# **BUSINESS PAPER**

**Ordinary Meeting of Council** 

**Council Chambers** 26 March 2025

6.30pm

### BROKEN HILL CITY COUNCIL

AUSTRALIA'S FΙ S т R HERITAGE LISTED CITY Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993*, that an Ordinary Meeting of the Broken Hill City Council will be held in the Council Chambers on **Wednesday 26 March 2025** commencing at **6:30pm** to consider the following business:

## AGENDA

1	Opening the Meeting
2	Apologies
3	Leave of Absence Applications
4	Prayer
5	Acknowledgement of Country
6	Acknowledgement of Broken Hill's Mining History
7	Public Forum Session
8	Minutes for Confirmation
9	Disclosure of Interest
10	Mayoral Minute(s)
11	Notice of Motion
12	Notices of Rescission
13	Reports from Delegates
14	<ul> <li>Reports from Committees         <ul> <li>a) Recommendations of Infrastructure and Environment Committee meeting held Monday, 17 March, 2025</li> <li>b) Recommendations of Community Development Committee meeting held Tuesday, 18 March, 2025</li> <li>c) Recommendations of Finance and Governance Committee meeting held Wednesday, 19 March, 2025</li> </ul> </li> </ul>
15	Further Reports
16	Questions Taken on Notice from Previous Council Meeting
17	Questions for Next Meeting Arising from Items on this Agenda
18	Public Forum Session
19	Confidential Matters
20	Conclusion of the Meeting

#### STATEMENT OF ETHICAL OBLIGATIONS

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

#### LIVE STREAMING OF COUNCIL MEETINGS

This Council meeting is being streamed live on Youtube, recorded and published on Council's website. To those present in the gallery today, by attending or participating in this public meeting you are consenting to your image, voice and comments being recorded and published.

The Mayor and/or General Manager have the authority to pause or terminate the stream if comments or debate are considered defamatory or otherwise inappropriate for publishing.

Attendees are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.

JAY NANKIVELL GENERAL MANAGER

## MINUTES FOR CONFIRMATION

Minutes of the Ordinary Meeting of the Council meeting held Wednesday, February 26, 2025.

Meeting commenced at 6:30pm

#### PASSING OF COUNCILLOR DAVE GALLAGHER

The Mayor spoke of the passing of Councillor Dave Gallagher on 9 February 2025. Councillor Gallagher served as a Broken Hill City Councillor for 14 years. He spoke of Councillor Gallagher's passion for Broken Hill and his strong advocacy to Federal and State Government on important issues for the City during his time as Councillor; and that Councillor Gallagher will be missed by many in the community.

A minute of silence was observed in honour of Councillor Dave Gallagher.

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

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

Media (2), Members of the Public (4)

APOLOGIES: Councillor E. Gillett.

# RESOLUTIONResolvedMinute No. 47766 - Procedural MotionThat the apologCouncillor R Algate moved)That the apologCouncillor D Turley seconded)Councillor Giller

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

CARRIED UNANIMOUSLY

#### LEAVE OF ABSENCE APPLICATIONS:

Councillor A. Byrne submitted a Leave of Absence application for this meeting for a prescribed reason.

#### RESOLUTION

<u>Minute No. 47767 - Procedural Motion</u> Councillor D Turley moved Councillor A Chandler seconded

#### **Resolved**

That the application submitted by Councillor Byrne be accepted and a Leave of Absence granted for this meeting.

CARRIED UNANIMOUSLY

#### PRAYER

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Councillor Boland delivered the prayer.

#### ACKNOWLEDGEMENT OF COUNTRY

Councillor Chandler delivered the Acknowledgment of Country.

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

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

#### PUBLIC FORUM

Broken Hill's Emergency Back-up Generator Power Supply

Mr Bob Coulls advised that Transgrid have commenced work to build new transmission towers to replace those that were destroyed during the storm in October 2024 and enquired if Council knew if the gas turbine generator that was inoperable during the power outages has been repaired and recommissioned?

The Mayor advised that, as far as Council is aware, there is still only one gas turbine generator available for emergency power, and that the bank of back-up generators that were brought into the City to replace the gas turbine generator that was not in commission will remain in the City until the second gas turbine generator is recommissioned.

The Mayor advised that the Parliamentary Committee undertaking the Inquiry into the power outages in Far West NSW will be in the region next week to hold community sessions and advised that anyone wishing to speak at the Inquiry can register via their website.

#### MINUTES FOR CONFIRMATION

#### RESOLUTION <u>Minute No. 47768</u> 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 January 29, 2025 be confirmed.

CARRIED UNANIMOUSLY

#### DISCLOSURE OF INTEREST

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Councillor Turley declared:

 a non-pecuniary interest in Report No. 24/25 as she is Vice-President of the Australian Local Government Association and advised that she will leave the Council Chambers whilst the item is considered.

Councillor Boland declared:

• a non-pecuniary interest in Report No. 33/25 as his employer is a major sponsor of the event and advised that he will leave the Council Chambers whilst the item is considered.

#### MAYORAL MINUTES

Nil.

#### **NOTICES OF MOTION**

Nil.

#### MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD FEBRUARY 26, 2025

The Mayor advised that a Late Notice of Motion will be dealt with after all open items of business.

#### NOTICES OF RESCISSION

Nil.

#### **REPORTS FROM DELEGATES**

ITEM 1 - REPORTS FROM DELEGATES NO. 1/25 - DATED FEBRUARY 18, 2025 - DEPUTY MAYOR HICKEYS ATTENDANCE AT AUSTRALIAN MINING CITIES ALLIANCE AND REGIONAL CAPITALS IN CANBERRA, 10-12 FEBRUARY 2025 D25/7306

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#### RESOLUTION

<u>Minute No. 47769</u> Deputy Mayor J Hickey moved Councillor M Boland seconded

#### **Resolved**

- 1. That Reports from Delegates No. 1/25 dated February 18, 2025, be received.
- 2. That correspondence be sent to the Federal Minister for Infrastructure, Transport, Regional Development and Local Government, The Hon Catherine King MP (as Council's delegates could not meet with her in Canberra) to advise of how Council has been unsuccessful in receiving grant funding to upgrade the Airport runway and seeking feedback for future grant applications.
- 3. That correspondence be sent to the Federal Minister for Immigration, The Hon Matt Thistlethwaite MP advising that Tibooburra, Milparinka, Packsaddle and Pooncarie are ineligible to access backpacker workers under the 88-day Rural/Remote Workplace Program due Tibooburra, Milparinka and Packsaddle having Broken Hill's postcode and Pooncarie having Wentworth's postcode; and seeking a solution for businesses in these remote communities.

#### CARRIED UNANIMOUSLY

## ITEM 2 - REPORTS FROM DELEGATES NO. 2/25 - DATED FEBRUARY 27, 2025 - VERBALDELEGATES REPORT - DEPUTY MAYOR HICKEY'S ATTENDANCE AT THE REGIONAL CITIESNSW BOARD MEETING IN SYDNEY, 20 FEBRUARY 2025D25/8901

The Deputy Mayor gave a verbal Delegates Report regarding his attendance at the Regional Cities NSW Board Meeting held in Sydney on 20 February 2025. The Deputy Mayor advised that:

- Representatives of 16 regional Councils attended the Board Meeting.
- The Board Meeting was also attended by Mr Gino Mandarino, Chief of Staff of the NSW Department of Planning; the NSW Special Minister for State, Minister for Transport, Roads, Arts, Music and Night-time Economy, The Hon John Graham MLC; the NSW Shadow Minister for Regional NSW, The Hon Dougald Saunders MP; the NSW Treasurer, The Hon Daniel Mookhey MP; and the NSW Minister for Water, Housing, Homelessness, Mental

Health and Youth, The Hon Rose Jackson MP sent her staff members.

- The Deputy Mayor gave a presentation on the power outages to the Far West Region in October 2024 which was well received and 10-15 minutes of questions were answered after the presentation. All members said that they will read the report following the Inquiry.
- There was a mention that Council needs to request feedback from the Minister for Transport as to why Council was unsuccessful in receiving grant funding to upgrade the Airport runway.
- The representative for Lismore Council moved a motion for the Association to prepare a paper regarding regional airports and this motion included providing a letter of support for Broken Hill's advocacy for funding to upgrade the Airport runway. This motion was carried.
- Improvements to the NSW Planning Portal was raised and members were encouraged to forward any suggested improvements to the NSW Department of Planning.

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#### RESOLUTION

Minute No. 47770	
Deputy Mayor J Hickey moved	
Councillor R Algate seconded	

#### **Resolved**

- 1. That the Deputy Mayor's verbal Delegate's Report be heard.
- 2. That correspondence be sent to the NSW Minister for Transport, The Hon John Graham MLC, seeking feedback as to whether the State Government gave their support and endorsement to the Federal Government for Council's grant application in Round 1 and 2 of the Government's Growing Regions Program.
- 3. That correspondence be sent to the Premier of NSW, The Hon Chris Minns MP, advising of how Council has been unsuccessful on a number of occasions in receiving grant funding to upgrade the Broken Hill Airport runway; and advising of a letter of support provided by 16 regional Councils of the NSW Regional Cities Association towards Council's advocacy for funding; and that the correspondence seeks a letter of support from the Premier for future advocacy for funding to upgrade to the Broken Hill Airport runway.

CARRIED UNANIMOUSLY

#### COMMITTEE REPORTS

#### INFRASTRUCTURE AND ENVIRONMENT COMMITTEE

ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 20/25 - DATED FEBRUARY 10, 2025 -DRAFT WASTE AND SUSTAINABLE MATERIALS STRATEGY 2025-2035 AND SUSTAINABILITY STRATEGY 2025-2030 FOR PUBLIC EXHIBITION D25/6054

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#### RESOLUTION

Minute No. 47771	
Councillor R Algate moved	
Councillor D Turley seconded	

#### <u>Resolved</u>

- That Broken Hill City Council Report No. 20/25 dated February 10, 2025, be received.
- 2. That Council endorses the Waste and Sustainable Materials Strategy 2025-2035 and Sustainability Strategy 2025-2030 for the purpose of public exhibition.
- 3. That the Waste and Sustainable Materials Strategy 2025-2035 and Sustainability Strategy 2025-2030 be placed on public exhibition for submissions to be received for a period of 28 days.
- 4. That whilst the draft Strategies are on public exhibition, Council staff include pop-up community consultation sessions on the draft Strategies to community members during the Community Strategic Plan Consultation.
- 4. That Council receives a further report at the conclusion of the exhibition period, detailing submission and recommend changes arising, with a view to adopting the Waste and Sustainable Materials Strategy 2025-2035 and Sustainability Strategy 2025-2030.

#### CARRIED UNANIMOUSLY

#### ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 18/25 - DATED FEBRUARY 10, 2025 -TOWN SQUARE - LOCATION OF THE WOMEN'S MINING MEMORIAL D25/6064

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#### RESOLUTION

Minute No. 47772 Deputy Mayor J Hickey moved Councillor R Algate seconded

#### <u>Resolved</u>

- That Broken Hill City Council Report No. 18/25 dated February 10, 2025, be received.
- That Council consider the results of the public survey, advertised from 30 January 2025 to 10 February 2025, relating to the

preferred location of the Women's Mining Memorial.

 That Council approve the result of the public survey and re-establish the Women's Mining Memorial in the preferred location of Option 1, on the Northeastern Corner of Town Square.

CARRIED UNANIMOUSLY

#### ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 19/25 - DATED DECEMBER 16, 2024 -MINUTES - 28 NOVEMBER 2024 BROKEN HILL LEAD REFERENCE GROUP D24/60928

RESOLUTION		Resolved	
<u>Minute No. 47773</u> Councillor M Boland moved	)	1. That Broken Hill City Council Report No.	
Councillor H Jewitt seconded	ý	19/25 dated December 16, 2024, be received.	
		O That the minutes of the Drehen Hill Lood	

2. That the minutes of the Broken Hill Lead Reference Group Meeting held 28 November 2024 be received.

CARRIED UNANIMOUSLY

D25/1029

#### COMMUNITY DEVELOPMENT COMMITTEE

#### ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 21/25 - DATED JANUARY 08, 2025 -ADOPTION OF THE DRAFT OUTBACK ARCHIVE COLLECTION MANAGEMENT POLICY

RESOLUTION Resolved Minute No. 47774 Councillor R Algate moved 1. That Broken Hill City Council Report No. ) Councillor A Chandler seconded ) 21/25 dated January 8, 2025, be received. 2. That Council notes that one (1) submission was received during the public exhibition of the Draft Outback Archive Collection Management Policy. 3. That due to the submission received, Council has made amendments to the policy to add 'environmental and natural history' as a collecting area and have amended methods of acquisition to include that long term loans may be considered in special circumstances. 4. That Council adopts the Draft Outback Archive Collection Management Policy with an amendment to clarify that a Council resolution must be sought prior to any action MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD FEBRUARY 26, 2025

being taken to purchase an archive collection.

5. That the previous Outback Archives Policy be rendered obsolete.

CARRIED UNANIMOUSLY

ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 22/25 - DATED JANUARY 30, 2025 - DISABILITY INCLUSION ACTION PLAN 2022-2026 - KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2024 D25/4216				
RESOLUTION			solved	
Minute No. 47775 Councillor M Boland moved Councillor H Jewitt seconded	) )	1.	That Broken Hill City Council Report No. 22/25 dated January 30, 2025, be received.	
		2.	That Council note the Disability Inclusion Action Plan 2022-2026 –Key Performance Indicators Progress Report for the reporting period ending 31 December 2024.	
		3.	That the Disability Inclusion Action Plan 2022-2026 – Key Performance Indicators Progress Report for the reporting period ending 31 December 2024 be placed on Council's website.	
			CARRIED UNANIMOUSLY	
ITEM 8 - BROKEN HILL CITY COUNCIL R TEMPORARY SUSPENSION OF ALCOHO			ITED AREA - PERFECT LIGHT FILM	
FESTIVAL - 22 MARCH 2025		_	D25/6342	
RESOLUTION Minute No. 47776		Re	solved	
Deputy Mayor J Hickey moved			solved	
Councillor H Jewitt seconded	) )	1.	That Broken Hill City Council Report No. 23/25 dated February 11, 2025, be received.	
Councillor H Jewitt seconded	) )		That Broken Hill City Council Report No. 23/25 dated February 11, 2025, be	

consumption of alcohol will remain prohibited for all other areas of the Sturt Park; and that all existing alcohol-free zones in Broken Hill will remain in force.

- 4. That the General Manager be authorised to implement the suspension and advertising processes on final advice of the Barrier Local Area Command.
- 5. That the Barrier Local Area Command be advised of Council's decision.

CARRIED UNANIMOUSLY

#### FINANCE AND GOVERNANCE COMMITTEE

ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 24/25 - DATED FEBRUARY 11, 2025 -COUNCILLOR ATTENDANCE AT THE AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION'S NATIONAL GENERAL ASSEMBLY, HELD IN CANBERRA FROM 24-27 JUNE 2025 D25/6367

Councillor Turley declared an interest in Item 9 and left the Council Chambers at 7:08pm

RESOLUTION			<b>Resolved</b>	
Minute No. 47777				
Councillor M Boland moved	)	1.	That B	
Councillor R Algate seconded	)		24/25 (	
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- Broken Hill City Council Report No. dated February 11, 2025, be received.
- 2. That Council notes the advice received in correspondence from the Australian Local Government Association dated 10 February 2025 that, due to Council's recent resignation from the NSW Local Government Association, Council is no longer eligible to submit motions, to move or second motions, or to vote on motions at the Australian Local Government Association's National General Assembly: however. Council's delegates are still eligible to attend the Assembly.
- 3. That Council does not send delegates to the National General Assembly to be held in Canberra from 24-27 June 2025, but if the opportunity arises, Council sends delegates to Canberra to meet with Ministers separate to the National General Assembly during these dates.
- 4. That correspondence be sent to the Australian Local Government Association seeking clarification on the difference between ALGA Board Members and Conference attendees of a non-voting Council (due to not being a member of the

State Local Government Association) and how an individual Councillor of a non-voting Council (Councillor Turley) can be a member of the ALGA Board and vote on Board matters, but Councillors cannot vote on conference matters at the National General Assembly.

#### CARRIED UNANIMOUSLY

Councillor Turley returned to the Council Chambers at 7:12pm and the Mayor advised Councillor Turley of the Council resolution of item 9.

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ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 25/25 - DATED JANUARY 30, 2025 -2022-2026 DELIVERY PROGRAM KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2024, INCLUSIVE OF OPERATIONAL PLAN 2024/2025 OUTCOMES D25/4230

#### RESOLUTION

<u>Minute No. 47778</u> Councillor R Algate moved Councillor A Chandler seconded

#### Resolved

- 1. That Broken Hill City Council Report No. 25/25 dated January 30, 2025, be received.
- 2. That Council receive the 2022-2026 Delivery Program inclusive of 2024/2025 Operational Plan outcomes Key Performance Indicators Progress Report for period ending 31 December 2024.
- That the 2022-2026 Delivery Program inclusive of 2024/2025 Operational Plan outcomes Key Performance Indicators Progress Report for period ending 31 December 2024 be placed on Council's website.

#### CARRIED UNANIMOUSLY

#### ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 26/25 - DATED FEBRUARY 05, 2025 -QUARTERLY BUDGET REVIEW STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2024 D25/5287

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#### RESOLUTION

Minute No. 47779 Councillor M Boland moved Councillor R Algate seconded

#### Resolved

- 1. That Broken Hill City Council Report No. 26/25 dated February 5, 2025, be received.
- 2. That the 2nd Quarterly Budget Review Statement and recommendations be adopted.
- 3. That Council note the projected 2024/25 operating surplus (before capital) of \$4,000.
- 4. That Council note the 2024/25 projected net capital budget expenditure of \$36,858,000.

#### CARRIED UNANIMOUSLY

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#### RESOLUTION

<u>Minute No. 47780</u> Councillor M Boland moved Councillor R Algate seconded

#### <u>Resolved</u>

1. That Broken Hill City Council Report No. 27/25 dated February 7, 2025, be received.

CARRIED UNANIMOUSLY

#### ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 28/25 - DATED FEBRUARY 10, 2025 -NOMINATIONS FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 COMMITTEES D25/5944

#### RESOLUTION

Minute No. 47781	
Councillor H Jewitt moved	
Deputy Mayor J Hickey seconded	

#### Resolved

- That Broken Hill City Council Report No. 28/25 dated February 10, 2025, be received.
- 2. That Council review and consider the nomination of Nathan Fell for appointment as community representative on the Memorial Oval Community Committee.
- 3. That Council review and consider the nomination of Judith Parr for appointment as a community representative on the Ageing Well Advisory Committee
- 4. That Council review and consider the nomination of Nathan Fell for appointment as community representative on the Youth Advisory Community Committee
- 5. That the community representatives be advised of their appointment.
- 6. That Council notes that the current round of advertising closes on 21 February 2025 and a further report will be presented to the March Council Meeting with further nominations received.

CARRIED UNANIMOUSLY

#### **FURTHER REPORTS**

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 29/25 - DATED JANUARY 10, 2025 -<br/>CORRESPONDENCE REPORT - QUARANTINE OF FUNDS FOR COBALT BLUE HOLDINGS LTD<br/>TRANSITION TO CRITICAL MINERALS BATERY RECYCLING PROJECTD25/1393

#### RESOLUTION

<u>Minute No. 47782</u> Councillor M Boland moved

#### **Resolved**

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)	<ol> <li>That Broken Hill City Council Report No. 29/25 dated January 10, 2025, be received</li> </ol>
	<ol> <li>That reply correspondence dated 9 January 2025, from the Federal Member for Parkes The Hon Mark Coulton MP, be received an noted.</li> </ol>
	<ol> <li>That reply correspondence from the NSW Minister for Regional New South Wales, Th Hon Tara Moriarty MLC dated 18 February 2025 (received by Council on 20 February 2025), be received and noted.</li> </ol>
4	4. That correspondence is sent to the Minister for Regional New South Wales, The Hon Tara Moriarty MLC explaining that Cobalt Blue's proposed critical minerals battery recycling project will not only be a first for th State and the Nation, it will also deliver a 30% profit margin on the recycling process the critical minerals (and as mineral prices rise so does the profit value). As the dema for recycling of lithium/black mass batteries increases, this would be a chance for the State Government to support a regional centre to be a leader in critical minerals recycling which will increase employment opportunities in the region.
	CARRIED UNANIMOUS
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### ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 30/25 - DATED FEBRUARY 12, 2025 -<br/>CORRESPONDENCE REPORT - REGIONAL EXPRESS AIRLINESD25/6473

RESOLUTION		Resolved
Minute No. 47783 Councillor R Algate moved Councillor H Jewitt seconded	)	<ol> <li>That Broken Hill City Council Report No. 30/25 dated February 12, 2025, be received.</li> </ol>
		<ol> <li>That email correspondence dated 6 January 2025 from the Federal Member for Parkes, Mr Mark Coulton MP, be received and noted.</li> </ol>
		<ol> <li>That email correspondence dated 7 January 2025 from the Local Member for Barwon, Mr Roy Butler's office regarding representations made on behalf of Council, be received and noted.</li> </ol>
		<ol> <li>That correspondence dated 4 February 2025 from the Federal Minister for Regional Development, Local Government and Territories, The Hon Kristy McBain MP, be received and noted.</li> </ol>
		<ol> <li>That correspondence dated 4 February 2025 from the Federal Minister for Infrastructure, Transport, Regional Development and Local</li> </ol>

Government, The Hon Catherine King MP, be received and noted.

- 6. That correspondence received 18 February 2025 from the Minister for Regional Transport and Roads, the Hon Jenny Aitchison MP, be received and noted.
- 7. That correspondence is sent to the Prime Minister and Leader of the Opposition thanking the Government for their commitment to provide up to \$80 million in loan financing to the Administrators of Rex Airlines to keep the airline's regional routes operating during an extended voluntary administration process to 30 June 2025 and to also acquire \$50 million of debt from Rex's largest creditors. This action demonstrates that the Government acknowledges how vitally important reliable air transport services are to regional communities in Australia.

#### CARRIED UNANIMOUSLY

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 31/25 - DATED FEBRUARY 1	<u> 8, 2025 -</u>
CORRESPONDENCE REPORT - BROKEN HILL HARNESS RACING CLUB	D25/7298

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Minute No. 47784 Councillor M Boland moved Councillor R Algate seconded

#### <u>Resolved</u>

- 1. That Broken Hill City Council Report No. 31/25 dated February 18, 2025, be received.
- 2. That reply correspondence dated 11 February 2025 from Department of Creative Industries, Tourism, Hospitality and Sport; be received and noted.

#### CARRIED UNANIMOUSLY

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 32/25 - DATED FEBRUARY 18, 2025 - FOOD ORGANICS AND GARDEN ORGANICS (FOGO) LEGISLATION D25/7336					
RESOLUTION <u>Minute No. 47785</u> Councillor H Jewitt moved Councillor R Algate seconded	)	<ul> <li><u>Resolved</u></li> <li>1. That Broken Hill City Council Report No. 32/25 dated February 18, 2025, be received.</li> </ul>			
	,	<ol> <li>That NSW EPA proposal paper on Food and Garden Organics legislation mandates, be received and noted.</li> </ol>			
		<ol> <li>That Council's feedback submission dated 5 July 2024 to the NSW Environment Protection Authority, be received and noted.</li> </ol>			
		<ol> <li>That correspondence dated 12 February from the Local Member for Barwon, Mr Roy Butler MP regarding the Food Organics and Garden</li> </ol>			

Organics (FOGO) legislation, be received and noted.

5. That correspondence is sent to the relevant Minister advising that Council has been conducting bi-weekly collection of green waste for many years, and that Councils should be able to meet the FOGO legislation without it being a weekly requirement or a large financial impact to Councils (cost for additional staff and fleet), especially if there is no opportunity for the end use of this material by a specific Council.

#### CARRIED UNANIMOUSLY

#### ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 33/25 - DATED FEBRUARY 19, 2025 -ADDITIONAL FUNDING FOR THE PERFECT LIGHT FILM FESTIVAL - 22 MARCH 2025 D25/7540

Councillor Boland declared an interest in Item 18 and left the Council Chambers at 7:37pm.

Motion Councillor H Jewitt moved Councillor A Chandler seconded	) )	1.	That Broken Hill City Council Report No. 33/25 dated February 19, 2025, be received.
		2.	That Council does not provide additional funding to Film Festivals Australia towards the conduct of the 2025 Perfect Light Film Festival. WITHDRAWN

As some Councillors were not present at the Councillor Briefing held with representatives of Film Festivals Australia and therefore were not fully informed on the matter, the Mayor outlined the discussions at the briefing and the reasons behind the request for additional funding in order that the event can be held this year.

The mover and seconder withdrew their previous motion in favour of a new motion:

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#### RESOLUTION

<u>Minute No. 47786</u> Councillor H Jewitt moved Councillor A Chandler seconded

#### **Resolved**

- 1. That Broken Hill City Council Report No. 33/25 dated February 19, 2025, be received.
- That Council writes to the NSW Minister for Night-time Economy, The Hon John Graham MLC, to seek grant funding support (of either \$15,000 to Film Festivals Australia for the Perfect Light Film Festival to be held in Sturt Park as originally planned, or \$10,000 for the Festival to be held at the Civic Centre).
- 3. That, should government grant funding not be available, Council will provide additional funding of \$10,000 to Film Festivals Australia in order that the Perfect Light Film Festival can be held at the Civic Centre on 22 March 2025.

#### CARRIED UNANIMOUSLY

Councillor Boland returned to the Council Chambers at 7:42pm. The Mayor advised Councillor Boland of the Council resolution for Item 18.

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#### ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 34/25 - DATED FEBRUARY 19, 2025 -MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.454, HELD ON THURSDAY, 13 FEBRUARY 2025 D25/7606

#### RESOLUTION

Minute No. 47787	
Councillor R Algate moved	
Deputy Mayor J Hickey seconded	

#### **Resolved**

- 1. That Broken Hill City Council Report No. 34/25 dated February 19, 2025, be received.
- That the minutes of the Local Traffic Committee – Meeting No.454, held on Thursday, 13 February 2025 be endorsed.
- 3. That Item No.454.10.3 recommendation be received:
  - That correspondence be sent to the respondent, acknowledging receipt of their request and advise the matter will be discussed by the Local Traffic Committee at their next scheduled meeting in March 2025, following an inspection of the area by Council.
- 4. That Item No.454.8.1 recommendation be received:
  - That correspondence be sent to the respondent, acknowledging receipt of their concerns and advise the Local Traffic Committee will review the temporary angle parking on Chloride Street at their next scheduled meeting in March 2025, following completion of the Thomas Street redevelopment project.
- 5. That Item No.452.10.1 recommendations be received:
  - That the Local Traffic Committee's recommendation adopted at the November 2024 Council meeting remain unchanged, being the following:
    - That the parking arrangements on Oxide Street, between Argent Street and Gawler Place, adjacent to the ANZ Bank be changed to allow two 2-hour parking spaces, two 15-minute spaces and designated parking spaces for Uber/Ride Share and taxi use.
  - That correspondence be sent to the business owner, advising of the

Committee's decision.

CARRIED UNANIMOUSLY

#### ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 35/25 - DATED FEBRUARY 18, 2025 -ACTION LIST REPORT D25/7385

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Resolved

#### RESOLUTION

<u>Minute No. 47788</u> Councillor M Boland moved Councillor H Jewitt seconded

#### That Broken Hill City Council Report No. 35/25 dated February 18, 2025, be received.

CARRIED UNANIMOUSLY

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

ITEM 22 - QUESTIONS ON NOTICE NO. 2/25 - DATED JANUARY 15, 2025 - COUNCILLOR QUESTIONS ON NOTICE TAKEN AT THE DECEMBER 2024 AND JANUARY 2025 COUNCIL MEETINGS D25/1936

Resolved

#### RESOLUTION

<u>Minute No. 47789</u>	
Councillor D Turley moved	
Councillor H Jewitt seconded	

### 1. That Questions On Notice No. 2/25 dated January 15, 2025, be received.

CARRIED UNANIMOUSLY

ITEM 23 - QUESTIONS ON NOTICE NO. 3/25 - DATED JANUARY 31, 2025 - PUBLIC FORUMQUESTIONS ON NOTICE FROM THE JANUARY 2025 COUNCIL MEETINGD25/4316

RESOLUTION Minute No. 47790		Resolved
Councillor R Algate moved	)	<ol> <li>That Questions On Notice No. 3/25 dated</li></ol>
Councillor A Chandler seconded	)	January 31, 2025, be received.

CARRIED UNANIMOUSLY

#### MATTER OF URGENCY

ITEM 21 - COUNCILLORS REPORT NO. 1/25 - MATTER OF URGENCY - TAFE NSW D25/8906			
RESOLUTION		Resolved	
Minute No. 47791 Councillor R Algate moved	)	1. That Councillor Hickey's Matter of U	Irgency
Councillor D Turley seconded	)	be heard.	
		2. That Council writes to the NSW Pre- Hon Chris Minns MP; the Minister for	,
		TAFE and Tertiary Education The F	,

TAFE and Tertiary Education, The Hon Steve Whan MP; The Minister for Education and Early Learning, The Hon Prue Car MP; their counterpart Shadow Ministers and the Member for Barwon, Mr Roy Butler MP,

requesting that the decision to decommission and remove 12 Lathes and 4 milling machines from the Broken Hill TAFE Annexe be reversed immediately and that the machines be reconnected and recommissioned.

That the correspondence also requests that TAFE NSW do a thorough investigation into the Broken Hill TAFE Annexe including staffing and promotion of courses and running of training programs; That TAFE NSW look at employing more full-time teachers at Broken Hill and look at running block training for students from all area of the state at the Broken Hill TAFE; That TAFE NSW change their policy of minimum 12-15 per class for regional and remote campuses of the State as they should be regarded as an educational facility not a monetary profitable business but profitable in their investment in training NSW employees to ensure everybody has the same access to training.

 That an urgent meeting be requested for the Mayor to meet with the Minister for Skills, TAFE and Tertiary Education, The Hon Steve Whan MP when he visits Broken Hill on 11 March 2025, to discuss this issue.

CARRIED UNANIMOUSLY

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

Nil.

#### PUBLIC FORUM SESSION

#### Parking adjacent 31 Oxide Street (near ANZ Bank)

Ms Ros O'Connor, on behalf of the proprietor of the hairdresser business at 31 Oxide Street, spoke about parking issues in Oxide Street between Argent Street and Gawler Place (not enough parking for businesses due to the taxi rank) and how the matter had been put to the Traffic Committee to investigate in November 2024 and that there are now 2 x 15 minute parks and 2 x 2 hour parks along with the taxi and uber/ride share parking. Ms O'Connor stated that the change in parking for clients of the hairdresser business is an improvement on the previous ½ hour parking, but suggested that the taxi rank should be removed as the taxi rank is rarely used. Also that new shops are opening soon within this area which will also require parking for customers.

The Mayor advised that as part of Council's investigation and the Traffic Committee's consideration of this matter, all aspects of parking in the CBD area are considered and that although no-one wants a taxi rank adjacent to their business, taxi services are important to the community to access businesses and services in the CBD. Parking spaces are not exclusive to particular businesses.

#### MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD FEBRUARY 26, 2025

Council had contacted the local taxi and uber/ride share companies regarding the taxi rank and they have advised that the taxi rank is utilised and in particular by the disabled taxi which requires a larger parking space to operate the wheelchair lift on the rear of the taxi.

The Director Infrastructure and Environment advised that the Traffic Committee comprises representatives of Council, Transport for NSW, Broken Hill Police and a Council observer; and that it may seem like matters take some time to be investigated, but this is because the Committee needs to take into account everyone that a matter might affect as well as legislative requirements and the community impact.

Taxi companies require parking space in the CBD area, the further request from the proprietor of 31 Oxide Street will be provided to the Traffic Committee which meets again next week.

#### Redevelopment of O'Neil Park Netball Courts

Ms Ros O'Connor congratulated Council for the work that is being carried out to redevelop the Netball Courts and the O'Neil Park and encouraged everyone to hasn't seen the progress of the project, to drive past the O'Neil Park Netball Courts. Ms O'Connor also referred to the design of the courts which encompasses a children's play area, as part of the Netball precinct along with shelter sheds, etc.

The Mayor advised that the project is due for handover to Council on 1 May 2025.

#### RESOLUTION

<u>Minute No. 47792 - Procedural Motion</u> Deputy Mayor J Hickey moved Councillor A Chandler 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 matter is considered.

CARRIED UNANIMOUSLY

Members of the public and media left the Council Chambers and the livestream of the meeting ceased at 8:10pm.

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#### **CONFIDENTIAL MATTERS**

#### ITEM 24 - TENDER REPORT NO. 1/25 - DATED FEBRUARY 20, 2025 - TENDER T24/12 -WOLFRAM STREET ROAD RECONSTRUCTION FROM OXIDE STREET TO IODIDE STREET -CONFIDENTIAL D25/7748

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

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#### RESOLUTION

<u>Minute No. 47793</u> Councillor R Algate moved Councillor A Chandler seconded

#### Resolved

1. That Broken Hill City Council Tender Report No. 1/25 dated February 20, 2025, be received.

- That Broken Hill City Council award tender T24/12 to GTE1 Pty Ltd for the Wolfram Street Road Reconstruction from Oxide Street to lodide Street for the amount of \$617,083.75 (Ex. GST).
- 3. That the General Manager be authorised to negotiate with GTE1 Pty Ltd to increase the scope of works to meet the approved funding amount of no more than \$965,183.00.
- 4. That the General Manager and/or Mayor be authorised to sign the Tender contract and affix the Seal of Council if required.

CARRIED UNANIMOUSLY

**RESOLUTION** <u>Minute No. 47794 - Procedural Motion</u> Deputy Mayor J Hickey moved Councillor R Algate seconded Resolved

That the meeting resumes in open session.

CARRIED UNANIMOUSLY

Members of the public and media returned to the Council Chambers at 8:13pm.

At the Mayor's invitation, the General Manager reported on the resolution made in closed session.

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There being no further business to consider, the Mayor closed the meeting at 8:14pm.

THE FOREGOING MINUTES WERE READ AND CONFIRMED AT THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD ON 26 MARCH 2025.

CHAIRPERSON

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## MAYORAL MINUTES

1.	MAYORAL MINUTE	NO. 1/25 - DATED MARCH 20, 2025 - WILLYAMA HIGH	
	SCHOOL REBUILD	(D25/12918)	23

#### ORDINARY MEETING OF THE COUNCIL

March 20, 2025

#### ITEM 1

MAYORAL MINUTE NO. 1/25

#### SUBJECT: WILLYAMA HIGH SCHOOL REBUILD D25/12918

#### Summary

Concerns have been raised by the Willyama High School community and members of the Broken Hill Education Working Group regarding the Department of Education's proposed design of the new Willyama High School.

The Department of Education have announced that their "Extra Small" secondary school model will be used to inform the building design for the new Willyama High School.

This design model which is intended for a capacity up to 660 students, is grossly inadequate for Broken Hill for many reasons, some of which are:

- The floor space is significantly smaller than the current Willyama High School. It is concerning that the Government would not at least provide a new school which is the same size as the current school. All classrooms, staff rooms and common areas were utilised at the current Willyama High School, so it goes without saying that Broken Hill needs, at the minimum, a new school of at least the same floor size.
- The Techical Arts classrooms (wood work, metal work, textiles, cooking, visual arts) and the Science Lab classrooms are of a significantly reduced size and number and would not allow for use by all students for science and biology classes, there would be clashes with rosters. It is unacceptable that students would not be given ample opportunity to learn the foundations of many trades and professions, especially in mining and metallurgy fields to grow our own professionals in the City.

The Temporary Willyama High School currently has the same number of technical rooms as proposed in the new design, however students are already sharing Broken Hill High School's facilities to ensure coverage for Willyama students. This is impacting the learning of students and the running of the Broken Hill High School. If this isn't working in a temporary setting, it's proof that it needs to be enhanced and increased in the new permanent build.

- The building materials used in the design of the new school, and the amount of glass used, shows a lack of understanding of Broken Hill's environment. The design needs to allow for our high temperatures in summer, and needs to include shady verandahs, materials with high thermal qualities and reduced glass in the design - the design might work well in coastal areas and colder climates but it is totally inadequate for the Far West region of NSW.
- The new school needs to incorporate aspects for Indigenous students to allow for the importance of learning on country.
- The "Extra Small" design is based on the current enrollment numbers of 592 students at Willyama and is not allowing for the expected future population growth of Broken

Hill, due to new mining activity and renewable energy industries in the region.

Broken Hill Mines Pty Ltd have recently announced that there is potentially 50 – 100 years of mining life in the Line of Lode and Pinnacles Mine at the current and anticipated ore reserves. This announcement, along with other new mining and renewable activity (Hawsons Iron Ore Mine, Cobalt Blue Mine, Hydrostor and their ancillary/business services), confirms that Broken Hill's population will only increase in the future and should not be affected by the mining boom/bust cycle for at least the next 100 years.

- It also doesn't allow for the additional number of students from Broken Hill High School visiting Willyama High School on any given day for RASP classes.
- There is also no dedicated space for senior students in year 11 and 12 to have a study space, which is vitally important for students in their HSC years.
- Students in Broken Hill deserve the same education opportunities as their metropolitan counterparts.

This situation feels like history repeating itself. The design of other Government infrastructure in Broken Hill, namely the Broken Hill Base Hospital when built in 2000, was based on population modelling projecting that Broken Hill's population would decline to 9000 residents, 25 years later Broken Hill's population is 17588 (2021 census). This projected modelling was flawed and the community and hospital staff suffer with an inadequately equipped hospital. The Government has obviously acknowledged the situation, as a number of expansions to the hospital have occurred over recent years. The Emergency Department is currently undergoing an expansion.

It would be hoped that the Government would have learnt from its mistakes and that a repeat would not reoccur with the rebuild of the Willyama High School. It is vitally important that the new high school is designed on a future proof model to allow for an expansion in enrollment numbers in future years, and not built on the bare minimum scale for our current population.

When families look to relocate to regional areas for work opportunities, one major factor in the attractiveness of a location is the quality of education for their children. It is important to the City's future liveability and growth that it has secondary schools that are fully equipped with adequate teacher numbers and adequate resources to provide the best education.

An inadequate secondary school will not only turn families away from relocating to Broken Hill it will also deter teachers from applying for jobs in Broken Hill.

It is important that these concerns are raised and addressed before a design is finalised for the new Willyama High School. Last year the Minister for Education and Early Learning, The Hon Prue Car MP agreed to Council's request for a Council representative on the Department of Education Willyama High School Redevelopment Reference Group, once established. Council is of the understanding that the Department of Education are still not at this stage in the process, the Reference Group has not yet been established. This Mayoral Minute seeks appointment of a Councillor Delegate to the Reference Group for the period ending September 2026.

#### **Recommendation**

1. That Mayoral Minute No. 1/25 dated March 20, 2025, be received.

- 2. That correspondence be sent to the Premier of NSW, The Hon Chris Minns MP; the Leader of the Opposition, The Hon Mark Speakman MP; the Minister for Education and Early Learning, The Hon Prue Car MP; The Shadow Minister for Education and Early Learning, The Hon Sarah Mitchell MLC; and the Member for Barwon, Mr Roy Butler MP regarding the concerns outlined in this Mayor Minute regarding the design of the new Willyama High School being based on the Department of Education's "Extra Small" design model for secondary schools.
- 3. That Council appoints its Councillor Delegate to the Department of Education Willyama High School Redevelopment Reference Group (from the date of Council's resolution and ending September 2026), and Council's correspondence to the Minister for Education and Early Learning also advises of Council's Delegate.
- 4. That Council hold a public meeting, following the Department of Education's Drop-in Information Sessions for the Willyama High School rebuild, for all residents especially parents and students from all schools to voice their concerns and provide feedback on the design and the affects it will have on the future education of students in Broken Hill; so that a united voice can be presented to Government.

#### Attachments

There are no attachments for this report.

<u>T. KENNEDY</u> MAYOR

## RECOMMENDATIONS OF INFRASTRUCTURE AND ENVIRONMENT COMMITTEE MEETING HELD MONDAY, 17 MARCH 2025

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 36/25 dated March 5, 2025, be received.
- 2. That Development Application 108/2024 for subdivision of land of 1 lot into 15 lots and associated earthworks and utility service installation, at 1 Hynes Street, Broken Hill, be approved subject to conditions (as attached to this report).

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 37/25 dated February 20, 2025, be received.
- 2. That Council note the outcome of the Parks and Open Spaces Service Review.
- 3. That Council develop a strategy/policy to implement an incentivised/subsidised nature strip enhancement program to reduce the growth and spread of noxious weeds throughout residential and commercial areas.

#### INFRASTRUCTURE AND ENVIRONMENT COMMITTEE

March 5, 2025

#### ITEM 1

#### BROKEN HILL CITY COUNCIL REPORT NO. 36/25

# SUBJECT:DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF<br/>LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS<br/>AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET,<br/>BROKEN HILLD25/10203

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 36/25 dated March 5, 2025, be received.
- 2. That Development Application 108/2024 for subdivision of land of 1 lot into 15 lots and associated earthworks and utility service installation, at 1 Hynes Street, Broken Hill, be approved subject to conditions (as attached to this report).

#### **Executive Summary:**

A Development Application (DA) has been received to subdivide land at 1 Hynes Street, Broken Hill NSW 2880. The proposal is to subdivide one lot into 15 lots. Council is to determine the Development Application, by either resolving to approve or to refuse the application.

It is recommended that Council approve this Development Application, under the provisions of the *Environmental Planning and Assessment Act 1979.* 

#### Report:

Development Application (DA) 108/2024 proposes Torrens Title subdivision of land at 1 Hynes Street, Broken Hill NSW 2880.

It should be noted that this Development Application is considered an "Integrated Development" under provisions of the *Environmental Planning and Assessment Act 1979,* and as such the assessment of this Application included seeking the approval of both Rural Fire Service and Heritage Council of NSW.

This DA proposes to subdivide 1 lot into 15 lots.

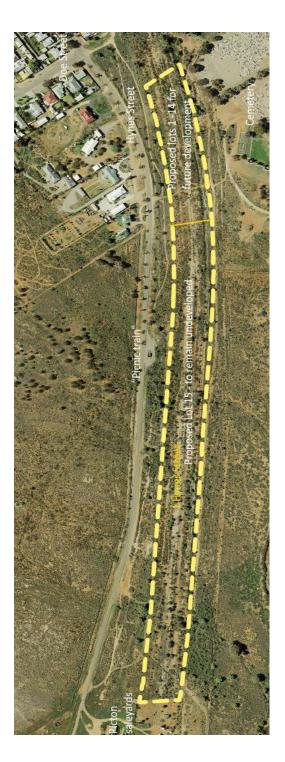
14 lots are intended to be subject to future residential type development. The remaining land (lot 15) is "residual" and intended to remain untouched and undeveloped.

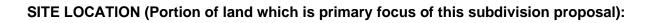
The current land title is Lot 12 DP 1174503. The site is 6.489 hectares in area, and is rectangular / kidney shaped with dimensions being width 1064 metres and depth 62 metres.

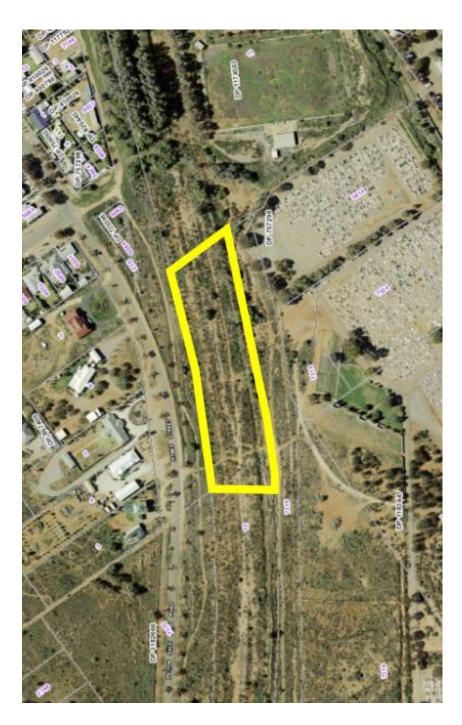
The eastern section of the site (that is the primary focus of this proposed subdivision, being Lots 1 - 14) is zoned R1 General Residential under the *Broken Hill Local Environmental Plan 2013*.

The remainder and majority of the site contains C4 Environmental Living land zoning, which encompasses the central and western portion of the lot.

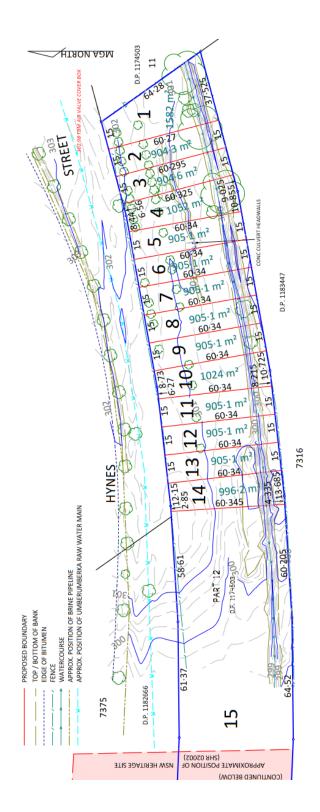
#### SITE LOCATION:







#### PLAN OF SUBDIVISION:



#### ASSESSMENT:

All Development Applications are required to be assessed by Council in accordance with the provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### CONSIDERATIONS UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

#### Section 4.15(a) (i) The provisions of any environmental planning instrument Broken Hill Local Environmental Plan 2013 (LEP)

#### Aims of the Plan

The aims of the LEP are:

(a) to encourage sustainable economic growth and development in Broken Hill,

(b) to encourage and provide opportunities for local employment growth, and the retention of the population, in Broken Hill,

(c) to encourage the retention of mining and acknowledge that industry's heritage and regional significance,

(d) to identify, protect, conserve and enhance Broken Hill's natural assets,

(e) to identify and protect Broken Hill's built and nationally significant cultural heritage assets for future generations,

(f) to provide for a range of housing types and living opportunities,

(g) to allow for the equitable provision of services and facilities for the community,

(h) to provide for future tourist and visitor accommodation in a sustainable manner that is compatible with, and will not compromise, the natural resource and heritage values of the surrounding area.

The aims or objectives of the plan are not compromised by the proposed development.

#### Zone Objectives

The site contains dual R1 General Residential and C4 Environmental Living zoning.

The primary portion of the subject site to be subdivided into the 14 lots intended for future development is zoned R1 – General Residential.

The objectives of the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal is consistent with the objectives of the zone.

#### Relevant LEP Clauses

Clause 4.1 - Minimum subdivision lot size

The objectives of this clause are as follows-

(a) to ensure that the subdivision of land occurs in a manner that promotes suitable land use and development,

(b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,

(c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls,

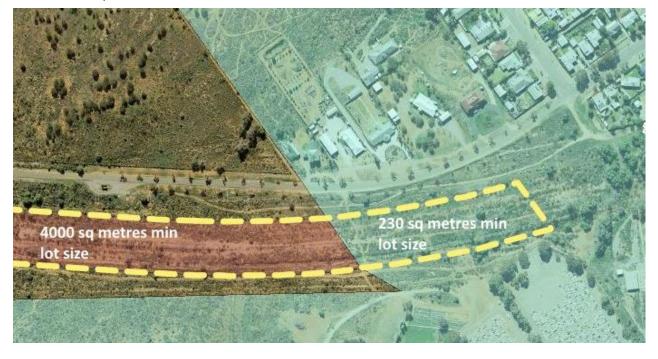
(d) to ensure that subdivision does not have inappropriate impacts on the natural environment.

Mapping which forms part of the LEP identifies the "minimum lot size" that is permitted on land. This means the minimum that a newly created lot must be.

The site contains dual minimum lot sizes of 230 sq metres and 4,000 sq metres which aligns with the dual R1 General Residential and C4 Environmental Living zoned areas of the site, respectively.

All proposed lots in this subdivision achieve the minimum lot size applicable, including the residual lot, and therefore this standard under the LEP provisions is complied with.

Clause - complied.



#### Clause 5.3 – Development near zone boundaries

A small part of proposed lots 13 and 14 encompass part of the C4 Environmental Living zoned land. The maximum distance of the western most boundary of lot 14 is 21.20m from the R1 zoned land.

The encroachment into the C4 land zone is within the 50 metre allowable under this LEP clause, does not affect any excluded land zone or area and the excluded land use is not proposed or permitted within the adjoining R1 land zone. The proposed development is consistent with all requirements of this clause.

Clause - complied.

#### Clause 5.10 - Heritage conservation

The site contains a State heritage listed item, SHR item No. 02002 - 1915 Picnic Train Attack and White Rocks Reserve.

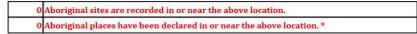
A Statement of Heritage Impact (SOHI) was submitted with the development application. It is noted that no works within approximately 130 metres of the item boundary is to occur.

The proposal was referred to the Heritage Council of NSW, who have supported the proposal, subject to conditions.

The site does not otherwise contain a locally listed heritage item, is not located within a heritage conservation area and is not known to contain any Aboriginal objects or Aboriginal place of heritage significance.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:



Heritage impact will be discussed further later in this report.

Clause – complied.

Clause 6.1 – Earthworks

Electrical, water, sewer and telecommunication utility services will require minimal disturbance within the road corridor and does not impact any significant, protected or native vegetation.

Clause – complied.

#### Clause 6.2 - Essential Services

All essential services are able to be provided to the land.

• Access: Site fronts to public, local sealed road being Hynes Street.

• Electricity: Not yet connected but within proximity of site. Low voltage connection to be extended so service runs parallel with the northern site boundary within the Hynes St road corridor and connection to proposed lots 1-14. Initial consultation has occurred between developer and Essential Energy.

• Water: Not yet connected but within proximity of site. Able to be extended to the site.

• Sewer: Not yet connected but within proximity of site. Extension of sewer network to occur from east of the site at the junction of Doe St and Hynes St along the northern site boundary within the Hynes St road reserve, and will connect to proposed lots 1-14. Initial consultation has occurred between developer and Essential Water.

• Stormwater: Not connected but can be catered via on site rain water tanks & detention. (this would be considered and managed at the time of future development of the lots). Stormwater management within proximity of the site includes natural overland flow paths and open swale drains. It is anticipated future development on proposed lots 1-14 will be subject to the provision of rainwater tanks which will enable sufficient onsite detention of post development flows, with existing overland flow directed to existing natural overland flow path at the rear of each proposed lot at pre-development flow rates.

Services will be required to be provided to the land as a result of this development consent.

Servicing strategies and designs will be required to be provided with a Subdivision Works Certificate "SWC" application. (A SWC is a certificate that operates in the same manner as a construction certificate but for subdivision works. It certifies that physical subdivision work such as provision of service infrastructure will be completed in accordance with specified plans and specifications).

Any costs associated with the extension of and provision of services, is to be borne by the owner/developer.

Clause – complied.

#### Relevant State Environmental Planning Policy

#### State Environmental Planning Policy (Resilience and Hazards) 2021

#### Chapter 4 - Remediation of Land

There have been no known approvals or activities undertaken on the site of the kind identified in table 1 of *Managing Land Contamination Planning Guidelines SEPP 55– Remediation of Land*, 1998.

Despite this, it is well documented that particularly lead contamination is known to be present in dust, soil, dirt and rainwater tanks throughout much of Broken Hill.

A preliminary site investigation (PSI) was undertaken by Metaline Engineering which concluded the following:

Potential contamination sources which have been identified during this PSI are summarised as:

- The site has attracted some illegal dumping for construction waste such as cement, concrete, old computer/s and some concrete blocks.

- Laboratory results from the non-railway line sites indicate fairly common results for Broken Hill. With the relatively dense vegetation on site these levels of contaminants are considered to have minimal environmental impact as levels of dust are reduced. However, the railway line site does indicate high levels in lead and zinc, and it is reasonable to conclude that overall, the site is considered to generally have a high risk of contamination should the dirt be disturbed.

- To determine potential risk of harm to human health and environment under proposed development conditions, assessment of the identified area of environmental concern should be undertaken prior to any future development.

The Preliminary Site investigation recommended:

- The implementation of the following recommendations will achieve the objectives of the project and render the site suitable for the intended development.

- Based on the findings of this report together with laboratory results, levels of potential contaminants of concern were above the health investigation and health screening levels for soil samples collected across the railway site, namely Lead and Zinc.

- Levels of Lead and Zinc exceeded the adopted health investigation levels for soil contaminants samples collected from the railway site.

- Excavation of the contaminated fill material would be required for offsite disposal. This option removes the contaminated materials through bulk excavation into trucks that then transfer the contaminated materials to a waste facility with appropriate licenses to receive the waste.

- Therefore, as part of the remediation program, it is the recommendation of this report that the site shall be stabilised with a 50 mm cover of clean material.

- disturbing the railway line is not recommended due to the high levels of Lead and Zinc. An appropriate landscaping plan should be prearranged, in which all dirt areas, as a minimum should be sealed and covered with grass.

It is recommended that a further detailed site investigation (DSI) be undertaken to determine the full extent of potential contaminants and, if required, develop a remediation action plan (RAP), as applicable. The developers planning consultant also contended in the Statement of Environmental effects that this would be an appropriate action.

It is anticipated this could be conditioned upon the DA consent, if issued and therefore would be required prior to the issue of a subdivision works certificate (SWC).

A construction environmental management plan (CEMP) will be required prior to the issue of a SWC, which require information on the method of avoiding the potential contaminated area of the site and include appropriate mitigation measures to avoid disturbance and/or actions if in the event disturbance occurs.

These various requirements are also likely to be conditioned upon any consent issued with for any future development applications for the site.

(Note - The site is not identified on the EPAs published list of contaminated land notified under s60 of the *Contaminated Land Management Act*).

#### Section 4.15 (a) (ii) Any proposed Environmental Planning Instruments

Not Applicable.

#### Section 4.15 (a) (iii) Any Development Control Plan (DCP)

#### Broken Hill Development Control Plan 2016

#### Chapter 6 - Land Contamination

The site is considered to generally have a risk of contamination should the dirt be further disturbed. With soil samples collected across the railway section of the site containing contaminants namely Lead and Zinc, which are above the suitable levels for health investigation and health screening. While the non-railway line area contained common results for Broken Hill. The Preliminary Site Investigation provided a number of recommendations as follows:

- Site coverage with new vegetation such as grass, small to medium sized trees and other native vegetation should be implemented as a capping source to stabilise the soil. Further capping of the site is also possible by the introduction of a concrete slab in the form of driveways, paths and the footing system of the house.

- Disturbing the railway line is not recommended due to the high levels of Lead and Zinc.

- It is recommended that prior to undertaking any wholesale site remediation works, a further detailed site investigation (DSI) be undertaken to determine the full extent of potential contaminants and, if required, develop a remediation action plan (RAP), as applicable.

- A construction environmental management plan (CEMP) is also suggested to be required which demonstrates the method of avoiding the potential contaminated area of the site and include appropriate mitigation measures to avoid disturbance and/or actions if in the event disturbance occurs.

- Works to be undertaken in a manner which minimises the escape of dust into the atmosphere. To achieve this, only necessary removal of vegetation shall be allowed and appropriate soil wetting should be implemented during any construction works.

These various matters can all be appropriately managed by imposition of conditions on the Development consent, should Council approve this DA.

#### Section 4.15 (a) (iv) Any Matters Prescribed by the Regulations

Part 3 - Division 3 -

Development applications for integrated development (sections 4.12, 4.47 and 4.64) - The consent authority must consult with relevant authorities prior to determining the development application. Rural Fire Service and Heritage Council of NSW have been consulted. This will be discussed later in this report.

## Section 4.15 (a) (v) Any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*)

Not applicable.

## Section 4.15(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality.

#### <u>Heritage</u>

Heritage item SHR 02002, 1915 Picnic Train Attack Site, "is marked by a memorial consisting of a replica freight wagon placed on the southern side of Picton Sales Yard Road, Broken Hill. The embankment of the Tramway Permanent Way lies about 50m north (sic) of the memorial. In between is the trench of the water pipeline from Umberumberka Reservoir"

In a general sense, the Heritage item boundary is within the central portion of the subject site.



Replica wagon memorial & curtilage

The heritage item is currently adjoined by residential development which is within as close a proximity than that resulting by the proposed development. It is not considered any impact to the heritage item will result from the proposed development.

(As noted later in this report, Heritage Council of NSW have granted their approval to the subdivision).

The extent of works within 1 Hynes Street is limited to boundaries of the lot, encompassing the eastern 210 metre R1 General Residential zoned portion of the site. This extent of works are located more than 100 metres from the eastern most curtilage of the SHR 02002 and 265 metres from the replica wagon memorial. Site services will be extended from the east of the site within the Hynes Street road corridor (also 265 metres from the wagon memorial).

# Social and Economic impact

The proposed development will enable opportunity for additional housing and other suitable developments within the locality (subject to separate development consent).

# Access, Transport and Traffic

The proposed development is not likely to result in traffic generation beyond the capability of the existing road network.

<u>Air</u>

A construction environment management plan will be conditioned for approval prior to the issue of a Subdivision Works Certificate, which will ensure that dust nuisance during works for example can be mitigated.

# **Biodiversity assessment**

N/A. Clearing of native vegetation does not exceed the biodiversity offsets scheme threshold.

# Natural hazards

Review of WaterNSW Real-time Water Database indicated no groundwater bores within 1km of the site.

NSW Hydrography mapping indicated there are no mapped watercourses within the site.

The subject site is 'Bush fire prone land' as determined by bush fire prone land mapping under s.146 of the Environmental Planning and Assessment Act (EP&A) 1979. A bushfire assessment was carried out by "Statewide Bushfire Consulting" and the DA was referred to Rural Fire Service for assessment.

The proposed development has been sited and designed to enable ample space and opportunity for future development on the site to appropriately manage and mitigate the potential impact of this constraint.

NSW Rural Fire Service have provided their concurrence to the planned subdivision, and have provided General Terms of Approval (which are conditions required to be imposed on the development consent).

Future Development applications lodged on lots created within this subdivision may be subject to further bush fire assessment.

# Section 4.15(c) Suitability of the site for the development

The site is suitable for the proposed development as demonstrated by:

- the permissibility of the proposed development,
- the consistency of the proposed development with applicable land use controls and

development standards,

- the site can be appropriately serviced,
- lack of likely significant adverse impacts to the environment.

# Section 4.15(d) Any submissions made in accordance with the Act or Regulations

The Development application was notified to neighbours in the vicinity of the site. As a result, 4 submissions were received (1 of those submissions received outside the specified comment period).

Issue	Objection Comment	Assessment Comment
Heritage & Land Use Concerns	Use Submittor seeks clarification on whether the heritage train currently on-site will remain in its current position or be relocated as part of the development. Confusion about the exact location of the identified	The site contains State Heritage Register item no. 02002 - 1915 Picnic Train Attack and White Rocks Reserve.
		The proposal does not involve relocation of the picnic train carriage. It is to remain untouched.
	heritage site.	No works are proposed within approximately 130 metres of the heritage site and not within 265 metres of the train carriage.
		The boundaries of the heritage listed item include an area which covers the actual picnic train, part of Hynes Street itself and a portion which crosses onto the subject site.
		The proposal was referred to the Heritage Council of NSW for consideration and assessment. The Heritage Council have granted approval to the proposal.
Development Feasibility Concerns	Changing Development Plans: The neighbour expresses frustration over inconsistencies in how the land has been marketed over the	It is understandable that neighbour concerns have stemmed from advertising through social media sites, which occurred over a period of time

The key issues raised in the objections have been summarised below:

Issue	Objection Comment	Assessment Comment
	past two years. They highlight that it has been advertised in multiple ways, including as: o Large blocks with 2-storey waterfront dream homes o Sites for unit development o Commercial lots with sheds These shifting plans create uncertainty about the true intention for the site.	prior to this subdivision application being submitted. This advertising has noted a variety of potential future uses. It should be noted that this current DA assessment only relates to the subdivision proposal. Any future development/use of the land will be subject to separate application. Future applications will consider that the proposed new developments are permitted within the zoning constraints of the land.
Subdivision Character & Lot Sizes	<ul> <li>Neighbourhood Character Concerns:</li> <li>The objector purchased property in this area specifically because of its low- density nature, where only five homes currently exist on very large blocks (approximately 6,500m<sup>2</sup>).</li> <li>Mismatch with Existing Streetscape: They argue that the proposed subdivision, which includes smaller lots of around 900m<sup>2</sup> with 15m frontages, is not in keeping with the existing character of the street. The significant difference in lot sizes and frontages (compared to their property's 53m frontage) could alter the aesthetic and feel of the area, possibly leading to concerns about increased density and changes to the semi-rural nature of the neighbourhood.</li> </ul>	All 14 allotments proposed for future residential development will contain minimum dimensions of: width of 12-15 metres, depth 60 metres and areas of a minimum of 900sq metres. It is noted that the sizes of the proposed lots each far exceed the minimum lot size prescribed for the area (being 230 square metres). Council must balance the need for residential land for new development, with existing area where neighbours may be "used to" a semi-rural type area. It is acknowledged that neighbours have a wish for the current feel of the area to remain as existing, however Council must consider the proposal on its merits, and in accordance with legislated planning controls. The zoning of the subject site to be subdivided, as far back as the Broken Hill LEP in 1996 was 2c City zone which allowed for a variety of uses to be developed. The minimum lot size allowed in that LEP for the site was 230 sq metres – same as currently applies. (The minimum lot size allowed at that time for the

Issue	Objection Comment	Assessment Comment
		neighbours properties across the road was 4000 sq metres).
Site Investigation & Contamination Concerns	<ul> <li>Neighbour concerns about possible discrepancies in the Preliminary Site Investigation:</li> <li>o Multiple neighbours state that they and their neighbours were not consulted as claimed in the report. They did not receive doorknocking, literature in mailboxes, or phone calls.</li> <li>o They dispute the report's claim that the ground was "reasonably undisturbed," noting that significant site works have taken place since the study, potentially affecting soil conditions.</li> <li>Lead Contamination Risks:</li> <li>o Neighbours are particularly concerned about the presence of high lead levels in soil samples taken from the train line area. Given Broken Hill's history of lead contamination, they see this as a serious health risk that must be addressed before any development proceeds.</li> <li>o They stress that further testing and mitigation measures should be considered before approving any new residential development on the site.</li> </ul>	Information regarding to contamination and associated recommendations is outlined elsewhere in this report. Whilst it may be an additional method of gaining insight into a site, it should be noted that neighbour door knocking is not a requirement that has to be carried out. However, it is understandable the frustration of neighbours if it has been incorrectly advised that door knocking has occurred. Conditions of consent can be imposed which address these concerns. These conditions include matters such as further assessment required as part of the Subdivision works certificate and also mitigation measures to be implemented in relation to any future development.
Pipeline	Concern about an existing pipeline easement that runs opposite their property and between the proposed blocks. This pipeline originates from the Picton saleyards and runs through to the original Hynes Street. The neighbour points out that the development plans do not clearly show how access to the blocks will be achieved.	It is noted that the subdivision plan indicates the position of the Umberumberka Pipeline. Specific details will be required to be submitted at Subdivision Works Certificate stage, to allow for consideration on how the vehicle access will be designed into the lots. This will include consideration by Councils engineer and also Essential Water at that stage.

Issue	Objection Comment	Assessment Comment
		(this is normal process that detailed designs and specifications are required at SWC assessment stage, rather than DA stage which is more a "concept" assessment).
		It is noted also that the developer has had initial contact with Essential Water.

# Section 4.15 (e) Public interest

The proposed development satisfies relevant planning controls and is considered to be in the wider public interest.

The development application provides a development that is consistent with the zoning of the land and DCP 2016.

# Environmental Planning and Assessment Act 1979.

# **Division 4.8 Integrated development**

Under the provisions of the Act, this proposal is considered an "Integrated development".

Integrated development means "the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development".

The relevant approval bodies for this DA are Rural Fire Service (Section 100B of the *Rural Fires Act 1997*) and Heritage Council of NSW (Section 58 of the *Heritage Act 1977*). This is due to the proposal being a subdivision of land which is considered "Bushfire prone land", and also as a State heritage listed item is located on part of the land.

Information submitted with the Development Application included a Bushfire Assessment report and a Statement of Heritage Impact.

Referrals to Rural Fire Service and Heritage Council of NSW occurred in accordance with the requirements of the legislation.

As a result, both approval bodies granted approval and provided Council with "General Terms of Approval" which are to be imposed as part of the conditions of consent, should Council decide to approve this Development Application. These terms of approval are included in the Recommended conditions of consent for this Application.

# **Recommendation:**

Section 4.16 of the *Environmental Planning and Assessment Act 1979* sets out that Council is to determine a development application by:

(a) granting consent to the application, either unconditionally or subject to conditions, or (b) refusing consent to the application.

Conditions of consent are able to be imposed under Section 4.17 of the *Environmental Planning and Assessment Act 1979.* The courts have determined that, for a condition to come within the relevant statutory power, it must meet the 'Newbury Test', which requires a condition to:

• Be imposed for a planning purpose.

- Fairly and reasonably relate to the development for which permission is being given.
- Be reasonable.

It is recommended that Development Application 108/2024 be approved, subject to conditions of consent (attached).

It is noted that should consent be granted, the "General Terms of Approval" issued by Rural Fire Service and the Heritage Council, must be included in the DA conditions of consent.

# **Community Engagement:**

The Development Application was notified to neighbours in accordance with Council's Communication and Engagement Strategy. Four submissions were received.

# **Strategic Direction:**

Key Direction:	4	Our Leadership	
Objective:	4.1	Openness and transparency in decision making	
Strategy:	4.1.1	Support the organisation to operate within its legal framework	

# **Relevant Legislation:**

Environmental Planning and Assessment Act 1979

# **Financial Implications:**

Nil

# Attachments

- **1.** <u>U</u> Proposed conditions of consent
- 2. J Plan of subdivision
- **3.** U Statement of Environmental Effects
- **4.** <u>J</u> Statement of Heritage Impact
- **5.** U Preliminary site investigation
- 6. J Bushfire assessment

JAY NANKIVELL GENERAL MANAGER

# PROPOSED CONDITIONS OF CONSENT – DEVELOPMENT APPLICATION 108/2024

# <u>1 HYNES STREET, BROKEN HILL</u>

#### Approved plans

1. The development must take place in accordance with the approved plans and documents submitted with the application, listed below:

Title	Revision/Date	Prepared by
Statement of Environmental Effects	Version 1.0; December 2024	Regional Plan
Bushfire Assessment report	20 November 2024	Statewide Bushfire Consulting
Statement of Heritage Impact	December 2024	Regional Plan
Proposed plan of Subdivision	2 June 2023	Graham F Howe registered Surveyor
Preliminary Site Investigation Report	30 January 2023	Metaline Engineering

except as altered by any condition of this development consent.

#### Prior to Subdivision Works Certificate

#### 2. Application for Subdivision Works Certificate

An application for a Subdivision Works Certificate must be lodged and issued by Council or an Accredited Certifier, <u>prior to any works commencing on site</u>. Copies of engineering plans and specifications shall be provided for the purpose of applying for the Subdivision Works certificate. The plans are to include as a minimum:

- 1. contours and proposed earthworks
- 2. stormwater drainage
- 3. water supply works in accordance with Essential water requirements
- 4. sewerage works in accordance with Essential water requirements

- 5. electricity supply works in accordance with Essential Energy requirements
- 6. location of all service conduits (water, sewer, electricity and telecommunications)
- 7. vehicle access to lots,
- 8. a Construction Management Plan (CMP) detailing the scope of the subdivision site works to be completed (including details of the various stages of site works, excavation, measures to mitigate noise and vibration etc, identify local traffic routes to be used by work vehicles, hours of work, dust management onsite, temporary fencing during work, etc) shall be submitted to Council prior to the issue of a Subdivision Works Certificate.
  - A. The CMP is also to include details relating to the method of avoiding the potentially contaminated area of the site (near former railway line) and include appropriate mitigation measures to avoid disturbance and/or actions if in the event disturbance occurs.
- 3. Work on the land shall not commence until a Subdivision Works Certificate is issued.
- 4. Prior to the issue of a Subdivision Works certificate, a further detailed site investigation (DSI) be undertaken to determine the full extent of potential contaminants. If required by the DSI, a remediation action plan (RAP), and validation must then occur.
- 5. A detailed stormwater drainage design of the site must be submitted and approved by Council prior to the release of a Subdivision Works Certificate.
- 6. The land shall be connected to the Essential Water reticulated water supply system, and also connected to the sewerage system. Any work required in relation to water and sewer supply work, including any new mains, hydrants, services, and pipes must be designed in accordance with the requirements of Essential Water. Relevant approvals must be sought from Essential Water and Essential Energy. Details must be provided with the lodgement of a Subdivision Works Certificate. Confirmation of the works being carried out must be provided to Council prior to a Subdivision Certificate being issued.
- 7. This assessment has concluded that there is a very low or nil likelihood that the proposed work will adversely harm Aboriginal cultural heritage items or sites. However, during works, if Aboriginal artefacts or skeletal material are noted, all work should cease and the procedures in the Unanticipated Finds Protocol should be followed.

ADVICE - If, during work, an Aboriginal object is uncovered then WORK IS TO CEASE IMMEDIATELY and the Office of Environment & Heritage is to be contacted. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP).

8. Any allotments created must be within the required distance to a fire hydrant in accordance with Australian Standard AS 2419.

- 9. Detailed plan showing proposed finished levels of land are to be provided to Council prior to issuing of a Subdivision Works Certificate.
- **10.** The Applicant is to submit to Broken Hill City Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.

#### General conditions

- An application for a Subdivision Certificate shall be lodged with Council for approval to enable the subdivision plans to be submitted and registered with NSW Land Registry Services (formerly Land Titles Office).
   Evidence shall be provided that all subdivision works have been completed, including written confirmation and/or compliance certificates from relevant authorities/agencies.
- 12. Any extensions/alterations/adjustments to public utilities required as a result of the development shall be completed at the sole cost to the person(s) having the benefit of this consent.
- 13. The hours of work onsite for any works related to the subdivision, are restricted to between the hours of 7.00am and 5.00pm Monday Friday. No works are to be carried out on Saturdays, Sundays or Public Holidays.
- 14. The land shall be connected to the Essential Water reticulated water supply system. Any engineering details of the water supply work, including any new mains, hydrants, services and, shall be submitted to Essential Water for their assessment. Confirmation of the works being carried out must be provided to Council prior to a Subdivision Certificate being issued.
- 15. The land is to be connected to the Essential Water reticulated sewerage system by lodging a 'Water and/or Sewer Connection Application Form' (and relevant fee) with Essential Water. Confirmation of the works being carried out must be provided to Council prior to a Subdivision Certificate being issued.
- 16. Prior to the release of a Subdivision Certificate, a final written clearance shall be obtained from Essential Water, Essential Energy and relevant telecommunications provider, and submitted to Broken Hill City Council with the Subdivision Certificate application.

#### GENERAL TERMS OF APPROVAL

#### HERITAGE COUNCIL OF NSW -

#### Approved development

1. Development must be in accordance with:

a. Plans, prepared by Graham F Howe as listed below:

Project Name: Proposed	Subdivision of Lot 12 in D	.P 1174503	
Dwg No	Dwg Title	Date	Rev
C156-11P	Proposed Subdivision of Lot 12 in D.P 1174503	2/06/2023	-

b. Statement of Heritage Impact, prepared by Regional Plan, dated 7 December 2024

c. Statement of Environmental Impact, prepared by Regional Plan, dated 7 December 2024.

#### EXCEPT AS AMENDED by the General Terms of Approval:

#### Unexpected finds

2. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric such as works not identified in the Statement of Heritage Impact, prepared by Regional Plan dated 7 December 2024, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: All significant fabric within a State Heritage Register curtilage should be managed according to its significance. This is a standard condition to identify to the applicant how to proceed if historical archaeological relics, or other unexpected buried discoveries such as works are identified during the approved project.

#### Aboriginal objects

**3.** Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974.

Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

#### Compliance

**4.** If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

#### Section 60 application

**5.** An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to the lodgement of the deposited plan with the NSW Land Registry Services for registration.

Reason: To meet legislative requirements.

#### Advice

Section 148 of the Heritage Act 1977 (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

#### **GENERAL TERMS OF APPROVAL**

#### NEW SOUTH WALES RURAL FIRE SERVICE -

#### Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the dwellings are below critical limits and prevent direct flame contact.

**1.** At the issue of a subdivision certificate and in perpetuity, to ensure ongoing protection from the impact of bush fires, the entire of proposed Lots 1-14 must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

• grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and

• leaves and vegetation debris should be removed.

2. At the issue of a subdivision certificate, a suitable mechanism such as an instrument pursuant to section 88 of the Conveyancing Act 1919 must be placed over each lot requiring the Asset Protection Zones (APZ) as shown on Figure 3: Bush fire hazard assessment of the document Bush Fire Assessment Report Subdivision 1 Hynes Street Broken Hill, prepared by Statewide Bushfire Consulting, Ref: 24SBC\_1026, V1, dated 20 November 2024.

Asset Protection Zones (APZ) must be managed in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

The name of authority empowered to release, vary or modify any instrument must be Broken Hill City Council.

#### Access Requirements

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

**3.** Property access roads between proposed Lots 1-14 and Hynes Street must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- property access roads are two-wheel drive, all-weather roads;
- minimum 4m carriageway width;

• in forest, woodland and heath situations, rural property access roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m at the passing bay;

• a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;

• provide a suitable turning area in accordance with Appendix 3 Planning for Bush Fire Protection 2019;

• curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;

• the minimum distance between inner and outer curves is 6m; the crossfall is not more than 10 degrees;

• maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and

• a development comprising more than three dwellings has access by dedication of a road and not by right of way.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

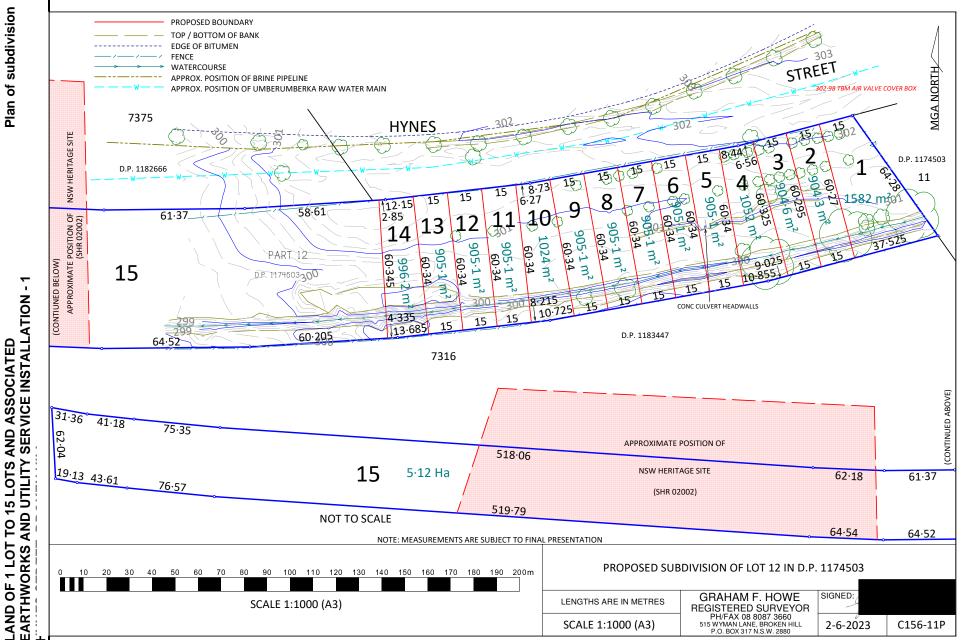
#### Water and Utility Services

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities

The provision of water, electricity and gas shall comply with Table 5.3c of Planning for Bush Fire Protection 2019.

#### General Advice -

Development applications lodged on lots created within this subdivision may be subject to further bush fire assessment under the provisions of the NSW Environmental Planning & Assessment Act 1979.



Attachment 2 Plan of subdivision

DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1

**Broken Hill City Council** 

# Statement of Environmental Effects

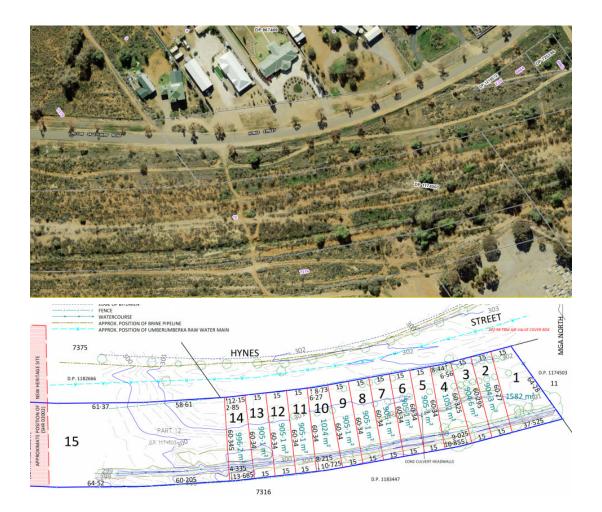
Torrens title subdivision (1 lot into 15) and associated earthworks

and services

at

Lot 12 DP 1174503

1 Hynes St Broken Hill NSW



Regional Plan www.regionalplan.com.au

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7.6	NSW Rural Fire Service bushfire prone land search results
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# Document control

Author	Version	Date
B. Williams, Regional Plan	1.0	7 December 2024

#### Disclaimer

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Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

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Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

# 1 Preliminary

# 1.1 General overview

This Statement of Environmental Effects (SEE) has been prepared by Regional Plan on behalf of the Applicant, to accompany the submission of an application for development consent pursuant to Part 4 of the Environmental Panning and Assessment Act 1979 (EP&A) Act 1979.

This SEE describes the site, its surrounds, the proposed development, and provides an assessment of the proposal in accordance with the matters for consideration pursuant to Section 4.15 of the *EP&A Act 1979* and other applicable legislation and environmental planning instruments (EPIs) as noted throughout.

# 1.2 **Proposal summary**

Table 1: Proposal summary

Applicant	LAND OWNER	
	C/- Regional Plan	
	123 Crown Street, Tamworth, NSW 2340	
Description of	The subdivision of land, pursuant to section 1.5(b) of the EP&A Act 1979.	
proposed development	Involving the greenfield Torrens title subdivision of 1 lot into 14.	
Street address	1 Hynes Street	
Suburb	Broken Hill NSW	
Lot / SEC / DP	12 / - / 1174503	
Land zoning	R1 General Residential, C4 Environmental Living	
Site area	6.488ha	
Approval(s) sought	a) Subdivision of land	
	b) s.100B bushfire safety authority Rural Fires Act 1997	
Type of development	Integrated development s. 57(1) Heritage Act 1977.	
Consent Authority Broken Hill City Council		
Local Environmental Broken Hill Local Environmental Plan (BHLEP) 2013.		
Plan	s2.6 – Subdivision—consent requirements	

# 1.3 SEE structure

The structure and contents of this SEE is as follows:

Table 2: SEE structure

Part 1 - Preliminary	Provides a high-level overview of the proposed development, development type, preliminary consultation, referrals required and supporting documents and specialist technical reports.
Part 2 - Site context	Provides an analysis of the site and its surrounds.
Part 3 - Proposed development	Describes the proposed development.

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

Part 4 - Statutory	Assesses the consistency of the proposed development against applicable
planning controls	statutory and non-statutory environmental planning instruments and development standards.
Part 5 - Assessment of	Assess the likely impact of the proposed development pursuant to section
environmental effects	4.15 of the EP& Act 1979.
Part 6 - Conclusion	Concludes this SEE.
Part 7 - Appendices	

# 1.4 Pre DA consultation

Table 3: Pre-DA consultation

	Matters raised / advice provided
внсс	Environmental
	Bushfire prone land
	Site contains state heritage listed item
	• Preliminary site investigation (PSI) required for lead contamination
	Services
	• Development to contain adequate arrangements for servicing of vehicle
	access, water, sewer, stormwater, electricity and telecommunications. With
	consultation with relevant authorities.
	Access from Hynes St is preferred
Essential	Site water and sewer connection requirements.
Water &	Connections to Essential Water's Sewer and Water Mains are to comply with
Sewer	Australian Plumbing/Drainage Standard AS 3500, Water Supply Code WSA 03-2002,
	Sewerage Code of Australia WSA 02-2002-2.2.
	Sewerage Code of Australia WSA 02-2002-2.2. Sections of water and sewer maps for this area are attached above.
	Sections of water and sewer maps for this area are attached above.
	Sections of water and sewer maps for this area are attached above. Please Note:
Essential	Sections of water and sewer maps for this area are attached above. Please Note: Sewer Mains are not directly available, an extension is required subject to Survey, at
Essential Energy (EE)	Sections of water and sewer maps for this area are attached above. Please Note: Sewer Mains are not directly available, an extension is required subject to Survey, at the cost of the Developer.
	Sections of water and sewer maps for this area are attached above. Please Note: Sewer Mains are not directly available, an extension is required subject to Survey, at the cost of the Developer. Site electrical supply connection requirements.
	Sections of water and sewer maps for this area are attached above. Please Note: Sewer Mains are not directly available, an extension is required subject to Survey, at the cost of the Developer. <b>Site electrical supply connection requirements.</b> Advised a DA number is required and a 'subdivision residential and commercial'
	Sections of water and sewer maps for this area are attached above. Please Note: Sewer Mains are not directly available, an extension is required subject to Survey, at the cost of the Developer. <b>Site electrical supply connection requirements.</b> Advised a DA number is required and a 'subdivision residential and commercial' application to be submitted via EE's website at
	Sections of water and sewer maps for this area are attached above. Please Note: Sewer Mains are not directly available, an extension is required subject to Survey, at the cost of the Developer. <b>Site electrical supply connection requirements.</b> Advised a DA number is required and a 'subdivision residential and commercial' application to be submitted via EE's website at https://www.essentialenergy.com.au/partners/contestable-work/land-
	Sections of water and sewer maps for this area are attached above. Please Note: Sewer Mains are not directly available, an extension is required subject to Survey, at the cost of the Developer. <b>Site electrical supply connection requirements.</b> Advised a DA number is required and a 'subdivision residential and commercial' application to be submitted via EE's website at https://www.essentialenergy.com.au/partners/contestable-work/land- developments#:~:text=How%20to%20apply.next%20steps%20for%20your%20developments
Energy (EE)	Sections of water and sewer maps for this area are attached above. Please Note: Sewer Mains are not directly available, an extension is required subject to Survey, at the cost of the Developer. <b>Site electrical supply connection requirements.</b> Advised a DA number is required and a 'subdivision residential and commercial' application to be submitted via EE's website at https://www.essentialenergy.com.au/partners/contestable-work/land- developments#:~:text=How%20to%20apply,next%20steps%20for%20your%20development.
Energy (EE) Crown Lands	Sections of water and sewer maps for this area are attached above. Please Note: Sewer Mains are not directly available, an extension is required subject to Survey, at the cost of the Developer. <b>Site electrical supply connection requirements.</b> Advised a DA number is required and a 'subdivision residential and commercial' application to be submitted via EE's website at https://www.essentialenergy.com.au/partners/contestable-work/land- developments#:~:text=How%20to%20apply.next%20steps%20for%20your%20devel lopment. Enquiry regarding accessing proposed lots from the South.

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

	Advised the site contains state heritage register (SHR) item no. 02002 and despite the proposed development being outside of the SHR curtilage a statement of heritage impact (SOHI) is required and the development will form integrated development pursuant to under section 60 of the Heritage Act 1977.
Referrals	a) b)

# 1.5 Referrals required

Table 4: DA referrals required

Legislation	Clause
Rural Fires Act 1997	NSW Rural Fire Service, s. 100b Rural Fires Act 1997 (bushfire safety authority)
Heritage Act 1977	NSW Office of Environment and Heritage, s. 57(1) Heritage Act 1977 (State Heritage listing)

# 1.6 Supporting documents and specialist technical reports

The following documents and specialist technical reports accompany the development application.

