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MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 22, 2022

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Meeting commenced at 6:30pm

As Mayor Kennedy was requesting to attend the meeting via audio-visual link, the Mayor requested the Deputy Mayor to Chair the Extraordinary Meeting.

**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) **Mayor Tom Kennedy** – requests attendance via audio-visual link and has provided the reason: “COVID contact”
- 2) **Councillor Darriea Turley** – requests attendance via audio-visual link and has provided the reason: “previous appointment made before meeting date was set”.

**RESOLUTION**

Minute No. 46771 - Procedural Motion

Councillor R Page moved

Councillor R Algate seconded

**Resolved**

) That Mayor Kennedy and Councillor Turley  
) attend the meeting via audio-visual link.

CARRIED UNANIMOUSLY

**PRESENT:**

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

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

Media (nil), Members of the Public (nil)

**APOLOGIES:**

Nil

**LEAVE OF ABSENCE APPLICATIONS:** Councillor H. Jewitt requests a leave of absence due to work commitments.

**RESOLUTION**

Minute No. 46772 - Procedural Motion

Councillor R Page moved

Councillor D Turley seconded

**Resolved**

) That the application from Councillor Jewitt be  
) accepted and leave of absence granted.

CARRIED UNANIMOUSLY

### 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 one item, a confidential report regarding the Civic Centre Legal Matter.

### DISCLOSURE OF INTEREST

Nil.

#### RESOLUTION

Minute No. 46773 - Procedural Motion

Councillor R Algate moved )

Councillor AC Chandler seconded )

#### Resolved

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

CARRIED UNANIMOUSLY

*The livestream of the meeting ceased at 6:34pm.*

### CONFIDENTIAL MATTERS

ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 74/22 - DATED MARCH 22, 2022 - CIVIC CENTRE LEGAL ACTION UPDATE - CONFIDENTIAL D22/14354

**(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. 46774

Councillor R Algate moved )

Councillor MB Boland seconded )

#### Resolved

1. That Broken Hill City Council Report No. 74/22 dated March 22, 2022, be received.
2. That Council note the below report and further updates provided following the

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commencement of the hearing on Monday 21  
March 2022.

3. That Council makes a settlement offer to  
AJ&C as disclosed within the report and  
advised by 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 as required.

CARRIED UNANIMOUSLY

**RESOLUTION**

Minute No. 46775 - Procedural Motion

Councillor R Page moved )  
Councillor D Gallagher seconded )

**Resolved**

That the meeting resume in open session.

CARRIED UNANIMOUSLY

*The livestream of the meeting resumed at 6:49pm.*

*At the Deputy Mayor's invitation, the General Manager reported on the resolution of the item  
considered in closed session.*

There being no further business the Deputy Mayor closed the meeting at 6:51 p.m.

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

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CHAIRPERSON