
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
OCTOBER 25, 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 and D. Turley.

General Manager, Director Corporate and Community, Director Finance and
Commercial, Director Infrastructure and Environment, Manager
Communications and Marketing, Executive Officer and Executive
Assistants.

Media (2), Members of the Public (3)

APOLOGIES:

Councillor R. Page.

RESOLUTION

Minute No. 47352

Councillor A Chandler moved
Councillor D Gallagher seconded

)
)

Resolved

That the apology submitted on behalf of
Councillor Page be accepted.

CARRIED UNANIMOUSLY

**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

Nil.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 47353

Deputy Mayor J Hickey moved)
Councillor R Algate seconded)

Resolved

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held September 27, 2023 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil.

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 20/23 - DATED OCTOBER 05, 2023 - 2023 MINISTERS' AWARDS FOR WOMEN IN LOCAL GOVERNMENT D23/54782

RESOLUTION

Minute No. 47354

Mayor T Kennedy moved)
Councillor H Jewitt seconded)

Resolved

1. That Mayoral Minute No. 20/23 dated October 5, 2023, be received.
2. That Councillor Turley be congratulated on receiving the 2023 Councillor Lilliane Brady OAM Award at the Ministers' Awards for Women in Local Government event held at NSW Parliament House on Wednesday 4 October 2023.
3. That Council retrospectively approves Councillor Browne's travel to Sydney to represent Council at the Ministers' Awards for Women in Local Government event on Wednesday 4 October 2023.

CARRIED UNANIMOUSLY

ITEM 2 - MAYORAL MINUTE NO. 21/23 - DATED OCTOBER 13, 2023 - 2023 AWARDS AUSTRALIA - COMMUNITY ACHIEVEMENT AWARDS FOR NSW AND ACT D23/56398

RESOLUTION

Minute No. 47355

Mayor T Kennedy moved)
Councillor D Turley seconded)

Resolved

1. That Mayoral Minute No. 21/23 dated October 13, 2023, be received.
2. That Council congratulates Mrs Christine Adams on being selected as a finalist in the 2023 Awards Australia for the Community Achievement Award – NSW Government Individual Excellence in Crown Land

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Management Award, and wish her success in the final awards adjudication.

CARRIED UNANIMOUSLY

ITEM 3 - MAYORAL MINUTE NO. 22/23 - DATED OCTOBER 19, 2023 - SUPPORT FOR THE ESTABLISHMENT OF A PARLIAMENTARY INQUIRY INTO CRIME IN REGIONAL, RURAL AND REMOTE NSW D23/57186

RESOLUTION

Minute No. 47356

Mayor T Kennedy moved)

Councillor D Gallagher seconded)

Resolved

1. That Mayoral Minute No. 22/23 dated October 19, 2023, be received.
2. That Broken Hill City Council endorse the following recommendations listed in the Country Mayors Association of NSW report into Crime, Law and Order and call on the Local Member for Barwon, Mr Roy Butler MP, to support the establishment of a Parliamentary Inquiry with the suggested terms of reference in the document.
 - a) That Broken Hill City Council calls on all members of the NSW Parliament to commit to bipartisan support to establish a Parliamentary Inquiry into, and report on, the rate of crime in all categories reported on by the Bureau of Crime Statistical and Research (BOCSAR) in regional, rural and remote NSW, specifically focusing on the inequity between metro and regional Local Government areas.
 - b) That Broken Hill City Council calls on all members of the NSW Parliament to commit to bipartisan support to increase spending on the NSW Police Force to increase front-line policing numbers in regional, rural and remote NSW regions most at need.
 - c) That Broken Hill City Council calls on the NSW Government to commit to the minimum staffing agreements (known in the NSW Police Force as First Response Agreements) for non-24 hour police stations, all of which are located in regional, rural and remote NSW Local Government areas.
 - d) That Broken Hill City Council calls on the NSW Government to review the current

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formula used to assess staffing levels including the universally agreed outdated current model for those Local Government areas that do have a First Response Agreement in place.

