

July 24, 2019

**ORDINARY MONTHLY MEETING**

**TO BE HELD**

**WEDNESDAY, JULY 31, 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

ABN 84 873 116 132

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, July 31, 2019** commencing at 6:30 p.m. to consider the following business:

- 1) Opening Meeting
- 2) Apologies
- 3) Prayer
- 4) Acknowledgement of Country
- 5) Minutes for Confirmation
- 6) Disclosure of Interest
- 7) Mayoral Minute(s)
- 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
- 16) Conclusion of the meeting

  
**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,  
June 26, 2019.

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

Meeting commenced at 6:30p.m.

**PRESENT:**

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

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

Media (3), Members of the Public (10).

**APOLOGIES:**

Councillor D. Gallagher.

**RESOLUTION**

Minute No. 46090

Councillor B. Licul moved

Councillor C. Adams seconded

)

That the apology submitted on behalf of

)

Councillor D. Gallagher be accepted.

CARRIED

*The Mayor acknowledged the attendance of the former General Manager of the Broken Hill Health Service, Ms Christine Kibble, OAM and Ms Pauline Graham in the public gallery.*

**PRAYER**

Councillor Adams delivered the prayer

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Clark delivered the Acknowledgment of Country

**MINUTES FOR CONFIRMATION**

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 May 29,  
2019 be confirmed.

Amendment

Councillor T. Kennedy moved

Councillor B. Algate seconded

)

)

That the Minutes of the Ordinary Meeting of the  
Council of the City of Broken Hill held May 29,  
2019 be adopted and that it be noted that the  
draft minutes were amended after the Business  
Paper Briefing Session on Monday 24 June  
2019 on page 5 and 53.

LOST

A Division was called which resulted in:

FOR: Crs Algate and Kennedy

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

AGAINST: Crs Adams, Browne, Licul, Turley, Clark, Page and Nolan  
ABSENT: Cr Gallagher

The original motion was put.

**RESOLUTION**

Minute No. 46091

Councillor C. Adams moved	)	That the Minutes of the Ordinary Meeting of the
Councillor B. Licul seconded	)	Council of the City of Broken Hill held May 29,
		2019 be confirmed.

CARRIED

A Division was called which resulted in:

FOR: Crs Adams, Browne, Licul, Turley, Clark, Page and Nolan  
AGAINST: Crs Algate and Kennedy  
ABSENT: Cr Gallagher

**DISCLOSURE OF INTEREST**

Mayor Turley declared:

- a non-pecuniary conflict of interest in Confidential Report No. 99/19 as she is a former member of the organisation and advised that she will remain in the Council Chambers and will exercise her vote.

Councillor Browne declared:

- A non-pecuniary non-significant conflict of interest in Confidential Report No. 99/19 as she is a former member of the organisation and advised that she will remain in the Council Chambers and will exercise her vote.

**MAYORAL MINUTES**

**ITEM 1 - MAYORAL MINUTE NO. 1/19 - DATED JUNE 21, 2019 - RAMSAR LISTING - MENINDEE LAKES**

11/501

Councillor D. Turley moved	)	1. That Mayoral Minute No. 1/19 dated June 21,
Councillor J. Nolan seconded	)	2019, be received.
		2. That Broken Hill City Council support the
		proposal for Menindee Lakes to become a
		RAMSAR Site.

Amendment

Councillor T. Kennedy moved	)	1. That Mayoral Minute No. 1/19 dated June 21,
Councillor B. Algate seconded	)	2019, be received.
		2. That Council defers support for Menindee
		Lakes to become a RAMSAR site until
		information is provided to Councillors
		regarding the full implications of a RAMSAR
		listing for Menindee Lakes.

LOST

A Division was called which resulted in:



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

FOR: Crs Algate and Kennedy  
AGAINST: Crs Adams, Browne, Licul, Turley, Clark, Page and Nolan  
ABSENT: Cr Gallagher

The original motion was put.

**RESOLUTION**

Minute No. 46092

Councillor D. Turley moved	)	1. That Mayoral Minute No. 1/19 dated June 21,
Councillor J. Nolan seconded	)	2019, be received.
		2. That Broken Hill City Council support the
		proposal for Menindee Lakes to become a
		RAMSAR Site.

CARRIED

A Division was called which resulted in:

FOR: Crs Adams, Browne, Licul, Turley, Clark, Page and Nolan  
AGAINST: Crs Algate and Kennedy  
ABSENT: Cr Gallagher

**NOTICES OF MOTION**

Nil.

**RESCISSION MOTIONS**

Nil.

**REPORTS FROM DELEGATES**

ITEM 2 - REPORTS FROM DELEGATES NO. 3/19 - DATED JUNE 13, 2019 - ATTENDANCE AT  
2019 SMALL BUSINESS FRIENDLY COUNCILS CONFERENCE (INAUGURAL) HELD 16-17 MAY  
2019 15/140

Councillor B. Licul moved )  
Councillor M. Clark seconded ) 1. That Reports from Delegates No. 3/19 dated  
June 13, 2019, be received and noted.

Amendment

Councillor T. Kennedy moved	)	1. That Reports from Delegates No. 3/19
Councillor B. Algate seconded	)	dated June 13, 2019, be received.
		2. That Council works with businesses to
		re-establish the Chamber of Commerce
		and Council meets with the 25in25
		Committee and Regional Development
		Australia to discuss items in this report.

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

LOST

A Division was called which resulted in:

FOR: Crs Algate and Kennedy  
AGAINST: Crs Adams, Browne, Licul, Turley, Clark, Page and Nolan  
ABSENT: Cr Gallagher

The original motion was put.

**RESOLUTION**

Minute No. 46093

Councillor B. Licul moved	)	1. That Reports from Delegates No. 3/19 dated
Councillor M. Clark seconded	)	June 13, 2019, be received and noted.

CARRIED

A Division was called which resulted in:

FOR: Crs Adams, Browne, Licul, Turley, Clark, Page and Nolan  
AGAINST: Crs Algate and Kennedy  
ABSENT: Cr Gallagher

**REPORTS**

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 83/19 - DATED JUNE 13, 2019 -**  
**CORRESPONDENCE REPORT - NATIONAL DISABILITY INSURANCE SCHEME (NDIS)** 11/490

**RESOLUTION**

Minute No. 46094

Councillor T. Kennedy moved	)	1. That Broken Hill City Council Report No.
Councillor C. Adams seconded	)	83/19 dated June 13, 2019, be received.
		2. That reply correspondence (undated) received from the National Disability Insurance Agency on behalf of the former Minister for Families and Social Services, the Hon Paul Fletcher MP, be received.
		3. That reply correspondence dated 2 May 2019 from the Hon Mark Coulton MP, Federal Member for Parkes, be received.
		4. That reply correspondence dated 16 May 2019 from the Department of Social Services, be received.
		5. That, as the correspondence received advised that the government was at the time in care-taker mode, Council re-sends correspondence to the newly elected Ministers which outlines that there are now a number of organisations in Broken Hill that are in a desperate financial position due to the impact of the introduction of the NDIS, and that the matter requires urgent attention.

CARRIED UNANIMOUSLY

A Division was called which resulted in:

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

FOR: Crs Adams, Algate, Browne, Kennedy, Licul, Turley, Clark, Page and Nolan  
AGAINST: Nil  
ABSENT: Cr Gallagher

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 84/19 - DATED MAY 10, 2019 -  
ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 14-16 OCTOBER  
2019** 11/364

**RESOLUTION**

Minute No. 46095

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

1. That Broken Hill City Council Report No. 84/19 dated May 10, 2019, be received.
2. That registration and travel arrangements be made for three Councillors (to be the Mayor, Deputy Mayor and one other Councillor) to attend the Local Government NSW Conference to be held in Warrick Farm, October 14-16, 2019.
3. That any additional Councillors wishing to attend the conference are required to advise their interest to the General Manager.
4. That Council's Mayor and Deputy Mayor be Council's voting delegates to the Conference and Council advises Local Government NSW by 20 September 2019.
5. That Council determine motions to the NSW Local Government Annual Conference in line with the criteria prior to the closing date of 19 August 2019.

CARRIED

A Division was called which resulted in:

FOR: Crs Adams, Algate, Browne, Licul, Turley, Clark, Page and Nolan  
AGAINST: Cr Kennedy  
ABSENT: Cr Gallagher

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 85/19 - DATED MAY 15, 2019 - ADOPTION  
OF THE 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 M. Browne moved )  
Councillor M. Clark seconded )

1. That Broken Hill City Council Report No. 85/19 dated May 15, 2019, be received.
2. That Council note and acknowledge submissions made during the public exhibition period.
3. That Council adopts the Draft Delivery Program 2019-2021 incorporating Operational Plan 2019/2020 inclusive of the Statement of Revenue Policy and Draft

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

Schedule of Fees and Charges 2019/2020  
with an amendment to the Schedule of Fees  
and Charges 2019/2020:

- item 7-20 increase free parking from 2 hours to 3 hours.
- item 7-21 to be removed.

4. That Council make and levy the following rates and charges under the Local Government Act 1993 for the 2019/2020 year.
  - i. A general residential rate under Sections 535 and 537 on all land categorised as residential and consisting of a 49.00% base rate of \$517.00 and a rate in the dollar on land value of 2.640144 cents;
  - ii. A rural-residential rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as rural-residential and consisting of a 49.00% base rate of \$495.00 and a rate in the dollar on land value of 0.572504 cents;
  - iii. A residential-1(a) rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as residential-1(a) and consisting of a 49.00% base rate of \$432.00 and a rate in the dollar on land value of 1.734237 cents;
  - iv. A general farmland rate under Sections 535 and 537 on all land categorised as farmland and consisting of a 30.00% base rate of \$1,111.00 and a rate in the dollar on land value of 2.079085 cents;
  - v. A general business rate under Sections 535 and 537 on all land categorised as business and consisting of a 15.00% base rate of \$876 and a rate in the dollar on land value of 7.722858 cents;
  - vi. A mixed development business rate under Sections 535 and 537 on all land categorised as mixed development business and consisting of a 23.00% base rate of \$853 and a rate in the dollar on land value of 7.722858 cents;
  - vii. A mixed development residual rate under Sections 535 and 537 on all land categorised as mixed development residual and consisting of a 38.00% base rate of \$501.00

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

- and a rate in the dollar on land value of 2.640144 cents;
- viii. A general mine rate under Sections 535 and 537 on all land categorised as mining and consisting of a nil base rate and a rate in the dollar on land value of 10.285905 cents;
- ix. A domestic waste management charge under Section 496 on each parcel of rateable residential land of \$47.00 per annum payable quarterly for domestic waste service available plus a user charge under Section 502 of \$273.00 per annum payable quarterly (one mobile garbage container only).
- x. A commercial waste user charge under Section 502 of \$406.00 per annum payable quarterly (3 x MGB containers),
- xi. A commercial waste user charge under Section 502 of \$373.00 per annum payable quarterly (1x600l bin only),
- xii. An additional MGB service user charge under Section 502 of \$144.00 per annum payable quarterly.
- xiii. That in accordance with Section 566(3) of the Local Government Act, 1993, Council adopts an 7.5% rate of interest charge payable on overdue rates and charges during the 2019/20 financial year.
5. That Council acknowledge and endorse the need to rationalise underperforming Council-owned assets.
6. That Council endorse a review of asset service levels and utilisations to inform an Asset Rationalisation Strategy, which will be implemented to ensure asset levels are commensurate with community needs.

Amendment

Councillor T. Kennedy moved )  
Councillor B. Algate seconded )

1. That Broken Hill City Council Report No. 85/19 dated May 15, 2019, be received.
2. That Council note and acknowledge submissions made during the public exhibition period.
3. That Council adopts 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

with an amendment to the Schedule of Fees and Charges 2019/2020 to allow for free usage of the waste facility for residents and commercial operators who are removing residential waste.

4. That Council make and levy the following rates and charges under the Local Government Act 1993 for the 2019/2020 year.
  - i. A general residential rate under Sections 535 and 537 on all land categorised as residential and consisting of a 49.00% base rate of \$517.00 and a rate in the dollar on land value of 2.640144 cents;
  - ii. A rural-residential rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as rural-residential and consisting of a 49.00% base rate of \$495.00 and a rate in the dollar on land value of 0.572504 cents;
  - iii. A residential-1(a) rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as residential-1(a) and consisting of a 49.00% base rate of \$432.00 and a rate in the dollar on land value of 1.734237 cents;
  - iv. A general farmland rate under Sections 535 and 537 on all land categorised as farmland and consisting of a 30.00% base rate of \$1,111.00 and a rate in the dollar on land value of 2.079085 cents;
  - v. A general business rate under Sections 535 and 537 on all land categorised as business and consisting of a 15.00% base rate of \$876 and a rate in the dollar on land value of 7.722858 cents;
  - vi. A mixed development business rate under Sections 535 and 537 on all land categorised as mixed development business and consisting of a 23.00% base rate of \$853 and a rate in the dollar on land value of 7.722858 cents;
  - vii. A mixed development residual rate under Sections 535 and 537 on all land categorised as mixed development residual and consisting of a 38.00% base rate of \$501.00

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

- and a rate in the dollar on land value of 2.640144 cents;
- viii. A general mine rate under Sections 535 and 537 on all land categorised as mining and consisting of a nil base rate and a rate in the dollar on land value of 10.285905 cents;
- ix. A domestic waste management charge under Section 496 on each parcel of rateable residential land of \$47.00 per annum payable quarterly for domestic waste service available plus a user charge under Section 502 of \$273.00 per annum payable quarterly (one mobile garbage container only).
- x. A commercial waste user charge under Section 502 of \$406.00 per annum payable quarterly (3 x MGB containers),
- xi. A commercial waste user charge under Section 502 of \$373.00 per annum payable quarterly (1x600l bin only),
- xii. An additional MGB service user charge under Section 502 of \$144.00 per annum payable quarterly.
- xiii. That in accordance with Section 566(3) of the Local Government Act, 1993, Council calculates interest annually at no more than CPI on overdue rates and charges during the 2019/20 financial year.
5. That Council rationalises underperforming Council-owned assets on a needs basis.
6. That Council reviews asset service levels and utilisations to inform an Asset Rationalisation Strategy, which will be carried out on a needs basis to ensure asset levels are commensurate with community needs.

LOST

A Division was called which resulted in:

FOR: Crs Algate, Kennedy and Page  
AGAINST: Crs Adams, Browne, Licul, Turley, Clark and Nolan  
ABSENT: Cr Gallagher

The original motion was put.

**RESOLUTION**

Minute No. 46096

Councillor M. Browne moved

)

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

Councillor M. Clark seconded

)

1. That Broken Hill City Council Report No. 85/19 dated May 15, 2019, be received.
2. That Council note and acknowledge submissions made during the public exhibition period.
3. That Council adopts 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 with an amendment to the Schedule of Fees and Charges 2019/2020:
  - item 7-20 increase free parking from 2 hours to 3 hours.
  - item 7-21 to be removed.
4. That Council make and levy the following rates and charges under the Local Government Act 1993 for the 2019/2020 year.
  - i. A general residential rate under Sections 535 and 537 on all land categorised as residential and consisting of a 49.00% base rate of \$517.00 and a rate in the dollar on land value of 2.640144 cents;
  - ii. A rural-residential rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as rural-residential and consisting of a 49.00% base rate of \$495.00 and a rate in the dollar on land value of 0.572504 cents;
  - iii. A residential-1(a) rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as residential-1(a) and consisting of a 49.00% base rate of \$432.00 and a rate in the dollar on land value of 1.734237 cents;
  - iv. A general farmland rate under Sections 535 and 537 on all land categorised as farmland and consisting of a 30.00% base rate of \$1,111.00 and a rate in the dollar on land value of 2.079085 cents;
  - v. A general business rate under Sections 535 and 537 on all land categorised as business and consisting of a 15.00% base rate of \$876 and a rate in the dollar on land value of 7.722858 cents;



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

- vi. A mixed development business rate under Sections 535 and 537 on all land categorised as mixed development business and consisting of a 23.00% base rate of \$853 and a rate in the dollar on land value of 7.722858 cents;
  - vii. A mixed development residual rate under Sections 535 and 537 on all land categorised as mixed development residual and consisting of a 38.00% base rate of \$501.00 and a rate in the dollar on land value of 2.640144 cents;
  - viii. A general mine rate under Sections 535 and 537 on all land categorised as mining and consisting of a nil base rate and a rate in the dollar on land value of 10.285905 cents;
  - ix. A domestic waste management charge under Section 496 on each parcel of rateable residential land of \$47.00 per annum payable quarterly for domestic waste service available plus a user charge under Section 502 of \$273.00 per annum payable quarterly (one mobile garbage container only).
  - x. A commercial waste user charge under Section 502 of \$406.00 per annum payable quarterly (3 x MGB containers),
  - xi. A commercial waste user charge under Section 502 of \$373.00 per annum payable quarterly (1x600l bin only),
  - xii. An additional MGB service user charge under Section 502 of \$144.00 per annum payable quarterly.
  - xiii. That in accordance with Section 566(3) of the Local Government Act, 1993, Council adopts an 7.5% rate of interest charge payable on overdue rates and charges during the 2019/20 financial year.
5. That Council acknowledge and endorse the need to rationalise underperforming Council-owned assets.
6. That Council endorse a review of asset service levels and utilisations to inform an Asset Rationalisation Strategy, which will be implemented to ensure asset levels are commensurate with community needs.

CARRIED

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

A Division was called which resulted in:

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

Councillor Kennedy left the meeting at 7:15p.m.

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 86/19 - DATED JUNE 18, 2019 - ADOPTION OF DRAFT LONG TERM FINANCIAL PLAN 2020-2024** 18/194

**Resolved**

1. That Broken Hill City Council Report No. 86/19 dated June 18, 2019, be received.
2. That Council adopts the Draft Long Term Financial Plan 2020-2029 as a Plan of Council.

**RESOLUTION**

Minute No. 46097

Councillor M. Browne moved )  
Councillor M. Clark seconded )

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 87/19 - DATED APRIL 18, 2019 - ADOPTION OF DRAFT SUSTAINABILITY STRATEGY 2018-2023** 18/41

**Resolved**

1. That Broken Hill City Council Report No. 87/19 dated April 18, 2019, be received.
2. That Council adopts the draft Sustainability Strategy 2018–2023 as a Strategy of Council.

**RESOLUTION**

Minute No. 46098

Councillor J. Nolan moved )  
Councillor C. Adams seconded )

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 88/19 - DATED JUNE 14, 2019 - BROKEN HILL ACTIVE TRANSPORT PLAN** 11/318

**Resolved**

1. That Broken Hill City Council Report No. 88/19 dated June 14, 2019, be received.
2. That Council adopts the Broken Hill Active Transport Plan as a Sub-Plan to Council's adopted Asset Management Plans and the recommended priorities within this report are considered for planning purposes and development of a ten-year delivery program.

**RESOLUTION**

Minute No. 46099

Councillor M. Browne moved )  
Councillor M. Clark seconded )

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 89/19 - DATED JUNE 08, 2019 - BROKEN HILL LIBRARY, COMMUNITY HUB AND CULTURAL PRECINCT - PROJECT UPDATE** 16/89

**Resolved**

1. That Broken Hill City Council Report No. 89/19 dated June 8, 2019, be received.

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

**RESOLUTION**

Minute No. 46100

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

CARRIED

A Division was called which resulted in:

FOR: Crs Adams, Browne, Licul, Turley, Clark, Nolan and Page  
AGAINST: Cr Algate  
ABSENT: Crs Gallagher and Kennedy

*The General Manager took a question on notice from Councillor Clark as to whether there will be any further community engagement sessions carried out by Council and a presentation by the architects explaining aspects of the final design and answering questions regarding the Library, Community Hub and Cultural Precinct.*

*The General Manager will advise the dates of upcoming community engagement sessions.*

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 90/19 - DATED JUNE 03, 2019 - DRAFT CODE OF PRACTICE CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM PROGRAMME POLICY**

12/14

Resolved

1. That Broken Hill City Council Report No. 90/19 dated June 3, 2019, be received.
2. That Council endorse the draft Code of Practice Closed Circuit Television (CCTV) Programme Policy for the purpose of public exhibition.
3. That the draft Code of Practice Closed Circuit Television (CCTV) Programme Policy be exhibited for public comment for a 28 day period.
4. That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the draft Code of Practice Closed Circuit Television (CCTV) Programme Policy.

**RESOLUTION**

Minute No. 46101

Councillor M. Browne moved )  
Councillor M. Clark seconded )

CARRIED UNANIMOUSLY

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 91/19 - DATED MAY 22, 2019 - CATEGORISATION OF COUNCIL MANAGED CROWN RESERVES UNDER THE CROWN LAND MANAGEMENT ACT 2016**

18/144

Resolved

1. That Broken Hill City Council Report No. 91/19 dated May 22, 2019, be received.
2. That Council request approval from the Minister for Water, Property and Housing of the attached proposed initial categorisations for Council managed Crown Reserves under the *Crown Land Management Act 2016*.
3. That the General Manager be authorised to sign any required documents regarding the categorisation of Crown Reserves and notification to the Minister of assigned categorisation.

**RESOLUTION**

Minute No. 46102

Councillor C. Adams moved )

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

Councillor M. Browne seconded

)

CARRIED UNANIMOUSLY

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 92/19 - DATED JUNE 17, 2019 - MINUTES  
OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 9 MAY 2019** 13/19

Councillor B. Licul moved  
Councillor M. Clark seconded

)

)

1. That Broken Hill City Council Report No. 92/19 dated June 17, 2019, be received.
2. That minutes of the Audit, Risk and Improvement Committee Meeting held 9 May 2019 be received.
3. That Council adopts the following amendments to the Audit, Risk and Improvement Committee Charter:
  - a) Page 2 – Attendees (non-voting) – add Executive Leadership Team and Corporate Risk Officer.
  - b) Page 4 – External Audit – delete item 2.
  - c) Page 6 – Review of the Audit, Risk and Improvement Committee Charter – add the words “Risk and Improvement”: to line 1.

Amendment

Councillor B. Algate moved

)

)

1. That Broken Hill City Council Report No. 92/19 dated June 17, 2019, be received.
2. That the minutes of the Audit, Risk and Improvement Committee Meeting held 9 May 2019 be withdrawn from the meeting and sent back to the Audit, Risk and Improvement committee for revision and that Council records a vote of full confidence in Council’s staff.

LAPSED  
FOR WANT OF A SECONDER

*Before a seconder was sought for the amendment Council resolved to go into closed session to discuss the matter in detail.*

**RESOLUTION**

Minute No. 46103

Councillor B. Algate moved  
Councillor R. Page seconded

)

)

That the meeting be closed to the public in accordance with Section 10A(2)(a) of the Local Government Act, 1993 to discuss in detail staff matters, pertaining to the minutes of the Audit, Risk and Improvement Committee Meeting held 9 May 2019.

CARRIED UNANIMOUSLY

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

*Members of the media and public left the Council Chambers at 7:30p.m.*

**RESOLUTION**

Minute No. 46104

Councillor B. Algate moved ) That the meeting resume in open session for  
Councillor B. Licul seconded ) Council to consider Report No. 92/19.

CARRIED

A Division was called which resulted in:

FOR: Crs Adams, Algate, Browne, Licul, Turley, Clark and Nolan

AGAINST: Cr Page

ABSENT: Crs Kennedy and Gallagher

*Members of the media and public returned to the Council Chambers at 7:43p.m.*

The amendment did not gain a seconder.

The original motion was put.

**RESOLUTION**

Minute No. 46105

Councillor B. Licul moved ) 1. That Broken Hill City Council Report No.  
Councillor M. Clark seconded ) 92/19 dated June 17, 2019, be received.

2. That minutes of the Audit, Risk and Improvement Committee Meeting held 9 May 2019 be received.

3. That Council adopts the following amendments to the Audit, Risk and Improvement Committee Charter:

a) Page 2 – Attendees (non-voting) – add Executive Leadership Team and Corporate Risk Officer.

b) Page 4 – External Audit – delete item 2.

c) Page 6 – Review of the Audit, Risk and Improvement Committee Charter – add the words “Risk and Improvement”: to line 1.

CARRIED

A Division was called which resulted in:

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

AGAINST: Crs Algate and Page

ABSENT: Crs Gallagher and Kennedy

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 93/19 - DATED JUNE 12, 2019 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 393 HELD WEDNESDAY JUNE 4, 2019**

11/397

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

Resolved

1. That Broken Hill City Council Report No. 93/19 dated June 12, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.393 held June 4, 2019 be received.

**RESOLUTION**

Minute No. 46106

Councillor M. Browne moved )  
Councillor B. Algate seconded )

CARRIED UNANIMOUSLY

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 94/19 - DATED JUNE 12, 2019 - INVESTMENT REPORT FOR MAY 2019**

17/82

Resolved

1. That Broken Hill City Council Report No. 94/19 dated June 12, 2019, be received.

**RESOLUTION**

Minute No. 46107

Councillor J. Nolan moved )  
Councillor M. Browne seconded )

CARRIED UNANIMOUSLY

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 95/19 - DATED JUNE 14, 2019 - ACTION LIST REPORT**

11/21

Resolved

1. That Broken Hill City Council Report No. 95/19 dated June 14, 2019, be received.

**RESOLUTION**

Minute No. 46108

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

CARRIED UNANIMOUSLY

**COMMITTEE REPORTS**

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 96/19 - DATED APRIL 08, 2019 - S355 ANNUAL AND FINANCIAL REPORTS 2017/2018**

16/94

Resolved

1. That Broken Hill City Council Report No. 96/19 dated April 8, 2019, be received.
2. That the 2017/2018 Picton Oval Annual Report be received and noted.
3. That the Picton Oval Financial Reports ending 30 March 2018 be received and noted.
4. That the BIU Band Hall 207/2018 Financial Report be received and noted.

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 97/19 - DATED JUNE 13, 2019 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 4 JUNE 2019**

12/52

Resolved

1. That Broken Hill City Council Report No. 97/19 dated June 13, 2019, be received.

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

2. That minutes of the Memorial Oval Community Committee Meeting held 4 June 2019 be received.

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 98/19 - DATED JUNE 13, 2019 - MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE MEETING HELD 2 APRIL 2019** 16/8

Resolved

1. That Broken Hill City Council Report No. 98/19 dated June 13, 2019, be received.
2. That minutes of the BIU Band Hall Community Committee Meeting held 2 April 2019 be received.
3. That Council accepts the resignation from Ms Kyla Vine as a community representative on the BIU Band Hall Community Committee.
4. That Council advertises to fill the vacant community representative positions on the BIU Band Hall Community Committee

Minute No. 46109

Councillor B. Algate moved  
Councillor J. Nolan seconded

)  
)

That the recommendations of items 15 to 17 be adopted.

That Council sends correspondence of appreciation to Ms Kyla Vine for her service on the BIU Band Hall Community Committee.

CARRIED UNANIMOUSLY

## QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 19 - QUESTIONS ON NOTICE NO. 6/19 - DATED MAY 31, 2019 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE MAY 2019 COUNCIL MEETING** 15/159, 11/397, 11/161, 12/14, 18/41

Resolved

1. That Questions On Notice No. 6/19 dated May 31, 2019, be received.

**RESOLUTION**

Minute No. 46110

Councillor M. Browne moved  
Councillor B. Licul seconded

)  
)

CARRIED UNANIMOUSLY

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

Item 8 - Library, Community Hub and Cultural Precinct

16/89

*The General Manager took a question on notice from Councillor Clark as to whether there will be any further community engagement sessions carried out by Council and a presentation by the architects explaining aspects of the final design and answering questions regarding the Library, Community Hub*

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

and Cultural Precinct.

The General Manager will advise the dates of upcoming community engagement sessions.

## CONFIDENTIAL MATTERS

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 99/19 - DATED JUNE 04, 2019 - WILLYAMA COMMON TRUST LICENCE TO BROKEN HILL PARKRUN - CONFIDENTIAL** 11/63  
(General Manager's Note: This report considers a 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).

### Resolved

1. That Broken Hill City Council Report No. 99/19 dated June 4, 2019, be received.
2. That Council (as Trust Managers for the Willyama Common Trust) approve a licence to Broken Hill Parkrun for use of the Willyama Common (Lot 7388 in DP 1200953) for a weekly fun run event.
3. That the licence be for twelve (12) months, and the annual rental to be \$1.00.
4. That the licence is to be renewed on an ongoing annual basis, provided Broken Hill Parkrun comply with the conditions of the licence and the licence agreement continues to be suitable for both Council and Broken Hill Parkrun.
5. That the Mayor and General Manager be authorised to sign the licence agreement under the Common Seal of Council, in the absence of a Trust Seal.

### RESOLUTION

Minute No. 46111

Councillor C. Adams moved )

Councillor B. Algate seconded )

CARRIED UNANIMOUSLY

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 100/19 - DATED JUNE 13, 2019 - WRITE OFF BAD DEBTS - INLAND NSW REGIONAL TOURISM ORGANISATION INCORPORATED & ENERGETICA PTY LTD - CONFIDENTIAL** 11/33  
(General Manager's Note: This report is deemed confidential under Section 10A(2) (b) of the Local Government Act, 1993 which contains matters that will involve the discussion of the personal hardship of any resident or rate payer).

### Resolved

1. That Broken Hill City Council Report No. 100/19 dated June 13, 2019, be received.
2. That Council approve the write off of the debt relating to Inland NSW Regional Tourism Organisation Incorporated (Debtor: 3233.01) for the amount of \$23,240.61
3. That Council approve the write off of the debt relating to Energetica PTY LTD (Debtor: 5568.01) for the amount of \$5,861.27

### RESOLUTION

Minute No. 46112

Councillor J. Nolan moved )

Councillor C. Adams seconded )

CARRIED UNANIMOUSLY



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JUNE 26, 2019

---

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 105/19 - DATED JUNE 21, 2019 -  
REGIONAL EXPRESS PARTNERSHIP AGREEMENT - CONFIDENTIAL**

11/1

**(General Manager's Note:** This report considers a five year partnership agreement and is deemed confidential under Section 10A(2) (d) of the Local Government Act, 1993 which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).

Resolved

1. That Broken Hill City Council Report No. 105/19 dated June 21, 2019, be received.
2. That Broken Hill City Council enters into a partnership with Reginal Express Airlines under the commercial terms outlined in the below report.
3. That Council note the below agreement will secure enhance air travel to and from Broken Hill for the next five years.

**RESOLUTION**

Minute No. 46113

Councillor M. Browne moved )

Councillor C. Adams seconded )

CARRIED UNANIMOUSLY

There being no further business the Mayor closed the meeting at 7:48 p.m.

THE FOREGOING MINUTES WERE READ )  
AND CONFIRMED AT THE ORDINARY )  
MEETING OF THE BROKEN HILL CITY )  
COUNCIL HELD ON 31 JULY 2019. )

---

CHAIRPERSON

**MAYORAL MINUTES**

1. MAYORAL MINUTE NO. 3/19 - DATED JULY 24, 2019 - LANDCARE  
BROKEN HILL PARTNERSHIP PROPOSAL TO BROKEN HILL CITY  
COUNCIL (12/29).....23

## ORDINARY MEETING OF THE COUNCIL

July 24, 2019

**ITEM 1**MAYORAL MINUTE NO. 3/19

SUBJECT: LANDCARE BROKEN HILL PARTNERSHIP PROPOSAL TO  
BROKEN HILL CITY COUNCIL 12/29

**Summary**

Simon Molesworth AO, QC gave a presentation to the Mayor, Councillors, General Manager and the Executive Leadership Team on 28 May 2019 on the forming of Greening the Hill Mk.2 initiative.

The primary reason for the need for the Greening the Hill Mk.2 Initiative is the continuing drought and the urgent need to redress the unpleasant manifestations of it. The extraordinarily hot recent summers we've had; the constant concerns about water and the sustainability of the Murray-Darling River system; the large increase in the number of dust storms Broken Hill has experienced; the general browning of the City as more and more gardens are disappearing into gravel alternatives; and as plants and trees are seen to be dying all over the district.

Landcare Broken Hill have submitted a proposal to Broken Hill City Council to work cooperatively with Landcare Broken Hill to achieve a shared vision for a more environmentally sustainable future for the City.

Greening the Hill Mk.2 is a community-wide initiative embracing 34 interlocking projects (*attachment 2*) which together provide a holistic approach to facilitating behavioural change across Broken Hill. The key strategy is to establish partnerships across the community, identify roles, support and inputs that each participant can contribute to the success of the initiative.

Landcare Broken Hill proposal is not based on funding from Council but a partnership to secure cooperation and facilitation with joint implementation of projects such as community gardens, replanting Council-managed reserves and increase the number of suitable trees planted in the City's streets.

Councils Strategic Asset Manager has joined the Landcare group in a personal capacity and has indicated a desire to be the liaison between Council and the group.

**Recommendation**

1. That Mayoral Minute No. 3/19 dated July 24, 2019, be received.
2. That Broken Hill City Council enters into a partnership with Landcare Broken Hill for the Greening the Hill Mk.2 community wide initiative.

### Attachments

1. Landcare Broken Hill Partnership proposal to Council  
[↓](#)
2. Synergies between Landcare Projects and BHCC Sustainability Strategy Objectives and Goals  
[↓](#)
3. Overview of Greening the Hill Mk2  
[↓](#)
4. Table of all Landcare Broken Hill projects under review  
[↓](#)

D TURLEY AM  
MAYOR



[LandcareBrokenHill@gmail.com](mailto:LandcareBrokenHill@gmail.com)  
**PO Box 536, Broken Hill, NSW, 2880**

19 July 2019

Mr James Roncon,  
General Manager,  
Broken Hill City Council

Dear James,

Thank you, to you, Mayor Turley and your senior executive, for welcoming my initial presentation about Landcare Broken Hill's *Greening the Hill Mk.2* initiative on 28 May, 2019. At the conclusion of those discussions, I accepted your invitation to submit a proposal whereby Broken Hill City Council and Landcare Broken Hill can cooperatively work together to achieve a shared vision for a more environmentally sustainable future for the City.

The uplifting and extraordinary up-take of our *Greening the Hill Mk.2* Initiative across the whole Broken Hill community is, in part, the reason why this written proposal has taken so long in reaching you. Our Initiative has evolved as we've listened and taken into account suggestions from the community, refining aspects of our Initiative.

*Greening the Hill Mk.2* is a community-wide initiative embracing some 34 interlocking projects which together provide a holistic approach to facilitating behavioural change across Broken Hill. The key strategy is to establish partnerships across the community, identify roles, support and inputs that each participant can contribute to the success of the initiative. **A partnership with Broken Hill City Council is fundamentally important.**

A key part of Landcare Broken Hill's motivation is that we truly wish to assist the Council to fulfil its environmental management responsibilities as per the recently adopted **Sustainability Strategy 2018-2023** – in particular **Objective 3.1 - Our Environmental Footprint is Minimised** and **Objective 3.2 - Natural Flora and Fauna Environments are Enhanced and Protected**. I have attached a description of proposed projects by Landcare which have synergies with Council's Sustainability Strategy. Together we can prioritise and commit to the implementation of certain number of these projects each year in-line with your Sustainability Strategy objectives and goals. I have also attached the complete list of 'Projects Being Assessed for Feasibility' as there may be other projects within our current 34 with which the City may itself identify synergies.

One important point that I do wish to stress: Landcare Broken Hill is cognizant of the fact that the City of Broken Hill is one of the most financially-challenged municipalities in NSW. Therefore, we are not approaching the City with the expectation that a partnership will open the door to Council funding. Of course, if the City decided to financially contribute to a *Greening the Hill Mk.2* project, thereby gaining greater assurance of a successful outcome, such support would not be rejected. However, the **primary purpose** of a *Greening the Hill Mk.2* partnership with Council is to

secure cooperation and facilitation. If through this partnership, a sense of joint implementation of a project is engendered, say with the establishment of community gardens or with the replanting of Council-managed reserves or increased numbers of suitable trees planted in the City's streets, then the purpose of a partnership will have been achieved.

So in closing, I look forward to a partnership that will give an assurance to both Landcare Broken Hill and broader Broken Hill community that the Council shares common vision and is determined to work together to be an exemplar in this Nation for a smart environmentally sustainable city.

