than the power of delegation.</p> <p>Pursuant to</p> <p>Sections 335 and 378(1) of the Local Government Act 1993.</p>

LG Act 060	<p><b>Water Supply etc Construction of works:</b></p> <p>Authority to apply to the Minister of Primary Industries for the Minister to construct works of water supply, sewerage or stormwater drainage under the Public Works Act 1912</p> <p>Pursuant to</p> <p>Pursuant to: s57(1) LG Act</p>
LG Act 061	<p><b>Ownership of water supply, sewerage and stormwater drainage works:</b></p> <p>Authority to operate, repair, replace, maintain, remove, extend, expand, connect, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of the person delegated this authority, the works are used in an efficient manner for the purposes for which the works were installed.</p> <p>Pursuant to</p> <p>Pursuant to: s59A(2) LG Act</p>
LG Act 062	<p><b>Council works approval from Minister:</b></p> <p>Authority to apply to the Minister for Primary Industries to do works specified in s.60 of the Local Government Act 1993 and cl.138 of the Local Government (General) Regulation.</p> <p>Pursuant to</p> <p>Pursuant to s.60 LG Act and cl.138 LG (Gen) Regulation</p>
LG Act 063	<p><b>Developer contributions for water management works:</b></p> <p>Authority to serve a notice on an applicant requiring the applicant to pay a contribution towards the cost of water management works and/or construct water management works in accordance with s306 <i>Water Management Act 2000</i>.</p> <p>Authority to be satisfied that a requirement has been complied with and to grant or refuse a certificate of compliance for development in accordance with 307 <i>Water Management Act 2000</i>.</p> <p>Pursuant to</p>

	s64 LG Act and s306 <i>Water Management Act 2000</i>
LG Act 065	<p><b>Parking Area Agreement:</b></p> <p>Authority to enter into an agreement with the owners corporation of a strata scheme or the association of a community, precinct or neighbourhood scheme in relation to a strata parking area or community scheme parking area.</p> <p>Pursuant to</p> <p>s.650A</p>
LG Act 020A	<p><b>Compensation for inspection damage:</b></p> <p>Authority to pay compensation for any damage caused by a person authorised to enter premises.</p> <p>Pursuant to</p> <p>section 198</p>
LG Act 066	<p><b>Special entertainment precincts:</b></p> <p>If Council establishes a special entertainment precinct by amending its local environmental plan, authority to prepare a plan for regulating noise from amplified music from premises in the special entertainment precinct, publish it on Council's website, and notify the required persons.</p> <p>Pursuant to</p> <p>Section 202 of the <i>Local Government Act 1993</i></p>
LG Act 067	<p><b>Exempt land or bodies from water supply and sewerage special rates:</b></p> <p>Authority to exempt land or bodies from water supply special rates and sewerage special rates.</p> <p>Pursuant to</p>



	Section 558
LG Act 068	<p><b>Concessions:</b></p> <p>Authority to carry out the council's functions in relation to concessions for pensions and other concessions from rates and charges.</p> <p>Pursuant to</p> <p>Part 8 of Chapter 15</p>
LG Act 069	<p><b>Expenses of tracing persons:</b></p> <p>Authority to add to the amount of a rate or charge, any reasonable out-of-pocket expenses incurred in tracing the person liable to pay the rate or charge.</p> <p>Pursuant to</p> <p>Section 605</p>
Local Government and Other Authorities (Superannuation) Act 1927	
LG (Super) Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Local Government and Other Authorities (Superannuation) Act 1927</p>
Local Land Services Act 2013	
LLS Act 001	<p><b>Concurrence for a stock permit:</b></p> <p>Authority to provide the concurrence regarding the issuing of a stock permit in the case of a public road that is not a Crown</p>

	<p>road vested in the council.</p> <p>Pursuant to section 78(3)</p>
LLS 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Local Land Services Act 2013</p>
Major Events Act 2009	
ME Act 001	<p><b>Functions:</b></p> <p>Authority to exercise and/or perform Council's functions as a government agency</p> <p>Pursuant to Part 4 Division 2</p>
ME Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Major Events Act 2009</p>
Marine Estate Management Act 2014	

MEM Act 001	<p><b>Consent to declaration of aquatic reserve:</b></p> <p>Authority to consent to declaration of aquatic reserve in the case of public water land vested in council</p> <p>Pursuant to</p> <p>Section 35</p>
Minister for Crown Lands	
tp	<p><b>Authority to Council's General Manager to sub-delegate to the relevant Council Officers to deal with the day to day management and operational matters relating to the Willyama Common; such matters to be dealt with in accordance with the requirements of the Willyama Common Management Plan.</b></p> <p>:</p> <p>sub-delegate Willyama Common matters</p>
tp	<p><b>Authority to deal with the day to day management and operational matters relating to the Willyama Common; such matters to be dealt with in accordance with the requirements of the Willyama Common Management Plan.</b></p> <p>:</p> <p>GM to deal with Willyama Common matters</p>
tp	<p><b>Authority to Council's General Manager to sub-delegate to the relevant Council Officers to deal with the day to day management and operational matters relating to the Council managed Crown Reserves within the Broken Hill Local Government Area; such matters to be dealt with in accordance with the requirements of the relevant Crown Reserve Management Plan.:</b></p> <p>management of Crown Reserves:</p>
tp	<p><b>Authority to deal with the day to day management and operational matters relating to the Council managed Crown Reserves within the Broken Hill Local Government Area; such matters to be dealt with in accordance with the requirements of the relevant Crown Reserve Management Plan.:</b></p>

	management of Crown Reserves sub-delegation
Minister for Planning and Infrastructure	
tp	<p><b>Delegated authority from the Minister for Planning and Infrastructure to carry out functions under Section 59 of the Environmental Planning and Assessment Act 1979 for the making of Local Environmental Plans (LEP's).</b></p> <p>:</p> <p>Making of Local Environmental Plans (LEP's)</p>
Notification	
Ombudsman Act 1974	
Ombudsmans Act 001	<p><b>Complaints:</b></p> <p>Authority to complain to the Ombudsman about the conduct of a public authority in accordance with section 12</p> <p>Pursuant to</p> <p>Section 12</p>
Ombudsmans Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Ombudsman Act 1974</p>
Passenger Transport (General) Regulation 2017	
PT Reg 001	<b>Appointment of bus stops:</b>

	<p>Authority to approve, on behalf of the Council as a roads authority for the road concerned, the appointment of bus stops in accordance with clause 104 of the <i>Passenger Transport (General) Regulation 2017</i>.</p> <p>Pursuant to</p> <p>clause 104</p>
Pesticides Act 1999	
Pesticides Act 001	<p><b>Clean up action:</b></p> <p>Authority, where the council is advised by the EPA, or where the delegate reasonably suspects that any pesticide pollution is occurring or has occurred, to take or authorise such clean-up action as the delegate considers necessary in accordance with section 20, issue a compliance cost notice in relation to such action in accordance with section 28, recover any unpaid amounts specified in a compliance costs notice as a debt in accordance with section 29 and apply for a compliance cost notice to be registered as a charge on the land to which it relates in accordance with section 30.</p> <p>Pursuant to</p> <p>Sections 20, 28, 29 and 30</p>
Pesticides Act 002	<p><b>Power of Entry:</b></p> <p>Authority to authorise a person to enter premises for the purpose of exercising the council's functions under Part 3 of the <i>Pesticides Act 1999</i> in accordance with section 35 of the <i>Pesticides Act 1999</i> and Chapter 7 of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>Pursuant to</p> <p>Section 35 of the Pesticides Act 1999</p>
Pesticides Act 003	<p><b>Recovery of costs etc:</b></p> <p>Authority to seek an order for costs, expenses and compensation in accordance with section 95 and to recover from the offender the costs and expenses incurred or the amount of the loss or damage incurred by the council in the Land and</p>

	<p>Environment Court in accordance with section 96.</p> <p>Pursuant to</p> <p>Sections 95, 96</p>
Pesticides Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Pesticides Act 1999</p>
Pesticides Act 004	<p><b>Pesticide use notification plans:</b></p> <p>Authority to carry out all the functions associated with the requirement to prepare, finalise, notify the EPA and give public notice of, a pesticide use notification plan in accordance with Part 5 Division 2 of the Pesticides Regulation 2009.</p> <p>Pursuant to</p> <p>Part 5, Division 2 of the Pesticides Regulation 2009.</p>
Pipelines Act 1967	
Pipelines Act 001	<p><b>Object to compulsory acquisition of land or easement:</b></p> <p>Authority to make a written objection to the Minister in respect of a proposed compulsory acquisition</p> <p>Pursuant to</p> <p>Section 21</p>
Pipelines Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the</p>

	<p>Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Pipelines Act 1967</p>
<p>Privacy and Personal Information Protection Act 1998</p>	
<p>PPIP Act 001</p>	<p><b>The powers to comply with Act:</b></p> <p>Authority to exercise and/or perform all powers and functions necessary or desirable to enable the Council to comply with its obligations under the Privacy and Personal Information Protection Act 1998.</p> <p>Pursuant to</p> <p>Privacy and Personal Information Protection Act 1998</p>
<p>PPIP Act 002</p>	<p><b>Conduct internal review:</b></p> <p>Authority to conduct internal review requested by an aggrieved person</p> <p>Pursuant to</p> <p>Sections 53 and 54</p>
<p>PPIP Act 000</p>	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Privacy and Personal Information Protection Act 1998</p>
<p>Protection of the Environment Operations (Clean Air) Regulation 2010</p>	

PoEO (Clean Air) Reg 001	<p><b>Approval for certain fires:</b></p> <p>Authority to grant an approval in respect of the burning of dead and dry vegetation on the premises on which the vegetation grew, in accordance with Part 3 (section 13) of the Protection of the Environment Operations (Clean Air) Regulation 2010.</p> <p>Pursuant to</p> <p>Section 13</p>
Protection of the Environment Operations (Waste) Regulation 2014	
PoEO (Waste) Reg 001	<p><b>Occupier of scheduled waste facility:</b></p> <p>Authority to carry out all of Council's functions as the occupier of a scheduled waste facility.</p> <p>Pursuant to</p> <p>Protection of the Environment Operations (Waste) Regulation 2014</p>
PoEO (Waste) Reg 002	<p><b>Application for exemption:</b></p> <p>Authority on behalf of Council to apply to the EPA for an exemption.</p> <p>Pursuant to</p> <p>clause 91</p>
PoEO (Waste) Reg 000	<p><b>All Functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Protection of the Environment Operations (Waste) Regulation 2014</p>



Protection of the Environment Operations Act 1997	
PoEO Act 001	<p><b>Clean-up notices:</b></p> <p>Authority to issue, vary or revoke a clean-up notice. A notice can be issued in writing, or orally in accordance with section 93.</p> <p>Pursuant to</p> <p>Sections 91 and 93</p>
PoEO Act 002	<p><b>Fees:</b></p> <p>Authority to waive payment of the whole or any part of the fee, or extend the time for payment of a fee, in respect of a clean-up notice or prevention notice.</p> <p>Pursuant to</p> <p>Sections 94, 100</p>
PoEO Act 003	<p><b>Prevention notices:</b></p> <p>Authority to issue, vary or revoke a prevention notice.</p> <p>Pursuant to</p> <p>Sections 96 and 110</p>
PoEO Act 004	<p><b>Action in event of failure to comply:</b></p> <p>Authority to take action to cause a prevention notice to be complied with if a person does not comply with a prevention notice given to the person.</p> <p>Pursuant to</p> <p>Section 98</p>

PoEO Act 005	<p><b>Voluntary clean-up action:</b></p> <p>Authority to take such clean-up action as the delegate considers necessary if the delegate reasonably suspects that a pollution incident has occurred or is occurring.</p> <p>Pursuant to</p> <p>Section 92(2)</p>
PoEO Act 006	<p><b>Compliance cost notices:</b></p> <p>Authority to:</p> <ul style="list-style-type: none"> <li>a) issue a compliance cost notice;</li> <li>b) recover any unpaid amounts as a debt;</li> <li>c) apply to register a compliance cost notice in relation to land; and</li> <li>d) where a compliance cost notice has been lodged or registered, issue a notice requiring the person to pay the reasonable costs and expenses incurred by the authority in respect of the lodgement or registration and recover any unpaid amounts as a debt.</li> </ul> <p>e) revoke or vary a notice.</p> <p>Pursuant to</p> <p>Sections 104, 105, 106, 107(8), 110</p>
PoEO Act 007	<p><b>Appointment of Authorised Officers and authorisation of Enforcement Officers:</b></p> <p>Authority to appoint an officer or employee of the Council as an Authorised Officer and to authorise a member of staff of the Council to exercise the functions of an Enforcement Officer under Division 3 of Part 8.2 of the Act (in respect of penalty notice offences).</p> <p>Pursuant to</p> <p>Section 187 and 226 of the Protection of the Environment Operations Act and clause 81 of the Protection of the Environment</p>

	Operations (General) Regulation 2009
PoEO Act 008	<p><b>Requirement to provide information and records:</b></p> <p>Authority to give, revoke or vary a notice to a person to require the person to furnish information or records (or both).</p> <p>Pursuant to</p> <p>Section 192</p>
PoEO Act 009	<p><b>Court proceeding (agent or appointee):</b></p> <p>Authority to act as an agent or appointee of the Council to commence proceedings for an offence against the Act or Regulations.</p> <p>Pursuant to</p> <p>Section 218A</p>
PoEO Act 010	<p><b>Assistance to be given to authorised officers:</b></p> <p>Authority to issue a notice requiring the owner or occupier of a premises to provide such reasonable assistance and facilities to an authorised officer</p> <p>Pursuant to</p> <p>Section 200</p>
PoEO Act 011	<p><b>Court proceedings (officers and employees):</b></p> <p>Authority to institute proceedings for an offence against the Act or the Regulations (other than excluded offences) with the written consent of the council or a person authorised by the council, in accordance with sections 218 and 220.</p> <p>Pursuant to</p> <p>Sections 218 and 220</p>

PoEO Act 012	<p><b>Court proceedings (authority to provide consent):</b></p> <p>Authority to provide consent for an officer or employee to institute proceedings under section 220.</p> <p>Pursuant to</p> <p>Section 220</p>
PoEO Act 013	<p><b>Noise control notices:</b></p> <p>Authority to give or issue, revoke or vary a noise control notice.</p> <p>Pursuant to</p> <p>Sections 264 and 266</p>
PoEO Act 015	<p><b>Extend time:</b></p> <p>Authority to extend time for payment of, or waive, a fee</p> <p>Pursuant to</p> <p>section 267A(3)</p>
PoEO Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Protection of the Environment Operations Act 1997</p>
Public Health Act 2010	
PH Act 001	<p><b>Failure to comply with notice relating to regulated system:</b></p>

	<p>Authority to take action if the occupier of premises at which there is a regulated system fails to comply with an improvement notice.</p> <p>Pursuant to</p> <p>Section 44</p>
PH Act 002	<p><b>Prohibition Order:</b></p> <p>Authority to serve a prohibition order, and give a certificate of clearance, in accordance with section 45, and to determine a claim for compensation in accordance with section 49.</p> <p>Pursuant to</p> <p>Sections 45 and 49</p>
PH Act 003	<p><b>Agreement with Director General:</b></p> <p>Authority to enter into an agreement or arrangement with Director General</p> <p>Pursuant to</p> <p>Section 98</p>
PH Act 004	<p><b>Commence proceedings:</b></p> <p>Authority to commence proceedings against a breach of the Act or Regulations.</p> <p>Pursuant to</p> <p>Section 117</p>
PH Act 005	<p><b>Authority to appoint authorised officer:</b></p> <p>Power to appoint a member of the staff of the Council or a member of the staff of another government authority to be an authorised officer, where in the opinion of the Council, the person has appropriate qualifications or experience for such an</p>

	<p>appointment.</p> <p>Pursuant to</p> <p>Section 126</p>
PH Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Public Health Act 2010</p>
Public Health Regulation 2012	
PH Reg 001	<p><b>Fees:</b></p> <p>Authority to extend the time for payment of a fee or waive a fee in full or part in respect of an improvement notice or prohibition order.</p> <p>Pursuant to</p> <p>Clause 97</p>
Public Interest Disclosures Act 1994	
PID Act 002	<p><b>Provide report:</b></p> <p>Authority to provide report to Ombudsman and to Minister</p> <p>Pursuant to</p> <p>Section 6CA, section 31</p>

PID Act 003	<p><b>Refer evidence of an offence:</b></p> <p>Authority to refer evidence of an offence to Commissioner of Police or Commissioner</p> <p>Pursuant to</p> <p>Section 20</p>
PID Act 004	<p><b>Determine to disclose:</b></p> <p>Authority to determine to disclose and disclose identifying information</p> <p>Pursuant to</p> <p>section 22(1)(c)</p>
PID Act 005	<p><b>Provide investigating authority:</b></p> <p>Authority to provide investigating authority with view of Council as to proposed transfer of investigation, enter arrangements with investigating authority</p> <p>Pursuant to</p> <p>Section 25</p>
PID Act 006	<p><b>Notify person:</b></p> <p>Authority to notify person of action or proposed action in respect of a disclosure</p> <p>Pursuant to</p> <p>Section 27</p>
PID Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the</p>

	<p>Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Public Interest Disclosures Act 1994</p>
Public Works and Procurement Act 1912	
PW Act 001	<p><b>Appointment of Council as Agent:</b></p> <p>Authority to exercise the Council's functions as an agent of the Minister for Finance and Services if the Council has been so appointed.</p> <p>Pursuant to</p> <p>Section 157</p>
PW Act 002	<p><b>Handing over of work:</b></p> <p>Authority to agree to handing over of work to Council by Minister</p> <p>Pursuant to</p> <p>Section 153</p>
PW Act 003	<p><b>Handing over of work:</b></p> <p>Authority to agree to handing over of work to Council by RMS</p> <p>Pursuant to</p> <p>Section 154</p>
PW Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the</p>



	<p>Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Public Works Act 1912</p>
Real Property Act 1900	
RP Act 001	<p><b>Position of boundary under Real Property Act 1900:</b></p> <p>Authority to apply for a determination as to the position of a common boundary of adjoining lands and, if dissatisfied, appeal to the Land and Environment Court for a such a determination by the Court in accordance with sections 135B and 135J.</p> <p>Pursuant to</p> <p>Sections 135B and 135J</p>
RP Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Real Property Act 1900</p>
Residential (Land Lease) Communities Act 2013	
RLLC Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform all functions of the council as park owner.</p> <p>Pursuant to</p> <p>The Residential (Land Lease) Communities Act 2013 and Residential (Land Lease) Communities Regulation 2015.</p>

Restricted Premises Act 1943	
Restricted Premises Act 001	<p><b>Make application:</b></p> <p>Authority to make application or instruct Council's lawyers to make application to the Land &amp; Environment Court for a brothel closure order</p> <p>Pursuant to</p> <p>Section 17</p>
Restricted Premises Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Restricted Premises Act 1943</p>
Road Transport (General) Regulation 2013	
RT General Reg 001	<p><b>Metered parking schemes:</b></p> <p>Authority to establish and operate metered parking schemes, not including setting of fees for parking in metered spaces</p> <p>Pursuant to</p> <p>Clause 60</p>
RT General Reg 002	<p><b>Metered parking areas:</b></p> <p>Authority to set aside a road or part of a road as a metered parking area</p> <p>Pursuant to</p>

	Clause 61
RT General Reg 003	<b>Close a metered parking space:</b> Authority to close a metered parking space with a sign  Pursuant to  Clause 65
RT General Reg 004	<b>Ticket parking scheme:</b> Authority to establish and operate ticket parking schemes, not including setting of fees for parking in ticket parking area  Pursuant to  Clause 66
RT General Reg 005	<b>Close a ticket parking area or space:</b> Authority to close a ticket parking area or space with a sign  Pursuant to  Clause 72
RT General Reg 006	<b>Coupon parking scheme:</b> Authority to establish and operate coupon parking schemes, not including setting of fees for parking in a coupon parking area  Pursuant to  Clause 73
RT General Reg 007	<b>Close a coupon area or space:</b>

	<p>Authority to close a coupon area or space with a sign</p> <p>Pursuant to</p> <p>Clause 77</p>
RT General Reg 008	<p><b>Phone parking scheme:</b></p> <p>Authority to establish and operate phone parking schemes, not including setting of fees for parking in a phone parking area</p> <p>Pursuant to</p> <p>Clause 78</p>
RT General Reg 009	<p><b>Close a phone parking area or space:</b></p> <p>Authority to close a phone parking area or space with a sign</p> <p>Pursuant to</p> <p>Clause 79</p>
RT General Reg 010	<p><b>Agree common payment parking schemes:</b></p> <p>Authority to agree with other councils on the operation of parking schemes on a common payment basis, not including setting of fees</p> <p>Pursuant to</p> <p>Clause 82</p>
RT General Reg 011	<p><b>Agree with owners of land not owned by Council:</b></p> <p>Authority to agree with owners of land not owned by Council as to the exercise by Council of powers under Part 5 Division 1 in respect of that land</p>

	<p>Pursuant to</p> <p>Clause 84</p>
RT General Reg 012	<p><b>Issue a permit:</b></p> <p>Authorising the parking of a vehicle without charge or time restrictions, being a business parking permit, a commuter parking permit, a resident parking permit, a resident's visitor permit, a special event parking permit and a declared organisation parking permit</p> <p>Pursuant to</p> <p>Clause 95</p>
RT General Reg 013	<p><b>Pre-issue parking coupons:</b></p> <p>Authority to issue pre-paid parking coupons</p> <p>Pursuant to</p> <p>Clause 74</p>
Road Transport Act 2013	
RT Act 001	<p><b>Removal of dangers and obstructions to traffic:</b></p> <p>Authority to authorise an employee of the council as the appropriate roads authority as an appropriate officer for the purposes of section 142 of the Road Transport Act 2013. Section 142 provides that an appropriate officer may remove the vehicle, thing or container and take such other steps as may be necessary to protect the public and facilitate the free flow of traffic</p> <p>Pursuant to</p> <p>Section 142</p>
RT Act 002	<p><b>Commence proceedings:</b></p>

	<p>Authority to recover as a debt expenses incurred under s.142</p> <p>Pursuant to</p> <p>Section 142(2)</p>
RT Act 003	<p><b>Certificates:</b></p> <p>Authority to provide certificates specifying an amount of costs incurred</p> <p>Pursuant to</p> <p>Section 142(3)</p>
RT Act 005	<p><b>Certificates:</b></p> <p>Authority to provide certificates as to maintenance of road, estimating monetary value of road infrastructure or of damage to it, estimating cost of remedying damage, estimating extent of offender's contribution to damage</p> <p>Pursuant to</p> <p>Section 230</p>
RT Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Road Transport Act 2013</p>
Roads Act 1993	
Roads Act 001	<p><b>Appointment of authorised officers:</b></p>

	<p>Authority to authorise an employee of Council to exercise functions of an authorised officer</p> <p>Pursuant to</p> <p>Section 4 definition of "authorised officer", section 251</p>
Roads Act 002	<p><b>Dedicate land:</b></p> <p>Authority to dedicate land left in subdivision effected prior to 1907 as public road by publishing notice in gazette</p> <p>Pursuant to</p> <p>Section 16</p>
Roads Act 003	<p><b>Serve notice:</b></p> <p>Authority to serve notice of intention to dedicate land as public road on owner</p> <p>Pursuant to</p> <p>Section 17</p>
Roads Act 004	<p><b>Identification of road boundaries:</b></p> <p>Authority to:</p> <p>a) cause surveys to be carried out to identify the boundaries of a public road in accordance with section 18;</p> <p>b) consider any submissions that have been duly made with respect to the proposed boundaries and approve the survey plan, either with or without alteration in accordance with section 21</p> <p>Pursuant to</p> <p>Sections 18 and 21</p>
Roads Act 005	<p><b>Publish notice:</b></p>

	<p>Authority to publish notice of proposed boundaries in newspaper and serve notice on owner of affected land</p> <p>Pursuant to</p> <p>Section 19</p>
Roads Act 006	<p><b>Road widening:</b></p> <p>Authority to:</p> <p>a) submit to the Minister for Roads and Ports a proposed plan for the widening of a public road in accordance with section 22</p> <p>b) make a road widening order in accordance with section 25</p> <p>c) revoke or vary a road widening order in accordance with section 27</p> <p>d) grant consent for the carrying out minor repairs or improvements to a building in accordance with section 26</p> <p>e) direct an owner of land (where a person constructs, replaces or repairs a building or work on land affected by a road widening order in contravention of section 26) to carry out such work as is necessary to restore the land to the state it was in before the contravention occurred in accordance with section 26(4).</p> <p>Pursuant to</p> <p>Sections 22, 25, 26, 26(4) and 27</p>
Roads Act 007	<p><b>Road Levels:</b></p> <p>Authority to:</p> <p>a) Prepare a prepare a proposal to fix the levels of a public road, or to vary the existing levels of a public road in accordance with section 29</p> <p>b) consider any submissions that have been duly made concerning the proposal and decide to proceed with the proposal, either with or without alteration (by making an order), or to abandon the proposal in accordance with section 31.</p> <p>Pursuant to</p>



	Sections 29 and 31
Roads Act 008	<p><b>Closing of public roads:</b></p> <p>Authority to carry out the functions of the Council as the roads authority to close a council public road, including to cause notice of a proposed closure of a public road to be notified in accordance with s38B, appeal against a formal objection made by a notifiable authority under s38C(3), consider any submission made and publish a notice in the Gazette to close the public road (s38D) and to close a temporary public road under s39 if the road does not give access to an isolated road.</p> <p>Pursuant to</p> <p>Part 4, Divisions 3 and 4 of the Roads Act 1993</p>
Roads Act 009	<p><b>Cause a temporary public road to be closed :</b></p> <p>Authority to cause a temporary public road to be closed by publishing a notice in the Gazette</p> <p>Pursuant to</p> <p>Section 39</p>
Roads Act 010	<p><b>Consultation with roads authorities :</b></p> <p>Authority to make submissions to RMS regarding proposed action</p> <p>Pursuant to</p> <p>Section 58</p>
Roads Act 011	<p><b>Roads Authorities may appeal to Minister:</b></p> <p>Authority to determine whether aggrieved by RMS action and if so appeal to Minister</p> <p>Pursuant to</p>

	Section 60
Roads Act 012	<b>Roads agreements between RMS and roads authorities:</b>  Authority to enter agreement with RMS transferring council's responsibilities for classified road  Pursuant to  Section 62
Roads Act 013	<b>Power of roads authorities in respect to roadwork:</b>  Authority to carry out road work on public road or other land controlled by council  Pursuant to  Section 71
Roads Act 014	<b>Notify RMS:</b>  Authority to notify RMS of work on classified road involving deviation or alteration of road or construction of bridge, tunnel or level crossing  Pursuant to  Section 75
Roads Act 015	<b>Notify RMS:</b>  Authority to notify RMS of major road work  Pursuant to  Section 76

Roads Act 016	<p><b>Construct bridges and tunnels across navigable waters:</b></p> <p>Authority to construct bridges and tunnels across navigable waters, give public notice of proposal, consider submissions, make decision, and give notice of decision</p> <p>Pursuant to</p> <p>Sections 78, 79, 80 and 81</p>
Roads Act 017	<p><b>Location of conduits:</b></p> <p>Authority to consult with persons as to location of conduits for utilities across public roads</p> <p>Pursuant to</p> <p>Section 85</p>
Roads Act 018	<p><b>Functions of Council in respect of private roads:</b></p> <p>Authority to direct the owner of a private road (other than a classified road) to carry out such work as is necessary to prevent the road from becoming unsafe or unsightly</p> <p>Pursuant to</p> <p>Section 86(1)</p>
Roads Act 019	<p><b>Traffic Control Facilities:</b></p> <p>Authority to seek consent of RMS, and with such consent, carry out traffic control work on classified road</p> <p>Pursuant to</p> <p>Section 87(2)</p>
Roads Act 020	<p><b>Traffic Control Facilities:</b></p>

	<p>Authority to carry out traffic control work on unclassified road or transitway or road or road related area</p> <p>Pursuant to</p> <p>Section 87(3)</p>
Roads Act 021	<p><b>Tree felling:</b></p> <p>Authority to form the opinion that it is necessary to remove or lop a tree or other vegetation on or overhanging a public road for the purpose of a road work or to remove a traffic hazard, and to effect such removal or lopping</p> <p>Pursuant to</p> <p>Section 88</p>
Roads Act 022	<p><b>Alter landform:</b></p> <p>Authority to alter landform of land adjoining public road to ensure stability of road</p> <p>Pursuant to</p> <p>Section 92</p>
Roads Act 023	<p><b>Carry out drainage work :</b></p> <p>Authority to carry out drainage work on land in vicinity of public road for purpose of draining or protecting public road</p> <p>Pursuant to</p> <p>Section 94</p>
Roads Act 024	<p><b>Give a direction:</b></p> <p>Authority to give a direction under Part 7</p> <p>Pursuant to</p>

	Sections 91 to 107 inclusive
Roads Act 025	<p><b>Regulate traffic:</b></p> <p>Authority to regulate traffic on a public road by means of barriers or notices for any of the purposes set out in section 115(2) of the Roads Act 1993 (NSW) in so far as they apply to the Council as a roads authority.</p> <p>Pursuant to</p> <p>Section 115(2)</p>
Roads Act 026A	<p><b>Applications for consent:</b></p> <p>Authority to apply to RMS for consent to erect a barrier or notice or carry out work or take any action to regulate traffic on a public road for other purposes; to remove any notice or barrier, to demolish any work or cease any action for which the RMS has given consent, and give public notice of such application</p> <p>Pursuant to</p> <p>Section 116</p>
Roads Act 026	<p><b>Request review:</b></p> <p>Authority to request Minister to review decision of RMS</p> <p>Pursuant to</p> <p>Section 119</p>
Roads Act 027	<p><b>Temporary regulation of traffic:</b></p> <p>Authority to serve (and revoke) an Order prohibiting a person from causing any vehicle under the person's control to pass along a specified local road</p> <p>Pursuant to</p>

	Section 122
Roads Act 028	<p><b>Authority to erect structures:</b></p> <p>Authority to authorise the holder of a footway dining approval to erect and maintain structures in, or over any part, of the footway</p> <p>Pursuant to</p> <p>Section 126</p>
Roads Act 029	<p><b>Public Gates:</b></p> <p>Authority to grant and/or revoke a permit for the erection of a public gate or the construction of a by-pass around a public gate.</p> <p>Pursuant to</p> <p>Sections 128, 130, 133 and 136</p>
Roads Act 030	<p><b>Approval to use footway for restaurant :</b></p> <p>Authority to determine an application for a footway dining approval</p> <p>Pursuant to</p> <p>Section 125</p>
Roads Act 031	<p><b>Determine an application for consent:</b></p> <p>Authority to determine an application for consent to: (a) erect a structure, or carry out work in, on or over a public road; (b) dig up or disturb the surface of a public road; (c) remove or interfere with a structure, work or tree on a public road; (d) pump water into a public road from any land adjoining a public road; (e) connect a road (whether public or private) to a classified road, and impose conditions on a consent.</p>

	<p>Pursuant to Sections 138, 139 &amp; 139A</p>
Roads Act 032	<p><b>Revocation of street vending consent:</b> Authority to revoke a street vending consent and give notice of revocation</p> <p>Pursuant to Section 139C</p>
Roads Act 033	<p><b>Extend term:</b> Authority to extend term of a street vending consent and impose conditions</p> <p>Pursuant to Sections 139D(1) and (5)</p>
Roads Act 034	<p><b>Transfer of street vending or other consent:</b> Authority to transfer a street vending or other consent and impose conditions</p> <p>Pursuant to Sections 139D(3)(5) and (6)</p>
Roads Act 035	<p><b>Fresh consents:</b> Authority to grant a fresh consent where previous consent revoked, expired or lapsed</p> <p>Pursuant to Section 139E</p>

Roads Act 036	<p><b>Revocation of Consent:</b></p> <p>Authority to revoke a consent by notice of revocation served on holder</p> <p>Pursuant to</p> <p>Section 140</p>
Roads Act 037	<p><b>Permits for road events:</b></p> <p>Authority to grant a permit to any person to conduct a road event (as defined) on a public road</p> <p>Pursuant to</p> <p>Section 144</p>
Roads Act 038	<p><b>Leasing of land above or below public road:</b></p> <p>Authority to grant a lease of air space above or land below public road with approval of Director of Planning</p> <p>Pursuant to</p> <p>Section 149</p>
Roads Act 039	<p><b>Transfer of public road to other roads authority:</b></p> <p>Authority to consent to the transfer of a public road by the Minister for Roads and Ports from or to the Council</p> <p>Pursuant to</p> <p>Section 150</p>
Roads Act 040	<p><b>Short-term leases of unused public roads:</b></p> <p>Authority to grant short term lease of unused public road to adjoining owner or lessee, give public notice of proposed lease, consider submissions, make decision</p>



	<p>Pursuant to</p> <p>Sections 153, 154, 155 &amp; 156</p>
Roads Act 041	<p><b>Naming of public roads:</b></p> <p>Authority to approve names and numbering for all roads for which the Council is the roads authority</p> <p>Pursuant to</p> <p>Section 162</p>
Roads Act 042	<p><b>Inspections and Investigations:</b></p> <p>Authority to inspect the land, for the purposes of an inspection, dig up any ground and take such measures as are necessary to ascertain the character and condition of the land and of any building, structure or work that is situated in, on or over the land, make surveys and take levels and, for those purposes, may dig trenches, break up the soil and set up any posts, stakes or marks, and may take samples or photographs in connection with any inspection.</p> <p>Pursuant to</p> <p>Section 165</p>
Roads Act 044	<p><b>Roads authority may take possession of land when constructing etc public road:</b></p> <p>Authority to use and occupy land along or near a road for the purpose of carrying out road work or providing a temporary road, and give notice of intention to do so</p> <p>Pursuant to</p> <p>Section 175</p>
Roads Act 045	<p><b>Access roads across land owned by public authority:</b></p> <p>Authority to enter into agreement with public authority regarding construction and maintenance of road</p>

	<p>Pursuant to</p> <p>Section 176</p>
Roads Act 046	<p><b>Financial or other assistance:</b></p> <p>Authority to enter into agreement with RMS for financial or other assistance</p> <p>Pursuant to</p> <p>Section 207</p>
Roads Act 047	<p><b>Apportionment of cost:</b></p> <p>Authority to agree to apportionment of cost of road work on a classified road forming boundary, make submissions to RMS regarding apportionment</p> <p>Pursuant to</p> <p>Section 209</p>
Roads Act 048	<p><b>Financial or other assistance:</b></p> <p>Authority to agree with another Council financial assistance from RMS for a classified road forming boundary</p> <p>Pursuant to</p> <p>Section 210</p>
Roads Act 049	<p><b>Roads authorities may levy tolls on road-ferries:</b></p> <p>Authority to lease the running of a road ferry, lease the collection of tolls and charges on a road ferry</p> <p>Pursuant to</p> <p>Section 216</p>

Roads Act 050	<p><b>Recovery of:</b></p> <p>Authority to determine the amount of contribution to which an owner of land adjoining a public road is required to contribute to the cost incurred by the Council in constructing or paving any adjacent kerb, gutter or footway</p> <p>Pursuant to</p> <p>Section 217</p>
Roads Act 051	<p><b>Roads authority to supply RMS with plans and specifications :</b></p> <p>Authority to make submissions to RMS regarding proposed works</p> <p>Pursuant to</p> <p>Section 221</p>
Roads Act 052	<p><b>Roads authority may carry out work instead of paying compensation:</b></p> <p>Authority to enter an agreement to do work instead of pay compensation</p> <p>Pursuant to</p> <p>Section 227</p>
Roads Act 053	<p><b>Authorised officer may require production of information:</b></p> <p>Authority to require the owner of the vehicle or the person in charge of the vehicle to produce certain information immediately.</p> <p>Pursuant to</p> <p>Section 229</p>
Roads Act 054	<p><b>Roads authority may give effect to direction and recover costs:</b></p>

	<p>Authority to take action necessary to give effect to a direction and recover costs from person to whom direction given</p> <p>Pursuant to</p> <p>Section 238</p>
Roads Act 055	<p><b>Refer matters:</b></p> <p>Authority to refer matters to local land board</p> <p>Pursuant to</p> <p>Section 260</p>
Roads Act 056	<p><b>Footway restaurants:</b></p> <p>Authority to grant an approval pursuant to Part 9 Division 1 of the Roads Act 1993 (NSW) to use part of a footway for the purposes of a restaurant and to authorise a holder of an approval to erect and maintain structures in, on or over any part of the footway the subject of the approval.</p> <p>Pursuant to</p> <p>Part 9 Division 1</p>
Roads Act 057	<p><b>Street vending consent :</b></p> <p>Authority to grant, revoke, transfer or extend the term of a street vending consent</p> <p>Pursuant to</p> <p>Part 9 Division 3</p>
Roads Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the</p>

	<p>Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Roads Act 1993</p>
Roads Act 058	<p><b>Notice of Entry:</b></p> <p>Authority to give written notice to the owner or occupier of the premises of the intention to enter the premises and authority to give notification of the use of force or urgent entry to such persons or authorities as appear to the delegate to be appropriate in the circumstances.</p> <p>Pursuant to</p> <p>section 166 and 168</p>
Rural Fires Act 1997	
RF Act 001	<p><b>Formation of Rural Fire Brigades:</b></p> <p>Authority to form (or form jointly with another council) one or more rural fire brigades for any rural fire district constituted for a council's area or part of its area in accordance with section 15.</p> <p>Pursuant to</p> <p>Section 15</p>
RF Act 002	<p><b>Responsible local authorities:</b></p> <p>Authority to enter into agreement with another local authority to combine responsibility for fire districts</p> <p>Pursuant to</p> <p>Section 7(2)</p>
RF Act 003	<p><b>Responsible local authorities:</b></p>

	<p>Authority to enter into agreement with another local authority to nominate the authority as having responsibility for some or all of fire district</p> <p>Pursuant to</p> <p>Section 7(3)</p>
RF Act 004	<p><b>Disbandment :</b></p> <p>Authority to disband a rural fire brigade</p> <p>Pursuant to</p> <p>section 17(1)</p>
RF Act 005	<p><b>Area of operations:</b></p> <p>Authority to determine the territory of a rural fire brigade and appoint officers for the brigade.</p> <p>Pursuant to</p> <p>Section 18</p>
RF Act 006	<p><b>Responsibilities and functions:</b></p> <p>Authority to provide facilities and accommodation for fire control officer and consult with Commissioner</p> <p>Pursuant to</p> <p>Sections 37 and 38</p>
RF Act 008	<p><b>Local bush fire danger period declaration:</b></p> <p>Authority to consult with and make recommendations in relation to the making of a local bush fire danger period declaration in accordance with section 83.</p>

	<p>Pursuant to</p> <p>Section 83</p>
RF Act 009	<p><b>Bush Fire Hazard Reduction Certificates:</b></p> <p>Authority to:</p> <p>a) determine an application for a bush fire hazard reduction certificate that authorises the carrying out of bush fire hazard reduction work on private land within the council's area by a person other than the Commissioner or a local authority in accordance with Part 4, Division 8</p> <p>b) Authority to certify a bush fire hazard reduction certificate in relation to bush fire hazard reduction work on land by the council in accordance with Part 4, Division 8</p> <p>Pursuant to</p> <p>Sections 100F(5) &amp; 100G</p>
RF Act 010	<p><b>Proceedings for breach:</b></p> <p>Authority to bring proceedings on behalf of the Council in the Land and Environment Court for an order to remedy or restrain a breach of section 100F or 100G of the Act (in relation to bush fire hazard reduction certificates) in accordance with section 100H.</p> <p>Pursuant to</p> <p>Section 100H</p>
RF Act 011	<p><b>Rural Fire Brigade Contributions:</b></p> <p>Authority to arrange for the payment of rural fire brigade contributions in accordance with Part 5, Division 4</p> <p>Pursuant to</p> <p>Section 107</p>
RF Act 000	<p><b>All functions:</b></p>

	<p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Rural Fires Act 1997</p>
RF Act 012	<p><b>Fire Trails:</b></p> <p>Authority to exercise and/or perform the Council's functions under Part 3B as the owner or occupier of land, including to make a fire trail complaint, object to, or appeal against, a fire trail rectification notice, apply for the termination of the registration of a fire trail and to object to, or appeal against, a refusal to terminate registration of a fire trail.</p> <p>Pursuant to</p> <p>sections 62Q, 62Z(1), 62ZA(1), 62ZK(1), 62ZL(1), 62ZM(1) and Part 3B generally.</p>
Rural Fires Regulation 2013	
RF Reg 001	<p><b>Rural Fire Brigades:</b></p> <p>Authority to register or refuse to register a person as a member of a rural fire brigade and remove a person's name from the register of members.</p> <p>Pursuant to</p> <p>clauses 5, 6 and 7</p>
Service NSW (One-stop Access to Government Services) Act 2013	
S NSW Act 001	<p><b>Delegation of:</b></p> <p>Authority to delegate customer service functions of council to CEO with the approval of a resolution of council</p> <p>Pursuant to</p>



	Section 7
S NSW Act 002	<p><b>Enter into:</b></p> <p>Authority to enter into agreement with CEO with the approval of a resolution of council</p> <p>Pursuant to</p> <p>Sections 8 and 16</p>
S NSW Act 003	<p><b>Agreements authorising:</b></p> <p>Authority to enter into agreement with CEO to act as agent of CEO</p> <p>Pursuant to</p> <p>Section 12</p>
S NSW Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Service NSW (One-stop Access to Government Services) Act 2013</p>
State Emergency and Rescue Management Act 1989	
SERM Act 001	<p><b>Combination of local government areas:</b></p> <p>Authority to agree to combine emergency management arrangements with other councils</p> <p>Pursuant to</p>

	Section 27
SERM Act 003	<p><b>Representative on Local Emergency Management Committee:</b></p> <p>Authority to determine the representative of an organisation on the Local Emergency Management Committee in accordance with section 28(2)(c).</p> <p>Pursuant to</p> <p>Section 28(2)(c)</p>
SERM Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>State Emergency and Rescue Management Act 1989</p>
State Emergency Service Act 1989	
SES Act 001	<p><b>Recommending appointment of local controller:</b></p> <p>Authority to recommend to the Commissioner a person to be appointed as the local controller of SES units in the Council's area.</p> <p>Pursuant to</p> <p>Section 17</p>
SES Act 002	<p><b>Local controllers:</b></p> <p>Authority to provide facilities and accommodation for local controller</p> <p>Pursuant to</p>

	Section 17(5)
SES Act 003	<p><b>Disposal by local councils of equipment purchased from Fund:</b></p> <p>Authority to sell or dispose, with the consent of the commissioner, of equipment</p> <p>Pursuant to</p> <p>Section 24X</p>
SES Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>State Emergency Service Act 1989</p>
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	
SEPP (Veg) 001	<p><b>Permit for clearing of vegetation:</b></p> <p>Authority to issue a permit on behalf of the Council to clear vegetation in a non-rural area which is declared by a development control plan made by the Council.</p> <p>Pursuant to</p> <p>clause 10</p>
State Records Act 1998	
SR Act 001	<p><b>Exercise functions:</b></p> <p>Authority to exercise the Council's functions, including the disposal of Council records and making of open and closed access</p>

	<p>directions in accordance with that Act and the State Records Regulation 2005</p> <p>Pursuant to</p> <p>State Records Act 1998</p>
SR Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>State Records Act 1998</p>
Strata Schemes Development Act 2015	
SSD Act 001	<p><b>Strata Certificates:</b></p> <p>Authority to issue a strata certificate in accordance with section 54 (strata plans and subdivision of development lots), s55(subdivision not involving development lot) and s56 (notices of conversion) in accordance with Part 4 Division 2 of the <i>Strata Schemes Development Act 2015</i> and Part 4 of the <i>Strata Schemes Development Regulation 2016</i>.</p> <p>Pursuant to</p> <p>sections 54, 55 and 56 <i>Strata Schemes Development Act 2015</i></p> <p>clause 17 <i>Strata Schemes Development Regulation 2016</i></p>
SSD Act 002	<p><b>Obligations of planning authority:</b></p> <p>Authority on behalf of the council as a planning authority when granting a planning approval, to certify in accordance with s75(2).</p> <p>Pursuant to</p>

	Pursuant to: s.75(2)
SSD Act 003	<p><b>Strata development contract amendment:</b></p> <p>Authority to approve the amendment of a strata development contract for a strata scheme in accordance with s84.</p> <p>Pursuant to</p> <p>s.84</p>
SSD Act 004	<p><b>Termination of a strata scheme:</b></p> <p>Authority to sign an application for termination of a strata scheme in accordance with s142.</p> <p>Pursuant to</p> <p>s.143</p>
SSD Act 000	<p><b>All Functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>the Strata Schemes Development Act 2015</p>
Strata Schemes Management Act 2015	
SSM Act 001	<p><b>(Orders) Enforcing restrictions on uses of utility lots:</b></p> <p>Authority to apply to the Tribunal for an order enforcing restrictions on uses of utility lots and for reallocation of unit entitlements.</p> <p>Pursuant to</p>

	s.235(2) and s.136
SSM Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>the Strata Schemes Management Act 2015</p>
Surveillance Devices Act 2007	
SD Act 001	<p><b>Optical surveillance devices:</b></p> <p>Authority on behalf of Council as the owner or occupier of premises or vehicles or any other object to consent to the installation, use and maintenance of an optical surveillance device on the premises or vehicle or object.</p> <p>Pursuant to</p> <p>section 8 of the <i>Surveillance Devices Act 2007</i></p>
Surveying and Spatial Information Act 2002	
SSI Act 001	<p><b>Maintenance and repair of permanent survey marks :</b></p> <p>Authority to apply to the Minister for a direction that it is the duty of the Surveyor-General may to keep any or all of the permanent survey marks the subject of a notice to the council, in good condition and repair, in accordance with section 9.</p> <p>Pursuant to</p> <p>Section 9</p>
SSI Act 002	<b>Authority to:</b>

	<p>Authority to carry out surveys</p> <p>Pursuant to</p> <p>Section 5</p>
SSI Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Surveying and Spatial Information Act 2002</p>
Swimming Pools Act 1992	
SP Act 001	<p><b>Exemption from compliance:</b></p> <p>Authority to grant an exemption from all or any of the requirements of the access to swimming pools provisions, unconditionally or subject to conditions.</p> <p>Pursuant to</p> <p>Section 22</p>
SP Act 002	<p><b>Direction to comply:</b></p> <p>Authority to serve a direction requiring compliance with the access to swimming pools provisions.</p> <p>Pursuant to</p> <p>Section 23</p>
SP Act 003	<p><b>Authority to carry out inspection:</b></p>

	<p>Authority to carry out inspection of swimming pool, including on request of owner and charge a fee</p> <p>Pursuant to</p> <p>Sections 22B, 22C, 22F</p>
SP Act 004	<p><b>Authority to issue a certificate of compliance:</b></p> <p>Authority to issue a certificate of compliance and charge a fee</p> <p>Pursuant to</p> <p>Sections 22D, 22F</p>
SP Act 005	<p><b>Notice of intention:</b></p> <p>Authority to serve on the occupier of the premises a notice of intention to carry out the requirements of a direction given under section 23 (requiring compliance with the access to swimming pools provisions).</p> <p>Pursuant to</p> <p>Section 23A</p>
SP Act 006	<p><b>Directing a person to act:</b></p> <p>Authority to direct a person to act as "a person acting under the direction of a local authority" for the purposes of section 23A.</p> <p>Pursuant to</p> <p>Section 23A</p>
SP Act 007	<p><b>Appeals:</b></p> <p>Authority to represent the Council in relation to an appeal against a decision of the Council.</p>



	<p>Pursuant to Section 26</p>
SP Act 008	<p><b>Appointment of Authorised officer:</b></p> <p>Authority to appoint an employee of the Council or other person as an authorized officer for the purposes of the Act and Regulations.</p> <p>Pursuant to Section 27</p>
SP Act 010	<p><b>Investigation of complaint:</b></p> <p>Authority to investigate a complaint of non-compliance with the Act or Regulations.</p> <p>Pursuant to Section 29A</p>
SP Act 011	<p><b>Proceedings to remedy or restrain a breach:</b></p> <p>Authority to bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the Act or Regulations.</p> <p>Pursuant to Section 30</p>
SP Act 012	<p><b>Proceedings to breach:</b></p> <p>Authority to bring proceedings in the Local Court for an offence against the Act or Regulations.</p> <p>Pursuant to</p>

	Section 36
SP Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Swimming Pools Act 1992</p>
Swimming Pools Regulation 2018	
SP Reg 001	<p><b>Application for exemption :</b></p> <p>Authority to determine the form of an application for exemption</p> <p>Pursuant to</p> <p>Clause 12</p>
SP Reg 002	<p><b>Give notice:</b></p> <p>Authority to give notice of decisions</p> <p>Pursuant to</p> <p>Clauses 15, 20.</p>
SP Reg 003	<p><b>Issue a certificate of Non-Compliance:</b></p> <p>Authority to be satisfied/ not satisfied on behalf of the local authority that the requirements for the issue of a certificate of compliance have been met, and issue a notice and/or certificate of non-compliance under clauses 20 and 21 respectively.</p>

	<p>Pursuant to</p> <p>Pursuant to clauses 20 and 21.</p>
Tattoo Parlours Act 2012	
TP Act 001	<p><b>Exchange of information:</b></p> <p>Authority to enter into information sharing arrangement with the Director General</p> <p>Pursuant to</p> <p>Section 36</p>
TP Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Tattoo Parlours Act 2012</p>
Transport Administration Act 1988	
TA Act 001	<p><b>Referral of disputes:</b></p> <p>Authority to refer a dispute between the council and a transport authority to the Minister in accordance with section 111.</p> <p>Pursuant to</p> <p>Section 111</p>
TA Act 002	<p><b>Grants to Council:</b></p> <p>Authority to apply for grants in connection with use of roads by buses</p>

	<p>Pursuant to</p> <p>Section 106</p>
TA Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Transport Administration Act 1988</p>
Trees (Disputes Between Neighbours) Act 2006	
T(DBN) Act 001	<p><b>Appearance before Court:</b></p> <p>Authority to appear before the Court in any proceedings under this Part in relation to a tree in accordance with section 13 or 14G.</p> <p>Pursuant to</p> <p>Sections 13 and 14G</p>
T(DBN) Act 002	<p><b>Authorised person :</b></p> <p>Authority to authorise a person as an authorised person for the purposes of section 17 of the Act.</p> <p>Pursuant to</p> <p>Section 17</p>
T(DBN) Act 003	<p><b>Act as an authorised person :</b></p> <p>Authority to act as an authorised person for the purposes of section 17 of the Act</p>

	Pursuant to Section 17
T(DBN) Act 004	<b>Notice of intention:</b> Authority to serve on the owner of land a notice of intention to enter land under section 17.  Pursuant to Section 17
T(DBN) Act 005	<b>Charge on Land:</b>  Authority (after obtaining an order of a court in proceedings against an owner of land for the recovery of costs in accordance with section 17 (8)) to apply to the Registrar-General for registration of the order in relation to that land, and certify that the amount has been paid or otherwise agree to a cancellation of the charge in accordance with section 17A.  Pursuant to Section 17A
T(DBN) Act 000	<b>All functions:</b>  Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.  Pursuant to Trees (Disputes Between Neighbours) Act 2006
Valuation of Land Act 1916	
VL Act 001	<b>Application for Valuation:</b>  Authority to apply to the Valuer-General for a valuation of land held by or on behalf of the Council in accordance with section

	<p>14A(2)(a) or within the council (as the rating or taxing authority)'s local government area in accordance with section 14A(2)(c). Authority to apply for an apportionment factor in accordance with section 14X or 14BBA and for an assessed annual value of land which became rateable on or after 1 July 1977 in accordance with section 19B.</p> <p>Pursuant to</p> <p>Sections 14A(2)(a), 14A(2)(c), 14X, 14BBA, 19B.</p>
VL Act 002	<p><b>Objection to Valuation and Appeal:</b></p> <p>Authority to make an objection to a valuation of the Valuer General in accordance with section 31 and if dissatisfied with the determination of the objection, to appeal in accordance with section 37.</p> <p>Pursuant to</p> <p>Sections 31 and 37</p>
VL Act 003	<p><b>Valuation Lists:</b></p> <p>Authority to forward to the Valuer-General particulars of any desired alterations to any valuation list under section 50(1), to request a new valuation list under section 51 and request that the Valuer-General make a new valuation of any land in accordance with section 60A.</p> <p>Pursuant to</p> <p>Sections 50(1) and 51 and 60A.</p>
VL Act 004	<p><b>Copies of entries to be supplied:</b></p> <p>Authority to agree with Valuer General regarding supply of information as to valuations</p> <p>Pursuant to</p> <p>Section 76</p>
VL Act 005	<p><b>Valuer-General not required to determine certain valuations:</b></p>

	<p>Authority to request Valuer General to determine assessed annual value of land</p> <p>Pursuant to</p> <p>Section 7D</p>
VL Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Valuation of Land Act 1916</p>
Waste Avoidance and Resource Recovery Act 2001 and Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017	
WARR 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Waste Avoidance and Resource Recovery Act 2001 and Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017</p>
WARR 001	<p><b>Agreements with material recovery facility operators:</b></p> <p>Authority to enter into processing agreements and refund sharing agreements with a material recovery facility operator on behalf of council.</p> <p>Pursuant to</p> <p>Clause 18 of the Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017</p>

Water Management (General) Regulation 2018	
WM Reg 000	<p><b>All Functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council as a water supply authority the Council's delegable Functions under this Regulation in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Water Management (General) Regulation 2018</p>
Water Management Act 2000	
WM Act 001	<p><b>Authority to seek Minister's approval:</b></p> <p>Authority to seek Minister's approval for construction of public protective works</p> <p>Pursuant to</p> <p>Section 269</p>
WM Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Water Management Act 2000</p>
WM Act 002	<p><b>Water Supply Authority:</b></p> <p>Authority to exercise and/or perform on behalf of the Council as a water supply authority the Council's delegable functions under this Act and any Regulation made under the Act in force from time to time.</p> <p>Pursuant to</p>



	Sections 291 - 293 generally, Part 2, Division 3
WM Act 003	<p><b>Commercial Operations:</b></p> <p>Authority to seek the approval of the Governor and enter into commercial arrangements on behalf of the Council as a water supply authority.</p> <p>Pursuant to</p> <p>Section 294</p>
WM Act 004	<p><b>Entry on land:</b></p> <p>Authority to authorise a person to enter land and do the things referred to in sections 296 and 297 in accordance with those sections.</p> <p>Pursuant to</p> <p>Sections 296 and 297 of the Water Management Act 2000</p>
WM Act 005	<p><b>Break up roads:</b></p> <p>Authority to give notice to persons and open and break a public road etc in accordance with section 298.</p> <p>Pursuant to</p> <p>Section 298</p>
WM Act 006	<p><b>Altering position of conduits:</b></p> <p>Authority to serve a notice requiring the alteration of a conduit in accordance with section 299, and make the alteration in accordance with section 299(3).</p> <p>Pursuant to</p>

	Section 299
WM Act 007	<b>Obstruction of works:</b> Authority to apply for and obtain an injunction in accordance with section 300.  Pursuant to Section 300
WM Act 008	<b>Finding source of pollution of water supply:</b> Authority to give notice to a person, and try to find the source of pollution, and recover expenses, in accordance with section 301.  Pursuant to Section 301
WM Act 009	<b>Crown land in special areas:</b> Authority to give approval in writing for the purposes of section 303 of the WM Act.  Pursuant to Section 303
WM Act 010	<b>Exercise of certain function in special areas:</b> Authority to make representations for the purposes of section 304 of the WM Act.  Pursuant to Section 304

WM Act 011	<p><b>Certificates of compliance:</b></p> <p>Authority to impose certain requirements before granting a certificate of compliance in accordance with section 306 and grant, or refuse to grant, a certificate of compliance under section 307.</p> <p>Pursuant to</p> <p>Sections 306 and 307</p>
WM Act 012	<p><b>Connections:</b></p> <p>Authority to publish a notice of the availability of a water main or sewer main, make a connection at the expense of a landowner and recover any amount due for the connection in accordance with section 309 of the WM Act.</p> <p>Pursuant to</p> <p>Section 309</p>
WM Act 013	<p><b>Service charges, fees and other charges:</b></p> <p>Authority to exercise any function under Chapter 6, Part 2, Division 6, except for imposing fees under s310(2).</p> <p>Pursuant to</p> <p>Section 310(1)</p>
WM Act 014	<p><b>Recovery of rates, charges etc by charging authority:</b></p> <p>Authority to exercise and/or perform all of the council's delegable functions as a charging authority under the <i>Water Management Act 2000</i> and the <i>Water Management (General) Regulation 2011</i>.</p> <p>Pursuant to</p> <p>Chapter 7, Part 4, Division 1</p>
WM Act 015	<p><b>Compensation for interference:</b></p>

	<p>Authority to seek compensation for interference or damage to property in accordance with section 319.</p> <p>Pursuant to</p> <p>Section 319</p>
WM Act 016	<p><b>Access licence:</b></p> <p>Authority to apply to the Minister to increase the entitlement in accordance with section 66.</p> <p>Pursuant to</p> <p>Sections 61 and 66(4)</p>
Wilderness Act 1987	
Wilderness Act 001	<p><b>Wilderness Protection Agreement:</b></p> <p>Authority to enter into a wilderness protection agreement with Minister</p> <p>Pursuant to</p> <p>Section 10</p>
Wilderness Act 002	<p><b>Proposals by statutory authorities affecting certain wilderness areas:</b></p> <p>Authority to give notice of proposed development in wilderness area</p> <p>Pursuant to</p> <p>Section 15</p>
Wilderness Act 003	<p><b>Resolution of certain disputes:</b></p> <p>Authority to refer a dispute to the Premier</p>

	<p>Pursuant to</p> <p>Section 21</p>
Wilderness Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Wilderness Act 1987</p>
Work Health and Safety Act 2011	
WHS Act 001	<p><b>Authority to apply to the regulator :</b></p> <p>Authority to apply to the regulator for internal review of a reviewable decision and to the IRC for external review</p> <p>Pursuant to</p> <p>Part 12</p>
WHS Act 000	<p><b>All functions:</b></p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to</p> <p>Work Health and Safety Act 2011</p>



**BROKEN HILL**  
CITY COUNCIL

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

ABN 84 873 116 132

## BROKEN HILL CITY COUNCIL

### INSTRUMENT OF DELEGATION TO MAYOR

On (XX/XX/XXX) the Broken Hill City Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Mayor XXXX authority to exercise and/or perform on behalf of the Council the Council's Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. That Mayor XXXXX be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a. the requirements of the relevant Legislation;
  - b. any conditions or limitations set out in **Schedule 1, Schedule 2 and Schedule 3**; and
  - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.

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6. In this delegation:

- o **'Functions'** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
- o **'Legislation'** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
- o **'LG Act'** means the *Local Government Act 1993* as amended.

### Schedule 1: Delegated Functions

#### Local Government Act 1993

Function Code	Function	Condition/ Limitation (if any)
LG Act 004	<p><b>Mayor Functions –</b></p> <p>Authority to exercise and/or perform the role of the mayor.</p> <p><b>Pursuant To –</b></p> <p>section 226</p>	

### Schedule 2: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
N/A	N/A	N/A

### Schedule 3: General Limitations

Limitation (if any)
N/A

Pursuant to a Resolution of the Council at its meeting of (XX/XX/XXXX),

Council Meeting held XX/XX/XXXX  
Minute Number XXXX

\_\_\_\_\_  
XXXXXXXX  
Mayor

Date: (XX/XX/XXXX)

Review date:

### **Delegate Acknowledgement of Delegation**

I \_\_\_\_\_ do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

\_\_\_\_\_  
Mayor XXXXX of Broken Hill City Council

Date: (XX/XX/XXXX)





**BROKEN HILL**  
CITY COUNCIL

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## BROKEN HILL CITY COUNCIL

ABN 84 873 116 132

### INSTRUMENT OF DELEGATION TO DEPUTY MAYOR COUNCILLOR XXXXXX

On (XX/XX/XXXX) the Broken Hill City Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Deputy Mayor Councillor XXXXX authority to exercise and/or perform on behalf of the Council the Council's Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. That Deputy Mayor XXXXX be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a. the requirements of the relevant Legislation;
  - b. any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
  - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
6. In this delegation:
  - o '**Functions**' means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.

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- o 'Legislation' includes an Act of the parliament of New South Wales or of the Commonwealth of Australia and a Regulation under an Act.
- o 'LG Act' means the *Local Government Act 1993* as amended.

### Schedule 1: Delegated Functions

#### Local Government Act 1993

Function Code	Function	Condition/ Limitation (if any)
LG Act 004	<p><b>Mayor Functions –</b> Authority to exercise and/or perform the role of the Mayor.</p> <p><b>Pursuant To –</b> section 226</p>	<p>The Deputy Mayor may only exercise these functions:</p> <p>a) at the request of the Mayor; or b) if the Mayor is prevented by illness, absence or otherwise from exercising these functions; or c) if there is a casual vacancy in the office of Mayor.</p>

### Schedule 2: Policy Authorities

Code	Policy Authority
N/A	N/A

### Schedule 3: General Limitations

Limitation (if any)
N/A

Pursuant to a Resolution of the Council at its meeting of XX/XX/XXXX,

Council Meeting held XX/XX/XXXX  
Minute Number XXXXX

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XXXXXXXX  
Mayor

Date: XX/XX/XXXX

Review date:

### **Delegate Acknowledgement of Delegation**

I Deputy Mayor Councillor XXXXX do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

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Deputy Mayor Councillor XXXXX  
Broken Hill City Council

Date: XX/XX/XXXX

The logo for Broken Hill City Council, featuring the text "BROKEN HILL" in a large, bold, sans-serif font above "CITY COUNCIL" in a smaller, all-caps, sans-serif font. The text is white and set against a dark blue background that is part of a larger graphic header with geometric shapes in blue, grey, red, and orange.

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## BROKEN HILL CITY COUNCIL

ABN 84 873 116 132

# INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On XXXXXXXXXX the Broken Hill City Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument Jay Nankivell, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
  - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
  - 2.b **Excluding** those Functions:
    - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
    - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2**, **excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.

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6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.
  
7. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a.a the requirements of the relevant Legislation;
  
  - a.b any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
  
  - a.c any resolution or policy, procedure or budget adopted from time to time by the Council.
  
8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
  
9. In this delegation:
  - o **"Functions"** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
  
  - o **"Legislation"** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
  
  - o **"LG Act"** means the *Local Government Act 1993* as amended.

**Schedule 1: Limitations**

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

**Schedule 2: Instruments of Delegation to Council**

Delegator	Instrument Name	Date Of Instrument
Minister for Planning and Infrastructure	Making of Local Environmental Plans (LEP's)	Wednesday, 26 February 2014
Minister for Crown Lands	Authority to Council's General Manager to sub-delegate to the relevant Council Officers to deal with the day to day management and operational matters relating to the Willyama Common; such matters to be dealt with in accordance with the requirements of the Willyama Common Management Plan.	9 April 2021
Minister for Crown Lands	Authority to deal with the day to day management and operational matters relating to the Willyama Common; such matters to be dealt with in accordance with the requirements of the Willyama Common Management Plan.	9 April 2021
Minister for Crown Lands	Authority to Council's General Manager to sub-delegate to the relevant Council Officers to deal with the day to day management and operational matters relating to the Council managed Crown Reserves within the Broken Hill Local Government Area; such matters to be dealt with in accordance with the requirements of the relevant Crown Reserve Management Plan.	1 July 2018
Minister for Crown Lands	Authority to deal with the day to day management and operational matters relating to the Council managed Crown Reserves within the Broken Hill Local Government Area;	1 July 2018

	such matters to be dealt with in accordance with the requirements of the relevant Crown Reserve Management Plan.	
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### Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
Authority to Approve Payments	Authority to certify electronic funds transfers, sign cheques and sign vouchers on behalf of Council to the limits authorised by the General Manager.	N/A
Authority to Approve Purchases	Authority to authorise the purchase of goods and services to the spend limit and purchasing card limit allocated to the position within the area of budget responsibility.	N/A
Authority to General Manager to Write Off Debts	Authority to the General Manager to write off debts (including but not limited to rates, charges, interest and sundry debts) to the value of \$5,000 for any individual rate, charge or transaction (Minute No. 44690 Council Meeting 25/06/2014).	N/A
Authority to Approve Community Assistance Grants	Authority to the General Manager pursuant to Section 377(1A) of the Local Government Act 1993 to give final approval of recommendations of the Community Assistance Grant Panel, through two rounds of grant funding annually and within the adopted annual budget of the grants program, as per the Community Assistance Grants Policy –Minute No. 45524 and	N/A

	Section 356 of the Local Government Act 1993.	
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Pursuant to a Resolution of the Council at its meeting of XXXXXXXXXX.

Council Resolution to appoint Mr Jay Nankivell as General Manager was made at the Ordinary Council Meeting held 31 March 2021 - Minute Number 46469.

\_\_\_\_\_  
XXXXXXXXXX

Mayor

Date: XXXXXXXXXX

### **GENERAL MANAGER'S ACKNOWLEDGEMENT OF DELEGATIONS OF AUTHORITY**

I, Jay Nankivell, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

\_\_\_\_\_  
Jay Nankivell  
General Manager  
Broken Hill City Council

Date: \_\_\_\_\_



ORDINARY MEETING OF THE COUNCIL

February 7, 2022

**ITEM 3**

BROKEN HILL CITY COUNCIL REPORT NO. 29/22

SUBJECT: APPOINTMENT OF DELEGATES TO COMMITTEES - FEBRUARY 2022 TO SEPTEMBER 2022 D22/6265

**Recommendation**

1. That Broken Hill City Council Report No. 29/22 dated February 7, 2022, be received.
2. That Council appoints its Councillor representatives on Section 355 Committees and various other Committees and Working Groups for the period 23 February 2022 until the September 2022 Ordinary Council Meeting as per the attached Schedule and ensures that all positions are appointed at this Council Meeting in order for the Committees and Working Groups to work effectively and efficiently.
3. That Council notes that the City Improvement Working Group and the Essential Water Customer Council will be removed from the list as they are no longer active.
4. That the Audit, Risk and Improvement Committee Charter be amended to increase the number of Councillor delegates from three (3) to four (4) to accommodate an additional Councillor representative as per Minute No. 46689 of the 12 January 2022 Council Meeting; noting that new Risk Management and Internal Audit guidelines will be issued by the OLG in the near future that may affect Councillor membership.

**Executive Summary:**

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

A report was presented to the newly elected Council at its first meeting held on 12 January 2022 and Council resolved:

ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 7/22 - DATED DECEMBER 09, 2021 - APPOINTMENT OF DELEGATES TO COMMITTEES - DECEMBER 2021 TO SEPTEMBER 2022  
D21/54039

**RESOLUTION**

Minute No. 46697

Councillor R Algate moved )

Deputy Mayor J Hickey seconded )

**Resolved**

1. That Broken Hill City Council Report No. 7/22 dated December 9, 2021, be received.

2. That the matter be deferred as per the resolution of the Mayoral Minute No.1.

CARRIED UNANIMOUSLY

Reference is also made to the Resolution of Mayoral Minute tabled at the 12 January 2022 Council Meeting which contains amendments to the Schedule of Delegates of Committees:

**RESOLUTION**

Minute No. 46689

Mayor T Kennedy moved )  
 Councillor R Algate seconded )

**Resolved**

1. That Mayoral Minute No. 1/22 dated 12 January 2022 be received.
2. That all relevant extant policies and practices be rescinded or amended so as to facilitate the following:
3. That the Mayor be afforded dedicated full time secretarial assistance with requisite office equipment, including letterhead.
4. That the Mayor's office be responsible for all ceremonial activities.
5. That the Mayor and Councillors be afforded priority use of the level 2 Administrative Centre Meeting Room, and that councillors be afforded access to the administrative centre; and that the level 2 Administrative Centre Meeting Room be turned back into a Councillor Meeting Room/Common Area for the use of Councillors as required.
6. That Cr Jim Hickey be appointed Deputy Mayor 2022.
7. That standing committees, viz: Works, Health and Building, Policy and General be formed such that meetings at 5.30 be held on Monday, Tuesday and Wednesday of the week preceding scheduled monthly council meetings; and that the work of the existing Key Direction Working Groups will be amalgamated with the new the Standing Committees.
8. That "Works" include consideration of all matters relating to garbage services, parks and gardens, animal control and any other function the council delegates.
9. That "Health and Building include consideration of all matters relating to cultural activities, Library, Art Gallery, Geocentre and any other function the council delegates.
10. That "Policy and General" include consideration of all matters relating to corporate services, heritage, tourism and

any other function the council delegates.

11. That the General Manager be invited to ensure that senior staff, the authors of reports are present at the relevant standing committee meetings.
12. That the standing committees be chaired by Cr Michael Boland "Works", Cr Jim Hickey "Building and Health, Cr Bob Algate "Policy and General
13. That the first standing committee be held in February 2022.
14. That the composition of the standing committees, other than the Mayor be: "Works" Cr Michael Boland, Cr Bob Algate, Cr Alan Chandler, Cr Ron Page. "Health and Building" Cr Jim Hickey, Cr Alan Chandler, Cr Hayley Jewitt, Cr Dave Gallagher. "Policy and General" Cr Bob Algate, Cr Michael Boland, Cr Marion Brown, Hayley Jewitt, Jim Hickey.
15. That the Mayor, Deputy Mayor, Cr Algate and Cr Boland be appointed to the audit committee.
16. That councillors be invited to indicate to the Mayor's office their preferences for membership of section 355 committees and any other committees/working groups with Councillor representation, and appointment of Councillor Delegates to same be made at the February 2022 Council Meeting.

CARRIED UNANIMOUSLY

The schedule has been updated in accordance with Minute No. 46689 to include the new Standing Committees, and their membership (and to remove the previous Key Direction Working Groups) and to include membership of the Audit, Risk and Improvement Committee.

The Mayor requested that Councillor Turley advise which Standing Committee that she wish to join given her commitments to Local Government NSW as its newly elected President. The Schedule has been updated to show that Councillor Turley has indicated that she wishes to be a member of the Health and Building Committee.

Emails were sent to all Councillors requesting that they provide their preferences for membership of Committees and Working Groups by Thursday, 10 February 2022. These preferences were provided to the Mayor and then subsequently the attached Schedule was updated with those preferences. The Schedule also shows any vacant positions remaining.

Time will be taken at the Council Meeting to go through the list one by one to appoint Councillor delegates, in order to obtain full representation on all Committees and Working Groups which will ensure that they can operate effectively and efficiently.

**Report:**

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

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

Council currently has 10 Section 355 committees, as follows:

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

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

**Attachment 1** to this report shows the list of S355 Committees and other Committees and internal/external Working Groups which have Councillor Delegate representation. The list also includes the number of Councillor delegates required for each Committee and Working Group.

Councillors preferences have been included on the Schedule and time will be taken at the Council Meeting to go through the list one by one to appoint Councillor delegates, and to ensure that all vacant positions are filled in order that the Committees and Working Groups can operate effectively and efficiently.

**Community Engagement:**

Nil.

**Strategic Direction:**

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

**Relevant Legislation:**

*Local Government Act 1993 (Section 355)*

**Financial Implications:**

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

**Attachments**

1. [↓](#) Schedule of Delegates to Committees February 2022 to September 2022

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER



## COUNCIL DELEGATES TO SECTION 355 COMMITTEES AND OTHER COMMITTEES

FEBRUARY 2022 TO SEPTEMBER 2022

STANDING COMMITTEES	
<b>Works</b> Mayor 4 x Councillors	Mayor Kennedy Councillor Boland (Chairperson) Councillor Algate Councillor Chandler Councillor Page
<b>Health and Building</b> Mayor 5 x Councillors	Mayor Kennedy Deputy Mayor Hickey (Chairperson) Councillor Chandler Councillor Jewitt Councillor Gallagher Councillor Turley
<b>Policy and General</b> Mayor 5 x Councillors	Mayor Kennedy Councillor Algate (Chairperson) Councillor Boland Councillor Browne Councillor Jewitt Deputy Mayor Hickey
COUNCIL S355 COMMITTEES	
Committee Name	Delegates
<b>Community Strategic Plan Round Table</b> Mayor + 3 Chairpersons of Standing Committees	Mayor Kennedy Councillor Boland Deputy Mayor Hickey Councillor Algate
<b>Alma Oval Community Committee</b> At least 1 x Councillor	Councillor Boland
<b>Broken Hill Heritage Committee</b> 5 x Councillors	Councillor Browne Councillor Councillor Councillor Councillor
<b>Broken Hill Regional Art Gallery Advisory Committee</b> 2 x Councillors	Councillor Turley Councillor Boland

<b>BIU Band Hall Community Committee</b> At least 1 x Councillor	Councillor
<b>Friends of the Flora and Fauna of the Barrier Ranges Community Committee</b> At least 1 x Councillor	Councillor Browne
<b>Memorial Oval Community Committee</b> At least 1 x Councillor	Councillor Jewitt Councillor Gallagher
<b>Norm Fox Sportsground Community Committee</b> At least 1 x Councillor	Councillor Algate Councillor Turley
<b>Picton Sportsground Community Committee</b> At least 1 x Councillor	Councillor
<b>Riddiford Arboretum Community Committee</b> At least 1 x Councillor	Councillor Browne
<b>OTHER COMMITTEES</b>	
<b>Committee Name</b>	<b>Delegates Required</b>
<b>Association of Mining Related Councils</b> 1 x Councillor	Deputy Mayor Hickey
<b>Australia Day Advisory Group</b> 4 x Councillors	Councillor Browne Councillor Gallagher Councillor Boland Councillor Jewitt
<b>Australian Floodplains Association</b> Mayor + alternate	Mayor Kennedy Councillor (alternate)
<b>Australian Mining Cities and Centres Alliance</b> Mayor + Deputy Mayor(alternate)	Mayor Kennedy Deputy Mayor Hickey (alternate)
<b>Audit, Risk &amp; Improvement Committee</b> Mayor +Deputy Mayor + 2 x Councillors	Mayor Kennedy Deputy Mayor Hickey Councillor Algate Councillor Boland
<b>Asset Naming Committee</b> 5 x Councillors	Councillor Algate Councillor Jewitt Councillor Councillor Councillor
<b>Broken Hill Lead Reference Group</b> 1 x Councillor	Councillor Browne
<b>Broken Hill Liquor Accord</b> 1 x Councillor	Councillor Gallagher
<b>Broken Hill Traffic Committee</b> 1 x Councillor (observer only)	Councillor Browne (observer)

<b>Broken Hill Club GRANTS Committee</b> 2 x Councillors	Councillor Gallagher Councillor
<b>City Improvement Working Group</b> Mayor + 2-3 Councillors  <i>Remove from list - No longer active - work being undertaken by the Key Direction Working Groups</i>	
<b>Community Assistance Grants Panel</b> Mayor, 1 x Councillor and Our Community Portfolio Councillor	Mayor Kennedy Councillor Gallagher Councillor Boland
<b>Companion Animals Management Working Group</b> 3 x Councillors	Mayor Kennedy Deputy Mayor Hickey Councillor Gallagher
<b>Country Mayor's Association</b> Mayor + Deputy Mayor (alternate)	Mayor Kennedy Deputy Mayor Hickey (alternate)
<b>Disability Inclusion Action Plan Working Group</b> 2 x Councillors	Councillor Jewitt Councillor Chandler
<b>EP O'Neill Memorial Precinct Project Steering Group</b> Mayor, Deputy Mayor plus 1 x Councillor	Mayor Kennedy Deputy Mayor Hickey Councillor Jewitt
<b>Essential Water Customer Council</b> 1 x Councillor  <i>Remove from list - No longer active</i>	
<b>Far West Joint Organisation</b> Mayor and Deputy Mayor	Mayor Kennedy Deputy Mayor
<b>General Manager's Performance Review Committee</b> Mayor, Deputy Mayor and 3x Councillors	Mayor Kennedy Deputy Mayor Councillor Boland Councillor Chandler Councillor Gallagher
<b>Library and Cultural Precinct Project Steering Group</b> Mayor and Deputy Mayor	Mayor Kennedy Deputy Mayor Hickey
<b>Menindee Lakes Stakeholder Group</b> 1 x Councillor	Councillor
<b>Murray Darling Association</b> 2 x Councillors	Councillor Algate Councillor Browne
<b>Reconciliation Action Plan (RAP) Working Group</b> 3 x Councillors	Councillor Browne Councillor Boland Councillor
<b>Tidy Towns Working Group</b> 2 x Councillors	Councillor Gallagher Councillor Browne



<b>Western Division Councils</b> 2 x Councillors	Deputy Mayor Hickey Councillor Gallagher
<b>Western NSW Mining and Resource Development Taskforce</b> Mayor	Mayor Kennedy
<b>Volunteer Working Group</b> 4 x Councillors	Councillor Browne Councillor Jewitt Councillor Chandler Councillor

QUALITY CONTROL TABLE		
Minute No.	Date	Resolution
46689	12/01/2022	<ul style="list-style-type: none"> <li>• Introduction of 3 Standing Committees and Councillor Delegates</li> <li>• Councillor Delegates on the Audit, Risk &amp; Improvement Committee</li> </ul>

ORDINARY MEETING OF THE COUNCIL

February 11, 2022

**ITEM 4**

BROKEN HILL CITY COUNCIL REPORT NO. 30/22

SUBJECT:                    DRAFT COUNCILLOR SUPPORT POLICY FOR PUBLIC EXHIBITION                    D22/7400

**Recommendation**

1. That Broken Hill City Council Report No. 30/22 dated February 11, 2022, be received.
2. That Council endorses the Draft Councillor Support Policy for the purpose of public exhibition.
3. That the Draft Councillor Support Policy be placed on public exhibition for a period of 28 days for public comment.
4. That a report be presented to Council at the conclusion of the public exhibition period outlining submissions received and any further amendments made as a consequence of the submissions received, with a view to adoption of the Draft Councillor Support Policy.

**Executive Summary:**

At the first Council Meeting of the newly elected Council held 12 January 2022, Council considered the draft Councillor Support Policy and Council resolved:

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 8/22 - DATED SEPTEMBER 17, 2021 - ADOPTION OF COUNCILLOR SUPPORT POLICY**                    D21/48651

**RESOLUTION**

Minute No. 46698

Councillor M Browne moved                    )  
Councillor R Page seconded                    )

Resolved

1. That Broken Hill City Council Report No. 8/22 dated September 17, 2021, be received.
2. That the following amendments be made to the Councillor Support Policy:
  - a) amend Item 4.13 d) to allow Council orders for accommodation to include meals, drinks, laundry, telephone and other costs incurred at a hotel/motel, to alleviate the inconvenience of paying separately for these charges when checking-out of a hotel/motel.
  - b) amend the policy to update the reference of iPads.
3. That the amended Councillor Support Policy be re-presented to the February Council Meeting.

CARRIED UNANIMOUSLY

Amendments have been made to the policy to include the option of the provision of a Council issued preloaded credit card for the ease of payment of out-of-pocket expenses related to Councillor travel.

Amendments have also been made to update references to iPads and the use of the second floor meeting room as the dedicated Councillor Office/Meeting Room (the change of meeting rooms is as per Council's resolution at the 12 January 2022 Council Meeting Minute No. 46689).

Attached to this report is the draft Councillor Support Policy showing amendments made as "tracked changes" in red font.

### **Report:**

The purpose of the Councillor Support Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. The policy ensures that these expenses and facilities are provided in an accountable and transparent manner and does so by ensuring:

- The provisions of the policy allow all members of the community to seek election to Council without being financially or otherwise disadvantaged by undertaking the civic duties of a Councillor;
- Clear identification of the expenses that may be claimed, and facilities that will be provided to Councillors of Broken Hill City Council in carrying out their civic duties;
- Compliance with the requirements of Section 252, 253 and 254 of the *Local Government Act 1993*, and clause 403 of the *Local Government (General) Regulation 2021*.

Councils are required to review their Councillor Support Policy within the first 12 months of the newly elected Council. Public notice is not required to be given prior to adoption if the Council is of the view that amendments to the policy are not substantial. As Council's current Councillor Support Policy is compliant with current legislation and since the last review of the Policy there have been no circumstances occurring that would give rise to an indication that the Policy was not adequate, the Policy is presented to Council to endorse in its currently adopted state.

Council's Councillor Support Policy complies with the following sections of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

### ***Local Government Act 1993***

#### **252     *Payment of expenses and provision of facilities***

- (1) *Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*

- (3) *A council must not pay any expenses incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

**253 Requirements before policy concerning expenses and facilities can be adopted or amended**

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *(Repealed)*
- (5) *A council must comply with this section when proposing to adopt a policy in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

**254 Decision to be made in open meeting**

*The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.*

**Local Government (General) Regulation 2021**

**403 Payment of expenses and provision of facilities**

- (1) *A policy under section 252 of the Act must not include any provision enabling a council -*
  - (a) *to pay any councillor an allowance in the nature of a general expense allowance, or*
  - (b) *to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than the mayor.*
- (2) *A policy under the Act, section 252 must provide for the making of payment of expenses associated with carer responsibilities that are adequate or reasonable.*

The Draft Councillor Support Policy is presented to Council to consider endorsement of the Draft Policy for the purpose of public exhibition.

**Community Engagement:**

The Draft Councillor Support Policy will be placed on public exhibition for a period of 28 days in accordance with *Section 253 of the Local Government Act 1993*.

**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 Sections 252-254*

*Local Government (General) Regulation 2021 Section 403*

OLG Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW 2009.

**Financial Implications:**

All expenses detailed within the Councillor Support Policy are provided for within the adopted 2021/2022 Operational Plan.

**Attachments**

1. [↓](#) Draft Councillor Support Policy

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER

## DRAFT COUNCILLOR SUPPORT POLICY

<b>QUALITY CONTROL</b>		
<b>TRIM REFERENCES</b>	D12/13302 – 12/114	
<b>RESPONSIBLE POSITION</b>	General Manager	
<b>APPROVED BY</b>		
<b>REVIEW DATE</b>	September 2020	<b>REVISION NUMBER</b> 16
<b>EFFECTIVE DATE</b>	<b>ACTION</b>	<b>MINUTE NUMBER</b>
24/09/2014	Adopted	44759
30/09/2015	Public Exhibition	45075
25/11/2015	Adopted	45128
28/09/2016	Public Exhibition	45337
30/11/2016	Adopted	45374

### 1. INTRODUCTION

This policy has been developed to ensure good governance and best practice standards are adhered to.

The policy is made in accordance with sections 252, 253 and 254 of the *Local Government Act 1993* (NSW).

### 2. POLICY OBJECTIVE

The purpose of the policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. The policy ensures that these are provided in an accountable and transparent manner and does so by ensuring:

- The provisions of the policy allow all members of the community to seek election to Council without being financially or otherwise disadvantaged by undertaking the civic duties of a Councillor;
- Clear identification of the expenses that may be claimed, and facilities that will be provided to Councillors of Broken Hill City Council in carrying out their civic duties;
- Compliance with the requirements of Section 252, 253 and 254 of the *Local Government Act 1993*, and clause 403 of the *Local Government (General) Regulation 2005/2021*.

This policy excludes annual fees paid to the Mayor and Councillors in accordance with Sections 248-251 of the *Local Government Act 1993*. These fees are determined annually and are based on the determinations made by the Local Government Remuneration Tribunal.

Should Council be in a period of Administration, the adopted Councillor Support Policy applies to the Administrator of the Council.

### 3. POLICY SCOPE

This policy is relevant to all Councillors.

### 4. POLICY STATEMENT

#### GENERAL PAYMENT OF EXPENSES

##### 4.1. Payment of Expenses

Councillors will be reimbursed for expenses reasonably incurred in the performance of their role as a Councillor. General allowances unrelated to actual expenses will not be paid.

A general allowance is a sum of money paid by a Council to a Councillor to expend on an item or a service that is not required to be receipted and / or otherwise reconciled according to a set procedure and within a specific timeframe. (A Statutory Declaration is included at Annexure 1 for this purpose).

It is not appropriate or lawful for Council to pay general allowances unrelated to actual expenses incurred and which are designed to supplement Councillors' annual fees.

##### 4.2. Reimbursement and Reconciliation of Expenses

Councillors must provide a certified claim in the form provided by the General Manager for all travel, incidental and out of pocket expenses incurred. Payment will only be made for:

- a) expenses covered under this Policy; and
- b) items accompanied by appropriate tax invoice receipts or as provided in clause [4.47-2\(e\)](#);
- c) Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred and is not general in nature. Where receipts are not required it would be appropriate for Councillors to certify that the expenditure was for the purpose intended.

Where no receipts or tax invoices are submitted; a Councillor shall be required to sign a Statutory Declaration to confirm that the expense was incurred (Appendix 1).

If a Statutory Declaration is provided in lieu of receipts and tax invoices, Councillors are required to personally retain any supporting documentation for audit purposes and shall be required to produce this documentation to Council upon request.

The level of supporting documentation should be commensurate with the nature of expenditure. For example expenditure on parking, tolls, refreshments and the like may only require a signed statement listing the payments.

Other than provided in Clause 7.1.3, all claims must be submitted within thirty (30) days of being incurred unless reasonable cause can be shown for the delay.

Failure to meet this timeframe will result in a decline of the reimbursement.

##### 4.3. Payment in Advance – [Council issued Preloaded Credit Card](#)

Councillors ~~have the option of requesting will be provided with an~~ advance payment for expenses to be incurred under this Policy upon request to the General Manager ~~via the issue of a preloaded credit card.~~

~~The preloaded credit card can be used for all out-of-pocket travel related expenses as outlined in 4.4 and 4.12.~~

Councillors must reconcile advance payments within seven (7) days of the provision of the service or completion of the travel.

All items to be reconciled must be accompanied by appropriate tax invoice receipts.

Funds not acquitted will be advised to the Councillor and deducted from the next scheduled Councillor payment.

#### 4.4. Establishment of Monetary Limits and Standards

The following are monetary limits for reasonable out-of-pocket expenses:

Expense	Refund Basis	Daily Limit \$	Comment
Registration Costs	Actual	None	Includes costs relating to official <u>attendance at conferences/meetings which may also include</u> luncheons, dinners, tours/inspections which are relevant to the interests of the Council <u>and part of the conference registration costs.</u>  <u>In most cases, Council will arrange and fund registrations to conferences/meetings.</u>
Accommodation	Actual up to daily limit	Zone 1: \$300 per day Zone 2: \$250 per day Zone 3: \$200 per day	Limits are dependent on the location of accommodation, providing for regional differences in costs. Zone 1: Capital Cities Zone 2: Regional Cities Zone 3: Country  Where evidence is provided that accommodation within the above cost range cannot be provided or is not available then the General Manager has the discretion to approve the increase in costs.  <u>In most cases, Council will arrange and fund accommodation (room only).</u>
Out of pocket expenses	Actual up to daily limit	Reviewed annually – based on the ATO Reasonable Allowance	Expenses in this category may include: Reasonable refreshments Reasonable telephone or internet usage; Meals not included in registration fees etc.  The following expenses will not generally be reimbursed and are the responsibility of the councillor:



			Alcohol (see note*) Mini-bar items
Enrolment fees	Actual	None	In most cases, Council will arrange and fund attendance of Councillors at training courses.
Air Travel	Actual	None	In most cases, Council will arrange and fund Councillors air travel when required.
Rail Travel	Actual	None	In most cases, Council will only arrange and fund Councillors air travel when requested.
Taxi	Actual	None	Travel for official Council business or training only.
Bus	Actual	None	Travel for official Council business or training only.
Parking/Tolls	Actual	None	Travel for official Council business or training only.
<b>Expense</b>	<b>Refund Basis</b>	<b>Daily Limit \$</b>	<b>Comment</b>
Telephone	Actual	\$50 per month	Council related calls only.
Use of private motor vehicle	Actual	Per km allowance as defined in the BHCC Award	The use of a Council pool car should be considered for car travel prior to use of own vehicle.
Personal care or child care expenses: up to four (4) hours	Actual up to daily limit	\$80 per day	Council will reimburse a Councillor's costs to a maximum of \$80 to cover a four (4) hour engagement of a babysitter/caregiver where required to allow the Councillor to attend any Council, Committee meetings, working party or workshop. The four (4) hour period shall include 30 minutes prior to and after the conclusion of the meeting or workshop.
Personal care or child care expenses: more than four (4) hours	Actual up to hourly limit	\$15 per hour	An additional hourly rate of up to \$15 per hour will be paid for meetings and workshops etc. that go beyond the four (4) hours engagement period referred to above.

\* Council will not reimburse expenses relating to alcoholic beverages unless the expenses have been incurred as part of legitimate Council business and the Councillor can identify the strategic benefit to the Broken Hill City Council and community.

Examples include:

- Civic Functions
- Entertaining members of the public in order to promote a Local Government initiative or project
- Evening meals associated with a seminar or other function at a particular venue during which significant official business is engaged in during a meal.

**4.5. Incidental Expenses**

Council will cover incidental travel expenses-provided that it can be demonstrated that the expenses were actually incurred - and that established reconciliation procedures are followed, for example, the completion of a claim form. A claim form must include an itemised account of expenditure and should not be general in nature.

Council will not reimburse personal travel expenses.

**4.6. Expenses – Accompanying Person**

When a service is shared between a Councillor and accompanying person, the expense associated with the service will be reimbursed as long as the expense did not increase due to the attendance of the accompanying person.

Where costs increase due to the attendance of the accompanying person, Council will only reimburse the amount that relates to the Councillor. In the case of accommodation paid by Council, the Councillor must pay the difference between the single person rate and the rate charged for additional persons.

However, Council will meet the reasonable direct costs of an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature within the City of Broken Hill. For example, civic receptions; award ceremonies; conferences held in Broken Hill at which Council is the host or is represented and charitable functions for charities supported by the Council.

Council will not pay for costs associated with accompanying persons who accompany a Councillor at any event or function outside the Council area, including interstate and overseas.

**SPECIFIC EXPENSES FOR MAYOR AND COUNCILLORS****4.7. Attendance at Seminars and Conferences**

Councillor Attendance at seminars and conferences must be approved by Council on a case by case basis.

Council will cover registrations fees for conferences, seminars and the like that are attended by the Councillor as a representative of the Council.

Council will also cover travel and accommodation costs as set out in [Clause 8.4 below 4.4 and 4.12.](#)

**4.8. Attendance at External Committee Meetings**

Councillors may travel to and attend meetings directly relating to their appointment on external committees and other groups on behalf of Council, without prior approval of Council.

Council will cover travel and accommodation costs as set out in [Clause 8.4 below 4.4 and 4.12.](#)

**4.9. Training and Educational Expenses**

Council supports the professional development of all Councillors. In order to facilitate this, an annual training plan shall be maintained and a budget provided to meet the needs identified in the training plan.

In general, training will be provided on a group basis for all Councillors. Council will organise and fully fund the training. All training and educational expenses must be directly related to the Councillor's civic functions and responsibilities.

Training for individual Councillors must be approved by the Mayor upon receipt of a request in writing. The Mayor will consult with the General Manager as approval is subject to availability of funds and relevance of training in accordance with the Division of Local Government Councillor Induction and Professional Development – A Guide for Councils.

Council will continue to develop, fund and implement a Councillor training and development program with particular reference to the Division's Councillor Induction and Professional Development Guide.

#### 4.10. Travel Arrangements and Expenses

All travel associated with Council business must be properly authorised prior to travel being undertaken. Councillors must not approve their own travel. Authorisation must be obtained in the following ways:

#### 4.11. Authorisation

- a) All Councillors' travel must be authorised by resolution of Council, except in cases of urgency or where it relates to attendance at external committee meetings to which the Councillor has been appointed by Council. In situations of urgency, the Mayor may authorise travel which must then be endorsed at the next Council meeting;
- b) Councillors' Authority to Travel forms may be obtained from the Executive Support Team. They must be signed by the Mayor, or the Deputy Mayor in the absence of the Mayor;
- c) In cases of exceptional circumstances, Councillor's travel may be authorised by the General Manager, or the Acting General Manager, in the absence of the General Manager;
- d) In the case of the Mayor, Authority to Travel forms may be authorised by the General Manager or the Acting General Manager in the absence of the General Manager;
- e) Authority to Travel forms must be signed by the Councillor who undertook the travel as soon possible after travel has been completed to confirm that the travel was undertaken and payment for any approved outstanding expenses may be made. These forms must be returned to the Executive Support Team, within 30 days of the travel being completed, unless reasonable cause can be shown for the delay.

#### 4.12. Travel Arrangements

- a) All travel arrangements must be made through the Executive Support Team. Travel arrangements must not be made by individuals unless prior approval has been obtained in writing from the General Manager;
- b) Travel must be for the purpose approved. Changes must not be made to travel arrangements unless prior approval has been obtained from the General Manager;
- c) Should the General Manager approve Councillors to make their own travel arrangements, the Councillor is not permitted to accumulate Frequent Flyer points for Council-funded travel;

- d) Travel may be by air (economy class), rail (first class), coach or motor vehicle, depending upon which is the most cost effective mode;
- e) Councillors intending to travel by motor vehicle must abide by the provisions of Council's Motor Vehicle Usage Policy;
- f) Councillors requiring air travel should advise the Executive Support Team as soon as travel has been authorised so that any discount fares may be utilised;
- g) Should Councillors wish to be accompanied by another person, prior approval must be obtained from the Mayor. All travel costs associated with the travel of the other person must be paid by the other person unless otherwise resolved by Council;
- h) All travel by Councillors must be undertaken using the most direct route and the most practicable and economical mode of transport, subject to any personal medical considerations;
- i) Councillors are personally responsible for all traffic or parking fines incurred whilst they are driving private or Council vehicles on Council business.

#### **4.13. Accommodation**

- a) The Executive Support Team will arrange suitable room accommodation, based upon cost and convenience. A Councillor may choose accommodation at a different location but it must be at the same cost or less;
- b) Council will pay accommodation costs and hotel/motel parking fees where they are not included in accommodation costs;
- c) Council will not pay for separate or upgraded accommodation for spouse, partner or accompanying persons. The Councillor will be invoiced for any additional associated costs;
- d) Council orders for accommodation will not include meals, drinks, laundry, telephone and other costs incurred at a hotel/motel; such costs will be paid by the Councillor on check-out;
- e) Should accommodation not be able to be booked in advance because of uncertain travel arrangements, accommodation charges must be paid by the traveller and a reimbursement claimed upon return to Broken Hill. Reimbursement of reasonable accommodation costs will only be made if a tax invoice is produced.

#### **4.14. Incidental Expenses**

Council will reimburse the reasonable out-of-pocket expenses involved in travel as detailed in this Policy.

#### **4.15. Overseas Travel**

Prior to any action in respect of overseas travel, a report shall be prepared for Council's consideration in advance of the proposed travel, detailing the purpose of the travel, meetings, costs, conferences and seminars together with the expected tangible benefits that may be derived for the Broken Hill community.

If the overseas travel is approved all the provisions within this Councillor Support Policy will apply in respect of travel arrangements and costs to be met by Council.

Upon return a detailed report is to be provided to Council by the Councillor(s) who undertook the travel measuring tangible outcomes against the original expectations.

#### **4.16. Cancellation**

Any cancellation of travel arrangements must be advised to the Executive Support Team as soon as practicable.

#### **4.17. Telephone Costs and Telecommunications**

Call charges up to the monetary monthly limit shall be reimbursed by Council upon receipt of a Statutory Declaration by a Councillor that the amount relates to Council business and is accompanied by a schedule of itemised calls.

#### **4.18. Care and Other Related Expenses**

Council adopts the principle of the payment of child care expenses for children up to and including the age of 16 years, to enable a Councillor to attend to their civic duties.

However, child care will only be available to enable the Councillor's attendance at essential Council activities and will be the subject of a separate application by the affected Councillor in each instance, for determination by the Mayor and General Manager.

In situations where care is required for a partner or other immediate family member to enable the Councillor's attendance at essential Council activities, a separate application will be required from the affected Councillor in each instance, for determination by the Mayor and General Manager.

#### **4.19. Insurance Expenses and Obligations**

Section 382 of the Act requires Council to make arrangements for adequate insurance against public liability and professional liability.

Council will affect an appropriate level of insurance for Councillors in the following areas:

- a) Personal Accident/Travel Insurance – coverage of Councillor and spouse, partner or accompanying person, while on Council business;
- b) Public Liability – for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions;
- c) Professional Indemnity – for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions;
- d) Councillors & Officers Liability – for matters arising out of Councillors' performance of their civic duties and /or exercise of their Council functions.

Council will meet any excess applicable under a policy but the appropriate excess applicable will be reviewed upon the renewal of these insurances. A duty of care is required by all insured persons. Terms and conditions are as per policy wordings.

Councillors are not covered by workers compensation payments or arrangements.

Council may obtain insurance cover against the risk of having to meet the reasonable legal costs of a Councillor or to reimburse those costs, provided that the costs or reimbursements are ones that Council is authorised to meet.

**4.20. Attendance at Non-Council Functions**

- a) Consideration will be given to meeting the cost of Councillors' attendance at dinners and other non-Council functions that provide briefings from key members of the community, politicians and business where the function is relevant to the Council's interest and is held in Broken Hill, such cost to be the reasonable expenses of a required registration fee and or necessary meal and beverage cost; when clause 7.8 (b) does not apply. Requests should be made prior to the event via the Mayor to the Council's General Manager;
- b) The majority of briefings for Councillors will be organised by the General Manager and take place at a Council venue and budgeted in Council's operating expenditure;
- c) No payment will be made by Council for attendance by a Councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit.

**4.21. Legal Expenses and Obligations**

- a) Council will indemnify or reimburse the reasonable legal expenses of:
- A Councillor defending an action arising from the performance in good faith of a function under the Act; or
  - A Councillor defending an action in defamation provided that the outcome of the legal proceedings is favourable to the Councillor.
- b) Reasonable legal costs may also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including the following, provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review:
- Local Government Pecuniary Interest and Disciplinary Tribunal
  - Independent Commission Against Corruption
  - Office of the NSW Ombudsman
  - Division of Local Government
  - Department of Premier and Cabinet
  - NSW Police Force
  - Director of Public Prosecutions
  - Council's Conduct Review Committee / Reviewer
- c) In the case of a conduct complaint made against a Councillor, legal costs may only be made available where a matter has been referred by the General Manager to a conduct reviewer/conduct committee to make formal enquiries into that matter in accordance with the procedures in Council's Code of Conduct;
- d) In the case of a pecuniary interest or misbehaviour matter legal costs may only be made available where a formal investigation has been commenced by the Division of Local Government;
- e) Legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to a Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome;
- f) Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstances;
- g) Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation;
- h) Council will not meet legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor;
- i) Approval must be sought and given in writing from the General Manager prior to legal expenses being incurred.

**GENERAL PROVISION OF FACILITIES****4.22. Provision of Facilities generally**

Facilities, equipment and services will be provided that are appropriate to support the Mayor and Councillors in undertaking their role as elected members of the Council.

**4.23. Private Use of Equipment and Facilities**

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as "Frequent Flyer" schemes or any other such loyalty programs while on Council business.

It is acknowledged that incidental use of Council equipment and facilities may occur from time to time and such incidental private use is not subject to a compensatory payment back to Council.

Where more substantive private use occurs, Councillors must advise the General Manager in writing and the Councillor will be charged on a cost recovery basis for that private use. The General Manager will establish a register to record all such applications, reconciliations and reimbursements. Council will invoice Councillors for any such substantive private use on a quarterly basis.

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

**4.24. Acquisition and Return of Equipment and Facilities**

Councillors are required to return all equipment issued to them, excluding clothing, within one (1) month after the completion of their term of office, during extended leave of absence or at the cessation of their civic duties.

Councillors may have the option to purchase Council equipment previously allocated to them at the cessation of their duties. If the item is for sale, it may be purchased at an agreed fair market price or written down value. Councillors may make application in writing to the General Manager for consideration of this option and determination of same.

**EQUIPMENT AND FACILITIES PROVIDED FOR COUNCILLORS****4.25. Clothing**

Each Councillor will be provided with the following corporate clothing for use as part of their civic duties i.e. attendance at Council Meetings, civic functions etc.:

- a) Jacket with embroidered Council logo – one jacket during a term of office;
- b) Neck tie/scarf – a sufficient number of neck ties/scarves embroidered with the Council's logo; and
- c) A Councillor name badge.

Additional clothing, within the Council's current uniform range may be purchased by Councillors at the Councillor's own expense.



**4.26. Office/Meeting Room Facilities**

A Councillor Office/meeting room is available on the ~~Ground~~Second Floor at Council's Administrative Centre for use by Councillors in the conduct of their duties of office and for Councillor interviews with constituents.

The office/meeting room will be equipped with a telephone, a computer with internet, email and Windows software and connected to a scanner/printer/copier.

~~The refurbishment of the Ground Floor of the Administrative Centre to incorporate Council's archives will include the provision of a Councillor office/meeting room.~~

It will be necessary for Councillors to make bookings for use of the Councillor Office/meeting room through the General Manager's Office Executive Support Team and these bookings will appear on the Councillor's Outlook Calendar as a reference for Councillors of the availability of the office/meeting room.

**4.27. Reference Materials**

All Councillors will be issued with either an electronic or hardcopy copy of Blueitt's Local Government Handbook (NSW) Latest Edition and Councillor's reference manual compiled by the General Manager.

Other reference materials will be provided as requested by Councillors or as deemed necessary by the General Manager.

**4.28. Meals and refreshments**

Council will provide appropriate light meals and refreshments at Council Workshops, meetings and meetings of Council and Committees which run over normal meal times.

**4.29. Mobile Telephones**

Upon request Councillors may be provided with a standard mobile telephone for the purpose of conducting Council business and must be used in a manner consistent with the Council's Mobile Phones Policy.

The Mobile Telephone Agreement must be completed by Councillors who are provided with a mobile phone (Appendix 2).

**4.30. ~~Tablet~~ Portable Computers ~~Devices~~**

A ~~tablet~~portable computer (~~iPad~~device) will be provided to all Councillors, in lieu of printed Council Business Papers and other reference materials / information.

~~Councillors will be required to set up their own Apple ID and supporting account for the purposes of downloading apps.~~

~~A once-off \$15 iTunes voucher may be requested by Councillors to enable them to purchase Council business related apps. Cost incurred in purchasing any other apps necessary for Council business will be reimbursed on supply of a tax invoice and explanation of how the purchase relates to Council business.~~

Councillors are not to store personal photos/videos/music/games on their iPadsportable computer devices as this can cause unnecessary operating problems when downloading large documents and business papers.

Help Desk support will be provided for Council business purposes.

**4.31. Council Motor Vehicles**

Access to Council's Motor Vehicle Fleet will be provided to the Mayor and Councillors for the purposes of travelling to and from meetings, conferences and seminars where it is identified to be the most direct and / or cost effective option.

Use of Council's Motor Vehicle Fleet is to be in accordance with the Motor Vehicle Usage Policy.

