



BUSINESS PAPER

Health and Building
Committee Meeting

Council Chambers
21 March 2023

5.30pm

BROKEN HILL

CITY COUNCIL

**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**

MEMBERS OF THE HEALTH & BUILDING COMMITTEE:

Mayor Kennedy, Deputy Mayor Hickey (Chairperson), Councillor Chandler, Councillor Jewitt, Councillor Gallagher and Councillor Turley

Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993*, that the Health and Building Standing Committee of the Broken Hill City Council will be held in the Council Chambers on **Tuesday, 21 March, 2022** 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 Health and Building Committee of the City of Broken Hill held Tuesday, February 14, 2023.

**MINUTES OF THE HEALTH AND BUILDING COMMITTEE MEETING HELD
TUESDAY, FEBRUARY 14, 2023 (5.30PM)**

At the commencement of the meeting the Mayor advised that the Committee's Chairperson, Councillor Hickey (Deputy Mayor), had pre-approved leave of absence for this meeting and called for a motion to appoint another Committee member to chair the meeting.

Motion

Moved Councillor Alan Chandler, Seconded Councillor Hayley Jewitt

That Councillor Gallagher be appointed as Chairperson for this meeting.

CARRIED UNANIMOUSLY

PRESENT:

Councillor T Kennedy (Mayor) Councillor D Gallagher (Chairperson),
Councillors A Chandler and H Jewitt.

Councillor M Browne.

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

Media (nil), Members of the Public (nil).

APOLOGIES:

Nil.

LEAVE OF ABSENCE

APPLICATIONS:

- 1) Councillor Hickey (Deputy Mayor) has pre-approved leave of absence due to travel to attend the Australian Mining Cities Alliance Meeting in Canberra, as per Council Resolution Minute No. 47070.
- 2) Councillor Turley submitted a leave of absence application for this meeting and provided the reason "*unforeseen circumstances*".

Motion

Moved Mayor Tom Kennedy, Seconded Councillor Alan Chandler

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

CARRIED UNANIMOUSLY

PRAYER

Councillor Jewitt delivered the Prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgement of Country.

ACKNOWLEDGEMENT OF BROKEN HILL'S MINING HISTORY

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

MINUTES FOR CONFIRMATION**Recommendation**

Moved Mayor Tom Kennedy, Seconded Councillor Hayley Jewitt

That the Minutes of the Health and Building Committee meeting held Tuesday December 13, 2022 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil.

REPORTS

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

Recommendation

Moved Mayor Tom Kennedy, Seconded Councillor Alan Chandler

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

CARRIED UNANIMOUSLY

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

Recommendation

Moved Councillor Hayley Jewitt, Seconded Councillor Alan Chandler

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

CARRIED UNANIMOUSLY

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

Recommendation

Moved Councillor Hayley Jewitt, Seconded Councillor Alan Chandler

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

CARRIED UNANIMOUSLY

CONFIDENTIAL MATTERS

Nil.

CONCLUSION OF THE MEETING

There being no further business for the Committee to consider, the meeting was declared closed at 5:40 pm.

The foregoing minutes were read and confirmed at the Health and Building Committee meeting held on 21 March 2023.

Chairperson

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 45/23 - DATED FEBRUARY 24, 2023 - CORRESPONDENCE REPORT - WATER QUALITY IN BROKEN HILL (D23/10181) 8

2. BROKEN HILL CITY COUNCIL REPORT NO. 44/23 - DATED FEBRUARY 14, 2023 - GAARA ARTS INC - MEMORANDUM OF UNDERSTANDING (D23/8433) 11

Council received correspondence from the Office of the Minister for Lands and Water which was reported to the Council Meeting held 1 March 2023 and has also received correspondence from the Minister for Health, which is attached to this report for Council's information.

A reply from the Minister for Infrastructure, Minister for Western NSW, Minister for Regional Health, Minister for the Local Member Roy Butler MP, have not yet been received.

Attachments

1. [↓](#) Inwards correspondence - Broken Hill's Water Supply - Minister for Health

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



The Hon. Brad Hazzard MP
Minister for Health

OFFICIAL

Councillor Tom Kennedy
Mayor
Broken Hill City Council
Email: executive.support@brokenhill.nsw.gov.au

Your ref L23/247-11/426 TK;LJB
Our ref M23/507

Dear Mayor

Thank you for writing on behalf of the residents of Broken Hill about the quality of the drinking water.

