
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

Meeting commenced at 6:30pm.

MATTER OF URGENCY

RESOLUTION

Minute No. 46732 - Procedural Motion
Councillor R Algate moved)
Councillor R Page seconded)

Resolved

That Standing Orders cease in order for a 10
minute public forum session to be held.

CARRIED

FOR: Crs R Algate, M Boland, A Chandler, D Gallagher, J Hickey, H Jewitt, T Kennedy,
and R Page
AGAINST: Crs M Browne and D Turley

PUBLIC FORUM SESSION

Lack of Council support for a motion to the NSW Local Government Conference regarding a refugee settlement program in regional NSW

Ms Gigi Barbe referred to the first meeting of the newly elected Council and was disappointed that Council did not support her request for a motion to the Local Government Conference regarding support for a refugee settlement program for regional NSW (not just specifically Broken Hill) but to increase the economy and population of cities in regional NSW; although she is pleased to see that there is a proposed motion in this meeting's business paper regarding the housing affordability crisis, and would like to see a case put forward to regional government to seek the Australian government's partnership in resourcing the intake of humanitarian visa holders. Mining activity is on the rise in our region but will we have the workforce for the mining industry and in local businesses when the mines begin operations? Ms Barbe urged Council to be visionary and plan for the future.

Ms Barbe referred to the Mayor's comments at the previous Council Meeting that the Council needs more time to consider the motion and more time is needed to consult with the community as to whether they support a motion for a refugee settlement program for regional NSW; and hopes that we will soon have transparent community consultation regarding growing the City's economy and population through the intake of refugees into the City.

Waste Management Conference – Coffs Harbour

Ms Barbe referred to the cost to send delegates to the Waste Management Conference in Coffs Harbour and urged Council to consider only sending one delegate to the conference and registering other delegates to attend the conference via audio-visual link at a reduced cost.

Business Rates

Mr Nick Bobos requested that Council reviews land rates in the City and the possibility of expanding the Broken Hill Local Government boundary to include businesses that have purchased land just outside the boundary to avoid paying rates to Council and yet they use the City's resources to operate their business. Mr Bobos also suggested that vacant land should be rated differently and attract less rates than developed land.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

Debt Collection Process

Mr Bobos referred to Council's use of an external debt collection agency located in Sydney and the impact that this has on residents who are required to travel to Sydney to pursue a statement of claim regarding debt collection and requested that Council ceases using this firm and instead engages a local law firm for debt recovery.

Gateway Signage

Mr Bobos spoke in favour of replacing the gateway signs with new signs.

Willa Willyong Creek and the lowering of the Imperial Lake Dam Wall

Ms Lorraine Robertson referred to works being carried out by Essential Water to lower the dam wall at Imperial Lake and the impact of larger flows of water along Willa Willyong Creek once the works to lower the dam wall is complete. Ms Robertson asked whether there was any updates yet to investigations that Council is currently undertaking to mitigate flooding to properties, and that the Department of Land and Water have not been responding to State Member Roy Butler's enquiries made on her behalf.

The General Manager advised that Council has not yet received any responses to its enquiries with authorities, but will enquire again to seek a response and Council will work with Essential Water and the Department of Land and Water to get an outcome.

The Mayor also advised that Council should hopefully have success in receiving a response from the Department of Land and Water as Council is the local statutory authority.

Ms Robinson replied to a question from the Mayor, confirming that herself and other property owners on the Barrier Highway with affected properties along Willa Willyong Creek were not consulted by Essential Water regarding the lowering of the Imperial Lake Dam Wall and what affect this may have on their properties. Ms Robinson also referred to a site visit undertaken by Council staff to understanding the issues and that the creek is also affected by flood water that flows from South Broken Hill.

The Mayor advised Ms Robertson that she will be kept up-to-date with the progress of Council's investigations into the matter.

REQUESTS FROM COUNCILLORS FOR ATTENDANCE VIA AUDIO VISUAL LINK: Nil.

PRESENT:

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

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

Media (3), Members of the Public (28).

APOLOGIES:

Nil.

PRAYER

Councillor Boland delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 46733

Councillor R Algate moved)
Deputy Mayor Hickey seconded)

Resolved

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held January 27, 2022 be confirmed.

That the Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held February 02, 2022 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil.

