



BUSINESS PAPER

Ordinary Meeting of Council

Council Chambers
27 July 2022

6.30pm

BROKEN HILL
CITY COUNCIL

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, 27 July 2022** commencing at **6:30pm** to consider the following business:

AGENDA	
1	Opening the Meeting
2	Apologies
3	Leave of Absence Applications
4	Prayer
5	Acknowledgement of Country
6	Acknowledgement of Broken Hill's Mining History
7	Public Forum Session
8	Minutes for Confirmation
9	Disclosure of Interest
10	Mayoral Minute(s)
11	Notice of Motion
12	Notices of Rescission
13	Reports from Delegates
14	Committee Reports a) Recommendations of Health and Building Committee meeting held Tuesday, 19 July 2022
15	Further Reports
16	Questions Taken on Notice from Previous Council Meeting
17	Questions for Next Meeting Arising from Items on this
18	Public Forum Session
19	Confidential Matters
20	Conclusion of the Meeting

STATEMENT OF ETHICAL OBLIGATIONS

All Councillors undertook an Oath or Affirmation at the beginning of their term of office and declared to undertake the duties of the office of Councillor in the best interests of the people of the Broken Hill Local Government Area and the City of Broken Hill; and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act to the best of their ability and judgment.

LIVE STREAMING OF COUNCIL MEETINGS

This Council meeting is being streamed live, recorded, and broadcast online via Facebook.

To those present in the gallery today, by attending or 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 or terminate the stream if comments or debate are considered defamatory or otherwise inappropriate for publishing.

Attendees are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.

JAY NANKIVELL
GENERAL MANAGER

MINUTES FOR CONFIRMATION

Minutes of the Ordinary Meeting of the Council meeting held Wednesday, June 29, 2022.

Meeting commenced at 6:30pm.

PRESENT:

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

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

Media (4), Members of the Public (6)

APOLOGIES:

Nil.

PRAYER

Councillor Boland delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

ACKNOWLEDGEMENT OF BROKEN HILL'S MINING HISTORY

Councillor Algate delivered the Acknowledgment of Broken Hill's Mining History.

PUBLIC FORUM

Eureka Shorty O'Neil Village

Ms Marg Pryor advised of rental increases at the Eureka Shorty O'Neil Village and the impact of these increases on residents of the Village. Ms Pryor asked if there was anything that Council could do to assist the residents?

The Mayor advised that Council would look into the matter and provide an update at the next Council Meeting.

Mayoral Minute No. 7/22 – Motion to the National General Assembly and the Local Government NSW Conference regarding climate change

Ms Gigi Barbe spoke about the Mayoral Minute advising that although she was in agreeance with the Mayoral Minute's intent she was concerned with the way the Mayoral Minute was presented, referring to poor grammar and phrasing and awkward expression and the lack of capitalisation of words. Ms Barbe also referred to statistics quoted in the Mayoral Minute and that the statistics lacked referencing to the sources of the information. Ms Barbe requested that the text of the Mayoral Minute be re-examined.

The Mayor responded that the Mayoral Minute was in-fact a motion put to the National General Assembly of Local Government that was held in June in Canberra and attended by over 300 Councils nationally. The motion was originally written and submitted to the Assembly by Sullivan Shire Council. There were no comments at the National General Assembly regarding the grammar, phrasing or expression of the motion when voted by the Assembly.

The Mayoral Minute is essentially exactly the same motion presented to the National General Assembly with the addition of some minor amendments for the climate change motion to be relevant to present to Broken Hill City Council for endorsement.

The statistics quoted in the Mayoral Minute regarding regional exports and the population of regional Australia have been sourced through the Australian Bureau of Statistics and can be verified via their website.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 46871

Councillor R Algate moved
Councillor A Chandler seconded

Resolved

) That the Minutes of the Ordinary Meeting of the
) Council of the City of Broken Hill held May 25,
2022 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Councillor Turley declared:

- a non-pecuniary conflict of interest in Mayoral Minute No. 7/22 which relates to a motion to the Local Government NSW Conference of which Councillor Turley is the President, and advised that she will leave the Council Chambers whilst the item is considered.

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 7/22 - DATED JUNE 27, 2022 - MOTION TO THE 2023 NATIONAL GENERAL ASSEMBLY AND THE 2022 LOCAL GOVERNMENT NSW CONFERENCE REGARDING CLIMATE CHANGE D22/33128

Councillor Turley declared a non-pecuniary conflict of interest in Item 1 and left the Council Chambers at 6:40pm.

RESOLUTION

Minute No. 46872

Mayor T Kennedy moved
Deputy Mayor J Hickey seconded

Resolved

-) 1. That Mayoral Minute No. 7/22 dated June 27,
) 2022, be received.
2. That Broken Hill City Council sends the following motion to the Australian Local Government Association to be voted on at the 2023 National General Assembly and to Local Government NSW to be voted on at the LGNSW Annual Conference in October 2022.
3. That the motion be sent to our local Federal Member Mark Coulton and the Minister for Climate Change Chris Bowen.
4. That the motion is as follows: That this National General Assembly/Local

Government NSW calls on the Australian Government to legislate that at least 50% of renewable energy is generated in the capital cities of Australia and at least 75% of that is produced in Sydney and Melbourne.

CARRIED

FOR: Mayor Tom Kennedy, Deputy Mayor Jim Hickey, Councillors Bob Algate, Michael Boland, Alan Chandler, Dave Gallagher, Hayley Jewitt and Ron Page
AGAINST: Councillor Marion Browne
ABSENT: Councillor Darriea Turley (declaration of interest)

Councillor Turley returned to the Council Chambers at 6:55pm and the Mayor advised that Council had resolved to adopt the Mayoral Minute.

NOTICES OF MOTION

Nil.

REPORTS FROM DELEGATES

Nil.

COMMITTEE REPORTS

Nil.

HEALTH AND BUILDING COMMITTEE

ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 134/22 - DATED MAY 19, 2022 - BROKEN HILL LEAD REFERENCE GROUP MINUTES OF MEETING 24 FEBRUARY 2022 D22/26259

RESOLUTION

Minute No. 46873

Deputy Mayor J Hickey moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 134/22 dated May 19, 2022, be received.
2. That Council writes to the appropriate Federal and State Ministers and the State and Local Members regarding Council's concerns that IPART's determination of the allowable water price increase may impact on the Broken Hill community's blood lead levels; as the price increase will make it unviable for many residents to maintain lawns, gardens and appropriate dust mitigation measures and Council's concerns that NSW Health is not doing enough for the community to reduce blood lead levels in children, when compared to other cities in Australia, and the funding they receive; and that Council's correspondence requests

ongoing permanent funding for lead prevention programs and blood lead level testing.

CARRIED UNANIMOUSLY

ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 135/22 - DATED MAY 31, 2022 - MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE MEETING HELD 16 NOVEMBER 2021

D22/28580

RESOLUTION

Resolved

Minute No. 46874

Councillor H Jewitt moved)

Councillor R Algate seconded)

1. That Broken Hill City Council Report No. 135/22 dated May 31, 2022, be received.
2. That the minutes of the BIU Band Hall Community Committee Meeting held 16 November 2021 be received.

CARRIED UNANIMOUSLY

ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 136/22 - DATED MAY 31, 2022 - MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD 12 APRIL 2022 AND 17 MAY 2022

D22/28602

RESOLUTION

Resolved

Minute No. 46875

Councillor A Chandler moved)

Councillor D Gallagher seconded)

1. That Broken Hill City Council Report No. 136/22 dated May 31, 2022, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meetings held 12 April 2022 and 17 May 2022 be received.

CARRIED UNANIMOUSLY

POLICY AND GENERAL COMMITTEE

ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 138/22 - DATED JUNE 02, 2022 - ANNUAL FEES - MAYOR AND COUNCILLORS

D22/29125

RESOLUTION

Resolved

Minute No. 46876

Deputy Mayor J Hickey moved)

Councillor M Boland seconded)

1. That Broken Hill City Council Report No. 138/22 dated June 2, 2022, be received.
2. That no increase be applied to the Councillor and Mayoral fees for 2022/2023, i.e. the Councillor and

Mayoral fees remain at the current
2021/2022 level for the 2022/2023
financial year.

3. That allocation of a fee for the Deputy Mayor when acting in the role as Mayor, being the daily fee based on the annual additional Mayoral fee; with the fee so payable deducted from the Mayor's fee, be reaffirmed.

CARRIED

FOR: Mayor Tom Kennedy, Deputy Mayor Jim Hickey, Councillors Bob Algate, Michael Boland, Alan Chandler, Dave Gallagher, Hayley Jewitt and Ron Page

AGAINST: Councillors Marion Browne and Darriea Turley

ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 139/22 - DATED JUNE 07, 2022 - OFFICE OF LOCAL GOVERNMENT CIRCULAR - COUNCILLOR SUPERANNUATION D22/30189

RESOLUTION

Resolved

Minute No. 46877

Deputy Mayor J Hickey moved)
Councillor D Gallagher seconded)

1. That Broken Hill City Council Report No. 139/22 dated June 7, 2022, be received.
2. That Council notes that as per Council Resolution Minute No. 46815, the Office of Local Government's proposal for the payment of superannuation contribution payments to Councillors was placed on public exhibition for a 28 day period concluding at midnight on 31 May 2022, during which time Council received nil submissions from the public. Council did however, receive 11 submissions after the closing date and these are attached to the report.
3. That Broken Hill City Council does not make superannuation contribution payments to the Mayor and Councillors.

CARRIED

FOR: Mayor Tom Kennedy, Deputy Mayor Jim Hickey, Councillors Bob Algate, Michael Boland, Alan Chandler, Dave Gallagher, Hayley Jewitt and Ron Page

AGAINST: Councillors Marion Browne and Darriea Turley

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 140/22 - DATED JUNE 02, 2022 -
ADOPTION OF THE COMMUNITY STRATEGIC PLAN - YOUR BROKEN HILL 2040** D22/21685

RESOLUTION

Minute No. 46878

Councillor M Boland moved
Councillor H Jewitt seconded

Resolved

1. That Broken Hill City Council Report No. 140/22 dated June 2, 2022, be received.
2. That Council notes that as per Minute Number 46816, the Draft Community Strategic Plan – Your Broken Hill 2040 was placed on public exhibition for a 28-day period concluding 31 May 2022 during which time Council received four written submissions from members of the public and recorded several matters raised during community engagement pop up sessions undertaken by Council staff during the exhibition period.
3. That Council endorses the amendments and inclusions made to the Draft Community Strategic Plan – “Your Broken Hill 2040”, identified from written submissions and public feedback received.
4. That the Draft Community Strategic Plan – “Your Broken Hill 2040” be adopted.
5. That the adopted Community Strategic Plan be placed on Council’s website.

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 141/22 - DATED JUNE 02, 2022 -
ADOPTION OF THE DISABILITY INCLUSION ACTION PLAN 2022-2026** D22/21721

RESOLUTION

Minute No. 46879

Councillor D Turley moved
Councillor R Algate seconded

Resolved

1. That Broken Hill City Council Report No. 141/22 dated June 2, 2022, be received.
2. That Council notes that as per Minute Number 46817, the Draft Disability Inclusion Action Plan 2022-2026 was placed on public exhibition for a 28-day period concluding 31 May 2022 during which time Council received nil submissions from members of the public.
3. That Council adopts the Draft Disability Inclusion Action Plan 2022-2026 as a Strategic Plan of Council.

CARRIED UNANIMOUSLY

ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 142/22 - DATED MAY 03, 2022 -
ADOPTION OF THE DRAFT DEBT RECOVERY POLICY D22/21771

RESOLUTION

Resolved

Minute No. 46880

Councillor M Boland moved)
Councillor H Jewitt seconded)

1. That Broken Hill City Council Report No. 142/22 dated May 3, 2022, be received.
2. That Council notes that as per Minute Number 46820, the Draft Debt Recovery Policy was placed on public exhibition for a 28 day period concluding 31 May 2022 during which time Council received nil submissions from members of the public.
3. That Council adopts the Draft Debt Recovery Policy as a Policy of Council which will render the 2017 Debt Recovery Policy obsolete.

CARRIED UNANIMOUSLY

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 143/22 - DATED JUNE 02, 2022 -
ADOPTION OF DRAFT EQUAL EMPLOYMENT OPPORTUNITY POLICY D22/22639

RESOLUTION

Resolved

Minute No. 46881

Councillor H Jewitt moved)
Councillor R Algate seconded)

1. That Broken Hill City Council Report No. 143/22 dated June 2, 2022, be received.
2. That Council adopts the Draft Equal Employment Opportunity Policy as a Policy of Council.
3. That Council notes that adoption of the Draft Equal Employment Opportunity Policy will render the 2009 Equal Employment Opportunity Policy obsolete.

CARRIED UNANIMOUSLY

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 144/22 - DATED JUNE 02, 2022 -
COMMUNITY ASSISTANCE GRANTS AWARDED FOR ROUND ONE OF 2022/2023 D22/29210

RESOLUTION

Resolved

Minute No. 46882

Councillor D Gallagher moved)
Councillor R Page seconded)

1. That Broken Hill City Council Report No. 144/22 dated June 2, 2022, be received.
2. That Council notes the Community Assistance Grants awarded for Round One of 2022/2023 which were recommended by the Panel on 31 May 2022 and approved by the General Manager on 2 June 2022 under delegation.

3. That Council notes the additional Community Assistance Grant recommended by the General Manager in addition to the Panel's recommendation to represent the full allocation of round one funds.
4. That a report be presented to the July Policy and General Committee Meeting regarding the process of the Community Assistance Grants Program.
5. That the condition placed on the grant awarded to Lee's International Taekwondo Australia Inc (to provide a COVID Safety Plan for use of the training equipment purchased with Council's grant), be removed.

CARRIED UNANIMOUSLY

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 145/22 - DATED JUNE 02, 2022 - INVESTMENT REPORT FOR MAY 2022 D22/29286

RESOLUTION

Minute No. 46883

Councillor M Boland moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 145/22 dated June 2, 2022, be received.

CARRIED UNANIMOUSLY

ITEM 13 - COUNCILLORS REPORT NO. /22 - DATED JUNE 16, 2022 - MATTER OF URGENCY RAISED AT THE JUNE POLICY AND GENERAL COMMITTEE MEETING - COUNCIL'S SUBMISSION TO THE NSW DEPARTMENT OF PLANNING AND ENVIRONMENT REGARDING THE DRAFT WESTERN REGIONAL WATER STRATEGY D22/31655

RESOLUTION

Minute No. 46884

Councillor M Browne moved)
Councillor R Algate seconded)

Resolved

1. That Councillors Report No. /22 dated June 16, 2022, be received.
2. That Council invites Central Darling Shire Council to forward a joint submission to the NSW Department of Planning and Environment regarding the Draft Western Regional Water Strategy objecting to the proposed critical dry condition trigger level of 195 GL for Menindee Lakes total storage capacity for implementing temporary water restrictions (once this trigger is reached there would be no releases beyond the minimum flow requirements from lakes Wetherell, Pamamaroo, Menindee, Cawndilla and Tandure).
3. That Council delegates authority to the Mayor, Councillor Browne and the General

Manager to formulate Council's submission and forward said submission to the Department of Planning and Environment by the closing date of 13 July 2022.

CARRIED UNANIMOUSLY

RESCISSION MOTIONS

Nil.

FURTHER REPORTS

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 146/22 - DATED JUNE 20, 2022 - COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE TO BE HELD IN THE HUNTER VALLEY 23 -25 OCTOBER 2022 D22/31965

RESOLUTION

Minute No. 46885

Councillor M Boland moved)

Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 146/22 dated June 20, 2022, be received.
2. That Deputy Mayor Hickey and Councillor Gallagher attend the Local Government NSW Annual Conference to be held in the Hunter Valley 23-25 October 2022 as Council's Voting Delegates.
3. That Council advises Local Government NSW by 5pm on Monday 10 October 2022 of its Voting Delegates to the Conference.
4. That Council notes that the following motion from the 30 March 2022 Council Meeting (Minute Number 46797) will be submitted once motions open on 4 July 2022 and determine any further motions to the Conference in-line with the criteria for motions.

“...That the motion be resubmitted as follows: That Local Government NSW calls on the Premier of NSW and the Minister for Local Government to ban Developers only from serving as Councillors.

That it is noted that BHCC supports the rights of all to represent Local Government if they meet the current Legislative requirements...”
5. That Council notes that as per the Policy and General Committee's meeting with representatives of Local Government NSW, the General Manager and CEO of Local Government NSW are liaising to formulate

additional motions and these motions will be presented to the July 2022 Policy and General Committee for recommendation to the July 2022 Council Meeting for adoption.

6. That motions along with the accompanying Council resolution be submitted once motions open on 4 July 2022 and prior to the closing date of 29 August 2022.

CARRIED UNANIMOUSLY

ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 147/22 - DATED JUNE 16, 2022 - CORRESPONDENCE REPORT - NSW GOVERNMENT'S BUDGET ANNOUNCEMENT OF \$5 BILLION TO ADDRESS AFFORDABLE CHILDCARE ACROSS NSW D22/31504

RESOLUTION

Minute No. 46886

Deputy Mayor J Hickey moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 147/22 dated June 16, 2022, be received.
2. That email correspondence dated 15 June 2022 from The Hon Mark Coulton MP advising of the NSW Government's budget allocation announcement of \$5 billion over 10 years to address affordable childcare across NSW through the Affordable and Accessible Childcare and Economic Participation Fund to be established in this year's budget, be received.
3. That Council notes that the correspondence states that the key intentions of the Affordable and Accessible Childcare and Economic Participation Fund is to establish new centres in cities/towns categorised as "childcare deserts" of which Broken Hill falls within this category.

CARRIED UNANIMOUSLY

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 148/22 - DATED JUNE 23, 2022 - DRAFT DELIVERY PROGRAM 2022-2026 INCORPORATING DRAFT OPERATIONAL PLAN 2022/2023, INCLUSIVE OF THE STATEMENT OF REVENUE POLICY AND DRAFT SCHEDULE OF FEES AND CHARGES 2022/2023 D22/29991

RESOLUTION

Minute No. 46887

Councillor R Algate moved)
Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 148/22 dated June 23, 2022, be received.
2. That Council notes that the Draft Delivery Program 2022-2026 incorporating the Draft Operational Plan 2022/2023, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2022/2023 was placed on public exhibition for 28 days closing at midnight on Wednesday 22 June 2022 (as per Minute No. 46851 and 46861) during which time Council received 2 written

submissions from the public as well as 8 pieces of feedback from the community at popup public engagement sessions held at the Library, Town Square and Patton Park.

3. That Council notes and approves the following further amendments to the Draft Delivery Program 2022-2026 incorporating the Draft Operational Plan 2022/2023, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2022/2023, as a result of the submissions received:
 - a) An ongoing landing fee waiver for charity 'Little Wings' who provide flights for children to attend medical appointments.
 - b) An ongoing landing fee waiver for charity 'Angel Flights' who provide flights for children to attend medical appointments as resolved at the Ordinary Council Meeting held 27 July 2011 (Minute Number 42936).
 - c) That Council approve the write off of \$18 including GST for a landing fee charged on 16/3/2022 for Little Wings.
4. That Council adopts the Draft Delivery Program 2022-2026 incorporating the Draft Operational Plan 2022/2023, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2022/2023.
5. That Council make and levy the following rates and charges under the Local Government Act 1993 for the 2021/2022 year:
 - i. A general residential rate under Sections 535 and 537 on all land categorised as residential and consisting of a 49.00% base rate of \$550.00 and a rate in the dollar on land value of 3.312683 cents;
 - ii. A rural-residential rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as rural-residential and consisting of a 49.00% base rate of \$528.00 and a rate in the dollar on land value of 0.488712 cents;
 - iii. A residential-1(a) rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as residential-1(a)

- and consisting of a 49.00% base rate of \$377.00 and a rate in the dollar on land value of 1.040669 cents;
- iv. A general business rate under Sections 535 and 537 on all land categorised as business and consisting of a 15.00% base rate of \$786 and a rate in the dollar on land value of 9.083144 cents;
 - v. A Business Industrial rate being a sub-category of the general business rate under Sections 535 and 537 on all land categorised as business industrial and consisting of a 15.00% base rate of \$1540 and a rate in the dollar on land value of 4.888147 cents;
 - vi. A mixed development business rate under Sections 535 and 537 on all land categorised as mixed development business and consisting of a 21.00% base rate of \$786 and a rate in the dollar on land value of 9.083144 cents;
 - vii. A mixed development residual rate under Sections 535 and 537 on all land categorised as mixed development residual and consisting of a 44.00% base rate of \$544.00 and a rate in the dollar on land value of 2.305963 cents;
 - viii. A general mine rate under Sections 535 and 537 on all land categorised as mining and consisting of a nil base rate and a rate in the dollar on land value of 11.278683 cents;
 - ix. A domestic waste management charge under Section 496 on each parcel of rateable residential land of \$53.00 per annum payable quarterly for domestic waste service available plus a user charge under Section 502 of \$301.00 per annum payable quarterly (one mobile garbage container only).
 - x. A commercial waste user charge under Section 502 of \$447.00 per annum payable quarterly (3 x MGB containers),
 - xi. A commercial waste user charge under Section 502 of \$411.00 per

- annum payable quarterly (1x600l bin only),
- xii. An additional MGB service user charge under Section 502 of \$159.00 per annum payable quarterly.
- xiii. That in accordance with Section 566(3) of the Local Government Act, 1993, Council adopts a 6% rate of interest charge payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023.
6. That Council approve the increase of Waste vouchers supplied to residents from 5 to 8, and the ability of ratepayers holding a valid pension or disability pension concession to apply for extra vouchers.
7. That Council notes that submissions received from Perilya Ltd and CBH Resources Ltd on 29 June 2022 were circulated to Councillors; and Council noted the General Manager's response to the matters raised in the submissions for Councillors consideration.

CARRIED UNANIMOUSLY

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 149/22 - DATED JUNE 23, 2022 -
ADOPTION OF THE DRAFT LONG TERM FINANCIAL PLAN 2023-2032**

D22/30311

RESOLUTION

Minute No. 46888

Councillor M Boland moved

Councillor D Gallagher seconded

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Resolved

1. That Broken Hill City Council Report No. 149/22 dated June 23, 2022, be received.
2. That Council notes that as per Minute Number 46852, the Draft Long Term Financial Plan 2023-2032 was placed on public exhibition for a 28 day period concluding 22 June 2022 during which time Council received nil submissions from members of the public.
3. That Council adopts the Balanced Scenario (as detailed in the report) to be incorporated into the Draft Long Term Financial Plan 2023-2032.
4. That Council adopts the Draft Long Term Financial Plan 2023-2032 Strategic Plan of Council.

CARRIED UNANIMOUSLY

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 150/22 - DATED JUNE 23, 2022 -
ADOPTION OF THE WORKFORCE MANAGEMENT STRATEGY 2022-2026**

D22/30371

RESOLUTION

Minute No. 46889

Councillor R Algate moved
Councillor H Jewitt seconded

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Resolved

1. That Broken Hill City Council Report No. 150/22 dated June 23, 2022, be received.
2. That Council notes that the Draft Workforce Management Strategy 2022-2026 was placed on public exhibition (as per Minute No. 46853) for a period of 28 days concluding 22 June 2022 during which time Council received nil submissions from the public.
3. That Council adopts the Draft Workforce Management Strategy 2022-2026 and a Strategic Plan of Council and notes that its adoption will render the previous Workforce Management Plan 2017 obsolete.

CARRIED UNANIMOUSLY

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 151/22 - DATED JUNE 22, 2022 - BROKEN
HILL LIBRARY AND ARCHIVES PROJECT DESIGN AMENDMENT - ADDITIONAL FEES**

D22/32340

RESOLUTION

Minute No. 46890

Deputy Mayor J Hickey moved
Councillor M Browne seconded

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Resolved

1. That Broken Hill City Council Report No. 151/22 dated June 22, 2022, be received.
2. That Council note the additional architectural fees for the redesign of the library in accordance with Council Resolution Minute No. 46735 dated February 22, 2022.
3. That Council approve a variation to Tender T18/4 to the value of \$327,150 (Ex GST) to complete the final architectural detailed designs and provide ongoing architectural services during the construction process
4. That Council endorse the revised designs of the Library/Archive and proceed to final designs and issue tender for construction.

CARRIED UNANIMOUSLY

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 152/22 - DATED JUNE 23, 2022 -
NOMINATIONS FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION
355 COMMUNITY COMMITTEES**

D22/29668

RESOLUTION

Minute No. 46891

Councillor R Algate moved
Councillor D Turley seconded

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Resolved

1. That Broken Hill City Council Report No. 152/22 dated June 23, 2022, be received.

2. That Council appoints Mr Neil Jeyasingam, Ms Julua Hamel and Ms Melanie Chynoweth as community representatives on the Ageing Well Advisory Committee.
3. That Council appoints Ms Robynne Sanderson as a community representative on the BIU Band Hall Community Committee.
4. That Council appoints Mr Andrew Gosling as a community representative on the Broken Hill City Art Gallery Advisory Group and notes that this Committee has reached full membership.
5. That Council appoints Ms Sharon Hocking, Mr Peter Beven as community representatives on the Broken Hill Community Strategic Plan Round Table Committee.
6. That Council appoints Mr Clifford Turley, Mr Gary Cook and Mr Andrew Gosling as community representatives on the Broken Hill Heritage Advisory Committee and notes that the Committee has reached full membership.
7. That Council notes the resignation of Ms Jo Crase from the Broken Hill Heritage Advisory Committee.
8. That Council appoints Mr Alan Titcombe as a community representative on the Memorial Oval Community Committee.
9. That Council appoints Mr Peter Johnston and Mr Colin Casey as community representatives on the Norm Fox Sporting Complex Community Committee.
10. That Council appoints Mr Noel Hannigan as a community representative on the Picton Oval Community Committee.
11. That Council appoints Ms Julie Matthews and Mr Paul Riccard as community representatives on the Riddiford Arboretum Community Committee.
12. That the community representatives be advised of their appointment and advice also be sent to the Councillor Delegates/Chairpersons of Committees.
13. That Council notes that the current round of advertising closed on 22 June 2022 and Council will continue to advertise on social media and in the Barrier Truth for

nominations for specific committees that have not yet achieved an adequate number of community representatives.

CARRIED UNANIMOUSLY

ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 153/22 - DATED JUNE 16, 2022 - MINUTES OF THE BROKEN HILL LEAD REFERENCE GROUP MEETING HELD 19 MAY 2022

D22/31599

RESOLUTION

Minute No. 46892

Councillor M Browne moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 153/22 dated June 16, 2022, be received.
2. That minutes of the Broken Hill Lead Reference Group Meeting held 19 May 2022 be endorsed.

CARRIED UNANIMOUSLY

ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 154/22 - DATED JUNE 23, 2022 - ACTION LIST REPORT

D22/30463

RESOLUTION

Minute No. 46893

Councillor D Gallagher moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 154/22 dated June 23, 2022, be received.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 23 - QUESTIONS ON NOTICE NO. 5/22 - DATED JUNE 03, 2022 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE MAY 2022 ORDINARY COUNCIL MEETING AND JUNE STANDING COMMITTEES

D22/29331

RESOLUTION

Minute No. 46894

Councillor R Algate moved)
Councillor M Browne seconded)

Resolved

1. That Questions On Notice No. 5/22 dated June 3, 2022, be received.

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

FROM ITEM 15 - Correspondence Report - NSW Government's budget announcement of \$5 billion to address affordable childcare across NSW

The General Manager took a question on notice from Councillor Turley regarding the progress of the Development Application that has been lodged with Council for the construction of a Childcare Centre in Broken Hill. The General Manager advised that he will circulate a response to Councillors via email.

Financial Support for the Silver City Show Committee

Councillor Page requested that a report be provided to Council regarding financial assistance to the Silver City Show Committee for the next two years.

The Mayor advised Councillor Page to liaise with the General Manager regarding the request.

PUBLIC FORUM SESSION

Nil.

CONFIDENTIAL MATTERS

**ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 137/22 - DATED MAY 30, 2022 -
LICENCE OF STURT PARK (CROWN RESERVE 1003026) - CONFIDENTIAL** D22/28203

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

RESOLUTION

Minute No. 46895

Councillor D Gallagher moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 137/22 dated May 30, 2022, be received.
2. That Broken Hill City Council issue a 12-month licence to Megan Cumming, for use of Reserve 1003026 (Sturt Park) with the purpose of 'sporting and organised recreational activities'.
3. That the annual rent be the minimum Crown Lands rental, currently \$535 per annum.
4. That the Mayor and General Manager be authorised to sign and execute any documents relating to the licence under the Common Seal of Council.

CARRIED

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

There being no further business the Mayor closed the meeting at 8:04 p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 27 JULY 2022.)

CHAIRPERSON

NOTICES OF MOTION

1. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 2/22 - DATED JULY 08, 2022 - BROKEN HILL CITY COUNCIL'S WITHDRAWAL FROM THE NSW LOCAL GOVERNMENT ASSOCIATION (D22/35718)..... 22

ORDINARY MEETING OF THE COUNCIL

July 8, 2022

ITEM 1

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 2/22

SUBJECT: BROKEN HILL CITY COUNCIL'S WITHDRAWAL FROM THE NSW
LOCAL GOVERNMENT ASSOCIATION D22/35718

Recommendation

1. That Motions of Which Notice has been Given No. 2/22 dated July 8, 2022, be received.
2. That Broken Hill City Council withdraws from the NSW Local Government Association.

Summary

Council had received a Notice of Motion from Councillor Chandler on 4 July 2022 regarding Broken Hill City Council's withdrawal from the NSW Local Government Association.

Councillor Chandler's Notice of Motion reads:

"After returning from the National Government Conference in Canberra with a 12 hour drive either way and saving BHCC approximately \$8,000 in airfares, I feel if BHCC withdraw from NSW Local Government Association which can cost BHCC up to \$45,000 just for 1 conference, we Broken Hill residents will be able to hire 1 new Council employee per year in ten years we can save 10 families from leaving town.

This is only my personal view."

Attachments

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

A CHANDLER
COUNCILLOR

ALAN CHANDLER

1/10 Mayor Tom Kennedy
C.M. Mr J. NANKIVILL

BROKEN HILL 2880

AFTER RETURNING FROM THE NATIONAL GOVERNMENT
CONFERENCE IN CANBERRA WITH A 12 HOUR
DRIVE EITHER WAY & SAVING BHCC APPROXIMATELY
\$8,000 IN AIR FAIRS, I FEEL IF BHCC
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BE ABLE TO HIRE 1 NEW COUNCIL EMPLOYEE PER YEAR
IN TEN YEARS WE CAN SAVE 10 FAMILYS FROM
LEAVING TOWN.

THIS IS ONLY MY PERSONAL VIEW

CLAR. ALAN CHANDLER

RECOMMENDATIONS OF THE HEALTH AND BUILDING COMMITTEE MEETING HELD TUESDAY, 19 JULY 2022

1. BROKEN HILL CITY COUNCIL REPORT NO. 165/22 - DATED JULY 07, 2022 - DEVELOPMENT APPLICATION 132/2021 - PROPOSED DEMOLITION OF EXISTING STRUCTURES ONSITE AND CONSTRUCTION OF NEW SERVICE STATION (D22/35531)..... 25

Recommendation

1. That Broken Hill City Council Report No. 165/22 dated July 7, 2022, be received.
2. That Development Application 132/2021 being the demolition of existing structures and construction of service station including service station sales building, canopy, vehicle auto wash, carparking and signage be approved, subject to conditions as contained in Attachment 1.

2. BROKEN HILL CITY COUNCIL REPORT NO. 166/22 - DATED JUNE 28, 2022 - MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETING HELD 21 JUNE 2022 (D22/33452)..... 54

Recommendation

1. That Broken Hill City Council Report No. 166/22 dated June 28, 2022, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held 21 June 2022 be received.
3. That Council's Living Desert Ranger, Mr Darrell Ford, be thanked for his tireless dedication and work at the Living Desert Flora and Fauna Sanctuary in maintaining and improving the Sanctuary to a high standard ensuring that it remains one of Broken Hill's major tourist attractions; and for the coordination of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meetings and associated working bees.
4. That the Friends of the Flora and Fauna of the Barrier Ranges Community Committee also be thanked for the many hours of volunteer work that Committee members undertake at various working bees to maintain and improve the Sanctuary for the benefit of tourists and locals alike, and for their attendance at Committee Meetings to provide recommendations to Council's management regarding the operations of the Sanctuary.

HEALTH AND BUILDING COMMITTEE

July 7, 2022

ITEM 1BROKEN HILL CITY COUNCIL REPORT NO. 165/22

SUBJECT: DEVELOPMENT APPLICATION 132/2021 - PROPOSED
DEMOLITION OF EXISTING STRUCTURES ONSITE AND
CONSTRUCTION OF NEW SERVICE STATION D22/35531

Recommendation

1. That Broken Hill City Council Report No. 165/22 dated July 7, 2022, be received.
2. That Development Application 132/2021 being the demolition of existing structures and construction of service station including service station sales building, canopy, vehicle auto wash, carparking and signage be approved, subject to conditions as contained in Attachment 1.

Executive Summary:

A Development Application (DA) has been received to develop land at 90-98 Patton Street, Broken Hill. The proposal involves demolition of existing structures on the subject site, and construction of a new service station.

Council is to determine the Development Application, by either resolving to approve the Application or refuse the Application. It is recommended that Council approve the Development Application, under the provisions of *Environmental Planning and Assessment Act 1979*.

Report:

The property known as 90-98 Patton Street, Broken Hill is zoned B4 Mixed Use under *Broken Hill Local Environmental Plan 2013* and is located on the corner of Patton and Bonanza Street, Broken Hill. The land being Lots 1, 2 and 1778 and 2 on DP357184, DP665655 and DP100403.

A Development Application (DA) 132/2021, has been received from PC Infrastructure Pty Ltd, to construct and use of land as a service station with signage, landscaping and other associated works. The service station is planned to be branded as an On The Run (OTR).

The development comprises:

- Demolition of all existing improvements on the land.
- Construction of two new access points for traffic to enter and exit the subject land from Bonanza Street (Silver City Highway).
- Construction of a new access point for traffic to enter and exit the subject land to Patton Street.
- Service station including:

- A control building of 250sq metre floor area including retail display, sales and storage areas and customer amenities and providing a drive-through facility with customer ordering, payment and pick-up windows.
- A fuel canopy for small-medium vehicles providing 6 fuelling positions and offering 3 grades of unleaded fuel, plus diesel, in each position.
- A drive-through vehicle auto wash facility including associated plant and equipment and 2 two-vehicle vacuum bays.
- A timber refuse enclosure.
- 8 car parking spaces for passenger vehicles, including 1 disabled car parking space.
- 2 parking spaces for vehicles towing trailers.
- 2 underground (70KL) fuel tanks with a total capacity of 140,000 litres.
- Signage.
- Site landscaping and boundary fencing.

The proposed development aims to facilitate the redevelopment of an existing dated service station (currently not operating) which will be expanded to include the two adjoining allotments to the north east (currently developed with a dwelling and storage yard).

A mix of materials and finishes will be provided to contribute to the articulation of buildings and to achieve a contemporary commercial appearance. Materials will include pre-cast concrete panel walls, fibre-cement sheet fascia and wall cladding, feature brickwork, Colorbond roofing and fencing and aluminium-framed shopfront glazing.

The sale of fuel and retail goods is proposed to occur on a 24-hour per day, 7 day per week basis.

An Environmental Noise assessment carried out recommended the automatic car wash facility on site operate under restricted hours.

The site will be attended by at least one staff member at all times. During peak trading hours, and depending on operational requirements, it is expected that up to 4 staff members will attend the site.

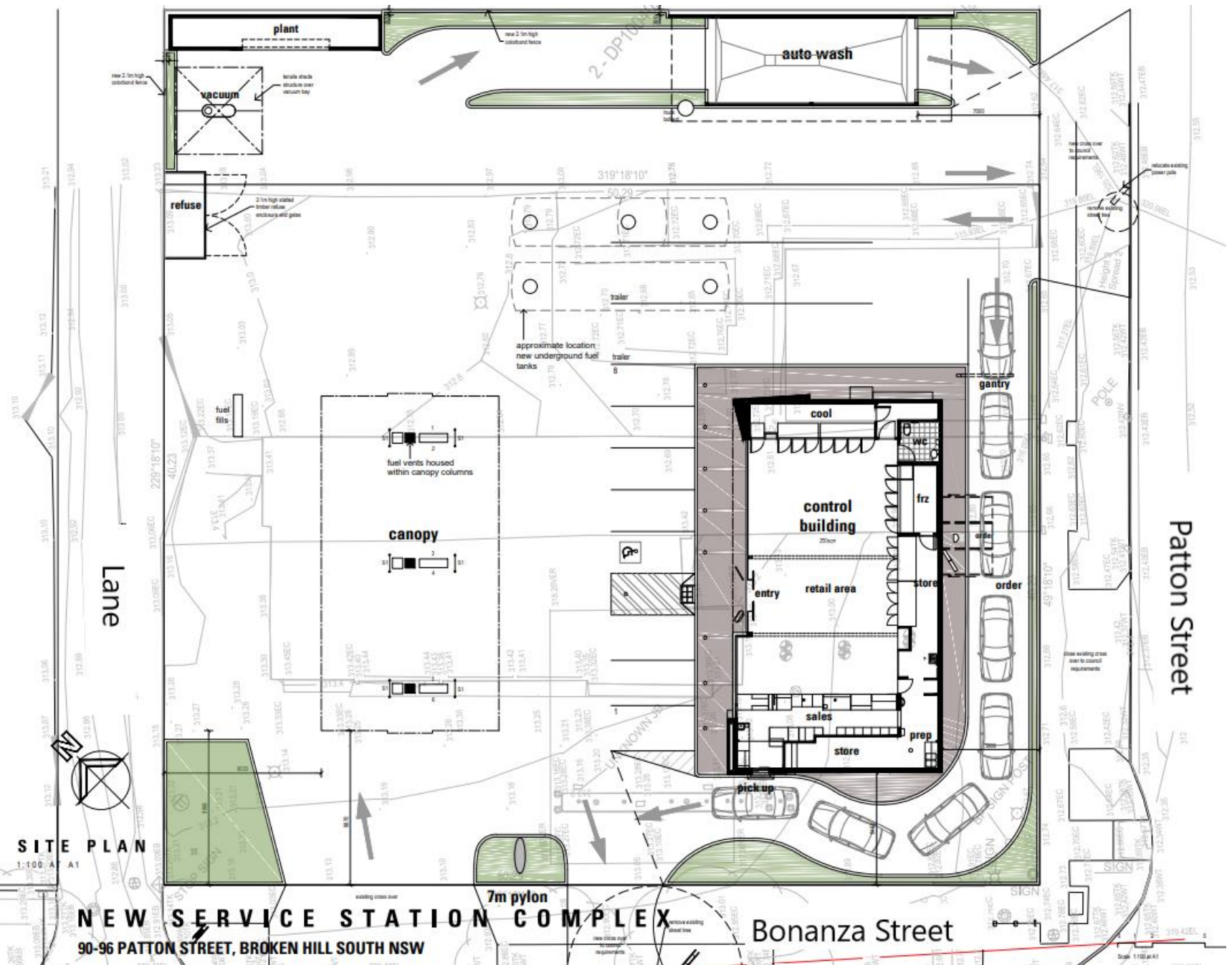
The retail product range which will be sold includes coffee, juice and other beverages, prepared foods such as sandwiches, pies, salads and wraps and other snacks, and convenience grocery items. There will be no co-branded Quick Service Restaurant within the control building.

SITE LOCATION:

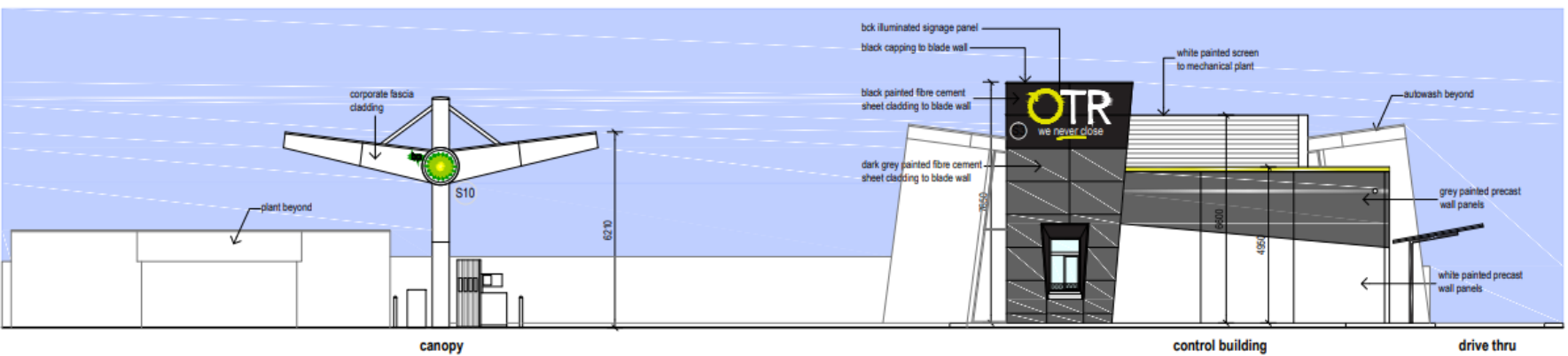


Source: NSW Planning Portal

SITE PLAN (PROPOSED DEVELOPMENT LAYOUT):
Source: ADS Architects

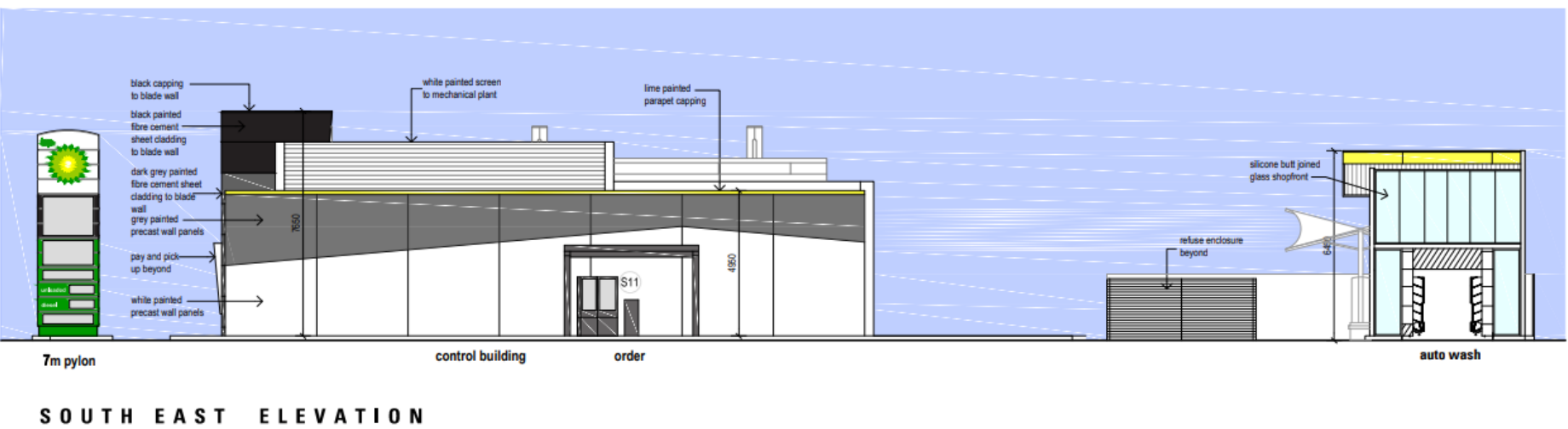


South-west elevation – looking from Bonanza Street.



SOUTH WEST ELEVATION 1:100 AT A1

South-east elevation – looking from Patton Street.



ASSESSMENT:

The application was lodged as a requirement of the *Environmental Planning and Assessment Act 1979* and is required to be evaluated using the relevant terms of section 4.15 of the Act.

CONSIDERATIONS UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:**Section 4.15(a)****(i) The provisions of any environmental planning instrument***Broken Hill Local Environmental Plan 2013 (LEP)**Aims of the Plan*

The aims of the LEP are:

- (a) to encourage sustainable economic growth and development in Broken Hill,
- (b) to encourage and provide opportunities for local employment growth, and the retention of the population, in Broken Hill,
- (c) to encourage the retention of mining and acknowledge that industry's heritage and regional significance,
- (d) to identify, protect, conserve and enhance Broken Hill's natural assets,
- (e) to identify and protect Broken Hill's built and nationally significant cultural heritage assets for future generations,
- (f) to provide for a range of housing types and living opportunities,
- (g) to allow for the equitable provision of services and facilities for the community,
- (h) to provide for future tourist and visitor accommodation in a sustainable manner that is compatible with, and will not compromise, the natural resource and heritage values of the surrounding area.

The aims or objectives of the plan are not compromised by the proposed development.

Zone Objectives

The subject site is zoned B4 Mixed Use.

The objectives of the zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

The proposal is consistent with the objectives of the zone.

A service station is permitted, with consent, within Zone B4 Mixed Use under the LEP.

Under the Dictionary within the LEP, the defined land use term "service station" means: "a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following –

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both."

The proposed use of land is therefore correctly defined and classified as a service station for the purposes of the LEP.

LEP

Clause 2.7 – Demolition. This clause notes that demolition of a building or work may be carried out only with development consent. The existing service station, dwelling and all other improvements on the subject land will be demolished to facilitate the proposed development.

Clause 5.9 – Tree preservation. There are no significant existing trees on site.

Clause 5.10 – Heritage. The subject land is within the Rainbow Avenue Heritage Conservation Area.

The proposed development seeks the demolition of an existing dated service station and dwelling that do not contribute to the character of the Rainbow Avenue Heritage Conservation Area.

Considering the existing condition and past use of the land, and also that the site is not specifically listed as a Heritage Item, a heritage management document was not required. The Heritage Area features a mix of residential and commercial uses, and does not have a specific architectural “style”.

Clause 6.2 - Essential Services

All necessary essential services are available within the area. Council is satisfied that the following services that are essential for the development are available or that adequate arrangements can be made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.

Far West Regional Plan

The Plan contains a series of directions intended to guide the design of land use planning priorities and decisions over the next 20 years.

Direction 12 within the Plan seeks to promote strategies intended to enhance the productivity of employment lands. In accordance with Action 12.6 of the Plan, the proposed development seeks to establish a service station within a business zoned area of Broken Hill.

The proposal is consistent with the Plan.

State Environmental Planning Policy (Resilience and Hazards) 2021 (formerly known as SEPP 33 up until March 2022)

This SEPP includes guidelines to ensure that potential safety and pollution impacts of relevant proposals are addressed at an early stage of the development approval process.

A SEPP 33 – Risk Screening Documentation report was prepared by Hazkem Pty Ltd and submitted with the Development Application.

All setback distances to the “sensitive use” boundary are achieved and the transport screen thresholds are complied with for the purposes of the SEPP. However, the proposed development is deemed “potentially hazardous” for the purposes of SEPP due to the setback distance not being achieved to an “other use” boundary.

Therefore, a Preliminary Hazard Analysis was undertaken. Through the application of SEPP 33 and the Preliminary Hazard Analysis being undertaken, with the assistance of plotting the frequency against consequence, the risk to society is negligible. The level one qualitative Risk Analysis referred to in applying SEPP 33 as a PHA is deemed sufficient for the proposal.

The Analysis undertaken by Hazkem Pty Ltd concluded that “there is nothing that leads to any conclusion other than the fact that this design is acceptable for this site”.

State Environmental Planning Policy (Resilience and Hazards) 2021
(formerly known as SEPP 55 up until March 2022).

This Policy provides that consent should not be issued for a development without consideration as to whether the land is contaminated and, if so, whether the land is or will be suitable in its contaminated state for the purpose for which the development is proposed.

The former use of much of this site was a service station, and the remainder as residential and storage use. The new use as a service station is considered appropriate when considering past uses and importantly the proposed use of the land. (The proposed use not being a more “sensitive” use).

State Environmental Planning Policy (Industry and Employment) 2021
(formerly known as SEPP 64 up until March 2022)

The applicant carried out an assessment of the proposed signage, and a review against the criteria set out in the SEPP. As a result, the signage as proposed, complies with this Policy.

Any illuminated signage will be designed to comply with the requirements of Australian Standard 4282:2019.

This includes light output from illuminated signage will be dimmed during 11:00pm to 6:00am, in accordance with the requirements of AS4282:2019 for this location.

The proposed advertising satisfies the aims and objectives of this Policy.

State Environmental Planning Policy (Transport and Infrastructure) 2021
(formerly known as SEPP Infrastructure up until March 2022)

Schedule 3 of this SEPP identifies developments that, due to their potential traffic generating nature, require referral to the Transport for NSW (TfNSW) as traffic generating developments.

As a service station with access to a classified road, this development required referral to Transport for NSW as a traffic-generating development, and any determination of the development application for the proposed development must take into consideration any submission by TfNSW.

TfNSW reviewed the application and supporting documentation submitted and granted its concurrence to the proposal subject to conditions being met. This will be discussed further in this report.

(a) (ii) Any proposed Instruments

Not Applicable.

(a) (iii) Any Development Control Plan (DCP)**Broken Hill Development Control Plan 2016**

Section 4.15 (3A) of the Act sets out that:

If a DCP contains provisions that:

- sets standards with respect to an aspect of the development and the DA complies with those standards—the consent authority is not to require more onerous standards with respect to that aspect of the development, and
- set standards with respect to an aspect of the development and the DA does not comply with those standards—the consent authority is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

The Environmental Law in NSW Handbook (2016) outlined that whilst DCPs must be considered as part of the assessment process, it should be noted that (unlike LEPs), DCPs are not legally binding, even though they might spell out planning guidelines and/or standards.

The applicant has provided detail in the Statement of Environmental Effects as to how the proposal complies satisfactorily with the relevant provisions of the DCP.

Chapter 3.1 – General provisions
Stormwater.

Stormwater management is proposed through installation of onsite underground detention tanks and pipes.

A detailed civil plan will be required to be submitted as part of a Construction certificate application.

Chapter 3.3 – Commercial Development

This section in the DCP provides guidance that new buildings facing Patton Street should not exceed one storey in height. The development complies with this provision.

Chapter 4 - Car parking

The car parking requirements for different development types are set out in the DCP. The DCP outlines a requirement for a service station of six (6) spaces.

This development proposes eight (8) spaces and therefore exceeds the requirements outlined in Council's DCP.

The National Construction Code (formerly the BCA) specifies a requirement of one accessible space per 50 parking spaces or part thereof. Based on this, the development is recommended to provide one accessible ("disabled") space.

The proposal incorporates one accessible space, thereby complying with the recommendations of the National Construction Code.

Chapter 5 – Outdoor advertising

The signage as proposed, complies with relevant provisions of the DCP and also relevant State Environmental Planning Policy.

(a) (iv) Any Matters Prescribed by the Regulations

Clause 94 - Consent authority may require buildings to be upgraded.

This Application does not relate to an upgrade of an existing building. The proposed new building will need to comply with the National Construction Code. That assessment is carried out as part of the Construction certification process (not required at this DA stage).

(a) (v) Any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*)

Not applicable.

Section 4.15(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

Social and Economic impact

The Act sets out the objectives of the legislation and these include the proper management of land for the purpose of promoting the social and economic welfare of the community, the orderly and economic use and development of land, and the protection of the environment.

Social –

The proposed development has the potential to have a positive social impact in that it is proposing to create a number of new jobs that will generate additional income into the community through both the construction and operational phases of the development.

Economic –

There have been cases before the Land and Environment Court on the issue of economic impact.

A review of a relevant case is outlined below:

Fabcot Ply Ltd v Hawkesbury Council (1997) A case where a Council had refused development consent for a Woolworths supermarket be located outside the town centre of Windsor. One of the issues was whether the proposed supermarket would have had an economic impact upon existing and planned retail supermarkets in the local government area.

Lloyd J found that the issue did not raise a planning or environmental consideration because the economic impact of a proposed development upon private individual traders was not of itself a planning consideration, and what was instead required was a wider and more general consideration of economic impact in the locality.

His Honour decided that the only relevance of the economic impact of a development was its effect "in the locality".

The courts conclusions have been reinforced by having regard to the objects of the EP&A Act which indicates that the phrase "economic impacts in the locality" is to be understood in an environmental and planning sense.

The economic impact of a proposed development upon private individual traders is not a proper environmental or planning consideration.

What Council must consider, is if the facilities enjoyed by the community would be put at jeopardy by the impacts of the development and the resulting detriment would not be made good by the development itself.

Fear of competition is not a valid planning consideration.

The developer noted in their DA submission, they believe the proposed development has the expected economic benefits:

- Additional choice and price competition.
- Encouragement of linked trips, thereby saving travel time and costs (for example, a single trip to purchase both fuel and convenience grocery items)
- Increased expenditure in businesses in Broken Hill from the expenditure of those employed in the construction and operation of the proposed development.

Access, Transport and Traffic

A Traffic Impact assessment report, prepared by Stantec Australia, was submitted as part of the DA.

The report outlined an assessment of the anticipated transport implications of the proposed development, including consideration of existing traffic and parking conditions surrounding the site; suitability of the proposed parking in terms of supply and layout; review of site layout; the traffic generating characteristics of the proposed development and the transport impact of the development proposal on the surrounding road network.

The report noted that the site layout provides adequate on-site car parking and queuing at the fuel dispensers. A provision of eight (8) car parking spaces is proposed including one accessible space and two trailer spaces. In accordance with Transport for NSW Guide to Traffic Generating Developments (the Guide) 2002, an exclusive area will be provided to allow for internal queuing of cars using the drive-thru facility. This will allow for up to eight vehicles from the pickup point.

Waste collection is designated along the western boundary adjacent to the service lane. Both loading and waste collection would occur outside of peak periods and would be infrequent.

The car parking requirements for different development types are set out in Council's DCP which outlines a requirement for service station of 6 spaces.

With this development proposing 8 spaces, it therefore exceeds the requirements outlined in the DCP.

Based on the analysis and assessment completed as part of the Traffic Assessment, the following conclusions were made in the report:

- The development proposed the provision of 8 parking spaces, exceeding the requirement of the DCP.
- The site has been reviewed against Australian Standard for Off-Street Car Parking (AS/NZS2890.1:2004 and AS/NZS2890.6:2009) and is expected to operate satisfactorily
- Fuel delivery, refuse and delivery vehicles can enter the site in a forward direction, load and unload, and then exit the site in a forward direction.
- The net increase in traffic generation at the site is expected to be in the order of 153 vehicle trips during any peak period however most of this is assumed to be passing trade and likely not 'new' trips. It is estimated that less than 10% per cent of trips are expected to be 'new' and therefore the actual traffic generation is likely to be around 15 vehicles.
- As such, the development is not expected to impact on the safety or efficiency of the surrounding road network.

The DA was required to be referred to Transport for NSW for their consideration and concurrence.

Initially TfNSW requested further information/clarification to be provided by the applicant.

This was in regard to size of fuel tankers proposed to deliver to site; egress into Bonanza Street, and also queuing spaces.

TfNSW required that the applicant consider the new egress point into Bonanza Street be designed as left out only, and be facilitated by the extension of the concrete median in Bonanza Street. The concrete median is to be extended past the proposed egress to restrict the right out turn.

The applicant agreed with this requirement.

TfNSW raised a concern that fuel deliveries will be via 36 metre long B-double trucks.

The applicant confirmed that the proposed fuel delivery vehicle will be no larger than a 26m B-double, not a 36m truck as suggested.