Document	Author & date
Bushfire assessment report	Statewide Bushfire Consulting 20 November
	2024
Preliminary site investigation (PSI)	Metaline Engineering Group 30 January 2023
Statement of Heritage Impact (SOHI)	Regional Plan 7 December 2014
Plan of proposed subdivision	G, F, Howe 2 June 2023

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

2 Site context Table 6: Site analysis

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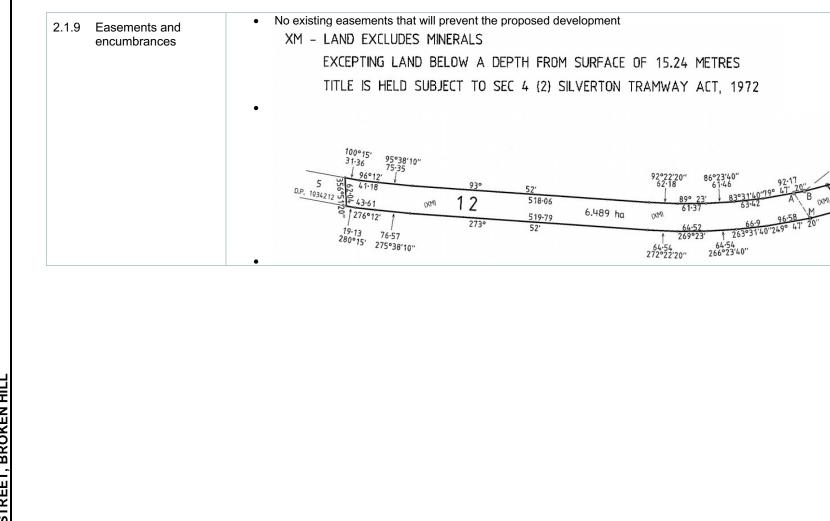
**Broken Hill City Council** 

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2.1 Site analysis	
2.1.1 Site description and locality	<ul> <li>LOT: 12</li> <li>SEC:</li> <li>DP: 1174503</li> <li>ADDRESS: 1 Hynes St Broken Hill NSW</li> <li>The site is located on the northwestern edge of the Broken Hill township and is the last land parcel containing R1 <i>General Residential</i> land zoning which borders the Broken Hill township. The eastern section of the site subject to the proposed development is zoned R1 <i>General Residential. However,</i> most of the land parcel contains C4 <i>Environmental Living</i> land zoning which encompasses the central and western portion of the lot.</li> </ul>
2.1.2 Site area	<ul> <li>6.489ha</li> <li>Dimensions: Width 1,064m; depth 62</li> <li>Shape: rectangular / kidney</li> </ul>
2.1.3 Site zoning	<ul> <li>R1 General Residential</li> <li>C4 Environmental Living</li> </ul>
2.1.4 Minimum lot size	<ul> <li>230m<sup>2</sup> (R1 General Residential)</li> <li>4,000m<sup>2</sup> (C4 Environmental Living)</li> </ul>
2.1.5 Height of building	Not applicable
2.1.6 Floor space ratio	Not applicable
2.1.7 Heritage	<ul> <li>Not applicable (local, European or Aboriginal)</li> <li>Contains state heritage registered item no. 02002 - 1915 Picnic Train Attack and White Rocks Reserve</li> </ul>
2.1.8 Site access and services	<ul> <li>Access: Site frontage to public, local sealed road, Hynes Street</li> <li>Electricity: Not connected but within proximity of site</li> <li>Telecommunications: Not connected but within proximity of site</li> <li>Water: Not connected but within proximity of site</li> <li>Sewer: Not connected but within proximity of site</li> <li>Stormwater: Not connected but can be catered via on site rain water tanks &amp; detention. Stormwater management within proximity of the site includes natural overland flow paths and open swale drains. There are no pit and pipe drainage networks within the immediate vicinity of the site.</li> </ul>

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2.1.10 Existing development & previous uses	Former loca the site. Rai Some const <i>As noted in</i> - -	I railwa il line ar truction the acc An onli Januar informa No site to the Hazaro No site 308 of notices Althoug	y site which and all jeweller waste mostly ompanying F ne review of y 2023 and th ation was also s within 500n EPA as requi- lous Chemica s within 500 n the Protection penalty noti- gh no neighbo	y has been no concrete is p PSI report, the available here were no o found regar n of the inspe vired by the C als Act (1985, m of the inspe on of the inspe on of the Envices and conv oring service area, the follo	issioned 197 emoved, thou present on the records of co rding activities ction area we Contaminated ). ection area we vironment Op rictions. stations, med	0, with some ligh some bai e site. Plus a ne Broken Hi oncern with re s relating to o re identified I Land Mana ere listed on t perations Act chanics, mini	llast and moul in old broken Il City Council gards to com development. on the list of N gement Act ( he EPA public 1997 (the Po ing or drycleal	where the railway used to nds of the old rail remains computer. I website was undertaken tamination on site. No Hist ISW contaminated sites no (1997) and the Environme c register required under se OEO Act), which lists lice ners are in operation within m of the inspection area.
		ITEM	TYPE OF ACTIVITY Woolworth	APPROXIMATE DISTANCE TO SITE BOUNDARY	DIRECTION FROM SITE	ADDRESS	GRADIENT FROM SITE	
		1	Mechanic/Fuel Station	2000m	East	5 Galena Street, Broken Hill	Undulating/down gradient	
		2	Shell Fuel Station	2500m	East	164 Williams Street, Broken Hill	Undulating/down gradient	
		3	CBH Resources Broken Hill Operation – RASP Mine - Broken Hill	3000-5000m	East	-	Undulating/down gradient	
	-	impact and eve Althoug mining	on the site. H ents pose a r gh lead in Br operations.	lowever, dust risk for dust p roken Hill's al Studies suc	particle move articles to move ir and soil is h as those	ement throug ove over Kms common, it published in	h the air, and s, this in partic is mostly deri the journal	ove is not expected to ha Broken Hill's Dust storm cl cular has an impact on the ived from historical and c Atmospheric Environmen 's mines. The Broken Hill

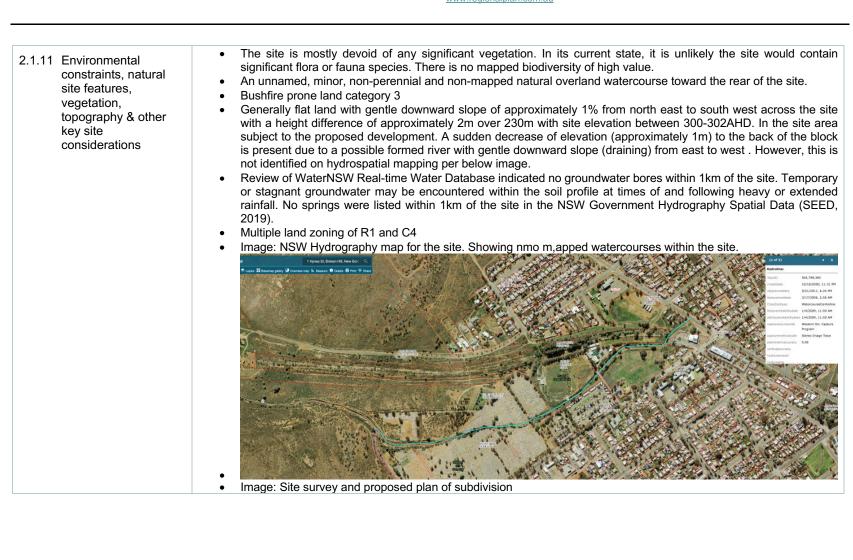
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Attachment 3 Statement of Environmental Effects

DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET, BROKEN HILL



Statement of Environmental Effects – Torrens title subdivision

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	2.2	Surrounding development & land zoning	<ul> <li>The area of the site subject to the proposed development is predominantly adjoined by R1 General residential zo land to the north east and south. Land to immediate north contains large lot residential development with land to north east containing smaller lot residential development.</li> <li>A rugby league ground adjoins the eastern site boundary.</li> <li>A vacant lot adjoins the southern site boundary with the Broken Hill cemetery located beyond. Which is a listed to heritage No. 140. item.</li> <li>The site is also adjoined by vacant land of C2 and RU2 land zoning to the north and east in the area of the site subject to the proposed development.</li> </ul>
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#### 2.3 Site photo's

Site photos are contained in **Appendices**.

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

# 3 **Proposed development**

#### 3.1 Outline of proposed development

a) Torrens title subdivision of the site from one (1) lot into fourteen (14) as follows:

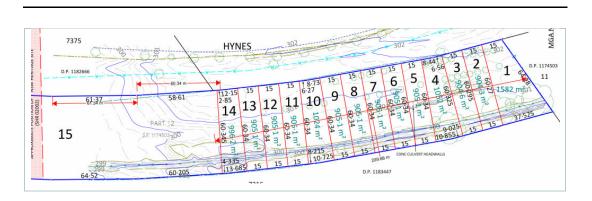
Table 7: Outline of proposed development

Item	Information
Lot size	All 14 allotments proposed for future residential development will contai
	minimum dimensions of: width of 12 meters, depth 60 metres and areas of
	900m <sup>2</sup> as outlined below.
	All lots will have north south orientation with frontage to Hynes Street.
	Residual lot will contain approximately 51,186m <sup>2</sup> .
	Lot ID Area (m2)
	Existing 64,890.00
	1 1,582.00
	2 904.30
	3 904.60
	4 1,052.00
	5 905.10
	6 905.10
	7 905.10
	8 905.10
	9 905.10
	10 1,024.00
	11 905.10
	12 905.10
	13 905.10
	14 996.20
	Residual (15) 51,186.10
Site access	Via Hynes St. As part of future dwelling DAs.
Earthworks	Works limited to installation of utility services to each lot as outlined within
	subsequent sections.
Sewer	Extension of sewer network from east of the site at the junction of Doe St an
	Hynes St along the northern site boundary within the Hynes St road reserve
	and connecting to proposed lots 1-14.
Stormwater	It is anticipated future development on proposed lots 1-14 will be subject to
	the provision of rainwater tanks which will enabling onsite detention of pos
	development flows, with existing overland flow directed to existing natura
	overland flow path at the rear of each proposed lot at pre-development flow

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

					-	on proposed lots 1-14 will
	subject to	the pro	vision of ra	inwater	tanks whi	ch will enable sufficient on
	detention	of post	developme	nt flows	s, with exi	sting overland flow directed
	existing na	atural o	verland flow	v path a	at the rea	r of each proposed lot at p
	developme	ent flow	rates.			
Electricity	Undergrou	ind low	voltage con	nection	to existing	g low voltage pillar at 2a Hy
	St. With u	nder bo	re of Hynes	s St road	d paveme	nt and service running para
	with the i	northerr	i site bour	ndary w	ithin the	Hynes St road corridor a
	connection	n to prop	bosed lots 1	I-14.		
Telecommunications	Undergrou	ind con	nection to e	existing	network j	unction at 2a Hynes St. V
	under bore	e of Hyr	nes St road	pavem	ent and se	ervice running parallel with
	northern s	ite bour	ndary withir	n the Hy	ynes St ro	ad corridor and connectior
	proposed	lots 1-14	4.			
Waste collection	Green was	ste via e	existing kert	oside co	ollection in	Hynes St.
	It is propo	sed to a	apply for a	Dark G	reen Mob	ile Garbage Bin waste serv
	collection	to the si	te if develo	pment o	consent is	issued.
Mail	Proposed	mail bo	x at Hynes	St boun	ndary for p	roposed lots 1-14.
			-			roposed lots 1-14. application.
Vegetation removal		able. Su	-			•
Vegetation removal Asset protection	Not applic	able. Su	-			•
Vegetation removal Asset protection	Not applic Table 2: Bush fire har Transect	able. Su ard assessment Vegetation	bject to fut		Available APZ	application.
Vegetation removal Asset protection	Not applic Table 2: Bush fire haz Transect East and North- east	able. Su ard assessment Vegetation formation	Effective Slope	Minimum APZ <sup>1</sup> Propose	elopment Available APZ ed Lot 1 >10m	application.
Vegetation removal Asset protection	Not applic Table 2: Bush fire has Transect East and North-	able. Su ard assessment Vegetation formation	Effective Slope	Minimum APZ <sup>1</sup> Propose	Available APZ d Lot 1 ≥10m ≥11m	Comments The Minimum APZ is available within Lot 1 to
Vegetation removal Asset protection	Not applic Table 2: Bush fire haz Transect East and North- east	able. Su ard assessment Vegetation formation	Effective Slope	Minimum APZ <sup>1</sup> Propose 10m 11m	Available APZ d Lot 1 ≥10m ≥11m	application.         Comments         The Minimum APZ is available within Lot 1 to allow a Building Envelope.         The Minimum APZ is available within Lot 2.13
Vegetation removal Asset protection	Not applic Table 2: Bush fire haz Transect East and North- east South	able. Su ard assessment Vegetation formation Grassland Grassland	Effective Slope Upslope /Flat Downslope > 0-5 <sup>0</sup>	Minimum APZ <sup>1</sup> Propose 10m 11m Proposed	Available APZ d Lot 1 210m 211m Lot 2-13 211m	Comments Comments The Minimum AP2 is available within Lot 1 to allow a Building Envelope.
Mail Vegetation removal Asset protection zones	Not applic Table 2: Bush fire haz Transect East and North- east South South	able. Su ard assessment Vegetation formation Grassland Grassland	Upslope /Flat Downslope > 0-5°	Minimum APZ <sup>1</sup> Propose 10m 11m Proposed 11m	Available APZ d Lot 1 210m 211m Lot 2-13 211m d Lot 14	application.         Comments         The Minimum APZ is available within Lot 1 to allow a Building Envelope.         The Minimum APZ is available within Lot 2.13
Vegetation removal Asset protection	Not applic Table 2: Bush fire haz Transect East and North- east South	able. Su ard assessment Vegetation formation Grassland Grassland	Effective Slope Upslope /Flat Downslope > 0-5 <sup>0</sup>	Minimum AP2 <sup>1</sup> Propose 10m 11m Proposed	Available APZ d Lot 1 210m 211m Lot 2-13 211m	application.         Comments         The Minimum APZ is available within Lot 1 to allow a Building Envelope.         The Minimum APZ is available within Lot 2-13 to allow a Building Envelope.         The Minimum APZ is available within Lot 2-14 to allow a Building Envelope.         The Minimum APZ is available within Lot 14 to allow a Building Envelope.         Lot 15 directly adjacent to the west can be partly managed as an 11m APZ for required
Vegetation removal Asset protection	Not applic Table 2: Bush fire haz Transect East and North- east South South West South	able. Su ard assessment Vegetation Grassland Grassland Grassland Grassland	Effective Slope Upslope /Flat Downslope > 0-5° Downslope > 0-5°	Minimum APZ <sup>1</sup> Propose 10m 11m Proposed 11m 11m 11m	elopment Available APZ d Lot 1 210m 211m Lot 2-13 211m d Lot 14 211m	application.         Comments         The Minimum APZ is available within Lot 1 to allow a Building Envelope.         The Minimum APZ is available within Lot 2-13 to allow a Building Envelope.         The Minimum APZ is available within Lot 14 to allow a Building Envelope.         The Minimum APZ is available within Lot 14 to allow a Building Envelope.
Vegetation removal Asset protection zones	Not applic Table 2: Bush fire haz Transect East and North- east South South West South	able. Su ard assessment Vegetation formation Grassland Grassland Grassland Grassland Minimum distances for	Effective Slope Upslope /Flat Downslope > 0-5° Downslope > 0-5° Downslope > 0-5°	Minimum APZ <sup>1</sup> Proposed 10m 11m Proposed 11m 11m 11m 11m	elopment Available APZ allom 211m Lot 2-13 211m 211m 211m 211m 211m 211m	application.         Comments         The Minimum AP2 is available within Lot 1 to allow a Building Envelope.         The Minimum AP2 is available within Lot 2-13 to allow a Building Envelope.         The Minimum AP2 is available within Lot 14 to allow a Building Envelope.         The Minimum AP2 is available within Lot 14 to allow a Building Envelope.         The Minimum AP2 is available within Lot 14 to allow a Building Envelope.         Lot 15 directly adjacent to the west can be partly managed as an 11m AP2 for required setbacks in that direction
Vegetation removal Asset protection zones	Not applic Table 2: Bush fire haz Transect East and North- east South South West South	able. Su ard assessment Vegetation formation Grassland Grassland Grassland Grassland Grassland Grassland Grassland Grassland Grassland	Leffective Slope Upslope /Flat Downslope > 0-5° Downslope > 0-5° Downslope > 0-5° Communication of the state of the s	Minimum APZ <sup>1</sup> Propose 10m 11m Proposed 11m 11m 11m 11m 11m 11m	elopment Available APZ al Lot 1 ≥10m ≥11m Lot 2-13 ≥11m al Lot 14 ≥11m 211m 211m 211m	application.         Comments         The Minimum APZ is available within Lot 1 to allow a Building Envelope.         The Minimum APZ is available within Lot 2:13 to allow a Building Envelope.         The Minimum APZ is available within Lot 2:13 to allow a Building Envelope.         Lot 15 directly adjacent to the west can be partly managed as an 11m APZ for required setbacks in that direction         development. It is anticipation
Vegetation removal Asset protection	Not applic Table 2: Bush fire haz Transect East and North- east South South West South Type 2019 - Table A1.12.2 No easem the propos	able. Su ard assessment Vegetation formation Grassland Grassland Grassland Grassland Grassland Meimum distances for seed lots co	Libject to fut Effective Slope Upslope /Flat Downslope > 0-5° Downslope > 0-5° Downslope > 0-5° AP2- residential intil develop e required contain suffi	Minimum APZ <sup>1</sup> Proposed 10m 11m Proposed 11m 11m 11m 11m 11m 11m	elopment Available APZ ad Lot 1 210m 211m Lot 2-13 211m d Lot 14 211m 211m 211m 211m 211m 211m 211m 21	application.         Comments         The Minimum AP2 is available within Lot 1 to allow a Building Envelope.         The Minimum AP2 is available within Lot 2-13 to allow a Building Envelope.         The Minimum AP2 is available within Lot 14 to allow a Building Envelope.         The Minimum AP2 is available within Lot 14 to allow a Building Envelope.         The Minimum AP2 is available within Lot 14 to allow a Building Envelope.         Lot 15 directly adjacent to the west can be partly managed as an 11m AP2 for required setbacks in that direction         development. It is anticipative management of stormwase
Vegetation removal Asset protection zones	Not applic Table 2: Bush fire haz Transect East and North- east South South West South Improvement No easement the propose on propose	able. Su ard assessment Vegetation formation Grassland G	Libject to fut Effective Slope Upslope /Flat Downslope > 0-5° Downslope > 0-5° Downslope > 0-5° AP2- residential intil develop e required contain suffi	Minimum APZ <sup>1</sup> Proposed 10m 11m Proposed 11m 11m 11m 11m 11m 11m 11m 11m 11m 11	elopment Available APZ al Lot 1 ≥10m ≥11m Lot 2-13 ≥11m al Lot 14 ≥11m 2980/m2,10983 proposed rea for ons scharge d	application.         Comments         The Minimum APZ is available within Lot 1 to allow a Building Envelope.         The Minimum APZ is available within Lot 2 to allow a Building Envelope.         The Minimum APZ is available within Lot 2 to allow a Building Envelope.         The Minimum APZ is available within Lot 14 to allow a Building Envelope.         Lot 15 directly adjacent to the west can be partly managed as an 11m APZ for required setbacks in that direction         development. It is anticipative management of stormware irected to the existing nature.

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW . 17



Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

Broken Hill City Council

# 4 Statutory planning controls

An assessment of consistency of the proposed development against applicable statutory planning controls has been undertaken as outlined within the ensuing subsections.

#### 4.1 Acts

Table 8: Assessment of the proposed development against applicable Acts

Act & section / clause	Comment
Environmental Planning & Assessment Act 1979	
s1.5 Meaning of "development"	Proposed development involves the subdivision of land. Therefore, comprises development under the Act.
• s1.7 Application of Part 7 of <i>Biodiversity</i> Conservation Act 2016 and Part 7A of	Part 7 of <i>Biodiversity Conservation Act 2016</i> applies to the proposed development and is considered under the relevant Act.
<i>Fisheries Management Act</i> 1994 (cf previous s 5AA)	Part 7A of Fisheries Management Act 1994 does not apply to the proposed development.
<ul> <li>s4.2 Development that needs consent (cf previous s 76A)</li> </ul>	Section 2.6(1) of the <i>BHLEP 2013</i> states, "Land to which this Plan applies may be subdivided, but only with development consent". The proposed development does not form exempt development under another Environmental Planning Instrument (EPI).
3s4.5 Designation of consent authority	The proposed development does not comprise state or regionally significant development, not development which an EPI nominates an authority other than Council as the consent authority. Therefore, BHCC is the relevant consent authority.
S4.12 Application	Application for development consent is hereby made to the relevant consent authority to carry out development.
<ul> <li>s4.13 Consultation and concurrence (cf previous s 79B)</li> </ul>	Other EPI and regulations require consultation or concurrence prior to the consent authority determining the development application, as noted throughout this SEE.

Statement of Environmental Effects – Torrens title subdivision

Lot 50 DP 630131, 8 Herdegen Close Bonville NSW

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• s4.15 Evaluation (cf previous s

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s4.14 Consultation and development	Not applicable as the	ne propose	d development comprises the subdivision	of land that could lawfully be	
consent—certain bush fire prone land (cf	used for residential	or rural res	idential purposes or development for a sp	ecial fire protection purpose on	
previous s 79BA)	bush fire prone land	d. A bushfire	e safety authority is requested under Sect	ion 100B of the Rural Fires Act	
	1997.				
s4.15 Evaluation (cf previous s 79C)	Addressed through	out various	sections of this SEE.		
Division 4.8 Integrated development	The following identi	ifies any int	egrated development which "the consent	authority must, in accordance	
	with the regulations, obtain from each relevant approval body the general terms of any approval proposed				
	to be granted by the	e approval b	proval body in relation to the development".		
	Act	Provision	Approval	Comment	
	Coal Mine	s 22	approval to alter or erect improvements, or	Not applicable.	
	Subsidence		to subdivide land, within a mine subsidence		
	Compensation Act		district		
	2017				
	Fisheries	s 144	aquaculture permit	Not applicable.	
	Management Act				
	1994				
		s 201	permit to carry out dredging or reclamation	Not applicable.	
			work		
		s 205	permit to cut, remove, damage or destroy	Not applicable.	
			marine vegetation on public water land or an		
			aquaculture lease, or on the foreshore of any		
			such land or lease		
		s 219	permit to—	Not applicable.	
			set a net, netting or other material, or		
			construct or alter a dam, floodgate,		
			causeway or weir, or		

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

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Attachment 3 Statement of Environmental Effects	
DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET, BROKEN HILL	Statement of En Lot 12 DP 11745

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		otherwise create an obstruction, across or within a bay, inlet, river or creek,	
		or across or around a flat	
Heritage Act 1977	s 58	approval in respect of the doing or carrying	Applicable. Site contains SHR
		out of an act, matter or thing referred to in s	item No. 02002.
		57(1)	Cl1(e) carry out any
			development in relation to
			the land on which the
			building, work or relic is
			situated. the land that
			comprises the place, or land
			within the precinct,
Mining Act 1002	(2 (4		•
Mining Act 1992	ss 63, 64	grant of mining lease	Not applicable.
National Parks and	s 90	grant of Aboriginal heritage impact permit	Not applicable.
Wildlife Act 1974			
Petroleum	s 16	grant of production lease	Not applicable.
(Onshore) Act 1991			
Protection of the	ss 43(a),	Environment protection licence to authorise	Not applicable.
Environment	47 and 55	carrying out of scheduled development work	
Operations Act 1997		at any premises.	
	ss 43(b),	Environment protection licence to authorise	Not applicable.

carrying out of scheduled activities at any

premises (excluding any activity described as

a "waste activity" but including any activity

described as a "waste facility").

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Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

Attachment 3 Statement of Environmental Effects		Road
DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET, BROKEN HILL		Rura Wata Act 2
PPLICA 0 15 LO ND UTIL BROKEN		
NT A S AI S AI	Environmental Protection & Biodiversity Conserv	
ME RKK		The
	approvals	EbB(
DEVELOPMENT APPLICATION 108/2024 - SUBI LAND OF 1 LOT TO 15 LOTS AND ASSOCIATEI EARTHWORKS AND UTILITY SERVICE INSTAL HYNES STREET, BROKEN HILL	<ul> <li>Environmental Protection &amp; Biodiversity Conserv</li> <li>Part 3 – requirements for environmental approvals</li> <li>Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW</li> </ul>	

	ss 43(d),	Environment protection licences to control	Not applicable.
	55 and	carrying out of non-scheduled activities for	
	122	the purposes of regulating water pollution	
		resulting from the activity.	
oads Act 1993	s 138	consent to—	Not applicable. Pursuant to
		erect a structure or carry out a work in, on	Section 4.46(3).
		or over a public road, or	
		dig up or disturb the surface of a public	
		road, or	
		remove or interfere with a structure, work or	
		tree on a public road, or	
		pump water into a public road from any land	
		adjoining the road, or	
		connect a road (whether public or private) to	
		a classified road	
Rural Fires Act 1997	s 100B	authorisation under section 100B in respect	Yes. Relevant documentation
		of bush fire safety of subdivision of land that	to support an application for a
		could lawfully be used for residential or rural	Section 100B bushfire safety
		residential purposes or development of land	authority accompany the
		for special fire protection purposes	application.
Vater Management	ss 89, 90,	water use approval, water management	Not applicable.
ct 2000	91	work approval or activity approval under	
		Part 3 of Chapter 3	

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Local Government Act 1993			
• s68	Future approvals are required under this section as follows. Relevant approvals are proposed be obtained		
	as part of future development on the site.		
	Part B		
	1 Carrying out water supply work,		
	• 3 Install, alter, disconnect or remove a meter connected to a service pipe,		
	4 Carry out sewerage work		
	• 5 Carry out stormwater drainage work,		
	Part C		
	4 Dispose of waste into a sewer of the council		
Heritage Act 1977			
S58	Applicable. Site contains SHR item No. 02002.		
	Cl1(e) carry out any development in relation to the land on which the building, work or relic is situated,		
	the land that comprises the place, or land within the precinct,		
Rural Fires Act 1997			
- Subdivision 2 bushfire prone land	A bushfire safety authority is required for the proposed development. Relevant document accompanies		
	the application.		
Biodiversity Conservation Act 2016			
• 3.1 Declaration of areas of outstanding	The site does not contain an area of declared outstanding biodiversity value.		
biodiversity value			
Part 7 Biodiversity assessment and	• s7.2 Development or activity "likely to significantly affect threatened species: The		
approvals under Planning Act	proposed development is unlikely to significantly affect threatened species due to the minor		
	nature of works involved and identified mitigation measures, primarily sediment erosion and control measures.		

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	affect threatened species or ecological communities, or their habitats: A test under
	section is not considered necessary for the proposed development nor for future developm
	on the site. The proposed development is unlikely to significantly affect threatened species
	ecological communities, or their habitats. The proposed development does not impact ecolog
	communities listed in Schedules 1 and 2; areas declared to be of outstanding biodiversity va
	under part 3; & key threatening processes listed in Schedule 4, of the BC Act
	• s7.4 Exceeding biodiversity offsets scheme threshold: The proposed development does
	involve clearing which exceeds the biodiversity offsets scheme threshold as outlined in
	Regulations.
	• s7.7 Biodiversity assessment for Part 4 development (other than State signific
	development or complying development): The proposed development is unlikely
	significantly affect threatened species therefore, a biodiversity development assessment re
	(BDAR) is not required.
Fisheries Management Act 1994	
Part 7A Threatened species conservation	There are no approvals required under Part 7A of the Act.
National Parks & Wildlife Act 1974	
Part 6 Aboriginal objects and Aboriginal	• s86 Harming or desecrating Aboriginal objects and Aboriginal places: There are no known
places - Division 1 General	Aboriginal objects or places that may be harmed by the proposed development.
	• s87 Defences: a due diligence assessment has not been undertaken in accordance with the
	Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DEC
	2010).

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW Regional Plan

<ul> <li>s91 controlled activities</li> </ul>	• <b>s91 Activity approvals:</b> An activity approval is not required for undertaking a controlled activity				
	for works on or under waterfront land. Pursuant to section 42 and subclause 31 of part 2 of				
	schedule 4 of the Water Management (General) Regulation 2018.				
Contaminated Land Management Act 1997					
s60 Duty to report contamination	The site is not identified on the EPAs published list of contaminated land notified under s60 of the Act.				
Roads Act					
• s138	A s138 approval is proposed to be obtained prior to the issue of a subdivision works certificate. The site				
	adjoin a local road thus, CHCC is the relevant approval authority under the Act.				

#### 4.2 Regulations

Table 9: Assessment of the proposed development against applicable Regulations

Regulation & section / clause	Comment		
Biodiversity Conservation Regulation 2017	·		
cl6.1 Additional biodiversity impacts to	The additional matters under this claus	e as relevant to the proposed de	evelopment have been considered
which scheme applies (sections 6.3 and 6.6(2))	in determining biodiversity impacts und	ler the biodiversity offsets sche	me.
• Part 7 – Biodiversity assessment and	cl7.1 7.1 – Biodiversity offse	ets scheme threshold (sectio	n 7.4): assessment of clearing of
approvals under Planning Act	native vegetation and on land included on the Biodiversity Values Map is outlined further below.		
	• cl7.2 – 7.2 Clearing of	area of land that exceeds	s threshold: clearing of native
	vegetation does not exceed th	e biodiversity offsets scheme th	reshold as follows:
	Column 1	Column 2	Comment
	Minimum lot size of land	Area of clearing	
	Less than 1 hectare	0.25 hectare or more	Applicable.

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	Clearing does not exceed threshold.
	Less than 40 hectares but not less than 1     0.5 hectare or more     Not applicable.       hectare
	Less than 1,000 hectares but not less than 40       1 hectare or more       Not applicable.         hectares       1       1
	1,000 hectares or more     2 hectares or more     Not applicable.
Water Management (General) Regulation 2018	7.3 Clearing on land within Biodiversity Values Map exceeds threshold: the site de contain mapped biodiversity of high value.
Part 3 Approvals; Division 2 Exemptions;	42 Controlled activities—persons other than public authorities:
Subdivision 4 Exemption from	Schedule 4 Exemptions; Part 2 Controlled activity exemptions:
requirement for controlled activity	• 31 Controlled activities on certain waterfront land: The controlled activity is not carried
approval	on waterfront land. No works are proposed within 40m of the upper bank of the 3 <sup>rd</sup> order stre
	which transects the southern section of the site.
Environmental Planning & Assessment Regulation	n 2021
s24 - content of DA	This application for consent is in the approved form, contains all the information and documents requi
	by the approved form, and the Act or this Regulation, and will be submitted on the NSW planning pol
Part 3 - Division 3 Development	The consent authority must consult with relevant other authorities prior to determining the developm
applications for integrated	application as identified.
development—the Act, ss 4.12, 4.47 and	
4.64	
Part 3 - Division 4 Development	The consent authority must consult with relevant other authorities prior to determining the developm

Statement of Environmental Effects – Torrens title subdivision

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	concurrence—the Act, ss 4.12, 4.13 and	
	4.64	
•	Part 4 – Division 1 Determination of	No items identified in section 62 – 68 of the Regulation apply to the proposed development.
	development applications—the Act, s	
	4.15(1)(a)(iv)	
Rural	Fires Regulation 2022	
-	s45 Application for bush fire safety	A bushfire safety authority is requested as part of the proposed development. Information required is
	authority—the Act, s 100B	located throughout this SEE.

### 4.3 State Environmental Planning Policies

Table 10: Assessment of the proposed development against applicable EPIs

SEPP	Applicable	Section	Comment
SEPP (Biodiversity and Conservation) 2021	🛛 Y 🗌 N	Chapter 2 – vegetation in non-rural areas	Consistent.
			See below assessment.
SEPP (Exempt and Complying Development	□ Y ⊠ N		
Codes) 2008			
SEPP (Housing) 2021	□ Y ⊠ N		
SEPP (Industry and Employment) 2021	□ Y ⊠ N		
SEPP (Planning Systems) 2021	□ Y ⊠ N		
SEPP (Precincts—Central River City) 2021	□ Y ⊠ N		
SEPP (Precincts—Eastern Harbour City) 2021	□ Y ⊠ N		
SEPP (Precincts—Regional) 2021	□ Y ⊠ N		
SEPP (Precincts—Western Parkland City) 2021	□ Y ⊠ N		
SEPP (Primary Production) 2021	□ Y ⊠ N		
SEPP (Resilience and Hazards) 2021	X N	Chapter 4 – remediation of land	Consistent.

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			See below assessment.
SEPP (Resources and Energy) 2021	□ Y ⊠ N		
SEPP (Sustainable Buildings) 2022	□ Y ⊠ N		
SEPP (Transport and Infrastructure) 2021	🛛 Y 🗌 N	Subdivision 2 Development likely to affect an electricity	Consistent.
		transmission or distribution network; 2.48 Determination	See below assessment.
		of development applications—other development.	

#### 4.3.1 SEPP consistency assessment table

Table 11: EPI consistency table

SEPP		Comment
SEPP	(Biodiversity and Cor	nservation) 2021
٠	Chapter 2 –	The proposed development does not seek the removal of any significant vegetation. Vegetation removal is limited to that required
	vegetation in non-	for utility service installation which comprises sparse grass ground cover located within the Hynes St road reserve and does not
	rural areas	impact native vegetation nor exceed the biodiversity threshold.
<b>SEPP</b>	(Resilience and Haza	rds) 2021
٠	Chapter 4 –	The proposed development includes consent for the carrying out of development therefore, this Chapter applies.
	remediation of	The development site contains residential land zoning.
	land	There have been no known approvals or activities undertaken on the site of the kind identified in table 1 of Managing Land
		Contamination Planning Guidelines SEPP 55–Remediation of Land, 1998.
		Despite this, it is well documented that lead, zinc and silver contamination from the mines surrounding the town is known to be
		present in dust, soil, dirt and rainwater tanks throughout the town. Remedial actions aimed to remove or reduce the concentrations
		of heavy metals in the soil are generally not advisable as they pose limited long-term effectiveness. To limit any potential exposure;
		risk controls, administrative controls and PPE is recommended for control of the potential health risk posed by the heavy metal
		contaminated soil to workers undertaking construction work.

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Attachment 3 Statement of Environmental Effects

A preliminary site investigation has been undertaken which **concludes** the following:

- The review of the site history indicated that the site appears to have remained relatively unchanged, confirmation with some of the neighbours (via door knocking), confirmed that the site has been left relatively untouched, however mostly utilised mostly for recreational purposes with pistachio tress planted. A quick check with Broken Hill City Council has also indicated that no significant activity has taken place. Potential contamination sources which have been identified during this PSI are summarised as:
- The site has attracted some illegal dumping for construction waste such as cement, concrete, old computer/s and some concrete blocks.
- Laboratory results from the non-railway line sites indicate fairly common results for Broken Hill. With the relatively dense vegetation on site these levels of contaminants are considered to have minimal environmental impact as levels of dust are reduced. However, the railway line site does indicate high levels in lead and zinc, and it is reasonable to conclude that overall, the site is considered to generally have a high risk of contamination should the dirt be disturbed.
- To determine potential risk of harm to human health and environment under proposed development conditions, assessment of the identified area of environmental concern should be undertaken prior to any future development.

#### And recommends:

- The implementation of the following recommendations will achieve the objectives of the project and render the site suitable for the intended development.
- Based on the findings of this report together with laboratory results, levels of potential contaminants of concern were above the health investigation and health screening levels for soil samples collected across the railway site, namely Lead and Zinc.
- Levels of Lead and Zinc exceeded the adopted health investigation levels for soil contaminants samples collected from the railway site.

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- Excavation of the contaminated fill material would be required for offsite disposal. This option removes the contaminated materials through bulk excavation into trucks that then transfer the contaminated materials to a waste facility with appropriate licenses to receive the waste. This approach has the advantage of removing the contaminated soils from the site and potentially reducing development restrictions associated with contaminated soils. It also has the advantage of being relatively fast with minimal impact on the neighboring properties. The main disadvantage of excavation and disposal is the expense associated with offsite disposal to an appropriately licensed landfill.
- Therefore, as part of the remediation program, it is the recommendation of this report that the site shall be stabilized with a 50 mm cover of clean material. New vegetation such as grass, small to medium sized trees and other native vegetation are a good capping source to stabilize the soil. Further capping of the site is also possible by the introduction of a concrete slab in the form of driveways, paths and the footing system of the house.
- However, disturbing the railway line is not recommended due to the high levels of Lead and Zinc. An appropriate landscaping plan should be prearranged, in which all dirt areas, as a minimum should be sealed and covered with grass. No veggie gardens or fruit trees are to be established into the ground. It is also a recommendation to maintain year-round cover of lawn or mulch to minimize dust generation, this should be considered across the site.
- Other matters to consider, establishment of a periodic cleaning program must be in place that include the provision regular dusting, washing of AC filters, cleaning and pressure washing of paved areas. Other measures such as proper door and window seals must be incorporated into the designs.
- An Unexpected Finds Protocol is recommended to be implemented during site development works to manage possible identification of potential hazards during development.

Notwithstanding the recommendations of the PSI, it is recommended that prior to undertaking any wholesale site remediation works, a further detailed site investigation (DSI) be undertaken to determine the full extent of potential contaminants and, if required, develop a remediation action plan (RAP), validation and ongoing site monitoring, as applicable. It is anticipated this could be conditioned upon any consent issued and required prior to the issue of a subdivision works certificate (SWC).

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	A construction environmental management plan (CEMP) is also suggested to be required prior to the issue of a SWC, which
	demonstrates the method of avoiding the potential contaminated area of the site and include appropriate mitigation measures to
	avoid disturbance and/or actions if in the event disturbance occurs.
	A detailed landscaping plan should also be required for any future development on the sites.
SEPP (Transport and Infra	structure) 2021
Subdivision 2	Proposed development will involve the penetration of ground within 2m of an underground electricity power line and/or an electricity
Development	distribution pole and/or within 10m of any part of an electricity tower and/or within 5m of an exposed overhead electricity power line
likely to affect an	Therefore, consultation is required with relevant electrical supply authority. Which would otherwise be requied, as outlined below.
electricity	"before determining the application, the consent authority must—
transmission or	(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments
distribution	about potential safety risks, and
network; 2.48	(b) take into consideration any response to the notice that is received within 21 days after the notice is given.
Determination of	Pursuant to clause 2.48(2) of the SEPP".
development	
applications—	
other	
development.	

#### 4.4 Local Environmental Plan

Table 12: Assessment of the proposed development against applicable Development Control Plan

Applicable LEP	Broken Hill Local Environmental Plan 2013
LEP clause	Comment
Land zoning	The site contains dual R1 General Residential and C4 Environmental Living zoning.

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2 3 Zone Objectives	The proposed development seeks to create additional allotments of varying size for future residential development. The proposed
2.3 Zone Objectives	
and Land Use table	development is consistent <u>achieves compliance</u> with the objectives of each land zone (identified below) as outlined throughout this
	SEE.
	Zene R4. Operation Residential
	Zone R1 General Residential
	1 Objectives of zone
	To provide for the housing needs of the community.
	<ul> <li>To provide for a variety of housing types and densities.</li> </ul>
	<ul> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>
	Zone C4 Environmental Living
	1 Objectives of zone
	• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
	<ul> <li>To ensure that residential development does not have an adverse effect on those values.</li> </ul>

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2.6 – Subdivision	The proposed development seeks approval for the Torrens title subdivision of the site into fifteen (15) lots, fourteen (14) additional, as
consent	identified in the accompanying plan of proposed subdivision.
requirements	
4.1 – Minimum	The site contains dual minimum lot size of 230m <sup>2</sup> and 4,000m <sup>2</sup> which aligns with the dual R1 General Residential and C4 Environmental
subdivision lot size	Living zoned areas of the site, respectively.
	All proposed lots achieve the minimum lot size applicable, including the residual lot.
	Part of proposed lots 13 and 14 encompasses part of the C4 Environmental Living zoned land, which is addressed under clause 5.3 of
	the BHLEP 2013.
	PICTON SUZ VARD ROAD GOOD GOOD
5.3 – Development	Part of proposed lots 13 and 14 encompass part of the C4 Environmental Living zoned land as outlined and depicted below.
near zone	The maximum distance of the western most boundary of lot 14 is 21.20m from the R1 zoned land.
boundaries	Area of each lot within C4 zoned land.
	• Lot 14: 498m <sup>2</sup> (996/2)
	• Lot 13: 94m <sup>2</sup> (3.75*25)

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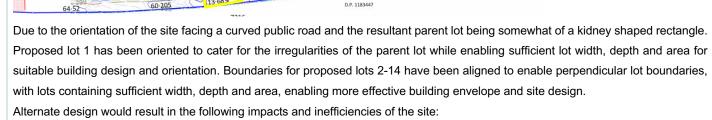


MGA

D.P. 1174503

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DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET, BROKEN HILL



• Reduction of achievable lots by two.

PART

Lots too narrow

7375

D.P. 1182666

15

SHR

- Lots with irregular shape and unusable area
- Lots requiring additional road construction and / or access handles

HYNES

12·15

4

4-335

12

The current design is considered an efficient use of the site which enables full use of the site, provides lots of mostly regular shape and sufficient are and orientation, each with public road frontage and easy access to future utility services.

The encroachment into the C4 land zone is within the 50m allowable under this clause, does not affect any excluded land zone or area and the excluded land use is not proposed or permitted within the adjoining R1 land zone. The proposed development is consistent with all requirements of this clause as stated below.

#### 5.3 Development near zone boundaries

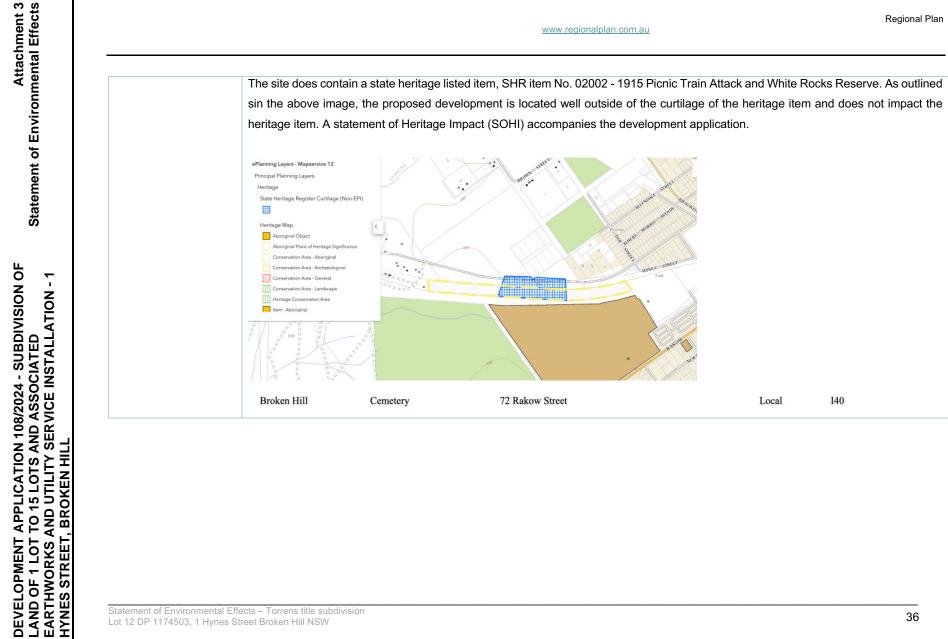
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	(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed
	on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the
	planning objectives and land uses for the adjoining zone.
	(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant
	distance is 50 metres.
	(3) This clause does not apply to—
	(a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone
	C3 Environmental Management or Zone W1 Natural Waterways, or
	(b) land within the coastal zone, or
	(c) land proposed to be developed for the purpose of sex services or restricted premises.
	Note-
	When this Plan was made it did not include all of these zones.
	(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may
	be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only
	if the consent authority is satisfied that—
	(a) the development is not inconsistent with the objectives for development in both zones, and
	(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning
	principles relating to the efficient and timely development of land.
	(5) This clause does not prescribe a development standard that may be varied under this Plan.
5.10 – Heritage	The site does not contain a local heritage item, is not located within a heritage area and is not known to contain any Aboriginal objects
conservation	or Aboriginal place of heritage significance, as outlined in the following images. Local heritage item I40 is located to the south of the
	proposed development site, separated by a vacant allotment. The proposed development will not impact the heritage item.

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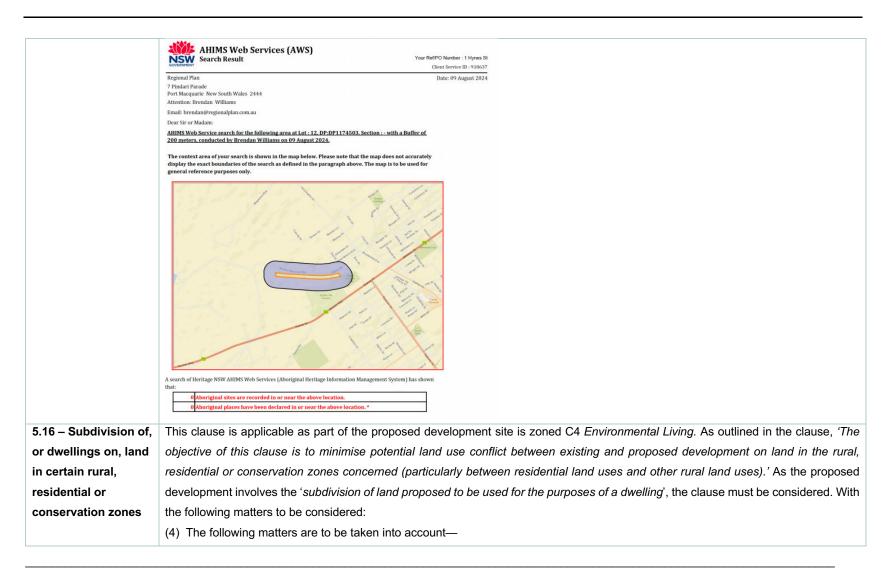
Local

I40

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Attachment 3	statement of Environmental Effects
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	(a) the existing uses and approved uses of land in the vicinity of the development,
	(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are
	likely to be preferred and the predominant land uses in the vicinity of the development,
	(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
	(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).
	Existing uses of land within the vicinity of the proposed development include vacant land to the north west, west and south, with large
	and small lot residential development located within the north, north west and beyond immediate adjoining land to the south of the site.
	It is unlikely the proposed development will have impact preferred and the predominant land uses in the vicinity of the development.
	The proposed development site comprises the final extent of R1 General Residential zoned land within this area of the Broken Hill town
	limits. The site in its current state is currently at odds with the objectives of the zone and adjoining development. The proposed
	development is not considered incompatible with adjoining site uses and no special measures are suggested.
<mark>6.1 – Earthworks</mark>	Minor ground penetration will be undertaken, associated with the installation of a mailbox for proposed new lots 1-14.
	Electrical, water, sewer and telecommunication utility services will require minimal disturbance within the road corridor and does not
	impact any significant, protected or native vegetation.
	Stormwater management for future development will accompany future development applications for each lot.
6.2 – Essential	• Electrical, water, sewer and telecommunication services are proposed to be provided by extension of the existing networks
services	within the vicinity of the site. It is suggested servicing strategies and designs be provided prior to issue of a subdivision works
	certificate.
	• Site access is proposed from Hynes Street and similarly, with driveway cross sections locations to accompany future
	development applications for residential development on the new lots.
	• Stormwater services are also anticipated to be required as part of future development on the site with future residential
	development applications to be accompted by stormwater management strategies.

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#### 4.5 Draft environmental planning instruments

Nil applicable to the proposed development.

#### 4.6 Development Control Plan

#### 4.6.1 Applicable DCP

The following sections of the Broken Hill Development Control Plan 2016 apply to the proposed development.

- 6 Land contamination
- 7 Tree preservation

#### 4.6.1.1 6.1 contamination other than lead and 6.2 lead contamination

As identified in section 4.3.1 of this SEE and the accompanying PSI report, the site is considered to generally have a high risk of contamination should the dirt be disturbed. With soil samples collected across the railway section of the site contain contaminants of concern, namely Lead and Zinc, which are above suitable levels for health investigation and health screening. While the non-railway line sites contained common results for Broken Hill. The PSI provided a number of recommendations as follows:

- Site coverage with new vegetation such as grass, small to medium sized trees and other native vegetation should be implemented as a capping source to stabilise the soil. Further capping of the site is also possible by the introduction of a concrete slab in the form of driveways, paths and the footing system of the house.
- Disturbing the railway line is not recommended due to the high levels of Lead and Zinc.
- An appropriate landscaping plan should be prearranged, in which all dirt areas, as a minimum should be sealed and covered with grass.
- No veggie gardens or fruit trees are to be established into the ground.
- It is also a recommendation to maintain year-round cover of lawn or mulch to minimise dust generation, this should be considered across the site.
- Other matters to consider, establishment of a periodic cleaning program must be in place that include the provision regular dusting, washing of AC filters, cleaning and pressure washing of paved areas. Other measures such as proper door and window seals must be incorporated into the designs.
- An Unexpected Finds Protocol is recommended to be implemented during site development works to manage possible identification of potential hazards during development.

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The following mitigation measures are also suggested. It is anticipated these requirements could be condition upon any consent issued with some items required as part of future development applications for the site and/or required to be registered upon the title of the site via a section 88B instrument.

- Notwithstanding the recommendations of the PSI, it is recommended that prior to undertaking any wholesale site remediation works, a further detailed site
  investigation (DSI) be undertaken to determine the full extent of potential contaminants and, if required, develop a remediation action plan (RAP), validation
  and ongoing site monitoring, as applicable. It is anticipated this could be conditioned upon any consent issued and required prior to the issue of a subdivision
  works certificate (SWC).
- A construction environmental management plan (CEMP) is also suggested to be required prior to the issue of a SWC, which demonstrates the method of
  avoiding the potential contaminated area of the site and include appropriate mitigation measures to avoid disturbance and/or actions if in the event
  disturbance occurs.
- Works to be undertaken in a manner which minimises the escape of dust into the atmosphere. To achieve this, only necessary removal of vegetation shall be allowed and appropriate soil wetting should be implemented during any construction works.
- Fill brought into the site shall be sourced from a lead-free source. Excavated material from other locations within Broken Hill will not be accepted
- Works shall not be undertaken during periods of high winds, i.e. winds strong enough to raise dust.
- Cover all trailer, truck and utility loads, including fill removed during earthworks to prevent their escape during transport.
- Dispose of all fill and excavated material at an appropriately licenced waste management facility.
- Do not disturb materials unnecessarily.
- Use a plastic membrane as a base when stacking materials in the trailer, truck or utility for transport and disposal.

#### 4.6.1.2 7.1 Trees on public land

No trees on public land are proposed to be removed or planted as part of the proposed development. It is anticipated should any trees be proposed for removal for future development this shall form part of future development application for said future development.

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#### 4.6.1.3 7.2 Trees on private land

No living or dead, native or exotic, trees or shrubs on private land with a height equal to or greater than five meters in height or with a trunk diameter greater than 50cm measured at 1.4 meters above ground level are proposed to be removed as part of the proposed development. No vegetation is proposed to be planted on private land as part of the proposed development. It is anticipated should any vegetation be proposed for removal or planting for future development this shall form part of the submission requirements in the form of a vegetation removal and landscaping plan for future development on the site.

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# 5 Assessment of environmental effects

s.4.15 evaluation Comment	
(1) matters for consideration	
(a) the provision of	
	Refer to section 4 of this SEE.
(i) any environmental planning instrument	Refer to section 4 of this SEE.
	Nat applicable
(ii) any proposed environmental	Not applicable.
planning instrument	Refer to section 4.5 of this SEE.
(iii) any development control plan	Refer to section 4.6 of this SEE.
(iv) any planning agreement	Not applicable.
(b) likely impacts of that development	
Context & setting	The proposed development is consistent with the
	objectives of the land zoning and existing land uses within
	the locality. The slight encroachment into the 4C4
	Environmental Living land zone is considered suitable
	and will not adversely impact the site.
Access, transport & traffic	The proposed development is not likely to result in traffic
	generation beyond the capability of the existing road
	network which fronts the entirety of the site.
Public domain	The proposed development is not likely to adversely
	impact the public domain.
Utilities	The proposed development identifies the suitable
	arrangements for the future provision of utilities as and
	when required for future development on the site.
Heritage	The proposed development is not likely to adversely
	impact any items of heritage.
Other land resources	Not applicable.
Water quality	The proposed development is not likely to adversely
	impact water quality. Erosion and sediment control
	measures in accordance with the Blue Book shall be
	implemented during construction. Future development on
	the site shall be subject to stormwater management
	plans.
• Soils	The proposed development is not likely to adversely
	affect soils.

Table 13: s4.15 Evaluation EP&A Act 1979

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

	Further investigations and/or remediation works should
	be contained as required prior to issue if a SWC and/or
	subdivision certificate.
Air & microclimate	The proposed development is not likely to adversely
	impact air and microclimate within the locality.
	A construction environment management plan should be
	conditioned for approval prior to the issue of a SWC.
Flora & fauna	The proposed development is not likely to adversely
	impact flora and fauna within the locality.
Energy	Not applicable.
Noise & vibration	The proposed development is not likely to result in noise
	and vibration impacts which will adversely impact the
	locality.
Natural hazards	The site is bushfire prone land.
	The proposed development has been sited and designed
	to enable ample space and opportunity for future
	development on the site to appropriately manage and
	mitigate the potential impact of this constraint.
	The proposed new lot contains sufficient space and
	orientation to accommodate future residential
	development and asset protection zones within the lot
	boundaries.
Technological hazards	Not applicable.
• Safety, security, crime &	Not applicable.
prevention	
Social & economic impact on	The proposed development will enable opportunity for
locality	additional housing within the locality. On land which is
	suitable zoned for residential development purposes.
Site design & internal design	The proposed development has been designed
	commensurate to the site constraints and opportunities
	orientation, shape, land zoning, bush fire and existing
	overland flow paths.
Cumulative impacts	The proposed development is unlikely to result in
	significant adverse cumulative impacts to the site or
	surrounding environment.
(c) the suitability of the site for the	The site is suitable for the proposed development is
development,	demonstrated by:
	• the permissibility of the proposed development,

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

	• the consistency of the proposed development
	with the current and future development within
	the locality,
	• the consistency of the proposed development
	with applicable land use controls and
	development standards.
	• the site can be appropriately serviced and is
	readily accessible from the public road network.
	lack of likely significant adverse impacts to the
	environment, including physical and built.
(d) any submissions made in	Any submissions made during the notification of the
accordance with this Act or the	proposed development will be responded to where
regulations,	required and addressed accordingly during assessment
	of the development application by the consent authority.
(e) the public interest.	The proposed development is not contrary to the public
	interest.
	The proposed development is in the public's interest for
	reasons as follows:
	• it will provide additional opportunity and housing
	development on residential zoned land within the
	Broken Hill LGA;
	it is substantially consistent with the requirements
	of the applicable land use controls and
	development standards;
	• it is commensurate to the environmental
	constraints and opportunities of the site and does
	not pose any likely significant adverse
	environmental impact to the surrounding
	environment; and
	• it is commensurate with existing and future
	development characteristic of the locality and
	does not pose any likely significant adverse
	impact.

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

# 6 Conclusion

In view of the lack of likely significant adverse environmental impacts associated with the proposed development, which comprises the Torrens Title subdivision of Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW from one (1) lot into fifteen (15). It is recommended to the Council that the application be approved, subject to appropriate conditions of consent. For reasons as follows:

- 1) The proposed development substantially complies with applicable environmental planning instruments and control plans including:
  - a. EP&A Act 1979 and other Acts and Regulations as identified throughout.
  - b. Broken Hill Local Environmental Plan 2013, and
  - c. Broken Hill Development Control Plan 2016.
- 2) Is permissible with consent within the applicable land use zone.
- 3) Provides orderly and efficient use of existing infrastructure within the locality, that:
  - a. will provide additional opportunity and housing choice via development on existing residential zoned land within the Broken Hill LGA;
  - b. is substantially consistent with the requirements of the applicable land use controls and development standards,
  - c. is commensurate to the environmental constraints and opportunities of the site and does not pose any likely significant adverse environmental impact to the surrounding environment, and
  - d. is commensurate with existing and future development characteristic of the locality and does not pose any likely significant adverse impact.
- 4) Will likely result in positive social and economic outcomes for the locality.

In summation, the proposed development offers an efficient utilisation of existing residential zoned land within the LGA and does not pose significant adverse environmental impacts.

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

# 7 Appendices

- 7.1 Proposed subdivision plan and site survey
- 7.2 Bushfire assessment report
- 7.3 Preliminary site investigation
- 7.4 Aboriginal Heritage Information Management System search results
- 7.5 Biodiversity Values Map and Threshold Report
- 7.6 NSW Rural Fire Service bushfire prone land search results
- 7.7 Dial before you dig plans Essential water, sewer and energy, NBN Co
- 7.8 **Pre-DA** authority consultation
- 7.9 Deposited Plan DP 1174503

Statement of Environmental Effects – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

# Statement of Heritage Impact (SOHI)

Site	Lot 12 DP 1174503	
	1 Hynes St Broken Hill NSW	
Proposed	Torrens title subdivision (1 lot into 15) and associated earthworks and services	
Development		
Heritage item(s)	a) State Heritage Register (SHR) item No. 02002, 1915 Picnic Train Attack,	
	Heritage NSW ID 5063675	
	b) Broken Hill Local Environmental Plan 2013, local item I40, Cemetery	
Author	Brendan Williams, Regional Plan, brendan@regionalplan.com.au,	
Prepared for	Site owner	
Date	7 December 2024	

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subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

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Reser	-ve
9.10	Crown Land Map Parish Picton County Yancowina 5th edition BHLEP 199666
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# **Document control**

Author	Version	Date
B. Williams, Regional Plan	1.0	7 December 2024
		4

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Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

# 1 Introduction

#### 1.1 **Project description**

This purpose of this statement of heritage impact (SOHI) is to assess and report the potential impacts of a proposed subdivision on the heritage significance of the 1915 Picnic Train Attack site as an item of State significance.

### 1.2 Approach and methodology

This SOHI has been prepared in accordance with the principles and definitions as set out in the following guidelines:

- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance,
- Guideline to preparing a Statement of Heritage Impact Guidelines 2023, NSW Department of Planning and Environment,
- Guidelines to levels of heritage significance 2008, Heritage Council of NSW, NSW Department of Planning,
- Guidelines for Nominations to the State Heritage Register 2006, NSW Heritage Office,
- Material Threshold Policy 2020, Heritage NSW, and
- Subdivision and NSW State Heritage Register Items 2019, policy and procedure, Heritage Council of NSW

# 1.3 Limitations

This SOHI has been prepared by author with no recognised archaeological or heritage qualifications based on a desktop assessment. Using information as obtained on the site visit as conducted and outlined in the preliminary site investigation (PSI) report prepared by Metaline Engineering Group, 30 January 2023, detailed site survey and proposed plan of subdivision prepared by G, F, Howe, dated 2 June 2023 and various reports and publications as outlined within, including the state heritage listing for item SHR 02002 1915 Picnic Train Attacks and White Rocks Reserve.

#### 1.4 Authorship

This SOHI has been prepared by Brendan Williams of Regional Plan. While the SOHI guidelines recommend that a SOHI is prepared by an appropriately qualified and experienced heritage professional with expertise relevant to the heritage item, it is noted no such qualification is held by the author. Notwithstanding, the site's history and heritage significance has been well documented by authors with relevant qualifications. The site not undergone any significant transformation to that which existed at the time of the site's heritage listing. The proposed development is located well beyond the extent of the heritage items curtilage and has been designed with consideration to the relevant guidelines. Subsequently, it is considered the preparation of a SOHI by an appropriately qualified and experienced heritage professional with expertise to the heritage item is not a mandatory requirement nor detrimental

Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

to the outcome of the proposed development. It is noted the author contains the following qualifications and experience:

- Bachelor of Urban and Regional Planning, University of New England, (2012),
- Graduate Certificate of Environmental Management, University of Newcastle (2015),
- Master of Business Administration, Australian National University (2022)

Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

# 2 The heritage item

#### 2.1 Site description

1 Hynes Street Broken Hill NSW ('subject site or 'site'') is in the Broken Hill Local Government Area (LGA) and is legally identified as Lot 12 DP 1174503. The site borders a public formed and sealed road, Hynes St / Picton Sales Yard Road to the north, contains an area of 6.489ha, and is rectangular / kidney shaped with dimensions of width 1,064m and depth 62m (Figure 1).

The site is located on the northwestern edge of the Broken Hill township and is the last vacant land parcel containing R1 *General Residential* land zoning under the provisions of the Broken Hill Local Environmental Plan (BHLEP) 2013 that borders the township. The eastern section of the site that is subject to the proposed development is zoned R1 *General Residential*. The remainder and majority of the site contains C4 *Environmental Living* land zoning, which encompasses the central and western portion of the lot (Figure 2).

The site is vacant, undeveloped land containing sparse vegetation cover (Figure 3). Nearby development includes primarily low-density residential development to the north, east and south. Mining activity and fuel stations 3-4km and 2km to the east, respectively. The site does not contain existing essential service connections other than public road frontage. A local cemetery adjoins the southern boundary of the immediately adjacent vacant lot to the south of the site. A local sports ground adjoins immediately to the east of the site. Vacant rural zoned land adjoins the site for the majority. Specifically bordering the C4 *Environmental Living* zoned areas of the site. The site formerly contained a railway line that was decommissioned 1970. Some footprints of where the railway used to be are evident with some ballast and mounds present. Though all rail and jewellery has been removed<sup>1</sup>

The site is relatively flat. Containing gradual downward slope from northeast to southwest of approximately 1% in the area subject to the proposed development. A sudden increase of elevation (approximately 1m) is present to the rear due to a possible river.

<sup>1</sup> Preliminary Site Investigation report, Metaline Engineering Group Pty Ltd, 30 January 2023

Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

Statement of Heritage Impact (SoHI) - Torrens title



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Figure 1: Aerial image of site and surrounds<sup>2</sup>

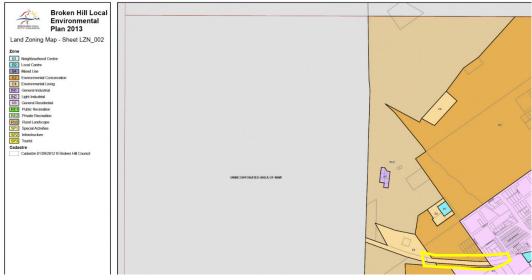


Figure 2: BHLEP 2013 Land zoning map sheet LZN\_002

<sup>2</sup> SixMaps NSW

Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW



Figure 3: Google street view image depicting site vegetation

#### 2.1.1 Heritage item and listing

The following table summaries the heritage listed items applicable to the site. Empty cells indicate no listing or item is applicable.

Listing type	ltems a	and	Listing	Comment	Image reference
	documents		number		
Local heritage					
conservation area					
Local heritage item	Cemetery		140	Within site vicinity	
State agency s 170					
heritage and					
conservation register					
State Heritage	1915 Picnic Tr	rain	SHR	Within site	
Register	Attack		02002	boundaries	
			Heritage		
			NSW ID		
			5063675		
Commonwealth					
Heritage List					
National Heritage List					
World Heritage buffer					
zone					
World Heritage List					
Aboriginal objects or					
places					

Table 1: Summary of heritage items applicable to the site

#### 2.1.1.1 Site context to identified heritage item

# 2.1.1.1.1 State Heritage Register SHR 02002, Heritage NSW ID 5063675, 1915 Picnic Train Attack

As depicted in Figure 4 and Figure 5 the curtilage of SHR 02002 encompasses the entire road corridor of Picton Sales Yard Road, Broken Hill NSW and extends the entire depth of the middle third of existing Lot

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Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

12 DP 117450, being the site subject to the proposed development. The curtilage was nominated as a heritage investigation area by the Heritage Council in 2017, before being gazzeted (Figure 6) in 2018<sup>3</sup>. Lot 12 DP 117450 is vacant land containing residential and environmental zoning as outlined section Site description of this report. The Picton Sales Yard Road is a 6m wide sealed road containing a wide road reserve of 55m around the site. The verges contain shrubland and grasses with few mature trees aligning the north and south side of the road formation (Figure 7, Figure 8 and Figure 9). The subject site is located south of Picton Sales Yard road. With the northern boundary of the subject site 38m from the nearest sealed road edge.

The heritage site SHR 02002, 1915 Picnic Train Attack Site, "is marked by a memorial consisting of a replica freight wagon placed on the southern side of Picton Sales Yard Road, Broken Hill. The embankment of the Tramway Permanent Way lies about 50m north (sic) of the memorial. In between is the trench of the water pipeline from Umberumberka Reservoir"<sup>4</sup>. "The Picnic Train Attack Site memorial is in good condition. The memorial (Figure 10) is the only reminder of the event; there are no other known traces or archaeological evidence that a battle took place in this location. The railway line has long since been removed but the footprint of where the line was located is clear. A fence line across from the memorial shows one of the ways the unused railway line was salvaged. The ore wagon memorial on site displays an interpretation sign with two photos and information of the fateful day. The wooden section wagon has suffered from years of exposure to the weather, however the rest of the memorial is in good condition"<sup>5</sup>. The area surrounding the wagon has degraded since its installation although vehicle access is still present to access the memorial. "The area around the site has changed considerably since January 1915. The railway line is no longer in-situ although the railway line embankment is still visible. Silverton Tramway Company ceased operations in 1970 due to the standard gauge (4ft 8.5in) line being opened in 1969 connecting NSW to SA. After the closure of the Silverton Tramway Company most of the narrowgauge railway line (3ft 6in) was removed and recycled for fencing posts and rails, this includes the section of line where the attack took place. A fence now blocks access to the line embankment and the trench where the two men hid is no longer visible due to vegetation. Part of the area is now a semi-rural neighbourhood with the road on the northern side of the site now sealed (Roberts 1995)" <sup>6</sup>.

Figure 11 and **Error! Reference source not found.** identify the existing development in the vicinity of SHR 02002. As identified, the area comprises existing large lot residential development to the north east on the northen side of Picton Sales Yard Road / Hynes Street, approximately 100m from the eastern most site curtilage. An undeveloped large lot residential subdivision of ten lots immediately adjoins the heritage curtilage on the northern side of Picton Sales Yard Road. The proposed development will result in the

<sup>&</sup>lt;sup>3</sup> NSW Government Gazette No 67 of 29 June 2018, 4716, (n2018-2271)

<sup>&</sup>lt;sup>4</sup> https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5063675

<sup>&</sup>lt;sup>5</sup> https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5063675

<sup>&</sup>lt;sup>6</sup> https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5063675

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creatin of an fourteen medium sized residential lots located approximately 128m from the eastern most curtilage boundary (Figure 12).

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1915 Picnic Train Attack & White Rocks Reserve" at Hynes Street & Schlapp Streets, Broken Hill Listing Boundary Endorsed

Figure 4: SHR 02002 curtilage investigation area<sup>7</sup>

<sup>7</sup> Meeting minutes – 455, 6 September 2017, Heritage Council NSW

Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

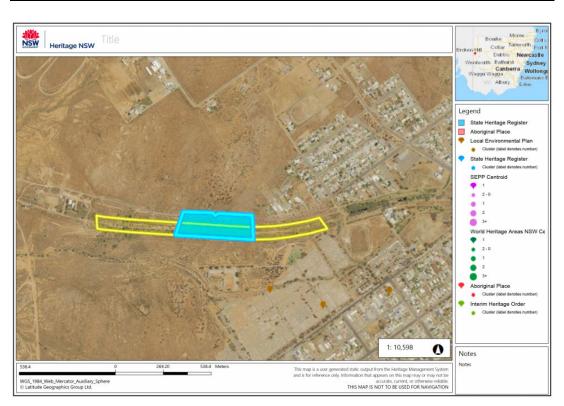


Figure 5: SHR 02002 curtilage per NSW State Heritage Inventory mapping<sup>8</sup>

8

https://www.hms.heritage.nsw.gov.au/App/Item/SearchHeritageItems?\_ga=2.165972984.714120821.1658117920-344545924.1656901875

Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

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Government Notices

# GOVERNMENT NOTICES

**Planning and Environment Notices** 

#### HERITAGE ACT 1977

DIRECTION PURSUANT TO SECTION 32(1) TO LIST AN ITEM ON THE STATE HERITAGE REGISTER

1915 Picnic Train Attack and White Rocks Reserve Hynes Street and Schlapp Street Broken Hill, NSW

SHR No 02002

In pursuance of section 32(1) of the *Heritage Act 1977*, I, the Minister for Heritage, having considered the recommendation of the Heritage Council of New South Wales and the other matters set out at s32(1), direct the Heritage Council to list the item of environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B".

The Hon Gabrielle Upton MP Minister for Heritage

Sydney, 26 Day of June 2018

#### SCHEDULE "A"

The item known as the 1915 Picnic Train Attack and White Rocks Reserve, situated on the land described in Schedule "B".

#### SCHEDULE "B"

All those pieces or parcels of land known as Lot 12 DP 1174503, Lot 7375 DP 1182666, Lot 1 DP 820445, Lot 2 DP 820445 in Parish of Picton, County of Yancowinna shown on the plan catalogued HC 3156 in the office of the Heritage Council of New South Wales.

[n2018-2271]

Figure 6: NSW Government Gazette No 67 of 29 June 2018, 4716, (n2018-2271)

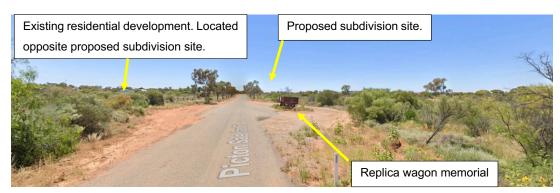


Figure 7: Picton Sales Yard Road looking east<sup>9</sup>

#### <sup>9</sup> Google maps

Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW



Figure 8: Picton Sales Yard Road looking east<sup>10</sup>

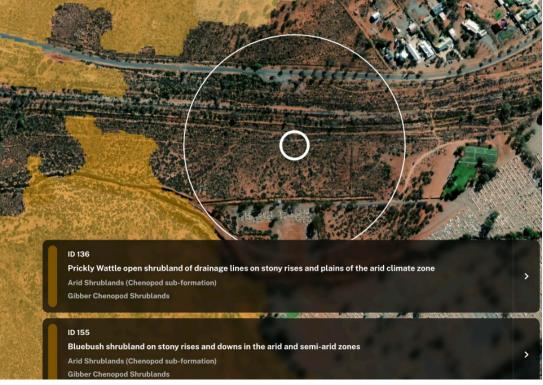


Figure 9: Vegetation category of site<sup>11</sup>

<sup>10</sup> Google maps
 <sup>11</sup> https://treesnearme.app/explore

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Figure 10: SHR 02002, 1915 Picnic Train Wagon replica memorial (left, original; right, current)



Replica wagon memorial & curtilage

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LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED

HYNES STREET, BROKEN HILL

Figure 11: Aerial image of SHR 02002, subject site and surrounding development

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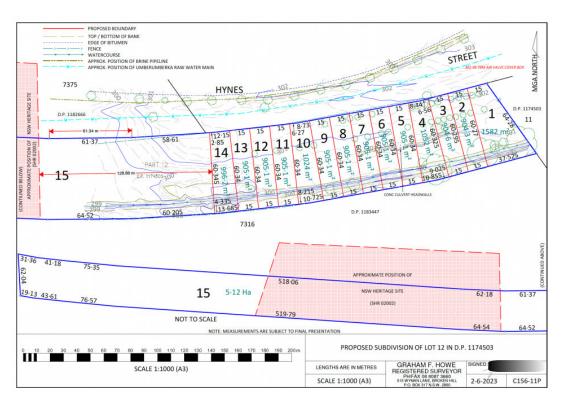


Figure 12: Site survey plan and proposed plan of subdivision<sup>12</sup>

# 2.1.1.1.2 Local heritage item, I40, Cemetery

Local heritage item I40, cemetery, is located to the south of the site. The cemetery is separated from the site by a vacant Lot 7136 DP 1183447. The cemetery is accessed via Rakow Street. The proposed development does not pose any impact to the site of the local heritage item with site access and utility services proposed on the northern boundary of 1 Hynes Street, within the Hynes Street Road corridor. The heritage item is currently adjoined by residential development in closer proximity than that resulting by the proposed development. It is not considered any impact to the heritage item will result from the proposed development. No recommendations for mitigation actions are suggested beyond what would ordinarily be applied for such development by the local consent authority.

Figure 13, Figure 14, and Figure 15 identify the location of local heritage item I40, cemetery and existing development in the vicinity of the proposed development site.

# <sup>12</sup> GF Howe

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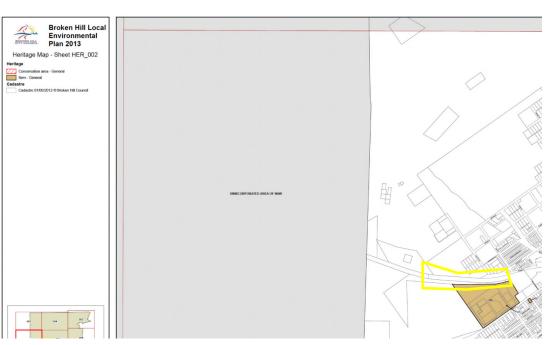


Figure 13: BHLEP 2013 Heritage Map Sheet HER\_002



Figure 14: Overview aerial image of site in relation to local heritage item I40, cemetery<sup>13</sup>

<sup>13</sup> SixMaps NSW

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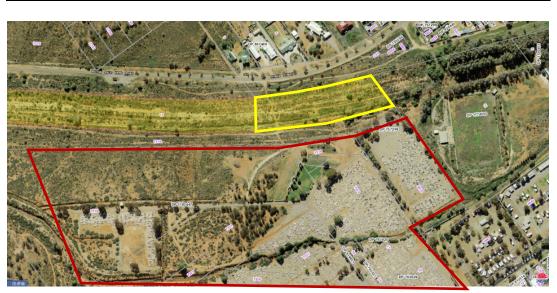


Figure 15: Close-up aerial image of site in relation to local heritage item I40, cemetery

#### 2.1.1.1.3 Proposed works area

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The extent of works within Lot 12 DP 1174503 is limited to boundaries of the lot, encompassing the eastern 210m R1 *General Residential* zoned portion of the site. The extent of works are located over 100m from the eastern most curtilage of SHR 02002 and 265m from the replica wagon memorial. Site services will be extended from the east of the site within the Hynes Street road corridor, also 265m from the replica wagon memorial.

The following images depict the proposed development works area. As demonstrated, no works are proposed within proximity to any identified and known heritage items. As such, there is not anticipated to be any direct physical impact to any of the identified and known heritage items.

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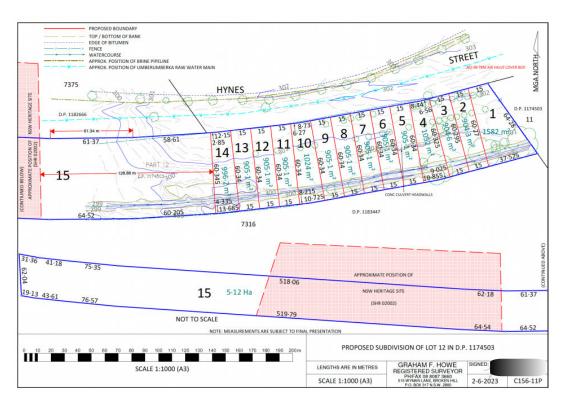


Figure 16: Site survey plan and proposed plan of subdivision<sup>14</sup>



# <sup>14</sup> GF Howe

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Figure 17: Location of water, sewer, electrical and telecommunication services to be extended along Hynes Street aerial image overlay

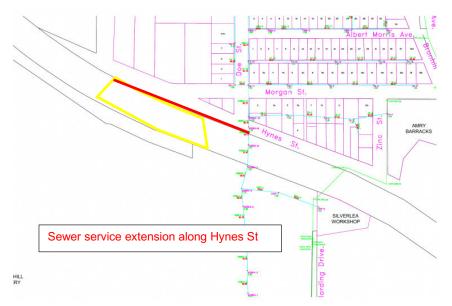


Figure 18: Location of sewer services to be extended along Hynes Street sewer service map overlay

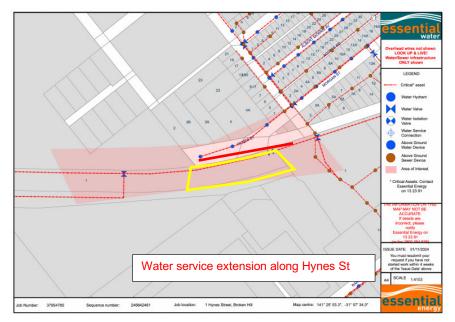


Figure 19: Location of water services to be extended along Hynes Street water service map overlay

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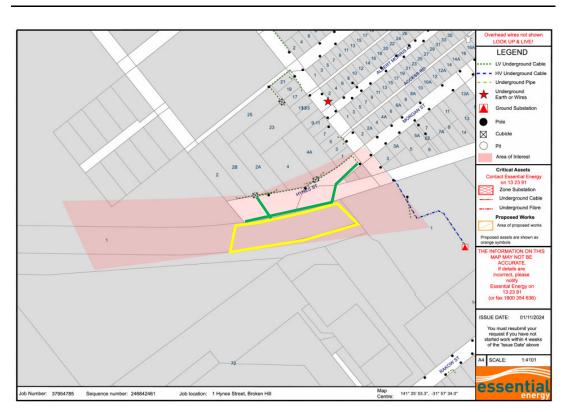


Figure 20: Location of electrical services to be extended along Hynes Street electrical service map overlay



Figure 21: Location of telecommunication services to be extended along Hynes Street NBN service map overlay

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## 2.2 Site summary history

#### 2.2.1 Documented history

The following table summaries the key historical events of the site.

Year	Event	Description
1886	Silverton Tramway Act 1886	Act to authorise the construction of the and operation or the Tramway.
1886	Silverton Tramway Act 1888	Act to clarify the alignment requirements for the Tramway.
1915	Picnic Train Attack	Picnic Train Attack, event subject to the site's NSW State Heritage listing
1971	Silverton Tramway Land Vesting Act 1971	Vesting of the land in ownership of Silverton Tramway in fee simple.
1996	Crown Land maps	Identification of the site on the Crown Land maps as applicable under the Broken Hill LEP 1996
2008	Subdivision of site	Subdivision of the site
2010	Subdivision of site	Subdivision of the site to present status
2017	NSW Heritage Council resolution to identify site of state heritage significance.	
2018	NSW Government gazette of the site on the NSW State Heritage register	

Table 2: Site history summary

#### 2.2.1.1 The Silverton Tramway Company

The Silverton Tramway was a 58-kilometre railway line between Cockburn on the South Australian border and Broken Hill, built for the transportation of silver ore between mines and the smelter at Port Pirie. The line itself closed in 1970, but the Silverton Tramway Company lived on, transporting Broken Hill ore using other local lines<sup>15</sup>.

From 1888 to 1970 the Tramway was critical to the economic functioning of Broken Hill. Providing the key transport of ore to the Port Pirie smelters. It played a significant role in the politics and recreation of Broken Hill, and a crucial role at times of water shortage in Broken Hill<sup>1617</sup>.

<sup>&</sup>lt;sup>15</sup> https://www.abc.net.au/news/2016-11-01/end-of-the-line-for-silverton-tramway-company-socialclub/7981178?future=true&

<sup>&</sup>lt;sup>16</sup> Lew Roberts (1995). Rails to wealth: a history of the Silverton Tramway Company Limited, Broken Hill's railway service. Melbourne: L.E. Roberts. ISBN 978-0-646-26587-2.

<sup>&</sup>lt;sup>17</sup> Lew Roberts (2015), 'Rails to Wealth', Australian Railway History, Vol. 66, January 2015.

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The Silverton Tramway closed on 9 January 1970 after the introduction of a standard gauge line on an alternate alignment from Broken Hill to the South Australian border by the New South Wales Government Railways (Indian-Pacific)<sup>18</sup>. "The company closed its narrow gauge short line business, donating assets to the community and returning its permanent way to the Crown"<sup>19</sup>.

The following is a summary of the Silverton Tramway company history as copied directly from Wikipedia.

The Silverton Tramway Company was formed in 1886 by a consortium led by <u>J. S. Reid</u>, to build and operate the <u>Silverton Tramway</u>, a 58-kilometre (36 mi)-long <u>1067 mm</u> (3 ft 6 in)-gauge railway running from <u>Cockburn</u> on the <u>New South Wales</u>-<u>South Australia</u> state border to <u>Broken</u> <u>Hill</u>; after the <u>Government of New South Wales</u> enacted into legislation the Silverton Tramway Act of 1886 that granted the Silverton Tramway Company the rights to build and operate a railway. It was headquartered in <u>Melbourne</u>, listing on the <u>London Stock Exchange</u> in 1897, later transferring to the <u>Australian Stock Exchange</u>.

The line opened on 12 January 1888. Initially using hired <u>South Australian Railways Y</u> <u>class</u> locomotives, until it received its own <u>locomotives</u>. By the end of 1888, it had concluded a deal for the <u>South Australian Railways</u> to operate the main line services with Silverton servicing the various mines and sidings in Broken Hill. On 1 July 1893, Silverton resumed operating mainline services.<sup>[1]</sup>

In August 1899, the <u>New South Wales Government Railways</u> (NSWGR) purchased the <u>Tarrawingee Tramway</u>. As it was isolated and to a different gauge from the rest of its operations, the NSWGR contracted Silverton to operate services until the line closed in 1931.<sup>[1]</sup>

Following a new 1435 mm (4 ft 8+1/2 in) <u>standard gauge</u> line being opened in February 1970 by the <u>Federal Government</u>, the line was made redundant and the company concentrated on operating shunting and track maintenance services to the mines industry in and around Broken Hill with its remaining two diesel locomotives.<sup>[2][3][4]</sup> Under the 1886 Act, the Government of New South Wales had an option to buy out the company for 21 times the annual divisible profits of the preceding seven years. Silverton calculated it was entitled to \$5.8 million, but through legislation this was removed, the company having to settle for a \$2 million payment.<sup>[5]</sup>

In 1969, the <u>Dillingham Corporation</u> of <u>Honolulu</u> bought a 33% shareholding, later increasing to 50%. In 1972, it was then taken over by <u>T & G Mutual Life Assurance Society</u> and delisted. It was included in the 1983 purchase of T & G Mutual by <u>National Mutual</u>, and in 1986 was sold in a <u>management buyout</u> to Graham Clements.<sup>[4]</sup>

<sup>18</sup> 1915 Picnic Train Attack and White Rocks Reserve". New South Wales State Heritage Register. Department of Planning & Environment. H02002.

<sup>19</sup> "Silverton Tramway Company". Progress in Rail Reform: Submission to the Productivity Commission.

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Having purchased a number of locomotives from <u>FreightCorp</u> and <u>AN Tasrail</u>, in 1995/96 Silverton Rail leased six locomotives to <u>National Rail</u> for use on <u>Adelaide to Melbourne</u> services as <u>bankers</u> to <u>Tailem Bend</u>.<sup>[6][7]</sup> With the introduction of an open access regime in New South Wales the business was rebranded as Silverton Rail, and in August 1999 began operating iron ore services from <u>Cobar</u> to <u>Narromine</u> as a subcontractor to National Rail and relocated the majority of its fleet to <u>Parkes</u> Roundhouse.<sup>[8][9]</sup> In August 1999, it also began operating trip workings in <u>Sydney</u>.<sup>[10]</sup> In August 2000, Silverton began operating grain services from <u>Nyngan</u> to Sydney.<sup>[11]</sup>

During the early 2000s a new depot was established in Newcastle at the Broadmeadow Yard rail facilities. This small crew provided train crewing and logistics for the Southland (Pelton) Coal Mine near Cessnock to Pacific National until its 2003 closure due to underground fires. Other services from the Broadmeadow Depot included the daily containerised freight service from Tolls Carrington to Port Botany and return, as well as crewing both ends of the Wee Waa to Port Botany export cotton trains. Crewing services were also provided to Interail and Pacific National Rural & Bulk, Pacific National Coal and Railcorp for AK Track Recording Cars, maintenance and emergency recovery trains.

In February 2006, Silverton Rail was sold to Western Australian-based <u>South Spur Rail</u> <u>Services</u>.<sup>[12]</sup> The locomotives and rolling stock were sold to the <u>Allco Finance Group</u> and leased back.<sup>[13]</sup> Silverton Rail was rebranded as Southern & Silverton Railway.<sup>[14]</sup> In March 2007, South Spur Rail Services was purchased by <u>Coote Industrial</u>.<sup>[15]</sup> Following Allco Finance running into financial trouble, Coote Industrial was able to buy much of the former Silverton rolling stock in January 2008 through controlled subsidiary <u>Greentrains</u>.<sup>[16]</sup> In June 2010 South Spur Rail Services was sold to P&O Trans Australia.<sup>[17]</sup>

In April 2011, <u>Qube Logistics</u> acquired outright control and majority ownership of P&O Trans Australia and Southern & Silverton Rail was rebranded.<sup>[19][20]</sup> Qube Logistics purchased New South Wales freight operator <u>Independent Transport Group</u> in June 2012.<sup>[21]</sup>

#### 2.2.1.2 1915 Picnic Train attack

The 1915 Picnic Train Attack is the catalytic event to the site's heritage listing. Details of the event are well documented in literature. The following is account of the event copied directly form Monument Australia.

On 1st January, 1915, members of the Combined Manchester Unity Lodges of Broken Hill and their families were waiting on the Sulphide Street Railway Station to board the picnic train to take them on their annual picnic to Silverton, fourteen miles to the south west. Some of the travellers saw the familiar sight of Gool Mohamed and his ice-cream cart drive by the Station. They wondered among themselves as to why he was flying the Turkish Flag and noticed he was accompanied by his friend, Mullah Abdullah.

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At about 10.00am, the long picnic train made up of open ore trucks and packed with picnickers left the Station en route to Silverton. Soon after the train left the outskirts of the town some of the travellers again spied the ice-cream cart standing empty near the railway fence, Turkish Flag fluttering in the slight breeze.

Suddenly shots rang out from behind a mound of earth where the "Turks" were crouching. 18 year-old Alma Cowie died instantly and also William Shaw, a City Council Foreman. Alf Millard, who was riding a bicycle inspecting the water pipeline from Umberumberka reservoir was also shot dead. Two men, Shaw Hendry and Paddy Low bravely rushed to a nearby residence and raised the alarm. The train, which had momentarily pulled up, moved on to the Silverton Tramway's dam so that the victims could be taken to the pumping station.

A number of policemen were soon on the scene and set out after the "Turks" who had taken off into the low hills on the western outskirts of the city. On Rocky Hill old Tom Campbell saw the villains approaching with rifles and slammed the door of his one-room cottage. They shot through the door and he was wounded in the side.

The "Turks" then made their way to a white quartz outcrop and made their last stand. They were completely overwhelmed by the militia men and police and hundreds of rounds of ammunition was poured into the enemy position. A stray Turkish bullet killed Jim Craig who was chopping wood in his nearby backyard.

At one o'clock it was found that Mullah Abdullah was dead and Gool Mahomed died later in hospital. The former was found to have enlistment papers for the Turkish Army and Gool Mohamed had been worried by a fine for killing a sheep on private property. On one hand there was a fiery young man itching to strike a blow for Turkey and on the other a simple friendless old man ready to join forces against authority.

Altogether, four persons were killed and seven wounded - the only enemy attack on Australian soil in World War One<sup>20</sup>.

The event was published in news articles, titled 'war in Broken Hill<sup>21</sup> and is also refered to as ;the Battle of Broken Hill. *The 'battle' that took place on New Year's Day 1915 in Broken Hill, New* 

<sup>&</sup>lt;sup>20</sup> https://monumentaustralia.org.au/themes/conflict/ww1/display/119020-centenary-of-the-picnic-trainattack
<sup>21</sup> https://trove.nla.gov.au/newspaper/article/45309452

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South Wales, Australia was unexpected and the first (and possibly only) incident of the First World War involving Australian civilians<sup>22</sup>.

#### 2.2.1.3 Post 1915 Picnic Train Attack and NSW State Heritage Register listing

It is understood that post the Picnic Train Attack event the rail line continued in its operation. With the site subject to ongoing use and various subdivision and ownership over time. It was not until 2017 that the site was nominated by the NSW Heritage Council for listing on the NSW State Heritage Register, prior to the site being gazzetted as a State Heritage site in 2018. As noted in the relevant Heritage Council meeting minutes and Heritage Register listing, the site was subject to substantial modification prior to its heritage listing period with physical changes to the site including the removal of rail infrastructure, some of which was used to create the memorial picnic train wagon located adjacent the former rail line alignment.

The heritage listing of the site includes two sites significant to the event. The Picnic Train Attack site SHR 02002 located at Hynes Street Broken Hill and also White Rocks Reserve, which is also listed as a local heritage item under the BHLEP 2013, located at Schlapp Street Broken Hill. The Hynes Street site is significant to the Picnic Train Attack being the site where the civilians were ambushed and murdered while the While Rocks Reserve site is significant being the site where the man hunt and deadly gun battle for the perpetrators occured.

# 2.2.2 Historical ownership changes

The following images contains the historical search results identifying the historical ownership changes of the site as recorded on NSW Land Registry Services approved Information Broker, Fynd. Associated subdivision and deposited plans are contained in the ensuing section.

The land appears to have been owned by the NSW State Government/agencies until 1971 where it was vested in the Silverton Tramway Company in fee simple before being subdivided and sold in 2008 and 2012 to its current state.

<sup>22</sup> https://www.westernfrontassociation.com/world-war-i-articles/new-year-s-day-1915-the-unknown-battle-of-broken-hill/

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NEW SOUTH WALES LAND REGIS		
SEARCH DATE		
2/12/2024 2:58PM		
FOLIO: 12/1174503		
First Title(s): OLD SYSTEM Prior Title(s): 1/1130411		
Recorded Number Type of Instrum	nent C.T. Issue	
5/7/2012 DP1174503 DEPOSITED P EDITION 1	PLAN FOLIO CREATED	
*** END OF SEARCH ***		
brendan@regionalplan.com.au	PRINTED ON 2/12/2024	

# 2.2.3 Previous physical changes and subdivision history

The following table and images summarise the history of subdivision of the site.