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 2/22 - DATED FEBRUARY 22, 2022 - PROPOSED MOTION TO THE AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION AND LOCAL GOVERNMENT NSW REGARDING AFFORDABLE HOUSING SOLUTIONS FOR REGIONAL COMMUNITIES D22/8959

RESOLUTION

Minute No. 46734

Mayor T Kennedy moved)
Councillor R Page seconded)

Resolved

1. That Mayoral Minute No. 2/22 dated February 22, 2022, be received.
2. That the following motion be submitted to the Australian Local Government Association - National General Assembly (held in Canberra 19-22 June 2022) by the deadline for motions being 25 March 2022, along with the supporting Council resolution; and submitted

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

for consideration as a possible late motion to Local Government NSW – Special Conference (held in Sydney 28 February – 2 March 2022) along with the supporting Council resolution. Please note that motions for the Special Conference closed on 30 January 2022, and that late motions may not be accepted.

- a) The motion being:
"That the National General Assembly/Local Government NSW calls on the Federal Government to create a regional tax incentive to equalise the current remote area Fringe Benefit Tax concessions from 50% to 100% to enable all employees residing in regional and remote communities across Australia access to the same allowances as their employers. The tax incentive will assist to drive regional relocation, to smooth out the volatility of housing prices with the aim to address the regional housing affordability crisis across Australia (especially in regional areas affected by the boom-bust cycle of mining industries)."

CARRIED UNANIMOUSLY

ITEM 2 - MAYORAL MINUTE NO. 3/22 - DATED FEBRUARY 23, 2022 - BROKEN HILL CBD REVITALISATION PROJECT - REVISED PROJECT SCOPE AND FUNDING SUBMISSION

D22/9268

RESOLUTION

Minute No. 46735

Mayor T Kennedy moved)
Councillor R Algate seconded)

Resolved

1. That Mayoral Minute No. 3/22 dated February 23, 2022, be received.
2. That Council submit a variation in funding to Federal & State Government for the funding achieved for the Library/Archive & Revitalisation Project as outline in the Mayoral Minute.
3. That Council note Council's contribution is to be made up of \$6m, that has already been allocated/spent in Council's Capital Budget this financial year in relation to the CBD Revitalisation Project.
4. That Council's overall capital expenditure in relation to the Library/Archive and CBD Revitalisation Project has reduced by \$6m in accordance with the Mayoral Minute of 12 January 2022.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 27/22 - DATED FEBRUARY 08, 2022 -
DISCLOSURE OF INTEREST RETURNS** D22/6879

RESOLUTION

Minute No. 46736

Councillor R Page moved)

Councillor D Gallagher seconded)

Resolved

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.

CARRIED UNANIMOUSLY

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 28/22 - DATED FEBRUARY 10, 2022 -
DELEGATIONS OF FUNCTIONS** D22/5780

RESOLUTION

Minute No. 46737

Councillor R Algate moved)

Councillor R Page seconded)

Resolved

1. That Broken Hill City Council Report No. 28/22 dated February 10, 2022, be received.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

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.

CARRIED UNANIMOUSLY

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 29/22 - DATED FEBRUARY 07, 2022 -
APPOINTMENT OF DELEGATES TO COMMITTEES - FEBRUARY 2022 TO SEPTEMBER 2022**

D22/6265

RESOLUTION

Minute No. 46738

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

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 below Schedule and that Councillors advise the General Manager's Office of their interest to fill positions that remain vacant.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

STANDING COMMITTEES

Works Mayor 5 x Councillors	Mayor Kennedy Councillor Boland (Chairperson) Councillor Algate Councillor Chandler Councillor Page
Health and Building Mayor 6 x Councillors	Mayor Kennedy Deputy Mayor Hickey (Chairperson) Councillor Chandler Councillor Jewitt Councillor Gallagher Councillor Turley
Policy and General Mayor 6 x Councillors	Mayor Kennedy Councillor Algate (Chairperson) Councillor Boland Councillor Browne Councillor Jewitt Deputy Mayor Hickey

COUNCIL S355 COMMITTEES

Committee Name	Delegates
Community Strategic Plan Round Table Mayor + 3 Chairpersons of Standing Committees	Mayor Kennedy Councillor Boland Deputy Mayor Hickey Councillor Algate
Alma Oval Community Committee At least 1 x Councillor	Councillor Boland
Broken Hill Heritage Committee 5 x Councillors	Councillor Browne Councillor Turley Councillor Boland 2 x vacant positions
Broken Hill Regional Art Gallery Advisory Committee 2 x Councillors	Councillor Turley Councillor Boland
BIU Band Hall Community Committee At least 1 x Councillor	Councillor Algate
Friends of the Flora and Fauna of the Barrier Ranges Community Committee At least 1 x Councillor	Councillor Browne
Memorial Oval Community Committee At least 1 x Councillor	Councillor Jewitt Councillor Gallagher

