
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD MARCH
29, 2023

Meeting commenced at 6:30 p.m.

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 Corporate and Community Officer, Chief Financial
Officer, Manager, Executive Manager Planning and Community Safety,
Executive Manager Growth and Investment Executive Officer and Executive
Assistant.

Media (2), Members of the Public (6).

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

Council's Community Newsletter

Mr Coulls thanked Council for introducing a community newsletter to keep the community informed of Council's activities and raised the following concerns:

a) *Mural on Broken Hill City Art Gallery Wall*

Mr Coulls referred to Council's consideration of painting a mural on the exterior wall of the Broken Hill City Art Gallery five or six years ago which didn't eventuate, but now a new mural has just been completed and asked why Council uses out-of-town artists when we have many experienced successful artists in Broken Hill? And asked why the community doesn't see the designs that artists propose for murals?

The Mayor advised that the mural Mr Coulls was referring to was not painted on the exterior wall of the Art Gallery it was painted on the wall of the Art Gallery Workshop building. Two reports were presented to Council Meetings regarding the design of the mural and to consider placing the mural on the Workshop building after it was first suggested to place the mural in the Sturt Park.

b) *Civic Centre Refurbishment - Legal Matter*

Mr Coulls enquired when the Civic Centre legal matter will be finalised?

The Mayor advised that the legal proceedings are currently before arbitrators and it has been advised that the matter should be resolved within six months.

c) Library Development Project

Mr Coulls urged Council to consider putting the Library Development Project on hold until the Civic Centre legal proceedings have been finalised in order that Council considers the financial outcome of the legal proceedings and also for Council to wait until the rising costs of building materials settle. Mr Coulls gave the example of the new Police Station in Broken Hill which was reported to be built at a cost of \$11M but actually cost \$16M and is not fully finished (the on-site carpark is gravel instead of bitumen).

The Mayor advised that Council approved a new design for the Library Building (from the original design) in order that the new Library could be built with grant funding alone, this was prior to the escalation of the cost of building materials nationally. The project has now been re-scoped in order that it can be built in stages to allow Council to complete the first stage with grant funding and then Council will apply for additional grant funding to complete the remaining stages, thus removing the risk of the community being left with a Library partially built and unusable. The first stage of the project will include the refurbishment of the ground floor of Council's Administration Building into a temporary Library. After the new Library opens Council can look at other uses for the ground floor of the Administration Building which for example, may include the leasing of office space and the use of space for local community groups etc.

Mr Coulls thanked the Mayor for responding to his questions.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 47142

Councillor R Algate moved)
Councillor M Browne seconded)

Resolved

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held March 01, 2023 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Councillor Boland declared:

- a non-pecuniary conflict of interest in Report No. 53/23 (Item 8 of the Policy and General Committee) as he is the General Manager of the Musicians' Club and Chair of the Liquor Accord and advised that he will leave the Council Chambers whilst the item is considered.
- a non-pecuniary conflict of interest in Report No. 59/23 (Item 2 of Further Business) as he is the General Manager of the Musicians' Club and advised that he will leave the Council Chambers whilst the item is considered.

MAYORAL MINUTES

**ITEM 1 - MAYORAL MINUTE NO. 4/23 - DATED MARCH 21, 2023 - CRYSTAL STREET LONDON
PLANE TREE PLANTING REQUEST** D23/15406

RESOLUTION

Minute No. 47143

Mayor T Kennedy moved)

Deputy Mayor J Hickey seconded)

Resolved

1. That Mayoral Minute No. 4/23 dated March 21, 2023, be received.
2. That Council approves the planting proposal of London Plane trees (*Platanus xacerifolia*) in the nature strip of Crystal Street from Iodide Street to Oxide Street.
3. The London Plane trees (*Platanus xacerifolia*) are to be planted 2.5 metres from any infrastructure, including services, buildings and kerb and gutters, and 5 metres from each other tree being planted.
4. That the number of trees and exact location of plantings to be determined on site by Council's Arborist, in conjunction with Parks and Open Spaces Coordinator and Fabtec Advanced steel Fabrication owner and Director.

