
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JULY 31, 2024

Meeting commenced at 6:30pm

PRESENT:

Councillor T. Kennedy (Mayor), Councillors B. Algate, M. Boland, M. Browne, A. Chandler, D. Gallagher, 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 (1), Members of the Public (9)

APOLOGIES:

NIL

LEAVE OF ABSENCE

APPLICATIONS:

1. Councillor Hayley Jewitt submitted a Leave of Absence Application for this meeting and provided the reason "personal reasons".
2. Deputy Mayor Jim Hickey submitted a Leave of Absence Request for this meeting due to a prescribed reason under the Code of Meeting practice.

RESOLUTION

Minute No. 47587 - Procedural Motion

Councillor D Gallagher moved
Councillor M Boland seconded

)
)

Resolved

That the leave of absence applications received from Councillor Jewitt and Deputy Mayor Hickey be accepted and a leave of absence be granted 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 Algate delivered the Acknowledgment of Broken Hill's Mining History.

PUBLIC FORUM

NIL

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 47588

Councillor R Algate moved)
Councillor A Chandler seconded)

Resolved

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held June 26, 2024 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

NIL

MATTER OF URGENCY

ITEM 1 - PASSING OF MR BRYAN SYMONDS (GB4/24)

11/161

RESOLUTION

Minute No. 47589

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That a matter of urgency raised by Councillor Algate regarding the acknowledgement of the passing of the late Mr Bryan Symonds who was a previous Council Alderman.
2. That Council sends its condolences to the family of the late Mr Bryan Symonds

CARRIED UNANIMOUSLY

MAYORAL MINUTES

ITEM 2 - MAYORAL MINUTE NO. 10/24 - DATED JULY 25, 2024 - NSW NETWASTE LEVY

REVIEW

D24/36298

RESOLUTION

Minute No. 47590

Mayor T Kennedy moved)
Councillor R Algate seconded)

Resolved

1. That Mayoral Minute No. 10/24 dated July 25, 2024, be received.
2. That Council supports the NetWaste regional response to the Review of the NSW Waste Levy Issues Paper in its entirety, and endorses Councils submissions in support of NetWaste's submission:
 - a) That Council, as a member of the NSW NetWaste Councils, strongly and completely oppose any change in the waste levy that will extend the regional levy area to include any of the 25 NetWaste Councils.

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- b) That if the NSW EPA Levy applied to Broken Hill City Council it would be highly detrimental to waste management, create significant illegal dumping and simply lead to community angst and resentment against both Local Councils and the NSW Government.
- 3. That Council write to the NSW Treasurer the Hon Daniel Mookhey MLC, Minister for Energy and Climate Change, Minister for Environment and Heritage, the Hon Penny Sharpe MLC, Minister for Finance the Hon Courtney Houssos MLC, the Shadow Minister for the Environment, the Hon Kellie Sloane MP and Local Member for Barwon, Mr Roy Butler MP; opposing any expansion of the Waste Levy boundaries as outlined above.
- 4. That Council write to LGNSW to review and change their submission to align with that of the Netwaste Council's submission and Broken Hill City Council.

CARRIED UNANIMOUSLY

RESOLUTION

Minute No. 47591 - Matter of Urgency

Councillor D Gallagher moved)

Councillor R Algate seconded)

Resolved

That a matter of urgency regarding the NSW Interment Services Levy be dealt with after the Mayoral Minutes.

CARRIED UNANIMOUSLY

ITEM 3 - MAYORAL MINUTE NO. 12/24 - DATED JULY 30, 2024 - SUPPORT FOR SILVERLEA EARLY CHILDHOOD SERVICES

D24/37005

RESOLUTION

Minute No. 47592

Mayor T Kennedy moved)

Councillor D Gallagher seconded)

Resolved

- 1. That Mayoral Minute No. 12/24 dated July 30, 2024, be received.
- 2. That Council provide an update on Silverlea's situation to the Ministers listed in this Mayoral Minute and request information on all current or upcoming Government incentive programs to encourage regional relocation, and any current or upcoming Government funding

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streams that could potentially help alleviate the issues being faced by Silverlea.

