
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 28, 2024

Meeting commenced at 6:30pm.

PRESENT:

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

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

Media (2), Members of the Public (5).

APOLOGIES:

Nil.

LEAVE OF ABSENCE

APPLICATIONS:

1) Councillor A. Chandler submitted a Leave of Absence Application for this
meeting, for a reason as prescribed by Council's Code of Meeting Practice.

RESOLUTION

Minute No. 47456 - Procedural Motion

Deputy Mayor J Hickey moved)

Councillor H Jewitt seconded)

Resolved

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

CARRIED UNANIMOUSLY

PRAYER

Councillor Boland delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

ACKNOWLEDGEMENT OF BROKEN HILL'S MINING HISTORY

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

PUBLIC FORUM

Civic Centre Litigation

*Mr Bob Coulls asked if the legal matter regarding the Redevelopment of the Civic Centre had been
finalised and if details would be released to the public.*

The Mayor advised that the litigation action against the Architect, AJ&C, had settled but that the legal
dispute with Council's previous legal representative is still occurring and once complete, a report
regarding the legal costs of the Civic Centre Redevelopment litigation will be released.

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Council's Tender for the Redevelopment of the EP O'Neil Netball Courts

As a member of the Broken Hill Netball Association was present in the public gallery, the Mayor invited the General Manager to provide an update on the redevelopment of the EP O'Neil Netball Courts.

The General Manager advised that Council is considering a confidential report at tonight's Council Meeting to award the tender for stage 1 of the EP O'Neil Park Redevelopment Plan which includes the refurbishment of the EP O'Neil Park Netball Courts from 10 courts to 12, new fencing and lights, and carpark upgrade to improve stormwater drainage in the carpark area.

Unfortunately, due to the current inflation costs, the planned works to connect the Netball Courts to the Norm Fox Oval will not be undertaken at this stage but will be budgeted to be included in stage 2 of the project.

The Director Infrastructure and Environment advised that initial works on the project could commence within the next 3-4 weeks and be completed by approximately September/October 2024. Delaying the commencement of the project could see costs escalate beyond Council's allocated budget, and thus delay the project further. The Director Infrastructure and Environment advised that Council will work with the Netball Association to seek a suitable arrangement for this year's Netball season.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 47457

Councillor M Browne moved)
Councillor H Jewitt seconded)

Resolved

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

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Mr Jay Nankivell, General Manager declared:

- a pecuniary interest in Confidential Report No. 27/24 being the subject of litigation and advised that he will leave the Council Chambers whilst the item is considered.

MAYORAL MINUTES

Nil.

NOTICES OF MOTION

Nil.

REPORTS FROM DELEGATES

Nil.

COMMITTEE REPORTS

WORKS COMMITTEE

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 14/24 - DATED FEBRUARY 09, 2024 -
CORRESPONDENCE REPORT - SEALING OF THE WILANGEE ROAD FOR THE MUNDI
MUNDI BASH**

D24/7417

RESOLUTION

Minute No. 47458

Councillor M Boland moved)

Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 14/24 dated February 9, 2024, be received.
2. That reply correspondence from the Minister for Regional Transport and Roads, the Hon Jenny Aitchison MP, regarding the sealing of the Wilangee Road for the Mundi Mundi Bash be received and noted.
3. That reply correspondence from the Member for Barwon, Mr Roy Butler MP, regarding the sealing of the Wilangee Road for the Mundi Mundi Bash be received and noted.

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4. That further correspondence be sent to the Premier, Minister for Tourism and Chair of Destination NSW Country and Outback outlining the importance of the sealing of the Wilangee Road for the Mundi Mundi Bash and the economic prosperity of Broken Hill and the surrounding region.

CARRIED UNANIMOUSLY

**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 15/24 - DATED FEBRUARY 01, 2024 -
DRAFT REVISED WASTE SERVICES POLICY FOR PUBLIC EXHIBITION** D24/5210

RESOLUTION

Minute No. 47459

Councillor R Algate moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 15/24 dated February 1, 2024, be received.
2. That Council endorse the draft revised Waste Services Policy for the purpose of public exhibition.
3. That the draft revised Waste Services Policy be placed on public exhibition for a period of 28 days for public comment.
4. That, at the conclusion of the public exhibition period, a report be presented to Council detailing submissions received and any recommended amendments arising, with a view to adopting the draft revised Waste Services Policy; and if adopted, the 2015 Waste Services Policy will be rendered obsolete.

