

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 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 and R. Page.

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

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

**APOLOGIES:**

Nil.

**LEAVE OF ABSENCE**

**APPLICATIONS:**

Councillor Turley submitted a leave of absence application for this meeting  
and provided the reason "*change of meeting dates*".

**RESOLUTION**

Minute No. 47108 - Procedural Motion

Councillor R Algate moved )

Deputy Mayor J Hickey seconded )

**Resolved**

That Councillor Turley's application be accepted  
and a leave of absence granted to Councillor  
Turley for this meeting.

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 Jewitt delivered the Acknowledgment of Broken Hill's Mining History.

**PUBLIC FORUM**

Motions to the National General Assembly of Local Government 2023

*Ms Gigi Barbe commended Council's motions for submission to the National General Assembly of*

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

*Local Government 2023 stating that they are well considered and well constructed motions.*

*Ms Barbe raised concerns regarding the timing of the Assembly and its proximity to the commencement of the fruit fly season which would mean that any tangible outcome from the Assembly would not assist to combat fruit fly for the upcoming season and urged Council to be proactive and commence an education program to start to assist the community to fight the forecast fruit fly plague. Ms Barbe also raised concerns regarding the elderly members of the community who have fruit trees but are incapable of carrying out the work or have the finances to buy their own traps to eradicate the pest and asked Council to look at providing/subsidising traps for the community.*

The Mayor advised Ms Barbe that Council would consider a report at this meeting regarding the formation of a Fruit Fly Working Group, Chaired by Councillor Page, which would also include community representatives who are knowledgeable in the areas of agriculture/horticulture to assist Council to deliver a whole of town approach to combatting fruit fly.

Green Waste Recycling and Fruit Fly Working Group

*Mr Justin Wilson enquired about Council's usage of greenwaste/cardboard that is collected at the Waste Management Facility and spoke about his start-up business working with the community to help reduce waste to landfill and other soil rejuvenation and environmental projects.*

The Mayor asked Mr Wilson to provide staff with his contact details in order for the appropriate Council Officer to contact him to discuss Council's operations at the Waste Management Facility. The Mayor also encouraged Mr Wilson to nominate to join the Fruit Fly Working Group when Council advertises for nominations in the near future.

New Journalist at the Barrier Truth

*Ms Melanie Gates introduced herself to Council, advising that she has currently commenced in the role of Journalist at the Barrier Truth.*

The Mayor welcomed Ms Gates.

## MINUTES FOR CONFIRMATION

**RESOLUTION**

Minute No. 47109

Councillor R Page moved )  
Councillor D Gallagher seconded )

**Resolved**

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held January 24, 2023 be confirmed.

CARRIED UNANIMOUSLY

## DISCLOSURE OF INTEREST

Councillor Boland declared:

- a non-pecuniary conflict of interest in Item 1 of the Health and Building Committee (Report No. 23/23) as he is the General Manager of the Musician's Club and advised that he will leave the Council Chambers whilst the item is considered.

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

- a non-pecuniary conflict of interest in Item 5 of Further Business (Report No. 30/23) as he is Chair of the Barrier Liquor Accord and the General Manager of the Musician's Club being a major sponsor of the event and advised that he will leave the Council Chambers whilst the item is considered.

## MAYORAL MINUTES

*The Mayor tabled a late Mayoral Minute at the meeting.*

**ITEM 1 - FUNDING FOR A BARIATRIC AMBULANCE FOR BROKEN HILL (MM3/23)** 11/161

**RESOLUTION**

Minute No. 47110

Mayor T Kennedy moved )  
Councillor R Algate seconded )

**Resolved**

That Council writes to the relevant Ministers and Shadow Ministers seeking funding support for a bariatric ambulance for the Broken Hill Ambulance Service.

CARRIED UNANIMOUSLY

## NOTICES OF MOTION

Nil.

## REPORTS FROM DELEGATES

Nil.