CARRIED UNANIMOUSLY

ITEM 4 - MAYORAL MINUTE NO. 13/24 - DATED JULY 31, 2024 - SUPPORT TO REGIONAL AIRLINES

D24/37131

RESOLUTION

Minute No. 47593

Mayor T Kennedy moved)

Councillor M Boland seconded)

Resolved

1. That Mayoral Minute No. 13/24 dated July 31, 2024, be received.

2. That Council write to the Prime Minister the Hon Anthony Albanese MP, Federal Minister for Transport The Hon Catherine King MP, NSW Minister for Transport the Hon Jo Haylen MP, NSW Minister for Regional NSW and Minister for Western NSW the Hon Tara Moriarty MLC, the Federal Member for Parkes The Hon Mark Coulton MP and the State Member for Barwon Mr Roy Butler requesting further support be given to all regional airlines to ensure they maintain access through operating regional routes to and from rural and remote locations, encouraging competition and therefore allowing more reasonable and fairer prices airfares for our residents and; that Council reinforces the significant role REX plays within the Broken Hill Community, providing a vital health link to Adelaide for medical staff as well as patients for lifesaving treatment.

CARRIED UNANIMOUSLY

MATTER OF URGENCY

ITEM 5 - NSW INTERMENT SERVICES LEVY (GB3/24)

11/55

RESOLUTION

Minute No. 47594

Councillor D Gallagher moved)

Councillor D Turley seconded)

Resolved

That Council sends correspondence to the NSW Premier the Hon Chris Minns MP, the NSW Deputy Premier the Hon Prue Car MP, the Leader of the Opposition the Hon Mark Speakerman MP, Deputy Leader of the Opposition in the Legislative Assembly the Hon Robyn Preston MP, NSW Minister for Lands and Property the Hon Stephen Kamper MP, Duty MLC for Barwon the Hon Stephen Lawrence, Member for Barwon Roy Butler; that the Cemetery interment levy should be scrapped as it puts an unfair and unreasonable burden on local communities and grieving families, and is merely a revenue raising tax for treasury with no tangible

local benefits.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

Nil.

NOTICES OF RESCISSION

Nil.

REPORTS FROM DELEGATES

**ITEM 6- REPORTS FROM DELEGATES NO. 4/24 - DATED JULY 11, 2024 - COUNCILLOR
ALGATE'S ATTENDANCE AT THE 2024 NATIONAL GENERAL ASSEMBLY** D24/34169

RESOLUTION

Minute No. 47595

Councillor R Algate moved)
Councillor M Boland seconded)

Resolved

1. That Reports from Delegates No. 4/24 dated July 11, 2024, be received.
2. That Councillor Algate's Delegates Report be received and noted.

CARRIED UNANIMOUSLY

**ITEM 7 - DELEGATES REPORT - COUNCILLOR BROWNE'S ATTENDANCE AT THE 2024
MURRAY DARLING ASSOCIATION CONFERENCE (GB5/24)** 11/501

Councillor Browne advised of her attendance at the 2024 Murray Darling Association Conference in Tamworth on 8-11 July 2024 and advised that one of the matters discussed was a proposal for a "Menindee Lakes Solution" by a Sydney based lawyer, which would involve raising the banks of the lakes by 1m and handing over control of the water to the Commonwealth Environmental Water Holder. This proposal will benefit the Southern irrigators, but not the Menindee Lakes Region.

Councillor Browne advised that her delegates report will be presented to the next Council Meeting and can be viewed by Councillors on the Councillor Hub.

Councillor Modica of Mildura Rural City Council and the previous chair of Murray Darling Association Region 4 will be present at the next Region 4 meeting (on 13 August 2024) and Councillor Browne advised that all Councillors will be invited to attend the meeting to gain a greater understanding of the issues facing the Region 4 area of the Murray Darling River System.

