

May 22, 2019

ORDINARY MONTHLY MEETING

TO BE HELD

WEDNESDAY, MAY 29, 2019

Please address all communications to:
The General Manager
240 Blende Street
PO Box 448
Broken Hill NSW 2880
Phone 08 8080 3300
Fax 08 8080 3424
council@brokenhill.nsw.gov.au
www.brokenhill.nsw.gov.au

Dear Sir/Madam,

Your attendance is requested at the Ordinary Meeting of the Council of the City of Broken Hill to be held in the Council Chamber, Sulphide Street, Broken Hill on **Wednesday, May 29, 2019** commencing at 6:30pm to consider the following business:

ABN 84 873 116 132

- 1) Apologies
- 2) Prayer
- 3) Acknowledgement of Country
- 4) Public Forum
- 5) Minutes for Confirmation
- 6) Disclosure of Interest
- 7) Mayoral Minute
- 8) Notice of Motion
- 9) Notices of Rescission
- 10) Reports from Delegates
- 11) Reports
- 12) Committee Reports
- 13) Questions Taken on Notice from Previous Council Meeting
- 14) Questions for Next Meeting Arising from Items on this Agenda
- 15) Confidential Matters


JAMES RONCON
GENERAL MANAGER

LIVE STREAMING OF COUNCIL MEETINGS

PLEASE NOTE: This Council meeting is being streamed live, recorded, and broadcast online via Facebook. To those present in the gallery today, by attending or participating in this public meeting you are consenting to your image, voice and comments being recorded and published.
The Mayor and/or General Manager have the authority to pause or terminate the stream if comments or debate are considered defamatory or otherwise inappropriate for publishing.
Attendees are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.

MINUTES FOR CONFIRMATION

Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held Wednesday, April 17, 2019.

Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held Tuesday, May 14, 2019.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 17, 2019

Meeting commenced at 6:30pm

PRESENT:

Councillor D. Turley (Mayor) Councillor M. Browne (Deputy Mayor)
Councillors C. Adams, M. Clark, D. Gallagher, T. Kennedy,
B. Licul and J. Nolan.

General Manager, Chief Financial Officer, Director Corporate, Manager
Communications, Governance Officer and Executive Support Officer.

Media (2), Members of the Public (9).

APOLOGIES:

Councillors R. Page and B. Algate.

RESOLUTION

Minute No. 46044

Councillor C. Adams moved

Councillor M. Clark seconded

)

)

That the written request for leave of absence
received from Councillor Page be accepted and
leave of absence granted.

That the apology submitted on behalf of
Councillor Algate be received.

CARRIED

PRAYER

Councillor Adams delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

PUBLIC FORUM

Gateway Signage

17/133

Mr Peter Beven enquired as to what is happening with the signage competition for the design of gateway signage for the highway entrances to the City. Mr Beven asked about ownership of the design, and whether there will be different signs for each highway entrance.

The Mayor advised that Council owned the intellectual property of the design, and that the design image will be revealed to the public very soon.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 46045

Councillor C. Adams moved

Councillor B. Licul seconded

)

)

That the Minutes of the Ordinary Meeting of the
Council of the City of Broken Hill held March 27,
2019 be confirmed.

CARRIED

DISCLOSURE OF INTEREST

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 17, 2019

Nil.

MAYORAL MINUTES

Nil.

NOTICES OF MOTION

ITEM 1 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 6/19 - DATED APRIL 12, 2019 -
2019/2020 BUDGET CONSIDERATION - LIGHTING FOR ALMA OVAL 18/191, 12/45

Councillor T. Kennedy moved

)
)

1. That Motions of Which Notice has been Given No. 6/19 dated April 12, 2019, be received.
2. That Broken Hill City Council budget \$700,000 in the 2019/2020 budget for lighting at the Alma Oval.
3. That money for the Alma Oval lighting project is transferred from the \$6,500,000 collected in profit from the W2BH pipeline construction and is currently kept in the Community Hub reserve.

LAPSED
For want of a Seconder

ITEM 2 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 7/19 - DATED APRIL 12, 2019 -
2019/2020 BUDGET CONSIDERATION - UPGRADE WORKS TO QUEEN ELIZABETH PARK 18/191, 17/136

Councillor T. Kennedy moved

)
)

1. That Motions of Which Notice has been Given No. 7/19 dated April 12, 2019, be received.
2. That Broken Hill City Council budget \$1,000,000 in the 2019/2020 budget for works at the Queen Elizabeth Park that includes lighting, sprinkler systems, new turf etc.
3. That money for Queen Elizabeth Park project is transferred from the \$6,500,000 collected in profit from the W2BH pipeline construction and is currently kept in the Community Hub reserve.

LAPSED
For want of a Seconder

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 17, 2019

**ITEM 3 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 8/19 - DATED APRIL 12, 2019 -
2019/2020 BUDGET CONSIDERATION - UPGRADE WORKS TO NORM FOX OVAL 18/191, 12/53**

- Councillor T. Kennedy moved)
)
1. That Motions of Which Notice has been Given No. 8/19 dated April 12, 2019, be received.
 2. That Broken Hill City Council budget \$1,500,000 in the 2019/2020 budget for works at the Norm Fox Oval that includes lighting, sprinkler systems, new turf etc.
 3. That money for the Norm Fox Oval project is transferred from the \$6,500,000 collected in profit from the W2BH pipeline construction and is currently kept in the Community Hub reserve.

LAPSED
For want of a Secunder

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 39/19 - DATED MARCH 25, 2019 -
CORRESPONDENCE REPORT - SAVE OUR RECYCLING CAMPAIGN 11/199**

- Councillor J. Nolan moved)
Councillor C. Adams seconded)
1. That Broken Hill City Council Report No. 39/19 dated March 25, 2019, be received.
 2. That correspondence from Local Government NSW; the Office of the Hon Gabrielle Upton MP; and the Hon Penny Sharpe MLC in reply to Council correspondence supporting the Save Our Recycling Campaign, be received.

Amendment

- Councillor T. Kennedy moved)
)
1. That Broken Hill City Council Report No. 39/19 dated March 25, 2019, be received.
 2. That correspondence be sent to the Hon Gabrielle Upton MP; and the Hon Penny Sharpe MLC asking them to clarify the

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 17, 2019

benefits of any recycling campaign,
especially plastics recycling, given the recent
episode of the 60 Minutes program.

LAPSED
For want of a seconder

The original motion was put.

RESOLUTION

Minute No. 46046

Councillor J. Nolan moved
Councillor C. Adams seconded

)
)

1. That Broken Hill City Council Report No. 39/19 dated March 25, 2019, be received.
2. That correspondence from Local Government NSW; the Office of the Hon Gabrielle Upton MP; and the Hon Penny Sharpe MLC in reply to Council correspondence supporting the Save Our Recycling Campaign, be received.

CARRIED

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 40/19 - DATED MARCH 27, 2019 -
CORRESPONDENCE REPORT - OPPOSITION TO THE RECONFIGURATION OF THE MENINDEE
LAKES** 11/426

Resolved

1. That Broken Hill City Council Report No. 40/19 dated March 27, 2019, be received.
2. That correspondence dated 22 March 2019 from the Executive Director Water, NSW Department of Industry in reply to representations made regarding Council's opposition to the reconfiguration of the Menindee Lakes, be received.

RESOLUTION

Minute No. 46047

Councillor T. Kennedy moved
Councillor M. Clark seconded

)
)

CARRIED

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 41/19 - DATED APRIL 04, 2019 - DRAFT
SUSTAINABILITY STRATEGY 2018-2023** 18/41

.

Councillor M. Browne moved
Councillor M. Clark seconded

)
)

1. That Broken Hill City Council Report No. 41/19 dated April 4, 2019, be received.
2. That Council endorse the draft Sustainability Strategy 2018–2023 for the purpose of public exhibition.
3. That the draft Sustainability Strategy 2018–2023 be exhibited for public comment for a period of 28 days.
4. That Council receives a further report at the conclusion of this exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the draft Sustainability Strategy 2018-2023.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 17, 2019

Amendment

Councillor T. Kennedy moved

)
)

1. That Broken Hill City Council Report No. 41/19 dated April 4, 2019, be received.
2. That prior to the draft Sustainability Strategy 2018-2023 being placed on public exhibition, Council be provided with the details of costs of implementing any sustainability programs including employee costs, costs to the community and the benefits to the community as a whole.

LAPSED

For want of a Secunder

The original motion was put.

RESOLUTION

Minute No. 46048

Councillor M. Browne moved

Councillor M. Clark seconded

)
)

1. That Broken Hill City Council Report No. 41/19 dated April 4, 2019, be received.
2. That Council endorse the draft Sustainability Strategy 2018–2023 for the purpose of public exhibition.
3. That the draft Sustainability Strategy 2018-2023 be exhibited for public comment for a period of 28 days.
4. That Council receives a further report at the conclusion of this exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the draft Sustainability Strategy 2018-2023.

CARRIED

A Division was called which resulted in:

FOR: Crs Adams, Browne, Gallagher, Licul, Turley, M Clark and Nolan

AGAINST: Cr T Kennedy

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 42/19 - DATED MARCH 05, 2019 -
ADOPTION OF BROKEN HILL, COMMUNITY HUB AND CULTURAL PRECINCT - DRAFT
CULTURAL FRAMEWORK AND SYNOPSIS REPORT**

16/89

Councillor M. Browne moved
Councillor D. Gallagher seconded

)
)

1. That Broken Hill City Council Report No. 42/19 dated March 5, 2019, be received.
2. That Council adopts the Broken Hill Library, Community Hub and Cultural Precinct - Cultural Framework and Synopsis Report.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 17, 2019

Amendment

Councillor T. Kennedy moved)

)

1. That Broken Hill City Council Report No. 42/19 dated March 5, 2019, be received.
2. That Council starts consultation with the community advising that potential costs of the Library Community Hub and Cultural Precinct will be \$20M+, to ascertain if the community is still in favour of the development.

LAPSED

For want of a Seconder

The original motion was put.

RESOLUTION

Minute No. 46049

Councillor M. Browne moved)

Councillor D. Gallagher seconded)

1. That Broken Hill City Council Report No. 42/19 dated March 5, 2019, be received.
2. That Council adopts the Broken Hill Library, Community Hub and Cultural Precinct - Cultural Framework and Synopsis Report.

CARRIED

Councillor Kennedy requested that his name be recorded as voted against the motion of item 7.

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 43/19 - DATED APRIL 04, 2019 -
PROPOSAL TO RENAME AIRPORT ROAD TO PRO HART WAY**

19/32

Resolved

1. That Broken Hill City Council Report No. 43/19 dated April 4, 2019, be received.
2. That Council endorse that a formal application be submitted to the NSW Geographical Name Board to rename Airport Road to Pro Hart Way.

RESOLUTION

Minute No. 46050

Councillor M. Clark moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 44/19 - DATED MARCH 26, 2019 -
CHARLES RASP MEMORIAL LIBRARY OPENING HOURS**

11/544

Resolved

1. That Broken Hill City Council Report No. 44/19 dated March 26, 2019, be received.
2. That Council retain the trial operating hours of 42 hours per week as the ongoing hours of operation of the Charles Rasp Memorial Library.

RESOLUTION

Minute No. 46051

Councillor M. Browne moved)

Councillor C. Adams seconded)

CARRIED

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 17, 2019

Councillor Kennedy requested that his name be recorded as voted against the motion of item 9.

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 45/19 - DATED MARCH 21, 2019 -
BROKEN HILL REGIONAL ART GALLERY AND ALBERT KERSTEN MINING AND MINERALS
MUSEUM (GEOCENTRE) OPENING HOURS**

17/206

Councillor C. Adams moved
Councillor M. Clark seconded

)
)

1. That Broken Hill City Council Report No. 45/19 dated March 21, 2019, be received.
2. That Council approve the change in operating hours for the Broken Hill Regional Art Gallery and Albert Kersten Mining & Minerals Museum (GeoCentre) to:
 - a. Broken Hill Regional Art Gallery – 36 hours per week (closed Monday) all year around
 - b. Albert Kersten Mining & Minerals Museum (GeoCentre) - 36 hours per week (closed Sunday) all year around

Amendment

Councillor T. Kennedy moved

)
)

1. That Broken Hill City Council Report No. 45/19 dated March 21, 2019, be received.
2. That the original hours be reinstated for the Broken Hill Regional Art Gallery and the Albert Kersten Mining and Minerals Museum (GeoCentre).

LAPSED
For want of a Seconder

The original motion was put.

RESOLUTION

Minute No. 46052

Councillor C. Adams moved
Councillor M. Clark seconded

)
)

1. That Broken Hill City Council Report No. 45/19 dated March 21, 2019, be received.
2. That Council approve the change in operating hours for the Broken Hill Regional Art Gallery and Albert Kersten Mining & Minerals Museum (GeoCentre) to:
 - a. Broken Hill Regional Art Gallery – 36 hours per week (closed Monday) all year around
 - b. Albert Kersten Mining & Minerals Museum (GeoCentre) - 36 hours per week (closed Sunday) all year around

CARRIED

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 17, 2019

Councillor Kennedy requested that his name be recorded as voted against the motion of item 10.

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 46/19 - DATED MARCH 22, 2019 -
TEMPORARY SUSPENSION OF A PORTION OF THE CENTRAL BUSINESS DISTRICT ALCOHOL-
FREE ZONE FOR 2019 BROKEN HILL FESTIVAL**

11/307

Resolved

1. That Broken Hill City Council Report No. 46/19 dated, be received.
2. That Council provide in principle support to begin the planning process for the temporary suspension of a portion of the Central Business District (CBD) Alcohol-Free Zone for the area of Sulphide Street bounded by Crystal Street, Argent Street, 221 Argent Street and Argent House/Barrier Crash Repairs. It is also proposed to close off Crystal Lane behind the Palace Hotel and 221 Argent Street. This area will also include footpaths in the closed section of Sulphide Street and the Argent Street footpath in front of the Palace Hotel and 221 Argent Street.
3. That the temporary suspension be in place from 10am Thursday, 12 September 2019 to 10am Monday, 16 September 2019 subject to the final conditions, inclusive of trading times, contained in the liquor licence as advised by Barrier Local Area Command.
4. That the temporary suspension of a portion of the CBD Alcohol-Free Zone be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirms that all other existing alcohol-free zones in Broken Hill remain in force.
5. That the General Manager be authorised to implement the suspension and advertising processes on final advice of Barrier Local Area Command.
6. That Barrier Local Area Command be advised of Council's decision.

RESOLUTION

Minute No. 46053

Councillor M. Browne moved)

Councillor D. Gallagher seconded)

CARRIED

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 47/19 - DATED APRIL 04, 2019 -
INVESTMENT REPORT FOR MARCH 2019**

17/82

Resolved

1. That Broken Hill City Council Report No. 47/19 dated April 4, 2019, be received.

RESOLUTION

Minute No. 46054

Councillor M. Browne moved)

Councillor B. Licul seconded)

CARRIED

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 48/19 - DATED MARCH 29, 2019 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 390 HELD TUESDAY MARCH 5,
2019 AND NO 3391 HELD TUESDAY APRIL 2, 2019**

11/397

Resolved

1. That Broken Hill City Council Report No. 48/19 dated March 29, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.390 held March 5, 2019 be received.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 17, 2019

3. That the minutes for the Local Traffic Committee Meeting No.391 held April 2, 2019 be received.

RESOLUTION

Minute No. 46055

Councillor M. Browne moved)
Councillor C. Adams seconded)

CARRIED

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 49/19 - DATED MARCH 25, 2019 - MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD MARCH 2019

13/19

Resolved

1. That Broken Hill City Council Report No. 49/19 dated March 25, 2019, be received.
2. That the minutes of the Audit, Risk and Improvement Committee Meeting held 1 March 2019 be endorsed.

RESOLUTION

Minute No. 46056

Councillor D. Gallagher moved)
Councillor M. Clark seconded)

CARRIED

ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 50/19 - DATED MARCH 05, 2019 - MINUTES OF THE BROKEN HILL LEAD REFERENCE GROUP MEETING

12/177

Resolved

1. That Broken Hill City Council Report No. 50/19 dated March 5, 2019, be received.
2. That the minutes of the Broken Hill Lead Reference Group Meeting held November 29, 2018 be received.
3. That the minutes of the Broken Hill Lead Reference Group Meeting held February 21, 2019 be received.

RESOLUTION

Minute No. 46057

Councillor M. Browne moved)
Councillor C. Adams seconded)

CARRIED

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 51/19 - DATED APRIL 03, 2019 - ACTION LIST REPORT

11/21

Resolved

1. That Broken Hill City Council Report No. 51/19 dated April 3, 2019, be received.

RESOLUTION

Minute No. 46058

Councillor C. Adams moved)
Councillor D. Gallagher seconded)

CARRIED

COMMITTEE REPORTS

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 52/19 - DATED MARCH 26, 2019 - MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETING HELD 21 MARCH 2019 15/87

Resolved

1. That Broken Hill City Council Report No. 52/19 dated March 26, 2019, be received.
2. That minutes of the Broken Hill Heritage Committee Meeting held 21 March 2019 be received and noted.

ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 53/19 - DATED APRIL 02, 2019 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 5 FEBRUARY 2019 12/52

Resolved

1. That Broken Hill City Council Report No. 53/19 dated April 2, 2019, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 5 February 2019 be received.

ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 55/19 - DATED APRIL 03, 2019 - CONSTITUTION OF THE COMMUNITY STRATEGIC PLAN ROUND TABLE ADVISORY COMMITTEE AMENDMENT

13/145

Resolved

1. That Broken Hill City Council Report No. 55/19 dated April 3, 2019, be received.

The Constitution of the Community Strategic Plan Round Table Advisory Committee be amended to include the following:

- Representation from Broken Hill Local Aboriginal Land Council
- Representation from NSW Primary Health Network
- Additional representative from the Barrier Police District

Remove the following:

- Representation of the Department of Family and Community Services
- Representation of the Chamber of Commerce

That Council sends correspondence accordingly.

Minute No. 46059

Councillor M. Clark moved
Councillor C. Adams seconded

)
)

That the recommendations of items 17 to 19 be adopted.

CARRIED

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 20 - QUESTIONS ON NOTICE NO. 4/19 - DATED APRIL 03, 2019 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE MARCH 2019 COUNCIL MEETING

13/92

Resolved

1. That Questions On Notice No. 4/19 dated April 3, 2019, be received.

RESOLUTION

Minute No. 46060

Councillor D. Gallagher moved)

Councillor M. Browne seconded)

CARRIED

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Item 6 – Draft Sustainability Strategy

18/41

Councillor Kennedy requested information regarding the cost of Council implementing the strategy including employee costs and benefits to the community.

Broken Hill Visitors' Information Centre – Visitation Statistics

11/407

Councillor Browne requested visitation statistics for the Broken Hill Visitors' Information Centre for the last 6 month and 12 month periods.

RESOLUTION

Minute No. 46061 - Council Resolution

Councillor D. Gallagher moved)

Councillor B. Licul seconded)

That the meeting be closed to the public in accordance with the *Local Government Act 1993 clause 10A(2)*, whilst the confidential matters are considered.

CARRIED

Members of the media and public left at 7:30pm

CONFIDENTIAL MATTERS

ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 56/19 - DATED APRIL 03, 2019 - APPLICATION FOR HARDSHIP - INTEREST WRITE OFF - **CONFIDENTIAL**

15/36

(General Manager's Note: This report considers Hardship Application 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).

Resolved

1. That Broken Hill City Council Report No. 56/19 dated April 3, 2019, be received.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 17, 2019

2. That Council authorises the General Manager to write off accrued interest of \$36,288.66 for the said ratepayer and property, as per the *Local Government Act 1993* and Council's Hardship Policy; and that this write off of accrued interest be subject to the ratepayer's adherence to the agreed payment plans.

RESOLUTION

Minute No. 46062

Councillor M. Browne moved)

Councillor J. Nolan seconded)

CARRIED

ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 57/19 - DATED APRIL 02, 2019 - T19/3 - REQUEST FOR TENDER FOR INSTALLATION OF LIGHTING AND PROJECTION ON COUNCIL INFRASTRUCTURE - AUSTRALIA'S HERITAGE PERFECTLY HIGHLIGHTED PROJECT. -

CONFIDENTIAL

T19/3

(General Manager's Note: This report considers Tender documents - commercial in-confidence 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).

Resolved

1. That Broken Hill City Council Report No. 57/19 dated April 2, 2019, be received.
2. That Council approves Silver Bullet to deliver the Australia's Heritage Perfectly Highlighted Project.
3. That Council endorses a further contribution of \$600,511 in the 2018/19 budget for this project.

RESOLUTION

Minute No. 46063

Councillor J. Nolan moved)

Councillor M. Browne seconded)

CARRIED

Councillor Kennedy requested that his name be recorded as voting against the motion of item 22.

RESOLUTION

Minute No. 46064

Councillor M. Browne moved)

Councillor D. Gallagher seconded)

That the meeting resume in open session.

CARRIED

Members of the media and public returned to the Council Chamber at 7:36 p.m.

At the Mayor's request, the General Manager read the resolutions of the items considered in closed session.

There being no further business the Mayor closed the meeting at 7:38 p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON MAY 29, 2019.)

CHAIRPERSON

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 14, 2019

Meeting commenced at 6:30p.m.

PRESENT:

Councillor D. Turley (Mayor) Councillor M. Browne (Deputy Mayor),
Councillors C. Adams, B. Algate, M. Clark, D. Gallagher, T. Kennedy,
B. Licul, J. Nolan and R. Page.

General Manager, Chief Financial Officer, Chief Operations Officer, Director
Corporate, Manager Communications, Governance Officer and Executive
Support Officer.

Media - 1, Members of the Public – nil.

APOLOGIES:

Nil.

PURPOSE OF THE MEETING

To consider the following matters:

- Broken Hill City Council Report No. 58/19 - dated April 5, 2019 – Draft Delivery Program 2019/2021 incorporating Operational Plan 2018/2019 inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2019/2020
- Broken Hill City Council Report No. 59/19 – dated May 8, 2019 – Draft Long Term Financial Plan 2020/2029

DISCLOSURE OF INTEREST

Nil.

REPORTS

ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 58/19 - DATED APRIL 05, 2019 - DRAFT DELIVERY PROGRAM 2019-2021 INCORPORATING OPERATIONAL PLAN 2018/2019 INCLUSIVE OF THE STATEMENT OF REVENUE POLICY AND DRAFT SCHEDULE OF FEES AND CHARGES 2019/2020 17/206

Councillor Browne moved
Councillor Licul seconded

)
)

1. That Broken Hill City Council Report No. 58/19 dated April 5, 2019, be received.
2. That the Draft Delivery Program 2019-2021 incorporating Operational Plan 2019/2020 inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2019/2020 be endorsed for the purpose of public exhibition for community comment for a 28 day period.

Amendment

Councillor Kennedy moved
Councillor Algate seconded

)
)

1. That Broken Hill City Council Report No. 58/19 dated April 5, 2019, be received.

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 14, 2019

2. That the Draft Delivery Program 2019-2021 incorporating Operational Plan 2019/2020 inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2019/2020 be amended to withdraw the summary of waste fees on pages 8 and 9 and replace it with the 2017/2018 fees with CPI increase applied.

LOST

A Division was called which resulted in:

FOR: Councillors Kennedy and Algate

AGAINST: Councillors Nolan, Clark, Licul, Page, Adams, Gallagher, Browne and Turley

The original motion was put.

RESOLUTION

Minute No. 46065

Councillor Browne moved

Councillor Licul seconded

)
)

1. That Broken Hill City Council Report No. 58/19 dated April 5, 2019, be received.
2. That the Draft Delivery Program 2019-2021 incorporating Operational Plan 2019/2020 inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2019/2020 be endorsed for the purpose of public exhibition for community comment for a 28 day period.

CARRIED

A Division was called which resulted in:

FOR: Councillors Nolan, Clark, Licul, Page, Adams, Gallagher, Browne and Turley

AGAINST: Councillors Kennedy and Algate

A question from Councillor Kennedy was taken on notice regarding the current fees per cubic metre for the dumping of various types of waste at Council's Waste Services Facility.

**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 59/19 - DATED MAY 08, 2019 - DRAFT
LONG TERM FINANCIAL PLAN 2020-2029**

18/194

RESOLUTION

Minute No. 46066

Councillor Browne moved

Councillor Gallagher seconded

)
)

1. That Broken Hill City Council Report No. 59/19 dated May 8, 2019, be received.
2. That Council endorse the Draft Long Term Financial Plan 2020-2029 for public exhibition.
3. That that Draft Long Term Financial Plan 2020-2029 be placed on public

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 14, 2019

display for 28 days in accordance with
legislation.

CARRIED

A Division was called which resulted in:

FOR: Councillors Nolan, Clark, Licul, Page, Adams, Gallagher, Browne and Turley
AGAINST: Councillors Kennedy and Algate

There being no further business the Mayor closed the meeting at 6:59 p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON MAY 29, 2019.)

CHAIRPERSON

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 60/19 - DATED MARCH 26, 2019 - ANNUAL FEES - MAYOR AND COUNCILLORS (11/20)19
2. BROKEN HILL CITY COUNCIL REPORT NO. 61/19 - DATED APRIL 09, 2019 - MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW 2018 (12/14)42
3. BROKEN HILL CITY COUNCIL REPORT NO. 62/19 - DATED MAY 13, 2019 - OPENING HOURS OF THE VISITOR INFORMATION CENTRE (11/407).....162
4. BROKEN HILL CITY COUNCIL REPORT NO. 63/19 - DATED APRIL 08, 2019 - RE-ESTABLISHMENT OF CENTRAL BUSINESS DISTRICT ALCOHOL-FREE ZONE (11/307)169
5. BROKEN HILL CITY COUNCIL REPORT NO. 64/19 - DATED MAY 06, 2019 - QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING MARCH 2019 (12/160)180
6. BROKEN HILL CITY COUNCIL REPORT NO. 65/19 - DATED MAY 06, 2019 - INVESTMENT REPORT FOR APRIL 2019 (17/82).....199
7. BROKEN HILL CITY COUNCIL REPORT NO. 66/19 - DATED MAY 14, 2019 - COMMUNITY ASSISTANCE GRANTS AWARDED FOR ROUND 1 OF 2019/2020 (18/44)215
8. BROKEN HILL CITY COUNCIL REPORT NO. 67/19 - DATED MAY 10, 2019 - REVIEW OF SECTION 7.12 DEVELOPER CONTRIBUTIONS PLAN (11/467)221
9. BROKEN HILL CITY COUNCIL REPORT NO. 68/19 - DATED MAY 14, 2019 - DEVELOPMENT APPLICATION 24/2019 - REDEVELOPMENT AT JUBILEE OVAL, 90 SILVER STREET, BROKEN HILL (11/467)246
10. BROKEN HILL CITY COUNCIL REPORT NO. 69/19 - DATED MAY 15, 2019 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 392 HELD WEDNESDAY MAY 8, 2019 (11/397)260
11. BROKEN HILL CITY COUNCIL REPORT NO. 70/19 - DATED MAY 17, 2019 - ACTION LIST REPORT (11/21)275

ORDINARY MEETING OF THE COUNCIL

March 26, 2019

ITEM 1BROKEN HILL CITY COUNCIL REPORT NO. 60/19SUBJECT: ANNUAL FEES - MAYOR AND COUNCILLORS 11/20**Recommendation**

1. That Broken Hill City Council Report No. 60/19 dated March 26, 2019, be received.
2. That effective 1 July 2019, the Local Government Remuneration Tribunal annual fee increase of 2.5% for 2019/2020 financial year be applied to the current fees for the Mayor and Councillors.
3. That allocation of a fee for the Deputy Mayor when acting in the role as Mayor, being the daily fee based on the annual additional Mayoral fee; with the fee so payable deducted from the Mayor's fee, be reaffirmed.

Executive Summary:

The Local Government Remuneration Tribunal has made determinations under Section 241 of the *Local Government Act 1993* in respect of the annual fees paid to the Mayor and Councillors effective from 1 July 2019 (see attachment).

The Local Government Remuneration Tribunal has awarded an annual fee increase of 2.5 percent to both Councillor and Mayoral fees, with effect from 1 July 2019.

Report:

The *Local Government Act 1993* ("the Act") provides for the establishment of a Local Government Remuneration Tribunal to determine categories for Councils, together with annual fees payable to Mayors and Councillors. The Tribunal, in accordance with Section 241 of the Act, must determine no later than 1 May each year the minimum / maximum fees payable for Councillors and Mayors for each category.

The Local Government Remuneration Tribunal has determined that Broken Hill City Council falls into the "Regional Rural" category although its population is under 20,000 it aligns more closely with the other eligibility criteria of this category rather than the "Rural" category for areas with a population less than 20,000 due to Broken Hill being:

- a major town of the Far West of NSW;
- provides services to its surrounding townships;
- provides a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centre;
- has a principal referring hospital, tertiary education services and a major regional airport;
- and Broken Hill also attracts large visitor numbers to established tourism ventures

Council is required under the Act to determine the fees to be paid to the Mayor and Councillors and Section 248 of the *Local Government Act 1993* stipulates that a Council must pay each Councillor an annual fee in accordance with the Tribunal's determinations, the annual fee is to be the same for each Councillor and Council is able to pay that fee having regard to the category established by the Tribunal.

In setting the fee Council may fix a fee that is equal to or greater than the minimum but not greater than the maximum for the appropriate category. When Council declines to fix a fee, it must pay the appropriate minimum fees as determined by the Tribunal.

Pursuant to Section 241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors of councils, and Members and Chairpersons of county councils effective on and from 1 July 2019 are determined as follows (**Note: Broken Hill City Council falls into the "Regional Rural" category**):

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (*Section 249(2) Local Government Act 1993*).

Strategic Direction:

Key Direction: 4 Our Leadership
 Objective: Our Leaders make smart decisions
 Function: Leadership and Governance
 DP Action: 4.2.1.1 – Decisions are made in a timely manner to ensure effective delivery.

Relevant Legislation:

The Local Government Act 1993 section 249 and the annual determination of the Local Government Remuneration Tribunal for 2019/2020.

Financial Implications:

The current fees paid to Councillors and the Mayor in 2018/2019 financial year are below the maximum fee allowable at \$17,544.00 Councillor Fee, and the Mayoral Fee is \$38,277.60.

Allowance has been made in the 2019/2020 Budget for Mayoral and Councillor fees.

Attachments

1. [↓](#) 2019/2020 Determination Report - Local Government Remuneration Tribunal

JAMES RONCON
GENERAL MANAGER

Local
Government
Remuneration
Tribunal

Annual Report
and
Determination

*Annual report and determination under sections 239 and
241 of the Local Government Act 1993*

15 April
2019

[NSW Remuneration Tribunals website](#)

Local Government Remuneration Tribunal

Contents

Contents	1
Executive Summary	2
Section 1 Introduction	3
Section 2 Background	3
Section 2 2018 Determination	4
Section 3 2019 Review	4
Categorisation	5
Fees	8
Other matters	10
Conclusion	10
Section 4 Determinations	12
Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2019	12
Table 1: General Purpose Councils - Metropolitan	12
Table 2: General Purpose Councils – Non-Metropolitan	13
Table 3: County Councils	14
Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors	15
Table 4: Fees for General Purpose and County Councils	15
Appendices	16
Appendix 1 Criteria that apply to categories	16

Local Government Remuneration Tribunal

Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Planning and Public Spaces by 1 May each year as to its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

The Tribunal did not undertake a broad review of the categorisation of councils and considered only those requests where an individual submission was made. The Tribunal found that the current allocation of councils into the current categories is appropriate.

The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020. The criteria applicable to each of the categories are published in Appendix 1 of the determination and are unchanged from 2018.

Fees

The Tribunal has determined that the minimum and maximum fees applicable to each category will be increased by 2.5 per cent which is consistent with the government's policy on wages.

Local Government Remuneration Tribunal

Section 1 Introduction

1. The role of Assessor assisting the Local Government Remuneration Tribunal (the Tribunal), pursuant to section 236 (1) (b) of the *Local Government Act 1993* (the LG Act) was undertaken by Mr Ian Reynolds from 1 July 2015 until the expiration of his appointment on 27 November 2018. The Tribunal thanks Mr Reynolds for his contributions over those years.
2. On 28 November 2018, Dr Robert Lang was re-appointed as the Tribunal and Mr Brian Bell PSM was appointed to the role of Assessor assisting the Tribunal pursuant to section 236 (1) (b) of the LG Act. The role of Assessor assisting the Tribunal pursuant to 236 (1) (a) continues to be undertaken by Mr Tim Hurst, CEO, Office of Local Government, Department of Planning and Environment.

Section 2 Background

3. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
4. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
5. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A (1) of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
6. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy pursuant to section 242A (3) of the LG Act.

Local Government Remuneration Tribunal

7. The Tribunal's determinations take effect from 1 July in each year.

Section 2 2018 Determination

1. The Tribunal considered ten requests for re-categorisation having regard to the case put forward and the criteria for each category. A multi variable approach was adopted in assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
2. The Tribunal noted that at the time of making the determination only the population data as of 2016 was available.
3. The Tribunal found that the current categorisation for the ten councils was appropriate and noted that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations in the medium term.
4. The Tribunal's 2018 Determination was made on 17 April 2018 and provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.

Section 3 2019 Review

5. The Tribunal wrote to all mayors in December 2018 advising of the commencement of the 2019 Annual Review. In doing so the Tribunal noted that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.
6. The Tribunal also stated that it does not intend to alter the groups that apply to individual councils unless there is a very strong case to do so. Any requests for a review should be supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
7. The Tribunal also wrote to the President of Local Government NSW (LGNSW) in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal thanks the President and Chief Executive for making the time to meet with the Tribunal.
8. In response to this review the Tribunal received 20 submissions from individual councils and a submission from LGNSW. Those submissions addressed the allocation of councils into

Local Government Remuneration Tribunal

those categories and fees. The Tribunal also received a submission from a joint organisation requesting that the Tribunal determine the fees for members of the boards of joint organisations. A summary of the matters raised, and the Tribunal's consideration of those matters is outlined below.

Categorisation

9. Ten submissions received from councils requested re-categorisation now and two submissions requested re-categorisation when the Tribunal considers the categories in detail in 2020. Each of the ten requests for re-categorisation now were considered having regard to the case put forward and the criteria for each category.
10. At the time of making the determination the Tribunal had available to it the 30 June 2018 population data released by the Australian Bureau of Statistics (ABS) on 27 March 2019. In reviewing the submissions received the Tribunal also applied a multi variable approach assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
11. The Tribunal finds that the allocation of councils into the current categories is appropriate but again notes that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations.
12. A few submissions have suggested alternative categorisation models. The Tribunal will consider this in detail in the 2020 review. The Tribunal intends to commence the 2020 annual review earlier than usual to ensure there is time to review the existing model and to examine alternatives. The Tribunal is of the preliminary view that a case may exist to revise the number of categories, and their applicable criteria, particularly for regional and rural councils.
13. A summary of the Tribunal's findings for each of the 2019 applications for re-categorisation is outlined in the following paragraphs.

Metropolitan Large

14. Canterbury-Bankstown and Penrith have sought re-categorisation to new categories noting that no changes to the categories of councils are planned until 2020. Canterbury-Bankstown has proposed a new categorisation model for consideration in the 2020 review. The proposed model would provide different categories for metropolitan councils. Penrith

Local Government Remuneration Tribunal

has again sought to be re-categorised to a new category - 'Metropolitan Large – Growth Centre'.

15. Both councils may wish to provide further details for consideration in the 2020 annual review.

Metropolitan Medium Councils

16. Inner West has again sought to be re-categorised to Metropolitan Large. The Tribunal outlined in the 2018 determination that Inner West did not demonstrate enough additional criteria to warrant re-categorisation at that time, but with population growth the council would likely be more comparable with other Metropolitan Large councils in the short to medium term.
17. The Tribunal has again considered in detail the features of Inner West having regard to the other criteria for Metropolitan Large councils. The Tribunal finds that Inner West does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as other Metropolitan Large councils. This is supported by development and planning information published by the Greater Sydney Commission.
18. Inner West's June 2018 population of 198,024 is below the indicative population of other Metropolitan Large councils. Based on existing growth predictions it is likely Inner West will meet the minimum population threshold for inclusion in Metropolitan Large in 2020.

Metropolitan Small Council

19. Willoughby and Camden have sought to be re-categorised to Metropolitan Medium.
20. Willoughby's June 2018 population of 80,339 is below the indicative population of Metropolitan Medium Councils. The Tribunal outlined in the 2018 determination that Willoughby sought recognition of its scale of operations and businesses and regional significance of its centres and high percentage of non-resident visitors and workers. The Tribunal found the characteristics of the council were more appropriately aligned with those of other Metropolitan Small councils and found no case for it to be re-categorised at that time.
21. Willoughby's 2019 submission argues there is an over emphasis on resident population and no recognition of the complexity or burden on high volumes of non-resident populations.
22. As previously stated, the Tribunal considers a range of factors (not only population) in determining categories as required under section 240 of the LG Act. The Tribunal has again considered in detail the features of Willoughby having regard to the other criteria for other

Local Government Remuneration Tribunal

Metropolitan Medium councils and finds that Willoughby has not demonstrated the criteria to warrant inclusion in the Metropolitan Medium group at this time.

23. Camden's 2018 population of 94,159 is below the indicative population of Metropolitan Medium councils. The Tribunal has considered the features of Camden having regard to the other criteria for Metropolitan Medium councils. The Tribunal finds that Camden does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as Metropolitan Medium councils. The Tribunal notes however that the ABS identifies that Camden has the largest and fastest population growth in NSW. Based on existing growth predictions it is likely Camden will meet the minimum population threshold for inclusion in Metropolitan Medium in 2020.

Regional Strategic Area Councils

24. Central Coast has sought to be re-categorised to Regional City. The council submits that its characteristics are more like Newcastle and Wollongong (Regional City) and substantially different to Lake Macquarie (Regional Strategic Area). The Tribunal finds that Central Coast has not demonstrated the additional criteria to warrant inclusion in the Regional City group.

Regional Rural Councils

25. Shellharbour and Port Macquarie have sought re-categorisation to Regional Strategic Area.
26. Shellharbour's June 2018 population of 72,240 is significantly below the indicative population of Regional Strategic Area councils. In addition, the submission was not supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
27. Port Macquarie's June 2018 population of 83,131 is significantly below the indicative population of Regional Strategic Area councils. The Tribunal finds that Port Macquarie has not demonstrated the additional criteria to warrant inclusion in the Regional Strategic Area group.
28. Port Macquarie (as an alternative) and Mid-Coast sought to be re-categorised to a new category between Regional Strategic Area and Regional Rural. Both councils may wish to provide further details for consideration in the 2020 annual review.

Rural Councils

29. Muswellbrook and Federation have sought to be re-categorised to Regional Rural.

Local Government Remuneration Tribunal

30. Muswellbrook's June 2018 population of 16,383 and Federation's June 2018 population of 12,462 are well below the indicative population of Regional Rural councils. Both councils have not demonstrated the additional criteria to warrant inclusion in the Regional Rural group.
31. The Tribunal also undertook a review of Hilltops having regard to its 2018 submission and the Tribunal's findings that re-categorisation at that time was not warranted:

"41. Hilltops Council has sought to be re-categorised from Rural to Regional Rural. The new Hilltops Council is an amalgamation of three former councils in the Rural category (Young, Boorowa and Harden). The submission states that the new council has increased complexity of business and should be recognised as Regional Rural.

42. The Tribunal notes that Hilltops has a population of 19,150 (2016) which is just below the indicative population range of Regional Rural councils. The category of Regional Rural currently includes one council – Broken Hill – which has a population similar to that of Hilltops. Broken Hill warrants categorisation as Regional Rural in recognition of the degree of regional servicing it provides to far western NSW. It is not considered that Hilltops provides the same degree of regional services and on that basis re-categorisation is not warranted at this time."

32. Hilltops' June 2018 population of 18,782 is below the indicative population range of Regional Rural councils. The Tribunal has reviewed the additional criteria and finds no reason to alter its findings as outlined in the 2018 determination.

Fees

33. The LGNSW submission requested that the Tribunal increase fees by the allowable maximum of 2.5 per cent. The submission also repeated its view that the current arrangement for setting fees is inadequate and does not compensate elected members for the significant workload and range of responsibilities which are expanding. Comparative information was presented in respect to board fees, fees paid to mayors and councillors of councils in Queensland, and salaries for members of Parliament. A report detailing the findings of an independent review conducted on current remuneration paid to councillors and mayors was also provided. The LGNSW submission

Local Government Remuneration Tribunal

also requested that the Tribunal make a recommendation in support of the payment of superannuation.

34. Several submissions sought an increase to the allowable maximum of 2.5 per cent and raised similar issues to LGNSW in respect to the current fees not being adequate compensation for increased responsibilities and workload required to carry out mayoral and councillor duties and non-payment of superannuation. Several submissions also sought an increase significantly higher than the allowable 2.5 per cent or that fees be increased by benchmarking them to Principal CBD fees or population per councillor or using the base salary and allowances for Members of Parliament in the relevant region.
35. Two submissions also raised the matter of fees for deputy mayors. The Tribunal addressed this matter in the 2018 determination and will make no further comment.
36. The Tribunal has considered the submissions received. The Tribunal is mindful that the roles and responsibilities of councillors and mayors in NSW are outlined in the LG Act and notes that they are not necessarily comparable to the roles and responsibilities of councillors and mayors in other states, members of Parliament or members of boards and committees.
37. The Tribunal again notes that some of the other matters raised by submissions are more appropriately dealt with in the context of the current Local Government reform agenda and are outside the Tribunal's powers.
38. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
39. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.

Local Government Remuneration Tribunal

Other matters

40. The submission from LGNSW and several councils have again raised the matter of the non-payment of superannuation. The Tribunal addressed this matter in the 2018 determination as outline below and will make no further comment:

"54. The matter of the non-payment of superannuation has been previously raised in submissions to the Tribunal and is not a matter for the Tribunal to determine. Section 251 of the LG Act confirms that councillors are not employees of the council and the fee paid does not constitute a salary under the Act. The Tribunal notes that the Australian Tax Office has made a definitive ruling (ATO ID 2007/205) that allows councillors to redirect their annual fees into superannuation on a pre-tax basis and is a matter for councils (Ref: Councillor Handbook, Oct 2017, Office of Local Government p.69)."

41. The Tribunal also received a submission from the Canberra Region Joint Organisation (CRJO) although no invitation to do so was issued by the Tribunal. The CRJO has requested that the Tribunal set chair and member fees for joint organisations in the 2019 annual determination.
42. The Tribunal is constituted under Chapter 9, Part 2, Division 4 of the LG Act. The Tribunal's determinations apply to Councils, Mayors and Councillors within the meaning of Chapter 9 of the LG Act.
43. Joint organisations, including the Board of a joint organisation, are constituted under Chapter 12, Part 7 of the LG Act. The Tribunal's jurisdiction does not apply to joint organisations, as provided for in section 400ZH(3)(e) of the LG Act.
44. On that basis the Tribunal has no power to consider the CRJO submission and it is a matter that the CRJO may wish to raise with the Minister for Planning and Public Spaces who is the Minister responsible for the LG Act. The Tribunal has written to the CRJO in the above terms.

Conclusion

45. The Tribunal's determinations have been made with the assistance of the two Assessors - Mr Brian Bell and Mr Tim Hurst. The allocation of councils into each of the categories,

Local Government Remuneration Tribunal

pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, are outlined in Determination No. 2.

The Local Government Remuneration Tribunal

(Signed)

Dr Robert Lang

Dated: 15 April 2019

Local Government Remuneration Tribunal

Section 4 Determinations

Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2019

Table 1: General Purpose Councils - Metropolitan

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta
Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills
Metropolitan Small (11)	
Burwood	
Camden	
Canada Bay	
Hunters Hill	
Lane Cove	
Mosman	
North Sydney	
Strathfield	
Waverley	
Willoughby	
Woollahra	

Local Government Remuneration Tribunal

Table 2: General Purpose Councils – Non-Metropolitan

Regional City (2)		Regional Strategic Area (2)	
Newcastle		Central Coast	
Wollongong		Lake Macquarie	

Regional Rural (37)		Rural (57)	
Albury		Balranald	Kyogle
Armidale		Bellingen	Lachlan
Ballina		Berrigan	Leeton
Bathurst		Bland	Liverpool Plains
Bega		Blayney	Lockhart
Blue Mountains		Bogan	Moree Plains
Broken Hill		Bourke	Murray River
Byron		Brewarrina	Murrumbidgee
Cessnock		Cabonne	Muswellbrook
Clarence Valley		Carrathool	Nambucca
Coffs Harbour		Central Darling	Narrabri
Dubbo		Cobar	Narrandera
Eurobodalla		Coolamon	Narromine
Goulburn Mulwaree		Coonamble	Oberon
Griffith		Cootamundra-Gundagai	Parkes
Hawkesbury		Cowra	Snowy Valleys
Kempsey		Dungog	Temora
Kiama		Edward River	Tenterfield
Lismore		Federation	Upper Hunter
Lithgow		Forbes	Upper Lachlan
Maitland		Gilgandra	Uralla
Mid-Coast		Glen Innes Severn	Walcha
Mid-Western		Greater Hume	Walgett
Orange		Gunnedah	Warren
Port Macquarie-Hastings		Gwydir	Warrumbungle
Port Stephens		Hay	Weddin
Queanbeyan-Palerang		Hilltops	Wentworth
Richmond Valley		Inverell	Yass
Shellharbour		June	
Shoalhaven			
Singleton			
Snowy Monaro			
Tamworth			
Tweed			
Wagga Wagga			
Wingecarribee			
Wollondilly			

Local Government Remuneration Tribunal

Table 3: County Councils

Water (4)
Central Tablelands
Goldenfields Water
Riverina Water
Rous

Other (6)
Castlereagh-Macquarie
Central Murray
Hawkesbury River
New England Tablelands
Upper Hunter
Upper Macquarie

Local Government Remuneration Tribunal

**Determination No. 2- Determination Pursuant to Section 241 of Fees
for Councillors and Mayors**

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2019 are determined as follows:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal
(Signed)

Dr Robert Lang

Dated: 15 April 2019

Local Government Remuneration Tribunal

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Local Government Remuneration Tribunal**Metropolitan Large**

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Local Government Remuneration Tribunal**Regional City**

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

Local Government Remuneration Tribunal**Rural**

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

ORDINARY MEETING OF THE COUNCIL

April 9, 2019

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 61/19

SUBJECT: MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS
IN NSW 2018 12/14

Recommendation

1. That Broken Hill City Council Report No. 61/19 dated April 9, 2019, be received.
2. That Council adopts the draft Code of Meeting Practice Policy (based on the Model Code of Meeting Practice for Local Councils in NSW 2018) as a Policy of Council; and that this policy renders the 2013 Code of Meeting Practice Policy obsolete.

Executive Summary:

The Office of Local Government released its Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) of which Councillors were issued notifications in December 2018. The Model Meeting Code has now been prescribed in the Regulations.

A draft Broken Hill City Council Code of Meeting Practice Policy was presented to Council at the March Ordinary Council Meeting and placed on public exhibition for 42 days closing 10 May 2019. The draft includes all mandatory provisions and recommends inclusion of some of the optional provisions and supplementary provisions as provided in the Model Meeting Code.

Council received nil submissions from the public during the exhibition period.

Whilst the draft Broken Hill City Council Code of Meeting Practice Policy was on public exhibition, a Councillor Briefing was also held to review the draft policy.

Councillors discussed some proposed changes and suggested the following amendments to the draft policy:

Clause No.	Commentary	Recommendation
3.10	Amendment to clause to provide clarification on the day that Notice of Motions are due.	Replace “no fewer than 9 business days before the meeting” with “ by 5:00pm, two Fridays prior to the Council Meeting”
4.3, 4.6	Amendment to the public forum clauses will provide greater flexibility to encourage the public to address Council and to meet the intention of the Model Code to encourage speakers to identify if they are to	That these clauses be amended to reflect: 1) that members of the public are encouraged to register to speak during the Public Forum Session.

	<p>speak for or against items; or to allow for speakers to speak on any general matter.</p>	<p>2) that priority to address Council will be given to members of the public who:</p> <ul style="list-style-type: none"> a) have registered to speak either for or against items listed in the meeting agenda; b) members of the public who have registered to speak on general matters; c) then if time permits, members of the public who have not registered but wish to speak either for or against items listed in the meeting agenda or to speak on general matters.
--	---	--

Report:

Amendments made to the *Local Government Act 1993* (the Act) in August 2016 by the Phase 1 amendments of the *Local Government Amendment (Governance and Planning) Act 2016* provide for a model code of meeting practice to be prescribed by the Regulation.

The Model Meeting Code has been prescribed under the *Local Government (General) Regulation 2005* (the Regulation) (see attached). The existing meeting provisions of the Regulation have been repealed.

The Model Meeting Code contains:

- Mandatory provisions **(indicated in black font)**
- Non-mandatory provisions **(indicated in red font)** that cover areas of meeting practices that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what the Office of Local Government sees as being best practice for the relevant area of meeting practice
- The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are **indicated in blue font**. References to councils also include references to joint organisations and county council unless otherwise specified.

Councils are required to adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code prescribed by the Regulation. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.

A council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by Council.

Councils and committees of councils of which all the members are councillors must conduct their meetings in accordance with the code of meeting practice adopted by the Council.

A draft Code of Meeting Practice for Broken Hill City Council was prepared for Council's consideration prior to the public exhibition period. The draft includes all mandatory provisions and recommends inclusion of some of the optional provisions as provided in the

Model Code of Meeting Practice along with supplementary provisions. Clauses and notes that are recommended to be removed from the Model Meeting Code are **indicated with strike-through**, options provisions recommended to be included remain untouched and supplementary provisions to be included are **indicated with highlight**. This copy was placed on public exhibition in order for all changes to be clearly visible to the public (see attached draft copy of the Broken Hill City Council Code of Meeting Practice Policy).