Year	Subdivision type	Reference
1886	Silverton Tramway Act 1886	
1971	Vesting of land to Silverton Tramway as the Silverton Tramway Land Vesting Act 1972.	DP 241856, sheets 1-4, registered 29.11.1971 & Silverton Tramway Land Vesting Act 1972.
1996	Identification of site on Crown Land Map. Parish of Picton, County of Yancowinna, land district of Willyama, Western Division NSW, Broken Hill LEP 1996, WL93A55	Crown Land map
2008	Plan of subdivision of Lot 4 DP 1034212, Lot 31 DP 579115, Lot 5902 DP 241856, Lot 5905 DP 757298, & Lot 5949 DP 44244.	DP1130411
2010 (current)	Plan of subdivision of Lot 1 DP 1130411.	DP1174503

#### 2.2.3.1 Silverton Tramway Act 1886

The Silverton Tramway Act 1886 authorised the construction and maintenance of a Tramway from the terminus on the western boundary of the Colony of New South Wales of the South Australian Railway to Broken Hill and was gazette on the 14 October, 1886.

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# 2.2.3.2 1971 Silverton Tramway Vesting Act 1972 Crown Land acquisition deposited plan 241856

The earliest record that can be located regarding the vesting of the land into private ownership is the deposited plans associated with the <u>The Silverton Tramway Land Vesting Act 1972</u>, which vested certain land including the proposed development site to the Silverton Tramway Corporation in fee simple, as outlined in the following clauses of the Act and supporting acquisition and deposited plans.

## 4 Vesting of lands in Silverton Tramway Company Limited

(1) Subject to subsection two of this section, the scheduled lands are hereby vested in the Company for an estate in fee simple.

(2) The vesting effected by subsection one of this section:

(a) does not extend to any land below a depth of fifty feet from the surface of the scheduled lands or to any minerals in the scheduled lands,

(b) is subject to a reservation of:

(i) all such parts and so much of the scheduled lands as may, at any time after the commencement of this Act, be required for public ways in, over and through those lands to be set out by the Governor for the time being of the State of New South Wales or some person by him authorised in that respect with full power to any persons authorised in that behalf to make and conduct any such public ways, and

(ii) the right of full and free ingress, egress, and regress into, out of and upon the scheduled lands for the purposes of making and conducting any such public ways,

#### 6 Issue of certificate of title

(1) Upon application in writing by the Company and upon payment of the fee therefor prescribed under the <u>Real Property Act 1900</u>, the Registrar-General shall issue to the Company certificates of title under the <u>Real Property Act 1900</u> for the lands vested in the Company by section four of this Act without investigating the title thereto except so far as may be necessary to give effect to this Act and shall record on the certificates of title for such of those lands as are burdened thereby the easements created by section five of this Act, and the easement for pipe-lines fifteen feet wide appropriated and resumed in the Gazette of 16 July 1948 over the parts of lot 5897 in Deposited Plan 241855 as shown within that lot on that plan and the easement for water supply pipeline twenty feet wide appropriated and resumed in the Gazette of 15 March 1963 over the part of lot 5901 in Deposited Plan 241856 as shown within that lot on that plan.

(2) When issuing to the Company certificates of title pursuant to subsection one of this section the Registrar-General shall record thereon that the land is held subject to the provisions of subsection two of section four of this Act.

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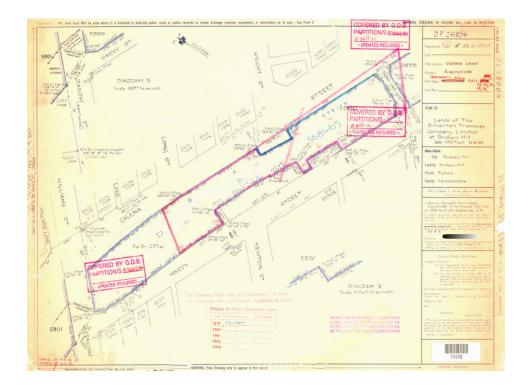
## **First Schedule**

(Section 2)

1 ALL the following pieces of land situate at Broken Hill in the City of Broken Hill Parish of Picton County of Yancowinna:

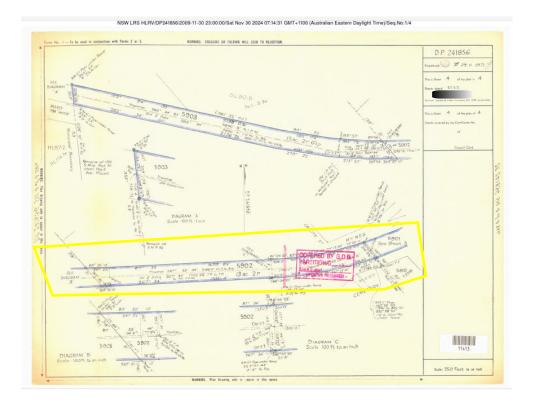
Lots 5889 to 5898, both lots inclusive, in Deposited Plan 241855 and Lots 5899 to 5903, both lots inclusive, in Deposited Plan 241856.

2 ALL THAT piece of land situate at Thackaringa in the Western Division Parish of Albert County of Yancowinna being lot 1 in Deposited Plan 551954.



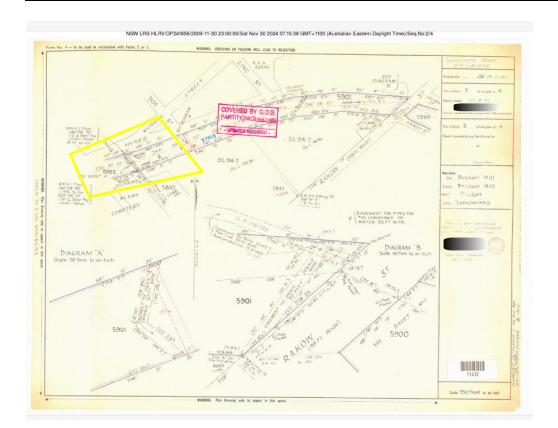
Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW





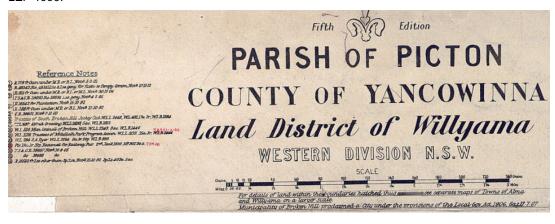
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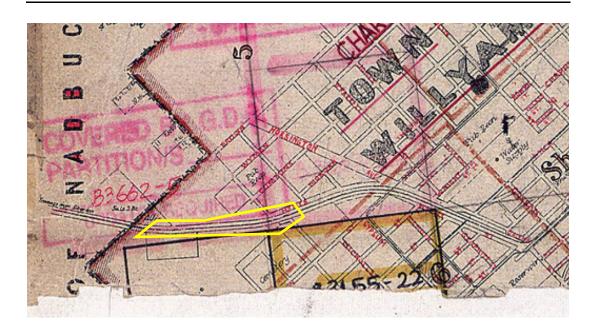


#### 2.2.3.3 Crown Land Maps. Parish of Picton, County of Yancowinna, land district of Willyama, Western Division NSW, Broken Hill LEP 1996, WL93A55

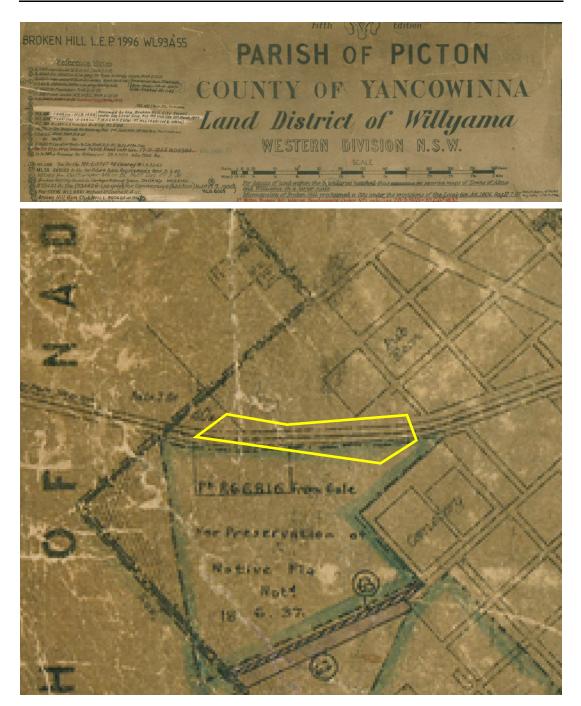
The following maps identify the subject land location with respect to Crown Land maps for Broken Hill LEP 1996.



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Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

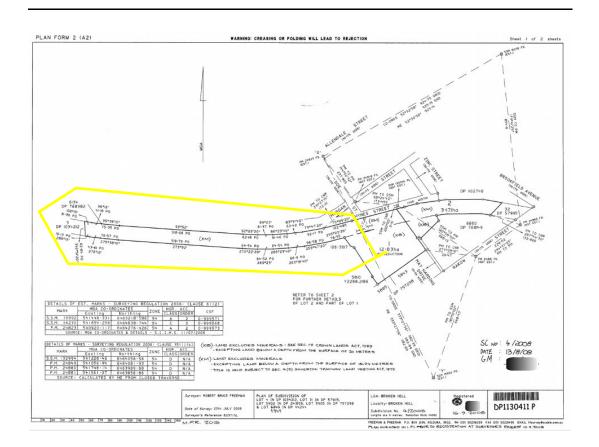


# 2.2.3.4 DP1130411

The following image identifies the subject land location as part of the subdivision of the site in 2008.

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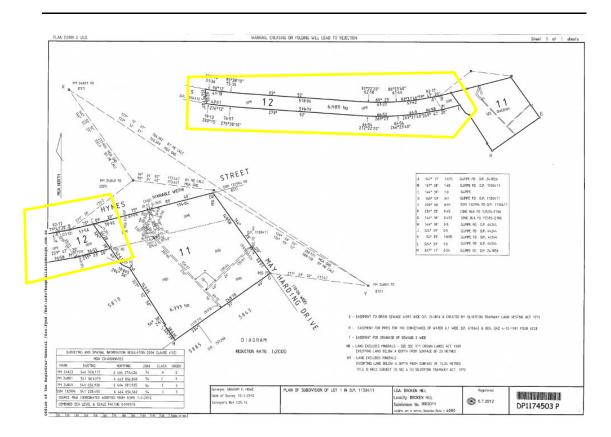
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# 2.2.3.5 DP 1174503 (current)

The following image identifies the subject land location as part of the subdivision of the site in 2012 in its current state.

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# 2.3 Physical analysis

The proposed works do not impact any of the site area that is within the curtilage of the heritage item. The proposed works are located approximately 130m east of the eastern most border of the curtilage boundary. As outlined in the NSW State Heritage register listing for the site, the site has been highly modified since the event for which it is historically listed.

The listing states: the heritage site is marked by a memorial consisting of a replica freight wagon placed on the southern side of Picton Sales Yard Road, Broken Hill. The embankment of the Tramway Permanent Way lies about 50m north (sic) of the memorial. In between is the trench of the water pipeline from Umberumberka Reservoir.

The Picnic Train Attack Site memorial is in good condition. The memorial is the only reminder of theevent; there are no other known traces or archaeological evidence that a battle took place in this location.The railway line has long since been removed but the footprint of where the line was located is clear. Afence line across from the memorial shows one of the ways the unused railway line was salvaged. Theore wagon memorial on site displays an interpretation sign with two photos and information of the fatefulday. The wooden section wagon has suffered from years of exposure to the weather, however the restofthethememorialisingoodcondition.

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The area around the site has changed considerably since January 1915. The railway line is no longer insitu although the railway line embankment is still visible. Silverton Tramway Company ceased operations in 1970 due to the standard gauge (4ft 8.5in) line being opened in 1969 connecting NSW to SA. After the closure of the Silverton Tramway Company most of the narrow gauge railway line (3ft 6in) was removed and recycled for fencing posts and rails, this includes the section of line where the attack took place. A fence now blocks access to the line embankment and the trench where the two men hid is no longer visible due to vegetation. Part of the area is now a semi-rural neighbourhood with the road on the northern side of the site now sealed. (Roberts 1995).

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# 3 Significance assessment

## 3.1.1 Statement of significance

The following statement and assessment of significance is reproduced directly from the NSW State Heritage Register listing for SHR item 02002 1915 Picnic Train Attack and White Rocks Reserve, which was last updated 15 August 2017. It should be noted the listing comprises two separate sites within the one listing. The proposed development does not impact the site of the White Rocks Reserve.

The picnic train attack sites are of state heritage significance for their historical values as the only World War 1 incident where Australian citizens were attacked on Australian soil and under a foreign flag, resulting in the death of four people and wounding of seven, as well as the death of the two 'Afghan' cameleer perpetrators. Although a minor incident in the greater history of the war, it had a significant effect on the population of Broken Hill, and right across Australia. It became national news for many months was widely reported on and commented on, with differing perspectives, many xenophobic and some liberal. The war effort initially focused on protecting Australia from attack by German naval ships and mining operations, however this attack, the only World War I attack on Australian soil, played out in the least expected location, the arid centre. This turned Australia's attention from looking out to sea for the enemy to looking within established communities across the nation. The Picnic Train attack had repercussions throughout Australia for people seen as enemy aliens and resulted in many of them being interned for the war period.

The sites state heritage significance are enhanced through association with the so-called Afghan cameleers in the arid regions of Australia, and in particular the people based at the Ghan Town on the outskirts of Broken Hill, and who worshiped at the SHR listed mosque. It is also associated with German and other migrants from countries allied with Germany, and the story of their treatment across Australia as enemy aliens during World War 1. In addition the sites' state heritage significance may be again enhanced through association with the Manchester Unity of Oddfellows, members of which were subject of the Picnic Train attack.

The Picnic Attack Sites have state heritage significance for its research potential into the chequered history of multi-culturalism in Australia as the incident and story are a powerful example of the way that a story that is told reiteratively, having its beginnings in fear and prejudice, continues to be expressed in this way.

For an item to be listed as having State heritage significance, it must meet one or more of the heritage significance criteria established under the Heritage Act. In the assessment of potential impacts arising out of the proposed development, it may be relevant to consider the heritage values of the place in terms of the individual assessment criteria.

Statement of Heritage Impact (SoHI) - Torrens title

Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

The Criteria for listing on the State Heritage Register stipulate that an item may be considered to have State heritage significance if it meets one or more of the following criteria:

- CRITERION A An item is important in the course, or pattern, of NSW's cultural or natural history or the cultural or natural history of the local area.
- CRITERION B An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history or the cultural or natural history of the local area.
- CRITERION C An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW, or the local area.
- CRITERION D An item has strong or special association with a particular community or cultural group in NSW, or the local area, for social, cultural or spiritual reasons.
- CRITERION E An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history, or the cultural or natural history of the local area.
- CRITERION F An item possesses uncommon, rare or endangered aspects of cultural or natural history of NSW, or cultural or natural history of the local area.
- CRITERION G An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or cultural or natural places; or cultural or natural environments of the local area).

The assessment of the heritage significance of 1915 Picnic Train Attack and White Rocks Reserve as set out in the State Heritage Register (SHR) listing report for the item as reproduced below:

• SHR criterion A – Historical significance

The picnic train attack sites are of state heritage significance for their historical values as the site of the only World War 1 incident where Australian citizens were attacked on Australian soil and under a foreign flag, resulting in the death of four people and wounding of seven, as well as the death of the two Muslim perpetrators. Although a minor incident in the greater history of the war, it had maximum effect on the population of Broken Hill, and right across Australia. It became national news for many months was widely reported on and commented on, with differing perspectives, many xenophobic and some liberal.

Up until this incident the War Precautions Act 1914 had not affected German or other enemy aliens in Broken Hill, or many other areas. It resulted in the burning of the German Club in Broken Hill, the expulsion of enemy alien miners and mine workers, and workers at the associated smelters at Port Pirie, and the incarceration of people in the Torrens Island internment camp, some later transferred to Holsworthy in Sydney. However innocent, people deemed enemy aliens were punished as a result of the picnic train attack.

• SHR criterion B – Historical association

Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

The 1915 Picnic Train Attack is associated with the history the so-called Afghan cameleers in the arid regions of Australia, and in particular the people based at the Ghan Town on the outskirts of Broken Hill, and who worshiped at the SHR listed mosque. It is also associated with German and other migrants from countries allied with Germany, and the story of their treatment across Australia as enemy aliens during World War 1.

The history of cameleers in Broken Hill spans from when people first settled in Broken Hill through to today. Playing a key role in the outback transportation before the railway. Some of the cameleers remained in the area marrying local women. There are families in Broken Hill today that are descendants of the original cameleers that are still very active in preserving their culture and history in Broken Hill. The Picnic Train Attack and White Rocks Reserve sites provide evidence of the way the cameleers were treated by mainstream society. Mullah Abdullah, one of the attackers, led prayers at the Broken Hill mosque and provided halal meat. He became disaffected because he was not allowed to freely practice his religion. Gool Mahomed was subject to stone throwing and verbal abuse from non-Afghan youth, and felt his former enlistment in the Turkish army should be re-visited now Turkey was a German ally.

In addition the site state heritage significance is enhanced through association with the Manchester Unity of Oddfellows, members of which were subject of the Picnic Train attack. The history of the Manchester Unity of Oddfellows can be traced back to England 1066 and was established in Australia in 1840 in Melbourne. The fraternity existed in Broken Hill and surrounding areas from 1888 through until 1973 and with the Freemasons was related to the strong union movement in this mining town.

• SHR criterion C – Aesthetic significance Does not meet this criteria at the state level

# • SHR criterion D – Social significance

The Picnic Train Attack and White Rocks Reserve is of local significance for the esteem in which it is held by the local community and by visitors and makes an important contribution to local history and identity. The attack on the picnic train changed the lives of many people in Broken Hill. Families lost loved ones that died on that day and people suffered from the trauma of witnessing such an event. Citizens lived in fear for some time wondering if another attack would be take place. The German citizens and their families across Australia suffered because of their ethnicity losing their jobs, being separated from their families and becoming prisoners of war, New South Wales had the most prisoner's campsThe Muslim families living in Ghan Town also faced increased abuse and suffering. The dramatic effects of the incident are still widely remembered by the contemporary local community and has been memorialised by the council and the day is still remembered and mourned by family members connected to the victims.

Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

• SHR criterion E – Research significance

The picnic train attack is of state heritage significance for its research potential as a powerful example of a story that is told reiteratively, having its beginnings in fear and prejudice and continues to be expressed in this way. It remains a powerful example of the way in which such reiterative stories are picked up and perpetuated by modern media over time. The Picnic Train Attack story is as relevant today as in 1915, with modern media interpretations of the picnic train attack following the same lack of clarity, empathy and social inclusiveness. In recent times it has been emotively expressed as the first jihadist terrorist attack in Australia and compared to the Lindt cafe siege, using conflation and confusion to create fear and bias towards a particular religion. It has state significance for its research potential into the chequered history of multi-culturalism in Australia.

• SHR criterion F – Rare assessment

The event of the train attack is the only known attack by enemy aliens to occur on Australian soil during World War One. The Ottoman flag is unique tangible evidence of the attack on the picnic train

- SHR criterion G Representative assessment The picnic train attack sites and the associated story are representative of the history of xenophobia and bigotry that has been a significant issue in NSW and Australia since the settlement of Australia by Europeans, and particularly during World War I and II.
- Integrity / intactness

The original landscape is still intact and the railway line embankment and water pipeline trench still exist

The following has also been reproduced directly from the heritage listing with respect to the site physical description, condition, modification, and current and former use.

• Physical description

The heritage site is marked by a memorial consisting of a replica freight wagon placed on the southern side of Picton Sales Yard Road, Broken Hill. The embankment of the Tramway Permanent Way lies about 50m north (sic) of the memorial. In between is the trench of the water pipeline from Umberumberka Reservoir.

 Physical Condition and/or Archaeological Potential The Picnic Train Attack Site memorial is in good condition. The memorial is the only reminder of the event; there are no other known traces or archaeological evidence that a battle took place in

Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

this location. The railway line has long since been removed but the footprint of where the line was located is clear. A fence line across from the memorial shows one of the ways the unused railway line was salvaged. The ore wagon memorial on site displays an interpretation sign with two photos and information of the fateful day. The wooden section wagon has suffered from years of exposure to the weather, however the rest of the memorial is in good condition.

Modifications & Dates

The area around the site has changed considerably since January 1915. The railway line is no longer in-situ although the railway line embankment is still visible. Silverton Tramway Company ceased operations in 1970 due to the standard gauge (4ft 8.5in) line being opened in 1969 connecting NSW to SA. After the closure of the Silverton Tramway Company most of the narrow gauge railway line (3ft 6in) was removed and recycled for fencing posts and rails, this includes the section of line where the attack took place. A fence now blocks access to the line embankment and the trench where the two men hid is no longer visible due to vegetation. Part of the area is now a semi-rural neighbourhood with the road on the northern side of the site now sealed. (Roberts 1995).

- Current Use tourism and education
- Former Use Silverton Tramway line

The following images identify SHR 02002 and curtilage relative the proposed development site and surrounding area.

Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

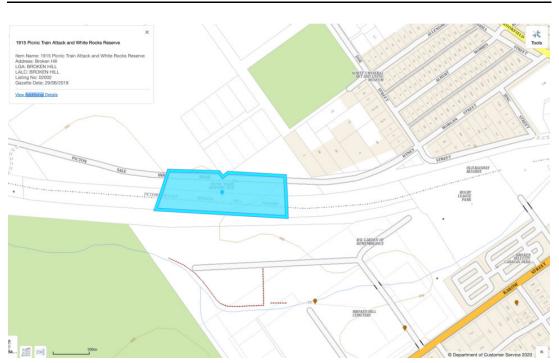


Figure 22: SHR 02002 NSW Heritage Inventory Listing - map site and curtilage - street map overlay



Figure 23: SHR 02002 NSW Heritage Inventory Listing - map site and curtilage - aerial image overlay

Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

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Figure 24: SHR 02002 NSW Heritage Inventory Listing – map site and curtilage – DPE map overlay with local heritage items

15 Picnic Train Attack and White Rocks Reserve		
m Name: 1915 Picnic Train Attack and White Roc idress: Broken Hill A: BROKEN HILL LC: BROKEN HILL ting No: 02002 zette Date: 2906/2018	ks Reserve	White Rocks Reserve site
w Additional Details		
	AM	
	~ ( ]	
		Browney and
	Picnic Train attack site	thouse and second
R	Picnic Train attack site	tion tion tion times
		Ave •
		4ve •

Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

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Figure 25: SHR 02002 NSW Heritage Inventory Listing – map site and curtilage depicting Picnic Train Attack site and White Rocks Reserve site – DPE map overlay with local heritage items

# 3.1.2 Significance of the proposed works area

The proposed works do not impact any of the site area that is within the curtilage of the heritage item. The proposed works are located approximately 130m east of the eastern most border of the curtilage boundary. The proposed works area is not considered to be of significance.

Statement of Heritage Impact (SOHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

# 4 Proposed works

## 4.1 The proposal

The proposal includes the subdivision of the site from one lot into fifteen. With fourteen lots proposed to be used for future residential development and the residual, which contains the entirety of the heritage item curtilage to remain untouched by the proposal. As outlined in section 2.1.1.1.3 Proposed works area of this report, the extent of works within Lot 12 DP 1174503 is limited to boundaries of the lot, encompassing the eastern 210m R1 *General Residential* zoned portion of the site. The extent of works are located over 100m from the eastern most curtilage of SHR 02002 and 265m from the replica wagon memorial. Site services will be extended from the east of the site within the Hynes Street road corridor, also 265m from the replica wagon memorial. As depicted by the images within the same section of this report. The following image depicts the limit to the extent of works proposed. No works are proposed within 130m of the nearest heritage curtilage of SHR 02002.

For assessing the potential impacts of the proposed development. It is considered the entirety of proposed lots one to fourteen will alter from their existing undeveloped, vegetation state to containing landscaped areas and dwelling houses. The residual lot, proposed lot fifteen, will remain unaffected. No development is proposed on proposed lot fifteen.

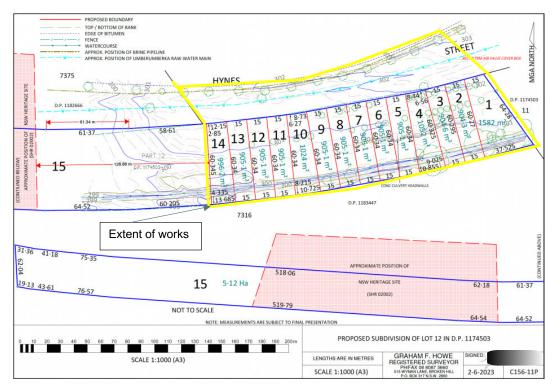


Figure 26: Site survey plan and proposed plan of subdivision

Statement of Heritage Impact (SoHI) - Torrens title

Lot 50 DP 630131, 8 Herdegen Close Bonville NSW

# 4.2 Background

## 4.2.1 Pre-lodgment consultation

The following table outlines the preliminary consultation undertaken with a representative of Broken Hill City Council and Heritage NSW regarding the proposed development and heritage considerations and how/where in this SOHI the matters have been addressed.

ID	Matter	Description	Response
1.	Site address/ works area	Works include Subdivision of Lot 12 DP 1174503 into 14 lots – 1 Hynes St Broken Hill.	Not applicable.
2.	Heritage item	The subject area is located within Lot 12 which includes the SHR item 02002, 1915 Picnic Train Attack and White Rocks Reserve.	Addresses throughout SOHI.
3.	Development type	The development is integrated development as it affects a lot that contains a heritage item, despite the works being located outside of the heritage curtilage of the item.	Noted.
4.	Approvals	Consent is required for the integrated development application for subdivision of Lot 12 to be provided under the Environmental Planning and Assessment Act 1979, followed by approval for the subdivision under section 60 of the Heritage Act 1977.	Approvals form part of development application and relevant requirements are considered in this SOHI and the supporting statement of environmental effects for the DA.
5.	SOHI requirement	A SOHI, prepared by a suitably qualified heritage consultant in accordance with Heritage NSW guidelines and that addresses the Heritage Council's Subdivision Policy titled Subdivision and NSW State Heritage Register items policy   NSW Environment and Heritage is required to support the development application.	Page 2 of the <i>Guidelines for</i> <i>preparing a statement of heritage</i> <i>impact, DPE 2023,</i> 'recommends that a SOHI is prepared by an appropriately qualified and experienced heritage professional with expertise relevant to the heritage item'. In this instance, the use of a qualified heritage professional is not considered necessary due to the existing documented and

Table 3: Summary of pre-lodgment consultation

Statement of Heritage Impact (SoHI) - Torrens title

subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

			substantiated history of the site. In addition to the extremely low likelihood of impact to the heritage significance of the site.
6.	Aboriginal cultural heritage assessment report (ACHAR)	ACHAR is required where there are any works within the SHR curtilage.	Not applicable. No works are proposed within the heritage curtilage.
7.	Association values & wider consultation	Because the place is listed on the SHR for its association values, it is recommended that the proposal is supported by wider consultation with these groups to, ensure the proposal protects and enhance these association heritage values.	Assumed any notification would occur as part of the assessment of the development application, if required.

# 4.2.2 Works exemptions

The associated heritage listing includes several exemptions for certain works as outlined in the *schedule* of standard exemptions to subsection 57(1) of the heritage act 1977 made under subsection 57(2) of the State of New South Wales Government Gazette Number 262–Planning and Heritage, dated Friday, 17 June 2022, [n2022-1108).

The works associated with the proposed development do not comprise an exempt activity as outlined in the standard exemptions.

# 4.2.3 Considerations of alternatives

# 4.2.4 Subdivision of entire lot 12 DP 1174503

As outlined in the following images and tables the site contains dual land zoning and minimum lot size of R1 General Residential and C4 Environmental Living and 230m<sup>2</sup> and 4,000m<sup>2</sup>, respectively. This would permit a maximum yield of approximately forty-four residential lots if the entire site were to be subdivided, allowing 30% site area for additional essential services including road and drainage corridors within the R1 zoned portion and the heritage curtilage within the C4 zoned portion. Comprising thirty-eight lots in the R1 zoned portion and six lots in the C4 zoned portion. It is noted the heritage curtilage is contained entirely within the C4 zoned portion of the site.

The proposed development seeks a much lower yield than permissible, proposing fourteen residential lots located within the R1 zoned portion of the site of between 900m<sup>2</sup> and 1,400m<sup>2</sup>, with the residual lot containing the heritage curtilage untouched. The development as proposed provides lot areas that are commensurate with the residential subdivision pattern within the immediate vicinity of the site and heritage

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Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

#### DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET, BROKEN HILL

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item. It will also enable the heritage curtilage of SHR 02002 to be located entirely within the residual lot, minimising potential for impact by future residential development on proposed lots one to fourteen. Any future development on proposed lot fifteen would be subject to future assessment at the time of application.



Figure 27: BHLEP 2013 land zoning map



Figure 28: BHLEP 2013 minimum lot size map

Statement of Heritage Impact (SoHI) - Torrens title

subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW



Figure 29: SHR 02002 heritage curtilage relative to site *Table 4: Potential maximum development yield* 

Zone	Minimum	Site area	Max	Lots	Heritage	Adjusted	Adjusted max
	lot size	m2	numb	propose	curtilage	site area	lots
	(m2)	(approx)	er of	d		for	
			lots			heritage	
			possib			curtilage	
			le				
R1 General Residential	230.00	12,810.00	55.70	14.00	0	12,810.00	58preservices.38postservices.
C4 Environmen tal Living	4,000.00	51,310.00	12.83	1.00	24,870.00	26,440.00	6.61
	TOTALS	64,120.00	68.52	15.00		39,250.00	62.31 pre. 44 post.
					Curtilage	24,870.00	
					CHECK	0.00	

Statement of Heritage Impact (SoHI) - Torrens title

subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

### 5 Heritage Impact Assessment

#### 5.1 Matters for consideration

The following images are snipped from elsewhere in this SOHI for ease of illustration purposes.

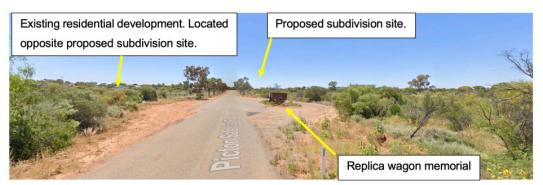
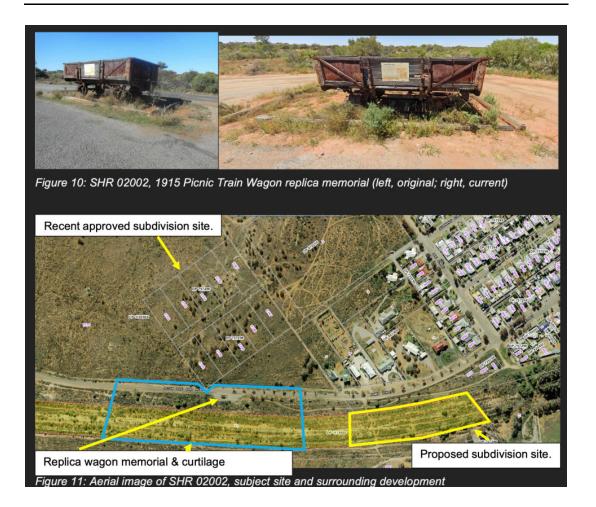


Figure 7: Picton Sales Yard Road looking east9



Figure 8: Picton Sales Yard Road looking east<sup>10</sup>

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW



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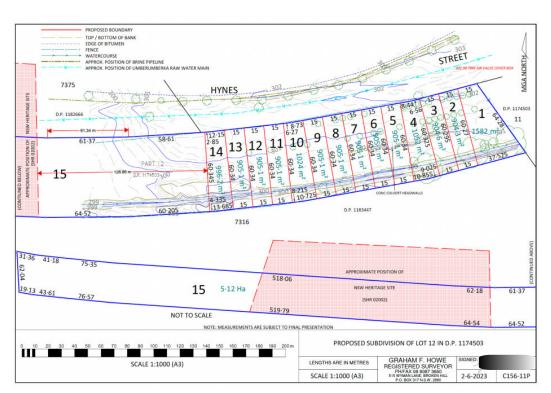


Figure 13: Site survey plan and proposed plan of subdivision<sup>12</sup>

#### 5.1.1 Fabric and spatial arrangement

No detrimental impacts are likely to the fabric or spatial arrangement due to the proposed extent of works being located 130m from the nearest heritage curtilage boundary. Notwithstanding, an induction of site workers of the heritage curtilage and onsite establishment of a no-go zone via orange safety barrier mesh or construction site fencing would assist further mitigating any potential for impact.

#### 5.1.2 Settings, views and vistas

No detrimental impact to settings, views or vistas are likely by the proposed development. The site contains gradual up hillslope of approximately 1% from the memorial site to the Broken Hill township as the location of the proposed subdivision. With land containing existing shrubland vegetation cover. There is existing residential development within the vicinity that is visible from the site on both the north and south side of Hynes Street / Picton Sales Yard Road. Existing visible residential development land located on the north side of Picton Sales Yard Road comprises residential development, site elevation and separation like that of the proposed subdivision site. While existing visible residential development land located by further distance and contains much higher elevation. There is also a recent subdivision approval located immediately adjacent to the memorial site on the north side in Picton Sales Yard Roat 265m from the memorial wagon and 130m beyond the eastern most heritage curtilage boundary. This 130m is wholly located within the C4 Environmental Living

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

zoned part of the site and proposed future lot 15 and no development is proposed on this lot as part of the proposed development.

It is considered there is sufficient buffer from the memorial site and heritage curtilage to avoid any impacts to settings, views and vistas. With the proposed development also in keeping with the existing residential development pattern of the locality as demonstrated by the following images.



Figure 30: Picton Sales Yard Road looking east at SHR 02002 memorial wagon



Figure 31: Picton Sales Yard Road looking east at SHR 02002 memorial wagon



Figure 32: Picton Sales Yard Road looking south east at SHR 02002 memorial wagon



Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

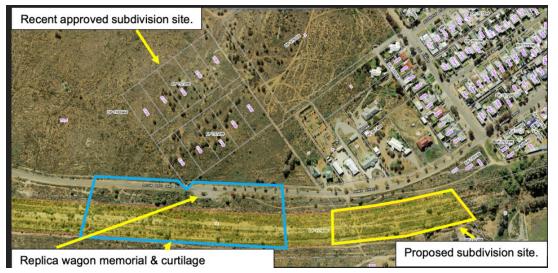


Figure 33: Picton Sales Yard Road looking south east at SHR 02002 memorial wagon

Figure 34: Aerial image of recent approved residential subdivision on north side of Picton Sales Yard Road adjacent SHR 02002 memorial wagon site

1915 Picnic Train Attack & White Rocks Reserve" at Hynes Street & Schlapp Streets, Broken Hill Listing Boundary Endorsed

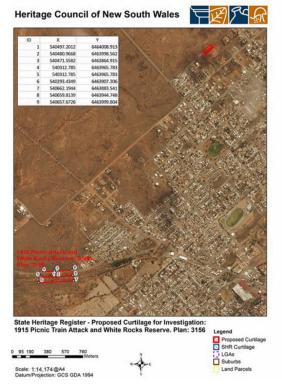


Figure 35: Aerial image development pattern at time of heritage listing of SHR 02002 1915 Picnic Train Attack site

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

#### 5.1.3 Landscape

No detrimental impact to landscape is likely by the proposed development. Future residential lots, proposed lots one to fourteen can be assumed to be landscaped with grass and tree species suitable for residential lots within the locality. Vegetation on proposed lot fifteen will remain unchanged.

#### 5.1.4 Use

No detrimental impact to use is likely by the proposed development. The proposed residential use is majority confined to the R1 General Residential zoned portion of the site and well outside of the heritage curtilage. The wagon memorial is still fully accessible by the public as it located within publicly owned land. It is noted the heritage curtilage encompasses privately owned land which is fenced off from public access. Notwithstanding the proposed development does not impact the heritage curtilage.

#### 5.1.5 Demolition

Not applicable. No demolition of any heritage item or part of a heritage item Is proposed.

#### 5.1.6 Curtilage

Not applicable. No impact to heritage curtilage is proposed.

#### 5.1.7 Moveable heritage

Not applicable. No impact to moveable heritage is proposed.

#### 5.1.8 Aboriginal cultural heritage

Not applicable. The site does not contain any known Aboriginal Place or Object as outlined in the following Aboriginal Heritage Management System (AHIMs) search result.

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

#### DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET, BROKEN HILL

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Your Ref/PO Number : 1 Hynes St

Client Service ID : 918637 Date: 09 August 2024



AHIMS Web Services (AWS)

Regional Plan 7 Pindari Parade Port Macquarie New South Wales 2444 Attention: Brendan Williams Email: brendan@regionalplan.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 12. DP:DP1174503, Section : - with a Buffer of 200 meters, conducted by Brendan Williams on 09 August 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



errer er		
	0 Aboriginal sites are recorded in or near the above location.	
	0 Aboriginal places have been declared in or near the above location. *	

Figure 36: AHIMS search result for Lot 1 DP 1174503, 1 Hynes Street Broken Hill

#### 5.1.9 Historical archaeology

No detrimental impact to historical archaeology is likely by the proposed development. As outlined in the heritage register listing,

• Physical Condition and/or Archaeological Potential

'The memorial is the only reminder of the event; there are no other known traces or archaeological evidence that a battle took place in this location. The railway line has long since been removed but the footprint of where the line was located is clear. A fence line across from the memorial shows one of the ways the unused railway line was salvaged. The ore wagon memorial on site displays an interpretation sign with two photos and information of the fateful day. The wooden section wagon has suffered from years of exposure to the weather, however the rest of the

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

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memorial	is	in	good	condition'.

Modifications & Dates

'The area around the site has changed considerably since January 1915. The railway line is no longer in-situ although the railway line embankment is still visible. Silverton Tramway Company ceased operations in 1970 due to the standard gauge (4ft 8.5in) line being opened in 1969 connecting NSW to SA. After the closure of the Silverton Tramway Company most of the narrow gauge railway line (3ft 6in) was removed and recycled for fencing posts and rails, this includes the section of line where the attack took place. A fence now blocks access to the line embankment and the trench where the two men hid is no longer visible due to vegetation. Part of the area is now a semi-rural neighbourhood with the road on the northern side of the site now sealed. (Roberts 1995)'.

#### 5.1.10 Natural heritage

Not applicable. The site does not contain any identified items of natural heritage significance.

#### 5.1.11 Cumulative impacts

Cumulative impacts of the proposed development and future residential development are considered negligible. The proposed development avoids the heritage item, its curtilage and contains sufficient buffer from the heritage curtilage while also proposing development that is similar with the existing residential development pattern within the locality, pre-dating the sites heritage listing. Any future development on the residual lot, proposed lot fifteen, will be subject to the provision of a future SOHI. Any heritage requirements for future residential development on proposed lots one to fourteen may be conditioned on future development consents and/or applied to the lots via a section 88B instrument as part of the subdivision approval and associated conditions, if deemed necessary by the consent authority. However, none are suggested. Any future development on any of the lots will be subject to addressing the relevant heritage controls applicable at the time of the future application for development consent.

#### 5.1.12 The conservation management plan

Not applicable. A Heritage conservation management plan for the site could not be located.

#### 5.1.13 Other heritage items in the vicinity

Not applicable. The proposed development is not likely to result in adverse impacts to other heritage items in the vicinity of the site.

#### 5.1.14 Commonwealth/National heritage significance

The City of Broken Hill was listed the National Heritage list in January 2015 as identified in the following image.

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Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

The National Heritage listing of Broken Hill exists due to the natural resources found during early settlement of Australia and the associated mining history of the town. The site is not located within the mining district of Broken Hill or subject to a mining lease. Notwithstanding there is a restriction on title regarding land and mineral ownership below 15m surface level. The proposed development is not likely to adversely impact upon any matter relevant to the Town's national heritage listing.

The summary statement of significance as copied directly from the National Heritage list maintained by the Australian Government Department of Climate Change, Energy, and the Environment and Water, states:

The City of Broken Hill has outstanding significance to the nation for its role in creating enormous wealth, for its long, enduring and continuing mining operations, and the community's deep and shared connection with Broken Hill as the isolated city in the desert, its outback landscape, the planned design and landscaping of the town, the regeneration areas and particularly the physical reminders of its mining origins such as the Line of Lode, the barren mullock heaps, tailings, skimps and slagheap escarpment and relict structures. It exhibits historic qualities in its ongoing mining operations since 1883, the current and relict mining infrastructure and its landscape setting. It is significant for its industrial past and the adoption of vanguard industrial relations and management policies, together with its role as a pioneer in setting occupational health and safety standards.

It demonstrates the principal characteristics of a mining town in a remote location with extensive transport infrastructure and administrative connections to three state capitals and as a rare example of a place subject to Australia's complex Federal system where differing administrative, social and economic influences are expressed in both tangible and intangible forms. It has social significance for its residents as a place of community pride, endurance, and as a remote mining community resilient to major social and economic change. Broken Hill has strong social significance for all Australians as a place where great wealth was created, as well as strong group associations with the Barrier Industrial Council. It exhibits outstanding aesthetic characteristics as a city in an arid desert setting, as the subject of interest for Australian artists, poets, film makers, TV producers and photographers.

It has significance as a place where outstanding technical achievement has occurred in refining ore for its minerals including the froth flotation process and the computer controlled on-stream analysis of slurries. Broken Hill is also important as a place of research potential to reveal further information on mineral deposits with its range of complex minerals, It is associated with persons of great importance to Australia's history, including Albert Morris (arid land regeneration), Charles Rasp (discoverer), Herbert Hoover (mining engineer), WL Baillieu, WS Robinson and MAE Mawby (industrialists), GD Delprat (metallurgist), Percy Brookfield and Eugene O'Neill (unionists). Broken Hill's association with the Barrier Industrial Council as a group is also important.

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

The Broken Hill zinc-lead-silver ore deposit is one of the world's largest ore bodies and contains an extraordinary array of minerals. It is geologically complex and has national scientific significance. The Broken Hill operation is significant for its immense size and unrecorded mineral species continue to be found. It contributes to an understanding of the formation of the Australian continent and more than 2,300 million years of the earth's history.

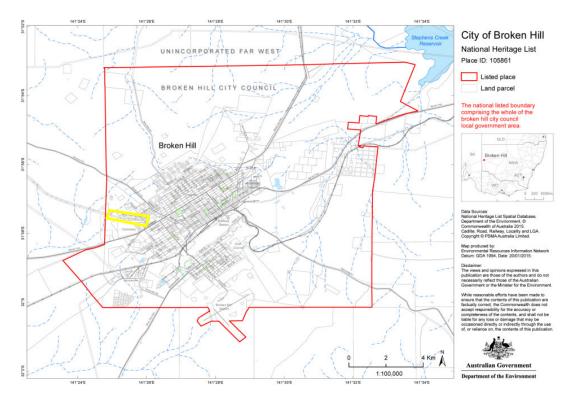


Figure 37: City of Broken Hill National Heritage listing boundary map

#### 5.1.15 World Heritage significance

Not applicable. The site is not identified as being of World Heritage Significance.

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

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#### Heritage Council Subdivision Policy 6

The following table outlines how the proposed development has considered and complies with the requirements of the Heritage Council Subdivision Policy as applicable at the time of the application.

A detailed site survey and plan of proposed subdivision has been prepared by a registered surveyor which identifies the characteristics and topography of the site including the nominated curtilage of the 1915 Picnic Train Attack site with respect to the proposed subdivision and is appended to this SOHI.

Category	Consideration	Complies (Y/N) / Response
Heritage	1 retains the significance of the item	Yes.
significance	including the ability to demonstrate the	All works are well outside of the heritage
	historic use of the item and to continue	curtilage and the proposed works will not
	any significant cultural practices and	impact the heritage item.
	uses of the item	
	2 maintains any relationships between	Yes.
	key elements which are significant to	The proposed works will not alter the
	the heritage item, including any	existing boundaries fence line, fabric or the
	historically significant boundaries,	like within proximity to the heritage item or
	fence lines or plantings, built fabric,	within the heritage curtilage.
	landscape design; natural features and	
	archaeological remains	
	3 retains any buffer areas which protect	Yes.
	the item from visually unsympathetic	All existing buffer areas shall be retained.
	development, pollution, vibration or	
	vandalism	
Setting and	4 retains key views that are significant	Yes.
Views	to the heritage item including	All works are located on private property
	<ul> <li>from public viewing points and</li> </ul>	and will not impact public viewing or
	• from the heritage item to	accessing the heritage item or memorial
	outside elements where there	site as currently accessible by the public.
	is an important visual, historical	
	or functional link	
	5 recognises the original orientation,	Yes.
	setbacks, traditional access points and	The proposed development is
	historic subdivision pattern	commensurate with the surrounding
		residential development pattern within the
		vicinity of the site.

Table 5: Assessment of the proposed development against Heritage Council subdivision policy

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

#### Attachment 4 Statement of Heritage Impact

#### DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET, BROKEN HILL

Regional Plan www.regionalplan.com.au

Curtilore	6 koope eignificent essesisted elements	Vaa
Curtilage	6 keeps significant associated elements	Yes.
	on one title with the heritage item	The proposed works will enable the
		heritage curtilage to be located wholly
		within a single future allotment. The
		allotment will be separate from the lots
		proposed for future residential
		development thereby reducing potential for
		impact within the heritage curtilage by
		future residential use of the site.
	7 retains the ability to interpret the	Yes.
	historical use, design, layout and	The proposed development will not alter
	significant cultural practices associated	the physical characteristics of the site as
	with the item	they currently exist and were present at the
		time of the heritage listing of the site.
Conservation	8 promotes conservation and continued	Yes.
	use of the heritage item, for example,	As identified throughout this SOHI the
	demonstrating that funds generated	proposed development does not impact
	from the subdivision or future	the heritage item or heritage curtilage such
	development will be applied to the	that the heritage item is conserved for the
	conservation of the heritage item	future.
	9 does not limit future capacity to	Yes.
	generate funds for ongoing	Development is limited to privately owned
	conservation management	land located outside of the heritage
		curtilage. All publicly accessible areas are
		retained and the is not likely to be any
		impact to future capacity to generate funds
		for conservation of the heritage item.
	<b>10</b> supports continued public access	Yes.
	where applicable	All publicly accessible areas will remain
		accessible post development.
	11 is consistent with any existing	Yes
	Conservation Management Plan or	While there is not any specific conservation
	Conservation Management Strategy	management plan associated with the
	endorsed by the Heritage Council for	item. The proposed development has been
	the item (S62(c1).	designed with consideration to applicable
		guidelines and the requirements of the
		consent authority.

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

#### DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET, BROKEN HILL

Regional Plan www.regionalplan.com.au

The proposed works do not form exempt
development as permitted by the
exemptions outlined in various
environmental planning instruments and
relevant guidelines.

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

### 7 Conclusion and recommendations

#### 7.1 Conclusion

The proposed subdivision of the property containing the 1915 Picnic Train Attack heritage curtilage intends to separate the Curtilage from the land intended for future residential development, by some 130m from the nearest heritage curtilage and 260m from the memorial picnic train wagon heritage item located within the Hynes Street/Picton Sales Yard Road corrodor.

The proposed subdivision will result in fifteen allotments. Fourteen allotments proposed for future residential development located in the R1 General Residential zoned portion of the site. And one residual allotment on the C4 Environmental Living zoned portion of the site that will contain the whole of the heritage curtilage and is not anticipated for future residential development.

The purpose of this subdivision is to enable the excise and development and / or sale of the current unused land that is zoned for residential purposes. While preserving the heritage item. The subdivision proposes no impact to the heritage item or its curtilage. Future development on any of the land subject to this application would be subject to future applications for development consent at which time further assessment of heritage impact would be undertaken subject the development proposed at that time.

The proposed subdivision and subsequent residential development are considered to have no substantive adverse impact to the heritage significance of the 1915 Picnic Train Attack site.

#### 7.2 Recommendations

Based upon the analysis and conclusions of this SOHI, the following recommendations are suggested and should be considered:

- This report should be provided to the NSW Heritage Council as part of any development application for subdivision of the land.
- Subject to the issue of a development consent for the proposed development, and until the boundary of proposed lots fourteen and fifteen is physically implemented separating the heritage curtilage portion of the site from the future intended residential development portion of the site, a construction environmental management plan (CEMP) should be prepared for the proposed development which includes but is not limited to the following:
  - Induction which includes identifying the heritage significance of the site and location of the heritage item and curtilage,
  - Installation of a physical barrier on the site comprising orange safety barrier mesh or similar to separate the subdivision site form the residual site. Said barrier should be located no further than 20m west of the proposed western boundary of proposed lot fourteen, adjoining proposed future lot fifteen,

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

- The co-ordinates of the heritage curtilage as listed I the Heritage Council NSW meeting minutes 6 September 2017 should be listed in the CEMP and marked out on site and or induction forms to ensure no works occurs within the area,
- An unexpected finds protocol should be implemented for the works which outlines the procedure to be undertaken should an item of potential archaeological or other heritage be identified during the proposed works, and
- Future development on any of the sites should be subject to further heritage assessment as applicable to any future application for development consent.

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

#### 9 Appendices

- 9.1 Plan or proposed subdivision
- 9.2 Preliminary site in investigation report
- 9.3 DP 241856
- 9.4 NSW Government Gazette 2018
- 9.5 Australian National Heritage List
- 9.6 Preliminary consultation
- 9.7 Silverton Tramway Act 1886
- 9.8 Silverton Tramway Vesting Act 1972
- 9.9 Heritage Council Minutes 06 September 2017\_1915 Picnic Train Attack and White Rocks Reserve
- 9.10 Crown Land Map Parish Picton County Yancowina 5th edition BHLEP 1996
- 9.11 DP1130411
- 9.12 DP 1174503

Statement of Heritage Impact (SoHI) – Torrens title subdivision Lot 12 DP 1174503, 1 Hynes Street Broken Hill NSW

DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET, BROKEN HILL

# PRELIMINARY SITE INVESTIGATION

PROPOSED DEVELOPMENT 1 HYNES STREET, BROKEN HILL, NSW

### January 30<sup>th</sup> - **2023**

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Metaline Engineering Group Pty Ltd. www.metaline-engineering.com Authored by: Anthony Misagh

MEG

### This report has been requested by:

Name: Mr Douglas Henderson Contact: <u>bhillaircon@gmail.com</u> | 0410 267 326

#### Dear Douglas,

Thank you for using Metaline Engineering Group Pty Ltd for providing the following scope of works for you:

- Site Classification and Report
- Preliminary Site Contamination Investigation (PSI)

Below I have attached a copy of the report, should you require further assistance or need clarification on anything that is contained within the report then please do not hesitate to contact me directly.

The attached report includes the following:

- Part 1 Introduction,
- Part 2 Site Description,
- Part 3 Site Contamination Assessment,
- Part 4 Site Classification,
- Part 5 Conclusion,
- Part 6 Recommendations,
- Limitations Statement.

#### Attachments:

- Appendix A: Aerial Photography/Map
- Appendix B: Laboratory Results
  - Soil sampling Borehole logs,
  - o MEG chain-of-custody (COC) sheets,
  - Soil Contamination Lab Results.
- Appendix C: Site Classification Report
- Appendix D: Proposed Development Plans TBC
- Appendix E: Dial Before You Dig Search findings
- Appendix F: Site walkover photos

#### **Yours Sincerely**

Metaline Engineering Group Pty Ltd

Anthony Misagh



### Part 1: Introduction

This report documents a Preliminary Site Investigation (PSI) for potentially contaminating activities, or contaminated soils together with a geotechnical study to support design requirements as per AS2870-2011 Residential Slabs and Footings. This report is to support a development application (DA) to Broken Hill City Council for proposed future subdivisions for the development of two residential buildings, located at 1 Hynes Street, Broken Hill, NSW, 2880.

The investigation area for this PSI comprises only part of the site, as shown in Appendix A.

PROJECT DETAILS

Client Name:	Douglas Henderson
Subject Property:	1 Hynes Street Broken Hill, NSW, 2880

#### **INSPECTION & REPORT DETAILS**

Inspection Date: Wednesday 2<sup>nd</sup> December 2022 Inspection Time: 10 am Stage of Works: Preliminary Studies Date of this Report: 30<sup>th</sup> January 2023

#### **INSPECTION NOTES**

At the time of this inspection, we note the following:

- Site is clear of any buildings, or other obstructions.
- The day was windy, warm and sunny.
- Access to site was uninterrupted.

#### **REPORT PURPOSE**

MEG was commissioned by Mr. Douglas Henderson, to carry out the following scope of works:

- Preliminary Site Contamination Investigation (PSI):
- Review of available past development consents for the site.
- Review of historical aerial photographs of the site to assess past site use patterns.
- Review of other government databases relating to potentially contaminating land uses.
- Perform Soil Contamination testing for Zinc, Lead, Cadmium, Arsenic and Asbestos.
- Preparation of a PSI report in accordance with ASC NEPM (2013), NSW EPA (2020) and Council guidelines.
- Preliminary Geotechnical Investigation and Site Classification
- $\circ$   $\,$  Dial before you dig (DBYD) search to assess if service locating is required.

- Site investigation to include 3 4 boreholes. Boreholes are to be completed via drilling machine with boreholes taken to 1.5 2.0m below ground level or prior refusal. Boreholes shall be supplemented with penetration testing using a Dynamic Cone Penetrometer (DCP) at each location to similar depths (or prior refusal on rock).
- Report has been prepared in accordance with relevant national guidelines and provide preliminary advice in relation to depth to bedrock; general geotechnical recommendations; and preliminary site classification (AS 2870).

#### **References:**

- NEPC (1999, amended 2013) National Environmental Protection (Assessment of Site Contamination) Measure. Referred to as ASC NEPM (2013).
- NSW EPA (2017) 3rd Ed. Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme.
- NSW EPA (2020) Contaminated Land Guidelines: Consultants Reporting on Contaminated Land.
- AS2870 Residential slabs and footings

#### Proposed Development and Objective:

The proposed site development involves the construction of two residential homes as per approximate location, site A and Site B with associated outdoor areas.

#### Proposed development plans are provided in Attachment D.

The Objective of the Investigation include:

- o Identification of historic and current potentially contaminating site activities.
- Identification and evaluation of areas of environmental concern and associated contaminants of potential concern within the investigation area.
- Provision of comment on the suitability of the investigation area for the future use, and where required, provide recommendations for additional investigations.
- Provide a soil contamination study on the existence of metals such as Lead, Arsenic, Zinc and Cadmium. Other hazardous materials such Asbestos will also be investigated.
- Provide Site Classification for consideration in footing/slab design.

#### Project Scope:

The scope of works include:

- Walkover inspection to review current land use, potential contaminating activities and neighboring land use.
- Review of site history using aerial photographs and available historic records.
- Review of NSW EPA notices under the Contaminated Land Management Act (1997).
- Preparation of a report in general accordance with the relevant sections of NSW OEH (2011) and ASC NEPM (2013) and EPA (2017).

### Part 2: Site Description

#### Site Details:

Site information has been summarized in Table 1 below, and site location, aerial photography and general surrounds shown in Appendix A.

Table 1: Site Background Information
--------------------------------------

ITEM	DESCRIPTION
Site address	1 Hynes Street, Broken Hill, NSW, 2880
	o Lot: 12
	o Section: –
Legal Identifier	o Plan No.: DP1174503
Surveyed area (Approximate only)	Approximately 65,000m <sup>2</sup>
Local Government Area	Broken Hill City Council
Current Zoning and Land Use	Zone R1
Proposed Land Use	General Residential – Currently Vacant
	The vacant allotment is approx. 6.48 Ha in size or 16 acres in metric
	equivalent. The zoning is E4 Environmental living. The property
	subject to a DA application has an assortment of approved usages,
	subdivision potential and the likes. Power and water are not
Site Description	connected. TBC by BHCC
	Low-density residential dwellings in all directions, with mining
	activity 3-4km to the East, fuel stations 2km to the East and local
Surrounding Land Uses	cemetery in the neighbouring block.
	The site is relatively flat. A sudden increase of elevation
	(approximately 1m) to the back of the block is present due to a
	possible formed river.
	The local railway, decommissioned 1970, has a footprint of where
	the railway used to be on the block. With the rail and all jewellery
Topography	removed, some ballast and mounds of the old rail only remains.
Expected Geology	Sandy/Rocky substrate.
Surface Hydrology	No natural underground water systems.

#### Hydrogeology:

Review of WaterNSW Real-time Water Database indicated no groundwater bores within 1km of the site. Temporary or stagnant groundwater may be encountered within the soil profile at times of and following heavy or extended rainfall. No springs were listed within 1km of the site in the NSW Government Hydrography Spatial Data (SEED, 2019).

From the Site Classification/Geotechnical Investigation, underlying substrate is rock, and therefore it is highly unlikely for significant ground water activity. Should further information on permanent site groundwater conditions be required, an additional assessment would need to be carried out (i.e. installation of groundwater monitoring bores / ongoing groundwater monitoring).

### Part 3: Site Contamination Assessment

#### **Council Historical Site Records:**

An online review of the available records on the Broken Hill City Council website was undertaken on 5<sup>th</sup> January 2023 and there were no records of concern with regards to contamination on site. No Historical information was also found regarding activities relating to development.

#### NSW EPA Records:

No sites within 500m of the inspection area were identified on the list of NSW contaminated sites notified to the EPA as required by the Contaminated Land Management Act (1997) and the Environmentally Hazardous Chemicals Act (1985).

No sites within 500 m of the inspection area were listed on the EPA public register required under section 308 of the Protection of the Environment Operations Act 1997 (the POEO Act), which lists licenses, notices penalty notices and convictions.

#### **External Potentially Contaminating Activities:**

Although no neighboring service stations, mechanics, mining or drycleaners are in operation within 500 m of the inspection area, the following operations are active within 2-5km of the inspection area.

ITEM	TYPE OF ACTIVITY	APPROXIMATE DISTANCE TO SITE BOUNDARY	DIRECTION FROM	ADDRESS	GRADIENT FROM SITE
1	Woolworth Mechanic/Fuel Station	2000m	East	5 Galena Street, Broken Hill	Undulating/down gradient
2	Shell Fuel Station	2500m	East	164 Williams Street, Broken Hill	Undulating/down gradient
3	CBH Resources Broken Hill Operation – RASP Mine - Broken Hill	3000-5000m	East	-	Undulating/down gradient

Table 2: Potentially Contaminating activities

Due to distance and hydraulic gradient from the site, items 1 and 2 above is not expected to have an impact on the site. However, dust particle movement through the air, and Broken Hill's Dust storm climate and events pose a risk for dust particles to move over Kms, this in particular has an impact on the site.

Although lead in Broken Hill's air and soil is common, it is mostly derived from historical and current mining operations. Studies such as those published in the journal Atmospheric Environment has confirmed that some of that lead is emitted as dust every day by the city's mines. The Broken Hill

Environmental Lead Program is funded by the EPA to raise awareness and carry out remediation works, which actively test and promote lead safe living in the city.

#### Site walkover and findings:

Potential exists for contaminating activities to have been undertaken on site which may impact on the suitability for the proposed land-use which include dumping of waste and mining activities. The historic mining activities have most likely resulted in contaminants such as heavy metals, which are common in broken hill and include Lead, Zinc, Cadmium and Arsenic. See soil sampling procedures below for result summary. Placement of imported fill, illegal dumping and construction waste may have also resulted in contamination, more concerningly asbestos, batteries and plastics would be typical in the Broken Hill region. However, dumping of waste was minimal during the time of the investigation. See soil sampling procedures below.

No historical aerial photographs were found of the site in order to review and investigate historic site activity and surrounding land use. Aerials found indicated that the land was used for potential residential purposes, plantation of pistachio trees and recreational purposes.

Observations of the site and surrounding areas, with respect to the potential for contamination, are summarized below with photographs provided in Appendix F.

Photo 1: Contaminants found Site A:



Photo 2: Contaminants found Site B:



Observations during the site walkover inspection 5<sup>th</sup> December 2022 is as follows:

The site layout appears to have remained relatively unchanged, confirmation with some of the neighbors (via door knocking), confirmed that the site has been left unmaintained and abandoned. The general site topography was consistent except for the rear of the block were an a drop of approximately 1m difference in elevation at the rear of the property.

- The block/s is bound by residential properties in all other directions. There are two other vacant similar sized blocks within 100m of the site. The rear of the block is the local cemetery.
- Multiple fragments of concrete were found, ranging from 20mm to 300mm. These fragments were scattered mostly on the Easter side of the block.
- A computer was found broken and dismantled.
- Construction waste, namely concrete

#### Soil Sampling Procedures:

All sampling data was recorded on borehole logs, see Appendix B, and samples selected for laboratory analysis were recorded on chain-of-custody (COC) sheets, see Appendix B. The general soil sampling procedure comprised:

- Soil samples were recovered directly from augers.
- Some samples specifically form waste dump areas were taken also.
- Use of disposable sampling equipment including disposal nitrile gloves.
- Transfer of samples into laboratory-prepared ziplock bags, as per the lab's recommendations.
- Placement of sample containers and bags into a cooled, insulated, and sealed container for transport to the laboratory; and
- COC was always maintained and countersigned by the receiving laboratory on transfer of the samples.

Envirolab Services Pty Ltd (Envirolab), is accredited by NATA for the analysis undertaken, and was employed to conduct the sample analysis. The laboratory is required to carry out in-house QC procedures.

The analytical laboratory, Envirolab Services Pty Ltd (ELS), accredited by NATA, is required to conduct in-house QA/QC procedures. These are normally incorporated into every analytical run and include reagent blanks, spike recovery, surrogate recovery and duplicate samples. These results are included in the laboratory certificates in Appendix B.

	HIL A* –	HIL B* –	Lab Results - Highest recorded samples (see Appendix B for full Lab		
ITEM	Residential	Recreational	results) [mg/kg]		
Arsenic	100	500	11		
Cadmium	20	140	6.2		
Lead^	300	1200	950		
Zinc	8000	60000	2000		
	TRAIN LINE RESULTS				
Arsenic	100	500	78		
Cadmium	20	140	28		
Lead^	300	1200	6600		
Zinc	8000	60000	10000		

#### **Potential Contamination and levels – Metals**

 Table 3: Soil Assessment Criteria – Metals mg/kg

\* www.NEPC.gov.au

• HIL A – Standard residential with garden/accessible soil (home grown produce <10% fruit and vegetable intake,(no poultry), includes children's day care centres, preschools and primary schools.

• HIL B – Residential with minimal opportunities for soil access; includes dwellings with fully and permanently paved yard space such as high-rise buildings and flats.

 ^HIL for lead based on blood lead models (IEUBK for HILs A, B and C and adult lead model for HIL D where 50% oral bioavailability has been considered. Site-specific bioavailability may be important and should be considered where appropriate.

The above results indicate that the metals found in the train line hold above the maximum limits.

#### Potential Contamination and levels – Asbestos

Chrysotile Asbestos & Amosite Asbestos have been detected in the soil samples sent through with >7mm sizing found, totaling approximately 2.6g of actual Asbestos or 3.7g/kg of sample, see table 4 below. This maybe generally arising from:

- Inadequate removal and disposal practices during demolition of buildings containing asbestos products.
- Widespread dumping of asbestos products and asbestos containing fill on vacant land and development sites (illegal dumping); and
- Commonly occurring in historical fill containing unsorted demolition materials.
- Mining, manufacturing or distribution of asbestos products may result in sites being contaminated by friable asbestos including free fibers. Severe weathering or damage to bonded ACM may also result in the formation of friable asbestos comprising fibrous asbestos and/or asbestos fines.

	HIL A* –	HIL B* –	Lab Results - Highest recorded samples (see Appendix B for full Lab
ITEM	Residential	Recreational	results)
Asbestos	0.01%	0.04%	ACM - 0
			TRAIN LINE RESULTS
Asbestos	0.01%	0.04%	-

#### Table 4: Health Screening levels for asbestos contamination in soils

\* www.NEPC.gov.au

Asbestos only poses a risk to human health when asbestos fibers are made airborne and inhaled. If asbestos is bound in a matrix such as cement or resin, it is not readily made airborne except through substantial physical damage. Bonded ACM in sound condition represents a low human health risk, whilst both Fibrous Asbestos and Asbestos Fines materials have the potential to generate, or be associated with, free asbestos fibers. Consequently, Fibrous Asbestos and Asbestos Fines must be carefully managed to prevent the release of asbestos fibers into the air.

A detailed asbestos assessment was not undertaken as part of this investigation. The presence or

absence of asbestos as well as a visual assessment for the presence or absence of ACM at the test locations have been adopted for this assessment as an initial screen.

# Part 4: Site Classification

An investigation was conducted by Metaline Engineering Group on the 3<sup>rd</sup> of December 2022 to provide a site classification and identify parameters for the footing system design. Based on the results of the investigation the site has been classified as Class "M-D" - site in accordance with AS 2870-2011 Residential Slabs and Footings.

Two boreholes were completed per site to assess the subsurface conditions. The materials encountered during the field investigation are presented in Appendix C borehole logs and in general consist of granular sandy reddish soil with little to no clays. Soil moisture conditions are considered consistent with the seasonal variation of the area and time of testing.

Groundwater was not encountered during the investigation. A classification explanation sheet is attached in Appendix C, outlining the terms and symbols used in the preparation of the report.

# Part 5: Conclusion

The review of the site history indicated that the site appears to have remained relatively unchanged, confirmation with some of the neighbors (via door knocking), confirmed that the site has been left relatively untouched, however mostly utilized mostly for recreational purposes with pistachio tress planted. A quick check with Broken Hill City Council has also indicated that no significant activity has taken place. Potential contamination sources which have been identified during this PSI are summarized as:

- The site has attracted some illegal dumping for construction waste such as cement, concrete, old computer/s and some concrete blocks.
- Broken Hill is also home to one of the worlds largest lead-zinc-silver deposits, as a result, the
  effects of mining has taken a toll on high lead and levels, specifically for sites in close proximity
  to the mines. Lead toxicity in children has emerged as a major public health issue over the past
  decade. In 1991 the first comprehensive testing undertaken on children under five years of age
  revealed that more than 80 per cent had blood lead levels over the current guideline level of 10
  pg/dL. Current environmental exposure to lead appears to be related more to historical mining
  and mine management practice than current activities. Lead contamination of the broader
  community arises from sources including:
  - Naturally occurring surface ores;
  - $\circ$   $\;$  Past smelting and mine waste management practices;
  - Entrapment of dust in linings of domestic buildings and the re-entrainment over time of this dust back into the living spaces (Post construction)
  - $\circ$   $\;$  Open-cut mining activities (undertaken in the center of the city until the early 1990s);
  - $\circ$   $\;$  The handling and transportation of ore concentrates;

- Dust from tailings dams and the contamination of open spaces.
- $\circ$   $\;$  Off-site use of mining by-products for private use, such as landfill etc.

From the Laboratory results, the non-railway line sites indicate fairly common results for Broken Hill. With the relatively dense vegetation on site these levels of contaminants are considered to have minimal environmental impact as levels of dust are reduced. However, the railway line site does indicate high levels in lead and zinc, and it is reasonable to conclude that overall, the site is considered to generally have a high risk of contamination should the dirt be disturb.

To determine potential risk of harm to human health and environment under proposed development conditions, assessment of the identified area of environmental concern should be undertaken prior to any future development.

## Part 6: Recommendation

Based on the findings of this report together with laboratory results, levels of potential contaminants of concern were above the health investigation and health screening levels for soil samples collected across the railway site, namely Lead and Zinc.

Levels of Lead and Zinc exceeded the adopted health investigation levels for soil contaminants samples collected from the railway site.

Excavation of the contaminated fill material would be required for offsite disposal. This option removes the contaminated materials through bulk excavation into trucks that then transfer the contaminated materials to a waste facility with appropriate licenses to receive the waste. This approach has the advantage of removing the contaminated soils from the site and potentially reducing development restrictions associated with contaminated soils. It also has the advantage of being relatively fast with minimal impact on the neighboring properties. The main disadvantage of excavation and disposal is the expense associated with offsite disposal to an appropriately licensed landfill.

Therefore, as part of the remediation program, it is the recommendation of this report that the site shall be stabilized with a 50 mm cover of clean material. New vegetation such as grass, small to medium sized trees and other native vegetation are a good capping source to stabilize the soil. Further capping of the site is also possible by the introduction of a concrete slab in the form of driveways, paths and the footing system of the house.

However, disturbing the railway line is not recommended due to the high levels of Lead and Zinc. An appropriate landscaping plan should be prearranged, in which all dirt areas, as a minimum should be sealed and covered with grass. No veggie gardens or fruit trees are to be established into the ground. It is also a recommendation to maintain year-round cover of lawn or mulch to minimize dust generation, this should be considered across the site.

Other matters to consider, establishment of a periodic cleaning program must be in place that include the provision regular dusting, washing of AC filters, cleaning and pressure washing of paved areas. Other measures such as proper door and window seals must be incorporated into the designs.

An Unexpected Finds Protocol is recommended to be implemented during site development works to manage possible identification of potential hazards during development.

It is the conclusion of MEG that the implementation of the above recommendation will achieve the objectives of the project and render the site suitable for the intended development.

<sup>1.</sup> <u>https://www.scu.edu.au/media/scueduau/eal/documents/NEPM-guideline-on-investigation-levels-for-soils-and-groundwater046a.pdf</u>

#### LIMITATIONS - TERMS & CONDITIONS FOR THE PROVISION OF THIS REPORT

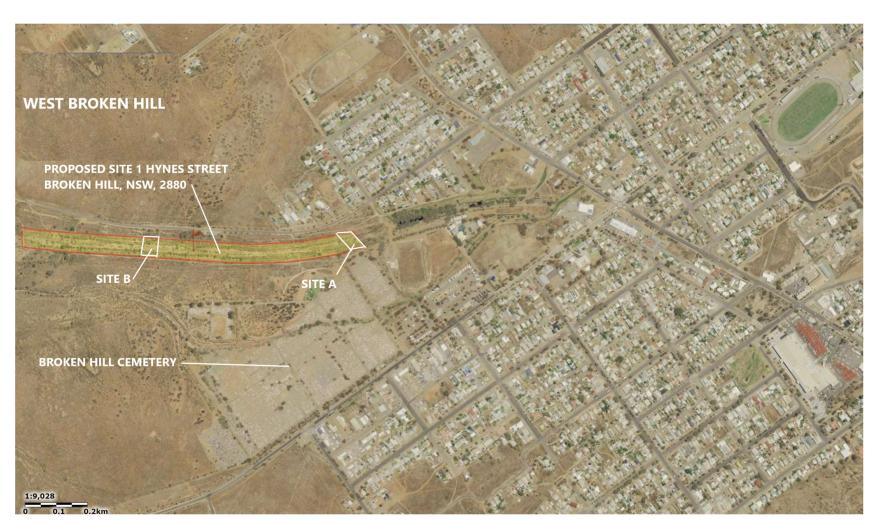
- 1. Metaline Engineering Group (MEG) has prepared this report (or services) for this project at 331 Cummins Street Broken Hill, NSW, 2880, in accordance with MEG's proposal dated 5 December 2022 and acceptance received from Douglas Henderson.
- 2. The work was carried out under an agreed contract between MEG and Douglas Henderson. This report is provided for the exclusive use of the client for this project only and for the purposes as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as
- 3. stated above, and without the express written consent of MEG, does so entirely at its own risk and without recourse to MEG for any loss or damage. In preparing this report MEG has necessarily relied upon information provided by the client and/or their agents.
- 4. The results provided in the report are indicative of the sub-surface conditions on the site only at the specific sampling and/or testing locations, and then only to the depths investigated and at the time the work was carried out. Sub-surface conditions can change abruptly due to variable geological processes and also as a result of human influences. Such changes may occur after MEG's field testing has been completed.
- 5. MEG's advice is based upon the conditions encountered during this investigation. The accuracy of the advice provided by MEG in this report may be affected by undetected variations in ground conditions across the site between and beyond the sampling and/or testing locations. The advice may also be limited by budget constraints imposed by others or by site accessibility.
- 6. This report must be read in conjunction with all of the attached and should be kept in its entirety without separation of individual pages or sections. MEG cannot be held responsible for interpretations or conclusions made by others unless they are supported by an expressed statement, interpretation, outcome or conclusion stated in this report.
- 7. This report, or sections from this report, should not be used as part of a specification for a project, without review and agreement by MEG. This is because this report has been written as advice and opinion rather than instructions for construction.
- 8. Asbestos has been detected by laboratory analysis, either on the surface of the site, or in filling materials at the test locations sampled and analysed. Building demolition materials, such as plastic fragments were, however, located in previous below-ground filling and these are considered as indicative of the possible presence of hazardous building materials (HBM), including asbestos.
- 9. Although the sampling plan adopted for this investigation is considered appropriate to achieve the stated project objectives, there are necessarily parts of the site that have not been sampled and analysed. This is either due to undetected variations in ground conditions or to budget constraints, or to parts of the site being inaccessible and not available for inspection/sampling

(due to buildings present onsite), or to vegetation preventing visual inspection and reasonable access (in garden beds).

- 10. It is therefore considered possible that HBM, including asbestos, may be present in unobserved or untested parts of the site, between and beyond sampling locations, and hence no warranty can be given that asbestos is not present.
- 11. The contents of this report do not constitute formal design components such as are required, by the Health and Safety Legislation and Regulations, to be included in a Safety Report specifying the hazards likely to be encountered during construction and the controls required to mitigate risk. This design process requires risk assessment to be undertaken, with such assessment being dependent upon factors relating to likelihood of occurrence and consequences of damage to property and to life.
- 12. This, in turn, requires project data and analysis presently beyond the knowledge and project role respectively of MEG. MEG may be able, however, to assist the client in carrying out a risk assessment of potential hazards contained in the Comments section of this report, as an extension to the current scope of works, if so requested, and provided that suitable additional information is made available to MEG. Any such risk assessment would, however, be necessarily restricted to the (geotechnical /environmental) components set out in this report and to their application by the project designers to project design, construction, maintenance and demolition.
- 13. The Report is expressly produced for the sole use of the Client. Legal liability is limited to the Client.
- 14. Advice from the inspector has only been around meeting the principal engineers' specifications.
- 15. Any dimensions given are approximate only. Should any dimensions be considered critical or important, they should be accurately measured.
- 16. This report, its layout and contents are the copyright of Metaline Engineering Group. Any person, party or entity, other than the party named as the client on this report hereof that uses or relies upon this report without our expressed written permission is in breach of this copyright.
- 17. All advice given by the Inspector and not included in the Report is given in good faith. However, no responsibility is accepted for any losses, either direct or consequential, resulting from the advice.
- 18. The Report is confirmation of a visual inspection of the site/inspection area carried out by the Inspector on the day of the inspection and only covers those items that could reasonably be detected by such visual inspection at the time of such inspection.
- 19. If the Report fails to conform in any material respect to the terms and conditions set out herein, then the Inspector is not liable unless the Client notifies the Inspector of the failure within 28 days after the date of delivery of the Report, and the liability of the Inspector is, in any case, limited to the cost of providing this inspection, and the Inspector is not liable for any consequential damage.

# Appendix A

Aerial Photography



Maps.six.nsw.gov.au

Site A





**Broken Hill City Council** 



<u>Site B</u>



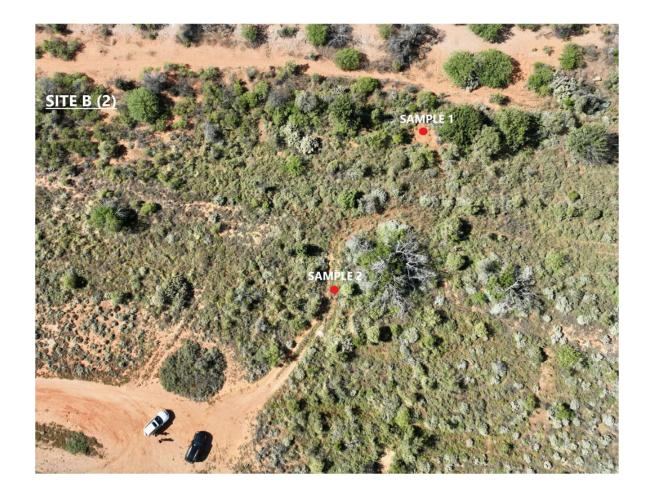




# Appendix B

Laboratory Results







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•	Site1 sample 1	150	2/12/2022		As	Zn	Cd	Pb										- · · ·				Loose soil		
2	Sitë1 sample 2	150	2/12/2022		As	Zn	Cd	Pb			1											Loose soil		
2	Site2 sample 1	150	2/12/2022		As	Zn	Cd	Pb														Loose soil		
4	Site2 sample 2	150	2/12/2022				1	P	lease	check	for As	bestos	- 1009	se soil	(NEP/	/l or V	VAD	H)	Er			videsoose soil		
3	Train Line sample	150	2/12/2022		As	Zn	Cd	Pb		Τ						6	NVIR	6rès	ALA	13	isine activ	Please inclu	de this in a separat	ie repo
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Issue date: 21 April 2021

Page 1 of 1

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**Broken Hill City Council** 



Envirolab Services Pty Ltd ABN 37 112 535 645 12 Ashley St Chatswood NSW 2067 ph 02 9910 6200 fax 02 9910 6201 customerservice@envirolab.com.au www.envirolab.com.au

# **CERTIFICATE OF ANALYSIS 312365**

Client Details	
Client	Metaline Engineering Group T/L
Attention	Anthony Misagh
Address	331 Cummins St, Broken Hill, NSW, 2880

Sample Details	
Your Reference	Metaline Engineering - Douglas Hendereson
Number of Samples	5 Soil
Date samples received	06/12/2022
Date completed instructions received	06/12/2022

# **Analysis Details**

Please refer to the following pages for results, methodology summary and quality control data.

Samples were analysed as received from the client. Results relate specifically to the samples as received.

Results are reported on a dry weight basis for solids and on an as received basis for other matrices.

Please refer to the last page of this report for any comments relating to the results.

Date results requested by	13/12/2022				
Date of Issue	13/12/2022				
NATA Accreditation Number 2901. This document shall not be reproduced except in full.					
Accredited for compliance with ISO/IEC 17025 - Testing. Tests not covered by NATA are denoted with *					

## Asbestos Approved By

Analysed by Asbestos Approved Analyst: Stuart Chen Authorised by Asbestos Approved Signatory: Lucy Zhu <u>Results Approved By</u>

Giovanni Agosti, Group Technical Manager Greta Petzold, Assistant Operation Manager Lucy Zhu, Asbestos Supervisor

# Authorised By



Nancy Zhang, Laboratory Manager

Envirolab Reference: 312365 Revision No: R00



Page | 1 of 9

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Client Reference: Metaline Engineering - Douglas Hendereson

Acid Extractable metals in soil				
Our Reference		312365-1	312365-2	312365-3
Your Reference	UNITS	Site 1 Sample 1	Site 1 Sample 2	Site 2 Sample 1
Depth		150	150	150
Date Sampled		2/12/2022	2/12/2022	2/12/2022
Type of sample		Soil	Soil	Soil
Date prepared	-	07/12/2022	07/12/2022	07/12/2022
Date analysed	-	09/12/2022	09/12/2022	09/12/2022
Arsenic	mg/kg	11	6	4
Cadmium	mg/kg	6.2	5.2	4
Lead	mg/kg	950	610	240
Zinc	mg/kg	2,000	1,500	1,100

Envirolab Reference: 312365 Revision No: R00 Page | 2 of 9

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Client Reference: Metaline Engineering - Douglas Hendereson

Moisture				
Our Reference		312365-1	312365-2	312365-3
Your Reference	UNITS	Site 1 Sample 1	Site 1 Sample 2	Site 2 Sample 1
Depth		150	150	150
Date Sampled		2/12/2022	2/12/2022	2/12/2022
Type of sample		Soil	Soil	Soil
Date prepared	-	07/12/2022	07/12/2022	07/12/2022
Date analysed	-	08/12/2022	08/12/2022	08/12/2022
Moisture	%	14	8.3	2.7

Envirolab Reference: 312365 Revision No: R00 Page | 3 of 9

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Client Reference: Metaline Engineering - Douglas Hendereson

Asbestos ID - soils NEPM - ASB-001 Our Reference		312365-4
Your Reference	UNITS	Site 2 Sample 2
	UNITS	Site 2 Sample 2
Depth		150
Date Sampled		2/12/2022
Type of sample		Soil
Date analysed	-	08/12/2022
Sample mass tested	g	662.43
Sample Description	-	Brown fine- grained soil & rocks
Asbestos ID in soil (AS4964) >0.1g/kg	-	No asbestos detected at reporting limit of 0.1g/kg
		Organic fibres detected
Trace Analysis	-	No asbestos detected
Total Asbestos <sup>#1</sup>	g/kg	<0.1
Asbestos ID in soil <0.1g/kg*	-	No visible asbestos detected
ACM >7mm Estimation*	g	-
FA and AF Estimation*	g	-
ACM >7mm Estimation*	%(w/w)	<0.01
FA and AF Estimation*#2	%(w/w)	<0.001

Envirolab Reference: 312365 Revision No: R00 Page | 4 of 9

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# Client Reference: Metaline Engineering - Douglas Hendereson

Method ID	Methodology Summary
ASB-001	Asbestos ID - Qualitative identification of asbestos in bulk samples using Polarised Light Microscopy and Dispersion Staining Techniques including Synthetic Mineral Fibre and Organic Fibre as per Australian Standard 4964-2004.
ASB-001	Asbestos ID - Identification of asbestos in soil samples using Polarised Light Microscopy and Dispersion Staining Techniques. Minimum 500mL soil sample was analysed as recommended by "National Environment Protection (Assessment of site contamination) Measure, Schedule B1 and "The Guidelines from the Assessment, Remediation and Management of Asbestos- Contaminated Sites in Western Australia - May 2009" with a reporting limit of 0.1g/kg (0.01% w/w) as per Australian Standard AS4964-2004. Results reported denoted with * are outside our scope of NATA accreditation.
	<b>NOTE</b> #1 Total Asbestos g/kg was analysed and reported as per Australian Standard AS4964 (This is the sum of ACM >7mm, <7mm and FA/AF)
	<b>NOTE</b> <sup>#2</sup> The screening level of 0.001% w/w asbestos in soil for FA and AF only applies where the FA and AF are able to be quantified by gravimetric procedures. This screening level is not applicable to free fibres.
	Estimation = Estimated asbestos weight
	Results reported with "" is equivalent to no visible asbestos identified using Polarised Light microscopy and Dispersion Staining Techniques.
Inorg-008	Moisture content determined by heating at 105+/-5 °C for a minimum of 12 hours.
Metals-020	Determination of various metals by ICP-AES.

Envirolab Reference: 312365 Revision No: R00 Page | 5 of 9

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# Client Reference: Metaline Engineering - Douglas Hendereson

QUALITY CONTROL: Acid Extractable metals in soil						Dup	Spike Recovery %			
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-8	[NT]
Date prepared	-			07/12/2022	[NT]	[NT]		[NT]	07/12/2022	
Date analysed	-			09/12/2022	[NT]	[NT]		[NT]	09/12/2022	
Arsenic	mg/kg	4	Metals-020	<4	[NT]	[NT]		[NT]	101	
Cadmium	mg/kg	0.4	Metals-020	<0.4	[NT]	[NT]		[NT]	96	
Lead	mg/kg	1	Metals-020	<1	[NT]	[NT]		[NT]	100	
Zinc	mg/kg	1	Metals-020	<1	[NT]	[NT]		[NT]	100	

Envirolab Reference: 312365 Revision No: R00 Page | 6 of 9

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# DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1

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Client Reference: Metaline Engineering - Douglas Hendereson

<b>Result Definiti</b>	esult Definitions						
NT	Not tested						
NA	Test not required						
INS	Insufficient sample for this test						
PQL	Practical Quantitation Limit						
<	Less than						
>	Greater than						
RPD	Relative Percent Difference						
LCS	Laboratory Control Sample						
NS	Not specified						
NEPM	National Environmental Protection Measure						
NR	Not Reported						

Envirolab Reference: 312365 Revision No: R00 Page | 7 of 9

# Client Reference: Metaline Engineering - Douglas Hendereson

Quality Contro	Quality Control Definitions						
Blank	This is the component of the analytical signal which is not derived from the sample but from reagents, glassware etc, can be determined by processing solvents and reagents in exactly the same manner as for samples.						
Duplicate	This is the complete duplicate analysis of a sample from the process batch. If possible, the sample selected should be one where the analyte concentration is easily measurable.						
Matrix Spike	A portion of the sample is spiked with a known concentration of target analyte. The purpose of the matrix spike is to monitor the performance of the analytical method used and to determine whether matrix interferences exist.						
LCS (Laboratory Control Sample)	This comprises either a standard reference material or a control matrix (such as a blank sand or water) fortified with analytes representative of the analyte class. It is simply a check sample.						
Surrogate Spike	Surrogates are known additions to each sample, blank, matrix spike and LCS in a batch, of compounds which are similar to the analyte of interest, however are not expected to be found in real samples.						
0	Australian Drinking Water Guidelines recommend that Thermotolerant Coliform, Faecal Enterococci, & E.Coli levels are less than						

Australian Drinking Water Guidelines recommend that Thermotolerant Collform, Faecal Enterococci, & E.Coll levels are less than 1cfu/100mL. The recommended maximums are taken from "Australian Drinking Water Guidelines", published by NHMRC & ARMC 2011.

The recommended maximums for analytes in urine are taken from "2018 TLVs and BEIs", as published by ACGIH (where available). Limit provided for Nickel is a precautionary guideline as per Position Paper prepared by AIOH Exposure Standards Committee, 2016.

Guideline limits for Rinse Water Quality reported as per analytical requirements and specifications of AS 4187, Amdt 2 2019, Table 7.2

# Laboratory Acceptance Criteria

Duplicate sample and matrix spike recoveries may not be reported on smaller jobs, however, were analysed at a frequency to meet or exceed NEPM requirements. All samples are tested in batches of 20. The duplicate sample RPD and matrix spike recoveries for the batch were within the laboratory acceptance criteria.

Filters, swabs, wipes, tubes and badges will not have duplicate data as the whole sample is generally extracted during sample extraction.

Spikes for Physical and Aggregate Tests are not applicable.

For VOCs in water samples, three vials are required for duplicate or spike analysis.

Duplicates: >10xPQL - RPD acceptance criteria will vary depending on the analytes and the analytical techniques but is typically in the range 20%-50% – see ELN-P05 QA/QC tables for details; <10xPQL - RPD are higher as the results approach PQL and the estimated measurement uncertainty will statistically increase.

Matrix Spikes, LCS and Surrogate recoveries: Generally 70-130% for inorganics/metals (not SPOCAS); 60-140% for organics/SPOCAS (+/-50% surrogates) and 10-140% for labile SVOCs (including labile surrogates), ultra trace organics and speciated phenols is acceptable.

In circumstances where no duplicate and/or sample spike has been reported at 1 in 10 and/or 1 in 20 samples respectively, the sample volume submitted was insufficient in order to satisfy laboratory QA/QC protocols.

When samples are received where certain analytes are outside of recommended technical holding times (THTs), the analysis has proceeded. Where analytes are on the verge of breaching THTs, every effort will be made to analyse within the THT or as soon as practicable.

Where sampling dates are not provided, Envirolab are not in a position to comment on the validity of the analysis where recommended technical holding times may have been breached.