RESOLUTION

Minute No. 47596

Councillor M Browne moved)
Councillor R Page seconded)

Resolved

That Councillor Browne's verbal report regarding her attendance at the 2024 Murray Darling Conference be received and noted.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

WORKS COMMITTEE

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 114/24 - DATED JUNE 14, 2024 -
MINUTES OF THE PROJECT CONSULTATIVE GROUP PROJECT STEERING GROUP
MEETING HELD 16 MAY 2024** D24/29512

RESOLUTION

Minute No. 47597

Councillor R Algate moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 114/24 dated June 14, 2024, be received.
2. That the minutes of the Project Consultative Group Project Steering Group from 16 May 2024 be noted.
3. That the PowerPoint Presentation of the Project Consultative Group Project Steering Group from 16 May 2024 be noted.

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 115/24 - DATED JULY 05, 2024 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.448, HELD ON TUESDAY, 2
JULY 2024** D24/33447

RESOLUTION

Minute No. 47598

Councillor M Browne moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 115/24 dated July 5, 2024, be received.
2. That the minutes of the Local Traffic Committee – Meeting No.448, held on Tuesday, 2 July 2024 be endorsed.
3. That Item No.448.8.1 recommendation be received:
 - Council to forward correspondence to the businesses located in the shopping complex on Oxide Street, between Wolfram Lane and Mica Street, asking for feedback regarding the request to convert a one-hour parking space to a

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15-minute parking space at the Wolfram Lane end of the complex, to facilitate short-term parking for customers.

CARRIED UNANIMOUSLY

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 116/24 - DATED JUNE 18, 2024 - MINUTES OF THE PICTON SPORTSGROUND COMMUNITY COMMITTEE MEETING HELD 03 JUNE 2024 D24/29828

RESOLUTION

Minute No. 47599

Councillor D Gallagher moved)

Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 116/24 dated June 18, 2024, be received.
2. That minutes of the Picton Sportsground Community Committee meeting held 03 June 2024 be received.
3. That Council sends a letter of congratulations to Mr Noel Hannigan acknowledging his 35 years' of service as a volunteer on Council's Picton Sportsground Community Committee.

CARRIED UNANIMOUSLY

HEALTH AND BUILDING COMMITTEE

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 101/24 - DATED JUNE 04, 2024 - PROPOSED LICENCE OF 252 ARGENT STREET D24/27573

RESOLUTION

Minute No. 47600

Councillor D Gallagher moved)

Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 101/24 dated June 4, 2024, be received.
2. That Council notes that the proposed use of the old Police Station at 252 Argent Street was placed on public exhibition for a 28 days period during which time Council received nil submissions from the public.
3. That Council grants a 12-month license for 252 Argent Street to the Broken Hill Military Museum for the establishment of a museum with the view to obtaining ministerial consent for a longer-term lease.
4. That the Mayor and General Manager be authorised to sign and execute licence

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documents under the common seal of
Council.

CARRIED UNANIMOUSLY

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 102/24 - DATED JULY 10, 2024 -
BROKEN HILL LEAD REFERENCE GROUP MINUTES OF MEETING HELD 30 MAY 2024**

D24/33981

RESOLUTION

Resolved

Minute No. 47601

Councillor M Browne moved)
Councillor R Algate seconded)

1. That Broken Hill City Council Report No. 102/24 dated July 10, 2024, be received.

CARRIED UNANIMOUSLY

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 103/24 - DATED JUNE 19, 2024 -
MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES
COMMUNITY COMMITTEE MEETING HELD 11 JUNE 2024**

D24/30106

RESOLUTION

Resolved

Minute No. 47602

Councillor D Turley moved)
Councillor M Browne seconded)

1. That Broken Hill City Council Report No. 103/24 dated June 19, 2024, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held 11 June 2024 be received.

