

PLEASE NOTE:

These minutes were amended at the Council Meeting held 28 February 2024 during the Minutes for Confirmation Section as resolved:

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 47457

Councillor M Browne moved)
Councillor H Jewitt seconded)

Resolved

1. That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held January 31, 2024 be confirmed.
2. That the Minutes of the Council Meeting held 27 September 2023 be amended at Minute No. 47337, (Item 21 - Broken Hill City Council Report No. 186/23 dated 20 September 2023 – Appointment of Delegates to Committees – September 2023 to September 2024 Local Government Election and Proposed Disbandment of the Community Round Table Committee) to include:
 - “5) That Councillor Darriea Turley be appointed as a Councillor Representative on the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.”

CARRIED UNANIMOUSLY

The resolution of **Item 21** of these minutes has been amended accordingly to appoint Councillor Turley to the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
SEPTEMBER 27, 2023

Meeting commenced at 6:30pm

PRESENT:

Councillor T. Kennedy (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, Director Finance and
Commercial, Director Infrastructure and Environment, Manager
Communications and Marketing, and Executive Assistants.

Media (3), Members of the Public (5).

APOLOGIES:

Nil.

LEAVE OF ABSENCE APPLICATIONS:

RESOLUTION

Minute No. 47315

Councillor R Algate moved)
Councillor R Page seconded)

Resolved

That the leave of absence application submitted
by Councillor J. Hickey (Deputy Mayor) be
accepted.

CARRIED UNANIMOUSLY

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

Lack of aged care facilities available in Broken Hill

Mr Douglas Coff spoke in relation to the lack of aged care beds available in Broken Hill and how this has affected his mother and his family.

Mr Coff advised that legislation had recently changed and aged care facilities are now required to provide a registered nurse on site 24 hours per day, seven days per week. Broken Hill is currently classified under the Modified Monash Model (MMM) as level 3 which carries the requirement that Southern Cross Care must provide a registered nurse on site 24/7. Southern Cross Care are currently unable to provide staff at their facility and this is resulting in Southern Cross Care being unable to accept any new patients. This has had a flow on affect to the local hospital which has resulted in the Hospital becoming "bed-locked". Aged care patients currently in hospital, and that are unable to return home to receive in-home care, may be required to be relocated to Wilcannia or Adelaide hospitals.

Mr Coff suggested that the solution to this issue would be Broken Hill being reclassified under the MMM from a Level 3 to a Level 6. This would allow Sothern Cross Care extra time to implement the new legislation and open up 20-30 beds to local aged care patients.

Mr Coff advised that he had drafted a letter addressed to the appropriate Ministers and Local Members and asked for Council's assistance in distributing the letter to community members who phone and request a copy of the letter.

The Mayor thanked Mr Coff for bringing this issue to Council's attention and further advised that Broken Hill being reclassified to MMM6 would allow for an on-call registered nurse as opposed to an onsite registered nurse 24/7 and a higher patient to nurse ratio. This would also result in the opening up of beds at Southern Cross Care. The Mayor provided an example of another regional centre which is a similar size to Broken Hill and distance to a Capital City which was previously classified as MMM4 and was recently successful in being reclassified as MMM6.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 47316

Councillor D Gallagher moved)
Councillor A Chandler seconded)

Resolved

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held August 30, 2023 be confirmed.

CARRIED

DISCLOSURE OF INTEREST

Councillor Gallagher declared:

- a non-pecuniary interest in Broken Hill City Council Report NO 178/23 - Item 7 of the Policy and General Committee as he is the President of the Silver City Cup Committee and advised that he will leave the Council Chambers whilst the item is considered.

MAYORAL MINUTES

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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ITEM 1 - MAYORAL MINUTE NO. 16/23 - DATED SEPTEMBER 21, 2023 - BROKEN HILL KART CLUB INC

D23/51613

RESOLUTION

Minute No. 47317

Mayor T Kennedy moved)
Councillor H Jewitt seconded)

Resolved

1. That Mayoral Minute No. 16/23 dated September 21, 2023, be received.
2. That Council provides immediate in-kind assistance to the Broken Hill Kart Club Inc. to assist with the clearing and removal of weeds and vegetation at the Johnson Speedway Go-Kart Track on the Menindee Road prior to the Karting Australia inspection.
3. That the in-kind assistance consists of a slasher machine, dump truck and two operators for one day.