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

Norm Fox Sportsground Community Committee At least 1 x Councillor	Councillor Algate Councillor Turley
Picton Sportsground Community Committee At least 1 x Councillor	Councillor Gallagher
Riddiford Arboretum Community Committee At least 1 x Councillor	Councillor Browne

OTHER COMMITTEES

Committee Name	Delegates Required
Association of Mining Related Councils 1 x Councillor	Deputy Mayor Hickey
Australia Day Advisory Group 4 x Councillors	Councillor Browne Councillor Gallagher Councillor Boland Councillor Jewitt
Australian Floodplains Association Mayor + alternate	Mayor Kennedy Councillor Browne (alternate)
Australian Mining Cities and Centres Alliance Mayor + Deputy Mayor(alternate)	Mayor Kennedy Deputy Mayor Hickey (alternate)
Audit, Risk & Improvement Committee Mayor +Deputy Mayor + 2 x Councillors	Mayor Kennedy Deputy Mayor Hickey Councillor Algate Councillor Boland
Asset Naming Committee 5 x Councillors	Councillor Algate Councillor Jewitt Councillor Turley 2 x vacant positions Councillor Browne
Broken Hill Lead Reference Group 1 x Councillor	
Broken Hill Liquor Accord 1 x Councillor	Councillor Gallagher
Broken Hill Traffic Committee 1 x Councillor (observer only)	Councillor Browne (observer)
Broken Hill ClubGRANTS Committee 2 x Councillors	Councillor Gallagher Councillor Page
City Improvement Working Group Mayor + 2-3 Councillors	
Remove from list – No longer active	

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

Community Assistance Grants Panel	Mayor Kennedy Councillor Gallagher Councillor Boland
Mayor plus 2 x Councillors	
Companion Animals Management Working Group	Mayor Kennedy Deputy Mayor Hickey Councillor Gallagher
3 x Councillors	
Country Mayor's Association	Mayor Kennedy Deputy Mayor Hickey (alternate)
Mayor + Deputy Mayor (alternate)	
Disability Inclusion Action Plan Working Group	Councillor Jewitt Councillor Chandler
2 x Councillors	
EP O'Neill Memorial Precinct Project Steering Group	Mayor Kennedy Deputy Mayor Hickey Councillor Jewitt
Mayor, Deputy Mayor plus 1 x Councillor	
Essential Water Customer Council	
1 x Councillor	
Remove from list - No longer active	
Far West Joint Organisation	Mayor Kennedy Deputy Mayor Hickey
Mayor and Deputy Mayor	
General Manager's Performance Review Committee	Mayor Kennedy Deputy Mayor Hickey Councillor Boland Councillor Chandler Councillor Gallagher
Mayor, Deputy Mayor and 3x Councillors	
Library and Cultural Precinct Project Steering Group	Mayor Kennedy Deputy Mayor Hickey
Mayor and Deputy Mayor	
Menindee Lakes Stakeholder Group	Councillor Browne
1 x Councillor	
Murray Darling Association	Councillor Algate Councillor Browne
2 x Councillors	
Reconciliation Action Plan (RAP) Working Group	Councillor Browne Councillor Boland Councillor Turley
3 x Councillors	
Tidy Towns Working Group	Councillor Gallagher Councillor Browne
2 x Councillors	
Western Division Councils	Deputy Mayor Hickey Councillor Gallagher
2 x Councillors	
Western NSW Mining and Resource Development Taskforce	Mayor Kennedy
Mayor	

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

Volunteer Working Group
4 x Councillors

Councillor Browne
Councillor Jewitt
Councillor Chandler
1 x vacant position

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.

CARRIED UNANIMOUSLY

ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 30/22 - DATED FEBRUARY 11, 2022 - DRAFT COUNCILLOR SUPPORT POLICY FOR PUBLIC EXHIBITION D22/7400

RESOLUTION

Minute No. 46739

Councillor R Page moved)
Councillor M Browne seconded)

Resolved

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.