CARRIED UNANIMOUSLY

POLICY AND GENERAL COMMITTEE

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 105/24 - DATED JUNE 07, 2024 - LOCAL
GOVERNMENT ELECTIONS 2024 - CARETAKER PERIOD**

D24/28116

RESOLUTION

Resolved

Minute No. 47603

Councillor M Boland moved)
Councillor R Algate seconded)

1. That Broken Hill City Council Report No. 105/24 dated June 7, 2024, be received.
2. That Council notes the requirements regarding Council's decision-making during the Local Government Elections - caretaker period from 16 August 2024 to 14 September 2024 pursuant to *Section 393B of the Local Government (General) Regulation 2021*.

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3. That Council provides an “in-house” candidate information session (prior to 14 August 2024) for potential candidates in the upcoming Broken Hill Local Government Elections.

CARRIED UNANIMOUSLY

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 106/24 - DATED JULY 04, 2024 -
COUNCIL MEETING ARRANGEMENTS AND CHRISTMAS SHUT DOWN PERIOD** D24/33021

RESOLUTION

Minute No. 47604

Councillor R Algate moved)

Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 106/24 dated July 4, 2024, be received.
2. That Council’s Ordinary Monthly Meeting for December be held 18 December 2024.
3. That the December Standing Committee Meetings be held as follows
 - a. Works Committee Meeting to be held Monday December 9, 2024, at 5:30pm
 - b. Health and Building Committee Meeting to be held Tuesday December 10, 2024, at 5:30pm
 - c. Policy and General Committee Meeting to be held Wednesday December 11, 2024, at 5:30pm
4. That Standing Committee Meetings not be held in January 2025.
5. That the Council shutdown period for the Administrative Centre and the Warnock Street Works Depot be from 5pm Friday December 20, 2024, and reopening Monday, January 6, 2025.
6. That Council advertise the shutdown period for the Administrative Centre and the Warnock Street Works Depot and that this advertisement also includes the operating hours for all other Council facilities during this period.

CARRIED UNANIMOUSLY

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**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 107/24 - DATED JULY 17, 2024 -
COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE
TO BE HELD IN TAMWORTH 17-19 NOVEMBER 2024** D24/34847

RESOLUTION

Minute No. 47605

Councillor D Gallagher moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 107/24 dated July 17, 2024, be received.
2. That Council determines that the Mayor, Deputy Mayor and three (3) Councillor Delegates attend the Local Government NSW Annual Conference to be held in Tamworth 17-19 November 2024.
3. That Council determines its two voting delegates and advise Local Government NSW prior to 6 November 2024.
4. That Council at its Ordinary Meeting to be held on 30 October 2024 (being the first meeting following the Local Government Elections), determines which three (3) Councillor delegates will attend the Local Government NSW Conference.

CARRIED UNANIMOUSLY

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 108/24 - DATED JULY 17, 2024 -
MOTIONS TO THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE TO BE HELD IN
TAMWORTH 17-19 NOVEMBER 2024** D24/34883

RESOLUTION

Minute No. 47606

Councillor R Algate moved)
Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 108/24 dated July 17, 2024, be received.
2. That Council delegates authority to the Mayor and General Manager to formulate motions on the following topics and to circulate these motions to Councillors prior to submission to Local Government NSW:
 - a) Council's position regarding the NSW Waste Levy Review
 - b) Council's opposition to the introduction of an Interment Services Levy
 - c) Funding for Regional Airport upgrades
 - d) The redesign of the distribution of Financial Assistance Grants to Local Councils to allow for regional and remote Councils to receive at least 1%

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of total Financial Assistance Grant
funding.

CARRIED UNANIMOUSLY

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 109/24 - DATED JULY 12, 2024 -
VOLUNTEER MANAGEMENT POLICY** D24/34247

RESOLUTION

Minute No. 47607

Councillor M Browne moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 109/24 dated July 12, 2024, be received.
2. That Council endorses the revised and updated Draft Volunteer Management Policy for the purpose of public exhibition.
3. That the Draft Volunteer Management Policy be placed on public exhibition for submissions to be received for a period of 28 days; and 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 revised Draft Volunteer Management Policy.
4. That Council notes that the adoption of the Draft Volunteer Management Policy will render the Volunteers Policy obsolete.