Kind regards,

*Simon*

**Simon R. Molesworth AO, QC**

**Honorary President  
Landcare Broken Hill  
M. +61 (0)412 346432  
E. Rupee.station@bigpond.com**

Encl:

1. Synergies between Landcare Projects and BHCC Sustainability Strategy Objectives & Goals
2. Overview of *Greening the Hill Mk.2*
3. Table of all Landcare Broken Hill projects under review (V.7)

### Synergies between Landcare Projects and BHCC Sustainability Strategy Objectives & Goals

Land Care Projects Aim & Description	BHCC Sustainability Strategy Objective 3.1 and 3.2 Goals
<p><b>Project No.1: Reinstate a healthy Regen</b> Continue Landcare's role in revegetation and weed removal in the Regen, so as to maintain the City's green perimeter in good condition. Degraded areas should be reinstated using carefully selected species through reseeding or replanting and through swale treatment. Renewal of some fencing is required. Associated litter and rubbish removal projects will be recurrently run (eg Clean Up Australia Day)</p>	Goal 3.2.1 Protect and enhance regeneration areas for the benefit of the City
<p><b>Project No.2: Propagation nursery</b> Re-establish a community nursery to grow native plants for the Regen, public reserves, arboretum, Council giveaways, mining companies, station owners, regional Landcare groups etc. Run workshops enabling Landcare &amp; community members to learn the skills to propagate plants from seeds and cuttings.</p>	Goal 3.2.3 Increase involvement in actively protecting the natural environment
<p><b>Project No.3: Trees for Travellers</b> Consider establishing &amp; promoting a carbon off-set programme in Broken Hill called "Trees for Travellers", following the precedent of Kiakoura in New Zealand. Tourists would be encouraged to "buy" a tree or plant from a selected range of species that would be on physically display (eg at the Visitor Information Centre) and on tourism websites, which would then be planted in a local public reserve. The visitor would be given details of the plant/tree they selected and the reserve selected, so that in future they can return to admire progress.</p>	Goal 3.2.2 Increase awareness and understanding of the natural environment
<p><b>Project No.9: Keeping trees</b> Urgent need to educate all in the community on the value of retaining existing trees, highlighting the years of effort and water required to grow a mature tree in a particularly harsh environment which is worsening. Campaign to convince everyone that tree removal should always be the last option in this Arid zone environment and if removal is required then it should be associated with replacement tree better suited to the location.</p>	Goal 3.2.2 Increase awareness and understanding of the natural environment
<p><b>Project No.10: Street tree campaign</b> Street tree campaign intended to achieve a "filling of the gaps", leading to greater tree cover. Many alternative approaches.</p>	Goal 3.2.2 Increase awareness and understanding of the natural environment

### Synergies between Landcare Projects and BHCC Sustainability Strategy Objectives & Goals

Land Care Projects Aim & Description	BHCC Sustainability Strategy Objective 3.1 and 3.2 Goals
Clubs or organisations could adopt a road or street as their focus. Modelled on Keep Australia Beautiful's Tidy Towns sustainable communities initiative - <a href="https://www.kabnsw.org.au/">https://www.kabnsw.org.au/</a> approach whereby community service clubs, like Rotary, Lions, Apex or Probus, adopt an area to keep it clear of waste. With the tree campaign, a club or other group could adopt a portion of a street or road to be their focus for planting and caring for trees selected for planting. Linked to grey water reuse.	
<b>Project No.11: Demonstration nature-strips</b> Kerbside nature strips – reinstate the demonstration nature strips maintained by BH Council, such as in Beryl Street, planted to illustrate different approaches with plant selections, focusing on understanding water requirements of each plant choice. Project's aim is community education on options to reinstate and replant nature-strips. Landcare will adopt the Council's earlier model & create a selection of demonstration nature-strips.	Goal 3.2.3 Increase involvement in actively protecting the natural environment
<b>Project No.12: Building Council's expertise in arboriculture &amp; horticulture</b> There is an understanding that Council has scarce resources for specialist skilled expertise in parks, gardens & reserves management. This issue is across all regional areas and is specifically acute in Broken Hill due to the remote location. Landcare offers expertise within its membership and has links to external networks to secure expert advice.	Goal 3.2.3 Increase involvement in actively protecting the natural environment
<b>Project No.14: Communal community garden(s)</b> Community gardens, such as food-production gardens, are proposed to be established in different precincts of Broken Hill, convenient to local hubs.  The aim is for people to learn from experts how to grow in Arid zone conditions and then enable citizens to collectively garden. The community together would grow vegetables and fruit trees, engendering community spirit. Many precedents of this approach exist in urban areas around Australian & overseas.	Goal 3.2.3 Increase involvement in actively protecting the natural environment
<b>Project No.15: Sporting facilities, parks</b> Many of the deteriorating sports grounds require an urgent need to suppress dust and retain ground moisture. These issues have both environmental and health consequences. More plants are required for shade and shielding from drying winds. Landcare can facilitate working groups through volunteers in order to assist Council with its challenging tasks maintaining its many parks & reserves. Ideally, a Friends of xx Park could be established for all parks & reserves.	Goal 3.2.3 Increase involvement in actively protecting the natural environment



### Synergies between Landcare Projects and BHCC Sustainability Strategy Objectives & Goals

Land Care Projects Aim & Description	BHCC Sustainability Strategy Objective 3.1 and 3.2 Goals
<p><b>Project No.16: Demonstration public park to assist in water-wise plant selection</b> Lions Park &amp; its associated 'Conservation Gardens' opposite the BH Information Centre were designed, some 20 years or so ago, to perform an educational role, to demonstrate which trees and plants grow well in the City displaying resilience and possessing other environmental sustainability characteristics. Differing plant water requirements were identified and advisory information made available. This Park is in a degraded and tired state. The concept needs to be reinvigorated, refreshed &amp; promoted.</p>	Goal 3.2.3 Increase involvement in actively protecting the natural environment
<p><b>Project No.17: Reopen public reserves and attractions</b> With the aim of improving and increasing recreational facilities for the BH community and providing a greater range of attractions to promote for tourists, there is a strong desire to reopen and maintain as recreational attractions currently closed reserves, particularly Imperial Lakes, and to give greater support and focus to under-promoted or lesser known reserves, such as the Sundown Trail.</p>	Goal 3.2.3 Increase involvement in actively protecting the natural environment
<p><b>Project No.18: Public art installations</b> Public art installations can convey knowledge about plants, environmental management and the value of water, in addition to their aesthetic and artistic benefits. With such themes, more places for the display of public art would be created where people can retreat for contemplation and relaxation, as with the current art installation proposed for Riddiford Arboretum.</p> <p>The symbiotic nexus between art and the environment is often highlighted, so it has been suggested that Landcare should seek to partner with the art community on one or more projects each year. As word spreads of the initiative, it is thought that many more artists from outside the City would be attracted to BH. Aim is to establish the City as a hub for public outdoor environment art installations.</p>	Goal 3.2.3 Increase involvement in actively protecting the natural environment
<p><b>Project No.22: Education on grey water reuse</b> Educate people on the different approaches to water saving, particularly the reuse of "grey water". Promotion of plumbing diverters taking grey water into domestic tanks &amp; investigation of new grey water technology – to water gardens &amp; nature strips. In partnership with Essential Water, create an annual Landcare BH Water Conservation Award, aimed at rewarding an innovative approach to environmentally-beneficial water conservation.</p>	Goal 3.1.3 Change consumer behaviour to reduce impacts on the environment without affecting quality of life

### Synergies between Landcare Projects and BHCC Sustainability Strategy Objectives & Goals

Land Care Projects Aim & Description	BHCC Sustainability Strategy Objective 3.1 and 3.2 Goals
<b>Project No.23: Water Manual on water-wise practices</b> With respect to water usage best practice in the Arid Zone, review, update and republish online and then promote The Water Manual, dated June 2006, the joint venture publication of the then Country Water (now Essential Water) & Broken Hill Council. Examine the best means to promote water conservation through social media & other means.	Goal 3.1.3 Change consumer behaviour to reduce impacts on the environment without affecting quality of life
<b>Project No.24: Water tanks</b> Support a campaign to work towards a major uptake in water tanks for every household to catch rainwater thereby providing a water source for use on private gardens and nature strips. Campaign for the reintroduction of subsidies from the State Government to encourage the purchase of water tanks.	Goal 3.1.3 Change consumer behaviour to reduce impacts on the environment without affecting quality of life
<b>Project No.25: Promoting moisture retention gardening – such as mulching</b> People are interested in learning about differing approaches to retain ground moisture. Eg promoting mulching practices. Green waste sent to the Council tip is a loss of a valuable resource that private owners should retain. Consider mulching options such as community-shared chippers/mulchers available for people, or a community hub, to have their green waste mulched in situ and reused onsite.	Goal 3.1.3 Change consumer behaviour to reduce impacts on the environment without affecting quality of life & Goal 3.1.4 as below
<b>Project No.26: Green waste facility</b> The closure of the former green waste mulch/compost facility at the Council Waste Depot continues to be a concern. Views have been expressed that a similar enterprise should be re-established so that people have a place to go to acquire bulk mulch material. Double benefit as it avoids green waste becoming mere landfill.	Goal 3.1.4 Reuse and recycling of resources is embraced by the community
<b>Project No.27: Sharing knowledge - composting</b> People wish to understand and adopt sustainable land management practices tailored to the city's challenging Arid Zone conditions – inc. composting & maintaining worm farms for home fertiliser. Beneficial reduction of household waste to landfill. Partnership proposed with the award-winning NGO, Compost Revolution, adopting the model that has succeeded with Sydney municipalities, securing subsidized compost bins & worm farms.	Goal 3.1.3 Change consumer behaviour to reduce impacts on the environment without affecting quality of life & Goal 3.1.4 as above.
<b>Project No.30: Litter removal</b> Litter reduction campaign for removing litter from the roadside verges of the 7 roads entering the City and all parks and reserves, including the Regeneration Belt and all tourist attractions.	Goal 3.1.3 Change consumer behaviour to reduce impacts on

### Synergies between Landcare Projects and BHCC Sustainability Strategy Objectives & Goals

Land Care Projects Aim & Description	BHCC Sustainability Strategy Objective 3.1 and 3.2 Goals
NSW EPA Litter Control grant sought for multi-site/multi-year project to be co-ordinated by Landcare in partnership across the entire Broken Hill community.	the environment without affecting quality of life
<b>Project No.31: Carbon Offset</b> Investigate the means by which the re-greening of Broken Hill and its surrounds can be approved as a carbon off-set scheme under Commonwealth and/or NSW Government arrangements. If successful, with Greening the Hill as an approved carbon offset project, it could provide significant funding for a range of re-greening projects – including the purchase of plants and trees.	Goal 3.2.1 Protect and enhance regeneration areas for the benefit of the City & Goals 3.2.2 and 3.2.3 – actively protecting natural environment
<b>Project No.32: Joint Ventures to assist major rehabilitation projects</b> Explore whether opportunities exist and are feasible for Landcare Broken Hill to assist private corporations, such as the mining companies, or government agencies such as the Council and the Broken Hill Lead Centre, to rehabilitate problem areas through revegetation and sustainable site land management practices.	Goal 3.1.6 Investigate & plan for the minimisation of environmental impacts associated with mining activity + Goals 3.2.2 & 3.2.3 – actively protecting natural environment
<b>Project No.33: Renewable Energy Transition campaign</b> Campaign for Broken Hill to become a renewable energy hub, by adopting a range of projects beneficial to the wider community. Broken Hill should aim to become an exemplar for the Nation by proactively embracing all known renewable energy technologies. Explore partnerships with corporations in the clean energy field, renewable energy suppliers and external expert advisory entities such as Renew (the Alternative Technology Association) & the Clean Energy Council to determine citywide strategies for the community to adopt. Suggested promotion: electric car charging stations; community buses/cars powered by renewable energy; electric share bike & share scooters; greater uptake of roof top solar, small property-scale wind generators and battery storage.	Goal 3.1.2 Increase use and innovation of renewable resources and decrease the use of nonrenewable resources
<b>Project No.34: Promoting sustainable conference management</b> Starting with the State-wide Landcare/LLS Conference being convened in Broken Hill in October 2019, Landcare Broken Hill will proactively encourage all conferences convened in Broken Hill to be conducted in accordance a Sustainable Events Strategy utilizing the best internationally recognized systems such as the ISO 20121 Event Sustainability Management System.	Goal 3.2.2 Increase awareness and understanding of the natural environment

## ***“Greening the Hill Mk.2”***

**Revitalizing the Broken Hill community to do it again!**

**To be in the vanguard again – to show Australia how it can be done**

**Combating the drought / fighting climate change  
– a role for everyone – for a more vibrant & resilient region**

**Simon Molesworth AO QC  
Honorary President, Landcare Broken Hill**

This document sets out an outline of proposals from **Landcare Broken Hill** to revitalize the interest of the Broken Hill community to be in the vanguard again, as it was with the Greening the Hill initiative 1936-1958, when the Regeneration Belt was created. With that Regen initiative, the City and its citizens became national and global leaders. **We can do it again.** Every single person can have a role to combat the drought, green-up our City and concurrently do our bit to fight the effects of climate change. **Broken Hill can show the rest of Australia how it should be done – again.**

### **The time is right**

2019 is the year to embark upon this *Greening the Hill Mk.2* revitalisation as this year, in late October Broken Hill will host the state-wide NSW Landcare Conference. I believe that by the time of that conference this City, guided by **Landcare Broken Hill**, will be in a position to demonstrate that we have a plan well advanced and it is being actively pursued. Broken Hill can demonstrate it can be an exemplar again – as a leader in the Landcare movement not only in NSW, but across Australia – so as to influence others to adopt similar initiatives.

However, **the primary reason** for the need for the *Greening the Hill Mk.2 Initiative* now is the continuing drought and the urgent need to redress the unpleasant manifestations of it. The extraordinarily hot recent summers we've had; the constant concerns about water and the sustainability of the Murray-Darling River system; the large increase in the number of dust storms Broken Hill has experienced; the general browning of the City as more and more gardens are disappearing into gravel alternatives; and as plants and trees are seen to be dying all over the district. The urgent reasons for this Initiative are many – all of which provide Landcare with a duty to act now – to enlist the widest community support across all of Broken Hill.

**Worthwhile discussion across the whole community will lead to better awareness of the issues and the identification of the needed actions. A true call to action!**

### **Awareness raising**

Since the announcement of **Landcare Broken Hill's Greening the Hill Mk.2 Initiative** the Landcare's membership has massively increased confirming that the Broken Hill community wants action. Uniquely **Landcare Broken Hill** is based in an urban settlement – our city. Most Landcare groups are based in small farming communities or comprise just the farms within a designated region. **Being based in a city is both a**



**challenge and real opportunity.** So an important task should be to raise awareness of key Landcare issues, through a diverse range of interlocking projects, so as to generate support across the whole community. We aim to reach all Broken Hill's 18,000 people.

The membership of Landcare will continue to grow as more and more people support the imperatives of *Greening the Hill Mk.2*. With new members come new energy, ideas and the capacity to achieve real outcomes. Awareness raising of relevant issues is key to the success of the Initiative. With the support of ABC Radio Broken Hill and through its popular monthly public consultation meetings, the movement in support of *Greening the Hill Mk.2* is continually growing. The many identified 'on the ground' more labour-intensive activities, all of which provide real opportunities for the Broken Hill community to get involved, getting their 'hands dirty', will progressively commence once the growing community awareness provides sufficient "troops on the ground" and generates funds for the purchase of trees, plants and other essential supplies.

As *Greening the Hill Mk.2* seeks to promote an attitudinal change to embrace more sustainable practices, Landcare Broken Hill is determinedly seeking to be an 'influencer' and an agent for change. Consequently, the greater the membership of Landcare Broken Hill the more influential will be its 'voice'.

Every opportunity to raise awareness will be pursued. Developing an on-going close relationship with the public media in Broken Hill, and through social media, is an essential strategy. Equally important is awareness-raising via supportive organisations, such as community groups and service clubs across Broken Hill. Reflecting on the breadth of the Initiative, there is no person or organisation in Broken Hill that does not have a role to play.

## **Partnerships**

This project will succeed when **Landcare Broken Hill** secures partnerships with as many local organisations as possible – partners who will share the vision, the benefits and opportunities offered. *Greening the Hill Mk.2*, albeit coordinated by Landcare Broken Hill, is truly an Initiative which will be by the community for the community. These partners will join with Landcare Broken Hill to give exposure to the environmental issues which Landcare believes must be addressed. Through their support, the partnerships will enable Landcare and the broader community to have the means of achieving the vision and objectives of the Initiative, effectively tackling and abating the identified issues.

Using the by-line "*Greening the Hill Mk.2*", participating organisations would be described as **Landcare Greening the Hill partners**. Each partner will be invited to play a particular role: perhaps as a supporter, perhaps as a sponsor, perhaps as a supplier of materials for a Landcare project. From partner to partner, what can be offered will vary. It can be as large or as small, by way of resources, support or profile-raising, as the contributing partner considers appropriate. It may be a partner simply raises awareness of the Initiative and encourages members of the public to join Landcare Broken Hill. The key to success will be that each partner will know that they are positively contributing – as a partner in *Greening the Hill Mk.2* – to ensure a better future for this City, its environment and its people.

Amongst the first supporters of *Greening the Hill Mk.2* has been the media, particularly the local ABC Radio and the BDT newspaper. ABC Radio interviews of Landcare's President are broadcast weekly. Social media is actively utilised via Facebook and a SoundCloud Station. All social media options will be progressively pursued. Every story will increase awareness, spreading the word and encouraging action. Some stories will be full of advice on how each individual can help – effectively empowering the individual to contribute to the success of *Greening the Hill Mk.2*. There will be at least 52 news items or stories over the course of a year – opportunities for interviews and articles. There will guest experts and inspirational

leaders in relevant fields talking about how they've made a difference – how they've made their part of their world greener, more sustainable. From scientific information, to clever ideas, to simple suggestions for us all to adopt in homes, through to more complex big projects that might be City-wide. Beyond better land management involving rehabilitation through planting, the *Greening the Hill Mk.2* projects traverse water management, energy initiatives, waste management (including litter reduction), biodiversity protection and sustainability educational programs.

Amongst others to be invited as partners will be Broken Hill City Council – probably the most important partner. Other partners will include all the schools in Broken Hill, the mining companies, the Barrier Industrial Council, the Broken Hill Environmental Lead Program and all those organisations in Broken Hill interested in this City's environment and heritage. The service clubs and sports clubs, scouts and youth groups all have roles they can perform. Local heritage and environmental societies, the garden clubs, organisations focussed on outdoor activities and many more are potential partners. As the weeks pass since the launch of *Greening the Hill Mk.2*, a true momentum has built with all those approached confirming that they support the concept of *Greening the Hill Mk.2*. To date, everyone agrees that the time is ripe for greater exposure to be given to Landcare issues to a wider, non-traditional, audience far beyond the usual rural agricultural sector. Local businesses – such as suppliers of relevant materials that are used in Landcare 'on-the-ground' projects, such as plant and tree planting – are welcoming the opportunity to become partners.

Outside the City there are numerous organisations that are likely to be willing to become partners. One such prospect is Compost Revolution, a Green Globe Award-winning NGO enterprise that is forming partnerships across Sydney municipalities prepared to subsidise initiatives to reduce waste and land fill, by promoting home composting and home-managed worm farms creating home fertiliser. Horticultural organisations could be prospective partners likely to be interested in assisting our community with arid zone seed and plant selections which would be viable in the gardens of Broken Hill. Professional organisations, such as the Australian Institute of Landscape Architects and the Australian Association of Bush Regenerators, as well as researchers within universities, could assist. Renew, the Alternative Technology Association, and the Clean Energy Council, together with renewable energy companies are highly likely to become involved. Relevant Government agencies are also likely to identify synergies between their work and *Greening the Hill Mk.2*. **All will be approached as this is truly an opportunity for all to demonstrate how a community can work together to ensure a more resilient and vibrant region.**

As for individuals beyond the City, the diaspora of Broken Hill is spread far and wide and the majority retain an affection and interest in their 'home town'. These people are to be invited to become '**City Landcare Mates**' of *Greening the Hill Mk.2*. Further, given the vision inherent in the Initiative to demonstrate to the Nation how the environmental challenges of today can be addressed, it is expected there will be wide support across Australia to assist Landcare Broken Hill to become an exemplar, demonstrating how its many interlocking projects within the Initiative will achieve the vision which underpins it and thereby demonstrate the paths that other places might similarly follow.



## LANDCARE BROKEN HILL

### Greening the Hill Mk.2

## PROJECTS BEING ASSESSED FOR FEASIBILITY

Aim & Project	Description	Potential partners
<b>1 Reinstate a healthy Regen</b>	<p>Continue Landcare's role in revegetation and weed removal in the Regen, so as to maintain the City's green perimeter in good condition. Degraded areas should be reinstated using carefully selected species through reseeding or replanting and through swale treatment. Renewal of some fencing is required.</p> <p>Associated litter and rubbish removal projects will be recurrently run (eg Clean Up Australia Day)</p>	<p><b>BH Council,</b> Field Naturalists, BH Lead Centre, Mining companies, Aust Assoc of Bush Regenerators, NSW Corrections</p>
<b>2 Propagation nursery</b>	<p>Re-establish a community nursery to grow native plants for the Regen, public reserves, arboretum, Council giveaways, mining companies, station owners, regional Landcare groups etc.</p> <p>Run workshops enabling Landcare &amp; community members to learn the skills to propagate plants from seeds and cuttings.</p>	<p><b>BH Council,</b> Mining companies, Garden suppliers, NSW Corrections, CWA Broken Hill</p>
<b>3 Trees for Travellers</b>	<p>Consider establishing &amp; promoting a carbon off-set programme in Broken Hill called "Trees for Travellers", following the precedent of Kiakoura in New Zealand.</p> <p>Tourists would be encouraged to "buy" a tree or plant from a selected range of species that would be on physical display (eg at the Visitor Information Centre) and on tourism websites, which would then be planted in a local public reserve. The visitor would be given details of the plant/tree they selected and the reserve selected, so that in future they can return to admire progress.</p>	<p><b>BH Council,</b> Tourism Info networks, BH based travel franchise agents, Regional Express, Indian Pacific, Tri State Safaris, BH Tourist Park</p>
<b>4 City Landcare Mates</b>	<p>Launch a "City Landcare Mate" campaign aimed at encouraging people in capital cities and Canberra to support and effectively 'donate' to the "Greening the Hill Mk.2" initiative by joining as a member 'away' and buying a local plant/tree on-line from a range of species provided by Landcare, and viewable on its web site.</p>	<p>City Landcare groups, BH diaspora across Australia, ATA (Renew)</p>
<b>5 Creation of Aboriginal garden of</b>	<p>Seek creation of a public bush garden in partnership with and under guidance from the aboriginal community with Landcare's assistance, displaying Arid Zone native plants traditionally useful as medicine, food and craft to indigenous communities. The new reserve would be</p>	<p>Traditional owners, Aust Assoc. of Bush Regenerators, BH Field Naturalists</p>

traditional useful plants	planted so as to be a place of education, contemplation and understanding.	
6 Caring for country	Strong interest expressed in gaining knowledge of how the traditional owners, the aboriginal people in the Far West, cared for Country. Potential workshops and publications. Some of this info may be available in earlier Catchment Management publications and could potentially be added too or republished.  Educational benefits and potential linkages to specialist tourism	Traditional owners, Aboriginal agencies, Schools & tourism bureau
7 Aboriginal knowledge of native plants	There is much community interest in gaining knowledge of useful and edible plants known to the traditional owners. Bush walks would be offered to inform, imparting knowledge, not just for locals but as an attraction for visitors. Could be promoted to visitors to the region – specialized educational tourism	Traditional owners
8 Green schools	<b><i>“For every child a tree, for every school a garden”</i></b>  Introduce a programme aimed at primary school kids, via their schools, for each child to be associated with a tree planted by them in a nominated location. Annually conduct tree planting events on both Schools Tree Day and National Tree Day, as an awareness-raising exercise focused on the importance of trees.  Each school or grade in each school might be associated with a particular revegetation plot in a new area to be planted within school grounds, so that an ongoing association is created.  Other potential environmental programs include Kreative Koalas which fosters environmental awareness in schools and learning about the UN Sustainable Development Goals ( <a href="http://www.kreativekoalas.com.au">http://www.kreativekoalas.com.au</a> ).  Stephanie Alexander’s Kitchen Garden Foundation schools program (as at the Alma Primary School). <a href="https://www.kitchengardenfoundation.org.au/">https://www.kitchengardenfoundation.org.au/</a> Woolworths have a schools grants program for Junior Landcare projects <a href="https://landcareaustralia.org.au/woolworthsgrants/">https://landcareaustralia.org.au/woolworthsgrants/</a>	All BH Schools, Kreative Koalas, Stephanie Alexander’s Kitchen Garden, Foundation, Woolworths Junior Landcare
9 Keeping trees	Urgent need to educate all in the community on the value of retaining existing trees, highlighting the years of effort and water required to grow a mature tree in a particularly harsh environment which is worsening. Campaign to convince everyone that tree removal should always be the last option in this Arid zone environment and if removal is required then it should be associated with replacement tree better suited to the location.	Community, BH Council
10	Street tree campaign intended to achieve a “filling of the gaps”, leading to greater tree cover. Many alternative approaches.	BH Council,



<b>Street tree campaign</b>	<p>Clubs or organisations could adopt a road or street as their focus. Modelled on Keep Australia Beautiful's Tidy Towns sustainable communities initiative - <a href="https://www.kabnsw.org.au/">https://www.kabnsw.org.au/</a> approach whereby community service clubs, like Rotary, Lions, Apex or Probus, adopt an area to keep it clear of waste.</p> <p>With the tree campaign, a club or other group could adopt a portion of a street or road to be their focus for planting and caring for trees selected for planting. Linked to grey water reuse.</p>	Service Clubs eg Rotary Keep Australia Beautiful NSW
<b>11 Demonstration nature-strips</b>	<p>Kerbside nature strips – reinstate the demonstration nature strips maintained by BH Council, such as in Beryl Street, planted to illustrate different approaches with plant selections, focusing on understanding water requirements of each plant choice.</p> <p>Project's aim is community education on options to reinstate and replant nature-strips. Landcare will adopt the Council's earlier model &amp; create a selection of demonstration nature-strips.</p>	BH Council, Centre for Community Inc., Institute of Landscape Architects, Essential Water
<b>12 Building Council's expertise in arboriculture &amp; horticulture</b>	<p>There is an understanding that Council has scarce resources for specialist skilled expertise in parks, gardens &amp; reserves management. This issue is across all regional areas and is specifically acute in Broken Hill due to the remote location. Landcare can offer expertise within its membership and has links to external networks to secure expert advice.</p>	BH Council, Institute of Landscape Architects, Arboriculture Australia
<b>13 Backyard gardening</b>	<p>Backyards – there is interest in people being shown by experienced BH gardeners how to achieve sustainable gardening in Arid zone conditions. Who are the City's most successful vegetable growers? Who are the City's most successful fruit tree growers? We need to identify those skilled individuals within Broken Hill and invite them to share their knowledge.</p> <p>Partnerships with external expert advice providers, like The Diggers Club, will sought by Landcare.</p>	Garden suppliers, BH Garden Club, The Diggers Club, Gardening Australia
<b>14 Communal community garden(s)</b>	<p>Community gardens, such as food-production gardens, are proposed to be established in different precincts of Broken Hill, convenient to local hubs.</p> <p>The aim is for people to learn from experts how to grow in Arid zone conditions and then enable citizens to collectively garden. The community together would grow vegetables and fruit trees, engendering community spirit. Many precedents of this approach exist in urban areas around Australian &amp; overseas.</p>	Centre for Community, BH Council, CWA Broken Hill, NSW Corrections, BH Garden Club, the BH community at large, Michael Mobbs
<b>15 Sporting facilities, parks</b>	<p>Many of the deteriorating sports grounds require an urgent need to suppress dust and retain ground moisture. These issues have</p>	BH Council & sportsground subcommittees

	<p>both environmental and health consequences. More plants are required for shade and shielding from drying winds.</p> <p>Land Care can facilitate working groups through volunteers in order to assist Council with its challenging tasks maintaining its many parks &amp; reserves.</p>	Sports Clubs, BH Environmental Lead Project
<b>16 Demonstration public park to assist in water-wise plant selection</b>	Lions Park & its associated 'Conservation Gardens' opposite the BH Information Centre were designed, some 20 years or so ago, to perform an educational role, to demonstrate which trees and plants grow well in the City displaying resilience and possessing other environmental sustainability characteristics. Differing plant water requirements were identified and advisory information made available. This Park is in a degraded and tired state. The concept needs to be reinvigorated, refreshed & promoted.	BH Council, BH Lions Club, Essential Water, BH Field Naturalists & the Riddiford Arboretum Committee
<b>17 Reopen public reserves and attractions</b>	With the aim of improving and increasing recreational facilities for the BH community and providing a greater range of attractions to promote for tourists, there is a strong desire to reopen and maintain as recreational attractions currently closed reserves, particularly Imperial Lakes, and to give greater support and focus to under-promoted or lesser known reserves, such as the Sundown Trail.	BH Council, Essential Water, 25 by 25, Tour operators, BH Field Naturalists, Premier's Public Spaces initiative
<b>18 Public art installations</b>	<p>Public art installations can convey knowledge about plants, environmental management and the value of water, in addition to their aesthetic and artistic benefits. With such themes, more places for the display of public art would be created where people can retreat for contemplation and relaxation, as with the current art installation proposed for Riddiford Arboretum.</p> <p>The symbiotic nexus between art and the environment is often highlighted, so it has been suggested that Landcare should seek to partner with the art community on one or more projects each year. As word spreads of the initiative, it is thought that many more artists from outside the City would be attracted to BH. Aim is to establish the City as a hub for public outdoor environment art installations.</p>	Community art groups, such as the BH Art Exchange & West Darling Arts, BH Council, Essential Water
<b>19 Annual art exhibition &amp; prize</b>	<p>Launch an annual Landcare Broken Hill prize for <b>Environmental Art</b> as an initiative to raise awareness, interest and, potentially, funds for on-ground work.</p> <p>An aim would be for the art prize to attract attention across the country and thereby raise awareness for <i>Greening the Hill Mk.2</i>, apart from stimulating an understanding of the nexus between the environment, art and community well-being.</p>	BH Regional Art Gallery, Community art groups, such as the BH Art Exchange & West Darling Arts
<b>20</b>	Annual award scheme needs to be created under the auspices of Landcare focussing on achievements in creating Arid Zone nature	Landcare, Garden suppliers,

<b>Annual Landcare BH Awards</b>	strips and sustainable gardens. Possible categories “Best Garden growing Arid Zone plants”, ‘Best Nature strip using Arid Zone plants’, ‘Best garden displaying water conservation efficiency’, ‘Best vegetable garden displaying water conservation techniques’	Tank suppliers Essential Water
<b>21 Inspirational and educational meetings</b>	Landcare Broken Hill will convene monthly meetings open to the public. The agenda will include an update on current <b>Greening the Hill Mk.2</b> projects together with a presentation from a skilled Landcare member or an expert guest speaker addressing a topic that will upskill members, engage and inspire the public.  Combined with hands-on projects & securing change-facilitation incentives, the objective is to lead to behavioural change, leading to community-wide adoption of sustainable living practices.	Possible grant applications for community education
<b>22 Education on grey water reuse</b>	Educate people on the different approaches to water saving, particularly the reuse of “grey water”. Promotion of plumbing diverters taking grey water into domestic tanks & investigation of new grey water technology – to water gardens & nature strips.  In partnership with Essential Water, create an annual Landcare BH Water Conservation Award, aimed at rewarding an innovative approach to environmentally-beneficial water conservation.	<b>BH Council,</b> Essential Water, Researchers in water & waste technology, Renew (ATA)
<b>23 Water Manual on water-wise practices</b>	With respect to water usage best practice in the Arid Zone, review, update and republish online and then promote The Water Manual, dated June 2006, the joint venture publication of the then Country Water (now Essential Water) and Broken Hill Council. Examine the best means to promote water conservation through social media and other means.	<b>BH Council,</b> Essential Water
<b>24 Water tanks</b>	Support a campaign to work towards a major uptake in water tanks for every household to catch rainwater thereby providing a water source for use on private gardens and nature strips.  Campaign for the reintroduction of subsidies from the State Government to encourage the purchase of water tanks.	<b>BH Council,</b> Essential Water, Tank suppliers, NSW Government
<b>25 Promoting moisture retention gardening – such as mulching</b>	People are interested in learning about differing approaches to retain ground moisture. Eg promoting mulching practices.  Green waste sent to the Council tip is a loss of a valuable resource that private owners should retain. Consider mulching options such as community-shared chippers/mulchers available for people, or a community hub, to have their green waste mulched in situ and reused onsite.	<b>BH Council,</b> BH Garden clubs, Essential Water
<b>26</b>	The closure of the former green waste mulch/compost facility at the Council Waste Depot continues to be a concern. Views have	<b>BH Council;</b> potential external contractor

<b>Council's former green waste facility</b>	been expressed that a similar enterprise should be re-established so that people have a place to go to acquire bulk mulch material. Double benefit as it avoids green waste becoming mere landfill.	
<b>27 Sharing knowledge - composting</b>	<p>People wish to understand and adopt sustainable land management practices tailored to the city's challenging Arid Zone conditions – inc. composting &amp; maintaining worm farms for home fertiliser. Beneficial reduction of household waste to landfill.</p> <p>Partnership proposed with the award-winning NGO, <b>Compost Revolution</b>, adopting the model that has succeeded with Sydney municipalities, securing subsidized compost bins &amp; worm farms</p>	<b>BH Council</b> , BH Garden Club, Compost Revolution
<b>28 Scientific Studies</b>	<p>Initiate and participate in scientific-based research eg Landcare Broken Hill's current <i>Eucalyptus gillii</i> project which investigates and documents this rare tree (initially assisted by Eucalypt Australia Foundation funding). Broken Hill should aim to become a centre of research and become an exemplar for best practice.</p> <p>Landcare Broken Hill proposes to participate in a trial phytoremediation project, in partnership with university research teams, by growing beds of different plants so as to identify those plants with the best lead hyperaccumulator characteristics whilst being capable of growing in harsh arid zone conditions.</p>	Universities - eg Fowlers Gap Arid Zone Research Station, Botanists, BH Env. Lead Programme
<b>29 Mine dewatering &amp; re-use of mine water to green Broken Hill</b>	<p>Investigate whether there is an opportunity to access excess mine water to re-green Broken Hill by promoting scientific research into the de-contamination and rendering safe for wider use such as Landcare's greening projects in the City.</p> <p>Determine whether latest scientific water technology is available to the mining companies. Facilitate linkages between the mining companies and water scientists to facilitate research.</p>	Mining companies, Water scientists, Universities, EIANZ
<b>30 Litter removal</b>	<p>Litter reduction campaign for removing litter from the roadside verges of the 7 roads entering the City and all parks and reserves, including the Regeneration Belt and all tourist attractions.</p> <p>NSW EPA Litter Control grant sought for multi-site/multi-year project to be co-ordinated by Landcare in partnership across the entire Broken Hill community.</p>	NSW EPA, Corrections NSW, Community groups, <b>BH Council</b>
<b>31 Carbon Offset</b>	<p>Investigate the means by which the re-greening of Broken Hill and its surrounds can be approved as a carbon off-set scheme under Commonwealth and/or NSW Government arrangements.</p> <p>If successful, with Greening the Hill as an approved carbon offset project, it could provide significant funding for a range of re-greening projects – including the purchase of plants and trees.</p>	Commonwealth Government, NSW Government, Potential expert legal advisers

<b>32 Joint Ventures to assist major rehabilitation projects</b>	Explore whether opportunities exist and are feasible for Landcare Broken Hill to assist private corporations, such as the mining companies, or government agencies such as the Council and the Broken Hill Lead Centre, to rehabilitate problem areas through revegetation and sustainable site land management practices.	Mining companies, BH Lead Centre, <b>BH Council</b>
<b>33 Renewable Energy transition campaign</b>	<p>Campaign for Broken Hill to become a renewable energy hub, by adopting a range of projects beneficial to the wider community. Broken Hill should aim to become an exemplar for the Nation by proactively embracing all known renewable energy technologies.</p> <p>Explore partnerships with corporations in the clean energy field, renewable energy suppliers and external expert advisory entities such as Renew (the Alternative Technology Association) &amp; the Clean Energy Council to determine citywide strategies for the community to adopt. Suggested promotion: electric car charging stations; community buses/cars powered by renewable energy; electric share bike &amp; share scooters; greater uptake of roof top solar, small property-scale wind generators and battery storage.</p>	AGL, Essential Energy, Cobalt Blue, Bromson Energy, ATA (Renew), Clean Energy Council, <b>BH Council</b>
<b>34 Promoting sustainable conference management</b>	Starting with the State-wide Landcare/LLS Conference being convened in Broken Hill in October 2019, Landcare Broken Hill will proactively encourage all conferences convened in Broken Hill to be conducted in accordance a Sustainable Events Strategy utilizing the best internationally recognized systems such as the ISO 20121 Event Sustainability Management System.	<b>BH Council</b> , Local Land Services & NSW State Landcare; event managers

## **NOTICES OF MOTION**

1. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 13/19 - DATED  
JULY 19, 2019 - 2020/2021 BUDGET CONSIDERATION - UPGRADES TO  
EP O'NEILL PARK SPORTING COMPLEX NETBALL COURTS (19/84).43
2. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 14/19 - DATED  
JULY 19, 2019 - ESSENTIAL ENERGY OPERATIONS BROKEN HILL  
(12/29)......46

## ORDINARY MEETING OF THE COUNCIL

July 19, 2019

**ITEM 1**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 13/19

SUBJECT: 2020/2021 BUDGET CONSIDERATION - UPGRADES TO EP O'NEILL PARK SPORTING COMPLEX NETBALL COURTS 19/84

**Notice of Motion**

1. That Motions of Which Notice has been Given No. 13/19 dated July 19, 2019, be received.
2. That Broken Hill City Council includes in the 2020/2021 budget \$200,000 for lights upgrade and court resurfacing of netball association grounds.
3. That Council liaise with the netball association about surface required and lighting upgrades.
4. That Council apply for grant funding from State and Federal Governments to match funding.

**Summary**

Councillor Kennedy submitted a Notice of Motion on 19 July 2019 at 12:25pm regarding a 2020/2021 Budget consideration of \$200,000 to be used for upgrades at the EP O'Neill Park Sporting Complex Netball Courts.

Councillor Kennedy's Notice of Motion reads:

*"That Broken Hill City Council includes in the 2020/2021 budget \$200,000 for lights upgrade and court resurfacing of netball association grounds.*

*That Council liaise with the netball association about surface required and lighting upgrades.*

*That Council apply for grant funding from State and Federal Governments to match funding.*

*The netball association has investigated costs and best surface for their needs, quoted cost for resurfacing in their preferred surface is \$30,000 per court."*

Councillor Kennedy's Notice of Motion is attached.

**General Manager's Comment**

This is a constructive approach to asset and infrastructure renewal. While it may be premature to commit to a future budget sum without a clear project scope, the NoM places the project on the council radar and, should council be in support, it can be included in the current strategic asset management review of all Council assets and infrastructure that will



allow councillors to review, prioritise, engage, commit to internal and or external funding sources, and then develop the project in partnership with the community.

### Attachments

1. [↓](#) Councillor Kennedy's Notice of Motion

T. KENNEDY  
COUNCILLOR



## Notice of motion

### Ordinary meeting of the Broken Hill City Council

To be held on 31/07/2019

From Councillor Tom Kennedy

That Broken Hill City Council includes in the 2020/2021 budget \$200,000 for lights upgrade and court resurfacing of netball association grounds.

That council liaise with the netball association about surface required and lighting upgrades.

That council apply for grant funding from State and Federal governments to match funding.

The netball association has investigated costs and best surface for their needs, quoted cost for resurfacing in their preferred surface is \$30,000 per court.

Councillor Tom Kennedy



RECEIVED  
19 JUL 2019  
BY: VC 12:25pm

ORDINARY MEETING OF THE COUNCIL

July 19, 2019

**ITEM 2**

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 14/19

SUBJECT:                      ESSENTIAL ENERGY OPERATIONS BROKEN HILL                      12/29

**Notice of Motion**

1. That Motions of Which Notice has been Given No. 14/19 dated July 19, 2019, be received.
2. That Broken Hill City Council sends correspondence to the appropriate State Minister, Local Member Roy Butler and Leader of the Opposition objecting to any loss of position in the Essential Energy employment structure and the importance of those positions to the Broken Hill community.
3. That they be reminded of the commitment from the government that the sale of poles and wires would not result in any loss of employees from Essential Energy operations in Broken Hill.

**Summary**

Councillor Kennedy submitted a Notice of Motion on 19 July 2019 at 12:25pm regarding Essential Energy operations in Broken Hill.

The Notice of Motion is as written above and is attached to this report.

**General Manager's Comment:**

When this matter was first reported the Mayor wrote to the local member on behalf of Council expressing her disappointment and concern and requesting the Local Member take these concerns forward to the NSW State Government on the City's behalf.

I will defer to Councillors' greater knowledge around commitments made by government around the sale of poles and wires and assurances provided to Broken Hill.

**Attachments**

1. [↓](#) Councillor Kennedy's Notice of Motion

T. KENNEDY  
COUNCILLOR

## Notice of motion

### Ordinary meeting of the Broken Hill City Council

To be held on 31/07/2019

From Councillor Tom Kennedy

That Broken Hill City Council sends correspondence to the appropriate State minister, local member Roy Butler and leader of the opposition objecting to any loss of position in the Essential energy employment structure and the importance of those positions to the Broken Hill community.