CARRIED UNANIMOUSLY

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 31/22 - DATED FEBRUARY 09, 2022 -
ALTERATION TO SCHEDULED STANDING COMMITTEE MEETING DATES FOR APRIL 2022 DUE
TO EASTER PUBLIC HOLIDAYS** D22/7103

RESOLUTION

Minute No. 46740

Councillor D Gallagher moved)
Councillor H Jewitt seconded)

Resolved

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.

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 32/22 - DATED FEBRUARY 08, 2022 -
OFFICE OF LOCAL GOVERNMENT CONSULTATION - COUNCILLOR MISCONDUCT
FRAMEWORK** D22/6850

RESOLUTION

Minute No. 46741

Councillor R Algate moved)
Councillor M Boland seconded)

Resolved

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.

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 33/22 - DATED FEBRUARY 08, 2022 - 2022
NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS** D22/6832

RESOLUTION

Minute No. 46742

Councillor R Page moved)
Councillor D Turley seconded)

Resolved

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.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

3. That Councillors advise the Mayor as soon as possible should they wish to present a further motion to the National General Assembly (motion deadline is March 25, 2022) in order for an Extraordinary Council Meeting to be held and Council's resolution submitted with any further motion.

CARRIED UNANIMOUSLY

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 34/22 - DATED FEBRUARY 08, 2022 - COUNCILLOR ATTENDANCE AT THE 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT TO BE HELD IN CANBERRA ON 19-22 JUNE 2022 D22/6812

RESOLUTION

Minute No. 46743

Deputy Mayor J Hickey moved)
Councillor R Page seconded)

Resolved

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, Councillor Chandler and the General Manager.
3. That Council's delegates travel by car to Canberra to reduce travel costs to Council.
3. That Council's delegates submit a completed Travel Form to the General Manager's Office by 18 March 2022.

CARRIED UNANIMOUSLY

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 35/22 - DATED FEBRUARY 09, 2022 - APPOINTMENT OF NEW MEMBERS TO THE WESTERN REGIONAL PLANNING PANELD22/7034

RESOLUTION

Minute No. 46744

Councillor M Boland moved)
Councillor D Turley seconded)

Resolved

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, Councillor Alan Chandler and

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

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.

CARRIED UNANIMOUSLY

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 36/22 - DATED FEBRUARY 10, 2022 -
COUNCILLOR ATTENDANCE AT THE WASTE MANAGEMENT CONFERENCE 2022** D22/7217

RESOLUTION

Minute No. 46745

Councillor R Algate moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 36/22 dated February 10, 2022, be received.
2. That Councillors advise the General Manager's Office of their interest in attending the Waste Management Conference 2022 via videoconference.

CARRIED UNANIMOUSLY

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 55/22 - DATED FEBRUARY 04, 2022 -
QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDED DECEMBER 2021** D22/5759

RESOLUTION

Minute No. 46746

Councillor M Boland moved)
Councillor H Jewitt seconded)

Resolved

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.
5. That Councillors be provided with an A3 hard copy of Council's budget review statement.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

CARRIED UNANIMOUSLY

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 37/22 - DATED JANUARY 27, 2022 - INVESTMENT STRATEGY AND PORTFOLIO REVIEW FOR 2021/2022 FINANCIAL YEAR TO DATE D22/3779

RESOLUTION

Minute No. 46747

Councillor R Algate moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 37/22 dated January 27, 2022, be received.

CARRIED UNANIMOUSLY

ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 38/22 - DATED FEBRUARY 03, 2022 - INVESTMENT REPORT FOR JANUARY 2022 D22/5577

RESOLUTION

Minute No. 46748

Councillor M Boland moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 38/22 dated February 3, 2022, be received.

CARRIED UNANIMOUSLY

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 39/22 - DATED NOVEMBER 05, 2021 - AUDIT, RISK AND IMPROVEMENT COMMITTEE - INDEPENDENT MEMBERS APPOINTMENT D21/48002

RESOLUTION

Minute No. 46749

Councillor D Gallagher moved)
Councillor R Algate seconded)

Resolved

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.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

6. That Council appoints (Mr Nunzio De Lisio) as an independent member on the Broken Hill City Council Audit, Risk and Improvement Committee.

CARRIED UNANIMOUSLY

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 40/22 - DATED JANUARY 19, 2022 -
ADOPTION OF DRAFT AGENCY INFORMATION GUIDE D22/2021

RESOLUTION

Minute No. 46750

Councillor M Browne moved)
Councillor H Jewitt seconded)

Resolved

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.