**GIFTS AND BENEFITS****4.32. Given By Councillors**

In circumstances where it is appropriate for Councillors to give a gift or benefit, for example on a Council business related trip or when receiving visitors; these gifts and benefits should be of token value as defined in Council's Code of Conduct and Council's "Gifts and Benefits" Policy.

**4.33. Received by Councillors**

The provisions of Council's Code of Conduct and Council's "Gifts and Benefits" Policy will apply.

**PROVISION OF ADDITIONAL EQUIPMENT & FACILITIES FOR THE MAYOR****4.34. Mobile Telephone**

Council will provide at its cost a mobile phone for use in relation to official duties and functions of the Office of Mayor. Council will meet rental and the cost of official calls. The account for the mobile phone will be in the name of Broken Hill City Council and the Mayor must advise the Council in writing monthly of any personal calls made from the mobile phone as the cost of these personal calls is to be met by the Mayor.

**4.35. Office Facilities**

Council will provide the following office facilities at the Administrative Centre:

- a) Office space; sufficient quantity of quality office space necessary to fulfil the duties of Mayoral office;
- b) Telephone; a high quality digital telephone with direct in dial and direct line facilities;
- c) Furniture; An appropriate quantity of quality office furniture;
- d) Stationery; including Mayoral letterhead, envelopes and stationery generally.

**4.36. Secretarial Support**

Secretarial support facilities are available to the Mayor through the Executive Support Team during normal office hours. The General Manager may on request provide access to secretarial support outside office hours for Council business, for example, public meetings and ceremonies.

Council will meet the cost of postage of mail forwarded by the Mayor in the conduct of official duties.

**4.37. Purchase Card**

Council shall provide the Mayor with a purchase card for business expenditure only and must comply with the general terms and conditions within Council's Purchase Card Procedures or any other relevant policies and procedures.

**DISPUTE RESOLUTION REGARDING EXPENSES AND FACILITIES FOR COUNCILLORS****4.38. Process**

Should any dispute arise about the payment of expenses or provision of facilities for Councillors, the Councillor(s) concerned are required to submit a formal written request to the General Manager advising the issue in dispute and the provision or remedy sought.

The General Manager is to give proper consideration to any such request and make a decision as to whether the claim is in keeping with this policy; whether the claim is not appropriate and/or whether the Councillor Support Policy needs to be reviewed.

Should the Councillor, on receipt of the General Manager's reply, consider the matter needs to be reviewed; the Councillor must make a written submission to the Independent Chair of the Audit Committee. The Chair will consider and decide the matter.

**5. IMPLEMENTATION****5.1. Roles and Responsibilities**

The General Manager is responsible for ensuring that Council is operating in accordance with the provisions of this policy.

**5.2. Communication**

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

**5.3. Associated Documents**

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

- Broken Hill City Council Code of Conduct
- Motor Vehicle Usage Policy
- Mobile Phone Policy
- Purchase Card Procedure
- Annexure 1 – Statutory Declaration
- Annexure 2 – Mobile Telephone Agreement

**6. REVIEW**

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

This Policy must be reviewed within the first twelve (12) months of each new term of Council with public notice to ensure it meets the requirements of legislation and the needs of Council.

The General Manager is responsible for the review of this policy.

## 7. LEGISLATIVE AND LEGAL FRAMEWORK

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

- Local Government Act 1993 (sections 252-254)
- Local Government (General) Regulation 202105 (section 403)
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW 2009.

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

## 8. DEFINITIONS

**"Accompanying Person"** shall mean a person who has a close relationship (partner / spouse) with the Councillor and / or provides carer support to the Councillor).

**"ATO"** shall mean Australian Taxation Office.

**"Incidental Travel Expenses"** shall mean business expenses incurred while undertaking approved travel other than airfares and accommodation. Expenses such as reasonable business related hospitality and entertainment, domestic meals, taxi fares, business related communication, business related excess baggage and stationery are examples that fall into this category.

**"Personal Travel Expenses"** shall mean expenses of a personal nature incurred by the traveller when on approved travel. Expenses such as personal entertainment, including use of the hotel mini-bars and in-house videos, laundry and personal travel are examples that fall into this category.

**"Traveller"** shall mean The Mayor or Councillor approved to undertake travel on behalf of the Council.



# ANNEXURE 1

## BROKEN HILL CITY COUNCIL REIMBURSEMENT OF INCIDENTAL EXPENSES INCURRED BY COUNCILLORS STATUTORY DECLARATION

On \_\_\_\_\_ (date), I \_\_\_\_\_ (name),  
a Councillor of Broken Hill City Council, of:  
\_\_\_\_\_ (address)

Do solemnly and sincerely declare that:

- On \_\_\_\_\_ (date) I did incur expenditure in accordance with the Councillor Support Policy, in the sum of:  
\$ \_\_\_\_\_
- I am unable to produce invoices, receipts, dockets and/or related documents which evidence the expenditure referred to in paragraph 1. However, I verify that I incurred the expenses in relation to my duties as Councillor for Broken Hill City Council.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Signed: \_\_\_\_\_

Witnessed: \_\_\_\_\_

Name of Witness: \_\_\_\_\_

Qualification of the Witness: Justice of the Peace  
Solicitor

Registration Number of Justice of the Peace (or stamp): \_\_\_\_\_

1. Councillor	2. General Manager	3. Executive Support Team
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## ANNEXURE 2

### BROKEN HILL CITY COUNCIL MOBILE TELEPHONE AGREEMENT

I, \_\_\_\_\_ (the "approved user")

acknowledge the following:

1. That I have received and read a copy of Council's Mobile Phones Policy;
2. That I have been granted use of a Council mobile telephone in accordance with Council's Mobile Phone Policy;
3. That I will comply with the requirements of this policy;
4. That I accept responsibility for the equipment granted to me;
5. That I will reimburse Council for all private and personal calls made on the Council mobile telephone that has been allocated to me;
6. That the mobile phone and associated equipment must be returned to Council at the end of my term of Council;
7. The mobile telephone number and serial number of the equipment allocated to me are:

a) mobile telephone number: \_\_\_\_\_

b) mobile telephone serial number: \_\_\_\_\_

c) sim card serial number: \_\_\_\_\_

\_\_\_\_\_

Councillor

Date

\_\_\_\_\_

## ORDINARY MEETING OF THE COUNCIL

February 9, 2022

**ITEM 5**BROKEN HILL CITY COUNCIL REPORT NO. 31/22

SUBJECT: ALTERATION TO SCHEDULED STANDING COMMITTEE  
MEETING DATES FOR APRIL 2022 DUE TO EASTER PUBLIC  
HOLIDAYS D22/7103

**Recommendation**

1. That Broken Hill City Council Report No. 31/22 dated February 9, 2022, be received.
2. That the Works Committee Meeting that is schedule for Monday 18 April 2022 (Easter Monday) be postponed and held on Tuesday 19 April 2022 at 5:30pm.
3. That the Health and Building Committee Meeting that is scheduled for Tuesday 19 April 2022 at 5:30pm be held directly following the Works Committee Meeting.

**Executive Summary:**

Due to the Works Standing Committee Meeting falling on the Easter Public Holiday for Easter Monday (18 April 2022), it is necessary for Council to resolve to postpone the Committee Meeting to another suitable date and time as per Council's adopted Code of Meeting Practice Policy.

**Report:**

At the first Council Meeting of the newly elected Council held on 12 January 2022, Council resolved to introduce three Standing Committees into the Council Meeting process.

Council resolved (Minute No. 46689) – item 7: *“That standing committees, viz: Works, Health and Building, Policy and General be formed such that meetings at 5:30pm be held on Monday, Tuesday and Wednesday of the week preceding scheduled monthly council meetings.”*

Therefore, the Standing Committee Meetings to be held in April 2022 are scheduled to be held as follows:

Works Committee – Monday 18 April 2022 at 5:30pm  
Health and Building Committee – Tuesday 19 April 2022 at 5:30pm  
Policy and General Committee – Wednesday 20 April 2022 at 5:30pm

The scheduled Works Committee date clashes with the Easter Monday public holiday on Monday 18 April 2022.

Any alteration to scheduled Council or Standing Committee meeting dates as per Council's adopted Code of Meeting Practice Policy or resolved by Council, must be by Council resolution.

It is proposed that Standing Committees for April 2022 be held as follows:

Works Committee – Tuesday 19 April 2022 at 5:30pm  
Health and Building Committee – Tuesday 19 April 2022 to commence directly

following the Works Committee Meeting  
Policy and General Committee – Wednesday 20 April 2022

Holding two Standing Committees on Tuesday evening will assist to alleviate any impact on the Council Meeting Business Paper being produced at the end of the Committee Meeting week.

This report is presented to Council to resolve to alter the date and time of Standing Committee Meetings for April 2022 due to the Easter Monday public holiday.

### **Community Engagement:**

Standing Committee Meetings are open to the public to attend and are advertised in the Barrier Truth and on Council's website.

### **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, Part 2, Division 1 and 2*  
Council's adopted Code of Meeting Practice Policy

### **Financial Implications:**

Nil

### **Attachments**

There are no attachments for this report.

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER



## ORDINARY MEETING OF THE COUNCIL

February 8, 2022

**ITEM 6****BROKEN HILL CITY COUNCIL REPORT NO. 32/22**

**SUBJECT:**                    **OFFICE OF LOCAL GOVERNMENT CONSULTATION -**  
**COUNCILLOR MISCONDUCT FRAMEWORK**                    **D22/6850**

**Recommendation**

1. That Broken Hill City Council Report No. 32/22 dated February 8, 2022, be received.
2. That, given that the closing date for submissions is prior to the March Council Meeting and a Council resolution is not required to accompany Council's submission, Council delegates authority to the March 2022 'Policy and General' Committee to formulate Council's submission and that such submission be forwarded to the Office of Local Government by 28 March 2022.

**Executive Summary:**

The Office of Local Government has initiated an independent review of the framework for dealing with Councillor misconduct in New South Wales Local Government.

A consultation paper and review terms of reference has been released to facilitate the review and is attached to this report.

Given that the closing date for submissions is prior to the March Council Meeting, and that submissions do not require an accompanying Council resolution, it is recommended that Council delegates authority to the March 2022 'Policy and General' Committee to formulate and provide a submission to the Office of Local Government by 28 March 2022.

In addition to this, Councillors are also able to provide individual submissions directly to the Office of Local Government.

**Report:**

The Minister for Local Government has initiated an independent review of the framework for dealing with Councillor misconduct in New South Wales Local Government.

The Office of Local Government have issued a consultation paper and review terms of reference to facilitate an understanding of the current administrative framework under which complaints about Councillor misconduct are managed with the aim of identifying areas of improvement.

The Office of Local Government will accept submissions from anyone including, voters, ratepayers, Councils, individual Councillors, Council staff, conduct reviewers, professional and employee representative organisations, local government industry stakeholder groups and key NSW Government agencies and stakeholders.

Submissions should identify any legislative, systemic, procedural or resourcing issues impacting adversely on the effectiveness of the current framework for dealing with Councillor misconduct that need to be addressed by this review. Areas for improvement should be identified, together with suggestions for the practical application of those improvements.

Information on how to make submissions is included in the consultation paper and submissions should be made by **28 March 2022**.

Attached to this report is the Office of Local Government Circular No. 21-38, the Consultation Paper and the Review Terms of Reference.

### 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:

*NSW Local Government Act 1993*  
*NSW Local Government (General) Regulation 2021*  
 OLG Model Code of Conduct for NSW Councils  
 Council's adopted Code of Conduct Policy

### Financial Implications:

Nil.

### Attachments

1. OLG Circular - Consultation on Review of the Councillor Misconduct Framework  
[↓](#)
2. OLG Consultation Paper - Councillor Conduct Accountability in NSW Local Government  
[↓](#)
3. OLG Terms of Reference - Review of Councillor Misconduct Framework  
[↓](#)

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER



## Circular to Councils

<b>Circular Details</b>	21-38 / 25 November 2021 / A798066
<b>Previous Circular</b>	N/A
<b>Who should read this</b>	Councillors / General Managers / All council staff /conduct reviewers
<b>Contact</b>	Council Governance Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Response to OLG

### Consultation on review of the councillor misconduct framework

#### What's new or changing

- The Minister for Local Government, the Hon. Shelley Hancock MP, has initiated an independent review of the framework for dealing with councillor misconduct in New South Wales.
- Mr Gary Kellar PSM has been appointed to carry out the review. Mr Kellar was a member of the expert panel which conducted a review of the local government misconduct framework in Queensland in 2017 and was chief executive officer of Logan City Council for 26 years.
- A consultation paper has been issued to facilitate an understanding of the current framework and to invite submissions identifying areas for improvement, together with suggestions for the practical application of those improvements. The consultation paper is available [here](#).

#### What this will mean for your council

- Anyone, including councils, individual councillors and council staff, can make written submissions in response to the consultation paper.
- Councils' complaints coordinators should also advise conduct reviewers of the review and the opportunity to make written submissions in response to the consultation paper.
- Information on how to make submissions is contained in the consultation paper.
- Submissions should be made before **28 March 2022**.

#### Key points

- The review is examining the current administrative framework under which complaints about councillor misconduct are managed, with the aim of identifying possible areas for improvement. The review will include an examination of similar frameworks used in other jurisdictions for any lessons they may offer for improving the New South Wales framework.
- The review's terms of reference are available [here](#).

#### Where to go for further information

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

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# Councillor Conduct Accountability in NSW Local Government

Consultation paper  
November 2021



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# 1. Introduction

## About the review

The Minister for Local Government, the Hon. Shelley Hancock MP, has commissioned an independent review of the processes and procedures for dealing with allegations of councillor misconduct.

The review will examine the current administrative framework under which complaints about councillor misconduct are managed, with the aim of identifying possible areas for improvement. The review will include an examination of similar frameworks used in other jurisdictions for any lessons they may offer for improving the New South Wales framework.

This consultation paper has been prepared to facilitate an understanding of the current framework and to invite submissions identifying areas for improvement, together with suggestions for the practical application of those improvements.

All stakeholders are invited to respond to this consultation paper, including voters, ratepayers and citizens served by councillors, councils and joint organisations, individual councillors and council staff, conduct reviewers, professional and employee representative organisations, local government industry stakeholder groups and key NSW Government agencies and other related stakeholders.

The review will be undertaken by an independent consultant experienced in local government, who will author the final report canvassing options for improvement and making recommendations accordingly. Administrative support for the reviewer will be provided through the Office of Local Government (OLG) for coordination purposes. The findings and recommendations of the final report however will be those of the independent reviewer.

## Who may make submissions?

Anyone is welcome to offer comment through formal written submissions. These will be collated, and their views considered in identifying options for improvement. The views of all stakeholder groups will be given equal weight and evaluated in terms of the most

advantageous approach to achieving the best outcomes associated with fulfilling the principles for local government enshrined in the *Local Government Act 1993* (the Act).

Anyone making submissions for consideration by the review should use the Guidelines referred to in Section 2 below to formulate their contributions in the most effective way.

## Closing date for submissions

Submissions should be made before  
**28 March 2022.**

It is recognised that the timing of this review coincides with the forthcoming council elections and the caretaker period preceding the elections, as well as the Christmas/New Year period when many councils are in recess. Accordingly, a long lead time is provided for the making of submissions.

## Terminology

References to councils in this paper are to be taken as a reference to general purpose councils, county councils and joint organisations.

The term "misconduct" carries a specific technical meaning under the Act and includes among other things:

- a breach by a councillor of the Act or regulations,
- a failure by a councillor to comply with their council's code of conduct,
- an act of disorder by a councillor at a meeting and
- any act or omission intended by a councillor to prevent the proper or effective functioning of the council or a committee of the council.

The phrase "councillor misconduct" used in this paper carries this broader meaning and includes breaches by councillors of a council's code of conduct.

## 2. Guidelines for submissions

In order to assist stakeholders in formulating submissions that will be informative to the review and that can be compiled in a way that facilitates communication and integration into the review analysis, guidelines have been prepared and are incorporated as Attachment 1 to this consultation paper.

The guidelines generally provide advice on the form and structure of submissions to create a focus on the best way of providing information and experiences from stakeholders, to enable their valuable contribution to the review.

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## 3. Overview

This section of the consultation paper provides information and general commentary about the current framework for dealing with complaints about councillor misconduct and identifies various issues that may assist stakeholders to consider and reflect on those aspects of the framework that could be improved. While not exhaustive, the following information is intended to provide a broad overview for the purposes of consultation.

### How is councillor conduct regulated?

Australians are rightly proud of their democracy and embrace the representation they receive through their elected councils in local decision-making. Local communities rightly expect that their elected representatives on councils will observe standards of good governance and demonstrate appropriate standards of conduct as elected officials.

The legislation prescribing the framework for managing complaints about councillor misconduct has been formulated in response to a community expectation that elected representatives should observe appropriate standards of conduct and that there are appropriate mechanisms in place for enforcing compliance with those standards.

In addition to being accountable to their communities through the electoral process, councils are also subject to regulation and oversight by the NSW Government.

It does this in part through the prescription of standards of conduct that all council officials (including councillors) are required to observe through the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) prescribed under the Act and the *Local Government (General) Regulation 2021* (the Regulation). All councils, (including county councils and joint organisations), are required to adopt a code of conduct based on the Model Code of Conduct.

Uniquely in Australia, the NSW Model Code of Conduct applies to all classes of council officials including councillors, staff and delegates of councils.

Breaches of a council's code of conduct are to be dealt with by councils in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Model Procedures) These are also prescribed under the Act and the Regulation. All councils (including county councils and joint organisations) must adopt procedures for the administration of their codes of conduct that incorporate the provisions of the Model Procedures.



The Model Code of Conduct and Model Procedures can be found [here](#).

The Model Code of Conduct and Model Procedures are supplemented by provisions in the Act that allow the "departmental chief executive" of OLG to investigate allegations of councillor misconduct and that confer disciplinary powers on the departmental chief executive and the New South Wales Civil and Administrative Tribunal (NCAT) with respect to councillor misconduct. These provisions are referred to below as the "misconduct provisions" of the Act.

## Overview of the framework

The current framework for dealing with complaints about councillor misconduct is multi-layered with complaints escalated based on the seriousness of the alleged conduct and the severity of the disciplinary action attached to it. There is a strong focus on the informal resolution of less serious matters.

Complaints alleging breaches of a council's code of conduct by a councillor are required initially to be dealt with locally by the council concerned in accordance with the Model Procedures.

Code of conduct complaints about councillors must be made in writing to the general manager of a council at first instance. The general manager (or a person authorised to exercise the general manager's complaints management functions in relation to code of conduct matters) has a discretion to decline code of conduct complaints about councillors at the outset or to informally resolve them. The Model Procedures set out grounds on which complaints may be declined at the outset.

If a complaint is not declined or informally resolved at the outset, it is referred to an independent expert conduct reviewer who will deal with the matter at arms' length of the council. The conduct reviewer will undertake a preliminary assessment to determine how the matter should be dealt with.

Conduct reviewers may decline or informally resolve complaints at the preliminary assessment stage by means such as explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology, or an undertaking not to repeat the offending behaviour.

Only more serious matters may be formally investigated by conduct reviewers. Investigations must follow strict rules that are designed to ensure that matters are dealt with fairly, confidentially and with rigour.

Where, following a formal investigation, a conduct reviewer determines that a councillor has breached the code of conduct, the conduct reviewer may recommend that the council formally censures the councillor for the breach and, where the breach is serious, that the matter is referred to OLG for further disciplinary action under the misconduct provisions of the Act.

Where the council censures a councillor for a breach of the code of conduct, the council must specify in its resolution the grounds on which the councillor is being censured. It does this by disclosing in the resolution the conduct reviewer's findings and determination. This information is recorded in the minutes of the meeting, thereby ensuring the councillor is publicly accountable to their electors for their conduct.

As noted above, serious breaches of the code of conduct may also be referred to OLG for further disciplinary action. Some matters are automatically deemed to be serious and are referred to OLG for consideration instead of being dealt with by councils. These include allegations of:

- pecuniary interest breaches
- failure to disclose conflicts of interest arising from the receipt of political donations, and
- breaches of the "integrity" provisions of councils' codes of conduct (ie misuse of the code of conduct, reprisal action, disclosure of information about code of conduct matters and failure to comply with a council resolution).

The departmental chief executive of OLG can take disciplinary action or refer more serious matters to the NCAT. Disciplinary action can include suspension from office or suspension of the payment of fees for up to three months by the departmental chief executive, or for up to six months by the NCAT.

The NCAT can also disqualify a councillor from holding office in any council for up to five years. Councillors who have been suspended by either the departmental chief executive or the NCAT on three or more occasions are automatically disqualified for five years.

In the case of pecuniary interest breaches, the departmental chief executive can also apply to the Supreme Court for an order requiring a councillor to pay to the council any financial benefit they received from a pecuniary interest breach.

## Code of conduct statistics

Each year, councils are required to report on the numbers of code of conduct complaints made about councillors and the general manager, how they were dealt with and how much it cost the council to deal with them. This is to ensure that councillors are individually and collectively accountable to their communities for their conduct and performance.

OLG also collects data from councils on code of conduct complaints received about councillors and the general manager each year. To date it has not been possible to separate the data based on whether a complaint was about a councillor or the council's general manager. Consequently, for the purposes of this Consultation Paper the statistics shown reflect the combined data only and any analysis needs to take this into consideration.

In the 2019/20 reporting period (from 1 September 2019 to 31 August 2020), the total number of code of conduct complaints received by councils about councillors or the general manager was 400.

Councils received on average 2.9 code of conduct complaints about councillors or their general manager during the 2019/20 reporting

period. Out of 128 general purpose and 9 county councils, 59 councils received no code of conduct complaints during that period and 25 received only 1 code of conduct complaint.

As noted above, most code of conduct complaints about councillors or the general manager are declined or resolved informally at the outset by the general manager (or the mayor in the case of complaints about the general manager) or by a conduct reviewer at the preliminary assessment stage following referral.

Of the total number of complaints finalised in the 2019/20 reporting period (411), 94 complaints (22.8%) were declined or resolved by the general manager at the outset. 139 (33.8%) complaints were declined or resolved following a preliminary assessment by a conduct reviewer.

178 (43.3%) complaints finalised in the 2019/20 reporting period were the subject of a formal investigation. Of the complaints formally investigated, 47 (26.4%) resulted in a determination that the councillor had breached the code of conduct and resulted in disciplinary action by the council such as censure. Of these, 2 complaints were referred to OLG for further disciplinary action under the misconduct provisions of the Act. In 71 cases, the conduct reviewer determined there had been no breach. 60 cases were still under investigation at the time of reporting.

There has been an increase in the number of code of conduct complaints made about councillors and general managers over time. For example, in the 2013/14 reporting period (from 1 September 2013 to 31 August 2014), 322 code of conduct complaints were received by councils about councillors or the general manager.

Data collected by OLG indicates that the proportion of complaints being declined or resolved by the general manager prior to referral to a conduct reviewer has decreased over time. The proportion of complaints declined or resolved by conduct reviewers at the preliminary assessment stage has remained constant. The proportion of complaints progressing to formal investigation has increased.

## 4. Objectives and expectations

### Purpose of the Model Code of Conduct

Section 8A of the Act sets out principles for local government. These principles relate to three broad areas of:

- exercising functions generally,
- decision-making and
- community participation.

These principles articulate the following terms and values:

- strong and effective representation, leadership, planning and decision-making
- work with others to secure appropriate services for local community needs
- act fairly, ethically and without bias in the interests of the local community
- provide a consultative and supportive working environment for staff
- recognise diverse local community needs and interests
- consider social justice principles
- be transparent and be accountable for decisions and omissions.

The Model Code of Conduct sets out standards of conduct that councillors are required to observe that reflect these principles and values. Under the Model Code of Conduct, council officials are expected to:

- conduct themselves in a manner that will not bring the council into disrepute
- act lawfully, honestly and exercise due care
- treat others with respect and not bully, harass or discriminate against them, or support others who do so
- consider issues consistently, promptly and fairly
- ensure development decisions are properly made and deal fairly with all parties involved
- disclose and appropriately manage conflicts of interests including from reportable political donations
- use and secure information appropriately and not disclose confidential information
- use council resources ethically, effectively and efficiently.

### Defining expectations

The purpose of the Model Code of Conduct is to prescribe minimum ethical and behavioural standards that all council officials are required to comply with and to ensure that councils and council officials exercise their functions and make decisions ethically and appropriately and in a way that promotes community confidence in the council and its decisions.

As with any organisation, councils can experience interpersonal conflict. This is accentuated by the fact that they operate in a political environment.

The code of conduct and the misconduct framework are not designed to prevent or resolve interpersonal or political conflict which is often a natural feature of democratic processes and political discourse. Nor is it designed or intended to prevent or restrict normal and respectful debate or constrain free speech.

### Adoption of the Model Code of Conduct by councils

All councils are required to adopt a code of conduct based on the Model Code of Conduct prescribed under the Act and the Regulation. In doing so, councils have the flexibility to strengthen the ethical and behavioural standards prescribed under the Model Code of Conduct should they choose to do so. For example, where the Model Code of Conduct allows the acceptance of gifts with a value of up to \$100, many councils have chosen to ban the acceptance of all gifts.

In adopting a code of conduct, councils must not weaken the ethical and behavioural standards prescribed under the Model Code of Conduct. A provision of a council's code of conduct that is weaker than an equivalent provision of the Model Code of Conduct is invalid, and the stronger standard prescribed in the Model Code of Conduct automatically overrides it.

As noted above, the Model Code of Conduct automatically applies to all councillors, council staff and others who exercise council functions under delegation from the council. However, in adopting a code of conduct, councils may also

extend its application to other persons such as volunteers, advisory committee members and contractors. It is also open to councils to adopt separate codes of conduct for councillors, staff and other types of council officials, provided the adopted codes are consistent with the Model Code of Conduct.

### Councillor training

Councils are required under the Regulation to deliver induction training for newly elected mayors and councillors and refresher training for returning mayors and councillors within 6 months of each ordinary council election. Councils are also required to provide ongoing professional development to mayors and councillors over the balance of the council term.

OLG has issued *Councillor Induction and Professional Development Guidelines* to inform the delivery of councillor induction training and professional development. The Guidelines are available [here](#). A key focus of the

training recommended in the Guidelines is on ethical conduct, appropriate behaviours and compliance with the council's code of conduct.

To assist councils to induct councillors into their roles and responsibilities, OLG has also delivered "Hit the Ground" running workshops after each local government elections. One of the workshop modules relates to compliance with the code of conduct.

Councils are required to report on councillors' participation in induction training and professional development in their annual reports.

OLG's Guidelines also recommend that councils hold pre-election information sessions to ensure that candidates understand their role and responsibilities if they are elected, including their obligations under the council's code of conduct. OLG has issued a Candidate Guide and an online training tool for candidates to assist councils to deliver candidate training.

### Considerations:

Should there be separate codes of conduct prescribed for councillors, staff and other classes of council official?

Are the standards of conduct currently prescribed in the Model Code of Conduct appropriate? Do they need to be strengthened or softened?

Is the level of prescription in the Model Code of Conduct appropriate? Should it be more, or less prescriptive?

Does there need to be any changes to the types of conduct currently regulated under the Model Code of Conduct?

Are the current training requirements for mayors and councillors adequate? Do these requirements need to be strengthened?

## 5. Complaint processes

### Making complaints

Under the Model Procedures, all code of conduct complaints, including complaints about councillors, staff and delegates of the council are to be made to the general manager at first instance. Complaints about the general manager are to be made to the mayor.

Concerns have been raised about whether the Model Procedures may place general managers in the invidious position of having to receive and deal with code of conduct complaints about their employers, namely the councillors.

It should be noted that under the Model Procedures, general managers are not required to have any involvement in the management of code of conduct complaints about councillors after their receipt if they choose not to. However, some general managers have observed that by simply not electing to decline a complaint and allowing it to be referred to a conduct reviewer, (even though no positive decision is required for

this to occur under the Model Procedures), they may still be exposed to criticism or reprisal by aggrieved councillors and their supporters.

General managers are permitted under the Model Procedures to delegate their functions in receiving, declining, and resolving code of conduct complaints about councillors to another member of staff or persons outside of the council if they wish.

It is also open to councils to establish shared complaints management arrangements that allow code of conduct complaints about councillors to be managed externally. There is currently only one such arrangement in place, the shared internal ombudsman service established by the City of Parramatta, Cumberland and Inner West Councils. Some councils have set up their own internal ombudsman functions and have delegated the general managers' complaints management functions to the internal ombudsman.

### Considerations:

Should code of conduct complaints about councillors continue to be dealt with locally by councils in the first instance? If not, how should they be dealt with?

Should code of conduct complaints about councillors continue to be received by the general manager of a council? If not, who should receive code of conduct complaints about councillors?

Should mayors have a more active role in the management of code of conduct complaints about councillors?

Should there continue to be a discretion to decline or resolve complaints about councillors before they are referred to a conduct reviewer?

Are the procedures for dismissing frivolous and vexatious complaints adequate and effective? How might they be improved?

## Preliminary assessment of complaints by conduct reviewers

Code of conduct complaints about councillors that are not declined or resolved at the outset by the general manager must be referred via the council's complaints coordinator to an independent conduct reviewer selected from a panel of conduct reviewers established by the council.

The complaints coordinator is a member of staff (who must not be the general manager) who is responsible for coordinating the management of code of conduct complaints, providing administrative support to conduct reviewers and acting as a point of liaison between the conduct reviewer and the council.

All councils are required to appoint a panel of conduct reviewers to manage code of conduct complaints about councillors. Many councils operate regional panels that are shared by all councils within the region.

To qualify for appointment to a panel, conduct reviewers are required to satisfy independence requirements and to possess specialist skills. The independence requirements and qualifications conduct reviewers need to satisfy to be appointed to a council's panel are prescribed under the Model Procedures.

The Model Procedures also establish guidelines for how conduct reviewers are to approach the exercise of their functions including managing conflicts of interests or bias and maintaining independence.

After complaints are referred to them, conduct reviewers are required to make a preliminary assessment of how the complaint is to be managed against criteria set out in the Model Procedures. Conduct reviewers have the following options for managing complaints about councillors. They may:

- decline to take any action in relation to the complaint (eg because it lacks merit), or
- resolve the complaint using a range of possible strategies including explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology,

or an undertaking not to repeat the offending behaviour, or

- refer the matter back to the general manager for resolution by explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology, or an undertaking not to repeat the offending behaviour, or
- refer the matter to an external agency such as OLG or ICAC, or
- formally investigate the matter.

The Model Procedures place an emphasis on the informal resolution of complaints. Only serious complaints (as defined by the Model Procedures) may be formally investigated. The Model Procedures set out criteria for determining whether a complaint is sufficiently serious to warrant formal investigation. Conduct reviewers are also required to justify their decision to formally investigate matters in their final reports after investigations are concluded.

As noted above, of the total number of complaints finalised in the 2019/20 reporting period, 33.8% complaints were declined or resolved following a preliminary assessment by a conduct reviewer. This is in addition to the 22.8% of complaints declined or resolved by the general manager prior to referral to a conduct reviewer.

## Formal investigations

As noted above, conduct reviewers may only formally investigate code of conduct complaints about councillors where they are satisfied the complaint is serious. Conduct reviewers must be satisfied as to the following before they can make a decision to formally investigate a complaint:

- that the complaint is a "code of conduct complaint" as defined under the Model Procedures, and
- that the alleged conduct, if substantiated, would be sufficiently serious to warrant the formal censure of a councillor, and
- that the matter is one that could not or should not be resolved by alternative means.

The Model Procedures set out benchmarks for seriousness that conduct reviewers must consider in making an assessment of whether a complaint is sufficiently serious to warrant formal investigation. In determining whether a matter is sufficiently serious to warrant formal censure, conduct reviewers must consider the following:

- the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
- the likely impact of the alleged conduct on the reputation of the council and public confidence in it
- whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
- any previous proven breaches by the councillor whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

As noted above, of the total number of complaints finalised in the 2019/20 reporting period, 43.3% complaints were the subject of a formal investigation.

In undertaking formal investigations, conduct reviewers are required to follow strict rules to ensure that procedural fairness is complied with. The Model Procedures prescribe detailed requirements in this respect.

At the start of the investigation, the person being investigated (the respondent) is notified of the allegations against them and they are invited to respond by written submission. Conduct reviewers are also required to give respondents an opportunity to make submissions in person to the conduct reviewer.

Conduct reviewers are required to undertake all necessary enquiries when investigating matters.

Before completing their investigation, the conduct reviewer is required to provide a draft of their investigation report to the respondent, invite them to make a submission, and to consider their submissions.

The investigator's final report must:

- make findings of fact in relation to the matter investigated, and,
- make a determination that the conduct investigated either, constitutes a breach of the code of conduct, or does not constitute a breach of the code of conduct, and
- provide reasons for that determination.

The Model Procedures provide a detailed list of the minimum standards for the content of conduct reviewers' final investigation reports.

## Oversight by OLG

OLG exercises an oversight role to ensure code of conduct complaints are managed by councils in accordance with the Model Procedures.

OLG may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under the Model Procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.

OLG will also review any complaints made either directly to it or through the general manager in relation to conduct reviewers.

### Considerations:

Does the current system for referring code of conduct complaints about councillors to independent conduct reviewers work effectively? If not, how can it be improved?

Should there continue to be an emphasis on the informal resolution of code of conduct complaints about councillors? How can those processes be improved?

Are the current procedures governing the formal investigation of code of conduct complaints about councillors effective in ensuring investigations and their outcomes are robust and fair? If not, how can they be improved?

Are OLG's oversight powers adequate and effectively implemented? What improvements might be considered?

## 6. Investigation timeframes

An issue for both councils and OLG is the time taken to deal with allegations of councillor misconduct and to take disciplinary action.

### The management of complaints by councils

The Model Procedures require councils' complaints coordinators to refer code of conduct complaints about councillors that are not declined or resolved at the outset by the general manager to a conduct reviewer within 21 days of their receipt by the general manager.

Conduct reviewers are required to complete their preliminary assessments of complaints about councillors within 28 days. However, there are no time limits imposed on conduct reviewers' formal investigations of complaints.

No data is held on the average time taken by conduct reviewers to complete formal investigations.

### Investigations by OLG

Councillor misconduct matters referred by councils to OLG are dealt with in accordance with its *Framework for Managing Councillor Misconduct Allegations*. The framework is available [here](#).

The time taken by OLG to complete misconduct investigations, often includes the review and adoption of findings of investigations completed by conduct reviewers. A key concern is that disciplinary action loses its efficacy as a deterrent if it is taken long after the conduct in question occurred.

There are three factors that contribute to the time taken between the occurrence of councillor misconduct and disciplinary action taken in relation to it by OLG or the NCAT.

First, where a matter is first dealt with at the local level by a council and subsequently referred to OLG, there is the time that elapses between the complaint being made and the completion of the conduct reviewer's investigation and a decision being made by the council to refer the matter to OLG based on the conduct reviewer's recommendation.

Second, there are the timeframes taken by OLG to complete investigations of councillor misconduct.

Third, where a matter is referred to the NCAT or where disciplinary action by the departmental chief executive of OLG is appealed to the NCAT, the ultimate decision in a matter becomes even more remote in time.

Data collected on misconduct matters finalised by OLG between April 2020 and September 2021 indicates that on average, it takes OLG 59 weeks to complete misconduct investigations where disciplinary action is taken by the departmental chief executive. Where a misconduct matter is referred to the NCAT, the average time taken by the Tribunal to hand down its decision is 49 weeks (based on data collected over the last 5 years).

#### Considerations:

How can the time taken to deal with allegations of councillor misconduct be reduced?

How can the efficiency of the processes for dealing with code of conduct breaches by councillors under the Model Procedures be improved?

How can the efficiency of referrals of councillor misconduct to OLG for investigation and disciplinary action be improved?

Are there opportunities for councillor misconduct to be dealt with summarily? If so, how can this be done in a way that ensures due process and that is procedurally fair?



## 7. Outcomes

### Penalties available to councils for councillor misconduct

Where, following an investigation, a conduct reviewer determines there has been a breach of the council's code of conduct, their report is submitted to the council for disciplinary action and possible referral to OLG for further disciplinary action.

Councils are not obliged to adopt the conduct reviewer's recommendation. Where they do not do so, the council is required to provide its reasons for not adopting the recommendation in its publicly available resolution and to notify OLG of the decision. If OLG considers that disciplinary action is warranted, OLG can take disciplinary action for the breach instead of the council.

As a result of Supreme Court's decision in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment*, the only penalty now available to councils for misconduct by councillors is to censure them by resolution under section 440G of the Act. During the 2019/20 reporting period, 18 code of conduct matters resulted in a recommendation that the councillor be censured.

The content of censure resolutions has been strengthened to ensure they operate more effectively as a deterrent by publicly naming councillors who have breached the council's code of conduct. When censuring a councillor, councils are now required to disclose in the resolution, the conduct reviewer's findings and determination and any other information the council considers may be relevant or appropriate.

Where councils consider that a more serious penalty is warranted, in addition to censure, they may resolve to refer a matter to OLG for further disciplinary action under the misconduct

provisions of the Act where this has been recommended by the conduct reviewer who investigated the breach. Conduct reviewers are required to consult with OLG before recommending that a matter is referred to OLG to ensure that it is suitable for referral. During the 2019/20 reporting period, two code of conduct matters resulted in the councillor being censured and the matter being referred to OLG for further disciplinary action.

Under the current Model Procedures, councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Conduct reviewers can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating.

Many councils believe that censure is an insufficient deterrent against councillor misconduct.

An objection in the past to expanding or strengthening the disciplinary powers available to councils in relation to councillors who have breached the council's code of conduct has been that these powers could be misused against minority councillors or could be used in a partisan manner. A key difference now is that the Model Procedures ensure that the only circumstances in which a council could exercise any expanded or stronger disciplinary powers, are where an independent conduct reviewer has first determined the councillor has breached the council's code of conduct and recommended disciplinary action following a formal investigation in which procedural fairness has been afforded.

## Rights of review against penalties imposed by councils

As noted above, councils are subject to oversight by OLG in the management of code of conduct complaints.

The Model Procedures allow anyone to seek a review by OLG of the way code of conduct matters have been dealt with. In reviewing code of conduct matters, as a matter of practice OLG does not seek to substitute its views for the views of a conduct reviewer on the merits of a matter, and will only intervene in the consideration of a matter where the Model Procedures have not been correctly followed or the conduct reviewer has not correctly applied the standards prescribed under the council's code of conduct to the facts found by them.

The Model Procedures also confer on councillors who have been censured by councils the right to seek a review of the council's decision by OLG. Under the Model Procedures, a respondent councillor who has been censured by a council for a breach of the council's code of conduct may, within 28 days of the sanction being imposed, seek a review by OLG of the conduct reviewer's determination and recommendation. A review may be sought on the following grounds:

- that the conduct reviewer has failed to comply with a requirement under the Model Procedures, or
- that the conduct reviewer has misinterpreted or misapplied the standards of conduct prescribed under the council's code of conduct, or
- that in imposing its sanction, the council has failed to comply with a requirement under the Model Procedures.

Where a respondent councillor requests a review, OLG may direct the council to defer any action to implement a sanction while the review is undertaken. Where the conduct reviewer or council has been found to have erred, OLG may direct the council to reconsider its decision.

If councils were to be permitted to impose more severe penalties on councillors that carried more serious consequences, consideration may need to be given to what rights of appeal should be available for these more onerous penalties.

## Penalties available to the departmental chief executive of OLG for councillor misconduct

As noted above, where a breach is serious, in addition to censure, the council may refer the matter to OLG for additional disciplinary action. Conduct reviewers are required to consult with OLG before recommending to a council that a matter is referred to OLG, to ensure that it is suitable for referral. OLG can also initiate disciplinary action on its own motion without a referral by a council.

The departmental chief executive may take the following disciplinary action in relation to councillor misconduct:

- counsel the councillor
- reprimand the councillor
- direct the councillor to cease engaging in the misconduct
- direct the councillor to apologise for the misconduct in a specified manner
- direct the councillor to undertake training
- direct the councillor to participate in mediation
- suspend the councillor from civic office for a period not exceeding 3 months
- suspend the councillor's right to be paid any fee or other remuneration for up to 3 months (without suspending the councillor from civic office for that period).

In determining which disciplinary action, if any, to take against a councillor who has engaged in misconduct, the departmental chief executive may take into account any previous incidents of misconduct by the councillor, any disciplinary action previously taken against the councillor and any other relevant matters.

In the last five years, the departmental chief executive has taken the following types of disciplinary action against councillors under the misconduct provisions of the Act:

Disciplinary action	Number of times imposed
Counselling	1
Reprimand	6
Order to cease engaging in misconduct	7
Order to apologise	3
Suspension of fees	8
Suspension from civic office	4

### Rights of appeal against disciplinary action by the departmental chief executive

Where the departmental chief executive of OLG takes disciplinary action against a councillor under the misconduct provisions of the Act, the councillor may, within 28 days, appeal the decision to the NCAT. The NCAT may stay any decision made by the departmental chief executive until such time as the NCAT determines the appeal.

On hearing the appeal, the NCAT may confirm the decision, amend the decision, or set aside the decision and substitute a new decision.

In the past five years, disciplinary action taken by the departmental chief executive has been the subject of appeal to the NCAT on 3 occasions. On one of these occasions, the NCAT has amended the departmental chief executive's decision and on one occasion it has set the decision aside.

### Penalties available to the NCAT for councillor misconduct

Under the misconduct provisions of the Act, if a breach is particularly serious, OLG may refer councillor misconduct to the NCAT for disciplinary action following investigation. The NCAT can take the following disciplinary action in relation to councillor misconduct:

- counsel the councillor
- reprimand the councillor
- suspend the councillor from civic office for a period not exceeding 6 months
- suspend the councillor's right to be paid any fee or other remuneration for up to 6 months (without suspending the councillor from civic office for that period)
- disqualify the councillor from holding civic office for a period not exceeding 5 years.

One challenge in seeking the imposition of the stronger penalties currently available for councillor misconduct under the Act is that currently they can only be imposed by NCAT. This usually requires a lengthy hearing with no guarantee of success. Recent experience indicates that NCAT also tends not to impose stronger penalties.

In the last five years, the departmental chief executive has referred 9 matters to the NCAT for disciplinary action against councillors under the misconduct provisions of the Act. All these referrals resulted in disciplinary action being taken by the NCAT against the councillor concerned (two matters are currently before the NCAT).

Where the NCAT has taken disciplinary action against councillors during this five-year period, it has taken the following types of disciplinary action against councillors:

Disciplinary action	Number of times imposed
Reprimand	4
Suspension of fees	1
Suspension from civic office	1
Disqualification from civic office	1

Decisions by the NCAT are subject to appeal to the Supreme Court or the Land and Environment Court depending on the grounds on which the appeal is being sought.

In the past five years, one decision by the NCAT to take disciplinary action against a councillor has been overturned on appeal (*Cornish v Secretary, Department of Planning, Industry and Environment*).

## Other types of penalties for councillor misconduct

Under the misconduct provisions of the Act, if a councillor has been suspended on three or more occasions by OLG or the NCAT for breaches of a council's code of conduct, they are automatically disqualified from holding office in any council for 5 years and their office automatically becomes vacant. Only one councillor has been disqualified from holding civic office on these grounds.

In the case of councillors who have financially benefitted from a breach of their pecuniary interest obligations, OLG also can apply to the Supreme Court for an order forcing the councillor to surrender the financial benefit to the council. This power has never been exercised.

### Considerations:

Should the full range of disciplinary powers previously available to councils under the Model Procedures before the Cornish decision be restored by legislation?

If councils were once again able to require councillors to apologise for breaches of the code of conduct or to give undertakings not to repeat their conduct, how should apologies and undertakings be enforced?

Should the disciplinary powers available to councils for breaches by councillors of the code of conduct be strengthened? If so, what additional disciplinary powers should be given to councils?

If councils were given stronger disciplinary powers, should the right of appeal in relation to the exercise of those powers be to OLG or to another agency or tribunal?

Are the disciplinary powers currently available to the departmental chief executive of OLG and the NCAT for councillor misconduct sufficient? If not, what additional disciplinary powers should be made available to them?

## 8. Costs

### Councils' costs

Councils are required to publicly report on the cost of dealing with code of conduct complaints about their councillors and general manager annually. This is intended to identify a "price signal" for misconduct and to make councillors accountable to their communities for their conduct and the costs of dealing with that conduct.

In the 2019/20 reporting period, the average cost incurred by councils in dealing with a single code of conduct complaint about a councillor was \$7,126.68.

### OLG's costs

Currently, OLG's complaint handling, intervention, general investigations and councillor misconduct functions are undertaken by a team that comprises of a manager and six senior investigators. The team is also supported by a lawyer embedded in the team. These resources are also called upon to undertake interventions, investigations and public inquiries arising from council maladministration.

There is no separate data that would indicate the annual costs incurred by OLG in dealing with councillor misconduct matters.

The Act allows OLG to recover the reasonable expenses incurred in the investigation of councillor misconduct from councils. This option has not been exercised to date.

### Considerations:

Who should carry the cost of dealing with complaints about councillor misconduct?

Should councils be accountable to their communities for the cost of dealing with complaints about councillor misconduct?

Should OLG be able to recover the cost of misconduct investigations from councils?

Should councils and/or OLG be able to recover the cost of dealing with complaints about councillor misconduct from councillors who have been found to have engaged in misconduct? If so, what mechanism should be used to recover these costs?

## 9. Insights from other jurisdictions

This section reports trends in the way other states and the Northern Territory handle issues of councillor conduct. The coverage is far from comprehensive but includes examples of how other systems work that may point to possible changes in New South Wales.

### Clarifying the nature of 'misconduct'

There is a trend away from defining all breaches of the Local Government Act or codes of conduct as 'misconduct'. 'Lower-level' breaches are now commonly defined as 'behavioural' or 'inappropriate conduct', to be handled largely by councils themselves (with expert assistance if necessary).

- South Australia does not use the term 'misconduct' at all. The Act is written in terms of 'behaviour' and 'integrity' - the latter term covering serious cases of fraud, misuse of position/information, conflicts of interests, bullying/harassment etc that are handled by the Ombudsman and SACAT.
- Queensland uses the terms 'unsuitable' and 'inappropriate' conduct.
- Western Australia refers to 'behavioural' breaches and breaches of 'rules of conduct'.

### Using the Local Government Act

Several states have expanded or strengthened conduct provisions in the Act itself, with less reliance on codes, regulations and policies, to give greater weight to issues of behaviour, integrity and good governance.

- Nearly all jurisdictions spell out more serious offences (as well as associated procedures and penalties) in the Act.
- South Australia has abandoned its code of conduct and sets out all the relevant principles and processes in the Act.

### Robust supporting principles

Assessing the nature and gravity of 'misconduct', and enforcing required standards, depends on clear and consistent statements of objectives, principles and responsibilities that flow through the Act, codes of conduct and meeting practices, as well as related policies for handling complaints.

- 'Ethical and legal behaviour' is one of Queensland's five overarching Local Government Principles that underpin the Act.
- South Australia recently made extensive changes to its Act, including 'to act with integrity' as the primary role of a councillor.

### Application of codes of conduct

No other state or the Northern Territory includes general managers and staff in the same code or standards of conduct as councillors.

- South Australia and Victoria are the only states without a mandatory or detailed model code of conduct.
- Victoria prescribes 'Standards of Conduct' that each council must incorporate into its own code of conduct for councillors.
- Western Australia's code extends to committee members and nominated candidates.

### Links to training programs

Required standards and reasonable expectations for good conduct are being translated into 'universal' training/professional development programs.

- Western Australia and South Australia have amended their Acts to strengthen mandatory training, including in relation to conduct and integrity; failure to complete training may lead to a fine (WA) or suspension (SA).

### **'In-house' management of meeting behaviour and councillor-to-councillor disputes**

Several jurisdictions have introduced formal procedures to avoid escalating unacceptable behaviour at meetings and personal disputes between councillors to external bodies. This may include significant additional responsibilities for mayors.

- In Queensland the chair of a meeting, acting on his/her own authority, may reprimand a councillor, order a councillor to leave a meeting and stay away from the meeting place, and have a councillor removed from the meeting place; failure to comply may become a higher-level offence.
- Victoria has a system of 'internal arbitration' to deal with councillor-to-councillor disputes, using state-approved arbiters.

### **Independent panels to handle 'mid-range' breaches**

Most jurisdictions use standing or ad hoc panels for conduct matters that cannot be handled by councils themselves but fall short of warranting very heavy penalties.

- South Australia and Western Australia have 'standards' panels; Queensland has a 'conduct tribunal'; in the Northern Territory, Tasmania and Victoria 'conduct' or 'complaints' panels are convened as required, drawn from a list of pre-approved members.
- In South Australia serious 'integrity' matters are investigated by the Ombudsman; while in Victoria they are handled by the independent Local Government Inspectorate; and in Queensland by the Independent Assessor.
- State departments/offices of local government agencies in Queensland, South Australia and Victoria have at most a minimal role; elsewhere they provide administrative support to panels and handle serious offences that require referral to state tribunals.

### **Streamlining investigations and hearings**

At the 'mid-range' level it is common for Local Government Acts to seek maximum informality in proceedings and swift resolution of allegations. The scope for parties to seek reviews and lodge appeals may be restricted.

- Most states and the Northern Territory enable panels to determine their own procedures, subject to generic principles - right to be heard, natural justice and procedural fairness.
- Tasmania limits appeals against panel decisions to denial of natural justice.

### **'Lower-level' disciplinary measures**

All states have a similar range of 'basic' sanctions (censure, apology, training/counselling, short periods of suspension etc) for offences below those handled by state tribunals or courts, but some have more severe options.

- Additional measures may include reimbursement of the council's costs, temporary loss of allowances, exclusion from meetings, suspension/exclusion from positions held other than being a councillor (eg mayor/deputy, committee chair, council's representative).
- Queensland's tribunal may require payment of a 'fine' to the council.
- Tasmania and Victoria provide for longer periods of suspension (up to 3/12 months).
- Victoria's review panels may order 'remedial action' (eg. training/counselling) regardless of whether or not misconduct has been proven.

### Significant roles for local government associations

In some jurisdictions processes for handling conduct complaints reveal a high level of cooperation or even a formal partnership between the state agency and the local government association.

- The Northern Territory association is a 'prescribed corporation' under the Act and may convene complaints panels on behalf of councils
- In South Australia, the new Behavioural Standards Panel is funded by the association under an agreement with the Minister; costs may be recovered from member councils
- In Western Australia, the association delivers approved training programs under the Act and provides guidelines and templates to help councils meet statutory requirements.

### Requirements for lodging complaints

The number of unwarranted complaints may be contained by shortening the timeframe within which they may be lodged and requiring more detailed information by means of standard form.

- Several states have standard forms for lodging complaints and require detailed information (including a statutory declaration in some cases).
- In Tasmania, complaints must be lodged within 3 months, detail efforts made to resolve the issue, and involve a lodgement fee (about \$80, refunded if complaint upheld).
- In Queensland, repeated frivolous complaints and vexatious, reckless, mischievous or malicious complaints may attract a fine.

### Role of the council chief executive

Several jurisdictions limit the potential difficulties council chief executives face if they are required - or perceived - to play a significant role in handling complaints against the mayors and councillors who employ them.

- Queensland has removed CEOs from the initial phases of handling conduct complaints; all complaints (except corrupt conduct) are 'triaged' by the Office of the Independent Assessor.
- Western Australia requires councils to have a designated complaints officer - not necessarily the CEO.
- Victoria excludes CEOs from the position of Councillor Conduct (complaints) Officer.

### Considerations:

Are there any elements of interstate frameworks for dealing with complaints about councillor misconduct that could be adapted to improve the NSW framework?



## 10. Conclusion

The review seeks input from stakeholders to identify any legislative, systemic, procedural or resourcing issues impacting adversely on the effectiveness of the current framework for dealing with councillor misconduct that need to be addressed by this review.

The consideration bullet points provided throughout the Consultation Paper are intended only as prompts to generate discussion on key issues. In making submissions, please feel free to address any other relevant issues that have not been specifically highlighted in the Consultation Paper.

Submissions, comments and suggestions are welcomed to inform further discussion, debate and deliberation on the key areas such as:

- Fairness and equity
  - access of complainants
  - substantiation of allegations
  - natural justice for councillors
  - independence of investigations and disciplinary processes
  - objective determination
  - appeal and review
- Effective procedures
  - opportunities for early resolution
  - constructive rather than adversarial approaches
  - results focused processes
  - uncomplicated procedural steps
  - timely progression
  - cost effective procedures
- Integrity of outcomes
  - increased respect for and compliance with appropriate standards of conduct
  - confidence in the framework to encourage positive conduct and to deter misconduct
  - community confidence in outcomes

# Attachment 1

## How to make a submission

Submissions may be made in writing by **28 March 2022** to the following addresses.

Post: Locked Bag 3015 NOWRA NSW 2541

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

Submissions should be labelled 'Councillor Conduct Accountability Review'.

To ensure submissions offer maximum value in assisting this review to identify the issues it needs to consider and address and to identify possible opportunities for improvement, they should be made based on the following guidelines:

- Submissions should be framed to offer constructive responses to the considerations identified in the dialogue boxes at conclusion of each section of the Consultation Paper. These are designed to prompt consideration of the key issues that need to be considered and addressed by the review.
- Submissions should focus on making positive suggestions for improvement rather than seeking to remedy past errors or failures. However, examples that illustrate any deficiencies in the current framework may assist the review in identifying opportunities for improvement.
- The review is not a vehicle to re-prosecute individual cases or as an appeal mechanism for past decisions. Submissions seeking to do this will not be considered.
- In identifying opportunities for improvement, please provide clear and relevant examples that identify deficiencies in the current framework in delivering the desired outcomes. Suggested options for improvement should be practical and readily capable of implementation.
- There is no word limit on submissions. However, the inclusion of copious attachments and appendices to illustrate the points made in a submission is discouraged and will only detract from the attention that can be given to the submission.

While every effort will be made to preserve any confidential information provided in submissions, submissions or extracts from submissions may be incorporated into the review report and may otherwise be made publicly available at the discretion of OLG in consultation with the independent reviewer. If submissions are made public, contact details will be redacted. The name of the person making a submission may be released unless that person has requested to remain anonymous.

Any submissions received are also subject to the *Government Information (Public Access) Act 2009*.

For more information, please contact OLG's Council Governance Team on (02) 4428 4100 or via email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



## Terms of reference

Independent review of the effectiveness of the framework for dealing with councillor misconduct in NSW



### Independent review of the effectiveness of the framework for dealing with councillor misconduct in NSW

*The Minister for Local Government, the Hon. Shelley Hancock, has requested the Office of Local Government to commission and independent review of the framework for dealing with councillor misconduct in NSW.*

In serving their local communities, council officials, including councillors are expected to uphold the highest standards of behaviour. Councillors are expected to:

- conduct themselves in a manner that will not bring the council into disrepute
- act lawfully, honestly and exercise due care
- treat others with respect and not harass or discriminate against them, or support others who do so
- consider issues consistently, promptly and fairly
- ensure development decisions are properly made and deal fairly with all parties involved
- disclose and appropriately manage conflicts of interests including, in the case of councillors, from reportable political donations
- use and secure information appropriately and not disclose confidential information
- use council resources ethically, effectively and efficiently.

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

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

*The community needs to have confidence in the processes for dealing with misconduct*

The Minister for Local Government has initiated this review to ensure the community and councils have confidence in the misconduct framework, specifically, the process for making complaints, the investigation process, the timeliness of disciplinary action, and the efficacy of the disciplinary action and penalties available.

### Terms of reference

1. Review the effectiveness of the framework for dealing with councillor misconduct with particular reference to:
  - a. The standards of conduct set out in the Model Code of Conduct and the way these are applied;
  - b. the process for making complaints under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW;
  - c. The tools and process for conducting an investigation into alleged misconduct

## Terms of reference



Independent review of the effectiveness of the framework for dealing with councillor misconduct in NSW

- d. the efficacy of the disciplinary actions and penalties available to councils, the departmental chief executive and the NSW Civil and Administrative Tribunal as a deterrent to councillor misconduct;
  - e. the timeliness of disciplinary action in response to councillor misconduct.
2. Make recommendations about policy, legislative and operational changes to improve the system for dealing with councillor misconduct.

## Methodology

- Receive public submissions
- Review similar processes in other jurisdictions
- Consult with key NSW government agencies
- Liaison with stakeholder groups and councils.

## Secretariat

Secretariat support is provided by the Office of Local Government

### Contact

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

**Phone:** (02) 4428 4100

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

## ORDINARY MEETING OF THE COUNCIL

February 8, 2022

**ITEM 7****BROKEN HILL CITY COUNCIL REPORT NO. 33/22**

**SUBJECT:**                    **2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS**                    **D22/6832**

**Recommendation**

1. That Broken Hill City Council Report No. 33/22 dated February 8, 2022, be received.
2. That, Council determine its motions (at this meeting) to the 2022 National General Assembly of Local Government in line with the Assembly's eligibility principles; and such motions be submitted to the Australian Local Government Association by March 25, 2022 along with a copy of the supporting Council resolution.

**Executive Summary:**

The National General Assembly (NGA) brings together hundreds of delegates from Councils across Australia to debate issues of national significance to local government. It provides an opportunity for local Councils to develop and express a united voice on core issues affecting their communities with access to influential decision-makers of the federal government, at both the political and departmental levels.

This report is presented to Council to consider submitting Motions to the Conference which must be in line with the Assembly's eligibility principles (see attached).

**Report:**

The 2021 National General Assembly will be held in Canberra from Sunday 19 June to Wednesday 22 June, 2022.

Attendance at the Assembly is an opportunity for our elected members to meet Federal Government Ministers and Shadow Ministers to discuss various matters of concern to the City. This face to face interaction is invaluable as a follow up to Council's letters/submissions to Ministers regarding current matters of high importance to the City and advocating Council's position on these matters.

The Australian Local Government Association Board is calling for motions for the 2022 National General Assembly under this year's theme "*Partners in Progress*".

Motions to the Assembly (including a Background) and along with the respective Council resolution, should be submitted electronically and should be received by the Australian Local Government Association no later than 11:59pm AEST on Friday 25 March, 2022.

To assist Councils in preparing motions, a discussion paper is available on the National General Assembly website (see attached copy).

To be eligible for inclusion in the National General Assembly Business Papers motions must follow the principles and must also be accompanied by a Council resolution:

1. Be relevant to the work of local government nationally.
2. Not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic importance and should be discussed at a national conference.
3. Be consistent with the themes of the National General Assembly.
4. Complement or build on the policy objectives of your state and territory local government association.
5. Be submitted by a Council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome i.e. call on the Australian Government to do something.
7. Not be advanced on behalf of external third parties which may seek to use the National General Assembly to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interest of, local government.

Motions should have a contact officer, a clear national objective, a summary of the key arguments in support of the motions, and be accompanied by Council’s resolution.

Motions should generally be in a form that seeks the National General Assembly’s support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. Motions should commence as follows: *“That this National General Assembly calls on the Australian Government to.....”*. A background to the motion is also required to be submitted.

This report is presented to Council to consider submitting Notice of Motions to the National General Assembly Conference.

**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

**Financial Implications:**

Nil financial implications for the submission of motions. A separate report is presented to the February 2022 Council Meeting to consider attendance at the conference which carries financial implications.

**Attachments**

1. [↓](#) National General Assembly - Discussion Paper 2022

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER





AUSTRALIAN  
LOCAL GOVERNMENT  
ASSOCIATION

PARTNERS IN PROGRESS

**2022**

NATIONAL  
**GENERAL**  
ASSEMBLY

19 - 22 JUNE 2022

**CALL FOR MOTIONS**

DISCUSSION PAPER



## SUBMITTING MOTIONS

This discussion paper is a call for councils to submit motions for debate at the 2022 National General Assembly (NGA) to be held in Canberra 19 - 22 June 2022.

It has been prepared to assist you and your council in developing your motions. You are encouraged to read all the sections of the paper but are not expected to respond to every issue or question. Your council's motion/s can address one or more of the issues identified in the discussion paper.

Motions should be lodged electronically using the online form available on the NGA website at: [www.alga.asn.au](http://www.alga.asn.au) and received no later than 11.59pm AEST on Friday 25 March 2022.

The theme of the 2022 NGA is - Partners in Progress.

The NGA aims to focus on how partnerships, particularly between the Australian Government and Local Governments, can tackle immediate challenges facing communities as well as confidently facing the future.

In submitting your council's motion/s you are encouraged to focus on how partnership can address national issues at the local level, and new ways the Australia Government could partner to strengthen the local government sector to advance community well-being, local economic development, create jobs, address environmental challenges, climate change and complex social issues such as housing affordability.

The National General Assembly of Local Government (NGA) is an important opportunity for you and your council to influence the national policy agenda and promote new ways of strengthening the local government sector and our communities.

Note: If your council does submit a motion there is an expectation that a council representative will be present at the National General Assembly to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2022 NGA.



To submit your motion go to:  
[alga.asn.au/](http://alga.asn.au/)



## KEY DATES

### CRITERIA FOR MOTIONS

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally
2. not be focussed on a specific location or region - unless the project has national implications. You will be asked to justify why your motion has strategic importance and should be discussed at a national conference
3. be consistent with the themes of the NGA
4. complement or build on the policy objectives of your state and territory local government association
5. be submitted by a council which is a financial member of their state or territory local government association
6. propose a clear action and outcome i.e. call on the Australian Government to do something; and
7. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs.

Motions should commence as follows - *This National General Assembly calls on the Australian Government to ...*

*Example*

*This National General Assembly calls on the Australian Government to restore Local Government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue.*

## OTHER THINGS TO CONSIDER

Please note that it is important to complete the background section on the form. Submitters of motions should not assume that NGA delegates will have background knowledge of the issue. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion. Please note that motions should not be prescriptive in directing how the matter should be pursued.

Try to keep motions practical, focussed and relatively simple. Complex motions with multiple dot point can be difficult to implement and to advance.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee, in consultation with state and territory local government associations, to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub-Committee considers the criteria, clarity of the motion and the importance and relevance of the issue to local government. If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. With the agreement of the submitting council, these motions may be edited before inclusion in the NGA Business Papers.

To ensure an efficient and effective debate where there are numerous motions on a similar issue, the ALGA Board NGA Subcommittee will group the motions together under an overarching strategic motion. The strategic motions have either been drafted by ALGA or are based on a motion submitted by a council which best summarises the subject matter. Debate will focus on the strategic motions. Associated sub-motions will be debated by exception only or in accordance with the debating rules.

Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

Motions should be lodged electronically using the online form available on the NGA website at: [www.alga.asn.au](http://www.alga.asn.au). All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council. Motions should be received no later than 11:59pm AEST on Friday 25 March 2022.



## Introduction

As Australia emerges from the crisis management phase of the COVID-19 global pandemic, attention now turns to rebuilding and to the future.

By the time of the NGA in June 2022, the next federal government and 47th Parliament of Australia, will almost certainly have been elected.

Prior to the election the major political parties will have campaigned on priorities and made numerous policy and programs commitments that will help shape our nation's future.

Invariably, in government, these policies and programs will need to be refined, developed and implemented. Almost certainly they will need to be adapted to meet changing circumstances, emerging issues and local and regional needs.

We know from previous elections that governments will not be able to achieve their policy agenda alone. They need reliable partners committed to playing their part in taking the nation forward, working together on mutual goals and advancing national prosperity for all.

During the election campaign, ALGA will be working extensively with state and territory local government association members, and many of you, to advance the national priorities highlighted in the Federal Election manifesto 'Don't Leave Local Communities Behind'.

These priorities were significantly influenced by many of the resolutions of past NGAs.

Whether the Coalition Government is returned or a new Government formed, the 2022 NGA provides the first major opportunity to engage with relevant portfolio Ministers and key members of the new Government.

Most importantly, it provides you - the elected representatives of Australia's local councils and communities - with the opportunity to reaffirm our national priorities and to place new ideas on the national policy agenda.



## The Immediate Recovery Challenges

Government at all levels have collaborated to avert the worst possible health and economic outcomes of the COVID-19 pandemic across Australia.

By November 2021 most states had reached or made significant progress in reaching the 80% or more vaccination threshold.

Every community was affected, some more than others, and local government has been at the forefront of developing local solutions to local challenges.

*Given the economic and social impacts of the COVID pandemic on communities over the past 2 years, are there issues that need to be addressed by a new partnership between the Commonwealth Government and local governments?*

*Given the impacts of the COVID pandemic on your council and other councils around the country, are there issues that a partnership between the Commonwealth Government and local government should address?*

## Jobs

In September 2021 the national, seasonally adjusted unemployment rate, was 5.2% (ABS). The underemployment rate was 9.5% with monthly hours worked decreasing by 1 million hours. Roy Morgan's survey work suggests Australian unemployment (unadjusted) was 9.2% in October with underemployment at 8.6%.

National statistics however mask variations at the state, regional and local level. State and Territory unemployment ranged from 3.9% in Western Australia and the Northern Territory, 5.1% in Queensland and Tasmania, 5.3% in South Australia, NSW 5.4%, Victoria 5.6% and the Australian Capital Territory 6.6%. Similarly, regional and local community unemployment vary from the national average reflecting local circumstances and the different impact of the COVID-19 pandemic, lockdowns and their flow-on effects have on the local economy. Youth unemployment and Aboriginal and Torres Strait Islander unemployment is also consistently higher.

As an employer of staff and of contractors, as well as a facilitator of local economic development, local government can play a key role in addressing unemployment and underemployment.

In keeping with the ALGA Federal election manifesto, 'Don't Leave Local Communities Behind' local solutions are required for local circumstances.

*What new partnership program could the Australian Government develop to take advantage of local government's knowledge of the local economy, geographic spread across the country and its ability to create jobs?*

*As an employer, what are the pre-requisites for councils to create more good quality, secure local jobs that build community capacity and address local workforce skills shortages?*



### Building Back Better Businesses

The economic shock of the past 2 years has caused unprecedented disruption to local businesses and communities. While many businesses have adapted to difficult circumstances, some have not survived. The current vacant shops fronts and offices of the streetscapes in our cities and towns is evidence of the challenges that our local businesses, local industry and communities have faced.

*The capacity of the private sector, and small business in particular, to bounce back is untested.*

*What new partnership programs could the Australian Government introduce to take advantage of local government's role in economic development, including to support local businesses?*

### Opening Australia's Borders

As previously mentioned, by November 2021 most states had reached or made significant progress in reaching the 80% or more vaccination threshold. At this point, under the National Plan to Transition Australian National COVID-19 Response, governments were committed to introducing new measures such as opening international borders, minimising cases in the community without ongoing restrictions or lockdowns, Covid vaccination boosters encouraged and provided as necessary, and allowing uncapped inbound arrivals for all vaccinated persons, without quarantine.

As Australia opens-up its international borders economic recovery is expected to accelerate. The return of expats, international students, overseas migration and international tourism will increase population, supply of labour and demand for goods and services including for accommodation.

In the first instance, economic activity can be expected to return to pre-Covid levels. Over time, with appropriate support, it will grow.

The closure of borders and particularly international borders affected many parts of the tourism industry and the economies of many local communities. While domestic visitors helped fill a gap, recovery of many parts of the industry and the economy of communities that depend heavily on tourism will depend on the return of international travel.

To do this Australia must position itself to compete in international markets. This comes through offering high quality destinations, services and experiences that highlight the quality and value available in Australia. In addition to delivering a better visitor experience, this should also increase productivity, efficiency and innovation.

*In the short term, what new partnership programs could the Australian Government introduce to assist local government meet the return of international students and stronger migration now and into the future?*

*What new programs could the Australian Government develop to partner with local government to facilitate tourism and the traveller economy?*

### Workforce Shortages and Re-engineering Work

In November 2021 business representatives report significant labour shortages particularly in the agriculture and hospitality sectors. The lack of backpackers, overseas students and migrant workers, combined with people not wanting to return to the workforce, are just some of the reasons attributed to these shortages.

While opening borders may increase the supply of labour, some argue that there is a more fundamental change in Australia's workforce and workplaces.

Although not reported in Australia yet, in the United States the post Covid workforce has been associated with what some have called the 'Great Resignation' as employees have adjusted their expectations, work life balance and priorities and simply not returned to their old jobs.

Many workers have been required to work from home for extended periods during the pandemic, including working remotely and now look for greater flexibility in their work. Technology and automation are transforming work and the workplace.

Many are prepared to change jobs to maximise this flexibility and the benefits derived from it. Traditionally this has led to wage pressure but coupled with demand for greater workplace flexibility employers need to be innovative to attract and retain employees. As an employer, councils are not immune and will also need to develop these strategies.

*What new programs could the Australian Government develop to partner with local government to help support an influx of skilled migrants?*

*What new programs could the Australian Government develop to partner with local government to help councils attract and retain appropriately trained workers and employees?*



### Climate change

The United Nations Conference (COP) of Parties 26 held in Glasgow 2021 focused global attention on climate change and global and national efforts to achieve net zero emissions by 2050 and limit global warming to 1.5 degrees.

For decades local governments have played an important leadership role in addressing climate change. Councils have supported the adoption of a wide range of community-based programs and initiatives to lower the carbon footprint of local communities. As a sector, local government has led the debate for lowering carbon emissions, sourcing renewable energy, responded creatively to reduce greenhouse gas emissions from landfills, facilitated the construction of green buildings and water sensitive design of cities and towns.

Pragmatically, local government has been at the forefront to address the impacts of climate change and adaptation to climate change. These impacts include an increased number of days with high temperatures, less rainfall and more droughts in southern Australia, less snow, more intense rainfall and fire weather, stronger cyclones, and sea level rise. These changes will increase stress on Australia's infrastructure and physical assets and natural ecosystems that are already threatened, and significantly affect agriculture, forestry, fisheries, transport, health, tourism, finance and disaster risk management.

*How do we work together to ensure that there is local adaptation to climate change and climate extremes?  
What partnerships are available to achieve climate neutrality?*

### Natural Disasters

With the high-risk weather season commencing, many councils will be engaging with their communities about disaster preparedness, resilience and recovery. Not only have we experienced one of Australia's worst bushfire seasons in 2019-20, but some councils also had to deal with multiple disaster events within a 12 month period. Some councils have had to deal with bushfires, followed by storms, flooding, hailstorms, more flooding and COVID-19. These multiple disasters have had a devastating effect on many councils' financial sustainability and their ability to fund mitigation measures for the upcoming high risk weather season. Smaller rural and regional councils are further financially challenged and require help with preparedness and mitigation, as they currently have zero capacity to fund major mitigation projects.

The Royal Commission into National Natural Disaster Arrangements recognised that councils need help. It concluded that without assistance many local governments cannot undertake the roles and responsibilities allocated to them by their State/ Territory Governments.

*What new programs could the Australian Government develop to partner with local government to help to address natural disasters to assist in recovery and build resilience?*



## Environment

Local government plays a critical role in environmental management including environment protection.

"Australia's Strategy for Nature 2019 – 2030" recognises that we all have a role in securing nature as the foundation of our existence. It is an overarching framework for all national, state and territory and local strategies, legislation, policies and actions that target nature. It has 3 goals:

1. Connecting all Australians with nature;
2. Care for nature in all its diversity, and
3. Share and Build knowledge.

To achieve these goals there are a variety of options for joint action to reduce threats and their impacts include ensuring the design and management of the protected area network considers and accommodates future threat scenarios and establishes robust mechanisms to respond effectively to new and emerging threats. The strategy suggests there are opportunities to "... improve planning, regulation, environmental impact assessment and approvals processes. In addition, threat abatement activities could include targeted pest management, ecosystem restoration (integrated fire management, revegetation), pollution control, greenhouse gas emissions management and climate change adaptation".

*How could the Australian Government partner with local government to help support the implementation of the Australian Strategy for Nature 2019 – 2030 and take advantage of local knowledge?*

*What new programs could the Australian Government develop to partner with local government to help to reduce threats and risks to nature and build resilience?*

## The Circular Economy

The 2019 National Waste Policy Action Plan applies principles of a circular economy to waste management to support better and repeated use of our resources. The circular economy principles for waste are:

1. Avoid waste
2. Improve resource recovery
3. Increase use of recycled material and build demand and markets for recycled products
4. Better manage material flows to benefit human health, the environment and the economy
5. Improve information to support innovation, guide investment and enable informed consumer decisions.

Councils play a major role in the management of household and domestic waste. Therefore, local government has a critical role to play in further developing the circular economy.

*How could the Australian Government partner with local government to advance the circular economy?*

*What new programs could the Australian Government partner with local government to progress these objectives?*



### Affordable Housing

The shortage and costs of rental properties and affordable home ownership is causing significant social and economic impacts in cities and towns across Australia, including rural and regional communities. This is due to a range of factors such as changes in recent migration patterns, cheap finance and labour and material shortages in the construction sector.

The impacts on local governments and communities includes housing stress for individuals and families, difficulty in attracting and housing key workers and an increase in homelessness.

The House of Representatives Standing Committee on Tax and Revenue 2021 is leading an inquiry into the contribution of tax and regulation on housing affordability and supply in Australia. Whilst the provision of affordable housing is not a local government responsibility, local governments often facilitate affordable housing within their communities, operating within state/territory planning, financial and other legislation requirements. The housing challenge is different in each community and the council response is dependent on its financial resources and priorities.

*How could the Australian Government partner with local government address housing affordability?*

*What new programs could the Australian Government partner with local government to progress this objective?*

### Conclusion

Thank you for taking the time to read this discussion paper and support for the 2022 National General Assembly of Local Government.

A reminder:

- Motions should be lodged electronically using the online form available on the NGA website at: [www.alga.asn.au](http://www.alga.asn.au) and received no later than 11:59pm AEST on Friday 25 March 2022.
- It is important to complete the background section on the form.
- Motions should not be prescriptive in directing how the matter should be pursued.
- Motions should be practical, focussed and relatively simple.
- Motions must meet the criteria published at the front of this paper.
- When your council submits a motion there is an expectation that a council representative will be present at the National General Assembly to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2022 NGA.





[NGA22.COM.AU](http://NGA22.COM.AU)

## ORDINARY MEETING OF THE COUNCIL

February 8, 2022

**ITEM 8**BROKEN HILL CITY COUNCIL REPORT NO. 34/22

SUBJECT: COUNCILLOR ATTENDANCE AT THE 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT TO BE HELD IN CANBERRA ON 19-22 JUNE 2022 D22/6812

**Recommendation**

1. That Broken Hill City Council Report No. 34/22 dated February 8, 2022, be received.
2. That Council be represented at the 2022 National General Assembly of Local Government in Canberra, June 19-22 by the Mayor, Deputy Mayor and General Manager and any interested Councillors.
3. That interested Councillors submit a completed Travel Form to the General Manager's Office by 18 March 2022.

**Executive Summary:**

The National General Assembly (NGA) brings together hundreds of delegates from Councils across Australia to debate issues of national significance to local government. It provides an opportunity for local Councils to develop and express a united voice on core issues affecting their communities with access to influential decision-makers of the federal government, at both the political and departmental levels.

It is recommended that Council confirm representation to the National General Assembly of Local Government, and that Council prepare motions to the Conference to further pursue significant local government issues.

**Report:**

The 2022 National General Assembly will be held in Canberra from Sunday 19 June to Wednesday 22 June, 2022.

Attendance at the Assembly is an opportunity for our elected members to meet Federal Government Ministers and Shadow Ministers to discuss various matters of concern to the City. This face to face interaction is invaluable as a follow up to Council's letters/submissions to Ministers regarding current matters of high importance to the City and advocating Council's position on these matters.

The Conference Program has not yet been released for the National General Assembly. This will be circulated to all Councillors once released.

As per previous experience, Council will need to book accommodation in Canberra early to secure rooms close to the venue and this report is presented to Council for Councillors to advise of their interest to attend the National General Assembly in June 2022.

**Community Engagement:**

Not applicable.

**Strategic Direction:**

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

**Financial Implications:**

Registration costs associated with attending the 2022 National General Assembly per person, are as follows:

Early Bird Registration Fee (up to 6 May 2022)	\$989.00
Standard Registration Fee (up to 3 June 2022)	\$1,099.00
Late Registration Fee (after 3 June 2022)	\$1,199.00
Return flights to Canberra (approximate – booked early)	\$800.00
Accommodation – 4 night's per person (approximate)	\$1,380.00

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

Standard Virtual Registration (access to the NGA 2022 virtual portal and access to all streamed conference sessions)	\$689.00
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**Attachments**

There are no attachments for this report

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER

## ORDINARY MEETING OF THE COUNCIL

February 9, 2022

**ITEM 9**BROKEN HILL CITY COUNCIL REPORT NO. 35/22

SUBJECT: APPOINTMENT OF NEW MEMBERS TO THE WESTERN REGIONAL PLANNING PANEL D22/7034

**Recommendation**

1. That Broken Hill City Council Report No. 35/22 dated February 9, 2022, be received.
2. That based on the required selection criteria Council resolves to nominate two (2) members being Mayor Tom Kennedy and Mr Jay Nankivell (General Manager) as independent members on the Western Regional Planning Panel, to determine development applications of regional significance in the Broken Hill City Council Local Government Area; and two (2) alternate members being, a Councillor (to be determined at this meeting) and Ms Razija Nu'man (Chief Corporate and Community Officer)
3. As the standard term of membership of the Western Regional Planning Panel is three (3) years, Council's membership for the new term of the Panel will commence from the 23 February 2022 Council Meeting, and will expire on 31 August 2024 in accordance with the Local Government Elections being held in September 2024.
4. That the NSW Government Planning Panels Secretariat be advised of Council's members and their term on the Western Regional Planning Panel.

**Executive Summary:**

A Regional Planning Panel (RPP) consists of five members, three members including the chair, are appointed by the Minister for Planning (State Members) and two members are nominated by a relevant Council (Council members).

Membership on the Regional Planning Panel is usually for a standard term of three (3) years. As the Local Government Elections will be held prior to the expire of the three (3) year period, in September 2024, the new term will commence from the Council resolution on 23 February 2022 until the caretaker period commences for the September 2024 Local Government Elections.

It is recommended that Council appoint new members to represent Broken Hill City Council on the Western Region Planning Panel, being the General Manager and the Mayor as Council's panel members; and that a Councillor and Council's Chief Corporate and Community Officer as alternate members (the alternate Councillor to be determined at this meeting).

Council's previous membership was the General Manager, the Mayor and one (1) alternate member, the Chief Corporate and Community Officer. The NSW Planning Panel Secretariat are recommending that each Council nominates two (2) alternate members and this report recommends that the second alternate member be a Councillor (the Councillor to be determined at this meeting).

**Report:**

The Regional Planning Panels (RPP's) were introduced in NSW on 1 July 2009 to strengthen decision making on regionally significant development applications (DA's) and certain other planning matters.

The Planning Panels are independent bodies representing the Crown. Determinations made by the Panels are not subject to the direction of the Minister for Planning except on matters relating to Planning Panel procedures or where the Minister issues a formal direction under the *Environmental Planning and Assessment Act*.

The principal functions of the Planning Panels are to:

- determine regionally significant development applications (DA's)
- undertake rezoning reviews
- preparing planning proposals if directed to be a planning proposal authority
- determining Crown DA's
- determining modification applications for regionally significant development
- determining DA reviews
- determining Site Compatibility Certificates issued under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, and
- advising the Minister upon request.

Developments which meet State Significant Development criteria are not determined by the Planning Panels.

Selection of Council members - requires two (2) council members appointed by each Council. At least one (1) Council member is required to have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Each Council identifies how their members are selected. In selecting members, Councils should have regard to the conflict of duties that would be created for a person nominated to the planning panel if they were in any way responsible or involved in the assessment and recommendation of a DA or a rezoning review to be determined by the panel. A Council may also at any time appoint a person to be the alternate of a member nominated by the Council, and may revoke any such appointment.

The Planning Panel Secretariat recommend that Council appoints two (2) alternate members. Council previously had one (1) alternate member, being the Chief Corporate and Community Officer, and it is recommended that the second alternate member be a Councillor (to be determined at this meeting).

**Community Engagement:**

Not applicable.

**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 and Assessment Act 1979*

**Financial Implications:**

Nil

**Attachments**

1. [↓](#) NSW Planning Panels Secretariat email
2. [↓](#) NSW Planning Panels - Operational Procedures 2020
3. [↓](#) NSW Planning Panels - Council nominated members form

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER

**Leisa Bartlett**

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**From:** Planning Panels Mailbox <enquiry@planningpanels.nsw.gov.au>  
**Sent:** Tuesday, 11 January 2022 3:05 PM  
**To:** Louise Schipanski  
**Cc:** Broken Hill City Council  
**Subject:** Council nominated members for the Sydney and Regional Planning Panels.  
**Attachments:** Sydney+and+Regional+Planning+Panels+Operational+Procedures+2020.PDF;  
Council nominated members form.docx

Dear Louise

We are writing to you post the recent council elections regarding your council nominated members for the Sydney and Regional Planning Panels.

We would sincerely appreciate if you could confirm in writing who council's nominated members are.

This appointment can be made by a delegated member of council such as the General Manager or Director. If council prefers to nominate its member via a council meeting, can you please advise when council will have this meeting and if possible provide a copy of the council resolution / meeting minutes once a decision has been made.

Appointment terms should also be confirmed. The standard term for nominated members is 3 years unless otherwise advised by council.

\*Please note that in section 4.4 of the attached Sydney and Regional Planning Panel Operational Procedures it states that **two council members are appointed by each council. At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism. In confirming your local members can you please indicate which member is an expert and in which field.**

It is also recommended that Council should nominate 2 alternate members for the panel in the instance their delegated permanent representatives are not available and these details should also be supplied.

Kind regards,

Planning Panels Secretariat

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124  
e: [enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)  
p: 02 8217 2060 | [www.planningportal.nsw.gov.au/planningpanels](http://www.planningportal.nsw.gov.au/planningpanels)



*I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present.*



# Sydney & Regional Planning Panels Operational Procedures

January 2020



These procedures are provided for general guidance and information only and are made available on the understanding that the NSW Department of Planning and Environment (Department) is not providing legal advice.

The Department has compiled the procedures in good faith, exercising all due care and attention.

The procedures do not affect or replace relevant statutory requirements.

Where an inconsistency arises between the provisions of the procedures and relevant statutory provisions, the statutory requirements prevail.

While every reasonable effort has been made to ensure that this document is correct at the time of printing, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

The procedures are not intended to give rise to any rights, claims, benefits, privileges, liabilities or obligations with respect to matters the subject of the procedures.

It should be noted that the procedures may be affected by changes to legislation at any time and/or be subject to revision without notice.

It is recommended that independent advice be sought in respect of the operation of the procedures and the statutory requirements applying to Sydney and Regional Planning Panels under the *Environmental Planning and Assessment Act 1979*.

Sydney and Regional Planning Panels Operational Procedures  
© State of New South Wales through the NSW Department of Planning, Industry and  
Environment  
January 2020  
NSW Department of Planning, Industry and Environment  
Four Parramatta Square, 12 Darcy Street, Parramatta, NSW 2150.  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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## Definitions

*Aboriginal Land SEPP* means the *State Environmental Planning Policy (Aboriginal Land) 2019*

*Capital Investment Value (CIV)* means all costs necessary to establish and operate a development, as defined in clause 3 of the *Environmental Planning & Assessment Regulation 2000*

*Commission* means the Greater Sydney Commission

*Council* means the council for the local government area in which the land the subject of a development application, rezoning review or application for a site compatibility certificate is located

*Days* means calendar days unless otherwise stated

*Department* means the Department of Planning and Industry

*Development Application (DA)* means an application for consent under Part 4 of the *Environmental Planning & Assessment Act 1979* to carry out development but does not include an application for a complying development certificate

*District* means any part of the Greater Sydney Region, or other region of the State, declared to be a district by the Minister

*Education SEPP* means the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*

*EP&A Act* means the *Environmental Planning & Assessment Act 1979*

*EP&A Regulation* means the *Environmental Planning & Assessment Regulation 2000*

*Greater Sydney Region* means the region comprising the local government areas within the boundary shown on the map in Schedule 1 of the *Greater Sydney Commission Act 2015*

*GSC Act* means the *Greater Sydney Commission Act 2015*

*LALC* means Local Aboriginal Land Council

*LEP* means local environmental plan

*LGA* means local government area

*LGNSW* means Local Government NSW

*LG Act* means *Local Government Act 1993*

*Minister* means the Minister for Planning and Public Spaces

*Panel* or *Planning Panel* means a Sydney district or regional planning panel. The Panels were previously known as Joint Regional Planning Panels (JRPPs).

*Planning Panel meeting* means a public briefing meeting or a public determination meeting.

*Planning proposal* means a document prepared to explain the intended effect of, and justification for, making a proposed environmental planning instrument

*Regionally significant development* means development that meets criteria set out under Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*

*Planning proposal authority (PPA)* means the public authorities identified under section 3.32 of the EP&A Act

SCC means a Site Compatibility Certificate issued under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*Seniors SEPP* means the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*Secretariat* means the Planning Panels Secretariat which provides technical and administrative support to the Planning Panels

*Secretary* means the Secretary of the Department of Planning and Industry

*State and Regional Development SEPP or SRD SEPP* means the *State Environmental Planning Policy (State and Regional Development) 2011*

*Sydney Planning Panel* means a Sydney district planning panel

January 2020

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## 1. Introduction

The Planning Panels were introduced in NSW on 1 July 2009 to strengthen decision making for regionally significant development and certain other planning functions under the EP&A Act.

These procedures relate to the operation of both the Sydney and Regional Planning Panels.

The Planning Panels are independent bodies representing the Crown and are not subject to the direction of the Minister, except on matters relating to Planning Panel procedures or where the Minister issues a formal direction under the EP&A Act.

These procedures are the Planning Panels charter and have been developed to explain the objectives, powers and authorities of the Planning Panels. They also detail the means of operating the Planning Panels and clarify the roles of various parties in the work of the Planning Panels.

The procedures should be read in conjunction with the Planning Panels Code of Conduct which explains the standard of conduct expected of Planning Panel members.

These procedures will be kept under review and may be amended periodically.

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## 2. Defining the regions and districts

Planning Panels are constituted for each region of the State (other than the Greater Sydney Region), and each district of the Greater Sydney Region (see sections 2.12 and 3.2 and Part 3 of Schedule 2 of the EP&A Act).

The nine Planning Panels are the:

- Northern Regional Planning Panel,
- Hunter and Central Coast Regional Planning Panel,
- Western Regional Planning Panel,
- Southern Regional Planning Panel,
- Sydney North Planning Panel,
- Sydney Eastern City Planning Panel,
- Sydney Central City Planning Panel,
- Sydney Western City Planning Panel and,
- Sydney South Planning Panel.

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### 3. Functions of Planning Panels

#### 3.1 Functions

The principal functions of Planning Panels are to determine regionally significant DAs and undertake rezoning reviews. Additional functions of Planning Panels include:

- preparing planning proposals if they are directed to be a planning proposal authority,
- determining Crown DAs,
- determining modification applications for regionally significant development,
- determining DA reviews,
- determining SCCs, and
- advising the Minister upon request.

#### 3.2 Legislation

Legislation governing Planning Panels includes:

- the EP&A Act for the constitution and functions of Planning Panels and obligations in respect to councils, with the following key provisions:
  - Division 2.4 and Schedule 2 provides for the constitution of Planning Panels, member appointments, functions and general procedures,
  - Division 3.4 allows for a Planning Panel to act as the planning proposal authority and undertake planning proposal reviews,
  - Section 4.5 specifies that a Planning Panel is the consent authority for regionally significant development, and
  - Section 4.7 sets out the consent functions of a Planning Panel which are to be exercised by the relevant council.
- the EP&A Regulation contains provisions for where a Planning Panel is exercising consent authority functions,
- the State and Regional Development SEPP sets out in Part 4 and Schedule 7 development declared to be regionally significant,
- the Aboriginal Land SEPP sets out in Part 3 development declared to be regionally significant, and
- the Seniors SEPP and the Education SEPP both set out processes for consideration and determination of relevant applications for Site Compatibility Certificates.

#### 3.3 Classes of regionally significant development

The State and Regional Development SEPP identifies the types of development classified as regionally significant (see Schedule 7 of the SEPP). The Aboriginal Land SEPP also identifies development declared to be regionally significant development (see Part 3 of the SEPP). The relevant Planning Panel will be the consent authority for regionally significant development.

**Note** State significant development or development within the City of Sydney cannot be declared as regionally significant development (see section 4.7 of the EP&A Act).

On lodgement of a DA, the council will decide if a DA is regionally significant development.

The capital investment value (CIV) is relevant for some regionally significant development and should be calculated at the time of lodgement. Councils should request a quantity surveyor's certificate or similar expert assessment

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to confirm the CIV from the applicant. The CIV is to be calculated in accordance the Planning Circular PS 10-008 (or as updated).

The Planning Panels determine applications to modify consent for regionally significant development under section 4.55(2) of the EP&A Act. Section 4.55(1) and section 4.55(1A) modification applications to development consents granted by the Planning Panel are to be determined by the relevant council. A court granted consent may be modified by a Planning Panel under section 4.56 if it is the consent authority.



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## 4. Membership of Planning Panels

(Part 4, Schedule 2 of the EP&A Act)

### 4.1 Members

Each Planning Panel consists of five members, with three of the members, including the chair, appointed by the Minister (State members) and two members nominated by the relevant council (council members).

Property developers and real estate agents are not eligible to be members of a Planning Panel.

The agenda of a Planning Panel meeting may include consideration of multiple matters, each located in different council areas. The council members who join the State members to form a Planning Panel will change, depending on the LGA in which the matter under consideration is located.

Panel members can be appointed to more than one Panel, either as a Panel member and/or as an alternate member.

When there is a vacancy on a Planning Panel, the Minister in the case of a State member, and the relevant council in the case of a council member, will appoint another member to that vacancy.

Terms of appointment for Planning Panel members, both State and council, must not exceed three years. Members are eligible for re-appointment. A State member of a Sydney Planning Panel must not be a member for more than nine years in total.

The secretariat is responsible for maintaining a register of all Planning Panel members.

### 4.2 Chair and deputy chair

Chairs of the Planning Panels are appointed by the Minister from among the State members. The Minister must obtain the concurrence of Local Government NSW (LGNSW) to the appointment unless LGNSW:

- does not notify its concurrence or refusal within 21 days of being requested, or
- has previously refused to give concurrence for two different persons nominated by the Minister for that appointment.

At any time, the members may determine to elect a deputy chair from among the State members for any term. The role of a deputy chair is to act as the chair in the chair's absence.

The chair (or, in the absence of the chair, a person elected by the members) presides at Panel meetings. The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

### 4.3 Expertise requirements for members appointed by the Minister

All Panel members appointed by the Minister, including alternates, must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.

### 4.4 Council members

Two council members are appointed by each council. At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

January 2020

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#### **4.5 Selection of council members**

Each council determines how their members are selected. In selecting members, councils should have regard to any conflict of duties that would be created for a person nominated to the Planning Panel if they are in any way responsible or involved in the assessment of matters to be determined by the Panel or involved in voting or deliberating on matters that come before the Panel.

Councils are not restricted to nominating people from the council's local area. They can appoint, terminate, and reappoint members at any time, and can determine the duration of each appointment. Generally, so as to ensure the greatest degree of continuity for the Panels, councils should consider appointing members for the maximum term of three years provided for under the EP&A Act. However, councils should reconsider if the nominations to the Panels are appropriate within 12 months following a council election.

Following a change to its nominees, council is to forward the new member's contact details to the secretariat as soon as possible and this must be a minimum of 14 days before any meeting at which they will act as a Panel member.

If a council fails to nominate one or more council members, a Panel may still exercise its functions in relation to the area of the council concerned.

#### **4.6 Payment of council members**

Councils determine the fees they pay their Panel members. The Minister has provided guidance to all councils on appropriate rates of remuneration for travel and subsistence allowances for their members.

Each council is responsible for making any payments to its Panel members when they attend Planning Panel meetings.

#### **4.7 Alternate members**

The Minister may at any time appoint a person to be the alternate of another member appointed by the Minister and may revoke any such appointment.

A council may also at any time appoint a person to be the alternate of a member nominated by the council and may revoke any such appointment.

Any changes are to be notified in writing to the secretariat as soon as possible and at least 14 days before undertaking any Panel business.

The alternate will act in the place of the member with all the powers of the member. Although a member may be appointed as an alternate for two or more members, they will only have one vote on any Panel decision.

#### **4.8 Rotation of members**

All chairs and members are required to periodically rotate with alternate members. The chair is to determine the frequency of rotation.

Following a matter being deferred, where possible the same members should reconvene to finalise the determination.

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## **5. Code of Conduct considerations**

### **5.1 Planning Panels Code of Conduct**

All Planning Panel members must comply with the Planning Panels Code of Conduct when exercising their functions as a Panel member and make impartial merit-based decisions in accordance with their statutory obligations. The latest version of the Planning Panels Code of Conduct is available online at [www.planningpanels.nsw.gov.au](http://www.planningpanels.nsw.gov.au). On appointment each Planning Panel member must acknowledge in writing that they will abide by the Planning Panels Code of Conduct.

### **5.2 Declaration of interests**

On being informed of a matter to come before the Planning Panel members should consider if they have an actual, potential or reasonably perceived conflict and, if so, declare the conflict and take any appropriate action, such as allowing an alternate member to take their place.

Planning Panel members are required to complete and sign a declaration of interest form in relation to each matter which is considered by the Planning Panel, either before, or at the commencement of, the Planning Panel meeting. Any verbal declarations are to be recorded in writing.

To avoid any perceptions of bias, and to meet requirements of the Code of Conduct, councillors who have previously deliberated or voted on a matter that is to come before the Planning Panel (such as a submission from the council on a DA for regionally significant development, a related voluntary planning agreement or a planning proposal) must stand aside from their place on the Planning Panel and allow council's nominated alternative member to take their place. Alternatively, the member may choose to not participate in the deliberations or voting on the matter at the council (or council committee) meeting. They should also not remain in the council chamber during the council's deliberations.

### **5.3 Representations to Planning Panel members**

If a Planning Panel member is approached by any person about a matter to come before the Planning Panel, i.e. a DA, or planning proposal or Site Compatibility Certificate, the Planning Panel member must not discuss the matter.

Any person that approaches a Planning Panel member should be encouraged to make a written submission to the council planning staff for DAs during the exhibition period, or if the matter relates to a planning proposal for which the Planning Panel is the Planning Proposal Authority, to the secretariat. Issues raised in submissions will be addressed in the assessment report to be provided to the Planning Panel and there will be an opportunity for the applicant and any person who made a submission to address the Planning Panel at its meeting.

### **5.4 Interactions with third parties about matters before the Planning Panel**

Planning Panel members are not to discuss any matter that is to be considered by the Planning Panel with councillors, the applicant, their consultants, parties who have made a submission, or any other person with an interest in the matter outside of a public briefing meeting, public determination meeting, site visit or briefing.

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**5.5 Public meetings organised by the council or community about the proposed development**

To avoid any perception of bias, Planning Panel members should avoid attending public meetings about a proposed development organised by members of the community or council, unless the meeting has been organised at the request of the Planning Panel.

In order for all Planning Panel members to hear the concerns of the public as part of the consideration of the application, Planning Panel members should decline any invitation to attend a public meeting and advise the meeting organisers to make a submission to council and register to address the Planning Panel at its meeting.

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## 6. Administration

Administration and support for the Planning Panels is provided by the Planning Panels Secretariat. Support includes:

- scheduling of meetings, briefings and site visits,
- preparing and issuing agendas and business papers,
- notification of meetings,
- arranging for travel and accommodation for State appointed Panel members,
- preparing records of decision (with assistance from council),
- arranging for the audio recording of public Panel meetings,
- record keeping for the Planning Panels, and
- being the first point of contact for councils to notify a Planning Panel of any decision made by the Panel which is the subject of a merit appeal in the Land and Environment Court.

The secretariat is the first point of contact for all Planning Panel matters and publishes a wide range of information on its website:

[www.planningportal.nsw.gov.au/planningpanels](http://www.planningportal.nsw.gov.au/planningpanels)

The contact details for the secretariat are:

phone: (02) 8217 2060

email: [enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)

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## 7. Government information, privacy and complaints

### 7.1 Right to information and privacy management

The Department assists Planning Panels in managing applications made under the *Government Information (Public Access) Act 2009* and the *Privacy and Personal Information Protection Act 1998*.

Applications of this nature can be made to [patiunit@planning.nsw.gov.au](mailto:patiunit@planning.nsw.gov.au) or visit the Department's website at:

<http://www.planning.nsw.gov.au/About-Us/Right-to-Information/How-Can-I-Access-Information>

### 7.2 Complaints

The Department assists Planning Panels in managing complaints. Complaints are investigated and managed in accordance with the Department's Management of Complaints Policy.

Dissatisfaction with determinations of the Planning Panels will not be regarded as a complaint.

If you wish to make a complaint telephone, write or email the Department at:  
phone: 1300 305 695.

postal address: GPO Box 39, Sydney NSW 2001.

email: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au).

Complaints made in this way will be recorded in the Department's Complaints Register and will be allocated to the appropriate level for investigation and response.

If you are not satisfied with a response, you can ask for the issue to be considered by a more senior officer.

Code of conduct complaints will be dealt with under the Planning Panels Code of Conduct.

At any time, a person can complain to external bodies such as the Independent Commission Against Corruption (ICAC), the Ombudsman, or the Audit Office of NSW. Allegations of corrupt conduct, misconduct, or serious waste of resources are encouraged to be made directly to these organisations.

Complaints about council, councillors, council staff or local planning panels (IHAPs) should be directed to the relevant council.

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## **8. Monitoring, review and reporting**

The secretariat monitors the progress of DAs referred to the Planning Panels. It is expected that council will complete its assessment report within 60 days after the close of the public exhibition period. The relevant Planning Panel will aim to determine the DA within 14 days of receipt of the assessment report.

The performance of the Planning Panels is monitored and reported in the Department's Annual Report.

### **8.1 Availability of information**

The secretariat makes a range of information publicly available on its website, including:

- Planning Panel notices with dates, locations and times (at least 7 days before the Planning Panel meeting),
- the relevant council's assessment report and recommendation (at least 7 days before the Planning Panel meeting),
- records of briefings and Planning Panel meetings, Determinations and Statements of Reasons, decisions on rezoning reviews and Site Compatibility Certificates, resolutions of the Planning Panels and any advice provided by the Planning Panels to the Minister, Secretary or GSC, as relevant,
- audio recordings of Planning Panel meetings, and
- a schedule of meeting dates reserved for Planning Panel business.

Councils remain responsible for receiving, notifying and exhibiting DAs and supporting documents in accordance with statutory provisions and council's own notification and exhibition requirements set out in its community participation plan.

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### **9. Liability and indemnification**

Panel members are excluded from personal liability as long as the act or omission was done in good faith for the purpose of carrying out their duties under the EP&A Act (see s 2.28 of the EP&A Act).

The NSW Government extends insurance indemnity cover to Panel members. For indemnification provisions to apply Panel members must act honestly and in accordance with the Planning Panels Code of Conduct in the performance of their responsibilities.

For further information please contact the NSW Self Insurance Corporation (icare) at: <https://www.icare.nsw.gov.au>



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## 10. Roles of councils and other panels

### 10.1 Role of councillors and council staff

The elected council and council staff have different roles in the assessment of DAs. Under the *Local Government Act 1993*, the independence of council staff is protected in the preparation of advice and recommendations. Staff members are not subject to direction by the council or by a councillor as to the content of any advice or recommendation made by the staff member. Equally, a council or councillor is not bound by the advice or recommendation made by a member of staff.

### 10.2 Assessment role

Council staff undertake the assessment of a DA. The assessment of a DA includes accepting the DA, consultation, concurrence and obtaining general terms of approval from an agency if required, carrying out community participation requirements and assessment of the matters set out in 4.15 of the EP&A Act. The assessment is documented in a report with recommendations. The report is then considered by the person or body that is the consent authority.

Council is responsible for carrying out community participation requirements on behalf of the Planning Panels (see section 4.7(2)(d) and Division 2.6 of the EP&A Act).

The Department undertakes the assessment of planning proposals and applications for site compatibility certificates referred to the Planning Panels.

### 10.3 Determination role

Historically, one of the roles of an elected council has been to determine or make decisions on DAs in their capacity as a consent authority. There are occasions, however, where the determination role is performed by other people or bodies, either because the council has delegated that function, or because it has been conferred upon another person or body. For example, where mandatory local planning panels, previously known as Independent Hearing and Assessment Panels (IHAPs), have been introduced elected councils no longer determine DAs (see section 2.17 of the EP&A Act).

The Planning Panel for the area in which the development is to be carried out is the consent authority for regionally significant development (see section 4.5 of the EP&A Act).

### 10.4 Post-determination role

Council staff are responsible for post-determination functions including:

- notifying Planning Panel determinations on DAs (see sections 4.7(2)(e), 4.18 and 4.59 of the EP&A Act),
- registering Planning Panel development consents on the NSW Planning Portal (see sections 4.7(2)(e) and 4.20 of the EP&A Act), and
- monitoring and enforcing compliance with conditions of the development consent.

The notice of determination should be issued once council receives a copy of the endorsed and final determination from the Planning Panel. The notice of determination must include all conditions imposed by the Planning Panel, including any additional or amended conditions.

The council has no power to amend conditions or include additional conditions following the Planning Panel's determination.

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Council will advise any person who made a submission on the DA of the determination.

The council continues to be responsible for the monitoring of, and enforcing compliance with, any conditions of the development consent.

Where an application has been approved subject to a 'deferred commencement' condition council is responsible for determining whether the requirements of the condition have been met (see section 4.16(3) of the EP&A Act). Council advises the chair of the Planning Panel in writing when the matter specified in the condition has been satisfied (see clause 123E (2) of the EP&A Regulation).

#### **10.5 Support provided to Planning Panels by councils**

Planning Panels are entitled on request to the general manager of a council, to use the staff and facilities of the relevant council, have access to council records, and any other assistance or action for the purpose of carrying out their functions (see section 2.27 of the EP&A Act).

It is expected that use of council facilities such as meeting rooms would be arranged prior to Planning Panel meetings.

Support, such as recording the written decisions of the Planning Panel, audio recording of Planning Panel meetings, copying of documents and the provision of professional advice, may also be required.

Generally, the relevant council bears the administrative and council staffing costs associated with the Planning Panel meetings. Administrative costs may include those associated with the meeting venue and set up, the attendance of council staff, as well as administrative support.

The chair and members of a Planning Panel will need to be mindful of the regular duties and responsibilities of council staff when requests for support and assistance from councils should be made through the chair to the general manager (or other person nominated by the general manager) of the council concerned.

#### **10.6 Role of design review panels**

Design review panels are established by councils either formally under *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* with the approval of the Minister, or informally to bring special design expertise to the assessment of certain types of DAs.

Design review panels that are properly integrated in the assessment process are an effective tool which helps to improve the quality of design outcomes. The quality of design has a bearing on many, but not all, of the matters considered in the assessment of a DA.

