



BUSINESS PAPER

Works Committee Meeting

Council Chambers
13 February 2023

5.30pm

BROKEN HILL

CITY COUNCIL

**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**

MEMBERS OF THE WORKS COMMITTEE

Mayor Kennedy, Councillor Boland (Chairperson) Councillor Algate,
Councillor Chandler and Councillor Page

Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993*, that the Works Committee of the Broken Hill City Council will be held in the Council Chambers on **Monday 13 February 2023** commencing at **5:30pm** to consider the following business:

AGENDA	
1	Opening the Meeting
2	Apologies
3	Leave of Absence Applications
4	Prayer
5	Acknowledgement of Country
6	Acknowledgement of Broken Hill's Mining History
7	Minutes for Confirmation
8	Disclosure of Interest
9	Reports
10	Confidential Matters
11	Conclusion of the Meeting

STATEMENT OF ETHICAL OBLIGATIONS

All Councillors undertook an Oath or Affirmation at the beginning of their term of office and declared to undertake the duties of the office of Councillor in the best interests of the people of the Broken Hill Local Government Area and the City of Broken Hill; and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act to the best of their ability and judgment.

LIVE STREAMING OF COUNCIL MEETINGS

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.

JAY NANKIVELL
GENERAL MANAGER

MINUTES FOR CONFIRMATION

Minutes of the Works Committee of the City of Broken Hill held Monday, December 12, 2022.

**MINUTES OF THE WORKS COMMITTEE MEETING HELD
MONDAY, DECEMBER 12, 2022 (5:30PM)**

PRESENT:

Councillor T Kennedy (Mayor) Councillors M Boland (Chairperson),
B Algate, A Chandler and R Page.

Councillor M Browne

General Manager, Chief Financial Officer, Chief Assets and Project Officer,
Manager Communications and Marketing, and Executive Assistant.

Media -nil, Members of the Public - nil

APOLOGIES:

Nil

LEAVE OF ABSENCE APPLICATIONS: Nil

PRAYER

Mayor Kennedy delivered the Prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Chandler delivered the Acknowledgement of Country.

ACKNOWLEDGEMENT OF BROKEN HILL'S MINING HISTORY

Councillor Page delivered the Acknowledgement of Broken Hill's Mining History.

MINUTES FOR CONFIRMATION

Recommendation

Moved Mayor Tom Kennedy, Seconded Councillor Bob Algate

That the Minutes of the Works Committee meeting held Monday November 21, 2022 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil.

Reports

1. BROKEN HILL CITY COUNCIL REPORT NO. 280/22 - DATED DECEMBER 06, 2022 - GYPSUM STREET TREE HEALTH ARBORIST REPORT D22/64997

Recommendation

Moved Mayor Tom Kennedy, Seconded Councillor Alan Chandler

1. That Broken Hill City Council Report No. 280/22 dated December 6, 2022, be received.
2. That Council approve the removal and replacement of five (5) street trees located in Gypsum Street due to tree health concerns.

CARRIED UNANIMOUSLY

Motion

Moved Councillor Bob Algate, Seconded Councillor Ron Page

That the meeting be closed to the public in accordance with Section 10 A(2) of the Local Government Act 1993 in order for the Committee to consider the confidential report in closed session.

CARRIED UNANIMOUSLY

There were no members of the media or public present. The livestream of the meeting ceased at 5:39pm

2. BROKEN HILL CITY COUNCIL REPORT NO. 281/22 - DATED DECEMBER 07, 2022 - T22/12 REQUEST FOR TENDER - BROKEN HILL LIBRARY AND ARCHIVES PROJECT - CONSTRUCTION - CONFIDENTIAL

(General Manager's Note: This report considers a tender 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).