That they be reminded of the commitment from the government that the sale of poles and wires would not result in any loss of employees from Essential Energy operations in Broken Hill.

Councillor Tom Kennedy



RECEIVED  
19 JUL 2019  
BY: VC 12:25 pm

## **REPORTS**

1. BROKEN HILL CITY COUNCIL REPORT NO. 106/19 - DATED JULY 15, 2019 - MOTIONS TO THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 14-16 OCTOBER 2019 (11/364).....50
  
2. BROKEN HILL CITY COUNCIL REPORT NO. 107/19 - DATED JULY 16, 2019 - BACKGROUND ON BROKEN HILL REGIONAL TOURIST ASSOCIATION AND TOURISM IN BROKEN HILL (11/407) .....52
  
3. BROKEN HILL CITY COUNCIL REPORT NO. 108/19 - DATED JUNE 03, 2019 - ADOPTION OF DRAFT SECTION 7.12 DEVELOPER CONTRIBUTIONS PLAN (11/467) .....69
  
4. BROKEN HILL CITY COUNCIL REPORT NO. 109/19 - DATED JULY 07, 2019 - NSW GOVERNMENT MUSEUM STRATEGY (11/238).....94
  
5. BROKEN HILL CITY COUNCIL REPORT NO. 110/19 - DATED JULY 01, 2019 - DRAFT REPORTING OF PUBLIC INTEREST DISCLOSURES POLICY FOR PUBLIC EXHIBITION (12/14).....98
  
6. BROKEN HILL CITY COUNCIL REPORT NO. 111/19 - DATED JUNE 25, 2019 - DRAFT VOLUNTARY PLANNING AGREEMENT POLICY (11/192) .....113
  
7. BROKEN HILL CITY COUNCIL REPORT NO. 112/19 - DATED JULY 17, 2019 - DRAFT GIFTS AND BENEFITS POLICY (12/14) .....128
  
8. BROKEN HILL CITY COUNCIL REPORT NO. 113/19 - DATED JULY 02, 2019 - DECEMBER AND JANUARY COUNCIL MEETING ARRANGEMENTS AND CHRISTMAS SHUT DOWN PERIOD (11/21) ..130
  
9. BROKEN HILL CITY COUNCIL REPORT NO. 114/19 - DATED JULY 04, 2019 - CHILDRENS SPORTS AND ACTIVITY VOUCHER (18/44) .....132
  
10. BROKEN HILL CITY COUNCIL REPORT NO. 115/19 - DATED JULY 11, 2019 - DEVELOPMENT APPLICATION 38/2019 - DEMOLITION OF EXISTING OUTBUILDINGS AND CONSTRUCTION OF NEW 3 CAR GARAGE AT 89 PIPER STREET, BROKEN HILL (11/467) .....135

11. BROKEN HILL CITY COUNCIL REPORT NO. 116/19 - DATED JULY 09, 2019 - INVESTMENT REPORT FOR JUNE 2019 (17/82).....151
12. BROKEN HILL CITY COUNCIL REPORT NO. 117/19 - DATED JULY 05, 2019 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 394 HELD WEDNESDAY JULY 2, 2019 (11/397) .....167
13. BROKEN HILL CITY COUNCIL REPORT NO. 118/19 - DATED JULY 18, 2019 - ACTION LIST REPORT (11/21) .....179

ORDINARY MEETING OF THE COUNCIL

July 15, 2019

**ITEM 1**

BROKEN HILL CITY COUNCIL REPORT NO. 106/19

SUBJECT: MOTIONS TO THE LOCAL GOVERNMENT NSW ANNUAL  
CONFERENCE 14-16 OCTOBER 2019 11/364

**Recommendation**

1. That Broken Hill City Council Report No. 106/19 dated July 15, 2019, be received.
2. That Council determine motions, at this Council Meeting, to the NSW Local Government Annual Conference in line with the criteria.
3. That motions along with the accompanying Council Resolution be submitted prior to the closing date of 19 August 2019.

**Executive Summary:**

The 2019 Local Government NSW (LGNSW) Conference will be held in Warrick Farm, October 14-16, 2019.

This report is presented to Council to determine motions to be submitted to the Conference. Motions must be accompanied by a Council Resolution endorsing that the motion be submitted to the Conference.

Motions must be in line with NSW Local Government's criteria for motions and be submitted by 19 August 2019 in order to be published in the Conference Business Paper.

**Report:**

The LGNSW Conference is the annual policy-making event for councils in NSW. The Conference is the pre-eminent event of the local government year where local Councillors come together to share ideas and debate issues that shape the way we are governed.

Attendance to this conference will ensure that remote areas such as the Far West are not placed at a disadvantage by decisions made.

At the June 2019 Council Meeting, Council resolved that its delegates be the Mayor, Deputy Mayor and any further Councillors who may be interested in attending. Council is entitled to two voting delegates at the conference, which will be the Mayor and Deputy Mayor.

**Motions**

The Board encourages submission of motions along with the accompanying Council Resolution by **12 midnight (AEST) on Monday 19 August 2019** to allow printing and

distribution of the Business Paper before the Conference. In line with the LGNSW rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is 12 midnight (AEST) on Monday 16 September 2019.

The Board has resolved that motions will be included in the Business Paper for the conference only where they:

1. are consistent with the objectives of the Association (as per Rule 4 of the Association's Rules)
2. relate to Local Government in NSW and/or across Australia
3. concern or are likely to concern Local Government as a sector
4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature, and
7. do not express preference for one or several members over one or several other members. Members are encouraged to review Action Reports from the previous conference(s) before submitting motions for the 2019 conference to ensure newly proposed motion wording reflects recent developments and does not duplicate existing positions.

As a Council Resolution must accompany any motions that Council wishes to submit, these motions must be determined at the July 2019 Council Meeting in order to meet the submission deadline of 19 August 2019.

**Strategic Direction:**

Key Direction:	4	Our Leadership
Objective:	4.2	Our leaders make smart decisions
Strategy:	4.2.1	Provide learning and networking opportunities for elected members

**Relevant Legislation:**

Nil

**Financial Implications:**

Nil for submission of motions.

**Attachments**

There are no attachments for this report

JAMES RONCON  
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

July 16, 2019

**ITEM 2**

BROKEN HILL CITY COUNCIL REPORT NO. 107/19

SUBJECT: BACKGROUND ON BROKEN HILL REGIONAL TOURIST ASSOCIATION AND TOURISM IN BROKEN HILL 11/407

**Recommendation**

1. That Broken Hill City Council Report No. 107/19 dated July 16, 2019, be received.
2. That Council notes that:
  - a) That the current collaboration between Council, Destination NSW (DNSW) and Destination Country and Outback (DCO) and the relationships between DNSW and DCO with the industry are successfully building a collaborative approach to build brand awareness and increase visitors to the city and region.
  - b) That Council elect not move to form a Regional Tourism Organisation at this time but will monitor the success of the development of Destination Broken Hill and the outcomes of current collaborative activities with a report to be presented to the February 2020 meeting of Council.
  - c) That Council note the Tourism Taskforce of 2014 resulted in unanimous support from tourism operators for the development of an industry driven tourism organisation for the Far West NSW region.
  - d) That Destination Broken Hill, formed in 2018, is the current industry-led tourism body representing Broken Hill and the surrounding region.
  - e) That Council note that the delegations set out in the Constitution of the Broken Hill Regional Tourism Association formed in 2002 did not meet the legislative requirements outlined in the *Local Government Act, 1993*.

**Executive Summary:**

At the Ordinary Council meeting of March 2019, Council resolved Minute No. 46024:

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.

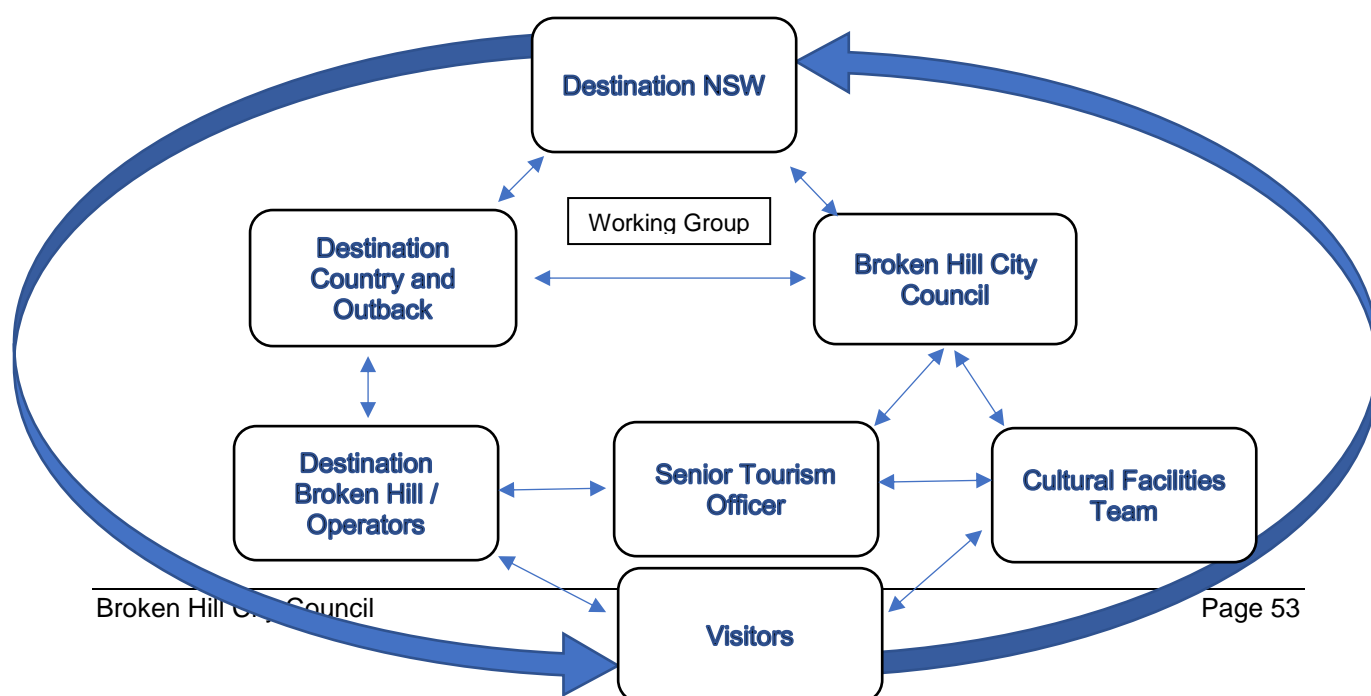
This report relates to Part 4 of the resolution. The Key Direction Working Group Our Community met to discuss the approach to be taken to the project and with the agreement of the Chair, Cr. Kennedy, that it would not be able to meet the deadline of providing a considered report by the April meeting, further time was allowed to undertake the research and clarify objectives.

The objectives were then clarified as firstly, achieving a marketing campaign for the City and secondly, the establishment of a Tourism group that was sustainable in the longer term.

### Report:

Broken Hill sits within the Destination Network of Country and Outback (DCO), one of six destination networks across NSW that have specialist teams dedicated to growing the visitor economy in their respective regions. Destination NSW works with each of the Destination Networks to market each region, showcasing the diverse range of destinations and experiences Regional NSW has to offer to potential visitors across NSW, Australia and to the world.

Currently, the model to growing visitation to Broken Hill is based on a collaborative approach between DNSW, DCO, Council and industry. This approach has resulted in all parties taking a seat at the table to grow tourism.



Council's internal Tourism Working Group liaises with the Destination Country and Outback (DCO) as a source of information. The DCO is the region's peak tourism organisation and is the coordinating force for the region's promotion.

Its activities include:

- Collaborating on product development, smaller scale marketing and promotional campaigns
- Seeking support through the RVEF (Regional Visitor Economy Fund)
- Running regional events, where applicable, supported by the expanded Regional Flagship Event Program developing tourism infrastructure supported by Government regional infrastructure funding.

The internal Tourism Working Group includes Director Corporate, City Growth Coordinator, Senior Tourism Officer and Digital Officer.

DNSW and DCO are working with Destination Broken Hill and industry operators ensuring stakeholder input into potential campaigns and future activities. Destination NSW held a workshop with the region's tourism stakeholders in April 2018 and will host several further workshops in August 2019.

Continuing to build on the current model of activity with DNSW and DCO is essential to the future growth of the Broken Hill and region visitor economy.

DNSW key roles and responsibilities include:

1. Building industry capacity and capability through training, mentoring and supporting centres of excellence as well as through sharing of best practice and providing access to research and industry data;
2. Engaging and advocating for industry through effective communication as well as representing the DNCO region to Government, including on infrastructure and transport;
3. Facilitating relationships and partnerships for accessing funding, including the Regional Visitor Economy Fund and other grant programs as well as strengthening connectedness with Destination NSW on industry and marketing activities; and
4. Driving more effective destination management and business planning, especially to support experience development and marketing.

Council is also supporting the industry driven solution of the Destination Broken Hill website and has taken measures to ensure it is not competing with industry by not hosting a Council-owned tourism website. Council is redirecting its domain to the industry website and is negotiating an agreement to promote Council's tourism assets on this platform, recognising that the value of tourism to the City's economy plays an integral role in the sustainability of the city's future economy. Tourism Australia shows that Broken Hill received 167,000 visitors representing 402,000 visitor nights contributing \$94m directly into the economy in 2017.

Council is also the largest stakeholder in the tourism industry in Broken Hill and invests approximately \$3.5m p/a on \$52.5m tourism assets including Airport, Civic Centre, Visitor Information Centre, Regional Art Gallery, Albert Kersten Mining and Minerals Museum.

Council has also entered into an agreement with Destination NSW to produce a **Regional Cooperative Tourism Marketing Program**.

This collaborative model to managing the visitor economy has evolved out of a long history of alternative approaches to managing tourism in Broken Hill. The KDWG Our Community has recommended that Council not move to form a Regional Tourism Organisation at this time but will monitor the success of the development of Destination Broken Hill and the outcomes of current collaborative activities with a report to be presented to the February 2020 meeting of Council.

### **Broken Hill Regional Tourist Association (BHRTA)**

The Broken Hill Regional Tourist Association (BHRTA) was formed as a Section 355 Committee under the Local Government Act, 1993 in March 2002. Until 2007, the Broken Hill Regional Tourist Association (BHRTA) was a hybrid BHCC committee and semi-incorporated body, charged with overseeing the Broken Hill Visitor Information Centre (BHVIC). A copy of the Constitution is attached to this report.

In 2007, concerns were raised by the Department of Local Government about the Association's structure and delegations. The DLG stated that the arrangements set out in the constitution suggested that it was separate entity to Council, rather than a committee constituted under Section 355 of the Local Government Act, 1993.

Combined with a decline in the strength of its membership and its conflicting roles and responsibilities, a review of the committee produced two alternative options:

1. the formation of an industry association
2. the formation of a Section 355 committee of Council.

Option 1 failed due to lack of industry support.

Option 2 was adopted, and the Broken Hill Tourism Advisory Group as a Section 355 Committee was endorsed by Council in November 2007. A copy of the Constitution is attached to this report.

In 2014, following a tourism industry taskforce, there was unanimous support from tourism operators for the development of an industry driven tourism organisation for the Far West NSW region. The final report was presented to the community in December 2014 and a transitional committee established in early 2015. At this time the BHTAG was disbanded and Council endorsed the continuance of Inland NSW Tourism as the peak tourism body for the region as a whole.

### **Destination Broken Hill**

Following a period of limited local activity, Destination Broken Hill was formed to take on the role of the peak industry body for the City in May 2018.

At the Ordinary Meeting of Council held June 27, 2018, Council approved \$100,000 for a destination marketing campaign and \$20,000 to support an administrative position in 2018/19 budget to assist Destination Broken Hill to establish itself on the proviso that industry matched Council funding dollar for dollar. Council sent the initial funding offer to the interim committee on August 2, 2018. The funding offer was to:

1. Be matched dollar for dollar by industry;
2. Joint Council and industry marketing funds were to be used to approach Destination NSW for a larger marketing campaign in 2018/19.

Funding would be provided on evidence of matching funding, Incorporation and a Governance Structure including Council representation on Board.

Once confirmed, Council would work with Destination Broken Hill to establish a Memorandum of Understanding and reporting milestones. Council's contribution and involvement would be predicated around deliverables that value add to the City.

In January 2019, ongoing emails between the operators, copied to Council, demonstrated that there was still work to do on the structure of the organisation and that matching funding would not be achieved in this financial year.

In January 2019, Council was notified that the organisation had a new interim Chair, Scott Smith, following the resignation of Steven Martin. The General Manager had ongoing communication with Scott Smith during February 2019 regarding Council's recommendation to coordinate the marketing campaign for the 2018/2019 financial year which will provide a foundation marketing platform for the organisation once they are in a position to match funding.

Council will continue to support the industry to grow the local tourism authority and has allocated the same amount of funding for 2019/20 financial year subject to the same conditions.

The outcome of the current approach means that the City of Broken Hill is promoted to potential visitors and it establishes a marketing platform for Destination Broken Hill to manage once the organisation is in the position to match funding.

**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
Strategy:	2.2.2.2	Develop cooperative Marketing Campaign for Broken Hill with Destination NSW

**Relevant Legislation:**

NIL

**Financial Implications:**

Council has budgeted \$120,000 contribution to a regional collaborative marketing campaign in 2019/20.

**Attachments**

1. [Broken Hill Regional Tourist Association Constitution](#)
2. [Broken Hill Tourist Advisory Group Constitution](#)

RAZIJA NU'MAN  
DIRECTOR CORPORATE

JAMES RONCON  
GENERAL MANAGER

**CONSTITUTION OF THE  
BROKEN HILL REGIONAL TOURIST ASSOCIATION**

A Section 355 Committee under the Local Government Act, 1993. All references to 'the Council' to mean the Council of the City of Broken Hill.

**1. NAME**

The Committee shall be called the Broken Hill Regional Tourist Association, hereinafter referred to as 'the Association'.

**2. ADDRESS**

The address of the Association will be PO Box 286, BROKEN HILL NSW 2880.

The Secretary of the Association will be based at the Council's Tourist and Travellers' Information Centre, hereinafter referred to as the 'Visitors Information Centre'.

**3. OBJECTIVES**

- 3.1** To provide information to tourists and potential tourists to Broken Hill and the Outback Region.
- 3.2** To liaise with industry, and assist commercial organisations, community bodies, and individuals, involved in any way with tourism in the area.
- 3.3** To assist the Council's Manager, Tourism and Economic Development to co-ordinate tourism planning and activity within the area of NSW bounded by Cockburn to Coombah, Gum Lake to Wilcannia and through 91 Mile Bore to the Queensland border.
- 3.4** To assist in the inspiration and creation of additional and varied tourist attractions, including annual events, festivals, major sporting events, conventions and entertainment.
- 3.5** To produce printed and other graphic tourist and promotional information booklets, brochures and pamphlets either for sale or free distribution.
- 3.6** To plan, implement, and service marketing programs designed to encourage visitation and increase length of stay and visitor spending to and within the area.
- 3.7** To oversee the management of the Tourist and Travellers Centre for the benefit of tourists and the citizens of Broken Hill in such a manner as to create a source of income for the Association.

- 3.8 To raise funds and expend them in furthering the objectives of the Association.
- 3.9 To take actions deemed necessary or expedient to promote tourism and any of the above said objectives.

#### 4. MEMBERSHIP

Membership will be open to all persons or organisations interested in the objectives of the Association.

- 4.1 The Council of the City of Broken Hill shall appoint 3 Councillors as full members of the Management Committee.
- 4.2 Members shall pay a scale of Annual Fees which will be decided annually by the Management Committee ratified at January General Meeting.
- 4.3 Membership fees shall be payable annually in advance for each financial year. If a member is not financial at October 1<sup>st</sup> in any year, such membership will be terminated.
- 4.4 Each member shall receive annually a Certificate or other Official Document which shall be displayed by a member at their place of business. This certificate shall remain the property of the Association.
- 4.5 Members of the Association are required to comply with the provisions of the Association's Constitution and to support the Association in its promotion and development of tourism in Broken Hill and its surrounding region, as that region is defined in the Constitution.
- 4.6 Members of the Association
  - : refusing to comply with the Association's Constitution,
  - or
  - : specifically and/or regularly neglecting reasonable standards of service to tourists and visitors to Broken Hill and its region and who are the subject of proven complaints of such actionshall be asked by the Executive of the Association to show reason why their membership of the Association should not be terminated or alternatively, where applicable, assist the Association in preparing appropriate correspondence to the complainant.
- 4.7 Members of the Association who persistently and wilfully act in a manner prejudicial to the interests of the Association
  - : shall, in the first instance, be advised in writing of the Management Committee's concern and asked to respond to those concerns in writing
  - all such advice to members shall be given in writing under the hand of the President of the Association.

: shall, in the case of a proven second or further occurrence, by resolution of the Management Committee at a formally constituted meeting of the Association, either have their membership suspended for a period determined by the Committee, or be expelled from membership of the Association, - all such advices shall be given in writing under the hand of the President of the Association.

- 4.8 The provisions of sections 4.6 and 4.7 notwithstanding, all such disputes within the membership of the Association or between the membership of the Association and the Management Committee, may be first subject to discussion and mediation with a view to resolution.
- 4.9 Non-members of the Association may attend as observers, without voting rights, at Annual General Meetings or Special General Meetings.

## **5. COMMITTEES**

Committees comprising the Association shall be:

- 5.1 Management Committee with Sub-Committees as required by the Association from time to time and shall include a Promotions Sub-Committee, all of which shall report to the Management Committee on a regular basis.

## **6. STRUCTURE OF MANAGEMENT COMMITTEE**

The Committee will consist of:

- 6.1 Three (3) Councillors appointed by Council
- 6.2 The Manager Tourism and Economic Development or nominee.
- 6.3 Six (6) members to be elected by financial members of the Association. In the event of a ballot being necessary to determine these representatives, the General Manager or nominee will conduct such ballot on a preferential voting system. If, on any count of votes, in the election the number of votes cast for two or more members are equal and there is only one representative position to be filled – the member whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected. Such election to be finalised prior to the Annual General Meeting.
- 6.4 Chamber of Commerce and National Parks and Wildlife Service to each appoint one representative for a term of one (1) year annually.
- 6.5 The President and Vice President of the Association will be selected by the Committee at its first meeting from within the Committee - the Manager Tourism and Economic Development will not be eligible for either position.
- 6.6 The Tourism Services Manager will be Secretary/Treasurer of the Association.

- 6.7 The first meeting of the Committee shall be held within 48 hours of its Annual General Meeting.
- 6.8 In the event of there being insufficient nominations for the six (6) elected positions, the Management Committee shall have the power to invite interested persons to nominate for appointment to the Management Committee.
- 6.9 The Management Committee shall recommend nominees to Council to fill any casual vacancies on the subject Committee.
- 6.10 Members elected to the Management Committee shall serve for a period of two (2) years, except for the first year when three (3) delegates will stand down to enable half change every twelve (12) months thereafter. (Members standing down will be selected by ballot within the Committee but shall be eligible for renomination.)
- 6.11 If any member of the Management Committee fails to attend three (3) consecutive meetings without leave of absence being granted by the Committee, their positions shall be declared vacant.
- 6.12 Meetings of the Management Committee shall be held monthly on a date to be decided by the Committee.
- 6.13 A Special Meeting of the Management Committee shall be called within seven (7) days at the written request of not less than five (5) members of the Committee.
- 6.14 The term of Presidency shall not exceed four (4) consecutive years.

## **7. MEETING PROCEDURE**

Meeting procedure at all meetings shall be as set out in Council policy No. 01.002 'Code of Meeting Practice'.

- 7.1 No business shall be transacted at any Annual General Meeting or Special General Meeting unless there is a Quorum of twelve (12) financial members of the Association present.
- 7.2 No business shall be transacted at any Ordinary Management Committee Meeting or at a Special Meeting called by the Management Committee unless there is a majority of members of the Management Committee present.
- 7.3 When there is an equality of voting on any matter before a meeting of any Committee, the President/Chairman shall have a casting vote in addition to his/her deliberate vote.
- 7.4 If a quorum is not present at the official starting time of any meeting, a period of fifteen (15) minutes shall be allowed before the meeting is adjourned. Should such meeting lapse, any urgent business of that meeting shall be conducted by the Executive.



- 7.5 The Management Committee shall abide by Council policy on disclosure of interests and declare such interests at meetings of the Management Committee and absent themselves from the meeting during discussion of the particular matters concerned in accordance with the requirements of Council's policy No. 01.002 (Code of Meeting Practice).
- 7.6 The Executive of the Management Committee shall be the President, Vice President and Manager Tourism and Economic Development.
- 7.7 At all meetings of the Association there shall be one vote per member present with the President/Chairman having a casting vote if required, in addition to his/her deliberate vote.

## **8. TOURISM SERVICES MANAGER AND STAFF**

- 8.1 All staff employed at the Visitor Information Centre shall be employees of the Council.
- 8.2 All staff shall be directed by the Manager, Tourism and Economic Development, who shall be accountable to the General Manager.
- 8.3 All staff employed at the Visitor Information Centre shall be directly supervised by the Tourism Services Manager.
- 8.4 The Tourism Services Manager shall be a full time employee of Council and be appointed through Council's usual recruitment processes, with the President of the Broken Hill Regional Tourist Association being a member of the selection panel.
- 8.5 Vacancies in positions within Council's operations at the Visitor Information Centre, that is vacancies within the tourism counter and office staff; will be filled through Council's usual recruitment processes, with the President of the Broken Hill Regional Tourist Association being a member of the selection panel.
- 8.6 All employees shall be required to abide by all administrative and human resource related policies of Council
- 8.7 The Tourism Services Manager shall attend all meetings convened by the Association and shall have no voting rights.

## **9. FINANCE**

The Association will obtain funding in the following manner:

- 9.1 Council will provide annually, an amount equal to the combined salaries and benefits of the Tourism Services Manager and other staff employed at the Visitor Information Centre, provided such amount does not exceed the approved budgeted figure of any one (1) year.

- 9.2 The Association will receive monies from the lease of facilities at the Tourist and Traveller's Centre.
- 9.3 Monies received from the sale of souvenirs, publications , commissions and other saleable commodities.
- 9.4 Grants from Federal, State and Local Governments.
- 9.5 Subscriptions and/or donations from the private sector.
- 9.6 Any other form of funding the Management Committee from time to time may consider necessary, providing that such funding does not contravene any section of the Local Government Act 1993.
- 9.7 The Management Committee will endorse the budget for submission to Council by the end of February each year.
- 9.8 All expenditure shall be approved by the Management Committee.
- 9.9 All disbursements shall be made by cheque request or goods received advice approved by the Tourism Services Manager or Manager Tourism and Economic Development and subsequently forwarded to Council's Manager Financial Services, for processing and issuing of Council cheques in payment through Council's usual creditors procedures.
- 9.10 The whole of the revenue and expenditure of the Association shall be the responsibility of the Association.
- 9.11 All such revenue shall be devoted to the promotion and development of the tourism industry for the benefit of Broken Hill and the nominated region.
- 9.12 The services and operations of the Association shall be conducted within the sums voted for its annual budget for both income and expenditure.
- 9.13 An annual financial statement shall be prepared for submission to the Annual General Meeting of the Association. The audit of the Association's financial records shall be carried out in conjunction with the annual audit of the Broken Hill City Council.
- 9.14 The funds of the Association shall not revert to members but to the Council under Section 355 of the Local Government Act 1993.

## **10. POLICIES AND PROCEDURES**

- 10.1 The Management Committee of the Association may develop formal policies and procedures in respect of its day to day operations based at the Visitors' Information Centre – such policies and procedures to be endorsed at a properly constituted meeting of the Management Committee.
- 10.2 All policies and procedures endorsed by the Management Committee shall be referred to Council for approval before implementation.

- 10.3 The Secretary shall ensure that a policy and procedures manual is held available for access at the Visitors' Information Centre and that full copies are held by the current membership of the Management Committee.
- 10.4 The Secretary shall provide copies of new and revised policies and procedures to members of the Management Committee for manual update; and also copies to all financial members of the Association for information.

## **11. ACCESS TO INFORMATION**

### **11.1 Promotional/Attraction Brochures/Publications and Associated Documents**

All promotional publications prepared by or on behalf of the Broken Hill Regional Tourist Association and all leaflet/brochure material held by the Association for the information of the general public and visitors to the City of Broken Hill, shall be readily available to those persons requesting it.

### **11.2 Records Held by the Broken Hill Regional Tourist Association**

**11.2.1** All other records held by the Broken Hill Regional Tourist Association including minutes, financial statements, reports, correspondence and similar, shall be held within a records management system in a format determined in conjunction with Council Management.

**11.2.2** Financial members of the Broken Hill Regional Tourist Association are entitled to access to the meeting minutes and financial statements of the Association, other than

- \* where considered at 'closed', that is, non public, meetings of the Association for reasons of confidentiality clearly stated at that meeting,

- \* where release of the information would infringe the requirements of other legislation.

**11.2.3** Requests by members of the Association for access to the Association's records must be made in writing to either the Secretary or the President of the Association.

**11.2.4** Members of the Management Committee shall have access to all necessary records of the Association (provided they have no pecuniary interest in same); with the exception of employee records held by the Council.

**11.3** Public access to the records of the Association shall be in accordance with the requirements of the Local Government Act, 1993, as amended and Regulations made thereunder, the Privacy and Personal Information and Protection Act 1998 and the Freedom of Information Act, 1989.

- 11.3.1 Requests made under the Freedom of Information Act for public access to the records held by the Association, will be determined in accordance with the relevant legislation and Broken Hill City Council's policy No. 01.004 – 'Freedom of Information'.
- 11.3.2 All members of the Association, the Management Committee, the Executive and also all Council staff employed at the Visitors' Information Centre shall not disclose any information which infringes the requirements of the Local Government Act, 1993, the Privacy and Personal Information Protection Act, 1998, or the Freedom of Information Act 1989, Council's Privacy Management Plan or any relevant policy or procedure of Council.
- 11.3.3 Members of the Association should seek clarification from the Executive if they have any uncertainty about disclosure of information.
- 11.3.4 Council staff should seek clarification from their supervisor if they have any uncertainty about disclosure of information. Assistance can also be sought from Council's Public Officer.

## **12. VISITORS' INFORMATION CENTRE**

The management of the Centre shall be vested in the Association and Council shall ensure that this management is being performed adequately. Should there be contention on this matter it will be conveyed to the Association by correspondence in the first instance.

Council will be responsible for the maintenance and supervision of the cleanliness of the Centre.

## **13. ANNUAL GENERAL MEETING**

The Annual General Meeting of the Broken Hill Regional Tourist Association shall be held not later than October 31<sup>st</sup> each year.

## **14. TERM OF COMMITTEE**

The Broken Hill Regional Tourist Association Committee shall cease to hold office at the expiration of three (3) months after the general election following upon the appointment of the new Committee but shall be eligible for re-appointment vide Section 355 of the Local Government Act 1993.

## **15. CONSTITUTION**

**This Constitution was endorsed by the Broken Hill Regional Tourist Association at its meeting on March 12, 2002 and adopted by Council at its meeting held on March 27, 2002.**

---

## CONSTITUTION

### BROKEN HILL TOURISM ADVISORY GROUP

A Section 355 Committee under the Local Government Act, 1993. All references to 'the Council' to mean the Council of the City of Broken Hill.

#### 1. NAME

The Committee shall be called the Broken Hill Tourism Advisory Group, hereinafter referred to as 'BHTAG'. All reference to 'the Committee' to mean BHTAG.

#### 2. ADDRESS

The address of BHTAG will be PO Box 448, BROKEN HILL NSW 2880.

The Secretary of BHTAG will be based at the Council's 'Visitor Information Centre'.

#### 3. VISION, MISSION AND OBJECTIVES

##### 3.1 Vision

Lead and Grow Outback Tourism.

##### 3.2 Mission

Sustain the responsible economic growth of Outback Tourism.

##### 3.3 Objectives

- 3.3.1 To implement and participate in marketing strategies determined to increase the region's tourism income in partnership with the Community, State / Local Government and Industry stakeholders.
- 3.3.2 To co-ordinate tourism promotion and services within the region in partnership with Industry and Local Government.
- 3.3.3 To develop community understanding of the value of tourism in the region in partnership with Industry and Local Government.
- 3.3.4 To advise and promote industry development, employment and training to benefit tourism in conjunction with key organisations.
- 3.3.5 To maximise the region's available funding.
- 3.3.6 To provide industry input to assist in the development of current, quality information to visitors and stakeholders.
- 3.3.7 To recognise and promote excellence within the regional tourism industry.

#### **4. STRUCTURE AND MEMBERSHIP**

Membership will be open to all persons or organisations interested in the objectives of BHTAG and that use the services of the Broken Hill Visitor Information Centre on a fee for service basis.

The Committee shall consist of seven (7) members. The seven members shall be appointed by the Council and shall be nominated as follows;

- 4.1** 1 Councillor (currently Community representative) appointed by Council.
- 4.2** 4 Tourism Industry representatives
- 4.3** 1 National Parks & Wildlife Service representative
- 4.4** 1 Broken Hill Chamber of Commerce representative

In addition Council will appoint two (2) Council employees as ex-officio members of the Committee. The role of Secretary will be undertaken by one employee (Tourism Services Manager) and Council's Manager Community Development will provide technical support and advice to the Committee.

Nomination for Committee appointments as tourism industry representatives and any vacancies therein will be publicly advertised and interested parties will apply for membership in writing, providing names and other necessary details for consideration by a panel consisting of the General Manager, Manager Community Development and an independent member from Tourism NSW. Selection will be based on the skills and experience offered to the committee. The panel will recommend appointment to Council.

Council reserves the right to amend the number of Committee members and category of representation.

#### **5. TERM OF APPOINTMENT**

Members appointed to BHTAG shall serve for a period of four (4) years, except for the first term when three (3) members will stand down to enable half change every two years (2) years thereafter. (Members standing down will be selected by ballot within the Committee but shall be eligible for reappointment.)

#### **6. VACANCIES ON COMMITTEE**

- 6.1** Committee members will be appointed for a period of four (4) years.
- 6.2** Membership shall cease in the following cases:
  - Upon the death of the Member;
  - If he/she becomes bankrupt or makes any arrangement or composition with their creditors generally;
  - If he/she becomes mentally ill or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;

- A member ceasing to meet the criteria for membership and a motion declaring his/her position vacant being carried at an Ordinary meeting of the Committee;
- A member having failed to attend three (3) consecutive ordinary meetings of the Committee without leave of absence having been granted;
- A member resigning his/her position on the Committee by notice in writing addressed to the Secretary, such notice having effect upon receipt by the Secretary;
- Upon a resolution of Council to remove him/her from office;
- Upon conviction for any criminal offence past or present, unless a free pardon has been granted or the sentence served.

**6.3** It shall be the duty of the Chairperson, if any extraordinary vacancy occurs, to declare the fact to the next ensuing ordinary meeting and to ensure that the necessary steps are taken to fill the vacancy in accordance with this Constitution.

## **7. MEETINGS**

Meeting procedure at all meetings shall be as per Council policy and Council's adopted Code of Meeting Practice

**7.1** A minimum of six (6) Ordinary General Meetings of the Committee shall be held annually on a date to be decided by the Committee.

**7.2** A Special Meeting of the Committee shall be called within seven (7) days at the written request of not less than four (4) members of the Committee.

**7.3** No business shall be transacted at any Annual General Meeting or Special General Meeting or Ordinary General Meeting unless there is a Quorum of four (4) members present, excepting any ex officio members.

**7.4** Should within half hour of the time set down for a meeting to commence, a quorum be not present, then the meeting shall be adjourned to the same time and place seven days later or to a place and time within one month of the date of such meeting, to be determined thereat. If at such adjournment meeting, a quorum be not present, then those members attending shall be deemed to be a quorum, provided the number of such members is not less than three (3).

**7.5** At all meetings of the Committee there shall be one vote per member present with the Chairperson having a casting vote if required, in addition to his/her deliberate vote.

## **8. EXECUTIVE**

**8.1** The Executive shall be the Chairperson and Deputy Chairperson with both elected by the Committee from the Tourism Industry representatives. The term of the Executive shall not exceed four (4) consecutive years.

**8.2** The Chairperson shall chair and maintain order at all meetings of the Committee at which he/she is present.

**8.3** The Deputy Chairperson shall have and may exercise all the powers of the Chairperson during the absence of the Chairperson or during the period of an extraordinary vacancy in the position of Chairperson.

- 8.4 The positions of Chairperson and Deputy Chairperson shall be filled at an Annual General Meeting to be held no later than October each year.
- 8.5 Under normal circumstances only the Chairperson shall speak for the Committee, but individual members may be delegated powers of public comment by the Committee should circumstances warrant it.
- 8.6 The Secretary (as delegated by Council's General Manager) shall have the duty of performing all work of a secretarial nature. In particular, the Secretary shall keep minutes of all meetings of the Committee in permanent form.

**9. DELEGATIONS TO COMMITTEE**

- 9.1 To recommend to Council through the General Manager or his/her delegate annual allocation of grants sourced by the Committee.
- 9.2 To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights.
- 9.3 To bring to Council's attention by way of recommendation through the General Manager or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

**10. CONSTITUTION**

This Constitution was adopted by Broken Hill City Council at its meeting held on November 28, 2007 (Minute Number 42450).



ORDINARY MEETING OF THE COUNCIL

June 3, 2019

**ITEM 3**

BROKEN HILL CITY COUNCIL REPORT NO. 108/19

SUBJECT: ADOPTION OF DRAFT SECTION 7.12 DEVELOPER CONTRIBUTIONS PLAN

11/467

**Recommendation**

1. That Broken Hill City Council Report No. 108/19 dated June 3, 2019, be received.
2. That the draft Section 7.12 Developer Contributions Plan be adopted as a Plan of Council.

**Executive Summary:**

Council at its Ordinary Meeting held 29 May 2019 considered the draft Section 7.12 Developer Contributions Plan and resolved (Minute Number 46076) to place the draft plan on public exhibition for a period of 28 days.

At the conclusion of the public exhibition period on 2 July 2019, Council received nil submissions from the public.

**Report:**

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.

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

As per Council's resolution (Minute No. 46076) the draft Section 7.12 Developer Contribution Plan was placed on public exhibition for a period of 28 days closing on 2 July 2019. Council received no submissions from the public during the public exhibition period. This draft plan is now presented to Council for the purpose of formal adoption.

**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
Strategy:		Environmental Planning and Assessment Act 1979

**Relevant Legislation:**

The *Environmental Planning and Assessment Act* 1979 contains provisions relating to this matter, namely Section 7.12.

