
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JANUARY 24, 2023

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 Financial Officer,
Manager Communications and Marketing, Executive Manager Growth and
Investment, Executive Officer and Executive Assistant.

Media (3), Members of the Public (7)

APOLOGIES:

Nil.

LEAVE OF ABSENCE

APPLICATIONS:

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

Nil.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 47086

Councillor D Gallagher moved
Councillor A Chandler seconded

)
)

Resolved

That the Minutes of the Ordinary Meeting of the
Council of the City of Broken Hill held December
21, 2022 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil.

MAYORAL MINUTES

The Mayor tabled two late Mayoral Minutes.

**ITEM 1 – LATE MAYORAL MINUTE - OFFICE OF LOCAL GOVERNMENT - REVIEW OF
THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT FOR NSW COUNCILS
(MM1/23)**

12/14

RESOLUTION

Minute No. 47087

Mayor T Kennedy moved)
Councillor R Page seconded)

1. That Mayoral Minute 1/23 dated 24 January 2023 be received.
2. That correspondence received from the Honorable Wendy Tuckerman MP dated 16 January 2023 be noted.
3. That Council note its disappointment in the response received from the Minister for Local Government regarding Council's concerns about the costs associated with Code of Conduct complaints.
4. That Council is particularly concerned by the following statement from the Minister "*While I acknowledge your concerns, I would note the most effective way for Councils to minimise their code of conduct costs is for Councillors to ensure they conduct themselves in a manner that is consistent with the ethical and behavioural standards prescribed under their council's code of conduct*".

It is wrong and offensive of the Minister to assume that a lodged Code of Conduct complaint means a breach from a Councillor and as can be read in the report from Gary Kellar the majority of complaints lodged are found to have no basis. There were 1074 complaints lodged by all councils in NSW in the past 3 year period and only 147 breaches were substantiated.

5. That Council reminds the Minister of the importance of procedural fairness, that a complaint does not automatically mean guilt and that many complaints are lodged for frivolous or vexatious purposes and often result in Councillors being found innocent of any breach, this was outlined in the report. Even though the vast majority has no basis it still costs the community dearly and causes immense stress and anxiety to Councillors and the Council as a whole. The Model Code of Conduct in its current form and the proposed new version will do nothing to reduce costs and will likely increase

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complaints that end up having no basis.

6. That correspondence be sent to Minister Wendy Tuckerman, Shadow Minister for Local Government Greg Warren, Minister Dugald Saunders, and MP Roy Butler again outlining Council's concerns about the Model Code of Conduct and the cost of frivolous, vexatious and minor complaints to the community.

CARRIED UNANIMOUSLY

ITEM 2 - LATE MAYORAL MINUTE - BROKEN HILL'S WATER SUPPLY (MM2/23)

11/426

RESOLUTION

Resolved

Minute No. 47088

Mayor T Kennedy moved)
Councillor D Gallagher seconded)

1. That Mayoral Minute 2/23 dated 24 January 2023 be received.
2. That correspondence be sent to Roy Butler MP and the appropriate Minister outlining the concerns that the Council and the community have about the quality of the City's water supply and why Stephens Creek reservoir is not being used to supply the City's water needs at this time.
3. That Council notes the response and the information given to the community by the management of Essential Water has been inadequate and has left many in the community concerned about the safety of the City's water supply.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

COMMITTEE REPORTS

Nil.

FURTHER REPORTS

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 1/23 - DATED DECEMBER 16, 2022 -
CORRESPONDENCE REPORT - REQUEST FOR FUNDING ASSISTANCE TOWARDS A CELL ON
WHEELS** D22/67166

RESOLUTION

Minute No. 47089

Deputy Mayor J Hickey moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 1/23 dated December 16, 2022, be received.
2. That correspondence dated 13 December 2022 from the Hon Michelle Rowlands, Minister for Communications regarding funding assistance towards a Cell-on-Wheels to be installed at the Broken Hill Racecourse and Regional Events Centre, be received and noted.
3. That reply correspondence be sent to the Minister for Communications, other relevant Ministers and Shadow Ministers and The Hon. Sam Faraway MLC, stressing the importance of adequate mobile phone coverage for the City and asking why, given the Federal budget of \$2.2 billion for regional connectivity including \$1.1 billion to implement the Better Connectivity Plan for Regional and Rural Australia, the government cannot provide funding for a temporary Cell-on-Wheels at the Broken Hill Racecourse and Regional Events Centre Reserve which is only a few kilometres outside the City limits of Broken Hill, during the construction phase of a permanent telecommunications tower by Telstra.
4. That the correspondence refers to the risks associated with the conduct of major community events at the Broken Hill Racecourse and Regional Events Centre Reserve. The major events being the annual St. Pat's Races and Silver City Races along with many private functions for weddings, engagements, birthdays, corporate functions and a section of the Reserve being utilised daily as campgrounds etc, and the associated risk for patrons due to a lack of mobile phone coverage should someone fall ill and require urgent medical attention; and that the correspondence also refers to the Reserve being a Crown Lands Reserve with a reminder of the State Government's obligation to ensure communications are available for users of the Reserve.

