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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
DECEMBER 21, 2022

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Meeting commenced at 6:30pm.

**PRESENT:**

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

General Manager, Chief Assets and Projects Officer, Chief Financial Officer,  
Manager Communications and Marketing, Executive Officer and Executive  
Assistants.

Media (2), Members of the Public (4)

**APOLOGIES:**

Councillor H. Jewitt.

**RESOLUTION**

Minute No. 47065

Councillor D Gallagher moved )

Councillor D Turley seconded )

**Resolved**

That the apology submitted on behalf of  
Councillor Jewitt be accepted.

CARRIED UNANIMOUSLY

**LEAVE OF ABSENCE:** Councillor B. Algate submitted a leave of absence application and provided  
the reason "*holiday – absent 21 December 2022*".

**RESOLUTION**

Minute No. 47066

Deputy Mayor J Hickey moved )

Councillor A Chandler seconded )

**Resolved**

That the application be received and a leave of  
absence for this meeting be granted to  
Councillor Algate.

CARRIED UNANIMOUSLY

**PRAYER**

Councillor Boland delivered the prayer.

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country.

**ACKNOWLEDGEMENT OF BROKEN HILL'S MINING HISTORY**

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

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## PUBLIC FORUM

### Sealing of the Silver City Highway

*Mr Peter Beven presented Council with a Transport for NSW commemorative booklet and a piece of the ribbon that was cut at an official function held in Tibooburra on 14 December 2022 to celebrate the opening of the newly sealed section of the Silver City Highway from Tibooburra to Warri Gate at the Queensland border.*

*Mr Beven attended the official opening and voiced his disappointment that the occasion was not covered by the local ABC or the Barrier Truth.*

*The official opening celebrated the significant achievement to provide a fully sealed highway connecting Victoria and Queensland via Tibooburra and Broken Hill with 100 kilometres of newly constructed highway of which its construction sustained approximately 60 jobs in the local community including trainees and apprentices.*

*Mr Beven spoke of the struggles of the mail contractor and other travellers over the years who braved the hazards of pot holes, wash outs, corrugations and running creeks when they traversed the Silver City Highway and thanked the many people, who along with him, advocated for the sealing of the highway. Mr Beven made mention of members of the Pastoralists Association of the West Darling, Former Local Member Mr Peter Black OAM, Engineer Mr Austin Morgan, Tibooburra resident Ms Mavis Jackson and pastoralist Mr John Elliott.*

*Mr Beven advised that there is now a renewed advocacy drive for further sealing into Queensland to create an inland highway linking Melbourne to Darwin, Perth to Brisbane and Adelaide to Cairns and the economic benefit that an increase in travellers and transport freight through Broken Hill will bring.*

The Mayor thanked Mr Beven for his tireless advocacy efforts over many years.

## MINUTES FOR CONFIRMATION

### RESOLUTION

Minute No. 47067

Councillor D Gallagher moved )  
Deputy Mayor J Hickey seconded )

### Resolved

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held November 30, 2022 be confirmed.

CARRIED UNANIMOUSLY

## DISCLOSURE OF INTEREST

Councillor Boland declared:

- a non-pecuniary interest in the Mayoral Minute contained in Supplementary Agenda No. 1 as he is the General Manager/Secretary Manager of the Broken Hill Musicians Club and advised that he will leave the Council Chambers whilst the item is considered.

## MAYORAL MINUTES

### ITEM 1 - VERBAL MAYORAL MINUTE - SEALING OF THE SILVER CITY HIGHWAY (MM18/22)

11/161

### RESOLUTION

Minute No. 47068

### Resolved

That Council liaise with Mr Peter Beven to

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Mayor T Kennedy moved )  
Councillor D Gallagher seconded ) formulate letters of appreciation to be sent to all  
involved in advocating for the sealing of the Silver  
City Highway.

CARRIED UNANIMOUSLY

**ITEM 2 – MAYORAL MINUTE NO. 17/22 – DATED DECEMBER 20, 2022 – GOVERNMENT'S  
PROPOSAL FOR MANDATORY CASHLESS GAMING CARDS** D22/67684

*Councillor Boland declared an interest in Item 2 and left the Council Chambers at 6:50pm.*

Mayor T Kennedy moved )  
Deputy Mayor J Hickey seconded )

1. That Mayoral Minute No. 17/22 dated December 20, 2022, be received.
2. That it be noted the support that the local Registered Clubs provide to the community of Broken Hill by way of grants, employment and services and congratulate them for that support.
3. That BHCC sends correspondence to the New South Wales State Premier, the New South Wales Leader of the National Party, the New South Wales Opposition Leader, our local MP Roy Butler and Minister Dugald Saunders stating that the BHCC does not support a mandatory cashless gaming card using the summary as reasons.