**Financial Implications:**

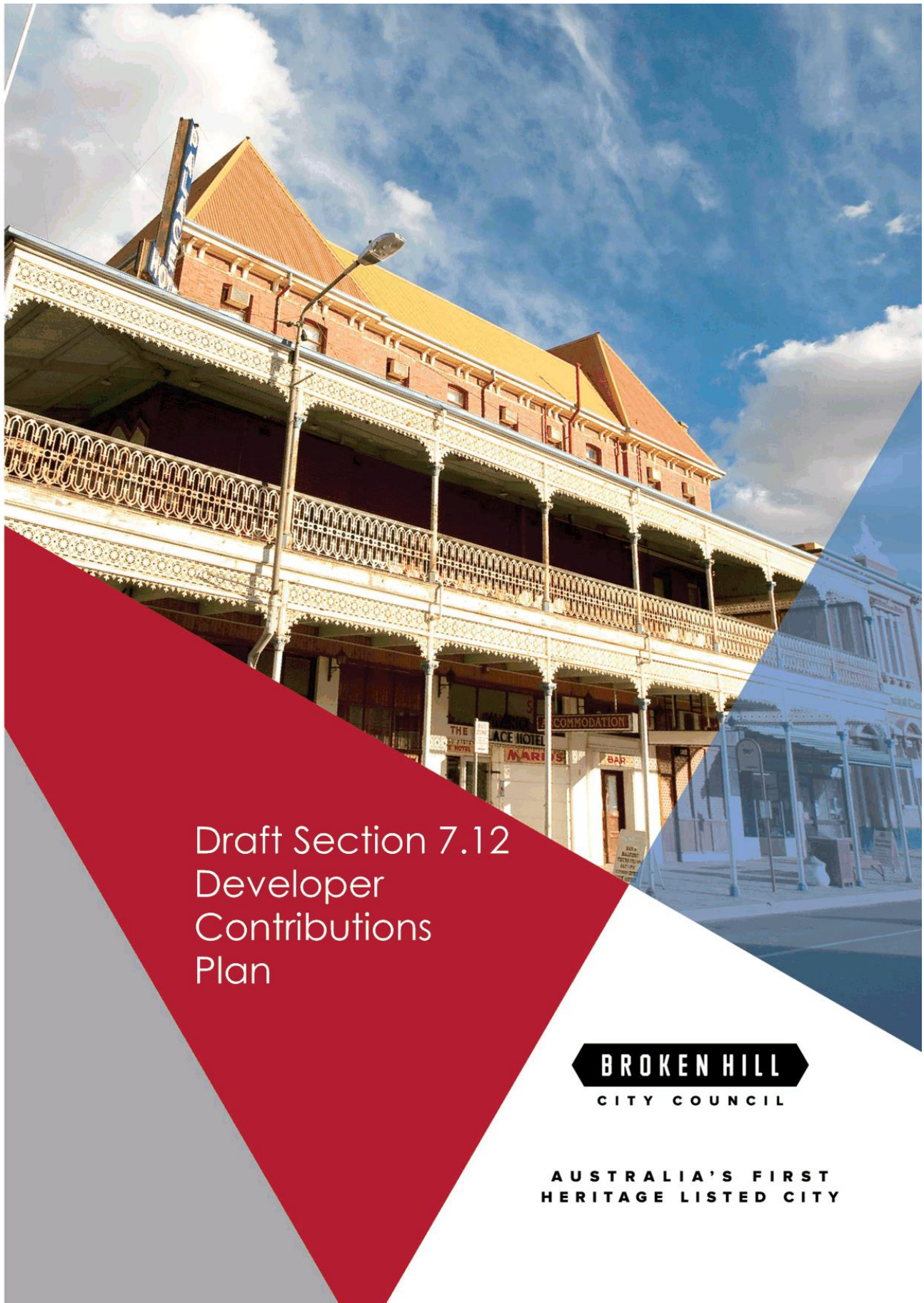
The proposed amendment to the works schedule will allow Council to construct a new animal pound with no financial impacts for rate payers.

**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](http://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:

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

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





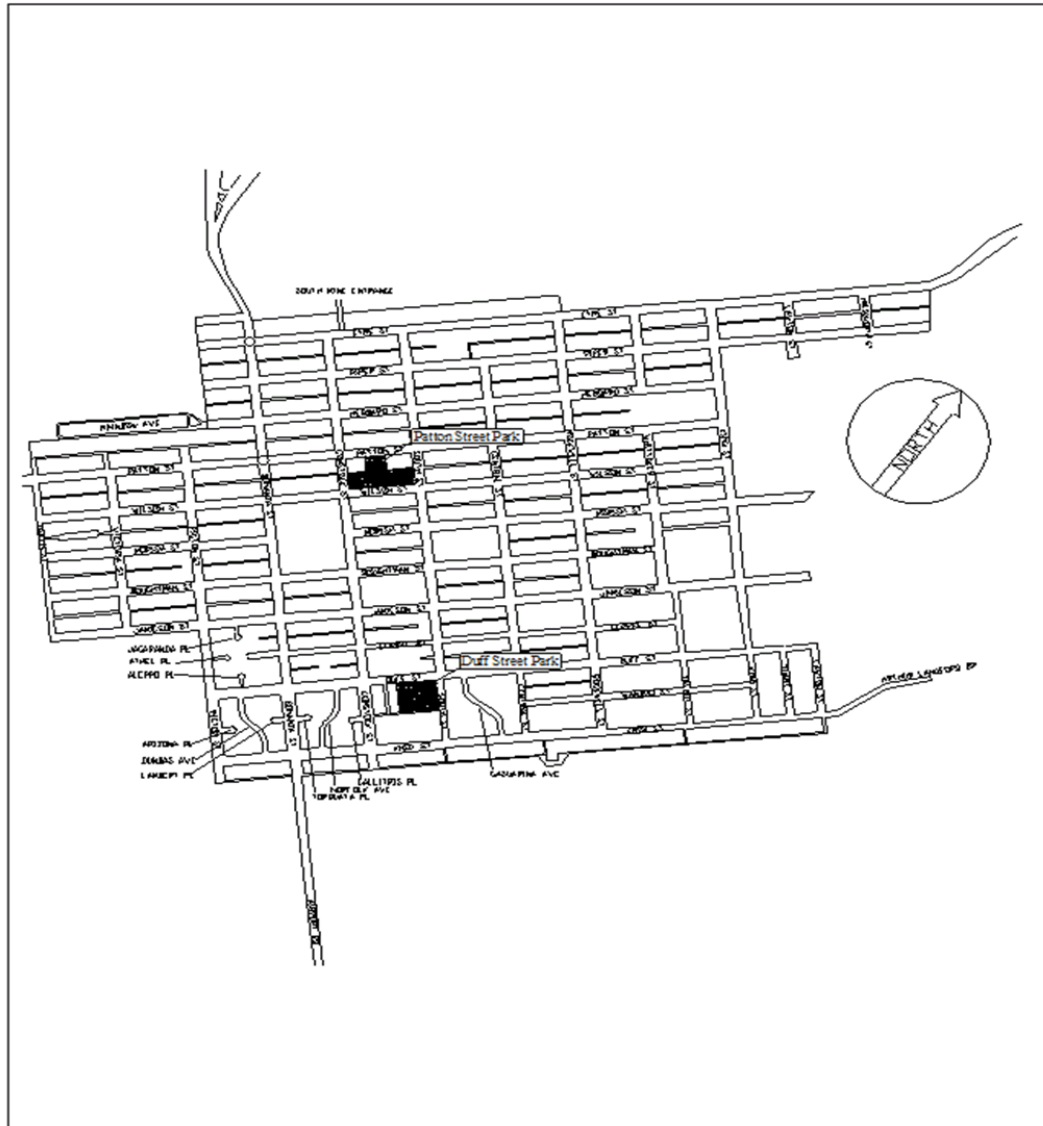


#### Section 7.12 Developer Contributions Plan - Area 2

Open Space & Recreation

Civil Infrastructure

Community Facilities

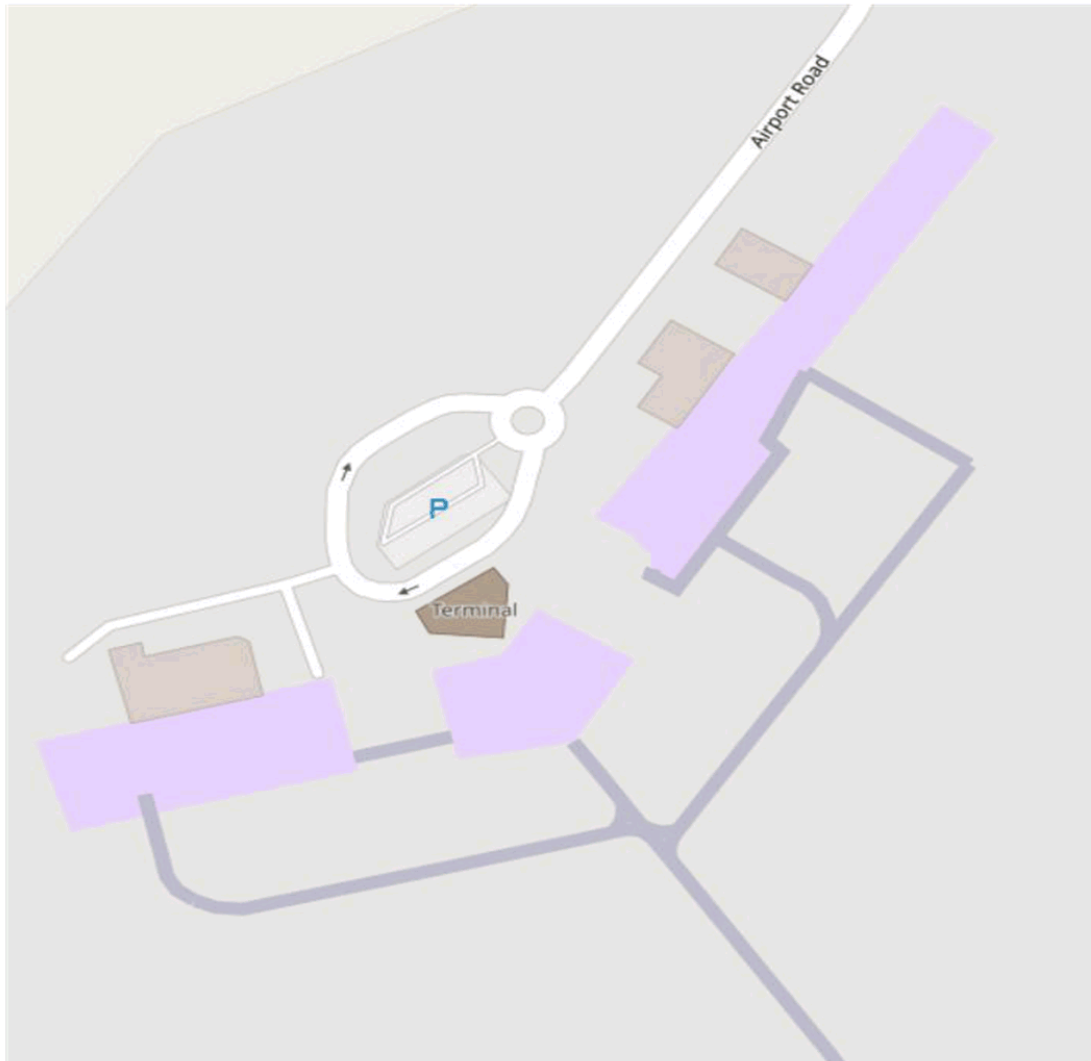


**Section 7.12 Developer Contributions Plan - Area 3**

Open Space & Recreation

Civil Infrastructure

Community Facilities



**Section 7.12 Developer Contributions Plan - Area 4**

Open Space & Recreation  
Civil Infrastructure  
Community Facilities

**BROKEN HILL**  
CITY COUNCIL

## 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	\$
<b>Sub-total</b>	\$
Consultant Fees	\$
Other related development costs	\$
<b>Sub-total</b>	\$
Goods and Services Tax	\$
<b>Total Development Costs</b>	\$

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	
<b>Total Development Cost</b>	\$		
<b>Total Construction Cost</b>	\$		
<b>Total GST</b>	\$		

**ESTIMATE DETAILS:**

<b>Professional Fees</b>	\$	Excavation	\$
% of Development Cost	%	Cost per square metre of site area	\$ /m2
% of Construction Cost	%	Car Park	\$
<b>Demolition and Site Preparation</b>	\$	Cost per square metre of site area	\$ /m2
<b>Construction – Commercial</b>	\$	Fit out - Commercial	
Cost per square metre of site area	\$ /m2	Cost per square Metre of commercial area	\$ /m2
<b>Construction – Residential</b>		Fit out – Residential	
Cost per square metre of residential area	\$ /m2	Cost per square metre of residential area	\$ /m2
<b>Construction – Retail</b>		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 Volume 1, 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

July 7, 2019

**ITEM 4**BROKEN HILL CITY COUNCIL REPORT NO. 109/19

SUBJECT:                      NSW GOVERNMENT MUSEUM STRATEGY                      11/238

**Recommendation**

1. That Broken Hill City Council Report No. 109/19 dated July 7, 2019, be received.
2. That the following proposed resolution be forwarded to LGNSW for consideration at the next LGNSW Conference:

‘That LGNSW lobby the NSW State Government to devise a Museum Strategy for NSW with sufficient resources to ensure cultural heritage led vibrancy, collection care and local storytelling initiatives are supported, developed and maintained for communities throughout the State.’

**Executive Summary:**

The report provides a background for the need for the NSW State Government to devise a Museum Strategy for all NSW for the maintenance of the State’s cultural heritage and in the face of decline in availability of volunteers to sustain museums over the long term.

**Report:****Background:**

Museums are important to communities throughout the State as they act as a community keeping place for local memory and storytelling. They also provide welcoming places for locals and tourists alike. A NSW Government led Museum Strategy is essential to guide the prioritisation of infrastructure developments, projects and resources to make museums sustainable (keep the doors open), providing vibrant programming - ensuring that local stories are documented and made accessible both in museums and in on-line forms.

**Broken Hill**

- Broken Hill has six volunteer run dedicated museums / exhibitions open to the public
- Four of these are run by the Broken Hill Historical Society (Silverton Gaol Museum, Silverton School Museum; Broken Hill Mosque and the Outback Synagogue Museum;
- The remaining three include: West Darling Machine Preservation Society; Sulphide Street Railway and Historical Museum; and the Broken Hill Trades Hall;
- In all, four organisations manage Broken Hill’s volunteer museums.

**Strengths of Broken Hill collections / museums:**

- Extensive object collections that document the evolution of the town and its communities;
- Both broad and specialist areas of collections;
- Represent the history of various cultures who made Broken Hill their home (eg cameleers and other post-WWII cultures);
- All collections have a mix of objects that have National, state and local significance;
- Uniquely situated in Broken Hill - which has strong heritage values and outsider interest.
- All museums (except one) are in heritage buildings ('double' appeal as historic places of interest to visit).

**Biggest challenges faced:**

- Declining membership / few active members, variable cataloguing, preservation/conservation, potential deterioration of collections, succession planning.

**Museum & Galleries of NSW Survey**

During the latter part of 2018, Museums & Galleries of NSW (M&G NSW) undertook a comprehensive survey of the Museum and Gallery sector in NSW.

See: <https://mgnsww.org.au/sector/resources/online-resources/research/2018-nsw-museum-gallery-sector-census/>

Using the M&G NSW database as a starting point, the 2018 Sector Census contacted every operational museum, gallery and Aboriginal cultural centre in NSW that have collections, present exhibitions, are accessible to the public on a regular basis and are operated on a not-for-profit basis, including those run and operated by local councils.

In total 524 organisations that met the criteria were identified, including 337 community run and managed museums, 58 public and regional galleries, 58 public and regional museums, 39 community run and managed galleries and artist run initiatives and 32 Aboriginal cultural centres.

The overall objective of the study was to gain factual and reliable data for the sector on collections, staffing levels, facilities, funding and visitation. By comparing this data against previous census findings M&G NSW is able to provide an overview and health check of the sector and build on previous research.

The survey was conducted online and by phone over a 3 month period and received 377 respondents. Approximately two thirds of respondents were from outside metropolitan Sydney.

Some key findings of the census include:

**VISITATION**

Surveyed organisations reported visitor numbers of more than 5 ½ million in 2017. This included over 3 million visitors across country NSW.\*

\* includes all areas of NSW outside of the greater Sydney Metro area.

## COLLECTIONS

Organisations reported an average of 10,000 objects per collection across the sector. 90% of organisations manage a collection, yet less than half of these collections have been fully catalogued. Organisations reported 824,957 individual items currently in collections with over 3 million additional items estimated.

Half of all museums described their collection as relating to the immediate local history of their region.

## EXHIBITIONS AND EVENTS

Organisations reported a total number of 4069 exhibitions and 21,572 events/public programs across NSW. Of these, 2955 exhibitions and 15,312 events/public programs took place outside metropolitan areas.

## STAFF and VOLUNTEERS

Respondent museums, galleries and Aboriginal cultural centres directly support 797 equivalent full-time employees.

Over half of all organisations surveyed reported that they rely solely on volunteers.

The organisations surveyed reported 8,629 active volunteers giving almost 5 million hours in 2017, worth over \$150 million per annum\*.

\* Figure based on wage rates per hour as detailed in Unpaid Work and the Australian Economy estimates from ABS data, with increases to account for average wage since 2010

New South Wales has a large and diverse volunteer run museum sector. The museum sector sits beside and complements many other volunteer operated community cultural, health, and capital building enterprises. It is recognised that volunteers in regional communities are often actively engaged in more than one community sector and/or organisation.

A paper published by the Curtin Institute in March 2019\* identified many factors impacting on the availability of volunteers across Australia. \*

<https://probonoaustralia.com.au/news/2019/03/rural-volunteers-crisis/>

These factors include:

- Volunteer burnout, particularly faced by those in multiple volunteering roles;
- Volunteers relocating to larger communities to access increasingly centralised retail, health services and care services;
- Ageing rural and regional populations;
- General failures of state and federal governments to provide adequate resourcing to volunteer organisations.<sup>1</sup>

It is considered that **the decline in numbers of volunteers** will impact on the museum sector during the next decade. A decline in volunteer input will directly affect the sustainability profile of many regional museums - leading to a loss of association and connection between local stories, cultural knowledge and collections.

This view on the decline of availability of volunteers has been strongly supported by Council's Museum Advisor, Dr Kate Gahan.

M&G NSW currently provides effective support services to the volunteer sector. These include:

- An active museums outreach program;
- Support for professional Museums Advisors in a number of Local Government Areas;
- Provision of online resources to encourage good practice in museum management;
- Skills development and mentoring programs for volunteers;
- Small grants for museum training, strategic planning, collection management and a wide range of museum/exhibition development projects;
- A Building Improvement Grants program.

While these programs achieve very positive results for the sector and are supplemented by a ready willingness to engage with and support volunteer museums in crisis, an overarching state-wide Museum Strategy is required to future proof the sector, and to ensure its contribution to community vibrancy, collection care, tourism, wellbeing and economic development is maintained and developed into the future.

Museums and Galleries NSW CEO, Michael Rolfe has written to Council and advised that Bathurst, Tamworth and Albury Councils have all supported the following recommendation.

Accordingly, it is recommended that the following proposed resolution be forwarded to LGNSW for consideration at the next LGNSW Conference:

‘That LGNSW lobby the NSW State Government to devise a Museum Strategy for NSW with sufficient resources to ensure cultural heritage led vibrancy, collection care and local storytelling initiatives are supported, developed and maintained for communities throughout the State.’

#### **Strategic Direction:**

Key Direction:	1	Our Community
Objective:	1.3	Our history, culture and diversity is embraced and celebrated
Strategy:	1.3.4	To provide accessible community spaces and access to books, learning resource and other information

#### **Relevant Legislation:**

Nil

#### **Financial Implications:**

There are no financial implications resulting from this report

#### **Attachments**

There are no attachments for this report.

RAZIJA NU'MAN  
DIRECTOR CORPORATE

JAMES RONCON  
GENERAL MANAGER

## ORDINARY MEETING OF THE COUNCIL

July 1, 2019

BROKEN HILL CITY COUNCIL REPORT NO. 110/19

SUBJECT: DRAFT REPORTING OF PUBLIC INTEREST DISCLOSURES  
POLICY FOR PUBLIC EXHIBITION 12/14

**Recommendation**

1. That Broken Hill City Council Report No. 110/19 dated July 1, 2019, be received.
2. That Council endorse the Draft Reporting of Public Interest Disclosures Policy for the purposes of public consultation.
3. That the Draft Reporting of Public Interest Disclosures Policy be exhibited for public comment for a 28-day period.
4. That the Council receives a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the Draft Reporting of Public Interest Disclosures Policy.

**Executive Summary:**

In accordance with section 6D of the *Public Interest Disclosures Act 1994* (PID Act), public authorities are required to have policy and procedures for receiving, assessing and dealing with public interest disclosures and must be publicly available on Council's website.

The Draft Reporting of Public Interest Disclosures Policy is an update of the policy adopted by Council at the Ordinary Meeting held 25 November 2015, minute no. 45126. The current policy was developed in accordance with the NSW Ombudsman's, Model Internal Reporting Policy, June 2014 and has now been reviewed to ensure consistency with Council's newly adopted Code of Conduct and its current structure and reporting lines.

The adoption of this policy will supersede the policy adopted by Council in 2015. The policy will be reviewed again following the next Local Government Elections, unless there are legislative changes that occur before this time.

**Report:**

The purpose of the policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out to whom reports can be made, what can be reported, outlines how reporters will be protected and supported and how reports of wrongdoing will be dealt with.

The policy is designed to complement normal communication channels between supervisors and staff.

**The Act states the objectives as follows:**

(1) The object of the PID Act is to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration, serious and substantial waste, government information contravention and local government pecuniary interest contravention in the public sector by:

- (a) enhancing and augmenting established procedures for making disclosures concerning such matters, and
- (b) protecting persons from reprisals that might otherwise be inflicted on them because of those disclosures, and
- (c) providing for those disclosures to be properly investigated and dealt with.

**Strategic Direction:**

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

**Relevant Legislation:**

*Public Interest Disclosures Act 1994*

*Local Government Act 1993*

Model Internal Reporting Policy, Ombudsman New South Wales, June 2014

**Financial Implications:**

There are no financial implications in implementing this policy.

**Attachments**

1. [↓](#) Draft Reporting of Public Interest Disclosures Policy

RAZIJA NU'MAN  
DIRECTOR CORPORATE

JAMES RONCON  
GENERAL MANAGER

## REPORTING OF PUBLIC INTEREST DISCLOSURES POLICY

QUALITY CONTROL		
TRIM REFERENCES	D12/11938 - 12/14	
RESPONSIBLE POSITION	Director Corporate	
APPROVED BY	Council	
REVIEW DATE	July 2021	REVISION NUMBER 8
EFFECTIVE DATE	ACTION	MINUTE NUMBER
25 January 2012	Amendment Adopted	43177
10 October 2015 – 6 November 2015	Public Display	45074
25 November 2015	Adopted	45126
	Public Display	
	Adopted	

### 1. INTRODUCTION

In accordance with section 6D of the *Public Interest Disclosures Act 1994* (the PID Act), public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures. The definition of public authorities includes councils.

Broken Hill City Council (Council) is committed to encouraging and supporting the reporting of wrongdoing and corrupt conduct such as fraud, maladministration or serious and substantial waste of public money.

### 2. POLICY OBJECTIVE

The objective of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out to whom wrongdoing can be reported at Council, what can be reported and how reports of wrongdoing will be dealt with.

The policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the PID Act.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the Complaints Management Policy.

This Public Interest Disclosures policy is supported by the NSW Ombudsman's internal reporting policies, procedures and guidelines under the PID Act.



This policy is one of several related Council policies including its Code of Conduct, Statement of Business Ethics, and policies relating to Gifts and Benefits, Fraud Control, and Conflicts of Interest.

### **3. POLICY SCOPE**

This policy applies to Councillors, all employees of Council, Council volunteers, consultants and contractors working for Council. It may also apply to other persons who perform any public official functions for the Council.

### **4. POLICY STATEMENT**

#### **5.1 What should be reported?**

You should report any suspected serious wrongdoing you see within Council or any activities or incidents you see that you believe are wrong. Reports about the five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the *Government Information (Public Access) Act 2009* (GIPA Act) and local government pecuniary interest contravention – will be dealt with under the *PID Act* as public interest disclosures and according to this policy.

##### **4.1.1 Corrupt conduct**

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing a public official to use their position in a way that is dishonest, biased or breaches public trust.

##### **4.1.2 Maladministration**

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application
- issuing an order against a person without giving them procedural fairness
- failing to make a decision in accordance with official policy with no appropriate reason.

##### **4.1.3 Serious and substantial waste of public money**

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of public money. This includes all revenue, loans and other money collected, received or held by, for or on account of the Council.

For example, this could include:

- misappropriation or misuse of public property
- purchase of unnecessary or inadequate goods and services
- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

#### **4.1.4 Breach of the GIPA Act**

A government information contravention is a failure to properly fulfil functions under the GIPA Act.

For example, this could include:

- intentionally overlooking documents that are clearly covered by an access application
- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

#### **4.1.5 Local government pecuniary interest contravention**

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at Council and Council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship
- a General Manager holding an undisclosed shareholding in a company competing for a Council contract
- a Councillor participating in consideration of a Development Application for a property in which they or their family have an interest.

For more information about what should be reported, see the NSW Ombudsman's Guideline B2 at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

#### **4.1.6 Other wrongdoing**

Although reports about the previous five categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of employees or the public.

These types of issues should be reported to a supervisor, in line with the following Council's policies and procedures on:

- Code of Conduct
- Statement of Business Ethics
- Conflicts of Interest
- Equal Employment Opportunity
- Fraud Control
- Gifts and Benefits
- Complaints Management

All these policies are available from the home page link on Council's intranet.

Even if these reports are not dealt with as public interest disclosures, the Council will consider each matter and make every attempt to protect the employee making the report from any form of reprisal.

#### **4.1.7 When will a report be protected?**

The Council will support any employees who report wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- The report has to be made to either the General Manager or, for reports about the General Manager, the Mayor
  - 1..1..1. a position nominated in this policy – see section 4.5 of this policy
  - 1..1..2. one of the investigating authorities nominated in the PID Act – see section 4.12 of this policy

Reports by employees and Councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the Council
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

#### **5.2 How to make a report**

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The employee should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

### **5.3 Can a report be anonymous?**

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If it is not known who made the report, it is very difficult to prevent any reprisal action.

### **5.4 Maintaining confidentiality**

The Council realises employees may want their report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate, Council will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. However, there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the disclosures coordinator and the General Manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

### **5.5 Who can receive a report within the Council?**

Staff are encouraged to report general wrongdoing to their supervisor. However, the PID Act requires that – for a report to be a public interest disclosure – it must be made to certain public officials identified in this policy or any supporting Council procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the employee making the report to one of the positions listed below.

If you are a Council employee and your report involves a Councillor, you should make it to the General Manager or the Mayor. If you are a Councillor and your report is about another Councillor, you should make it to the General Manager or the Mayor.

The following positions are the only employees within the Council who can receive a public interest disclosure.

#### **4.5.1 General Manager**

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a public interest disclosure
- dealing with reports made under the Council's Code of Conduct procedures

- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified
- referring any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

The General Manager must make sure there are systems in place in the Council to support and protect employees who report wrongdoing and is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

#### **4.5.2 Mayor**

If you are making a report about the General Manager, you should make your report to the Mayor. The Mayor is responsible for:

- deciding if a report is a public interest disclosure
- dealing with reports made under the Council's Code of Conduct procedures
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in the Council to support and protect employees who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC).

#### **4.5.3 Disclosures coordinator**

The disclosures coordinator has a central role in dealing with reports made by employees. The disclosures coordinator will receive, assess, and refer to the people within the Council who can deal with the reporter appropriately.

- deciding if a report is a public interest disclosure and how each report will be dealt with in consultation with the General Manager
- dealing with reports made under the Council's Code of Conduct procedures
- coordinate the response to the report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interest of any officer the subject of a report
- provide six monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID ACT.

Council's Disclosures Coordinator is the Director Corporate.

#### **4.5.4 Disclosures officer**

Disclosures Officers work with the Disclosures Coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy. The Disclosure Officer is responsible for:

- Documenting in writing any reports received verbally and have the document signed and dated by the reporter
- Making arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary, away from the workplace
- Discussing with the reporter any concerns they may have about reprisal or workplace conflict
- Carrying out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

Council's Disclosures Officer is the Corporate Services Coordinator.

#### **4.5.5 Supervisors and line managers**

Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- Encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- Identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- Implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- Notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected of reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

### **5.6 Who can receive a report outside of the Council**

Staff and Councillors are encouraged to report wrongdoing within the Council, but internal reporting is not the only option. You can also make a public interest disclosure to an investigating authority. Employees can do this first, or at any stage after their initial report to the Council. If your report is about the General Manager or the Mayor, you should consider making it to an investigating authority. You can also choose to make a report to a Member of Parliament or a journalist, but **only** in limited circumstances.

#### **4.6.1 Investigating authorities**

The PID Act lists a number of investigating authorities in NSW where staff and Councillors can report wrongdoing and the type of wrongdoing each authority can deal with.

In relation to Council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration



- the Office of Local Government (OLG) — for disclosures about local government
- Auditor-General of the NSW Audit Office – for disclosures about serious and substantial waste
- the Information Commissioner — for disclosures about a government information contravention i.e. breach of the GIPA Act.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with the Council. Council will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. Council will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

#### **4.6.2 Members of Parliament or journalists**

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist **must** have already made substantially the same report to one of the following:

- the General Manager of Council
- a person nominated in this policy, including the Mayor for reports about the General Manager
- an investigating authority in accordance with the PID Act.

Also, the Council or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or the Council Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. The Unit's contact details are provided at the end of this policy.

#### **5.7 Feedback to employees who report wrongdoing**

Employees who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any of your concerns.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. Council will attempt to get this information to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report. You will also be advised if the report will be treated as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

If you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

### **5.8 Protection against reprisals**

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.

The Council will not tolerate any reprisal action against employees who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure may also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss



- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action.

#### **4.8.1 Responding to allegations of reprisals**

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.

All supervisors must report any suspicions they have that reprisal action against an employee is occurring, or any reports that are made to them, to the Disclosures Coordinator or the General Manager.

If Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the General Manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the employee who made the disclosure
- take appropriate disciplinary action or refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police force against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome. The General Manager may issue specific directions to help protect against reprisals. These may include:

- issuing warnings to those alleged to have taken reprisal action against the employee who made the disclosure
- relocating the employee who made the disclosure or the subject officer within the current workplace
- transferring the employee who made the disclosure or the employee who is the subject of the allegation to another position for which they are qualified
- granting the employee who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the employee who made the disclosure agrees to it. The Disclosures Coordinator will make it clear to other employees that this action was taken in consultation with the employee and with management support – and is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the OLG, the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

#### **4.8.2 Protection against legal action**

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

### **5.9 Support for those reporting wrongdoing**

The Council will make sure that employees who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

Council also has employees who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

All supervisors must notify the Disclosures Coordinator if they believe an employee is suffering any detrimental action as a result of disclosing wrongdoing.

### **5.10 Sanctions for making false or misleading disclosures**

It is important that all employees are aware that it is a criminal offence under the Public Interest Disclosures (PID) Act to wilfully make a false or misleading statement when reporting wrongdoing.

### **5.11 Support for the subject of a report**

The Council is committed to ensuring employees who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate. If you are the subject of a report, you will be:

- advised of the details of the allegation
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

Where the reported allegations against the subject officer are clearly wrong or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

## **5.12 Resources**

The contact details for external investigating authorities that employees can make a public interest disclosure to or seek advice from are listed below:

### **For disclosures about corrupt conduct:**

Independent Commission Against  
Corruption (ICAC)  
Phone: 02 8281 5999  
Toll free: 1800 463 909  
Tel. typewriter (TTY): 02 8281 5773  
Facsimile: 02 9264 5364  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
Address: Level 21, 133 Castlereagh Street,  
Sydney NSW 2000

### **For disclosures about serious and substantial waste:**

Auditor-General of the NSW Audit Office  
Phone: 02 9275 7100  
Facsimile: 02 9275 7200  
Email: [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)  
Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)  
Address: Level 15, 1 Margaret Street,  
Sydney NSW 2000

### **For disclosures about breaches of the GIPA Act:**

Information Commissioner  
Toll free: 1800 472 679  
Facsimile: 02 8114 3756  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
Address: Level 11, 1 Castlereagh Street,  
Sydney NSW 2000

### **For disclosures about maladministration:**

NSW Ombudsman  
Phone: 02 9286 1000  
Toll free (outside Sydney metro): 1800 451 524  
Tel. typewriter (TTY): 02 9264 8050  
Facsimile: 02 9283 2911  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Address: Level 24, 580 George Street,  
Sydney NSW 2000

### **For disclosures about local government agencies:**

Office of Local Government (OLG)  
Phone: 02 4428 4100  
Tel. typewriter (TTY): 02 4428 4209  
Facsimile: 02 4428 4199  
Email: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)  
Web: [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)  
Address: 5 O'Keefe Avenue,  
Nowra NSW 2541

## **5. IMPLEMENTATION**

### **5.1 Roles and Responsibilities**

The following Council officers are responsible for the implementation and the adherence to this policy:

- General Manager
- Disclosures Coordinator
- Disclosures Officer
- Mayor
- Supervisors and line managers
- Employees who are aware of a disclosure must support those who have made disclosures, as well as protect and maintain their confidentiality; and must not victimise or harass anyone who has made a disclosure.

## **5.2 Communication**

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

Employees can also access advice and guidance from the Council Disclosures Coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

## **5.3 Associated Documents**

The following documentation is to be read in conjunction with this policy.

- Code of Conduct
- Statement of Business Ethics
- Gifts and Benefits Policy
- Conflicts of Interest Policy
- Fraud Control Policy
- Equal Employment Opportunity Policy
- Complaints Management Policy

## **6. REVIEW**

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

This policy will be reviewed every two years. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

## **7. LEGISLATIVE AND LEGAL FRAMEWORK**

This policy is to be read in conjunction with the following:

- *Public Interest Disclosure Act 1994 (PID ACT)*
- *Local Government Act 1993*
- *Model Internal Reporting Policy, Ombudsman New South Wales, June 2014*

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Reporting of Public Interest Disclosures Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

## **8. DEFINITIONS**

**"Council"** shall mean Broken Hill City Council

**"ICAC"** shall mean the Independent Commission Against Corruption

**"PID Act"** shall mean *Public Interest Disclosures Act 1994*

## ORDINARY MEETING OF THE COUNCIL

June 25, 2019

**ITEM 6**BROKEN HILL CITY COUNCIL REPORT NO. 111/19SUBJECT:                    DRAFT VOLUNTARY PLANNING AGREEMENT POLICY                    11/192**Recommendation**

1. That Broken Hill City Council Report No. 111/19 dated June 25, 2019, be received.
2. That the draft Voluntary Planning Agreement Policy be publicly exhibited for a period of not less than 28 days.
3. That a further report be presented to Council following the public exhibition for Council's consideration and adoption.

**Executive Summary:**

This report presents to Council a draft Voluntary Planning Agreement (VPA) Policy, for Council's consideration and subsequent public exhibition.

Planning agreements are a new area for Council and has only recently been used and implemented. The purpose of the policy is to give clear direction to Council, Council staff and developers for the development of a planning agreement and general requirements for the use of a VPA as a contribution method.

Planning Agreements are voluntary agreements that allow Development Contributions such as the dedication of land at no cost to Council, monetary contributions, any other material public benefit or any combination of these for a public purpose

Planning Agreements form one part of Council's developer contribution system. This developer contribution system includes Council's Section 7.12 Developer Contributions Plan (formerly known as 94A contribution) that have been adopted in accordance with the relevant provisions of the Act.

**Report:**

This policy establishes a framework to guide the preparation of Planning Agreements (VPAs) under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The policy objectives are to:

- Establish a fair, transparent and accountable framework governing the use of Planning Agreements by the Council of Broken Hill (Council);
- Give stakeholders in development greater involvement in the type, standard and location of public facilities and other public benefits; and
- Adopt innovative and flexible approaches to the provision of infrastructure and other public benefits in a manner that is consistent with Council's strategic and infrastructure plans.

This policy is not legally binding, however it is intended that the Council and all persons dealing with Council in relation to Planning Agreements will follow this Policy to the fullest

extent possible. The acceptance of an offer to enter into a Planning Agreement is at the absolute discretion of Council.

Policy Scope - Any offer to enter into a Planning Agreement with Council is to be initialised in writing to Council by the Developer. The written offer is to contain adequate information for Council to properly consider whether or not to accept the offer. In this regard, the offer should include as much information as possible including but not limited to the following matters:

- (a) The Land to which the Planning Agreement relates, including its legal description;
- (b) The Development Application or Planning Proposal that relates to the Planning Agreement;
- (c) The Developer's details;
- (d) If the Developer is not the owner of the subject land, then the land owner's details and whether the land owner intends to enter into the Planning Agreement as well (if so, a written offer will also be required from the relevant land owner(s));
- (e) The Public Benefits being offered under the terms of the Planning Agreement; and
- (f) The nature of the security to be provided for the Public Benefits; Planning Agreements are separate from, but complement Council's Section 7.12 contribution plans.

Planning Agreements provide an efficient means of increasing and broadening the range of community infrastructure in conjunction with redevelopment.

Planning Agreements may arise through either a Development Application or a request for an Instrument Change.

Council will not accept any component of a public benefit under the terms of a Planning Agreement if that component is already required to be provided by virtue of a condition of a development consent with the exception where the Planning Agreement proposes any off sets to contributions under Section 7.12 formerly Section 94A of the Act.

In determining whether to accept an offer to enter into a Planning Agreement, the Council is required to take into consideration a number of matters including the nature and value of the public benefit being offered in proportion to the nature and value of the exceedance of the planning controls sought by the Applicant in the case of a Development Application or any Instrument Change.

Acceptability test to be applied to all Planning Agreements - Council will consider the following questions in order to assess the desirability of a proposed Planning Agreement:

- (a) Is the proposed Planning Agreement directed towards a proper and legitimate planning purpose having regard to the statutory planning controls and other adopted planning policies and infrastructure strategies and the circumstances of the case?
- (b) Does the proposed Planning Agreement provide for a reasonable means of achieving the relevant planning purpose and securing the relevant public benefit?
- (c) Will the proposed Planning Agreement produce outcomes that protect the public interest?
- (d) Are there any relevant circumstances that may operate to preclude Council from entering into the proposed Planning Agreement?
- (e) Will the proposed Planning Agreement provide benefits that bear a relationship to the delivery of services and infrastructures within the LGA?
- (f) Is the quantum of the Public Benefit commensurate with the value of the Development Contribution?