CARRIED UNANIMOUSLY

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**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 2/23 - DATED DECEMBER 21, 2022 -
CORRESPONDENCE REPORT - LEAD PREVENTION PROGRAMS AND BLOOD LEAD LEVEL
TESTING IN BROKEN HILL** D22/67816

RESOLUTION

Minute No. 47090

Councillor M Boland moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 2/23 dated December 21, 2022, be received.
2. That reply correspondence from the Hon James Griffin MP, Minister for Environment and Heritage dated 19 December 2022 welcoming the opportunity for Council to partner with the EPA and NSW Health, be received and noted.
3. That Council contacts Ms Jill Gallagher, Manager Priority Programs, EPA (as requested in the reply correspondence from the Minister for Environment and Heritage) to discuss partnering with EPA and NSW Health to develop future strategies for the provision of lead contamination prevention programs in the City.

CARRIED UNANIMOUSLY

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 3/23 - DATED DECEMBER 22, 2022 -
ALTERATION TO ORDINARY COUNCIL MEETING DATE FOR FEBRUARY 2023** D22/68179

RESOLUTION

Minute No. 47091

Councillor D Gallagher moved)
Councillor R Page seconded)

Resolved

1. That Broken Hill City Council Report No. 3/23 dated December 22, 2022, be received.
2. That Council's Ordinary Monthly Meeting for February 2023 be postponed by one week and held on Wednesday 1 March 2023 at 6:30pm.
3. That Council Meeting information on Council's website be updated accordingly and the new meeting date advertised.

CARRIED UNANIMOUSLY

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 4/23 - DATED JANUARY 16, 2023 - 2023
NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS** D23/1777

RESOLUTION

Minute No. 47092

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 4/23 dated January 16, 2023, be received.
2. That, Councillors provide the General Manager's Office with draft motions to the

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2023 National General Assembly of Local Government (that align with the Assembly's eligibility principles) prior to 10 February 2023 for inclusion in the February Council Meeting Business Paper for adoption by Council prior to submission to the Australian Local Government Association by March 24, 2023 along with a copy of the supporting Council resolution.

CARRIED UNANIMOUSLY

ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 5/23 - DATED DECEMBER 15, 2022 - VOLUNTEER HERITGE WALK TOUR DONATIONS 2022 D22/67079

RESOLUTION

Minute No. 47093

Councillor R Algate moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 5/23 dated December 15, 2022, be received.
2. That Council approves the donation of surplus funds of \$20,000.00 held in Council's Heritage Walk Tour Fund (donations collected by the Heritage Walk Tour volunteers), to the following local charities:

\$4,000.00 donation to the Far West Local Health Service Palliative Care Unit

\$4,000.00 donation to Silverlea Early Childhood Services

\$4,000.00 donation to the Bishop Fox Memorial Meal Centre

\$4,000.00 donation to the RSPCA Broken Hill

\$4,000.00 donation to the RFDS Broken Hill Women's Auxiliary.
3. That Council congratulates the Heritage Walk Tour Group volunteers for providing an excellent heritage tour experience for tourists over many years and in doing so, raising much needed funds for local charities.

CARRIED UNANIMOUSLY

ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 6/23 - DATED JANUARY 12, 2023 - INVESTMENT STRATEGY AND PORTFOLIO REVIEW FOR 2022/2023 FINANCIAL YEAR TO DATE D23/1439

RESOLUTION

Minute No. 47094

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 6/23 dated January 12, 2023, be received.

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2. That a Councillor Workshop is conducted on Council's Investment Strategy and Portfolio Review for 2022/2023.

CARRIED UNANIMOUSLY

ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 7/23 - DATED JANUARY 11, 2023 - INVESTMENT REPORT FOR DECEMBER 2022 D23/1238

RESOLUTION

Minute No. 47095

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 7/23 dated January 11, 2023, be received.

CARRIED UNANIMOUSLY

ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 8/23 - DATED JANUARY 16, 2023 - WAIVE SECTION 7.12 DEVELOPER CONTRIBUTION LEVY - MODIFIED DEVELOPMENT APPLICATION 6/2020 - LIBRARY AND ARCHIVE PROJECT D23/1863

RESOLUTION

Minute No. 47096

Councillor R Algate moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 8/23 dated January 16, 2023, be received.
2. That Council waive payment of the section 7.12 Contribution Levy relating to condition number 11 of Modified Development consent 6/2020 (determined on 15 December 2022) due to the proposed development being a community facility for the benefit of all citizens of Broken Hill.