Where matrix spike recoveries fall below the lower limit of the acceptance criteria (e.g. for non-labile or standard Organics <60%), positive result(s) in the parent sample will subsequently have a higher than typical estimated uncertainty (MU estimates supplied on request) and in these circumstances the sample result is likely biased significantly low.

Measurement Uncertainty estimates are available for most tests upon request.

Analysis of aqueous samples typically involves the extraction/digestion and/or analysis of the liquid phase only (i.e. NOT any settled sediment phase but inclusive of suspended particles if present), unless stipulated on the Envirolab COC and/or by correspondence. Notable exceptions include certain Physical Tests (pH/EC/BOD/COD/Apparent Colour etc.), Solids testing, total recoverable metals and PFAS where solids are included by default.

Samples for Microbiological analysis (not Amoeba forms) received outside of the 2-8°C temperature range do not meet the ideal cooling conditions as stated in AS2031-2012.

Envirolab Reference: 312365 Revision No: R00 Page | 8 of 9

Client Reference: Metaline Engineering - Douglas Hendereson

# **Report Comments**

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Asbestos-ID in soil: NEPM

This report is consistent with the reporting recommendations in the National Environment Protection (Assessment of Site Contamination) Measure, Schedule B1, May 2013. This is reported outside our scope of NATA accreditation.

Envirolab Reference: 312365 Revision No: R00 Page | 9 of 9



Envirolab Services Pty Ltd ABN 37 112 535 645 12 Ashley St Chatswood NSW 2067 ph 02 9910 6200 fax 02 9910 6201 customerservice@envirolab.com.au www.envirolab.com.au

# **CERTIFICATE OF ANALYSIS 312365-A**

Client Details	
Client	Metaline Engineering Group T/L
Attention	Anthony Misagh
Address	331 Cummins St, Broken Hill, NSW, 2880

Sample Details	
Your Reference	Metaline Engineering - Douglas Hendereson
Number of Samples	5 Soil
Date samples received	06/12/2022
Date completed instructions received	06/12/2022

# **Analysis Details**

Please refer to the following pages for results, methodology summary and quality control data.

Samples were analysed as received from the client. Results relate specifically to the samples as received.

Results are reported on a dry weight basis for solids and on an as received basis for other matrices.

Report Details	
Date results requested by	13/12/2022
Date of Issue	23/01/2023
NATA Accreditation Number 2901	This document shall not be reproduced except in full.
Accredited for compliance with ISO	/IEC 17025 - Testing. Tests not covered by NATA are denoted with *

<u>Results Approved By</u> Giovanni Agosti, Group Technical Manager Greta Petzold, Assistant Operation Manager

# Authorised By



Nancy Zhang, Laboratory Manager

Envirolab Reference: 312365-A Revision No: R00



Page | 1 of 7

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Client Reference: Metaline Engineering - Douglas Hendereson

Acid Extractable metals in soil		
Our Reference		312365-A-5
Your Reference	UNITS	Train line sample
Depth		150
Date Sampled		2/12/2022
Type of sample		Soil
Date prepared	-	13/12/2022
Date analysed	-	13/12/2022
Arsenic	mg/kg	78
Cadmium	mg/kg	28
Lead	mg/kg	6,600
Zinc	mg/kg	10,000

Envirolab Reference: 312365-A Revision No: R00 Page | 2 of 7

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Client Reference: Metaline Engineering - Douglas Hendereson

Moisture		
Our Reference		312365-A-5
Your Reference	UNITS	Train line sample
Depth		150
Date Sampled		2/12/2022
Type of sample		Soil
Date prepared	-	07/12/2022
Date analysed	-	08/12/2022
Moisture	%	8.8

-

Envirolab Reference: 312365-A Revision No: R00 Page | 3 of 7

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Client Reference: Metaline Engineering - Douglas Hendereson

Method ID	Methodology Summary
Inorg-008	Moisture content determined by heating at 105+/-5 °C for a minimum of 12 hours.
Metals-020	Determination of various metals by ICP-AES.

Envirolab Reference: 312365-A Revision No: R00 Page | 4 of 7

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# Client Reference: Metaline Engineering - Douglas Hendereson

QUALITY CONTROL: Acid Extractable metals in soil					Duplicate Spike R			Spike Re	covery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-11	[NT]
Date prepared	-			13/12/2022	[NT]	[NT]		[NT]	13/12/2022	
Date analysed	-			13/12/2022	[NT]	[NT]		[NT]	13/12/2022	
Arsenic	mg/kg	4	Metals-020	<4	[NT]	[NT]		[NT]	105	
Cadmium	mg/kg	0.4	Metals-020	<0.4	[NT]	[NT]		[NT]	101	
Lead	mg/kg	1	Metals-020	<1	[NT]	[NT]		[NT]	103	
Zinc	mg/kg	1	Metals-020	<1	[NT]	[NT]	[NT]	[NT]	105	[NT]

Envirolab Reference: 312365-A Revision No: R00 Page | 5 of 7

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# DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1

-

Client Reference: Metaline Engineering - Douglas Hendereson

<b>Result Definiti</b>	ons
NT	Not tested
NA	Test not required
INS	Insufficient sample for this test
PQL	Practical Quantitation Limit
<	Less than
>	Greater than
RPD	Relative Percent Difference
LCS	Laboratory Control Sample
NS	Not specified
NEPM	National Environmental Protection Measure
NR	Not Reported

Envirolab Reference: 312365-A Revision No: R00 Page | 6 of 7

# Client Reference: Metaline Engineering - Douglas Hendereson

Quality Contro	Quality Control Definitions						
Blank	This is the component of the analytical signal which is not derived from the sample but from reagents, glassware etc, can be determined by processing solvents and reagents in exactly the same manner as for samples.						
Duplicate	This is the complete duplicate analysis of a sample from the process batch. If possible, the sample selected should be one where the analyte concentration is easily measurable.						
Matrix Spike	A portion of the sample is spiked with a known concentration of target analyte. The purpose of the matrix spike is to monitor the performance of the analytical method used and to determine whether matrix interferences exist.						
LCS (Laboratory Control Sample)	This comprises either a standard reference material or a control matrix (such as a blank sand or water) fortified with analytes representative of the analyte class. It is simply a check sample.						
Surrogate Spike	Surrogates are known additions to each sample, blank, matrix spike and LCS in a batch, of compounds which are similar to the analyte of interest, however are not expected to be found in real samples.						
0	Australian Drinking Water Guidelines recommend that Thermotolerant Coliform, Faecal Enterococci, & E.Coli levels are less than						

Australian Drinking Water Guidelines recommend that Thermotolerant Coliform, Faecal Enterococci, & E.Coli levels are less than 1cfu/100mL. The recommended maximums are taken from "Australian Drinking Water Guidelines", published by NHMRC & ARMC 2011.

The recommended maximums for analytes in urine are taken from "2018 TLVs and BEIs", as published by ACGIH (where available). Limit provided for Nickel is a precautionary guideline as per Position Paper prepared by AIOH Exposure Standards Committee, 2016.

Guideline limits for Rinse Water Quality reported as per analytical requirements and specifications of AS 4187, Amdt 2 2019, Table 7.2

# Laboratory Acceptance Criteria

Duplicate sample and matrix spike recoveries may not be reported on smaller jobs, however, were analysed at a frequency to meet or exceed NEPM requirements. All samples are tested in batches of 20. The duplicate sample RPD and matrix spike recoveries for the batch were within the laboratory acceptance criteria.

Filters, swabs, wipes, tubes and badges will not have duplicate data as the whole sample is generally extracted during sample extraction.

Spikes for Physical and Aggregate Tests are not applicable.

For VOCs in water samples, three vials are required for duplicate or spike analysis.

Duplicates: >10xPQL - RPD acceptance criteria will vary depending on the analytes and the analytical techniques but is typically in the range 20%-50% – see ELN-P05 QA/QC tables for details; <10xPQL - RPD are higher as the results approach PQL and the estimated measurement uncertainty will statistically increase.

Matrix Spikes, LCS and Surrogate recoveries: Generally 70-130% for inorganics/metals (not SPOCAS); 60-140% for organics/SPOCAS (+/-50% surrogates) and 10-140% for labile SVOCs (including labile surrogates), ultra trace organics and speciated phenols is acceptable.

In circumstances where no duplicate and/or sample spike has been reported at 1 in 10 and/or 1 in 20 samples respectively, the sample volume submitted was insufficient in order to satisfy laboratory QA/QC protocols.

When samples are received where certain analytes are outside of recommended technical holding times (THTs), the analysis has proceeded. Where analytes are on the verge of breaching THTs, every effort will be made to analyse within the THT or as soon as practicable.

Where sampling dates are not provided, Envirolab are not in a position to comment on the validity of the analysis where recommended technical holding times may have been breached.

Where matrix spike recoveries fall below the lower limit of the acceptance criteria (e.g. for non-labile or standard Organics <60%), positive result(s) in the parent sample will subsequently have a higher than typical estimated uncertainty (MU estimates supplied on request) and in these circumstances the sample result is likely biased significantly low.

Measurement Uncertainty estimates are available for most tests upon request.

Analysis of aqueous samples typically involves the extraction/digestion and/or analysis of the liquid phase only (i.e. NOT any settled sediment phase but inclusive of suspended particles if present), unless stipulated on the Envirolab COC and/or by correspondence. Notable exceptions include certain Physical Tests (pH/EC/BOD/COD/Apparent Colour etc.), Solids testing, total recoverable metals and PFAS where solids are included by default.

Samples for Microbiological analysis (not Amoeba forms) received outside of the 2-8°C temperature range do not meet the ideal cooling conditions as stated in AS2031-2012.

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# Appendix C

Site Classification Report

# 

# Site Classification/Dynamic Cone Penetrometer Test Report

Date of Issue

30-Jan-23

Contract: MEG - Site Classification for 1 Hynes Street, Broken Hill NSW.

Project: Chainage:	Proposed new development N/A	Layers Removed: Prior to test:	0 (BH1) N/A
Test No.:	1 & 2 per site 1 and 2	Easting:	N/A
Location:	1 Hynes Street - vacant block	Northing:	N/A
Direction:	West Broken Hill	Existing Level:	N/A
Final Depth (mm BGL):	Site 1 - 550mm Site 2 - 1500mm	Test Level:	N/A
Date Tested:	6-Dec-22		

#### Conditions of Use:

This report is not intended for use by any other person or third party other than the named client. This report is not to be used or quoted except as a complete document including all appendices and subject to the report limitations as stipulated in Section 5 of this document.

#### Conditions of Use:

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This document has been produced expressly for the client. The 'client' is defined as the person or persons named in this report/proposal or the purchaser of the services. No part of this report/proposal including the whole of same shall be used for any other purpose nor by any third party without the prior written consent of Metaline Engineering Group Pty Ltd.

#### Direct Contact:

Any questions or queries regarding this report should be directed to Metaline Engineering Group on email at megprojects@metaline-engineering.com

#### Document Revision History

Date Rev		Engineer	Comments				
30/01/2023	A	A. Misagh	Revision A				

#### 1. INTRODUCTION

Metaline Engineering Group Pty Ltd (MEG) have been engaged by the client to conduct an investigation of the surface and subsurface conditions at 1 Hynes Street, Broken Hill, NSW, 2880 as depicted on the cover page with a view to reporting on the Site Classification for a **proposed new residential** subdivisions.

### 2. SITE CLASSIFICATION

#### 2.1. SITE GEOLOGY

The available Geological Survey Maps showed the site to be underlain by a triangular block of metamorphic and deformed sedimentary rocks forming a series of northeast and northwest trending ridges. Bedrock includes schist and gneiss, intrusive granites, amphibolites and very coarse pegmatites.

Some of these rocks contain inherited minerals forming basement rocks which are partly overlain by Cambrian and Devonian conglomerates, quartz sandstones, shales and thin beds of limestone. Scopes, Mootwingee and Wonnaminta Ranges are mainly Ordovician to Devonian conglomerates – sandstones and shales that have been only gently folded. On the eastern margin of the Mootwingee and Wonnaminta Ranges, horizontally bedded sandstones of Cretaceous age form flat-topped mesas and tablelands that extend northeast into the Mulga Lands Bioregion. The geomorphology of the ranges is controlled by the different rock types and their structure. Faults up to 60 km long form prominent scarps between hill country and plains. Hard rocks outcrop as strike ridges and remnant pinnacles standing above long shallow slopes, with thin soils developed on the softer rocks. These rock cut slopes pass to wide footslopes and alluvial plains. Hills on granite are more rounded and subdued. Limestone and dolomites occur in limited areas as linear outcrops.

Beyond the footslopes the streams expand as alluvial fans, distributing sediment into sandy floodouts and clay playas. Much of the drainage from the Barrier, Mootwingee and Wonnaminta ranges ends in the Bancannia trough, where shallow lakes and swamps have formed and alluvial sand has been blown into sandplains and dune fields.

The Subsurface profile encountered in the boreholes is considered to be consistent with the geological map indications.

#### 2.2. FIELD INVESTIGATION

**TWO (2)** boreholes were advanced for each site using a **Mechanical Auger** to the depths indicated on the borehole logs (refer to Appendix B). These boreholes were positioned as indicated on the site plan (refer to Appendix A) along with details of the existing surface conditions such as slope, trees, and existing buildings. Disturbed materials obtained from auguring boreholes were logged in accordance with AS1726-2017 and then classified in accordance with AS2870-2011.

A guide to the existing/natural soil profile consisted of: SANDY and CLAY

Full details of the observed subsurface material and conditions have been recorded on the borehole logs and presented in Appendix B.

#### 2.3 SITE CLASSIFICATION IN ACCORDANCE TO AS2870 - 2011

In accordance with AS2870-2011 "Residential Slabs and Footings Construction" a site classification of Class "M-D" is applicable to this site due to moisture conditions at depth – potential recently demolished building on site and trees, recently removed trees on adjacent sites.

This site is subject to abnormal moisture conditions which must be alleviated or allowed for in the design of the footing system. In the absence of these abnormal moisture conditions, the designing engineer should recognise that the natural soils encountered on this site result in a "Class M-D" site classification applying to this site.

On the basis of the findings in this investigation, including visual-tactile identification of the soil profile combined with this writer's local knowledge and

expenence, the characteristic subace movement (15) on this site – under normal continuons – has been estimated to be in the range of zonim to 40mm.

It should be noted that this site is in an area with deep-seated movements and this should be taken into account by the designing engineer. Should a more detailed investigation (by others) with relevance to the reactivity of the soils in the local area be available, MEG should be provided with this documentation. It is a condition of this report that any information the client may have with regards to the site and its history be provided to MEG. This may lead to MEG reviewing the above classification and conducting a more detailed geotechnical investigation with regards to the additional information. This report is not a detailed geotechnical investigation. It complies with the requirements of AS2870-2011 and is limited to the items required under Clause 2.2.2(a). Should a more rigorous assessment be required, MEG can provide a Geotechnical Investigation of the site upon request.

In assessing the classification for this site, and unless specifically noted, this report has not considered any future tree(s) to be planted as part of either site or roadside landscaping. If additional information is known by the owner, future owner, any stakeholder, or any consultant, this information must be provided to the design engineer to ensure that the footing system is adequate for the conditions which are expected.

#### 2.3.1 ADDITIONAL NOTES RELATING TO THIS SITE CLASSIFICATION

This investigation is based on a limited geotechnical assessment. Should the subsurface conditions encountered during construction vary from those described above, MEG must be advised of these variations to provide comment or inspect the site where necessary. The use of standard footings as presented in AS2870-2011 is only applicable to building with a loading and a construction style similar that of a residential dwelling as described in section 3.1 of AS2870-2011.

In accordance with Clause 2.5.2 of AS2870 where the site cut exceeds 500mm a second site investigation is recommended. As such;

• Where the cut depth is >500mm and < 1000mm the relevant design engineer may choose to design for a reduced crack zone from first principles

• Where the cut depth is in excess of 1000mm a second soil must be carried out to confirm the effects of the cut on the site classification"

#### 3. FOUNDING RECOMMENDATIONS

Based on the site classification an engineer designed foundation systems is required at this site. The foundation systems must be designed to cater for the potential movements associated with the drying effects of trees, removal of small bush, removal of small to medium trees or a group of trees. This site is heaviliy vegetated. The designer may adopt the classification of the site "Class M-D" for the purposes of determining the total Yt. The designer should also pay close attention to any adverse scenario where the tree/structure are removed and the subsequent heave that could be expected under this scenario. Hence site conditions may alter to a classification "P"

#### Alternatively, deeper foundations can be adopted as follows:

To prevent differential settlement of the structure consideration should be given to the use of bored piers/screw piles or driven piles where these are founded within the natural occurring undisturbed SANDY/CLAY.

Bored Piers should be founded into the **SANDY/CLAY** which has an allowable end bearing pressure as indicated on Table 1. As a guide any bored piers founded deeper than 1800mm from the existing surface the extent of the bored pier founded greater than this depth may adopt a skin friction of **15kPa** for any clay soils.

The pile design should be conducted by engineering principles, adopting the principle of effective stress. Negative skin friction should be adopted for the upper filling material.

The exact depth required to achieve the capacity will need to be analysed by the piling contractor and the current piling codes. However, for the

#### 3.1 MAINTENANCE RECOMMENDATIONS

In line with AS 2870-2011 Appendices A and B, the owner, future owner, any stakeholder, and any consultant, have a duty of care to ensure that future landscaping will not contribute to an adverse impact on the footing system. MEG recommends reference to the following resources when planning landscaping works for the site:

HEDRA – How to protect your house (https://bit.ly/3opoBQf)

• CSIRO – Foundation Maintenance and Footing Performance: A Homeowner's Guide [2003] (https://bit.ly/3qe0yGb)

#### 3.2 ALLOWABLE BEARING PRESSURES

The following allowable bearing pressures can be adopted for the soils listed in the table below. These bearing pressures apply where typically the embedment is a minimum of 100mm into the specified material.

#### Table 1: Allowable Bearing Pressures

Soil Type	Indicative founding depth (mm)	Maximum Allowable Bearing Capacity (kPa)
Natural Sandy/Clay*	100mm into layer	80
Natural Sandy/Clay*	100mm into layer	120
Natural Sandy/Clay*	300mm into layer	150
Natural Sandy/Clay*	600mm into layer	250
Natural Sandy/Clay*	900mm into layer	250

\*Bearing pressures reported above are only applicable to raft slab and or waffle slab foundations. Where strip, pad, and bored piers are adopted bearing pressures reported for the deeper, clay and or rock units are to be adopted. The minimum founding depths as required by AS2870 can be adopted unless specific founding depths have been provided in Section 3. Further investigation may be required for such footing types.

\*Natural Material – All-natural material given allowable bearing capacities denotes strength at optimum moisture conditions. The potential presence of perched groundwater in soils may lead to construction difficulties during wet weather. Please refer to Section 4.2 for site specific difficulties.

#### 4. CONSTRUCTION TECHNIQUES AND DIFFICULTIES

#### 4.1 GENERAL

1. All loose surface fill, all roots and all organic material are to be removed from the building platform.

2. Notwithstanding the recommendations made in this report, wherever footings are close to any excavations or easements, that part of the footing must be deepened so that the projection from the underside of the footing to the bottom of the excavations makes an angle not exceeding 30 degrees in sandy soils and 45 degrees in clayey soils (This angle is measured from the horizontal). Steeper angles are not recommended unless sufficient testing and investigation has been carried out to indicate otherwise or the foundations are founded in competent rock.

3. It is recommended a second soil test be undertaken if the site is cut more than 400mm for CLAY sites. Where it is proposed to FILL the site a second soil test will be required should > 400mm of CLAY FILL be proposed or >800mm SAND FILL be proposed. It is recommended that any FILLING placed meet the requirements of CONTROLLED FILL as this will minimise the impact of the FILLING on the current classification of the site.

4. The Plumber shall lay waste pipes below ground surface at minimum grade. Risers are to be staked firmly.

5. Care shall be taken with surface drainage of the allotment from the start of construction and must be well drained so that water cannot pond beside or adjacent to footings. The drainage system shall be completed by the finish of construction of the house in accordance with AS2870-2011 Clause 5.5.3 (a).

6. Proper site drainage is very important in reactive sites such as this site. It is therefore recommended that the ground surface immediately next to the perimeter footings be graded away or site drainage issues be addressed. Should you the client require detailed design for specific site drainage plans please do not hesitate to contact MEG Consulting Engineers.

7. Any filling placed across the site to assist in levelling prior to slab construction should conform with the requirement for either Controlled fill (Clause 2.5.3) or Rolled fill (Clause 6.4.2) AS 2870-2011. These clauses are as follows. If it cannot be confirmed that the fill is Controlled Fill or Rolled Fill then the reader should refer to item (c).

A. Controlled Fill - Fill that will be required to support structures or associated pavements, or for which engineering properties are to be controlled AS2870-2011. Refer Clause 2.5.3, Clause 2.5.3(a)(c) - (I.e.: where a specification has been provided on the type, quality and compaction requirements for filling at a site and the earthworks have been deemed compliant with the specification)

B. MEG has the express right to deem FILL uncontrolled where it cannot be clearly demonstrated that fill has been placed under the above conditions. That is to say that it is a requirement of the developer/builder to demonstrate fill placement has been placed in the appropriate layer thicknesses.

C. Rolled Fill - Rolled Fill consists of material compacted in layers by repeated rolling with an excavator or similar equipment. The depth of rolled fill shall not exceed 0.6metres compacted in layers not more than 0.3m thick for sand material or 0.3m compacted in layers not more than 0.15m thick for other material AS2870-2011 Cl6.4.2(b)

D. Where the nature of the fill cannot be confirmed, this office must undertake an assessment of the fill or be supplied with a suitable compaction report or geotechnical assessment of the fill to undertake an appropriate design for the site if the fill is to be utilised as a foundation.

8. We advise that it is possible that some sites may still have the presence of isolated areas of original organic material that may not have been fully removed during the sub division earthworks development stage. MEG will make every effort to identify organic material within the soil profile, however due to the limitation on the number of boreholes for each site investigation, it is possible that some of these pockets may escape identification. MEG does not take responsibility for isolated organic material that lies in areas outside our borehole locations, to the extent that these pockets could affect the design or construction of the footing system.

#### **4.2 SITE SPECIFIC**

• The soils encountered on-site could develop a localised perched groundwater during periods of high rainfall which may lead to construction difficulties associated with excavations on this site.

• This site may have contained significant trees that have been recently removed. The builder is to ensure all tree roots/material over the proposed building area has been removed. Any soft or loose material that does not respond to compaction should be excavated to achieve a firm working base. Fill holes with suitable fill compacted in 150mm (maximum) layers.

• An engineer designed footing system in accordance with AS2870 2011 is recommended for this site taking into consideration the effect of the trees in relation to the final house siting.

• Demolition previously of the existing structure is likely to leave isolated pockets of fill and or disturbed ground conditions. Where there is local disturbance the proposed foundations must extend a minimum of 100mm below the level of disturbance into either of the naturally occurring materials as identified in Section 2 of this report. Note alternatively the disturbed material may be controlled and subsequently adopted as a founding material (refer definitions on controlled FILL).

#### 5. CONDITIONS OF USE OF THIS REPORT

#### 5.1 REPORT LIMITATIONS

1. The recommendations in this report are based on the following:

a) Information about the site & its history, proposed site treatment and building type conveyed to us by the client and or their agent

b) Professional judgments and opinions using the most recent information in soil testing practice that is available to us.

c) The location of our test sites and the information gained from this and other investigations.

2. Should the client or their agent neglect to supply us with correct or relevant information, including information about previous buildings, trees or past activities on the site, or should changes be made to the building type, size and or/position, this report may be made obsolete, irrelevant or unsuitable. In such cases, MEG will not accept any liability for the consequences and MEG reserves the right to make an additional charge if more testing or a change to the report is necessary.

3. The recommendations made in this report may need to be reviewed should any site works disturb any soil 200mm below the proposed founding depth.

4. The descriptions of the soils encountered in the boreholes follow those outlined in AS1726-2017; Geotechnical Site Investigations. Colour

descriptions can vary with soil moisture content and individual interpretation.

5. If the site conditions at the time of construction differ from those described in this report then MEG must be contacted so a site inspection can be carried out prior to any footing being poured. The owner/builder will be responsible for any fees associated with this additional work.

6. This report assumes that the soil profiles observed in the boreholes are representative of the entire site. If the soil profile and site conditions appear to differ substantially from those reported herein, then MEG should be contacted immediately and this report may need to be reviewed and amended where appropriate. The owner/builder will be responsible for any fees associated with this additional work.

7. The user of this report must take into account the following limitations. Soil and drilling depths are given to a tolerance of +/- 200mm. Where spot levels or a feature survey have been undertaken, levels are given a tolerance of +/-200mm.

8. It must be understood and a condition of acceptance of this report is that whilst every effort is made to identify fill material across the site, difficulties exist in determining fill material, in particular, for example, well compacted site or area derived fill, when utilising a small diameter auger. Consequently, MEG emphasises that we will not be responsible for any financial losses, consequential or otherwise, that may occur as a result of not accurately determining the fill profile a cross the site.

9. The owner(s) and/or future owner(s) shall be cognisant of their responsibilities as outlined in AS2870-2011 Appendices A and B.

10. MEG's assessment of flooding is based on Government/Council planning and GIS data available at the time of this investigation. MEG has not made a site specific assessment based on height or hydrological data with reference to the future flood risk at the property. MEG does not guarantee that this site is free from flooding as further detailed investigation may be required.

a) This report does not assess the potential for landslide, undermining or aggressive soils.

11. Unless specifically mentioned, this report has not considered the risk of subsidence caused by historical, current

or future mining activities.

#### **5.2 VARIATIONS TO THIS REPORT**

It is neither economically feasible nor practical to determine every subsurface feature on the site. Studies have shown that a large number of boreholes leads to only a slight increase in probability of detecting hidden site features (such as a filled well or cellar) in the foundation soils. As such, any variations, or discrepancies in soil type, colour, or horizon depth must be reported to the Engineer immediately so that their potential influence on the footings may be assessed.

#### 5.3 LOSS OR DAMAGES

Subject to the limitations of this report as expressed in **Section 5.1**, MEG Consulting Engineers Pty Ltd will not accept liability for loss or damage, consequential or otherwise, based on the recommendations of this report, other than for the cost of re-assessment. This site classification assessment should not be considered a comprehensive analysis of the subject site. Should a more detailed geotechnical assessment be required MEG Consulting Engineers Pty Ltd can provide such a report. Please contact MEG Consulting Engineers Pty Ltd to discuss this further.

Should you have any questions regarding this report please do not hesitate to contact the MEG Site Classification Division on 0484 770 935

For and on behalf of MEG Consulting Engineers Pty Ltd

Metaline Engineering Group Pty Ltd

Anthony Misagh







# **APPENDIX B Borehole Logs and DCP Test Results**

Site Address - 1 Hynes Street, Broken Hill NSW, 2880								Mechanical Augure
Location	USC	Soil Type	Moisture	Density/Con sistency/Str ength	Plasticity	Description	BH 1	BH2
		EXISTING S	SURFACE LE	VEL			0	0
Site A (1)	OL	Sandy/minor traces of Clay	Dry	Loose	Low	Redish Brown	0-400	0-400
Site A (1)	OL	Sandy/minor traces of Clay	Dry	Loose	Low	Redish Brown	450	550
						NOTES	Bearing Cap >200kPa Ground Water	Bearing Cap >200kPa Ground Water
						NOTES	Not Encountered	Not Encountered

ite Address -	1 Hynes Street, Broken Hill NSW, 2880						Mechanical Augure	Mechanical Augure
Location	USC	Soil Type	Moisture	Density/Con sistency/Str ength	Plasticity	Description	BH 1	BH2
		EXISTING S	SURFACE LE	VEL			0	0
Site B (2)	OL	Sandy/minor traces of Clay	Dry	Loose	Low	Redish Brown	0-500	0-400
Site B (2)	OL	Sandy/minor traces of Clay	Dry	Loose	Low	Redish Brown	500-800	500-800
Site B (2)	OL	Sandy/minor traces of Clay	minor	Loose	Low	Redish Brown	800-1000	800-1000
Site B (2)	OL	Sandy/minor traces of Clay	minor	Loose	Low	Redish Brown	1000-1500	1000-1500
		,				NOTES	Bearing Cap >200kPa Ground Water Not	Bearing Cap >200kPa Ground Wate Not

# Site A (1) DYNAMIC CONE PENETROMETER (DCP) TEST RESULTS

Test number	DCP-1	DCP-2
Ground Water	Nil	Nil
Depth (mm)	Number of blows/100	
Depth (mm)	mm	
0-100	3	3
100-200	3	3
200-300	3	3
300-400	5	5
400-500	10	10
500-600	Terminate	Terminate

# Site B (2) DYNAMIC CONE PENETROMETER (DCP) TEST RESULTS

	-		
Test number	DCP-1	DCP-2	
Ground Water	Nil	Nil	
	Number		
Danth (mm)	of blows/100		
Depth (mm)			
	mm		
0-100	5	5	
100-200	2	2	
200-300	2	2	
300-400	2	2	
400-500	2	2	
500-600	1	1	
600-700	1	1	
700-800	1	1	
800-900	4	4	
900-1000	4	4	
1000-1500	10	10	
	Terminate	Terminate	

\*Refusal - more tan 20 blows/0.1m

# SITE CLASSIFICATION EXPLANATIONS:

Class	Expected Surface Movement (Ys)	Explanation
Α	0mm	Includes many sand, gravel and rock sites with little/no clays. These sites have little/no expected movement and as a result zero moisture variation.
S	0 - 20mm	Slightly reactive sites which exhibit only small movements with moisture variation.
М	20 - 40mm	Moderately reactive sites exhibit moderate amounts of movement with moisture variation. These sites commonly include red/brown silty soils, some sandy clays and loamy soils.
H1	40 - 60mm	Highly reactive sites exhibit high amounts of movement with moisture variation.
H2	60 - 75mm	Highly reactive sites exhibit high amounts of movement with moisture variation.
Е	>75mm	Extremely reactive sites which exhibit greater than 75mm of surface movement. Typically, these sites include deep reactive clays, such as black and dark brown soils. These sites typically demand quite expensive footing systems.

# In areas of deep seated moisture changes, the site classification shall be modified by the addition of a "-D".

As indicated previously, the Site Classification must consider many aspects of the site, not just the reactivity of the soil. P sites are those that include other factors that need to be brought to the attention of the owner, builder and footing designer. A "P" classification does not indicate a specific Ys value and is described as a "Problem" site.

The reasons for a P classification include:

- Clay fill greater <400mm Sand fill <800</li>
- Ρ
- Growth &/or Removal of Trees will cause Abnormal moisture conditions in the subsurface soils;
- Unusually high moisture conditions caused by water flow, ponds, dams etc;
- Sites with Loose fill which can be either "controlled" or "uncontrolled". The P Classification depends upon the depth and type of fill;
- Sites with poor bearing capacity, soft soils, or soils which are prone to collapse;
- Sites prone to mine subsidence, land slip, piping or coastal erosion;
- Sites which for one reason or another cannot be classified as normal sites

# APPENDIX C Site Photos

<u>Site A (1)</u>



<u>Site B (2)</u>



### Appendix D

Proposed Draft Development Plans

### Appendix E

Dial Before You Dig Search Findings



#### CABLE/PIPE LOCATION Assets were found in the search area

COMPANY NAME:	Metaline Engineering Group Pty Ltd
ATTENTION:	Abtin Misagh
SEARCH LOCATION:	1 Hynes Street Broken Hill NSW 2880
SEQUENCE NO:	220541119
DATE:	Monday, 30 January 2023

#### Provision of Plans:

Please find enclosed plans depicting approximate locations of **Essential Energy** assets in the search location. *The excavator must not assume that there may not be assets owned by <u>other</u> network operators in the search location.* 

Underground assets searched for	Underground assets found
Essential Energy Electrical	
Essential Energy Water & Sewerage	

Plans are updated from time to time to record changes to underground assets and may be updated by Essential Energy without notice. In the event that excavation does not commence within 28 days of receipt of a plan, a new plan should be obtained.

The excavator must retain the plans on site for the duration of the works.

The excavator shall report all damage made to Essential Energy assets immediately. Note that damage includes gouges, dents, holes and gas escapes.

#### IN CASE OF EMERGENCY OR TO REPORT DAMAGE: PHONE 13 20 80

#### DISCLAIMER

Please be aware that plans may **not** reflect alterations to surface levels or the position of roads, buildings, fences etc. **Cable and pipe locations are approximate** and the plans are **not** suitable for scaling purposes. *Essential Energy* does not retain plans for privately-owned underground electrical or water & sewerage assets located on private property. <u>Privately-owned underground electrical assets located on private property are the responsibility of</u> <u>the owner.</u>

The plans have been prepared for Essential Energy's sole use and benefit. **Essential Energy cannot and does not** warrant the accuracy or completeness of the plans. Essential Energy supplies them at no cost with the object of reducing the serious risk of unintentional damage being caused to its cables and pipes. **Essential Energy does not** accept any responsibility for any omissions, inaccuracies or errors in the plans, or any reliance place on the material. Any reliance placed on any plan provided in response to your request is at your own risk.

Page 1 of 2

www.essentialenergy.com.au ABN 37 428 185 226 PO Box 5730 Port Macquarie NSW 2444 Telephone: 13 23 91 Facsimile: 1800 354 636



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You release Essential Energy from and against all claims, demands, actions and proceedings arising out of or in any way related to the use of the provided material.

#### Location of Assets on Site:

The plans indicate only that cables and pipes may exist in the general vicinity – they do not pinpoint the exact location of the cables and pipes.

If it is found that the location of cables or pipes on the plans can be improved, please notify Essential Energy on 13 23 91 (or fax 1800 354 636).

All individuals have a duty of care they must observe when working in the vicinity of underground cables and pipes. It is the excavator's responsibility to visually expose the underground cables and pipes manually, ie. by using hand-held tools and non-destructive pot-holing techniques prior to any mechanical excavation. The excavator will be held responsible for all damage caused to the Essential Energy network or cables and pipes, and for the costs associated with the repair of any such damage. The excavator will also be held responsible for all damage caused to any persons.

When digging in the vicinity of underground assets, persons should observe the requirements of the applicable Codes of Practice published by the NSW Work Cover Authority or Safe Work Australia, and any amendments from time to time by the Authorities, including although not limited to:

- Excavation Work
- Managing Electrical Risks in the workplace
- How to manage and control asbestos in the workplace

(Please refer to https://www.workcover.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice).

When digging in the vicinity of **electrical assets** persons should observe the requirements of the **Electricity Supply Act 1995.** 

Persons excavating near live underground electrical reticulation and/or earthing cables **must exercise extreme** caution at all times and adhere to the requirements of Essential Energy's Electrical Safety Rules. (These are available on our website: http://www.essentialenergy.com.au/content/safety-community and include

- Work near Essential Energy's Underground Assets:
  - http://www.essentialenergy.com.au/asset/cms/pdf/contestableWorks/CEOP8041.pdf , and Asbestos East Sheet
- Asbestos Fact Sheet:

http://www.essentialenergy.com.au/asset/cms/pdf/safety/AsbestosFactSheet.pdf

In some situations these procedures call for work to be performed by authorised staff. Should there be any doubt as to the exact location of any underground electrical assets, and the potential for conflict with live underground cables caused by excavation at your work site, you should contact **13 23 91** to arrange for an on-site visit by an Essential Energy representative. No construction or mechanical excavation work is to commence prior to this on-site visit and approval being obtained.

When digging in the vicinity of water or sewer assets persons should observe the requirements of the Water Management Act 2000.

Should there be any doubt as to the exact location of any underground water and sewer assets, and the potential for conflict with underground water and sewer pipes caused by excavation at your work site, you should contact **13 23 91** to arrange for an on-site visit. No construction or excavation work is to commence prior to this on-site visit and approval being obtained.

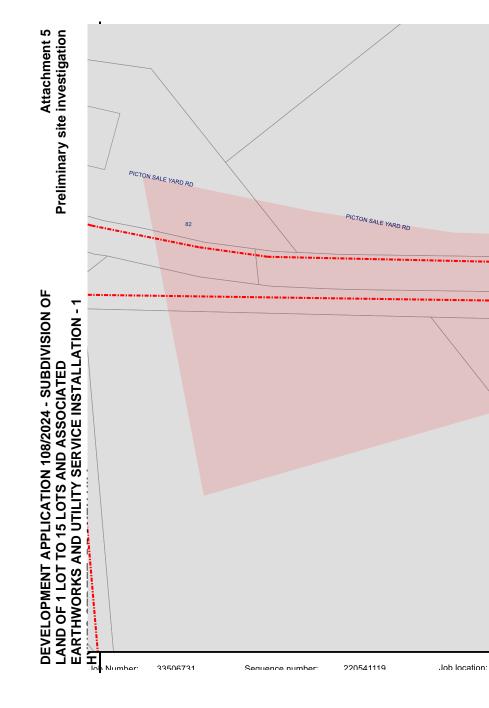
#### Prior Notification:

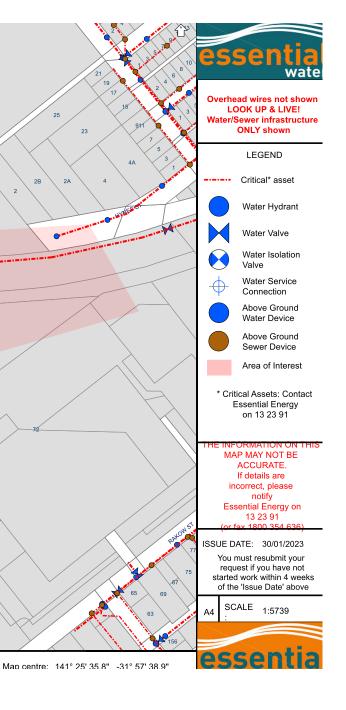
Please note that for excavation depths greater than 250mm near power poles and stays you should allow for **advance notice** in your construction program to permit Essential Energy time to allocate the necessary field resources to carry out the inspection at the site a **minimum of fourteen (14) working days prior to work commencing**. This service may incur a fee and this can be negotiated with the local Area Coordinator at the time of making the appointment. Failure to give reasonable notice to the local Area Coordinator may result in disruption to Essential Energy's planned works program in the district and could incur an extra charge over and above the normal rate for this service.

For further information please call 13 23 91.

Page 2 of 2

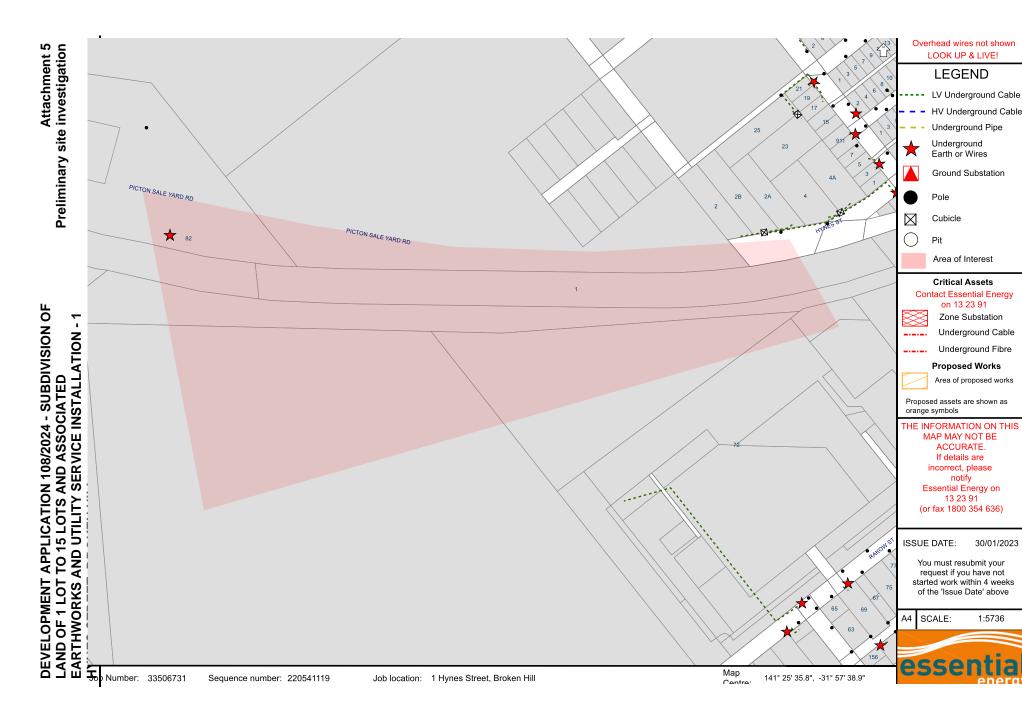
www.essentialenergy.com.au ABN 37 428 185 226 PO Box 5730 Port Macquarie NSW 2444 Telephone: 13 23 91 Facsimile: 1800 354 636





2E

1 Hynes Street, Broken Hill



30/01/2023

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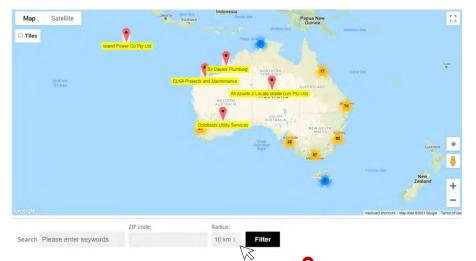
**Certified Locating Organisations (CLO)** 

Find the closest CLO to your worksite on: https://dbydlocator.com/certified-locating-organisation/

Read the disclaimer and click:

Q Accept and Search Now

A national map and an A-Z list of Certified Locating Organisations is displayed.



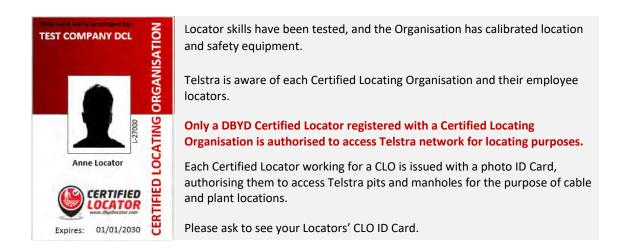
Use the map to zoom to your work area and choose the closest  $\checkmark$  Locator indicated.

OR search by entering the **postcode** of your work area.

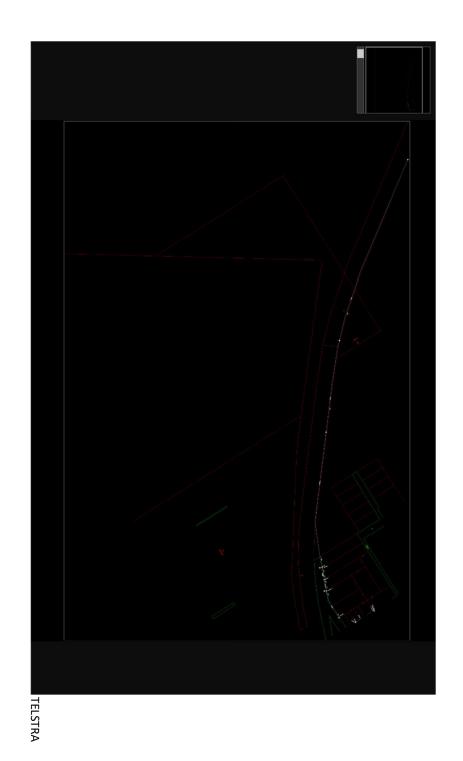
1. Enter the post/zip code

3.

- 2. Choose your search radius
  - **Click filter** (If there is no result, you may have to increase the search radius)
- 4. Click on the closest for CLO details or view the results displayed below the map



www.dbydlocator.com



DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1



**nbn** has partnered with Dial Before You Dig to give you a single point of contact to get information about **nbn** underground services owned by **nbn** and other utility/service providers in your area including communications, electricity, gas and other services. Contact with underground power cables and gas services can result in serious injury to the worker, and damage and costly repairs. You must familiarise yourself with all of the Referral Conditions (meaning the referral conditions referred to in the DBYD Notice provided by **nbn**).

# Practice safe work habits

Once the DBYD plans are reviewed, the Five P's of Excavation should be adopted in conjunction with your safe work practices (which must be compliant with the relevant state Electrical Safety Act and Safe Work Australia "Excavation Work Code of Practice", as a minimum) to ensure the risk of any contact with underground **nbn** assets are minimised.





**Plan:** Plan your job by ensuring the plans received are current and apply to the work to be performed. Also check for any visual cues that may indicate the presence of services not covered in the DBYD plans.

**Prepare:** Prepare for your job by engaging a DBYD Certified Plant Locator to help interpret plans and identify on-site assets. Contact **nbn** should you require further assistance.



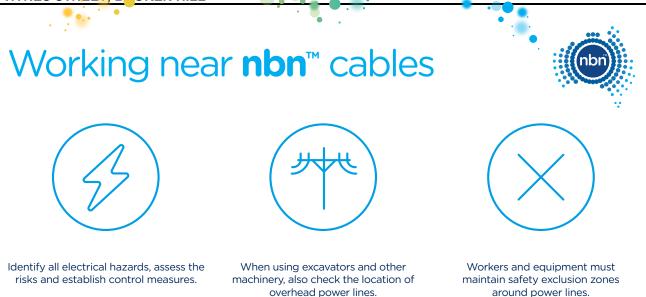
Pothole: Nondestructive potholing (i.e. hand digging or hydro excavation) should be used to positively locate **nbn** underground assets with minimal risk of contact and service damage.



**Protect:** Protecting and supporting the exposed **nbn** underground asset is the responsibility of the worker. Exclusion zones for **nbn** assets are clearly stated in the plan and appropriate controls must be implemented to ensure that encroachment into the exclusion zone by machinery or activities with the potential to damage the asset is prevented.



**Proceed:** Proceed only when the appropriate planning, preparation, potholing and protective measures are in place.



Once all work is completed, the excavation should be re-instated with the same type of excavated material unless specified by **nbn**. Please note:

- Construction Partners of **nbn** may require additional controls to be in place when performing excavation activities.
- The information contained within this pamphlet must be used in conjunction with other material supplied as part of this request for information to adequately control the risk of potential asset damage.

#### Contact

All **nbn**<sup>™</sup> network facility damages must be reported online <u>here</u>. For enquiries related to your DBYD request please call 1800 626 329.

#### Disclaimer

This brochure is a guide only. It does not address all the matters you need to consider when working near our cables. You must familiarise yourself with other material provided (including the Referral Conditions) and make your own inquiries as appropriate. **nbn** will not be liable or responsible for any loss, damage or costs incurred as a result of reliance on this brochure.

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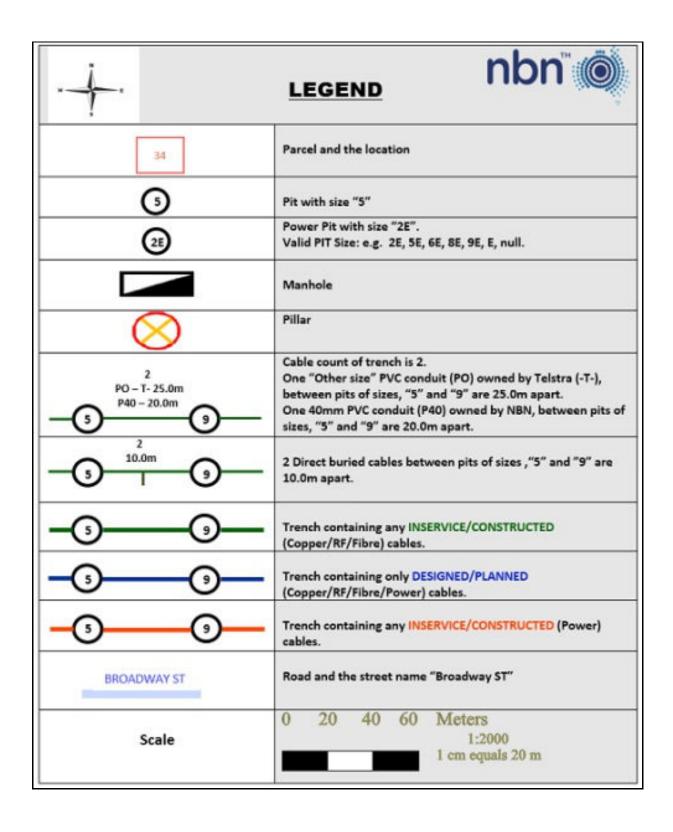


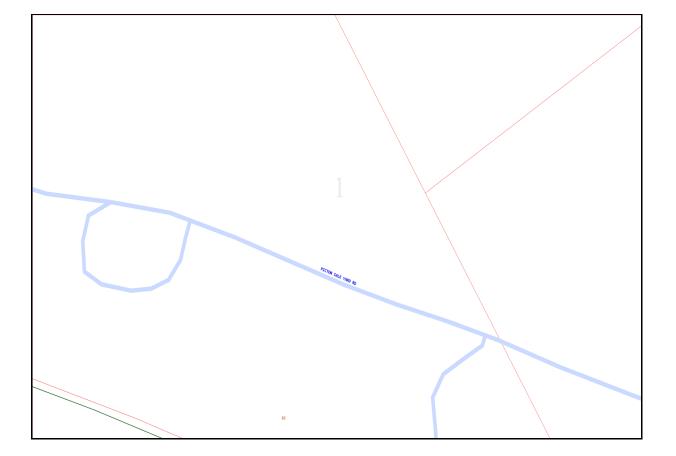
То:	Abtin Misagh
Phone:	Not Supplied
Fax:	Not Supplied
Email:	Megprojects@metaline-engineering.com

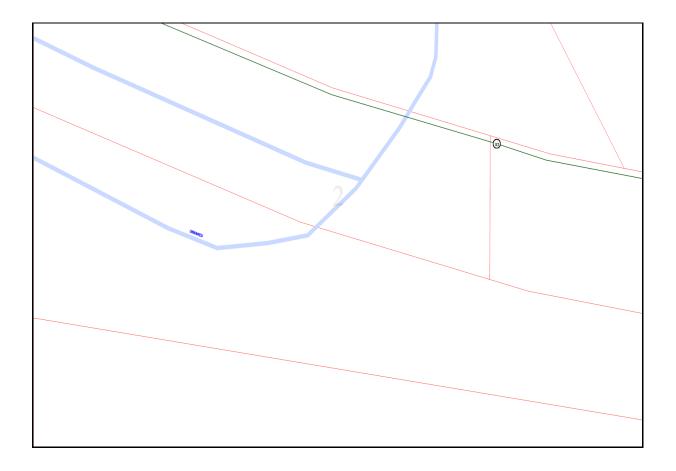
Dial before you dig Job #:	33506731	
Sequence #	220541118	
Issue Date:	30/01/2023	www.1100.com.au
Location:	1 Hynes Street, Broken Hill, NSW, 2880	

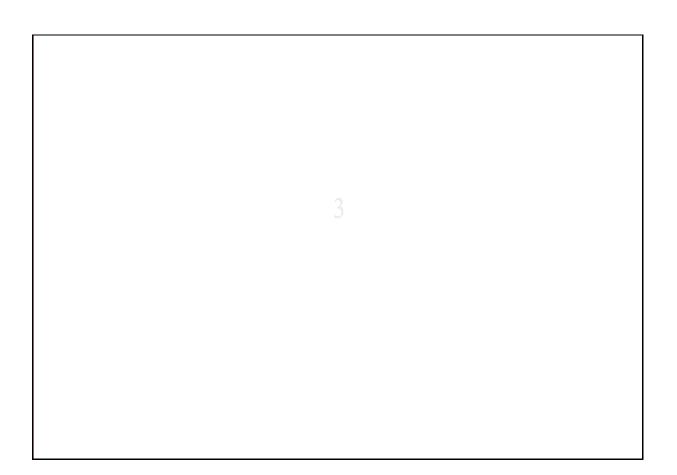
### **Indicative Plans**

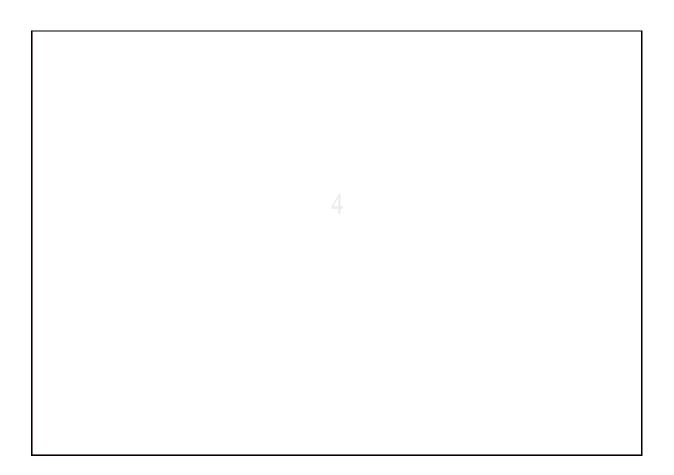
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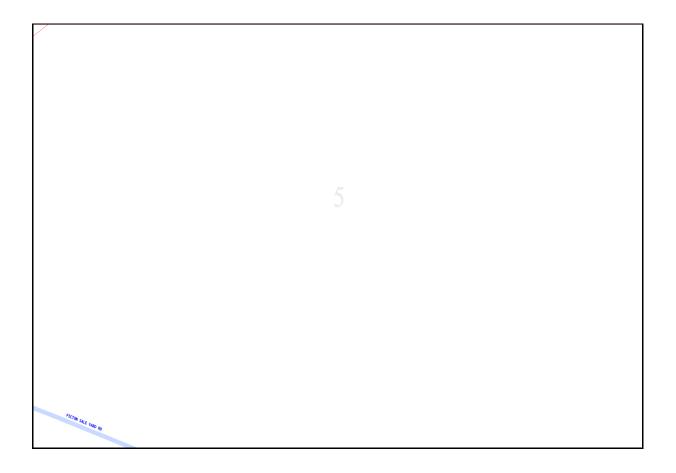


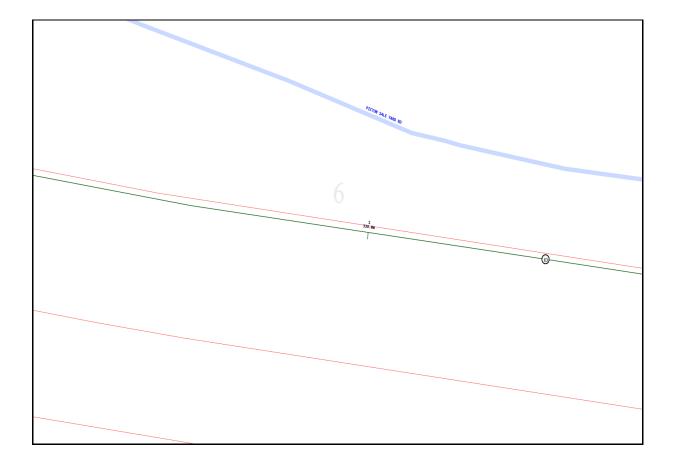


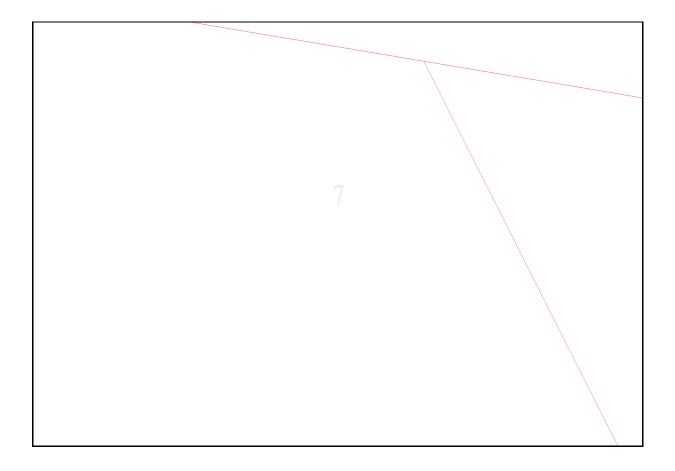


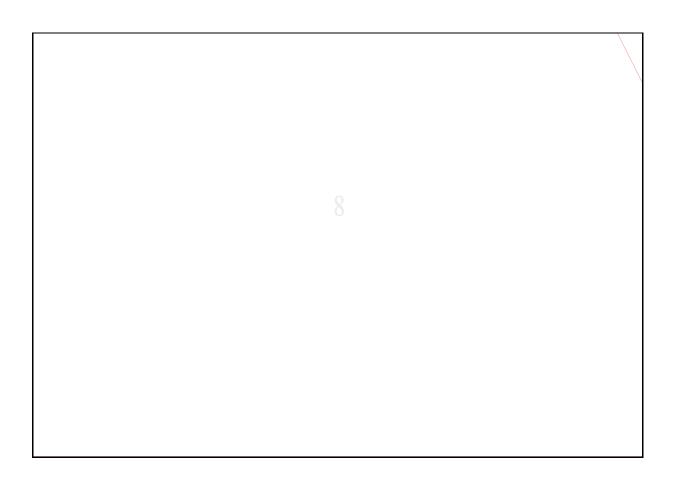


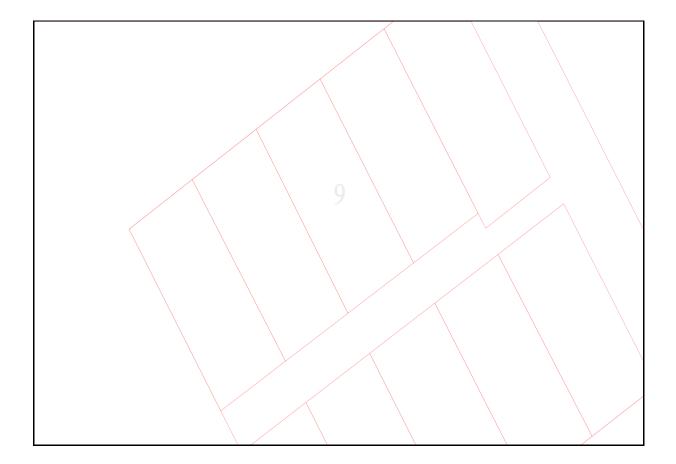


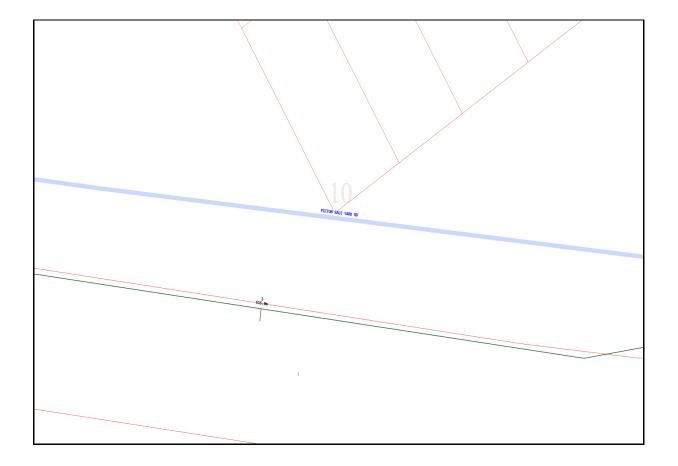


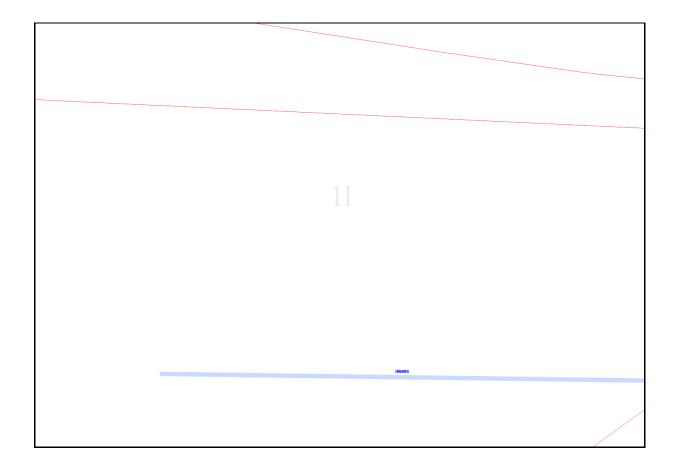


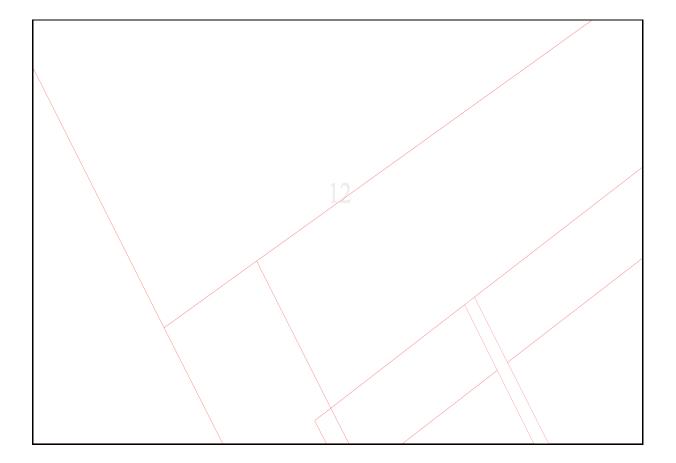


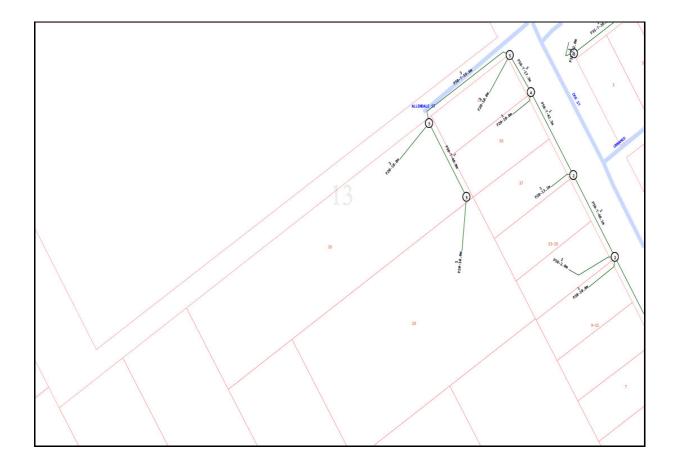


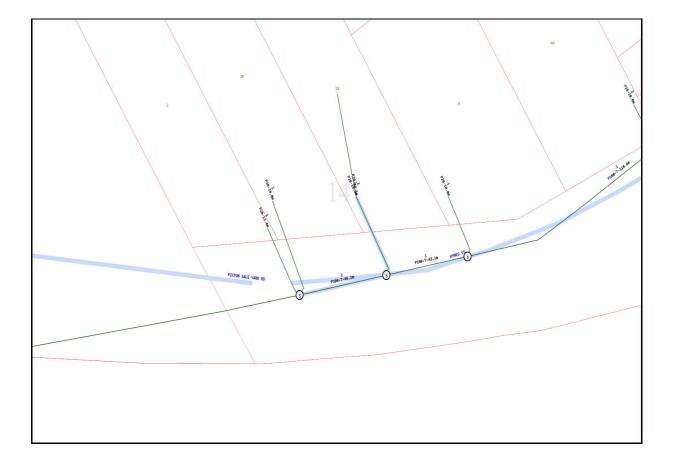


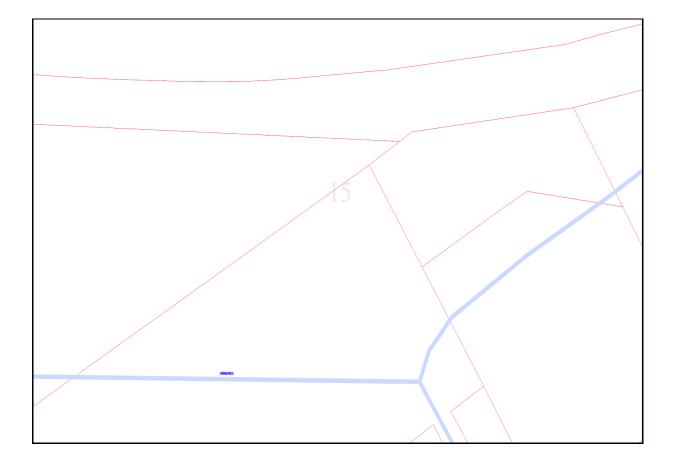


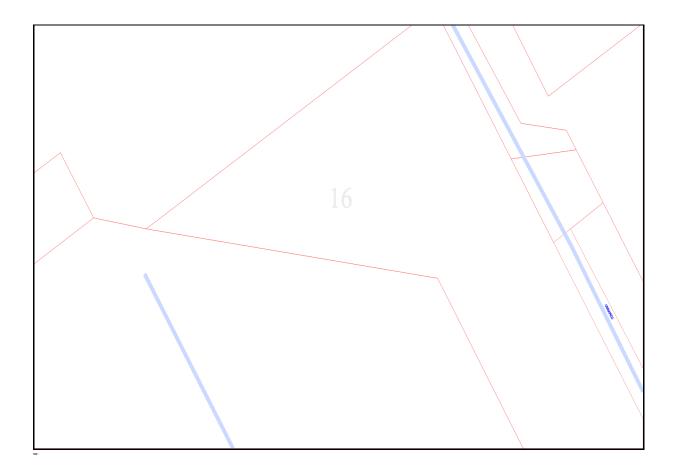












#### **Emergency Contacts**

You must immediately report any damage to the **nbn™** network that you are/become aware of. Notification may be by telephone - 1800 626 329.

### Appendix F

Photos from site walkover

#### SITE WALK THROUGH



Computer



Sheet Metal and Broken Glass



Some Construction waste, mostly Concrete (may fall outside of property)





## Bush Fire Assessment Report

Subdivision

**1** Hynes Street Broken Hill

#### Document Tracking:

CLIENT: Richard Berends <info@keepbuildingdesign.com.au>

1

DATE: 20/11/2024

JOB REFENCE: 24SBC\_1026

1

VERSION:

PREPARED BY: Steven Houghton Statewide Bushfire Consulting BPAD Bushfire Packed Practitioner Level 3

#### DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET, BROKEN HILL

Bush Fire Assessment Report – 1 Hynes Street Broken Hill e: <u>steven@statewidebushfire.com.au</u>

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2

Bush Fire Assessment Report – 1 Hynes Street Broken Hill

#### **1** Introduction

#### 1.1 Building and Site Characteristics

This report forms part of the submission requirements to support a Development Application summarised in **Table 1**.

#### Table 1: Proposal summary

Property Details	1 Hynes Street Broken Hill 2880 Lot/Section/Plan no: 12/-/DP1174503 Council: BROKEN HILL CITY COUNCIL	
Type of Proposal	☑ Subdivision –Assessed under Section 5 of PBP ☑ Urban	
Development	Subdivision of 12/-/DP1174503 create 14 Residential lots and 1 residue (undeveloped) lot. (Stage 2 at later time)	
Bush fire prone land status	☑ Subject Lot mapped as bushfire prone land – Figure 1	
Information relied upon	<ul> <li>Plan of proposed subdivision of lot 12/-/DP1174503 – Figure 2</li> <li>FireMaps and ePlanning software - cadastral and topographic information and for New South Wales</li> </ul>	
1 Hynes Street Broken Hill 2880 Lot/Section/Pfan no: 12/-/DP1174503		



Figure 1: Bush fire prone land mapping showing subject lot captured.

3

Bush Fire Assessment Report – 1 Hynes Street Broken Hill

#### **1.2 Legislative requirements**

The subject Lot/site is 'Bush fire prone land' as determined by local council bush fire prone land mapping under s.146 of the Environmental Planning and Assessment Act (EP&A) 1979.

Subdivision on bushfire prone land, including subdivision that does not create an additional lot or dwelling entitlement, is termed Integrated Development under section 100B of the Rural Fires Act 1997, requiring a Bush Fire Safety Authority (BFSA) from the NSW Rural Fire Service (RFS).

For the purposes of meeting the requirements under Chapter 5 of PBP for Subdivision, potential building areas are identified on any proposed residential lots not currently containing an existing dwelling.

The outcome of this assessment shows that proposed lots 1-14 will have adequate access and compliant Asset Protection Zone's (APZ's), not exposed to radiant heat levels exceeding 29kW/m<sup>2</sup> (BAL-29).

#### 1.3 Scope

The purpose of this report is to demonstrate compliance, or otherwise, with the broad aims and objectives of *Planning for Bushfire Protection 2019 (PBP)* and *AS 3959-2018 'Construction of buildings in bushfire-prone areas.* 

Based on these requirements, this report seeks to:

- 1. Assess the proposal with reference to PBP-2019 and AS3959-2018;
- 2. Identify appropriate Bush fire Protection Measures designed to mitigate the bushfire risk and protect occupants
- 3. Assist the Consent Authority in the determination of the suitability of the proposed development.

The recommendations contained herein may assist in forming the basis of any specific bushfire conditions that Council and/ or the NSW Rural Fire Service may elect to place within the consent conditions issued for the subject Development Application (DA).

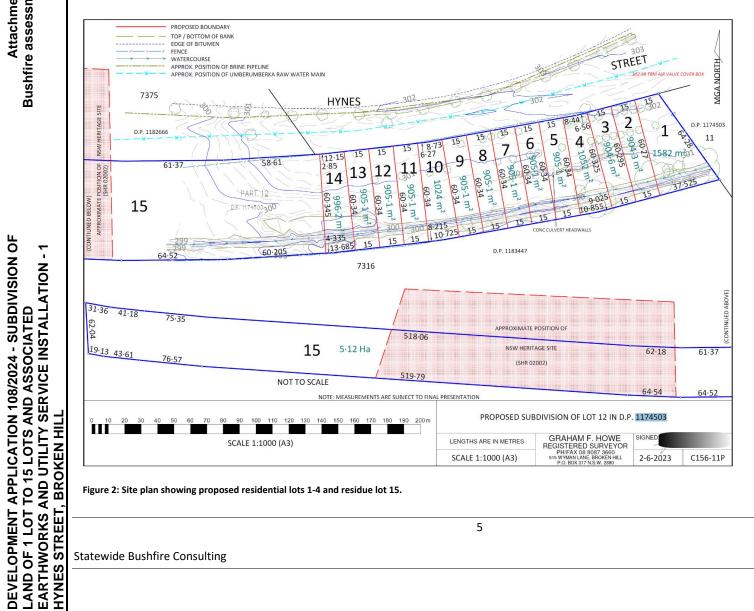
#### **1.4 Development on surrounding lots and other known constraints**

No threatened species or other known significant environmental or heritage constraints are known or have been advised.

Local Council or the NSW Rural Fire Service, as the determining authority, will assess more thoroughly any potential environmental, heritage or zoning issues.

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#### Bush Fire Assessment Report – 1 Hynes Street Broken Hill



#### Figure 2: Site plan showing proposed residential lots 1-4 and residue lot 15.

5

## 2 Site Assessment

The relevant Asset Protection Zone (APZ) and bushfire attack level (BAL) is determined using the methodology detailed in Appendix 1 of PBP.

The site assessment is with respect to potential residential development on proposed lots 1-14 that contain vacant land, to satisfy the conditions for the minimum APZ's under PBP, using the methodology below.

#### 2.1 Vegetation

Determine vegetation formations according to Keith (2004) in all directions around the proposed development to 140m.

Vegetation extent (bushfire hazard) within the study area is derived from Aerial photo interpretation (latest NearMap Imagery)

- Adjacent to proposed lots 1-14 to the west (within reside lot 15), to the south and to the east and north-east are areas of low fuel scrubby vegetation and grass, categorised as Grassland under PBP. The eastern boundary area of Lot 15 can be managed by the proponent to provide the minimum APZ for Lot 14 (see Figure 3)
- It is understood the road verge between lots 1-4 and Hynes Road will be managed as an APZ for access roads (driveways) and excluded from assessment.
- To the east is an area of higher density vegetation containing canopy trees, outside the 100m BAL radius.

#### 2.2 Effective Slope

Determine the effective slope of the land from the building for a distance of 100 metres

The slope(s) that most significantly influences the bush fire behavior and has been derived from topographic <u>2m contour data</u> (FireMaps – FPAA Mapping Software) and depicted in **Figure 3** 

#### 2.3 Fire weather

Determine the relevant Fire Area having a Fire Danger Index (FFDI) for the council area

The Lot is situated within BROKEN HILL CITY COUNCIL having a FFDI of 80

6

#### 2.4 Separation distance and Available APZ:

Determine the separation distance from the unmanaged vegetation to the closest external wall.

The separation distance in all hazard directions is shown in **Figure 3** which represents the available APZ in that direction provided in **Table 2**.

#### 2.5 Bush fire attack level (BAL):

The Bush fire attack level (BAL) is used as the basis for establishing the construction requirements for development of Class 1, 2, 3 and 4 (part) buildings in NSW in bush fire prone areas.

The site assessment methodology for determining the construction requirements for bushfire prone areas is calculated using Appendix 1 of PBP 2019 which determines the appropriate BAL

7

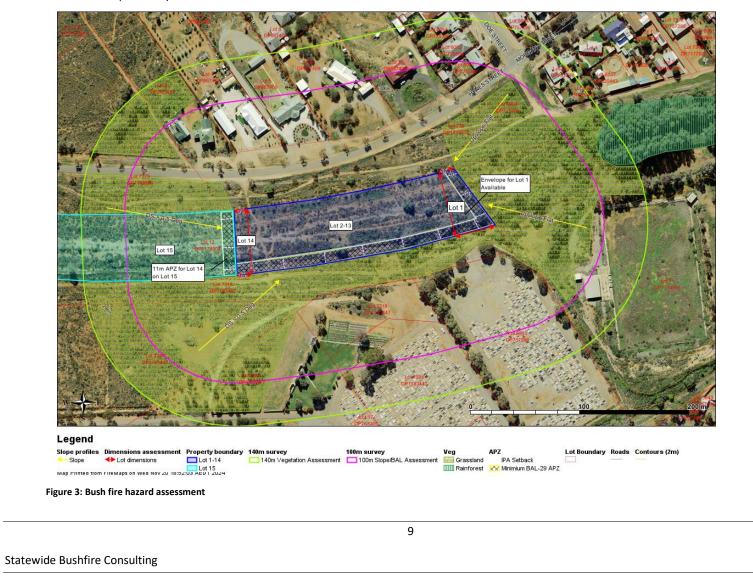
# Attachment 6 Bushfire assessment

#### DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET, BROKEN HILL

				e Consulting	Statewide Bushfire Consulting
	8				
	29kW/m2, 1090K)	ent, FFDI 80 areas (<	<sup>1</sup> PBP 2019 – Table A1.12.2 - Minimum distances for APZs – residential infill development, FFDI 80 areas (<29kW/m2, 1090K)	Minimum distances for	1PBP 2019 – Table A1.12.2 -
Lot 15 directly adjacent to the west can be partly managed as an 11m APZ for required setbacks in that direction	د	11m	Downslope > 0-5 <sup>0</sup>	Grassland	South
The Minimum APZ is available within Lot 14 to allow a Building Envelope.	≥11m	11m	Downslope > 0-5 <sup>0</sup>	Grassland	West
	d Lot 14	Proposed Lot 14			
The Minimum APZ is available within Lot 2-13 to allow a Building Envelope.	≥11m	11 m	Downslope > 0-5 <sup>0</sup>	Grassland	South
	Lot 2-13	Proposed Lot 2-13			
allow a Building Envelope.	≥11m	11m	Downslope > 0-5 <sup>0</sup>	Grassland	South
The Minimum APZ is available within Lot 1 to	≥10m	10m	Upslope /Flat	Grassland	East and North- east
	d Lot 1	Proposed Lot 1			
Comments	Available APZ	Minimum APZ <sup>1</sup>	Effective Slope	Vegetation formation	Transect
				ard assessment	Table 2: Bush fire hazard assessment
			Bush Fire Assessment Report – 1 Hynes Street Broken Hill	nt Report – 1 Hyr	Bush Fire Assessme

DEVELOPMENT APPLICATION 108/2024 - SUBDIVISION OF LAND OF 1 LOT TO 15 LOTS AND ASSOCIATED EARTHWORKS AND UTILITY SERVICE INSTALLATION - 1 HYNES STREET, BROKEN HILL

Bush Fire Assessment Report – 1 Hynes Street Broken Hill



## **3** Bush fire protection measures

Development proposals for new dwellings on individual lots are to be assessed via Development Application (DA) for single dwelling Infill development under *Section 4.14 of the EP&A Act 1974* or Complying Development (CDC) under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* 

**Intent of measures:** to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

Bushfire Protection Measure	Report Section	Acceptable Solution	Performance Solution
Asset Protection Zones	3.1		
Landscaping	3.2	Ø	
Access	3.3	M	
Water supply	3.4	Ø	
Electrical services	3.5	Ø	
Gas services	3.6	Ø	
Emergency Management	3.7	$\mathbf{\overline{\mathbf{A}}}$	

#### Table 3 : Summary of bushfire protection measures assessed.

All r BPMs can comply with the Acceptable Solutions under Table 5.3a (APZ's), and 5.3c (Services) of PBP for subdivision development as demonstrated in Sections 3.1 to 3.7 of this report.

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#### 3.1 Asset Protection Zone (APZ)

This assessment shows that any future dwelling on proposed lots 1-14 can provide a building footprint not exposed to radiant heat levels exceeding 29 kW/m<sup>2</sup> (BAL-29) in accordance with Tables A1.12.3 as shown in Table 2 and mapped on Figure 3.

**Note:** The above is dependent on the proponent providing the minimum APZ for Lot 14 on proposed lot 15 and the entire road verge between proposed lots 1-14 and Hynes road managed as an APZ.

#### Table 4: Relevant APZ Performance Criteria, Acceptable Solution and Compliance:

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION (DTS)	COMPLIANCE
potential building footprints must not be exposed to radiant heat levels exceeding 29 kW/m <sup>2</sup> on each proposed lot.	APZs are provided in accordance with Tables A1.12.2 and A1.12.3 based on the FFDI.	☑ Can comply.
APZs are managed and maintained to prevent the spread of a fire to the building.	APZs are managed in accordance with the requirements of Appendix 4 of PBP.	☑ Can comply.
The APZ is provided in perpetuity. APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised	APZs are wholly within the boundaries of the development site. APZ are located on lands with a slope less than 18 degrees.	☑ Can comply.

#### APZ Recommendations:

- Minimum APZ's to be established and managed as an Inner Protection Area (IPA) as outlined in Appendix 4 of PBP:
  - $\circ$  10m APZ on the western boundary of Lot 1,
  - 11m along the southern boundary of all Lots 1-14, and:
  - 11m APZ on eastern boundary of Lot 15.
- When establishing an IPA, the following requirements are recommended:
  - $\circ$   $\;$  Tree canopy less than 15% at maturity and separated by 2 to 5m;  $\;$
  - Lower limbs are removed up to a height of 2m above the ground;
  - Preference is given to smooth-barked and evergreen trees;
  - Large discontinuities or gaps in vegetation are provided to slow down or break the progress of fire towards buildings;
  - Shrubs are not located under trees or form more than 10% of ground cover;
  - Clumps of shrubs are separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
  - Grass to be kept mown (as a guide grass no more than 100mm in height);

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#### 3.2 Landscaping

Landscaping within the APZ is designed and managed in accordance with the requirements of 'Asset protection zone standards' outlined in Appendix 4 of PBP – 2019. A summary of the relevant requirements is provided below:

Table 5: Relevant Landscaping Standards Performance Criteria, Acceptable Solution and Compliance:

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION (DTS)	COMPLIANCE
landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions	landscaping is in accordance with Appendix 4; and Fencing is constructed in accordance with section 7.6	☑ Can comply.

#### Landscaping Recommendations:

- 1m wide area suitable for pedestrian traffic provided around the curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. Plants are isolated)
- Landscape species are chosen to ensure tree canopy cover is less than 15% at maturity;
- Trees do no touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips;
- Use smooth bark trees species which generally do not spread fire up into the crown;
- Avoid planting of deciduous species that increase fuel at surface/ ground level (i.e. leaf litter); Avoid climbing species to walls and pergolas;
- Locate combustible materials such as mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building;
- Low flammability vegetation species are used.
- Fencing within 6m of a building or in areas of BAL-29 or greater are made of noncombustible material only.

Fences and Gates: fencing is constructed in accordance with section 7.6. of PBP:

• All fences in bush fire prone areas should be made of either hardwood or noncombustible material. In circumstances where the fence is within 6m of a building or in areas of BAL-29 or greater, they should be made of non-combustible material only.

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#### 3.3 Access arrangements

Design of access roads shall enable safe access and egress for residents attempting to leave the area at the same time that emergency service personnel are arriving to undertake firefighting operations.

Future proposed dwellings on Lot 1-14 will be accessed from a standard driveway directly from a sealed all weather public road capable of supporting firefighting vechicles and adequate hardstand area for firefighting operations. No perimeter or internal roads are proposed.

In accordance with Table 5.3b of PBP: There are no specific access requirements in an urban area where an unobstructed path (no greater than 70m) is provided between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting vehicles.

 Table 6: Relevant APZ Performance Criteria, Acceptable Solution and Compliance:

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION (DTS)	COMPLIANCE
The intent may be achieved when	re:	
firefighting vehicles are provided with safe, all-weather access to structures and hazard vegetation.	Property access roads are two-wheel drive, all-weather roads.	☑ Can comply.
there is appropriate access to water supply.	Hydrants are provided in accordance with the relevant clauses of AS 2419.1:2021;	<ul> <li>✓ Complies (reasonably assumed)</li> <li>Refer Section 3.4</li> </ul>

#### Access Recommendations:

• New property access roads (driveway) are two-wheel drive, all-weather roads;

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#### 3.4 Water supply

An adequate supply of water is essential for firefighting purposes. The water supply would enable occupants to stay and defend if chosen to and allow fire-fighting personnel to attach equipment for use.

The proposed lots will be connected to reticulated water. The closest identified hydrant is located directly opposite the subject lot outside Lot 4, DP867409 (opposite the development on Hynes Street)

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION (DTS)	COMPLIANCE
Adequate water supply is provided for firefighting purposes.	reticulated water is to be provided to the development, where available;	☑ Can comply Refer Recommendations
Water supplies are located at regular intervals, accessible and reliable for firefighting operations.	fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2021 and are not located within any road carriageway;	Can comply Refer Recommendations
Water flows and pressure are appropriate	fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2021.	☑ Can comply Refer Recommendations
Integrity of the water supply is maintained.	all above-ground water service pipes external to the building are metal, including and up to any taps	☑ Can comply Refer Recommendations

#### Water Supply Recommendations:

- Fire hydrants to be installed on Hynes Street along the development frontage to comply with the following:
  - fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2021 and are not located within any road carriageway;
  - fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2021.
- All new above-ground water service pipes external to the building are metal, including and up to any taps.

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#### 3.5 Electricity services

The location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of buildings. Relevant Acceptable Solutions in Table 5.3c of PBP for Electricity services:

Table 8: Relevant Water Supply Performance Criteria, Acceptable Solution and Compliance:

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION (DTS)	COMPLIANCE
Location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of	Where practicable, electrical transmission lines are underground;	☑ Can comply
buildings.	Where overhead, are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas;	
	No part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 <i>Guideline</i>	
	for Managing Vegetation Near Power Lines.	

#### **Electricity Services Recommendations:**

- Where practicable, new electrical transmission lines are underground;
- Where overhead, are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
- No part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines.*

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#### 3.6 Gas services

The location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings. Relevant Acceptable Solutions in Table 5.3c of PBP for Gas services:

Table 9. Relevant Gas Supply Performance	Criteria, Acceptable Solution and Compliance:
Table 5. Relevant Gas Supply Ferrornance	Citteria, Acceptable Solution and Compliance.

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION (DTS)	COMPLIANCE
Location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.	Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;	☑ Can comply
	All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;	
	All connections to and from gas cylinders are metal (polymer sheathed flexible gas supply lines are not used)	
	Above-ground gas service pipes are metal, including and up to any outlets.	

#### **Gas Services Recommendations:**

- Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- Connections to and from gas cylinders are metal;
- Polymer-sheathed flexible gas supply lines are not used; and
- Above-ground gas service pipes are metal, including and up to any outlets.

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#### 3.7 Emergency Management

It is recommended that residents living in a Bush fire Prone Area are encouraged to prepare a Bush fire Survival Plan. The plan should include:

- 1. Triggers for leaving early in the event of a bush fire or deciding to stay if well prepared.
- 2. Checklists
  - a. Equipment and Protective clothing checklist
  - b. Action checklist before, during and after the fire.
- 3. Preparing your home to make it safer.
- 4. Awareness of current Bush fire Alert Levels and Fire Danger Ratings
- 5. Key information sites include the "Fires Near Me" smartphone app.

#### **Emergency Management Recommendations:**

• A simple Bush fire survival plan is prepared for occupants of any existing dwelling or future dwellings on proposed lots. This plan shall be prepared in accordance with the relevant steps detailed by the NSW Rural Fire Service *Bushfire Survival Plan*.

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https://www.rfs.nsw.gov.au/ data/assets/pdf file/0003/36597/BFSP-Complete.pdf

# **4** Specific objectives for infill development:

The proposed subdivision can meet the requirements for the specific objectives of subdivision development within PBP.

#### Table 11: Specific objectives for subdivision development

Specific Objective	Comment
minimise perimeters of the subdivision exposed to the bush fire hazard (hourglass shapes, which maximise perimeters and create bottlenecks should be avoided);	<ul> <li>Subdivision in established semi-rural area with dwellings on adjacent lots. Shape of proposed lots to do not create a higher risk to the development with minimal perimeter exposed to bush fire hazard</li> </ul>
minimise vegetated corridors that permit the passage of bush fire towards buildings;	<ul> <li>No vegetated corridors proposed.</li> <li>Landscaping recommendations apply to minimise bush fire risk (Section 3.2)</li> </ul>
provide for the siting of future dwellings away from ridge-tops and steep slopes, within saddles and narrow ridge crests;	<ul> <li>Development within an established semi- rural environment with ample building envelopes provided within each lot</li> </ul>
ensure that APZs between a bush fire hazard and future dwellings are effectively designed to address the relevant bush fire attack mechanisms;	<ul> <li>Proposed APZ is wholly contained within subject Lots within subdivision and not dependent on adjoining lands</li> <li>Proposed lots 1-14 can accommodate a new dwelling at BAL-29 or lower</li> </ul>
ensure the ongoing maintenance of APZs;	<ul> <li>Recommendations for compliance with the acceptable solutions for establishing and maintaining onsite APZ and Landscaping (Section 3.1 and 3.2)</li> </ul>
provide adequate access from all properties to the wider road network for residents and emergency services;	<ul> <li>Development has direct access to the public road system.</li> </ul>
provide access to hazard vegetation to facilitate bush fire mitigation works and fire suppression; and	<ul> <li>Hazard is located with direct access to public road system.</li> </ul>
ensure the provision of an adequate supply of water and other services to facilitate effective firefighting.	• Recommendations for compliance with the acceptable solutions for Water, Gas and Electricity (Section 3.3, 3.4 & 3.5)

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# 5 Conclusions and recommendations

The proposal can meet the requirements for the specific objectives of Subdivision development (**Section 4**) by compliance with the acceptable or performance solutions for all Bush fire protection measures within 'Planning for Bush Fire Protection 2019'

Performance Criteria	Report Section	Summary of Recommendations
Asset Protection Zones	3.1	<ul> <li>Minimum APZ's to be established and managed as an Inner Protection Area (IPA) as outlined in Appendix 4 of PBP:         <ul> <li>10m APZ on the western boundary of Lot 1,</li> <li>11m along the southern boundary of all Lots 1-14, and:</li> <li>11m APZ on eastern boundary of Lot 15.</li> </ul> </li> </ul>
Landscaping	3.2	• Designed and managed in accordance with Appendix 4 of <i>PBP</i>
Access	3.3	<ul> <li>New property access roads (driveway) are two-wheel drive, all-weather roads;</li> </ul>
Water supply	3.4	<ul> <li>Fire hydrants to be installed along Hynes Street along the development frontage to comply with <b>Table 7</b></li> <li>All above-ground water service pipes external to buildings are metal, including and up to any taps.</li> </ul>
Electricity service	3.5	<ul> <li>New electrical transmission lines are underground.</li> <li>Any new transmission lines and poles to be installed in compliance with ISSC3 <i>Guideline for Managing Vegetation Near Power Lines</i>.</li> </ul>
Gas service	3.6	<ul> <li>Gas services are to be installed and maintained in accordance with AS/NZS 1596:2014. Above-ground gas service pipes, connections and outlets are metal. Gas cylinders kept clear of flammable materials.</li> </ul>
Emergency Management	3.7	Bush fire survival plan is prepared for occupants of the dwelling.