Summary of Recommended Inclusion/Exclusions of Optional Provisions Prior to Councillor Workshop

For Councillor information, a summary of the recommended inclusion/exclusion of the optional provisions in the Model Code and supplementary provisions that were included prior to the Councillor Workshop, is provided below:

Clause No.	Commentary	Recommendation
3.1	<p>By including Clause 3.1 will alleviate setting the dates, times and venues of Ordinary Council Meetings on an annual basis.</p> <p>Ordinary Council Meetings are currently held on the last Wednesday of the month.</p> <p>The Public Forum Session is to be held prior to ordinary and extraordinary meetings as per clause 4.1 and the note at the end of clause 4.23</p>	<p>That Council retain its current practice of setting the frequency time, date and place of its ordinary meetings for the entire terms of office. Any alterations are to be by resolution of Council.</p> <p>Ordinary Council Meeting are to be held on the last Wednesday of the month at 6:30pm in the Council Chambers with the exception of January (no Council Meeting held) and December (to be set by Council resolution each year). The Public Forum Session will be held prior to the meeting commencing at 6:15pm as per clause 4.1.</p>
3.10	<p>Change to period of notice is required to permit the General Manager to review and comment as required in the New Model Code of Meeting Practice.</p> <p>A new Notice of Motion template will be developed.</p> <p>Councillors can provide up to 5 Notice of Motions per ordinary meeting in order for Council Meetings to conclude at a reasonable time (clause 18.1).</p> <p>NOTE: THIS HAS BEEN FURTHER AMENDED AS PER ABOVE.</p>	<p>Councillors to provide up to 5 Notice of Motions per Councillor which include background factual information with references cited.</p> <p>Notices of Motions to be delivered to the General Manager's Office and provided in writing no fewer than 9 business days before the Council Meeting in order to align with staff reporting timeframes.</p>
3.12 & 3.13	<p>Notices of Motion require more detail when presented to better inform Councillors. The new clauses require General Manager commentary, particularly if it has budgetary implications.</p>	<p>Recommend inclusion</p>

3.32 to 3.36	<p>That pre-meeting Councillor Briefing Sessions are currently part of Council's practice.</p> <p>Declaring and managing conflicts of interest (as per Council Meeting practices) can be incorporated into the Councillor Briefing Sessions by providing declaration forms and recording such declarations on the Briefing Attendance Sheets.</p>	<p>Recommend inclusion.</p> <p>Conflicts of Interest declarations to be made at Briefing Sessions and managed as per Council Meetings.</p>
4.1 – 4.23	<p>These clauses provide Council with a higher level of control. It is recommended to align our Public Forum with the Model Code guidelines with the exception of the requirement to register prior to the meeting.</p> <p>Clause 4.10 (a)-(e) is Council's current practice with the handling of petitions during the Public Forum.</p> <p>Clause 4.23 – Should Council approve that speakers are not required to register to address Council during public forum, the Chairperson will be required to call for disclosures of interest directly after each speaker has identified the item of business on which they wish to speak, in order for disclosures of interest to be made and the Chairperson manages any disclosures before the member of the public commences to speak on the item.</p> <p>NOTE: THIS HAS BEEN FURTHER AMENDED AS PER ABOVE.</p>	<p>Recommend that a 15 minute Public Forum Session be held at 6:15pm prior to commencement of the Council Meeting at 6:30pm.</p> <p>Members of the public wishing to speak do not need to register prior to the meeting.</p> <p>Members of the public must only speak on items that are listed in the Business Paper for that Council Meeting.</p> <p>Members of the public must state their name, the item of business on the agenda that they wish to address and whether they are speaking in favour of, or against the item.</p> <p>Disclosures of Interest must be declared and managed in relation to any items that are the subject of an address at a public forum.</p>
5.14 – 5.15	<p>This is Council's current practice with regards to a quorum not being present. With regard to safety and welfare of attendees, it may be necessary that a meeting be cancelled.</p>	<p>Recommend inclusion</p>
5.19 & 5.22	<p>Web casting is now compulsory from 14 December 2019. Web casting is Council's current practice. A link to the audio visual recording is available on Council's website for the previous and current financial year.</p>	<p>Recommend inclusion</p>
7.1 – 7.4	<p>Protocol for addressing the Mayor and Councillors.</p>	<p>Recommend inclusion</p>
8.1	<p>Recommend inclusion of the general order of business in Council's Code of Meeting Practice</p>	<p>Recommend exclusion of 8.1 in favour of Clause 8.2</p>

8.2	Recommend inclusion of the general order of business in new Code of Meeting Practice	Recommend inclusion of Council's current order of business less the Public Forum Session which is to be held prior to the Council Meeting as per clauses 4.1-4.23
9.10	<p>If the Mayoral Minute does not identify a funding source the Council must defer consideration of the matter pending a report from the General Manager.</p> <p>A new Mayoral Minute template will be developed.</p>	Recommend inclusion – similar intent to clause 3.13 of the Code.
10.9	If a motion or an amendment which requires the expenditure of funds on works and or services other than those already provided for in Council's current adopted Operational Plan. Council must defer consideration of the matter pending a report from the General Manager.	Recommend inclusion – similar intent to clauses 3.13 and 9.10
11.11	Council's current practice is to take a Division on planning and tendering matters and on any other item by request and approved by the Chairperson, rather than on every motion and amendment.	Recommend exclusion – overly administrative.
13.1 to 13.7	Council's current practice for dealing with adoption of multiple items.	Recommend inclusion
14.11, 14.13, 14.16 & 14.17	<p>Applications to make representations to the Council as to whether a part of the meeting should be in closed session is to be submitted by 5:00pm 3 business days before the meeting is held in order for the General Manager to review the request and reply in writing if the General Manager decides to refuse the application.</p> <p>The number of speakers to be no more than 2 per subject to be consistent with provisions in the Public Forum Session</p>	Recommended inclusion
15.14		Recommend exclusion of Clause 15.14 in favour of Clause 15.15
15.15	Refers to expulsion for acts of disorder and provides greater protection for the Mayor and Councillors.	Recommend inclusion of Clause 15.15
15.16	Supports clause 15.15	Recommend inclusion
17.10	Notice to be received within 2 business days after the Council Meeting is held in order to prevent	Recommend inclusion with the notice to be received by the General Manager's Office by

	delays with the DA approval processes.	5:00pm 2 business days after the Council Meeting at which the resolution was adopted.
17.12 – 17.20	Provides Council will ability to correct any wording, ambiguity or imprecision of a Council resolution to be dealt with at that same meeting which will alleviate delays or the possible need to call an Extraordinary Meeting. It also allows for voting to be confirmed.	Recommend inclusion
18.1 – 18.5	To allow for a reasonable finish time for Council Meetings	Recommended inclusion with a time limit of 9:00pm
20.24	Council's current practice is to take a Division on planning and tendering matters and on request approved by the Chairperson, rather than on every motion and amendment.	Recommend exclusion on the same basis as clause 11.11 (overly administrative)

In accordance with section 361 of the Act, Council placed its draft Broken Hill City Council Code of Meeting Practice Policy on public exhibition for 42 days at which time Council received nil submissions from the public.

As mentioned earlier, further amendments were made following the Councillor Workshop held on 7 May 2019.

Until Council adopts a new code of meeting practice, its existing code of meeting practice will remain in force up until six months from the date on which the new Model Meeting Code was prescribed, (14 December 2018 - 14 June 2019). If Council fails to adopt a new code of meeting practice within this period, under transitional provisions contained in the Regulation and the Act, any provision of the council's currently adopted meeting code that is inconsistent with a mandatory provision of the new Model Meeting Code prescribed under the Regulation will automatically cease to have any effect on 14 June 2019.

The report is presented to Council to formally adopt the Code of Meeting Practice Policy in order to meet Office of Local Government requirements to have adopted Policy that is consistent with the new Model Meeting Code by 14 June 2019.

Strategic Direction:

- Key Direction: 4 Our Leadership
- Objective: 4.1 Openness and Transparency in Decision Making
- Function: Leadership and Governance
- DP Action:
 - 4.1.1.01 A public forum is made available at each Council Meeting to allow public input prior to a decision being made.
 - 4.1.1.02 All public documents including business papers are made available on Council's website.
 - 4.1.1.03 When making decisions, Council considers social, environmental and economic sustainability.
 - 4.1.1.04 All conflicts of interest are declared in accordance with Council's Code of Conduct.
 - 4.1.1.06 The Council Leadership group works well together to serve the community.

Relevant Legislation:

Local Government Act 1993

Local Government (General) Regulation 2005

Financial Implications:

Nil.

Attachments

1. [!\[\]\(8d139a66f540002704b5c70b7fe6cc7a_img.jpg\)](#) Model Code of Meeting Practice for Local Councils in NSW 2018
2. [!\[\]\(c209541a4bc5f45e44bd7791f9477320_img.jpg\)](#) Draft Code of Meeting Practice Policy

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAMES RONCON
GENERAL MANAGER

MODEL CODE OF MEETING PRACTICE

for Local Councils
in NSW

2018



**MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW
2018**

ACCESS TO SERVICES

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: olg@olg.nsw.gov.au

Website: www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday

9.00am to 5.00pm

(Special arrangements may be made if
these hours are unsuitable)

All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact us on 02 4428 4100.

DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this publication, the Office of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© NSW Office of Local Government, Department of Planning and Environment 2018

Produced by the NSW Office of Local Government, Department of Planning and Environment

Contents

1	INTRODUCTION	4
2	MEETING PRINCIPLES	6
3	BEFORE THE MEETING	8
4	PUBLIC FORUMS	14
5	COMING TOGETHER	18
6	THE CHAIRPERSON	22
7	MODES OF ADDRESS	24
8	ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS	26
9	CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS	28
10	RULES OF DEBATE	32
11	VOTING	36
12	COMMITTEE OF THE WHOLE	40
13	DEALING WITH ITEMS BY EXCEPTION	42
14	CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC	44
15	KEEPING ORDER AT MEETINGS	50
16	CONFLICTS OF INTEREST	54
17	DECISIONS OF THE COUNCIL	56
18	TIME LIMITS ON COUNCIL MEETINGS	60
19	AFTER THE MEETING	62
20	COUNCIL COMMITTEES	66
21	IRREGULARITIES	70
22	DEFINITIONS	72

Model Code of Meeting Practice for Local Councils in NSW

1 Introduction

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in red font.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in blue font.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Model Code of Meeting Practice for Local Councils in NSW

2 Meeting Principles

2.1 Council and committee meetings should be:

Transparent:	Decisions are made in a way that is open and accountable.
Informed:	Decisions are made based on relevant, quality information.
Inclusive:	Decisions respect the diverse needs and interests of the local community.
Principled:	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted:	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful:	Councillors, staff and meeting attendees treat each other with respect.
Effective:	Meetings are well organised, effectively run and skilfully chaired.
Orderly:	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Model Code of Meeting Practice for Local Councils in NSW

3 Before the Meeting

Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions: **[council to specify the frequency, time, date and place of its ordinary meetings]**.
- 3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Councils must use either clause 3.1 or 3.2

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.

Extraordinary meetings

- 3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **[council to specify notice period required]** business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
- (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when

the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A) (a) of the Act.

- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.23 reflects section 9(2) and (4) of the Act.

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.24 reflects section 9(2A) (b) of the Act.

- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.25 reflects section 9(3) of the Act.

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.26 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.35 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.36 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

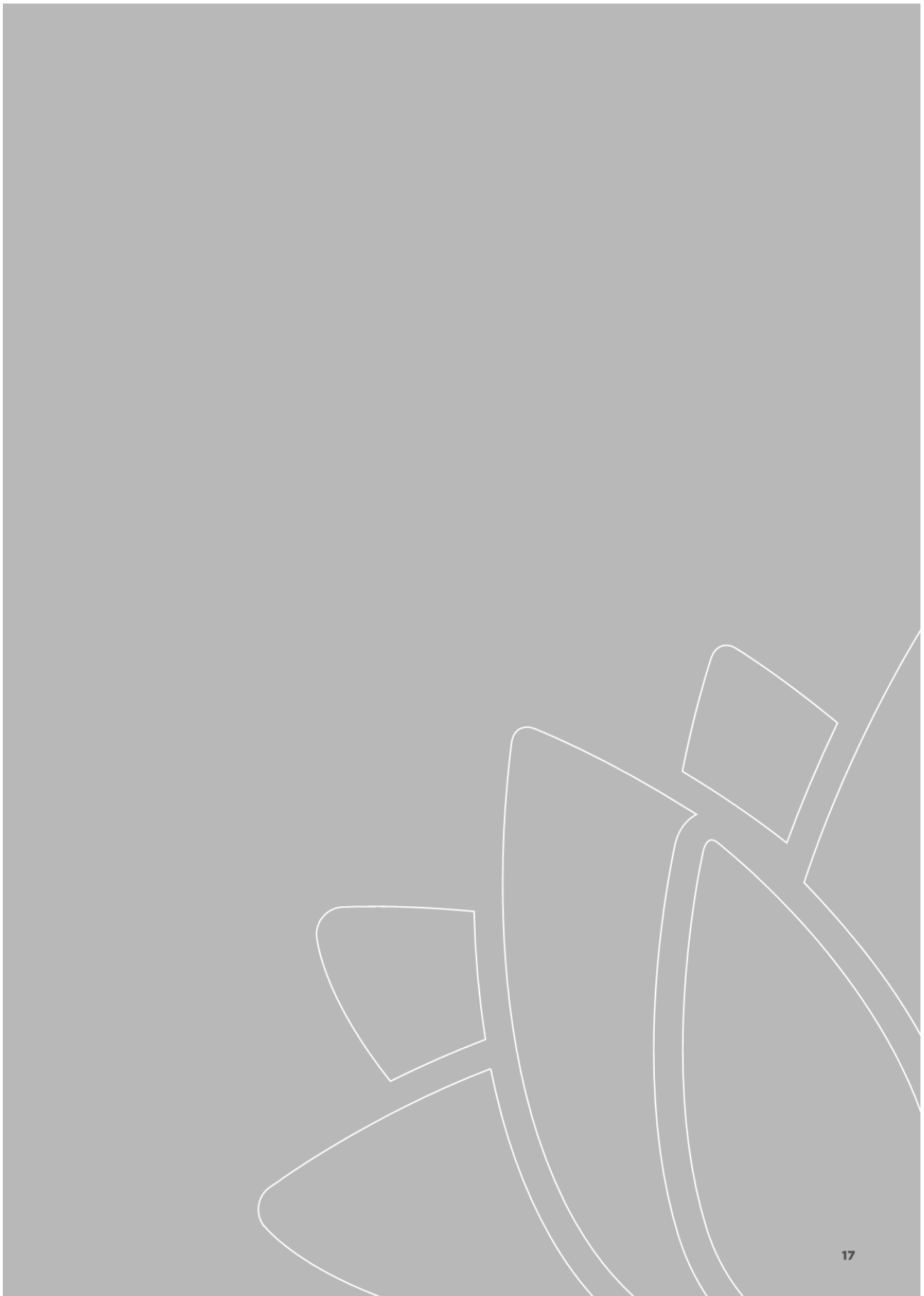
Model Code of Meeting Practice for Local Councils in NSW

4 Public Forums

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **[date and time to be specified by the council]** before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than **[number to be specified by the council]** items of business on the agenda of the council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than **[number to be specified by the council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than **[number to be specified by the council]** days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed **[number to be specified by the council]** minutes to address the council. This time is to be strictly enforced by the chairperson.

Model Code of Meeting Practice for Local Councils in NSW

- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to **[number to be specified by the council]** minutes.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **[number to be specified by the council]** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.
- Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**



Model Code of Meeting Practice for Local Councils in NSW

5 Coming Together

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

Note: Clause 5.3 reflects clause 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils must not adopt clause 5.3.

- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of

such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1) (d) of the Act.

- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.

Model Code of Meeting Practice for Local Councils in NSW

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor,

cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend council meetings

- 5.16 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.16 reflects section 10(1) of the Act.

- 5.17 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.18 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.18 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council

and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

- 5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.

Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.

Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.19–5.22. Joint organisations that choose not to webcast meetings may omit clauses 5.19–5.22.

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

- 5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for [council to specify the period of time the recording is to be retained on the website]. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

- 5.23 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.23 reflects section 376(1) of the Act.

- 5.24 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.24 reflects section 376(2) of the Act.

- 5.25 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.25 reflects section 376(3) of the Act.

- 5.26 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

Model Code of Meeting Practice for Local Councils in NSW

6 The Chairperson

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

Model Code of Meeting Practice for Local Councils in NSW

7 Modes of Address

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

Model Code of Meeting Practice for Local Councils in NSW

8 Order of Business for Ordinary Council Meetings

8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.

8.2 The general order of business for an ordinary meeting of the council shall be:
[councils may adapt the following order of business to meet their needs]

- 01 Opening meeting
- 02 Acknowledgement of country
- 03 Apologies and applications for a leave of absence by councillors
- 04 Confirmation of minutes
- 05 Disclosures of interests
- 06 Mayoral minute(s)
- 07 Reports of committees
- 08 Reports to council
- 09 Notices of motions/Questions with notice
- 10 Confidential matters
- 11 Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

8.3 The order of business as fixed under [8.1/8.2] **[delete whichever is not applicable]** may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows council to deal with items of business by exception.

8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

Model Code of Meeting Practice for Local Councils in NSW

9 Consideration of Business at Council Meetings

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that

it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

Model Code of Meeting Practice for Local Councils in NSW

9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.

9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.

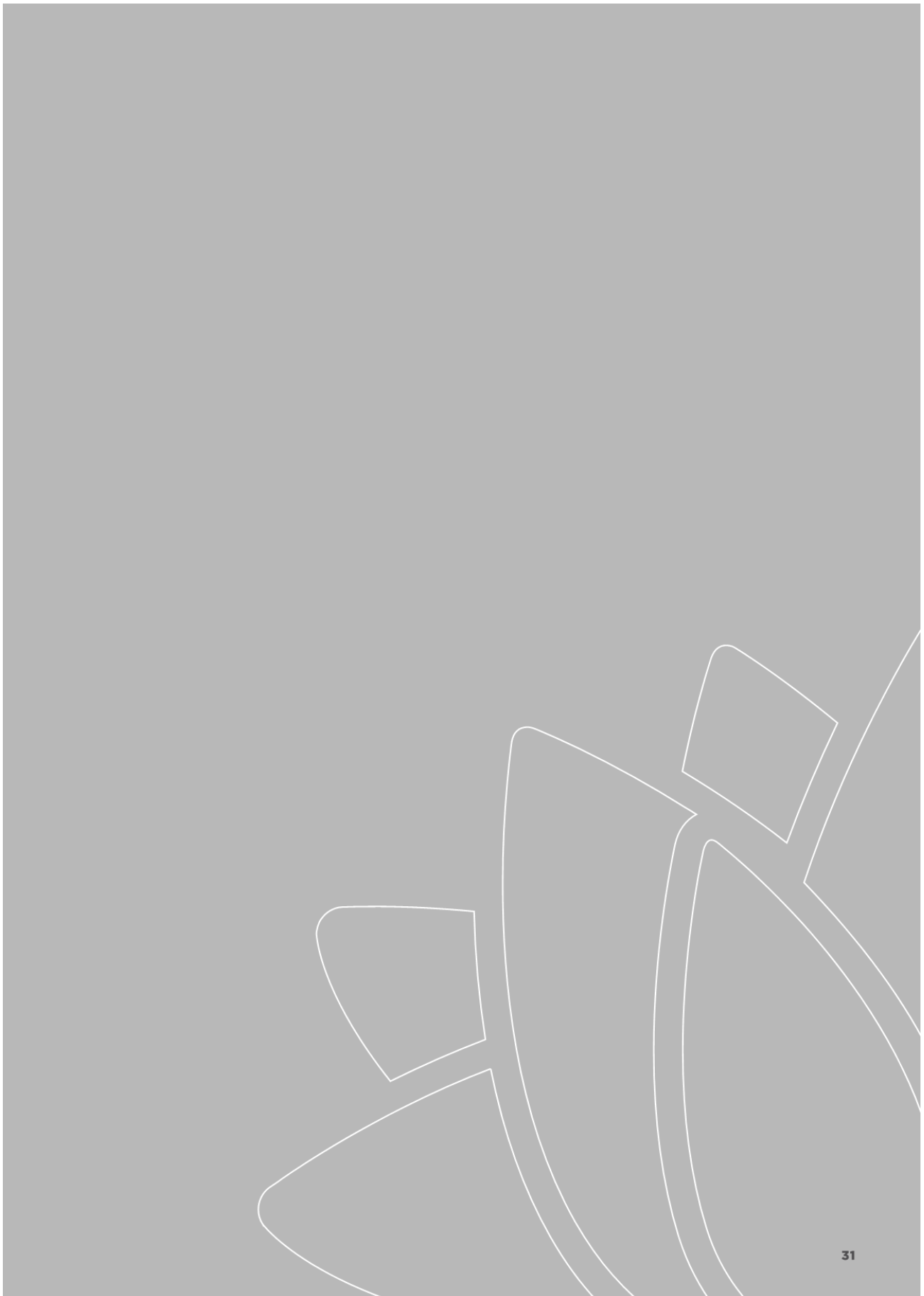
9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to

answer a question put to them through the general manager at the direction of the general manager.

9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.



Model Code of Meeting Practice for Local Councils in NSW

10 Rules of Debate

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council..

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

Model Code of Meeting Practice for Local Councils in NSW

- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:

(a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or

(b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.

10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.

10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Participation by non-voting representatives in joint organisation board meetings

10.31 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.

Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.

Note: Joint organisations must adopt clause 10.31. Councils must not adopt clause 10.31.

Model Code of Meeting Practice for Local Councils in NSW

11 Voting

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

- 11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 11.4 reflects clause 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.

Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion

- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

- 11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

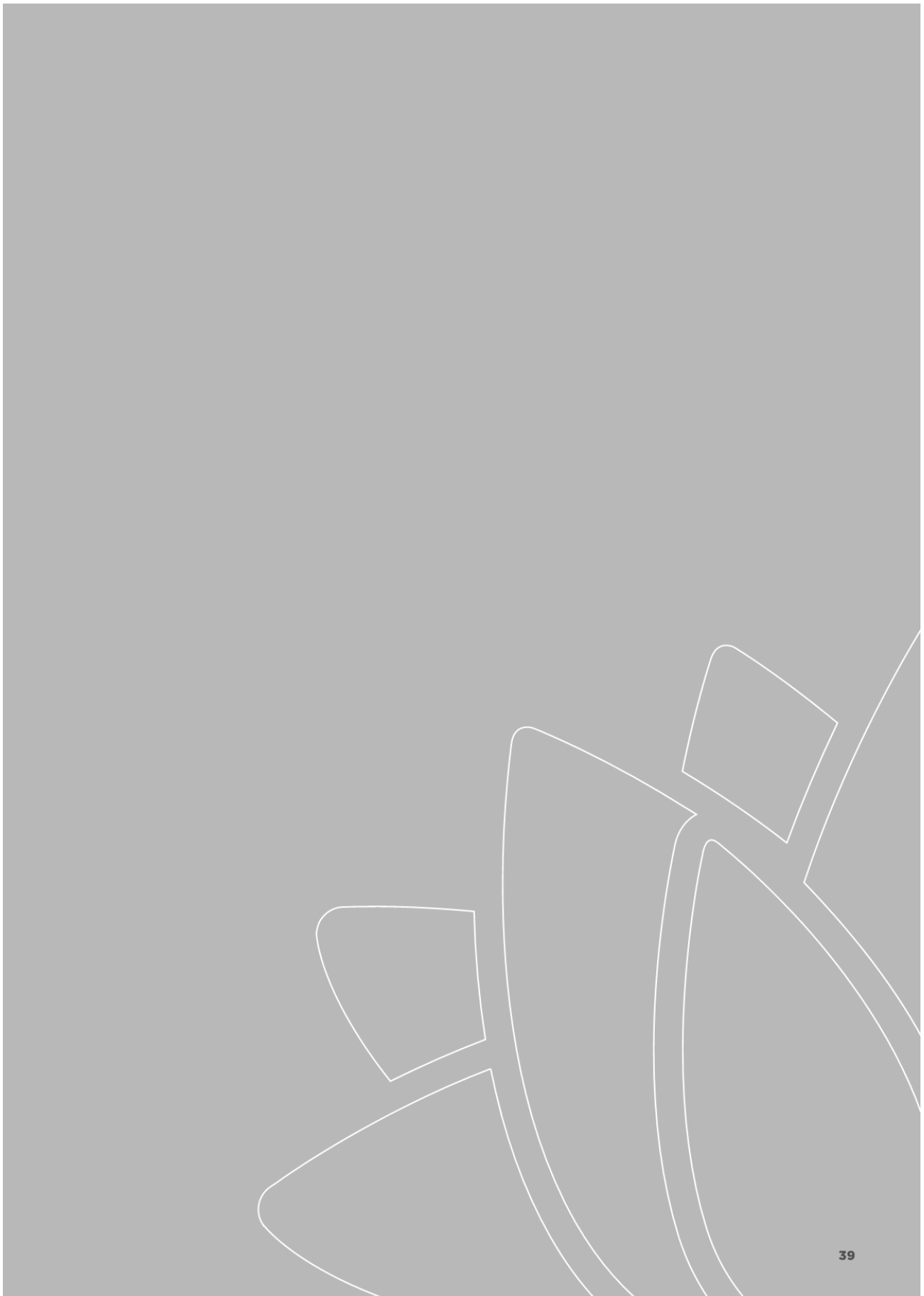
Note: If clause 11.11 is adopted, clauses 11.6 - 11.9 and clause 11.13 may be omitted.

Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.



Model Code of Meeting Practice for Local Councils in NSW

12 Committee of the Whole

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

Model Code of Meeting Practice for Local Councils in NSW

13 Dealing with Items by Exception

42

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

Model Code of Meeting Practice for Local Councils in NSW

14 Closure of Council Meetings to the Public

Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) 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,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,

(i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

Model Code of Meeting Practice for Local Councils in NSW

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **[date and time to be specified by the council]** before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the

persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.

- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **[number to be specified by the council]** speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **[number to be specified by the council]** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

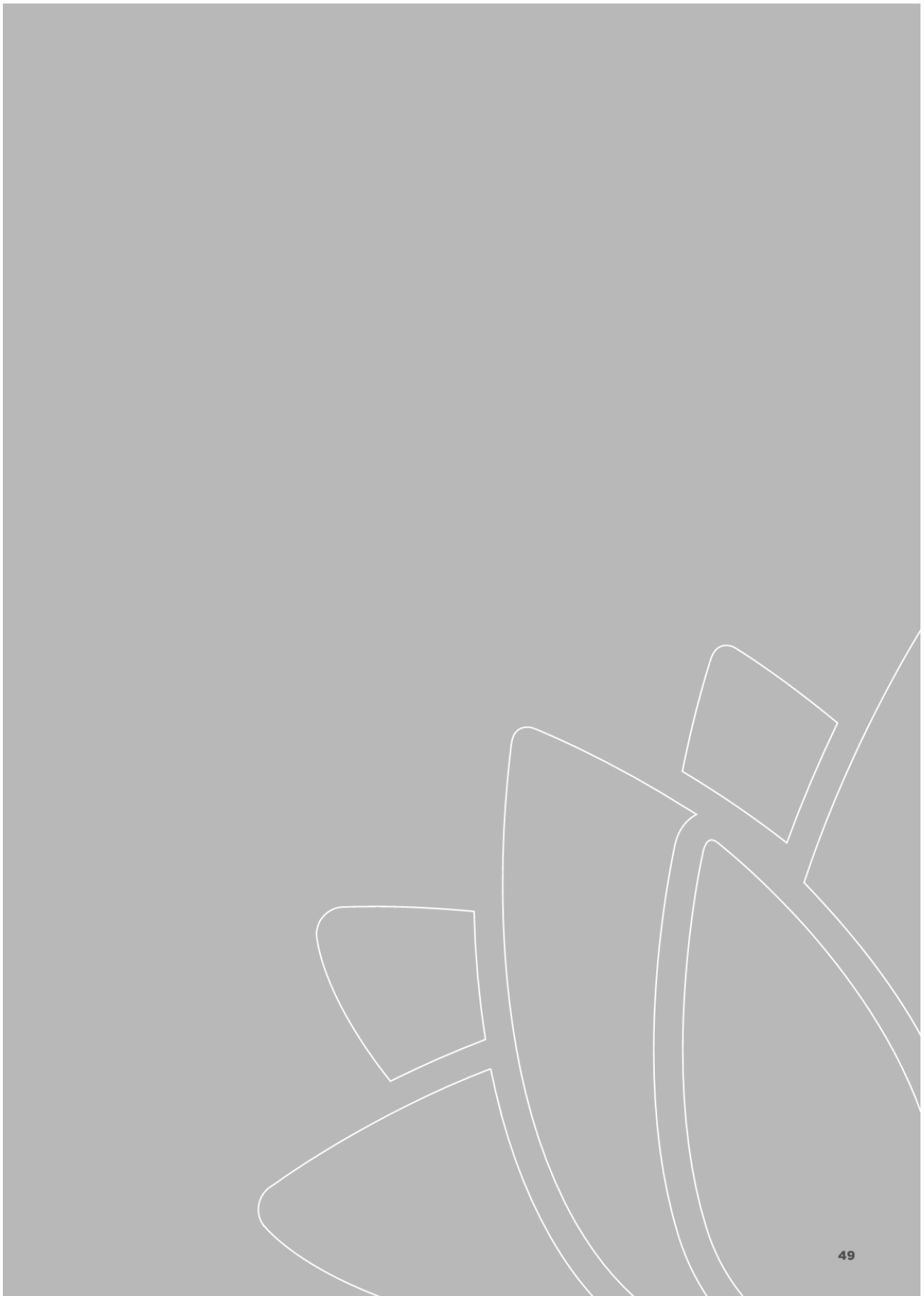
- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,

- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.



Model Code of Meeting Practice for Local Councils in NSW

15 Keeping Order at Meetings

50

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Note: Councils may use either clause 15.14 or clause 15.15.

15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.
- 15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.21 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

Model Code of Meeting Practice for Local Councils in NSW

16 Conflicts of Interest

54

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Model Code of Meeting Practice for Local Councils in NSW

17 Decisions of the Council

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **[council to specify the period of time]** after the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

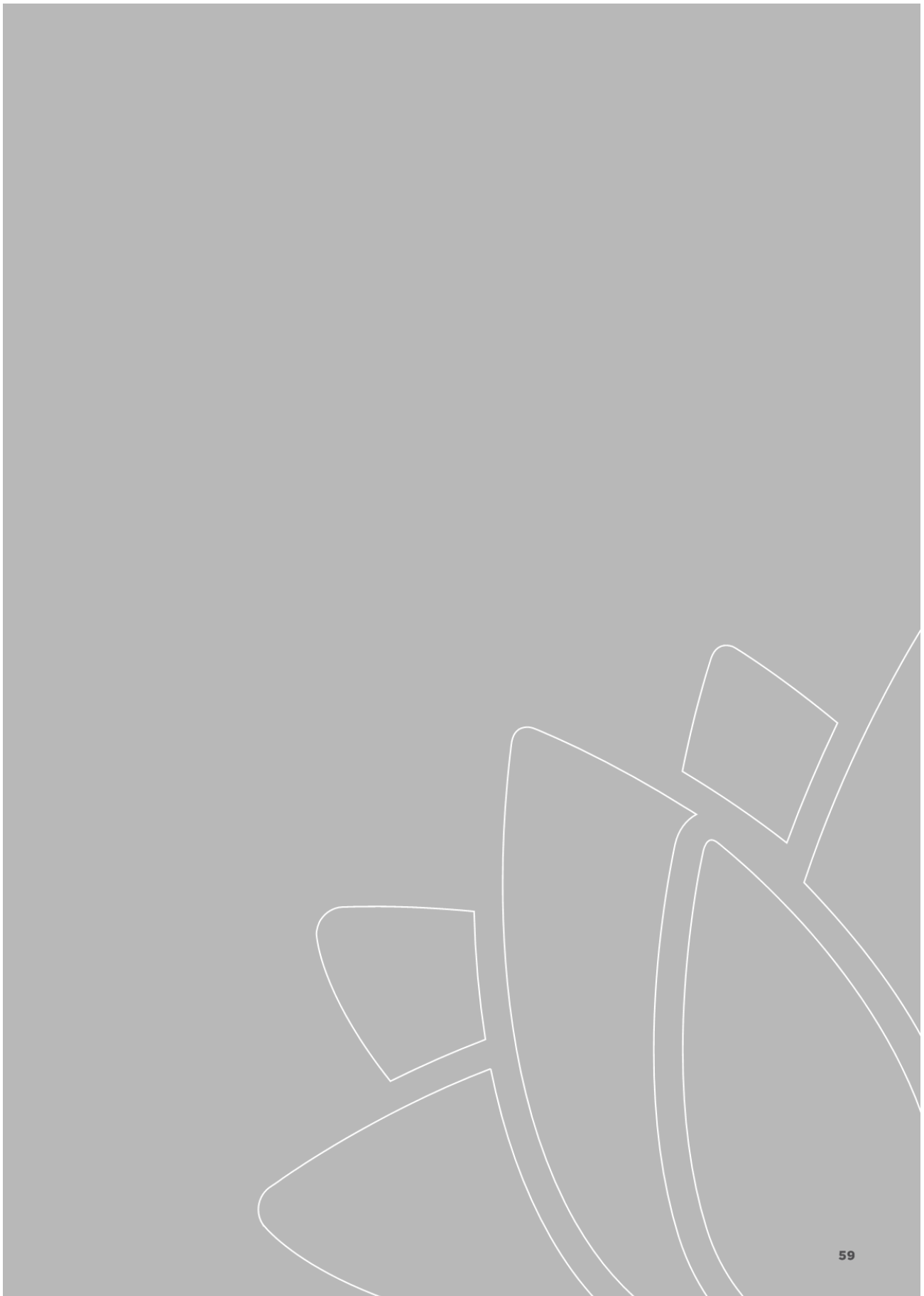
17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.



Model Code of Meeting Practice for Local Councils in NSW

18 Time Limits on Council Meetings

60

- 18.1 Meetings of the council and committees of the council are to conclude no later than **[council to specify the time]**.
- 18.2 If the business of the meeting is unfinished at **[council to specify the time]**, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **[council to specify the time]**, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

Model Code of Meeting Practice for Local Councils in NSW

19 After the Meeting

Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

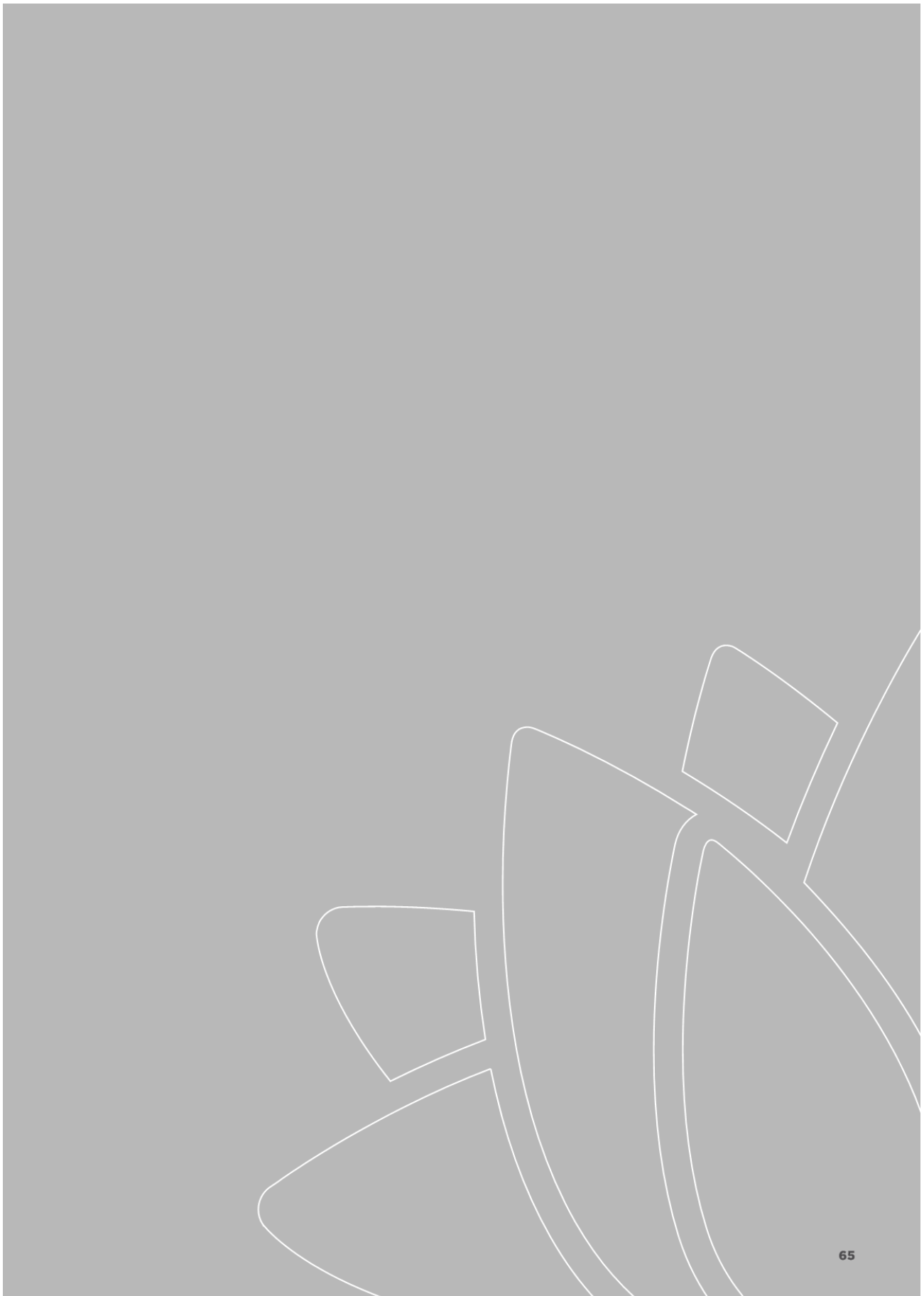
Model Code of Meeting Practice for Local Councils in NSW

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.



Model Code of Meeting Practice for Local Councils in NSW

20 Council Committees

Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and

- (b) the business proposed to be considered at the meeting.

- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.
- Note: Clause 20.17 reflects clause 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.**
- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

Model Code of Meeting Practice for Local Councils in NSW

21 Irregularities

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any councillor or committee member, or
 - (c) any defect in the election or appointment of a councillor or committee member, or
 - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
 - (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

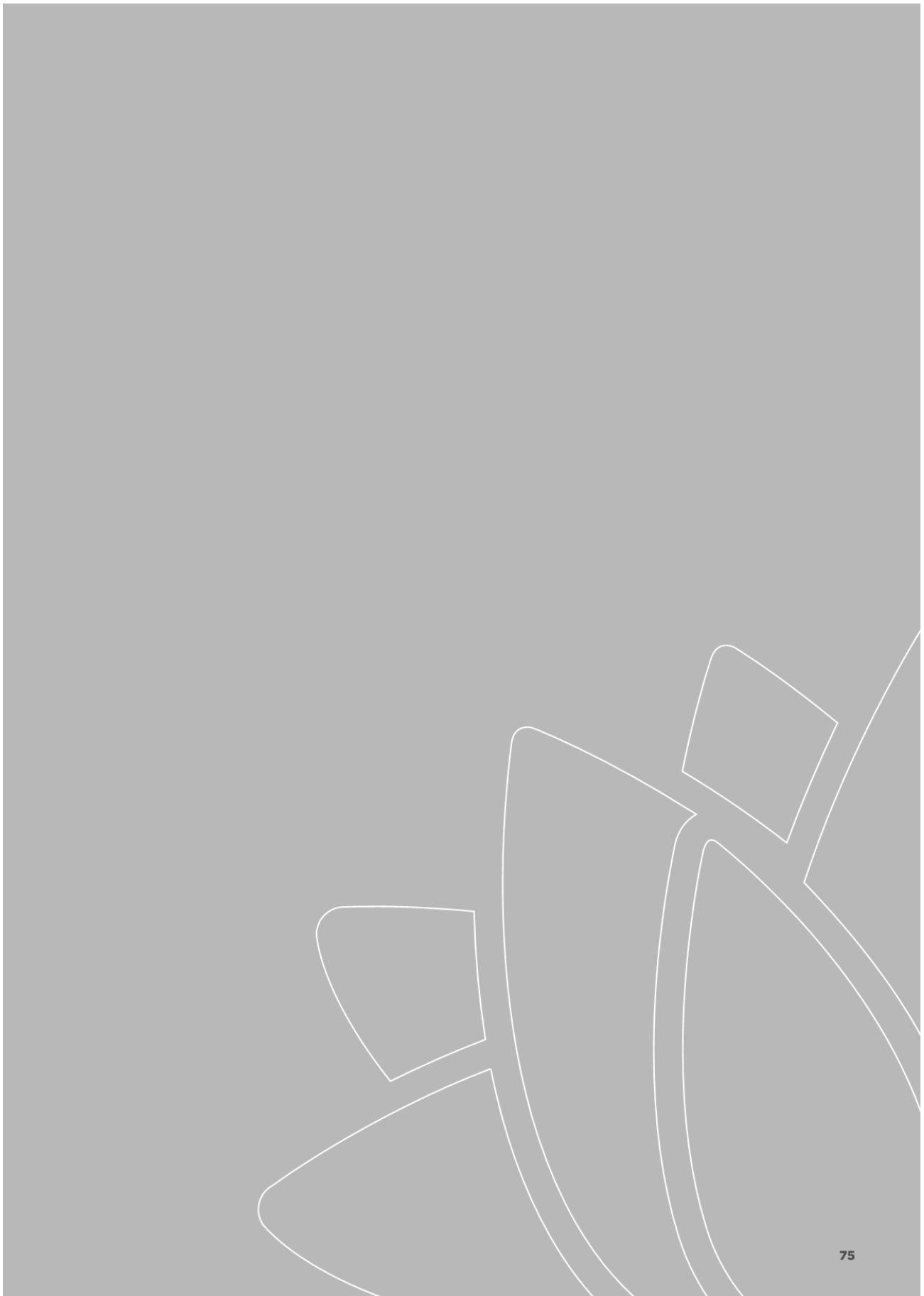
Model Code of Meeting Practice for Local Councils in NSW

22 Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the <i>Model Code of Conduct for Local Councils in NSW</i>
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act

Model Code of Meeting Practice for Local Councils in NSW

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June







DRAFT CODE OF MEETING PRACTICE POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/14 - D19/21935		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	Within 12 months after each ordinary election	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
27 March 2019	Public Exhibition	46029	

1. INTRODUCTION

The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) adopted by Broken Hill City Council on XX/XX/2019 and known as Council's Code of Meeting Practice Policy is made under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2005 (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

The Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in red font.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in blue font.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

2. MEETING PRINCIPLES

2.1 Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3. BEFORE THE MEETING

Timing of ordinary council meetings

3.1 Ordinary meetings of the council will be held on the following occasions: ~~[council to specify the frequency, time, date and place of its ordinary meetings]~~ Ordinary Council Meetings will be held on the last Wednesday of each month for the months of February to November each year. The meeting will commence at 6:30p.m. and be held in the Council Chambers. A Public Forum Session will be held prior to meetings commencing at 6:15pm and held in the Council Chambers.

An Ordinary Council Meeting will not be held in January each year and the December Council Meeting will be set by Council Resolution each year.

Should an urgent matter/s arise in January, an Extraordinary Council Meeting will be held to deal with such urgent matter/s.

3.2 ~~The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.~~

Note: ~~Councils must use either clause 3.1 or 3.2~~

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Note: ~~Under section 396 of the Act, county councils are required to meet at least four (4) times each year.~~

Note: ~~Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.~~

Extraordinary meetings

- 3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted to the General Manager's Office **[council to specify notice period required]** by 5:00pm two Friday's prior to the Council Meeting. business days before the meeting is to be held.

- (a) Councillors can submit up to 5 notices of motion per ordinary meeting, in order that Council Meetings conclude at a reasonable time, as per clause 18.1.

- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and

- (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
 - (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.

- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.23 reflects section 9(2) and (4) of the Act.

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.24 reflects section 9(2A)(b) of the Act.

- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.25 reflects section 9(3) of the Act.

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.26 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.36 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.37 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4. PUBLIC FORUMS

4.1 That Council holds a ~~The council may hold a~~ public forum prior to each ordinary meeting of the council ~~(commencing at 6:15pm)~~ for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums ~~to may~~ also be held prior to extraordinary council meetings and meetings of committees of the council.

4.2 Public forums are to be chaired by the mayor or their nominee.

4.3 To speak at a public forum, a person ~~is encouraged~~ to make an application to the council in the approved form. Applications to speak at the public forum ~~should~~ be received by ~~[date and time to be specified by the council]~~ **delivered to Council's Administrative Centre, Customer Relations Staff, up to 4:00pm on the day of the meeting or handed to a Council staff member 15 minutes prior to the commencement of the Public Forum Session** ~~before the date on which the public forum is to be held,~~ and must identify the item of business on the agenda of the council meeting the person wishes to speak upon.

The Chairperson will invite members of the public present at the Public Forum to speak. Members of the public will be asked to state their name and verbally identify the item of business on the agenda of the meeting in which they are speaking, and whether they wish to speak 'for' or 'against' the item.

Members of the public will be invited to speak in the following order:

1. Members of the public who have registered to speak either 'for' or 'against' items listed in the meeting agenda.

2. Members of the public who have registered to speak on general matters.

3. Then if time permits, members of the public who have not registered but wish to speak either 'for' or 'against' items listed in the meeting agenda; or who wish to speak on general matters.

4.4 A person may apply to speak on no more than ~~[number to be specified by the council]~~ **2** items of business on the agenda of the council meeting.

4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

4.6 The ~~general manager~~ **Chairperson** ~~or their delegate~~ may refuse an application to speak at a public forum. The ~~general manager or their delegate~~ **Chairperson** must give **state** reasons ~~in writing~~ for a decision to refuse an application.

4.7 No more than ~~[number to be specified by the council]~~ **2** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.

4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the ~~general manager or their delegate~~ **Chairperson** may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the ~~general manager~~ **Chairperson** or their delegate is to determine who will address the council at the public forum.

- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the **Chairperson** may general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved Speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more **less** than **[number to be specified by the council] one (1)** days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- (a) Members of the public may submit a petition on a matter of direct relevance to the City of Broken Hill during the Public Forum Session at an Ordinary Council Meeting.
- (b) Prior notice to Council is not required.
- (c) One person may speak to the petition for no longer than two (2) minutes.
- (d) Receipt of the petition will be noted in the record of the Public Forum in the minutes of the Council meeting and the petition will be recorded as inwards correspondence and directed to the appropriate Council officer.
- (e) Response to petitions will be by way of normal Council correspondence procedures.
- 4.11 The **Chairperson** general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed **[number to be specified by the council] 2** minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied **requested** to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to **[number to be specified by the council] 1** minute.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **[number to be specified by the council] 2** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.

- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the ~~general manager or their delegate~~ Chairperson may refuse further ~~applications~~ requests from that person to speak at public forums for such a period as the ~~general manager or their delegate~~ Chairperson considers appropriate.
- 4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.

5. COMING TOGETHER

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.

~~5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.~~

~~Note: Clause 5.3 reflects clause 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils must not adopt clause 5.3.~~

- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the council must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend council meetings

- 5.16 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.16 reflects section 10(1) of the Act.

- 5.17 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.18 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.18 reflects section 10(2) of the Act.

Note: If adopted, clauses 5.14 and 5.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 5.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting.

Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

- 5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

(a) Meetings are to be livestreamed on Council's Facebook page with a link available on Council's website.

~~Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.~~

~~Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio-visual recording of the meeting or an audio recording of the meeting.~~

~~Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.19–5.22. Joint organisations that choose not to webcast meetings may omit clauses 5.19–5.22.~~

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website **for the previous and current financial year** ~~[council to specify the period of time the recording is to be retained on the website]~~ Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

- 5.23 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.23 reflects section 376(1) of the Act.

- 5.24 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.24 reflects section 376(2) of the Act.

- 5.25 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.25 reflects section 376(3) of the Act.

- 5.26 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

6. THE CHAIRPERSON

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:

- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7. MODES OF ADDRESS

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- ~~8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.~~
- 8.2 The general order of business for an ordinary meeting of the council shall be:
~~[councils may adapt the following order of business to meet their needs]~~

01 Opening Meeting
02 Apologies and applications for leave of absence by councillors
03 Prayer
04 Acknowledgement of Country
05 Confirmation of Minutes
06 Disclosures of Interests
07 Mayoral Minute(s)
08 Notices of Motion
09 Notices of Rescission
10 Reports from Delegates
11 Reports
12 Committee Reports
13 Questions on Notice
14 Questions for Next Meeting
15 Confidential Matters
16 Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

- 8.3 The order of business as fixed under clause ~~[8.1/8.2]~~ **~~[delete whichever is not applicable]~~** may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

~~————— Note: If adopted, Part 13 allows council to deal with items of business by exception.~~

- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their

complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10. RULES OF DEBATE

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being

dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an

amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Participation by non-voting representatives in joint organisation board meetings

- ~~10.31 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.~~

~~**Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.**~~

~~**Note: Joint organisations must adopt clause 10.31. Councils must not adopt clause 10.31.**~~

11. VOTING

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

~~**Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.**~~

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

~~11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.~~

~~**Note: Clause 11.4 reflects clause 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.**~~

~~**Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.**~~

Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- ~~11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.~~

~~Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.~~

Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.

12. COMMITTEE OF THE WHOLE

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13. DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14. CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) 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,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the

public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1 (g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 5:00pm 3 days ~~[date and time to be specified by the council]~~ before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than ~~[number to be specified by the council]~~ 2 speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more

than 2 [number to be specified by the council] speakers to make representations in such order as determined by the chairperson.

- 14.17 Each speaker will be allowed 2 [number to be specified by the council] minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

15. KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or

- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

~~15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.~~

15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

~~—————~~ **Note: Councils may use either clause 15.14 or clause 15.15.**

15.16 Clause ~~[15.14/15.15]~~ **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.21 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16. CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

17. DECISIONS OF THE COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager's Office no later than 5:00pm 2 business days after the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18. TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than 9:00pm [council to specify the time].
- 18.2 If the business of the meeting is unfinished at 9:00pm [council to specify the time], the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 9:00pm [council to specify the time], and the council does not resolve to extend the meeting, the chairperson must either:

- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
 - (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19. AFTER THE MEETING

Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) details of each motion moved at a council meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20. COUNCIL COMMITTEES

Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the

committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

~~20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.~~

~~**Note: Clause 20.17 reflects clause 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.**~~

- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

~~20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.~~

- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21. IRREGULARITIES

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
 - (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any councillor or committee member, or
 - (c) any defect in the election or appointment of a councillor or committee member, or
 - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
 - (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22. DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>

webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

ORDINARY MEETING OF THE COUNCIL

May 13, 2019

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 62/19

SUBJECT: OPENING HOURS OF THE VISITOR INFORMATION CENTRE
11/407

Recommendation

1. That Broken Hill City Council Report No. 62/19 dated May 13, 2019, be received.
2. That Council retain the current operating hours of the Visitor Information Centre (VIC),

March 1 to November 30 (medium season) – 8.30am to 4.00pm daily
December 1 to end February (low season) – 8.30am to 3.00pm daily
NSW, SA and VIC school holidays (high seasons) – 8.30am to 5.00pm daily

Executive Summary:

The current Visitor Information Centre (VIC) operating hours were endorsed by Council on 31 August 2011 and have formed the current operating hours since implementation on 1st December 2011, a period of eight years.

March 1 to November 30 (medium season) – 8.30am to 4.00pm daily
December 1 to end February (low season) – 8.30am to 3.00pm daily
NSW, SA and VIC school holidays (high season) – 8.30am to 5.00pm daily

Prior to December 2011 the operating hours were:

7 days from 8.30am to 5.00pm all year round (only closed Christmas Day)

A number of Council reports in 2011 indicate that Council reviewed the VIC from a number of aspects (including separating buildings costs and service costs, creating another mini-VIC at the Regional Art Gallery, operating hours) and resolved on 31st August 2011 that new hours be adopted with the prime reason to “*reduce opening hours to times that more reasonably reflect customer patterns and to provide adequate time for staff to manage administrative/operational requirements.*”

VIC traffic and sales appear not to have been impacted by this change.