CARRIED UNANIMOUSLY

ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 9/23 - DATED DECEMBER 19, 2022 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO. 431, HELD ON TUESDAY, 6 DECEMBER 2022 D22/67387

RESOLUTION

Minute No. 47097

Councillor M Browne moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 9/23 dated December 19, 2022, be received.
2. That the Minutes of the Local Traffic Committee Meeting No.431, held on Tuesday, 6 December 2022 be endorsed.
3. That Item No. 416.6.1 –
 - Council installs signage along Union Street in accordance with the signage concept plan developed.
 - That correspondence be forwarded to the Principal of the Morgan Street Public School advising of the LTC's

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decision and that a copy of the concept design for installation of signage be provided to school for inclusion in its newsletter to educate parents on parking regulations.

4. That Item No. 430.6.1 - That Council installs 'No Right Turn' signs at either side of Wolfram Lane at the intersection of Sulphide Street to divert traffic from turning right into Sulphide Street.
5. That Item No. 431.6.2 - That Council line mark and installs a sign for a designated parking space adjacent to the North Post Office in McCulloch Street to allow parking of postal vehicles from Monday to Friday, between 9.30am to 12.30pm.

CARRIED UNANIMOUSLY

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 10/23 - DATED DECEMBER 15, 2022 - MINUTES OF THE PICTON OVAL SPORTSGROUND COMMUNITY COMMITTEE MEETINGS HELD 12 DECEMBER 2022 D22/66752

RESOLUTION

Minute No. 47098

Councillor D Gallagher moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 10/23 dated December 15, 2022, be received.
2. That minutes of the Picton Oval Sportsground Community Committee meeting held 12 December 2022 be received.

CARRIED UNANIMOUSLY

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 11/23 - DATED JANUARY 20, 2023 - MINUTES OF THE S355 YOUTH ADVISORY COMMITTEE MEETING HELD 13 DECEMBER 2022 D22/67887

RESOLUTION

Minute No. 47099

Councillor H Jewitt moved)
Councillor D Turley seconded)

Resolved

1. That Broken Hill City Council Report No. 11/23 dated January 20, 2023, be received.
2. That the minutes of the S355 Youth Advisory Committee meeting held on 13 December 2022 be received.

CARRIED UNANIMOUSLY

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**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 12/23 - DATED DECEMBER 19, 2022 -
MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETING HELD 30 AUGUST 2022**

D22/67333

RESOLUTION

Minute No. 47100

Councillor D Turley moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 12/23 dated December 19, 2022, be received.
2. That minutes of the Broken Hill Heritage Committee Meeting held 29 November 2022 be received.

CARRIED UNANIMOUSLY

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 13/23 - DATED JANUARY 17, 2023 -
ACTION LIST REPORT**

D23/2009

RESOLUTION

Minute No. 47101

Councillor D Gallagher moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 13/23 dated January 17, 2023, be received.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 14 - QUESTIONS ON NOTICE NO. 1/23 - DATED DECEMBER 22, 2022 - COUNCILLOR
QUESTIONS TAKEN ON NOTICE AT THE DECEMBER 2022 ORDINARY COUNCIL MEETINGS**

D22/68095

RESOLUTION

Minute No. 47102

Councillor D Gallagher moved)
Councillor D Turley seconded)

Resolved

1. That Questions On Notice No. 1/23 dated December 22, 2022, be received.

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Office of Local Government's review of the Model Code of Conduct for NSW Councils (from Item 1)
The Mayor took a question on notice from Councillor Turley regarding Council's draft submission to the Office of Local Government and confirmed that the draft submission will be circulated to all Councillors prior to lodgement.

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Office of Local Government's review of the Model Code of Conduct for NSW Councils (from Item 1)
Deputy Mayor Hickey directed a question to Councillor Turley and asked if Councillor Turley could seek a copy of the speech that the Minister for Local Government made at the 2022 LGNSW Conference regarding the Office of Local Government's review of the Model Code of Conduct.

Councillor Turley agreed to seek a copy of the Minister's speech, and if able to acquire a copy, will provide for circulation to all Councillors.

Minutes of the Youth Advisory Committee (from Item 11)

Councillor Jewitt raised concerns regarding the accuracy of the minutes of the Youth Advisory Committee meeting held 13 December 2022 stating that there were a number of general business items discussed which are not reflected in the minutes and the status of some of action items have not been updated.