## COMMITTEE REPORTS

### WORKS COMMITTEE

**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 17/23 - DATED JANUARY 31, 2023 - FEEDING FRIENDS WASTE FEE WAIVER REQUEST** D23/4635

**RESOLUTION**

Minute No. 47111

Councillor R Algate moved )  
Councillor R Page seconded )

**Resolved**

1. That Broken Hill City Council Report No. 17/23 dated January 31, 2023, be received.
2. That Broken Hill City Council waive general waste fees for Feeding Friends at the Broken Hill Waste Management Facility.
3. That Feeding Friends be thanked for their efforts in feeding the homeless and disadvantaged people in the community.

CARRIED UNANIMOUSLY

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 18/23 - DATED FEBRUARY 06, 2023 -  
FRUIT FLY CONTROL AND AWARENESS** D23/5951

**RESOLUTION**

Minute No. 47112

Councillor R Page moved )

Councillor D Gallagher seconded )

**Resolved**

1. That Broken Hill City Council Report No. 18/23 dated February 6, 2023, be received.
2. That Council continues to promote the NSW Department of Primary Industry's Queensland fruit fly educational and awareness materials through its communication channels.
3. That Council forms a S355 Fruit Fly Working Group with relevant community stakeholders to consider what practical and/or strategic steps can be undertaken to increase awareness and reduce the spread of Queensland fruit fly in and around Broken Hill.
4. That a Terms of Reference for the Fruit Fly Working Group be developed and presented to Council which includes membership of the Working Group; and that Councillor Page be appointed as Chairperson.

CARRIED UNANIMOUSLY

## HEALTH AND BUILDING COMMITTEE

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 23/23 - DATED FEBRUARY 03, 2023 -  
CORRESPONDENCE REPORT - MANDATORY CASHLESS GAMING CARDS** D23/5577

*Councillor Boland declared a non-pecuniary conflict of interest in Item 4 and left the Council Chambers at 6:44pm.*

**RESOLUTION**

Minute No. 47113

Councillor R Page moved )

Councillor D Gallagher seconded )

**Resolved**

1. That Broken Hill City Council Report No. 23/23 dated February 3, 2023, be received.
2. That reply correspondence from Mr Roy Butler MP regarding Mandatory Cashless Gaming Cards be received and noted.

CARRIED UNANIMOUSLY

*Councillor Boland returned to the Council Chambers at 6:45pm.  
The Mayor advised Councillor Boland that the report recommendation of Item 4 was adopted.*

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 24/23 - DATED FEBRUARY 02, 2023 -  
CORRESPONDENCE REPORT - CLASSIFICATION OF BROKEN HILL** D23/5409

**RESOLUTION**

Minute No. 47114

Councillor R Algate moved )  
Councillor R Page seconded )

**Resolved**

1. That Broken Hill City Council Report No. 24/23 dated February 2, 2023, be received.
2. That reply correspondence from the Premier of NSW regarding Broken Hill's classification by the National Disability Insurance Scheme (NDIS) be received and noted.
3. That reply correspondence from the Department of Health and Aged Care dated 1 February 2023 regarding Broken Hill's classification by the National Disability Insurance Scheme (NDIS) be received and noted.
4. That reply correspondence from the Hon Mark Coulton dated 20 January 2023 regarding Broken Hill's classification by the National Disability Insurance Scheme (NDIS) be received and noted.
5. That Council continues to advocate for the review of Broken Hill's classification by the National Disability Insurance Scheme (NDIS) and sends further correspondence to relevant Ministers as required.