To revert to the 2011 operating hours would require an expansion of the casual wages budget by \$26,600. Whilst this may appear a small budgetary amount; but similar to the same issues as Library, Gallery and GEO Centre, the impact of a reversion would not allow staff to attend to other essential duties in the areas of administration, planning, product familiarisations and online marketing/customer service.

The current operation of VIC's around Australia are sharing the same changes of practice and the same expansion of services reflecting changing visitor behaviours.

The Broken Hill VIC provides an important service to the visitors to Broken Hill but must accommodate expectations of visitors in a rapidly changing industry driven by swift technological advances.

Considering the demands on Council's operating budget, the future direction of the service lies in exploring and developing technological solutions and to extend the reach of visitor services beyond the T&T Centre.

Report:

At Council's Ordinary Meeting held 27/03/2019 Council resolved as follows, with Clause 6 being the item for response in this report to Council

RESOLUTION

Minute No. 1

Councillor B. Licul moved)

Councillor M. Browne seconded)

1. That Motions of Which Notice has been Given No. 4/19 dated February 22, 2019, be received.
2. That Broken Hill City Council resolves to retain the Visitors Information Centre at the corner of Blende Street and Bromide Street.
3. That the Broken Hill City Council rule out the Visitor Information Centre's location as a possible site for the proposed new police station.
4. That Our Community KDWG brings a report to the April Council Meeting with terms of reference, income modelling, for the formation of such a Tourist Association and that Council matches state funding.
5. That a press release be issued immediately stating the above.
6. **That a report be prepared and referred to the Budget Review Process outlining the costs of reverting to the original operating hours of the Visitor Information Centre, and the effect the change of operating hours has had on tourist numbers, associated bookings and sales of souvenirs etc.**

CARRIED

Background

On the 25th May 2011 council received a report detailing the need for a review of the VIC's operations. A number of recommendations were given to improve the VIC's commercial viability, incl. to *"reduce opening hours to times that more reasonably reflect customer patterns and to provide adequate time for staff to manage administrative/operational requirements."*

At this time the VIC operated 7 days a week from 8.30am to 5.00pm all year round (only closed Christmas Day).

Council received a recommendation on the 5th July 2011 to reduce opening hours at the VIC effective August 1, 2011:

- March 1 to November 30 (medium to high season) – 8.30am to 4.00pm daily
- December 1 to end February (low season) – 8.30am to 3.00pm

On the 27th July 2011 council resolved that a report be prepared regarding the effect on the Level 1 accreditation of the VIC (to be able to display the “i” tourist information signs) prior to Council making a decision regarding the proposed reduction in opening hours at the VIC.

The report found that proposed changes to VIC operating hours would move the VIC from Level 1 to Level 2 accreditation status but that this would have no further implications on the scope and function or the customer credibility and recognition of the facility as endorsed through the accredited “i” sign that would remain in place.

At the Ordinary Council meeting on the 31st August 2011 reduced opening hours for the VIC were endorsed as follows:

- March 1 to November 30 (medium season) – 8.30am to 4.00pm daily
- December 1 to end February (low season) – 8.30am to 3.00pm daily
- NSW, SA and VIC school holidays (high seasons) – 8.30am to 5.00pm daily

[Resolution Minute No. 42961. Moved by Clr Adams. Seconded by Clr Browne]

The suggested reduced opening times were based on analysis of Wincount reports. This software measures traffic into the VIC at three different points over the course of the day via three sensors. The last hour (4.00pm to 5.00pm) during the year and the last two hours (3.00pm to 5.00pm) during the summer months registered the lowest average foot traffic.

These opening hours have been in place since Council's decision in August 2011 and have proven a sustainable model for seasonal demands of face-to-face customer service while simultaneously creating time for administration and planning.

Visitation and sales comparison

Visitation

The below table outlines visitation numbers through the VIC before and after the change of opening hours.

	Period	Visitors
12 months before the change in opening times	1 st December 2010 – 30 th November 2011	127,191
12 months after the change in opening times	1 st December 2011 – 30 th November 2012	134,023
Further comparison	1 st December 2012 – 30 th November 2013	124,335
	1 st December 2017 – 30 th November 2018	94,079

Long term there has been a decline in visitation but cannot all be attributed to change in hours alone given that physical visitation to a centre is now not an exclusive way of obtaining tourism information.

Sales

VIC REVENUE	2009/10	2010/11	2011/12	Change		2017/18
	\$	\$	\$	%		\$
Commissions	44,988	71,414	59,883	-16%		11,039
Rental/Lease Income	39,854	8,482	17,363	105%		19,910
Other User Charges	1,179	3,301	3,392	3%		961
Tourism Sales	267,722	258,034	199,955	-23%		171,109
Sales - Other General	13,077	11,699	10,254	-12%		7,122
Contributions Other	833	3,451	3,285	-5%		103
Donations	363	35		-100%		4,425
	368,017	356,416	294,132	-17%		214,669

Revenue was already declining between 2010 and 2011. The rate of decline increased in 2012. As with visitations, the decline cannot be fully attributed to the change in operating hours of the VIC as visitor behaviours has changed from visitor information centre to online enquiry.

VIC Services for comparison

Year	Services	Staff	Budget
2011	<ul style="list-style-type: none"> - Customer Service - Accommodation bookings - Tour bookings - Souvenir & Gift Shop - Destination Marketing - Industry membership program - Production of visitor guide & map - Tourism website - Film BH - Visiting journalist program - Fostering tourism partnerships with local, state & national tourism bodies 	1 x FT Visitor Services Manager 1 x FT Senior Tourism Officer 1 x FT Tourism Officer 2 x FT Tourism Assistants 1 x FT Trainee Plus dedicated VIC casuals (Tourism Assistants)	2009/10 Expenditure: \$855,624.46 Income: \$368,017.66 Cost to council: \$487,606.80
2019	<ul style="list-style-type: none"> - Customer Service - Tour bookings - Event bookings - Starview Campsite bookings - Souvenir & Gift Shop - Fostering tourism partnerships with local, state & national tourism bodies - Identification of suitable joint marketing opportunities 	1 x FT Visitor Services Coordinator 2 x FT Tourism Assistants 1 x PT Cultural Facilities Assistant Plus casuals shared with other facilities (Cultural Facilities Assistants) The over-reliance on a casual workforce shared amongst facilities has had impacts on service continuity.	2017/18 Expenditure: \$649,083 Income: \$214,805 Cost to council: \$434,278

The table shows that the net cost of the VIC has been reduced to \$434,278 in 2018 compared to \$487,606 in 2010 and relates to Council change of roles within the tourism industry.

Conclusions from the 2017 BHCC Service Review

Broken Hill City Council began a service review process in 2017 with the VIC being one of the first to be reviewed.

Some of the conclusions were:

- The level and style of service provided by the VIC is comparable to other Centres and meets the accreditation criteria.
- As the general expectation for instantaneous service and availability of information through technology grows there will be less reliance on the face to face style of service currently being offered. This needs to be considered when determining future models and levels of service.

Recommendations:

- That strategies/plans are developed to ensure that the VIC service transitions the method of delivering information to meet the changing expectation of customers i.e. use of technology.

VIC Accreditation

The Broken Hill VIC is part of the 150+ NSW Accredited Visitor Information Centres (AVIC's). This accreditation permits the use of the "i" logo which is a valuable recognition tool for tourists throughout Australia.

The accreditation model sets the benchmark of industry standards for AVIC's in the execution of their services and strives to continually improve and innovate in the delivery of services. In NSW the accreditation model is based on three levels depending on the number and depth of services provided. In relation to opening hours this is allocated as follows:

Level 1: Open for at least 363 days per year for a minimum of 56 hours per week including at least 4 hours on Saturdays and Sundays.

Level 2: Open for at least 363 days per year for a minimum of 42 hours per week including at least 4 hours on Saturdays and Sundays.

Level 3: Open for at least 5 days per week including weekends for a minimum of 7 hours per day.

The Broken Hill VIC is currently open for 364 days per year (closed only on Christmas Day) and during the low season (summer) is open for 45.5 hours per week, therefore qualifying for Level 2 accreditation. Other than the opening hours there are no differences between Level 1 and 2 VIC's.

Additional budget

"That a report be prepared and referred to the Budget Review Process outlining the costs of reverting to the original operating hours of the Visitor Information Centre."

To revert to the original opening hours (8.30am to 5.00pm all year round) an additional \$26,600 in casual wages per year would be required. This would raise the current casual yearly spend from \$150,000 to \$175,000.

A return to pre 2011 hours of operation would result in VIC permanent staff inability to manage administrative/operational requirements (such as souvenir management, online marketing and customer service (social media, TripAdvisor, etc.) and conducting product famils during the summer months), which was part of the original decision to decrease operational hours.

Future considerations

The **‘National Perspective on Visitor Information Servicing’** released in 2018 by DNSW (Destination NSW) provides a fresh view on the future of VIC’s and the priorities to remain competitive and relevant.

“The top five features that visitors look for in a visitor centre are:

1. Welcoming experience
2. Knowledgeable, professional staff, skilled in customer service
3. Unbiased, authoritative and tailored information (on and offline)
4. Validation of research found before and during the trip
5. Local stories and insights

Six strategic directions set the agenda for the national accredited VIC network.

1. Adopt a customer-focused approach
2. Position yourself to fish where the fish are
3. Integrate technology with face-to-face service
4. Embrace visitor servicing
5. Make visitor servicing everyone’s business
6. Engender an effective network

In the context of tightening budgets and digital disruption, VICs are **redefining** how they engage with travellers and meet and exceed their expectations. They are exploring new ways to support their tourism industry and local communities in growing the visitor economy.

The contemporary visitor servicing model includes popups, mobile vehicles, touchscreens, roving ambassadors and online to extend the reach of bricks and mortar VICs.”



KPMG, *Reimagining the Visitor Information Services Experience*, 2017

Conclusion

The Broken Hill VIC provides an important service to Broken Hill visitors but must accommodate the changing behaviours and expectations of visitors in a rapidly changing industry driven by swift technological advances. Considering the demands on Council's operating budget, it is imperative to spend funds smartly to future proof the service by expanding its operations into the digital realm and outside the T&T Centre to meet customers' needs. The future direction of the service would be enhanced by exploring and developing technological solutions and to extend the reach of visitor services beyond the T&T Centre.

Strategic Direction:

Key Direction:	2 Our Economy
Objective:	2.2 We are a destination of choice and provide a real experience that encourages increased visitation
Function:	Tourism Development
DP Action:	2.2.1.14 Operate the Visitor Information Centre as a hub for the visitor economy

Relevant Legislation:

Nil

Financial Implications:

An additional \$26,600 per year added to casual budget. This would raise the current casual yearly spend from \$150,000 to \$175,000

Attachments

There are no attachments for this report.

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAMES RONCON
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

April 8, 2019

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 63/19

SUBJECT: RE-ESTABLISHMENT OF CENTRAL BUSINESS DISTRICT
ALCOHOL-FREE ZONE 11/307

Recommendation

1. That Broken Hill City Council Report No. 63/19 dated April 8, 2019, be received.
2. That Council re-establish the Central Business District Alcohol-Free Zone as described in the final Proposal attached to this report, for a period of four years from 25 June 2019 to 25 June 2023, that is:
Council re-establish the Alcohol-Free Zone in the area generally bounded as follows:
A zone comprising the Central Business District in an area generally bounded by Crystal, Iodide (Wolfram), Mica, Gossan, Talc (Mercury), Graphite, Wills, Gypsum and Gaffney Streets and South Road, with the exception of businesses within the Alcohol-Free Zone, with approved liquor licence and approved outdoor dining.
3. That the necessary signage be installed showing operation of the zone from 25 June 2019 to 25 June 2023.
4. That re-establishment of the Central Business District Alcohol-Free Zone be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirm that all other existing alcohol-free zones in Broken Hill remain in force.
5. That Council thank the Broken Hill Police for its ongoing support of alcohol-free zones in Broken Hill.

Executive Summary:

At the March 2019 Council Meeting, Council considered a report regarding the Re-establishment of the Central Business District (CBD) Alcohol-Free Zone with an expansion of the boundary from Wills Street to include Gypsum and Gaffney Streets and South Road.

The draft Proposal to Re-establish the Alcohol-Free Zone was placed on public exhibition for a twenty eight day period closing 30 April 2019, during which time Council received one submission from the Barrier Police District.

This submission is in support of the expansion and re-establishment of the CBD Alcohol-Free zone and is attached for further information.

Report:

The current expiry date for the CBD Alcohol-Free Zone is the 25 June 2019. The current Zone is bounded by Crystal, Iodide (Wolfram), Mica, Talc (Mercury), Graphite, Wills and Gossan Streets. It is proposed to expand the CBD Alcohol-Free Zone boundary from Wills Street, to also include Gypsum and Gaffney Streets and South Road. This is to incorporate other licensed premises and establishments supplying alcohol within the proposed Zone expansion.

It should be noted that all other existing alcohol-free zones in Broken Hill remain in force and are unaffected by this proposal.

In accordance with the requirements of the *Local Government Act 1993* and the Ministerial Guidelines 2009, a proposal for the re-establishment of the alcohol-free zone for a further four years was prepared for consultation.

Council currently has five Alcohol-Free Zones as per the *Local Government Act 1993 (the Act)* (Part 4 Street Drinking s644, s644A, s644B, s644C) supplemented by Ministerial Guidelines on Alcohol-Free Zones 2009 and Amendments to the Act. Prohibitions on Parks and Ovals, ranging from skateboarding, dogs off leash and drinking are defined by Council under s632A of the Act and are not the subject of this report; though the two sections of the Act work in tandem to achieve control of drinking in public spaces.

The Alcohol-Free Zone areas, as named in past reports to Council, are:

1. The Central Business District Zone bounded by Crystal, Iodide (Wolfram), Mica, Talc (Mercury), Graphite, Wills and Gossan Streets.
2. The Shell Memorial Zone bounded by Oxide Street, Thomas Street, Bromide Street and Mica Street.
3. The South Broken Hill Zone bounded by Bonanza, Patton, Central and Hebbard Streets.
4. The E.T.Lamb Memorial Oval Zone bounded by South, Boughtman, Comstock and Jamieson Streets.
5. Creedon Street Zone bounded by Rakow and Wills Streets.

Purpose of Alcohol-Free Zones

The purpose of these Zones is to create a safe environment in which individuals may move about without interference due to irresponsible street behaviour due to the effects of alcohol.

Alcohol-Free Zones apply specifically to public roads, laneways, footpaths and public car parks.

The Zones operate 24 hours a day, seven days per week.

Exceptions for street dining, complying with the appropriate licencing authorities is catered for in the drafted Alcohol-Free Zone proposal.

Duration of Alcohol-Free Zones

According to the Ministerial Guidelines, Alcohol-Free Zones have a four year term whereupon they are due for review of ongoing applicability. There is no provision for automatic renewal. Of Council's five Alcohol-Free Zones, the CBD Zone expires on 25 June 2019. All the remaining Zones expire on 9 November 2019.

Given these timelines, the process of review using the evaluation steps outlined in the Ministerial Guidelines was commenced.

Preliminary discussion has already been undertaken with Barrier Local Command, with the review including an examination of the value of re-establishment of the Zone, the impact of new premises opening and the need to review the appropriateness of the streets currently within the Zone.

Cancellation or suspension of a Zone

Under s645 of the Act, Council has the power to suspend or cancel a Zone or to hold specific community events. Council is required to do so via Council resolution and must publish a notice of suspension in a newspaper circulating in the area. Prior to cancellation or suspension, Council is required to liaise with the Police prior to and after Council resolution.

Enforcement

Alcohol-Free Zones in Broken Hill are enforced by the Police. 'Tip-out' powers were introduced by Amendment to the Act to apply in both Prohibited Zones (such as Parks and Ovals) and Alcohol-Free Zones (public streets, laneways, footpaths and public car parks) in order to achieve aligned enforcement practice.

Proposal for establishment of an Alcohol-Free Zone

The Ministerial Guidelines state that any person living or working within an area, the local police or a local community group may ask a council to establish an alcohol-free zone and must in all cases be supported by evidence that the public's use of those roads, footpaths or public car parks has been compromised by street drinking such as malicious damage to property, littering, offensive behaviour or other crimes.

A proposal must be prepared in respect of every proposed Alcohol-Free Zone, consultation must occur with the Police Local Area Command about the appropriate number and location of the Zones before and after a Council resolution, the Zone should be as small as possible rather than a 'whole of town' approach and should be primarily located adjacent to outlets supplying alcohol where drinkers congregate.

After a proposal is prepared, consultation must be undertaken via advertisement in a newspaper circulating in the area, copies sent to the Barrier Police District and Officer in Charge of the police station nearest the Zone, liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed Zone, any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area with comments sought within 30 days of notice.

This process will inform the final character and establishment of the Zone followed by appropriate signposting also after consultation as to location, with the Police Force.

Proposal for Re-establishment of Alcohol-Free Zone in the CBD Area

Given that the Ministerial Guidelines require the preparation of each Zone as a separate entity, the first Zone for consideration for re-establishment is the CBD area which expires on 25 June 2019.

Some leeway is acceptable if the consultation process cannot be finalised to align with the expiry date of the Zone.

Consultation with Barrier Police District

A meeting was held on 20 February with the Barrier Police District's Sergeant Clavel, to undertake a preliminary evaluation of the Zone in accordance with the Guidelines; with follow-up information from the meeting provided to Detective Inspector Fuller for feedback.

Written feedback from Barrier Police District Crime Manager was received on 7 February which stated that the current AFZ is achieving the expected behaviour changes and supported the proposed expansion of the zone.

'Barrier Police District supports the continuation of the Alcohol-Free Zones in the CBD and sees it as a natural fit to better ensure the good management of the wider CBD and community experience by expanding the zone to include the new area as indicated in the Broken Hill City Council map (yellow zone).'

The Draft Proposal to Re-establish the Alcohol-Free Zone was placed on public exhibition for a twenty eight day period closing 30 April 2019, during which time Council received one submission from the Barrier Police District. This submission is attached.

This report and attached Proposal for Re-Establishment of Central Business District Alcohol-Free Zone is now presented to Council for formal adoption of the expanded CBD Alcohol-Free Zone for the period 25 June 2019 to 25 June 2023. A copy of the report received from the Barrier Police District Crime Manager, endorsing the reinstatement of the CBD Alcohol-Free Zone, is also attached.

Strategic Direction:

Key Direction:	1. Our Community
Objective:	1.1 People in our community are in safe hands
Function:	Public Safety
DP Action:	1.1.1.01 Participate in community awareness for safer community initiatives

Relevant Legislation:

The re-establishment of the Alcohol-Free Zones must be in accordance with the *Local Government Act 1993 and Ministerial Guidelines 2009 on Alcohol-Free Zones*.

Financial Implications:

Placement of the required advertisements and updating of existing signs. Funds are within existing budgets.

Attachments

1. [!\[\]\(4f6d8a8b127300a02d56d34d01423d15_img.jpg\)](#) Proposal to Re-establish Alcohol Free Zone CBD Area 25.06.2019-2023
2. [!\[\]\(7e3d1ad67bf2d7a17700a66d1a313f91_img.jpg\)](#) Barrier Police District CBD AFZ reestablishment and expansion submission

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAMES RONCON
GENERAL MANAGER



PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONE

Area generally bounded by Crystal, Iodide (Wolfram), Mica, Gossan, Talc (Mercury), Graphite and Wills Streets; with expansion to include Gypsum and Gaffney Streets and South Road

INTRODUCTION

Alcohol Free Zones established by Council have now been operating in Broken Hill since 2002.

Alcohol Free Zones promote the use of roads, footpaths and car parks in safety.

Alcohol Free zones are established with Police consultation and are aimed at assisting community security and safety by preventing irresponsible consumption of alcohol in public places. Any person observed to be drinking in an Alcohol Free Zone may have the alcohol in their possession immediately seized and tipped out or otherwise disposed of.

The following outlines Council's recommendation for the largest of its current Alcohol Free Zones, with a proposed expansion to this zone, to be re-established upon expiry in June 2019. The City's other Alcohol Free Zones remain in force.

A period of consultation with interested stakeholders and the general public closed on Tuesday, 20 April 2019.

1. Background

Council proposes to re-establish an existing Alcohol Free Zone in Broken Hill. Council also proposes to expand the area of this Alcohol Free Zone. The proposed Alcohol Free Zone and area of expansion are as follows:

- A Zone comprising the Central Business District (CBD) in an area generally bounded by Crystal, Iodide (Wolfram), Mica, Talc (Mercury), Graphite, Wills and Gossan Streets; with the exception of businesses within the Alcohol Free Zone, with an approved liquor licence and approved outdoor dining. It is proposed to expand the zone boundary from Wills Street to include Gypsum and Gaffney Streets and South Road. This is to incorporate other licensed premises and establishments supplying alcohol within the Zone expansion.

The responsible consumption of alcohol in these areas will only be permitted to the patrons of those particular businesses, with an approved liquor licence and approved outdoor dining.

2. Reasons for Re-establishing the Zone

2.1 Views of the Barrier Local Area Command

The Broken Hill Police Force has remained fully supportive of the operation of alcohol free zones in Broken Hill. The zones are a valuable tool for Police to maintain the peace and good order of public places by utilising the powers found in the *Local Government Act 1993*.

The CBD Zone is also located in places which attract families or have especially vulnerable residents. Feedback received from the Barrier Police District supported

the re-establishment and expansion to the CBD Zone. Statistical evidence from Barrier Police District indicates that Council continues to have support to re-establish and expand the current Alcohol Free Zone.

Alcohol related anti-social behaviour remains an issue especially during summer when more alcohol is consumed and the weather attracts people into public places. This is particularly applicable to the area covered by the Zone proposed for re-establishment and expansion.

In addition, there are a number of licensed or registered premises in the City and patrons regularly walk between them. The carriage of alcohol containers and its consumption in public places when moving from one licensed premises to another, only increases the propensity for public order offences to occur.

The expansion of the Zone takes into account other licensed premises within the wider CBD area of Broken Hill; and public park areas and streets, to prohibit the consumption of alcohol in the streets/parks in these areas. It is supported as an additional measure to support the licensed venues that operate in this area that have a license to sell alcohol either 'on premises' or for consumption 'off premises'.

From a policing perspective, to abandon the Alcohol Free Zone would encourage further abuse of alcohol during the most problematic times, after the closure of licensed premises. This would undoubtedly lead to an escalation in street crimes and violence, which would be difficult to prevent and could only be tackled through reactive policing efforts. The maintenance of the Alcohol Free Zone is an important tool for police to proactively prevent crime.

2.2 Council's Views

Council is concerned with maintenance of public order and the protection of the property of both residents and ratepayers. Council wishes to continue to provide the Barrier Local Area Command of the New South Wales Police Force with a potentially effective means of control over such offences.

Council has no objections to the responsible consumption of alcohol. Unfortunately, alcohol can be associated with crime, violence, anti-social and offensive behaviour. This can lead to assaults, property damage and excessive noise which can seriously affect the lives of individuals and the community.

Council is concerned about the possibility of alcohol related interference with the use of public areas by members of the community and of alcohol related damage to ratepayer's premises. In addition, it is concerned for the safety and maintenance of the neighbourhood amenity in the public areas near a number of retirement villages in this zone.

The re-establishment of Alcohol Free Zones is an opportunity for Council, the Police and the Community to focus again on any community problems associated with irresponsible alcohol consumption and the range of strategies that can be implemented to address these problems. Alcohol Free Zones are essentially a short term measure as they operate for a defined period and in many instances a zone will achieve the desired objectives and outcomes within its operational period.

The success evidenced by the zoning of the current area and support for the proposed expansion as an Alcohol Free Zone should be continued and Council now proposes that the Alcohol Free Zone be re-established for a period of four years.

3. Proposed Duration of Zone

Council proposes to re-establish the zone for a further four year period until June 2023.**Suspension of the Zone for Short Periods**

Council intends to provide a mechanism enabling the suspension of the zone for short periods (eg 10am to 10pm) during special events. Notification of any such suspension of the Alcohol Free Zone will be published in local newspapers.

4. Public Comment

In accordance with the requirements of the *Local Government Act 1993* comments on the proposal were sought from:

- a) the general public;
- b) the Officer in Charge of the Broken Hill Police;
- c) holders of liquor licences under the *Liquor Act 2007*, for premises which border on, adjoin, or are adjacent to the proposed zones;
- d) the secretaries of Registered Clubs under the *Registered Clubs Act 1976*, which border on, adjoin, or are adjacent to the proposed zones;
- e) any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area.

The period for comment closed on 30 April 2019 and no comments were received.

6. Parks and Reserves

It should be noted that Section 632A of the *Local Government Act 1993* provides Council's with the power to declare any public place (or any part of a public place) in the council's area to be an **alcohol prohibited area**. Council has advised the public by signposting in Sturt Park for many years that intoxicating liquor shall not be brought into or consumed within the reserve (Sturt Park). Council introduced the same restriction at Patton Park in 2005. The same prohibition has also been introduced by Council at the Queen Elizabeth Park, Norm Fox Sportsground, E.T. Lamb Memorial Oval and at the Gasworks Reserve.

Under Section 632A, a police officer may seize any alcohol (and the bottle, can, receptacle or package in which it is contained) that is in the immediate possession of a person in an alcohol prohibited area, if the officer has reasonable cause to believe that the person is drinking, or is about to drink, or has recently been drinking, alcohol in the alcohol prohibited area. With Sturt Park being located within the Alcohol Free Zone which is proposed for re-establishment, this requirement signposted in Sturt Park is still in force under Section 632A of the *Local Government Act 1993* and the operation of the Alcohol Free Zone is immediately outside the border of the reserve (park).

The ban on alcohol consumption remains, the only difference is that two Sections of the *Local Government Act 1993* are in force.

7. Re-establishment of the Zone

Council considered re-establishment of the Zone at its Ordinary Meeting held 29 May 2019 following a period of public exhibition.

8. Zone Map

- a) Current CBD Zone map comprising the Central Business District in an area generally bounded by Crystal, Iodide (Wolfram), Mica, Gossan, Talc (Mercury), Graphite and Wills Streets; with expansion to include Gypsum and Gaffney Streets and South Road (highlighted).



Razija Nu'man

RAZIJA NU'MAN
DIRECTOR CORPORATE

For Official Use Only



Razija Nu'man
Director – Corporate
Broken Hill City Council
240 Blende Street
PO Box 448
Broken Hill NSW 2880

RE: Central Business District (CBD) Alcohol Free Zone – Broken Hill.

Dear Razija,

I note that Council is currently looking at the process to re-establish the CBD Alcohol Free Zone in Broken Hill which is due to expire on 25 June 2019. I note that Council is also seeking comment on an expansion of that zone to include Gossan Street Shopping Precinct to Gypsum Street areas as indicated in the proposed expanded CBD Alcohol Free Zone under consideration for Broken Hill.

A high proportion of police work involves alcohol-related incidents. The impact of alcohol misuse on assaults including domestic violence, street offences and property offences are a major concern for the police and the community. Alcohol misuse also leads to serious injuries and deaths through drink driving and road accidents.

NSW Police Force is committed to working in partnership with the community, other government departments, non-government agencies and industry to promote a safer community, minimising alcohol-related crime and associated harm. NSW Police Force supports the harm minimisation approach to alcohol-related incidents and is committed to ethical and respectful policing.

The Local Government Act provides power to Police and Local Government law enforcement officers to confiscate alcohol from persons drinking in Alcohol Free Zones and Alcohol Prohibited Areas. As a strategy to reduce alcohol-related incidents and crime Barrier Police District supports the use of Alcohol-Free Zones in Broken Hill.

Police statistics indicate that the following 'consume alcohol' in alcohol free zone have been detected;

- 29/12/2017 – Argent Street / Sulphide Street, Broken Hill
- 08/07/2017 – Lamb Oval, Broken Hill
- 22/06/2016 – Argent Street / Oxide Street, Broken Hill
- 05/02/2016 – Argent Street / Chloride Street, Broken Hill
- 27/06/2015 – Argent Street / Oxide Street, Broken Hill
- 01/02/2015 – Argent Street / Chloride Street, Broken Hill

In circumstances where a warning has been given by police and the community member has immediately complied no record would generally be created by police. Statistics in relation to warnings (no action taken) are not available.

Barrier Police District

Level 2, 32 Sulphide Street, Broken Hill NSW 2880

T 08 8082 7230 F 02 8082 7211 W www.police.nsw.gov.au

TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

TRIPLE ZERO (000)

Emergency only

POLICE ASSISTANCE LINE (131 444)

For non emergencies

CRIME STOPPERS (1800 333 000)

Report crime anonymously

For Official Use Only

For Official Use Only



NSW Police Force

In relation to Alcohol Related Crime reported in the Broken Hill Police Sector the following statistical information is provided;

Street Offence (offensive conduct / language)

- 2017 (12 months) – 42 incidents
- 2018 (12 months) – 45 incidents.
- 2019 (to 07/03/2019) – 5 incidents.

Intoxicated Person (detained by police / conveyed to place of safety)

- 2017 (12 months) – 42 incidents
- 2018 (12 months) – 25 incidents
- 2019 (to 07/03/2019) – 8 incidents

Assault

- 2017 (12 months) – 146 incidents.
- 2018 (12 months) – 134 incidents.
- 2019 (to 07/03/2019) – 26 incidents

Police Powers – Move-On Direction

- 2017 (12 months) – 87 incidents
- 2018 (12 months) – 72 incidents
- 2019 (to 07/03/2019) – 22 incidents

In relation to the current Broken Hill CBD Alcohol-Free Zone this area contains a number of licensed premises (club / hotel / restaurant). As well as licensed premises the CBD has a number of motel / accommodation venues. The continued presence of the CBD Alcohol Free Zone provides police as well as council officers with the powers to take action when a person is drinking alcohol in the street. As a harm minimisation strategy this ensures that alcohol is consumed 'on premises' or when purchased for consumption 'off premises' (such as taken home / to a motel / to a restaurant) it is not consumed in public places such as on the street or in park areas in Broken Hill.

In relation to the proposed expansion of the Broken Hill CBD Alcohol Free Zone which would expand to take in the area bordered by Wills Street / Gypsum Street which includes the Gossan Street shopping precinct and the A. J. KEAST Park in Gypsum Street this is supported by the Barrier Police District.

The expansion of the area takes into account other licensed premises within the wider CBD area of Broken Hill and public park areas / streets to prohibit the consumption of alcohol in the streets / parks in these areas. It is supported as an additional measure to support the licensed venues that operate in this area that have a license to sell alcohol either 'on premises' or for consumption 'off premises'.

Prohibiting the drinking of alcohol in parks / on the street through an Alcohol Free Zone is supported as this is a measure that can reduce the risk of assaults and other alcohol related crime incidents. As a heritage city it also ensures that for locals and tourists that they are not accosted by intoxicated people drinking on the street of Broken Hill or in parks and maintains the walkability and positive experience for visitors to the Broken Hill CBD.

Barrier Police District

Level 2, 32 Sulphide Street, Broken Hill NSW 2880

T 08 8082 7230 F 02 8082 7211 W www.police.nsw.gov.au

TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

TRIPLE ZERO (000)

Emergency only

POLICE ASSISTANCE LINE (131 444)

For non emergencies

CRIME STOPPERS (1800 333 000)

Report crime anonymously

For Official Use Only

For Official Use Only



NSW Police Force

From a policing perspective the presence of community members out on the streets and moving between locations (motels / restaurants / hotels) has a recognised value in reducing crime as it adds to the perception of safety and security for people as they do not feel threatened or perceive a threat should they encounter people drinking in the street or in a park.

Barrier Police District supports the continuation of the Alcohol Free Zones in the CBD and sees it as a natural fit to better ensure the good management of the wider CBD and community experience by expanding the zone to include the new area as indicated in the Broken Hill City Council map (yellow zone).

I hope this is of assistance.

Michael Fuller
Detective Inspector
Crime Manager
Barrier Police District
7 March 2019

Barrier Police District

Level 2, 32 Sulphide Street, Broken Hill NSW 2880

T 08 8082 7230 **F** 02 8082 7211 **W** www.police.nsw.gov.au

TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

TRIPLE ZERO (000)

Emergency only

POLICE ASSISTANCE LINE (131 444)

For non emergencies

CRIME STOPPERS (1800 333 000)

Report crime anonymously

For Official Use Only

ORDINARY MEETING OF THE COUNCIL

May 6, 2019

ITEM 5BROKEN HILL CITY COUNCIL REPORT NO. 64/19

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD
ENDING MARCH 2019 12/160

Recommendation

1. That Broken Hill City Council Report No. 64/19 dated May 6, 2019, be received.
2. That the 2nd Quarterly Budget Review Statement and recommendations be adopted.
3. That Council note the projected 2018/19 operating surplus (before capital) of \$1,556,000.
4. That Council note the 2018/19 projected net capital expenditure budget of \$11,161,000.

Executive Summary:

The Quarterly Budget Review Statement (QBRs) presents a summary of Council's financial position at the end of the third quarter for the financial year ended 30 June 2019.

The quarterly budget review process is the mechanism through which Council and the community are informed of Council's progress against the Operational Plan (annual budget), together with recommendations for changes and reasons for budget variations.

Improvements made to-date, to the expected end of financial year result are significant and reflects the substantial effort currently made by management to take advantage of opportunities as well as implementing and developing further strategies to address Council's underlying budgetary weaknesses.

The March Quarterly Budget Review shows no change in the projected 2018/19 operating result (before capital items) 30 June 2019 of \$1,556,000, subject to unbudgeted items.

Budgeted capital income is expected to increase by \$1,176,000 and budgeted expenditure will increase by \$1,926,000. This will increase expected net capital expenditure from \$9,884,000 as per the 2018/19 approved December 2018 Quarterly Review, to \$11,161,000.

Report:***Budget Review:***

In accordance with s203 of the *Local Government (General) Regulations 2005*:

- (1) Not later than 2 months after the end of each quarter, the responsible accounting officer of a Council must prepare and submit to the Council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Council's Revenue Policy included in the Operational Plan for the relevant year, a revised estimate of the income and expenditure for that year.

-
- (2) A budget review statement must include or be accompanied by:
- (a) A report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure; and
 - (b) If that position is unsatisfactory, recommendation for remedial action.

In accordance with s211 (*Authorisation of expenditure*) of the *Local Government (General) Regulations 2005*:

- (1) A council, or a person purporting to act on behalf of a council, must not incur a liability for the expenditure of money unless the council at the annual meeting held in accordance with subclause (2) or at a later ordinary meeting:
- (a) has approved the expenditure, and
 - (b) has voted the money necessary to meet the expenditure.

The QBRs appear as Attachment 1, and has been produced in accordance with the guidelines and standards issued by the Office of Local Government.

Operational Budget Result:

The March Quarterly Budget Review shows no change in the projected operating result surplus of \$1,556,000 at 30 June 2019 of \$1,556,000 subject to any unbudgeted items.

Capital Budget Result:

Budgeted capital income is expected to increase by \$1,176,000 and budgeted expenditure will increase by \$1,926,000. This will increase expected net capital expenditure from \$9,884,000 as per the 2018/19 approved December 2018 Quarterly Review, to \$11,161,000.

This result reflects the following movements:

- Australia's Heritage Perfectly Highlighted Project- \$750,000 grant from the Restart NSW Growing Local Economies Fund for this project was announced in January. Total budgeted expenditure for the project is \$1,530,000, with the net cost to Council being \$780,000. This budget expenditure was approved at the April Ordinary Council Meeting.
- \$71,870 to install seven additional smart bins for the CBD area. (this additional expenditure has been provided through grant funding)
- \$45,000 increase for an extension to Cemetery Rose Garden inclusive of landscaping. Currently there are 37 spots remaining which is the equivalent of three months. The new extension will provide a further 10 to 15 years of space.
- \$74,000 additional budget required to extend asset condition audits originally planned for the Administration Building to all major buildings and parks. Total cost will be \$146,000 offset by savings of \$71,986 through similar budgeted projects which will be incorporated within this audit. This is key work that will form part of Council's asset management plans and upcoming service level review.
- \$22,000 to replace failed air conditioning system at North Mine Hall. This work has already been carried out due to the pump failing before and planned renewal could occur as well as ensuring compliance with our lease terms and conditions.

- Additional \$180,782.27 for the Broken Hill Animal Pound. Based on the preferred option as described in the Broken Hill Animal Pound Report (May Ordinary Council Meeting 2019) , the existing budget has been identified as being insufficient.

The Broken Hill Animal Pound was previously estimated and budgeted at \$250,000. This was not based on quotations for specific works, rather an estimate of costs. There is currently \$219,217.73 remaining from the allocated budget, with expenditure to date being spent on project management, development and construction consent, designs and specifications, and advertising costs.

Full detailed quotations have now been received and an additional \$180,782.27 is sought to increase the available budget to \$400,000.00. With total works quoted to be \$344,462.86, the additional funds will allow for the Broken Hill Animal Pound to be completed, plus a contingency as the grounds are quite rocky and once excavation occurs, there is no guarantee of what will be uncovered.

The additional funding is proposed to be sourced from the Externally Restricted Section 7.11 Developer Contribution Funds.

As identified in previous reports and discussions with the Elected Body, Council's ability to deliver capital projects remains a concern, noting that some improvements are beginning to occur in this area due to improved project delivery and contract management. Council is still lagging in delivering on its capital works program which will result in some 2018/19 projects being incomplete at year end or carried over to the 2019/20 financial year.

Strategic Direction:

Key Direction:	Our Leadership
Objective:	Openness and Transparency in Decision Making
DP Action:	Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation

Relevant Legislation:

Clause 203(1) of the Local Government (General) Regulations 2005.
Clause 211 of the Local Government (General) Regulations 2005.

Financial Implications:

The projected operating surplus for 30 June 2019 (before capital items) remains unchanged at \$1,556,000 subject to any unbudgeted items.

The additional capital expenditure requirements are in accordance with Council's Long Term Financial Plan and will not materially affect the Long Term Financial Plan.

Full details of the financial implications of this quarter's QBRS are contained within the attached report.

Attachments

1. [↓](#) Q3 Review Statement 2018-19

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER

Broken Hill City Council

Quarterly Budget Review Statement
for the period 01/01/19 to 31/03/19

Table of Contents	page
1. Responsible Accounting Officer's Statement	1
2. Income & Expenses Budget Review Statement's	
- Income & Expense by Type	2
- Income & Expense by Key Directions	3
- Income & Expense Variation Detail	4
3. Capital Budget Review Statement	
- Capital Budget	5
- Capital Budget Variation Detail	6
4. Cash & Investments Budget Review Statement	
- Cash & Investments Position	7
- Cash & Investments Variation Detail	8
5. Key Performance Indicator (KPI) Budget Review Statement	
KPI's	9
6. Contracts & Other Expenses Budget Review Statement	
- Contracts & Other Expenses Variation Detail	13
- Consultancy & Legal Costs	14
7. Additional Statements	

Broken Hill City Council

Quarterly Budget Review Statement
for the period 01/01/19 to 31/03/19

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

31 March 2019

It is my opinion that the Quarterly Budget Review Statement for Broken Hill City Council for the quarter ended 31/03/19 indicates that Council's projected financial position at 30/6/19 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: _____



Jay Nankivell
Responsible Accounting Officer

date: 7-May-19

Broken Hill City Council

Quarterly Budget Review Statement

for the period 01/01/19 to 31/03/19

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2019

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2018/19	Approved Changes		Revised Budget 2018/19	Variations for this Mar Qtr		Projected Year End Result	Actual YTD figures
		Sep QBRS	Dec QBRS					
Income								
Rates and Annual Charges	17,781			17,781			17,781	16,829
User Charges and Fees	4,085	4,000	2,600	10,685			10,685	10,118
Interest and Investment Revenues	1,182		(582)	600			600	395
Other Revenues	550			550			550	522
Grants & Contributions - Operating	5,804			5,804			5,804	3,183
Grants & Contributions - Capital	1,826			1,826			1,826	1,082
Net gain from disposal of assets	220			220			220	
Total Income from Continuing Operations	31,448	4,000	2,018	37,466		-	37,466	32,129
Expenses								
Employee Costs	14,041	752		14,793			14,793	10,802
Borrowing Costs	605			605			605	442
Materials & Contracts	5,699	145	15	5,859			5,859	4,386
Depreciation	6,902			6,902			6,902	5,174
Legal Costs	95	1,200	500	1,795			1,795	3,665
Consultants	123	70		193			193	166
Other Expenses	3,937			3,937			3,937	3,268
Interest & Investment Losses				-			-	
Net Loss from disposal of assets				-			-	
Total Expenses from Continuing Operations	31,402	2,167	515	34,084		-	34,084	27,903
Net Operating Result from Continuing Operation	46	1,833	1,503	3,382		-	3,382	4,226
Discontinued Operations - Surplus/(Deficit)				-			-	
Net Operating Result from All Operations	46	1,833	1,503	3,382		-	3,382	4,226
Net Operating Result before Capital Items	(1,780)	1,833	1,503	1,556		-	1,556	3,144

Broken Hill City Council

Quarterly Budget Review Statement

for the period 01/01/19 to 31/03/19

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2019

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2018/19	Approved Changes		Revised Budget 2018/19	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Sep QBRS	Dec QBRS					
Income								
Our Leadership	20,798		2,018	22,816			22,816	18,373
Our Community	3,407			3,407			3,407	1,444
Our Economy	2,037			2,037			2,037	1,722
Our Environment	5,206	4,000		9,206			9,206	10,590
Total Income from Continuing Operations	31,448	4,000	2,018	37,466	-		37,466	32,129
Expenses								
Our Leadership	12,923	1,200	500	14,623			14,623	14,352
Our Community	9,975	70	15	10,060			10,060	8,678
Our Economy	3,716	1,661		5,377			5,377	3,021
Our Environment	4,788			4,788			4,788	1,852
Total Expenses from Continuing Operations	31,402	2,931	515	34,848	-		34,848	27,903
Net Operating Result from Continuing Operations	46	1,069	1,503	2,618	-		2,618	4,226
Discontinued Operations - Surplus/(Deficit)				-			-	
Net Operating Result from All Operations	46	1,069	1,503	2,618	-		2,618	4,226
Net Operating Result before Capital Items	(1,780)	1,833	1,503	1,556	-		1,556	3,144

Broken Hill City Council

Quarterly Budget Review Statement
for the period 01/01/19 to 31/03/19

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	
2	
3	
4	

Broken Hill City Council

Quarterly Budget Review Statement

for the period 01/01/19 to 31/03/19

Capital Budget Review Statement

Budget review for the quarter ended 31 March 2019

Capital Budget - Council Consolidated

(\$000's)	Original Budget 2018/19	Approved Changes			Revised Budget 2018/19	Variations for this Mar Qtr		Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Sep QBRs	Dec QBRs						
Capital Expenditure										
New Assets										
- Plant & Equipment	7	80			87				87	84
- Land & Buildings	459	408	1,049		1,916			6	1,916	699
- Roads, Bridges, Footpaths	30				30				30	-
- Other	105		151		256	72		1	328	115
Renewal Assets (Replacement)										
- Plant & Equipment	1,370	695			2,065	1,530		3	3,595	995
- Land & Buildings	520	505	(372)	92	745	279		4,5	1,024	1,709
- Roads, Bridges, Footpaths	4,245	609	(1,311)		3,543				3,543	812
- Other	2,478	821	198	49	3,546	45		2	3,591	1,030
Total Capital Expenditure	9,214	3,118	(285)	141	12,188	1,926			14,114	5,444
Capital Funding										
Capital Grants & Contributions	1,826		157		1,983	750		3	2,733	1,082
- Plant & Equipment	220				220				220	-
- Land & Buildings					-				-	
Total Capital Funding	2,046	-	157	-	2,203	750			2,953	1,082
Net Capital Funding - Surplus/(Deficit)	(7,168)	(3,118)	442	(141)	(9,985)	(1,176)			(11,161)	(4,362)

Broken Hill City Council

Quarterly Budget Review Statement
for the period 01/01/19 to 31/03/19

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	\$71,870 to install seven additional smart bins for the CBD area. (this additional expenditure has been provided through grant funding)
2	\$45,000 increase in budget for extension to Cemetery Rose Garden, including landscaping. Currently there are 37 spots remaining which is the equivalent of three months. The new extension will provide a further 10 to 15 years of space.
3	Australia Heritage Perfectly Highlighted - \$750K increase in capital grants following approval of funding from Restart NSW. Capital expenditure budget for the project is \$1,530,000. This was approved at the April 2019 Ordinary Council Meeting.
4	\$74,000 additional budget to extend asset condition audits originally planned for the Administration Building to all major buildings and parks. Total cost will be \$146,000 offset by savings in the initial project of \$8,976 and cancelling the related Energy Efficiency and Engineering Structure Design Project (\$30,000) and the Power Factor Correction Project (\$33,000). This is key work that will form part of Council's asset management plans and service level review.
5	\$22,000 for replacement of air conditioners at North Mine Hall. These works have already been carried out to ensure compliance with lease terms and conditions.
6	Additional \$180,782.27 for the Broken Hill Animal Pound. Based on the preferred option as described in the Broken Hill Animal Pound Report (May Ordinary Council Meeting 2019) , the existing budget has been identified as being insufficient. The Broken Hill Animal Pound was previously estimated and budgeted at \$250,000. This was not based on quotations for specific works, rather an estimate of costs. There is currently \$219,217.73 remaining from the allocated budget, with expenditure to date being spent on project management, development and construction consent, designs and specifications, and advertising costs. Full detailed quotations have now been received and an additional \$180,782.27 is sought to increase the available budget to \$400,000.00. With total works quoted to be \$344,462.86, the additional funds will allow for the Broken Hill Animal Pound to be completed, plus a contingency as the grounds are quite rocky and once excavation occurs, there is no guarantee of what will be uncovered. The additional funding is proposed to be sourced from the Externally Restricted Section 7.12 Developer Contribution Funds.

Broken Hill City Council

Quarterly Budget Review Statement

for the period 01/01/19 to 31/03/19

Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 March 2019

Cash & Investments - Council Consolidated

(\$000's)

Externally Restricted ⁽¹⁾

	Original Budget 2018/19	Approved Changes					Revised Budget 2018/19	Variations for this Mar Qtr		Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRS	Sep QBRS	Dec QBRS	Mar QBRS					
Accommodation Bonds - Aged Hostel	45						45			45	45
Developer Contributions - General	461						461	(400)		61	461
Domestic Waste Management	4,986		(1,636)				3,350			3,350	3,800
Royalties	522						522			522	598
Specific Purpose Unexpended Grants	7,380			(5,317)			2,063			2,063	2,858
Total Externally Restricted	13,394	-	(1,636)	(5,317)	-	-	6,441	(400)		6,041	7,762

(1) Funds that must be spent for a specific purpose

Internally Restricted ⁽²⁾

Infrastructure Replacement	10,000						10,000			10,000	8,120
Cultural Precinct Project	-			5,000	1,000		6,000	500		6,500	6,500
Employee Leave Entitlements	893						893			893	893
Regional Aquatic Centre Reserve	103		(3)	(100)			-	-		-	-
Innovation Reserve	1,000						1,000			1,000	1,000
Security Bonds, Deposits & Retentions	74						74			74	74
Plant Purchase Reserve	971						971			971	471
Commercial Waste Management	515		385				900			900	830
Other	230						230			230	216
Total Internally Restricted	13,786	-	382	4,900	1,000	-	20,068	500		20,568	18,104

(2) Funds that Council has earmarked for a specific purpose

Unrestricted (ie. available after the above Restrictions)

	2,530						3,201			2,490	1,302
Total Cash & Investments	29,710						29,710	100		29,099	27,168

Broken Hill City Council

Quarterly Budget Review Statement
for the period 01/01/19 to 31/03/19

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

Not Applicable

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 31/03/19

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows: **\$ 000's**

Cash at Bank (as per bank statements)	1,355
Investments on Hand	25,813

less: Unpresented Cheques	(Timing Difference)
add: Undeposited Funds	(Timing Difference)

less: Identified Deposits (not yet accounted in Ledger)	(Require Actioning)
add: Identified Outflows (not yet accounted in Ledger)	(Require Actioning)

less: Unidentified Deposits (not yet actioned)	(Require Investigation)
add: Unidentified Outflows (not yet actioned)	(Require Investigation)

Reconciled Cash at Bank & Investments	<u>27,168</u>
--	---------------

Balance as per Review Statement:	<u>27,168</u>
---	---------------

Difference:	-
-------------	---

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Reduction of \$400,000 in the Section 7.12 Developer Contribution Funds to be used on the Broken Hill Animal Dog Pound.
2	Additional \$500,000 to be added to the Cultural Precinct Fund. This is the final income that has been received from the W2BH Pipeline project as was authorised in the December Quarterly Review Report at the February Ordinary Council Meeting.

Broken Hill City Council

Quarterly Budget Review Statement
for the period 01/01/19 to 31/03/19

Key Performance Indicators Budget Review Statement

Budget review for the quarter ended 31 March 2019

(\$000's)	Current Projection		Original Budget 18/19	Actuals Prior Periods	
	Amounts 18/19	Indicator 18/19		17/18	16/17

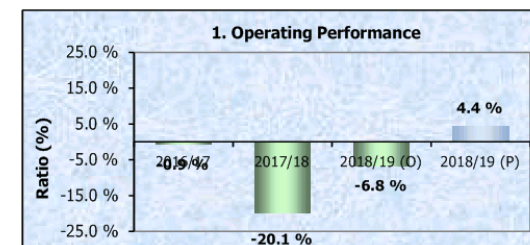
NSW Local Government Industry Key Performance Indicators (OLG):

1. Operating Performance

Operating Revenue (excl. Capital) - Operating Expenses	1,556	4.4 %	-6.8 %	-20.1 %	-0.9 %
Operating Revenue (excl. Capital Grants & Contributions)	35,420				

Benchmark - Greater than 0%

This ratio measures Council's achievement of containing operating expenditure within operating revenue.

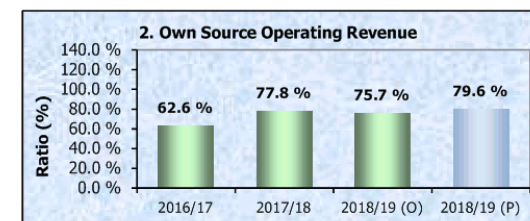


2. Own Source Operating Revenue

Operating Revenue (excl. ALL Grants & Contributions)	29,836	79.6 %	75.7 %	77.8 %	62.6 %
Total Operating Revenue (incl. Capital Grants & Cont)	37,466				

Benchmark - Greater than 60%

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.

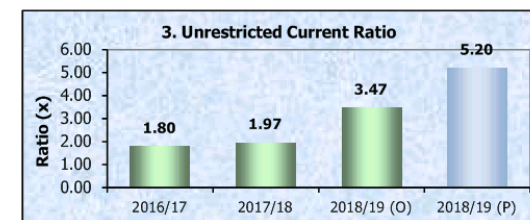


3. Unrestricted Current Ratio

Current Assets less all External Restrictions	32,964	5.20	3.47	1.97	1.80
Current Liabilities less Specific Purpose Liabilities	6,337				

Benchmark - Greater than 1.5

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.