The role of design review panels in the assessment of applications is not changed by the fact that the application is to be determined by a Planning Panel. However, it is generally more effective in terms of design quality outcomes and timeliness if the design review panel is convened at the pre-DA stage or early in the assessment phase.

#### **10.7 Role of local planning panels**

The purpose of local planning panels (formerly known as IHAPs) is to provide independent, expert determination of DAs, as well as providing an opportunity for people with an interest in the DA to raise and discuss issues in a public forum before a decision is made on the application. Local planning panels determine all DAs that meet criteria set by the Minister.

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Although similar in operation, the roles of local planning panels and the Planning Panels do not overlap. Each DA must satisfy distinct referral criteria before it is known whether the Planning Panel or local planning panel will determine that DA.

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## 11. Development application and assessment

### 11.1 Pre-development application meetings

Pre-DA meetings between applicants and assessment officers are commonly used to inform lodgement requirements and likely assessment pathways before applications are submitted to the consent authority.

Applicants are encouraged to meet with council before lodging a DA, and to respond to the advice of council when preparing the DA.

To avoid any apprehension of bias, it is not appropriate for determining bodies, such as Planning Panels or their members to participate in pre-DA meetings.

### 11.2 Making of development applications

DAs for regionally significant development are made to the relevant local council.

In the case of development located in two or more LGAs, a separate DA must be lodged with the councils of each LGA. Additionally:

- each DA should only address that part of the development located on land in the relevant LGA,
- neighbouring councils may wish to consider setting up joint assessment procedures, if appropriate, and
- the Planning Panel will determine each DA separately (although the determinations may be made concurrently).

### 11.3 Notification to the secretariat

Within 7 days of receiving a DA for regionally significant development, the council registers the DA with the secretariat.

The registration is made via the Planning Panels website or the NSW Planning Portal. The registration includes all information required on the website registration page. The DA documents are electronically transmitted to the secretariat at the same time.

The secretariat advises relevant Planning Panel members of the DA once the registration is accepted. The DA documents, including the application form are generally sent to Planning Panel members electronically.

These documents allow Planning Panel members to become familiar with the development and to identify if they have any potential conflicts of interest prior to their review of the assessment report and before attending the Panel meeting to consider the application in public.

### 11.4 Public exhibition of development applications by council

Public exhibition of the DA is undertaken by council staff in accordance with the requirements of the EP&A Act, EP&A Regulation and Council's Community Participation Plan or any relevant development control plan or policy of council.

Notification of exhibition, including letters and advertisements, should contain appropriate statements to advise:

- that the (name of relevant) Planning Panel is the consent authority for the application,
- that submissions made in respect of the application should be made to (name of relevant) Council, but will be provided to the Planning Panel and may be viewed by other persons with an interest in the application,

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- names and addresses of submitters will be provided to the Planning Panel for notification purposes, and
- other information required by the EP&A Act or EP&A Regulation.

#### **11.5 Requests for additional information**

It is the applicant's responsibility to provide adequate information and technical reports on potential impacts of the proposed development.

Holding a pre-DA meeting with council staff will often clarify council requirements for the lodgement of an application. However, the applicant may be requested by council staff to provide further information or reports to properly address all relevant aspects of the development, or to enable an assessment report to be completed.

During the assessment process the Planning Panel may identify issues at a briefing that must be addressed or clarified in council's assessment report, and for which council may request further information.

Amended plans or additional information for a DA must be lodged with council.

#### **11.6 Status reports**

Councils must advise the secretariat if it is evident that there are difficulties in assessing the DA or the assessment report will not be completed within the timeframe indicated in the referral notification.

The secretariat tracks the progress of DAs registered with it and requests status updates from council for DAs lodged for 70 days or more.

Where a response or concurrence from public agencies delays the assessment of a DA, a council can ask the secretariat for assistance to ensure the agency responds to council in a timely manner.

Where there is an ongoing and unreasonable delay in the processing of a DA, council may be requested by the Planning Panel to complete its assessment without further delay.

#### **11.7 Assessment of the development application**

The council that received the DA is responsible, through its staff, for the assessment of the application.

It is council's responsibility to prepare an assessment report addressing all statutory requirements and properly considering all issues. Usually councils will rely on their own professional staff, however where they do not have the technical expertise required in-house, they may engage external expertise. All costs associated with the preparation of the assessment report are to be covered from application fees, which are retained by council.

The assessment report must clearly identify how the proposal meets the relevant requirements for regionally significant development, and that the Planning Panel is responsible for determining the application.

The assessment report must include a recommendation on the proposed development:

- if the recommendation is for approval of the application, the report must include recommended conditions of consent, and
- if the recommendation is for refusal, the report must include reasons for refusal based on the assessment in the report.

The chair, following consultation with the Planning Panel, may also request without prejudice draft conditions of consent, where council's report

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recommends refusal. The Panel may do this before or at the determination meeting.

The assessment report should clearly identify if there are any outstanding issues and steps to be taken to address such issues.

In considering an application, a Planning Panel may request additional information to assist in its determination of the application.

#### **11.8 Varying development standards**

Where a DA includes a variation to a development standard, an application under clause 4.6 of the relevant LEP is required (or, where the development is not in a standard instrument LEP, an objection under *State Environmental Planning Policy No 1—Development Standards* (SEPP 1)). Council's assessment report includes an assessment of the application against the relevant statutory provisions.

The function of obtaining concurrence from the Secretary under clause 4.6 is a matter for the council. However, where concurrence is assumed, the council does not need to obtain concurrence. The Planning Panel will determine whether a clause 4.6 application is well founded on the basis of the applicant's justification.

#### **11.9 Local infrastructure contributions**

The assessment report should address contributions required in accordance with the council's relevant contributions plan (see section 7.11 and 7.12 of the EP&A Act). The Planning Panel is able to impose additional or different contributions than those set out in the contributions plan. For Crown developments, councils should address contributions in accordance with the relevant planning circular (Circular No. D6, issued September 1995 or as updated).

#### **11.10 Special infrastructure contributions and certification requirements**

If the development falls within a special contributions area the council should address the relevant requirements in its assessment report and recommend appropriate conditions in accordance with the Ministerial direction (see section 7.24 of the EP&A Act).

The council must address any "Satisfactory Arrangements" clause in the applicable LEP in its assessment report. These clauses usually state that development consent must not be granted by a consent authority until arrangements to the satisfaction of the Secretary have been made to contribute to regional or State infrastructure. A Planning Panel cannot provide consent to the DA until the Secretary (or delegate) of the Department has certified in writing that satisfactory arrangements have been made.

#### **11.11 Development subject to delays in determination**

An applicant with a DA that has a CIV between \$10 million and \$30 million can refer the DA to the relevant Planning Panel for determination if it remains undetermined for 120 days after being lodged with council (see Schedule 7 of the State and Regional Development SEPP). The referral process is outlined below:

- when making a referral, applicants must use the Regional Development Request form available on the Planning Panels website,
- the applicant is to complete the relevant part of the form and submit it to **both** the relevant council and the secretariat,

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- once the council receives the referral form it cannot determine the DA until a decision has been made regarding whether the Planning Panel will have the function of determining the DA, however council can continue to assess the DA,
- the council sends the completed referral form and copies of all DA documents, to the secretariat within 7 days. Council should also send its explanation for the delay in completing its assessment,
- the chair will consider the information in the referral form and advise the secretariat if the referral is accepted (i.e. the applicant is not responsible for a delay in the application), generally within 14 days of the applicant making the referral. The chair will consider a number of matters in making this decision, including:
  - permissibility and zoning, including whether the determination is dependent on a rezoning,
  - whether the determination is dependent on a voluntary planning agreement or the approval of a masterplan or DCP,
  - whether the landowner's consent has been provided,
  - whether the required referrals and concurrences have been obtained,
  - whether there have been requests for further information, and what the responses were to those requests, and
  - if council has considered the DA and the outcome of that consideration,
- once the chair decides, the secretariat will notify the council and the applicant as to whether the development is regionally significant development,
- if the referral is not accepted the chair must advise the reason(s) for not accepting the referral,
- if the referral is accepted, council completes the assessment of the application and prepares an assessment report for submission to the secretariat, and
- a briefing with council may be held prior to determination.

#### **11.12 Council representation to the Planning Panel**

An elected council may make a submission on a DA within their LGA that is to be determined by a Planning Panel up to seven days before the Planning Panel meeting.

After the assessment report is sent to the secretariat, it may be given to the elected council to assist in its decision as to whether it will be making a submission to the Planning Panel. The elected council's submission should not be prepared by persons involved in the assessment of the application but could be prepared by another council officer, or a consultant.

A council submission should not be specifically referenced in the assessment report or recommendations prepared by the council staff. If council makes a submission, a staff representative or individual Councillors may register to address the Planning Panel at the meeting to express the views of council.

Councillors who are also Planning Panel members have an independent role because they have been nominated by their council as its nominee to the Planning Panel.

#### **11.13 Submission of assessment report to the secretariat**

The completed assessment report and recommendation is to be immediately sent via electronic means to the secretariat.

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The assessment report is not to be endorsed or presented to the elected council before being sent to the secretariat.

The following items are to be sent in a digital format to the secretariat:

- assessment report and any attachments and recommendations (including conditions),
- the Council Assessment Report cover sheet (available on the Planning Panels website),
- final architectural drawings and plans and other reports that the assessing officer considers that the Panel may require in order to make an informed decision,
- copies of each submission received in respect of the DA
- a completed List of Submitters (available on the Planning Panels website) containing the names, postal addresses and email addresses (if provided) of every person or body who made a submission to allow the secretariat to notify submitters of the details of the Panel meeting, and
- in the case of petitions, only the name and address of the head petitioner should be provided, if that person can be identified.

Note: Council's assessment report must include a summary and assessment of all submissions so that the Planning Panel can consider the submissions as part of the assessment of the DA. Based on the details provided by council, the secretariat will notify persons who made submissions of the time, date and venue of the Planning Panel meeting at which the relevant application will be considered. Councils should also give the secretariat copies of any late submissions and, where necessary, provide further assessment if the issues are not already covered in council's assessment report.

#### **11.14 Written submissions to the Planning Panel**

All written submissions must be sent directly to council to be considered as part of the assessment of the DA.

Submissions sent to the Planning Panel will be given to council for assessment. Planning Panels will not normally accept information "in confidence" that is not also given to council. However, if confidentiality is requested, the reason must be clearly stated as to why it is confidential and relevant to the assessment matter before the Panel and the chair will consider the request.

#### **11.15 Rezoning, development control plans and planning agreements**

Where a DA is lodged concurrently with a planning proposal seeking the rezoning of land under the LEP Council's assessment report must address the DA against the proposed zoning. Council is responsible for progressing the planning proposal. The Planning Panel cannot determine a DA to approve such development until the land is rezoned to permit that development.

Where the provisions of an environmental planning instrument require a development control plan (DCP), (previously known as a master plan) to be adopted by the council before granting development consent, it is the responsibility of council to prepare and adopt the DCP prior to sending the assessment report to the Planning Panel. In such circumstances, the Planning Panel will not determine the application until the DCP is adopted by the council.

If a planning agreement is proposed, it should be negotiated by council staff. Council's assessment report for the Planning Panel would normally make reference to any planning agreement and its relationship to the DA.

The Planning Panel may only impose a condition of consent requiring a planning agreement be entered into if the condition reflects the terms of any



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offer made by the applicant to enter into a planning agreement (see section 7.4 of the EP&A Act).

**11.16 Referral of Crown development applications with a CIV less than \$5 million**

Crown DAs with a CIV greater than \$5 million are regionally significant development. Crown DAs with a CIV under \$5 million can be referred to the relevant Planning Panel (see section 4.33 of the EP&A Act) by either:

- the applicant where council (or IHAP, if relevant) has not determined in the prescribed period, or
- the council at any time including before the end of the prescribed period.

Before the end of the prescribed period, only a council (not the applicant) can refer an application to the Planning Panel.

For Crown DAs with a CIV of less than \$5 million where a council or IHAP seeks to refuse consent or impose a condition to which the applicant has not provided their agreement, the application is also to be referred by council to the relevant Planning Panel (see section 4.33(2) of the EP&A Act). Planning Circular PS 09-017 outlines the Crown DA provisions and policy.

The referral to the Planning Panel must be in writing. Additional procedures for the referral, including the requirement to notify the other party in writing of the referral are set out at sections 4.33(6) and section 4.33(7) of the EP&A Act.

Once the application is referred to a Planning Panel, the council registers DA on the Planning Panels website and gives its assessment report to the Planning Panel to consider.

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## **12. Determination of development applications**

### **12.1 Determining regionally significant development applications**

Planning Panels determine regionally significant development as the consent authority.

Planning Panels generally hold public determination meetings to consider DAs. Refer to **Schedule 1** for more information on the detailed procedures for Planning Panel meetings.

The purpose of the public determination meeting is for the Planning Panel to hear views of the community and other interested parties, such as the applicant and the council, on the DA before the Planning Panel makes a decision.

After reviewing written submissions on a DA, considering the recommendation in council's assessment report and hearing from those wishing to address the Planning Panel, the Planning Panel may determine the application or defer its decision for reasons that will be stated in the meeting record.

In certain circumstances the determination of a DA can be done by a circulation of papers e.g. where the assessment report recommends approval and there are no submissions objecting to the proposed development or if the decision on the DA was deferred.

### **12.2 Obligation to consult council – if adverse financial impacts**

A Planning Panel must not make a decision that will have, or that might reasonably be expected to have, a significantly adverse financial impact on a council without first consulting the council (see section 2.26 of the EP&A Act).

The consultation must be in writing, with the council being given a specified time to respond in writing. Where a briefing with the general manager (or nominee) is to be held to discuss the matter, all relevant Panel members should be present, and a meeting record and outcomes should be sent to the secretariat.

### **12.3 Determining Crown development applications**

A consent authority for Crown development cannot refuse consent to a Crown DA except with the approval of the Minister, nor can it impose a condition on a development consent for Crown development except with the approval of the applicant or the Minister.

This requirement applies to Crown development that is to be considered by a Planning Panel, where the application is for regionally significant development, or where the DA is referred to the Panel under Division 4.6 of the EP&A Act.

Where the Planning Panel wishes to either refuse an application or impose conditions not agreed by the applicant, or where a Planning Panel fails to determine the DA within the prescribed period, the applicant or the Planning Panel may refer the DA to the Minister. The Minister may then direct the Planning Panel to approve or refuse the Crown DA within a specified time.

### **12.4 Determining DAs for coastal protection works**

Certain coastal protection works are classified as regionally significant development. Where a Planning Panel is to determine a DA for coastal protection works the chair and the council nominated members will remain on the panel, however the State members will be replaced by members appointed by the Minister who have expertise in coastal engineering or coastal geomorphology (see clause 8A, Schedule 7 of the SRD SEPP).

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#### **12.5 Delegation to council to determine applications**

If the Minister agrees, Planning Panels may delegate the determination of applications to councils, a local planning panel of a council or the general manager or other staff of council (see section 2.16(2) of the EP&A Act). Delegation may be for development in a specified area, for a class of application, or be made on a case-by-case basis.

In situations where the determination is delegated, councils must:

- register the application on the Planning Panels website,
- inform and update the secretariat on the processing of the application as requested, and
- provide a copy to the secretariat of all determination documents, including the assessment report and Notice of Determination.

The chair of the relevant Planning Panel may request the council to not exercise the delegated function in certain circumstances.

Any determination made by council under delegation is a decision of the Planning Panel.

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## 13. Reviews and appeals

### 13.1 Decision reviews

Planning Panels also review decisions made on DAs by the Planning Panels (see Division 8.2 of the EP&A Act). The Council notifies the Planning Panel when a request to review a decision has been lodged. The Planning Panel reviewing the decision will be comprised of different members to those members that made the original decision and will be called the Decision Review Panel of the (relevant) Planning Panel.

**Note** that decision reviews cannot be requested where the following applies:

- the time to lodge a legal appeal has passed,
- a merit appeal has been determined regarding the DA, or
- it is an application for complying development, a Crown DA or a designated development DA.

The Decision Review Panel may ask to be briefed on the decision review request, either by the applicant, Council staff undertaking the assessment, or other experts engaged to assess the application.

The circumstances where this may be needed include where the applicant for the DA has amended the development the subject of the original DA since the original determination.

If needed, the Decision Review Panel may also hold a site visit or public briefing meeting.

Council must prepare an additional assessment report to the Decision Review Panel if the DA or application to modify a development consent has been amended after its initial determination, or if submissions have been made following any further notification.

The Decision Review Panel of the Planning Panel may hold a public determination meeting. A Decision Review Panel will only need to hold a public determination meeting if the application was notified and submissions objecting to the application were received. It is at the Chair's discretion whether a public determination meeting is necessary at any other time.

Council must give written notice to the applicant of the result of the review within 7 days of the completion of the review.

### 13.2 Appeals against a Planning Panel determination

#### *Merit appeals*

An applicant who is dissatisfied with a determination or deemed refusal of an application may lodge a merit appeal to the Land and Environment Court within six months against the decision as provided for in the EP&A Act.

**Note:** An application is deemed to have been refused if it is not determined within 40 days, or 60 days if the application is for designated or integrated development, requires concurrence of a concurrence authority or is accompanied by a biodiversity development assessment report and that proposes a discount in the biodiversity credits required under the report to be retired.

If the development is designated development, then an objector to the development who is dissatisfied with a determination may also lodge a merit appeal in the Land and Environment Court within 28 days as provided for in the EP&A Act.

The council for the area will be the respondent for any merit appeal against a determination made by a Planning Panel on a development application. The council is subject to the control and direction of the Planning Panel in connection with the conduct of the appeal.

The council is to give notice of the appeal to the Planning Panel. It must do this by notifying the secretariat. Notification to the Planning Panel must be

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made no more than seven days after the council receives notice of the appeal and must advise whether the council will be actively defending the appeal.

Note: Each Planning Panel chair has delegated authority to act as the Planning Panel's representative to provide instructions and seek legal advice in relation to appeals. Planning Panel delegations are published on the Planning Panels website.

The Planning Panel will determine its level of involvement in an appeal, and what directions (if any) it wishes to issue to the council, on a case-by-case basis. While a Planning Panel has the power to direct and control the council, it may choose not to exercise the power. If a Planning Panel wishes to take a more active role in a council's conduct of the appeal, the Planning Panel can exercise its powers to control and direct council. In some circumstances the Planning Panel may seek to join proceedings and act as the respondent in the place of the council.

Council is to:

- 1) provide the Planning Panel with a copy of the application commencing the appeal within 7 days of the council being served with it,
- 2) provide the council's proposed statement of facts and contentions to the Planning Panel at least 7 days before the later of:
  - a) the day of the first directions hearing for the appeal or
  - b) the day the statement is filed,
- 3) identify in the council's statement of facts and contentions the steps taken by the council to notify the Planning Panel of the appeal, and any response received by the council, and
- 4) provide the Planning Panel with:
  - a) a copy of any directions or orders made by the Court in relation to the appeal within 7 days of the directions or orders being given,
  - b) a copy of any proposed in principle agreement between the parties to the appeal following a conciliation conference under section 34 of the *Land and Environment Court Act 1979* within 3 days of the proposed in principle agreement being reached and before any written agreement is executed,
  - c) the dates on which the appeal will be heard within 3 days of the council receiving notice of them, and
  - d) a copy of any judgment of the Court in relation to the appeal.

The council should include in its Statement of Facts and Contentions the actions taken by council to notify the Planning Panel of the appeal and any response from the Planning Panel.

#### *Deemed Refusals*

A Planning Panel may determine a DA even though it is subject to a deemed refusal appeal. When a deemed refusal appeal has been filed with the Court, the usual practice is for council's assessment officer to complete their assessment report.

Applications may be deemed to have been refused before a Planning Panel has been briefed on the application. Where a Planning Panel has not been

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briefed on an application that is subject to an appeal, the Planning Panel may request a briefing from the council.

*Judicial review and civil enforcement proceedings*

Any person may commence judicial review or civil enforcement proceedings in the Land and Environment Court against a Planning Panel determination. Unlike merit appeals, in these types of proceedings the Planning Panel will be named as a respondent.

A submitting appearance may be filed by the Planning Panel if the grounds of challenge are not related to the powers or procedures of the Planning Panel in determining the application.

*Appeals against determinations where council is the applicant*

The Planning Panel will be the respondent in merit appeal and judicial review proceedings in the Land & Environment Court where council is the applicant.

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## 14. Planning proposals

Planning Panels also undertake plan-making functions including:

- undertaking administrative reviews,
- acting as the planning proposal authority (PPA) in certain circumstances, and
- providing advice to the Minister or the Secretary on any planning or development matters or environmental planning instrument referred to them.

**Note:** The Independent Planning Commission undertakes these functions in the City of Sydney LGA.

### 14.1 Reviews

A Planning Panel may be asked to review certain plan-making decisions.

Reviews include:

- **Rezoning reviews** — which may be requested by a proponent before a planning proposal has been submitted to the Department for a Gateway Determination, and
- **Independent proposal reviews** — which may be requested by a Local Aboriginal Land Council before a planning proposal for land subject to a development delivery plan or interim development delivery plan, that is shown in the Aboriginal Land SEPP, has been submitted to the Department for a Gateway Determination.

These review processes allow councils and proponents to have decisions about the strategic merits of proposed amendments to LEPs reconsidered.

The Department's *A Guide to Preparing Local Environmental Plans* sets out lodgement requirements, including information the council or proponent must provide for reviews to be undertaken.

### 14.2 Rezoning reviews

If a proponent (e.g. developer, landowner) has requested that a council prepare a planning proposal for a proposed instrument, the proponent may ask for a rezoning review if:

- the council has notified the proponent that the request to prepare a planning proposal is not supported, or
- the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information, or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

On receipt of an application the Department notifies the Planning Panel and the relevant council within 3 business days.

The Planning Panel reviews the planning proposal initially considered by council, rather than any amended or updated version. Council will be requested to confirm that the planning proposal is that which was initially considered by council, and to provide any additional comments or information to the Department within 21 days.

The Planning Panel may be briefed by the Department, council and proponent to clarify any issues before completing the review. The Planning Panel may request a site visit to assist in its considerations.

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A briefing or site visit will be attended by the Planning Panel, Department staff and, in certain circumstances, the applicant and council staff. Any briefing or site visit will follow the procedures set out in Schedule 1.

*Determination*

The review and determination should be in accordance with the Planning Circular PS 18-012 (or as updated).

The Planning Panel's determination is to be based on the strategic and site-specific merits of the proposal.

Planning proposals that do not reasonably meet the strategic and site-specific merit tests will not proceed to a Gateway determination.

The Planning Panel's determination is to provide a clear decision on whether the planning proposal should proceed or not to a Gateway determination.

Decisions on rezoning reviews will generally be made by a resolution following a circulation of papers in accordance with the procedures set out in Schedule 1.

Communication of the Planning Panel's determination is made to the proponent and the council within 90 days of the Department receiving the initial rezoning review request.

*Planning Proposal Authority*

If the Planning Panel determines that a proposal should proceed to a Gateway determination, councils will be provided the opportunity of accepting the planning proposal authority role. If the council does not accept the role within 42 days an alternate planning proposal authority will be appointed.

Each Planning Panel has delegated authority to direct itself to be the planning proposal authority where a proposal has been subject to a rezoning review and the council has not accepted this role.

**14.3 Independent proposal reviews**

Independent proposal reviews give Local Aboriginal Land Councils an opportunity for an independent body to give advice on planning proposals for land subject to a development delivery plan, or interim development delivery plan, that is shown in the Aboriginal Land SEPP.

The process for an independent proposal review is similar to that outlined for rezoning reviews.

When a Planning Panel is undertaking an independent proposal review in determining the strategic merit of a proposal it will also need to consider the consistency of the planning proposal with the relevant development delivery plan for the land (or interim development delivery plan) shown in the Aboriginal Land SEPP and when determining the site-specific merit of the proposal it will also need to have regard to the social and economic benefit to the Aboriginal community facilitated by the proposal.

The review and determination should be in accordance with the Planning Circular PS 19-003 (or as updated).

Each Planning Panel has delegated authority to direct itself to be the planning proposal authority where a proposal has been subject to an independent proposal review and the council has not accepted this role.



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#### **14.4 Planning Proposal Authority (PPA)**

A Planning Panel may be directed to be the PPA for planning proposal by the Minister. Generally, a Planning Panel has delegation from the Minister to act as PPA if it has recommended that a planning proposal proceed to Gateway and the council has declined to remain as the PPA.

As PPA, the Planning Panel performs all the functions that a council normally would in preparing LEPs. This includes:

- submitting a planning proposal to Gateway,
- undertaking any necessary agency consultation prior to public exhibition of the proposal,
- endorsing the public exhibition of a planning proposal that has received a Gateway determination and met all of the Gateway conditions,
- exhibiting the planning proposal in accordance with the terms of the Gateway determination,
- considering a recommendation report, addressing submissions received during public exhibition,
- holding a public briefing meeting (at the Panel chair's discretion) following public exhibition, to listen to any person wishing to speak, and
- submitting a request to the Department, as delegate of the Minister, that the LEP be legally drafted and made.

The Minister (or delegate) remains responsible for determining and making the LEP.

#### **14.5 Support provided to the Planning Panel in its role as PPA**

When a Planning Panel is acting as PPA the secretariat arranges any necessary agency and community consultation (public exhibition) and the Department provides technical support and briefings to the Planning Panel.

#### **14.6 Availability of Planning Panel decisions and advice**

The Planning Panel needs to make a number of decisions throughout the plan-making process when undertaking reviews or acting as PPA. Decisions of the Planning Panels will be made publicly available on the Planning Panels website within 3 business days of any decision.

#### **14.7 Community consultation**

There is no requirement for a Planning Panel meeting to be held prior to determining a rezoning review. The Gateway determination details requirements, if any, for community consultation on planning proposals. The Planning Panel may hold Planning Panel meetings at any time, at the discretion of the chair.

Submissions received as part of the public exhibition of a planning proposal for which a Planning Panel is the PPA are made publicly available on the Planning Panels website.

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## **15. Site compatibility certificates**

Planning Panels determine applications for SCCs made under the Seniors SEPP and the Education SEPP.

Written applications are to be lodged with the Department. The Department prepares an assessment of the application and a recommendation for the relevant Planning Panel. The Planning Panel considers the application and the Department's assessment report and those matters set out within clause 25 of the Seniors SEPP, or clause 15 of the Education SEPP as relevant. The Panel may determine an application by issuing a SCC or refusing to do so.

The Planning Panel may request a briefing and/or a site visit to assist in its considerations.

A briefing or site visit will be attended by the Planning Panel and Department staff and follow the procedures set out in Schedule 1.

Decisions on SCCs will generally be made by a resolution following a circulation of papers in accordance with the procedures set out in Schedule 1.

Should a DA be supported by an SCC issued by the Planning Panel come before the Planning Panel for determination, the Planning Panel will be comprised of different members to the members that issued the SCC.

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## **Schedule 1: Procedures for briefings, meetings and decisions.**

### **1 Briefings and site visits**

The chair may agree to a site visit or a briefing prior to a Planning Panel making a decision or providing advice on a matter.

A site visit or briefing is solely to identify and clarify issues with the proposal. Planning Panel members will not offer opinions on the merits of the proposal or ask those involved with the assessment of the proposal for their opinion or recommendations at site visits or briefings.

However, the Panel may identify issues that it expects to be addressed or clarified in any assessment report.

A site visit or briefing will be attended by the Planning Panel and relevant council or Department assessment staff or other persons engaged in the assessment of the DA or matter to be determined by the Planning Panel. In some circumstances other parties, including the applicant or people who made submissions on an application or matter may also be invited to attend a site visit or briefing. The invitation of parties is at the discretion of the chair.

Briefings on DAs may include a presentation by council assessment staff on key elements of the proposal and the planning controls that affect it (such as zoning), and an overview of issues of concern arising through the Council's assessment or raised in submissions. The timing of the submission of the assessment report and tentative date for a determination may also be discussed.

The assessment officer briefing the Planning Panel should have available a set of large-scale plans at the briefing.

Only Planning Panel members who will sit on the Planning Panel to determine the matter should attend the briefing.

Briefings and site visits on planning proposals and site compatibility certificates follow the same format, with Departmental staff briefing the Planning Panel.

It is not mandatory that the Planning Panel be briefed prior to considering a matter. Where there is a briefing, it should take place within four weeks of the close of any public exhibition period, and before council makes any major request for further information from the applicant (although council can request further information before the exhibition). The assessment of a DA should not be delayed for a briefing to occur.

Planning Panel members may identify further issues where they need clarification or more information. A Planning Panel may request briefings with council or Department staff to clarify any element of the proposal and the assessment report prior to the Planning Panel making its decision.

Briefings are not determination meetings and Planning Panel members should not make any comment that would indicate pre-determination of the matter.

The chair should take into consideration the availability of all members of the Planning Panel and any other necessary persons when deciding to conduct a site visit.

Entry to any private land may only take place with the express permission of the owner of the land, and it is the responsibility of council staff, in relation to a DA, or Department staff in relation to a planning proposal, to seek owner's consent when required.

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A written record of the briefing or site visit is made including time, date, attendees, any declarations and key issues discussed and is published on the Planning Panels website within 7 days. Site visits or briefings are not recorded by audio/ video record, an audio record or a transcription record.

It may be appropriate to invite the applicant or proponent to attend the briefing when:

- the Planning Panel could benefit from additional technical explanation on a complex matter,
- the development or other options are still being considered (e.g. if a major re-design has been requested by the council), or if
- material to be presented may be commercially sensitive or confidential.

The Planning Panel will publish clearly documented reasons why a briefing by an applicant was necessary so that there is no apprehension of bias.

Site inspections and briefings are not public meetings of the Planning Panel.

## **2 Meetings**

### *Public briefing meetings*

If the matter before the Planning Panel attracts significant community interest, the Planning Panel may consider calling a public briefing meeting.

Public briefing meetings are held to hear submissions in a public forum and to meet with key stakeholders to discuss unresolved issues. Community groups and individuals may register to speak to the Planning Panel at the public briefing meeting. Public briefing meetings are held at the discretion of the Planning Panel.

Planning Panel members should not make any comment that would indicate pre-determination of the application at a public meeting.

### *Determination meetings*

Prior to determining a DA or other matter, a Planning Panel may call a public determination meeting. The purpose of a public determination meeting is to hear those who wish to express their view on the proposal before the Planning Panel makes its determination in public.

Notice of a public determination meeting is given at least 7 days before the meeting. Notice of the meeting (including the time, date and venue for the meeting) are:

- notified on the Planning Panels website, and
- given to every person who made a submission to the council (in the case of petitions, only the head petitioner).

The meeting agenda, any business papers, assessment reports and attachments (including any representations made by council) are distributed to members of the Planning Panel and uploaded on the Planning Panels website in advance of the meeting.

People wishing to address the Planning Panel must register prior to the meeting.

The chair determines the order of presentations to the Planning Panel and the amount of time given to each speaker. At the meeting, it is acceptable to provide the Planning Panel with written material which summarises the matters to be presented to the panel by the speaker. However, written material must be kept to a minimum.

## **3 Meeting procedures for Public Briefings and Determinations**

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Planning Panel meetings are to be conducted in public.

*Meeting dates and agendas*

A regular schedule of proposed meeting dates is determined at the beginning of each year by the secretariat in consultation with the chair. The meeting dates are listed on the Planning Panels website and are reserved for public briefing meetings, Planning Panel briefings and site visits, or Planning Panel meetings. Planning Panel public determination meetings are generally arranged within 14 days of receiving council's assessment report.

Additional meetings of a Planning Panel may be organised at the discretion of the chair. These additional dates are posted on the website as soon as they become available.

The chair may consult with the general managers (or their nominee) of the relevant councils when approving the agenda for each meeting.

The council notifies the secretariat of any revised date for completion of the assessment report as soon as it is aware of any delay and advises of the reasons for the delay.

*The meeting time and venue*

The meeting time and venue is determined by the chair in consultation with relevant councils, and taking into account:

- the location of the proposed developments to be considered at the Planning Panel meeting,
- the number of persons who have expressed an interest in the different matters to be considered at the Planning Panel meeting,
- the availability of a suitable venue and the accessibility of the proposed venue for those persons, and
- local considerations and logistics.

The meeting time and venue should:

- maximise accessibility to people who have expressed an interest in the matters to be considered at the meeting, and
- facilitate the open exchange of information between the Planning Panel members and other parties.

Items from a number of different LGAs might be considered at one meeting provided the venue is reasonably accessible to most interested parties.

In regional areas, the chair may need to convene meetings in a number of locations to ensure they are accessible to the greatest number of people with an interest in the application being considered.

*Notice of meeting*

Notice of a Planning Panel meeting is to be given by the secretariat at least 7 days before the meeting. Notice is given to Planning Panel members, the general managers (or their nominee) of the councils in that region or district, every person who made a submission to the council (in the case of petitions, only the head petitioner) in respect of an item to be considered at the meeting and the applicants for those items. A notice is placed on the Planning Panel website and may be placed in the local newspaper.

The notice is to include details of:

- the time and date of the meeting,
- the venue for the meeting,
- the matter under consideration (DA/s or planning proposal),

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- the availability of agenda and business papers, which will include the assessment report and recommendations, and
- other matters to be considered at the meeting.

*Distribution of meeting agenda and business papers*

The meeting agenda, business papers/assessment reports and attachments, including any representations made by councils, are to be distributed to members of the Planning Panel and uploaded on the Planning Panels website by the secretariat no less than 7 days prior to the meeting.

A hard copy of the agenda and business papers are posted via express post to those Planning Panel members who have a decision-making role on the matter.

*Opening and closing meetings*

The chair will open the meeting by introducing the Panel and its members, state the purpose of the meeting, read out any apologies and call for declarations of interest following the declarations of interest procedures.

The chair will note any site visits or briefings the panel has had the benefit of and describe the order of proceedings and time limits for speakers.

The chair may also request council staff to briefly summarise the key issues that have arisen in the assessment report.

The panel will then listen to those wishing to address the panel. After the presentations the panel will make its determination and the chair will read out the decision of the panel before closing the meeting.

*Declarations of interest procedures*

The declarations of interest procedures set out below follow the requirements of the Planning Panels Code of Conduct (Code):

1. The chair calls on Planning Panel members to complete and sign written declarations of interest forms prior to the meeting for each panel matter (under clause 4.1 of the Code). Any verbal declarations must be recorded in writing.

Note: Under the Code, a panel member should declare the following interests:

- a. an actual, potential or reasonably perceived conflict of interest (see clause 3.1 of the Code),
  - b. a pecuniary interest listed under clauses 3.10 – 3.12 of the Code,
  - c. a non-pecuniary interest (see clause 3.14 of the Code),
  - d. a conflict of duties listed under clauses 3.18 – 3.25 of the Code,
  - e. a pecuniary interest or non-pecuniary interest arising from a political contribution or donation (see clause 3.26 of the Code),
  - f. a position and pecuniary interest in corporations, partnerships or other businesses that may be relevant to the activities of the Planning Panel in accordance with the Department of Premier and Cabinet's Guidelines 'Conduct Guidelines for Members of NSW Government Boards and Committees' (see clause 4.3 of the Code),
  - g. a personal dealing with council (see clause 5.1 of the Code), and
  - h. a gift or benefit listed under clauses 5.2 – 5.6 of the Code.
2. The chair reviews the written and signed declarations and the management measures put in place for any declared interests.
  3. If the chair is satisfied that reasonable and appropriate management measures are consistent with those set out in the Code, then a note to this effect is to be made on the meeting record.

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4. Should the chair have concerns, the chair is to raise these concerns with the member and suggest additional reasonable and appropriate management measures including, if warranted, that the member not take part in the determination for the matter (see clause 3.8 of the Code).
5. The chair is to provide the member an opportunity to respond.
6. The chair is to consider any response prior to making a final decision on the reasonable and appropriate management measures and note the response, the decision, and the chair's reasons for the decision in the meeting record.

*Presentations at a Planning Panel meeting*

The chair determines the order of presentations to the Panel. Panel members may ask questions of those making presentations. The amount of time given to each speaker is at the discretion of the chair.

At the Planning Panel meeting, it is at the chair's discretion whether to accept written material which summarises the matters to be presented to the Planning Panel by the speaker. Any allowed written material must be kept to a minimum.

By registering to speak at a meeting, speakers agree to being audio recorded and to the publication of that recording on the Planning Panels website.

a) Presentation by the assessment officer

The chair may request that the assessing officer responsible for preparing the assessment report (or a representative) presents a summary of the DA or planning proposal, as the case may be, and outline any relevant assessment issues at the start of the presentations. The assessment officer should have available at the Planning Panel meeting a set of large-scale plans (including any amended plans).

Generally, it is council's professional planning and assessment staff that prepare DA assessment reports for the Panel's consideration.

Where a Planning Panel is acting in the role of the PPA for a planning proposal matter the Department provides technical assistance, which may include the provision of an assessment report for the Planning Panel.

The assessment officer (or representative) should inform the chair of any late submissions received, and of any issues raised which may not have been addressed in the assessment report.

The assessment officer (or representative) should be present throughout the Planning Panel meeting, so that the chair can seek clarification where necessary of assessment issues that may arise during the course of the meeting. Other technical experts from the council/Department may also be present (such as traffic engineers) and the chair may ask for clarification of specific issues. Any questions to council/Department staff can only be made by Planning Panel members and are to be directed through the chair.

b) Presentation by the applicant or proponent

The applicant, in the case of a DA, or the proponent, in the case of a planning proposal, will be given the opportunity to outline the proposal and respond to the assessment report. The applicant/proponent may also be required to respond to submissions made at the meeting. The time allocated to the applicant/proponent, including their consultant(s), is at the discretion of the chair, but is generally 15 minutes. Additional time may be allocated

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where professional consultants have been engaged by the applicant/proponent to present at the meeting.

c) Presentation by people or groups who made submissions

Planning Panel meetings enable people or groups to make a presentation to the Panel meeting. People who wish to address the Planning Panel must register with the secretariat prior to the meeting by contacting the secretariat by telephone or email within the timeframe specified in the notification letter (generally two days before the Panel meeting).

For those people who are of the view that they would not be appropriately or adequately represented by any groups, they may register to speak to the Planning Panel as individuals.

The chair will advise on the time allocated for verbal submissions which will vary from meeting to meeting depending on a number of considerations such as the number of registered speakers.

As a guide:

- individual submitters will have 3 minutes to speak,
- a speaker for a community organisation/group will have 10 minutes to present. Additional time may be allocated where professional consultants have been engaged by community groups to present at the meeting.

In addition, where a large group of people have common issues to raise at the meeting, the chair may ask that a spokesperson be appointed to speak on behalf of the group. In such cases, the spokesperson will generally be allocated more time than individual speakers.

The chair seeks to ensure that all groups or individuals who request to address the Planning Panel are heard. Any requests for extending time limits should be made to the Planning Panel at the meeting and may be granted at the discretion of the chair.

Speakers should focus their oral presentations on the assessment report and its recommendation rather than re-stating information outlined in their earlier written submissions. The Planning Panel has been provided with all submissions and associated documents before the Planning Panel meeting.

d) Presentation by people or groups that have not made a submission

The chair has the discretion to allow any member of the public to address the Planning Panel, even if they have not made a submission or registered to speak by the relevant deadline. Considerations may include the number of persons that made submissions and have requested to address the meeting and the available time.

e) Presentation by an expert engaged by the Planning Panel

For the purpose of making a decision on a matter, such as a DA or a planning proposal, a Planning Panel may obtain independent assessment reports, advice and assistance that the Planning Panel may require, particularly in relation to complex technical matters. This would be in addition to any assessment report or other information provided by the relevant council/Department in assessing the application.

Selection of such experts is to be determined by the chair in consultation with the other Panel members.

Depending on the circumstances, the expert may submit a report with recommendations directly to the Planning Panel. In addition, the expert may



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be invited to present the outcomes of their report at the Planning Panel meeting.

The independent assessment report should be made available on the Planning Panels website prior to the meeting, except where this information includes legal advice provided to the Planning Panel and is subject to legal professional privilege.

*Adjourning during a Planning Panel meeting*

A Planning Panel may adjourn a meeting where:

- a briefing is required to hear confidential or sensitive information, and/or
- the panel wishes to confer amongst itself before reconvening the meeting for voting and determination.

Before the adjournment the panel chair publicly states the reasons for the adjournment which are recorded in the audio and written record of the meeting.

If the meeting is adjourned so that the panel may confer amongst themselves prior to making a decision, the chair briefly summarises the matters discussed in the adjournment after reconvening the meeting. The panel may discuss the matter further in the meeting and/or make its determination.

Planning Panel discussions during adjournments are not recorded.

*Deferring a decision at a Planning Panel meeting*

A Planning Panel may defer its determination of the matter for a subsequent meeting or it may be determined electronically by a circulation of papers. A decision may be deferred for any reason including to obtain additional information or advice.

The chair informs the meeting of the reasons for the deferral of a decision (i.e. why the decision cannot be made at the meeting) and advises of the procedures and timeframes to be followed for the determination of the matter.

A written record of the Planning Panel meeting, including the reasons for deferral, is placed on the Planning Panels website, and a copy is provided to the council.

It is the council's responsibility to follow up on any requests for additional information or amendments from the applicant, to determine whether re-exhibition is required, and to provide a supplementary assessment report to the Planning Panel.

The Planning Panel may hold further briefings following a determination meeting if it requires further information to make its determination or where there is commercially sensitive or confidential material that needs to be considered before the matter can be determined.

**4 Decisions and determinations**

The Planning Panel will strive to make its decisions unanimously. Where a decision cannot be made by unanimously, the decision will be made by majority vote. The chair will have a second or casting vote if required because of an equality of votes.

*Quorum for a Planning Panel decisions*

A quorum is a majority of the Planning Panel's members, including the chair, i.e. a total of three members. The decision of the Planning Panel will be deferred if a quorum is not present.

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Where conflicts of interest are known before a decision is to be made, alternate members will be used to make a quorum.

*The Planning Panel's consideration*

In addition to the assessment report, the Planning Panel is to take into account all written submissions, as well as the views expressed by those addressing the Planning Panel at its public meeting/s.

*The Planning Panel's reasons*

The Planning Panel must provide reasons for its decisions, which are to be recorded in the 'Determination and Statement of Reasons' template provided by the secretariat.

The Planning Panel may rely on the conclusions and recommendations within the assessment report, however, the Planning Panel must identify where it has its own reasons for making the decision and where it adopts the reasons from any assessment report of Council or the Department. As part of setting out its reasons the Planning Panel is to:

- provide a summary of the main issues raised in submissions,
- demonstrate how the Panel considered the community's concerns, and
- demonstrate how the Panel dealt with the issues raised, should they have been found to have merit i.e. requested further studies, applied appropriate conditions or, agreed with council recommendation that the applicant had satisfactorily addressed the concerns.

*Determinations on DAs*

The determination must clearly state whether a DA is unconditionally approved, approved with conditions, or refused.

Any new conditions of consent or changes to the recommended conditions of consent must be recorded.

If the Planning Panel resolves to approve an application that is recommended for refusal, the Planning Panel may seek a further report from the council's planning officer providing recommended conditions of consent. The Planning Panel may request without prejudice conditions of consent before a Planning Panel meeting if council's report recommends refusal.

The determination and statement of reasons must include the following:

- the decision of the Planning Panel,
- the date of the decision,
- the reasons for the decision (having regard to any statutory requirements applying to the decision), and
- how community views were considered in making the decision.

DA determinations must be publicly notified in accordance with clause 20 Schedule 1 of the EP&A Act.

The decision of the Planning Panel is not subject to a 'Rescission Motion' as in local government.

Decisions of Decision Review Panels are called a 'Review of Decision' Determination and Statement of Reasons.

*Determinations on matters other than DAs*

Decisions made by the Planning Panels on SCCs, Rezoning Reviews and where the Planning Panel is the Planning Proposal Authority will include the following:

- the decision of the Planning Panel,
- the date of the decision, and

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- the reasons for the decision (having regard to any statutory requirements applying to the decision).

#### *Resolutions of the Planning Panels*

The Planning Panels may from time to time make resolutions to do or not to do certain things, e.g. to authorise the chair to provide instruction in relation to legal appeals on behalf of the Planning Panel.

Resolutions of the Planning Panel will be published on the Planning Panels website.

#### *Dissenting views*

If the decision (and reasons for the decision) is not unanimous, all members of the Planning Panel (i.e. including the minority) still need to give reasons.

#### *Timing of Determination and Statement of Reasons*

It is preferable that the Planning Panel record both its decision and its reasons at the time of the determination.

#### *Signatures*

All members of the Planning Panel must sign the Determination and Statement of Reasons. Where one or two members are in dissent, they must still sign, as the reasons will set out their dissenting views.

### **5 Transactions of business outside meetings**

A Planning Panel can transact its business by the circulation of papers or at a meeting at which members participate by telephone or other electronic means (known as an electronic determination) (see Schedule 2, Clause 25(4) and Clause 26 of the EP&A Act).

The chair may decide that it is unnecessary to hold a determination meeting to consider a DA or other matter. The Planning Panel can complete its business through an electronic determination. These circumstances may arise when:

- the assessment report recommends approval and there are no submissions by way of objection,
- the Planning Panel has held a public meeting and deferred its decision to request specific additional information from an applicant or council (such as amended drawings) and if council, after having accepted the amended drawings, has decided that re-exhibition of is not required,
- the Planning Panel is voting on a procedural matter, or
- the Planning Panel is voting on a decision following a briefing in relation to a Rezoning Review, Planning Proposal or site compatibility certificate.

When an electronic determination for a DA is proposed, the council report and recommendation is made available on the Planning Panels website seven days prior to the DA being determined.

The secretariat distributes business papers (including the assessment report and attachments) to Planning Panel members for consideration and advise that the determination is made via electronic means.

Following consideration of the business papers, the Planning Panel advises the secretariat of its decision on the DA and a record of decision is completed and endorsed by all members.

The chair and each Planning Panel member has the same voting rights as they have at public determination meetings.

January 2020

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Resolutions approved by circulation of papers are recorded in writing and made publicly available on the Planning Panels website within 7 days. The circulation of papers is generally done electronically and are not recorded by audio/ video record, an audio record or a transcription record.

## **6 Records of proceedings**

The chair is responsible for ensuring that full and accurate records are kept of the proceedings of Planning Panel meetings, briefings and other business.

An audio recording will be made for all public briefing meetings and determination meetings and will be published on the Planning Panels website. By registering to speak at a meeting, speakers agree to being recorded and to the publication of that recording. Where a speaker has not registered to speak but wants to make a submission at the meeting it is at the chair's discretion and the speaker is asked to agree to being recorded and that recording being published.

Document templates for written records of proceedings are provided by the secretariat.

Secretariat or council staff will assist in the preparation of draft written records. A copy of the unconfirmed written record is provided to all Planning Panel members who participated in the proceedings. Planning Panel members may submit any proposed corrections to the unconfirmed record to the secretariat for confirmation by the chair.

Alternatively, a Planning Panel may choose to complete and endorse the final record immediately after completing the meeting or briefing. In this case, draft records are not circulated.

When the written records have been confirmed and endorsed by the chair the written record is placed on the Planning Panels website.

The confirmed written record is available within 7 days of the Planning Panel meeting or briefing.

Any written record for a Planning Panel meeting details:

- the opening and closing times of the meeting,
- the details of the matter considered by the Planning Panel,
- the names of all members of the Planning Panel, including the chair,
- any disclosure of interest made by a member, the reason for that disclosure of interest and whether the member making the disclosure participated in the discussion or determination of the matter,
- any adjournments and reasons for the adjournment,
- the names of each person heard by the Planning Panel in respect of a matter,
- any decision of the Planning Panel,
- reasons for the decision,
- the names of each member who voted for or against the decision, and reasons for dissent, where the decision is not unanimous, and
- the signatures of all the members making the decision.

A written record of briefings or site visits are made including time, date, attendees, any declarations and key issues discussed and are published on the Planning Panels website within 7 days. Site visits or briefings are not recorded by audio/ video record, an audio record or a transcription record.

The secretariat, with assistance from the relevant council, is responsible for recording decisions for Planning Panel meetings.

January 2020

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Planning Panel members are required to provide any notes made during a meeting, briefing or site inspection to the secretariat for registration as a record. This includes hand written or electronic notations.



**Council Nominated Members Form**

All councils need to complete this form and attach the council resolution nominating its new members.

<b>Council</b>	
<b>Date of council resolution</b>	

Please list the members nominated for your council below:

Council nominated member name	Mobile	Email	Expertise	Term of appointment

Please list the names of the members who are no longer nominated by your council below:


## ORDINARY MEETING OF THE COUNCIL

February 10, 2022

**ITEM 10****BROKEN HILL CITY COUNCIL REPORT NO. 36/22**

**SUBJECT:** **COUNCILLOR ATTENDANCE AT THE WASTE MANAGEMENT CONFERENCE 2022** **D22/7217**

**Recommendation**

1. That Broken Hill City Council Report No. 36/22 dated February 10, 2022, be received.
2. That Councillor delegates on the 'Health and Building' Standing Committee be invited to attend the Coffs Harbour Waste Management Conference 2022 held in Coffs Harbour on 3-5 May 2022.
3. That interested Councillors provide completed travel forms to the General Manager's Office by the close of business 25 March 2022.

**Executive Summary:**

The 2022 Coffs Harbour Waste Management Conference is supported by Local Government NSW and hosted by Coffs Harbour City Council and will be held in Coffs Harbour on 3-5 May 2022. The theme of the conference is "Sustainable Solutions for an Evolving Industry".

This report is presented to Council to resolve Council's delegates to the conference.

**Report:**

The 2022 Coffs Harbour Waste Management Conference is supported by Local Government NSW and hosted by Coffs Harbour City Council and was first established in 1996. The Conference is well regarded as the industry's leading waste management conference. and features three days of presentations, a trade exhibition and social events which provides networking opportunities.

The Conference has particular relevance to the Local Government sector along with equipment and service providers; environmental, community and industry groups; consultants and students.

The Waste Conference program provides a focus on the latest developments in the industry, with presentations from industry leaders and exhibitions from leading edge companies and waste professionals from across Australia. Webinars and podcasts are also a feature of the Conference.

The Conference will be held in a hybrid format featuring:

- A face-to-face conference and exhibition and
- An online conference including live broadcasts of all conference presentations and keynote speakers

The face-to-face Conference will be conducted to comply with all current COVID restrictions.

Attached to this report is the preliminary information regarding the conference. A Conference Program is yet to be released. Once released this will be provided to Councillors.

**Community Engagement:**

Not applicable.

**Strategic Direction:**

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

**Relevant Legislation:**

Not applicable.

**Financial Implications:**

The following costs are provided:

Full Conference Registration per person	\$1,780.00
Return Airfares BH-Sydney-Coffs Harbour per person (price dependent on availability)	\$1,200.00
Accommodation per person per night (approximate)	\$250.00/night

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

Online Conference Registration per person	\$460.00
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**Attachments**

1. [↓](#) 2022 Waste Management Conference information
2. [↓](#) 2022 Waste Management Conference - registration rates
3. [↓](#) 2022 Waste Management Conference - accommodation rates

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER



2/10/22, 2:10 PM

Waste 2022 Conference



## WELCOME TO WASTE 2022

The Coffs Harbour Waste Conference is the leading conference for the waste management industry in Australia which is targeted at anyone who works in, or has an interest in waste management issues, particularly local government. Attracting delegates from across the nation, this hybrid event will feature both face to face and online attendance options. Attendees will hear from leading waste management professionals who will discuss the latest developments in the industry, and will be able to visit a vast array of exhibitions, while networking with other 'waste experts' in a COVID safe manner.



### WHY PARTICIPATE IN THE WASTE 2022 CONFERENCE?



#### Listen

to industry experts debate & discuss the latest waste management issues.



#### Visit

the extensive indoor & outdoor exhibition featuring new & emerging technology.



#### Network

with other like minded waste professionals over 3 days with 3 social events.



#### Watch

the live broadcasts in real time, or view online at a time convenient to you.

### THE COUNTDOWN IS ON



Powered by Momentum ©

### WHAT OUR DELEGATES HAD TO SAY



Waste 2021 was an excellent opportunity for me to learn from the key industry leaders, network with other like minded people and visualise how the future of waste

<https://www.coffs-wasteconference.com.au/2022/>



The Coffs Waste Conference draws participants from all segments of the waste and resource recovery sector. It is a truly national conference and offers an opportunity

1/2

2/10/22, 2:19 PM

management at local level can be improved going  
forward.

Tiana Nairn, Policy Group Manager, LMS Energy

Waste 2022 Conference

to connect with key policy and project developments  
across the country.

Hiral Patel, Waste and Environmental Specialist, Forbes Shire  
Council

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HOSTED/ORGANISED BY



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STAY UP TO DATE

Complete an [Expression of Interest](#), subscribe to our [eNews](#) or follow us on social media to be kept up to date on all  
conference related information.



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## ABOUT THE CONFERENCE

First established back in 1996, the Coffs Harbour Waste Management Conference is now well regarded as the industry's leading waste management conference. This prestigious event features three days of presentations, a comprehensive trade exhibition and social events on three evenings providing invaluable networking opportunities.

It is not to be missed by anyone who works in the waste management industry or is responsible for waste management in their organisation.

The Coffs Waste Conference provides a quality program focused on the latest developments in the industry, high profile presenters that are leaders in their field and an exhibition by leading edge companies and professionals from across Australia and overseas. It features excellent professional networking opportunities in a relaxed setting and is situated at one of the best locations in Australia. Register your interest today as it is anticipated the event will sell out.



Waste 2022 Conference

<https://www.coffswasteconference.com.au/2022/the-conference>

- Consultants
- Students and academia

then this is the must attend conference for you.

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## INTERESTED TO KNOW MORE?

Bringing like-minded people together, the conference features a great balance of conference presentations, an extensive exhibitor display, social interaction and the ability to network. Webinars and podcasts have also been introduced into this comprehensive event providing a learning solution for everyone, regardless of your location.

View this short video for a birds eye view of the Coffs Waste Conference!



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## THE CONFERENCE FORMAT

To ensure we meet all relevant restrictions in terms of social distancing and capacity limitations, the format of the conference and exhibition have been designed to comply with all current COVID restrictions. The below information outlines the format of the Industry's leading waste management conference.

### THE STRUCTURE

The Waste 2022 Conference will be a hybrid event featuring:

Waste 2022 Conference

<https://www.coffs-waste-conference.com.au/2022/the-format>

- A maximum of three (3) people from any one organisation will be allowed to attend the conference but any staff in addition to the one included trade delegate will need to register and pay as a conference delegate (therefore attending the conference sessions)
- Trade delegates will not be able to attend the conference presentations, though will have access to them online
- Morning and afternoon tea will be held amongst our exhibitors (though social distancing, room capacities and directional signage for traffic flow will be implemented)

## ONSITE

- QR codes will be used throughout the venue to track delegate movement and ensure the safety of all participants
- Masks are to be worn indoors if not eating or drinking (assuming this is still a requirement in May)
- Proof of vaccination will be required
- Sanitiser stations will be readily available and positioned throughout the venue
- Delegates will only be permitted to enter their nominated stream and will not be able to move between individual presentations within other streams
- Delegates must follow social distancing and directional signage to ensure a safe flow of traffic
- Should a delegate present with any cold or flu like symptoms, they will be asked to leave the conference and the venue

## SOCIAL EVENTS

There will be three (3) social events as usual

- Welcome Reception (Tuesday 3rd May) – this will take place outside amongst the outdoor exhibitors (weather permitting). As this is an outdoor event the restrictions are more relaxed allowing plenty of networking opportunities
- Conference Dinner (Wednesday 4th May) – This will take place at Pacific Bay Resort and will begin with pre-dinner drinks to enable maximum networking opportunities and will be followed by a seated (themed) dinner
- Finale Buffet (Thursday 5th May) – this will take place in the Horizon's Restaurant and on the Terrace (weather permitting)

## CANCELLATIONS

- If a delegate needs to cancel due to COVID related reasons beyond their control (lock down, travel restrictions, unwell or other government related restrictions) a substitute from your organisation is welcome. If this is not possible a full refund will be given
- If the event is cancelled due to reasons beyond our control, a full refund of delegate fees will be issued

## DISCLAIMER

Should COVID restrictions relax between now and the time of the conference the above will be revised accordingly.

We thank you for your patience and understanding and look forward to welcoming you to Waste 2022!



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## A COVID SAFE EVENT

Impact Environmental are dedicated to ensuring a COVID safe environment will be available for all those attending the onsite conference. This includes adhering to all regulations and restrictions currently in place and we ask you to do the same.

### WHAT WE ARE DOING

The following measures will be undertaken, but not limited to:

- COVID-19 Safety Plan registered
- QR Codes available for scanning and checking in at all entrances and registration desks
- Hand sanitiser stations throughout the conference venue
- Delegate number control and physical distancing measures
- Cleaning and hygiene countermeasures
- Food and safety hygiene
- Complimentary masks available



### Protecting you from Coronavirus.



Waste 2022 Conference

<https://www.coffswasteconference.com.au/2022/covid-safe-event>

- Wash your hands regularly and use sanitiser provided
- Observe directional signage, including floor signage, and note entry and exit locations
- Use stairs instead of lifts (if possible)
- Use cashless sales tap and go where possible
- Download the COVID Safe App
- Use the conference App where possible
- Do not attend if you feel unwell

For further information on COVID-19, please visit the Department of Health [website](#)



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**Waste 2022 Conference  
Delegate Registration Rates**  
Waste 2022 – Waste Avoidance & Resource Recovery Conference  
Opal Cove Resort, Coffs Harbour NSW, 3-5 May 2022

The rates for all registration categories at the Waste 2022 Conference are shown below. All prices are shown in Australian dollars (AUD) and include GST. Due to COVID restrictions, all registrations are for the full 3 days, and are limited to three (3) only delegates from any one organisation. No 1 day or 2 day registrations will be permitted. A late fee of \$145 will apply to all registrations received after 19<sup>th</sup> April 2022.

DELEGATE REGISTRATION	MEMBER RATE* (WMRR & AAEE)	NON MEMBER RATE
Full Conference Package (3 <sup>rd</sup> , 4 <sup>th</sup> & 5 <sup>th</sup> May)	\$1,650	\$1,780
3 Day Registration (3 <sup>rd</sup> , 4 <sup>th</sup> & 5 <sup>th</sup> May)	\$1,335	\$1,465

PRESENTER REGISTRATION^	MEMBER RATE* (WMRR & AAEE)	NON MEMBER RATE
Full Conference Package (3 <sup>rd</sup> , 4 <sup>th</sup> & 5 <sup>th</sup> May)	\$1,165	\$1,295
3 Day Registration (3 <sup>rd</sup> , 4 <sup>th</sup> & 5 <sup>th</sup> May)	\$850	\$980
1 Day Registration - Day of presentation only**	\$0	\$0

OUTDOOR EXHIBITORS ONLY TRADE DELEGATE REGISTRATION (does not include conference sessions)	RATE
Full Conference Package (3 <sup>rd</sup> , 4 <sup>th</sup> & 5 <sup>th</sup> May)	\$795
3 Day Registration (3 <sup>rd</sup> , 4 <sup>th</sup> & 5 <sup>th</sup> May)	\$480

SOCIAL EVENTS	RATE
Welcome Reception (3 <sup>rd</sup> May)	\$80
Conference Dinner (4 <sup>th</sup> May)	\$140
Conference Finale Buffet (5 <sup>th</sup> May)	\$95

LIVE BROADCASTS	MEMBER RATE* (WMRR & AAEE)	NON MEMBER RATE
3 Day Participation (3 <sup>rd</sup> , 4 <sup>th</sup> & 5 <sup>th</sup> May)* ^	\$380	\$460
1 Day Participation (3 <sup>rd</sup> OR 4 <sup>th</sup> OR 5 <sup>th</sup> May)^	\$140	\$160

**REGISTRATION TERMS & CONDITIONS**

**Full Conference Package** - includes 3 day conference registration and access to the trade exhibition (3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> May), welcome reception, conference dinner and conference finale buffet.

**3 Day Registration** - includes 3 day conference registration and access to the trade exhibition (3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> May). DOES NOT INCLUDE SOCIAL EVENTS.

**\*\*Presenter Registration** - Presenters registering for the day of their presentation only, will only be permitted to attend the stream that their presentation is in, they will not be allowed into any other streams on the day.

\*Only current paid members of the WMRR (inc YP's) and AAEE are entitled to select this category.

^The presenter category can only be selected by confirmed Waste 2022 Conference presenters.

**Outdoor Exhibitors Only**

**Trade Delegate Full Conference Package Registration** - only applicable to outdoor trade delegates in association with an outdoor display. Further trade delegate can be purchased to accompany an outdoor exhibition. Includes access to trade exhibition, welcome reception, conference dinner and conference finale buffet only. DOES NOT INCLUDE CONFERENCE SESSIONS.



**Waste 2022 Conference  
Delegate Registration Rates**  
Waste 2022 – Waste Avoidance & Resource Recovery Conference  
Opal Cove Resort, Coffs Harbour NSW, 3-5 May 2022

**Trade Delegate 3 Day Registration** - only applicable to outdoor trade delegates in association with an outdoor display. Further trade delegates can be purchased to accompany an outdoor exhibition. Includes access to trade exhibition only. DOES NOT INCLUDE CONFERENCE SESSIONS.

**Indoor Sponsors & Exhibitors**

A maximum of one (1) trade delegate is included when booking any indoor exhibition space and only one (1) staff can man each booth.

Purchasing additional indoor trade delegates to the conference is no longer permitted. Additional trade delegates can only be purchased if you have booked an outdoor exhibition space.

**Live Broadcasts 3 Day Registration** - includes online access to all presentations as shown in the conference program for the duration of the conference.

\* A 10% discount is applicable to organisations who register 3 or more participants using a group booking with all registrations received at the same time. This discount is only applicable to **Live Broadcasts**.

^ A 50% discount is applicable for students upon proof of student ID. This discount is only applicable to **Live Broadcasts**.

**Live Broadcasts 1 Day Registration** - includes online access to all presentations as shown in the conference program for the day specified at time of registration, ie. Day 1, Day 2 or Day 3.

^ A 50% discount is applicable for students upon proof of student ID. This discount is only applicable to **Live Broadcasts**.

**Registration Cancellations:** A full refund less a \$225 administration charge will be made for cancellations received in writing before 19<sup>th</sup> April. A 50% refund is applicable for all cancellations received between 19<sup>th</sup> and 26<sup>th</sup> April. No refund will be provided for cancellations received after 26<sup>th</sup> April. Substitutions from within organisations are welcome without penalty.

Any cancellations caused by circumstances beyond your control due to COVID will receive a full refund.

**Refunds will not be processed until after the conclusion of the conference.**

A late fee of \$145 will apply to **ALL** registrations (excluding Live Broadcasts) received after 19<sup>th</sup> April 2022.



**Waste 2022 Conference  
Delegate Accommodation Rates**  
Waste 2022 – Waste Avoidance & Resource Recovery Conference  
Opal Cove Resort, Coffs Harbour NSW, 3-5 May 2022

## Accommodation Rates

Details about the accommodation venues are available on the conference website. Rates shown are per night and include GST. Accommodation **MUST** be booked through the conference organisers via the online booking system in conjunction with registration. Opal Cove Resort and Charlesworth Bay Beach Resort have a minimum 2 night stay.

Please note, all rooms at all venues are non smoking. Free scheduled bus transfers will be provided between Opal Cove (the conference venue) and all other venues listed below. Free airport transfers are also available for selected flights.

Opal Cove Resort				
Resort Room	\$205 Single (1 pers/1 bfst)	\$232 Dble (2 pers/2 bfsts)	\$232 Twin (2 pers/2 bfsts)	
Ocean View Room	\$235 Single (1 pers/1 bfst)	\$262 Dble (2 pers/2 bfsts)	\$262 Twin (2 pers/2 bfsts)	
2 Bedroom Villa	\$315 Unserviced & exc bfsts	\$365 Unserviced & inc 2 bfsts	\$426 Serviced & exc bfst	\$480 Serviced & inc 2 bfsts
3 Bedroom Villa	\$390 Unserviced & exc bfsts	\$471 Unserviced & inc 3 bfsts	\$534 Serviced & exc bfst	\$615 Serviced & inc 3 bfsts
4 Bedroom Apartment	\$515 Unserviced & exc bfsts	\$623 Unserviced & inc 4 bfsts	\$708 Serviced & exc bfsts	\$816 Serviced & inc 4 bfsts

Extra breakfast at Opal Cove Resort - \$27 pp

Pacific Bay Resort				
Hotel Room	\$203 Single (1 pers/1 bfst)	\$228 Dble (2 pers/2 bfsts)	\$228 Twin (2 pers/2 bfsts)	
1 Bedroom Apartment	\$224 Single (1 pers/1 bfst)	\$249 Dble (2 pers/2 bfsts)		
2 Bedroom Apartment	\$427 (2 pers/2 bfsts)			

Extra breakfast at Pacific Bay Resort - \$25 pp

Charlesworth Bay Beach Resort (no daily servicing)				
Standard Studio	\$223 Single (1 pers/1 bfst)	\$251 Dble (2 pers/2 bfsts)	\$251 Twin (2 pers/2 bfsts)	
Deluxe Studio	\$253 Single (1 pers/1 bfst)	\$281 Dble (2 pers/2 bfsts)		
Standard 1 Bedroom Apartment	\$288 (1 pers/1 bfsts)	\$316 Dble (2 pers/2 bfsts)		
Resort 1 Bedroom Apartment	\$318 (1 pers/1 bfsts)	\$346 Dble (2 pers/2 bfsts)		
Executive 1 Bedroom Apartment	\$353 (1 pers/1 bfsts)	\$381 Dble (2 pers/2 bfsts)		

Extra breakfast at Charlesworth Bay Beach Resort - \$28 pp

Aqualuna Beach Resort (no daily servicing)				
Executive King Spa Studio Apartment	\$210 Single (1 pers/1 bfst)	\$235 Dble (2 pers/2 bfsts)		
1 Bedroom Villa	\$210 Single (1 pers/1 bfst)	\$235 Dble (2 pers/2 bfsts)		
2 Bedroom Villa	\$250 (2 pers/2 bfsts)			

Extra breakfast at Aqualuna Beach Resort - \$25 pp

**Note for ALL accommodation**

**Single room** = 1 person/1 queen or king bed, **Double room** = 2 persons/1 queen or king bed

**Twin room** = 2 persons/2 single beds

**ACCOMMODATION TERMS & CONDITIONS**

Cancellations received prior to 4<sup>th</sup> April will incur an administration fee of 10% of the full amount of the accommodation booking. Cancellations received between 4<sup>th</sup> April and 18<sup>th</sup> April will incur an administration fee of 30% of the full amount of the accommodation booking if the cancelled room(s) are re-sold, or a cancellation fee of 100% of the full amount of the accommodation booking if the room(s) are not re-sold. Cancellations received after 18<sup>th</sup> April will incur a cancellation fee of 100% of the full amount of the accommodation booking. The organisers reserve the right to apply a \$25 administration charge for each accommodation change (eg. replacement/cancellation) made after 18<sup>th</sup> April. **Refunds will not be processed until after the conclusion of the conference.**

## ORDINARY MEETING OF THE COUNCIL

February 4, 2022

**ITEM 11**BROKEN HILL CITY COUNCIL REPORT NO. 55/22

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD  
ENDED DECEMBER 2021 D22/5759

**Recommendation**

1. That Broken Hill City Council Report No. 55/22 dated February 4, 2022, be received.
2. That the 2nd Quarterly Budget Review Statement and recommendations be adopted.
3. That Council note the projected 2021/22 operating deficit (before capital) of \$2,847,000.
4. That Council note the 2021/22 projected net capital budget expenditure of \$20,923,000.

**Executive Summary:**

The Quarterly Budget Review Statement (QBRS) presents a summary of Council's financial position at the end of the second quarter for the financial year ended 30 June 2022.

The quarterly budget review process is the mechanism through which Council and the community are informed of Council's progress against the Operational Plan (annual budget), together with recommendations for changes and reasons for budget variations.

In accordance with the adopted 2021/22 Operational Budget, Council is reviewing each quarter in fine detail to ensure the financial impacts of the COVID-19 pandemic are being managed in a financially sustainable way. This includes continuing to make opportunities for refined operating models for continuous efficiency and improvement but also increase service delivery and resources where required.

The December Quarterly Budget Review shows an increase in the projected 2021/22 operating deficit (before capital items) of \$416,000 to an overall projected operating deficit at 30 June 2022 of \$2,847,000.

Budgeted capital expenditure will increase by \$845,000 and projected capital revenue is unchanged, increasing expected net capital expenditure to \$20,923,000.

**Report:*****Budget Review:***

In accordance with s203 of the *Local Government (General) Regulations 2005*:

- (1) Not later than 2 months after the end of each quarter, the responsible accounting officer of a Council must prepare and submit to the Council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Council's Revenue Policy included in the Operational Plan for the relevant year, a revised estimate of the income and expenditure for that year.

- 
- (2) A budget review statement must include or be accompanied by:
- (a) A report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure; and
  - (b) If that position is unsatisfactory, recommendation for remedial action.

In accordance with s211 (*Authorisation of expenditure*) of the *Local Government (General) Regulations 2005*:

- (1) A council, or a person purporting to act on behalf of a council, must not incur a liability for the expenditure of money unless the council at the annual meeting held in accordance with subclause (2) or at a later ordinary meeting:
- (a) has approved the expenditure, and
  - (b) has voted the money necessary to meet the expenditure.

The QBRs appear as Attachment 1 and has been produced in accordance with the guidelines and standards issued by the Office of Local Government.

### ***Operational Budget Result:***

The December Quarterly Budget Review shows an increase in the projected 2021/22 operating deficit (before capital items) of \$416,000 to an overall projected operating deficit at 30 June 2022 of \$2,847,000.

This result reflects the following movements:

- \$372,000 reduction in Employee Costs in the projected budget following review of vacant positions and timelines for recruitment.
- \$44,000 addition to Employee Costs to employ a permanent trainee at the Waste Facility and temporary Waste Operator to cover permanent staff to reduce a backlog in annual leave.
- \$6,500 addition to Materials and Services for cash collection security following reinstatement of cash transactions at Council facilities.
- \$25,000 addition to Materials and Services budget to engage a contractor to conduct a health, safety and compliance audit of the Mulga Creek wetlands and provide a complete scope works for a long-term maintenance program that will maintain compliance and reduce safety risks associated with the site.
- \$712,000 addition to Materials and Services budget to fund ongoing litigation.

### ***Capital Budget Result:***

Budgeted capital expenditure will increase by \$845,000 and projected capital revenue is unchanged, increasing expected net capital expenditure to \$20,923,000.

This result reflects the following movements:

- Additional expenditure of \$15,000 to instal a lift chair in the 50m pool at the Broken Hill Aquatic Centre. The chair was part of the initial approved scope of works but not

completed. The installation also meets Council’s obligations under current Disability Regulations.

- Additional expenditure of \$37,500 to replace the building management system (controls temperature, access etc) at the Visitor Information Centre that has failed and cannot be repaired as software is obsolete.
- Additional expenditure of \$6,500 to increase the water storage capacity of tanks supplying the Living Desert Campgrounds. The increased capacity will improve the existing supply and provide a more effective backup capability in the event of breakdowns in the town water supply.
- Additional expenditure of \$14,500 to replace a fire door removed from the Administration Building due to asbestos leakage concerns.
- Additional expenditure of \$14,000 for installation of additional water storage at Alma and Picton Ovals to improve the watering efficiency. The works were originally budgeted to cost \$42,000 but all quotes received exceeded the budget. The total cost of both projects is now \$56,000.
- Additional expenditure of \$12,000 to replace kerb and footpaths in Cobalt Street between Oxide and Chloride Streets that were damaged by tree roots.
- Additional expenditure of \$90,000 to replace sections of the HACC Centre roof that was found to be non-compliant with safety standards during the hail damage repair project.
- Additional expenditure of \$268,000 for variations to the Queen Elizabeth Park Redevelopment project including relaying the railway tracks following geotechnical review, upgrading electrical systems to facilitate installation of smart lighting and renewable power supply equipment, upgrades to the driveway, turf and paving, and modifications to the kiosk. The impacts of Covid-19 on supply chains and labour costs have contributed to price increases.
- Additional expenditure of \$380,000 for additional works at the Broken Hill Regional Art Gallery that were brought forward to coincide with the gallery closing for installation of the new humidifier and replacement of the hail damaged roof. The additional works include replacement of unsafe electrical wiring and fittings, painting, patching, and rendering walls, upgrade of the security system, installation of replacement CCTV inclusive of project management by public works. The impacts of Covid-19 on supply chains and labour costs have also contributed to price increases.
- Additional expenditure of \$7,500 for replacement of a ride-on lawnmower used by the Norm Fox Oval 355 Committee.
- An adjustment to the Capital budget has not been made in this quarterly review for the abandonment of the proposed library/cultural hub project. Adjustments will be made in the Q3 review or upcoming 2022/23 Budget when changes to the scope/costs and impacts to any funding are fully known.

**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 organization to operate its legal framework

**Relevant Legislation:**

*Local Government Act 1993*

*Clause 203(1) of the Local Government (General) Regulations 2005.*

*Clause 211 of the Local Government (General) Regulations 2005.*

**Financial Implications:**

The projected operating deficit for 30 June 2022 (before capital items) has increased to \$2,847,000 in the December quarter.

COVID-19 lockdowns and border closures have impacted Council's current financial position significantly however the planned opening up of the country and potential boost in tourism from the re-establishment of postponed local events in the second half of the financial year should limit future impacts.

Projected cash availability as at end of year will be subject to change, as it assumes all capital projects will be expended in their entirety during the financial year. As you would reasonably expect, large capital projects will run over multiple years and therefore not all capital committed will be expended, resulting in a larger cash holding than is projected. As the projects are completed in subsequent financial years, projected cash holdings and actual cash holdings will begin to even out.

Full details of the financial implications of this quarter's Quarterly Budget Review Statement are contained within the attached report.

**Attachments**

1. [↓](#) December 2021 Quarterly Budget Review
2. [↓](#) Long Term Financial Plan 2022-2031

SIMON BROWN

CHIEF FINANCIAL OFFICER

JAY NANKIVELL

GENERAL MANAGER



Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

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Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

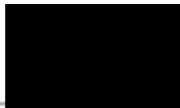
**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

31 December 2021

It is my opinion that the Quarterly Budget Review Statement for Broken Hill City Council for the quarter ended 31/12/21 indicates that Council's projected financial position at 30/06/22 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: \_\_\_\_\_



Simon Brown  
Responsible Accounting Officer

date:

4/02/2022

Broken Hill City Council

**Quarterly Budget Review Statement**

for the period 01/10/21 to 31/12/21

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 December 2021

**Income & Expenses - Council Consolidated**

(\$000's)	Original Budget 2021/22	Approved Changes					Revised Budget 2021/22	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRS	Sep QBRS	Dec QBRS	Mar QBRS					
<b>Income</b>											
Rates and Annual Charges	19,464			-			19,464	-		19,464	19,552
User Charges and Fees	3,762			(437)			3,325	-		3,325	1,638
Interest and Investment Revenues	497			-			497	-		497	201
Other Revenues	243			(8)			235	-		235	452
Grants & Contributions - Operating	6,621			(15)			6,606	-		6,606	2,715
Grants & Contributions - Capital	771	24,847		2,711			28,329	-	Capital Budget	28,329	1,446
Net gain from disposal of assets	-						-			-	41
<b>Total Income from Continuing Operations</b>	<b>31,358</b>	<b>24,847</b>	<b>-</b>	<b>2,251</b>	<b>-</b>	<b>-</b>	<b>58,456</b>	<b>-</b>		<b>58,456</b>	<b>26,045</b>
<b>Expenses</b>											
Employee Costs	13,524			381			13,905	(328)	1,2	13,577	6,889
Borrowing Costs	641			-			641	-		641	317
Materials & Services	8,941			124			9,065	32	3,4	9,097	4,821
Depreciation	7,074			-			7,074	-		7,074	3,537
Legal Costs	347		562	-			909	712	5	1,621	857
Consultants	143			-			143	-		143	18
Other Expenses	821			-			821	-		821	329
Interest & Investment Losses				-			-	-		-	
Net Loss from disposal of assets				-			-	-		-	
<b>Total Expenses from Continuing Operations</b>	<b>31,491</b>	<b>-</b>	<b>562</b>	<b>505</b>	<b>-</b>	<b>-</b>	<b>32,558</b>	<b>416</b>		<b>32,974</b>	<b>16,768</b>
<b>Net Operating Result from Continuing Operation</b>	<b>(133)</b>	<b>24,847</b>	<b>(562)</b>	<b>1,746</b>	<b>-</b>	<b>-</b>	<b>25,898</b>	<b>(416)</b>		<b>25,482</b>	<b>9,277</b>
Discontinued Operations - Surplus/(Deficit)											
<b>Net Operating Result from All Operations</b>	<b>(133)</b>	<b>24,847</b>	<b>(562)</b>	<b>1,746</b>	<b>-</b>	<b>-</b>	<b>25,898</b>	<b>(416)</b>		<b>25,482</b>	<b>9,277</b>
<b>Net Operating Result before Capital Items</b>	<b>(904)</b>	<b>-</b>	<b>(562)</b>	<b>(965)</b>	<b>-</b>	<b>-</b>	<b>(2,431)</b>	<b>(416)</b>		<b>(2,847)</b>	<b>7,831</b>

Broken Hill City Council

**Quarterly Budget Review Statement**

for the period 01/10/21 to 31/12/21

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 December 2021

**Income & Expenses - Council Consolidated**

(\$000's)	Original Budget 2021/22	Approved Changes					Revised Budget 2021/22	Variations for this Dec Qtr		Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs	Dec QBRs	Mar QBRs		Dec	Qtr			
<b>Income</b>												
Our Leadership	21,938			-			21,938	-			21,938	18471
Our Community	2,936			2,498			5,434	-			5,434	2531
Our Economy	1,608			(247)			1,361	-			1,361	907
Our Environment	4,876			-			4,876	-			4,876	4136
<b>Total Income from Continuing Operations</b>	<b>31,358</b>	-	-	<b>2,251</b>	-	-	<b>33,609</b>	-			<b>33,609</b>	<b>26,045</b>
<b>Expenses</b>												
Our Leadership	17,930		562	116			18,608	612	1.3.5		19,220	9,420
Our Community	8,763			389			9,152	(240)	1		8,912	4,288
Our Economy	2,387			-			2,387	(17)	1		2,370	1,290
Our Environment	2,410			-			2,410	61	1.2.4		2,471	1,771
<b>Total Expenses from Continuing Operations</b>	<b>31,491</b>	-	<b>562</b>	<b>505</b>	-	-	<b>32,557</b>	<b>416</b>			<b>32,973</b>	<b>16,768</b>
<b>Net Operating Result from Continuing Operations</b>	<b>(133)</b>	-	<b>(562)</b>	<b>1,746</b>	-	-	<b>1,052</b>	<b>(416)</b>			<b>637</b>	<b>9,277</b>
Discontinued Operations - Surplus/(Deficit)							-				-	
<b>Net Operating Result from All Operations</b>	<b>(133)</b>	-	<b>(562)</b>	<b>1,746</b>	-	-	<b>1,052</b>	<b>(416)</b>			<b>637</b>	<b>9,277</b>
<b>Net Operating Result before Capital Items</b>	<b>(904)</b>	-	<b>(562)</b>	<b>(965)</b>	-	-	<b>(2,431)</b>	<b>(416)</b>			<b>(2,847)</b>	<b>7,831</b>

Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Income & Expenses Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details
1	\$372,000 reduction in Employee Costs in the projected budget following review of vacant positions and timelines for recruitment.
2	\$44,000 addition to Employee Costs to employ a permanent trainee at the Waste Facility and temporary Waste Operator to cover permanent staff to reduce a backlog in annual leave.
3	\$6,500 addition to Materials and Services for cash collection security following reinstatement of cash transactions at Council facilities.
4	\$25,000 addition to Materials and Services budget to employ a contractor to conduct a health, safety and compliance audit of the Mulga Creek wetlands and provide a complete scope works for a long term maintenance program that will maintain compliance and reduce safety risks associated with the site.
5	\$712,000 addition to Materials and Services budget to fund ongoing litigation.

Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Capital Budget Review Statement**

Budget review for the quarter ended 31 December 2021  
**Capital Budget - Council Consolidated**

(\$000's)	Original Budget 2021/22	Approved Changes					Revised Budget 2021/22	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry over than Forwards by QBRs	Sep QBRs	Dec QBRs	Mar QBRs						
<b>Capital Expenditure</b>											
New Assets											
- Plant & Equipment	36					36			36		
- Land & Buildings						-			-		
- Roads, Bridges, Footpaths						-			-		
- Other	67					67			67		
Renewal Assets (Replacement)											
- Plant & Equipment	1,148	3,380	186			4,714	8	10	4,722	625	
- Land & Buildings	1,506	24,571	(41)			26,036	52	2,4	26,088	1,574	
- Roads, Bridges, Footpaths	4,710	2,591	2,118			9,419	482	6,7,9	9,901	2,221	
- Other	660	7,445	30			8,135	304	1,3,5,8	8,439	3,187	
<b>Total Capital Expenditure</b>	<b>8,127</b>	<b>37,987</b>	<b>-</b>	<b>2,293</b>	<b>-</b>	<b>48,407</b>	<b>845</b>		<b>49,252</b>	<b>7,608</b>	
<b>Capital Funding</b>											
Capital Grants & Contributions	771	24,847	2,711			28,329			28,329	1,446	
<b>Total Capital Funding</b>	<b>771</b>	<b>24,847</b>	<b>-</b>	<b>2,711</b>	<b>-</b>	<b>28,329</b>	<b>-</b>		<b>28,329</b>	<b>1,446</b>	
<b>Net Capital Funding - Surplus/(Deficit)</b>	<b>(7,356)</b>	<b>(13,140)</b>	<b>-</b>	<b>418</b>	<b>-</b>	<b>(20,078)</b>	<b>(845)</b>		<b>(20,923)</b>	<b>(6,162)</b>	

Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Capital Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details
1	Additional expenditure of \$15,000 to instal a lift chair in the 50m pool at the Broken Hill Aquatic Centre. The chair was part of the initial approved scope of works but not completed. The installation also meets Councils obligations under current Disability Regulations.
2	Additional expenditure of \$37,500 to replace the building management system at the Visitor Information Centre that has failed and cannot be repaired as software is obsolete.
3	Additional expenditure of \$6,500 to increase the water storage capacity of tanks supplying the Living Desert Camp Grounds. The increased capacity will improve the existing supply and provide a more effective backup capability in the event of breakdowns in the town water supply.
4	Additional expenditure of \$14,500 to replace a fire door removed from the Administration Building due to asbestos leakage concerns.
5	Additional expenditure of \$14,000 for installation of additional water storage at Alma and Picton Ovals to improve the watering efficiency. The works were originally budgeted to cost \$42,000 but all quotes received exceeded the budget. The total cost of both projects is now \$56,000.
6	Additional expenditure of \$12,000 to replace kerb and footpaths in Cobalt Street between Chloride and Oxide Streets that were damaged by tree roots.
7	Additional expenditure of \$90,000 to replace sections of the HACCC Centre roof that was found to be non-compliant with safety standards during the hail damage repair project.
8	Additional expenditure of \$268,000 for variations to the Queen Elizabeth Park Redevelopment project including relaying the railway tracks following geotechnical review, upgrading electrical systems to facilitate installation of smart lighting and renewable power supply equipment, upgrades to the driveway, turf and paving, and modifications to the kiosk. The impacts of Covid-19 on supply chains and labour costs has contributed to price increases.
9	Additional expenditure of \$380,000 for additional works at the Broken Hill Regional Art Gallery that were brought forward to coincide with the gallery closing for installation of the new humidifier and replacement of the hail damaged roof. The additional works include replacement of unsafe electrical wiring and fittings, painting, patching, and rendering walls, upgrade of the security system, installation of replacement CCTV and project management by public works.
10	Additional expenditure of \$7,500 for replacement of a ride-on lawnmower used by the Norm Fox Oval 355 Committee.

Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Cash & Investments Budget Review Statement**

Budget review for the quarter ended 31 December 2021  
**Cash & Investments - Council Consolidated**

(\$000's)	Original Budget 2021/22	Approved Changes				Revised Budget 2021/22	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Other than by QBRS	Sep QBRS	Dec QBRS	Mar QBRS					
<b>Externally Restricted <sup>(1)</sup></b>										
Developer Contributions - General	-				-			-	-	
Domestic Waste Management	2,500				2,500			2,500	1,592	
Royalties	800				800			800	717	
Specific Purpose Unexpended Grants	1,000				1,000			1,000	3,450	
<b>Total Externally Restricted</b>	<b>4,300</b>	-	-	-	<b>4,300</b>	-		<b>4,300</b>	<b>5,759</b>	
<small>(1) Funds that must be spent for a specific purpose</small>										
<b>Internally Restricted <sup>(2)</sup></b>										
Infrastructure Replacement	-				-	6,000		6,000	585	
T-CORP Loan	-	6,000			6,000			6,000	6,230	
Cultural Precinct Project	-	(6,000)			(6,000)	(6,000)		(12,000)	-	
Employee Leave Entitlements	805				805			805	862	
Innovation Reserve	500				500			500	500	
Security Bonds, Deposits & Retentions	40				40			40	59	
Plant Purchase Reserve	1,000				1,000			1,000	1,348	
Commercial Waste Management	1,000				1,000			1,000	1,559	
Other	240				240			240	224	
<b>Total Internally Restricted</b>	<b>3,585</b>	-	-	-	<b>3,585</b>	-		<b>3,585</b>	<b>11,367</b>	
<small>(2) Funds that Council has earmarked for a specific purpose</small>										
<b>Unrestricted</b> (i.e.. available after the above Restrictions)	4,922	-	(1,064)	-	3,858	(1,261)	1	2,598	6,246	
<b>Total Cash &amp; Investments</b>	<b>12,807</b>		<b>(1,064)</b>		<b>11,743</b>	<b>(1,261)</b>		<b>10,483</b>	<b>23,372</b>	

Projected cash availability as at end of year will be subject to change, as it assumes all capital projects will be expended in their entirety during the financial year. As you would reasonably expect, large capital projects will run over multiple years and therefore not all capital committed will be expended, resulting in a larger cash holding than is projected. As the projects are completed in subsequent financial years, projected cash holdings and actual cash holdings will begin to even out



Broken Hill City Council

**Quarterly Budget Review Statement**  
 for the period 01/10/21 to 31/12/21

**Cash & Investments Budget Review Statement**

**Comment on Cash & Investments Position**

Not Applicable

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

This Cash at Bank amount has been reconciled to Council's physical Bank Statements. The date of completion of this bank reconciliation is 31/12/21

**Reconciliation Status**

The YTD Cash & Investment figure reconciles to the actual balances held as follows: **\$ 000's**

Cash at Bank (as per bank statements)		2,301
Investments on Hand		21,071
less: Unpresented Cheques	(Timing Difference)	
add: Undeposited Funds	(Timing Difference)	
less: Identified Deposits (not yet accounted in Ledger)	(Require Actioning)	
add: Identified Outflows (not yet accounted in Ledger)	(Require Actioning)	
less: Unidentified Deposits (not yet actioned)	(Require Investigation)	
add: Unidentified Outflows (not yet actioned)	(Require Investigation)	
<b>Reconciled Cash at Bank &amp; Investments</b>		23,372
<b>Balance as per Review Statement:</b>		23,372
Difference:		0

**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details	
1	Increase in net cash outflows from operating activities	(416)
	Increase in capital grants	-
	Increase in capital expenditure	(845)
		(1,261)

Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Key Performance Indicators Budget Review Statement**

Budget review for the quarter ended 31 December 2021

(\$000's)	Current Projection		Original Budget 21/22	Actuals Prior Periods	
	Amounts	Indicator		20/21	19/20
	21/22	21/22			

NSW Local Government Industry Key Performance Indicators (OLG):

**1. Operating Performance**

Operating Revenue (excl. Capital) - Operating Expenses	- 2,847	-9.4 %	-5.7 %	-20.3 %	-1.5 %
Operating Revenue (excl. Capital Grants & Contributions)	30,127				

**Benchmark - Greater than 0%**

This ratio measures Council's achievement of containing operating expenditure within operating revenue.



**2. Own Source Operating Revenue**

Operating Revenue (excl. ALL Grants & Contributions)	23,521	40.2 %	76.4 %	72.4 %	77.5 %
Total Operating Revenue (incl. Capital Grants & Cont)	58,456				

**Benchmark - Greater than 60%**

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.



**3. Unrestricted Current Ratio**

Current Assets less all External Restrictions	14,849	3.50	2.17	3.62	4.29
Current Liabilities less current provisions as per Operations	4,243				

**Benchmark - Greater than 1.5**

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.



Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Key Performance Indicators Budget Review Statement**

Budget review for the quarter ended 31 December 2021

(\$000's)	Current Projection		Original Budget 21/22	Actuals Prior Periods	
	Amounts	Indicator		20/21	19/20
	21/22	21/22			

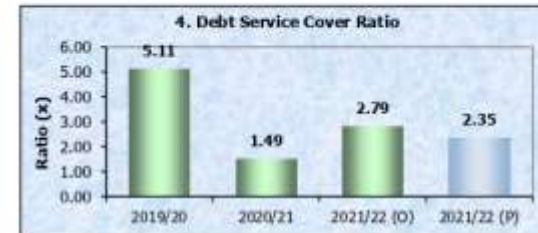
NSW Local Government Industry Key Performance Indicators (OLG):

**4. Debt Service Cover Ratio**

Operating Result before Interest & Dep. exp (EBITDA)	4,869	2.35	2.79	1.49	5.11
Principal Repayments + Borrowing Interest Costs	2,069				

**Benchmark - Greater than 2.0**

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.



**5. Rates, Annual Charges, Interest & Extra Charges Outstanding**

Rates, Annual & Extra Charges Outstanding	4,762	24.4 %	14.6 %	15.2 %	12.5 %
Rates, Annual & Extra Charges Collectible	19,552				

**Benchmark - Less than 10%**

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

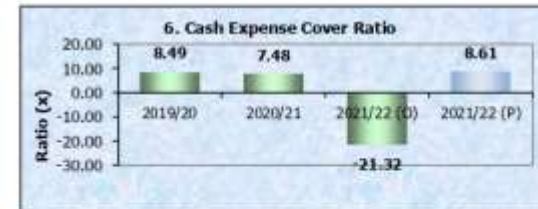


**6. Cash Expense Cover Ratio**

Current Year's Cash & Cash Equivalents (incl. Term Deposits)	23,372	8.61	-21.32	7.48	8.49
Operating & financing activities Cash Flow payments	2,713				

**Benchmark - Greater than 3 months**

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.



Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Key Performance Indicators Budget Review Statement**

Budget review for the quarter ended 31 December 2021

(\$000's)	Current Projection		Original Budget 21/22	Actuals Prior Periods	
	Amounts 21/22	Indicator 21/22		20/21	19/20

NSW Local Government Infrastructure Asset Performance Indicators (OLG):

**7. Building and Infrastructure Renewals Ratio**

Asset Renewals (Building, Infrastructure & Other Structures)	49,149	694.8 %	682.8 %	175.5 %	19.3 %
Depreciation, Amortisation & Impairment	7,074				

**Benchmark - Greater than 100%**

To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.

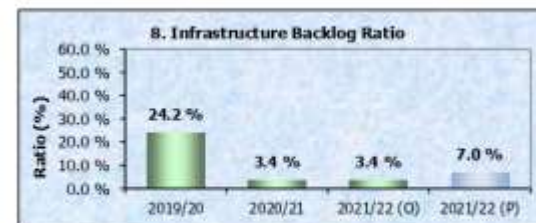


**8. Infrastructure Backlog Ratio**

Estimated cost to bring Assets to a satisfactory condition	17,535	7.0 %	3.4 %	3.4 %	24.2 %
Total value of Infrastructure, Building, Other Structures & depreciable Land Improvement Assets	250,859				

**Benchmark - Less than 2.0%**

This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.



**9. Asset Maintenance Ratio**

Actual Asset Maintenance	3,420	53.6 %	127%	1.08	1.73
Required Asset Maintenance	6,379				

**Benchmark - Greater than 1.0**

Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the Infrastructure Backlog growing.



Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Key Performance Indicators Budget Review Statement**

Budget review for the quarter ended 31 December 2021

(\$000's)	Current Projection		Original Budget 21/22	Actuals Prior Periods	
	Amounts	Indicator		20/21	19/20
	21/22	21/22			

NSW Local Government Infrastructure Asset Performance Indicators (OLG):

**10. Cost to bring assets to agreed service level**

Estimated cost to bring assets to an agreed service level set by Council

	17,535	4.7 %	1.7 %	1.7 %	12.0 %
Gross replacement cost	374,170				

This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.



**11. Capital Expenditure Ratio**

Annual Capital Expenditure

	49,252	7.0	1.3	1.7	0.7
Annual Depreciation	7,074				

**Benchmark - Greater than 1.1**

To assess the extent to which a Council is expanding its asset base thru capital expenditure on both new assets and the replacement and renewal of existing assets.



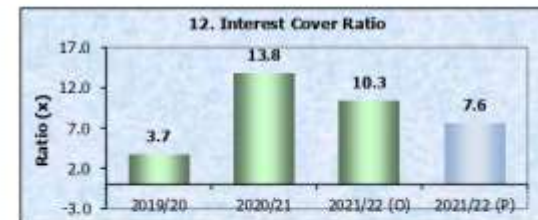
**12. Interest Cover Ratio**

Operating Results before Interest & Dep. exp (EBITDA)

	4,869	7.6	10.3	13.8	3.7
Borrowing Interest Costs (from the income statement)	641				

**Benchmark - Greater than 4.0**

This ratio indicates the extent to which a Council can service (through operating cash) its interest bearing debt & take on additional borrowings.



Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Contracts Budget Review Statement**

Budget review for the quarter ended 31 December 2021

**Part A - Contracts Listing** - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Vertex Power & Process Pty Ltd	Mercury/ Galena/ Talc St Intersection - Utility relocation	356,715	07/10/2021		Y	
Mr P R Bartlett	Install of 4 x automated gates & 1 x turnstile gate at Broken Hill Airport	67,730	21/10/2021		Y	
Air Comfort Services Pty Ltd	Broken Hill Regional Art Gallery Air Conditioning Upgrade	724,814	19/11/2021		Y	
Department of Regional NSW - Public	Project Management - Broken Hill CBD Revitalisation Project	555,273	04/11/2021		Y	
FIRE FLOW PTY LTD	Upgrade of firefighting infrastructure at Broken Hill Airport.	270,136	01/12/2021		Y	
The Buchan Group Australia Pty Ltd	CBD Wayfinding Project	775,320	15/12/2021		Y	
Conex Group Pty Ltd	Upgrade footpaths and kerbs BROKEN HILL HIGH SCHOOL	214,365	21/12/2021		Y	
Conex Group Pty Ltd	Upgrade footpaths and kerbs WILLYAMA HIGH SCHOOL	189,720	21/12/2021		Y	
Conex Group Pty Ltd	Upgrade footpaths and kerbs BROKEN HILL NORTH PUBLIC SCHOOL	186,155	21/12/2021		Y	
Conex Group Pty Ltd	Upgrade footpaths and kerbs ALMA PUBLIC SCHOOL	215,140	21/12/2021		Y	
GTE 1 Pty Ltd	Upgrade footpaths and kerbs MORGAN STREET PUBLIC SCHOOL	160,394	21/12/2021		Y	

Broken Hill City Council

**Quarterly Budget Review Statement**  
 for the period 01/10/21 to 31/12/21

**Contracts Budget Review Statement**

Budget review for the quarter ended 31 December 2021

**Part A - Contracts Listing** - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
GTE 1 Pty Ltd	Upgrade footpaths and kerbs BURKE WARD PUBLIC SCHOOL	146,357	21/12/2021		Y	
GTE 1 Pty Ltd	Upgrade footpaths and kerbs RAILWAYTOWN PUBLIC SCHOOL	145,156	21/12/2021		Y	
GTE 1 Pty Ltd	Upgrade footpaths and kerbs SACRED HEART PARISH PRIMARY SCHOOL	76,546	21/12/2021		Y	
GTE 1 Pty Ltd	Upgrade footpaths and kerbs BROKEN HILL PUBLIC SCHOOL	47,019	21/12/2021		Y	
GHD Pty Ltd	Asset rationalisation study 2022	183,404	21/12/2021		Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Consultancy & Legal Expenses Budget Review Statement**

Consultancy & Legal Expenses Overview

<b>Expense</b>	<b>YTD Expenditure</b> (Actual Dollars)	<b>Budgeted</b> (Y/N)
Consultancies	18,067	Y
Legal Fees	857,240	Y

**Definition of a consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

**Comments**

Expenditure included in the above YTD figure but not budgeted includes:

**Details**

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LONG TERM FINANCIAL PLAN - 2022-2031 - BALANCED SCENARIO												
INCOME STATEMENT												
\$ '000	2020	2022	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
	Actual	Proposed Budget	Q2	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
<b>Income from Continuing Operations</b>												
<b>Revenue:</b>												
Rates & annual charges	18,473	19,464	19,464	19,912	20,429	20,961	21,506	22,065	22,638	23,227	23,831	24,450
User charges & fees	3,149	3,762	3,325	3,408	3,493	3,581	3,670	3,762	3,856	3,952	4,051	4,152
Interest & investment revenue	53	497	497	428	488	408	469	622	727	853	1,002	1,174
Other revenues	470	243	235	741	260	266	273	280	287	294	301	309
Grants & contributions for operating purposes	6,728	6,621	6,606	6,738	6,873	7,010	7,151	7,294	7,439	7,588	7,740	7,895
Grants & contributions for capital purposes	1,684	771	3,482	3,260	3,342	3,408	3,476	3,546	3,617	3,689	3,763	3,838
<b>Other Income:</b>												
Net gains from disposal of assets	-	-	-	-	-	-	-	-	-	-	-	-
Net share of interests in joint ventures	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL INCOME FROM CONTINUING OPERATIONS</b>	<b>30,557</b>	<b>31,358</b>	<b>33,609</b>	<b>34,487</b>	<b>34,684</b>	<b>35,634</b>	<b>36,545</b>	<b>37,568</b>	<b>38,564</b>	<b>39,604</b>	<b>40,688</b>	<b>41,819</b>
<b>Expenses from Continuing Operations</b>												
Employee benefits & costs	12,463	13,464	13,577	13,849	14,126	14,408	14,696	14,990	15,290	15,596	15,908	16,226
Borrowing costs	787	641	641	606	570	533	495	455	413	371	327	284
Materials & contracts	9,580	9,431	10,861	9,202	9,244	9,285	9,327	9,369	9,411	9,453	9,496	9,539
Depreciation & amortisation	7,147	7,074	7,074	6,502	6,531	6,559	6,588	6,617	6,646	6,676	6,705	6,734
Impairment	-	-	-	-	-	-	-	-	-	-	-	-
Other expenses	4,831	881	821	825	828	832	836	840	843	847	851	855
Net losses from disposal of assets	131	-	-	-	-	-	-	-	-	-	-	-
Net share of interests in joint ventures	102	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL EXPENSES FROM CONTINUING OPERATIONS</b>	<b>34,991</b>	<b>31,491</b>	<b>32,974</b>	<b>30,984</b>	<b>31,298</b>	<b>31,618</b>	<b>31,942</b>	<b>32,271</b>	<b>32,604</b>	<b>32,943</b>	<b>33,287</b>	<b>33,638</b>
<b>OPERATING RESULT FOR THE YEAR</b>	<b>(4,434)</b>	<b>(133)</b>	<b>635</b>	<b>3,504</b>	<b>3,586</b>	<b>4,016</b>	<b>4,603</b>	<b>5,297</b>	<b>5,960</b>	<b>6,661</b>	<b>7,401</b>	<b>8,181</b>
<b>NET OPERATING RESULT FOR THE YEAR BEFORE GRANTS &amp; CONTRIBUTIONS FOR CAPITAL PURPOSES</b>												
	(6,118)	(904)	(2,647)	244	245	608	1,126	1,751	2,343	2,972	3,638	4,343
<b>NET OPERATING RESULT FOR THE YEAR EXCLUDING EXTRAORDINARY ITEMS BEFORE GRANTS &amp; CONTRIBUTIONS FOR CAPITAL PURPOSES</b>												
	(6,138)	(904)	(2,647)	244	245	608	1,126	1,751	2,343	2,972	3,638	4,343
<b>Assumptions</b>												
Rate Reg	2.70%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%
General Index	2.90%	2.90%	2.90%	2.90%	2.90%	2.90%	2.90%	2.90%	2.90%	2.90%	2.90%	2.90%
Employee Salaries	2.30%	2.70%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%
Grant Index	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Investment Returns	2.50%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Overseer collections rate	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Intensity gain on Materials & Contracts	-0.00%	-0.00%	-0.00%	-0.00%	-0.00%	-0.00%	-0.00%	-0.00%	-0.00%	-0.00%	-0.00%	-0.00%

LONG TERM FINANCIAL PLAN - 2022-2031 - BALANCED SCENARIO												
STATEMENT OF FINANCIAL POSITION												
\$ '000	2020	2022	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
	Actual	Proposed Budget	Q2	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
<b>Assets</b>												
<b>Current Assets:</b>												
Cash & cash equivalents	13,527	1,807	6,548	7,825	9,127	10,925	13,254	15,219	16,787	17,994	20,079	25,581
Investments	6,000	11,000	3,000	3,000	3,000	3,000	3,000	4,000	6,000	9,000	11,000	13,000
Receivables	3,490	5,518	5,518	5,934	6,234	6,300	7,164	7,330	7,695	8,071	8,486	8,909
Inventories	112	118	118	121	124	127	130	133	136	140	143	147
Other	473	707	707	725	743	761	780	800	820	840	861	883
Non-current assets classified as held for sale	190	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL CURRENT ASSETS</b>	<b>24,192</b>	<b>19,149</b>	<b>15,891</b>	<b>17,606</b>	<b>19,228</b>	<b>21,113</b>	<b>24,328</b>	<b>27,482</b>	<b>31,438</b>	<b>36,045</b>	<b>41,370</b>	<b>48,521</b>
<b>Non-Current Assets:</b>												
Investments	-	-	-	-	-	-	-	-	-	-	-	-
Receivables	16	-	-	-	-	-	-	-	-	-	-	-
Inventories	-	-	-	-	-	-	-	-	-	-	-	-
Infrastructure, property, plant & equipment	248,737	290,643	293,781	294,432	295,085	295,741	296,400	297,061	297,726	298,394	299,064	299,738
Investments accounted for using the equity method	1,359	1,359	1,359	1,359	1,359	1,359	1,359	1,359	1,359	1,359	1,359	1,359
Investment property	-	-	-	-	-	-	-	-	-	-	-	-
Intangible assets	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL NON-CURRENT ASSETS</b>	<b>250,132</b>	<b>292,002</b>	<b>295,140</b>	<b>295,791</b>	<b>296,444</b>	<b>297,100</b>	<b>297,759</b>	<b>298,420</b>	<b>299,085</b>	<b>299,753</b>	<b>300,423</b>	<b>301,097</b>
<b>TOTAL ASSETS</b>	<b>274,324</b>	<b>311,152</b>	<b>311,031</b>	<b>313,397</b>	<b>315,671</b>	<b>318,213</b>	<b>322,087</b>	<b>325,902</b>	<b>330,523</b>	<b>335,798</b>	<b>341,793</b>	<b>349,617</b>
<b>Liabilities</b>												
<b>Current Liabilities:</b>												
Payables	3,456	2,774	2,774	2,716	2,815	2,775	2,796	2,825	2,816	2,841	2,851	2,859
Income Received in Advance	-	-	-	-	-	-	-	-	-	-	-	-
Contract Liabilities	544	-	-	-	-	-	-	-	-	-	-	-
Borrowings	535	1,469	1,469	1,508	1,551	1,595	1,641	1,687	1,736	1,786	733	733
Provisions	3,835	3,184	3,184	2,868	2,550	2,283	1,966	1,673	1,382	1,077	785	486
<b>TOTAL CURRENT LIABILITIES</b>	<b>8,370</b>	<b>7,427</b>	<b>7,427</b>	<b>7,092</b>	<b>6,916</b>	<b>6,653</b>	<b>6,403</b>	<b>6,186</b>	<b>5,933</b>	<b>5,704</b>	<b>4,368</b>	<b>4,078</b>
<b>Non-Current Liabilities:</b>												
Payables	-	-	-	-	-	-	-	-	-	-	-	-
Borrowings	11,957	18,141	18,141	16,633	15,082	13,487	11,846	10,159	8,423	6,637	5,904	5,171
Provisions	9,264	11,912	11,912	13,214	14,710	16,077	17,531	18,926	20,361	21,769	23,195	24,609
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>21,221</b>	<b>30,053</b>	<b>30,053</b>	<b>29,847</b>	<b>29,792</b>	<b>29,564</b>	<b>29,377</b>	<b>29,085</b>	<b>28,784</b>	<b>28,406</b>	<b>29,099</b>	<b>29,780</b>
<b>TOTAL LIABILITIES</b>	<b>29,591</b>	<b>37,479</b>	<b>37,479</b>	<b>36,939</b>	<b>36,708</b>	<b>36,217</b>	<b>35,779</b>	<b>35,271</b>	<b>34,717</b>	<b>34,110</b>	<b>33,467</b>	<b>33,858</b>
<b>NET ASSETS</b>	<b>244,733</b>	<b>273,673</b>	<b>273,552</b>	<b>276,458</b>	<b>278,963</b>	<b>281,995</b>	<b>286,307</b>	<b>290,631</b>	<b>295,806</b>	<b>301,688</b>	<b>308,326</b>	<b>315,759</b>
<b>Equity</b>												
Retained earnings	106,082	135,022	134,901	137,807	140,312	143,344	147,656	151,980	157,155	163,037	169,675	177,108
Revaluation reserves	138,651	138,651	138,651	138,651	138,651	138,651	138,651	138,651	138,651	138,651	138,651	138,651
Council equity interest	244,733	273,673	273,552	276,458	278,963	281,995	286,307	290,631	295,806	301,688	308,326	315,759
Non-controlling interest	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL EQUITY</b>	<b>244,733</b>	<b>273,673</b>	<b>273,552</b>	<b>276,458</b>	<b>278,963</b>	<b>281,995</b>	<b>286,307</b>	<b>290,631</b>	<b>295,806</b>	<b>301,688</b>	<b>308,326</b>	<b>315,759</b>
<b>Assumptions:</b>												
General rates	2.0%		2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
No impact from revaluation of assets												
No indexed cash												

LONG TERM FINANCIAL PLAN - 2022-2031 - BALANCED SCENARIO												
STATEMENT OF CASH FLOWS												
\$ '000	2020	2022	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
	Actual	Proposed Budget	Q2	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
<b>Cash Flows from Operating Activities</b>												
<b>Receipts:</b>												
Rates & annual charges	18,072	18,880	18,880	19,314	19,816	20,332	20,840	21,403	21,959	22,530	23,116	23,717
User charges & fees	2,792	3,649	3,225	3,304	3,389	3,473	3,560	3,649	3,740	3,834	3,930	4,028
Investment & interest revenue received	35	495	495	326	365	405	467	619	724	830	999	1,171
Grants & contributions	9,955	7,392	10,088	9,998	10,214	10,419	10,627	10,840	11,056	11,278	11,503	11,733
Bonds, deposits & retention amounts received	-	-	-	-	-	-	-	-	-	-	-	-
Other	3,439	236	228	719	252	258	265	271	278	285	292	299
<b>Payments:</b>												
Employee benefits & costs	(12,540)	(13,060)	(13,170)	(13,433)	(13,702)	(13,976)	(14,255)	(14,540)	(14,831)	(15,128)	(15,430)	(15,739)
Materials & contracts	(10,982)	(9,148)	(10,535)	(8,926)	(8,966)	(9,007)	(9,047)	(9,088)	(9,129)	(9,170)	(9,211)	(9,253)
Borrowing costs	(581)	(641)	(641)	(604)	(570)	(533)	(495)	(455)	(413)	(371)	(327)	(284)
Bonds, deposits & retention amounts refunded	(22)	-	-	-	-	-	-	-	-	-	-	-
Other	(6,572)	(855)	(796)	(800)	(804)	(807)	(811)	(814)	(818)	(822)	(825)	(829)
<b>NET CASH PROVIDED (OR USED IN) OPERATING ACTIVITIES</b>	<b>3,574</b>	<b>6,948</b>	<b>7,774</b>	<b>9,698</b>	<b>9,994</b>	<b>10,564</b>	<b>11,171</b>	<b>11,885</b>	<b>12,566</b>	<b>13,286</b>	<b>14,047</b>	<b>14,843</b>
<b>Cash Flows from Investing Activities</b>												
<b>Receipts:</b>												
Sale of investment securities	3,000	-	-	-	-	-	-	-	-	-	-	-
Sale of infrastructure, property, plant & equipment	2	-	-	-	-	-	-	-	-	-	-	-
Deferred debtors receipts	61	-	-	-	-	-	-	-	-	-	-	-
Other investing activity receipts	-	-	-	-	-	-	-	-	-	-	-	-
<b>Payments:</b>												
Purchase of investment securities	-	-	-	-	-	-	-	(1,000)	(2,000)	(3,000)	(2,000)	(2,000)
Purchase of infrastructure, property, plant & equipment	(7,983)	(8,127)	(11,265)	(7,152)	(7,184)	(7,215)	(7,247)	(7,279)	(7,311)	(7,343)	(7,376)	(7,408)
Deferred debtors & advances made	-	-	-	-	-	-	-	-	-	-	-	-
<b>NET CASH PROVIDED (OR USED IN) INVESTING ACTIVITIES</b>	<b>(4,920)</b>	<b>(8,127)</b>	<b>(11,265)</b>	<b>(7,152)</b>	<b>(7,184)</b>	<b>(7,215)</b>	<b>(7,247)</b>	<b>(8,279)</b>	<b>(9,311)</b>	<b>(10,343)</b>	<b>(9,376)</b>	<b>(9,408)</b>
<b>Cash Flows from Financing Activities</b>												
<b>Receipts:</b>												
Proceeds from borrowings & advances	-	-	-	-	-	-	-	-	-	-	-	-
<b>Payments:</b>												
Repayment of borrowings & advances	(600)	(1,428)	(1,428)	(1,469)	(1,508)	(1,551)	(1,595)	(1,641)	(1,687)	(1,736)	(1,786)	(733)
<b>NET CASH PROVIDED (OR USED IN) FINANCING ACTIVITIES</b>	<b>(600)</b>	<b>(1,428)</b>	<b>(1,428)</b>	<b>(1,469)</b>	<b>(1,508)</b>	<b>(1,551)</b>	<b>(1,595)</b>	<b>(1,641)</b>	<b>(1,687)</b>	<b>(1,736)</b>	<b>(1,786)</b>	<b>(733)</b>
<b>NET INCREASE / (DECREASE) IN CASH &amp; CASH EQUIVALENTS</b>	<b>(1,946)</b>	<b>(2,606)</b>	<b>(4,919)</b>	<b>1,277</b>	<b>1,303</b>	<b>1,798</b>	<b>2,328</b>	<b>1,965</b>	<b>1,568</b>	<b>1,207</b>	<b>2,885</b>	<b>4,702</b>
plus: CASH & CASH EQUIVALENTS - beginning of year	15,473	4,413	11,467	6,548	7,825	9,127	10,925	13,254	15,219	16,787	17,994	20,879
<b>CASH &amp; CASH EQUIVALENTS - end of year</b>	<b>13,527</b>	<b>1,807</b>	<b>6,548</b>	<b>7,825</b>	<b>9,127</b>	<b>10,925</b>	<b>13,254</b>	<b>15,219</b>	<b>16,787</b>	<b>17,994</b>	<b>20,879</b>	<b>25,581</b>
<b>Additional Information</b>												
plus: Investments on hand - end of year	6,000	11,000	3,000	3,000	3,000	3,000	3,000	4,000	6,000	9,000	11,000	13,000
<b>TOTAL CASH, CASH EQUIVALENTS &amp; INVESTMENTS - end of year</b>	<b>19,527</b>	<b>12,807</b>	<b>9,548</b>	<b>10,825</b>	<b>12,127</b>	<b>13,925</b>	<b>16,254</b>	<b>19,219</b>	<b>22,787</b>	<b>26,994</b>	<b>31,879</b>	<b>38,581</b>
Projected cash availability as of end of year will be subject to change, as it assumes all capital projects will be expended in that entirety during the financial year. As you would reasonably expect large capital projects will run over multiple years and therefore not all capital committed will be expended, resulting in a larger cash holding than projected. As the projects are completed in subsequent financial years, projected cash holdings and actual cash holdings will begin to even out.												
Assumptions:												
Rates & contracts recovery rate	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%
Debt for recovery rate	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%
General index	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Investment to infrastructure	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Overhead rates to total cost	7.00%	9.00%	10.0%	7.00%	7.00%	7.00%	7.00%	8.00%	8.00%	8.00%	8.00%	8.00%
Non-allocated cost												

LONG TERM FINANCIAL PLAN - 2022-2031 - BALANCED SCENARIO												
	FINANCIAL RATIOS											
	2020 Actual	2022 Proposed Budget	2022 Q2	2023 Forecast	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast	2029 Forecast	2030 Forecast	2031 Forecast
<b>Operating Ratio</b>												
<i>This ratio measures Council's ability to contain operating expenditure within operating revenue. Benchmark - Greater than 08</i>												
<i>(operating revenue excl. capital grants and contributions) - operating expenses / operating revenue excluding capital grants and contributions</i>	-21.19%	-2.26%	-9.45%	0.78%	0.78%	1.89%	3.41%	5.15%	6.71%	8.27%	9.83%	11.43%
<b>Cash Expense Cover Ratio</b>												
<i>This ratio indicates the number of months Council can continue paying for its immediate expenses without additional cash inflow. Benchmark - Greater than 10 months</i>												
<i>(current year's cash and cash equivalents) / (total expenses - depreciation - interest costs) - 12</i>	8.44	3.94	5.94	6.85	7.00	8.28	9.29	10.10	10.70	11.12	12.28	14.24
<b>Current Ratio</b>												
<i>This ratio represents Council's ability to meet debt payments as they fall due. It should be noted that Council's externally restricted assets will not be available as operating funds and as such can significantly impact Council's ability to meet its liabilities. Benchmark - Greater than 1.0</i>												
<i>current assets / current liabilities</i>	2.09	2.58	2.14	2.48	2.70	3.17	3.80	4.44	5.30	6.30	8.47	11.90
<b>Unrestricted Current Ratio</b>												
<i>To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council. Benchmark - Greater than 1.0</i>												
<i>current assets less all external activities' current liabilities less specific purpose liabilities</i>	2.29	2.39	1.91	2.08	2.30	2.61	3.25	3.90	4.78	5.84	8.08	10.80
<b>Own Source Operating Revenue</b>												
<i>This ratio measures the level of Council's fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. Council's financial flexibility improves the higher the level of its own source revenue. Benchmark - Greater than 088</i>												
<i>rates, utilities and charges / total operating revenue (exclusive of capital grants and contributions)</i>	72.47%	76.45%	69.58%	71.01%	70.70%	70.76%	70.92%	71.15%	71.32%	71.62%	71.73%	71.94%
<b>Debt Service Cover Ratio</b>												
<i>This ratio measures the availability of cash to service debt including interest, principal, and lease payments. Benchmark - Greater than 2.0</i>												
<i>operating results before interest and depreciation (EBDA) / principal payments less leasing interest costs</i>	1.42	3.22	2.36	3.64	3.63	3.49	3.90	4.21	4.48	4.75	5.05	11.17
<b>Interest Cover Ratio</b>												
<i>This ratio indicates the extent to which Council can service its interest bearing debt and take on additional borrowings. It measures the burden of the current interest expense upon Council's operating cash. Benchmark - Greater than 0.5</i>												
<i>operating results before interest and depreciation (EBDA) / interest expense</i>	2.40	10.42	7.87	12.13	12.87	14.45	14.58	17.29	22.77	27.00	32.63	40.00
<b>Capital Expenditure Ratio</b>												
<i>This ratio indicates the extent to which Council is forecasting to expand its asset base with capital expenditure spent on both new assets and replacement and renewal of existing assets. Benchmark - Greater than 1.1</i>												
<i>annual capital expenditure / annual depreciation</i>	1.12	1.15	1.59	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10

## ORDINARY MEETING OF THE COUNCIL

January 27, 2022

**ITEM 12****BROKEN HILL CITY COUNCIL REPORT NO. 37/22**

**SUBJECT:** **INVESTMENT STRATEGY AND PORTFOLIO REVIEW FOR**  
**2021/2022 FINANCIAL YEAR TO DATE** **D22/3779**

**Recommendation**

1. That Broken Hill City Council Report No. 37/22 dated January 27, 2022, be received.

**Executive Summary:**

This report is to satisfy 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 global economy continues to recover and economists project that conditions are in place for a sustained expansion, although the new Omicron variant of Covid-19 poses uncertainty for the near-term outlook.

The RBA is easing up on their stimulus programs to the financial markets but continue to maintain that they will not increase the official cash rate until actual inflation is sustainably within the 2-3% pa range. This will require the labour market to be tight enough to generate wages growth that is materially higher than it is currently and is likely to take some time. Meanwhile, the market is pricing in sharply higher interest rates over the coming two years.

Council's investment portfolio continues to perform strongly with a return of 1.09%pa over the past six months and 1.37% over the course of 2021 in a very low interest rate environment. The gains were predominately a result of solid results in domestic and international share markets reflected through the NSW TCorpIM Medium Term Growth Fund.

All of council's investment have been made within council policy and the *Local Government Act 1993*.

**Report:****Investment Climate**

The global economy continues to recover supported by expansionary monetary and fiscal policy settings and increased vaccination coverage. Conditions are in place for a sustained expansion, although the new Omicron variant of Covid-19 poses uncertainty for the near-term outlook.

Ongoing strength in the global demand for goods continues to exert pressure on supply chains. Capacity constraints in global goods markets has been more persistent than initially envisaged and bottlenecks are holding back sales of some goods, especially motor vehicles.

Domestically, activity is rebounding strongly from the setback in the September quarter induced by the Delta variant of Covid-19 and associated lockdowns. Indicators suggest that economic activity, particularly household consumption, is recovering strongly in parts of the country where restrictions have been eased recently.

The RBA is slowly easing up on their stimulus programs to the financial markets but continue to maintain that they will not increase the official cash rate until actual inflation is sustainably within the 2-3%pa. This will require the labour market to be tight enough to generate wages growth that is materially higher than it is currently and is likely to take some time.

#### Australian Economic Conditions

Domestically, activity is rebounding strongly from the setback in the September quarter induced by the Delta variant of Covid-19 and associated lockdowns. Indicators suggest that economic activity, particularly household consumption, is recovering strongly in parts of the country where restrictions have been eased recently. In states that avoided extended lockdowns, activity has continued to expand at a solid pace.

The outlook for construction activity is strong with the value of work in the pipeline at a high level for both residential and non-residential building activity. In the established housing market, conditions have been mixed. Growth in housing prices has eased slightly in Sydney and Melbourne. Elsewhere, housing prices have been largely unchanged in Perth over recent months while growth in housing prices has remained strong in Brisbane, Adelaide, and regional Australia.

Advertised rents have continued to increase in the capital cities and regional Australia. Rental vacancy rates have declined in Sydney and Melbourne, but are still above their longer-run averages, while the vacancy rates in other cities and some regional areas remain low.

Leading indicators of labour demand point to a strong recovery in labour market conditions in coming months, with job advertisements rising to a historically high level. Several industries are reporting difficulties finding workers, including in the construction, professional services, agricultural, and hospitality sectors. The unemployment rate, currently at 4.6%, is expected to trend lower to around 4% by the end of 2023.

Private sector wages growth has increased recently to around its pre-pandemic level. Looking forward, firms are generally expecting wage increases over the coming year of around 2.5%. Meanwhile, public sector wages growth remain subdued.

Underlying inflation has picked up to a little above 2% for the first time in six years. Inflation pressures in Australia are lower than in many other countries, owing to a range of factors, including differences in energy markets and modest wages growth in Australia. A further but only gradual pick-up in headline inflation, to 2.25% cent over 2023, is expected.

#### Interest Rate Environment

The RBA is slowly easing up on their stimulus programs to the financial markets but continue to maintain that they will not increase the official cash rate until actual inflation is sustainably within the 2-3%pa range. This will require the labour market to be tight enough to generate wages growth that is materially higher than it is currently and is likely to take some time.

Over 2021, the average term deposit rates on a selection of the largest Australian banks have had a modest average rise of 9 basis points across the 3 to 12 month range. Meanwhile, inflation fears have stoked market expectations of interest rates rising sooner than the RBA's timeframe. This has filtered through to a rise in long dated rates with term deposits in the 3-5 year range offering yields of at least 100 basis higher than their levels last year.

### International & Australian Equities

Coming out of a volatile 2020, the financial markets sought signals as to which way the global economy was headed. The distribution of vaccines and the easing of lockdowns were followed by an economic rebound, but the emergence of new variants would be a setback for the recovery. Despite these challenges, global gross domestic product grew, completing the transition from recovery to expansion and eventually surpassing its pre-pandemic peak.

Still, the recovery would be accompanied by labour shortages, supply chain issues, and rising inflation. Prices increased especially rapidly in areas such as food and energy, and the US consumer price index jumped 6.81% from year-earlier levels in November, a rise unseen in nearly four decades.

Throughout the year, the market continued a relatively steady rise, with large cap stocks in the US ending 2021 near a record high. The S&P 500 Index generated returns of 28.71%. In addition to the effective vaccines, markets were buoyed by a number of other positive developments, including strong corporate earnings and increased consumer demand.

Likewise, global markets continued to rise alongside those in the US, despite some setbacks. Markets that started the year strong were up and down in the year's second half but still near all-time highs. Global equities, as measured by the MSCI All Country World Index, increased 18.54%.

Domestically, the ASX200 index posted a total return of over 17% for 2021, hitting new record highs in August. Australian equities underperformed their global counterparts. Information Technology and Energy were the worst performing domestic sectors, in direct contrast to global trends. Australian Information Technology was weighed down by the underperformance of sector heavyweight Afterpay (-29.7%) while the Australian energy sector continued to be weighed down by ESG/decarbonisation concerns. The banks sub-sector (+25.9%) had another good year, benefitting from strong credit demand, better than expected credit quality (due to a red-hot housing market), weak competition for deposits and margin gains as the yield curve steepened.

### Council's Portfolio Performance

Council's investment portfolio continues to perform strongly with a return of 1.09%pa over the past six months and 1.37% over the course of 2021 in a very low interest rate environment. The gains were predominately a result of solid results in domestic and international share markets reflected through the NSW TCorpIM Medium Term Growth Fund.

All of council's investment have been made within council policy and the *Local Government Act 1993*.

### Investment Strategy Recommendation

Council is taking advantage of the high yield cash accounts from Westpac and Macquarie Bank resulting in a modest term deposit portfolio.

Council took advantage of good 2yr TD rates from NAB in August and September.

With 15% of the portfolio in the NSW TCorpIM Medium Term Growth Fund, Council has a well-diversified long term exposures.

With banks again actively raising funds in the bond market, it is recommended Council consider appropriate long dated floating rate notes as opportunities arise, providing expenditure requirements allow.

For further and more in-depth information, please refer to the attached report.

**Strategic Direction:**

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

**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*.

**Attachments**

1. [↓](#) Investment Strategy Report for 2021/2022 Financial Year to Date

SIMON BROWN  
CHIEF FINANCIAL OFFICER

JAY NANKIVELL  
GENERAL MANAGER





25 January 2022

Mr Jay Nankivell  
Chief Financial Officer  
Broken Hill City Council  
240 Blende St  
BROKEN HILL NSW 2880

Dear Jay,

**Investment Strategy and Portfolio Review – 2021/22 Financial Year to Date**

Please find attached Council's Investment Strategy and Portfolio Review for the 2021/22 Financial Year to Date ending December.

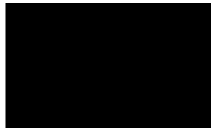
The global economy continues to recover and economists project that conditions are in place for a sustained expansion, although the new Omicron variant of Covid-19 poses uncertainty for the near-term outlook.

The RBA is easing up on their stimulus programs to the financial markets but continue to maintain that they will not increase the official cash rate until actual inflation is sustainably within the 2-3% pa range. This will require the labour market to be tight enough to generate wages growth that is materially higher than it is currently and is likely to take some time. Meanwhile, the market is pricing in sharply higher interest rates over the coming two years.

Council's investment portfolio continues to perform strongly with a return of 1.09% pa over the past six months and 1.37% over the course of 2021 in a very low interest rate environment. The gains were predominately a result of solid results in domestic and international share markets reflected through the NSW TCorpIM Medium Term Growth Fund.

Please call with any questions or we can also arrange a video meeting at your convenience if you wish.

Yours sincerely,



**Erik Gates**

**Director**



**Investment Strategy  
and  
Portfolio Review  
2021/22 Financial Year to Date**



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## **Executive Summary**

### **Investment Climate:**

- The global economy continues to recover supported by expansionary monetary and fiscal policy settings and increased vaccination coverage. Conditions are in place for a sustained expansion, although the new Omicron variant of Covid-19 poses uncertainty for the near-term outlook.
- Ongoing strength in the global demand for goods continues to exert pressure on supply chains. Capacity constraints in global goods markets has been more persistent than initially envisaged and bottlenecks are holding back sales of some goods, especially motor vehicles.
- Domestically, activity is rebounding strongly from the setback in the September quarter induced by the Delta variant of Covid-19 and associated lockdowns. Indicators suggest that economic activity, particularly household consumption, is recovering strongly in parts of the country where restrictions have been eased recently.
- The RBA is slowly easing up on their stimulus programs to the financial markets but continue to maintain that they will not increase the official cash rate until actual inflation is sustainably within the 2-3%pa. This will require the labour market to be tight enough to generate wages growth that is materially higher than it is currently and is likely to take some time.

### **Investment Portfolio:**

- Council's investment portfolio continues to perform strongly with a return of 1.09%pa over the past six months and 1.37% over the course of 2021 in a very low interest rate environment. The gains were predominately a result of solid results in domestic and international share markets reflected through the NSW TCorpIM Medium Term Growth Fund.
- Competitively priced term deposits in the 3-6 month range are good value now as reinvestment rates upon their maturities are not expected to be too far away from current levels. It is recommended to be selective with 9-12 month TDs in the current environment to help minimise reinvestment risk.
- The market is expecting interest rates to be sharply higher across the yield curve in a year, and even more in two years, therefore floating rate options will likely be favoured over fixed rates for longer term deposits/securities.
- With banks again actively raising funds in the bond market, it is recommended Council consider appropriate long dated floating rate notes as opportunities arise, providing expenditure requirements allow.

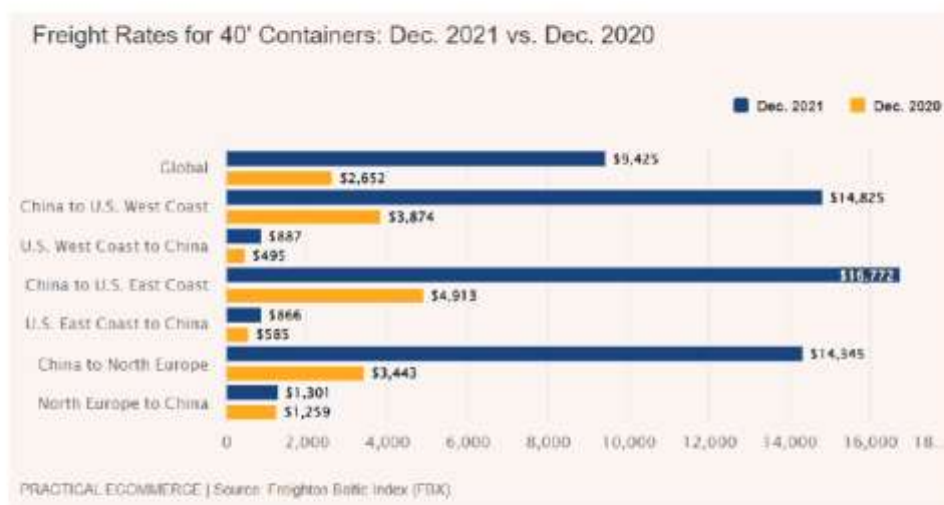


## Investment Climate

### International Economic Overview

The global economy continues to recover supported by expansionary monetary and fiscal policy settings and increased vaccination coverage. Conditions are in place for a sustained expansion, although the new Omicron variant of Covid-19 poses uncertainty for the near-term outlook. So far, however, the economic effects have been limited. In the US, another large fiscal support package has been passed by Congress. In China, economic activity stabilised early in the December quarter following an earlier period of regulatory tightening. Domestic demand elsewhere in Asia has started to rebound after Covid-19 outbreaks and associated lockdowns in the June and September quarters had restrained activity.

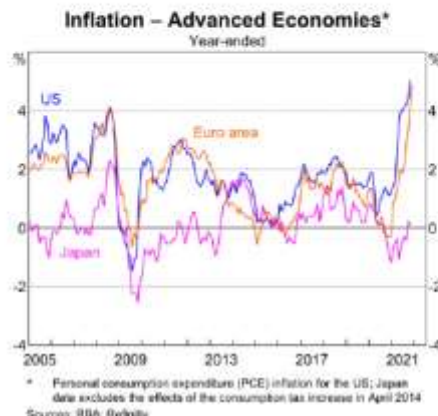
Ongoing strength in the global demand for goods continues to exert pressure on supply chains. Capacity constraints in global goods markets has been more persistent than initially envisaged and bottlenecks are holding back sales of some goods, especially motor vehicles. Alongside increases in energy prices, these capacity constraints have contributed to the upswing in inflation in major advanced economies over recent months. Nevertheless, some timely indicators of price pressures in global supply chains, including shipping costs, have shown signs of stabilising of late, but they remain well above their December 2020 levels:



The recovery in household consumption has also been strong in advanced economies. Consumption of services has rebounded, supported by an easing in restrictions following high vaccination coverage, and spending on goods remain at high levels.

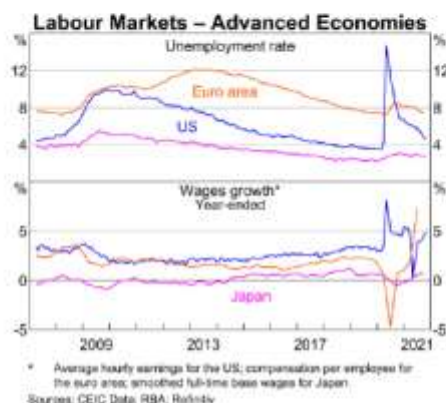


Core inflation has increased to its fastest pace in many years in North America, the euro area and the UK. Together with a sharp increase in goods and energy price inflation, services price inflation has increased to above pre-pandemic rates in major advanced economies; a rise in housing-related costs has contributed to this. In contrast to the pick-up in inflation in major advanced economies, goods price inflation remained low in high-income east Asian economies, where fiscal support had been targeted more at firms than households.



Some central banks – including those in the UK, New Zealand, South Korea and Norway – have increased their key interest rates. The Bank of England, and the Bank of Canada, are also expected to withdraw some monetary stimulus over the coming year as their labour markets tighten and their economic recoveries continue. The US Federal Reserve has begun to taper asset purchases and there is a possibility that net purchases will cease sooner than previously planned. In contrast, the European Central Bank is expected to continue asset purchases for some time and has emphasised that it is very unlikely to increase its policy rate in 2022 given muted wage pressures.

Labour market conditions in advanced economies continue to improve. Employment growth remains strong and unemployment rates have continued to decline. However, participation rates and wages growth continued to vary widely across countries. In economies where participation had been slow to recover and case numbers during the pandemic had been high, such as in the US and the UK, nominal wages growth was running at its fastest pace in some years.





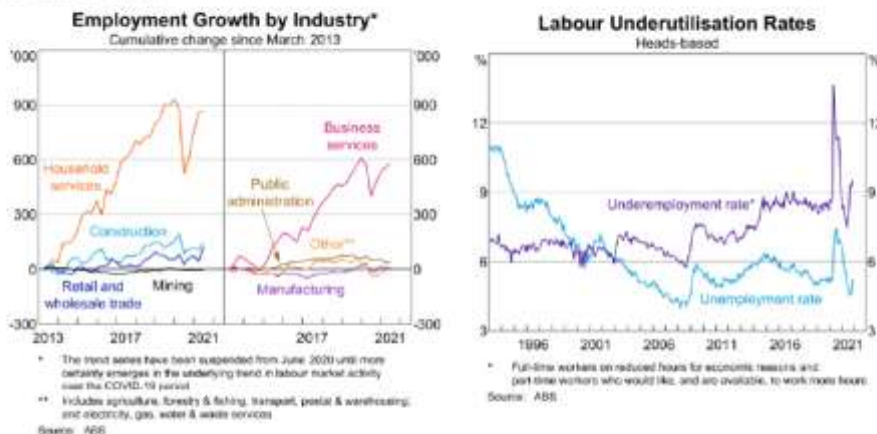
### Australian Economic Overview

Domestically, activity is rebounding strongly from the setback in the September quarter induced by the Delta variant of Covid-19 and associated lockdowns. Indicators suggest that economic activity, particularly household consumption, is recovering strongly in parts of the country where restrictions have been eased recently. In states that avoided extended lockdowns, activity has continued to expand at a solid pace.

The outlook for construction activity is strong with the value of work in the pipeline at a high level for both residential and non-residential building activity. In the established housing market, conditions have been mixed. Growth in housing prices has eased slightly in Sydney and Melbourne. Elsewhere, housing prices have been largely unchanged in Perth over recent months while growth in housing prices has remained strong in Brisbane, Adelaide and regional Australia.

Advertised rents have continued to increase in the capital cities and regional Australia. Rental vacancy rates have declined in Sydney and Melbourne, but are still above their longer-run averages, while the vacancy rates in other cities and some regional areas remain low.

Leading indicators of labour demand point to a strong recovery in labour market conditions in coming months, with job advertisements rising to a historically high level. Several industries are reporting difficulties finding workers, including in the construction, professional services, agricultural and hospitality sectors. The unemployment rate, currently at 4.6%, is expected to trend lower to around 4% by the end of 2023.



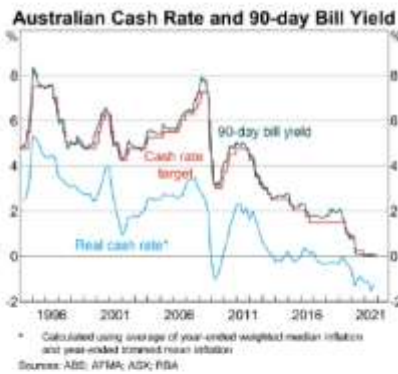
Private sector wages growth has increased recently to around its pre-pandemic level. Looking forward, firms are generally expecting wage increases over the coming year of around 2.5%. Meanwhile, public sector wages growth remain subdued.

Underlying inflation has picked up to a little above 2% for the first time in six years. Inflation pressures in Australia are lower than in many other countries, owing to a range of factors, including differences in energy markets and modest wages growth in Australia. A further but only gradual pick-up in headline inflation, to 2.25% cent over 2023, is expected.

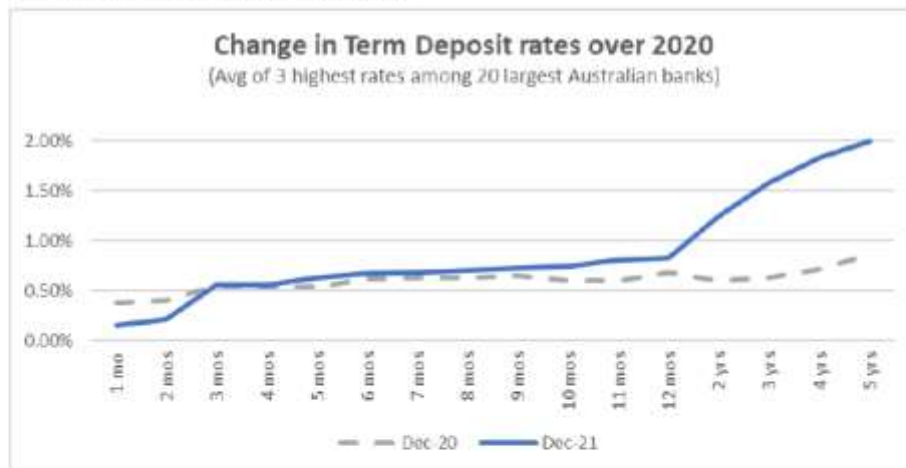


### Interest Rate Environment

The RBA is slowly easing up on their stimulus programs to the financial markets but continue to maintain that they will not increase the official cash rate until actual inflation is sustainably within the 2-3% pa range. This will require the labour market to be tight enough to generate wages growth that is materially higher than it is currently and is likely to take some time.



Over 2021, the average term deposit rates on a selection of the largest Australian banks have had a modest average rise of 9 basis points across the 3 to 12 month range. Meanwhile, inflation fears have stoked market expectations of interest rates rising sooner than the RBA's timeframe. This has filtered through to a rise in long dated rates with term deposits in the 3-5 year range offering yields of at least 100 basis higher than their levels last year:







### International & Australian Equities

Coming out of a volatile 2020, the financial markets sought signals as to which way the global economy was headed. The distribution of vaccines and the easing of lockdowns were followed by an economic rebound, but the emergence of new variants would be a setback for the recovery. Despite these challenges, global gross domestic product grew, completing the transition from recovery to expansion and eventually surpassing its pre-pandemic peak.

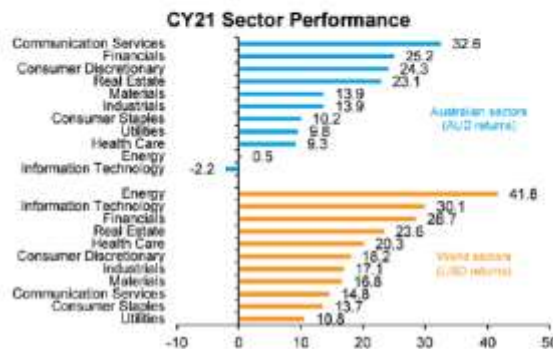
Still, the recovery would be accompanied by labour shortages, supply chain issues, and rising inflation. Prices increased especially rapidly in areas such as food and energy, and the US consumer price index jumped 6.81% from year-earlier levels in November, a rise unseen in nearly four decades.

Throughout the year, the market continued a relatively steady rise, with large cap stocks in the US ending 2021 near a record high. The S&P 500 Index generated returns of 28.71%. In addition to the effective vaccines, markets were buoyed by a number of other positive developments, including strong corporate earnings and increased consumer demand.

Likewise, global markets continued to rise alongside those in the US, despite some setbacks. Markets that started the year strong were up and down in the year's second half but still near all-time highs. Global equities, as measured by the MSCI All Country World Index, increased 18.54%.



Source: Factset, MWM Research, January 2022



Source: Factset, MWM Research, January 2022

Domestically, the ASX200 index posted a total return of over 17% for 2021, hitting new record highs in August. Australian equities underperformed their global counterparts. Information Technology and Energy were the worst performing domestic sectors, in direct contrast to global trends. Australian Information Technology was weighed down by the underperformance of sector heavyweight Afterpay (-29.7%) while the Australian energy sector continued to be weighed down by ESG/decarbonisation concerns. The banks sub-sector (+25.9%) had another good year, benefitting from strong credit demand, better than expected credit quality (due to a red-hot housing market), weak competition for deposits and margin gains as the yield curve steepened.



As for the upcoming year, views of leading economists include:

- Global shares are expected to return around 8% but expect to see a rotation away from growth and tech heavy US shares to more cyclical markets.
- Australian shares are likely to outperform, helped by leverage to the global cyclical recovery and as investors continue to search for yield in the face of near zero deposit rates but a grossed-up dividend yield of around 5%.
- Still very low yields & a capital loss from a rise in yields are likely to again result in negative returns from bonds.
- Unlisted commercial property may see some weakness in retail and office returns, but industrial is likely to be strong. Unlisted infrastructure is expected to see solid returns.
- Australian home price gains are likely to slow with prices falling later in the year as poor affordability, rising fixed rates, higher interest rate serviceability buffers, reduced home buyer incentives and higher listings impact.
- Cash and bank deposits are likely to provide very poor returns, given the ultra-low cash rate of just 0.1%.
- Inflation is likely to moderate this year as production rises & goods demand subsides, but it is likely to be associated with ongoing scares and the risk that it will be higher for longer.
- While the US Federal Reserve and RBA are expected to start raising rates it is not expected to get tight enough to threaten the economic recovery and cyclical bull market but could still cause volatility.

*Commentary sources: AMP Capital Markets, International Monetary Fund, Reserve Bank of Australia, the Economist Group, Macquarie Bank, Dimensional*



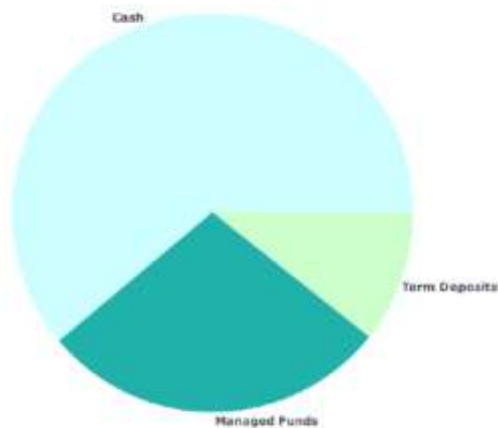
### Investment Portfolio Structure and Exposures vs Policy Limits

Council has a well-diversified investment portfolio across a range of asset types including:

- **Cash:** including the high yielding Westpac 90 day Notice Account (paying 0.55%pa) and the Macquarie Bank Accelerator account (paying 0.40%pa) both of which are higher than many longer dated term deposits.
- **Term Deposits** among a selection of Australian Authorised Deposit taking Institutions (ADIs)
- **Growth Assets** via the NSW TCorpIM Medium Term Growth Fund (further details in Appendix A)

Asset Allocation as of 31 December:

<b>Portfolio Holding Breakdown</b>	
Product Type	Face Value
Cash	14,284,379.13
Managed Funds	6,587,460.81
Term Deposits	2,500,000.00
	<b>23,371,839.94</b>

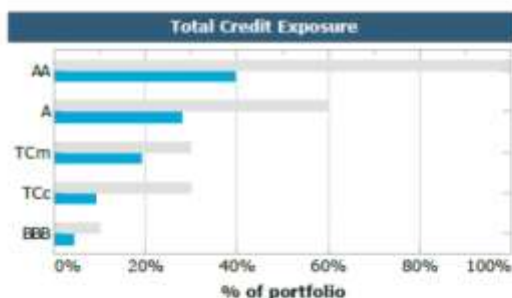




The following tables summarise Council’s Investment Portfolio, as of 31 December, in terms of its Investment Policy Framework:

- A. Overall Portfolio Credit Limits
- B. Individual Institution Limits, and
- C. Term to Maturity Limits

**A. Overall Portfolio Credit Limits:**



Credit Rating	Face Value (\$)		Policy Max	
AA	8,242,087			
AA	1,000,000			
	<b>9,242,087</b>	<b>40%</b>	<b>100%</b>	✓
A	6,542,293			
	<b>6,542,293</b>	<b>28%</b>	<b>60%</b>	✓
TCm	4,461,075			
	<b>4,461,075</b>	<b>19%</b>	<b>30%</b>	✓
TCc	2,126,386			
	<b>2,126,386</b>	<b>9%</b>	<b>30%</b>	✓
BBB	1,000,000			
	<b>1,000,000</b>	<b>4%</b>	<b>10%</b>	✓
	<b>23,371,840</b>	<b>100%</b>		

✓ = compliant  
X = non-compliant

Council’s portfolio is well diversified, and within policy limits, across investment grade rated banks and NSW TCorpIM funds.

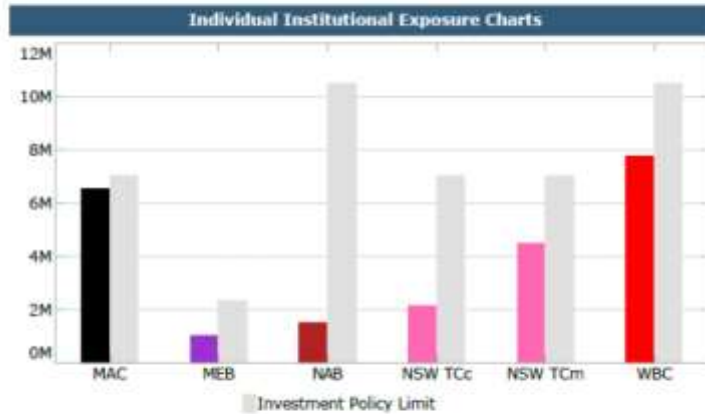
A list of Australian ADIs with their current credit ratings are included in Appendix C of this review.



**B. Individual Institution Limits:**

Council’s portfolio consists of a diversified selection of authorised investment options for NSW councils.

Council’s exposures versus policy limits as of 31 December:



	Current Exposures	Policy Limit
Macquarie Bank (A+)	6,542,293 28%	7,011,552 30%
Members Equity Bank (BBB+)	1,000,000 4%	2,337,184 10%
National Australia Bank (AA-)	1,500,000 6%	10,517,328 45%
NSW T-Corp (TCc)	2,126,386 9%	7,011,552 30%
NSW T-Corp (TCm)	4,461,075 19%	7,011,552 30%
Westpac Group (AA-)	7,742,087 33%	10,517,328 45%
	<b>23,371,840</b>	

Council has done well sourcing good opportunities among the higher rated banks including using the Macquarie Bank at call account paying 0.40%pa and the Westpac 90 day Notice Account paying 0.55%pa, which is a better rate than many longer dated term deposits.

Council’s portfolio exposures comply with legislation and are within Council’s investment policy guidelines.



**C. Term to Maturity Limits:**

Council’s investment portfolio has a combination of short dated cash accounts; managed cash fund; fixed interest securities (short and long dated term deposits) and long term growth asset exposure through the NSW TCorpIM Medium Term Growth Fund:



Detailed Maturity Profile	Face Value (\$)	
00. Cash + Managed Funds	20,871,840	89%
04. Between 90 Days and 180 Days	500,000	2%
05. Between 180 Days and 365 Days	1,000,000	4%
06. Between 365 Days and 3 Years	1,000,000	4%
	<b>23,371,840</b>	

Council is taking good advantage of high yield at call and short dated notice accounts which are currently paying rates above many longer dated term deposits.

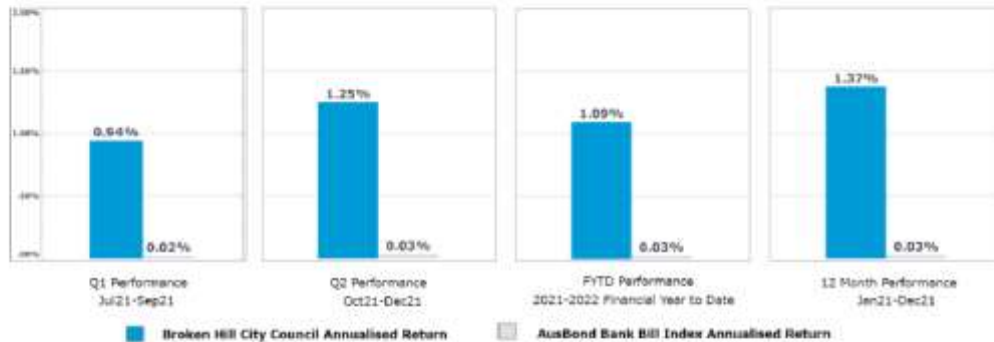
Council’s holdings in the NSW TCorpIM Medium Term Growth Fund, totalling approx. \$4.4m, are in the “Cash + Managed Funds” category above.

Council’s short/long term investment ratio is approximately 75% / 25% when accounting for the NSW TCorpIM Medium Term Growth Fund as a long term holding. While these are held as long term investments, they are available to be liquidated within days.



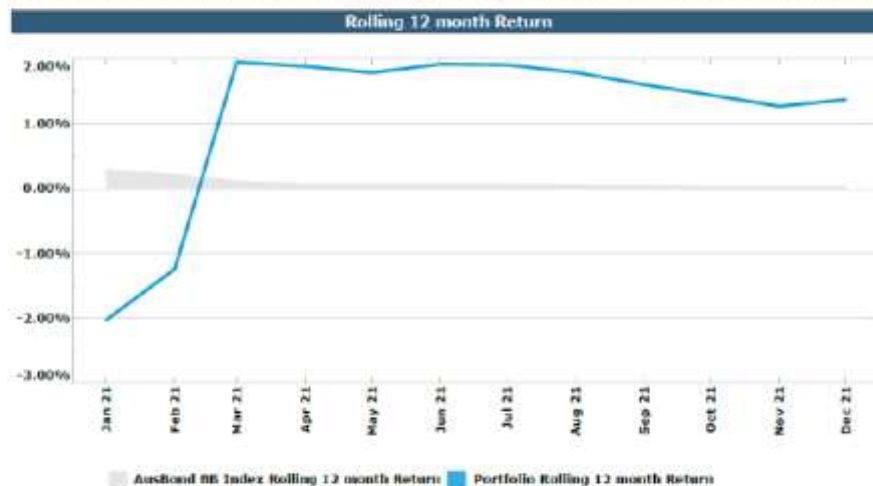
### Portfolio Performance, Interest Details & Capital Movements

The charts below show Council's quarterly, FYTD and 12 month investment portfolio returns against benchmark:



Council's investment portfolio continues to perform strongly with a return of 1.09%pa over the past six months and 1.37% over the course of 2021 in a very low interest rate environment. The gains were predominately a result of solid results in domestic and international share markets reflected through the NSW TCorpIM Medium Term Growth Fund. *(Marked-to-market returns include any changes on underlying security valuations based upon current market interest rates).*

The chart below shows Council's total portfolio return on a rolling 12 month basis:





### Interest Accrued

Instrument	Jul-2021	Aug-2021	Sep-2021	Oct-2021	Nov-2021	Dec-2021	Grand Total
Cash	4,242.00	5,000.10	4,787.04	4,727.17	4,770.00	4,762.21	28,888.52
Managed Fund	227.35	-13.65	-42.17	-1,503.41	1,123.91	344.01	-87.98
Term Deposit	1,276.10	1,616.71	1,776.26	1,136.10	1,123.84	1,211.62	8,675.22
Grand Total	6,087.35	6,883.21	6,720.86	4,173.82	7,815.95	6,321.46	33,401.58

Council has accrued over \$35k in interest for the 2021/22 Financial Year to Date.

### Interest Received

Instrument	Jul-2021	Aug-2021	Sep-2021	Oct-2021	Nov-2021	Dec-2021	Grand Total
Cash	4,242.00	5,000.10	4,787.04	4,727.17	4,770.00	4,762.21	28,888.52
Term Deposit		973.67	787.81	3,882.67	1,168.8		5,544.25
Grand Total	4,242.00	5,973.77	5,574.85	8,609.84	5,938.80	4,762.21	34,396.27

Council has received over \$34k in interest/coupons in the 2021/22 Financial Year to Date.

### Capital Movements

Instrument	Jul-2021	Aug-2021	Sep-2021	Oct-2021	Nov-2021	Dec-2021	Grand Total
Managed Fund	33,697.00	33,061.04	-34,717.29	23,546.42	31,302.24	22,242.33	111,530.38
Grand Total	33,697.00	33,061.04	-34,717.29	23,546.42	31,302.24	22,242.33	111,530.38

Council's investment in the NSW TCorp Medium Term Growth Fund increased by \$111k over the past six months, despite downturns in September and October.

### Purchase/Maturities/Sales

Instrument	Aug-2021	Sep-2021	Oct-2021	Nov-2021	Grand Total
Term Deposit	0	0	-500,000	0	-500,000
Grand Total	0	0	-500,000	0	-500,000

Council had a net decrease in term deposits of \$500k over the past six months, but rolled \$2m of maturities into new deposits yielding an average of 0.60%pa.



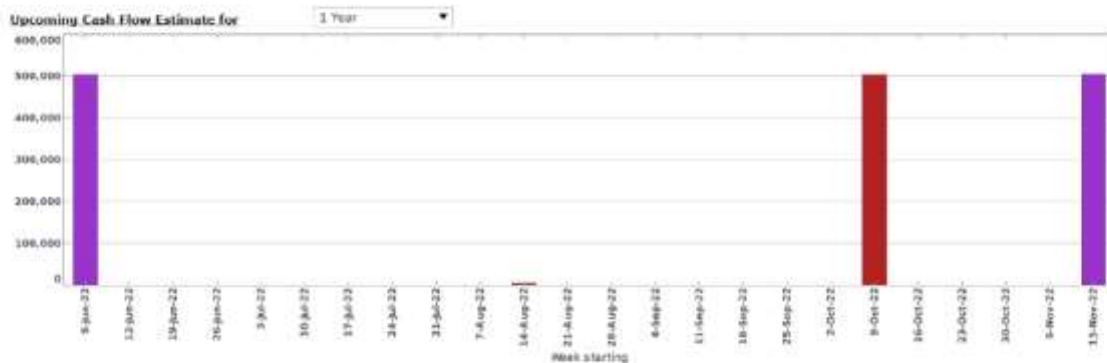


**Investment Strategy Recommendations**

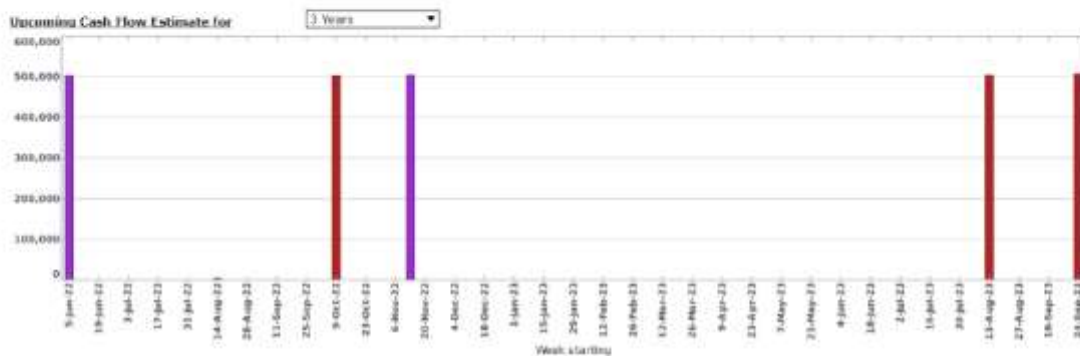
**Upcoming cash flow (existing investments):**

Council is taking advantage of the high yield cash accounts from Westpac and Macquarie Bank resulting in a modest term deposit portfolio.

**Short-term: weekly maturity schedule for 12 months:**



**Long-term: weekly maturity schedule through 2023:**



Council took advantage of good 2yr TD rates from NAB in August and September.

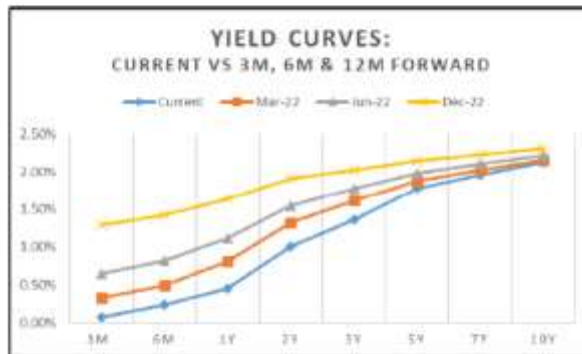
With 15% of the portfolio in the NSW TCorpIM Medium Term Growth Fund, Council has a well-diversified long term exposures.

With banks again actively raising funds in the bond market, it is recommended Council consider appropriate long dated floating rate notes as opportunities arise, providing expenditure requirements allow.



**Looking Forward – Value in the Market**

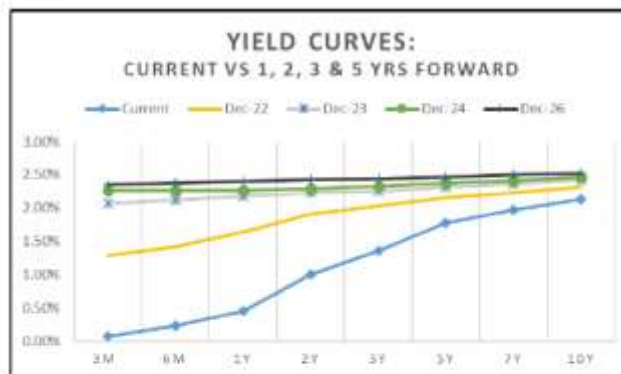
**Short-term Outlook (up to 12 months):** short term interest rates are expected to increase steadily over the next 12 months. By the end of 2022, market rates are expected to be up to 100 basis points (1.00%) higher across the 3-12 month terms (blue line versus yellow line):



This indicates that competitively priced term deposits in the 3-6 month range are good value now as reinvestment rates upon their maturities are not expected to be too far away from current levels.

The gap between today’s rates and those expected to be offered in the future begins to widen after 6 months, therefore it is recommended to be particularly selective with 9-12 month TDs in the current environment to help minimise reinvestment risk.

**Long-term Outlook (12 months and greater):** The market is expecting interest rates to be sharply higher across the yield curve a year from now (blue vs yellow lines below), with the biggest increases in the 3 month to 3 year time frames. The increase in rates is expected to level off after two years. Therefore, floating rate investment options, e.g. Floating Rate Notes and TDs, are recommend for long term investments of 12 months or greater:





Over the past two years the RBA's Term Funding Facility (TFF) had been providing Australian banks with very cheap funding, consequently the banks' appetite for more expensive customer and market funding options such as term deposits and bond issues had decreased.

Now that the RBA has stopped the TFF program, banks have again come to market with long dated bond issues.

It is expected that rates will begin to rise over the coming years, therefore being selective in terms and interest rate formats (fixed vs floating) is important. There remain specials across all time periods offering good value:

<b>At Call</b>	Macquarie Bank Accelerator paying 0.40%pa variable on balances up to \$10m. <i>(Being utilised by Council)</i>
<b>Notice Account</b>	Westpac 90 day Notice Account paying 0.55%pa variable. <i>(Being utilised by Council)</i>
<b>&lt;12 month investments</b>	Currently good value in competitive TD rates in the 3-6 month area. With rates expected to be sharply higher in 12 months, 9-12 month fixed rate TDs entered into now need to be offering very attractive rates to help reduce interest rate risk upon maturity.
<b>&gt;12 month investments</b>	<p>Currently there is limited value in fixed rate options greater than 12 months, however, NAB's 18mo and 2yr rates have been competitive, particularly for a major.</p> <p>There have been only a few new floating rate note issues over the past 12+ months, and none from the majors. This market is expected to become more active over the coming year, but pricing may continue to be less aggressive than in prior years. Occasionally, existing offers on the secondary market provide reasonable value and can be reviewed on a case-by-case basis if Council's cashflow requirements permit.</p> <p>NSW TCorpIM Medium and Long Term Growth Funds for holdings available for 3-7+yrs. These funds provide a good option for very long term holdings, but Council must remain comfortable with short term volatility.</p> <p><i>(Council is utilising the Medium Term Growth Fund)</i></p>

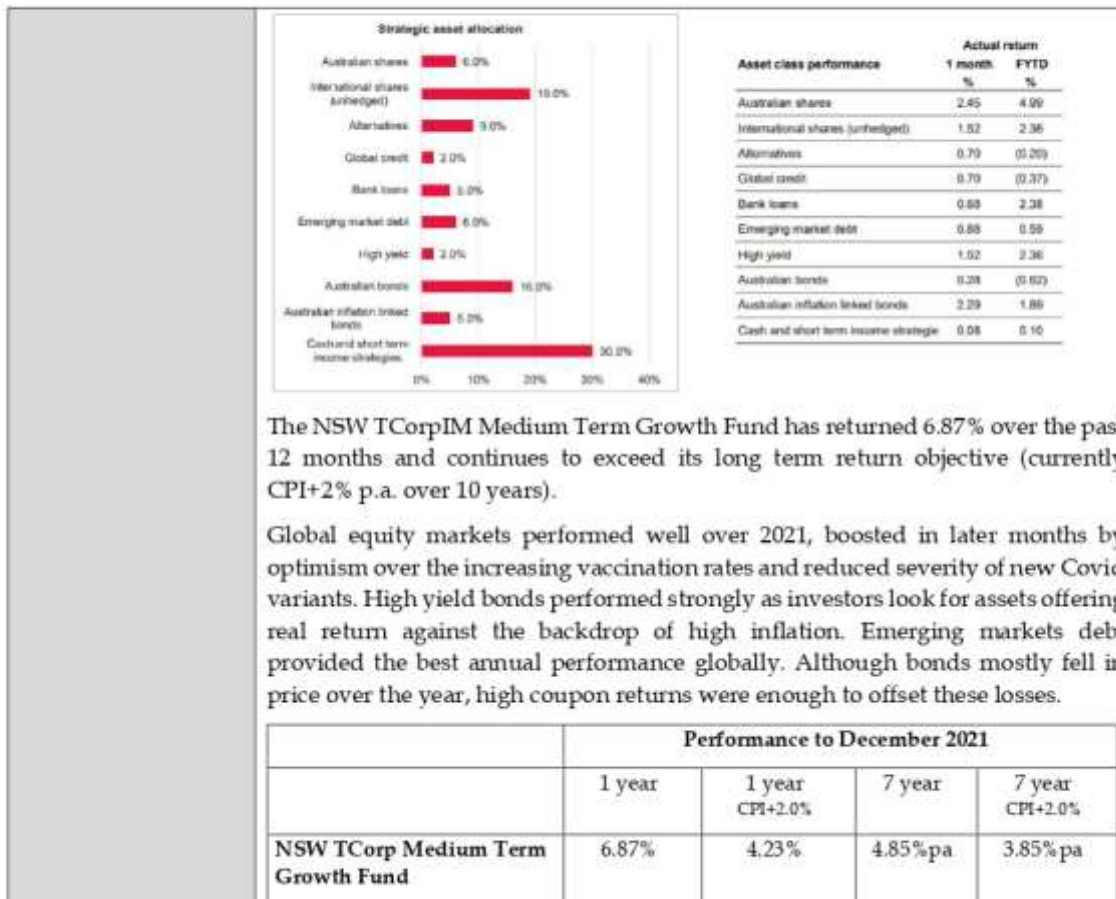
Note: prevailing interest rates, appropriateness for Council and compliance with policy limits are always reviewed at time of consideration.

**Disclaimer:** The statements and opinions contained in this report are based on currently prevailing conditions in financial markets and are so contained in good faith and in the belief that such statements and opinion are not false or misleading. In preparing this report, Prudential Investment Services Corp has relied upon information which it believes to be reliable and accurate. Prudential Investment Services Corp believes that this report and the opinions expressed in this report are accurate, but no warranty of accuracy or reliability is given. Prudential Investment Services Corp does not warrant that its investigation has revealed all of the matters which a more extensive examination might disclose. This report may not be reproduced, transmitted, or made available either in part or in whole to any third party without the prior written consent of Prudential Investment Services Corp. AFS Licence No. 468145.



## Appendix A – Managed Funds

Managed Funds																											
<p><b>NSW TCorp Cash Fund</b></p> <ul style="list-style-type: none"> <li>▪ \$ 2,126,385 investment</li> <li>▪ Unrated</li> </ul>	<p>The NSW TCorp Cash Facility aims to earn an after-fee return similar to that of the Bloomberg Bank Bill Index (its benchmark). It is primarily a cash management tool allowing for same day access to funds whilst aiming to pay a slightly higher return than could be expected from a bank cash management account. This fund is designed as a high volume transactional account for investors that deposit and redeem large tranches of funds at least weekly.</p> <p>The charts below show the current asset allocation, credit profile and maturity profile of the underlying holdings in the NSW TCorpIM Cash Fund:</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p><b>Security allocation</b></p> </div> <div style="text-align: center;"> <p><b>Maturity profile</b></p> </div> </div> <div style="text-align: center; margin-top: 10px;"> <p><b>Issuer rating allocation</b></p> </div> <div style="margin-top: 10px;"> <table border="1"> <thead> <tr> <th>Running yield</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Fund</td> <td>0.41</td> </tr> <tr> <td>Benchmark</td> <td>0.08</td> </tr> </tbody> </table>   <table border="1"> <thead> <tr> <th>Duration</th> <th>Years</th> </tr> </thead> <tbody> <tr> <td>Fund</td> <td>0.22</td> </tr> <tr> <td>Benchmark</td> <td>0.13</td> </tr> </tbody> </table> </div> <p>The running yield on the fund is currently 0.41 %pa up from only 0.08% six months ago, reflective of the increase in market interest rates over this period and an increase in duration of the portfolio.</p> <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th rowspan="2"></th> <th colspan="4">Performance to December 2021</th> </tr> <tr> <th>1 year</th> <th>1 year benchmark</th> <th>3 year</th> <th>3 year benchmark</th> </tr> </thead> <tbody> <tr> <td><b>NSW TCorp Cash Fund</b></td> <td>0.02%</td> <td>0.03%</td> <td>0.89%pa</td> <td>0.63%pa</td> </tr> </tbody> </table>	Running yield	%	Fund	0.41	Benchmark	0.08	Duration	Years	Fund	0.22	Benchmark	0.13		Performance to December 2021				1 year	1 year benchmark	3 year	3 year benchmark	<b>NSW TCorp Cash Fund</b>	0.02%	0.03%	0.89%pa	0.63%pa
Running yield	%																										
Fund	0.41																										
Benchmark	0.08																										
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	1 year	1 year benchmark	3 year	3 year benchmark																							
<b>NSW TCorp Cash Fund</b>	0.02%	0.03%	0.89%pa	0.63%pa																							
<p><b>NSW TCorp Medium Term Growth Fund</b></p> <ul style="list-style-type: none"> <li>▪ \$4,461,075 investment</li> <li>▪ Unrated</li> </ul>	<p>The NSW TCorp Medium Term Growth Fund aims 'to provide potential for capital growth, while maintaining a high exposure to defensive assets'. It is intended to be at least a 3 to 7 year investment, with occasion periods of negative monthly returns. The long run expectation of the fund is to provide a return of CPI plus 2%pa over a 7 year period with greater than 50% probability.</p> <p>The fund has a 51% strategic asset allocation towards defensive assets, a 24% strategic asset allocation towards alternative assets, and a 25% strategic asset allocation towards growth assets:</p>																										



The NSW TCorpIM Medium Term Growth Fund has returned 6.87% over the past 12 months and continues to exceed its long term return objective (currently CPI+2% p.a. over 10 years).

Global equity markets performed well over 2021, boosted in later months by optimism over the increasing vaccination rates and reduced severity of new Covid variants. High yield bonds performed strongly as investors look for assets offering real return against the backdrop of high inflation. Emerging markets debt provided the best annual performance globally. Although bonds mostly fell in price over the year, high coupon returns were enough to offset these losses.

	Performance to December 2021			
	1 year	1 year CPI+2.0%	7 year	7 year CPI+2.0%
<b>NSW TCorp Medium Term Growth Fund</b>	6.87%	4.23%	4.85%pa	3.85%pa

Holdings in the investment portfolio are considered to be sound with little risk of long term capital loss:

**Other Key Risks:** The following risks may also apply to Council's investments:

- **Liquidity risk:** The risk that Council may be unable to sell any or part of an investment on to the secondary market at a level suitable to them - or at all. Tradeable securities may be liquid in normal market conditions; however rates/margins may change substantially in periods of market stress.
- **Interest Rate Risk:** The risk to the value of an investment caused by changes in market interest rates. Floating Rate Securities have limited interest rate risk; Fixed Rate Securities are exposed to mark-to-market changes caused by movements in swap markets.
- **Market Risk:** The risk to the value of an investment caused by changes in related markets. Tradeable securities are exposed to market perceptions of issuer credit and credit markets generally.
- **Issuer/Credit risk:** The risk of default of the Issuer/Counterparty. Note that any issuer default may result in partial or total investor capital loss.



## **Appendix B – NSW Local Government Eligible Investments**

### **Definitions of Eligible ADI Investments:**

**At call deposits:** Cash invested on an overnight basis with an Australian Authorised Deposit-taking Institution (ADI). Funds can be recalled or re-invested prior to the bank's Real Time Gross Settlement cut-off each day.

#### *Benefits*

- At call accounts provides a quick and easy investment solution for current balances that are not being used otherwise.

#### *Major Risks / Disadvantages*

- Potentially a lower return investment product.
- Credit risk is a function of the creditworthiness of the issuer.

**Covered Bonds:** interest bearing senior ranking debt obligations of an Authorised Deposit-taking Institution (ADI) which have specific bank assets, ie loans, backing the bond. Covered bonds are market traded securities. They can be either fixed rate or floating rate interest bearing and typically are issued with 5+ year maturities. In the case of a bank failure, holders of covered bonds rank ahead of depositors and unsecured senior bond holders having first recourse to the underlying pool of assets backing the bond. If the pool's assets are not sufficient to meet the covered bond's obligations, holders then have recourse to the bank's total assets equal to other senior unsecured bondholders.

#### *Benefits*

- Highest ranking securities within a bank's capital structure.
- Securities are liquid allowing them to be sold on the secondary market.
- Fixed rate: Future coupons are known which helps with cash flow forecasting.
- Floating rate: Coupons move with the market, allowing for investor participation when interest rates increase.

#### *Major Risks / Disadvantages*

- Credit risk is a function of the creditworthiness of the issuer/ underlying assets.
- Fixed rate: interest rate risk applies in that a pre-determined coupon rate is locked in.
- Floating rate: coupons move with the market, allowing for reduced earning capacity when interest rates decrease.

*Current Covered Bond offerings are not representing good value for Council's portfolio, however these are being reviewed on an ongoing basis and should any issuance present an attractive proposition for Council's portfolio Prudential shall bring it to Council's attention.*



**Term deposits:** interest bearing deposit held at an ADI for a specific contracted period. Term deposits are not tradeable in the market. They typically have a fixed rate for their life, but floating rate term deposits are also available. Prior to the introduction of Covered Bonds into the Australian market, in early 2012, term deposits ranked at the top of an ADI's capital structure.

*Benefits*

- Term deposits are considered to be a relatively low-risk investment.
- As these funds are not callable prior to maturity, banks generally offer a return premium.
- This type of investment allows investors to match cash flow requirements.
- The return is known.

*Major Risks/ Disadvantages*

- Liquidity risk applies in that deposits are not redeemable before maturity. Deposits may not be breakable at all or may only be broken after a prohibitive break fee is paid.
- Interest Rate risk applies in that the rate of return is fixed.
- Credit risk is a function of the creditworthiness of the ADI.
- Counterparty/credit risk increases if invested with unrated/low rated financial institutions.

*Term Deposits are providing good value and are being actively recommended to Council. As with all investments there is a risk/reward trade-off - even with term deposits from Australian ADI's - and these are being actively monitored.*

**Bank Bills and Negotiable Certificates of Deposits (NCDs):** are similar types of interest bearing securities issued/accepted by ADIs, typically short dated. Unlike term deposits, these are tradeable in the market prior to maturity.

*Benefits*

- Counterparty party risk is partially mitigated by the accepting/issuing bank, which is typically a bank with very high credit rating.
- The return on the bank Bill and NCD is known if held until maturity.
- Bank bills and NCDs are liquid and can be traded on the secondary market.

*Major Risks/ Disadvantages*

- Being a lower risk investment option, Bank Bills/NCDs provide a lower return.
- Interest Rate risk is present in that the rate is locked in for a fixed term.
- Credit risk is a function of the creditworthiness of the accepting/issuing bank.



*These securities provide exceptional liquidity and in the current climate are very useful where this is a key requirement for cash flow management. However, most current offerings are not providing as attractive a return as available from Term Deposits. As with other eligible investments, these are being regularly monitored, particularly as the margins on Term Deposits narrow.*

**Senior Debt Bonds:** interest bearing securities which are senior debt obligations of the issuing ADI. Senior bonds are tradeable in the market. They can be either fixed rate or floating rate interest bearing and are typically issued with 3+ year maturities. Interest is paid at scheduled intervals based on the face value of the bond with repayment of capital paid upon maturity. In the case of a bank failure, senior bond holders rank above subordinated debt holders and shareholders but below covered bond holders and depositors.

*Benefits*

- High ranking securities within a bank's capital structure.
- Securities are liquid allowing them to be sold on the secondary market.
- Fixed rate: Future coupons are known which helps with cash flow forecasting.
- Floating rate: Coupons move with the market, allowing for investor participation when interest rates increase.

*Major Risks / Disadvantages*

- Credit risk is a function of the creditworthiness of the issuer/ underlying assets.
- Interest rate risk applies in that a pre-determined coupon rate is locked in.
- Fixed rate: interest rate risk applies in that a pre-determined coupon rate is locked in.
- Floating rate: coupons move with the market, allowing for reduced earning capacity when interest rates decrease.

*Australian-owned ADIs regularly issue Senior Bank Bond issues and many NSW Councils include these in their portfolios. Council has historically not invested in these, but if it were to consider long dated income producing exposures these would be compared to long dated TDs.*

**Other NSW Local Government Eligible Investments (Non-ADI):**

**Commonwealth/State/Territory Government securities e.g. bonds:-**

These are interest paying securities which are issued by one of the above Australian government bodies and are guaranteed by that issuer. As such, these securities carry the same credit rating as the issuing government body.

*Benefits*

- Among the most secure investments available to Australian investors.
- Future coupons are known which helps with cash flow forecasting.

*Major Risks / Disadvantages*

- Typically much lower yielding than other investment options due to low investment risk of issuer.
- Interest rate risk applies in that a pre-determined coupon rate is locked in.





*Commonwealth and State and Territory Bond offerings are being reviewed by Prudential on an ongoing basis and those that represent good value to Council will be brought to Council's attention for consideration.*

**Deposits with NSW Treasury &/or Investments in NSW Treasury Corporation's Investment Management Funds:-**

The NSW Treasury Corporation Investment Management Funds (TCorpIM Funds) comprises a number of pooled managed funds options each set up as a unit trust. The current cash and fixed income options available through TCorpIM are the Cash Fund and the Short Term Income Fund.

The Cash Fund provides the more transactional type option and is designed for investments ranging from overnight to 1.5 years, whilst the Short Term Income Fund is designed for investments ranging from 1.5 years out to 3 years. Both investments will pay back the balance of the investment generally within 24 to 72 hours.

In addition, the NSW TCorpIM Medium Term Growth and Long Term Growth Funds provide access to growth assets which are not available via direct investment. Full details of the asset classes and their risks is available via the NSW TCorp website.

*Benefits*

- Investments are pooled and as such a much more diversified pool of underlying investment is possible over investing in securities directly – particularly for small investment amounts.
- A broader investment pool usually allows for a smoothing of any volatility in the underlying investments.

*Major Risks/Disadvantages*

- As a unit trust, investment in the TCorpIM Funds are not deposits or liabilities of NSW TCorp.
- The TCorp IM Funds are subject to market and liquidity risk associated with their underlying securities.
- Usually an additional layer of fees is incurred via a managed fund to pay for fund manager costs.

*Council currently has holdings in the NSW TCorpIM Cash Fund and the Medium Term Growth Fund.*



### Appendix C – Australian ADI Credit Ratings

S&P Ratings (unless noted otherwise)		As at 31 Dec 2021 (Changes within past 12 months in yellow)			
Issuer Name	Rating Type	Long Term Ratings		Short Term Ratings	
		Rating	Date	Rating	Date
<b>Long term 'AA' rating category</b>					
ANZ Bank New Zealand Ltd	Issuer Outlook	AA- Stable	01-Dec-2011 07-Jun-2021	A-1+	11-Sep-1990
Commonwealth Bank of Australia	Issuer Outlook	AA- Stable	01-Dec-2011 07-Jun-2021	A-1+	14-Jun-1995
National Australia Bank Limited	Issuer Outlook	AA- Stable	01-Dec-2011 07-Jun-2021	A-1+	15-Nov-1994
Westpac Banking Corporation	Issuer Outlook	AA- Stable	01-Dec-2011 07-Jun-2021	A-1+	12-Sep-1995
Bank of Melbourne		Refer to Westpac Banking Corp		Refer to Westpac Banking Corp	
Bankwest		Refer to Commonwealth Bank of Aust		Refer to Commonwealth Bank of Aust	
St George Bank		Refer to Westpac Banking Corp		Refer to Westpac Banking Corp	
Suncorp-Metway Limited	Issuer Outlook	AA- Stable	14-Dec-2021 14-Dec-2021	A-1+	14-Dec-2021
<b>Long term 'A' rating category</b>					
Cuscal Limited	Issuer Outlook	A+ Positive	23-Dec-2010 27-Apr-2021	A-1	23-Dec-2010
HSBC Bank Australia Limited	Issuer Outlook	A+ Stable	30-Jul-2013 30-Jul-2013	A-1	30-Jul-2013
Macquarie Bank Ltd	Issuer Outlook	A+ Stable	11-Dec-2019 07-Jun-2021	A-1	17-Jan-1994
Rabobank Australia Ltd	Issuer Outlook	A+ (parent rating) Stable	04-Nov-2014 24-Jun-2021	A-1 (parent rating)	04-Nov-2014
ABN AMRO Bank N.V.	Issuer Outlook	A Stable	18-Nov-2012 02-Feb-2021	A-1	05-Feb-2010
Bank of China Ltd	Issuer Outlook	A Stable	30-Nov-2011 30-Nov-2011	A-1	30-Nov-2011
ING Bank (Australia) Ltd	Issuer Outlook	A Stable	27-Jul-2017 27-Jul-2017	A-1	27-Jul-2017
<b>Long term 'BBB' rating category</b>					
AMP Bank Ltd	Issuer Outlook	BBB Stable	07-Sep-2020 07-Sep-2020	A-2	01-Mar-2019
Bank of Queensland Limited	Issuer Outlook	BBB+ Positive	23-May-2017 27-Apr-2021	A-2	04-Sep-2013
Bendigo & Adelaide Bank Limited	Issuer Outlook	BBB+ Positive	22-May-2017 27-Apr-2021	A-2	29-May-2002
Heritage Bank Ltd	Issuer Outlook	Baa1 (Moody's) Stable	20-Jun-2017 20-Jun-2017	P-2 (Moody's)	20-Jun-17
Mystate Financial Ltd	Issuer Outlook	Baa1 (Moody's) Stable	17-Oct-2017 17-Oct-2017	P-2 (Moody's)	17-Oct-17
RACQ Bank (ex-QT Mutual Bank)	Issuer Outlook	BBB+ Stable	18-Jul-2012 24-Nov-2018	A-2	18-Jul-2012
Rural Bank Ltd		Refer to Bendigo & Adelaide Bank		Refer to Bendigo & Adelaide Bank	
Australian Central Credit Union Ltd (Peoples Choice Credit Union)	Issuer Outlook	BBB Positive	22-May-2017 27-Apr-2021	A-2	18-Jun-2012
Auswide Bank Ltd	Issuer Outlook	Baa2 (Moody's) Stable	18-Sep-2017 18-Sep-2017	P-2 (Moody's)	18-Sep-2017
Bank Australia	Issuer Outlook	BBB Positive	22-May-2017 27-Apr-2021	A-2	21-Jan-2008
Defence Bank Ltd	Issuer Outlook	BBB Positive	22-May-2017 27-Apr-2021	A-2	22-Apr-2013
Great Southern Bank (ex-CUA)	Issuer Outlook	BBB Positive	22-May-2017 27-Apr-2021	A-2	15-Oct-2010
Greater Bank Ltd	Issuer Outlook	BBB Positive	22-May-2017 27-Apr-2021	A-2	12-Oct-2008
IMB Ltd	Issuer Outlook	Baa1 (Moody's) Stable	22-Dec-2017 22-Dec-2017	P-2 (Moody's)	22-Dec-2017
Members Equity Bank Pty Ltd	Issuer Outlook	BBB+ Positive	01-Jul-2021 01-Jul-2021	A-2	25-Aug-2009
Newcastle Permanent Building Society Ltd	Issuer Outlook	BBB Positive	22-May-2017 27-Apr-2021	A-2	12-Oct-2004
Police & Nurses Ltd	Issuer Outlook	BBB Positive	01-Sep-2014 27-Apr-2021	A-2	02-Feb-2012
Police Bank Ltd	Issuer Outlook	BBB Positive	22-May-2017 27-Apr-2021	A-2	02-Feb-2012
Teachers Mutual Bank Ltd	Issuer Outlook	BBB Positive	22-May-2017 27-Apr-2021	A-2	04-Aug-2010
Qudos Bank (Qantas Staff Credit Union Ltd)	Issuer Outlook	Baa1 (Moody's) Stable	29-Jul-2019 29-Jul-2019	P-2 (Moody's)	29-Jul-2019
QBank (QPCU Ltd)	Issuer Outlook	BBB Positive	22-May-2017 27-Apr-2021	A-3	22-May-2017



## Appendix D – Standard & Poor’s Credit Ratings Definitions

### Short-Term Issue Credit Ratings

Category	Definition
<b>A-1</b>	A short-term obligation rated 'A-1' is rated in the highest category by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.
<b>A-2</b>	A short-term obligation rated 'A-2' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.
<b>A-3</b>	A short-term obligation rated 'A-3' exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.
<b>B</b>	A short-term obligation rated 'B' is regarded as vulnerable and has significant speculative characteristics. The obligor currently has the capacity to meet its financial commitments; however, it faces major ongoing uncertainties which could lead to the obligor's inadequate capacity to meet its financial commitments.
<b>C</b>	A short-term obligation rated 'C' is currently vulnerable to nonpayment and is dependent upon favorable business, financial, and economic conditions for the obligor to meet its financial commitment on the obligation.
<b>D</b>	A short-term obligation rated 'D' is in default or in breach of an imputed promise. For non-hybrid capital instruments, the 'D' rating category is used when payments on an obligation are not made on the date due, unless Standard & Poor's believes that such payments will be made within any stated grace period. However, any stated grace period longer than five business days will be treated as five business days. The 'D' rating also will be used upon the filing of a bankruptcy petition or the taking of a similar action and where default on an obligation is a virtual certainty, for example due to automatic stay provisions. An obligation's rating is lowered to 'D' if it is subject to a distressed exchange offer.

### Long-Term Issue Credit Ratings\*

Category	Definition
<b>AAA</b>	An obligation rated 'AAA' has the highest rating assigned by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
<b>AA</b>	An obligation rated 'AA' differs from the highest-rated obligations only to a small degree. The obligor's capacity to meet its financial commitment on the obligation is very strong.
<b>A</b>	An obligation rated 'A' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher-rated categories. However, the obligor's capacity to meet its financial commitment on the obligation is still strong.
<b>BBB</b>	An obligation rated 'BBB' exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.
<b>BB; B; CCC; CC; and C</b>	Obligations rated 'BB', 'B', 'CCC', 'CC', and 'C' are regarded as having significant speculative characteristics. 'BB' indicates the least degree of speculation and 'C' the highest. While such obligations will likely have some quality and protective characteristics, these may be outweighed by large uncertainties or major exposures to adverse conditions.
<b>BB</b>	An obligation rated 'BB' is less vulnerable to nonpayment than other speculative issues. However, it faces major ongoing uncertainties or exposure to adverse business, financial, or economic conditions which could lead to the obligor's inadequate capacity to meet its financial commitment on the obligation.
<b>B</b>	An obligation rated 'B' is more vulnerable to nonpayment than obligations rated 'BB', but the obligor currently has the capacity to meet its financial commitment on the obligation. Adverse business, financial, or economic conditions will likely impair the obligor's capacity or willingness to meet its financial commitment on the obligation.
<b>CCC</b>	An obligation rated 'CCC' is currently vulnerable to nonpayment, and is dependent upon favorable business, financial, and economic conditions for the obligor to meet its financial commitment on the obligation. In the event of adverse business, financial, or economic conditions, the obligor is not likely to have the capacity to meet its financial commitment on the obligation.
<b>CC</b>	An obligation rated 'CC' is currently highly vulnerable to nonpayment. The 'CC' rating is used when a default has not yet occurred, but Standard & Poor's expects default to be a virtual certainty, regardless of the anticipated time to default.
<b>C</b>	An obligation rated 'C' is currently highly vulnerable to nonpayment, and the obligation is expected to have lower relative seniority or lower ultimate recovery compared to obligations that are rated higher.
<b>D</b>	An obligation rated 'D' is in default or in breach of an imputed promise. For non-hybrid capital instruments, the 'D' rating category is used when payments on an obligation are not made on the date due, unless Standard & Poor's believes that such payments will be made within five business days in the absence of a stated grace period or within the earlier of the stated grace period or 30 calendar days. The 'D' rating also will be used upon the filing of a bankruptcy petition or the taking of similar action and where default on an obligation is a virtual certainty, for example due to automatic stay provisions. An obligation's rating is lowered to 'D' if it is subject to a distressed exchange offer.
<b>NR</b>	This indicates that no rating has been requested, or that there is insufficient information on which to base a rating, or that Standard & Poor's does not rate a particular obligation as a matter of policy.

\*The ratings from 'AA' to 'CCC' may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the major rating categories.

## ORDINARY MEETING OF THE COUNCIL

February 3, 2022

**ITEM 13**BROKEN HILL CITY COUNCIL REPORT NO. 38/22SUBJECT: INVESTMENT REPORT FOR JANUARY 2022 D22/5577**Recommendation**

1. That Broken Hill City Council Report No. 38/22 dated February 3, 2022, be received.

**Executive Summary:**

The *Local Government (General) Regulation 2005* (Part 9, Division 5, Clause 212), effective from 1 September 2005, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the *Local Government Act 1993*, as per the Minister's Amended Investment Order gazetted 11 March 2011. The Responsible Accounting Officer must also include in the report, a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policy.

As at 31 January 2022, Council's Investment Portfolio had a current market valuation of \$23,079,266 or principal value (face value) of \$23,073,793 and was compliant with policy and legislative requirements as per the below table.

**Report:**

Council's investments as at 31 January 2022 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**

In the US, inflation hit a 40 year high of 7% and with a tight labour market and accelerating wages growth, there is a rising risk that high inflation will become entrenched. The US Federal Reserve is now expecting to raise rates in March with another 3-4 hikes of 0.25%pa by the end of 2022. The US is not alone as inflation pressures are forcing more central banks to bring forward the timing of expected rate hikes. The Bank of Canada is expected to increase rates in March and the Bank of New Zealand as early as February. The risk of inflation and a sharp hike in interest rates to combat it, global share markets had a volatile month with all major indices recording losses. The US S&P 500 dropped over 5%, European shares were off 3%, the Japanese market was down 4.7% and Australia's All Ords fell 6.6%.

Another factor raising concern in the markets is the threat of conflict between Russia, Ukraine and the US. Aside from the threat of war, escalation of events could worsen Europe's gas shortage with supplies coming out of Russia being squeezed and higher prices adding to inflation.

### **Domestic issues**

In Australia, latest inflation data was also higher than expected, up 3.5%pa for the 12 months ending December led by petrol and new housing. Even underlying inflation, which excluded volatile items, was up 2.6%pa, soundly in the RBA's 2-3% target range. House prices in Australia rose by an average of 21% in 2021, the strongest result since 1988. There are already signs that house prices will cool off with both Sydney and Melbourne prices slowing sharply. Latest jobs data showed employment at a record high and the unemployment rate at its lowest level, 4.2%, since 2008. With the Omicron variant already showing signs of peaking and employers likely keen to hang on to workers, the jobs market strength is expected to continue to push unemployment below 4% and annualized wages growth up to 3% in the second half of the year.

### **Interest rates**

The RBA has noted that they are not expecting underlying inflation to be sustainably in the 2-3% target range for "some time" and they are "prepared to be patient", but the market is thinking otherwise. The money market is pricing in a 0.25% cash rate by mid-2022 and 1.00% before the end of 2022. In January, term deposit rates rose an average of 7 basis points across the curve, same as in December, with the biggest jump in the 2-5 year range.

### **Investment Portfolio Commentary**

Council's investment portfolio returned -2.24%pa (-0.19% actual) for the month of January versus the bank bill index benchmark return of 0.06%pa. For the past 12 months, the investment portfolio has returned 1.18%pa, exceeding the bank bill index benchmark's 0.03%pa by 1.15%pa.

Council had no maturities and made no new investments during the month. Council is taking optimal advantage of a high yielding cash account and a 90 day notice account which are providing rates in excess of most banks' term deposits out to 6 months.

The NSW TCorpIM Medium Term Growth Fund reflected the volatility in the global share markets, with a result of -1.13% (actual) for the month.

With investors wary of growing inflation pressures which appear to be more long lasting than originally expected global share markets sold off in January. The Australian share market (All Ords) fell by 6.6% (actual) led by the IT sector's 17% fall as investors drop technology stocks in favour of Energy stocks (+7.5%) and Utilities (+2.6%). The materials/mining sector also recorded a modest gain over month (+0.4%). Meanwhile, the Consumer Staples, Financials, Industrials and Telecoms sectors were all down more than 5%. Overseas markets recorded similar results with the US S&P 500 down over 5%, the European S&P 350 -3%, the Japanese S&P 500 off 4.7% and the Chinese S&P 300 falling nearly 8%.

Council has a well-diversified portfolio invested among a range of term deposits, fixed and floating rate bonds from highly rated Australian ADIs as well as growth assets via holdings in the NSW TCorpIM Medium Term Growth Fund. Council remains within its investment policy credit limits and term to maturity limits while generating sound returns above benchmark in the current low interest environment. It is expected that Council can continue to achieve above benchmark returns with prudent investment selection for its short and long term holdings.

### Council's Portfolio by Source of Funds – January 2022

As at 31 January 2022, Council's Investment Portfolio had a current market valuation of \$23,079,266 or principal value (face value) of \$23,073,793 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
<b>GENERAL Fund</b>	Operating Capital & Internal Restrictions	\$17,449,793
	Royalties Reserve	\$717,000
	Domestic Waste Management Reserve	\$1,468,000
	Grants	\$3,439,000
	<b>TOTAL PORTFOLIO</b>	<b>\$23,073,793</b>

#### Certificate by Responsible Accounting Officer

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

#### Community Engagement:

Nil

#### Strategic Direction:

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

#### Relevant Legislation:

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

#### Financial Implications:

The recommendation has no financial impact.

#### Attachments

1. [↓](#) January 2022 Investment Report

SIMON BROWN  
CHIEF FINANCIAL OFFICER

JAY NANKIVELL  
GENERAL MANAGER



**Investment Summary Report  
January 2022**



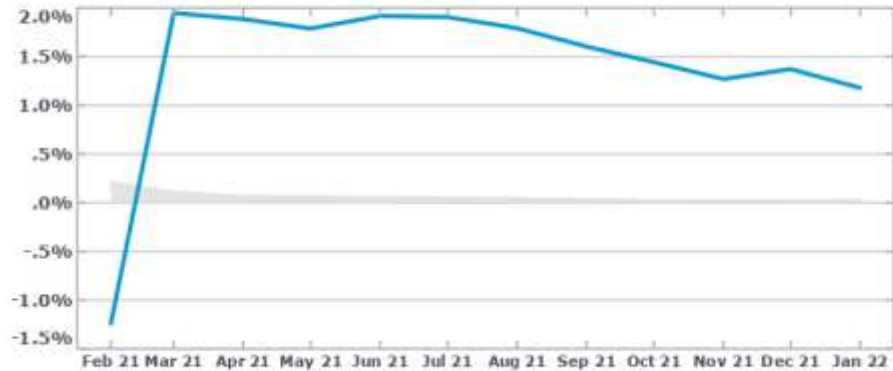
**Broken Hill City Council**  
Executive Summary - January 2022



**Investment Holdings**

By Product	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	14,036,683.05	14,036,683.05	0.3998
Managed Funds	6,537,110.44	6,537,110.44	-8.4409
Term Deposit	2,500,000.00	2,505,472.61	0.5720
	<b>23,073,793.49</b>	<b>23,079,266.10</b>	<b>-1.9102</b>

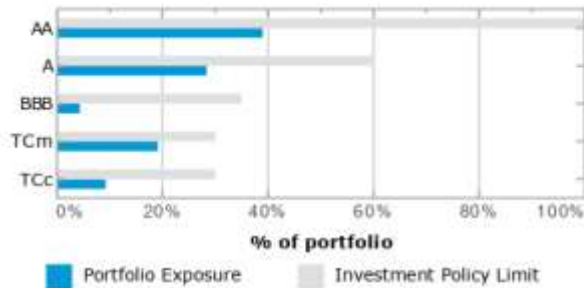
**Investment Performance**



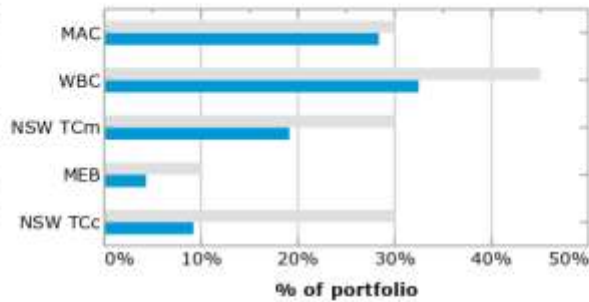
AusBond BB Index Rolling 12 month Return    Portfolio Rolling 12 month Return

**Investment Policy Compliance**

**Total Credit Exposure**



**Highest Individual Exposures**



**Term to Maturities**

Maturity Profile	Face Value (\$)	Policy Max
Less than 1yr	22,073,793	96% 100%
Greater than 1yr	1,000,000	4% 60%
	<b>23,073,793</b>	





## Broken Hill City Council

### Investment Holdings Report



Cash Accounts							
Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference	
5,443,683.40	0.5500%	Westpac Group	AA-	5,443,683.40	535442	90d Notice	
2,048,484.51	0.0000%	Westpac Group	AA-	2,048,484.51	473409	Cheque	
6,544,515.14	0.4000%	Macquarie Bank	A+	6,544,515.14	540354	Accelerator	
<b>14,036,683.05</b>	<b>0.3998%</b>			<b>14,036,683.05</b>			

Managed Funds							
Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
2,126,380.72	-0.0002%	NSW T-Corp (Cash)	TCc	Cash Fund	2,126,380.72	535329	
4,410,729.72	-1.1285%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	4,410,729.72	536441	
<b>6,537,110.44</b>					<b>6,537,110.44</b>		

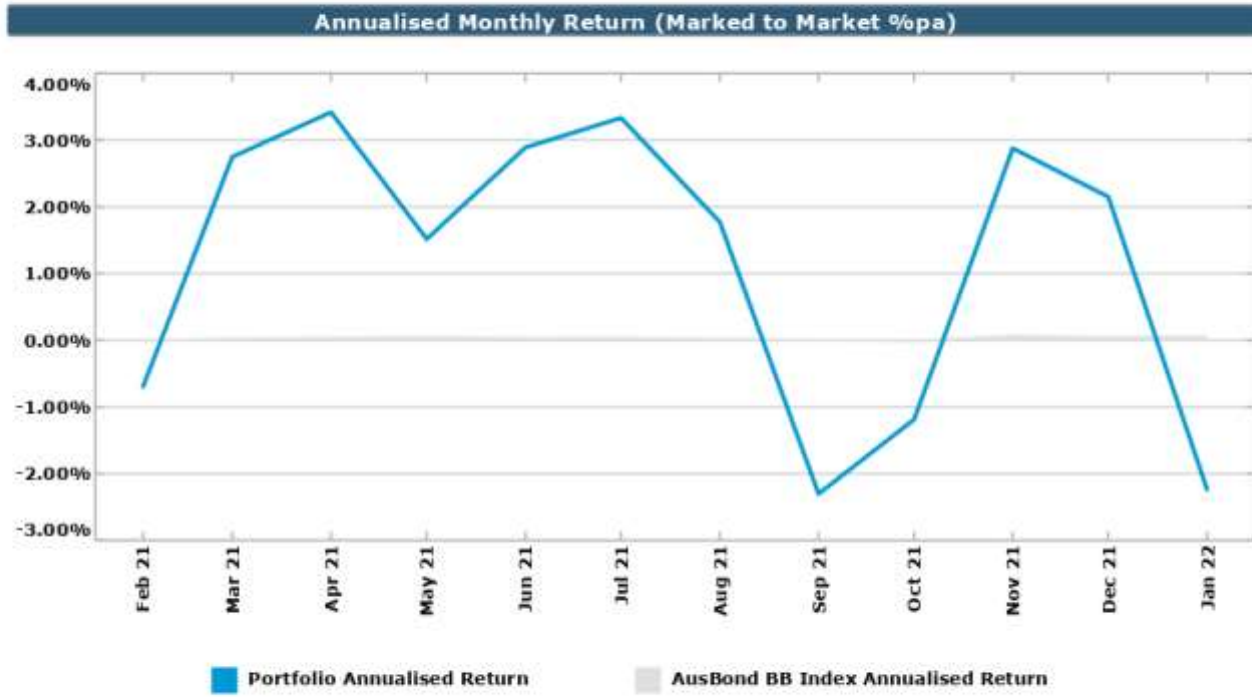
Term Deposits											
Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
8-Jun-22	500,000.00	0.5000%	ME Bank	BBB+	500,000.00	9-Jun-21	501,623.29	541512	1,623.29	At Maturity	
12-Oct-22	500,000.00	0.4100%	National Australia Bank	AA-	500,000.00	13-Oct-21	500,623.42	541988	623.42	At Maturity	
16-Nov-22	500,000.00	0.7000%	ME Bank	BBB+	500,000.00	17-Nov-21	500,728.77	542099	728.77	At Maturity	
16-Aug-23	500,000.00	0.6200%	National Australia Bank	AA-	500,000.00	18-Aug-21	501,418.36	541757	1,418.36	Annually	
27-Sep-23	500,000.00	0.6300%	National Australia Bank	AA-	500,000.00	29-Sep-21	501,078.77	541935	1,078.77	Annually	
	<b>2,500,000.00</b>	<b>0.5720%</b>			<b>2,500,000.00</b>		<b>2,505,472.61</b>		<b>5,472.61</b>		

**Broken Hill City Council**  
Accrued Interest Report - January 2022



<b>Accrued Interest Report</b>										
<b>Investment</b>	<b>Deal No.</b>	<b>Ref</b>	<b>Face Value (\$)</b>	<b>Settlement Date</b>	<b>Maturity Date</b>	<b>Interest Received (\$)</b>	<b>Days</b>	<b>Interest Accrued (\$)</b>	<b>Percentage Return</b>	
<b>Cash</b>										
Westpac Group	473409	Cheque				0.00	31	0.00	.00%	
Westpac Group	535442	90d Notice				2,541.68	31	2,541.68	.55%	
Macquarie Bank	540354	Accelerator				2,222.64	31	2,222.64	.40%	
<b>Cash Total</b>						<b>4,764.33</b>		<b>4,764.33</b>	<b>.40%</b>	
<b>Managed Funds</b>										
Cash Fund	535329			29-May-17		0.00	31	-4.81	-.00%	
Medium Term Growth Fund	536441			12-Feb-18		0.00	31	-50,345.56	-12.51%	
<b>Managed Funds Total</b>						<b>0.00</b>		<b>-50,350.37</b>	<b>-8.67%</b>	
<b>Term Deposit</b>										
ME Bank	541512			09-Jun-21	08-Jun-22	0.00	31	212.33	.50%	
National Australia Bank	541988			13-Oct-21	12-Oct-22	0.00	31	174.10	.41%	
ME Bank	542099			17-Nov-21	16-Nov-22	0.00	31	297.26	.70%	
National Australia Bank	541757			18-Aug-21	16-Aug-23	0.00	31	263.29	.62%	
National Australia Bank	541935			29-Sep-21	27-Sep-23	0.00	31	267.54	.63%	
<b>Term Deposit Total</b>						<b>0.00</b>		<b>1,214.52</b>	<b>.57%</b>	
						<b>4,764.33</b>		<b>-44,371.52</b>	<b>-2.24%</b>	

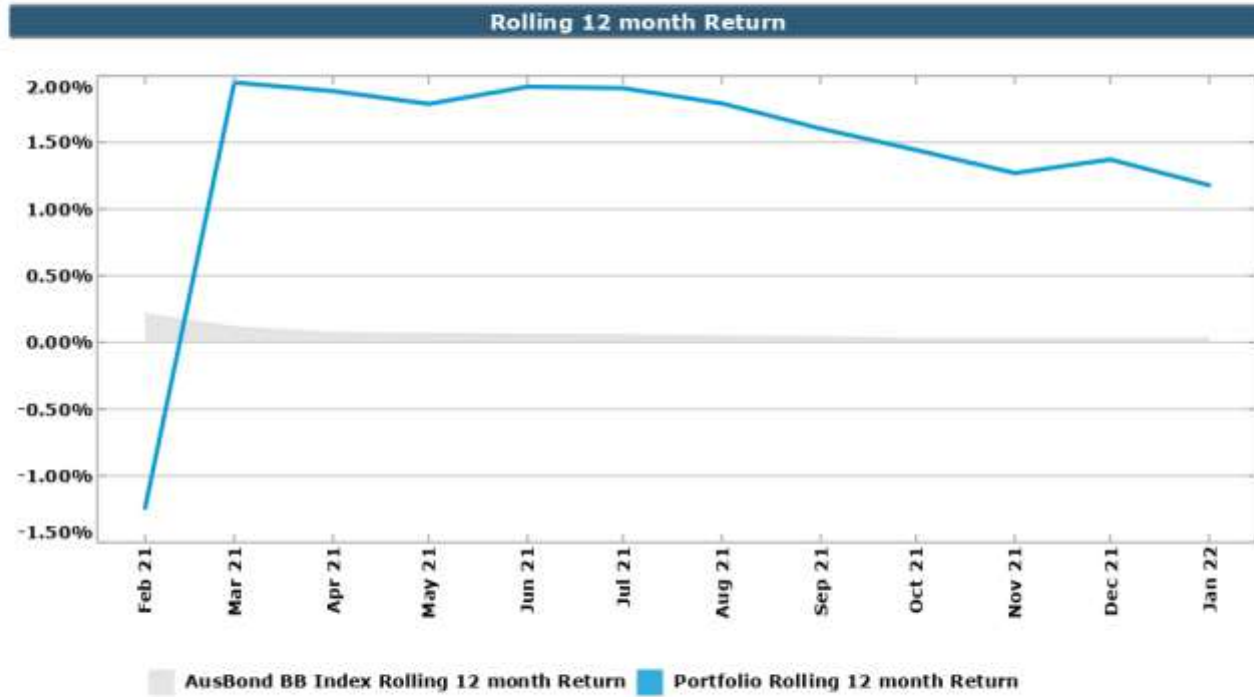




**Historical Performance Summary**

	Portfolio	AusBond BB Index	Outperformance
Jan 2022	-2.24%	0.06%	-2.30%
Last 3 Months	0.88%	0.06%	0.82%
Last 6 Months	0.16%	0.03%	0.13%
Financial Year to Date	0.61%	0.03%	0.58%
Last 12 months	1.18%	0.03%	1.15%

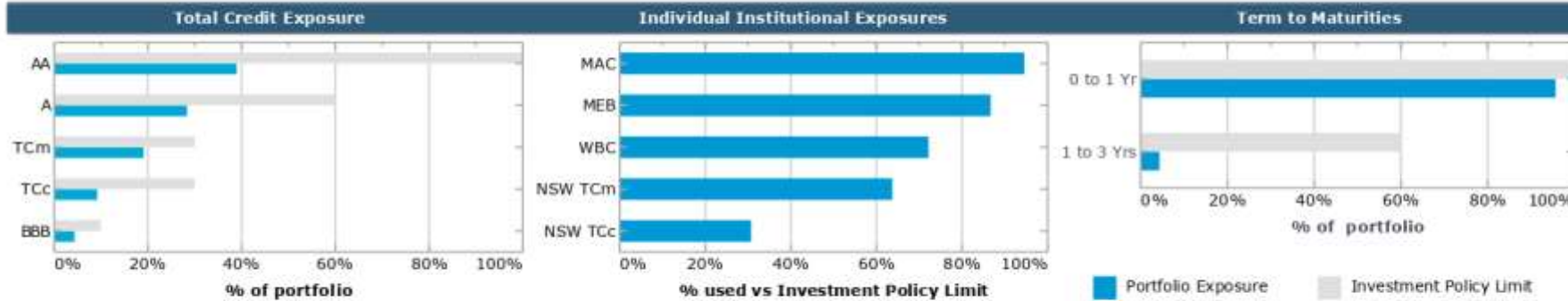
**Broken Hill City Council**  
Investment Performance Report



<b>Historical Performance Summary (actual)</b>			
	<b>Portfolio</b>	<b>AusBond BB Index</b>	<b>Outperformance</b>
Jan 2022	-0.19%	0.01%	-0.20%
Last 3 Months	0.22%	0.01%	0.21%
Last 6 Months	0.08%	0.02%	0.06%
Financial Year to Date	0.36%	0.02%	0.34%
Last 12 months	1.18%	0.03%	1.15%



**Broken Hill City Council**  
Investment Policy Compliance Report



Credit Rating	Face Value (\$)		Policy Max	
AA	7,992,168			
AA	1,000,000			
	<b>8,992,168</b>	<b>39%</b>	<b>100%</b>	☐
A	6,544,515			
	<b>6,544,515</b>	<b>28%</b>	<b>60%</b>	☐
TCm	4,410,730			
	<b>4,410,730</b>	<b>19%</b>	<b>30%</b>	☐
TCc	2,126,381			
	<b>2,126,381</b>	<b>9%</b>	<b>30%</b>	☐
BBB	1,000,000			
	<b>1,000,000</b>	<b>4%</b>	<b>10%</b>	☐
	<b>23,073,793</b>	<b>100%</b>		

	% used vs Investment Policy Limit	
Members Equity Bank (LT) (BBB+)	87%	☐
Westpac Group (LT) (AA-)	72%	☐
NSW T-Corp (MT) (TCm)	64%	☐
NSW T-Corp (Cash) (TCc)	31%	☐
National Australia Bank (LT) (AA-)	14%	☐
Macquarie Bank (LT) (A+)	0%	☐

	Face Value (\$)	Policy Max	
Between 0 and 1 Year	22,073,793	96%	100% ☐
Between 1 and 3 Years	1,000,000	4%	60% ☐
	<b>23,073,793</b>		

Detailed Maturity Profile	Face Value (\$)	
00. Cash + Managed Funds	20,573,793	89%
04. Between 90 Days and 180 Days	500,000	2%
05. Between 180 Days and 365 Days	1,000,000	4%
06. Between 365 Days and 3 Years	1,000,000	4%
	<b>23,073,793</b>	

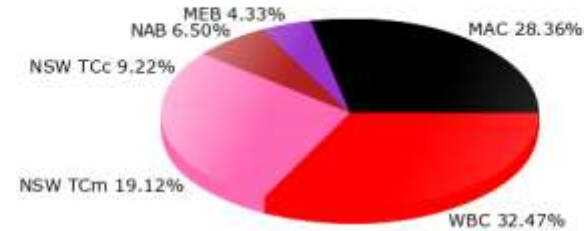
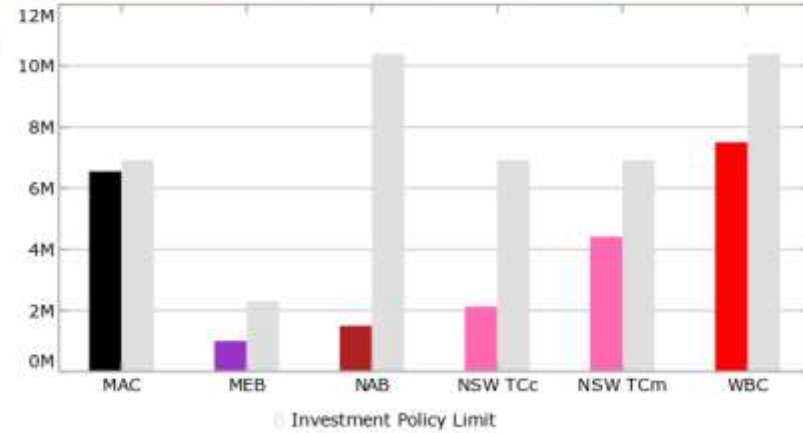
☐ = compliant  
☐ = non-compliant

**Broken Hill City Council**  
Individual Institutional Exposures Report



**Individual Institutional Exposures** **Individual Institutional Exposure Charts**

	Current Exposures	Policy Limit	Capacity
Macquarie Bank (A+)	6,544,515 28%	6,922,138 30%	377,623
Members Equity Bank (BBB+)	1,000,000 4%	2,307,379 10%	1,307,379
National Australia Bank (AA-)	1,500,000 7%	10,383,207 45%	8,883,207
NSW T-Corp (TCc)	2,126,381 9%	6,922,138 30%	4,795,757
NSW T-Corp (TCm)	4,410,730 19%	6,922,138 30%	2,511,408
Westpac Group (AA-)	7,492,168 32%	10,383,207 45%	2,891,039
	<b>23,073,793</b>		



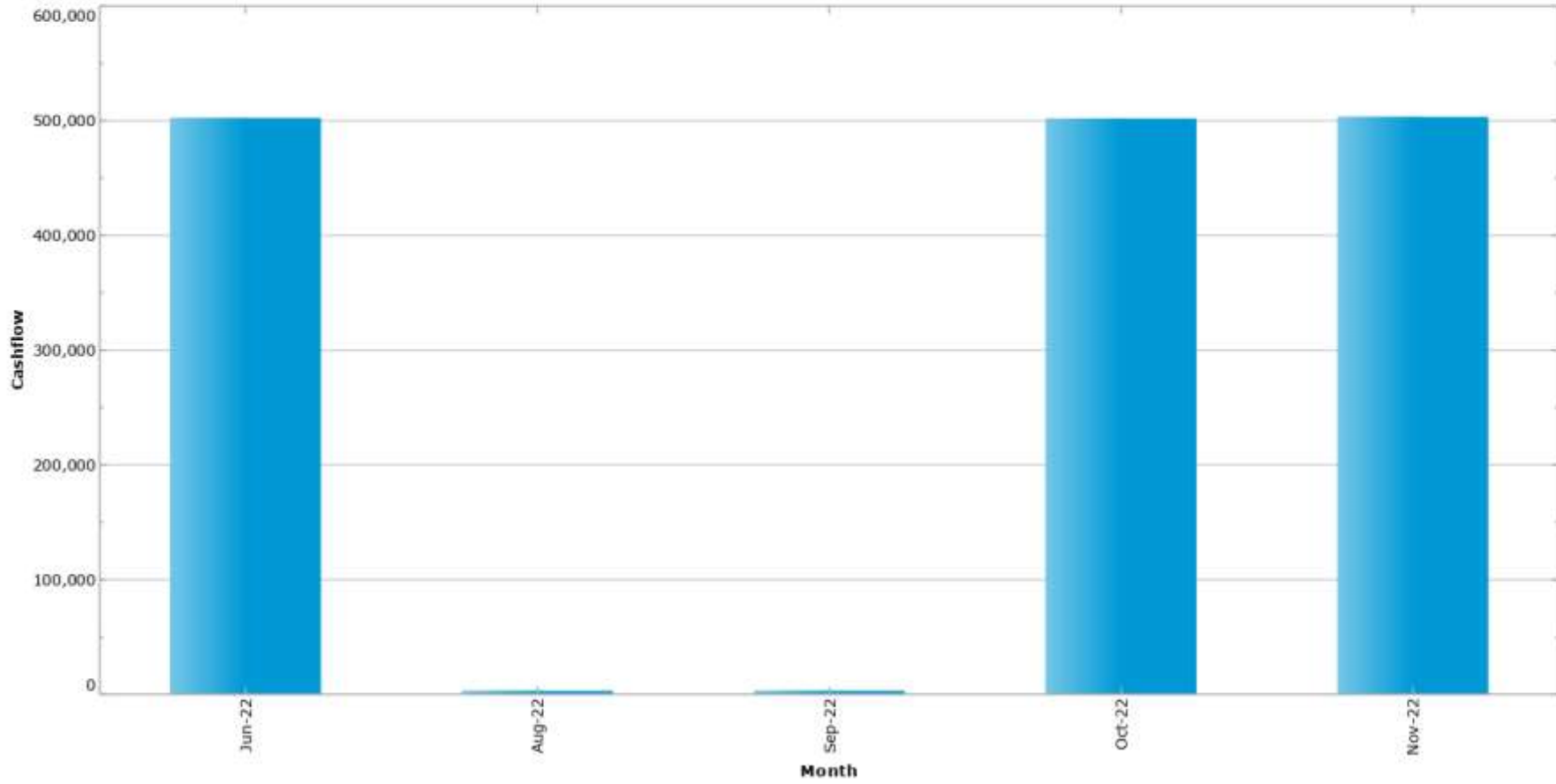
**Broken Hill City Council**  
Cash Flows Report



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>
					<b>Net Cash Movement for Period</b>

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>
					<b>Net Cash Movement for Period</b>

**Broken Hill City Council**  
Cash Flows Report





## ORDINARY MEETING OF THE COUNCIL

November 5, 2021

BROKEN HILL CITY COUNCIL REPORT NO. 39/22

SUBJECT: AUDIT, RISK AND IMPROVEMENT COMMITTEE - INDEPENDENT MEMBERS APPOINTMENT D21/48002

**Recommendation**

1. That Broken Hill City Council Report No. 39/22 dated November 5, 2021, be received.
2. That Council amends the Audit, Risk & Improvement Committee Charter to increase the number of independent members from two (2) to three (3) as per the draft Internal Audit Framework for Local Government and keeping in line with industry best practice.
3. That Council resolves to appoint three (3) independent members on the Broken Hill City Council Audit, Risk and Improvement Committee.
4. That Council appoints (Mr James Mitchell) as independent member and Chair of the Broken Hill City Council Audit, Risk and Improvement Committee.
5. That Council appoints (James Mathers) as an independent member on the Broken Hill City Council Audit, Risk and Improvement Committee.
6. That Council appoints (Mr Nunzio De Lisio) as an independent member on the Broken Hill City Council Audit, Risk and Improvement Committee.