CARRIED UNANIMOUSLY

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 25/23 - DATED DECEMBER 22, 2022 -  
BROKEN HILL LEAD REFERENCE GROUP MINUTES OF MEETING HELD 24 NOVEMBER 2022** D22/68070

**RESOLUTION**

Minute No. 47115

Councillor M Browne moved )  
Councillor M Boland seconded )

**Resolved**

1. That Broken Hill City Council Report No. 25/23 dated December 22, 2022, be received.

CARRIED UNANIMOUSLY

**POLICY AND GENERAL COMMITTEE**

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 19/23 - DATED FEBRUARY 02, 2023 -  
2022-2026 DELIVERY PROGRAM KEY PERFORMANCE INDICATORS PROGRESS REPORT  
FOR PERIOD ENDING 31 DECEMBER 2022, INCLUSIVE OF OPERATIONAL PLAN 2022/2023  
OUTCOMES** D23/5534

**RESOLUTION**

Minute No. 47116

Councillor R Algate moved )

Councillor D Gallagher seconded )

**Resolved**

1. That Broken Hill City Council Report No. 19/23 dated February 2, 2023, be received.
2. That Council receive the 2022-2026 Delivery Program inclusive of 2022/2023 Operational Plan outcomes Key Performance Indicators Progress Report for period ending 31 December 2022.
3. That the 2022-2026 Delivery Program inclusive of 2022/2023 Operational Plan outcomes Key Performance Indicators Progress Report for period ending 31 December 2022 be placed on Council's website.

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 20/23 - DATED FEBRUARY 02, 2023 -  
QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDED DECEMBER 2022**

D23/5496

**RESOLUTION**

Minute No. 47117

Councillor M Boland moved )

Councillor M Browne seconded )

**Resolved**

1. That Broken Hill City Council Report No. 20/23 dated February 2, 2023, be received.
2. That the 2nd Quarterly Budget Review Statement and recommendations be adopted.
3. That Council note the projected 2022/23 operating deficit (before capital) of \$2,125,000.
4. That Council note the 2021/22 projected net capital budget expenditure of \$22,823,000.

CARRIED UNANIMOUSLY

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

**ITEM 9 - GENERAL BUSINESS NO. /23 - DATED FEBRUARY 16, 2023 - MATTER OR  
URGENCY - VALUER GENERAL'S LAND VALUATIONS FOR PROPERTIES IN THE CITY**

D23/8709

**RESOLUTION**

Minute No. 47118

Deputy Mayor J Hickey moved )  
Councillor R Algate seconded )

**Resolved**

1. That General Business No. /23 dated February 16, 2023, be received.
2. That correspondence be sent to the Valuer General's Office, Roy Butler MP, the appropriate Minister and Shadow Minister objecting to the City's latest valuations and pointing out the grave mistakes made and the implications the inconsistencies will cause to rate disparity.
3. That the General Manager provides a report to the February Council Meeting regarding rates disparity across the City.

CARRIED UNANIMOUSLY

**FURTHER REPORTS**

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 26/23 - DATED FEBRUARY 15, 2023 -  
CORRESPONDENCE REPORT - ALLIGATOR WEED IN THE MENINDEE LAKES SYSTEM**

D23/8563

**RESOLUTION**

Minute No. 47119

Councillor R Algate moved )  
Councillor H Jewitt seconded )

**Resolved**

1. That Broken Hill City Council Report No. 26/23 dated February 15, 2023, be received.
2. That reply correspondence from the Hon Dugald Saunders MP, Minister for Agriculture and Western NSW regarding Alligator Weed in the Menindee Lakes System be received and noted.

CARRIED UNANIMOUSLY

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 27/23 - DATED FEBRUARY 10, 2023 -  
ADOPTION OF DRAFT REVISED COUNCILLOR SUPPORT POLICY**

D23/7934

**RESOLUTION**

Minute No. 47120

Councillor M Boland moved )  
Councillor M Browne seconded )

**Resolved**

1. That Broken Hill City Council Report No. 27/23 dated February 10, 2023, be received.
2. That Council adopts the draft revised Councillor Support Policy as a policy of

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

Council and notes that the policy supersedes the Councillor Support Policy adopted by Council on 23 February 2022.