CARRIED

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

ITEM 2 - MAYORAL MINUTE NO. 5/23 - DATED MARCH 29, 2023 - MENINDEE LAKES FISH KILLS D23/16597

RESOLUTION

Minute No. 47144

Mayor T Kennedy moved)

Councillor R Algate seconded)

Resolved

1. That Mayoral Minute No. 5/23 dated March 29, 2023, be received.
2. That Council sends correspondence to the State and Federal Water Ministers and Shadow Ministers, MP Roy Butler and MP Mark Coulton asking for action and acknowledgment of fish kills in and around Menindee Lake, that is a result of eutrophication of water bodies caused by excess phosphorus and nitrogen likely from runoff from irrigation; and that the correspondence also raises Council's concerns regarding the volume of water currently being released from Lake Menindee in a bid to re-oxygenate the water and

mitigate further mass fish kills in the
Menindee Lakes System.

3. That Council notes excess nitrogen and phosphorus can be washed from farm fields and into waterways during rain events and can also leach through the soil and into groundwater over time. High levels of nitrogen and phosphorus can cause eutrophication of water bodies. Eutrophication can lead to hypoxia (“dead zones”), causing fish kills and a decrease in aquatic life. Excess nutrients can cause harmful algal blooms in freshwater systems, which not only disrupt wildlife but can also produce toxins harmful to humans. Farmers apply nutrients on their fields in the form of chemical fertilisers and animal manure, which provide crops with the nitrogen and phosphorus necessary to grow and produce our food or fibre. However, when nitrogen and phosphorus are not fully utilised by the growing plants, they can be lost from the farm fields and negatively impact downstream water quality.
4. That Council rejects the concept that the Eutrophication that led to hypoxia (“dead zones”), was part of a normal flooding event and is of the opinion it was directly caused by excess fertilisers washing from farms used for crops which increased algal blooms that ultimately caused the dead zones, and that all governments take immediate action by way of a parliamentary enquiry to ensure we never experience a fish kill of the magnitude we face now.
5. That all mentioned parliamentarians are directed to the many similar cases of Eutrophication that led to hypoxia (“dead zones”) on the Mississippi River and around the world.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

COMMITTEE REPORTS

WORKS COMMITTEE

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 41/23 - DATED MARCH 03, 2023 - DRAFT
TERMS OF REFERENCE - FRUIT FLY CONTROL AWARENESS WORKING GROUP D23/12214**

RESOLUTION

Minute No. 47145

Councillor D Gallagher moved)
Councillor R Page seconded)

Resolved

1. That Broken Hill City Council Report No. 41/23 dated March 3, 2023, be received.
2. That the Terms of Reference of the Fruit Fly Control Awareness Working Group be adopted.
3. That Council notes that Councillor Page has been appointed as Chairperson of the Fruit Fly Control Awareness Working Group as per Minute No. 47112.
4. That, at the March Council Meeting, Council appoints two Councillor representatives to the Working Group.
5. That advertising commences immediately to call for nominations from members of the community to fill the community representative positions; and the General Manager be delegated authority to appoint such members.
6. That an invitation be sent to Landcare Broken Hill, Western Local Land Services Broken Hill and the Department of Primary Industries Dubbo to nominate representatives to join the Working Group.
7. That the inaugural meeting of the Working Group be held late April/early May 2023 following the appointment of the community representatives.

CARRIED UNANIMOUSLY

RESOLUTION

Minute No. 47146

Councillor D Turley moved)
Councillor M Browne seconded)

Resolved

That Councillors Chandler and Gallagher be appointed as Councillor representatives to the Fruit Fly Control Awareness Working Group.

CARRIED UNANIMOUSLY

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 42/23 - DATED MARCH 03, 2023 -
MINUTES OF THE PICTON OVAL SPORTSGROUND COMMUNITY COMMITTEE MEETING
HELD 20 FEBRUARY 2023** D23/11978

RESOLUTION

Minute No. 47147

Councillor R Algate moved)

Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 42/23 dated March 3, 2023, be received.
2. That the minutes of the Picton Oval Sportsground Community Committee meeting held 20 February 2023 be received.

CARRIED UNANIMOUSLY

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 43/23 - DATED MARCH 03, 2023 -
MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETINGS HELD 6
OCTOBER 2022, 6 DECEMBER 2022 AND 7 FEBRUARY 2023** D23/11985

RESOLUTION

Minute No. 47148

Councillor D Gallagher moved)

Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 43/23 dated March 3, 2023, be received.
2. That minutes of the Memorial Oval Community Committee Meetings held 6 October 2022, 7 December 2022 and 7 February 2023 be received.
3. That Council consider the provision of a tablet device for the Memorial Oval Community Committee to assist in administration tasks and providing photographs to accompany work orders.
4. That Council provide the Committee advice on the facility potentially being used as an RV Park.