CARRIED UNANIMOUSLY

ITEM 2 - MAYORAL MINUTE NO. 17/23 - DATED SEPTEMBER 27, 2023 - AGED CARE CRISIS

D23/52817

RESOLUTION

Minute No. 47318

Mayor T Kennedy moved)
Councillor R Algate seconded)

Resolved

1. That Mayoral Minute No. 17/23 dated September 27, 2023, be received.
2. That Council write to Minister for Aged Care and Sport Anika Wells, Minister for Health and Aged Care Mark Butler, Federal Member for Parkes Mark Coulton, Member for Barwon Roy Butler and the appropriate Shadow Ministers requesting that Broken Hill's aged care services be urgently reclassified to MM6 under the Modified Monash Model.
3. That Council write to Minister for Aged Care and Sport Anika Wells and Minister for Health and Aged Care Mark Butler requesting an urgent meeting with Southern Cross Care and Far West Local Health District to discuss what immediate short-term financial and staffing support is available to ensure local aged care services do not face further reductions in service or closure.
4. That Council acknowledge and support the work being performed by Southern Cross Care Broken Hill and the Local Far West Health District locally in ensuring aged care is sustainable and begins to grow to ensure the city's valued elderly residents are not neglected and forced to leave their home town in their old age.

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CARRIED UNANIMOUSLY

**ITEM 3 - MAYORAL MINUTE NO. 18/23 - DATED SEPTEMBER 27, 2023 - RESOURCES FOR
REGIONS** D23/52815

RESOLUTION

Minute No. 47319

Mayor T Kennedy moved)

Councillor D Gallagher seconded)

Resolved

1. That Mayoral Minute No. 18/23 dated September 27, 2023, be received.
2. That Council writes to the NSW Premier Chris Minns, Minister for Regional NSW and Western New South Wales Tara Moriarty, Member for Barwon Roy Butler and the Hon Stephen Lawrence MLC, requesting that mining communities receive funding priority under the Regional Development Trust and Working Regions Fund.

CARRIED UNANIMOUSLY

ITEM 4 - VERBAL MAYORAL MINUTE - BARIATRIC AMBULANCE (MM19/23) 11/161

RESOLUTION

Minute No. 47320

Mayor T Kennedy moved)

Councillor R Algate seconded)

Resolved

1. That Mayoral Minute No. 18/23 dated September 27, 2023, be received.
2. That Council provides a letter of appreciation to Kaylee and Cindy from livebetter and Dale Dwyer from the Hospital for their efforts to provide transport for Kim Gasmier from his hospital bed to his home. Without their intervention Kim would have been in hospital until a Bariatric ambulance was available in November.
3. That Council sends correspondence to the appropriate Minister, Local Member Roy Butler and the Hon Stephen Lawrence MLC, and informing them that Bariatric transport is still needed in Broken Hill.

CARRIED UNANIMOUSLY

Councillor Turley declared a non-pecuniary interest in this item as her son is employed by Live Better and remained in the Council Chambers whilst the item was being considered.

Councillor Jewitt declared a non-pecuniary interest in this item as her daughter is employed by Live Better and remained in the Council Chambers whilst the item was being considered.

NOTICES OF MOTION

Nil.

REPORTS FROM DELEGATES

Nil.

COMMITTEE REPORTS

HEALTH AND BUILDING COMMITTEE

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 168/23 - DATED AUGUST 28, 2023 -
RESCISSION OF MINUTE NUMBER 45808 (WARNOCK STREET ACQUISITION) D23/45763**

RESOLUTION

Minute No. 47321

Councillor D Gallagher moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 168/23 dated August 28, 2023, be received.
2. That Council rescind Minute No. 45808 (of the Council Meeting held 26 April 2018), being the proposed acquisition of Crown Land identified as Lot 7469 in Deposited Plan 1182254.

CARRIED UNANIMOUSLY

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 169/23 - DATED SEPTEMBER 06, 2023 -
PROPOSED SECTION 3.22 AMENDMENT OF THE BROKEN HILL LOCAL ENVIRONMENTAL
PLAN 2013 - REZONING OF PART LOT 5 DEPOSITED PLAN 1175135 (336A MCCULLOCH
STREET) D23/48261**

RESOLUTION

Minute No. 47322

Councillor D Gallagher moved)
Councillor D Turley seconded)

Resolved

1. That Broken Hill City Council Report No. 169/23 dated September 6, 2023, be received.
2. That Council submit a request to the Minister for Planning and Public Spaces under Section 3.22 of the *Environmental Planning & Assessment Act 1979* to amend the *Broken Hill Local Environmental Plan 2013*, rezoning part of 336A McCulloch Street (Lot 5 Deposited Plan 1175135 and associated adjoining road from RE1 Public Recreation to R1 General Residential.
3. That the General Manager be delegated to sign any documents relating to the submission.