The applicant further advised that fuel deliveries will only occur 2 to 3 times per week and will occur outside of petrol station peak periods and would be expected to last no longer than about half an hour, so the impact to the operation of the service station will be minimal.

TfNSW noted that the proposed development has a queue capacity of two car spaces prior to the order point in the drive through lane. The RTA Guide to Traffic Generating Developments 2002 (GTTGD) requires a minimum of four car queuing spaces prior to the order point. An updated assessment reassessing drive through queue storage capacity prior to the order point was requested to be provided to TfNSW.

The applicant provided an updated response, as following:

"The guidance provided in the GTTGD is based on data collated at drive-thru facilities at mainstream fast food outlets. By contrast the proposed Drive-thru at OTR Broken Hill will be an OTR drive-thru catering for their product offering and typically attracts lower volumes of traffic than observed at mainstream drive-thrus".

A comparison was made to other OTR sites, where they engaged Stantec Australia to prepare a traffic analysis report for the vehicle dwell times at OTR Drive-thru sites. The traffic analysis included the completion of 24-hour queue length surveys at 4 sites located in metro areas around Adelaide.

The survey found that a maximum queue of 2 vehicles back from the order point occurred at one site for 1% of the survey period. The survey also found that a maximum queue of 1 vehicle back from the order point occurred at one site for 9% of the survey period. For the

remainder of the survey period (90%), there was no queue observed beyond the vehicle at the order point. The volume of traffic expected at the drive-thru at Broken Hill is likely to be lower than that encountered within metro areas around Adelaide. The provision of the 2-vehicle queue storage capacity from the order point therefore meets and for the most part exceeds, the likely storage demand associated with the drive-thru facility.

Transport for NSW advised that they are willing to grant their concurrence to the proposal, subject to conditions.

These conditions would be imposed by Council as part of the DA consent. The conditions include that the concrete median in Bonanza Street is to be extended past the proposed egress driveway to restrict the driveway to left out only.

Other conditions relate to directional signage on the site, and also that fuel delivery trucks must be limited to a 26 metre B-double.

Natural hazards

There are no known natural hazards affecting the site that would prohibit the development.

Visual

The proposal incorporates appropriate building scale, bulk, density and setbacks for the locality adjacent to Bonanza and Patton streets. The use of contemporary building design will contribute to the visual amenity of the area. Landscaped areas are shown on the site plan, and to ensure that suitable landscaping is provided, this can be required by condition of consent (if granted).

Outdoor lighting can be managed by the imposition of appropriate conditions of consent including: All external lights shall be operated and maintained in accordance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting* so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding neighbourhood.

Safety and security

The application was referred to the local Police for consideration and comment in relation to a Crime Risk Assessment. The NSW Police Safer by Design Evaluation process is based on Australia and New Zealand Risk Management Standard ANZS4360:1999. It is a contextually flexible, transparent process that identifies and quantifies crime hazards and location risk.

The local Police do take a proactive approach in ensuring that appropriately positioned CCTV is provided onsite prior to the business opening. It is usual practice for businesses such as service station install CCTV.

Police offered no objection to the proposal.

Flora and fauna

An assessment was not deemed necessary in this instance as there is little likelihood of flora or fauna constraints affecting or created by this development.

Noise

An Environmental Noise Assessment report was provided as part of the Development Application documentation.

The report (prepared by Sonus consultants) considered the noise-related impacts of the development on noise sensitive receivers within the locality.

The Environmental Noise Assessment measured and modelled the potential noise generation from the service station (including drive thru) and car wash from the 24 hour, 7 days a week operation including customer generated noise, light and heavy vehicles, deliveries, waste collection and mechanical plant.

The predicted noise level from general activity at the facility operating was determined and with the inclusion of the acoustic treatments detailed in this report will achieve the relevant requirements of the *Noise Policy for Industry* (2017) at all times.

The Environmental Noise report includes the following measures, to assist with mitigating impact and also ensuring compliance with the *Noise Policy for Industry*:

- Specific fence heights and constructions;
- Installation of acoustic absorption in specific locations (including along the drive-thru area, underside of the roof of the carwash, and to mechanical plan barriers);
- Restrictions in the operating hours of the automatic car wash and vacuum bays;
- Installing of doors at the auto wash entries and exits (which automatically close during operation);
- Reducing the noise from any alarms as far as practical;
- Ensuring all inspection points, gated trenches etc. are correctly fixed; and
- Specific location and screening of the mechanical plant.

With the inclusion of the acoustic treatments outlined, the predicted average noise level at all nearby noise sensitive locations (ie residences), would be compliant with the NSW *Noise Policy for Industry*.

Whilst the fuel refilling and retail component are proposed to operate 24 hours per day, the Noise Assessment report has recommended that the carwash and vacuum bays hours be restricted.

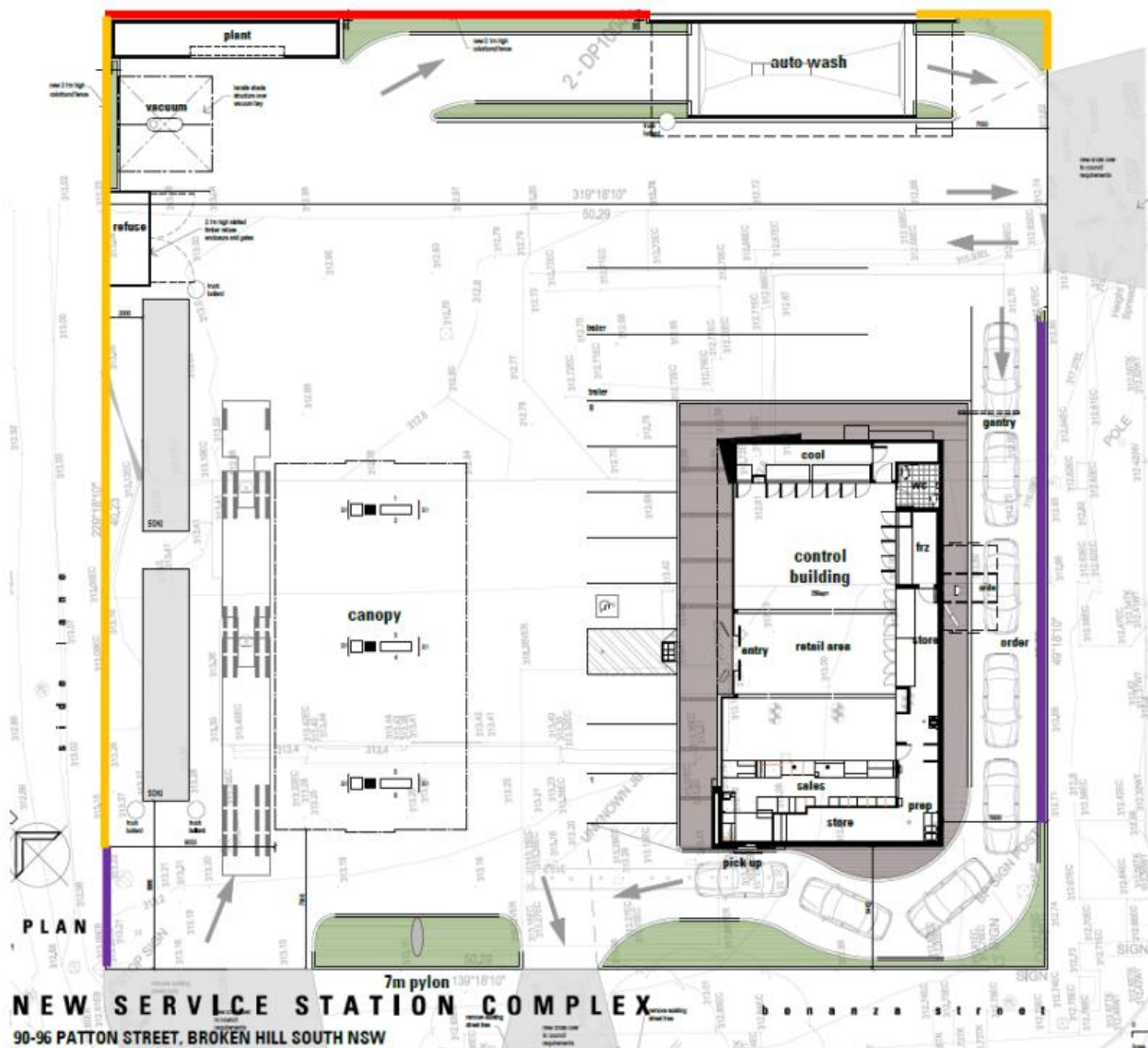
It is recommended to restrict the use of the automatic car wash and vacuum bays to the hours of 7am to 10pm Monday to Saturday and 8am to 10pm Sunday and public holidays. This would be imposed as a condition of DA consent.

Noise from new developments within New South Wales is subject to the requirements of the *Noise Policy for Industry*. Based on the satisfaction of this Policy, and incorporate recommended mitigation measures, it is considered that the development has been designed to mitigate adverse impacts on surrounding noise sensitive receivers.

It is suggested that a condition of consent be imposed on the Development approval, if granted, ensuring that works and operations take place in accordance with the recommendations of the Noise Assessment document, prepared by Sonus Consultants.

Below shows the acoustic treatments which are recommended in regards to fencing. Construct solid boundary fences to a minimum height of 3m above ground level for the extent shown in RED; and a minimum height of 2.4m above ground level for the extent shown in ORANGE; and 2.1m above ground level for the extent shown in PURPLE.

All fences to be constructed from a minimum of 0.42 BMT sheet steel ("Colorbond" or similar).



Section 4.15(c) Suitability of the site for the development

Hazards and services

The site is not subject to any natural hazards such as bushfire risk, flooding etc. Utility services are available to the site and able to be upgraded if required. All services upgrades will be subject to the requirements of the local utility service providers.

Aboriginal Heritage

A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that no Aboriginal sites are recorded in or near the site.

Surrounding Land uses/Development

The proposal is not inconsistent with the surrounding land uses and the site is suitable for the proposed development. The property is located within a mixed-use area comprising commercial and residential properties. Opposite the site is a service station, and surrounding the site is otherwise residential.

The most recent uses of the subject site are service station, residential, and storage.

Section 4.15(d) Any submissions made in accordance with the Act or Regulations

The application was notified to surrounding neighbours, to allow for viewing of the documents and plans related to the proposal. As a result, 1 submission was received. The submission was from a nearby property owner (not directly adjacent the site).

The issues raised in the submission are summarised below:

Issue	Objection Comment	Assessment Comment
Noise	<ul style="list-style-type: none"> I am not sure if you are aware or have not taken into consideration that the older style homes in this area have no insulation in the ceilings or walls for instance my residence has no insulation. This will become like the 24-hour Service Station in Williams Street a haven, for young people to congregate at night and the noise levels will increase to higher levels than your predicted noise levels. 	<p>An independent Environmental Noise Assessment report, prepared by Sonus Consultants, was submitted. The report made recommendations in regards to mitigation measures and also showed compliance with the standards outlined in the <i>NSW Noise Policy for Industry</i>.</p> <p>A condition of consent would be imposed on the Development approval, if granted, ensuring that works and ongoing operations take place in accordance with the recommendations of the Noise Assessment document.</p> <p>Planning considerations can not make assumptions on the likelihood or not of whether behavioural issues will occur.</p>
Consultation	<ul style="list-style-type: none"> I believe that this plan has gone ahead with little or no consultation with the residences that live near or in close proximity of the this proposed building development. The Local Council have known for months that this development was submitted, also the Council has given the residences a very short period of time to 	<p>The neighbours within a 100 m radius were notified in accordance with Council's Communication and Engagement Strategy, and provided 3 weeks to comment.</p> <p>The notification commenced once the DA was submitted and all relevant information provided. This is as per usual procedure</p>

Issue	Objection Comment	Assessment Comment
	provide a submission on this development.	with Development application assessments. Whilst there may have been comment and rumours circulating around town that a new service station was proposed for the site, it is not possible or logical for Council to notify neighbours until an Application is lodged with plans and details outlining the proposal.
Demolition dust	<ul style="list-style-type: none"> There are numerous children living in close proximity to the planned development, this with the demolition of the existing buildings will increase the dust levels and lead levels in the area. 	Development consents which involve demolition work include conditions that are imposed to ensure demolition activities are carried out in accordance with requirements of SafeWork NSW. Also conditions would include that no demolition work be carried out on excessively windy days, and also that measures such as watering down occurs to minimise dust.

The applicant responded to the concerns raised in the submission by providing the following response:

Noise

The Environmental Noise Assessment which was prepared by independent consultants Sonus, and submitted in support of the application demonstrates that the proposed development will have no materially adverse acoustic impacts on surrounding sites. The report finds that noise levels at all nearby sensitive receivers, will comply with the requirements of the applicable *NSW Noise Policy for Industry*, with the aim being to ensure that the proposed operation of the service station does not adversely impact on the amenity of those receivers. This is taking account of all likely activity on the site including car movements and idling, drive-through ordering and collection and the operation of the car wash and vacuum equipment.

To achieve this compliance, Sonus recommends a range of design and operational measures, all of which will be complied with in detailed design, construction and operation of the proposed development. They include:

1. The construction of solid boundary fences at various heights around the perimeter of the site. All fences should be constructed from a minimum of 0.42 BMT sheet steel ("Colorbond" or similar), with an airtight seal to be achieved at all junctions, including at the ground and joins to other fences.

2. Ensure any amplified music played outdoors under the canopy is inaudible at residences, reduce the noise from any alarms produced by site equipment, such as for compressed air or vacuum bays as far as practical and ensure there are no irregularities on the site and all inspection points, grated trenches, etc. are correctly fixed to remove the potential for impact noise when driven over.

3. Installation of acoustic absorption material, such as 50mm thick insulation with a minimum density of 32kg/m³, to a portion of the drive through side of the boundary fence and to the underside of the canopy over the order window.

4. Restrict the use of the automatic carwash and vacuum bays to the hours of 7am to 10pm Monday to Saturday and 8am to 10pm Sunday and public holidays. Install glass doors to the entry and exit of the automatic car wash which automatically close during operation and incorporate compressed fibre cement sheeting to the roof structure and include insulation within the cavity. Construct a canopy over the autowash entrance to seal airtight to the boundary fence and install acoustic absorption material to the underside of the canopy. Ensure access to the car wash plant room is via doors with acoustic seals which seal airtight when closed.

5. Install an acoustic screening around the control building rooftop plant and equipment with the screen to be not less than 0.5m taller than the highest piece of equipment.

“These measures will ensure that noise associated with the drive-through, auto carwash and all other noise from the site, will meet applicable standards and will not cause any disturbance or loss of amenity to adjoining residences, including that of the respondents”.

Construction Dust

“Demolition and construction will be undertaken by experienced / licenced contractors in an efficient manner to minimise any disruption to land owners and occupiers in the locality. Construction activities will be undertaken in a manner which minimises the generation of dust emission on site. This includes utilising water carts for dust suppression, restricting vehicles to authorised access points, modifying construction activities during high wind periods, stabilising hardstand areas, and covering vehicle loads prior to leaving the site”.

(e) Public interest

The developer argues that the proposed development is in the public interest, as it will:

- Create local employment opportunities.
- Provide a modern, attractive, efficient and convenient facility that will meet the fuel and retail needs of Broken Hill residents, of visitors and of users of the Silver City Highway and other nearby roads.
- Encourage long-distance drivers to rest and refresh, contributing to driver safety.
- Incorporate legible, safe and efficient vehicular movement onto, within and from the subject land.
- Be managed in accordance with strategies to ensure that there are no adverse impacts on users of the site, on surrounding land or on the community.

The proposed development satisfies relevant planning controls and is considered to be in the wider public interest.

The development application provides a development that is consistent with the zoning of the land and Development Control Plan 2016, and has gained the concurrence of Transport for NSW.

Conclusion: A key point when determining any Development Application is that Council is considering a proposal within what is a combination of legislative requirements and a merit-based assessment system. Benefits of a development must be weighed up against the negatives. Where there are negatives, consideration can be given to whether those negatives can be mitigated or managed through imposing conditions on a consent.

Based on the above assessment it is concluded that the proposed development does not result in impacts which are so unacceptable that it warrants the application being refused.

Recommendation: Section 4.16 of the *Environmental Planning and Assessment Act 1979* sets out that Council is to determine a development application by:

- (a) granting consent to the application, either unconditionally or subject to conditions, or
- (b) refusing consent to the application.

Conditions of consent are able to be imposed under Section 4.17 of the *Environmental Planning and Assessment Act 1979*. The courts have determined that, for a condition to come within the relevant statutory power, it must meet the 'Newbury Test', which requires a condition to:

- Be imposed for a planning purpose.
- Fairly and reasonably relate to the development for which permission is being given.
- Be reasonable.

It is recommended that Development Application 132/2021 be approved, subject to conditions of consent (outlined in the recommendation).

Options:

1. Council resolves to approve the development application subject to conditions, or
2. Council resolves to refuse the development application. (Under Section 88 of the *Environmental Planning and Assessment Regulation 2021*, if the Application is refused, Council must state its planning based reasons for refusal).

Community Engagement:

The development application was subject to neighbour notified for a 3 week period to allow for neighbourhood comment.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Environmental Planning and Assessment Act 1979

Financial Implications:

Should the applicant be dissatisfied with the determination or conditions, they have the right to appeal the decision in the Land and Environment Court which would incur financial costs to Council in defense.

The development application is subject to payment of section 7.12 Developer Contributions Levy to be paid to Council, prior to a Construction certificate be issued. The amount the developer must pay to Council is 1% of the value of work, being a levy amount of \$20,000.

Attachments

1. [↓](#) Proposed Conditions of consent

KOBUS NIEUWOUDT
EXECUTIVE MANAGER PLANNING AND COMMUNITY SAFETY

JAY NANKIVELL
GENERAL MANAGER

Proposed conditions of consent

DA 132/2021

90-98 Patton Street

APPROVED PLANS AND DETAILS

1. The development must take place in accordance with the approved plans and documents submitted with the application, listed below:

Title	Revision/Date	Prepared by
Statement of Environmental Effects	October 2021	Peregrine Corporation
Architectural package	Elevations – September 2021 21JN1433 sk02c; 21JN1433 sk03c; 21JN1433 sk04c. Site plan – September 2021 21JN1433 sk01c.	ADS Architects
Environmental Noise Assessment	S6923C1, September 2021	Sonus
Traffic Impact Assessment	Issue B, October 2021	Stantec Australia
Risk Screening documentation and Preliminary Hazard Analysis	September 2021	Hazkem Pty Ltd
Civil	SA210024.1–S01A, S0C. SA210024.2-C01E, C02E, C03C. September 2021	Sagero

except as altered by conditions of this development consent.

PRIOR TO COMMENCEMENT OF WORK

2. Prior to the commencement of any work on the site, a Construction Certificate is to be obtained from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with this consent and the applicable standards.

3. Prior to the commencement of any work on the site, the person having the benefit of this consent:
 - a) shall appoint a Principal Certifying Authority (PCA).
 - b) shall ensure a Construction Certificate is issued by the PCA.
 - c) shall notify Council of their intention to commence the site works, at least 2 days prior to commencement of work.
4. Prior to the commencement of any work within the public road reserve including footpath area, approval must be obtained from Broken Hill City Council's Infrastructure Department, along with obtaining necessary works approvals.
5. The detailed plans and specifications submitted with the application for a construction certificate must demonstrate compliance with the provisions of the Building Code of Australia for the appropriate class of building. Should the external configuration of the building be modified as a result of achieving BCA compliance, this development consent must also be modified.
6. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the relevant Australian Standards and Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition is provided and that the requirements are referenced on any construction drawings, prior to the commencement of construction.
7. Prior to the commencement of any work on the site, the applicant is to obtain all relevant approvals to carry out sewerage work, electricity work and water supply work from the relevant local service provider and comply with any conditions of those approvals.
8. The monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the *Broken Hill City Council Section 7.12 Developer Contributions Plan*. A copy of the Plan can be viewed on Council's website www.brokenhill.nsw.gov.au

Contribution Type	Proposed Cost of Development	Levy Percentage	Total Contribution
Section 7.12 Contribution	\$2 000 000	1%	\$20 000

9. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). It is the developer's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

10. Prior to the commencement of works on the Site, a Construction Environmental Management Plan (CEMP) that addresses those works must be submitted to the satisfaction of the Certifying Authority.
The Plan must address, but not be limited to, the following matters where relevant:
 - i) hours of work;
 - ii) 24-hour contact details of Site manager;
 - iii) traffic management – the traffic management plan should be prepared in consultation with Council's Infrastructure Department;
 - iv) construction noise and vibration management;
 - v) an Unexpected Finds Protocol (UFP) and associated communications procedure, that also considers potential for finds associated with defence use of the land and measures for acid soil management;
 - vi) waste storage and litter control;
 - vii) dust control.The Applicant must submit a copy of the CEMP to Council, prior to commencement of work. The CEMP must be implemented by the Applicant for the duration of the construction works.
11. The development must comply with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.

DURING CONSTRUCTION

12. That all building work must be carried out in accordance with the provisions of the Building Code of Australia.
13. Dust control measures are to be implemented during earthworks and during construction works to reduce any impact on local air quality and reduce dust emissions. This will include but may not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind-blown dust.
14. During construction, all building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an authorised Waste Landfill Depot at regular periods. The container shall be erected on the building site prior to construction work commencing and shall be maintained for the term of the construction to the completion of the project. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
15. During construction, building operations such as brick cutting, washing down of concrete trucks, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials onto roadways or into neighbouring properties.
16. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.

17. All work vehicles entering or leaving the site must have their loads covered, and all vehicles, before leaving the site, should be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
18. During construction, all works associated with the development must be carried out entirely within the allotment boundaries.
19. During construction, all works are to be carried out so as not to cause damage to adjacent and adjoining properties. Any damage arising from demolition is to be made good and any necessary repairs and renovations carried out within three months.
20. During construction, works are to be carried out so as not to cause damage to nearby public infrastructure, services and utilities, including Council's kerb and gutter, footpaths and roadways. All damage arising from construction related works is to be made good and any necessary repairs and renovations carried out immediately at no cost to Council.
21. Construction activities at the development site shall be carried out only between 7.00am to 5.00pm Monday to Saturday. No work on Sundays is permitted.
(Activities may be undertaken outside of the hours only a) if required by the Police or a public authority for the delivery of vehicles, plant or materials; or b) if required in an emergency to avoid the loss of life, damage to property to prevent environmental harm. Notification of such activities outside of the approved hours must be given to affected residents before undertaking the activities).
22. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.
23. That a hoarding or fence must be erected between the work site and the public place.
(Any such hoarding, fence or awning is to be removed when the work has been completed).
24. If any European archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and Council and the NSW Office of Heritage must be notified.

If any Aboriginal archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and Council and the NSW Office of Heritage must be notified.
25. The demolition works shall comply with the provisions of Australian Standard AS 2601-2001 - *The Demolition of Structures*, the Safe Work Australia Code of Practice – *How to Manage and Control Asbestos in the Workplace*, and the *Work Health and Safety Act 2011*.
26. All works involving the removal and disposal of asbestos cement and other products containing asbestos must only be undertaken by contractors who hold a current WorkCover licence (either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence) appropriate to the work being undertaken.
Note - Council requires a clearance certificate from an appropriately licenced person prior to demolition commencing.
25. That prior to demolition activities, all services (electricity, water, sewer etc) are disconnected in accordance with the requirements of the relevant supply authorities.

26. Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances. This must include relevant incident management strategies for transportation on public roads.
27. That all acoustic measures recommended in the approved Environmental Noise Assessment report (prepared by Sonus) shall be installed/constructed and maintained.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

28. The Applicant is to obtain an Occupation Certificate pursuant to the *Environmental Planning and Assessment Act 1979*, from the Principal Certifying Authority prior to occupation of the building.
29. Provision of 8 off-street car parking spaces to serve the development (as shown on the approved plans) is to be completed before the issue of an Occupation Certificate. The spaces shall include 1 space allocated for people with disabilities. Additionally, 2 parking spaces for vehicles towing trailers shall be provided. All spaces are to be clearly identified by appropriate pavement markings and signposting.
30. All car parking spaces must be laid out, line marked, signposted, and maintained in accordance with Australian Standard 2890.
31. A Fire Safety Certificate with respect to each essential fire safety measure installed in association with the building as listed on the Fire Safety Schedule attached to the Construction Certificate is to be submitted to Council. Such certificate must be received by Council prior to the occupation or use of the development.
32. That the Lot Titles being Lot 1 DP357184, Lot 2 DP357184, Lot 1778 DP665655 and Lot 2 DP100403 shall be consolidated at the full cost to the developer. Evidence of the consolidation being registered shall be provided to Council prior to the issue of an Occupation Certificate.
33. Kerb and gutter are to be reinstated or made good where driveway crossings are removed (or redundant), on both Patton Street and Bonanza Street.
34. That suitable, low water use, plant species shall be provided as landscaping along the boundaries of the site, where marked in green on the approved site plan. The landscaping shall not block vision of motorists when entering or exiting the site.
35. That the construction and fitout of the food premises comply with Australian Standard 4674 - Design, Construction and Fitout of Food Premises and the Food Act, 2003 and Food Regulation, 2015.

36. That all plumbing and draining (including grease arrestors) comply with the requirements from Essential Water.
37. That a suitable fire blanket and portable fire extinguisher be provided in the food preparation area.
38. The food business is to be notified and registered with Council's Planning and Community Safety Department.

GENERAL AND ONGOING CONDITIONS

39. No nuisance shall be caused to the amenity of the area by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
40. The emission of intrusive noise from the premises shall be controlled at all times in accordance with the *Noise Policy for Industry* (2017) so as to not unreasonably impact nearby residential receivers.
41. All external lights shall be operated and maintained in accordance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting* so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this Condition.
42. All internal driveways, loading area and car park area must have an asphalt or reinforced concrete wearing surface.
43. That all loading and unloading of goods shall be carried out wholly upon the site.
44. All heavy vehicles attending the site for fuel deliveries must be limited to a 26m B-double. Signage is to be provided on the site to advise motorists of this restriction.
45. All signs are to meet the criteria contained in the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017) including, but not limited to, Section 3.3.3 Illumination and reflectance.

45a. Any illuminated signage shall also be designed to comply with the requirements of Australian Standard 4282:2019.
46. All signage is to be constructed entirely within private property and not encroach or overhang, into the road reserve.

- 47. Operation of the automatic car wash and vacuum bays are restricted to the hours of 7am to 10pm Monday to Saturday and 8am to 10pm Sunday and public holidays.
- 48. Glass doors must be installed to the entry and exit of the automatic car wash which automatically close during operation.
- 49. That deliveries, including fuel deliveries, are not to occur between the hours of 10pm and 6am any day.

Transport for NSW conditions

- 50. The concrete median in Bonanza Street is to be extended past the proposed egress driveway to restrict the driveway to left out only. The concrete median is to be a minimum 1.2 metres wide and constructed in accordance with Part 3 Table 4.14 Austroads Guide to Road Design and TfNSW Supplements. The median extension is not to limit the access or egress of any other properties. A strategic engineering design of the median extension is to be submitted to TfNSW for endorsement prior to execution of the Works Authorisation Deed (WAD).
- 51. As road works are required on Bonanza Street, a classified (State) road, the developer must enter into a Works Authorisation Deed (WAD) with TfNSW. TfNSW will exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act 1993, as applicable, for all works under the WAD.
- 52. Prior to operation of the Bonanza Street driveway, "No Entry" (R2-4) signs (minimum Size B) are to be provided on the land at each side of the exit driveway facing Bonanza Street to advise motorists not to enter the exit driveways.
- 53. Prior to operation of the Bonanza Street driveway, "No Right Turn" (R2-6(R)) signs are to be provided on the land at each side of the exit driveway facing the site.
- 54. Kerb and gutter are to be reinstated or made good where driveway crossings are removed.
- 55. Works to alter the driveway arrangements are not to adversely affect the existing stormwater infrastructure within the classified road network.
- 56. All heavy vehicles attending the site for fuel deliveries must be limited to a 26m B-double. Signage is to be provided on the site to advise motorists of this restriction.

57. Prior to the commencement of construction work impacting traffic in Bonanza Street the proponent is to contact the TfNSW Road Access Unit at road.access@transport.nsw.gov.au to determine if a Road Occupancy Licence (ROL) is required. In the event an ROL is required, the proponent is to provide the consent number in the ROL application. Please note that up to 10 working days is required for ROL applications to be assessed and processed.
<https://roadswaterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>.

Advice to applicant – DA Conditions of Consent do not guarantee TfNSW's final consent to the specific road work and other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.

Reason for imposition of conditions: To ensure that the development is undertaken in accordance with any relevant standards and legislative requirements, and to ensure that the development is carried out in a manner that protects the amenity of the locality.

HEALTH AND BUILDING COMMITTEE

June 28, 2022

ITEM 2**BROKEN HILL CITY COUNCIL REPORT NO. 166/22**

SUBJECT: MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE
BARRIER RANGES COMMUNITY COMMITTEE MEETING HELD
21 JUNE 2022 D22/33452

Recommendation

1. That Broken Hill City Council Report No. 166/22 dated June 28, 2022, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held 21 June 2022 be received.

Executive Summary:

Council has received minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held 21 June 2022 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 2022), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Community Engagement:

Minutes provided to Section 355 Friends of the Flora and Fauna of the Barrier Ranges Community Committee members.

Strategic Direction:

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

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. JUNE 2022 - MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE
[↓](#) BARRIER RANGES COMMUNITY COMMITTEE

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
21 JUNE 2022 AT 4PM – GROUND FLOOR MEETING ROOM,
COUNCIL ADMINISTRATIVE CENTRE, 248 BLENDE STREET** 12/51

1. Present: Councillor

Councillor Marion Brown, Geoffery Hoare, Sue Spangler, Gaylene Ford, Jeff Crase, John Rogers, Anne Evers, Merran Coombe, Nick King (BHCC), Darrell Ford (BHCC)

2. Apologies:

Micheal Ford, Kellie Scott, Jamie Scott, Karen Ford, David Spielvogel, Jill Spielvogal, Emily Scott, Evan Scott, Paul Reid, Dean Fletcher, Finbar Ryan (BHCC)

3. Confirmation of minutes of previous meeting: 17 May 2022

Passed By: Merran Coombe, Councillor Marion Brown

4. Business arising from Previous Minutes:

- 4.1** Working Bee was a success, volunteers did a great job laying down new cracker dust for path and re-labelling plants in the Flora Site.

5. Correspondence:

Section 355 Inductions being held 23 June 2022, 10:30am to 12pm or 3pm to 4:30pm. If you're able to attend it would be greatly appreciated however, if you have other commitments arrangements for another date will be made.

6. Update on Action List Items:

- 6.1** [Identification Cards](#) – As required
6.2 [Police Checks](#)
6.3 [Cement Paths](#)
6.4 [Improve Roadworks](#)

7. General Business:

- 7.1** Starview Campsite still regularly at full capacity.
7.2 Fox baits have been laid in the sanctuary as foxes have been spotted since the fence was washed out with the rain, baiting program will be finished 23 June 2022.
7.3 Flora site still currently very green and lush, Sturt Desert Peas are flowering with more buds yet to flower.
7.4 Burke Ward Public School have visited for tours on three separate days this week.
7.5 Foundation grass to be checked by Brett (weed contractor).
7.6 Next working bee to held 6 August 2022 at 9am.
7.7 Meetings to be held at 6pm on the second Tuesday of the month - voted and passed by committee.

7.8 Committee voted and passed Chairperson, Vice Chairperson and Secretary.

Chairperson: Jeff Crase

Vice Chairperson: Sue Spangler

Secretary: Darrell Ford

The Committee thanks the previous Chairperson and Vice Chairperson for their contributions to the Friends of The Flora and Fauna of The Barrier Ranges Community Committee.

Action List:

ACTION	WHO
1. Identification Cards – Continuing	Customer Relations
2. Police Checks	Darrell Ford
3. Cement paths	Darrell Ford
4. Improve Roadworks	Darrell Ford

8. Next Meeting: 6pm Tuesday, 12 July 2022 at Ground Floor Meeting Room

9. Meeting Closed: 4.30pm

FURTHER REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 168/22 - DATED JULY 12, 2022 -
CORRESPONDENCE REPORT - PROGRESS OF COUNCIL'S MOTION
SUBMITTED TO 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL
GOVERNMENT (D22/36165) 60
2. BROKEN HILL CITY COUNCIL REPORT NO. 155/22 - DATED JULY 05, 2022 -
CORRESPONDENCE REPORT - CHILD CARE AVAILABILITY IN BROKEN HILL
(D22/34897) 64
3. BROKEN HILL CITY COUNCIL REPORT NO. 169/22 - DATED JULY 19, 2022 -
FURTHER MOTIONS TO THE LOCAL GOVERNMENT NSW ANNUAL
CONFERENCE TO BE HELD IN THE HUNTER VALLEY 23 -25 OCTOBER 2022
(D22/37678) 68
4. BROKEN HILL CITY COUNCIL REPORT NO. 156/22 - DATED JULY 06, 2022 -
COUNCIL'S DELEGATES ON REGIONAL CAPITALS AUSTRALIA AND
REGIONAL CITIES NSW (D22/35320) 73
5. BROKEN HILL CITY COUNCIL REPORT NO. 157/22 - DATED JULY 11, 2022 -
DRAFT REVIEWED LOCAL ORDERS POLICY FOR PUBLIC EXHIBITION
(D22/36055) 76
6. BROKEN HILL CITY COUNCIL REPORT NO. 158/22 - DATED JULY 11, 2022 -
DRAFT REVIEWED LOCAL APPROVALS POLICY FOR PUBLIC EXHIBITION
(D22/36070) 98
7. BROKEN HILL CITY COUNCIL REPORT NO. 159/22 - DATED JULY 11, 2022 -
DRAFT REVIEWED COMPLIANCE AND ENFORCEMENT POLICY FOR PUBLIC
EXHIBITION (D22/36078) 145
8. BROKEN HILL CITY COUNCIL REPORT NO. 162/22 - DATED JULY 13, 2022 -
MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD 16 JUNE 2022 (D22/36674) 155

9.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 170/22 - DATED JUNE 28, 2022 - NOMINATIONS FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 COMMUNITY COMMITTEES (D22/33365)</u>	164
10.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 160/22 - DATED JULY 07, 2022 - COMMUNITY ASSISTANCE GRANTS PROGRAM (D22/35559)</u>	192
11.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 161/22 - DATED JULY 11, 2022 - MEMORANDUM OF UNDERSTANDING - SILVER CITY PASTORAL AND AGRICULTURAL ASSOCIATION INC.(SILVER CITY SHOW COMMITTEE) AND BROKEN HILL CITY COUNCIL (D22/36010)</u>	201
12.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 171/22 - DATED JULY 15, 2022 - INVESTMENT REPORT FOR JUNE 2022 (D22/37089)</u>	203
13.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 163/22 - DATED JUNE 29, 2022 - TEMPORARY SUSPENSION OF A PORTION OF THE CENTRAL BUSINESS DISTRICT (CBD) ALCOHOL-FREE ZONE FOR THE 2022 BROKEN HEEL FESTIVAL (D22/30908)</u>	217
14.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 172/22 - DATED JULY 14, 2022 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO. 426, HELD ON TUESDAY, 5 JULY 2022 (D22/36991)</u>	220
15.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 173/22 - DATED JULY 21, 2022 - MINUTES OF THE BROKEN HILL CITY ART GALLERY ADVISORY COMMITTEE'S ANNUAL GENERAL MEETING HELD 14 JULY 2022 (D22/38025)</u>	250
16.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 174/22 - DATED JULY 19, 2022 - ACTION LIST REPORT (D22/37484)</u>	254

ORDINARY MEETING OF THE COUNCIL

July 12, 2022

ITEM 1BROKEN HILL CITY COUNCIL REPORT NO. 168/22

SUBJECT: CORRESPONDENCE REPORT - PROGRESS OF COUNCIL'S
MOTION SUBMITTED TO 2022 NATIONAL GENERAL ASSEMBLY
OF LOCAL GOVERNMENT D22/36165

Recommendation

1. That Broken Hill City Council Report No. 168/22 dated July 12, 2022, be received.
2. That reply correspondence from Mr Matt Pinnegar, Australian Local Government Association (ALGA) CEO dated 11 July 2022, advising that Council's motion submitted to the 2022 National General Assembly of Local Government will now be considered by the ALGA Board at their next meeting on 28 July 2022, be received and noted.

Executive Summary:

Council has received correspondence from Mr Matt Pinnegar, Australian Local Government Association (ALGA) CEO regarding the below motion submitted by Council:

Motion 94:

"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)."

The correspondence received ALGA dated 11 July 2022 advises that Council's motion submitted to the 2022 National General Assembly of Local Government (NGA) was part of a group that were passed en bloc by the Assembly at the end of the debate on motions on Tuesday, 21 June, will now be considered by the ALGA Board at their next meeting on 28 July, alongside all other carried NGA motions.

The above Motion was submitted following Council's resolution at the February 2022 Council Meeting which reads:

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. 1

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 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

The correspondence is provided to Council for information.

Attachments

1. Motion submitted to 2022 National General Assembly of Local Government - Matt Pinnegar

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



11 July 2022

Mr Jay Nankivell
General Manager
Broken Hill City Council
PO Box 448
Broken Hill NSW 2880
By email: council@brokenhill.nsw.gov.au

Dear Mr Nankivell,

Motion submitted to 2022 National General Assembly of Local Government

Thank you for the following motion submitted by your council to the 2022 National General Assembly of Local Government (NGA):

Motion 94:

This National General Assembly calls on the Australian Government to create a regional tax incentive to equalise the current remote area Fringe Benefit Tax concessions from 50 percent to 100 percent 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 commencing with the six Australian Mining City Alliance (AMCA) councils as a test scenario.

This motion was part of a group that were passed en bloc by the Assembly at the end of the debate on motions on Tuesday, 21 June, and will now be considered by the ALGA Board at their next meeting on 28 July, alongside all other carried NGA motions. The ALGA Board is comprised of two representatives from every local government jurisdiction.

If endorsed by the Board, this motion will help shape ALGA's national policy positions and advocacy priorities.

While we set aside almost three hours for debate on motions at this year's NGA, unfortunately we were unable to separately consider all of the motions in the allocated time.

I understand councils invest significant time and resources developing NGA motions and travelling to Canberra to advocate for them.

We will review the process with a view to making improvements ahead of next year's NGA, including allocating more time during the event to the debate of motions.

Thank you once again for your support of the 2022 National General Assembly.

Yours sincerely



Matt Pinnegar
ALGA CEO

cc: Scott Phillips, CEO Local Government NSW

ORDINARY MEETING OF THE COUNCIL

July 5, 2022

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 155/22

SUBJECT: CORRESPONDENCE REPORT - CHILD CARE AVAILABILITY IN
BROKEN HILL D22/34897

Recommendation

1. That Broken Hill City Council Report No. 155/22 dated July 5, 2022, be received.
2. That reply correspondence from The Hon Dr Anne Aly MP, Minister for Early Childhood Education dated 29 June 2022 advising of various Government strategies to support accessible childcare for families in Australia, be received and noted.

Executive Summary:

Council has received correspondence from The Hon Dr Anne Aly MP, Minister for Early Childhood Education, replying to the Mayor's correspondence of 10 June 2022 advising of Council's resolution at the March 2022 Council Meeting regarding the urgency of increasing child care availability within in the City and that Council will advocate for additional services.

The Mayor sent correspondence to the Minister for Early Childhood Education following Council's resolution at the March 2022 Council Meeting which reads:

ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 71/22 - DATED MARCH 11, 2022 -
CHILDCARE AVAILABILITY BROKEN HILL **D22/12769**

RESOLUTIONMinute No. 1

Councillor R Algate moved
Councillor D Turley seconded

Resolved

1. That Broken Hill City Council Report No. 71/22 dated March 11, 2022, be received.
2. That Council note the initiation of a Council developed Liveability & Housing Strategy to support advocacy and assist in the identification and resourcing to improve livability within the City.
3. That Council continues to support the work of the Foundation Broken Hill Project Officer to identify and research improved childcare.
4. That Council partners with Foundation Broken Hill to advocate for additional services for the expansion of services.
5. That Council writes to the appropriate Federal & State Ministers as well as Local Members, The Honorable Mark Coulton and

Mr Roy Butler to reinforce the urgency of increasing childcare availability within the City.

6. That the Mayor and Councillors meet with the Federal Member when he is next in Broken Hill, to discuss the issue.

CARRIED UNANIMOUSLY

The Mayor has now received reply correspondence from The Hon Anne Aly MP, Minister for Early Childhood Education advising of various Government strategies to support accessible childcare for families in Australia (see attached).

Attachments

1. [!\[\]\(13dd0e1ab3baa23f7c1ed52b3eec2756_img.jpg\)](#) Response - Child Care availability in Broken Hill - The Hon Dr Anne Aly MP

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



The Hon Dr Anne Aly MP
Minister for Early Childhood Education
Minister for Youth

Reference: MC22-002176

Councillor Tom Kennedy
Mayor
Broken Hill City Council
PO Box 448
BROKEN HILL NSW 2880

By email: council@brokenhill.nsw.gov.au

Dear Mayor

Thank you for your correspondence of 10 June 2022 in relation to child care availability in Broken Hill.

The Australian Government is committed to improving our early childhood education and care system, including outcomes for families in regional areas, to ensure that all Australian children have the best possible start in life and that parents are supported to work, train or study. To that end, the Government will continue to deliver important child care measures and will also implement new measures designed to improve the child care system and make child care more accessible for Australian families.

The Government supports Australian families with the costs of child care through the Child Care Subsidy. Child care in Australia is delivered through a market approach—decisions in relation to the provision of child care services in certain areas remains a commercial decision for providers.

In addition, to further support Australian child care markets, the Government provides funding through the Community Child Care Fund (CCCF). CCCF Open Competitive grant helps eligible child care services address barriers to child care participation particularly in disadvantaged, regional and remote communities. Child care services in Broken Hill have previously been the recipient of a CCCF Open Grant. Broken Hill was identified as a priority area for Round 3 of the CCCF Open Grants.

The Government is currently considering options around future CCCF competitive grant rounds. In the 2021 funding round, more than \$100 million was offered to 385 child care providers from 716 applications. I encourage you to monitor the CCCF Open website for announcements and further information on upcoming rounds at www.dese.gov.au/child-care-package/community-child-care-fund/open-competitive-grant.

As you may also be aware, attracting, developing, and retaining staff is a significant challenge currently impacting the child care sector, with workforce issues often felt particularly in regional and remote areas, such as Broken Hill.

Parliament House, Canberra ACT 2600

The National Children's Education and Care Workforce Strategy, designed collaboratively by the Australian Government, state and territory governments, and the child care sector, is an important initiative designed to support the recruitment, retention, sustainability and quality of the early childhood education and care workforce, including in regional areas. Both myself and the Hon Jason Clare MP, Minister for Education, are looking forward to further engaging with our Workforce Strategy partners and progressing the Implementation and Evaluation Plan for this measure in the coming months.

Minister Clare and I are also looking forward to implementing our commitments for fee free TAFE, 20,000 additional university places over 2022 and 2023, the establishment of Jobs and Skills Australia to support workforce planning, and closing the gender pay gap, all of which will help to alleviate workforce pressures.

Lastly, the Government has committed to developing a whole-of-government Early Years Strategy in order to create a new, integrated approach to the early years and increase accountability for the wellbeing, education and development of Australia's children. This strategy will aim to better coordinate functions and activities across government in order to deliver better outcomes for children and their families across the country.

The New South Wales Government has announced a range of budget measures that touch upon the affordability and accessibility of child care in New South Wales. The New South Wales Government's Affordable and Accessible Childcare and Economic Participation Fund is an investment of up to \$5 billion over 10 years to boost access and affordability of child care. Child care providers will be able to bid for funding through a competitive process, commencing in financial year 2023–24, to help them deliver more accessible and affordable childcare. These measures will complement the Australian Government's child care policy framework.

Minister Clare and I are looking forward to implementing the Government's commitments to support children to receive quality early learning in regional Australia.

I have copied this letter to Minister Clare.

I trust this information is of assistance.

Yours sincerely



Dr Anne Aly

29 / 6 /2022

ORDINARY MEETING OF THE COUNCIL

July 19, 2022

ITEM 3

BROKEN HILL CITY COUNCIL REPORT NO. 169/22

SUBJECT: FURTHER MOTIONS TO THE LOCAL GOVERNMENT NSW
ANNUAL CONFERENCE TO BE HELD IN THE HUNTER VALLEY
23 -25 OCTOBER 2022 D22/37678

Recommendation

1. That Broken Hill City Council Report No. 169/22 dated July 19, 2022, be received.
2. That Council notes that the following motions from the 30 March 2022 Council Meeting (Minute No. 46797) and the 29 June 2022 Council Meeting (Minute No. 46872) will be submitted prior to the closing date of 29 August 2022:
Minute No. 46797: "...That Conference calls on the Premier of NSW and the Minister for Local Government to ban Developers only from serving as Councillors.

That it is noted that BHCC supports the rights of all to represent Local Government if they meet the current Legislative requirements..."

Minute No. 46872: "...That Conference calls on the Australia Government to legislate that at least 50% of renewable energy is generated in the capital cities of Australia and at least 75% of that is produced in Sydney and Melbourne."
3. That Council forwards the following additional motion to the Local Government NSW Conference regarding Telecommunications:

That Conference calls on Local Government NSW to request that the State and Federal Governments implement policies to ensure that telecommunications infrastructure allows for use by multiple service providers and users to improve competition and service levels.

That Conference calls on Local Government NSW to advocate that councils should not be expected or required to fund telecommunications infrastructure.
4. That Council forwards the following additional motion to the Local Government NSW Conference regarding Rating Reform:

That Conference calls on Local Government NSW to lobby the NSW Government to change the current legislated base rate maximum contribution amount of each individual rating category from 50% to 70%, to allow for a fairer balance between the "benefit principle" and the "ability to pay principle".
5. That motions along with the accompanying Council resolution be submitted to Local Government NSW prior to the closing date of 29 August 2022.

Executive Summary:

At the June 2022 Council Meeting, Council considered a report regarding Councillor attendance, Council's Voting Delegates and motions to the Local Government NSW Annual Conference, to be held in the Hunter Valley on 23-25 October 2022. Part of the resolution reads (Minute No. 46885):

... "That as per the Policy and General Committee's meeting with representatives of Local Government NSW, the General Manager and CEO of Local Government NSW are liaising to formulate additional motions and these motions will be presented to the July 2022 Policy and General Committee for recommendation to the July 2022 Council Meeting for adoption."

The Policy and General Committee members along with Council's Executive Leadership Team met with the President and CEO of Local Government NSW on 9 June 2022 to discuss additional motions to the Conference. A number of matters affecting regional NSW were raised and discussed and following the meeting the General Manager liaised with the CEO of Local Government NSW to ascertain if the Conference had previously considered similar motions and to formulate the proposed additional motions to ensure they would meet the Conference's eligibility criteria.

Further motions to the conference (in addition to the two motions resolved by Council at the 30 March 2022 Council Meeting and 29 June 2022 Council Meeting) are now presented to Council for consideration of adoption.

Motions to the Local Government NSW Conference close on 29 August 2022, which is prior to the August Council Meeting scheduled for 31 August 2022, and therefore **must be resolved at the 27 July 2022 Council Meeting**.

Report:

The LGNSW Annual Conference is the annual policy-making event for councils of NSW. The Conference is the pre-eminent event of the local government year where local Councillors come together to share ideas and debate issues that shape the way we are governed.

Voting

As per the Rules of the Local Government NSW (Rule 23) the formula to determine the number of voting delegates for a Council with the population between 10,001 to 20,000 is 2, therefore Broken Hill City Council is entitled to two (2) voting delegates.

Council has already resolved that Deputy Mayor Hickey and Councillor Gallagher will attend the Local Government NSW Annual Conference as Council's Voting Delegates (Minute No. 46885).

Motions

The Board encourages submission of motions along with the accompanying Council Resolution by **Monday 29 August 2022** to allow printing and distribution of the Business Paper before the Conference.

The Board has resolved that motions will be included in the Business Paper for the conference only where they:

1. are consistent with the objectives of the Association (as per Rule 4 of the Association's Rules)
2. relate to Local Government in NSW and/or across Australia
3. concern or are likely to concern Local Government as a sector
4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature, and
7. do not express preference for one or several members over one or several other members.

As a Council Resolution must accompany Council's motions, Council must resolve motions to be submitted to the Conference at the July 2022 Ordinary Council Meeting in order to meet the submission deadline of 29 August 2022.

Council has already determined two motions to the Conference, at its Ordinary Meeting held 30 March 2022, (Minute No. 46797) and its Ordinary Meeting held 29 June 2022 (Minute No.:

Minute No. 46797:

"...That Conference calls on the Premier of NSW and the Minister for Local Government to ban Developers only from serving as Councillors.

That it is noted that BHCC supports the rights of all to represent Local Government if they meet the current Legislative requirements...."

Minute No. 46872:

"...That Conference calls on the Australia Government to legislate that at least 50% of renewable energy is generated in the capital cities of Australia and at least 75% of that is produced in Sydney and Melbourne."

Council also resolved at its Ordinary Meeting held 25 May 2022, to meet with representatives of Local Government NSW to discuss a possible motion regarding opportunities for an upgrade to mobile phone coverage across regional NSW, under the black spot funding program and Council resolved (Minute Number 46849):

"...That the Policy and General Committee liaise with Local Government NSW regarding the inadequate mobile phone coverage in and around Broken Hill and opportunities for an upgrade to mobile phone coverage under the black spot funding program; and that a motion be submitted to the Local Government NSW Annual Conference regarding the inadequate mobile phone coverage across regional NSW."

The Policy and General Committee members along with Council's Executive Leadership Team met with the President and CEO of Local Government NSW on 9 June 2022 to discuss additional motions to the Conference. A number of matters affecting regional NSW were raised and discussed and following the meeting the General Manager liaised with the CEO of Local Government NSW to ascertain if the Conference had previously considered similar motions and to formulate the proposed additional motions to ensure they would meet the Conference's eligibility criteria.

The General Manager discussed the following matters with the CEO of Local Government NSW:

- the lack of reliable telecommunications coverage in regional NSW and the expectation for Council's to contribute funding to a federal responsibility.
- the need for land rates reform to ensure equity across areas of a City burdened by land value disparity;

It has been determined that the following two additional motions be presented to Council for consideration of adoption for submission to the Conference:

1. Telecommunications:

That Conference calls on LGNSW to request that the State and Federal Governments implement policies to ensure that telecommunications infrastructure allows for use by multiple service providers and users to improve competition and service levels.

That Conference calls on LGNSW to advocate that councils should not be expected or required to fund telecommunications infrastructure.

2. Rating Reform:

That Conference calls on LGNSW to lobby the NSW Government to change the current legislated base rate maximum contribution amount of each individual rating category from 50% to 70%, to allow for a fairer balance between the "benefit principle" and the "ability to pay principle".

Community Engagement:

Nil

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework
Objective:	4.2	Our leaders make smart decisions
Strategy:	4.2.5	Monitor potential changes to government policy and legislation and make submission where considered important for the local community

Relevant Legislation:

Local Government Act 1993

Local Government (General) Regulation 2005

Financial Implications:

Nil for the submission of motions.

Attachments

There are no attachments for this report

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

July 6, 2022

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 156/22

SUBJECT: COUNCIL'S DELEGATES ON REGIONAL CAPITALS AUSTRALIA
AND REGIONAL CITIES NSW D22/35320

Recommendation

1. That Broken Hill City Council Report No. 156/22 dated July 6, 2022, be received.
2. That the Mayor and Deputy Mayor be appointed as Council's delegates on Regional Capitals Australia and Regional Cities NSW.
3. That Council's Schedule of Delegates on S355 Committees and Other Committees and Working Groups be updated to include Council's Delegates on Regional Capitals Australia and Regional Cities NSW to allow attendance by Council's Delegates at alliance meetings as per clause 4.8 of the Councillor Support Policy.

Executive Summary:

The report is presented to Council to consider formal appointment of Council's Delegates on the Regional Capitals Australia and Regional Cities NSW, and to update Council's Schedule of Delegates on S355 Committees and Other Committees and Working Groups in order that future travel by Council's Delegates to attend meetings of Regional Capitals Australia and Regional Cities NSW is in accordance with Council's adopted Councillor Support Policy clause 4.8 (Attendance at External Committee Meetings).

Report:

Council joined Regional Capitals Australia in February 2020 and Regional Cities NSW in November 2021 in order that Council could participate in alliance meetings.

Regional Capitals Australia's Mission and Vision is to provide a national alliance that champions maximum growth and prosperity for Australia's regional capital cities. To see Australia's regional capital cities attain the investment needed to reach their full social and economic potential.

Regional Capitals Australia's current membership includes the following Councils: Albury, Alice Springs, Ballarat, Broken Hill, Broome, Busselton, Coffs Harbour, Fraser Coast, Geelong, Geraldton, Griffith, Kalgoorlie-Boulder, Karratha, Latrobe, Mackay, Port Hedland, Tamworth, Wagga Wagga and Warnambool.

Regional Capitals Australia have provided submissions and reports to Government inquiries, draft guidelines and discussions papers on issues implicating regional Australia such as: Annual Federal Budgets; Regional Airports Policy Paper; Select Committee on Regional Australia Inquiry into Regional Australia; Standing Economics References Committee Inquiry into Indicators of, and impact of, regional inequality in Australia; Select Committee on Regional Development and Decentralisation Inquiry into Regional Development and Decentralisation; Productivity Commission Inquiry into Transitioning Regional Economies Interim Report and House of Representatives Standing Committee on Infrastructure,

Transport and Cities Inquiry into the Australian Government's role in the development of cities.

Regional Cities NSW's Mission and Vision is to provide a state-wide alliance of regional cities to build productive, livable and connected regions. To develop New South Wales regional cities into thriving urban centres with a high degree of economic prosperity, amenity and affordability while providing a central hub of essential services to their surrounding regions.

Regional Cities NSW has collaborated with its 15 regional cities from across the state to provide submissions to various government inquiries, draft guidelines and discussion papers on issues implicating regional NSW with the most recent being: Emergency Services Levy; Regional City Airports; Energy Installations and Renewables; Regional Housing Taskforce; IPART Review – Rate Peg and Population Growth; Pre-Budget Submission 2022/23.

Regional Cities NSW's current membership includes the following Councils: Albury, Armidale, Bathurst, Broken Hill, Coffs Harbour, Dubbo, Goulburn Mulwaree, Griffith, Lismore, Maitland, Orange, Port Macquarie Hastings, Queanbeyan Palerang, Tamworth, Tweed and Wagga Wagga.

Both organisations provide opportunities for Council delegates to attend and participate in forums which aim to grow regional capitals and regional cities through increased investment to build productive, liveable and connected regions. Both organisations provide advice on issues, trends and other developments affecting regions that can inform and assist a Government response; advocacy support for federal funding to invest in services and infrastructure in regional centres/cities; collaboration to bring strategic alignment between national stakeholders responsible for regional development, urban policy and population growth; and identify opportunities and impediments for the development of regional cities and develop innovative solutions to manage them.

The alliance meetings are particularly important given that Broken Hill is on the cusp of a period of economic and population growth due to new mining development near the city, and attendance at these meetings to gain knowledge and insights from other Councils who have successfully transitioned through a period of growth, will be invaluable.