CARRIED UNANIMOUSLY

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 16/24 - DATED FEBRUARY 07, 2024 -
BUDGET REQUEST - QUARTER 2 - AIRPORT FIRE SYSTEM PIPE REPLACEMENT &
HYDRANTS PROJECT** D24/6900

RESOLUTION

Minute No. 47460

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 16/24 dated February 7, 2024, be received.
2. That Council approves a budget allocation for an Airport Fire System Pipe Replacement and Hydrants Project under Quarter 2, financial year 2023/24 due to the current system approaching the end of its operable lifecycle.

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3. That Council approve a total budget for this project at \$1,214,394 (ex GST) with \$264,394 (ex GST) allocated for financial year 2023/24 and \$950,000 (ex GST) allocated for financial year 2024/25.

CARRIED UNANIMOUSLY

ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 17/24 - DATED FEBRUARY 01, 2024 - REQUEST FOR FINANCIAL ASSISTANCE TOWARDS THE 2024 WASTE 2 ART PROGRAM AND COMPETITION D24/5325

RESOLUTION

Minute No. 47461

Councillor H Jewitt moved)

Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 17/24 dated February 1, 2024, be received.
2. That Council approves a one-off \$3,000.00 grant to the Broken Hill Art Exchange towards the organisation of the 2024 Waste 2 Art Program and Competition.
3. That the funding be facilitated via Council's Community Assistance Grants Program (with funding sourced from Council's Waste and Sustainability budget and included in the Quarterly Budget Review); and the Broken Hill Art Exchange complies with all conditions of the Community Assistance Grants Program in the administration of the grant.
 - a) That the Broken Hill Art Exchange be advised of the process to apply in future years to Council's Community Assistance Grants funding towards the Waste 2 Art Program and Competition.

CARRIED UNANIMOUSLY

HEALTH AND BUILDING COMMITTEE

ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 13/24 - DATED DECEMBER 13, 2023 - BROKEN HILL LEAD REFERENCE GROUP - MINUTES OF MEETING HELD 23 NOVEMBER 2023 D23/67682

RESOLUTION

Minute No. 47462

Councillor M Browne moved)

Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 13/24 dated December 13, 2023, be received.

CARRIED UNANIMOUSLY

POLICY AND GENERAL COMMITTEE

ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 20/24 - DATED FEBRUARY 06, 2024 - COUNCILLOR ATTENDANCE AT THE 2024 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT TO BE HELD IN CANBERRA ON 2 - 4 JULY 2024 D24/5821

RESOLUTION

Minute No. 47463

Councillor R Algate moved)
Councillor R Page seconded)

Resolved

1. That Broken Hill City Council Report No. 20/24 dated February 6, 2024, be received.
2. That Councillors Gallagher and Boland represent Council at the 2024 National General Assembly of Local Government in Canberra, 2 - 4 July 2024 and the 2024 Australian Council of Local Government (ACLG) following the Assembly on 5 July 2024 (along with the Mayor, Deputy Mayor, Councillors Algate, Browne, Chandler and the General Manager as previously resolved (Minute No. 47445)).

CARRIED UNANIMOUSLY

ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 18/24 - DATED FEBRUARY 02, 2024 - QUARTERLY BUDGET REVIEW STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2023 D24/5476

RESOLUTION

Minute No. 47464

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 18/24 dated February 2, 2024, be received.
2. That the 2nd Quarterly Budget Review Statement and recommendations be adopted.
3. That Council note the projected 2023/24 operating surplus (before capital) of \$26,000.
4. That Council note the 2023/24 projected net capital budget expenditure of \$32,080,000.

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5. That Council continues to advocate for the reintroduction of Resources for Regions funding for regional mining cities.

CARRIED UNANIMOUSLY

ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 19/24 - DATED FEBRUARY 09, 2024 - INVESTMENT REPORT FOR JANUARY 2024 D24/7402

RESOLUTION

Minute No. 47465

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 19/24 dated February 9, 2024, be received.
2. That Council's Finance Team be congratulated on their management of Council's investment portfolio.