CARRIED UNANIMOUSLY

POLICY AND GENERAL COMMITTEE

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 172/23 - DATED JUNE 08, 2023 -
ANNUAL FEES - MAYOR AND COUNCILLORS** D23/29923

RESOLUTION

Minute No. 47323

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 172/23 dated June 8, 2023, be received.
2. That Council notes the outcome of the community poll conducted regarding whether the Mayor and Councillors should receive a three (3) percent increase in their fees for the 2023/2024 financial year.
3. That Council notes that the Local Government Remuneration Tribunal determined that there be a three (3) percent increase to the minimum and maximum fees applicable to Councillors and Mayors in each existing category for the financial year commencing 1 July 2023.
4. That Council also notes that the current annual fees paid to Broken Hill City Council's Mayor and Councillors is below the maximum fees determined for the category of "Regional Rural".
5. That Council determines that no increases be applied to the current fees for the Mayor and Councillors for the 2023/2024 financial year.
6. That allocation of a fee for the Deputy Mayor when acting in the role as Mayor, being the daily fee based on the annual additional Mayoral fee; with the fee so payable deducted from the Mayor's fee, be reaffirmed.
7. That a copy of the survey results be provided to all Councillors.

CARRIED UNANIMOUSLY

ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 173/23 - DATED AUGUST 31, 2023 -

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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ENDORSEMENT OF DISPLAY FORMAT FOR COUNCILLOR MEETING/BRIEFING
ATTENDANCE IN DRAFT 2022/23 ANNUAL REPORT

D23/46951

RESOLUTION

Minute No. 47324

Councillor R Algate moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 173/23 dated August 31, 2023, be received.
2. That Council endorse the proposed display format for Councillor attendance at Ordinary, Extraordinary and Standing Committee Meetings and Briefings for placement in the Draft 2022/2023 Annual Report.

CARRIED UNANIMOUSLY

ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 174/23 - DATED AUGUST 23, 2023 -
PUBLIC INTEREST DISCLOSURES ANNUAL REPORT - 2022/2023

D23/45024

RESOLUTION

Minute No. 47325

Councillor D Gallagher moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 174/23 dated August 23, 2023, be received.
2. That the Broken Hill City Council Public Interest Disclosures Annual Report 2022/2023 be forwarded to the Minister for Local Government and the NSW Ombudsman by 30 October 2023

CARRIED UNANIMOUSLY

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 175/23 - DATED SEPTEMBER 07, 2023 -
2022/2023 DRAFT ANNUAL FINANCIAL STATEMENTS

D23/48829

RESOLUTION

Minute No. 47326

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 175/23 dated September 7, 2023, be received.
2. That the 2022/2023 Draft Primary Financial Statements as attached be received.
3. That the 2022/2023 Draft Primary Financial Statements as attached be referred to audit.
4. That Council adopt the attached Statements of Opinion on the 2022/23 General Purpose and Special Purpose Financial Statements and the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer sign the Statements in

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accordance with Section 413(2)(c) of the
Local Government Act 1993.

5. That Council delegate to the General Manager the authority to finalise the date at which the auditor's report and financial statements are to be presented to the public.
6. That Council delegate the General Manager the authority to authorise the 2022/23 General Purpose and Special Purpose Financial Statements and associated Special Schedules for issue immediately upon receipt of the auditors reports subject to there being no material audit changes or audit issues, in accordance with AASB 110.
7. That Council notes that representatives from the Local Government Grants Commission, who gave a briefing to Councillors and Council Management regarding Financial Assistance Grants, recognised that Broken Hill City Council is one of only a small number of Councils in NSW whose finances are being well managed during the current financial climate, and that Councillors and Council staff should be congratulated on their management of Council's finances.

CARRIED UNANIMOUSLY

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 176/23 - DATED SEPTEMBER 07, 2023 - BUDGET CARRYOVER'S 2022/23 D23/48540

RESOLUTION

Minute No. 47327

Councillor M Boland moved)

Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 176/23 dated September 7, 2023, be received.
2. That Council revoke the budget items as listed below in *Table 1* for the amount of \$399,100.
3. That Council note the carryover budget items as listed below in *Table 2* for the amount of \$41,510,479.