CARRIED UNANIMOUSLY

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 110/24 - DATED JULY 12, 2024 -
INVESTMENT REPORT FOR JUNE 2024** D24/34270

RESOLUTION

Minute No. 47608

Councillor M Boland moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 110/24 dated July 12, 2024, be received.

CARRIED UNANIMOUSLY

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 111/24 - DATED JULY 05, 2024 -
TEMPORARY SUSPENSION OF A PORTION OF THE CENTRAL BUSINESS DISTRICT (CBD)
ALCOHOL-FREE ZONE FOR THE 2024 BROKEN HILL FESTIVAL** D24/33311

RESOLUTION

Minute No. 47609

Councillor R Algate moved)

Resolved

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Councillor D Gallagher seconded)

1. That Broken Hill City Council Report No. 111/24 dated July 5, 2024, be received.
2. That Council provide in-principle support for the temporary suspension of a portion of the CBD Alcohol-Free Zone for a section of Sulphide Street indicated by a fenced area adjacent to The Palace Hotel, bounded by Crystal Street and Argent Street (see map).
3. That Council note the specific details of the suspension are Argent Street from 207 Argent Street to 227 Argent Street; Crystal Lane from behind 207 Argent Street to 227 Argent Street; and Sulphide Street from Crystal Street to Argent Street. This area will include all footpaths and car parks in the sections of Argent and Sulphide Streets.
4. That the temporary suspension be in place from 10am on Thursday, 5 September to 10am on Monday, 9 September 2024, subject to the conditions contained in the liquor licence.
5. That the temporary suspension be advised to the public by way of Public Notice on Council's website. That the Public Notice also confirms that all other existing alcohol-free zones in Broken Hill remain in force.
6. That the General Manager be authorised to implement the temporary suspension and Public Notice processes on final advice of the Barrier Police District.
7. That Barrier Police District be advised of Council's decision.

CARRIED UNANIMOUSLY

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 112/24 - DATED JULY 04, 2024 -
MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETING HELD 30 MAY 2024**

D24/33171

RESOLUTION

Minute No. 47610

Councillor D Turley moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 112/24 dated July 4, 2024, be received.
2. That the minutes of the Broken Hill Heritage Committee Meeting held 30 May 2024 be received.

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CARRIED UNANIMOUSLY

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 113/24 - DATED JUNE 14, 2024 -
MINUTES OF THE S355 YOUTH ADVISORY COMMITTEE MEETING HELD 14 MAY 2024**

D24/29418

RESOLUTION

Minute No. 47611

Councillor D Turley moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 113/24 dated June 14, 2024, be received.
2. That the minutes of the S355 Youth Advisory Committee meeting held on 14 May 2024 be received.

CARRIED UNANIMOUSLY

FURTHER REPORTS

**ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 117/24 - DATED JULY 12, 2024 - 2022-
2026 DELIVERY PROGRAM INCLUDING 2023/2024 OPERATIONAL PLAN OUTCOMES - FINAL
KEY PERFORMANCE INDICATOR PROGRESS REPORT FOR PERIOD ENDING 30 JUNE 2024**

D24/34324

RESOLUTION

Minute No. 47612

Councillor M Boland moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 117/24 dated July 12, 2024, be received.
2. That Council receive the 2022-2026 Delivery Program including 2023/2024 Operational Plan outcomes – Final Key Performance Indicator Progress Report for period ending 30 June 2024.
3. That the 2022-2026 Delivery Program including 2023/2024 Operational Plan outcomes – Final Key Performance Indicator Progress Report for period ending 30 June 2024 be placed on Council's website.