CARRIED UNANIMOUSLY

FURTHER REPORTS

ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 21/24 - DATED FEBRUARY 06, 2024 - 2024 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS D24/5819

RESOLUTION

Minute No. 47466

Councillor D Turley moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 21/24 dated February 6, 2024, be received.
2. That Council approves the following motions, the subject of which were approved at the 31 January 2024 Council Meeting Minute No. 47446:
 - **Introduction of regional news licence requirements for metropolitan television broadcasters across the country**
Motion: That this National General Assembly calls on the Australian Government to introduce television broadcasting licence conditions that require metropolitan broadcasters to produce regional news programs.

- **The impact of cost shifting onto Local Councils**

Motion: That this National General Assembly calls on the Australian Government to acknowledge the impact of cost shifting of government services/revenue collection onto Local Government.

That this National General Assembly calls on the Australian Government and the State Governments where applicable to remove the following cost shifting items from Local Government in order that Councils can survive financially and can continue to provide essential services to their communities and carry out local infrastructure upgrades, namely:

- Request the State Governments to remove the requirement for Councils to collect the Emergency Services Levy.
- Request the State Governments remove the requirement for Councils to collect the Waste Levy.
- Request the State Governments to reinstate the reimbursement to Councils for the mandatory pensioner rate rebates.
- Request the State Governments to reinstate the 50% funding of the cost of Library operations to Councils as originally committed.
- That Federal and State Government reassume responsibility for construction of houses and accommodation for essential workers and population expansion.

- **The Federal Government's freeze to the indexation of Financial Assistance Grant funding and its impact on Local Councils**

Motion: That this National General Assembly calls on the Australian Government to inject the financial assistance grants program with the income that was lost during the indexation freeze that occurred between 2015 and 2017; and ensures that

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ongoing indexation of Financial Assistance Grants continues into the future in order for Councils to become more financially sustainable and can continue to provide consistent level of services and infrastructure to their communities.

3. That motions be submitted to the Australian Local Government Association by March 29, 2024 along with a copy of the supporting Council resolution.

CARRIED UNANIMOUSLY

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 22/24 - DATED FEBRUARY 19, 2024 - 2022-2026 DELIVERY PROGRAM KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2023, INCLUSIVE OF OPERATIONAL PLAN 2023/2024 OUTCOMES D24/8929

RESOLUTION

Minute No. 47467

Councillor M Browne moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 22/24 dated February 19, 2024, be received.
2. That Council receive the 2022-2026 Delivery Program inclusive of 2023/2024 Operational Plan outcomes Key Performance Indicators Progress Report for period ending 31 December 2023.
3. That the 2022-2026 Delivery Program inclusive of 2023/2024 Operational Plan outcomes Key Performance Indicators Progress Report for period ending 31 December 2023 be placed on Council's website.

CARRIED UNANIMOUSLY

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 23/24 - DATED FEBRUARY 20, 2024 - BROKEN HILL LIBRARY PROJECT - SUBMISSION OF CAPITAL EXPENDITURE REPORT TO THE NSW OFFICE OF LOCAL GOVERNMENT D24/8960

RESOLUTION

Minute No. 47468

Councillor M Boland moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 23/24 dated February 20, 2024, be received.
2. That council receive report titled 'Capital Expenditure Review - Broken Hill Library - NSW Office of Local Government' prepared under the reporting guidelines under the NSW Office of Local Government for capital projects over \$10 million in forecasted project costs.

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3. That council approve submission of the report to the NSW Office of Local Government.

CARRIED UNANIMOUSLY

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 24/24 - DATED FEBRUARY 21, 2024 - REVIEW OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE CHARTER D24/9300

RESOLUTION

Minute No. 47469

Councillor R Algate moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 24/24 dated February 21, 2024, be received.
2. That the Broken Hill City Council Adopt the Draft Revised Audit Risk and Improvement Committee Charter to come into effect from 1 July 2024.
3. That Council nominate one non-voting Councillor member of the Committee from 1 July 2024 who cannot be the Mayor.
4. That Council writes to the Minister for Local Government The Hon Ron Hoenig, other relevant Ministers and the Local Member outlining how effective and successful Council's Audit Risk and Improvement Committee (mentioning the favourable comments from our Auditors, the State Government and the Government's Financial Assistance Grants Committee when they visited the City) and strongly objecting to the new OLG Guidelines for Audit and Risk Management Committees that takes effect from 1 July 2024; and in particular to the clause to decrease Councillor representation on the Committee to only one non-voting Councillor Delegate (which cannot be the Mayor). That the letter to Minister Hoenig requests him to review the new OLG Guidelines, and to remind the Minister of his promise to listen to Councils.