#### Table 12: Conclusions and Recommendations

Provided the development, APZ areas, Landscaping, Access and Utilities on site are constructed, designed and maintained in accordance with the recommendations described in this report, the proposed development can satisfy the aims, objectives and performance requirements of PBP 2019 considered relevant to the development under Section 100B of the Rural Fires Act 1997

Steven Houghton Statewide Bushfire Consulting Graduate Diploma of Bushfire Protection BPAD Accredited Practitioner Level 3 No. BPAD46241



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# 6 Disclaimer

Client uses only	This document is intended for client use only. This document must be used for the stated purpose only. It must not be distributed to a third party or used for an alternative purpose without written approval of the author.
Limit Liability	The author is not liable to any person for damage or loss of life resulting from actions taken or not taken as recommended in this report.
Changeable	This report is based on the author's interpretation of <i>Planning for Bush Fire Protection 2019</i>
guidelines	(PBP) and Australian Standard AS 3959-2018 'Construction of buildings in bushfire-prone areas as at the time of writing.
Conflict of	This report reflects the opinions and recommendations of the author only, and not those of
interest	the Rural Fire Service (RFS). Should Council or the RFS modify the recommendations or reject an assessment or proposal the author will not be held liable for any financial loss incurred as a result.
Remaining risk	Notwithstanding the recommendations made by the author, there can be no absolute guarantee that a bushfire will not occur or cause damage to property because of the extreme number of variables that bushfires present.
Measures not upheld in perpetuity	It is the responsibility of the client to maintain all bushfire protection measures proposed on a7 n ongoing basis.

# 7 References

- Keith, D. 2004. *Ocean Shores to Desert Dunes*. Department of Environment and Conservation, Sydney.
- NSW Rural Fire Service (RFS) 2019. *Planning for Bush Fire Protection: A Guide for Councils, Planners, Fire Authorities, Developers and Home Owners*. Government Publishing Service, Canberra.
- Resources and Energy NSW (2016). *ISSC 3 Guide for the Managing Vegetation in the Vicinity of Electrical Assets*. NSW Government
- Standards Australia (SA). 2021. Fire hydrant installations System design, installation and commissioning, AS 2419.1, (2021), SAI Global, Sydney.
- Standards Australia (SA). 2018. *Construction of buildings in bushfire-prone areas*, AS 3959-2018. SAI Global, Sydney.
- Standards Australia (SA). 2014. *The storage and handling of LP Gas*, AS/NZS 1596:2014. SAI Global, Sydney.

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Statewide Bushfire Consulting

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# INFRASTRUCTURE AND ENVIRONMENT COMMITTEE

February 20, 2025

# ITEM 2

## BROKEN HILL CITY COUNCIL REPORT NO. 37/25

#### SUBJECT:PARKS AND OPEN SPACES SERVICE REVIEWD25/7650

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 37/25 dated February 20, 2025, be received.
- 2. That Council note the outcome of the Parks and Open Spaces Service Review.
- 3. That Council develop a strategy/policy to implement an incentivised/subsidised nature strip enhancement program to reduce the growth and spread of noxious weeds throughout residential and commercial areas.

## **Executive Summary:**

The Integrated Planning and Reporting Framework (IP&R) requires that Council's undertake reviews of identified service areas during the term of Council.

The service review program for 2024/2025 included a review of Parks and Open Spaces.

This review was undertaken by Local Government specialists Morrison Low, commencing in September 2024 with the final report issued in February 2025 (Attached).

#### Report:

The Integrated Planning and Reporting Framework (IP&R) requires that Council's undertake reviews of identified service areas during the term of Council.

The service review program for 2024/2025 included a review of Parks and Open Spaces Services (POSS).

This review was undertaken by Local Government specialists Morrison Low, commencing in September 2024 with the final report issued in February 2025.

#### Purpose of Review

The purpose of this Service Review was to define service levels as a basis for engaging the new Council and community on the cost of current service levels and the choices Council has, to either meet or vary these service levels. The scope for the proposed POSS service review included:

- Review the portfolio of land maintained by Parks and Open Space Services and in conjunction with Council, establish a parks hierarchy to guide service provision.
- Establish levels of service for the different types of parks, open space and significant activities that are delivered by the team.
- Where possible establish the cost of delivering these service levels.

- Review the quantum of open space, resourcing level and costs against industry ranges (noting that benchmarks or averages are not appropriate for parks operations due to the variation in factor impacting maintenance cost).
- Community satisfaction with the delivery of Parks and Open Space and potential opportunities to improve community and customer satisfaction.
- Risks impacting the delivery of the Parks and Open Space service area and opportunities to mitigate and treat those risks.
- Potential opportunities to improve service delivery.

# Comparative Data

Table 4 Comparative data for Parks and Open Space assets

	Australia (median)	Broken Hill
Ha of total park/1,000 residents	18.5	1.65²
Ha of actively maintained park/1,000 residents	6.47	0.76
Ha of sports parks/1,000 residents	0.83	0.89
Playgrounds per 1,000 children under 15	7.01	2.32
Street Trees per 1,000 residents	262	1,400 <sup>3</sup>
Planted beds per 1,000 residents m2	1,688	_4
Operational cost per Ha total park	\$20,470	\$25,877
Operational cost per Ha of sports ground maintenance	\$16,630	\$9,388

Broken Hill City's geographic location means the cost of materials and contracts will be much higher than the coastal councils who participated in the benchmarking, so the higher cost by comparison for operational cost per hectare is not unexpected.

The climate, location and geology of the area has shaped the provision of open space in Broken Hill. By comparison, Broken Hill provides fewer areas of actively maintained park land but has a wealth of total park/open space within the city by comparison to other Australian local governments. The Council has more sports fields by comparison and fewer actively maintained parks and playgrounds.

Service Improvement Opportunities Identified

# Level of provision

- Proceed with the Masterplan for recreational parks as proposed as this will provide clarity for future investment. This should also consider the option of engaging with the community on developing a play strategy to plan the location and quality of play spaces.
- Broken Hill has a number of underutilised sporting ovals and there is an opportunity to consolidate use onto a smaller number of ovals and reduce the service level on the remaining ovals that would no longer be used for sport.
- Generally, most tree species have an optimum life span and will require replacement near the end of their life before they create problems. There are a number of tree species in the city that pose a risk to Council's assets and the community. Council

should set aside funds to enable a street tree replacement program in accordance with the Tree Management Plan.

• Weeds are likely to remain a significant problem for some time and Council should continue to explore resurfacing options as funding permits.

#### Changes to service levels

- Existing service levels have been documented in this report and there is an opportunity to engage the community on the appropriateness of current service levels.
- Service levels are generally lower than most urban local governments, however, these service levels are not unrealistic in the Broken Hill environment. There is an opportunity to engage with the community on whether service levels should be improved (at a higher cost) or if they can be reduced.
- Mowing is undertaken on a cyclic basis. There is an opportunity to move to heightbased service levels or reduce mowing frequency on medium and low priority open spaces. This will require some discipline from the Parks and Open Spaces Team to adopt a flexible approach.
- There is an opportunity for playground inspections to be increased to coincide with Monday and Friday tasks.
- Council should develop a policy or process for prioritising customer requests and complaints. This will ensure members of the community who have their requests prioritised in a transparent and equitable manner.

## Cost recovery

• There is an opportunity to review charges for services e.g. ground use, lighting, line marking, wicket preparation etc., and/or stop providing some specific services and allow sport clubs to undertake the work themselves.

#### Next Steps

Council officers will continue to review the information provided in the report and further investigate the opportunities identified.

#### **Community Engagement:**

A site visit by Morrison Low included the following consultation:

10/09/2024	Leader Innovation and Business Improvement
11/09/2024	Coordinator Parks and Open Spaces
11/09/2024	Parks and Open Spaces Team
11/09/2024	Manager Infrastructure Operations
11/09/2024	Executive Leadership Team
12/09/2024	Director Infrastructure and Environment
12/09/2024	Strategic Asset Coordinator

There are no proposed changes to service levels impacting the community, however if there are any changes to services levels following further review of the 'Improvement Opportunities' listed in the report a further report will be presented to Council.

#### **Strategic Direction:**

Key Direction:	4	Our Leadership
Objective:	4.2	Our leaders make smart decisions
Strategy:	4.2.4	Implement Service Review Framework

#### **Relevant Legislation:**

Local Government Act 1993, section 428A

#### **Financial Implications:** Nil

# Attachments

Parks and Open Spaces Service Review - Final Report 1. 👢

JAY NANKIVELL GENERAL MANAGER



# Service Review of Parks and Open Space Broken Hill City Council

January 2025



#### **Document status**

Job #	Version	Written	Reviewed	Approved	Report Date
7817	1	Stephen Bunting	Greg Smith	Greg Smith	15 November 2024
	Final	Stephen Bunting	Greg Smith	Greg Smith	31 January 2025

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# Abbreviations, acronyms and initialisms

Term	Definition
Council	Broken Hill City Council
CLM Act	Crown Land Management Act 2016
Guidelines, the	The Integrated Planning and Reporting Guidelines for Local Government in NSW
IP&R	Integrated Planning and Reporting
OLG, the	The Office of Local Government
Local Government Act, the	The Local Government Act 1993
PoM	Plan of Management

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# **1** Executive summary

The Broken Hill City Council ("Council") has identified the Parks and Open Space Services ("POSS") as priority for review in 2024.

The POSS maintains key Council assets including the premier park, Sturt Park, a range of other significant or neighbourhood parks, sports fields, small CBD parks and open spaces (pocket parks), nature strips, street verges, trees and drainage channels. The service plays a major role in providing passive and active recreational infrastructure essential to the community. In addition, POSS ensures the presentation of Broken Hill streetscapes and parks to locals and visitors alike, is of a high standard that enhances the community reputation as a liveable city.

While the POSS is meeting its objectives and receives positive feedback, Council has identified there is a need to understand and define service levels and costs so that the Council and community can be engaged and better informed of the options and choices when service level increases or decreases are considered.

The following service improvement opportunities are summarised below and discussed in the body of this report. It is likely that many of these opportunities will require community engagement as they change the status quo either positively or negatively for some community members.

## **1.1 Level of provision**

- Proceed with the Masterplan for recreational parks as proposed as this will provide clarity for future investment.
- Broken Hill has a number of underutilised sporting ovals and there is an opportunity to consolidate use onto a smaller number of ovals and reduce the service level on the remaining ovals that would no longer be used for sport.
- Broken Hill has fewer playgrounds than other councils and could engage the community on developing a play strategy to plan the location and quality of play spaces.
- Generally, most tree species have an optimum life span and will require replacement near the end of their life before they create problems. There are a number of tree species in the city that pose a risk to Council's assets and the community. Council should set aside funds to enable a street tree replacement programme in accordance with the Tree Management Plan.
- Weeds are likely to remain a significant problem for some time and Council should continue to explore resurfacing options as funding permits.

# **1.2** Changes to service levels

- Existing service levels have been documented in this report and there is an opportunity to engage the community on the appropriateness of current service levels.
- Service levels are generally lower than most urban local governments, however, these service levels are not unrealistic in the Broken Hill environment. There is an opportunity to engage with the community on whether service levels should be improved (at a higher cost) or if they can be reduced.
- Mowing is undertaken on a cyclic basis. There is an opportunity to move to height-based service levels or reduce mowing frequency on medium and low priority open spaces. This will require some discipline from the POSS to adopt a flexible approach.

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- There is an opportunity for playground inspections to be increased to coincide with Monday and Friday tasks.
- Council may consider returning more underutilised areas to regeneration areas to reduce costs, however, with limited area of maintained parks and an abundance of natural areas, this option is not favoured unless supported by the community.
- Council should develop a policy or process for prioritising customer requests and complaints. This will ensure members of the community who have their requests prioritised in a transparent and equitable manner.

## **1.3 Cost recovery**

• There is an opportunity to introduce charges for services e.g. ground use, lighting, line marking, wicket preparation etc., and/or stop providing some specific services and allow sport clubs to undertake the work themselves.

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# Introduction

Local councils are responsible for delivering a wide range of services to their communities and exercising an extensive suite of service, regulatory, revenue, administrative, enforcement and ancillary functions under the *Local Government Act 1993* ("the Local Government Act") and other legislation.

Under the Integrated Planning and Reporting ("IP&R") framework provisions of the Local Government Act, all local councils are required to plan holistically for the future and must develop a suite of interrelated strategies to guide their long-term planning and decision-making in relation to service delivery and resources. All plans, policies, programs, and activities developed and undertaken by local councils must directly relate to their respective IP&R frameworks.

The IP&R framework is designed to support local councils in establishing service levels, monitoring service performance, improving service delivery and encouraging continuous improvement across their organisations and operations.

The Integrated Planning and Reporting Guidelines for Local Government in NSW ("the Guidelines") published by the NSW Office of Local Government ("the OLG") and prescribed under the Local Government Act provide that local councils must, via their Delivery Program, "identify areas of service that the council will review during its term, and how the council will engage with the community and other stakeholders to determine service level expectations and appropriate measures".

In turn, local councils must specify which service delivery reviews they will undertake each year via their annual Operational Plan, and report on the results of such reviews in their Annual Report. Importantly, councils must disclose in their Annual Report any changes they have made to services in response to the findings of service delivery reviews undertaken in the previous year.

The service review process asks local councils to consider the following questions when reviewing services:

- 1. Should this service be delivered to the community?
- 2. If so, how should it be delivered?
- 3. Is this service delivering on community needs and Council's goals?
- 4. Is the service being delivered using the most appropriate service delivery mechanisms?
- 5. Is the service being delivered as efficiently and effectively as possible?
- 6. Is the service resourced appropriately?
- 7. Is the service meeting current service standards and levels?
- 8. What are the current and future issues affecting the service, and what should be done about them?

A service delivery review is a vital process for local councils and will ensure that their service functions are:

- Appropriate that is, services meet current community needs and wants, and can be adapted to meet future needs and wants,
- Effective that is, councils deliver targeted, better-quality services in new ways,
- Efficient that is, councils improve resource use (people, materials, equipment, infrastructure) and redirect savings to finance new or improved services, and
- Affordable that is, the community is able to afford the current and any proposed future service levels.

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# 2 Objectives and scope

# 2.1 Background

The purpose of this Service Review is to define service levels as a basis for engaging the new Council and community on the cost of current service levels and the choices Council has, to either meet or vary these service levels. The scope for the proposed POSS service review included:

- Review the portfolio of land maintained by Parks and Open Space Services and in conjunction with Council, establish a parks hierarchy to guide service provision.
- Establish levels of service for the different types of parks, open space and significant activities that are delivered by the team.
- Where possible establish the cost of delivering these service levels.
- Review the quantum of open space, resourcing level and costs against industry ranges (noting that benchmarks or averages are not appropriate for parks operations due to the variation in factor impacting maintenance cost).
- Community satisfaction with the delivery of Parks and Open Space and potential opportunities to improve community and customer satisfaction.
- Risks impacting the delivery of the Parks and Open Space service area and opportunities to mitigate and treat those risks.
- Potential opportunities to improve service delivery.

#### 2.2 The Service

Parks and garden are recognised as an important asset to the quality of urban living. Not only do they provide recreational opportunities and aesthetic value, but they also provide essential ecological and environmental benefits within the community.

The City of Broken Hill is somewhat unique when it comes to the provision of the POSS amongst NSW local governments. The soils, climate, topography and location of Broken Hill had influenced the level of asset provision as well as parks operational maintenance practices. The isolated nature of the community and remoteness from other local government parks and sports fields mean the Council is the sole provider and there are few opportunities to leverage off regional provision to create efficiencies and share resources.

Almost all the cost of parks and open space provision is being borne by the Broken Hill City ratepayers as there is a high reliance on Council resources for service delivery. As the parks and open space assets largely service the local community (baring a few events) there is very few options to recover the cost of service other than rates or user charges. Currently the costs are almost entirely rate funded which places the cost burden on all ratepayer regardless of whether they use the parks and open space assets.

We note the POSS excludes parks open space assets such as: The Living Desert, Cemetries and Willyama Common. The map below shows the main parks and open space within Broken Hill noting Jubilee Ocal and Zinc Oval are not Council assets and that Excelsior Oval is still a sports field.

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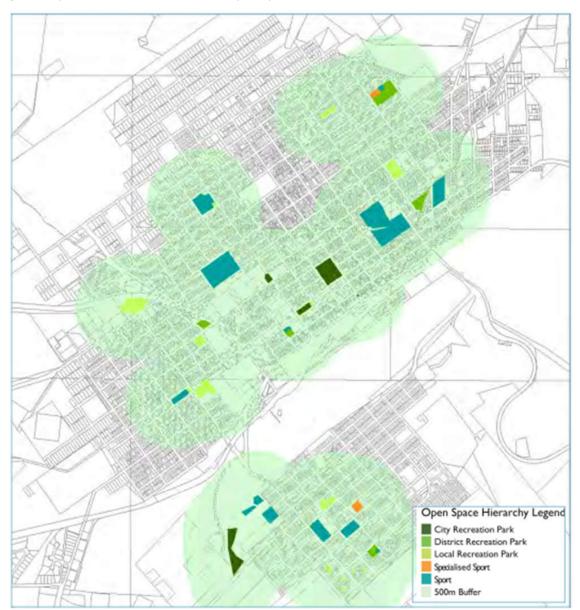


Figure 1 Map of Broken Hill Parks, Garden and Opens Spaces<sup>1</sup>

 $^{\rm 1}$  Plan of management for opens space. Ross Planning, 2009

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In addition to the parks and open space assets the POSS maintains a number of other town or Council assets that are not primarily parks or open space but are of community or historic importance. The assets include the:

- The Administration Centre
- Courthouse
- Town Square
- Roundhouse toilets
- Civic Centre
- Lions Reserve
- Conservation gardens
- Visitor information centre
- Beryl Street boxes
- Art Gallery carpark
- Argent St roses
- JC Cross
- Thomas Street gardens
- Lindsays roses
- Street verges
- Street Trees
- Drainage reserves

The Council's Draft Asset Management Plan summarises the current parks assets in Figure 2, noting that cemetery assets fall outside the scope of this review.



#### Figure 2 Draft Asset Management Plan parks assets

Facility category	Facility Name	Replacement cost	Accumulated depreciation	Written down value	Annual depreciation
Attractions	Joe Keenan Lookout	23,436	-8,983	14,453	780
	Kintore Reserve	35,028	-17,050	17,978	1,048
	Vietnam Vets War Memorial Wall	75,600	-27,719	47,881	1,259
Attractions Total		134,064	-53,751	80,313	3,086
Cemetery	Cemetery	991,469	-400,237	591,231	20,510
Cemetery Total		991,469	-400,237	591,231	20,510
Public facility	Administration Centre	412,020	-185,679	226,341	4,859
	Civic Centre	116,550	-74,442	42,108	3,213
	Visitor Information Centre	195,647	-101,301	94,346	4,770
Public facility Total		724,217	-361,422	362,794	12,841
Recreational park	AJ Keast Park	466,704	-101,376	365,328	13,245
	Apex Park	241,023	-63,571	177,452	6,635
	Duff Street Park	480,564	-200,675	279,889	14,459
	Duke Of Cornwall	337,625	-148,640	188,984	8,866
	North Family Play Centre	292,194	-94,574	197,620	7,226
	Patton Park	834,792	-162,930	671,862	24,023
	Picton Oval	971,599	-371,201	600,398	30,158
	Queen Elizabeth Park	700,348	-100,304	600,044	21,815
	Riddiford Arboretum	5,292	-1,826	3,466	150
	Riddiford Park	37,644	-20,075	17,569	1,253
	Sturt Park	1,823,254	-504,435	1,318,819	49,213
Recreational park Total		6,191,037	-1,769,607	4,421,430	177,044
Sports grounds	Alma Oval	1,412,460	-297,835	1,114,625	123,162
	Lamb Memorial Oval	1,061,928	-540,790	521,138	79,221
	Memorial Oval	2,764,188	-1,669,078	1,095,110	81,719
	Norm Fox Sports Complex	977,540	-305,482	672,057	28,479
	O'Neill Park	2,089,543	-1,101,706	987,837	46,150
	Renfrew Oval	688,464	-448,309	240,155	22,271
Sports grounds Total		8,994,122	-4,363,201	4,630,921	381,002
Wetland	Mulga Creek Catchment	1,150,330	-598,145	552,184	22,980
Wetland Total		1,150,330	-598,145	552,184	22,980
Grand Total		18,185,238	-7,546,365	10,638,874	617,464

#### 2.2.1 The stakeholders

There is a considerable number of stakeholders who have an interest in the POSS including:

- Community individuals
- Sporting groups
- Other Council departments
- The local Aboriginal community
- Local business
- Environmental groups.

No new external stakeholder engagement was undertaken as part of this project as the review is intended to gather and report sufficient information to provide a robust basis for future engagement.

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# 2.3 Acknowledgements

We wish to thank Council staff for all the assistance, cooperation and courtesy extended to us during the course of our review, particularly during our site visit to Broken Hill from Tuesday, 10 September to Thursday, 12 September.

## 2.4 Limitations

In preparing this report, Morrison Low has relied on:

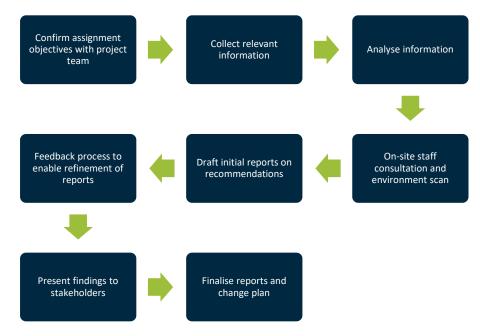
- Information provided by Council
- Feedback provided by Council's staff
- Publicly available information
- Our own analysis.

We have endeavoured to source as much information as possible and have relied on the accuracy of this information in preparing this report.

# 2.5 Methodology

The diagram below provides a detailed overview of the methodology applied by Morrison Low in undertaking the service review of Parks and Gardens service:

#### Figure 3 Methodology in undertaking service review of Parks and Open Space Service



In completing this service review and formulating our recommendations, we have focused on establishing a park hierarchy and considered noting challenges and risks that may either support or hinder an efficient and effective service delivery model.

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# 2.6 Strategic Alignment

The Broken Hill community identified trees, parks and open space as a key attribute for the city as part of the community engagement undertaken in developing Council's Community Strategic Plan; Broken Hill 2040 (BH2040). In addition, the community identified a cleaner and greener city, local environmental protection, trees, parks and open space, and tourism as priorities. As a result, the BH2040 includes the following objectives:

- **Objective 2.4** We are a destination of choice and provide a unique experience that encourages increased visitation.
- **Objective 3.1** Our environmental footprint is minimised.
- Objective 3.2 Natural environments and flora and fauna are enhanced and protected.

The Council's 2022-26 Delivery Program and 2023-24 Operational Plan outline Council's contribution to achieving the BH2040.

The Delivery Program identified the development of Parks and Open Space Asset Management Plans and this service review as priorities for Council. The Operational Plan allocated approximately \$1.9 million to Parks and Open Space for services, operations, maintenance.

# 2.7 Strategic Direction

In addition to the IP&R strategies and plans, the strategic direction of POSS is guided by:

- Plans of Management (PoM). There is a current PoM for Elizabeth Park.
- The Parks and Open Space Asset Management Plan.

Following the completion of the Asset Management Plan and service review, Council's operational plan notes the intention to prepare a Masterplan for recreational parks and investigate the preparation of a master plan for the Memorial Oval. These plans, when completed, will provide an important foundation for engaging the community on service strategy and service level to enable Council to be able to cost, resource and manage POSS service delivery.



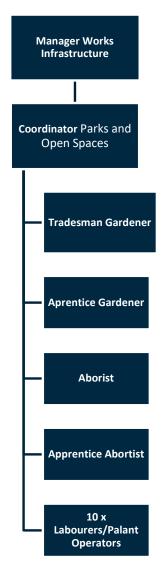
# 3 Current service delivery and performance

#### 3.1 Resources

#### 3.1.1 Workforce

The current organisational structure allocates 15 staff to POSS operations. The structure is a hierarchical organisational structure with all staff reporting to the coordinator, however, it does contain functional specialists for technical gardening and arboriculture.

Figure 4 Current organisation structure of the POSS



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#### 3.1.2 Financial

The actual costs for the last two completed financial years for the POSS are summarised in Table 1.

**Table 1 Actual Costs** 

Parks and Open space	2023/24 Actual	2023/24 Budget	2022/23 Actual
Income			
User Fees	-\$6,745	\$0	\$0
Facility hire	-\$1,882	\$0	-\$2,567
Total Income	-\$8,627	\$0	-\$2,567
Expenses			
Park maintenance	\$603,976	-	\$561,693
Sport Ground maintenance	\$146,446	-	\$106,420
Other general maintenance	\$457,996	-	\$605,596
Total Expenses	\$1,208,417	\$1,448,880	\$1,273,709
Work on Roads by POSS	\$255,923		\$192,761

Total expenditure in the Parks and Open Space cost centre decreased between 2022/23 and 2023/34. Budgeting occurs at the cost centre level. Council receives minimal income from parks and open space fees and charges. There is sufficient data to budget at a lower level and enable the cost of major activities such as weed or tree management to be identified and service levels to be tested with Council and the community. As more robust task or activity-based costs are established, budgeting should occur at that level, particularly for major expense groups.

Parks maintenance includes all expenditure on dedicated parks while general maintenance includes POSS expenditure on non-parks sites such as council and non-council building surrounds, airport, nature strips etc.

Almost all the expenditure on roads is made up of vegetation control, watering and tree removal.

It is not unusual for POSS expenditure to vary between years, and it will be influenced by climatic events, growing conditions and changing priorities.

#### 3.1.3 Assets

There is a draft Asset Management Plan covering the management of assets for the Parks and Open Space assets, therefore, Council's budgets will be more robust in future years.

The Asset Management Plan identifies the value of the assets in the portfolio with the vast majority maintained by the POSS.

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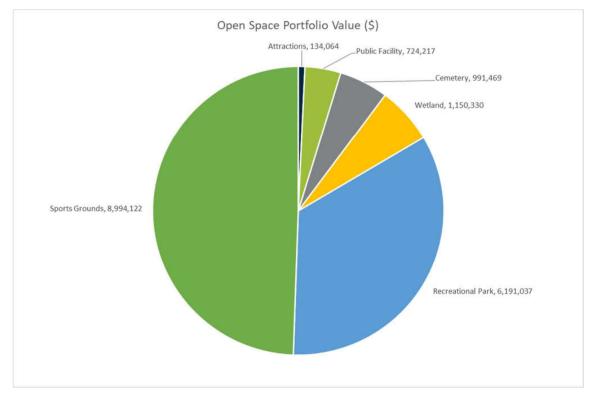


Table 2 shows Council's parks are generally in good condition while the largest proportion of sport grounds are in satisfactory condition. Normally we would expect the majority of sports grounds to be in a good or better condition. We note that Council relies on Section 355 committees for some sport ground operations, but this does not prevent a significant workload by the POSS.

Table 2	Condition	of Council's	parks
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Asset type	Excellent	Good	Satisfactory	Poor	Very Poor	Grand Total
Recreational Park	34.34%	55.45%	8.11%	0.76%	1.35%	100.00%
Sports Grounds	13.61%	26.52%	41.70%	17.85%	0.33%	100.00%
Wetland	0.00%	0.00%	100.00%	0.00%	0.00%	100.00%

## Figure 5 Open Space Portfolio Value (\$)

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The draft Asset Management Plan identifies high level of service levels for the management of Parks and Open Space assets.

Table 3 Service levels for the management of Parks and Open Space assets
--

Service level outcome	Level of service	Performance measure process	Performance target	Current performance
Quality / Condition	Keep Open Space in visibly good condition	Condition assessment of assets	90% assets in Condition 3 or better	87% assets in condition 3 or better
	Open Spaces are meeting the needs of the community	Community satisfaction survey	Gap between importance and satisfaction decreases	Not measured
Affordability	Open Spaces are affordable and managed using the most cost- effective methods for the required level of service	Review of service agreements and benchmark with other councils	Maintenance/Opex budget expenditure +/- 5% of annual budget	Not measured
Health and Safety	Provide Open Spaces safe for users and free from hazards	Safety inspections of assets	Inspection program completed to schedule	Not measured
Reliability / responsiveness	Planned works completed in accordance with schedules	Completion of scheduled work	90% completion within scheduled service standard	Not measured
	Be responsive to the needs of the Open Space asset users	Number of customer requests received	85% of requests are completed within Council's service charter	Not measured

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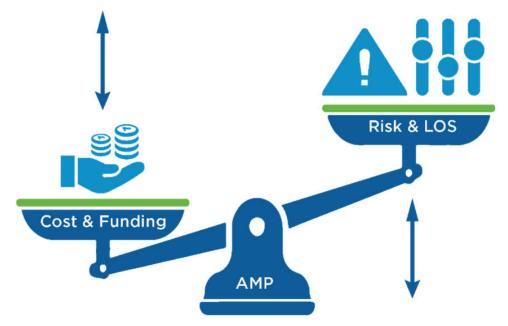
Service level outcome	Level of service	Performance measure process	Performance target	Current performance
	Provide well maintained Open Space assets that are affordable to the community	Annual works program planned vs reactive, based on the three-year plan	Greater than 50% of maintenance expenditure is undertaken through planned maintenance schedules	Not measured
Sustainability	Continue to provide Open Space assets to meet the need of the community	Complete capital work program on- time and on budget	Annual capital works for time and budget +/- 5%	Not measured
	Rationalise Open Space to reduce lifecycle costs and deliver best value to the community	Develop and implement rationalisation plan	Disposal budget and timeline adopted	Not measured
	Assets are being renewed in a sustainable manner	Asset renewal ratio (asset renewal expenditure / annual depreciation expense)	OLG benchmark >100%	185% (est 2023/24)
Affordability	Council maintains its Open Space assets	Asset maintenance ratio, measured by (actual maintenance expenditure). Required maintenance expenditure.	OLG benchmark 100%	106%
Quality / condition	Assets are maintained in a satisfactory condition	Backlog ratio (cost to satisfactory / written down value of the assets)	OLG benchmark <2%	14.7

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## **3.2 Operational practices**

The Asset Management Plan aims to provide the appropriate balance between level of service, risk and cost. The diagram below shows that the more Council invests in a service such as the POSS, service risks reduce, and service levels increase.



This balance is ideally influenced by the community through an engagement process that determines the optimal balance point between willingness to pay and the level of service they would like. This is a difficult and challenging process to be able to educate the community on the decision-making process and provide enough information for the ratepayer to quantify and understand the service levels trade-offs.



In the absence of a robust data and community conversation on service levels, levels become influenced by the available budget and customer requests or complaints. Service levels then adjust on an ad hoc basis often favouring a part of the community at the expense of another and without regard for the impact they may have on other services or projects.

The POSS currently use run sheets and task lists to guide service delivery activities and in turn, service levels. Most service levels are frequency based with tasks completed on a two-week cycle. Below is an example of one of the run sheets for parks (Friday and Monday) that is currently in use. POSS uses other run sheets for the Town activities.

Figure 6 Example of a run sheet for parks (Friday and Monday)

BRO	KEN HILL CITY COUNCIL - PARKS & OPEN SPACES DEPT.		EMPL	OYEE NAMES		
E	ROKEN HILL					
c	ITY COUNCIL	DATE				
STREET NAME/BUILDING NAME/LOCATION:	REQUIRED WORKS FOR THE DAY:				WORK ORDER NUMBER:	PLANT NUMBER:
DUFF PARK	WATERING, BLOW PLAYGROUND & RAGE CAGE AREAS, RAKE WOODCHIPS, REMOVE ANY RI	IBBISH, CLEA	N BBQ		W1107.142.301	1092
PATTON PARK	REMOVE RUBBISH, CHECK BINS, CLEAN BBQS, RAKE WOODCHIPS, BLOW PLAYGROUND & PAT	HS, CHECK D	OG BAGS		W1113.142.301	1092
SOUTH LIBRARY	WATERING OF SITE, REMOVE ANY RUBBISH OR WEEDS				W1133.142.301	1092
DUKE PARK	REMOVE RUBBISH, CHECK BINS, RAKE WOODCHIPS, BLOW ALL PATHS, REMOVE WEEDS FR	W1108.142.301	1092			
KEAST PARK	REMOVE RUBBISH, CHECK BINS, RAKE WOODCHIPS, BLOW ALL PATHS, TIDY DISABLEI	W1109.142.301	1092			
KEENAN LOOKOUT	BLOW PATHS, PICK UP ANY RUBBISH, REMOVE ANY WEEDS, BLOW TABLE AND ROTI	W1135.142.301	1092			
QUEEN PARK	BLOW ALL PATHS & FOOTPATHS, REMOVE RUBBISH, CLEAN BBQS AND BUBBLER, CHECK DOG BAGS AND REFILL				W1114.142.301	1092
NFPC	CHANGE WATERING VALVE, REMOVE RUBBISH, RAKE WOODCHIPS, BLOW ALL PATHS & TABLE AREAS.				W1111.142.301	1092
WHITE ROCKS LOOKOUT	REMOVE ANY RUBBISH AND WEEDS, CHECK BINS				W1134.142.301	1092
BROWNES SHAFT LOOKOUT	REMOVE ANY RUBBISH AND WEEDS, CHECK BINS		W1134.142.301	1092		
APEX PARK	BLOW ALL PATHS & FOOTPATHS, RAKE WOODCHIPS AROUND PLAY EQUIPMENT.					1092
ALL PARKS	HERBICIDE SPRAYING OF ANY LOOSE WEEDS				W1413.156.301	1092
STREET NAME/BUILDING NAME/LOCATION:	DESCRIPTION OF COMPLETED WORKS & ADDITIONAL WORKS CARRIED OUT ON DAY &/ OR COMMENTS:	NUMBER IN GANG:	WORK UNIT DONE:	HOURS WORKED:	WORK ORDER NUMBER:	PLANT NUMBER:

Broken Hill City Council



The example of weekly tasks sheets below lists the activities to be undertaken on each of the sites as well as sites to be weeded or where tree maintenance is required. Staff are allocated to these tasks and with the exception of the qualified gardening and tree management, staff rotate around the other tasks to provide variety of work as well as ensure there is a general knowledge within the POSS of all main tasks.

Figure 7 Example of a weekly task sheet for the maintenance of Parks and Open Space assets

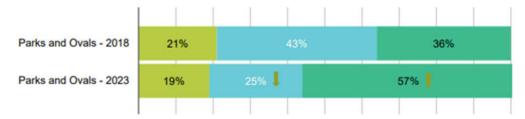
	26.8.24	27.8.24	28.8.24	29.8.24	30.8.24
STAFF	Monday	Tuesday	Wednesday	Thursday	Friday
Staff member name	PARKS RUN	WEED MAINT. PLAN	WEED MAINT. PLAN	WEED MAINT. PLAN	PARKS RUN
Staff member name	RDO	WEED MAINT. PLAN	WHITE CARD COURSE	WEED MAINT. PLAN	TREE MAINT.
Staff member name	RDO	KINTORE PLANTING	KINTORE PLANTING	KINTORE PLANTING	TOWN RUN
Staff member name	RDO	ANNUAL LEAVE	STURT PARK	STURT PARK	STURT PARK
Staff member name	RDO	TREE MAINT.	STUMP GRINDING	TREE MAINT.	TREE MAINT.
Staff member name	PARKS RUN	PARKS MOWING	WHITE CARD COURSE	WEED MAINT. PLAN	WEED MAINT. PLAN
Staff member name	RDO	WATER TRUCK	ANNUAL LEAVE	WATER TRUCK	WATER TRUCK
Staff member name	RDO	OVAL MOWING	OVAL MOWING	CARERS LEAVE	SLASHING
Staff member name	RDO	STURT PARK	STURT PARK	STURT PARK	STURT PARK
Staff member name	SICK LEAVE	SICK LEAVE	SICK LEAVE	SICK LEAVE	SICK LEAVE
Staff member name	STURT PARK	KINTORE PLANTING	KINTORE PLANTING	KINTORE PLANTING	STURT PARK
Staff member name	RDO	PARKS MOWING	PARKS MOWING	PARKS MOWING	WEED MAINT. PLAN
Staff member name	WATER TRUCK	WATER TRUCK	STUMP GRINDING	TREE MAINT.	TOWN RUN
Staff member name	TOWN RUN	TREE MAINT.	PARKS MOWING	PARKS MOWING	PARKS RUN

The system seems to work well and provides a good basis for workload planning.



## 3.3 Performance and community satisfaction

Community satisfaction with parks and ovals increased in the past five years between 2018 and 2023, with more people more satisfied (57%) and fewer neutral (25%) or dissatisfied (19%). Comparatively parks and oval satisfaction scores well amongst the service provided by Council.



The two areas of responsibility that draw the most complaints within the POSS work program are weeds and street trees.

As noted earlier, POSS has few Operational Plan performance indicators and those that exist are project based and are either completed or nearing completion.

## 3.4 Stakeholder perceptions and feedback

Engagement was only conducted with internal stakeholders. The key points from this engagement summarised below are not inclusive of all feedback but reflect repeated messages or consistent observations.

- All stakeholders think the POSS is operating well.
- There is a high level of confidence and satisfaction in the team's leadership which flows into the team culture.
- The POSS team has a strong team culture and support each other.
- The POSS has the plant and tools to perform required functions, although more specialised plant could improve performance.
- The current team is very knowledgeable

and have a good understanding of the requirements of tasks they perform.

- No work, health or safety issues were reported.
- The team uses a rotational model to manage succession and knowledge transfer.
- It can be frustrating as complaints are prioritised without consideration of the team's expertise.
- Some residents use the complaints process to receive favourable treatment.

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## **3.5 Industry comparisons**

The NSW Government comparative data published by the Office of Local Government, highlights that Broken Hill has an abundance of open space, with more than four times the Group 4 councils' average. With 3,800 ha, this is the highest amount of any of the councils and twice the amount of the next highest council, but only 13 ha comprises actively maintained park and 16 ha of sporting ovals.

The comparative data in the table below was provided confidentially by a council that participated in a national benchmarking programme. The participating councils ranged from large metropolitan councils to regional councils across most states of Australia. There were no directly comparable councils to Broken Hill with similar park conditions, therefore, this data should be used for indicative purposes only.

	Australia (median)	Broken Hill
Ha of total park/1,000 residents	18.5	1.65 <sup>2</sup>
Ha of actively maintained park/1,000 residents	6.47	0.76
Ha of sports parks/1,000 residents	0.83	0.89
Playgrounds per 1,000 children under 15	7.01	2.32
Street Trees per 1,000 residents	262	1,400 <sup>3</sup>
Planted beds per 1,000 residents m2	1,688	_4
Operational cost per Ha total park	\$20,470	\$25,877
Operational cost per Ha of sports ground maintenance	\$16,630	\$9,388

#### Table 4 Comparative data for Parks and Open Space assets

Broken Hill City's geographic location means the cost of materials and contracts will be much higher than the coastal councils who participated in the benchmarking, so the higher cost by comparison for operational cost per hectare is not unexpected.

The climate, location and geology of the area has shaped the provision of open space in Broken Hill. By comparison, Broken Hill provides fewer areas of actively maintained park land but has a wealth of total park/open space within the city by comparison to other Australian local governments. The Council has more sports fields by comparison and fewer actively maintained parks and playgrounds.

We noted by comparison, Broken Hill has fewer footpaths and off-road areas to walk safely to playgrounds,

<sup>&</sup>lt;sup>2</sup> Excludes the Living Desert, Willyama Common and Regeneration Areas

<sup>&</sup>lt;sup>3</sup> Estimated by staff

<sup>&</sup>lt;sup>4</sup> Unknown but small

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possibly influencing playground provision. Some roadside verges are challenged with weed infestations, and the climate at times is not always favourable for using playgrounds.



By comparison, Broken Hill has a large number of street trees which are a source of complaint, drive cost and the use of POSS resources.

## 3.6 Business analysis

In undertaking this service review, Morrison Low identified the key strengths, weaknesses, opportunities and threats of the current POSS service delivery model. Table 5 below presents the key strengths, weaknesses, opportunities and threats identified, with further commentary provided below.

#### Table 5 SWOT Analysis

Strengths	Weaknesses	Opportunities	Threats
High level of community satisfaction. Internally recognised as a service that is performing well. Dedicated and knowledgeable staff. A very good team culture. Work is scheduled and documented.	Lack of a forward-looking Masterplan. No formally agreed service levels or community engagement on service levels. All parks are serviced on the same basis. Worksheets are manual processes. Time spent managing legacy issues/decisions e.g. tree species. Challenges with uniqueness of the City's climate, geology and design.	Formalising a parks hierarchy to enable work programming to be prioritised. Develop and document service levels for future decision making. The POSS team becoming more involved in asset planning providing practical input into new asset design. Increase revenue through fees and changes. Rationalising some service delivery offerings. Increased use of technology e.g. driverless	Community expectation for service delivery or quality increasing as Council does more. Community satisfaction with the POSS decreasing if unable to deliver a consistent standard. Risks from poor species planting are realised.

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Strengths	Weaknesses	Opportunities	Threats
	Service delivery subject to politics at times creating inequity between some customers.	mowers.	

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## 4 Service Analysis and Findings

## 4.1 Parks Hierarchy

## Key findings

- Council has no formal parks classification structure; however, staff operate an informal park classification structure that is well known and accepted.
- Council has considered adopting a hierarchy on previous occasions.
- An objective of this service review is to be able to engage Council and the community on the POSS work program and costs. A park hierarchy for prioritising work is important for this engagement process.

## Issues and commentary

Most councils classify their parks and open Space assets according to a hierarchy that corresponds to their primary role or function in the community. Service levels are then assigned to ensure each type of asset in the hierarchy is maintained to deliver the function at the required level. Service levels for high value and feature parks and open space are the highest and vary as the function of the space changes. Currently there is no formal parks hierarchy for Broken Hills parks and open spaces. A recommended parks hierarchy that aligns to current practice is shown in Table 6.

Rating	Туре	Description	Location
1	Premier Park	High profile, well used parks or open space. Includes grassed areas, trees, rose garden landscaping, public toilets, park furniture, rubbish bins, playground equipment, lighting. Assets maintained in condition to show case the City.	Sturt Park.
2	High value	Well used parks and open space, CBD areas that receive frequent visitation. Asset maintained in good condition operationally and aesthetically.	Queen Elizabeth Park Patton Park Courthouse Civic Centre Small CBD Open Spaces Sporting Ovals
3	Medium value	Community parks and open space. Assets maintained to be fit for purpose.	All other actively maintained parks Essential drainage channels

## Table 6 Suggested hierarchy of Council's parks and open spaces

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Rating	Туре	Description	Location
4	Low value	Less used local open spaces, drainage channels, suburban verges and street trees, often small with minimal infrastructure. Key health and safety issues addressed, and asset functionality is maintained.	Street verges Street trees
5	Natural Areas	Relatively undisturbed bush land, may have conservation value or cultural significance.	Mulga Wetlands (subject to review) Willyama Common and Regeneration areas <sup>5</sup> Living Desert State Park <sup>6</sup>

## 4.2 Current Service Levels

## Key findings

- There are no formally adopted maintenance service levels.
- POSS operates to a set of internally defined service levels. These service levels have not been tested with the community as recommended by the IP&R guidelines.
- Council's service levels are considerably different than the average service level provided by other local government parks and open space providers. Service levels in Broken Hill are strongly influenced by Broken Hill's location, geography, environment, climate and history.

## **Issues and commentary**

The current service levels are summarised in the table below.

		1	2	3	4
Activity	Premier	High	Medium	Low	Natural Areas
Grass mowing and maintenance	Grass is well maintained to a medium height (generally less than 15-20mm). Edging and blowing.	Grass is well maintained to a medium height (generally less than 15-20mm). Typically, fortnightly mowing in summer and	Typically, fortnightly mowing in summer and monthly in winter. Edging and blowing.	Grass is maintained as required to a height generally not exceeding 300mm.	Grass is not maintained, mown as required for hazard reduction only

Table 7 Current service levels of Council's parks and open space

<sup>5</sup> Not part of the POSS area of responsibility.

<sup>6</sup> Not part of the POSS responsibility.

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		1	2	3	4
Activity	Premier	High	Medium	Low	Natural Areas
	Typically, fortnightly mowing.	monthly in winter. Edging and blowing October to March - prepare and maintain cricket wickets fit for purpose. April to September – mark AFL lines and maintain.		Typically, monthly mowing.	
Irrigation and watering	Irrigation applied to maintain surface	Irrigation applied to maintain surface	Irrigation applied to maintain surface	All new street trees are watered weekly in the summer and fortnightly in the winter	N/A
Parks and open space presentation	Every Monday and Friday Roads, tracks and paths are inspected and cleaned if required. Empty bins and pick up litter Clean BBQs	Every Monday and Friday Roads, tracks and paths are inspected and cleaned if required. Empty bins and pick up litter Clean BBQs	Every Monday and Friday Roads, tracks and paths are inspected and cleaned if required. Empty bins and pick up litter Clean BBQs	Litter collected as required prior to mowing.	Tracks and paths are safe, and risks mitigated.
Garden bed maintenance and weed management	Garden beds are weed free, mulched and plants replaced as required.	Garden beds are generally weed free, mulched annually and dead plants replaced annually as required.	Garden bed weeds no higher than 300mm, mulched annually and dead plants replaced annually as required.	Street verges weeded in accordance with Weed Management Plan and published program.	Weeds managed in accordance with Weed Management Plan.

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		1	2	3	4
Activity	Premier	High	Medium	Low	Natural Areas
Trees, shrubs, ornamental plants	New plants or replacement plants to improve aesthetics, generally annually. Spraying pests as required	New plants or replacement plants to improve aesthetics, generally annually. Spraying pests as required	Planting as funding available	N/A	N/A
Playgrounds	Inspected weekly and made safe within 12 hours.	Inspected fortnightly and made safe within 12 hours.	Inspected fortnightly and made safe within 24 hours.	N/A	N/A
Trees maintenance	Trees inspected monthly and maintained to be safe and aesthetically attractive. Dead or inappropriate trees removed.	Trees inspected annually and work is programmed to ensure trees are safe and aesthetically attractive. Dead or inappropriate trees removed.	Trees inspected annually and work is programmed to ensure trees are safe and aesthetically attractive. Dead or inappropriate trees removed.	Trees inspected annually and work is programmed to ensure trees are safe and aesthetically attractive. Dead or inappropriate trees removed.	N/A

## 4.3 Governance and Management

## Key findings

- The POSS Team is performing well. Management is complimentary of the team's performance and management.
- POSS are well organised with instructions well documented and weekly work tasks distributed.
- Activities and tasks rotate within the labourers to ensure cross skilling and maintaining variety. This is popular within the team.

## Issues and commentary

The POSS team is regarded by internal stakeholders and management as one of the high performing teams at Council. This has led to a high level of confidence in the management of POSS. The performance of core functions are valued by the community.

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## 4.4 Policies and Procedures

## Key findings

- POSS have documented work programs and frequencies.
- The work programs reflect historic levels of service but have not been subject to engagement with the community on their appropriateness.

#### **Issues and commentary**

POSS has a range of documented work programs, rosters and schedules of tasks. While these do not appear to be formalised into an operations manual, they are documented and do ensure that work is structured according to need, risks and complaints are minimised. They ensure parks and open space are presented in a good condition for the different users demands and occupancy peaks.

## 4.5 Staff

## Key findings

- There are sufficient staff to maintain the Council's assets to current service levels and comply with statutory requirements.
- POSS staff would like to be able to respond more positively to customer requests but are limited by workloads and resources. Staff acknowledge that these limitations constrain and express frustration when customer requests are not equitably prioritised.
- The POSS culture is positive and has created a positive working environment.
- Staff are happy with how they are led and managed and believe they work well together a team.

#### **Issues and commentary**

POSS staff demonstrated a clear understanding or their work programs. Staff were happy with the way work was allocated, and they were managed day to day. Except for qualified gardening and arboriculture, staff favoured the current model of generalist staff for all other tasks as opposed to functional specialists. This approach provides work variety and gives staff the opportunity to learn different skills. They acknowledged that Council has improved the plant they use, and while expressing the need for additional plant to make their job easier, they were realistic that this was a lower priority in the context of all of Council's other priorities.

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## 5 Assessment against service review questions

## Should this service be delivered to the community?

The Community Strategic Plan identifies the outcomes of this service as important services and outcomes for the Broken Hill community.

## If so, how should it be delivered?

The location of Broken Hill limits the Service Delivery options for this Service. Council currently delivers this service in-house using Council employees supported by contractors when necessary. This is an appropriate delivery model.

## Is this service delivering on community needs and Council's goals?

There are no specific performance measures for the POSS other than the preparation of asset management plans and the completion of this service review.

## Is the service being delivered using the most appropriate service delivery mechanisms?

Council has few service delivery options to deliver the POSS. There is a small contractor market in Broken Hill, and this is unlikely to create a competitive and sustainable outsourcing option for the delivery of the service. The budget and location are unlikely to provide incentive for new or larger contractors to relocate to the city.

Internal and external customer satisfaction with the service is high and an indicator of a successful service delivery mechanism.

## Is the service being delivered as efficiently and effectively as possible?

There are opportunities to improve efficiency and effectiveness through the development of a parks hierarchy with service levels varied to suit the different type of parks. These opportunities are considered limited, as current service levels are tailored to the local conditions, albeit they are at the lower end of traditional park service levels.

## Is the service resourced appropriately?

The current resources appear appropriate. Work backlog was identified in the weed management activity, but additional resources have been allocated to this task.

#### Is the service meeting current service standards and levels?

There are no formalised service levels for the POSS at present, but the service identified that informal service levels have evolved over time. These service levels need to be tested with the community.



## What are the current and future issues affecting the service, and what should be done about them?

The main issues impacting the service are:

- Parks provision and service levels in Broken Hill have been shaped by the City's unique combination of history, location, geology, geography, climate, environmental and social needs.
- There are no adopted parks hierarchy and service levels. A current hierarchy and service levels are included is this report for consultation.
- Broken Hill has a high number of street trees with some inappropriate species having been planted and some poor condition. Council should continue to remove and replace in appropriate or high-risk species.
- Weed infestations are a major problem in Broken Hill and generate many complaints. It will take years to address this problem with the current resources. As funding permits continue to resurface urban street verges.

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## 6 Risk Analysis

Following completion of the service review, we have analysed some of the issues to Council, evaluating each to consider potential risk significance.

The results of that analysis are detailed in Table 8, below.

Table 8	Risk	analysis	
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		Risk Consideration		
Subject	lssue	Probability	Impact	Significance of Risk
Strategic Direction	Lack of defined strategic direction	М	М	L
	Increasing public expectations on service delivery	н	М	М
	Management plans out of date and non- compliant	L	L	L
Governance and	Internal relationships poor	L	М	L
Management	Poor cultural and operational behaviours of POSS	L	М	L
	Lack of agreed service levels	М	М	L
Policies and Procedures			L	L
Financial	Loss of financial control in POSS	L	М	L

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## 7 Improvement Opportunities

## 7.1 Level of provision

- Proceed with the Masterplan for recreational parks as proposed as this will provide clarity for future investment. This should also consider the option of engaging with the community on developing a play strategy to plan the location and quality of play spaces.
- Broken Hill has a number of underutilised sporting ovals and there is an opportunity to consolidate use onto a smaller number of ovals and reduce the service level on the remaining ovals that would no longer be used for sport.
- Generally, most tree species have an optimum life span and will require replacement near the end of their life before they create problems. There are a number of tree species in the city that pose a risk to Council's assets and the community. Council should set aside funds to enable a street tree replacement programme in accordance with the Tree Management Plan.
- Weeds are likely to remain a significant problem for some time and Council should continue to explore resurfacing options as funding permits.

## 7.2 Changes to service levels

- Existing service levels have been documented in this report and there is an opportunity to engage the community on the appropriateness of current service levels.
- Service levels are generally lower than most urban local governments, however, these service levels are not unrealistic in the Broken Hill environment. There is an opportunity to engage with the community on whether service levels should be improved (at a higher cost) or if they can be reduced.
- Mowing is undertaken on a cyclic basis. There is an opportunity to move to height-based service levels or reduce mowing frequency on medium and low priority open spaces. This will require some discipline from the POSS to adopt a flexible approach.
- There is an opportunity for playground inspections to be increased to coincide with Monday and Friday tasks.
- Council should develop a policy or process for prioritising customer requests and complaints. This
  will ensure members of the community who have their requests prioritised in a transparent and
  equitable manner.

## 7.3 Cost recovery

• There is an opportunity to review charges for services e.g. ground use, lighting, line marking, wicket preparation etc., and/or stop providing some specific services and allow sport clubs to undertake the work themselves.

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# RECOMMENDATIONS OF COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD TUESDAY, 18 MARCH 2025

#### 

## **Recommendation**

- 1. That Broken Hill City Council Report No. 44/25 dated March 6, 2025, be received.
- 2. That Council endorses the draft revised Footway Restaurant Settings Policy for the purpose of public exhibition.
- 3. That the draft revised Footway Restaurant Settings Policy be placed on public exhibition for submissions to be received 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 revised Footway Restaurant Settings Policy.

## **Recommendation**

- 1. That Broken Hill City Council Report No. 45/25 dated February 25, 2025, be received.
- 2. That Council review and consider the nomination of Phil Neal for appointment as community representative on the Alma Oval Community Committee.

- 3. That Council review and consider the nomination of Jody Whitehair for appointment as community representative on the Memorial Oval Community Committee.
- 4. That Council review and consider the nomination of Colin Casey for appointment as community representative on the Norm Fox Sporting Complex Community Committee.
- 5. That the community representatives be advised of their appointment.
- 6. That the Alma Oval Community Committee be formally reestablished and commence meetings through a transition period, during which Council and the Committee will collaborate to assess the Committees capacity to fulfill its duties as outlined in the Constitution of the Alma Oval Community Committee.
- 7. That Council notes that the current round of advertising closes on 31 March 2025 and a further report will be presented to the March Council Meeting with further nominations received.

## **Recommendation**

- 1. That Broken Hill City Council Report No. 46/25 dated February 17, 2025, be received.
- 2. That the minutes of the S355 Ageing Well Advisory Committee meeting held 5 February 2025 be received.

## COMMUNITY DEVELOPMENT COMMITTEE

March 6, 2025

## ITEM 1

## BROKEN HILL CITY COUNCIL REPORT NO. 44/25

## SUBJECT:DRAFT FOOTWAY RESTAURANT SETTINGS POLICY FOR<br/>PUBLIC EXHIBITIOND25/10410

## **Recommendation**

- 1. That Broken Hill City Council Report No. 44/25 dated March 6, 2025, be received.
- 2. That Council endorses the draft revised Footway Restaurant Settings Policy for the purpose of public exhibition.
- 3. That the draft revised Footway Restaurant Settings Policy be placed on public exhibition for submissions to be received 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 revised Footway Restaurant Settings Policy.

## **Executive Summary:**

Broken Hill City Council is responsible for assessment and approval of footway dining activities on any public land (including Public Roads) in the Broken Hill City Council Local Government Area (LGA) that is owned or under the care, control and management of Council. This particularly applies to footpath areas adjacent to public roads situated within the town and neighborhood centres in the city.

Footway restaurants/cafés make a significant contribution to the quality of public places and urban life. They contribute to active vibrant streets with opportunities for economic activity, social interaction and leisure.

Broken Hill City Council's current Policy for Footway Restaurants was adopted in 2006, therefore it is required to be revised to meet the needs of local businesses and the community.

The current Policy is brief and does not address modern day requirements such as requests for footway extension areas, types of furniture and barriers as well as other fixtures such as blinds, lighting and heating. This draft policy aims to provide clear guidelines for applicants, staff, Council and the community with respect to Council's expectations in relation to footway dining.

## Report:

The number of Footway Dining Applications in the Broken Hill LGA has increased in recent years.

The policy will act as a guideline to promote and control the establishment, approval and operation of footway restaurants. It will also allow for the separation of the Policy and the Application.

The majority of footway dining occurs in the CBD area (Argent Street) and it is Council's responsibility to ensure that footway dining areas are appropriate for use by all community

members. The policy also aims to ensure that pedestrian and traffic safety and accessibility will not be compromised by footway dining activities.

The draft revised Footway Dining Policy is presented to Council for endorsement to be placed on public exhibition.

## **Community Engagement:**

The draft policy will be placed on public exhibition for submissions to be received for a period of 28 days.

## **Strategic Direction:**

Key Direction:	1	Our Community
Objective:	1.5	Our built environment supports our quality of life
Strategy:		Maintain an attractive and welcoming Central Business and Activities District & Design and deliver pathways, walking trails and other pedestrian movement infrastructure to maximise access, inclusion and mobility

## **Relevant Legislation:**

Food Act 2003 Roads Act 1993 Liquor Act 2007 Environmental Planning and Assessment Act 1979 Local Government Act 1993 Disability Discrimination Act 1992 Companion Animals Act 1998 The Companion Animals Amendment (Footway Dining Areas) Act 2010 Work Health and Safety Act and Regulations 2011

## **Financial Implications:**

Nil

## Attachments

**1.** Uraft Footway Restaurant Settings Policy

RAZIJA NU'MAN DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL GENERAL MANAGER

## BROKEN HILL

CITY COUNCIL

## DRAFT FOOTWAY RESTAURANT SETTINGS POLICY

QUALITY CONTROL					
EDRMS REFERENCES	12/14 – D24/13464				
RESPONSIBLE POSITION	OSITION Manager Corporate and Customer Experience				
APPROVED BY					
REVIEW DATE	March 2029	REVISION NUMBER	1		
EFFECTIVE DATE	ACTION	MINUTE NUMBER			
	Public Exhibition				
	Adopted				

## 1. INTRODUCTION

Footway cafés make a significant contribution to the quality of public places and urban life. They contribute to active vibrant streets with opportunities for economic activity, social interaction and leisure.

This document is Council's Footway Dining Policy and provides information for the public and for applicants seeking to use the footway for dining. The procedure has been developed internally as well as procedures that are required under legislation and provide guidance for Council in determining applications.

Council is responsible for assessment and approval of footway dining activities on any public land (including Public Roads) in the Broken Hill City Council Local Government Area that is owned or under the care, control and management of Council. This particularly applies to footpath areas adjacent to public roads situated within the town and neighbourhood centres in the city.

## 2. POLICY OBJECTIVE

The objectives of this policy are:

- To encourage footway dining in areas that are suitable for that purpose
- To add to the vitality of the streetscape character of centres within the City
- To provide opportunities for increased economic activity in the City
- To provide clear guidelines for applicants, staff, Council and the community with respect to Council's expectations in relation to footway dining
- To ensure that pedestrian and traffic safety and accessibility is not compromised by footway dining activities

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- To ensure that adequate, sheltered and safe space is maintained for pedestrian access and circulation
- To ensure equitable access for all including people with disabilities
- To ensure that footway dining areas are maintained in a clean, healthy, tidy manner and remain attractive elements of Broken Hill City

## 3. POLICY SCOPE

These guidelines have been prepared and adopted by Council as a general policy to foster, promote and control the establishment, approval and operation of footway restaurants.

The requirements of this policy will apply generally however, each application will be determined on its merits. For this purpose Council reserves the right to depart from the requirements of the policy whenever it deems that such departure is in the interest of the City or is necessary to protect the amenity of the neighbourhood.

The provisions of the Roads Act 1993, the Environmental Planning and Assessment Act 1979, and the Local Government Act 1993, and Regulations shall apply in all respects where not specifically provided for in this policy and no approval shall be granted unless the proposal complies with the provisions of the Acts and approval.

## 4. POLICY STATEMENT

The following are the guiding principles and standards that Council must adhere to for the implementation of this policy.

## 4.1 Location and Site Criteria

This section provides details on location and site criteria for footway dining.

The most important local conditions to be considered in locating footway dining areas are:

- Proximity to associated approved food and drink premises;
- Available area for footway dining footpath width and width of public space;
- Existing context including topography and footpath gradient, existing street furniture, the access points to nearby businesses;
- Siting and design of any existing footway dining in the locality;
- Proximity to residential areas; and
- Type of parking and the proximity to kerb.

## 4.1.1. Site Conditions and Associated Works

The ground surface must be suitably constructed and sufficiently level to support a proper layout and safe use of furniture.

Minor structures and changes to the footpath may be approved to achieve a suitable gradient. The applicant may also wish to undertake other streetscape works to accommodate the footway dining area. Such works may include planter boxes, lighting, safety barriers, etc. Any such changes or works require approval by Council and will be at the expense of the applicant/s.

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## 4.1.2. Minimum Areas and Clearances

## 4.1.2.1. Minimum Areas

The minimum area for any footway dining is  $4m^2$  this minimum area is based on a layout of one table with four chairs (or two small tables with two chairs each). The number of tables and chairs permitted in the proposed area will be assessed on an individual basis.

Applications for smaller footway dining areas will be considered on a case-bycase basis.

#### 4.1.2.2. Minimum Clearances (Setbacks)

For circulation, safety, accessibility and convenience, clearances are required around footway dining areas.

Locations on footways in business centres

A footway dining area may be located:

- Adjacent to the kerb/roadway
- Plaza locations i.e. Town Square
- Corner locations
- Other locations satisfying criteria outlined in this policy

The location will be determined considering local conditions, including the retention of a continuous accessible pedestrian corridor; the volume of pedestrian traffic; the location of existing footway dining areas, existing shop fronts and awnings; the location of streetscape elements including poles, signs, rubbish bins; and the location of any bus stops and taxi stands, etc. (refer also 4.1.3 Unsuitable Locations).

A clear unobstructed pedestrian corridor of 2 metres minimum must be maintained adjacent to the seating area or shop frontage (whichever is relevant) for clear passage of pedestrian traffic to allow for continuous accessible paths of travel at all times. Note: A pedestrian corridor of 1.8 metres may be approved in exceptional circumstances where the 2 metre corridor cannot be achieved.

Footpath widths and configurations can vary. The diagram in Figure 1 illustrates pedestrian clearances required.

## Adjacent to kerb/roadway

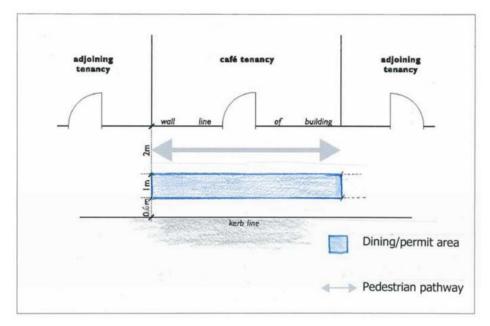
Where footway dining is proposed adjacent to kerbside parking, a minimum 600mm wide clear area must be provided adjacent to the kerb to allow motor vehicle doors to open unimpeded and to permit passage of pedestrians to and from vehicles (refer Figure 1). This distance may be increased depending on the road use and type of parking. For safety reasons, allowances for clear pedestrian passage may be increased depending on the volume of pedestrian activity, traffic speed and volume, and where required by Transport for NSW, particularly on classified roads. Barriers/wheels stops may also be required to be installed at the expense of the applicant/approval holder and to the satisfaction of Council.

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Figure 1: The diagram below shows the location of the 2m wide pedestrian corridor where footway dining is proposed along the kerb line. Note the 600mm wide clearance from the kerb where there is a parking lane in the adjacent road.

**Note**: Equitable access is to be considered and clearances must have regard to current Access Standards including AS1428.



Where there is no kerbside parking, a suitable barrier/clear zone may be enforced in accordance with the approval issued and to the satisfaction of Council for safety considerations including preventing diners from walking directly onto the roadway and chairs being pushed onto the roadway. Installation will be at the expense of the applicant/approval holder.

#### Plaza locations

Where proposed in plaza locations, for example the Town Square, the footway dining area may be considered in locations not directly in front of the associated business. In these circumstances, it may be considered in close proximity to the respective café, restaurant, or hotel depending on:

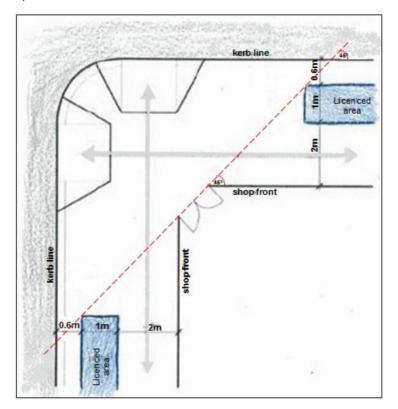
- The design of the plaza area;
- The location of street furniture and services;
- Topography of the site and surrounds;
- Location of pedestrian corridors, service vehicle access, existing or planned for goods for display, street stalls; and
- Other matters with respect to the design of pedestrian and shared plaza areas, including the needs of adjacent businesses.

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#### Corner locations

At street corners, a setback of at least 2 metres measured from the building corner applies exclusive of any obstruction or street fixture e.g. bench, tree, rubbish bin, pole etc. This is required to maintain safe sight distances for vehicles and pedestrians, as well as clear paths of travel and equitable access (refer Figure 2).



# Figure 2: Footway dining areas are permitted on corner locations at street intersections subject to the required clearances being met. The diagram identifies the clearances required for safety and access considerations.

#### Other locations

In otherwise favourable locations, minor modifications of the nominated clearances may be approved if the objectives of this policy are met.

#### 4.1.3. Unsuitable Locations

Footway dining areas will not be considered at bus stops, taxi ranks, near pedestrian crossings, or other areas where there is concentrated pedestrian traffic or vehicular traffic safety concerns.

Not all footpaths are suitable for use as footway dining areas, or may not have sufficient width to meet pedestrian access/vehicular access, sightlines etc.

Where a suitable pedestrian access corridor is unable to be provided, footway dining will not be permitted.

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#### 4.1.4. Limitations on the Use of Footpath Areas

The use of a footpath will generally be limited to the area situated directly in front of the food premises/restaurant, which provides the base for the footway dining activity.

it may also be necessary to limit footway dining activity to particular times of the day depending on local circumstances.

The Liquor Act 2007 may also apply when determining the location of footway dining areas.

#### 4.1.5.Extension Areas

In some circumstances, for example where a footway dining area is proposed outside a row of shops, consideration may be given to extending the footway dining into the area in front of the adjoining shop (refer to Figure 3). This consideration will require the written consent of the owner and the occupier of the adjoining premises to be submitted with the application.

Any changes to the ownership or occupancy of the adjoining premises will require the approval holder to seek a new consent from the owner and occupier. If this approval is not obtained, the area approved for use of the activity will be reduced to the footpath area immediately in front of the principle dining premises.

Footway dining approvals will also cease upon change of use or change of ownership of the principle dining premises or if the restaurant ceases to trade.

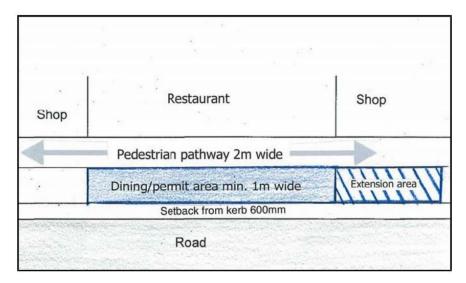


Figure 3: The diagram illustrates an example of an opportunity for extension of a footway dining area.

## 4.2 Furniture Guidelines

Footway furniture for the purpose of this policy includes shade structures, tables, chairs, heaters, and perimeter barricades.

This section provides guidance on the design requirements for both removable and fixed furniture associated with footway dining.

#### 4.2.1. Furniture Layout

The layout and orientation of furniture should be chosen according to the size and shape of the available space. The available depth of a footway dining area depends on the width of the footpath; however, the minimum practical width for footway dining is 1m (refer to Figure 4).

The location of all furniture, barriers and the like, removable and fixed, must not extend beyond the boundaries of the approved footway dining area.

The approval holder is responsible to ensure patrons maintain furniture within the boundaries of the approved seating area at all times.

In kerbside locations where footway dining is located adjacent to parking, for safety reasons, the layout must be organised so that chairs must not be placed with their backs to the kerb.

Whenever possible, a footway dining area should visually relate to and be physically aligned with streetscape features.

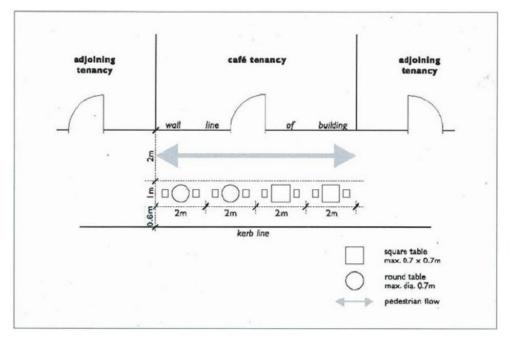


Figure 4: Example of a seating layout for a standard footpath. Chairs are sited so as not to intrude on the 2m wide pedestrian corridor.

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## 4.2.2. Delineation of Boundaries

Council requires all footway dining areas to be delineated.

#### **Barriers**

The use of framed fabric barriers may be approved, provided they do not become a physical or visual obstruction within the public domain and do not have a detrimental impact on pedestrians.

Barriers may be considered between adjoining footway dining activities to separate the dining areas. Barriers should be provided where the footway dining area is located 600mm from the kerb line to prevent chairs and tables creeping closer to the kerb. The barriers prevent car drivers/passengers walking through the maze of tables and chairs to access the footpath. For safety purposes, barriers may be required to be designed to be energy absorbing (refer also Section 4.1.2.2 Minimum Clearances (Setbacks).

Barriers must be of a colour and type that complements other furniture, such as umbrellas (refer to Figure 5).

Removable barriers, placed on public land, must be free standing and of a weight that is safe, durable and supports the design. The establishment of holes, location fasteners and penetration into a pavement surface is not permitted without Council approval.

> Thom Dick & Harry's Giftware 80887000

All barriers require the approval of Council.

#### Figure 5: Example of a removable barrier.

#### Other

Other barriers that may be appropriate between the footway dining area and kerb area are planter boxes and landscape features. The design of such elements must be discussed and approved by Council.

All fixed elements require the approval of Council.

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## 4.2.3. Furniture style

Footway furniture should make a positive contribution to the street environment. A furniture style that is practical, robust and attractive and complements the surrounding streetscape is encouraged. All furniture items, including umbrellas and barriers are to be approved by Council, details of which must be included in all applications.

Furniture should comply with the following criteria:

- Furniture should be strong, sturdy, durable, waterproof and weather resistant, designed for commercial footway use; of smart design approved by council prior to use;
- The design must not contain parts that are likely to cause damage to the pavement;
- The furniture must be suitable for the maintenance of public safety, comfort and hygiene;
- Particular care should be taken with any sharp edges, and hinges or other moving parts to ensure that they do not present a potential hazard to users;
- Furniture, in particular tables, must be able to be cleaned and not be of a design that allows particles of food to collect;
- All removable furniture must fold or stack for storage, and be readily removed and stored within the associated indoor premises;
- Furniture colour schemes must form part of any application. The design and colour should give consideration to the furniture in existing approved footway dining areas in the street, and access for the vision impaired (refer AS1428);
- Surfaces such as tabletops must be non-reflective;
- Any proposed items of furniture that are to carry advertising materials (logos, brand names etc.) must be detailed as part of the application.

Refer to Figure 6.

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## Figure 6: Examples of REMOVABLE Furniture Styles.

**Note**: These styles are illustrative only. Requirements may vary depending on proposed location of footway dining area. Favourable consideration may also be given to well designed, creative and individual alternatives.



Figure 7: Example of a FIXED Furniture Style.

**Note**: These styles are illustrative only. Requirements may vary depending on proposed location of the footway dining area. Favourable consideration may also be given to well designed, creative and individual alternatives.

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#### 4.2.4. Enclosure

Footway dining areas should enrich the pedestrian experience and public life. It is therefore important that they present an open inviting image and are easily accessible.

Full height solid screens are not preferred. Direct physical contact with the footway environment is an integral part of the experience of footway dining.

#### Roll-up blinds and the like

Where applicants propose the use of any form of enclosure for footway dining areas, such as roll-up blinds and the like, the enclosures are:

- to be used around no more than two sides of the footway dining area. In the case of a row of footway dining areas, should only be used on the perimeter of the entire row of footway dining areas so as not to work against the amenity of footway dining;
- must be retractable and not to be permanently rolled down (in the case of blinds) i.e. can be rolled up and down for use only in inclement conditions;
- not to cause any obstruction to the minimum path clearance required for public access (including access for the disabled);
- not to encroach the roadway or the approved seating area or be able to be blown into kerb edge/roadway area or pedestrian area;
- not to be located near any heating devices so as not to cause a potential fire hazard;
- to be securely fitted and installed to ensure that they withstand the effects of wind. Fixtures that penetrate or damage the pavement on Council's footpaths will not be permitted; and further that they be removed or closed in extremely windy conditions and must be removed when the footway seating area is not in use;
- not undermine the strength of the structure on which they are to be fitted;
- not to be used for the display of advertising;
- not to be positioned where vehicle sight distance is restricted for example at an intersection.

#### 4.2.5. Umbrellas

Umbrellas are appropriate for providing shade and shelter; however, considerations with respect to safety are critical.

Umbrellas must:

- be installed to ensure that they are at all times securely fixed to withstand the effects of wind;
- be removed or closed in extremely windy conditions and must be removed when the footway seating area is not in use;

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- not encroach on, or interfere with pedestrian movement, and must be at least 2.2 metres above the ground level at the lowest point;
- be manufactured from fire retardant material if adjacent to a heating device;
- be maintained in sound and aesthetically acceptable condition to the Council's satisfaction;
- not have general advertising but may include business premises identification and advertising associated with the associated food premises (e.g. coffee brand).

For other shade structures, contact Council for advice on whether such structures will require the consent of Council.

## 4.2.6. Heating Devices

Where the use of a heating device is proposed, details of the type, location and design must be included in the application. All heating devices are subject to approval, and the design of the device and the safety of persons and property will be the main consideration. Heating devices should turn off automatically if overturned to prevent injury to patrons and property.

## 4.2.7. Storage facilities

Adequate storage facilities will be required to be provided in the associated premises or in the building containing the associated premises for tables, chairs, umbrellas, heating devices, etc. when not in use (i.e. outside the hours of operation of the footway dining area).

## 4.2.8. Toilet facilities

Toilet facilities are to be made available to patrons in accordance with the requirements of the Building Code of Australia.

Toilet facilities are required to be available in the building occupied by the food and drink premises where alcohol is served or if the total seating provided, (indoors and footways) exceeds the prescribed number.

Inclusion of footway seating will increase the number of seats to a food and drink premises, and such an increase may require the provision of toilet facilities.

## 4.2.9. Advertising and signage

The name of the footway dining premises, its business name or logo may be placed on footway umbrellas, and other items of furniture, only if it:

- identifies the footway dining premises;
- is in the nature of a corporate logo or identification;
- is of a minor and integral element of the furniture design and does not have an excessive impact on the area of the café or the streetscape.

Details of all signage and advertising must be submitted for approval as part of the application.

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## 4.2.10. Lighting

Any footway dining approved to operate outside daylight hours must have adequate lighting, to Council's satisfaction, to ensure the safety and amenity of patrons and the public. Lighting must not also cause a nuisance or injury to amenity.

#### 4.3 Management Issues

This section provides an understanding of the ongoing management and operational matters required of footway dining areas.

## 4.3.1. Conditions of approval

The approval holder will be responsible for making sure the footway dining area is operated in accordance with the conditions attached to the approval, and where it applies, any conditions attached to the development consent.

Non-compliance will be enforced by way of a written warning for a first offence and a fine in all other circumstances. Continual non-compliance may result in the approval being revoked or enforcement action taken.

## 4.3.2. Fees

All fees associated with footway dining approvals are included in Council's Schedule of Fees and Charges for that financial year.

## 4.3.3. Approval Document

A copy of the Footway Dining Approval that includes a plan of the approved area must be kept on the premises and is to be produced on request by any authorised person. Approvals will be issued as part of Council's approval process.

#### 4.3.4. Maintenance and Cleaning

All furniture must be maintained at all times in a physically sound and aesthetically acceptable condition to the Council's satisfaction. The approval holder is responsible for cleaning the approved footway dining area. It must present a clean, well-maintained image as specified in the conditions of the approval.

#### 4.3.5. Waste Disposal

Street rubbish bins are not to be used for the disposal of waste associated with the operation of the restaurant, café or other food premises and the approval holder must have a suitable arrangement for commercial waste collection service.

#### 4.3.6. Furniture Storage

Footway furniture must be removed and stored away from all public areas outside the hours of business operation or when not in use due to bad weather etc.

## 4.3.7. Table Service

The Liquor Act 2007 may include requirements with respect to table service in the footway dining area where alcohol is served. Any requirements relating to table service that are set out in conditions of the applicable Liquor Licence must be complied with.

Draft Footway Restaurant Settings Policy

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#### 4.3.8. Alcohol

A Liquor Licence from Liquor and Gaming NSW needs to be obtained prior to the consumption of alcohol within the footway dining area. This includes Bring Your Own (BYO) Alcohol. Alcohol may then be supplied or consumed within the footway dining area, subject to requirements from Liquor and Gaming NSW and any conditions imposed by Council. The Liquor Licence must include the outdoor dining area.

In most cases, a Liquor licence will not be issued for a footway dining area, unless Development consent for the footway area to allow for serving and consumption of liquor, has been granted by Council. To seek Development consent, relevant information can be sought from Council's Planning team.

The applicant must provide evidence of the Liquor Licence to Council at the time of the Footway Dining Application.

#### 4.3.9. No Smoking Policy

Refer to the Smoke Free Environment Act and Regulations 2000 for further information.

#### 4.3.10. Heating Devices

Heating devices must be removed from public land and appropriately stored when not in use.

#### 4.3.11. Animals

The Companion Animals Act 1998 Sec 14A enables café and restaurant owners to make a decision whether or not to allow dogs in footway dining areas, under certain circumstances, which are indicated in "the Act." This requirement relates to the responsibilities attached to food handling and it is the responsibility of the approval holder to comply with the requirements of relevant legislation.

Assistance animals are permitted in footway dining areas under the Disability Discrimination Act 1992.

#### 4.3.12. Lighting

Lighting provided for footway dining is to be maintained to ensure the safety and amenity of patrons and the public. All lighting is to be installed in a manner which ensures that nuisance is not caused to passing-by vehicles or to neighbouring properties.

#### 4.3.13. Insurance

All approval holders will be required to carry and maintain public risk liability insurance to the minimum value of \$20million with Broken Hill City Council listed as an interested party for footway dining purposes.

#### 4.3.14. Change of Ownership or Use

Footway dining approvals will cease upon change of ownership, change of use of the principle dining premises or if the business ceases trading. A new application is required for any change of ownership.

Draft Footway Restaurant Settings Policy

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#### 4.4 Application Requirements

In all cases of footway dining, approval is required from Council to meet various legislated and policy requirements. The nature of the approval required might relate to one, two or three Acts (or more) and related policies. To assist applicants, Council has made the application process as streamlined as possible. This section assists in explaining the requirements for approval in the majority of cases.

#### 4.4.1. Local Government Act 1993 and Roads Act 1993

Footway dining proposals also need approval under the Local Government Act 1993 (where located on public land) and the Roads Act 1993 (where the activity is on a public road/footway).

Application forms for an approval under the *Local Government Act 1993* or *Roads Act 1993* are available from Council's website at www.brokenhill.nsw.gov.au or *Council's Customer Service Centre, 240* Blende Street, telephone (08) 8080 3300.

Any footway dining areas where it is intended to serve alcohol require a separate licence under the *Liquor Act 2007*. Further information can be obtained from Liquor and Gaming NSW.

If the application for footway dining is in a residential area or adjacent to a residential area and is likely to involve the consumption of alcohol, Council must consider the following matters in determining the application:

- whether the proposed use is likely to detrimentally affect the amenity of the surrounding residential area; and
- whether any objections to the proposed liquor licence are well founded.

#### 4.4.2. Period of approval and variation of approval

Approvals will be valid for one financial year. An approval to use a footway or public space may be varied or revoked at any time.

It should be noted that pedestrian movement patterns are continuously monitored and may lead to variation or revocation of an approval at any time should Council consider it to be in the public interest to do so. In these circumstances, reasonable notice shall be given and a reasonable period of time, as set out in the approval, will be provided before the notice becomes effective. Notice periods will be abridged where there is any risk to public safety and amenity.

Approvals will automatically cease upon any change of ownership or occupancy of the associated premises or if the business ceases to trade.

Note: Applications to extend/renew the footway dining approval should be renewed at least two months before expiration of the approval if continuity of use is required. Otherwise, any use of the footway dining area must cease at the end of the financial year and all tables, chairs, umbrellas, barriers and the like are to be removed permanently or until a new approval is issued.

Draft Footway Restaurant Settings Policy

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#### 5. IMPLEMENTATION

The following Council officers are responsible for the implementation and the adherence to this policy.

#### 5.1 Roles and Responsibilities

The following Council officers are responsible for the implementation and the adherence to this policy:

- General Manager
- Director Corporate & Community
- Manager Corporate & Customer Experience
- Environmental Health Officer
- Community Safety Officers
- Manager Planning and Development
- Town Planner

#### 5.2 Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

#### 6. ASSOCIATED DOCUMENTS

The following documentation is to be read in conjunction with this policy:

- Compliance and Enforcement Policy
- Shop Front Displays and Moveable Signs Policy
- Local Orders Policy
- Local Approvals Policy

#### 7. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Manager Corporate & Customer Experience is responsible for the review of this policy.

#### 8. LEGISLATIVE AND LEGAL FRAMEWORK

Footway dining proposals require approval from Council. The most common location for footway dining is on part of the public footpath outside restaurants, cafes and other food premises, but may also be located on other public land in Council's ownership such as road reserves (land adjacent to carparks etc.), provided that the land is adjacent to a restaurant, café or other food premises.

Draft Footway Restaurant Settings Policy

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There are a number of safety, accessibility, and amenity considerations with respect to footway dining proposals. These aim to ensure the comfort of footway diners as well as the comfort of the general public accessing areas in and around footway dining areas.

Council has various responsibilities to meet under the following legislation:

- Local Government Act 1993
- Roads Act 1993
- Disability Discrimination Act 1992
- Companion Animals Act 1998
- The Companion Animals Amendment (Footway Dining Areas) Act 2010
- Liquor Act 2007
- Food Act 2003
- Work Health and Safety Act and Regulations 2011

Part 4 of this policy outlines the requirements for applications to Council for approvals under the above listed legislation.

The Roads Act 1993 and the Local Government Act 1993 generally require that a person shall not carry out any activity on a public road or place without the approval of Council. The Roads Act 1993 enables Council, as a road authority, to grant approval for limited use of Council's footpaths, roadways etc. which form part of a public road.

Sections 125, 126 and 127 and in some cases Sections 137-139 of the Roads Act 1993 allow Council to grant approval for use of a footpath in association with an adjacent restaurant (being premises in which food is regularly supplied on sale to the public for consumption on the premises), as long as this use is not taken to constitute a public nuisance and does not give rise to an offence against the Roads Act or any other legislation.

Transport for NSW must also give approval for footway dining activities on classified roads.

#### 9. **DEFINITIONS**

**Authorised Officer** shall mean an employee of a council generally or specially authorised by the council to be an Authorised Officer under the provisions of the *Local Government Act* 1993.

**Business frontage** shall mean the ground level property alignment of the business premises to the footpath.

**Business premises** shall mean the premises from which a business, trade of calling is conducted.

**BYO** shall mean Bring Your Own.

**Carriageway** shall mean an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

Draft Footway Restaurant Settings Policy

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**Classified Road** includes Main Roads, State Highway, Freeway, Controlled Access Roads, Secondary Roads, Tourist Road, Tollway, Transit way and a State Work as defined under the *Roads Act 1993*.

**Footpath** shall mean an area open to the public that is designated for, or has as one of its main uses, use by pedestrians and includes but not limited to a road reserve and nature strip.

**Footway restaurant setting** shall mean, but is not limited to, any table or chair, or any other thing placed on a footway for the use of the public to sit at, whether or not that person eats or drinks.

**Intersection or junction** shall mean the area where 2 or more roads (except any road-related area) meet and includes: (a) any area of the roads where vehicles travelling on different roads might collide, and (b) the area of any slip lane where the roads meet.

**Kerb** shall mean the area at the junction of the carriageway and the footpath whether it is a formed kerb or not.

**Setting** shall mean: - footway restaurant setting, consisting of one table with <u>not more than</u> 4 chairs per table.

Draft Footway Restaurant Settings Policy

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#### COMMUNITY DEVELOPMENT COMMITTEE

February 25, 2025

#### ITEM 2

#### BROKEN HILL CITY COUNCIL REPORT NO. 45/25

#### SUBJECT: NOMINATIONS FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 COMMITTEES D25/8430

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 45/25 dated February 25, 2025, be received.
- 2. That Council review and consider the nomination of Phil Neal for appointment as community representative on the Alma Oval Community Committee.
- 3. That Council review and consider the nomination of Jody Whitehair for appointment as community representative on the Memorial Oval Community Committee.
- 4. That Council review and consider the nomination of Colin Casey for appointment as community representative on the Norm Fox Sporting Complex Community Committee.
- 5. That the community representatives be advised of their appointment.
- 6. That the Alma Oval Community Committee be formally reestablished and commence meetings through a transition period, during which Council and the Committee will collaborate to assess the Committees capacity to fulfill its duties as outlined in the Constitution of the Alma Oval Community Committee.
- 7. That Council notes that the current round of advertising closes on 31 March 2025 and a further report will be presented to the March Council Meeting with further nominations received.

#### **Executive Summary:**

Section 355 of the *Local Government Act 1993* provides that a function of the Council may be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils, or
- (e) by a delegate of the council.

In accordance with Section 355 of the *Local Government Act 1993* Council previously established Committees to assist Council with the operation and management of its parks, ovals and reserves, these are called Section 355 Asset Committees. Council has also previously established Section 355 Advisory Committees to provide advice to the General Manager on specific operations of Council.

Council adopted Asset and Advisory Committee Frameworks and Constitutions at its Ordinary Meeting held 30 October 2024, Minute number 47674 as the governance structure by which each Committee operates. Membership on each committee forms part of the constitution and includes the number of community representatives, stakeholder representatives (if any) and Councillor representatives required for each Committee to function effectively.

#### Report:

As per Council's adopted Asset and Advisory Committee Framework (adopted 30 October 2024, Min No 47674) which states that:

Committees are to be appointed every four (4) years, within six (6) months after the Local Government General Election. The term of office for all Committees will be aligned to the term of office of the current Council (four years).