Broken Hill City Council

Quarterly Budget Review Statement
for the period 01/01/19 to 31/03/19

Key Performance Indicators Budget Review Statement

Budget review for the quarter ended 31 March 2019

(\$000's)	Current Projection		Original Budget 18/19	Actuals Prior Periods	
	Amounts 18/19	Indicator 18/19		17/18	16/17

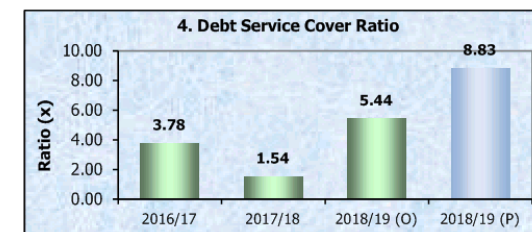
NSW Local Government Industry Key Performance Indicators (OLG):

4. Debt Service Cover Ratio

Operating Result before Interest & Dep. exp (EBITDA)	10,889	8.83	5.44	1.54	3.78
Principal Repayments + Borrowing Interest Costs	1,233				

Benchmark - Greater than 2.0

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.

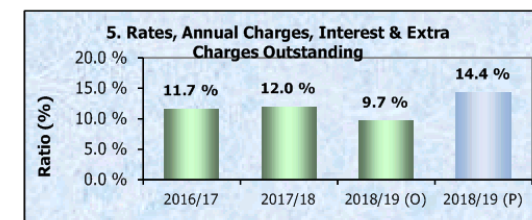


5. Rates, Annual Charges, Interest & Extra Charges Outstanding

Rates, Annual & Extra Charges Outstanding	2,556	14.4 %	9.7 %	12.0 %	11.7 %
Rates, Annual & Extra Charges Collectible	17,781				

Benchmark - Less than 10%

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

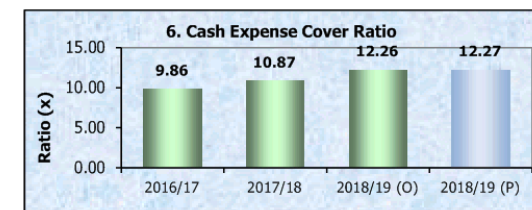


6. Cash Expense Cover Ratio

Current Year's Cash & Cash Equivalents (incl. Term Deposits)	27,168	12.27	12.26	10.87	9.86
Operating & financing activities Cash Flow payments	2,215				

Benchmark - Greater than 3 months

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.



Broken Hill City Council

Quarterly Budget Review Statement
for the period 01/01/19 to 31/03/19

Key Performance Indicators Budget Review Statement

Budget review for the quarter ended 31 March 2019

(\$000's)	Current Projection		Original Budget 18/19	Actuals Prior Periods 17/18 16/17
	Amounts	Indicator		
	18/19	18/19		

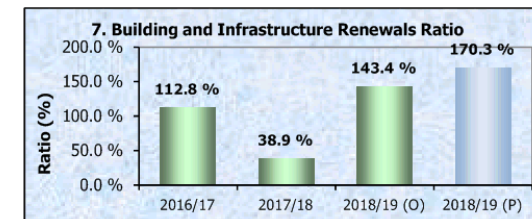
NSW Local Government Infrastructure Asset Performance Indicators (OLG):

7. Building and Infrastructure Renewals Ratio

Asset Renewals (Building, Infrastructure & Other Structures)	11,753	170.3 %	143.4 %	38.9 %	112.8 %
Depreciation, Amortisation & Impairment	6,902				

Benchmark - Greater than 100%

To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.

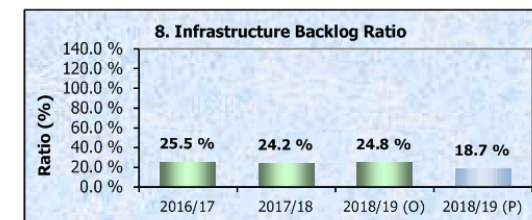


8. Infrastructure Backlog Ratio

Estimated cost to bring Assets to a satisfactory condition	35,001	18.7 %	24.8 %	24.2 %	25.5 %
Total value of Infrastructure, Building, Other Structures & depreciable Land Improvement Assets	187,039				

Benchmark - Less than 2.0%

This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.

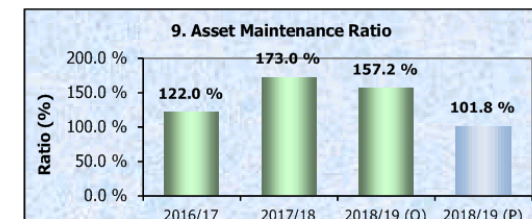


9. Asset Maintenance Ratio

Actual Asset Maintenance	2,017	1.02	1.57	1.73	1.22
Required Asset Maintenance	1,982				

Benchmark - Greater than 1.0

Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the Infrastructure Backlog growing.



Broken Hill City Council

Quarterly Budget Review Statement
for the period 01/01/19 to 31/03/19

Key Performance Indicators Budget Review Statement

Budget review for the quarter ended 31 March 2019

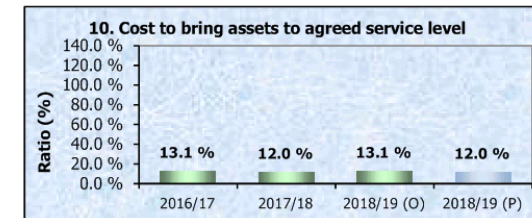
(\$000's)	Current Projection		Original Budget 18/19	Actuals Prior Periods	
	Amounts	Indicator		17/18	16/17
	18/19	18/19		17/18	16/17

NSW Local Government Infrastructure Asset Performance Indicators (OLG):

10. Cost to bring assets to agreed service level

Estimated cost to bring assets to an agreed service level set by Council	43,434	12.0 %	13.1 %	12.0 %	13.1 %
Gross replacement cost	362,721				

This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.

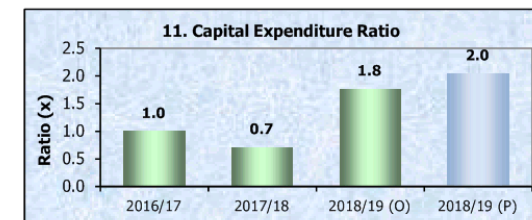


11. Capital Expenditure Ratio

Annual Capital Expenditure	14,114.00	2.0	1.8	0.7	1.0
Annual Depreciation	6,902.00				

Benchmark - Greater than 1.1

To assess the extent to which a Council is expanding its asset base thru capital expenditure on both new assets and the replacement and renewal of existing assets.



12. Interest Cover Ratio

Operating Results before Interest & Dep. exp (EBITDA)	10,889	18.0	14.4	4.4	18.3
Borrowing Interest Costs (from the income statement)	605				

Benchmark - Greater than 4.0

This ratio indicates the extent to which a Council can service (through operating cash) its interest bearing debt & take on additional borrowings.



Broken Hill City Council

Quarterly Budget Review Statement
for the period 01/01/19 to 31/03/19

Contracts Budget Review Statement

Budget review for the quarter ended 31 March 2019

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Robbie Rowlands	Supply of Artwork for the Riddiford Sculpture Symposium	240,000	31/01/19	Project Completion	Y	
Arthur Robinson Plumbing Pty Ltd	Hydraulic Services at Broken Hill regional Airport	142,890	25/01/19	Project Completion	Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

Broken Hill City Council

Quarterly Budget Review Statement

for the period 01/01/19 to 31/03/19

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	402,601	Y
Legal Fees	3,665	N

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details

The information usually provided in this section, is not disclosed on the grounds that it can be expected to prejudice seriously the outcome of current and future investigations and litigation. The Council are of the opinion that the claim against the contractors will be successful. The full amount recoverable of legal fees is not yet quantifiable.

All expenditure on the Civic Centre in rectification works and ongoing legal expenses have been made in accordance with the November 2017 confidential resolution, minute number 45709. Legal fees expended to date and future legal fees expected are in accordance with the September 2018 confidential resolution, minute number 45928.

The unbudgeted legal fees that have occurred through the 3rd quarter and the expected legal fees that will occur during the final quarter will have an adverse impact on Council's operating result for the year ended 30 June 2019. This however, as stated above is expected to be recoverable through successful litigation, but is not yet quantifiable. Further detail on the likelihood of recovery will be provided as part of Council's Annual Financial Statements as per previous years practice.

ORDINARY MEETING OF THE COUNCIL

May 6, 2019

ITEM 6BROKEN HILL CITY COUNCIL REPORT NO. 65/19SUBJECT: INVESTMENT REPORT FOR APRIL 201917/82**Recommendation**

1. That Broken Hill City Council Report No. 65/19 dated May 6, 2019, be received.

Executive Summary:

The *Local Government (General) Regulation 2005* (Part 9, Division 5, Clause 212), effective from 1 September 2005, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the *Local Government Act 1993*, as per the Minister's Amended Investment Order gazetted 11 March 2011. The Responsible Accounting Officer must also include in the report, a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policy.

As at 30 April 2019, Council's Investment Portfolio had a current market valuation of \$25,437,306 or principal value (face value) of \$25,337,898 and was compliant with policy and legislative requirements as per the below table.

Report:

Council's investments as at 30 April 2019 are detailed in Attachment 1.

Portfolio Summary		
Portfolio Performance vs. RBA Cash Rate	✓	Council's investment performance did exceed benchmark.
Investment Policy Compliance		
Legislative Requirements	✓	Compliant with policy
Portfolio Credit Rating Limit	×	Non-Compliant with policy
Institutional Exposure Limits	✓	Compliant with policy
Term to Maturity Limits	✓	Compliant with policy

Market Review**Global issues**

Australia's major trading partners, US and China, are showing signs of promising economic growth which may eventually translate to improved domestic conditions. In the US, corporate earnings reports for the March quarter have been strong overall and the latest Gross Domestic Product (GDP) release showed the economy had grown at a stronger than expected 3.2%pa over the year ending March giving a boost to the share market to close out the month. In China, latest economic releases including GDP, industrial production, retail sales and home prices all showed signs of improvement.

Domestic issues

In Australia, expectations for an interest rate cut by the RBA, possibly as soon as the May meeting, surged following the release of lower than expected inflation data at the end of April. Consumer Price Inflation (CPI) was flat for the March quarter and up only 1.3%pa for the year. Even when taking out the volatile items, such as fuel and food, inflation remains well below the RBA's 2-3%pa target range. Along with CPI, wage inflation is still on a downward trend and house prices continue their slide making consumers less willing to spend, thus adding to weakening business confidence and conditions.

Interest rates

Lower than expected inflation data combined with last month's poor GDP reading has the market widely expected the RBA to cut the official Cash Rate by 50bps within the next 9 months, possibly starting with a 25bp rate cut in May. Term deposit rates followed the market lower with sharp declines across all maturities. The average highest rates on offer for 3-month TDs at month end was 2.40%, down from 2.57% in March. Likewise, the average of the highest 12 month rates was at 2.4%, down from 2.65% the month prior. The best rates among the lower rated banks were largely in the 2.55%-2.70% area across 3-12 months range.

Investment Portfolio Commentary

Council's investment portfolio posted a return of 9.07%pa for the month of April versus the bank bill index benchmark return of 2.01%pa. For the financial year to date, the investment portfolio returned 3.89%pa, exceeding the bank bill index benchmark's 2.03%pa by 1.86%pa.

During April, Council's investment portfolio had \$2m in six- and seven-month term deposits maturing with a weighted average rate of approximately 2.75%pa. The proceeds were required for cash expenditure.

The T-Corp MT and LT Growth Funds were up 1.2% and 2.3% respectively during April. Australian shares were up 2.5% during the month with IT (+7.4%) and Consumer Staples (+7.3%) leading the gains. Real Estate (-2.3%) and Materials (-2.1%) were the worst performing sectors. Overseas markets also performed strongly with the US S&P 500 (+4.0%), Chinese S&P 300 (+1.4%), European S&P 350 (+3.8%), and Japanese S&P 500 (+1.9%) all rising.

TCorp Investments Outside of Policy

Council's TCorp managed funds had an exceptional month with a return of 27.15%pa or \$150,973. This coupled with a reduction in Council's cash reserves due to large capital work payments has caused Council's TCorp investments to exceed Council's policy of 30% of its total investment portfolio as at the end of April 2019.

Council's percentage of investments with TCorp outside of policy at the end of April was 0.5% of the total portfolio or \$117,982. With rates due at the end of this month, Council's investments with TCorp should return within policy. Cash reserves will be monitored in alignment with TCorp managed funds this month and sale of TCorp investments will occur if required to meet policy limits.

Council's Portfolio by Source of Funds – April 2019

As at 30 April 2019, Council's Investment Portfolio had a current market valuation of \$25,437,306 or principal value (face value) of \$25,337,898 and was compliant with all legislative and policy requirements.

	Source of Funds	Principal Amount
GENERAL FUND	Operating Capital & Internal Restrictions	\$17,702,898
	Accommodation Bonds Reserve	\$45,000
	Royalties Reserve	\$620,000
	Domestic Waste Management Reserve	\$3,650,000
	Grants	\$2,860,000
	Developer Contributions	\$460,000
	TOTAL PORTFOLIO	\$25,337,898

Certificate by Responsible Accounting Officer

All investments have been placed in accordance with Council's Investment Policy, Section 625 of the *Local Government Act 1993* (as amended), the Revised Ministerial Investment Order gazetted 11 February 2011, Clause 212 of the *Local Government (General) Regulations 2005* and Third Party Investment requirements of the then Department Local Government Circular 06-70. Council continues to obtain independent financial advice on its investment portfolio in accordance with the then Department of Local Government Circular of 16 September 2008.

Strategic Direction:

- Key Direction 4: Our Leadership
- Objective 4.1: Openness and Transparency in Decision Making
- Action 4.1.1 Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation.

Relevant Legislation:

This report is provided for Council's consideration in compliance with the requirements of *Part 9, Division 5, Clause 212 of the Local Government (General) Regulations 2005*.

Financial Implications:

The recommendation has no financial impact.

Attachments

1. [Investment Report - April 2019](#)

JAY NANKIVELL
ACTING GENERAL MANAGER



**Investment Summary Report
April 2019**



Broken Hill City Council

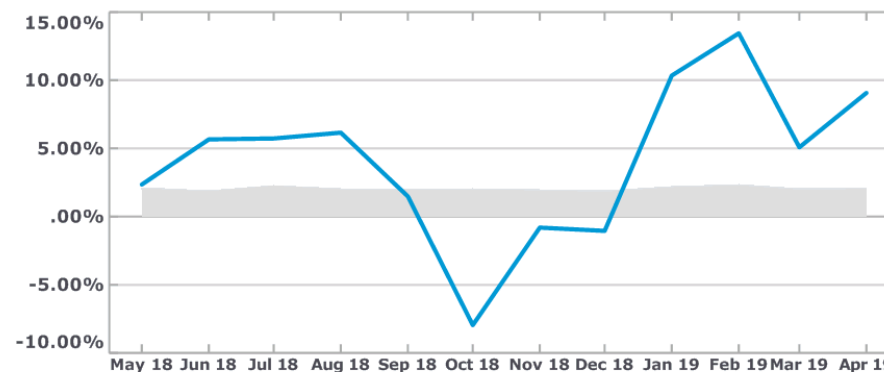
Executive Summary



Investment Holdings

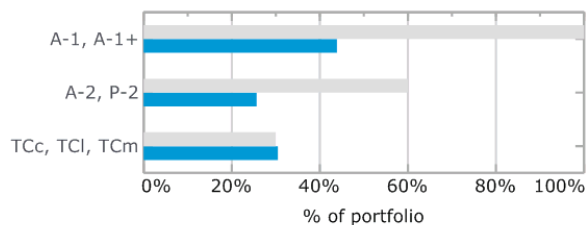
	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	6,618,545.11	6,618,545.11	2.29
Managed Funds	7,719,352.43	7,719,352.43	27.42
Term Deposit	11,000,000.00	11,099,408.34	2.74
	25,337,897.54	25,437,305.88	10.14

Investment Performance



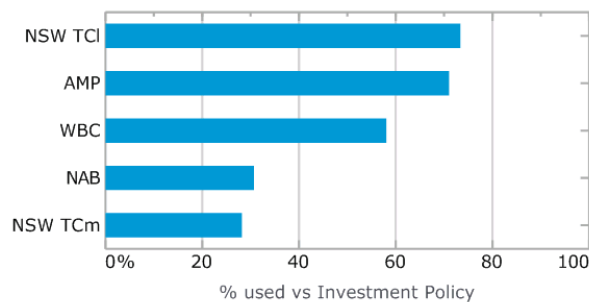
Investment Policy Compliance

Total Credit Exposure



Portfolio Exposure (blue bar), Investment Policy Limit (grey bar)

Highest Individual Exposures



% used vs Investment Policy

Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	25,337,898	100%
	25,337,898	

Broken Hill City Council

Investment Holdings Report



Cash Accounts

Face Value (\$)	Current Yield	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
1,362,316.57	1.2100%	Westpac Group	A-1+	1,362,316.57	473409	Cheque
5,256,228.54	2.5642%	Westpac Group	A-1+	5,256,228.54	535442	90d Notice
6,618,545.11	2.2855%			6,618,545.11		

Managed Funds

Face Value (\$)	Current Yield	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
7.85	1.5630%	NSW T-Corp (Cash)	TCc	Cash Fund	7.85	535329	
5,576,221.58	32.1150%	NSW T-Corp (LT)	TCI	Long Term Growth Fund	5,576,221.58	536442	
2,143,123.00	15.1998%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	2,143,123.00	536441	
7,719,352.43	27.4188				7,719,352.43		

Term Deposits

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
1-May-19	500,000.00	2.7100%	National Australia Bank	A-1+	500,000.00	22-Nov-18	505,939.73	537340	5,939.73	At Maturity	
8-May-19	500,000.00	2.7500%	AMP Bank	A-2	500,000.00	10-Oct-18	507,647.26	537208	7,647.26	At Maturity	
8-May-19	500,000.00	2.7000%	National Australia Bank	A-1+	500,000.00	7-Nov-18	506,472.60	537304	6,472.60	At Maturity	
15-May-19	500,000.00	2.6500%	AMP Bank	A-2	500,000.00	31-Oct-18	506,606.85	537278	6,606.85	At Maturity	
22-May-19	500,000.00	2.7500%	AMP Bank	A-2	500,000.00	24-Oct-18	507,119.86	537261	7,119.86	At Maturity	
29-May-19	500,000.00	2.7000%	National Australia Bank	A-1+	500,000.00	28-Nov-18	505,695.89	537358	5,695.89	At Maturity	
5-Jun-19	500,000.00	2.7300%	National Australia Bank	A-1+	500,000.00	6-Dec-18	505,460.00	537392	5,460.00	At Maturity	
12-Jun-19	500,000.00	2.7400%	National Australia Bank	A-1+	500,000.00	10-Dec-18	505,329.86	537413	5,329.86	At Maturity	
19-Jun-19	500,000.00	2.6000%	Bankwest	A-1+	500,000.00	20-Feb-19	502,493.15	537555	2,493.15	At Maturity	
26-Jun-19	500,000.00	2.6500%	AMP Bank	A-2	500,000.00	27-Feb-19	502,286.99	537570	2,286.99	At Maturity	
3-Jul-19	500,000.00	2.6500%	AMP Bank	A-2	500,000.00	11-Mar-19	501,851.37	537631	1,851.37	At Maturity	
10-Jul-19	500,000.00	2.7500%	AMP Bank	A-2	500,000.00	9-Jan-19	504,219.18	537463	4,219.18	At Maturity	

Broken Hill City Council
Investment Holdings Report

Term Deposits										
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency Reference
17-Jul-19	500,000.00	2.7500%	AMP Bank	A-2	500,000.00	16-Jan-19	503,955.48	537474	3,955.48	At Maturity
24-Jul-19	500,000.00	2.5500%	Suncorp Bank	A-1	500,000.00	21-Mar-19	501,432.19	537647	1,432.19	At Maturity
25-Sep-19	500,000.00	2.7500%	IMB Ltd	P-2	500,000.00	23-Jan-19	503,691.78	537480	3,691.78	At Maturity
9-Oct-19	500,000.00	2.8500%	Credit Union Australia	A-2	500,000.00	7-Dec-18	505,660.96	537401	5,660.96	At Maturity
9-Oct-19	500,000.00	2.7500%	National Australia Bank	A-1+	500,000.00	9-Jan-19	504,219.18	537462	4,219.18	At Maturity
16-Oct-19	500,000.00	2.8000%	AMP Bank	A-2	500,000.00	13-Mar-19	501,879.45	537640	1,879.45	At Maturity
6-Nov-19	500,000.00	2.9000%	Credit Union Australia	A-2	500,000.00	7-Dec-18	505,760.27	537402	5,760.27	At Maturity
13-Nov-19	500,000.00	2.7600%	National Australia Bank	A-1+	500,000.00	16-Jan-19	503,969.86	537473	3,969.86	At Maturity
20-Nov-19	500,000.00	2.8000%	AMP Bank	A-2	500,000.00	11-Mar-19	501,956.16	537632	1,956.16	At Maturity
11-Dec-19	500,000.00	2.9000%	Credit Union Australia	A-2	500,000.00	7-Dec-18	505,760.27	537403	5,760.27	Annually
11,000,000.00		2.7359%			11,000,000.00		11,099,408.34		99,408.34	

Broken Hill City Council
Accrued Interest Report - April 2019

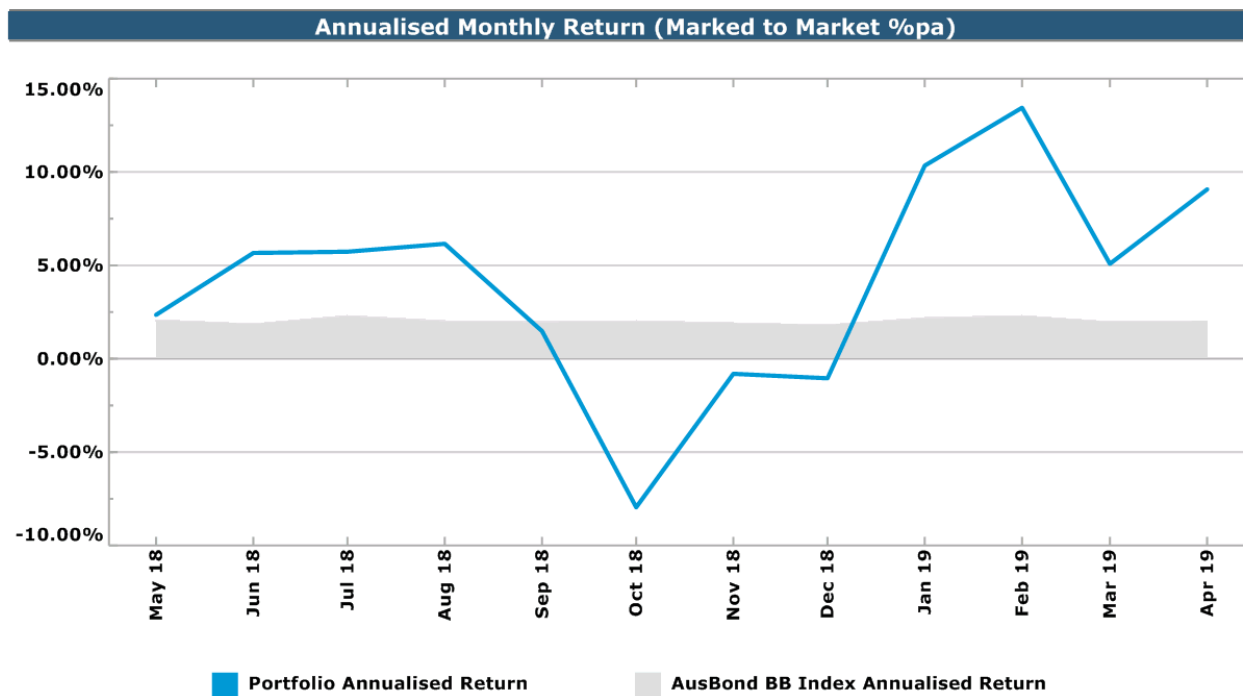
Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Cash									
Westpac Group	473409	Cheque	1,362,316.57			1,414.11	30	1,414.11	1.21%
Westpac Group	535442	90d Notice	5,256,228.54			11,789.81	30	11,789.81	2.56%
Cash Total						13,203.92		13,203.92	2.29%
Managed Funds									
Cash Fund	535329		7.85	29-May-17			30	0.01	1.56%
Medium Term Growth Fund	536441		2,143,123.00	12-Feb-18			30	24,780.03	15.20%
Long Term Growth Fund	536442		5,576,221.58	09-Feb-18			30	126,193.39	32.12%
Managed Funds Total								150,973.43	27.15%
Term Deposits									
Bankwest	537323		500,000.00	14-Nov-18	03-Apr-19	5,082.19	2	72.60	2.65%
AMP Bank	536943		500,000.00	10-Aug-18	08-Apr-19	9,243.84	7	268.50	2.80%
AMP Bank	537206		500,000.00	10-Oct-18	17-Apr-19	7,119.86	16	602.74	2.75%
AMP Bank	537207		500,000.00	10-Oct-18	24-Apr-19	7,383.56	23	866.44	2.75%
National Australia Bank	537340		500,000.00	22-Nov-18	01-May-19		30	1,113.70	2.71%
AMP Bank	537208		500,000.00	10-Oct-18	08-May-19		30	1,130.14	2.75%
National Australia Bank	537304		500,000.00	07-Nov-18	08-May-19		30	1,109.59	2.70%
AMP Bank	537278		500,000.00	31-Oct-18	15-May-19		30	1,089.04	2.65%
AMP Bank	537261		500,000.00	24-Oct-18	22-May-19		30	1,130.13	2.75%
National Australia Bank	537358		500,000.00	28-Nov-18	29-May-19		30	1,109.59	2.70%
National Australia Bank	537392		500,000.00	06-Dec-18	05-Jun-19		30	1,121.92	2.73%
National Australia Bank	537413		500,000.00	10-Dec-18	12-Jun-19		30	1,126.02	2.74%
Bankwest	537555		500,000.00	20-Feb-19	19-Jun-19		30	1,068.49	2.60%

Broken Hill City Council
Accrued Interest Report - April 2019

Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
AMP Bank	537570		500,000.00	27-Feb-19	26-Jun-19		30	1,089.04	2.65%
AMP Bank	537631		500,000.00	11-Mar-19	03-Jul-19		30	1,089.04	2.65%
AMP Bank	537463		500,000.00	09-Jan-19	10-Jul-19		30	1,130.14	2.75%
AMP Bank	537474		500,000.00	16-Jan-19	17-Jul-19		30	1,130.14	2.75%
Suncorp Bank	537647		500,000.00	21-Mar-19	24-Jul-19		30	1,047.94	2.55%
IMB Ltd	537480		500,000.00	23-Jan-19	25-Sep-19		30	1,130.14	2.75%
Credit Union Australia	537401		500,000.00	07-Dec-18	09-Oct-19		30	1,171.23	2.85%
National Australia Bank	537462		500,000.00	09-Jan-19	09-Oct-19		30	1,130.14	2.75%
AMP Bank	537640		500,000.00	13-Mar-19	16-Oct-19		30	1,150.68	2.80%
Credit Union Australia	537402		500,000.00	07-Dec-18	06-Nov-19		30	1,191.78	2.90%
National Australia Bank	537473		500,000.00	16-Jan-19	13-Nov-19		30	1,134.24	2.76%
AMP Bank	537632		500,000.00	11-Mar-19	20-Nov-19		30	1,150.68	2.80%
Credit Union Australia	537403		500,000.00	07-Dec-18	11-Dec-19		30	1,191.78	2.90%
Term Deposits Total						28,829.45		26,545.87	2.74%
						42,033.37		190,723.22	9.07%

Broken Hill City Council

Investment Performance Report

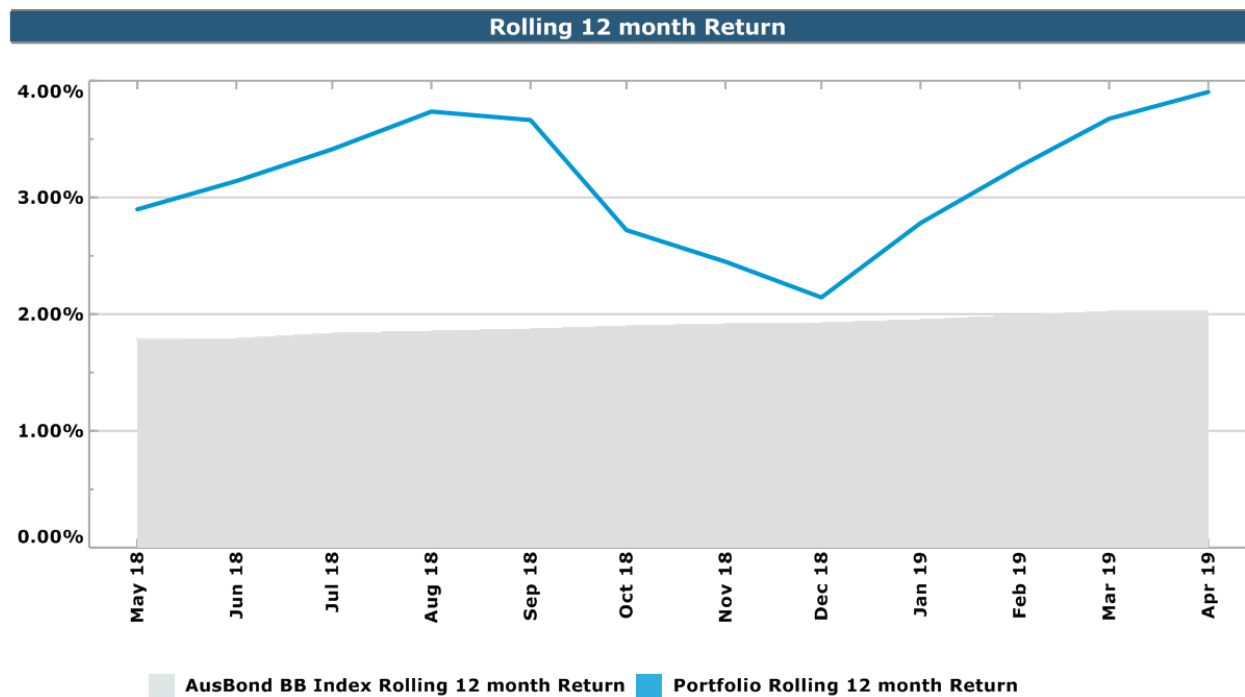


Historical Performance Summary

	Portfolio	AusBond BB Index	Outperformance
Apr 2019	9.07%	2.01%	7.06%
Last 3 Months	9.00%	2.08%	6.92%
Last 6 Months	5.77%	2.01%	3.76%
Financial Year to Date	3.89%	2.03%	1.86%
Last 12 months	3.90%	2.02%	1.88%

Broken Hill City Council

Investment Performance Report

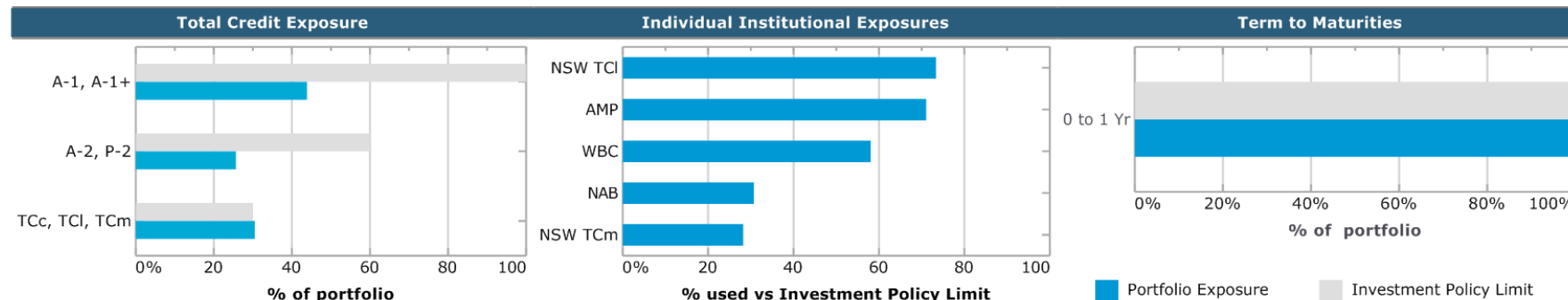


Historical Performance Summary (actual)

	Portfolio	AusBond BB Index	Outperformance
Apr 2019	0.72%	0.16%	0.56%
Last 3 Months	2.11%	0.50%	1.61%
Last 6 Months	2.79%	0.99%	1.80%
Financial Year to Date	3.20%	1.67%	1.53%
Last 12 months	3.90%	2.02%	1.88%

Broken Hill City Council

Investment Policy Compliance Report



	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1	500,000	
Short Term	A-1+	10,618,545	
		11,118,545	44% 100% ✓
Short Term	A-2	6,000,000	
Short Term	P-2	500,000	
		6,500,000	26% 60% ✓
Short Term	TCc	8	
Short Term	TCI	5,576,222	
Short Term	TCm	2,143,123	
		7,719,352	30% 30% ✗
		25,337,898	100%

✓ = compliant
✗ = non-compliant

	% used vs Investment Policy Limit
NSW T-Corp (LT) (TCI, TCI)	73% ✓
AMP Bank (A-2, A-)	71% ✓
Westpac Group (A-1+, AA-)	58% ✓
National Australia Bank (A-1+, AA-)	31% ✓
NSW T-Corp (MT) (TCm)	28% ✓
Credit Union Australia (A-2, BBB)	24% ✓
IMB Ltd (P-2, Baa1)	8% ✓
Suncorp Bank (A-1, A+)	5% ✓
Commonwealth Bank of Australia (A-1+, AA-)	4% ✓
NSW T-Corp (Cash) (TCc)	0% ✓

	Face Value (\$)	Policy Max
Between 0 and 1 Year	25,337,898	100% 100% ✓
	25,337,898	
Detailed Maturity Profile	Face Value (\$)	
00. Cash + Managed Funds	14,337,898	57%
01. Less Than 30 Days	3,000,000	12%
02. Between 30 Days and 60 Days	2,000,000	8%
03. Between 60 Days and 90 Days	2,000,000	8%
04. Between 90 Days and 180 Days	2,000,000	8%
05. Between 180 Days and 365 Days	2,000,000	8%
	25,337,898	

Broken Hill City Council

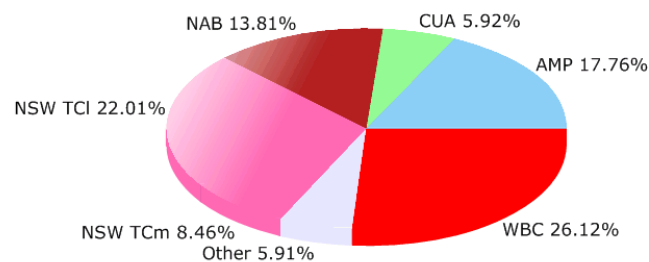
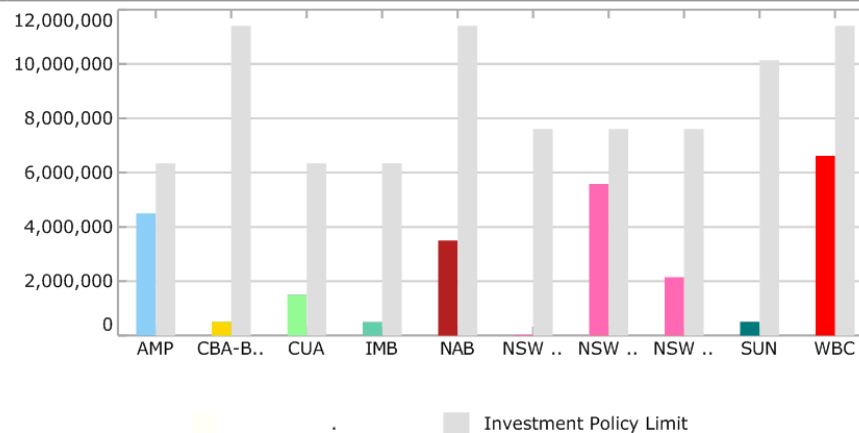
Individual Institutional Exposures Report



Individual Institutional Exposures

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
AMP Bank	A-2, A-	4,500,000	6,334,474
Commonwealth Bank of Australia	A-1+, AA-	500,000	11,402,054
Credit Union Australia	A-2, BBB	1,500,000	6,334,474
IMB Ltd	P-2, Baa1	500,000	6,334,474
National Australia Bank	A-1+, AA-	3,500,000	11,402,054
NSW T-Corp (Cash)	TCc	8	7,601,369
NSW T-Corp (LT)	TCI	5,576,222	7,601,369
NSW T-Corp (MT)	TCm	2,143,123	7,601,369
Suncorp Bank	A-1, A+	500,000	10,135,159
Westpac Group	A-1+, AA-	6,618,545	11,402,054
		25,337,898	

Individual Institutional Exposure Charts



Broken Hill City Council

Cash Flows Report



Current Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
3-Apr-19	537323	Bankwest	Term Deposits	Maturity Face Value - Received	500,000.00
		Bankwest	Term Deposits	Interest - Received	5,082.19
				<u>Deal Total</u>	<u>505,082.19</u>
				Day Total	505,082.19
8-Apr-19	536943	AMP Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposits	Interest - Received	9,243.84
				<u>Deal Total</u>	<u>509,243.84</u>
				Day Total	509,243.84
17-Apr-19	537206	AMP Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposits	Interest - Received	7,119.86
				<u>Deal Total</u>	<u>507,119.86</u>
				Day Total	507,119.86
24-Apr-19	537207	AMP Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposits	Interest - Received	7,383.56
				<u>Deal Total</u>	<u>507,383.56</u>
				Day Total	507,383.56
				Net Cash Movement for Period	2,028,829.45

Next Month Cashflows

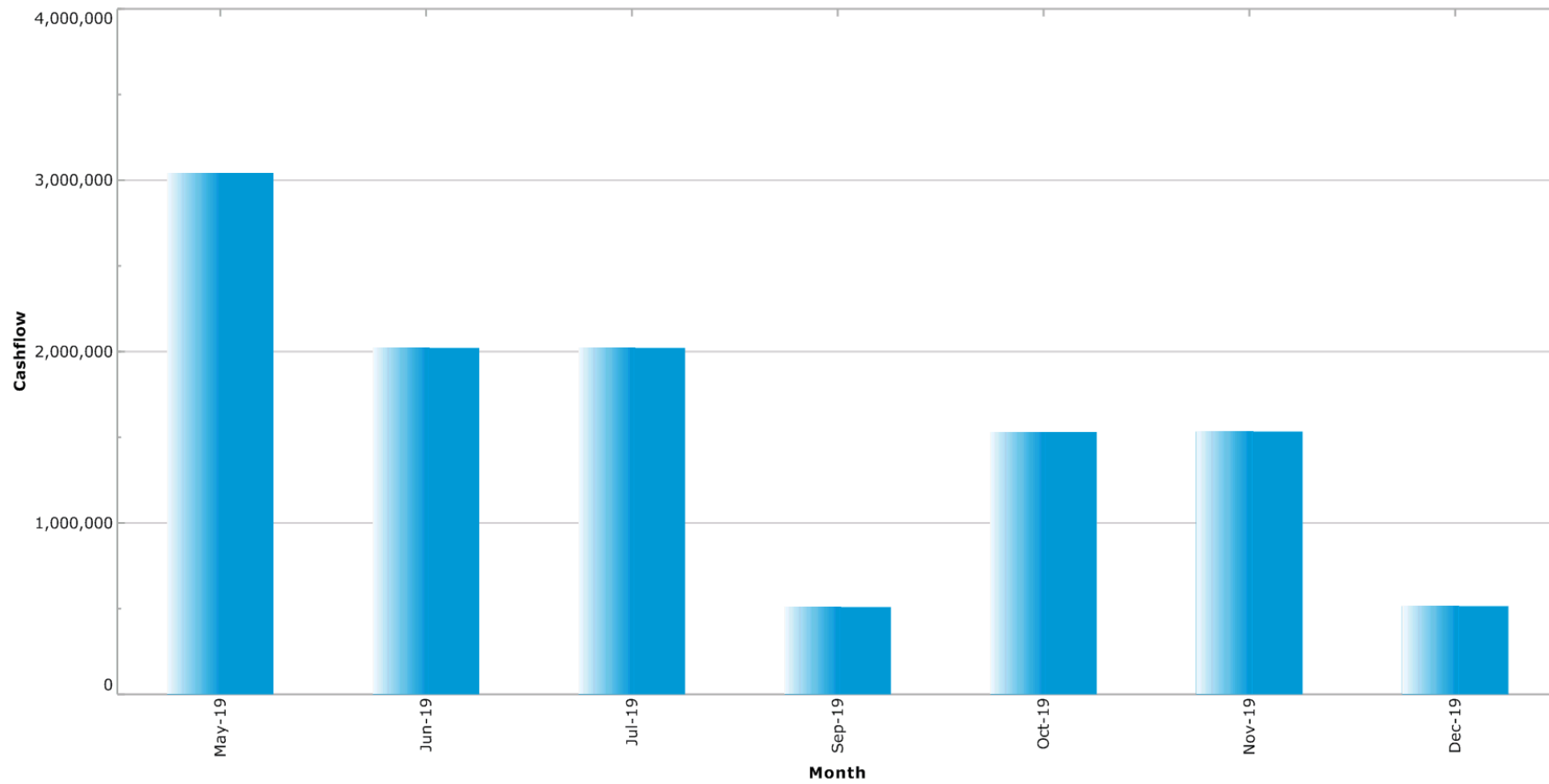
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
1-May-19	537340	National Australia Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		National Australia Bank	Term Deposit	Interest - Received	5,939.73
				<u>Deal Total</u>	<u>505,939.73</u>
				Day Total	505,939.73
8-May-19	537208	AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposit	Interest - Received	7,910.96
				<u>Deal Total</u>	<u>507,910.96</u>
	537304	National Australia Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		National Australia Bank	Term Deposit	Interest - Received	6,731.51

Broken Hill City Council

Cash Flows Report



Next Month Cashflows					
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
				Deal Total	506,731.51
				Day Total	1,014,642.47
15-May-19	537278	AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposit	Interest - Received	7,115.07
				Deal Total	507,115.07
				Day Total	507,115.07
22-May-19	537261	AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposit	Interest - Received	7,910.96
				Deal Total	507,910.96
				Day Total	507,910.96
29-May-19	537358	National Australia Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		National Australia Bank	Term Deposit	Interest - Received	6,731.51
				Deal Total	506,731.51
				Day Total	506,731.51
				Net Cash Movement for Period	3,042,339.73

Broken Hill City Council
Cash Flows Report

ORDINARY MEETING OF THE COUNCIL

May 14, 2019

ITEM 7BROKEN HILL CITY COUNCIL REPORT NO. 66/19

SUBJECT: COMMUNITY ASSISTANCE GRANTS AWARDED FOR ROUND 1
OF 2019/2020 18/44

Recommendation

1. That Broken Hill City Council Report No. 66/19 dated May 14, 2019, be received.
2. That Council notes the Community Assistance Grants awarded for Round One of 2018/2019 which were approved by the Panel on 14 May 2019 and the General Manager on 20 May 2019.
3. That the balance from Round 1 of 2019/2020 of \$23,895.90 be rolled-over to Round 2 of 2019/2020.

Executive Summary:

Council is committed to assisting local community not-for-profit organisations in the delivery of services/activities/programs that align with the objectives of Broken Hill's Community Strategic Plan. To facilitate this Council holds two rounds of Community Assistance Grant funding each year to provide "one-off" financial grants which comply with Section 356 of the *Local Government Act 1993*.

Applications for Community Assistance Grants for Round One of 2019/2020 closed on 30 April 2019 at which time Council received twenty two (22) applications.

From those twenty two (22) applications the Community Assistance Grants Panel recommended full support and part support of fifteen (15) applications. The Panel's recommendations gained approval from the General Manager on 20 May 2019.

Report

Council's Community Assistance Grants Policy provides a framework for Council to provide grants for community events, projects, services or activities known as Community Assistance Grants that align with the objectives of Broken Hill's Community Strategic Plan.

The framework aims to ensure that the allocation of Council's limited resources is undertaken in a fair, transparent, accountable and ethical manner. Council recognises that there can be difficulties in meeting community expectations with the increasingly limited financial resources available. Council also recognises that it is accountable to the community for the management and disbursement of its funds and that it must be done in a manner that maximises the benefits to the community and is seen as fair and equitable.

The Community Assistance Grants Panel met on 14 May 2019 and conducted a robust evaluation of the applications received for Community Assistance Grants for Round 1 of 2019/2020 and presented its recommendations to the General Manager for the awarding of

grants. From the twenty two (22) applications received, the General Manager approved the Panel's recommendations on 20 May 2019 to provide grants to the following fifteen (15) organisations:

Total of budget available for Round 1 (28,281.00 rolled over from previous year)		\$75,000.00
Organisation	Project/Activity	Amount
Silver City Cup Committee	Waste service fees for 2019 Silver City Cup Races	\$2,000.00
Broken Hill Eisteddfod Society	Hire of Civic Centre for 2019 Eisteddfod	\$4,970.00
In One Accord	Stage and sound for Carols by Candlelight	\$4,000.00
Silver City Pastoral & Agricultural	Hire of Memorial Oval and waste services fees for 2019 Show	\$6,000.00
Broken Hill Repertory Society	Rates subsidy for Theatre 44	\$2,500.00
Lions Club of Broken Hill	Fee for signs on highway information bays	\$580.50
Broken Hill FM Association	Multi-track recorder for recording community events/musical performances	\$2,159.10
Broken Hill Swimming Club	Laptop, swimming meet software, camera and printing of programs for 2019 SA Country Competition held in Broken Hill	\$2,285.00
Third Broken Hill Sea Scouts	Towards purchase of tents and camping equipment	\$2,500.00
Alma Public School P&C	Food for their Breakfast Club program	\$2,500.00
Broken Hill Art Exchange	Design, printing and distribution of a Broken Hill Gallery Guide	\$10,000.00
Broken Hill Mountain Bike Club	Club branded marquee	\$2,300.00
Patton Village Association	Photo scanner, printer and materials	\$1,800.00
CWA NSW Broken Hill branch	Various equipment to assist with fundraising activities	\$4,509.50
Broken Hill Outreach Adults and Families Homelessness & Housing Support Service	Towards upgrades to the common area at Catherine Haven	\$3,000.00
Total of grants awarded		\$51,104.10
Balance Remaining		\$23,895.90

All recipients of Community Assistance Grants must enter into an agreement with Council and provide Council with full acquittal information following the conduct of their activity/program/event. If an organisation fails to adequately acquit their grant, they will be ineligible for grants in the future and may be required to repay the grant funds to Council (depending on the circumstances).

The Community Assistance Grants Panel also recommended that the wording of one of the financial ranking criteria in the Weighting Matrix used by the Panel to rank the applications, be re-worded to be less ambiguous. This will be undertaken in consultation with the Chief Financial Officer prior to the next Panel Meeting.

The Community Assistance Panel's recommendations for the approval of grants were presented to the General Manager who approved the grants on 20 May 2019. These grants are in the process of being awarded.

This report provides the Panel's recommendations regarding amendments to the Community Assistance Grants Policy and Application for approval by Council.

Strategic Direction:

Key Direction:	1 Our Community
Objective:	1.2 Our Community Works Together
Function:	1.2.1.3 Develop, plan and implement a strategy to support, encourage and celebrate volunteers in our community
DP Action:	Leadership and Governance
Key Direction:	4 Our Leadership
Objective:	4.3 We Unite to Succeed
Function:	4.3.1.7 Gain a better understanding of possible alignments between Council and community groups, local associations and volunteers to ensure opportunities to work together are identified
DP Action:	Leadership and Governance

Relevant Legislation:

Local Government Act 1993, Section 356
Council's adopted Community Assistance Grants Policy

Financial Implications:

The Panel and General Manager approved grants totaling **\$51,104.10** leaving a balance of **\$23,895.90** which is recommended to be rolled-over to Round 1 of 2019/2020.

Attachments

1. [!\[\]\(5950fde355bafc747b20583b30242b59_img.jpg\)](#) Minutes of the Community Assistance Grants Panel Meeting held 14 May 2019

JAMES RONCON
GENERAL MANAGER

**COMMUNITY ASSISTANCE GRANTS PANEL MEETING
FOR ROUND 1 OF 2019/2020
HELD TUESDAY 14 MAY 2019 AT 3:00PM**

1. ATTENDANCE

Present: Cr Gallagher, Cr Clark, Ms K Janjic, Governance Officer Leisa Bartlett.
Apologies: Cr Kennedy and Ms R Sanderson

2. DISCLOSURE OF INTEREST

NAME	DISCLOSURE	ACTION
Cr Gallagher	Chairperson of Silver City Cup	leave
Cr Clark	Member of Broken Hill Art Exchange	remain

3. REPORTS

a) Update Report

That the Panel notes the update provided regarding Round 1 of 2019/2020 Community Assistance Grants.

That the Panel notes that the Community Assistance Grants Policy has not been amended since the last Panel Meeting.

That the Community Assistance Grants Panel determines the Assessment Score needed to be reached , at this Panel meeting, for applicants to be recommended for approval taking into consideration the number of applications received; the total amount requested; and the budget available (this score will be different for each Panel Meeting).

That the Panel's recommendations be presented to the General manager for approval with a report to be presented to the next available Council Meeting for information.

CARRIED

b) Applications for Round 2 2019/2020

Available Budget for Round 2 2019/2020 \$ 75,000.00

Organisation	Activity/Project	Meets Eligibility Criteria	Score	Rank	Grant Amount Requested	Grant Amount Approved by Panel	Panel Comment/Notes
Silver City Cup Committee	waste service fees for 2019 SC Cup races	yes	48	1	\$2,000.00	\$ 2,000.00	
Broken Hill Eisteddfod	hire of Civic Centre for 2019 Eisteddfod	yes	46	2	\$4,970.00	\$ 4,970.00	
In One Accord	stage and sound for Carols by Candlelight	yes	46	2	\$4,000.00	\$ 4,000.00	
Silver City Pastoral and Agricultural Broken Hill Repertory Society	hire memorial oval and waste services	yes	45	3	\$6,000.00	\$ 6,000.00	
	rates subsidy for Theatre 44	yes	45	3	\$2,500.00	\$ 2,500.00	
Lions Club of Broken Hill	signs on highway information bays	yes	41	4	\$580.50	\$ 580.50	
Broken Hill FM Association	multitrack recorder for community events	yes	40	5	\$2,159.10	\$ 2,159.10	
Broken Hill Swimming Club	laptop, software, camera and printing	yes	35	6	\$2,285.00	\$ 2,285.00	
3rd Broken Hill Sea Scouts	tents and camping equipment	yes	32	7	\$5,000.00	\$ 2,500.00	
Alma Public School P&C	food for breakfast club program	yes	31	8	\$2,500.00	\$ 2,500.00	
Broken Hill Art Exchange	Broken Hill Gallery Guide	yes	30	9	\$15,000.00	\$ 10,000.00	
Broken Hill Mountain Bike Club	club branded marquee	yes	29	10	\$2,300.00	\$ 2,300.00	
Patton Village Association	photo scanner, printer & materials	yes	28	11	\$1,800.00	\$ 1,800.00	
CWA NSW Broken Hill branch	equipment for fundraising activities	yes	27	12	\$4,509.50	\$ 4,509.50	
Kirkala-Pithiluku Aboriginal Corp	lawn mowers, whipper snippers	yes	23	13	\$6,460.00	\$ -	Compas owned residences. Tenants obligation
Broken Hill RSL	ex-Army Landrover for disabled veterans	yes	22	14	\$7,000.00	\$ -	RSL have access to a similar vehicle for transportation of veterans
Community Restorative Centre	Indigenous Appreciation Program	yes	21	15	\$12,800.00	\$ -	lump sum was given last round \$11,100.00 plus the previous activity still running
BH Outreach Adults and Families	upgrades to common area	yes	21	15	\$30,000.00	\$ 3,000.00	
YMCA NSW	cultural arts workshops	yes	21	15	\$10,550.00	\$ -	not enough detail on program and presenters plus previous extensive funding given
Broken Hill High School P&C	compact disc filing cabinet for archives	yes	19	16	\$12,510.00	\$ -	limited impact on community
AFL Broken Hill	waiver of Developer Contribution fees	yes	19	16	\$23,500.00	\$ -	previous extensive funding given
Making Tracks Far West	after school program	yes	19	16	\$30,000.00	\$ -	unknown organisation, lack of details of programs
Totals					\$ 188,424.10	\$ 51,104.10	
						\$ 23,895.90	roll-over to next round

4. General Business

nil

change ranking wording for avenues for alternate funding.