Recommendation

Moved Councillor Bob Algate, Seconded Councillor Alan Chandler

1. That Broken Hill City Council Report No. 281/22 dated December 7, 2022, be received.
2. That two (2) tenders were received and that both tenderers failed to meet the requirements of the tender, in terms of both technical (non-price) and price criteria.
3. That in accordance with NSW Local Government Regulation 2021 Div. 4, section 178 (3e), Council approve to enter direct negotiations with the

preferred tenderer out of the two (2) tenderers being North Construction & Building Pty Ltd.

4. That subject to recommendation three, a further report be provided to Council following negotiation on a proposed way forward.

CARRIED UNANIMOUSLY

Motion

Moved Councillor Ron Page, Seconded Mayor Tom Kennedy

That the meeting resume in open session.

CARRIED UNANIMOUSLY

The livestream of the meeting resumed at 5:44pm.

The General Manager advised that the resolution of the confidential matter will be advised to the public following the December Council Meeting.

The foregoing minutes were read and confirmed at the Works Committee meeting held on 13 February 2023

Chairperson

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 17/23 - DATED JANUARY 31, 2023 - FEEDING FRIENDS WASTE FEE WAIVER REQUEST (D23/4635)..... 8
2. BROKEN HILL CITY COUNCIL REPORT NO. 18/23 - DATED FEBRUARY 06, 2023 - FRUIT FLY CONTROL AND AWARENESS (D23/5951) 11

WORKS COMMITTEE

January 31, 2023

ITEM 1**BROKEN HILL CITY COUNCIL REPORT NO. 17/23****SUBJECT:** **FEEDING FRIENDS WASTE FEE WAIVER REQUEST** **D23/4635****Recommendation**

1. That Broken Hill City Council Report No. 17/23 dated January 31, 2023, be received.
2. That Broken Hill City Council waive general waste fees for Feeding Friends at the Broken Hill Waste Management Facility.

Executive Summary:

All depositors of waste at Broken Hill's Waste Management Facility are required to pay the fees and charges as prescribed in Council's Fees & Charges, however, it is acknowledged that circumstances may arise where it may be appropriate to waive such fees.

Council has received correspondence from the organisation, Feeding Friends seeking an exemption from the fees associated with the disposal of general waste at the Broken Hill Waste Management Facility. Feeding Friends is a not-for-profit group of volunteers who assist with providing homeless people of Broken Hill hot meals while also performing other related task such as cleaning up and removing waste. In the event clean up activity occurs around areas utilised by the homeless; the waste is taken to the Broken Hill Waste Facility for disposal.

Report:

Homelessness has always been an issue in our community, however the impacts of homelessness are becoming increasingly visible due to an increase in homeless people choosing to reside in the more public areas of the City. Additionally, Feeding Friends have also reported an increase in demand for their services.

Feeding Friends have requested a waiver of fees for general waste collected whilst servicing the homeless people within the city. The waste collected from homeless activity is equivalent to small quantities of residential general waste which would be received free of charge under the Council's waste voucher system.

Feeding Friends' deposits of residential quantities of general waste are to be periodic - once or twice a month - and only as a direct result of clean up after homeless people, a task which would otherwise be undertaken by Council Staff.

Financial Assistance and/or Fee Waiver:

Under the *Local Government Act 1993*, section 356(1) & (2), the proposal to grant a waiver of fee or provide financial assistance to an individual for private gain, would need a Council resolution to go to public exhibition for 28 days prior to adoption by Council:

Section 356 - Can a council financially assist others?

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.
- (3) However, public notice is not required if---
 - a. The financial assistance is part of a specific program, and
 - b. The program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - c. The program's proposed budget for that year does not exceed 5 per cent of the council's area or to a significant group of persons within the area.
 - d. The program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

In the instance above, given that this would be work that Council would carry out in normal circumstances and as part of the operational plan, public exhibition is not required.

Community Engagement:

Nil

Strategic Direction:

Key Direction:	1	Our Community
Objective:	1.3	Our Community works together
Strategy:	1.3.2	Engage, develop and maintain relationships to address local issues and create opportunities for residents, groups and business.