Relationship with Council's section 7.12 contributions plan - Normally public benefits in Planning Agreements are additional to required contributions. By exception, a Planning Agreement may partly or fully exclude the application of section 7.12 contributions in relation to developments, the subject of a Planning Agreement.

The ability in a Planning Agreement to partly or wholly exclude the application of section 7.12 contributions gives Council a degree of flexibility to redistribute the financial, social and environmental costs and benefits of a development. This flexibility provides the opportunity to address issues that may not have been anticipated or may not be able to be appropriately addressed with the more rigid requirements of section 7.12 contributions.

Where a Planning Agreement partly or fully excludes the application of section 7.12 contributions, the Act prevents Council from imposing a condition of development consent requiring the payment of those contributions except to the extent that it requires the payment of the balance of those contributions where the Planning Agreement only partly excludes them.

A Planning Agreement may also exclude the benefits provided under such agreement being considered in the assessment of section 7.12 contributions. In such cases, the Act precludes the application of section 7.11(6) which would otherwise require the consideration of any land, money or material public benefit contributed to the consent authority when assessing section 7.12 contributions.

In addition to the above, a VPA policy sets out matters Council may consider in any negotiations for a planning agreement which may incorporate the following:

- (a) the demands created by the development for new public infrastructure, amenities or services are addressed;
- (b) the facilities and/or services to be provided meet the planning and strategic objectives of Council;
- (c) mitigation of the impact of development is addressed;
- (d) recurrent funding of public facilities is required;
- (e) past deficiencies in infrastructure provision that would otherwise prevent a development from occurring are addressed;
- (f) monitoring the planning impacts of development is required;
- (g) planning benefits for the wider community accrue from the Planning Agreement; and
- (h) any initial or ongoing costs are designated as Council's responsibility.

The VPA policy proposes the establishment of a negotiations team who will be responsible for the negotiation of the terms of a planning agreement. Council's negotiations team will be made up by the General Manager, Chief Operations Officer, Manager Planning, Development and Compliance, and the Mayor or mayor's appointed representative. All Council staff participating in negotiations must have the appropriate delegations pursuant to section 7.4 of the *EP&A Act 1979*.

A key component of the VPA policy is to set standards for contributions, recurrent contributions and pooling of Development Contributions. Wherever possible, Council will seek to standardise Development Contributions sought under Planning Agreements in order to streamline negotiations and provide fairness, predictability and certainty for developers. However, this does not prevent public benefits being negotiated on a case by case basis particularly where planning benefits are also involved.

For proposed development and planning proposals, Council's primary position is that satisfactory arrangements for the provision of community infrastructure will be taken to have been made when the value of the planning agreement contributions is equivalent to 50% of the land value uplift.

The Council may request developers to make Development Contributions towards recurrent costs of public facilities through a Planning Agreement. Generally, the Planning Agreement will only require the Developer to make contributions towards the recurrent costs of the

facility until a public revenue stream is established to support the on-going costs of the facility, or for a time agreed between the parties.

Where a proposed Planning Agreement provides for a monetary contribution by the Developer, Council may seek to include provisions permitting money paid under the agreement to be pooled with money paid under other Planning Agreements. These monetary contributions will allow public benefits to be provided in a fair and equitable way, particularly for essential infrastructure anywhere in the Broken Hill LGA.

#### 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
Strategy:	nil	

#### Relevant Legislation:

*Environmental Planning and Assessment Act 1979*

*Environmental Planning and Assessment Regulation 2000*

#### Financial Implications:

No negative implications – the VPA Policy will support proposals for planning agreements which will generate developer contributions that will benefit the Broken Hill community as a whole.

#### Attachments

1. [↓](#) DRAFT PLANNING AGREEMENTS POLICY

ANTHONY MISAGH  
CHIEF OPERATIONS OFFICER

JAMES RONCON  
GENERAL MANAGER



## DRAFT PLANNING AGREEMENTS POLICY

QUALITY CONTROL		
TRIM REFERENCES	11/192	
RESPONSIBLE POSITION	Manager Planning, Development and Compliance	
APPROVED BY		
REVIEW DATE	Every three years	REVISION NUMBER
EFFECTIVE DATE	ACTION	MINUTE NUMBER
Only include the last revision (PLEASE DELETE THIS ROW)		

### 1. INTRODUCTION

This Policy applies to the use of Planning Agreements to which the Council is a party. The public benefits negotiated through the Planning Agreement process will be administered by Council in the context of delivering the key outcome areas of the City of Broken Hill:

Key Direction 1: Our Community  
Key Direction 2: Our Economy  
Key Direction 3: Our Environment  
Key Direction 4: Our Leadership

### 2. POLICY OBJECTIVE

This policy establishes a framework to guide the preparation of Planning Agreements under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The policy objectives are to:

- Establish a fair, transparent and accountable framework governing the use of Planning Agreements by the Council of Broken Hill (Council);
- Give stakeholders in development greater involvement in the type, standard and location of public facilities and other public benefits; and
- Adopt innovative and flexible approaches to the provision of infrastructure and other public benefits in a manner that is consistent with Council's strategic and infrastructure plans.

This policy is not legally binding, however it is intended that the Council and all persons dealing with Council in relation to Planning Agreements will follow this Policy to the fullest extent possible.

The acceptance of an offer to enter into a Planning Agreement is at the absolute discretion of Council.

### **3. POLICY SCOPE**

Planning Agreements are voluntary agreements that allow Development Contributions such as the dedication of land at no cost to Council, monetary contributions, any other material public benefit or any combination of these for a public purpose.

Planning Agreements form one part of Council's developer contribution system. This developer contribution system includes Council's Section 7.12 Developer Contributions Plan (formerly known as 94A contribution) that have been adopted in accordance with the relevant provisions of the Act.

Any offer to enter into a Planning Agreement with Council is to be initialised in writing to the Council by the Developer. The written offer is to contain adequate information for Council to properly consider whether or not to accept the offer. In this regard, the offer should include as much information as possible including but not limited to the following matters:

- (a) The Land to which the Planning Agreement relates, including its legal description;
- (b) The Development Application or Planning Proposal that relates to the Planning Agreement;
- (c) The Developer's details;
- (d) If the Developer is not the owner of the subject land, then the land owner's details and whether the land owner intends to enter into the Planning Agreement as well (if so, a written offer will also be required from the relevant land owner(s));
- (e) The Public Benefits being offered under the terms of the Planning Agreement; and
- (f) The nature of the security to be provided for the Public Benefits; Planning Agreements are separate from, but complement Council's Section 7.12 contribution plans. Planning Agreements provide an efficient means of increasing and broadening the range of community infrastructure in conjunction with redevelopment. Planning Agreements may arise through either a Development Application or a request for an Instrument Change.

The acceptance of an offer to enter into a Planning Agreement is at the absolute discretion of Council.

Council will not accept any component of a public benefit under the terms of a Planning Agreement if that component is already required to be provided by virtue of a condition of a development consent with the exception where the Planning Agreement proposes any off sets to contributions under Section 7.12 formerly Section 94A of the Act.

In determining whether to accept an offer to enter into a Planning Agreement, the Council is required to take into consideration a number of matters including the nature and value of the public benefit being offered in proportion to the nature and value of the exceedance of the planning controls sought by the Applicant in the case of a Development Application or any Instrument Change.

### **4. POLICY ON THE USE OF PLANNING AGREEMENTS**

#### **4.1 Principles governing the use of Planning Agreements**

Planning Agreements will be governed by the following principles:

- Council will assess the public benefit of the Development Contribution when deciding whether to proceed with the Planning Agreement;
- Council will not allow Planning Agreements to improperly restrict the exercise of its functions under the Act, Regulation or any other act of law;
- Council will not use Planning Agreements for any purpose other than a proper planning purpose;
- Development that is unacceptable on planning grounds will not be supported because of planning benefits offered by developers that do not mitigate the impacts of development;
- When considering a Development Application or planning proposal, Council will not give undue weight to a Planning Agreement;
- Council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a Planning Agreement;
- Council will not improperly rely on its statutory position, or otherwise act improperly, in order to extract unreasonable public benefits from developers under Planning Agreements, and will ensure that all parties involved in the Planning Agreement process are dealt with fairly; and
- If Council is subject to a financial interest from a development, being the subject of a Planning Agreement, it will take appropriate steps to ensure that it manages any conflict of interest it has between its role as planning authority and its interest in the development.

#### **4.2 Circumstances where Council may enter into a Planning Agreement**

Council may negotiate a Planning Agreement offered by a developer in connection with any Development Application or proposal for an Instrument Change relating to any land in the Council's local government area.

#### **4.3 Acceptability test to be applied to all Planning Agreements**

Council will consider the following questions in order to assess the desirability of a proposed Planning Agreement:

- (a) Is the proposed Planning Agreement directed towards a proper and legitimate planning purpose having regard to the statutory planning controls and other adopted planning policies and infrastructure strategies and the circumstances of the case?
- (b) Does the proposed Planning Agreement provide for a reasonable means of achieving the relevant planning purpose and securing the relevant public benefit?
- (c) Will the proposed Planning Agreement produce outcomes that protect the public interest?
- (d) Are there any relevant circumstances that may operate to preclude Council from entering into the proposed Planning Agreement?
- (e) Will the proposed Planning Agreement provide benefits that bear a relationship to the delivery of services and infrastructures within the LGA?
- (f) Is the quantum of the Public Benefit commensurate with the value of the Development Contribution?

**4.4 Consideration of Planning Agreements in relation to planning proposals and Development Applications**

When exercising its functions under the Act in relation to a Development Application or a proposal for an Instrument Change to which Planning Agreement relates, Council will consider:

- (a) whether the proposed Planning Agreement is relevant to the Development Application or Instrument Change and whether it may be subsequently considered in connection with the Development Application or Instrument Change; and
- (b) if so, the proper planning weight to be given to the proposed Planning Agreement.

**4.5 Types and forms of contributions**

To ensure that Development Contributions provided under Planning Agreements are directed towards appropriate and legitimate planning purposes, Council will consider whether the proposed Development Contributions:

- (a) mitigate or compensate for the impact of the relevant development;
- (b) meet Council's planning policy objectives including those set out in section 7.12 (former section 94A) contributions plans;
- (c) meet the requirements of Council's public infrastructure works program; and
- (d) meet the objectives of other relevant draft or adopted Council policies, strategies or plans

The form of a Development Contribution to be made under a proposed Planning Agreement will be determined by the particulars of the Development Application or planning proposal to which the Planning Agreement relates.

**4.6 Relationship to Section 7.12 contributions plan**

Normally public benefits in Planning Agreements are additional to required contributions. By exception, a Planning Agreement may partly or fully exclude the application of section 7.12 contributions in relation to developments, the subject of a Planning Agreement.

The ability in a Planning Agreement to partly or wholly exclude the application of section 7.12 contributions gives Council a degree of flexibility to redistribute the financial, social and environmental costs and benefits of a development. This flexibility provides the opportunity to address issues that may not have been anticipated or may not be able to be appropriately addressed with the more rigid requirements of section 7.12 contributions.

Where a Planning Agreement partly or fully excludes the application of section 7.12 contributions, the Act prevents Council from imposing a condition of development consent requiring the payment of those contributions except to the extent that it requires the payment of the balance of those contributions where the Planning Agreement only partly excludes them.

A Planning Agreement may also exclude the benefits provided under such agreement being considered in the assessment of section 7.12 contributions. In such cases, the Act precludes the application of section 7.11(6) which would otherwise require the consideration of any land, money or material public benefit contributed to the consent authority when assessing section 7.12 contributions.

**4.7 Public notification of Planning Agreements**

A Planning Agreement cannot be entered into, amended or revoked unless public notice is given and the Planning Agreement is first made publicly available for inspection for a minimum period of 28 days.

If the Planning Agreement is in connection with a Development Application, the public notice shall be given, if practicable, as part of and contemporaneously with, and in the same manner as, any notice of the Development Application.

If the Planning Agreement is in connection with a proposal for an Instrument Change, the public notice shall be given, if practicable, as part of and contemporaneously with, and in the same manner as, any public notice of the relevant planning proposal that is required under the Act.

Where it is not practicable to give public notice at such times, the Regulation requires that it be given as soon as possible after as determined by Council.

Amendments may be required as a result of public submissions or for other reasons. Where amendments are required to a draft Planning Agreement, the amended draft Planning Agreement and explanatory note may be re-exhibited. Where Council has entered into a Planning Agreement and the agreement is in force, it must include certain particulars relating to the Planning Agreement in its annual report for that year.

#### **4.8 Amendment to Planning Agreement**

Where Council has entered into a Planning Agreement and the parties to the agreement have agreed to vary the Planning Agreement, then a new letter of offer and a deed of variation will be required to be entered into to formally record the changes to the terms of the Planning Agreement.

The deed of variation will need to be publicly notified for 28 days prior to the parties executing the document. The deed may also be required to be registered on the title of the subject land.

#### **4.9 Independent third parties**

Independent third parties may, at the sole discretion of Council, be used wherever it is deemed appropriate by Council for various reasons including but not limited to, circumstances where it is considering whether the Planning Agreement delivers a net public benefit. The cost associated with the use of independent third parties will be borne by the developer.

#### **4.10 Assessing proposed provisions under a Planning Agreement**

The matters that Council may consider in any negotiations for a Planning Agreement include whether,

- (a) the demands created by the development for new public infrastructure, amenities or services are addressed;
- (b) the facilities and/or services to be provided meet the planning and strategic objectives of Council;
- (c) mitigation of the impact of development is addressed;
- (d) recurrent funding of public facilities is required;
- (e) past deficiencies in infrastructure provision that would otherwise prevent a development from occurring are addressed;
- (f) monitoring the planning impacts of development is required;
- (g) planning benefits for the wider community accrue from the Planning Agreement; and
- (h) any initial or ongoing costs are designated as Council's responsibility.

#### **4.11 Negotiations team**

The terms of a planning agreement will be negotiated by Council's VPA negotiations team. Council's negotiations team will be made up by the General Manager, Chief Operations Officer, Manager Planning, Development and Compliance, and the Mayor or mayor's appointed representative. All Council staff participating in negotiations must have the appropriate delegations pursuant to section 7.4 of the EP&A Act 1979.

#### **4.12 Standard Contributions and value of planning agreement**

Wherever possible, Council will seek to standardise Development Contributions sought under Planning Agreements in order to streamline negotiations and provide fairness, predictability and certainty for developers. However, this does not prevent public benefits being negotiated on a case by case basis particularly where planning benefits are also involved.

For proposed development and planning proposals, Council's primary position is that satisfactory arrangements for the provision of community infrastructure will be taken to have been made when the value of the planning agreement contributions is equivalent to 50% of the land value uplift.

#### **4.13 Recurrent Contributions**

The Council may request developers to make Development Contributions towards recurrent costs of public facilities through a Planning Agreement. Generally, the Planning Agreement will only require the Developer to make contributions towards the recurrent costs of the facility until a public revenue stream is established to support the on-going costs of the facility, or for a time agreed between the parties.

#### **4.14 Pooling of Development Contributions**

Where a proposed Planning Agreement provides for a monetary contribution by the Developer, Council may seek to include provisions permitting money paid under the agreement to be pooled with money paid under other Planning Agreements. These monetary contributions will allow public benefits to be provided in a fair and equitable way, particularly for essential infrastructure anywhere in the Broken Hill LGA.

#### **4.15 Valuing public benefits under a Planning Agreement**

The value of a benefit proposed under a Planning Agreement will be determined prior to the agreement being publicly notified.

If a Development Contribution under a Planning Agreement is the carrying out of works for a public purpose, Council may value that Development Contribution on the basis of a cost estimate for the works. This may be prepared by a suitably qualified quantity surveyor or valuer (as the case may be) appointed by Council and paid by the Developer.

Where the Development Contribution under a Planning Agreement includes the dedication of land and the value of that land is to be taken into account, Council may seek the services of an appropriately qualified land valuer as appointed by Council and at the cost of the Developer in order to value the land being dedicated.

In the event that a Planning Agreement proposes works and services that would normally be provided as a condition of development consent, then those works and services will be deemed to have no value under the Planning Agreement.

#### **4.16 Costs of entering into Planning Agreements**

The costs of preparing, negotiating, executing, varying and monitoring compliance with the Planning Agreement, including any external or internal costs to Council together with the cost of employing

independent consultants and/or independent third parties are all costs associated with entering into a Planning Agreement. Generally, Council will require that all reasonable costs are met by the Developer.

#### **4.17 Credits and Off-sets**

In the event that the costs of any works-in-kind that are to be provided by a Developer exceed the costs of those works as agreed with Council in a Planning Agreement:

(a) Council will not agree to a Planning Agreement providing for those additional costs to be:

- refunded to the developer; or
- off-set against any Development Contributions required to be made by the developer; and

(b) The developer will not be able to make any further claim against Council for those additional costs.

#### **4.18 Implementation agreements**

In appropriate cases, Council may require a Planning Agreement to provide that before the commencement of development and subject to the agreement all relevant parties, the parties are to enter into an implementation or side agreement in addition to the VPA for matters such as:

- Issues of commercial sensitivity;
- The terms on which the developer will provide Council with early access to the land;
- The manner in which completed work is to be handed over to Council;
- The manner in which work to be completed by Council and the Developer separately are to interface.

These agreements may be publicly notified at the sole discretion of Council, having regard to their commercial sensitivity.

#### **4.19 Provision of security under a Planning Agreement**

Council will require a Planning Agreement to make provision for security to cover the Developer's obligations under the agreement.

At the discretion of Council, the form of security will be an unconditional performance bond or bank guarantee provided by an institution regulated by the Australian Prudential Regulation Authority (APRA).

The security must be in favour of the Council to the full value of the Developer's obligations under the Planning Agreement and on terms otherwise acceptable to Council.

#### **4.20 Notations on certificates under section 10.7 (formerly Section 149(5) of the Act)**

Council will require a Planning Agreement to contain an acknowledgement by the Developer that Council will make a notation about a Planning Agreement on any certificate issued under section 10.7 of the Act relating to the land the subject of the agreement.

#### **4.21 Registration of Planning Agreements and caveat**

Pursuant to Section 7.6 formerly Section 93H of the *EP&A Act*, Council will generally require a Planning Agreement to contain a provision requiring the Developer to agree to registration of the agreement on the title to the land to which the agreement applies.

On execution of the Planning Agreement and until it is registered on title, the developer will be required to consent to Council lodging a caveat on the title of the relevant land.

Council will require the relevant registered land owner to consent to and procure the consent of any other prior registered interests to the registration of the Planning Agreement and the caveat.

The costs of registering the Planning Agreement and the caveat on the title of the land are to be borne by the Developer. The Developer is to provide Council with all the necessary documents required to facilitate the registration of the Planning Agreement and caveat on the title to the land, including the written consent of any parties with interests in the land.

The Council is to lodge the Planning Agreement and the caveat for registration on the title of the land.

#### **4.22 Monitoring and review of a Planning Agreement**

Council will monitor the performance of the Developer's obligations under the Planning Agreement.

### **5. IMPLEMENTATION**

#### **5.1 Roles and Responsibilities**

The following Council officers are responsible for the implementation and the adherence to this policy:

General Manager

Chief Operations Officer

Manager Planning Development and Compliance

#### **5.2 Communication**

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

#### **5.3 Associated Documents**

The following documentation is to be read in conjunction with this policy.

- Broken Hill Section 7.12 Developer Contributions Plan
- NSW Planning and Environment - Draft Practice Note – Planning Agreements issued November 2016



**6. REVIEW**

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Chief Operations Officer is responsible for the review of this policy.

**7. LEGISLATIVE AND LEGAL FRAMEWORK**

This policy is to be read in conjunction with the following:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- Practice Note on Planning Agreements – Department of Infrastructure Planning and Natural Resources, July 2005

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Voluntary Planning Agreements Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

**8. DEFINITIONS**

Term	Meaning
Act	<i>Environmental Planning and Assessment Act 1979 (EP&amp;A Act)</i>
Council	Broken Hill City Council
Developer	A person who has sought a change to an environmental planning instrument that includes the making, amendment or repeal of an instrument, or who has made or proposes to make a Development Application, or who has entered into an agreement with or is otherwise associated with such a person
Development Application	Has the same meaning as in the Act
Development Contribution	Contribution provided by the Developer under a Planning Agreement being a monetary contribution, the dedication of land free of cost to Council, any other material public benefit or any combination of them.

Explanatory Note	A written statement that provides details of the objectives, nature, effect and merits of a Planning Agreement, or an amendment to or revocation of a Planning Agreement as required under the Regulation
Voluntary	Done, given, or acting of one's own free will.
Instrument Change	A change to an environmental planning instrument whether it be for the making, amendment or repeal of that instrument
Planning Agreement	A voluntary agreement between one or more planning authorities and a Developer: (a) who seeks to change an environmental planning instrument (which may be for rezoning or other purpose); or (b) who has made, or proposes to make a Development Application
Planning Benefit	A Development Contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community
Planning Obligation	An obligation imposed by a Planning Agreement on a developer requiring the developer to make a Development Contribution
Public	The community as a whole or, where context requires, a section of the community
Public Benefit	The benefit enjoyed by the public as a consequence of a Development Contribution
Public Facilities	Public infrastructure, facilities, amenities and services
Public Purpose	Includes (without limitation) any of the following: (a) The provision of (or the recoupment of the cost of providing) public amenities or public services;  (b) The provision of (or the recoupment of the cost of providing) affordable housing;  (c) The provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land;  (d) The funding of recurrent expenditure relating to the provision of public amenities or public

	services, affordable housing or other infrastructure;  (e) The monitoring of the planning impacts of a development;  (f) The conservation and enhancement of the natural environment
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>

**Note:** This Policy adopts the terms used in the Practice Note on Planning Agreements published by the former Department of Planning and Natural Resources (July 2005) and the definitions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

## ORDINARY MEETING OF THE COUNCIL

July 17, 2019

**ITEM 7**BROKEN HILL CITY COUNCIL REPORT NO. 112/19SUBJECT: DRAFT GIFTS AND BENEFITS POLICY12/14**Recommendation**

1. That Broken Hill City Council Report No. 112/19 dated July 17, 2019, be received.
2. That Council endorses the draft Gifts and Benefits Policy for the purpose of public exhibition.
3. That Council publicly exhibits the draft Gifts and Benefits Policy and accepts submissions from the public for a period of 28 days.
4. That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the draft Gifts and Benefits Policy as a Policy of Council.

**Executive Summary:**

Council adopted its Code of Conduct Policy at the March 2019 Council Meeting (Minute No. 46028) based on the Model Code of Conduct for Local Councils in NSW 2018 which sets the minimum standards of conduct for Council officials in NSW. Council officials include Councillors, members of staff, administrators, Council committee members, delegates of Council and Council advisers.

Council is now required to review and amend all related policies to ensure that they align with the provisions of Council's Code of Conduct Policy.

**Report:**

Council adopted its Code of Conduct Policy at the March 2019 Council Meeting (Minute No. 46028) based on the Model Code of Conduct for Local Councils in NSW 2018.

The Model Code of Conduct was prescribed by regulation to assist Council officials to:

- Understand and comply with minimum ethical and behavioural standards that are expected of them as Council officials
- Provide clear guidance to local communities on the minimum ethical and behavioural standards they can expect of Council officials who serve them
- Promote transparency and accountability
- Promote community confidence in the integrity of the decisions councils make and the functions they exercise on behalf of their local communities
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- Act in a way that enhances public confidence in local government.

The Code allows extension to non-Council officials i.e., volunteers, contractors and wholly advisory committees.

### Policy Impacts to Changes in Code of Conduct

A review of Council's policies/strategies and processes is required following Council's adoption of the new Model Code of Conduct to ensure that they align with the new standards of conduct for Councillors, Council staff, committees, volunteers, contractors and wholly advisory committees of Council.

These documents include but may not be limited to:

- Access to Information Policy
- Councillor Support Policy
- Conflicts of Interest Policy
- Gifts and Benefits Policy
- Interaction Between Councillors and Staff Policy
- Related Party Transaction Policy
- Reporting of Public Interest Disclosures Policy
- Social Media Policy
- Secondary Employment Policy
- Statement of Ethical Principles Policy
- Procurement Policy
- Contractor Engagement Policy
- Volunteer Strategy
- Employment/Engagement processes for recruitment of staff, contractors, volunteers, and community members of wholly advisory committees

The Gifts and Benefits Policy has been reviewed and is now presented to Council for endorsement to be placed on public exhibition.

Public exhibition of draft policies is required if the amendments are considered substantial. As Council's adopted Code of Conduct Policy includes new mandatory standards regarding the acceptance and reporting of gifts and benefits, public exhibition of the draft revised Gifts and Benefits Policy is recommended.

### Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

### Relevant Legislation:

*Local Government Act 1993, Section 440*

*Local Government (General) Regulation 2005*

### Financial Implications:

Nil

### Attachments

There are no attachments for this report.

JAMES RONCON  
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

July 2, 2019

**ITEM 8**

BROKEN HILL CITY COUNCIL REPORT NO. 113/19

SUBJECT: DECEMBER AND JANUARY COUNCIL MEETING  
ARRANGEMENTS AND CHRISTMAS SHUT DOWN PERIOD 11/21

**Recommendation**

1. That Broken Hill City Council Report No. 113/19 dated July 2, 2019, be received.
2. That Council's Ordinary Monthly Meeting for December 2019 be held Wednesday, December 11, 2019.
3. That should an urgent matter arise in January, an Extraordinary Council Meeting will be arranged.
4. That the Council shutdown period for the Administrative Centre and the Warnock Street Works Depot be from 5:00pm Friday December 20, 2019 and reopening Monday January 6, 2020.
5. That Council advertise the shutdown period for the Administrative Centre and the Warnock Street Works Depot and that this advertisement also includes the operating hours for all other Council facilities during this period.

**Executive Summary:**

Council's Ordinary Monthly Meeting for December 2019 is scheduled to fall on Christmas Day, 25 December 2019 and is also during Council's Christmas Shutdown period (Monday December 23, 2019 to Friday January 3, 2020 with Council reopening on Monday, January 6, 2020).

This report is presented to Council to determine a suitable alternative date for the December Ordinary Council Meeting and to consider not holding an Ordinary Council Meeting in January; and to endorse the Christmas shutdown period for Council's Administrative Centre and the Warnock Street Works Depot.

**Report:**

It is proposed that the Ordinary Council Meeting for December 2019 be held earlier in December on Wednesday December 11, 2019 which will allow for post Council Meeting processes to be completed before the Christmas shutdown period and will also ensure that the majority of Councillors will be present. Council could hold the meeting on Wednesday, December 18, 2019 but due to this date's proximity to Christmas, some Councillors and senior staff may be absent on Christmas holidays.

Council's adopted Code of Meeting Practice, Clause 3.1 states:

*"Ordinary meetings of the Council will be held on the following occasions:*

*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 6:30 p.m. and be held in the Council Chambers. A Public Forum Session will be held prior to meetings commencing at 6:15 p.m. 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."*

Clause 3.1 reflects the *Local Government Act 1993, Section 365*.

It is therefore proposed that Council's Ordinary Monthly Meeting for December 2019 be held on Wednesday December 11, 2019 and as per the adopted Code of Meeting Practice, an Ordinary Council Meeting will not be held in January 2020. However, should an urgent matter arise in January, then an Extraordinary Council Meeting would be held.

**Strategic Direction:**

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

**Relevant Legislation:**

*Local Government Act 1993 (Section 365)*

Council's adopted Code of Meeting Practice Policy

**Financial Implications:**

Nil.

**Attachments**

There are no attachments for this report

JAMES RONCON  
GENERAL MANAGER

## ORDINARY MEETING OF THE COUNCIL

July 4, 2019

**ITEM 9**BROKEN HILL CITY COUNCIL REPORT NO. 114/19

SUBJECT: CHILDRENS SPORTS AND ACTIVITY VOUCHER 18/44

**Recommendation**

1. That Broken Hill City Council Report No. 114/19 dated July 4, 2019, be received.
2. That Council notes the progress of the Broken Hill Children's Sport and Activity Voucher Pilot Program.

**Executive Summary:**

The Children's Sport and Activity Voucher Pilot Program was launched on July 1, 2019. From that date the Open Form was available on the Council's website for parents and adolescents to use to claim their voucher. The voucher entitled each applicant to a \$25 reduction in fees. The proposed pilot program for 2019 was funded with \$13,000.00 held in the 2018/2019 YMCA profit sharing budget.

In the first 24-hour period, 170 applications were received. Council engaged the community via media release, social media campaign and prior to launch, 45 providers were contacted via telephone or email to alert them to this opportunity.

The vouchers are being used for a wide variety of sporting, recreational and activity programs by a spread of ages from 4 to 18 years.

A total of 520 vouchers are available to the community. Further social media campaigns will take place when the program meets uptake milestones of 75% and 90%.

**Report:**

In accordance with Council's resolution of 27 March 2019 to provide:

*'..... two progress reports be provided to Council on the success of the program'*

the following report is provided on the initial uptake of the programme.

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

There were 228 applications and seven saved forms received in the first 48 hours of the launch of the Children's Sport and Activity Voucher on Council's website on Monday 1<sup>st</sup> July 2019.

Age of children accessing the vouchers:

Age	Number	%
4-8	90	39.6
9-11	55	24.7
12-14	52	22.8
15-16	22	10.4
17-18	5	2.5

Sports and Activities:

Sport	Number
Cricket	4
AFL (4 clubs)	28
Basketball	18
Soccer	39
Netball	12
Dance	23
Gymnastics	18
YMCA	22
PCYC	7
Swimming	48
Golf	2
Scouts	3
Roller Skating	3
Speedway	1

**Strategic Direction:**

Key Direction:		Our Community
Objective:		1.4 Our built environment supports our quality of life
Strategy:		1.4.3. Develop Council assets to promote outdoor recreation, exercise and mobility for families

**Relevant Legislation:**

Nil

**Financial Implications:**

\$13,000.00 for the pilot was funded from the profit share from YMCA management of the Regional Aquatic Centre.

The \$13,000.00 does not include the staff costs associated with set up and administration of the process.

**Attachments**

There are no attachments for this report.

RAZIJA NU'MAN  
DIRECTOR CORPORATE

JAMES RONCON  
GENERAL MANAGER

## ORDINARY MEETING OF THE COUNCIL

July 11, 2019

**ITEM 10**BROKEN HILL CITY COUNCIL REPORT NO. 115/19

SUBJECT: DEVELOPMENT APPLICATION 38/2019 - DEMOLITION OF EXISTING OUTBUILDINGS AND CONSTRUCTION OF NEW 3 CAR GARAGE AT 89 PIPER STREET, BROKEN HILL 11/467

**Recommendation**

1. That Broken Hill City Council Report No. 115/19 dated July 11, 2019, be received.
2. That Development Application 38/2019 for demolition of existing outbuildings (being a shed, incinerator enclosure and toilet block) and construction of new 3 car garage be subject to the following conditions:

- 1) **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.

***Reason for Imposition of Condition:*** Statutory condition being clause 98(1)a & 145 of the Environmental Planning and Assessment Act, Regulations.

- 2) **Stormwater**

That all roof water be collected by a system of guttering and sufficient downpipes to divert the water away from the building and footings without nuisance to the adjoining properties.

***Reason for Imposition of Condition:*** To minimise damage to the building and footings and prevent stormwater nuisance to adjoining properties.

- 3) **Materials**

That the wall cladding on the garage shall be vertical corrugated profile iron (being either colorbond Classic Cream, or galvanised iron). If galvanised iron is used, then it is permitted to be painted in Classic Cream colour.

***Reason for Imposition of Condition:*** To ensure that the materials used for new work at a heritage listed property is appropriate.

- 4) **Demolition Waste**

That all general demolition waste be disposed of at Council's Waste Depot.

***Reason for imposition of condition:*** The need to ensure that waste materials are disposed of properly.

**5) Dust Suppression**

That dust suppression measures are employed during demolition.  
Demolition works must not be carried out on excessively windy days.

***Reason for imposition of condition:*** *The need to ensure that the impact of nuisance and lead containing dusts is minimised.*

**6) Removal of Asbestos**

That any asbestos cement sheeting, if present onsite, be removed, handled and disposed of in accordance with the requirements of the Work Cover Authority of NSW.

***Reason for imposition of condition:*** Statutory requirement of the Occupational Health & Safety Act, 2000.

**7) Amended details**

That prior to a Construction Certificate being issued for the work, amended details and amended site plan shall be submitted. Amendments required include setback of 3.25 metres from Piper Street frontage, and also wall sheeting of the garage to be corrugated profile iron (either colorbond or galvanised).

**Executive Summary:**

A Development Application has been submitted to Council for the proposed construction of a new three car garage, and demolition of outbuildings at 89 Piper Street. The Development Application is considered a “local” development application, under the provisions of the *Environmental Planning and Assessment Act 1979*.

The property is located at the corner of Bonanza and Piper Street, and the main building on-site is the former All Saints Catholic Church.

This report is referred to Council for consideration and determination of the Development Application.

The site is a heritage listed property in *Broken Hill Local Environmental Plan 2013*. Council’s Heritage Adviser has provided advice, which includes recommended changes to the proposal. The owners have requested that the application be considered based on the proposal as submitted, without changes.

**Report:**

A Development Application submitted by the owners of 89 Piper Street, Broken Hill is proposing a new 3 car garage (9.1m x 7.5m in size), and demolition of minor ancillary structures.

The site is the location of the (former) All Saints Catholic Church. The current use of the property is residential, and has been for the past (approximately) 10 years.

The Application proposes the demolition of minor ancillary structures such as an old incinerator enclosure and rendered brick external toilet block. It is considered that the demolition of these structures can be supported and Council’s Heritage Adviser has indicated no concerns with the demolition of those structures.

The main issue considered in this report relates to the design and position of the proposed 9.1m x 7.5m garage.

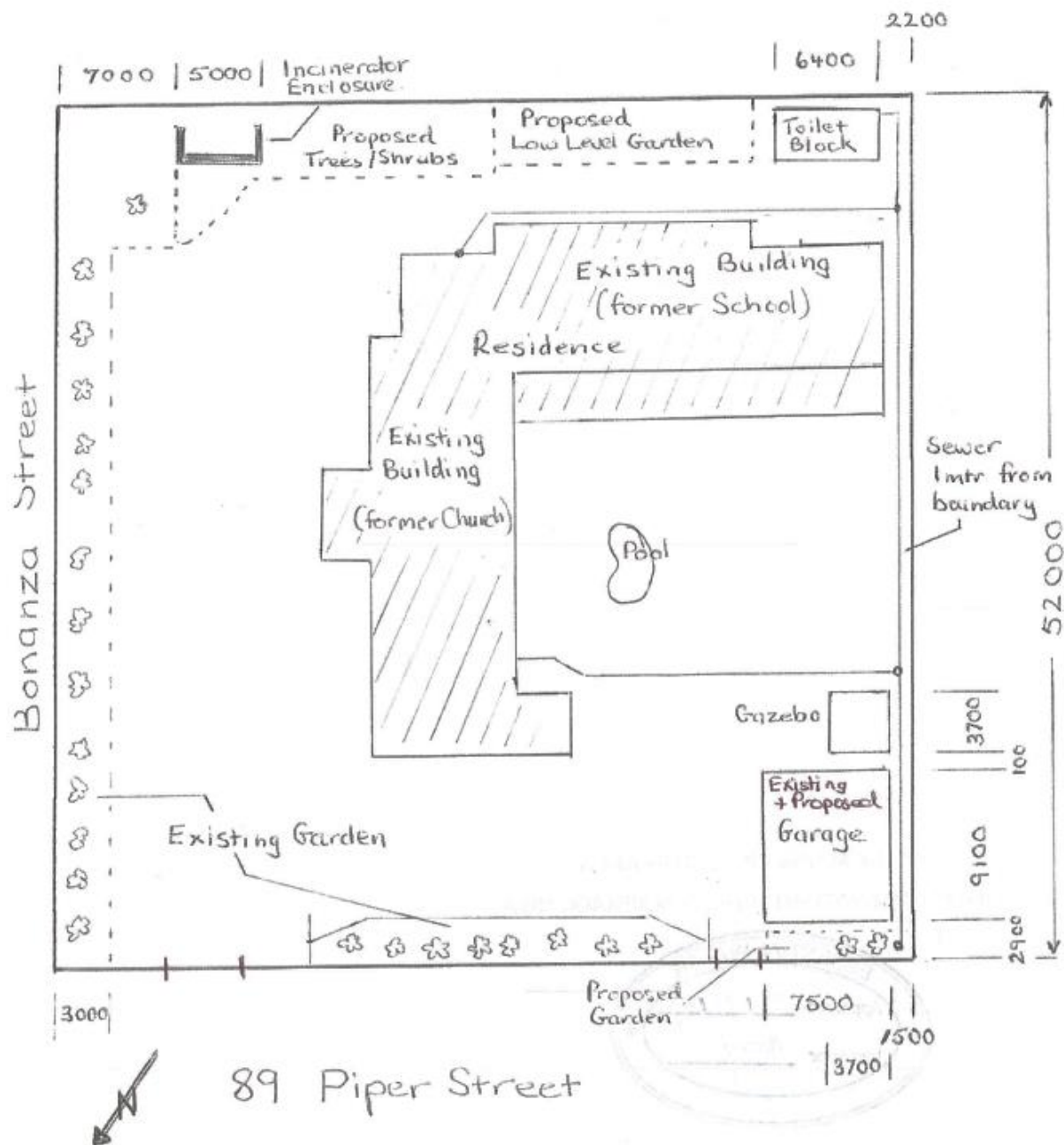
The garage proposed is Classic Cream colour Trim Deck sheeting for the walls, with Pale Eucalypt colour roof sheeting, and Classic Cream colour roller doors. Roof pitch is proposed to be 11 degrees.

The proposal is to construct the garage with a setback of 2.9 metres from the Piper Street frontage. An existing concrete block shed will need to be demolished to allow for the new garage.

A Statement of Environmental Effects submitted by the owners noted that the “material used in the construction of the new shed is colourbond steel in colours that will blend with the existing building(s) and proposed garden (landscaping) once the shed is erected”.

See below for an indicative photograph of a garage similar to proposed (note – colour of roof/doors are different).





Above - Site plan





**Above - Aerial photograph showing location of property**



**Above - Photograph 1  
View of the site – taken from corner of Bonanza and Piper Streets.**





**Above - Photograph 2  
View of the site – taken from Bonanza Street.**



**Above – Google Street View image, from Piper Street. Solid structure near driveway access to be removed to make way for new garage.**



**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 Consideration**

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

**S4.15(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 not inconsistent with the aims of the LEP.

The site is listed in Schedule 5 of the LEP (Heritage items). It is Item number 4, and is known in the Schedule as the former All Saints Catholic Church (*circa* 1890). The whole site is listed as a "heritage item", however it is the former church building itself which is the focus of significance.