Meeting concluded:

5:08pm

SIGNED BY PANEL MEMBERS PRESENT:

Cr Dave Gallagher



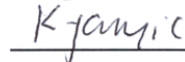
Cr Tom Kennedy

apology

Cr Maureen Clark



Ms Kristina Janjic



Ms Robynne Sanderson

apology

GO Leisa Bartlett



General Manager's Approval:



20/5

ORDINARY MEETING OF THE COUNCIL

May 10, 2019

ITEM 8BROKEN HILL CITY COUNCIL REPORT NO. 67/19

SUBJECT: REVIEW OF SECTION 7.12 DEVELOPER CONTRIBUTIONS PLAN
11/467

Recommendation

1. That Broken Hill City Council Report No. 67/19 dated May 10, 2019, be received.
2. That the draft Section 7.12 Developer Contributions Plan be publicly exhibited for a period of not less than 28 days.
3. That a further report be presented to Council on completion of the public exhibition for Council's consideration and adoption.

Executive Summary:

This report recommends a review of Council's Section 7.12 Developer Contributions Plan.

Council's Developer Contributions Plan is a "living document" that should keep track of Infrastructure projects and address the needs of the community.

The last review was carried out in May 2018 to reflect the changes to the *Environmental Planning and Assessment Act 1979*. The Developer Contributions Plan is supported by a works schedule which prioritises future capital projects such as the provision, extension or augmentation of public amenities or public services.

A review of the Section 7.12 Developer Contributions Plan is proposed to make amendments to the works schedule in order to accurately reflect priorities for projects that can be funded by developer contributions. One significant amendment to the works schedule is the proposal to increase funding for the animal pound to \$400,000.

Report:

Under provisions of the *Environmental Planning and Assessment Act 1979*, a Section 7.12 Plan allows for Council to impose, as a condition of Development consent, a requirement that an applicant carrying out a development pay a levy determined by Council. In general terms, Council's Section 7.12 Plan applies to non-residential development.

The maximum levy that can be imposed is:

- (Levy cannot be imposed for a development of \$100,000 or less);
- A rate of 0.5% for a development of \$100,001 to \$200,000; and
- A rate of 1% for development which exceeds \$200,000.

A requirement under the *Environmental Planning and Assessment Act 1979* is that contributions must be expended towards capital costs associated with the provision, extension or augmentation of public amenities or public services.

The inclusion of a Works Schedule in the Plan is a requirement of the legislation.

The schedule must show:

- The works proposed to be funded;
- The costs of the facilities identified in the program;
- Their staging (where possible, by reference to dates or thresholds);
- If the funds are to be pooled, the priorities for expenditure.

It is regarded best practice that Council regularly review its Section 7.12 Plan to ensure that funds collected are being collected and expended towards appropriate and required works. The draft Plan should be placed on public exhibition for a period of 28 days. After the completion of the exhibition period, a report will be referred to Council for further consideration and adoption of the Plan.

Following is the proposed Works Schedule.

Schedule 1 Works Schedule

DESCRIPTION	ESTIMATED COST	PRIORITY Low (L) Medium (M) High (H)
Council animal pound	\$400 000	H
Urban roads	\$150 000	H
Urban footpaths	\$60 000	M
Urban street tree planting	\$30 000	M
Urban stormwater additions	\$60 000	M
Urban area parks and gardens	\$60 000	L
Broken Hill Aquatic Centre	\$150 000	L

Priority Timing

- Low Priority up to five years
- Medium Priority two to four years
- High Priority zero to three years

Public facilities for which levies will be sought -

- A. Completed works for which contributions will be recouped
- Nil

- B. Works in progress for which contributions will continue to be levied

Broken Hill Aquatic Centre
Urban parks and gardens
Urban road network
Urban street tree planting
Urban stormwater additions
Urban footpaths

- C. New public facilities to be funded through s7.12 levies

Animal Pound

Proposed amendment – In 2018 the costs associated with the new pound was estimated to be around \$250K.

Council recently received quotations for works required which indicate that costs be will closer to the \$400K mark. Factors responsible for the increase include but is not limited to amended construction details, inclusion of onsite water storage and pressure pump, amended construction methods i.e. contractor in lieu of Council staff and an approximate 15% contingency for rock and other unforeseen expenses. It has always been the intention to fund the new pound 100% from developer contributions.

Therefore, it is proposed to increase the estimate cost for the new animal pound from \$250k to \$400k in order to fully fund the new pound from developer contributions, hence zero cost to rate payers.

Strategic Direction:

Key Direction:	3 Our Environment
Objective:	3.3 Proactive, innovative and responsible planning supports the community, the environment and beautification of the City
Function:	Built Environment
DP Action:	3.3.1.03 Ensure compliance activities promote public safety and environmental control

Relevant Legislation:

The *Environmental Planning and Assessment Act* 1979 contains provisions relating to this matter, namely Section 7.12.

Financial Implications:

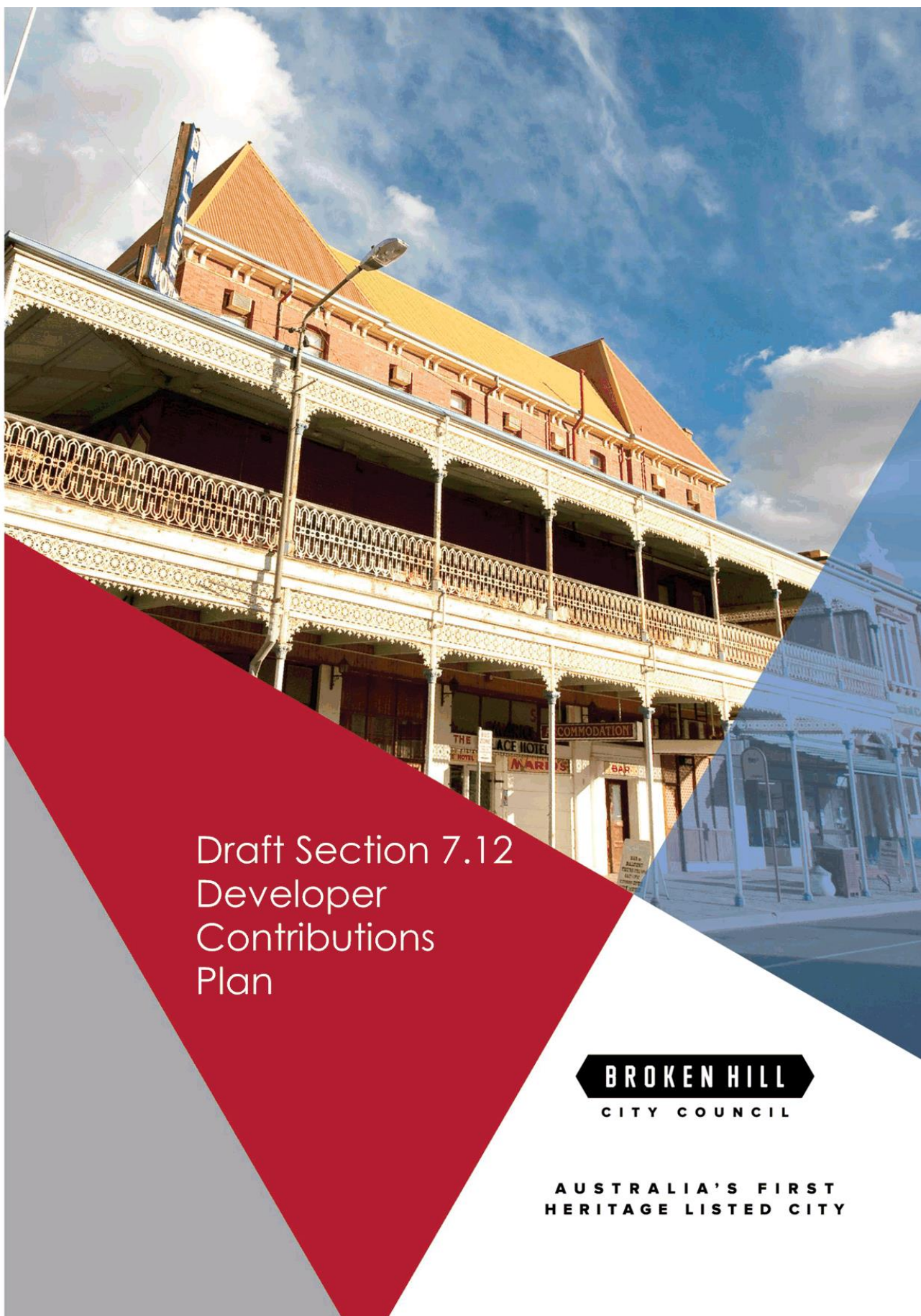
The proposed amendment to the works schedule will allow Council to construct a new animal pound with no financial impacts for rate payers.

Attachments

1. [↓](#) Draft Section 7.12 Developer Contributions Plan

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAMES RONCON
GENERAL MANAGER



Draft Section 7.12
Developer
Contributions
Plan

BROKEN HILL
CITY COUNCIL

**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**



QUALITY CONTROL		
KEY DIRECTION	4. Our Leadership	
OBJECTIVE	4.1 Openness and Transparency in Decision Making	
FUNCTION	Leadership and Governance	
STRATEGY	4.1.13 Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation	
FILE REFERENCE No	11/529	TRIM No D18/27729
RESPONSIBLE OFFICER	Manager Building Development and Compliance	
REVIEW DATE	July 2020	
DATE	ACTION	MINUTE No
April 2014	Adopted	44636
July 2016	Adopted	45291
June 2018	Public consultation 7 July 2018 – 3 August 2018	45849
August 2018	Adopted	45890
NOTES	n/a	
ASSOCIATED DOCUMENTS		

Privacy Statement

Adopted August 2018, minute number 45890

This Plan was compiled by Broken Hill City Council.

Images were sourced from Council's image library.

Copies of this plan/document can be viewed on-line at www.brokenhill.nsw.gov.au



TABLE OF CONTENTS

Part 1 Administration and Operation of Plan	4
Part 2 Expected Development and Facilities Demand	10
Schedule 1 Works Schedule and Works Map	12
Schedule 2 Cost Summary Report	16
Schedule 3 Detailed Cost Report	18
Attachment	

PART 1 ADMINISTRATION AND OPERATION

1. What is the name of this plan?

This Plan is called *Broken Hill City Council Section 7.12 Developer Contributions Plan*, formerly known as Section 94A Developer Contributions Plan.

2. When does this plan commence?

This Plan commences on the date public notice of the Council's approval of this Plan is given in a newspaper circulating in the Council's area.

3. Purposes of this plan

The purposes of this Plan are:

- to authorise the Council to impose, as a condition of development consent, a requirement that the applicant pay to the Council a levy determined in accordance with this Plan,
- to require a certifying authority (the Council or an accredited certifier) to impose, as a condition of issuing a complying development certificate, a requirement that the applicant pay to the Council a levy determined in accordance with this Plan, and
- to govern the application of money paid to the Council under a condition authorised by this Plan.

4. What does Section 7.12 of the *Environmental Planning and Assessment Act 1979 (Act)* provide?

Section 7.12 of the Act provides as follows:

7.12 Fixed development consent levies

1. A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.
2. A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 7.11.
- 2A A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of:
 - a. the Minister, or
 - b. a development corporation designated by the Minister to give approvals under this subsection.
3. Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.
4. A condition imposed under this section is not invalid by reason only that there is no connection between the development, the subject of the development consent and the object of expenditure of any money required to be paid by the condition.

5. Land to which this Plan applies

This Plan applies to all land within the Broken Hill City Council local government area.

6. Development to which this Plan applies

This Plan applies to development on land to which this Plan applies that requires development consent or a complying development certificate under the Act except:

1. development, other than the subdivision of land, where a condition under section 7.11 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out and the purpose for which that condition was imposed is a purpose towards which a levy under this Plan may be applied, or
2. development involving alterations and additions to, or the rebuilding of, a building used for residential purposes or a building that is used for a purpose that is ancillary or incidental to such a purpose, unless the development involves an enlargement, expansion or intensification of the use of the building or the land on which the building is, or is proposed to be, situated.

7. Council may require payment of the levy as a condition of development consent

Subject to the Act and to any direction of the Minister under section 7.17 of the Act which is in force from time to time, this Plan authorises the Council to grant consent to development to which this Plan applies subject to a condition requiring the applicant to pay to the Council a levy of 1% of the proposed cost of carrying out the development

If a Ministerial direction under section 7.17 is in force, this Plan authorises the Council to grant consent to development subject to a condition which is in accordance with that direction.

Any Ministerial direction under section 7.17 of the Act which has been made and is in force from time to time is included in the Attachment to this Plan.

8. Certifying authority must require payment of the levy as a condition of issuing a complying development certificate

Subject to the Act and to any direction of the Minister under section 7.17 of the Act which is in force from time to time, this Plan requires a certifying authority (the Council or an accredited certifier) to issue a complying development certificate in respect of development to which this Plan applies subject to a condition requiring the applicant to pay to the Council a levy of 1% of the proposed cost of carrying out the development.

If a Ministerial direction under section 7.17 is in force, this Plan authorises the certifying authority to issue a complying development certificate subject to a condition which is in accordance with that direction.

Any Ministerial direction under section 7.17 of the Act which has been made and is in force from time to time is included in the Attachment to this Plan.

9. How is the proposed cost of carrying out development determined?

Clause 25J of the Regulation sets out how the proposed cost of carrying out development is to be determined. That clause provides as follows:

25J Section 7.12 levy—determination of proposed cost of development

1. *The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:*
 - a. *if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building,*

- or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
- b. if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
 - c. if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
2. For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
3. The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
- a. the cost of the land on which the development is to be carried out,
 - b. the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
 - c. the costs associated with marketing or financing the development (including interest on any loans),
 - d. the costs associated with legal work carried out or to be carried out in connection with the development,
 - e. project management costs associated with the development,
 - f. the cost of building insurance in respect of the development,
 - g. the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
 - h. the costs of commercial stock inventory,
 - i. any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law.

10. How is the proposed cost of carrying out development indexed?

Pursuant to clause 25J(4) of the Regulation, the proposed cost of carrying out development is to be indexed to reflect quarterly variations in the Consumer Price Index All Group Index Number for Sydney between the date the proposed cost was determined by the Council and the date the levy is required to be paid.

The formula governing indexation of the proposed cost of carrying out development is as follows:

$$IDC = ODC \times CP2/CP1$$

where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = is the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of payment.

CP1 = is the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition.

11. Cost estimate reports must accompany a development application or application for a complying development certificate

A development application or an application for a complying development certificate is to be accompanied by a report, prepared at the applicant's cost in accordance with this clause, setting out an estimate of the proposed cost of carrying out the development for the purposes of clause 25J of the Regulation.

The following types of report are required:

- where the estimate of the proposed cost of carrying out the development is less than \$500,000 - a cost summary report in accordance with Schedule 2;
- where the estimate of the proposed cost of carrying out the development is \$500,000 or more - a detailed cost report in accordance with Schedule 3.

12. Who may provide a report for the purposes of clause 11 of this Plan?

For the purpose of clause 25J(2) of the Regulation, the following persons are approved by the Council to provide an estimate of the proposed cost of carrying out development in the following circumstances:

- where the estimate of the proposed development cost is less than \$500,000 - a person who, in the opinion of the Council, is suitably qualified to provide a cost summary report; alternatively Council will accept the use of published current building cost indices on a square metre basis by recognised organisations.
- where the estimate of the proposed development cost is \$500,000 or more - a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors.

The Council may, at the applicant's cost, engage a person referred to in this clause to review a report submitted by an applicant in accordance with clause 11.

13. How will the Council apply money obtained from the levy?

Money paid to the Council under a condition authorised by this Plan is to be applied by the Council towards meeting the cost of one or more of the public facilities that will be or have been provided within the area as listed in Schedule 1.

14. Are there priorities for the expenditure of money obtained from levies authorised by this Plan?

Subject to section 7.3 of the Act and clause 16 of this Plan, the public facilities listed in Schedule 1 are to be provided in accordance with the staging set out in that Schedule

15. Pooling of levies

This Plan authorises money paid under this Division (other than Subdivision 4) for different purposes in accordance with the conditions of development consents may be pooled and applied progressively for those purposes, subject to the requirements of any relevant contributions plan or ministerial direction under this Division (other than Subdivision 4).

16. Obligation of certifying authorities

Pursuant to clause 146 of the Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it is satisfied of compliance with any condition requiring the payment of a levy before work is carried out in accordance with the consent.

The certifying authority must cause the applicant's receipt for payment of the levy to be provided to the Council at the same time as the other documents required to be provided under clause 142(2) of the Regulation.

17. When is the levy payable?

A levy required to be paid by a condition authorised by this Plan must be paid to the Council at the time specified in the condition. If no time is specified, the levy must be paid prior to the first certificate issued in respect of the development under Part 6 of the Act.

18. What is Council's policy on the deferred or periodic payment of levies?

The Council does not allow deferred or periodic payment of levies authorised by this Plan.

19. Are there alternatives to payment of the levy?

If an applicant for development consent seeks to make a contribution towards the provision of public facilities to meet development other than by payment of a levy or development contributions, the applicant may adopt one of the following procedures.

Offer made to the Council as part of a development application

If an applicant does not wish to pay a levy in connection with the carrying out of development, the applicant may include in the relevant development application an offer to carry out works or provide a material public benefit towards which the levy is to be applied.

The Council will consider the offer as part of its assessment of the development application. If the Council agrees to the arrangement and grants consent to the application, it will substitute a condition of consent under section 4.17 of the Act requiring the works to be carried out or the material public benefit to be provided for a condition requiring payment of a levy under section 7.12. If the Council does not agree to the alternative arrangement, it may grant consent subject to a condition authorised by this Plan requiring payment of a levy.

In assessing the applicant's offer, the Council will have regard to any relevant requirements of the current Practice Note issued by the NSW Government in the *Revised Development Contributions Manual* (DIPNR 2005) and such other matters as the Council considers relevant in the circumstances of the case.

Offer made to Council following the grant of development consent requiring payment of a levy

If development consent has been granted to the carrying out of development subject to a condition authorised by this Plan to pay a levy, the applicant must comply with the condition unless it is modified under section 4.55 of the Act.

If the applicant does not wish to pay the levy, the applicant may make an application to the Council under section 4.55 of the Act to modify the consent by substituting for the condition requiring payment of the levy a condition requiring the carrying out of works or the provision of a material public benefit towards the public purpose to which the levy was to be applied.

If the Council approves the application, the applicant will be bound by the substituted condition. If the Council does not approve the application, the applicant will remain bound by the condition authorised by this Plan requiring payment of the levy.

Offer to enter into a voluntary planning agreement

If an applicant does not wish to pay a levy or development contributions in connection with the carrying out of development, the applicant may offer to enter into a voluntary planning agreement with the Council under section 7.4 of the Act in connection with the making of a development application.

Under the planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. Those purposes need not relate to the impacts of the applicant's development nor to the items listed in Schedule 1.

The applicant's provision under a planning agreement may be additional to or instead of paying a levy in accordance with a condition of development consent authorised by this Plan. This will be a matter for negotiation with the Council.

The offer to enter into the planning agreement together with a copy of the draft agreement should accompany the relevant development application.

The Council will publicly notify the draft planning agreement and an explanatory note relating to the draft agreement along with the development application and will consider the agreement as part of its assessment of that application.

If the Council agrees to enter into the planning agreement, it may impose a condition of development consent under section 7.7(3) of the Act requiring the agreement to be entered into and performed. If the Council does not agree to enter into the planning agreement, it may grant consent subject to a condition authorised by this Plan requiring the payment of a levy.

20. What definitions apply?

In this Plan unless the context or subject matter otherwise indicates or requires:

ABS means the Australian Bureau of Statistics,

Act means the *Environmental Planning and Assessment Act 1979*,

Council means Broken Hill City Council,

Development Contributions means a development contribution required to be paid by a condition of development consent imposed pursuant to section 7.11 of the Act,

Levy means a levy under section 7.12 of the Act authorised by this Plan,

Minister means the Minister administering the Act,

Public Facility means a public amenity or public service,

Regulation means the *Environmental Planning and Assessment Regulation 2000*,

Building Cost Indices means indices published by recognised organisations and includes but is not limited to "Rawlinsons", "Cordells" and "Australian Institute of Building Surveyors".

21. Exemptions

A levy authorised by this plan is not applicable in the following circumstances:

- Alterations and Additions to an existing dwelling
- A new dwelling that replaces an existing dwelling that has been demolished within 2 years of making application for a construction certificate



PART 2 EXPECTED TYPES OF DEVELOPMENT IN THE COUNCIL'S AREA AND THE DEMAND FOR PUBLIC FACILITIES TO BE FUNDED BY THE LEVY

LGA Snapshot

The Far West Region covers the very western and northern sections of NSW and is bordered by the states of Queensland and South Australia. The region comprises the Local Government Areas (LGA's) of Broken Hill City and Central Darling Shire, along with the Unincorporated section of NSW.

Broken Hill, located 1,160km west of Sydney, is the regional centre accounting for 86% of the population and the majority of administrative, commercial and community services.

The region was first explored in the 1820s and settled in the 1840s. Broken Hill was founded in 1883 when silver and lead deposits were discovered. The region was quickly identified as having one of the largest and richest deposits in the world. Broken Hill Proprietary Company (BHP) was formed in the area to mine the deposits though ceased work in the region in 1940. Since the 1970s, Broken Hill has experienced a downturn following mine closures, resulting in the population declining to 20,000 persons.

The climate of the Far West Region has played a central role in its historical growth and development, and most importantly, its suitability for certain types of agriculture. Broken Hill records a relatively hotter and drier climate than the rest of Australia. Minimum daily temperatures average as low as 5 degrees Celsius in winter with maximums of over 30 degrees Celsius in summer. On average, the area records 253.3mm of rainfall each year.

In 2006, Broken Hill recorded an estimated population of 20,223 persons.

Between 1991 and 2006, the population of the Far West Region declined on a consistent basis with negative growth recorded in each and every year, due mainly to negative net migration of residents out of the region (see Figure 2.2). However, after periods of large population decreases, the rate of population decline has reduced over the past 7-8 years.

The upsurge in the mining industry and a strong birth rate is expected to result in further stabilisation and potential increases to population over the next 5-10 years.

In terms of official population projections, the ABS and NSW Department of

Infrastructure, Planning and Natural Resources both project the Broken Hill and Central Darling populations will decline at an average rate of approximately 1.2% over the next 10 years, reducing the region's population toward 20,000 persons. This is despite the many projects planned for the region and the likely employment and population impacts.

The Far West Region has experienced a number of major changes in the last 30 years that have impacted the demographic characteristics of the population, including:

- A very significant decline in the population from a peak of 35,000 in the 1970s;
- The indigenous population increased by more than 40% between 1991 and 2001;
- The population is considerably older than it was in 1971;
- Family and household sizes have become smaller;
- There is less full-time employment and more part-time employment;
- Females have a higher labour force participation now than in 1971;
- Traditional industries such as mining and manufacturing employ less people; and
- Individual and household incomes are generally lower than they were in 1971.

Broken Hill's economic performance has traditionally been closely tied to the mining/resources sector. However, the decline of this industry over the past 30 years has increased the focus on other economic sectors, including tourism. In recent times, the region has recorded positive tourism demand relative to state and national benchmarks.

The expected types of development are but not limited to:

- Residential Flat Buildings
- Mixed use development
- Dual Occupancies
- Subdivisions
- Detached dwellings
- Alterations and additions
- Minor structures e.g. pergolas, garages
- Domestic swimming pools
- Commercial development (retail, office, cafes/restaurants)
- Industrial development
- Change of use
- Signage
- Aged housing
- Road transport/roadhouse facility

Council is committed to promoting sustainability across all areas of the community. Council defines this as delivering, social, cultural and environmental systems that operate in harmony for the benefit and wellbeing of all residents. The objective is to enable residents to enjoy a good quality of life in an active and vibrant community. Council's role in the provision of community and recreation facilities and civil infrastructure all contribute to the collective and individual wellbeing. Council aims to provide access and equity to all services and facilities for all members of the community.

The section 7.12 levy will enable Council to provide high quality and diverse public facilities to meet the expectations of the existing and new residents of the Broken Hill City Council area.

The additional public facilities to be provided to meet the expected future development are set out in Schedule 1.



SCHEDULE 1

WORKS SCHEDULE

DESCRIPTION	ESTIMATED COST	PRIORITY Low (L) Medium (M) High (H)
Council animal pound	\$400 000	H
Urban roads	\$150 000	H
Urban footpaths	\$60 000	M
Urban street tree planting	\$30 000	M
Urban stormwater additions	\$60 000	M
Urban area parks and gardens	\$60 000	L
Broken Hill Aquatic Centre	\$150 000	L

Priority Timing

Low Priority up to five years

Medium Priority two to four years

High Priority Zero to three years

Public facilities for which levies will be sought

A. Completed works for which contributions will be recouped

Nil

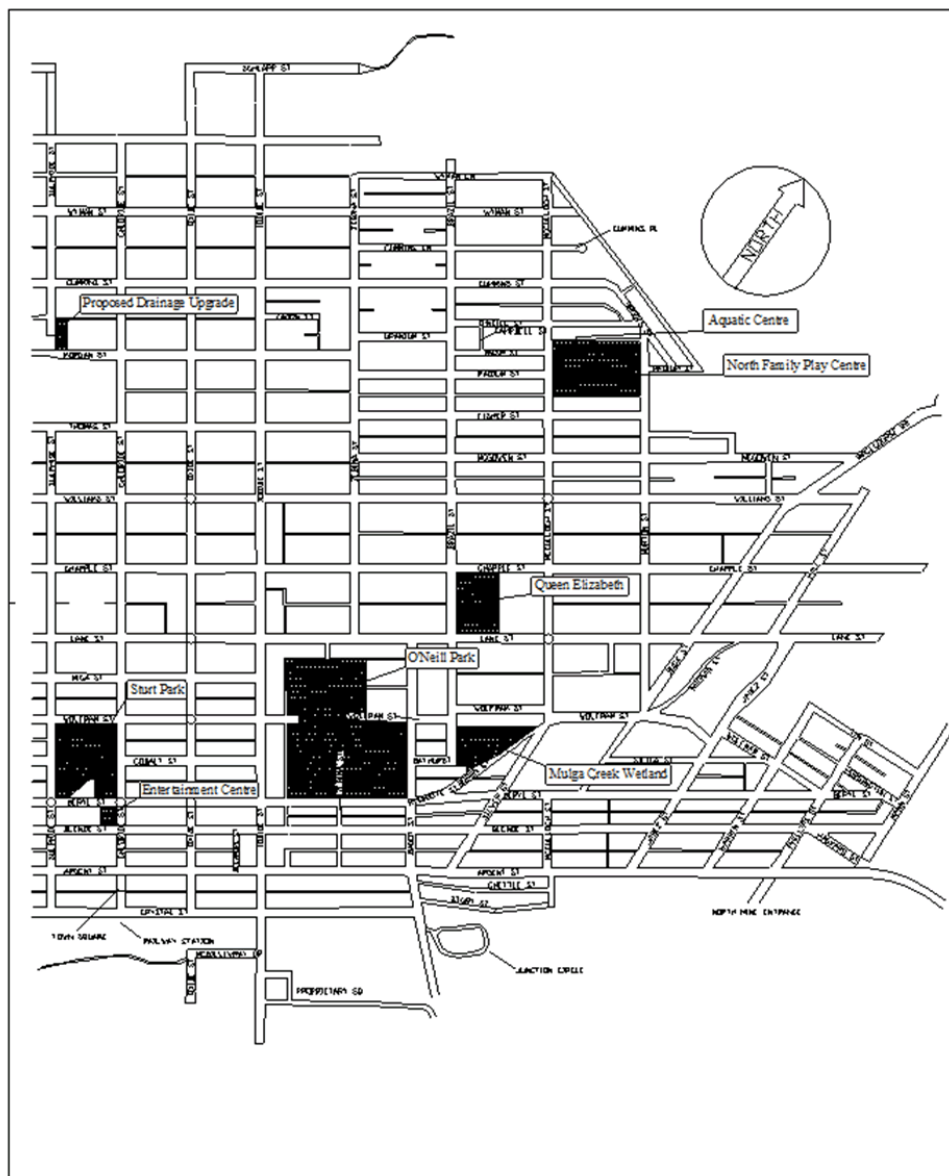
B. Works in progress for which contributions will continue to be levied

- Broken Hill Aquatic Centre
- Urban parks and gardens
- Urban road network
- Urban street tree planting
- Urban stormwater additions
- Urban footpaths

C. New public facilities to be funded through S7.12 levies

Animal Pound



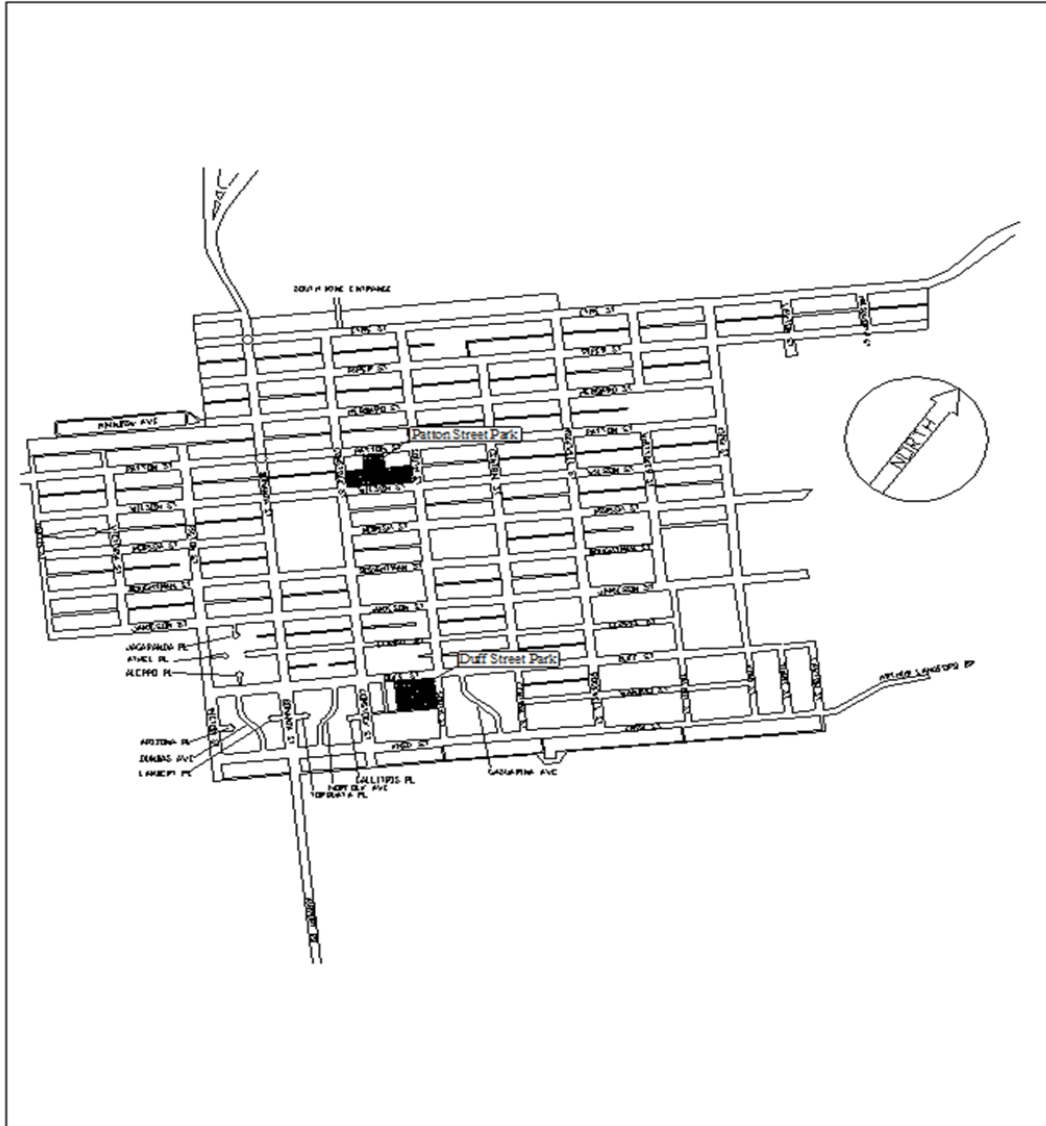


Section 7.12 Developer Contributions Plan - Area 2

Open Space & Recreation

Civil Infrastructure

Community Facilities

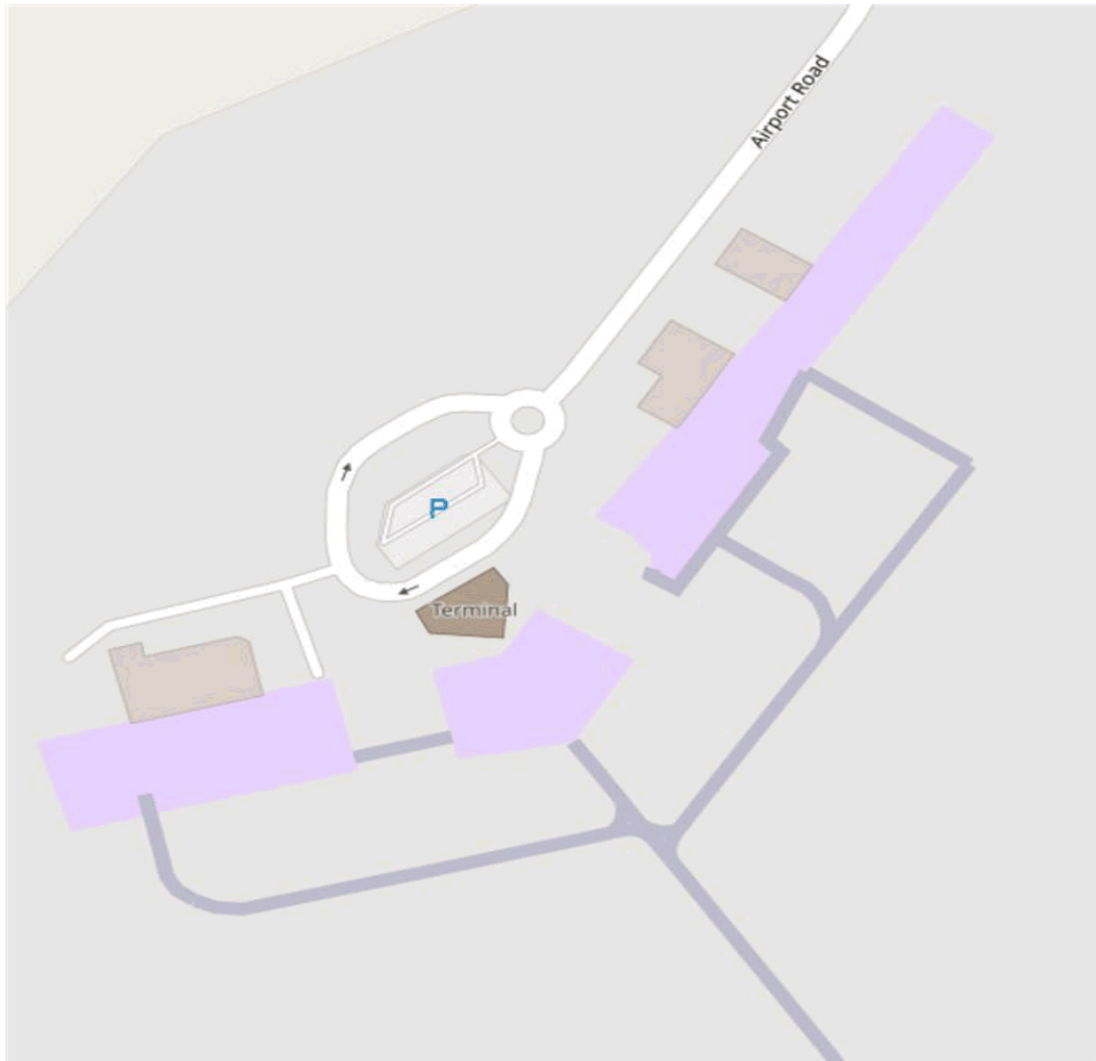


Section 7.12 Developer Contributions Plan - Area 3

Open Space & Recreation

Civil Infrastructure

Community Facilities



Section 7.12 Developer Contributions Plan - Area 4

Open Space & Recreation
Civil Infrastructure
Community Facilities



SCHEDULE 2

(CLAUSE 12)

Cost Summary Report*

(Development Cost no greater than \$500, 000)

DEVELOPMENT APPLICATION NUMBER: _____

COMPLYING DEVELOPMENT APPLICATION NUMBER: _____

CONSTRUCTION CERTIFICATE NUMBER: _____

DATE: _____

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

DEVELOPMENT NAME: _____

DEVELOPMENT ADDRESS: _____

ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$	Hydraulic Services	\$
Structure	\$	Mechanical Services	\$
External walls, windows and doors	\$	Fire Services	\$
Internal walls, screens and doors	\$	Lift Services	\$
Wall finishes	\$	External works	\$
Floor finishes	\$	External services	\$
Ceiling finishes	\$	Other related work	\$
Fittings and equipment	\$	Sub-total	\$

Sub-total above carried forward	\$
Preliminaries and margin	\$
Sub-total	\$
Consultant Fees	\$
Other related development costs	\$
Sub-total	\$
Goods and Services Tax	\$
Total Development Costs	\$

I certify that I have:

- Inspected the plans and the subject of the application for development consent or construction certificate.
- Calculated the development costs in accordance with the definition of development costs in clause 25J of the *Environmental Planning and Assessment regulation 2000 at current prices.*
- *Included GST in the calculation of development costs*

Signed:

Name:

Position and Qualifications:

Date:

*Acknowledgment of City of Sydney for use of the Cost Summary Report



SCHEDULE 3

(CLAUSE 12)

Detailed Cost Report*

Registered* Quantity Surveyor's Detailed Cost Report

(Development cost in excess of \$5000,000)

*A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION NUMBER:

COMPLYING DEVELOPMENT APPLICATION NUMBER:

CONSTRUCTION CERTIFICATE NUMBER:

DATE:

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

DEVELOPMENT NAME:

DEVELOPMENT ADDRESS:

DEVELOPMENT DETAILS:

Gross Floor Area - Commercial		Gross Floor Area – Other	
Gross Floor Area – Residential		Total Gross Floor Area	
Gross Floor Area – Retail		Total Site Area	
Gross Floor Area – Car Parking		Total Car Parking Spaces	
Total Development Cost	\$		
Total Construction Cost	\$		
Total GST	\$		

ESTIMATE DETAILS:

Professional Fees	\$	Excavation	\$
% of Development Cost	%	Cost per square metre of site area	\$ /m2
% of Construction Cost	%	Car Park	\$
Demolition and Site Preparation	\$	Cost per square metre of site area	\$ /m2
Construction – Commercial	\$	Fit out - Commercial	
Cost per square metre of site area	\$ /m2	Cost per square Metre of commercial area	\$ /m2
Construction – Residential		Fit out – Residential	
Cost per square metre of residential area	\$ /m2	Cost per square metre of residential area	\$ /m2
Construction – Retail		Fit out – retail	
Cost per square metre of retail area	\$ /m2	Cost per square metre of retail area	\$ /m2

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate.
- Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management manuals for the Australian Institute of Quantity Surveyors.
- Calculated the development cost in accordance with the definition of development costs in the Broken Hill City Council Section 7.12 Developer Contribution Plan.
- Included GST in the calculation of development costs.
- Measured gross floor areas in accordance with the method of Measurement of Building Area in the AIQS Cost Management Manual Volume1, Appendix A2.

Signed:

Name:

Position and Qualifications:

Date:

- Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management manuals from the Australian Institute of Quantity Surveyors.
- Calculated the development costs in accordance with the definition of development costs in the Broken Hill City Council Section 7.12 Developer Contribution Plan.
- Included GST in the calculation of development cost.
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed: _____

Name: _____

Position and Qualifications: _____

Date: _____



ATTACHMENT

Environmental Planning and Assessment Act 1979

DIRECTION UNDER SECTION 94E

I, the Minister for Planning, under section 94E of the *Environmental Planning and Assessment Act 1979* ("the Act"), direct consent authorities that:

1. The maximum percentage of the levy for development under section 94A of the Act, having a proposed cost within the range specified in the Table to Schedule A, is to be calculated in accordance with that Table.
2. Despite subclause (1), a levy under section 94A of the Act cannot be imposed on development:
 - a. for the purpose of disabled access,
 - b. for the sole purpose of affordable housing,
 - c. for the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building,
 - d. for the sole purpose of the adaptive reuse of an item of environmental heritage, or
 - e. other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.

In this direction words and expressions used have the same meaning as they have in the Act. The term "item" and "environmental heritage" have the same meaning as in the *Heritage Act 1977*.

This direction does not apply to development applications and applications for complying development certificates finally determined before 1 December 2006.

FRANK SARTOR, M.P.,
Minister for Planning,
Sydney.

SCHEDULE A

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 percent
More than \$200,000	1.0 percent

ORDINARY MEETING OF THE COUNCIL

May 14, 2019

ITEM 9

BROKEN HILL CITY COUNCIL REPORT NO. 68/19

SUBJECT: DEVELOPMENT APPLICATION 24/2019 - REDEVELOPMENT AT
JUBILEE OVAL, 90 SILVER STREET, BROKEN HILL 11/467

Recommendation

1. That Broken Hill City Council Report No. 68/19 dated May 14, 2019, be received.
2. That Development Application 24/2019 be approved, subject to the following conditions:
 - a. **Compliance with Building Code of Australia**
 That all building work must be carried out in accordance with the provisions of the Building Code of Australia.
 - b. **Protection of public places**
 - a) That a hoarding or fence must be erected between the work site and the public place.
 - i. Submit details of the design of the structure and method of providing safe pedestrian access prior to commencement of works.
 - b) That if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - c) That the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - d) That any such hoarding, fence or awning is to be removed when the work has been completed.
 Council's Infrastructure Department shall be contacted to ascertain approval requirements in this regard.
 - c. **Extensions/Alterations**
 That all necessary alterations and or extensions to services shall be carried out in accordance with the requirements of the appropriate Supply Authorities.
 - d. **Injury to Amenity**
 No nuisance shall be caused to the amenity of the area by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

e. Construction activities

Construction activities at the development site shall be carried out only between 7.00am to 6.00pm Monday to Saturday. No work on Sundays and Public Holidays is permitted.

f. PCA Requirements

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

Prior to the commencement of any work on the site, the person having the benefit of this consent:

- a) shall appoint a Principal Certifying Authority (PCA).
- b) shall ensure a Construction Certificate is issued by the PCA.
- c) shall notify Council of their intention to commence the site works, at least 2 days prior to commencement of work.

- g.** The monetary contribution set out in the following table is to be paid to Council prior to the issue of an Occupation Certificate.

Contribution Type	Proposed Cost of Development	Levy Percentage	Total Contribution
Section 7.12 Contribution	\$2 800 000	1%	\$28 000

- h.** During construction, dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind-blown dust.
- i.** During construction, all works associated with the development must be carried out entirely within the allotment boundaries.
- j.** During construction, all roads adjoining the site must be kept clean and free of all materials.
- k.** Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- l.** Prior to the commencement of any work involving asbestos, a plan shall be prepared by a suitable qualified person in accordance with the following standards:
 - a) *AS 2601-2001 The Demolition of Structures.*
 - b) *Safe Work Australia Code of Practice How to Manage and Control Asbestos in the Workplace.*
 - c) *Work Health and Safety Act 2011.*

Details demonstrating compliance shall be submitted with the Construction Certificate application.

- m. During construction, any demolition works shall comply with the provisions of Australian Standard AS 2601-2001 - *The Demolition of Structures*, the Safe Work Australia Code of Practice – *How to Manage and Control Asbestos in the Workplace*, and the *Work Health and Safety Act 2011*.
- n. During construction, works are to be carried out so as not to cause damage to nearby public infrastructure, services and utilities, including Council's kerb and gutter, footpaths, water mains, sewer mains and roadways. All damage arising from demolition is to be made good and any necessary repairs and renovations carried out immediately at no cost to Council.

Executive Summary:

A Development Application has been submitted by AFL Broken Hill for redevelopment works at the Jubilee Oval, Broken Hill.

The works include alterations to existing change rooms, construction of new change room facility, new ground manager office, new shade sails, new lighting towers, new fencing around the oval, and sealing and landscaping works to the oval perimeter.

The works are considered to be of benefit to the community and there are no planning controls that prevent the approval of the Development Application.

Report:

A Development Application submitted to Council is for redevelopment of Jubilee Oval, Silver Street, Broken Hill.

The Proposal involves the following works:

- Refurbish totally the existing change room facilities located under the main Grandstand along Silver Street.
- Construction of a new change room facility involving a Home and Visiting Team and Umpires areas.
- Construction of a new ground manager's office.
- Installation of two (2) new waterproof PVC Sails over the existing tiered concrete bleachers each located north and south respectively from the main grandstand.
- Construction of new upgraded lighting involving the erection of four (4) x 27 metre high towers strategically placed around the oval perimeter.
- Site/Civil works around the perimeter of the oval by extending the road sealing of the oval perimeter and landscaping of various portions including the re-fencing of the oval. The re-fencing of the oval itself will be a 'white' solid poly propylene picket fence.

More detailed information regarding the works is provided below:

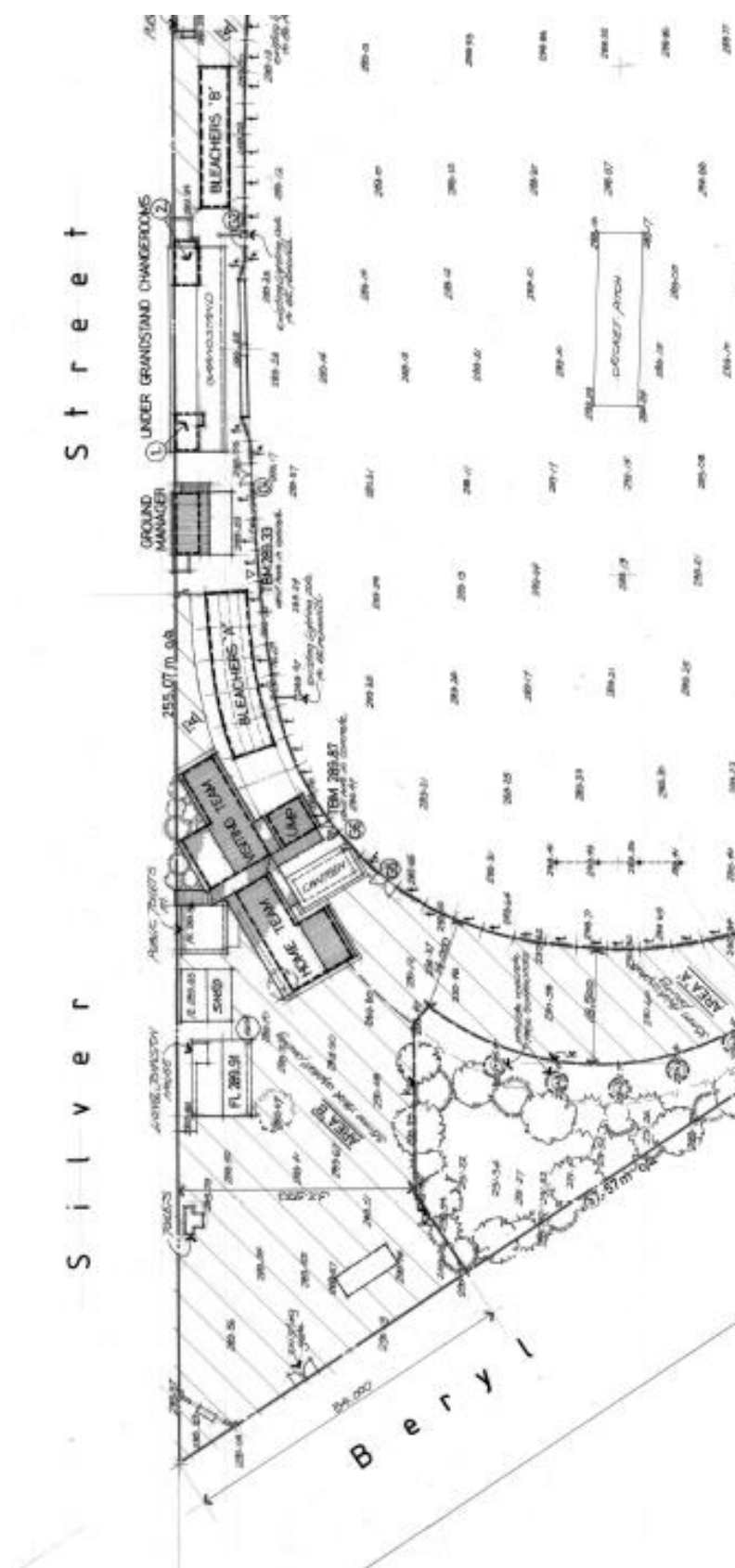
- Refurbishment of existing change room facilities –
 - o the applicant has advised that the existing Change Room facilities are inadequate in size and are generally inadequate for the 'modern game' now introducing both male and female players in almost all codes of football and cricket.
- All existing 'wet areas' will be demolished and replaced with new enclosed shower and dressing cubicles befitting a uni-sex facility.
- New change room facility-

- These facilities have been designed in strict accordance with AFL New South Wales guidelines to ensure compliance for future major event attractions. Construction is of concrete 'Tilt Panel' with a curved colourbond roof supported by steel portal rafters. The ceilings of plaster board are appropriately insulated with R 3.0 mineral fibre batts.
- Ground Manager's Office –
 - This is to be built on top of the existing Bar adjacent to the main Jubilee Oval entrance. This will for the first time allow the Ground Manager to control and administer each football game or event at a height conducive with complete sight over the whole playing ground.
- Shade sails –
 - The Sails are to be built over the existing tiered concrete bleachers and will then offer patrons protection from the elements at either the winter or summer events.
- Construction of new upgraded lighting –
 - This will involve the erection of four (4) x 27 metre high towers placed around the oval perimeter to produce an acceptable lighting. The light will be generated by the use of LED technology which will increase the efficiency of light produced whilst halving the running costs. The existing lighting towers do not produce enough light to host any television events and are barely adequate for night time practice. The applicant notes that with the new lighting levels it will now be possible to lobby all national football codes for preseason matches since television coverage would then be possible.
- Site works –
 - The existing rusted chain mesh fence surrounding the oval with a new 'white' solid poly propylene picket fence. The new fence will be safer for sports players on the field through accidental contact/collision. The improved civil works will also allow us to control the surface run off water that may be generated on the new improved site. To add to the aesthetic appeal landscaping will be provided. The landscaping is intended to be controlled by an automatic watering system which will reduce the need for manual attendance.

