

---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

Meeting commenced at 6:30pm.

**PRESENT:** Councillor T. Kennedy (Mayor) Councillor J. Hickey (Deputy Mayor),  
Councillors B. Algate, M. Boland, M. Browne, A. Chandler, D. Gallagher,  
H. Jewitt, R. Page and D. Turley.

General Manager, Director Corporate and Community, Manager  
Communications and Marketing and Executive Officer.

Media (4), Members of the Public (58)

**APOLOGIES:** Nil

**LEAVE OF ABSENCE  
APPLICATIONS:** Nil

### **PRAYER**

Councillor Boland delivered the prayer.

### **ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country.

### **ACKNOWLEDGEMENT OF BROKEN HILL'S MINING HISTORY**

Councillor Jewitt delivered the Acknowledgment of Broken Hill's Mining History.

### **PUBLIC FORUM**

#### Broken Hill Family Day Care

*Ms Edelle Harrison addressed Council advising that she is a Broken Hill Mum, and made comment about information released at the last Council Meeting regarding the Broken Hill Family Day Care and that Council does not have capacity to successfully take up the delivery of family day care services in Broken Hill given the associated risks. Ms Harrison asked if Council would look at someone locally assessing the various early years services across the City as a whole and strategies to address the current crisis in order to get action happening more quickly?*

The Mayor advised that:

- Foundation Broken Hill did an in-depth study, (which unfortunately did not include Broken Hill Family Day Care), which identified that Broken Hill has one position for childcare for every seven families seeking childcare. The State and Federal governments classify a community as having a "childcare desert" if there is one position for childcare for every three families seeking childcare. So Council is very aware of how crucial the childcare situation is in the City.
- Council has met with a number of the local day care centres as well as staying in touch with Cobar Shire Council for the past 8-9 months.
- Council is assisting the local Day Care Centres to free up land adjacent to their Centres in order for this land can potentially be used to extend their facilities, to provide approximately an additional 100 childcare places between the two centres.



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

- Council is assisting both local Day Care Centres with the process to relinquish the Native Title in order that the land can be acquired. Council has contacted Crown Lands and appropriate Ministers and Shadow Ministers (to put pressure on Crown Lands) to free up this land for the extension of the Childcare Centres to help address Broken Hill's childcare crisis.
- Council is very aware of the importance of Broken Hill Family Day Care who provide care to 149 children from 111 families, and if Broken Hill Family Day Care was to cease operations it could cause families to be forced to leave Broken Hill.
- Council has been contacted by the Health Department, who have advised that they could have 45 staff return to work if there was more day care available in the City. Council has also been contacted by the Education Department and Broken Hill Police who have advised that the lack of available childcare in the City is the reason they are struggling to fill vacant positions.
- Council met with members of Family Day Care, Regional Development Australia Far West and Foundation Broken Hill to discuss the potential for a not-for-profit organisation taking over the management of Family Day Care.
- The General Manager has also been in contact with a number of childcare providers who have indicated their interest in taking over the Broken Hill Family Day Care operations. The General Manager has passed this information onto Cobar Shire Council, although Cobar Shire Council made it quite clear that they did not need Council's assistance.
- Council not only wants to see Family Day Care operations continue in the City, but want to see the service grow to provide more childcare places in the City.

Broken Hill Family Day Care

The Mayor acknowledged a letter submitted by the Broken Hill CWA supporting the Broken Hill Family Day Care Service.

Broken Hill Family Day Care

*Stacey Smith, nominated coordinator of Broken Hill Family Day Care referred to the July Council Meeting regarding Council's resolution not to take over the management of Family Day Care in Broken Hill. Ms Smith asked/commented:*

- *Why was the report regarding the Broken Hill Family Day Care confidential at the July Council Meeting?*
- *Referred to misleading statements in the media by Councillors and advised that Councillor Boland had stated on facebook that one of the issues with Family Day Care is the further reduction in the ratio from 1:5 to 1:4 for children younger than school age and the increase in compliance for Educators which had swayed the preference for children to be placed in childcare centres rather than with family day care providers.*

*Ms Smith advised that Broken Hill Family Day Care have been working under the 1:4 ratio for pre-school age children since January 2014. Family Day Care Educators receive regular compliance checks and all Educators are already compliant with new regulations which come into force in October 2023. All Educators strive to provide excellent childcare in a safe home-like environment.*

- *Council's media release which advised that "Council will continue to support and advocate for centre-based childcare in Broken Hill where the industry preference is apparently trending" Ms Smith asked where Council obtained their information to back up this statement as there*



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

*is a childcare crisis in Broken Hill and families would be happy to receive childcare in any form.*

- *Referred to Mayor Kennedy's statement that NSW Councils don't usually provide child-care services to communities when a search on the NSW Family Day Care website revealed that there are 24 Councils that operate a Family Day Care Service. Ms Smith asked where Council had sourced its information?*
- *Can Council provide details of the two providers that Council have received interest from to take over the service?*
- *Council wants to see new childcare centres established in Broken Hill when there are dedicated qualified Educators in the City, who have passed accreditation to meet the National Quality Standard for quality education and care.*
- *Council had not contacted Family Day Care until Councillor Page called into the office after the July Council Meeting talking about a site visit. Cobar Shire Council also had not received contact from Council.*
- *Contact was made with Council management earlier in 2023 when Broken Hill Family Day Care became aware of Cobar's situation, regarding a Community Childcare Fund limited supply grant which supports the establishment of early childhood services and is for a two year period 2023/24 and 2024/25. Services could receive up to \$900,000 in grants, \$600,000 for establishment and sustainability support and \$300,000 for capital support. Ms Smith asked whether Council investigated this grant opportunity? Or if not – why?*