CARRIED UNANIMOUSLY

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 177/23 - DATED SEPTEMBER 07, 2023 - INVESTMENT REPORT FOR AUGUST 2023 D23/48850

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RESOLUTION

Minute No. 47328

Councillor M Boland moved)

Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 177/23 dated September 7, 2023, be received.

CARRIED UNANIMOUSLY

Councillor Gallagher declared a non-pecuniary interest in this item and left the Council Chambers at 7:17pm

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 178/23 - DATED SEPTEMBER 12, 2023 - MEMORANDUM OF UNDERSTANDING - FINANCIAL ASSISTANCE TO THE SILVER CITY CUP RACE COMMITTEE D23/49511

RESOLUTION

Minute No. 47329

Councillor D Turley moved)

Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 178/23 dated September 12, 2023, be received.
2. That the General Manager be authorised to negotiate and execute a Memorandum of Understanding for financial assistance to the Silver City Cup Race Committee for the 2023/24 and 2024/25 financial years.
3. That the terms of the Memorandum of Understanding include financial assistance grants of \$7,300.00 per annum to cover in-kind waste services fees and the remainder to be used towards utility/hire costs for the conduct of the 2023 and 2024 Silver City Cup Races held at the Broken Hill Racecourse in November each year.
4. That the Memorandum of Understanding includes KPI's on the financial reporting of the Silver City Cup Races (income and expenditure financial statements following each Race meet) and the reporting of acquittal of grant funds each year.

CARRIED UNANIMOUSLY

Councillor Gallagher returned to the Council Chambers at 7:18pm

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 179/23 - DATED SEPTEMBER 06, 2023 - MINUTES OF THE S355 AGEING WELL ADVISORY COMMITTEE MEETING HELD 2 AUGUST 2023 D23/48283

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RESOLUTION

Minute No. 47330

Councillor R Algate moved)
Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 179/23 dated September 6, 2023, be received.
2. That the minutes of the S355 Ageing Well Advisory Committee meeting held 2 August 2023 be received.
3. That Council prepare and send correspondence to service providers to enquire if they provide meals to clients, if so, where are the meals prepared and what is the cost of the meals.
4. That the Ageing Well Advisory Committee provides a report to the General Manager outlining the issues currently being faced by the local aged care industry (aged care facilities and in-home aged care providers) with the issue of the reoccurrence of local elderly people being sent to Wentworth or Mildura Nursing Homes to be included in the report.

CARRIED UNANIMOUSLY

ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 180/23 - DATED SEPTEMBER 07, 2023 - MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 24 AUGUST 2023 D23/48533

RESOLUTION

Minute No. 47331

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 180/23 dated September 7, 2023, be received.
2. That minutes of the Audit, Risk and Improvement Committee meeting held 24 August 2023 be received and noted.

CARRIED UNANIMOUSLY

RESCISSION MOTIONS

Nil.

FURTHER REPORTS

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 181/23 - DATED JUNE 27, 2023 -
CORRESPONDENCE REPORT - DAMAGING INCREASE IN EMERGENCY SERVICES LEVY
COSTS** D23/33316

RESOLUTION

Minute No. 47332

Councillor A Chandler moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 181/23 dated June 27, 2023, be received.
2. That reply correspondence dated 9 June 2023 from IPART be received and noted.
3. That reply correspondence dated 13 June 2023, from The Hon Mark Coulton MP, Federal Member for Parkes, be received and noted.
4. That reply correspondence received 7 September 2023, from the Hon Ron Hoenig MP, NSW Minister for Local Government, be received and noted.
5. That Council notes that reply correspondence from the Treasurer, Minister for Emergency Services, Member for Barwon and from the President of LGNSW has not been received to date.

CARRIED UNANIMOUSLY

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 182/23 - DATED JULY 14, 2023 -
CORRESPONDENCE REPORT - 60 DAY DISPENSING OF PBS MEDICINES** D23/37189

RESOLUTION

Minute No. 47333

Councillor A Chandler moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 182/23 dated July 14, 2023, be received.
2. That reply correspondence dated 7 July 2023, from the Hon Mark Coulton MP, be received and noted.
3. That Council notes reply correspondence from the Minister for Health and Aged Care, Shadow Minister for Health and Aged Care and the Member for Barwon has not been received.