CARRIED UNANIMOUSLY

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 28/23 - DATED JANUARY 16, 2023 - COUNCILLOR ATTENDANCE AT THE 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT TO BE HELD IN CANBERRA ON 13-15 JUNE 2023** D23/1791

**RESOLUTION**

Minute No. 47121

Councillor D Gallagher moved )  
Councillor M Browne seconded )

**Resolved**

1. That Broken Hill City Council Report No. 28/23 dated January 16, 2023, be received.
2. That Council be represented at the 2022 National General Assembly of Local Government in Canberra, 13-15 June 2023 by the Mayor, Deputy Mayor, Councillor Browne, Councillor Gallagher, Councillor Chandler and General Manager.
3. That other Councillors advise their interest in attending the Assembly to the General Manager's Office by Friday 17 March 2023.

CARRIED UNANIMOUSLY

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 29/23 - DATED FEBRUARY 14, 2023 - INVESTMENT REPORT FOR JANUARY 2023** D23/8394

**RESOLUTION**

Minute No. 47122

Councillor M Boland moved )  
Councillor D Gallagher seconded )

**Resolved**

1. That Broken Hill City Council Report No. 29/23 dated February 14, 2023, be received.

CARRIED UNANIMOUSLY

**ITEM 14 – BROKEN HILL CITY COUNCIL REPORT NO. 30/23 – DATED FEBRUARY 08, 2023 – TEMPORARY SUSPENSION OF ALCOHOL PROHIBITED AREA – PERFECT LIGHT FILM FESTIVAL – 25 MARCH 2023** D23/6558

*Councillor Boland declared a non-pecuniary conflict of interest in Item 14 and left the Council Chambers at 7:02pm.*

**RESOLUTION**

Minute No. 47123

Councillor D Gallagher moved )  
Councillor R Page seconded )

**Resolved**

1. That Broken Hill City Council Report No. 30/23 dated February 8, 2023, be received.
2. That Council provide in principle support to begin the planning process for the temporary suspension of the prohibition of the



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

consumption of alcohol in a portion of Sturt Park, under Section 632A of the *Local Government Act 1993*, on Saturday, 25 March 2023 from 6pm to 11pm for the Perfect Light Film Festival.

3. That the temporary suspension on the prohibition of the consumption of alcohol in a portion of Sturt Park be advised to the public by way of advertisement in the Barrier Daily Truth. That the advertisement also confirms that the suspension only applies to the VIP Marquee area; and that the consumption of alcohol will remain prohibited for all other areas of the Sturt Park; and that all existing alcohol-free zones in Broken Hill will remain in force.
4. That the General Manager be authorised to implement the suspension and advertising processes on final advice of the Barrier Local Area Command.
5. That the Barrier Local Area Command be advised of Council's decision.

CARRIED UNANIMOUSLY

*Councillor Boland returned to the Council Chambers at 7:03pm.  
The Mayor advised Councillor Boland that the report recommendation of Item 14 was adopted.*

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 31/23 - DATED FEBRUARY 15, 2023 - ACTION LIST REPORT** D23/8560

**RESOLUTION**

Minute No. 47124

Councillor D Gallagher moved )  
Deputy Mayor J Hickey seconded )

**Resolved**

1. That Broken Hill City Council Report No. 31/23 dated February 15, 2023, be received.

CARRIED UNANIMOUSLY

**SUPPLEMENTARY AGENDA NO. 1  
FUTHER REPORTS**

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 32/23 - DATED FEBRUARY 22, 2023 - CORRESPONDENCE REPORT - REVIEW OF COUNCILLOR MISCONDUCT FRAMEWORK** D23/9794

**RESOLUTION**

Minute No. 47125

Councillor R Algate moved )  
Councillor R Page seconded )

**Resolved**

1. That Broken Hill City Council Report No. 32/23 dated February 22, 2023, be received.

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

2. That the email reply from the Policy Liaison Officer to the Shadow Minister for Local Government Mr Greg Warren MP enclosing a copy of the Shadow Minister's submission dated 24 March 2022 to the Office of Local Government regarding the review of the Councillor Misconduct Framework, be received and noted.
3. That Council notes that reply correspondence from the Minister for Local Government, the Minister for Western NSW, and the Local Member for Barwon have not yet been received.