Council is currently calling for nominations for community representatives on its Section 355 Committees, the current round of advertising will close on 31 March 2025.

A subsequent report will be presented to the April 2025 Council Meeting to progressively appoint representatives to the Section 355 Committees and further advertising will be undertaken as required to fill all community representative positions.

As at the time of writing this report, three (3) nominations have been received for consideration. Each of the received nominations have been reviewed by Council's Corporate Services Governance team and are deemed to meet the criteria for volunteer applications, as per Council's Volunteer Management Framework.

The following table summarises the number of community representatives required on each Committee; the number of community representatives currently appointed to the Committee, nominations received and the nominees. It also includes, for reference, the Council delegate/s on each Committee.

Name of Committee	Committee Structure and Membership	Community Representatives	Further Nominations Received	Council Delegate/s on each Committee
Alma Oval Community Committee	Minimum membership required four (4), ideal membership six (6). At least one (1) Councillor representative. Consisting of at least one (1) representative per user group.	2 Peter Johnston Trevor Cutjar	1 Phil Neal	Councillor Boland Councillor Byrne

Memorial Oval Community Committee	Minimum membership required four (4), ideal membership twelve (12). At least one (1) Councillor representative. Allowance for at least one (1) representative per user group. Reasonable number of community representatives reflecting the size and operations of the facility (to be approved by Council).	3 Tanya Martyn Christopher May Nathan Fell	1 Jody Whitehair	1 vacant Councillor position
Norm Fox Sporting Complex Community Committee	Minimum membership required four (4), ideal membership ten (10). At least one (1) Councillor representative. Allowance for at least one (1) representative per user group Reasonable number of community representatives reflecting the size and operations of the facility (to be approved by Council).	2 Peter Johnston Margaret Pope	1 Colin Casey	Councillor Algate
total nominations:			3	

#### Alma Oval Community Committee

As per Council's resolution at its Ordinary Meeting held 30 October 2024 to re-establish the Alma Oval Community Committee, subject to meeting committee management requirements, Council sent correspondence to the Oval's regular users inviting membership nomination. One further nomination was received this month, if the nominee is appointed, will award the committee five (5) members, including the two (2) Councillor delegates, which meets the minimum committee membership requirements.

It is recommended that Council formally reestablish the Alma Oval Community Committee. Given the Committee's role in the management care and maintenance of the Alma Oval, with consideration of the limited occupancy of membership, reviewing the Committee's Constitution and reinstating its operations with structured oversight throughout a transition period will help ensure that the Committee is functioning effectively and delivering its intended outcomes. The transition ought to include regular reporting, through the Committee's meeting minutes on key activities, progress and any challenges encountered. This will enable Council to make an informed decision about the Committee's long-term role and ongoing contributions.

It should be noted that letters of appreciation have been sent to the outgoing community representatives on all Section 355 Committees as per Council's resolution at the 30 October 2024 Council Meeting. These letters also encouraged the community representatives to renominate for the new term.

This report is presented to Council to consider the nominations received to date and accordingly appoint community representative to the various Section 355 Committees.

#### **Community Engagement:**

Council is currently advertising for nominations for community representatives on its Section 355 Committees. Ongoing advertising will be carried out until a sufficient number of nominations are received for each committee.

#### **Strategic Direction:**

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

#### **Relevant Legislation:**

Section 355 of the *Local Government Act 1993* Council's adopted S355 Asset and Advisory Committee Framework and Constitutions.

#### **Financial Implications:**

There are no additional financial implications, outside the operational budget for the associated committees.

#### Attachments

- 1. Section 355 Nomination Form Alma Oval Community Committee Phil
- Neal\_Redacted
- 2. Section 355 Nomination Form Memorial Oval Community Committee Jody
- U Whitehair\_Redacted
- 3. Section 355 Nomination Form Norm Fox Sporting Complex Community Committee
- . Colin Casey\_Redacted

RAZIJA NU'MAN DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL GENERAL MANAGER

# **Section 355 Alma Oval Community Committee** BROKEN HILL CITY COUNCIL **Nomination Form** Submitted on 20 February 2025, 12:46PM **Receipt number** 3 **Related form version** 1 **Personal Details** First Name: Phil Last Name: Neal **Contact Number:** Email Address: Full Address (Including Street, Suburb, State, Postcode): **Emergency Contact: Emergency Contact Name: Emergency Contact Phone Number:**

### Volunteer Expression of Interest: Skills, Experience and Special Interests

Skills:	Can operate large machines
Experience:	Nil
Special Interests:	Football
Why are you interested in becoming a Section 355 Volunteer?	Support the south football club

### **Additional Information**

Do you have any health or fitness limitations that may limit your availability to perform certain types of activities?	

1 of 2

If yes, please explain

#### NOMINATIONS FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 COMMITTEES

Are you on any medication or under any course of treatment that may limit your ability to perform certain types of activities?

If yes, please explain

Do you hold a current Drivers licence?

Yes

## **Declaration/Sign Off**

I agree to abide by Council's Section 355 Asset/Advisory Committee Manual and associated constitution/terms of reference, Model Code of Conduct Policy, Volunteer Management Framework, policies, procedures and directives from Council Officers and to act only within the scope of my delegation as a Council Volunteer

I agree to attend Council's Section 355 induction training as soon as practical and subsequent refresher training annually

I understand that I am volunteering my services to Council and will not receive renumeration for my services, and that I will inform Council when I no longer wish to be considered for further volunteering activities.

I agree to inform Council of any hazards and risk to health and safety in the Council workplace, safety incidents, near misses or injuries sustained whilst undertaking volunteering activities.

I agree to contact the designated Council employee to seek approval to vary the nature of work specified in this application, or if I experience any problems with the work I am undertaking, I will notify the designated Council employee before taking any undue action.

I agree to undertake a National Police Check in accordance with Council's Volunteer Management Framework/Policy. Note: At Council's Cost

I agree that I may require confirmation from my General Practitioner (GP) that I have no limitations to carry out the required tasks. Note: At Council's cost, where applicable.

I confirm that all information I have submitted as part of my volunteer nomination is correct and accurate to the best of my knowledge.

### Signature

Name of signatory: Phil Neal



Link to signature

# Section 355 Committee Nomination Form

BROKEN HILL

Submitted on	13 January 2025, 2:40PM
Receipt number	S355CNF-65
Related form version	7

### **Personal Details**

First Name:	Jody
Last Name:	Whitehair
Contact Number:	
Email Address:	
Full Address (Including Street, Suburb, State, Postcode):	

### **Emergency Contact:**

Emergency Contact Name:	
Emergency Contact Phone Number:	

# **Committee Details**

Name of Committee:

Memorial Oval Community Committee

# Volunteer Expression of Interest: Skills, Experience and Special Interests

Skills:	Abiliaty to liaise with the public, record keeping
Experience:	Memorial Oval Committee member for previous 5 years
Special Interests:	Continue to participate in a team environment to assist with the use and enjoyment of Memorial Oval facilities
Why are you interested in becoming a Section 355 Volunteer?	Continue my role as Secretary

# **Additional Information**

Do you have any health or fitness limitations that may limit

1 of 2

#### NOMINATIONS FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 COMMITTEES

your availability to perform certain types of activities?

lf yes, please explain

Are you on any medication or under any course of treatment that may limit your ability to perform certain types of activities?

If yes, please explain

Do you hold a current Drivers licence?

Yes

### **Declaration/Sign Off**

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I agree to undertake a National Police Check in accordance with Council's Volunteer Management Framework/Policy. Note: At Council's Cost

I agree that I may require confirmation from my General Practitioner (GP) that I have no limitations to carry out the required tasks. Note: At Council's cost, where applicable.

I confirm that all information I have submitted as part of my volunteer nomination is correct and accurate to the best of my knowledge.

#### Signature

Name of signatory: Jody Whitehair

Link to signature

# **Section 355 Committee** BROKEN HILL **Nomination Form** CITY COUNCIL Submitted on 20 November 2024, 2:33PM S355CNF-45 Receipt number 7 **Related form version Personal Details** Colin First Name: Last Name: Casey **Contact Number:** Email Address: Full Address (Including Street, Suburb, State, Postcode): **Emergency Contact: Emergency Contact Name: Emergency Contact Phone Number: Committee Details** Name of Committee: Norm Fox Sporting Complex Community Committee Volunteer Expression of Interest: Skills, Experience and Special Interests

Skills:	managerial skills
Experience:	Former Ceo of Sporting Organisation, current Football Operations Co- ordinator AFL Broken Hill
Special Interests:	Assisting the council and town through volunteering
Why are you interested in becoming a Section 355 Volunteer?	as above

### Additional Information

Do you have any health or fitness limitations that may limit

1 of 2

#### NOMINATIONS FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 COMMITTEES

your availability to perform certain types of activities?

If yes, please explain

Are you on any medication or under any course of treatment
that may limit your ability to perform certain types of
activities?

If yes, please explain

Do you hold a current Drivers licence?

Yes

# **Declaration/Sign Off**

I agree to abide by Council's Section 355 Asset/Advisory Committee Manual and associated constitution/terms of reference, Model Code of Conduct Policy, Volunteer Management Framework, policies, procedures and directives from Council Officers and to act only within the scope of my delegation as a Council Volunteer

I agree to attend Council's Section 355 induction training as soon as practical and subsequent refresher training annually

I understand that I am volunteering my services to Council and will not receive remuneration for my services, and that I will inform Council when I no longer wish to be considered for further volunteering activities.

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I agree to contact the designated Council employee to seek approval to vary the nature of work specified in this application, or if I experience any problems with the work I am undertaking, I will notify the designated Council employee before taking any undue action.

I agree to undertake a National Police Check in accordance with Council's Volunteer Management Framework/Policy. Note: At Council's Cost

I agree that I may require confirmation from my General Practitioner (GP) that I have no limitations to carry out the required tasks. Note: At Council's cost, where applicable.

I confirm that all information I have submitted as part of my volunteer nomination is correct and accurate to the best of my knowledge.

#### Signature





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#### COMMUNITY DEVELOPMENT COMMITTEE

February 17, 2025

#### ITEM 3

#### BROKEN HILL CITY COUNCIL REPORT NO. 46/25

# SUBJECT:MINUTES OF THE S355 AGEING WELL ADVISORY COMMITTEEMEETING HELD 5 FEBRUARY 2025D25/7255

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 46/25 dated February 17, 2025, be received.
- 2. That the minutes of the S355 Ageing Well Advisory Committee meeting held 5 February 2025 be received.

#### **Executive Summary:**

Council has received minutes from the S355 Ageing Well Advisory Committee meeting held 5 February 2025.

#### Report:

As per Council's Section 355 Advisory Committee Framework Manual (adopted 30 March 2022) and the 355 Ageing Well Committee Terms of Reference (adopted 27 April 2022), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

#### **Community Engagement:**

Community engagement occurs through Section 355 Ageing Well Advisory Committee which includes a range of Aged Care sector service providers and community representatives.

#### Strategic Direction:

Key Theme:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

#### **Relevant Legislation:**

The S355 Ageing Well Advisory Committee Terms of Reference Local Government Act 1993

#### Financial Implications:

Nil

#### Attachments

1. J S355 Ageing Well Advisory Committee 5 February 2025

RAZIJA NU'MAN DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL GENERAL MANAGER



# MINUTES OF THE SECTION 355 AGEING WELL COMMITTEE MEETING HELD 5 FEBRUARY 2025 AT 3.00PM - GROUND FLOOR MEETING ROOM, COUNCIL ADMINISTRATIVE BUILDING

1. Present

Rachel Merton Alison Howse Cindy Richards Larni Baird Judy Parr Irene Davey Community Development Coordinator BHCC(Chair) Community Development Officer (Minute Taker BHCC) LiveBetter Representative Southern Cross Care Representative Kirinari Representative Community Representative

#### 2. Apologies

Clr Bob Algate Clr David Gallagher Clr Hayley Jewitt Razija Numan Julua Hamel Council Delegate Council Delegate Director Corporate and Community (BHCC) Community Representative

#### 3. Acknowledgement of Country

Acknowledgement of Country - Rachel Merton Community Development Coordinator

We acknowledge the traditional owners of the land upon which we meet today, the land of the Wilyakali people, and pay our respects to their elders; past, present and emerging.

#### 4. Confirmation of Minutes of Previous Meeting

Confirmation of minutes for meeting held 7 November 2024 **Moved:** Larni Baird **Seconded:** Judy Parr

#### 5. Correspondence

Nil

#### 6. Business arising from previous minutes

Reclassification of MMM3 to MMM6 Taskforce visit

7. Action List

Nil

#### 8. General Business

#### 8.1 S355 Nominations

Minutes of the Section 355 Ageing Well Committee Meeting held 5 February 2025

Page 1 of 4

# BROKEN HILL

General discussions were held around the \$355 nomination submissions for the Ageing Well Committee. Council's Community Development Coordinator, Rachel Merton, advised that the \$355 Committee nominees are treated the same as a volunteer under Councils Volunteer Framework, entailing an application process, police check and endorsement by Council.

Committees such as the \$355 Ageing Well and \$355 Youth Advisory Committees do not fit the strict format of a 355 committee such as those that oversee ovals and sporting complexes that have a budget and maintenance etc. Community Development Officer will follow up with Council's People and Culture Department regarding the police check process and forward via email the application link and police check procedure to make ease of application. Discussions around the checks required and the costs attached to commence working in the aged care sector.

#### 8.2 Updated presentation on the new Aged Care Act from Paul Saddler

Judy Parr advised of an updated presentation from Paul Saddler Consultancy on 4 February 2025 on the Aged Care Act changes and Home Care Support Packages, the presentation discussed fees, particularly for retirees and self-funded retirees. Classification fundings such as classifications 5 will incur a 20% increase and classifications 6 & 7 would incur a 40% increase on the funding, a significant amount of money if they are increased to the 6 or 7 band. General discussion were held around the charges, cost of living and the effects on aged persons in their homes.

Larni Baird mentioned the statistics for Broken Hill indicate a higher than the state average for sole households. Cindy Richards shared statistics of the 100 Home Care Package clients with LiveBetter there are only 6 couples, the rest are single persons.

Judy Parr will email the updated Paul Saddler Consultancy Aged Care Act presentation link to Community Development to be shared amongst Committee.

#### 8.3 Aged Care Taskforce

Community Development Officer asked if anyone had received any feedback from the Aged Care Taskforce visit to Broken Hill in November 2024. Judy Parr advised she has not received any feedback advising it was indicated that it would be a year before we would see any outcomes.

Southern Cross Care CEO Larni Baird advised that SCCBH has not been reclassified and a review timeframe indicated was for March 2025 with process changes to start around October 2025. Three different departments attended from the health service at the same time with slightly different agendas and in terms of the reclassification of the MMM it did sound like a complete redesign.

Community Development has not had any feedback filtered down to them.

Larni Baird mentioned the re-banding that Southern Cross Care went through in October 2024 has helped slightly and that a reclassification would be better.

Judy Parr raised the fact that we have been reclassified for disability and Broken Hill was compared with Kalgoorlie having the same demographic and questioned why aged care did not follow.

Community Development Officer mentioned that the Working Better For Medicare Review final report indicated 26 recommendations coming from the review. Alison will email the Working Better For Medicare Review Final Report to committee.

#### 8.4 Seniors Information Session and NSW Seniors Festival 2025

Minutes of the Section 355 Ageing Well Committee Meeting held 5 February 2025 Page 2 of 4

# BROKEN HILL

Judy Parr asked if Council was considering a follow-on Seniors Information Session after receiving feedback from clients and requests for another session. Community Development Officer to investigate funding to create a calendar of senior's information sessions. Senior's Week funding guidelines favour an ongoing event or activity created for seniors as opposed to a one-off event or activity. NSW Seniors Festival runs from 3 March until the 16 March 2025.

Judy Parr asked if LiveBetter could provide a space such as the Seniors Lounge in the North Mine Hall and suggested Kirinari Community Service could contribute to the cost of catering.

Community Development will investigate how Council could provide support for a 2025 Senior's Week information session.

General discussions around having the same presenters and further collaborations with services such as Far West Local Health Service to deliver information session on the COMPACT program. This program provides people being discharged from hospital to a further six weeks of care delivered within the home.

Community Development to engage services and work with Livebetter to establish a date and time to host the information session.

General discussion around the annual Seniors Concert with a coordinator yet to take on the organisation of the concert. It had been suggested that a potential final concert be held on the memorial of the late June Bennett as the coordinator and choreographer for many years. Council will be working towards next year's seniors' festival funding.

#### 8.5 Aged Care Remote Workforce Accord

Judy Parr raised the Aged Care Remote Workforce Accord – a training program for rural communities engaging people with lived experience in caring for someone, with training online and in person for improvement of work force in rural places like Menindee, Pooncarie etc. Project Management is asking providers to come into the program, Larni Baird raised the benefit of being able to have those participants on student placement.

#### 9. Next Meeting

Wednesday, 7 May 2025

#### 10. Meeting Closed

3.50pm

Minutes of the Section 355 Ageing Well Committee Meeting held 5 February 2025 Page 3 of 4

MINUTES OF THE S355 AGEING WELL ADVISORY COMMITTEE MEETING HELD 5 FEBRUARY 2025

#### BROKEN HILL CITY COUNCIL

ITEM NUMBER	ACTION	RESPONSIBLE	DUE
Meeting held 5 Feb	ruary 2025		-
8.1	Community Development Officer will follow up with Councils People and Culture Department as to the police check process and forward via email the application link and police check procedure to make ease of application.	Community Development Officer	7 May 2025
8.2	Judy Parr will email the updated Paul Saddler Aged Care Act presentation link to Community Development to be shared amongst Committee.	Community Development Officer	7 May 2025
8.3	Community Development Officer to email the Working Better For Medicare Review Final Report to committee.	Community Development Officer	7 May 2025
8.4	Community Development to engage services and work with Livebetter to establish a date and time to host the information session.	Community Development Officer	13 February 2025

Page 4 of 4

# RECOMMENDATIONS OF FINANCE AND GOVERNANCE COMMITTEE MEETING HELD WEDNESDAY, 19 MARCH 2025

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 39/25 dated March 11, 2025, be received.
- 2. That the Infrastructure and Environment Committee Meeting that is schedule for Monday 21 April 2025 (Easter Monday) be postponed and held on Tuesday 22 April 2025 at 5:30pm.
- 3. That the Community Development Committee Meeting that is scheduled for Tuesday 21 April 2025 at 5:30pm be held directly following the Infrastructure and Environment Committee Meeting.

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 40/25 dated March 12, 2025, be received.
- 2. That Council notes that the draft Information and Communications Technology Policy was endorsed by the Audit, Risk & Improvement Committee at its meeting held 13 February 2025.
- 3. That Council adopts the Draft Information and Communications Technology Policy and notes that its adoption will render the current Email Internet and Use of Computer Systems Policy obsolete.

#### 

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 41/25 dated March 12, 2025, be received.
- 2. That Council approve the sale of retractable tiered seating purchased as part of the Civic Centre refurbishment in 2016.
- 3. That the General Manager be authorised to negotiate sale of item by auction, expression of interest or private treaty.
- 4. That the General Manager be authorised to dispose of the item for scrap value if no willing purchaser can be found.

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 42/25 dated March 6, 2025, be received.

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 43/25 dated March 12, 2025, be received.
- 2. That minutes of the Audit, Risk and Improvement Committee meeting held 13 February 2025 be received and endorsed.

#### FINANCE AND GOVERNANCE COMMITTEE

March 11, 2025

#### ITEM 1

#### BROKEN HILL CITY COUNCIL REPORT NO. 39/25

# SUBJECT: ALTERATION TO SCHEDULED STANDING COMMITTEE MEETING DATES FOR APRIL 2025 DUE TO EASTER PUBLIC HOLIDAYS

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 39/25 dated March 11, 2025, be received.
- That the Infrastructure and Environment Committee Meeting that is schedule for Monday 21 April 2025 (Easter Monday) be postponed and held on Tuesday 22 April 2025 at 5:30pm.
- That the Community Development Committee Meeting that is scheduled for Tuesday 21 April 2025 at 5:30pm be held directly following the Infrastructure and Environment Committee Meeting.

#### **Executive Summary:**

Due to the Infrastructure and Environment Standing Committee Meeting falling on the Easter Public Holiday for Easter Monday (21 April 2025), it is necessary for Council to resolve to postpone the Committee Meeting to another suitable date and time as per Council's adopted Code of Meeting Practice Policy.

#### Report:

The Standing Committee Meetings to be held in April 2022 are scheduled to be held as follows:

Infrastructure and Environment Committee – Monday 21 April 2025 at 5:30pm Community Development Committee – Tuesday 22 April 2025 at 5:30pm

Finance and Governance Committee – Wednesday 23 April 2025 at 5:30pm The scheduled Infrastructure and Environment Committee date clashes with the Easter Monday public holiday on Monday 21 April 2025.

Any alteration to scheduled Council or Standing Committee meeting dates as per Council's adopted Code of Meeting Practice Policy or resolved by Council, must be by Council resolution.

It is proposed that Standing Committees for April 2025 be held as follows:

Infrastructure and Environment Committee – Tuesday 22 April 2025 at 5:30pm Community Development Committee – Tuesday 22 April 2025 to commence directly following the Infrastructure and Environment Committee Meeting Policy and General Committee – Wednesday 23 April 2025

Holding two Standing Committees on Tuesday evening will assist to alleviate any impact on the Council Meeting Business Paper being produced at the end of the Committee Meeting week.

This report is presented to Council to resolve to alter the date and time of Standing Committee Meetings for April 2025 due to the Easter Monday public holiday.

#### **Community Engagement:**

Standing Committee Meetings are open to the public to attend and are advertised in the Broken Hill Times newspaper and on Council's website under the Public Notices section.

#### Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

#### Relevant Legislation:

Local Government Act 1993, Chapter 4 Part 1, Chapter 12 Part 2 Division 1&2 Council's adopted Code of Meeting Practice Policy

#### **Financial Implications:**

Nil

#### Attachments

There are no attachments for this report

LEISA BARTLETT EXECUTIVE OFFICER

JAY NANKIVELL GENERAL MANAGER

#### FINANCE AND GOVERNANCE COMMITTEE

March 12, 2025

#### ITEM 2

#### BROKEN HILL CITY COUNCIL REPORT NO. 40/25

# SUBJECT:ADOPTION OF THE DRAFT INFORMATION AND<br/>COMMUNICATIONS TECHNOLOGY POLICYD25/11344

#### \_\_\_\_\_

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 40/25 dated March 12, 2025, be received.
- 2. That Council notes that the draft Information and Communications Technology Policy was endorsed by the Audit, Risk & Improvement Committee at its meeting held 13 February 2025.
- 3. That Council adopts the Draft Information and Communications Technology Policy and notes that its adoption will render the current Email Internet and Use of Computer Systems Policy obsolete.

#### **Executive Summary:**

In order to ensure ethical and secure use of information and communications technology equipment networks and services in compliance with the *Local Government Act 1993*, and in response to the internal Cyber security Audit conducted by OCM in November 2022, The Draft Information and Communication Technology Policy has been developed. The purpose of having a current information and communications technology policy is to ensure all authorised users have access to a reliable and robust IT environment that is free from malicious and unauthorised use. The policy covers the rights and obligations of Council as well as those of the user of Council supplied equipment and services.

The Draft Information and Communication Technology Policy was endorsed by the Audit, Risk & Improvement Committee at their meeting held 13 February 2025 and is now presented to Council for consideration of adoption.

#### Report:

The objective of this Policy is to provide clear guidelines for the correct use and supply of all technology provided by Council for business use.

This policy is in place to protect users and Council. Inappropriate use exposes Council to risks including malicious software, loss of sensitive information, compromise of network systems and services, and legal issues.

Effective security is a team effort involving the participation and support of every Council employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

This policy shall apply specifically to all Broken Hill City Council employees and extend to include contractors / sub-contractors engaged by the Council, consultants engaged by

Council, visitors conducting business on Council premises, volunteers conducting activities approved by Council, Council Committees and Elected members.

Key additions in this policy are users' responsibilities in regard to cyber security awareness, and the requirement to participate in annual cyber security awareness refresher training. The Cyber security awareness program will be reviewed annually to ensure effectiveness and relevance to emerging threats.

The Draft Information and Communication Technology Policy was endorsed by the Audit, Risk & Improvement Committee at their meeting held 13 February 2025 and is now presented to Council for consideration of adoption. If adopted by Council, the current Email Internet and Use of Computer Systems Policy will be rendered obsolete.

#### Community Engagement: Not applicable.

#### **Strategic Direction:**

Key Direction: 4	Our Leadership		
Objective: 4.1	Openness & Transparency in Decision Making		
DP Action:	Maintain good governance and best practice methods and ensure		
4.1.1.21	compliance with various guidelines, legislation and report		
	requirements		

#### **Relevant Legislation:**

- Local Government Act 1993
- Local Government (General) Regulation 2021

#### **Financial Implications:**

Nil. This policy will provide a sound information and communications technology policy to ensure that appropriate controls are in place for the safe use of technology within Council.

#### Attachments

**1.** Draft Information and Communications Technology Policy

SIMON BROWN DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL GENERAL MANAGER

# BRDKEN HILL

# DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY

QUALITY CONTROL					
EDRMS REFERENCES	11/575 – D23/44236				
RESPONSIBLE POSITION	Manager Information & Communications Technology				
APPROVED BY	<enter approving="" officer=""></enter>				
REVIEW DATE	<enter date="" review=""></enter>	REVISION NUMBER	<enter number&gt;</enter 		
EFFECTIVE DATE	ACTION	MINUTE NUMBER			
<enter date=""></enter>	<enter action="" description=""></enter>	<enter minute="" number=""></enter>			

#### 1. INTRODUCTION

The purpose of this policy is to outline the ethical and acceptable use of Broken Hill City Council's (Council) Information Technology (IT) equipment, networks, services and information.

This policy has been adopted to ensure all users have access to a reliable and robust IT environment that is free from malicious and unauthorised use. It aims to cover the rights and obligations of Council, and the rights and obligations of the person using Council supplied technology equipment and services.

This policy, therefore, applies to anyone working at Council, including Councillors, employees, contractors, sub-contractors, third party vendors, external suppliers and authorised personnel (users). Unauthorised users are prohibited from using any Council Information and Communication (ICT) equipment, except equipment specifically supplied for public use.

Council is committed to the appropriate use of technology equipment, resources and services to support and assist with service delivery and business functions across the organisation. IT equipment and services are allocated to Council users to assist in carrying out these functions in an efficient and effective manner.

The purchase and use of technology must always have a central consideration for how it will improve Council's services for the community as well as internal operational, legislative and productivity benefits.

All users of Council supplied equipment and/or services are bound by all applicable current legislation. Council reserves its right to apply any or all parts of the applicable legislation to ensure Council's technology assets and services are used in a manner that complies with legislative requirements.

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY

Page 1 of 13

All authorised users of Council's equipment are required to sign the 'Technology and Services User Agreement' before the use of Council's equipment. Failure or refusal to sign the 'Technology and Services User Agreement' may result in:

- All access to Council's systems being revoked;
- Cessation of Council equipment use; or
- If access to Council's systems or Council equipment use is vital to fulfill the requirements of the role, disciplinary action or grounds for employment/contract termination.

#### 2. POLICY OBJECTIVE

The objective of this Policy is to provide clear guidelines for the correct use and supply of all technology provided by Council for business use.

This policy is in place to protect users and Council. Inappropriate use exposes Council to risks including malicious software, loss of sensitive information, compromise of network systems and services, and legal issues.

Effective security is a team effort involving the participation and support of every Council employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

#### 3. POLICY SCOPE

This policy shall apply specifically to all Broken Hill City Council employees and extend to include contractors / sub-contractors engaged by the Council, consultants engaged by Council, visitors conducting business on Council premises, volunteers conducting activities approved by Council, Council Committees and Elected members.

#### 4. POLICY STATEMENT

#### 4.1 Access Control

Before a user can utilise corporate systems, they must have successfully been authenticated as a valid user. Authentication methods will vary across systems and depend on the sensitivity of the information provided. In all possible cases, users <u>must</u> authenticate using accounts that identify the individual. Users are not permitted to utilise logins belonging to other users.

Users are responsible for the actions performed under their account.

Users are only permitted to access information, applications and systems that they have been allocated access rights. Rights are granted based on business need following the principles of least privilege access and the zero trust model.

Authentication credentials (users IDs, passwords, certificates, MFA credentials, physical tokens and access cards) must not be disclosed or shared with anyone. Staff must not share accounts to Council systems unless approval has specifically been obtained from Manager ICT. All authorised shared accounts are documented by Manager ICT.

Only Council owned, or approved external equipment is to be connected to non-public ICT networks and computer systems. Approval can only be gained through Manager ICT.

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY Page 2 of 13 Where possible and appropriate, authentication must be strengthened with hardening techniques such as multi-factor authentication (MFA), certificate-based authentication and/or other forms of hardening. The decision to implement this requirement must be based on the risk of compromise, the security classification of the information contained within the system and the capabilities of the system.

Electronic storage of passwords is only permitted in approved encrypted password storage vault solutions. Passwords must not be saved within web browsers, in text files etc. Vault products can only be approved by Manager ICT.

Passwords must not be written down and stored in a place where unauthorised persons may discover them.

Staff must not re-use passwords across multiple services as this allows a single compromise to impact multiple services.

#### 4.2 Communications and Mobile Devices

#### 4.2.1 Email and Communications Activities

When using Council resources to access and use the internet, users must realise they represent Council. The following activities are strictly prohibited, with no exceptions:

- Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
- Any form of harassment via email, telephone, or other electronic means, whether through language, frequency, or size of messages.

#### 4.3 IT Equipment

Council undertakes equitable measures to supply equipment and services that are fit for purpose. Council maintains a list of what it deems as standard equipment for supply.

The equipment provided has been chosen to maximise Council's service delivery potential and to be in accordance with Council's procurement policies. Any deviation from the supply of council standard equipment will require a written business case signed and supported by the relevant Senior/Executive Leadership Team member. The models of equipment issued are at the discretion of ICT to ensure maximising return on investment.

Upon employment/contract termination, all council owned equipment issued to users must be returned to council, including but not limited to:

- Laptops, desktops, monitors, keyboard and mouse.
- Portable equipment (mobile phones, tablets, measuring Equipment, IoT devices, scanners, security tokens, physical security passes)External storage devices (USB/Flash Drives)
- All chargers, cases & cords.

Cessation payment/s will be made once all COUNCIL ICT issued equipment is returned to and signed off by the ICT team.

#### 4.4 Internet Usage and Cloud

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY Page 3 of 13

#### 4.4.1 General Internet Connectivity

Internet connectivity presents Broken Hill City Council with risks that must be addressed to safeguard its vital information assets. Access to the Internet will be provided to users to support business activities as needed to perform their tasks and professional roles. Access to the Internet will be provided to the public as a public service.

All corporate Internet access is explicitly filtered for inappropriate and malicious material and may be subject to intensive monitoring.

All public internet services are provided with limited monitoring in order to protect the privacy of public users and is only filtered to prevent malicious material.

The content filtering is provided on the basis of regularly updated industry blacklists and is not expected to cover all possible sites.

#### 4.4.2 Internet Services Allowed

Internet access is to be used for business purposes and users must limit the amount of time they use the Internet for non-business use. All users must follow corporate principles regarding resource usage and exercise good judgment in using the Internet to ensure cyber security is maintained. Questions can be addressed to the ICT department. Acceptable use of the Internet for performing job functions might include:

- Council business
- Communication between employees and non-employees for business purposes.
- Review of possible vendor web sites for product information.
- Reference regulatory or technical information.
- Research
- Government services
- Council subscribed cloud services

#### 4.5 General Use and Ownership

Broken Hill City Council proprietary information stored on electronic and computing devices whether owned or leased by Broken Hill City Council, the employee or a third party, remains the sole property of Broken Hill City Council.

- You must ensure through legal or technical means that proprietary information is protected and only shared in consideration of the COUNCIL Information Management Security Classifications section of this policy.
- You have a responsibility to promptly report the theft, loss or unauthorised disclosure of Broken Hill City Council proprietary information.
- You may access, use or share Broken Hill City Council proprietary information only to the extent it is authorised and necessary to fulfill your assigned job duties.

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY Page 4 of 13

- Employees are responsible for exercising good judgment regarding the reasonableness of personal use, and if there is any uncertainty, employees should consult Council's Information & Communications Technology Department.
- For security and systems maintenance purposes, authorised individuals within Broken Hill City Council may monitor equipment, systems and network traffic at any time.
- Broken Hill City Council reserves the right to audit networks, systems and user activities on a periodic basis to ensure compliance with this policy.

#### 4.5.1 Application Usage

Council has many different software applications in use to meet the specific needs of various business units. These applications often contain overlapping feature sets. It is the responsibility of each department and individual to ensure that procedures and policies are followed that relate to the correct usage of each application for their intended purpose.

The ICT department implements standards and offers guidance on the consistent usage of applications across the entire organisation. For example, the Corporate Records Management system is "Content Manager" and must be used for document storage for all Council records, unless a written exemption has been obtained from Manager ICT.

#### 4.5.2 Personal Usage

Using company computer resources to access the Internet for personal purposes must be limited. Personal use must be reasonable and appropriate, not impact on staff productivity or system performance or bring Council into disrepute.

Bandwidth both within the company and in connecting to the Internet is a shared, finite resource. Data limits on many of our internet services are not unlimited, and excessive usage can result in large bills. Users must make reasonable efforts to use this resource in ways that do not negatively affect other employees. Where excessive personal usage is identified, usage charges may be passed onto the user.

All users of the Internet should be aware that the corporate network creates an audit log reflecting request for service, both in-bound and out-bound addresses, and can be reviewed. Users who choose to store or transmit personal information such as private keys, credit card numbers or certificates or make use of Internet "wallets" do so at their own risk.

#### 4.5.3 Unacceptable Usage

<u>Under no circumstances is an employee of Broken Hill City Council authorised to</u> <u>engage</u> in any activity that is illegal under local, state, federal or international law while utilising Council-owned resources.

The following activities are, in general, prohibited. The lists below are by no means exhaustive but attempt to provide a framework for activities which fall into the category of unacceptable use.

Employees may be exempted from these restrictions during-the-course of their legitimate job responsibilities (e.g., ICT staff may have a need to disable the network access of a host if that host is disrupting production services).

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY Page 5 of 13

- The conduct of a business enterprise, engaging in any form of intelligence collection from our facilities, engaging in fraudulent activities, or knowingly disseminating false or otherwise libellous materials.
- Any conduct that would constitute or encourage a criminal offense, lead to civil liability, or otherwise violate any regulations, local, state, national or international law.
- Transmission of any proprietary, confidential, or otherwise sensitive information without the proper security controls.
- Use, transmission, duplication, or voluntary receipt of material that infringes on the copyrights, trademarks, trade secrets, or patent rights of any person or organization. Assume that all materials on the Internet are copyright and/or patented unless specific notices state otherwise.
- Any form of gambling.
- Using computers to perpetrate any form of fraud, and/or software, film or music piracy.
- Unauthorised downloading/purchasing/usage of any software, apps or cloud services for use without authorisation in advance from the ICT Department and the user's manager.
- Accessing data, a server or an account for any purpose other than conducting Broken Hill City Council business, even if you have authorised access, is prohibited.
- Loan of allocated mobile devices to others external to Council including friends and family.

#### 4.5.4 Modification

Altering or disrupting IT systems may expose Council to unauthorised information disclosure and introduce additional risks. Users must not perform unauthorised installs or upgrades, remove or modify hardware components including SIM cards, alter configuration or security settings.

Users are permitted to install software and apps from approved curated software catalogues and allow automatic updates to install if prompted.

#### 4.6 Information Management – Security Classification

Information is a valuable resource. Protecting the confidentiality, integrity and availability of information is critical to business operations. Broken Hill City Council uses the following Security Classification scheme.

#### Official

All information stored, transmitted and processed by Council information systems are classified as Official.

- Official is the default security classification for all information whether the information has been explicitly classified or not.
- Official information by default must remain confidential to Council and not shared with persons outside Council who do not have a need-to-know.

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY Page 6 of 13 • Information classified as Official must be approved for release to public.

#### Sensitive

Information requiring additional protection and security and are classified as Sensitive. Highly sensitive or valuable information, both proprietary and personal; must not be disclosed either within or outside the Council without the explicit permission of a member of the Senior or Executive Management Teams (SLT/ELT).

Information classified as "sensitive" includes:

- Personal information
- Health information
- Legal information
- Law Enforcement information
- NSW Government information
- Passwords and private keys intended to protect Council systems and

information.

#### Public

Information intended and approved for public release must carry a classification of "Public". Formal approval and authorisation is required for classifying information as Public.

#### 4.6.1 Classifying Information

The head of each department is responsible for classifying information stored, processed and handled within their department. This may be performed by the establishment of documented business rules for categories of information.

#### 4.6.2 Obligation for Sharing Official Information

Users are permitted to share information that is not classified as sensitive with persons outside Council only when there is a valid business need to do so. The sharing of information classified as sensitive is not permitted without explicit authorisation from SLT/ELT.

Users are to refer to their direct manager if they are unsure about the classification level of information.

#### 4.7 Procurement

IT hardware and software systems may only be purchased or subscribed to with the approval of the Manager ICT to ensure compatibility with Council IT systems, compliance with security, information and records management considerations.

#### 4.8 Remote Access and Mobility

Users of mobile devices must ensure that the device is protected from unauthorised use through locking the device when not in use.

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY Page 7 of 13 Users need to ensure that the device is secure from oversight and eavesdropping when confidential or sensitive information is being accessed.

Council maintains the right to conduct inspections of any mobile phone or other mobile device that it owns or manages without prior notice to the user. The device must be returned to the ICT department upon request for maintenance and when the user ceases employment at Council.

Mobile devices and communication systems supplied by the Council are provided to facilitate business activities. Reasonable and appropriate personal use is permitted as follows: -

- Minimal calls and text messages
- The data plan must not be exceeded due to personal use
- Personal use must not cause the Council to incur any additional costs or impact staff productivity

Managers will monitor use and may be provided with reports. Personal use may be required to be reimbursed.

A phone supplied by Council may not be used in connection with any personal commercial business activities. The number may not be published in any publication or business card that is not related to the Council's business

#### 4.9 Bring Your Own Device (BYOD)

Personally owned devices may not be connected to or synchronised with Council's computer systems or networks unless approved by the Manager ICT <u>and</u> the device owner agrees to the security requirements regarding the management of the device.

- 1. Request authorisation from their direct manager and have it approved.
- 2. Must install a Mobile Device Management (MDM) agent to house and encrypt Council data.
- 3. Acknowledge that Council is not liable for any problems caused to their personal device, including data loss, as a result of the Council issued Mobile Device Management (MDM) agent being installed.

Council acknowledges the use of personal devices used for business communication; however, Council holds no responsibility for the associated damages, costs and expenses. This includes but is not limited to faulty software, damage to hardware, repairs, bills, applications, games and data usage.

IT team members will always endeavour to assist Council staff wherever possible; however, no responsibility or commitment will be taken for supporting personal devices. Business applications and systems are not guaranteed to be fully compatible with devices of various makes and models other than Council approved devices. Users may therefore experience a reduction in the accessibility and usability of business applications.

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY Page 8 of 13

Make	Hardware Release Date	Software Release Date
Apple	Less than 5 years	Less than 1 year
Android (Various Manufactures)	Less than 5 years	Less than 1 year

#### 4.10 Cyber Security

Data security is the responsibility of every Council user. All data created or modified whilst employed by Council remains the intellectual property of Council.

All reasonable care must be taken to ensure that the data manipulated using Council equipment is saved in Council's secure storage environment. This environment includes Content Manager, Microsoft 365 and approved cloud systems.

If data is removed from the Council secure storage environment, then the protection of that data is the sole responsibility of the person removing the data.

Loss or misuse of data could in extreme cases be regarded as industrial sabotage, breach of privacy and/or failure in execution of a user's duty of care, leaving the user liable to criminal proceedings.

The connection of portable storage devices, such as external hard drives, USB storage, Flash drives and other storage media to Council equipment introduces security risks for council and is strongly discouraged.

Information stored at council should only ever be used for council business. Storage of personal information on the Council network is prohibited.

Each council officer must ensure that information transferred to portable devices is secure and protected by passwords and/or encryption.

Information transferred to council computers from portable devices must be virus checked before opening.

#### 4.10.1 User Security Awareness Training

Users must complete "Cyber Security Awareness Training" when requested. Council reserves the right to test and measure user's vulnerability against social engineering attacks which includes but is not limited to phishing and vishing simulation. The Cyber Security programme is annually reviewed to ensure effectiveness.

#### 4.10.2 Objectives of Cyber Awareness Training

- Annual re-education and signoff for all employees. > 90% staff attend in a 12month period.
- Random testing of staff knowledge. Pass rate > 80%. Conducted quarterly.
- Regular dissemination of cyber security information on current risks and strategies to implement for better protection.
- Seeking feedback from staff as to their comfort with Cyber Security practices.

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY Page 9 of 13

#### 4.10.2 Reporting Incidents

Users must immediately report the following events to ICT:

- A. Any form of equipment or data loss such as loss, misplacement or theft of:
  - a. Computer equipment (Including Laptops and Desktops)
  - b. Portable Storage Devices (Including USB and Flash drives)
  - c. Mobile Devices (Including Mobile Phones and Tablets)
  - d. Any other device issues by Council to the user.
  - e. Loss of security access cards.
- B. Loss of information that they previously had access to.
- C. Lost access to information that they previously had access to.
- D. Access to information that they should not have access to.
- E. When they are tricked in clicking on a malicious URL.
- F. When they are tricked in opened a malicious attachment.
- G. When they are tricked in supplying their corporate credentials.
- H. When they notice any change in system security controls such as Anti-Virus software.

#### 4.10.3 Security and Proprietary Information

- Postings by employees from a Broken Hill City Council email address to internet and social media sites is prohibited unless posting is authorised and required in the course of business duties.
- Users must comply with Broken Hill City Council's Password Requirements, including multi-factor authentication adoption in all cases where this is possible, and storage of additional passwords in approved vault products.
- Users are not permitted to connect personal electronic equipment, such as laptops, mobile phones and other BYOD equipment, to Broken Hill City Council's corporate network, without first obtaining authorization from both their direct manager and ICT.
- Once authorized, user must install a Mobile Device Management (MDM) agent, supplied by Broken Hill City Council, to protect and encrypt Council data on their personal electronic equipment.
- User must not provide access to a Broken Hill City Council issued electronic equipment to another individual, either deliberately or through failure to secure its access.
- You must lock the screen or log off when the device is unattended.

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY Page 10 of 13

- Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain malicious attachments or hyperlinks to websites that compromise Broken Hill City Council systems.
- The use Broken Hill City Council corporate credentials is prohibited on applications, systems and services, not provided by or subscribed to by Broken Hill City Council.

#### 4.11

Identified breaches of this policy will be handled by the People and Culture department in accordance with COUNCIL's disciplinary policy.

#### 4.11.1 Computer Surveillance

Authorisation to commence surveillance can only be approved by the General Manager. Surveillance can include, but is not limited to, telephone usage reports, security access reports, video surveillance footage, email source and recipients as well as internet usage, internet site visits and network traffic contents. All Council supplied computers produce log files called "Event Logs" which show high level activity and errors. The IT team monitor and use these log files to help diagnose problems, detect security threats, manage individual systems and to help produce statistics on computer usage. These log files do not show personal content and as such are not considered surveillance. The use of these log files does not contravene privacy or surveillance legislation.

#### 4.12 Communication

This Policy will be communicated to staff in accordance with Council's Policy, Procedure and Process Framework. Following approval by the General Manager, the Policy will be made available on Council's intranet.

#### 4.13 Associated Documents

The following documentation is to be read in conjunction with this policy.

D23/44400 – Cyber Security Policy

D23/44649 – Cyber Security Plan

D21/10467 – Cyber Security Framework

#### 5. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be every two years from the effective date. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Manager ICT is responsible for the review of this policy.

#### 6. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

• ISO27001

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY Page 11 of 13 • Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Information & Communications Technology Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

#### 7. DEFINITIONS

COUNCIL	Broken Hill City Council
ICT	Information and Communications Technology
Manager ICT	The manager of the Information and Communications Technology department.
MFA	Multi-factor Authentication – a method of strengthening a login process with the requirement to hold two or more credentials to gain access. I.e. a password and a code.
Public Computer System/Network	A system provided explicitly for public use.
Public User	A member of the public, without credentials to access any COUNCIL systems.
Shared Account	An account used by multiple people that doesn't identify a particular user.

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY Page 12 of 13

#### **Technology and Services User Agreement**

I have read, understood and agree to abide by the Broken Hill City Council Information & Communications Technology Policy

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Name of Employee:\_\_\_\_\_

Department:\_\_\_\_\_

Please return this signed page to the Information & Communications Technology department, and retain a copy of the policy for your reference.

DRAFT INFORMATION & COMMUNICATIONS TECHNOLOGY POLICY Page 13 of 13

## FINANCE AND GOVERNANCE COMMITTEE

March 12, 2025

## ITEM 3

## BROKEN HILL CITY COUNCIL REPORT NO. 41/25

#### SUBJECT: DISPOSAL OF SURPLUS EQUIPMENT - TIERED SEATING D25/11488

### **Recommendation**

- 1. That Broken Hill City Council Report No. 41/25 dated March 12, 2025, be received.
- 2. That Council approve the sale of retractable tiered seating purchased as part of the Civic Centre refurbishment in 2016.
- 3. That the General Manager be authorised to negotiate sale of item by auction, expression of interest or private treaty.
- 4. That the General Manager be authorised to dispose of the item for scrap value if no willing purchaser can be found.

#### **Executive Summary:**

Council currently has tiered seating that was purchased as part of the Civic Centre refurbishment project in storage. The seating was unsuitable for the Civic Centre due to the weight of the system being too heavy for the floors and to be setup and retracted safely by staff. The unsuitability of the seating provided formed part of the litigation in regard to the Civic Centre refurbishment and was put into storage during the litigation. With the seating no longer being required, and the expense incurred for storage, this report seeks approval to dispose of the tiered seating by expression of interest, auction, or disposal for scrap value.

#### Report:

Council currently has tiered seating that was purchased as part of the Civic Centre refurbishment project in storage. The seating was unsuitable for the Civic Centre due to the weight of the system being too heavy for the floors and to be setup and retracted safely by staff. The unsuitability of the seating provided, formed part of the litigation in regard to the Civic Centre refurbishment and was put into storage during the litigation. With the seating no longer being required, and the expense incurred for storage, this report seeks approval to dispose of the tiered seating by expression of interest, auction or disposal for scrap value.

The mobile retractable seating consists of 306 seats in a tiered seating arrangement. The cost of the tiered seating in 2016 was \$220,000. Due to the unique nature of this seating and also the limited market, Council has been advised by an account manager at Pickles Auctions that they believe the best method for disposal of the asset is to advertise an expression of interest to determine a better understanding of potential buyers and the value in the market. Their advice was also that placing to auction prior to an EOI may potentially harm the value. Current auction estimate is \$1,000 to \$5000. Current storage costs are \$820 per month.

### **Community Engagement:**

Nil

#### **Strategic Direction:**

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organization to operate its legal framework

## **Relevant Legislation:**

Local Government Act 1993 Clause 203(1) of the Local Government (General) Regulations 2022. Clause 211 of the Local Government (General) Regulations 2022.

### **Financial Implications:**

Current estimates on the value of the asset are between \$1,000 to \$5,000. Disposal of the asset would save Council \$820 per month in storage costs.

Attachments

There are no attachments for this report

SIMON BROWN DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL GENERAL MANAGER

## FINANCE AND GOVERNANCE COMMITTEE

March 6, 2025

## ITEM 4

## BROKEN HILL CITY COUNCIL REPORT NO. 42/25

### SUBJECT:INVESTMENT REPORT FOR FEBRUARY 2025D25/10550

### **Recommendation**

1. That Broken Hill City Council Report No. 42/25 dated March 6, 2025, be received.

#### **Executive Summary:**

The Local Government (General) Regulation 2021 (Part 9, Division 5, Clause 212), effective from 1 September 2021, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the Local Government Act 1993, as per the Minister's Amended Investment Order gazetted 11 March 2011. The Responsible Accounting Officer must also include in the report, a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policy.

As at 28 February 2025, Council's Investment Portfolio had a current market valuation of \$26,641,627 or principal value (face value) of \$26,444,170 and was compliant with policy and legislative requirements as per the below table.

## Report:

Council's investments as at 28 February 2025 are detailed in Attachment 1.

Portfolio Summary		
Portfolio Performance vs. RBA Cash Rate	✓	Compliant with policy
Investment Policy Compliance		
Legislative Requirements	$\checkmark$	Compliant with policy
Portfolio Credit Rating Limit	$\checkmark$	Compliant with policy
Institutional Exposure Limits	$\checkmark$	Compliant with policy
Term to Maturity Limits	$\checkmark$	Compliant with policy

#### Market Review

## Global issues:

- Globally, aggregate business conditions surveys in developed countries fell in February led by weakening conditions in the US, which has been the engine for economic growth over the past year.
- The latest round of US economic data was disappointing. Manufacturing conditions surveys are trending up, but price pressures are rising again on the back of tariffs. Housing starts fell and home builder conditions remain weak, hurt by higher mortgage rates and concerns about the impact of tariffs on building materials. Consumer sentiment

fell again and a rise in 5 year forward inflation expectations hit their highest since 1995 on the back of concerns about tariffs.

- The latest release of euro area GDP figures showed growth slowing slightly. Data points to weaker growth in the United Kingdom as well. Consistent with ongoing weakness in GDP growth, labour markets have continued to ease in major economies as growth in demand for labour remains low. Business conditions also remain subdued, and, despite solid income growth, consumption growth remains sluggish in most of these economies.
- Share markets in the US (-1.3%), Japan (-4.0%) and Australia (-4.0%) gave back some of their recent gains. Increasing concerns about the worsening economic outlook in the US, the prospects of tariff wars between the world's largest economies and worries that the AI tech boom may be nearing an end all contributed to the share market dip. Speculation is growing that a correction of 15-20% could be in the offing. European shares surprised on the upside, with a gain of 3.6%, which could prove fleeting depending on the increasing tensions of Ukrainian/Russian cease fire discussions.

## **Domestic issues**

- Latest monthly inflation data held at 2.5% year over year (yoy) with some favourable underlying indicators.
- Despite an 8.9% monthly rise in electricity prices as the energy rebates roll off, price increases slowed or prices fell in food, clothing, household goods, rents and new dwelling costs. There continues to be more CPI items with inflation running below 2%yoy than there are with inflation running above 3%yoy.
- Underlying inflation, as measured by the trimmed mean, ticked up but only to 2.8%yoy from 2.7%yoy. The overall downtrend in the monthly trimmed mean points to a further fall in quarterly trimmed mean to around 2.9%yoy or less this quarter.
- Latest consumer confidence surveys showed little change over the month indicating a stall in the recent upward trend and still remain at low historical levels.

## Interest rates

- At its February meeting, the RBA delivered a long-awaited 25 basis point rate cut taking official cash to 4.10%pa.
- However, the RBA's comments regarding prospects for further easing were very cautious centring around concerns that the jobs market is still tight and that easing in line with market expectations for three more rate cuts by early next year could see inflation settle above 2.5%.
- While some economists acknowledge there's a slim chance of an April cut, they note it is doubtful there'll be enough data by then to increase the RBA's confidence that inflation is maintaining its downward trend to the target range.
- The market is now pricing in another rate cut of 25 basis points by July and then only one more by the end of 2025:
- Term deposit rates across the 1 to 12 month range dropped an average of 14 basis points over the month, with the biggest fall in the 3 to 5 month range. Rates in the 2-5 year range held steady as speculation mounted that the RBA may not cut the cash rate as low as previously expected:

#### **Investment Portfolio Commentary**

Council's investment portfolio returned 4.54%pa (0.34% actual) for the month on a markedto-market basis versus the bank bill index benchmark's 4.51%pa (0.34% actual) return. Over the past 12 months, the investment portfolio has returned 4.73% versus the bank bill index benchmark's 4.48%. The NSW TCorp Medium Term Growth Fund managed to record a gain of 0.39% despite the pullback in the US and Australian share markets during the month. A drop in market interest rates boosted marked to market performance on bonds within the portfolio negating the impact of the share exposures' fall.

During February, Council had maturities of \$3m between five deposits with original terms of 6, 7 and 10 months that had been yielding an average of 5.22%pa. Council invested \$3m among a range of five NAB term deposits all with maturities of 3 months at an average rate of 4.82%pa.

Council has a well-diversified portfolio invested predominantly among a range of term deposits from highly rated Australian banks. Council also has exposure to a wide range of asset classes, including senior ranked fixed and floating rate notes, listed property and international and domestic shares via the NSW TCorp Medium Term Growth Fund. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection.

## Council's Portfolio by Source of Funds – February 2025

As at 28 February 2025, Council's Investment Portfolio had a current market valuation of \$26,641,627 or principal value (face value) of \$26,444,170 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
GENERAL	Operating Capital & Internal Restrictions	\$11,344,311
Fund	Royalties Reserve	\$610,822
	Domestic Waste Management Reserve	\$4,931,232
	Grants	\$9,557,805
	TOTAL PORTFOLIO	\$26,444,170

## Certificate by Responsible Accounting Officer

All investments have been placed in accordance with Council's Investment Policy, Section 625 of the *Local Government Act 1993* (as amended), the Revised Ministerial Investment Order gazetted 11 February 2011, Clause 212 of the *Local Government (General) Regulations 2005*- and Third-Party Investment requirements of the then Department Local Government Circular 06-70. Council continues to obtain independent financial advice on its investment portfolio in accordance with the then Department of Local Government Circular of 16 September 2008.

## **Community Engagement:**

Nil

## **Strategic Direction:**

Key Direction 4:	Our Leadership
Objective 4.1:	Openness and Transparency in Decision Making
Action 4.1.5	Support the organisation to operate within its legal framework

## **Relevant Legislation:**

This report is provided for Council's consideration in compliance with the requirements of *Part 9, Division 5, Clause 212 of the Local Government (General) Regulations 2021.* 

### **Financial Implications:**

The recommendation has no financial impact.

#### Attachments

1. J Investment Report For February 2025

SIMON BROWN DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL GENERAL MANAGER

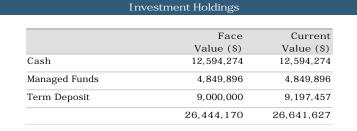


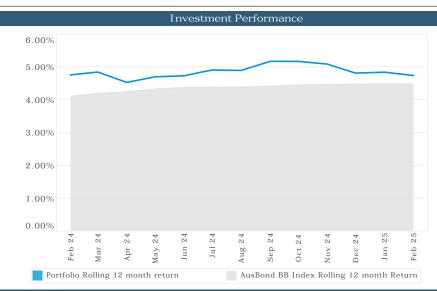
Investment Summary Report February 2025



**INVESTMENT REPORT FOR FEBRUARY 2025** 

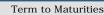
### DIOKEII IIII CILY COUICII Executive Summary - February 2025

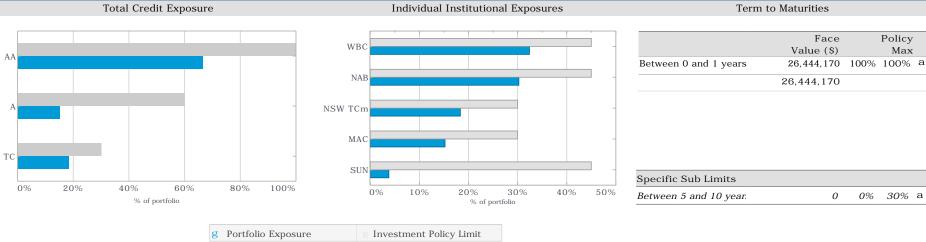




#### Investment Policy Compliance

Individual Institutional Exposures







PRUDENTIAL

## Investment Holdings Report - February 2025

Cash Accounts						
Face ( Value (\$) Ra		Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
2,377,842.04	0.0000%	Westpac Group	AA-	2,377,842.04	473409	Cheque
4,024,733.80	4.3904%	Macquarie Bank	A+	4,024,733.80	540354	Accelerator
6,191,698.49 5	5.0500%	Westpac Group	AA-	6,191,698.49	535442	90d Notice
12,594,274.33 3.	8858%			12,594,274.33		

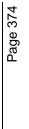
Managed Funds							
Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name	Current Value (\$)	Deal No.	Reference
4,849,895.65	0.3859%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	4,849,895.65	536441	
4,849,895.65 (	0.3859%				4,849,895.65		

Term Depo	osits										
Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
5-Mar-25	1,000,000.00	5.1600%	Suncorp Bank	AA-	1,000,000.00	6-Mar-24	1,050,893.15	544918	50,893.15	At Maturity	
11-Mar-25	2,000,000.00	5.0000%	National Australia Bank	AA-	2,000,000.00	26-Nov-24	2,026,027.40	545649	26,027.40	At Maturity	
18-Mar-25	500,000.00	5.0500%	National Australia Bank	AA-	500,000.00	20-Mar-24	523,935.62	544952	23,935.62	At Maturity	
25-Mar-25	500,000.00	5.4000%	National Australia Bank	AA-	500,000.00	9-Jul-24	517,383.56	545239	17,383.56	At Maturity	
8-Apr-25	500,000.00	5.2400%	National Australia Bank	AA-	500,000.00	14-May-24	520,888.22	545086	20,888.22	At Maturity	
22-Apr-25	500,000.00	5.4000%	National Australia Bank	AA-	500,000.00	1-Jul-24	517,975.34	545221	17,975.34	At Maturity	
29-Apr-25	1,000,000.00	5.4000%	National Australia Bank	AA-	1,000,000.00	1-Jul-24	1,035,950.68	545222	35,950.68	At Maturity	
6-May-25	500,000.00	4.9000%	National Australia Bank	AA-	500,000.00	4-Feb-25	501,678.08	545764	1,678.08	At Maturity	
13-May-25	500,000.00	4.9200%	National Australia Bank	AA-	500,000.00	11-Feb-25	501,213.15	545785	1,213.15	At Maturity	
20-May-25	500,000.00	4.8500%	National Australia Bank	AA-	500,000.00	18-Feb-25	500,730.82	545796	730.82	At Maturity	
26-May-25	500,000.00	4.7500%	National Australia Bank	AA-	500,000.00	25-Feb-25	500,260.27	545825	260.27	At Maturity	
2-Jun-25	1,000,000.00	4.7500%	National Australia Bank	AA-	1,000,000.00	25-Feb-25	1,000,520.55	545824	520.55	At Maturity	
	9,000,000.00	5.0628%			9,000,000.00		9,197,456.84		197,456.84		



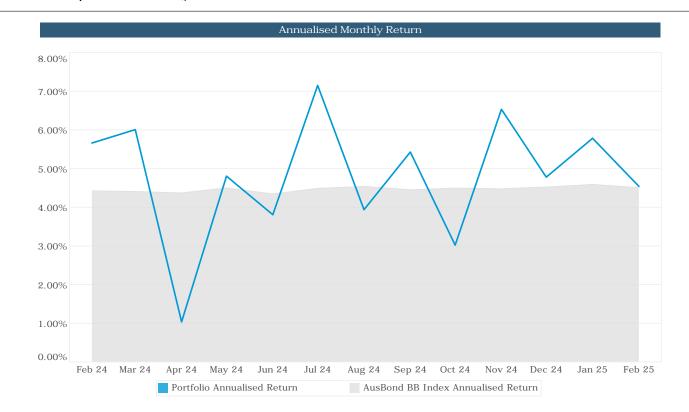
## Accrued Interest Report - February 2025

Investment	Deal No. Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
Cash								· •
 Macquarie Bank	540354				13,509.68	0	13,509.68	4.39%
Westpac Group	473409				0.00	0	0.00	0.00%
Westpac Group	535442				23,893.90	0	23,893.90	5.05%
					37,403.58		37,403.58	3.88%
Managed Funds								
NSW T-Corp Medium Term Growth Fund	536441			2-Jun-25	0.00	0	18,642.23	5.15%
<u> Term Deposits</u>					0.00		18,642.23	5.15%
Suncorp Bank	545205	500,000.00	25-Jun-24	4-Feb-25	16,355.07	3	219.04	5.33%
National Australia Bank	545237	500,000.00	9-Jul-24	11-Feb-25	15,962.88	10	735.62	5.37%
National Australia Bank	545238	500,000.00	9-Jul-24	18-Feb-25	16,477.81	17	1,250.55	5.37%
National Australia Bank	545034	500,000.00	23-Apr-24	25-Feb-25	21,517.81	24	1,676.71	5.10%
Suncorp Bank	545406	1,000,000.00	28-Aug-24	25-Feb-25	25,191.23	24	3,340.27	5.08%
Suncorp Bank	544918	1,000,000.00	6-Mar-24	5-Mar-25	0.00	28	3,958.36	5.16%
National Australia Bank	545649	2,000,000.00	26-Nov-24	11-Mar-25	0.00	28	7,671.24	5.00%
National Australia Bank	544952	500,000.00	20-Mar-24	18-Mar-25	0.00	28	1,936.99	5.05%
National Australia Bank	545239	500,000.00	9-Jul-24	25-Mar-25	0.00	28	2,071.23	5.40%
National Australia Bank	545086	500,000.00	14-May-24	8-Apr-25	0.00	28	2,009.86	5.24%
National Australia Bank	545221	500,000.00	1-Jul-24	22-Apr-25	0.00	28	2,071.23	5.40%
National Australia Bank	545222	1,000,000.00	1-Jul-24	29-Apr-25	0.00	28	4,142.46	5.40%
National Australia Bank	545764	500,000.00	4-Feb-25	6-May-25	0.00	25	1,678.08	4.90%
National Australia Bank	545785	500,000.00	11-Feb-25	13-May-25	0.00	18	1,213.15	4.92%
National Australia Bank	545796	500,000.00	18-Feb-25	20-May-25	0.00	11	730.82	4.85%
National Australia Bank	545825	500,000.00	25-Feb-25	26-May-25	0.00	4	260.27	4.75%
National Australia Bank	545824	1,000,000.00	25-Feb-25	2-Jun-25	0.00	4	520.55	4.75%
Grand Totals					95,504.80 <u>132,908.38</u>		35,486.43 <u>91,532.24</u>	5.14% 4.54%





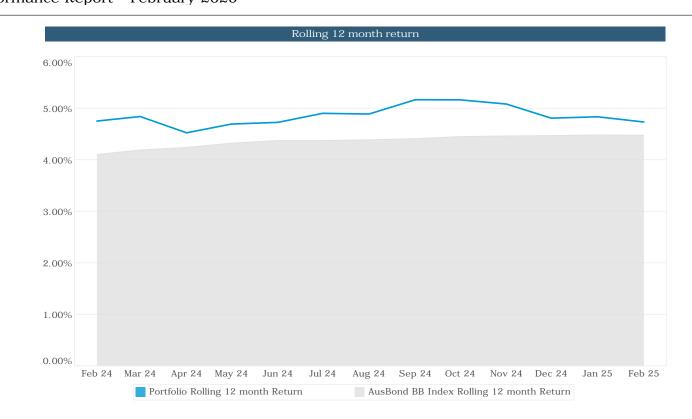
## Investment Performance Report - February 2025



	Portfolio	Annualised BB Index	Outperformance
Feb 2025	4.54%	4.51%	0.03%
Last 3 months	5.05%	4.54%	0.51%
Last 6 months	5.01%	4.51%	0.50%
Financial Year to Date	5.14%	4.51%	0.63%
Last 12 months	4.73%	4.48%	0.25%



## bioken nill city council Investment Performance Report - February 2025

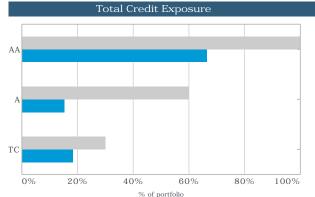


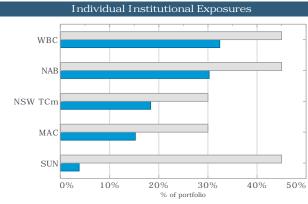
Historical Performance Sum	mary (% actual)		
	Portfolio	Annualised BB Index	Outperformance
Feb 2025	0.34%	0.34%	0.00%
Last 3 months	1.22%	1.10%	0.12%
Last 6 months	2.45%	2.21%	0.24%
Financial Year to Date	3.39%	2.98%	0.41%
Last 12 months	4.73%	4.48%	0.25%

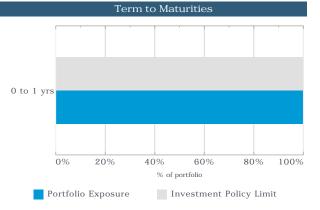




## Investment Policy Compliance Report - February 2025







Credit Rating Group	Face Value (\$)		Policy Max		
AA	17.569.541	66%		а	
				0	
А	4,024,734	15%	60%	а	
TC	4,849,896	18%	30%	а	
	26,444,170				

Institution	% of	Invest	ment	
	portfolio	Policy I	Limit	
Westpac Group (AA-)	32%	45%	а	Be
National Australia Bank (AA-)	30%	45%	а	
NSW T-Corp (TCm)	18%	30%	а	
Macquarie Bank (A+)	15%	30%	а	
Suncorp Bank (AA-)	4%	45%	а	

Face		Policy	
Value (\$)		Max	
26,444,170	100%	100%	а
26,444,170			
	Value (\$) 26,444,170	Value (\$) 26,444,170 100%	Value (\$)         Max           26,444,170         100%         100%

#### Specific Sub Limits

Specific Sub Limits				
Between 5 and 10 years	0	0%	30%	а

Credit Rating	Current Longest	Policy	
	Maturity (years)	Max	
AA+, AA, AA-	0.26	<i>5.00</i> a	
A+, A, A-	0.00	<i>3.00</i> a	

a = compliant r = non-compliant

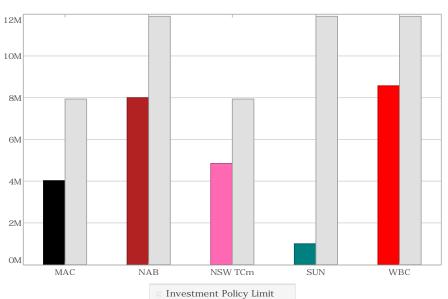
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## Individual Institutional Exposures Report - February 2025

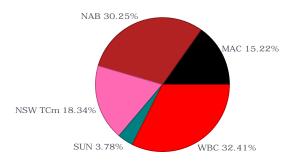
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	Current Expo	sures	Policy Lim	it	Capacity
Macquarie Bank (A+)	4,024,734	15%	7,933,251	30%	3,908,517
National Australia Bank (AA-)	8,000,000	30%	11,899,876	45%	3,899,876
NSW T-Corp (TCm)	4,849,896	18%	7,933,251	30%	3,083,355
Suncorp Bank (AA-)	1,000,000	4%	11,899,876	45%	10,899,876
Westpac Group (AA-)	8,569,541	32%	11,899,876	45%	3,330,335
	26,444,170				

Individual Institutional Exposures



Individual Institutional Exposure Charts



Amo	Cashflow Description	Asset Type	Cashflow Counterparty	Deal No.	Date
500,00	Maturity: Face Value	Term Deposit	Suncorp Bank		
16,35	Maturity: Interest Received/Paid	Term Deposit	Suncorp Bank	545205	4-Feb-25
516,35	Deal Total				
-500,00	Settlement: Face Value	Term Deposit	National Australia Bank	545764	4-Feb-25
-500,00	Deal Total				
16,355	Day Total				
500,00	Maturity: Face Value	Term Deposit	National Australia Bank	545237	1-Feb-25
15,96	Maturity: Interest Received/Paid	Term Deposit	National Australia Bank	545257	1-FeD-25
515,96	Deal Total				
-500,00	Settlement: Face Value	Term Deposit	National Australia Bank	545785	1-Feb-25
-500,00	Deal Total				
15,962	Day Total				
500,00	Maturity: Face Value	Term Deposit	National Australia Bank	545238	8-Feb-25
16,47	Maturity: Interest Received/Paid	Term Deposit	National Australia Bank	545256	o-rep-23
516,47	Deal Total				
-500,00	Settlement: Face Value	Term Deposit	National Australia Bank	545796	8-Feb-25
-500,00	Deal Total				
16,477	Day Total				
500,00	Maturity: Face Value	Term Deposit	National Australia Bank	545034	5-Feb-25
21,51	Maturity: Interest Received/Paid	Term Deposit	National Australia Bank	545054	5-reb-25
521,51	Deal Total				
1,000,00	Maturity: Face Value	Term Deposit	Suncorp Bank	545400	5-Feb-25
25,19	Maturity: Interest Received/Paid	Term Deposit	Suncorp Bank	545406	5-reb-25
1,025,19	Deal Total				
-1,000,00	Settlement: Face Value	Term Deposit	National Australia Bank	545824	5-Feb-25
-1,000,00	Deal Total				

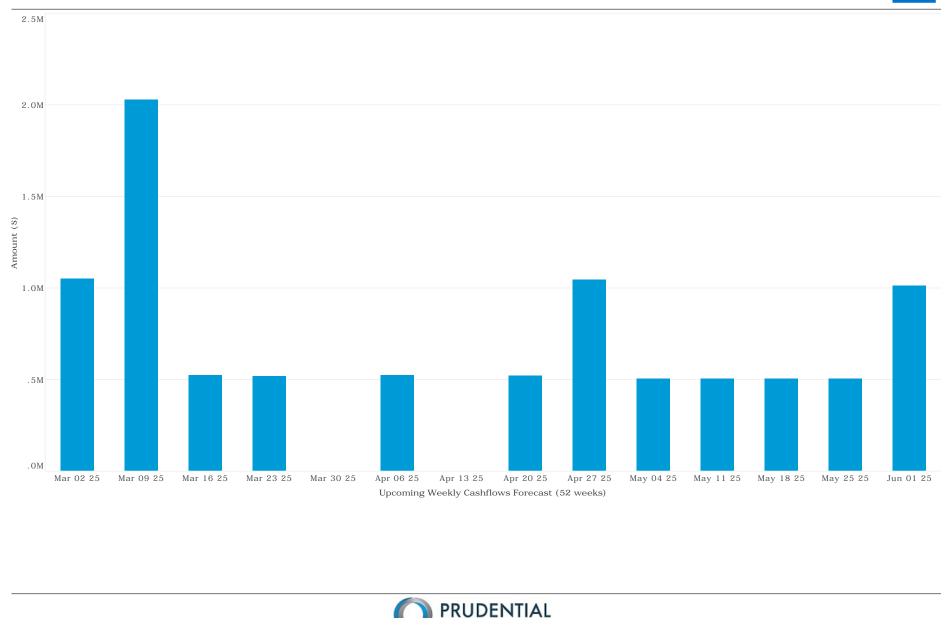


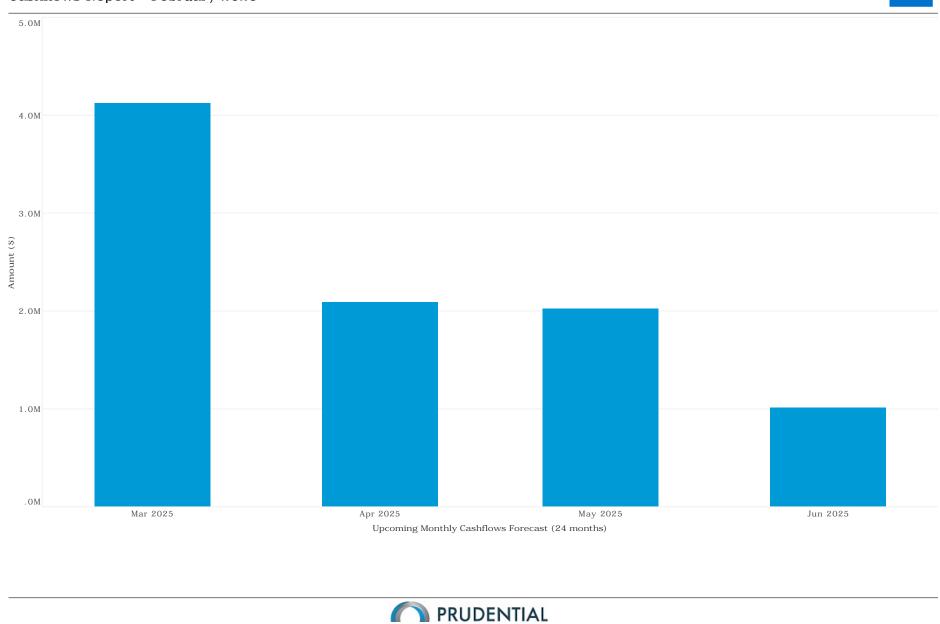
Amount	Cashflow Description	Asset Type	Cashflow Counterparty	Deal No.	Date
-500,000.00	Settlement: Face Value	Term Deposit	National Australia Bank	545825	25-Feb-25
-500,000.00	Deal Total				
46,709.04	Day Total				
95,504.79	<u>Total for Month</u>				
			arch 2025	flows for Ma	Forecast Casl
Amount	Cashflow Description	Asset Type	Cashflow Counterparty	Deal No.	Date
1,000,000.00	Maturity: Face Value	Term Deposit	Suncorp Bank	544918	5-Mar-25
51,458.63	Maturity: Interest Received/Paid	Term Deposit	Suncorp Bank	544918	5-Mar-25
<u>1,051,458.63</u>	Deal Total				
1,051,458.63	Day Total				
2,000,000.00	Maturity: Face Value	Term Deposit	National Australia Bank	11-Mar-25 545649	11-Mar-25
28,767.12	Maturity: Interest Received/Paid	Term Deposit	National Australia Bank	545049	11-Mai-23
2,028,767.12	Deal Total				
2,028,767.12	Day Total				
500,000.00	Maturity: Face Value	Term Deposit	National Australia Bank	544952	18-Mar-25
25,111.64	Maturity: Interest Received/Paid	Term Deposit	National Australia Bank	011002	10 Mai 20
525,111.64	Deal Total				
525,111.64	Day Total				
500,000.00	Maturity: Face Value	Term Deposit	National Australia Bank	545239	25-Mar-25
19,158.90	Maturity: Interest Received/Paid	Term Deposit	National Australia Bank	040200	20-Mai-20
<u>519,158.90</u>	Deal Total				
519,158.90	Day Total				
4,124,496.30	Total for Month				



Attachment 1 Investment Report For February 2025

**INVESTMENT REPORT FOR FEBRUARY 2025** 





BREKEN HILL

INVESTMENT REPORT FOR FEBRUARY 2025

Attachment 1 Investment Report For February 2025

## FINANCE AND GOVERNANCE COMMITTEE

March 12, 2025

## ITEM 5

## BROKEN HILL CITY COUNCIL REPORT NO. 43/25

#### SUBJECT: MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 13 NOVEMBER 2025 D25/11354

### **Recommendation**

- 1. That Broken Hill City Council Report No. 43/25 dated March 12, 2025, be received.
- 2. That minutes of the Audit, Risk and Improvement Committee meeting held 13 February 2025 be received and endorsed.

### **Executive Summary:**

The adopted Charter of the Broken Hill Audit, Risk and Improvement Committee, requires the Committee to refer the minutes and recommendations of its Committee Meetings to the next scheduled Ordinary Council Meeting.

Minutes of the Audit, Risk and Improvement Committee meeting held Thursday 13 February 2025 are provided as an attachment to this report for Council's endorsement.

These minutes will be adopted at the Audit, Risk and Improvement Committee Meeting to be held 15 May 2025.

#### Report:

The Audit, Risk and Improvement Committee meeting held on Thursday 13 February 2025 considered the following items of business:

- 1. Minutes for Confirmation
- 2. General Manager's Briefing
- 3. Internal Audit Update
- 4. Service Review Update
- 5. Enterprise Risk Management Report
- 6. Draft Information and Communications Technology Policy
- 7. Investment Strategy and Portfolio Review for 2024/2025 Financial Year to Date
- 8. Action List
- 9. General Business

Minutes of the Audit, Risk and Improvement Committee Meeting held 13 February 2025 are attached for Council's endorsement.

#### **Community Engagement:**

Nil.

## **Strategic Direction:**

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

### **Relevant Legislation:**

Local Government Act 1993, Chapter 13, Part 3, Division 2

## **Financial Implications:**

Nil.

## Attachments

**1.** U Audit, Risk and Improvement Committee Minutes

LEISA BARTLETT EXECUTIVE OFFICER

<u>JAY NANKIVELL</u> GENERAL MANAGER

13 FEBRUARY 2025

#### MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD THURSDAY, FEBRUARY 13, 2025 (2:05PM ACDT)

PRESENT: Mr C Abouraad (Chairperson), Mr J Mathers, Mr P DeLisio, Councillor B Algate.

Ms J Malpas (OCM), Mr D Xavier (OCM) and Mr A Luu (Nexia).

General Manager, Director Corporate and Community, Director Finance and Commercial, Director Infrastructure and Environment, Manager Communications and Marketing, Leader Innovation and Business Improvement, Manager Finance, Enterprise Risk Manager and Executive Officer.

#### APOLOGIES: Mayor T Kennedy.

Procedural Motion Moved Councillor Charbel Abouraad, Seconded Mr Paul DeLisio

That the apology submitted on behalf of Mayor Kennedy be accepted.

CARRIED

#### ACKNOWLEDGEMENT OF COUNTRY

The Chairperson delivered the Acknowledgement of Country.

#### PASSING OF COUNCILLOR DAVE GALLAGHER

The Chairperson spoke of the passing of Councillor Dave Gallagher on 9 February 2025; and that he had served the Broken Hill community as a Police Officer for over 40 years and a Broken Hill City Councillor for 14 years and asked the Committee to observe a minute of silence.

A minute of silence was observed in honour of Councillor Gallagher.

#### DISCLOSURE OF INTEREST Nil.

## MINUTES FOR CONFIRMATION

Recommendation Moved Mr Paul DeLisio, Seconded Mr Charbel Abouraad

That the Minutes of the Audit, Risk and Improvement Committee meeting held Thursday November 21, 2024 be confirmed.

13 FEBRUARY 2025

CARRIED UNANIMOUSLY

#### **GENERAL MANAGER'S BRIEFING**

The General Manager advised that December and January are a quieter period at Council, so there was not much to report. He gave an update on the three high-risk projects that Council is currently undertaking:

<u>\$15M Library Redevelopment Project</u>: The construction phase of the Library Redevelopment Project is progressing well, it is on-budget and is tracking as per the estimated timeframes. Project Management of the project is being undertaken by Council staff utilising Council's Project Management Framework, to assist to minimise risk to Council. Council's internal auditors, O'Connor Marsden will be conducting an internal audit of the project management framework of the project, in parallel with the project being undertaken to identify any shortcomings which can then be immediately addressed which will also assist to mitigate risks.

\$4M O'Neill Park Netball Courts Redevelopment Project: The redevelopment project is nearing completion with the resurfacing of the courts complete and the site expected to be handed over to Council at the end of next month.

<u>CBD Redevelopment Projects – Library Development and Town Square Redevelopment</u>: Both projects are tracking as planned and are within budget. The Town Square project should be completed by the end of this month with an official opening at the beginning of March.

<u>Upcoming Airport Redevelopment:</u> – Reconstruction of the Airport aprons and taxiways is in the early stages with Geotechnical assessment being undertaken prior to excavation works commencing. Estimated commencement of the project is 4-6 week's time.

<u>New Term of Council and new Integrated Planning and Reporting Documents</u> Jay advised of the Office of Local Government requirement for Council's to adopt a new suite of Integrated Planning and Reporting documents within 12 months of the new Term of Council. These documents include a new Community Strategic Plan, Delivery Program and Operational Plan, Schedule of Fees and Charges, Long Term Financial Plan, Disability Inclusion Action Plan and Workforce Management Plan. Council staff are currently working on drafting these Plans for Council's consideration.

*Mr* Delisio commented that it is good to see progress on these projects and asked if Council's recent application for funding to upgrade the Airport runway had been declined?

The General Manager advised that Council had been unsuccessful in its applications to Round 1 and Round 2 of the Federal Government's Growing Regions Program and that Council is awaiting the outcome of three applications for funding to upgrade the Airport runway which have been submitted to various funding programs (two for Federal funding and one for State funding).

The General Manager further advised that himself and the Deputy Mayor met with various Ministers in Canberra earlier this week and one of the topics of discussion was around the urgent need to upgrade the Airport runway and seeking feedback as to why Council's funding applications had been unsuccessful. The Shadow Ministers stated that if a commitment from the government to support this project is not forthcoming; and that if elected, the coalition government will ensure that upgrades to the Broken Hill Airport runway is a priority project.

The Chairperson asked if Council had received any feedback on their applications to Round 1 and 2 of the Growing Regions Program and the General Manager advised that Council had sought feedback following Round 1 and was advised that Council's application was of a high standard and that Council had only missed out on funding due to the Round being over-subscribed; and that Council was encouraged to apply again in Round 2. Council have written to the relevant Ministers seeking candid feedback on our application to Round 2. The General Manager advised that this project is high on its

13 FEBRUARY 2025

list of advocacy priorities for the City and if its current funding applications fail, it will still continue to advocate for upgrades to the Broken Hill Airport. Council can also consider budgeting for re-sealing the runway surface, this won't be an upgrade to allow heavier aircraft to land, but will protect the runway surface until Council is successful in gaining funding for an upgrade.

#### REPORTS

#### ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 1/25 - DATED JANUARY 21, 2025 -INTERNAL AUDIT UPDATE D25/2817

Ms Malpas advised the Committee that the Internal Audit Plan is tracking well with two audits completed (the Waste Facility Management Internal Audit and the Fees and Charges Internal Audit Report presented to this meeting). Work is now underway on two new audits, with the Terms of Reference approved and field work commenced on the Library Project – Project Governance Health Check and the Airport Security Internal Audit. A Draft Report on the Airport Security Internal Audit has been issued to Council management today. The Recruitment Internal Audit, which will commence in Quarter 4, will be scoped within the next few weeks.

#### Fees and Charges Internal Audit

Ms Malpas advised that Mr Xavier is currently undertaking fieldwork for the Fees and Charges Internal Audit and that the findings thus far are very good. Staff in the Finance and Corporate Teams have a high degree of understanding of the annual process for setting fees and charges; and the Waste Management and Planning and Development Teams undertake market research on the rates of similar private operators, and comparable Councils to set their annual fees and charges. Council follows a good process for the approval of fee waivers. Council's systems and website accurately reflect Council's current adopted fees and charges.

There were two moderate findings identified in the Fees and Charges Internal Audit and these were both in the area of governance, which were:

- Council lacks a formalised document to govern the setting of its annual fees and charges process.
- Council lacks a documented methodology for the determining of new fees and charges.

Mr DeLisio commented that there was a substantial increase in fees and charges revenue received by Council last year compared to the previous year and asked what the break-up in fees and charges per categories were? Was the increase in the category of statutory fees and charges or the recovery of fees and charges for services provided? Mr DeLisio advised that it was important to remove any possible community perception of Council increasing fees and charges above what is required, to ensure that the community don't feel they are being overcharged.

The Director Finance and Commercial advised that he will provide the revenue details for each category of fees and charges.

The Chairperson advised that the previous period included COVID lockdown which is probably why revenue was down for a lot of Council's services e.g. the Civic Centre revenue.

The Director Finance and Commercial concurred with this statement and advised that the Civic Centre have been developing strategies to increase the use of the facility, and that a Business Plan has recently been completed and its recommendations are being implemented by Civic Centre staff, e.g. implementation of a booking system which can also be used for the hire of other Council facilities; reconfiguring hire fees to be an all-encompassing per head fee; and automating booking processes to gain staff efficiencies.

The Chairperson referred to the two moderate Internal Audit Findings relating to no documentation of

#### 13 FEBRUARY 2025

fees and charges review process and the methodology for setting fees and charges, and that it adequate while staff who have the knowledge stay at Council but if these staff leave, then there is a risk to Council to not have this documentation in place. The Chairperson asked if the Office of Local Government have any template documents for these processes; and that the moderate risk rating should improve once these documents are in place. The General Manager advised that the Office of Local Government do not have templates for these processes and that staff need to develop these documents.

It was requested that staff update the revised date for the Airport Revenue action on the Internal Audit Action List (page 38).

*Mr* DeLisio asked if it was correct that Council has not yet implemented paid parking at the Airport? The General Manager confirmed this to be correct with the exception of the Hire Car companies which pay for parks in a separate lock-up carpark. The implementation on paid parking at the general carpark is on hold until the upgrade works to expand the carpark have been completed.

*Mr* DeLisio asked why the fees at the Living Desert remained unchanged? The Director Infrastructure and Environment advised that the entry fees have changed from per car entry to per person entry.

*Mr* Delisio stated that the format of the Internal Audit Action Status Report had improved and that it would be useful if all status comments are dated.

#### Recommendation

Moved Mr Paul DeLisio, Seconded Mr Charbel Abouraad

- 1. That Broken Hill City Council Report No. 1/25 dated January 21, 2025, be received.
- 2. That the Audit, Risk & Improvement Committee note the Internal Audit Status Report from O'Connor Marsden & Associates.
- 3. That the Audit, Risk & Improvement Committee note the final internal audit report on Fees and Charges.
- 4. That the Audit, Risk & Improvement Committee note the progress made on previous internal audit action items.

CARRIED

#### ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 2/25 - DATED JANUARY 21, 2025 -SERVICE REVIEW UPDATE D25/2819

*Mr* DeLisio referred to the items on the Service Review Action List that are of a high priority and that these actions have been overdue for quite a period of time and is concerned if there is any risk, or whether there is only a small section of the action which is a high priority? *Mr* DeLisio advised that the timeframe for completion of the actions needs to be realistic.

The Chairperson asked for the revised due dates to be updated on the action items.

#### **Recommendation**

Moved Mr Paul DeLisio, Seconded Mr James Mathers

- 1. That Broken Hill City Council Report No. 2/25 dated January 21, 2025, be received.
- 2. That the Audit, Risk & Improvement Committee note the progress made on previous Service Reviews.

#### 13 FEBRUARY 2025

#### CARRIED

#### ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 3/25 - DATED JANUARY 29, 2025 -ENTERPRISE RISK MANAGEMENT REPORT D25/3796

The Manager Enterprise Risk spoke to her report and advised:

- There have been no reportable incidents to SafeWork NSW in the past three month period.
- Risk Management software DoneSafe went live on 14 December 2024
- Major Improvement Projects:
- Contractor Management Register is now fully integrated in Donesafe and operational.
  Volunteer Management Register is no fully integrated in Donesafe and operational.
  Event Management Policy and Framework were adopted by Council on 29 January 2025 and are being implemented.
- The Strategic Risk Register is now operational and awaiting progress on the finalisation of the Operational Risk Registers. Findings from three improvement opportunities in late 2024 will be incorporated into the Operational Risk Registers and this additional work has extended the timeline for their completion.

*Mr* DeLisio suggested that Council might consider using Donesafe and Vault in parallel to compare the effectiveness of both risk management software programs.

*Mr* DeLisio referred to Council's project planning updates and the project for the removal of Ficus trees on the footpath adjacent the Jubilee. *Mr* DeLisio complimented Council staff on the planning of this project, and that Council's project management systems have come a long way.