CARRIED UNANIMOUSLY

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 183/23 - DATED SEPTEMBER 18, 2023 -
CORRESPONDENCE REPORT - SUSPENSION OF REGIONAL SENIORS TRAVEL CARD**

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D23/50673

RESOLUTION

Minute No. 47334

Councillor R Algate moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 183/23 dated September 18, 2023, be received.
2. That correspondence dated 15 August 2023 from the Federal Member for Parkes, The Hon Mark Coulton MP advising that the Regional Seniors Travel Card Scheme falls under the State Government jurisdiction and advising that he has forwarded Council's correspondence to the Nationals' Duty MLC for Barwon and Shadow Minister for Western NSW, The Hon Sarah Mitchell MLC for her consideration, be received.
3. That correspondence dated 13 September 2023 from the Parliamentary Secretary for Regional Transport and Roads, Ms Anna Watson MP, (on behalf of the Minister for Customer Service and Digital Government and the Minister for Regional Transport and Roads) regarding the Regional Seniors Travel Card Scheme and advising of the availability of other Pensioner and Regional Travel Concession Programs, be received.

CARRIED UNANIMOUSLY

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 184/23 - DATED SEPTEMBER 07, 2023 -
CORRESPONDENCE REPORT - CHILDCARE IN BROKEN HILL**

D23/48891

RESOLUTION

Minute No. 47335

Councillor A Chandler moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 184/23 dated September 7, 2023, be received.
2. That email correspondence from The Hon Mark Coulton dated 15 August 2023 regarding representations on behalf of Council to The Hon Dr Anne Aly MP, Federal Minister for Early Childhood Education and Minister for Youth, be received and noted.
3. That correspondence from The Hon Dr Anne Aly MP, Federal Minister for Early Childhood Education and Minister for Youth dated 4 September 2023 addressed to The Hon Mark Coulton MP (forwarded to Council by The Hon Mark Coulton MP) in response to representations made on behalf of Council

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regarding childcare in Broken Hill, be received and noted.

4. That Council notes that the Government have commissioned a comprehensive Productivity Commission Inquiry into Australia's Early Childhood Education and Care System with the Commission's draft Report to be released in November 2023 and the final Report is to be provided to the Government by 30 June 2024.

CARRIED UNANIMOUSLY

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 185/23 - DATED AUGUST 30, 2023 -
ELECTION OF DEPUTY MAYOR** D23/46184

RESOLUTION

Minute No. 47336

Councillor D Gallagher moved)
Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 185/23 dated August 30, 2023, be received.
2. That Council elect the Deputy Mayor at this meeting in accordance with *Section 231 of the Local Government Act 1993*.
3. That the election of Deputy Mayor be conducted in accordance with *Schedule 7 of the Local Government (General) Regulation 2021*; and that voting be by open voting, i.e. "show of hands".
4. That the Deputy Mayor be elected for the period from this Council Meeting until the September 2024 Council Meeting scheduled to be held on 14 September 2024.
5. That the result of the election of Deputy Mayor be forwarded to the Office of Local Government and to Local Government NSW.
6. That Council approves the issuing of the Deputy Mayor's Delegations of Authority (pursuant to *Section 377 of the Local Government Act 1993* and as per Minute No. 46737 of the Council Meeting held 23 February 2022 where delegations were issued for the new Term of Council) to the Deputy Mayor elect for the new term of Deputy Mayor in order that the Deputy Mayor can act in the position of Mayor at the Mayor's request; if the Mayor is prevented by illness, absence or otherwise from exercising the functions of Mayor; or if there is a casual vacancy in the office of Mayor.

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7. That the Deputy Mayor elect be entitled to be paid an additional fee, being the daily fee based on the annual additional Mayoral fee; with daily fee being calculated dependent on the number of days in the month, with the fee so payable deducted from the Mayor's fee.

CARRIED UNANIMOUSLY

The Mayor appointed the General Manager as Returning Officer for the conduct of the Election of Deputy Mayor.

The Returning Officer advised that one (1) nomination had been received for the position of Deputy Mayor, being:

Councillor Hickey (nominated by Councillor Chandler and Councillor Algate) nomination received: 27 September 2023 at 6:00pm.

The Returning Office advised that although Councillor Hickey was absent from the meeting, he had provided written advice of his acceptance of the nomination.

The Returning Officer called for any further nominations prior to the ballot being conducted.

No further nominations were received.

As Councillor Hickey's nomination for Deputy Mayor was uncontested, the Returning Officer declared Councillor Hickey as Deputy Mayor for the period 27 September 2023 to the September 2024 Local Government Elections.

The Returning Officer congratulated Councillor Hickey on his re-appointment as Deputy Mayor.

ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 186/23 - DATED SEPTEMBER 20, 2023 - APPOINTMENT OF DELEGATES TO COMMITTEES - SEPTEMBER 2023 TO SEPTEMBER 2024 LOCAL GOVERNMENT ELECTIONS AND PROPOSED DISBANDMENT OF THE COMMUNITY ROUND TABLE COMMITTEE

D23/46213

RESOLUTION

Minute No. 47337

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 186/23 dated September 20, 2023, be received.
2. That Council appoints its Councillor representatives on Section 355 Committees and various other Committees and Working Groups for the period 27 September 2023 until the September 2024 Local Government Election as per the attached current Schedule of Delegates, to ensure continuity in the operation of Council's Committees and Working Groups.
3. That Council appoints Councillor Turley to the Murray Darling Association to fill the position vacated by Councillor Algate, and to the

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Friends of the Flora and Fauna of the Barrier Ranges Community Committee.

4. That Council disbands the Community Strategic Plan Round Table Committee and thanks the current Committee members for their interest in joining the Committee; and that Council continues with the new methods of engagement and consultation with the community, business sector, government sector and local industries in the development, monitoring and review of the Broken Hill Community Strategic Plan and its objectives and strategies.

CARRIED UNANIMOUSLY

ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 187/23 - DATED SEPTEMBER 21, 2023 - COUNCIL TO DETERMINE NUMBER OF COUNCILLORS FOR 2024-2028 TERM OF COUNCIL

D23/51518

RESOLUTION

Minute No. 47338

Councillor D Gallagher moved)

Councillor D Turley seconded)

Resolved

1. That Broken Hill City Council Report No. 187/23 dated September 21, 2023, be received.
2. That pursuant to Section 224(2) of the *Local Government Act 1993*, Council determines the number of Councillors for the 2024-2028 Council Term of Office to be ten (10), which includes the Mayor.
3. That the Office of Local Government be notified of Council's resolution.

CARRIED UNANIMOUSLY

ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 188/23 - DATED SEPTEMBER 21, 2023 - CIVIC CENTRE OMBUDSMAN COSTS

D23/51433

RESOLUTION

Minute No. 47339

Councillor R Algate moved)

Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 188/23 dated September 21, 2023, be received.
2. That Council note the report.
3. That Council note the ongoing legal cost recovery for the Civic Centre and ancillary matters.

CARRIED UNANIMOUSLY

Councillor Algate read a prepared statement regarding his concerns relating to the events held at the

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Civic Centre prior to a full occupancy certificate being issued and regarding the video-audio tender for the Civic Centre and that these actions resulted in the matter being reported to the Ombudsman. Councillor Algate's statement referred to the former General Manager, Mr James Roncon and the former Mayor Councillor Darriea Turley.

Point of Order:

Councillor Turley called a Point of Order stating that Councillor Algate is attacking her personally when the Ombudsman's Report was relating to allegations made against the former General Manager only and not against the former Mayor.

The Point of Order was sustained and the Mayor ruled that Councillor Algate can continue his address to Council but must refrain from referring to any wrongdoing of the former Mayor regarding the Ombudsman's Report into the Civic Centre matter.

Councillor Algate continued his address to Council.

**ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 189/23 - DATED SEPTEMBER 21, 2023 -
DRAFT BROKEN HILL AIRPORT MASTER PLAN FOR PUBLIC EXHIBITION** D23/51460

RESOLUTION

Minute No. 47340

Councillor M Boland moved)

Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 189/23 dated September 21, 2023, be received.
2. That council endorse the Draft Broken Hill Airport Master Plan Report, dated 18 September 2023 for the purpose of public consultation.
3. That the Draft Airport Master Plan be placed on public exhibition for comment for a period of twenty-eight (28) calendar days.
4. That Council receives a further report at the conclusion of the exhibition period, detailing submissions and any recommended amendments arising, with a view to adopting the Draft Airport Master Plan.
5. That a report be prepared for a future Council meeting on the Broken Hill Regional Airport becoming a Federal or State significant Project.

CARRIED UNANIMOUSLY

**ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 190/23 - DATED SEPTEMBER 08, 2023 -
RE-ESTABLISHMENT OF ALCOHOL-FREE ZONES** D23/49090

RESOLUTION

Minute No. 47341

Councillor D Gallagher moved)

Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 190/23 dated September 8, 2023, be received.