The applicant provided the following information as background to the project. "The local AFL have for many years sought funding for a major restructure at the Jubilee Oval to bring all up to standard with new structures and equipment and maintain the in-hand infrastructure which has badly needed attention.

Through State Government funding, AFL New South Wales, Local Council and the BH Credit Union together with our own contribution have managed to financially support this much needed community Project to a tune of \$2.6 million.

The major sports participation presently being pursued in the town is AFL football closely followed by cricket and rugby. Upgrading our facilities to a required State and/or Regional standard level allows us to attract pre-season sporting events which will not only help promote local sport participation but also bring revenue to the local sports bodies and moreover the local economy".



Site plan – new changerooms and new office along Silver Street frontage.
Shade sails are to be erected over the existing bleacher areas.

Assessment

The following provides an assessment of the material presented in the application against relevant State and local planning legislation and plans.

Environmental Planning and Assessment Act 1979, as amended-
Section 4.15: Matters for ConsiderationS4.15(1)(a)(i) the provisions of any Environment Planning Instrument (EPI)*Broken Hill Local Environmental Plan 2013 (LEP):*

The particular aims of the LEP are as follows:

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

Comment: The proposal is consistent with the aims of the LEP.

The zoning of the land under the provisions of Broken Hill LEP is zone RE2 (Private Recreation). The development is permissible subject to development consent.

S4.15(1)(a)(ii) the provisions of any draft EPI

N/A.

S4.15(1)(a)(iii) the provisions of any Development Control Plan (DCP)*Broken Hill Development Control Plan 2016:*

There are no applicable provisions in the DCP which directly relate to the development, or which would give reason to refuse the application.

S4.15(1)(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

N/A.

S4.15(1)(a)(iv) any matters prescribed by the regulations

N/A.

S4.15(1)(b) the likely impacts of the development*Comment:***Noise:**

The development is basically upgrading works to the facility. Larger crowds may on occasion attend the site, however this will not generate an unacceptable adverse impact by way of

noise. When sporting events are held, they are generally only for a number of hours at a time.

Traffic/parking:

The majority of vehicles attending the facility park in the surrounding streets. The proposed works will not change this situation. It should be added that there is some limited number of available parking spaces within the site, and this will be improved by way of the surface being sealed.

Due to the fact that the site is an existing recreation facility, it is an already accepted situation that vehicles park on the street at times of sporting events being held.

Social impacts:

It is considered that the proposed upgrading of the facility will have a positive social impact on the locality. The works will result in an aesthetically pleasing facility, which will give a much needed boost to the streetscape in the area.

Economic impacts:

It is considered that the proposed upgrading of the facility has the potential to have a positive economic impact on the locality.

The local AFL itself notes that "Upgrading our facilities to a required State and/or Regional standard level allows us to attract pre-season sporting events which will not only help promote local sport participation but also bring revenue to the local sports bodies and moreover the local economy".

S4.15(1)(c) the suitability of the site for the development

- Are utilities and services available to the site and adequate for the development?
- Is the site subject to natural hazards including flooding, tidal inundation, subsidence, slip, mass movement, and bushfires?
- Is the proposal compatible with conserving the heritage significance of the site?

Comment: The site is not subject to any natural hazards such as bushfire risk, flooding etc. Utility services are available to the site and able to be upgraded if required. All services upgrades will be subject to the requirements of the service providers (Essential Energy and Essential Water). The proposal does not have an adverse impact on the heritage significance of the site. The work to the existing grandstand is primarily within the interior confines of the building.

All building works will be required to comply with the National Construction Code (Building Code of Australia), and works cannot commence until a Construction Certificate is applied for and issued by Council or a Private Certifier.

S4.15(1)(d) any submissions made in accordance with this Act or the Regulations.

N/A. The application was not required to be notified, as the works are upgrading works (and providing additional ancillary facilities) to an existing recreation ground. The approved use of the site is not to change.

S4.15(1)(e) the public interest

Comment: Approval of the proposal is considered to be in the broader public interest. In the public interest, the relevant environmental planning instruments and have been taken into consideration. The proposal is not considered to conflict with the *Broken Hill Local Environmental Plan*. There is no State legislation that prevents approval being granted.

Section 7.12: Fixed development consent levies

Under provisions of the *Environmental Planning and Assessment Act 1979*, a Section 7.12 Plan allows for Council to impose, as a condition of Development consent, a requirement that an applicant carrying out a development pay a levy determined by Council.

A requirement under the *Environmental Planning and Assessment Act 1979* is that contributions must be expended towards capital costs associated with the provision, extension or augmentation of public amenities or public services.

The payment of the levy is normally imposed as a condition of consent that the amount if paid (usually prior to the issue of either a Construction certificate or an Occupation certificate for the work).

Under Council's Section 7.12 Plan:

The maximum levy that can be imposed is:

- (Levy cannot be imposed for a development of \$100,000 or less);
- A rate of 0.5% for a development of \$100,001 to \$200,000; and
- A rate of 1% for development which exceeds \$200,000.

In the case of this development, the proposed cost of carrying out the development is noted on the Development Application as \$2,800,000.

Therefore, the levy applicable to be paid is a total of \$28 000. The suggested conditions of consent outlined in this report include a condition requiring the Local AFL pay this levy amount of \$28 000 prior to issue of an Occupation certificate.

The Plan does not allow for deferred or periodic payment of levies.

Under the Plan, alternatives to paying the levy are set out as:

- *Offer made to the Council as part of a development application* – this has not occurred.
- *Offer made to Council following the grant of development consent requiring payment of a levy* - If consent has been granted to the carrying out of development (subject to a condition to pay a levy), the applicant must comply with the condition unless the consent is modified. The applicant may make an application to Council under section 4.55 of the Act to modify the consent by substituting for the condition requiring payment of the levy a condition requiring the carrying out of works or the provision of a material public benefit.
- *Offer to enter into a voluntary planning agreement* - If an applicant does not wish to pay a levy or development contributions in connection with the carrying out of development, the applicant may offer to enter into a voluntary planning agreement with the Council. Under the planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes.

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

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

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

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

Conditions of consent are able to be imposed under Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

It is recommended that Development Application 24/2019 be approved, subject to conditions of consent (outlined in the recommendation).

Under Clause 100 of the *Environmental Planning and Assessment Regulation 2000*, if the Application is refused, then Council must state its reasons for refusal.

Strategic Direction:

Key Direction:	Our Environment
Objective:	3.3 Proactive, Innovative and Responsible Planning supports the community, the environment and beautification of the City
Function:	Built Environment
DP Action:	N/A

Relevant Legislation:

Environmental Planning and Assessment Act 1979.

Financial Implications:

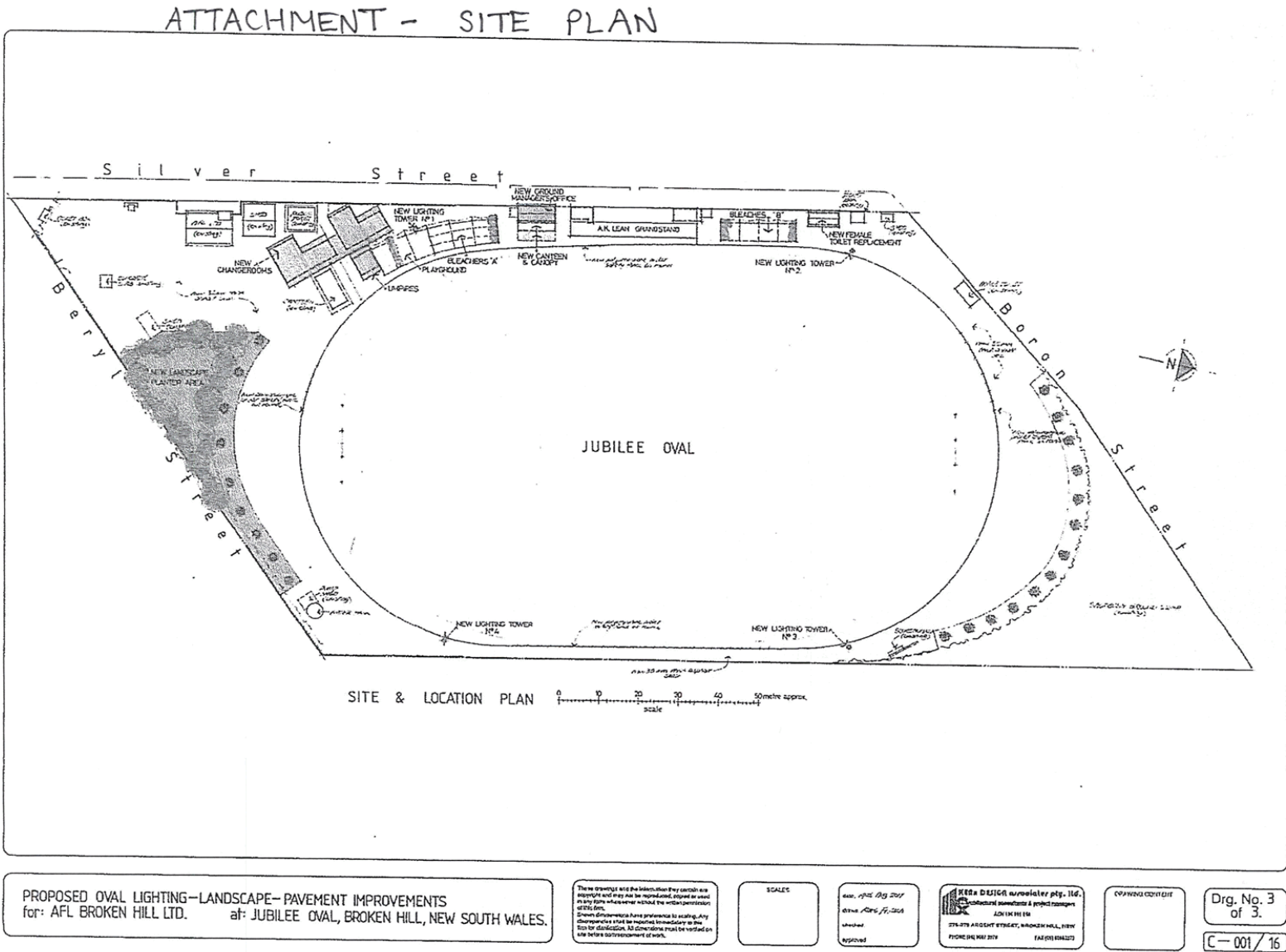
Nil.

Attachments

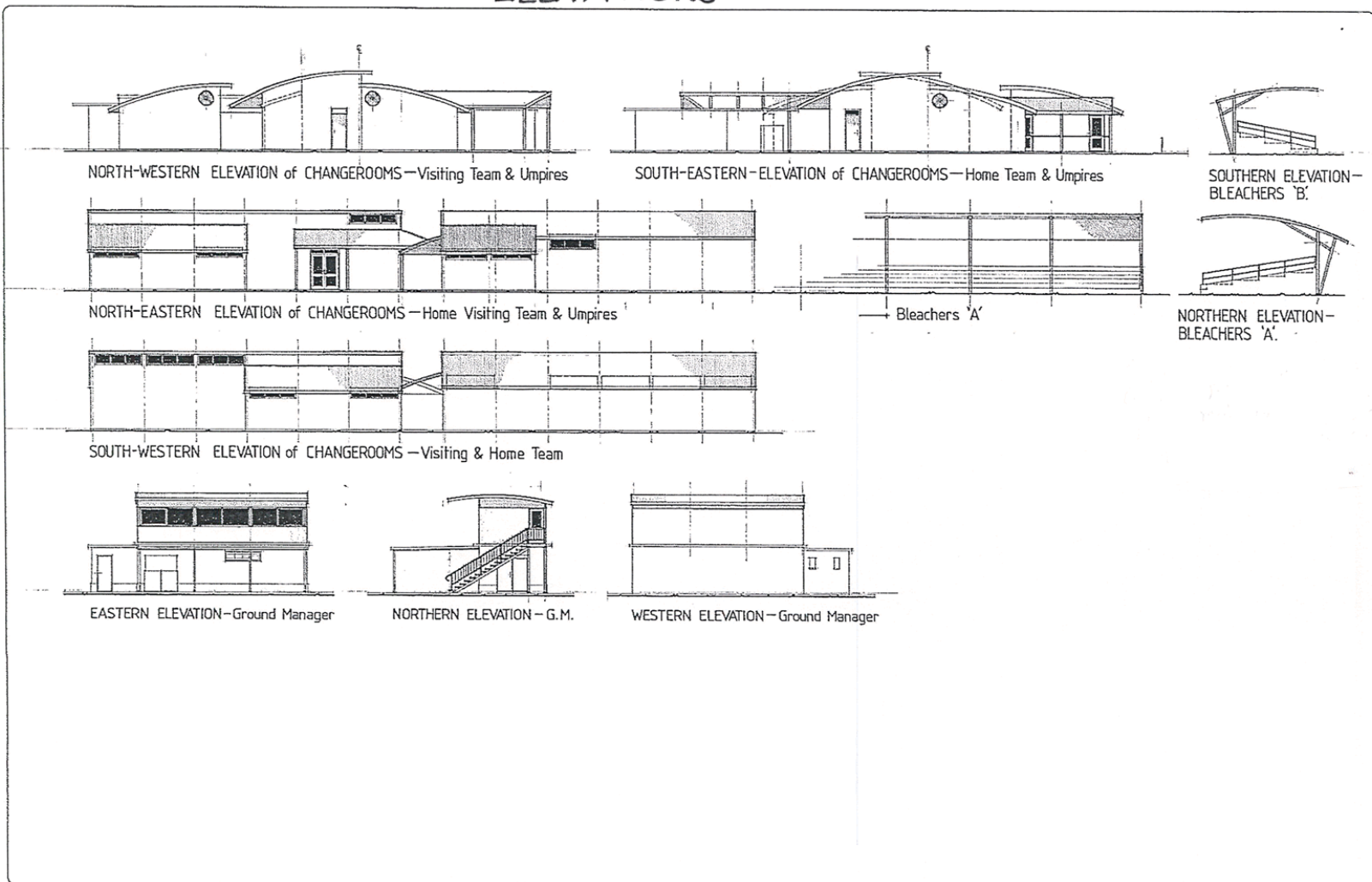
1. [↓](#) Site plans and elevations - Jubilee Oval redevelopment

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAMES RONCON
GENERAL MANAGER



ELEVATIONS



PROPOSED MAJOR JUBILEE OVAL RESTRUCTURE for: AFL BROKEN HILL LIMITED
at: SILVER STREET, BROKEN HILL, N.S.W. (a Stronger Country Communities Funded Project)

These drawings and the information they contain are copyright and may not be reproduced, copied or used in any form whatsoever without the written permission of the firm.
Shown dimensions have preference to words. Any discrepancies shall be reported immediately to the firm for clarification. All dimensions must be verified on site before commencement of work.

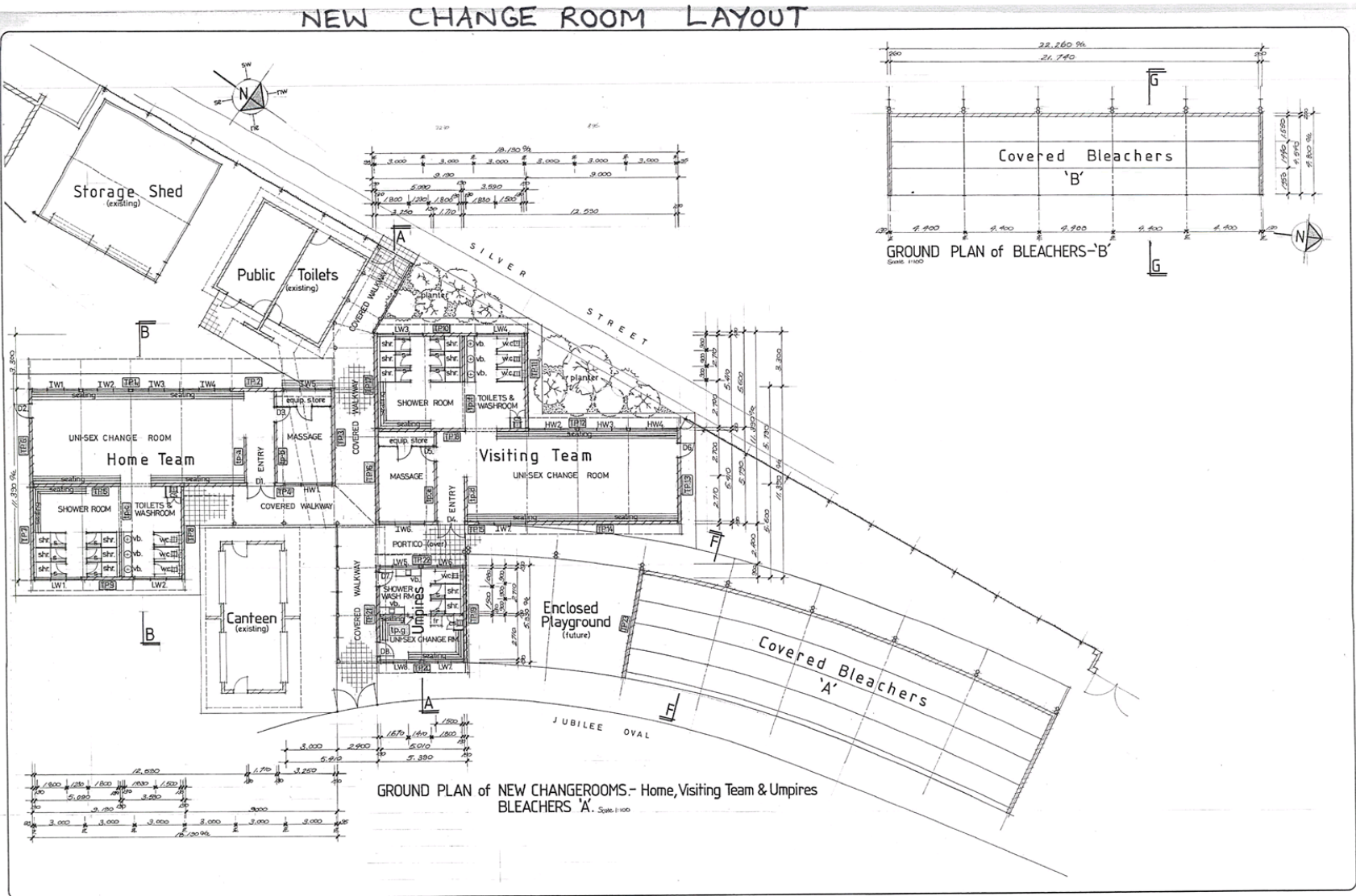
SCALES

DATE: 14 November 2019
DRAWN: [Signature]
CHECKED:
APPROVED:

KEN DESIGN architects pty. ltd.
architectural consultants & project managers
ACN 104 651 654
275-279 ARGENT STREET, BROKEN HILL, NSW
PHONE: (08) 8337 3474 FAX: (08) 8337 5273

DRAWING CONTENT

Drg. No. 3
of
C-003/18



PROPOSED MAJOR JUBILEE OVAL RESTRUCTURE for: AFL BROKEN HILL LIMITED
at: SILVER STREET, BROKEN HILL, N.S.W. (a Stronger Country Communities Funded Project)

These drawings and the information they contain are copyright and may not be reproduced, copied or used in any form whatsoever without the written permission of this firm.
Shown dimensions have preference to scaling. Any discrepancies shall be reported immediately to this firm for clarification. All dimensions must be verified on site before commencement of work.

SCALE:
1:100

date: 16/10/2019
drawn: Alice Mitchell
checked:
approved:

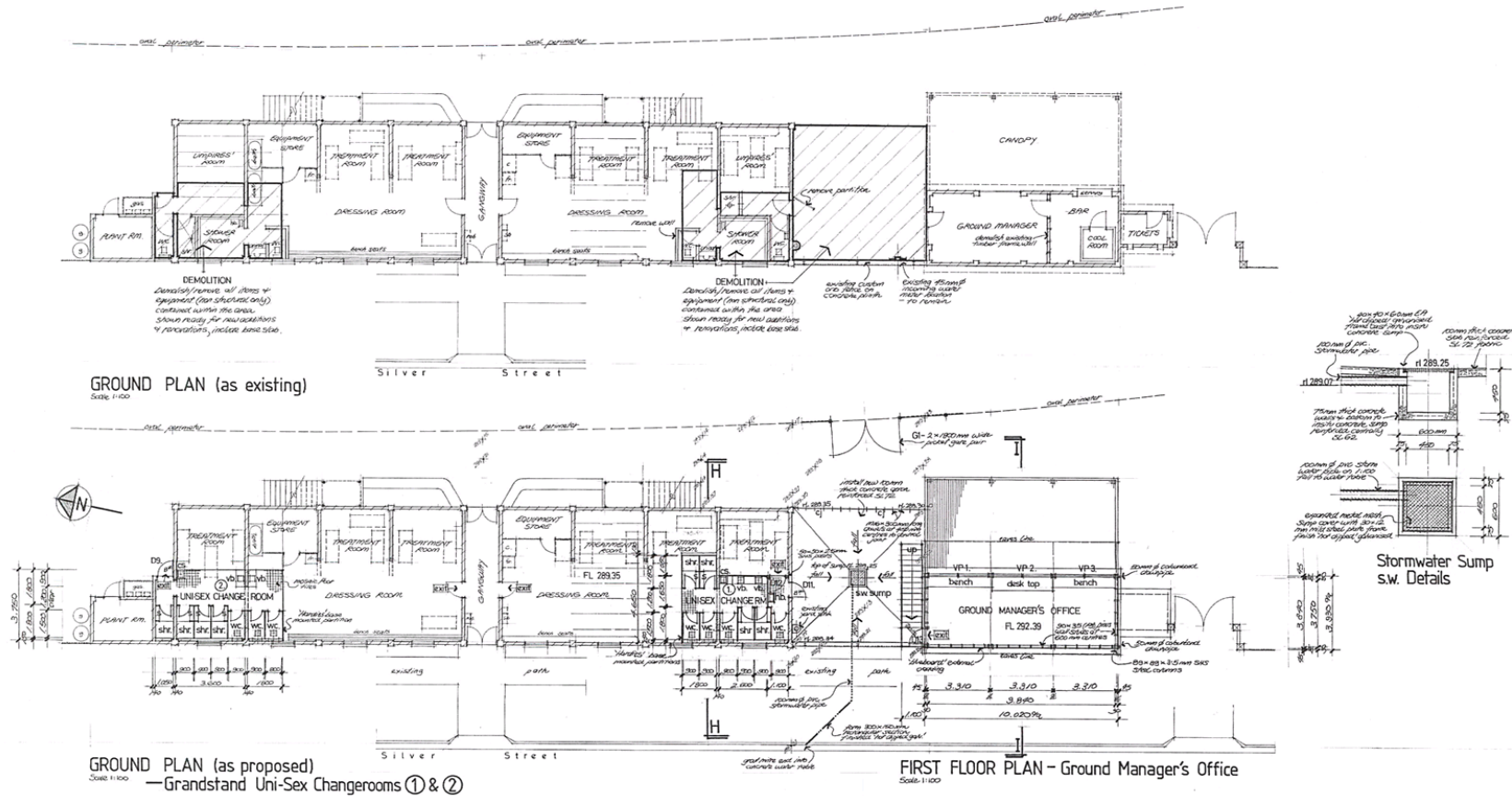
KEN DESIGN architects pty. ltd.
architectural consultants & project managers
ACN 100 891 896
275-279 ARGENT STREET, BROKEN HILL, NSW
PHONE (08) 5887 5878 FAX (08) 85883373

DRAWING CONTENT
* GROUND PLAN of
CHANGEROOMS &
BLEACHERS 'A' & 'B'.

Drg. No.1
of 10.

C-003/18

EXISTING GRANDSTAND WORKS



PROPOSED MAJOR JUBILEE OVAL RESTRUCTURE for: AFL BROKEN HILL LIMITED
at: SILVER STREET, BROKEN HILL, N.S.W. (a Stronger Country Communities Funded Project)

These drawings and the information they contain are copyright and may not be reproduced, copied or used in any form whatsoever without the written permission of the firm.
Shown dimensions have preference to scaling. Any discrepancies shall be reported immediately to the firm for clarification. All dimensions must be verified on site before commencement of work.

SCALE
1:100

date: 24th July 2017
drawn: AEC, PTH/CA
checked:
approved:

KENN DESIGN & CONSULTING PTY. LTD.
Architectural consultants & project managers
ACN 124 851 555
275-279 ARGENT STREET, BROKEN HILL, NSW
PHONE (08) 9087 8878 FAX (08) 9088 3373

DRAWING CONTENT
Grandstand Uni-Sex Changerooms
UNDER GRANDSTAND
UNI-SEX CHANGEROOM
GROUND PLAN

Drg. No. 2
of 10.
C-003/18

ORDINARY MEETING OF THE COUNCIL

May 15, 2019

ITEM 10BROKEN HILL CITY COUNCIL REPORT NO. 69/19

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO
392 HELD WEDNESDAY MAY 8, 2019 11/397

Recommendation

1. That Broken Hill City Council Report No. 69/19 dated May 15, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.392 held May 8, 2019 be received.

Executive Summary:

Under Guidelines published in March 2009 by the Roads and Traffic Authority (now known as the Roads and Maritime Services), entitled '*A guide to the delegation to councils for the regulation of traffic states*':

"The Local Traffic Committee (LTC) has no decision-making powers and is primarily a technical review committee. It only advises the Council on matters for which the Council has delegated authority, being certain prescribed traffic control devices and traffic control facilities.

The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to Roads and Maritime Services or relevant organisation. Such matters must not be referred to the LTC.

Council is not bound by the advice given by its LTC. However if Council does wish to act contrary to the unanimous advice of the LTC or when the advice is not unanimous, it must notify Roads and Maritime Services and the NSW Police and wait 14 days before proceeding."

Report:

This report is to provide Council with the minutes and action list of the Local Traffic Committee meeting held May 8, 2019 which details recommendations to Council for consideration and adoption.

Strategic Direction:

Key Direction: 4. Our Leadership
Objective: 4.3 United We Stand
Function: Leadership & Governance
DP Action: 4.3.1.1 Develop committees and/or workgroups for key issues and projects impacting Council and the City

Relevant Legislation:

- *Road Transport (Safety and Traffic Management) Regulation 1999*, and
- Road Rules 2008
- A guide to the delegation to councils for the regulation of traffic (guidelines)

Financial Implications:

Financial implications for any of the recommendations to Council will be detailed in the LTC minutes, if relevant.

Attachments

1. [!\[\]\(f2fdbbba686c1099e6b2b8779766e2d3_img.jpg\)](#) Minutes - Local Traffic Committee - Meeting No 392, 8 May 2019

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAMES RONCON
GENERAL MANAGER

LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING NO 391

Held 9.35am Wednesday, 8 May 2019
First Floor Meeting Room - Council Administration Building

The Chairperson Project Delivery Manager, Michael Cain opened the meeting at 9:30am and welcomed all representatives present.

392.1 Present

Michael Cain	Project Delivery Manager/Chairperson
Peter Beven	Local Member's Representative
Marion Browne	Councillor
Senior Constable Matt Whitelum	NSW Police
Michael Cain	Council's Project Delivery Manager
Emily Bogucki	Minute Secretary/Administration Officer
David Vant	Roads and Maritime Services (RMS) Representative

392.2 Apologies

Joe Sulicich	Roads and Maritime Services (RMS) Representative
Inspector Yvette Smith	NSW Police

392.3 Disclosure of interest – nil

392.4 Adoption of previous minutes

Previous minutes of meeting No 391 held 2 April 2019 were confirmed via online voting as follows:

All in favour: RMS, Local Member's Representative, Council, NSW Police

392.5 Council Resolutions

The following Committee Recommendations were adopted by Council at its meeting held April 2019.

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 48/19 - DATED MARCH 29, 2019 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 390 HELD TUESDAY MARCH 5,
2019 AND NO 3391 HELD TUESDAY APRIL 2, 2019 11/397

Resolved

1. That Broken Hill City Council Report No. 48/19 dated March 29, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.390 held March 5, 2019 be received.
3. That the minutes for the Local Traffic Committee Meeting No.391 held April 2, 2019 be received.

RESOLUTION

Minute No. 1

Councillor M. Browne moved)
Councillor C. Adams seconded)

CARRIED

392.6 Correspondence In

Item No.	EDRMS No.	Details
392.6.1	D19/16433	Road Closure Application Broken Heel Festival – The Palace Hotel
Discussion Notes		<p>Concerns were raised regarding the Crash Repairers, as last year they had access issues with the road closure, however it was noted these issues had been rectified.</p> <p>Discussion held around the new Medical Centre and the implications the road closure will have on the facility. The weekend may be fine but there were concerns about the weekday closure.</p> <p>The Medical Centre will need access to the lane as this is where some of the disabled parks are allocated.</p> <p>It was also noted the entire footpath will be closed off, this request has been submitted through a hoarding application to Council.</p>
Recommendation		Chairperson, Michael Cain to arrange consultation with the Medical Centre regarding the proposed road closure and hoarding application, to address any objections.
Item No.	EDRMS No.	Details
392.6.2	D19/16434	Road Closure Application Broken Heel Argent Street Parade – The Palace Hotel
Discussion Notes		<p>RMS, David Vant suggested changes to the TCP redirecting traffic to the right coming out of Argent Lane to prevent motorists from making illegal turns.</p> <p>Chairperson, Michael Cain will arrange a new TCP.</p> <p>Discussion around road work ahead signs, with regards to Oxide Street. The sign on the eastern side of the intersection, needs to direct traffic to turn left out of Argent.</p> <p>Michael clarified with David with regard to Oxide and Sulphide Streets, there is a gap off of Argent Street. It is right next to the Palace Hotel, that section will be closed off and is part of the 'main' road closure. Construction fencing will be run around that area.</p> <p>The significance of the festival was noted. It is big attraction and draws a lot of tourists.</p>
Recommendation		<p>Chairperson, Michael Cain to arrange changes to TCP, moving the signs in Chloride Street and putting in the no turn signs.</p> <p>TCP to be circulated to Committee for approval.</p>

Item No.	EDRMS No.	Details
392.6.3	D19/14252	The Palace Hotel - Application for Suspension of Alcohol Free Zone – La Rovere
Discussion Notes		
Recommendation		Noted by committee
Item No.	EDRMS No.	Details
392.6.4	D19/18743	Broken Hill Aquatic Centre Disabled Parking
Discussion Notes		<p>Chairperson, Michael Cain advised that previously the Committee has not found this request to be justified however is unsure of a simpler solution. The walkway utilised to access the Aquatic Centre is down further where the disabled parking is currently located. If we move the parks to the corner, people will still have a distance to walk. We would have to take out 3 standard parks to put in the disabled park and there would still be no ramps or walkways.</p> <p>RMS, David Vant sought clarification if any changes had been made?</p> <p>Michael Cain advised that no changes had previously been made and the concerns raised are in regard to how far the walk is from the disabled parks to the Aquatic Centre.</p> <p>Councillor Marion Browne, suspects this issue will be raised at Council. To make changes to the current parking, the bus zone would have to be moved, I am not sure how many people use the bus service?</p> <p>Discussions held around the Bus Zone and who utilises this parking space. It was identified as the drop off/pick up zone for and the local bus service.</p> <p>Councillor Marion Browne, if we could explore the option of moving the bus stop to across the road. Most of the people June is talking about would be coming by car not the town bus. It is probably easier for kids to cross the road as they are in a controlled group environment.</p> <p>David Vant clarified the location of the bus stop, which is on McCulloch Street.</p> <p>Questions raised in relation to the kerbs and if the bus zone was moved then kerbed ramps would have to be created for the disabled parks. The requests submitted to LTC is for 3 disabled parking spaces, is this achievable?</p> <p>Councillor Marion Browne, advised that it is the users of the hydro pool that they are concerned about. They are using the pool to increase mobility and therefore do have difficulties accessing the Centre.</p> <p>Committee agreed this matter must be handled carefully and investigations into solutions need to be conducted.</p>

Recommendation		Chairperson, Michael Cain to contact Bus Link regarding the possibility of changing their bus route and conducted investigations regarding spacing etc and report back at the next LTC.
Item No.	EDRMS No.	Details
392.6.5	D19/20611	Parking in Argent Street – Adrian Madeley
Discussion Notes		<p>Chairperson, Michael Cain advised that he has spoken to Adrian and explained some of implications and that the Post Office would have some objections to this suggestion.</p> <p>Discussion around the location and that it is a fairly busy area and the public would not be overly happy with taking out more of Argent Street parking.</p> <p>Other services which use the area are the Wilcannia bus/other bus services, post office delivery truck and people collecting mail from their PO boxes.</p> <p>Committee agreed that the 15 minute parking is utilised frequently by the community and there would be impacts for RMS as the whole traffic situation at that intersection would have to change.</p>
Recommendation		Chairperson, Michael Cain to respond to Adrian and advise that the Committee have discussed his suggest and unfortunately do not support the idea as there would be objections from the community.
Item No.	EDRMS No.	Details
392.6.6	D19/20888	Request parking lines in Chapple and McCulloch Streets – Broken Hill North Public School
Discussion Notes		<p>The Principal has requested that the lines be painted as people leave large gaps between parks.</p> <p>Local Member's Representative, Peter Bevan pointed out that the lined parks would create extra parking spaces.</p> <p>Discussion around costs. Committee agreed that a sales and service quote to be created and issued by Council with costs being charged to the school.</p>
Recommendation		Chairperson, Michael Cain to organise a sales and service quote for works.

392.7 Correspondence Out

Item No.	EDRMS No.	Details
392.7.1	D19/15532	Outcome - Parking Restrictions 311 to 315 Oxide Street - Cahill
392.7.2	D19/15529	Outcome - Parking Restrictions 311 to 315 Oxide Street – Stacey
392.7.3	D19/15528	Outcome - Parking Restrictions 311 to 315 Oxide Street – Garnaut

392.7.4	D19/15056	Response – Parking at 245 Williams Lane – Cheryl Ball
392.7.5	D19/15551	Notification – Broken Hill North Public School – Disabled Parking – Brett Cumming
392.7.6	D19/16623	<p>Response – Kintore Reserve and VIC – Suggestion for pedestrian crossing – Patrick Kreitner</p> <p>Chairperson, Michael Cain advised that the Kintore Reserve parking is now open to the public, the line marking is scheduled to happen this week and parking signs will go up with 2 hour and 4 hour parking restrictions.</p> <p>Michael will speak to Rangers about going easy on parking to see if the time limits need to be extended. However we do not want people camping there and since it has been opened we have had people camp.</p> <p>We will have to check to see if we can have no camping signs as well as the parking zone signs. We do not want it to be used as convenient parking for people working in town.</p>

392.8 General Business

Item No.	EDRMS No.	Details
392.8.1		Disabled parking/access in front of the pre-pole office in Argent Street
Discussion Notes		<p>Councillor Marion Browne raised concerns about the ongoing issue of the disabled access ramp in front of the pre-pole office in Argent Street as the current ramp being used is rather dangerous.</p> <p>Chairperson, Michael Cain pointed out whatever ramp is used/created will still have some 'bounce' in it.</p> <p>Councillor Marion Browne stated that is better than having nothing but people really need to be able to access the building and people that are not mobile are finding it difficult. People are having to rush and assist those using the ramp so they don't fall and hurt themselves.</p> <p>Michael Cain, will arrange a site visit with Council's Boiler Maker and Infrastructure Superintendent. They will try and reduce the movement in the current ramp for the interim and work out a long term solution.</p>
Recommendation		Chairperson, Michael Cain to provide Committee an update at next meeting on proposed works.

Item No.	EDRMS No.	Details
392.8.2		Oxide Street Parking near Repco
Discussion Notes		<p>Concerns raised about parking arrangements on the corner of Oxide Street near Repco. When pulling out (near Silver City Chinese) quite often your view is blocked and you cannot see properly.</p> <p>Chairperson, Michael Cain advised that Council is scheduled to reinstate current lines tomorrow (10/05/2019). However we can investigate the issue and if required paint over the lines.</p> <p>A consultation with Repco needs to happen to get their opinion on the situation and possible solutions.</p> <p>Suggestion that one park in Oxide Street on the corner be removed to allow better visibility.</p>
Recommendation		Chairperson, Michael Cain to arrange consultation with Repco and report back to the Committee.
Item No.	EDRMS No.	Details
392.8.3		Iodide Street Heavy Vehicle Route
Discussion Notes		<p>Local Members Representative, Peter Bevan stated that It appears that the heavy vehicle route is a safety issue, the trucks have to cross the lines to get around. The RMS will have to modify the bend because incorporating Menindee road may not ever happen.</p> <p>Chairperson, Michael Cain advised that RMS were there the other week having a look at the heavy vehicle route.</p> <p>Councillor Marion Brown advised that the proposal is that the trucks go up Iodide Street.</p> <p>Discussions around what the LTC can do which until RMS/Government put anything further to the Committee, there is nothing that the Committee can do.</p> <p>Suggestion if there was any legislation the LTC could act on to make the other route possible. Discussion around this topic and that it would have to go back to State Court to be determined. The RMS have already said they will not support the Menindee Route.</p>
Recommendation		No further action by LTC
Item No.	EDRMS No.	Details
392.8.3		RMS update/questions
Discussion Notes		RMS, David Vant asked if there was an Access Committee in Broken Hill? The purpose of the Committee is for elderly people, nursing homes and disability services to have a channel to contact Council.

	<p>Conversations held around this topic and that there was an Access Committee many years ago which has now lapsed. The closest thing that Council now have is the Disability Inclusion Action Plan Committee (DIAP) which meet roughly twice a year to discuss accessibility within the Community.</p> <p>RMS, David Vant advised that there was an update to the Traffic Control Manual.</p> <p>Chairperson, Michael Cain advised Council did their training about a month ago and have just had new software updates.</p> <p>RMS, David Vant advised of some complaints he has been receiving from other Councils after local elections regarding polling booths. There have been queues forming outside the polling stations of voters, who are having to go out onto the road as the 'party groups' that are occupying the footpath are putting the voters out in the road which is not a desirable outcome. It just seems to be a more aggressive tactic, so the 'party groups' can get closer to the polling booth.</p> <p>Councillor Marion Browne, advised that it is not a problem that Broken Hill have dealt with. Being involved in most of the booths at election time, they have a few cake stalls but the voting centres are normally at a school and there is plenty of room.</p> <p>RMS, David Vant advised that he will be in Broken Hill next month and would like to deliver a presentation about Local Traffic Committees and their responsibilities. He would like to meet the Committee although it may not be the same day as a Traffic Meeting.</p> <p>David to forward meeting/presentation details to Emily to coordinate with the Committee.</p>
Recommendation	

391.9 Action Item List

Item No.	380.6.1
EDRMS No.	D18/13851, D18/13854
CRM No.	N/A
Responsible Officer	Council's Infrastructure Works Engineer, Daniel Morris

Current Status	Pending – October 2018
Date	Item Details
April 2018	Wright and Warnock Streets Intersection - traffic safety concerns.
Date	Committee Recommendation/s
April 2018	N/A
July 2018	<p>The Committee recommend that Council order and install temporary speed humps at Wright and Warnock Streets Intersection for a trial period.</p> <p>Recommendation Moved: Council (David Zhao)</p> <p>Recommendation Seconded: RMS, NSW Police and Local Member's Representative noted 'all for'.</p> <p>Against: Nil</p>
Action Date	Running Actions
April 2018	<p>Council's Asset Planner Transport, James Druitt discussed safety concerns and the correspondence received about a recent motor vehicle incident that occurred at the Wright and Warnock Streets intersection.</p> <p>Council has previously placed infrastructure at the intersection to reduce vehicle speed as a result from consultation via survey with the residents of the affected area. Previous traffic/speed counts conducted by Council indicated that 95% of traffic in the area drive within the designated speed limit.</p> <p>Council's Infrastructure Projects Engineer, David Zhao suggested that bollards could possibly be installed as an option to increase protection for the property primarily at the corner of Wright and Warnock Streets intersection. The Committee agree that this may be a suitable option.</p> <p>Council's Asset Planner Transport, James Druitt advised that the residents of the area previously requested the investigation of the intersection being closed. The Committee noted that a road closure is not feasible and there is not enough evidence in traffic/speed counts and incident history to justify a road closure.</p> <p>A Council Officer will to contact the proponent to discuss other possibly safety infrastructure such as bollards.</p>
May 2018	<p>A Council Officer will to contact the proponent to discuss other possibly safety infrastructure such as bollards.</p> <p>Council's Asset Planner Transport, James Druitt advised the Committee that he has undertaken several conversations with the proponent to try and find possible feasible solutions to resolve this matter.</p> <p>The Committee discussed that incident history in this areas is rare and current infrastructure in place is considered adequate. Council's Infrastructure Projects Engineer, David Zhao suggested highway barrier/chevron crash barrier as a final possible option to resolve this</p>

	matter. Council's Asset Planner Transport, James Druitt to look into cost associated.
June 2018	Councillor Brown queried Council's Infrastructure Projects Engineer, David Zhao if there was any consideration given to works relating to removal of the S- Bend section on Warnock Street. David Zhao advised no, not at this stage.
July 2018	<p>The Committee discussed the crash history in this area with minimal incidents noted. Councillor Browne queried the option of speed humps, Council's Infrastructure Projects Engineer, David Zhao will now investigate the options and costing of speed humps.</p> <p>The Committee discuss this request and its discussion history.</p> <p>The Committee recommend that Council order and install temporary speed humps at Wright and Warnock Streets Intersection for a trial period.</p>
August 2018	Pending as per July 2018.
September 2018	Council have received the July 2018 recommendation with no objections noted. Council's Works Engineer, Daniel Morris will arrange for a plan to be drafted in relation to the location for the temporary installation. The draft plan will be provided to the Committee for comment.
October 2018	Pending - Council's Works Engineer, Daniel Morris to provide draft plans.
November 2018	<p>Council's Works Engineer, Daniel Morris provided plans for speed humps. The Committee commented, they would like the plan amended to move the speed humps from in front of the Central Football Club to the S bend closer to the Warnock Street Depot.</p> <p>Daniel Morris to provide amended plan for further review.</p>
December 2018	Pending
February 2019	Two speed humps to be installed towards the first bend of Warnock Street and another just after.
March 2019	<p>The proposed speed humps are going to affect a lot of 'working crews' using heavy machinery and trucks.</p> <p>Discussion held that there has only been one formal complaint lodged to Council. Suggestion that bollards be installed as a second option.</p> <p>Committee have decided to change solution to guard rails instead of speed humps. Chairperson, David Zhao to look into the budget.</p>
April 2019	Chairperson, Michael Cain to follow up with Council's new Infrastructure Projects Engineer and report back to LTC.
May 2019	Still waiting for an Engineer to be employed – action to remain ongoing.

Item No.	387.6.1
EDRMS No.	D18/48798
CRM No.	
Responsible Officer	Council's Infrastructure Projects Engineer, David Zhao
Current Status	
Date	Item Details
November 2018	Street lighting concerns in Creedon Street – additional lighting requested to improve safety for vehicles
Date	Committee Recommendation/s
November 2018	N/A
Action Date	Running Actions
November 2018	<p>NSW Police, Inspector Yvette Smith has advised that Creedon Street is a heavy vehicle route and additional street lighting would increase safety in the area.</p> <p>The Committee identified that Creedon Street is an RMS road.</p> <p>Council's Infrastructure Projects Engineer, David Zhao advised installation of street light poles are approximately \$20,000 per pole.</p> <p>The Committee discussed other relevant parties that may be able to assist in community awareness for safety and possibly be involved in a community consultation process such as, Compass Housing, Essential Energy, Maari Ma. Councillor Browne also suggested the Aboriginal Working Party may be an appropriate contact.</p> <p>Inspector Smith offered to arrange Police staff who are trained in the Safer by Design Program to contact Council to discuss conducting a safety audit of the Creedon Street area. This audit will be the first step in identifying possible issues and resolutions.</p>
December 2018	Officer Ben Kelly to do the audit - still pending. NSW Police to contact David Zhao regarding night time inspection.
February 2019	Safety Audit was completed. Report is still pending. Senior Constable Matt Whitelum will follow up with Officer Ben Kelly and get him to make contact with David Zhao.
March 2019	Pending – Ben Kelly to provide update.

April 2019	Pending – Inspector Yvette Smith to provide design once reviewed. Emily to forward to Committee.
May 2019	Inspector Yvette Smith to provide design at next Traffic Meeting. Conversation around a possible solution of using solar powered street lights. If the cost is better this might be a possibility. Similar to design in Patton Park. They are very sensitive to damage. It is about meeting the criteria of that road with RMS as it is a heavy vehicle by-pass.

Item No.	390.6.1
EDRMS No.	D19/5575
CRM No.	
Responsible Officer	Council's Infrastructure Projects Engineer, David Zhao
Current Status	Pending
Date	Item Details
March 2019	Disabled Parking Access – Broken Hill North School – Bianca Marcon
Date	Committee Recommendation/s

Action Date	Running Actions
March 2019	Committee approved for one disabled parking space with time restrictions of 8am-4pm weekdays, to be arranged. David will look into budget and costings for works.
April 2019	Chairperson, Michael Cain to follow up with Council's new Infrastructure Projects Engineer and report back to Committee. In the interim a letter to be sent to the School advising that the LTC are actively looking at installing one disabled car parking space and will provide an update after costing has been finalised. Request if the School have any suggestions on preferred location of park.
May 2019	Chairperson, Michael Cain has had conversations with Principle Brett Cumming regarding possible locations of disabled park. The School have suggested that there is a car space in the 10 minute drop off zone that would be ideal. Response to be sent to Bianca advising that a park will be implemented.

Item No.	391.6.1
EDRMS No.	D19/5246
CRM No.	
Responsible Officer	Council's Project Delivery Manager, Michael Cain
Current Status	Pending
Date	Item Details
April 2019	Barrier Highway/Argent Street Speed Sign Request – Transport NSW
Date	Committee Recommendation/s
May 2019	Inspector Yvette Smith will report statistics/data at the May LTC Meeting
Action Date	Running Actions
April 2019	<p>David Zhao had already forwarded this request to NSW Police, Inspector Yvette Smith requesting additional traffic enforcement. This was passed onto the Highway Patrol Sergeant who has tasked the highway car, Senior Constable Matt Whitelum to the area.</p> <p>Within the first hour a speeding infringement was issued.</p> <p>Senior Constable Matt Whitelum, is going to track the number of tickets verse hours spent patrolling the area and this data will be reported back at the next LTC.</p> <p>RMS, David Vant sought clarification regarding if there were any issues with the signage.</p> <p>Inspector Yvette Smith confirmed there are no issues with the signs, the complainant wanted speed cameras installed in the area to prevent speeding.</p>
May 2019	<p>Senior Constable Matt Whitelum advised he has patrolled the area and can't see a reason why there needs to be a camera installed. He has tried on numerous occasions to speak to the complainant however every time he goes to the property, it is all locked up.</p> <p>Conversation held around moving forward, what action should be taken.</p>

Senior Constable Matt Whitelum will continue to patrol the area. He can guarantee every time coming back into town that he normally gets at least one person speeding.

RMS, David Vant suggested a reinforcement of the speed limit sign. Infringers are obviously deliberately speeding in this area.

Discussion held around the speed changes being from is 50 to 80 as you come up over the hill. It already comes down from 110 to 80 to 50.

Chairperson, Michael Cain said the speed changes are well posted. It was never an issued when the mine was operating as people were aware of the changes. I think it is just awareness of the speed limits and managing it moving forward. I don't think as far as the LTC there is any action moving forward.

RMS, David Vant advised that there should already be a 50km ahead sign as there is a decrease in speed of more than 20km.

Recommendation – to inspect current signage arrangements and if required install a 50 ahead sign.

Next Meeting Date – Tuesday, 4 June 2019

392.11 Meeting Closed – 10.40am

ORDINARY MEETING OF THE COUNCIL

May 17, 2019

ITEM 11BROKEN HILL CITY COUNCIL REPORT NO. 70/19SUBJECT: ACTION LIST REPORT11/21**Recommendation**

1. That Broken Hill City Council Report No. 70/19 dated May 17, 2019, be received.

Executive Summary:

The purpose of this report is to ensure that Council and the community are informed on the status of actions required by previous Council resolutions.

Report:

A new format Action List was presented to the June 2017 Council Meeting to provide Councillors with a clearer way of reporting on the progress of outstanding Council resolutions. As per Minute No. 45570, the Action List has been produced in the new colour coded format and shows the progress of Council' outstanding decisions (Green – completed, Yellow – in progress and Red – not yet commenced).

The Action Lists attached to this report cover decisions at Ordinary Council Meetings and Extraordinary Council Meetings; are for information only and will be provided to Council on a monthly basis.

Discussions have been held with staff regarding the long outstanding items on the Action List, most of which are leasing/licencing matters. Staff will be working to finalise these items as a priority and/or request Council to rescind resolutions where circumstances have changed.

Strategic Direction:

Key Direction:	4 - Our Leadership
Objective:	4.2 – Our Leaders Make Smart Decisions
Function:	Leadership and Governance
DP Action:	4.2.1.1 - Decisions are made in a timely manner to ensure effective delivery.