CARRIED UNANIMOUSLY

ITEM 4 - MAYORAL MINUTE NO. 23/23 - DATED OCTOBER 25, 2023 - SUPPORT FOR SOUTH VILLAGE ASSOCIATION CHRISTMAS EVENT D23/58175

RESOLUTION

Minute No. 47357

Mayor T Kennedy moved)

Councillor D Turley seconded)

Resolved

1. That Mayoral Minute No. 23/23 dated October 25, 2023, be received.
2. That Council provides reasonable administrative, financial and in-kind support to the South Village Association to enable their 2023 Christmas event to go ahead in Patton Park.

CARRIED UNANIMOUSLY

ITEM 5 – VERBAL MAYORAL MINUTE - VISIT TO BROKEN HILL BY THE HON TANYA PLIBERSEK MP, MINISTER FOR THE ENVIRONMENT AND WATER (MM24/23) 11/161

RESOLUTION

Minute No. 47358

Mayor T Kennedy moved)

Deputy Mayor J Hickey seconded)

Resolved

That Council thanks The Hon Tanya Plibersek MP, Minister for the Environment and Water for meeting with Council during her visit to Broken Hill for the announcement of Government support to the Trades Hall UNESCO World Heritage nomination and her to visit Menindee Lakes.

That Council also thanks The Hon Tanya Plibersek MP for her commitment to follow-up with the relevant Ministers regarding Council's request for the City to be re-categorised under the health Modified Monash Model (from category MMM3 to category MMM6) to better reflect Broken Hill's remoteness and distance to the nearest large City, to assist with the new aged care legislative requirements regarding registered nurses on site 24 hours per day, 7 days per week.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

Nil.

REPORTS FROM DELEGATES

Nil.

COMMITTEE REPORTS

HEALTH AND BUILDING COMMITTEE

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 195/23 - DATED OCTOBER 05, 2023 -
CORRESPONDENCE REPORT - BROKEN HILL ENVIRONMENTAL LEAD PROGRAMD23/54602**

RESOLUTION

Minute No. 47359

Councillor M Browne moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 195/23 dated October 5, 2023, be received.
2. That correspondence dated 3 October 2023 from the Premier of NSW, the Hon Chris Minns MP providing an update on the Broken Hill Environmental Lead Response Group and funding of lead monitoring and remediation program be received and noted.
3. That Council notes that acknowledgement correspondence was received from the Minister for Health and Minister for Regional Health who advised that the correspondence was referred to the Premier of NSW for a response.
4. That correspondence dated 1 October 2023, from the NSW EPA regarding funding of lead monitoring and remediation program be received and noted.

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 196/23 - DATED SEPTEMBER 22, 2023 -
MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES
COMMUNITY COMMITTEE MEETING HELD 12 SEPTEMBER 2023** D23/51709

RESOLUTION

Minute No. 47360

Councillor M Browne moved)
Councillor D Turley seconded)

Resolved

1. That Broken Hill City Council Report No. 196/23 dated September 22, 2023, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held 12 September 2023 be received.

CARRIED UNANIMOUSLY

POLICY AND GENERAL COMMITTEE

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 197/23 - DATED OCTOBER 05, 2023 -
CORRESPONDENCE REPORT - LOCAL GOVERNMENT REMUNERATION TRIBUNAL REVIEW
FOR 2024 ANNUAL DETERMINATION** D23/54534

RESOLUTION

Minute No. 47361

Deputy Mayor J Hickey moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 197/23 dated October 5, 2023, be received.
2. That a Councillor Briefing be held in November for Councillors to determine whether a Council submission be forwarded to the Local Government Remuneration Tribunal.
3. That should Councillors determine that a submission be sent, this submission be formulated and presented to the November Council Meeting for Council's endorsement and submission to the Local Government Remuneration Tribunal by 21 December 2023.