The site also falls within a Heritage Conservation Area, as dedicated on mapping associated with the *Broken Hill Local Environmental Plan 2013*.

The zoning of the land under the provisions of *Broken Hill Local Environmental Plan 2013* is R1 General Residential. The proposed works are permissible in zoning R1.

Clause 5.10 of the LEP relates to "heritage conservation".

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Broken Hill,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

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*

A Development Control Plan is Council policy that provides further guidance to the provisions of the LEP. It is not a statutory plan but is still a legal consideration in the assessment of a development application.

The relevant provisions in the Development Control Plan that relate to this particular proposal are contained in the chapter "Heritage Conservation".

Much of the design guidance provided in this chapter of the DCP relates to work being proposed to be undertaken specifically on a heritage listed or significant building itself (additions, maintenance etc), rather than relating to an ancillary structure proposed for a site (such as a garage).

Particular points in the DCP include:

- Items of environmental heritage should be conserved and new development should not diminish the significance of the item.
- New development need not seek to replicate period details of original buildings, but rather, demonstrate respect for the form and scale of the immediate area.

A further relevant point outlined in the DCP is:

- Ancillary buildings on the same site as an individual heritage item must be located in a place that does not obscure the significant elements.

Heritage considerations will be further discussed later in this report (under "likely impacts of the development").

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

There are no additional issues under the *Environmental Planning and Assessment Regulation 2000*, which would prevent Council's approval of the development application.

S4.15(1)(b) the likely impacts of the development

*Comment:*

Noise – N/A.

Traffic – The proposed shed will be able to be accessed via existing legal vehicle driveway access from Piper Street.

Flora and fauna – N/A

Natural hazards – N/A

Water - The site is serviced by Essential Water. The proposed development will not impact the provision or use of water. Stormwater will be collected by guttering and downpipes, and will be required to be installed to divert water away from the garage itself and to prevent nuisance to neighbouring properties.

Social impacts - The proposed works are in relation to an ancillary structure to be constructed at a property and will not have a significant social impact on the surrounding locality.

Economic impacts - The proposed works are in relation to ancillary structures and will not have a significant economic impact on the surrounding locality.

**Heritage** – As noted previously in this report, the property is listed as a Heritage Item in Schedule 5 and is within a Heritage Conservation Area as outlined in *Broken Hill Local Environmental Plan 2013*.

The focus of the significance of the site is the former Church building. The Foundation Stone for the church building was laid by the Right Reverend Dr Dunne, Bishop of Wilcannia on Sunday 3 August 1890. Opened and blessed by Bishop Dunne February 1891. The South Parish closed in 1987 and its needs were attended by Sacred Heart Cathedral until the final Mass was held. The congregation then joined with Sacred Heart. The Church and other buildings were sold in 1992 to develop the Budglie Kooprih Yapitjia Aboriginal Corporation Cultural and Learning, Child Care and pre-school centre. This use ceased at the site, and property since sold. The current owners use the premises for residential purposes.

In relation to the works (which are the subject of this Development Application) the property owners met with Council's Heritage Adviser to seek initial advice regarding the siting and design of the garage. This was prior to the Application being submitted to Council.

#### Heritage Advice-

The initial advice provided by the Heritage Adviser to the owners can be summarized as:

- The buildings are located on a prominent corner and the church addresses the corner and both streets.
- The owners wish to add a three car garage near the street on the south. This is a reasonable proposal and the siting set in from the boundary and along the south fence is the preferred location for a new structure on the site as it is away from the principal entry and views to the building.
- The design was discussed in terms of a simple built form, pitched roof, use of traditional plain corrugated iron for walls and cladding, overhang to roofs, so that the building fits into the general site character.
- Adding trees and shading is desirable.

(Note - in regards to the demolition of the minor outbuilding structures, the Adviser agreed that there were no concerns with these being demolished).

As noted previously in this report, the proposal as submitted to Council has colorbond roofing, Trim Deck profile wall cladding, and no overhangs (eaves) to the roof. The roof pitch proposed is 11 degrees. The application does include proposed landscaping.

After submission of the Development Application, it was referred to the Adviser for comment. The Adviser noted concerns with the proposed design and positioning of the garage and provided a sketch to indicate the changes that he recommends should be made. The Adviser's sketch re-iterated that the cladding should be corrugated iron natural finish or painted, also that the roof required a greater pitch, and also 300mm eaves overhang. The sketch also required the garage to be set back further from the Piper Street boundary (4 metres compared to 2.9 metres as proposed).

#### Owners response -

As a response to the Advisers comments and sketch, the property owners/applicants did not amend the application, and instead provided the following submission to outline their position:

"While we welcome the feedback from the Heritage Officer, we advise that we find the proposal unacceptable on a number of grounds including that his proposal is:

- impractical and unworkable. It does not cater for our intended needs. The design is not practical for backing a boat or trailer into the large bay. Requires skewing around the church".
- "in complete contradiction to the existing site layout and neighbouring property landscaping and colour scheme. Our proposal compliments the adjoining preschool – formerly part of the Church grounds. A galvanised shed is out of keeping and we suspect that even in 1890 the likelihood is that it would have been hand painted, albeit in lead paint".
- "an unnecessary financial burden on us. The suggested setback requires relocating our main domestic water line, ripping up established paved areas, plants and fences, demolishing the Gazebo and associated works (noting the Gazebo cannot be relocated because of the sewer from the church to the main) without further subsequent loss of existing lawn area. Eaves on garage cost an additional \$4719.94 delivering no practical benefit and we doubt there are any aesthetic values to be gained".
- "a detraction from the amenity of the block. In particular, the suggested plan reduces the usable size of the courtyard and lawn and requires the demolition of a Gazebo which is an integral part of the outdoor living area. In effect, given that it is highly unlikely we can develop the eastern side of the church, due to restrictions under the LEP and for privacy reasons. The Adviser's plan reduces the practical usable living space on the overall block".
- "we chose a more suitable location on our block that does not detract from the fabric, settings or views (of the church). This, we feel, is a large concession as opposed to raising a DA and arguing the case to site a garage in the most logical, practical and accessible location being the rear of block parallel to Bonanza Street".
- The owners continued by advising "The Church as it exists today is a melding of the original stone church (1890) and school building (1892), a subsequent addition of an extension and bell tower (1940), more recent modifications (circa 1970's) and again by the NSW Govt. when the property became a Licenced Child Care Centre. At some point in time the stone church was rendered. Most likely, we guessed, to better blend the 1940's additions to the older section. As stated, the Church and school is a bit like Grandfather's axe. Over the years it's had a few new handles, wedges and a head but at any one point in time it was and always will be Grandfathers axe".
- The owners state that they embrace the passion of upkeeping the Church building. "We have spent considerable effort bringing it back from the derelict, termite ridden

and vandalised state it was in and repairing damage caused by the blasting in the mines”.

- The owners have advised that they approached the proposed garage construction with a great deal of sensitivity and regard.
- The owners summarised their position by noting “we believe that our proposed DA - shed and the other proposed works is fair and reasonable and in line with the intent of the respective LEP’s. We don’t believe the footprint is disproportionate to the size of the block. It’s no smaller or larger than is required to meet our needs. Importantly we believe that our proposal does not detract from the Church building and the use of colours while maintaining an iron/steel content compliments the adjoining property. On the other hand we believe that a stark galvanised iron shed in the grounds will be an eyesore, not match existing colour scheme on site, not in keeping with the surrounds of the adjoining property and very much detract from the Church. We gave the example of galvanised sheds in the area taking visual prominence over the houses to which they belong”.

The property owners also provided photographs (with their comments), to support their position. See below.

**Courtyard.** Heritage Adviser’s proposal requires demolition of existing gazebo, pathways and fencing as pictured. Sewer line runs across front of gazebo at right angles to boundary fence. Main domestic water feed-in supply runs under path at right angles to boundary fence on Piper St side of gazebo.



**Bonanza St.** View of block adjacent to Bonanza St. Most practical site for garage however this was dismissed because it would potentially detract from the Church building (reference LEP associated fabrics, settings and views).



Heritage Adviser response -

Council's Heritage Adviser has confirmed his opinion and advice, noting:

- advice to the applicant was that the general location for the garage could be supported subject to the building being an appropriate design.
- a three car garage is generally acceptable.
- the applicant advised they intend to relocate the gazebo, that now appears not to be the case. The gazebo is an added structure and is not significant, it can stay or go. Its location is not a valid reason to move the garage too close to the street frontage.
- there is a need to set the garage sufficiently far back to minimise its impact on the streetscape. It is not a matter of 'fitting in' between the street and the gazebo. There is the option to make the garage smaller.
- the building has to have a traditional form that relates to the buildings and the heritage character of the city. The drawings provided of a modern shed do not achieve this and should not be approved in the form they are presented. The materials are not appropriate, the colours are not appropriate and the roof pitch and roof form are not appropriate.
- advice provided on the application provided an alternative sketch that with minor modifications. Any approval for the building needs to address these issues to gain approval:
  - o increase the roof pitch as indicated on the provided sketch
  - o cladding to be traditional corrugated iron, colorbond is not acceptable
  - o an overhang to the roof is required.
- the site was inspected in detail and the proposed width of 7.5 metres can be accommodated.

- the street setback needs to be greater than proposed. A minimum of 3.25 metres (slightly greater than the proposed 2.9 metres) is required to create a suitable setback for the visual values of the site, to avoid the existing trees and to minimise impact on the adjacent site.

The Heritage Adviser concluded by noting that without the changes set out in his advice, that the application should be refused.

#### Comment -

Often in a situation where a proposal does not comply with advice received from the Heritage Adviser, there will be a compromise, or changes made to the proposal by the applicant. In the case of this Application, the applicant has not amended the proposal, and the only requirement altered by the Heritage Adviser is in regards to setback (suggesting 3.25 metres rather than his original suggestion of 4 metres).

The selected position on site for the proposed garage is generally considered appropriate, and it complies with guidance in Council's DCP which notes that "*Ancillary buildings on the same site as an individual heritage item must be located in a place that does not obscure the significant elements*". The application proposes 4 metre setback from Piper Street frontage, and the Heritage Adviser noted that 3.25 metres would be acceptable. When considering all aspects, including practical concerns raised by the owners (such as needing to remove fencing, position of sewer line etc), it is considered that (for the sake of 75 cm), the 4 metre set back as proposed is satisfactory.

As the owners themselves have noted, the site is somewhat limited in practical area that can be easily built upon due to the old church building being set back from the street, and therefore resulting in new structures impacting upon the church by obscuring the church and its significant elements.

It is agreed that the best design solution would be for the garage to be of "traditional" form. In particular the main concerns relate to the materials (colorbond and Trim deck cladding) and also roof pitch.

The Heritage Adviser has noted that corrugated iron profile (vertical sheeting) can be used as the wall cladding, and should be natural finish and painted if the owner wishes. It could be argued that once painted, the "coloured" appearance of the shed will be similar as using colorbond sheeting in the first place.

The proposal to use Trim deck wall cladding is a modern material, and will not in any way, create a traditional appearance.

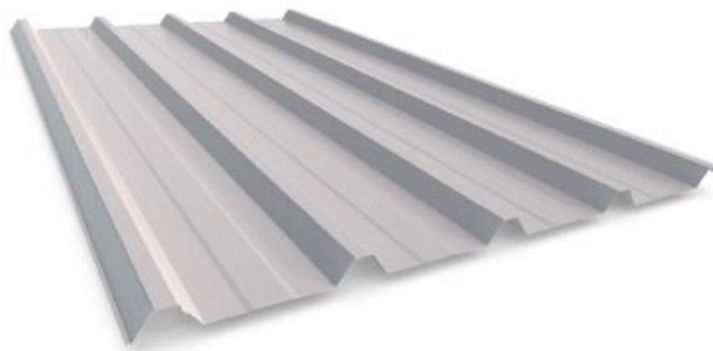
Council should consider, if approval is granted, that a condition of consent be imposed that requires the wall cladding to be vertical corrugated profile sheeting (not Trim deck) – and that colorbond material in Classic Cream colour is acceptable. It is noted that the roof profile is to be corrugated profile.



Below is a comparison between Corrugated and Trim deck profile sheeting.



**Above – corrugated profile**



**Above – Trim deck profile**

An ideal situation when dealing with work at heritage listed properties is where the owner's proposal is of traditional form and material. However, where this is not the case, Council should consider whether refusal of the application is in the best overall interest, or whether a compromise can be made.

Council should also ensure there is consistency in its assessments and determinations of Development Applications.

It is noted that Council has previously approved garages/sheds/ancillary structures at heritage listed properties, allowing colorbond wall and roof sheeting. In some instances, a steeper roof pitch has been required than what is proposed here, but not on all occasions.

Examples of colorbond use at heritage listed properties include a garage attached to the HACC/Livebetter building (former Railwaytown Post Office) at 72 Gypsum Street, and also at the Wesley Church at the corner of Cobalt and Sulphide Streets.



Below is a photo of the garage constructed at the “HACC” centre, Gypsum Street. Colorbond sheeting used, roof pitch 12 degrees.



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?

*Comment:* The site is not subject to any natural hazards such as bushfire risk, flooding etc.

Utility services are available to the site.

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 proposal was not required to be advertised or notified.

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 2013*.

**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 whether the negatives are of such scale that it is unacceptable to approve the development. It is considered that approval of the development, with only minor change to what was proposed, is a satisfactory outcome for both the property owner and to appease heritage requirements.

**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*.

If it is determined that Development Application 38/2019 be approved, conditions of consent should be imposed (outlined in the recommendation). The conditions of consent should include a requirement that the wall cladding be corrugated profile, rather than Trim deck.

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 Community
Objective:		1.3 Our history, culture and diversity is embraced and celebrated
Strategy:		1.3.3 Promote City's listing as Australia's First Heritage City

**Relevant Legislation:**

*Environmental Planning and Assessment Act 1979*, as amended.

**Financial Implications:**

Nil

**Attachments**

There are no attachments for this report.

ANTHONY MISAGH  
CHIEF OPERATIONS OFFICER

JAMES RONCON  
GENERAL MANAGER

## ORDINARY MEETING OF THE COUNCIL

July 9, 2019

**ITEM 11****BROKEN HILL CITY COUNCIL REPORT NO. 116/19****SUBJECT:** **INVESTMENT REPORT FOR JUNE 2019****17/82****Recommendation**

1. That Broken Hill City Council Report No. 116/19 dated July 9, 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 June 2019, Council's Investment Portfolio had a current market valuation of \$24,575,254 or principal value (face value) of \$24,493,086 and was compliant with all legislative and policy requirements.

**Report:**

Council's investments as at 30 June 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	✓	Compliant with policy
Institutional Exposure Limits	✓	Compliant with policy
Term to Maturity Limits	✓	Compliant with policy

**Market Review****Global issues**

In the US, Pres Trump's tough stance on trade negotiations with China and others is taking its toll on the economy and consumer confidence. Business surveys are showing weakening sentiment and new home sales dropped sharply as job market concerns are growing. The weakening US economy has the market expecting the Federal Reserve to cut the key interest rate, Fed Funds Rate, as soon July. Meanwhile, the European Central Bank is also expected to cut rates over the next two months as inflation remains low and economic growth is sluggish. In China, the effect of the trade war with the US is showing up in recent economic releases, most notably industrial production recorded its slowest rate of growth since 2002 with further weakness expected in the coming months.

**Domestic issues**

In Australia, with inflation continuing to remain well below the RBA's 2-3% target range and employment data showing room for improvement, the Reserve Bank's Gov Lowe followed up the central bank's 25 basis point (bp) rate cut in June with a recommendation to the federal government to expand its fiscal stimulus by reducing regulations and increase infrastructure spending. The combination of lower interest rates and job-friendly fiscal initiatives are aimed at supporting more robust full-time job growth which the RBA sees as more of a problem than weak economic conditions.

**Interest rates**

The RBA followed through with its expected interest rate cut at the start of June. The official cash rate now sits at 1.25% and the market is pricing in another two rate cuts of 25bps each by the end of 2019. Term deposit rates dropped another 15-20 basis points across most maturities in June. The average highest rates on offer for 3-month TDs at month end was 2.12%, down from 2.30% in May and 2.40% in April. Likewise, the average of the highest 12-month rates was 2.07%, down from at 2.22% last month and 2.40% in April. The best rates among the lower rated banks were largely in the 1.70%-2.15% area across 3-12 months range. The 4-6-month area is offering the highest rates in the short term, but with the danger of lower rates upon their maturities.

**Investment Portfolio Commentary**

Council's investment portfolio posted a return of 12.29% pa for the month of June versus the bank bill index benchmark return of 1.62%pa. For the 2018-19 financial year, the investment portfolio returned 4.07%pa, exceeding the bank bill index benchmark's 1.97%pa by 2.10%pa. During June, Council's investment portfolio had \$2m in 4- and 6-month term deposits mature with a weighted average rate of approximately 2.66%pa. Council invested \$2.5m in a range of short dated 1 to 3-month TDs at an average rate of approximately 2.14%, reflecting the sharp drop in interest rates across all maturities.

The TCorpIM MT and LT Growth Funds were up 1.6% and 3.3% respectively during June. Australian shares were up 3.4% during the month with Materials (+6.2%) leading the gains as the price of iron ore continued to hit 5-year highs. Consumer Discretionary (-1.5%) was the only sector to fall. Overseas markets rebounded strongly from May's falls with the US S&P 500 (+7.0%), Chinese S&P 300 (+5.9%), European S&P 350 (+4.4%), and Japanese S&P 500 (2.8%) all up.

***Council's Portfolio by Source of Funds – June 2019***

As at 30 June 2019, Council's Investment Portfolio had a current market valuation of \$24,493,086 or principal value (face value) of \$24,575,254 and was compliant with all legislative and policy requirements.

	Source of Funds	Principal Amount
<b>GENERAL FUND</b>	Operating Capital & Internal Restrictions	\$17,178,086
	Accommodation Bonds Reserve	\$45,000
	Royalties Reserve	\$620,000
	Domestic Waste Management Reserve	\$3,360,000
	Grants	\$2,830,000
	Developer Contributions	\$460,000
	<b>TOTAL PORTFOLIO</b>	<b>\$24,493,086</b>

***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. [June 2019 Investment Rpeort](#)

JAY NANKIVELL  
CHIEF FINANCIAL OFFICER

JAMES RONCON  
GENERAL MANAGER



**Investment Summary Report  
June 2019**



## Broken Hill City Council

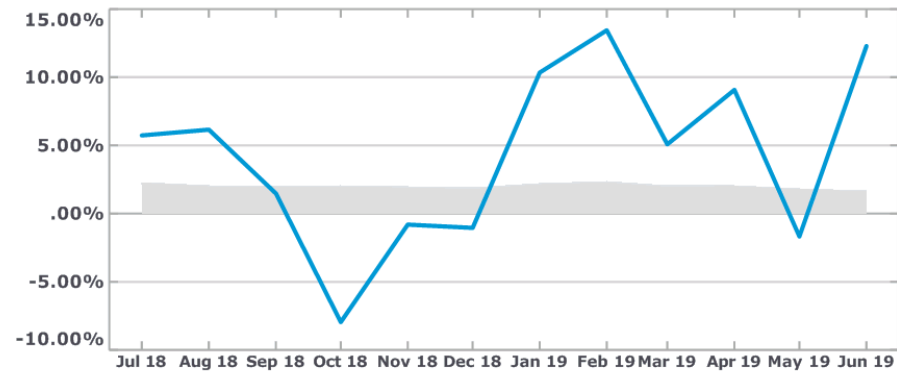
### Executive Summary



#### Investment Holdings

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	6,531,183.13	6,531,183.13	1.88
Managed Funds	6,961,902.99	6,961,902.99	38.96
Term Deposit	11,000,000.00	11,082,168.07	2.53
	<b>24,493,086.12</b>	<b>24,575,254.19</b>	<b>12.71</b>

#### Investment Performance

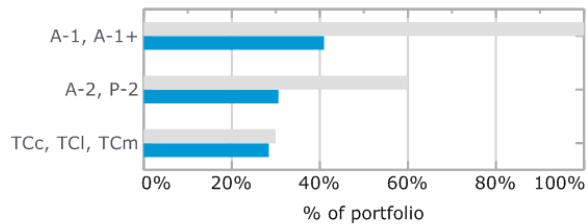


Portfolio Annualised Return

Ausbond BB Index Annualised Return

#### Investment Policy Compliance

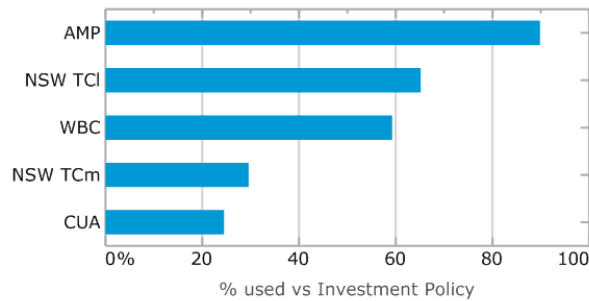
##### Total Credit Exposure



Portfolio Exposure

Investment Policy Limit

##### Highest Individual Exposures



% used vs Investment Policy

##### Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	24,493,086	100%
	<b>24,493,086</b>	

## Broken Hill City Council

### Investment Holdings Report



#### Cash Accounts

Face Value (\$)	Current Yield	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
1,256,799.70	0.8300%	Westpac Group	A-1+	1,256,799.70	473409	Cheque
5,274,383.43	2.1355%	Westpac Group	A-1+	5,274,383.43	535442	90d Notice
<b>6,531,183.13</b>	<b>1.8842%</b>			<b>6,531,183.13</b>		

#### Managed Funds

Face Value (\$)	Current Yield	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
7.88	3.0374%	NSW T-Corp (Cash)	TCc	Cash Fund	7.88	535329	
4,787,774.55	47.3027%	NSW T-Corp (LT)	TCI	Long Term Growth Fund	4,787,774.55	536442	
2,174,120.56	20.5941%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	2,174,120.56	536441	
<b>6,961,902.99</b>	<b>38.9619</b>				<b>6,961,902.99</b>		

#### Term Deposits

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
3-Jul-19	500,000.00	2.6500%	AMP Bank	A-2	500,000.00	11-Mar-19	504,065.75	537631	4,065.75	At Maturity	
10-Jul-19	500,000.00	2.7500%	AMP Bank	A-2	500,000.00	9-Jan-19	506,517.12	537463	6,517.12	At Maturity	
17-Jul-19	500,000.00	2.7500%	AMP Bank	A-2	500,000.00	16-Jan-19	506,253.42	537474	6,253.42	At Maturity	
24-Jul-19	500,000.00	2.5500%	Suncorp Bank	A-1	500,000.00	21-Mar-19	503,563.01	537647	3,563.01	At Maturity	
31-Jul-19	500,000.00	1.8900%	Bankwest	A-1+	500,000.00	19-Jun-19	500,310.68	538055	310.68	At Maturity	
7-Aug-19	500,000.00	1.9100%	Bankwest	A-1+	500,000.00	19-Jun-19	500,313.97	538056	313.97	At Maturity	
14-Aug-19	500,000.00	2.3600%	National Australia Bank	A-1+	500,000.00	16-May-19	501,487.12	537945	1,487.12	At Maturity	
4-Sep-19	500,000.00	1.9500%	Bankwest	A-1+	500,000.00	19-Jun-19	500,320.55	538058	320.55	At Maturity	
12-Sep-19	500,000.00	2.3000%	AMP Bank	A-2	500,000.00	6-Jun-19	500,787.67	538031	787.67	At Maturity	
25-Sep-19	500,000.00	2.7500%	IMB Ltd	P-2	500,000.00	23-Jan-19	505,989.73	537480	5,989.73	At Maturity	
3-Oct-19	500,000.00	2.3000%	AMP Bank	A-2	500,000.00	6-Jun-19	500,787.67	538032	787.67	At Maturity	
9-Oct-19	500,000.00	2.8500%	Credit Union Australia	A-2	500,000.00	7-Dec-18	508,042.47	537401	8,042.47	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
9-Oct-19	500,000.00	2.7500%	National Australia Bank	A-1+	500,000.00	9-Jan-19	506,517.12	537462	6,517.12	At Maturity
16-Oct-19	500,000.00	2.8000%	AMP Bank	A-2	500,000.00	13-Mar-19	504,219.18	537640	4,219.18	At Maturity
23-Oct-19	500,000.00	2.4000%	AMP Bank	A-2	500,000.00	22-May-19	501,315.07	537968	1,315.07	At Maturity
30-Oct-19	500,000.00	2.3000%	AMP Bank	A-2	500,000.00	29-May-19	501,039.73	537989	1,039.73	At Maturity
6-Nov-19	500,000.00	2.9000%	Credit Union Australia	A-2	500,000.00	7-Dec-18	508,183.56	537402	8,183.56	At Maturity
13-Nov-19	500,000.00	2.7600%	National Australia Bank	A-1+	500,000.00	16-Jan-19	506,276.16	537473	6,276.16	At Maturity
20-Nov-19	500,000.00	2.8000%	AMP Bank	A-2	500,000.00	11-Mar-19	504,295.89	537632	4,295.89	At Maturity
27-Nov-19	500,000.00	2.5000%	AMP Bank	A-2	500,000.00	8-May-19	501,849.32	537936	1,849.32	At Maturity
4-Dec-19	500,000.00	2.5000%	AMP Bank	A-2	500,000.00	8-May-19	501,849.32	537937	1,849.32	At Maturity
11-Dec-19	500,000.00	2.9000%	Credit Union Australia	A-2	500,000.00	7-Dec-18	508,183.56	537403	8,183.56	Annually
<b>11,000,000.00</b>		<b>2.5282%</b>			<b>11,000,000.00</b>		<b>11,082,168.07</b>		<b>82,168.07</b>	

## Broken Hill City Council

### Accrued Interest Report - June 2019



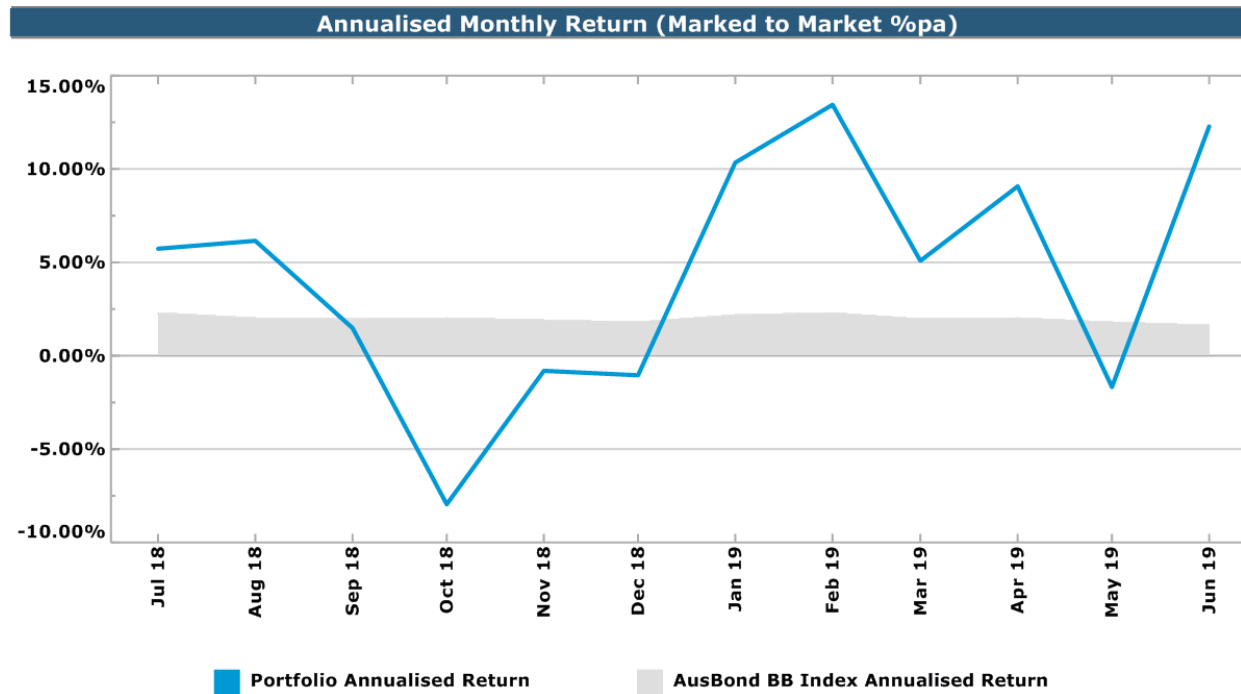
Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
<b>Cash</b>									
Westpac Group	473409	Cheque	1,256,799.70			1,257.69	30	1,257.69	.83%
Westpac Group	535442	90d Notice	5,274,383.43			8,926.16	30	8,926.16	2.14%
<b>Cash Total</b>						<b>10,183.85</b>		<b>10,183.85</b>	<b>1.79%</b>
<b>Managed Funds</b>									
Cash Fund	535329		7.88	29-May-17			30	0.02	3.04%
Medium Term Growth Fund	536441		2,174,120.56	12-Feb-18			30	34,304.39	20.59%
Long Term Growth Fund	536442		4,787,774.55	09-Feb-18			30	179,361.43	47.30%
<b>Managed Funds Total</b>								<b>213,665.84</b>	<b>39.15%</b>
<b>Term Deposits</b>									
National Australia Bank	537392		500,000.00	06-Dec-18	05-Jun-19	6,768.90	4	149.58	2.73%
National Australia Bank	537413		500,000.00	10-Dec-18	12-Jun-19	6,906.30	11	412.88	2.74%
Bankwest	537555		500,000.00	20-Feb-19	19-Jun-19	4,238.36	18	641.10	2.60%
AMP Bank	537570		500,000.00	27-Feb-19	26-Jun-19	4,319.86	25	907.53	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	1,130.13	2.75%
AMP Bank	537474		500,000.00	16-Jan-19	17-Jul-19		30	1,130.13	2.75%
Suncorp Bank	537647		500,000.00	21-Mar-19	24-Jul-19		30	1,047.94	2.55%
Bankwest	538055		500,000.00	19-Jun-19	31-Jul-19		12	310.68	1.89%
Bankwest	538056		500,000.00	19-Jun-19	07-Aug-19		12	313.97	1.91%
National Australia Bank	537945		500,000.00	16-May-19	14-Aug-19		30	969.86	2.36%
Bankwest	538058		500,000.00	19-Jun-19	04-Sep-19		12	320.55	1.95%
AMP Bank	538031		500,000.00	06-Jun-19	12-Sep-19		25	787.67	2.30%

**Broken Hill City Council**  
Accrued Interest Report - June 2019

Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
IMB Ltd	537480		500,000.00	23-Jan-19	25-Sep-19		30	1,130.14	2.75%
AMP Bank	538032		500,000.00	06-Jun-19	03-Oct-19		25	787.67	2.30%
Credit Union Australia	537401		500,000.00	07-Dec-18	09-Oct-19		30	1,171.24	2.85%
National Australia Bank	537462		500,000.00	09-Jan-19	09-Oct-19		30	1,130.13	2.75%
AMP Bank	537640		500,000.00	13-Mar-19	16-Oct-19		30	1,150.69	2.80%
AMP Bank	537968		500,000.00	22-May-19	23-Oct-19		30	986.30	2.40%
AMP Bank	537989		500,000.00	29-May-19	30-Oct-19		30	945.21	2.30%
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%
AMP Bank	537936		500,000.00	08-May-19	27-Nov-19		30	1,027.40	2.50%
AMP Bank	537937		500,000.00	08-May-19	04-Dec-19		30	1,027.40	2.50%
Credit Union Australia	537403		500,000.00	07-Dec-18	11-Dec-19		30	1,191.78	2.90%
<b>Term Deposits Total</b>						<b>22,233.42</b>		<b>23,235.72</b>	<b>2.59%</b>
						<b>32,417.27</b>		<b>247,085.41</b>	<b>12.29%</b>

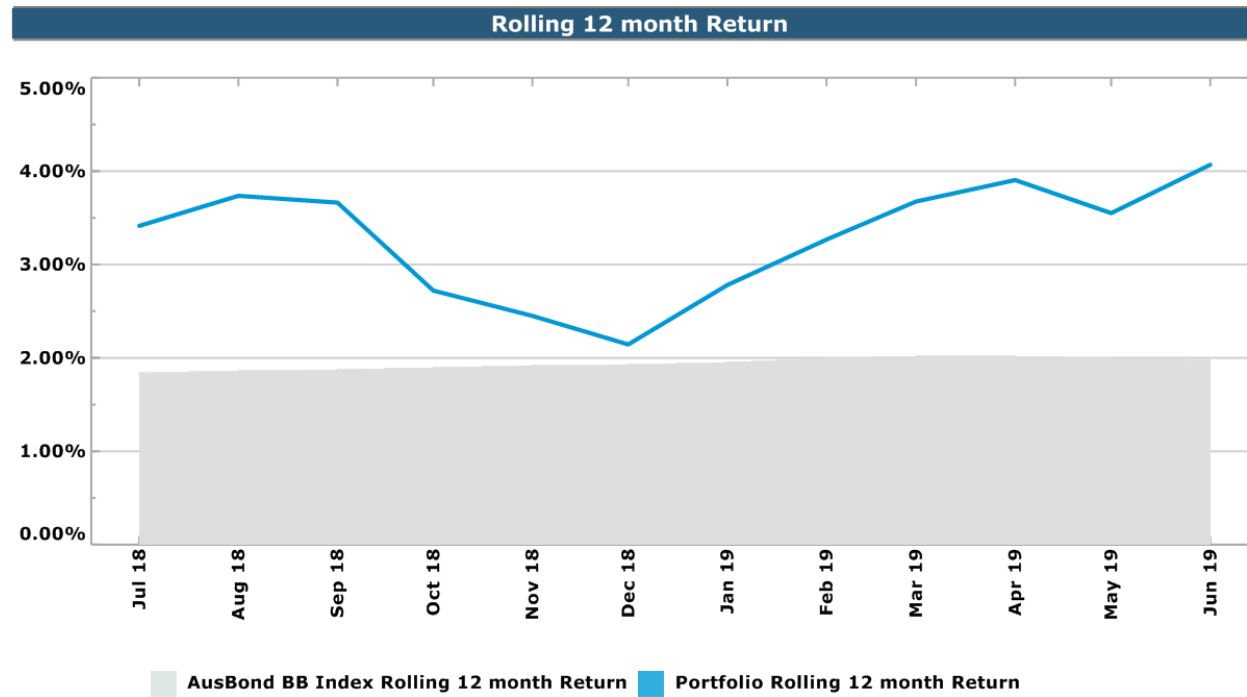
## Broken Hill City Council

### Investment Performance Report



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Jun 2019	12.29%	1.62%	10.67%
Last 3 Months	6.30%	1.81%	4.49%
Last 6 Months	7.85%	1.97%	5.88%
Financial Year to Date	4.07%	1.97%	2.10%
Last 12 months	4.07%	1.97%	2.10%

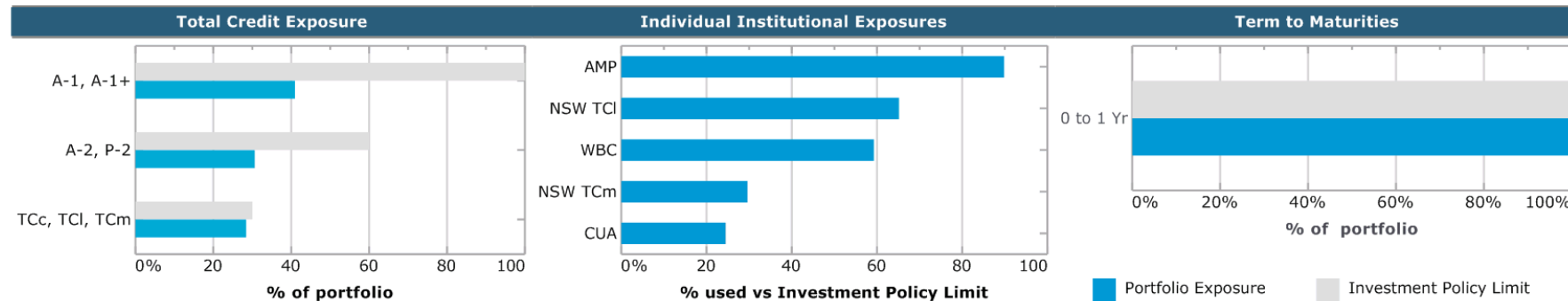
# Broken Hill City Council Investment Performance Report



Historical Performance Summary (actual)			
	Portfolio	AusBond BB Index	Outperformance
Jun 2019	0.96%	0.13%	0.83%
Last 3 Months	1.53%	0.45%	1.08%
Last 6 Months	3.76%	0.97%	2.79%
Financial Year to Date	4.07%	1.97%	2.10%
Last 12 months	4.07%	1.97%	2.10%

## Broken Hill City Council

### Investment Policy Compliance Report



	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1	500,000	
Short Term	A-1+	9,531,183	
		<b>10,031,183</b>	<b>41% 100%</b> ✓
Short Term	A-2	7,000,000	
Short Term	P-2	500,000	
		<b>7,500,000</b>	<b>31% 60%</b> ✓
Short Term	TCc	8	
Short Term	TCI	4,787,775	
Short Term	TCm	2,174,121	
		<b>6,961,903</b>	<b>28% 30%</b> ✓
		<b>24,493,086</b>	<b>100%</b>

✓ = compliant  
✗ = non-compliant

	% used vs Investment Policy Limit
AMP Bank (A-2, A-)	90% ✓
NSW T-Corp (LT) (TCI, TCI)	65% ✓
Westpac Group (A-1+, AA-)	59% ✓
NSW T-Corp (MT) (TCm)	30% ✓
Credit Union Australia (A-2, BBB)	24% ✓
National Australia Bank (A-1+, AA-)	14% ✓
Commonwealth Bank of Australia (A-1+, AA-)	14% ✓
IMB Ltd (P-2, Baa1)	8% ✓
Suncorp Bank (A-1, A+)	5% ✓
NSW T-Corp (Cash) (TCc)	0% ✓

	Face Value (\$)	Policy Max
Between 0 and 1 Year	24,493,086	100% 100% ✓
	<b>24,493,086</b>	

Detailed Maturity Profile	Face Value (\$)
00. Cash + Managed Funds	13,493,086 55%
01. Less Than 30 Days	2,000,000 8%
02. Between 30 Days and 60 Days	1,500,000 6%
03. Between 60 Days and 90 Days	1,500,000 6%
04. Between 90 Days and 180 Days	6,000,000 24%
	<b>24,493,086</b>