CARRIED UNANIMOUSLY

HEALTH AND BUILDING COMMITTEE

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 45/23 - DATED FEBRUARY 24, 2023 -
CORRESPONDENCE REPORT - WATER QUALITY IN BROKEN HILL** D23/10181

RESOLUTION

Minute No. 47149

Councillor R Page moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 45/23 dated February 24, 2023, be received.
2. That reply correspondence dated 22 February 2023 from the Hon Brad Hazzard MP, Minister for Health regarding Broken Hill's water quality, be received and noted.

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 44/23 - DATED FEBRUARY 14, 2023 -
GAARA ARTS INC - MEMORANDUM OF UNDERSTANDING** D23/8433

RESOLUTION

Minute No. 47150

Councillor R Algate moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 44/23 dated February 14, 2023, be received.
2. That Council enter into a Memorandum of Understanding with GARRA Arts Inc permitting exhibitions in 2024, 2026 and 2028.
3. That Council resolve the term of the Memorandum of Understanding with GAARA Arts to remain in effect until 31 December 2028.

CARRIED UNANIMOUSLY

POLICY AND GENERAL COMMITTEE

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 46/23 - DATED MARCH 08, 2023 -
DELEGATION OF FUNCTIONS - TEMPORARY TRAFFIC MANAGEMENT AND TEMPORARY
PEDESTRIAN WORKS DELEGATION AND AUTHORISATION TO COUNCIL FROM
TRANSPORT FOR NSW**

D23/12798

RESOLUTION

Minute No. 47151

Deputy Mayor J Hickey moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 46/23 dated March 8, 2023, be received.
2. That correspondence from Mr Rob Sharp, Secretary of Transport for NSW dated 24 February 2023 advising of the delegation of a Temporary Delegation to all NSW Councils for Traffic Management and Temporary Pedestrian Works, be received and noted.
3. That, as per *Section 377 of the Local Government Act 1993*, Council authorises Transport for NSW's Delegation and Authorisation – Traffic Management and Pedestrian Works Temporary Delegation and Authorisation to Councils under the *Roads Act 1993* and *Road Transport Act 2013* to be delegated to Council's General Manager, Mr Jay Nankivell, to be in force until the expiry date of 30 June 2026 (unless revised or revoked earlier by Transport for NSW).
4. That, as per *Sections 377 and 378 of the Local Government Act 1993*, Council authorises the General Manager to sub-delegate instruments of sub-delegation of authority for the Traffic Management and Pedestrian Works Temporary Delegation and Authorisation to the relevant Council Officer/s, to be in force until the expiry date of 30 June 2026 (unless revised or revoked earlier by Transport for NSW).
5. That Council's resolution along with a copy of the Delegation and Authorisation from Transport for NSW be forwarded to the Broken Hill Local Traffic Committee for noting.

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 47/23 - DATED MARCH 14, 2023 -
ADOPTION OF THE DRAFT REVISED CIVIC AND CEREMONIAL FUNCTIONS AND
REPRESENTATION POLICY**

D23/14049

RESOLUTION

Minute No. 47152

Councillor R Algate moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 47/23 dated March 14, 2023, be received.
2. That a Councillor Workshop be held to review the draft revised Civic and Ceremonial Functions and Representation Policy.

CARRIED UNANIMOUSLY

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 48/23 - DATED MARCH 04, 2023 -
ADOPTION OF DRAFT AGENCY INFORMATION GUIDE**

D23/12227

RESOLUTION

Minute No. 47153

Councillor M Browne moved)
Councillor D Turley seconded)

Resolved

1. That Broken Hill City Council Report No. 48/23 dated March 4, 2023, be received.
2. That Council adopt the Draft Agency Information Guide with the following amendments:
 - a) to correct the spelling of Councillor Gallagher's name on page 6.
 - b) to remove "Acting" from the Chief Financial Officer's title on page 7.

CARRIED UNANIMOUSLY

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 49/23 - DATED FEBRUARY 16, 2023 -
ESTABLISHMENT BROKEN HILL TOURISM ORGANISATION**

D23/8692

RESOLUTION

Minute No. 47154

Councillor A Chandler moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 49/23 dated February 16, 2023, be received.
2. That the General Manager develop a proposal and business case to establish a member based not-for-profit company limited by guarantee for the purposes of a tourism organisation.

3. That the proposal, including associated documentation required by the Office of Local Government, deliverables, and proposed budget, be presented to Council for consideration prior to being submitted to the Minister via the Office for Local Government as required under Section 358 of the *Local Government Act 1993*.