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 198/23 - DATED OCTOBER 06, 2023 -
DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS** D23/46221

RESOLUTION

Minute No. 47362

Councillor R Algate moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 198/23 dated October 6, 2023, be received.
2. That Council notes the submission of the required Disclosure Returns by Councillors and Designated Persons of Council and that the Disclosure Returns be tabled by Council.
3. That public access to Council's Register of Returns of Disclosures by Councillors and Designated Persons be in accordance with the provisions of the *Local Government Act 1993*, *Government Information (Public Access) Act 2009* and *Government Information (Public Access) Regulation 2018* and the Disclosure Returns be published on Council's website accordingly.

CARRIED UNANIMOUSLY

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**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 199/23 - DATED OCTOBER 05, 2023 -
ADOPTION OF REVIEWED INTELLECTUAL PROPERTY POLICY** D23/54538

RESOLUTION

Minute No. 47363

Councillor M Boland moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 199/23 dated October 5, 2023, be received.
2. That Council adopts the reviewed Intellectual Property Policy as a Policy of Council.
3. That Council notes that, once adopted, the reviewed Intellectual Property Policy will supersede the 2015 Intellectual Property Policy.

CARRIED UNANIMOUSLY

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 200/23 - DATED OCTOBER 05, 2023 -
ADOPTION OF REVISED DRAFT WORKPLACE HEALTH AND SAFETY POLICY** D23/54609

RESOLUTION

Minute No. 47364

Councillor H Jewitt moved)
Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 200/23 dated October 5, 2023, be received.
2. That Council adopts the draft revised Workplace Health and Safety Policy as a Policy of Council.
3. That Council notes that, once adopted, the draft revised Workplace Health and Safety Policy will supersede the 2016 Workplace Health and Safety Policy.

CARRIED UNANIMOUSLY

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 201/23 - DATED OCTOBER 03, 2023 -
DRAFT MANDATORY NOTIFICATION OF DATA BREACH POLICY** D23/53577

RESOLUTION

Minute No. 47365

Deputy Mayor J Hickey moved)
Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 201/23 dated October 3, 2023, be received.
2. That Council endorses the draft Mandatory Notification of Data Breach Policy for the purpose of public exhibition.
3. That Council publicly exhibits the draft Mandatory Notification of Data Breach

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Policy and accepts submissions from the public for a period of 28 days.

4. That Council receives a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the draft Mandatory Notification of Data Breach Policy.

CARRIED UNANIMOUSLY

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 202/23 - DATED SEPTEMBER 18, 2023 - SECTION 355 ANNUAL AND FINANCIAL REPORTS 2022/2023 D23/50741

RESOLUTION

Minute No. 47366

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 202/23 dated September 18, 2023, be received.
2. That the 2022/2023 Norm Fox Sporting Complex Community Committee Annual and Financial Reports be received and noted
3. That the 2022/2023 Broken Hill Heritage Committee Annual Report be received and noted

CARRIED UNANIMOUSLY

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 203/23 - DATED SEPTEMBER 29, 2023 - NOMINATION FOR THE APPOINTMENT AND RESIGNATION OF COMMUNITY REPRESENTATIVE TO SECTION 355 COMMUNITY COMMITTEE D23/53157

RESOLUTION

Minute No. 47367

Deputy Mayor J Hickey moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 203/23 dated September 29, 2023, be received.
2. That Council appoint Ms Brooke Mallison and Mr Dale Sanderson as community representatives on the E.T. Lamb Memorial Oval Community Committee.
3. That Ms Brooke Mallison and Mr Dale Sanderson be advised of their appointment and advice also be sent to the Councillor Delegate/Chairperson of the Committee.
4. That Council endorses and acknowledges in writing the resignation of Mr Ken Kennedy

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from the E.T. Lamb Memorial Oval
Community Committee and thanks Mr Ken
Kennedy for his contribution to the
management of the E.T. Lamb Memorial
Oval .