The Mayor advised that the report to the July Council Meeting was confidential pursuant to the *Local Government Act 1993* where a report refers to peoples wages or contractual information that is not Council's information, it relates to Cobar Shire Council, there are clauses in the *Local Government Act 1993* which requires that the information is kept confidential and not disclosed to the public. One of the reasons that Council's are sacked is if they don't meet their regulatory requirements with the handling of confidential information.

The Mayor provided further answers to Ms Smith's questions, advising:

- Councillor Page voted against the Council resolution at the July Meeting but did not say why he voted against it. Councillor Page put no opposition whatsoever to the recommendation put to Council.
- With regards to the misinformation that is circulating in the media from Cobar Shire Council. I will read an excerpt from one of Cobar Shire Council's letters:

*"Cobar Shire have recently completed a financial analysis and determined that the current fee structure leaves the service with a deficit budget. To ensure the financial viability of the service for Cobar Shire, the family levy will need to increase substantially for the service to be cost neutral. We believe, as an estimate this family levy will need to increase from \$1.75/child/hour up to \$2.50/child/hour."*

This is a significant increase and this letter came to Council after Cobar Shire Council said that their Family Day Care Service in Broken Hill was in a good financial position. Cobar Shire Council had met with the Mayor, Deputy Mayor and General Manager at different conferences throughout the year and at one of these, when Council's General Manager advised Cobar's General Manager that Broken Hill was more than happy to support/source a transition to other interested providers within the state Cobar's General Manager advised that Council doesn't need to worry about it because they had received numerous enquiries.



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

The Mayor read an excerpt from another letter from Cobar Shire Council:

*"Cobar Shire Council has been canvassing a potential resolution for an approved provider. Given the numerous enquiries..."*

This is contrary to the article in the Barrier Truth where Cobar Shire Council deny that they have received numerous enquiries.

- The Mayor advised that the childcare statistics that Council referred to were sourced from the National Quality Framework snapshot quarterlies, from the Australian Childrens Education and Care Quality Authority and quoted a statement from their publication:

*"...Within NSW a similar pattern has occurred where Family Day Care has decreased by 14% during the period 2013-2022..."*

This makes it very difficult for a Council who is not experienced or who does not have qualified staff in the delivery of day care services, like Broken Hill City Council, to take over this service, as opposed to Cobar Shire Council who have delivered childcare services since 2006 and have a licence for 50 family day care positions which has the scale of economies where they are able to absorb losses from one area to transfer to another area, Council doesn't have that benefit. The decision was not just a financial one, Council wants to see the service continue and grow in the City to accommodate new families and this can be achieved by the service being operated by a provider with experience and the infrastructure in place to carry another service wing even if the family numbers decreased in Broken Hill.

- Regional Development Australia Far West and the Broken Hill Foundation along with Council know the importance of childcare as a whole which is not just centre-based but includes family day care also.
- The Mayor referred to Council's media release and apologised if people had read it wrong, but the intent of the media release was to advise the community that Council was doing all it can with regards to all childcare services in the City. Broken Hill cannot afford to lose any childcare services, whether family day care or centre-based childcare.
- The General Manager advised that the Community Childcare Fund grant was investigated but unfortunately at that time, it was a short term operations grant and the report to Council was on the basis of long term ongoing operations and was not relevant to the report. The grant was not something that could be secured for long term operations and was considered a non-viable option if Council was to operate the service.
- The Mayor referred a question to Councillor Turley (as the then Mayor in 2020) when Council sent correspondence to the Minister responsible for Childcare Services asking for the 20% of lost funding to be reinstated to the Broken Hill Family Day Care, and because the matter of the Broken Hill Family Day Care operations transferring to Cobar Shire Council did not go before a Council Meeting. The Mayor asked for Councillor Turley to respond as to whether she was aware that ownership of the Broken Hill Family Day Care service had transferred to Cobar Shire Council? Councillor Turley advised that Council was not contacted by Cobar Shire Council or Broken Hill Family Day Care about the matter.
- The Mayor advised that Council contacted Cobar Shire Council prior to the July 2023 Council Meeting regarding the confidential report to Council and the content of the recommendation that Council will help with transition to another provider. The response that Council received from Cobar Shire Council was that *"there have been numerous enquiries, we are right thank you."*
- In Council's analysis Council contacted Albury City Council, Hume Shire Council and Gunnedah who operate childcare services in and outside their LGA's in other regional NSW



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

locations and predominantly found that single based Councils did not operate childcare service; and those Council's that did were picking up a larger service area outside their LGA's to make childcare operations more viable.

Cr Page asked for a Councillor Site Inspection of the Broken Hill Family Day Care facility and indicated that Broken Hill Family Day Care need a small office area with a peppercorn rent which will help to make the organisation more financially viable than they are today.

The Mayor and Councillor Page discussed this request.