CARRIED UNANIMOUSLY

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 50/23 - DATED FEBRUARY 24, 2023 - PROMOTION OF BROKEN HILL AT CARAVAN AND CAMPING SHOWS D23/10224

RESOLUTION

Minute No. 47155

Deputy Mayor J Hickey moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 50/23 dated February 24, 2023, be received.
2. That the report be noted.
3. That Council consider the cost and benefits of attending caravan and camping shows after consultation with the newly formed tourism organisation.

CARRIED UNANIMOUSLY

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 51/23 - DATED FEBRUARY 17, 2023 - DRAFT BROKEN HILL LIVEABILITY STRATEGY FOR PUBLIC EXHIBITION D23/9150

RESOLUTION

Minute No. 47156

Councillor M Boland moved)
Councillor D Turley seconded)

Resolved

1. That Broken Hill City Council Report No. 51/23 dated February 17, 2023, be received.
2. That Council endorse the Draft Broken Hill Liveability Strategy for the purpose of public exhibition.
3. That the Draft Broken Hill Liveability Strategy be exhibited for public comment for a period of 28 days.
4. That a report be presented to Council at the conclusion of the public exhibition period, detailing submissions and any recommended amendments arising, with a view to adopt the Draft Broken Hill Liveability Strategy 2043.

CARRIED UNANIMOUSLY

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 52/23 - DATED MARCH 09, 2023 -
INVESTMENT REPORT FOR FEBRUARY 2023** D23/13012

RESOLUTION

Minute No. 47157

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 52/23 dated March 9, 2023, be received.

CARRIED UNANIMOUSLY

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 53/23 - DATED FEBRUARY 28, 2023 -
RE-ESTABLISH CENTRAL BUSINESS DISTRICT ALCOHOL-FREE ZONE** D22/68213

Councillor Boland declared an interest in Item 15 and left the Council Chambers at 7:19 p.m.

RESOLUTION

Minute No. 47158

Councillor M Browne moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 53/23 dated February 28, 2023, be received.
2. That Council endorse the Draft Proposal to Re-establish the Alcohol-Free Zone in the Central Business District (CBD) area bounded by Crystal, Iodide (Wolfram), Mica, Talc (Mercury), Graphite, Wills, Gypsum, Gaffney Streets and South Road.
3. That Council refer the Draft Proposal for comment in accordance with the provisions of the *Local Government Act 1993* and Ministerial Guidelines (2009) to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area and all affected licensed premises and registered clubs that border on, adjoin or are adjacent to the proposed alcohol-free zone, for response within thirty days of public notice.
4. That Council invite public comment on the proposal through an advertisement in local newspaper with time for response within thirty days.
5. A further report be submitted to Council upon completion of the consultative process.

6. That Council sends correspondence to the Broken Hill Police to advise of the importance of enforcing the Alcohol-Free Zones established by Council as a tool to combat alcohol related crime and anti-social behaviour in the CBD.

CARRIED UNANIMOUSLY

Councillor Boland returned to the Council Chambers at 7:20 p.m. The Mayor advised Councillor Boland that Council had adopted the report recommendation of Item 15.

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 54/23 - DATED FEBRUARY 13, 2023 -
NOMINATION FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVE TO SECTION
355 COMMUNITY COMMITTEE** D23/8213

RESOLUTION

Minute No. 47159

Councillor R Algate moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 54/23 dated February 13, 2023, be received.
2. That Council appoint Ms Donna Papas as a community representative on the Memorial Oval Community Committee.
3. That Ms Donna Papas be advised of her appointment and advice also be sent to Councillor Delegate/Chairperson of Committee.

CARRIED UNANIMOUSLY

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 55/23 - DATED MARCH 04, 2023 -
MINUTES OF THE S355 AGEING WELL ADVISORY COMMITTEE MEETING HELD 15
FEBRUARY 2023** D23/12231

RESOLUTION

Minute No. 47160

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 55/23 dated March 4, 2023, be received.
2. That the minutes of the S355 Ageing Well Advisory Committee meeting held 15 February 2023 be received.
3. That Council consider funding opportunities for the upgrade and installation of new ramps in the City's Central Business District (CBD).
4. That Council prepare and send correspondence to Regional Development

Australia (RDA) to enquire if funding is available for disability ramps.