CARRIED UNANIMOUSLY

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 33/23 - DATED FEBRUARY 20, 2023 -  
CORRESPONDENCE REPORT - LEAD PREVENTION PROGRAMS AND BLOOD LEAD LEVEL  
TESTING IN BROKEN HILL**

D23/9361

**RESOLUTION**

Minute No. 47126

Councillor M Browne moved )  
Councillor R Algate seconded )

**Resolved**

1. That Broken Hill City Council Report No. 33/23 dated February 20, 2023, be received.
2. That reply correspondence dated 15 February 2023 from The Hon Brad Hazzard, NSW Minister for Health, be received and noted.
3. That Council notes further correspondence was sent to the Shadow Minister for Health, Minister for Environment and Heritage and the Shadow Minister for the Environment following the October Council Meeting and Council is awaiting a reply.

CARRIED UNANIMOUSLY

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 34/23 - DATED FEBRUARY 20, 2023 -  
CORRESPONDENCE REPORT - WATER QUALITY IN BROKEN HILL**

D23/9368

**RESOLUTION**

Minute No. 47127

Councillor R Page moved )  
Councillor R Algate seconded )

**Resolved**

1. That Broken Hill City Council Report No. 34/23 dated February 20, 2023, be received.
2. That reply correspondence dated 17 February 2023 from Graham Attenborough, Chief Operating Officer, Department of Planning and Environment regarding Broken Hill's water quality, be received and noted.
3. That return correspondence be sent to the Department of Planning and Environment

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

regarding the following statement in their letter which reads:

*“The 20km of pipelines that connects the Broken Hill water treatment plant to the Murray River reservoir, which is owned and operated by WaterNSW, contains approximately 7 million litres of water that has been tested and cannot be treated. Essential Water will remove this water before resuming the extraction of water from the Murray River reservoir.”*

and seeks clarification as to why the 7 million litres of water cannot be treated.

CARRIED UNANIMOUSLY

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 35/23 - DATED FEBRUARY 03, 2023 - 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS**

D23/5724

**RESOLUTION**

Minute No. 47128

Councillor M Browne moved )  
Deputy Mayor J Hickey seconded )

**Resolution**

1. That Broken Hill City Council Report No. 35/23 dated February 3, 2023, be received.
2. That Council determine its motions (at this meeting) to the 2023 National General Assembly of Local Government in line with the Assembly's eligibility principles.
3. That motions be submitted to the Australian Local Government Association by March 24, 2023 along with a copy of the supporting Council resolution.
4. That Council approves the submission of the following motions to the 2023 National General Assembly of Local Government by the due date of 24 March 2023:

- a) Federal support for strengthened fruit fly control in regional areas:

Motion: This National General Assembly calls on the Australian Government to provide funding for regional Councils to implement fruit fly exclusion zones and install infrastructure to help reduce the spread of fruit fly.

- b) Construction of a standard gauge rail link between Broken Hill and Mildura:

Motion: This National General Assembly calls on the Australian Government to support the construction of standard gauge rail to connect Broken Hill and Mildura.

- c) Access to the Australian National Database and Archives – Trove

Motion: This National General Assembly calls on the Australian Government to immediately stop the National Library of Australia's plans to charge increased subscription fees to Council run public Libraries so that public Libraries can continue to contribute to and access Australia's National Database and Archives – Trove.

That the Australian Government further ensures that this indispensable resource is adequately funded to enable further preservation of Australia's historical records.

- d) Funding for the maintenance and upgrade of historical graves at local cemeteries in rural and regional Australia

Motion: This National General Assembly calls on the Australian Government to provide funding to all regional and rural Councils for the maintenance and upgrade of the historical graves in their local cemeteries.