**Executive Summary:**

It is a requirement under the *Local Government Act 1993* for Councils to elect an Audit, Risk and Improvement Committee for each new term of Council.

Due to the postponement of the September 2021 Local Government Elections to 4 December 2021 (due to the COVID-19 pandemic and the Delta variant outbreak in NSW), appointments to the Audit, Risk and Improvement Committee will be for a shorter period to coincide with the term of Council being two years and nine months, concluding at the September 2024 Local Government General Elections. It is recommended by the Office of Local Government, that Council appoints three independent members to the Committee, one of which will be appointed to Chair.

**Report:**

Clause 428A of the *Local Government Act 1993*, states:

**428A Audit, Risk and Improvement Committee**

- (1) a Council must appoint an Audit, Risk and Improvement Committee.
- (2) The Committee must keep under review the following aspects of the council's operations:
  - (a) Compliance
  - (b) Risk management,

- 
- (c) Fraud control,
  - (d) Financial management,
  - (e) Governance,
  - (f) Implementation of the strategic plan, delivery program and strategies,
  - (g) Service reviews,
  - (h) Collection of performance measurement data by the council,
  - (i) Any other matters prescribed by the regulations.
- (3) The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.

### Committee Size Considerations

In 2016, the *Local Government Act 1993* was amended to require councils to appoint an audit, risk and improvement committee.

The Office of Local Government (OLG) has since been working with councils and other key stakeholders and industry experts to develop the framework that will support the operation of Audit Risk & Improvement Committees and the establishment of a risk management and internal audit function in each council.

A discussion paper, *A New Risk Management and Internal Audit Framework for Local Councils in NSW*, was released in late 2019 on the proposed model. OLG received over 150 submissions from the local government sector and risk management and internal audit practitioners in response to the discussion paper.

The Office of Local Government has refined the proposed model in response to this feedback.

The new framework will be governed by regulations and *Guidelines for risk management and internal audit for local councils in NSW*. These will prescribe the minimum standards for each council's audit, risk and improvement committee, risk management framework and internal audit function.

Council made a submission at the November 2021 Ordinary Council Meeting and the final guidelines are expected to be issued early 2022 for Council's to implement.

As a result of this review, and that Broken Hill City Council is classified as a Tier 2 Council, that being a Local Government Area with a population of less than 20,000 and predominantly urban; will require three independent members to be appointed to the Audit, Risk & Improvement Committee as opposed to the current two appointees.

On this basis, it is recommended that Council alter its Audit, Risk & Improvement Committee member structure to allow for three independent members as per the draft Internal Audit Framework for Councils.

### Selection Process

Advertisements for the Independent Member positions on the Broken Hill City Council Audit, Risk and Improvement Committee were placed in the Barrier Daily Truth, on Council's website, Council's Facebook Page and LinkedIn.

The selection criteria for applications was advertised as follows:

- Knowledge of local government

- Strong communication skills
- High levels of personal integrity and ethics
- Sufficient time available to devote to their responsibilities as a Committee Member
- High levels of financial integrity and, if possible accounting, financial, legal compliance and/or risk management experience or qualifications.

At the close of business on Monday, 10<sup>th</sup> January 2022 Three (3) applications had been received by Council, from the following individuals:

- J.R (Jim) Mitchell
- James I Mathers
- Nunzio Paul De Lisio

Council wishes to applaud the high level of applications for the position and was impressed by the high quality of applications received.

Council established a review committee comprising of the General Manager, Chief Financial Officer and Manager Finance to assess the applications against the selection criteria.

All applications were assessed against the selection criteria as follows:

Applicant	Knowledge of Local Government	Communications Skills	Personal Integrity and Ethics	Sufficient Time Available	Financial Integrity and Qualifications	Overall Assessment
J.R (Jim) Mitchell	Yes	Yes	Yes	Yes	Yes	Suitable Candidate
James I Mathers	No	Yes	Yes	Yes	Yes	Suitable Candidate
Nunzio Paul De Lisio	Yes	Yes	Yes	Yes	Yes	Suitable Candidate

J.R (Jim) Mitchell is recommended for an independent position on the Audit, Risk and Improvement Committee as he brings strong leadership and extensive experience having just completed a 4-year term as Chair of Broken Hill City Councils Audit Risk and Improvement Committee as well having appointments as chair of a number of other NSW government and local government agencies. Mr. Mitchell has expressed his desire to continue his membership of the Audit Risk and Improvement committee as a member of chair to provide continuity of independent membership.

James I Mathers, is recommended for an independent position on the Audit, Risk and Improvement Committee. James Mathers brings a wealth of financial and audit experience being a registered company auditor, Fellow of Institute of Chartered Accountants and holding Directorships of companies with bases in multiple counties. Mr. James I Mathers specialises in Taxation Law, Financial Reporting and Corporate Governance and has previous experience as a member of Audit committees.

Nunzio Paul De Lisio is recommended for an independent position due to his extensive experience in private and government organisations, including 8 years in Local Government with Broken Hill City Council. Mr. De Lisio's experience is supported by tertiary and post graduate qualifications include finance and investment and engineering

The advertisement for the independent members of the Audit, Risk and Improvement Committee also stated that nominations for the position of Independent Chair would be accepted. Of the three applicants, J.R (Jim) Mitchell indicated a willingness to serve in the role of chairperson and is recommended due to his extensive experience in Local Government, involvement with various Audit, Risk & Improvement Committees and to

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provide stability and education to the new appointed members as they begin to understand the Broken Hill City Council's local environment.

**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:**

*Section 428A of the Local Government Act 1993*

**Financial Implications:**

The establishment of an independent Audit, Risk and Improvement Committee will strengthen Council's risk and financial governance arrangements.

A budget item was adopted in the 2021/2022 operational plan for ongoing costs associated with the Audit, Risk and Improvement Committee.

**Attachments**

There are no attachments for this report

SIMON BROWN  
CHIEF FINANCIAL OFFICER

JAY NANKIVELL  
GENERAL MANAGER

## ORDINARY MEETING OF THE COUNCIL

January 19, 2022

**ITEM 15**BROKEN HILL CITY COUNCIL REPORT NO. 40/22SUBJECT: ADOPTION OF DRAFT AGENCY INFORMATION GUIDE D22/2021**Recommendation**

1. That Broken Hill City Council Report No. 40/22 dated January 19, 2022, be received.
2. That Council adopt the Draft Agency Information Guide.
3. That Council develop a strategy for proactive release of information within the review period for the Agency Information Guide of not more than 12 months.

**Executive Summary:**

Council must have in place an Agency Information Guide in accordance with Section 20 of the *Government Information (Public Access) Act 2009* (the Act). The Act states:

- (1) *An agency (other than a Minister) must have a guide (its agency information guide) that:*
  - (a) *describes the structure and functions of the agency, and*
  - (b) *describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and*
  - (c) *specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and*
  - (d) *identifies the various kinds of government information held by the agency, and*
  - (e) *identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and*
  - (f) *specifies the manner in which the agency makes (or will make) government information publicly available, and*
  - (g) *identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.*
- (2) *An agency must make government information publicly available as provided by its agency information guide.*
- (3) *The Director-General of the Department of Local Government may, in consultation with the Information Commissioner, adopt mandatory provisions for inclusion in the agency information guide of local authorities. The agency information guide of a local authority must include any such mandatory provision unless the Director-General otherwise approves in a particular case.*

In accordance with Section 22 of the Act:

**Role of Information Commissioner**

- (1) *An agency must notify the Information Commissioner before adopting or amending an agency information guide and must, if requested to do so by the Information*

*Commissioner, consult with the Information Commissioner on the proposed agency information guide or amendment.*

- (2) *The Information Commissioner can issue guidelines and model agency information guides for the assistance of agencies in connection with agency information guides.*

**Report:**

In accordance with Section 22 of the Act Council is required, prior to adopting a new or amending a current Agency Information Guide, to notify the Information Commissioner.

Council resolved at its ordinary meeting held 24 November 2021 to release the reviewed Draft Agency Information Guide to the Information Commissioner for review and comment.

A response has now been received (attached) and the feedback attached is intended to assist Council when it next reviews its Agency Information Guide. In accordance with this feedback, the Agency Information Guide was last reviewed and adopted by Council at its ordinary Council Meeting held on 24 February 2021 and therefore Council has reviewed the guide and adopted at an interval of not more than 12 months.

Council takes initiative for proactive release of information unless there is an overriding public interest against disclosure. As per the Information and Privacy Commissions advice, it is recommended to develop a strategy for proactive release of information within the review period for the Agency Information Guide of not more than 12 months and that the strategy be included in the guide.

It is recommended that Council adopt the Draft Agency Information Guide as presented and that any future guidance and comment received from the Information Commissioner be considered during future reviews of the Agency Information Guide. The next review is scheduled for November 2022, or earlier in the event of any significant changes occurring.

**Community Engagement:**

Council meeting business papers for 24 November 2021.

**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:**

*Government Information (Public Access) Act 2009* - including specific sections as described within this report

*Local Government Act 1993* – including Section 739 Protection of Privacy

**Financial Implications:**

Operational costs only, no additional expenditure required.

**Attachments**

1. [↓](#) IPC Feedback
2. [↓](#) Draft Agency Information Guide

RAZIJA NU'MAN  
CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL  
GENERAL MANAGER



Enquiries: Janerose Okello  
Telephone: 1800 472 679  
Our reference: IPC21/A000463

23 December 2021

Ms Michelle Rolton  
Corporate Services Coordinator  
Broken Hill City Council

By email to: [Michelle.Rolton@brokenhill.nsw.gov.au](mailto:Michelle.Rolton@brokenhill.nsw.gov.au)

Dear Ms Rolton

**Feedback on Broken Hill City Council's Agency Information Guide**

Thank you for your email of 8 December 2021 notifying the Information Commissioner of amendment of Broken Hill City Council's (the Agency) Agency Information Guide (AIG).

AIGs provide a mechanism to make government information accessible, promote currency of information and appropriate release, and support the management of government information as a strategic asset.

In December 2016, the Information Commissioner released new AIG guidance materials on the Information and Privacy Commission's (IPC) website, including *Guideline 6: Agency Information Guides*, a self-assessment checklist for agencies, and a fact sheet on AIGs and the public. The IPC's AIG resources can be found at <http://www.ipc.nsw.gov.au/agency-information-guide>.

I have assessed the Agency's AIG against the requirements of sections 20 to 22 of the *Government Information (Public Access) Act 2009* (GIPA Act), and guidance published by the IPC. My feedback is attached to this letter, and is intended to assist the Agency when it next reviews its AIG in accordance with section 21 of the GIPA Act, at an interval of not more than 12 months.

Please do not hesitate to contact me on 1800 472 679 or by email to [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au), if you have any questions about the feedback.

Yours sincerely

A black rectangular box redacting the signature of Janerose Okello.

Janerose Okello  
A/Regulatory Support Officer

**Assessment Results for Broken Hill City Council's AIG**

We conducted the assessment using the questions in the IPC's self-assessment checklist for agencies, which is published on the IPC's website at <https://www.ipc.nsw.gov.au/information-access/information-access-resources-public-sector-agencies>. The self-assessment checklist reflects the requirements of the GIPA Act and provides additional guidance. The checklist does not prescribe the structure and format that an AIG should follow. Rather, it is a practical tool for an agency to assess the content of its AIG once it has been prepared.

For practical guidance on how to prepare an AIG, please refer to the [Guideline for Agency Information Guides](#).

Mandatory Practice questions relate to the mandatory elements of the GIPA Act and agencies are strongly encouraged to complete them. Recommended Practice questions in the checklist have been included in italics to assist and guide an agency on how they may satisfy or demonstrate the requirements under the GIPA Act, or how to best promote and enhance Open Government, Open Data, and public participation. While these elements are not mandatory, they may assist agencies to assess their maturity in the utilisation of AIGs.

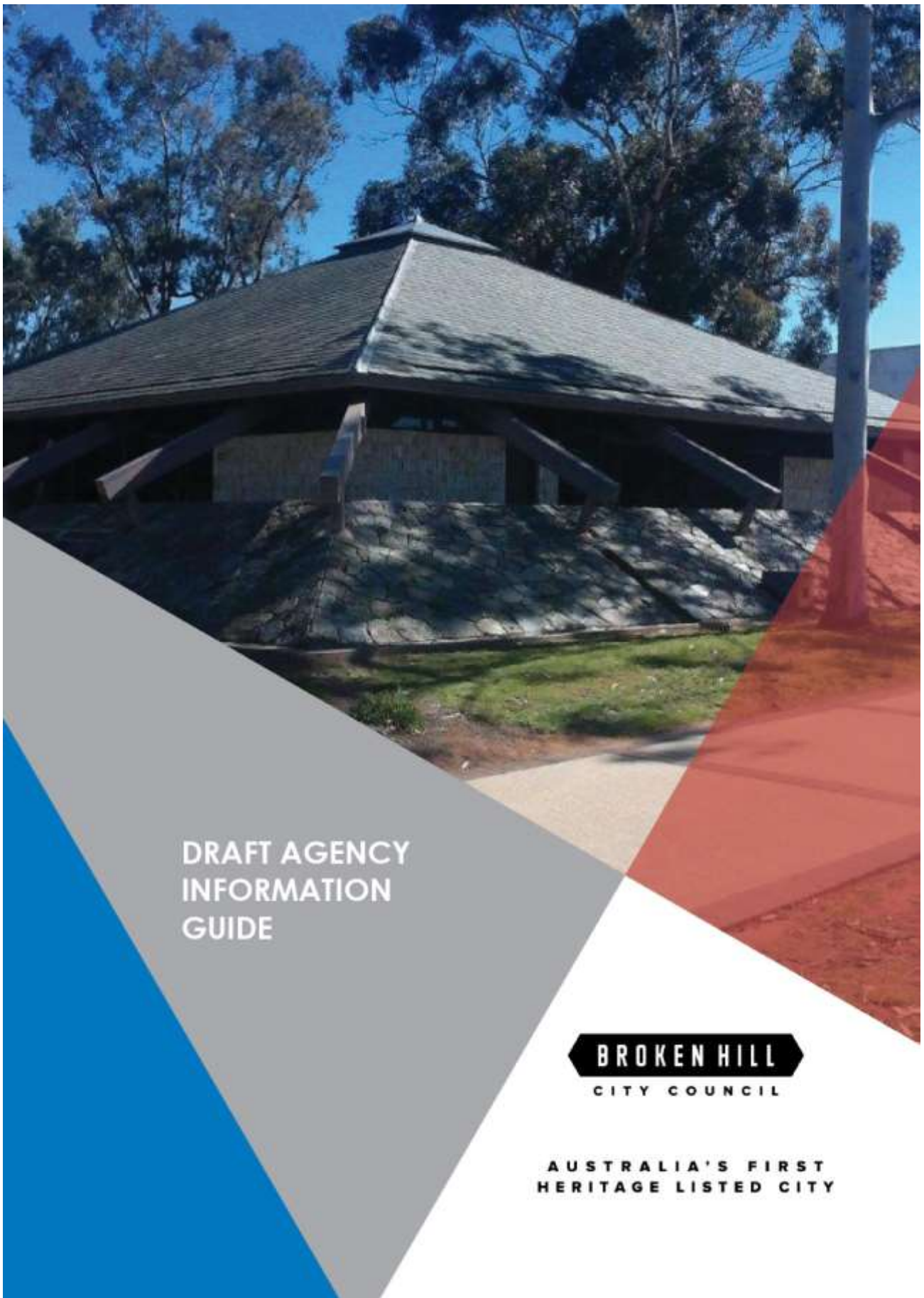
Assessment questions	Status	Comments
<b>Open access information (Sections 6(2) &amp; 18(a) of the GIPA Act)</b>		
1	<b>Mandatory Practice:</b> Has the agency made its AIG publicly available on its website?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	<i>Recommended Practice:</i> Is it easily accessible on the agency's website, such as on its 'access to information' page?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>Adoption and review of AIGs (Section 21 of the GIPA Act)</b>		
2	<b>Mandatory Practice:</b> Has the agency reviewed its AIG and adopted a new AIG at an interval of not more than 12 months?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	<i>Recommended Practice:</i> Does the AIG include the date it was last reviewed/adopted/amended?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>AIG requirements (Section 20(1) of the GIPA Act)</b>		
3	<b>Mandatory Practice:</b> Does the AIG describe the structure of the agency?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO
	<i>Recommended Practice:</i> Does the AIG describe the multiple divisions of the agency if applicable?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	<i>Recommended Practice:</i> Does the AIG describe how the agency operates in a cluster arrangement if applicable?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
	<i>Recommended Practice:</i> Does it link to other agency AIGs where appropriate?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
4	<b>Mandatory Practice:</b> Does the AIG describe the functions of the agency?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO



Assessment questions		Status	Comments
5	<b>Mandatory Practice:</b> Does the AIG describe the way in which the functions, especially decision-making functions, of the agency affect members of the public?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO	
6	<b>Mandatory Practice:</b> Does the AIG specify any arrangements that exist to enable members of the public to participate in the formulation of the agency's policies?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO	
7	<b>Mandatory Practice:</b> Does the AIG specify any arrangements that exist to enable members of the public to participate in the exercise of the agency's functions?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO	
8	<b>Mandatory Practice:</b> Does the AIG identify the various kinds of government information held by the agency?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO	
9	<b>Mandatory Practice:</b> Does the AIG identify the kinds of government information held by the agency that the agency makes or <u>will make</u> publicly available?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO	
10	<b>Mandatory Practice:</b> Does the AIG specify the manner in which the agency makes or will make government information publicly available?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO	
11	<b>Mandatory Practice:</b> Does the AIG identify the kinds of information that are made publicly available free of charge?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO	
12	<b>Mandatory Practice:</b> Does the AIG identify the kinds of information that will be made publicly available free of charge?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO	
13	<b>Mandatory Practice:</b> Does the AIG identify the kinds of information for which a charge is imposed?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO	
14	<b>Mandatory Practice:</b> Does the AIG identify the kinds of information for which a charge will be imposed?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO	
<b>AIG Government Information (Section 20(2) of the GIPA Act)</b>			
15	<b>Mandatory Practice:</b> Has the agency made government information publicly available as provided by its AIG?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO	The AIG notes Council will take initiative for proactive release of information unless there is an overriding public interest against disclosure. However, the AIG does not include any strategy on proactive release of information. Council may wish to include this in the AIG, having regard to the
	<b>Recommended Practice:</b> Is there a process for ensuring information is released, such as through a pro-active release strategy or committee?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

Assessment questions	Status	Comments
		requirements of section 7(3) of the GIPA Act which requires a review of the program at not more than 12 months.
<b>Local authorities (Section 20(3) of the GIPA Act)</b>		
16	<p><b>Mandatory Practice:</b> Where the Director General of the Department of Local Government (now the Chief Executive of the Office of Local Government), in consultation with the Information Commissioner, has adopted mandatory provisions for inclusion in the AIGs of local authorities – has the AIG (of a local authority) included the mandatory provision, unless otherwise approved by the Director General in a particular case? [Note references to the Director General of the Department of Local Government should be read as the Chief Executive Officer, Office of Local Government]</p> <p><input type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A</p>	
<b>Role of the Information Commissioner (Section 22(1) of the GIPA Act)</b>		
17	<p><b>Mandatory Practice:</b> Has the agency notified the Information Commissioner before adopting or amending its AIG?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	
<b>Open Government, Open Data &amp; public participation</b>		
18	<p><b>Recommended Practice:</b> Does the AIG adopt a core set of headings in line with the Guideline for AIGs to promote consistency across the government sectors and make it easier for the public to find the information that they seek?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO</p>	
19	<p><b>Recommended Practice:</b> Generally consider – How does the AIG promote Open Government?</p> <p><b>Recommended Practice:</b> Does the AIG provide a public resource that informs citizens about the information that the agency holds, the agency's engagement channels, and its decision-making processes?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> PART <input type="checkbox"/> NO</p>	<p>The AIG promotes Open Government by keeping the public informed of what they do, encouraging feedback from the public, surveys to gauge public sentiments as well as allowing public to view and comment on policies.</p> <p>The AIG is easily accessible on Council's website and lists the information held and how the public can access it.</p>
20	<p><b>Recommended Practice:</b> Generally consider – How does the AIG identify any data held by the agency and detail the way the agency will make the data open to citizens?</p> <p><b>Recommended Practice:</b> Does the AIG link to other open data initiatives such as data.nsw.gov.au?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	NSW and Federal government websites for data sets provided.
21	<p><b>Recommended Practice:</b> Generally consider – How does the AIG inform the public about how the agency engages with citizens and stakeholders on the formulation of policy and service delivery?</p>	The AIG informs the public that they can engage with Council by providing written submissions, attending meetings, community consultations and engaging with various committees.

**Assessment conducted by:** Janerose Okello, A/Regulatory Support Officer  
**Date conducted:** 23 December 2021



**DRAFT AGENCY  
INFORMATION  
GUIDE**

**BROKEN HILL**  
CITY COUNCIL

**AUSTRALIA'S FIRST  
HERITAGE LISTED CITY**

QUALITY CONTROL			
KEY DIRECTION	4 Our Leadership		
OBJECTIVE	4.1 Openness and Transparency in Decision Making		
FUNCTION	Corporate Support		
STRATEGY	4.1.1 Support the organisation to operate its legal framework		
FILE REFERENCE No	11/118	EDRMS No	D16/1194
RESPONSIBLE OFFICER	Public Officer		
REVIEW DATE	November 2022		
DATE	ACTION	MINUTE No	
27 November 2019	Endorsed for release to Information Commissioner	46130	
26 February 2020	Adopted	46181	
November 2020	Document reviewed and amended	N/A	
27 November 2020	Endorsed for release to Information Commissioner	46413	
24 February 2021	Adopted	46442	
November 2021	Document reviewed and amended	N/A	
24 November 2021	Endorsed for release to Information Commissioner		
23 February 2022			
NOTES	Front cover image: Council Chamber		
ASSOCIATED DOCUMENTS	Broken Hill 2033 Community Strategic Plan, Long Term Financial Plan 2018-2027 Delivery Program 2019-2021 incorporating Operational Plan 2019/2020 Schedule of Fees and Charges 2019/2020, Privacy Management Plan Records Management Policy		



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## 1. INTRODUCTION

### 1.1 What is an Agency Information Guide?

An Agency Information Guide is a guide developed in accordance with Section 20 of the *Government Information (Public Access) Act 2009* (GIIPA Act).

The section of the Act clearly outlines what information must be included in an Agency Information Guide.

### 1.2 Why does Council need to have an Agency Information Guide?

In accordance with Section 20 of the Act, Council must have an Agency Information Guide.

Council has a strong commitment to assisting those who wish to view or obtain information under GIIPA Act and encourages people who request information to contact the Public Officer.

### 1.3 What does the Agency Information Guide include?

In accordance with Section 20 of the Act, Council (referred to as the agency in the Act) must have an Agency Information Guide that:

- a) describes the structure and functions of the agency; and
- b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public; and
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions; and
- d) identifies the various kinds of government information held by the agency; and
- e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available; and
- f) specifies the manner in which the agency makes (or will make) government information publicly available; and
- g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

## 2. ABOUT THE CITY

*"When you think of regional Australia, when you think of mining, when you think of the ethos of Australia, you think of Broken Hill"*

The City of Broken Hill is the largest regional centre in the western half of New South Wales. It lies in the centre of the sparsely settled New South Wales Outback, close to the South Australian border and midway between the Queensland and Victorian borders.

POPULATION	
2020	**17,269
2016	*18,114
Female population	*51.3%
Male population	*48.7%
2006	19,753

\*\* 2020 ABS Estimated Resident Population

\* 2016 ABS Estimated Resident Population

WORKFORCE	
Local Jobs	*7,425
Local Businesses	*987

\* National Institute of Economic and Industry Research (NIEIR) @ 30/06/2020

INDUSTRY	\$(M)	JOBS
Mining, Construction, Manufacturing	\$325	1,558
Household Services*	\$219.7	3,009
Public Administration and Safety	\$74	635
Retail Trade	\$46.2	842
Tourism	\$99.3	470
Gross Regional Product		\$1.04

\*Household Services refers to Accommodation and Food Services, Education and Training, Health Care and Social Assistance, Arts and Recreation Services and Other Services

Source: [profile.id.com.au](http://profile.id.com.au)

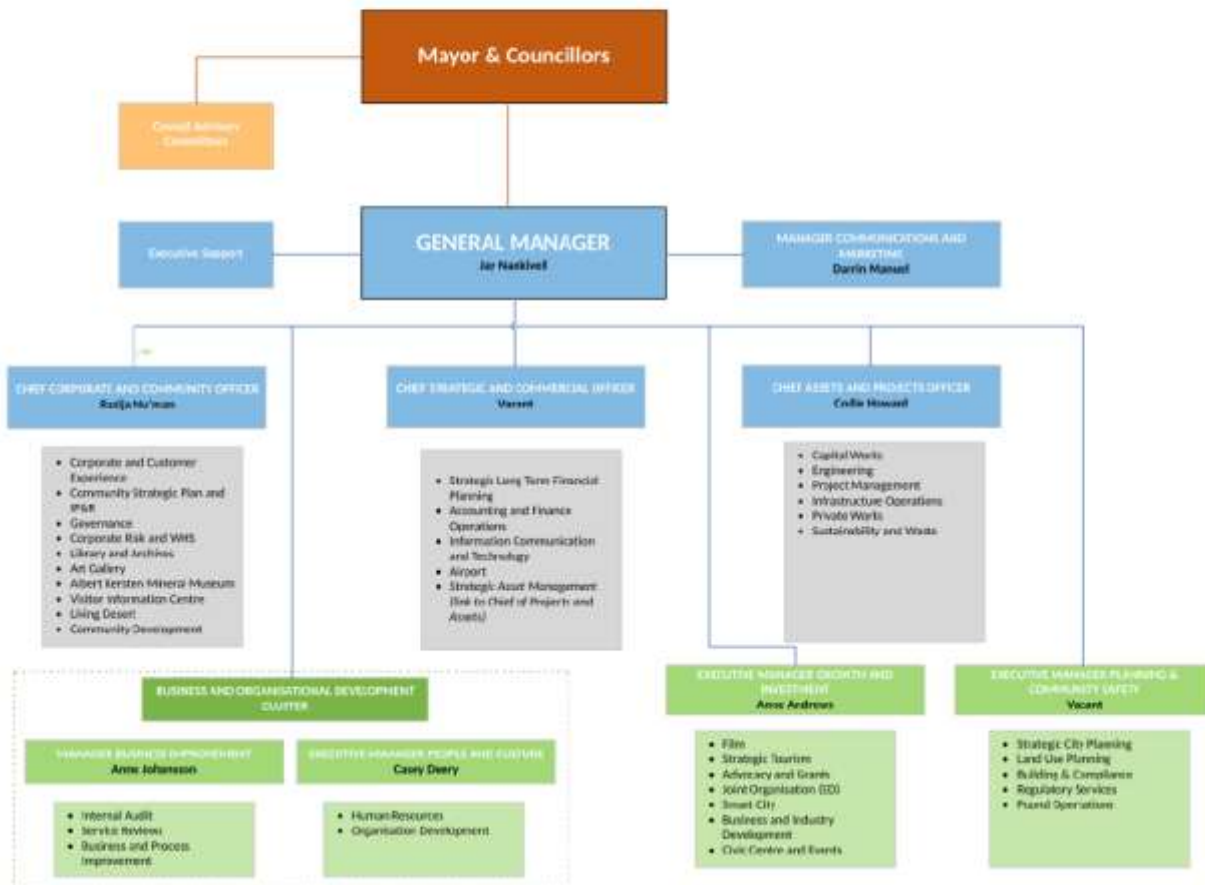
### 3. ABOUT COUNCIL

The Mayor and Councillors of Broken Hill have many responsibilities to the Council and the community. All Councillors, in accordance with the Local Government Act 1993, must "represent the collective interests of residents, ratepayers and the local community"; "facilitate communication between the local community and the governing body"; and "is accountable to the local community for the performance of the council".





## 4. COUNCIL ORGANISATION STRUCTURE



#### 4.1 Roles and Responsibilities of Council in Decision Making

Council is made up of a body of ten Councillors whose role is to ensure Council's vision is articulated and fulfilled, to govern the Broken Hill local government area and to:

- Set the direction of the affairs of the Council in accordance with the *Local Government Act 1993*
- Play a key role in the creation and review of Council's policies, objectives and plans relating to the exercise of Council's regulatory functions
- Participate in the optimum allocation of Council's resources for the benefit of the City
- Represent the interest of the residents and ratepayers and facilitate communication between the community and the Council
- Review organisational performance.

The General Manager's role is to:

- Ensure the effective and efficient operation of the Council's organisation
- Ensure the implementation without undue delay, of decisions of the Council
- Provide the day-to-day management of the Council
- Appoint staff in an organisational structure and resources approved by the Council
- Implement the Council's Equal Opportunity Management Plan
- Carry out other functions as may be conferred or imposed by the *Local Government Act 1993*.

## 5. FUNCTIONS OF COUNCIL

KEY DIRECTION 1 - OUR COMMUNITY	KEY DIRECTION 3 - OUR ENVIRONMENT
<p><b>Arts &amp; Culture</b> Charles Rasp Memorial Library Broken Hill Regional Art Gallery Albert Kersten Mining &amp; Minerals Museum Broken Hill Archives</p> <p><b>Community Development</b> Community Assistance</p> <p><b>Community Facilities</b> Cemetery Broken Hill Regional Aquatic Centre Halls and Community Centres Public Amenities</p> <p><b>Local Transport</b> Bus Shelters Footpaths and Bike Tracks Road Furniture Local Roads Car Parks Traffic Control</p> <p><b>Open Spaces</b> Parks and Reserves Sportsgrounds</p> <p><b>Public Health</b> Health Administration and Inspections</p> <p><b>Public Order</b> Sustainability and Environmental Management Parking and Other Ranger Services Animal Control</p> <p><b>Public Safety</b> Street Lighting Emergency Services</p>	<p><b>Waste Management</b> Waste Management Operations Garbage Collection Street Cleaning</p> <p><b>Sustainability After Mining</b> Willyama Common Regeneration Area</p> <p><b>Natural Environment</b> Noxious Weeds Living Desert</p> <p><b>Environmental Footprint</b> Water Energy</p> <p><b>Built Environment</b> Historic Buildings Preservation Town Planning</p> <p><b>Stormwater Management</b> Stormwater Drainage Kerb and Gutter</p>
KEY DIRECTION 2 - OUR ECONOMY	KEY DIRECTION 4 - OUR LEADERSHIP
<p><b>Economic Development</b> Economic Development Civic Centre Area Promotion and Events</p> <p><b>Property Development</b> Land Development and Sales</p> <p><b>Strategic Transport</b> Regional Roads State Roads Airport</p> <p><b>Tourism Development</b> Tourism</p> <p><b>Film</b> Film Promotion Film Activities</p>	<p><b>Leadership &amp; Governance</b> Elected Members General Manager</p> <p><b>Financial Management</b> Corporate Services Management Financial Control Revenue Payroll Procurement and Payables</p> <p><b>Corporate Support</b> Risk Management and Insurance Information Technology Services Records Management Human Resources Governance Organisation Culture</p> <p><b>Customer Relations</b> Media and Communications Customer Relations</p> <p><b>Asset Management</b> Infrastructure Engineering Management Infrastructure Administration Asset Management and Technical Services</p> <p><b>Operations Management</b> Mechanics Workshop Plant and Vehicle Maintenance Warnock Street Works Depot Private Works Billable Works</p> <p><b>Buildings &amp; Property</b> Buildings - Structures Maintenance and Operations Buildings - Property Commercial</p>

## 6. HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

All Council's functions effect the community, whether directly or indirectly. Council is conscious of accountability to the public for its actions and strives for open communication and community consultation to ensure maximum customer satisfaction.

Council's functions, as depicted on the previous pages, affect the public as follows:

### 6.1 Service Functions

The provision and maintenance of library services, community health, waste removal and disposal, recreational facilities, environmental protection, industry and tourism and development assistance.

### 6.2 Regulatory Functions

Approval of all building and development in the City and ensuring that all approvals and certificates are issued in accordance with the relevant Acts. Developments are made in the best interest of the public and are made in accordance with all Council's ecologically sustainable development codes and policies.

### 6.3 Ancillary Functions

These functions affect only a minority of Council's residents and involve matters such as the resumption of land, powers of entry and inspection over land, all of which is dealt with in the best interest of Council's residents.

### 6.4 Revenue Functions

Revenue functions affect the community directly as it is a function which affects the financing of services and facilities provided to residents. Revenue is obtained from rates, charges, fees, borrowings, and investments.

### 6.5 Administrative Functions

The administrative functions of the Council do not directly affect residents. However, functions such as employment of staff and compliance with Council's statutory obligations including management plans, financial reporting and annual reporting all have an impact on the community.

### 6.6 Enforcement Functions

Under the *Local Government Act 1993* and other related legislation Council has a statutory responsibility to enforce local by-laws such as alcohol-free zones and regulations delegated by other levels of government, eg food safety inspections. These are applied in the best interest of the community.

## 7. PUBLIC PARTICIPATION

Council wants to understand and consider community concerns about the impact of services and decisions.

In a changing local government environment, councils must ensure that services are in keeping with future opportunities and the existing needs and expectations of its community.

To achieve this aim, to increase accountability and transparency of operations, Council is committed to keeping the community informed and engaged through ongoing and quality communication.

### 7.1 Participation at Council Meetings

Council welcomes the public to attend Council meetings which are held on the last Wednesday of each month, commencing at 6.30pm. At this meeting, Reports of the General Manager, Mayoral Minutes, Planning Matters, Public Access and Matters Referred from Previous Council Meetings, Notices of Motions and Matters for Information are presented. Council may also consider confidential matters in Closed Session with the resolutions from these meetings announced in public prior to the close of the meeting.

Members of the public attending Council meetings have an opportunity to address Council at the meeting. For information on how to register to speak, contact Council or refer to current procedures on Council's website.

### 7.2 Written Submissions to Council and Councillors

Residents and ratepayers are encouraged to make written submissions, or personal representations through their elected local representative.

Written submissions to Council or to individual local Councillors may be made in writing and addressed to:

Broken Hill City Council  
PO Box 448  
Broken Hill NSW 2880

### 7.3 Council Business Papers

Council agendas are made publicly available and are usually uploaded on to Council's website the Friday prior to the Ordinary Monthly Council meeting.

Agendas can also be viewed at the Charles Rasp Memorial Library or at Council's Administrative Centre.

Minutes from previous Council meetings are also made publicly available on Council's website as soon as possible after they have been endorsed.

### 7.4 Community Consultation – Having Your Say

Council invites the community to have their say on the formation of Council's policy and service delivery. Council communicates with the community and encourages communication and feedback through various channels such as Council's website, Council's official Social Media channels, surveys, advertising in the local newspaper, radio stations and media releases.

### 7.5 Documents on Public Display

All significant plans, strategies and policies of Council are placed on exhibition in draft form so that interested members of the public may view them and make comments should they wish to.

Exhibition documents are available on Council's website, at the Charles Rasp Memorial Library or at Council's Administrative Centre and submissions should be addressed to the General Manager.

### 7.6 Section 355 Committees

Council also co-ordinates a range of Section 355 Asset and Advisory Committees.

A Section 355 Committee is a committee established under Section 355 of the Local Government Act 1993, to assist Council with the operation and maintenance of various Council facilities and services.

Managing community assets is an essential part of Council activities and the community of Broken Hill has strong representation on a number of Council committees to help manage the City's interests and public assets.

There are eight Asset Committees and three Advisory Committees. They include:

#### Asset Committees

1. Alma Oval Community Committee
2. BIU Band Hall Community Committee
3. ET Lamb Memorial Oval Community Committee
4. Friends of the Flora and Fauna of the Barrier Ranges Community Committee
5. Memorial Oval Community Committee
6. Norm Fox Sporting Complex Community Committee
7. Picton Sportsground Community Committee
8. Riddiford Arboretum Community Committee

#### Advisory Committees

1. Broken Hill Heritage Committee
2. Broken Hill Regional Art Gallery Advisory Group
3. Community Strategic Plan Round Table Committee

Members of the public are encouraged to nominate for a position on Section 355 Committees.

## 8. INFORMATION HELD AT COUNCIL AND HOW TO ACCESS

Council holds information in various formats in respect of the wide range of functions undertaken by it as well as information which is pertinent to different issues relating to the Broken Hill City Council Local Government Area.

There are 4 main ways in which Council provides access to information:

1. **Mandatory Proactive Release**
2. **Authorised Proactive Release**
3. **Informal Release**
4. **Formal Access Applications**

Under the *Government Information (Public Access) Act 2009*, (*GIPA Act*), there is a right of access to certain information held by Council, unless there is an overriding public interest against its disclosure. Any applications made under the *GIPA Act* will be processed in accordance with the requirements of the *GIPA Act*.

### 8.1 Mandatory Proactive Release - Open Access Information

Under Schedule 1 of the *Government Information (Public Access) Regulation 2018*, Council must make the following information, classified as 'open access information', publicly available unless there is an overriding public interest against disclosure.

Where possible, open access information will be made available on Council's website ([www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au)). Where open access information is not made available on Council's website, it will be made available for viewing at Council's Administrative Building during normal business hours.

**Fees:** A fee may apply for the release of information. Fees are detailed in Council's Schedule of Fees and Charges, updated each financial year and available on Council's website. An example of when a fee may be applied includes staff searches of building/development records, copy of building plans, a bound copy of the Local Environmental Plan, or Local Environmental Plan maps.

8.1.1 Information about Council		
Document/Record Type	Description	How to Access
Agency Information Guide	This document sets out the functions of Broken Hill City Council and the type of information held by Council and how it can be accessed.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3kuRhFY">https://bit.ly/3kuRhFY</a>
Council Policies	Documents used to exercise Council functions.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3qt8R19">https://bit.ly/3qt8R19</a>
Register of Government Contracts.	A register of contracts awarded by Broken Hill City Council valued at \$150,000 or more.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> – or alternatively click here <a href="https://bit.ly/3qw8YsW">https://bit.ly/3qw8YsW</a>

8.1.1 Information about Council		
Document/Record Type	Description	How to Access
Disclosure Log of Formal (Access) Applications for Information	The <i>GIPA Act</i> requires Council to publish a Disclosure Log that records details of formal requests for information (access applications) where Council considers that the information requested may be of interest to other members of the public.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> – or alternatively click here <a href="https://bit.ly/3wC7uON">https://bit.ly/3wC7uON</a>
The Model Code of Conduct prescribed under Section 440(1) of the <i>Local Government Act 1993</i>	Outlines the conduct obligations of Council officials.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3qrDSCB">https://bit.ly/3qrDSCB</a>
Code of Meeting Practice	Summarises the procedures for all Council and Council Committee Meetings.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3qrDSCB">https://bit.ly/3qrDSCB</a>
Annual Report inclusive of Annual Financial Statements	Outlines Council's performance and achievements against its key strategies and objectives.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3n7cGHa">https://bit.ly/3n7cGHa</a>
Auditor's Reports	Outlines the financial position of Council and is included in the Annual Financial Statements.	Auditor's Reports – see Financial Statements or alternatively click here <a href="https://bit.ly/3n7cR5Q">https://bit.ly/3n7cR5Q</a>
Equal Employment Opportunity Management Plan	Policy that outlines the equal employment opportunities within Council.	Informal request for information Council's Intranet – Employee policies
Policy concerning the Payment of Expenses incurred by and the Provision of Facilities to Councillors	A policy to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> – Councillor Support Policy, alternatively click here <a href="https://bit.ly/2YF6j5">https://bit.ly/2YF6j5</a>
Annual Reports of bodies Exercising Functions Delegated by Council	S355 Community Committees provide Annual Reports and are reported to Council and the community.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> – Council Meeting Business Papers – click here <a href="https://bit.ly/3qsPW6r">https://bit.ly/3qsPW6r</a>
Any Codes referred to in the <i>Local Government Act 1993</i>	The codes are referenced in Council's Code of Conduct Policy and Code of Meeting Practice Policy	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> – Policies or alternatively click here <a href="https://bit.ly/2YDzgh8">https://bit.ly/2YDzgh8</a>



8.1.1 Information about Council		
Document/Record Type	Description	How to Access
Returns of Interests of Councillors, Designated Persons and Delegates	Returns of interest are reported to Council each September.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> – Access to Information – click here <a href="https://bit.ly/30qKINX">https://bit.ly/30qKINX</a> Council Meeting Business Papers – click here <a href="https://bit.ly/3qsPW6r">https://bit.ly/3qsPW6r</a>
Agendas and Business papers from any meeting of Council or any Committee of Council	Monthly reports to Council Ordinary Meeting including Extraordinary Meetings.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> – Meetings – click here <a href="https://bit.ly/3qsPW6r">https://bit.ly/3qsPW6r</a>
Minutes of any meeting of Council or any Committee of Council	Minutes recording the records of any meeting of Council or any Committee of Council, inclusive of adopted recommendations by Council.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> – Meetings – click here <a href="https://bit.ly/3qsPW6r">https://bit.ly/3qsPW6r</a>
Land Register	A register of all lands vested in Council, or under its control.	Informal request for information
Register of Investments	A written report setting out details of all monies that have been invested under Section 625 (2) of the Local Government Act 1993, and reported to Council monthly.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> Council - "Meetings", "Minutes and Agendas". Click here <a href="https://bit.ly/3qsPW6r">https://bit.ly/3qsPW6r</a>
Register of Delegations	A register of the functions delegated to the Mayor, General Manager, and to Council staff, which is adopted each term of Council.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> Access to Information – Click here <a href="https://bit.ly/30qKINX">https://bit.ly/30qKINX</a>
Register of Graffiti Removal Works	A register containing records of graffiti removal works that are maintained in a database.	Informal request for information
Register of current Declarations of Disclosures of Political Donations	A register containing information regarding disclosures of political donations.	Informal request for information
Register of Voting on Planning Matters	Documents containing information of voting on planning matters available for viewing by members of the public – Council Business Paper (Resolution of Council) or NSW Regional Planning Panel.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively Council Business Paper <a href="https://bit.ly/3qsPW6r">https://bit.ly/3qsPW6r</a> Or NSW planning portal <a href="http://www.planningportal.nsw.gov.au">www.planningportal.nsw.gov.au</a>

8.1.2 Plans and Policies		
Document/Record Type	Description	How to Access
Local Policies adopted by Council concerning approvals and orders.	Provide guidance for those participating in the local approvals process and specify criteria which Council will take into consideration in determining applications for approval under the <i>Local Government Act 1993</i> .  Criteria to be considered before issuing certain order under section 124 of the <i>Local Government Act</i> .	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a>  Policies - Local Approvals Policy and Local Orders Policy – Click here <a href="https://bit.ly/3F7afdR">https://bit.ly/3F7afdR</a>
Plans of Management for Community Land	Outlines the plans in the management of Broken Hill City Council.	Informal request for information
Environmental Planning Instruments, Development Control Plans and Contribution Plans	The principal legal documents for controlling all development within Broken Hill City Council.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or click here <a href="https://bit.ly/3ol6CKr">https://bit.ly/3ol6CKr</a>

8.1.3 Information about Development Applications		
Document/Record Type	Description	How to Access
Register of Development Applications Lodged and Determined	A register listing the full details of Development Applications lodged and determined.	Informal request for information – Development Applications after 1 July 2010  Formal request for information – Development Applications prior to 1 July 2010  Or  Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> - DA Tracker – Click here <a href="https://bit.ly/3F8exBF">https://bit.ly/3F8exBF</a>
Environmental Planning Instruments, Development Control Plans and Contribution Plans	The legal documents and frameworks for controlling all development within Broken Hill City Council municipality.	Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> – Click here <a href="https://bit.ly/3D4ujqI">https://bit.ly/3D4ujqI</a>

8.1.3 Information about Development Applications		
Document/Record Type	Description	How to Access
Development Applications and associated documents including, but not limited to: Application Form, Determination and Conditions, Officer's Delegated Authority report, Statement of Environmental Effects, Plans (excluding floor plans), Construction and Occupation Certificates, Home Warranty Insurance documents, Acoustic Consultants' reports, Structural Certification documents, Heritage Consultants' reports, Land Contamination reports, Tree Inspection Consultants' reports	Development and Construction application files and associated documents.	<p>Informal request for information – Development Applications after 1 July 2010</p> <p>Formal request for information – Development Applications prior to 1 July 2010</p> <p>Or</p> <p>Council's website: DA Tracker - Click here <a href="https://bit.ly/3F8ex8F">https://bit.ly/3F8ex8F</a></p>
Submissions received on Development Applications	Responses by individuals providing their comments in relation to the Development Application.	<p>Informal request for information – Development Applications after 1 July 2010</p> <p>Formal request for information – Development Applications prior to 1 July 2010</p> <p>Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> - DA Tracker - Click here <a href="https://bit.ly/3F8ex8F">https://bit.ly/3F8ex8F</a></p> <p>Note: Council considers the balance test for public interest in protecting the personal information of submitters.</p>
Records of decisions on Development Applications including decisions on appeals	A record of all development applications received and determined by Council.	<p>Informal request for information – Development Applications after 1 July 2010</p> <p>Formal request for information – Development Applications prior to 1 July 2010</p> <p>Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> - DA Tracker - Click here <a href="https://bit.ly/3F8ex8F">https://bit.ly/3F8ex8F</a></p>

8.1.4 Approvals, Orders and Other Documents		
Document/Record Type	Description	How to Access
Applications for approvals under section 68 of the LG Act	Applications and associated documents received for approval under Section 68 of the <i>Local Government Act</i> .	Informal request for information
Applications for approvals under any other Act and any associated document	Application regarding approval other than Development Application.	Informal request for information
Records of approvals granted or refused, any variation from Council Policies reasons for the variation and decisions made on appeals concerning approvals	A record of approvals granted or refused for specific approvals other than development applications.	Informal request for information
Orders given under Part 2 of Chapter 7 of the <i>Local Government Act 1993</i> and any reasons given under Section 136 of the <i>Local Government Act 1993</i>	Order issued and complied with under section 124 of the <i>Local Government Act</i> .	Informal request for information
Orders given under the Authority of any other Act	Order issued and complied with under the authority of other Acts.	Informal request for information
Records of Building Information Certificates (Building Certificates) under the <i>Environmental Planning and Assessment Act 1979</i>	Record of Building Information Certificates (Building Certificates) issued under the <i>Environmental Planning &amp; Assessment Act 1979</i> .	Informal request for information Copies of Building Certificates are subject to a fee as per Council's Schedule of Fees and Charges
Plans of land proposed to be compulsorily acquired by Council	A plan on authority that is exercised by Council in Compulsory acquiring land.	Informal request for information
Compulsory Acquisition Notices	A notice relating to a specific site which is to be compulsorily acquired.	Informal request for information
Leases and Licenses for use of Public Land classified as Community Land.	Leases and Licenses for use of Public Land classified as Community Land.	Informal request for information

**8.2 Authorised Proactive Release Information**

The *GIPA Act* encourages Council to go beyond the minimum mandatory disclosure requirement, unless there is an overriding public interest against disclosure. This is a discretionary power to release information in any manner considered appropriate, free of charge or at the lowest reasonable cost.

Council will make the following information of public interest available on the website where possible, as part of authorised proactive release.

<b>8.2.1 Administration and Governance</b>		
<b>Document/Record Type</b>	<b>Description</b>	<b>How to Access</b>
Community Strategic Plan (CSP)	Plan outlines the community's aspirations and main priorities for the future.	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3H99Fy9">https://bit.ly/3H99Fy9</a>
Delivery Program inclusive of Operational Plan	Details the principal activities to be undertaken by Council to implement the strategies in the Community Strategic Plan.	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3Dd58Zc">https://bit.ly/3Dd58Zc</a>
Progress reports on Delivery Program	Reports on progress of the activities and actions detailed in the Delivery Program.	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3F70uMK">https://bit.ly/3F70uMK</a>
Long Term Financial Plan	Inclusion in Resourcing Strategy for the provision of resources required to implement the CSP.	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3DljAhu">https://bit.ly/3DljAhu</a>
Workforce Management Plan	Inclusion in Resourcing Strategy for the provision of resources required to implement the CSP.	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3n9EFGm">https://bit.ly/3n9EFGm</a>
Approved Council strategies and plans	Plans/documents used in connection with the functions.	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3wRMvYt">https://bit.ly/3wRMvYt</a>
Disability Inclusion Action Plan (DIAP)	Outlines Council's commitment to improving opportunities for people with a disability of all ages to access the full range of services and activities available in the community.	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3oswAfo">https://bit.ly/3oswAfo</a>
Progress report on Disability Inclusion Action Plan	Reports on progress of the activities and actions detailed in the Disability Inclusion Action Plan.	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3oswAfo">https://bit.ly/3oswAfo</a>

8.2.1 Administration and Governance		
Document/Record Type	Description	How to Access
Reconciliation Action Plan (RAP)	Council looks to have a greater relationship with Aboriginal and Torres Strait Islander people, enhance our connections and encourage influence within the scope of the RAP.	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3wDJYAQ">https://bit.ly/3wDJYAQ</a>
State of the Environment Reports (SOE)	Report on environmental activities and indicators undertaken to enhance and protect the local environment.	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3oogH9G">https://bit.ly/3oogH9G</a>
End of Term Report	Report on Council's achievements in implementing the CSP over the term of the Council (4 years).	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3CcrDfg">https://bit.ly/3CcrDfg</a>
Community Management Committees	Delegated authority to manage some of Council facilities and functions.	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> – Section 355 Community Committees – or alternatively click here <a href="https://bit.ly/3F71kJo">https://bit.ly/3F71kJo</a>
Schedule of Fees and Charges	Pricing policy – fees and charges for the current financial year.	Council's website: <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a> or alternatively click here <a href="https://bit.ly/3op1OUq">https://bit.ly/3op1OUq</a>

### 8.3 Informal Release

Access to information that is not available as mandatory or authorised proactive release may be provided through discretionary release.

Council is authorised to release information unless there is an overriding public interest against disclosure. Informal release can enable the release of as much information as possible, however Council is also authorised to redact content from information released, if its inclusion would otherwise result in an overriding public interest against disclosure.

Applications can be made to Council by submitting an Informal Request for Information. The *GIPA Act* does not set a limit for the processing of informal requests for information, therefore these requests are balanced against the other duties for which the Governance team is responsible and can take up to 20 working days to finalise.

#### 8.4 Formal Access Applications

A formal access application is required to be submitted if the information being sought:

- Is not available via proactive or informal release;
- Is of a sensitive nature that requires careful weighing of the considerations in favour of, and against, disclosure;
- Contains personal or confidential information about a third party that may require consultation; or
- Would involve an unreasonable amount of time and resources to produce.

Applications must be made to Council by:

- Submitting the Formal Request for Information Form, together with the application fee (\$30). Additional processing charges may be applicable at a rate of \$30 per hour;
- Specify clearly that it is made under the GIPA Act;
- Provide sufficient detail to enable Council to identify the information requested; and
- Include an Australian postal address

Note: An application will be invalid if it seeks access to excluded information of Council or does not meet the formal requirements for an access application.

Council will advise the applicant within 20 working days of receipt of the request of its decision to provide information and in cases where the applicant is aggrieved by Council's determination, an appeal may be lodged. Information on how this may be done will be included with Council's determination notice.

## 9. OTHER GOVERNMENT OPEN DATA

In Australia, there are many other open data initiatives. Open data are large datasets available to anyone with an internet connection.

The **federal government** open data portal can be accessed via [data.gov.au](http://data.gov.au)

**Data.gov.au** is a centralised source of Australian open government data. In addition to government data, publicly funded research data and datasets from private institutions that are of public interest can also be found here.

The **NSW government** portal can be accessed via [data.nsw.gov.au](http://data.nsw.gov.au)

**Data. NSW** aims to increase the safe use of data across NSW government, to support better customer service, policy development, responsiveness, and innovation.

## 10. HOW DO I CONTACT COUNCIL

HOW?	CONTACT DETAILS
<b>IN PERSON</b>	Council Administrative Centre 240 Blende Street Broken Hill NSW 2880
<b>POST</b>	Broken Hill City Council PO Box 448 Broken Hill NSW 2880
<b>PHONE</b>	08 8080 3300
<b>FAX</b>	08 8088 3424
<b>EMAIL</b>	council@brokenhill.nsw.gov.au
<b>OPENING HOURS</b>	9.00 am to 4pm Monday to Friday

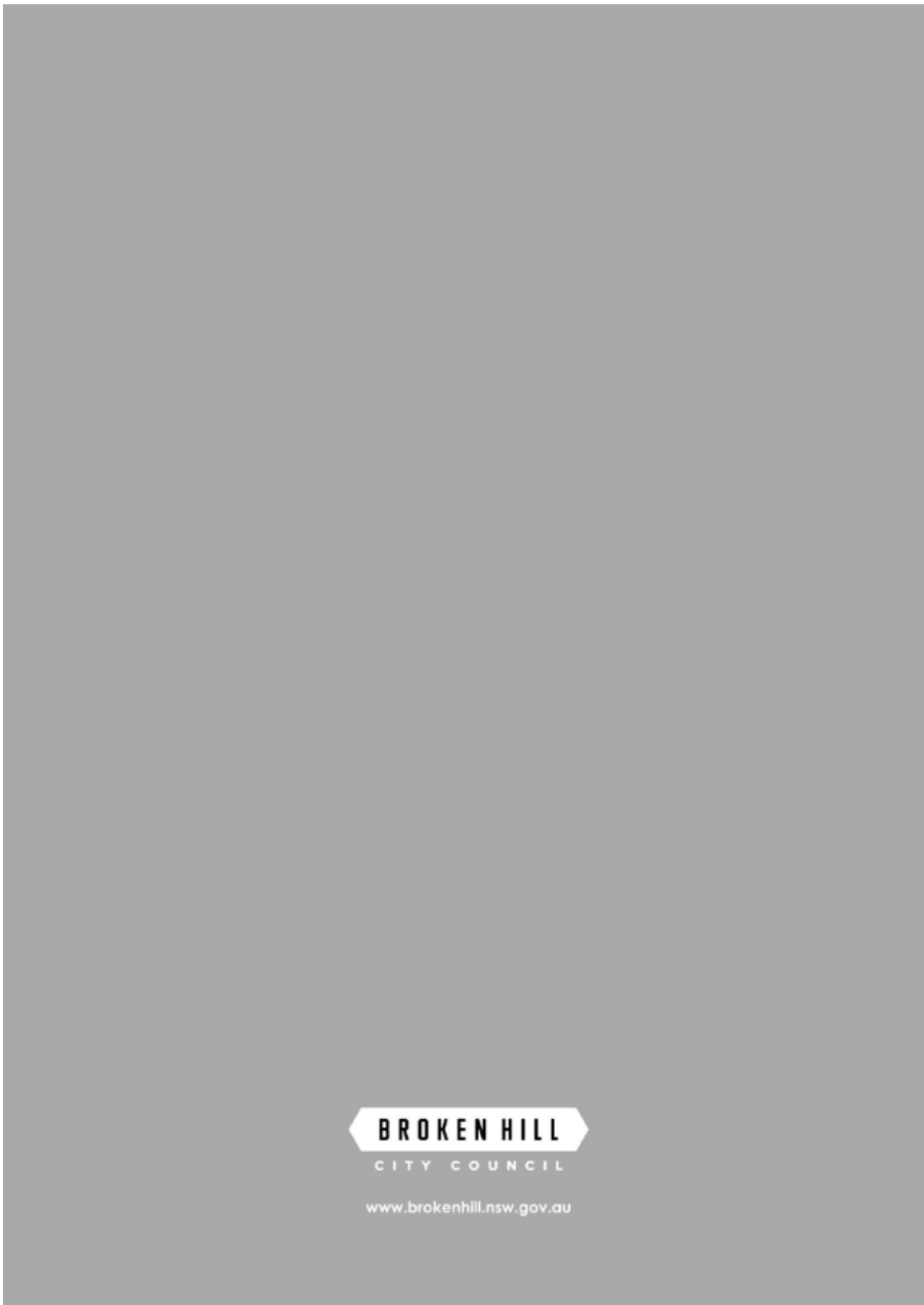
### 10.1 Contact

For specific information or enquiries regarding access to information at Broken Hill City Council, please contact:

The Public Officer  
PO Box 448  
Broken Hill NSW 2880  
Phone: 08 8080 3300  
Email: council@brokenhill.nsw.gov.au

If you wish to learn more about your right to information, please contact the Information and Privacy Commission at [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)





## ORDINARY MEETING OF THE COUNCIL

January 27, 2022

**ITEM 16**BROKEN HILL CITY COUNCIL REPORT NO. 41/22SUBJECT: BUSINESS AND INDUSTRY CONSULTATIVE MEETINGS D22/3862**Recommendation**

1. That Broken Hill City Council Report No. 41/22 dated January 27, 2022, be received.
2. That Council supports Business Far West as the business and industry representative group for Broken Hill and the Far West Region.
3. That Council continues discussions with Business Far West on the delivery of business forums and events in partnership.
4. That Council notes that Council has been invited to have an advisory position on the Business Far West Committee.

**Executive Summary:**

At the January 12, 2022 meeting of Council, Council resolved that: *“Council immediately advertises for community groups interested in hosting public meetings to discuss Council matters. The public meetings will be held monthly and business forums bi-monthly; that a report will be presented to the February 2022 meeting of Council about potential arrangements for public meetings.”* Minute No. 46689.

This report deals with the hosting of bi-monthly business forums ongoing through an industry led approach with strong support and attendance by Council.

**Report:**

At the January 12, 2022 meeting of Council, Council resolved to advertise for community groups interested in hosting public meetings including a bi-monthly business forum.

Council currently hosts regular business forums and while they were disrupted during 2021 due to COVID – three have been held in the current financial year to date (face-to-face in May and June and virtually in November). The next planned meeting is for March 2022, during Small Business Month which includes a full day workshop funded through a NSW Small Business Month grant.

The meetings have an agenda of updating the business community and providing the community with the opportunity to raise issues and suggestions on economic development.

Topics in 2021 included:

- Business challenges and opportunities during major events
- Current economic trends, including resident and visitor expenditure in the city and outside of the city
- Tourism marketing activity
- Updates on visitation, accommodation booking, film projects and events
- Outcomes from previous requests to Council from business meetings.

The meetings are coordinated by Executive Manager Growth and Investment and Tourism Services Coordinator and have also included guest speakers including Mundi Mundi Bash Managing Director and the Service NSW Business Concierge outlining how businesses can receive business support during COVID.

During 2021, Council was also in communication with directors of Foundation Broken Hill who have established Business Far West (BFW) to represent business and industry in Broken Hill and region with a view to transition Council-run business meetings to the industry group with continued support and participation from Council.

BFW is now incorporated and now seeking members. Council has been invited to have an advisory seat on the committee and the first joint business events will be held during Small Business Month in March, 2022. Headed up by Sitting Bull Business Owner and member of the NSW Small Business Commission’s Small Business Reference Group Rosie Siemer, Barrier Socialist Democratic Club General Manager Karren Howe and Experience Broken Hill Operations Manager Michael Mclvor, the group has been working in collaboration with Council and the Small Business Association and has been successful in securing a NSW Government grant of \$3,500 for Small Business Month activities and events.

Council was also successful in receiving \$2,500 and is working with BFW on the Small Business Month activities to deliver several events, workshops and networking opportunities that directly benefit and support the business community.

Collaboration with business and industry is aligned with Council’s Business Support Policy to:

*“Participate in business and industry associations and organisations to discuss issues relevant to local businesses and economic development.”*

*“Collaborate with key stakeholders to provide opportunities for Business Forums to encourage engagement between the local business sector and Council. The forums would provide an opportunity to inform the business sector of Council’s activities.”*

**Community Engagement:**

Business meetings were communicated through electronic email (EDM), media releases and interviews and social media. The face-to-face meetings attracted over 80 people at each event, with about 25 on the virtual meeting in November.

**Strategic Direction:**

Key Direction:	4	Our Leadership
Objective:	4.4	Our community is engaged and informed
Strategy:	4.4.1	Facilitate engagement activities to determine the community's long-term vision

**Relevant Legislation:**

NIL

**Financial Implications:**

Civic Centre Hire for face-to-face meetings circa \$400 per meeting.

**Attachments**

1. Department of Fair Trading Incorporations Certificate - Business Far West  
[↓](#) Incorporated

ANNE ANDREWS

EXECUTIVE MANAGER GROWTH AND INVESTMENT

JAY NANKIVELL  
GENERAL MANAGER



## Certificate of Incorporation as an Association

This is to certify

### **BUSINESS FAR WEST INCORPORATED**

is registered as an incorporated association in New South Wales  
under the *Associations Incorporation Act 2009*

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Registration Number **INC2200066**

Date of Incorporation **10 February 2022**

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Issued by NSW Fair Trading on 10 February 2022.

Natasha Mann  
Fair Trading Commissioner  
NSW Fair Trading

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## ORDINARY MEETING OF THE COUNCIL

January 28, 2022

**ITEM 17****BROKEN HILL CITY COUNCIL REPORT NO. 56/22****SUBJECT:**            **TOURISM INDUSTRY AND VISITOR ECONOMY BODY**    **D22/4166****Recommendation**

1. That Broken Hill City Council Report No. 56/22 dated January 28, 2022, be received.
2. That Council notes the Tourism Taskforce recommendations of 2014 that resulted in unanimous support from tourism operators for the development of an industry driven tourism organisation for the Far West NSW region which resulted in the formation of Destination Broken Hill.
3. That Council continues to collaborate with Business Far West, Destination Broken Hill, Destination NSW, Destination Country and Outback and local tourism operators to identify opportunities to market tourism and encourage migration to the city.
4. That Council notes the establishment of Business Far West that includes an identified tourism pillar and approves seed funding \$20,000 from the 2021/2022 tourism marketing budget to be matched dollar for dollar by Business Far West to coordinate business and tourism industry advocacy, training and development and marketing.
5. That, subject to Council co-funding of \$20,000 and becoming a partner with Business Far West, that Business Far West provides Council with a six-monthly financial and activity report.
6. That Council accepts an advisory position on Business Far West.
7. That Council receives a bi-monthly report on activities undertaken to grow the visitor economy and tourism industry.
8. That Council maintains the tourism marketing budget of \$120,000 per annum to ensure that the city can participate in marketing campaigns, including collaborative campaigns with Destination NSW and Destination Country and Outback and support the Industry Body (Business Far West) when required.

**Executive Summary:**

At the January 12, 2022 Extra Ordinary Council Meeting, Council resolved: *“That the General Manager be invited to provide a report to March 2022 Ordinary Council Meeting that details the structure and operations of the former 355 committee known as “The Regional Tourism Association” with a view to re-establish the committee. The goal of the committee will be to market tourism and encourage migration to the city.”* Minute No. 46690.

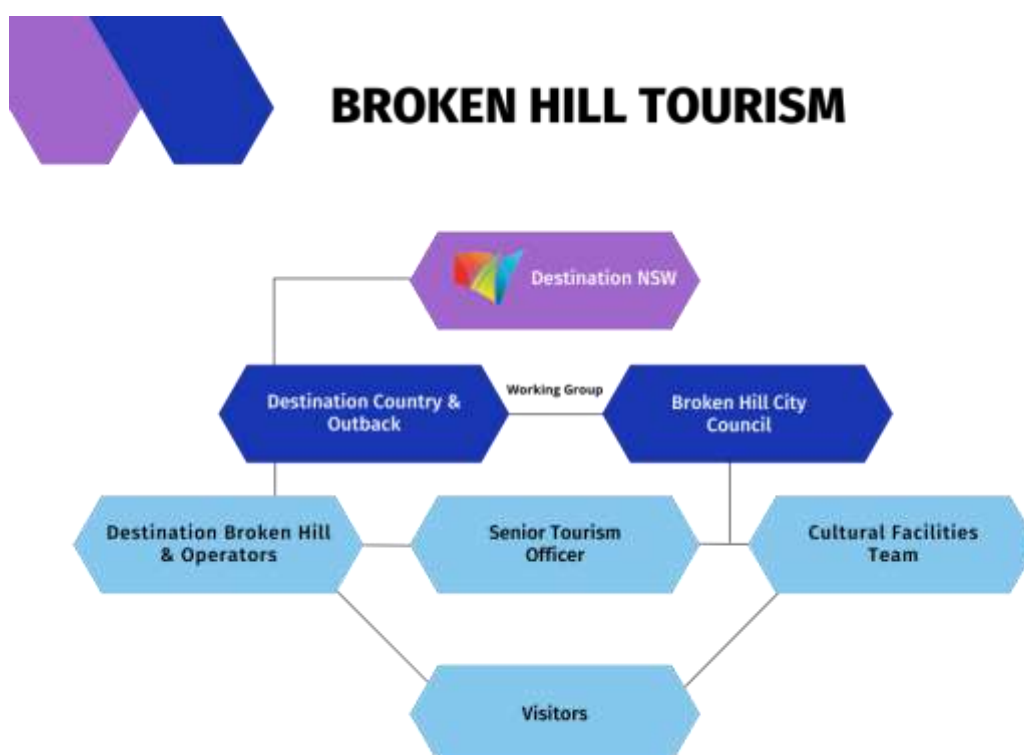
The content of this report deals with the history, recommendations of an industry led tourism body, the failings of such bodies and a renewed way forward in partnership with Council, Foundation Broken Hill and all Business/Tourism industry groups within the Far West led by Business Far West Inc.

An update on the recent Marketing Campaign is also detailed with the report.

**Report:**

Broken Hill sits within the Destination Network of Country and Outback (DNCO), which is one of six Destination Networks created by the NSW Government through Destination NSW (DNSW). The networks have been established to build the capability of industry and to strengthen the visitor economy in regional NSW. The Destination Networks support Destination NSW in implementing the 2030 Visitor Economy Strategy to achieve specified visitation and expenditure targets for regional NSW and have specialist teams dedicated to growing the visitor economy in the respective regions. Destination NSW works with each of the Destination Networks to market each region, showcasing the diverse range of destinations and experiences Regional NSW has to offer to potential visitors across NSW, Australia and to the world. Broken Hill has benefited from this network with the delivery of a successful collaborative marketing campaign and workshops delivered to the local industry by DNSW and the DNCO.

Currently, the model to grow the visitor economy in Broken Hill is based on a collaborative approach between DNSW, DNCO, Council and industry. This approach has resulted in all parties taking a seat at the table to grow tourism.



Council’s internal Tourism Working Group liaises with the Destination Country and Outback (DNCO) as a source of information. The DNCO is the region’s peak tourism organisation and is the coordinating force for the region’s promotion.

Its activities include:

- Collaborating on product development, smaller scale marketing and promotional campaigns

- Seeking support through the RVEF (Regional Visitor Economy Fund)
- Running regional events, where applicable, supported by the expanded Regional Flagship Event Program developing tourism infrastructure supported by Government regional infrastructure funding.

The internal Tourism Working Group includes Executive Manager Growth and Investment, Director Corporate, Senior Tourism Officer, Economic Development Officer and Digital Officer. Representatives from NSW Regional, DNSW and DNCO attend meetings when required. During the past 12 months, there has also been ongoing consultation with the representatives from Foundation Broken Hill during the establishment of Business Far West.

Business Far West has a number of key objectives including creating a regional tourism entity to increase visitation and economic benefit to Broken Hill with a wider objective of representing the interests of business and tourism across the Far West. This aligns with the objectives of the 2015 Tourism Taskforce. It has been established with the guidance of Business NSW.

Council is also supporting the industry driven solution of the Destination Broken Hill website (<https://destinationbrokenhill.com.au>) and has taken measures to ensure it is not competing with industry by not hosting a Council-owned tourism website. PACE Media manages the visit the Destination Broken Hill website ([destinationbrokenhill.com.au](https://destinationbrokenhill.com.au)) and the Visitor Information Guide through paid advertising. Council is redirecting its domain to the industry website and has negotiated an agreement to promote Council's tourism assets on this platform.

This collaborative model to managing the visitor economy has evolved out of a long history of alternative approaches to managing tourism in Broken Hill.

### **Broken Hill Regional Tourist Association (BHRTA)**

The Broken Hill Regional Tourist Association (BHRTA) was formed as a Section 355 Committee under the *Local Government Act, 1993* in March 2002. Until 2007, the Broken Hill Regional Tourist Association (BHRTA) was a hybrid BHCC committee and semi-incorporated body, charged with overseeing the Broken Hill Visitor Information Centre (BHVIC). A copy of the Constitution is attached to this report.

In 2007, concerns were raised by the Department of Local Government about the Association's structure and delegations. The DLG stated that the arrangements set out in the constitution suggested that it was a separate entity to Council, rather than a committee constituted under *Section 355 of the Local Government Act, 1993*.

Combined with a decline in the strength of its membership and its conflicting roles and responsibilities, a review of the committee produced two alternative options:

1. the formation of an industry association
2. the formation of a Section 355 committee of Council.

Option 1 failed due to lack of industry support.

Option 2 was adopted, and the Broken Hill Tourism Advisory Group (BHTAG) as a Section 355 Committee was endorsed by Council in November 2007. A copy of the Constitution is attached to this report.



**Destination Broken Hill**

In 2014, following a tourism industry taskforce, there was unanimous support from tourism operators for the development of an industry driven tourism organisation for the Far West NSW region and a transitional committee established in early 2015. A copy of the findings is attached to this report. At this time, the BHTAG was disbanded and Council endorsed the continuance of the former Inland NSW Tourism as the peak regional tourism body.

Until 2014, Council had played a significant leadership role in destination marketing. While several attempts were made by industry to establish the local tourism organisation, it wasn't until May 2018, Destination Broken Hill was touted to play the role of the peak industry body for the City.

At the Ordinary Meeting of Council held June 27, 2018, Council approved \$100,000 for the group to invest in a destination marketing campaign and \$20,000 to support an administrative position for Destination Broken Hill in the 2018/19 budget on the proviso that industry matched Council funding dollar for dollar.

Council sent the initial funding offer to the interim committee on August 2, 2018. The funding offer was to:

1. Be matched dollar for dollar by industry;
2. Joint Council and industry marketing funds were to be used to approach Destination NSW for a larger marketing campaign in 2018/19.

Funding would be provided on evidence of matching funding, Incorporation and a Governance Structure including Council representation on Board.

Once confirmed, Council would work with Destination Broken Hill to establish a Memorandum of Understanding and reporting milestones. Council's contribution and involvement would be predicated around deliverables that value added to the City.

In January 2019, ongoing emails between the operators, copied to Council, demonstrated that there was still work to do on the structure of the organisation and that matching funding would not be achieved in the financial year.

In January 2019, Council was notified that the organisation had a new interim Chair, Scott Smith, following the resignation of the Chair Steve Martin. The former General Manager had ongoing communication with the new Chair during February 2019 regarding Council's recommendation to coordinate the marketing campaign for the 2018/2019 financial year which would provide a foundation marketing platform for the organisation once they were in a position to match funding.

Ongoing communication from industry demonstrated that Destination Broken Hill was unable to coordinate the industry to match Council funding and at the February 20, 2019 meeting of Council, Council endorsed a repurposing of the budget for Council to work directly with Destination NSW to develop a matching dollar for dollar partnership to invest in a marketing campaign for Broken Hill. During campaign development, Destination NSW also provided \$170,000 to promote the Central Darling Shire, as a result of the significant impact of drought and the subsequent issues facing Menindee Lakes. It was agreed that a collaborative campaign to promote the City and region would have a larger impact in market, given that many of the natural attractions that entice visitors to the Far West sit outside the boundaries of the City of Broken Hill.

Council further invested \$200,000 across the two budget years of 2019/20 and 2020/21 to extend the campaign. In total, Council and Destination NSW invested \$610,000 into marketing activity overall. Public relations activity extended audience reach and engagement, and coverage was valued at more than \$1.7m.

## The Campaign

Council's investment in tourism marketing, matched by DNSW through the DNSW Regional Cooperative Tourism Marketing Program, has resulted in a lift in industry participation and leadership. In 2019, Destination NSW held three workshops during the development of the campaign including a key stakeholder workshop, Australian Tourism Data Warehouse Workshop and a campaign update in December. About 50 industry representatives attended each session. There were extensions to the campaign in 2019/20.

The campaign and branding for the region involved 12 months of consultation with industry and key stakeholders and was released to market in March 2020. The 2019/20 and 2020/21 budgets contributed to three further bursts of the campaign to align with other significant campaigns such as the "#Love NSW" Campaign, the "NSW Road Trips" campaign and the "National Holiday Here This Year" campaign that encouraged Australians to support tourism operators and communities around the country by booking and planning a domestic holiday. The third and fourth bursts were fully funded by the Broken Hill contribution and focused on Broken Hill and Silverton.

As a result of the collaboration, DNSW has also produced tourism brand guidelines to support future tourism marketing to capitalise on the brand awareness created during the campaign and create a consistent brand in visitor psyche. These were endorsed by Council at the September 2021 meeting of Council.

The "It's Out There" marketing program aimed to ignite appeal and increase consideration for Broken Hill and the Central Darling region as a holiday destination, in turn, increase overall visitation and spend.

Research showed that the Broken Hill and Central Darling region enjoyed high awareness, however, destination appeal was low, especially amongst travellers under 55 years old.

The campaign dates were affected by several external factors such as bushfires and Covid-19 - with an initial delay of 4 weeks. Before going live, it was important to ensure it was safe to travel to the region and aligned to traveller confidence. Campaign activity commenced on 27 February 2020 and rolled out over two bursts until 24 July 2020. A further two bursts of activity focussing on Broken Hill and funded by Council ran between 2020 – 2021.

The campaign sought to:

- Engage with our audience and increase appeal to Broken Hill and the Central Darling
- as a holiday destination.
- Convey the quirky and welcoming region and the locals.
- Position Broken Hill and Central Darling as a "different kind of Outback".
- Create an emotional connection to the destination.

As part of the creative strategy, the Destination NSW team, in consultation with Broken Hill City Council, Central Darling Shire Council and industry stakeholders, developed a destination and brand position to increase consideration, appeal and intent to visit, a media plan on how the message would reach the target market, the creative content including the "It's Out There" positioning (aimed to highlight Broken Hill and the Central Darling region as a different kind of Outback experience), and the creative showcase which included a range of activities to appeal to the target audience and show the breadth of offering.

Despite the challenges of 2020, the Broken Hill and Central Darling campaigns delivered 209,806 unique visits to visitnsw.com, 66,107 leads to industry operators over the four bursts of activity.

The campaign successfully delivered an +11% shift in appeal, +16% growth in consideration and +10% increase in intention to visit Broken Hill & the Central Darling as a holiday destination.

To amplify the campaign, Destination NSW implemented several value-add activities including the Bell's Milk Bar activation at the (International *Media* Marketplace) IMM launch event, supporting media and broadcast famils, cinema and regional TV advertising, large format billboards in Sydney's airport precinct as well as featured packages in HelloWorld & VivaHolidays campaigns.

MEASURE OF SUCCESS – Cumulative Results Across all four bursts of activity						
Impressions	Video Views	Total Website visits	Leads to Industry	PR Advertising Value Equivalent	Destination Appeal	Consideration
23,041,705* Impressions across paid media channels	3,202,598 Videos watched in full across digital platforms	209,806 The destination pages collectively received over the campaign period	66,107^ Delivered to local operator websites over the campaign period	\$1,767,776 PR program delivered a reach of more than 5M people	+11% shift in appeal amongst general population and +36% amongst campaign recognisers	+16% growth in consideration as a holiday destination and +10% increase on intention to Broken Hill & the Central Darling. Intention to visit was twice as likely amongst campaign recognisers
<p>* Cumulative reach **This number reflects post-click and post-impression leads generated from paid media. (i.e. someone view ed a display ad and then ended up on the event page organically and then converted).</p> <p>^ Lead is click to book, call, email or visit website from an operator listing</p> <p>Sources: Google Analytics Havas Media Datorama Report / Havas Post Campaign Analysis PR Analysis Broken Hill &amp; Central Darling Campaign Evaluation, Hall &amp; Partners Oct 2020</p>						
PR AND MEDIA RESULTS						
Total PR Reach: 5,267,676 Total Advertising Value Equivalent (AVE): \$1,767,776 256 pieces of coverage						
Campaign Launch at IMM				110 pieces of coverage 5 interviews 22 one-on-one media appointments		
Broadcast & Media Famils				2 media famils 1 broadcast integration -The Living Room		
Content Partnerships				Australian Geographic, Australian Geographic Adventure, Caravanning Australia		
In addition to the 'It's Out There' campaign activity Destination NSW's PR & Media team also supported the filming of two days of The Today Show weather in Silverton and Broken Hill and six additional media famils with top tier media outlets in 2020.						
MEDIA PERFORMANCE BY BURST						
Activity	Impressions Delivered	Video Views	Total Website Visits	Leads to Industry		

BH & CDS - Burst 1 & 2	5,764,524 +3% vs media target	1,566,716 vs 300k target	59,402 +277% YOY	23,786 +119% YOY
BH EXT - Burst 3	4,937,905 +6% vs media target	537,259 n/a	43,173 +434% YOY	16,972 +267% YOY
BH 2021 - Burst 4	12,339,276 -1% vs media target	1,098,623 vs 398k target	107,231 +66% vs previous campaign	25,349 On par with previous campaign
TOTAL	23,041,705	3,202,598	209,806	66,107
Sources: Destination NSW, Google Analytics, Havas Media Datorama Report / Havas Post Campaign Analysis				

## Key Insights

- One in four people claimed to have seen the campaign and performance is on par with Destination NSW average in terms of ad recall.
- The ads are seen as more 'appealing' than 'persuasive', indicating it worked well at the beginning of the traveller journey, however, there is more work to be done to convince travellers to act. In addition to showcasing the destination's experiences, the communications should also counter the barriers and frictions that make an Outback NSW less desirable.
- Among those aware, one in three would consider visiting Broken Hill and surrounds.
- Our primary audience, Couples 45-60, still perceive distance as a key barrier to visit Broken Hill. To improve these perceptions and convince travellers it's worth travelling the distance, Destination NSW is looking for opportunities to integrate Broken Hill road trip messaging into the broader Road Trips program.
- Couples 45-60 are not as likely as Retirees to consider travelling to the region, so while they are a realistic target, they are more challenging to convince. The campaign has however, had a positive impact among our primary audience.
- Nature resonated particularly well with our primary audience, further reinforced by the strong nature theme seen throughout the campaign. Nature messaging was dialled up for the 2021 activity.
- The campaign resonated slightly better with the under 45 audience, especially on persuasion. There may be opportunities to target a younger audience in future, potentially presented as a 'bucket list' adventure.
- Given South Australia (SA) is a key source market, it is no surprise the campaign resonated particularly well with this audience. The SA market represents one of our strongest opportunities to drive visitation.
- Noise in the market and travel restrictions have had some impact on 'unaided destination linkage'. However, the campaign has successfully sparked appetite and word of mouth for the region.

## Recommendations from Destination NSW

- The impact of Covid-19 and the renewed popularity of domestic road trips represents a unique opportunity to entice road trippers to the Broken Hill and Central Darling region. Further integration of road trip messages and itineraries in the "It's Out There" campaign would aid planning, and in turn encourage longer stays and more spend.
- While gains were made, the Hall & Partners Broken Hill & Central Darling Campaign Evaluation indicates further education around the wide variety of things to see and do is required to convince interested travellers to book a trip. It is recommended future campaign messaging continues to dial up the diversity of experiences on offer to encourage travellers not only to book but expand their itineraries.

- Whilst there was a significant shift in consideration overall, consideration was highest amongst a younger cohort (18-44 year-olds). Pending budget there may be an opportunity to shift towards a younger cohort in future.

Nature-based content was the most persuasive and should be dialed up for future activity. The rains in 2020-2021 have seen a resurgence in wildlife and greenery in the region, as such there was an opportunity to highlight this in 2021 messaging.

- As part of the 2021 media retargeting strategy, users from previous campaign activity were re-engaged to capitalise on the significant uplift in consideration and continue building intent amongst interested travellers. This did not convert to lead generation as anticipated, suggesting that more reasons to visit are required to nudge potential travellers into planning a holiday.
- It is recommended future activity continues to use a variety of creative in each channel to tap into different audience interests, then optimise towards the best performing.

In 2021, further marketing activities have included a three-month promotion from August – November 2021 with Australian Traveller and 101 Unique Stays and ongoing communication with DNSW about opportunities for collaborative campaigns.

### **Other activities**

Council's Visitor Information Centre (VIC) staff have supported the industry to update their Australian Tourism Data Warehouse listings to ensure that they are visible to the national and global market. The Australian Tourism Data Warehouse (ATDW) is Australia's national platform for digital tourism information on Australia. Incorporated in 2001, it is jointly owned and managed by all Australian state/territory government tourism bodies. The ATDW fills an identified need to market a comprehensive range of Australian tourism products without limitations of geographical boundaries, hence developing a central digital content and distribution platform.

Council is also working with the Far West Joint Organisation on a new Destination Management Plan (DMP) for Broken Hill and region which is funded by the NSW Government. A DMP is a business plan for building and managing the visitor economy.

### **Visitation**

In 2019/20, the total tourism and hospitality sales in Broken Hill was \$65.2m, the total value added was \$34.1 million. (Data Source: National Economics (NIEIR) - Modelled series. However, the latest Tourism Monitor for Broken Hill Year ending September 2021, based on Tourism Australia data shows that:

- An estimated 212,000 domestic overnight visitors spent at least one night in the Broken Hill Local Government Area in the year ending September 2021. This is a strong result considering travel restrictions in the September quarter.
- The latest estimate is 46% higher than the year ending September 2020 (this is a statistically significant change).

If it is assumed visitor expenditure in the latest period was the same as the average over the four years ending December 2019 (\$579 per visit) domestic overnight visitors spent \$123 million in the Broken Hill LGA in the year ending September 2021. It should be noted, however, that the four-year average ending December 2019 may be conservative for the year ending September 2021 given the well above-average length of stay of overnight travellers in that period. To account for this, it is reasonable to use visitor nights and spend per night to estimate total visitor spend. Using the spend per night average over the four years ending December 2019 (\$216) results in an estimated expenditure of \$173m.

## **Industry Consultation & Business Far West (Way Forward)**

Council has continued to consult with the tourism industry since the Tourism Taskforce determination in 2014 to assist the industry develop an industry body and since 2019 the Tourism Working Group has managed the community engagement between Council, industry, DNCO, DNSW and the Department of Regional NSW. This is ongoing and has included tourism industry meetings in the development of the campaign as outlined in this report, regular attendance at meetings by Regional NSW, DNSW and the DNCO and industry updates at the business meetings coordinated by Council.

Further consultation took place on February 15, 2022 when Business Far West presented their organisational vision and brief to the Mayor, Deputy Mayor and Council officers, reinforcing that the businesses of Broken Hill and the tourism industry have developed a model that will bring the business and industry together in a united collaboration to grow the visitor economy and wishing Council to join as a partner and have a position on the committee.

Business Far West have confirmed that all groups within the Far West will have a place at the table including the Broken Hill Small Business Association to ensure widespread participation, involvement and agreement on long term strategy and initiatives. This is on the basis, that Tourism is everybody's role, not just Tourism specific businesses.

### **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:	2.2.2	Develop the Visitor Experience
Action:	2.2.2.2	Collaborate with industry and government to expand destination marketing campaign

### **Relevant Legislation:**

*Local Government Act 1993*

Local Government (General) Regulations 2021

### **Financial Implications:**

- Tourism marketing and industry liaison is budgeted for in the 2021/22 FY (\$120,000).
- \$20,000 can be dedicated to the seed funding for Business Far West in partnership with Foundation Broken Hill.

### **Attachments**

1. [↓](#) Far West Tourism Taskforce Report
2. [↓](#) Broken Hill Regional Tourism Association Constitution
3. [↓](#) Broken Hill Tourism Advisory Group Constitution
4. [↓](#) Broken Hill Central Darling Branding Guidelines - It's Out There

ANNE ANDREWS

EXECUTIVE MANAGER GROWTH AND INVESTMENT

JAY NANKIVELL

GENERAL MANAGER

Therese Manns  
General Manager  
Broken Hill City Council

27 November 2014

Dear Ms Manns

Please find enclosed 3 copies of the Far West Tourism Taskforce final report.

Yours sincerely

  
Michael Williams  
Project Manager  
Far West Tourism Task Force



# FINAL REPORT

## REVIEW AND RECOMMENDATION OF GOVERNANCE MODEL FOR TOURISM IN FAR WEST NSW



An Australian Government Initiative



A NSW Government Initiative





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Date: November 2014

**Disclaimer:**

Information in this document is current at the time of publication (August 2014)

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## INTRODUCTION

The purpose of this report is to provide background information and strategic options for the development of a tourism structure, which best serves the needs of the Broken Hill and Surrounds Tourism Region.

Regional Development Australia (RDA Far West) initiated the commissioning of this report, after identifying a need to review existing tourism structures in the region.

As part of this review process, the RDA Far West developed a Tourism Taskforce who in turn contracted Lightfoot Marketing to undertake the entire project.

The report has been developed following extensive consultation within Far Western NSW and surrounding regions. The consultation phase of the project has included industry operators, the general community, Local Government, Destination New South Wales, Outback NSW Tourism and Inland NSW Tourism. The paper is designed to identify the future tourism structure and outline a path the region can take as it moves towards the preferred tourism governance model.

In addition to the development of the future structure, the report also looks at current structures and funding, current management and destination plans, industry consultation findings and other best practice models.

*Far West Tourism Taskforce would like to acknowledge the contribution made by a range of agencies, organisations and communities in the development of this report.*

*These are; Broken Hill City Council, Inland Tourism, Destination NSW, Outback Regional Tourism, NSW National Parks & Wildlife Service, Central Darling Shire, Broken Hill Chamber of Commerce and RDA Far West.*

## INDUSTRY CONSULTATION AND ENGAGEMENT

A total of seven industry consultation and engagement sessions were held in Broken Hill on 21, 22, 23<sup>rd</sup> May, 2014 at the Musicians Club in Broken Hill. More than 120 people attended the sessions over the three days, with each session running for between 2.5 and 3 hours and producing high level discussions and a general consensus and direction for the future of tourism in Broken Hill.

In addition to Broken Hill, RDA Far West undertook sessions in Packsaddle, Tibooburra, White Cliffs, Wilcannia and Menindee. 33 people attended five sessions over four days in these surrounding areas of Broken Hill.

Far West RDA undertook newspaper and radio advertising to encourage attendance at the sessions and ensure access for all that were interested and would be potentially impacted by the recommendations and outcomes. Electronic direct mail (EDM's) was also developed and distributed along with flyers that were distributed around Broken Hill.

People from the following sections of community and industry were in attendance; local and regional tourism industry operators, representatives from local and regional business organisations, representatives from local, state and federal government and interested residents.

## KEY FINDINGS

The review of related research, plans, industry consultation and engagement sessions and online surveys aligned thinking during the project with common issues, themes and patterns arising.

This report has drawn from these in the development of its findings, models and recommendations.

The **key findings** of the project are:

- There was unanimous support from industry and government bodies for the development of an industry driven tourism body for Far West NSW region.
- This body needs to be the peak tourism body for the region and sustainable over time.
- The industry is disengaged and fractured, they do not feel connected to the overarching tourism strategy, plans and implementation activities being delivered at a state, regional or local level.
- Industry is looking for solutions they can manage and control that will attract more visitors and increase length of stay in the region and contribute to overall tourism growth.
- Transport and access issues are ongoing – limited and expensive airline service routes, reduced train and bus services and non visitor friendly arrival and departure times,
- New product revival and redevelopment are high on the agenda along with the creation of new events as a tourism economic driver for the region.
- Service levels provided across the region need to be lifted.

The **key product strengths** of the region have been further identified as;

- History & Heritage - Mining, Heritage Townships, Streetscapes, National Heritage Status (pending).
- Arts & Culture – Galleries, Film, Indigenous Culture.
- Outback – National Parks, Desert Landscapes, Outback Characters and Personalities (proud, independent, resilient).

*(The TRA Visitor Profile and Satisfaction Report - July 2006 support these findings).*

A summary table of key discussions from consultation and engagement sessions and Far West Tourism Structures 2014, online survey can be found in Appendix B.





## RELATED RESEARCH, PLANS & RECOMMENDATIONS

Throughout the desktop review phase of this project the following plans and documents were reviewed:

- Broken Hill Strategic Plan 2012 – 2020 (BHCC).
- Outback NSW – Regional Destination Management Plan, October 2013 - (Inland NSW Tourism).
- RDA Far West NSW Regional Plan 2013 - 2023.
- Far West Regional Action Plan 2012 (NSW State Government).
- Community Road Map – Outback NSW Sept 2013 (Inland NSW Tourism).
- Community Road Map – Balranald, Broken Hill, Central Darling, Corner Country, Hay, Unincorporated Sept 2013 (Inland NSW Tourism).
- SA Outback Destination Action Plan 2012 – 2015 (as updated July 2013).
- Flinders Ranges and Outback SA Region – Integrated Strategic Tourism Plan (2008 - 2014).
- Proposed Plan for Far West NSW Tourism Task Force.
- Far West Regional Economic Updates (RDA Far West).

The plans that have been researched and developed for the region in the past few years are sound in their content, however we have found through this project that the issue seems to lie in distribution, understanding and implementation of these plans.

A key outcome of the industry consultation and engagement sessions was a sense that all are aware of the plans however are unsure who and how they are implemented. If they are being implemented, the progress and status is unclear.

This further highlighted a need to ensure ongoing and consistent engagement and communication around tourism activities being undertaken for and on behalf of industry.

## VISITATION

### VISITORS TO OUTBACK NSW

#### Travel to Outback NSW (year ended Dec 2013) \*Source NVS YE Dec13

In the year ended March 2014, 18.2 million **domestic overnight visitors** traveled to regional NSW. Outback NSW received 352,000 **domestic overnight visitors** for year end Dec 2013– up 24.8% on year end Dec 2012. The region receives 2% of visitors and 1.9% of visitor nights from those traveling to regional NSW.

The main purpose of visit to the region is ‘Holiday or Leisure’ at 47.7%, followed by ‘Business’ at 21.9% and ‘Visiting Friends and Relatives’ at 20.7%. Not surprisingly ‘Holiday and Leisure’ is also the largest purpose of visitor in terms of visitor nights, however this is followed by ‘Visiting Friends and Relatives’ at 26.9% and then ‘Business’ at 12.9%. In the past few years Holiday and Leisure and Visiting Friends and Relatives has grown as the purpose of visitor nights.

Caravan park or commercial camping grounds are the most popular accommodation at 28.5%, followed by standard hotel or motor inn below 4 star at 23.2% and friends and relatives at 22.1%.

Regional NSW is the largest source market at 38.9%, followed by South Australia at 17.6% and Queensland at 15.3%. All visitor source markets have increased in the past few years.

In terms of visitor nights Regional NSW continues to be the largest source market at 33.8%, however it declined by 7.8% for the year end Dec 2013, as did Sydney by 20%. South Australia and Queensland follow at 19.3% and 16.6% respectively – a growth of 137% for South Australia and 132% for Queensland. Victoria produces 15.9% of the visitor nights which translates to healthy growth of 128% for the year-end Dec 2013.

Private or company vehicle is the most predominate mode of transport at 76.4% followed by air transport at 7.7% and rented or hire vehicle at 5.1%. 40.1% of visitors stated that eating out at restaurants as the most popular activity followed by visiting friends and relatives at 31.3% and pubs, clubs, discos at 24.4%.

29.3% of visitors traveled alone followed by 26.7% that traveled as an adult couple and 21.3% who traveled as a family group.

Outback NSW receives 180,000 **domestic day-trip visitors**, which is 0.6% of all day-trips to regional NSW. Business is the main reason for travel at 45.6% followed by holiday and leisure at 35.6%. Visiting friends and relatives is the main activity at 22.8% followed by eating out at restaurants at 18.9% and general sightseeing at 18.3% and fishing at 16.1%.

Outback NSW receives low visitation from **international** markets with 10,600 international visitor nights for year-end Dec 13', the majority of these visitors are from Western markets.



Lightfoot Marketing / MIA Tourism - Governance Model Report For West NSW - October 2014

## VISITORS TO BROKEN HILL

According to the **Broken Hill Visitor Profile and Satisfaction Report (July 2006)**, the top two reasons people visit Broken Hill is to visit the city of Broken Hill (76%) and to experience the scenery (48%). More than 65% of these visitors expect the opportunity to tour around and explore, experience the nation's history, have the opportunity to discover something new and experience wide open spaces as well as having a nature based experience.

When they arrive at the destination they are; going to the Visitor Information Centre, eating out, shopping for food and clothing, visiting Silverton, shopping for gifts and souvenirs, visiting history and heritage buildings, sites or monuments and visiting retail art galleries.

A large 85% of visitors were satisfied with their visit and the experiences they had and state the key strengths of Broken Hill as being:

- Desert landscapes
- Information services
- Personal safety and security
- A variety of things to see and do
- The history of the city
- Friendliness of the locals

Broken Hill is seen, as a destination in its own right and not surprisingly is the most visited city in the region with 76% of visitors claiming they wanted to 'visit Broken Hill'. Visitors to Broken Hill visit or pass through other regional destinations on their journey to the city - the top four being Silverton at 59%, Wilcannia at 39%, Cobar at 36% and Peterborough at 30%.



As shown in the National Visitor Survey, year end Sept 13', the Local Government area of Broken Hill attracted 146,00 overnight visitors for the year ending Sept 13' and total nights of 490,000. 61% of these overnight visitors travel for the purpose of a holiday whilst only 16% travel to visit friends and relative and 16% travel for business.

The highest percentage of overnight visitors reside in regional NSW (23%) and also Victoria (23%) with total interstate visitors making up 69% of all visitors. 64% travel in a private or company vehicle, 11% travel by air and 7% by rail.

Activities visitors undertake are in line with those of visitors to Outback NSW with 50% eating out at restaurants, 38% undertaking general sightseeing, 30% visiting museums and galleries, 24% going to pubs, clubs and discos and 21% visiting friends and relatives (which was higher at 31% for those visiting Outback NSW).

34% stay in a hotel, motel or motor inn, followed by 25% who stay at a caravan park or commercial camping ground and 20% stay at a friend or relatives property which is in line with the purpose of visit to Broken Hill.

The highest percentage of visitors is traveling as an adult couple (36%) or with friends and relatives (21%), followed by those traveling without children (19%) and those traveling alone (18%).

27% of visitors to Broken Hill are in the age group of 55 – 64 years, compared to NSW, which sits at 17%; this is followed by 25% of visitors who fall into the 65 years and over category.