5. That Council prepare and send correspondence to Maari Ma Health to enquire if funding is available in the Aged Care sector.
6. That Council encourage and invite service organisations and providers to participate as committee members to assist in the breadth of the aged sector being represented.
7. That Council endorses and acknowledges in writing the resignation of Dr J R Mitchell and Ms Jodie McInnes from the Ageing Well Advisory Committee and express its gratitude and appreciation for their contribution to the Committee and the community.
8. That Council notes that due to the 2023 Aged Care Reform requirements, from 1 July 2023 all Aged Care Facilities must have a Registered Nurse onsite and on duty 24 hours a day, 7 days a week, that Broken Hill is at risk of experiencing another aged care crisis due to a lack of Registered Nurses in the City and the possibility of elderly residents having to leave Broken Hill if they can no longer stay in their home and need to go into an Aged Care Facility.

That Council sends correspondence to the Federal Ministers for Aged Care along with the local members, voicing its concern regarding the new requirements for Aged Care Facilities and its impact on aged care places in Broken Hill due to a lack of Registered Nurses in the City, and that the reluctance for Registered Nurses to work in Aged Care is partly due to the delay in the Aged Care Award pay increases for staff.

That the correspondence also requests that the government urgently provides nurses to aged care facilities in Broken Hill to assist with the shortage of Registered Nurses, and to avoid the repeat of an aged care crisis in the City.

CARRIED UNANIMOUSLY

FURTHER REPORTS

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 61/23 - DATED MARCH 22, 2023 -
CORRESPONDENCE REPORT - REVIEW OF COUNCILLOR MISCONDUCT FRAMEWORK**

D23/15677

RESOLUTION

Minute No. 47161

Councillor R Page moved)

Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 61/23 dated March 22, 2023, be received.
2. That reply correspondence dated 22 March 2023 from the Deputy Secretary, Local Government Mr Brett Whitworth on behalf of the Minister for Local Government, the Hon Wendy Tuckerman MP, be received and noted.
3. That Council's previous submission/correspondence to the then Minister for Local Government, The Hon Wendy Tuckerman MP, be forwarded to the newly elected Minister for Local Government.

CARRIED UNANIMOUSLY

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 59/23 - DATED MARCH 22, 2023 -
CORRESPONDENCE REPORT - MANDATORY CASHLESS GAMING CARD**

D23/15525

Councillor Boland declared an interest in Item 19 and left the meeting at 7:27 p.m.

RESOLUTION

Minute No. 47162

Councillor R Algate moved)

Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 59/23 dated March 22, 2023, be received.
2. That reply correspondence dated 21 March 2023 from Ms Yasmin Catley MP, Shadow Minister for Customer Service regarding mandatory cashless gaming cards, be received and noted.

CARRIED UNANIMOUSLY

Councillor Boland left the meeting at 7:28 p.m. The Mayor advised Councillor Boland that Council had adopted the report recommendation of Item 19.

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 57/23 - DATED MARCH 16, 2023 -
DISABILITY INCLUSION ACTION PLAN 2022-2026 - KEY PERFORMANCE INDICATORS
PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2022**

D23/14726

RESOLUTION

Minute No. 47163

Councillor D Gallagher moved)

Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 57/23 dated March 16, 2023, be received.

2. That Council note the Disability Inclusion Action Plan 2022-2026 –Key Performance Indicators Progress Report for the reporting period ending 31 December 2022.
3. That the Disability Inclusion Action Plan 2022-2026 – Key Performance Indicators Progress Report for the reporting period ending 31 December 2022 be placed on Council's website.
4. That Council sends correspondence to the relevant Minister and the NSW Electoral Commissioner raising concerns that the locations used as polling places in Broken Hill do not have adequate disabled parking spaces; and suggesting that future government contracts for the provision of election services include the requirement for disabled parking spaces to be made available adjacent to polling places in Broken Hill.

CARRIED UNANIMOUSLY

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 58/23 - DATED MARCH 17, 2023 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.433, HELD ON TUESDAY, 7
MARCH 2023** D23/14820

RESOLUTION

Minute No. 47164

Councillor M Browne moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 58/23 dated March 17, 2023, be received.
2. That the Minutes of the Local Traffic Committee – Meeting No.433, held on Tuesday, 7 February 2023 be endorsed.
3. That Council approve Item No. 430.6.1 and 431.6.1:
 - *That Council line mark the driveway adjacent to the property at 554 Argent Street for a visual boundary as a deterrent for trucks.*
4. That Council approve Item No.431.6.3:
 - *That Council install 'No Parking' and 'Loading Zone' signs for school days and times and line mark Garnet Street adjacent to the Broken Hill High School as displayed in Council's school zone parking concept plan.*

CARRIED UNANIMOUSLY

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 60/23 - DATED MARCH 22, 2023 - ACTION
LIST REPORT** D23/15577

RESOLUTION

Minute No. 47165

Councillor D Gallagher moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No.
60/23 dated March 22, 2023, be received.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

NIL.