Council joined both organisations during the COVID-19 pandemic and have participated in alliance meetings over the past couple of years via audio-visual link due to COVID-19 travel restrictions and protocols. As travel restrictions have eased, both alliances will be returning to face-to-face meetings and therefore to facilitate the attendance of Council's Delegates at these meetings, Council must have in place a Council resolution appointing its Council Delegates.

This report is presented to Council to formally appoint the Mayor and Deputy Mayor as Council's Delegates on the Regional Capitals Australia organisation and the Regional Cities NSW organisation and to update the Schedule of Delegates on Section 355 Committees and Other Committees and Working Groups for travel arrangements for Council's Delegates to attend meetings has Council's approval as per Clause 4.8 of the Councillor Support Policy.

Community Engagement: Not applicable.

Strategic Direction:

Key Direction:	2	Our Economy
Objective:	2.3	Our City attracts a diverse range of businesses and visitors providing opportunities for work, education, leisure and social life
Strategy:	2.3.4	Collaborate with surrounding LGA's, government and industry to identify economic opportunities

Relevant Legislation:

Local Government Act 1993.

Council's adopted Advocacy Strategy.

Council's adopted Councillor Support Policy.

Financial Implications:

All Councillor travel will be in accordance with Council's adopted Councillor Support Policy.

Council's adopted Delivery Program and Operational Plan include an annual budget for Councillor travel for attendance at conferences and meetings.

Attachments

There are no attachments for this report.

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

July 11, 2022

ITEM 5

BROKEN HILL CITY COUNCIL REPORT NO. 157/22

SUBJECT: DRAFT REVIEWED LOCAL ORDERS POLICY FOR PUBLIC EXHIBITION D22/36055

Recommendation

1. That Broken Hill City Council Report No. 157/22 dated July 11, 2022, be received.
2. That Council endorse the Draft Local Orders Policy for the purposes of public consultation.
3. That the draft Local Orders Policy be exhibited for public comment for a 28-day period.
4. That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the Draft Local Orders Policy.

Executive Summary:

At the first meeting of the newly elected Council held 12 January 2022, Council considered Mayoral Minute No. 2/22 and as part of the resolution, resolved (Minute No. 46690):

...”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.”...*

A Councillor workshop was held on Wednesday 15 June 2022 which included the review of Council’s current Local Orders Policy.

Council must review its Local Orders Policy within 12 months of a Council Election, being the purpose of this report.

Council has a responsibility under Section 8 of the *Local Government Act 1993* to ensure that its regulatory activities are carried out in a consistent manner and without bias; and has the power to issue orders to landowners and occupiers for a wide range of practices to ensure good governance and best practice standards. Council may order a person to do or to refrain from doing a thing specified under its draft Local Orders Policy which is directed by the *Local Government Act 1993*.

A copy of the draft Local Orders Policy is attached.

Report:

A Local Orders Policy applies to orders under the *Local Government Act, 1993* as amended. Section 131 of the Local Government Act 1993 provides that if Council has adopted a local orders policy under Part 3 of Chapter 7 of the Act, it must take into consideration the criteria specified therein before issuing an order under Section 124 of the Act.

The purpose of a Local Orders Policy is twofold; First, to provide a guideline for all local residents as to what is usually considered acceptable and secondly, to provide publicly accepted and documented criteria which council will use in investigating complaints.

This policy is developed to establish criteria to be considered before issuing certain orders under section 124 of the *Local Government Act 1993*, in pursuance of having clearly defined acceptable standards and requirements to which stakeholders may refer when addressing relevant matters.

This policy applies to the Broken Hill City Council Local Government Area and to orders under section 124 the *Local Government Act 1993* but does not include order 22A in the table to that section.

Note: Clause (3) of Section 159 of the Local Government Act 1993 specifies that a local orders policy cannot apply to order number 22A in the table to section 124.

Community Engagement:

The Draft Local Orders Policy will be advertised for public exhibition for a period of 28-days prior to the matter being referred to Council for final adoption.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*

Financial Implications:

There are no financial implications for Council to implement this Policy.

Attachments

1. [↓](#) Draft Local Orders Policy

KOBUS NIEUWOUDT
EXECUTIVE MANAGER PLANNING AND COMMUNITY SAFETY

JAY NANKIVELL
GENERAL MANAGER

DRAFT LOCAL ORDERS POLICY

QUALITY CONTROL

COUNCIL POLICY			
TRIM REFERENCES	12/114 – D12/11916		
RESPONSIBLE POSITION	Executive Manager Planning and Community Safety		
APPROVED BY	Council		
REVIEW DATE	September 2024	REVISION NO.	3
EFFECTIVE DATE	ACTION	MINUTE NO.	
January 31, 2007	Adopted	42143	
July 29, 2015	Public Exhibition	45008	
September 30, 2015	Adopted	45072	

1. INTRODUCTION

Section 131 of the Local Government Act 1993 provides that if council has adopted a local orders policy under Part 3 of Chapter 7 of the Act, it must take into consideration the criteria specified therein before issuing an order under Section 124 of the Act.

As outlined by the NSW Division of Local Government (Circular number 01/39, *Local orders policies and limiting the number of animals kept*), the purpose of a Local Orders Policy is twofold; First, to provide a guideline for all local residents as to what is usually considered acceptable and second to provide publicly accepted and documented criteria which council will use in investigating complaints.

2. POLICY OBJECTIVE

This policy is developed to establish criteria to be considered before issuing certain orders under section 124 of the Local Government Act 1993, in pursuance of having clearly defined acceptable standards and requirements to which stakeholders may refer when addressing relevant matters.

3. POLICY SCOPE

This policy applies to the Broken Hill City Council Local Government Area and to orders under section 124 the Local Government Act 1993, but does not include order 22A in the table to that section.

Note: Clause (3) of Section 159 of the Local Government Act 1993 specifies that a local orders policy cannot apply to order number 22A in the table to section 124.

4. POLICY STATEMENT

4.1. Threat to Health and/or Safety

When determining whether or not to issue any order within the scope of this policy, whether the matter constitutes or is likely to constitute a threat to the health and/or safety of any person is to be a criteria which Council must take into consideration.

4.2. Additional Criteria to be considered

When determining whether to issue an order listed in column 1 of the following table (described in column 2 of the table) under Section 124 of the Local Government Act 1993, Council must take into consideration the matters described opposite in column 5 of the table.

Note: The contents of columns 1, 2, 3 and 4 are directly copied from the table to Section 124 of the Local Government Act 1993.

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
1	To demolish or remove a building	(a)–(c) (Repealed) (d) Building is erected in a catchment district and causes or is likely to cause pollution of the water supply	Owner of building	No additional criteria specified.
2	[Repealed]			
3	To repair or make structural alterations to a building	(a), (b) (Repealed) (c) Building is erected in a catchment district and causes or is likely to cause pollution of the water supply	Owner of building	No additional criteria specified.
4	[Repealed]			
5(a) and 5(b)	To take such action as is necessary to bring a camping ground, caravan park or manufactured home estate or a moveable dwelling or manufactured home into compliance with relevant standards or requirements set or made by or under the Local Government Act 1993 or under the Local Government Act 1919	Failure to comply with relevant standards or requirements set or made by or under the Local Government Act 1993 or under the Local Government Act 1919	Owner, occupier or manager or, in the case of a water meter, water supply or sewerage system in respect of which a defect occurs in work due to faulty workmanship of, or defective material supplied by, a licensed contractor (being the holder of a licence in force under the Home Building Act 1989 authorising the holder to contract to do the work) within 12 months after the work is carried out or the material is supplied, the licensed contractor	<ul style="list-style-type: none"> The applicable standards as set out in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
5(c)	[Repealed]			

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
5(d)	To take such action as is necessary to bring a place of shared accommodation into compliance with relevant standards or requirements set or made by or under the Local Government Act 1993 or under the Local Government Act 1919	Failure to comply with relevant standards or requirements set or made by or under the Local Government Act 1993 or under the Local Government Act 1919	Owner, occupier or manager or, in the case of a water meter, water supply or sewerage system in respect of which a defect occurs in work due to faulty workmanship of, or defective material supplied by, a licensed contractor (being the holder of a licence in force under the Home Building Act 1989 authorising the holder to contract to do the work) within 12 months after the work is carried out or the material is supplied, the licensed contractor	<ul style="list-style-type: none"> The standards for places of shared accommodation set out in Part 1 of Schedule 2 of the Local Government (General) Regulation 2005.
5(e)	To take such action as is necessary to bring a hairdressers shop or beauty salon into compliance with relevant standards or requirements set or made by or under the Local Government Act 1993 or under the Local Government Act 1919	As above	As above	<ul style="list-style-type: none"> The standards for hairdresser shops set out in Part 2 of Schedule 2 of the Local Government (General) Regulation 2005. The standards for beauty salons set out in Part 3 of Schedule 2 of the Local Government (General) Regulation 2005.
5(f)	To take such action as is necessary to bring a mortuary into compliance with relevant standards or requirements set or made by or under the Local	As above	As above	<ul style="list-style-type: none"> The standards for mortuaries set out in Part 4 of Schedule 2 of the Local Government (General) Regulation 2005.

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
	Government Act 1993 or under the Local Government Act 1919			
5(g)	To take such action as is necessary to bring a a water meter on premises into compliance with relevant standards or requirements set or made by or under the Local Government Act 1993 or under the Local Government Act 1919	As above	As above	No additional criteria specified.
5(h)	To take such action as is necessary to bring a a water supply or sewerage system on premises, but only in relation to any work that is not plumbing and drainage work within the meaning of the Plumbing and Drainage Act 2011 into compliance with relevant standards or requirements set or made by or under the Local Government Act 1993 or under the Local Government Act 1919	As above	As above	<ul style="list-style-type: none"> Clauses 87 and 88 of the Local Government (General) Regulation 2005.
6	[Repealed]			
7	To fence land	Public health, safety or convenience renders it	Owner or occupier of land	<ul style="list-style-type: none"> Whether the condition, location or use of the land poses a threat to the health,

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
		necessary or expedient to do so and there is no adequate fence between the land and a public place		safety and convenience of the public.
8	To identify premises with such numbers or other identification in such manner as is specified in the order	Premises have a frontage to or entrance from a road and there are no markings that can readily be seen and understood from the road	Owner or occupier of land	<ul style="list-style-type: none"> Whether a local emergency service or other relevant body considers that the property lacks adequate identification. Whether the property number can be easily legible from the road. Digits should be no less than 50mm in height. For residential premises, whether the house numbers are displayed in large, reflective digits on the house facade and/or the letter box. For non-residential premises, whether the property numbers are displayed in large, reflective digits on the facade of the main building. <ul style="list-style-type: none"> Where this position or building is not clearly visible from the road, the digits should be placed on a fence, sign or similar structure close to the street frontage. Whether there is unauthorised use of, or duplication of, numbers. Whether numbers are not in accordance with the street patterns. Whether there is potential for confusion in the identification of premises. If plants, trees or other objects obstruct

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
				<p>existing identification signage or numbers from being clearly legible from the road, additional identification should be erected or the obstruction removed.</p> <ul style="list-style-type: none"> Kerbside numbering is recommended and encouraged, but does not replace the need for the premises to be identified elsewhere, in accordance with the above principles.
9	To fence, empty, fill in or cover up a hole or waterhole in the manner specified in the order	Hole or waterhole is or may become dangerous to life	Owner or occupier of land	<ul style="list-style-type: none"> Whether the hole or waterhole is located within an urban area and is directly accessible from a public place or another private property. The hole or waterhole is not adequately covered or fenced to the minimum requirements of the Swimming Pools Act 1992 to prevent direct access to it from a public place or any other private property. Holes or waterholes should not be of such a character as to be likely to harbor pests, including (but not limited to) mosquitoes, fungi and algae.
10	To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees	Land is in the immediate vicinity of a public place and is used for the storage of articles or matter so as to create or be likely to create unsightly conditions	Owner or occupier of land	<ul style="list-style-type: none"> Definition of "article" or "matter" includes but is not limited to:- <ul style="list-style-type: none"> Disused motor vehicles, caravans, trailers, boats or associated parts; Disused machinery, equipment and appliances; Old, used or second hand materials (including building materials); Sand, soil, rock, blue metal and any other material derived from any extraction or

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
				<p>dredging process;</p> <ul style="list-style-type: none"> o Any organic or vegetative material; o Any industrial or commercial waste products; o Any household rubbish or domestic waste; o Any recycled or composted material; o Furniture. <ul style="list-style-type: none"> • Whether the articles or matter are visible from the public place. • Whether the articles or matter are being kept in an orderly fashion or not.
11	To do or to refrain from doing such things as are specified in the order to prevent environmental damage, to repair environmental damage or to prevent further environmental damage	<p>Work carried out on land has caused or is likely to cause environmental damage, being damage to the physical environment that is caused by:</p> <ul style="list-style-type: none"> (a) drainage, or (b) drainage works, or (c) obstructing a natural watercourse other than by a work constructed or used under a water management work approval granted under the Water Management Act 2000, <p>not being environmental</p>	Owner or occupier of land	No additional criteria specified.

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
		damage arising from premises, works or equipment the subject of a licence issued under the Protection of the Environment Operations Act 1997 or the subject of a notice or direction issued by a regulatory authority under that Act		
12	To do such things as are necessary to control the flow of surface water across land	Other land, or a building on the land or other land, is being damaged or is likely to be damaged	Owner or occupier of land	<ul style="list-style-type: none"> • Clause 89 of the Local Government (General) Regulation 2005. • Whether the premises has been altered or changed in the last (approximately) 18 months to create the issue where rectification works are required. • Whether it is likely that the flow of water will result in a threat to the health or safety of any person if left uncontrolled or unaltered. • Paved, cemented or other hard surfaced areas must have surface water diverted to an appropriate stormwater disposal system to minimise discharge onto adjoining properties. • Any stormwater disposal system should direct water (including overflows) in such a manner as to avoid damage to any land, building or structure.
13,14	[Repealed]			
15	Not to conduct, or to cease conducting, an activity on premises (whether or not the	The activity constitutes or is likely to constitute: (a) a life threatening hazard, or	Any person apparently engaged in promoting, conducting or carrying out the activity	No additional criteria specified.

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
	activity is approved under this Act)	(b) a threat to public health or public safety and is not regulated or controlled under any other Act by a public authority		
15A	[Repealed]			
16	To cease the use of premises or to evacuate premises	A person to whom order No 15 is given has failed to comply with the order	The person to whom order No 15 is given	<ul style="list-style-type: none"> • The terms of the order previously issued • The nature of the activity to which the previous order related to • Whether the whole or part of the premises should cease being used or be vacated • The nature/type of premises
17	To leave premises or not to enter premises	A person to whom order No 15 is given has failed to comply with the order	Any person	<ul style="list-style-type: none"> • The terms of the order previously issued • The nature of the activity to which the previous order related to • Whether the whole or part of the premises should cease being used or be vacated • The nature/type of premises
18	Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order	<p>Birds or animals kept on premises are:</p> <p>(a) in the case of any premises (whether or not in a catchment district)—of an inappropriate kind or number or are kept inappropriately, or</p>	Occupier of premises	<ul style="list-style-type: none"> • The terms of an order should generally be consistent with the standards for the keeping of birds or animals set out in Part 5 of Schedule 2 of the Local Government (General) Regulation 2005. • There are no restrictions on the number of birds and animals that can be kept in the City in <i>normal</i> circumstances. However, limits and standards may be applied via an order when:

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
		(b) in the case of premises in a catchment district—birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs		<ul style="list-style-type: none"> o A legitimate problem has been identified relating to the numbers and/or types of birds or animals kept on particular premises. o There is a detrimental impact on the health, amenity and/or safety of others including, but not limited to: <ul style="list-style-type: none"> ▪ Continuing offensive noise at inappropriate times. ▪ Continuing offensive odours. ▪ Vermin infestation through poor cleaning. ▪ Actual and potential impacts on neighbours or the public. o The number and type of bird(s) or animal(s) being kept is either not appropriate or not acceptable. o The conditions in which the animals are being kept are either not appropriate or not acceptable. • Where the keeping of birds or animals on premises is capable of being regulated by the Environment Protection Authority, Council is excluded from making an order. <p>Council will not issue this order in relation to:</p> <p>a) Damage caused by wild or native birds or animals;</p> <p>b) The trapping of any wild or native birds or animals;</p>

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
				<p>c) The control of or treatment of termites on private or public land;</p> <ul style="list-style-type: none"> • In relation to pigeons kept in a predominantly residential area, the following criteria are to be taken into consideration: <ul style="list-style-type: none"> o The requirements of any local Pigeon Fanciers' Association or club, o The release of pigeons for free flight or training should not be carried out on Saturdays, Sundays or Mondays, o The release of pigeons for free flight or training is to be restricted to dawn to 8.30 a.m. and 3.30 p.m. to sunset, o Any pigeon loft, cages or aviary shall be erected a minimum distance of 10m from any dwelling or associated structure, o Premises are to be kept free from any nuisance caused by rodents, vermin or odour at all times, o Grain and other food to be kept in vermin/rodent proof and sealed containers, o The pigeon loft, cages or aviary should be constructed in a proper, workmanlike manner, free from debris and unsightly accumulations upon the roof, with a concrete floor and wall nib, or alternatively a raised timber/slatted floor no less than 450mm off the ground, with the roof graded and appropriately.

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
19	To use or not to use a tennis court as specified	Actual or likely annoyance or threat to the safety of neighbours or users of a public place	Occupier of land	No additional criteria specified.
20	To do such things as are specified in the order to put premises, vehicles or articles used for the manufacture, preparation, storage, sale, transportation or other handling or use of or in relation to food into a clean or sanitary condition	The premises, vehicle or article is not in a clean or sanitary condition	Owner or occupier of premises or owner or operator of vehicle or article	This order should not be used where provision is available for action under the Food Act 2003. When the Food Act 2003 is not applicable, the standards and requirements set for food premises under that act shall be taken into consideration and the terms of any order should generally reflect those standards and requirements.
21	To do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition	The land or premises are not in a safe or healthy condition	Owner or occupier of land or premises	Circumstances in which land or premises would be considered not to be in a safe and/or healthy condition include but are not limited to: <ul style="list-style-type: none"> • The presence of dampness in walls and ceilings in any property; • The presence of leaky roofs, defective guttering and/or downpiping; • Defective floor timbers and/or stair treads; • Accumulations or deposits likely to afford harbourage for vermin; • Defective sewerage service pipes; • The presence and/or accumulation of vegetation or vegetative matter (whether alive or dead) which is likely to become a harbourage for rubbish or vermin;

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
				<p>Circumstances in which premises being used as a dwelling would be considered not to be in a safe and/or healthy condition include but are not limited:</p> <ul style="list-style-type: none"> • The lack of adequate wholesome water supply; • The lack of or damage to waste pipes, sanitary fittings and/or flush pipe to water closet pans; • The presence of windows that: <ul style="list-style-type: none"> ◦ contain broken glass ◦ have been rendered incapable of being opened ◦ have been covered over (boarded up) so as to prevent the entry of natural light; • Lack of provision of suitable kitchen sink, facilities for bathing and for washing of clothes with water; • Lack of provision of an adequate stove or other facilities for cooking.
22	To store, treat, process, collect, remove, dispose of or destroy waste which is on land or premises in the manner specified in the order, provided that it is not inconsistent with regulations made under the Protection of the	Waste is present or generated on the land or premises and is not being dealt with satisfactorily, and is not regulated or controlled by, or subject to, a licence or notice granted or issued under the Protection of the	Owner or occupier of land or premises, owner of or person responsible for the waste or for any receptacle or container in which the waste is contained	No additional criteria specified.

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
	Environment Operations Act 1997	Environment Operations Act 1997		
22A	To remove or dispose of waste that is on any residential premises or to refrain from keeping waste on those premises	The waste is causing or is likely to cause a threat to public health or the health of any individual	Owner or occupier of the premises	This order is outside the scope of this policy (refer section 159 (3) of the Local Government Act 1993).
23	To connect premises to the council's water supply by a specified date	The premises are situated within 225 metres of a water pipe of the council	Owner or occupier of land	No additional criteria specified.
24	To connect premises with a sewerage system by a specified date	The premises are situated within 75 metres of a sewer of the council	Owner or occupier of premises	No additional criteria specified.
25	Not to use or permit the use of a human waste storage facility on premises after a specified date	It is necessary for the purpose of protecting public health	Owner or occupier of premises	No additional criteria specified.
26	[Repealed]			
27	To remove an object or matter from a public place or prevent any object or matter being deposited there	The object or matter: (a) is causing or is likely to cause an obstruction or encroachment of or on the public place and the obstruction or encroachment is not authorised by or under any Act, or (b) is causing or is likely to	Person causing obstruction or encroachment or owner or occupier of land from which the object or matter emanates or is likely to emanate	<ul style="list-style-type: none"> An object or matter includes (but is not limited to): <ul style="list-style-type: none"> Advertising signs, advertisement generally; Motor vehicles or motor vehicle parts; Caravans or caravan parts; Trailers/boats or trailer/boat parts; Machinery, equipment and appliances; Second hand materials including building materials;

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
		cause danger, annoyance or inconvenience to the public		<ul style="list-style-type: none"> Demolition materials; Sand, soil rock, blue metal and any other material derived from any construction; Any organic or vegetative material; Any industrial or commercial waste product; Any household rubbish or waste; Any recycled or composted material; Any stand, or article used for the display, distribution or sale of products; Any products or merchandise for distribution or sale. Whether any approval (under any Act) has been sought or gained that relates to the location of the object or article and the terms of any such approval.
28	To take whatever steps are necessary to prevent damage to a public place and to repair damage to a public place	<p>There is actual or likely damage:</p> <p>(a) by excavation or removal of material from or adjacent to the public place, or</p> <p>(b) by a work or structure, or</p> <p>(c) by surface drainage or irrigation</p>	<p>Person responsible for the excavation or the removal of the material</p> <p>Owner or person entitled to the benefit of the work or structure</p> <p>Owner or occupier of land from which surface drainage flows or from which spray emanates</p>	No additional criteria specified.

Column 1	Column 2	Column 3	Column 4	Column 5
Order No.	To do What?	In What Circumstances?	To Whom?	Additional Criteria Considered
29	To alter or repair a work or structure on, over or under a public place	It is in the public interest to do so	Owner of the work or structure	<p>Circumstances where Council may issue this order include (but are not limited to) when structures on, over, or under a footway or road are:</p> <ul style="list-style-type: none"> • Not maintained, erected or installed in accordance with approvals; • Considered unsafe or dangerous. <p>This includes (but is not limited to):</p> <ul style="list-style-type: none"> • Private services within a public place (for example, sewer services and roof water/stormwater pipes not covered by lease agreements) that require repairs • Driveway crossings which are not being maintained in a safe condition. • Shop awnings which are not being maintained in a safe or slightly condition. • Maintenance of underground pipes within a public place.
30	To comply with an approval	The approval is not being complied with	Person entitled to act on the approval or person acting otherwise than in compliance with the approval	<ul style="list-style-type: none"> • The requirements of the relevant approval. • The provisions of any Local Approvals Policy council has adopted under Part 3 of Chapter 7 of the Local Government Act 1993.

5. IMPLEMENTATION

5.1. Roles and Responsibilities

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

- All employees who deal with complaints and the enforcement of the Local Government Act 1993, including the issuing of orders, are responsible for implementing this Policy e.g. Building Surveyors, Town Planners, Compliance Officers, Weeds Officers, Rangers, Health Inspectors and any authorised officers appointed by the General Manager.

5.2. Communication

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

5.3. Associated Documents

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

- Compliance and Enforcement Policy;
- Code of Conduct Policy.

6. REVIEW

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

The standard review period will be every two years from the effective date. This policy is to be reviewed within 9 months of a general election under the Local Government Act 1993, so as to avoid automatic revocation under Section 165, clause (4) of that Act. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

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

7. LEGISLATIVE AND LEGAL FRAMEWORK

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

- The Local Government Act 1993, especially Chapter 7;
- The Local Government (General) Regulation 2005, particularly Part 3 and Schedule 2;
- Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005;

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

8. DEFINITIONS

Terms or expressions used in this policy which are defined in the Local Government Act 1993 or one of its regulations have the meanings set out in those instruments.

Relevant terms and expressions defined by the Local Government Act 1993 and/or its Regulations include:

“Approval” shall mean an approval that is in force under the Local Government Act 1993.

“Building” includes part of a building and any structure or part of a structure, but does not include a moveable dwelling or associated structure or part of a moveable dwelling or associated structure.

“Building” includes a proposed building.

“Carry out an Activity” includes to organise, arrange for or otherwise cause the activity to be carried out.

“Domestic Waste” shall mean waste on domestic premises of a kind and quantity ordinarily generated on domestic premises and includes waste that may be recycled, but does not include sewage.

“Human Waste” shall mean human faeces and urine.

“Human Waste Storage Facility” shall mean a device for holding or disposing of human waste, including a cesspit, septic tank, septic closet, water closet, chemical closet, humus closet and combustion closet.

“Manufactured Home” shall mean a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) that comprises one or more major sections, and
- (b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013,

and includes any associated structures that form part of the dwelling.

“Manufactured Home Estate” shall mean land on which manufactured homes are, or are to be, erected.

“Moveable Dwelling” shall mean:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

“Place of Shared Accommodation” includes a boarding house, a common lodging house, a house let in lodgings and a backpacker’s hostel.

“Premises” shall mean any of the following:

- (a) a building of any description or any part of it and the appurtenances to it,
- (b) land, whether built on or not,
- (c) a shed or other structure,
- (d) a tent,
- (e) a swimming pool,
- (f) a ship or vessel of any description (including a houseboat),
- (g) a van.

“Public Place” shall mean:

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or

- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements, or
- (d) public land or Crown land that is not:
- (e) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or
- (f) a common, or
 - (i) land subject to the Trustees of Schools of Arts Enabling Act 1902, or
 - (ii) land that has been sold or leased or lawfully contracted to be sold or leased, or
- (g) land that is declared by the regulations to be a public place for the purposes of this definition.

“Road” includes:

- (a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and
- (b) any part of a road and any part of anything referred to in paragraph (a), and
- (c) anything forming part of a road or anything forming part of anything referred to in paragraph (a).

Waste” shall mean:

- (a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- (b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or
- (c) garbage, being all refuse other than trade waste and effluent,

and includes any other substance defined as waste for the purposes of the Protection of the Environment Operations Act 1997, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

ORDINARY MEETING OF THE COUNCIL

July 11, 2022

ITEM 6BROKEN HILL CITY COUNCIL REPORT NO. 158/22

SUBJECT: DRAFT REVIEWED LOCAL APPROVALS POLICY FOR PUBLIC EXHIBITION D22/36070

Recommendation

1. That Broken Hill City Council Report No. 158/22 dated July 11, 2022, be received.
2. That Council endorse the Draft Local Approvals Policy for the purposes of public consultation.
3. That the Draft Local Approvals Policy be exhibited for public comment for a 28-day period.
4. That the Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the Draft Local Approvals Policy.

Executive Summary:

At the first meeting of the newly elected Council held 12 January 2022, Council considered Mayoral Minute No. 2/22 and as part of the resolution, resolved (Minute No. 46690):

...”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.”...*

A Councillor workshop was held on Wednesday 15 June 2022 which also included the review of Council’s current Local Approvals Policy, given the requirement that Council must review it’s Local Approvals Policy within 12 months of a Council Election, being the purpose of this report.

Council has a responsibility under Section 8 of the *Local Government Act 1993* to ensure that its regulatory activities are carried out in a consistent manner and without bias.

Council’s regulatory and enforcement actions should be exercised to ensure the health, safety and environmental protection of all stakeholders including residents, visitors, workers and business operators. All stakeholders should have confidence in the decision making and internal review processes.

Report:

The Local Approvals Policy is prepared under Chapter 7, Part 3 of the *Local Government Act 1993* (“the Act”). This policy has been developed to ensure good governance and best practice standards are adhered to.

Broken Hill City Council’s officers are required to make decisions and use discretion when applications for approval under section 68 of the Act are assessed.

The purpose of this Policy is to supplement provisions of the Act and the *Local Government (General) Regulation 2021* by:

- Part 1: Specifying the circumstances in which a person is not required to obtain a particular approval from the Council.
- Part 2: Specifying criteria which the Council must consider when determining whether or not to grant approval to a particular activity.
- Part 3: Specifying other matters relating to such approvals that are not dealt with by the Act or Regulations.

In accordance with Section 160 of the *Local Government Act 1993* the Draft Approvals Policy will be placed on public exhibition for a period of 28 days, during which time submissions may be made to the Council.

The Policy applies to all land within the Broken Hill City Council local government area. The Policy applies to approvals for the following activities which are listed in the Table to Section 68 of the Act.

Community Engagement:

The Draft Local Approvals Policy will be advertised for public exhibition for a period of 28-days prior to the matter being referred back to Council for final adoption.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Local Government Act 1993

Section 68 specifies all the different types of Local Approvals that requires consent and Section 160 of the *Local Government Act 1993* requires plans and policies to be placed on public exhibition for a period of 28 days, during which time submissions may be made to the Council.

Financial Implications:

There are no financial implications for Council to implement this Policy.

Attachments

1. [↓](#) Draft Local Approvals Policy

KOBUS NIEUWOUDT
EXECUTIVE MANAGER PLANNING AND COMMUNITY SAFETY

JAY NANKIVELL
GENERAL MANAGER



DRAFT LOCAL APPROVALS POLICY

QUALITY CONTROL		
TRIM REFERENCES	D16/26160 - 11/660	
RESPONSIBLE POSITION	Executive Manager Planning and Community Safety	
APPROVED BY		
REVIEW DATE	September 2024	REVISION NUMBER 2
EFFECTIVE DATE	ACTION	MINUTE NUMBER
27 July 2016	Public Exhibition	45293
28 September 2016	Adoption	45341

1. INTRODUCTION

The Policy is a local approvals policy prepared and adopted under Chapter 7, Part 3 of the Local Government Act 1993 ('the Act').

The purpose of this Policy is to supplement provisions of the Act and the Local Government (General) Regulation 2005 by:

- Part 1: Specifying the circumstances in which a person is not required to obtain a particular approval from the Council.
- Part 2: Specifying criteria which the Council must consider when determining whether or not to grant approval to a particular activity.
- Part 3: Specifying other matters relating to such approvals that are not dealt with by the Act or Regulations.

2. POLICY OBJECTIVE

The Policy aims to:

- a) provide guidance for those participating in the local approvals process in the Broken Hill City Council local government area;
- b) specify the criteria which Council will take into consideration in determining applications for approval under the Local Government Act 1993; and
- c) specify any other matters relating to the approvals process under the Local Government Act 1993.

3. POLICY SCOPE

The Policy applies to all land within the Broken Hill City Council local government area. The Policy applies to approvals for the following activities which are listed in the Table to Section 68 of the Act.

SECTION 68 ACTIVITIES

Part A – Structures or Places of Public Entertainment

1. Install a manufactured home, moveable dwelling or associated structure on land.
2. (Repealed)
3. (Repealed)

Part B – Water Supply, Sewage and Stormwater Drainage Work

1. Not applicable – Contact the water authority for approvals (Essential Water).
2. As above
3. As above
4. As above
5. Carry out stormwater drainage work.
6. Not applicable – Contact the water authority for approvals (Essential Water).

Part C – Management of Waste

1. For fee or reward, transport waste over or under a public place.
2. Place waste in a public place.
3. Place a waste storage container in a public place.
4. Not applicable – Contact water authority for approval.
5. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.
6. Operate a system of sewage management (within the meaning of Section 68A).

Part D – Community Land

1. Engage in a trade or business.
2. Direct or procure a theatrical, musical or other entertainment for the public.
3. Construct a temporary enclosure for the purpose of entertainment.
4. For fee or reward, play a musical instrument or sing.
5. Set up, operate or use a loudspeaker or sound amplifying device.
6. Deliver a public address or hold a religious service or public meeting.

Part E – Public Roads

1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.
2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.
3. (Repealed)

Part F – Other Activities

1. Operate a public car park.
2. Operate a caravan park or camping ground.

3. Operate a manufactured home estate.
4. Install a domestic oil or solid fuel heating appliance, other than a portable appliance.
5. Install or operate amusement devices.
6. (Repealed)
7. Use a standing vehicle or any article for the purpose of selling any article in a public place.
8. (Repealed)
9. (Repealed)
10. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.

4. POLICY STATEMENT

Section 68 of the Local Government Act 1993 lists those activities, which require approval under the Local Government Act 1993. The Broken Hill Local Environmental Plan 2013 (LEP) outlines those activities which require approval under the Environmental Planning and Assessment Act 1979.

Development activity often requires approval under both the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979. To improve approval procedures and increase efficiency, the opportunity exists for those who wish to do so, to obtain all required approvals relating to a development activity under both Acts in one simplified process.

Where an activity requires approval under the Local Government Act and the Environmental Planning and Assessment Act it may be applied for as part of the Development Application.

What are other relevant documents?

The following documents are related, either directly or indirectly, to the Policy:

- a) Local Government Act 1993 – particularly Chapter 7.
- b) Local Government (General) Regulation 2005.
- c) Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- d) Department of Local Government Practice Note 14 issued March 1996 titled Local Approvals Policies.
- e) Other legislation may also be applicable, depending on the type of activity involved, for example the Protection of the Environment Operations Act 1997, the Environmental Planning and Assessment Act 1979.

4.1 PART 1 – EXEMPTIONS FROM THE NECESSITY TO OBTAIN APPROVAL

- **Column 1** Outlines the activities for which approval is required under Section 68 of the Local Government (General) Regulation 2005
- **Column 2** Outlines where exemptions are provided under the Regulations.
- **Column 3** Outlines where exemptions are provided under this Policy.

If exemptions are not provided by either the Regulations or by this Policy or if exemption criteria cannot be met, approval from Council is required. Further exemptions may be provided under Council's Local Environmental Plan (LEP) or under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in respect of the need for approval under the Environmental Planning and Assessment Act 1979, as amended.

Column 1	Column 2 – Exemptions under the Regulation	Column 3 – Exemptions under the Policy
Part A – Structures or Places of Public Entertainment		
1. Install a manufactured home, moveable dwelling or associated structure on land.	Yes	No
2. Repealed	n/a	n/a
3. Repealed	n/a	n/a
Part B – Water Supply, Sewage and Stormwater Drainage Work		
1. Carry out water supply work.	Contact water authority	Contact water authority
2. Draw water from a council water supply or a standpipe or sell water so drawn.	Contact water authority	Contact water authority
3. Install, alter, disconnect or remove a meter connected to a service pipe.	Contact water authority	Contact water authority
4. Carry out sewage work.	Contact water authority	Contact water authority
5. Carry out stormwater drainage work.	No	Yes
6. Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain which connects with such a public drain or sewer.	Contact water authority	Contact water authority
Part C – Management of Waste		
1. For fee or reward, transport waste over or under a public place.	Yes	No
2. Place waste in a public place.	Yes	Yes
3. Place a waste storage container in a public place.	No	Yes
4. Dispose of waste into a sewer of the council.	Yes	No
5. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.	Yes	No
6. Operate a system of sewage management (within the meaning of Section 68A)	Yes	No
Part D – Community Land		
1. Engage in a trade or business.	No	No
2. Direct or procure a theatrical, musical or other entertainment for the public.	No	No
3. Construct a temporary enclosure for the purpose of entertainment.	No	No
4. For fee or reward, play a musical instrument or sing.	No	No
5. Set up, operate or use a loudspeaker or sound amplifying device.	Yes	Yes

Column 1	Column 2 – Exemptions under the Regulation	Column 3 – Exemptions under the Policy
6. Deliver a public address or hold a religious service or public meeting.	No	No
Part E – Public Roads		
1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.	No	No
2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.	No	Yes
3. (Repealed)	n/a	n/a
Part F – Other Activities		
1. Operate a public car park.	Yes	No
2. Operate a caravan park or camping ground.	No	No
3. Operate a manufactured home estate.	No	No
4. Install a domestic oil or solid fuel heating appliance, other than a portable appliance.	Yes	Yes
5. Install or operate amusement devices.	Yes	No
6. (Repealed)	n/a	n/a
7. Use a standing vehicle or any article for the purpose of selling any article in a public place.	No	No
8. (Repealed)	n/a	n/a
9. (Repealed)	n/a	n/a
10. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.	No	No

4.1.1 Part A – Structures or Places of Public Entertainment

4.1.1.1 Install a manufactured home, moveable dwelling or associated structure on land

Exemptions provided under the Regulations

The following exemptions are provided by the Regulations for these activities:

Activity	Regulation
Installation of moveable dwellings and associated structures in caravan parks and camping grounds, provided the structure is designed, constructed and installed in accordance with the relevant provisions of the Regulations, the site is not liable to flooding and the installation occurs with the consent of the holder of the approval to operate the caravan park or camping ground concerned.	Clause 74 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
Installation of not more than two caravans, campervans or tents on any land, so long as they are not occupied for more than two days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months.	Clause 77(a) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
Installation of not more than one caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling/house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition.	Clause 77(b) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
Installation of a caravan or campervan on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land.	Clause 77(c) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
Installation of a caravan, campervan or tent on Crown reserves or on land that is reserved or dedicated under the Forestry Act 1916.	Clause 78 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

If the above exemption criteria provided by the Regulations cannot be met, see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.2 Part B – Water Supply, Sewage, Sewage and Stormwater Drainage Works

4.1.2.1 Carry out stormwater drainage work

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

The following exemptions are provided for these activities under this Policy:

Activity	Exemption Requirements/Conditions
Carry out stormwater drainage work	All plumbing and drainage work shall be carried out to the requirements of AS/NZS 3500 and the National Construction Code (Plumbing Code of Australia).

If the exemption criteria provided by this Policy cannot be met, consent is required from Council.

4.1.3 Part C – Management of Waste

4.1.3.1 For fee or reward, transport waste over or under a public place

Exemptions provided under the Regulations

The following exemptions are provided by the Regulations:

Activity	Regulation
<p>The transporting of waste over or under a public place for fee or reward if:</p> <ul style="list-style-type: none"> i. the activity is licenced under the Protection of the Environment Operations Act 1997, or ii. the activity is being carried out in the Sydney metropolitan area as defined in Part 3 (Interpretative provisions) of Schedule 1 to that Act, or iii. the waste is being transported through the area of the council and is not being collected or deposited in that area. 	<p>Clause 48(a) of the Local Government (General) Regulation 2005</p>

If the exemption criteria provided by the Regulations cannot be met, see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council.

4.1.3.2 Place waste in a public place

Exemptions provided under the Regulations

The following exemptions are provided by the Regulations:

Activity	Regulation
The placing of waste in a public place, if it is done in accordance with arrangements instituted by the Council.	Clause 48(b) of the Local Government (General) Regulation 2005

If the exemption criteria provided by the Regulations cannot be met, see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

The following exemptions are provided for these activities under this Policy:

Activity	Exemption Requirements/Conditions
Place waste in a public place	<p>The placing of waste or recyclable materials in a public place may be carried out if it is in accordance with arrangements instituted by the Council.</p> <p>NOTE: At the time of printing the only arrangements instituted by Council for the placing of waste or recyclable materials in a public place are:</p> <ul style="list-style-type: none"> a) to allow residents to place mobile garbage bins or recycling bins on the footpath for collection by Council's solid waste and recycling collection service; and b) to provide street litter bins into which the public may deposit litter.

If the exemption criteria provided by this Policy cannot be met, consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.3.3 Place a waste storage container in a public place

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

The following exemptions are provided for these activities under this Policy:

Activity	Exemption Requirements/Conditions
Place a waste storage container in a public place	<p>The placing of waste or recyclable materials in a public place may be carried out if it is in accordance with arrangements instituted by the Council.</p> <p>NOTE: At the time of printing the only arrangements instituted by Council for the placing of waste or recyclable materials in a public place are:</p> <ul style="list-style-type: none"> a) to allow residents to place mobile garbage bins or recycling bins on the footpath for collection by Council's solid waste and recycling collection service; and b) to provide street litter bins into which the public may deposit litter.

If the exemption criteria provided by this Policy cannot be met, consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.3.4 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

Exemptions provided under the Regulations

The following exemptions are provided by the Regulations:

Activity	Regulation
<p>The installation, construction or alteration of a waste treatment device, if that installation, construction or alteration is done:</p> <ul style="list-style-type: none"> I. under the authority of a licence in force under the Protection of the Environment Operations Act 1997, or II. in a vessel used for navigation, or in a motor vehicle registered under the Road Transport (Vehicle Registration) Act 1997 that is used primarily for road transport. 	<p>Clause 48(e) of the Local Government (General) Regulation 2005</p>

If the exemption criteria provided by the Regulations cannot be met, see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.3.5 Operate a system of sewage management (within the meaning of Section 68A)

Exemptions provided under the Regulations.

The following exemptions are provided by the Regulations:

Activity	Regulation
<p>So much of the operation of a system of sewage management as is limited to an action carried out:</p> <ul style="list-style-type: none"> i. under the authority of a licence in force under the Protection of the Environment Operations Act 1997, or ii. in a vessel used for navigation, or in a motor vehicle registered under the Road Transport (Vehicle Registration) Act 1997 that is used primarily for road transport. 	<p>Clause 48(f) of the Local Government (General) Regulation 2005</p>
<p>Despite the other provisions of this Regulation, a person who purchases (or otherwise acquires) land on which any sewage management facilities are installed or constructed may operate a system of sewage management without the approval required under section 68 of the Act for the period of three months after the date on which the land is transferred or otherwise conveyed to the person (whether or not an approval is in force, as at that date, in relation to the operation of a system of sewage management on that land).</p> <p>Further, if the person duly applies, within the period of 2 months after the date on which the land is transferred or otherwise conveyed to the person, for approval to operate the system of sewage management concerned, the person may continue to operate that system of sewage management without approval until the application is finally determined.</p>	<p>Clause 47 of the Local Government (General) Regulation 2005</p>

If the exemption criteria provided by the Regulations cannot be met, see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council.

4.1.4 Part D – Community land

4.1.4.1 Engage in a trade or business

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.4.2 Direct or procure a theatrical, musical or other entertainment for the public

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.4.3 Construct a temporary enclosure for the purpose of entertainment

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.4.4 For fee or reward, play a musical instrument or sing

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.4.5 Set up, operate or use a loudspeaker or sound amplifying device

Exemptions provided under the Regulations

The following exemptions are provided by the Regulations:

Activity	Regulation
A loudspeaker or sound amplifying device may be set up, operated or used on community land without the prior approval of the council if it is done in accordance with a notice erected on the land by the council or if it is done in the circumstances specified, in relation to the setting up, operation or use (as the case may be), in Part 1 of the local approvals policy applying to the land. See exemptions provided under this policy below.	Clause 49 of the Local Government (General) Regulation 2005

If the exemption criteria provided by the Regulations cannot be met, see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

The following exemptions are provided for these activities under this Policy:

Activity	Exemption Requirements/Conditions
Set up, operate or use a loudspeaker or sound amplifying device	The loudspeaker or sound amplifying device is set up, operated or used on community land if it is in accordance with a Notice on that land permitting the activity.

If the exemption criteria provided by this Policy cannot be met, consent is required from Council.

4.1.4.6 Deliver a public address or hold a religious service or public meeting

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.5 Part E – Public Roads

4.1.5.1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.5.2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

The following exemptions are provided for these activities under this Policy:

Activity	Exemption Requirements/Conditions
Under awning advertising sign	<ul style="list-style-type: none"> a) The sign is attached below the awning of a building within Business or Industrial zones under the Broken Hill Local Environmental Plan. b) The sign is to be erected approximately horizontal to the ground and at no point less than 3.0 metres from the ground/footpath level. c) The sign shall not project beyond the edge of the awning. The awning to which the sign is attached is structurally adequate to maintain the additional load placed upon it.

If the exemption criteria provided by this Policy cannot be met, consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.6 Part F – Other activities

4.1.6.1 Operate a public car park

Exemptions provided under the Regulations

The following exemptions are provided by the Regulations:

Activity	Regulation
A public car park may be operated without the prior approval of the council if approval for its erection or operation has already been given by the council in connection with another approval or development consent and the car park complies with any applicable conditions of that approval or development consent.	Clause 66 of the Local Government (General) Regulation 2005

If the exemption criteria provided by the Regulations cannot be met, see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council.

4.1.6.2 Operate a caravan park or camping ground

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.6.3 Operate a manufactured home estate

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.6.4 Install a domestic oil or solid fuel heating appliance, other than a portable appliance

Exemptions provided under the Regulations

The following exemptions are provided by the Regulations:

Activity	Regulation
A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of the council if details of the appliance are included in plans and specifications for the relevant building approved under Part 4A of the Environmental Planning and Assessment Act 1979.	Clause 70 of the Local Government (General) Regulation 2005

If the exemption criteria provided by the Regulations cannot be met, see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

The following exemptions are provided for these activities under this Policy:

Activity	Exemption Requirements/Conditions
Install a domestic oil or solid fuel heating appliance, other than a portable appliance.	<p>a) The flue/chimney height is to be 1 metre above any other building within a 15 metre radius. The flue height is to be at least 4.6 metres above floor level.</p> <p>b) Installation is to be in accordance with:</p> <ul style="list-style-type: none"> o The National Construction Code (Building Code of Australia). o AS 2918: Domestic Solid Fuel Burning Appliances and Installation. o NSW Department of Environment and Conservation's publication <i>Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters</i>. <p>c) The heater must comply with the emission controls stated in AS 4013:</p> <ul style="list-style-type: none"> o Domestic Solid Fuel Burning Appliances - Methods for determination of flue gas emission. <p>d) Must not cause a smoke or odour nuisance to adjoining or nearby properties.</p>

If the exemption criteria provided by this Policy cannot be met, consent is required from Council.

4.1.6.5 Install or operate amusement devices

Exemptions provided under the Regulations

The following exemptions are provided by the Regulations:

Activity	Regulation
Amusement devices not required to be registered under the Work Health and Safety Regulation 2011 may be installed or operated without the prior approval of the council.	Clause 71 of the Local Government (General) Regulation 2005
<p>A small amusement device may be installed or operated without the prior approval of the council if:</p> <ul style="list-style-type: none"> a) the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and b) the device is registered under the Work Health and Safety Regulation 2011, and c) the device: <ul style="list-style-type: none"> i. is to be or has been erected, and ii. it to be or is being operated, in accordance with all conditions (if any) relating to its erection or operation set out in the current certificate of registration issued for the device under that Regulation, and d) there exists for the device a current log book within the meaning of Chapter 5 of that Regulation, and e) in the case of a device that is to be or is installed in a building, fire egress is not obstructed, and (f) there is in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$10,000,000 in respect of each accident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability. 	Clause 75 of the Local Government (General) Regulation 2005

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.6.6 Use a standing vehicle or any article for the purpose of selling any article in a public place

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.1.6.7 Carry out activity prescribed by the regulations or an activity of a class or description prescribed by the regulations

Exemptions provided under the Regulations

No exemptions are provided for this activity under the Regulations; see below for exemption criteria provided by this Policy.

Exemptions provided under this Policy

No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.

4.2 PART 2 – CRITERIA COUNCIL MUST CONSIDER WHEN DETERMINING APPLICATIONS

4.2.1 The Approvals System

There are three levels to the NSW approvals system. The first level consists of the primary legislation being the Environmental Planning and Assessment Act 1979 and Local Government Act 1993.

The second level is the regulations made under the Environmental Planning and Assessment Act 1979 and Local Government Act.

The third level is Council Policies, Guidelines and Codes, including this document. Council must consider various matters in each level of the approvals system when it determines applications for development activity as listed in the sections below.

4.2.1.1 Level 1 - Legislative Criteria

The following legislation sets out the main issues which must be considered in assessing applications:

- Section 89 of the Local Government Act 1993 and the Local Government (General)
- Regulation 2005, together with the National Construction Code (Building Code of Australia) and related Australian Standards.

4.2.1.2 Level 3 - Council Policies

The following Council documents also include criteria for the assessment of development activity and will be considered as part of the Local Approvals Policy:

- Food Hawker and Vendor Regulations
- Footpath Restaurant Settings
- Shop Front Display & Moveable Signs
- Procedure for the issue of General Permits and Permission for Street Activities
- Community Markets Policy

NOTE: Above policies are not contained within the Local Approvals Policy. A copy of these documents will need to be obtained by the applicant from Council.

The following external documents adopted by Council include criteria for the assessment of development activity and will be considered as part of the Local Approvals Policy:

- Australian Standard AS4674-2004 Design, Construction and Fitout of Food Premises
- NSW Food Authority – Guidelines for Mobile Food Vending Vehicles
- NSW Food Authority – Guidelines for Food Businesses at Temporary Events

NOTE: The above documents are not contained within the Local Approvals Policy. A copy of these documents will need to be obtained by the applicant from external sources.

4.2.2 General matters for consideration under Regulations

The regulations made under the Local Government Act 1993 prescribe a number of matters that must be considered by Council when dealing with an activity application, as detailed under the respective headings below:

4.2.3 Part B – Water supply, sewage, sewage and stormwater drainage works

1. Carry out water supply work – Not relevant to Broken Hill City Council
2. Carry out sewage work - Not relevant to Broken Hill City Council
3. Carry out stormwater drainage work

Consideration Criteria

Clause 13 of the Local Government (General) Regulation 2005 specifies matters that must be taken into consideration by Council as follows:

'The council must not approve an application for an approval allowing water supply, sewage or stormwater drainage work to be carried out unless it is satisfied that the activity as proposed to be carried out will comply with any applicable standards set out or referred to in Part 2 of Schedule 1 and with any other applicable standards or requirements set out or referred to in this Regulation'.

Clause 15 of the Local Government (General) Regulation 2005 specifies matters that must be taken into consideration by Council as follows:

(1) This clause applies to the following activities:

- (a) carrying out water supply work,*
- (b) drawing water from the council water supply or a standpipe,*
- (c) installing, altering, disconnecting or removing a water meter connected to a service pipe,*
- (d) carrying out sewage work,*
- (e) carrying out stormwater drainage work.*

(2) In determining an application for the purposes of section 68 of the Act for an approval to do any of the activities to which this clause applies, the Council must have regard to the following considerations:

- (a) the protection and promotion of public health,
- (b) the protection of the environment,
- (c) the safety of its employees,
- (d) the safeguarding of its assets,
- (e) any other matter that it considers to be relevant in the circumstances.

Part 2 of Schedule 1 of the Local Government (General) Regulation 2005 specifies mandatory that water supply work or sewage work that is plumbing and drainage work within the meaning of the *Plumbing and Drainage Act 2011* must comply with that Act and the regulations under that Act. Any water supply work or sewage work that is not plumbing and drainage work under that Act, and any stormwater drainage work, must comply with the National Construction Code (Plumbing Code of Australia).

4.2.4 Part C – Management of waste

4.2.4.1 Place a waste storage container in a public place

Consideration Criteria

Clause 27 of the Local Government (General) Regulation 2005 specifies matters that must be taken into consideration by Council as follows:

In determining an application for approval to place on a road a building waste storage container, the council is to take into consideration any requirements or guidelines relating to the location, size and visibility of building waste storage containers that are notified to the council from time to time by the Roads and Traffic Authority.

4.2.5 Part C – Management of waste

4.2.5.1 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

Consideration Criteria

Clause 29 of the Local Government (General) Regulation 2005 specifies matters that must be taken into consideration by Council as follows:

- 1) *In determining an application for approval to install, construct or alter a sewage management facility, the council must take into consideration the matters specified in this clause.*
- 2) *Environment and health protection matters.*
- 3) *The council must consider whether the proposed sewage management facility (or the proposed sewage management facility as altered) and any related effluent application area will make appropriate provision for the following:*
 - a) *preventing the spread of disease by micro-organisms,*
 - b) *preventing the spread of foul odours,*
 - c) *preventing contamination of water,*
 - d) *preventing degradation of soil and vegetation,*
 - e) *discouraging insects and vermin.*

4) *Ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned, the re-use of resources (including nutrients, organic matter and water), the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.*

5) *Guidelines and directions*

The council must consider any matter specified in guidelines or directions issued by the Director-General in relation to the matters referred to in subclause (2).

4.2.6 Part E – Public roads

1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.
2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

Consideration Criteria

Clause 50 of the Local Government (General) Regulation 2005 specifies matters that must be taken into consideration by Council as follows:

In determining an application for an approval under Part E of the Table to section 68 of the Act the council must take into account:

- a) *the provisions of the Roads Act 1993, and*
- b) *any relevant standards and policies of public authorities applying to the use of the road.*

4.2.7 Part F – Other activities

4.2.7.1 Operate a public car park

Consideration Criteria

Clause 53 of the Local Government (General) Regulation 2005 specifies matters that must be taken into consideration by Council as follows:

In determining an application for approval to operate a public car park the council is to take the following matters into consideration:

- a) *the roads and traffic authorities views about the application,*
- b) *the effect of the car park on the movement of vehicular traffic and pedestrian traffic,*
- c) *whether the number of vehicles proposed to be accommodated is appropriate having regard to the size of the car park and the need to provide off-street parking facilities within the car park for the temporary accommodation of vehicles,*
- d) *whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory,*
- e) *whether there will be adequate provision for pedestrian safety and access for people with disabilities,*
- f) *whether the internal design of parking facilities and system of traffic management are satisfactory,*
- g) *whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided,*

- h) the Work Health and Safety Act 2011, and the regulations made under that Act, as regards the safety of persons who will be employed at the proposed car park or of persons who will go there,*
- i) whether there will be adequate provision for the management of stormwater and the minimisation of stormwater pollution.*

4.2.8 Part F – Other activities

4.2.8.1 Operate a caravan park or camping ground

Consideration Criteria

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 contains mandatory requirements for the operation of a caravan park and camping ground. As a result, Council will evaluate all relevant activity applications to ensure that:

- a) Supporting plans and documents clearly demonstrate an intention to comply with the requirements of the regulation.
- b) Where such an intention is not demonstrated, an assessment will be made of whether it is feasible for the applicant to comply and hence whether it is appropriate to issue a conditional approval or hold the application pending the supply of the necessary information.

4.2.8.2 Application requirements and general matters for consideration under this Local Approvals Policy

Under the terms of this Local Approvals Policy, the following matters must be considered in addition to any matters prescribed by the regulations for the respective activity applications.

NOTE: For an application to be acceptable to Council the application must contain all of the information and documents required by:

- a) The Local Government Act 1993 as amended and the Regulations made thereunder;
- b) The provisions of this section; and
- c) The Environmental Planning and Assessment Act 1979 (where applicable).

Applications not meeting these requirements will be deemed by Council as "containing insufficient information" and therefore unacceptable pursuant to Section 86 of the Local Government Act 1993 as amended. Such applications will not be dealt with until all of the required information and documents have been submitted to Council.

4.2.9 Part A – Structures or Places of Public Entertainment

4.2.9.1 Install a manufactured home, moveable dwelling or associated structure on land

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications for the installation of manufactured homes, moveable dwellings and associated structures on land; and
- b) The matters that Council will take into consideration when determining applications to install manufactured homes, moveable dwellings and associated structures.