It can be concluded that the majority of visitors to Broken Hill are 55 years and over, from Victoria and regional NSW, staying in hotels, motels, caravan park and commercial camping grounds and participating in a range of activities including; eating out, visiting galleries and museums and undertaking general sightseeing.





## CURRENT STRUCTURES AND FUNDING

### STRUCTURE

Broken Hill City Council, Central Darling Shire and the large unincorporated area all sit within the RDA Far West region in NSW. In addition, there are other landowners in the area including NSW National Park and Wildlife.

Broken Hill is the undisputed destination and tourism hook for the region – it is integral to any visitor’s tourism experience and the hub from which a tourism and touring holiday, visit or business trip is undertaken.

The key product strengths and tourism offer of Broken Hill and the surrounding regions are identified as; History & Heritage, Arts & Culture and Outback.

Until 2007, the Broken Hill Regional Tourism Association (BHRTA) was a hybrid BHCC Committee and semi-incorporated body, charged with the oversight of the Broken Hill Visitor Centre.

As a result of a decline in the strength of its membership and the Committees’ conflicting roles and responsibilities, two alternative options were approached:

- The formation of the Broken Hill Tourism Association, which was disbanded at a council meeting held on November 28th, 2007 and where it was also agreed to establish Broken Hill Tourism Advisory Group as a section 355 Committee of Council.
- The section 355 Committee of Council was disbanded due to BHCC’s decision to implement an alternative to a 355. As a result FWTF was formed.

In 2011, the Outback NSW regional model as established by Tourism NSW (now Destination NSW), was folded into a broader Inland regional tourism structure – now Inland Tourism NSW. This organisation takes in a geographic area that includes parts of Central NSW, the New England North West Region and Corner Country.

Inland Tourism NSW has developed 4 Destination Management Plans (DMP) incorporating 8 Community Road Maps (CMP) across inland NSW - including 1 DMP for Outback which incorporates 2 CMP’s. The Region that Broken Hill and Surrounds falls within is termed Outback NSW (Outback NSW Regional Destination Management Plan).

Outback NSW extends west to the NSW and SA border, encompassing Broken Hill and the Unincorporated Far West, south to Balranald and Hay; east to Central Darling; and north to the Queensland border, capturing Cobar, Bogan, Brewarrina, Bourke, Walgett and Lightning Ridge.



With a region this size and stakeholders involved, two sub regional destination working groups were formed by Inland NSW for this broader Outback NSW area.

The cities and areas of; Balranald, Central Darling, Broken Hill, Corner Country and

Unincorporated Far West form one of these two sub regional destinations and is termed Far West Outback NSW.

Inland Tourism published a Community Road Map Plan for this area in September 2013. A Destination Management Working Group was to be set up to manage and implement key priorities as outlined in the DMP’s.

Essentially the CMPs are the activation plans for the delivery of the strategic and targeted industry and product development and marketing of the region.

It is understood that the Destination Management Working Group for this area, is not set up at this time.

Both the BHCC and RDA agree on the need to foster cooperation between the broader tourism industry structures as well as more locally with government, industry, business and the community.

BHCC has increasingly played a role managing and leading the delivery of tourism and tourism services for the industry and within Broken Hill. They are currently responsible for the provision, management and delivery of industry development, product development, marketing and visitor services.

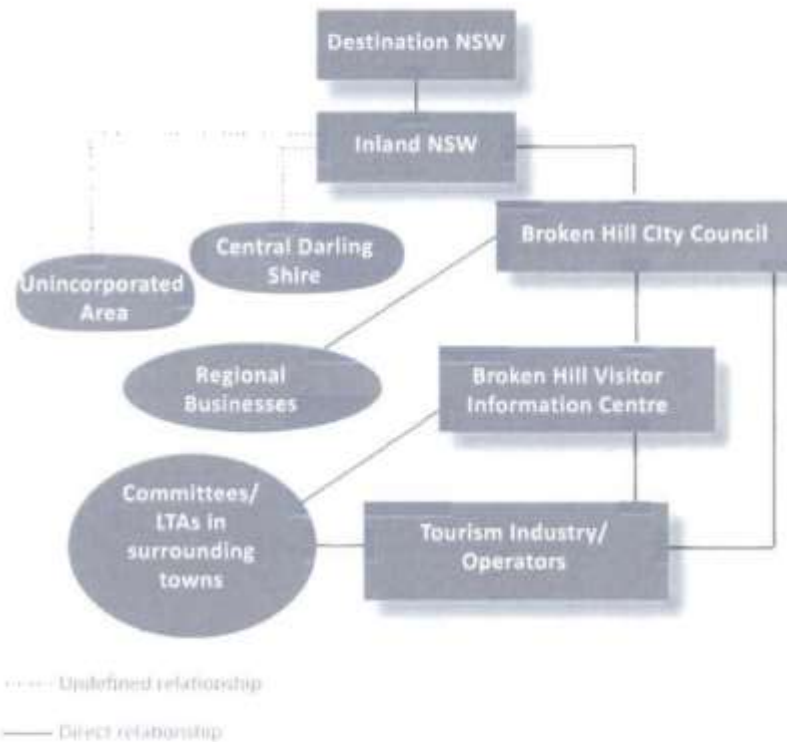
This has left 'grass roots' operators without a collective voice or an independent body that works with industry, for industry and for the region's future development.

The Broken Hill Visitor Information Centre is currently run by BHCC and all staff are employees of BHCC. The centre runs with restricted operating hours.

BHCC has participated for more than 30 years in the growth and development of tourism within the far west region. The Council recognises tourism as being important to the community and the economy as Broken Hill moves towards the end of mine life. While local government performs an important range of functions to support the sustainable growth and development of the sector, BHCC understand that a holistically developed tourism industry requires partnership between government and business to succeed.

As stated by the Mayor, BHCC are not in a position to continue to manage and fund tourism services, at current levels in the future. FWTF require a governance structure and body that is guided, owned and supported by industry. This body should have an integrated destination management focus and a structure that can professionally and effectively engage, lead and manage tourism within the context of the broader visitor economy.

Diagram of current tourism structure in far west NSW







**Committees and Local Tourism Associations (LTA's)** that also operate in the region include:

- **Tibooburra Village Committee** – small village committee that produces basic visitor information collateral
- **White Cliffs Tourism Association** - operating at an LTA level with nominal membership fees, produces some basic collateral and runs networking for members.
- **Wilcannia Tourism Association** – part of the unincorporated region and have their own small tourism committee who meet regularly, are engaged and interested.
- **Menindee Tourism Committee** – part of the unincorporated region, a proactive group
- **Silverton Village Committee** - small village committee
- **Sunset Strip Progress Association** - small passionate committee



*Lightfoot Marketing / MIA Tourism - Governance Model Report Far West NSW - October 2014*

## FUNDING

Indicative figures supplied by BHCC, indicate the **current income and expenses** that can be attributed to the Visitor Information Centre are:

CURRENT INCOME	REVENUE
Industry fees & charges (membership)	\$45,000
Visitors Guide	\$120,000
VIC - Rental of spaces	\$35,000
VIC - Souvenir sales	\$200,000
VIC - Signage sales	\$20,000
VIC - Booking commissions	\$20,000
<b>TOTAL</b>	<b>\$440,000</b>

\* Potential to obtain matching funds via Inland NSW/ Destination for campaigns and activity (e.g. up to \$120,000 for Visitors Guide)

CURRENT EXPENSES	EXPENSE
Employee costs	\$420,000
Office admin	\$40,000
Computer/ IT	\$2,000
Office equipment & furniture	\$6,000
Bank charges	\$4,000
Security	\$10,000
Training (including famils)	\$5,000
Souvenir Stock	\$110,000
Tourism Campaign	\$45,000
Visitors Guide	\$120,000
Rates/ Cleaning/ Compliance	\$150,000
Marketing budget (BHCC)	undetermined
<b>TOTAL</b>	<b>\$912,000</b>

Funds spent by BHCC on industry and product development and marketing activities, independent of what is shown in the tables above, is not included.



## FUTURE STRUCTURES – A NEW WAY FORWARD

Regional tourism structures are often the impediment to tourism growth rather than the facilitator of growth.

Often tourism in regional areas is fragmented resulting in a duplication of effort and poor communication and linkages within the industry. Such a situation leads to a blame game scenario and a downward spiral of industry confidence.

Any future structure must address these issues and provide:

- A destination and coordinated approach to tourism development
- An opportunity to remove duplication of effort
- Role clarity and determination of responsibilities
- A representative voice on tourism issues
- Genuine leadership
- Strong corporate governance
- Improved coordination between like organisations
- A central point of contact for governments and stakeholders at all levels
- Improved communication
- Regional ownership
- Transparency and accountability

Paramount in any future structure is the development of a structure which is truly owned by the region, is funded as a true partnership between the industry and key shareholders and a structure which is truly linked to regional and state-wide tourism organisations.

Failure to achieve this will result in continued fragmentation and blame game.

*Lightfoot Marketing / MIA Tourism - Governance Model Report Far West NSW - October 2014*

## THE ROLE OF THE LOCAL GOVERNMENT

Local Governments role in tourism has been the subject of debate ever since the first Local Government Authority opted to “play” in the tourism space. Local Government have basically three options when it comes to tourism.

### 1. Total Control (Hands On)

Under this model Local Government has total control over the tourism industry and provides Visitor Services, Marketing and Industry Development. Whilst this model ensures delivery of appropriate services, it does have the potential to alienate the industry and create a hand out mentality.

### 2. No Involvement (Hands Off)

This model sees tourism totally managed and funded by the tourism industry. Whilst this model provides industry ownership, it often lacks sufficient funds, consistent leadership and the necessary coordination to effectively manage and grow the tourism industry.

### 3. Partnership Approach (Holding Hands)

The partnership approach sees Local Government working with the tourism industry to manage and grow tourism. Local Government often fund Visitor Services and the Tourism Industry fund the Marketing and Industry Development.

A Board made up of Directors from the Industry and Local Government usually manages the Industry. Under this model, the Industry has real ownership and there is greater equity in funding.

The most successful regional structures operate under this partnership approach.



## STRUCTURAL OPTIONS

As part of the structural review, consultation and development process; the following 3 potential models were presented for consideration. Whilst the FWTF identified Model 2 as the preferred model, it was deemed important by FWTF to seek input from industry to determine their views before fully developing the preferred model.

### MODEL Option 1.

#### Destination Far West NSW Regional Tourism Board

##### STRUCTURE

Based on industry consultation and best practice models elsewhere in Australia and discussion with Inland NSW Tourism and Destination New South Wales, the following model is considered a viable option for the Broken Hill Region.

- The new board would be the peak tourism organisation for the Far West NSW region.
- The board would be focused on strategy and policy and meet 6-8 times per year.
- Broken Hill City Council, Central Darling Shire, Inland NSW Tourism and RDA Far West would hold a seat on the board as shareholders and contributions.
- The establishment of MOU's would outline terms, conditions and KPI's between relevant organisations.

##### FUNCTIONS

The board would be responsible for the holistic development of tourism in the Far West NSW region. Functions would include; industry development, product development and marketing.



##### STRATEGIC PLAN

- The board would operate under a 3 year strategic plan developed in consultation with all key stakeholders.
- The board would develop one year business plans with clearly defined key performance indicators.

##### BOARD MEMBERS

- The board would operate as an incorporated association.
- An independent panel following a public call for expression of interest would appoint the independent chair and skills based board directors.



### MODEL Option 1 (cont)

- The independent appointment panel could consist of:
  - 1 Industry Representative
  - 1 Local Government Representative
  - 1 Inland Tourism Representative
  - 1 RDA Far West Representative
- Local Government and Inland NSW Tourism would directly appoint their directors.
- The new board may operate distinct sub committees with a capacity to involve non board members.

### MOUs

The Board would develop formal MOUs with;

- Broken Hill City Council
- Central Darling Shire
- Inland NSW Tourism

to set down roles, functions, funding (where appropriate) and reporting.

The formal MOUs would also detail stakeholder reporting requirements and annual review processes. The board would operate under a formal charter endorsed by all stakeholders.

### INDUSTRY ENGAGEMENT

The board would engage on a bi monthly basis with the tourism industry via an industry forum. The industry forum would update the industry on activities and programs as well as provide the industry with an opportunity to give the Board feedback.

### STAFFING

As a minimum, the board would operate with a manager, supported by a tourism officer plus administration support.

### FUNDING

The Board would require funds to;

- Employ the above staff
- Finance operational requirements (e.g. office)
- Conduct industry development programs and product development activities

Funds would need to be considered as a true partnership between industry and local government.

Corporate sponsorship can be considered as part of the funding mix. The official visitor guide should be seen as a revenue opportunity.

Whilst further analysis would be required on the financial model a minimum of \$500,000 revenue is likely required to run this organisation.

### VISITOR INFORMATION CENTRE

Under this model the Visitor Information Centre would continue to be operated by the Broken Hill City Council.

The official visitors guide (OVG) and tourism campaigns, which are currently managed by the VIC, should be transferred to the new Destination Far West NSW Regional Tourism Board.



### MODEL Option 2.

#### Destination Far West NSW Regional Tourism Board – Operating the VIC

##### STRUCTURE

The Model 2 is predominantly the same as Model 1; however under this model the Far West Regional Tourism Board would also be responsible for the operation of the Visitor Centre.

- The new board would be the peak tourism organisation for the region.
- The board would be focused on strategy and policy meeting 6-8 times per year.
- Broken Hill City Council, Central Darling Shire, Inland Tourism and RDA Far West would hold a seat on the board as shareholders.
- The establishment of MOU's would outline terms, conditions and KPI's between relevant organisations.

##### FUNCTIONS

The board functions would be as outlined in Model 1 with the addition of visitor servicing. Functions would therefore include; **Industry Development, Product Development, Marketing and Visitor Servicing**

The board would operate under a strategic plan and one year business plan as detailed in Model 1.

Detail in relation to board composition, appointment processes, MOU's and industry engagement would be as set down for Model 1.

MODEL 2



##### STAFFING

- The Staffing structure under this model would include a Manager, supported by a Tourism officer plus Administration Support.
- In addition to this structure, the VIC would operate with 2 full time staff, 2 part time staff plus Ambassadors/Volunteers.

## FUNDING

The Board would require funds to;

- Employ staff
- Run the office and outgoings
- Deliver Industry Development, Product Development and Marketing Services

## VISITOR INFORMATION CENTRE

Under Model 2, the Destination Far West NSW Regional Tourism Board would officially run the Visitor Information Centre.

It is proposed that the Destination Far West NSW Regional Tourism Board would operate the VIC under a contract with BHCC. The acquisition of the VIC would be staged over a period of time, which would be determined and negotiated between the involved parties.

Under the contract BHCC would pay a fee to the Destination Far West NSW Tourism Board for the Board to provide all Visitor Servicing. The contract could specify;

- A minimum level of service to be offered (opening hours).
- That all revenue streams generated by the VIC be retained by Far West NSW Regional Tourism Board for product development and marketing.
- The Board could negotiate with BHCC to consider locating the VIC at an existing Council or privately operated tourist attraction.
- Far West Regional Tourism Board would be the employers of Visitor Centre Staff.

The Board could also consider the use of Volunteers to assist in the delivery of Visitor Services.

## A COMPARABLE MODEL

- The Echuca Moama Tourism Board located on the Murray River provides an excellent comparable model to one proposed under option 2.
- Echuca Moama Tourism (EMT) is an Incorporated Association run by a skills based Independent Board.
- EMT is responsible for Marketing, Industry Development, Product Development and Visitor Services.
- EMT receives annual funding from 2 Local Government Authorities to run the Visitor Information Centre, with a smaller amount provided for marketing.
- The Industry, via annual membership, contributes approximately \$220,000 with further revenue coming from booking commissions, sponsorships and grants.
- EMT operates on an annual expense budget of \$835,000, which includes a CEO, Marketing Officer, a VIC Manager, VIC Officer and 3 casual part time VIC Officers.
- One of the Local Government authorities provides the building where the VIC and EMT offices are located; however the organisation is responsible for all outgoings.



### MODEL Option 3.

#### Inland NSW Tourism Area Tourism Manager Model STRUCTURE

Under this option, BHCC and industry funds would be channeled through to the Inland NSW Tourism Board who, in turn would provide an Area Tourism Manager (ATM) to operate out of Broken Hill/ Far West NSW.

- The ATM Model would see a full time permanent staff member employed by Inland Tourism operating out of Broken Hill/ Far West RDA.
- The role of the ATM would be to deliver Inland NSW Tourism programs in the Far West NSW region.
- Under this model Local Government authorities and industry funds would be directly managed by Inland NSW Tourism to fund the employment of the ATM and to deliver programs.
- The Broken Hill VIC would continue to be run by BHCC.
- Inland NSW Tourism could establish a local advisory committee to support tourism growth in the region provide industry with a link into the management structure.



### MODEL EVALUATION

In consultation with the FWTF, an assessment of the optional models against the criteria (identified in an earlier section of this paper), was undertaken, FWTF concluding that the models met criteria as follows;

CRITERIA	Model 1	Model 2	Model 3
Coordinated approach	✓	✓	✗
Removal of duplication	✗	✓	✗
Role clarity	✗	✓	✗
Representative industry voice for tourism	✗	✓	✗
Genuine leadership	✓	✓	✓
Central point of contact	✗	✓	✓
Improved communication	✓	✓	✓
Regional industry ownership	✗	✓	✗

Based on the above analysis, Model 2 meets all the key criteria. Whilst Models 1 and 3 have important attributes and would also provide excellent outcomes for the region, Model 2 is the one which provides;

- True regional ownership.
- The clearest voice for the regional tourism industry.

Model 2 is the one most likely to provide engagement with industry and also has the greatest potential to generate the funds from industry to ensure the long-term sustainability of the structure and organisation. Model 2 presents less of a financial risk in terms of taking on the operation of the VIC and Model 3 provides the least financial risk, for what will essentially be a start up tourism body.



## FWTTF INPUT AND EVALUATION

A discussion paper outlining three possible tourism model structures was presented to the Far West TTF in mid July 2014.

After a period of review, feedback and comments were received and reviewed, the top line outcomes of this were:

- Model 2 was seen as the preferred option, however Model 1 could be a good starting point.
- More detailed costing's were required on the potential model before a final decision on the preferred model could occur.
- The model needed to include strategic alliance and engagement with Inland NSW Tourism and Destination NSW.
- There is some dispute around who and what organisations should hold a seat on the Board and under what terms and conditions (this would be debated and decided during the implementation phase).
- The establishment of an Implementation Committee with industry and stakeholders is favoured as a means to guide, discuss, develop and finalise all governance and structure elements of the establishment of the Regional Tourism Board.
- Implementation of the chosen model should be staged over a period of time and as determined by the Implementation Committee.







## THE PREFERRED MODEL

Following input from FWTF, the consultants were requested to provide further detail around Model 2 - the preferred model as identified by FWTF. The detail is as follows:

### DESTINATION FAR WEST NSW REGIONAL TOURISM

The preferred model seeks to:

- Provide regional ownership.
- Develop a true partnership approach to the development of tourism.
- Remove duplication of effort and funding.
- Provide absolute role clarity.
- Improve communications and connection.
- Provide genuine tourism leadership.
- Provide transparency and accountability.
- Link the region into the established tourism network.

The degree to which the above is achieved will largely depend on the commitment of all parties to embrace change, and in particular embrace a true partnership approach.

The new board will be the peak tourism organisation for the far west NSW region or the region covered by the same footprint as RDA Far West NSW. It is anticipated that the board will meet 6 – 8 times per year.

## THE PREFERRED MODEL





## FUNCTIONS

**Destination Far West Tourism (working title)** will be responsible for:

### Industry Development

- Develop, implement and support strategies to grow the skill base of the tourism industry within the region
- Activities could include workshops, seminars, mentoring, webinars etc.

### Marketing

- Develop an annual Marketing Plan to ensure a strategic and coordinated approach to driving visitation to the region
- The Marketing Plan should be based on sound research and identify clear target markets

### Visitor Servicing

- Run the Visitor Information Centre for the region
- Explore other options to support the visitor once they arrive in the destination

### Product Development

- Identification of product gaps in the region
- Developing strategies to attempt to fill product gaps

**Destination Far West NSW Regional Tourism will be a strategic organisation focused on the holistic development of tourism in the region – it should not become directly involved in operational issues. Operational issues will be dealt with by the organisations' management team.**

The key direction for the organisation should be spelt out in a **3 year Strategic Plan** which needs to be developed as a priority action for the new organisation. The 3 year Strategic Plan should be developed following extensive consultation with all shareholders and stakeholders.

Much of the research and development work for this plan has already been undertaken via the Broken Hill Strategic Tourism Plan and the Outback NSW Destination Management Plan. The **Destination Far West Tourism** 3 year Strategic Plan, can therefore draw from much of this.

The Plan should detail the Vision and Mission for the organisation and set down key activities under the 4 planks of; Industry Development, Marketing, Visitor Servicing and Product Development

In order to further guide the work of the new organisation a **One Year Business Plan** should be developed which links to the 3 Year Strategic Plan.

The One Year Business Plan details the action to be undertaken in the 12 month period with clear timelines and key performance indicators. The One Year Implementation Plan should be reported against at each Board Meeting and should undergo an extensive review 6 months after the commencement of the implementation year.

The 3 Year Strategic Plan should be reviewed annually to ensure the strategic direction of the organisation and the industry is still appropriate for the prevailing external conditions at the time. Failure to establish a clear 3 Year Strategic Plan and a One Year Implementation Plan is a recipe for failure.

In developing the Business Plans, it is essential that the goals are realistic and achievable. It is best to do 3 to 4 things really well than 6 to 8 things not so well!

## STAFFING

The challenge with any regional tourism organisation model is to develop a staffing structure which delivers on the strategic direction of the organisation without placing the organisation under financial stress or allocating a significant proportion of revenues to administration.

A further difficulty with the model presented is that it contains a requirement to operate a 7 day a week Visitor Information Centre. VIC's by their very nature are expensive services to operate and we often find regions and Local Governments spending more on servicing the visitor once they arrive than they do in trying to attract visitors and grow the industry (Marketing, Industry Development, Product Development).

For the purpose of this model we have allocated minimum staff based on models in similar sized destinations.

In addition to the listed staff it is recommended an 'Ambassador Program' (Volunteers) be established to support the operation of the VIC.

It is also possible that the new organisation could opt to "outsource" certain aspects of the listed roles. Activities for outsourcing include:

- Membership
- Official Visitors Guide (OVG) development

An officer within the organisation could be designated to manage the contracts. The contracts could be commission based as an incentive for the appointed contractor. It is imperative that the staff runs the organisation. The Boards role is to oversee the way they go about the running of the business and whether or not they are meeting set targets. Destination Far West NSW Regional Tourism would employ the staff identified and outlined.

The proposed staffing structure for Model 2 is as follows:

TITLE	Function	FT/PT	Salary Range
Executive Officer	Managers the business Key spokesperson for tourism Product Development	FT	\$110,000 to \$125,000
Tourism Officer	Industry Development Research Campaign Management Digital	FT	\$45,000 to \$50,000
Tourism Officer	Visitor Servicing OVG Management Familiarisations Includes rostered weekends	FT	\$45,000 to \$50,000
Tourism Officer	Visitor Servicing Industry Communication Ambassadors Program Includes rostered weekends Accommodation Booking	FT	\$45,000 to \$50,000
Tourism Officer	Visitor Servicing for peak times and weekends Accommodation Booking	PT	\$35,000 to \$40,000
Finance/ Admin	General Administration Financial Management	PT	\$25,000 to \$30,000
Membership Officer	Driving New Membership	PT	\$18,000 to \$20,000

## OFFICE AND VIC LOCATION

The logical geographic location for the new organisation and the Visitor Information Centre is Broken Hill.

The actual location of offices and the VIC within Broken Hill is not so clear-cut.

Currently, the Broken Hill Council operates the Visitor Information Centre in Bromide Street as a stand-alone Information Centre. Within the same complex is the Coach Terminal, Gloria Jeans and a Car Hire Company (call out office).

A number of vacant offices exist which would allow for the Destination Far West NSW Regional Tourism staff to office share.

The question we have to ask is do we need a Visitor Information Centre of this size? We also need to consider what the long term lease and financial arrangement are for this site.

The new organisation may also look to operate from within other Council run tourist attractions or develop an arrangement with a private operator. Under this arrangement the new organisation could:

- Reduce costs by operating a smaller Visitor Information Centre component of the business
- Reduce staffing costs by multi skilling staff to not only run the tourist attraction but also provide Visitor Information Centre services
- Create a revenue stream by successfully operating a tourist attraction on a profit sharing basis

The final decision will be made by the new organisation. The acquisition of the VIC would be staged over a period of time, which would be determined and negotiated between the involved parties.

## OPERATIONAL COSTS

In order to progress the model it has been assumed that Destination Far West NSW Regional Tourism will operate from the existing VIC in Bromide Street. It is also assumed that Council, as part of its contribution, will:

- Provide the office and VIC space rent free
- Provide maintenance on the building
- Maintain the surrounds of the complex





Making these assumptions the likely operational costs of the new structure would be as follows:

**EXPENSES**

OPERATIONS/ MARKETING	BUDGET
Campaigns	\$110,000
Image Library	\$3,500
PR/Famils	\$2,400
International	\$5,000
Industry Forums	\$10,000
Exhibitions/Consumer Shows	\$8,000
OVG Production	\$40,000
Audit/bank Fees	\$5,000
Computer/Digital	\$3,000
Board Expenses	\$10,000
Electricity	\$7,000
Directors Liability Insurance	\$1,200
Photocopier (50%)	\$4,000
Postage	\$5,400
Printing and Stationery	\$3,000
Motor Vehicle	\$22,000
Salary/On costs	\$230,000
Superannuation	\$16,500
Training/Prof Development	\$3,000
Communications	\$5,000
Storage	\$2,000
Research	\$10,000
Contingency	\$8,000
<b>TOTAL</b>	<b>\$514,000</b>

VISITOR INFORMATION CENTRE	BUDGET
Advertising	\$2,400
Accounting/Legal	\$1,000
Ambassador Expenses	\$2,000
Audit/Bank Charges	\$8,000
Reservation System	\$8,000
Cleaning	\$10,200
IT Expenses	\$3,500
Cost of Sales	\$15,000
Electricity	\$15,000
Photocopier (50%)	\$7,000
Insurance	\$7,500
Postage	\$6,000
Printing and Stationery	\$5,200
Repairs and Maintenance	\$5,100
Salary/Wages/On Costs	\$190,000
Superannuation	\$18,000
Uniforms	\$1,000
Security	\$2,000
Telephone/Communications	\$15,000
Staff Training	\$5,000
Sundries	\$2,400
Contingency	\$5,000
<b>TOTAL</b>	<b>\$334,300</b>

**TOTAL Operations, Marketing and VIC expenses are:**

BUSINESS UNIT/SECTOR	BUDGET
Operations/ Marketing	\$514,000
Visitor Information Centre	\$334,300
<b>TOTAL</b>	<b>\$848,300</b>



## REVENUE

The potential revenue required to ensure the new organisation is a viable and sustainable operation are as follows:

BUSINESS UNIT/SECTOR	BUDGET
Member Fees	\$156,000
Website Advertising/Listing Sales	\$8,000
OVG Sales	\$80,000
Interest	\$5,000
Cooperative Campaign Contributions	\$25,000
Sponsors	\$5,000
Grants	\$5,000
Broken Hill Council	\$272,000
Central Darling Shire	\$30,000
<b>TOTAL</b>	<b>\$586,000</b>

BUSINESS UNIT/SECTOR - V.I.C	BUDGET
Bookings Commission	\$25,000
Retail Sales/Souvenirs	\$50,000
Grants	\$5,000
Exhibition Space Sales	\$5,500
Sponsors	\$5,000
Broken Hill Council	\$200,000
Central Darling Shire	\$45,000
<b>TOTAL</b>	<b>\$335,500</b>

TOTAL Revenues can be summarised as follows:

BUSINESS UNIT/SECTOR	BUDGET
Member/Marketing/Operations	\$586,000
Visitor Information Centre	\$335,500
<b>TOTAL</b>	<b>\$921,500</b>

The pressure points in these revenue estimates are:

### Member Fees

- Can the organisation generate \$156,000 in member fees when the existing VIC's estimate of member fees and charges is only \$45,000?
- A comparable size organisation is generating approximately \$220,000 in member fees but is it achievable for Destination Far West NSW Regional Tourism?

### OVG Sales

- OVGs in other regional areas generate over \$35,000 profit for their organisations. This is only the case however where advertising sales and design of the guide is undertaken by staff members of the organisation - the associated salary costs are accommodated within an existing budget and not costed against the project specifically.
- Current figures made available suggest that the Broken Hill OVG generates \$120,000 in revenue but has an expense of \$120,000.
- The OVG sales offer potential to obtain some matching funds from Inland NSW Tourism.

### Cooperative Campaigns

- The estimated revenue from cooperative campaign contributions has potential to attract matching funds from Inland NSW Tourism.

### Retail Sales/Souvenirs

- Current estimates from BHCC suggest the existing VIC generates approximately \$120,000 in sales. Our estimates are more conservative at \$50,000.

### Booking Commissions

- Existing VIC estimates suggest that over \$40,000 annually is generated through booking commissions and signage sales.
- Our estimates of \$25,000 are conservative in comparison and are also well under commissions generated by comparable sized organisations.



### Local Government Contributions

The recommended contribution from Local Government is;

- Broken Hill Council                 \$472,000 (tbc)
- Central Darling Shire                 \$75,000 (tbc)

The suggested figure for BHCC to contribute is the current 'spend' on tourism (refer page 10 of this document), which would be deemed at set up funding that could be reduced by an agreed percentage annually and as part of the implementation phase. The suggested figure for Central Darling Shire is a new funding amount, which would also need to be discussed and negotiated as part of the implementation phase.

Clearly ensuring the funding model is viable and sustainable is a critical step in establishing Destination Far West NSW Regional Tourism. As there are a number of unknowns in the revenue side of the equation, it is recommended that negotiations occur with the Councils to underwrite the start-up year and continue to fund the second and third years on a sliding scale until the Council contributions and the industry contributions are more aligned. Greater detail would be developed in the implementation phase.

To be noted and of concern with the funding options for Model 2 is that it is projected to operate on an annual surplus of \$73,200. This is not advisable and the sustainability could be questioned. If the industry are genuinely committed to being a true long term funding partner and the identified pressure points are all addressed, the model can work - and does work in other regions.

### BOARD DIRECTORS

It is recommended that Destination Far West NSW Regional Tourism be an Incorporated Association and utilise the recommended model rules as a starting point to its establishment.

Incorporation provides the organisation with its own legal entity separate from its directors, providing protection to directors in legal transactions.

The directors of the structure and the reasoning for this composition are outlined in the adjacent table.

FWTTF would manage the appointment of the Board Directors.

The recommended process is:

- Develop a position description for the Independent Chair and the skills based directors (tourism and non tourism).
- Develop a newspaper and online advertisement seeking Expressions of Interest for Board Members.
- Review and short list applications.
- If required, establish interviews for short listed candidates.
- Make formal recommendations back to the FWTTF for approval.
- Write to RDA Far West, Shareholder Councils and Inland NSW Tourism asking them to nominate a Director. The correspondence should include an outline of the Directors role and the proposed operation of the new organisation.
- Once all nominations are finalised formally, announce the new Board. It is recommended that you utilise this opportunity to formally launch the new entity.



Membership of the Board has been recommended as follows:

BOARD DIRECTOR	REASONING
Independent Chair	Provides the opportunity to appoint a skilled chair that is truly independent.
Skills Based (non tourism) x2	These positions provide the opportunity to appoint directors with specific skills, which would enhance the operation of the Board, e.g. finance, legal.
Skills Based with Tourism Industry Background/ Involvement x4	Allows for the appointment of directors with specific skills but also who have knowledge of the Tourism Industry. Could also allow appointments from various sections within the Tourism Industry.
Local Government X2	Shareholder Local Governments (financial contributors) should be invited to nominate a Board Director. The decision as to whether it is an officer or councilor would be left with the particular council to decide.
RDA Far West	This appointment ensures a linkage to the funding organisation but also to a potential partner organisation particularly in the area of product development.
Inland Tourism	This appointment would provide a direct link to the Destination NSW supported organisation, which is a potential funding partner with Destination Far West NSW Regional Tourism. The case for matching funds will be greatly strengthened if there is a direct working relationship with Inland NSW Tourism.

## MEMORANDUM OF UNDERSTANDING

It is important that Destination Far West NSW Tourism enter into MOU's with key shareholders including Local Government, RDA Far West, and Inland NSW Tourism.

MOU's should be for a 3 year period with renewals for a further 3 years, completed by the end of the second year of the agreement; thus allowing full disclosure regarding ongoing support for Destination Far West NSW Tourism.

MOU's should clearly state the roles, functions and funding (where appropriate) and reporting procedures to ensure clarity between all parties.

## INDUSTRY ENGAGEMENT & COMMUNICATION

Unless Destination Far West NSW Tourism and more particularly, the management, engage with the industry, the organisation will fail.

As a minimum, it is recommended that Destination Far West NSW Tourism undertake:

- Bi-monthly industry forums that incorporate a professional development component as well as a mechanism to allow the industry to provide feedback to Destination Far West NSW Regional Tourism.
- Monthly Industry Updates (email or electronic direct mail) highlighting news and activities relevant to the industry.

## SHAREHOLDERS

The shareholders of Destination Far West NSW Regional Tourism are the funding parties (Local Government, Inland NSW Tourism and the Industry). The key funding party is local government(s) and it is therefore imperative that Destination Far West NSW Regional Tourism develops a structured half yearly process to formally present to the Councils to ensure they are aware of activities, events, issues and challenges relevant to the tourism industry.



## IMPLEMENTATION PLAN

### IMPLEMENTATION PROCESS

In order to move the region from its current model to the new structure it is recommended that the following be considered:

1. **Formally establish the Far West TTF as the structures Implementation Committee.**
  - The implementation committee would be responsible for managing the entire implementation of the new structure.
2. **The Implementation Committee appoint an Executive Officer**
  - It is essential that the implementation committee appoint an officer to lead the entire process and act as Executive Officer of the Implementation Committee.

Once the Implementation Committee is in place and the structural model has been endorsed they should then work through the following key activities.

- a) **Finalise the Financial Model and Sign on Shareholders (Funding Partners)**
  - This is obviously a critical step as the implementation committee work through a process that ultimately results in signing on the key funding partners.
  - The committee needs to review the financial model and agree on funding partner commitments.
  - It is essential during this phase that a professional 'pitch' be developed to sell the benefits of the new structure and provide the councils with the compelling reasons why they should be a partner and commit funds.
  - It is important that a 3 year funding model is developed which has the Councils committing increased dollars during the start-up phase (Years 1 and 2) with a reduction in the third year.

- This entire process has to be carefully managed and the focus should always be about building a partnership.
- The end result of this phase of the process is the signing of key funding partners via a 3 year memorandum of understanding.

#### b) **The 3 year Memorandum of Understanding**

The 3 year memorandum of understanding should set out:

- What is being planned?
- The role of the new structure.
- The relationship of the new organisation to other tourism and business structures.
- Membership of the new board.
- The appointment process.
- Key Performance indicators.
- Review and reporting processes.
- MOU renewal processes.
- Dispute resolution.
- Wind up of the organisation.
- Funding schedule.

The above are minimum requirements to provide the funding partners with a level of confidence required to commit funds.

**c) Position Descriptions and Advertising**

- Detailed position descriptions should be developed for the Independent Chair and Board Director roles.
- Advertisements should then be developed seeking “Expressions of Interest” for the Chair and Director roles.
- The implementation committee should review all expressions of interest and short list.
- Short listed candidates should be interviewed.
- The implementation committee would formally announce the successful candidates.

**d) Incorporation and Charter**

- While the Director and Chair appointment process is underway the implementation committee should also be working on the development of a board charter and incorporating the new organisation.

**e) Executive Officer Appointment**

- The implementation committee should develop a position description for the Executive Officer role.
- The role should be widely advertised.
- The timing of the advertising, short listing and interviews should be coordinated so that the newly appointed Chair can be involved in the process and included on the appointment panel.

**f) 3 Year Strategic Plan**

- The implementation committee has a role to play in coordinating and leading this process however it should be timed in such a way that the new Board (and ideally the Executive Officer) can be involved in the process.

**g) Launch**

- The new structure should be launched at a function where the implementation committee formally hands over management of tourism in the region to the new Board.





## APPENDIX : A

### INDUSTRY CONSULTATION & ENGAGEMENT SESSIONS

A total of seven industry consultation and engagement sessions were held in Broken Hill on 21, 22, 23<sup>rd</sup> May, 2014 at the Musicians Club in Broken Hill. More than 80 people attended the sessions over the three days, with each session running for between 2.5 and 3 hours and producing high level discussions and a general consensus and direction for the future of tourism in Broken Hill.

RDA Far West undertook newspaper and radio advertising to encourage attendance at the sessions and ensure access for all that were interested and would be potentially impacted by the recommendations and outcomes. EDM's were also developed and distributed along with flyers that were distributed around Broken Hill.

People from the following sections of community and industry were in attendance; local and regional tourism industry operators, representatives from local and regional business organisations, representatives from local, state and federal government and interested residents.

Sessions and attendees are outlined in the following tables.

SESSION 1	SESSION 2	SESSION 3	SESSION 4
<p>Leesa Zupanovich - Far West RDA  <b>Michael Williams</b> - FWTF, Far West RDA  <b>Ann Rogers</b> - FWTF, COCommerce, Manager Robinson College  <b>Dinitee Haskard</b> - FWTF, NPWS  <b>Robin Edgecumbe</b> - FWTF  <b>Chris Anderson</b> - FWTF  <b>Jason King</b> - FWTF  <b>Andrea Roberts</b> -FWTF, BHCC Economic Dev</p>	<p>Karen &amp; Ben - Demo Club  Eric Ralph  Hugh Gough – Caledonian Accommodation  Tegan Hickey &amp; Chloe Bennet – Murdi Park Aboriginal Affairs  Patrick Kreitner – BHCC VIC Tourist Information Centre  Helen Murray – Helbar Farm Photography Gallery  Peter Price – Silverton Hotel  Robin Chapman – Adkins Hardware  Susan Williams - RFDS  Hannah Illingworth – Broken Hill Art Exchange  Jason Cox – McMahons Mining Company  Steve &amp; Noelene Sliwka – Old Royal Hotel  Beth – Daydream Mine  Therese Mann – BHCC General Manager  Christine Barr – Railway Museum  Dinitee Haskard – NPWS and TTF  Gavin Coote - ABC Radio  Jodie Bear, &amp; Andrew Spencer – Sureway Employment  Margaret McBride – Old Fashioned Favourites  Dallas – Coburn Hotel  Chris – Silver city Tours  Les Silvercity Tours  Jason - Manager Woolworths</p>	<p>Larry &amp; Rod Angel  Phil Dungey  Helen – Broken Hill Print  Gary Bowden  Elaine Gillet  Jason King - TTF</p>	<p>Jack Absolom – Absolom Art Gallery  Amy Lee – First National RE  Peter Bevan (Sturts Meadows Grazier)  Naomi Schmidt -Eldée Station  Sean Fargher – BHCC VIC  Linda Nadge – Outback Astronomy  Christine Adams – Railway Museum  Kim Fell – BHCF  Rohan Jones – Life without Barriers  Terry Smith – Scarsdale Station  Fran Savage- Break Free Solutions  Christine Outback Lodge  Tracie Lee - Duke of Cornwall  Dionne Devlin – Devlin Dental  Narelle Symonds – Apprenticeship Association  Catherine Farry – Regional Art Gallery  Anne Bransdon – Chamber of Commerce  Lee Cechin – Pandora's Palett Owner /Chef  Corey – BHCC VIC  Dinitee Haskard – TTF NPWS  Steve – Community Member  David – Fireman  Katherine – Community Member  Otto – Community Member  Kevin White – Daydream Museum  Margaret – Community Member</p>

SESSION 5	SESSION 6
<p>Marion Browne – BHCC Councilor (Acting mayor for 2 weeks)            Damien Cox – BHCC Communications Specialist            Darrea Turley – BHCC Councilor and RDA Committee Member</p>	<p>Bushy (Kevin) / Whites Museum  <b>Michael McCulkin</b> - FWTF, Tri-State Tours            Joanne McCulkin – Tri-State Tours            Craig &amp; Julie Willoughby – Gloria Jeans Coffee Shop, BHCC VIC            Bill Elliot – Wilcannia Tourism Association            Esther - Palace Hotel            Gary Radford            Wayne &amp; Ruth Stubbings – Silver spade Motel and Broken Hill Tourist Lodge</p>

## APPENDIX: B

### SUMMARY OF KEY DISCUSSIONS FROM CONSULTATION & ENGAGEMENT SESSIONS

SURVEY QUESTION	RESPONSES/ SUMMARY
Types of business or body completing survey	Community – 7 Local/ State Govt – 6 Tourism Services – 2 Attraction – 1 Tour Operator – 3 Other - 11
Key product strengths	Heritage Buildings Australian History Australian Characters Experiences Art Galleries Mining Film Desert Landscapes Menindee Lakes National Parks Indigenous culture – Mungo, Mutwintji Miners Memorial Attractions Surrounding unique towns Friendly people Australian animals Climate Golf Course Community Events

SURVEY QUESTION	RESPONSES/ SUMMARY
Key issues facing tourism	<ul style="list-style-type: none"> <li>Disengaged industry – no management/ leadership/ driver</li> <li>Inconsistent and inadequate support from Inland NSW and other Government bodies – no direct contact/ engagement</li> <li>Sustainability and succession planning</li> <li>Council leadership</li> <li>Apathy from industry and community</li> <li>Poor service</li> <li>Air travel – cost &amp; access</li> <li>Train travel - frequency</li> <li>Pricing – too high</li> <li>Not enough events and experiences</li> <li>Limited product development</li> <li>Lack of coordination and communication</li> <li>Being open for business</li> <li>VIC access and not being open</li> <li>Attractions being closed</li> <li>Dispersion to surrounding towns and region</li> <li>Increasing numbers of Asian/ Chinese visitors and lack of services</li> <li>More product needed to encourage longer stays</li> <li>Need more visitors, consistently</li> <li>Lack of funding and resource for tourism marketing</li> <li>Lack of engagement with travel and tourism trade sector</li> </ul>
Idea's on how to address key issues	<ul style="list-style-type: none"> <li>Independent business and community based tourism body, supported by Council</li> <li>A leader, advocate, lobbyist and driver for tourism</li> <li>Coordinated structured approach to tourism</li> <li>Strong communication</li> <li>Regular product audits</li> <li>Encourage event organisers to develop and run events</li> <li>Service training</li> <li>Weekend penalty rates – address the cost to business somehow</li> <li>More events and festivals to drive visitation</li> <li>Lobby Governments to address transport issues</li> </ul>

SURVEY QUESTION	RESPONSES/ SUMMARY
Enhancing the visitor experience	<ul style="list-style-type: none"> <li>Sunset Tours, Living Desert Tours</li> <li>Better customer service</li> <li>Volunteers with passion at the VIC</li> <li>More events and festivals to experience</li> <li>RV dump sites</li> <li>Cater for grey nomads – food, service, tours</li> <li>Community pride, lead by civic leadership</li> <li>4 -5 Star Hotel with conferencing facilities</li> <li>Product development</li> <li>Development of more Caravan and Motor Home products and packages</li> <li>Higher quality food &amp; wine offerings and experiences – outback flavours, good foodie experience, taste the outback</li> </ul>
Strategic priorities	<ul style="list-style-type: none"> <li>Form tourism body</li> <li>Strategically manage tourism</li> <li>Destination and brand marketing</li> <li>Develop events calendar</li> <li>Product development for key target markets</li> <li>Short break market and packaging to suit this market</li> <li>Strategies to address air travel issues</li> <li>Educate community and business on the benefits of tourism</li> <li>Engaging industry</li> <li>Raise funds from industry to support</li> <li>Strong management of visitor services</li> </ul>
Key roles of a peak tourism body	<ul style="list-style-type: none"> <li>Drive visitors to the region</li> <li>Implement brand and destination marketing campaigns</li> <li>Connect operators</li> <li>Collective marketing and networking opportunities</li> <li>Training and development</li> <li>Information distribution</li> <li>Develop strategic plans for growth</li> <li>Be highly visible and positive and involve community</li> <li>Ensure we works with State and Federal tourism bodies</li> </ul>



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**CONSTITUTION OF THE  
BROKEN HILL REGIONAL TOURIST ASSOCIATION**

A Section 355 Committee under the Local Government Act, 1993. All references to 'the Council' to mean the Council of the City of Broken Hill.

**1. NAME**

The Committee shall be called the Broken Hill Regional Tourist Association, hereinafter referred to as 'the Association'.

**2. ADDRESS**

The address of the Association will be PO Box 286, BROKEN HILL NSW 2880.

The Secretary of the Association will be based at the Council's Tourist and Travellers' Information Centre, hereinafter referred to as the 'Visitors Information Centre'.

**3. OBJECTIVES**

- 3.1 To provide information to tourists and potential tourists to Broken Hill and the Outback Region.
- 3.2 To liaise with industry, and assist commercial organisations, community bodies, and individuals, involved in any way with tourism in the area.
- 3.3 To assist the Council's Manager, Tourism and Economic Development to co-ordinate tourism planning and activity within the area of NSW bounded by Cockburn to Coombah, Gum Lake to Wilcannia and through 91 Mile Bore to the Queensland border.
- 3.4 To assist in the inspiration and creation of additional and varied tourist attractions, including annual events, festivals, major sporting events, conventions and entertainment.
- 3.5 To produce printed and other graphic tourist and promotional information booklets, brochures and pamphlets either for sale or free distribution.
- 3.6 To plan, implement, and service marketing programs designed to encourage visitation and increase length of stay and visitor spending to and within the area.
- 3.7 To oversee the management of the Tourist and Travellers Centre for the benefit of tourists and the citizens of Broken Hill in such a manner as to create a source of income for the Association.



- 3.8 To raise funds and expend them in furthering the objectives of the Association.
- 3.9 To take actions deemed necessary or expedient to promote tourism and any of the above said objectives.

#### 4. MEMBERSHIP

Membership will be open to all persons or organisations interested in the objectives of the Association.

- 4.1 The Council of the City of Broken Hill shall appoint 3 Councillors as full members of the Management Committee.
- 4.2 Members shall pay a scale of Annual Fees which will be decided annually by the Management Committee ratified at January General Meeting.
- 4.3 Membership fees shall be payable annually in advance for each financial year. If a member is not financial at October 1<sup>st</sup> in any year, such membership will be terminated.
- 4.4 Each member shall receive annually a Certificate or other Official Document which shall be displayed by a member at their place of business. This certificate shall remain the property of the Association.
- 4.5 Members of the Association are required to comply with the provisions of the Association's Constitution and to support the Association in its promotion and development of tourism in Broken Hill and its surrounding region, as that region is defined in the Constitution.
- 4.6 Members of the Association
- : refusing to comply with the Association's Constitution,
  - or
  - : specifically and/or regularly neglecting reasonable standards of service to tourists and visitors to Broken Hill and its region and who are the subject of proven complaints of such action
- shall be asked by the Executive of the Association to show reason why their membership of the Association should not be terminated or alternatively, where applicable, assist the Association in preparing appropriate correspondence to the complainant.
- 4.7 Members of the Association who persistently and wilfully act in a manner prejudicial to the interests of the Association
- : shall, in the first instance, be advised in writing of the Management Committee's concern and asked to respond to those concerns in writing - all such advice to members shall be given in writing under the hand of the President of the Association.

shall, in the case of a proven second or further occurrence, by resolution of the Management Committee at a formally constituted meeting of the Association, either have their membership suspended for a period determined by the Committee, or be expelled from membership of the Association, - all such advices shall be given in writing under the hand of the President of the Association.

- 4.8** The provisions of sections 4.6 and 4.7 notwithstanding, all such disputes within the membership of the Association or between the membership of the Association and the Management Committee, may be first subject to discussion and mediation with a view to resolution.
- 4.9** Non-members of the Association may attend as observers, without voting rights, at Annual General Meetings or Special General Meetings.

## **5. COMMITTEES**

Committees comprising the Association shall be:

- 5.1** Management Committee with Sub-Committees as required by the Association from time to time and shall include a Promotions Sub-Committee, all of which shall report to the Management Committee on a regular basis.

## **6. STRUCTURE OF MANAGEMENT COMMITTEE**

The Committee will consist of:

- 6.1** Three (3) Councillors appointed by Council
- 6.2** The Manager Tourism and Economic Development or nominee.
- 6.3** Six (6) members to be elected by financial members of the Association. In the event of a ballot being necessary to determine these representatives, the General Manager or nominee will conduct such ballot on a preferential voting system. If, on any count of votes, in the election the number of votes cast for two or more members are equal and there is only one representative position to be filled – the member whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected. Such election to be finalised prior to the Annual General Meeting.
- 6.4** Chamber of Commerce and National Parks and Wildlife Service to each appoint one representative for a term of one (1) year annually.
- 6.5** The President and Vice President of the Association will be selected by the Committee at its first meeting from within the Committee - the Manager Tourism and Economic Development will not be eligible for either position.
- 6.6** The Tourism Services Manager will be Secretary/Treasurer of the Association.

- 6.7 The first meeting of the Committee shall be held within 48 hours of its Annual General Meeting.
- 6.8 In the event of there being insufficient nominations for the six (6) elected positions, the Management Committee shall have the power to invite interested persons to nominate for appointment to the Management Committee.
- 6.9 The Management Committee shall recommend nominees to Council to fill any casual vacancies on the subject Committee.
- 6.10 Members elected to the Management Committee shall serve for a period of two (2) years, except for the first year when three (3) delegates will stand down to enable half change every twelve (12) months thereafter. (Members standing down will be selected by ballot within the Committee but shall be eligible for renomination.)
- 6.11 If any member of the Management Committee fails to attend three (3) consecutive meetings without leave of absence being granted by the Committee, their positions shall be declared vacant.
- 6.12 Meetings of the Management Committee shall be held monthly on a date to be decided by the Committee.
- 6.13 A Special Meeting of the Management Committee shall be called within seven (7) days at the written request of not less than five (5) members of the Committee.
- 6.14 The term of Presidency shall not exceed four (4) consecutive years.

## 7. MEETING PROCEDURE

Meeting procedure at all meetings shall be as set out in Council policy No. 01.002 'Code of Meeting Practice'.

- 7.1 No business shall be transacted at any Annual General Meeting or Special General Meeting unless there is a Quorum of twelve (12) financial members of the Association present.
- 7.2 No business shall be transacted at any Ordinary Management Committee Meeting or at a Special Meeting called by the Management Committee unless there is a majority of members of the Management Committee present.
- 7.3 When there is an equality of voting on any matter before a meeting of any Committee, the President/Chairman shall have a casting vote in addition to his/her deliberate vote.
- 7.4 If a quorum is not present at the official starting time of any meeting, a period of fifteen (15) minutes shall be allowed before the meeting is adjourned. Should such meeting lapse, any urgent business of that meeting shall be conducted by the Executive.

- 7.5 The Management Committee shall abide by Council policy on disclosure of interests and declare such interests at meetings of the Management Committee and absent themselves from the meeting during discussion of the particular matters concerned in accordance with the requirements of Council's policy No. 01.002 (Code of Meeting Practice).
- 7.6 The Executive of the Management Committee shall be the President, Vice President and Manager Tourism and Economic Development.
- 7.7 At all meetings of the Association there shall be one vote per member present with the President/Chairman having a casting vote if required, in addition to his/her deliberate vote.

#### 8. TOURISM SERVICES MANAGER AND STAFF

- 8.1 All staff employed at the Visitor Information Centre shall be employees of the Council.
- 8.2 All staff shall be directed by the Manager, Tourism and Economic Development, who shall be accountable to the General Manager.
- 8.3 All staff employed at the Visitor Information Centre shall be directly supervised by the Tourism Services Manager.
- 8.4 The Tourism Services Manager shall be a full time employee of Council and be appointed through Council's usual recruitment processes, with the President of the Broken Hill Regional Tourist Association being a member of the selection panel.
- 8.5 Vacancies in positions within Council's operations at the Visitor Information Centre, that is vacancies within the tourism counter and office staff, will be filled through Council's usual recruitment processes, with the President of the Broken Hill Regional Tourist Association being a member of the selection panel.
- 8.6 All employees shall be required to abide by all administrative and human resource related policies of Council
- 8.7 The Tourism Services Manager shall attend all meetings convened by the Association and shall have no voting rights.

#### 9. FINANCE

The Association will obtain funding in the following manner:

- 9.1 Council will provide annually, an amount equal to the combined salaries and benefits of the Tourism Services Manager and other staff employed at the Visitor Information Centre, provided such amount does not exceed the approved budgeted figure of any one (1) year.

- 9.2 The Association will receive monies from the lease of facilities at the Tourist and Traveller's Centre.
- 9.3 Monies received from the sale of souvenirs, publications, commissions and other saleable commodities.
- 9.4 Grants from Federal, State and Local Governments.
- 9.5 Subscriptions and/or donations from the private sector.
- 9.6 Any other form of funding the Management Committee from time to time may consider necessary, providing that such funding does not contravene any section of the Local Government Act 1993.
- 9.7 The Management Committee will endorse the budget for submission to Council by the end of February each year.
- 9.8 All expenditure shall be approved by the Management Committee.
- 9.9 All disbursements shall be made by cheque request or goods received advice approved by the Tourism Services Manager or Manager Tourism and Economic Development and subsequently forwarded to Council's Manager Financial Services, for processing and issuing of Council cheques in payment through Council's usual creditors procedures.
- 9.10 The whole of the revenue and expenditure of the Association shall be the responsibility of the Association.
- 9.11 All such revenue shall be devoted to the promotion and development of the tourism industry for the benefit of Broken Hill and the nominated region.
- 9.12 The services and operations of the Association shall be conducted within the sums voted for its annual budget for both income and expenditure.
- 9.13 An annual financial statement shall be prepared for submission to the Annual General Meeting of the Association. The audit of the Association's financial records shall be carried out in conjunction with the annual audit of the Broken Hill City Council.
- 9.14 The funds of the Association shall not revert to members but to the Council under Section 355 of the Local Government Act 1993.

## 10. POLICIES AND PROCEDURES

- 10.1 The Management Committee of the Association may develop formal policies and procedures in respect of its day to day operations based at the Visitors' Information Centre – such policies and procedures to be endorsed at a properly constituted meeting of the Management Committee.
- 10.2 All policies and procedures endorsed by the Management Committee shall be referred to Council for approval before implementation.

- 10.3** The Secretary shall ensure that a policy and procedures manual is held available for access at the Visitors' Information Centre and that full copies are held by the current membership of the Management Committee.
- 10.4** The Secretary shall provide copies of new and revised policies and procedures to members of the Management Committee for manual update; and also copies to all financial members of the Association for information.

## **11. ACCESS TO INFORMATION**

### **11.1 Promotional/Attraction Brochures/Publications and Associated Documents**

All promotional publications prepared by or on behalf of the Broken Hill Regional Tourist Association and all leaflet/brochure material held by the Association for the information of the general public and visitors to the City of Broken Hill, shall be readily available to those persons requesting it.

### **11.2 Records Held by the Broken Hill Regional Tourist Association**

**11.2.1** All other records held by the Broken Hill Regional Tourist Association including minutes, financial statements, reports, correspondence and similar, shall be held within a records management system in a format determined in conjunction with Council Management.

**11.2.2** Financial members of the Broken Hill Regional Tourist Association are entitled to access to the meeting minutes and financial statements of the Association, other than

\* where considered at 'closed', that is, non public, meetings of the Association for reasons of confidentiality clearly stated at that meeting,

\* where release of the information would infringe the requirements of other legislation.

**11.2.3** Requests by members of the Association for access to the Association's records must be made in writing to either the Secretary or the President of the Association.

**11.2.4** Members of the Management Committee shall have access to all necessary records of the Association (provided they have no pecuniary interest in same); with the exception of employee records held by the Council.

**11.3** Public access to the records of the Association shall be in accordance with the requirements of the Local Government Act, 1993, as amended and Regulations made thereunder, the Privacy and Personal Information and Protection Act 1998 and the Freedom of Information Act, 1989.

- 11.3.1** Requests made under the Freedom of Information Act for public access to the records held by the Association, will be determined in accordance with the relevant legislation and Broken Hill City Council's policy No. 01.004 – 'Freedom of Information'.
- 11.3.2** All members of the Association, the Management Committee, the Executive and also all Council staff employed at the Visitors' Information Centre shall not disclose any information which infringes the requirements of the Local Government Act, 1993, the Privacy and Personal Information Protection Act, 1998, or the Freedom of Information Act 1989, Council's Privacy Management Plan or any relevant policy or procedure of Council.
- 11.3.3** Members of the Association should seek clarification from the Executive if they have any uncertainty about disclosure of information.
- 11.3.4** Council staff should seek clarification from their supervisor if they have any uncertainty about disclosure of information. Assistance can also be sought from Council's Public Officer.

## **12. VISITORS' INFORMATION CENTRE**

The management of the Centre shall be vested in the Association and Council shall ensure that this management is being performed adequately. Should there be contention on this matter it will be conveyed to the Association by correspondence in the first instance.

Council will be responsible for the maintenance and supervision of the cleanliness of the Centre.

## **13. ANNUAL GENERAL MEETING**

The Annual General Meeting of the Broken Hill Regional Tourist Association shall be held not later than October 31<sup>st</sup> each year.

## **14. TERM OF COMMITTEE**

The Broken Hill Regional Tourist Association Committee shall cease to hold office at the expiration of three (3) months after the general election following upon the appointment of the new Committee but shall be eligible for re-appointment vide Section 355 of the Local Government Act 1993.

## **15. CONSTITUTION**

**This Constitution was endorsed by the Broken Hill Regional Tourist Association at its meeting on March 12, 2002 and adopted by Council at its meeting held on March 27, 2002.**

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**CONSTITUTION****BROKEN HILL TOURISM ADVISORY GROUP**

A Section 355 Committee under the Local Government Act, 1993. All references to 'the Council' to mean the Council of the City of Broken Hill.

**1. NAME**

The Committee shall be called the Broken Hill Tourism Advisory Group, hereinafter referred to as 'BHTAG'. All reference to 'the Committee' to mean BHTAG.

**2. ADDRESS**

The address of BHTAG will be PO Box 448, BROKEN HILL NSW 2880.

The Secretary of BHTAG will be based at the Council's 'Visitor Information Centre'.

**3. VISION, MISSION AND OBJECTIVES****3.1 Vision**

Lead and Grow Outback Tourism.

**3.2 Mission**

Sustain the responsible economic growth of Outback Tourism.

**3.3 Objectives**

**3.3.1** To implement and participate in marketing strategies determined to increase the region's tourism income in partnership with the Community, State / Local Government and Industry stakeholders.

**3.3.2** To co-ordinate tourism promotion and services within the region in partnership with Industry and Local Government.

**3.3.3** To develop community understanding of the value of tourism in the region in partnership with Industry and Local Government.

**3.3.4** To advise and promote industry development, employment and training to benefit tourism in conjunction with key organisations.

**3.3.5** To maximise the region's available funding.

**3.3.6** To provide industry input to assist in the development of current, quality information to visitors and stakeholders.

**3.3.7** To recognise and promote excellence within the regional tourism industry.



#### **4. STRUCTURE AND MEMBERSHIP**

Membership will be open to all persons or organisations interested in the objectives of BHTAG and that use the services of the Broken Hill Visitor Information Centre on a fee for service basis.

The Committee shall consist of seven (7) members. The seven members shall be appointed by the Council and shall be nominated as follows;

- 4.1** 1 Councillor (currently Community representative) appointed by Council.
- 4.2** 4 Tourism Industry representatives
- 4.3** 1 National Parks & Wildlife Service representative
- 4.4** 1 Broken Hill Chamber of Commerce representative

In addition Council will appoint two (2) Council employees as ex-officio members of the Committee. The role of Secretary will be undertaken by one employee (Tourism Services Manager) and Council's Manager Community Development will provide technical support and advice to the Committee.

Nomination for Committee appointments as tourism industry representatives and any vacancies therein will be publicly advertised and interested parties will apply for membership in writing, providing names and other necessary details for consideration by a panel consisting of the General Manager, Manager Community Development and an independent member from Tourism NSW. Selection will be based on the skills and experience offered to the committee. The panel will recommend appointment to Council.

Council reserves the right to amend the number of Committee members and category of representation.

#### **5. TERM OF APPOINTMENT**

Members appointed to BHTAG shall serve for a period of four (4) years, except for the first term when three (3) members will stand down to enable half change every two years (2) years thereafter. (Members standing down will be selected by ballot within the Committee but shall be eligible for reappointment.)

#### **6. VACANCIES ON COMMITTEE**

- 6.1** Committee members will be appointed for a period of four (4) years.
- 6.2** Membership shall cease in the following cases:
  - Upon the death of the Member;
  - If he/she becomes bankrupt or makes any arrangement or composition with their creditors generally;
  - If he/she becomes mentally ill or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;

- A member ceasing to meet the criteria for membership and a motion declaring his/her position vacant being carried at an Ordinary meeting of the Committee;
- A member having failed to attend three (3) consecutive ordinary meetings of the Committee without leave of absence having been granted;
- A member resigning his/her position on the Committee by notice in writing addressed to the Secretary, such notice having effect upon receipt by the Secretary;
- Upon a resolution of Council to remove him/her from office;
- Upon conviction for any criminal offence past or present, unless a free pardon has been granted or the sentence served.

6.3 It shall be the duty of the Chairperson, if any extraordinary vacancy occurs, to declare the fact to the next ensuing ordinary meeting and to ensure that the necessary steps are taken to fill the vacancy in accordance with this Constitution.

## 7. MEETINGS

Meeting procedure at all meetings shall be as per Council policy and Council's adopted Code of Meeting Practice

- 7.1 A minimum of six (6) Ordinary General Meetings of the Committee shall be held annually on a date to be decided by the Committee.
- 7.2 A Special Meeting of the Committee shall be called within seven (7) days at the written request of not less than four (4) members of the Committee.
- 7.3 No business shall be transacted at any Annual General Meeting or Special General Meeting or Ordinary General Meeting unless there is a Quorum of four (4) members present, excepting any ex officio members.
- 7.4 Should within half hour of the time set down for a meeting to commence, a quorum be not present, then the meeting shall be adjourned to the same time and place seven days later or to a place and time within one month of the date of such meeting, to be determined thereat. If at such adjournment meeting, a quorum be not present, then those members attending shall be deemed to be a quorum, provided the number of such members is not less than three (3).
- 7.5 At all meetings of the Committee there shall be one vote per member present with the Chairperson having a casting vote if required, in addition to his/her deliberate vote.

## 8. EXECUTIVE

- 8.1 The Executive shall be the Chairperson and Deputy Chairperson with both elected by the Committee from the Tourism Industry representatives. The term of the Executive shall not exceed four (4) consecutive years.
- 8.2 The Chairperson shall chair and maintain order at all meetings of the Committee at which he/she is present.
- 8.3 The Deputy Chairperson shall have and may exercise all the powers of the Chairperson during the absence of the Chairperson or during the period of an extraordinary vacancy in the position of Chairperson.

- 8.4 The positions of Chairperson and Deputy Chairperson shall be filled at an Annual General Meeting to be held no later than October each year.
- 8.5 Under normal circumstances only the Chairperson shall speak for the Committee, but individual members may be delegated powers of public comment by the Committee should circumstances warrant it.
- 8.6 The Secretary (as delegated by Council's General Manager) shall have the duty of performing all work of a secretarial nature. In particular, the Secretary shall keep minutes of all meetings of the Committee in permanent form.

**9. DELEGATIONS TO COMMITTEE**

- 9.1 To recommend to Council through the General Manager or his/her delegate annual allocation of grants sourced by the Committee.
- 9.2 To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights.
- 9.3 To bring to Council's attention by way of recommendation through the General Manager or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

**10. CONSTITUTION**

This Constitution was adopted by Broken Hill City Council at its meeting held on November 28, 2007 (Minute Number 42450).

BROKEN HILL & CENTRAL DARLING

# Brand Guidelines

April 2021



## INTRODUCTION

# Welcome to the Broken Hill & Central Darling region.

You can catch another Outback—out beyond the standard trip.  
A different landscape living large across the Outback's mighty span.

Nature's wildness paints outside the lines.  
Red earth sketches ancient secrets on rock.  
Stars scatter across outstretched velvet skies.  
Twisted trunks chase liquid riches through the land.

People made their fortunes here, and dialled life up to ten. Outgoing  
barely cuts it—from eclectic homes, outspoken characters, to races,  
dance and drag—outlandish rules each day.

It's oversized welcome.  
It's outrageous personality.  
It's flat out audacious.

*It's out there.*

## INTRODUCTION

## Why it matters.

You are the custodians and storytellers of the Broken Hill and Central Darling region. You offer both the tangible and memorable. It is your voice that defines the region.

This guide is to help you understand the richer expression that now defines our story. To embrace what we stand for and to communicate this to the world. Bring to life authentic moments that inspire visitors to come to the Broken Hill and Central Darling region, immerse themselves in their own stories to tell their family and friends.

The *It's Out There* brand is not to replace your individual identities but an opportunity to entice visitors to explore more and stay longer by linking together the tapestry of experiences that define the region.

Whether it's a hashtag, or a logo, they are all touchpoints, therefore an opportunity to achieve a collective objective – to make our own destination and the Broken Hill and Central Darling region a must-visit.

If you have questions or need further guidance, please contact:

**BROKEN HILL CITY COUNCIL**  
[council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au)

**CENTRAL DARLING SHIRE COUNCIL**  
[council@centraldarling.nsw.gov.au](mailto:council@centraldarling.nsw.gov.au)

## INTRODUCTION

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# The Broken Hill & Central Darling strategy.

Our strategy is to present the Broken Hill and Central Darling region to the market by delivering a strong and unified visual brand, that reflects the unique experiences on offer and positions the region as a desirable leisure destination.

### OBJECTIVES

- Ignite appeal and increase consideration for the Broken Hill & Central Darling region as a holiday destination
- Increase overall visitation and spend from visitors by encouraging longer stays through promotion of the variety and diversity of experiences
- Gain market share within the target audiences
- Differentiate the Broken Hill & Central Darling region from its competitors by showcasing unique experiences and positioning the region as a 'different kind of outback'.

## INTRODUCTION

## Using these guidelines.

These guidelines have been developed to ensure the visual direction and key principles of the *It's Out There* brand are maintained to the highest standard and to develop and foster a distinctive brand identity. The integrity of the brand relies strongly on consistent and accurate application of all mediums.

If any needs or variations arise that are not provided in this document, please contact:

**BROKEN HILL CITY COUNCIL**

[council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au)

**CENTRAL DARLING SHIRE COUNCIL**

[council@centraldarling.nsw.gov.au](mailto:council@centraldarling.nsw.gov.au)

Who should use these guidelines:

- **Internal users**  
To identify specific artwork and understand and adhere to the overall look and style of our material and enable collaborative working with contractors and suppliers.
- **Communications professionals**  
To guide Communications, professionals working with Broken Hill, Central Darling or relevant partners to develop on-brand collateral.
- **Partners**  
To assist industry, sponsorship and government partners to understand, identify and implement the appropriate brand look.



INTRODUCTION

# Map of Broken Hill & Central Darling region.



# 01 Key Messaging



## KEY MESSAGING

*It's Out There*  
destination DNA.

**ESSENCE**

It's full of community and heart. It's a different kind of Outback. It's filled with greenery and red for miles, full of spirit, history, diversity and character to explore and uncover.

**PERSONALITY**

Eccentric, friendly, local, laid back, welcoming, proud and historic.

**VALUES**

Creative spirit.

**FUNCTIONAL BENEFITS**

It's an iconic destination for every Australian, either as a stop on a bigger trip or if you have a few days to explore. Discover a history as diverse as the people, a rich arts culture bursting at the seams and breathtaking natural beauty.

## KEY MESSAGING

## Tone of voice.

The tone of voice for creative executions can range from conservative to cheeky, depending on the imagery it is paired with. It is very important that copy is not inappropriate and all creative must be approved by Destination NSW.

Where relevant, please integrate *It's Out There* campaign messaging into your marketing collateral. It can feature in body copy or headlines and can be used to form a word beginning with "OUT" or used as a standalone word.

For example:

- OUTstanding natural beauty
- Broken Hill is OUT of the ordinary

The following pages include examples of the tone and language you can consider when promoting the campaign.

### CONSERVATIVE TONE OF VOICE.

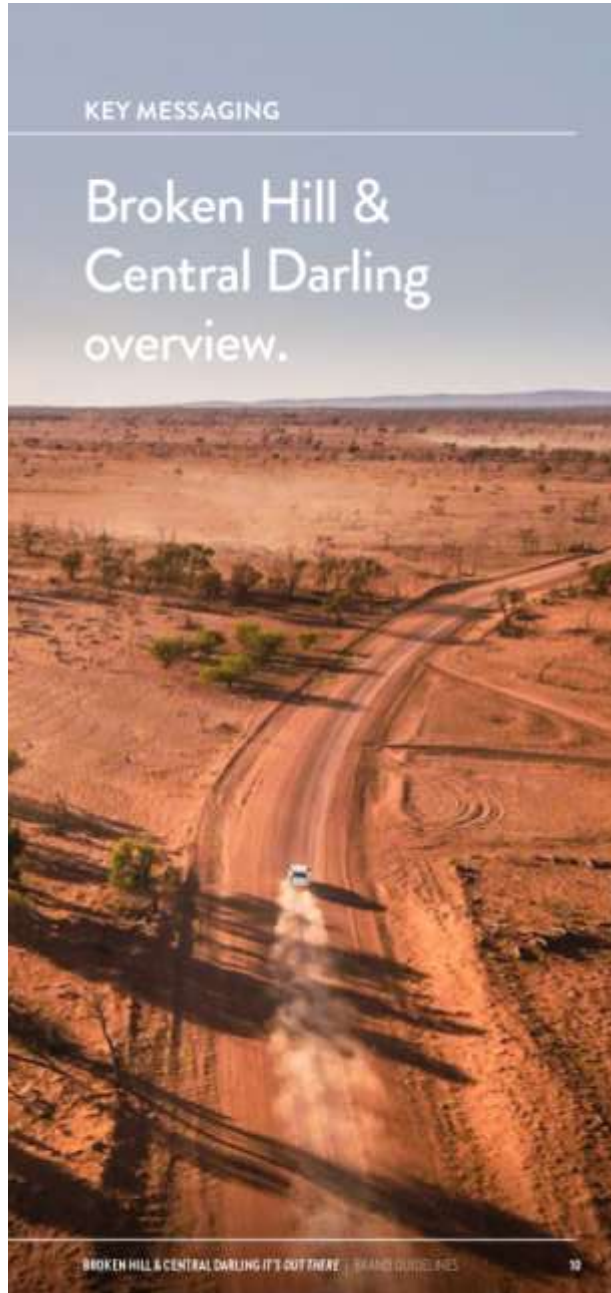
HISTORY THAT HAS *Out*LIVED TIME.

### PLAYFUL TONE OF VOICE.

RELEASE YOUR INNER *Out*RAGEOUS, DARLING.

### CHEEKY TONE OF VOICE.

*Out* HERE, THE LOCALS HAVE NICE ASSES.



## KEY MESSAGING

# Broken Hill & Central Darling overview.

### BODY COPY EXAMPLE

So you're looking for a holiday that's a little bit different. A little bit out there. In Broken Hill and the Central Darling region, discover a place that paints outside the lines. Full of breathtaking natural beauty, eclectic characters and captivating stories. Home to a vibrant local artistic community and a long history of Hollywood filmmaking. Inspired by rich red desert, mystical lakes and winding rivers. Experience ancient Aboriginal culture, unique heritage architecture and legends of settlers seeking their fortune. Be captivated by contrasts, from birdsong chorus around a riverbank campfire, to the bingo calls of glittering drag queens or the infinite silence of snuggling under a billion stars. It's OUTback, but not as you know it.

### ORGANIC SOCIAL EXAMPLE

OUTrageously big characters, living large under a vast southern sky. Discover Broken Hill and the Central Darling region, home to a vibrant local artistic community, rich history and breathtaking natural beauty.



#### BODY COPY EXAMPLE

Discover a world of OUTstanding natural beauty in Broken Hill and the Central Darling region. A bold outback landscape as colourful, diverse and full of life as the locals who call it home. Follow explorers' footsteps through vast, rich red desert landscapes, full of ancient secrets. Discover the tranquil waters and abundant aquatic life along the Darling River. Enjoy a chorus of birdsong beside a riverbank campfire, or the infinite silence snuggled together beneath the canopy of a billion stars. Giant sculptures, ancient rock formations and more await, in this diverse landscape woven with Dreamtime stories throughout.

#### ORGANIC SOCIAL EXAMPLE

Outback that's OUT of the ordinary. Rich red desert, ancient rock formations, winding rivers and billions of stars. The unforgettable natural beauty of Broken Hill and the Central Darling region, what are you waiting for?



#### BODY COPY EXAMPLE

Come and experience the beating heart of our vibrant creative community. This diverse region is a riot of colour and life. How many towns have twice as many art galleries as pubs? Or a sparkling drag community with OUTrageous bingo nights? From regional NSW's oldest gallery and the iconic works of Pro Hart, to works in progress with John Dynon painting in his studio. The Broken Hill and Central Darling region is an inspiring landscape, from ancient Aboriginal rock paintings to the Living Desert and its giant sculptures. No wonder Hollywood filmmakers have been making movies here for decades, think outback swagger meets cosmopolitan cool.

#### ORGANIC SOCIAL EXAMPLE

Discover a place that paints outside the lines. From drag queens, artists, filmmakers to ancient Aboriginal rock paintings... experience Broken Hill and the Central Darling region, a place where creativity is bursting at its sparkling seams.



#### BODY COPY EXAMPLE

Explore our history with characters as rich and vivid as the technicolour opals that lured them here. This vibrant outback region has always drawn lucky chancers with a thirst for adventure, living large against the dramatic outback frontier. Discover unique heritage architecture, a legacy of fortunes lost and found. Hear tales ranging from frontier settlers and colonial explorers, to deep rooted ancient Aboriginal culture, dating back thousands of years. The Broken Hill and Central Darling region is alive with stories, bubbling through the diverse landscape and charming locals. Where laidback country welcome meets local pride, there's always a story awaiting your arrival.

#### ORGANIC SOCIAL EXAMPLE

Outback but never OUTdated. From explorers, settlers and early farmers to the original Aboriginal custodians. Discover the colourful history of Broken Hill and the Central Darling region, alive with stories just waiting to be shared.



## KEY MESSAGING

## Social media tips.

Be part of the campaign and spread the word. So that we all share the same voice across the *It's Out There* campaign, when creating and sharing content through your marketing and social media channels — or encouraging visitors to share their own content of your NSW tourism business — we ask you to use these key messages and follow the photography guidelines.

## Photography Tips:

1. Capture a photo in an inspiring location across the greater Broken Hill and Central Darling region.
2. Share the photo on social media using the hashtags #LoveNSW and #outtherensw. Don't forget to use #NewSouthWales and also tag @VisitNSW. For more information on social media, please refer to our [guidelines](#).
3. Encourage your local operators and visitors to do the same using your business hashtag or handle as well as #LoveNSW.

Where possible, please include our social media hashtags and handles in your posts.  
Facebook: [facebook.com/visitnsw](https://facebook.com/visitnsw), Instagram: @visitnsw, Twitter: @NewSouthWales

Primary Hashtag

#LoveNSW #outtherensw

Secondary Hashtag

#NewSouthWales



## KEY MESSAGING

## Social media tips.

### IMAGERY & VIDEO

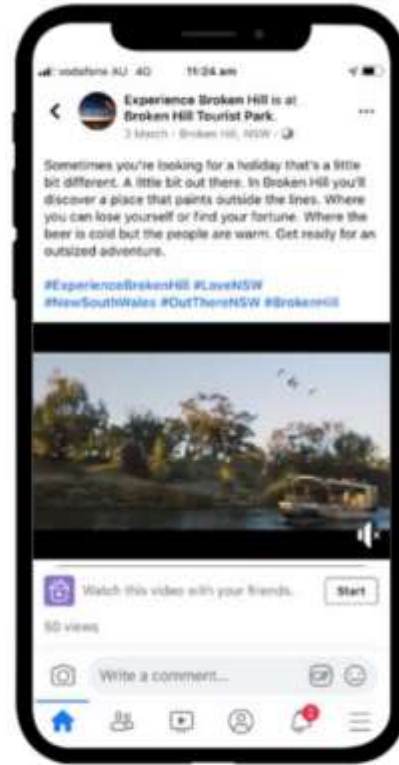
Imagery or video content should be the hero in any social post. Refer to the Photography section on page 20.

### COPY

Aim to keep copy clear and concise. It's fine to use your brand or organisation's tone of voice, but aim to keep copy as brief as possible and entice viewers to click through for more information.

### HASHTAGS

Hashtags can easily be integrated into your social posts to increase audience reach. Ideally hashtags should be added to body copy, however, can also be added in the comments. Refer to page 14 for guidance on recommended hashtags.



Video is an engaging and memorable format. Recommended video length for social media is 10-15sec maximum.

## KEY MESSAGING

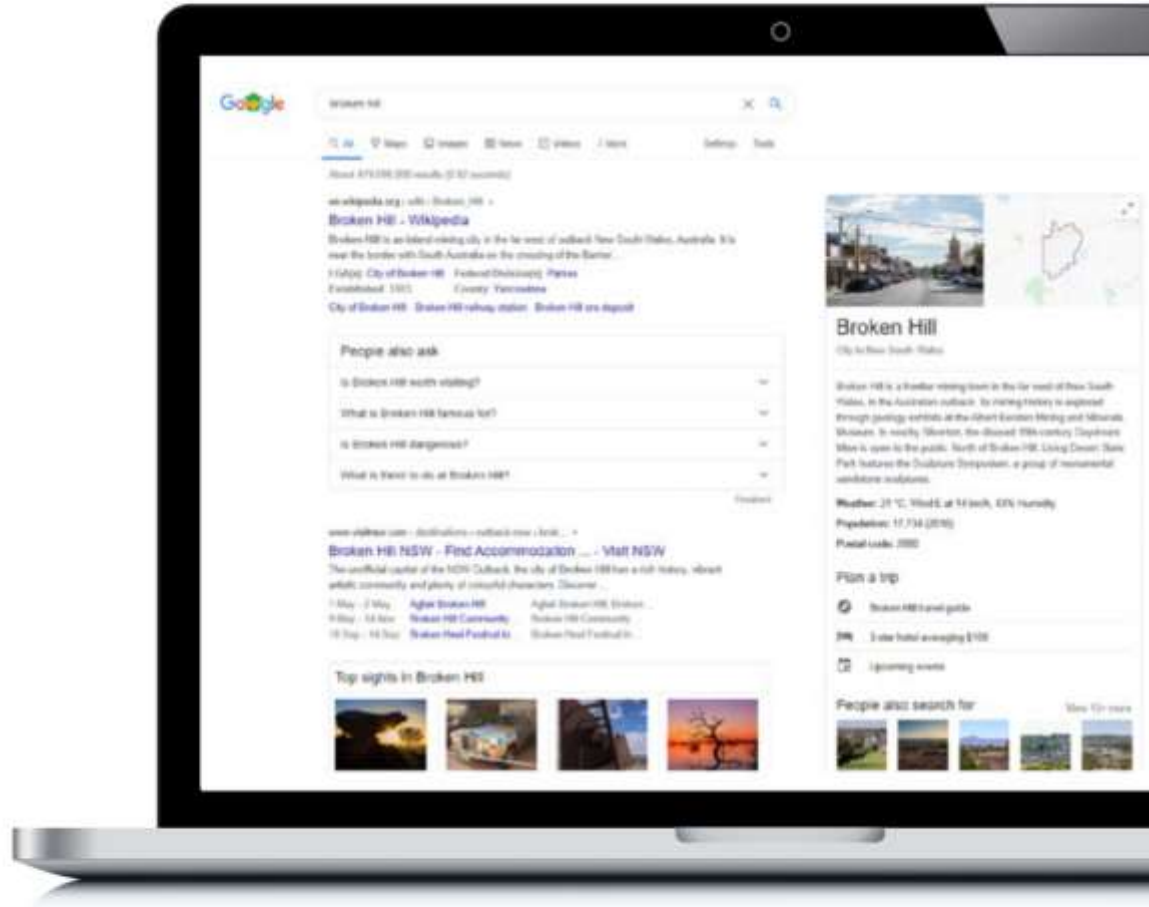
## Improving your website's searchability.

To increase visitor spend and nights, and help visitors find local products, experiences, accommodation and events, we need to improve your online 'searchability', by increasing Broken Hill and the Central Darling region's organic search rankings.

Most people begin their travel planning online, so make it easy for them to find you. Your website's goal is to appear on page 1 on any search engine results, like Google, then work your way to position 1.

A simple way to do this is to update your web pages to include mentions of 'Broken Hill' or 'the Central Darling region'. Then when people run an online search using these keywords (organic search), Broken Hill and Central Darling links, and other related websites will rank higher. This benefits the region as a whole and helps visitors find you online.

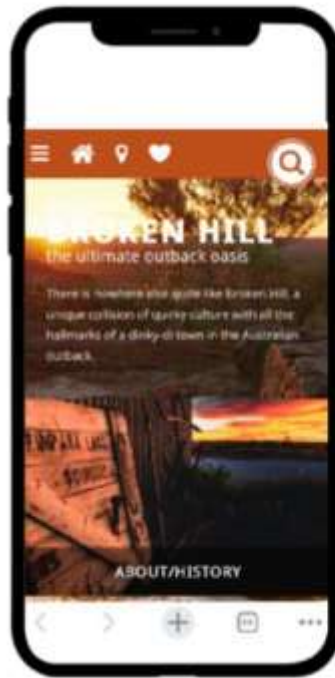
To increase traffic to your website and improve your searchability, there are a few simple steps you can take.



## KEY MESSAGING

## Integrating keywords.

- Always ensure Broken Hill and Central Darling content is relevant, correct, timely and interesting to your audience
- Use keywords and phrases in your website content that make it possible for people to find your site via search engines like Google (eg. Broken Hill or Central Darling region)
- Focus your page heading on your main keyword (eg. Art & Culture in Broken Hill or Central Darling Opal Tours)
- Aim for 3-4 core keywords in your body content (web pages and blog posts)
- Never force keywords where they don't appear naturally
- Use keywords to drive your audience to a 'call to action' (eg. Explore Events in Broken Hill).



This example shows key words in headline copy.



This example shows key words in body copy for Broken Hill.



This example shows key words in body copy for White Cliffs.

## KEY MESSAGING

Integrating images,  
video and links.

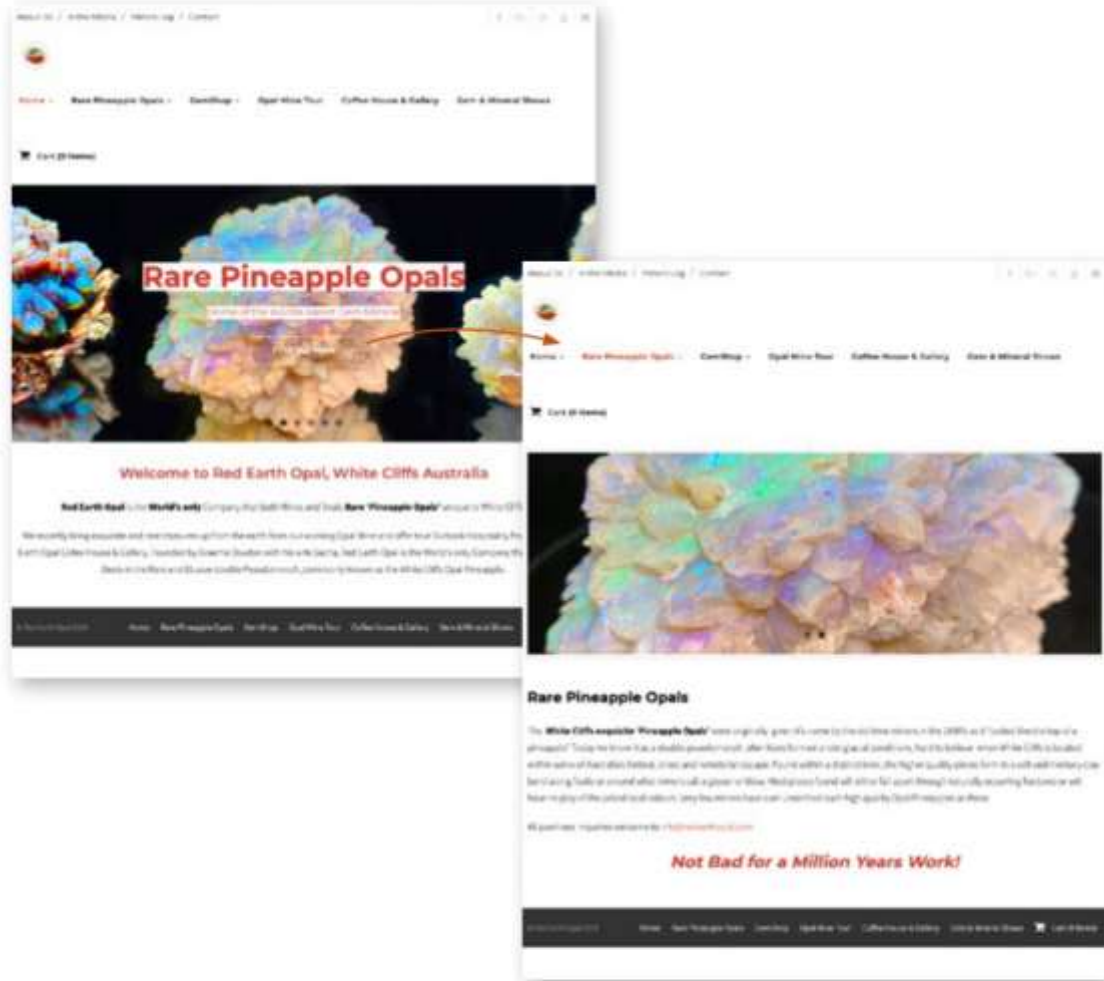
## ADD IMAGES &amp; VIDEOS TO YOUR WEBSITE

- Google loves the use of video and images; video in particular makes up the majority of all internet traffic, as it's a more engaging and memorable format
- Allow others to embed your videos on their website
- Use YouTube to drive traffic back to your own website
- Use vibrant and emotive images to trigger a visitor to read your content
- Use images to emphasise the title or subject of your content.

## WEBSITE LINKING

- Add links to guide users to other pages or sections of your website; this will improve the user experience and flow around your website

## Website linking example



KEY MESSAGING

# Integrating images, video and links cont'd.

EXTERNAL WEBSITE LINKING

- External links can also be used to guide users from another website to your website or vice versa; just ensure the content you are linking is relevant.

CLICK HERE FOR MORE INFORMATION  
ON HOW TO PROMOTE YOUR  
TOURISM BUSINESS

External linking example



# 02 Photography



## PHOTOGRAPHY

## Principles, licencing and captioning.

[CLICK HERE TO ACCESS THE  
DESTINATION NSW CONTENT LIBRARY](#)

The principles for Broken Hill and Central Darling photography are:

### INVOLVED

Photography is taken from an active view point rather than a passive view point. The subject should always be doing something with purpose.

### AUTHENTIC

Depicting real local moments, products and people, telling their story. Nothing staged, inauthentic or posed.

### IMMERSIVE

Highlighting the sensory/ emotive experience of a moment. You should hear the sound of an artists brush stroke or smell the campfire when looking at the image.

Guidelines for image licencing and captioning:

### CORRECT LICENCES

Secure correct usage licences, with the image rights owner before posting or publication.

### IMAGE CAPTIONING

Images should always be captioned to help inform potential visitors. Image captions are always placed on the bottom right hand side of the image when possible. The information is always listed in the following order:

(A) Location/Region, eg. "Mutawintji National Park, Broken Hill"

or

(B) Experience/Business/Location, eg. "Bird Watching, River Lady Tours, Menindee"



PHOTOGRAPHY

# Nature photography.

The Broken Hill and Central Darling region is a land of contrasts, from the ancient lunar landscapes of Mutawintji National Park to the magnificent Darling River filled with birdlife. The Broken Hill and Central Darling region is bursting with natural wonders. Early morning or late afternoon is the optimal time to shoot in order to capture warm soft tones avoiding the harsh light during the middle of the day. The photography should reflect the vastness and wild beauty of the region.



PHOTOGRAPHY

# Art & Culture photography.

From drag queens, artists, filmmakers to ancient Aboriginal rock paintings, the Broken Hill and Central Darling region is as diverse as it is colourful. Early morning or late afternoon is the optimal time to shoot in order to capture warm soft tones avoiding the harsh light during the middle of the day. The photography should reflect the vibrant creative community in the region.



PHOTOGRAPHY

# History & Heritage photography.

Broken Hill and the Central Darling region has a rich and colourful history, from unique heritage architecture to ancient Aboriginal rock paintings. Early morning or late afternoon is the optimal time to shoot in order to capture warm soft tones avoiding the harsh light during the middle of the day. The photography should reflect the rich history of explorers, miners, Hollywood filmmakers, through to Aboriginal culture dating back thousands of years.



PHOTOGRAPHY

# Product photography.

The rich red desert landscapes, winding rivers, glittering gems, vibrant art scene and Aboriginal culture dating back thousands of years create a rich tapestry of memorable experiences and products. Early morning or late afternoon is the optimal time to shoot in order to capture warm soft tones avoiding the harsh light during the middle of the day. The photography should reflect the quality, uniqueness and variety of Broken Hill & Central Darling offering depicted in an authentic environment.



# 03 Logo



LOGO

Primary logo  
lockup.



IT'S *OUT* THERE...  
BROKEN HILL & CENTRAL DARLING

## LOGO

Secondary logo  
and elements.***It's Out There***  
**Campaign mark only**

To be used for small format/digital when the destination mark in the primary logo lockup is not legible.

IT'S *OUT* THERE...

***It's Out There***  
**Stacked logo lockup alternate**

To be used to fit specific/unusual artwork specs.

IT'S  
*OUT*  
THERE...  
BROKEN HILL & CENTRAL DARLING

***It's Out There***  
**Destination mark only**

To be used to fit specific/unusual artwork spec.

BROKEN HILL &  
CENTRAL DARLING

## LOGO

## How to use our logo.

### CLEAR SPACE

The logo lockup should have a clear space around it, where no other logos, copy or graphic elements encroach on this space.

Correct clearance space distance is based on the width of the 'T' in *It's Out There*. This distance should be maintained on all sides.

### MINIMUM SIZE

For legibility, the logo lockup should not be less than 10mm for print and 30px for digital applications.

Should a smaller version be required, use the secondary campaign mark at a minimum size of 5mm for print and 15px for digital.





LOGO

## Co-branding.

### LOCAL GOVERNMENT LED COMMUNICATIONS

The *It's Out There* logo can be used as an endorsement. It should support and work to complement the local government tourism brand.

Individual destinations can also benefit from co-branding, as this will allow you to leverage the destination awareness Broken Hill and/or the Central Darling region offer.

Please ensure a clear hierarchy is maintained.



LOGO

## Co-branding.

### INDUSTRY/PARTNER LED COMMUNICATIONS

This is the preferred lock-up when using the *It's Out There* logo in partnership with any other logo and visual equity is required.

Divider bar and clear space rules consistently apply.



LOGO

Merchandise.



## DESIGN TIPS

## Design tips.

Please use these tips as a guide to developing creative that is authentic and confident, creating an experience that reflects the tones of the *It's Out There* brand.

### KEEP IT SIMPLE

Let the design breathe and don't try to do too much on each piece of communication. Make sure every element has a reason to be in the design.

### KEEP IT CLEAR

Respect the space of other elements. The application of space around text, images and other graphic elements makes a design easier to read. It's also more likely to attract attention than a cluttered composition. Ensure a clear hierarchy between headline and body copy is present throughout all applications.

### CONTENT IS KEY

Graphics play a supporting role but should complement the content and not compete. Always ensure each item has a reason for being on the design. Let one or two things be the hero.

### CONTRAST

When placing text or graphics over images, ensure there is sufficient contrast between the items to ensure stand out and legibility.

### DON'T BE SCARED OF SCALE

Apply scale to type, graphical elements or compositional features that need proportionate emphasis. Ensure scale reflects content of the piece.

### CAMPAIGN CREATION

It is important not to oversaturate a campaign with graphic elements. When creating a campaign, please create a singular look and feel. Make sure the elements you use are for the life of the campaign, ensuring maximum brand recognition for the audience.

### WHEN IN DOUBT

Please refer back to the brand guidelines for direction. These guides are here to ensure *It's Out There* is not only dynamic but also consistently applied across all marketing materials.

DESIGN TIPS

## Incorrect useage.

To ensure high quality results it is important to follow the recommendations set out within these guidelines.



DO NOT USE GRADIENTS



DO NOT SHEAR



DO NOT ROTATE



DO NOT USE UNAPPROVED COLOURS



DO NOT HIGHLIGHT "OUT"



DO NOT USE EFFECTS



DO NOT DISTORT



DO NOT OVERLAY LOW CONTRAST IMAGES

# 04 Assets



## ASSETS

# Typography fonts and styles.

**Hackney**

Display font for major headings.  
[CLICK HERE](#) to purchase.

# HACKNEY

**Headlines**

Hackney

## ART & CULTURE

**Brandon Grotesque**

Body copy font available in  
4 weights: Light, Regular,  
Medium and Bold.

[CLICK HERE](#) to activate.

## Brandon Grotesque

**Large body copy**

Brandon Grotesque Bold

## This is Broken Hill and the Central Darling region.

**Sub-headings - Sections**

Brandon Grotesque Bold

### A different kind of Outback.

**Small body copy**

Brandon Grotesque Regular

Eniam, quia dolorest la cuptas magnit, utem. Faceprovita num et  
laciaectae. Ute plabor asimin nectur a quat re remod ellatur?  
Ci aut as et ped event unte autecus dolum hit, senihil lanimoluptas  
as niminve ndebit lacepra sus eum, is et rest, te debit eicil es ipsania

ASSETS

# Brand colour palette.

**Sunset**  
CMYK 0, 33, 100, 0  
RGB 209, 171, 32  
HEX #d620



**Earth**  
CMYK 16, 75, 100, 4  
RGB 201, 94, 42  
HEX #c95a2a



**Mangrove**  
CMYK 46, 47, 91, 24  
RGB 123, 106, 52  
HEX 7a6a34

**Dusk**  
CMYK 25, 34, 18, 0  
RGB 191, 162, 180  
HEX #be7bd4



**Sky**  
CMYK 56, 24, 5, 0  
RGB 112, 166, 208  
HEX 70a6d0



**Midnight**  
CMYK 81, 82, 51, 65  
RGB 33, 25, 46  
HEX 21192e





**BROKEN HILL & CENTRAL DARLING**

## Approvals.

It is critical that all applications of the *It's Out There* brand are approved before release, publication or post.

This process typically takes 5-10 business days to complete and appropriate time should be built into your schedule to accommodate this as well as implementing feedback and resubmission.

All requests should be sent via email with relevant detail and attachments to:

Patrick Kreitner

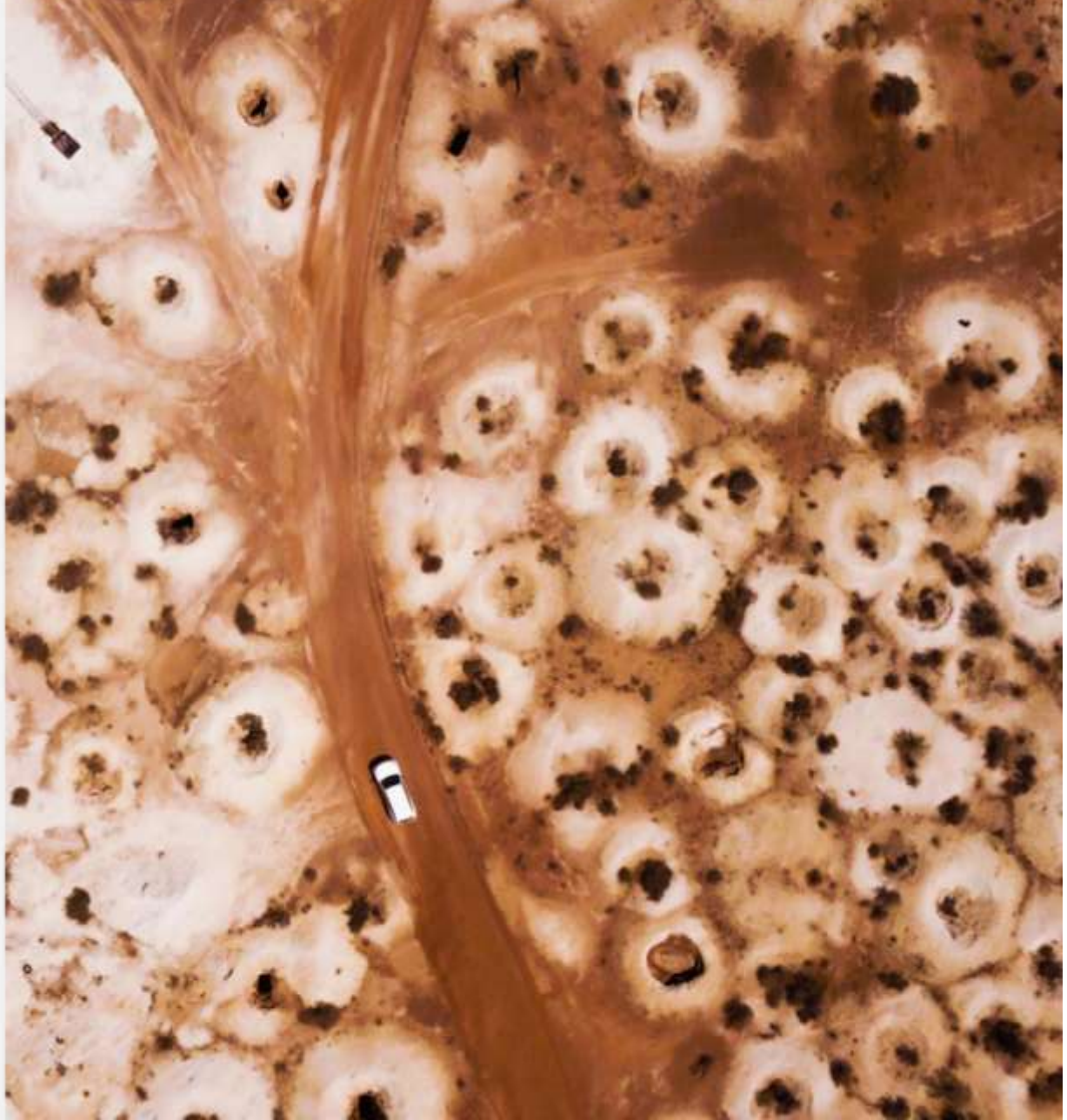
**BROKEN HILL CITY COUNCIL**

[council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au)

Greg Hill

**CENTRAL DARLING SHIRE COUNCIL**

[council@centraldarling.nsw.gov.au](mailto:council@centraldarling.nsw.gov.au)



BROKEN HILL & CENTRAL DARLING

## Contact.

For further brand guidelines enquiries please contact:

Patrick Kreitner  
**BROKEN HILL CITY COUNCIL**  
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ORDINARY MEETING OF THE COUNCIL

February 4, 2022

**ITEM 18**

**BROKEN HILL CITY COUNCIL REPORT NO. 42/22**

**SUBJECT:**                    **TERMS OF REFERENCE - PROJECT STEERING GROUP -**  
    **PROJECT CONSULTATIVE GROUP**                                    **D22/5731**

**Recommendation**

1. That Broken Hill City Council Report No. 42/22 dated February 4, 2022, be received.
2. That Council endorse the Terms of Reference for the creation of the Project Consultative Group.
3. That Council endorse the positions of Mayor and Deputy Mayor as Council's representatives to the Project Steering Group for the Project Consultative Group.

**Executive Summary:**

This report deals with Mayoral Minute No. 2/22, Item 18, which states – *“that the General Manager be invited to immediately advertise for expression of interest from the community to form a working party to provide council with advice on projects that council undertakes, with a view to reduce the council's reliance on consultants.”*

To ensure ongoing strong project governance for all projects a governance framework has been developed. This report seeks endorsement for a Terms of Reference for a Project Steering Group (PSG) and appointment of Council representatives to the PSG.

Subject to Council endorsing the Terms of Reference and Council representatives, an expression of interest (EOI) will be advertised to fill the required positions of the PSG.

**Report:**

The Project Steering Group (PSG) is being formed to provide advice to Council on capital projects within Council Delivery Program, with a view to reduce council's reliance on consultants for conceptual planning and community consultation. The objectives and role/scope of the PSG will consist of:

- Advise on the scheduling and resourcing of projects during the development of Council's Asset Management Plans, Delivery Program and Operation Plans.
- To understand the projects that are outlined in the annual capital projects budget each year.
- To understand and provide advice on the conceptual plans for outlined projects by suggesting layout and project inclusions to meet the requirements of the community and specific stakeholders.
- Act as a communication conduit between Council and the Community with respect to the annual capital works plan of Broken Hill City Council.

- Report annually to the City’s ratepayers on the progress of works.
- Consult with Foundation Broken Hill, Destination Country & Outback, other Community Groups, Council staff, and other relevant bodies, including other Council committees, to maximise the opportunity to achieve the broader City’s strategic vision.
- To be informed in all associated Council policies and procedures to understand decision making process and legal requirements.

Project governance provides direction and defines decision-making procedures and metrics for validating impacts to a project. It assists the project team with delivering on requirements and creates a forum for issue resolution to occur in a timely manner.

It is proposed that project governance be established for this project which will include a Project Steering Group (PSG), with a Terms of Reference formalised with representatives also formally invited and appointed.

Structure/Formation of Committee

The PSG shall consist of eight (8) members to be appointed at the first Committee meeting following a local election, such members to be nominated in the following manner:

- Minimum of two (2) Councillor Representatives – Mayor and Deputy Mayor (with proposed alternates).
- Six (6) External Stakeholders – Community Representatives.

Non-voting Ex-officio members: (Will provide advice and information to the voting members)

- One (1) Project Director – General Manager
- One (1) Community Engagement representative – Manager Communications.
- One (1) Project Management – Chief Assets and Projects Officer
- One (1) Council Contact Officer – Project Officer
- One (1) Heritage Committee Member – Heritage Advisor

There should be minimum of four (4) meetings held each year and additional as required, with all meetings to be held in accordance with the Council’s Code of Meeting Practice.