Relevant Legislation:

Local Government Act 1993

Financial Implications:

Nil

Attachments

1. [!\[\]\(687b6c142f51ac6f390f8bd444e38d03_img.jpg\)](#) Action List - Ordinary Council Meetings
2. [!\[\]\(861b7aaa71df51b93037a486c3b17630_img.jpg\)](#) Action List - Extraordinary Council Meetings

JAMES RONCON
GENERAL MANAGER

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 26 July 2017	False	Reports
ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 125/17 - DATED JUNE 27, 2017 - PROPOSED COMPULSORY ACQUISITION OF CROWN LAND AND PART OF WILLYAMA COMMON FOR EXTENSION TO BROKEN HILL LANDFILL FACILITY		
	11/63	
<u>Recommendation</u>		
<div>1. That Broken Hill City Council Report No. 125/17 dated June 27, 2017, be received.</div> <div>2. That Council resolution minute no. 42491 dated 29 September 2010 be rescinded.</div> <div>3. That the Willyama Common Trust raise no objection to the proposed acquisition of part of Willyama Common Reserve No. 2421, Lot 7300 in DP 1179131, under the terms of the <i>Local Government Act 1993</i> for the purpose of extension of Landfill.</div> <div>4. That Council make an application to the Minister and Governor for approval to acquire part of the Willyama Common Reserve No. 2421 described as Lot 7300 in DP 1179131 and Crown Land described as Lot 1974 in DP 757298 by compulsory process under section 186(1) of the <i>Local Government Act 1993</i> for the purpose of extension of Landfill in accordance with the requirements of the <i>Land Acquisitions (Just Terms Compensation) Act 1991</i>.</div> <div>5. That the land concerned once acquired be classified as operational land.</div> <div>6. That documents required to be sealed by the Willyama Common Trust be executed by the General Manager and Mayor under Council's Seal in the absence of a Trust Seal.</div>		
<div><div><div>RESOLUTION</div><div>Minute No. 45588</div><div>Councillor R. Page moved)</div><div>Councillor B. Licul seconded)</div></div><div><div>That the recommendation of item 9 be adopted.</div><div>CARRIED</div></div></div>		
<div>15 May 2019 - 10:40 AM - Georgina Falkner</div> <div>Certificate of Title has issued in Council's name.</div> <div>COMPLETE</div> <div>07 Mar 2019 - 1:52 PM - Leisa Bartlett</div> <div>Acquisition Notice has been executed by the General Manager and will be gazetted shortly.</div> <div>06 Feb 2019 - 1:48 PM - Leisa Bartlett</div> <div>Proposed Acquisition Notices have been issued. To be gazetted early March.</div> <div>09 Oct 2018 - 5:05 PM - Leisa Bartlett</div>		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>no change in status.</p> <p>11 Sep 2018 - 12:06 PM - Leisa Bartlett</p> <p>Approval received from Minister for Local Government. Council will now issue compulsory acquisition proposal notices.</p> <p>15 Aug 2018 - 3:26 PM - Leisa Bartlett</p> <p>MPDC advised - Awaiting on feedback from the OLG. All application forms now submitted with updated plans.</p> <p>16 May 2018 - 9:40 AM - Leisa Bartlett</p> <p>MPDC - advised still in progress. New acquisition plans being drawn up.</p> <p>15 Mar 2018 - 9:44 AM - Leisa Bartlett</p> <p>MPD&C advised: Council acquired extension of time to finalise compulsory acquisition. New acquisition plan is currently being prepared by Council's Land Surveyor.</p> <p>19 Sep 2017 - 9:15 AM - Francois VanDerBerg</p> <p>In progress, currently acquiring statements relating to Native Title</p>		
Ordinary Meeting of the Council 27 September 2017	False	Confidential Matters
<p>ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 178/17 - DATED SEPTEMBER 11, 2017 - APPLICATION FROM BROKEN HILL SCHOOL OF THE AIR - USE OF PART OF QUEEN ELIZABETH II PARK AS A PLAYGROUND AND OUTDOOR AREA - <u>CONFIDENTIAL</u> 12/180</p> <p>(General Manager's Note: This report considers a licence agreement and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).</p>		
<p>RESOLUTION</p> <p>Minute No. 45655</p> <p>Councillor C. Adams moved)</p> <p>Councillor J. Nolan seconded)</p>		
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 178/17 dated September 11, 2017, be received. 2. That Council seeks Ministerial approval to enter into a licence agreement with Broken Hill School of the Air for the use of part (approx. 1080 square metres) of Queen Elizabeth II Park Lot 1, DP914746 as an outdoor play and dining area. 3. That the licence agreement be for a period of 20 years. 4. That due to the Broken Hill School of the Air being a non-profit community organisation, the licence fee for the site be set at a peppercorn rental of \$1.00 per year (no CPI increase to apply) with the total fee for the 20 year licence to be paid in advance. 		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>15 May 2019 - 10:37 AM - Georgina Falkner</p> <p>Council's solicitors in the process of finalising draft licence for signing.</p> <p>07 Mar 2019 - 1:53 PM - Leisa Bartlett</p> <p>School P&C rep has been in contact with Council. Awaiting formal correspondence.</p> <p>06 Feb 2019 - 1:49 PM - Leisa Bartlett</p> <p>Draft licence prepared, awaiting response from School of the Air to finalise licence.</p> <p>05 Dec 2018 - 2:31 PM - Leisa Bartlett</p> <p>Council has received approval advice from SOTA and Solicitors have been approached to commence drafting the licence agreement.</p> <p>05 Dec 2018 - 1:52 PM - Leisa Bartlett</p> <p>Letter of acceptance received from SOTA. Solicitor has been engaged to draft up the licence agreement.</p> <p>09 Oct 2018 - 5:06 PM - Leisa Bartlett</p> <p>Awaiting advice from SOTA</p> <p>11 Sep 2018 - 12:07 PM - Leisa Bartlett</p> <p>Still no advice received from SOTA. Email reminder notice sent.</p> <p>15 Aug 2018 - 3:29 PM - Leisa Bartlett</p> <p>Still awaiting advice from SOTA</p> <p>16 May 2018 - 1:33 PM - Leisa Bartlett</p>		
	<p>5. That Council be responsible for all legal costs in the set-up of the licence up to the value of \$500.00 and Broken Hill School of the Air be responsible for any additional costs over this amount.</p> <p>6. That all other standard licence agreement terms apply.</p> <p>7. That the Broken Hill School of the Air be responsible for the ongoing maintenance of the play and dining area for the duration of the licence agreement.</p> <p>8. That the Mayor and General Manager be authorised to execute the licence documents under the Common Seal of Council.</p> <p>9. That any media relating to the matter advises that the land to be occupied by the School as an outdoor play and dining area is the old tennis court area which is an underutilised part of the park.</p>	CARRIED

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>Action reassigned to Francois VanDerBerg by: Leisa Bartlett</p> <p>16 Mar 2018 - 3:40 PM - Leisa Bartlett</p> <p>SOTA advised that they are happy to proceed but are waiting for the Education Dept approval first.</p> <p>15 Feb 2018 - 10:27 AM - Leisa Bartlett</p> <p>Email reminder send to SOTA 15/2/18.</p> <p>02 Nov 2017 - 4:18 PM - Leisa Bartlett</p> <p>Letter sent to the school requesting confirmation that the school wishes to enter a licence agreement with Council as the request came from the School's P&C Committee.</p>		
Ordinary Meeting of the Council 28 February 2018	False	Reports
<p>ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 19/18 - DATED NOVEMBER 15, 2017 - UPDATE ON ACTION LIST ITEM - RENEWAL OF LEASE AT THE AIRPORT TO THE AERO CLUB OF BROKEN HILL</p> <p>11/232</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 19/18 dated November 15, 2017, be received. 2. That the item be removed from the Action List as the amended lease renewal relating to the Council Resolution Minute No. 43222 has now expired, and noting the information contained in this report. 3. That Council notes that staff will meet with the Broken Hill Aero Club regarding negotiating a new lease as per advice from Council's solicitor and a report regarding a new lease will be provided to Council in due course. <p>RESOLUTION</p> <p>Minute No. 45756</p> <p>Councillor J. Nolan moved)</p> <p>Councillor C. Adams seconded)</p> <p>That the recommendation of item 25 be adopted.</p> <p>CARRIED</p> <p>15 May 2019 - 10:36 AM - Georgina Falkner</p> <p>Solicitors have advised that current lease can be renewed and Aero Club have advised they wish to proceed. New report to Council being drafted.</p> <p>COMPLETE</p> <p>07 Mar 2019 - 1:54 PM - Leisa Bartlett</p> <p>No change still awaiting confirmation from Aero Club.</p> <p>06 Feb 2019 - 1:50 PM - Leisa Bartlett</p> <p>Contact has been made with the Aero Club regarding renewal of lease, awaiting confirmation they wish to renew.</p> <p>13 Nov 2018 - 9:28 AM - Leisa Bartlett</p> <p>In progress.</p>		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>09 Oct 2018 - 5:07 PM - Leisa Bartlett</p> <p>Assessment currently being carried out.</p> <p>11 Sep 2018 - 12:08 PM - Leisa Bartlett</p> <p>EOI for Property Management Services now closed. Council staff will assess submissions.</p> <p>15 Aug 2018 - 3:52 PM - Leisa Bartlett</p> <p>MPDC advised - Renewal of lease on hold while management of operations at the Airport are being reviewed. Lease continuing on a month by month basis.</p> <p>06 Jun 2018 - 1:56 PM - Leisa Bartlett</p> <p>Action reassigned to Francois VanDerBerg by: Leisa Bartlett</p> <p>13 Apr 2018 - 3:29 PM - Leisa Bartlett</p> <p>IPE advised: Matter on hold whilst Servcie Review of the Airport is conducted.</p> <p>16 Mar 2018 - 4:14 PM - Leisa Bartlett</p> <p>Advice being sought from Council's Solicitor re renewal of lease.</p>		
Ordinary Meeting of the Council 26 April 2018	False	Reports
<p>ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 59/18 - DATED APRIL 06, 2018 - COMPULSORY ACQUISITION OF WARNOCK GOSSAN STREET ROAD RESERVE</p> <p>11/199</p> <p><u>Resolved:</u></p> <ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 59/18 dated April 6, 2018, be received. 2. That Council make an application to the Minister and Governor for approval to acquire the sections of Warnock and Gossan Street traversing Crown Land in Lot 7469 in Deposited Plan 1182254, under Section 177 of the <i>Roads Act 1993</i> and Section 186 of the <i>Local Government Act 1993</i>. 3. That the acquisition be undertaken in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. 4. That upon acquisition, Council to undertake required actions to open the subject road by registration of a plan in accordance with Section 7 of the <i>Roads Act 1993</i>. <p>RESOLUTION</p> <p>Minute No. 45805</p> <p>Councillor C. Adams moved)</p> <p>Councillor D. Gallagher seconded)</p> <p>CARRIED</p> <p>15 May 2019 - 10:41 AM - Georgina Falkner</p> <p>Crown Lands have advised they have no objection to receiving Proposed Acquisition Notices. Investigating budget and Native Title prior to making application to OLG.</p> <p>07 Mar 2019 - 1:55 PM - Leisa Bartlett</p> <p>No change, still awaiting response from Crown Lands.</p>		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p><i>06 Feb 2019 - 1:51 PM - Leisa Bartlett</i> In discussions with Crown Lands regarding Native Title.</p> <p><i>13 Nov 2018 - 9:26 AM - Leisa Bartlett</i> Still awaiting OLG advice due to Native Title.</p> <p><i>09 Oct 2018 - 5:08 PM - Leisa Bartlett</i> Awaiting OLG advice</p> <p><i>11 Sep 2018 - 4:40 PM - Leisa Bartlett</i> No change, still awaiting advice from OLG.</p> <p><i>15 Aug 2018 - 3:32 PM - Leisa Bartlett</i> MPDC advised - OLG advised that the land is subject to a Native Title Claim and that compulsory acquisition cannot go ahead at this stage. Council is waiting for further advice from OLG.</p> <p><i>16 May 2018 - 9:45 AM - Leisa Bartlett</i> In progress.</p>		
Ordinary Meeting of the Council 29 August 2018	False	Notice of Motion
ITEM 15 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 23/18 - DATED AUGUST 24, 2018 - COUNCIL RATES DISTRIBUTION		17/206
<u>Resolved</u>		
<ol style="list-style-type: none"> That Motions of Which Notice has been Given No. 23/18 dated August 24, 2018, be received. That Broken Hill City Council prepares a report on how the Council can return rates distribution percentages across residential, business and mining rate areas consistent with rating percentages prior to the 2012/2013 Council budget. That this report be tabled before the February 2019 meeting of Council for consideration before preparations of the 2019/2020 budget begin. 		
RESOLUTION		
<u>Minute No. 45880</u>		
Councillor T. Kennedy moved)		
Councillor R. Page seconded)		
		CARRIED
<p><i>17 May 2019 - 9:12 AM - Leisa Bartlett</i> Considered at Extraordinary Council Meeting 14 May 2019 COMPLETE</p> <p><i>14 Mar 2019 - 5:06 PM - Leisa Bartlett</i> Budget Workshops to be held during April. Rates report will form part of the 2019/2020 Operational Plan.</p> <p><i>08 Feb 2019 - 10:01 AM - Leisa Bartlett</i></p>		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Report will be presented to March Council Meeting after the Councillor Budget Workshops have been held. <i>13 Sep 2018 - 1:50 PM - Leisa Bartlett</i> Noted - report to February 2019 meeting.		
Ordinary Meeting of the Council 31 October 2018	False	Confidential Matters
ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 183/18 - DATED OCTOBER 15, 2018 - SALE OF 55-59 GYPSUM STREET - CONFIDENTIAL 11/197 (General Manager's Note: This report considers sale of property 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). <u>Resolved</u>		
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 183/18 dated October 15, 2018, be received. That Council rescinds minute number 45352 dated 28 September 2016 (transfer of ownership of 55-59 Gypsum Street to Broken Hill Family Day Care Committee Inc.) That Council engage a real estate agent to list the property at 55-59 Gypsum Street for sale. That the General Manager be authorised to negotiate and finalise the sale of 55-59 Gypsum Street. That the Mayor and General Manager be authorised to sign and execute any documents related to the sale under the Common Seal of Council. 		
RESOLUTION <u>Minute No. 45946</u> Councillor C. Adams moved) Councillor D. Gallagher seconded) 		CARRIED
<i>15 May 2019 - 10:33 AM - Georgina Falkner</i> Property sold at auction and settlement occurred 6 May 2019. COMPLETE <i>07 Mar 2019 - 2:08 PM - Leisa Bartlett</i> Currently being advertised and auction being held 23 March. <i>06 Feb 2019 - 1:51 PM - Leisa Bartlett</i> Matter is with a real estate agent for marketing. <i>16 Nov 2018 - 2:13 PM - Leisa Bartlett</i> Broken Hill Family Day Care exited the premises 31/10/18. Staff are currently liaising with real estate agents.		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 31 October 2018	False	Confidential Matters
<p>ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 184/18 - DATED SEPTEMBER 28, 2018 - SALE OF PROPERTY - LOT 2 IN DEPOSITED PLAN 1067380 - CONFIDENTIAL 11/204</p> <p>(General Manager's Note: This report considers Sale of Property 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).</p> <p>RESOLUTION</p> <p>Minute No. 45947</p> <p>Councillor M. Browne moved)</p> <p>Councillor C. Adams seconded)</p> <ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 184/18 dated September 28, 2018, be received. 2. That Council negotiate a new lease (with CPI increase) with the West Darling Machinery Preservation Society for use of 479 Crystal Street (Lot 2 in Deposited Plan 1067380) 3. That the Mayor and General Manager be authorised to execute lease documents under the Common Seal of Council. <p style="text-align: right;">CARRIED</p> <p>17 May 2019 - 3:31 PM - Leisa Bartlett</p> <p>Draft lease being prepared.</p> <p>07 Mar 2019 - 2:55 PM - Leisa Bartlett</p> <p>in progress</p> <p>16 Nov 2018 - 2:13 PM - Leisa Bartlett</p> <p>New lease being discussed with tenant.</p>		
Ordinary Meeting of the Council 28 November 2018	False	Confidential Matters
<p>ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 205/18 - DATED OCTOBER 25, 2018 - LEASE OF 72 GYPSUM STREET (HACC CENTRE) TO LIVEBETTER SERVICES LIMITED - CONFIDENTIAL 11/121</p> <p>(General Manager's Note: This report considers a lease and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).</p> <p>Resolved</p> <ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 205/18 dated October 25, 2018, be received. 2. That Council accept the initial lease term for 72-74 Gypsum Street (HACC Centre) proposed by Livebetter Services Limited, being two (2) x two (2) year options, instead of the previous one (1) x three (3) year option. 		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<div>3. That the annual rent and other terms of the lease remain the same.</div> <div>4. That the General Manager be authorised to negotiate variations to the lease agreement as required with Livebetter Services Limited.</div> <div>5. That the Mayor and General Manager be authorised to sign and execute any documents as required under the Common Seal of Council.</div>		
<div>RESOLUTION</div> <div><div>Minute No. 45971</div><div>Councillor C. Adams moved)</div><div>Councillor B. Licul seconded)</div></div> <div></div> <div>CARRIED</div>		
<div>16 May 2019 - 8:27 AM - Razija Nu'man</div> <div>Negotiations have occurred in interim. Report to May 19 Meeting by CFO.</div> <div>14 Mar 2019 - 4:44 PM - Leisa Bartlett</div> <div>Request received from LiveBetter for another change to the lease.</div> <div>07 Mar 2019 - 4:38 PM - Leisa Bartlett</div> <div>Lease with LiveBetter Services for signature.</div> <div>06 Feb 2019 - 1:54 PM - Leisa Bartlett</div> <div>Draft lease received from Solicitor.</div> <div>29 Jan 2019 - 4:53 PM - Razija Nu'man</div> <div>Lease is with Council solicitor acting on this matter.</div> <div>05 Dec 2018 - 3:01 PM - Leisa Bartlett</div> <div>GM advised: draft advice advising meeting outcome being written</div>		
Ordinary Meeting of the Council 28 November 2018	False	Confidential Matters
<div>ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 206/18 - DATED NOVEMBER 09, 2018 - CONSOLIDATED BROKEN HILL HOLDINGS PROPOSED SUBLEASE OF AIRPORT HANGAR 30 - CONFIDENTIAL</div> <div>11/218</div> <div>(General Manager's Note: This report considers a lease and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).</div> <div>Resolved</div>		
<div>1. That Broken Hill City Council Report No. 206/18 dated November 9, 2018, be received.</div> <div>2. That Council consent to the proposed sublease of Airport 'Hangar 30' (also known as Lot 13, or part 12/1232493), consenting to Consolidated Broken Hill Holdings subleasing the hangar to Consolidated Aviation Services Pty Ltd.</div>		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<div>3. That the General Manager be authorized to negotiate the terms and conditions of the sublease agreement.</div> <div>4. That Consolidated Broken Hill Holdings be responsible for any legal fees incurred by Council regarding the proposed sublease agreement.</div> <div>5. That the Mayor and General Manager be authorized to sign and execute any required documents under the Common Seal of Council.</div>		
<div>RESOLUTION</div> <div>Minute No. 45972</div> <div>Councillor B. Algate moved)</div> <div>Councillor J. Nolan seconded)</div>		<div>CARRIED</div>
<div>15 May 2019 - 10:38 AM - Georgina Falkner</div> <div>Deed with tenant for execution.</div> <div>07 Mar 2019 - 2:10 PM - Leisa Bartlett</div> <div>matter still with Solicitor</div> <div>06 Feb 2019 - 1:53 PM - Leisa Bartlett</div> <div>Matter is with Solicitors to prepare sublease.</div> <div>05 Dec 2018 - 3:02 PM - Leisa Bartlett</div> <div>GM advised: draft advice being prepared.</div>		
Ordinary Meeting of the Council 12 December 2018	False	Confidential Matters
<div>ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 214/18 - DATED NOVEMBER 28, 2018 - PROPOSED LICENCE FOR WATER MAIN OVER PART WILLYAMA COMMON - CONFIDENTIAL</div> <div>11/63</div> <div>(General Manager's Note: This report considers a proposed licence agreement and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).</div>		
<div>RESOLUTION</div> <div>Minute No. 45990</div> <div>Councillor J. Nolan moved)</div> <div>Councillor C. Adams seconded)</div>		<div>1. That Broken Hill City Council Report No. 214/18 dated November 28, 2018, be received.</div> <div>2. That Council (as Trust Managers for the Willyama Common Trust) consent to Essential Water constructing a water supply main over part of the Willyama Common, being part of Lot 7307 in Deposited Plan 1179131 and part of Lot 7300 in Deposited Plan 1179131, with Council consenting to a license agreement and any future easement that may be required.</div>

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>15 May 2019 - 10:40 AM - Georgina Falkner Awaiting advice from Essential Water.</p> <p>07 Mar 2019 - 2:12 PM - Leisa Bartlett no change matter still in progress</p> <p>08 Feb 2019 - 10:19 AM - Leisa Bartlett in progress</p>	False	<p>3. That the General Manager be authorised to negotiate the terms and conditions of the license agreement, including any financial considerations.</p> <p>4. That Essential Water be responsible for any legal costs associated with the drafting of the license and any costs associated with any future easements.</p> <p>5. That the Mayor and General Manager be authorised to sign any required documents under the Common Seal of Council, in the absence of a Trust Seal.</p> <p>CARRIED</p>
Ordinary Meeting of the Council 20 February 2019	False	Notice of Motion
<p>ITEM 1 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 1/19 - DATED FEBRUARY 11, 2019 - MISMANAGEMENT, MALADMINISTRATION, NEGLIGENCE AND UNLAWFUL MANAGEMENT OF THE DARLING RIVER AND MENINDEE LAKES 11/426</p>		
<p>RESOLUTION</p> <p>Minute No. 46000</p> <p>Councillor M. Browne moved)</p> <p>Councillor M. Clark seconded)</p>		
		<p>1. That Motions of Which Notice has been Given No. 1/19 dated February 11, 2019, be received.</p> <p>2. That Broken Hill City Council investigates options to initiate a class action against the NSW state government and against the Murray Darling Basin Authority for mismanagement, maladministration, negligence and unlawful management of the Darling River and Menindee Lakes.</p> <p>3. That the investigations have a budget of \$15,000 and any further expense comes back to council for a vote.</p>

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>16 May 2019 - 4:25 PM - Leisa Bartlett</p> <p>COMPLETE</p> <p>15 Apr 2019 - 1:02 PM - Louise Schipanski</p> <p>Letter to the Premier has been sent.</p> <p>07 Mar 2019 - 3:27 PM - Leisa Bartlett</p> <p>Class action being investigated. Letter to the Premier drafted.</p>	<p>4. When the \$15,000 budget has been used that a report be prepared immediately outlining how the money was spent.</p> <p>5. That the Mayor writes to the Premier of NSW seeking an apology for all residents of NSW regarding the failure of the management of the Water Sharing Plan and the effect on the Darling River from Bourke to Wentworth.</p>	CARRIED
Ordinary Meeting of the Council 20 February 2019	False	General Business
<p>ITEM 5 - AFTER-SCHOOL HOURS SPORTS PARTICIPATION (GB1/19)</p> <p>11/161</p> <p>RESOLUTION</p> <p>Minute No. 46004</p> <p>Councillor T. Kennedy moved)</p> <p>Councillor B. Algate seconded)</p>		
<p>1. That Broken Hill City Council contacts Kate Hogg, President of Barrier Primary School Sports Association; sporting bodies in Broken Hill and the Broken Hill Health Service, advising that participation of Broken Hill children in all after-school sports activities is around 50%, well below the State participation rate of 68% and that as a Council we are interested in getting the participation rate up to the same participation rate or better than the rest of the State.</p>		CARRIED
<p>16 May 2019 - 8:24 AM - Razija Nu'man</p> <p>Response received. Awaiting response from Health where meeting will be called to discuss.</p> <p>14 Mar 2019 - 4:45 PM - Leisa Bartlett</p> <p>Letter has been sent to Kate Hogg.</p> <p>07 Mar 2019 - 2:13 PM - Leisa Bartlett</p> <p>letter being drafted to Kate Hogg to notify her of Council's resolution and requesting a further conversation to be held to discuss sporting participation of children in Broken Hill.</p>		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 20 February 2019	False	Reports
ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 14/19 - DATED DECEMBER 04, 2018 - ROADS AND MARITIME SERVICES UPGRADE WORKS AT ARGENT/IODIDE ST AND CRYSTAL/IODIDE ST INTERSECTIONS 16/7		
RESOLUTION Minute No. 46015 Councillor T. Kennedy moved) Councillor B. Algate seconded)		
1. That Broken Hill City Council Report No. 14/19 dated December 4, 2018, be received. 2. That Council writes to the Roads and Maritime Service objecting to the works to upgrade the intersections of Argent/Iodide Street and Iodide/Crystal Street, and that Council requests that the route be changed to avoid these intersections and instead use the Argent/Bagot Street and Menindee Road/Crystal Street intersections and that these intersections be upgraded accordingly. 3. That an urgent site inspection of the above intersections be arranged for Councillors along with representatives of the Roads and Maritime Service.		
CARRIED		
17 May 2019 - 9:21 AM - Leisa Bartlett COO advised letter sent. COMPLETE 07 Mar 2019 - 3:00 PM - Leisa Bartlett Site meeting arranged for 27 March. Site meeting will inform letter to be sent after site meeting.		
Ordinary Meeting of the Council 20 February 2019	False	Reports
ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 17/19 - DATED FEBRUARY 11, 2019 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 388 HELD TUESDAY DECEMBER 4, 2018 AND NO 339 HELD TUESDAY FEBRUARY 5, 2019 11/397		
RESOLUTION Minute No. 46018 Councillor M. Browne moved) Councillor T. Kennedy seconded)		
1. That Broken Hill City Council Report No. 17/19 dated February 11, 2019, be received.		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>17 May 2019 - 9:21 AM - Leisa Bartlett</p> <p>Traffic Committee Terms of Reference circulated to Councillors. COO advised letter sent. COMPLETE</p> <p>07 Mar 2019 - 3:04 PM - Leisa Bartlett</p> <p>Site meeting with RMS arranged for 27 March</p>	<p>2. That the minutes for the Local Traffic Committee Meeting No.388, held December 4, 2018 be received.</p> <p>3. That the minutes for the Local Traffic Committee Meeting No.389, held February 5, 2019 be received.</p> <p>4. That the Terms of Reference of the Broken Hill Traffic Committee be circulated to Councillors.</p> <p>5. That current matters of the Broken Hill Traffic Committee that pertain to Council's jurisdiction be raised with the Roads and Maritime Service during the urgent site visit to be organised regarding the Argent/Iodide Street and Iodide/Crystal Street intersections.</p>	<p>CARRIED</p>
Ordinary Meeting of the Council 20 February 2019	False	Committee Reports
ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 20/19 - DATED JANUARY 07, 2019 - S355 ANNUAL AND FINANCIAL REPORTS		16/94
<u>Recommendation</u>		
<p>1. That Broken Hill City Council Report No. 20/19 dated January 7, 2019, be received.</p> <p>2. That the Annual Reports 2017/18 received from Section 355 Committees be received and noted.</p> <p>3. That a further report be provided to Council to present the outstanding Annual and Financial Reports from Section 355 Committees.</p>		
<p>16 May 2019 - 8:22 AM - Razija Nu'man</p> <p>Report to finalise receipt of annual and financial reports submitted to May 19 meeting.</p> <p>07 Mar 2019 - 4:44 PM - Leisa Bartlett</p> <p>Follow up letters to go to S355 Committee that have not submitted their annual and financial reports.</p>		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 27 March 2019	False	Notice of Motion
ITEM 1 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 4/19 - DATED FEBRUARY 22, 2019 - VISITOR INFORMATION CENTRE AND REFORMATION OF THE REGIONAL TOURISM ASSOCIATION 11/407		
RESOLUTION Minute No. 46024 Councillor B. Licul moved) Councillor M. Browne seconded)		
1. That Motions of Which Notice has been Given No. 4/19 dated February 22, 2019, be received. 2. That Broken Hill City Council resolves to retain the Visitors Information Centre at the corner of Blende Street and Bromide Street. 3. That the Broken Hill City Council rule out the Visitor Information Centre's location as a possible site for the proposed new police station. 4. That Our Community KDWG brings a report to the April Council Meeting with terms of reference, income modelling, for the formation of such a Tourist Association and that Council matches state funding. 5. That a press release be issued immediately stating the above. 6. That a report be prepared and referred to the Budget Review Process outlining the costs of reverting to the original operating hours of the Visitor Information Centre, and the effect the change of operating hours has had on tourist numbers, associated bookings and sales of souvenirs etc.		
CARRIED		
17 May 2019 - 10:31 AM - Leisa Bartlett Press Release was issued. Further report to May Council Meeting. COMPLETE 03 Apr 2019 - 4:50 PM - Lacey Butcher Email sent to Cr Kennedy to meet with Razija this week for clarification on item 4 of the resolution. Cr Kennedy advised that he is in Melbourne until Tuesday 9 April. ESO suggested Wed, Thurs or Fri next week, awaiting response. 02 Apr 2019 - 4:50 PM - Razija Nu'man KDW Our Community meeting to be arranged to discuss requirements.		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 27 March 2019	False	Notice of Motion
ITEM 2 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 5/19 - DATED MARCH 22, 2019 - FINANCIAL ASSISTANCE TO SILVERLEA EARLY CHILDHOOD SERVICES		
11/117		
.		
RESOLUTION		
Minute No. 46025		
Councillor T. Kennedy moved)	1. That Motions of Which Notice has been Given No. 5/19 dated March 22, 2019, be received.
Councillor J. Nolan seconded)	
2. That Broken Hill City Council donates \$5,000.00 to Silverlea Early Childhood Services Inc. (Silverlea) to keep this important service operating in Broken Hill while they wait for government funding.		
3. That Broken Hill City Council writes to the appropriate Ministers both State and Federal explaining the importance of Silverlea past, present and future and the impact the closure of this service will have on the community as a whole and the many families that rely on it.		
4. That the Mayor meets with representatives of Silverlea to gain a clear understanding of their funding situation.		
5. That the Mayor submits an urgent motion to the National General Assembly regarding the effect of the introduction of the National Disability Insurance Scheme on community organisations such as Silverlea; and also makes representations to the relevant Ministers.		
CARRIED UNANIMOUSLY		
16 May 2019 - 4:12 PM - Leisa Bartlett		
Meeting scheduled with management of Silverlea.		
3 May - Letter received from The Hon Gabrielle Upton MP, Parliamentary Secretary to the Premier advising that she has passed Council's correspondence onto the Minister for Families, Communities and Disability Services.		
3 May - Letter received from the Hon Mark Coulton MP who advised that he has made representations to the Minister for Families and Social Services and that the Minister's department is liaising directly with the CEO of Silverlea Early Childhood Services.		
14 May - Letter received from the Department of Prime Minister and Cabinet advising that they have passed Council's correspondence onto the Minister for Families and Social Services.		
COMPLETE		
03 Apr 2019 - 5:10 PM - Lacey Butcher		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Motion submitted to the National General Assembly 1/4/19. Letters sent to the Prime Minister, Treasurer, Minister for Health, Minister for Family and Social Services, Federal Member for Parkes, the Premier, State Treasurer, Minister for Families, Communities, and Disability Services, Member for Barwon and Chair Silverlea Services. Payment being arranged to Silverlea. Meeting being organised with Mayor.		
Ordinary Meeting of the Council 27 March 2019	False	Reports
ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 31/19 - DATED DECEMBER 19, 2018 - DRAFT PILOT PROGRAM - BROKEN HILL CHILDREN'S SPORTS VOUCHER 18/44		
RESOLUTION Minute No. 46035 Councillor T. Kennedy moved) Councillor B. Licul seconded)		
1. That Broken Hill City Council Report No. 31/19 dated December 19, 2018, be received. 2. That Council implements the Sports Voucher Pilot Program for 2019/2020 with an annual limit of \$25.00 per voucher per student. 3. That Council monitors how many children have taken up a sporting activity due to the availability of Council's Sports Vouchers; and two progress reports be provided to Council on the success of the program.		
CARRIED		
16 May 2019 - 8:21 AM - Razija Nu'man Voucher programme about to be placed on web and communicated to community. COMPLETE 02 Apr 2019 - 4:56 PM - Razija Nu'man Implementation steps under discussion.		
Ordinary Meeting of the Council 27 March 2019	False	Committee Reports
ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 36/19 - DATED MARCH 08, 2019 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETING HELD 19 FEBRUARY 2019 12/51		
Resolved:		
1. That Broken Hill City Council Report No. 36/19 dated March 8, 2019, be received. 2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held February 19, 2019 be received. 3. That Council write to the Committee Member, referenced in Item 5 of the meeting minutes dated 19 February 2019 and advise that their membership has been terminated due to continued non-attendance.		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
RESOLUTION Minute No. 46039 Councillor M. Browne moved) Councillor M. Clark seconded) 16 May 2019 - 8:20 AM - Razija Nu'man Letter sent. COMPLETE 02 Apr 2019 - 4:56 PM - Razija Nu'man Letter under preparation for sending as outlined in Council resolution.		
Ordinary Meeting of the Council 27 March 2019	False	Reports
ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 38/19 - DATED MARCH 25, 2019 - PROPOSED GIFTING OF PROPERTY TO BROKEN HILL CITY COUNCIL 15/103 <u>Resolved:</u> 1. That Broken Hill City Council Report No. 38/19 dated March 25, 2019, be received. 2. That further to Council Resolution (Minute No. 46014) of the February 2019 Ordinary Council Meeting; the Mayor and General Manager be authorised to sign transfer deeds under Seal of Council, for the gifting of Lots 4 & 5 in DP 943631 from Water NSW to Broken Hill City Council. RESOLUTION Minute No. 46042 Councillor M. Browne moved) Councillor C. Adams seconded) 17 May 2019 - 11:06 AM - Leisa Bartlett Deed of Transfer documents being arranged. 16 May 2019 - 4:07 PM - Leisa Bartlett Documents being finalised with Council's solicitor		
Ordinary Meeting of the Council 27 March 2019	False	Confidential Matters
ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 37/19 - DATED FEBRUARY 25, 2019 - TENDER AWARD T18/8 - HYDRAULIC SERVICES AT BROKEN HILL REGIONAL AIRPORT - CONFIDENTIAL T18/8 (General Manager's Note: This report considers a tender 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). -		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
RESOLUTION Minute No. 46043 Councillor T. Kennedy moved) Councillor M. Browne seconded)		
		1. That the confidential matter be considered in open session. 2. That Broken Hill City Council Report No. 37/19 dated February 25, 2019, be received. 3. That Council awards the Tender T18/8 to Arthur Robinson Plumbing for a lump sum of \$157,178.60 inc. GST 4. That Council enters into a works Contract with Arthur Robinson Plumbing
		CARRIED
17 May 2019 - 9:26 AM - Leisa Bartlett COO advised: Contract to be finalised next week. Start date to be advised. 05 Apr 2019 - 10:32 AM - Lacey Butcher Tender award being developed. Project due to commence mid-June 2019		
Ordinary Meeting of the Council 17 April 2019	False	Reports
ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 41/19 - DATED APRIL 04, 2019 - DRAFT SUSTAINABILITY STRATEGY 2018-2023		18/41
RESOLUTION Minute No. 46048 Councillor M. Browne moved) Councillor M. Clark seconded)		
		1. That Broken Hill City Council Report No. 41/19 dated April 4, 2019, be received. 2. That Council endorse the draft Sustainability Strategy 2018–2023 for the purpose of public exhibition. 3. That the draft Sustainability Strategy 2018-2023 be exhibited for public comment for a period of 28 days. 4. That Council receives a further report at the conclusion of this exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the draft Sustainability Strategy 2018-2023.
		CARRIED
18 Apr 2019 - 2:33 PM - Leisa Bartlett		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Draft Sustainability Strategy placed on public exhibition from 24/4/19 to 21/5/19. A report following the exhibition period will be presented to the June Council Meeting. COMPLETE		
Ordinary Meeting of the Council 17 April 2019	False	Reports
ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 43/19 - DATED APRIL 04, 2019 - PROPOSAL TO RENAME AIRPORT ROAD TO PRO HART WAY		19/32
<u>Resolved</u>		
1. That Broken Hill City Council Report No. 43/19 dated April 4, 2019, be received.		
2. That Council endorse that a formal application be submitted to the NSW Geographical Name Board to rename Airport Road to Pro Hart Way.		
RESOLUTION		
Minute No. 46050		
Councillor M. Clark moved)		
Councillor C. Adams seconded)		
		CARRIED UNANIMOUSLY
17 May 2019 - 10:25 AM - Leisa Bartlett		
COO advised: seeking approval from family for design of signage then signs will be installed.		
Ordinary Meeting of the Council 17 April 2019	False	Reports
ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 44/19 - DATED MARCH 26, 2019 - CHARLES RASP MEMORIAL LIBRARY OPENING HOURS		11/544
<u>Resolved</u>		
1. That Broken Hill City Council Report No. 44/19 dated March 26, 2019, be received.		
2. That Council retain the trial operating hours of 42 hours per week as the ongoing hours of operation of the Charles Rasp Memorial Library.		
RESOLUTION		
Minute No. 46051		
Councillor M. Browne moved)		
Councillor C. Adams seconded)		
		CARRIED
16 May 2019 - 8:18 AM - Razija Nu'man		
Hours of operation implemented as per report. COMPLETE		
Ordinary Meeting of the Council 17 April 2019	False	Reports
ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 45/19 - DATED MARCH 21, 2019 - BROKEN HILL REGIONAL ART GALLERY AND ALBERT KERSTEN MINING AND MINERALS MUSEUM (GEOCENTRE) OPENING HOURS		17/206
.		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
RESOLUTION Minute No. 46052 Councillor C. Adams moved) Councillor M. Clark seconded)		
1. That Broken Hill City Council Report No. 45/19 dated March 21, 2019, be received. 2. That Council approve the change in operating hours for the Broken Hill Regional Art Gallery and Albert Kersten Mining & Minerals Museum (GeoCentre) to: a. Broken Hill Regional Art Gallery – 36 hours per week (closed Monday) all year around b. Albert Kersten Mining & Minerals Museum (GeoCentre) - 36 hours per week (closed Sunday) all year around CARRIED		
16 May 2019 - 8:18 AM - Razija Nu'man New hours implemented. COMPLETE		
Ordinary Meeting of the Council 17 April 2019	False	Reports
ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 46/19 - DATED MARCH 22, 2019 - TEMPORARY SUSPENSION OF A PORTION OF THE CENTRAL BUSINESS DISTRICT ALCOHOL-FREE ZONE FOR 2019 BROKEN HEEL FESTIVAL		
<u>11/307</u> <u>Resolved</u>		
1. That Broken Hill City Council Report No. 46/19 dated, be received. 2. That Council provide in principle support to begin the planning process for the temporary suspension of a portion of the Central Business District (CBD) Alcohol-Free Zone for the area of Sulphide Street bounded by Crystal Street, Argent Street, 221 Argent Street and Argent House/Barrier Crash Repairs. It is also proposed to close off Crystal Lane behind the Palace Hotel and 221 Argent Street. This area will also include footpaths in the closed section of Sulphide Street and the Argent Street footpath in front of the Palace Hotel and 221 Argent Street. 3. That the temporary suspension be in place from 10am Thursday, 12 September 2019 to 10am Monday, 16 September 2019 subject to the final conditions, inclusive of trading times, contained in the liquor licence as advised by Barrier Local Area Command. 4. That the temporary suspension of a portion of the CBD Alcohol-Free Zone be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirms that all other existing alcohol-free zones in Broken Hill remain in force.		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>5. That the General Manager be authorised to implement the suspension and advertising processes on final advice of Barrier Local Area Command.</p> <p>6. That Barrier Local Area Command be advised of Council's decision.</p>		
<p>RESOLUTION</p> <p>Minute No. 46053</p> <p>Councillor M. Browne moved)</p> <p>Councillor D. Gallagher seconded)</p>		
<p>16 May 2019 - 8:16 AM - Razija Nu'man</p> <p>Awaiting information regarding application for liquor licence by operators of Broken Heel Festival.</p>		CARRIED
Ordinary Meeting of the Council 17 April 2019	False	Committee Reports
<p>ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 55/19 - DATED APRIL 03, 2019 - CONSTITUTION OF THE COMMUNITY STRATEGIC PLAN ROUND TABLE ADVISORY COMMITTEE AMENDMENT</p> <p>13/145</p>		
<p><u>Resolved</u></p> <p>1. That Broken Hill City Council Report No. 55/19 dated April 3, 2019, be received.</p> <p>The Constitution of the Community Strategic Plan Round Table Advisory Committee be amended to include the following:</p> <ul style="list-style-type: none"> • Representation from Broken Hill Local Aboriginal Land Council • Representation from NSW Primary Health Network • Additional representative from the Barrier Police District <p>Remove the following:</p> <ul style="list-style-type: none"> • Representation of the Department of Family and Community Services • Representation of the Chamber of Commerce <p>That Council sends correspondence accordingly.</p>		
<p>Minute No. 46059</p> <p>Councillor M. Clark moved)</p> <p>Councillor C. Adams seconded)</p>		<p>That the recommendations of items 17 to 19 be adopted.</p> <p>CARRIED</p>
<p>16 May 2019 - 4:29 PM - Leisa Bartlett</p> <p>Constitution amended. All action complete.</p> <p>COMPLETE</p>		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 17 April 2019	False	Confidential Matters
ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 56/19 - DATED APRIL 03, 2019 - APPLICATION FOR HARDSHIP - INTEREST WRITE OFF - CONFIDENTIAL 15/36 (General Manager's Note: This report considers Hardship Application 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). <u>Resolved</u> <ol style="list-style-type: none"> That Broken Hill City Council Report No. 56/19 dated April 3, 2019, be received. That Council authorises the General Manager to write off accrued interest of \$36,288.66 for the said ratepayer and property, as per the <i>Local Government Act 1993</i> and Council's Hardship Policy; and that this write off of accrued interest be subject to the ratepayer's adherence to the agreed payment plans. 		
RESOLUTION <u>Minute No. 46062</u> Councillor M. Browne moved) Councillor J. Nolan seconded)		CARRIED
17 May 2019 - 10:27 AM - Leisa Bartlett CFO advised all action undertaken. COMPLETE		
Ordinary Meeting of the Council 17 April 2019	False	Confidential Matters
ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 57/19 - DATED APRIL 02, 2019 - T19/3 - REQUEST FOR TENDER FOR INSTALLATION OF LIGHTING AND PROJECTION ON COUNCIL INFRASTRUCTURE - AUSTRALIA'S HERITAGE PERFECTLY HIGHLIGHTED PROJECT. - CONFIDENTIAL T19/3 (General Manager's Note: This report considers Tender documents - commercial in-confidence 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). <u>Resolved</u> <ol style="list-style-type: none"> That Broken Hill City Council Report No. 57/19 dated April 2, 2019, be received. That Council approves Silver Bullet to deliver the Australia's Heritage Perfectly Highlighted Project. That Council endorses a further contribution of \$600,511 in the 2018/19 budget for this project. 		
RESOLUTION <u>Minute No. 46063</u> Councillor J. Nolan moved)		

ORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 3:46:55 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Councillor M. Browne seconded) 17 May 2019 - 10:28 AM - Leisa Bartlett CGC advised: Tender awarded. Consultant in Broken Hill next month to complete design works. Project completion is expected to be October 2019. COMPLETE		CARRIED
Ordinary Meeting of the Council 17 April 2019	False	Reports
ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 42/19 - DATED MARCH 05, 2019 - ADOPTION OF BROKEN HILL, COMMUNITY HUB AND CULTURAL PRECINCT - DRAFT CULTURAL FRAMEWORK AND SYNOPSIS REPORT 16/89		
.		
RESOLUTION		
Minute No. 46049		
Councillor M. Browne moved)	1. That Broken Hill City Council Report No. 42/19 dated March 5, 2019, be received.	
Councillor D. Gallagher seconded)		
		2. That Council adopts the Broken Hill Library, Community Hub and Cultural Precinct - Cultural Framework and Synopsis Report.
		CARRIED
17 May 2019 - 10:30 AM - Leisa Bartlett CFO advised all action undertaken to adopt report. COMPLETE		

EXTRAORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 4:26:38 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Extraordinary Meeting of the Council 24 January 2019	False	Confidential Matters
<p>ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 2/19 - DATED DECEMBER 20, 2018 - TENDER RIDDIFORD ARBORETUM SCULPTURES SYMPOSIUM - T18/7 - CONFIDENTIAL</p> <p>(General Manager's Note: This report considers a tender 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).</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 2/19 dated December 20, 2018, be received. 2. That Riddiford Arboretum Sculpture Symposium Tender T18/7 be awarded to Robbie Rowlands. 3. That Council execute the contract documents as appropriate and affix Council's Seal if required. <p><u>Minute No. 45996</u> Councillor C. Adams moved) Councillor M. Clark seconded)</p> <p>17 May 2019 - 4:24 PM - Leisa Bartlett</p> <p>Robbie Rowlands has had 2 site visits and has been conducting community consultation. He is due back in Broken Hill the last week of June to continue community consultation.</p> <p>15 Mar 2019 - 11:14 AM - Leisa Bartlett</p> <p>Robbie Rowlands will be in Broken Hill on 1 March 2019 to conduct first community consultation meeting.</p> <p>08 Feb 2019 - 11:06 AM - Leisa Bartlett</p> <p>Successful applicant advised of Council approval.</p> <p>CARRIED</p>		
Extraordinary Meeting of the Council 14 May 2019	False	Reports
<p>ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 58/19 - DATED APRIL 05, 2019 - DRAFT DELIVERY PROGRAM 2019-2021 INCORPORATING OPERATIONAL PLAN 2018/2019 INCLUSIVE OF THE STATEMENT OF REVENUE POLICY AND DRAFT SCHEDULE OF FEES AND CHARGES 2019/2020</p> <p>RESOLUTION</p> <p><u>Minute No. 46065</u> Councillor Browne moved) Councillor Licul seconded)</p> <p>1. That Broken Hill City Council Report No. 58/19 dated April 5, 2019, be received.</p>		

EXTRAORDINARY COUNCIL MEETINGS – ACTION LIST

Printed: Friday, 17 May 2019 4:26:38 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>2. That the Draft Delivery Program 2019-2021 incorporating Operational Plan 2019/2020 inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2019/2020 be endorsed for the purpose of public exhibition for community comment for a 28 day period.</p> <p>17 May 2019 - 4:25 PM - Leisa Bartlett</p> <p>Draft plan placed on public exhibition closing 14 June. Further report to go to June Council Meeting. COMPLETE</p>		
Extraordinary Meeting of the Council 14 May 2019	False	Reports
<p>ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 59/19 - DATED MAY 08, 2019 - DRAFT LONG TERM FINANCIAL PLAN 2020-2029 18/194</p> <p>RESOLUTION</p> <p>Minute No. 46066</p> <p>Councillor Browne moved)</p> <p>Councillor Gallagher seconded)</p> <p>1. That Broken Hill City Council Report No. 59/19 dated May 8, 2019, be received.</p> <p>2. That Council endorse the Draft Long Term Financial Plan 2020-2029 for public exhibition.</p> <p>3. That that Draft Long Term Financial Plan 2020-2029 be placed on public display for 28 days in accordance with legislation.</p> <p>17 May 2019 - 4:26 PM - Leisa Bartlett</p> <p>Draft plan placed on public exhibition closing 14 June. Further report to go to June Council Meeting. COMPLETE</p>		
CARRIED		

COMMITTEE REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 71/19 - DATED APRIL 09, 2019 - NOMINATIONS FOR COMMUNITY MEMBERSHIP OF COUNCIL S355 COMMITTEES (12/52).....304
2. BROKEN HILL CITY COUNCIL REPORT NO. 54/19 - DATED APRIL 03, 2019 - MINUTES OF THE BROKEN HILL COMMUNITY STRATEGIC PLAN ROUND TABLE COMMITTEE MEETING HELD 20 MARCH 2019 (13/145).....311
3. BROKEN HILL CITY COUNCIL REPORT NO. 72/19 - DATED MAY 09, 2019 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD APRIL 16, 2019 (12/51).....330
4. BROKEN HILL CITY COUNCIL REPORT NO. 73/19 - DATED MAY 10, 2019 - MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETINGS HELD APRIL 8, 2019 AND MAY 13, 2019 (12/54)334
5. BROKEN HILL CITY COUNCIL REPORT NO. 74/19 - DATED MAY 10, 2019 - MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE MEETING HELD 19 FEBRUARY 2019 (16/8)340
6. BROKEN HILL CITY COUNCIL REPORT NO. 75/19 - DATED MAY 15, 2019 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 7 MAY 2019 (12/52).....343

ORDINARY MEETING OF THE COUNCIL

April 9, 2019

ITEM 1

BROKEN HILL CITY COUNCIL REPORT NO. 71/19

SUBJECT: NOMINATIONS FOR COMMUNITY MEMBERSHIP OF COUNCIL
S355 COMMITTEES 12/52

Recommendation

1. That Broken Hill City Council Report No. 71/19 dated April 9, 2019, be received.
2. That Council accepts the resignation of Sandra Havran as a community representative on the Friends of the Flora and Fauna of the Barrier Ranges Community Committee
3. That Merran Coombe be appointed as community representative on the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.
4. That Alan Titcombe be appointed as a User Group representative (Silver City Pastoral Association) on the Memorial Oval Community Committee.

Executive Summary:

Section 355 of the *Local Government Act 1993* provides that a function of the Council may be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- € partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils, or
- € by a delegate of the council.

In accordance with Section 355 of the *Local Government Act 1993* Council previously established Committees to assist Council with the operation and management of its parks, ovals and reserves, these are called Section 355 Asset Committees. Council has also previously established Section 355 Advisory Committees to provide advice to the General Manager on specific operations of Council.

Council adopted Asset and Advisory Committee Frameworks and Constitutions as the governance structure by which a Committee operates. Membership on each committee forms part of the constitution and includes the number of community representatives, stakeholder representatives (if any) and Councillor representatives required for each Committee to function effectively.

Report:

As per Council's adopted Asset and Advisory Committee Framework which states that:

- Committees are to be appointed every four (4) years, three (3) months after the Local Government General Election. The term of office for all Committees will be aligned to the term of office of the current Council (four years).
- All positions will be declared to be vacant two (2) months after the Local Government Election.

Council advertised for nominations for community representatives on its Section 355 Committees for the current term of Council (September 2016 to September 2020), during November 2016 and then again during January 2017. All applications received during these periods have previously been presented to Council with all nominations supported. Council accepts ongoing nominations throughout the current term of this Council for any vacancies remaining on Section 355 Committees.

Council has received a resignation from Sandra Havran for membership of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee and received nominations from Merran Coombe to join the Friends of the Flora and Fauna of the Barrier Ranges Community Committee and Alan Titcombe to join the Memorial Oval Community Committee as a user representative of the Silver City Pastoral Association.

Name of Committee	Number of current community members	Number of vacancies in community member positions	Number of further nominations received	Name of Nominee
Friends of the Flora and Fauna of the Barrier Ranges Community Committee	20	1	1	Merran Coombe
Memorial Oval Community Committee	User Group Representative for the Silver City Pastoral and Agricultural Association			Allan Titcombe

It is recommended that Council accepts the applications for membership, which will mean that full membership is achieved for the Friends of the Flora and Fauna of the Barrier Ranges Community Committee and the Memorial Oval Community Committee.

Strategic Direction:

Key Direction: Our Leadership
 Objective: Openness and Transparency in Decision Making
 Function: Leadership and Governance
 DP Action: Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation

Key Direction: Our Leadership
 Objective: We Unite to Succeed
 Function: Leadership and Governance
 DP Action: Support Council's section 355 Committees in undertaking their duties with Council

Relevant Legislation:

Section 355 of the *Local Government Act 1993*

Council's adopted S355 Asset Committee Framework

Council's adopted S355 Friends of the Flora and Fauna of the Barrier Ranges Community Committee Constitution

Financial Implications:

There are no financial implications.