CARRIED UNANIMOUSLY

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 25/24 - DATED FEBRUARY 14, 2024 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.443, HELD ON TUESDAY, 6 FEBRUARY 2024 D24/8126

RESOLUTION

Minute No. 47470

Councillor M Browne moved)
Councillor R Algate seconded)

Resolved

- That Broken Hill City Council Report No. 25/24 dated February 14, 2024, be received.

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- That the minutes of the Local Traffic Committee – Meeting No. 443, held on Tuesday, 6 February 2024 be endorsed.
- That Item No. 443.10.3 recommendations be received:
 - That the Committee support the request for two additional bus zones on Garnet Street, adjacent to the Broken Hill High School, during Term 1 for Willyama High School students attending the school.
 - That a 'No Stopping' sign be installed 10 meters from the temporary bus zone to the disability parking on the left side of the hatching on Galena Street, adjacent to the Broken Hill High School, to allow a safe sight distance for disability parking between the bus zones.
- That Item No. 443.10.4 recommendation be received:
 - That Council issue a media release informing that Council has introduced new measures for traffic-controlled worksites, advising if a motorist is seen or caught driving through a traffic-controlled worksite, details will be forwarded to the NSW Police to enforce action and issue fines.
- That Item No. 443.8.1 recommendation be received:
 - That Council paint double white lines on Argent Street, from the median strip up to and in line with Delamore Street, to prevent motorist performing U-turns at the end of the median strip.

CARRIED UNANIMOUSLY

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 26/24 - DATED FEBRUARY 07, 2024 - ACTION LIST REPORT

D24/6820

RESOLUTION

Minute No. 47471

Councillor D Gallagher moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 26/24 dated February 7, 2024, be received.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

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**ITEM 15 - QUESTIONS ON NOTICE NO. 2/24 - DATED FEBRUARY 01, 2024 - COUNCILLOR
QUESTIONS ON NOTICE TAKEN AT THE JANUARY 2024 COUNCIL MEETING** D24/5280

RESOLUTION

Minute No. 47472

Councillor R Algate moved)
Councillor R Page seconded)

Resolved

1. That Questions On Notice No. 2/24 dated February 1, 2024, be received.
2. That Council assists the Broken Hill Alcohol and Other Drugs Detox and Rehabilitation Steering Committee by organising a meeting with the Minister for Health to discuss opportunities for a Drug Rehabilitation Centre in Broken Hill.

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Draft Waste Services Policy

Councillor Browne requested, that the draft Waste Services Policy be amended to clarify the definition of "green waste".

The Mayor advised Councillor Browne to liaise with Council staff whilst the draft policy is on public exhibition, in order to include a definition for green waste.

Development of a Climate Action Plan

Councillor Browne requested an update on the development of Council's Climate Action Plan.

The General Manager took the question on notice and advised that Council had appointed a Waste and Sustainability Manager towards the end of last year and that the Manager has been working on the Waste and Sustainability Strategy and that he will seek an update on the development of Council's Climate Action Plan.

Reports to Standing Committees

Councillor Turley requested that Council reports be presented to the respective Standing Committee Meetings each month rather than being presented directly to a Council Meeting in the "Further Reports" section.

The Mayor advised that wherever a Council resolution on a matter was not time critical, reports would be presented to their respective Standing Committee Meetings first.

Management of the Broken Hill Regional Aquatic Centre

Councillor Page requested that the General Manager investigate complaints regarding the YMCA's management of the Broken Hill Regional Aquatic Centre.

The General Manager took the question on notice.

Willyama High School

Deputy Mayor Hickey referred to the current temporary closure of the Willyama High School whilst the

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mould outbreak at the school is being assessed, and raised concerns regarding the action that the NSW Department of Education may take if the school needs to be demolished.