**Point of Order:**

Councillor Algate called a point of order against Councillor Page for speaking over the Chairperson (Mayor).

The Mayor accepted the point of order and ruled Councillor Page to desist from talking over the Chairperson.

The Mayor advised that the rules of debate will be provided to the next Council Meeting for the information of Councillors.

**Point of Order:**

Councillor Algate called another point of order against Councillor Page for continuing to speak over the Chairperson (Mayor).

The Mayor accepted the point of order and ruled Councillor Page to again desist from talking over the Chairperson.

**Broken Hill Family Day Care**

*A member of the public referred to her email sent to Councillors enquiring why the report regarding Broken Hill Family Day Care was confidential and asking which way Councillors had voted on the item; and asked Councillor Turley why she didn't respond to her second email.*

Councillor Turley apologised advising that she had undergone a second throat surgery this month around that time, and was not focused on her emails.

*The member of the public then asked Councillor Boland to explain his email reply about actively seeking funding from the State and Federal Government, but which did not explain what the funding would achieve.*

Councillor Boland advised that Council is always seeking funding whether it is for a private provider or non-government organisation to operate Family Day Care. Councillor Boland advised that he had corrected his facebook post once he was aware of the error, and that he believes that families should have a choice in childcare services. Council is always lobbying government and is currently lobbying for land to be relinquished of Native Title in order for current childcare centres to expand and any funding that is available to support the organisation that takes over the management of Family Day Care. Childcare is a State and Federal issue and Broken Hill is in a "childcare desert", Councillor Boland commented that instead of arguing in the Chambers, Family Day Care members and Council should be supporting each other to lobby the government to come to Broken Hill and solve the issues the community faces with childcare.

*The member of the public and the Mayor discussed posts on facebook regarding articles in the Barrier Truth.*



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

The Mayor declared the Public Forum Session closed.

### MINUTES FOR CONFIRMATION

*Deputy Mayor Hickey referred to the minutes of the Ordinary Council Meeting held 26 July 2023 and in particular Item 31, Report No. 146/23 July 18 2023 – Sale of Lot 2, 3, 4, 5, 6 and 7 in DP1102740 which was confidential due to the report considering sale of land which is deemed as 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.*

*The Deputy Mayor advised that Councillor Page asked for this confidential report to be deferred to the next Ordinary Meeting for a decision to be made tonight, however Councillor Page made a decision to go to the Barrier Truth on 9 August 2023 and advised of his plan to build a social housing unit complex, and in the Barrier Truth on 23 August 2023 he advised that his team had been planning this development for over two years and that the Excelsior Oval is the ideal location for social housing.*

*Deputy Mayor Hickey asked why Councillor Page did not declare his pecuniary interest from the start of this term of Council? The Deputy Mayor advised that Councillor Page has never excused himself from any land decisions at Council Meetings in this term of Council. Deputy Mayor Hickey advised that he would be surprised if the lessee of the Excelsior Oval land doesn't take legal action against Councillor Page as this type of non-disclosure is similar to the situation which saw Eddie Obeid jailed and Minister Crakanthorp resign his Ministry and referred to the anti-corruption watch-dog.*

*Deputy Mayor Hickey asked why Councillor Page released the information to the public?*

Councillor Page did not respond.

#### RESOLUTION

Minute No. 47290

Councillor R Algate moved  
Councillor H Jewitt seconded

#### Resolved

) That the Minutes of the Ordinary Meeting of the  
) Council of the City of Broken Hill held July 26,  
2023 be confirmed.

CARRIED UNANIMOUSLY

### DISCLOSURE OF INTEREST

Councillor Darriea Turley declared a non-pecuniary interest in Report No. 151/23 as she is President of LGNSW and advised that she will leave the Council Chambers whilst the item is considered.

The General Manager, Mr Jay Nankivell, declared a pecuniary interest in Confidential Mayoral Minute 14/23 as the Mayoral Minute considers his Performance Review and advised that he will leave the Council Chambers whilst the item is considered.

### MAYORAL MINUTES

#### ITEM 1 – VERBAL MAYORAL MINUTE - MUNDI MUNDI BASH (MM15/23)

21/68

*Mayor Tom Kennedy raised a verbal Mayoral Minute regarding Council providing advocacy support for the Mundi Mundi Bash music festival.*



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

**RESOLUTION**

Minute No. 47291

Mayor T Kennedy moved )

Deputy Mayor J Hickey seconded )

**Resolved**

1. That Council provides advocacy support to the Outback Music Festival Group (organisers of the Mundi Mundi Bash) for the sealing of the Wilangee Road between Umberumberka turn-off and the Mundi Mundi Bash site; and that Council sends correspondence to the Local Member, NSW Premier The Hon Chris Minns MP and the appropriate Minister.

CARRIED UNANIMOUSLY

**NOTICES OF MOTION**

Nil.

**REPORTS FROM DELEGATES**

Nil.

**COMMITTEE REPORTS**

Nil.

**WORKS COMMITTEE**

**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 147/23 - DATED AUGUST 10, 2023 -  
MINUTES OF THE PROJECT CONSULTATIVE GROUP PROJECT STEERING GROUP MEETING  
HELD 8 AUGUST 2023** D23/42599

**RESOLUTION**

Minute No. 47292

Councillor R Algate moved )

Deputy Mayor J Hickey seconded )

**Resolved**

1. That Broken Hill City Council Report No. 147/23 dated August 10, 2023, be received.
2. That the minutes of the Project Consultative Group Project Steering Group from 8 August 2023 be noted.
3. That the PowerPoint Presentation of the Project Consultative Group Project Steering Group from 8 August 2023 be noted.