CARRIED UNANIMOUSLY

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 204/23 - DATED OCTOBER 06, 2023 -
INVESTMENT REPORT FOR SEPTEMBER 2023** D23/54951

RESOLUTION

Resolved

Minute No. 47368

Councillor M Boland moved)

Councillor A Chandler seconded)

1. That Broken Hill City Council Report No. 204/23 dated October 6, 2023, be received.

CARRIED UNANIMOUSLY

RESCISSION MOTIONS

Nil.

FURTHER REPORTS

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 205/23 - DATED OCTOBER 11, 2023 -
SALE OF SHORTY O'NEIL VILLAGE - COUNCIL RESOLUTIONS 2013-2015** D23/56054

RESOLUTION

Resolved

Minute No. 47369

Deputy Mayor J Hickey moved)

Councillor R Algate seconded)

1. That Broken Hill City Council Report No. 205/23 dated October 11, 2023, be received.
2. That Council notes the information provided regarding the sale of the Shorty O'Neil Village complex.

CARRIED UNANIMOUSLY

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 206/23 - DATED OCTOBER 11, 2023 -
WARNOCK STREET DEPOT - FINAL (100%) TECHNICAL DESIGN** D23/56048

RESOLUTION

Resolved

Minute No. 47370

Councillor A Chandler moved)

Councillor D Gallagher seconded)

1. That Broken Hill City Council Report No. 206/23 dated October 11, 2023, be received.
2. That the Final (100%) Technical Design Documentation for the Warnock Street Depot Redevelopment by the project's design consultant GHD Pty Ltd be received.

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3. That council endorse the Final (100%)
Technical Design Documentation Warnock
Street Depot Redevelopment Project.

CARRIED UNANIMOUSLY

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 207/23 - DATED SEPTEMBER 20, 2023 -
BROKEN HILL LEAD REFERENCE GROUP MINUTES OF MEETING HELD 24 AUGUST 2023**

D23/51210

RESOLUTION

Minute No. 47371

Councillor R Algate moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No.
207/23 dated September 20, 2023, be
received.

CARRIED UNANIMOUSLY

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 208/23 - DATED OCTOBER 17, 2023 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO. 440, HELD ON TUESDAY, 10
OCTOBER 2023**

D23/56806

RESOLUTION

Minute No. 47372

Councillor M Browne moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No.
208/23 dated October 17, 2023, be received.
2. That the minutes of the Local Traffic
Committee – Meeting No.440, held on
Tuesday,
10 October 2023 be endorsed.
3. That Item No.440.10.1 recommendation be
endorsed:
- That further investigation be
undertaken by Council and a risk
assessment of the Heritage Walk Tour
route be completed by Council's
Corporate Risk team to determine a
safer route.
4. That Item No.440.10.2 recommendation be
endorsed:
- That the parking arrangements on
Crystal Lane, between Bromide and
Sulphide Streets, remain unchanged
and that the complainant be notified to
comply with parking rules and
regulations.
5. That Item No.440.10.3 recommendation be
endorsed:
- That Council install 'No Parking' signs
on either side of Bromide Street,

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between the Blende and Beryl Street roundabouts.

6. That Item No.437.8.1 recommendation be endorsed:

- That the parking arrangements on Oxide Street, between Argent Street and Crystal Lane remain unchanged and there be no further action required by the Local Traffic Committee.

7. That Item No.439.10.1 recommendation be endorsed:

- That the proprietor of the Old Saltbush Restaurant be advised of the Local Traffic Committee's decision, not to install a 'Loading Zone' on Crystal Street. There is an existing 'Loading Zone' in Crystal Lane that can be used for deliveries and if required, the truck can park short term in the driveway to deliver supplies to the Old Saltbush Restaurant.

8. That Item No.439.10.3 recommendation be endorsed:

- That that complainant be advised of the Local Traffic Committee decision for the parking arrangements on Mica Lane to remain unchanged.