Applications

Applications to install a manufactured home, moveable dwelling or associated

Structure shall:

- a) Be made on the appropriate application form, or by a letter or other document containing all of the information required by the Local Government Act 1993, as amended, the Regulations made thereunder and the Broken Hill City Council Local Approvals Policy to enable Council to properly consider and determine the application;
 - i. **NOTE:** This approval may be obtained as part of the Development Application,
 - ii. required under the Environmental Planning and Assessment Act 1979.
- b) Be accompanied by the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Schedule of Fees and Charges;
- c) Be made by the owner or a person authorised by the owner in writing;
- d) Be accompanied by a plan showing the proposed location of the manufactured home, moveable dwelling or associated structure and its relationship to:
 - i. The boundaries of the property;
 - ii. Any roads or footways on the land;
 - iii. Other manufactured homes, moveable dwellings or associated structures on the land; and
 - iv. Any permanent or temporary structure on the land.
- e) Be accompanied by Plans and Specifications showing:
 - i. Floor plan of the manufactured home, moveable dwelling or associated structure showing dimensions;
 - ii. Details of amenities such as water supply, gas supply, electricity supply, waste disposal, laundry facilities, toilet facilities, shower facilities and cooking facilities.
- f) Be accompanied by details of how the manufactured home, moveable dwelling or associated structure is to be secured on the proposed site; and
- g) Any additional information required to be submitted with the Development Application under the Environmental Planning and Assessment Act 1979.

Matters Council will take into consideration

When determining an application to install a manufactured home, moveable dwelling or associated structure Council will take into consideration:

- a) Whether all of the information required to enable Council to properly consider and determine the application has been submitted;
- b) Whether all of the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Schedule of Fees and Charges have been paid;
- c) The provisions of the Local Government Act 1993 as amended, and in particular, those matters prescribed in Section 89 of that Act;
- d) The provisions of any other relevant Statute or Regulation;
- e) Any applicable standards that are specified in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005;
- f) Whether adequate provision has been made to ensure the health, safety and convenience of the occupants of any moveable dwelling or associated structure;
- g) Whether Development Consent pursuant to the provisions of the Environmental Planning and Assessment Act 1979, as amended, is required prior to an approval being granted pursuant to Chapter 7 of the Local Government Act 1993, as amended, and if so, whether such Development Consent has been granted; and
- h) Any other matter that Council considers relevant in the particular case.

4.2.10 Part C – Management of waste

4.2.10.1 Place waste in a public place

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications to place waste in a public place; and
- b) The matters Council will take into consideration when determining applications to place waste in a public place.

Applications

Applications to place waste in a public place shall:

- a) Be made on the appropriate application form, or by a letter or other document containing all of the information required to enable Council to properly consider and determine the application;
- b) Be accompanied by the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Schedule of Fees and Charges;
- c) Be accompanied by a site plan, drawn to scale, showing the location where it is proposed to place waste in a public place;
- d) Be accompanied by Plans and Specifications, reports, standards and such other documents as Council deems necessary in the particular case to enable Council to give appropriate consideration to the application; and
- e) Be accompanied by any other information considered necessary by Council in the particular case.

Matters Council will take into consideration

When determining an application to place waste in a public place Council will take into consideration:

- a) Whether all of the information required to enable Council to properly consider and determine the application has been submitted to Council;
- b) Whether all of the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Schedule of Fees and Charges have been paid;
- c) The provisions of the Local Government Act 1993, as amended, and in particular Section 89 of that Act;
- d) The provisions of the Local Government (General) Regulation 2005, and in particular Division 4 of Part 2 of that Regulation;
- e) The provisions of the Roads Act 1993 and the Regulations made thereunder;
- f) The provisions of any relevant Statute or Regulation;
- g) The safety of the public and the protection of property; and
- h) Any other matter that Council considers relevant in the particular case.

4.2.10.2 Place a waste storage container in a public place

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications to place a waste storage container in a public place; and
- b) The matters Council will take into consideration when determining applications to place a waste storage container in a public place.

Applications

The Application to place a waste storage container in a public place shall:

- a) Be made on the appropriate application form, or by a letter or other document containing all of the information required to enable Council to properly consider and determine the application;
- b) Be accompanied by the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Schedule of Fees and Charges;
- c) Be accompanied by a site plan, drawn to scale, showing the proposed location of the waste storage container;
- d) Be accompanied by Plans and Specifications showing the design, type and location of any structure or structures to be used to prevent public access to the waste storage container and the type, design and location of any proposed signs, warning lights or other safety equipment;
- e) Be accompanied by a statement providing details of:
 - i. The days on which it is proposed to have the waste storage container in the public place; and
 - ii. Any public risk insurance policy available to indemnify Council and the applicant against claims; and
- f) Be accompanied by any other information deemed necessary by Council in the particular case.

Matters Council will take into consideration

When determining an application to place a waste storage container in a public place

Council will take into consideration:

- a) Whether all of the information required to enable Council to properly consider and determine the application has been submitted to Council;
- b) Whether all of the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges have been paid;
- c) The provisions of the Local Government Act 1993 as amended, and in particular Section 89 of that Act;
- d) The provisions of the Local Government (General) Regulation 2005;
- e) The provisions of the Roads Act 1993 and the Regulations made thereunder;
- f) The effect that the waste storage container and any barricades or structures erected
 - i. to prevent public access to the container will have on pedestrian movements in the vicinity of the waste storage container,
 - ii. and whether adequate provision has been made for pedestrian access to nearby premises;
- g) The safety of the public and the protection of property;
- h) The effect that the waste storage container and any barricade or structure erected to
 - i. prevent public access to that container will have on vehicular movements and
 - ii. vehicular parking in the vicinity of the waste storage container;
- i) The period during which it is proposed to have the waste storage container in the public place;
- j) The adequacy of the available public risk insurance with regard to the protection of Council and the public; and
- k) Any other matter considered relevant by Council in the particular case.

4.2.10.3 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

Introduction

This section contains information in respect to Council's requirements regarding:

- a) The submission of applications for the installation, construction or alteration of a waste treatment device or a human waste storage facility, or a drain connected to such device or facility; and
- b) The matters that Council will take into consideration when determining an application to install, construct or alter such waste treatment device or human waste storage facility, and the drains connected to such device or facility.

NOTE: The Dictionary to the Local Government Act 1993 defines the following as:

“Human waste storage facility” means a device for holding or disposing of human waste, including a cesspit, septic tank, septic closet, water closet, chemical closet, humus closet and combustion closet.

“Waste” means:

(a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or

(b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or garbage, being all refuse other than trade waste and effluent, and includes any other substance defined as waste for the purposes of the Protection of the Environment Operations Act 1997, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

Applications

Applications to install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility shall:

- a) Be made by the owner, or by a person authorised in writing by the owner;
- b) Be made on the appropriate application form, or by a letter which contains all of the information deemed necessary by Council to enable Council to properly determine the application;
- c) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges;
- d) Be accompanied by two sets of plans and specifications of the proposed installation or alteration which clearly indicate:
 - i. The fittings or appliances proposed to be connected to the Waste Treatment Device or Human Waste Storage Facility;
 - ii. The size and type of the various components of the Waste Treatment Device or Human Waste Storage Facility, including septic tanks, collection or storage tanks, effluent disposal areas, pipes, fittings, pits, valves and other components, and the materials from which the aforementioned components will be constructed or made;
 - iii. The proposed location of the Waste Treatment Device or Human Waste Storage Facility, the effluent disposal area, and all pipes, fittings, pits, valves and components; and
 - iv. Any other matter which the Council, in the particular case, deems necessary to enable Council to properly consider the application; and
- e) Be accompanied by a Certificate of Accreditation from the NSW Department of Health;
- f) Be accompanied by a geo-technical study prepared by an experienced Geo-technical Engineering Consultant certifying that any proposed effluent disposal area is located in position and is of sufficient design and capacity to ensure that all effluent arising from the buildings on the land can be disposed of on the site without causing nuisances and/or pollution, both in the short and long term.

NOTES:

1. The testing for the geo-technical study is to be carried out by a NATA registered laboratory. Matters such as geology, stratigraphy (in particular soil profile and permeability) must be addressed.

Matters Council will take into consideration

When determining an application to install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to such device or facility, Council will take into consideration:

- a) The provisions of the Local Government Act 1993, as amended, and in particular
- b) the provisions of Section 89 of that Act;
- c) The provisions of the Local Government (General) Regulation 2005;
- d) The provisions of ASNZ 3500 Parts 1 to 4 published by the Standards Association of Australia;
- e) The provisions of the National Construction Code (Plumbing Code of Australia);
- f) Whether approval to erect a building pursuant to Section 68 of the Local Government Act 1993 as amended is required prior to the waste treatment device or human waste storage facility being installed, constructed or altered, and if so whether such approval has been issued by Council;
- g) Whether the land is suitable for the installation of a device for the treatment of human waste, or for a human waste storage facility, and whether any effluent from such devices can be disposed of in a satisfactory manner;
- h) The protection and promotion of public health;
- i) The protection of the environment;
- j) Whether all of the information required to enable Council to properly consider the application has been submitted to Council;
- k) Whether all the fees, charges and security deposits required to be paid by Council's Schedule of Fees and Charges have been paid; and
- l) Any other matter Council considers relevant in the particular case.

4.2.11 Part D – Community land

4.2.11.1 Engage in a trade or business

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications for approval to engage in a trade or business on community land; and
- b) The matters that Council will take into consideration when determining applications for approval to engage in a trade or business on community land.

Applications

Applications for approval to engage in a trade or business on community land, shall:

- a) Be made on the appropriate application form, or by a letter which contains all of the information required to enable Council to properly determine the application.
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges.

- c) Where the activity involves selling food to the public, be accompanied by documentary evidence that the provisions of the NSW Food Authority – Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority – Guidelines for Food Businesses at Temporary Events, will be complied with.
- d) Be accompanied by a statement providing details of:
 - i. The days and times during which it is proposed to engage in the trade or business;
 - ii. Any public liability insurance designed to indemnify the applicant and Council against claims for injury to persons and damage to property while the trade or business is being conducted;
- e) If considered necessary by Council in the particular case, be accompanied by plans and specifications showing the design, type and location of any structures, barricades, tables or articles proposed to be placed or left on the community land for the purpose of engaging in the trade or business; and
- f) Be accompanied by any other information that Council considers relevant in the particular case.

Matters Council will take into consideration

When determining an application to engage in a trade or business on community land Council will take into consideration the following criteria:

- a) The provisions of the Local Government Act 1993 as amended, and in particular Section 89 of that Act;
 - i. The provisions of the Local Government (General) Regulation 2005;
 - ii. Whether all of the information necessary for Council to properly determine the application has been submitted to Council;
 - i. Whether all the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges have been paid;
- b) Whether, if the trade or business involves selling food to the public, the provisions of the NSW Food Authority – Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority – Guidelines for Food Businesses at Temporary Events, will be complied with;
- c) The effect that the proposed trade or business will have on the enjoyment of the community land by members of the public;
- d) The safety of the public and the protection of property;
- e) Any management plan that Council has adopted in respect to the management of Community Land;
- f) Whether any public liability insurance taken out in respect to the proposed trade or business is adequate to protect Council against claims for injuries to persons and damage to property; and
- g) Any other matter that Council considers relevant in the particular case.

4.2.11.2 Direct or procure a theatrical, musical or other entertainment for the public.

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications for approval to direct or procure a theatrical, musical or other entertainment for the public on community land; and
- b) The matters Council will take into consideration when determining applications for approval to direct or procure a theatrical, musical or other entertainment for the public on community land.

Applications

Applications for approval to direct or procure a theatrical, musical or other entertainment for the public on community land shall:

- a) Be made on the appropriate application form, or by a letter which contains all of the information required to enable Council to properly consider the application.
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges.
- c) Be accompanied by a statement providing details of:
 - i. The days and times during which it is proposed to conduct the theatrical, musical or other entertainment;
 - ii. The number of persons expected to attend the function;
 - iii. The procedures and methods proposed to be used for crowd control;
 - iv. The arrangements proposed for cleaning the site during and after the function;
 - v. The number and type of toilets and other facilities proposed to be provided at the function;
 - vi. The location, design and type of all amplification equipment proposed to be used at the function, and the expected noise levels (in dB(A)) at the boundaries of the community land concerned;
 - vii. The location, type and design of all food outlets proposed to be operated at the function; and
 - viii. The location and type of any seating proposed to be provided at the function.
- d) Be accompanied by plans and specifications and the proposed location of any barricades or structures proposed to be used at the activity.
- e) Be accompanied by documentation providing details of any public risk insurance available for the function from the time work commences in setting up the equipment until the site is cleared.
- f) Be accompanied by any other information deemed necessary by Council in the particular case.

Matters Council will take into consideration

When determining an application for approval to direct or procure a theatrical, musical or other entertainment for the public on community land, Council will take into consideration the following criteria:

- a) Whether development consent under the Environmental Planning and Assessment Act 1979 as amended, is required prior to an approval being granted pursuant to Section 68 of the Local Government Act 1993 as amended, to a person to direct or provide a theatrical, musical or other entertainment for the public on community land, and if so, whether such consent has been issued by Council;
- b) Whether all of the information required to enable Council to properly consider and determine the application has been submitted to Council;
- c) Whether all of the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges has been paid;
- d) The provisions of the Local Government Act 1993 as amended, and in particular Section 89 of that Act;
- e) The provisions of the Local Government (General) Regulation 2005;
- f) The provisions of the Protection of the Environment Operations Act 1997 (POEO Act) as amended, and the Regulations made thereunder;
- g) The safety of the public and the protection of property;
- h) The adequacy of the available public liability insurance with regard to the protection of the Council and the applicant against claims for injuries to persons and damage to property;
- i) Any management plan adopted by Council in respect to the management of Community Land;
- j) Whether alcohol will be available on the site, and if so, whether a liquor licence has been issued and any conditions attached thereto;
- k) Whether adequate toilet facilities will be available on the site; and
- l) Any other matter that Council considers relevant in the particular case.

4.2.11.3 Construct a temporary enclosure for the purpose of entertainment

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications for approval to construct a temporary enclosure for the purpose of entertainment on community land; and
- b) The matters Council will take into consideration when determining an application to construct a temporary enclosure for the purpose of entertainment on community land.

Applications

Applications for approval to construct a temporary enclosure on community land for the purpose of entertainment shall:

- a) Be made on the appropriate application form, or by a letter which contains all of the information requested to enable Council to properly determine the application;
- b) Be accompanied by the relevant fees, charges and security deposits incorporated on Council's Schedule of Fees and Charges;
- c) Be accompanied by plans and specifications showing the design, type and location of the structure or structures proposed to be used to enclose the section of

community land, and the type, design and location of any proposed signs, warning lights or other safety equipment;

- d) Be accompanied by details of any public liability insurance designed to indemnify Council and the applicant against claims for injury to persons and damage to property while the section of community land is enclosed; and
- e) Be accompanied by any other information that Council considers relevant in the particular case.

Matters Council will take into consideration

When determining an application to construct temporary enclosures on community land for the purpose of entertainment, Council will take the following criteria into consideration:

- a) Whether all of the information required to enable Council to properly determine the application has been submitted to Council;
- b) Whether all of the relevant fees, charged and security deposits incorporated on Council's Schedule of Fees and Charges have been paid;
- c) The provisions of the Local Government Act 1993 as amended, and particularly Section 89 of that Act;
- d) The provisions of the Local Government (General) Regulation 2005;
- e) The effect that the enclosure will have on the enjoyment of the community land by members of the public;
- f) The provisions of any relevant Statute or Regulation, and any relevant standards and policies of public authorities applying to the use of the road;
- g) The safety of the public and the protection of property;
- h) The period during which it is proposed to enclose the section of community land;
- i) Whether any public liability insurances taken out in respect to the enclosure of the community land is adequate to protect Council against claims for injury to persons and damage to property;
- j) Any management plan which Council has adopted in respect to the management of community land;
- k) Whether development consent pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 as amended is required for the activity, and if so, whether such consent has been issued;
- l) Whether adequate toilet facilities will be available on the site;
- m) Whether alcohol will be available on the site, and if so, whether a liquor licence has been issued and any conditions attached thereto; and
- n) Any other matter that Council considers relevant in the particular case.

4.2.11.4 For fee or reward, play a musical instrument or sing

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications for approval to play a musical instrument or sing for a fee or reward on community land; and
- b) The matters Council will take into consideration when determining applications for approval to play a musical instrument or sing for a fee or reward on community land.

Applications

Applications for approval to play a musical instrument or sing for a fee or reward on community land shall:

- a) Be made on the appropriate application form, or by a letter which contains all of the information required to enable Council to properly consider the application.
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges.
- c) Be accompanied by a statement providing details of:
 - i. The days and times during which it is proposed to play the musical instrument or sing;
 - i. The location where it is proposed to play the musical instrument or sing; and
 - ii. The name, address and telephone number of the persons accepting responsibility for the activities.

Matters Council will take into consideration

When determining an application for approval to play a musical instrument or sing for a fee or reward on community land, Council will take the following criteria into consideration:

- a) Whether all of the information required to enable Council to properly determine the application has been submitted to Council;
- b) Whether all of the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges have been paid;
- c) The provisions of the Local Government Act 1993 as amended, and in particular Section 89 of that Act;
- d) The provisions of the Local Government (General) Regulation 2005;
- e) The safety of the public and the protection of property;
- f) The provisions of Code No 1 - Busking; and
- g) Any other matter that Council considers relevant in the particular case.

4.2.11.5 Deliver a public address or hold a religious service or public meeting

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications for approval to deliver a public address or hold a religious service or public meeting on community land; and
- a) The matters Council will take into consideration when determining applications for approval to deliver a public address or hold a religious service or public meeting on community land.

Applications

Applications for approval to deliver a public address or hold a religious service or public meeting on community land, shall:

- a) Be made on the appropriate application form, or by a letter which contains all of the information required to enable Council to properly consider the application.
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges.

- c) Be accompanied by a statement providing details of:
 - i. The days and times during which it is proposed to conduct the activity;
 - ii. The number of persons expected to attend the function;
 - iii. The procedures and methods proposed to be used for crowd control;
 - iv. The arrangements proposed for cleaning the site during and after the function;
 - v. The number and type of toilets and other facilities proposed to be provided at the function;
 - vi. The location, design and type of any artificial lighting proposed to be used at the function;
 - vii. The location, design and type of any amplification equipment proposed to be used at the function, and the expected noise levels (in dB(a)) at the boundaries of the community land concerned;
 - viii. The location, type and design of all food outlets proposed to be operated at the function; and
 - ix. The location and type of any seating proposed to be provided at the activity;
 - x. Be accompanied by plans and specifications and the proposed location of any barricades or structures proposed to be used at the function.
- d) Be accompanied by documentation providing details of any public risk insurance available for the function from the time work commences in setting up the equipment until the site is cleared.
- e) Be accompanied by any other information deemed necessary by Council in the particular case.

Matters Council will take into consideration

When determining an application for approval to deliver a public address or hold a religious service or public meeting on community land Council will take into consideration the following criteria:

- a) Whether development consent under the Environmental Planning and Assessment Act 1979 as amended is required prior to an approval being granted pursuant to Section 68 of the Local Government Act 1993 as amended, for the proposed activity and if so, whether such consent has been issued by Council;
- b) Whether all the information required to enable Council to properly consider and determine the application has been submitted to Council;
- c) Whether all of the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges have been paid;
- d) The provisions of the Local Government Act 1993 as amended, and in particular Section 89 of that Act;
- e) The provisions of the Local Government (General) Regulation 2005;
- f) The provisions of the Protection of the Environment Operations Act 1997 (POEO Act) as amended and the Regulations made under that Act;
- g) The safety of the public and the protection of property;
- h) The adequacy of the available public risk insurance with regard to the protection of Council and the public; and
- i) Any other matter that Council considers relevant in the particular case.

4.2.12 Part E – Public roads

4.2.12.1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway

Introduction

The purpose of this section is to provide the public with information as to Council's requirements in respect to:

- a) The submission of applications to swing or hoist goods across or over any part of a public road by means of a lift, hoist, or tackle projecting over the footway; and
- b) The matters that Council will take into consideration when determining applications to swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.

Applications

Applications to swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway shall:

- a) Be made by the owner, or by a person authorised in writing by the owner;
- b) Be made on the appropriate application form, or by a letter which contains all of the information deemed necessary by Council to enable Council to properly determine the application;
- c) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges;
- d) Be accompanied by plans and specifications showing the design, type and location of the machinery or structure proposed to be used to swing or hoist goods across the roadway;
- e) Be accompanied by plans and specifications showing the design, type and location of the structure or structures proposed to be used to enclose the area over which the goods will be lifted, and the type, design and location of any proposed signs, warning lights or other safety equipment; and
- f) Be accompanied by any current approval or licence issued by the WorkCover Authority of NSW.

Matters Council will take into consideration

When determining an application for approval to swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway, Council will take into consideration:

- a) Whether all of the information required to enable Council to properly consider and determine the application has been submitted to Council;
- b) Whether all of the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Schedule of Fees and Charges have been paid;
- c) The provisions of the Local Government Act 1993, as amended, and in particular Section 89 of that Act;
- d) The provisions of the Local Government (General) Regulation 2005;
- e) The provisions of the Roads Act 1993 and the Regulations made thereunder;
- f) The effect that the enclosure of the portion of the road over which the goods will be lifted will have on pedestrian movements in the vicinity of the proposed enclosure;

- g) and whether adequate provision has been made for pedestrian access to nearby premises;
- h) The safety of the public and the protection of property;
- i) The effect that the enclosure of the portion of the road over which the goods will be lifted will have on vehicular parking in the vicinity of the proposed enclosure;
- j) The period during which it is proposed to keep the public place enclosed; and
- k) Any other matter or thing Council considers relevant in the particular case.

4.2.12.2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications for approval to erect an advertising structure over a public road, or expose or allow to be exposed (whether for sale or otherwise) any article in or on so as to overhang any part of a road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road; and
- b) The matters that Council will take into consideration when determining applications for approval to erect an advertising structure over a public road, or expose or allow to be exposed (whether for sale or otherwise) any article in or on so as to overhang any part of a road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

Applications

Applications for approval to erect an advertising structure over a public road, or expose or allow to be exposed (whether for sale or otherwise) any article in or on so as to overhang any part of a road, shall:

- a) Be made on the appropriate application form, or by a letter which contains all of the information required to enable Council to properly determine the application;
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges;
- c) Be accompanied by plans and specifications drawn to scale of the proposed advertising structure or article which is intended to overhang the road, showing:
 - i. The dimensions of the proposed advertising structure or article;
 - ii. the location of the proposed advertising structure or article; and
 - iii. The minimum distance between the footpath and the lowest part of the advertising structure or article.

NOTE: The minimum clearance between the footpath and the lowest part of the advertising structure or article is 3.0 metres.

- d) Be made and requested by the owner of the building to which the advertising structure or article is to be attached, by a letter signed by the owner authorising the submission of the application; and
- e) Be accompanied by any other information considered necessary by Council in the particular case.

Matters Council will take into consideration

When determining an application to erect an advertising structure over a public road, or expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of a road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road, Council will take into consideration:

- a) The provisions of the Local Government Act 1993 as amended and in particular, Section 89 of that Act;
- b) The provisions of the Local Government (General) Regulation 2005 and in particular, Division 5 of Part 2 of that Regulation;
- c) The provisions of the National Construction Code (Building Code of Australia);
- d) The provisions of the Roads Act 1993 as amended and the Regulations made thereunder;
- e) The provisions of any relevant Statute or Regulation, and any relevant standards and policies of public authorities applying to the use of the road;
- f) Whether development consent under the Environmental Planning and Assessment Act 1979 as amended is required prior to an approval for the proposed activity being issued under the Local Government Act 1993 as amended, and if so, whether such development consent has been issued by Council;
- g) The safety of the public and the protection of property;
- h) Whether adequate access to utility services will be maintained, and
- i) Any other matter that Council considers relevant in the particular case.

4.2.13 Part F – Other activities

4.2.13.1 Operate a caravan park or camping ground

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) the submission of applications to operate a caravan park and/or camping ground on land; and
- b) The matters that Council will take into consideration when determining applications to operate a caravan park and/or camping ground.

Applications

Applications to operate a caravan park or camping ground shall:

- a) Be made by the owner or a person authorised by the owner in writing;
- b) Be made on the appropriate application form, or by a letter or other document containing all of the information required by the Local Government Act 1993, as amended, the Regulations made thereunder and the Broken Hill City Council Local Approvals Policy to enable Council to properly consider and determine the application;

Note: This approval may be obtained as part of the Development Application required under the Environmental Planning and Assessment Act 1979.

- c) Be accompanied by the relevant fees and charges listed in the list of fees and charges incorporated in Council's Schedule of Fees and Charges;

- d) Be accompanied by a plan showing the proposed location and layout of the caravan park and/or camping ground and its relationship to:
 - i. The boundaries of the property;
 - ii. Any roads or footways on the land;
 - iii. All manufactured homes, moveable dwellings or associated structures on the land; and
 - iv. Any permanent or temporary structure on the land.
- e) Be accompanied by Plans and Specifications showing:
 - i. The location and layout of all caravans and camping sites designated as either for short term or long term residence;
 - ii. The location and layout of caravan and campsites;
 - iii. The details of amenities such as electricity supply, waste disposal, laundry facilities, toilet facilities, and shower facilities; and
 - iv. The location of all firefighting services within the land.

Matters Council will take into consideration

When determining an application to operate a caravan park and/or camping ground Council will take into consideration:

- a) Whether all of the information required to enable Council to properly consider and determine the application has been submitted;
- b) Whether all of the relevant fees and charges listed in the list of fees and charges incorporated in Council's Schedule of Fees and Charges have been paid;
- c) The provisions of the Local Government Act 1993 as amended, and in particular, those matters prescribed in Section 89 of that Act;
- d) The provisions of the Local Government (General) Regulation 2005.
- e) Any applicable standards that are specified in the Local Government (Manufactured Home Estates caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005;
- f) The provisions of any other relevant Statute or Regulation;
- g) Whether adequate provision has been made to ensure the health, safety and convenience of the occupants of any moveable dwelling or associated structure or campsite;
- h) Whether Development Consent is required pursuant to the provisions of the Environmental Planning and Assessment Act 1979 as amended, prior to an approval being granted pursuant to Chapter 7 of the Local Government Act 1993, and if so, whether such Development Consent has been granted; and
- i) Any other matter Council considers relevant in the particular case.

4.2.13.2 Operate a manufactured home estate

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications to operate a manufactured home estate on land; and
- b) The matters that Council will take into consideration when determining applications to operate a manufactured home estate.

Applications

Applications to operate a manufactured home estate shall:

- a) Be accompanied by the relevant fees and charges incorporated in Council's Schedule of Fees and Charges;
- b) Be made by the owner or a person authorised by the owner in writing;
- c) Be made on the appropriate application form, or by a letter or other document containing all of the information required by the Local Government Act 1993, as amended, the Regulations made thereunder and the Broken Hill City Council Local Approvals Policy to enable Council to properly consider and determine the application;

Note: This approval may be obtained as part of the Development Application required under the Environmental Planning and Assessment Act 1979.

- d) Be accompanied by a plan showing the proposed location and layout of the manufactured home estate and its relationship to:
 - i. The boundaries of the property;
 - ii. Any roads or footways on the land;
 - iii. All manufactured homes, moveable dwellings or associated structures on the land; and
 - iv. Any permanent or temporary structure on the land, including community amenities and buildings.
- e) Be accompanied by Plans and Specifications showing:
 - i. All those services and facilities required by the Local Government (Manufactured Homes Estates, Caravan Parks, camping Grounds and Moveable Dwellings) Regulation 2005;
 - ii. The location and layout of all parking spaces for vehicles;
 - iii. The area and dimensions of residential sites; and
 - iv. The location of all firefighting services within the land.
- f) Be accompanied by such additional information required by Council to enable Council to properly determine the application.

Matters Council will take into consideration

When determining an application to operate a manufactured home estate Council will take into consideration:

- a) Whether all of the information required to enable Council to properly consider and determine the application has been submitted;
- b) Whether all of the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges have been paid;
- c) The provisions of the Local Government Act 1993, as amended, and in particular, those matters prescribed in Section 89 of that Act;
- d) The provisions of the Local Government (General) Regulation 2005;
- e) Any applicable standards that are specified in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005;
- f) The provisions of any other relevant Statute or Regulation;
- g) Whether adequate provision has been made to ensure the health, safety and convenience of the occupants of any moveable dwelling or associated structure or campsite;

- h) Whether Development Consent is required pursuant to the provisions of the Environmental Planning and Assessment Act 1979, as amended, prior to an approval being granted pursuant to Chapter 7 of the Local Government Act 1993, and if so, whether such Development Consent has been granted; and
- i) Any other matter Council considers relevant in the particular case.

4.2.13.3 Install or operate amusement devices

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications to install or operate amusement devices (within the meaning of the Work Health and Safety Regulation 2011); and
- b) The matters that Council will take into consideration when determining applications to install or operate amusement devices (within the meaning of the Work Health and Safety Regulation 2011).

Applications

Applications for approval to install or operate amusement devices (within the meaning of the Work Health and Safety Regulation 2011) shall:

- a) Be made by the owner, or a person authorised in writing by the owner;
- b) Be made on the appropriate application form, or by a letter which contains all of the information deemed necessary by Council to enable Council to properly determine the application;
- c) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges;
- d) Be accompanied by documentary evidence that the amusement device is registered with the WorkCover Authority of NSW under the Work Health and Safety Regulation 2011 as amended;
- e) Be accompanied by documentary evidence that there is in force a contract of insurance or indemnity which indemnifies to an unlimited extent (or up to an amount of not less than \$5,000,000 in respect of each accident (\$10,000,000 on Council land) each person who would be liable for damages for death or personal injury arising out of the operation or use of the amusement device and any total or partial failure or collapse of the device against that liability;
- f) Be accompanied by a statement as to the dates and times upon which it is proposed to operate the amusement device; and
- g) Be accompanied by a statement as to the date and time upon which the amusement device will be installed and ready for operation to enable an inspection to be carried out for the purpose of issuing an approval prior to the amusement device being operated.

Matters Council will take into consideration

In its assessment and determination of an application to install or operate amusement devices (within the meaning of the Work Health and Safety Regulation 2011), Council will take the following criteria into consideration:

- a) The provisions of the Local Government Act 1993 as amended, and in particular the provisions of Section 89 of that Act;
- b) The provisions of the Local Government (General) Regulation 2005, and in particular Subdivision 5 of Division 5 of Part 2 of that Regulation;
- c) The provisions of the Work Health and Safety Act 2011 as amended;
- d) The provisions of the Work Health and Safety Regulation 2011 as amended;
- e) Whether all of the information deemed necessary by Council to enable the application to be properly considered has been submitted to Council;
- f) Whether all of the fees, charges and security deposits required to be paid by Council's Schedule of Fees and Charges have been paid; and
- g) any other matter or thing Council considers relevant in the particular case.

4.2.13.4 Use a standing vehicle or any article for the purpose of selling any article in a public place

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications to use a standing vehicle or any article for the purpose of selling any article in a public place; and
- b) The matters Council will take into consideration when determining applications to use a standing vehicle or any article for the purpose of selling any article in a public place.

Applications

Applications for approval to use a standing vehicle or any article for the purpose of selling any article in a public place shall:

- a) Be made on the appropriate application form or by a letter which provides details of:
 - i. The location where it is proposed to sell the articles;
 - ii. The articles that it is proposed to sell; and
 - iii. The dates and times on which and during which it is proposed to sell the articles.
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges;
- c) Be accompanied by details of public risk insurance to indemnify the applicant and Council against claims for damages; and
- d) Be accompanied by documentation showing how any food to be sold is to be protected.

Matters Council will take into consideration

In its assessment and determination of an application to use a standing vehicle or any article for the purpose of selling any article in a public place, Council will take the following criteria into consideration:

- a) The provisions of the Local Government Act 1993 as amended, and particularly Section 89 of that Act;
- b) The provisions of the Local Government (General) Regulation 2005;
- c) Whether if the trade or business involves selling food to the public, the provisions of:
 - i. the NSW Food Authority – Guidelines for Mobile Food Vending Vehicles; and
 - ii. NSW Food Authority – Guidelines for Food Businesses at Temporary Events, will be complied with.
- d) The provisions of the Roads Act 1993 as amended and the Regulations made thereunder;
- e) The safety of the public and the protection of property;
- f) The effect that the standing vehicle or article used for the purpose of selling articles will have on pedestrian movements in the vicinity of the vehicle or article, and whether adequate provision has been made for pedestrian access to nearby premises;
- g) The effect that the standing vehicle or articles used for the purpose of selling articles will have on vehicular movements and vehicular parking;
- h) Whether the applicant has made provision for public liability insurance to a level considered adequate by Council; and
- i) Any other matter that Council considers relevant in the particular case.

4.2.13.5 Carry out activity prescribed by the regulations or an activity of a class or description prescribed by the regulations

Introduction

The purpose of this section is to provide information as to Council's requirements in respect to:

- a) The submission of applications for approval to carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations; and
- b) The matters Council will take into consideration when determining an application for approval to carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulation.

Applications

Application for approval to carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations shall:

- a) Be made on the appropriate application form or by a letter which contains all of the information required to enable Council to properly determine the application;
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Schedule of Fees and Charges;
- c) Be made by the owner, or by a person authorised in writing by the owner; and
- d) Be accompanied by any other documents or information deemed necessary by Council in the particular case.

Matters Council will take into consideration

When determining an application to carry out an activity prescribed by the regulations or an activity of a clause or description prescribed by the regulations, Council will take the following criteria into consideration:

- a) The provisions of the Local Government Act 1993 as amended, and particularly Section 89 of that Act;
- b) The provisions of the Local Government (General) Regulation 2005;
- c) Whether all of the information required to enable Council to properly consider the application has been submitted;
- d) The provision of any relevant Statute or Regulation;
- e) Whether development consent under the Environmental Planning and Assessment Act 1979 as amended is required prior to an approval for the proposed activity being issued under the Local Government Act 1993 as amended, and if so, whether such development consent has been issued by Council; and
- f) Any other matter that Council considers relevant in the particular case.

4.3 PART 3 – OTHER MATTERS

4.3.1 Refund of Fees

If an application is withdrawn or is cancelled or lapses, the applicant may be eligible for a part refund of some fees. Applications for a refund of fees must be in writing to Council.

Upon receipt of such an application, Council will determine the refund in accordance with the criteria shown in the table below.

The Stage at which the Refund is requested	How to Determine the Fees that are Refundable
Applications which are Unclear or Illegible.	When the application has been returned to the applicant pursuant to Section 85 of the Local Government Act 1993 or Clause 51 of the Environmental Planning & Assessment Regulations 2000 on the grounds that the application is unclear or illegible, the whole of the application fee and the security deposit, if any, shall be refunded.
Withdrawal of applications before checking of Documentation has commenced.	When an application is withdrawn by the applicant in writing pursuant to Section 88 of the Local Government Act 1993 or Clause 52 of the Environmental Planning and Assessment Regulation 2000 and the checking of the plans, specifications and/or other relevant documentation has not commenced, 50% of the application fee shall be refunded, provided always that Council shall retain not less than \$50 nor more than \$200 of the application fee.

Withdrawal of applications after checking of Documentation has commenced.	When an application is withdrawn by the applicant in writing pursuant to Section 88 of the Local Government Act 1993 or Clause 52 of the Environmental Planning and Assessment Regulation 2000 and Council has commenced processing the application by checking the plans, specifications and/or other relevant documentation, 25% of the application fee shall be refunded, provided always that Council shall retain a minimum of \$50 of the application fee.
Land Use component of Combined Development Application refused.	All Council fees relating to the building component of the application will be refunded.
Applications withdrawn, cancelled or lapsed after checking of Documentation has been completed.	When an application is withdrawn, cancelled or lapses after the checking of the documentation has been completed, Council shall retain the whole of the application fee.
Security Deposits - Circumstances where Security Deposits will be refunded in full.	Security deposits shall be refunded in full where: <ul style="list-style-type: none"> a) the application is returned to the applicant by Council as being unclear or illegible and no further action is taken in respect to the application; b) the application is withdrawn by the applicant and the proposed activity is not commenced; and c) the activity has reached the stage of practical completion in accordance with the approval issued by Council and approval to occupy the building has been issued by Council, provided that no damage has been caused to Council works.
Security Deposits - Circumstances where Council will retain part or all of Security Deposit.	Security deposits shall be retained by Council in full or in part where damage has been caused to Council works as a result of the activity, the subject of the application, in accordance with the following criteria: <ul style="list-style-type: none"> a) the cost or estimated cost of repairing the damage to Council's works or property as determined by the Director Engineering Services shall be deducted from the security deposit, and the remainder, if any, shall be refunded to the applicant; or b) where the cost or estimated cost of repairing the damage to Council works or property as determined by the Director Engineering Services exceeds the amount of Security Deposit held by Council, the whole of the Security Deposit shall be retained by Council and an account for the remainder shall be forwarded to the applicant.

4.3.2 When does an Approval Lapse

An approval under Section 68 of the Local Government Act 1993 or Section 92 of the Environmental Planning and Assessment Act 1979 lapses five years after the date from which the approval operates unless:

- a) the approval states otherwise; or
- b) the activity has physically substantially commenced within the meaning of the applicable Act.
- c) An extension of an approval may be granted if:
 - i. a request is received by Council in writing prior to the date on which the approval would have lapsed; and
 - b) Council determines that the approval should be so extended.

4.3.3 Code No 1 - Busking

Local Government Act 1993 as amended - Section 68, Part D (4)

Introduction

This Code provides details of Council's requirements in respect to "busking" on community land.

Definition

BUSKER means an itinerant musician or actor.

BUSKING means a busker performing in a public place.

Application

This Code applies to all areas within the Broken Hill City Council local government area. It is to be read in conjunction with the Broken Hill City Council Local Approvals Policy.

Insurance

Council may require that an application to undertake busking shall not take effect until the applicant has provided Council with a copy of a public risk policy with a minimum value of \$10 million which contains the following clause:

"It is hereby agreed that the indemnity given by this policy is extended to the Broken Hill City Council in respect to the operation of an approved footpath/street activity"

Conditions of Approval

All persons busking in accordance with approval by Council pursuant to Part D of the Table to Section 68 of the Local Government Act 1993, as amended, shall comply with all conditions of approval imposed by Council in respect to that consent.

Conditions of approval will be directed at:

- a) Protecting members of the public against injuries resulting from obstructions placed on public places by "buskers";
- b) Protecting Council against claims for damages resulting from injuries resulting from the activities of "buskers";
- c) Ensuring that members of the public are not harassed by or obstructed by buskers; and
- d) Limiting the duration, days and locations upon which and where busking will be permitted.

5. IMPLEMENTATION

5.1 Roles and Responsibilities

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

- General Manager
- Executive Manager Planning and Community Safety
- Rangers
- Compliance Officers

5.2 Communication

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

5.3 Associated Documents

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

- Compliance and Enforcement Policy
- Local Orders Policy

6. REVIEW

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

The standard review period will be every two years from the effective date, or when amendments have been made to relevant legislation. The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

The Executive Manager Planning and Community Safety 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 and subordinate regulations.

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

8. DEFINITIONS

Expressions used in the Policy are defined in the Dictionary at the end of the Local Government Act 1993 (the "Act Dictionary").

ORDINARY MEETING OF THE COUNCIL

July 11, 2022

ITEM 7

BROKEN HILL CITY COUNCIL REPORT NO. 159/22

SUBJECT: DRAFT REVIEWED COMPLIANCE AND ENFORCEMENT POLICY
FOR PUBLIC EXHIBITION D22/36078

Recommendation

1. That Broken Hill City Council Report No. 159/22 dated July 11, 2022, be received.
2. That Council endorse the Draft Compliance and Enforcement Policy for the purposes of public consultation.
3. That the Draft Compliance and Enforcement Policy be exhibited for public comment for a 28-day period.
4. That the Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the Draft Compliance and Enforcement Policy.

Executive Summary:

At the first meeting of the newly elected Council held 12 January 2022, Council considered Mayoral Minute No. 2/22 and as part of the resolution, resolved (Minute No. 46690):

...”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.”...*

A Councillor workshop was held on Wednesday 15 June 2022 which included the review of Council’s current Compliance and Enforcement Policy.

Council has a responsibility under Section 8 of the *Local Government Act 1993* to ensure that its regulatory activities are carried out in a consistent manner and without bias.

Council’s regulatory and enforcement actions should be exercised to ensure the health, safety and environmental protection of all stakeholders including residents, visitors, workers and business operators. All stakeholders should have confidence in the decision making and internal review processes.

A copy of the draft Compliance and Enforcement Policy is attached.

Report:

This Policy has been designed to ensure good governance and best practice standards are adhered to. This Policy has been reviewed and complies with contemporary Local Government requirements.

Broken Hill City Council is an enforcement authority, and its Officers are required to make decisions and use discretion about appropriate enforcement action when non-compliant issues are identified.

The spirit of this Policy is to use a graduated approach to enforcement action, for example the issue of a warning letter, which if not successful in resolving the issue may be followed by statutory Notices and Orders and, finally some form of enforcement proceedings either via a penalty notice or Court action if compliance cannot be achieved by any other method.

The draft Policy also recognises in some situations the gravity of the incident or other circumstances determines that an escalated approach is not appropriate and immediate regulatory action is required e.g., where an activity is or is likely to result in a significant public health or safety risk or is or likely to cause significant environmental harm e.g., unauthorised development.

In accordance with Section 160 of the *Local Government Act 1993*, the Draft Compliance and Enforcement Policy will be placed on public exhibition for a period of 28 days, during which time submissions may be made to the Council.

Community Engagement:

The Draft Compliance and Enforcement Policy will be advertised for public exhibition for a period of 28-days prior to the matter being referred back to Council final adoption.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Relevant legislation predominantly includes but is not limited to the *Local Government Act 1993* (The Act) and *Environmental Planning and Assessment Act 1979*.

Section 160 of the Act requires plans and policies to be placed on public exhibition for a period of at least 28 days, during which time submissions may be made to the Council.

Financial Implications:

There are no financial implications for Council to implement this Policy.

Attachments

1. [↓](#) Draft Compliance and Enforcement Policy

KOBUS NIEUWOUDT
EXECUTIVE MANAGER PLANNING AND COMMUNITY SAFETY

JAY NANKIVELL
GENERAL MANAGER

DRAFT REVIEWED COMPLIANCE AND ENFORCEMENT POLICY

QUALITY CONTROL		
TRIM REFERENCES	D12/11854	
RESPONSIBLE POSITION	Executive Manager Planning and Community Safety	
APPROVED BY	Council	
REVIEW DATE	July 2026	REVISION NUMBER 3
EFFECTIVE DATE	ACTION	MINUTE NUMBER
29/7/2015	Adopted	45005
31/05/2017	Public Exhibition	45546
26/07/2017	Adopted	45583

1. INTRODUCTION

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

Broken Hill City Council is an enforcement authority and its Officers are required to make decisions and use discretion about appropriate enforcement action when non - compliant issues are identified.

Council also has a responsibility under Section 8 of the *Local Government Act 1993* to ensure that its regulatory activities are carried out in a consistent manner and without bias.

Council's regulatory and enforcement actions should be exercised to ensure the health, safety and environmental protection of all stakeholders including residents, visitors, workers and business operators. All stakeholders should have confidence in the decision making and internal review processes.

Council supports and welcomes the positive assistance of the community in reporting issues of concern and undertakes to work collaboratively with the community to promote the benefits of compliance, as a way of sustaining a safer quality of life for all.

The spirit of this Policy is to use a graduated approach to enforcement action. For example the issue of a warning letter, which if not successful in resolving the issue may be followed by statutory Notices and Orders; and finally, some form of enforcement proceedings, either via a penalty notice or Court action, if compliance cannot be achieved by any other method.

The Policy also recognises in some situations the gravity of the incident or other circumstances that determine an escalated approach, is not appropriate and immediate regulatory action is required. For example where an activity is, or is likely to, result in a significant public health or safety risk, or is, or is likely to, cause significant environmental harm.

2. POLICY OBJECTIVE

Broken Hill City Council is strongly opposed to unlawful and non - compliant activities and aims to provide and deliver regulatory services in a fair, equitable and consistent manner designed to protect the natural, built and social environment.

This Policy aims to 'demonstrate accountability, transparency and ethical conduct'.

Consequently the Policy aims to:

- 2.1.** Ensure all regulatory activities meet Council's Charter of Responsibilities under Section 8 of the *Local Government Act 1993*;
- 2.2.** Assist Council Officers to respond promptly and effectively to complaints of unlawful activity and undertake proactive investigation;
- 2.3.** Ensure Officers comply with Council's Code of Conduct when investigating any unlawful activity;
- 2.4.** Provide a framework for operational guidelines and procedures for Council Officers and the community; which incorporate the principles of procedural fairness and natural justice; where decisions are made in a consistent, fair, equitable and transparent manner;
- 2.5.** Provide a framework for criteria to determine whether enforcement action is warranted and if so, ensure such action is in accordance with the delegation in a timely, cost effective manner and proportional to the relative seriousness of the situation;
- 2.6.** Provide a framework to ensure all possible options are considered prior to the implementation of enforcement action;
- 2.7.** Take a proactive approach to compliance by providing information to the public about Council's role and policy on enforcement and encourage a culture of compliance aimed at self regulation, rather than Council imposed enforcement action;
- 2.8.** Provide a service which embodies good practice and ensures that Council is a Model Litigant by behaving ethically, fairly and honestly in litigation.

3. POLICY SCOPE

This Policy applies to all areas where Council has a compliance and enforcement role under the various Acts and Regulations.

The application of the Policy includes, but is not limited to:

- a) Abandoned vehicles;
- b) Asbestos management;
- c) Boarding houses;
- d) Brothels;
- e) Commercial/ private swimming pools;
- f) Caravan parks, camp grounds and primitive camp grounds;
- g) Development (building work, carrying out of a work, subdivision, use of land and demolitions);
- h) Environmental and pollution control issues;
- i) Failure to comply with a condition of an approval, an Order or Notice;
- j) Fire safety;
- k) Food safety;
- l) Removal of trees or clearing vegetation from land;

- m) Parking control;
- n) Public health and safety;
- o) The control over the keeping of animals and companion animals;
- p) The regulation of unlawful development activities;
- q) Waste;
- r) Any other functions for which Council is the appropriate Regulatory Authority;
- s) Display of house numbers;
- t) Directional signage, and;
- u) Construction of paving on Public Footway.

Any enforcement action will be in accordance with this Policy, relevant NSW legislation and the State Debt Recovery Office (SDO) Guidelines.

Whilst it is intended the principles in this Policy will have general application, there may be cases where the particular circumstances justify departure from these principles.

In any situation where an Officer considers taking action which varies with the Policy and associated guidelines/procedures, the Officer will discuss the reasons for the variance with the Supervisor and will document and implement the agreed course of action.

3.1. Additional Requirements for Parking and Traffic Matters

This Policy applies to Council's enforcement functions and supports the concept of an escalated and proportionate approach to all non - compliant issues, except for parking and traffic matters.

While this Policy covers all matters to be taken into account when exercising discretion about compliance and enforcement matters, it recognises that Rangers who work with traffic and parking matters are faced with different time frames and decisions, which need to be made on the spot.

It is Council's Policy that Rangers will enforce the road rules and will carry out traffic and parking duties in a fair, equitable and consistent manner with a zero tolerance approach in school zones.

Zero tolerance is the strict enforcement of the rules.

3.2. Additional Requirements for Development Matters

Development is defined in the *Environmental Planning and Assessment Act 1979* as the use of land, the subdivision of land, the erection of a building, the carrying out of a work, the demolition of a building or work and any other act, matter or thing referred to in Section 26 that is controlled by an environmental planning instrument, but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

It is Council's Policy that Compliance Officers will enforce relevant legislation and carry out compliance inspections in relation to development in a fair, equitable and consistent manner with a zero tolerance approach to unlawful and unauthorised development and not compliance with development consent conditions.

Zero tolerance is the strict enforcement of legislation.

4. POLICY STATEMENT

4.1. Enforcement and Compliance Principles

Broken Hill City Council as a responsible regulator is committed to:

- a) Acting with consistency, impartiality, objectivity and fairness;
- b) Avoiding any discrimination on the basis of race, religion, political association, sex or national origin;
- c) The adoption of a graduated and proportionate response (where appropriate) to legislative non-compliance;
- d) Providing every opportunity for compliance by all stakeholders by indicating the relevant penalties for non-compliance;
- e) Providing written advice or directions in a clear and simple manner;
- f) Ensure any action taken is in the public interest and the action is in proportion to the offence;
- g) Ensure any action taken by Council is justified, against the correct person, cost effective and based on sound evidence which will withstand robust scrutiny;
- h) Ensure any decision to take no further action or issue a caution is in the public interest and in accordance with relevant guidelines (such as SDRO);
- i) Avoiding any actual or potential conflict of interest situations;
- j) Conducting all investigations in accordance with the Code of Conduct and making decisions in a professional manner with appropriate integrity;
- k) Creating awareness and seeking support with all stakeholders, including workers and business operators and the broader community, of the need for compliance when dealing with relevant issues;
- l) Ensuring action is instigated within legislative time limits; and
- m) Disclosing all evidence relevant to an alleged offence and assisting the Court, as required.

4.2. Procedural Fairness

Council is committed to natural justice and acting fairly in all aspects of the implementation of this Policy. In order to achieve this outcome Council will:

- a) Provide an opportunity for an alleged offender to provide an explanation however, there will be situations such as parking enforcement, development matters and other circumstances considered to represent a serious risk to public safety or the environment or the like, which would preclude this opportunity;
- b) Give due consideration to any written submission made by an alleged offender made either directly to Council, or via another agency (such as SDRO);
- c) Make all appropriate enquires investigations and searches prior to making an enforcement decision;
- d) Establish appropriate procedures to avoid an enforcement decision being influenced by an actual, potential or perceived conflict of interest;
- e) Implement procedures to ensure relevant information is provided to a complainant and alleged offender, subject to maintaining appropriate confidentiality provisions; and
- f) Act without bias and within statutory time frames.

4.3. Disclosure of Information

Council Officers will respect the privacy and confidentiality of information received however, due to its statutory obligations and other requirements, confidentiality cannot always be guaranteed.

The complainant's identity may be disclosed where:

- a) Access to the information is permitted under legislation, including but not limited to the *Government Information (Public Access) Act 2009*;
- b) Legal action is commenced and the information is disclosed in evidence;
- c) The person consents to the disclosure of the information;
- d) The principles of natural justice dictate that information be disclosed to the person who is the subject of the complaint, which may enable the complainant to be identified; and
- e) Council is of the opinion that disclosure of information is necessary to effectively investigate the matter.

Council Officers will also observe the information protection principles in the *Privacy and Personal Information Protection Act 1998*, which provides in certain circumstances for information to be shared with other public sector agencies for law enforcement purposes.

Reasons for decisions regarding compliance and enforcement action will be made available, unless to do so would cause a breach of the law. Reasons may not be given in any case where the information may cause harm to an informant, witness, or the alleged offender, nor in circumstances which would significantly prejudice the administration of justice.

4.4. Community Awareness

Council will take every opportunity to promote ongoing community awareness in regard to compliance/enforcement. This may include but is not limited to; website references, the publication of press releases and the periodic inclusion in any community newsletters with a view to improving community confidence and awareness.

Awareness initiatives that focus on residents, developers and business operators will adopt an educational approach designed to engage and promote:

- a) An awareness of the spirit and content of this Policy;
- b) Implementation of strategies that promote proactive compliance with legislation;
- c) The minimisation of non-compliance by improving the knowledge of legislation within the community; and
- d) The benefits of complying with the legislation and the consequences of not complying.

5. IMPLEMENTATION

5.1. Roles and Responsibilities

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

All employees who deal with complaints and the enforcement of relevant legislation are responsible for implementing this Policy such as Building Surveyor, Town Planner, Compliance Officer, Weeds Officer, Ranger, Environmental Health Officer and any authorised Officers appointed by the General Manager.

5.2. Communication

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

5.3. Associated Documents

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

- Local Orders Policy;
- Local Approvals Policy; and
- Code of Conduct Policy.

6. REVIEW

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

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

The Executive Manager Planning and Community Safety is responsible for the review of this policy.

7. LEGISLATIVE AND LEGAL FRAMEWORK

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

- a) *Australian Road Rules 2008*;
- b) *Boarding Houses Act 2012*;
- c) *Companion Animals Act 1998*;
- d) *Contaminated Land Management Act 1997*;
- e) *Crown Lands Act 1989*;
- f) *Disability Discrimination Act 1992*;
- g) *Environmental Planning and Assessment Act 1979*;
- h) *Fines Act 1996*;
- i) *Food Act 2003*;
- j) *Impounding Act 1993*;
- k) *Local Government Act 1993*;
- l) *Motor Dealers Act 1974*;
- m) *Noxious Weeds Act 1993*;
- n) *Protection of the Environment Operations Act 1997*;
- o) *Public Health Act 2010*;
- p) *Swimming Pool Act 1992*;
- q) *Roads Act 1993*
- r) *Roads Regulations 2008*;
- s) *Road Transport (General) Regulation 2013*;

- t) *Road Transport (Mass Loading and Access) Regulation 2005;*
- u) *Rural Fires Act 2008;*
- v) *Work Health and Safety Act 2011;*
- w) *Work Health and Safety Regulation 2011 and;*
- x) The Regulations relating to the above Acts.

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

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

8. DEFINITIONS

The following explanation is provided in regard to terms used in this Policy:

'Authorised Officer' shall mean a Council Officer with delegated authority to carry out specific duties and take any necessary enforcement action. Such Officers carry specific Authorities under various Acts, which include prescribed powers of entry to certain properties.

'BCA' shall mean Building Code of Australia, part of the National Construction Code series.

'BPB' shall mean Building Professionals Board.

'Civil Proceedings' shall mean and include:

- Notices, Orders and Directions issued pursuant to various legislation;
- Class 4 proceedings in the Land and Environment Court seeking an order to remedy a breach of the *Environmental Planning and Assessment Act 1979*, the *Local Government Act 1993*, the *Protection of the Environment Act 1997* or any other Act, if the breach is causing, or is likely to cause harm to the environment; and
- Interlocutory relief for matters causing or with reasonable potential to cause serious environmental harm. In such proceedings it is likely the Council would be required to provide an undertaking as to damages.

'Complainant' shall mean a person lodging a customer action request (complaint) to Council.

'Council' shall mean Broken Hill City Council.

'Defendant' shall mean an alleged offender against whom action is being taken in Court.

'EP&A Act' shall mean the *Environmental Planning and Assessment Act 1979*.

'Offence' shall mean an offence under NSW legislation.

'PCA' shall mean Principal Certifying Authority.

'PIN or Penalty Notice' shall mean Penalty Infringement Notice (or Penalty Notice) occasionally referred to as an 'on the spot fine'.

'Respondent' shall mean the party against whom civil proceedings are brought.

'Unauthorised/unlawful activity' shall mean any activity that is:

- Contrary to the terms or conditions of a development consent, approval or permission;
- Contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land;
- Contrary to a legislative provision regulating particular activity of work;
- Without a required development consent, approval, permission or licence;
- Contrary to legislation for which the Council is the appropriate regulatory authority; and
- Includes any activity, place or structure which is a risk to public health and safety, but excludes any parking or traffic offences which are dealt with in accordance with the Australian Road Rules.

ORDINARY MEETING OF THE COUNCIL

July 13, 2022

ITEM 8

BROKEN HILL CITY COUNCIL REPORT NO. 162/22

SUBJECT: MINUTES OF THE AUDIT, RISK AND IMPROVEMENT
COMMITTEE MEETING HELD 16 JUNE 2022 D22/36674

Recommendation

1. That Broken Hill City Council Report No. 162/22 dated July 13, 2022, be received.
2. That minutes of the Audit, Risk and Improvement Committee meeting held 16 June 2022 be received and noted.