CARRIED UNANIMOUSLY



## HEALTH AND BUILDING COMMITTEE

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 148/23 - DATED AUGUST 11, 2023 -  
MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES  
COMMUNITY COMMITTEE MEETING HELD 11 JULY 2023** D23/42721

**RESOLUTION**

Minute No. 47293

Councillor M Browne moved )  
Councillor D Turley seconded )

**Resolved**

1. That Broken Hill City Council Report No. 148/23 dated August 11, 2023, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held 11 July 2023 be received.

CARRIED UNANIMOUSLY

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 150/23 - DATED AUGUST 11, 2023 -  
MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES  
COMMUNITY COMMITTEE MEETING HELD 08 AUGUST 2023** D23/42780

**RESOLUTION**

Minute No. 47294

Councillor M Browne moved )  
Councillor D Turley seconded )

**Resolved**

1. That Broken Hill City Council Report No. 150/23 dated August 11, 2023, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held 8 August 2023 be received.

CARRIED UNANIMOUSLY

## POLICY AND GENERAL COMMITTEE

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 151/23 - DATED AUGUST 04, 2023 -  
MOTIONS TO THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE TO BE HELD IN  
SYDNEY 12-14 NOVEMBER 2023** D23/41565

*Councillor Turley declared an interest in Item 5 and left the Council Chambers at 7:23pm.*

*The Deputy Mayor moved the report recommendation with an addendum regarding Council advocating for ClubGRANTS funds to remain in local communities. At this point Councillor Boland declared a non-pecuniary interest in Item 5 and left the Council Chambers at 7:24pm prior to the vote.*



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

**RESOLUTION**

Minute No. 47295

Deputy Mayor J Hickey moved )  
Councillor D Gallagher seconded )

**Resolved**

1. That Broken Hill City Council Report No. 151/23 dated August 4, 2023, be received.
2. That Council notes that Council's successful motions to the 2023 Western Division Councils of NSW Conference will be submitted to the Local Government NSW Conference by the Western Division Councils secretariat.
3. That Council writes to the Local Members, and appropriate Ministers and Shadow Ministers regarding the importance of ClubGRANTS funds, that are generated through local Clubs, remain in the local communities.

CARRIED UNANIMOUSLY

*Councillors Turley and Boland returned to the Council Chambers at 7:28pm.*

*The Mayor advised Councillors Turley and Boland that the report recommendation had been adopted with an addendum to write to the Local Members and relevant Ministers and Shadow Ministers regarding the importance of ClubGRANTS funds remaining in local communities.*

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 152/23 - DATED AUGUST 04, 2023 - COUNCIL MEETING ARRANGEMENTS AND CHRISTMAS SHUT DOWN PERIOD** D23/41574

**RESOLUTION**

Minute No. 47296

Councillor A Chandler moved )  
Councillor D Gallagher seconded )

**Resolved**

1. That Broken Hill City Council Report No. 152/23 dated August 4, 2023, be received.
2. That Council's Ordinary Monthly Meeting for December be held 20 December 2023.
3. That the December Standing Committee Meetings be held as follows
  - a. Works Committee Meeting to be held Monday December 11, 2023, at 5:30pm
  - b. Health and Building Committee Meeting to be held Tuesday December 12, 2023, at 5:30pm
  - c. Policy and General Committee Meeting to be held Wednesday December 13, 2023, at 5:30pm
4. That Standing Committee Meetings not be held in January 2023.



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

5. That the Council shutdown period for the Administrative Centre and the Warnock Street Works Depot be from 5pm Friday December 22, 2023, and reopening Monday, January 8, 2023.
6. 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.

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 153/23 - DATED JULY 28, 2023 - 2022-2026 DELIVERY PROGRAM INCLUDING 2022/2023 OPERATIONAL PLAN OUTCOMES - FINAL KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 30 JUNE 2023**

D23/39872

**RESOLUTION**

Minute No. 47297

Councillor R Algate moved )  
Deputy Mayor J Hickey seconded )

**Resolved**

1. That Broken Hill City Council Report No. 153/23 dated July 28, 2023, be received.
2. That Council receive the 2022-2026 Delivery Program including 2022/2023 Operational Plan outcomes – Final Key Performance Indicators Progress Report for period ending 30 June 2023.
3. That the 2022-2026 Delivery Program including 2022/2023 Operational Plan outcomes – Final Key Performance Indicators Progress Report for period ending 30 June 2023 be placed on Council's website.

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 154/23 - DATED AUGUST 08, 2023 - DISABILITY INCLUSION ACTION PLAN 2022-2026 - KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 30 JUNE 2023**

D23/42028

**RESOLUTION**

Minute No. 47298

Councillor M Boland moved )  
Councillor D Gallagher seconded )

**Resolved**

1. That Broken Hill City Council Report No. 154/23 dated August 8, 2023, be received.
2. That Council note the Disability Inclusion Action Plan 2022-2026 – Key Performance Indicators Progress Report for the reporting period ending 30 June 2023.