9. That Item No.439.8.2 recommendation be endorsed:

- That correspondence be forwarded to the complainant, advising the parking arrangements on Argent Street, adjacent to the Maari Ma Health will remain unchanged.

CARRIED UNANIMOUSLY

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 209/23 - DATED OCTOBER 05, 2023 -
ACTION LIST REPORT**

D23/54781

RESOLUTION

Minute No. 47373

Councillor D Gallagher moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No.
209/23 dated October 5, 2023, be received.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 21 - QUESTIONS ON NOTICE NO. 10/23 - DATED OCTOBER 04, 2023 - COUNCILLOR
QUESTIONS TAKEN ON NOTICE AT THE 26 JULY 2023 AND 27 SEPTEMBER 2023 COUNCIL
MEETINGS D23/54240

RESOLUTION

Minute No. 47374

Councillor R Algate moved)
Councillor A Chandler seconded)

Resolved

1. That Questions On Notice No. 10/23 dated
October 4, 2023, be received.

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

From Item 16 – Sale of Shorty O’Neil Village

Councillor Turley took a question on notice from the Mayor regarding the circumstances surrounding the sale of the Shorty O’Neil Village via private treaty for \$1,155,000.00 when Council had resolved to sell the Village at auction.

PUBLIC FORUM

Nil.

RESOLUTION

Minute No. 47375 - Motion

Deputy Mayor J Hickey moved)
Councillor D Turley seconded)

Resolved

That the meeting be closed to the public in
accordance with Section 10A(2) of the Local
Government Act 1993 whilst the confidential
matters are considered.

CARRIED UNANIMOUSLY

Members of the media and public left the Council Chambers at 7:34pm and the Livestream of the meeting ceased.

CONFIDENTIAL MATTERS

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 210/23 - DATED OCTOBER 18, 2023 -
CIVIC CENTRE LITIGATION DISPUTE - MEDIATION POSITION PAPER - CONFIDENTIAL**

D23/56922

(General Manager's Note: This report considers litigation matters 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. 47376

Councillor A Chandler moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 210/23 dated October 18, 2023, be received.
2. That Council delegate the General Manager Authority to negotiate within the recommended mediation settlement range as presented in the below report in conjunction with Council's legal counsel.
3. That Council delegate the Mayor and General Manager to sign all relevant documents if mediation is successful to settle the matter within the prescribed financial range.
4. That a further report be presented to Council providing an update and outcome of the mediation.

CARRIED UNANIMOUSLY

**ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 211/23 - DATED OCTOBER 18, 2023 -
TENDER T23/39 - TECHNICAL DESIGN OF AIRSIDE PAVEMENT AT BROKEN HILL AIRPORT -
CONFIDENTIAL**

D23/56941

(General Manager's Note: This report considers the awarding of a tender and is deemed confidential under Section 10A(2) (c) (d) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).

RESOLUTION

Minute No. 47377

Deputy Mayor J Hickey moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 211/23 dated October 18, 2023, be received.
2. That Broken Hill City Council award tender T23/39 to TONKIN CONSULTING PTY LTD for the Technical Design of Airside Pavement at Broken Hill Airport including provision of

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Geotechnical and Surveying Service for the
total price of \$576,473.00 (Exc GST).

CARRIED UNANIMOUSLY

RESOLUTION

Minute No. 47378 - Motion

Councillor D Gallagher moved

Councillor A Chandler seconded

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Resolved

That the meeting resumes in open session.

CARRIED UNANIMOUSLY

Members of the media and public returned to the Council Chambers at 7:42pm

At the Mayor's invitation the General Manager reported on the items that were considered in closed session.

There being no further business to consider, the Mayor closed the meeting at 7:44p.m.

THE FOREGOING MINUTES WERE READ
AND CONFIRMED AT THE ORDINARY
MEETING OF THE BROKEN HILL CITY
COUNCIL HELD ON 29 NOVEMBER 2023.

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CHAIRPERSON