Executive Summary:

The Charter of the Broken Hill Audit Committee, as endorsed by Council at its meeting held on 29 September 2021, requires the Audit, Risk and Improvement Committee to refer the minutes and recommendations of its Committee Meetings to the next scheduled Ordinary Council Meeting.

The Broken Hill City Council Audit, Risk and Improvement Committee met on Thursday 16 June 2022 where the Committee confirmed minutes of its meeting held on 17 March 2022 (the March minutes were reported to the April 2022 Council Meeting). Minutes of the Audit, Risk and Improvement Committee meeting held Thursday 16 June 2022 are provided as an attachment to this report for Council's endorsement.

Report:

The Audit, Risk and Improvement Committee met on 16 June 2022 to consider the following items of business:

1. General Manager's Briefing
2. Internal Audit – Progress Report
3. Annual Engagement Plan for the Audit of Broken Hill City Council – Financial Year 2021/2022
4. Risk Management Policy and Framework Review Project Report
5. Draft Delivery Program 2022-2026 incorporating Draft Operational Plan 2022/2023, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2022/2023
6. Draft Long Term Financial Plan 2023-2032
7. Adoption of the Community Strategic Plan – Your Broken Hill 2040
8. Action List

Minutes of the Audit, Risk and Improvement Committee Meeting held 16 June 2022 is attached for endorsement by Council.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation:*Local Government Act 1993, Chapter 13, Part 3, Division 2***Financial Implications:**

Nil.

Attachments

1. [↓](#) Minutes - Audit, Risk and Improvement Committee Meeting 16/06/2022

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

AUDIT, RISK AND IMPROVEMENT COMMITTEE

16 JUNE 2022

**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD THURSDAY, JUNE 16, 2022 (10:00AM (ACST))**

PRESENT:

Mr Jim Mitchell (Chairperson), Mr. James Mathers, Mr Paul DeLisio,
Deputy Mayor Jim Hickey, Councillors Bob Algate and Michael Boland.

Mr Andrew Marsden (O'Connor Marsden & Associates)
Mr Brett Hanger (Nexia Sydney)

General Manager, Chief Corporate and Community Officer, Chief Financial
Officer, Finance Manager, Risk Co-Ordinator, Executive Officer and
Executive Assistant.

APOLOGIES:

Mayor Tom Kennedy
Manuel Moncada (NSW Audit Office)

Procedural Motion

Moved Mr Jim Mitchell, Seconded Mr Paul DeLisio

That the apologies be accepted.

CARRIED

ACKNOWLEDGEMENT OF COUNTRY

The Chairperson gave the Acknowledgement of Country.

DECLARATIONS OF INTEREST

Nil.

MINUTES FOR CONFIRMATION

Recommendation

Moved Mr Paul DeLisio, Seconded Mr Jim Mitchell

That the Minutes of the Audit, Risk and Improvement Committee meeting held Thursday
March 17, 2022 be confirmed.

CARRIED

GENERAL MANAGER'S BRIEFING

The General Manager advised:

- *COVID-19 is being managed as best as it can be at present, with Council facilities abiding by current Public Health Orders. Approximately two thirds of the workforce have at some point been infected with COVID-19. There has been no long term impact to Council's management. Broken Hill had a surge of COVID-19 cases in February – March 2022 which impacted businesses and Council had to close some external facilities due to low staffing numbers, although there were no detrimental affects to services.*

AUDIT, RISK AND IMPROVEMENT COMMITTEE

16 JUNE 2022

- Council is still struggling with workforce recruitment in attracting professional applicants for positions and it is taking longer to fill vacant positions. This is a risk to service delivery and community expectations of service delivery, this is a sector wide issue as a result of the effects of workforce changes due to COVID-19.
- Regarding the Cultural/Change Management Program – an OCI/CCM inventory was undertaken to check the organisation culture as the last inventory was undertaken 12 months earlier in February 2021. The inventory specifically indicated that staff are satisfied with Council's planning through the COVID pandemic, with action plans to focus on downward communications and upward communications. There was an above 65% increase in constructive feedback and the culture of the workforce. However, it must be noted that there is going to be impacts due to the inability to recruit to positions with staff showing signs of fatigue. There are staff who have worked 2 years without taking much leave, plus the impact of COVID and illness impacting on staff numbers.
- The General Manager advise that the ongoing financial sustainability of Council is subject to a number of factors which will delay the return to surplus by 1 year plus market impact and major projects impacted due to the current delays in the supply chain.
- Asset Optimisation project is being undertaken by GHD consultants who are assessing the utilisation rates of Council's assets, the benefits of these assets to Council and community usage rates. The aim is to provide quality facilities with options for shared usage to reduce maintenance and capital expenditure costs, rather than keeping all assets that may not be fully utilised and do not meet users expectations.
- The General Manager briefed the Committee on the status of the Civic Centre legal matter.
- The General Manager briefed the Committee on the upcoming Sale of Land for Unpaid Rates process which will be subject to a Confidential Council report in July 2022.

Mr Mathers noted that Council's Integrated Planning documents show that Council largely relies on grant funding to provide services to the community, and enquired to what extent Council calls on the mining sector to assist Council's services and operations, for example to assist with recruiting? Does Council lean on the commercial sector for help?

Mr Delisio clarified that mine royalties are paid to the government and that Council does not receive royalties from the mines.

The General Manager advised:

- that Council has a representative on the Association of Mining and Energy Related Councils and that the Association's lobbying was successful in the inclusion of Broken Hill in the Government's Resources for Region funding program (which Broken Hill was original excluded from) and Broken Hill has been successful in gaining grant funding through this program.
- This year Council resolved to increase the rate contribution from the mining sector from 14% to 16% of overall rates, with the end result being the same amount being collected in rates, but that it is proportioned differently across the rating categories. Council has Voluntary Planning Agreements in place with Perilya Mine and CBH Mine to contribute towards the maintenance of the City roads on the mine routes. Perilya Mine also maintain a recreational lake in the City (Zinc Lakes) and bowling greens.
- Two new mines will soon commence operations just outside of the City, and investigations are underway to expand the City's boundaries 20-30kms to

AUDIT, RISK AND IMPROVEMENT COMMITTEE

16 JUNE 2022

- encompass the new mines which will increase Council's rate base.*
- *That Council's operations are similar to other rural Council's regarding the reliance on grant funding.*

REPORTS

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 5/22 - DATED MAY 23, 2022 - INTERNAL
AUDIT - PROGRESS REPORT** D22/27076

Mr Andrew Marsden spoke about the Cemetery Compliance Audit advising that with regards to the Cemeteries and Crematoria Act 2013 and Regulation 2014 there are a combined 61 requirements for compliance, and that the audit of Council's Cemetery operations revealed only 3 items of non-compliance, which was a good outcome.

Mr DeLisio enquired about the capacity levels for burials at the Cemetery and whether Council has a plan in place for when the current Cemetery reaches full capacity?

The General Manager advised that consultants are currently undertaking a review of the Cemetery (which was delayed due to COVID-19 restrictions) to provide Council with options for the use of existing land at the Cemetery given the creek and the high water table at the north/west end of the allotment. The review will also include options for use of another parcel of land in close proximity to the Cemetery.

The General Manager advised that there is approximately three years of burial space left at the Cemetery although this timeframe may be extended if the trend in popularity of cremations continues.

Councillor Algate spoke about the issue of available land for burials at the Cemetery and supported the General Manager's comments.

Internal Audit Progress Report

Mr DeLisio asked if the colour coding of the Action Status Table was the uncontrolled risk rating or the residual risk rating after recommended action has been taken? The General Manager advised that the colour coding related to the uncontrolled risk rating reported in the original audit report and that some of the action items have not progressed due to resourcing availability.

Mr DeLisio asked if the Internal Audit Progress Report – Action Status Table could include, as well as the uncontrolled risk rating of the original audit report, the current residual risk rating to show the remaining risk to Council after action has been taken?

Mr Marsden welcomed the suggestion, and commented that some actions are already completed which would reduce the residual risk.

The Chairperson included this suggestion as part of the recommendation.

Mr Mathers asked how the Internal Audit actions are being reported to the full Council? The General Manager advised that minutes of the Audit, Risk and Improvement Committee are reported to Council and an annual report on the overall Corporate Risk Strategy presents the full Risk Register to Council for adoption each year.

Councillor Boland echoed the General Manager's comments and further advised that the issues are tracked in the Business Papers and are also the subject of Councillor Briefings and that if Councillors are across the Business Papers and attend briefings then Councillors should also be across the matters raised by Council's Internal Auditors.

Recommendation

Page 3

AUDIT, RISK AND IMPROVEMENT COMMITTEE

16 JUNE 2022

Moved Mr Jim Mitchell, Seconded Mr Paul DeLisio

1. That Broken Hill City Council Report No. 5/22 dated May 23, 2022, be received.
2. That the Audit, Risk & Improvement Committee note the final internal audit report on Cemetery Compliance be noted.
3. That the Audit, Risk & Improvement Committee note the Internal Audit Status Report from O'Connor Marsden & Associates.
4. That the Audit, Risk & Improvement Committee note the progress made on previous internal audit action items
5. That the Audit, Risk & Improvement Committee endorse the Internal Audit Plan for 2022/2023
6. That future Internal Audit Progress Action Reports contain the original risk rating of an action as well as the current residual risk rating.

CARRIED

ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 11/22 - DATED JUNE 08, 2022 - ANNUAL ENGAGEMENT PLAN FOR THE AUDIT OF BROKEN HILL CITY COUNCIL - FINANCIAL YEAR 2021/22 D22/30392

Mr Brett Hanger spoke to the report and the key focus issues that may impact this year's audit.

Mr Hanger advised that the Interim Audit indicated that there were no issues with the Broken Hill City Council audit to alert this Committee or Council's management about, and that the draft management letter will be forwarded to Council's management either later this month or early next month.

Mr Hanger advised that the audit is on track to have the audited 2021/2022 annual financial statements presented to the October Audit, Risk and Improvement Committee Meeting.

The Chairperson enquired about the release date of the NSW Audit Office's Performance Audit of NSW Councils and whether there was anything in the report relevant to Council? Mr Hanger advised that the Performance Audit Report on NSW Local Government would be released soon and that there will not be any reference to Broken Hill City Council in the report.

Recommendation

Moved Mr Jim Mitchell, Seconded Mr Paul DeLisio

1. That Broken Hill City Council Report No. 11/22 dated June 8, 2022, be received.

CARRIED

ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 6/22 - DATED MAY 31, 2022 - ENTERPRISE RISK MANAGEMENT POLICY AND FRAMEWORK REVIEW PROJECT REPORT D22/28506

Council's Risk Coordinator, Mr Scott Howe spoke to the report and advised of a Business Continuity Test Exercise carried out on 18 May 2022 which was a desktop exercise and included Council management and key staff from each department within Council, and attended by a Risk Manager of Council's insurer. Industry consultants, Marsh Consulting facilitated the exercise with the scenario being a cyber security event. The debrief recommendations of the desktop exercise will form part of a

Page 4

AUDIT, RISK AND IMPROVEMENT COMMITTEE

16 JUNE 2022

full review of Council's Business Continuity Plan and supporting documents which will be presented to Council's Executive Leadership Team during August for endorsement.

Mr Mathews commented on the huge cost to all Councils of compliance with legislation, and how the cost ultimately impacts on the services that Councils can provide to communities.

Recommendation

Moved Mr Jim Mitchell, Seconded Mr James Mathers

1. That Broken Hill City Council Report No. 6/22 dated May 31, 2022, be received.

CARRIED

ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 8/22 - DATED JUNE 08, 2022 - DRAFT DELIVERY PROGRAM 2022-2026 INCORPORATING DRAFT OPERATIONAL PLAN 2022/2023, INCLUSIVE OF THE STATEMENT OF REVENUE POLICY AND DRAFT SCHEDULE OF FEES AND CHARGES 2022/2023 D22/30368

The General Manager spoke to the report advising that the Draft Delivery Program/Draft Operational Plan and Draft Fees and Charges are currently on public exhibition and that adoption of the proposed rating structure will increase mine rates from 14% to 16% to reduce the rates burden on the industrial sector. The draft plans also show that Council's return to surplus has been set back by one year to 2024. Most Council activities and services have returned to pre-COVID income generating levels. The introduction of new industries, expansion of the Airport, renewable industries and expansion of the Local Government boundaries will also increase revenue.

Mr DeLisio commented that some of the measures in the report are not very specific and are generic in nature and suggested the inclusion of targets as a guideline for the community to see where Council has met these measures.

The General Manager took the question on notice, and advised that six monthly update reports on the progress of measures in the Delivery Program and Operational Plan are presented to Council.

The Committee discussed the issue of the need for additional housing in Broken Hill with the expected influx of mine workers in the next couple of years as the new mines come on-line. The General Manager advised of the strategies that Council is currently working on to allow for new development in the City.

Deputy Mayor Hickey advised of his knowledge of eight jobs in the past month that applicant's could not accept because they could not find suitable permanent accommodation in the City.

Recommendation

Moved Mr Jim Mitchell, Seconded Mr Paul DeLisio

1. That Broken Hill City Council Report No. 8/22 dated June 8, 2022, be received.
2. That the Committee note that it is a requirement under section 428A *Local Government Act 1993* The Audit, Risk and Improvement Committee must keep under review Financial Management and implementation of the strategic plan, delivery program and Strategies and The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.
3. That Committee note that the Draft Delivery Program 2022-2026 incorporating the Draft Operational Plan 2022/2023, inclusive of the Statement of Revenue Policy and Draft Schedule of

Page 5

AUDIT, RISK AND IMPROVEMENT COMMITTEE

16 JUNE 2022

Fees and Charges 2022/2023 was endorsed by Council for the purpose of public exhibition for community comment for a 28-day period at the May Ordinary Council meeting.

CARRIED

**ITEM 5 – BROKEN HILL CITY COUNCIL REPORT NO. 9/22 – DATED JUNE 08, 2022 – DRAFT
LONG TERM FINANCIAL PLAN 2023-2032** D22/30369

The Chief Financial Officer spoke to the report advising that the Draft Long Term Financial Plan 2023-2032 projected an increase to Council's investments of \$17M and a decrease to borrowings of \$14M.

The General Manager took a question on notice to provide a more detailed response to a question regarding where the cash-flow is coming from.

Recommendation

Moved Mr Jim Mitchell, Seconded Deputy Mayor Jim Hickey

1. That Broken Hill City Council Report No. 9/22 dated June 8, 2022, be received.
2. That the Committee note that it is a requirement under section 428A *Local Government Act 1993* The Audit, Risk and Improvement Committee must keep under review Financial Management and implementation of the strategic plan, delivery program and Strategies and The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.
3. That Committee note that the Draft Long Term Financial Plan 2023-2032 was endorsed by Council for the purpose of public exhibition for community comment for a 28-day period at the May Ordinary Council meeting.

CARRIED

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 10/22 - DATED JUNE 08, 2022 - ADOPTION
OF THE COMMUNITY STRATEGIC PLAN - YOUR BROKEN HILL 2040** D22/30389

The General Manager advised of the community consultation process that was undertaken in two rounds due to the delay in the Local Government Elections in 2021.

Councillors have also been provided with Briefing Sessions regarding the development of the Community Strategic Plan-Your Broken Hill 2040.

Councillor Boland acknowledged the work of Council Officers in the preparation of the Plan.

The Committee discussed various aspects of implementation of the Plan's objectives given the expected increase to Broken Hill's population in the coming years due to new mining activities and the need for adequate City infrastructure and services to cater for the increased population.

The General Manager advised that Council was working with the Far West Area Health Services, NSW Police and NSW Department of Education regarding the projected increase to service needs in the near future. Both the local Federal and State Members understand the importance of the City's capacity to cater for an increase in population rather than Broken Hill having a fly-in, fly-out workforce and are making good representations for government support on Council's behalf.

Recommendation

Moved Mr Jim Mitchell, Seconded Deputy Mayor Jim Hickey

Page 6

AUDIT, RISK AND IMPROVEMENT COMMITTEE

16 JUNE 2022

1. That Broken Hill City Council Report No. 10/22 dated June 8, 2022, be received.
2. That the Committee notes that as per Minute Number 46816, the Draft Community Strategic Plan – Your Broken Hill 2040 was placed on public exhibition for a 28-day period concluding 31 May 2022 during which time Council received four written submissions from members of the public and recorded several matters raised during community engagement pop up sessions undertaken by Council staff during the exhibition period.
3. That the Committee note that it is a requirement under section 428A *Local Government Act 1993* The Audit, Risk and Improvement Committee must keep under review Financial Management and implementation of the strategic plan, delivery program and Strategies and The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.

CARRIED

ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 7/22 - DATED JUNE 07, 2022 - ACTION LIST - AUDIT, RISK AND IMPROVEMENT COMMITTEE D22/30148

Recommendation

Moved Mr Jim Mitchell, Seconded Mr James Mathers

1. That Broken Hill City Council Report No. 7/22 dated June 7, 2022, be received.
2. That travel and accommodation be arranged for the Chairperson (independent member) Mr Jim Mitchell and newly appointed independent member Mr James Mathers to attend the next Audit, Risk and Improvement Committee Meeting in person and participate in a tour of Council's assets along with the newly appointed local independent member Mr Paul DeLisio.

CARRIED

Next Meeting

Thursday, 20 October 2022 at 10:00am

Meeting closed at 11:40am.

The foregoing minutes were read and confirmed at the Audit, Risk and Improvement Committee meeting held on 20 October 2022.

Chairperson

Page 7

ORDINARY MEETING OF THE COUNCIL

June 28, 2022

ITEM 9BROKEN HILL CITY COUNCIL REPORT NO. 170/22

SUBJECT: NOMINATIONS FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 COMMUNITY COMMITTEES D22/33365

Recommendation

1. That Broken Hill City Council Report No. 170/22 dated June 28, 2022, be received.
2. That Council appoints Mr Owen Whyman, Mr JR Mitchell and Ms Jodie McInnes as community representatives on the Ageing Well Advisory Committee.
3. That Council appoints Mr JR Mitchell as a community representative on the Broken Hill Community Strategic Plan Round Table Committee.
4. That Council appoints Mr Bruce McIntosh and Ms Tracey Robinson as community representatives on the Memorial Oval Community Committee.
5. That Council appoints Mr Ian Sanderson as a community representative on the Norm Fox Sporting Complex Community Committee.
6. That Council appoints Sharryn Rouse as a community representative on the Youth Advisory Committee.
7. That the community representatives be advised of their appointment and advice also be sent to the Councillor Delegates/Chairpersons of Committees.
8. That Council notes that the current round of advertising closed on 20 July 2022 and Council will continue to advertise on social media and in the Barrier Truth for nominations for specific committees that have not yet achieved an adequate number of community representatives.
9. That the Constitution of the Broken Hill City Art Gallery Advisory Committee be amended at clause 6.1 to add the words "A minimum of" before the words "seven (7) community members..." to clarify the practice of appointing additional community representatives on Committees if there is an increased interest in membership; and the Chairperson of the Committee be advised accordingly.
10. That the Constitution of the Broken Hill Heritage Advisory Committee be amended at clause 7.3 to add the words "A minimum of" before the words "six (6) community members..." to clarify the practice of appointing additional community representatives on Committees if there is an increased interest in membership; and the Chairperson of the Committee be advised accordingly.

Executive Summary:

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

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

In accordance with Section 355 of the *Local Government Act 1993* Council previously established Committees to assist Council with the operation and management of its parks, ovals and reserves, these are called Section 355 Asset Committees. Council has also previously established Section 355 Advisory Committees to provide advice to the General Manager on specific operations of Council.

Council adopted Asset and Advisory Committee Frameworks and Constitutions at its Ordinary Meeting held 30 March 2022 as the governance structure by which a Committee operates. Membership on each committee forms part of the constitution and includes the number of community representatives, stakeholder representatives (if any) and Councillor representatives required for each Committee to function effectively.

Council also adopted Constitutions for two new S355 Advisory Committees (Ageing Well Advisory Committee and Youth Advisory Committee) at its Ordinary Meeting held 27 April 2022.

Advertising was conducted during March - June 2022 seeking nominations to fill the vacant community representative positions on the Section 355 Committees and Council appointed 65 community representatives to the various Committees at its Ordinary Meetings held 27 April 2022, 25 May 2022 and 29 June 2022.

Further advertising in the Barrier Truth and on social media was conducted during July 2022 to seek further nominations and at the time of finalising this report, Council has received a further eight (8) nominations. This report is presented to Council to consider appointment of the further nominations.

Annual General Meetings of Section 355 Committees

Councillors have been notified of the community representatives of the Committee/s of which they are delegates. For Committees with three or more community representatives appointed, Councillors were requested to call their first meeting (Annual General Meeting) appoint their Executive Members and set the Committee's meeting dates for the remainder of the year. The majority of those Committees have either held their Annual General Meetings or have scheduled their meetings to be held in the near future as per the below table:

Committee	AGM held/to be held:
Ageing Well Advisory Committee	To be scheduled once the required number of community representatives have been appointed
Alma Oval Community Committee	26 July 2022 at 2pm
BIU Band Community Committee	23 August 2022 at 6.30pm
Broken Hill City Art Gallery Advisory Committee	14 July 2022 at 5.15pm
Broken Hill Community Strategic Plan Round Table Committee	To be scheduled once the required number of community representatives have been appointed to the Committee
Broken Hill Heritage Advisory Committee	25 July 2022 at 5pm
Friends of the Flora and Fauna	21 June 2022
Memorial Oval Community Committee	5 July 2022
Norm Fox Community Committee	To be scheduled following appointment of an additional community representative at this Council Meeting
Picton Oval Community Committee	25 July 2022 at 5.30pm
Riddiford Arboretum Community Committee	2 July 2022
Youth Advisory Committee	To be scheduled once the required number of community representatives have been appointed to the Committee

Committees will be reminded to forward minutes from their Annual General Meetings and all Committee Meetings for Council's endorsement.

Report:

As per Council's adopted Asset and Advisory Committee Framework (adopted 30 March 2022) which states that:

- Committees are to be appointed every four (4) years, within six (6) months after the Local Government General Election. The term of office for all Committees will be aligned to the term of office of the current Council (four years).

Council conducted a fourth round of advertising for nominations for community representatives on its Section 355 Committees, with nominations closing Wednesday 20 July 2022.

A report will be presented to Council each month to progressively appoint representatives to the Section 355 Committees and further advertising will be undertaken if required to fill all vacancies.

Council appointed 65 community representatives at the April, May and June Council Meetings and as at the date of writing this report, Council has received a further eight (8) nominations for consideration (see attached).

The following table summarises the number of community representatives required on each Committee; the number of community representatives already appointed and further nominations received. It also includes, for Councillors reference, the Council delegate/s on each Committee.

Name of Committee	Number of Community Representatives as per Constitution	Number of Community Representatives appointed by Council Resolution at previous Council Meetings	Further Nominations Received as at 20 July 2022	Council Delegate/s on Committees
Ageing Well Advisory Committee	5 Three community representatives of senior years or who care for a person in their senior years. Two community representatives from the First Nations community who are either of senior years or who care for a person in their senior years	3 Mr Neil Jeyasingam Ms Julua Hamel Ms Melanie Chynoweth	3 Mr Owen Whyman Mr JR Mitchell Ms Jodie McInnes	Councillor Algate Councillor Gallagher Councillor Page
Alma Oval Community Committee	Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)	4 Mr Ron Butcher Ms Katrina Webb Ms Pamela O'Dwyer Mr Peter O'Dwyer	0	Councillor Boland
BIU Band Hall Community Committee	Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)	3 Mr Wayne Orr Mr Mark Curtis Ms Robynne Sanderson	0	Councillor Algate

Name of Committee	Number of Community Representatives as per Constitution	Number of Community Representatives appointed by Council Resolution at previous Council Meetings	Further Nominations Received as at 20 July 2022	Council Delegate/s on Committees
Broken Hill City Art Gallery Advisory Committee	7 community representatives with demonstrated experience in heritage, arts, culture and/or event planning	11 Ms Jenny Cattonar Mr Rick Ball Mr Clark Barrett Mr John Hart Ms Maureen Clark Ms Krystle Evans Ms Julie Horsburgh Ms Catherine Farry Prof Simon Molesworth AO QC Ms Joanne Crase Mr Andrew Gosling	The Broken Hill City Art Gallery Advisory Committee has reached full membership	Councillor Boland Councillor Turley
Broken Hill Community Strategic Plan Round Table Committee	4 community representatives with governance experience and a demonstrated interest in issues associated with the implementation of the Community Strategic Plan	2 Ms Sharon Hocking Mr Peter Beven	1 Mr JR Mitchell	Mayor Kennedy D/ Mayor Hickey Councillor Algate Councillor Boland
Broken Hill Heritage Advisory Committee	6 community representatives with demonstrated experience in heritage, arts, culture and/or planning	7 Ms Ghislaine Barbe Ms Christine Adams Ms Jeanette Thompson Prof Simon Molesworth AO QC Mr Clifford Turley Mr Gary Cook Mr Andrew Gosling	The Broken Hill Heritage Advisory Committee has reached full membership	Councillor Boland Councillor Browne Councillor Turley 2 x vacant positions
Friends of the Flora and Fauna of the Barrier Ranges Community Committee	Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)	17 Mr John Rogers Ms Merran Coombe Mr Jeffrey Crase Mr Geoffrey Hoare Ms Susan Spangler Mr David Spielvogel Ms Jill Spielvogel Mr Paul Reed Ms Gaylene Ford Mr Michael Ford Ms Karen Ford Mr Ronald Fletcher Ms Ann Evers Ms Kellie Scott Mr Jamie Scott Mr Evan Scott Miss Emily Scott	The Friends of the Flora and Fauna of the Barrier Ranges Community Committee has reached full membership	Councillor Browne

Name of Committee	Number of Community Representatives as per Constitution	Number of Community Representatives appointed by Council Resolution at previous Council Meetings	Further Nominations Received as at 20 July 2022	Council Delegate/s on Committees
Memorial Oval Community Committee	Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)	5 Ms Tanya Martyn Mr Chris May Mr Layne Ralph Ms Jody Whitehair Mr Alan Titcombe	2 Mr Bruce McIntosh Ms Tracey Robinson	Councillor Gallagher Councillor Jewitt
Norm Fox Sporting Complex Community Committee	Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)	2 Mr Peter Johnston Mr Colin Casey	1 Mr Ian Sanderson	Councillor Algate Councillor Turley
Picton Oval Sportsground Community Committee	Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)	4 Ms Christine Adams Mr Paul Adams Mr Trevor Rynne Mr Noel Hannigan	0	Councillor Gallagher
Riddiford Arboretum Community Committee	Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)	7 Mr Wayne Lovis Ms Alison Sutton Ms Carey Guihot Ms Barbara Webster Mr Greg Curran Ms Julie Matthews Mr Paul Riccard	0	Councillor Browne
Youth Advisory Committee	5 Three community representatives aged between 18-26 years or a parent/carer of a person aged 12-18 years. Two community representatives from the First Nations community aged between 18-26 years or a parent/carer of a person aged 12-18 years.	0 Newly created Committee – advertising commenced 07/05/2022	1 Sharryn Rouse	Councillor Boland Councillor Jewitt Councillor Turley
Totals		65	8	

Broken Hill City Art Gallery Advisory Committee and Broken Hill Heritage Advisory Committee

During April – June 2022 Council received nominations above the total number of community representatives stated in the Constitutions for both the Broken Hill City Art Gallery Advisory Committee and the Broken Hill Heritage Advisory Committee.

Past practice has noted that some Committees attract more interest than others and in the past these Committees have had additional community representatives appointed. Council welcomes the increased interest in community involvement in its S355 Committees and therefore did not reject the additional nominations received. These nominations were presented to Council and subsequently approved for appointment as community representatives.

Although the Committees may have additional members above that stated in their Constitutions early in the Term of Council, resignations often occur and the advantage of additional members now (who have a full understanding of the operation of the Committees) allows for natural attrition to occur and the Committees to operate seamlessly throughout the current Term of Council, thus avoiding the need to call for nominations to fill vacancies.

As a way to formalise this past practise, it is suggested that the Membership clause of the Constitutions of the Broken Hill Art Gallery Advisory Committee and the Broken Hill Heritage Advisory Committee be amended to include the words “A minimum of” before the number of community representative positions stated in the Constitutions. This will allow for additional community representatives to be appointed to these two Committees that historically attract more interest than other Committees, and to allow for Council to advertise for nominations for new community representatives once the membership falls below the minimum number due to natural attrition.

ET Lamb Memorial Oval Community Committee

As per Council’s resolution at the Council Meeting held 30 March 2022 to re-establish the ET Lamb Memorial Oval Community Committee if sufficient nominations for community representatives are received, Council advertised for nominations on the ET Lamb Memorial Oval Community Committee along with all other Section 355 Committees. Council will collect nominations over the duration of the advertising period and will present a separate report to Council for consideration of the re-establishment of the Committee once a sufficient number of nominations are received.

It should be noted that letters of appreciation have been sent to the outgoing community representatives on all Section 355 Committees as per Council’s resolution at the 30 March 2022 Council Meeting. These letters also encouraged past community representatives to renominate.

Following the May and June Council Meeting, members of the public who had nominated and been appointed as community representatives at the April and May Council Meeting, were notified of their appointment. Councillors were also notified of the community representatives of the Committee of which they are delegates.

For Committees with three or more community representatives appointed, Councillors were requested to call their first meeting (Annual General Meeting) and to appoint their Executive Members and set the Committee’s meeting dates for the remainder of the year.

As mentioned in the Executive Summary, the majority of S355 Committees have either held their Annual General Meeting or the meeting has been scheduled.

This report is presented to Council to consider the nominations received during July and to appoint community representatives to the various Section 355 Committees.

Additional advertising will continue in August for the Section 355 Committees that have not yet reached adequate membership.

Community Engagement:

Council is currently advertising for nominations for community representatives on its Section 355 Committees, with nominations for this month closing 20 July 2022. Further advertising will be conducted in an effort to achieve adequate membership on S355 Committees.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation:

Section 355 of the *Local Government Act 1993*

Council's adopted S355 Asset and Advisory Committee Framework and Constitutions.

Financial Implications:

There are no financial implications.

Attachments

1. [↓](#) Nomination - Ageing Well Advisory Committee - Mr Owen Whyman
2. [↓](#) Nomination - Ageing Well Advisory Committee - Mr JR Mitchell
3. [↓](#) Nomination - Ageing Well Advisory Committee - Ms Jodie McInnes
4. [↓](#) Nomination - Broken Hill Round Table Committee - Mr JR Mitchell
5. [↓](#) Nomination - Memorial Oval Community Committee – Mr Bruce McIntosh
6. [↓](#) Nomination - Memorial Oval Community Committee – Ms Tracey Robinson
7. [↓](#) Nomination - Norm Fox Sporting Complex Committee - Mr Ian Sanderson
8. [↓](#) Nomination - Youth Advisory Committee - Sharryn Rouse

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

Section 355 Committee Nomination Form



Submission date: 11 July 2022, 1:47PM
Receipt number: S355N-63
Related form version: 7

Contact Details

First Name	Owen
Last Name	Whyman
Contact Number	
Do you have an email address?	Yes
Email Address	
Applicant Street Number	
Applicant Street Name	
Applicant Suburb/City	Wilcannia
Applicant State	NSW
Applicant Postcode	2836

Committee Details

Which S355 Committee are you nominating for?	Ageing Well Advisory Committee
--	--------------------------------

Ageing Well Advisory Committee

Please outline why you would like to be a member of this committee:

I think the elders are important for us to look after. They have done alot for community and it's about giving back to them as individuals and community the care, respect and love that they deserve. I have always been taught to respect your elders no matter what race and feel as a community leader of Wilcannia and districts I can be a big help in sitting on and representing this committee.

Please confirm that you are a person of senior years or you care for a person in their senior years.

yes

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service.

Mutawintji Board of Management - 5 years.
Wilcannia Golf Club board member and President- 6 years.
Paroo-Darling National Park Board- 2 years.
Wilcannia rugby (Boomerangs & Parntu Warriors) committees- years.
Wilcannia Men's Group- 4 years
Wilcannia Central School President AECG- 6 months

Please detail any other relevant information.

I'm really passionate about sitting on committees and being able to facilitate positive changes and good outcomes.

Privacy

- 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 details to assess your application.
- The supply of your personal information may be by law or voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.
- Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Declaration

I declare that I am over the age of 18
I declare that I have established ties to the Broken Hill community
I declare that I am a resident of the local government area (LGA); or if not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council
I declare that I will commit to the activities of the Committee and a willingness to be actively involved in the Committee issues
I declare that all the information provided in this application is given by me being the person named as the applicant.

Section 355 Committee Nomination Form

BROKEN HILL
CITY COUNCIL

Submission date: 13 July 2022, 6:32PM
Receipt number: S355N-65
Related form version: 7

Contact Details

First Name	JR
Last Name	Mitchell
Contact Number	
Do you have an email address?	Yes
Email Address	
Applicant Street Number	
Applicant Street Name	
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880

Committee Details

Which S355 Committee are you nominating for?	Ageing Well Advisory Committee
--	--------------------------------

Ageing Well Advisory Committee

Please outline why you would like to be a member of this committee:	Actively involved in aging and disability matters within the town, run a Facebook group on the subject, like to contribute to the future of the town.
Please confirm that you are a person of senior years or you care for a person in their senior years.	yes

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service.

Many many years history of business association, Main St Development, community groups, service clubs. Held many office bearing positions and chaired many committees in places that I have lived.

Please detail any other relevant information.

I'm also disabled, aware of aging services and needs, service companies and services provided.

Privacy

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- Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Declaration

I declare that I am over the age of 18

I declare that I have established ties to the Broken Hill community

I declare that I am a resident of the local government area (LGA); or if not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council

I declare that I will commit to the activities of the Committee and a willingness to be actively involved in the Committee issues

I declare that all the information provided in this application is given by me being the person named as the applicant.

Section 355 Committee Nomination Form

BROKEN HILL
CITY COUNCIL

Submission date: 14 July 2022, 5:23PM
Receipt number: S355N-67
Related form version: 7

Contact Details

First Name	Jodie
Last Name	McInnes
Contact Number	
Do you have an email address?	Yes
Email Address	
Applicant Street Number	
Applicant Street Name	
Applicant Suburb/City	BROKEN HILL
Applicant State	NSW
Applicant Postcode	2880

Committee Details

Which S355 Committee are you nominating for?	Ageing Well Advisory Committee
--	--------------------------------

Ageing Well Advisory Committee

Please outline why you would like to be a member of this committee:	I currently care for an elderly mother as well as a volunteer community services(Doorways) for The Salvation Army one day a week. I have seen and experienced the unexpected results of various programs both good and bad. I have a keen interest in ageing well, ensuring sufficient holistic services are planned and available to the community.
---	--

Please confirm that you are a person of senior years or you
care for a person in their senior years. **yes**

What is your previous experience with any committee? Please
list name/s of Committee/s and periods of service.

**2015 DV Snapshots - Information Technology Advisor
2017-2020 The Salvation Army Noarlunga - Wider Leadership
(Church committee as business manager, CafeLife
(Community meals))
2020 - present The Salvation Army Broken Hill - Wider
Leadership (local church committee) and Area Leadership
Team (ALT - Far West regional committee)**

Please detail any other relevant information.

**Extensive work from 2002 to 2016 in Divisions of General
Practice which evolved to Medicare Locals in IT, training
GPs, regional needs assessment working with various
stakeholders, Health Information Management and digital
health including aged care facilities and Telehealth. My last
position being Health Information Management Manager.
Left to pursue more grass roots community work with The
Salvation Army. Finally returning home to Broken Hill in 2020
with the pandemic to help care for my mum and planning to
stay in the community.**

Privacy

- 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 details to assess your application.
- The supply of your personal information may be by law or voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.
- Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Declaration

**I declare that I am over the age of 18
I declare that I have established ties to the Broken Hill
community
I declare that I am a resident of the local government area
(LGA); or if not a resident, be able to demonstrate an
interest in the objectives of the committee and ability to
attend committee meetings to the satisfaction of Council
I declare that I will commit to the activities of the Committee
and a willingness to be actively involved in the Committee
issues
I declare that all the information provided in this application
is given by me being the person named as the applicant.**

Section 355 Committee Nomination Form

BROKEN HILL
CITY COUNCIL

Submission date: 13 July 2022, 6:38PM
Receipt number: S355N-66
Related form version: 7

Contact Details

First Name	JR
Last Name	Mitchell
Contact Number	
Do you have an email address?	Yes
Email Address	
Applicant Street Number	
Applicant Street Name	
Applicant Suburb/City	BROKEN HILL
Applicant State	NSW
Applicant Postcode	2880

Committee Details

Which S355 Committee are you nominating for?	Community Strategic Plan Roundtable Committee
--	---

Community Strategic Plan Roundtable Committee

Please select a category from the list that you identify with:	A Community Representative, with previous governance experience and a demonstrated interest in issues associated with the implementation of the Community Strategic Plan
--	--

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

Variety of community groups, service clubs, emergency services.
Business assoc.
Main St Development

Please outline why you would like to be a member of the Community Strategic Plan Roundtable committee and identify any previous governance experience:

As a permanent resident I believe I could offer a valuable contribution and would like to participate in forward planning and discussion

Please outline your interest in issues associated with the implementation of the Community Strategic Plan:

Please detail any other relevant information:

I'm 64 years of age, disabled.

Privacy

- 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 details to assess your application.
- The supply of your personal information may be by law or voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.
- Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Declaration

I declare that I am over the age of 18

I declare that I have established ties to the Broken Hill community

I declare that I am a resident of the local government area (LGA); or if not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council

I declare that I will commit to the activities of the Committee and a willingness to be actively involved in the Committee issues

I declare that all the information provided in this application is given by me being the person named as the applicant.

355 Committee Nomination Form

BROKEN HILL
CITY COUNCIL

Section 355 Committee

Name of Committee:

MEMORIAL OVAL COMMUNITY COMMITTEE

Personal Details

First Name Required

BRUCE BOWMAN

Last Name Required

MCINTOSH

Contact Number

[REDACTED]

Email Address

[REDACTED]

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

BROKEN HILL NSW

Applicant State (Select one option)

- ☒ NSW
☐ SA
☐ VIC
☐ QLD
☐ TAS
☐ WA
☐ ACT
☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

I HAVE BEEN A CARPENTER
FOR 18 YEARS

Please outline details of any relevant experience for this committee:

AS ABOVE

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

SILVER CITY SHAW PRESIDENT
7 YEARS

Please detail any other relevant information:

Privacy

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 details to assess your application.

The intended recipients of the personal information collected include Council officers or other agents contracted by Council. If necessary for reporting purposes, your name will be made publicly available via Council's Business Papers and on Council's website. Your 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 your personal information may be by law or 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 an 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 by email council@brokenhill.nsw.gov.au or malto:council@brokenhill.nsw.gov.au or addressed to Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Signature



Name	

End of form

355 Committee Nomination Form

BROKEN HILL
CITY COUNCIL

Section 355 Committee

Name of Committee:

MEMORIAL

Personal Details

First Name Required

TRACEY

Last Name Required

ROBINSON

Contact Number

[REDACTED]

Email Address

[REDACTED]

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

Broken Hill

Applicant State (Select one option)

- ☒ NSW
☐ SA
☐ VIC
☐ QLD
☐ TAS
☐ WA
☐ ACT
☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

Representative of Harness Racing NSW

Please outline details of any relevant experience for this committee:

I have been involved with Memorial Oval
as a stake holder since 2009

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

Please detail any other relevant information:

Privacy

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 details to assess your application.

The intended recipients of the personal information collected include Council officers or other agents contracted by Council. If necessary for reporting purposes, your name will be made publicly available via Council's Business Papers and on Council's website. Your 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.

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Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Signature



Name

End of form

Section 355 Committee Nomination Form

BROKEN HILL
CITY COUNCIL

Submission date: 24 May 2022, 3:01PM
Receipt number: S355N-54
Related form version: 7

Contact Details

First Name Ian

Last Name Sanderson

Contact Number

Do you have an email address? Yes

Email Address

Applicant Street Number

Applicant Street Name

Applicant Suburb/City Broken Hill

Applicant State NSW

Applicant Postcode 2880

Committee Details

Which S355 Committee are you nominating for? Norm Fox Sporting Complex Community Committee

Norm Fox Sporting Complex Community Committee

Please outline why you would like to be a member of this committee: To offer any help needed to maintain a sporting asset for the people of Broken Hill

Please outline details of any relevant experience for this committee: None

What is your previous experience with any committee? Please
list name/s of Committee/s and periods of service:

Napredak Director - 1998 - 2003 (Approximate)
Napredak Bocce committee similar years as above
President of the Broken Hill Outback Emus - 2019 - 2021
Publicity Officer Outback Emus 2010 - 2019
Junior Vice Chairman Outback Emus 2014-2016
Vice Chairman Outback Emus 2016-2019

Please detail any other relevant information:

Privacy

- 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 details to assess your application.
- The supply of your personal information may be by law or voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.
- Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Declaration

I declare that I am over the age of 18
I declare that I have established ties to the Broken Hill
community
I declare that I am a resident of the local government area
(LGA); or if not a resident, be able to demonstrate an
interest in the objectives of the committee and ability to
attend committee meetings to the satisfaction of Council
I declare that I will commit to the activities of the Committee
and a willingness to be actively involved in the Committee
issues
I declare that all the information provided in this application
is given by me being the person named as the applicant.

Section 355 Committee Nomination Form

BROKEN HILL
CITY COUNCIL

Submission date: 12 July 2022, 9:25AM
Receipt number: S355N-64
Related form version: 7

Contact Details

First Name	Sharryn
Last Name	Rouse
Contact Number	
Do you have an email address?	Yes
Email Address	
Applicant Street Number	
Applicant Street Name	
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880

Committee Details

Which S355 Committee are you nominating for?	Youth Advisory Committee
--	--------------------------

Youth Advisory Committee

Please outline why you would like to be a member of this committee:	I am currently employed at the YMCA as the youth worker for Youth and community (Yac)
Please confirm that you are a young person aged 18 to 24 years; or the parent/carer of a young person aged 12-24 years.	yes

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service. **Kalgoorlie art exhibition group 3 years
AC/DC community arts centre Geraldton 2 years**

Please detail any other relevant information.

Privacy

- 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 details to assess your application.
- The supply of your personal information may be by law or voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.
- Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Declaration

I declare that I am over the age of 18

I declare that I have established ties to the Broken Hill community

I declare that I am a resident of the local government area (LGA); or if not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council

I declare that I will commit to the activities of the Committee and a willingness to be actively involved in the Committee issues

I declare that all the information provided in this application is given by me being the person named as the applicant.

ORDINARY MEETING OF THE COUNCIL

July 7, 2022

ITEM 10BROKEN HILL CITY COUNCIL REPORT NO. 160/22SUBJECT: COMMUNITY ASSISTANCE GRANTS PROGRAM D22/35559**Recommendation**

1. That Broken Hill City Council Report No. 160/22 dated July 7, 2022, be received.
2. That Council notes the Community Assistance Grants processes as per Council's adopted Community Assistance Grants Policy.

Executive Summary:

Council considered the awarding of Community Assistance Grants for Round One of 2022/2023 at the June 2022 Council Meeting and Council resolved:

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 144/22 - DATED JUNE 02, 2022 - COMMUNITY ASSISTANCE GRANTS AWARDED FOR ROUND ONE OF 2022/2023

D22/29210

RESOLUTIONMinute No. 46882

Councillor D Gallagher moved)
Councillor R Page seconded)

Resolved

1. That Broken Hill City Council Report No. 144/22 dated June 2, 2022, be received.
2. That Council notes the Community Assistance Grants awarded for Round One of 2022/2023 which were recommended by the Panel on 31 May 2022 and approved by the General Manager on 2 June 2022 under delegation.
3. That Council notes the additional Community Assistance Grant recommended by the General Manager in addition to the Panel's recommendation to represent the full allocation of round one funds.
4. That a report be presented to the July Policy and General Committee Meeting regarding the process of the Community Assistance Grants Program.
5. That the condition placed on the grant awarded to Lee's International Taekwondo Australia Inc (to provide a COVID Safety Plan for use of the training equipment purchased with Council's grant), be removed.

CARRIED UNANIMOUSLY

This report is presented to Council to explain the grant program's processes.

Report:

In 2016 Council changed the way in which it provided financial assistance to local community organisations with the adoption of the Community Assistance Grants (CAG) Policy (to comply with *Sections 377 and 356 of the Local Government Act 1993* for the provision of a financial assistance program) with the aim of providing a framework for Council to provide grants for community events, projects, services or activities that align with the objectives of Broken Hill's Community Strategic Plan. The framework also aims to ensure that the allocation of Council's limited resources is undertaken in a fair, transparent, accountable and ethical manner.

The adoption of the CAG Policy meant that requests would no longer be considered by Council individually, but instead would be considered through two rounds of an advertised competitive grants program.

The inclusion of a competitive merit-based application process for financial assistance ensures a fair, transparent and accountable system of financial assistance with a focus on outcomes for the community and alignment to Council objectives.

Council advertises in the Barrier Truth and on social media for six weeks prior to the closing date of each round. Applications for Round 1 close on 30 April each year (for events/programs/activities held between 1 July and 31 December); and applications for Round 2 close on 31 October each year (for events/programs/activities held between 1 January and 30 June).

The CAG Panel comprises:

- The Mayor (or nominee)
- Two Councillors
- The Broken Hill Australia Day Citizen of the Year
- A minimum of three independent persons

The Panel is assisted by the Executive Officer who facilitates the grants program.

At the conclusion of each round, applications are assessed by the Executive Officer against the Policy's eligibility and assessment criteria and Council's Manager Finance assesses the organisations financial statements with a report presented to the Community Assistance Grants Panel for the Panel's further assessment of each application.

The agenda is provided to the Panel a week prior to the Panel Meeting and a copy of the agenda is uploaded to the BigTinCan HUB for the information of all Councillors and the Executive Leadership Team (unfortunately, the agenda was not uploaded to the HUB for the current round of grant funding, but this has been rectified).

At the Panel Meeting the Panel conducts their assessment of each application against the objectives of Council's Delivery Program and Community Strategic Plan using an assessment weighting matrix. Following this, the Panel recommends the awarding of grants in accordance with the weighting score achieved and the budget allocated for each round. The Panel's recommendations (minutes of the meeting) are presented to the General Manager for final approval under the General Manager's delegation of authority. A report is provided to Council for information of the awarding of grants.

The process for the awarding of grants takes place, with applicants signing a grant agreement which sets out the governance framework for the grant and providing Council with an invoice for payment of the grant awarded.

Following the event/program/activity being held the applicant must provide Council with an acquittal of funds which outlines the outcome of the event/program/activity, substantiation that the grant money was used for the purpose in which it was awarded (budget

reconciliation of grant money spent including copies of receipts/invoices) and proof that Council was acknowledged in all media surrounding the event/program/activity.

Should an organisation not provide Council with acquittal information, Council reserves the right to seek reimbursement of the grant money and non-provision of an acquittal will render an organisation ineligible for financial assistance (whether through the CAG program or any other financial assistance) from Council in the future.

The CAG program is well supported by local community organisations, with most rounds attracting applications which total in excess of the amount of funding available. Feedback from these organisations following their event/activity is very positive, with many organisations being successful in receiving more than one grant since the CAG program's inception in 2016.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Local Government Act 1993, Sections 377 and 356

Financial Implications:

Council's annual budget contains an allocation of \$104,000.00 for the Community Assistance Grants program.

Attachments

1. [↓](#) Community Assistance Grants Policy

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



COMMUNITY ASSISTANCE GRANTS POLICY

QUALITY CONTROL			
TRIM REFERENCES	12/114 – D17/3599		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	April 2026	REVISION NUMBER	6
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
24/02/2016	Adoption	45180	
22/02/2017	Public Exhibition	45461	
26/04/2017	Adoption	45524	
28/11/2018	Adoption	45959	
24/06/2020	Adoption	46284	
30/03/2022	Adoption	46802	
27/04/2022	Adoption	46825	

1. INTRODUCTION

Council acknowledges the contribution made by our community towards the betterment of Broken Hill and the contribution of volunteers towards the objectives of Council.

This policy aims to provide support to individuals and groups through a program of Community Assistance Grants.

This policy allows for considered and transparent decisions to be made regarding the distribution of community resources.

2. POLICY OBJECTIVE

The purpose of this policy is to provide a framework for Council to provide grants for community events, projects, services or activities, known as Community Assistance Grants that align with the objectives of Broken Hill's Community Strategic Plan.

The framework aims to ensure that the allocation of council's limited resources is undertaken in a fair, transparent, accountable and ethical manner. Council recognises that there can be difficulties in meeting community expectations with the increasingly limited financial resources available. Council also recognises that it is accountable to the community for the management and disbursement of its funds and that it must be done in a manner that maximises the benefits to the community and is seen as fair and equitable.

3. POLICY SCOPE

The policy applies to all applications for Community Assistance Grants.

4. POLICY STATEMENT

4.1. General Principles

Council commits itself to the following principles:

- 4.1.1. Accountability, transparency and equity – The policy provides a framework for the transparent and merit-based provision of support and a system of accountability for the recipient.
- 4.1.2. Alignment with Council strategies – The policy aligns with Council priorities outlined in the Broken Hill Community Strategic Plan and Councils Delivery Program.
- 4.1.3. Value for money – The policy ensures Council considers the value for money received in return for Councils investment.

4.2. Scope of Program

- 4.2.1. The total amount available under the Community Assistance Grant Program will be determined annually by the elected Council in connection with the Operational Plan and Delivery Program.
- 4.2.2. Community Assistance Grants may comprise cash/and or value in kind.
- 4.2.3. Council may decide to offer to an applicant a Community Assistance Grant in an amount less, or in a combination different to, what is applied for.
- 4.2.4. A monetary figure will be allocated to all value in kind awarded under the Community Assistance Grant Program, in accordance with its true cost to Council. This amount will be included in the total amount of Community Assistance Grant allocated to any successful applicant.
- 4.2.5. Any amendments to the total budget allocated to the Community Assistance Grant program must be approved by the elected Council.
- 4.2.6. Only single year commitments may be approved under this policy.

4.3. Existing Commitments

- 4.3.1. The following existing committed donations do not meet the requirements for inclusion in a competitive process because they are initiatives instigated by Council and also they are not auspiced by a community organisation, therefore the following annual committed donations will be made:

Name of Organisation	2015/2016 Commitment	Purpose
----------------------	----------------------	---------

Local Schools	\$100 per school (\$1,000.00 total)	Donation towards presentation night
David Bowler Memorial Award	\$2,500.00	Co-contribution towards award

4.3.2. All other previously committed annual donations will not be made and these organisations must apply to one of the competitive rounds of Community Assistance funding due to their organisation meeting the eligibility criteria to apply.ⁱ

4.4. Program Structure

- 4.4.1. Council will hold up to two competitive rounds for Community Assistance Program each financial year.
- 4.4.2. Council will advertise the details of each round of the Community Assistance Program on Councils website and in the local media.
- 4.4.3. Council may decide to host a public information session in connection with a competitive round to provide information to prospective applicants about the program.

4.5. Eligibility and Assessment

4.5.1. Eligibility Criteria

Council will not support applications that do not meet all of the following Eligibility Criteria:

- a. Applicant must be an incorporated community association/organisation, or a registered not-for-profit association/charitable organisation with an ABN or ACN. Applications will not be accepted from individuals, businesses, government agencies, political parties or lobby groups.
- b. Applicants must lodge a completed application using Council's standard Community Assistance Grant Program Application Form in accordance with any published Guidelines.
- c. Applications must be received on or before the advertised due date.
- d. Applicants must provide evidence that they have appropriate insurances in place.
- e. The event/project/service/activity must be scheduled to occur within the same financial year the application is made and support is received.
- f. The funds received through Community Assistance Grants must not be used to raise funds on behalf of another group.
- g. Applicants may not have received any other sponsorship support from Council within the same financial year, regardless of whether it was for a different event/project/service/activity.
- h. Applicants must have complied with, to Council's satisfaction, the conditions of any previous grant, support or Community Assistance Grant received from Council.
- i. The event/project/service/activity must be consistent with the community values defined in the Community Strategic Plan.

- j. The event/project/service/activity must apply uniformly to all persons in the Broken Hill Local Government Area or to a significant group of persons within the area.
- k. The Applicant must be capable of obtaining all regulatory approvals for the event/project/service/activity.
- l. If a public information session is scheduled in connection with a round of Community Assistance Grant funding, a representative of the Applicant must attend, or otherwise meet with the relevant Council Officer in advance of the application deadline.

4.5.2. Assessment Criteria

Applications that satisfy the Eligibility Criteria set out in clause 4.5.1 will then be assessed against the following Assessment Criteria, which will be weighted according to Councils strategies:

- a. Social benefit to the community. Considerations include: number and age of participants; skills and knowledge developed by applicants.
- b. How the project will support an identified need within or develop community strengths. Considerations include: alignment to community strategic plan and delivery program outcomes; the relevant impact on the Broken Hill community through the implementation of the initiative.

4.5.3. Assessment of Applications

The Relevant Council Officer will receive applications and undertake a preliminary assessment against the Eligibility and Assessment Criteria set out in sections 4.5.1 and 4.5.2.

It is open to the Council Officer to amend estimates and projections included in the application prior to assessment based on information available to Council or Council's past experience. Any changes should be notified to the applicant with the reasoning documented.

If the applicant does not agree with amendments suggested by the Relevant Council Officer, the application will still be presented to the Community Assistance Grant Panel for assessment with information from the Relevant Council Officer as to why amendments are recommended.

The weighting allocated to each assessment criterion will be determined and approved by the Community Assistance Grant Panel prior to applications being called. These weightings must be made available to applicants upon request.

Following a preliminary assessment, the Relevant Council Officer will present all applications to the Community Assistance Grant Panel with a recommendation on eligibility.

The Community Assistance Grant Panel will be convened to assess applications. The Community Assistance Grant Panel's assessment must be recorded on an evaluation form and retained in Council's records management system. The evaluation form will be signed by all members of the Community Assistance Grant Panel.

Each member of the Community Assistance Grant Panel must comply with Councils Code of Conduct, in particular, the provisions covering Conflicts of Interest.

The Community Assistance Grant Panel will make recommendation to the General Manager.

The General Manager approves and provides Council with a report for information subsequent to the awarding of grants.

The event/project/service/activity must be suitable for Council's involvement and consistent with Council's community values defined in the Community Strategic Plan.

4.5.4. Agreements, Payments and Acquittals

Successful applicants and Council must sign an Agreement, containing Council's terms and conditions for the Community Assistance Grant prior to any monies being released.

Payments will be made in accordance with the agreement following receipt of invoice.

All invoices must be received before the end of the financial year in which Community Assistance Grant was awarded and the event/project/service/activity implemented.

Council will not be liable for any amounts over and above the Community Assistance Grant amount as set out in the Agreement.

Successful applicants must provide acquittal information to Council in accordance with the terms of the Agreement.

5. IMPLEMENTATION

5.2. Roles and Responsibilities

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

- General Manager
- Executive Officer

5.3. Communication

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

5.4. Associated Documents

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

- Code of Conduct
- Statement of Business Ethics

6. REVIEW

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

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

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 377 and 356

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Community Assistance Grants Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

8. DEFINITIONS

Agreement means the agreement entered into by Council and applicant whose application for Community Assistance Grant has been successful.

Council means Broken Hill City Council.

Community Assistance Grant means Financial Assistance provided by Council as a financial contribution or Value in Kind, to support an event, project, service or activity.