Relevant Legislation:

Local Government Act 1993, Section 356

Local Government Act 1993, Section 377

Financial Implications:

The minimum charge for mixed waste at the Broken Hill Waste Management Facility is \$10 for a car or equivalent. This fee is generally waived for Broken Hill Residents under the Waste Voucher System. Therefore, the financial implications of waiving the waste fee for Feeding Friends is minimal.

Attachments

There are no attachments for this report.

CODIE HOWARD
CHIEF ASSETS AND PROJECTS OFFICER

JAY NANKIVELL
GENERAL MANAGER

WORKS COMMITTEE

February 6, 2023

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 18/23SUBJECT: FRUIT FLY CONTROL AND AWARENESS D23/5951**Recommendation**

1. That Broken Hill City Council Report No. 18/23 dated February 6, 2023, be received.
2. That Council continues to promote the NSW Department of Primary Industry's Queensland fruit fly educational and awareness materials through its communication channels.
3. That Council considers the formation of a Fruit Fly Working Group with relevant community stakeholders to consider what practical and/or strategic steps can be undertaken to increase awareness and reduce the spread of Queensland fruit fly in and around Broken Hill.

Executive Summary:

Upgrading Broken Hill from its current 'Fruit Fly Exclusion Zone' to a dedicated 'Pest Free Area' similar to the one surrounding Sunraysia is unlikely to be of benefit as Queensland fruit fly is now considered endemic to NSW.

There is no Government obligation at any level (local/State/Federal) to control fruit fly at a backyard level, and current NSW Government policy specifies that backyard fruit fly management is the responsibility of the land owner.

Council currently promotes NSW Department of Primary Industry's Queensland fruit fly educational and awareness materials through its communication channels to raise awareness around the issue, and can continue to do so.

Any practical or physical measures to control the spread of fruit fly in and around the city will require the input of multiple relevant stakeholders, and Council may wish to consider the formation of a working group to tackle the issue.

Report:

At the Ordinary Council Meeting held 21/12/2022 Council resolved (Minute No. 47081) that: A report be presented to the February Committee Meetings outlining Council's advocacy efforts for the reinstatement of Broken Hill into the Sunraysia Fruit Fly Zone to assist the relevant agency to gain State funding for the introduction of fruit fly eradication programs in the Broken Hill region; and that the report also outlines options for future community fruit fly awareness campaigns.

Fruit fly and responsibilities

Upgrading Broken Hill from its current 'Fruit Fly Exclusion Zone' to a dedicated 'Pest Free Area' is unlikely to be of benefit as Queensland fruit fly is now considered endemic to NSW.

While the NSW Government does maintain an effort to control Queensland fruit fly in the 'Pest Free Area' between Wentworth and Pooncarie, this primarily revolves around support to industry, legislation, trapping to check for the spread of any exotic species (specifically the Mediterranean fruit fly), research, and diagnostics.

As fruit fly is now in mass numbers across the State there is no Government obligation at any level (local/State/Federal) to control Queensland fruit fly at a backyard level.

Current NSW Government policy around Plant Biosecurity & Product Integrity (TI-O-150) specifies that backyard Queensland fruit fly management is the responsibility of the land owner, however community groups may be formed to help control the control the pest and provide information and guidance.

Correspondence

Council wrote to The Hon. Dugald Saunders MP (Minister for Agriculture and Minister for Western New South Wales) regarding the problem of fruit fly in Broken Hill, and also met with the Minister's advisor for Western NSW, Ben Walker, in December 2022.

Staff have also spoken with Department of Primary Industries (DPI) and Local Land Services (LLS) regarding the issue.

Advice from both departments is in keeping with the State's policy that backyard fruit fly management is the responsibility of the land owner.

Other solutions such as introducing a fruit fly levy on ratepayers to fund control measures, large scale backyard spraying, or forcing all residents to strip all fruit trees for one cycle were raised, but are not recommended due to issues around consent, legality, and overall efficacy.