CARRIED UNANIMOUSLY

*Councillor Browne foreshadowed a motion of urgency to be considered at the end of the Report Section of the meeting on the subject of the Australian National Database and Archives – Trove.*

*Councillor Gallagher foreshadowed a motion of urgency to be considered at the end of the Report Section of the meeting on the subject of the maintenance and upgrade of historical graves in local cemeteries.*

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 36/23 - DATED FEBRUARY 17, 2023 -  
NSW VALUER GENERAL'S LAND VALUATIONS FOR PROPERTIES IN BROKEN HILL AND THE  
EFFECT ON THE DISTRIBUTION OF COUNCIL LAND RATES** D23/9168

**RESOLUTION**

Minute No. 47129

Deputy Mayor J Hickey moved )  
Councillor D Gallagher seconded )

**Resolved**

1. That Broken Hill City Council Report No. 36/23 dated February 17, 2023, be received.
2. That Council note the Deputy Mayor and General Manager on behalf of the Mayor, met with the Valuer General and CEO of Valuation of NSW.
3. That Council lodge an objection on behalf of the City to the Valuer General within the 60-day statutory timeframe citing the disparity in calculated land valuations across the City.

CARRIED UNANIMOUSLY

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 37/23 - DATED FEBRUARY 17, 2023 -  
MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.432, HELD ON TUESDAY, 7  
FEBRUARY 2023** D23/9165

**RESOLUTION**

Minute No. 47130

Councillor M Browne moved )  
Councillor M Boland seconded )

**Resolved**

1. That Broken Hill City Council Report No. 37/23 dated February 17, 2023, be received.
2. That the Minutes of the Local Traffic Committee Meeting No.432, held on Tuesday, 7 February 2023 be endorsed.
3. That Council approve Item 432.10.1:
  - *That Council contacts NSW Police for a determination whether the allocated parking spaces for 'Police Vehicles Only', at the old Police Station on Argent Street and at the rear of the Town Hall Façade are still required.*
  - *That upon determination, 'Police Vehicle Only' signage adjacent to the old Police Station on Argent Street and at the back of the Town Hall Façade, be changed to match existing timed parking in the area and to allow for general use.*

CARRIED UNANIMOUSLY

### MATTERS OF URGENCY

*The Mayor sought a motion to accept Councillor Browne and Councillor Gallagher's foreshadowed motions (raised during consideration of Item 19) as matters of urgency to be heard at this meeting.*

**RESOLUTION**

Minute No. 47131 - Procedural Motion

Councillor M Boland moved )  
Councillor A Chandler seconded )

**Resolved**

That the foreshadowed motions from Councillor Browne and Councillor Gallagher be heard.

CARRIED UNANIMOUSLY

**ITEM 22 - MATTER OF URGENCY - ACCESS TO THE AUSTRALIAN NATIONAL DATABASE AND ARCHIVES - TROVE (GB1/23)**

11/161

**RESOLUTION**

Minute No. 47132

Councillor M Browne moved )  
Councillor R Algate seconded )

**Resolved**

That correspondence be sent to the Federal Minister for Communications, and the Federal Member for Parkes stating Council's concerns that the online research tool – Trove, may not be adequately funded in the forthcoming budget and that it may no longer be made available free of charge to local Councils and individual users.

CARRIED UNANIMOUSLY

**ITEM 23 – MATTER OF URGENCY - FUNDING TO MAINTAIN AND UPGRADE HISTORICAL GRAVES AT LOCAL CEMETERIES (GB2/23)**

11/161

**RESOLUTION**

Minute No. 47133

Councillor D Gallagher moved )  
Councillor M Browne seconded )

**Resolved**

That correspondence be forwarded to the relevant Federal Minister and Shadow Minister and the Federal Member for Parkes seeking funding for regional and rural Councils for the maintenance and upgrade of historical graves in local cemeteries.