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Department of Crown Lands - Line of Lode Café

Councillor Turley advised that she had attended the official opening of the Line of Lode Café and raised concerns regarding the functionality of the new design, and whether the Department of Crown Lands will be able to attract a tenant. Councillor Turley suggested that Council writes to the Department of Crown Lands to enquire if design issues can be rectified concerning the walk-in freezer, access to the alfresco dining area, outside toilet and the kitchen design etc.

The Mayor sought a motion from Council to consider this as a matter of urgency.

RESOLUTION

Minute No. 47166 - Matter of Urgency

Councillor D Turley moved)
Councillor D Gallagher seconded)

Resolved

That the matter of urgency raised by Councillor
Turley regarding the Department of Crown
Lands Line of Lode Café be heard.

CARRIED UNANIMOUSLY

MATTER OF URGENCY

**ITEM 23 - MATTER OF URGENCY - DEPARTMENT OF CROWN LANDS LINE OF LODGE
CAFE (GB3/23)**

11/161

RESOLUTION

Minute No. 47167

Councillor D Turley moved)
Deputy Mayor J Hickey seconded)

Resolved

That Council writes to the Department of Crown
Lands and relevant Minister expressing Council's
concerns regarding the functionality of the newly
refurbished Line of Lode Café precinct in Broken
Hill, and that the correspondence urges the
Department of Crown Lands to rectify these
functionality issues in order to attract a tenant as
the Line of Lode precinct and Miners Memorial
are major tourist attractions in the City.

CARRIED UNANIMOUSLY

PUBLIC FORUM SESSION

Council Chambers

Mr Peter Beven requested that Council install handrails to the steps to the public galleries in the Council Chambers to assist members of the public when attending Council Meetings.

The Mayor sought a motion from Council to consider this request as a matter of urgency.

RESOLUTION

Minute No. 47168 - Matter of Urgency

Councillor R Algate moved)
Councillor A Chandler seconded)

Resolved

That the matter of urgency regarding the Council Chambers building be heard.

CARRIED UNANIMOUSLY

MATTER OF URGENCY

ITEM 24 - MATTER OF URGENCY - COUNCIL CHAMBERS BUILDING (GB4/23)

20/246

RESOLUTION

Minute No. 47169

Councillor R Algate moved)
Deputy Mayor J Hickey seconded)

Resolved

That handrails be considered as part of the 2023/24 budget for the steps to the public galleries in the Council Chambers building to assist members of the public when attending Council Meetings.

CARRIED UNANIMOUSLY

Tibooburra Road

Mr Peter Beven spoke about the recent sealing of the Tibooburra Road and the need for the Silver City Highway north of Tibooburra to also be sealed to provide an inland corridor from South Australia to Queensland. Mr Beven spoke about the safety of creek crossings north of Tibooburra.

RESOLUTION

Minute No. 47170 - Procedural Motion

Deputy Mayor J Hickey 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 meeting at 7:42 p.m. and the livestream of the meeting ceased.

CONFIDENTIAL MATTERS

**ITEM 23 - MAYORAL MINUTE NO. 6/23 - DATED MARCH 29, 2023 - CIVIC CENTRE LEGAL
MATTER UPDATE - CONFIDENTIAL** D23/16583

(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. 47171

Deputy Mayor J Hickey moved)
Councillor D Gallagher seconded)

Resolved

1. That Mayoral Minute No. 6/23 dated March 29, 2023, be received.
2. That Council note the Mayoral Minute and information provided by the General Manager.
3. That Council terminate the engagement with Redenbach Legal Pty Ltd to carry out the Cost Assessment Application.
4. That Council engage BAL Lawyers (approved panel legal provider) to take carriage of the matter and provide advice as necessary.
5. That Council continues proceeding to recover legal costs through all available avenues as outlined in the below report.

CARRIED UNANIMOUSLY

RESOLUTION

Minute No. 47172 - Procedural Motion

Councillor D Turley moved)
Councillor H Jewitt seconded)

Resolved

That the meeting resume in open session.

CARRIED UNANIMOUSLY

Members of the public and media returned to the Council Chambers at 7:45 p.m. and the livestream of the meeting resumed.

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

CONCLUSION OF THE MEETING

There being no further business to consider, the Mayor closed the meeting at 7:47 p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 26 APRIL 2023.)

CHAIRPERSON