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

3. That the Disability Inclusion Action Plan 2022-2026 – Key Performance Indicators Progress Report for the reporting period ending 30 June 2023 be placed on Council's website.
4. That Council call a meeting of the Disability Inclusion Action Plan Monitoring Group to assess the outcomes of the progress report.

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 155/23 - DATED JULY 24, 2023 -  
COMMUNITY SATISFACTION SURVEY** D23/38878

**RESOLUTION**

Minute No. 47299

Councillor R Algate moved )  
Councillor A Chandler seconded )

**Resolved**

1. That Broken Hill City Council Report No. 155/23 dated July 24, 2023, be received.
2. That Council notes the outcome of the 2023 Community Satisfaction Survey.

CARRIED UNANIMOUSLY

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 156/23 - DATED AUGUST 08, 2023 -  
ADOPTION OF DRAFT ASSET NAMING POLICY** D23/35110

**RESOLUTION**

Minute No. 47300

Councillor A Chandler moved )  
Councillor D Turley seconded )

**Resolved**

1. That Broken Hill City Council Report No. 156/23 dated August 8, 2023, be received.
2. That Council notes that the Draft Asset Naming Policy was placed on public exhibition for a period of 28 days during which time Council received nil submissions from the public.
3. That Council adopts the Draft Asset Naming Policy as a Policy of Council and notes that this action will render the 'Naming of Parks and Community Facilities Policy' obsolete.

CARRIED UNANIMOUSLY



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 157/23 - DATED AUGUST 06, 2023 -  
PUBLIC ART AUDIT, CONDITION REPORTS AND CONSERVATION PLANS** D23/41622

**RESOLUTION**

Minute No. 47301

Councillor M Boland moved )  
Councillor R Algate seconded )

**Resolved**

1. That Broken Hill City Council Report No. 157/23 dated August 6, 2023, be received.
2. That the Public Art Audit be noted.
3. That a budget submission be prepared for items classified as 3 (poor) and 4 (very poor) in the treatment classification index of the Grimwade report and submitted for consideration as part of next year's budget process.

CARRIED UNANIMOUSLY

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 158/23 - DATED AUGUST 11, 2023 -  
INVESTMENT REPORT FOR JULY 2023** D23/42661

**RESOLUTION**

Minute No. 47302

Councillor M Boland moved )  
Councillor D Gallagher seconded )

**Resolved**

1. That Broken Hill City Council Report No. 158/23 dated August 11, 2023, be received.

CARRIED UNANIMOUSLY

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 159/23 - DATED AUGUST 09, 2023 -  
2023/2024 EVENT SPONSORSHIP** D23/42409

**Recommendation**

1. That Broken Hill City Council Report No. 159/23 dated August 9, 2023, be received.
2. That Council provides \$5,000 cash and \$2,091.91 in-kind sponsorship to the Broken Hill Junior Soccer Association to host the SA Junior Soccer Association Country Championships

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 160/23 - DATED AUGUST 10, 2023 -  
MEMORANDUM OF UNDERSTANDING - ST PATRICK'S RACE CLUB AND BROKEN HILL CITY  
COUNCIL** D23/42472

**Recommendation**

1. That Broken Hill City Council Report No. 160/23 dated August 10, 2023, be received.
2. That the General Manager be authorised to negotiate and execute a Memorandum of



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

Understanding for a period of three (3) years with the Broken Hill St Patrick's Race Club.

3. That Council authorise the General Manager to include in the MOU up to \$10,000 per annum in-kind contribution.

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 161/23 - DATED AUGUST 10, 2023 -  
MEMORANDUM OF UNDERSTANDING - THE PALACE HOTEL (BROKEN HEEL FESTIVAL) AND  
BROKEN HILL CITY COUNCIL** D23/42492

**Recommendation**

1. That Broken Hill City Council Report No. 161/23 dated August 10, 2023, be received.
2. That the General Manager be authorized to negotiate and execute a Memorandum of Understanding for a period of three (3) years with The Palace Hotel (Broken Heel Festival) and Broken Hill City Council
3. That Council authorise the General Manager to include in the MOU up to \$10,000 cash and \$3,000 in-kind contribution.

**Minute No. 47303**

Deputy Mayor J Hickey moved ) That the recommendations of items 13 to 15 be  
Councillor D Turley seconded ) adopted.

CARRIED UNANIMOUSLY

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 162/23 - DATED AUGUST 09, 2023 -  
MINUTES OF THE S355 YOUTH ADVISORY COMMITTEE MEETING HELD 25 JULY 2023** D23/42245

**RESOLUTION**

**Minute No. 47304**

Councillor H Jewitt moved )  
Councillor D Turley seconded )

**Resolved**

1. That Broken Hill City Council Report No. 162/23 dated August 9, 2023, be received.
2. That the minutes of the S355 Youth Advisory Committee meeting held on 25 July 2023 be received.
3. That Council support the Invitation to Student Support Officers from Broken Hill High School and Willyama High School to join the S355 Youth Advisory Committee.
4. That Council invites representatives from the services providers (Mission Australia, PCYC, Scouts and Lifeline) to join the S355 Youth Advisory Committee.