**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	To maintain the serviceability of Council’s assets at an appropriate condition level

**Relevant Legislation:**

*Local Government Act 1993*  
*Civil Liability Act*

**Financial Implications:**

Nil

**Attachments**

1. [↓](#) Terms of Reference – Project Steering Group - Projects Consultative Group

CODIE HOWARD  
CHIEF ASSETS AND PROJECTS OFFICER

JAY NANKIVELL  
GENERAL MANAGER



# TERMS OF REFERENCE – PROJECT CONSULTATIVE GROUP – PROJECT STEERING GROUP

QUALITY CONTROL	
EDRMS Reference	D22/5726
Revision Number and Date	31/1/2022 – Revision 1
Contact Officer	Codie Howard
Contact Officer Title	Chief Assets and Projects Officer
Contact Officer Phone Number	08 8080 3122
Company	Broken Hill City Council
Council Phone Number	08 8080 3300

**1. INTRODUCTION**

The Project Steering Group (PSG) has been established to provide advice to Council on projects within the Annual Capital Projects Budget that council undertakes, with a view to reduce the council's reliance on consultants.

**2. NAME**

Project Consultative Group

**3. ADDRESS**

The address of the Committee will be:

c/- PO Box 448  
Broken Hill NSW 2880

**4. VISION, MISSION AND OBJECTIVES**

**4.1 Vision**

That all projects are driven and receive local input by members of the community to deliver on the Community's vision, desirable outcomes and service requirements of new and existing infrastructure/projects.

**4.2 Mission**

To provide local knowledge, consultation, communication, advice and guidance to the planning stages of the upgrading of existing assets or construction of new assets within the city of Broken Hill in accordance with the Community Strategic Plan, Council's Delivery Program and Council's Annual Capital Works Program.

**4.3 Scope/Role**

The Scope/Role of the PSG are:

- Advise on the scheduling and resourcing of projects during the development of Council's Asset Management Plans, Delivery Program and Operation Plans.
- To understand the projects that are outlined in the annual capital projects budget each year.
- To understand and provide advice on the conceptual plans for outlined projects by suggesting layout and project inclusions to meet the requirements of the community and specific stakeholders.
- Act as a communication conduit between Council and the Community with respect to the annual capital works plan of Broken Hill City Council.
- Report annually to the City's ratepayers on the progress of works.
- Consult with Foundation Broken Hill, Destination Country & Outback, other Community Groups, Council staff, and other relevant bodies, including other Council committees, to maximise the opportunity to achieve the broader City's strategic vision.
- To be informed in all associated Council policies and procedures to understand decision making process and legal requirements.

**5. STRUCTURE AND MEMBERSHIP**

**5.1** The PSG shall consist of eight (8) members to be appointed at the first Committee meeting following a local election, such members to be nominated in the following manner:

- Minimum of two (2) Councillor Representatives – Mayor and Deputy Mayor (with proposed alternates).

- Six (6) External Stakeholders – Community Representatives.

Non-voting Ex-officio members: (Will provide advice and information to the voting members)

- One (1) Project Director – General Manager
- One (1) Community Engagement representative – Manager Communications.
- One (1) Project Management – Chief Assets and Projects Officer
- One (1) Council Contact Officer – Project Officer
- One (1) Heritage Committee Member – Heritage Advisor

5.2 Council reserves the right to amend the number of PSG members and category of representation.

5.3 All members of the PSG will act in an honorary capacity.

**6. TERM OF APPOINTMENT**

- 6.1 Members appointed to the PSG will serve for a period of four (4) years coinciding with the period of election of the current elected body.
- 6.2 Councillors will be appointed to the group on an annual basis in September.
- 6.3 Members standing down during that period will be eligible for re-appointment.
- 6.4 Any new appointments in that period, due to vacancies or formal expansion of membership by the elected body; will serve the remainder of the four (4) year term; but will be eligible for re-appointment.

**7. VACANCIES WITHIN THE PSG**

- 7.1 Vacancies will be advertised and interested parties invited to apply for membership in writing, by completing a nomination form providing names and other necessary details for Council's consideration.
- 7.2 The names and addresses of the persons nominated will be forwarded in writing to Council's General Manager.

**8. VACANCIES IN PSG MEMBERSHIP**

- 8.1 PSG members will serve the set period unless the PSG is disbanded by Council prior to the time of the next local government election.
- 8.2 A member having failed to attend three (3) consecutive ordinary meetings, without leave of absence having been granted, shall have resigned their membership.
- 8.3 Any member of the PSG resigning his/her position within the PSG shall do so in writing addressed to the General Manager, such notice having effect upon receipt by the General Manager.
- 8.4 Membership shall cease in the following cases:



- If member becomes bankrupt;
- Member resigns from office by notification in writing to the General Manager;
- Member is absent for three (3) consecutive meetings without leave from meetings of the PSG;
- Council passes a resolution to remove the member from the PSG;
- Member holds any office of profit under the PSG;
- Member fails to disclose any pecuniary interest in any matter with which the PSG is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision 'pecuniary interest' has the same meaning given to that term in Section 441-443 of the *Local Government Act 1993*;
- Member while holding that office is convicted of an offence referred to in part 4 of the *Crimes Act 1900* (offences relating to property);
- Member is prohibited by Order under Section 230 of the *Corporations Law* from managing a corporation within the meaning of that Section;
- Member becomes a mentally incapacitated person; or
- Upon the death of a member.

**8.5** It shall be the duty of the Chairperson, if any extraordinary vacancy occurs, to declare the fact to the next ensuing ordinary meeting and to ensure that the necessary steps are taken to fill the vacancy in accordance with this Terms of Reference.

## **9. MEETINGS**

**9.1** All meetings shall be held in accordance with the Council's Code of Meeting Practice.

- Minutes of the matters discussed will be kept and a copy forwarded to all PSG members in advance of the next meeting.
- Any items requiring action by Council are to be the subject of a report to the next scheduled meeting of Council.

**9.2** There should be minimum of four (4) meetings held each year and additional as required.

**9.3** The Council Contact Officer is responsible for preparing a report to Council requesting the minutes be noted and any specific recommendation of the PSG which must be endorsed at the time major events will be occurring with the PSG.

**9.4** Following the Council's consideration of the Minutes and Recommendations, the Council Contact Officer will provide advice/feedback to the PSG as applicable.

## **10. EXECUTIVE**

- 10.1** The Executive shall consist of a Chairperson which will be held by the incumbent Mayor of the Broken Hill City Council.
- 10.2** The Chairperson shall chair and maintain order at all meetings of the PSG at which he/she is present. The Chairperson may vote on all questions before the PSG and when voting is equal shall have the casting vote.
- 10.3** During the absence of the Chairperson, the Chairperson shall nominate an incumbent member of the PSG to hold the role in an acting capacity on his/her behalf. During this period, the acting Chairperson shall have and may exercise all the powers of the Chairperson.
- 10.4** Under normal circumstances only the Chairperson shall speak for the PSG however, individual members may be delegated powers of public comment by the General Manager, should circumstances warrant it.

**11. RECORDS**

Meetings are to follow an agenda and minutes taken are to be distributed to all members of the PSG.

**12. CONFLICT OF INTERESTS**

Councillors, Council Staff and members of Council Committees must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as Council Officials. It is the personal responsibility of Council Officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.

PSG members must declare any conflict of interests at the start of each meeting, or before discussions of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately noted and entered into minutes.

**13. COUNCIL CONTACT OFFICER**

Chief Assets and Projects Officer

**14. DEFINITIONS**

In this Constitution the following definitions will apply:

"**Council**" shall mean Broken Hill City Council.

"**Executive**" shall mean the Chairperson Project Steering Group.

"**PSG**" shall mean the Project Steering Group.

"**Contact Officer**" shall mean Committee specific Council Contact Officer, as detailed at Section 13.

## ORDINARY MEETING OF THE COUNCIL

February 4, 2022

**ITEM 19**BROKEN HILL CITY COUNCIL REPORT NO. 43/22

SUBJECT: TERMS OF REFERENCE - GATEWAY SIGNAGE ADVISORY COMMITTEE AND COST OF REPLACING GATEWAY SIGNAGE  
D22/5879

**Recommendation**

1. That Broken Hill City Council Report No. 43/22 dated February 4, 2022, be received.
2. That Council note the cost analysis and estimated cost of removing and installing one of the gateway signs and replacing with one of Deanna Spicer's designs.
3. That Council endorse the Terms of Reference for the creation of the Gateway Signage Advisory Committee.
4. That Council endorse the positions of Mayor and Deputy Mayor as Council's representatives to the Gateway Signage Advisory Committee.
5. That Council endorse Community Representatives to the Gateway Signage Advisory Committee at the March Ordinary Council Meeting.
6. That the Gateway Signage Advisory Committee provide a report to the April Works Committee Meeting detailing the site location for the replacement of one gateway sign for the preferred design and advice and recommendations for further sign replacement.

**Executive Summary:**

This report deals with Mayoral Minute No. 2/22, Item 8, which states - *that the General Manager be invited to advertise for expressions of interest for a community group to facilitate the removal and replacement of the gateway signage, that councilors are presented with a report at the February 2022 meeting detailing the cost of replacing one of the gateway signs with a sign chosen by Deanna Spicer from her designs.*

A singular cost estimate was obtained by the local business, being the contractors who completed fabrication and installation of the gateway signage in 2018.

The total cost estimate for completion of works is \$21,384.55 (Inc GST). All costs are associated with the quotation are to be taken as an estimate, with exact costs to be obtained once the preferred location for the replacement sign is chosen and a full scope of works are outlined by Gateway Signage Advisory group.

Before awarding the contract for the replacement sign, Council will follow the procurement process outlined in the Procurement Policy which based on previous prices, will involved three quotations from local suppliers and manufactures.

To ensure strong project governance for this project a Governance Framework has been developed. This report seeks endorsement for the establishment of an advisory committee and appointment of Council representatives to the committee.

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Following any amendments and final endorsement of the Terms of Reference, an expression of interest (EOI) will be advertised to fill the required positions on the Gateway Signage Advisory Committee.

**Report:****Cost Estimate of Removal and Replacement of Gateway Signage:**

A singular cost estimate was obtained by the local business, being the contractors who completed fabrication and installation of the gateway signage in 2019.

The total cost estimate for completion of works is \$21,384.55 (Inc GST). This estimate includes:

- the removal of existing sign and associated costs such as concrete slab removal, waste fees etc.
- fabrication of a new sign (per selected drawing)
- installation of new sign and associated costs such as concrete slab installation
- engineering plans (previous plans recalculated), design fees etc.

Exclusions from quotation will need to be evaluated upon receiving official quotation and are noted as:

- transportation of existing sign to new location
- installation of new sign and associated costs such as concrete slab installation.

**Gateway Signage Advisory Committee**

Gateway Signage Advisory Committee is being formed to provide advice on the removal and replacement of the current gateway signage, with a sign chosen by Deanna Spicer from her designs. The objectives of the Gateway Signage Advisory Committee will consist of:

- To be made aware of previous gateway signage project details and costs associated to understand history of project.
- To be provided with estimated costs associated with the removal and replacement of the gateway signage to a new design.
- To provide suggestions for the location of the newly erected gateway signage design.
- To provide advice and suggestions for possible signage additions for entrance sites.
- To provide suggestions on the location for where the current gateway sign is to be relocated.

Project governance provides direction and defines decision-making procedures and metrics for validating impacts to a project. It assists the project team with delivering on requirements and creates a forum for issue resolution to occur in a timely manner.

It is proposed that project governance be established for this project which will include a Gateway Signage Advisory Committee with a Terms of Reference formalised with representatives also formally invited and appointed.

The Gateway Signage Advisory Committee shall consist of thirteen (13) members to be appointed at the first Committee meeting, such members to be nominated in the following manner:

- Minimum of two (2) Councilor Representatives – Mayor and Deputy Mayor (with proposed alternates).
- Six (6) External Stakeholders (Community Representatives)
- One (1) Project Director – General Manager.

- One (1) Community Engagement representative – Manager Communications.
- One (1) Project Management – Chief Assets and Projects Officer
- One (1) Council Contact Officer – Project Officer
- One (1) Heritage Committee Member– Heritage Advisor

Regular meetings will occur throughout the project and project reports will be prepared as required.

#### **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	To maintain the serviceability of Council's assets at an appropriate condition level

#### **Relevant Legislation:**

*Local Government Act 1993*

*NSW Work Health & Safety Act 2011*

*WHS Act 2017*

#### **Financial Implications:**

A singular cost estimate was obtained by the local business, being the contractors who completed fabrication and installation of the gateway signage in 2019. The total cost estimate for completion of works is \$21,384.55 (Inc GST), excluding transportation of existing sign to new location and installation of new sign and associated costs such as concrete slab installation.

All costs associated with the quotation are to be taken as an estimate, with exact costs to be obtained once the preferred location for the replacement sign is chosen and a full scope of works are outlined by Gateway Signage Advisory group.

#### **Attachments**

1. D22 5771 Terms of Reference – Project Steering Group - Gateway Signage  
[↓](#) Advisory Group
2. Deanna Spicer Gateway Design  
[↓](#)

JAY NANKIVELL  
GENERAL MANAGER

# TERMS OF REFERENCE – GATEWAY SIGNAGE ADVISORY COMMITTEE – PROJECT STEERING GROUP

## QUALITY CONTROL

EDRMS Reference	D22/5771
Revision Number and Date	28/1/202 – Revision 1
Contact Officer	Codie Howard
Contact Officer Title	Chief Assets and Projects Officer
Contact Officer Phone Number	08 8080 3122
Company	Broken Hill City Council
Council Phone Number	08 8080 3300

### 1. INTRODUCTION

The Gateway Signage Advisory Committee (Project Steering Group – PSG) has been established to provide guidance and to provide advice on the removal and replacement of the gateway signage, in accordance with Mayoral Minute No 2/22 item 8.

### 2. NAME

Gateway Signage Advisory Group

### 3. ADDRESS

The address of the Committee will be:

c/- PO Box 448  
Broken Hill NSW 2880.

**4. VISION, MISSION, OBJECTIVES and Role/Scope**

**4.1 Vision**

To ensure the entrances to Broken Hill are a beacon for tourism entering the city and the gateway signage is a representation of Broken Hill and our heritage.

**4.2 Mission**

To provide local knowledge, advice, communication and to brainstorm improvements for the current and future gateway signage of Broken Hill including number of signs and preferred locations subject to planning and regulatory approvals.

**4.3 Role/Scope**

The role/scope of the PSG are:

- To be made aware of previous gateway signage project details and costs associated to understand the history of the project.
- To be provided with estimated costs associated with the removal and replacement of the gateway signage.
- To provide suggestions for the location of the newly erected gateway signage design.
- To provide advice and suggestions for possible signage additions for entrance sites.
- To provide local knowledge, input, and advice in relation to the proposed design selected for the entry ways.
- Act as a communication conduit between Council, the sign designer and the Community with respect to the replacement of the gateway signage.

**5. STRUCTURE AND MEMBERSHIP**

**5.1** The PSG shall consist of eight (8) members to be appointed at the first Committee meeting following a local election, such members to be nominated in the following manner:

- Minimum of two (2) Councillor Representatives – Mayor and Deputy Mayor (with proposed alternates).
- Six (6) External Stakeholders – Community Representatives.

Non-voting Ex-officio members: (Will provide advice and information to the voting members)

- One (1) Project Director – General Manager
- One (1) Community Engagement representative – Manager Communications.

- One (1) Project Management – Chief Assets and Projects Officer
- One (1) Council Contact Officer – Project Officer
- One (1) Heritage Committee Member – Heritage Advisor

5.2 Council reserves the right to amend the number of PSG members and category of representation.

5.3 All members of the PSG will act in an honorary capacity.

**6. TERM OF APPOINTMENT**

6.1 Members appointed to the PSG will serve for a period as needed until signage relocation project has been completed.

6.2 Councillors will be appointed to the group as set out in section 5.1 of this ToR.

6.3 Members standing down during that period will be eligible for re-appointment.

**7. VACANCIES WITHIN THE PSG**

7.1 Vacancies will be advertised and interested parties invited to apply for membership in writing, by completing a nomination form providing names and other necessary details for Council's consideration.

7.2 The names and addresses of the persons nominated will be forwarded in writing to Council's General Manager.

**8. VACANCIES IN PSG MEMBERSHIP**

8.1 PSG members will serve the set period unless the PSG is disbanded by Council prior to the time of the next local government election.

8.2 Any member of the PSG resigning his/her position within the PSG shall do so in writing addressed to the General Manager, such notice having effect upon receipt by the General Manager.

8.3 Membership shall cease in the following cases:

- If member becomes bankrupt;
- Member resigns from office by notification in writing to the General Manager;
- Council passes a resolution to remove the member from the PSG;
- Member holds any office of profit under the PSG;
- Member fails to disclose any pecuniary interest in any matter with which the PSG is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision 'pecuniary interest' has the same meaning given to that term in Section 441-443 of the Local Government Act 1993;
- Member while holding that office is convicted of an offence referred to in part 4 of the Crimes Act 1900 (offences relating to property);



- Member is prohibited by Order under Section 230 of the Corporations Law from managing a corporation within the meaning of that Section;
- Member becomes a mentally incapacitated person; or
- Upon the death of a member.

**8.5** It shall be the duty of the Chairperson, if any extraordinary vacancy occurs, to declare the fact to the next ensuing ordinary meeting and to ensure that the necessary steps are taken to fill the vacancy in accordance with this Terms of Reference.

#### **9. MEETINGS**

**9.1** All meetings shall be held in accordance with the Council's Code of Meeting Practice.

- Minutes of the matters discussed will be kept and a copy forwarded to all PSG members in advance of the next meeting.
- Any items requiring action by Council are to be the subject of a report to the next scheduled meeting of Council.

**9.2** Meetings will be held as required.

Commented [CH1]: As required for the particular project.

**9.3** The Council Contact Officer is responsible for preparing a report to Council requesting the minutes be noted and any specific recommendation of the PSG which must be endorsed at the time major events will be occurring with the PSG.

**9.4** Following the Council's consideration of the Minutes and Recommendations, the Council Contact Officer will provide advice/feedback to the PSG as applicable.

#### **10. EXECUTIVE**

**10.1** The Executive shall consist of a Chairperson which will be held by the incumbent Mayor of the Broken Hill City Council.

**10.2** The Chairperson shall chair and maintain order at all meetings of the PSG at which he/she is present. The Chairperson may vote on all questions before the PSG and when voting is equal shall have the casting vote.

**10.3** During the absence of the Chairperson, the Chairperson shall nominate an incumbent member of the PSG to hold the role in an acting capacity on his/her behalf. During this period, the acting Chairperson shall have and may exercise all the powers of the Chairperson.

**10.4** Under normal circumstances only the Chairperson shall speak for the PSG however, individual members may be delegated powers of public comment by the General Manager, should circumstances warrant it.

#### **11. RECORDS**

Meetings are to follow an agenda and minutes taken are to be distributed to all members of the PSG.

**12. CONFLICT OF INTERESTS**

Councillors, Council Staff and members of Council Committees must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as Council Officials. It is the personal responsibility of Council Officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.

PSG members must declare any conflict of interests at the start of each meeting, or before discussions of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately noted and entered into minutes.

**13. COUNCIL CONTACT OFFICER**

Chief Assets and Projects Officer

**14. DEFINITIONS**

In this Constitution the following definitions will apply:

"**Council**" shall mean Broken Hill City Council.

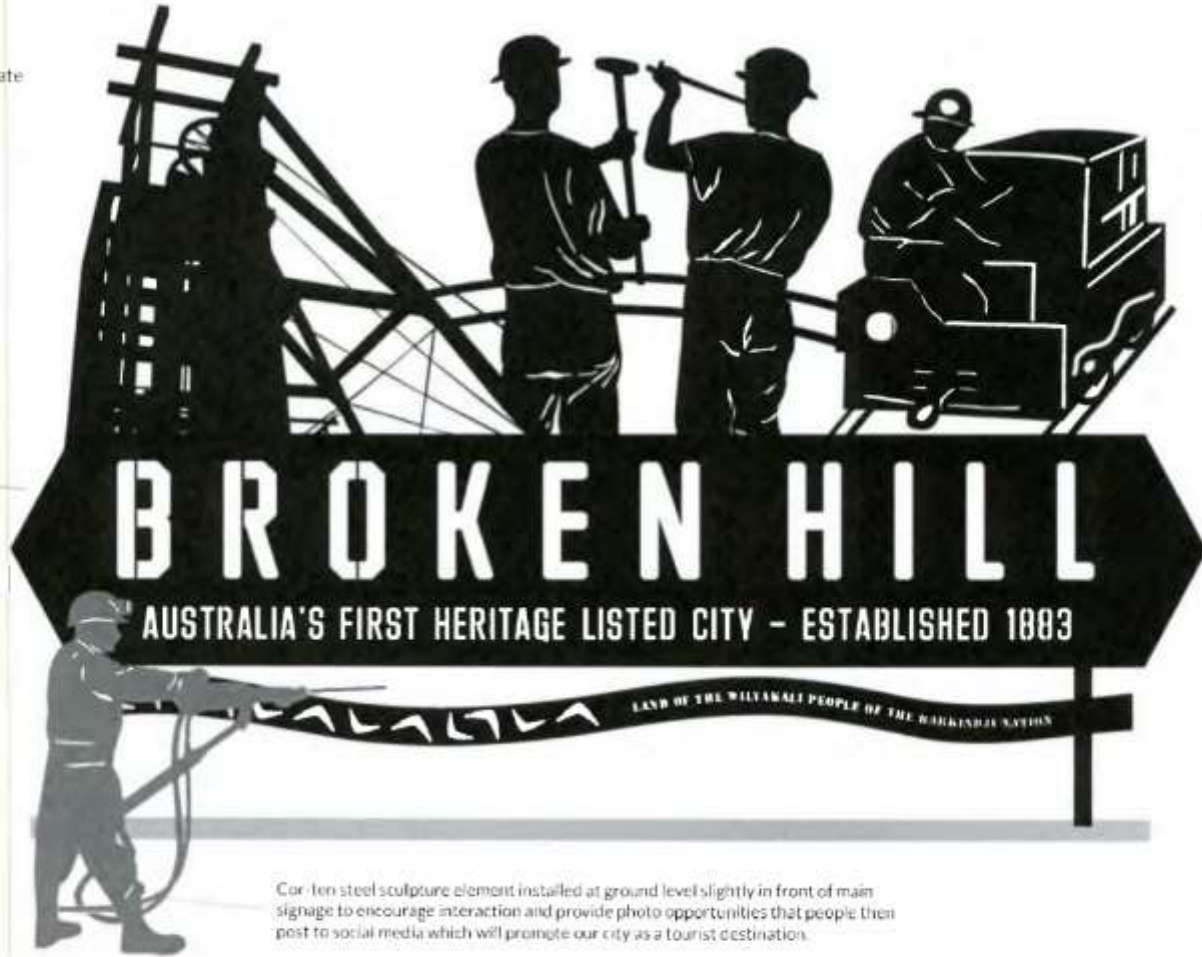
"**Executive**" shall mean the Chairperson Project Steering Group.

"**PSG**" shall mean the Project Steering Group.

"**Contact Officer**" shall mean Committee specific Council Contact Officer, as detailed at Section 13.

Gateway Signage Competition  
Set of five entry signs  
DESIGN: 3 of 5  
THEME: Mining  
SIZE: 9m wide  
MATERIAL: Cor-ten steel plate

Gateway signage  
installed on a frame  
at a similar height to  
the Silverton sign



Cor-ten steel sculpture element installed at ground level slightly in front of main signage to encourage interaction and provide photo opportunities that people then post to social media which will promote our city as a tourist destination.

## ORDINARY MEETING OF THE COUNCIL

February 4, 2022

**ITEM 20**BROKEN HILL CITY COUNCIL REPORT NO. 44/22

SUBJECT: PROGRESS UPDATE - REPORT DETAILING OPTIONS TO FACILITATE A TRUCK WASH AND TRUCK STOP D22/5903

**Recommendation**

1. That Broken Hill City Council Report No. 44/22 dated February 4, 2022, be received.
2. That Broken Hill City Council note the progress update of actions taken to provide a report detailing options to facilitate a truck wash and truck stop.
3. That Council support Western Local Land Services (WLLS) in the planning and development of a Truck Wash for Broken Hill.

**Executive Summary:**

At the Extraordinary Council Meeting held on Wednesday 12 January 2022, Council resolved the following:

*That the General Manager be invited to provide a report to council detailing options to facilitate a truck wash and truck stop.*

The purpose of this report is to provide a progress update on this matter.

In October 2016, Council made a submission for funding of \$891,500 under the Fixing Country Truck Washes program to which Council were offered partial funding to the amount of \$700,000. In June 2019, Council submitted an application to decline funding due to the reasons stated below

- Council commitment to ongoing Operation and Maintenance Costs.
- Project Location within the Broken Hill City LGA.
- Project Estimates and Budget.

Council requested funding be transferred to Western Local Land Services (WLLS) who had indicated their desire to fulfil the project of installing and maintaining a truck wash in the region. In October 2021, Council received confirmation of declined funds from Infrastructure NSW.

On the 1st of February 2022, Council contacted the General Manager of WLLS and has arranged for a meeting to be held end of February between Council, WLLS and the Pastoralists Society to discuss status of project with WLLS and where Council can support or assist to further the project.

**Report:**

In October 2016, Council made a submission for funding of \$891,500 under the Fixing Country Truck Washes program. The following costs were used to determine the requested amount:

Project Cost Category	Cost (full \$ amount)	Comment
Project Management	30,000	Covers the time costs of staff designated towards the managing of the project as well as various application fees for DA, Water, Sewer and Electricity
Site establishment, mobilisation	30,000	Onsite demountable office and crib room, preparation of plant and materials
Traffic management and temporary works	5,000	Installation of 6-foot temporary fence around construction site. Placement of TCP signage.
Civil and site works (e/g/ build and details earthworks, fill/cut, imported materials, excavation, etc)	200,000	clearing of land, construction of bitumised area, concrete works, kerb and guttering, stormwater drainage infrastructure and spike security fence for site.
Public utilities adjustments	40,000	Installation of public toilet, changeroom and shower
Signage	3,000	directional signage and facility signage
Roofing and classing	50,000	To be erected over the Truck wash bay - price estimated from Rawlinson's Costing Handbook
Plumbing and drainage	50,000	Installation of site plumbing system and connection to existing water main as advised by Essential Energy
Sewer reticulation works	50,000	Installation of sewer pre- treatment technology and connection to existing sewer main as advised by Essential Energy
Electricals & Communications	60,000	Electrical work to be included in truck wash bay infrastructure, AV Data technology and site lighting, costs for connection to existing power supply included
Pumping & control systems	20,000	Majority of costs included in Water recycling unit
Overheads	40,000	
Water Recycling Unit	77,000	Actuals
Truck wash bay	142,000	Actuals
Wheel wash units	48,000	Actuals
AV Data	5,000	Actuals
<b>SUB TOTAL</b>	<b>850,000</b>	
Contingency	41,500	
<b>TOTAL</b>	<b>891,500</b>	

The initial costs were based on a site with existing water, sewer and electricity connections and consultation about these costs occurred with relevant service providers:

- Consultation with EnviroConcept (company awarded several council tenders following funding announcements) - Actual costs provided for design and construct.
- Consultation with Essential Energy (water, sewer and electricity provider) – installation costs.
- Consultation with Council construction teams as to expenditure on earthworks and stormwater drainage infrastructure

Ongoing operating and maintenance costs were estimated based on the Towong Shire Council - Corryong Saleyards Futures Study Final Report provided by Patchara-on Chalacheva, Transport NSW.

<b>Annual Operating &amp; Maintenance on new asset (initial 16/17)*</b>	<b>Cost</b>
Water costs	50,000
Electricity costs	40,000
Waste handling and disposal costs	40,000
Labour costs	30,000
AV Data Annual Fee	4,000
Other costs	25,000
<b>TOTAL</b>	<b>189,000</b>

In May 2017, notification was issued to Council that the application was successful for a partial funding recommendation of \$700,000. This amount was to be made up of two components:

1. Restart NSW Fund (Fixing Country Truck Washes) - \$350,000, and
2. Commonwealth Government Funding (Fixing Country Truck Washes), administered through the Roads and Maritime Services - \$350,000.

Council initially located a site located at Pinnacles Place, but upon investigating acquiring the land it was discovered the lot was subject to an Aboriginal Land Claim lodged by NSW Aboriginal Land Council (NSWALC) on 15 April 2016. An option to make an offer to NSWALC to have the claim withdrawn via way of a compensation payment was possible but was expected to be costly and timely.

A parcel of land in Wills Street situated near the Broken Hill Waste Management Facility was identified and deemed suitable due to correct zoning, and size, location, and access. This parcel of land had no existing connections for electricity, water or sewerage which would increase the initial budget, but Council had been unable to located land elsewhere.



Following identification of the Wills Street site, the initial project scope and budget was considerably modified to incorporate the site having no existing connections. Of the initial projected costs, the following changes were made:

<b>Project Cost Category</b>	<b>Cost (full \$ amount)</b>	<b>Comment</b>
Project Management	30,000	No change
Site establishment, mobilisation	30,000	No change

Traffic management and temporary works	5,000	No change
Civil and site works (e.g. build and details earthworks, fill/cut, imported materials, excavation, road works etc.)	291,500	Updated cost from Infrastructure Projects Engineer 15.02.2019
Signage	5,000	Updated cost from Infrastructure Projects Engineer 15.02.2019
Roofing and cladding	50,000	No change – to be erected over the Truck Wash - price estimated from Rawlinson's Costing Handbook
Pumping & control systems	20,000	No change – installation of site plumbing system and connection to existing water main as previously advised by Essential Energy
Design and Documentation	10,400	EnviroConcept updated cost 18.02.2019
Execution of documentation	2,600	EnviroConcept updated cost 18.02.2019
Water Recycling Plant (includes solar panels, recycling plant, 21 litre per minute pressure washers, 25 metre retractable hose, remote monitoring if pump fails)	170,000	EnviroConcept updated cost 18.02.2019
Truck wash bay (Wash Pads (26 metre length – includes ramps, walls, one side raised platform)	200,000	EnviroConcept updated cost 18.02.2019
Remote Monitoring system	13,000	EnviroConcept updated cost 18.02.2019
AV Data	5,000	Actuals
Delivery and Installation	40,000	EnviroConcept updated cost 18.02.2019
Water supply and Sewer Reticulation works	233,000	Additional costs due to site not having existing connections
Solar Connection (if not proceeding with power connection)	180,000	EnviroConcept updated cost 18.02.2019 - Additional cost due to site not having existing connections
Public utilities adjustments	40,000	Removed by Projects Engineer – no requirement to include
Plumbing and drainage	50,000	Void by Projects Engineer – this cost was based on site having existing connections
Sewer reticulation works	50,000	Void by Projects Engineer – this cost was based on site having existing connections
Electricals & Communications	60,000	Void by Projects Engineer – this cost was based on site having existing connections
Overheads	40,000	Removed by Projects Engineer – no requirement.
Wheel wash units	48,000	Void - EnviroConcept advised not a necessity 18.02.2019

Power supply (if not proceeding with solar connection)	170,000	Removed (additional cost due to site not having existing connections) – EnviroConcept advised 18.02.2019 a power connection would be greater than \$170,000 and therefore solar connection is the preferred option
<b>SUB TOTAL</b>	<b>1,285,500</b>	
Contingency (10%)	128,550	
<b>TOTAL</b>	<b>1,414,050</b>	

Council received a partial funding recommendation of \$700,000. The required changes to the project scope and budget have resulted in the final estimated costings be well above the funded amount of \$700,000 and this results in the funded amount is insufficient to achieve the project.

Considerable factors include:

<p><b><u>Lighting</u></b></p> <ul style="list-style-type: none"> <li>• Wills Street location requires connections for electricity, water and sewerage.</li> <li>• Electricity / solar connections and lighting installation increased budget and costs.</li> </ul>
<p><b><u>Roadworks</u></b></p> <ul style="list-style-type: none"> <li>• Wills Street site requires modifications to existing roadway.</li> <li>• Works include widening of shoulder, reseal, and line marking.</li> <li>• Council does not have the budget to fund the road works.</li> <li>• Considered application for \$291,500 road works through the “Drought Communities Program – Extension Funding”, however, Council would not have been able to achieve the required completion date of 30 June 2019. The amount of \$291,500 was a remainder of funds available after other roadworks in Broken Hill.</li> <li>• Consideration given to requesting financial assistance from Pastoralists Association of West Darling (PAWD) – they had previously been contacted in April 2018 requesting financial assistance and responded advising they are “a small organisation with a tight budget and does not have the capacity to assist with purchase of land for the truck wash”. There would be no financial assistance available for the road works based on this.</li> </ul>
<p><b><u>Ongoing Maintenance and Operating Costs</u></b></p> <ul style="list-style-type: none"> <li>• Estimated based on the Towong Shire Council - Corryong Saleyards Futures Study Final Report provided by Patchara-on Chalacheva, Transport NSW.</li> <li>• Broken Hill had never operated a truck wash therefore, the operating costs were conservative to ensure all ongoing costs are met.</li> </ul>

In June 2019, Council submitted an application to decline funding due to the reasons outlined above.

In Council’s decline of funding request, it was endorsed for the funding to be transferred to Western Local Land Services (WLLS) who had indicated their desire to fulfil the project of installing and maintaining a truck wash in the region. In October 2021, Council received confirmation of declined funds from Infrastructure NSW.

On the 1st of February 2022, Council contacted the General Manager of WLLS who gave a brief update on the status of the project, highlighting they were still attempting to progress the truck wash, and are still securing the site which is going through a subdivision approval with Crown Lands. Transport for NSW has advised them that we have to wait until a new funding round opens and they can apply to them for the funds directly as they were unable to have the original funds reallocated. Actions to still be completed include

- Design



- Water Supply
- Wastewater Treatment

A meeting has been arranged for the end of February between Council, WLLS and the Pastoralists Society to discuss in detail the status of project and where Council can support or assist WLLS to further the project.

**Community Engagement:**

Nil

**Strategic Direction:**

Key Direction:	3	Our environment
Objective:	3.1	Our environmental footprint is minimised
Strategy:	3.1.1	Review waste management strategy and implement actions to minimise environmental footprint

**Relevant Legislation:**

*Local Government Act 1993*

*Native Title Act 1993*

*Crown Land Management 2016*

**Financial Implications:**

There are no current financial implications with this progress update.

**Attachments**

1. [↓](#) Infrastructure NSW - Broken Hill Truck Wash - Letter to BHCC

CODIE HOWARD  
CHIEF ASSETS AND PROJECTS OFFICER

JAY NANKIVELL  
GENERAL MANAGER



AON Tower, Level 27, 201 Kent Street  
Sydney NSW 2000 Australia  
ABN 85 031 302 516

**General Manager  
Broken Hill City Council  
240 Blende St,  
BROKEN HILL, NSW 2880**

28<sup>th</sup> October 2021

Attn: Jay Nankivell

**RE: RNSW 1140 Broken Hill Truck Wash Facility**

Dear Jay,

As per the previous advice we have received from Council, INSW acknowledge Council's decision not to proceed with this project. This decision has also been confirmed by TfNSW.

We understand the issues which have not been able to be resolved, include:

- Council commitment to ongoing Operation and Maintenance Costs.
- Project Location within the Broken Hill City LGA.
- Project Estimates and Budget.

Recent meetings have indicated that Broken Hill City Council, whilst supporting the need for a Truck Wash Facility are unable to resolve the issues noted and are the reasons for declining the funding.

It has been determined that RNSW 1140 will be closed, and Restart Funds of \$350,000 will remain with Treasury within the Restart Fund, and other co-funding contributions would remain with relevant agencies as per agreements made.

We appreciate Council's assistance in working with INSW and TfNSW in this matter and encourage you to consult further with TfNSW to seek future opportunities for other funding.

Please acknowledge this letter and the closure of the project by 30<sup>th</sup> November 2021.

Please contact the Project Manager, Trevor Liu, [Trevor.Liu@infrastructure.nsw.gov.au](mailto:Trevor.Liu@infrastructure.nsw.gov.au) if you have any questions concerning this letter.

Yours sincerely

A solid black rectangular box redacting the signature of Julie Paton.

For Julie Paton  
Director, Restart PMO

## ORDINARY MEETING OF THE COUNCIL

February 11, 2022

**ITEM 21****BROKEN HILL CITY COUNCIL REPORT NO. 45/22****SUBJECT:**                    **CONSULTATION - PROPOSED CREEDON STREET OPEN SPACE**  
**D22/7432****Recommendation**

1. That Broken Hill City Council Report No. 45/22 dated February 11, 2022, be received.
2. That identified Aboriginal organisations be invited to take part in consultation.
3. That an engagement plan be written in consultation with Traditional Owners.
4. That the engagement is conducted utilising the timing, facilities, activities and events identified by the community

**Executive Summary:**

In response to Mayoral Minute No. 2/22 (Council resolution No. 46690), Council officers have collated information to outline the next steps to progress minute no.39:

*“That the General Manager be invited to contact the appropriate Aboriginal organisations to facilitate communication for the purpose of establishing a green space at the rear of Creedon Street”.*

Council’s relationships with Traditional Owners, Aboriginal community members and Aboriginal organisations will aid in a comprehensive consultation to be undertaken to explore the establishment of a green space at the rear of Creedon Street.

**Report:**

Council has gathered preliminary information about the section of land to be considered for use to aid in the consultation. The information pertains to the land situated between the Barrier Highway and Wills Street, west of the houses on Creedon Street.



The land behind the housing on Creedon Street is part of Broken Hill's regeneration area. This area is zoned C2 Environmental Conservation (formerly known as E2).

The objectives of this zone, along with the permitted uses are detailed below. There are some definitions under "permitted with consent" that may apply to this proposal, pending further information about the proposed use.

Should the proposed use fit within one of these definitions, a Development Application (DA) will be required to be submitted and assessed for the intended use.

The land is predominantly Crown Land managed by Council under the Crown Land Management Act (CLM Act). This means that unlike freehold land, the land is unable to be sold and any use will likely require a tenure that complies with the relevant legislation and may potentially require consent from Crown Lands.

The regeneration area is significant to Broken Hill's heritage, including the National Heritage Listing of the city. Alteration of the regeneration area may require referral to relevant heritage authorities and may take considerable time to be progressed.

The area is also subject to Native Title, being within the Barkandji Non-Exclusive Area.

### **Details regarding objectives and uses of E2 zone:**

#### **Zone E2 Environmental Conservation**

##### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To promote the preservation, conservation and enhancement of major landscape features and native fauna and flora in Broken Hill.

##### **2 Permitted without consent**

Environmental protection works; Roads

##### **3 Permitted with consent**

Building identification signs; Business identification signs; Camping grounds; Community facilities; Eco-tourist facilities; Environmental facilities; Extensive agriculture; Information and education facilities; Recreation areas; Research stations; Water recycling facilities; Water supply systems

##### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

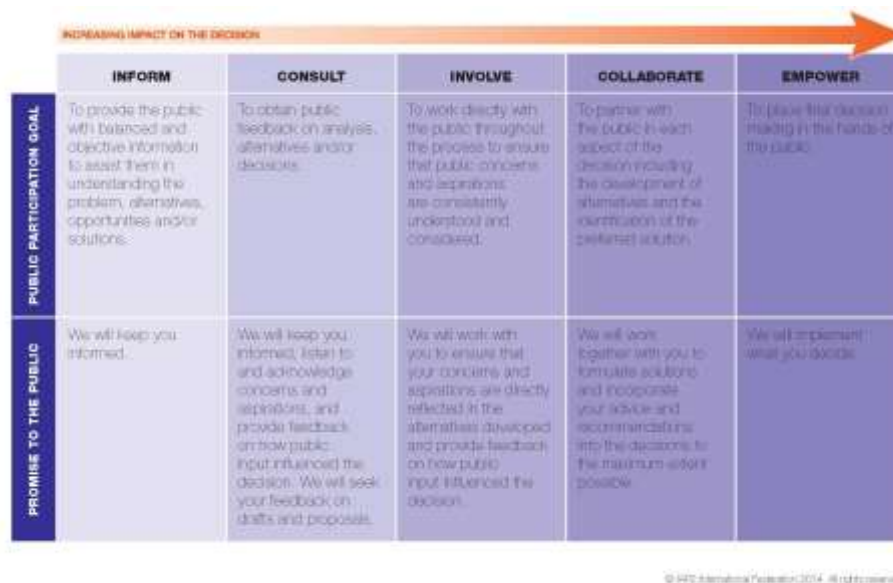
### **Consultation**

As part of the delivery of the current Reconciliation Action Plan, an Engagement Matrix and a draft Protocols document have been created and are being considered by the Reconciliation Action Plan Working Group. These documents seek to outline and inform Council officers when undertaking engagement in the community with the aim to deliver reciprocal, respectful consultation which also follows the IAP2 (International Association of

Public Participation) model of community engagement, the Spectrum of Public Participation, which is shown in the graphic below.

The Spectrum of Public Participation was developed to help clarify the role of the community in planning and decision making, expressed in levels of engagement (not steps). For each level, the spectrum articulates the public participation goal and levels further to the right of the spectrum indicate higher levels of engagement.

Begin to plan this consultation with the intention of involving a broad number of people, community groups and Aboriginal organisations places this consultation at a higher level on the Spectrum.



Co-designed delivery of a community asset requires considered consultation.

### Engagement Outline

Engagement for this project is proposed to begin with consultation with the Traditional Owner and Wilyakali Elder or a delegate identified by the Elder.

The engagement will then further include Aboriginal community engagement sessions that are open to the whole Aboriginal community and may include or be held with the Aboriginal Community Working Party (ACWP).

The ACWP is a monthly forum for Aboriginal people to come together to discuss matters involving Aboriginal people and culture in the city.

Information gathered at the ACWP is taken back to the community and family and friends of the participants for further discussion and feedback.

Further engagement with Aboriginal services in the city:

Barkandji Native Title	Works with Traditional Owners to uphold rights to land and jointly manages projects between Traditional Owners and others (including govt.)
Aboriginal Affairs	Jointly funds programs, supports the Community Working Party and supports local decision making

Murdi Paaki Regional Assembly	Amplifies to voice of Community Working Party's in the region to Government
Local Aboriginal Land Council	Provides services to all Aboriginal people in the community and negotiates land issues on behalf of Aboriginal people

Following IAP2 principles, engagement would be ongoing and delivered in a reciprocal frame to keep people up to date on developments to encourage input.

As the project progresses to the planning stage, usual assessment processes related to a Development Application will occur.

### **Community Engagement:**

As outlined 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 organization to operate within its legal framework

### **Relevant Legislation:**

*Local Government Act 1993*

*Broken Hill Local Environmental Plan 2013*

*Crown Land Management Act 2016*

*Native Title Act 1993*

### **Financial Implications:**

Budgetary considerations of consultation including venue hire, and food if required.

### **Attachments**

There are no attachments for this report.

RAZIJA NU'MAN

CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL

GENERAL MANAGER

## ORDINARY MEETING OF THE COUNCIL

February 11, 2022

**ITEM 22**BROKEN HILL CITY COUNCIL REPORT NO. 46/22SUBJECT:                    COMMUNITY SECTOR INVOLVEMENT                    D22/7464**Recommendation**

1. That Broken Hill City Council Report No. 46/22 dated February 11, 2022, be received.
2. That Council continue to support new and existing interagency meetings identified in the community.
3. That Council continue to advocate in partnership with community agencies on identified community issues, community needs and attraction of resources to this City.

**Executive Summary:**

At the January 12, 2022 meeting, (Minute No. 46690), Council endorsed:

*13. That Council forms a 355 committee that deals with all matters that affect our senior citizens and that the formation of the committee is to be advertised to the community for membership and expressions of interest.*

*14. That Council forms a 355 committee that has the role to bring projects and services to the city that benefit young children, teenage children and young adults and that the formation of the committee will be advertised, and expressions sought.*

*36. That the General Manager advertise for expressions of interest to form a working group to address the homeless issue, drug and alcohol use and suicide prevention.*

The report provides background on current Council involvement with social analysis, interagency planning and advocacy on social issues as well as activity development for youth and family sectors.

Council has been involved in community facing interagency and groups in earnest in the past two years with the appointment of a designated Community Development Officer. This position has been full time since July 2021.

Consultation and relationship building has been a core tenet of the role, utilising a strengths-based development approach to encourage collaboration and provide support where possible, coupled with robust background research.

Awareness of community and social concerns, and advocacy and support for community agencies and groups relies on sound relationships and a developed understanding of need.

This comes from ongoing collaboration and consultation with the community and robust research and planning.

Council has used its limited community resources to build relationships, joining with existing interagency and event planning groups, facilitating interagency and other meetings and supporting local social and community assemblies in a partnership approach, to create supported opportunities for the community. As part of these activities Council plays a vital role within its resources.

The research outputs are used to attract applicable funding and offer an evidence base to strengthen the position of Council when advocating on behalf of the community.

### **Report:**

There is considerable identified need in the community for support and connection through collaboration.

This is due to a range of factors including the impact of ageing volunteers and increasing governance responsibilities of community groups placing additional pressure on volunteers.

Among community non-profit agencies in the social and community sectors, there can be competitive funding pressure between like entities making collaboration more problematic in a low funding environment. Community based agencies no longer have funding for administration for interagency meetings or planning and executing events. Funded activities are limited to time spent with clients individually or in small groups leaving many agencies with little option to initiate other collaborative activities.

Therefore, Council has become increasingly active in providing support to allow groups to pool resources, collaborate on local solutions or to take the administrative burden within its limited resources.

Council's collaborative efforts are detailed below:

### **COVID Resilience boxes**

In response to the COVID 19 pandemic, Resilience NSW approached local councils to administer and manage delivery of dried food emergency provisions to people diagnosed with COVID 19 or under Section 62 orders to isolate and *without the means to procure food and urgent supplies from any other source*.

Council took delivery of supplies from Resilience NSW in August 2021 and housed the stores at the Warnock Street Council Yard. Council officers have delivered needed supplies to local households over the past 5 months, working closely with Health, the Department of Communities and Justice, Aboriginal Affairs, Land Councils, Maari Ma, service organisations and charitable organisations including the Salvation Army, Mission Australia, Uniting Church and Centacare.

Council's delivery teams have been drawn primarily from Cultural services departments, including staff from the Broken Hill City Library and the Library Coordinator and most recently the program has been supported by the Gallery and Museum Manager.

Fortnightly *Welfare and Food Security group* meetings have been attended by Council's Community Development Officer, who has also managed the stock control and maintained contact with partner organisations to ensure that the limited resources were utilised for the best use of the community. Delivery of Resilience hampers has been coordinated with charitable deliveries from the Salvation Army so that people have dried food delivery augmented with fresh foods.



Council staff have made approximately 120 separate deliveries of food stuffs, personal items and PPE during the period to 10/02/2022, allowing people who were unwell to stay at home while isolating or quarantining, benefitting the wider community. This work was closely aligned with the work of Health, Resilience NSW and the welfare sector.

In a strengths-based approach to thank responders and front-line workers for their significant effort during this time, Council staff created a light display on the public buildings in the city.

The light show was a representation of the large cohort of responders who worked closely for the benefit of the community. The display was very well received locally and by partner organisations. Images from the display were used by Resilience NSW, Health agencies and Council in social media posts. The light display ran for one week from 17 January to 23 January 2022.

### **Child Contact Service-**

Council has assisted a local resident in advocacy efforts for a Child Contact Service in Broken Hill which is a current gap within the children's and family support system. Council was approached on 3<sup>rd</sup> November 2021 to support and ensure local services and individuals were aware of the opportunity to provide information on the Attorney- General's consultation on the methodology for choosing sites for new Child Contact Services.

The proposed methodology did not take into account the issues experienced by local families and reasons why Broken Hill requires a CCS; reasons which include lack of proximity to services, rates of domestic violence and the prevalence of single parent households. The community in Broken Hill has been attempting to secure a CCS for the city and region for over ten years.

Without a Child Contact Service situated in Broken Hill, separated, estranged, or divorced parents are forced to exchange custody of their children unsupervised in public areas or sometimes in unsafe environments. The nearest Child Contact Service is situated interstate in Mildura, with some parents ordered to utilise this service as their best option, necessitating two separate vehicles travelling over 600kms each in a round trip to exchange custody. COVID border restrictions impacted residents' ability to access this service over the period 2020-2021.

Advocacy is ongoing and local federal member Mark Coulton MP is making representation on behalf of the community to the Attorney-General. A letter received on 31<sup>st</sup> January forwarded by the community advocate, relayed that the A-G department is reviewing the methodology with a view to open grant opportunities for applications for a CCS in the first quarter 2022.

### **Youth (12-24 years)**

Since 2019, Council has successfully won 9 grants for youth events and activities. The Department of Regional NSW has advised that there will be ongoing opportunities for grant funding each school holiday period in addition to Youth Week funding throughout 2022. Whilst the grant dollars are small and most often need to be Council matched, they are passed to groups in the community which can maximise value through their own contributions of facilities and staff and general support and cover significant gaps in activities for young people and their families.

Funded programs have included activities based at the Regional Aquatic Centre including outdoor films and live music, and Sturt Park based activities including family fun days, a colour run and skate park activities.

Recently Council successfully won a *Heywire* grant through FRRR (Foundation for Regional and Rural Renewal) to conduct an arts program which will culminate in an exhibition at the Broken Hill Regional Art Gallery during the second half of 2022. This program will see a group of young people working with the Gallery Programs Officer and two other artists to explore the impact of racism and intolerance in the community.

Council is awaiting a response to a grant application it submitted in 2021 to the NSW Government Youth Opportunities fund. If successful, the funding will be used to resource a youth advisory group with a youth worker to support the work and funding for a calendar of events. Council also has an application in to the NSW Government for a Youth Radio podcast program in partnership with *2DryFM* and *West Darling Arts*.

Increasingly there are programmatic funding opportunities available primarily through the NSW Department of Regional NSW. Council utilises existing staff from the Cultural areas to assist to execute the events and programs won via grant funding with the Community Development Officer.

Council partners with local schools, YMCA Broken Hill, Headspace, Mission Australia, PCYC, Joblink Plus and Maari Ma on youth events and opportunities and has had recent meetings with YMCA to discuss the opportunity for partnership in grant applications.

Council has ongoing and positive collaborative relationships with this sector.

Youth services would be assisted by the formation of a Youth Advisory Group consisting of young people aged 12-24 to advise on events and activities and to assist with the execution of those activities. In addition, formation of a Youth Interagency to assist and support youth services to maintain connection with each other, pool resources to plan activities and consider a strategic direction, would be welcomed by those services.

Council attends meetings of the YSSI (Youth School Services Interagency) which meets monthly to run programs within the high school systems. It is managed by Mission Australia and monthly meetings include representatives from both high schools and all agencies including Mission Australia, Lifeline, Far West Community Legal Centre, Warra Warra Legal Service and Headspace which provide educative social programs to students. The programs in schools have been severely impacted by COVID as visitors have not been admitted onto school grounds.

The YSSI is linked to Family and Child Interagency, managed by Health and the Early Years Interagency, managed by Maari Ma. Both interagencies have been severely impacted by COVID and have not conducted regular meetings.

## **Disability**

Council has been directly involved in lobbying the NDIS and Federal Ministers for Social Services for results of consultation undertaken in 2019 by the NDIA and EY into *Thin Markets* which was to produce a report into the support required for areas that experience a *Thin Market* which includes Broken Hill.

A *Thin Market* is one in which the NDIS vision, which is '*to provide choice and control to people living with disability*', is threatened because of a lack of access to services. This limitation may be due to a lack of providers, a disability community not accessing the NDIS, a lack of staff resources or other reasons.

The 2019 consultation, attended by Council officers, saw local providers express deep concern for their ongoing viability and therefore services to people with disability in the community over the long term.

Continued lobbying resulted in an introduction for Council to the NDIS 'Market Intervention Team' and ongoing meetings to advocate to them the need for intervention and support on behalf of local people and providers. A meeting was held on February 10, 2022 to bring the providers, Social Futures, NDIA engagement staff and the NDIS Market Intervention team together to explain to the providers in Broken Hill where the *Thin Market* and Market Intervention Team's work is concentrated presently, with a Q and A process and to provide clarity on the direction of the upcoming Market Intervention activities.

Post this session, Broken Hill disability providers conducted an introductory interagency meeting to discuss the outcomes of the previous meeting and what was required for Broken Hill's providers and the community to survive in the NDIS market. It was decided that Disability Interagency meetings will be ongoing monthly occurrences.

The Disability Interagency meeting in March will take place in the Aged Persons Rest centre. Council will provide the venue for the regular interagency meetings and attend to retain awareness of further issues with this sector and to provide ongoing support and advocacy support.

Providers in the sector continue to express deep concern for the long-term provision of services in the city. Withheld funding, the complexity of the NDIS, having little local support and the demise of the Ability Links program, which provided a layer of highly visible, accessible, and active staff in the community who provide general information on the NDIS, is all having an impact.

Of the total number of people in Broken Hill on disability support pensions, only one quarter access the NDIS. Most new additions to the NDIS are children and so not reflected in those numbers. Improving market knowledge is a gap across the country and felt keenly in Broken Hill.

In addition to concerns regarding the functionality of the NDIS in an area experiencing a *thin market*, Broken Hill was recently re-categorized to Urban-Regional from Remote by the ABS. This mis-categorisation will impact on grant funding for this sector with a belief that the impact to funding received will equate to a 10-15% reduction in funding.

### **Drug and Alcohol Use/ Mental Health/ Suicide Prevention**

Council is a member of the **Far West Cross Agency Advisory group** managed by the Western PHN in collaboration with the Far West Local Health District and Western NSW Local Health District. This meeting is held monthly and is a response to the Western NSW Regional Mental Health and Suicide Prevention Plan.

Membership includes agencies working with mental health (such as Neami, Mission Australia, Headspace, Lifeline), Local Health District, Maari Ma, RFDS, Police and people with lived experience.

A steering committee sits above the cross-agency group and four working groups make up the totality of the structure. The working groups are ordered into four subjects:

Suicide Prevention

Service Navigation

Place Based Care

Barriers to better health: co-existing health conditions

A further Health Literacy working group informs the work of the Cross Agency groups and Steering Committees.

In January 2022 reports to this cross agency group included an update of a collaborative integrated care platform which is in development to assist people suffering with a mental health condition and development of a patient facing app.

The meetings are well resourced and attract a wide variety of services and members of the community.

Council is also a member of the **Suicide Prevention Services Meeting (SPSM)** which is held monthly and managed by Lifeline Broken Hill Country to Coast. This network interagency meeting was formed in April 2021 to discuss the community response to the high rate of complete suicides in the community. This meeting brings together locally based agencies and staff.

The purpose of the SPSM is to provide a platform for services to discuss and advance issues relating to suicide prevention, intervention, and post event support. Where services can openly and confidentially discuss ways to reduce risks associated with poor mental health and provide evidence-based responses to our community needs. This is a solutions-based group with a focus on making systems work better and formulating a local community response to this widespread issue.

The need for a **Drug and Alcohol detoxification and rehabilitation facility** has been identified in the Far West and particularly in Broken Hill over a long period, with evidence gathered into the impact of drug and alcohol addiction in the city and region socially, educationally, and economically.

Council is a member of the **Far West Community Steering Committee**, initially operating under the guidance of and supported by the Western PHN.

The Western PHN, recognising the long-standing need for a facility through their substantial work in the community in health industry support programs, offered to undertake business case development for an alcohol and other drug detoxification and rehabilitation facility in Broken Hill if sufficient community interest could be established for the development of the project. The establishment of the Steering Committee and its supporting committee structures is the evidence that the Broken Hill community are motivated to see this centre be established.

The Steering Committee has eight members and is supported by an eight-member Community Advisory Committee and an eight-member Clinical Advisory Committee. Members of all committees work together and are resourced by the Western PHN to develop the case for a codesigned facility to meet local need.

Council's identified tasks within this committee are to communicate with the community about the proposed facility and to advocate to ease the passage of land acquisition for the centre or provide land if applicable. Success in the realisation of this project will come from the commitment of all three levels of government.

Council identified several possible options for available land that may be suitable for this purpose, however, Council's own land assets have not met the required criteria, being either too small or situated in unsuitable areas of the city. Council continues to work closely with Crown Lands, community members and large industry to find a suitable solution.

### **Community Events**

In the past 18 months small community events have been conducted after having success in grant funding for the purpose. Two seniors' week events were conducted (2020 and 2021) to increase recreational, social activities for seniors at the Regional Aquatic Centre. Guest services including the Broken Hill Library, YMCA, Hearing Centre, Seniors' activity providers,

Carers Gateway and service clubs were involved to provide information and activities for seniors and to encourage seniors to be social, active and to use the services on offer in the community.

Although Council has not been successful in obtaining Seniors Week funding in 2022, Council has offered non-financial support to the YMCA and will work collaboratively to ensure that a celebration of seniors is held at the Aquatic centre on 30 March 2022.

Women's Week funding resulted in a full week of events and activities for women and girls including 14 free park-based yoga sessions, and free access to life coaching sessions provided by a local business. This highly successful week provided new social, recreational and educational opportunities for women across accessible platforms and conducted in the morning and evening to accommodate many participants.

### **Reconciliation**

Council's current Reconciliation Action Plan (RAP) is reaping success for the organisation and increasing broad connections with the Aboriginal community in Broken Hill. The RAP working group includes four very generous and committed Aboriginal community members, Councillors and staff who work together to ensure that the goals Council set in the RAP are met.

Through the work of this working group and the RAP structure, Council has closer ties with the Traditional Owners and more extensive communications with a wider range of Aboriginal people and organisations. Council is developing a better understanding of how to engage with Aboriginal residents more inclusively, appropriately, and respectfully.

The current RAP concludes in October 2022 and Council staff are preparing to create a new Plan to take the organisation and community into the next three years.

### **Health and Wellbeing**

Recently, Council and LHD staff have been in contact to discuss options for increased collaboration on a range of health and wellbeing and community engagement opportunities. Discussions will include background on the historic work of Healthy Broken Hill and further opportunities for collaboration currently available.

Monitoring of the social determinants affecting the health and wellbeing is of vital importance and shared across several Council departments. The social determinants of health are the conditions in the environments where people are born, live, work, play, practice culture and age that affect a wide range of health, functioning and quality of life outcomes and risks.

The SDoH include:

1. Economic stability- quality employment, cost of living, suitable housing, transport
2. Educational access and quality- early childhood and preschool to tertiary and vocational and ongoing opportunities across a person's lifespan
3. Health Care access and quality- public and private providers, allied health and access to health affirming activities
4. Built environment- housing, accessible public buildings
5. Social and Community connection- opportunities to gather and enjoy, learn from each other, treat others with respect, appropriate programs to support community members and ensure inclusion

**Homelessness**

Preliminary discussions into welfare response to homelessness suggests that the issue of Homelessness does not have an interagency or community working group at this stage.

Homelessness is addressed by charitable institutions such as Mission Australia, Lifeline and Headspace, with some agencies utilising a network of final year social work students that work in various agencies, organised by the University Department of Rural Health, University of Sydney.

Youth Homelessness services are accessible during normal office hours and use the network of hotels to provide crisis accommodation. There is no under 18 crisis accommodation and support.

Additionally, community response to homelessness has come from churches and is informally negotiated.

In the 2016 census Broken Hill showed 74 homeless people representing 25% of the total number seeking affordable housing. The other 75% of people seeking a share of the 2.1% of social housing in the city came from low-income households. In 2016, the census reported that 20% of dwellings in the city were found to be unoccupied.

People on low incomes, with disability or ill health are most likely to be represented in the cohort of people needing social housing

**Research**

Producing quality research into the social and community landscape of the city and to project future conditions and needs based on considered information is vital to informed planning, partnering with economic and social development organisations, advocacy to governments on behalf of the community and attracting grant funding.

As such, it is an important task of Council in the short, medium and long term.

**Community Engagement:**

Ongoing via interagency collaboration.

**Strategic Direction:**

Key Direction:	1	Our Community
Objective:	1.2	Our community works together
Strategy:	1.2.3	Develop relationships to address local issues and create opportunities

**Relevant Legislation:**

Local Government Act 1993

**Financial Implications:**

NIL

**Attachments**

There are no attachments for this report.

RAZIJA NU'MAN  
CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL  
GENERAL MANAGER

## ORDINARY MEETING OF THE COUNCIL

February 7, 2022

**ITEM 23****BROKEN HILL CITY COUNCIL REPORT NO. 47/22****SUBJECT:**                    **CASH PAYMENTS AT COUNCIL FACILITIES**                    **D22/6258****Recommendation**

1. That Broken Hill City Council Report No. 47/22 dated February 7, 2022, be received and noted.
2. That Council reinstate the acceptance of cash payments at Council operated facilities in March 2022.
3. That Council note the increase in budgetary expenditure for secure cash pickups from Council's facilities that will form part of the December Quarterly Budget Review report.

**Executive Summary:**

At the 12 January 2022 Council Meeting, as part of Council's resolution of Mayoral Minute No. 2/22, Council resolved: "5. *That at the February 2022 meeting of Council, councillors are to be presented with the required policies, with amendments included, that will allow for cash payments to be accepted at all Council operated facilities.*"

This report is presented to Council to provide the requested information and that acceptance of cash will be reimplemented subject to Council Approval as at the beginning of March 2022.

**Report:**

In early 2020, as a response to the COVID-19 pandemic, Council accelerated its move towards cashless payments at its facilities. This was done to reduce risk due to handling cash in the early COVID-19 environment.

Council facilities had been moving in that direction for some time, as customer payment method trends had continued to move towards online payments and card transactions. Council provides many payment methods to its ratepayers including Direct Debit, Centrepay (through Centrelink), Online payments via BPay and the Council Website, Card Payments at customer service, and card, cash, and cheque payments at Australia Post outlets.

Since the 12 January 2022 Mayoral minute, Council staff have been working to re-establish procedures for the acceptance of cash at council operated facilities and the reinstatement of secure cash pickups with our security provider. No Council policies are required to be amended, as the 2020 change was adopted as part of preliminary COVID-19 safety measures and then more permanently as part of the 2020/21 Operational Plan.

Council staff have been working with Councils existing security provider to resume secure cash pickups at Council facilities. Cash will be picked up from the Council admin office daily, with other sites having weekly, or ad hoc pickups as required. The living desert will remain cashless due to the gate being unmanned and security and vandalism concerns if a cash box system was implemented at the remote site. Patrons who wish to pay cash for living desert entry and camping will be able to do so at the visitor information centre. These



schedules will be reviewed and adjusted according to the amount of cash payments received and in line with Council's risk management framework.

Estimated costs for secure cash pickups are \$20,000 per year. Extra time spent by Council staff due to the reintroduction of cash payments is estimated at 20 -30 minutes per day per facility and also by council finance staff or 2- 2.5 hours per day. This time is required regardless of the volume of cash payments received due to the need for counting of floats, preparation and reconciliation of banking and securing and retrieving cash from safes. This equates to approximately 650 staff hours per year spent on cash handling that are currently being utilised for service delivery.

**Community Engagement:**

N/A

**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:**

N/A

**Financial Implications:**

The cost of returning to the acceptance of cash at Council operated facilities including secure cash pickups at Council facilities is approximately \$20,000 per year. The additional staff time spent on cash handling procedures by Council staff has no budgetary impact as it is a reallocation of existing budgeted resources, however there will be service implications due to a reduction of 650 available staff hours across the organisation as these hours are redirected towards cash handling procedures.

**Attachments**

There are no attachments for this report

SIMON BROWN  
CHIEF FINANCIAL OFFICER

JAY NANKIVELL  
GENERAL MANAGER

## ORDINARY MEETING OF THE COUNCIL

February 2, 2022

**ITEM 24****BROKEN HILL CITY COUNCIL REPORT NO. 48/22****SUBJECT:**                    **SECTION 355 COMMITTEE TERM REPORT 2016-2021**    **D22/5145****Recommendation**

1. That Broken Hill City Council Report No. 48/22 dated February 2, 2022, be received.
2. That the Term Report 2016-2021 from Section 355 Norm Fox Sporting Complex Community Committee be received and noted.

**Executive Summary**

In accordance with Section 355 of the *Local Government Act 1993* (the Act), Council has the ability to delegate some of its functions to a Committee of Council by way of appointment of community members to manage or advise on particular Council assets or functions. The committees are commonly known and referred to as Section 355 Committees.

**Report:**

Council's Section 355 Advisory and Asset Committee Frameworks state that all committees are for the term of the current Council.

Section 318B of the *Local Government Act 1993* was amended to allow the Minister for Local Government, to postpone council elections due to the risk posed by the COVID-19 pandemic. Council's S355 Committee term was also extended due to the postponement of the Local Government elections to December 2021.

Both the Section 355 Advisory and Asset Committee Frameworks state that committees are required to submit reports to Council, including Annual Reports, Financial Reports and specifically for the 2016-2021 term of Council, a Term Report for period 2016-2021.

Section 355 Committees submitted their Annual Reports and Financial Reports where relevant for the 2020/2021 period and seven Committees have submitted their Term Reports for 2016-2021.

There are 10 Section 355 Committees, made up of seven Asset Committees and three Advisory Committees.

Section 355 Asset Committees:

- Alma Oval Community Committee
- BIU Band Hall Community Committee
- Friends of the Flora and Fauna of the Barrier Ranges Committee
- Memorial Oval Community Committee
- Norm Fox Sporting Complex Community Committee
- Picton Sportsground Community Committee
- Riddiford Arboretum Community Committee

Section 355 Advisory Committees:

- Broken Hill Heritage Committee
- Broken Hill Regional Art Gallery Advisory Committee
- Community Strategic Plan Round Table

To date, Term Reports have been received from the following committees:

- Broken Hill Heritage Committee
- Broken Hill Regional Art Gallery Advisory Committee
- Community Strategic Plan Round Table
- Friends of the Flora and Fauna of the Barrier Ranges Community Committee
- Memorial Oval Community Committee
- Norm Fox Sporting Complex Community Committee
- Riddiford Arboretum Management Committee

To date, Term Reports remain outstanding for the following committees:

- Alma Oval Community Committee
- BUI Band Hall Community Committee
- Picton Sportsground Community Committee

COVID-19 restrictions for Section 355 Committees to hold meetings had an impact on Section 355 Committees in undertaking their usual functions and reporting requirements. This has therefore resulted in a delay in Section 355 Committees submitting the required reports.

Council will continue to follow-up the outstanding Reports with the relevant Section 355 Committees.

**Community Engagement:**

Liaise with all Section 355 Committees

**Strategic Direction:**

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

**Relevant Legislation:**

*Local Government Act 1993*

- Section 355 ‘How a council exercise its functions’
- Section 377 ‘General power of the council to delegate’.
- Section 318B was amended to allow the Minister for Local Government, to postpone council elections due to the risk posed by the COVID 19 pandemic.

**Financial Implications:**


There are no financial implications arising from the recommendations of this report.

**Attachments**

1. [↓](#) S355 Committee Term Report – Norm Fox Sporting Complex – 2016-2021

RAZIJA NU'MAN  
CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL  
GENERAL MANAGER



## 355 committee term report

Please complete this form as accurately as possible and return to [council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au)  
 If insufficient room please supply additional attachments.

**SECTION 355 COMMITTEE**

Name of Committee: Norm Fox Sporting Complex

Term Report Period: July 2016 to December 2021

**TERM REPORT**

**1. The Committee –**  
 provide an overview  
 of the responsibilities of  
 the Committee

Oversee the management and operation of the Norm Fox Sporting Complex and carry out maintenance of the facilities excluding that of the playing service.

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**2. Activities / Projects /**  
**Achievements /**  
**Highlights**

The Norm Fox Sporting Complex was used predominately for cricket in the summer months with COVID 19 restricting the use of changeroom facilities and the canteen facilities from 2019 onwards.

Womens cricket became a new user of the facilities in November 2018.

The number 1 synthetic cricket wicket was resurfaced before the start of the 2021/22 cricket season in October 2021 and some repair work performed on the playing surface.

Maintenance Officer Peter McDonald has done an excellent job in clearing up the oval surrounds and maintaining them to an excellent standard despite encountering major issues with aged equipment.

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**3. Ongoing Issues**

The uneven playing surface continued to be a major issue at the Norm Fox Sporting Complex. A reluctance to play junior sport at the facility due to this remained an issue.

Aged maintenance equipment became a major issue in 2021 with the Committee providing Council with a list of new equipment required. A new ride-on lawn mower has also been placed in Councils asset expenditure requirements for 2022.

The Committee's finances have been very restricted during the 2016-2021 period due to the lack of multiple sports using the facilities and also because of the high cost of electricity involved with watering. Electricity costs are now being covered by the Council subsidy.

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Please provide further relevant information:

The Committee is now looking forward to the proposed new project expenditure to take place at the Norm Fox Sporting Complex. With upgraded facilities and new maintenance equipment the Committee believes it can successfully attract sports such as soccer and Australian Rules football to the facility and, in doing so, start to generate greater revenue from oval hire and canteen operating.

**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 contacted by Council. If appointed to a committee, your name and contact details will not be made public on Council's website and will be removed from all applications and reports 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@projects.lism.gov.au](mailto:council@projects.lism.gov.au) or address: 188 City 200 Single Street.

Signature		Date:	3/1/2022
Printed Name	Peter Johnston		
Position	Chairman		

## ORDINARY MEETING OF THE COUNCIL

February 4, 2022

**ITEM 25****BROKEN HILL CITY COUNCIL REPORT NO. 49/22**

**SUBJECT:** MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.421, HELD ON TUESDAY, 1 FEBRUARY 2022 D22/5893

**Recommendation**

1. That Broken Hill City Council Report No. 49/22 dated February 4, 2022, be received.
2. That the minutes of the Local Traffic Committee – Meeting No.421, held on Tuesday, 1 February 2022 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 on Tuesday, 1 February 2022 which details recommendations to Council for consideration and adoption.

**Strategic Direction:**

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

**Relevant Legislation:**

- *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 of the Local Traffic Committee - Meeting No.421, held on Tuesday, 1  
[↓](#) February 2022

JAY NANKIVELL  
GENERAL MANAGER

## LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING NO. 421

Meeting held on Tuesday, 1 February 2022

Location: Council Chamber or via Teams

Minutes taken by: Council's Administration Officer, Tanya Ralph.

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Chairperson Geoff Harris, Council's Manager Infrastructure Works commenced the meeting at 2.10pm and welcomed all representatives present.

### 421.1 Present

Geoff Harris	Manager Infrastructure Works
Jeanne House	Transport for NSW Representative/Associate, Community and Place Partner – Far West Precinct
Chris Wallace	NSW Police Representative/Acting Inspector (Police)
Peter Beven	Local Member's Representative

### 421.2 Apologies

David Vant	Transport for NSW Representative
Paul Bezzina	Asset Officer

Councillor, Marion Brown, who previously attended Local Traffic Committee meetings, is no longer the Councillor observer for the committee. There was no Councillor observer for this meeting, with Council yet to appoint an observer following Council elections held in December 2021.

**Chris Wallace** – Informed the committee that he is the new NSW Police Representative for the committee and if he will be unavailable, he will arrange for a replacement representative in his absence.

**Jeanne House** – Informed the committee that she had been asked to attend this meeting in David Vant's absence. Jeanne works for Transport for NSW in the newly formed precinct along with David Vant, where they focus on all matters related to transport. Both Jeanne and David will, on occasions, come to Broken Hill for traffic and technical visits and to hold community engagement sessions to look at transport gaps in the region.

Jeanne advised that she and David will continue to represent Transport for NSW going forward.

The committee members present appreciated the information regarding her involvement and welcomed Jeanne, looking forward to her ongoing contributions to the traffic committee.

### 421.3 Disclosure of interest – NIL



#### 421.4 Adoption of previous minutes

The following Committee Recommendations over the page were adopted by Council at its meeting held on Wednesday, 12 January 2022.

The minutes from this meeting will be confirmed and approved by the Local Traffic Committee at their scheduled meeting on Thursday, 7 December 2021.

Being that other members present for this meeting, other than Peter Beven were not present at the December 2021 committee meeting and therefore are not able to adopt the December minutes.

Geoff advised the committee that he has read the minutes he will in this instance second the minutes for adoption by the committee.

All in favour:                      Moved: Peter Beven    Seconded: Geoff Harris

#### 421.5 Council Resolutions

The following Committee Recommendations over the page were adopted by Council at its meeting held on Wednesday, 12 January 2022.

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 13/22 - DATED DECEMBER 22, 2021 -  
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO. 420, HELD TUESDAY 7  
DECEMBER 2021    D21/56657

##### RESOLUTION

Minute No. 46704  
Councillor M Browne moved  
Mayor D Turley seconded

##### Resolved

- ) 1. That Broken Hill City Council Report No. 13/22  
) dated December 22, 2021, be received.
2. That the minutes of the Local Traffic Committee  
– Meeting No.420, held on Tuesday,  
7 December 2021 be received.
3. Item No. 415.6.1 - That Council installs signage  
and line marking for one (1) disability parking  
bay adjacent to the ramp on the north side of  
Crystal Street adjacent to the Country University  
Centre (CUC) and for three to four 4-hour parking  
spaces (pending measurement allowance) be  
installed on the south side of Crystal Street  
between the two driveways for use by the general  
community.

CARRIED UNANIMOUSLY

#### 421.6 Correspondence In

Item No.	EDRMS No.	Details	
421.6.1	D22/3156	Request to change parallel parking to angle parking in Bromide Street in front of Sufi Bakery - Rabia Reid	Page 10

421.7 Correspondence Out

Item No.	EDRMS No.	Details
415.6.1	D22/2454	LTC Response - Council Resolution – Request for installation of a disabled parking space on the side of the Country University Centre (CUC) on Crystal Street and for the parallel parking on the opposite site of Crystal Street be changed to 4-hour parking between the driveways – Country Universities Center – Michael Williams.

421.8 General Business

Item No.	EDRMS No.	Details
421.8.1		Late matter raised by NSW Police Representative, Chris Wallace regarding complaints received from residents on the route to the Mundi Mundi Bash that they have not had any consultation with the organizers of the event.
<b>Discussion Notes</b>		<p>Council's Manager Infrastructure Works, Geoff Harris informed the committee that he has obtained approval from Council for secondary employment to work with the organizers of the Mundi Mundi Bash to develop the traffic management plan for the event. When the traffic management plan is presented to the committee for consideration, Geoff will stand back from the committee and Council's Chief Assets &amp; Project Officer, Codie Howard will present the plan for committee consideration.</p> <p>Naomi Schmidt the owner of the Bakery located at Silverton, approached the NSW Police Representative, Chris Wallace to express her concerns in relation to the Mundi Mundi Bash and the expected volume of traffic at Silverton. Naomi informed that they have not had any consultation with regards to traffic management and that they would like to be informed on what will be going on as this may impact their business.</p> <p>Chris informed the committee that Naomi also lives on the Silverton Road on the way out the area where the event will be held and expressed her concerns with how they will be able to get in and out of town, considering the high volume of traffic for the Mundi Mundi Bash.</p> <p>Geoff will contact the affected people and will include them in the consultation process. With the festival to be held at the end of April 2022, it is anticipated that the final traffic Management plan will be completed by the end of March 2022, with the draft plan to be presented to the committee for consideration at the March committee meeting.</p> <p>Jeanne informed the committee that David Vant and Belinda Roberts have commenced engagement with the community at Silverton in relation to the Mundi Mundi Bash.</p>
<b>Item No.</b>	<b>EDRMS No.</b>	<b>Details</b>
421.8.2	N/A	Silverton Road shoulders
<b>Discussion Notes</b>		Local Member Representative, Peter Beven mentioned that sections of the Silverton Road, between Broken Hill and Silverton, needs to be widened where the culverts and dips are located.

<p>At the last meeting this matter was raised, and David had commented that there were works planned and David had mentioned about presenting the works program to the committee for its awareness. Jeanne will follow this up and provide to the committee via the Secretary.</p> <p>Peter also mentioned that the shoulders on the road from Silverton to the Bash are not wide enough and should be widened to accommodate for caravans accessing this road to the Bash. There was also mention of some areas where there was a drop off from the edge of road pavement to the shoulder.</p> <p>Mention was made of roadworks undertaken for the Garma Festival, in Northern Territory, where works on unsealed roads and shoulders were undertaken in the period immediately prior to the festival to ensure that there was minimal deterioration between when the roadworks stopped, and festival traffic started travelling on the road.</p> <p>Also, the number of trees along the Silverton Road from Broken Hill to Silverton need to be watered as recent roadworks have limited the amount of stormwater runoff that now flows near the trees. Without access to this runoff, the trees do not have access to water and are looking very dry.</p> <p>Jenene advised that she would include this request in the notes for David Vant.</p>		
Item No.	EDRMS No.	Details
421.8.3	N/A	Construction of Galena and Talc Street Roundabout.
<p>The committee were initially advised that construction of the roundabout at the intersection of Galena and Talc Street would commence in February 2022. Council is currently waiting on approval for the final design before going out for tender to engage a contractor to complete the works.</p>		
Item No.	EDRMS No.	Details
421.8.4	N/A	Follow up on the request for the additional parking bays adjacent to the Country Hearing Centre in Sulphide Street.
<p>Line marking and relocation of signage for the additional parking bays has not been completed to date.</p> <p>Geoff will follow up and ensure the works are completed in the near future.</p>		
Item No.	EDRMS No.	Details
421.8.5	N/A	Changing the four-hour parking in Oxide Street to two-hour parking
<p>At a previous committee meeting, it was moved that the Council would change the timed parking in Oxide Street from four-hour to two-hour timed parking to bring this in line with the rest of the timed parking in the CBD.</p> <p>Geoff informed the committee that there have now been several complaints regarding the change. Geoff will liaise with the complainants regarding the concerns and report back to the committee at the next meeting.</p> <p>There is no action required by the committee at this stage as it has been addressed for information only.</p>		

421.9 Action Item List

Date	Item Details
August 2021	Union Street parking on resident side of Union Street
<b>Item No.</b>	<b>416.6.1</b>
<b>EDRMS No.</b>	General Business
<b>CRM No.</b>	N/A
<b>Responsible Officer</b>	Council's Chief Assets & Projects Officer, Codie Howard
<b>Current Status</b>	Pending
Date	Committee Recommendation/s
October 28, 2021	<p>That the parking signs in Union Street be covered for a trial period of three months to identify what impacts are caused without the timed parking spaced adjacent the Morgan Street Primary School in Union Street.</p> <p>That the triad period be for three months, and the covers removed after this time at the end of the first school term.</p> <p>Further consultation will be arranged with the Principal of the Morgan Street Primary School and the residents in the area before a determination can be decided.</p> <p>Based on satisfaction results from the trial period the zone will be reinstated permanently – streamline from trial to permit.</p>
Action Date	Running Actions
August 2021	<p>This issue has been reviewed by the Local Traffic Committee several years ago when the 'Timed Parking' zone was first introduced, along with restricted parking Union Street behind the Morgan Street Public School.</p> <p>Council's Asset Officer, Paul Bezzina will conduct further investigation of the current signs in Union Street at the rear of the Morgan Street Public School and will report back to the committee at the next scheduled committee meeting in September 2021.</p>
September 2021	<p>Council's Asset Officer, Paul Bezzina inspected the area and advised the committee that the parking in the street is generally timed parking 8- 4 parking for school drop off on both sides of Union Street. 'No stopping' on the school from 8.30 to 9pm – 2.30-3.15 school days and opposite side of school there is 830pm to 9.15, 2.30 3.15pm</p> <p>Quarter hour parks on the school 8am to 4pm school holidays and public holidays.</p> <p>The request is for the resident side to be lifted.</p> <p>Recommendation</p>

	<p>That Principal of the school is to be contacted to see if the school still requires the timed parking in Union Street before a decision can be made by the committee at the October meeting.</p> <p>The parking signs in Union Street were inspected by Council's Asset Officer, Paul Bezzina and he has advised the committee that the signed parking on the resident side of Union Street is marked as a school zone 'No Parking' from 8am to 4pm. On the school side of Union Street is marked as school zone between the times of 8.30am to 9.15am then from 2.30pm to 3.15pm.</p> <p>The committee have requested that the Principal from the Morgan Street school be contacted to see if the parking arrangements are still needed by the school, and this will determine the decision of the committee at the next committee meeting.</p> <p>Paul Bezzina will liaise with the principal of the school as has been suggested by the committee and will provide an update at the next committee meeting.</p>
October 2021	<p>The committee were advised that an update was not available at this time, being that Paul Bezzina is not present at this meeting.</p> <p>An update will be made available at the next committee meeting.</p>
October 28, 2021	<p>The committee had planned to conduct a site inspection of the area today, but due to weather conditions were able to meet at the site.</p> <p>Paul Bezzina advised the committee that he had meet the Principal of the Morgan Street Primary School and they have expressed that they will be happy for the signs to be covered for a trial period of three months to see what impact is caused.</p> <p>Committee to review a gain at the end of term in 2022.</p> <p>Residents in Union Street will be advised of the trial period and informed that the parking signs in this street adjacent the school will be covered for short period of time. This will intern allow them to park in this area. Further consultation will be arranged after the trial period with both the principal and residents before a permanent decision is made.</p> <p><b>Recommendation</b></p> <p><i>That the parking signs in Union Street be covered for a trial period of three months to identify what impacts are caused without the timed parking spaced adjacent the Morgan Street Primary School in Union Street.</i></p> <p><i>That the trial period be for three months, and the covers removed after this time at the end of the first school term.</i></p> <p><i>Further consultation will be arranged with the Principal of the Morgan Street Primary School and the residents in the area before a determination can be decided.</i></p> <p><i>Based on satisfaction results from the trial period the zone will be reinstated permanently – streamline from trial to permit.</i></p> <p>Moved: Dave Vant Second: Peter Bevan</p>
December 2021	<p>Geoff Harris informed the committee that no work has been completed to date and that he will follow up and provide the committee an update at the next scheduled committee meeting.</p>

	<p>As was recommended and adopted by Council at the November 2021 Council Meeting, Geoff will ensure that the signs along the resident's side of Union Street will be covered.</p> <p>Geoff will consult with Codie for the agreed period of the trial.</p> <p>The committee will revisit this matter following the trial period of the signs being covered and will then determine a recommendation.</p>
February 2022	<p>Council resources during the January period were fairly limited with a significant portion of the workforce taking leave. Now most of the workforce are back, works will commence in the next week and an update will be provided to the committee at the March committee meeting.</p> <p>Geoff informed the committee that consultation for the trial period will happen within the next few days.</p>
<b>Date</b>	<b>Item Details</b>
<b>August 2021</b>	Request for parking signage at Live Better's Community Transport Office adjacent 475 Argent Street – Julie Paull, Live Better
<b>Item No.</b>	<b>417.6.1</b>
<b>EDRMS No.</b>	D21/39063
<b>CRM No.</b>	N/A
<b>Responsible Officer</b>	Council's Chief Assets & Projects Officer, Codie Howard
<b>Current Status</b>	Pending
<b>Date</b>	<b>Committee Recommendation/s</b>
September 2021	<ul style="list-style-type: none"> <li>• A search to be conducted to find the original request relating to the bus zone signs adjacent the facility at 475 Argent Street and the recommendation passed by the Local Traffic Committee at that time.</li> <li>• Council to inspect and take some photos of the area. For this matter to be discussed at the October 2021 meeting.</li> <li>• Correspondence sent to the Live better to advise of the committee decision.</li> </ul>
October 28, 2021	<p>That a 5-minute timed parking space be installed at the front of Live better, located at 475 Argent Street to allow for the parking of the transport bus.</p> <p>Council to arrange further consultation with Live Better and arrange for the placement of the parking sign.</p>
<b>Action Date</b>	<b>Running Actions</b>
September 2021	Transport for NSW, David Vant informed the committee that he could have been the RMS representative that has been referenced in the request. David advised that he has been dealing with an Amanda from Live Better regarding


	<p>their concerns.</p> <p>Councillor, Marion Brown commented that this matter had been addressed by the Local Traffic Committee approximately three to four years ago when the facility was the HACC Centre. This matter has been an issue for a while. Marion went on to say that she was involved with the Local Traffic Committee when the committee at that time recommended for the signage for the buses was to be updated.</p> <p>Codie advised that a search of Local Traffic Committee minutes will be conducted to find the original recommendations passed by the committee in relation the bus signs, followed by the signs being updated in line with the decision. The signs have never been put up.</p> <p>Disability parking signs were suggested, but these would not work, being that their clients that visit the facility to make a payment would be able to park as they do not necessarily have a disability parking permit. The new signs could be a bus zone from 9am to 3pm for parking – 'Community Transport Vehicles Excepted' sign (bus zone).</p> <p>Install signs for designated for the business and make that only their vehicles can park in the spot. David stated that the vehicle utilizing the space would have to be determine a bus under the road rules. If the bus is not classified as a bus, then they will not be able to park there.</p> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>• A search to be conducted to find the original request relating to the bus zone signs adjacent the facility at 475 Argent Street and the recommendation passed by the Local Traffic Committee at that time.</li> <li>• Council to inspect and take some photos of the area. For this matter to be discussed at the October 2021 committee meeting.</li> <li>• Correspondence sent to the Live better to advise of the committee decision.</li> </ul> <p>Moved by the committee.</p>
October 2021	<p>The committee were advised that an update was not available at this time, being that Paul Bezzina is not present at this meeting.</p> <p>The committee decided to inspect this site at the planned site inspection that will be scheduled prior to the amended meeting date on Thursday, 28 October 2021.</p> <p>Council's Chief Assets &amp; Projects Officer, Codie Howard informed the committee that a search will be undertaken to find the previous recommendation that were approved by the committee at the time the matter was first raised.</p>
October 28, 2021	<p>The committee had planned to conduct a site inspection of the area today, but due to weather conditions were able to meet at the site.</p> <p>There is line marking already in plan and the concern was around the what the sign could say as they are getting a lot of caravanners parking in their space.</p> <p>Previous corresponded in April 2020 meeting. The recommendation at this time was to change the parking signs for bus only and they matter was then withdrawn by Julie Paul as they wanted to allow their customers to park in the area.</p> <p>TfNSW, David Vant will liaise with TfNSW sign designer, to provide some examples of the required signs. If the sign states permitted parking for a bus, then they are</p>

	<p>limited for buses to park in this space only and if the word transport was included then this leaves it open for all vehicle types. There is no limited time for parking.</p> <p>Another option would be for the Rangers to be able to identify the vehicles that permitted to park in the space. The issue with this is that not all customers have a disability parking permit.</p> <p><b>Recommendation</b></p> <p><i>That a 5-minute timed parking space be installed at the front of Live better, located at 475 Argent Street to allow for the parking of the transport bus.</i></p> <p><i>Council to arrange further consultation with Live Better and arrange for the placement of the parking sign.</i></p> <p>Agreed by all committee members present.</p>
December 2021	<p>Being that the recommendation has been endorsed by Council, Geoff will follow up the work to be completed.</p> <p>Codie liaised with David Vant to arrange a sign design that will be provided by the TfNSW early next year that will then be provided to Council to order the sign.</p>
February 2022	<p>Council resources during the January period were fairly limited with a significant portion of the workforce taking leave. Now most of the workforce are back, works will commence in the near future and an update will be provided to the committee at the March committee meeting.</p>
<b>Date</b>	<b>Item Details</b>
July 2021	Request for additional longer-term parking at Country Universities Centre Far West, 318-324 Crystal Street – Michael Williams.
<b>Item No.</b>	<b>415.6.1</b>
<b>EDRMS No.</b>	D21/29055
<b>CRM No.</b>	N/A
<b>Responsible Officer</b>	Council's Chief Assets & Projects Officer, Codie Howard
<b>Current Status</b>	Completed
<b>Date</b>	<b>Committee Recommendation/s</b>
September 2021	<p><i>That the applicant be advise that the existing parking arrangements will remain unchanged along Crystal Street, adjacent the study center as road this is a designed Heavy Vehicle route.</i></p> <p><i>It was suggested that the committee hold off with the recommendation until we find out about the Development Application relating to the Credit Union Building being reduced. Codie will investigate with the Planning Department and provide feedback to the committee at the next meeting. This would allow the opportunity for this area to be included as off-street parking.</i></p>



	<i>Codie advised the committee that this matter will be completed in the action list and Codie will raise again with the committee later.</i>
December 2021	<i>Council installs signage and line marking for 1x disability parking space adjacent the Country University Centre (CUC) and three to four 4P parking spaces (pending measurement allowance) on the south side of crystal street, as per attached diagram.</i>
<b>Action Date</b>	<b>Running Actions</b>
July 2021	<p>Council's Asset Officer, Paul Bezzina carried out an inspection. It was found that it is currently sign posted as '4h Hour' parking from 8.30am-6pm. Council will gather more information from Country Universities Centre regarding the number of students, number of classes and peak periods of use.</p> <p>An update will be provided to the committee at the next scheduled committee meeting on Tuesday, 3 August 2021.</p>
August 2021	<p>Council's Infrastructure Engineer, Bibek Bhattarai conducted a parking audit in the vicinity of the University in Crystal Street to identify the number of car spaces available in the area. There are 12, 1-hour and 14, 2-hour timed parking spaces on Crystal Street.</p> <p>The committee were informed that there are 200 students currently enrolled at the University and the number of students could reach up to 300 plus during peak session for exams.</p> <p>Michael Williams from the University has expressed that there are not enough of the 4-hour parking spaces to enable students to park for up to 4-hours during exams. Students are not permitted to leave during an exam to move their cars.</p> <p>The committee were informed that the Credit Union has lodged a Development Application (DA) to reduce the size of the RSL Hall. Council's City Development, Planning and Compliance department will be contacted to find out what the determination is for the DA to how the changes will affect parking in Crystal Street.</p> <p>Transport for NSW, David Vant has asked if there is the provision for a section of Crystal Street to be converted to angle parking. This would allow for more parking spaces in Crystal Street.</p> <p>Crystal Street is on the approved Heavy Vehicle route that needs to accommodate wide loads passing through the city.</p> <p>Further investigation is required to determine the possibility of implementing a section for angled parking in Crystal Street, adjacent the University near the pedestrian crossing. David Vant in line with his suggestion is to add that there could be the provision for rear to kerb parking.</p> <p>The committee will be provided an update at their next meeting in September 2021.</p>
September 2021	<p>Council's Asset Officer, Paul Bezzina spoke to the University staff, and they mentioned that there are approximately 200 students. It has been determined that the students come in dribs and drabs and there has been no official request for changes to the parking arrangements.</p> <p>If the angle parking being a designated heavy vehicle route, then this would cause problems. Matter has been addressed by committee previously and it has been rejected. Codie Howard, Chairperson happen to be at the area when a</p>

	<p>wide load passing through town and if the area was angle parking, then the truck would not have been able to pass.</p> <p>Transport for NSW, David Vant advised the committee that Transport for NSW is the authority for this decision.</p> <p>The University is a center that is used as a study area, as they are not an actual university, but they are a study center with close association with universities.</p> <p><b>Recommendations:</b></p> <p><i>That the applicant be advise that the existing parking arrangements will remain unchanged along Crystal Street, adjacent the study center as road this is a designed Heavy Vehicle route.</i></p> <p><i>It was suggested that the committee hold off with the recommendation until we find out about the Development Application relating to the Credit Union Building being reduced. Codie will investigate with the Planning Department and provide feedback to the committee at the next meeting. This would allow the opportunity for this area to be included as off-street parking.</i></p> <p><i>Codie advised the committee that this matter will be completed in the action list and Codie will raise again with the committee later.</i></p>
<p>October 2021</p>	<p>Following the September committee meeting, correspondence was issued to the respondent advising of the committee decision.</p> <p>Council's Chief Assets &amp; Projects Officer, Codie Howard advised the committee that he has received a call from Michael Williams regarding the determination of the Local Traffic Committee.</p> <p>Codie informed the committee that he had advised Michael Williams that this matter has been resolved by the Local Traffic Committee and that Council would continue to look at options to improve parking along this section of Crystal Street adjacent the University Study Centre. Also, that even if the timed parking was to be extended as requested, that it would not be for the exclusive use of the students attending the facility, being that other members of the community would also take advantage of the extended timed parking conditions.</p> <p>Council's Planning, Development and Compliance department were approached to see if a Development Application has been submitted to Council to reduce the size of the Credit Union building as was mentioned at the previous committee meeting.</p> <p>The committee expressed their appreciation that although the committee was not able to assist with the request, that Council would continue looking for opportunities.</p>
<p>December 2021</p>	<p><u>Request:</u> Council installs signage and line marking for 1x disability parking space adjacent the Country University Centre (CUC) and three to four 4P parking spaces (pending measurement allowance) on the south side of crystal street, as per attached diagram.</p> <p><u>History of Request:</u> Request for longer term parking was presented to the traffic committee in July 2021 and closed at the September 2021 Traffic Committee meeting. The outcome was that the parking arrangements would remain unchanged, and that Council would continue to work with the CUC on a mutually beneficial outcome. Through consultation with Michael Williams (CUC), Jay Nankivell (8HCC GM) and myself we</p>

	<p>believe we have reached a proposal that will suit all parties and would now like the traffic committee to review the request again.</p>  <p>The only comment regarding this proposal was raised by Transport for NSW, David Vant, being that the disabled parking bay be installed in accordance with Australian Standards and that the CUC understand that the parking will be for the community and not for exclusive use of the Centre.</p> <p><b>Recommendation</b></p> <p><i>That Council installs signage and line marking for 1x disability parking bay adjacent to the ramp on the north side of Crystal Street adjacent the Country University Centre (CUC) and for three to four 4-hour parking spaces (pending measurement allowance) to be installed on the south side of Crystal Street between the two driveways for use by the general community.</i></p> <p>Moved: David Vant Second: Peter Beven All in favor</p>
<p>February 2022</p>	<p>Council resources during the January period were fairly limited with a significant portion of the workforce taking leave. Now most of the workforce are back, works will commence in the next week and an update will be provided to the committee at the March committee meeting.</p> <p>Correspondence advising of Council's decision has been drafted and will be forwarded to the CUC following this meeting.</p>
<p><b>Date</b></p>	<p><b>Item Details</b></p>
<p>February 2022</p>	<p>Request to change parallel parking to angle parking in Bromide Street in front of Sufi Bakery - Rabia Reid</p>
<p><b>Item No.</b></p>	<p><b>421.6.1</b></p>
<p><b>EDRMS No.</b></p>	<p>D22/3156</p>
<p><b>CRM No.</b></p>	<p>N/A</p>

<b>Responsible Officer</b>	Council's Infrastructure Works Manager, Geoff Harris
<b>Current Status</b>	Pending
<b>Date</b>	<b>Committee Recommendation/s</b>
<b>Action Date</b>	<b>Running Actions</b>
February 2022	<p>An initial inspection has been completed by Council's Asset Officer prior to the meeting and it has been determined that further investigation is required before a recommendation can be presented to the committee at next month's meeting for consideration.</p> <p>There are currently three parallel parking bays adjacent to the Bakery and they have requested that these be converted to 45-degree angle parking.</p> <p>Jeanne has asked 'What are they hoping to gain and how many extra parks.</p> <p>They're looking for additional parking in conjunction with implementing footpath tables and seating along Bromide Street. They are hoping to gain one or two extra parking bays and to eliminate the possibility of car doors being opened onto the footpath where people will be sitting.</p> <p>Further investigation is needed to confirm how many extra parking bays will be created and to ensure the proposed angle parking will allow space for the left turning lane into Argent Street. Jeanne also mentioned that the angled parking will narrow down or possibly limit the number of travel lanes to one. Pedestrian, or foot, traffic will also need to be considered by Council during their investigation.</p> <p>The traffic signals indicate that this intersection has significant traffic, with any changes to parking arrangements likely to impact the phasing of the signals. Costs associated with reprogramming of the lights will need to be borne by Council.</p> <p>It was agreed that this request warrants further investigation, with Jeanne asking if a concept or design plan could be developed and presented the committee to see the changes.</p>

421.10 Next Meeting Date – Tuesday, 1 March 2022

421.11 Meeting Closed – 2.50pm

## ORDINARY MEETING OF THE COUNCIL

February 15, 2022

**ITEM 26**BROKEN HILL CITY COUNCIL REPORT NO. 50/22SUBJECT: ACTION LIST REPORTD22/7932**Recommendation**

1. That Broken Hill City Council Report No. 50/22 dated February 15, 2022, be received.

**Executive Summary:**

The purpose of this report is to ensure that Council and the community are informed on the status of actions required by previous Council resolutions.

**Report:**

A new format Action List was presented to the June 2017 Council Meeting to provide Councillors with a clearer way of reporting on the progress of outstanding Council resolutions. As per Minute No. 45570, the Action List has been produced in the new colour coded format and shows the progress of Council' outstanding decisions (Green – completed, Yellow – in progress and Red – not yet commenced).

The Action List attached to this report covers decisions at Ordinary Council Meetings, is for information only and will be provided to Council on a monthly basis.

Discussions have been held with staff regarding the long outstanding items on the Action List, most of which are leasing/licencing matters. Staff will be working to finalise these items as a priority and/or request Council to rescind resolutions where circumstances have changed.

**Community Engagement:**

Nil.

**Strategic Direction:**

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

**Relevant Legislation:**

*Local Government Act 1993*

**Financial Implications:**

Nil

**Attachments**

1. [↓](#) Action List Report

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER

For Action	<b>Division:</b> Ordinary Council	<b>Date From:</b> 1/04/2018
	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 15/02/2022
<b>Action Sheets Report</b>	<b>Officer:</b> Including Further Reports	<b>Printed:</b> Tuesday, 15 February 2022 1:52:06 PM
	<b>Further Report Required:</b> Including Further Reports	

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/04/2018	VanDerBerg, Francis Nankivell, Jay	Reports	COMPULSORY ACQUISITION OF WARNOCK GOSSAN STREET ROAD RESERVE
<u>Resolved:</u>			
1. That Broken Hill City Council Report No. 59/18 dated April 6, 2018, be received.			
2. That Council make an application to the Minister and Governor for approval to acquire the sections of Warnock and Gossan Street traversing Crown Land in Lot 7469 in Deposited Plan 1182254, under Section 177 of the <i>Roads Act 1993</i> and Section 186 of the <i>Local Government Act 1993</i> .			
3. That the acquisition be undertaken in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .			
4. That upon acquisition, Council to undertake required actions to open the subject road by registration of a plan in accordance with Section 7 of the <i>Roads Act 1993</i> .			
<b>16 May 2018 9:45am Bartlett, Leisa</b> In progress.			
<b>15 Aug 2018 3:32pm Bartlett, Leisa</b> 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.			
<b>11 Sep 2018 4:40pm Bartlett, Leisa</b> No change, awaiting advice from OLG.			
<b>09 Oct 2018 5:08pm Bartlett, Leisa</b> Awaiting OLG advice			
<b>13 Nov 2018 9:26am Bartlett, Leisa</b> Awaiting OLG advice due to Native Title.			
<b>06 Feb 2019 1:51pm Bartlett, Leisa</b> In discussions with Crown Lands regarding Native Title.			
<b>07 Mar 2019 1:55pm Bartlett, Leisa</b> No change, awaiting response from Crown Lands.			
<b>15 May 2019 10:41am Falkner, Georgina</b> Crown Lands have advised they have no objection to receiving Proposed Acquisition Notices. Investigating budget and Native Title prior to making application to OLG.			
<b>14 Jun 2019 3:27pm Bartlett, Leisa</b> no change in status			
<b>04 Jul 2019 1:51pm Bartlett, Leisa</b> no change in status			
<b>20 Aug 2019 3:39pm Misagh, Anthony</b> 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.			
<b>17 Oct 2019 9:54am Bartlett, Leisa</b> Discussions being held with month with the Department of Crown Lands.			
<b>14 Nov 2019 4:35pm Bartlett, Leisa</b> Seeking legal advice from Council's Solicitors			
<b>12 Feb 2020 12:12pm Bartlett, Leisa</b> Legal advice received. Matter in progress.			
<b>07 Apr 2020 10:14am Bartlett, Leisa</b> 11/03/2020 - Matter in progress.			
<b>08 Apr 2020 11:16am Bartlett, Leisa</b> In progress.			
<b>08 May 2020 11:58am Bartlett, Leisa</b> Matter in progress.			
<b>10 Jun 2020 2:35pm Bartlett, Leisa</b> Matter in progress.			
<b>15 Jul 2020 1:45pm Bartlett, Leisa</b> Matter in progress.			
<b>12 Aug 2020 9:41am Bartlett, Leisa</b> Matter in progress.			
<b>17 Sep 2020 3:05pm Bartlett, Leisa</b> Matter on hold until the Federation Way Acquisition is complete.			
<b>16 Oct 2020 8:42am Bartlett, Leisa</b> Matter on hold.			
<b>10 Nov 2020 4:11pm Bartlett, Leisa</b> Matter on hold.			

For Action	<b>Division:</b> Ordinary Council	<b>Date From:</b> 1/04/2018
	<b>Committee:</b>	<b>Date To:</b> 15/02/2022
<b>Action Sheets Report</b>	<b>Officer:</b>	<b>Printed:</b> Tuesday, 15 February 2022 1:52:06 PM
	<b>Further Report Required:</b> Including Further Reports	

30 Nov 2020 2:06pm Bartlett, Leisa  
Matter on hold.

12 Feb 2021 10:00am Bartlett, Leisa  
Matter on hold until Federation Way Acquisition is complete

18 Mar 2021 4:38pm Bartlett, Leisa  
In progress.

16 Apr 2021 10:41am Bartlett, Leisa  
In progress.

12 May 2021 12:10pm Bartlett, Leisa  
On hold until Federation Way acquisition is complete.

15 Jul 2021 12:13pm Bartlett, Leisa  
On hold until Federation Way acquisition is complete.

12 Aug 2021 3:03pm Bartlett, Leisa  
On hold.

16 Dec 2021 11:49am Bartlett, Leisa  
On hold.

18 Jan 2022 2:54pm Butcher, Lacey  
On hold

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
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 104/20 dated June 23, 2020, be received.</li> <li>That the Willyama Common Trust lease Part Lot 7421 DP 1183597 (being a telecommunications compound on the Line of Lode) to Axicom Pty Limited for a period of 20 years for telecommunications purposes.</li> <li>That the annual rent be \$12,000.00 per annum with an annual 2.5% increase.</li> <li>That the Mayor and General Manager be authorised to sign and execute the lease documents under the Common Seal of Council, in the absence of a Trust Seal.</li> </ol>			
CARRIED UNANIMOUSLY			
<p>12 Aug 2020 10:00am Bartlett, Leisa Solicitors are drawing up the lease agreement.</p> <p>17 Sep 2020 3:09pm Bartlett, Leisa Draft lease being finalised.</p> <p>16 Oct 2020 9:20am Bartlett, Leisa Draft lease with Solicitors.</p> <p>10 Nov 2020 4:23pm Bartlett, Leisa Solicitors have finalised the draft lease and the lease is being sent to Axicom Pty Ltd for signature.</p> <p>30 Nov 2020 2:09pm Bartlett, Leisa Solicitors liaising with Axicom re execution of lease.</p> <p>12 Feb 2021 10:03am Bartlett, Leisa Solicitors liaising with Axicom.</p> <p>18 Mar 2021 4:39pm Bartlett, Leisa Draft lease being finalised.</p> <p>16 Apr 2021 10:42am Bartlett, Leisa Lease with Axicom for execution.</p> <p>12 May 2021 12:13pm Bartlett, Leisa Lease with Axicom for execution.</p> <p>17 Jun 2021 4:55pm Bartlett, Leisa Awaiting return of signed lease from Axicom.</p> <p>15 Jul 2021 12:14pm Bartlett, Leisa Axicom P/L have requested minor changes which are in progress.</p> <p>12 Aug 2021 3:03pm Bartlett, Leisa Signing of lease in progress.</p> <p>15 Sep 2021 9:05am Bartlett, Leisa In progress, delayed due to lockdown.</p> <p>14 Oct 2021 4:11pm Bartlett, Leisa</p>			



For Action	<b>Division:</b> Ordinary Council	<b>Date From:</b> 1/04/2018
	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 15/02/2022
<b>Action Sheets Report</b>	<b>Officer:</b> Including Further Reports	<b>Printed:</b> Tuesday, 15 February 2022 1:52:06 PM

Lease signed by Council and now in the process of gaining Ministerial consent.