Councillor Jewitt also advised that correspondence from the YMCA which was received by Council was requested to be circulated to Committee members and that Councillor Jewitt and Councillor Boland have not received a copy of the correspondence. Councillor Jewitt also raised concerns that the Committee should meet more frequently to progress actions in relation to upcoming community youth events.

The Mayor advised Councillor Jewitt to refer the matters to the Committee's Chairperson for the minutes to be amended and re-presented to Council and to discuss the frequency of Committee Meetings.

The General Manager advised that he will arrange for the correspondence from the YMCA to be circulated to the Youth Advisory Committee members.

Street Trees near Willyama High School

Councillor Boland advised of concerns raised by residents regarding street trees in Fisher Street and Uranium Street near the Willyama High School, as some trees have low hanging limbs which are a risk to school children and may also be a hazard for school buses.

The General Manager took the question on notice and advised that Council Officers will inspect the street trees in Fisher and Uranium Streets and around the Willyama High School.

PUBLIC FORUM SESSION

Broken Hill to become a major inland City

Mr Peter Bullock spoke about Broken Hill being well positioned to become a major inland City, due to the expected growth of the City and the sealing of the northern section of the Silver City Highway. Mr Bullock also referred to the City being in a low risk area for bushfires or flooding.

The Mayor agreed and thanked Mr Bullock for his comments.

RESOLUTION

Minute No. 47103 - Procedural Motion

Councillor D Gallagher moved)
Councillor R Algate 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 matters.

CARRIED UNANIMOUSLY

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Members of the public and media left the Council Chambers at 7:32pm.

CONFIDENTIAL MATTERS

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 14/23 - DATED JANUARY 17, 2023 -
WRITE OFF OF RATES - CONFIDENTIAL** D23/2112

(General Manager's Note: This report considers Bankruptcy Matter and is deemed confidential under Section 10A(2) (a) (b) of the Local Government Act, 1993 which contains matters that will involve the discussion of personnel matters concerning a particular individual; AND which contains matters that will involve the discussion of the personal hardship of any resident or rate payer).

RESOLUTION

Minute No. 47104

Deputy Mayor J Hickey moved)
Councillor D Gallagher seconded)

Resolved:

1. That Broken Hill City Council Report No. 14/23 dated January 17, 2023, be received.
2. That the General Manager be authorised to write of rates, interest and legal charges amounts to the current value of \$10,680.09 with an upper limit of \$11,000 for 198a Zebina st.
3. That the General Manager be authorised to write of rates, interest and legal charges amounts to the current value of \$25,836.47 with an upper limit of \$26,500 for 629 Lane Lane.

CARRIED UNANIMOUSLY

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 15/23 - DATED JANUARY 18, 2023 - LAND
ACQUISITION - CONFIDENTIAL** D23/2257

(General Manager's Note: This report considers Land Acquisition and is deemed confidential under Section 10A(2) (b) (c) (d) of the Local Government Act, 1993 which contains matters that will involve the discussion of the personal hardship of any resident or rate payer; AND which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).

RESOLUTION

Minute No. 47105

Councillor R Algate moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 15/23 dated January 18, 2023, be received.
2. That Council authorise and delegate to the General Manager to pursue the purchase of 'the subject' land via either private treaty or at the upcoming Sale of Land for Unpaid Rates Auction to be held on 15 & 16 February 2023.

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3. That the General Manager be delegated authority to increase Council's purchase bid by up to 50% in order to secure the purchase of 'the subject' land via either private treaty or at the upcoming Sale of Land for Unpaid Rates Auction to be held on 15 & 16 February 2023.
3. That Council authorise the General Manager to engage a consultant to develop and prepare a feasibility study, preliminary concept designs and a business case for the development of multi-story residential apartment buildings on 'the subject land' specifically for the accommodation of key workers in the City.
4. That following initial discussions with Ministers and key stakeholders within NSW Government, the General Manager proceeds with formal negotiations to secure a Memorandum of Understanding and Partnership Agreement for the development of key worker housing apartments.

CARRIED UNANIMOUSLY

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 16/23 - DATED JANUARY 18, 2023 - SALE OF LAND FOR UNPAID RATES - CONFIDENTIAL D23/2272

(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).

RESOLUTION

Minute No. 47106

Councillor M Boland moved)

Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 16/23 dated January 18, 2023, be received.
2. That the General Manager be authorised to appoint a Council Officer to bid on Council's behalf for selected properties in the upcoming Sale of Land for Unpaid Rates auction.

CARRIED UNANIMOUSLY

RESOLUTION

Minute No. 47107 - Procedural Motion

Councillor D Gallagher moved)

Councillor M Browne 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.

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At the Mayor's invitation, the General Manager reported on the resolutions of Council made in closed session.

There being no further business to consider, the Mayor closed the meeting at 7:42 p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 1 MARCH 2023.)

CHAIRPERSON