CARRIED UNANIMOUSLY



## FURTHER REPORTS

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 166/23 - DATED AUGUST 11, 2023 -  
MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.438, HELD ON THURSDAY, 10  
AUGUST 2023** D23/42833

### **RESOLUTION**

Minute No. 47305

Councillor M Browne moved )  
Councillor D Turley seconded )

### **Resolved**

1. That Broken Hill City Council Report No. 166/23 dated August 11, 2023, be received.
2. That the minutes of the Local Traffic Committee – Meeting No.438, held on Thursday, 10 August 2023 be endorsed.
3. That Item No. 427.6.1 recommendations be endorsed:
  - That the Local Traffic Committee supports relocation of the 'Bus Stop' on Blende Street, adjacent to the Con Crowley Retirement Village.
4. That Item No. 427.9.1 recommendation be endorsed:
  - That Council continue to liaise with KFC Management regarding traffic matters and that no further action be required by the Local Traffic Committee.
5. That Item No. 436.8.1 recommendation be endorsed:
  - That Council's Community Safety Officer-Ranger's continue to monitor the 15-minute timed parking, adjacent to Aruma Lodge – Southern Cross Care.
6. That Item No. 437.8.2 recommendation be endorsed:
  - That the Local Traffic Committee endorse the Traffic Control/Management Plans provided for the Broken Heel Festival in principle, dependent on supply of additional details to be included on the Traffic Control/Management Plans.
7. That Item No. 438.8.1 recommendations be endorsed:



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

- That the Local Traffic Committee supports the request from Damascus College, Ballarat Victoria's Sustainable Race Team to access Broken Hill's local roads for the fundraiser in principle, dependent on Transport for NSW comments following review.

CARRIED UNANIMOUSLY

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 167/23 - DATED AUGUST 01, 2023 -  
ACTION LIST REPORT** D23/40760

**RESOLUTION**

Minute No. 47306

Councillor D Gallagher moved )  
Councillor R Algate seconded )

**Resolved**

1. That Broken Hill City Council Report No. 167/23 dated August 1, 2023, be received.

CARRIED UNANIMOUSLY

**RESOLUTION**

Minute No. 47307 – Procedural Motion

Deputy Mayor J Hickey moved )  
Councillor R Algate seconded )

**Resolved**

That the meeting's Order of Business change and Council considers Confidential Item 1 (Confidential Report 164/23 dated August 21, 2023 – Sale of Lot 2, 3, 4, 5, 6 & 7 in DP 1102740), in open session at this meeting, prior to the second Public Forum Session.

CARRIED UNANIMOUSLY

**QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING**

**ITEM 19 - QUESTIONS ON NOTICE NO. 8/23 - DATED AUGUST 01, 2023 - COUNCILLOR  
QUESTIONS TAKEN ON NOTICE AT THE 26 JULY COUNCIL MEETING** D23/40759

**RESOLUTION**

Minute No. 47308

Councillor D Gallagher moved )  
Councillor R Algate seconded )

**Resolved**

1. That Questions On Notice No. 8/23 dated August 1, 2023, be received.

CARRIED UNANIMOUSLY



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

### From Item 5 – Local Government Conference

*Councillor Browne asked for clarification on the Government's proposal for ClubGRANTS funds to go into State Revenue and a government committee be responsible for the distribution of these funds to communities.*

The Mayor took the question on notice.

### From Item 17 – Minutes of the Local Traffic Committee

*Councillor Turley advised that the disability park adjacent to the Theatre Royal Hotel is marked on the road pavement but does not have a corresponding parking sign installed. Councillor Turley asked if this matter could be raised with the Traffic Committee.*

The Mayor took the matter on notice and agreed that it be referred to the Local Traffic Committee

### From Item 17 – Minutes of the Local Traffic Committee

*Councillor Gallagher advised of an Argent St business owner whose premises backs onto Crystal Lane between Sulphide and Bromide Streets has requested that the lane be made one-way traffic to stop congestion in the lane. Councillor Gallagher asked that the Local Traffic Committee consider the matter and if approved, erect the appropriate one-way signage.*

*Councillor Boland also requested that the no-loading and no-stopping signs in this section of Crystal Lane be replaced as they are faded and hard for motorists to read.*

The Mayor took the matter on notice and agreed that it be referred to the Local Traffic Committee

### Broken Hill Heritage Committee

*Councillor Turley referred to a matter discussed at last night's Broken Hill Heritage Committee Meeting regarding the old Police Station and whether Council had received the heritage management plan for the building? The Committee has concerns that the building will deteriorate if left unattended for a long period.*

The General Manager answered Councillor Turley's question advising that Council does not yet have control of the site. Broken Hill Police are still in control of the site and are currently vacating the building and have not yet relinquished management of the site to Crown Lands. Following this, Crown Lands will then appoint Council as the Land Managers of the site and as part of this process, and Council being satisfied that the building is in a satisfactory condition to take over as Land Manager, Crown Lands will provide Council with the Police Station Heritage Management Plan.

### From Minutes for Confirmation and the Public Forum Session – Broken Hill Family Day Care

*Councillor Turley requested that a site visit of the Broken Hill Family Day Care facility be arranged for Councillors.*

The Mayor took the question on notice and advised that a site visit will be arranged for Councillors.