Community Assistance Grant Panel means the panel comprising:

- The Mayor (or nominee)
- Two Councillors
- The Broken Hill Australia Day Citizen of the Year
- A minimum of three independent persons

Financial Assistance means payments given to individuals or organisations that are not commensurate with a reciprocal benefit received by Council.

Guidelines means any guidelines published in connection with Council's Community Assistance Grant program in any year.

Relevant Council Officer means the Council employee responsible for administering the Community Assistance Grant program.

Value in Kind means goods or services supplied by Council in connection with a Community Assistance Grant, including the waiver or discounting of fees and charges for Council facilities.

ⁱ Minute No. 46356 of 30/09/2020 records Council's resolution to increase the Community Assistance Grants budget annually by \$6,000.00 to be quarantined for Golf Broken Hill Inc should they apply and meet all eligibility and assessment criteria, otherwise the funds will be included in the available budget for all applications for Round 2 each year.

ORDINARY MEETING OF THE COUNCIL

July 11, 2022

ITEM 11BROKEN HILL CITY COUNCIL REPORT NO. 161/22

SUBJECT: MEMORANDUM OF UNDERSTANDING - SILVER CITY PASTORAL AND AGRICULTURAL ASSOCIATION INC.(SILVER CITY SHOW COMMITTEE) AND BROKEN HILL CITY COUNCIL
D22/36010

Recommendation

1. That Broken Hill City Council Report No. 161/22 dated July 11, 2022, be received.
2. That the General Manager be authorised to negotiate and execute a Memorandum of Understanding for a period of two (2) years with the Silver City Pastoral and Agricultural Association Inc.
3. That Council authorise the General Manager to include in the Memorandum of Understanding financial assistance grants of \$15,000 per annum in a combination of cash (of approx. \$8,000.00) towards utility costs, insurance, prize ribbons and certificates, stationery and office requirements; and in-kind (of approx. \$7,000.00) towards Memorial Oval hire fees and waste services fees for the annual Silver City Show.
4. That the Memorandum of Understanding include KPI's on the financial reporting of the Silver City Show (income and expenditure financial statements) and the reporting of acquittal of grant funds each year.

Executive Summary:

At the June 2022 Ordinary Council Meeting, the Mayor took a question on notice from Councillor Page for financial assistance to the Silver City Pastoral and Agricultural Association Inc towards the operation of the Silver City Show, given that COVID-19 restrictions had caused the cancellation of the Show in 2020 and 2021.

The General Manager liaised with Councillor Page to discuss the possibility of a financial assistance grant, by way of a Memorandum of Understanding, to provide a financial assistance grant of \$15,000.00 per annum for two (2) years to the Silver City Pastoral and Agricultural Association Inc. The grant is to be in a combination of cash and in-kind assistance totalling \$15,000.00 per annum to ensure that the Silver City Show will go ahead for the enjoyment of the community of Broken Hill and the far west region.

Report:

The Silver City Pastoral and Agricultural Association Inc are the organizing body of the annual Silver City Show held at the Memorial Oval in September each year. The Association have historically received financial assistance from Council (more recently through the Community Assistance Grants Program with the last grant in 2019/20 being \$6,600.00) towards the costs of hire of the Memorial Oval and waste services fees for the Silver City Show.

The Silver City Show was not held in 2020 due to the Alpha variant of the COVID-19 pandemic. In 2021, following a Notice of Motion submitted by Councillors Gallagher and Page after the Association had missed applying for a Community Assistance Grant for Round 1 of 2021/2022, Council provided a one-off financial assistance grant (through the Event Sponsorship Fund) of \$15,000.00 towards the 2021 Silver City Show to cover utility costs, insurance, repairs to the animal nursery, prize ribbons, certificates and stationery and other office requirements for volunteers. Unfortunately, the spread of the COVID-19 Delta variant in NSW caused the cancellation of the 2021 Silver City Show.

At the June 2022 Ordinary Council Meeting, Councillor Page requested that the General Manager investigate financial assistance for the Association to provide financial security for the Association to host the 2022 and 2023 Silver City Shows given the financial impact of COVID-19 on the Association (having to pay their overheads during the year and costs associated with the preparation of the Show, but then having to cancel the Show due to a change in COVID-19 Public Health Order restrictions resulting in nil income being received).

The General Manager is proposing a Memorandum of Understanding for a period of two (2) years with the Silver City Pastoral and Agricultural Association Inc for a financial assistance grant of \$15,000.00 towards the 2022 Silver City Show and \$15,000.00 towards the 2023 Silver City Show. The financial assistance grants will include a combination of cash (approx. \$8,000.00) towards utility costs, insurance, prize ribbons and certificates, stationery and office requirements for volunteers; and in-kind (of approx. \$7,000.00) towards the hire cost of the Memorial Oval and waste services fees for the Show. With the Memorandum of Understanding containing provisions for the financial reporting of the event (income and expenditure financial statements) and the acquittal of grant funding each year.

The report recommends that Council authorises the General Manager to negotiate and execute the Memorandum of Understanding with representatives of the Silver City Pastoral and Agricultural Association Inc.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	1	Our Community
Objective:	1.1	Our Community spirit is our strength
Strategy:	1.1.4	Facilitate the celebration of community and cultural events

Relevant Legislation:

Nil.

Financial Implications:

If adopted by Council, a financial assistance grant of \$15,000.00 for the current 2022/23 financial year will need to be included and voted at the first quarter budget review report and a financial assistance grant of \$15,000.00 will be included in budget for the 2023/24 financial year.

Attachments

There are no attachments for this report.

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
General Manager

ORDINARY MEETING OF THE COUNCIL

July 15, 2022

ITEM 12BROKEN HILL CITY COUNCIL REPORT NO. 171/22SUBJECT: INVESTMENT REPORT FOR JUNE 2022D22/37089**Recommendation**

1. That Broken Hill City Council Report No. 171/22 dated July 15, 2022, be received.

Executive Summary:

The *Local Government (General) Regulation 2021* (Part 9, Division 5, Clause 212), 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 30 June 2022, Council's Investment Portfolio had a current market valuation of \$23,830,413 or principal value (face value) of \$23,817,519 and was compliant with policy and legislative requirements as per the below table.

Report:

Council's investments as at 30 June 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

June put an end to a tough financial year in the financial markets around the world. Central bank monetary tightening in reaction to the worst inflation increases in decades was combined with the invasion of Ukraine resulting in further supply chain issues and increasing food and petrol prices. Global bond yields surged resulting in an 8-10% loss on bond valuations for the year and global shares, as measured by the S&P Global Broad Market Index, have fallen over 15% during the 2021/22 financial year.

The inflationary impacts are widespread globally. In 37 of 44 advanced nations, the average annual inflation rate in the March 2022 quarter was at least twice what it was in the March 2020 quarter, as Covid-19 was beginning to spread. In 16 countries, inflation was more than four times the level of two years prior. The US annual inflation rate hit another 40 year high at 8.6% driven higher by surging petrol and food prices, however there have been signs that price pressures are starting to ease. One of those signs is indications that the US jobs market may be starting to cool, and wages growth may have peaked. This could take pressure off services inflation, which has been picking up.

Major global share markets fell sharply during the month as investors moved to anticipate even more aggressive rate hikes from central banks. The US S&P 500 index dropped by over 8%, European shares were down 7.7%, Japanese shares dipped by 2%. Australian shares were among the biggest losers as the ASX All Ords fell over 9% with the Materials/Mining sector leading the decline, down 13%, followed by Financials slumping 12%.

Domestic issues

National home prices fell -0.6% for their second monthly decline in a row. The key drivers of the falls are poor affordability, rising fixed rates, rising variable rates and poor buyer confidence. Economists forecast the top to bottom fall in national average home prices to be 15-20%, reversing much of the surge in prices that has occurred since 2020 on the back of record low mortgage rates. Reserve Bank of Australia (RBA) Governor Lowe indicated that the Bank now sees inflation rising to 7%, that it "will do what is necessary" to bring it back to 2-3% and reiterated that "it's reasonable...the cash rate gets to 2.5%". Very weak consumer confidence and slowing credit and debit card transactions, as reported by various banks, points to weaker economic growth ahead and possibly a rising unemployment rate through next year. If accurate, these could put a lid on how much the RBA will be able to, and need to, raise rates by.

Interest rates

The RBA rose the official cash rate from 0.35% to 0.85% at its June meeting with the Board noting that inflation in Australia had increased significantly and that the outlook for inflation had been revised higher over the prior month. The central bank expects inflation to increase further before declining back towards the top of the 2-3% range in 2023. While the RBA is expecting a peak cash rate of 2.5%, the market is pricing in a 3.00% cash rate by December and 3.50% by the end of the 2022/23 Financial Year. In June, term deposit rates increased sharply again across the full 1 to 60 month range where the average increase of the best rates on offer was 0.80%pa higher than last month. The biggest jump was in the 9 to 12 month area where average rates increased by 0.90%pa.

Investment Portfolio Commentary

Council's investment portfolio returned -5.56%pa (-0.47% actual) for the month of June versus the bank bill index benchmark return of 0.61%pa. For the past 12 months, the investment portfolio has returned -0.85% versus the bank bill index benchmark's 0.10%pa.

During June, Council's investment portfolio had a \$500k 12mo term deposit mature which had been paying 0.50%pa. Reflecting the sharp increase in term deposit rates over the past

several months, those proceeds were invested in a 6mo term deposit paying 2.80%pa and another \$1m in a 12mo deposit paying 3.90%pa.

The NSW TCorpIM MT Growth Fund recorded a negative marked-to-market return in June, -2.51% (actual) and was the reason for Council's overall negative result. While the fixed interest markets had another bad month, the fund was mainly affected by a poor result in their Global and Australian share components.

The Australian share market (All Ords) dropped by over 9% in June led lower by poor month in the Materials/Mining sector which was down nearly 13%. The Financials and IT sectors were down over 11% and for the second month in a row no major sector recorded a positive result.

On the positive side, with the sharp rise in interest rates, new TDs and securities are offering rates at levels not seen in several years.

Council has a well-diversified portfolio invested predominantly among a range of term deposits and senior ranked floating rate notes from highly rated government and Australian bank issuers. Council also has exposure to a wide range of asset classes, including international and domestic shares via the NSW TCorp Medium Term Growth Fund. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection.

Council's Portfolio by Source of Funds – June 2022

As at 30 June 2022, Council's Investment Portfolio had a current market valuation of \$23,830,413 or principal value (face value) of \$23,817,519 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
GENERAL Fund	Operating Capital & Internal Restrictions	\$15,547,519
	Royalties Reserve	\$722,000
	Domestic Waste Management Reserve	\$2,118,000
	Grants	\$5,430,000
	TOTAL PORTFOLIO	\$23,817,519

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 2021* - 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 2021*.

Financial Implications:

The recommendation has no financial impact.

Attachments

1. [↓](#) June 2022 Investment Report

SIMON BROWN
CHIEF FINANCIAL OFFICER

JAY NANKIVELL
GENERAL MANAGER



**Investment Summary Report
June 2022**



Broken Hill City Council

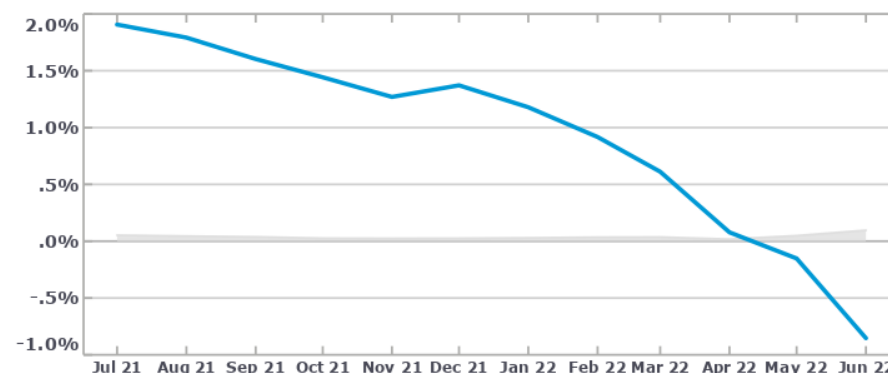
Executive Summary - June 2022



Investment Holdings

Investment Performance

By Product	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	15,247,590.22	15,247,590.22	0.8626
Managed Funds	4,069,929.24	4,069,929.24	-26.6000
Term Deposit	4,500,000.00	4,512,893.15	1.8400
	23,817,519.46	23,830,412.61	-3.6456



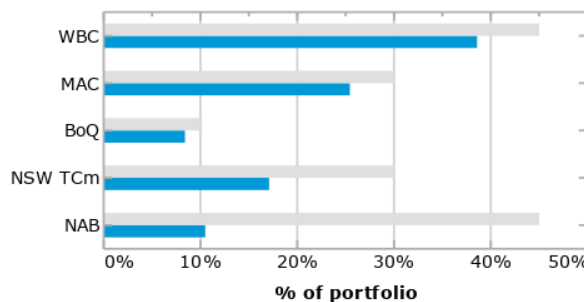
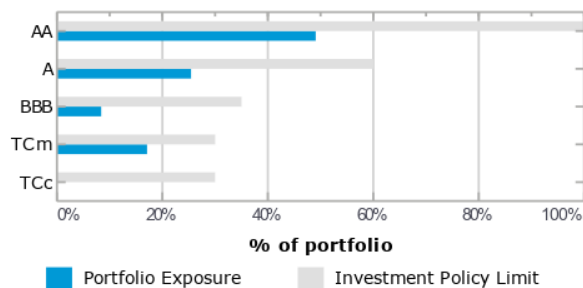
AusBond BB Index Rolling 12 month Return Portfolio Rolling 12 month Return

Investment Policy Compliance

Total Credit Exposure

Highest Individual Exposures

Term to Maturities



Maturity Profile	Face Value (\$)	Policy Max
Less than 1yr	21,817,519	92% 100%
Greater than 1yr	2,000,000	8% 60%
	23,817,519	

Broken Hill City Council

Investment Holdings Report



Cash Accounts										
	Face Value (\$)	Rate (%pa)	Institution	Credit Rating		Current Value (\$)	Deal No.			Reference
	6,058,278.08	1.0000%	Macquarie Bank	A+		6,058,278.08	540354			Accelerator
	5,456,751.38	1.3000%	Westpac Group	AA-		5,456,751.38	535442			90d Notice
	3,732,560.76	0.0000%	Westpac Group	AA-		3,732,560.76	473409			Cheque
	15,247,590.22	0.8626%				15,247,590.22				

Managed Funds										
	Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.			Reference
	0.00	0.0322%	NSW T-Corp (Cash)	TCc	Cash Fund	0.00	535329			
	4,069,929.24	-2.5097%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	4,069,929.24	536441			
	4,069,929.24					4,069,929.24				

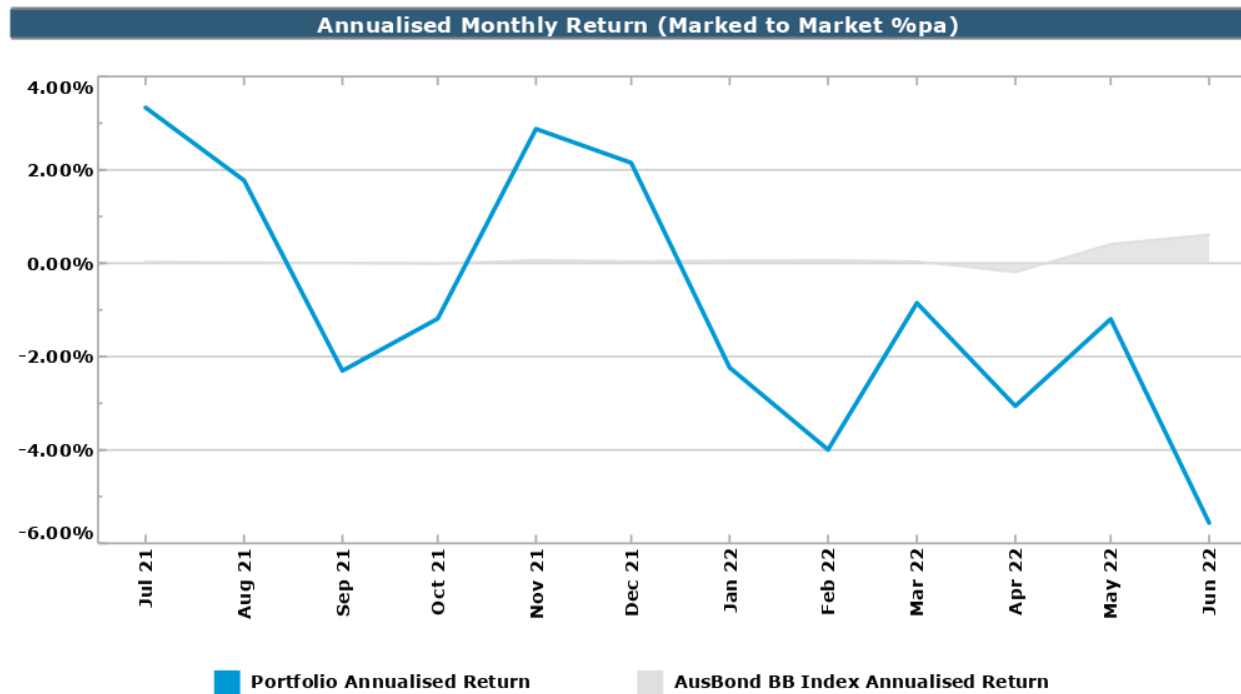
Term Deposits										
Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency Reference
12-Oct-22	500,000.00	0.4100%	National Australia Bank	AA-	500,000.00	13-Oct-21	501,465.89	541988	1,465.89	At Maturity
24-Oct-22	500,000.00	1.4500%	National Australia Bank	AA-	500,000.00	27-Apr-22	501,291.10	542702	1,291.10	At Maturity
16-Nov-22	500,000.00	0.7000%	ME Bank	BBB+	500,000.00	17-Nov-21	502,167.12	542099	2,167.12	At Maturity
8-Dec-22	500,000.00	2.8000%	ME Bank	BBB+	500,000.00	8-Jun-22	500,882.19	542853	882.19	At Maturity
27-Apr-23	500,000.00	2.1500%	National Australia Bank	AA-	500,000.00	27-Apr-22	501,914.38	542701	1,914.38	At Maturity
4-Jul-23	1,000,000.00	3.9000%	ME Bank	BBB+	1,000,000.00	30-Jun-22	1,000,106.85	542914	106.85	At Maturity
16-Aug-23	500,000.00	0.6200%	National Australia Bank	AA-	500,000.00	18-Aug-21	502,692.33	541757	2,692.33	Annually
27-Sep-23	500,000.00	0.6300%	National Australia Bank	AA-	500,000.00	29-Sep-21	502,373.29	541935	2,373.29	Annually
	4,500,000.00	1.8400%			4,500,000.00		4,512,893.15		12,893.15	

Broken Hill City Council
Accrued Interest Report - June 2022



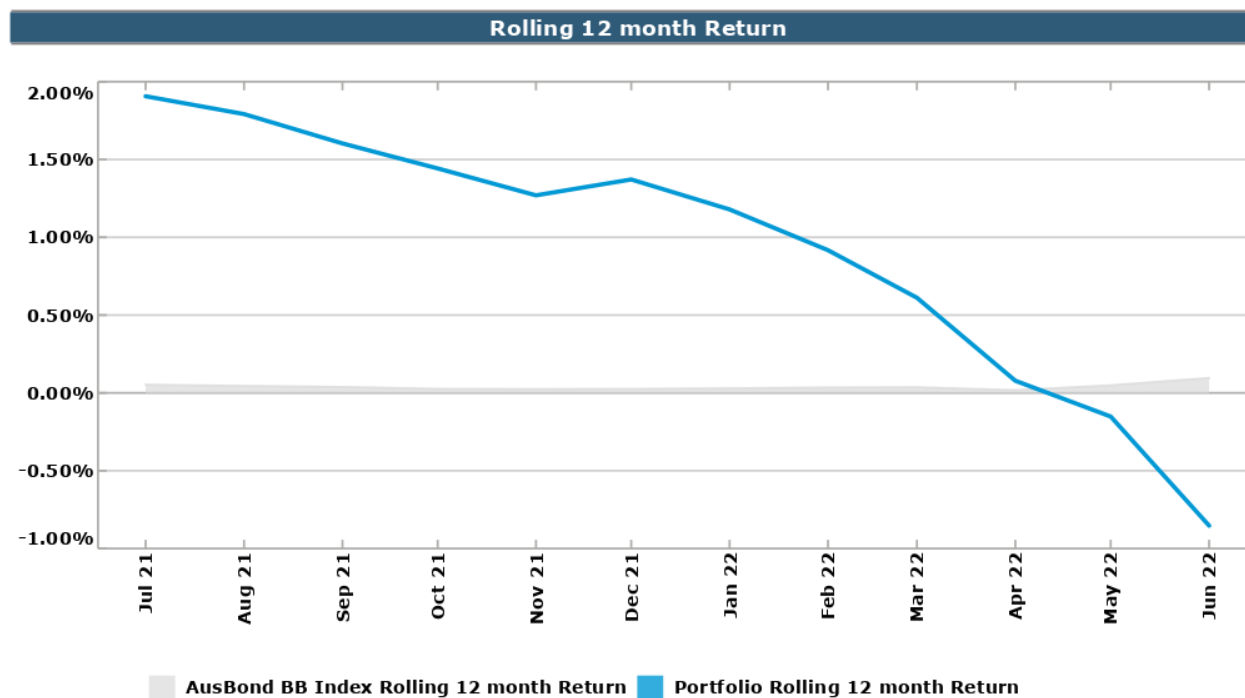
Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Cash									
Westpac Group	473409	Cheque				0.00	30	0.00	.00%
Westpac Group	535442	90d Notice				3,365.54	30	3,365.54	1.30%
Macquarie Bank	540354	Accelerator				3,914.50	30	3,914.50	1.00%
Cash Total						7,280.05		7,280.05	.76%
Managed Funds									
Cash Fund	535329			29-May-17		0.00	30	180.89	.39%
Medium Term Growth Fund	536441			12-Feb-18		0.00	30	-104,773.22	-26.60%
Managed Funds Total						0.00		-104,592.33	-23.77%
Term Deposit									
ME Bank	541512			09-Jun-21	08-Jun-22	2,493.15	7	47.94	.50%
National Australia Bank	541988			13-Oct-21	12-Oct-22	0.00	30	168.49	.41%
National Australia Bank	542702			27-Apr-22	24-Oct-22	0.00	30	595.89	1.45%
ME Bank	542099			17-Nov-21	16-Nov-22	0.00	30	287.67	.70%
ME Bank	542853			08-Jun-22	08-Dec-22	0.00	23	882.19	2.80%
National Australia Bank	542701			27-Apr-22	27-Apr-23	0.00	30	883.56	2.15%
ME Bank	542914			30-Jun-22	04-Jul-23	0.00	1	106.85	3.90%
National Australia Bank	541757			18-Aug-21	16-Aug-23	0.00	30	254.80	.62%
National Australia Bank	541935			29-Sep-21	27-Sep-23	0.00	30	258.91	.63%
Term Deposit Total						2,493.15		3,486.30	1.20%
						9,773.20		-93,825.98	-5.56%

Broken Hill City Council Investment Performance Report



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Jun 2022	-5.56%	0.61%	-6.17%
Last 3 Months	-3.27%	0.28%	-3.55%
Last 6 Months	-2.79%	0.17%	-2.96%
Financial Year to Date	-0.85%	0.10%	-0.95%
Last 12 months	-0.85%	0.10%	-0.95%

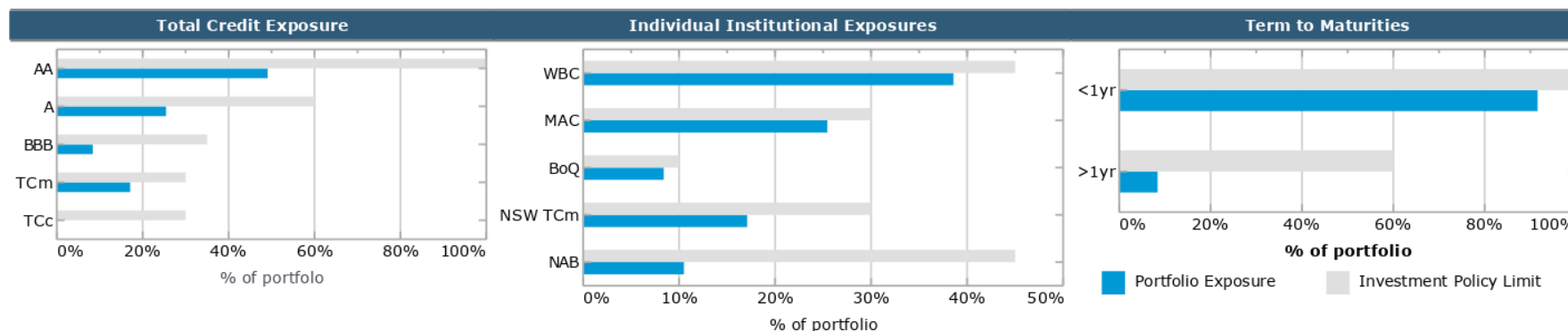
Broken Hill City Council Investment Performance Report



Historical Performance Summary (actual)			
	Portfolio	AusBond BB Index	Outperformance
Jun 2022	-0.47%	0.05%	-0.52%
Last 3 Months	-0.82%	0.07%	-0.89%
Last 6 Months	-1.40%	0.08%	-1.48%
Financial Year to Date	-0.85%	0.10%	-0.95%
Last 12 months	-0.85%	0.10%	-0.95%

Broken Hill City Council

Investment Policy Compliance Report - June 2022



Credit Rating Group	Face Value (\$)		Policy Max	
AA	11,689,312	49%	100%	☐
A	6,058,278	25%	60%	☐
BBB	2,000,000	8%	35%	☐
TCm	4,069,929	17%	30%	☐
TCc	0	0%	30%	☐
23,817,519				

Specific Sub Limits				
BBB+	2,000,000	8%	35%	☐

☐ = compliant
☐ = non-compliant

	Portfolio Exposure	Investment Policy Limit	
Westpac Group (AA-)	39%	45%	☐
Macquarie Bank (A+)	25%	30%	☐
Bank of Queensland (BBB+)	8%	10%	☐
NSW T-Corp (TCm)	17%	30%	☐
National Australia Bank (AA-)	10%	45%	☐

Maturity Profile	Face Value (\$)	Policy Max	
Less than 1yr	22,018,108	97%	100% ☐
Greater than 1yr	750,000	3%	80% ☐
23,817,519			

Detailed Maturity Profile	Face Value (\$)	
00. Cash + Managed Funds	19,317,519	81%
04. Between 90 Days and 180 Days	2,000,000	8%
05. Between 180 Days and 365 Days	500,000	2%
06. Between 365 Days and 3 Years	2,000,000	8%
23,817,519		

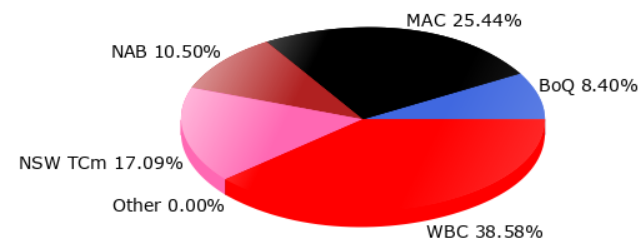
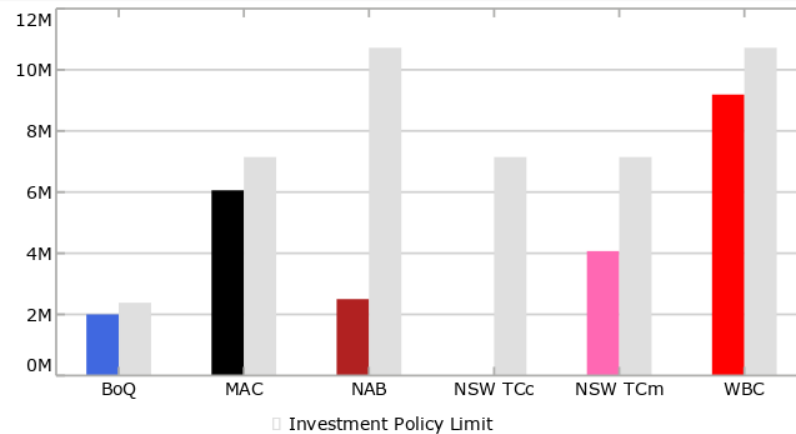
Broken Hill City Council Individual Institutional Exposures Report



Individual Institutional Exposures

	Current Exposures		Policy Limit		Capacity
Bank of Queensland (BBB+)	2,000,000	8%	2,381,752	10%	381,752
Macquarie Bank (A+)	6,058,278	25%	7,145,256	30%	1,086,978
National Australia Bank (AA-)	2,500,000	10%	10,717,884	45%	8,217,884
NSW T-Corp (TCc)	0	0%	7,145,256	30%	7,145,256
NSW T-Corp (TCm)	4,069,929	17%	7,145,256	30%	3,075,327
Westpac Group (AA-)	9,189,312	39%	10,717,884	45%	1,528,572
	23,817,519				

Individual Institutional Exposure Charts

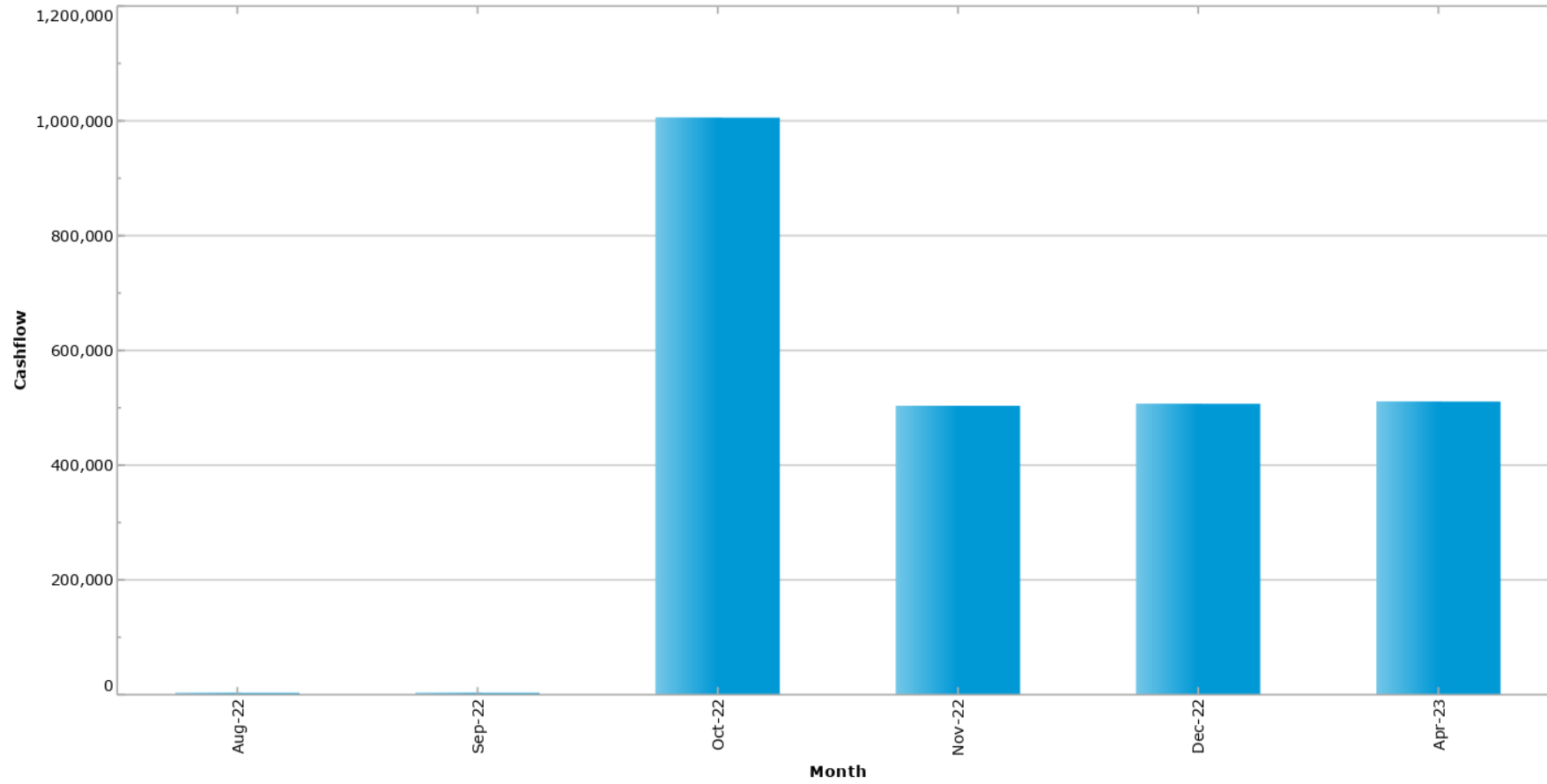


Broken Hill City Council

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>
8-Jun-22	541512	ME Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		ME Bank	Term Deposits	Interest - Received	2,493.15
				<u>Deal Total</u>	<u>502,493.15</u>
	542853	ME Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
				<u>Deal Total</u>	<u>-500,000.00</u>
				Day Total	2,493.15
30-Jun-22	542914	ME Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
				<u>Deal Total</u>	<u>-1,000,000.00</u>
				Day Total	-1,000,000.00
				Net Cash Movement for Period	-997,506.85
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>
				Net Cash Movement for Period	

Broken Hill City Council
Cash Flows Report

ORDINARY MEETING OF THE COUNCIL

June 29, 2022

ITEM 13BROKEN HILL CITY COUNCIL REPORT NO. 163/22

SUBJECT: TEMPORARY SUSPENSION OF A PORTION OF THE CENTRAL BUSINESS DISTRICT (CBD) ALCOHOL-FREE ZONE FOR THE 2022 BROKEN HEEL FESTIVAL D22/30908

Recommendation

1. That Broken Hill City Council Report No. 163/22 dated June 29, 2022, be received.
2. That Council provide in principle support to beginning the planning process for the temporary suspension of a portion of the CBD Alcohol-Free Zone for a section of Sulphide Street adjacent to The Palace Hotel, bounded by Crystal Street and Argent Street (see map). Specific details of the suspension are Argent Street from 207 Argent Street to 227 Argent Street; Crystal Lane from behind 207 Argent Street to 227 Argent Street; and Sulphide Street from Crystal Street to Argent Street. This area will include all footpaths and car parks in the sections of Argent and Sulphide Streets.
3. That the temporary suspension be in place from 10am on Thursday, 8 September to 10am on Monday, 12 September 2022, subject to the conditions contained in the liquor licence.
4. That the temporary suspension of a portion of the CBD Alcohol-Free Zone for a section of Sulphide Street adjacent to The Palace Hotel, bounded by Crystal Street and Argent Street, be advised to the public by way of advertisement in the Barrier Truth. That the advertisement also confirms that all other existing alcohol-free zones in Broken Hill remain in force.
5. That the General Manager be authorised to implement the suspension and advertising processes on final advice of Barrier Police District.
6. That Barrier Police District be advised of Council's decision.

Executive Summary:

The Palace Hotel located at 227 Argent Street will submit an application to Council to temporarily lift a portion of the established Alcohol-Free Zone in the CBD area for the duration of the Broken Heel Festival, from 10am Thursday, 8 September 2022 to 10am Monday, 12 September 2022.

Report:

The Broken Heel Festival celebrates Broken Hill's link to the movie '*The Adventures of Priscilla, Queen of the Desert*', filmed in and around the City. Following the success of the inaugural festival held in 2015, The Palace Hotel has secured the *Broken Heel Festival* as an annual signature regional event for the City and region.

To obtain maximum benefit from the event, event organisers from the Palace Hotel requested a temporary suspension of a portion of the CBD Alcohol-Free Zone and subsequent road closure of a section of Sulphide Street adjacent to The Palace Hotel, bounded by Crystal Street and Argent Street (see map below). Specific details of the suspension are Argent Street from 207 Argent Street to 227 Argent Street; Crystal Lane from behind 207 Argent Street to 227 Argent Street; and Sulphide Street from Crystal Street to Argent Street. This area will include all footpaths and car parks in the sections of Argent and Sulphide Streets.



The final decision on suspension of the Alcohol-Free Zone involves coordinated efforts among Barrier Local Area Command and Council regarding the requirements of the application.

In accordance with Ministerial Guidelines on Alcohol-Free Zones;

- specifically, that Council must pass a valid resolution to suspend a particular alcohol-free zone;
- that liaison with the local police, before and after the council resolution is essential to ensure that both groups are informed, and action is coordinated; and
- that Council may undertake any other consultation that it considers necessary.

Barrier Local Area Command (LAC) were advised on 21 June 2022 of the approach by the organisers of the festival for temporary suspension of a portion of the Alcohol-Free Zone.

Letters have been delivered by Council to immediate business neighbours who might be impacted by temporary suspension of a portion of the Alcohol-Free Zone for the term of the Festival. All responses will be provided to Barrier Police District as part of the consultation process and for final decision by Barrier Police District.

Past history indicates that Barrier Police District will place all their conditions on the liquor licence. From the Police point of view, it is these conditions under the *Licencing Act* which will be effectively policed.

With regards to road closures for this event, Council staff will liaise with the applicant regarding traffic management planning. The traffic management aspects will be considered by the Local Traffic Committee upon receipt of relevant applications, with recommendations to be brought to the Council Committee Meeting following review.

Given that the event is to be held in early September 2022, requiring a tight decision schedule involving a number of parties, it is recommended that Council give agreement to the temporary suspension of a portion of the CBD Alcohol-Free Zone, subject to the final advice of Barrier Police District; with the General Manager authorised to implement the temporary suspension and advertising processes when so advised.

Community Engagement:

Neighbourhood notification carried out seeking feedback for temporary suspension of Alcohol-Free zone.

Strategic Direction:

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Suspension of Alcohol-Free Zones must be in accordance with the *Local Government Act 1993* and Ministerial Guidelines 2009 on Alcohol-Free Zones.

Financial Implications:

Advertising of the temporary suspension of a portion of the CBD Alcohol-Free Zone in the Barrier Truth is budgeted within the Operational Advertising budget.

There are no financial implications to Council associated with the temporary suspension of a portion of the established CBD Alcohol-Free Zone, as there are no signs located in the immediate area that require removal and/or cover up for the duration of the temporary suspension.

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

July 14, 2022

ITEM 14BROKEN HILL CITY COUNCIL REPORT NO. 172/22

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.
426, HELD ON TUESDAY, 5 JULY 2022 D22/36991

Recommendation

1. That Broken Hill City Council Report No. 172/22 dated July 14, 2022, be received.
2. Item No. 425.6.2 - That the parking bays adjacent to Busy Kids Child Care in Bagot Street be changed to 15-minute timed parking and signs be installed by Council.
3. Item No. 426.6.1 - That the temporary road closure of Argent Street for the Broken Heel Festival's Main Street Parade on Saturday, 10 September 2022, be approved in principle, on the condition that an updated Traffic Control Plan is received by Council prior to the event.
4. Item No. 426.6.2 - That the temporary road closure of Sulphide Street, between Argent and Crystal Lane and sections of Argent Street and Crystal Lane for the Broken Heel Festival's Event at the Palace Hotel from Wednesday, 7 September to Tuesday, 13 September 2022 be approved in principle, on the condition that the fencing adjacent to Far West Auto does not encroach onto the nature strip, so that customers can view new cars at the dealership and that an updated Traffic Control Plan is received by Council in accordance with Transport for NSW's signage requirements prior to the event.

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, 5 July 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. 426 HELD ON
[↓](#) TUESDAY, 5 JULY 2022

CODIE HOWARD
CHIEF ASSETS AND PROJECTS OFFICER

JAY NANKIVELL
GENERAL MANAGER

LOCAL TRAFFIC COMMITTEE

MINUTES OF MEETING NO. 426

Meeting held on Tuesday, 5 July 2022 at 2pm

Location: Council Chamber, Council Administrative Centre or via Teams

Minutes taken by: Council's Administration Officer, Tanya Ralph

Relief Chairperson, Kathy Graham, Council's Waste and Sustainability Manager commenced the meeting at 2.10pm and welcomed all representatives present and performed 'Welcome to Country'.

426.1 Present

Codie Howard	Chief Assets and Projects Officer
Kathy Graham	Acting Chairperson
Paul Bezzina	Asset Officer
Jeanne House	Transport for NSW Representative/Associate, Community and Place Partner – Far West Precinct
Peter Bevan	Local Member's Representative
Marion Brown	Councillor Observer

426.2 Apologies

Chris Wallace	NSW Police Representative/Acting Inspector (Police)
David Vant	Transport for NSW Representative

426.3 Disclosure of interest - NIL

426.4 Adoption of previous minutes

The following Committee Recommendations over the page were adopted by Council at its meeting held on **Wednesday, 25 May 2022**.

The minutes from this meeting will be confirmed and approved by the Local Traffic Committee at their scheduled meeting on **Tuesday, 5 July 2022**.

All in favour: Moved: Peter Bevan Seconded: Jenene House

426.5 Council Resolutions

The following Committee Recommendations over the page were adopted by Council at its meeting held on **Wednesday, 25 May 2022**.

**Council has resolved;
Minute No.: 46864**

Resolved

1. That Broken Hill City Council Report No. 131/22 dated May 10, 2022, be received.
2. That the minutes of the Local Traffic Committee – Meeting No. 424, held on Tuesday, 3 May 2022 be received.
3. Item No. 424.6.1 – That the committee endorse the request for six parking spaces adjacent to the old TAB building in Blende Street to be closed from Thursday, 8 of September to Sunday, 11 September 2022 for the Veteran, Vintage & Classic Motorcycle Club of Broken Hill bike show.

That the respondent complete Council's application for Road Closure, so that approval can be granted by Council.

CARRIED UNANIMOUSLY

426.6 Correspondence In

Item No.	EDRMS No.	Details
245.6.1	D22/27012	Traffic concerns at Rainbow Preschool and Patton Lane – Nicole Delbridge (Director)
245.6.2	D22/27340	Request for five (5) parking spaces adjacent Busy Kids Child Care to be changed to 15-minute parking – Kristy Hurley
246.6.1	D22/31329	Road Closure Application – Broken Heel Festival Main Street Parade Event – Esther La Rovere
246.6.2	D22/31331	Road Closure Application – Broken Heel Festival Event at the Palace Hotel – Esther La Rovere
246.6.3	D22/33255	Broken Heel Festival Road Closure Application Feedback – Request Access to Footpath and Nature Strip adjacent Far West Auto in Sulphide Street – Far West Auto, Mark Grundy
246.6.5	D22/33873	Broken Heel Festival Event Road Closure Application Feedback – Request for continued access to Crystal Lane adjacent to the Broken Hill Community Health Centre, via Sulphide Street – NSW Health - Far West Local Health District

426.7 Correspondence Out - NIL

Item No.	EDRMS No.	Details

426.8 General Business

Item No.	ED RMS No.	Details
426.8.1		Construction of Galena and Talc Street Roundabout – Compliant regarding bypass route through Railway Parade.
		<p>During the reconstruction works at the intersection of Gossan and Talc Streets, traffic coming from Galena Street side have been redirected to use Railway Parade to make way to Galea Street. There has been concern expressed with the several trailers that are parked in the street that obstruct access for vehicles.</p> <p>Council's Chief Assets and Project Officer, Codie Howard informed the committee that Council is aware of this issue, and this has been referred to Council's Compliance Office to investigate and action. Council's Rangers have spoken with the owners of the vehicles and trailers that are parked on the street, requesting these to be relocated.</p> <p>Council's Operations Department have reassessed the bypass route and have since implemented another direction for the flow of traffic during the works being done in Galena Street.</p> <p>It was determined by the committee that this is not a matter for the Local Traffic Committee and details have been provided as information only.</p>
Item No.	ED RMS No.	Details
426.8.2		Local Member's Road Safety Matters of Concern
		<p>Local Member, Peter Beven informed the committee that an email has been forwarded to the committee from Roy Butler's Office regarding some concerns regarding the Bromide Street Island and bubbles on the road as these are causing damage to residents' wheels on their cars. This email was not received by the committee Secretary prior to the meeting, and it was suggested the matter be discussed further when the correspondence is received. Suggest was to paint the bubble on the road to make them more visible and easier to see.</p> <p>There have also been some concerns where the road narrows in Gossan Street at the intersection of Marks Street near the Water Board. Council's Chief Assets and Projects Officer, Codie Howard advised the committee that there is a large section to the side of the road that has a large rock that will be very hard to move. This is the reason why the road narrows. An audit will be completed by Council of all unsealed roads in the city and this section of Gossan Street will be included in the audit to investigate what can be done.</p>
Item No.	ED RMS No.	Details
426.8.3		Expression of Interest to join LTC Committee
		An expression of interest has been received from Council's Compliance Officer, Barry Walker to join the Local Traffic Committee.

In **Section 5.2: Members** of the Transport for NSW - 'A guide to the delegation to councils for the regulation of traffic, including the operations of Traffic Committees', states the following:

5.2 Members

The LTC is to be made up of four formal members. The members are as follows:

- *one representative of Council*
- *one representative of the NSW Police*
- *one representative of the RTA*
- *the local State Member of Parliament (MP) or their nominee.*

The Council's representative may be any Councillor or Council officer. The Council representative may be a sub-delegate if Council has formally approved this.

Where a Council LGA is represented by more than one MP, or covered by more than one NSW Police LAC, MPs or NSW Police officers representing the relevant electorate or LAC are entitled to be members of the LTC. However, they are only permitted to vote on matters, which effect their electorate or LAC. Refer to Section 5.3.6 VOTING.

The Council (in consultation with the formal members of the LTC) may also decide to have additional informal (non-voting) advisors to the LTC who can provide input into the process.

Generally, informal advisors are not required to attend every LTC meeting.

Their attendance is only required when items appear on the Agenda which effect their area of expertise or responsibility.

The informal advisors of the committee are not entitled to a vote.

This request was well received by the committee as that many of the matters that are addressed by the committee involve traffic matter that Barry will be able to assist and provide the committee guidance.

Recommendations:

- *That the committee accept the expression of interment from Council's Compliance Officer, Barry Walker to join the Local Traffic Committee as a Council Observer and not a voting member in accordance with Transport for NSW delegations of the Local Traffic Committee.*
- *That correspondence be forwarded to Barry Walker accepting his expression of interest to join the committee.*

Moved: Peter Beven

Second: Jenene House

All in favor

426.9 Action Item List

Date	Item Details
August 2021	Union Street parking on resident side of Union Street
Item No.	416.6.1
EDRMS No.	General Business
CRM No.	N/A
Responsible Officer	Council's Chief Assets & Projects Officer, Codie Howard
Current Status	Pending
Date	Committee Recommendation/s
July 2022	<ul style="list-style-type: none"> That the matter be address at the next scheduled committee meeting so it will allow time for the Principal of the Morgan Street Public School can be consulted to see if they have identified any issues with the trail period and where they request for the timed parking arrangements to be reinstated. That a letter box drop be distributed to the residents of Union Street to determine if they want the timed parking to be reinstated along the resident's side of Union Street or that the timed parking be permanently removed.
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>Recommendations:</p> <ul style="list-style-type: none"> • 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. • That the trial 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 trial period the zone will be reinstated permanently – streamline from trial to permit. <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>
April 2022	<p>Council's Chief Assets and Projects Officer, Codie Howard informed the committee that the timed parking signs along Union Street were removed during Term 1 as recommended by the committee at a previously meeting.</p> <p>Now that the trial has been completed for Term 1, Council's Assets Inspector, Paul Bezzina will now liaise with the Morgan Street Primary School Principal and the residents in the area to see how the trial was perceived and to seek feedback that will then be provided to the committee for determination at the next committee meeting.</p>
May 2022	<p>Council's Chief Assets and Project Officer, Codie Howard has informed the committee that the trial period for removal of the timed parking concluded at the end of Term 1.</p> <p>Council's inspector, Paul Bezzina will speak with the Principal of the Morgan Street Public School and the residents to seek feedback from the trial period.</p> <p>Council will determine an action following this review.</p>
June 2022	<p>No decisions were made at the June meeting. This matter will be discussed at the July meeting.</p>
July 2022	<p>Council's Asset Officer, Paul Bezzina informed the committee that he has spoken with some of the resident of Union Street and was not able to get in touch with the Principal of the Morgan Street Public School as the school holidays had commenced. Paul expressed that 50% of the residents he had liaised with want the signs to be permanently removed and the other 50% wanted to the timed parking signs to be reinstated.</p> <p>Council's Chief and Asset Officer, Codie Howard informed the committee that Council's Compliance Officer had address that some of the residents have concerns with the current parking, as that motorist are parking when and where they like as no fines can be issued whilst there are no parking signs.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • That the matter be address at the next scheduled committee meeting so it will allow time for the Principal of the Morgan Street Public School can be consulted to see if they have identified any issues with the trial period and where they request for the timed parking arrangements to be reinstated. • That a letter box drop be distributed to the residents of Union Street to determine if they want the timed parking to be reinstated along the resident's side of Union Street or that the timed parking be permanently removed.