Attachments

1. [!\[\]\(c33cb967c8fc4f5e27188a389b621c8e_img.jpg\)](#) Resignation letter - Sandra Havran
2. [!\[\]\(38e1383487ca0f0e9e2c9378b9dbcae7_img.jpg\)](#) nomination from Merran Coombe
3. [!\[\]\(d399648641177ccf0f777d76c74f84ed_img.jpg\)](#) nomination from Alan Titcombe

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAMES RONCON
GENERAL MANAGER

3 April 2019.

To whom it may concern,

As of 15th March 2019, I have resigned from
my position as volunteer at the living dessert.

Kind regards

S.H. 

Sandra Havran

BROKEN HILL

355 COMMITTEE NOMINATION FORM

Please complete this form as accurately as possible and return to community@brokenhill.nsw.gov.au

R./Phantom

SECTION 355 COMMITTEE

Name of Committee:

FRIEND OF FLORA AU FAUNA OF BARRIEN RANGERS

PERSONAL DETAILS

Name:

Merran Coombe

Address:

Contact Number:

Email:

COMMITTEE DETAILS

Please outline why you would like to be a member of this committee:

To help maintain the Flora & Fauna and interact with tourists.

Please outline details of any relevant experience to this committee:

My partner is on the committee and I have often accompanied him to open & close land feeding Menindee Crochicks 1985 - 1990

What is your previous experience with any committee? Please list name/s of committee/s and period/s of service:

Support Group for Parents of children with ADHD Disorder
1997 - 2000

Please detail any other relevant information:

PRIVACY STATEMENT

Council is collecting your personal information in accordance with the Privacy and Personal Information Protection Act 1998. The purpose for collecting your personal information is to obtain and record contact details and to assess your suitability for appointment to a S355 Committee.

The intended recipients of the personal information collected includes Council officers, S355 Committee members and contractors or other agents contracted by Council. If appointed to a committee, your name and contact details may be included on Council's website and in Council's Business Papers.

The supply of the information is voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.

You may make application for access or amendment to information held by Council. Council will consider any such application in accordance with the Act. Enquiries concerning this matter can be directed to the Public Officer

or addressed to Broken Hill City 240 Blende Street, Broken Hill is the agency that holds the information collected.

Signature

M J Coombe

Date:

Printed Name

Merran Jennifer Coombe

BROKEN HILL

355 committee nomination form

Please complete this form as accurately as possible and return to council@brokenhill.nsw.gov.au

REC
10 APR 2019
BY: VC 11:43am

SECTION 355 COMMITTEE

Name of Committee:

MEMORIAL VAL COMMUNITY COMMITTEE.

PERSONAL DETAILS

Name:

ALAN TITCOMBE

Address:

Contact Number:

Email:

COMMITTEE DETAILS

Please outline why you
would like to be a
member of this
committee:

FOR A DELEGATE FOR SILVER CITY
PASTORAL ASS.

Please outline details of
any relevant experience
to this committee:

DO OBD JOBS

What is your previous
experience with any
committee? Please list
name/s of committee/s
and period/s of service:

VICE PRESIDENT SILVER CITY PASTORAL
JAYCEES INTERNATIONAL, MEMBERSHIP OFFICER
JUNKY AUCTION CONVEINER,
WEST RIFLE CLUB - RECORDER
NORTHERN UNITED SOFTBALL - PRESIDENT

Please detail any other
relevant information:

PRIVACY STATEMENT

Council is collecting your personal information in accordance with the Privacy and Personal Information Protection Act 1998. The purpose for collecting your personal information is to obtain and record contact details and to assess your suitability for appointment to a S355 Committee.

The intended recipients of the personal information collected includes Council officers, S355 Committee members, and contractors or other agents contracted by Council. If you nominate for a position on a committee, your name will be made publicly available via Council's Business Papers and on Council's website. Your contact details will not be made public on Council's website and will be removed from all applications and reports in Council's Business Papers.

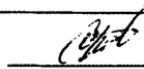
The supply of the information is voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.

You may make application for access or amendment to information held by Council. Council will consider any such application in accordance with the Act. Enquiries concerning this matter can be directed to the Public Officer via email

council@brokenhill.nsw.gov.au or addressed to Broken Hill City Council, 240 Blende Street.

Your information will be collected and stored by Broken Hill City Council, 240 Blende Street.

Signature



Date: 10-2-19

Printed Name

ALAN TITCOMBE

ORDINARY MEETING OF THE COUNCIL

April 3, 2019

ITEM 2

BROKEN HILL CITY COUNCIL REPORT NO. 54/19

SUBJECT: MINUTES OF THE BROKEN HILL COMMUNITY STRATEGIC PLAN
ROUND TABLE COMMITTEE MEETING HELD 20 MARCH 2019
13/145

Recommendation

1. That Broken Hill City Council Report No. 54/19 dated April 3, 2019, be received.
2. That the minutes of the Broken Hill Community Strategic Plan Round Table committee meeting held 20 March 2019 be received.

Executive Summary:

During the Community Strategic Plan community consultation undertaken in April 2013, the theme of “One Community, One Plan” was strongly discussed and resulted in the inclusion of the establishment of the Broken Hill Community Strategic Plan Round Table in the Community Strategic Plan.

It was recommended that the Round Table be established as a Section 355 Committee of Council, which provides it with the ability to carry out functions on behalf of Council and consists of membership including Councillors, staff and members of the public.

One of the requirements of a Section 355 Committee of Council is the reporting of its minutes of meetings to Council for endorsement.

Report:

The Broken Hill Community Strategic Plan Round Table Committee met on Wednesday, 20 March 2019. Items on the Agenda included:

- Update report from Barrier Police District
- Update report from Far West Local Health District
- Progress reports on Key Direction Working Groups
- Review of the Constitution of the Community Strategic Plan Round Table
- Community Strategic Plan Round Table – Future Direction

See attached minutes of the Broken Hill Community Strategic Plan Community Round Table Committee Meeting held Wednesday, 20 March 2019 and Community Strategic Plan – 2019 Review.

Strategic Direction:

Key Direction: 4 - Our Leadership
Objective: 4.3 – We Unite to Succeed
Function: Leadership and Governance
DP Action: 4.3.1.9 - Provide leadership, structure and support to the Community Round Table in their review and management of the Community Strategic Plan

Relevant Legislation:

Local Government Act 1993, section 406.

Financial Implications:

Nil

Attachments

1. [!\[\]\(e6ddc77b791299d975007937cebef274_img.jpg\)](#) Community Strategic Plan Round Table minutes from meeting held 20 March 2019
2. [!\[\]\(ab52e27d061d76db54e182891376cff5_img.jpg\)](#) Community Strategic Plan Review 2019

JAMES RONCON
GENERAL MANAGER

BROKEN HILL COMMUNITY ROUND TABLE

20 MARCH 2019

**MINUTES OF THE BROKEN HILL COMMUNITY ROUND TABLE MEETING HELD
WEDNESDAY, MARCH 20, 2019 (4PM)**

PRESENT:

Broken Hill City Council, Mayor Darriea Turley
Broken Hill City Council, Deputy Mayor Marion Browne
Broken Hill City Council, Cr Christine Adams
Broken Hill City Council, Cr Branko Licul
Broken Hill City Council General Manager, James Roncon
Broken Hill City Council's Chief Financial Officer, Jay Nankivell
Broken Hill City Council's Director Corporate, Razija Nu'man
Broken Hill City Council's Chief Operations Officer, Anthony Misagh
Broken Hill City Council's Executive Support Officer, Louise Schipanski
Barrier Police District, Detective Acting Inspector Paul Roberts
Far West Local Health District, Ken Barnett
NSW Primary Health Network, Natalie Miani (alternate)
Regional Development Australia Far West NSW, Michael Williams
Community representative, Pam Tucker
Community representative, Peter Bevan

APOLOGIES:

Broken Hill City Council, Cr Maureen Clark (alternate)
Broken Hill City Council, Cr Dave Gallagher (alternate)
Broken Hill City Council, Cr Jim Nolan (alternate)
Barrier Police District, Superintendent Paul Smith
Barrier Police District, Inspector Yvette Smith
Department of Education, Bob Dyson
Department of Education, Peter Macbeth (alternate)
Far West Local Health District, Sam Lazarus
Primary Health Network, Michelle Pitt

MINUTES FOR CONFIRMATION

That the Minutes of the Broken Hill Community Round Table meeting held Wednesday
November 14, 2018 be confirmed.

RECEIVED

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 1/19 - DATED MARCH 18, 2019 -
BARRIER POLICE DISTRICT - STRATEGIES AND CRIME PERFORMANCE
INDICATORS 13/145

Recommendation

1. That Broken Hill City Council Report No. 1/19 dated March 18, 2019, be
received.

Page 1

BROKEN HILL COMMUNITY ROUND TABLE

20 MARCH 2019

Detective Acting Inspector Paul Roberts spoke to the report on behalf of Superintendent Paul Smith.

RECEIVED

2. BROKEN HILL CITY COUNCIL REPORT NO. 2/19 - DATED MARCH 01, 2019 - FAR WEST LOCAL HEALTH DISTRICT 11/248

Recommendation

That Broken Hill City Council Report No. 2/19 dated March 1, 2019, be received.

That the Broken Hill Community Round Table Committee notes the report from Broken Hill Health Service - Far West Local Health District.

The General Manager, Ken Barnett spoke to his report and provided the group with an update.

RECEIVED

3. BROKEN HILL CITY COUNCIL REPORT NO. 3/19 - DATED MARCH 01, 2019 - KEY DIRECTION WORKING GROUP'S REPORT 17/86

Recommendation

1. That Broken Hill City Council Report No. 3/19 dated March 1, 2019, be received.

Cr Licul, Chair of Our Economy spoke to his report and provided an update.

5. Housing Stock - Planning for new mining development to encourage a resident workforce and discourage fly in fly out.
8. Gateway Signage – Winner has been selected and is currently working with an Aboriginal Group (Fresh Bark) for finalisation.

Cr Browne, Chair of Our Environment spoke to her report and provided an update.

1. Keep Cups – the first initial order has sold, mostly through local business, and a second order has been placed.
2. Shopping gas are now available and the group is in the process of looking at dates to set up a stall at Coles to sell to the community.
4. The Group is working on a Waste Strategy and following Sydney Metro's model by keeping it to a short concise plan.
5. Recycling Bins are now available for hire at community events.

Cr Browne further advised that the Group is looking to develop a strong community education around recycling and sustainability and the possibility or reintroducing organic recycling.

Cr Adams, Chair of Our Leadership spoke to her report and provided an update.

3. Western Division Motion – The introduction of a Fast Food Levy. Cr

Page 2

BROKEN HILL COMMUNITY ROUND TABLE

20 MARCH 2019

Adams advised that the group would like to meet with the Managers of the local fast food businesses to work with Council on an Education Program around the removal of litter and discuss the option of having one of their employee's take part in the Tidy Towns activities.

RECEIVED

4. BROKEN HILL CITY COUNCIL REPORT NO. 4/19 - DATED MARCH 18, 2019 - REVIEW OF THE CONSTITUTION OF THE COMMUNITY STRATEGIC PLAN ROUND TABLE ADVISORY COMMITTEE 13/145

Recommendation

1. That Broken Hill City Council Report No. 4/19 dated March 18, 2019, be received.
2. The Constitution of the Community Strategic Plan Round Table Advisory Committee be amended to include the following:
 - Representation from Broken Hill Local Aboriginal Land Council
 - Representation from NSW Primary Health Network
 - Additional representative from the Barrier Police District

Remove the following:

- Representation of the Department of Family and Community Services
- Representation of the Chamber of Commerce

RECEIVED

1. COMMUNITY ROUND TABLE - FUTURE DIRECTION (GB6/19) 13/145

Council's Director Corporate gave a presentation of the Community Strategic Plan – 2019 Review. This outlined the NSW Integrated Planning & Reporting (IP&R) legislation, where each newly elected council must review its Community Strategic Plan (CSP) and prepare and implement a Community Engagement Strategy for engaging the local community in the development and review of the Community Strategic Plan, ensuring the Plan maintains a minimum 10 year planning horizon. The Strategy must be based on social justice principles of access, equity, participation and rights and must identify stakeholders in the community and outline the planned methods Council will use to engage these groups.

The Community Strategic Plan is to address the following:

Where are we now?

Where do we want to be in 10 years' time?

How will we get there?

How will we know we've arrived?

Council's role is to guide the community through these important discussions and document the response in a meaningful plan.

A copy of the presentation is attached to the minutes.

Recommendation:

That the Director Corporate's presentation be received.

RECEIVED

BROKEN HILL COMMUNITY ROUND TABLE

20 MARCH 2019

2. GENERAL BUSINESS (GB7/19)

13/145

1. Michael Williams of Regional Development Australia Far West NSW provided an update on the ongoing success of the Country University Centre, with 177 enrolled students from 150 tertiary providers. Country University Centre is enhancing support from the community and meeting workforce needs.
2. Council's Director Corporate will meet separately with each stakeholder member of the Community Strategic Plan Round Table to work effectively together to gain an understanding of what the community requires.
3. The Role of the Community Representatives is to asked questions on behalf of the community, query any decisions and bring discussion to the table.
4. Advertisements will be placed in the Barrier Daily Truth for a Community Representative to fill the vacant position.
5. A new agenda items will be added to invite a key note speaker to address the meeting. The May meeting will have Anne Andrews presenting "Broken Hill – A Blueprint – Advocating for our Future".
6. Ken Barnett, General Manager Broken Hill Health Service will invite someone from Far West Local Health District to present to the Community Strategic Plan Round Table.

Recommendation:

That the General Business Items be considered.

RECEIVED

Meeting closed at 5.15pm.

The foregoing minutes were read and confirmed at the Community Strategic Plan Round Table Committee meeting held on Wednesday 15 May 2019.

Chairperson

COMMUNITY STRATEGIC PLAN – 2019 REVIEW

March 2019



AUSTRALIA'S FIRST
HERITAGE LISTED CITY

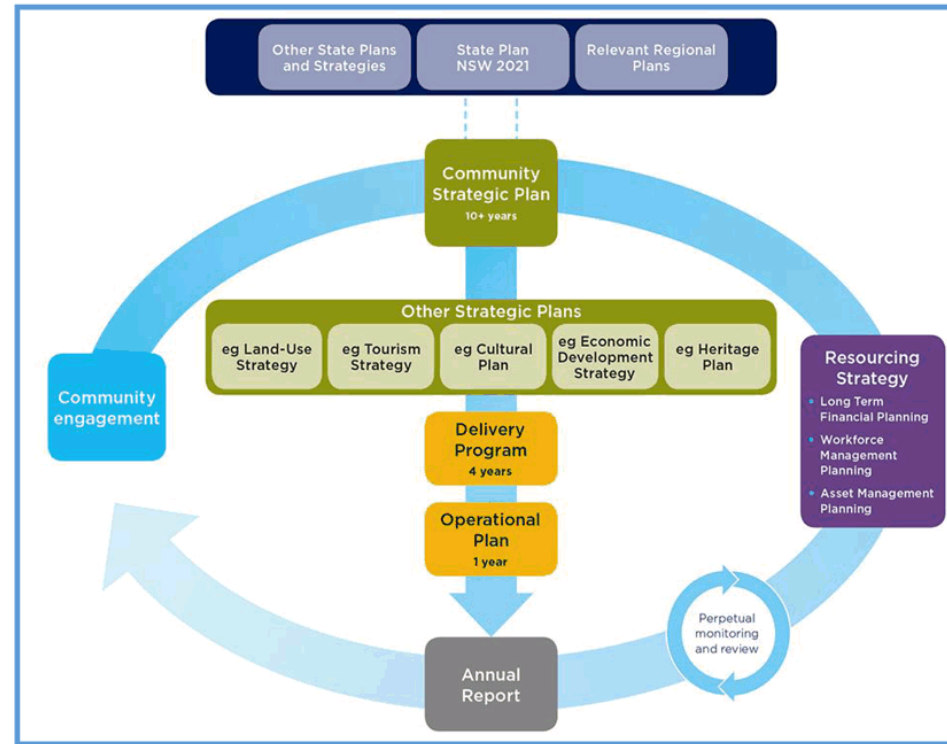




INTRODUCTION

In accordance with the NSW Integrated Planning & Reporting (IP&R) legislation, each newly elected council must review its Community Strategic Plan (CSP) and prepare and implement a Community Engagement Strategy for engaging the local community in the development and review of the Community Strategic Plan, ensuring the Plan maintains a minimum 10 year planning horizon.

The Strategy must be based on social justice principles of access, equity, participation and rights.





COMMUNITY ENGAGEMENT STRATEGY

The Community Engagement Strategy must identify stakeholders in the community and outline the planned methods Council will use to engage these groups. How this is achieved is dependent on the individual characteristics of the community and the time and resources available for the process.

The Community Strategic Plan addresses:

- Where are we now?
- Where do we want to be in 10 years' time?
- How will we get there?
- How will we know we've arrived?

Council's role is to guide the community through these important discussions and document the response in a meaningful plan. It must be clearly understood that it is not Council's responsibility to deliver every aspect of the Community Strategic Plan.



COMMUNITY ENGAGEMENT STRATEGY

PURPOSE

- Outlines provision for suitable levels of participation, consultation and community engagement
- Mandatory compliance with IP&R reporting requirements of the *Local Government Act 1993* (the Act).

OBJECTIVE

- Community communication and engagement focus
- Raising awareness of the community strategic planning process
- Informing community and stakeholders of opportunities to participate
- Delivers key messages about the review of the CSP



COMMUNITY ENGAGEMENT STRATEGY

BACKGROUND AT A GLANCE

- **2010 The Start of the Plan** – most confronting aspects was the potential future exhaustion of mining resources and the need to focus employment and economic opportunities into other industries.
 - The challenge was to actively and seriously address the issues identified during the consultation activities so that the future of the City could be assured.
 - Some of the issues and challenges were of immediate concern and required action within the first few years, while many related to significant and complex issues which required longer term planning and resolution.
 - The need to understand the true identity of the City. The development of a Brand Strategy became an action in Broken Hill's first Community Strategic Plan in 2010.



COMMUNITY ENGAGEMENT STRATEGY

BACKGROUND AT A GLANCE

- **2013 Review** - identified additional priorities to those in the existing '*Broken Hill 2030*', which included:
 - One community one plan: Involvement of Government and Non-Government Departments in its facilitation and success.
 - Council to play a greater advocacy role.
 - Provision and retention of facilities and opportunities for youth.
 - Management of health impacts associated with environmental lead.



COMMUNITY ENGAGEMENT STRATEGY

BACKGROUND AT A GLANCE

2014 Review - focused on integrating activities and planning that had previously been undertaken. This included the Broken Hill branding consultation and development as well other strategies and plans currently in place. Extensive information and research was undertaken to refine, inform and align the Plan.

- Results of this consultation continued to inform this plan.
- One of the main changes made to the document was the removal of the 'Our Services' Key Direction. Strategies within this Key Direction were moved to one of the four remaining Key Directions.
- The document may have been worded a little differently; however the overall goals and strategies remained consistent with the aspirations of the 2013 review.

COMMUNITY ENGAGEMENT STRATEGY

WHERE ARE WE NOW

2017 Review - There have been significant changes to the community and to Council since the 2014 review. Some of the most significant changes in local government and the region are listed below:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Major organisation restructure • \$5M upgrade to the Broken Hill Civic Centre • First National Heritage City Listing • \$5.7M donation from BHP Billiton Foundation • Sale of Broken Hill Film Studios • Transition from direct Community Services delivery • Sale of Shorty O'Neil Village • Transition of Council's aged and disabled care services to specialist provider Care West • New legislation, the <i>Disability Inclusion Act 2014 (NSW)</i> • Transfer Station – Waste Management Facility | <ul style="list-style-type: none"> • Broken Hill Festival • Healthy Broken Hill • \$500M Wind Farm (AGL) • Solar Farm (AGL) • \$5M Broken Hill Lead Program • \$18M Community Health and Dental Health Centre • \$500M Pipeline Project • Old North Mine Re-Opening • Silver City Highway – Tibbooburra Road sealing • RFDS – New Hangar, Office –all weather access • YMCA Upgrade • Far West Business Enterprise Centre initiative |
|--|--|



COMMUNITY ENGAGEMENT STRATEGY

COMMUNITY STRATEGIC PLAN

KEY DIRECTION 1 – OUR COMMUNITY

We are a connected community and enjoy our safety and wellbeing. We keep our heritage alive and relevant; it is the foundation for the way we unite to get things done and maintain our inclusive lifestyles.

Objective 1.1 – People in our community are in safe hands

Objective 1.2 – Our community works together

Objective 1.3 – Our history, culture and diversity is embraced and celebrated

Objective 1.4 – Our built environment supports our quality of life

Objective 1.5 – Our health and wellbeing ensures that we live life to the full



COMMUNITY ENGAGEMENT STRATEGY

COMMUNITY STRATEGIC PLAN

KEY DIRECTION 2 – OUR ECONOMY

We are accustomed to tackling our problems for real; our willingness to create change and diversify makes us resilient, securing our long term economic prosperity and paving the way for other communities to follow.

Objective 2.1 – Our economy is strong and diversified and attracts people to work live and invest

Objective 2.2 – We are a destination of choice and provide a real experience that encourages increased visitation

Objective 2.3 – A supported and skilled workforce provides strength and opportunity



COMMUNITY ENGAGEMENT STRATEGY

COMMUNITY STRATEGIC PLAN

KEY DIRECTION 3 – OUR ENVIRONMENT

We value our wide streetscapes, quality of life and stunning vistas; we are committed to conservation and preservation of the natural environment and greater reduction of the human impact to ensure a sustainable and healthy community.

Objective 3.1 – Our environmental footprint is minimised

Objective 3.2 – Natural flora and fauna environments are enhanced and protected

Objective 3.3 – Proactive, innovative and responsible planning supports the community, the environment and beautification of the City



COMMUNITY ENGAGEMENT STRATEGY

COMMUNITY STRATEGIC PLAN

KEY DIRECTION 4 – OUR LEADERSHIP

We have strong civic and community leadership. We are inventive, inclusive and innovative; when we work together there is nothing we can't do and our achievements continue to write history.

Objective 4.1 – Openness and Transparency in Decision Making

Objective 4.2 – Our Leaders make Smart Decisions

Objective 4.3 – We Unite to Succeed in Australia's First Heritage Listed City

Objective 4.4 – Our Community is Engaged and Informed



COMMUNITY ENGAGEMENT STRATEGY

COMMUNICATION AND ENGAGEMENT AIMS

Communication Aims

- Provide a methodology for communicating with the community and stakeholders during the review of the CSP.
- Ensure the key messages about the purpose, aims and objectives of the CSP are promoted and are accessible for all people to become better informed.
- Gain widespread support for the CSP by communicating to the community and stakeholders, the benefits of the plan.

Engagement Aims

- Provide a clear methodology for engaging with the community and stakeholders during the review of the CSP.
- Ensure the community and stakeholders are aware of their opportunities to have a say in the development of the CSP.
- Identify the key stakeholders and key issues.
- Anticipate potential issues and implement strategies to minimise the impact of those issues on successful development of the CSP.

ORDINARY MEETING OF THE COUNCIL

May 9, 2019

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 72/19

SUBJECT: MINUTES OF THE FLORA AND FAUNA OF THE BARRIER
RANGES COMMUNITY COMMITTEE MEETINGS HELD APRIL 16,
2019 12/51

Recommendation

1. That Broken Hill City Council Report No. 72/19 dated May 9, 2019, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held April 16, 2019 be received.

Executive Summary:

Council has received minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held April 16, 2019 for endorsement by Council.

Report:

As per Council's Section 355 Asset Committee Framework Manual and the Constitution of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee (both adopted March 2017), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Accordingly, the Friends of the Flora and Fauna of the Barrier Ranges Community Committee has submitted minutes from its meeting held April 16, 2019 for Council's endorsement.

Strategic Direction:

Key Direction:	1.	Our Community
Objective:	1.4	Our built environment supports our quality of life
Function:		Open Spaces
DP Action:	1.4.1.7	Provide parks and open spaces for passive recreational activity

Relevant Legislation:

The Friends of the Flora and Fauna of the Barrier Ranges Community Committee operates under Council's Section 355 Asset Committee Constitution and the *Local Government Act 1993* (Section 355).

Attachments

1. MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER
[!\[\]\(a88007b249b36c75dcbde101f514cec3_img.jpg\) RANGES COMMUNITY COMMITTEE - APRIL 2019](#)

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAMES RONCON
GENERAL MANAGER

MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE S355 MEETING HELD 16 APRIL 2019 AT 4PM – COUNCIL CHAMBER, 240 BLENDE STREET, BROKEN HILL

12/51

1. **Present:** John Rogers (Chairperson), Kellie Scott (Vice Chairperson), Jeff Crase, Anne Evers, Councillor Marion Browne, Rosaline Molesworth, Evan Scott, David Spielvogel, Jill Spielvogel, Gaylene Ford and Darrell Ford (BHCC).
Apologies: Ronald Tumes, Sandra Havran, Jamie Scott, Michael Ford, Nevada Ford, Alison Gander, Emily Scott, Paul Reed, Dean Fletcher, Ray Allen, Sue Spangler (BHCC), Geoffrey Hoare, and Lyn Campigli.
2. **Non-Attendance:**
3. **Confirmation of Minutes of Previous Meeting:**
Previous minutes: 19 March 2019
Moved: Jeff Crase
Seconded: Anne Evers
4. **Business arising from Previous Minutes:** Nil
5. **Correspondence:** Nil
6. **Update on Action List Items:**
 - 6.1 Working Bee –
Saturday, 27 April 2019 at 9am – meet 'up the top'.
 - 6.2 Identification Cards – As required
 - 6.3 Cold Set – Bitumen pouring over crushed paths – Pending
7. **Reports:**
 - 7.1 Working Bee
Thank you to all who helped at the working bee on Saturday, 28 March 2019.
 - 7.2 Starview Primitive Campsite
Average of 8 vans at campsite per night as well as tents. Positive feedback has been received from the users. Reviews have been posted online at wikicamps.com.au.
 - 7.3 Resignation
Sandra Havran has finished with the Friends of the Flora and Fauna of the Barrier Ranges Community Committee due to work commitments.
8. **Rosters:**
May 2019
 - 4 – 5/5 Councillor Marion Browne
 - 11 – 12/5 Darrell Ford (BHCC)
 - 18 – 19/5 Dave and Jill Spielvogel
 - 25 – 26/5 Sue Spangler (BHCC)June 2019
 - 1 – 2/6 Darrell Ford (BHCC)
 - 8 – 9/6 John Rogers and Kellie Scott
 - 18 – 19/5 Sue Spangler (BHCC)
 - 25 – 26/5 Darrell Ford (BHCC)

9. General Business:

9.1 Working bee

Saturday, 27 April 2019 at 9am – 'meet up the top'

9.2 Sundown Trail

Ann and Lindy will be painting the remainder of the star droppers.

9.3 School holidays

If there are any volunteers available to sit and be in attendance at the pay-bay for an hour or two in the afternoons.

Action List:

ACTION	WHO
1 Working Bee – Saturday, 27 April 2019 at 9am – 'meet up the top'	Committee
2 Identification Cards - <i>As required</i>	Customer Relations
3 Cold Set – bitumen pouring over crushed paths - <i>pending</i>	D Ford - Ranger

Next Meeting: Tuesday, 21 May 2019 – Council Chamber – 4pm (ACDT)

10. Meeting Closed: 4.25 pm

ORDINARY MEETING OF THE COUNCIL

May 10, 2019

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 73/19

SUBJECT: MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE
MEETINGS HELD APRIL 8, 2019 AND MAY 13, 2019 12/54

Recommendation

1. That Broken Hill City Council Report No. 73/19 dated May 10, 2019, be received.
2. That minutes of the Picton Oval Community Committee Meetings held April 8, 2019 and May 13, 2019 be received.

Executive Summary:

Council has received minutes from the Picton Oval Community Committee Meetings held April 8, 2019 and May 13, 2019 for endorsement by Council.

Report:

As per the adopted Constitution of the Picton Oval Community Committee and the Section 355 Asset Committee Framework Manual (adopted March 2017), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Accordingly, the Picton Oval Community Committee has submitted minutes from its meetings held April 8, 2019 and May 13, 2019 for Council's endorsement.

Strategic Direction:

Key Direction:	1.	Our Community
Objective:	1.4	Our built environment supports our quality of life
Function:		Open Spaces
DP Action:	1.4.1.7	Provide parks and open spaces for passive recreational activity

Relevant Legislation:

The Picton Oval Community Committee operates under Council's Section 355 Asset Committee Framework Manual, the Picton Oval Community Committee Constitution and the *Local Government Act, 1993* (Section 355).

Financial Implications:

Nil.

Attachments

1. [!\[\]\(0551a83d441798e532995956b603f604_img.jpg\)](#) Minutes of the Picton Oval Community Committee Meeting - 8 April 2019
2. [!\[\]\(54ee180c0037b66a36ce2219a481afde_img.jpg\)](#) Minutes of the Picton Oval Community Committee Meeting - 13 May 2019

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAMES RONCON
GENERAL MANAGER

PICTON OVAL MANAGEMENT COMMITTEE MEETING
MINUTES

MONDAY, 8th APRIL 2019

Present: N. Hannigan, T. Rynne, P. Adams, C. Adams (Councillor), B. Licul (Councillor), N. Davey, Rebecca McLaughlin (Council),

Apologies: P. Rawlins, C. Williams,

Meeting Commenced: 7:30p.m.

Matters Arising:

1. Noel has not received any information back from Council regarding the spraying of marshmellow weeds.
2. Will still persist with paper towels in toilets.
3. Noel would like to request a meeting with Council about the doggie bags.
4. Noel presented a diagram to Council about the installation for the play equipment.
5. Will contact BH Hockey about their intentions for 2019. Branko to make contact with them.
6. Rebecca to follow up with the removal of the trees along Happy Day.

Correspondence In:

1. Request from Broken High School re: Use of oval Term 2 Wednesdays 2:00p.m. – 3:30p.m.
2. Request from Morgan Street re: Use of oval Term 2 Fridays 11:30a.m. – 1:00p.m.

Correspondence Out: Nil

Financial Report:

Letter to be sent to Commonwealth Bank requesting a yearly statement is sent to the Treasurer.
Payment of \$215.28 to Origin for electricity.

General Business:

1. Request has been made by Happy Day Pre-School to access the surrounds of the oval for parking. Waiting on their proposal to be presented before a decision is to be made. Committee's suggestion is to access behind Happy Day along Cummins Street
2. Noel reported that a wheelie bin (refer to photo attached to the bottom of the minutes) was destroyed by fire between Friday afternoon and Saturday. Paul also reported that a small fire may have also been lit on the oval. Will require a replacement. Also a tree near Apex Park has split. Will need Council to look at it (refer to photo attached to the bottom of the minutes) and remove.
3. Noel reported that he has not heard back from Council on updates from items that were discussed with Michael Cain.
4. Trevor to draw up a new User Calendar for May, June & July.

Meeting closed: 8:00p.m.

Next Meeting: Monday, 13th May 2019



PICTON OVAL MANAGEMENT COMMITTEE MEETING
MINUTES

MONDAY, 13th MAY 2019

Present: N. Hannigan, T. Rynne, P. Adams, C. Adams (Councillor), B. Licul (Councillor), N. Davey.

Apologies: C. Williams, Rebecca McLaughlin (Council).

Meeting Commenced: 7:30p.m.

Matters Arising:

1. Still waiting on a reply from Hockey regarding their use of the oval for 2019 season.

Correspondence In:

1. Request from SOTA to hire oval for Athletics Carnival: Tues 6th August
2. BHCC: Volunteers Awards 2019
3. BHCC: Rebecca McLaughlin – email with follow up from previous meeting.

Correspondence Out: Nil

Financial Report:

Noel has completed and submitted Annual Report and Financials to Council.

Account: \$43,742.54

Term Deposit: \$31,061.70

General Business:

1. Noel to meet with Council to discuss installation of hand dryers in both male and female toilets and replacement of tiles in change room and kitchen.
2. Council has advised that previous conversations have been had about the possibility of installing another tank and that plans were put on hold due to advice from ANZ Curator Graham Logan and NSW Turf Association President Chris Chapman. They advised that the amount of water being used is more than enough for kikuyu turf and the issue they believe is the thickness of the turf and organic build up in it. Council should have now commenced scarifying the oval and fertilising, which should fix this problem. Council using this approach first. They will reassess how the turf is next season.
3. Inspection of existing tank was lodged (CRM 33511/2019) and has been closed. Comments indicate no issue was located.
4. Still waiting on an update regarding turf for long jump run up. Committee looking for installation of 5 metres of turf or similar along run up.
5. Section 8 Structure and Membership of Committee Constitution states that we can have up to 11 members. Currently have 7 active members and would like to advertise for more members. Advertising was completed on 24/04/2019, 27/04/2019 and 04/05/2019. If any nominations have been received they will be reported at May Council meeting.
6. Trees lining fence line between oval and Happy Day causing issues with dropping branches and leaves, causing problems with build-up in change rooms / toilets etc. Initial inspection completed and photos taken. CRM 34273/2019 for a formal safety/risk assessment to be conducted.
7. Doggie bags. Rebecca will follow up and find out if this is happening and when.
8. Marsh mellow weeds is still an issue. Committee to discuss with Council at on-site meeting.
9. No formal request received from Happy Day at this stage about locating a carpark on Picton Oval grounds.
10. Rebecca to follow up with a date for installation of Gym exercise equipment.
11. A fire audit was conducted at the oval. Need to follow up with a number of things to become compliant. A report will be issued.

12. Paul reported that the sprinkler has been fixed and the pump has been removed due to a leak. Hope to have it returned by Friday.
13. Dog signs are contradicting each other. They need to be removed.
14. Paul to follow up with Council regarding the collection of rubbish daily while school's Athletics Carnivals are being conducted in June.

Meeting closed: 8:00p.m.

Next Meeting: Monday, 3rd June 2019 @ 5:30p.m.

ORDINARY MEETING OF THE COUNCIL

May 10, 2019

ITEM 5

BROKEN HILL CITY COUNCIL REPORT NO. 74/19

SUBJECT: MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE
MEETING HELD 19 FEBRUARY 2019 16/8

Recommendation

1. That Broken Hill City Council Report No. 74/19 dated May 10, 2019, be received.
2. That minutes of the BIU Band Hall Community Committee Meeting held 19 February 2019 be received.

Executive Summary:

Council has received minutes from the BIU Band Hall Community Committee Meeting held 19 February 2019 for endorsement by Council.

Report:

As per Council's Section 355 Asset Committee Framework Manual and the Constitution of the BIU Band Hall Community Committee (both adopted March 2017), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Accordingly, the BIU Band Hall Community Committee has submitted minutes from its Committee Meeting held 5 February 2019 for Council's endorsement.

Strategic Direction:

Key Direction:	4. Our Leadership
Objective:	4.3 We Unite to Succeed
Function:	Leadership and Governance
DP Action:	4.3.1.2 Support Councils Section 355 Committees in undertaking their duties with Council

Relevant Legislation:

The BIU Band Hall Community Committee operates under Council's S355 Asset Committee Framework Manual and Standard Constitution and the *Local Government Act, 1993* (Section 355).

Financial Implications:

Nil.

Attachments

1. [↓](#) BIU Band Hall Community Committee Meeting minutes 19/02/19

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAMES RONCON
GENERAL MANAGER

**BIU Band Hall Section 355 Committee Meeting
Minutes for Tuesday 19th February 2019**

Commenced : 6:45pm

Apologies:

Present: Mark Curtis, Branko Licul, Robynne Sanderson, Kyla Vine, Lisa McAllister, Loene Crowley, Rebecca McLaughlin

Minutes of previous meeting : Accepted **M:** Kyla **S:** Lisa

Business arising:

- 1) First Aid Kit – **Kyla** and **Lisa** still need to follow up.
- 2) Hazard Inspection has been done and submitted to Council. Will wait to hear about the many small improvements to be made.
- 3) Electrical Test and Tag needs to be scheduled – Peter Harvey can do this.
- 4) We have new hot water.
- 5) Air conditioner has now burnt out and still leaks water, Loene has reported this to Council.
- 6) New fee structure needs to be submitted to Council, **Kyla** to do this.
- 7) Welcome to Rebecca, our new contact person in Council.

Correspondence in:

Phone call requesting hire of hall for a wedding on 24th Feb.

Letter of introduction from Rebecca McLaughlin, new Infrastructure Projects Officer

Notice of fees and charges review by Council

Correspondence out:

none

Treasurers Report:

See attached.

General Business:

- 1) **Mark** to organise two quotes for LED lighting in the hall.
- 2) **Robynne** has drafted a new Hall Hire Agreement, Information Sheet and Tax Invoice. Will email the tax invoice template to Lisa.
- 3) **Mark** to check when AGM is needed.
- 4) Kyla tabled a letter of resignation as she is moving to Melbourne, and the committee members thanked her for her time as secretary.

Meeting ended: 7:20pm

Next meeting 26th March 2019.

ORDINARY MEETING OF THE COUNCIL

May 15, 2019

ITEM 6

BROKEN HILL CITY COUNCIL REPORT NO. 75/19

SUBJECT: MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE
MEETING HELD 7 MAY 2019 12/52

Recommendation

1. That Broken Hill City Council Report No. 75/19 dated May 15, 2019, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 7 May 2019 be received.

Executive Summary:

Council has received minutes from the Memorial Oval Community Committee Meeting held 7 May 2019 for endorsement by Council.

Report:

As per Council's Section 355 Asset Committee Framework Manual and the Constitution of the Memorial Oval Community Committee (both adopted March 2017), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Accordingly, the Memorial Oval Community Committee has submitted minutes from its Committee Meeting held 7 May 2019 for Council's endorsement.

Strategic Direction:

Key Direction:	4. Our Leadership
Objective:	4.3 We Unite to Succeed
Function:	Leadership and Governance
DP Action:	4.3.1.2 Support Councils Section 355 Committees in undertaking their duties with Council

Relevant Legislation:

The Memorial Oval Community Committee operates under Council's S355 Asset Committee Framework Manual and Standard Constitution and the *Local Government Act, 1993* (Section 355).

Financial Implications:

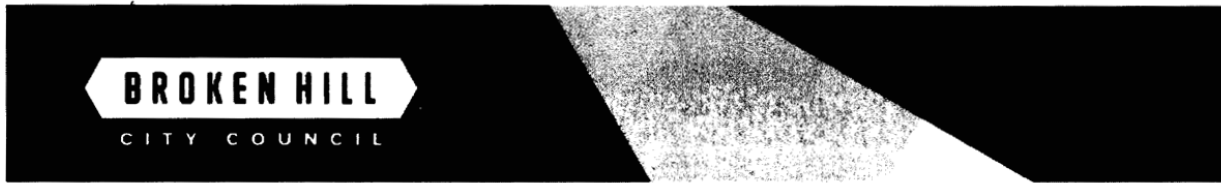
Nil.

Attachments

1. [!\[\]\(633dd45d48d71eb51a85c6dd83ee51e9_img.jpg\)](#) Minutes of the Memorial Oval Community Committee Meeting held 7 May 2019

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAMES RONCON
GENERAL MANAGER



ORDINARY MEETING MINUTES TEMPLATE

MEMORIAL OVAL COMMUNITY COMMITTEE MINUTES.

Date	07/05/2019	Opened: 6.30pm	Closed: 7.20pm
Location:	Show Office, Memorial Oval		
Present:	Ray Steer, Dennis Cetinich, Rebecca McLaughlan, Jody Whitehair, Dinney Reardon, Tony Camilleri, Alan Titcombe, Tania Martyn, Chris May, Bruce McIntosh, John Ralph.		
Absent			

AGENDA	MOVED BY	SECONDED
Welcome: The President Ray Steer welcomed all attending Members to the Meeting. Apologies: Dave Gallagher.	Jody Whitehair.	Tania Martyn.
Confirmation of Minutes from previous meeting held: No Minutes.		
Correspondence: BHCC: Paul Bezzina advising that the main gate will be repaired on the 25/5/2019. BHCC: Rebecca McLaughlan advising that nominations are now open for the 2019 Volunteers Awards, will close on Sunday 11/05/2019.	Tania Martyn.	Chris May.
Financial Report: Bank Balance: April 2019 \$24,300.72 Debtors: CBHFC &3,445.86.	Dennis Cetinich.	Ray Steer.

BROKEN HILL
CITY COUNCIL

AGENDA	MOVED BY	SECONDED
<p><u>General Business:</u> BHCC; Rebecca Mc Laughlan advised the Committee of the following: Rockfest account Oval hire \$880.00, Electricity \$7.60 it was agreed at a meeting with Rachel Merton the BHCC Would take a percentage of this amount and the remainder of this account would be paid into the MOCC Bank account, MOCC has received nothing re this agreement. Foot crossing and speed limit will be placed in front of the Adkins Pavilion Licence for the Adkins Pavilion will be finalised shortly. Coaches boxes need chequer plate on the bottoms. Require a quote for another 2 Coach Boxes to be setup in the Grandstand, Quote from Tafe. Grandstand chairs can now be sold, these can be viewed at the Council Yards. Look into grant for new Grandstand Chairs. Canteen HWS has not being installed as yet, put Cooker Grates in hot water after use. New Keys required for the Tower Box. Repair Line Marker and return it to the AFL. Ray to pick up 6 mats for the Canteen War Memorial: Guns at present being Painted. Rebecca will be an apology for the next Meeting.</p> <p><u>Harness Racing:</u> Tony Camilleri informed the Committee that Harness Racing NSW will be spending around \$15,000.00 to upgrade the local racing track, they will need to talk to BHCC AND MOCC in reference to insurance and upkeep. Tony requires the minutes re the BHCC agreeing to donate \$1,500.00 for track repairs in 2018.</p>		
<p><u>Meeting Closed:</u> 7.20pm.</p>		
<p><u>Next Meeting:</u> 4th June 2019, @ 6.30pm.</p>		

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETINGS

1. QUESTIONS ON NOTICE NO. 5/19 - DATED MAY 20, 2019 -
COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE APRIL 2019
COUNCIL MEETING (11/407, 18/41, 17/206)348

ORDINARY MEETING OF THE COUNCIL

May 20, 2019

ITEM 1QUESTIONS ON NOTICE NO. 5/19

SUBJECT: COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE APRIL
2019 COUNCIL MEETING 11/407, 18/41, 17/206

Summary

The report provides responses to questions raised by Councillors during the March 2019 Council Meeting, which were taken on notice.

Recommendation

1. That Questions On Notice No. 5/19 dated May 20, 2019, be received.

Background

Following are responses to a questions raised by Councillors which the Mayor and/or General Manager took on notice at the April 2019 Council Meeting and the May 2019 Extraordinary Meeting.

Question:	<p><u>Draft Sustainability Strategy</u></p> <p><i>Councillor Kennedy requested information regarding the cost of Council implementing the strategy including employee costs and benefits to the community.</i></p>
Response:	<p>The Oxford dictionary defines strategy as ‘a plan of action designed to achieve a long-term or overall aim’. The draft Sustainability Strategy document clearly articulates this intent but in essence page 4 states “This Strategy provides a direction for Council about how to consider everything we do so we can start working in a more sustainable way. It identifies 11 action plans which include energy, water, waste, transport and the built environment.</p> <p>The Environmental key direction working group (KDWG) will play a pivotal role in driving future projects if the strategy is adopted and will continue to grow on the successful projects undertaken thus far including, but not limited to, the reusable coffee cups, reusable shopping bags, assessment and introduction of hybrid and electric motor vehicles into Councils fleet when vehicle changeover is required, introduction of solar and wind powered park lighting, and smart irrigation systems when replacement is required. As can be seen from the aforementioned, employee costs are part of business as usual and the benefits to the community should be obvious.</p>

Question:	<p><u>Broken Hill Visitors' Information Centre – Visitation Statistics</u></p> <p><i>Councillor Browne requested visitation statistics for the Broken Hill Visitors' Information Centre for the last 6 month and 12 month periods.</i></p>																																																																						
Response:	<p>Cultural facilities (includes Gallery, GEO Centre, VIC, Living Desert and Events) quarterly report is placed on the Councillor Hub.</p> <p>The table below indicates foot traffic through the Visitor Information Centre over the last five financial years. This is currently made up of approximately 3% international visitors, 12% local visitors, 40% NSW visitors and 45% interstate visitors.</p> <p>The steady decline in visitors who use the VIC (approximately 5% each year) is reflective of a national trend of 'traditional' visitor services. The decline can be attributed to several factors such as more use of the internet to obtain information and plan itineraries, especially with younger people, and a shift by travellers from usage of VIC's to usage of online services to book accommodation.</p> <p>Two trends are emerging to counter-act this general decline:</p> <ul style="list-style-type: none">a) Turning a traditional VIC into a 'Welcome Centre', a place where unique local stories are being told. Sometimes VIC's are co-locating with a museum or another attraction that showcases local heritage.b) The trend to serve the visitors wherever they are on their journey (Fish where the Fish are). This includes mobile or pop-up mini-VIC's for events and in the CBD at busy times plus a stronger online customer service via websites and social media. <p>BHCC is also in the process of formulating a new destination marketing strategy in collaboration with Destination NSW and the local industry which will seek to improve visitation.</p> <p>Marketing alone will not reverse the decline unless commitment is made by operators to better manage their online presence and obtain digital positive reviews by tourists and collaboration with Destination NSW.</p> <table><tr><th>Month</th><th>2013-14</th><th>2014-15</th><th>2015-16</th><th>2016-17</th><th>2017-18</th><th>2018-19 9 months</th></tr><tr><td>High Season</td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>July</td><td>13361</td><td>12975</td><td>12183</td><td>11141</td><td>11870</td><td>10349</td></tr><tr><td>August</td><td>10963</td><td>10021</td><td>10035</td><td>10134</td><td>9697</td><td>8939</td></tr><tr><td>Sept</td><td>15582</td><td>14931</td><td>14395</td><td>13249</td><td>12614</td><td>11734</td></tr><tr><td>Oct</td><td>11319</td><td>11150</td><td>10058</td><td>10226</td><td>9986</td><td>10650</td></tr><tr><td>Shoulder Season</td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Nov</td><td>6535</td><td>5692</td><td>5554</td><td>5838</td><td>5560</td><td>5615</td></tr><tr><td>Dec</td><td>5013</td><td>4316</td><td>4593</td><td>4594</td><td>4228</td><td>4121</td></tr><tr><td>Jan</td><td>4589</td><td>4922</td><td>4850</td><td>4658</td><td>4033</td><td>3603</td></tr></table>	Month	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19 9 months	High Season							July	13361	12975	12183	11141	11870	10349	August	10963	10021	10035	10134	9697	8939	Sept	15582	14931	14395	13249	12614	11734	Oct	11319	11150	10058	10226	9986	10650	Shoulder Season							Nov	6535	5692	5554	5838	5560	5615	Dec	5013	4316	4593	4594	4228	4121	Jan	4589	4922	4850	4658	4033	3603
Month	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19 9 months																																																																	
High Season																																																																							
July	13361	12975	12183	11141	11870	10349																																																																	
August	10963	10021	10035	10134	9697	8939																																																																	
Sept	15582	14931	14395	13249	12614	11734																																																																	
Oct	11319	11150	10058	10226	9986	10650																																																																	
Shoulder Season																																																																							
Nov	6535	5692	5554	5838	5560	5615																																																																	
Dec	5013	4316	4593	4594	4228	4121																																																																	
Jan	4589	4922	4850	4658	4033	3603																																																																	

	Feb	3432	3691	4501	3379	3264	3988
	Mar	8373	7384	7069	6976	6963	6479
	High Season						
	Apr	12772	12132	10296	10515	9328	
	May	11348	11384	10462	10595	10122	
	June	11132	11011	10093	9384	8854	
	TOTAL	114419	109609	104089	100689	96519	65478
<p>Note: Foot traffic through the VIC is measured by three sensors located at three entrances into the VIC section of the T&T Centre building. The number is then divided by 2.1 to take into account movement in and out of the area (2.0) as well as staff movement (0.1).</p>							
Question:	<p><u>Waste Fees</u></p> <p><i>A question from Councillor Kennedy was taken on notice at the Extraordinary Council Meeting held 14 May 2019 regarding the current fees per cubic metre for the dumping of various types of waste at Council's Waste Services Facility.</i></p>						
Response:	<p>To provide an accurate costing for the landfill, per tonne, cannot currently be given due to inconsistent data coming through the waste facility. As discussed with Councillors at recent budget briefing sessions, we cannot be certain of the data coming from the weighbridge and in turn its alignment with the current fees & charges and the waste classification guideline. For example it is a lot cheaper to manage the disposal of green waste than it is construction material. Through the outcome of an independent internal audit, we have been advised of instances where construction material has been hidden by green waste cover and subsequently classified and reported as green waste.</p> <p>The redesign of the proposed fees & charges for 2019/20 is one method that Council is using to address this issue and ensure appropriate waste classification and recording. The fees for 2019/20 have been based on the average cost for disposing at the Broken Hill landfill based on the current annual operational and capital expenditure along with benchmarking similar Councils and data collected by state and federal agencies on the average cost for landfill disposal for various waste classifications.</p> <p>The cost of disposing at landfills is calculated using the weight of waste (tonnage) as opposed to area (cubic meters).</p> <p>Based on the method described above the average cost per tonne of waste delivered to the Broken Hill Waste Facility is: \$95-\$100.</p>						

Attachments

There are no attachments for this report

JAMES RONCON
GENERAL MANAGER

CLOSED

Council Meeting to be held **Wednesday, May 29, 2019**

1. BROKEN HILL CITY COUNCIL REPORT NO. 76/19 - DATED NOVEMBER 27, 2018 - PROPOSED LICENCE OF PART OF THE WILLYAMA COMMON FOR KEEPING OF HORSES - **CONFIDENTIAL**

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

2. BROKEN HILL CITY COUNCIL REPORT NO. 77/19 - DATED DECEMBER 17, 2018 - FAR WEST HACC TRANSFER OF NORTH MINE HALL LEASE TO LIVEBETTER SERVICES - **CONFIDENTIAL**

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

3. BROKEN HILL CITY COUNCIL REPORT NO. 78/19 - DATED APRIL 09, 2019 - PROPOSED ACCESS LICENCE THROUGH PART OF THE WILLYAMA COMMON - **CONFIDENTIAL**

(General Manager's Note: This report considers a proposed licence 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).

4. BROKEN HILL CITY COUNCIL REPORT NO. 79/19 - DATED APRIL 24, 2019 - RENEWAL OF LEASE AT THE AIRPORT TO THE AERO CLUB OF BROKEN HILL - **CONFIDENTIAL**

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

5. BROKEN HILL CITY COUNCIL REPORT NO. 80/19 - DATED MAY 16, 2019 - VARIATION OF LEASE - 72-74 GYPSUM STREET TO LIVEBETTER SERVICES PTY LTD - **CONFIDENTIAL**

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

6. BROKEN HILL CITY COUNCIL REPORT NO. 81/19 - DATED MAY 13, 2019 - BROKEN HILL ANIMAL POUND - **CONFIDENTIAL**

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