## Broken Hill City Council

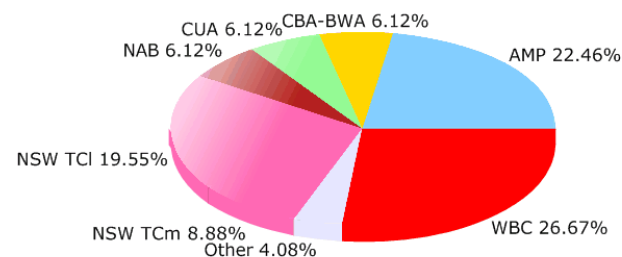
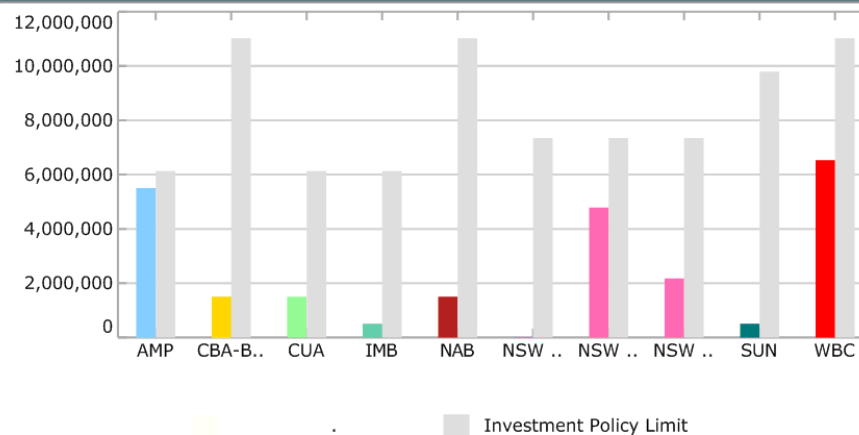
### Individual Institutional Exposures Report



Individual Institutional Exposures

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
AMP Bank	A-2, A-	5,500,000	6,123,272
Commonwealth Bank of Australia	A-1+, AA-	1,500,000	11,021,889
Credit Union Australia	A-2, BBB	1,500,000	6,123,272
IMB Ltd	P-2, Baa1	500,000	6,123,272
National Australia Bank	A-1+, AA-	1,500,000	11,021,889
NSW T-Corp (Cash)	TCc	8	7,347,926
NSW T-Corp (LT)	TCI	4,787,775	7,347,926
NSW T-Corp (MT)	TCm	2,174,121	7,347,926
Suncorp Bank	A-1, A+	500,000	9,797,234
Westpac Group	A-1+, AA-	6,531,183	11,021,889
		<b>24,493,086</b>	

Individual Institutional Exposure Charts



## Broken Hill City Council

### Cash Flows Report



#### Current Month Cashflows

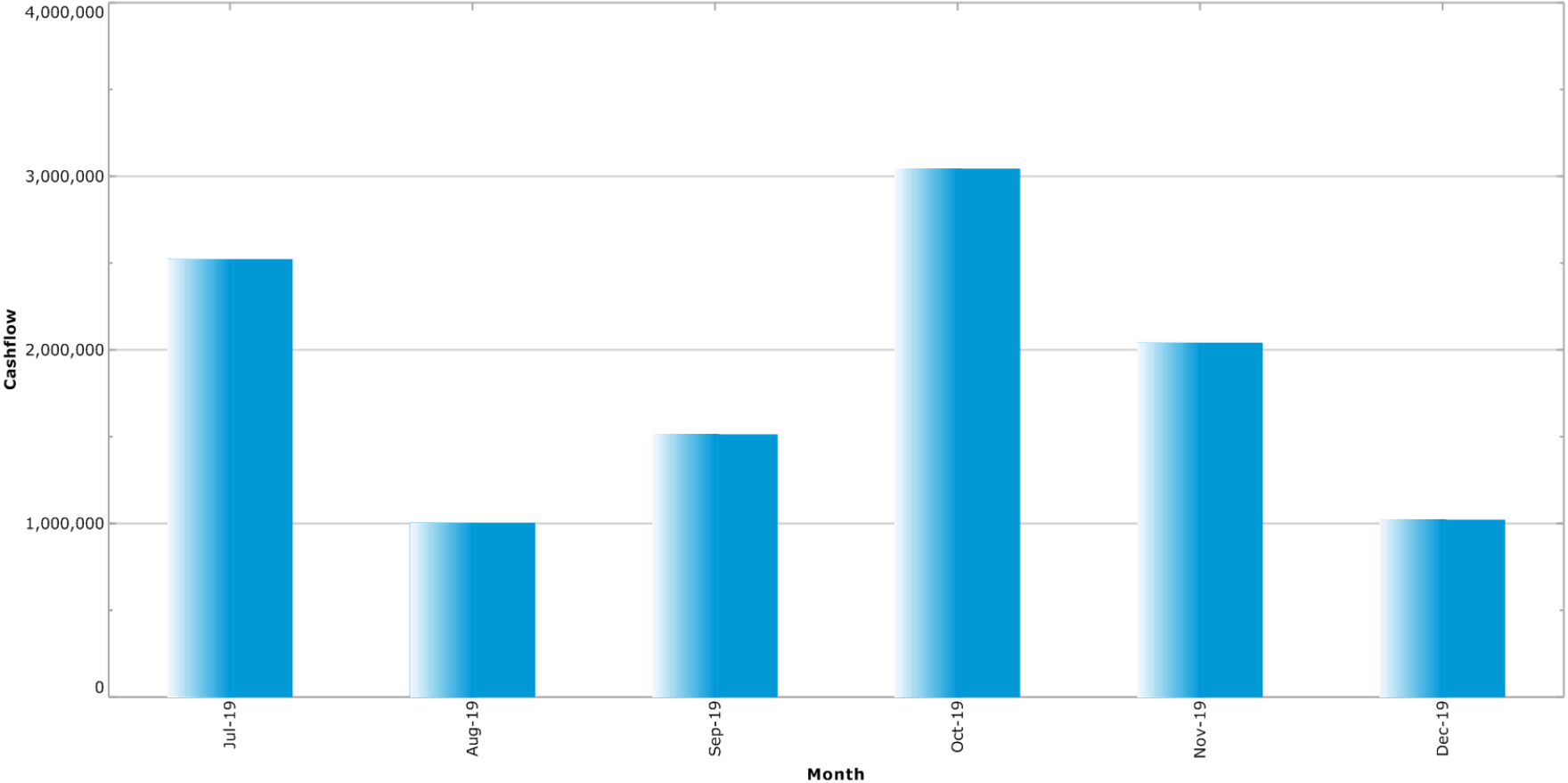
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
5-Jun-19	537392	National Australia Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		National Australia Bank	Term Deposits	Interest - Received	6,768.90
				<u>Deal Total</u>	<u>506,768.90</u>
<u>Day Total</u>					<u>506,768.90</u>
6-Jun-19	538031	AMP Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
				<u>Deal Total</u>	<u>-500,000.00</u>
	538032	AMP Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
				<u>Deal Total</u>	<u>-500,000.00</u>
<u>Day Total</u>					<u>-1,000,000.00</u>
12-Jun-19	537413	National Australia Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		National Australia Bank	Term Deposits	Interest - Received	6,906.30
				<u>Deal Total</u>	<u>506,906.30</u>
<u>Day Total</u>					<u>506,906.30</u>
19-Jun-19	537555	Bankwest	Term Deposits	Maturity Face Value - Received	500,000.00
		Bankwest	Term Deposits	Interest - Received	4,238.36
				<u>Deal Total</u>	<u>504,238.36</u>
	538055	Bankwest	Term Deposits	Settlement Face Value - Paid	-500,000.00
				<u>Deal Total</u>	<u>-500,000.00</u>
	538056	Bankwest	Term Deposits	Settlement Face Value - Paid	-500,000.00
				<u>Deal Total</u>	<u>-500,000.00</u>
	538058	Bankwest	Term Deposits	Settlement Face Value - Paid	-500,000.00
				<u>Deal Total</u>	<u>-500,000.00</u>
<u>Day Total</u>					<u>-995,761.64</u>
26-Jun-19	537570	AMP Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposits	Interest - Received	4,319.86
				<u>Deal Total</u>	<u>504,319.86</u>
<u>Day Total</u>					<u>504,319.86</u>
Net Cash Movement for Period					-477,766.58



**Broken Hill City Council**  
Cash Flows Report**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>
<b>3-Jul-19</b>	537631	AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposit	Interest - Received	4,138.36
				<u>Deal Total</u>	<u>504,138.36</u>
				<b>Day Total</b>	<b>504,138.36</b>
<b>10-Jul-19</b>	537463	AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposit	Interest - Received	6,856.16
				<u>Deal Total</u>	<u>506,856.16</u>
				<b>Day Total</b>	<b>506,856.16</b>
<b>17-Jul-19</b>	537474	AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposit	Interest - Received	6,856.16
				<u>Deal Total</u>	<u>506,856.16</u>
				<b>Day Total</b>	<b>506,856.16</b>
<b>24-Jul-19</b>	537647	Suncorp Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		Suncorp Bank	Term Deposit	Interest - Received	4,366.44
				<u>Deal Total</u>	<u>504,366.44</u>
				<b>Day Total</b>	<b>504,366.44</b>
<b>31-Jul-19</b>	538055	Bankwest	Term Deposit	Maturity Face Value - Received	500,000.00
		Bankwest	Term Deposit	Interest - Received	1,087.40
				<u>Deal Total</u>	<u>501,087.40</u>
				<b>Day Total</b>	<b>501,087.40</b>
				<b>Net Cash Movement for Period</b>	<b><u>2,523,304.52</u></b>

Broken Hill City Council  
Cash Flows Report



## ORDINARY MEETING OF THE COUNCIL

July 5, 2019

**ITEM 12**BROKEN HILL CITY COUNCIL REPORT NO. 117/19

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO  
394 HELD WEDNESDAY JULY 2, 2019 11/397

**Recommendation**

1. That Broken Hill City Council Report No. 117/19 dated July 5, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.393 held June 4, 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 July 2, 2019 which details recommendations to Council for consideration and adoption.

**Strategic Direction:**

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

**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. [↓](#) Minutes - Local Traffic Committee - Meeting No 394, 2 July 2019

ANTHONY MISAGH  
CHIEF OPERATIONS OFFICER

JAMES RONCON  
GENERAL MANAGER

## LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING NO 394

Held 9.35am Tuesday, 2 July 2019  
First Floor Meeting Room - Council Administration Building

The Chairperson Project Delivery Manager, Michael Cain opened the meeting at 9:35am and welcomed all representatives present.

### 394.1 Present

Michael Cain	Project Delivery Manager/Chairperson
Peter Beven	Local Member's Representative
Acting Inspector Pat Schaefer	NSW Police
Michael Cain	Council's Project Delivery Manager
David Vant	Roads and Maritime Services (RMS) Representative
Emily Bogucki	Minute Secretary/Administration Officer
Senior Constable Matt Whitelum	NSW Police

### 394.2 Apologies

Joe Sulicich	Roads and Maritime Services (RMS) Representative
Inspector Yvette Smith	NSW Police
Marion Browne	Councillor

### 394.3 Disclosure of interest – nil

### 394.4 Adoption of previous minutes

Previous minutes of meeting No 393 held 4 June 2019 were confirmed via online voting as follows:

All in favour: RMS, Local Member's Representative, Council, NSW Police

### 394.5 Council Resolutions

<b>ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 93/19 - DATED JUNE 12, 2019 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 393 HELD WEDNESDAY JUNE 4, 2019</b>	
11/397	
<b>Resolved</b>	
1. That Broken Hill City Council Report No. 93/19 dated June 12, 2019, be received.	
2. That the minutes for the Local Traffic Committee Meeting No.393 held June 4, 2019 be received.	
<b>RESOLUTION</b>	
<u>Minute No. 46106</u>	
Councillor M. Browne moved	)
Councillor B. Algate seconded	)
CARRIED UNANIMOUSLY	

**394.6 Correspondence In**

<b>Item No.</b>	<b>EDRMS No.</b>	<b>Details</b>
<b>394.6.1</b>	D19/26281	Member of Parliament nomination for Traffic Committee – Member for Barwon Roy Butler MP
<b>Discussion Notes</b>		
<b>Recommendation</b>		Noted by Committee.
<b>Item No.</b>	<b>EDRMS No.</b>	<b>Details</b>
<b>394.6.2</b>	D19/28501	Road Closure – Broken Heel Festival – Medical Centre
<b>Discussion Notes</b>		<p>The Medical Centre have raised concerns regarding laneway access behind the Medical Centre.</p> <p>Suggested recommendation is for the duration of the road closure to make Crystal Lane into a two-way laneway rather than one way.</p> <p>Discussion around width of laneway and if there would be enough room for a car to drive down from each way. The only thing to restrict access would be if there were vehicles parked along the laneway however most of this area is no parking. Otherwise possibility to impose parking restrictions for the duration of the closure.</p> <p>Suggestion to place a barricade across Crystal Lane and Sulphide Street if there is going to be access both ways in the lane.</p> <p>Council to do a neighbour notification to advise of traffic changes within the laneway during the Broken Heel Festival therefore businesses will not have issues accessing their properties.</p>
<b>Recommendation</b>		New TCP to be sent to Committee and Festival Coordinator.

**394.7 Correspondence Out**

<b>Item No.</b>	<b>EDRMS No.</b>	<b>Details</b>
<b>394.7.1</b>	D19/25306	RCP19/003 – Argent Street Parade – The Palace Hotel
<b>394.7.2</b>	D19/26449	RCP19/002 – Main Road Closure (Sulphide Street) – The Palace Hotel
<b>394.7.3</b>	D19/22688	Response – Chapple Street Disabled Parking Request - Marcon
<b>394.7.4</b>	D19/26491	Acknowledgement - Member of Parliament nomination for Traffic Committee – Member for Barwon Roy Butler MP
<b>394.7.5</b>	D19/27222	Approval – Approval to art work on Street Sign

**394.8 General Business**

Item No.	EDRMS No.	Details
<b>394.8.1</b>		Entrance street signs to Broken Hill – Peter Bevan
<b>Discussion Notes</b>		<p>Peter Bevan provided Committee with some photos of other town entrances to give the Committee an idea of other suggestions/options.</p> <p>Chairperson, Michael Cain advised these images were best directed to Council as there is nothing the Committee can do regarding sign design. The Committee only have input in relation to location.</p> <p>Suggestion to write a letter to Council to raise concerns/objections.</p>
<b>Recommendation</b>		Noted by committee.
Item No.	EDRMS No.	Details
<b>394.8.2</b>		Pedestrian Crossing – Willyama High School
<b>Discussion Notes</b>		<p>Discussion held around there not being a pedestrian crossing at Willyama High School and that the School had raised their concerns with the students.</p> <p>For Traffic Committee to assist with the matter a formal letter from the School would need to be submitted.</p> <p>There haven't been any previous concerns regarding this matter. There is a 40km speed limit restriction.</p>
<b>Recommendation</b>		Noted by committee.

**391.9 Action Item List**

Item No.	
<b>380.6.1</b>	
<b>EDRMS No.</b>	D18/13851, D18/13854
<b>CRM No.</b>	N/A
<b>Responsible Officer</b>	Council's Infrastructure Works Engineer, Daniel Morris
<b>Current Status</b>	Pending – October 2018
<b>Date</b>	<b>Item Details</b>

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><b>Recommendation Moved:</b> Council (David Zhao)</p> <p><b>Recommendation Seconded:</b> RMS, NSW Police and Local Member's Representative noted 'all for'.</p> <p><b>Against:</b> 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 matter. Council's Asset Planner Transport, James Druitt to look into cost associated.</p>
June 2018	Councillor Browne 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	
June 2019	Still waiting for an Engineer to be employed – action to remain ongoing.
July 2019	

**Item No.**

**387.6.1**

<b>EDRMS No.</b>	D18/48798
<b>CRM No.</b>	
<b>Responsible Officer</b>	Council's Infrastructure Projects Engineer, David Zhao
<b>Current Status</b>	
<b>Date</b>	<b>Item Details</b>
November 2018	Street lighting concerns in Creedon Street – additional lighting requested to improve safety for vehicles
<b>Date</b>	<b>Committee Recommendation/s</b>
June 2019	Report to be prepared and submitted to Council.
<b>Action Date</b>	<b>Running Actions</b>
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	<p>Inspector Yvette Smith to provide design at next Traffic Meeting.</p> <p>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</p>

June 2019

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.

Emily to email a copy of Report to RMS, David Vant.

Conversation around the overall report which is looking at pedestrian safety.

Discussion around using solar powered lights. There are some trees that will need to be removed. Looking at removing two peppercorn trees which are sort of right next to where the CCTV is, however a full report is yet to be completed.

Recommendations include reducing speed by putting symbols on the road/street signs

It is a heavy bypass route, RMS advised no speed reductions applicable as it does not meet the guidelines for a 40km high pedestrian area.

Councillor Marion Browne raised an idea about sourcing other funds as this is going to be an expensive project. Has this matter been referred to the Aboriginal Working Party? There might be some funding for Safer Communities which they might be aware of. This Committee is only really concerned about the location of the lighting.

RMS David Vant, suggested the Aboriginal Working Party should be taking the taking the lead on the project.

Chairperson, Michael Cain advised that another recommendation was moving the bus shelter. Removal of a bus shelters/sites need to go through the National Transport Authority for approval. If we want to do that we can but we have to speak to the bus company.

Discussion around this maybe going to the HUB and if it is still managed by Compass Housing.

The bus location is purely an application, we can talk to the bus company and see if they would be willing to move the stop. Discussion around when the buses run.

Senior Constable Matt Whitelum clarified that the concerns are that people are congregating in the bus shelter at night and then spilling out onto the road regardless of when the buses run.

Removing the shelter isn't an option however moving it back from the road and back towards the HUB is a possibility. Problem identified that directly in front of the HUB, a new sharps bin and garbage bin has been installed.

Local Members Representative, Peter Bevan suggested possibility putting up railing or some sort of wall to prevent access from the shelter to the footpath.

Councillor Marion Browne suggested a report to Council might help us to engage the Aboriginal Working Party and identify possible funding solutions.

Issue to be referred to the next Council meeting. Chairperson, Michael Cain to arrange report and include assessment of Creedon Street provided by NSW Police.

Chairperson, Michael Cain to provide an update at next LTC on the lighting program.

July 2019

Ongoing – Street lighting program to be reviewed, no action can be taken until review of lighting completed.

<b>Item No.</b>	<b>392.6.4</b>
<b>EDRMS No.</b>	D19/18743
<b>CRM No.</b>	
<b>Responsible Officer</b>	Council's Project Delivery Manager, Michael Cain
<b>Current Status</b>	Pending
<b>Date</b>	<b>Item Details</b>

May 2019

Broken Hill Aquatic Centre Disabled Parking

<b>Date</b>	<b>Committee Recommendation/s</b>
-------------	-----------------------------------

<b>Action Date</b>	<b>Running Actions</b>
--------------------	------------------------

May 2019

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.

RMS, David Vant sought clarification if any changes had been made?

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.

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?

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.

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.

David Vant clarified the location of the bus stop, which is on McCulloch Street.

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?

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.

Committee agreed this matter must be handled carefully and investigations into solutions need to be conducted.

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.

June 2019

Chairperson, Michael Cain spoke with the bus company and they were not supportive of moving the bus stop as there is a lot of work involved for this to happen. The company have asked that in fact the bus zone be extended to the end of the street, as it is at times hard for the bus to get out, as cars park directly in front of the stop.

Michael also had a conversation with Danielle, Assist Manager of the Aquatic Centre and they were not happy to reduce the unloading zone as it is used by parents dropping kids. They had concerns about children having to cross the road. A lot of disabled people use the Taxi service which utilises the drop off zone. YMCA point of view is that they didn't want changes directly out front but are happy to make changes in the car park.

There are disabled parks located further down however one is located directly in front of the ambulance gate. This will need to be removed and made a 'no parking zone', to allow ambulance access. Currently if an ambulance is called and someone is parked there, the YMCA have to locate the owner of the vehicle to have it moved.

On the other side of the carpark there are two oversized parks which can easily be changed into disabled parks by putting symbols on the road. They would have to utilise the nearby crossings to cross the carpark.

Map of proposed changes to be forwarded to the Committee for their review.

Chairperson, Michael Cain to contact June Page and Councillor Page to discuss proposed changes and gain their feedback. An update to be provided at the next meeting.

July 2019

Chairperson, Michael Cain provided the Committee with a draft plan of proposed changes to the carparking area at the Aquatic Centre.

No changes to be made to the drop off point as it is used frequently. The taxi zone will also remain the same due to high usage including disabled people.

Green area marked on plan is a disabled carpark which needs to be removed as it is currently blocking access to the Emergency Entrance for Emergency Vehicles.

Proposal of two new disabled car parks (highlighted in yellow) and the possibility of one at the very other end of the car park which is a larger park which could easily be changed to a disabled park.

In total 1 disabled car park will be removed but the option to create 6 new disabled parks.

Bus stop to be extended as vehicles park in front of the bus zone which restricts access for the bus to be able to get in and out. Enforcement of parking changes will need to occur for the first couple of months.

Chairperson, Michael Cain to show/discuss with YMCA proposed plan as well as June Page and gain their feedback.

This issue was raised at the Disability Inclusion Action Plan meeting held last week and nobody had any objections. Council are also looking at putting a walkway in near the park.

Committee to be prepared for some criticism as the disabled parks are across the car park however this still reduces walking distance as alternative is to have them down the other end.

Committee happy with proposed changes, Michael Cain to get Manager approval and the submit report to Council.

**Next Meeting Date** – Tuesday, 6 August 2019

**394.11 Meeting Closed** – 9.59am

## ORDINARY MEETING OF THE COUNCIL

July 18, 2019

**ITEM 13**BROKEN HILL CITY COUNCIL REPORT NO. 118/19SUBJECT: ACTION LIST REPORT11/21**Recommendation**

1. That Broken Hill City Council Report No. 118/19 dated July 18, 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:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

**Relevant Legislation:**

*Local Government Act 1993*

**Financial Implications:**

Nil

**Attachments**

1. [↓](#) Action List - Ordinary Council Meetings
2. [↓](#) Action List - Extraordinary Council Meetings

JAMES RONCON  
GENERAL MANAGER



## ACTION LIST - ORDINARY COUNCIL MEETINGS

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 27 September 2017	False	Confidential Matters
<p><b>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 - CONFIDENTIAL</b> 12/180</p> <p><b>(General Manager's Note:</b> 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><b>RESOLUTION</b></p> <p>Minute No. 45655</p> <p>Councillor C. Adams moved )</p> <p>Councillor J. Nolan seconded )</p>		
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 178/17 dated September 11, 2017, be received.</li> <li>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.</li> <li>3. That the licence agreement be for a period of 20 years.</li> <li>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.</li> <li>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.</li> <li>6. That all other standard licence agreement terms apply.</li> <li>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.</li> <li>8. That the Mayor and General Manager be authorised to execute the licence documents under the Common Seal of Council.</li> <li>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.</li> </ol>		
		CARRIED
<p>04 Jul 2019 - 1:50 PM - Leisa Bartlett</p> <p>Licence documents with SOTA for signature.</p> <p>12 Jun 2019 - 10:54 AM - Georgina Falkner</p> <p>Documents being signed and sealed.</p> <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>		

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>School P&amp;C rep has been in contact with Council. Awaiting formal correspondence.  <i>06 Feb 2019 - 1:49 PM - Leisa Bartlett</i></p> <p>Draft licence prepared, awaiting response from School of the Air to finalise licence.  <i>05 Dec 2018 - 2:31 PM - Leisa Bartlett</i></p> <p>Council has received approval advice from SOTA and Solicitors have been approached to commence drafting the licence agreement.  <i>05 Dec 2018 - 1:52 PM - Leisa Bartlett</i></p> <p>Letter of acceptance received from SOTA. Solicitor has been engaged to draft up the licence agreement.  <i>09 Oct 2018 - 5:06 PM - Leisa Bartlett</i></p> <p>Awaiting advice from SOTA  <i>11 Sep 2018 - 12:07 PM - Leisa Bartlett</i></p> <p>Still no advice received from SOTA. Email reminder notice sent.  <i>15 Aug 2018 - 3:29 PM - Leisa Bartlett</i></p> <p>Still awaiting advice from SOTA  <i>16 May 2018 - 1:33 PM - Leisa Bartlett</i></p> <p>Action reassigned to Francois VanDerBerg by: Leisa Bartlett  <i>16 Mar 2018 - 3:40 PM - Leisa Bartlett</i></p> <p>SOTA advised that they are happy to proceed but are waiting for the Education Dept approval first.  <i>15 Feb 2018 - 10:27 AM - Leisa Bartlett</i></p> <p>Email reminder send to SOTA 15/2/18.  <i>02 Nov 2017 - 4:18 PM - Leisa Bartlett</i></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&amp;C Committee.</p>		
Ordinary Meeting of the Council 26 April 2018	False	Reports
<p><b>ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 59/18 - DATED APRIL 06, 2018 - COMPULSORY ACQUISITION OF WARNOCK GOSSAN STREET ROAD RESERVE</b> 11/199</p> <p><u>Resolved:</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 59/18 dated April 6, 2018, be received.</li> <li>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>.</li> <li>3. That the acquisition be undertaken in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>.</li> <li>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>.</li> </ol> <p><b>RESOLUTION</b></p> <p>Minute No. 45805</p> <p>Councillor C. Adams moved )</p> <p>Councillor D. Gallagher seconded )</p> <p><b>CARRIED</b></p> <p><i>04 Jul 2019 - 1:51 PM - Leisa Bartlett</i></p> <p>no change in status</p> <p><i>14 Jun 2019 - 3:27 PM - Leisa Bartlett</i></p> <p>no change in status</p> <p><i>15 May 2019 - 10:41 AM - Georgina Falkner</i></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>		

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p><i>07 Mar 2019 - 1:55 PM - Leisa Bartlett</i> No change, still awaiting response from Crown Lands.</p> <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 31 October 2018	False	Confidential Matters
<p><b>ITEM 18- BROKEN HILL CITY COUNCIL REPORT NO. 184/18 - DATED SEPTEMBER 28, 2018 - SALE OF PROPERTY - LOT 2 IN DEPOSITED PLAN 1067380 - <u>CONFIDENTIAL</u></b> 11/204</p> <p><b>(General Manager's Note:</b> 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><b>RESOLUTION</b></p> <p>Minute No. 45947</p> <p>Councillor M. Browne moved )</p> <p>Councillor C. Adams seconded )</p>		
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 184/18 dated September 28, 2018, be received.</li> <li>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)</li> <li>3. That the Mayor and General Manager be authorised to execute lease documents under the Common Seal of Council.</li> </ol>		
CARRIED		
<p><i>04 Jul 2019 - 1:51 PM - Leisa Bartlett</i> <b>Solicitor finalising draft lease</b></p> <p><i>14 Jun 2019 - 3:20 PM - Leisa Bartlett</i> Solicitor preparing draft lease, meeting being held with West Darling Machinery Preservation Society on 20 June to update them and discuss matter to finalise lease.</p> <p><i>17 May 2019 - 3:31 PM - Leisa Bartlett</i> Draft lease being prepared.</p> <p><i>07 Mar 2019 - 2:55 PM - Leisa Bartlett</i> in progress</p> <p><i>16 Nov 2018 - 2:13 PM - Leisa Bartlett</i> New lease being disucssed with tenant.</p>		

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT						
Ordinary Meeting of the Council 28 November 2018	False	Confidential Matters						
<p><b>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</b> 11/218</p> <p><b>(General Manager's Note:</b> 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><u>Resolved</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 206/18 dated November 9, 2018, be received.</li> <li>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.</li> <li>3. That the General Manager be authorised to negotiate the terms and conditions of the sublease agreement.</li> <li>4. That Consolidated Broken Hill Holdings be responsible for any legal fees incurred by Council regarding the proposed sublease agreement.</li> <li>5. That the Mayor and General Manager be authorised to sign and execute any required documents under the Common Seal of Council.</li> </ol> <p><b>RESOLUTION</b></p> <p>Minute No. 45972</p> <table> <tr> <td>Councillor B. Algate moved</td> <td>)</td> <td></td> </tr> <tr> <td>Councillor J. Nolan seconded</td> <td>)</td> <td>CARRIED</td> </tr> </table> <p><b>04 Jul 2019 - 1:52 PM - Leisa Bartlett</b></p> <p>Deed still with tenant for signature.</p> <p><b>14 Jun 2019 - 3:28 PM - Leisa Bartlett</b></p> <p>no change in status</p> <p><b>15 May 2019 - 10:38 AM - Georgina Falkner</b></p> <p>Deed with tenant for execution.</p> <p><b>07 Mar 2019 - 2:10 PM - Leisa Bartlett</b></p> <p>matter still with Solicitor</p> <p><b>06 Feb 2019 - 1:53 PM - Leisa Bartlett</b></p> <p>Matter is with Solicitors to prepare sublease.</p> <p><b>05 Dec 2018 - 3:02 PM - Leisa Bartlett</b></p> <p>GM advised: draft advice being prepared.</p>			Councillor B. Algate moved	)		Councillor J. Nolan seconded	)	CARRIED
Councillor B. Algate moved	)							
Councillor J. Nolan seconded	)	CARRIED						
Ordinary Meeting of the Council 12 December 2018	False	Confidential Matters						
<p><b>ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 214/18 - DATED NOVEMBER 28, 2018 - PROPOSED LICENCE FOR WATER MAIN OVER PART WILLYAMA COMMON - CONFIDENTIAL</b> 11/63</p> <p><b>(General Manager's Note:</b> 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).</p> <p><b>RESOLUTION</b></p> <p>Minute No. 45990</p> <table> <tr> <td>Councillor J. Nolan moved</td> <td>)</td> <td></td> </tr> <tr> <td>Councillor C. Adams seconded</td> <td>)</td> <td></td> </tr> </table> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 214/18 dated November 28, 2018, be received.</li> <li>2. That Council (as Trust Managers for the Willyama Common Trust) consent to Essential Water</li> </ol>			Councillor J. Nolan moved	)		Councillor C. Adams seconded	)	
Councillor J. Nolan moved	)							
Councillor C. Adams seconded	)							

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>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.</p> <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 style="text-align: right;">CARRIED</p> <p><b>04 Jul 2019 - 1:53 PM - Leisa Bartlett</b>  <b>Contact to be made with Essential Water to progress matter</b>  <b>14 Jun 2019 - 3:29 PM - Leisa Bartlett</b>  no change in status.  <b>15 May 2019 - 10:40 AM - Georgina Falkner</b>  Awaiting advice from Essential Water.  <b>07 Mar 2019 - 2:12 PM - Leisa Bartlett</b>  no change matter still in progress  <b>08 Feb 2019 - 10:19 AM - Leisa Bartlett</b>  in progress</p>		
Ordinary Meeting of the Council 20 February 2019	False	General Business
<p><b>ITEM 5 - AFTER-SCHOOL HOURS SPORTS PARTICIPATION (GB1/19)</b> 11/161</p> <p><b>RESOLUTION</b>  Minute No. 46004  Councillor T. Kennedy moved )  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> <p style="text-align: right;">CARRIED</p> <p><b>18 July 2019 - 9:20 AM - Leisa Bartlett</b>  <b>DC advised: still awaiting response from Health Department.</b>  <b>14 Jun 2019 - 4:29 PM - Leisa Bartlett</b>  DC advised: still awaiting response from Health Department.  <b>16 May 2019 - 8:24 AM - Razija Nu'man</b>  Response received. Awaiting response from Health where meeting will be called to discuss.  <b>14 Mar 2019 - 4:45 PM - Leisa Bartlett</b></p>		

Page 5 of 19

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<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 Meeting of the Council 27 March 2019	False	Reports
<p><b>ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 38/19 - DATED MARCH 25, 2019 - PROPOSED GIFTING OF PROPERTY TO BROKEN HILL CITY COUNCIL</b> 15/103</p> <p><u>Resolved:</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 38/19 dated March 25, 2019, be received.</li> <li>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 &amp; 5 in DP 943631 from Water NSW to Broken Hill City Council.</li> </ol> <p><b>RESOLUTION</b></p> <p>Minute No. 46042</p> <p>Councillor M. Browne moved )</p> <p>Councillor C. Adams seconded )</p> <p style="text-align: right;">CARRIED</p> <p>16 Jul 2019 - 2:59 PM - Leisa Bartlett</p> <p><b>Signed transfer documents sent to Council's solicitor.</b></p> <p>12 Jun 2019 - 10:52 AM - Georgina Falkner</p> <p>Documents being signed</p> <p>17 May 2019 - 11:06 AM - Leisa Bartlett</p> <p>Deed of Transfer documents being arranged.</p> <p>16 May 2019 - 4:07 PM - Leisa Bartlett</p> <p>Documents being finalised with Council's solicitor</p>		
Ordinary Meeting of the Council 27 March 2019	False	Confidential Matters
<p><b>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</b> T18/8</p> <p><b>(General Manager's Note:</b> 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><b>RESOLUTION</b></p> <p>Minute No. 46043</p> <p>Councillor T. Kennedy moved )</p> <p>Councillor M. Browne seconded )</p> <ol style="list-style-type: none"> <li>1. That the confidential matter be considered in open session.</li> <li>2. That Broken Hill City Council Report No. 37/19 dated February 25, 2019, be received.</li> <li>3. That Council awards the Tender T18/8 to Arthur Robinson Plumbing for a lump sum of \$157,178.60 inc. GST</li> <li>4. That Council enters into a works Contract with Arthur Robinson Plumbing</li> </ol> <p style="text-align: right;">CARRIED</p> <p>17 Jul 2019 - 3:37 PM - Leisa Bartlett</p> <p>COO advised: New tank built and completed. Refill piping has been identified as non-compliant and needs rectification work. Progressing.</p>		

Page 6 of 19



Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>14 Jun 2019 - 3:03 PM - Leisa Bartlett</p> <p>COO advised: Contractor engaged, work has commenced and is approx. 75% complete. New tank is being reinforced and prepared for concrete.</p> <p>17 May 2019 - 9:26 AM - Leisa Bartlett</p> <p>COO advised: Contract to be finalised next week. Start date to be advised.</p> <p>05 Apr 2019 - 10:32 AM - Lacey Butcher</p> <p>Tender award being developed. Project due to commence mid June 2019</p>		
Ordinary Meeting of the Council 17 April 2019	False	Reports
<p><b>ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 43/19 - DATED APRIL 04, 2019 - PROPOSAL TO RENAME AIRPORT ROAD TO PRO HART WAY</b> 19/32</p> <p><u>Resolved</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 43/19 dated April 4, 2019, be received.</li> <li>2. That Council endorse that a formal application be submitted to the NSW Geographical Name Board to rename Airport Road to Pro Hart Way.</li> </ol> <div> <div> <p><b>RESOLUTION</b></p> <p>Minute No. 46050</p> <p>Councillor M. Clark moved )</p> <p>Councillor C. Adams seconded )</p> </div> <div>CARRIED UNANIMOUSLY</div> </div> <p>17 Jul 2019 - 3:41 PM - Leisa Bartlett</p> <p>COO advised: Waiting on art work from Hart family prior to ordering of signs.</p> <p>14 Jun 2019 - 3:09 PM - Leisa Bartlett</p> <p>COO advised: awaiting feedback from Traffic Committee then signs will be ordered.</p> <p>17 May 2019 - 10:25 AM - Leisa Bartlett</p> <p>COO advised: seeking approval from family for design of signage then signs will be installed.</p>		
Ordinary Meeting of the Council 17 April 2019	False	Reports
<p><b>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</b> 11/307</p> <p><u>Resolved</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 46/19 dated, be received.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>5. That the General Manager be authorised to implement the suspension and advertising processes on final advice of Barrier Local Area Command.</li> <li>6. That Barrier Local Area Command be advised of Council's decision.</li> </ol>		

Page 7 of 19

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p><b>RESOLUTION</b></p> <p>Minute No. 46053</p> <p>Councillor M. Browne moved )</p> <p>Councillor D. Gallagher seconded )</p> <p><b>CARRIED</b></p> <p><b>17 Jul 2019 - 3:42 PM - Leisa Bartlett</b></p> <p><b>COO advised: Alcohol Free Zone has been suspended in principle. Looking to advertise in August.</b></p> <p>14 Jun 2019 - 4:31 PM - Leisa Bartlett</p> <p>Action reassigned to Anthony Misagh by: Leisa Bartlett</p> <p>14 Jun 2019 - 4:30 PM - Leisa Bartlett</p> <p>no change in status to date</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>		
Ordinary Meeting of the Council 29 May 2019	False	Reports
<p><b>ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 63/19 - DATED APRIL 08, 2019 - RE-ESTABLISHMENT OF CENTRAL BUSINESS DISTRICT ALCOHOL-FREE ZONE</b> 11/307</p> <p><u>Resolved</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 63/19 dated April 8, 2019, be received.</li> <li>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.</li> <li>3. That the necessary signage be installed showing operation of the zone from 25 June 2019 to 25 June 2023.</li> <li>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.</li> <li>5. That Council thank the Broken Hill Police for its ongoing support of alcohol-free zones in Broken Hill.</li> </ol> <p><b>RESOLUTION</b></p> <p>Minute No. 46072</p> <p>Councillor B. Algate moved )</p> <p>Councillor B. Licul seconded )</p> <p><b>CARRIED</b></p> <p><b>17 Jul 2019 - 3:43 PM - Leisa Bartlett</b></p> <p><b>COO advised: new signs have been ordered. Waiting on installation.</b></p> <p>14 Jun 2019 - 4:33 PM - Leisa Bartlett</p> <p>Action reassigned to Anthony Misagh by: Leisa Bartlett</p> <p>14 Jun 2019 - 4:32 PM - Leisa Bartlett</p> <p>Will be implemented when falls due.</p>		
Ordinary Meeting of the Council 29 May 2019	False	Confidential Matters
<p><b>ITEM 23 - 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</b> 11/63</p> <p><b>(General Manager's Note:</b> 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</p>		