Date	Item Details
August 2021	Request for parking signage at LiveBetter's Community Transport Office adjacent 475 Argent Street – Julie Paull, LiveBetter
Item No.	417.6.1
EDRMS No.	D21/39063
CRM No.	N/A
Responsible Officer	Council's Chief Assets & Projects Officer, Codie Howard
Current Status	Pending
Date	Committee Recommendation/s
July 2022	<i>Council's Chief and Asset Officer, Codie Howard will liaise with Judy Paul from LiveBetter to seek clarification of their needs and provide an update on what the committee have suggested.</i>
Action Date	Running Actions
September 2021	<p>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 LiveBetter regarding 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>Recommendations:</p> <ul style="list-style-type: none"> • 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. • Council to inspect and take some photos of the area. For this matter to be discussed at the October 2021 committee meeting. • Correspondence sent to the LiveBetter to advise of the committee decision. <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 & 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 Paull 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 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>Recommendations:</p> <p><i>That a 5-minute timed parking space be installed at the front of LiveBetter, located at 475 Argent Street to allow for the parking of the transport bus.</i></p> <p><i>Council to arrange further consultation with LiveBetter 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</p>

	will commence in the near future and an update will be provided to the committee at the March committee meeting.
March 2022	Council's Infrastructure Works Manger, Geoff Harris informed the committee that he will follow up the request and provide the committee an update the next committee meeting.
April 2022	Transport for NSW, David Vant informed the committee that he has found some funding that can be used to design the signs. David informed the committee that this matter has been held up due to the Sign Designer has retired from Transport for NSW. David will follow this matter up and provide an update to the committee at the next scheduled committee meeting in May 2022.
May 2022	Transport for NSW, David Vant informed the committee that he has not yet acquire a sign design for Council. David will provide the committee an update at the next meeting.
June 2022	No decisions were made at the June meeting. This matter will be discussed at the July meeting.
July 2022	<p>Transport for NSW, Jenene House informed the committee that the parking sing for the LiveBetter bus is currently with the Signage and Guidance Team with Transport for NSW. Two designs for the signs have been presented to the committee and further investigation will need to do to determine, which of the two signs will be most appropriate.</p> <p>One of the signs presented was a 'No Stopping – Authorised Vehicles Accepted' sign that can be for a set period. The intention is for the sign to be installed at the front of the LiveBetter office in Argent Street. Jenene informed the committee that she will undertake further investigation.</p> <p>Jenene advised that the MPS permit holders would be allowed to park for 30 minutes under NSW Road Rule 207.</p> <p>This sign would also mean that vehicles other than the two mentioned can park for an unlimited time. Therefore, you would also need a 'No Parking OTHER VEHICLES' sign immediately below it.</p> <p>The words on the signage can be other, e.g., you could just have permit holders and/or just Community Service Vehicles. Council could issue a set number of permits to LiveBetter to hand out.</p> <p>That way LiveBetter manage the parking situation by only giving out permits to those they deem require issue. If it's just for LiveBetter vehicles the signage could simply state that.</p>




	<p>Council's Chief and Asset Officer, Codie Howard advised that he had previously met with Judy Paull from LiveBetter when this matter was first presented to the committee and want to clarify that want to be able to park their bus out the front of the office rather than parking further down the street.</p> <p>The questions were raised that once the sign design has been approved by Transport for NSW, how long will it be before the sign will be provide to Council for the installation? Jenene responded that she would follow this up and will then provide an outcome to Codie by the end of the coming week, to then be passed onto the committee members.</p> <p>Transport for NSW will also need to look at the allowance for clients to be able to park out the front of the office. It was suggested that a '15-Minute' parking area be considered to allow client parking.</p> <p>Recommendation:</p> <p><i>Council's Chief and Asset Officer, Codie Howard will liaise with Judy Paul from LiveBetter to seek clarification of their needs and provide an update on what the committee have suggested.</i></p> <p>Codie will liaise with Jenene to decide.</p> <p>The committee will be provided an update at the next committee meeting.</p>
Date	Item Details
February 2022	Request to change parallel parking to angle parking in Bromide Street in front of Sufi Bakery - Rabia Reid
Item No.	421.6.1
EDRMS No.	D22/3156
CRM No.	N/A
Responsible Officer	Council's Infrastructure Works Manager, Geoff Harris
Current Status	Completed
Date	Committee Recommendation/s
July 2022	<i>That correspondence be forwarded to respondent advising that the Local Traffic Committee have considered the request and due to the impact to traffic conditions, traffic lights and sensor pads at the intersection have agreed that the parking and traffic conditions remain unchanged.</i>
Action Date	Running Actions
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</p>

	<p>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. 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. 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>
March 2022	<p>Geoff informed the committee that further investigation is needed by council with relation to this request. The committee will be providing an update at the next committee meeting.</p>
April 2022	<p>Council's Assets officer, Paul Bezzina advised that the proposed changes to the parking arrangement in this section of Bromide Street will only allow for one additional parking bay.</p> <p>The road design with be updated to include the markings will then be provide to Council's Chief Assets and Project Officer, Codie Howard and to Transport for NSW, David Vant for consideration.</p> <p>The committee agreed to defer this matter for further discussion at the next meeting in May 2022.</p>
May 2022	<p>This matter has been deferred for discussion at the June 2022 Meeting.</p> <p>Transport for NSW, David Vant reminded the committee that Council advised that a concept plan would be developed to include the measurements of the parking spaces and traffic lanes.</p> <p>Council will need to further investigate the impact to traffic flow from the west side of the roundabout from Blende Street through to Bromide Street. If the additional spaces are implemented, then the traffic turning left will block the traffic flow going straight. David advised that the signals would impact everything.</p> <p>An update will be provided to the committee at the next meeting. Codie advised that further investigation will be done with Paul Bezzina.</p> <p>David advised the committee that he is against inclusion of one additional parking space in this area, being that there will be more impact on traffic.</p>
June 2022	<p>The traffic sign plan to be developed by Council and for an update to be provided to committee at the next meeting. The committee are determined that the conditions remain unchanged as there are more complications if the traffic arrangements were to be changed.</p>

	No decisions were made at the June meeting. This matter will be discussed at the July meeting.
July 2022	<p>After further consideration of the request by the committee, it has been determined that the request for additional parking adjacent Surfi Bakery in Bromide Street will not be feasible, being that the proposed parking will obstruct traffic flow and encroach into the turning lane at the intersection of Bromide and Argent Streets.</p> <p>Recommendation:</p> <p><i>That correspondence be forwarded to respondent advising that the Local Traffic Committee have considered the request and due to the impact to traffic conditions, traffic lights and sensor pads at the intersection have agreed that the parking and traffic conditions remain unchanged.</i></p> <p>No further action required by the Local Traffic Committee.</p>
Date	Item Details
March 2022	Request for review of traffic lights and signage in Rakow Street adjacent the Burke Ward Primary School – Carly Sewell
Item No.	422.6.3
EDRMS No.	D22/9512
CRM No.	N/A
Responsible Officer	Council's Infrastructure Works Manager, Geoff Harris
Current Status	Pending
Date	Committee Recommendation/s
	•
Action Date	Running Actions
March 2022	<p>This matter will be deferred to the next meeting to allow more time for council to conduct an investigation.</p> <p>Further clarification is required from the Burke Ward School regarding the issue and then for the matter to be passed onto Transport for the NSW's Road Safety Officer who looks after school signage.</p> <p>Chris Wallace mentioned that he will arrange extra patrols from the Police in the area.</p>
April 2022	<p>Councils Asset Inspector, Paul Bezzina investigated the area along Rakow Street, adjacent the Burke Ward Primary School.</p> <p>A map of the area identifying the existing signage in the vicinity was provided to the committee. This inspection identified that the signage in the area in good</p>

	<p>condition and are adequate for the area. The committee were advised that the signs are high visibility, Class 1 and the signs near the pedestrian crossing were only replaced recently in line with Council's School Safety program at the end of March.</p> <p>The committee were not quite sure what the request was for as the respondent outlined the letter that they are concerned with the number and speed of trucks along Rakow Street during school times.</p> <p>Transport for NSW, David Vant has expressed that the Burke Ward Primary School has the best grade of separation along Rakow Street and has suggested that traffic counters could be placed in the area to collect data, such as, the times and the speed of vehicles that travel along Rakow Street adjacent to the school and for this data to be passed onto the Police for some enforcement if needed.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • That traffic counters be installed on Rakow Street adjacent to the Burke Ward Public school to identify the times and speed of vehicles travelling along Rakow Street and for the data collected to be presented to the Police for compliance. • That correspondence be forwarded to the respondent informing that the school zone adjacent the Burke Ward Public School is adequate for the area and advise that traffic counter will be placed to collect data on speed of traffic for further investigate with the Police.
May 2022	<p>Council's Chief Assets and Project Officer, Codie Howard contacted the Burke Ward Public School and respondent to seek further clarification regarding the issue being raised, as the correspondence received from the Department of Education's Road and Safety Education Officer, Carly Sewell was too vague and did not go into detail.</p> <p>Council's Inspector, Paul Bezzina is planning to meet with the school before the next meeting to get further details around the issues they are having. The school has been requested to provide more information relating to the matter.</p> <p>Codie mentioned that a support teacher from the Burke Ward Public School addressed Council at the April meeting to discuss the matter but didn't request any action from Council.</p> <p>Transport for NSW, Jenene House advised that Carly has be in contact with her regarding the same issue.</p> <p>Councillor, Marion Browne expressed that the problem with the matter is that it has been raised by parents.</p> <p>It was mentioned at the last meeting that the signage in this section of Rakow Street is adequate as that they were updated in accordance with Council School Safety Program.</p> <p>The matter is that a pedestrian crossing being installed in Rakow Street adjacent the school will not solve the problem. This will not enhance the road as this can also make the situation worse. A pedestrian crossing will reduce the parking in the area by about 50 meters and will overall impact other areas.</p> <p>Transport for NSW, Jenene House advised the committee that School Zone Safety Zones are her responsibility, and she will follow up the matter outside of the Local Traffic Committee and report back the committee at the next meeting.</p>

June 2022	<p>Council's Waste and Sustainability Manager, Interim Works Manager Kathy Graham advised that the traffic counters were not installed prior to the meeting.</p> <p>The traffic counters will be placed, and the data will be presented to the committee at the July meeting.</p> <p>Transport for NSW, Jenene Pout and NSW Police Representative, Chris Wallace have met with the Burke Ward Primary Schools Principal to identify and clarify the issues raised at the May meeting.</p>
July 2022	<p>Transport for NSW Jenene informed the committee that she and NSW Police representative, Chris Wallace had meet with the Burke Ward School on the 21 May 2022 to discuss their concerns. Jenene mentioned that there were several issues raised by the school. These were as following:</p> <p><u>RAKOW STREET</u></p> <p>Traffic Lights – the signal phasing is reportedly too short during the day</p> <ul style="list-style-type: none">• currently the school is unable to get a full class across• concerns with rear end potential• vehicles are proceeding through the red light• school staff perceive some vehicles to be driving too fast through the 40km school zone• faded pedestrian crossing line marking• Pram ramps do not align central to the crossing• Tree on the school side obscures visibility• Teacher on duty is separated by the tree from the students when operating the signals <p>The school is requesting an extension of phaser timing and Council or the Police to monitor vehicle speed in the area.</p> <p>Note: Inspector Wallace tasked a patrol car to the school immediately on the afternoon of 24 May 2022.</p> <p>Action: Follow up by School Road Safety Educations Consultant (RSEC), TfNSW and council.</p> <p>TfNSW to follow up on Mobile Speed Vehicle and Speed Watch Trailer at the request of Inspector Wallace.</p> <p><u>Crossing at Roundabout</u></p> <p>The school reports that students choose to cross at the roundabout to the northeast with Galena Street rather than using the pedestrian signals.</p> <ul style="list-style-type: none">• Students are crossing diagonally over the road <p>Action: follow up by RSEC, Council, and TfNSW.</p> <p><u>Emergency Evacuation</u></p> <p>The school oval is on northwest of the school and separated from the school with access via the pedestrian signals on Rakow Street.</p> <p>The oval is the emergency evacuation site for the whole school.</p> <p>There are concerns from the school include having to wait at the pedestrian signals to cross during an emergency and have expressed they would be unable to get the students across safely.</p>

	<p>Action: School to seek written advice from the Education department. School WHS advisor to liaise with all stakeholders. Council consultation and TfNSW school zone road safety internal follow up.</p> <p><u>Parking is an issue with motorists parking poorly outside the school</u></p> <p>It has been noted that discussions have been held previously between the school and council for line marking to be installed.</p> <p>Action: Council comment. RSEC/TfNSW/Council/Police for follow up concerns raised with school parking issues.</p> <p><u>Vehicle's parking in no stopping area – school has requested assistance to stop this behaviour</u></p> <p>Action: to be forwarded to council/Road Safety Education Consultant for consultation.</p> <p><u>GYPSUM STREET</u></p> <p><u>Line marking and Parking is an issue with motorists parking poorly outside the school</u></p> <p>It has been noted that discussions have been held previously between the school and council for line marking to be installed.</p> <p>Action: for council comment online marking. RSEC/TfNSW/Council/Police for follow up concerns raised with school parking issues.</p> <p><u>Pedestrian facility</u></p>  <ul style="list-style-type: none">• Ongoing concerns regarding confusion with motorists and pedestrians with right of way <p><u>School request for a Children's Crossing facility</u></p> <p>Action: RSEC/TfNSW/Council follow up and collaboration</p> <p><u>NEWTON LANE</u></p> <p><u>School reports the 'one way only' sign at the Harvy Street end isn't visible until drivers have turned into the street (the wrong way).</u></p> <p>School request for this signage to be made visible from the main road and signage placed opposite school gates in Newton Lane.</p> <p>Action: signage request to be followed up by council.</p> <p><u>Other</u></p>
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	<ul style="list-style-type: none">- Faded traffic signage (incl. No Stopping signs).- Tree trimming in both directions is requested on Rakow Street on the approach to school zone signage and pedestrian signals. <p>Action: for council follow up</p> <ul style="list-style-type: none">- Burke Ward School has three special education classes and have advised they do have students absconding.- There are 7 access gates at the school all are open of an afternoon and are supervised by a member of staff. There is no supervision of a morning. <p>TfNSW additional actions:</p> <ul style="list-style-type: none">o I will lead the school zone road safety items and will work in collaboration to improve school zone road safetyo I will bring these items to a meeting of the Broken Hill Local Traffic Committee. <p>It was proposed that Council would place traffic counter to collect data on the speed and number of vehicles.</p> <p>The committees' comments to the issued raised by the school is as follows:</p> <ul style="list-style-type: none">• There is a large tree in the middle of the nature strip that obstruct the line of sight for the students crossing the road that pedestrian crossing.• The emergency evacuation muster point for the school is across the road at the oval. There is concern that if there was to be emergency, then this would cause a concern for the safety of students needed to cross the road to the muster point. <p>Jenene informed the committee that matter will be investigated with the Department of Education to see if there is another evacuation muster point that can be identified at the school.</p> <ul style="list-style-type: none">• There are several faded and/or damaged signs around the school.• There are three special education classes and there are seven access gates to the school. <p>The number of access gates will need to be discussed with the school as there is no supervision of all these gates that lead onto main roads.</p> <p>As was mentioned at a previous meeting, NSW Police Representative, Chris Wallace dispatched a police car to patrol the area. During the patrols the Policy had enforced fines. Since that meeting additional inspection have been scheduled.</p> <p>It has been suggested that the Road Safety Consultant educate the students on road rules.</p> <p>Jenene informed the committee that while she was in Broken Hill on her last visits, she had meet with the both the Alma Public School and the Willyama High School as they have also addressed several traffic issues that need investigating by Transport for NSW.</p> <p>Jenene will be visiting Broken Hill in September and would like to conduct site inspections of these schools with the committee.</p>
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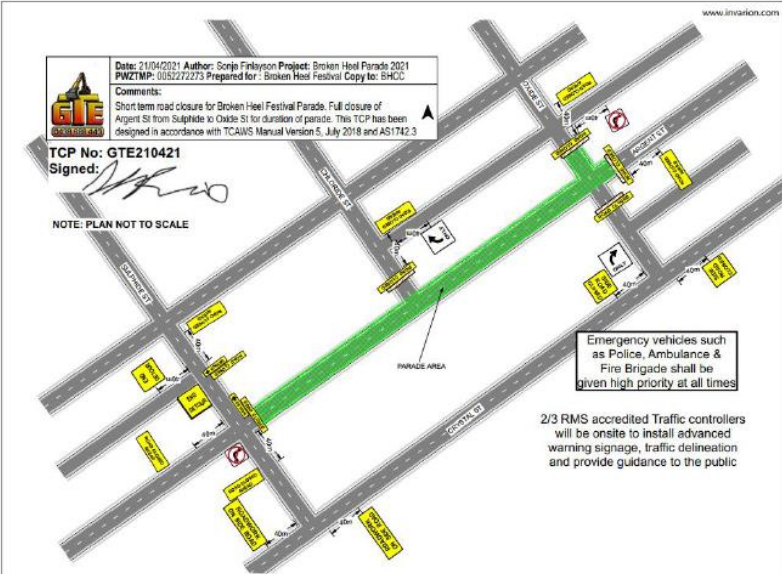
Date	Item Details
April 2022	Request for Additional Disability Parking adjacent the Aquatic Centre – June Page – Aquatic Centre
Item No.	423.8.3
EDRMS No.	D22/7513
CRM No.	N/A
Responsible Officer	Codie Howard
Current Status	Pending
Date	Committee Recommendation/s
April 2022	<ul style="list-style-type: none"> That traffic counters be placed in the Aquatic Centre carpark to identify the speed of vehicles. That correspondence be forwarded to the respondent advising of the committee decisions and inform that the area does not warrant the installation of a pedestrian crossing and that none of the area will qualify for a speed zone reduction.
Action Date	Running Actions
April 2022	<p>Correspondence has been received from June Page expressing her concerns in relation to matter relating to the Aquatic Centre.</p> <p>The Local Traffic Committee have been asked to review the number of disability parking spaces available at the Aquatic Centre for people with a disability. There are currently two disability parking bays near the front doors of the Aquatic Centre, but the rest are located near the public toilets. The volunteer at the Aquatic Centre advised that two additional disability parking bays need to be installed across from the existing two near the entrance to the Aquatic Centre.</p> <p>Other area of concern is with the speed of motorist in the car park area and June has suggested that a speed hump be installed to stop people driving too fast. A sign to be installed indicating the speed limit in the carpark areas and the consideration for the inclusion of a pedestrian crossing.</p> <p>Council's Assets Officer, Paul Bezzina had inspected the carpark area and advised the committee that there are currently six disability parking spaces in the carpark area with a disability access ramp near the entrance to the Aquatic Centre. Australian Standards states that there to be two disability parking spaces to every four standard parking spaces. The committee agreed that there are sufficient disability parking spaces available in accordance with the Australian Standards requirements.</p> <p>Transport for NSW, David Vant mentioned that regarding speeding of motorist in the carpark area, Council could place traffic counters to collect the data around the number of speeding vehicles and to record the speed they are</p>

	<p>travelling.</p> <p>Requirement for a pedestrian crossing will also come down to the data collected from the traffic counters. David Vant informed the committee for the volume of traffic in the area would not warrant a pedestrian crossing, the suggestion for speed humps would be up to Council to decide.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • That traffic counters be placed in the Aquatic Centre carpark to identify the speed of vehicles. • That correspondence be forwarded to the respondent advising of the committee decisions and inform that the area does not warrant the installation of a pedestrian crossing and that none of the area will qualify for a speed zone reduction. <p>Moved by: Codie Howard Second by: Paul Bezzina</p>
July 2022	<p>The Disabled Parking has been installed in the Aquatic Centre Car Park. The line marking of the parking bays will be completed in August 2022 when the line markers are in town. The committee were informed that the traffic counters have not yet been installed as the counter need new batteries and when the batteries have been received by Council, the traffic counter will be placed to collect the required data for the committee.</p>
Date	Item Details
May 2022	<p>Request for installation of permanent ramp/slope to the entrance to enable elderly patrons, those who use walkers and are in wheelchairs to gain access to the shop.</p>
Item No.	424.6.2
EDRMS No.	D22/20247
CRM No.	N/A
Responsible Officer	Chief Assets and Projects Officer, Codie Howard
Current Status	Completed
Date	Committee Recommendation/s
May 2022	<p>That accessibility and the entrance to the business along Argent be inspected by Council and that the matter be referred to Council's Development and Compliance department to contact the respondent to seek clarification of the request and to advise them what needs to be done.</p> <p>That Council's Chief Assets and Projects Officer, Codie Howard will investigate to see if this matter has been included in Council's Disability Action Plan and if not, then refer the request to the Disability Inclusion Action Group for consideration and action.</p>

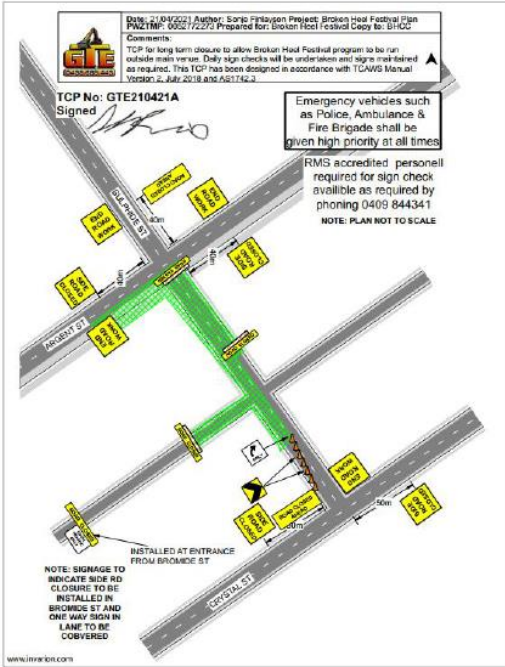

Action Date	Running Actions
May 2022	<p>Council's Chief Assets and Projects Officer, Codie Howard informed the committee that the request is for installation of a pathway to the entrance of OPSM at 249 Argent Street and noted that this request is not the responsibility of the committee.</p> <p>Councillor, Marion Bowne advised that the entrance to the shops along Argent Street have been notorious in the past, as that the entrances are difficult for the elderly and people with a disability.</p> <p>Transport for NSW, David Vant responded that a Development Application would be required for the installation of ramps at the entrance of the businesses. The committee's determination is that this request be referred to Council's Development and Compliance team to contact the respondent to advise them of what needs to be done.</p> <p>Marion informed the committee that the footpath out the front of the old Water Board building was raised to the level of the entrance to the building to allow for accessibility.</p> <p>There is a kerb ramp and disability parking space adjacent OPSM.</p> <p>Marion had mentioned if there are any other business that would be included as that could be included in the Disability Action Plan, which was recently adopted by Council for community consultation.</p> <p>Paul Bezzina will be asked to inspect the area to see if there are any disability parking spaces and if there are none then this matter can be re-referred to the committee for consideration of the installation of a disability ramp.</p> <p>Recommendations:</p> <p><i>That accessibility and the entrance to the business along Argent be inspected by Council and that the matter be referred to Council's Development and Compliance department to contact the respondent to seek clarification of the request and to advise them what needs to be done.</i></p> <p><i>That Council's Chief Assets and Projects Officer, Codie Howard will investigate to see if this matter has been included in Council's Disability Action Plan and if not, then refer the request to the Disability Inclusion Action Group for consideration and action.</i></p> <p>Moved: Codie Howard Second: David Vant</p> <p><i>Agreed by the committee members</i></p>
June 2022	Traffic counters to be installed.
July 2022	<p>Council's Chief Assets and Projects Officer, Codie Howard will forward this matter onto the Disability Inclusion Action Plan (DIAP) meeting.</p> <p>No further action required by the Local Traffic Committee at this stage.</p>

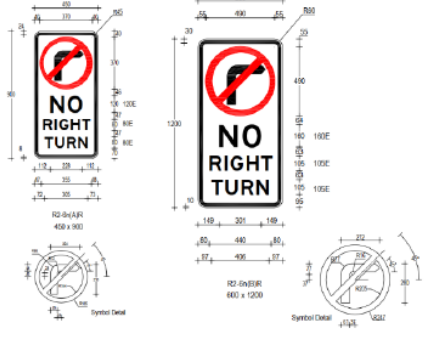
Date	Item Details
June 2022	Traffic concerns at Rainbow Preschool and Patton Lane – Nicole Delbridge (Director)
Item No.	425.6.1
EDRMS No.	D22/27012
CRM No.	N/A
Responsible Officer	Codie Howard
Current Status	Pending
Date	Committee Recommendation/s
July 2022	<ul style="list-style-type: none"> • <i>Speak with director of Rainbow about parking arrangement, specifically about the angle parking to see if they have any issues if the lane way was to be changed to one way traffic.</i> • <i>The residents in the area to be spoken with to seek clarification and determine what they want in the lane way.</i>
Action Date	Running Actions
June 2022	<p>That that line marking be installed by Council and a possible option would be for the to be changed to one-way to slow traffic. Codie will follow up and provide the committee an update at the next committee meeting.</p> <p>That the lane be inspected by Council's Asset Officer.</p>
July 2022	<p>An inspection of the area has identified that there is currently 45-degree angle parking for patrons and parents of students attending the Rainbow Preschool.</p> <p>It has been raised those residents that live in the area are having issues with space in Patton Lane with the number of cars parking in this section of the lane.</p> <p>It was suggested to change the lane way to one-way. There is currently line marking but no parking signage. For this reason, motorist is parking where they want. Make the lane one way traffic from a dedicated entry point in Victoria Street from Patron Street through to Rainbow Preschool.</p> <p>Another option would be installing 'No Parking' signs in the problem areas in Patton Lane, where the vehicles park. Historically the 45-degree angle parking was installed to allow for more parking for patrons of the preschool. It has been identified that the angle parking does not allow enough space for the lane way to be two-way traffic.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • <i>Speak with director of Rainbow about parking arrangement, specifically about the angle parking to see if they have any issues if the lane way was to be changed to one way traffic.</i>

	<ul style="list-style-type: none"> The residents in the area to be spoken with to seek clarification and determine what they want in the lane way. <p>Moved: Peter Beven</p> <p>Second: Jenene House</p> <p>Suggestion raised to block or discourage use of the vacant block as an entry point to the laneway. Council will check the details around the vacant block.</p> <p>Suggestion for a site inspection of the area if the matter warrants.</p>
Date	Item Details
June 2022	Request for Five (5) parking spaces adjacent to Busy Kids Child Care to be changed to 15-minute parking to all parent to drop off and pick up their children – Kristy Hurley
Item No.	425.6.2
EDRMS No.	D22/27340
CRM No.	N/A
Responsible Officer	Codie Howard
Current Status	Pending
Date	Committee Recommendation/s
July 2022	That the parking bays adjacent to Busy Kids Child Care in Bagot Street be changed to 15-minute timed parking and signs be installed by Council.
Action Date	Running Actions
June 2022	That the 15-minute parking spaces adjacent to Busy Kids Childcare will be inspected by Council to confirm what the existing parking arrangements are and for an update to be provided to the committee at the next scheduled committee meeting.
July 2022	<p>Historically, this matter was inspected and investigated by the committee following a site visit.</p> <p>Recommendation:</p> <p>That the parking bays adjacent to Busy Kids Child Care in Bagot Street be changed to 15-minute <i>timed parking and signs</i> be installed by Council.</p> <p>Moved: Codie Howard</p> <p>Second: Jenene House</p> <p>All in favor</p>

Date	Item Details
July 2022	Road Closure Application – Broken Heel Festival Main Street (Argent Street) Parade Event – Esther La Rovere
Item No.	426.6.1
EDRMS No.	D22/31329
CRM No.	N/A
Responsible Officer	Codie Howard
Current Status	Pending
Date	Committee Recommendation/s
July 2022	<i>That the temporary road closure of Argent Street for the Broken Heel Festival's Main Street Parade on Saturday, 10 September 2022, be approved in principle, on the condition that an updated Traffic Control Plan is received by Council prior to the event.</i>
Action Date	Running Actions
July 2022	<p>The Local Traffic Committee has received an application and traffic control plan with a proposal to close Argent Street, between Sulphide and Oxide Street for the Broken Heel Festival Main Street Parade on Saturday, 10 September 2022.</p> 

	<p>The following matters were identified by Transport for the NSW, Jenene House following the meeting:</p> <ul style="list-style-type: none"> • Outdated TCAWS Manual Version 5, July 2018 is used – please update TGS to reflect latest manual. • Please ensure current Public Liability Insurance document for > \$20,000,000.00 is received (I am unable to access through the Agenda). • Please ensure copy of notification letter and advertisement is received. <p>The committee have reviewed the traffic control plan for the closure of Argent Street and have agreed with the arrangements advised.</p> <p>Recommendation:</p> <p><i>That the temporary road closure of Argent Street for the Broken Heel Festival's Main Street Parade on Saturday, 10 September 2022, be approved in principle, on the condition that an updated Traffic Control Plan is received by Council prior to the event.</i></p> <p>Moved: Codie Howard Second: Paul Bezzina All in favor</p>
Date	Item Details
July 2022	Road Closure Application – Broken Heel Festival Event at the Palace Hotel – Esther La Rovere
Item No.	426.6.2
EDRMS No.	D22/31331
CRM No.	N/A
Responsible Officer	Codie Howard
Current Status	Pending
Date	Committee Recommendation/s
July 2022	<p><i>That the temporary road closure of Sulphide Street, between Argent and Crystal Lane and sections of Argent Street and Crystal Lane for the Broken Heel Festival's Event at the Palace Hotel from Wednesday, 7 September to Tuesday, 13 September 2022 be approved in principle, on the condition that the fencing adjacent to Far West Auto does not encroach onto the nature strip, so that customers can view new cars at the dealership and that an updated Traffic Control Plan is received by Council in accordance with Transport for NSW's signage requirements prior to the event.</i></p>

Action Date	Running Actions
July 2022	<p>The Local Traffic Committee has received an application and traffic control plan with a proposal to close section of Sulphide Street, Argent Street and Crystal Lane for the Broken Heel Festival Event from Thursday, 8 September to Sunday, 11 September 2022.</p>
	<div style="display: flex; justify-content: space-around;"> <div style="width: 45%;">  </div> <div style="width: 45%;"> <p>Traffic Area Broken Heel Festival 2022 Palace Hotel</p>  <p>Area A & B & D From Wed 7/9/22 - 7am until 10am Tues 13/9 Area C from 10am Fri 9/9/22 thru 10am Mon 12/9/22 Area A = Pedestrian Walkway - 1 side (south) bounded by Festival Fence Area A/B (Blue) Nb: Included parking spaces & BUs Stop Area D - allows for 1 way access to turn right into Crystal Lane & access to Barrier Crash Repairs Access pathway (not marked) to Elders Insurance mon-Fri 9am - 5pm</p> </div> </div>
	<p>The following matters were identified by Transport for the NSW, Jenene House following the meeting:</p> <ul style="list-style-type: none"> • Outdated TCAWS Manual Version 5, July 2018 is used – please update TCP to reflect latest manual. • Under TCAWS Transport for NSW does not accept the Australian Standard 'NO LEFT TURN / NO RIGHT TURN'. TfNSW use the TfNSW design R2-6N shown below. • 'ROAD CLOSED AHEAD' should be used at Crystal Lane instead of 'ROAD CLOSED'.

	 <p>Recommendations:</p> <p><i>That the temporary road closure of Sulphide Street, between Argent and Crystal Lane and sections of Argent Street and Crystal Lane for the Broken Heel Festival's Event at the Palace Hotel from Wednesday, 7 September to Tuesday, 13 September 2022 be approved in principle, on the condition that the fencing adjacent to Far West Auto does not encroach onto the nature strip, so that customers can view new cars at the dealership and that an updated Traffic Control Plan is received by Council in accordance with Transport for NSW's signage requirements prior to the event.</i></p> <p>Moved: Codie Howard Second: Paul Bezzina</p> <p>All in favor</p>
Date	Item Details
July 2022	Broken Heel Festival Road Closure Application Feedback – Request Access to Footpath and Nature Strip adjacent Far West Auto in Sulphide Street – Far West Auto – Mark Grundy
Item No.	426.6.3
EDRMS No.	D22/33255
CRM No.	N/A
Responsible Officer	Codie Howard
Current Status	Completed
Date	Committee Recommendation/s
July 2022	<i>That correspondence be forwarded to the Palace Hotel requesting that the fencing in Sulphide Street does not encroach onto the nature strip adjacent Far West Auto.</i>

Action Date	Running Actions
July 2022	<p>On the notification letter distributed by the Palace Hotel, notifying the business in the vicinity of the proposed closures for the Broken Heel Festival.</p> <p>The shaded area on the map for the fencing in Sulphide Street encroaches onto the nature strip adjacent to the side of Far West Auto.</p> <p>Mark Grundy from Far West Auto has requested that the fencing be relocated to start at the kerb and gutter and not the nature strip along the side of Far West Auto in Sulphide Street, so as customer can still view new cars.</p> <p>Recommendation:</p> <p><i>That correspondence be forwarded to the Palace Hotel requesting that the fencing in Sulphide Street does not encroach onto the nature strip adjacent Far West Auto.</i></p> <p>Moved: Codie Howard</p> <p>Second: Paul Bezzina</p> <p>All in favor</p>
Date	Item Details
July 2022	Broken Heel Festival Event Road Closure Application Feedback – Request for continued access to Crystal Lane adjacent to the Broken Hill Community Health Centre, via Sulphide Street – NSW Health – Far West Area Health District
Item No.	426.6.4
EDRMS No.	D22/33873
CRM No.	N/A
Responsible Officer	Codie Howard
Current Status	Completed
Date	Committee Recommendation/s
July 2022	
Action Date	Running Actions
July 2022	<p>The committee have discussed the arrangement for Covid testing and access to the Community Health Centre for continued drive through testing capabilities.</p> <p>The details provided to the committee from the Palace Hotel will not obstruct access to or from the Community Health Centre and traffic will still be able to access the laneway and entry to the Community Health Centre for drive through covid testing.</p> <p>No further action required by the Local Traffic Committee.</p>

426.10 Next Meeting Date – Tuesday, 2 August 2022

426.11 Meeting Closed – 3.18pm

Next meeting to be held in the Ground Floor Meeting Room.

ORDINARY MEETING OF THE COUNCIL

July 21, 2022

ITEM 15

BROKEN HILL CITY COUNCIL REPORT NO. 173/22

SUBJECT: MINUTES OF THE BROKEN HILL CITY ART GALLERY ADVISORY COMMITTEE'S ANNUAL GENERAL MEETING HELD 14 JULY 2022
D22/38025

Recommendation

1. That Broken Hill City Council Report No. 173/22 dated July 21, 2022, be received.
2. That minutes of the Broken Hill City Art Gallery Advisory Committee's Annual General Meeting held 14 July 2022 be received.

Executive Summary:

Council has received minutes of the Broken Hill City Art Gallery Advisory Committee Meeting held 14 July 2022 for endorsement by Council.

Report:

As per Council's Section 355 Advisory Committee Framework Manual and the Constitution of the Broken Hill City Art Gallery Advisory Committee (both adopted March 2022), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Accordingly, the Broken Hill City Art Gallery Advisory Committee has submitted minutes from its Annual General Meeting held 14 July 2022 for Council's endorsement.

The minutes seek clarification of the number of community representatives that have been appointed to the Committee as the number exceeds that specified in the Constitution.

A separate report is presented to the July 2022 Council Meeting regarding nominations for membership on Council's S355 Committees and contains clarification of Council's past practice with regards to Committees who receive a greater interest in membership than other Committees and therefore have an increased number of community representatives appointed, and the process for natural attrition. The report recommends that the Constitutions of the Broken Hill City Art Gallery Advisory Committee and the Broken Hill Heritage Advisory Committee be amended to include the words "A minimum of" in front of the number stipulated for community representatives, to clarify this past practice. The Chairpersons of both Committees will be advised of Council's decision accordingly.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation:

Section 355 of the *Local Government Act 1993*.

The Broken Hill City Art Gallery Advisory Committee operates under Council's S355 Advisory Committee Framework which includes the Section 355 Advisory Committee Manual and the Broken Hill City Art Gallery Advisory Committee Constitution (both adopted 30 March 2022).

Financial Implications:

Nil

Attachments

1. Minutes of the Broken Hill City Art Gallery Advisory Committee AGM held 14 July 2022



RAZIJA NU'MAN
CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL
GENERAL MANAGER



BROKEN HILL CITY ART GALLERY ADVISORY COMMITTEE

Meeting Minutes

Date	14.07.22	Time Meeting opened: 5.30pm	Time Meeting closed:7.15pm
Location	Broken Hill Regional Art Gallery		
Present	Rick Ball, Cr Boland, Cr Turley, Jenny Cattonar, Maureen Clark, Jo Crace, Clark Barrett, Krystle Evans. Gallery Manager Blake Griffith		
Apologies	Cathy Farry, Andrew Gosling, Simon Molesworth, John Hart, Julie Horsburgh		
Next Meeting	To be confirmed and members notified		

AGENDA	ACTION
Acknowledgement of Country. Welcome and Apologies.	Cr Turley
Election of Executive Positions: Chairperson – Councillor Darriea Turley Deputy Chair – Maureen Clark Secretary- not filled; M Clark temporarily Treasurer – not applicable	<ul style="list-style-type: none"> Moved Cr Boland, sec M Clark Moved: J Cattonar, Sec: R Ball
Constitution Review <ul style="list-style-type: none"> Overview of BHCAG Exhibitions Policy & Collection Management Policy Noted and questioned: the number of community members exceeded the maximum (9) in Constitution 	<ul style="list-style-type: none"> Members provided with copies Gallery Manager to check with Governance Moved J Crace, Sec. R Ball
Manager's Reports <ul style="list-style-type: none"> Collection Update- Works well above 100% in art storage. No room for framed works. Small amount of drawer space for works on paper. No dedicated Collection Manager Renovation Update –Renovation schedule affected by COVID also a blowout of humidity control system. Artistic Program Update – programs determined 2 years in advance; this year's about to commence following completion of renovations. Only 4 programs in this cycle due to only 3 permanent gallery staff 	<ul style="list-style-type: none"> Moved M. Clark, Sec R Ball Concerns and suggestions by members: Need for infrastructure grant/ cultural grant; Collection Manager Need for more resourcing and personnel to enable extension of programming. Questions: Where do Gallery membership fees and artist commissions go?
General Business <ol style="list-style-type: none"> Acquisition Assessments (more detailed information attached to minutes) <ul style="list-style-type: none"> Jan Palenthorpe, Li Qingzhao's Boat, 2016, etching, 60 x 85cm – donated by the artist 	<p>Moved C Barrett, Sec. M Boland</p> <p>Not Accepted -unanimously by Committee</p>



AGENDA	ACTION	
<ul style="list-style-type: none"> - May Harding, View of Broken Hill from Waterboard Hill, circa 1950/60, oil on canvas, 47 x 57cm – donated by Jane Wiles. - Graham A Thorley, Burke & Wills Tuesday 9th April 1861 – the shooting of Burke's horse Billy, 1988, oil on canvas, 182 x 122cm – donated by Barry & Anne Maree Wallett. - James Montgomery Cant, Broken Hill Mine, 1957, oil on canvas, 138 x 89 cm – donated by Elizabeth Ryan. 	<p>Accepted – unanimously: Historical significance; sister work to Nocturne, already in the Collection</p> <p>Not accepted - unanimously</p> <p>Not accepted - unanimously</p>	
<p>2. Donation Proposals (detailed information attached to minutes)</p> <ul style="list-style-type: none"> - Jim Patterson (featured in current collection show) - Rona Green (upcoming exhibition) - Dias Prabu (upcoming exhibition) None shown 	<p>Both works - Accepted unanimously</p> <p>Only one print (<i>Stellan</i>) accepted by committee: 7 - 1 : small, unframed; pair with <i>Cockatoo</i> already in collection.</p>	
<p>3. Resolved Minute 46846 – “That the general manager be invited to prepare a report regarding the establishment of a Memorandum of Understanding with the Willyama Art Society with a view to granting the Society the ability to conduct a biennial art exhibition at the Broken Hill City Art Gallery (or another Council facility) as they have for the past 60 years”.</p>	<p>Gallery Manager to meet with Willyama Art Society President Moved: R.Ball, Sec. M.Clark</p> <p>Concerns/Questions by Members: Where does this leave other local groups/artists? Will the current exhibition policy still apply or have to be rewritten?</p>	
<p>Meeting Dates Set future Advisory Meeting Dates</p>	To be confirmed	
<p>Future Agenda Items:</p>	To include Questions raised by Committee members	
<p>Next Meeting 2021</p>	To be confirmed and members notified.	
<p>Meeting Closed There being no further business the Chairperson declared the meeting closed at 7.15pm</p>		

ORDINARY MEETING OF THE COUNCIL

July 19, 2022

ITEM 16BROKEN HILL CITY COUNCIL REPORT NO. 174/22SUBJECT: ACTION LIST REPORTD22/37484**Recommendation**

1. That Broken Hill City Council Report No. 174/22 dated July 19, 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:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation: *Local Government Act 1993*

Financial Implications: Nil

Attachments

1. [↓](#) Action Items - July 2022

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee: Ordinary Council	Date To: 19/07/2022
	Officer: Including Further Reports	
	Further Report Required: Including Further Reports	
		Printed: Tuesday, 19 July 2022 3:10:38 PM

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/04/2018	Nieuwoudt, Kobus Nankivell, Jay	Reports	COMPULSORY ACQUISITION OF WARNOCK GOSSAN STREET ROAD RESERVE
Resolved:			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 59/18 dated April 6, 2018, be received. That Council make an application to the Minister and Governor for approval to acquire the sections of Warnock and Gossan Street traversing Crown Land in Lot 7469 in Deposited Plan 1182254, under Section 177 of the <i>Roads Act 1993</i> and Section 186 of the <i>Local Government Act 1993</i>. That the acquisition be undertaken in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. That upon acquisition, Council to undertake required actions to open the subject road by registration of a plan in accordance with Section 7 of the <i>Roads Act 1993</i>. 			
16 May 2018 9:45am Bartlett, Leisa In progress.			
15 Aug 2018 3:32pm Bartlett, Leisa 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.			
11 Sep 2018 4:40pm Bartlett, Leisa No change, awaiting advice from OLG.			
09 Oct 2018 5:08pm Bartlett, Leisa Awaiting OLG advice			
13 Nov 2018 9:26am Bartlett, Leisa Awaiting OLG advice due to Native Title.			
06 Feb 2019 1:51pm Bartlett, Leisa In discussions with Crown Lands regarding Native Title.			
07 Mar 2019 1:55pm Bartlett, Leisa No change, awaiting response from Crown Lands.			
15 May 2019 10:41am Falkner, Georgina Crown Lands have advised they have no objection to receiving Proposed Acquisition Notices. Investigating budget and Native Title prior to making application to OLG.			
14 Jun 2019 3:27pm Bartlett, Leisa no change in status			
04 Jul 2019 1:51pm Bartlett, Leisa no change in status			
20 Aug 2019 3:39pm Misagh, Anthony 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.			
17 Oct 2019 9:54am Bartlett, Leisa Discussions being held with month with the Department of Crown Lands.			
14 Nov 2019 4:35pm Bartlett, Leisa Seeking legal advice from Council's Solicitors			
12 Feb 2020 12:12pm Bartlett, Leisa Legal advice received. Matter in progress.			
07 Apr 2020 10:14am Bartlett, Leisa 11/03/2020 - Matter in progress.			
08 Apr 2020 11:16am Bartlett, Leisa In progress.			
08 May 2020 11:58am Bartlett, Leisa Matter in progress.			
10 Jun 2020 2:35pm Bartlett, Leisa Matter in progress.			
15 Jul 2020 1:45pm Bartlett, Leisa Matter in progress.			
12 Aug 2020 9:41am Bartlett, Leisa Matter in progress.			
17 Sep 2020 3:05pm Bartlett, Leisa Matter on hold until the Federation Way Acquisition is complete.			
16 Oct 2020 8:42am Bartlett, Leisa Matter on hold.			
10 Nov 2020 4:11pm Bartlett, Leisa Matter on hold.			

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

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

21 Mar 2022 3:44pm Bartlett, Leisa
no change in status.

19 May 2022 11:21am Bartlett, Leisa
no change in status.

22 Jun 2022 11:03am Guerin, Emily
No change in status

18 Jul 2022 3:05pm Guerin, Emily
No change in status

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Nieuwoudt, Kobus Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST LEASE OF PART LOT 7421 DP 1183597 TO AXICOM PTY LIMITED
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 104/20 dated June 23, 2020, be received. That the Willyama Common Trust lease Part Lot 7421 DP 1183597 (being a telecommunications compound on the Line of Lode) to Axicom Pty Limited for a period of 20 years for telecommunications purposes. That the annual rent be \$12,000.00 per annum with an annual 2.5% increase. That the Mayor and General Manager be authorised to sign and execute the lease documents under the Common Seal of Council, in the absence of a Trust Seal. 			
CARRIED UNANIMOUSLY			
<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</p>			

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

Awaiting return of signed lease from Axicom.

15 Jul 2021 12:14pm Bartlett, Leisa

Axicom P/L have requested minor changes which are in progress.

12 Aug 2021 3:03pm Bartlett, Leisa

Signing of lease in progress.

15 Sep 2021 9:05am Bartlett, Leisa

In progress, delayed due to lockdown.

14 Oct 2021 4:11pm Bartlett, Leisa

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.

21 Mar 2022 3:45pm Bartlett, Leisa

No change in status.

19 Apr 2022 11:32am Bartlett, Leisa

Lease with the Council for execution.

19 May 2022 11:21am Bartlett, Leisa

Lease with Crown Lands for Ministerial consent.

18 Jul 2022 3:06pm Guerin, Emily

Ministerial consent received – COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Nieuwoudt, Kobus Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST LICENCE OF PART LOT 7315 DP 1183447 TO BROKEN HILL SPEEDWAY CLUB
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 105/20 dated July 1, 2020, be received. 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. That the lease term be 25 years and the annual rental be the minimum Crown Lands rental. 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. 			
CARRIED UNANIMOUSLY			
<p>12 Aug 2020 10:00am Bartlett, Leisa Solicitors are drawing up the licence 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 4:26pm Bartlett, Leisa Licence is with the Broken Hill Speedway Club for signature.</p> <p>30 Nov 2020 2:11pm Bartlett, Leisa Licence with Speedway Club for signature.</p> <p>12 Feb 2021 10:04am Bartlett, Leisa Licence signed by all parties and is now with the Minister for approval.</p> <p>18 Mar 2021 4:40pm Bartlett, Leisa In progress.</p> <p>16 Apr 2021 10:42am Bartlett, Leisa In progress.</p> <p>12 May 2021 12:14pm Bartlett, Leisa In progress.</p> <p>17 Jun 2021 4:55pm Bartlett, Leisa Waiting on response from Local Aboriginal Land Council.</p>			

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

15 Jul 2021 12:15pm Bartlett, Leisa
Solicitor is awaiting a response from the Local Aboriginal Land Council.

12 Aug 2021 3:04pm Bartlett, Leisa
Council's Solicitor is awaiting a response from the Local Aboriginal Land Council.

15 Sep 2021 9:06am Bartlett, Leisa
Council staff following up with Local Aboriginal Land Council.

14 Oct 2021 4:12pm Bartlett, Leisa
Awaiting response from Local Aboriginal Land Council.

11 Nov 2021 9:02am Bartlett, Leisa
Awaiting response from the Local Aboriginal Land Council.

16 Dec 2021 11:51am Bartlett, Leisa
Awaiting response from Local Aboriginal Land Council.

18 Jan 2022 2:55pm Butcher, Lacey
Awaiting response from Aboriginal Land Council

15 Feb 2022 10:58am Bartlett, Leisa
Awaiting response from Aboriginal Land Council.

23 Mar 2022 2:42pm Bartlett, Leisa
No change in status.

19 May 2022 11:23am Bartlett, Leisa
No change in status.

22 Jun 2022 11:04am Guerin, Emily
No change in status

18 Jul 2022 3:07pm Guerin, Emily
No change in status

Meeting	Officer/Director	Section	Subject
Ordinary Council 9/12/2020	Nieuwoudt, Kobus Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST LICENCE TO NEXTGEN NETWORKS PTY LTD
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 175/20 dated November 24, 2020, be received. That the Willyama Common Trust amend the existing licence to Nextgen Networks Pty Ltd in accordance with the attached plan, being part Lot 7302 DP 1181129. 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. 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. 			
CARRIED UNANIMOUSLY			
<p>12 Feb 2021 10:12am Bartlett, Leisa Processes have commence to issue licence.</p> <p>18 Mar 2021 4:41pm Bartlett, Leisa Nextgen progressing draft licence.</p> <p>16 Apr 2021 10:47am Bartlett, Leisa Draft deed is with the Solicitor.</p> <p>12 May 2021 12:17pm Bartlett, Leisa Draft deed with Solicitors - in progress.</p> <p>17 Jun 2021 5:24pm Bartlett, Leisa Draft deed with the Solicitors.</p> <p>15 Jul 2021 12:19pm Bartlett, Leisa In progress.</p> <p>12 Aug 2021 3:06pm Bartlett, Leisa In progress.</p> <p>15 Sep 2021 9:09am Bartlett, Leisa In progress.</p> <p>14 Oct 2021 4:15pm Bartlett, Leisa Awaiting information from applicant to be able to progress further.</p> <p>11 Nov 2021 9:02am Bartlett, Leisa Potential amendments being discussed.</p>			

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

16 Dec 2021 11:51am Bartlett, Leisa
Amendments being discussed.

18 Jan 2022 2:56pm Butcher, Lacey
Amendments being discussed

15 Feb 2022 10:59am Bartlett, Leisa
Amendments in progress.

23 Mar 2022 2:42pm Bartlett, Leisa
No change in status

19 Apr 2022 11:33am Bartlett, Leisa
Licence with Solicitors for amendments.

19 May 2022 11:24am Bartlett, Leisa
Amendments in progress.

18 Jul 2022 3:07pm Guerin, Emily
No change in status

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/03/2021	Howard, Codie Nankivell, Jay	Notice of Motion	COMMUNITY GARDEN FOR FORMER ALMA POOL SITE
Resolved			
1. That Motions of Which Notice has been Given No. 7/21 dated March 19, 2021, be received.			
2. That Broken Hill City Council prepares a report about establishing a community operated gardens at the former Alma pool site.			
CARRIED UNANIMOUSLY			
16 Apr 2021 10:52am Bartlett, Leisa Plan being developed.			
18 Jun 2021 12:12pm Bartlett, Leisa 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 in ongoing.			
21 Mar 2022 3:14pm Bartlett, Leisa Development of Plan is ongoing			
19 Apr 2022 3:00pm Bartlett, Leisa Development of Plan is ongoing.			
19 May 2022 11:24am Bartlett, Leisa No change in status.			
22 Jun 2022 9:43am Guerin, Emily No change in status			
18 Jul 2022 1:34pm Guerin, Emily No change in status			

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/03/2021	Howard, Codie Nankivell, Jay	Notice of Motion	STREET LIGHTING
Resolved			

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

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

16 Apr 2021 10:53am Bartlett, Leisa

Report being prepared for the May Council Meeting.

12 May 2021 4:35pm Bartlett, Leisa

Awaiting advice on public lighting code requirements, prior to report being finalised.

20 Jul 2021 1:45pm Bartlett, Leisa

Report still being completed. Meeting with Essential Energy delayed due to COVID-19.

12 Aug 2021 3:07pm Bartlett, Leisa

Meeting with Essential Energy delayed due to COVID-19.

14 Sep 2021 4:36pm Bartlett, Leisa

Meeting with Essential Energy delayed due to COVID-19.

12 Oct 2021 11:09am Bartlett, Leisa

Meeting with Essential Energy delayed due to COVID-19.

11 Nov 2021 9:03am Bartlett, Leisa

Discussions being held with Southern Lights Group around long term ownership of street lights and installation of new poles.

16 Dec 2021 11:52am Bartlett, Leisa

Discussions ongoing.

18 Jan 2022 2:57pm Butcher, Lacey

Discussions ongoing

15 Feb 2022 11:00am Bartlett, Leisa

Discussions ongoing

21 Mar 2022 3:15pm Bartlett, Leisa

Discussions ongoing.

19 Apr 2022 3:01pm Bartlett, Leisa

Southern Lights Project still being carried out by South West joint organisation, with discussions ongoing.

19 May 2022 11:25am Bartlett, Leisa

Engagement of lighting engineer commenced for assessment of current lighting and requirements to meeting the public lighting code.

22 Jun 2022 9:43am Guerin, Emily

No change in status

18 Jul 2022 1:34pm Guerin, Emily

Request for Quotation for street lighting assessment have been sent out and are awaiting response

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/05/2021	Nieuwoudt, Kobus Nankivell, Jay	Reports	UPDATE ON PROPOSED ACQUISITION OF FEDERATION WAY
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 75/21 dated April 27, 2021, be received. 2. That Council note the progress update on the proposed acquisition of Federation Way. 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. 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. 			
CARRIED UNANIMOUSLY			

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

18 Jun 2021 3:31pm Bartlett, Leisa

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.

23 Mar 2022 2:43pm Bartlett, Leisa

No change in status.

19 Apr 2022 10:14am Bartlett, Leisa

An update report regarding the progress of this matter is provided to the April 2022 Health & Building Committee Meeting.

19 May 2022 11:26am Bartlett, Leisa

On hold, pending further discussion with Crown Lands as per the April 2022 Council Meeting Resolution.

22 Jun 2022 11:28am Guerin, Emily

Correspondence sent to Crown Lands

18 Jul 2022 3:08pm Guerin, Emily

No change in status

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
Resolved			
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			
08 Sep 2021 12:57pm Bartlett, Leisa			
Resolutions have been workflowed to operational team for completion.			
12 Oct 2021 11:14am Bartlett, Leisa			
Resolutions with operational team to complete.			
11 Nov 2021 3:27pm Bartlett, Leisa			
With operational team for completion.			
17 Dec 2021 11:02am Bartlett, Leisa			
Item 3 - Loading Zone in Crystal Lane - complete., Item 4 - Line-marking with operational team for completion.			
18 Jan 2022 3:04pm Butcher, Lacey			
Item 4 Line-marking with the operational team for completion			
19 Apr 2022 3:02pm Bartlett, Leisa			
Item 4 delayed due to storm clean up - with operational team for completion.			

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
Action Sheets Report	Officer:	
	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022
		3:10:38 PM

19 May 2022 11:26am Bartlett, Leisa

Line markers engaged to complete works in June 2022.

22 Jun 2022 9:03am Guerin, Emily

Line markers were delayed due to wet weather with July completion now scheduled

18 Jul 2022 1:36pm Guerin, Emily

Line markers to complete works last week of July

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

Resolved

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.
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

19 Apr 2022 3:02pm Bartlett, Leisa

Line marking delayed due to storm clean up - with operational team for completion.

19 May 2022 11:27am Bartlett, Leisa

Signs are on order and will be installed June 2022.

22 Jun 2022 9:05am Guerin, Emily

Signs have arrived and will be installed after line marking has been completed

18 Jul 2022 1:36pm Guerin, Emily

Line markers to complete works last week of July

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/11/2021	Howard, Codie Nankivell, Jay	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO. 419 HELD ON THURSDAY, 28 OCTOBER 2021

Resolved

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 trial period the zone will be reinstated permanently – streamline from trial to permit.

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

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

15 Dec 2021 4:57pm Bartlett, Leisa

Resolution with operational team for completion.

18 Jan 2022 3:08pm Butcher, Lacey

Resolution with the operations team for completion

19 Apr 2022 3:03pm Bartlett, Leisa

Item No. 416.6.1 - Trial period has now been completed. BHCC to complete discussion with all stakeholders to be made at May Traffic Committee., Item No. 417.6.1 - Currently with TfNSW for sign design.

19 May 2022 11:27am Bartlett, Leisa

No change in status.

22 Jun 2022 9:42am Guerin, Emily

No change in status

18 Jul 2022 1:37pm Guerin, Emily

Item No. 416.6.1 – Correspondence letter has been sent to residents and Morgan Street School for feedback on trial., Item No. 417.6.1 – TfNSW have approved sign design, BHCC currently procuring sign.

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Howard, Codie Nankivell, Jay	Reports	MINTUES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO. 420, HELD TUESDAY 7 DECEMBER 2021

Resolved

- That Broken Hill City Council Report No. 13/22 dated December 22, 2021, be received.
- That the minutes of the Local Traffic Committee – Meeting No.420, held on Tuesday, 7 December 2021 be received.
- 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

21 Jan 2022 6:33pm Bartlett, Leisa

Added to Council's Works schedule.

19 Apr 2022 3:04pm Bartlett, Leisa

With operational team for completion.

19 May 2022 11:28am Bartlett, Leisa

Signs on order, installation to be completed June 2022

22 Jun 2022 9:42am Guerin, Emily

Signs have arrived and will be installed after line marking has been completed

18 Jul 2022 1:38pm Guerin, Emily

Line markers to complete works last week of July

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Nankivell, Jay Nankivell, Jay	Council Resolution	Council Resolution
Resolved			

For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee: Officer:	Date To: 19/07/2022
	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

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 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.

For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee: Officer:	Date To: 19/07/2022
	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

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 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

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

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 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.

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
Action Sheets Report	Officer:	
	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022
		3:10:38 PM

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. 3 - Code of Meeting Practice Policy placed on public exhibition-COMplete. 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-COMplete. 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. 37 - Report prepared to February Council Meeting and further tracking will be included with resolution of new report - COMPLETE. 38 - Report presented to 27 January Council Meeting - COMPLETE. 39 - Report prepared to February Council Meeting and further tracking will be included with the resolution of the new report - COMPLETE. 40 - Report presented to 27 January Council Meeting - COMPLETE.

23 Mar 2022 3:05pm Bartlett, Leisa

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

2-COMplete, 3-COMplete, 4-report regarding public meetings to be presented to Council, 5-COMplete, 6- Code of Conduct, Media Relations Policy and Social Media Policy have been workshoped. Workshops to be arranged for the Compliance & Enforcement Policy, Debt Recovery Policy, Local Orders Policy and Tree Management Policy. 7-COMplete, 8-COMplete, 9-Report to be presented to Council following the Policy Workshop on the Local Orders Policy. 10-COMplete, 11- report to be presented to the April Policy & General Committee following the budget workshop. 12-adjustments made in quarter 3 budget review report-COMplete. 13&14-COMplete, 15-report presented to March Policy and General Committee-COMplete, 16-Site visit held and investigations ongoing, 17-report to be presented to April Works Committee, 18-COMplete, 19-Budget workshops to be held in March, 20-Meeting held COMplete, 21-Report presented to March Health and Building Committee-COMplete, 22-to be discussed at budget workshops in March, 23-COMplete, 24- COMplete, 25-to be discussed at budget workshops in March, 26-included in Public Art Policy Workshop held on 10 March and policy updated as per resolution-COMplete, 27-to be workshoped with operational plan and a report to April Policy & General Committee, 28-letter sent-COMplete, 29-Site visit scheduled-COMplete, 30-meeting being scheduled. 31-letter sent-COMplete, 32-EOI to be advertised following completion of the tree audit, 33-Policy workshop being scheduled, 34-report to be presented to Council. 35- to be included in operational plan workshop, 36-interagency group formed-COMplete, 37-COMplete, 38-COMplete, 39-COMplete, 40-COMplete

13 Apr 2022 2:40pm Bartlett, Leisa

2-COMplete, 3-COMplete, 4-Public Forums introduced to Council Meetings and Foundation Broken Hill to commence community meetings, Business Forums already being held-COMplete, 5-COMplete, 6-Councillor Workshop to consider the remaining policies scheduled for 10 May 2022-COMplete, 7-COMplete, 8-COMplete, 9-To be considered at Councillor Workshop on 10 May 2022-COMplete, 10-COMplete, 11-Report to be provided following the Councillor Budget Workshop, 12-COMplete, 13-COMplete, 14-COMplete, 15-COMplete, 16-Councillor Briefing by Landcare scheduled for 28/4/22 regarding the Imperial Lakes Nature Park Project-COMplete, 17-Report to be presented to Council following the Councillor Budget Workshop scheduled for 26/4/22, 18-COMplete, 19-part of full-day Councillor Budget Workshop scheduled for 26/4/22-COMplete, 20-COMplete, 21-COMplete, 22-to be considered at an Extraordinary Council Meeting along with the 2022/23 budget-COMplete, 23-COMplete, 24-COMplete, 25-included in Councillor Budget Workshop and will be included in budget report to Extraordinary Council Meeting-COMplete, 26-COMplete, 27-To be considered at an Extraordinary Council Meeting along with the budget report-COMplete, 28-COMplete, 29-COMplete, 30-meeting to be scheduled, 31-COMplete, 32-EOI to be advertised following completion of the Tree Audit, 33-Tree Management Policy currently being reviewed and provided to Council Meeting, 34 report to be presented to Council, 35-to be included in Councillor Budget Workshop scheduled for 26/4/22-COMplete, 36-COMplete, 37-COMplete, 38-COMplete, 39-COMplete, 40-COMplete

19 May 2022 11:38am Bartlett, Leisa

6-Councillor Workshop to consider the remaining policies re-scheduled for 15 June 2022-COMplete, 9- Councillor Workshop scheduled for 15 June 2022-COMplete, 17-Report to be presented to Council following the adoption of the Budget in May 2022, 1, 30-meeting to be scheduled, 32-EOI to be advertised following completion of the Tree Audit, 33-Tree Management Policy currently being reviewed and provided to Council Meeting, 34 report to be presented to Council

15 Jun 2022 1:28pm Nankivell, Jay - Completion

Action completed by Bartlett, Leisa

22 Jun 2022 10:26am Guerin, Emily

17. No change in status. 30. Representatives of the Broken Hill City Council will attend a public hearing for the Essential Water and WaterNSW Pipeline reviews in September 2022 (date TBC). 32- EOI to be advertised following completion of the Tree Audit, 33 - No change in status. 34. Nominations for Working Group closed 17/6/22. Community Members to be determined by General Manager. First meeting will be held in due course.