The Mayor called for a motion of urgency in order that the matter can be considered at this meeting.

RESOLUTION

Minute No. 47473 - Matter of Urgency

Deputy Mayor J Hickey moved)

Councillor R Algate seconded)

Resolved

That Deputy Mayor Hickey's matter of urgency regarding the Willyama High School be heard.

CARRIED UNANIMOUSLY

ITEM 16 - MATTER OF URGENCY - WILLYAMA HIGH SCHOOL (GB2/24)

11/161

RESOLUTION

Minute No. 47474

Deputy Mayor J Hickey moved)

Councillor D Turley seconded)

Resolved

That Council sends correspondence to the NSW Premier, Deputy Premier, Leader of the Opposition, Shadow Minister for Education and Local Member advising that the City is against the notion of only having one high school in Broken Hill if the Willyama High School was to be demolished due to the mould outbreak at the school, and also advising the importance of two high schools to the City's future growth and liveability.

CARRIED UNANIMOUSLY

Far West Community Legal Centre

Councillor Turley referred to a media article regarding the closure of the Far West Community Legal Centre on 31 July 2024 and asked for a Councillor Briefing to be held to inform Councillors of the future direction of the service in the City.

The Mayor advised that a Councillor Briefing will be arranged.

Parking at the Airport

Councillor Algate advised of complaints from member of the public who could not park in the Airport carpark and having to use the over-flow carpark at the Airport; and that there are quite a number of Victorian number plated cars parked for long periods in the carpark. Councillor Algate asked what can be done to free up parking at the Airport?

The Mayor advised that Council will have to make some hard decisions in the near future when the matter of parking at the Airport comes before Council as part of future upgrade works that were identified in the Airport Master Plan. These works will include an extension to the Airport Terminal carpark to the north of the existing carpark which will encompass 80 new parking spaces. The Mayor advised that options will be presented to Council on how to rectify the issue of people parking long term in the carpark and that one option will be to introduce a system of timed parking.

Councillor Turley asked for a Councillor site inspection to be arranged of the Airport precinct for Councillors to fully understand the parking issues.

The Mayor advised that a Councillor site inspection will be arranged.

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Uber Car Parking at the Airport

Councillor Turley advised of public complaints that there is no dedicated parking for Uber ride-share cars at the Airport when collecting passengers and asked for Council to investigate a solution.

The General Manager advised that the matter is being considered by the Local Traffic Committee.

Cobalt Blue Announcement

Councillor Turley referred to the recent announcement by Cobalt Blue regarding the impact of low global cobalt prices on the immediate future of its operations and asked if a Councillor Briefing could be organised with the Managing Directors of Cobalt Blue.

The General Manager advised that an email was sent to Councillors advising of a Councillor Briefing regarding Cobalt Blue on 29 February 2024.

Broken Hill Distillery

Mayor Kennedy referred to the recent World Gin Awards which were held in London and congratulated Broken Hill Distillery for their success in receiving a category award at the event.

Broken Hill Plaque to be arranged

The Mayor requested that Council staff contact Mr Des Kennedy, who will be attending the World War II Pilot's event held in France, to arrange for a Broken Hill plaque to be presented at the event.

RESOLUTION

Minute No. 47475 - Procedural Motion

Councillor D Turley moved)

Councillor D Gallagher seconded)

Resolved

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

CARRIED UNANIMOUSLY

Members of the public and media left the Council Chambers at 7:52pm and the livestreaming of the meeting ceased.

PUBLIC FORUM

Willyama High School

Mr Bob Coulls referred to the mould outbreak and the current closure of the Willyama High School, stating that the high school is 50 years old and a mould outbreak has never happened at the school before. Mr Coulls asked if Council had been made aware of how the mould outbreak happened?

The Mayor advised that, to his knowledge, apparently routine carpet cleaning was undertaken at the school at the end of the 2023 school year and that the doors to the school had not been opened during the school holidays (former caretakers used to go and open the doors periodically during the holidays). This factor, along with the extreme heat and humidity in December and January all contributed to the mould outbreak at the school.

National General Assembly of Local Government – Canberra 2-4 July 2024

Mr Coulls referred to Council's delegation who will be attending the National General Assembly of Local Government in Canberra in July 2024 and requested that while Councillors are networking with State and Federal Ministers, Councillors remind them that the Government is forever increasing taxes or introducing new taxes and that \$1.6B was paid in taxes by residents of regional NSW in the last financial year and the affect that this has on the region's economy and growth.