*Mr* Mathers stated that it is pleasing to see that risks are being assessed and work is being carried out to a high quality.

The Chairperson agreed with the comments and was pleased that there were no notifiable incidents during the reporting period now that Council has good project management systems in place.

#### Recommendation

Moved Mr Charbel Abouraad, Seconded Mr Paul DeLisio

1. That Broken Hill City Council Report No. 3/25/3796 dated January 29, 2025, be received.

#### CARRIED

## ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 4/25 - DATED FEBRUARY 05, 2025 -DRAFT INFORMATION AND COMMUNICATIONS TECHNOLOGY POLICYD25/5391

The Director Finance and Commercial advised that the development of the draft Information and Communications Technology Policy is part of the ongoing review of policies for the Information and Communications Technology Department of Council. This is a broader IT policy which outlines Council's and Council staff obligations regarding the use of Council's systems and sets out responsibilities with regards to cyber security and the annual training of staff. Council's cyber security strategies are reviewed regularly to ensure they are effective to new threats.

The Chairperson asked if Council has banned the use of any Apps? And whether Council has experienced any cyber security threats? The Director Finance and Commercial advised that Council uses a zero trust model which has been a good strategy to prevent cyber security threats; and that Council has not experienced any major threats which shows that Council has good technology for eliminating threats and that staff training has also assisted in identifying and eliminating threats.

#### 13 FEBRUARY 2025

The Chairperson referred to social coersion threats like phishing emails and how these are handled by Council. The Director Finance and Commercial advised that IT will look at delivering training to staff to identify and deal with phishing emails, and that Council's Finance Department have controls in place to detect false invoices and to verify any changes of bank details on invoices.

*Mr* DeLisio asked if Council had investigated any strategies to move data to cloud storage? The Director Finance and Commercial advised that this depends on the type of data and application. The Authority software is transitioning to cloud based and IT staff support and monitor our on-premises applications and data.

**Recommendation** 

Moved Mr Charbel Abouraad, Seconded Mr Paul DeLisio

- 1. That Broken Hill City Council Report No. 4/25 dated February 5, 2025, be received.
- 2. That the Audit, Risk & Improvement Committee endorse the Draft Information and Communications Technology Policy for Adoption by Council.
- 3. That the Audit, Risk & Improvement Committee note that the Draft Information and Communications Technology Policy when adopted renders the Email Internet and Use of Computer Systems Policy Obsolete.

CARRIED

#### ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 5/25 - DATED FEBRUARY 05, 2025 -INVESTMENT STRATEGY AND PORTFOLIO REVIEW FOR 2024/2025 FINANCIAL YEAR TO DATE D25/5187

*Mr* DeLisio commented that it is good to see Council achieving good returns from its investments and asked if Council has considered tailoring its short term investments (which are up for renewal soon) to cash flow that is required for major projects?

The General Manager advised that all short term investment are required for cash flow for major projects and have been timed for the finalisation of projects. The Quarterly Budget Review which is presented to Council shows cash flows to year end, and cash flows committed for projects.

The Chairperson agreed that it is a good outcome that Council is achieving good returns from its investments and Council's strategy for its short term investments. It is also a reassuring to see that Council is investing with AAA rated institutions and that Council overall has good, sound and prudent investment strategies in place.

#### Recommendation

Moved Mr Charbel Abouraad, Seconded Mr Paul DeLisio

1. That Broken Hill City Council Report No. 5/25 dated February 5, 2025, be received.

CARRIED

#### ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 6/25 - DATED JANUARY 29, 2025 - ACTION LIST - AUDIT, RISK AND IMPROVEMENT COMMITTEE D25/3862

#### 13 FEBRUARY 2025

*Mr* Mathers referred to the only item on the Action List (Civic Centre legal matter) and commented that it is important for Council to learn from this matter.

The Chairperson advised that he is not across this matter but acknowledged Mr Mathers' comments.

The General Manager advised that there are two separate legal matters regarding the Civic Centre. The matter on the Action List refers to the legal expenditure as part of the legal action and Council's engagement of Lawyers.

The other matter was regarding the project management of the Civic Centre redevelopment and the cost overruns of the project. The NSW Ombudsman's inquiry was into the matter of the Civic Centre redevelopment and the Ombudsman's findings report was presented to the Audit, Risk and Improvement Committee two years ago. Council's Project Management Framework was born out of this inquiry and has been implemented for other current projects. It is also the subject of an Internal Audit Review of Council's project management of the Library Redevelopment which is occurring concurrently with the build.

*Mr* DeLisio concurred that these are two separate issues and advised that there has been good progress by Council in the implementation of a Project Management Framework. *Mr* DeLisio commented that he is keenly awaiting the report on legal costs.

The General Manager advised the Chairperson that the matter should hopefully be finalised late 2025 or early 2026 for a hearing.

#### **Recommendation**

Moved Mr Charbel Abouraad, Seconded Mr James Mathers

1. That Broken Hill City Council Report No. 6/25 dated January 29, 2025, be received.

#### CARRIED

#### **General Business**

Contract with O'Connor Marsden for Internal Audit Program

*Mr* Mather referred to Council's relationship with O'Connor Marsden and suggested that Council should revisit this.

As the new Chairperson was recently appointed he referred the query to the General Manager.

The General Manager advised that Council had called tenders for the Internal Audit Program as part of Council's competitive procurement process. All tender processes were undertaken as per the requirements of the Local Government Act 1993 and Local Government (General) Regulations 2021 and after evaluation of the tenders, O'Connor Marsden were ranked top of the list. Council resolved to engage them for the next two years.

The General Manager further advised that it is now legislated for all Councils as part of the Internal Planning and Reporting requirements to have an Internal Audit program and therefore there is no debate as to whether we need Internal Audits or not. Council will keep to the minimum of four internal audits undertaken per year unless management or Council wish to delve into other areas of operations and, if so, procurement will be in-line with tendering requirements.

Following various questions from Committee Members, the General Manager confirmed that he believes Council is getting value for money from Internal Audits and that all departments and processes that have been audited are important areas to Council.

Mr Mathers enquired as to whether it would be appropriate for the Committee to recommend a zero budget for internal audits for Council to build on? The General Manager advised that every financial

#### 13 FEBRUARY 2025

year since 2018, Council has started from a zero base then builds up the core services and then the ancillary services. Council undertakes staff and Councillor workshops to review the budget where items are removed or added.

There being no further items for the Committee to consider, the Audit, Risk and Improvement Committee Meeting closed at 3:14pm.

The foregoing minutes were read and confirmed at the Audit, Risk and Improvement Committee meeting held on 15 May 2025.

Mr Charbel Abouraad Chairperson

## **FURTHER REPORTS**

### ORDINARY MEETING OF THE COUNCIL

March 5, 2025

## ITEM 1

### BROKEN HILL CITY COUNCIL REPORT NO. 47/25

## SUBJECT: CORRESPONDENCE REPORT - BROKEN HILL HARNESS RACING CLUB D25/10255

### **Recommendation**

- 1. That Broken Hill City Council Report No. 47/25 dated March 5, 2025, be received.
- 2. That reply correspondence dated 26 February 2025 from the Minister for Gaming and Racing, The Hon David Harris MP to Member for Barwon, Mr Roy Butler on behalf of Broken Hill City Council, be received and noted.

#### Report:

This report refers to correspondence sent by Council's General Manager to the Minister for Gaming and Racing, The Hon David Harris MP, on behalf of the Broken Hill Harness Racing Club, following a meeting between Council and the Broken Hill Harness Racing Club on Thursday, 28 November 2024.

Council wrote to the Minister for Gaming and Racing, The Hon David Harris MP requesting an exemption to this regulation to ensure the viability of Harness Racing in Broken Hill.

Council received reply correspondence dated 11 February 2025 from the Department of Creative Industries, Tourism, Hospitality and Sport advising that Harness Racing NSW (HRNSW) is not controlled by the NSW Government and therefore the matters raised need to be referred to Harness Racing NSW.

Member for Barwon, Mr Roy Butler has made representation to the Minister for Gaming and Racing, The Hon David Harris MP on behalf of Broken Hill City Council and the Broken Hill Harness Racing Club regarding the future of harness racing in Broken Hill.

Reply correspondence dated 26 February 2025 has been received from the Minister for Gaming and Racing, The Hon David Harris MP to Member for Barwon, Mr Roy Butler MP advising that due to the *Harness Racing Act 2009* which establishes the HRNSW as the controlling body and therefore the Government are unable to provide direction or control.

The Hon David Harris MP Office did contact HRNSW and discuss the issues raised by Mr Roy Butler MP and have encouraged HRNSW to continue working with Broken Hill Harness Racing Club in resolving these matters so that harness racing can continue to be supported in Broken Hill.

#### Attachments

1. J Letter from Hon David Harris to Mr Roy Butler MP - Harness Racing in Broken Hill

LEISA BARTLETT EXECUTIVE OFFICER

JAY NANKIVELL GENERAL MANAGER

Broken Hill City Council

Attachment 1 Letter from Hon David Harris to Mr Roy Butler MP - Harness Racing in

The Hon. David Harris MP Minister for Aboriginal Affairs and Treaty

Minister for Gaming and Racing Minister for Veterans Minister for Medical Research Minister for the Central Coast



Ref: A9269349 | DF25/006793

Mr Roy Butler MP Member for Barwon

Via email: <u>barwon@parliament.nsw.gov.au</u>

Dear Mr Butle

Thank you for your correspondence of 20 December 2024 on behalf of the Broken Hill City Council (the Council) and the Broken Hill Harness Racing Club (the **Club**) concerning the future of harness racing at Broken Hill. I apologise for the delay in my response.

I acknowledge your strong support for all three codes of racing across your electorate and particular interest in this matter relating to harness racing.

I have noted your advice regarding the Australian WHS Training Academy Workplace Health and Safety Site Specific Audit report for the Club and the minimum horse number restrictions for racing set by Harness Racing NSW (HRNSW).

As you would be aware, the *Harness Racing Act 2009* (the Act) establishes HRNSW as a body corporate with various functions and powers for the control, supervision and regulation of harness racing in the State, including in relation to harness racing meetings and harness racing clubs. Importantly, section 5(a) of the Act specifically provides that HRNSW does not represent the Crown and is not subject to direction or control by or on behalf of the Government.

The issues you have raised on behalf of the Council are matters for HRNSW as the industry's controlling body and I have no power to direct HRNSW in this regard.

However, my office has been in touch with HRNSW to discuss these issues and have encouraged HRNSW to continue working with you, the Club and other relevant stakeholders to assist in resolving these matters so that harness racing can continue to be supported at Broken Hill.

Thank you for bringing these concerns to my attention.

Sincerely,

The Hon. David Harris MP Minister for Aboriginal Affairs and Treaty Minister for Gaming and Racing Minister for Veterans Minister for Medical Research Minister for the Central Coast

52 Martin Place Sydney NSW 2000

02 7225 6210

### ORDINARY MEETING OF THE COUNCIL

March 13, 2025

## ITEM 2

### BROKEN HILL CITY COUNCIL REPORT NO. 48/25

# SUBJECT: APPOINTMENT OF DELEGATES TO VACANCIES ON \$355 COMMITTEES AND OTHER COMMITTEES AND WORKING 025/11590

#### **Recommendation**

- 1. That Broken Hill City Council Report No. 48/25 dated March 13, 2025, be received.
- 2. That Council appoints the incoming Councillor, or an existing Councillor to the vacant positions on the following committees and working groups due to the passing of Councillor Gallagher:
  - a) Infrastructure and Environment Standing Committee
  - b) Ageing Well Advisory Committee
  - c) ET Lamb Memorial Oval Community Committee
  - d) Memorial Oval Community Committee
  - e) Picton Sportsground Community Committee
  - f) Australia Day Advisory Group
  - g) Broken Hill ClubGRANTS Committee
  - h) Broken Hill Liquor Accord
  - i) Community Assistance Grants Panel
  - j) General Manager's Performance Review Committee
  - k) Murray Darling Association Region 4
  - I) Tidy Towns Working Group
  - m) Western Division Councils of NSW

#### **Executive Summary:**

Council needs to determine its representation on the Section 355 Committees of Council and also its delegates to various other organisations, committees and working groups. These machinery matters are usually considered by Council annually at the September Council Meeting and are also considered at the Ordinary Meeting following each Local Government Election.

Due to the passing of Councillor Dave Gallagher on 9 February 2025, a number of vacancies in Councillor representation exist on various committees and working groups. This report is presented to Council to determine which committees either the incoming Councillor or existing Councillors may be appointed to fill the vacant positions which will allow the committees/working groups to operate effectively.

#### Report:

The *Local Government Act 1993, Section 355* provides that a function of the Council may be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils, or
- (e) by a delegate of the council.

At the Extraordinary Council Meeting held 9 October 2024 and the Ordinary Council Meeting held 30 October 2024, Council appointed its delegates to the various committees and working groups for the twelve-month period until the Ordinary Council Meeting held September 2025. It is imperative that all delegate positions are filled in order that the committees and working groups can operate effectively.

Due to the passing of Councillor Dave Gallagher on 9 February 2025, a number of vacancies now exist on various committees and working groups.

The NSW Electoral Commission was advised of Councillor Gallagher's passing and of Council's resolution of 9 October 2024 (minute no. 47651) that, should a casual vacancies occur in the office of Councillor within 18 months of the 14 September 2024 Broken Hill Local Government Election, vacancies are filled using a countback of votes cast at the 14 September 2024 Election. The NSW Electoral Commission is currently conducting the countback and it is expected that Council will be advised on or after 27 March 2025 of the newly elected Councillor.

This report is presented to Council to appoint its delegates to fill the vacant positions on the various committees and working groups that Councillor Gallagher was previously a member. These committees and working groups are:

- Infrastructure and Environment Standing Committee
- Ageing Well Advisory Committee
- ET Lamb Memorial Oval Community Committee
- Memorial Oval Community Committee
- Picton Sportsground Community Committee
- Australia Day Advisory Group
- Broken Hill ClubGRANTS Committee
- Broken Hill Liquor Accord
- Community Assistance Grants Panel
- General Manager's Performance Review Committee
- Murray Darling Association Region 4
- Tidy Towns Working Group
- Western Division Councils of NSW

Council may wish to appoint the incoming Councillor to these vacant positions or to appoint existing Councillors.

### Community Engagement: Nil.

### Strategic Direction:

Key Direction:	4	Our Leadership	
Objective:	4.1	Openness and transparency in decision making	
Strategy:	4.1.5	Support the organisation to operate its legal framework	

### **Relevant Legislation:**

Local Government Act 1993 (Section 355)

### **Financial Implications:**

Council's current Operational Plan includes provision for travel and related expenses for Council delegates to represent Council outside of Broken Hill.

### Attachments

There are no attachments for this report

LEISA BARTLETT EXECUTIVE OFFICER

JAY NANKIVELL GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

March 10, 2025

### ITEM 3

### BROKEN HILL CITY COUNCIL REPORT NO. 49/25

# SUBJECT: ATTENDANCE OF COUNCIL DELEGATES AT THE OFFICIAL OPENING OF THE WENTWORTH VISITOR CENTRE D25/11019

### **Recommendation**

- 1. That Broken Hill City Council Report No. 49/25 dated March 10, 2025, be received.
- 2. That Council endorses the Mayor, Deputy Mayor and Councillor Bob Algate's travel to Wentworth to attend the official opening of the Wentworth Visitor Centre and a meeting with the Minister for Local Government on Wednesday 12 March 2025.

### **Executive Summary:**

Following the February Council Meeting, the Mayor received an invitation from The Hon. Ron Hoening MP, Minister for Local Government to attend the official opening of the Wentworth Visitor Centre on 12 March 2025.

This report seeks Council's endorsement of the Mayor, Deputy Mayor and Councillor Bob Algate's travel arrangements to travel to Wentworth for the official opening of the Wentworth Visitor Centre.

### Report:

Wentworth is situated 266km south of Broken Hill and is one of Broken Hill's neighbouring regional communities in the Far West Region of NSW. Council has a close working relationship with Wentworth Council, sharing resources where practical e.g. for Councillor and staff training opportunities, and work closely together on the Far South West Joint Organisation and the Murray Darling Association Region 4.

Council received an invitation to attend the opening from the Minister for Local Government, The Hon. Rob Hoening MP, who has also scheduled to meet with Council's delegates following the opening of the Wentworth Visitor Centre.

The Mayor, Deputy Mayor and Councillor Bob Algate's attendance at the opening requires Council's approval due to the event being held outside the Broken Hill Local Government Area.

All Councillor travel must be undertaken in accordance with the Councillor Support Policy with the requirement that Councillor travel requires a Council resolution.

The relevant sections of the Councillor Support Policy state:

### 4.11 Authorisation

a) All Councillors' travel must be authorised by resolution of Council, except in cases of urgency or where it relates to attendance at external committee meetings to which the Council has been appointed by Council. In situations of urgency, the Mayor may authorise travel which then must be endorsed at the next Council Meeting. As the invitation to attend the opening was received after the February Council Meeting and travel is required prior to the March Council Meeting, a Council resolution was unable to be sought prior to this travel. As per clause 4.11(a) of the Councillor Support Policy the Mayor approved travel arrangements (which are relatively low cost), and this report is presented to Council to endorse the Mayor's approval to send delegates to Wentworth to represent Broken Hill at the official opening of the Wentworth Visitor Centre and to attend a meeting with the Minister for Local Government.

### **Community Engagement:**

Nil.

### **Strategic Direction:**

Key Direction:	4	Our Leadership	
Objective:	4.2	Our leaders make smart decisions	
Strategy:	4.2.1	Provide learning and networking opportunities for elected members	

### Relevant Legislation:

Nil.

### **Financial Implications:**

Costs associated with attending the opening were as follows:

Accommodation for one night for Council's delegates - \$420

Plus fuel for return trip in Council fleet vehicle, and reimbursement of meals and incidental costs as per the Councillor Support Policy.

### Attachments

1. U Invitation Official Opening Wentworth Visitor Centre

LEISA BARTLETT EXECUTIVE OFFICER

<u>JAY NANKIVELL</u> <u>GENERAL MANAGER</u>



Mayor Tom Kennedy and Jay Nankivell

You are invited to the official opening of **The Wentworth Visitor Centre** 

Wednesday 12 March 2025 at 10am by The Hon. Ron Hoenig MP Minister for Local Government

Proceedings will commence at the front entrance of the Visitor Centre, followed by morning tea in the Conference Room.

Library WENTVORTH

Mayor Daniel Linklater Wentworth Shire Council

> Wentworth VisitorCentre

### ORDINARY MEETING OF THE COUNCIL

March 18, 2025

### ITEM 4

### BROKEN HILL CITY COUNCIL REPORT NO. 50/25

### SUBJECT: DRAFT AGENCY INFORMATION GUIDE

D25/12383

### **Recommendation**

- 1. That Broken Hill City Council Report No. 50/25 dated March 18, 2025, be received.
- 2. That Council adopt the Draft Agency Information Guide.

### **Executive Summary:**

Council must have in place an Agency Information Guide in accordance with Section 20 of the *Government Information (Public Access) Act 2009* (the Act). The Act states:

- (1) An agency (other than a Minister) must have a guide (its **agency information guide**) that—
  - (a) describes the structure and functions of the agency, and
  - (b) describes the ways in which the functions (including, in particular, the decisionmaking functions) of the agency affect members of the public, and
  - (c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and
  - (d) identifies the various kinds of government information held by the agency, and
  - (e identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and
  - (f) specifies the manner in which the agency makes (or will make) government information publicly available, and
  - (g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.
- (2) An agency must make government information publicly available as provided by its agency information guide.
- (3) The Chief Executive of the Office of Local Government may, in consultation with the Information Commissioner, adopt mandatory provisions for inclusion in the agency information guide of local authorities. The agency information guide of a local authority must include any such mandatory provision unless the Chief Executive otherwise approves in a particular case.

In accordance with Section 21 of the *Government Information (Public Access) Act 2009 (the Act), an* agency must adopt its first agency information guide within 6 months after the commencement of this section and must review its agency information guide and adopt a new agency information guide at intervals of not more than 12 months. An agency may update and amend its agency information guide at any time.

### Report:

In accordance with Section 22 of the Act Council is required, prior to adopting a new or amending a current Agency Information Guide, to notify the Information Commissioner.

Council resolved at its ordinary meeting held 18 December 2024 to release the reviewed Draft Agency Information Guide to the Information Commissioner for its review and comment.

A response has now been received (attached) and the feedback attached is intended to assist Council when it next reviews its Agency Information Guide.

The feedback received from the Information and Privacy Commission in its correspondence dated 23 January 2025 and as attached, noted that Council's Agency Information Guide is relatively easy to find on Council's website and outlines the various information types, how information can be accessed as well as how the public can participate in council activities.

Section 9 on page 22 of the Agency Information Guide has been amended to update the links to the federal and state open data portals, in accordance with Q20 of the assessment feedback received.

Other comments received in the feedback include:

- less navigation steps on Council website to access the guide and to consider options where the document did not require downloading; and
- provision of links to community engagement channels

It is recommended that Council adopt the Draft Agency Information Guide as presented and that any future guidance and comment received from the Information Commissioner be considered during future reviews of the Agency Information Guide.

The next review is scheduled for December 2025, or earlier in the event of any significant changes occurring.

### **Community Engagement:**

Council Business Papers – Council Meeting 18 December 2024 and 26 March 2025.

### **Strategic Direction:**

Key Direction:	4	Our Leadership	
Objective:	4.1	Openness and transparency in decision making	
Strategy:	4.1.5	Support the organisation to operate its legal framework	

### **Relevant Legislation:**

Government Information (Public Access) Act 2009

### **Financial Implications:**

Operational costs only, no additional expenditure required.

### Attachments

- 1. <u>J</u> IPC AIG Feedback received
- 2. J Draft Agency Information Guide

### RAZIJA NU'MAN DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL GENERAL MANAGER



Enquiries: Laila Zarour Telephone: 1800 472 679 Our reference: IPC25/AU000002

23 January 2025

Ms Michelle Rolton Acting Director Corporate and Community Broken Hill City Council

Dear Ms Rolton

Feedback on the Broken Hill City Council Agency Information Guide (2024-2025)

Thank you for your email of 20 December 2024, notifying the Information Commissioner of amendment of Broken Hill City Council Agency Information Guide (AIG) 2024 - 2025.

AIGs provide a mechanism to make government information accessible, promote currency of information and appropriate release, and support the management of government information as a strategic asset

The Information Commissioner has published AIG guidance materials on the IPC's website, including *Guideline 6: Agency Information Guides*, a self-assessment checklist for agencies, and a fact sheet on AIGs and the public. The IPC's AIG resources can be found at <u>http://www.ipc.nsw.gov.au/agency-information-guide</u>.

I have assessed the Agency's Draft Amended AIG against the requirements of sections 20 to 22 of the GIPA Act and guidance published by the IPC. In my assessment, I have also considered the AIG currently available and published on the Agency's website here.

My feedback is attached to this letter and is intended to assist Hornsby Shire Council when it next reviews its AIG in accordance with section 21 of the GIPA Act, at an interval of not more than 12 months.

Please do not hesitate to contact me on 1800 472 679 or by email to <u>ipcinfo@ipc.nsw.gov.au</u> if you have any questions about the feedback.

Yours sincerely

Laila Zarour Regulatory Support Officer

Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000 • GPO Box 7011, Sydney NSW 2001 T 1800 IPC NSW (1800 472 679) • E ipcinfo@ipc.nsw.gov.au • W www.ipc.nsw.gov.au

### Assessment Results for Broken Hill City Council AIG 2024-2025

We conducted the assessment using the questions in the IPC's self-assessment checklist for agencies, which is published on the IPC's website at <a href="https://www.ipc.nsw.gov.au/information-access/information-access/information-access-resources-public-sector-agencies">https://www.ipc.nsw.gov.au/information-access/

For practical guidance on how to prepare an AIG, please refer to the <u>Guideline for Agency Information</u> <u>Guides</u>.

Mandatory Practice questions relate to the mandatory elements of the GIPA Act and agencies are strongly encouraged to complete them. Recommended Practice questions in the checklist have been included in italics to assist and guide an agency on how they may satisfy or demonstrate the requirements under the GIPA Act, or how to best promote and enhance Open Government, Open Data, and public participation. While these elements are not mandatory, they may assist agencies to assess their maturity in the utilisation of AIGs.

	Assessment questions	Status	Comments				
Open access	Open access information (Sections 6(2) & 18(a) of the GIPA Act)						
1	Mandatory Practice: Has the agency made its AIG publicly available on its website?	⊠ YES □ NO	The Council could benefit from having AIG as an option to select in the list after clicking on the arrow relating to the				
	<b>Recommended Practice:</b> Is it easily accessible on the agency's website, such as on its 'access to information' page?	⊠ YES □ NO	Access to Information option. Hence requires less navigation that could be confusing to the public.				
Adoption and	review of AIGs (Section 21 of the GIPA	Act)					
2	Mandatory Practice: Has the agency reviewed its AIG and adopted a new AIG at an interval of not more than 12 months?						
	<b>Recommended Practice:</b> Does the AIG include the date it was last reviewed/adopted/amended?	⊠ YES □ NO					
AIG requireme	ents (Section 20(1) of the GIPA Act)						
3 Mandatory Practice: Does the AIG describe the structure of the agency? Note: Refer to paragraph 8.1 of <u>Guideline 6</u>		⊠ YES □ PART □ NO					
	<b>Recommended Practice:</b> Does the AIG describe the multiple divisions of the agency if applicable?						
	<b>Recommended Practice:</b> Does the AIG describe how the agency operates in a cluster arrangement if applicable?		Not applicable				
	<b>Recommended Practice:</b> Does it link to other agency AIGs where appropriate?	□ YES □ NO					
4	Mandatory Practice: Does the AIG describe the functions of the agency?	⊠ YES □ PART					

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	Assessment questions	Status	Comments
5	Mandatory Practice: Does the AIG describe the way in which the functions, especially decision-making functions, of the agency affect members of the public?	YES     PART     NO	
6	Mandatory Practice: Does the AIG specify any arrangements that exist to enable members of the public to participate in the formulation of the agency's policies?	<ul><li>☑ YES</li><li>□ PART</li><li>□ NO</li></ul>	
7	Mandatory Practice: Does the AIG specify any arrangements that exist to enable members of the public to participate in the exercise of the agency's functions?	⊠ YES □ PART □ NO	
8	Mandatory Practice: Does the AIG identify the various kinds of government information held by the agency?	⊠ YES □ PART □ NO	
9	Mandatory Practice: Does the AIG identify the kinds of government information held by the agency that the agency makes or <u>will make</u> publicly available?	<ul><li>☑ YES</li><li>□ PART</li><li>□ NO</li></ul>	
10	Mandatory Practice: Does the AIG specify the manner in which the agency makes or <u>will make</u> government information publicly available?	⊠ YES □ PART □ NO	
11	Mandatory Practice: Does the AIG identify the kinds of information that the Agency makes or <u>will make</u> publicly available free of charge?	YES     PART     NO	
12	Mandatory Practice: Does the AIG identify the kinds of information that <u>will</u> <u>be</u> made publicly available free of charge?	YES     PART     NO	
13	Mandatory Practice: Does the AIG identify the kinds of information that a charge is or will be imposed by the Agency?	YES     PART     NO	
14	14 <b>Mandatory Practice:</b> Does the AIG identify the kinds of information for which a charge <u>will be</u> imposed?		
AIG Governme	ent Information (Section 20(2) of the GIP	PA Act)	
15	Mandatory Practice: Has the agency made government information publicly available as provided by its AIG?	⊠ YES □ PART	Links appear to be working

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	Assessment questions	Status	Comments
process for ensuring information is		⊠ YES □ NO	
Local authorit	ies (Section 20(3) of the GIPA Act)		
16	Mandatory Practice: Where the Chief Executive of the Office of Local Government (OLG), in consultation with the Information Commissioner, has adopted mandatory provisions for inclusion in the AIGs of local authorities – has the AIG (of a <u>local authority</u> ) included the mandatory provision, unless otherwise approved by the Chief Executive OLG in a particular case?		Not Applicable
Role of the Inf	ormation Commissioner (Section 22(1)	of the GIPA	Act)
17			
Open Governm	ment, Open Data & public participation		
18	<b>Recommended Practice:</b> Does the AIG adopt a core set of headings in line with the Guideline for AIGs to promote consistency across the government sectors and make it easier for the public to find the information that they seek?		
19	<b>Recommended Practice:</b> Generally consider – How does the AIG promote Open Government?		The AIG is relatively easy to find on the council website and outlines the various information types, how information can be accessed as well as how the public can participate in council activities. The council could benefit from making it a document that does not require to be downloaded.
	<b>Recommended Practice:</b> Does the AIG provide a public resource that informs citizens about the information that the agency holds, the agency's engagement channels, and its decision-making processes?	⊠ YES □ NO	
20 <b>Recommended Practice:</b> Generally consider – How does the AIG identify any data held by the agency and detail the way the agency will make the data open to citizens?			The AIG includes information about how to access open data and refers to the NSW Government open data policy and site.
	<b>Recommended Practice:</b> Does the AIG link to other open data initiatives such as data.nsw.gov.au?	⊠ YES □ NO	Link does not seem to be working
21	<b>Recommended Practice:</b> Generally consider – How does the AIG inform the public about how the agency		The AIG describes the various mechanism by which the public can interact or participate in council activities

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Assessment questions	Status	Comments
engages with citizens and stakeholders on the formulation of policy and service delivery?		in section 7.4 Community Consultation- Having your say pg11. The council would benefit if it could provide links to any relevant sites or channels for ease of access by the public.

General – revi	ew against previously submitted AIG		
a.	General: Was IPC feedback provided	🛛 YES	
	in the previous AIG?		
b.	General: Has the IPC feedback been	□ YES	There is a link to the NSW Government data website but does not seem to be
	incorporated into the new AIG?	⊠PART	working.
С.	General: If IPC feedback has not been addressed do the issues remain	🛛 YES	Q20 There is a link to the NSW Government open data website which
	present?	PART	does not seem to be working and Q21 no
			links to relevant sites or channels added making it easy for the public to access the
			ways in which the council engages citizens/stakeholders.

General comments			

### For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall:1800 472 679Email:ipcinfo@ipc.nsw.gov.auWebsite:www.ipc.nsw.gov.au

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DRAFT AGENCY INFORMATION GUIDE



AUSTRALIA'S FIRST HERITAGE LISTED CITY

QUALITY	QUALITY CONTROL				
KEY THEME		4. Our Leadership			
OBJECTIVE		4.1 Openness and Transparency in Decision Making			
STRATEGY		4.1.5 Support th	ne organisation to o	perate within its leg	al framework
FUNCTION		Corporate Sup	port		
FILE REFERENCI	E No	11/118	EDRMS No	D16/1194	
RESPONSIBLE C	OFFICER	Public Officer		_	
REVIEW DATE		November 202	3		
DATE		ACTION			MINUTE No
24 February 2021		Adopted			46442
November 2021		Document revi	ewed and amende	d	N/A
24 November 2021		Endorsed for release to Information Commissioner			
23 February 20	22	Adopted			46750
30 November	2022	Document reviewed and amended			N/A
21 December	2022	Endorsed for re	lease to Information	n Commissioner	47075
29 March 2023	5	Adopted			47153
20 December	2023	Endorsed for re	lease to Informatior	n Commissioner	47425
31 January 202	24	Adopted			47447
November 202	24	Document reviewed and amended		N/A	
18 December	2024	Endorsed for release to Information Commissioner			47719
		Adopted			
NOTES	Front cove	over image: Council Chamber			
ASSOCIATED DOCUMENTS				2025	

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### 1. INTRODUCTION

### 1.1 What is an Agency Information Guide?

An Agency Information Guide is a guide developed in accordance with Section 20 of the Government Information (Public Access) Act 2009 (GIPA Act).

The section of the Act clearly outlines what information must be included in an Agency Information Guide.

### 1.2 Why does Council need to have an Agency Information Guide?

In accordance with Section 20 of the Act, Council must have an Agency Information Guide.

Council has a strong commitment to assisting those who wish to view or obtain information under GIPA Act and encourages people who request information to contact the Public Officer.

### 1.3 What does the Agency Information Guide include?

In accordance with Section 20 of the Act, Council (referred to as the agency in the Act) must have an Agency Information Guide that:

- a) describes the structure and functions of the agency; and
- b) describes the ways in which the functions (including, in particular, the decisionmaking functions) of the agency affect members of the public; and
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions; and
- d) identifies the various kinds of government information held by the agency; and
- e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available; and
- f) specifies the manner in which the agency makes (or will make) government information publicly available; and
- g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

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### 2. ABOUT THE CITY

"When you think of regional Australia, when you think of mining, when you think of the ethos of Australia, you think of Broken Hill"

The City of Broken Hill is the largest regional centre in the western half of New South Wales. It lies in the centre of the sparsely settled New South Wales Outback, close to the South Australian border and midway between the Queensland and Victorian borders.

POPULATION	
2024	**17,624
2016	*18,114
Female population	*51.3%
Male population	*48.7%

\*\* 2023 ABS Estimated Resident Population

\* 2016 ABS Estimated Resident Population

WORKFORCE	
Local Jobs	*8,263
Local Businesses	*935
Gross Regional Product (GRP)	\$2.31 billion

\* National Institute of Economic and Industry Research (NIEIR) @ 30/06/2023

INDUSTRY	\$(M)	JOBS
Mining, Construction, Manufacturing	\$1486.5	1,859
Household Services*	\$266.5	3,798
Public Administration and Safety	\$48.3	481
Retail Trade	\$60	815
Tourism	\$182.4	541

\*Household Services refers to Accommodation and Food Services, Education and Training, Health Care and Social Assistance, Arts and Recreation Services and Other Services

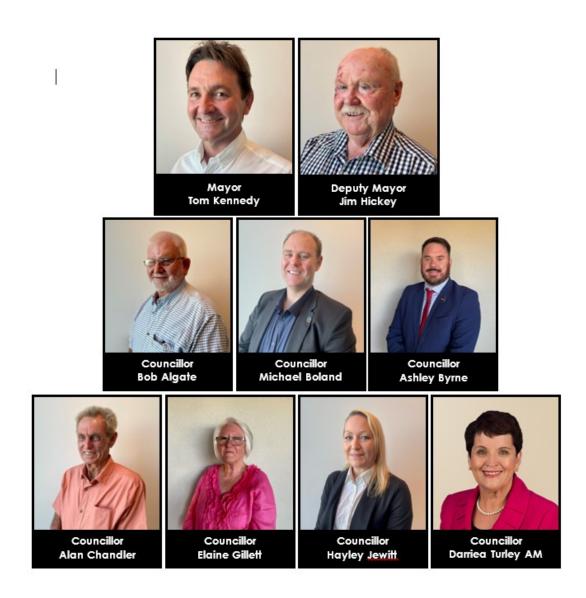
Source: www.profile.id.com.au

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# 3. ABOUT COUNCIL

The Mayor and Councillors of Broken Hill have many responsibilities to the Council and the community. All Councillors, in accordance with the *Local Government Act* 1993, must "represent the collective interests of residents, ratepayers and the local community"; "facilitate communication between the local community and the governing body"; and "is accountable to the local community for the performance of the council"

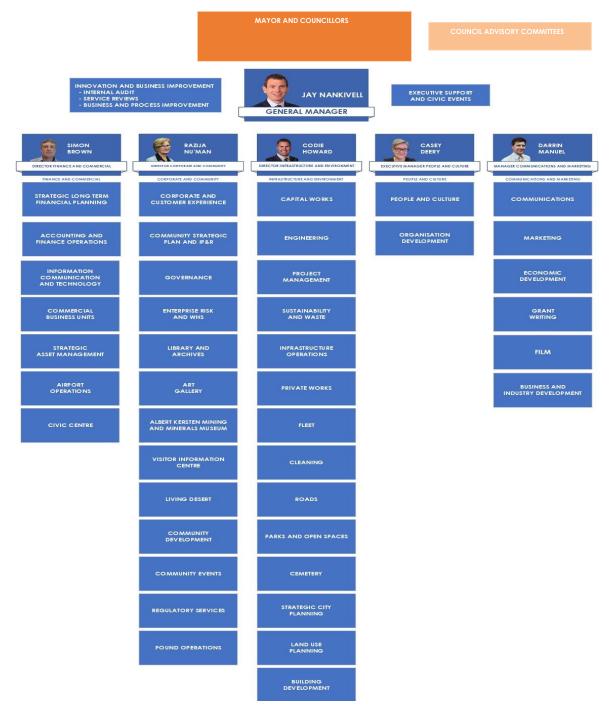


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# 4. COUNCIL ORGANISATION STRUCTURE

The Executive Leadership Team (ELT) provides clear and consistent leadership and decision making, which supports the delivery of the strategic priorities and direction of the operational business for the City. This team is led by the General Manager and includes Director Finance and Commercial, Director Corporate and Community, Director Infrastructure and Environment, Executive Manager Place Activation, Executive Manager People and Culture and Manager Communications and Marketing.



### 4.1 Roles and Responsibilities of Council in Decision Making

Council is made up of a body of ten Councillors whose role is to ensure Council's vision is articulated and fulfilled, to govern the Broken Hill local government area and to:

- Set the direction of the affairs of the Council in accordance with the Local Government Act 1993
- Play a key role in the creation and review of Council's policies, objectives and plans relating to the exercise of Council's regulatory functions
- Participate in the optimum allocation of Council's resources for the benefit of the City
- Represent the interest of the residents and ratepayers and facilitate communication between the community and the Council
- Review organisational performance.

The General Manager's role is to:

- Ensure the effective and efficient operation of the Council's organisation
- Ensure the implementation without undue delay, of decisions of the Council
- Provide the day-to-day management of the Council
- Appoint staff in an organisational structure and resources approved by the Council
- Implement the Council's Equal Opportunity Management Plan
- Carry out other functions as may be conferred or imposed by the Local Government Act 1993.

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# 5. FUNCTIONS OF COUNCIL

### **KEY THEME 1 - OUR COMMUNITY**

### Arts & Culture

Broken Hill City Library Broken Hill City Art Gallery Albert Kersten Mining & Minerals Museum Broken Hill Outback Archives

### **Community Development** Community Assistance

Community Facilities Cemetery Broken Hill Regional Aquatic Centre Halls and Community Centres Public Amenities

### Local Transport

Bus Shelters Footpaths and Bike Tracks Road Furniture Local Roads Car Parks Traffic Control

**Open Spaces** Parks and Reserves Sportsgrounds

Public Health Health Administration and Inspections

Public Order Sustainabilty and Environmental Management Parking and Other Ranger Services Animal Control

#### Public Safety Street Lighting Emergency Services

### **KEY THEME 2 - OUR ECONOMY**

Economic Development Economic Development Civic Centre Area Promotion and Events

Property Development Land Development and Sales Strategic Transport

Regional Roads State Roads Airport **Tourism Development** Tourism

**Film** Film Promotion

Film Activities

### **KEY THEME 3 - OUR ENVIRONMENT**

Waste Management

Waste Management Operations Garbage Collection Street Cleaning Sustainability After Mining Willyama Common

Regeneration Area
Natural Environment

Noxious Weeds Living Desert

Environmental Footprint Water Energy Built Environment Historic Buildings Preservation

Town Planning Stormwater Management Stormwater Drainage

Kerb and Gutter

### KEY THEME 4 - OUR LEADERSHIP

Leadership & Governance Elected Members General Manager

Financial Management Corporate Services Management Financial Control Revenue Payroll Procurement and Payables

### **Corporate Support**

Risk Management and Insurance Information Technology Services Records Management Human Resources Governance Organisation Culture

**Customer Relations** Media and Communications Customer Relations

Asset Management Infrastructure Engineering Management Infrastructure Administration Asset Management and Technical Services

Operations Management Mechanics Workshop Plant and Vehicle Maintenance Warnock Street Works Depot Private Works Billable Works

Buildings & Property Buildings - Structures Maintenance and Operations Buildings - Property Commercial

Draft Agency Information Guide

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# 6. HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

All Council's functions effect the community, whether directly or indirectly. Council is conscious of accountability to the public for its actions and strives for open communication and community consultation to ensure maximum customer satisfaction.

Council's functions, as depicted on the previous pages, affect the public as follows:

### 6.1 Service Functions

The provision and maintenance of library services, community health, waste removal and disposal, recreational facilities, environmental protection, industry and tourism and development assistance.

### 6.2 Regulatory Functions

Approval of all building and development in the City and ensuring that all approvals and certificates are issued in accordance with the relevant Acts. Developments are made in the best interest of the public and are made in accordance with all Council's ecologically sustainable development codes and policies.

### 6.3 Ancillary Functions

These functions affect only a minority of Council's residents and involve matters such as the resumption of land, powers of entry and inspection over land, all of which is dealt with in the best interest of Council's residents.

### 6.4 Revenue Functions

Revenue functions affect the community directly as it is a function which affects the financing of services and facilities provided to residents. Revenue is obtained from rates, charges, fees, borrowings, and investments.

### 6.5 Administrative Functions

The administrative functions of the Council do not directly affect residents. However, functions such as employment of staff and compliance with Council's statutory obligations including management plans, financial reporting and annual reporting all have an impact on the community.

### 6.6 Enforcement Functions

Under the Local Government Act 1993 and other related legislation Council has a statutory responsibility to enforce local by-laws such as alcohol-free zones and regulations delegated by other levels of government, eg food safety inspections. These are applied in the best interest of the community.

Draft Agency Information Guide

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# 7. PUBLIC PARTICIPATION

Council wants to understand and consider community concerns about the impact of services and decisions.

In a changing local government environment, councils must ensure that services are in keeping with future opportunities and the existing needs and expectations of its community.

To achieve this aim, to increase accountability and transparency of operations, Council is committed to keeping the community informed and engaged through ongoing and quality communication.

### 7.1 Particpation at Council Meetings

Council welcomes the public to attend Council meetings which are held on the last Wednesday of each month, commencing at 6.30pm. At this meeting, Reports of the General Manager, Mayoral Minutes, Planning Matters, Public Access and Matters Referred from Previous Council Meetings, Notices of Motions and Matters for Information are presented. Council may also consider confidential matters in Closed Session with the resolutions from these meetings announced in public prior to the close of the meeting.

Members of the public attending Council meetings have an opportunity to address Council at the meeting. For information on how to register to speak, contact Council or refer to current procedures on Council's website.

### 7.2 Written Submissions to Council and Councillors

Residents and ratepayers are encouraged to make written submissions, or personal representations through their elected local representative.

Written submissions to Council or to individual local Councillors may be made in writing and addressed to:

Broken Hill City Council PO Box 448 Broken Hill NSW 2880

Or alternatively emailed to:

council@brokenhill.nsw.gov.au

### 7.3 Council Business Papers

Council agendas are made publicly available and are usually uploaded on to Council's website the Friday prior to the Ordinary Monthly Council meeting.

Agendas can also be viewed at Council's Administrative Centre.

Minutes from previous Council meetings are also made publicly available on Council's website as soon as possible after they have been endorsed.

### 7.4 Community Consultation – Having Your Say

Council invites the community to have their say on the formation of Council's policy and service delivery. Council communicates with the community and encourages communication and feedback through various channels such as Council's website, Council's official Social Media channels, surveys, advertising in the local newspaper, radio stations and media releases.

Draft Agency Information Guide

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### 7.5 Documents on Public Display

All significant plans, strategies and policies of Council are placed on exhibition in draft form so that interested members of the public may view them and make comments should they wish to.

Exhibition documents are available on Council's website, or at Council's Administrative Centre and submissions should be addressed to the General Manager.

### 7.6 Section 355 Committees

Council also co-ordinates a range of Section 355 Asset and Advisory Committees.

A Section 355 Committee is a committee established under Section 355 of the Local Government Act 1993, to assist Council with the operation and maintenance of various Council facilities and services.

Managing community assets is an essential part of Council activities and the community of Broken Hill has strong representation on a number of Council committees to help manage the City's interests and public assets.

There are five Asset Committees and four Advisory Committees. They include:

### Asset Committees

- 1. Alma Oval Community Committee
- 2. ET Lamb Memorial Oval Community Committee
- 3. Memorial Oval Community Committee
- 4. Norm Fox Sporting Complex Community Committee
- 5. Picton Sportsground Community Committee

### Advisory Committees

- 1. Ageing Well Advisory Committee
- 2. Broken Hill Heritage Committee
- 3. Broken Hill Regional Art Gallery Advisory Committee
- 4. Youth Advisory Committee

Members of the public are encouraged to nominate for a position on Section 355 Committees.

### 8. INFORMATION HELD AT COUNCIL AND HOW TO ACCESS

Council holds information in various formats in respect of the wide range of functions undertaken by it as well as information which is pertinent to different issues relating to the Broken Hill City Council Local Government Area.

There are 4 main ways in which Council provides access to information:

- 1. Mandatory Proactive Release
- 2. Authorised Proactive Release
- 3. Informal Release
- 4. Formal Access Applications

Under the Government Information (Public Access) Act 2009, (GIPA Act), there is a right of access to certain information held by Council, unless there is an overriding public interest against its disclosure. Any applications made under the GIPA Act will be processed in accordance with the requirements of the GIPA Act.

### 8.1 Mandatory Proactive Release - Open Access Information

Under Schedule 1 of the Government Information (Public Access) Regulation 2018, Council must make the following information, classified as 'open access information', publicly available unless there is an overriding public interest against disclosure.

Where possible, open access information will be made available on Council's website (www.brokenhill.nsw.gov.au). Where open access information is not made available on Council's website, it will be made available for viewing at Council's Administrative Building during normal business hours.

**Fees:** A fee may apply for the release of information. Fees are detailed in Council's Schedule of Fees and Charges, updated each financial year and available on Council's website. An example of when a fee may be applied includes staff searches of building/development records, copy of building plans, a bound copy of the Local Environmental Plan, or Local Environmental Plan maps.

8.1.1 Information about Council		
Document/Record Type	Description	How to Access
Agency Information Guide	This document sets out the functions of Broken Hill City Council and the type of information held by Council and how it an be accessed.	Council's website www.brokenhill.nsw.gov.au or alternatively click here https://bit.ly/3ivY6Ju
Council Policies	Documents used to exercise Council functions.	Council's website www.brokenhill.nsw.gov.au or alternatively click here https://bit.ly/3qt8R19
Register of Government Contracts.	A register of contracts awarded by Broken Hill City Council valued at \$150,000 or more.	Council's website www.brokenhill.nsw.gov.au – or alternatively click here https://bit.ly/3qw8YsW

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8.1.1 Information about Co	uncil	
Document/Record Type	Description	How to Access
Disclosure Log of Formal (Access) Applications for Information	The GIPA Act requires Council to publish a Disclosure Log that records details of formal requests for information (access applications) where Council considers that the information requested may be of interest to other members of the public.	Council's website <u>www.brokenhill.nsw.gov.au</u> – or alternatively click here <u>https://bit.ly/3wC7uON</u>
The Model Code of Conduct prescribed under Section 440(1) of the Local Government Act 1993	Outlines the conduct obligations of Council officials.	Council's website www.brokenhill.nsw.gov.au or alternatively click here https://bit.ly/3qrDSCB
Code of Meeting Practice	Summarises the procedures for all Council and Council Committee Meetings.	Council's website www.brokenhill.nsw.gov.au or alternatively click here https://bit.ly/3qrDSCB
Annual Report inclusive of Annual Financial Statements	Outlines Council's performance and achievements against its key strategies and objectives.	Council's website www.brokenhill.nsw.gov.au or alternatively click here https://bit.ly/3n7cGHa
Auditor's Reports	Outlines the financial position of Council and is included in the Annual Financial Statements.	Auditor's Reports – see Financial Statements or alternatively click here <u>https://bit.ly/3gVNFyn</u>
Equal Employment Opportunity Management Plan	Policy that outlines the equal employment opportunities wthin Council.	Informal request for information https://bit.ly/30W1p8R
Policy concerning the Payment of Expenses incurred by and the Provision of Facilities to Councillors	A policy to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties.	Council's website <u>www.brokenhill.nsw.gov.au</u> – Councillor Support Policy, alternatively click here <u>https://bit.ly/2YF6jI5</u>
Annual Reports of bodies Exercising Functions Delegated by Council	S355 Community Committees provide Annual Reports and are reported to Council and the community.	Council's website www.brokenhill.nsw.gov.au – Council Meeting Business Papers – click here <u>https://bit.ly/3qsPW6r</u>
Any Codes referred to in the Local Government Act 1993	The codes are referenced in Council's Code of Conduct Policy and Code of Meeting Practice Policy	Council's website www.brokenhill.nsw.gov.au – Policies or alternatively click here https://bit.ly/2YDzgh8

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8.1.1 Information about Co	uncil	
Document/Record Type	Description	How to Access
Returns of Interests of Councillors, Designated Persons and Delegates	Returns of interest are reported to Council each September.	Council's website <u>www.brokenhill.nsw.gov.au</u> – Access to Information – click here <u>https://bit.ly/30qKINX</u> Council Meeting Business Papers – click here <u>https://bit.ly/3qsPW6r</u>
Agendas and Business papers for any meeting of Council or any Committee of Council	Monthly reports to Council Ordinary Meeting including Extraordinary Meetings.	Council's website <u>www.brokenhill.nsw.gov.au</u> – Meetings – click here <u>https://bit.ly/3qsPW6r</u>
Minutes of any meeting of Council or any Committee of Council	Minutes recording the records of any meeting of Council or any Committee of Council, inclusive of adopted recommendations by Council.	Council's website <u>www.brokenhill.nsw.gov.au</u> – Meetings – click here <u>https://bit.ly/3qsPW6r</u>
Land Register	A register of all lands vested in Council, or under its control.	Informal request for information https://bit.ly/30W1p8R
Register of Investments	A written report setting out details of all monies that have been invested under Section 625 (2) of the Local Government Act 1993, and reported to Council monthly.	Council's website <u>www.brokenhill.nsw.gov.au</u> Council - "Meetings", "Minutes and Agendas". Click here <u>https://bit.ly/3qsPW6r</u>
Register of Delegations	A register of the functions delegated to the Mayor, General Manager, and to Council staff, which is adotped each term of Council.	Council's website <u>www.brokenhill.nsw.gov.au</u> Access to Information – Click here <u>https://bit.ly/30qKINX</u>
Register of Graffiti Removal Works	A register containing records of graffiti removal works that are maintained in a database.	Informal request for information <u>https://bit.ly/30W1p8R</u>
Register of current Declarations of Disclosures of Political Donations	A register containing information regarding disclosures of political donations.	Informal request for information <u>https://bit.ly/30W1p8R</u>
Register of Voting on Planning Matters	Documents containing information of voting on planning matters availabe for viewing by members of the public – Council Business Paper (Resolution of Council) or NSW Regional Planning Panel.	Council's website <u>www.brokenhill.nsw.gov.au</u> or alternatively Council Business Paper <u>https://bit.ly/3qsPW6r</u> Or NSW planning portal <u>www.planningportal.nsw.gov.au</u>

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8.1.2 Plans and Policies		
Document/Record Type	Description	How to Access
Local Policies adopted by Council concerning approvals and orders	Provide guidance for those particpating in the local approvals process and specify criteria which Council will take into consideration in determining applications for approval under the Local Government Act 1993. Criteria to be considered before issuing certain order under section 124 of the Local Government Act.	Council's website www.brokenhill.nsw.gov.au Policies - Local Approvals Policy and Local Orders Policy – Click here https://bit.ly/3F7afdR
Plans of Management for Community Land	Outlines the plans in the management of Broken Hill City Council.	Informal request for information <u>https://bit.ly/30W1p8R</u>
Environmental Planning Instruments, Development Control Plans and Contribution Plans	The principal legal documents for controlling all development within Broken Hill City Council.	Council's website www.brokenhill.nsw.gov.au or click here https://bit.ly/3ol6CKr

8.1.3 Information about Development Applications		
Document/Record Type	Description	How to Access
Register of Development Applications Lodged and Determined	A register listing the full details of Development Applications lodged and determined.	Informal request for information – Development https://bit.ly/4fXKW0m or Council's website <u>www.brokenhill.nsw.gov.au</u> - DA Tracker – Click here https://bit.ly/3F8exBF
Environmental Planning Instruments, Development Control Plans and Contribution Plans	The legal documents and frameworks for controlling all development within Broken Hill City Council municipality.	Council's website <u>www.brokenhill.nsw.gov.au</u> – Click here <u>https://bit.ly/3D4ujgl</u>

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8.1.3 Information about Development Applications		
Document/Record Type Development Applications and associated documents including, but not limited to: Application Form, Determination and Conditions, Officer's Delegated Authority report, Statement of Environmental Effects, Plans (excluding floor plans), Construction and Occupation Certificates, Home Warranty Insurance documents, Acoustic Consultants' reports, Structural Certification documents, Heritage Consultants' reports, Land Contamination reports, Tree Inspection Consultants' reports	Description Development and Construction application files and associated documents.	How to Access Request for information – Development Applications https://bit.ly/4fXKW0m or Council's website: DA Tracker - Click here https://bit.ly/3F8exBF
Submissions received on Development Applications	Responses by individuals providng their comments in relation to the Development Application.	Request for information – Development Applications https://bit.ly/4fXKW0m or Council's website: <u>www.brokenhill.nsw.gov.au</u> - DA Tracker - Click here https://bit.ly/3F8exBF Note: Council considers the balance test for public interest in protecting the personal information of submitters.
Records of decisions on Development Applications including decisions on appeals	A record of all development applictions received and determined by Council.	Request for information – Development Applications https://bit.ly/4fXKW0m or Council's website: www.brokenhill.nsw.gov.au - DA Tracker - Click here https://bit.ly/3F8exBE

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8.1.4 Approvals, Orders and Other Documents		
Document/Record Type	Description	How to Access
Applications for approvals under section 68 of the LG Act	Applications and associated documents received for approval under Section 68 of the Local Government Act.	Informal request for information <u>https://bit.ly/30W1p8R</u>
Applications for approvals under any other Act and any associated document	Application regarding approval other than Development Application.	Informal request for information <u>https://bit.ly/30W1p8R</u>
Records of approvals granted or refused, any variation from Council Policies reasons for the variation and decisions made on appeals concerning approvals	A record of approvals granted or refused for specific approvals other than development applications.	Informal request for information <u>https://bit.ly/30W1p8R</u>
Orders given under Part 2 of Chapter 7 of the Local Government Act 1993 and any reasons given under Section 136 of the Local Government Act 1993	Order issued and complied with under section 124 of the Local Government Act.	Informal request for information <u>https://bit.ly/30W1p8R</u>
Orders given under the Authority of any other Act	Order issued and complied with under the authority of other Acts.	Informal request for information <u>https://bit.ly/30W1p8R</u>
Records of Building Information Certificates (Building Certificates) under the Environmental Planning and Assessment Act 1979	Record of Building Information Certificates (Building Certificates) issued under the Environmental Planing & Assessment Act 1979.	Informal request for information <u>https://bit.ly/3OW1p8R</u> Copies of Building Certificates are subject to a fee as per Council's Schedule of Fees and Charges
Plans of land proposed to be compulsorily acquired by Council	A plan on authority that is excercised by Council in Compulsory acquiring land.	Informal request for information <u>https://bit.ly/30W1p8R</u>
Compulsory Acquisition Notices	A notice relating to a specific site which is to be compulsorily acquired.	Informal request for information <u>https://bit.ly/30W1p8R</u>
Leases and Licenses for use of Public Land classified as Community Land.	Leases and Licenses for use of Public Land classified as Community Land.	Informal request for information <u>https://bit.ly/30W1p8R</u>

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### 8.2 Authorised Proactive Release Information

The GIPA Act encourages Council to go beyond the minimum mandatory disclosure requirement, unless there is an overriding public interest against disclosure. This is a discretionary power to release information in any manner considered appropriate, free of charge or at the lowest reasonable cost.

Council will make the following information of public interest available on the website where possible, as part of authorised proactive release.

8.2.1 Administration and Gov Document/Record Type	vernance Description	How to Access
Community Strategic Plan (CSP)	Plan outlines the community's aspirations and main priorities for the future.	Council's website: <u>www.brokenhill.nsw.gov.au</u> or alternatively click here <u>https://bit.ly/3H99Fy9</u>
Delivery Program inclusive of Operational Plan	Details the principal activities to be undertaken by Council to implment the stragtegies in the Community Strategic Plan.	Council's website: www.brokenhill.nsw.gov.au or alternatively click here https://bit.ly/3Dd58Zc
Progress reports on Delivery Program	Reports on progress of the activities and actions detailed in the Delivery Program.	Council's website: www.brokenhill.nsw.gov.au or alternatively click here https://bit.ly/3F70uMK
Long Term Financial Plan	Inclusion in Resourcing Straegy for the provision of resources required to implement the CSP.	Council's website: www.brokenhill.nsw.gov.au or alternatively click here https://bit.ly/3DljAhu
Workforce Management Plan	Inclusion in Resourcing Straegy for the provision of resources required to implement the CSP.	Council's website: <u>www.brokenhill.nsw.gov.au</u> or alternatively click here <u>https://bit.ly/3n9EFGm</u>
Approved Council strategies and plans	Plans/documents used in connection with the functions.	Council's website: www.brokenhill.nsw.gov.au or alternatively click here https://bit.ly/3wRMvYt
Disability Inclusion Action Plan (DIAP)	Outlines Council's commitment to improving opportunities for people with a disability of all ages to access the full range of services and activities available in the community.	Council's website: <u>www.brokenhill.nsw.gov.au</u> or alternatively click here <u>https://bit.ly/3oswAfo</u>
Progress report on Disability Inclusion Action Plan	Reports on progress of the activities and actions detailed in the Disability Inclusion Action Plan.	Council's website: www.brokenhill.nsw.gov.au or alternatively click here https://bit.ly/3oswAfo

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8.2.1 Administration and Governance		
Document/Record Type	Description	How to Access
State of Our City Report – formerly End of Term Report inclusive of State of Environment (SOE) reporting	Report on Council's achievements in implementing the CSP over the term of the Council (4 years), including reporting on envrionmental activities and indicators undertaken to enhance and protect the local environment.	Council's website: <u>www.brokenhill.nsw.gov.au</u> or alternatively click here <u>https://bit.ly/3AVVXAn</u>
Community Management Committees	Delegated authority to manage some of Council facilities and functions.	Council's website: <u>www.brokenhill.nsw.gov.au</u> – Section 355 Community Committees – or alternatively click here <u>https://bit.ly/3F71kJo</u>
Schedule of Fees and Charges	Pricing policy – fees and charges for the current finanical year.	Council's website: <u>www.brokenhill.nsw.gov.au</u> or alternatively click here <u>https://bit.ly/3op10Ua</u>

### 8.3 Informal Release

Access to information that is not available as mandatory or authorised proactive release may be provided through discretionary release.

Council is authorised to release information unless there is an overriding public interest against disclosure. Informal release can enable the release of as much information as possible, however Council is also authorised to redact content from information released, if its inclusion would otherwise result in an overriding public interest against disclosure.

Applications can be made to Council by submitting an Informal Request for Information. The GIPA Act does not set a limit for the processing of informal requests for information, therefore these requests are balanced against the other duties for which the Governance team is responsible and can take up to 20 working days to finalise.

### 8.4 Formal Access Applications

A formal access application is required to be submitted if the information being sought:

- Is not available via proactive or informal release;
- Is of a sensitive nature that requires careful weighing of the considerations in favour of, and against, disclosure;
- Contains personal or confidential information about a third party that may require consultation; or
- Would involve an unreasonable amount of time and resources to produce.

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Applications must be made to Council by:

- Submitting the Formal Request for Information Form, together with the application fee (\$30). Additional processing charges may be applicable at a rate of \$30 per hour;
- Specify clearly that it is made under the GIPA Act;
- Provide sufficient detail to enable Council to identify the information requested; and
- Include an Australian postal address

<u>Note</u>: An application will be invalid if it seeks access to excluded information of Council or does not meet the formal requirements for an access application.

Council will advise the applicant within 20 working days of receipt of the request of its decision to provide information and in cases where the applicant is aggrieved by Council's determination, an appeal may be lodged. Information on how this may be done will be included with Council's determination notice.

### 8.5 Proactive Release Program

Council will undertake an annual Proactive Release Program to ensure that it complies with Mandatory and Authorised Proactive Release obligations under the Government Information (Public Access) Act 2009.

Proactive release involves an agency making information or documents it holds or collects publicly available, on its own accord without someone making an information access request, to promote open and transparent government.

The benefits of proactive release include:

- Improved service delivery
- Increased community participation in government processes and decision-making
- Better informed community
- Reduced costs and resourcing needs by decreasing the number of access applications

The Corporate Governance and Compliance Team will manage and coordinate the annual proactive release review in consultation with relevant business units:

DATE	STAGE	ACTION
June	Preliminary	<ul> <li>Engage with business units regarding:</li> <li>the process and timeline</li> <li>guidance in identifying information for proactive release</li> <li>communicating the roles and responsibilities</li> </ul>
YIUL	Identify	<ul> <li>Business units to identify information in their area that:</li> <li>can be considered for proactive release</li> <li>has been proactively released within the previous 12 months</li> <li>Business unit owners to submit an annual review summary report to Corporate Governance and Compliance Team.</li> </ul>

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DATE	STAGE	ACTION
August	Assess	The Corporate Governance and Compliance Team will assess information identified for proactive release, by applying the public interest test.
		The data will be collated in an annual review report, detailing whether information should be released.
		Legal services may be consulted where deemed necessary.
September	Consult	The Corporate Governance and Compliance Team will provide a draft annual review report to Council's Public Officer and business owners for endorsement, for the referral to Council's Executive Leadership Team (ELT) to seek approval.
October	Approve	The Corporate Governance and Compliance Team will submit an annual review report for the proactive release of government information to ELT.
		The ELT will have the final authority to determine whether the information identified in the review report is published or not.
		ELT may consult with business unit owners before making a final decision.
November		The Corporate Governance and Compliance Team will update the organisations' Agency Information Guide in accordance with any approved actions, and present to Council for endorsement to submit to the IPC for annual review.

### 9. OTHER GOVERNMENT OPEN DATA

In Australia, there are many other open data initiatives. Open data are large datasets available to anyone with an interent connection.

The federal government open data portal can be accessed via https://data.gov.au/home

**Data.gov.au** is a centralised source of Australian open government data. In addition to government data, publicly funded research data and datasets from private institutions that are of public interest can also be found here.

The NSW government portal can be accessed via <u>Home | Data.NSW</u>

**Data.NSW** aims to increase the safe use of data across NSW government, to support better customer service, policy development, responsiveness, and innovation.

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## 18. HOW DO I CONTACT COUNCIL

HOW?	CONTACT DETAILS
IN PERSON	Council Administrative Centre 240 Blende Street Broken Hill NSW 2880
POST	Broken Hill City Council PO Box 448 Broken Hill NSW 2880
PHONE	08 8080 3300
FAX	08 8088 3424
EMAIL	council@brokenhill.nsw.gov.au
OPENING HOURS	9.00 am to 4pm Monday to Friday

### 10.1 Contact

For specific information or enquiries regarding access to information at Broken Hill City Council, please contact:

The Public Officer PO Box 448 Broken Hill NSW 2880 Phone: 08 8080 3300 Email: council@brokenhill.nsw.gov.au

If you wish to learn more about your right to information, please contact the Information and Privacy Commission at www.ipc.nsw.gov.au

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www.brokenhill.nsw.gov.au

ORDINARY MEETING OF THE COUNCIL

March 19, 2025

## ITEM 5

## BROKEN HILL CITY COUNCIL REPORT NO. 51/25

## SUBJECT:PRO HART MURAL (BROKEN HILL AIRPORT TERMINAL) - NON-<br/>COMPLIANT GLASS REMOVALD25/12708

## **Recommendation**

- 1. That Broken Hill City Council Report No. 51/25 dated March 19, 2025, be received.
- 2. That Council proceed with the removal of the glass panels to permit the contractors, Delta Conservation, to access the painting and undertake rectification and remedial works.
- 3. That assessment is undertaken of alternative options to secure the artwork from interference once remedial works are completed.

## **Executive Summary:**

A Public Art Audit Condition Report 2023 was undertaken by specialist firm, Grimwade – of 45 public art works, three of which later identified as not belonging to Council. A report to August 2023 Council meeting was adopted with the following resolution:

'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.'

The audit identifies all areas of an item needing attention and includes notes to guide repair work. Repair budget has also been estimated. The 2024/2025 budget allowed for the restoration of ten art works identified in the Report which were classified with a rating of "Very Poor" (two art works), "Poor" (seven artworks) and "Fair" (one artwork)

In November 2024, Delta Conservation was awarded the contract to undertake restoration works on ten of the Broken Hill City Council's public art works.

Upon investigation of the Pro Hart mural at the Broken Hill Airport, 'Miner's Kids, Dragonfly and Locusts', Delta Conservation recommended the removal of the protective glass barrier for the following reasons:

- The existing glass prevents the timely maintenance and restoration works on the artwork;
- To annually remove the existing glass to perform necessary maintenance and cleaning, would be at a minimum cost of approximately \$15,000;
- The existing glass is non-compliant with current safety standards; and
- To replace with compliant material in accordance with the Grimwade report, the replacement value is estimated by Delta Conservation to be in excess of over \$100,000.

A formal quote from the firm of Delta Conservation for a non-reflective Perspex shield to replace the glass from floor to ceiling was received in time for this report to Council, with a quote of \$397,980 and a statement that glare will still likely persist with this system.

Another option is the permanent removal of the glass barrier in front of the mural to be replaced with a clear, Perspex people barrier ~800mm high which came as a recommendation by APV Valuers & Asset Management Final Valuation of the Broken Hill City Council Artwork Assets, June 2021.

Given the range of options and cost implications it is recommended to proceed with the removal of the glass panels to permit the contractors, Delta Conservation, to access the painting and undertake the rectification and remedial works by allowing the area to be fenced off immediately in front of the painting.

Staff will undertake assessment of alternative options to secure the artwork from interference once remedial works are completed and the results of which can equally be applied to art works of equal artistic status and featured on another wall at the airport.

## Report:

The maintenance and restoration of public art is vital for the preservation of cultural heritage, enhanced aesthetic value, increased public engagement, reduced long-term costs, protection of investment, improved safety, strengthened community pride, attraction of tourism and enhanced reputation.

Grimwade's Public Art Audit Condition Report 2023 recommended the following works for the mural.

"Access required for surface clean to remove dirt particulates, accretions and spiderwebs.

- Consolidate and fill cracks
- Consolidate and infill losses
- Stabilise all friable/lifting paint layers"

Currently the works are in a stable condition, however the introduction of an acrylic/perspex barrier has allowed a buildup of dirt/dust particulates as well as increased pest activity. A barrier that can be easily removed for routine surface cleaning should be considered as well as non-reflective alternative that does not disrupt viewing of the works. Grimwade further went on to report that the barrier should be removed annually at an estimated cost of \$8,000.

On appointment to the restoration project, Delta Conservation received a quote by the local glassier to remove and replace the glass to perform annual maintenance; with quotation being approximately \$15,000. Additionally, it has been identified that the glass is non-compliant to current safety standards.

Delta Conservation has recommended that the barrier be removed permanently to allow for annual maintenance and restoration to be completed. The recommendation is further supported by the 2021 APV Valuers & Asset Management Final Valuation of the Broken Hill City Council Artwork Assets in which it is stated:

"1997.0003 Pro Hart mural at the airport. The enclosure is causing cracking to the plaster, and several insect infestations are occurring. We feel the glass enclosure should be removed entirely. The staff door should be painted blue. Barriers to prevent people touching the mural should be placed in front of the 3 sections. These would be powder coated to match the general colour of each panel. The mural would then be seen, as the glass apart from causing issues, it would be able to viewed."

This report recommends that Council proceed with the removal of the glass panels to permit the contractors, Delta Conservation, to access the painting and undertake rectification and remedial works and that further assessment is undertaken of alternative options to secure the artwork from interference once remedial works are completed.

## **Community Engagement:**

Council Business Paper for Council Meeting to be held 26 March 2025.

## **Strategic Direction:**

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.4	Ensure social, environmental, cultural and economic
		sustainability are considered when making decisions

## **Relevant Legislation:**

Local Government Act 1993

Local Government (General) Regulation 2021

## **Financial Implications:**

As an option, Council is seeking a quotation from a local supplier for the installation of a 800-900mm Perspex barrier, to replace the existing barrier.

The annual fee for removal and replacement of the existing non-compliant glass barrier has been sought and is approximately \$15,000.

To replace the non-compliant current glass barrier with compliant non-reflective Perspex protective shield has been quoted as \$397,980.

## Attachments

There are no attachments for this report

RAZIJA NU'MAN DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

March 13, 2025

## ITEM 6

## BROKEN HILL CITY COUNCIL REPORT NO. 52/25

## SUBJECT:MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING<br/>NO.455, HELD ON TUESDAY, 4 MARCH 2025D25/11831

## **Recommendation**

- 1. That Broken Hill City Council Report No. 52/25 dated March 13, 2025, be received.
- 2. That the minutes of the Local Traffic Committee Meeting No.455, held on Tuesday, 4 March 2025 be endorsed.
- 3. That Item No.455.10.1 recommendations be received:
  - That Council contact YMCA management to identify the size of the delivery trucks and to measure the 'Taxi Zone' parking bay to determine if this bay will accommodate a delivery truck.
  - That Council contact the Taxi company to determine if the 'Taxi Zone' is being utilised and see if they have any concerns with the proposal to change to either a 'Loading Zone' or a '15-Minute' parking.
- 4. That Item No.454.10.3 recommendation be received:
  - That correspondence be sent to the complainant, advising of the Local Traffic Committee's decision for both the angle parking on Argent Street and the 'Giveway' sign on Kaolin Street, at the Argent Street intersection, to remain unchanged.
- 5. That Item No.454.10.4 recommendation be received:

That the Committee address this matter and review the parking arrangements on Chloride Street at the completion of Stage 3 of the Thomas Street Reconstruction, to determine if the angle parking will be removed or changed.

## **Executive Summary:**

Under Guidelines published in March 2009 by the Roads and Traffic Authority (now known as Transport for NSW), entitled 'A guide to the delegation to councils for the regulation of traffic states':

'The Local Traffic Committee (LTC) has no decision-making powers and is primarily a technical review committee. It only advises the Council on matters for which the Council has delegated authority, being certain prescribed traffic control devices and traffic control facilities.

The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to Transport for NSW or relevant organisation. Such matters must not be referred to the LTC.

Council is not bound by the advice given by its LTC. However, if Council does wish to act contrary to the unanimous advice of the LTC or when the advice is not unanimous, it must notify Transport for NSW and the NSW Police and wait 14 days before proceeding.'

## Report:

This report is to provide Council with the minutes and action list of the Local Traffic Committee meeting, held on Tuesday, 4 March 2025 which details recommendations to Council for consideration or endorsement.

## **Strategic Direction:**

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

## Relevant Legislation:

- Road Transport (Safety and Traffic Management) Regulation 1999, and
- Road Rules 2008
- A guide to the delegation to councils for the regulation of traffic (guidelines)

## **Financial Implications:**

Financial implications for any of the recommendations to Council will be detailed in the LTC minutes, it relevant.

## Attachments

- 1. Minutes of the Local Traffic Committee Meeting No.455, held on Tuesday, 4 March
- <u>J</u> 2025

JAY NANKIVELL GENERAL MANAGER

## LOCAL TRAFFIC COMMITTEE

## **MINUTES OF MEETING No.455**

#### Meeting held on Tuesday, 4 March 2025

#### Meeting commenced at 2pm

Location: First Floor Meeting Room, Council Administrative Centre

#### 455.1 Acknowledgment of Country

Council's Manager Infrastructure Operations, Troy Johnson chaired the meeting and welcomed all representatives present and recited the 'Acknowledgement of Country.'

'We acknowledge the traditional owners of the land upon which we meet today, the land of the Wilyakali people, and pay our respects to their elders; past, present and emerging.'

#### 455.2 Present

Troy Johnson	Manager Infrastructure Operations (Council Representative) – Chairperson
Chris Wallace	Inspector, NSW Police (Representative)
Peter Beven	Local Member Delegated Representative
Bob Algate	Councillor Observer
Tanya Ralph	Administrative Officer (Council - Secretariat)
Garon Dolan	Administrative Officer (Council – Secretariat Observer)
455.3 Apologies	
Codie Howard	Director Infrastructure and Environment (Council Representative – Chairperson)
Jenene House	Associate Community and Safety Partner – Far West Precinct, Transport for NSW (TfNSW) (Representative)

#### 455.4 Absent - Nil

#### 455.5 Disclosure of Interest

Peter Beven informed the Committee that he knows the complainant who had concerns with the parking on Oxide Street at the Argent Street intersection.

The Committee accepted this statement and agreed to continue with meeting.

Local Traffic Committee Minutes - Meeting No.455 - 4/03/2025

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#### 455.6 Adoption of Previous Minutes

Minutes from previous meetings held on **Tuesday**, **3 December 2024** and **Thursday**, **13 February 2025** confirmed and approved.

Meeting minutes from meeting held on **Tuesday, 3 December 2024**:

All in favour	Moved:	David Vant	Seconded:	Troy Johnson
Meeting minutes from r	meeting he	eld on <b>Thursday, 13 February</b>	<b>y 2025</b> :	
All in favour	Moved:	David Vant	Seconded:	Peter Beven

#### 455.7 Council Resolutions

The following Committee recommendations were adopted by Council at its meeting held on **Wednesday**, **26 February 2025**.

RESOLUTION Minute No. 4778	Re	solved
		That Broken Hill City Council Report No. 34/25 dated February 19, 2025, be received.
	2.	That the minutes of the Local Traffic Committee – Meeting No.454, held on Thursday, 13 February 2025 be endorsed.
	3.	That Item No.454.10.3 recommendation be received:
		<ul> <li>That correspondence be sent to the respondent, acknowledging receipt of their request and advise the matter will be discussed by the Local Traffic Committee at their next scheduled meeting in March 2025, following an inspection of the area by Council.</li> </ul>
	4.	That Item No.454.8.1 recommendation be received:
		<ul> <li>That correspondence be sent to the respondent, acknowledging receipt of their concerns and advise the Local Traffic Committee will review the temporary angle parking on Chloride Street at their next scheduled meeting in March 2025, following completion of the Thomas Street redevelopment project.</li> </ul>
	5.	That Item No.452.10.1 recommendations be received:
		<ul> <li>That the Local Traffic Committee's recommendation adopted at the November 2024 Council meeting remain unchanged, being the following:</li> </ul>
		<ul> <li>That the parking arrangements on Oxide Street, between Argent Street and Gawler Place, adjacent to the ANZ Bank be changed to allow two 2-hour parking spaces, two 15-minute spaces and designated parking spaces for Uber/Ride Share and taxi use.</li> </ul>
		<ul> <li>That correspondence be sent to the business owner, advising of the Committee's decision.</li> </ul>
		CARRIED UNANIMOUSLY

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#### 455.8 Correspondence In

ltem No.	EDRMS No.	Details
455.8.1	D25/9019	Request for 'Loading Zone' and staff parking, adjacent to the YMCA Regional Aquatic Centre, 336 McCulloch Street

#### 455.9 Correspondence Out

ltem No.	EDRMS No.	Details
452.10.1	D25/9339	Council Resolution – Request to change the parking arrangements on Oxide Street, adjacent to the Hair'n'Flow, 31 Oxide Street
454.8.1	D25/9340	Council Resolution – Safety Concerns at the Morgan and Chloride Street Intersection
454.10.3	D25/9342	Council Resolution – Request to change the 'Giveway' sign to a 'Stop' sign on Kaolin Street at the Argent Street intersection

#### 455.10 General Business - Nil

#### 455.11 Action Item List

Date	Item Details	
March 2025	Request for designated staff parking and to change the 'Taxi Zone', adjacent to the YMCA Regional Aquatic Centre at 336 McCulloch Street, to a 'Loading Zone' for deliveries.	
ltem No.	455.10.1	
EDRMS No.	N/A	
CRM No.	N/A	
Responsible Officer	Director Infrastructure and Environment	
Current Status	Ongoing	
Date	Committee Recommendation/s	
March 2025	<ul> <li>That Council contact YMCA management to identify the size of the delivery trucks and to measure the 'Taxi Zone' parking bay to determine if this bay will accommodate a delivery truck.</li> <li>That Council contact the Taxi company to determine if the 'Taxi Zone' is being</li> </ul>	
	utilised and see if they have any concerns with the proposal to change to either a 'Loading Zone' or a '15-Minute' parking.	

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Action Date	Running Actions
March 2025	The Committee received an email from YMCA Broken Hill management, requesting designated staff parking and to change the 'Taxi Zone', adjacent to the YMCA Regional Aquatic Centre, 336 McCulloch Street, to a 'Loading Zone'.
	YMCA management believe the 'Taxi Zone' is not being utilised and would be better used as a 'Loading Zone' for the facility.
	It was noted the existing parking in the requested area, adjacent to the Regional Aquatic Centre entrance, consists of a 'No Stopping', '5-Minute' parking bay, 'Taxi Zone' and a disability parking bay.
	Chris Wallace suggested the 'Taxi Zone' could be changed to an additional '5-Minute' parking bay, to allow short-term parking for patrons being dropped off and picked up at the Regional Aquatic Centre. Chris Wallace informed the Committee that he has a conflict of interest with this matter, as his wife works at the Centre. For this reason, Chris Wallace withdrew himself from voting on recommendations resolved by the Committee. This was accepted by the Committee.
	The Committee agreed that consultation with the Taxi company is required, to determine if they require the 'Taxi Zone' at the Regional Aquatic Centre and check if they have any concerns with the request.
	The Committee identified that the existing 'Taxi Zone' is a standard parking bay and the size may not accommodate delivery trucks. Council will need to measure the parking bay to determine the size and contact YMCA Management to identify the size of their delivery trucks.
	Troy Johnson advised the Committee that if the bay is changed to a 'Loading Zone', Council's Ranger would need to be consulted regarding increasing patrols of the area and issuing of infringement notices.
	The Committee determined there is sufficient parking at the Centre for the YMCA's staff and agreed to further discuss this matter at their April 2025 meeting, following inspection of the area by Council.
	Recommendations:
	<ul> <li>That Council contact YMCA management to identify the size of the delivery trucks and to measure the 'Taxi Zone' parking bay to determine if this bay will accommodate a delivery truck.</li> </ul>
	<ul> <li>That Council contact the Taxi company to determine if the 'Taxi Zone' is being utilised and see if they have any concerns with the proposal to change to either a 'Loading Zone' or a '15-Minute' parking.</li> </ul>
	Moved: Troy Johnson
	Second: David Vant
	All in favour

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Date	Item Details	
February 2025	Request to remove or cover 'School Zone Flashing Lights' on Murton Street, adjacent to the old Willyama High School site.	
ltem No.	454.10.1	
EDRMS No.	N/A	
CRM No.	N/A	
Responsible Officer	Director Infrastructure and Environment	
Current Status	Ongoing	
Date	Committee Recommendation/s	
Action Date	Running Actions	
March 2025	David Vant stated, notification from the Department of Education has not yet been received by Transport for NSW, advising the declassification of the site as a school zone, due to relocation of Willyama High School to the Broken Hill High School site.	
	Troy Johnson will notify Codie Howard of this update and ask him to request the Department of Education, to notify Transport for NSW, that the old Willyama High School site in Murton Street has been temporarily declassified as a school zone and to request the installation of temporary School Zone Flashing Lights at the current Willyama High School site.	
	David Vant explained that Council can bag or cover the School Zone Flashing Lights on Murton Street at the old Willyama High School site. As advised, Council will be going ahead and covering the 40km/h speed zone signs around the old Willyama High School site, pending notification from the Department of Education.	
	The Committee agreed to defer this matter for future discussion at the April 2025 meeting.	
February 2025	The Committee was informed motorists are being fined when they exceed 40km/h travelling on Murton Street, adjacent to the old Willyama High School site, when the 'School Zone Lights' are flashing, although this area is not presently a school zone.	
	Codie Howard asked David Vant, if it would be possible to either remove or cover these flashing lights, while the Willyama High School is situated at the Broken Hill High School site and for Transport for NSW to consider installing temporary 'School Zone Flashing Lights' at the school current site, on either the Wolfram Street or Kaolin Street sides.	

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Date	Committee Recommendation/s
Current Status	Complete
Responsible Officer	Director Infrastructure and Environment
CRM No.	N/A
EDRMS No.	N/A
ltem No.	454.10.3
February 2025	Request to change the 'Giveway' sign to a 'Stop' sign on Kaolin Street at the Argent Street intersection.
Date	Item Details
	David Vant informed the Committee he will inspect the current site for the Willyama High School, following this meeting while he is in Broken Hill.
	David Vant estimated the cost of each unit is approximately \$30,000 and explained each unit has a battery backup and are linked back to the Sydney office.
	Codie Howard advised he will contact the Department of Education and ask them to inform Transport for NSW that the area is not currently a school zone and for the flashing lights in this area to be removed or covered and for them to request the installation of an additional 'School Zone Flashing Lights' at the current site for the Willyama High School.
	David Vant informed the Committee that School Zone Flashing Lights at school were Government funded to be installed at the frontage of schools and for the installation of an addition flashing light in the area for the Willyama High School's current site, would require a case study to be completed by Transport for NSW, looking at how the school and buses operate in the area. As to the position of the 'School Zone Flashing Lights' on Wolfram Street or Kaolin Street will depend on the case study and its findings.
	David Vant will follow up this matter with Jenene House from Transport for NSW, who is looking after the matter relating to school zones and will provide the Committee an update at the March 2025 meeting.
	For the 'School Zone Flashing Lights to be removed or covered, this would have to be directed by the Department of Education and for them to declassifying the area as a school zone. David Vant informed the Committee that no such notification has been received by Transport for the NSW.
	David Vant advised the Committee that if the 'School Zone Flashing Lights' are removed on Murton Street at the old Willyama High School site, then it will be much harder to get them reinstalled later on.

March 2025 That correspondence be sent to the complainant, advising of the Local Traffic Committee's decision for both the angle parking on Argent Street and the 'Giveway' sign on Kaolin Street, at the Argent Street intersection, to remain unchanged.

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Action Date	Running Actions
March 2025	The Committee previously investigated a request for the 'Giveway' sign to be changed to a 'Stop Sign' and for the angle parking to be changed to parallel parking, to allow a better line of sight for the resident when existing their driveway.
	Based on the results of Council's investigation and findings from the data collected by the traffic counters, the Committee agreed that both the angle parking and the 'Giveway' sign should remain unchanged. The Committee noted that the data did not indicate a problem with speeding motorists did not see a problem with speeding motorists in this area.
	Recommendation:
	That correspondence be sent to the complainant, advising of the Local Traffic Committee's decision for both the angle parking on Argent Street and the 'Giveway' sign on Kaolin Street, at the Argent Street intersection, to remain unchanged.
	Moved: Troy Johnson
	Second: David Vant
	All in favour
February 2025	The Committee received a request for the 'Giveway' sign on Kaolin Street at the Argent Street intersection, to be changed to a 'Stop' sign, due to motorists not giving way at the intersection and the speed at which motorists are travelling along Argent Street.
	This matter was previously discussed by the Committee in response to a separate request including consider changing the angle parking on the Argent Street side, adjacent to the Duke of Cornwall Hotel to parallel parking to make it easier for motorists at the Kaolin Street intersection to see oncoming traffic. During Council's investigation, placed traffic counters across Kaolin Street at this intersection to determine speed of vehicles approaching Argent Street.
	Results of the traffic counters, that were in place for a period of two weeks, did not identify a problem with speeding in the areas and from this the Committee resolved for the 'Giveway' sign and angle parking place to remain unchanged.
	Council will investigate the request and provide details for the Committee to make a determination at the Committee's March 2025 meeting.
	Recommendation:
	That correspondence be sent to the respondent, acknowledging receipt of their request and advise the matter will be discussed by the Local Traffic Committee at their next scheduled meeting in March 2025, following an inspection of the area by Council.
	Moved: Codie Howard
	Second: David Vant
	All in favour

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Date	Item Details
February 2025	Safety concerns at the Thomas and Chloride Street intersection.
Item No.	454.10.4
EDRMS No.	N/A
CRM No.	N/A
Responsible Officer	Director Infrastructure and Environment
Current Status	Ongoing
Date	Committee Recommendation/s
March 2025	That the Committee address this matter and review the parking arrangements on Chloride Street at the completion of Stage 3 of the Thomas Street Reconstruction, to determine if the angle parking will be removed or changed.
Action Date	Running Actions
March 2025	The Committee was informed that Council has received several concerns in relation to the angle parking on Chloride Street, adjacent to the Far West Local Health District (FWLHD), obstructing the line of sight for motorists at the Morgan and Thomas Street intersections.
	The Committee discussed the parking arrangements available at the FWLHD on the Thomas and Chloride Street sides. Troy Johnson explained the angle parking on Chloride Street will be reviewed by the Committee at the completion of Stage 3 of the Thomas Street Reconstruction Project. Stage 3 will commence after Stage 2 is complete. Stage 3 will be a continuation of work further along Thomas Street, towards Kaolin Street and will not affect the parking for the FWLHD.
	It was noted that the kerbing along the section of Chloride Street, from Thomas Street to the entrance of the FWLHD, curves out onto the road, making this section protrude further onto the carriage way, therefore making the road narrow.
	Dave Vant suggested that Council install temporary 40km/h speed zone signs on Chloride Street during the road works. The parking in this area on Chloride Street will be reviewed at the end of the redevelopment works. The Speed zone will be in conjunction with the temporary road works. Council can include the speed zone in accordance with Section 122 of the <i>Roads Act</i> .
	Recommendation:
	That the Committee address this matter and review the parking arrangements on Chloride Street at the completion of Stage 3 of the Thomas Street Reconstruction, to determine if the angle parking will be removed or changed.
	Moved: Troy Johnson
	Second: Peter Beven
	All in favour

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February 2025	Council has received safety concerns for motorists at the Thomas and Chloride Street intersection, with motorists' line of sight being obstructed by the recent angle parking installed on Chloride Street, opposite the Far West Local Health District.	
	Codie Howard informed this angle parking was installed to provide temporary parking for the Far West Local Health District during the reconstruction of Thomas Street and that the angle parking will be reviewed by the Committee at the completion of the project to determine if the angle parking will remain in place or revert to parallel parking.	
Date	Item Details	
December 2024	Traffic Management Plan for development of Truck Stop on Barrier Highway	
Item No.	453.10.2	
EDRMS No.	D24/59013	
CRM No.	N/A	
Responsible Officer	Director Infrastructure and Environment	
Current Status	Ongoing	
Date	Committee Recommendation/s	
December 2024	That the Local Traffic Committee review the Traffic Management Plan for the Development Application following consultation between Transport for NSW, Council and the developer.	
December 2024 Action Date	Development Application following consultation between Transport for NSW,	
	Development Application following consultation between Transport for NSW, Council and the developer.	
Action Date	Development Application following consultation between Transport for NSW, Council and the developer. Running Actions David Vant did not receive any comments for the Traffic Management Plan for the proposed truck stop and will follow up an update and provide this to the	
Action Date March 2025	Development Application following consultation between Transport for NSW, Council and the developer.         Running Actions         David Vant did not receive any comments for the Traffic Management Plan for the proposed truck stop and will follow up an update and provide this to the Committee for review, prior to the April 2025 meeting.         Codie Howard informed the Committee, he met with Council's Manager Planning and Development following the December 2024 meeting to seek clarification of their request. The Planning and Development Manager explained this Development Application does not need to be presented to Transport for NSW for approval. Their request was for the Local Traffic Committee to review and provide comments in relation to the proposed parking arrangement for the development of truck stop on the Barrier Highway, displayed in the plans that were provided to	

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	Consent under Section 138 of the Roads Act 1993 is required for any works or activities in a public reserve, public road way or footpath (nature strip or verge).		
	For all unclassified roads and many classified roads Local Government is the consent authority with the Roads and Maritime Service giving concurrence or consent on classified roads.		
	David Vant advised Council can make a decision for the development without being reviewed by Transport for NSW. However, Council will be liable for future matters or instances.		
	A copy of the Development Application plans to be provided to David Vant following this meeting to review and to provide his comments at the March 2025 meeting.		
December 2024	Council's Manager Planning and Development has referred the Development Application for a Truck Stop and accommodation on the Barrier Highway to the Committee for consideration and advice on vehicle access and movements.		
	Burrier Highnay Burrier Highna		
	David Vant informed the Committee that Transport for NSW (TfNSW) cannot provide comments on this type of development, until the Development Application has been referred to them by Council for review of the arrangement of the traffic management plan, in accordance with Section 138 – Works and Structures of the <i>Road Act</i> .		
	This requires that all work or activities undertaken within a road reserve must have the Road Authorities' consent prior to commencement, as stated:		
	138 Works and Structures		
	(1) A person must not—		
	(a) erect a structure or carry out a work in, on or over a public road, or		
	<ul> <li>(b) dig up or disturb the surface of a public road, or</li> <li>(c) remove or interfere with a structure, work or tree on a public road, or</li> </ul>		
	<ul> <li>(d) pump water into a public road from any land adjoining the road, or</li> </ul>		
	(e) connect a road (whether public or private) to a classified road, otherwise, than with the consent of the appropriate roads authority. Maximum penalty—10 penalty units.		