CARRIED UNANIMOUSLY

ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 41/22 - DATED JANUARY 27, 2022 -
BUSINESS AND INDUSTRY CONSULTATIVE MEETINGS D22/3862

RESOLUTION

Minute No. 46751

Deputy Mayor J Hickey moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 41/22 dated January 27, 2022, be received.
2. That Council supports Business Far West to deliver business services and education to Broken Hill and the Far West Region.
3. That Council continues discussions with Business Far West on the delivery of 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.

CARRIED UNANIMOUSLY

ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 56/22 - DATED JANUARY 28, 2022 -
TOURISM INDUSTRY AND VISITOR ECONOMY BODY D22/4166

RESOLUTION

Minute No. 46752

Deputy Mayor J Hickey moved)
Councillor R Page seconded)

Resolved

1. That Broken Hill City Council Report No. 56/22 dated January 28, 2022, be received.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

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 the tourism industry.
4. That Council notes the establishment of Business Far West and approves seed funding the extent of \$20,000 from the 2021/2022 Budget to be matched Dollar for Dollar by the Foundation Broken Hill to coordinate business industry advocacy training and development.
5. 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 activity report.
8. That the tourism marketing budget be sent to the appropriate Standing Committee for determination.
9. That the appropriate Standing Committee investigate a tourism management structure and possibly set up an organisation based on the same principles as the former Broken Hill Regional Tourism Association Section 355 Committee.

CARRIED UNANIMOUSLY

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 42/22 - DATED FEBRUARY 04, 2022 -
TERMS OF REFERENCE - PROJECT STEERING GROUP - PROJECT CONSULTATIVE GROUP**
D22/5731

RESOLUTION

Minute No. 46753

Councillor R Algate moved)
Councillor R Page seconded)

Resolved

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 with an amendment to allow the Chair to invite appropriate stakeholders as the need arises.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

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.

CARRIED UNANIMOUSLY

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 43/22 - DATED FEBRUARY 04, 2022 -
TERMS OF REFERENCE - GATEWAY SIGNAGE ADVISORY COMMITTEE AND COST OF
REPLACING GATEWAY SIGNAGE**

D22/5879

RESOLUTION

Minute No. 46754

Councillor R Algate moved)
Councillor R Page seconded)

Resolved

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 with an amendment to include membership of additional Councillors (Councillors to advise the Mayor's Office of their interest in being appointed to the Gateway Signage Advisory Committee).
4. That Council endorse the positions of Mayor, Deputy Mayor, Councillor Page and any additional Councillors 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, and that the committee consider placement of the current sign at an alternate location.

CARRIED

FOR: Crs R Algate, M Boland, A Chandler, D Gallagher, J Hickey, H Jewitt, T Kennedy,
and R Page
AGAINST: Crs M Browne and D Turley

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 44/22 - DATED FEBRUARY 04, 2022 -
PROGRESS UPDATE - REPORT DETAILING OPTIONS TO FACILITATE A TRUCK WASH AND
TRUCK STOP** D22/5903

RESOLUTION

Minute No. 46755

Councillor R Page moved)

Councillor D Gallagher seconded)

Resolved

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.

CARRIED UNANIMOUSLY

**ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 45/22 - DATED FEBRUARY 11, 2022 -
CONSULTATION - PROPOSED CREEDON STREET OPEN SPACE** D22/7432

RESOLUTION

Minute No. 46756

Councillor M Boland moved)

Councillor A Chandler seconded)

Resolved

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

CARRIED UNANIMOUSLY

**ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 46/22 - DATED FEBRUARY 11, 2022 -
COMMUNITY SECTOR INVOLVEMENT** D22/7464

Motion

Councillor D Gallagher moved)

Councillor A Chandler seconded)

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

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

identified community issues, community needs and attraction of resources to this City.

Amendment

Councillor R Algate moved)
Deputy Mayor J Hickey seconded)

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.
4. That the matter be referred to the appropriate Standing Committee for consideration.
5. That the Mayor be authorised to liaise with the appropriate community groups to address the homeless persons issue in the Central Business District.

CARRIED UNANIMOUSLY

The amendment becomes the motion.