NSW DPI did advise that Queensland fruit fly numbers have spiked in NSW and Broken Hill due to recent La Nina weather patterns, and it is predicted that the prevalence of fruit fly will decrease significantly when the country returns to dryer El Nino weather patterns.

Council's role

Council has been promoting NSW DPI's education resources and relevant online resources via social media and the community newsletter to increase awareness and share control measures.

These include seasonal guides advising homeowners of steps that can be taken to reduce fruit fly and also identify the fruits/vegetables that need to be targeted each season.

Council Communication staff will continue to promote this information with the changing of each season. As Council is not an authority on fruit fly and biodiversity, it is important that Council utilises resources produced by NSW DPI rather than creating its own education programs.

Should Council wish to become physically involved in the control of fruit fly, it could consider the formation of a working group with relevant community stakeholders.

The group could then discuss what practical and/or or strategic steps can be taken within the broader community to increase fruit fly awareness, reduce infected produce entering the city, and help prevent infected produce leaving the city.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	3	Our Environment
Objective:	3.2	Natural environments and flora and fauna are enhanced and protected
Strategy:	3.2.4	Minimise the impact of feral and domestic animals and noxious weeds on the natural environment

Relevant Legislation:

Biosecurity Act 2015

Biosecurity Regulation 2017

Financial Implications:

Nil.

Attachments

1. Correspondence to the NSW Minister for Agriculture and Minister for Western NSW,
[↓](#) The Hon Dugald Saunders MP

DARRIN MANUEL
MANAGER COMMUNICATIONS AND MARKETING

JAY NANKIVELL
GENERAL MANAGER

BROKEN HILL
CITY COUNCIL

Quote No L22/2973 - 11/161
JN:LB

Telephone / Personal Enquiries
Ask for Mr Jay Nankivell

22 December 2022

The Hon. Dugald Saunders MP
Minister for Agriculture and Minister for Western New South Wales
GPO Box 5341
SYDNEY NSW 2001

Dear Minister

Management of Fruit Fly in the Broken Hill region

Broken Hill City Council is seeking urgent assistance in relation to the management of fruit fly in the Broken Hill region.

Queensland fruit flies (QFF) pose a biosecurity threat to fruit production in New South Wales (NSW). The management of this pest and the related market access is a shared responsibility between growers, packers, local councils, industry groups, state governments and the federal government.

Broken Hill has been removed from the Sunraysia Fruit Fly Zone which poses a number of restrictions/challenges on the management of fruit fly in the Broken Hill region. Although Broken Hill does not have a large commercial fruit growing industry, it is one of the major pathways into the Sunraysia Pest Free Area, the Menindee fruit growing area, and also into South Australia.

It has also been noted that the fruit fly disposal bins previously located on the roadways out of Broken Hill have been removed.

There are currently a number of options available to control fruit fly on a local basis, however this falls mostly to the community.

Queensland fruit fly are endemic to NSW and the pest is in mass numbers and no one agency/government/council has an obligation to undertake a control campaign.

There is another exotic species DPI are on the look out for in NSW, the Mediterranean Fruit Fly is present in other states but not NSW. Local Land Services has been carrying out regular surveillance for this species for some time to monitor if it has a presence here in Broken Hill. No such variety has been found. In December 2021, quite a few Broken Hill residents provided samples of infected fruit and these were sent to the DPI labs in Orange. Again, no presence of Mediterranean fruit fly was discovered, it was all Queensland Fruit Fly.

Cont'd.....

L22/2973 – 11/161
JN:LB

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Broken Hill City Council have been working with Landcare towards a joint community education approach as a practical solution on a community scale to try and address fruit fly in the region, but seeks your assistance to have Broken Hill reinstated into the Sunraysia Fruit Fly Zone.

Yours faithfully



JAY NANKIVELL
GENERAL MANAGER



CITY COUNCIL

www.brokenhill.nsw.gov.au