**Item 20 was moved to open session by Council Resolution – Minute Number 47307.**

Before the matter was discussed by Council the Mayor requested that his belief that Councillor Ron Page has a pecuniary interest in the matter be recorded in the minutes. The Mayor stated that Councillor Page went to the Barrier Truth and the Mayor read out quotes from an article that appeared in the local newspaper:

*“Councillor Page and his team identified Excelsior Oval as their preferred land. The Councillor said his property development plan would better serve the community rather than the people leasing it...” “...his Team is not wasting time to find land...” “...the rug was pulled out from under him by the Council when they negotiated with the current leaseholders...”*

The Mayor advised that Council hasn't made a decision on this matter as it was deferred at the last meeting due to a request from Councillor Page in order that Councillor Page could provide Council with a report and plan on his development of the land and also for Councillor Page to provide legal advice on how Council could terminate the current lease agreement.

The Mayor asked Councillor Page if he had this information for Council to consider at this meeting.

Councillor Page did not provide Council with a report nor any legal advice relating to this meeting.

Councillor Page stated his disappointment in the Mayor's chairmanship of the Council Meeting. Councillor Page advised he started an aged care crisis committee and Broken Hill has some of the best aged care facilities.

**Point of Order:**

The Deputy Mayor called a point of order and asked Councillor Page to answer the question asked by the Chairperson, otherwise Council would have to vote to remove Councillor Page from the meeting.

Councillor Page stated his disappointment in the Deputy Mayor's conduct at the meeting.

Councillor Page advised that his intention was to get some social housing built in Broken Hill and he has a lot of details on who needs social housing and began to advise of the people that he has been working with the first being The Salvation Army... The Mayor again asked if the development was Councillor Page's development?

Councillor Page replied that it is not a development of his but that it is about what is the best outcome for the ratepayers and Broken Hill. Councillor Page stated that it was a misprint in the newspaper where it said “his development plan”.

The Mayor and Councillor Page discussed the matter of whether a pecuniary interest exists for Councillor Page in this matter.

Deputy Mayor Hickey also expressed his concern that Councillor Page has a pecuniary interest in this matter and advised that he had pushed motions for the Office of Local Government in order that developers and real estate agents can remain eligible for election as a Local Government Councillor in NSW.

**Point of Order:**

Councillor Page called a point of order that Deputy Mayor Hickey was misleading the meeting.

The Mayor overruled the point of order.



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

*The Deputy Mayor continued expressing his concern that Councillor Page has not declared his pecuniary interest.*

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 164/23 - DATED AUGUST 21, 2023 - SALE OF LOT 2, 3, 4, 5, 6 & 7 IN DP 1102740 - CONFIDENTIAL** D23/44392

**(General Manager's Note:** This report considers Sale of Land 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).

**RESOLUTION**

Minute No. 47309

Deputy Mayor J Hickey moved )  
Councillor A Chandler seconded )

**Resolved**

1. That Broken Hill City Council Report No. 164/23 dated August 21, 2023, be received.
2. That Lots 2 to 7 in DP 1102740 be sold to the current leaseholders, Broken Hill Lifestyle Village.
3. That the General Manager be authorised to negotiate a sale price with Broken Hill Lifestyle Village, with the current market value as listed within the report as a basis.
4. That Council protect its development interests in the land by placing a positive covenant on the sale of the land and/or stagger the sale of individual lots based on development progress.
5. That the Mayor and General Manager be authorised to sign and apply the Common Seal of Council on necessary documents to execute the sale.

CARRIED

FOR: Mayor Tom Kennedy, Deputy Mayor Jim Hickey, Councillors Bob Algate, Michael Boland, Alan Chandler, Dave Gallagher and Hayley Jewitt

AGAINST: Councillors Marion Browne, Ron Page and Darriea Turley

**PUBLIC FORUM SESSION**

Nil

**RESOLUTION**

Minute No. 47310 - Procedural Motion

**Resolved**



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

Councillor R Algate moved )  
Councillor D Gallagher seconded ) That the meeting be closed to the public in  
accordance with Section 10A(2) of the Local  
Government Act 1993 whilst Council considers  
the confidential matter.

CARRIED UNANIMOUSLY

*Members of the media and public left the Council Chambers at 8:15pm and the live stream of the meeting ceased.*

### CONFIDENTIAL MATTERS

*The General Manager declared an interest in Item 20 and left the Council Chambers at 8:15pm.  
Council Officers also left the Council Chambers at 8:15pm.*

**ITEM 20 - MAYORAL MINUTE NO. 14/23 - DATED AUGUST 18, 2023 - GENERAL MANAGER'S  
PERFORMANCE REVIEW 2022/2023 - CONFIDENTIAL** D23/44009

**(General Manager's Note:** This report considers a staffing matter and is deemed confidential under Section 10A(2) (a) of the Local Government Act, 1993 which contains matters that will involve the discussion of personnel matters concerning a particular individual).