CONFIDENTIAL MATTERS

The General Manager declared an interest in Item 17 left the Council Chambers at 7:52pm

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 27/24 - DATED FEBRUARY 20, 2024 - CIVIC CENTRE LITIGATION COSTS DISPUTE - UPDATE - CONFIDENTIAL D24/9063

(General Manager's Note: This report considers litigation matters and is deemed confidential under Section 10A(2) (a) (c) (e) (g) of the Local Government Act, 1993 which contains matters that will involve the discussion of personnel matters concerning a particular individual; AND 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 information that would, if disclosed, prejudice the maintenance of law; AND which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

RESOLUTION

Minute No. 47476

Deputy Mayor J Hickey moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 27/24 dated February 20, 2024, be received.
2. That Council note the update in the litigation proceedings and the cross claim filed against Council and the additional defendants.
3. That Council note, Council's insurers have been notified of the claim.
4. That Council provide legal coverage as necessary and indemnity for personal liability to Council's General Manager, Mr Jay Nankivell, for the cross claim filed by the Defendant.
5. That Council acknowledges the conflicts involved and proceed with BAL Lawyers representing Council with the cross claim.
6. That Council acknowledges the conflict involved with the current General Manager and authorises that Mr Jay Nankivell continues to deal with this matter on behalf of Council.

CARRIED

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

AGAINST: Councillors Marion Browne and Darriea Turley

The General Manager returned to the Council Chambers at 8:13pm and the Mayor advised the General Manager of Council's resolution regarding Item 17.

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**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 28/24 - DATED FEBRUARY 20, 2024 -
BROKEN HILL LIBRARY PROJECT - GENERAL UPDATE AND CONSTRUCTION CONTRACT
FORMATION - CONFIDENTIAL**

D24/9096

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

RESOLUTION

Minute No. 47477

Councillor R Algate moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 28/24 dated February 20, 2024, be received.
2. That Council notes the latest updates on the project as of February 2024.
3. That Council approve delegation for the General Manager to sign all contracts and associated documents related to the project as per the below report to a value of \$14.55 million (excluding GST)

CARRIED UNANIMOUSLY

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 29/24 - DATED FEBRUARY 22, 2024 -
T23/43 - REQUEST FOR TENDER - PAVING REPLACEMENT PROJECT - ARGENT STREET,
BROKEN HILL - CONFIDENTIAL**

D24/9451

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

RESOLUTION

Minute No. 47478

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 29/24 dated February 22, 2024, be received.
2. That Council accept the tender from Conex Group Pty Ltd under T23/43 - Request for Tender – Paving Replacement Project - Argent Street, Broken Hill for segmental paving works along Argent Street up to a total price of \$800,000 (excluding GST).
3. That the General Manager and/or Mayor be authorised to sign the Tender contract and affix the Seal of Council if required.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 28, 2024

4. That Council endorse project option two for paving upgrade works as recommended in this report.

CARRIED UNANIMOUSLY

ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 30/24 - DATED FEBRUARY 22, 2024 - T23/45 E.P. O'NEILL MEMORIAL PARK REDEVELOPMENT - NETBALL PRECINCT - STAGE ONE - CONFIDENTIAL D24/9419

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

RESOLUTION

Minute No. 47479

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 30/24 dated February 22, 2024, be received.
2. That Council award T23/45 Tender for Construction - E.P. O'Neill Memorial Park Redevelopment – Netball Precinct – Stage One to Jirgens Civil Pty Ltd for \$3,832,452 (excluding GST).
3. 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

Minute No. 47480 - Procedural Motion

Deputy Mayor J Hickey moved)
Councillor D Gallagher seconded)

Resolved

That the meeting resumes in open session.

CARRIED UNANIMOUSLY

Members of the public and media returned to the Council Chambers at 8:18pm. The livestreaming of the meeting recommenced.

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

CONCLUSION OF THE MEETING

There being no further business to consider, the Mayor closed the meeting at 8:22pm.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 28, 2024

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 27 MARCH 2024.)

CHAIRPERSON