Amendment

Councillor M Browne moved )  
Councillor D Turley seconded )

1. That the Mayoral Minute be deferred pending the consideration of a further report regarding the social and economic impacts of gambling on the Broken Hill community.

LOST

The motion was put.

**RESOLUTION**

Minute No. 47069

Mayor T Kennedy moved )  
Deputy Mayor J Hickey seconded )

**Resolved**

1. That Mayoral Minute No. 17/22 dated December 20, 2022, be received.
2. That it be noted the support that the local Registered Clubs provide to the community of Broken Hill by way of grants, employment and services and congratulate them for that support.
3. That BHCC sends correspondence to the New South Wales State Premier, the New South Wales Leader of the National Party, the New South Wales Opposition Leader, our local MP Roy Butler and Minister Dugald

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Saunders stating that the BHCC does not support a mandatory cashless gaming card using the summary as reasons.

CARRIED

FOR: Mayor Tom Kennedy, Deputy Mayor Jim Hickey, Councillors Alan Chandler, Dave Gallagher and Ron Page  
AGAINST: Councillors Marion Browne and Darriea Turley

*Councillor Boland returned to the Council Chambers at 7:01pm. The Mayor advised Councillor Boland that the Mayoral Minute recommendation had been adopted*

### NOTICES OF MOTION

Nil.

### NOTICES OF RESCISSION

Nil.

### REPORTS FROM DELEGATES

**ITEM 3 - REPORTS FROM DELEGATES NO. 4/22 - DATED DECEMBER 12, 2022 - ATTENDANCE AT THE AUSTRALIAN CITIES MINING ALLIANCES CONFERENCE HELD IN KARRATHA 21-26 NOVEMBER 2022** D22/66090

**RESOLUTION**

Minute No. 47070

Deputy Mayor J Hickey moved )  
Councillor D Gallagher seconded )

**Resolved**

1. That Reports from Delegates No. 4/22 dated December 12, 2022, be received.
2. That Council approve the Deputy Mayor's attendance in Canberra during February 2023 as part of the Australian Cities Mining Alliance's Federal Advocacy efforts.

CARRIED UNANIMOUSLY

### COMMITTEE REPORTS

#### WORKS COMMITTEE

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 280/22 - DATED DECEMBER 06, 2022 - GYPSUM STREET TREE HEALTH ARBORIST REPORT** D22/64997

**RESOLUTION**

Minute No. 47071

Councillor R Page moved )  
Councillor D Gallagher seconded )

**Resolved**

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1. That Broken Hill City Council Report No. 280/22 dated December 6, 2022, be received.
2. That Council approve the removal and replacement of five (5) street trees located in Gypsum Street due to tree health concerns.

CARRIED UNANIMOUSLY

### HEALTH AND BUILDING COMMITTEE

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 275/22 - DATED DECEMBER 05, 2022 -**  
**GAARA ARTS INC - MEMORANDUM OF UNDERSTANDING** D22/64643

**RESOLUTION**

Minute No. 47072

Councillor A Chandler moved )  
Councillor D Turley seconded )

**Resolved**

- 1.. That Broken Hill City Council Report No. 275/22 dated December 5, 2022, be received.
2. That the General Manager in consultation with the Art Gallery Advisory Committee, drafts a Memorandum of Understanding (MOU) for discussion with Gaara Arts Inc., and provides a report back to Council for feedback on entering an MOU.
3. That the general terms and conditions of the MOU will include current general arrangements which are; that the gallery staff resource and install the artworks in appropriate gallery space; promote the exhibition through standard channels; that the Artist Gallery Agreement is signed and that the term of the MOU conclude December 2027 for further negotiation (permitting exhibitions in 2024 and 2026).

CARRIED UNANIMOUSLY

### POLICY AND GENERAL COMMITTEE

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 277/22 - DATED NOVEMBER 04, 2022 -**

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ADOPTION OF DRAFT BROKEN HILL ECONOMIC DEVELOPMENT STRATEGY

D22/51968

**RESOLUTION**

Minute No. 47073

Councillor M Boland moved )

Councillor D Gallagher seconded )

**Resolved**

1. That Broken Hill City Council Report No. 277/22 dated November 4, 2022, be received.
2. That Council notes that the Draft Broken Hill Economic Development Strategy 2022-2027 was placed on public exhibition closing 28 October 2022, during which time Council received three submissions from the public and the draft strategy amended accordingly.
3. That the Draft Broken Hill Economic Development Strategy be adopted as a Strategy of Council.