Prior to the motion being put the mover of the motion included an addendum that Council forms a Senior Citizens Section 355 Committee and a Youth Section 355 Committee as per items 13 and 14 of the Mayoral Minute, resolved by Council at the 12 January 2022 Council Meeting (Minute No. 46690) which reads:

- “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.”*

RESOLUTION

Minute No. 46757

Councillor R Algate moved)
Deputy Mayor J Hickey seconded)

Resolved

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.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

4. That the matter be referred to the appropriate Standing Committee for consideration.
5. That the Mayor be authorised to liaise with the appropriate community groups to address the homeless persons issue in the Central Business District.
6. That draft Terms of Reference for the formation of a Senior Citizens Section 355 Committee and a Youth Section 355 Committee (as per Minute No. 46690 of 12 January 2022 Council Meeting) be presented to the appropriate Standing Committee Meeting.

CARRIED UNANIMOUSLY

ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 47/22 - DATED FEBRUARY 07, 2022 - CASH PAYMENTS AT COUNCIL FACILITIES D22/6258

RESOLUTION

Minute No. 46758

Councillor M Boland moved)
Deputy Mayor J Hickey seconded)

Resolved

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.

CARRIED UNANIMOUSLY

ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 48/22 - DATED FEBRUARY 02, 2022 - SECTION 355 COMMITTEE TERM REPORT 2016-2021 D22/5145

RESOLUTION

Minute No. 46759

Councillor R Page moved)
Councillor R Algate seconded)

Resolved

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.

CARRIED UNANIMOUSLY

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

**ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 49/22 - DATED FEBRUARY 04, 2022 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.421, HELD ON TUESDAY, 1
FEBRUARY 2022** D22/5893

RESOLUTION

Minute No. 46760

Councillor M Browne moved)
Deputy Mayor J Hickey seconded)

Resolved

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.

CARRIED UNANIMOUSLY

**ITEM 28 - BROKEN HILL CITY COUNCIL REPORT NO. 50/22 - DATED FEBRUARY 15, 2022 -
ACTION LIST REPORT** D22/7932

RESOLUTION

Minute No. 46761

Councillor D Gallagher moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 50/22 dated February 15, 2022, be received.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

**ITEM 29 - 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

Motion

Deputy Mayor J Hickey moved)
Councillor R Algate seconded)

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 City Art Gallery.'

Amendment

Councillor M Browne moved)
Councillor D Turley seconded)

1. That Broken Hill City Council Report No. 51/22 dated February 4, 2022, be received.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

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.

LOST

FOR: Crs M Browne and D Turley
AGAINST: Crs R Algate, M Boland, A Chandler, D Gallagher, J Hickey, H Jewitt, T Kennedy,
and R Page

The original motion was put.

RESOLUTION

Minute No. 46762

Deputy Mayor J Hickey moved)
Councillor R Algate seconded)

Resolved

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 City Art Gallery.'

CARRIED

FOR: Crs R Algate, M Boland, A Chandler, D Gallagher, J Hickey, H Jewitt, T Kennedy,
and R Page
AGAINST: Crs M Browne and D Turley

**ITEM 30 - 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

RESOLUTION

Minute No. 46763

Councillor R Algate moved)
Councillor M Boland seconded)

Resolved

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.

CARRIED UNANIMOUSLY

**ITEM 31 - 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

RESOLUTION

Minute No. 46764

Councillor D Gallagher moved)
Councillor M Browne seconded)

Resolved

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

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 32 - QUESTIONS ON NOTICE NO. 1/22 - DATED FEBRUARY 03, 2022 - QUESTIONS
TAKEN ON NOTICE AT THE 27 JANUARY 2022 COUNCIL MEETING** D22/5600

RESOLUTION

Minute No. 46765

Councillor R Algate moved)
Councillor R Page seconded)

Resolved

1. That Questions On Notice No. 1/22 dated February 3, 2022, be received.
2. That the General Manager contacts the appropriate water authority and the Dams Commissioner to ask why consultation wasn't held with affected property owners prior to works being carried out to lower the dam wall at Imperial Lake, and whether it is the usual practice not to hold such consultation?

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Nil.

RESOLUTION

Minute No. 46766 - Procedural Motion

Councillor R Page moved)
Councillor H Jewitt seconded)

Resolved

That the meeting move into closed session as per 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 8:18pm.

CONFIDENTIAL MATTERS

**ITEM 33 - BROKEN HILL CITY COUNCIL REPORT NO. 54/22 - DATED FEBRUARY 15, 2022 -
LEGAL EXPENDITURE - CIVIC CENTRE OMBUDSMAN'S REPORT - **CONFIDENTIAL**** D22/7933

(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).