#### Recommendation

1. That Mayoral Minute No. 14/23 dated August 18, 2023, be received.
2. That Council note the view of the GM Performance Review Panel that General Manager, Jay Nankivell has performed at a very high level in the second year of his contract of employment as General Manager of Broken Hill City Council and congratulates him on that performance and his leadership of the staff, and encourages him to continue the progress made in the organisation and in his personal development to ensure the Council's continued financial sustainability.
3. That the five (5) priorities for 2023/24 listed in the Mayoral Minute be adopted and included in the General Manager's Performance Agreement for 2023/24 and the General Manager will develop an Action plan for submission to the Mayor and Deputy Mayor to outline the actions to be taken to address the five (5) priorities so progress can be reviewed in February 2024. The five (5) priorities being:
  - a. **Delivery of Stage One of the Airport Masterplan** – by 30 June 2024
  - b. **Library and Archives Project** – successful commencement and project management of Stage by 28 February 2024 and ongoing delivery – 30 June 2024
  - c. **Financial Sustainability** – continue to balance the budget and deliver the Asset Management Plans as follows:
    - Buildings & Structures – 30 June 2024
    - Parks & Open Spaces – 30 June 2024
    - Roads & Footpaths – 30 June 2024
  - d. **Trainees and Apprentices** – a focus on the Council growing its own staff to boost capacity to deliver streetscape improvements including footpath weed removal and dead tree removal in particular – with additional funding and recruitment required – and success to be measured by the change in employment profile (5% of workforce trainees/cadets/apprentices) and observable streetscape improvements.



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

- e. **Organisation Culture** – continued improvements in culture to be pursued as measured by retention rates & reduction in staff turnover.
4. That the General Manager's Total Remuneration Package be increased by 3.5% to recognise his high performance and a week of special leave be granted to enable the General Manager to visit a high performing council within Australia to bring back ideas which would be of benefit to the Broken Hill community.
5. That the General Manager be congratulated on his performance for 2022/2023.

*The General Manager and Council Officers returned to the Council Chambers at 8:20pm.*

*The Mayor advised the General Manager that Council had adopted the report recommendation with an addendum to include the five (5) priorities for the General Managers Performance Agreement for 2023/2024 and also to congratulate the General Manager for his performance during the 2022/2023 period.*

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 149/23 - DATED AUGUST 10, 2023 - T23/1 - SUPPLY OF 1 X BITUMEN SPRAYER - CONFIDENTIAL** D23/42601

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

**RESOLUTION**

Minute No. 47311

Councillor M Browne moved )  
Councillor R Page seconded )

**Resolved**

1. That Broken Hill City Council Report No. 149/23 dated August 10, 2023, be received.
2. That Council purchase the plant package tendered by Matthews Brothers Engineering for the total price of \$655,492.20 (inc. GST).
3. That Council proceed to public auction to dispose of Council's current Bitumen Sprayer (Fleet 2300) and if unsuccessful proceed to sale for scrap.

CARRIED UNANIMOUSLY

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 163/23 - DATED AUGUST 14, 2023 - ACQUISITION OF LAND - ASSESSMENT 36970 - CONFIDENTIAL** D23/43029

**(General Manager's Note:** This report considers Sale of Land for Unpaid Rates and 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).

**RESOLUTION**

Minute No. 47312

Councillor M Boland moved )  
Councillor R Algate seconded )

**Resolved**

1. That Broken Hill City Council Report No. 163/23 dated August 14, 2023, be received.



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

2. That Council proceed with the transfer of Assessment 36970 – 101 Cornish Lane into Councils possession in accordance with Section 570 of the *Local Government Act 1993*
3. That Council write off outstanding rates on the property of \$4,688.78 with an upper limited of \$5,000 to allow for any additional interest and costs yet to be attributed and finalised.
4. That Council delegate authority to the General Manager to sign documents required to complete the transfer.
5. That Council pay conveyancing costs to complete the transfer.

CARRIED UNANIMOUSLY

**ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 165/23 - DATED JULY 31, 2023 - CIVIC CENTRE LEGAL MATTER UPDATE & OMBUDSMAN COST RECOVERY - CONFIDENTIAL**

D23/40363

**(General Manager's Note:** This report considers Civic Centre Legal Matter and is deemed confidential under Section 10A(2) (e) (g) of the Local Government Act, 1993 which provides for information that would, if disclosed, prejudice the maintenance of law; AND which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

**RESOLUTION**

Minute No. 47313

Councillor R Algate moved )  
Councillor H Jewitt seconded )

**Resolved**

1. That Broken Hill City Council Report No. 165/23 dated July 31, 2023, be received.
2. That Council note the below Cost Settlement with AJ&C, with the amount to be disclosed publically when able to do so.
3. That Council note the Ombudsman legal fee recovery from Insurers of \$517,665.
4. That Council note the update below regarding the Legal Cost dispute with Redenbach Group Pty Ltd trading as Redenbach Legal.
5. That a redacted version of the section regarding the Ombudsman legal fees be presented to Council in the open section of the Ordinary Council Meeting to be held 27 September 2023.

CARRIED UNANIMOUSLY



---

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 30, 2023

---

**RESOLUTION**

Minute No. 47314 - Procedural Motion

Councillor D Gallagher moved )

Councillor R Algate seconded )

**Resolved**

That the meeting resumes in open session.

CARRIED UNANIMOUSLY

*Members of the media and public returned to the Council Chambers at 8:25pm.*

*At the Mayor's invitation, the General Manager reported on the resolutions of Council made in closed session.*

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

THE FOREGOING MINUTES WERE READ )  
AND CONFIRMED AT THE ORDINARY )  
MEETING OF THE BROKEN HILL CITY )  
COUNCIL HELD ON 27 SEPTEMBER 2023. )

\_\_\_\_\_  
CHAIRPERSON