CARRIED UNANIMOUSLY

ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 278/22 - DATED DECEMBER 02, 2022 -  
BROKEN HILL ADVOCACY STRATEGY - REFRESHED

D22/64345

**RESOLUTION**

Minute No. 47074

Councillor M Browne moved )

Councillor D Turley seconded )

**Resolved**

1. That Broken Hill City Council Report No. 278/22 dated December 2, 2022, be received.
2. That prior to adoption the Advocacy Strategy be amended to:
  - a) remove reference to advocacy for the sealing of the Tibooburra Road (as sealing is complete).
  - b) include advocacy for the road sealing and regular maintenance of popular tourist regional routes and roads as well as key transport links interstate.
  - c) include advocacy for an increase in funding for lead remediation programs.
  - d) include advocacy to secure an affordable water supply for Broken Hill (government to fully subsidise the cost

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of the Wentworth to Broken Hill  
pipeline).

3. That Council adopt the refreshed Advocacy Strategy and that it become the centre piece of Broken Hill City Council's advocacy initiatives for the 2023 calendar year
4. That a further revision occur after the March 2023 State election to ensure priorities are aligned to any changes in State government direction and opportunities are maximised.
5. That the adopted Advocacy Strategy be forwarded to the relevant political parties contesting the 2023 NSW State Election, by way of an introduction to inform them of Council's advocacy direction in addressing key issues facing the City.

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 279/22 - DATED DECEMBER 02, 2022 -  
DRAFT AGENCY INFORMATION GUIDE** D22/64389

**RESOLUTION**

Minute No. 47075

Councillor D Turley moved )  
Councillor M Boland seconded )

**Resolved**

1. That Broken Hill City Council Report No. 279/22 dated December 2, 2022, be received.
2. That Council endorse the reviewed Draft Agency Information Guide for release to the Information Commissioner for its review and comment.

CARRIED UNANIMOUSLY

**FURTHER REPORTS**

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 282/22 - DATED DECEMBER 15, 2022 -  
COUNCIL'S DELEGATES TO THE LGNSW RURAL AND REGIONAL SUMMIT ON 20 FEBRUARY  
2023 AND THE COUNTRY MAYOR'S ASSOCIATION MEET THE LEADERS FORUM ON 21  
FEBRUARY 2023** D22/66850

**RESOLUTION**

**Resolved**

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Minute No. 47076

Councillor R Page moved )

Councillor D Gallagher seconded )

1. That Broken Hill City Council Report No. 282/22 dated December 15, 2022, be received.
2. That Council be represented by Mayor Kennedy, Deputy Mayor Hickey, Councillors Page, Gallagher, Chandler, Browne and Boland at the LGNSW Rural and Regional Summit in Sydney on 20 February 2023 and the Country Mayor's Association - Meet the Leaders Forum also held in Sydney on 21 February 2023.
3. That Councillors advise the Executive Support Team by Monday 16 January 2023 of any further interest in attending the abovementioned events.

CARRIED UNANIMOUSLY

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 273/22 - DATED DECEMBER 01, 2022 - ENOUGH SPACE FOR ALL SHAPES - EPHEMERAL YOUTH MURAL** D22/63801

**RESOLUTION**

**Resolved**

Minute No. 47077

Councillor R Page moved )

Councillor D Turley seconded )

1. That Broken Hill City Council Report No. 273/22 dated December 1, 2022, be received.
2. That Broken Hill City Council adopt and support the mural design for placement on large transportable boards to be displayed on the exterior of the Broken Hill Regional Art Gallery workshop
3. That Council note the corrected project costings
4. That Council note Broken Hill Aquatic Stingrays' interest in placing a mural on their clubrooms in Sturt Park in the future.

CARRIED UNANIMOUSLY

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 283/22 - DATED DECEMBER 07, 2022 - INVESTMENT REPORT FOR NOVEMBER 2022** D22/65384



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**RESOLUTION**

Minute No. 47078

Councillor M Boland moved )  
Councillor M Browne seconded )

**Resolved**

1. That Broken Hill City Council Report No. 283/22 dated December 7, 2022, be received.
2. That a report on Council's ongoing investment strategy be presented to the February Policy and General Committee.