CARRIED UNANIMOUSLY

### QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 24 - QUESTIONS ON NOTICE NO. 2/23 - DATED JANUARY 27, 2023 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE JANUARY 2023 ORDINARY COUNCIL MEETING**

D23/4171

**RESOLUTION**

Minute No. 47134

Councillor D Gallagher moved )  
Councillor R Algate seconded )

**Resolved**

1. That Questions On Notice No. 2/23 dated January 27, 2023, be received.

CARRIED UNANIMOUSLY

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

Nil

## PUBLIC FORUM SESSION

Item 23 – Matter of Urgency – Funding for the maintenance of historical graves at local cemeteries

*Ms Gigi Barbe referred to Council's resolution to write to the relevant Ministers to seek funding for regional and rural Councils for the maintenance and upgrade of historical graves and suggested that the correspondence needs to clearly define what constitutes an historical grave.*

### RESOLUTION

Minute No. 47135 - Procedural Motion

Councillor R Algate moved )

Deputy Mayor J Hickey 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

*Members of the media and public left the Council Chambers at 7:36pm and the livestream of the meeting ceased.*

## CONFIDENTIAL MATTERS

**ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 21/23 - DATED FEBRUARY 01, 2023 - REQUEST FOR TENDER T22/15 - ADMINISTRATION OF THE 2024 BROKEN HILL LOCAL GOVERNMENT ELECTION - CONFIDENTIAL** D23/5218

**(General Manager's Note:** This report considers a quotation 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. 47136

Councillor R Algate moved )

Councillor D Gallagher seconded )

### Resolved

1. That Broken Hill City Council Report No. 21/23 dated February 1, 2023, be received.
2. That Council notes the advice received from the Office of Local Government regarding

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

the administration of the 2024 Local Government elections and that Council must make a decision by 13 March 2023 on how their ordinary elections in September 2024 are to be administered.

3. That Council award Tender T22/15 for the administration of the 2024 Local Government elections to the NSW Electoral Commissioner for total indicative cost of \$207,113 ex GST
4. Pursuant to s.296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
5. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
6. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

CARRIED UNANIMOUSLY

**ITEM 26 – BROKEN HILL CITY COUNCIL REPORT NO. 22/23 – DATED FEBRUARY 07, 2023 – CEMETERY OPERATIONS – CLAIM OF INTERMENT RIGHT OWNERSHIP – CONFIDENTIAL**

D22/54482

**(General Manager's Note:** This report considers personal details around financial management of an interment right 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).

*At this point in the meeting, Mayor Kennedy declared a non-pecuniary conflict of interest in Item 26 as he is a friend of the applicant, and left the Council Chambers at 7:38pm.*

*The Deputy Mayor assumed the Chair for the duration of Item 26.*

**RESOLUTION**

Minute No. 47137

Councillor M Boland moved )  
Councillor A Chandler seconded )

**Resolved**

1. That Broken Hill City Council Report No. 22/23 dated February 7, 2023, be received.
2. That Broken Hill City Council grants Mr Dewsberry a waiver of the Interment Right fee of \$833.00, after a twenty-eight (28) day public exhibition period as per Section 356 of the *Local Government Act 1993*.



CARRIED UNANIMOUSLY

*The Mayor returned to the Council Chambers at 7:42pm and resumed the Chair.  
The Deputy Mayor advised the Mayor that the report recommendation of item 26 was adopted.*

## **SUPPLEMENTARY CONFIDENTIAL AGENDA NO. 1 FURTHER REPORTS**

**ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 38/23 - DATED FEBRUARY 16, 2023 -  
LAND ACQUISITION UPDATE REPORT - CONFIDENTIAL** D23/8752

**(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. 47138

Councillor D Gallagher moved )  
Deputy Mayor J Hickey seconded )