19 Jul 2022 9:48am Guerin, Emily

17. No change in status. 30. Council briefing has been organised for Councillors to review IPART draft report into the review of Water NSW prices for the Murray River to Broken Hill pipeline, being held Tuesday, 9 August 2022. 32. No change in status. 33. No change in status. 34. Community Representatives appointed by General Manager, welcome letters sent to Committee Members beginning of July. First meeting date TBC.

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Butcher, Lacey Nankivell, Jay	Council Resolution	Council Resolution
Resolved			
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.			
24 Mar 2022 5:37pm Bartlett, Leisa Meeting held with Landcare Broken Hill and joint approach to increase community awareness will be undertaken prior to the next Fruit Fly season.			
19 May 2022 11:42am Bartlett, Leisa No change in status.			

Meeting	Officer/Director	Section	Subject
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For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee: Ordinary Council	Date To: 19/07/2022
	Officer: Including Further Reports	Printed: Tuesday, 19 July 2022
	Further Report Required:	3:10:38 PM

Ordinary Council 27/01/2022	Nankivell, Jay	Confidential Matters	PROPOSED TRANSPORT OPTIONS
	Nankivell, Jay		

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

11 Feb 2022 3:22pm Bartlett, Leisa
Negotiations have commenced as per the Council resolution.

24 Mar 2022 5:38pm Bartlett, Leisa
Continuing. Air Services Agreement to be finalised.

19 May 2022 11:43am Bartlett, Leisa
Air Services Agreement with Qantas for finalisation.

20 July 2022 4:03pm Guerin, Emily
Awaiting response from Qantas

Meeting	Officer/Director	Section	Subject
Ordinary Council 23/02/2022	Bartlett, Leisa Nankivell, Jay	Reports	DELEGATIONS OF FUNCTIONS
Resolved			
<ol style="list-style-type: none"> 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. 			
CARRIED UNANIMOUSLY			
<p>21 Mar 2022 8:55am Bartlett, Leisa Delegations have been issued to the Mayor, Deputy Mayor and General Manager. Staff delegations to be issued.</p> <p>19 May 2022 11:44am Bartlett, Leisa No change in status.</p> <p>15 Jun 2022 2:04pm Bartlett, Leisa Sub-delegations will be issued to relevant staff during August/September.</p> <p>15 Jul 2022 5:24pm Bartlett, Leisa ELT currently determining delegations to be issued to each department. Instruments of Delegation will be issued to staff in the coming months.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 23/02/2022	Andrews, Anne Nankivell, Jay	Reports	TOURISM INDUSTRY AND VISITOR ECONOMY BODY

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

Resolved

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 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

23 Mar 2022 2:57pm Bartlett, Leisa

Awaiting invoice from Business Far West to provide seed funding of \$20K. A bi-monthly economic development report to be presented to the April Policy and General Committee meeting.

13 May 2022 4:23pm Bartlett, Leisa

This action will be included in the Draft Economic Development Strategy which will be presented to Councillors at a Councillor Briefing scheduled for 9 June 2022.

20 Jun 2022 12:36pm Guerin, Emily

Draft Economic Development Strategy Briefing has been moved to 20 July 2022

18 Jul 2022 2:00pm Guerin, Emily

Briefing being held on 20 July 2022 and Strategy report going to July Council Meeting

Meeting	Officer/Director	Section	Subject
Ordinary Council 23/02/2022	Nu'man, Razija Nankivell, Jay	Reports	CONSULTATION - PROPOSED CREEDON STREET OPEN SPACE

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

23 Mar 2022 3:17pm Bartlett, Leisa

Letter drafted to Crown Lands to ascertain the permissible usage for land in the area identified in Creedon Street.

18 May 2022 5:09pm Devlin, Dionne

Letter to Crown Lands sent on 03/05/2022. No response received as yet.

22 Jun 2022 2:08pm Guerin, Emily

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
Action Sheets Report	Officer:	
	Further Report Required: Including Further Reports	
		Printed: Tuesday, 19 July 2022 3:10:38 PM

No change in status

18 Jul 2022 2:56pm Guerin, Emily

Council Officers have conducted a search of land in the vicinity of the social housing in Creedon Street that may be suitable for the purpose of an open, green space. Three possible parcels were identified, and Crown Lands advice sought on the suitability of the proposed sites. A meeting with the social housing provider in Creedon Street took place on 12/7/2022. This meeting was to further ascertain any opportunities for a green space. This meeting found that any land along the street without housing upon it was managed by NSW Land and Housing Corporation. Home In Place does not usually manage green spaces or parks within its social housing responsibilities. From February 2023 all Aboriginal Housing in the Creedon Street area will be managed by Murdi Paaki Housing. Social Housing, which is not Aboriginal Housing, remains with Home In Place. Home in Place staff are of the understanding that the green space required by the community and requested of Council would be a greened playground with possibly a rage cage for older children, BBQ, shade and seating. Next planned steps are: 1. To approach the Wilyakali Traditional Owners of the proposed project and invite them to inform the engagement plan. 2. Identify the Elders in the community living at Creedon Street and make initial contact. 3. Contact the First Nations Organisations on the Engagement Matrix and invite them to offer their input on the proposed green space. Include Home in Place and Murdi Paaki Housing.

Meeting	Officer/Director	Section	Subject
Ordinary Council 23/02/2022	Nu'man, Razija Nankivell, Jay	Committee Reports	MINUTES OF THE BROKEN HILL REGIONAL ART GALLERY ADVISORY COMMITTEE MEETING HELD 30 NOVEMBER 2021
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 51/22 dated February 4, 2022, be received. That minutes of the Broken Hill Regional Art Gallery Advisory Committee Meeting held 30 November 2021 be received and noted. That Council re-name the 'Broken Hill Regional Art Gallery' to 'Broken Hill City Art Gallery.' 			
CARRIED			
<p>20 Apr 2022 10:54am Bartlett, Leisa Updating of the Gallery's name on social media and physical signage will be completed by the reopening date of 27 May 2022.</p> <p>19 May 2022 11:47am Bartlett, Leisa No change in status - will be completed ready for the Art Gallery reopening.</p> <p>22 Jun 2022 1:02pm Guerin, Emily Online platforms have been updated.</p> <p>18 Jul 2022 2:57pm Guerin, Emily Physical signs are subject to further reporting on Council's branding.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 23/02/2022	Nankivell, Jay Nankivell, Jay	Confidential Matters	LEGAL EXPENDITURE - CIVIC CENTRE OMBUDSMAN'S REPORT
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 54/22 dated February 15, 2022, be received. 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			
<p>24 Mar 2022 5:35pm Bartlett, Leisa Communication initiated with the Audit Office to commence the investigation and the best course of action.</p> <p>19 May 2022 11:47am Bartlett, Leisa No change in status.</p> <p>20 July 2022 4:03pm Guerin, Emily No change in status</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 23/02/2022	Nankivell, Jay	Confidential Matters	WRITE OFF BAD DEBT - 564-638 Barrier Highway

For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee: Officer:	Date To: 19/07/2022
	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

Nankivell, Jay

Resolved

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 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

23 Mar 2022 3:15pm Bartlett, Leisa

In progress.

19 Apr 2022 3:46pm Bartlett, Leisa

Update provided at the May Ordinary Council Meeting.

22 Jun 2022 1:12pm Guerin, Emily

In progress

19 Jul 2022 2:54pm Guerin, Emily

Meeting held and payment arrangement organised and with payments to commence in July 2022. Council will monitor to ensure payments are made regularly as per arrangement. COMPLETE.

Meeting	Officer/Director	Section	Subject
Ordinary Council 30/03/2022	Howard, Codie Nankivell, Jay	Works Committee Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.422, HELD ON TUESDAY, 8 MARCH 2022
<u>Resolved</u>			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 70/22 dated March 9, 2022, be received. 2. That the minutes of the Local Traffic Committee – Meeting No.422, held on Tuesday, 8 March 2022 be received. 3. That Council notes the advice provided by the General Manager regarding Council's success in gaining grant funding to upgrade safety around school zones with work already commenced to upgrade footpaths, line-marking and signage; and that Council can commence communications with Transport NSW (as Rakow Street is a State Highway) regarding the need for additional traffic safety at Burke Ward School and that the requirements for any upgrades would be presented to the Broken Hill Traffic Committee for recommendation to Council. 			
CARRIED UNANIMOUSLY			
19 Apr 2022 3:06pm Bartlett, Leisa			
Concerns with traffic control at Burke Ward School have been discussed at April Traffic Committee meeting. Discussions on-going on specifics of requests with Burke Ward Public School.			
19 May 2022 11:49am Bartlett, Leisa			
Meeting has been organised between Council, NSW Police, Transport for NSW and the Burke Ward School on Tuesday 24 May to gather more details about the requests.			
22 Jun 2022 9:39am Guerin, Emily			
Still awaiting update from meeting from TfNSW			
18 Jul 2022 1:39pm Guerin, Emily			
Communication and planning are on-going with TfNSW, Police, Burke Ward Public School and Council around safety improvements.			

For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee:	Date To: 19/07/2022
	Officer:	
	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022
		3:10:38 PM

Meeting	Officer/Director	Section	Subject
Ordinary Council 30/03/2022	Butcher, Lacey Nankivell, Jay	Policy And General Reports	MATTER OF URGENCY RAISED AT POLICY AND GENERAL COMMITTEE MEETING - LGNSW CONFERENCE MOTION - BAN ON DEVELOPERS AND REAL ESTATE AGENTS SERVING AS COUNCILLORS
Resolved			
<ol style="list-style-type: none"> That Councillors Report No. /22 dated March 25, 2022, be received. Broken Hill City Council forward a motion for the next LGNSW to rescind the resolution, passed at the LGNSW conference to adopt a policy that wants to preclude real estate agents and their families and close contacts from serving as Councillors. That the motion be resubmitted as follows: That Local Government NSW calls on the Premier of NSW and the Minister for Local Government to ban Developers only from serving as Councillors. That it is noted that BHCC supports the rights of all to represent Local Government if they meet the current Legislative requirements. That Broken Hill City Council forward a copy of our proposed motion to ALL NSW Regional councils and Shires requesting that they write to LGNSW in support of our new motion due to the fact that Real Estate Agents are an integral part of all Regional/Country councils and shires and that our Councils would be dramatically affected if the current motion was passed to Legislation and that if passed then it highlights the huge divide between Regional and City members of the LGNSW and possibly Regional Councils and Shires should consider reverting back to a separate City Council and Shires Association. That Broken Hill City Council write to the Real Estate Institute of NSW and the Australian Property Institute NSW requesting their support in the form of representation to the Premier and Minister for Local Government to not allow the original motion to pass to Legislation. That the motion be referred also to the Western Division Councils mid-term meeting to be held in Cobar on 1-3 May 2022. 			
			CARRIED UNANIMOUSLY
<p>12 Apr 2022 4:42pm Bartlett, Leisa Letters being drafted.</p> <p>19 May 2022 11:53am Bartlett, Leisa All letters sent as per Council resolution. Motion submitted to the Western Division Councils Mid-Term Conference. Council's motion to the October 2022 LGNSW Conference will be submitted once motions open.</p> <p>22 Jun 2022 10:20am Guerin, Emily Submission of motions open in August 2022</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/04/2022	Nieuwoudt, Kobus Nankivell, Jay	Health and Building Committee Reports	UPDATE ON ACQUISITION OF FEDERATION WAY
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 83/22 dated April 5, 2022, be received. That Council note the update on the acquisition of Federation Way. That at this point in time Council takes no further action in processing this matter due to the unknown legal costs and compensation costs associated with the determination of Native Title, until Council receives a guarantee of the costs involved. 			

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

4. That Council writes to the Department of Crown Lands advising that Council will continue with the process to acquire Federation Way if the Department of Crown Lands give a guarantee of covering Council's costs incurred in respect to Native Title determination.

CARRIED

19 May 2022 11:58am Bartlett, Leisa

Discussions to be held with Crown Lands.

22 Jun 2022 11:05am Guerin, Emily

Correspondence has been sent to Crown Lands

18 Jul 2022 3:08pm Guerin, Emily

No change in status. Refer to action item from May 2021 Council Meeting for ongoing updates. COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/04/2022	Nieuwoudt, Kobus Nankivell, Jay	Health and Building Committee Reports	PROPOSED CWA MURAL AT 163 ARGENT STREET, BROKEN HILL
Resolved			
1. That Broken Hill City Council Report No. 84/22 dated April 7, 2022, be received.			
2. That Council staff provide correspondence to the Broken Hill Branch of the CWA, inviting them to submit a Development Application, and outlining the required information and advice/guidance on how to lodge a Development Application.			
3. That following submission of the Development Application and an initial assessment by Council Officers, the Development Application is referred to the Health and Building Committee for recommendation to Council for final determination.			
CARRIED UNANIMOUSLY			
19 May 2022 1:37pm Bartlett, Leisa			
An email was sent to the CWA providing information on the Development Application Process. A meeting was also held on 2 May 2022 with the artist and a CWA representative to go through the required information that needs to be submitted with a DA and also the DA process. The CWA were encouraged to Contact Council's Planning Team for any further assistance/guidance. Staff offered the CWA a pre-planning meeting once they have gathered the required information and are ready to submit a DA. At this stage a new DA has not been submitted.			
22 Jun 2022 11:07am Guerin, Emily			
No change in status			
18 Jul 2022 3:09pm Guerin, Emily			
No change in status			

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/04/2022	Nu'man, Razija Nankivell, Jay	Health and Building Committee Reports	YOUTH SECTION 355 COMMITTEE TERMS OF REFERENCE
Resolved			
1. That Broken Hill City Council Report No. 86/22 dated April 8, 2022, be received.			
2. That Council adopts the Terms of Reference for the creation of a Youth Section 355 Committee.			
3. That Council appoints Councillors Boland, Turley and Jewitt as Council's Delegates on the Youth Section 355 Committee.			
4. That Council advertises for community representatives on the Youth Section 355 Committee, and for the nominations to be presented to a future Council Meeting for appointment.			
5. That Council investigate the opportunity to assist young people aged 12-24 years to create a Youth Council.			

For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee: Officer:	Date To: 19/07/2022
	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

CARRIED UNANIMOUSLY

06 May 2022 5:35pm Bartlett, Leisa

2,3&4 - Constitution adopted and advertising commenced for community representatives - COMPLETE, 5. - Investigations have commenced.

22 Jun 2022 11:26am Guerin, Emily

5. Nominations open and advertising will continue for community representatives

22 Jun 2022 2:08pm Guerin, Emily

No change in status

18 Jul 2022 2:58pm Guerin, Emily

No change in status

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/04/2022	Howard, Codie Nankivell, Jay	Further Reports	STORM EVENTS 28/2/2022 AND 15/3/2022 RESPONSE COSTING REPORT

Resolved

1. That Broken Hill City Council Report No. 103/22 dated April 20, 2022, be received.
2. That Council note the estimated costs associated with Council's response to the February 28 and March 15 storm events.
3. That Council approve a storm rectification works fund to the amount of \$150,000 and delegate to the General Manager authorisation to approve expenditure above the capital threshold for individual works being repaired directly affected by both storm events in accordance with Council's Procurement Policy.
4. That the General Manager writes to the Federal and State Members seeking further disaster funding assistance for storm rectification works.

CARRIED UNANIMOUSLY

19 May 2022 12:03pm Bartlett, Leisa

Works are on-going.

22 Jun 2022 9:45am Guerin, Emily

No change in status

18 Jul 2022 1:40pm Guerin, Emily

No change in status

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/04/2022	Howard, Codie Nankivell, Jay	Further Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO. 423, HELD ON TUESDAY, 12 APRIL 2022

Resolved

1. That Broken Hill City Council Report No. 105/22 dated April 21, 2022, be received.
2. That the minutes of the Local Traffic Committee – Meeting No. 423, held on Tuesday, 12 April 2022 be received.
3. Item No. 423.8.3 - That traffic counters be installed in the Aquatic Centre carpark to identify the speed of vehicles.
4. Item No. 422.6.3 – That traffic counters be installed on Rakow Street adjacent to the Burke Ward Public school to identify the times and speed of vehicles travelling along Rakow Street and for the data collected to be presented to the Police for compliance.

CARRIED UNANIMOUSLY

19 May 2022 12:04pm Bartlett, Leisa

With operational team for completion

22 Jun 2022 9:45am Guerin, Emily

No change in status

For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee: Ordinary Council	Date To: 19/07/2022
	Officer: Including Further Reports	Printed: Tuesday, 19 July 2022
	Further Report Required:	3:10:38 PM

18 Jul 2022 1:40pm Guerin, Emily
No change in status

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/04/2022	Andrews, Anne Nankivell, Jay	Council Resolution	Council Resolution
<p>Resolved</p> <p>That Council thanks all event organisers and volunteers for assisting in the conduct of the 2022 Broken Hill Heritage Festival; and Council also thanks the community for their attendance at festival activities.</p> <p>That Council recognises the importance of the Broken Hill Heritage Festival and seeks government funding to support a Heritage Festival Curator to assist with the growth of the Festival to become a major event for the City celebrating Broken Hill's National Heritage Listing.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>			
<p>13 May 2022 4:19pm Bartlett, Leisa Letters of appreciation have been sent to event organisers and volunteers for their assistance with the conduct of the 2022 Broken Hill Heritage Festival. Funding for a Heritage Festival Curator being investigated with State Government.</p>			
<p>20 Jun 2022 12:40pm Guerin, Emily Monitoring for funding opportunities</p>			
<p>18 Jul 2022 2:00pm Guerin, Emily No change in status</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/05/2022	Nankivell, Jay Nankivell, Jay	Mayoral Minute	SUPPORT FOR LANDCARE BROKEN HILL'S PROPOSED IMPERIAL LAKES SUSTAINABILITY HUB AND NATURE PARK PROJECT
<p>Resolved</p> <ol style="list-style-type: none"> That Mayoral Minute No. 6/22 dated May 16, 2022, be received. That Council supports concept of Landcare Broken Hill's Sustainability Hub and Imperial Lakes Nature Park Project for the redevelopment of the Imperial Lakes as outlined in the Councillor Briefing held Thursday 28 April 2022. That Council provides initial support to the project by way of in-kind support (Council staff time) for the process involved in the change of planning zone to allow for the proposed change in use of the Imperial Lake site for the redevelopment as a Sustainability Hub and Imperial Lakes Nature Park; and to provide support to Landcare Broken Hill's future funding efforts by way of ongoing advocacy and the provision of letters of support towards Federal and State grant funding applications. <p style="text-align: right;">CARRIED UNANIMOUSLY</p>			
<p>22 Jun 2022 10:32am Guerin, Emily Council resolution forwarded to the President of Landcare Broken Hill. Support as per the Council resolution will be provided to Landcare.</p>			
<p>20 July 2022 4:04pm Guerin, Emily Complete</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/05/2022	Nu'man, Razija Nankivell, Jay	Health and Building Committee Reports	WEST DARLING ARTS - MEMORANDUM OF UNDERSTANDING
<p>Resolved</p> <ol style="list-style-type: none"> That Broken Hill City Council Report No. 110/22 dated April 29, 2022, be received. That Council enter a Memorandum of Understanding with West Darling Arts as detailed in the report for the financial year 2022/2023 for an amount of \$17,510.00. 			

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

3. That Council resolve the term of the Memorandum of Understanding with West Darling Arts to be of one year duration and further funding assessed following receipt of the West Darling Arts Annual Report in 2023.
4. That Council receives quarterly reports from West Darling Arts regarding the progress of activities that align with the key performance indicators set out in the Memorandum of Understanding.

CARRIED UNANIMOUSLY

22 Jun 2022 2:04pm Guerin, Emily

MOU signed by all parties. Funding available in new financial year.

19 Jul 2022 9:41am Guerin, Emily

Arrangements for payment being made. COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/05/2022	Bartlett, Leisa Nankivell, Jay	Policy And General Reports	CORRESPONDENCE REPORT - MOBILE COMMUNICATIONS UPGRADE REQUIRED FOR THE BROKEN HILL RACECOURSE

Resolved

1. That Broken Hill City Council Report No. 112/22 dated May 5, 2022, be received.
2. That correspondence dated 20 April 2022 from Mr Roy Butler MP, Member for Barwon and correspondence dated 21 April 2022 from The Hon Mark Coulton MP, Federal Member for Parkes in reply to the Mayor's correspondence regarding the need for an upgrade to mobile communications at the Broken Hill Racecourse, be received and noted.
3. That Council notes that, as per Council's Resolution – 27 April 2022 (Minute No. 46830), a temporary solution is being arranged for the conduct of Agfair Broken Hill to be held 27-28 May 2022 and Council will contribute \$37,000 from unspent funds in the 2021/2022 Community Assistance Grants budget as a co-contribution (with Agfair Broken Hill, Foundation Broken Hill, NSW State Government and Telstra) towards a "Temporary Cell on Wheels" for the duration of Agfair.
4. That Council notes correspondence dated 10 May 2022 received from The Hon Scott Barrett MLC regarding the temporary solution for a "Temporary Cell on Wheels" to be operational for the duration of Agfair.
5. That the Policy and General Committee liaise with Local Government NSW regarding the inadequate mobile phone coverage in and around Broken Hill and opportunities for an upgrade to mobile phone coverage under the black spot funding program; and that a motion be submitted to the Local Government NSW Annual Conference regarding the inadequate mobile phone coverage across regional NSW.

CARRIED UNANIMOUSLY

15 Jun 2022 1:54pm Bartlett, Leisa

The Policy and General Committee members met with the President and CEO of LGNSW on Thursday 9 June 2022 to discuss motions to the 2022 LGNSW Conference. the CEO of LGNSW and Council's General Manager will liaise to discuss wording of motions. A report will be presented to the July Council Meeting for adoption.

19 Jul 2022 2:52pm Guerin, Emily

Report submitted to July Council Meeting regarding motions to be submitted to LGNSW. COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/05/2022	Manuel, Darrin Nankivell, Jay	Policy And General Reports	COUNCIL NEWSLETTER - CONTENT AND FORMAT

Resolved

1. That Broken Hill City Council Report No. 127/22 dated May 6, 2022, be received.

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 19/07/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

2. That Council proceed with the publication and delivery of a bi-monthly newsletter in accordance with parameters listed below, and include any other features requested by Councillors at the May 2022 Policy and General Committee meeting.

CARRIED UNANIMOUSLY

22 Jun 2022 10:13am Guerin, Emily

Contact made with distributors. Template is being prepared. First addition to be distributed early July.

19 Jul 2022 12:13pm Guerin, Emily

Newsletter printed and awaiting distribution

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/05/2022	Nu'man, Razija Nankivell, Jay	Council Resolution	Council Resolution
Resolved			
That the General Manager be invited to provide a report regarding the establishment of a Memorandum of Understanding with the Willyama Art Society with a view to granting the Society the ability to conduct a biennial art exhibition at the Broken Hill City Art Gallery (or at another Council facility) as they have for the past 60 years.			
CARRIED UNANIMOUSLY			
22 Jun 2022 2:03pm Guerin, Emily			
Drafting of report in progress			
18 Jul 2022 2:59pm Guerin, Emily			
Drafting of report is ongoing			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Bartlett, Leisa Nankivell, Jay	Mayoral Minute	MOTION TO THE 2023 NATIONAL GENERAL ASSEMBLY AND THE 2022 LOCAL GOVERNMENT NSW CONFERENCE REGARDING CLIMATE CHANGE
Resolved			
1. That Mayoral Minute No. 7/22 dated June 27, 2022, be received.			
2. That Broken Hill City Council sends the following motion to the Australian Local Government Association to be voted on at the 2023 National General Assembly and to Local Government NSW to be voted on at the LGNSW Annual Conference in October 2022.			
3. That the motion be sent to our local Federal Member Mark Coulton and the Minister for Climate Change Chris Bowen.			
4. That the motion is as follows: That this National General Assembly/Local Government NSW calls on the Australian Government to legislate that at least 50% of renewable energy is generated in the capital cities of Australia and at least 75% of that is produced in Sydney and Melbourne.			
CARRIED			
15 Jul 2022 5:23pm Bartlett, Leisa			
Motion will be submitted to the LGNSW Conference along with other motions to be resolved by Council at the July Council Meeting.			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Bartlett, Leisa Nankivell, Jay	Health and Building Committee Reports	BROKEN HILL LEAD REFERENCE GROUP MINUTES OF MEETING 24 FEBRUARY 2022
Resolved			

For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee: Ordinary Council	Date To: 19/07/2022
	Officer: Including Further Reports	Printed: Tuesday, 19 July 2022
	Further Report Required: Including Further Reports	3:10:38 PM

1. That Broken Hill City Council Report No. 134/22 dated May 19, 2022, be received.
2. That Council writes to the appropriate Federal and State Ministers and the State and Local Members regarding Council's concerns that IPART's determination of the allowable water price increase may impact on the Broken Hill community's blood lead levels; as the price increase will make it unviable for many residents to maintain lawns, gardens and appropriate dust mitigation measures and Council's concerns that NSW Health is not doing enough for the community to reduce blood lead levels in children, when compared to other cities in Australia, and the funding they receive; and that Council's correspondence requests ongoing permanent funding for lead prevention programs and blood lead level testing.

CARRIED UNANIMOUSLY

15 Jul 2022 5:22pm Bartlett, Leisa
Letters being drafted.

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Nu'man, Razija Nankivell, Jay	Policy And General Reports	ADOPTION OF THE COMMUNITY STRATEGIC PLAN - YOUR BROKEN HILL 2040
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 140/22 dated June 2, 2022, be received. 2. That Council notes that as per Minute Number 46816, the Draft Community Strategic Plan – Your Broken Hill 2040 was placed on public exhibition for a 28-day period concluding 31 May 2022 during which time Council received four written submissions from members of the public and recorded several matters raised during community engagement pop up sessions undertaken by Council staff during the exhibition period. 3. That Council endorses the amendments and inclusions made to the Draft Community Strategic Plan – “Your Broken Hill 2040”, identified from written submissions and public feedback received. 4. That the Draft Community Strategic Plan – “Your Broken Hill 2040” be adopted. 5. That the adopted Community Strategic Plan be placed on Council's website. 			
CARRIED UNANIMOUSLY			
<p>15 Jul 2022 5:35pm Bartlett, Leisa Plan adopted and published on Council's website. , COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Nu'man, Razija Nankivell, Jay	Policy And General Reports	ADOPTION OF THE DISABILITY INCLUSION ACTION PLAN 2022- 2026
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 141/22 dated June 2, 2022, be received. 2. That Council notes that as per Minute Number 46817, the Draft Disability Inclusion Action Plan 2022-2026 was placed on public exhibition for a 28-day period concluding 31 May 2022 during which time Council received nil submissions from members of the public. 3. That Council adopts the Draft Disability Inclusion Action Plan 2022-2026 as a Strategic Plan of Council. 			
CARRIED UNANIMOUSLY			
<p>15 Jul 2022 5:35pm Bartlett, Leisa</p>			

For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee: Ordinary Council	Date To: 19/07/2022
	Officer: Including Further Reports	Printed: Tuesday, 19 July 2022
	Further Report Required:	3:10:38 PM

Plan adopted and published on Council's website. , COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Bartlett, Leisa Nankivell, Jay	Policy And General Reports	ADOPTION OF THE DRAFT DEBT RECOVERY POLICY
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 142/22 dated May 3, 2022, be received. 2. That Council notes that as per Minute Number 46820, the Draft Debt Recovery Policy was placed on public exhibition for a 28 day period concluding 31 May 2022 during which time Council received nil submissions from members of the public. 3. That Council adopts the Draft Debt Recovery Policy as a Policy of Council which will render the 2017 Debt Recovery Policy obsolete. 			
CARRIED UNANIMOUSLY			
12 Jul 2022 2:02pm Bartlett, Leisa All processes undertaken to adopt policy. , COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Bartlett, Leisa Nankivell, Jay	Policy And General Reports	ADOPTION OF DRAFT EQUAL EMPLOYMENT OPPORTUNITY POLICY
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 143/22 dated June 2, 2022, be received. 2. That Council adopts the Draft Equal Employment Opportunity Policy as a Policy of Council. 3. That Council notes that adoption of the Draft Equal Employment Opportunity Policy will render the 2009 Equal Employment Opportunity Policy obsolete. 			
CARRIED UNANIMOUSLY			
15 Jul 2022 5:20pm Bartlett, Leisa All processes undertaken to adopt new Policy. , COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Bartlett, Leisa Nankivell, Jay	Policy And General Reports	COMMUNITY ASSISTANCE GRANTS AWARDED FOR ROUND ONE OF 2022/2023
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 144/22 dated June 2, 2022, be received. 2. That Council notes the Community Assistance Grants awarded for Round One of 2022/2023 which were recommended by the Panel on 31 May 2022 and approved by the General Manager on 2 June 2022 under delegation. 3. That Council notes the additional Community Assistance Grant recommended by the General Manager in addition to the Panel's recommendation to represent the full allocation of round one funds. 4. That a report be presented to the July Policy and General Committee Meeting regarding the process of the Community Assistance Grants Program. 			

For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee: Officer:	Date To: 19/07/2022
	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

5. That the condition placed on the grant awarded to Lee's International Taekwondo Australia Inc (to provide a COVID Safety Plan for use of the training equipment purchased with Council's grant), be removed.

CARRIED UNANIMOUSLY

15 Jul 2022 5:28pm Bartlett, Leisa

Community Assistance Grants have been awarded and Lee's International Taekwondo Australia advised of the removal of the condition on the grant. Report to July Policy and General Committee regarding the Community Assistance Grants processes., COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Bartlett, Leisa Nankivell, Jay	Policy And General Reports	MATTER OF URGENCY RAISED AT THE JUNE POLICY AND GENERAL COMMITTEE MEETING - COUNCIL'S SUBMISSION TO THE NSW DEPARTMENT OF PLANNING AND ENVIRONMENT REGARDING THE DRAFT WESTERN REGIONAL WATER STRATEGY
Resolved			
<p>1. That Councillors Report No. /22 dated June 16, 2022, be received.</p> <p>2. That Council invites Central Darling Shire Council to forward a joint submission to the NSW Department of Planning and Environment regarding the Draft Western Regional Water Strategy objecting to the proposed critical dry condition trigger level of 195 GL for Menindee Lakes total storage capacity for implementing temporary water restrictions (once this trigger is reached there would be no releases beyond the minimum flow requirements from lakes Wetherell, Pamamaroo, Menindee, Cawndilla and Tandure).</p> <p>3. That Council delegates authority to the Mayor, Councillor Browne and the General Manager to formulate Council's submission and forward said submission to the Department of Planning and Environment by the closing date of 13 July 2022.</p>			
CARRIED UNANIMOUSLY			
<p>15 Jul 2022 5:26pm Bartlett, Leisa</p> <p>Joint Submission with Central Darling Shire Council and Wentworth Shire Council was submitted on 12 July 2022. A copy of the submission has been uploaded to the HUB., COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Bartlett, Leisa Nankivell, Jay	Further Reports	COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE TO BE HELD IN THE HUNTER VALLEY 23 -25 OCTOBER 2022
Resolved			
<p>1. That Broken Hill City Council Report No. 146/22 dated June 20, 2022, be received.</p> <p>2. That Deputy Mayor Hickey and Councillor Gallagher attend the Local Government NSW Annual Conference to be held in the Hunter Valley 23-25 October 2022 as Council's Voting Delegates.</p> <p>3. That Council advises Local Government NSW by 5pm on Monday 10 October 2022 of its Voting Delegates to the Conference.</p> <p>4. That Council notes that the following motion from the 30 March 2022 Council Meeting (Minute Number 46797) will be submitted once motions open on 4 July 2022 and determine any further motions to the Conference in-line with the criteria for motions.</p> <p><i>"...That the motion be resubmitted as follows: That Local Government NSW calls on the Premier of NSW and the Minister for Local Government to ban Developers only from serving as Councillors.</i></p> <p><i>That it is noted that BHCC supports the rights of all to represent Local Government if they meet the current Legislative requirements..."</i></p>			

For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee: Officer:	Date To: 19/07/2022
	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

5. That Council notes that as per the Policy and General Committee's meeting with representatives of Local Government NSW, the General Manager and CEO of Local Government NSW are liaising to formulate additional motions and these motions will be presented to the July 2022 Policy and General Committee for recommendation to the July 2022 Council Meeting for adoption.
6. That motions along with the accompanying Council resolution be submitted once motions open on 4 July 2022 and prior to the closing date of 29 August 2022.

CARRIED UNANIMOUSLY

12 Jul 2022 2:03pm Bartlett, Leisa
Travel arrangements being organised., COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Nu'man, Razija	Further Reports	DRAFT DELIVERY PROGRAM 2022-2026 INCORPORATING DRAFT OPERATIONAL PLAN 2022/2023, INCLUSIVE OF THE STATEMENT OF REVENUE POLICY AND DRAFT SCHEDULE OF FEES AND CHARGES 2022/2023
	Nankivell, Jay		

Resolved

1. That Broken Hill City Council Report No. 148/22 dated June 23, 2022, be received.
2. That Council notes that the Draft Delivery Program 2022-2026 incorporating the Draft Operational Plan 2022/2023, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2022/2023 was placed on public exhibition for 28 days closing at midnight on Wednesday 22 June 2022 (as per Minute No. 46851 and 46861) during which time Council received 2 written submissions from the public as well as 8 pieces of feedback from the community at popup public engagement sessions held at the Library, Town Square and Patton Park.
3. That Council notes and approves the following further amendments to the Draft Delivery Program 2022-2026 incorporating the Draft Operational Plan 2022/2023, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2022/2023, as a result of the submissions received:
 - a) An ongoing landing fee waiver for charity 'Little Wings' who provide flights for children to attend medical appointments.
 - b) An ongoing landing fee waiver for charity 'Angel Flights' who provide flights for children to attend medical appointments as resolved at the Ordinary Council Meeting held 27 July 2011 (Minute Number 42936).
 - c) That Council approve the write off of \$18 including GST for a landing fee charged on 16/3/2022 for Little Wings.
4. That Council adopts the Draft Delivery Program 2022-2026 incorporating the Draft Operational Plan 2022/2023, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2022/2023.
5. That Council make and levy the following rates and charges under the Local Government Act 1993 for the 2021/2022 year:
 - i. A general residential rate under Sections 535 and 537 on all land categorised as residential and consisting of a 49.00% base rate of \$550.00 and a rate in the dollar on land value of 3.312683 cents;
 - ii. A rural-residential rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as rural-residential and consisting of a 49.00% base rate of \$528.00 and a rate in the dollar on land value of 0.488712 cents;

For Action	Division: Ordinary Council	Date From: 1/04/2018
Action Sheets Report	Committee: Officer:	Date To: 19/07/2022
	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

- iii. A residential-1(a) rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as residential-1(a) and consisting of a 49.00% base rate of \$377.00 and a rate in the dollar on land value of 1.040669 cents;
 - iv. A general business rate under Sections 535 and 537 on all land categorised as business and consisting of a 15.00% base rate of \$786 and a rate in the dollar on land value of 9.083144 cents;
 - v. A Business Industrial rate being a sub-category of the general business rate under Sections 535 and 537 on all land categorised as business industrial and consisting of a 15.00% base rate of \$1540 and a rate in the dollar on land value of 4.888147 cents;
 - vi. A mixed development business rate under Sections 535 and 537 on all land categorised as mixed development business and consisting of a 21.00% base rate of \$786 and a rate in the dollar on land value of 9.083144 cents;
 - vii. A mixed development residual rate under Sections 535 and 537 on all land categorised as mixed development residual and consisting of a 44.00% base rate of \$544.00 and a rate in the dollar on land value of 2.305963 cents;
 - viii. A general mine rate under Sections 535 and 537 on all land categorised as mining and consisting of a nil base rate and a rate in the dollar on land value of 11.278683 cents;
 - ix. A domestic waste management charge under Section 496 on each parcel of rateable residential land of \$53.00 per annum payable quarterly for domestic waste service available plus a user charge under Section 502 of \$301.00 per annum payable quarterly (one mobile garbage container only).
 - x. A commercial waste user charge under Section 502 of \$447.00 per annum payable quarterly (3 x MGB containers),
 - xi. A commercial waste user charge under Section 502 of \$411.00 per annum payable quarterly (1x600l bin only),
 - xii. An additional MGB service user charge under Section 502 of \$159.00 per annum payable quarterly.
 - xiii. That in accordance with Section 566(3) of the Local Government Act, 1993, Council adopts a 6% rate of interest charge payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023.
6. That Council approve the increase of Waste vouchers supplied to residents from 5 to 8, and the ability of ratepayers holding a valid pension or disability pension concession to apply for extra vouchers.
 7. That Council notes that submissions received from Perilya Ltd and CBH Resources Ltd on 29 June 2022 were circulated to Councillors; and Council noted the General Manager's response to the matters raised in the submissions for Councillors consideration.

CARRIED UNANIMOUSLY

15 Jul 2022 5:34pm Bartlett, Leisa

Strategic Plans adopted and published on Council's website. , COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Nu'man, Razija Nankivell, Jay	Further Reports	ADOPTION OF THE DRAFT LONG TERM FINANCIAL PLAN 2023-2032
Resolved			
1. That Broken Hill City Council Report No. 149/22 dated June 23, 2022, be received.			

For Action	Division: Ordinary Council	Date From: 1/04/2018
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2. That Council notes that as per Minute Number 46852, the Draft Long Term Financial Plan 2023-2032 was placed on public exhibition for a 28 day period concluding 22 June 2022 during which time Council received nil submissions from members of the public.
3. That Council adopts the Balanced Scenario (as detailed in the report) to be incorporated into the Draft Long Term Financial Plan 2023-2032.
4. That Council adopts the Draft Long Term Financial Plan 2023-2032 Strategic Plan of Council.

CARRIED UNANIMOUSLY

15 Jul 2022 5:35pm Bartlett, Leisa

Plan adopted and published on Council's website., COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Deery, Casey Nankivell, Jay	Further Reports	ADOPTION OF THE WORKFORCE MANAGEMENT STRATEGY 2022-2026
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 150/22 dated June 23, 2022, be received. 2. That Council notes that the Draft Workforce Management Strategy 2022-2026 was placed on public exhibition (as per Minute No. 46853) for a period of 28 days concluding 22 June 2022 during which time Council received nil submissions from the public. 3. That Council adopts the Draft Workforce Management Strategy 2022-2026 and a Strategic Plan of Council and notes that its adoption will render the previous Workforce Management Plan 2017 obsolete. 			
CARRIED UNANIMOUSLY			
15 Jul 2022 5:32pm Bartlett, Leisa			
Strategy adopted and published on Council's website., COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Bartlett, Leisa Nankivell, Jay	Further Reports	NOMINATIONS FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 COMMUNITY COMMITTEES
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 152/22 dated June 23, 2022, be received. 2. That Council appoints Mr Neil Jeyasingam, Ms Julua Hamel and Ms Melanie Chynoweth as community representatives on the Ageing Well Advisory Committee. 3. That Council appoints Ms Robynne Sanderson as a community representative on the BIU Band Hall Community Committee. 4. That Council appoints Mr Andrew Gosling as a community representative on the Broken Hill City Art Gallery Advisory Group and notes that this Committee has reached full membership. 5. That Council appoints Ms Sharon Hocking, Mr Peter Beven as community representatives on the Broken Hill Community Strategic Plan Round Table Committee. 6. That Council appoints Mr Clifford Turley, Mr Gary Cook and Mr Andrew Gosling as community representatives on the Broken Hill Heritage Advisory Committee and notes that the Committee has reached full membership. 7. That Council notes the resignation of Ms Jo Crase from the Broken Hill Heritage Advisory Committee. 			

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8. That Council appoints Mr Alan Titcombe as a community representative on the Memorial Oval Community Committee.
9. That Council appoints Mr Peter Johnston and Mr Colin Casey as community representatives on the Norm Fox Sporting Complex Community Committee.
10. That Council appoints Mr Noel Hannigan as a community representative on the Picton Oval Community Committee.
11. That Council appoints Ms Julie Matthews and Mr Paul Riccard as community representatives on the Riddiford Arboretum Community Committee.
12. That the community representatives be advised of their appointment and advice also be sent to the Councillor Delegates/Chairpersons of Committees.
13. That Council notes that the current round of advertising closed on 22 June 2022 and Council will continue to advertise on social media and in the Barrier Truth for nominations for specific committees that have not yet achieved an adequate number of community representatives.

CARRIED UNANIMOUSLY

15 Jul 2022 5:19pm Bartlett, Leisa

All process complete to appoint new community representatives to S355 Committees., COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Nieuwoudt, Kobus Nankivell, Jay	Confidential Matters	LICENCE OF STURT PARK (CROWN RESERVE 1003026)
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 137/22 dated May 30, 2022, be received. 2. That Broken Hill City Council issue a 12-month licence to Megan Cumming, for use of Reserve 1003026 (Sturt Park) with the purpose of 'sporting and organised recreational activities'. 3. That the annual rent be the minimum Crown Lands rental, currently \$535 per annum. 4. That the Mayor and General Manager be authorised to sign and execute any documents relating to the licence under the Common Seal of Council. 			
CARRIED			
18 Jul 2022 3:09pm Guerin, Emily			
Renewal of licence no longer required - No further action required. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Brown, Simon Nankivell, Jay	Further Reports	DRAFT DELIVERY PROGRAM 2022-2026 INCORPORATING DRAFT OPERATIONAL PLAN 2022/2023, INCLUSIVE OF THE STATEMENT OF REVENUE POLICY AND DRAFT SCHEDULE OF FEES AND CHARGES 2022/2023
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 148/22 dated June 23, 2022, be received. 2. That Council notes that the Draft Delivery Program 2022-2026 incorporating the Draft Operational Plan 2022/2023, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2022/2023 was placed on public exhibition for 28 days closing at midnight on Wednesday 22 June 2022 (as per Minute No. 46851 and 			

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Action Sheets Report	Further Report Required: Including Further Reports	Printed: Tuesday, 19 July 2022 3:10:38 PM

46861) during which time Council received 2 written submissions from the public as well as 8 pieces of feedback from the community at popup public engagement sessions held at the Library, Town Square and Patton Park.

3. That Council notes and approves the following further amendments to the Draft Delivery Program 2022-2026 incorporating the Draft Operational Plan 2022/2023, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2022/2023, as a result of the submissions received:

- a) An ongoing landing fee waiver for charity 'Little Wings' who provide flights for children to attend medical appointments.
- b) An ongoing landing fee waiver for charity 'Angel Flights' who provide flights for children to attend medical appointments as resolved at the Ordinary Council Meeting held 27 July 2011 (Minute Number 42936).
- c) That Council approve the write off of \$18 including GST for a landing fee charged on 16/3/2022 for Little Wings.

4. That Council adopts the Draft Delivery Program 2022-2026 incorporating the Draft Operational Plan 2022/2023, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2022/2023.

5. That Council make and levy the following rates and charges under the Local Government Act 1993 for the 2021/2022 year:

- i. A general residential rate under Sections 535 and 537 on all land categorised as residential and consisting of a 49.00% base rate of \$550.00 and a rate in the dollar on land value of 3.312683 cents;
- ii. A rural-residential rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as rural-residential and consisting of a 49.00% base rate of \$528.00 and a rate in the dollar on land value of 0.488712 cents;
- iii. A residential-1(a) rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as residential-1(a) and consisting of a 49.00% base rate of \$377.00 and a rate in the dollar on land value of 1.040669 cents;
- iv. A general business rate under Sections 535 and 537 on all land categorised as business and consisting of a 15.00% base rate of \$786 and a rate in the dollar on land value of 9.083144 cents;
- v. A Business Industrial rate being a sub-category of the general business rate under Sections 535 and 537 on all land categorised as business industrial and consisting of a 15.00% base rate of \$1540 and a rate in the dollar on land value of 4.888147 cents;
- vi. A mixed development business rate under Sections 535 and 537 on all land categorised as mixed development business and consisting of a 21.00% base rate of \$786 and a rate in the dollar on land value of 9.083144 cents;
- vii. A mixed development residual rate under Sections 535 and 537 on all land categorised as mixed development residual and consisting of a 44.00% base rate of \$544.00 and a rate in the dollar on land value of 2.305963 cents;
- viii. A general mine rate under Sections 535 and 537 on all land categorised as mining and consisting of a nil base rate and a rate in the dollar on land value of 11.278683 cents;
- ix. A domestic waste management charge under Section 496 on each parcel of rateable residential land of \$53.00 per annum payable quarterly for domestic waste service available plus a user charge under Section 502 of \$301.00 per annum payable quarterly (one mobile garbage container only).
- x. A commercial waste user charge under Section 502 of \$447.00 per annum payable quarterly (3 x MGB containers),

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- xi. A commercial waste user charge under Section 502 of \$411.00 per annum payable quarterly (1x600l bin only),
- xii. An additional MGB service user charge under Section 502 of \$159.00 per annum payable quarterly.
- xiii. That in accordance with Section 566(3) of the Local Government Act, 1993, Council adopts a 6% rate of interest charge payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023.

- 6. That Council approve the increase of Waste vouchers supplied to residents from 5 to 8, and the ability of ratepayers holding a valid pension or disability pension concession to apply for extra vouchers.
- 7. That Council notes that submissions received from Perilya Ltd and CBH Resources Ltd on 29 June 2022 were circulated to Councillors; and Council noted the General Manager's response to the matters raised in the submissions for Councillors consideration.

CARRIED UNANIMOUSLY

15 Jul 2022 5:30pm Bartlett, Leisa

Strategic Plans adopted and published on Council's website., COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Brown, Simon Nankivell, Jay	Further Reports	ADOPTION OF THE DRAFT LONG TERM FINANCIAL PLAN 2023-2032

Resolved

- 1. That Broken Hill City Council Report No. 149/22 dated June 23, 2022, be received.
- 2. That Council notes that as per Minute Number 46852, the Draft Long Term Financial Plan 2023-2032 was placed on public exhibition for a 28 day period concluding 22 June 2022 during which time Council received nil submissions from members of the public.
- 3. That Council adopts the Balanced Scenario (as detailed in the report) to be incorporated into the Draft Long Term Financial Plan 2023-2032.
- 4. That Council adopts the Draft Long Term Financial Plan 2023-2032 Strategic Plan of Council.

CARRIED UNANIMOUSLY

15 Jul 2022 5:30pm Bartlett, Leisa

Plan adopted and published on Council's website., COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/06/2022	Nu'man, Razija Nankivell, Jay	Further Reports	ADOPTION OF THE WORKFORCE MANAGEMENT STRATEGY 2022-2026

Resolved

- 1. That Broken Hill City Council Report No. 150/22 dated June 23, 2022, be received.
- 2. That Council notes that the Draft Workforce Management Strategy 2022-2026 was placed on public exhibition (as per Minute No. 46853) for a period of 28 days concluding 22 June 2022 during which time Council received nil submissions from the public.
- 3. That Council adopts the Draft Workforce Management Strategy 2022-2026 and a Strategic Plan of Council and notes that its adoption will render the previous Workforce Management Plan 2017 obsolete.

CARRIED UNANIMOUSLY

For Action	Division:	Ordinary Council	Date From:	1/04/2018
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	Officer:			
Action Sheets Report	Further Report Required:	Including Further Reports	Printed:	Tuesday, 19 July 2022 3:10:38 PM

15 Jul 2022 5:32pm Bartlett, Leisa
Strategy adopted and published on Council's website., COMPLETE

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETINGS

1. QUESTIONS ON NOTICE NO. 6/22 - DATED JULY 06, 2022 - PUBLIC FORUM
QUESTIONS TAKEN ON NOTICE AT THE JUNE 2022 ORDINARY COUNCIL
MEETING (D22/35301) 290
2. QUESTIONS ON NOTICE NO. 7/22 - DATED JULY 06, 2022 - COUNCILLOR
QUESTIONS TAKEN ON NOTICE AT THE JUNE 2022 ORDINARY COUNCIL
MEETING (D22/35313) 293

ORDINARY MEETING OF THE COUNCIL

July 6, 2022

ITEM 1QUESTIONS ON NOTICE NO. 6/22

SUBJECT: PUBLIC FORUM QUESTIONS TAKEN ON NOTICE AT THE JUNE 2022 ORDINARY COUNCIL MEETING D22/35301

Summary

The report provides responses to questions raised by members of the public which the Mayor and/or General Manager took on notice during the Public Forum Sessions held as part of the June 2022 Council Meeting.

Recommendation

1. That Questions On Notice No. 6/22 dated July 6, 2022, be received.

Background

Following are the responses to questions raised by members of the public which the Mayor and/or General Manager took on notice at the June 2022 Council Meeting.

Question:	<p><u>Eureka Shorty O'Neil Village</u> <i>Ms Marg Pryor advised of rental increases at the Eureka Shorty O'Neil Village and the impact of these increases on residents of the Village. Ms Pryor asked if there was anything that Council could do to assist the residents?</i></p> <p>The Mayor advised that Council would look into the matter and provide an update at the next Council Meeting.</p>
Response:	<p>As reported in the Barrier Truth's Wednesday 20 July 2022 edition, residents at the Eureka Shorty O'Neil Village have received a rental increase of \$50.00 per week with the increase to commence from 29 July 2022. The article explains that the management sympathises with residents and confirms that the rent was increased only as much as was necessary to manage increased expenditures and to ensure that the Shorty O'Neil complex remains profitable for the benefit of resident. This increase is to cover increases in rates and water charges, a dedicated passionate village manager, a community room with social activities and events and general maintenance for the entire facility; and that to continue to provide the same level of comfort and service, the rental increase is necessary. The article also mentions that a tenant would be paying a higher amount of rent for either a private dwelling or for a similar complex elsewhere in Australia.</p> <p>A copy of the full article is attached to this report.</p>

Attachments

1. [↓](#) Barrier Truth Article, Wednesday 20 July 2022

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

Barrier Truth, Wednesday 20 July 2022

Vulnerable residents dealt a fresh blow with rent increase

DYLAN J. STONE

THE residents of Shorty O'Neil Village are the latest tenants to be served with a rent increase, which will commence on 29 July 2022. Residents of Shorty O'Neil have confirmed a rent increase of one hundred dollars a fortnight has been confirmed in a letter from Eureka Villages, who manage the Shorty O'Neil Village complex.

One resident, who preferred not to be named, said this rent increase would significantly strain their budget. "Fifty dollars a week is a lot of money, especially when the cost of other things such as petrol, food and groceries has also increased at a much higher rate than my pension," the resident said. "This will make it very difficult to get ahead and to save, as more of my pension is now going straight to my rent."

Cameron Taylor, CEO of Eureka Villages, sympathises with the residents of Shorty O'Neil and has confirmed Eureka have only increased the rent as much as necessary to manage increased expenditures and to ensure the Shorty O'Neil complex remains profitable for the benefit of residents.

Cameron comments that "it's always difficult to increase rental repayments, especially when we know that residents are feeling the pinch." However, the rental increases, according to Cameron, "include rates and water charges, a dedicated and passionate village manager, a community room with social activities and events and general maintenance for the entire facility."

In a letter provided to the tenants, Eureka comments that 'as a local community, we strive to ensure your apartment is comfortable to proudly call your home and you have access to all the comforts of home.' Cameron notes that to continue to



The Shorty O'Neil Village has served a rent increase to its residents.

PICTURE: PRISCILLA McINTOSH

provide this level of comfort and service, a rent increase is necessary. Cameron comments that 'a rental repayment of \$250 a week is a lot of money, but on the basis of the benefits that are provided to residents of Shorty O'Neil, a tenant would be paying a higher amount of rent for either a private dwelling or for a similar complex elsewhere throughout Australia.'

For the residents of Shorty O'Neil, though, the need to now budget an additional fifty dollars a week will be challenging, particularly due to the rising cost of other expenses. It is helpful that many household bills are included in this rental arrangement, but nonetheless, this is cold comfort to those who are living pay-to-pay. In this economy, it is clear there are no

winners. Residents of Shorty O'Neil now need to budget for a significant increase in their weekly expenditure and Eureka must continue to provide tenancy to residents at a lower rate than they would be elsewhere throughout Australia. Both parties understand the challenges of the current economy and both parties are doing their best simply to make ends meet.

ORDINARY MEETING OF THE COUNCIL

July 6, 2022

ITEM 2QUESTIONS ON NOTICE NO. 7/22

SUBJECT: COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE JUNE 2022 ORDINARY COUNCIL MEETING D22/35313

Summary

The report provides responses to questions raised by Councillors during the June 2022 Council Meeting, which were taken on notice.

Recommendation

1. That Questions On Notice No. 7/22 dated July 6, 2022, be received.

Background

Following are the responses to questions raised by Councillors which the Mayor and/or General Manager took on notice at the June 2022 Council Meeting.

Question:	<p><u>FROM ITEM 15 - Correspondence Report - NSW Government's budget announcement of \$5 billion to address affordable childcare across NSW</u></p> <p><i>The General Manager took a question on notice from Councillor Turley regarding the progress of the Development Application that has been lodged with Council for the construction of a Childcare Centre in Broken Hill. The General Manager advised that he will circulate a response to Councillors via email.</i></p>
Response:	<p>The following response emailed to Councillors on 8 July 2022:</p> <p>A DA for a new childcare centre at 276-278 Clarke Street was approved in November 2021.</p> <p>It is noted that under the legislation they have 5 years to commence works, and no application has been submitted to Council for a Construction Certificate, so at this stage no works are planned to commence.</p> <p>The group who submitted the DA are listing the Centre as 'for sale' online: https://childcaredevelopments.com.au/centres-for-sale/.</p> <p>Staff have followed up with this group for further details and whether they have had any interest in the property. Once a response is received, it will be circulated to Councillors.</p>
Question:	<p><u>Financial Support for the Silver City Show Committee</u></p> <p><i>Councillor Page requested that a report be provided to Council regarding financial to the Silver City Show Committee for the next two years.</i></p>

	The Mayor advised Councillor Page to liaise with the General Manager regarding the request.
Response:	A separate report is presented to the Ordinary Council Meeting held 27 July 2022.

Attachments

There are no attachments for this report

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

CONFIDENTIAL MATTERS

1. BROKEN HILL CITY COUNCIL REPORT NO. 167/22 - DATED JUNE 22, 2022 - WILLYAMA COMMON TRUST LEASE TO SILVER CITY ARCHERS - **CONFIDENTIAL**

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

2. BROKEN HILL CITY COUNCIL REPORT NO. 175/22 - DATED JULY 14, 2022 - T22/3 REQUEST FOR TENDER - PROJECT MANAGEMENT SERVICES FOR THE BROKEN HILL LIBRARY AND ARCHIVES - **CONFIDENTIAL**

(General Manager's Note: This report considers T22/3 - Request for Tender - Project Management Services for the Broken Hill Library and Archives 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).

3. BROKEN HILL CITY COUNCIL REPORT NO. 164/22 - DATED APRIL 28, 2022 - SALE OF LAND FOR UNPAID RATES - **CONFIDENTIAL**

(General Manager's Note: This report considers Sale of Land for Unpaid Rates and is deemed confidential under Section 10A(2) (b) of the Local Government Act, 1993 which contains matters that will involve the discussion of the personal hardship of any resident or rate payer).



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