CARRIED UNANIMOUSLY

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 284/22 - DATED DECEMBER 14, 2022 - ACTION LIST REPORT**

D22/66562

**RESOLUTION**

Minute No. 47079

Councillor D Gallagher moved )  
Councillor R Page seconded )

**Resolved**

1. That Broken Hill City Council Report No. 284/22 dated December 14, 2022, be received.

CARRIED UNANIMOUSLY

**QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING**

**ITEM 13 - QUESTIONS ON NOTICE NO. 14/22 - DATED DECEMBER 02, 2022 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE OCTOBER AND NOVEMBER 2022 ORDINARY COUNCIL MEETINGS**

D22/64381

**RESOLUTION**

Minute No. 47080

Councillor R Page moved )  
Councillor M Browne seconded )

**Resolved**

1. That Questions On Notice No. 14/22 dated December 2, 2022, be received.

CARRIED UNANIMOUSLY

*The Mayor accepted a motion regarding fruit fly in Broken Hill as an urgent matter.*

**ITEM 14 - FRUIT FLY IN BROKEN HILL (GB8/22)**

11/161

**RESOLUTION**

Minute No. 47081

Councillor R Page moved )  
Councillor M Browne seconded )

**Resolved**

That a report be presented to the February Committee Meetings outlining Council's advocacy efforts for the reinstatement of Broken Hill into the Sunraysia Fruit Fly Zone to assist the relevant agency to gain State funding for the introduction of fruit fly eradication programs in the Broken Hill region; and that the report also outlines options for future community fruit fly awareness campaigns.

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CARRIED UNANIMOUSLY

**ITEM 14 - QUESTIONS ON NOTICE NO. 15/22 - DATED DECEMBER 07, 2022 - PUBLIC FORUM**  
**QUESTIONS TAKEN ON NOTICE AT THE NOVEMBER 2022 ORDINARY COUNCIL MEETING**

D22/65125

**RESOLUTION**

Minute No. 47082

Deputy Mayor J Hickey moved  
Councillor M Browne seconded

**Resolved**

1. That Questions On Notice No. 15/22 dated  
December 7, 2022, be received.

CARRIED UNANIMOUSLY

**QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA**

Qantas Contract

*The General Manager took a question on notice from Councillor Turley regarding an update on Council's contract with Qantas.*

**PUBLIC FORUM**

Nil.

**RESOLUTION**

Minute No. 47083

Councillor R Page moved  
Councillor D Gallagher seconded

**Resolved**

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

CARRIED UNANIMOUSLY

*Members of the public and media left the Council Chambers at 7:34pm.*

**CONFIDENTIAL MATTERS**

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 281/22 - DATED DECEMBER 07, 2022 -**  
**T22/12 REQUEST FOR TENDER - BROKEN HILL LIBRARY AND ARCHIVES PROJECT -**  
**CONSTRUCTION - CONFIDENTIAL**

D22/65169

**(General Manager's Note:** This report considers a tender 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).

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**RESOLUTION**

Minute No. 47084

Councillor D Gallagher moved )  
Deputy Mayor J Hickey seconded )

**Resolved**

1. That Broken Hill City Council Report No. 281/22 dated December 7, 2022, be received.
2. That two (2) tenders were received and that both tenderers failed to meet the requirements of the tender, in terms of both technical (non-price) and price criteria.
3. That in accordance with NSW Local Government Regulation 2021 Div. 4, section 178 (3e), Council approve to enter direct negotiations with the preferred tenderer out of the two (2) tenderers being North Construction & Building Pty Ltd.
4. That subject to recommendation three, a further report be provided to Council following negotiation on a proposed way forward.

CARRIED UNANIMOUSLY

FOR: Mayor Tom Kennedy, Deputy Mayor Jim Hickey, Councillors Michael Boland, Marion Browne, Alan Chandler, Dave Gallagher, Ron Page and Darriea Turley  
AGAINST: Nil.

**RESOLUTION**

Minute No. 47085

Councillor D Turley moved )  
Councillor M Boland seconded )

**Resolved**

That the meeting resumes in open session.

CARRIED UNANIMOUSLY

*Members of the public and media returned to the Council Chambers at 7:39pm.*

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

There being no further business to consider, the Mayor wished all in attendance a Merry Christmas and Happy New Year and closed the meeting at 7:40pm.

THE FOREGOING MINUTES WERE READ )  
AND CONFIRMED AT THE ORDINARY )  
MEETING OF THE BROKEN HILL CITY )  
COUNCIL HELD ON TUESDAY 24 JANUARY 2023 )

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CHAIRPERSON