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(2) A consent may not be given with respect to a classified road except with the concurrence of TfNSW.
(3) If the applicant is a public authority, the roads authority and, in the case of a classified road, TfNSW must consult with the applicant before deciding whether or not to grant consent or concurrence.
(4) This section applies to a roads authority and to any employee of a roads authority in the same way as it applies to any other person.
(5) This section applies despite the provisions of any other Act or law to the contrary, but does not apply to anything done under the provisions of the Pipelines Act 1967 or under any other provision of an Act that expressly excludes the operation of this section.
Recommendation:
That the Local Traffic Committee review the Traffic Management Plan for the Development Application following consultation between Transport for NSW, Council and the developer.
Move: David Vant
Second: Troy Johnson and Chis Wallace
All in favour
Item Details
Request to change the 'No Parking' or ½-hour parking on Oxide Street, between Argent Street and Gawler Place, adjacent to the ANZ Bank
452.10.1
D24/54474
N/A
Director Infrastructure and Environment
Complete
Committee Recommendation/s
<ul> <li>That the Local Traffic Committee's recommendation adopted at the November 2024 Council meeting remain unchanged, being the following:</li> </ul>
<ul> <li>That the parking arrangements on Oxide Street, between Argent Street and Gawler Place, adjacent to the ANZ Bank be changed to allow two 2-hour parking spaces, two 15-minute spaces and designated parking spaces for Uber/Ride Share and taxi use.</li> </ul>

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December 2024	That the parking arrangement on Oxide Street, between Argent Street and Gawler Place remain unchanged and the complainant be advised of the Committee's decision.
November 2024	That Council investigate amending parking on Oxide Street, between Argent Street and Gawler Place, adjacent to the ANZ Bank, to two 2-hour parking spaces, two 15-minute spaces and designated parking spaces for Uber/Ride Share and taxi use.
Action Date	Running Actions
March 2025	Council endorsed the Committee's recommendation for the parking arrangements on Oxide Street, between Argent and Gawler Place, be changed to the following at their Ordinary Council Meeting, held on Wednesday, 26 February 2025.
	'That the parking arrangements on Oxide Street, between Argent Street and Gawler Place, adjacent to the ANZ Bank be changed to allow two 2-hour parking spaces, two 15-minute spaces and designated parking spaces for Uber/Ride Share and taxi use.'
	Troy Johnson advised the Committee that following this meeting he will arrange for the parking to be updated and new signage installed.
February 2025	Councillor Observer, Bob Algate raised concerns in relation to this matter where the initial recommendation resolved by the Committee at November 2024 meeting was adopted by Council at the November 2024 Council meeting, whereas the recommendation at the Committee's December 2024 meeting resolved that the parking arrangements in the area remain unchanged.
	There is some confusion as to the recommendations and Councillor Bob Algate would like a final determination by the Committee for the recommendation adopted by Council at the November 2024 meeting be final and implemented.
	Codie Howard advised that he was not present for the Committee's December 2024 meeting, and they may have been some confusion, but agrees with the Committee initial recommendation.
	Recommendations:
	That the Local Traffic Committee's recommendation adopted at the November 2024 Council meeting remain unchanged, being the following:
	<ul> <li>That the parking arrangements on Oxide Street, between Argent Street and Gawler Place, adjacent to the ANZ Bank be changed to allow two 2-hour parking spaces, two 15-minute spaces and designated parking spaces for Uber/Ride Share and taxi use.</li> </ul>
	<ul> <li>That correspondence be sent to the business owner, advising of the Committee's decision.</li> </ul>
	Moved Codie Howard
	Second Peter Beven
	All in favour
December 2024	The Committee's recommendation from the November 2024 meeting was reviewed by Codie Howard who suggested to change the parking in this area to two 15-minute, two 2-hour parking and a parking space allocated for both Ride Share/Uber and Taxi.

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	However, Committee members present agreed that due to high demand for parking in this area, there would be no guarantee the proposed changes would make a difference, as parking could not be made exclusive use for the complainant's customers. Therefore, the Committee determined to leave the parking unchanged.
	Recommendation:
	That the parking arrangement on Oxide Street, between Argent Street and Gawler Place remain unchanged and the complainant be advised of the Committee's decision.
	Moved: Chris Wallace
	Second: David Vant
	All in favour
November 2024	Late business was submitted to the Local Traffic Committee by the owner of Hair'n'Flow Hair Salon, at 31 Oxide Street. The owner requested that the 'No Parking' or ½-hour parking spaces adjacent to the ANZ Bank, be changed to 2-hour parking to accommodate elderly clients.
	The Committee agreed further investigation was required prior to making a determination.
	The Committee proposed the parking in the area be changed to allow for two 2-hour parking spaces, two 15-minute parking spaces and two designated for Uber/Ride Share and taxi use.
	The Committee suggested that Council review the proposed change and provide feedback to the Committee prior to the December 2024 meeting, to enable a prompt determination.
	Recommendation:
	That Council investigate amending parking on Oxide Street, between Argent Street and Gawler Place, adjacent to the ANZ Bank, to two 2-hour parking spaces, two 15-minute spaces and designated parking spaces for Uber/Ride Share and taxi use.
	Moved: Chris Wallace
	Second: Troy Johnson and David Vant
	All in favour

#### 455.12 Next Meeting Date: Tuesday, 1 April 2025

#### 455.13 Meeting Closed: 2.42 pm

Chris Wallace will be an apology for the April 2025 meeting. He will arrange for an alternative Police Representative to attend in his absence.

Local Traffic Committee Minutes – Meeting No.455 – 4/03/2025

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## ORDINARY MEETING OF THE COUNCIL

March 11, 2025

## ITEM 7

BROKEN HILL CITY COUNCIL REPORT NO. 53/25

SUBJECT: ACTION LIST REPORT

D25/11221

## **Recommendation**

1. That Broken Hill City Council Report No. 53/25 dated March 11, 2025, be received.

## **Executive Summary:**

The purpose of this report is to ensure that Council and the community are informed on the status of actions required by previous Council resolutions.

## Report:

A new format Action List was presented to the June 2017 Council Meeting to provide Councillors with a clearer way of reporting on the progress of outstanding Council resolutions. As per Minute No. 45570, the Action List has been produced in the new colour coded format and shows the progress of Council' outstanding decisions (Green – completed, Yellow – in progress and Red – not yet commenced).

The Action List attached to this report covers decisions at Ordinary Council Meetings, is for information only and will be provided to Council on a monthly basis.

Discussions have been held with staff regarding the long outstanding items on the Action List, most of which are leasing/licencing matters. Staff will be working to finalise these items as a priority and/or request Council to rescind resolutions where circumstances have changed.

## **Community Engagement:**

Nil.

## **Strategic Direction:**

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

## **Relevant Legislation:**

Local Government Act 1993

## Financial Implications: Nil

## Attachments

**1.** <u>J</u> Action Item List Update - March 2025

LEISA BARTLETT EXECUTIVE OFFICER

JAY NANKIVELL GENERAL MANAGER

For Action	Division: Committee: Officer:	Ordinary Council		Date From:         1/02/20           Date To:         19/03/2	
Action Sheets Repor		ort Required: Including	Further Reports	Printed: Wednesday, 19 2025 11:05:51 AM	March
Meeting	Officer/Dire ctor	Section	Subject		
Ordinary Council 29/07/2020	Howard	Confidential Matters		ON TRUST LICENCE OF PART LOT 7315 EN HILL SPEEDWAY CLUB	DP
<u>Resolved</u>	00)				
1. That Broken H	ill City Council Re	port No. 105/20 date	ed July 1, 2020, be re	ceived.	
				art Lot 7315 in Deposited Plan 118 tension and associated access.	33447
3. That the lease	term be 25 years	and the annual rent	al be the minimum Cr	own Lands rental.	
	r and General Ma absence of a Tru		to sign and execute	any documents under the Commo	n Seal
				CARRIED UNANIM	OUSLY
12 Aug 2020 10:00am					
Solicitors are drawing u 17 Sep 2020 3:09pm E	Bartlett, Leisa	ent.			
Draft lease being finalis 16 Oct 2020 9:20am B					
Draft lease with Solicito	ors.				
10 Nov 2020 4:26pm E Licence is with the Brol		b for signature.			
30 Nov 2020 2:11pm B	Bartlett, Leisa	Ū			
Licence with Speedway 12 Feb 2021 10:04am	-				
Licence signed by all p	arties and is now with	the Minister for approval.			
18 Mar 2021 4:40pm E In progress.	Bartlett, Leisa				
<b>16 Apr 2021 10:42am</b> In progress.	Bartlett, Leisa				
12 May 2021 12:14pm In progress.	Bartlett, Leisa				
17 Jun 2021 4:55pm E Waiting on response fro		and Council.			
15 Jul 2021 12:15pm l	Bartlett, Leisa	al Aboriginal Land Counci	l.		
12 Aug 2021 3:04pm I	Bartlett, Leisa				
Council's Solicitor is av 15 Sep 2021 9:06am E		n the Local Aboriginal Lar			
Council staff following	up with Local Aborigina	al Land Council.			
14 Oct 2021 4:12pm E Awaiting response from		d Council.			
11 Nov 2021 9:02am E	Bartlett, Leisa				
Awaiting response from 16 Dec 2021 11:51am		Land Council.			
Awaiting response from	n Local Áboriginal Lan	d Council.			
18 Jan 2022 2:55pm E Awaiting response from		ncil			
15 Feb 2022 10:58am	Bartlett, Leisa				
Awaiting response from 23 Mar 2022 2:42pm E	~	ncil.			
No change in status.	Junieu, Leija				
19 May 2022 11:23am	Bartlett, Leisa				
No change in status. 22 Jun 2022 11:04am	Guerin, Emily				
No change in status 18 Jul 2022 3:07pm G					
No change in status					
24 Aug 2022 3:28pm I	Bartlett, Leisa				

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For Action	Division: Committee: Ordinary Council Officer:	Date From:         1/02/2019           Date To:         19/03/2025
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Wednesday, 19 March 2025 11:05:51 AM
No change in status.		
07 Sep 2022 3:24pm Guer Action reassigned to Masor	r <b>in, Emily - Reallocation</b> n, Michael by Guerin, Emily	
20 Sep 2022 12:16pm Gue		
No change in status.		
18 Oct 2022 9:36am Gueri	in, Emily Aboriginal Land Council. Further follow up with LALC to again occur.	
16 Nov 2022 8:25am Guer		
No change in status	,	
13 Dec 2022 8:56am Guer	in, Emily	
No change in status 17 Jan 2023 11:16am Gue	arin Emily	
No change in status	····, _····y	
13 Feb 2023 11:43am Gue	rin, Emily	
No change in status 21 Mar 2023 1:29pm Guer	in Fmilv	
No change in status	,,	
18 Apr 2023 11:20am Gue No change in status	rin, Emily	
23 May 2023 8:48am Butc	her. Lacev	
No change in status		
14 Jun 2023 11:34am Gue Action reassigned to Howar		
20 Jun 2023 8:49am Butcl		
No change in status		
22 Aug 2023 10:50am Fall No change in status	kner, Georgina	
20 Sep 2023 10:31am Hov	vard, Codie	
No change in status.		
11 Oct 2023 1:14pm Falkn No change in status.	ier, Georgina	
21 Nov 2023 2:24pm Falki	ner, Georgina	
No change in status.		
07 Dec 2023 10:40am Falk No change in status.	cner, Georgina	
19 Jan 2024 1:44pm Falkr	ner, Georgina	
No change in status. Follow		
21 Feb 2024 9:19am Butcl No change in status	her, Lacey	
20 Mar 2024 10:04am Falk	(ner, Georgina	
No change in status		
17 Apr 2024 10:22am Bute No change in status	cher, Lacey	
21 May 2024 3:16pm Falk	ner, Georgina	
No change in status.		
18 Jun 2024 3:13pm Falkr No change in status. Furth	er follow up correspondence sent.	
22 Jul 2024 1:13pm Murra	ıy, Jessica	
No change in status 21 Aug 2024 10:02am Fall	kner Georgina	
No change in status.	Mer, Georgina	
17 Oct 2024 12:08pm Mur	ray, Jessica	
No change in status 19 Nov 2024 2:02pm Guer	rin. Emily	
No change in status	····, -·····,	
10 Dec 2024 1:26pm Murr	ay, Jessica	
No change in status 08 Jan 2025 10:30am Gue	rin. Emily	
No change in status		
18 Feb 2025 1:29pm Guer	in, Emily	
No change in status 18 Mar 2025 11:18am Gue	erin. Emily	
No change in status	, ,	

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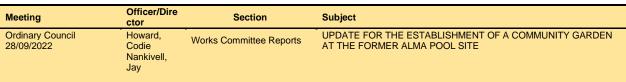
For Action	Division: Committee Officer:	: Ordinary Council		Date From: Date To:	1/02/2019 19/03/2025
Action Sheets Report		port Required: Including	Further Reports	Printed: Wedne 2025 11:05:5	esday, 19 March 1 AM
Meeting	Officer/Dire ctor	Section	Subject		
Ordinary Council 23/02/2022	Nankivell, Jay Nankivell, Jay	Confidential Matters	LEGAL EXPENDIT	JRE - CIVIC CENTRE OMBUDS	MAN'S REPORT
<u>Resolved</u>					
1. That Broken Hill (	City Council R	eport No. 54/22 datec	l February 15, 2022,	be received.	
		nvited to contact the A rt in the absence of C		vestigate the legality of the do so.	e expenditure to
				CARRIED	JNANIMOUSLY
19 May 2022 11:47am Ba No change in status. 20 Jul 2022 4:05pm Guer No change in status 24 Aug 2022 4:05pm Butt Awaiting advice from Audit 19 Sep 2022 11:32am Gu No change in status 21 Nov 2022 2:29pm Gue No change in status 07 Dec 2022 9:37am Gue Ongoing 17 Jan 2023 11:22am Gue Nothing further 14 Feb 2023 1:43pm Gue Ongoing 21 Mar 2023 3:19pm Gue Ongoing 23 May 2023 3:19pm Butt Ongoing 21 Jun 2023 4:39pm Butt Ongoing 21 Jun 2023 9:24am Guer No change in status	rtlett, Leisa rin, Emily cher, Lacey t Office erin, Emily erin, Emily erin, Emily erin, Emily rin, Emily rin, Emily cher, Lacey cher, Lacey	e to commence the investig	pation and the best course	e of action.	
22 Aug 2023 3:45pm But Ongoing 18 Jan 2024 8:41am But					
Ongoing 08 Feb 2024 4:45pm Buto Ongoing	cher, Lacey				
11 Mar 2024 11:49am But Ongoing 16 Apr 2024 1:56pm But					
16 Apr 2024 1:56pm Butc Ongoing 20 May 2024 4:08pm Butc					
Ongoing 18 Jun 2024 3:05pm Mur					
Ongoing 23 Jul 2024 1:00pm Murr	ay, Jessica				
Ongoing 21 Aug 2024 9:32am Mur Ongoing	ray, Jessica				
17 Oct 2024 12:08pm Mu Ongoing	rray, Jessica				
19 Nov 2024 12:11pm Mu Referring to OLG	ırray, Jessica				

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For Action	Division: Committee: Officer:	Ordinary Council		Date From:         1/02/2019           Date To:         19/03/2025
Action Sheets Report		rt Required: Including	Further Reports	Printed: Wednesday, 19 March 2025 11:05:51 AM
10 Dec 2024 1:28pm Murr No change in status 15 Jan 2025 9:41am Guer No change in status 21 Feb 2025 8:49am Bart No change in status 18 Mar 2025 2:38pm Guer No change in status	in, Emily ett, Leisa			
Meeting	Officer/Dire ctor	Section	Subject	
Ordinary Council 27/07/2022	Howard	Confidential Matters	WILLYAMA COMMON	I TRUST LEASE TO SILVER CITY ARCHERS
<u>Resolved</u>				
1. That Broken Hill C	City Council Rep	oort No. 167/22 date	ed June 22, 2022, be ro	eceived.
				se agreement with Silver City Archers, osited Plan 1200953).
3. That the rent rem	ain \$250 per an	inum.		
4. That in the absen the Common Sea		eal, the lease docum	ents be executed by t	he Mayor and General Manager under
				CARRIED UNANIMOUSLY
25 Aug 2022 1:02pm Butc Council's solicitors are prey 20 Sep 2022 11:29am Gue Continuing use as currently 18 Oct 2022 9:35am Guer Template being reviewed. ( 16 Nov 2022 8:26am Guer Lease under review 13 Dec 2022 8:56am Guer Draft lease sent to Silver C 17 Jan 2023 11:17am Gue No change in status 13 Feb 2023 11:44am Gue No change in status 21 Mar 2023 1:30pm Guer	paring the draft lease erin, Emily v arranged while ne in, Emily Current lease ongoi rin, Emily rin, Emily ity Archers for revie erin, Emily erin, Emily	w template is being revie ing	wed.	
Solicitors are making minor 18 Apr 2023 11:23am Gue Amendments made and lea 22 May 2023 3:50pm Butto	erin, Emily ase to be sent to Sil cher, Lacey		ew and signing	
lease is now with Council for 14 Jun 2023 11:33am Gue Action reassigned to Howa 20 Jun 2023 8:48am Butc	erin, Emily - Reallor rd, Codie by Guerir			
lease with Silver City Arche 22 Aug 2023 10:52am Fal	ers for signing kner, Georgina	ers. Lease has been sen	t to Crown Lands for Ministe	rial consent.
20 Sep 2023 10:40am Hov No change in status.				
11 Oct 2023 1:19pm Falkr Awaiting Ministerial conser 21 Nov 2023 2:25pm Falk Discussions ongoing with C 07 Dec 2023 10:41am Fall Discussions ongoing	nt. ner, Georgina Crown Lands.			
Discussions ongoing. 19 Jan 2024 1:45pm Falki No change in status.	ner, Georgina			

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For Action	Division: Committee: Ordinary Council	Date From:         1/02/2019           Date To:         19/03/2025
Action Sheets Report	Officer: Further Report Required: Including Further Reports	Printed: Wednesday, 19 March 2025 11:05:51 AM
21 Feb 2024 9:25am Butc	ner, Lacey	
No change in status		
20 Mar 2024 10:05am Fall		
	g discussed with Crown Lands	
17 Apr 2024 10:23am Bute No change in status	ther, Lacey	
21 May 2024 3:19pm Falk	per Georgina	
No change in status		
18 Jun 2024 3:18pm Falki	ner. Georgina	
	dvised that a licence would be preferable as opposed to a lease due to N	lative Title. Potential amendments being
discussed.		
22 Jul 2024 1:14pm Murra	y, Jessica	
No change in status		
21 Aug 2024 10:02am Fall Working through details of		
17 Oct 2024 12:11pm Mur	ray, Jessica	
No change in status		
19 Nov 2024 2:02pm Gue	in, Emily	
No change in status		
10 Dec 2024 1:27pm Murr Referred back to solicitors	ay, Jessica	
	rin Emily	
08 Jan 2025 10:29am Gue No change in status	rin, Enniy	
18 Feb 2025 1:28pm Guer	in Fmilv	
New draft licence issued	, <b>_</b> ,	
18 Mar 2025 11:17am Gue	rin, Emily	
Awaiting Silver City Archers		



#### **Resolved**

- 1. That Broken Hill City Council Report No. 202/22 dated September 9, 2022, be received.
- 2. That Council formulate a Community Gardens Policy with associated Guidelines for presentation to the community for input and consultation.

CARRIED	UNANI	NOUSLY
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No change in status 21 Nov 2022 2:51pm Guerin, Emily No change in status 13 Dec 2022 11:52am Guerin, Emily Policy currently being created. 16 Jan 2023 2:24pm Guerin, Emily No change in status 13 Feb 2023 2:08pm Guerin, Emily No change in status 23 Mar 2023 9:50am Guerin, Emily No change in status 19 Apr 2023 11:25am Guerin, Emily No change in status 23 May 2023 3:24pm Butcher, Lacey No change in status 21 Jun 2023 3:46pm Butcher, Lacey No change in status 23 Aug 2023 11:52am Howard, Codie No change in status 23 Aug 2023 10:40am Howard, Codie No change in status.	18 Oct 2022 9:31am Guerin, Emily
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<ul> <li>19 Apr 2023 11:25am Guerin, Emily No change in status</li> <li>23 May 2023 3:24pm Butcher, Lacey No change in status</li> <li>21 Jun 2023 3:46pm Butcher, Lacey No change in status</li> <li>23 Aug 2023 11:52am Howard, Codie No change in status</li> <li>20 Sep 2023 10:40am Howard, Codie</li> </ul>	23 Mar 2023 9:50am Guerin, Emily
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<ul> <li>21 Jun 2023 3:46pm Butcher, Lacey</li> <li>No change in status</li> <li>23 Aug 2023 11:52am Howard, Codie</li> <li>No change in status</li> <li>20 Sep 2023 10:40am Howard, Codie</li> </ul>	23 May 2023 3:24pm Butcher, Lacey
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23 Aug 2023 11:52am Howard, Codie No change in status 20 Sep 2023 10:40am Howard, Codie	21 Jun 2023 3:46pm Butcher, Lacey
No change in status 20 Sep 2023 10:40am Howard, Codie	No change in status
20 Sep 2023 10:40am Howard, Codie	23 Aug 2023 11:52am Howard, Codie
	No change in status
No change in status.	20 Sep 2023 10:40am Howard, Codie
	No change in status.

InfoCouncil

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For Action	Division: Committee: Ore Officer:	dinary Council	Date From: Date To:	1/02/2019 19/03/2025		
Action Sheets Report		ired: Including Further Reports		Printed: Wednesday, 19 March 2025 11:05:51 AM		
18 Oct 2023 8:43am Howa						
Draft Policy currently being 21 Nov 2023 12:04pm How Draft Policy preparation is o	ard, Codie					
12 Dec 2023 2:29pm Howa No change in Status						
23 Jan 2024 2:05pm Howa No change in status.						
20 Feb 2024 12:04pm Buto No change in status 20 Mar 2024 11:41am Buto	· •					
No change in status 17 Apr 2024 10:23am Buto	· ·					
No change in status 06 May 2024 10:26am Bute No change in status						
18 Jun 2024 11:51am How No change in status	ard, Codie					
24 Jul 2024 10:31am Murra No change in status						
21 Aug 2024 10:41am Mur No change in status						
17 Oct 2024 12:13pm Murr No change in status						
19 Nov 2024 2:02pm Guer No change in status 10 Dec 2024 1:28pm Murra	· •					
No change in status 15 Jan 2025 4:47pm Butch						
No change in status 18 Feb 2025 1:55pm Gueri No change in status						

Meeting	Officer/Dire ctor	Section	Subject
Ordinary Council 29/03/2023	Nankivell, Jay Nankivell, Jay	Policy And General Reports	ESTABLISHMENT BROKEN HILL TOURISM ORGANISATION
<u>Resolved</u>			
1. That Broken Hill C	City Council F	Report No. 49/23 dated Fe	ebruary 16, 2023, be received.
	•	velop a proposal and busi for the purposes of a tou	ness case to establish a member based not-for-profit rism organisation.
and proposed buc	lget, be pres	ented to Council for consi	required by the Office of Local Government, deliverables, ideration prior to being submitted to the Minister via the 358 of the Local Government Act 1993.
			CARRIED UNANIMOUSLY
19 Apr 2023 9:49am Guer Proposal being drafted	in, Emily		
23 May 2023 3:08pm Butc No change in status	her, Lacey		
23 May 2023 3:09pm Butc Action reassigned to Nanking			
21 Jun 2023 4:47pm Butc ongoing			
19 Jul 2023 9:20am Gueri No change in status	n, Emily		
22 Aug 2023 3:46pm Butc No change in status	her, Lacey		
12 Dec 2023 2:50pm Butc	her, Lacey		

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For Action	Division: Committee: Ordinary Council Officer:	Date From:         1/02/2019           Date To:         19/03/2025
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Wednesday, 19 March 2025 11:05:51 AM
No change in status		
18 Jan 2024 8:42am Butc	her, Lacey	
No change in status 07 Feb 2024 10:10am But	lahar Laanu	
No change in status	icher, Lacey	
11 Mar 2024 11:50am But	cher Lacev	
No change in status	later, Latey	
16 Apr 2024 1:56pm Butc	her. Lacev	
No change in status	·····,···,	
20 May 2024 4:09pm Bute	cher, Lacey	
No change in status		
18 Jun 2024 3:33pm Muri	ray, Jessica	
No change in status		
22 Jul 2024 11:33am Mur Ongoing	ray, Jessica	
22 Aug 2024 10:35am Mu Incorporated into Council's	rray, Jessica VIC Service Review, letter to Minister being drafted.	
18 Oct 2024 2:13pm Murr	ay, Jessica	
No change in status		
19 Nov 2024 12:11pm Mu	rray, Jessica	
No change in status		
11 Dec 2024 9:27am Murr No change in status	ray, Jessica	
<b>1</b>	in Failte	
15 Jan 2025 9:37am Guer No change in status	in, Enny	
18 Feb 2025 3:23pm Gue	rin Emily	
No change in status	·····, =····· <b>y</b>	
19 Mar 2025 9:45am Gue	rin. Emily	
No change in status		

Mee	eting	Officer/Dire ctor	Section	Subject
	inary Council 09/2023	Nu'man, Razija Nankivell, Jay	Further Reports	RE-ESTABLISHMENT OF ALCOHOL-FREE ZONES
Re	solved			
1.	That Broken Hill C	ity Council R	eport No. 190/23 date	ed September 8, 2023, be received.
2.			. , , ,	e-establish the Alcohol-Free Zone known as Creedon Street, s and footpath area of Creedon Street bounded by Rakow and
3.	including all public	roads and la	neways, public car p	e-establish the Alcohol-Free Zone known as Shell Memorial arks and footpaths in an area bounded by Iodide, Thomas, m Thomas Street through to Morgan Street.
4.	Memorial Oval, in	cluding public	. , ,	e-establish the Alcohol-Free Zone surrounding the E.T. Lamb , public car parks and footpath area surrounding the oval leson Streets.
5.	including all public Central and Hebb	roads and la ard Streets in	neways, public car pa cluding South Street	re-establish the Alcohol-Free Zone known as South Broken Hill arks and footpaths in an area bounded by Bonanza, Patton, from Piper Street through to Wilson Street; with extension za Street from Wilson Street to Picton Street.
6.	and Ministerial Guidentifiable Aborig	idelines (2009 inal or cultura stered clubs t	9) to any known orga Illy and linguistically c hat border on, adjoin	ordance with the provisions of the <i>Local Government Act 1993</i> nisation representing or able to speak on behalf of an diverse group within the local area and all affected licensed or are adjacent to the proposed alcohol free zone, for

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For Action	Division: Committee: Ordinary Council Officer:		Date From: Date To:	1/02/2019 19/03/2025
Action Sheets Report	Further Report Required: Includir	g Further Reports	Printed: Wedn 2025 11:05:5	esday, 19 March i1 AM
7. That Council invite response within th	public comment on the proposal	through an advertisement in	local newspaper v	with time for
	ort be submitted to Council upon o	completion of the consultative	e process.	
9. That a report be p	repared to a future Council meeti			pition of alcohol
	oporting crounds changeloom			
			CARRIED	UNANIMOUSL
exhibition u exemption f 16 Oct 2023 5:10pm Breal Item 9 - Possible exemptior Fox Sportin Corporate a	d to all stakeholders - COMPLETE, Item inderway consultation outcome report to C or Norm Fox Sporting Grounds changero ay, Jodie to the prohibition of alcohol consumption g Complex Alcohol Prohibited Area resea nd Community visited Norm Fox changer with Police. Meeting with Police to be ar	council to go to October Ordinary me om prohibition from alcohol prohibite at the Norm Fox Sporting Grounds rch underway to gather background oom and met with Peter Johnston to	eeting - COMPLETE, Ite ed area under investigat changeroom under inve l information for discuss o discuss area to be cor	em 9 - Possible tion - Progressing estigation - Norm ion with Police. Dir
Investigation still in progress 13 Dec 2023 9:24am Butcl No change in status 18 Jan 2024 3:31pm Butcl	ar, Lacey	2023, with face to face meeting to b	e arranged to discuss o	ptions in 2024
21 Feb 2024 10:58am Brea Face to face meeting to be 19 Mar 2024 11:03am Brea	scheduled with Licensing Sergeant			
No change in status 11 Apr 2024 9:27am Breal				
No change in status 13 May 2024 1:47pm Brea No change in status	ey, Jodie			
<b>18 Jun 2024 4:52pm Murra</b> Meeting to be followed up a				
16 Jul 2024 11:22am Brea Contact made with Barrier F	ey, Jodie Police District - Awaiting response from Lie	cencing Officer		
	Police District - Awaiting response from Lie	cencing Officer		
17 Oct 2024 1:53pm Breal Mapping and background in response	ey, Jodie formation forwarded to Barrier Police Dist	rict with request for feedback and p	referred meeting dates/	time - Awaiting
29 Nov 2024 11:17am Brea	nal request forwarded to police for meeti aley, Jodie			
06 Dec 2024 11:37am Brea Contact received from Barri	sponse from police regarding request for <b>Iley, Jodie</b> er Police Licencing Officer 05/12/2024 - N d background information previously forw	feeting scheduled for 08/01/2025 to	further discuss options	provided in
area at Nor	ley, Jodie vith Barrier Police Licensing Officer to dis n Fox Sporting Complex - Outcome of pro Proposal inclusive of Police feedback will	oposal discussion has been forward	led to Barrier Police Cor	
04 Feb 2025 4:04pm Breal Awaiting formal feedback fro Complex.	ey, Jodie om Barrier Police Commander regarding (	exemption of changerooms from Alc	ohol Prohibited Area at	Norm Fox Sportin
10 Mar 2025 2:03pm Breal	ey, Jodie nse from Barrier Police District			

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For Action	Division: Committee: Officer:	Ordinary Council		Date From: Date To:	1/02/2019 19/03/2025
Action Sheets Report		oort Required: Including Fu	urther Reports	Printed: Wedn 2025 11:05:5	esday, 19 March 51 AM
Meeting	Officer/Dire ctor	Section	Subject		
Ordinary Council 29/05/2024	Howard, Codie Nankivell, Jay	Health and Building Committee Reports	PLANNING PORTAL WO	DRKSHOP	
<u>Resolved</u>					
1. That Motions of V	Vhich Notice h	as been Given No. 1/24	4 dated May 16, 2024,	be received.	
	d other interest	nmittee invite the Gener ted parties to discuss th		pment Applications (	
				ONINITED	
18 Jun 2024 4:39pm Mur In Progress	ray, Jessica				
22 Jul 2024 1:16pm Murr Draft EOI in progress and		orkshop content			
21 Aug 2024 11:24am Mu	irray, Jessica				
Consultations sessions wit 17 Oct 2024 1:33pm Murr		Iderway			
In progress 19 Nov 2024 2:05pm Gue	rin Fmilv				
No change in status	· •				
05 Dec 2024 10:04am Ste No change in status. Inform		ered to ascertain suitable con	tent for workshop		
15 Jan 2025 2:59pm Gue					
No change in status 18 Feb 2025 1:56pm Gue	rin Emily				
No change in status	, <b>L</b> y				
18 Mar 2025 11:17am Gu No change in status	erin, Emily				

Meeting	Officer/Dire ctor	Section	Subject
Ordinary Council 30/10/2024	Howard, Codie Nankivell, Jay	Further Reports	HISTORIC TRAM CARRIAGE
Resolved			
1. That Broken Hill C	ity Council R	Report No. 167/24 dated C	October 11, 2024, be received.
	•	authorised to undertake r	negotiations with relevant local parties for the transfer/loan
			CARRIED UNANIMOUSLY
15 Jan 2025 4:44pm Butch Heritage Conservation Rep	ay, Jessica a Sulphide Stree ner, Lacey ort and Action re id Council's wor in, Emily discuss works		Advisor. Meeting now to be schedules with Sulphide Street Railway assembling relevant parts for their display.
		e railway museum - COMPLETE	

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For Action	Division: Committee Officer:	: Ordinary Council		Date From: Date To:	1/02/2019 19/03/2025
Action Sheets Re	port Further Re	port Required: Including	g Further Reports	Printed: Wedne 2025 11:05:5	esday, 19 March 1 AM
Meeting	Officer/Dire ctor	Section	Subject		
Ordinary Council 30/10/2024	Howard, Codie Nankivell, Jay	Further Reports		JLSORY ACQUISITION OF LC 57298 (123 BAGOT STREET)	
<u>Resolved</u>					
1. That Broke	n Hill City Council F	Report No. 166/24 dat	ed October 16, 2024, I	be received.	
757298, kr	cil approve the com nown as 123 Bagot , classify the land a	Street, Broken Hill, p	f approximately 4048 s ursuant to the <i>Local G</i>	quare metres being Lot 4 overnment Act 1993, and	1444 on DP I upon
3. That Counc	il register acquisitio	on plans against Lot 4	444 DP 757298.		
Acquisition		and Acquisition (Just		l Government to issue a ) Act 1991 (NSW) for Co	
Notice in the	ne NSW Governme		Land Acquisition (Just	V for the publication of ar Terms Compensation) A	
notices, do		ensation claims requi		lise and execute any ap part of the process for C	
	ocuments which ma Seal of Council.	ly not be executed by	the General Manager	under delegation be exe	cuted under the
8. That all doc	cumentation in relat	ion to this matter remain	ain confidential to Cou	ncil.	
				CARRIED	UNANIMOUSL
No change in statu	iter m Murray, Jessica s m Butcher, Lacey s m Guerin, Emily vice				
18 Mar 2025 11:17 Awaiting legal advid					

Meeting	ctor	Section	Subject			
Ordinary Council 18/12/2024	Howard, Codie Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST LICENCE AND EASEMENT TO ESSENTIAL ENERGY			
Resolved						
1. That Broken Hill City Council Report No. 211/24 dated December 4, 2024, be received.						
· · · · · · · · · · · · · · · · · · ·	<ol> <li>That Council (as the Willyama Common Trust) consent to a licence over Lot 7302 DP 1181129 to Essential Energy, for the purpose of construction, operation, and maintenance of underground powerlines.</li> </ol>					

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For Action	Division: Committee:	Ordinary Cou	ıncil	Date From: Date To:	1/02/2019 19/03/2025
Action Sheets Report	Officer: Further Report	t <b>Required:</b> In	cluding Further Reports	Printed: Wednes 2025 11:05:51	
<ol> <li>over Lot 7302 D</li> <li>That the annual</li> <li>That the Genera</li> <li>That the Mayor</li> </ol>	P 1181129. rent be set at \$1,2 al Manager be dele	230 per annu egated to fina ager be autho	m. lise the terms and conditi	ectricity infrastructure being r ons of the licence and easer	nent.
				CARRIED UI	NANIMOUSLY
08 Jan 2025 10:29am G In progress of finalising d 18 Feb 2025 1:28pm Gu Draft documents being re 18 Mar 2025 11:16am G Documents with Essentia	locuments erin, Emily eviewed uerin, Emily al Energy for signing				
Meeting	Officer/Dire ctor	Section	Subject		4070 101
Ordinary Council 29/01/2025	Howard, Fu Codie Fu Nankivell, Jay	irther Reports		PULSORY ACQUISITION OF LOT 1757298 AND LOT 1373 IN DEPO:	
Resolved					
2. That Council co	mpulsorily acquire	Lot 1378 in I		be received. nd Lot 1373 in Deposited Pla	ın 757298,
3. That the acquisi and Section 186	of the Local Gov	n in accordan ernment Act	ce with the Land Acquisit	<i>ion (Just Terms Compensati</i> the proposed acquisition bei	
Acquisition Notion	ce under the Land	l Acquisition (	Just Terms Compensation	cal Government to issue a Pr n) Act 1991 (NSW) for Coun n Deposited Plan 757298.	
Notice in the NS	W Government G	azette under	the Land Acquisition (Jus	W for the publication of an A at Terms Compensation) Act nd Lot 1373 in Deposited Pla	1991 (NSW)
6. That Council reg 757298.	gister acquisition p	olans against	Lot 1378 in Deposited Pla	n 757298 and Lot 1373 in D	eposited Plan
notices, docume	ents and compens	ation claims r		nalise and execute any appli s part of the process for Cou peposited Plan 757298.	
				CARRIED UI	NANIMOUSLY
18 Feb 2025 1:27pm Gu Preparing documentatior 18 Mar 2025 11:16am G Application to Minister be	uerin, Emily				

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For Action	Division: Committee Officer:	: Ordinary Council		Date From: Date To:	1/02/2019 19/03/2025
Action Sheets Report		port Required: Including Fu	rther Reports	Printed: Wedn 2025 11:05:5	esday, 19 March 51 AM
Meeting	Officer/Dire ctor	Section	Subject		
Ordinary Council 29/01/2025	Manuel, Darrin Nankivell, Jay	Further Reports	TOWN SQUARE - LOCATION MEMORIAL	I OF THE WOMEN'S	MINING
<u>Resolved</u>					
1. That Broken Hill C	City Council R	Report No. 5/25 dated Ja	nuary 22, 2025, be receive	ed.	
		ults of the public survey, einstatement of the Wor	advertised from 3 Decemb nen's Mining Memorial.	er 2024 to 20 Jar	nuary 2025,
<ol> <li>That Council cons on the results of p</li> </ol>			's Mining Memorial at the E	Broken Hill Town	Square based
			he project's consultant, to a next meeting date of Wedr		
				CARRIED	UNANIMOUSLY
18 Feb 2025 2:04pm Guer Report going to February 2 18 Mar 2025 11:15am Gue Action completed - refer to	025 Meeting erin, Emily	nstallation			
Meeting	Officer/Dire	Section	Subject		
Meeting Ordinary Council 29/01/2025	Officer/Dire ctor Brown, Simon Nankivell, Jay	Section Further Reports	Subject BROKEN HILL REGIONAL AC REINVESTMENT PROPOSAL		ROFIT SHARE
Ordinary Council	ctor Brown, Simon Nankivell,	-	BROKEN HILL REGIONAL AC		ROFIT SHARE
Ordinary Council 29/01/2025 Resolved	ctor Brown, Simon Nankivell, Jay	Further Reports	BROKEN HILL REGIONAL AC	-	ROFIT SHARE
Ordinary Council 29/01/2025 Resolved 1. That Broken Hill C 2. That Council appr the Broken Hill Re with the exception	ctor Brown, Simon Nankivell, Jay City Council R rove the alloc egional Aquat	Further Reports Report No. 10/25 dated J ation of \$102,000 fundin tic Centre Management J f the Maari Ma Health Pr	BROKEN HILL REGIONAL AG REINVESTMENT PROPOSAL	- red. the profit share a s of the proposal is deferred until t	arrangement of in this report, he
Ordinary Council 29/01/2025 Resolved 1. That Broken Hill C 2. That Council appr the Broken Hill Re with the exception	ctor Brown, Simon Nankivell, Jay City Council R rove the alloc egional Aquat	Further Reports Report No. 10/25 dated J ation of \$102,000 fundin tic Centre Management J f the Maari Ma Health Pr	BROKEN HILL REGIONAL AC REINVESTMENT PROPOSAL anuary 22, 2025, be receiv g held by the Y NSW from Agreement for the purpose rogram (of \$43,000) which	red. the profit share a s of the proposal is deferred until t approved by Cou	arrangement of in this report, he
Ordinary Council 29/01/2025 Resolved 1. That Broken Hill C 2. That Council appr the Broken Hill Re with the exception	ctor Brown, Simon Nankivell, Jay City Council R rove the alloc egional Aquat of funding o Jnderstandin	Further Reports Report No. 10/25 dated J ation of \$102,000 fundin tic Centre Management J f the Maari Ma Health Pr	BROKEN HILL REGIONAL AC REINVESTMENT PROPOSAL anuary 22, 2025, be receiv g held by the Y NSW from Agreement for the purpose rogram (of \$43,000) which	red. the profit share a s of the proposal is deferred until t approved by Cou	arrangement of in this report, he Incil.
Ordinary Council 29/01/2025 Resolved 1. That Broken Hill C 2. That Council appr the Broken Hill Re with the exception Memorandum of C 19 Feb 2025 12:41pm Gue Documents being reviewed 19 Mar 2025 9:05am Guer No change in status	ctor Brown, Simon Nankivell, Jay City Council R rove the alloc egional Aquat of funding o Jnderstandin	Further Reports Report No. 10/25 dated J ation of \$102,000 fundin tic Centre Management <i>J</i> f the Maari Ma Health Pr g between the YMCA ar	BROKEN HILL REGIONAL AG REINVESTMENT PROPOSAL anuary 22, 2025, be receiv g held by the Y NSW from Agreement for the purpose ogram (of \$43,000) which id Maari Ma is viewed and	red. the profit share a s of the proposal is deferred until t approved by Cou	arrangement of in this report, he Incil.
Ordinary Council 29/01/2025 Resolved 1. That Broken Hill C 2. That Council appr the Broken Hill Re with the exceptior Memorandum of C 19 Feb 2025 12:41pm Gue Documents being reviewed 19 Mar 2025 9:05am Guer	ctor Brown, Simon Nankivell, Jay City Council R rove the alloc egional Aquat of funding o Understandin	Further Reports Report No. 10/25 dated J ration of \$102,000 fundin tic Centre Management <i>J</i> of the Maari Ma Health Pi g between the YMCA ar Section	BROKEN HILL REGIONAL AC REINVESTMENT PROPOSAL anuary 22, 2025, be receiv g held by the Y NSW from Agreement for the purpose rogram (of \$43,000) which id Maari Ma is viewed and Subject	red. the profit share a s of the proposal is deferred until t approved by Cou	arrangement of in this report, he Incil.
Ordinary Council 29/01/2025 Resolved 1. That Broken Hill C 2. That Council appr the Broken Hill Re with the exception Memorandum of C 19 Feb 2025 12:41pm Gue Documents being reviewed 19 Mar 2025 9:05am Guer No change in status Meeting	ctor Brown, Simon Nankivell, Jay City Council R rove the alloc egional Aquat of funding o Jnderstandin erin, Emily in, Emily Officer/Dire ctor	Further Reports Report No. 10/25 dated J ation of \$102,000 fundin tic Centre Management <i>J</i> f the Maari Ma Health Pr g between the YMCA ar	BROKEN HILL REGIONAL AG REINVESTMENT PROPOSAL anuary 22, 2025, be receiv g held by the Y NSW from Agreement for the purpose ogram (of \$43,000) which id Maari Ma is viewed and	red. the profit share a s of the proposal is deferred until t approved by Cou	arrangement of in this report, he Incil.
Ordinary Council 29/01/2025 Resolved 1. That Broken Hill C 2. That Council appr the Broken Hill Re with the exception Memorandum of C 19 Feb 2025 12:41pm Gue Documents being reviewed 19 Mar 2025 9:05am Guer No change in status Meeting Ordinary Council	ctor Brown, Simon Nankivell, Jay City Council R ove the alloc egional Aquat of funding o Jnderstandin erin, Emily in, Emily Officer/Dire ctor Howard, Codie Nankivell,	Further Reports Report No. 10/25 dated J ration of \$102,000 fundin tic Centre Management <i>J</i> of the Maari Ma Health Pi g between the YMCA ar Section	BROKEN HILL REGIONAL AC REINVESTMENT PROPOSAL anuary 22, 2025, be receiv g held by the Y NSW from Agreement for the purpose rogram (of \$43,000) which id Maari Ma is viewed and Subject	red. the profit share a s of the proposal is deferred until t approved by Cou	arrangement of in this report, he Incil.

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For Action	Division: Committee: Ordinary Officer:	Council	Date From: Date To:	1/02/2019 19/03/2025
Action Sheets Report	Further Report Required:	Including Further Reports	Printed: Wedr 2025 11:05:	nesday, 19 March 51 AM
delineate parking 18 Feb 2025 1:53pm Guer Quote received via contrac	spaces, as part of the tria			ane Street to
19 Mar 2025 10:00am Gue Works scheduled to be con	erin, Emily npleted by the end of the month			
Meeting	Officer/Dire Sec	tion Subject		
Ordinary Council 29/01/2025	Bartlett, Leisa Further Repor Nankivell, Jay	s AIRFARE ZON	DENCE REPORT - INTRODUCTION NE CAP SUBSIDY FOR RETURN FL REGIONAL AND REMOTE LOCAT	LIGHTS BETWEEN
Resolved				
<ul> <li>forwarded to Couland noted.</li> <li>That reply corresp Airfare Zone Cap</li> <li>That further corre the introduction of Australia; that the workers (such as to regional and re</li> <li>That the corresponse to regional and re</li> <li>That the corresponse to regional and re</li> <li>That the corresponse to regional and re</li> <li>That a Council de Minister for Regional to The Hon Jenny A</li> </ul>	ncil by Mr Roy Butler MP), pondence dated 17 Decen (RAZC) scheme, be recei spondence be sent to rele f a Regional Airfare Zone re is a need for such a scl Teachers, Doctors, Nurse mote locations. ndence refers to the Fede ing, and that if the NSW g nger numbers on all regio legation consisting of the nal NSW The Hon Tara M itchison MP, to discuss the	regarding the Regional A nber 2024, from the Hon T ved and noted. vant Ministers reiterating Cap scheme; that the sch neme for disadvantaged n s, Childcare providers, Er ral Government's \$50M to overnment introduced a F nal flights would also assi Mayor and General Mana loriarty MLC and the NSW e introduction of a Region	Jenny Aitchison MP to Mr Roy Airfare Zone Cap (RAZC) schu Fara Moriarty MLC, regarding the benefits to regional and re- eme is operating successfully nembers of the community; a mergency Services personnel o secure Regional Express A Regional Airfare Zone Cap sci ist Regional Express Airlines	eme, be receive the Regional emote NSW wit y in Western nd to entice key l etc) to relocate irlines' debt to heme, an to become more with the NSW port and Roads and to discuss
	t this will provide the City			UNANIMOUSL
Roads, The Mr Roy Bu Minister for 19 March 2025 11:10am G Separate meetings organis	e Hon Mark Coulton MP, Federa e Hon Jo Haylen MP, Minister fo tler, Member for Barwon. Meetin Regional Transport and Roads <b>Guerin, Emily</b>	Transport, The Hon Tara Moria gs with Ministers requested - Mo on 27 March 2025. n MP, Minister for Regional Trar	Jenny Aitchison MP, Minister for Rea arty, Minister for Regional NSW and eeting confirmed with The Hon Jenny asport and Roads and NSW Minister	Western NSW and y Aitchison MP,

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For Action	Division: Committee: Officer:	Ordinary Council		Date From: Date To:	1/02/2019 19/03/2025
Action Sheets Report		rt Required: Including	Further Reports	Printed: Wedne 2025 11:05:5	esday, 19 March 1 AM
Meeting	Officer/Dire ctor	Section	Subject		
Ordinary Council 29/01/2025	Brown, F Simon F Nankivell, Jay	urther Reports	DRAFT PROPOSED L	ICENCE OF ALMA INSTITU	ΓE
<u>Resolved</u>					
1. That Broken Hill (	City Council Rep	oort No. 8/25 dated J	lanuary 17, 2025, be r	eceived.	
		osed use of the Alma ed nil submissions fr		on public exhibition for a	1 28 days period
the Alma Institute	e to the Broken H	Hill Country Women's	s Association, with the	andard Crown Lands Lic view to obtaining Minis o the Fred Jobson Com	terial Consent
4. That the Mayor a Common Seal of		nager be authorised	to sign and execute the	e licence documents un	der the
					UNANIMOUSLY
Licence documents being 19 Mar 2025 9:06am Gue No change in status	prepared	Section	Subject		
Licence documents being in 19 Mar 2025 9:06am Guer No change in status Meeting Ordinary Council	prepared rin, Emily Officer/Dire ctor	Section Reports from Delegates	DEPUTY MAYOR HIC	KEYS ATTENDANCE AT AU D REGIONAL CAPITALS IN (	
Licence documents being i 19 Mar 2025 9:06am Guer No change in status Meeting Ordinary Council 26/02/2025	prepared rin, Emily Officer/Dire ctor Bartlett, R Leisa R Nankivell,		DEPUTY MAYOR HIC CITIES ALLIANCE AN		
Licence documents being in 19 Mar 2025 9:06am Guer No change in status Meeting Ordinary Council 26/02/2025 Resolved	prepared rin, Emily Officer/Dire ctor Bartlett, Leisa Nankivell, Jay	teports from Delegates	DEPUTY MAYOR HIC CITIES ALLIANCE AN	D REGIONAL CAPITALS IN (	
Licence documents being in 19 Mar 2025 9:06am Guern No change in status  Meeting Ordinary Council 26/02/2025  Resolved 1. That Reports from 2. That corresponded Local Governmer	prepared rin, Emily Officer/Dire ctor Bartlett, Leisa R Nankivell, Jay n Delegates No. ence be sent to f nt, The Hon Catl buncil has been	eports from Delegates . 1/25 dated Februar the Federal Minister herine King MP (as 0 unsuccessful in rece	DEPUTY MAYOR HIC CITIES ALLIANCE AN FEBRUARY 2025 y 18, 2025, be receive for Infrastructure, Trar Council's delegates col	D REGIONAL CAPITALS IN (	CANBERRA, 10-12 pment and Canberra) to
Licence documents being in 19 Mar 2025 9:06am Guern No change in status  Meeting  Ordinary Council 26/02/2025  Resolved  1. That Reports from  2. That corresponded Local Governmer advise of how Co feedback for future  3. That corresponded that Tibooburra, N day Rural/Remote	prepared rin, Emily Officer/Dire ctor Bartlett, Leisa Nankivell, Jay n Delegates No. ence be sent to f nt, The Hon Cati buncil has been re grant applicat ence be sent to f Milparinka, Pack e Workplace Pro	the Federal Minister knows from Delegates the Federal Minister herine King MP (as 0 unsuccessful in rece tions. the Federal Minister saddle and Pooncar ogram due Tiboobur	DEPUTY MAYOR HIC CITIES ALLIANCE AN FEBRUARY 2025 y 18, 2025, be receive for Infrastructure, Trar Council's delegates col iving grant funding to u for Immigration, The H ie are ineligible to accor ra, Milparinka and Pac	d. d. hsport, Regional Develo uld not meet with her in	CANBERRA, 10-12 pment and Canberra) to vay and seeking MP advising s under the 88- Hill's postcode
<ol> <li>That corresponde Local Governmer advise of how Co feedback for futur</li> <li>That corresponde that Tibooburra, I day Rural/Remote</li> </ol>	prepared rin, Emily Officer/Dire ctor Bartlett, Leisa Nankivell, Jay n Delegates No. ence be sent to f nt, The Hon Cati buncil has been re grant applicat ence be sent to f Milparinka, Pack e Workplace Pro	the Federal Minister knows from Delegates the Federal Minister herine King MP (as 0 unsuccessful in rece tions. the Federal Minister saddle and Pooncar ogram due Tiboobur	DEPUTY MAYOR HIC CITIES ALLIANCE AN FEBRUARY 2025 y 18, 2025, be receive for Infrastructure, Trar Council's delegates col iving grant funding to u for Immigration, The H ie are ineligible to accor ra, Milparinka and Pac	D REGIONAL CAPITALS IN d. hsport, Regional Develo uld not meet with her in upgrade the Airport runv lon Matt Thistlethwaite I ess backpacker workers ksaddle having Broken sinesses in these remot	CANBERRA, 10-12 pment and Canberra) to vay and seeking MP advising s under the 88- Hill's postcode

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For Action	Division: Committee: Officer:	Ordinary Council		Date From: Date To:	1/02/2019 19/03/2025
Action Sheets Report	Further Repo	rt Required: Including Fu	Irther Reports	Printed: Wedne 2025 11:05:51	esday, 19 March I AM
Meeting	Officer/Dire ctor	Section	Subject		
26/02/2025	Bartlett, F Leisa F Nankivell, Jay	urther Reports	CORRESPONDENCE REPO	ORT - REGIONAL EXPF	RESS AIRLINES
<u>Resolved</u>					
1. That Broken Hill City	y Council Rep	oort No. 30/25 dated F	ebruary 12, 2025, be rece	eived.	
2. That email correspondence of the correspo		d 6 January 2025 from	the Federal Member for	Parkes, Mr Mark C	oulton MP, be
			n the Local Member for Ba be received and noted.	arwon, Mr Roy Butle	er's office
			Federal Minister for Regic P, be received and noted		Local
			Federal Minister for Infras ne King MP, be received		, Regional
6. That correspondence Jenny Aitchison MP			the Minister for Regional	Transport and Roa	ds, the Hon
commitment to prov regional routes oper \$50 million of debt f	vide up to \$80 rating during a from Rex's lar	million in loan financi an extended voluntary gest creditors. This a	Leader of the Opposition ng to the Administrators of administration process to ction demonstrates that th gional communities in Aus	of Rex Airlines to ke o 30 June 2025 and he Government ack	ep the airline's to also acquire
18 Mar 2025 11:12am Guerin				CARRIED	JNANIMOUSLY
Correspondence sent - COMF	PLETE				
Meeting	Officer/Dire ctor	Section	Subject		
26/02/2025 I	Bartlett, R Leisa R Nankivell, Jay	eports from Delegates	VERBAL DELEGATES REP ATTENDANCE AT THE REC IN SYDNEY, 20 FEBRUARY	GIONAL CITIES NSW B	
Resolved					
<ol> <li>That correspondence as to whether the Si grant application in</li> <li>That correspondence unsuccessful on a n advising of a letter of Council's advocacy</li> </ol>	ce be sent to t tate Governm Round 1 and ce be sent to t number of occ of support pro for funding; a	ent gave their suppor 2 of the Government's the Premier of NSW, T asions in receiving gra vided by 16 regional 0	Transport, The Hon John t and endorsement to the s Growing Regions Progra The Hon Chris Minns MP, ant funding to upgrade the Councils of the NSW Regi dence seeks a letter of su	Federal Governme am. advising of how Co e Broken Hill Airpor ional Cities Associa	ent for Council's ouncil has been t runway; and tion towards

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For Action	Division: Committee Officer:	: Ordinary Council		Date From: Date To:	1/02/2019 19/03/2025
Action Sheets Report		port Required: Including	g Further Reports	Printed: Wedn 2025 11:05:5	esday, 19 March 1 AM
18 Mar 2025 11:10am Gu Correspondence sent - CC					
Meeting	Officer/Dire ctor	Section	Subject		
Ordinary Council 26/02/2025	Bartlett, Leisa Nankivell, Jay	Further Reports	ADDITIONAL FUNDING 22 MARCH 2025	G FOR THE PERFECT LIGH	IT FILM FESTIVAL
Resolved					
1. That Broken Hill (	City Council F	Report No. 33/25 date	d February 19, 2025, be	e received.	
2. That Council write	es to the NSV	V Minister for Night-tin	ne Economy, The Hon J	John Graham MLC, to s	seek grant

 That Council writes to the NSW Minister for Night-time Economy, The Hon John Graham MLC, to seek grant funding support (of either \$15,000 to Film Festivals Australia for the Perfect Light Film Festival to be held in Sturt Park as originally planned, or \$10,000 for the Festival to be held at the Civic Centre).

3. That, should government grant funding not be available, Council will provide additional funding of \$10,000 to Film Festivals Australia in order that the Perfect Light Film Festival can be held at the Civic Centre on 22 March 2025.

CARRIED UNANIMOUSLY

18 Mar 2025 11:11am Guerin, Emily Correspondence sent - COMPLETE

Meeting	Officer/Dire ctor	Section	Subject
Ordinary Council 26/02/2025	Bartlett, Leisa	Further Reports	CORRESPONDENCE REPORT - QUARANTINE OF FUNDS FOR COBALT BLUE HOLDINGS LTD TRANSITION TO CRITICAL MINERALS BATERY RECYCLING PROJECT
	Nankivell, Jay		
Resolved			
1. That Broken Hill C	City Council F	Report No. 29/25 dated Ja	anuary 10, 2025, be received.
2. That reply corresp MP, be received a		ted 9 January 2025, from	the Federal Member for Parkes, The Hon Mark Coulton
			egional New South Wales, The Hon Tara Moriarty MLC bruary 2025), be received and noted.
explaining that Co and the Nation, it mineral prices rise increases, this wo	balt Blue's p will also deliv so does the uld be a cha	roposed critical minerals ver a 30% profit margin or profit value). As the den	I New South Wales, The Hon Tara Moriarty MLC battery recycling project will not only be a first for the State in the recycling process of the critical minerals (and as nand for recycling of lithium/black mass batteries ment to support a regional centre to be a leader in critical prunities in the region.
			CARRIED UNANIMOUSLY
18 Mar 2025 11:12am Gue Correspondence sent - COI			

Meeting	Officer/Dire ctor	Section	Subject
Ordinary Council 26/02/2025	Bartlett, Leisa Nankivell, Jay	Further Reports	MATTER OF URGENCY - TAFE NSW
Resolved			

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For Action	Division: Committee: Officer:	Ordinary Co	ouncil	Date From:         1/02/2019           Date To:         19/03/2025
Action Sheets Report		rt Required: I	ncluding Further Reports	Printed: Wednesday, 19 March 2025 11:05:51 AM
Education, The H counterpart Shad decommission an immediately and t That the correspo Annexe including employing more f state at the Broke remote campuses business but profi to training.	es to the NSW F on Steve Whan ow Ministers an d remove 12 La that the machine andence also re- staffing and pro- ull-time teacher an Hill TAFE; Th s of the State as itable in their investigable in their investigable.	Premier, The MP; The Mir ad the Member athes and 4 m es be reconn quests that T protion of co rs at Broken H hat TAFE NSN is they should vestment in the sted for the M	Hon Chris Minns MP; the Minis hister for Education and Early L er for Barwon, Mr Roy Butler M hilling machines from the Broke ected and recommissioned. AFE NSW do a thorough inves urses and running of training p Hill and look at running block tra <i>N</i> change their policy of minimu be regarded as an educational	
				CARRIED UNANIMOUSLY
18 Mar 2025 11:11am Gue Meeting held 11 March 202		e sent - COMPL	ETE	
Meeting	Officer/Dire	Section	n Subject	
Ordinary Council 26/02/2025	<u>ctor</u> Howard, F Codie F Nankivell, Jay	urther Reports	MINUTES OF THE LOC	AL TRAFFIC COMMITTEE - MEETING RSDAY, 13 FEBRUARY 2025
<u>Resolved</u>				
<ol> <li>That the minutes 13 February 2025</li> <li>That Item No.454</li> <li>That correspondent of the minutes of</li></ol>	of the Local Tra be endorsed. .10.3 recommendation	affic Committe ndation be re It to the respo al Traffic Com	ondent, acknowledging receipt on mittee at their next scheduled	
Traffic Comm	ondence be sen ittee will review	t to the respo the tempora	ondent, acknowledging receipt of	of their concerns and advise the Local reet at their next scheduled meeting t project.

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	Division:	Date From:	1/02/2019
For Action	Committee: Ordinary Council	Date To:	19/03/2025
	Officer:		
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Wedn	esday, 19 March
-		2025 11:05:5	1 AM

## CARRIED UNANIMOUSLY

18 Mar 2025 11:27am Guerin, Emily Items being actioned

Meeting	Officer/Dire	Section	Subject
Ordinary Council 26/02/2025	ctor Howard, Codie Nankivell, Jay	Further Reports	FOOD ORGANICS AND GARDEN ORGANICS (FOGO) LEGISLATION
<u>Resolved</u>			
1. That Broken Hil	I City Council F	Report No. 32/25 dated I	February 18, 2025, be received.
2. That NSW EPA	proposal pape	r on Food and Garden (	Drganics legislation mandates, be received and noted.
3. That Council's f and noted.	eedback subm	ission dated 5 July 2024	to the NSW Environment Protection Authority, be received
		Prebruary from the Loca s (FOGO) legislation, be	al Member for Barwon, Mr Roy Butler MP regarding the Food e received and noted.
5. That correspon	dence is sent to	the relevant Minister a	dvising that Council has been conducting bi-weekly
collection of gre being a weekly	en waste for m requirement or		Incils should be able to meet the FOGO legislation without it to Councils (cost for additional staff and fleet), especially if
collection of gre being a weekly	en waste for m requirement or	a large financial impact	Incils should be able to meet the FOGO legislation without it to Councils (cost for additional staff and fleet), especially if
collection of gre being a weekly there is no oppo	een waste for m requirement or ortunity for the o ouerin, Emily	a large financial impact	uncils should be able to meet the FOGO legislation without it to Councils (cost for additional staff and fleet), especially if by a specific Council.
collection of gre being a weekly there is no oppo	een waste for m requirement or ortunity for the o ouerin, Emily	a large financial impact	uncils should be able to meet the FOGO legislation without it to Councils (cost for additional staff and fleet), especially if by a specific Council.
collection of gre being a weekly there is no oppo	een waste for m requirement or ortunity for the o Guerin, Emily drafted Officer/Dire	a large financial impact	uncils should be able to meet the FOGO legislation without it to Councils (cost for additional staff and fleet), especially if by a specific Council.
collection of gre being a weekly there is no opport 18 Mar 2025 11:19am C Correspondence being o	een waste for m requirement or ortunity for the o Guerin, Emily drafted	a large financial impact	uncils should be able to meet the FOGO legislation without it to Councils (cost for additional staff and fleet), especially if by a specific Council. CARRIED UNANIMOUSLY
collection of gre being a weekly there is no opport 18 Mar 2025 11:19am C Correspondence being of Meeting Ordinary Council	een waste for m requirement or ortunity for the o suerin, Emily drafted Officer/Dire ctor Howard, Codie Nankivell,	a large financial impact and use of this material Section	Incils should be able to meet the FOGO legislation without it to Councils (cost for additional staff and fleet), especially if by a specific Council. CARRIED UNANIMOUSLY Subject TOWN SQUARE - LOCATION OF THE WOMEN'S MINING
collection of gre being a weekly there is no opport 18 Mar 2025 11:19am C Correspondence being c Meeting Ordinary Council 26/02/2025 Resolved	een waste for m requirement or ortunity for the o Guerin, Emily drafted Officer/Dire ctor Howard, Codie Nankivell, Jay	a large financial impact and use of this material Section Infrastructure and Environment Committee Reports	Incils should be able to meet the FOGO legislation without it to Councils (cost for additional staff and fleet), especially if by a specific Council. CARRIED UNANIMOUSLY Subject TOWN SQUARE - LOCATION OF THE WOMEN'S MINING
collection of gre being a weekly there is no opport 18 Mar 2025 11:19am Contrespondence being of Meeting Ordinary Council 26/02/2025 Resolved 1. That Broken Hill 2. That Council co	een waste for m requirement or ortunity for the o Guerin, Emily drafted Officer/Dire ctor Howard, Codie Nankivell, Jay	a large financial impact and use of this material Section Infrastructure and Environment Committee Reports Report No. 18/25 dated I	Incils should be able to meet the FOGO legislation without it to Councils (cost for additional staff and fleet), especially if by a specific Council. CARRIED UNANIMOUSLY Subject TOWN SQUARE - LOCATION OF THE WOMEN'S MINING MEMORIAL February 10, 2025, be received. advertised from 30 January 2025 to 10 February 2025,

CARRIED UNANIMOUSLY

19 Mar 2025 9:41am Guerin, Emily Awaiting footing design from consultant

InfoCouncil

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For Action	Division: Committee	: Ordinary Council		Date From:         1/02/2019           Date To:         19/03/2025
Action Sheets Report	Officer: Further Re	port Required: Including Fi	urther Reports	Printed: Wednesday, 19 March 2025 11:05:51 AM
Meeting	Officer/Dire ctor	Section	Subject	
Ordinary Council 26/02/2025	Howard, Codie Nankivell, Jay	Infrastructure and Environment Committee Reports		) SUSTAINABLE MATERIALS STRATEGY 2025 ABILITY STRATEGY 2025-2030 FOR PUBLIC
Resolved				
1. That Broken Hill	City Council R	eport No. 20/25 dated F	February 10, 2025, I	pe received.
2. That Council end 2030 for the purp			terials Strategy 202	5-2035 and Sustainability Strategy 202
		le Materials Strategy 20 sions to be received for		nability Strategy 2025-2030 be placed
				de pop-up community consultation unity Strategic Plan Consultation.
	nges arising, v	vith a view to adopting the		eriod, detailing submission and inable Materials Strategy 2025-2035
				CARRIED UNANIMOUS
18 Mar 2025 11:09am Gu	erin Emily			
Strategies placed on public		ng 29 March 2025		
	Officer/Dire	Section	Subject	
Meeting Ordinary Council		Section Community Development Reports	DISABILITY INCLUS	ION ACTION PLAN 2022-2026 - KEY DICATORS PROGRESS REPORT FOR PERIOE BER 2024
Meeting Ordinary Council 26/02/2025	Officer/Dire ctor Nu'man, Razija Nankivell,	Community Development	DISABILITY INCLUS	DICATORS PROGRESS REPORT FOR PERIOD
Meeting Ordinary Council 26/02/2025 Resolved	Officer/Dire ctor Nu'man, Razija Nankivell, Jay	Community Development	DISABILITY INCLUS PERFORMANCE IN ENDING 31 DECEM	DICATORS PROGRESS REPORT FOR PERIOE BER 2024
Meeting Ordinary Council 26/02/2025 <u>Resolved</u> 1. That Broken Hill (	Officer/Dire ctor Nu'man, Razija Nankivell, Jay City Council R	Community Development Reports Report No. 22/25 dated J / Inclusion Action Plan 2	DISABILITY INCLUS PERFORMANCE IN ENDING 31 DECEM January 30, 2025, b	DICATORS PROGRESS REPORT FOR PERIOE BER 2024
Meeting Ordinary Council 26/02/2025 Resolved 1. That Broken Hill ( 2. That Council note the reporting peri 3. That the Disability	Officer/Dire ctor Nu'man, Razija Nankivell, Jay City Council R e the Disability od ending 31 y Inclusion Ac	Community Development Reports Report No. 22/25 dated / Inclusion Action Plan 2 December 2024.	DISABILITY INCLUS PERFORMANCE IN ENDING 31 DECEM January 30, 2025, b 2022-2026 –Key Pe Key Performance In	DICATORS PROGRESS REPORT FOR PERIOE BER 2024 e received. rformance Indicators Progress Report fo dicators Progress Report for the
Meeting Ordinary Council 26/02/2025 Resolved 1. That Broken Hill ( 2. That Council note the reporting peri 3. That the Disability	Officer/Dire ctor Nu'man, Razija Nankivell, Jay City Council R e the Disability od ending 31 y Inclusion Ac	Community Development Reports Report No. 22/25 dated / Inclusion Action Plan 2 December 2024. tion Plan 2022-2026 – F	DISABILITY INCLUS PERFORMANCE IN ENDING 31 DECEM January 30, 2025, b 2022-2026 –Key Pe Key Performance In	DICATORS PROGRESS REPORT FOR PERIOE BER 2024 e received. rformance Indicators Progress Report fo dicators Progress Report for the
Meeting Ordinary Council 26/02/2025 Resolved 1. That Broken Hill ( 2. That Council note the reporting peri 3. That the Disability	Officer/Dire ctor Nu'man, Razija Nankivell, Jay City Council R e the Disability od ending 31 y Inclusion Ac ending 31 Dec	Community Development Reports Report No. 22/25 dated / Inclusion Action Plan 2 December 2024.	DISABILITY INCLUS PERFORMANCE IN ENDING 31 DECEM January 30, 2025, b 2022-2026 –Key Pe Key Performance In	DICATORS PROGRESS REPORT FOR PERIOE BER 2024 formance Indicators Progress Report for dicators Progress Report for the e.
Meeting Ordinary Council 26/02/2025 Resolved 1. That Broken Hill ( 2. That Council note the reporting peri 3. That the Disability reporting period of 10 Mar 2025 2:05pm Brea	Officer/Dire ctor Nu'man, Razija Nankivell, Jay City Council R e the Disability od ending 31 y Inclusion Ac ending 31 Dec	Community Development Reports Report No. 22/25 dated / Inclusion Action Plan 2 December 2024. tion Plan 2022-2026 – H cember 2024 be placed	DISABILITY INCLUS PERFORMANCE IN ENDING 31 DECEM January 30, 2025, b 2022-2026 –Key Pe Key Performance In	DICATORS PROGRESS REPORT FOR PERIOE BER 2024 formance Indicators Progress Report for dicators Progress Report for the e.
Meeting Ordinary Council 26/02/2025 Resolved 1. That Broken Hill ( 2. That Council note the reporting peri 3. That the Disability reporting period of 10 Mar 2025 2:05pm Brea DIAP Progress report place	Officer/Dire ctor Nu'man, Razija Nankivell, Jay City Council R e the Disability od ending 31 y Inclusion Ac ending 31 Dec aley, Jodie ed on Council we	Community Development Reports Report No. 22/25 dated / Inclusion Action Plan 2 December 2024. tion Plan 2022-2026 – H cember 2024 be placed	DISABILITY INCLUS PERFORMANCE IN ENDING 31 DECEM January 30, 2025, b 2022-2026 –Key Pe Key Performance In	DICATORS PROGRESS REPORT FOR PERIOE BER 2024 formance Indicators Progress Report for dicators Progress Report for the e.
Meeting Ordinary Council 26/02/2025 Resolved 1. That Broken Hill ( 2. That Council note the reporting peri 3. That the Disability reporting period of	Officer/Dire ctor Nu'man, Razija Nankivell, Jay City Council R e the Disability od ending 31 y Inclusion Ac ending 31 Dec aley, Jodie ed on Council we Officer/Dire ctor Nu'man, Razija Nankivell,	Community Development Reports Report No. 22/25 dated / Inclusion Action Plan 2 December 2024. tion Plan 2022-2026 – H ember 2024 be placed	DISABILITY INCLUS PERFORMANCE IN ENDING 31 DECEM January 30, 2025, b 2022-2026 –Key Pe Cey Performance In on Council's websit Subject TEMPORARY SUSF	DICATORS PROGRESS REPORT FOR PERIOE BER 2024 formance Indicators Progress Report for dicators Progress Report for the e.
Meeting Ordinary Council 26/02/2025  Resolved  1. That Broken Hill G  2. That Council note the reporting peri  3. That the Disability reporting period e  10 Mar 2025 2:05pm Breat DIAP Progress report place Meeting Ordinary Council	Officer/Dire ctor Nu'man, Razija Nankivell, Jay City Council R e the Disability od ending 31 y Inclusion Ac ending 31 Dec aley, Jodie ed on Council we Officer/Dire ctor Nu'man, Razija	Community Development Reports Report No. 22/25 dated . / Inclusion Action Plan 2 December 2024. tion Plan 2022-2026 – H cember 2024 be placed ebsite - COMPLETE Section Community Development	DISABILITY INCLUS PERFORMANCE IN ENDING 31 DECEM January 30, 2025, b 2022-2026 –Key Pe Cey Performance In on Council's websit Subject TEMPORARY SUSF	DICATORS PROGRESS REPORT FOR PERIOD BER 2024 e received. fformance Indicators Progress Report for dicators Progress Report for the e. CARRIED UNANIMOUSL
Meeting         Ordinary Council         26/02/2025         Resolved         1. That Broken Hill (         2. That Council note the reporting period of         3. That the Disability reporting period of         10 Mar 2025 2:05pm Bread DIAP Progress report place         Meeting         Ordinary Council         26/02/2025         Resolved	Officer/Dire ctor Nu'man, Razija Nankivell, Jay City Council R e the Disability od ending 31 y Inclusion Ac ending 31 Dec aley, Jodie ed on Council we Officer/Dire ctor Nu'man, Razija Nankivell, Jay	Community Development Reports Report No. 22/25 dated . / Inclusion Action Plan 2 December 2024. tion Plan 2022-2026 – H cember 2024 be placed ebsite - COMPLETE Section Community Development	DISABILITY INCLUS PERFORMANCE IN ENDING 31 DECEM January 30, 2025, b 2022-2026 –Key Pe Cey Performance In on Council's websit Subject TEMPORARY SUSF PERFECT LIGHT FI	DICATORS PROGRESS REPORT FOR PERIO BER 2024 e received. rformance Indicators Progress Report dicators Progress Report for the e. CARRIED UNANIMOUS

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	Committee Officer:	: Ordinary Council		Date From: Date To:	1/02/2019 19/03/2025
ction Sheets Report		port Required: Including Fu	irther Reports	Printed: Wedne 2025 11:05:5	esday, 19 March 1 AM
prohibition of the Act 1993, on Satu That the tempora advised to the pu the suspension o	consumption urday, 22 Mar ry suspensior blic by way of nly applies to	of alcohol in a portion of ch 2025 from 6pm to 9.3 n on the prohibition of the advertisement in the loo the VIP Marquee area;	Sturt Park, under Se 30pm for the Perfect e consumption of alc cal newspaper. That and that the consum	ohol in a portion of Sturt the advertisement also ption of alcohol will rema	I Government Park be confirms that ain prohibited
	Manager be a	authorised to implement	-	in Broken Hill will remain advertising processes c	
. That the Barrier L	.ocal Area Co	mmand be advised of C	ouncil's decision.		
				CARRIED	UNANIMOUSL
0 Mar 2025 4:54pm Brea FZ Temporary suspensio occur CC	n approval sent t	o applicant - Applicant advise	d temporary suspension n	o longer required, therefore a	dvertising will not
leeting	Officer/Dire ctor	Section	Subject		
ordinary Council 6/02/2025	Bartlett, Leisa Nankivell, Jay	Community Development Reports	ADOPTION OF THE D MANAGEMENT POLIC	DRAFT OUTBACK ARCHIVE ( CY	COLLECTION
Resolved					
	City Council R	eport No. 21/25 dated J	anuary 8, 2025, be r	eceived.	
. That Broken Hill (	es that one (1)	submission was receiv		eceived. exhibition of the Draft O	utback Archive
<ol> <li>That Broken Hill (</li> <li>That Council note Collection Manag</li> <li>That due to the si</li> </ol>	es that one (1) jement Policy ubmission rec a collecting a	e submission was receiv weived, Council has mad area and have amended	ed during the public of earnendments to the		nental and
<ol> <li>That Broken Hill ( 2. That Council note Collection Manag</li> <li>That due to the sinatural history' as be considered in</li> <li>That Council ado</li> </ol>	es that one (1) Jement Policy. Jubmission rec a collecting a Special circun pts the Draft (	e submission was receiv eived, Council has mad area and have amended nstances. Dutback Archive Collecti	ed during the public e e amendments to the methods of acquisit on Management Poli	exhibition of the Draft O	nental and erm loans may to clarify that a
<ol> <li>That Broken Hill ( 2. That Council note Collection Manag</li> <li>That due to the sinatural history' as be considered in</li> <li>That Council ado Council resolution</li> </ol>	es that one (1) Jement Policy. Jubmission rec a collecting a special circun pts the Draft ( n must be sou	e submission was receiv eived, Council has mad area and have amended nstances. Dutback Archive Collecti	ed during the public e e amendments to the methods of acquisit on Management Poli eing taken to purcha	exhibition of the Draft O e policy to add 'environn ion to include that long t icy with an amendment	nental and erm loans may to clarify that a
<ul> <li>That Broken Hill ( Collection Manage)</li> <li>That due to the sinatural history' as be considered in</li> <li>That Council ado Council resolution</li> </ul>	es that one (1) Jement Policy. Jubmission rec a collecting a special circun pts the Draft ( n must be sou	e submission was receiv every devel, Council has mad area and have amended nstances. Dutback Archive Collecti ght prior to any action b	ed during the public e e amendments to the methods of acquisit on Management Poli eing taken to purcha	exhibition of the Draft O e policy to add 'environm ion to include that long t icy with an amendment se an archive collection.	nental and erm loans may to clarify that a
<ol> <li>That Broken Hill ( 2. That Council note Collection Manag</li> <li>That due to the sinatural history' as be considered in</li> <li>That Council ado Council resolution</li> <li>That the previous</li> <li>8 Mar 2025 11:08am Gue</li> </ol>	es that one (1) Jement Policy. Jubmission rec a collecting a special circun pts the Draft ( n must be sou coutback Arc	e submission was receiv every devel, Council has mad area and have amended nstances. Dutback Archive Collecti ght prior to any action b	ed during the public e e amendments to the methods of acquisit on Management Poli eing taken to purcha	exhibition of the Draft O e policy to add 'environm ion to include that long t icy with an amendment se an archive collection.	nental and erm loans may to clarify that a
<ol> <li>That Council note Collection Manag</li> <li>That due to the sinatural history' as be considered in</li> <li>That Council ado Council resolution</li> </ol>	es that one (1) jement Policy. ubmission rec a collecting a special circun pts the Draft ( n must be sou contract be sou of Outback Arc	e submission was receiv every devel, Council has mad area and have amended nstances. Dutback Archive Collecti ght prior to any action b	ed during the public e e amendments to the methods of acquisit on Management Poli eing taken to purcha	exhibition of the Draft O e policy to add 'environm ion to include that long t icy with an amendment se an archive collection.	nental and erm loans may to clarify that a
<ol> <li>That Broken Hill ( Collection Manage Collection Manage)</li> <li>That due to the sinatural history' as be considered in</li> <li>That Council ado Council resolution</li> <li>That the previous</li> <li>Mar 2025 11:08am Gue Policy adoption process contents</li> </ol>	es that one (1) gement Policy. ubmission rec s a collecting a special circun pts the Draft ( n must be sou coutback Arc outback Arc erin, Emily ompleted	eived, Council has mad area and have amended nstances. Dutback Archive Collecti ght prior to any action b hives Policy be rendered	ed during the public of e amendments to the methods of acquisit on Management Poli eing taken to purcha d obsolete.	exhibition of the Draft O e policy to add 'environm ion to include that long t icy with an amendment se an archive collection. CARRIED I	nental and form loans may to clarify that a UNANIMOUSL
That Broken Hill (     That Council note Collection Manag     That due to the sinatural history' as be considered in     That Council ado Council resolution     That the previous     Mar 2025 11:08am Gue     Colicy adoption process co	es that one (1) gement Policy. ubmission rec s a collecting a special circun pts the Draft ( n must be sou coutback Arc erin, Emily ompleted	e submission was received, Council has mad area and have amended nstances. Dutback Archive Collecti ght prior to any action b hives Policy be rendered	ed during the public of e amendments to the methods of acquisit on Management Poli eing taken to purcha d obsolete.	exhibition of the Draft O e policy to add 'environm ion to include that long t icy with an amendment se an archive collection.	nental and term loans may to clarify that a UNANIMOUSL
	es that one (1) gement Policy. ubmission rec s a collecting a special circun pts the Draft ( n must be sou s Outback Arc outback Arc erin, Emily ompleted Officer/Dire ctor Nu'man, Razija Nankivell, Jay	e submission was received, Council has mad area and have amended astances. Dutback Archive Collecti ght prior to any action b hives Policy be rendered <u>Section</u> Finance and Governance Reports	ed during the public of e amendments to the methods of acquisit on Management Poli eing taken to purcha d obsolete.	exhibition of the Draft O e policy to add 'environm ion to include that long t icy with an amendment se an archive collection. CARRIED I THE APPOINTMENT OF COM TO SECTION 355 COMMITT	nental and form loans may to clarify that a UNANIMOUSL
	es that one (1) gement Policy. ubmission rec s a collecting a special circum pts the Draft ( n must be sou s Outback Arc outback Arc erin, Emily ompleted Officer/Dire ctor Nu'man, Razija Nankivell, Jay	eived, Council has mad area and have amended astances. Dutback Archive Collecti ght prior to any action b hives Policy be rendered <u>Section</u> Finance and Governance Reports	ed during the public of e amendments to the i methods of acquisit on Management Poli eing taken to purcha d obsolete. Subject NOMINATIONS FOR REPRESENTATIVES	exhibition of the Draft O e policy to add 'environm ion to include that long t icy with an amendment se an archive collection. CARRIED I THE APPOINTMENT OF COM TO SECTION 355 COMMITT	nental and term loans may to clarify that a UNANIMOUSL

	Division: Committee:	Ordinary	Council		Date From: Date To:	1/02/2019 19/03/2025
Action Sheets Report	Officer: Further Repo	ort Required:	Including Fu	ther Reports	Printed: Wedr 2025 11:05:	nesday, 19 March 51 AM
the Ageing Well	Advisory Comr	mittee		lith Parr for appointmen than Fell for appointmer		
the Youth Adviso	ory Community	Committee				Jesentative on
5. That the commu						
				g closes on 21 February ominations received.	2025 and a further	r report will be
					CARRIED	UNANIMOUSLY
18 Mar 2025 11:24am Gu						
Correspondence sent - CC	Officer/Dire					
Meeting	ctor	Secti	ion			
Ordinary Council 26/02/2025		Finance and Go Reports	overnance	COUNCILLOR ATTENDAN GOVERNMENT ASSOCIA HELD IN CANBERRA FRC	TION'S NATIONAL GEN	
Resolved	ouy					
I. That Broken Hill (	City Council Re	eport No. 24/	25 dated F	ebruary 11, 2025, be re	ceived.	
dated 10 Februar Council is no long	y 2025 that, du ger eligible to s nt Association's	ue to Council submit motior	's recent re	nce from the Australian I signation from the NSW or second motions, or t embly; however, Council	/ Local Governmen o vote on motions a	t Association, at the Australian
dated 10 Februar Council is no long Local Governmer attend the Assem 3. That Council doe	y 2025 that, du ger eligible to s ht Association's hbly. s not send dele oportunity arise	ue to Council ubmit motior s National Ge egates to the es, Council s	's recent re ns, to move eneral Asse National G ends deleg	signation from the NSW or second motions, or t	/ Local Governmen o vote on motions a 's delegates are sti held in Canberra fro	t Association, at the Australian Il eligible to om 24-27 June
<ul> <li>dated 10 Februar Council is no long Local Governmer attend the Assem</li> <li>3. That Council doe 2025, but if the op National General</li> <li>4. That corresponde difference betwee member of the St</li> </ul>	y 2025 that, du ger eligible to s at Association's ably. s not send dele portunity arise Assembly duri ence be sent to en ALGA Board rate Local Gove /) can be a men	ue to Council ubmit motior s National Ge egates to the es, Council s ing these dat the Australia d Members a ernment Ass mber of the <i>i</i>	's recent re ns, to move eneral Asse National G ends deleg res. an Local G ind Confere ociation) ar ALGA Boar	signation from the NSW or second motions, or t mbly; however, Council ates to Canberra to mee overnment Association s once attendees of a non ind how an individual Cou d and vote on Board ma	/ Local Governmen o vote on motions a 's delegates are sti held in Canberra fro et with Ministers sep seeking clarification -voting Council (duo uncillor of a non-vo	t Association, at the Australian II eligible to om 24-27 June parate to the e on the e to not being a ting Council
<ul> <li>dated 10 Februar Council is no long Local Governmer attend the Assem</li> <li>3. That Council doe 2025, but if the op National General</li> <li>4. That corresponde difference betwee member of the St (Councillor Turley)</li> </ul>	y 2025 that, du ger eligible to s at Association's ably. s not send dele portunity arise Assembly duri ence be sent to en ALGA Board rate Local Gove /) can be a men	ue to Council ubmit motior s National Ge egates to the es, Council s ing these dat the Australia d Members a ernment Ass mber of the <i>i</i>	's recent re ns, to move eneral Asse National G ends deleg res. an Local G ind Confere ociation) ar ALGA Boar	signation from the NSW or second motions, or t mbly; however, Council ates to Canberra to mee overnment Association s once attendees of a non ind how an individual Cou d and vote on Board ma	/ Local Governmen o vote on motions a 's delegates are sti held in Canberra fro et with Ministers sep seeking clarification -voting Council (duo uncillor of a non-vo tters, but Councillo	t Association, at the Australian II eligible to om 24-27 June parate to the e on the e to not being a ting Council irs cannot vote
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dated 10 Februar Council is no long Local Governmer attend the Assem 3. That Council doe 2025, but if the op National General 4. That corresponde difference betwee member of the St (Councillor Turley on conference man 17 Mar 2025 3:59pm Gue Correspondence sent - CC	y 2025 that, du ger eligible to s int Association's ibly. s not send dele portunity arise Assembly duri ence be sent to en ALGA Board atte Local Gove () can be a men atters at the Na rin, Emily DMPLETE	ue to Council submit motior s National Ge egates to the es, Council s ing these dat the Australia d Members a ernment Ass mber of the <i>J</i> ational Gener	's recent re ns, to move eneral Asse National G ends deleg res. an Local G nd Confere ociation) ar ALGA Boar ral Assemb	signation from the NSW or second motions, or t embly; however, Council eneral Assembly to be ates to Canberra to mee overnment Association s ence attendees of a non ad how an individual Cou d and vote on Board ma ly.	/ Local Governmen o vote on motions a 's delegates are sti held in Canberra fro et with Ministers sep seeking clarification -voting Council (duo uncillor of a non-vo tters, but Councillo	t Association, at the Australian Il eligible to om 24-27 June parate to the e on the e to not being a ting Council
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For Action	Division: Committee:	Ordinary Council	Date Fr Date To	-,,
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# **CONFIDENTIAL MATTERS**

## 1. <u>TENDER REPORT NO. 2/25 - DATED MARCH 19, 2025 - TENDER Q24/45</u> <u>SUPPLIER AGREEMENT FOR SECURITY SERVICES - CONFIDENTIAL</u>

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

2. BROKEN HILL CITY COUNCIL REPORT NO. 38/25 - DATED FEBRUARY 20, 2025 -MULGA CREEK WETLANDS LICENCE WITH DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER FOR CONDUCTING DUST MONITORING - CONFIDENTIAL

(**General Manager's Note**: This report considers Licence Agreement 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).



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