2. That Council endorse the proposal (as attached) to re-establish the Alcohol-Free Zone known as Creedon Street, including public roads and laneways, public car parks and footpath area of Creedon Street bounded by Rakow and Wills Streets.
3. That Council endorse the proposal (as attached) to re-establish the Alcohol-Free Zone known as Shell Memorial including all public roads and laneways, public car parks and footpaths in an area bounded by Iodide, Thomas, Bromide and Mica Streets including Oxide Street from Thomas Street through to Morgan Street.
4. That Council endorse the proposal (as attached) to re-establish the Alcohol-Free Zone surrounding the E.T. Lamb Memorial Oval, including public roads and laneways, public car parks and footpath area surrounding the oval bounded by South, Boughtman, Comstock and Jamieson Streets.
5. That Council endorse the proposal (as attached) to re-establish the Alcohol-Free Zone known as South Broken Hill including all public roads and laneways, public car parks and footpaths in an area bounded by Bonanza, Patton, Central and Hebbard Streets including South Street from Piper Street through to Wilson Street; with extension from Bonanza Street to Morish Street and off Bonanza Street from Wilson Street to Picton Street.
6. That Council refer the Proposals for comment in accordance with the provisions of the *Local Government Act 1993* and Ministerial Guidelines (2009) to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area and all affected licensed premises and registered clubs that border on, adjoin or are adjacent to the proposed alcohol free zone, for response within thirty days of public notice.
7. That Council invite public comment on the proposal through an advertisement in local newspaper with time for response within thirty days.
8. That a further report be submitted to Council upon completion of the consultative process.

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9. That a report be prepared to a future Council meeting regarding a possible exemption to the prohibition of alcohol from the Norm Fox Sporting Grounds changeroom

CARRIED UNANIMOUSLY

ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 191/23 - DATED SEPTEMBER 21, 2023 - MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE HELD 29 AUGUST 2023 D23/51443

RESOLUTION

Minute No. 47342

Councillor D Turley moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 191/23 dated September 21, 2023, be received.
2. That minutes of the Broken Hill Heritage Committee Meeting held 29 August 2023 be received.
3. That Council staff be congratulated on the successful 140th Anniversary celebration event held at Sturt Park.

CARRIED UNANIMOUSLY

ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 192/23 - DATED SEPTEMBER 14, 2023 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.439, HELD ON TUESDAY, 5 SEPTEMBER 2023 D23/50158

RESOLUTION

Minute No. 47343

Councillor M Browne moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 192/23 dated September 14, 2023, be received.
2. That the minutes of the Local Traffic Committee – Meeting No. 439, held on Tuesday, 5 September 2023 be endorsed.
3. That Item No. 439.8.1 recommendation be endorsed:
 - That a response be provided advising Uber services are permitted to park in 'Loading Zones' and 'No Parking' areas for the purpose to drop off and pick up passengers, loading or unloading items, for less than two minutes, with the driver remaining within 3 meters of the vehicle.
4. That Item No. 439.8.2 recommendation be endorsed:

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- That Council develop a concept plan for the three angle parking spaces, located between the two driveways for Hungry Jacks on Argent Street, to be changed to two parallel parking spaces.
5. That Item No. 439.8.3 recommendation be endorsed:
- That Council place Variable Message Signs (VMS) boards on Horsington Drive during the period for the Mundi Mundi Bash in 2024.

CARRIED UNANIMOUSLY

ITEM 28 - BROKEN HILL CITY COUNCIL REPORT NO. 193/23 - DATED AUGUST 31, 2023 - ACTION LIST REPORT D23/46573

RESOLUTION

Minute No. 47344

Councillor D Gallagher moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 193/23 dated August 31, 2023, be received.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 29 - QUESTIONS ON NOTICE NO. 9/23 - DATED SEPTEMBER 07, 2023 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE 26 JULY 2023 AND 30 AUGUST 2023 COUNCIL MEETINGS D23/48909

RESOLUTION

Minute No. 47345

Councillor M Browne moved)
Councillor R Algate seconded)

Resolved

1. That Questions On Notice No. 9/23 dated September 7, 2023, be received.

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

From Item 21 – Broken Hill Community Strategic Plan – Community consultation

Councillor Turley asked whether Councillors could receive an outline of the new engagement models associated with the community consultation for the review and monitoring of the Broken Hill Community Strategic Plan.

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The Mayor took the question on notice.

From Item 19 – Childcare in Broken Hill

Councillor Jewitt referred to the current childcare crisis in Broken Hill and asked whether any other town/cities had been successful in receiving an exemption to the Childcare ratio of one educator for four children (1:4) and to have the ratio increased to 1:5?