Page 8 of 19



Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).		
<u>Resolved</u>		
<div>1. That Broken Hill City Council Report No. 76/19 dated November 27, 2018, be received.</div> <div>2. That Council (as Trust Managers for the Willyama Common Trust) consent to the proposed licence to John and Leanne Ray for the keeping of horses on the Willyama Common, being Lot 1 DP 914814 and part Lot 7388 DP 1200953.</div> <div>3. That the licence include the following conditions as provided by the Broken Hill Aboriginal Land Council:<div>a) Any improvements being of a temporary nature to be removed if required when the licence is terminated</div><div>b) The licence agreement containing a provision that it may be terminated in the event Aboriginal Land Claims 40396 and/or 43660 are determined as grants by the Crown Lands Minister</div><div>c) The Aboriginal Cultural &amp; heritage protection provisions of the <i>National Parks &amp; Wildlife Act 1974</i> being complied with;</div><div>d) If any section of land is proposed to be cleared by the operation of machinery, then that particular section of land will require further cultural surveys prior to commencement of works; and</div><div>e) No other stock is to be kept on the land other than those listed on the licence application.</div></div> <div>4. That the licence is subject to compliance with the <i>Native Title Act 1993</i> and the Aboriginal Cultural Heritage provisions of the <i>National Parks &amp; Wildlife Act 1974</i>.</div> <div>5. That the initial licence term be for four years, with the annual rental to be an estimated \$5,768.16 (including GST and subject to any CPI adjustments).</div> <div>6. That the licensee be responsible for any legal fees incurred in the drafting of the licence documents.</div> <div>7. That the Mayor and General Manager be authorised to sign and execute the licence documents under the Common Seal of Council, in absence of a Trust Seal.</div>		
<div><div><div>RESOLUTION</div><div>Minute No. 46083</div><div>Councillor C. Adams moved )</div><div>Councillor D. Gallagher seconded )</div></div><div></div></div>		
<div>04 Jul 2019 - 1:59 PM - Leisa Bartlett</div> <div>Solicitor finalising licence documents.</div> <div>12 Jun 2019 - 10:52 AM - Georgina Falkner</div> <div>Documents being drafted by Council's solicitor</div>		
Ordinary Meeting of the Council 29 May 2019	False	Confidential Matters
<div>ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 77/19 - DATED DECEMBER 17, 2018 - FAR WEST HACC TRANSFER OF NORTH MINE HALL LEASE TO LIVEBETTER SERVICES - <b>CONFIDENTIAL</b>11/121</div> <div>(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).</div>		
<u>Resolved</u>		
<div>1. That Broken Hill City Council Report No. 77/19 dated December 17, 2018, be received.</div> <div>2. That Council consent to the proposed transfer of lease, with the current lease for the North Mine Hall to be transferred from Far West HACC Services to Livebetter Services Limited.</div> <div>3. That the terms and conditions of the current lease agreement remain the same, including the rent of \$1 per year.</div> <div>4. That Livebetter Services Limited are responsible for any legal fees incurred by Council.</div>		

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>5. That the Mayor and General Manager be authorised to sign the transfer of lease documents under the Common Seal of Council.</p>		
<p><b>RESOLUTION</b></p> <p>Minute No. 46084</p> <p>Councillor B. Licul moved )</p> <p>Councillor B. Algate seconded )</p>		
		CARRIED
<p>04 Jul 2019 - 1:54 PM - Leisa Bartlett</p> <p>Transfer documents with Livebetter for execution.</p> <p>12 Jun 2019 - 10:52 AM - Georgina Falkner</p> <p>Transfer documents being finalised</p>		
Ordinary Meeting of the Council 29 May 2019	False	Confidential Matters
<p><b>ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 78/19 - DATED APRIL 09, 2019 - PROPOSED ACCESS LICENCE THROUGH PART OF THE WILLYAMA COMMON - CONFIDENTIAL</b> 11/63</p> <p><b>(General Manager's Note:</b> 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).</p> <p><u>Resolved</u></p>		
<p>1. That Broken Hill City Council Report No. 78/19 dated April 9, 2019, be received.</p> <p>2. That Council (as Trust Managers for the Willyama Common Trust) consent to the issue of an access licence to P S &amp; D K Weston across the Willyama Common (Lot 4 in Deposited Plan 1220372), to formalise access to the property located at Lot 5547 in Deposited Plan 757298.</p> <p>3. That a temporary license agreement be issued for 12 months, for a rental of \$1.</p> <p>4. That should the Weston's still own the property at the license expiry date and require continued access, that the license be renewed accordingly.</p> <p>5. That in the absence of a Trust Seal, the Mayor and General Manager be authorised to sign and execute any documents relating to the license under the Common Seal of Council.</p>		
<p><b>RESOLUTION</b></p> <p>Minute No. 46085</p> <p>Councillor B. Algate moved )</p> <p>Councillor C. Adams seconded )</p>		
		CARRIED
<p>04 Jul 2019 - 1:54 PM - Leisa Bartlett</p> <p>Licence with applicant for signature.</p> <p>12 Jun 2019 - 10:53 AM - Georgina Falkner</p> <p>Draft licence in process of being finalised</p>		
Ordinary Meeting of the Council 29 May 2019	False	Confidential Matters
<p><b>ITEM 22 - 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</b> 11/232</p> <p><b>(General Manager's Note:</b> 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><u>Resolved</u></p>		
<p>1. That Broken Hill City Council Report No. 79/19 dated April 24, 2019, be received.</p> <p>2. That Council renew the current lease at the Broken Hill Airport to the Aero Club of Broken Hill, exercising the renewal option for a further five (5) years.</p>		

Page 10 of 19

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>3. That the Aero Club of Broken Hill be responsible for any legal fees associated with the lease renewal.</p> <p>4. That the Mayor and General Manager be authorised to sign and execute any documents relating to the lease renewal under the Common Seal of Council.</p> <p><b>RESOLUTION</b> Minute No. 46086 Councillor C. Adams moved ) Councillor J. Nolan seconded )</p> <p><b>CARRIED</b></p> <p><b>04 Jul 2019 - 1:55 PM - Leisa Bartlett</b></p> <p><b>Lease documents with the Aero Club for signature.</b></p> <p>12 Jun 2019 - 10:53 AM - Georgina Falkner</p> <p>Renewal documents being drafted by Council's solicitors.</p>		
Ordinary Meeting of the Council 29 May 2019	False	Confidential Matters
<p><b>ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 82/19 - DATED MAY 22, 2019 - VARIATION OF LEASE - 72-74 GYPSUM STREET TO LIVEBETTER SERVICES PTY LTD - <b>CONFIDENTIAL</b></b> 11/121</p> <p><b>(General Manager's Note:</b> 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><u>Resolved</u></p> <p>1. That Broken Hill City Council Report No. 82/19 dated May 22, 2019, be received.</p> <p>2. That Council consent to the variation in rental for 72-74 Gypsum Street, with the new annual lease amount being \$137,500 for a period of two years.</p> <p>3. That the Mayor and General Manager be authorised to sign and execute any documents relating to the lease variation under the Common Seal of Council.</p> <p><b>RESOLUTION</b> Minute No. 46087 Councillor C. Adams moved ) Councillor J. Nolan seconded )</p> <p><b>CARRIED</b></p> <p><b>04 Jul 2019 - 1:55 PM - Leisa Bartlett</b></p> <p><b>Lease documents still being drafted with Solicitor.</b></p> <p>12 Jun 2019 - 10:53 AM - Georgina Falkner</p> <p>Draft variation documents being prepared by Council's solicitors.</p>		
Ordinary Meeting of the Council 26 June 2019	False	Mayoral Minute
<p><b>ITEM 1 - MAYORAL MINUTE NO. 1/19 - DATED JUNE 21, 2019 - RAMSAR LISTING - MENINDEE LAKES</b> 11/501</p> <p><b>RESOLUTION</b> Minute No. 46092 Councillor D. Turley moved ) Councillor J. Nolan seconded )</p> <p>1. That Mayoral Minute No. 1/19 dated June 21, 2019, be received.</p> <p>2. That Broken Hill City Council support the proposal for Menindee Lakes to become a RAMSAR Site.</p> <p><b>CARRIED</b></p> <p><b>04 Jul 2019 - 3:33 PM - Leisa Bartlett</b></p>		

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Council resolution forwarded to the Far West Joint Organisation on 28/6/19. COMPLETE		
Ordinary Meeting of the Council 26 June 2019	False	Reports
<b>ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 83/19 - DATED JUNE 13, 2019 - CORRESPONDENCE REPORT - NATIONAL DISABILITY INSURANCE SCHEME (NDIS)</b>		
		11/490
<b>RESOLUTION</b> Minute No. 46049 Councillor T. Kennedy moved ) Councillor C. Adams seconded )		
		1. That Broken Hill City Council Report No. 83/19 dated June 13, 2019, be received.  2. That reply correspondence (undated) received from the National Disability Insurance Agency on behalf of the former Minister for Families and Social Services, the Hon Paul Fletcher MP, be received.  3. That reply correspondence dated 2 May 2019 from the Hon Mark Coulton MP, Federal Member for Parkes, be received.  4. That reply correspondence dated 16 May 2019 from the Department of Social Services, be received.  5. That, as the correspondence received advised that the government was at the time in care-taker mode, Council re-sends correspondence to the newly elected Ministers which outlines that there are now a number of organisations in Broken Hill that are in a desperate financial position due to the impact of the introduction of the NDIS, and that the matter requires urgent attention.
		CARRIED UNANIMOUSLY
04 Jul 2019 - 3:35 PM - Leisa Bartlett		
letters to this effect sent to the State and Federal Members and the newly elected State and Federal Ministers in June 2019. COMPLETE		
Ordinary Meeting of the Council 26 June 2019	False	Reports
<b>ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 84/19 - DATED MAY 10, 2019 - ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 14-16 OCTOBER 2019</b>		
		11/364
<b>RESOLUTION</b> Minute No. 46095 Councillor M. Browne moved ) Councillor C. Adams seconded )		
		1. That Broken Hill City Council Report No. 84/19 dated May 10, 2019, be received.  2. That registration and travel arrangements be made for three Councillors (to be the Mayor, Deputy Mayor and one other Councillor) to attend the Local Government NSW Conference to be held in Warrick Farm, October 14-16, 2019.  3. That any additional Councillors wishing to attend the conference are required to advise their interest to the General Manager.  4. That Council's Mayor and Deputy Mayor be Council's voting delegates to the Conference and

Page 12 of 19

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
		Council advises Local Government NSW by 20 September 2019.
		5. That Council determine motions to the NSW Local Government Annual Conference in line with the criteria prior to the closing date of 19 August 2019.
		CARRIED
04 Jul 2019 - 3:36 PM - Leisa Bartlett		
Travel arrangements being made. Email sent to Councillors to nominate to attend by 15 July. As no motions for the conference were endorsed by Council at the June Council Meeting, a report will be presented to the July Council Meeting calling for motions.		
COMPLETE		
Ordinary Meeting of the Council 26 June 2019	False	Reports
<u>ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 85/19 - DATED MAY 15, 2019 - ADOPTION OF THE 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</u>		
17/206		
.		
RESOLUTION		
Minute No. 46096		
Councillor M. Browne moved	)	1. That Broken Hill City Council Report No. 85/19 dated May 15, 2019, be received.
Councillor M. Clark seconded	)	2. That Council note and acknowledge submissions made during the public exhibition period.
		3. That Council adopts 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 with an amendment to the Schedule of Fees and Charges 2019/2020: - item 7-20 increase free parking from 2 hours to 3 hours. - item 7-21 to be removed.
		4. That Council make and levy the following rates and charges under the Local Government Act 1993 for the 2019/2020 year.
		i. A general residential rate under Sections 535 and 537 on all land categorised as residential and consisting of a 49.00% base rate of \$517.00 and a rate in the dollar on land value of 2.640144 cents;
		ii. A rural-residential rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as rural-residential and consisting of a 49.00% base rate of \$495.00 and a rate in the dollar on land value of 0.572504 cents;
		iii. A residential-1(a) rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as residential-1(a) and

Page 13 of 19

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
		consisting of a 49.00% base rate of \$432.00 and a rate in the dollar on land value of 1.734237 cents;
	iv.	A general farmland rate under Sections 535 and 537 on all land categorised as farmland and consisting of a 30.00% base rate of \$1,111.00 and a rate in the dollar on land value of 2.079085 cents;
	v.	A general business rate under Sections 535 and 537 on all land categorised as business and consisting of a 15.00% base rate of \$876 and a rate in the dollar on land value of 7.722858 cents;
	vi.	A mixed development business rate under Sections 535 and 537 on all land categorised as mixed development business and consisting of a 23.00% base rate of \$853 and a rate in the dollar on land value of 7.722858 cents;
	vii.	A mixed development residual rate under Sections 535 and 537 on all land categorised as mixed development residual and consisting of a 38.00% base rate of \$501.00 and a rate in the dollar on land value of 2.640144 cents;
	viii.	A general mine rate under Sections 535 and 537 on all land categorised as mining and consisting of a nil base rate and a rate in the dollar on land value of 10.285905 cents;
	ix.	A domestic waste management charge under Section 496 on each parcel of rateable residential land of \$47.00 per annum payable quarterly for domestic waste service available plus a user charge under Section 502 of \$273.00 per annum payable quarterly (one mobile garbage container only).
	x.	A commercial waste user charge under Section 502 of \$406.00 per annum payable quarterly (3 x MGB containers),
	xi.	A commercial waste user charge under Section 502 of \$373.00 per annum payable quarterly (1x600l bin only),
	xii.	An additional MGB service user charge under Section 502 of \$144.00 per annum payable quarterly.
	xiii.	That in accordance with Section 566(3) of the Local Government Act, 1993, Council adopts an 7.5% rate of interest charge payable on overdue rates and charges during the 2019/20 financial year.
	5.	That Council acknowledge and endorse the need to rationalise underperforming Council-owned assets.



Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>6. That Council endorse a review of asset service levels and utilisations to inform an Asset Rationalisation Strategy, which will be implemented to ensure asset levels are commensurate with community needs.</p> <p>CARRIED</p> <p><i>04 Jul 2019 - 1:39 PM - Leisa Bartlett</i></p> <p>Delivery Program, Operational Plan and Fees &amp; Charges adopted and placed on Council's website and staff notified. COMPLETE</p>		
Ordinary Meeting of the Council 26 June 2019	False	Reports
<p><b>ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 86/19 - DATED JUNE 18, 2019 - ADOPTION OF DRAFT LONG TERM FINANCIAL PLAN 2020-2024</b> 18/194</p> <p><u>Resolved</u></p> <p>1. That Broken Hill City Council Report No. 86/19 dated June 18, 2019, be received.</p> <p>2. That Council adopts the Draft Long Term Financial Plan 2020-2029 as a Plan of Council.</p> <p><b>RESOLUTION</b></p> <p>Minute No. 46097</p> <p>Councillor M. Browne moved )</p> <p>Councillor M. Clark seconded )</p> <p>CARRIED UNANIMOUSLY</p> <p><i>04 Jul 2019 - 1:40 PM - Leisa Bartlett</i></p> <p>Long Term Financial Plan adopted and placed on Council's website. COMPLETE</p>		
Ordinary Meeting of the Council 26 June 2019	False	Reports
<p><b>ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 87/19 - DATED APRIL 18, 2019 - ADOPTION OF DRAFT SUSTAINABILITY STRATEGY 2018-2023</b> 18/41</p> <p><u>Resolved</u></p> <p>1. That Broken Hill City Council Report No. 87/19 dated April 18, 2019, be received.</p> <p>2. That Council adopts the draft Sustainability Strategy 2018–2023 as a Strategy of Council.</p> <p><b>RESOLUTION</b></p> <p>Minute No. 46098</p> <p>Councillor J. Nolan moved )</p> <p>Councillor C. Adams seconded )</p> <p>CARRIED UNANIMOUSLY</p> <p><i>01 Jul 2019 - 2:37 PM - Leisa Bartlett</i></p> <p>Sustainability Strategy placed on Council's website and staff advised of new Strategy. COMPLETE</p>		
Ordinary Meeting of the Council 26 June 2019	False	Reports
<p><b>ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 88/19 - DATED JUNE 14, 2019 - BROKEN HILL ACTIVE TRANSPORT PLAN</b> 11/318</p> <p><u>Resolved</u></p> <p>1. That Broken Hill City Council Report No. 88/19 dated June 14, 2019, be received.</p> <p>2. That Council adopts the Broken Hill Active Transport Plan as a Sub-Plan to Council's adopted Asset Management Plans and the recommended priorities within this report are considered for planning purposes and</p>		

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
development of a ten-year delivery program.		
<b>RESOLUTION</b> Minute No. 46099 Councillor M. Browne moved ) Councillor M. Clark seconded )		
CARRIED UNANIMOUSLY		
<b>17 Jul 2019 - 2:37 PM - Leisa Bartlett</b> Broken Hill Active Transport Plan adopted. <b>COMPLETE</b>		
Ordinary Meeting of the Council 26 June 2019	False	Reports
<b>ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 90/19 - DATED JUNE 03, 2019 - DRAFT CODE OF PRACTICE CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM PROGRAMME POLICY</b> 12/14		
<u>Resolved</u>		
1. That Broken Hill City Council Report No. 90/19 dated June 3, 2019, be received. 2. That Council endorse the draft Code of Practice Closed Circuit Television (CCTV) Programme Policy for the purpose of public exhibition. 3. That the draft Code of Practice Closed Circuit Television (CCTV) Programme Policy be exhibited for public comment for a 28 day period. 4. That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the draft Code of Practice Closed Circuit Television (CCTV) Programme Policy.		
<b>RESOLUTION</b> Minute No. 46101 Councillor M. Browne moved ) Councillor M. Clark seconded )		
CARRIED UNANIMOUSLY		
<b>01 Jul 2019 - 2:39 PM - Leisa Bartlett</b> Draft Policy has been placed on public display from 29 June to 26 July 2019. A further report will be presented to the August Council Meeting. <b>COMPLETE</b>		
Ordinary Meeting of the Council 26 June 2019	False	Reports
<b>ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 91/19 - DATED MAY 22, 2019 - CATEGORISATION OF COUNCIL MANAGED CROWN RESERVES UNDER THE CROWN LAND MANAGEMENT ACT 2016</b> 18/144		
<u>Resolved</u>		
1. That Broken Hill City Council Report No. 91/19 dated May 22, 2019, be received. 2. That Council request approval from the Minister for Water, Property and Housing of the attached proposed initial categorisations for Council managed Crown Reserves under the <i>Crown Land Management Act 2016</i> . 3. That the General Manager be authorised to sign any required documents regarding the categorisation of Crown Reserves and notification to the Minister of assigned categorisation.		
<b>RESOLUTION</b> Minute No. 46102 Councillor C. Adams moved ) Councillor M. Browne seconded )		
CARRIED UNANIMOUSLY		
<b>04 Jul 2019 - 1:56 PM - Leisa Bartlett</b> Categorisation notice signed by Council and lodged with Crown Lands. <b>COMPLETE</b>		



Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 26 June 2019	False	Reports
<b>ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 92/19 - DATED JUNE 17, 2019 - MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 9 MAY 2019</b>		
		13/19
<b>RESOLUTION</b> Minute No. 46105 Councillor B. Licul moved ) Councillor M. Clark seconded )		
		1. That Broken Hill City Council Report No. 92/19 dated June 17, 2019, be received.  2. That minutes of the Audit, Risk and Improvement Committee Meeting held 9 May 2019 be received.  3. That Council adopts the following amendments to the Audit, Risk and Improvement Committee Charter:  a) Page 2 – Attendees (non-voting) – add Executive Leadership Team and Corporate Risk Officer.  b) Page 4 – External Audit – delete item 2.  c) Page 6 – Review of the Audit, Risk and Improvement Committee Charter – add the words “Risk and Improvement”: to line 1.
		CARRIED
01 Jul 2019 - 2:40 PM - Leisa Bartlett The Charter of the Audit, Risk & Improvement Committee has been amended and replaced on the HUB for Committee Members to view. <b>COMPLETE</b>		
Ordinary Meeting of the Council 26 June 2019	False	Committee Reports
<b>ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 98/19 - DATED JUNE 13, 2019 - MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE MEETING HELD 2 APRIL 2019</b>		
		16/8
<u>Resolved</u>		
1. That Broken Hill City Council Report No. 98/19 dated June 13, 2019, be received.  2. That minutes of the BIU Band Hall Community Committee Meeting held 2 April 2019 be received.  3. That Council accepts the resignation from Ms Kyla Vine as a community representative on the BIU Band Hall Community Committee.  4. That Council advertises to fill the vacant community representative positions on the BIU Band Hall Community Committee		
Minute No. 46109 Councillor B. Algate moved ) Councillor J. Nolan seconded )		That the recommendations of items 15 to 17 be adopted.

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>That Council sends correspondence of appreciation to Ms Kyla Vine for her service on the BIU Band Hall Community Committee.</p> <p>CARRIED UNANIMOUSLY</p> <p><i>04 Jul 2019 - 1:43 PM - Leisa Bartlett</i></p> <p>Vacancies in community representative positions advertised. Letter to Ms Vine emailed 4/7/19 COMPLETE</p>		
Ordinary Meeting of the Council 26 June 2019	False	Confidential Matters
<p><b>ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 99/19 - DATED JUNE 04, 2019 - WILLYAMA COMMON TRUST LICENCE TO BROKEN HILL PARKRUN - <u>CONFIDENTIAL</u></b> 11/63</p> <p><b>(General Manager's Note:</b> This report considers a 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).</p> <p><u>Resolved</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 99/19 dated June 4, 2019, be received.</li> <li>2. That Council (as Trust Managers for the Willyama Common Trust) approve a licence to Broken Hill Parkrun for use of the Willyama Common (Lot 7388 in DP 1200953) for a weekly fun run event.</li> <li>3. That the licence be for twelve (12) months, and the annual rental to be \$1.00.</li> <li>4. That the licence is to be renewed on an ongoing annual basis, provided Broken Hill Parkrun comply with the conditions of the licence and the licence agreement continues to be suitable for both Council and Broken Hill Parkrun.</li> <li>5. That the Mayor and General Manager be authorised to sign the licence agreement under the Common Seal of Council, in the absence of a Trust Seal.</li> </ol> <p><b>RESOLUTION</b></p> <p>Minute No. 46111</p> <p>Councillor C. Adams moved )</p> <p>Councillor B. Algate seconded )</p> <p>CARRIED UNANIMOUSLY</p> <p><i>16 Jul 2019 - 2:52 PM - Leisa Bartlett</i></p> <p>Licence signed by all. COMPLETE</p>		
Ordinary Meeting of the Council 26 June 2019	False	Confidential Matters
<p><b>ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 100/19 - DATED JUNE 13, 2019 - WRITE OFF BAD DEBTS - INLAND NSW REGIONAL TOURISM ORGANISATION INCORPORATED &amp; ENERGETICA PTY LTD - <u>CONFIDENTIAL</u></b> 11/33</p> <p><b>(General Manager's Note:</b> This report is deemed confidential under Section 10A(2) (b) of the Local Government Act, 1993 which contains matters that will involve the discussion of the personal hardship of any resident or rate payer).</p> <p><u>Resolved</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 100/19 dated June 13, 2019, be received.</li> <li>2. That Council approve the write off of the debt relating to Inland NSW Regional Tourism Organisation Incorporated (Debtor: 3233.01) for the amount of \$23,240.61</li> <li>3. That Council approve the write off of the debt relating to Energetica PTY LTD (Debtor: 5568.01) for the amount of \$5,861.27</li> </ol>		

Printed: Wednesday, 17 July 2019 4:46:00 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<b>RESOLUTION</b> Minute No. 46112 Councillor J. Nolan moved ) Councillor C. Adams seconded ) <b>CARRIED UNANIMOUSLY</b> 17 Jul 2019 - 4:02 PM - Leisa Bartlett CFO advised: all action taken to write-off bad debt. <b>COMPLETE</b>		
Ordinary Meeting of the Council 26 June 2019	False	Confidential Matters
<b>ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 105/19 - DATED JUNE 21, 2019 - REGIONAL EXPRESS PARTNERSHIP AGREEMENT - CONFIDENTIAL</b> 11/1 <b>(General Manager's Note:</b> This report considers a five year partnership agreement and is deemed confidential under Section 10A(2) (d) of the Local Government Act, 1993 which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret). <b>Resolved</b> 1. That Broken Hill City Council Report No. 105/19 dated June 21, 2019, be received. 2. That Broken Hill City Council enters into a partnership with Reginal Express Airlines under the commercial terms outlined in the below report. 3. That Council note the below agreement will secure enhance air travel to and from Broken Hill for the next five years. <b>RESOLUTION</b> Minute No. 46113 Councillor M. Browne moved ) Councillor C. Adams seconded ) <b>CARRIED UNANIMOUSLY</b> 17 Jul 2019 - 4:03 PM - Leisa Bartlett CFO advised: new partnership agreement in place. <b>COMPLETE</b>		

ACTION LIST - EXTRAORDINARY COUNCIL MEETINGS

Printed: Thursday, 18 July 2019 1:42:21 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Extraordinary Meeting of the Council 24 January 2019	False	Confidential Matters
<p><b>ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 2/19 - DATED DECEMBER 20, 2018 - TENDER RIDDIFORD ARBORETUM SCULPTURES SYMPOSIUM - T18/7 - CONFIDENTIAL</b></p> <p><b>(General Manager's Note:</b> 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"> <li>1. That Broken Hill City Council Report No. 2/19 dated December 20, 2018, be received.</li> <li>2. That Riddiford Arboretum Sculpture Symposium Tender T18/7 be awarded to Robbie Rowlands.</li> <li>3. That Council execute the contract documents as appropriate and affix Council's Seal if required.</li> </ol> <p>Minute No. 45996 Councillor C. Adams moved ) Councillor M. Clark seconded )</p> <p><b>18 Jul 2019 - 1:42 PM - Leisa Bartlett</b> Community consultation is continuing with a number of companies and TAFE coming on to support the construction. Plans expected to be revealed in September.</p> <p><b>14 Jun 2019 - 4:57 PM - Leisa Bartlett</b> Last status still current</p> <p><b>17 May 2019 - 4:24 PM - Leisa Bartlett</b> 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><b>15 Mar 2019 - 11:14 AM - Leisa Bartlett</b> Robbie Rowlands will be in Broken Hill on 1 March 2019 to conduct first community consultation meeting.</p> <p><b>08 Feb 2019 - 11:06 AM - Leisa Bartlett</b> Successful applicant advised of Council approval.</p>		
		CARRIED

## **COMMITTEE REPORTS**

1. BROKEN HILL CITY COUNCIL REPORT NO. 119/19 - DATED MARCH 01, 2019 - MEMBERSHIP OF THE COMMUNITY STRATEGIC PLAN ROUND TABLE ADVISORY COMMITTEE (13/145) .....202
2. BROKEN HILL CITY COUNCIL REPORT NO. 120/19 - DATED JUNE 21, 2019 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD JUNE 18, 2019 (12/51).....204
3. BROKEN HILL CITY COUNCIL REPORT NO. 121/19 - DATED JULY 15, 2019 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 2 JULY 2019 (12/52).....207

## ORDINARY MEETING OF THE COUNCIL

March 1, 2019

**ITEM 1**BROKEN HILL CITY COUNCIL REPORT NO. 119/19

SUBJECT: MEMBERSHIP OF THE COMMUNITY STRATEGIC PLAN ROUND  
TABLE ADVISORY COMMITTEE 13/145

**Recommendation**

1. That Broken Hill City Council Report No. 119/19 dated March 1, 2019, be received.
2. That the Constitution of the Community Strategic Plan Round Table Advisory Committee be amended to include a representative from the Broken Hill Local Aboriginal Land Council and NSW Primary Health Network; and that Council sends correspondence to the Broken Hill Local Aboriginal Land Council and NSW Primary Health Network accordingly.

**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 Community 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.

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
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils, or
- (e) 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:

This report is presented to Council to consider the nomination and the inclusion of the Broken Hill Local Aboriginal Land Council and NSW Primary Health Network to the Community Strategic Plan Round Table.

The current Structure and Membership of Community Strategic Plan Round Table consist of 15 members as follows:

- The Mayor, Broken Hill City Council (Chairperson)
- The General Manager, Broken Hill City Council
- Key Direction Portfolio Councillors
- A representative of the Local Area Command
- A representative of the Far West Regional Health Service
- A representative of the Department of Education
- A representative of the Department of Family and Community Services
- A representative of the Local Aboriginal Community Working Party
- A representative of the Regional Development Australia – Far West
- A representative of the Chamber of Commerce
- A representative of the Foundation Broken Hill
- Four (4) Community Representatives, with previous governance experience and a demonstrated interest in issues associated with the implementation of the Community Strategic Plan.

If the recommendation is accepted by Council the Constitution of the Community Strategic Plan Round Table Advisory Committee will be required to be amended to include a representative from Broken Hill Local Aboriginal Land Council and NSW Primary Health Network.

### Strategic Direction:

Key Direction:	1	Our Community
Objective:	1.2	Our community works together
Strategy:	1.2.4	Engage with key community sectors via Community Round Table

### Relevant Legislation:

Section 355 of the *Local Government Act 1993*  
Council's adopted S355 Asset Committee Framework and Constitutions.

### Financial Implications:

There are no financial implications.

### Attachments

There are no attachments for this report

JAMES RONCON  
GENERAL MANAGER

## ORDINARY MEETING OF THE COUNCIL

June 21, 2019

**ITEM 2****BROKEN HILL CITY COUNCIL REPORT NO. 120/19**

**SUBJECT:** MINUTES OF THE FLORA AND FAUNA OF THE BARRIER  
RANGES COMMUNITY COMMITTEE MEETINGS HELD JUNE 18,  
2019 12/51

**Recommendation**

1. That Broken Hill City Council Report No. 120/19 dated June 21, 2019, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held June 18, 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 June 18, 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 June 18, 2019 for Council's endorsement.

**Strategic Direction:**

Key Direction:	1	Our Community
Objective:	1.4	Our built environment supports our quality of life
Strategy:	1.4.2	Maintain the serviceability of Council's assets at an appropriate condition level

**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  
[↓](#) RANGES COMMUNITY COMMITTEE - JUNE 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 19 JUNE 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, Paul Reed, Ray Allen, Geoffrey Hoare, Rosaline Molesworth, David Spielvogel, Jill Spielvogel, Gaylene Ford, Sue Spangler (BHCC) and Darrell Ford (BHCC).  
**Apologies:** Marren Coombe, Councillor Marion Browne, Evan Scott, Ronald Tumes, Sandra Havran, Jamie Scott, Michael Ford, Nevada Ford, Alison Gander, Emily Scott, Dean Fletcher and Lyn Campigli.
2. **Non-Attendance:**
3. **Confirmation of Minutes of Previous Meeting:**  
**Previous minutes:** 16 May 2019  
**Moved:** Kellie Scott  
**Seconded:** Ray Allen
4. **Business arising from Previous Minutes:** Nil
5. **Correspondence:**  
Resignation received from Sandra Harvan due to work commitments. Position filled by Merran Coombe.
6. **Update on Action List Items:**
  - 6.1 Working Bee –  
Saturday, 29 June 2019 at 9am – meet at the Sundown Walking Track.
  - 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, 27 April 2019.
  - 7.2 Starview Primitive Campsite  
Campsite is still going along well, new gate at entrance is in progress.
  - 7.3 Rain  
There has been 11mm of rain at the Desert over the past month.
  - 7.4 Opening/Closing  
Reminder to Committee members when opening/closing the Desert, please do not put the lock in the lock position at night as the gate will open and stay open.
  - 7.5 MLC Girls  
MLC Girls are back and doing tours.
  - 7.6 Art Class  
An art class from Adelaide did a tour and some art work at the Desert.

**8. Rosters:**

June 2019

- 29 – 30/6 Jeff Crase and Merran Coombe

July 2019

- 6 – 7/7 Sue Spangler (BHCC)
- 13 – 14/7 Darrell Ford (BHCC)
- 20 – 21/7 Ann Evers
- 27 – 28/7 Sue Spangler (BHCC)

August 2019

- 3 – 4/8 Darrell Ford (BHCC)
- 10 – 11/8 Jill and Dave Spielvogel
- 17 – 18/8 Sue Spangler (BHCC)
- 24 – 25/8 Darrell Ford (BHCC)
- 31/8 – 1/9 Gaylene, Michael and Nevada Ford

September 2019

- 7 – 8/9 Sue Spangler (BHCC)
- 14 – 15/9 Darrell Ford (BHCC)

**9. General Business:**

9.1 Working bee

Saturday, 29 June 2019 at 9am – meet at the Sundown Walking Track.

9.2 Works

Putting up bus shade shelter and cleaning area.

**Action List:**

ACTION	WHO
<b>1 Working Bee –</b> Saturday, 27 April 2019 at 9am – 'meet up the top'	<b>Committee</b>
<b>2 Identification Cards - As required</b>	<b>Customer Relations</b>
<b>3 Cold Set – bitumen pouring over crushed paths - pending</b>	<b>D Ford - Ranger</b>

**Next Meeting:** Tuesday, 16 July 2019 – Council Chamber – 4pm (ACDT)

**10. Meeting Closed:** 4.25 pm

## ORDINARY MEETING OF THE COUNCIL

July 15, 2019

**ITEM 3**BROKEN HILL CITY COUNCIL REPORT NO. 121/19

SUBJECT: MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE  
MEETING HELD 2 JULY 2019 12/52

**Recommendation**

1. That Broken Hill City Council Report No. 121/19 dated July 15, 2019, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 2 July 2019 be received.

**Executive Summary:**

Council has received minutes from the Memorial Oval Community Committee Meeting held 2 July 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 2 July 2019 for Council's endorsement.

**Strategic Direction:**

Key Direction:	1	Our Community
Objective:	1.4	Our built environment supports our quality of life
Strategy:	1.4.2	Maintain the serviceability of Council's assets at an appropriate condition level

**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. [↓](#) Minutes of the Memorial Oval Community Committee Meeting 02/07/2019

ANTHONY MISAGH  
CHIEF OPERATIONS OFFICER

JAMES RONCON  
GENERAL MANAGER



## ORDINARY MEETING MINUTES TEMPLATE

### MEMORIAL OVAL COMMUNITY COMMITTEE MINUTES.

<b>Date</b>	<b>02/07/2019</b>	<b>Opened: 6.30pm</b>	<b>Closed: 7.00pm</b>
<b>Location:</b>	Show Office, Memorial Oval		
<b>Present:</b>	Bruce McIntosh, Dennis Cetinich, Tania Martyn, Chris May, Lane Ralph, Tony Camilleri, Alan Titcombe, John Ralph.		
<b>Absent</b>	Dave Gallagher, Rebecca McLaughlin, Jody Whitehair		

AGENDA	MOVED BY	SECONDED
<p><b>Welcome:</b> The Secretary John Ralph welcomed all attending Members to the Meeting.</p> <p><b>Apologies:</b> Ray Steer</p>	Tony Camilleri.	Tania Martyn.
<p><b>Ray Steer:</b> John Ralph was requested by Ray Steer to put the following to the Meeting:  <b>Trots:</b> BHHRC &amp; BHCFC to work together re training times.  <b>Coaches Boxes:</b> Rebecca to work with Darren Hurley, 1 box 2019, 1 box 2029.  <b>CBHFC:</b> Need to pay their account.  <b>BHCC:</b> Furniture in store to be used in the Secretary's Office. Check when front gates will be repaired.  <b>Pie Warmer:</b> Cost \$491.00, has been delivered to the Canteen.  <b>Market Day:</b> Sunday, 29<sup>th</sup> September 2019.</p> <p><b>Confirmation of Minutes from previous meeting held:</b> 02/06/2019</p>	Tania Martyn.	Chris May.
<p><b>Correspondence:</b>  <b>BHCC:</b> Front Gates will be repaired on 29/6/2019.            Alan Titcombe accepted on the MOCC Committee.            Australian Ballet have been given dates and times to</p>		



AGENDA	MOVED BY	SECONDED
use the Memorial Oval and the Living Desert for their Ballet Displays.	Tony Camilleri.	Chris May.
<b><u>Financial Report:</u></b> <b>Bank Balance: June 2019 \$26,643.38.</b> Debtors: CBHFC \$1,750.00. Dept of Defence \$620.00 Dog Clubs: \$195.00. BH. High: \$200.00.	Dennis Cetinich.	Chris May.
<b><u>BHHRC: Race Dates 2020.</u></b> February-1, 8, 15, 22, 29. March - 13, 21. April - 18, 26. May - 3. <b><u>Trials:</u></b> January - 5, 12, 19, 26. March - 8, 29.	Tony Camilleri.	Tania Martyn.
<b><u>General Business:</u></b> <b>Oval Improvements:</b> Look to do more improvements on the Oval whilst we have the Money. <b>Work Requests:</b> Toilet in ladies under Grand Stand is Loose. <b>Apologies:</b> Next Meeting Dennis Cetinich/ Rebecca McLaughlin.		
<b><u>Next Meeting:</u></b> Tuesday, 6th August 2019 at 6.30pm		

## **QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETINGS**

1. QUESTIONS ON NOTICE NO. 7/19 - DATED JULY 01, 2019 -  
COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE JUNE 2019  
COUNCIL MEETING (16/89).....212

## ORDINARY MEETING OF THE COUNCIL

July 1, 2019

**ITEM 1**QUESTIONS ON NOTICE NO. 7/19

SUBJECT: COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE JUNE  
2019 COUNCIL MEETING 16/89

**Summary**

The report provides responses to questions raised by Councillors during the June 2019 Council Meeting, which were taken on notice.

**Recommendation**

1. That Questions On Notice No. 7/19 dated July 1, 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 June 2019 Council Meeting.

Question:	<u>Library, Community Hub and Cultural Precinct</u> 16/89  <i>The General Manager took a question on notice from Councillor Clark as to whether there will be any further community engagement sessions carried out by Council and a presentation by the architects explaining aspects of the final design and answering questions regarding the Library, Community Hub and Cultural Precinct.</i>  <i>The General Manager will advise the dates of upcoming community engagement sessions.</i>
Response:	A meeting was held with Neeson Murcutt on 18/7/2019. During that meeting the week of August 19 was nominated for the architects to travel to the city to meet with the Project Steering Group and Project Control Group, and to give a public presentation at the Civic Centre to provide an update on the project and gather further feedback.

**Attachments**

There are no attachments for this report

JAMES RONCON  
GENERAL MANAGER



## **CLOSED**

### **Council Meeting to be held** **Wednesday, July 31, 2019**

1. **BROKEN HILL CITY COUNCIL REPORT NO. 122/19 - DATED JULY 23, 2019 - CODE OF CONDUCT NO BHC20190528 - CONFIDENTIAL**

**(General Manager's Note:** This report is deemed confidential under Section 10A(2) (i) of the Local Government Act, 1993 which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

2. **BROKEN HILL CITY COUNCIL REPORT NO. 123/19 - DATED JULY 23, 2019 - CODE OF CONDUCT NO BHC20190628 - CONFIDENTIAL**

**(General Manager's Note:** This report is deemed confidential under Section 10A(2) (i) of the Local Government Act, 1993 which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

3. **BROKEN HILL CITY COUNCIL REPORT NO. 124/19 - DATED JULY 08, 2019 - LICENCE OF PART MEMORIAL OVAL TO BROKEN HILL SOCCER ASSOCIATION - CONFIDENTIAL**

**(General Manager's Note:** This report considers a 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. 125/19 - DATED JULY 22, 2019 - LICENCE OF AIRPORT KIOSK AT THE BROKEN HILL AIRPORT - CONFIDENTIAL**

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

5. **BROKEN HILL CITY COUNCIL REPORT NO. 126/19 - DATED JULY 19, 2019 - SALE OF PART LOT 5893 DEPOSITED PLAN 241855 OTHERWISE KNOWN AS PART 51 BROMIDE STREET. - CONFIDENTIAL**

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