### **Resolved**

1. That Broken Hill City Council Report No. 38/23 dated February 16, 2023, be received.
2. That Council notes the update provided in this report on action taken as per Council Resolution Minute No. 47105 of the Council Meeting held 24 January 2023, and endorses the action of the General Manager carried out under delegation of Council, to purchase 176-178 Beryl Street (Lot 1 DP 1130794, Lot 1-2 DP 911529) for \$210,000 excluding GST via private treaty
3. That Council authorise the Mayor and General Manager to sign and apply the common seal of Council to all documents as necessary to execute and finalise the contract and sale.
4. That Council notes that as per Minute No. 47105, consultants will be engaged to develop and prepare a feasibility study, preliminary concept designs and a business case for the development of multi-storey residential apartment buildings on 'the subject land' specifically for the accommodation of key workers in the City; and 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

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

Partnership Agreement for the development of key worker housing apartments.

5. That the General Manager be thanked for his efforts in securing the purchase of 176-178 Beryl Street for use as a future housing development project to attract and retain key workers to the City.

CARRIED UNANIMOUSLY

**ITEM 28 - BROKEN HILL CITY COUNCIL REPORT NO. 39/23 - DATED FEBRUARY 22, 2023 - CIVIC CENTRE LEGAL MATTER UPDATE REPORT - CONFIDENTIAL** D23/9731

**(General Manager's Note:** This report considers a current legal matter and is deemed confidential under Section 10A(2) (e) (g) of the Local Government Act, 1993 which provides for information that would, if disclosed, prejudice the maintenance of law; AND which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

**RESOLUTION**

Minute No. 47139

Councillor D Gallagher moved )  
Councillor A Chandler seconded )

**Resolved**

1. That Broken Hill City Council Report No. 39/23 dated February 22, 2023, be received.
2. That Council note the update to the cost assessment process as provided by Councils Solicitors.
3. That Council continues proceeding to recover legal costs through all available avenues as outlined in the below report.

CARRIED UNANIMOUSLY

**ITEM 29 - BROKEN HILL CITY COUNCIL REPORT NO. 40/23 - DATED FEBRUARY 22, 2023 - BROKEN HILL LIBRARY AND ARCHIVES PROJECT UPDATE REPORT - CONFIDENTIAL** D23/9803

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

**RESOLUTION**

Minute No. 47140

Councillor M Boland moved )  
Deputy Mayor J Hickey seconded )

**Resolved**

1. That Broken Hill City Council Report No. 40/23 dated February 22, 2023, be received.
2. That Council note value engineering workshops carried out with the preferred tenderer, North Building & Construction Pty Ltd in January 2023 and February 2023 has resulted with a potential tender cost saving of \$1,577,184.72 excluding GST; albeit there is

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---

still a funding shortfall as detailed within the report due to continual cost escalation over the past twelve months.

3. That Council adopt and award Stage 1 of the works– Temporary Library for \$428,546 including works to the carpark to North Construction Pty Ltd (preferred tenderer), whilst allowing for the review and rescope of the main Library project to fully utilise the approved State and Federal government funding that's currently available to Council.
4. That Council note that continual advocacy to the Federal and State Government is occurring to fund the project escalation costs that are being experienced.

CARRIED UNANIMOUSLY

**RESOLUTION**

Minute No. 47141 - Procedural Motion

Councillor D Gallagher moved )

Councillor H Jewitt seconded )

**Resolved**

That the meeting resumes in open session.

CARRIED UNANIMOUSLY

*Members of the public and media returned to the Council Chambers at 7:56pm. The livestream of the meeting recommenced.*

*At the Mayor's invitation, the General Manager reported the resolutions of the confidential matters considered in closed session.*

**CONCLUSION OF THE MEETING**

There being no further business for Council to consider, the Mayor closed the meeting at 8:02pm.

THE FOREGOING MINUTES WERE READ )  
AND CONFIRMED AT THE ORDINARY )  
MEETING OF THE BROKEN HILL CITY )  
COUNCIL HELD ON 29 MARCH 2023. )

\_\_\_\_\_  
CHAIRPERSON

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MARCH 01, 2023

---