RESOLUTION

Resolved

Minute No. 46767

Deputy Mayor J Hickey moved)
Councillor R Algate seconded)

1. That Broken Hill City Council Report No. 54/22 dated February 15, 2022, be received.
2. That the General Manager be invited to contact the Auditor General to investigate the legality of the expenditure to defend the Ombudsman's report in the absence of Council's approval to do so.

CARRIED UNANIMOUSLY

**ITEM 34 - BROKEN HILL CITY COUNCIL REPORT NO. 57/22 - DATED FEBRUARY 18, 2022 -
WRITE OFF BAD DEBT - 564-638 BARRIER HIGHWAY - **CONFIDENTIAL**** D22/8220

(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).

RESOLUTION

Resolved

Minute No. 46768

Councillor M Boland moved)
Councillor R Algate seconded)

1. That Broken Hill City Council Report No. 57/22 dated February 18, 2022, be received.
2. That Council approve the write off of \$61,302.29 in relation to the land at 564-638 Barrier Highway, in accordance with the below report, attached documents and subject to legal confirmation.
3. That Council authorise the General Manager to write off additional amounts to the value of \$5,000 dependent on final settlement and cost breakdowns in accordance with the debt structure below.
4. That Council authorise the General Manager to negotiate a suitable payment arrangement for the payment of all outstanding rates and charges as per the below report.
5. That Council retain its rights in recommencing action for the full recoverable

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

debt, subject to any payment defaults, until all outstanding rates and charges as listed below and accrued since have been settled.

6. That the General Manager provides regular email updates to Councillors regarding adherence to the payment plan.

CARRIED

FOR: Crs R Algate, M Boland, M Browne, A Chandler, D Gallagher, J Hickey, H Jewitt, T
Kennedy, and D Turley
AGAINST: Cr R Page

ITEM 35 - BROKEN HILL CITY COUNCIL REPORT NO. 58/22 - DATED FEBRUARY 18, 2022 - CIVIC CENTRE LEGAL ACTION UPDATE - CONFIDENTIAL D22/8233

(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).

RESOLUTION

Minute No. 46769

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 58/22 dated February 18, 2022, be received.
2. That Council approve the increase in budget as per the below report and attached cost schedule to see the case through to fruition as per the December Quarterly Budget Review Report.
3. That Council rejects the settlement offer made by AJ&C on the 10 February 2022, with regards to the advice received from Senior Counsel.
4. That Council note and endorse the proposed recommendations within the report to limit Council's legal and financial exposure and protect Council's interests.
5. That further reports and updates be provided to Council on the proposed recommendations as the hearing approaches.

CARRIED UNANIMOUSLY

RESOLUTION

Minute No. 46770 - Procedural Motion

Councillor D Gallagher moved)
Councillor M Browne seconded)

Resolved

That the meeting resume in open session.

CARRIED UNANIMOUSLY

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 23, 2022

Members of the public and media returned to the Council Chambers at 8:39pm.

At the Mayor's invitation, the General Manager read the resolutions made by Council during closed session.

Mayor's Response to Public Forum Submissions

Mayor Kennedy advised that in respect of the questions asked during the Public Forum Session:

- that, contrary to what one speaker mentioned, Council Officers do not have the right to enter residential properties to deal with fruit fly outbreaks in the City without a warrant or a court order.*
- reminded the public that 54% of the community voted the new Council into office on their mandate and one of the items was the replacement of the gateway signage. Another item was to improve community consultation and a local group has agreed to facilitate monthly community consultation meetings and bi-monthly business consultation meetings for Council to inform and consult with the community on matters affecting the City.*
- agreed that physical attendance at conferences/seminars is important but that Council will also consider the option for Councillors to attend conferences/seminars remotely to save on travel and accommodation costs.*
- agrees that there are businesses who have established just outside the Broken Hill Local Government Area who do not pay rates to Council, but are using the resources within the City and agreed that this matter needs to be investigated as businesses within the City are paying over their share of rates. Council is talking to new firms who are setting up outside of the City and they are giving a commitment to contribute in some way to the City even though they are not within the Local Government Area to pay rates.*
- understands the concerns regarding the rating of vacant houses and vacant land in the City and advised that this matter will be discussed during the review rates during the upcoming budget workshops.*

There being no further business the Mayor closed the meeting at 8:47pm.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 30 MARCH 2022.)

CHAIRPERSON