I acknowledge the concerns raised and appreciate your advocacy on this matter.

Mr Brad Astill, Chief Executive, Far West Local Health District, has advised that the District's Public Health Unit works closely with Essential Water, alongside the Department of Planning and Environment – Water (DPE Water), to ensure drinking water supplied to Broken Hill and Menindee is safe to consume. As a requirement of the *Public Health Act 2010*, Essential Water has developed a drinking water management system (DWMS) that sets out all the activities it carries out to comply with the Australian Drinking Water Guidelines.

I am advised that the DWMS sets out the criteria that must be met for water passing through critical control points. Essential Water's critical control points are set to protect the health of the community. Essential Water monitors its critical control points continuously, maintains close communication with NSW Health and DPE Water about any change from normal operations, and responds according to established protocols.

Mr Astill has further advised that routine monitoring of drinking water in Broken Hill during the discolouration event did not identify any departure from the health standards. NSW Health is satisfied that Broken Hill's drinking water remained safe during this event. NSW Health would work with Essential Water and DPE Water to ensure timely and appropriate communication to the public if there was evidence of a health risk.

I understand that the discolouration of the water was due to dissolved manganese coming out of solution after the water was disinfected with chlorine following recent floods. While unpleasant, this is not dangerous. The Australian Drinking Water Guidelines encourage open communication between water utilities and the community. NSW Health will ask Essential Water to conduct a debrief of the discoloured water incident to identify lessons to better respond to, or prevent, future public confusion.

Thank you again for writing. For more information, please contact Ms Priscilla Stanley, Director, Public Health Unit, Far West Local Health District, at priscilla.stanley@health.nsw.gov.au or on 6809 8963.

Yours sincerely

Brad Hazzard MP
Minister for Health

22 FEB 2023

CC: Mr Roy Butler MP, Member for Barwon, barwon@parliament.nsw.gov.au
The Hon. Kevin Anderson MP, Minister for Lands and Water, tamworth@parliament.nsw.gov.au
The Hon. Robert Stokes MP, Minister for Infrastructure, Cities, Active Transport, pittwater@parliament.nsw.gov.au

OFFICIAL

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 6000 ■ W: nsw.gov.au/ministerhazzard

HEALTH AND BUILDING COMMITTEE

February 14, 2023

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 44/23SUBJECT: GAARA ARTS INC - MEMORANDUM OF UNDERSTANDING
D23/8433**Recommendation**

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

Executive Summary:

GAARA Arts Inc has a lengthy history in Broken Hill supported by the foresight of the Art Gallery Director of the day, Jacquie Hemsley recognizing and supporting the commitment of the Gallery to promoting the practice of women artists based in the Far West of the State.

The attachment from the group, '*Who or What is GAARA ARTS?*' outlines the exhibitions held within several Council facilities, including the Gallery since 2004 through to 2022.

GAARA Arts Inc. has had an informal agreement with Broken Hill City Council to hold an exhibition in the Broken Hill City Art Gallery every two years, with participation in the next Exhibition in 2024 and now seeks formalization of the arrangement within an MOU.

Report:

Council received written correspondence from the President of GAARA Arts Inc., Ms Maureen Clark in August 2022, requesting a formal agreement by way of a Memorandum of Understanding confirming an exhibition in 2024 and for the provision of an exhibition every two years in the Broken Hill City Art Gallery.

Council resolved at its Ordinary Meeting held 21 December 2022:

That the General Manager in consultation with the Art Gallery Advisory Committee, drafts a Memorandum of Understanding (MOU) for discussion with Gaara Arts Inc., and provides a report back to Council for feedback on entering an MOU.

That the general terms and conditions of the MOU will include current general arrangements which are; that the gallery staff resource and install the artworks in appropriate gallery space; promote the exhibition through standard channels; that the Artist Gallery Agreement is signed and that the term of the MOU conclude December 2027 for further negotiation (permitting exhibitions in 2024 and 2026).

Council forwarded correspondence, attaching the draft MOU to the President of GAARA Arts Inc, Ms Maureen Clark for consideration on 19 January 2023 seeking discussion to progress the MOU.