**11 Nov 2021 9:01am Bartlett, Leisa**  
Lease with Crown Lands for Ministerial consent.

**16 Dec 2021 11:50am Bartlett, Leisa**  
Lease with Crown Lands for Ministerial consent.

**18 Jan 2022 2:54pm Butcher, Lacey**  
Lease with Crown Lands for Ministerial consent.

**15 Feb 2022 10:57am Bartlett, Leisa**  
Amendments being made due to Ministerial input.

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
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 105/20 dated July 1, 2020, be received.</li> <li>That Council (as Trust Manager for the Willyama Common Trust) lease Part Lot 7315 in Deposited Plan 1183447 to the Broken Hill Speedway Club for the purpose of a motocross track extension and associated access.</li> <li>That the lease term be 25 years and the annual rental be the minimum Crown Lands rental.</li> <li>That the Mayor and General Manager be authorised to sign and execute any documents under the Common Seal of Council, the absence of a Trust Seal.</li> </ol>			
CARRIED UNANIMOUSLY			
<b>12 Aug 2020 10:00am Bartlett, Leisa</b> Solicitors are drawing up the licence agreement.			
<b>17 Sep 2020 3:09pm Bartlett, Leisa</b> Draft lease being finalised.			
<b>16 Oct 2020 9:20am Bartlett, Leisa</b> Draft lease with Solicitors.			
<b>10 Nov 2020 4:26pm Bartlett, Leisa</b> Licence is with the Broken Hill Speedway Club for signature.			
<b>30 Nov 2020 2:11pm Bartlett, Leisa</b> Licence with Speedway Club for signature.			
<b>12 Feb 2021 10:04am Bartlett, Leisa</b> Licence signed by all parties and is now with the Minister for approval.			
<b>18 Mar 2021 4:40pm Bartlett, Leisa</b> In progress.			
<b>16 Apr 2021 10:42am Bartlett, Leisa</b> In progress.			
<b>12 May 2021 12:14pm Bartlett, Leisa</b> In progress.			
<b>17 Jun 2021 4:55pm Bartlett, Leisa</b> Waiting on response from Local Aboriginal Land Council.			
<b>15 Jul 2021 12:15pm Bartlett, Leisa</b> Solicitor is awaiting a response from the Local Aboriginal Land Council.			
<b>12 Aug 2021 3:04pm Bartlett, Leisa</b> Council's Solicitor is awaiting a response from the Local Aboriginal Land Council.			
<b>15 Sep 2021 9:06am Bartlett, Leisa</b> Council staff following up with Local Aboriginal Land Council.			
<b>14 Oct 2021 4:12pm Bartlett, Leisa</b> Awaiting response from Local Aboriginal Land Council.			
<b>11 Nov 2021 9:02am Bartlett, Leisa</b> Awaiting response from the Local Aboriginal Land Council.			
<b>16 Dec 2021 11:51am Bartlett, Leisa</b> Awaiting response from Local Aboriginal Land Council.			
<b>18 Jan 2022 2:55pm Butcher, Lacey</b> Awaiting response from Aboriginal Land Council			
<b>15 Feb 2022 10:58am Bartlett, Leisa</b> Awaiting response from Aboriginal Land Council.			

<p>For Action</p> <p><b>Action Sheets Report</b></p>	<p><b>Division:</b> Ordinary Council</p> <p><b>Committee:</b> Ordinary Council</p> <p><b>Officer:</b></p> <p><b>Further Report Required:</b> Including Further Reports</p>	<p><b>Date From:</b> 1/04/2018</p> <p><b>Date To:</b> 15/02/2022</p> <p><b>Printed:</b> Tuesday, 15 February 2022 1:52:06 PM</p>
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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
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 175/20 dated November 24, 2020, be received.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>			
CARRIED UNANIMOUSLY			
<p><b>12 Feb 2021 10:12am Bartlett, Leisa</b> Processes have commence to issue licence.</p> <p><b>18 Mar 2021 4:41pm Bartlett, Leisa</b> Nextgen progressing draft licence.</p> <p><b>16 Apr 2021 10:47am Bartlett, Leisa</b> Draft deed is with the Solicitor.</p> <p><b>12 May 2021 12:17pm Bartlett, Leisa</b> Draft deed with Solicitors - in progress.</p> <p><b>17 Jun 2021 5:24pm Bartlett, Leisa</b> Draft deed with the Solicitors.</p> <p><b>15 Jul 2021 12:19pm Bartlett, Leisa</b> In progress.</p> <p><b>12 Aug 2021 3:06pm Bartlett, Leisa</b> In progress.</p> <p><b>15 Sep 2021 9:09am Bartlett, Leisa</b> In progress.</p> <p><b>14 Oct 2021 4:15pm Bartlett, Leisa</b> Awaiting information from applicant to be able to progress further.</p> <p><b>11 Nov 2021 9:02am Bartlett, Leisa</b> Potential amendments being discussed.</p> <p><b>16 Dec 2021 11:51am Bartlett, Leisa</b> Amendments being discussed.</p> <p><b>18 Jan 2022 2:56pm Butcher, Lacey</b> Amendments being discussed.</p> <p><b>15 Feb 2022 10:59am Bartlett, Leisa</b> Amendments in progress.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/03/2021	Howard, Codie Nankivell, Jay	Notice of Motion	COMMUNITY GARDEN FOR FORMER ALMA POOL SITE
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>That Motions of Which Notice has been Given No. 7/21 dated March 19, 2021, be received.</li> <li>That Broken Hill City Council prepares a report about establishing a community operated gardens at the former Alma pool site.</li> </ol>			
CARRIED UNANIMOUSLY			
<p><b>16 Apr 2021 10:52am Bartlett, Leisa</b> Plan being developed.</p> <p><b>18 Jun 2021 12:12pm Bartlett, Leisa</b></p>			

For Action	<b>Division:</b> Ordinary Council	<b>Date From:</b> 1/04/2018
	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 15/02/2022
	<b>Officer:</b>	
<b>Action Sheets Report</b>	<b>Further Report Required:</b> Including Further Reports	<b>Printed:</b> Tuesday, 15 February 2022 1:52:06 PM

Plan being developed.

**15 Jul 2021 12:20pm Bartlett, Leisa**

Development of plan ongoing.

**12 Aug 2021 3:07pm Bartlett, Leisa**

Development of plan ongoing.

**08 Sep 2021 12:56pm Bartlett, Leisa**

Development of plan ongoing.

**12 Oct 2021 11:08am Bartlett, Leisa**

Development of plan ongoing.

**11 Nov 2021 9:03am Bartlett, Leisa**

Ongoing.

**16 Dec 2021 11:52am Bartlett, Leisa**

Development of the plan is ongoing.

**18 Jan 2022 2:57pm Butcher, Lacey**

Development of the plan is ongoing.

**15 Feb 2022 11:00am Bartlett, Leisa**

Development of the plan is ongoing.

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/03/2021	Howard, Code Nankivell, Jay	Notice of Motion	STREET LIGHTING
<b>Resolved</b>			
1. That Motions of Which Notice has been Given No. 8/21 dated March 19, 2021, be received.			
2. That Broken Hill City Council prepares a report to be tabled at the May 2021 Council Meeting regarding the installation of street lighting on Holten Drive, McGillivray Drive and Federation Way.			
3. That at the end of the roll-out of the Southern Lights project, an assessment be undertaken of any further need for street lighting including the lighting to the roads mentioned in part 2 (Holten Drive, McGillivray Drive and Federation Way).			
			CARRIED
<b>16 Apr 2021 10:53am Bartlett, Leisa</b>	Report being prepared for the May Council Meeting.		
<b>12 May 2021 4:35pm Bartlett, Leisa</b>	Awaiting advice on public lighting code requirements, prior to report being finalised.		
<b>20 Jul 2021 1:45pm Bartlett, Leisa</b>	Report still being completed. Meeting with Essential Energy delayed due to COVID-19.		
<b>12 Aug 2021 3:07pm Bartlett, Leisa</b>	Meeting with Essential Energy delayed due to COVID-19.		
<b>14 Sep 2021 4:36pm Bartlett, Leisa</b>	Meeting with Essential Energy delayed due to COVID-19.		
<b>12 Oct 2021 11:09am Bartlett, Leisa</b>	Meeting with Essential Energy delayed due to COVID-19.		
<b>11 Nov 2021 9:03am Bartlett, Leisa</b>	Discussions being held with Southern Lights Group around long term ownership of street lights and installation of new poles.		
<b>16 Dec 2021 11:52am Bartlett, Leisa</b>	Discussions ongoing.		
<b>18 Jan 2022 2:57pm Butcher, Lacey</b>	Discussions ongoing.		
<b>15 Feb 2022 11:00am Bartlett, Leisa</b>	Discussions ongoing.		

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/04/2021	Bawden, Paul Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST PROPOSED LICENCE AND EASEMENT TO AGL ENERGY LIMITED
<b>Resolved</b>			
1. That Broken Hill City Council Report No. 63/21 dated April 14, 2021, be received.			

<p>For Action</p> <p><b>Action Sheets Report</b></p>	<p><b>Division:</b> Ordinary Council</p> <p><b>Committee:</b> Ordinary Council</p> <p><b>Officer:</b></p> <p><b>Further Report Required:</b> Including Further Reports</p>	<p><b>Date From:</b> 1/04/2018</p> <p><b>Date To:</b> 15/02/2022</p> <p><b>Printed:</b> Tuesday, 15 February 2022 1:52:06 PM</p>
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2. That the Wilyama Common Trust licence Part Lot 7302 DP 1181129 to AGL Energy Limited for a period of two years, for the purposes of construction of a transmission line.
3. That the Wilyama Common Trust consent to AGL Energy Limited registering an easement across Lot 7302 DP 1181129 for the overhead transmission line, once construction is finalised.
4. That the annual rent for the licence agreement be set at \$1,600 per annum plus GST, and AGL reimburse Council for any legal fees associated with the licence and easement.
5. That Council as the Wilyama Common Trust provide landowner's consent for the lodgement of a Development Application for the proposed Battery Energy Storage System, due to part of the project area being on the Wilyama Common.
6. That the Mayor and General Manager be authorised to signed and execute any related documents under the Common Seal of Council, in the absence of a Trust Seal.

CARRIED UNANIMOUSLY

- 12 May 2021 12:24pm Bartlett, Leisa**  
Licence drafting is in progress.
- 18 Jun 2021 12:15pm Bartlett, Leisa**  
Draft licence received and will be reviewed by Council's solicitors.
- 15 Jul 2021 12:20pm Bartlett, Leisa**  
Licence with Solicitor for minor requested changes. In progress.
- 12 Aug 2021 3:08pm Bartlett, Leisa**  
Draft Licence back with Council's Solicitor for review of minor changes.
- 15 Sep 2021 9:09am Bartlett, Leisa**  
Amendments being discussed with AGL.
- 14 Oct 2021 4:16pm Bartlett, Leisa**  
Matter in progress, minor changes being made to licence agreement.
- 11 Nov 2021 9:04am Bartlett, Leisa**  
Licence documents finalised, execution arranged.
- 16 Dec 2021 11:56am Bartlett, Leisa**  
Licence is with AGL for execution.
- 18 Jan 2022 2:58pm Butcher, Lacey**  
Documentation received. Documentation to be reviewed and signed.
- 15 Feb 2022 11:01am Bartlett, Leisa**  
Documents executed by Council, COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/05/2021	Falkner, Georgina Nankivell, Jay	Reports	UPDATE ON PROPOSED ACQUISITION OF FEDERATION WAY
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 75/21 dated April 27, 2021, be received.</li> <li>2. That Council note the progress update on the proposed acquisition of Federation Way.</li> <li>3. That Council seek to negotiate an Indigenous Land Use Agreement (ILUA) with the Barkandji Corporation, to allow Council to acquire the Crown Land while preserving the Barkandji's Native Title rights and interests.</li> <li>4. That the Mayor and General Manager be authorised to negotiate the terms and conditions of the proposed Indigenous Land Use Agreement (ILUA) with the Barkandji Corporation; and that at the finalisation of negotiations, a report be provided to Council advising the outcome of the negotiations for Council's approval to enter an ILUA with the Barkandji Corporation.</li> </ol>			
CARRIED UNANIMOUSLY			
<b>18 Jun 2021 3:31pm Bartlett, Leisa</b>			

For Action	<b>Division:</b> Ordinary Council	<b>Date From:</b> 1/04/2018
	<b>Committee:</b>	<b>Date To:</b> 15/02/2022
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All parties agreed to extension of acquisition timeline. Native Title negotiations to commence in July.

**15 Jul 2021 12:23pm Bartlett, Leisa**

In progress - Solicitors working out date for negotiations.

**12 Aug 2021 3:09pm Bartlett, Leisa**

Meeting re negotiations delayed due to COVID-19.

**26 Aug 2021 3:27pm Falkner, Georgina - Completion**

Action completed by Bartlett, Leisa

**15 Sep 2021 9:10am Bartlett, Leisa**

Meeting likely to be organised remotely due to COVID-19. Solicitors are currently trying to organise potential dates.

**14 Oct 2021 4:16pm Bartlett, Leisa**

Meeting proposed for early November 2021.

**11 Nov 2021 9:05am Bartlett, Leisa**

Initial meeting held, further negotiations to continue.

**16 Dec 2021 11:57am Bartlett, Leisa**

Further negotiations continuing.

**18 Jan 2022 2:59pm Butcher, Lacey**

Further negotiations continuing.

**15 Feb 2022 11:07am Bartlett, Leisa**

Negotiations continuing.

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/08/2021	Howard, Codie Nankivell, Jay	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO. 416 HELD TUESDAY, 3 AUGUST 2021
<b>Resolved</b>			
1. That Broken Hill City Council Report No. 145/21 dated August 12, 2021, be received.			
2. That the minutes from the Local Traffic Committee - Meeting No. 416 held, Tuesday, 3 August 2021 be received.			
3. That Item No. 406.6.1 – That a 'Loading Zone' be installed in Crystal Lane on the Astra side of the lane.			
The loading zone will be 8 meters long and 2.4 meters wide and positioned 6.7 meters from 'Give Way' sign at the intersection of the lane and an offset of 2.5 meter from the gate way to the Astra carpark.			
4. That Item No. 414.8.6 – That three additional parking spaces to be line marked where the unused driveway is located adjacent to the Hearing Centre in Sulphide Street.			
CARRIED UNANIMOUSLY			
<b>08 Sep 2021 12:57pm Bartlett, Leisa</b>			
Resolutions have been work-flowed to operational team for completion.			
<b>12 Oct 2021 11:14am Bartlett, Leisa</b>			
Resolutions with operational team to complete.			
<b>11 Nov 2021 3:27pm Bartlett, Leisa</b>			
With operational team for completion.			
<b>17 Dec 2021 11:02am Bartlett, Leisa</b>			
Item 3 - Loading Zone in Crystal Lane - complete., Item 4 - Line-marking with operational team for completion.			
<b>18 Jan 2022 3:04pm Butcher, Lacey</b>			
Item 4 Line-marking with the operational team for completion.			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/09/2021	Howard, Codie Nankivell, Jay	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO. 417 HELD TUESDAY, 7 SEPTEMBER 2021
<b>Resolved</b>			
1. That Broken Hill City Council Report No. 163/21 dated September 17, 2021, be received.			
2. That the minutes from the Local Traffic Committee – Meeting No. 417 held, Tuesday, 7 September 2021 be received.			

For Action	<b>Division:</b> Ordinary Council	<b>Date From:</b> 1/04/2018
	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 15/02/2022
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3. That the bus zone sign in Garnet Street (front of Broken Hill High School) be moved in a southerly direction to allow for an extra two 5-minute timed parking spaces to be installed between the existing drop-off parking space and the bus zone to allow for children to be dropped off at the front of the Broken Hill High School.

CARRIED UNANIMOUSLY

**12 Oct 2021 11:18am Bartlett, Leisa**

Resolution has been workflowed to operational team for completion.

**11 Nov 2021 3:28pm Bartlett, Leisa**

With operational team for completion.

**18 Jan 2022 3:05pm Butcher, Lacey**

With operational team for completion

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/11/2021	Howard, Code Nankivell, Jay	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO. 419 HELD ON THURSDAY, 28 OCTOBER 2021
<b>Resolved</b>			
1. That Broken Hill City Council Report No. 187/21 dated November 11, 2021, be received.			
2. That the minutes from the Local Traffic Committee – Meeting 419 held on Thursday, 28 October 2021			
3. Item No. 416.6.1 - That the parking signs in Union Street be covered for a trial period of three months to identify what impacts are caused without the timed parking spaces adjacent the Morgan Street Primary School in Union Street.			
That the triad period be for three months and the covers removed after this time at the end of the first school term.			
Further consultation will be arranged with the Principal of the Morgan Street Primary School and the residents in the area before a determination can be decided.			
Based on satisfaction results from the trail period the zone will be reinstated permanently – streamline from trial to permit.			
4. Item No. 417.6.1 – That a 15-minute timed parking space be installed at the front of Live better, located at 475 Argent Street to allow for the parking of the transport bus.			
Council to arrange further consultation with Live Better and arrange for the placement of the parking sign.			
5. Item No. 419.6.1 - That the Local Traffic Committee have no objection for the proposed road closures for the Council Christmas Pageant.			
CARRIED UNANIMOUSLY			
<b>15 Dec 2021 4:57pm Bartlett, Leisa</b>			
Resolution with operational team for completion.			
<b>18 Jan 2022 3:08pm Butcher, Lacey</b>			
Resolution with the operations team for completion			

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	CASUAL VACANCIES IN THE OFFICE OF COUNCILLOR WITHIN 18 MONTHS OF THE 4 DECEMBER 2021 LOCAL GOVERNMENT ELECTION
<b>LOST</b>			
<b>21 Jan 2022 6:22pm Bartlett, Leisa</b>			

For Action	<b>Division:</b> <b>Committee:</b> Ordinary Council <b>Officer:</b> <b>Further Report Required:</b> Including Further Reports	<b>Date From:</b> 1/04/2018 <b>Date To:</b> 15/02/2022 <b>Printed:</b> Tuesday, 15 February 2022 1:52:06 PM
<b>Action Sheets Report</b>		

Letter being drafted to the NSW Electoral Commission to advise that a bi-election is to be held if there is a casual vacancy in elected members.

**11 Feb 2022 3:04pm Bartlett, Leisa**

Letter sent to NSW Electoral Commissioner, COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	DELEGATION OF FUNCTIONS
<b>Resolved</b>			
1. That Broken Hill City Council Report No. 4/22 dated September 9, 2021, be received.			
2. That the matter be deferred to the February 2022 Ordinary Council Meeting.			
3. That a Councillor Workshop regarding the Delegations be held prior to the February Council Meeting.			
CARRIED			
<b>21 Jan 2022 6:24pm Bartlett, Leisa</b>			
A Councillor Workshop will be arranged for February. The report will be re-presented to the February Council Meeting.			
<b>11 Feb 2022 3:04pm Bartlett, Leisa</b>			
A Councillor Briefing on Delegations was held 10/02/22. New report presented to the February Council Meeting. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	LOCAL GOVERNMENT REMUNERATION TRIBUNAL -ANNUAL REVIEW FOR 2022
<b>Resolved</b>			
1. That Broken Hill City Council Report No. 6/22 dated December 9, 2021, be received.			
2. That Council notes that the Broken Hill City Council is categorised as a "Regional Rural" Council for the purpose of determining the Mayoral and Councillor Fees; and that Council makes a submission to the NSW Local Government Remuneration Tribunal in support of the categorisation.			
CARRIED UNANIMOUSLY			
<b>21 Jan 2022 6:28pm Bartlett, Leisa</b>			
Letter being drafted.			
<b>11 Feb 2022 3:05pm Bartlett, Leisa</b>			
Letter has been sent to the Local Government Remuneration Tribunal. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	APPOINTMENT OF DELEGATES TO COMMITTEES - DECEMBER 2021 TO SEPTEMBER 2022
<b>Resolved</b>			
1. That Broken Hill City Council Report No. 7/22 dated December 9, 2021, be received.			
2. That the matter be deferred as per the resolution of the Mayoral Minute No.1.			
CARRIED UNANIMOUSLY			
<b>21 Jan 2022 6:29pm Bartlett, Leisa</b>			
Report deferred to February Council Meeting and Councillors will be requested to provide preferences to the Mayor's Office.			
<b>11 Feb 2022 3:07pm Bartlett, Leisa</b>			
Councillor preferences included in report to the February 2022 Council Meeting. COMPLETE			

For Action	<b>Division:</b> Ordinary Council	<b>Date From:</b> 1/04/2018
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Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	ADOPTION OF COUNCILLOR SUPPORT POLICY
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 8/22 dated September 17, 2021, be received.</li> <li>That the following amendments be made to the Councillor Support Policy: <ul style="list-style-type: none"> <li>a) amend Item 4.13 d) to allow Council orders for accommodation to include meals, drinks, laundry, telephone and other costs incurred at a hotel/motel, to alleviate the inconvenience of paying separately for these charges when checking-out of a hotel/motel.</li> <li>b) amend the policy to update the reference of iPads.</li> </ul> </li> <li>That the amended Councillor Support Policy be re-presented to the February Council Meeting.</li> </ol>			
CARRIED UNANIMOUSLY			
21 Jan 2022 6:30pm Bartlett, Leisa Policy will be amended and re-presented to the February Council Meeting.			
11 Feb 2022 3:08pm Bartlett, Leisa Amended Policy reported to February 2022 Council Meeting. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Howard, Codie Nankivell, Jay	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO. 420, HELD TUESDAY 7 DECEMBER 2021
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 13/22 dated December 22, 2021, be received.</li> <li>That the minutes of the Local Traffic Committee – Meeting No.420, held on Tuesday, 7 December 2021 be received.</li> <li>Item No. 415.6.1 - That Council installs signage and line marking for one (1) disability parking bay adjacent to the ramp on the north side of Crystal Street adjacent to the Country University Centre (CUC) and for three to four 4-hour parking spaces (pending measurement allowance) be installed on the south side of Crystal Street between the two driveways for use by the general community.</li> </ol>			
CARRIED UNANIMOUSLY			
21 Jan 2022 6:33pm Bartlett, Leisa Added to Council's Works schedule.			

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Nankivell, Jay Nankivell, Jay	Council Resolution	Council Resolution
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>That Mayoral Minute No. 1/22 dated 12 January 2022 be received.</li> <li>That all relevant extant policies and practices be rescinded or amended so as to facilitate the following:</li> </ol>			



For Action	<b>Division:</b> Ordinary Council	<b>Date From:</b> 1/04/2018
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3. That the Mayor be afforded dedicated full time secretarial assistance with requisite office equipment, including letterhead.
4. That the Mayor's office be responsible for all ceremonial activities.
5. That the Mayor and Councillors be afforded priority use of the level 2 Administrative Centre Meeting Room, and that councillors be afforded access to the administrative centre; and that the level 2 Administrative Centre Meeting Room be turned back into a Councillor Meeting Room/Common Area for the use of Councillors as required.
6. That Cr Jim Hickey be appointed Deputy Mayor 2022.
7. That standing committees, viz: Works, Health and Building, Policy and General be formed such that meetings at 5.30 be held on Monday, Tuesday and Wednesday of the week preceding scheduled monthly council meetings, and that the work of the existing Key Direction Working Groups will be amalgamated with the new the Standing Committees.
8. That "Works" include consideration of all matters relating to garbage services, parks and gardens, animal control and any other function the council delegates.
9. That "Health and Building include consideration of all matters relating to cultural activities, Library, Art Gallery, Geocentre and any other function the council delegates.
10. That "Policy and General" include consideration of all matters relating to corporate services, heritage, tourism and any other function the council delegates.
11. That the General Manager be invited to ensure that senior staff, the authors of reports are present at the relevant standing committee meetings.
12. That the standing committees be chaired by Cr Michael Boland "Works", Cr Jim Hickey "Building and Health, Cr Bob Algate "Policy and General"
13. That the first standing committee be held in February 2022.
14. That the composition of the standing committees, other than the Mayor be: "Works" Cr Michael Boland, Cr Bob Algate, Cr Alan Chandler, Cr Ron Page. "Health and Building" Cr Jim Hickey, Cr Alan Chandler, Cr Hayley Jewitt, Cr Dave Gallagher. "Policy and General" Cr Bob Algate, Cr Michael Boland, Cr Marion Brown, Hayley Jewitt, Jim Hickey
15. That the Mayor, Deputy Mayor, Cr Algate and Cr Boland be appointed to the audit committee.
16. That councillors be invited to indicate to the Mayor's office their preferences for membership of section 355 committees and any other committees/working groups with Councillor representation, and appointment of Councillor Delegates to same be made at the February 2022 Council Meeting.

CARRIED UNANIMOUSLY

**21 Jan 2022 5:16pm Bartlett, Leisa**

2. - Code of Meeting Practice Policy to be amended and Councillor Support Policy reviewed.
3. - Budget adjustment to be presented as part of the December Quarterly Budget Review Report for presentation at the February Council Meeting. Position description to be developed during February in consultation with the Mayor and General Manager, for recruitment to commence.
4. - Position description to be developed during February in consultation with the Mayor and General Manager.
5. - Councillors will have access to Council buildings as per Council's Code of Conduct. Security cards/fob keys are being organised for individual Councillors.
6. - COMPLETE.
- 7-11 & 13. - Operational for February 2022.

For Action	<b>Division:</b> Ordinary Council	<b>Date From:</b> 1/04/2018
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12, 14-16. - Will be included in Report to be tabled at the February Council Meeting regarding Council Delegates on Committees.  
**11 Feb 2022 3:39pm Bartlett, Leisa**  
 2 - Code of Meeting Practice on public exhibition and draft Councillor Support Policy presented to February Meeting, any further action on these 2 policies will be updated for the new reports to Council - COMPLETE  
 3 & 4. budget adjustment included in report to February, position description draft to be discussed with the Mayor.  
 5. Access keys issued to Councillors - COMPLETE  
 6. - COMPLETE  
 7-11&13 Standing Committees to commence in March due to Business Paper software upgrade issues.  
 12&14-16 Included in report to February Council Meeting - COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Nankivell, Jay Nankivell, Jay	Council Resolution	Council Resolution
<b>Resolved</b>			
1. That the Mayoral Minute 2/22 dated the 12/01/22 be received.			
2. That an Ordinary Council Meeting be held on the 27/01/2022 at 6.30pm.			
3. That a workshop be held on Wednesday 19/01/2022 at 5.30pm to organise amendments to Council's Code of Meeting Practice, so that the public forum will be part of Councils Ordinary and Extraordinary Meetings. Other amendments to the Code of Meeting Practice will also be made, that the amendments discussed will be put in a draft form for adoption at the January Council Meeting on Thursday 27/01/2022.			
4. That Council immediately advertises for community groups interested in hosting public meetings to discuss Council matters. The public meetings will be held monthly and business forums bi-monthly; that a report will be presented to the February 2022 meeting of Council about potential arrangements for public meetings.			
5. That at the February 2022 meeting of Council, Councillors are to be presented with the required policies, with amendments included, that will allow for cash payments to be accepted at all Council operated facilities.			
6. That a workshop will be held to discuss amendments to the following policies, The Code of Conduct, Compliance and Enforcement Policy, Debt Recovery Policy, Local Orders Policy, Media Relations Policy, Social Media Policy and Tree Management Policy.			
7. That all expenditure, plans and actions related to the development of the Council's Library hub be abandoned and that the General Manager be invited to present a report to the Council Meeting on 27/1/2022 outlining the use of federal grant money for a purpose built archive that is located in the proposed position of the Library hub. The report will include staffing requirements.			
8. That the General Manager be invited to advertise for expressions of interest for a community group to facilitate the removal and replacement of the gateway signage, that Councillors are presented with a report at the February 2022 Council Meeting detailing the cost of replacing one of the gateway signs with a sign chosen by Deanna Spicer from her designs.			
9. That the General Manager be invited to provide a report to Council with options on how to manage a complaints committee that is operated locally, the committee will deal with disputed fines and disputed orders.			
10. That the General Manager be invited to provide a report to March 2022 Ordinary Council Meeting that details the structure and operations of the former 355 committee known as "The Regional Tourism Association" with a view to re-establish the committee. The goal of the committee will be to market tourism and encourage migration to the			

For Action	<b>Division:</b> Ordinary Council	<b>Date From:</b> 1/04/2018
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city.
11. That the General Manager be invited to provide a report to Council detailing the requirements for dedicated full time Council employed staff to maintain footpaths and nature strips.
12. That the over \$6M collected from waste disposal from the Wentworth to Broken Hill pipeline is removed from the Library hub project reserve and placed into a general projects reserve.
13. That Council forms a 355 committee that deals with all matters that affect our senior citizens and that the formation of the committee is to be advertised to the community for membership and expressions of interest.
14. That Council forms a 355 committee that has the role to bring projects and services to the city that benefit young children, teenage children and young adults and that the formation of the committee will be advertised and expressions sought.
15. That the General Manager be invited to provide a report to Council detailing what amendments need to be made to the constitutions of all Council 355 committees as to provide more autonomy to the committees to operate and manage Council facilities.
16. That the Mayor be invited to organise a meeting with the Local Member Roy Butler and Essential Water as early as possible to significantly accelerate the process to open the Imperial Lake. That a site visit is organised with Essential Energy for Councillors to view the Imperial Lake. That the General Manager be invited to obtain an independent engineers report into the safety of the dam wall. Expressions of interest are advertised immediately for community representation on a working group to facilitate volunteers and the opening of the Lake and that Landcare and RANA are contacted to gauge interest.
17. That options to increase street lighting be referred to the Policy and General committee.
18. That the General Manager be invited to immediately advertise for expression of interest from the community to form a working party to provide Council with advice on projects that Council undertakes, with a view to reduce the Council's reliance on consultants.
19. That the General Manager be invited to hold a workshop to explain to Councillors how line budgets will be implemented for the 2022/23 budget.
20. That the Mayor be invited to host a meeting with the Local State Member Roy Butler and the Local Federal Member Mark Coulton and that John Lynch, and a representative from the RFDS are invited to discuss proposals and options for an airport upgrade and options.
21. That options to increase childcare be referred to the Policy and General committee.
22. That the Works committee discuss and provide options for the removal of residential waste gate charges, this will also apply to commercial businesses that are disposing of residential rubbish, the committee will also discuss greenwaste and other recycling options. Any findings will be discussed at a number of public meetings.
23. That the General Manager be invited to provide the Council with a report detailing the legal expenditure to defend

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against the Ombudsman's report into the Occupation Certificate and Civic Centre usage. The report will detail any decision to expend funds to mount such defence. This report will be provided to the February 2022 meeting.

24. That the General Manager be invited to hold a workshop on 24/01/2022 at 5.30 pm to provide Councillors with all reports and information pertaining to the Civic Centre litigation.
25. That the Policy and General committee consider proposals to reduce commercial and industrial rates and to make residential rates more equitable.
26. That the General Manager be invited to advertise for expressions of interest to paint murals and provide other street art and that a report be provided at the January 27th 2022 meeting explaining why the proposed mural in Argent Street from the Country Women's Association was rejected and options to invite them to resubmit their application.
27. That the Policy and General committee investigate the cost for Council to provide more focus on applying for grant funding and the opportunity to apply for grants for local organisations as a fee for service.
28. That the Mayor be invited to send correspondence to the Local State Member Roy Butler asking that he make representations to the State Government on behalf of the Broken Hill community to have a permanent Wentworth pipeline subsidy implemented. That the State Member be asked to facilitate a meeting with the appropriate Minister to meet with himself and the Mayor to discuss the subsidy.
29. That the General Manager be invited to provide Council with a report at the on the progress of the Netball, Norm Fox redevelopment and a tour is organised for Councillors to see all Council parks, ovals and sporting facilities.
30. That the General Manager be invited to organise a meeting with IPART and Essential Energy to discuss options to increase water usage at a lower cost so that the city can be greened.
31. That the Mayor be invited to send correspondence to the Local Member Roy Butler to ask him to organise a meeting with the appropriate Ministers to discuss the management of the Menindee Lakes and the Darling River.
32. That General Manager be invited to immediately advertise for expressions of interest from the community to remove dead trees.
33. That the Works committee investigate options to plant different tree species that are asset friendly and fast growing.
34. That the General Manager be invited to provide Councillors with a report on options to address the issues of roaming dogs and cats. That a meeting be organised of the committee that was formed to address this issue and the findings referred to the Policy and General committee.
35. That the General Manager be invited to provide a report about the process to get funding for a mining, truck, car and motorbike museums. The report will include previous reports on the matters and the offer made by Perilya a number of years ago about mining assets.
36. That the General Manager advertise for expressions of interest to form a working group to address the homeless

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issue, drug and alcohol use and suicide prevention.

37. That the General Manager be invited to provide a report to Council detailing options to facilitate a truck wash and truck stop.
38. That the General Manager be invited to provide a report to the January meeting about any positions in the employee structure that remain unfilled and the expense to date for wages compared to the budgeted amount. Also the expected wage amount to year end with only the current positions filled.
39. That the General Manager be invited to contact the appropriate Aboriginal organisations to facilitate communication for the purpose of establishing a green space at the rear of Creedon Street.
40. That the General Manager provides a report to the January 27 2022 Ordinary Council Meeting outlining timelines for the implementation of the resolutions of Mayoral Minute No. 2/22.

CARRIED

**21 Jan 2022 5:25pm Bartlett, Leisa**

- 2 - COMPLETE.
- 3 - COMPLETE. Draft for public exhibition presented to the January Council Meeting.
- 4 - Report to be presented to the February Council Meeting.
- 5 - Report to be presented to the February Ordinary Council Meeting.
- 6 - Workshops to be scheduled during February to enable consideration of amended policies at the March Committee meetings.
- 7 - Report presented to the January Council Meeting.
- 8 - Report to be presented to the February Council Meeting.
- 9 - Report to be presented to the March Policy & General Committee Meeting.
- 10 - Report to be presented to the March Ordinary Council Meeting.
- 11 - Workshops to be held with Council through the development of the 2022/23 Operational Plan and Resourcing Strategy, with a report provided to the April 2022 Policy & General Committee.
- 12 - Internal transfer of reserves has been completed. An updated internal reserve table will be presented as part of the December Quarterly Review Report.
- 13 - A workshop will be held with Councillors in March to formulate a TOR for presentation to the March Committee Meetings.
- 14 - A workshop will be held with Councillors in March to formulate a TOR for presentation to the March Committee Meetings.
- 15 - Report to be presented to the March Works Committee meeting.
- 16 - Site visit being arranged with Essential Water for the week commencing 31 January 2022.
- 17 - Options to be presented at the April Works Committee meeting.
- 18 - Projects Steering Group Terms of Reference to be formulated and presented to the February Ordinary Council Meeting.
- 19 - Workshops to be held during March 2022 as part of the 2022/23 budget process.
- 20 - Meeting to be scheduled for February 2022.
- 21 - Further consultation with Foundation Broken Hill is recommended during February 2022 with options for Council support to be presented to the March Health and Building Committee Meeting.
- 22 - to occur during March 2022 as part of the 2022/23 budget process.
- 23 - Report to be presented to the February Council Meeting.
- 24 - Workshop held on 24 January 2022.
- 25 - to occur during March 2022 as part of the 2022/23 budget process.
- 26 - Report presented at this Council Meeting. EOI for murals and street art in accordance with Council's Public Art Policy to be advertised in February 2022.
- 27 - This will be workshopped with Council through the development of the 2022/23 Operational Plan and Resourcing Strategy, with a report provided to the April Policy and General Committee meeting.
- 28 - Letter being drafted.
- 29 - Report presented to January Council Meeting with site visits and further workshops scheduled for February.
- 30 - Meeting to be organised for February 2022.
- 31 - Letter being drafted.
- 32 - EOI to be advertised during February 2022 following the results of the tree audit to identify high priority areas of removal in the first instance.
- 33 - Tree Management Policy and Tree Management Plan to be workshopped with Councillors during February 2022 for presentation to the March Works Committee Meeting.
- 34 - Report will be provided to Councillors in March 2022, following the commencement of Council's recently appointed Executive Manager Planning and Community Safety.
- 35 - Priority projects and funding to be discussed and workshopped as part of the development of the 2022/23 Operational Plan and Resourcing Strategy.
- 36 - Working Groups Terms of Reference to be developed in consultation with the appropriate stakeholders and presented to the April Health and Building Committee Meeting.
- 37 - Report to be presented to the February Council Meeting for further consideration to occur as part of the 2022/23 budget process.
- 38 - Report presented to the January Council Meeting - COMPLETE.
- 39 - Contact and further investigation to occur during February 2022 when appropriate Officers return from leave.
- 40 - Report presented to January Council Meeting - COMPLETE.

**11 Feb 2022 5:02pm Bartlett, Leisa**

- 2 - COMPLETE.

<p>For Action</p> <p><b>Action Sheets Report</b></p>	<p><b>Division:</b> Ordinary Council</p> <p><b>Committee:</b> Ordinary Council</p> <p><b>Officer:</b></p> <p><b>Further Report Required:</b> Including Further Reports</p>	<p><b>Date From:</b> 1/04/2018</p> <p><b>Date To:</b> 15/02/2022</p> <p><b>Printed:</b> Tuesday, 15 February 2022 1:52:06 PM</p>
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- 3 - Code of Meeting Practice Policy placed on public exhibition-COMLETE
- 4 - Report prepared to February Council Meeting regarding Business Meetings.
- 5 - Report prepared to February Council Meeting - COMPLETE.
- 6 - Workshops scheduled for 7&9 March 2022.
- 7 - Report presented to 27/01/22 Council Meeting - COMPLETE.
- 8 - Report presented to February Council Meeting tracking of further action will continue with that report resolution - COMPLETE.
- 9 - Report to be presented to March Policy and General Committee Meeting.
- 10 - Report prepared for February Council Meeting and tracking of further action will continue with that report resolution - COMPLETE.
- 11 - to be included in Budget Workshops with a report to April Policy & General Committee.
- 12 - Funds moved, adjustments to be made in Quarter 3 budget review report.
- 13&14 Report to February Council Meeting and tracking of further action will continue with that report resolution-COMLETE.
- 15 - Report to be presented to March Works Committee.
- 16 - Site visit has been held.
- 17 - Report to be presented to April Works Committee.
- 18 - Report to February Council Meeting and tracking of further action will continue with that report resolution - COMPLETE.
- 19 - Budget workshops to be held in March.
- 20 - Meeting scheduled for 21/02/22.
- 21 - Meeting being scheduled with Foundation Broken Hill.
- 22 - To be discussed during Budget workshops in March.
- 23 - Report prepared for February Council Meeting - COMPLETE.
- 24 - Councillor Briefing has been held - COMPLETE.
- 25 - To be included in Budget workshops in March.
- 26 - Report presented to February Council Meeting and advertising to occur in February.
- 27 - To be workshopped with Operational Plan 2022/23 and a report to the April Policy & General Committee.
- 28 - Draft Letter with Mayor for signature.
- 29 - Report was presented to 27 January Council Meeting, site visit scheduled for 25/2/22.
- 30 - Meeting being scheduled.
- 31 - Draft Letter with Mayor for signature.
- 32 - EOI to be advertised following completion of the Tree Audit.
- 33 - Policy workshop being scheduled.
- 34 - Report to be presented to March Policy and General Committee.
- 35 - To be included in Operational Plan 2022/23 workshop.
- 36 - Report prepared to February Council Meeting and tracking of further action will continue with that report resolution- COMPLETE.
- 37 - Report prepared to February Council Meeting and tracking of further action will continue with that report resolution - COMPLETE.
- 38 - Report presented to 27 January Council Meeting - COMPLETE.
- 39 - Report prepared to February Council Meeting and tracking of further action will continue with that report resolution - COMPLETE.
- 40 - Report presented to 27 January Council Meeting - COMPLETE.

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Butcher, Lacey Nankivell, Jay	Council Resolution	Council Resolution
<b>Resolved</b>			
That Council writes to the relevant State Agency regarding the urgent nature of fruit fly in Broken Hill and region and Council requests advice on what action is or can be taken to address the issue.			
CARRIED UNANIMOUSLY			
21 Jan 2022 6:35pm Bartlett, Leisa Letter being drafted			
15 Feb 2022 11:24am Bartlett, Leisa Information provided in Question on Notice Report to February Council Meeting. Meeting being arranged with Landcare Broken Hill to discuss a community approach to combating fruit fly in the City.			

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	DRAFT AMENDED CODE OF MEETING PRACTICE POLICY FOR PUBLIC EXHIBITION
<b>Resolved</b>			
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)			

For Action	<b>Division:</b> Ordinary Council	<b>Date From:</b> 1/04/2018
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- 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 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

**11 Feb 2022 2:56pm Bartlett, Leisa**

The draft Code of Meeting Practice Policy has been placed on public exhibition. A new report will be presented to Council once the public submissions period closes. COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/01/2022	Andrews, Arne Nankivell, Jay	Reports	BROKEN HILL CBD REVITALISATION AND ACTIVATION PROJECT - REVISED PROJECT SCOPE
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 17/22 dated January 17, 2022, be received.</li> <li>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.</li> <li>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.</li> <li>4. That Council writes to the Local Federal Member requesting that he lobbies for Council's proposal to change the project scope of the Broken Hill CBD Revitalisation and Activation Project.</li> </ol>			

For Action	<b>Division:</b> Ordinary Council	<b>Date From:</b> 1/04/2018
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5. That the site visit of Council's assets that is being organised for Councillors, includes the Library and Town Hall Façade.

CARRIED UNANIMOUSLY

15 Feb 2022 1:41pm Bartlett, Leisa

Discussions being held with the Federal Member prior to correspondence being sent.

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	FURTHER MOTION TO THE NSW LOCAL GOVERNMENT SPECIAL CONFERENCE TO BE HELD IN SYDNEY 28 FEBRUARY 2022 - 2 MARCH 2022
<b>Resolved</b>			
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			
11 Feb 2022 2:59pm Bartlett, Leisa			
The motion was submitted prior to the closing date. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/01/2022	Howard, Codie Nankivell, Jay	Reports	E.P. O'NEILL MEMORIAL PARK REDEVELOPMENT - PROGRESS UPDATE
<b>Resolved</b>			
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			
15 Feb 2022 11:15am Bartlett, Leisa			
Site visit to be conducted on 25 February 2022			

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	PROPOSED CWA MURAL - ARGENT STREET
<b>Resolved</b>			
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			



For Action	<b>Division:</b> <b>Committee:</b> Ordinary Council <b>Officer:</b> <b>Further Report Required:</b> Including Further Reports	<b>Date From:</b> 1/04/2018 <b>Date To:</b> 15/02/2022 <b>Printed:</b> Tuesday, 15 February 2022 1:52:06 PM
<b>Action Sheets Report</b>		

**15 Feb 2022 11:12am Bartlett, Leisa**  
Councillor Workshop has been scheduled for 10 March 2022

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	CITIES POWER PARTNERSHIP - LOCAL LEADERS PROGRAM
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 23/22 dated January 21, 2022, be received.</li> <li>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.</li> </ol>			
CARRIED UNANIMOUSLY			
<b>11 Feb 2022 3:03pm Bartlett, Leisa</b> Councillors Browne and Boland have been registered for the program. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/01/2022	Nankivell, Jay Nankivell, Jay	Confidential Matters	PROPOSED TRANSPORT OPTIONS
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 25/22 dated January 21, 2022, be received and noted.</li> <li>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.</li> <li>That Council negotiate any commercial incentive provided to the "Subject Airline" with our current provider to ensure fairness and equity.</li> </ol>			
CARRIED			
<b>11 Feb 2022 3:22pm Bartlett, Leisa</b> Negotiations have commenced as per the Council resolution.			

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/01/2022	Bartlett, Leisa Nankivell, Jay	Confidential Matters	PUBLIC REPORTING OF CONFIDENTIAL MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD 11 NOVEMBER 2021
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 26/22 dated January 19, 2022, be received.</li> <li>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.</li> </ol>			
CARRIED UNANIMOUSLY			
<b>11 Feb 2022 3:20pm Bartlett, Leisa</b> The open minutes of the Extraordinary Council Meeting held 11/11/21 has been updated to include the public reporting of the confidential matter. COMPLETE			

## COMMITTEE REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 51/22 - DATED FEBRUARY 04, 2022 - MINUTES OF THE BROKEN HILL REGIONAL ART GALLERY ADVISORY COMMITTEE MEETING HELD 30 NOVEMBER 2021 (D22/5704) .....603
2. BROKEN HILL CITY COUNCIL REPORT NO. 52/22 - DATED FEBRUARY 04, 2022 - MINUTES OF THE PICTON SPORTSGROUND COMMUNITY COMMITTEE MEETING HELD 15 NOVEMBER 2021 (D22/5740).....614
3. BROKEN HILL CITY COUNCIL REPORT NO. 53/22 - DATED FEBRUARY 04, 2022 - MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETING HELD 11 DECEMBER 2021 (D22/5772) .....617

## ORDINARY MEETING OF THE COUNCIL

February 4, 2022

**ITEM 1****BROKEN HILL CITY COUNCIL REPORT NO. 51/22**

**SUBJECT:** **MINUTES OF THE BROKEN HILL REGIONAL ART GALLERY  
ADVISORY COMMITTEE MEETING HELD 30 NOVEMBER 2021  
D22/5704**

**Recommendation**

1. That Broken Hill City Council Report No. 51/22 dated February 4, 2022, be received.
2. That minutes of the Broken Hill Regional Art Gallery Advisory Committee Meeting held 30 November 2021 be received and noted.
3. That Council re-name the 'Broken Hill Regional Art Gallery' to 'Broken Hill Art Gallery.'
4. That Council adopt the new branding style of the Broken Hill Art Gallery and is launched as part of the reopening of the Gallery following finalisation of renovations.

**Executive Summary:**

Council received minutes of the Broken Hill Regional Art Gallery Advisory Committee Meeting held 30 November 2021 for endorsement by Council. The late presentation to Council from an Advisory meeting held late last year is due to Council entering Caretaker mode with no December 2021 Council meeting; the election of a new Council late December with 12<sup>th</sup> January Council meeting dealing solely with machinery of government matters and the second 27<sup>th</sup> January Council meeting dealing solely with items from the 12<sup>th</sup> January meeting.

This report provides the background information upon which the Advisory Committee recommended to Council to adopt the name change and new branding style.

The report outlines the history of the current Broken Hill Regional Art Gallery 'brand' and visual identity and details the scope of the Gallery's current re-branding project with key findings from sector research and community consultation.

The report positions the abovementioned recommendations within the Arts and Culture sector and details trends within the funding environment that support the changes.

It details the project outline, key deliverables, and milestones to achieve a refreshed brand and visual identity to ensure deployment when the Gallery returns to the Sully's building after renovations.

**Report:**

As per Council's adopted Section 355 Asset Committee Framework Manual and the Constitution of the Broken Hill Regional Art Gallery Advisory Committee, 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 submitted minutes from its meeting held 30 November 2021 for Council's endorsement.

Unfortunately, the late presentation to Council's current February 2022 meeting is due to Council entering Caretaker mode with no December 2021 Council meeting; the election of a new Council late December with 12<sup>th</sup> January Council meeting dealing solely with machinery of government matters and the second 27<sup>th</sup> January Council meeting dealing solely with items from the 12<sup>th</sup> January meeting.

### **Background to Gallery naming, collection digitisation, advantages of brand management**

In 2002, the then Broken Hill City Council Art Gallery Advisory Committee advised the Council, and endorsed a name change of its Gallery from 'The Broken Hill City Art Gallery' to 'The Broken Hill Regional Art Gallery', to be "*thought of as an insurance policy if the Council becomes unable to fund the Art Gallery with the amount of money needed to ensure that it maintains its current level of service*". The subsequent re-naming and re-location of the Gallery to the Sully's Emporium was undoubtedly supported and strengthened by this decision. The 'logo' transitioned over the years to reflect this name, however, without consistency and a clear style guide.

Some 20 years later, the Federal and State arts funding environment has shifted, and notably, a focus on Broken Hill has become more prominent than ever.

Since its listing on the National Heritage Register in 2015, a focus on Broken Hill's cultural collections has been heightened. A focus on local storytelling through Art & Culture has become a priority, with Broken Hill's position in a national cultural conversation cemented.

This priority is most obvious through the successful funding of the *Australia's First Heritage Listed City Goes Digital* project through the Regional Cultural Fund. This two-year project saw the digitization of Gallery and Museum assets and rolled out an online collection platform (CMS) on 4<sup>th</sup> October 2021 ( <https://collection.brokenhill.nsw.gov.au/>) celebrating our collections with a global, digital audience.

In 2021 Council adopted the Broken Hill City Council Cultural Plan that identified a strategy to continue the "*ongoing conservation, protection, maintenance, and engagement with Council and community collections and cultural facilities*".

Action 2.3.6 outlines a priority to "*implement a brand and identity strategy for BHRAG that integrates the Content Management System (CMS)*". This work will assist to market and promote the collections under a unified, Broken Hill brand and assist to leverage heritage partnerships.

Capitalising on the COVID-19 lockdowns and extended shutdown period (renovations to Sully's), Gallery staff began preparatory and research work to roll out a new brand, understanding that the Broken Hill Regional Art Gallery should continue to lead the way with a modern, creative, and innovative brand and visual identity.

Five overarching goals were developed to:

1. Support and bring BHRAG's strategic goals to life & implement the recommendations of the BHRAG strategic and marketing plans.
2. Elevate BHRAG's market position within the Arts, Culture, Tourism and Heritage sectors.
3. Streamline marketing resources to ensure consistency.
4. Improve opportunities to support the local community both culturally and commercially.
5. Create a platform for future marketing activity, programming, exhibitions, partnerships, and ventures.

The project centers the creation of a style guide for the Broken Hill Regional Art Gallery that is holistic and can be implemented in a sustainable manner across all marketing and

communication channels. This includes the creation of an individual brandmark to accompany a formal written logo.

The brand will transition the Gallery away from the current Broken Hill City Council 'lozenge' design and sit as a separate visual identity to the corporate identity of the Council.

Deliverables from this process are the development of:

1. Brand discovery that will define BHRAG's core brand values and re-write the public messaging and key promotional overviews.
2. A new brand identity that includes a brandmark, logo, guidelines, templates, and design system underpinned by an overarching strategy.
3. Implementation of new branding across all primary touchpoints and wayfinding in the renovated building.
4. A suite of assets to support the launch of the new brand (including animation cards), and information architecture recommendations.

The Broken Hill Regional Art Gallery Advisory Committee were consulted on the branding project since its inception, initially discussing the re-brand idea on the 4<sup>th</sup> August, 2021 (minutes received at the 29 September Council Meeting). The committee *"were happy with the concept of rebranding the RAG but wanted to be kept abreast of the progress of each stage of development"*. The committee provided feedback during the process as detailed in the minutes attached from November 30.

*The Committee examined both concepts and unanimously supported:*

1. *The removal of "regional" from the title of the Broken Hill Gallery*
2. *Concept number 2 for the logo design, noting that some adjustments could be made.*

**Community Engagement:**

Gallery Staff conducted 4 Consultation sessions in person, hosted at the Art Gallery and online. These high-level consultations asked participants to reflect on the 'what' and 'why' of Gallery operations with many common themes emerging. The definition of the word 'regional' was questioned in most sessions, leading to a conversation about how this may not be serving the community's best interest. For some, it was seen as a career limiting barrier in the sector.

This sentiment was confirmed with Your Creative, Research and Analysis team, who supported the change in direction from *'The Broken Hill Regional Art Gallery'* to *'The Broken Hill Art Gallery'* after in-depth research into the Regional Gallery network and member base (approx. 60 respondents) as presented to Museum and Gallery staff over zoom. Approximately 350 Gallery subscribers were notified of the rebranding project through a postcard mail out.

**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 S355 Advisory Committee Framework  
 Broken Hill Regional Art Gallery Advisory Committee Constitution  
 Broken Hill City Council Culture Plan:

- 1.2 Increased acknowledgement, recognition and visibility of Aboriginal culture, arts and practice in the city

- 1.3 Increased art and cultural participation and educational opportunities for young people
- 1.4 Increased participation in Broken Hill's cultural offering by people of all ages and abilities
- 1.7 Amplification of our diverse social and cultural histories

**Financial Implications:**

Roll-out of the new brand across digital, social platforms will incur no cost and be completed in-house. Digital Assets and re-theming of the current website, *bhartgallery.com.au* will incur a small technical/coding development fee, accounted for within regular gallery maintenance and marketing budgets.

Physical roll out on printed collateral and marketing will incur no cost and simply replace current brochures, flyers, posters once the gallery re-orders upon re-opening. The Gallery orders this collateral incrementally and the roll out ensures for a seamless transition accounted for in advertising budgets.

External wayfinding will be updated to include the new branding. This will incur a small cost to print new external gallery banners, approximately \$565 and approximately \$200 to update the A-frame. Approval has been sourced for hanging walkway signage under the Gallery veranda for which an installation cost will be incurred.

**Attachments**

1. Minutes - Broken Hill Regional Art Gallery Advisory Committee Meeting held 30  
[↓](#) November 2021
2. BHAG Brand Concept  
[↓](#)

RAZIJA NU'MAN  
CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL  
GENERAL MANAGER

**REGIONAL ART GALLERY ADVISORY COMMITTEE**

**MEETING November 30<sup>th</sup>, 2021**

Meeting started: 5.30pm

Meeting ended: 6.15pm

Apologies: Rick Ball, Andrew Gosling

Attendance: Clark Barrett, Simon Molesworth, Susanne Olsen, Jenny Cattonar, Branko Licul,  
Maureen Clark

Welcome

Confirmation of Minutes from September 8<sup>th</sup> by Clark Barrett, Seconded by Rick Ball

Correspondence: Minutes sent by email

Meeting notice by email.

Business: Chair welcomed James and Ryan from Your Creative.

Art Gallery Manager, Blake Griffiths outlined 2 concepts for rebranding designs for the Art Gallery and explained why art galleries were removing "regional" from their titles. Galleries were then placed in a broader art network and artists given equal status with metropolitan artists.

Comment: Art galleries once adopted "regional" to attract funding from regional pools..

Response: Pools have now been amalgamated into one funding source available to all

The Committee examined both concepts and unanimously supported:

1. The removal of "regional" from the title of the Broken Hill Gallery
2. Concept number 2 for the logo design, noting that some adjustments could be made.

Meeting Closed: 6.15pm

**Minutes confirmed by email: Prof. Simon Molesworth, Seconded Clark Barrett.**

**Endorsed by Chair, Cr Clark.**





1.5 Logo lineup

p.8

Inline logo (Primary)



Stacked logo (Secondary)



Social Logo



Brand Concepts

*your creative.*

1.8 Colour palette

p.12

Primary

Secondary



PMS: Bright Red U



PMS: Neutral Black U



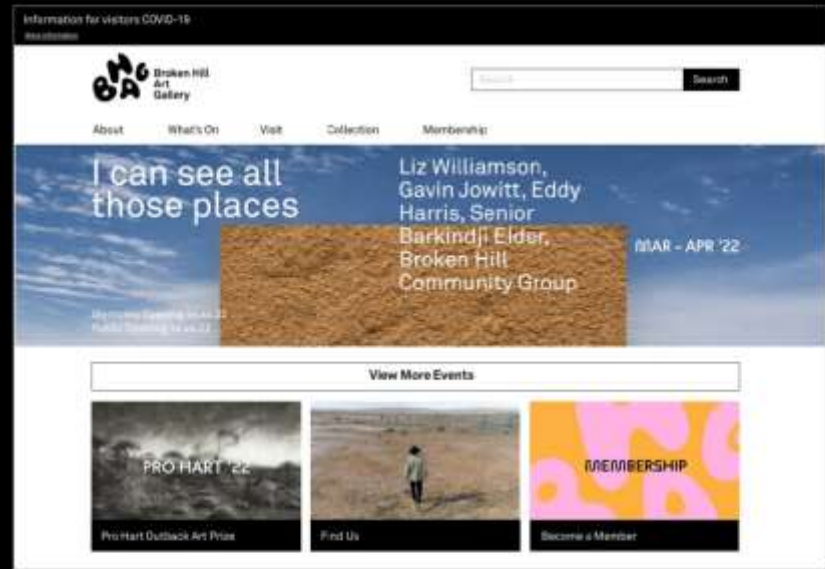
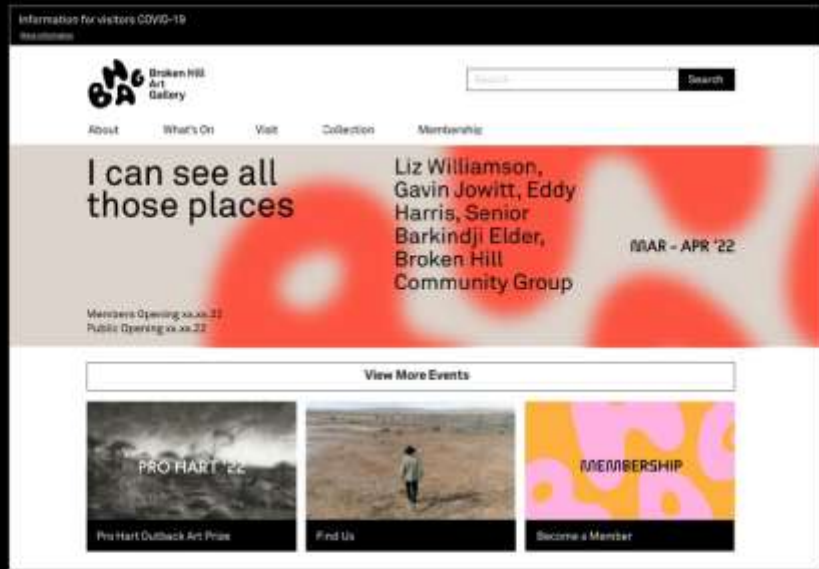
PMS: Warm Gray 1 U



Brand Concepts

*your creative.*





3.3 Bhag flag

Brand Concepts



*your creative.*

## ORDINARY MEETING OF THE COUNCIL

February 4, 2022

**ITEM 2****BROKEN HILL CITY COUNCIL REPORT NO. 52/22**

**SUBJECT:** MINUTES OF THE PICTON SPORTSGROUND COMMUNITY COMMITTEE MEETING HELD 15 NOVEMBER 2021 D22/5740

**Recommendation**

1. That Broken Hill City Council Report No. 52/22 dated February 4, 2022, be received.
2. That minutes of the Picton Sportsground Community Committee Meeting held 15 November 2021 be received and noted.

**Executive Summary:**

Council has received minutes from the Picton Sportsground Community Committee Meeting held 15 November 2021 for endorsement by Council.

**Report:**

As per Council's Section 355 Asset Committee Framework Manual and the Constitution of the Picton Sportsground Community 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 Picton Sportsground Community Committee has submitted minutes from its Committee Meeting held 15 November 2021 for Council's endorsement.

**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 Picton Sportsground Community Committee operates under Council's S355 Asset Committee Framework Manual and Standard Constitution and the *Local Government Act, 1993* (Section 355).

**Attachments**

1. Minutes of the Picton Sportsground Community Committee Meeting held 15  
[↓](#) November 2021

CODIE HOWARD  
CHIEF ASSETS AND PROJECTS OFFICER

JAY NANKIVELL  
GENERAL MANAGER

**PICTON OVAL MANAGEMENT COMMITTEE MEETING**  
**MINUTES**

**MONDAY, 15<sup>th</sup> NOVEMBER 2021**

**Present:** N. Hannigan, T. Rynne, B. Licul (Councillor), P. Adams.

**Apologies:** C. Adams (Councillor)

**Meeting Commenced:** 5:26p.m.

**Matters Arising:**

1. Painting put off due to COVID-19. Will follow up with change rooms and grandstand to be painted.
2. Committee have left over material for runway for long jump. Will follow up with installation of soft fall. Noel looking at getting a contractor.
3. Need to follow up drain along Morgan Street to be graded and repaired. Water overflowing across into sandpit/runway area.
4. Committee has no response from Hockey regarding payment and storing of equipment. Trevor will follow up.

**Correspondence In:**

1. Request for hire of oval: GWS Academy - COVID Safety Plan and Public Liability Insurance received
2. Request for hire of oval: Broken Hill High School - COVID Safety Plan and Public Liability Insurance received
3. Request for hire of oval: Barrier Cricket Association - COVID Safety Plan and Public Liability Insurance received
4. Request for hire of oval: Centrals Women Cricket - COVID Safety Plan and Public Liability Insurance received

**Correspondence Out:**

1. Approval for use of oval: GWS Academy
2. Approval for use of oval: Broken Hill High School
3. Approval for use of oval: Barrier Cricket association
4. Approval for use of oval: Centrals Women Cricket
5. Use of oval calendar emailed to Noel and Paul.

**Financial Report:**

Cheque Account: \$15,648.26  
Term Deposit:

**General Business:**

1. Committee has continually requested Council to empty bins around oval. Still has not been attended to. Christine will follow up with General Manager.
2. Noel to open up oval and Paul will shut.
3. Committee concerned that we can't get into the computer system to test sprays. Christine will follow up with General Manager.
4. New mower due for a service. Noel to follow up.
5. Oval has been sprayed for weeds recently.
6. Committee has decided to put on hold the idea of a specific dog area.
7. Hot water system to be removed due to leak. Noel to put in a work request.

Meeting closed: 5:30p.m.

Next Meeting: **Monday, 14<sup>th</sup> February 2021 @ 5:30p.m.** at Sacred Heart Parish School



ORDINARY MEETING OF THE COUNCIL

February 4, 2022

**ITEM 3**

BROKEN HILL CITY COUNCIL REPORT NO. 53/22

SUBJECT: MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETING HELD 11 DECEMBER 2021 D22/5772

**Recommendation**

1. That Broken Hill City Council Report No. 53/22 dated February 4, 2022, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held 11 December 2021

**Executive Summary:**

Council has received minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Special Committee Meeting held 11 December 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).

**Financial Implications:**

Nil

**Attachments**

1. Minutes of the Friends of the Flora and Fauna of the Barrier Ranges Committee  
[↓](#) Meeting held 11 December 2021

RAZIJA NU'MAN  
CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL  
GENERAL MANAGER

## MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE S355 MEETING HELD 11 DECEMBER 2021 AT 9AM – LIVING DESERT STATE PARK, BROKEN HILL

12/51

1. **Present:** Darrell Ford (BHCC), Gaylene Ford, Sue Spangler, Geoffrey Hoare, Merran Coombe, Jeff Crase, Nicholas King (BHCC), Ronald Tumes, Dean Fletcher, John Rogers (Chairperson), and David Spielvogel.
2. **Apologies:** Kellie Scott (Vice Chairperson), Michael Ford, Nevada Ford, Evan Scott, Emily Scott, Jamie Scott, Paul Reed, Ann Evers, Ray Allen, Jill Spielvogel, Councillor Marion Browne.

**Non-Attendance:** Lyn Campigli and Alison Gardner.

3. **Business arising from Previous Minutes:** NIL

4. **Correspondence:** Nil

5. **Update on Action List Items:**

5.1 Identification Cards – As required

6. **General Business:**

6.1 -All Committee Members were notified to re-join 355 Committee for 2022.

6.2 -All attended Working Bee - Job Well Done

6.3 -Next meeting on 15 February 2022 at Council Chamber at 4pm.

### Action List:

ACTION	WHO
1. Identification Cards – Continuing	Customer Relations

7. **Next Meeting:** Tuesday, 15 February 2022.

8. **Meeting Closed:** 9.25am

# QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

1. QUESTIONS ON NOTICE NO. 1/22 - DATED FEBRUARY 03, 2022 -  
QUESTIONS TAKEN ON NOTICE AT THE 27 JANUARY 2022 COUNCIL  
MEETING (D22/5600) .....621

ORDINARY MEETING OF THE COUNCIL

February 3, 2022

**ITEM 1**

QUESTIONS ON NOTICE NO. 1/22

SUBJECT: QUESTIONS TAKEN ON NOTICE AT THE 27 JANUARY 2022  
COUNCIL MEETING D22/5600

**Summary**

The report provides responses to questions raised by Councillors which were taken on notice at the 27 January 2022 Council Meeting.

**Background**

Following are the responses to questions raised by Councillors which the Mayor and/or General Manager did not answer and took on notice at the June 2021 Council Meeting.

<b>Question:</b>	The Mayor asked that the General Manager provides responses regarding the questions raised in the Public Forum Session held prior to the 27 January 2022 Council Meeting.
<b>Response:</b>	<p><u>Meeting Procedures</u></p> <ul style="list-style-type: none"> <li>• webcasts of Council Meetings have been reinstated on Council’s website.</li> <li>• Scheduled Council Meetings are advertised in the Barrier Truth and Business Papers uploaded to Council’s website the Monday morning prior to the meeting. Hard copies of Business Papers are available for viewing at the Charles Rasp Library and Council’s Administrative Building prior to the meeting.</li> <li>• Unscheduled Council Meetings are advertised in the Barrier Truth if time permits, and if this is not possible a notice is put on Council’s website under the “Public Notices” Section. If time permits, hard copies are available for viewing at the Library and Administrative Building prior to the meeting (otherwise they are available after the meeting).</li> </ul> <p><u>Disparity in allocation of lane space at the Broken Hill Regional Aquatic Centre to local swimming clubs</u></p> <ul style="list-style-type: none"> <li>• A meeting on Thursday 10 February 2022 between the Mayor, General Manager and YMCA management to discuss the lane allocation of the 50m pool at the Broken Hill Regional Aquatic Centre to the three local swimming clubs.</li> <li>• A meeting was held on Friday 11 February 2022 with a representative of the Silver City Swim Club to advise the outcome of meeting with YMCA.</li> </ul>

	<ul style="list-style-type: none"> <li>At the time of writing this report, a final outcome with the YMCA is still pending.</li> </ul> <p><u>Decommissioning of Imperial Lake dam wall and the impact on Willa Willyong Creek including private property located along the creek.</u></p> <ul style="list-style-type: none"> <li>A Council Officer accompanied by Mrs Robinson have conducted a site visit of the Willa Willyong Creek to fully understand the concerns raised regarding the impact of the decommissioning of the Imperial Lake wall and the flow of the creek. There are multiple issues that may impact the flow of the creek which are complex and investigations are underway into the matter.</li> </ul>
<p><b>Question:</b></p>	<p><u>Public Art Panel Members</u>  <i>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.</i></p>
<p><b>Response:</b></p>	<p>Item 6.1 of the Public Art Policy states,          'The panel will include the following skills and experience of Council staff; with the support of two independent panel members:</p> <ul style="list-style-type: none"> <li>Art/Culture i.e., Art Gallery &amp; Museum Manager</li> <li>Technical i.e., Building inspector/civic works/landscape architect</li> <li>Planning i.e., Development Assessment Planner</li> </ul> <p>Two independent panel members will be co-opted from Council's Broken Hill Regional Art Gallery Advisory Committee. One of these two members will be the Chair of the Broken Hill Regional Art Gallery Advisory Committee.'</p>
<p><b>Question:</b></p>	<p><i>The Mayor requested an update from the General Manager regarding investigations into programs to combat fruit fly in Broken Hill.</i></p> <p><i>The General Manager gave a verbal update and will provide details to the next Council Meeting.</i></p>
<p><b>Response:</b></p>	<p>Discussions have been held with representative of the Department of Primary Industry.          In summary, there response below provides:</p> <ul style="list-style-type: none"> <li>Broken Hill is no longer a part of the Sunraysia Fruit Fly zone.</li> <li>There are a number of options available to control fruit fly on a local basis, however this falls to the community.</li> <li><i>"Queensland fruit fly are endemic to NSW which means the pest is in mass numbers and no one agency/government/council has an obligation to undertake a control campaign. Could liken it to the cockroach- a pest but in different regions they are more of pest than</i></li> </ul>




others and no one organisation works on them on a community scale.”

- “There is another exotic species DPI are on the look out for in NSW. The Mediterranean Fruit Fly is present in other states but not NSW. Local Land Services has been carrying out regular surveillance for this species for some time to monitor if it has a presence here in Broken Hill. No such variety has been found. In December 2021, quite a few Broken Hill residents provided samples of infected fruit and we sent that off to the DPI labs in Orange. Again, no presence of Mediterranean fruit fly was discovered, it was all Queensland Fruit Fly.”

**Responsibilities of Fruit Fly Management:**

**Table 1.** Representation of roles and responsibilities for the management of fruit flies in NSW.

**Key to colours**

-  Means this group has primary responsibility
-  Means a shared responsibility
-  Means no responsibility

Role or Activity	Responsibility			
	Occupier (rural /urban)	Community or local council	State government	Federal government
1. On-farm biosecurity	Dark Green	Light Green	Light Green	Light Green
2. On-farm pest control	Dark Green	Light Green	Light Green	Light Green
3. Backyard management	Dark Green	Light Green	Light Green	Light Green
4. Community fly management	Dark Green	Dark Green	Light Green	Light Green
5. Production of commercial fruit	Dark Green	Light Green	Light Green	Light Green
6. Legislation	Light Green	Light Green	Dark Green	Light Green
7. Stakeholder awareness	Light Green	Light Green	Light Green	Light Green
8. Trapping of exotic flies	Dark Green	Light Green	Dark Green Greater Sunraysia (NSW Portion) Pest Free Area and Riverina production areas	Light Green
9. Diagnostics	Dark Green	Light Green	Dark Green Greater Sunraysia (NSW Portion) Pest Free Area and Riverina production areas	Light Green
10. Domestic market access	Light Green	Light Green	Dark Green	Light Green
11. Export market access	Light Green	Light Green	Light Green	Dark Green
12. Management training	Dark Green	Light Green	Light Green	Light Green

As you can see from the above, because of Broken Hill’s exclusion from the Sunraysia’s Fruit Free Area, the primary responsibility lies with the Council and Community, however at the same time is not obliged to fulfil this responsibility.

Further information provided by the Department of Industry is attached to this report.

A meeting has been arranged Landcare, to see if there is a joint approach between Council and Landcare that may be practical and feasible on a community scale. In addition, Council will investigate a joint advocacy

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	approach to have Broken Hill/Menindee reinstated into the Sunraysia area with support from Central Darling Shire being sought.
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**Recommendation**

1. That Questions On Notice No. 1/22 dated February 3, 2022, be received.

**Attachments**

1. [↓](#) Department of Trade and Investment Policy - Management of Fruit Fly in NSW
2. [↓](#) Fruity Fly calendar
3. [↓](#) Seasonal calendar
4. [↓](#) Queensland Fruit Fly and the home gardener
5. [↓](#) Backyard jobs for summer
6. [↓](#) Backyard jobs for autumn
7. [↓](#) Backyard jobs for winter
8. [↓](#) Backyard jobs for spring
9. [↓](#) Make your own traps
10. [↓](#) Refilling your Biotrap
11. [↓](#) Fruit Fly exclusion netting

JAY NANKIVELL  
GENERAL MANAGER



REF INT13/63571



Policy

## Management of fruit flies in New South Wales

NUMBER	TI-O-150	VERSION	1
AUTHORISED BY	Executive Director, Biosecurity NSW	AUTHORISED DATE	22/08/2014
ISSUED BY	Plant Biosecurity & Product Integrity	EFFECTIVE DATE	22/08/2014

### Policy Statement

Queensland fruit flies (QFF) pose a biosecurity threat to fruit production in New South Wales (NSW). The management of this pest and the related market access is a shared responsibility between growers, packers, local councils, industry groups, state governments and the federal government. This policy outlines the roles and responsibilities for each group in NSW. Legislation and associated regulations change over time; the current legal instruments are presented at the rear of this document.

### Scope

This policy applies to growers, packers, local councils, industry groups, and governments in management of Queensland fruit flies in NSW so that its economic impact on production and market access is minimised.

### Requirements

1. This statement of policy identifies the roles and responsibilities of all stakeholders in the management of fruit flies in NSW as a shared responsibility.

### Procedures

- There are no procedures for this policy document.

### Roles and responsibilities

There is a range of roles in the management of Queensland fruit flies in NSW. These roles are briefly described below. The responsibility for those roles is defined and represented in Table 1 below.

#### 1. *Role:* On-farm biosecurity

The role includes pest management, signage on farm boundaries, distribution of farm biosecurity requirements for visitors and workers and interaction with neighbours. This role is the responsibility of the land occupiers or producers.

#### 2. *Role:* On-farm pest control

The role includes the choice of control techniques, selection of pesticides, treatment on-farm and possibly outside the perimeter (after consultation with appropriate land owners), funding all control measures and contact with neighbours. This role is the responsibility of land occupiers.

Information required to develop a pest management strategy may be sourced from state government or commercial organisations and is the responsibility of the land occupiers or producers.

#### 3. *Role:* Backyard fruit fly management

The role includes fruit fly management and tree husbandry in urban backyards and home orchards on rural blocks or associated with commercial orchards. This is effectively the same as "on-farm biosecurity" for non-commercial fruit production. This role also is the responsibility of the land occupier. Decisions on management arrangements may be based on information sourced from a range of organisations. However the sourcing and use of that information is the responsibility of the land occupiers or producers.

#### 4. *Role:* Community-based fruit fly management

Community groups may be formed to service the needs of urban and rural groups. These groups may be grower based or regionally based such as Local Land Services. These groups may provide

information or guidance to individual rural or urban land owners. This role is the primary responsibility of community groups, as is any obligation to follow guidance provided by a community group. Community guidance may be based on information sourced from any organisation including NSW Department of Primary Industries (NSW DPI). Sourcing that information is the responsibility of the community group.

5. **Role:** Production of commercially acceptable fruit

Fruit may be produced for a range of commercial outlets including juice fruit, local sale and interstate or export markets, collectively called market forces. While this choice may be influenced by the requirements of packers, interstate or export markets, the choice of market is the responsibility of fruit producers. The production of acceptable produce for any market is the responsibility of fruit producers and those marketing the produce. The management of on-farm biosecurity and on-farm pest control is the responsibility of the fruit producer.

6. **Role:** Legislation and policies where necessary

Legislation for a range of activities is the responsibility of state government. This legislation normally pertains to trade related matters, protecting the health status of host material grown in the State and the conditions required for product entering that market. Policies governing Queensland fruit fly management are the role of state government where QFF needs to be regulated, in consultation with stakeholders. Legislation should not be viewed as a management tool to force another individual or organisation to comply with community or producer priorities such as the removal of feral trees or the treatment of unmanaged urban fruit trees.

7. **Role:** Stakeholder awareness

It is the role of all stakeholders to create awareness of their needs and requirements. Considerable information on the biology and control of QFF is available from a wide range of government and commercial web sites.

- State government has a key role in creating regulatory awareness of the requirements for interstate trade.
- Community groups need to develop awareness mechanisms to inform their stakeholders of that community's needs.
- Growers need to create awareness mechanisms for visitors and farm workers of the biosecurity requirements for entry and conduct on the fruit production property.
- Urban gardens, botanic gardens and parks need to create awareness for visitors regarding what activities are permitted on these premises.

8. **Role:** Trapping of exotic fruit fly species

Many interstate and export markets require a demonstration that exotic fruit flies are absent from production areas supplying those markets. Setting the standards for surveillance (trap type, lure and trapping intensity) is the role of state and federal governments, based on phytosanitary requirements. The trapping and identification of trapped flies is the responsibility of the state government. However, processes could be identified to share this responsibility with affected stakeholders.

9. **Role:** Diagnostics

Diagnostics is the specific identification of trapped fruit flies. This is normally conducted in accredited laboratories and staff must be trained to standards required by the market being supplied. Diagnostics is a joint responsibility between producers, state government or third party providers, depending on the requirements of the market being supplied species in question. Coordination of diagnostics of suspect exotic species is the role of the Chief Plant Health Manager according to the Emergency Plant Pest Response Deed.

10. **Role:** Domestic market access

The choice of which market to access is the responsibility of the producer but may be influenced by packers or wholesalers. Producers may supply produce to unregulated markets such as juice factories. Producers may wish to supply produce to regulated domestic or interstate markets and the supply of produce to these markets is the responsibility of producers. Many of these domestic and interstate markets require certain conditions to be met (such as pest freedom) or treatments to be applied. The setting of these standards is largely the responsibility of state governments in consultation with all stakeholders including producers. State government provides regulatory and certification services necessary to facilitate market access.

11. *Role:* export market access

The permitted conditions to access overseas markets are determined by the importing country. These conditions are usually conveyed to Australia via federal agencies. The federal government is therefore responsible for negotiating the conditions for export market access and conveying this information to all stakeholders. These conditions should be conveyed to producers and producer organisations where there is no commercial in confidence concerns. Some growers have negotiated directly with certain markets and these conditions are rarely conveyed to any other stakeholders.

12. *Role:* Fruit fly management training

The training of producers and their staff is the responsibility of the producer. The service may be provided by community groups, state government or third party providers.

**Table 1.** Representation of roles and responsibilities for the management of fruit flies in NSW.

**Key to colours**

- Means this group has primary responsibility
- Means a shared responsibility
- Means no responsibility

Role or Activity	Responsibility			
	Occupier (rural /urban)	Community or local council	State government	Federal government
1. On-farm biosecurity				
2. On-farm pest control				
3. Backyard management				
4. Community fly management				
5. Production of commercial fruit				
6. Legislation				
7. Stakeholder awareness				
8. Trapping of exotic flies			Greater Sunraysia (NSW Portion) Pest Free Area and Riverina production areas	
9. Diagnostics			Greater Sunraysia (NSW Portion) Pest Free Area and Riverina production areas	
10. Domestic market access				
11. Export market access				
12. Management training				

#### Delegations

- Nil.

#### Legislation

- *Plant Diseases Act 1924* No. 38
- Plant Diseases (Fruit Fly Management Areas) Notification 2013 under the *Plant Diseases Act 1924* (INT13/59143, issued 30 July 2013)
- Order O-426 – Plant Diseases (Mediterranean Fruit Fly) Order 2012 under the *Plant Diseases Act 1924* (Issued 9 November 2012)
- Order O-442 – Plant Diseases (NSW Greater Sunraysia Pest Free Area and Fruit Fly Outbreak and Suspension Areas) Order 2014 under the *Plant Diseases Act 1924* (INT14/21181, issued 14 February 2014)
- O-439 PER01 – Permit authorising the entry of potted plants bearing Queensland fruit fly host fruit into the NSW PFA (OUT13/19178, issued 30 July 2013)
- O-434 PER01 – Permit authorising the entry of Queensland Fruit Fly host fruit harvested and loaded in a Queensland Fruit Fly Outbreak or Suspension Zone within the Greater Sunraysia Pest Free Area (NSW and Victorian portion) into New South Wales without certification (OUT12/333407, issued 20 December 2012)
- Proclamation P80 – Proclamation to declare Queensland Fruit Fly to be a pest for the purposes of the *Plant Diseases Act 1924* (issued 5 February 1999).

#### Related policies

- There are no related policies.

#### Other related documents

- Primefact Number 1186 – Queensland Fruit Fly (third edition) (PUB12/50, issued April 2012).
- Primefact Number 1187 – Queensland Fruit Fly and the home gardener (second edition) (PUB12/51, issued April 2012).
- Primefact Number 1188 – Queensland Fruit Fly: control strategies for the home gardener (second edition) (Issued April 2012).
- Primefact 752 – Managing Queensland Fruit Fly in citrus (second edition (INT12/31406), issued April 2012).
- QFF season calendar of backyard jobs.
- QFF backyard jobs for spring.
- QFF backyard jobs for summer.
- QFF backyard jobs for autumn.
- QFF backyard jobs for winter.

#### Definitions

- Occupier: is the person(s) who manages a particular property and is producing fruit on land they own or lease/rent from third parties. This definition applies to urban and rural occupiers. This also covers producers of commercial and non-commercial fruit.
- Riverina production area: means the portion of New South Wales described in section 4(a) to 4(f) of the Plant Disease (Fruit Fly Management Areas) Notification 2013 under the *Plant Diseases Act 1924*.
- Greater Sunraysia Pest Free Area (PFA): means the portion of New South Wales described in Schedule 1 – Greater Sunraysia (NSW Portion) Pest Free Area of Order O-439 Plant Diseases (NSW Greater Sunraysia Pest Free Area and Fruit Fly Outbreak and Suspension Areas) Order 2013 under the *Plant Diseases Act 1924*.
- Non production towns – means any town not included in the Riverina production area or the Greater Sunraysia Pest Free Area.

#### Superseded documents

- There are no superseded documents.

**Revision history**

Version	Date issued	Notes	By
1	22/08/2014	New Policy setting out the overall management of fruit flies in New South Wales.	Leader, Regional Pest Management

**Review date**

01/09/2017

**Contact**

Plant Biosecurity & Product Integrity – 02 6391 3703



Department of  
Primary Industries



## QUEENSLAND FRUIT FLY

# Season calendar of BACKYARD JOBS

### SPRING

September

- Remove QFF host plants if you are not going to control QFF in your garden
- Design your vegetable garden layout and cropping cycles so that QFF populations don't build up
- Set up traps to monitor for QFF and check traps weekly

October

- Pick and dispose of any excess ripe citrus especially grapefruit and late season oranges
- Pick up and dispose of any fallen loquats
- Spray high risk fruit if appropriate and always follow label instructions

November

*Remember!* In SPRING high risk fruits are late season citrus such as grapefruit and early ripening hosts such as loquats.

### SUMMER

December

- Net your vegetable garden or bag individual fruit
- Pick up fallen fruit everyday
- Check tomatoes for sting marks
- Heat treat fallen and infested fruit and vegetables to kill QFF maggots

January

- Trap and monitor QFF population levels weekly
- Spray high risk fruit if appropriate and always follow label instructions

February

*Remember!* In SUMMER high risk fruits are stonefruit such as cherries, apricots, peaches, nectarines and plums. High risk vegetables are tomatoes, capsicums and chillies.

### AUTUMN

March

- Pick up any fallen fruit to break the QFF lifecycle
- Heat treat fallen and infested fruit to kill QFF maggots

April

- Continue to monitor for QFF and check traps weekly
- Continue to spray high risk fruit if appropriate and always follow label instructions

May

*Remember!* In AUTUMN high risk fruits are pomefruit such as apples, pears and quinces, early citrus such as mandarins, also other fruit such as pomegranates and ornamental fruiting plants such as feijoa (pineapple guava).

### WINTER

June

- Prune fruit trees to a manageable height for ease of fruit picking and netting

July

- Replace unwanted QFF host trees with non-host plants
- Pick up fallen fruit

August

*Remember!* In WINTER the risk of QFF fly is lower but winter fruits can provide a food source for overwintering fruit flies. These include apples, pears, quinces and pomegranates left hanging on trees and ripe winter citrus such as oranges, mandarins and grapefruit.

DPI QFF factsheets for the home gardener are available: [www.dpi.nsw.gov.au/industry/pests-weeds/insects/qff](http://www.dpi.nsw.gov.au/industry/pests-weeds/insects/qff)

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

# FRUIT FLY CONTROL IN YOUR GARDEN IS A YEAR-ROUND ACTIVITY

START YOUR MONITORING PROGRAM 6-8 WEEKS BEFORE RIPENING BY INSTALLING TRAPS;  
CONTINUE MONITORING UNTIL 2-3 WEEKS AFTER PICKING.



FRUIT	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL
Loquat	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●						
Apricot		●●●●	●●●●	●●●●	●●●●	●●●●	●●●●					
Valencia orange	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●				●●
Peach	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●			
Nectarine		●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●		
Plum				●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	
Apple - Pink Lady					●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●
Feijoa   Quince						●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●
Grapefruit - Ruby	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●	●●●●
Mandarin - Imperial	●●●●	●●●●	●●●●							●●●●	●●●●	●●●●
Navel - Leng	●●●●							●●●●	●●●●	●●●●	●●●●	●●●●

NOTE: Ripening periods will vary according to fruit variety, location and season.

### PRE-HARVEST

- Install monitoring traps & monitor weekly;
- If QFF are found in traps apply weekly bait sprays; or
- Install insect nets / paper bags (the earlier the better).

### RIPENING AND HARVEST

- Monitor traps and check fruit for sting marks;
- Continue weekly bait sprays;
- Repair holes in nets and keep the net off the fruit;
- Destroy fallen and infested fruit (plastic bag / slash / deep burial);
- Pick fruit as it ripens and don't let it over-ripen on the tree;
- Replace/recharge monitoring trap every 3 months.

### POST-HARVEST

- Continue weekly bait sprays for 2-3 weeks;
- Remove and repair nets and move to another tree;
- Strip pick all remaining fruit and destroy (plastic bag / slash / deep burial)

To find out more prevention strategies visit: [www.pestfreearea.com.au](http://www.pestfreearea.com.au)



# Queensland Fruit Fly (QFF) and the home gardener

Plant Biosecurity Orange

There are over 250 species of fruit fly in the family Tephritidae which occur in Australia but only about ten are pests.

The fruit fly most likely to affect home gardeners and commercial growers in New South Wales is Queensland fruit fly (QFF) (*Bactrocera tryoni*).



Figure 1 Queensland fruit fly adult (7 mm)

## Introduction

Queensland fruit fly (QFF) (Figure 1) is native to eastern Queensland and north-eastern New South Wales. The availability of suitable hosts and habitat in urban and horticultural production areas in Queensland, New South Wales, Victoria and the Northern Territory has allowed QFF to expand its natural range.

## Why is QFF a problem?

QFF is a problem pest to home gardeners and fruit and vegetable growers. QFF attack and damage many fruit and vegetables.

Hosts include summer ripening fruit such as stone fruit, strawberries and apples and vegetables such as tomatoes and capsicums. Fruiting ornamentals such as flowering prunus and Manchurian pear and fruiting native plants such as lilly pilly are hosts.

If uncontrolled, fruit flies can damage up to 100% of some fruit crops.

## What damage does QFF cause?

Adult female fruit flies lay their eggs in the flesh of ripening and ripe fruit. Once the eggs hatch, the larvae (maggots) begin to feed inside the fruit causing it to ripen prematurely. The skin of the fruit might look intact or show sting marks but under the skin the flesh becomes soft, mushy and brown with wriggling white maggots present.

## What are your responsibilities?

Home gardeners and horticulture businesses benefit from a community approach to controlling QFF and restricting their spread.

If you grow fruit and vegetables in your home garden that QFF might attack, you are responsible for controlling the pest.

For information on QFF control strategies for the home gardener see Primefact 1188.

## How do fruit flies affect horticultural businesses?

Fruit fly outbreaks:

- Cost money through lost income and in treatment and management programs
- Exclude fresh produce from interstate and overseas markets
- Increase food prices
- May limit production and the availability of some foods.



## How do fruit flies affect you

Before starting your fruit fly control, spend some time thinking about fruit fly, your situation and your garden:

- Are you prepared to control fruit fly on an ongoing basis?
- Are you willing and physically able to undertake particular control methods?
- Do you live in an area prone to fruit fly attack and want to control the pest, or do you want to prevent fruit flies from gaining a foothold in your garden?
- What fruit and vegetables in your garden are prone to fruit fly attack?
- Do you prefer to use low impact methods rather than chemical methods?
- Do you grow large quantities of crops or small amounts?
- Can you tolerate some fruit fly damage to your fruit and vegetables?
- Do you need to grow plants that are fruit fly hosts or could you replace some with non-host plants?
- Do you own or rent your garden?

## What can you do?

Unfortunately there is no simple way to eliminate QFF. Instead, you will need to put in place a combination of methods to effectively control the pest. One important component in every control program is sanitation.

Sanitation means ensuring your garden hygiene practices such as picking up and destroying fallen fruit break the fruit fly life cycle and prevents fruit fly numbers increasing.

If you are unable or unwilling to control fruit fly, consider removing fruit and vegetable host plants and replacing them with alternative plants such as non-host vegetables and non-fruiting ornamentals.

## When do you start?

Plant your control strategy and implement it. Action must be taken at the beginning of the QFF season (spring) to prevent fruit fly damage.

Your control strategy has to be ongoing. Because infestation could occur at any time in spring, summer or autumn. The methods you use may change as the growing season progresses.

## Check your progress

Once you have chosen and implemented a fruit fly control strategy, evaluate its effectiveness over spring and summer and at the end of the growing season (autumn).

Consider the effectiveness of your strategy based on the following questions:

- Has there been a clear reduction in fruit fly numbers or crop damage?
- Did the control methods in your strategy suit your circumstances?

If you found that the strategy you used was not as effective as you would have liked, consider other changes you could make to better suit your situation.

## Further information

Advice for gardeners in Australia 'Fruit fly and the Home Garden' [www.preventfruitfly.com.au](http://www.preventfruitfly.com.au)

Tri-State Fruit Fly Program – Host Check List Queensland Fruit Fly [www.pestfreearea.com.au/host-list-of-banned-produce.html](http://www.pestfreearea.com.au/host-list-of-banned-produce.html)

Department of Primary Industries (2012) NSW Primefact 1186: Queensland Fruit Fly (QFF)

Department of Primary Industries (2012) NSW Primefact 1188: Queensland Fruit Fly (QFF): control strategies for the home gardener

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### Always read the label

Users of agricultural chemical products must always read the label and any Permit before using the product, and strictly comply with the directions on the label and conditions of any Permit. Users are not absolved from compliance with the directions on the label or the conditions of the Permit by reason of any statement made or not made in this publication.

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QUEENSLAND FRUIT FLY

# Backyard jobs for SUMMER



NOW IS THE TIME TO:

- **Net your vegetable garden or bag individual fruit**
- **Pick up fallen fruit every day**
- **Heat treat fallen and infested fruit to kill QFF maggots**
- **Spray if appropriate and always follow label instructions**
- **Trap and monitor QFF population levels weekly**

*Remember!* In SUMMER high risks fruits are stonefruit such as cherries, apricots, peaches, nectarines and plums. High risk vegetables are tomatoes, capsicums and chillies.

DPI QFF factsheets for the home gardener are available:  
[www.dpi.nsw.gov.au/agriculture/pests-weeds/insects/qff](http://www.dpi.nsw.gov.au/agriculture/pests-weeds/insects/qff)





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QUEENSLAND FRUIT FLY

Backyard  
jobs for

AUTUMN



NOW IS THE TIME TO:

- Pick up any fallen fruit to break the QFF lifecycle
- Heat treat fallen and infested fruit to kill QFF maggots
- Continue to monitor for QFF and check traps weekly
- Continue to spray if appropriate and always follow label instructions

*Remember!* In AUTUMN high risk fruits are pomefruit such as apples, pears and quinces, early citrus such as mandarins, also other fruit such as pomegranates and ornamental fruiting plants such as feijoa (pineapple guava).

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QUEENSLAND FRUIT FLY

# Backyard jobs for WINTER



NOW IS THE TIME TO:

- Prune fruit trees to a manageable height for ease of fruit picking and netting
- Replace unwanted QFF host trees with non-host plants

*Remember!* In WINTER the risk of QFF fly is lower but winter fruits can provide a food source for overwintering fruit flies. These include apples, pears, quinces and pomegranates left hanging on trees and ripe winter citrus such as oranges, mandarins and grapefruit.

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QUEENSLAND FRUIT FLY

# Backyard jobs for SPRING



NOW IS THE TIME TO:

- Remove QFF host plants if you are not going to control QFF in your garden
- Design your vegetable garden layout and cropping cycles so that QFF populations don't build up
- Set up traps to monitor for QFF and check weekly

*Remember!* In SPRING high risk fruits are late season citrus such as grapefruit and early ripening hosts such as loquats.

DPI QFF factsheets for the home gardener are available:  
[www.dpi.nsw.gov.au/agriculture/pests-weeds/insects/qff](http://www.dpi.nsw.gov.au/agriculture/pests-weeds/insects/qff)



# MAKE YOUR OWN QUEENSLAND FRUIT FLY TRAP



These homemade trap and bait recipes take just minutes to make with items you probably already have at home.

The liquid in home-made traps attracts flies into the trap and when the fly can't escape they drop into the liquid and drown.

The liquid will need replacing every 1-2 weeks, especially in hot weather, so it doesn't go off and attract ants. Place at least one trap per tree.

## Make the trap

- Start with a plastic bottle (soft drink or similar) with lid.
- Cut two - three holes in the bottle about the size of a 5 cent piece, 10cm from the top.
  - The holes need to be big enough for fruit flies to get in.
  - The reason it's not at the top is because if the fly doesn't drown in the bait, it will fly to the top of the bottle to try to escape.
- Add in the bait from one of the recipes over the page.
- Screw on the lid, then tie twine around the bottle's neck and hang from your trees.



## At a glance

- Home-made traps are an inexpensive way to try and control OFF in your garden.
- Traps can be made with items you may have around the house.
- Home-made traps are often less toxic than commercial traps. Many recipes don't contain any chemicals at all with others only having a small amount of cloudy ammonia.
- Use 1-2 traps in and around each tree and replace the baits at least every 1-2 weeks, or if they become full of flies, or the liquid evaporates too quickly.

## FURTHER INFORMATION

[www.pestfreearea.com.au](http://www.pestfreearea.com.au)

P: 03 5022 0327



#### Orange Juice bait

- One cup fruit juice (with pulp)
- One tablespoon of cloudy ammonia or wheelie bin cleaner (available from supermarkets and hardware stores)
- One drop of dish-washing detergent.



Refill the old traps in a well-ventilated space such as outside and on a solid surface. Credit: GS PFA

#### Yeast and juice brew

- One litre of long-life fruit juice
  - One litre of water
  - Two tablespoons of sugar
  - Two teaspoons of dry yeast
  - One drop of dish-washing detergent.
- (Courtesy Helen Rudd of Mildura)

#### Vegemite bait

- Mix up a solution of Vegemite and water - half a teaspoon of Vegemite and water
  - Add a drop of dish-washing detergent.
- (Courtesy Gardening Australia)

#### Vanilla essence bait

- One litre of water
- One teaspoon of vanilla essence
- Half a cup of brown sugar
- One teaspoon of dish-washing detergent
- Two tablespoons of cloudy ammonia (available from supermarkets and hardware stores)
- One drop of dish-washing detergent.

#### When to check your trap for fruit flies:

Check traps every week during spring, summer and autumn and then fortnightly during winter or if there is a couple of warm days (around 15°C).

#### Getting the best result from your traps:

- Make it a habit to refill your traps every 1-2 weeks.
- OFF are still active in Winter so don't forget to keep an eye on your traps over winter and refresh as needed.
- Avoid hanging traps in the sun as they will quickly become hot-houses that repel flies.
- Homemade recipes and traps are effective at drowning flies in the same liquid that attracts them. Unfortunately they may also catch other insects as well as Queensland Fruit Fly.



Home-made trap Credit: GS PFA

# REFILLING YOUR BIOTRAP TO TACKLE QUEENSLAND FRUIT FLY

Credit: GSPFA

Yellow plastic BioTraps were provided to urban residents across the Greater Sunraysia region to help monitor and trap Queensland Fruit Flies (QFF) between 2016-2018. These traps can be easily refilled and re-used extending their life, saving you money as well as reducing waste.

## What you will need:

### Old BioTraps

Any BioTrap older than 3 months will no longer attract or kill flies and needs to be refilled (Image 1 and 2). Some old traps become brittle with age, so take care when refilling, to avoid splitting or cracking the plastic, as the flies may be able to escape before being killed.

### BioTrap Gel and Insecticide cubes.

You will need a bottle of gel and insecticide cubes. These can be purchased from numerous local supplier - a list of stockists is available at [www.pestfreearea.com.au](http://www.pestfreearea.com.au)



Image 1: The insecticide cube will kill the fly that enters the trap. Without the cube you will just be feeding flies. Credit: GSPFA

## At a glance

- If you have old yellow plastic BioTraps they can be re-used and refilled.
- Refilling traps every three months ensures they continue to attract and kill fruit flies all year round.
- Traps are only one tool to use in the fight against Queensland Fruit Fly and should be used in conjunction with other measures such as bait sprays, insect nets and good hygiene for best results.
- A short video is also available demonstrating how to refill your BioTraps. [www.pestfreearea.com.au](http://www.pestfreearea.com.au)

## FURTHER INFORMATION

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#### How to refill a BioTrap:

1. Open the trap by carefully easing the clear plastic lid off the yellow base.
2. Clean out the trap if possible. However, it is alright if the dried gel remains in the trap, this won't reduce its effectiveness. Old gel can be softened by soaking in water for 5 - 10 minutes.
3. Carefully pour 50-60mls of BioTrap attractant gel into the trap. The gel is mostly protein, combined with a food-grade gum and a very small amount of ammonium hydroxide to stop fungal growth. It has been formulated specially to attract hungry QFF.
4. Add 1 yellow insecticide cube to the trap. This step is important as the cube has the chemical that kills the fly. Without the cube you are just feeding flies.
5. Carefully re-attach the lid of the BioTrap and hang the trap in a shady tree.
6. Wash your hands thoroughly and store any unused gel or cubes in an airtight container, in a cool, dry place, that is well-ventilated and out of the reach of children and pets.



Image 2: Refill the old traps in a well-ventilated space such as outside and on a solid surface. Credit: GS PFA

#### Where to hang your trap:

The traps should be hung in trees where the flies are most likely to be. This increases the chances of the fly entering the trap. Traps should be hung:

- inside the canopy of a shady tree. The tree doesn't have to be a fruit tree;
- on the side of the tree that gets the morning sun and afternoon shade - eastern side. Traps in the shade will also last longer;
- at least 1.5m from the ground. This also keeps it out of reach of animals and small children.
- one trap every 15 metres is recommended for home gardens.

#### When to check your trap for fruit flies:

Check traps every week during spring, summer and autumn and then fortnightly during winter or if there is a couple of warm days (around 15°C).

#### Getting the best result from your traps:

- Make it a habit to refill your traps throughout the year so they are always working. The start of a new season could be a useful reminder.
- When checking your traps weekly, if you are catching blowflies it may mean the protein has gone off and needs to be changed.
- When refilling traps make sure there is no gel on the outside of the trap as this will prevent flies from entering the trap and being killed.
- The traps only attract flies from 10 to 15 metres so the best result will be achieved if they are hung near to where the flies are likely to be (see "where to hang your trap" below).
- Avoid hanging traps in the sun as they will quickly become hot-houses that repel flies.
- Homemade recipes and traps are effective at drowning flies in the same liquid that attracts them. The same recipes do not work as well with the yellow plastic BioTrap as the hole in the base limits the amount of liquid that can be used so it dries up too quickly to be effective.



# FRUIT FLY EXCLUSION NETTING

PROTECT YOUR FRUIT FROM QUEENSLAND FRUIT FLY BY  
COVERING YOUR TREES WITH INSECT NETS

Queensland Fruit Fly attacks a wide range of fruits and fruiting vegetables, leaving them inedible. Managing QFF in your garden can be very challenging. However, there are various strategies you can implement to protect home-grown produce from infestation.

This fact sheet outlines how to use insect nets to protect your produce from fruit fly. The use of a physical barrier can stop QFF from laying eggs in your fruit.

The first step to protecting your fruit starts in winter when it is important to prune trees to about 2 metres high and less than 2 metres wide, so nets can fit over them.



Tie net around the tree trunk. Rope or string may help to secure it to the tree.

## AT A GLANCE

- A physical barrier such as an insect net is a good way to protect your fruit from Queensland Fruit Fly.
- Insect nets can be purchased from local nursery or hardware suppliers or are available online. Ensure net is made from very fine mesh.
- Cover your trees with nets about 6-8 weeks before ripening.
- Fruit flies are only 5-8mm in size, so don't leave any gaps.
- When you have picked all your early ripening fruit you can pack the net away until next year, or transfer it to a tree with a later crop.

03 5022 0327

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Nets are available in a number of sizes, however, it's easier to use a larger net and take up any slack at the bottom than trying to stretch a smaller net over the tree. Buying a larger net also allows room for the tree to grow over summer.

Insect nets can be purchased from local nursery or hardware suppliers and are also available online. Ensure netting is very fine (not bird netting) and is UV stable.

Do not cover the tree before the fruit has set; you want to allow beneficial insects, such as bees, access to pollinate your fruit. When fruit is about 2cm in size, put the net over the tree.

**Keep a regular eye on your net to ensure it is still fully enclosed, the tree branches haven't created any holes, and there is no fruit touching the net.**

Tie the diagonally opposite corners of the net together around the trunk of the tree, a rope or string may help in securing it to the tree. Roll the open edges together and hold with a bulldog clip or peg. Fruit flies are only about 5mm in size, so don't leave any gaps for them to get through. Leave any extra netting loose at the bottom so that as the tree grows taller, you can re-adjust the netting.



**Fruit fly can lay eggs into green fruit, so don't leave it too late to cover your trees – generally 6–8 weeks before ripening.**

It is important to remove any fruit that is touching the net, as flies will sting fruit from outside the net.

Check fruit to see if it is ripe by opening the net, picking some of the crop and re-closing the net. When all the fruit is ripe, strip the tree and remove the net. Then you can pack the net away until next year, or transfer it to a tree with a later crop.



A long stick, broom or pvc conduit can help you get the net over the entire tree.



Lay nets on the ground to check for holes. They can be repaired with nylon thread.

## CONFIDENTIAL MATTERS

1. BROKEN HILL CITY COUNCIL REPORT NO. 54/22 - DATED FEBRUARY 15, 2022 - LEGAL EXPENDITURE - CIVIC CENTRE OMBUDSMAN'S REPORT - **CONFIDENTIAL**

**(General Manager's Note:** This report considers Ombudsman Costs & Recovery and is deemed confidential under Section 10A(2) (g) of the Local Government Act, 1993 which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

2. BROKEN HILL CITY COUNCIL REPORT NO. 57/22 - DATED FEBRUARY 18, 2022 - WRITE OFF BAD DEBT - 564-638 BARRIER HIGHWAY - **CONFIDENTIAL**

**(General Manager's Note:** This report considers the write off of bad debt and is deemed confidential under Section 10A(2) (b) (e) of the Local Government Act, 1993 which contains matters that will involve the discussion of the personal hardship of any resident or rate payer; AND which provides for information that would, if disclosed, prejudice the maintenance of law).

3. BROKEN HILL CITY COUNCIL REPORT NO. 58/22 - DATED FEBRUARY 18, 2022 - CIVIC CENTRE LEGAL ACTION UPDATE - **CONFIDENTIAL**

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