The Mayor advised that the government amended the childcare educator/child ratio in 2013 from 1:5 to 1:4 to provide a better level of education for children.

The Mayor advised that no-one had been successful in their advocacy to increase this ratio. An organisation can request an exemption for a short period of time to increase the educator/child ratio from 1:4 to 1:5 (for example if an educator is on leave) but that this is a temporary exemption only and cannot be a permanent exemption.

PUBLIC FORUM SESSION

Nil

RESOLUTION

Minute No. 47346 – Procedural Motion

Councillor D Turley moved
Councillor M Browne seconded

Resolved

) 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 8:09pm and the live stream of the meeting ceased

CONFIDENTIAL MATTERS

ITEM 30 - BROKEN HILL CITY COUNCIL REPORT NO. 194/23 - DATED SEPTEMBER 13, 2023 - LICENCE OF AIRPORT KIOSK AT THE BROKEN HILL AIRPORT - CONFIDENTIAL D23/49654

(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).

RESOLUTION

Minute No. 47347

Councillor D Gallagher moved
Councillor D Turley seconded

Resolved

) 1. That Broken Hill City Council Report No.
) 194/23 dated September 13, 2023, be
received.

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2. That Council authorise the General Manger to draw up a licence agreement with the preferred applicant to operate the kiosk at the Broken Hill Airport.
3. That the licence be for twelve (12) months.
4. That the licence fee be a fee of \$2200 including GST for the first 12 months.
5. That the General Manager be authorised to negotiate further terms and conditions in-conjunction with Council's Property Manager.
6. That the Mayor and General Manager be authorised to sign and execute any licence documents under the Common Seal of Council.

CARRIED UNANIMOUSLY

ITEM 31 - BROKEN HILL CITY COUNCIL REPORT NO. 170/23 - DATED AUGUST 29, 2023 - PROPOSED LICENCE OF 100 SULPHIDE STREET (PART RESERVE 1003026) TO BCH FITNESS - CONFIDENTIAL D23/46104

(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).

RESOLUTION

Minute No. 47348

Councillor R Algate moved)
Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 170/23 dated August 29, 2023, be received.
2. That Council issue a six-month licence for use of 100 Sulphide Street (Crown Reserve 1003026 Lot 702 DP 1096296) with the purpose of 'sporting and organised recreational activities'.
3. That the rent be set at the Crown Lands minimum rental (currently \$579 per annum) and be calculated on a pro-rata basis.
4. That the licence is able to be renewed for a further six months, should the agreement continue to suit all parties.
5. That the Mayor and General Manager be authorised by sign and execute any licence documents under the Common Seal of Council.

CARRIED UNANIMOUSLY

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**ITEM 32 - BROKEN HILL CITY COUNCIL REPORT NO. 171/23 - DATED SEPTEMBER 05, 2023 -
PROPOSED LICENCE TO CARSCONNECTION PTY LTD - **CONFIDENTIAL**** D23/47894

(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).

RESOLUTION

Minute No. 47349

Councillor R Algate moved)
Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 171/23 dated September 5, 2023, be received.
2. That Council grants a new licence to Carsconnection Pty Ltd for use of a car hire counter and parking spaces at the Broken Hill Airport Terminal
3. That the licence term be five (5) years.
4. That the licence fee be based on a market rent and adjusted by 3% each year.
5. That the Mayor and General Manager be authorised to sign and execute the licence under the Common Seal of Council.

CARRIED UNANIMOUSLY

**ITEM 33 - TENDER REPORT NO. 2/23 - DATED SEPTEMBER 22, 2023 - T23/42 SUPPLY AND
INSTALL OF AMENITIES BLOCK - DUKE OF CORNWALL PARK - **CONFIDENTIAL**** D23/51711

(General Manager's Note: This report considers a tender for amenities upgrade 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. 47350

Councillor D Turley moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Tender Report No. 2/23 dated September 22, 2023, be received.
2. That Broken Hill City Council award tender T23/42 to Asco Group Aust Pty Ltd for the purchase and installation of amenities block and site works at Duke of Cornwall park for the total price of \$268,633.48 (inc GST).

CARRIED UNANIMOUSLY

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RESOLUTION

Minute No. 47351 - Procedural Motion

Councillor D Turley moved)

Councillor H Jewitt seconded)

Resolved

That the meeting resumes in open session.

CARRIED UNANIMOUSLY

Members of the media and public returned to the Council Chambers at 8:11pm.

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 8:15p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 25 OCTOBER, 2023.)

CHAIRPERSON