Consultation of the draft MOU informed the following changes to the document:

- Amendment – “*The first exhibition under this agreement to be held in 2024.*” (Updated to align with the next exhibition, scheduled for 2024)
- Insert “*That the GAARA Arts Inc. exhibition timing in the Art Gallery be closely aligned with the acknowledgement of women’s issues nationally and internationally.*”
- Amendment – “*This MOU will remain in effect until 31 December 2028.*” (Extension of 12 months to allow for three exhibitions to be carried out during the term of MOU).

Following final consultation and engagement GAARA Arts Inc President, Ms Maureen Clark returned a signed copy of the draft MOU to Council for its consideration. The returned draft MOU signed by GAARA Arts Inc is attached.

Community Engagement:

Health and Building Committee Meeting

Strategic Direction:

Key Direction:	1	Our Community
Objective:	1.4	Our history, culture and diversity is embraced and celebrated
Strategy:	1.4.5	Support events that celebrate history, culture and diversity

Relevant Legislation:

Nil.

Financial Implications:

Staff resources and Gallery budget will be utilised to undertake exhibition installation.

The Gallery will where possible, follow the schedule of fees for artists as outlined by the National Association for the Visual Arts. Artist fees relevant to the exhibition are additional costs to installation costs.

Attachments

1. [↓](#) Draft Memorandum of Understanding (MOU) GAARA Arts Inc

RAZIJA NU'MAN
CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL
GENERAL MANAGER

DRAFT MEMORANDUM OF UNDERSTANDING – GAARA ARTS INC. AND BROKEN HILL CITY COUNCIL

D22/64927 – 11/13

1. SCOPE

This Memorandum of Understanding (MOU) sets out the terms and understanding between GAARA Arts Inc. and the Broken Hill City Council, to grant GAARA Arts Inc. the ability to conduct biennial art exhibitions at the Broken Hill City Art Gallery. The first exhibition under this agreement to be held in 2024.

That the GAARA Arts Inc. exhibition timing in the Art Gallery be closely aligned with the acknowledgement of women's issues nationally and internationally.

2. GOALS AND OBJECTIVES

The purpose of this MOU is to formalise this agreement and give clarity and certainty to the members of the GAARA Arts Inc. and guarantee Broken Hill City Council a continuation of exhibition event.

This MOU aims to encourage and support an ongoing and positive relationship between the GAARA Arts Inc. and Broken Hill City Council (Council), to ensure the group of artists work is celebrated in the local community.

3. PARTNER ORGANISATIONS

This MOU is made between:

- The Broken Hill City Council (BHCC)
- and
- GAARA Arts Inc.

4. ROLES AND RESPONSIBILITIES

This MOU does not call for a commitment of funding from the Broken Hill City Council but does seek for a commitment of appropriate gallery space and gallery staff resource to install the artworks. The Broken Hill City Art Gallery would also be expected to promote the exhibition through standard channels.

This MOU may be modified by mutual consent of the authorised officers from GAARA Arts Inc. and Broken Hill City Council. This MOU shall become effective upon signature by the authorised officials from GAARA Arts Inc. and Broken Hill City Council.

This MOU will remain in effect until 31 December 2028.

5. ASSOCIATED AGREEMENTS AND POLICIES

- Artist Agreement
- Broken Hill City Art Gallery Exhibition Policy

6. MEETINGS

Meetings between Council and any relevant party may be held as requested by appointment and will take place within Council's Administrative Building at 240 Blende Street, or at the Broken Hill City Art Gallery at 404-408 Argent Street, Broken Hill.

7. AUTHORISATION

Partnering Organisation: Broken Hill City Council

Name: Jay Nankivell Title: General Manager

Signature: Date:

Name: Razija Nu'man Title: Chief Corporate and Community Officer

Signature: Date:

Partnering Organisation: GAARA Arts Inc.

Name: Maureen Clark Title: President, GAARA Arts Inc.

Signature:  Date: 20/2/2023

Name: Title:

Signature: Date:

The signing of this MOU is not a formal undertaking. It implies that the signatories will strive to reach the objectives stated in the MOU, to the best of their ability.



CITY COUNCIL

www.brokenhill.nsw.gov.au