CARRIED UNANIMOUSLY

**ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 118/24 - DATED JULY 16, 2024 -
DISABILITY INCLUSION ACTION PLAN 2022-2026 - KEY PERFORMANCE INDICATORS
PROGRESS REPORT FOR PERIOD ENDING 30 JUNE 2024**

D24/34819

RESOLUTION

Minute No. 47613

Councillor M Boland moved)
Councillor D Turley seconded)

Resolved

1. That Broken Hill City Council Report No. 118/24 dated July 16, 2024, be received.

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2. That Council note the Disability Inclusion Action Plan 2022-2026 – Key Performance Indicators Progress Report for the reporting period ending 30 June 2024.
3. That the Disability Inclusion Action Plan 2022-2026 – Key Performance Indicators Progress Report for the reporting period ending 30 June 2024 be placed on Council's website.
4. That Council call a meeting of the Disability Inclusion Action Plan Monitoring Group to assess the outcomes of the progress report.

CARRIED UNANIMOUSLY

ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 119/24 - DATED JULY 02, 2024 - ACTION LIST REPORT D24/32517

RESOLUTION

Minute No. 47614

Councillor D Gallagher moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 119/24 dated July 2, 2024, be received.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 26 - QUESTIONS ON NOTICE NO. 8/24 - DATED JULY 02, 2024 - COUNCILLOR QUESTIONS ON NOTICE TAKEN AT THE JUNE COUNCIL MEETING D24/32511

RESOLUTION

Minute No. 47615

Councillor D Gallagher moved)
Councillor M Boland seconded)

Resolved

1. That Questions On Notice No. 8/24 dated July 2, 2024, be received.

CARRIED UNANIMOUSLY

ITEM 27 - QUESTIONS ON NOTICE NO. 9/24 - DATED JULY 02, 2024 - PUBLIC FORUM QUESTIONS ON NOTICE TAKEN AT THE JUNE COUNCIL MEETING D24/32515

RESOLUTION

Minute No. 47616

Councillor R Algate moved)
Councillor A Chandler seconded)

Resolved

1. That Questions On Notice No. 9/24 dated July 2, 2024, be received.

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Draft Volunteer Management Policy and Framework

Reference to “volunteer supervisor”

The Mayor advised that Councillor Browne had forwarded a list of questions to the General Manager regarding the draft Volunteer Management Policy and invited Councillor Browne to raise the questions.

Councillor Browne referred to the reference of a volunteer supervisor and asked whether this meant that there would be one supervisor or many supervisors for Council’s volunteers?

The General Manager advised that the reference to a volunteer supervisor in the draft Volunteer Management Policy refers to the Council contact person appointed to each Council S355 Committee and therefore is more than one supervisor; and that the draft policy includes this reference to prevent continual review of the policy should Council employee position titles change.

Broken Hill Art Gallery Advisory Committee

Councillor Browne sought clarification as to why the Draft Volunteer Management Policy and Framework refers to the Broken Hill Art Gallery Advisory Committee (an Section 355 Committee of Council) as an Advisory Group and not an Advisory Committee ?

The General Manager advised that corrections will be made to the draft documents to refer to the S355 Committee as the Broken Hill Art Gallery Advisory Committee.

Additional questions relating to the Draft Volunteer Management Policy

Councillor Browne could not recall the other questions that she had sent to the General Manager.

The General Manager advised that responses to Councillor Browne’s questions regarding the Draft Volunteer Management Policy would be included in the Questions Taken on Notice Report to the August Council Meeting.

Council’s submission to the Federal and State Enquiry into the Financial Sustainability of Local Councils

Councillor Turley enquired whether Council had sent in a submission to the Federal and State Enquiry regarding the Financial Sustainability of Local Councils?

The General Manager advised that submissions had been sent and that copies of all submissions can be found on the Councillor HUB.

Council Crest displayed in the Council Chambers

Councillor Algate referred to the original Council Crest artwork that used to hang in the Council Chambers some 20 years ago and asked for it to be reinstated.

The General Manager took the question on notice.

ITEM 28 - WILCANNIA WEIR (MM14/24)

11/501

The Mayor referred to Minister Jackson’s open letter to the Wilcannia community advising of a halt to the design work of the Wilcannia Weir to allow for a review of the Environmental impacts, safety and operational concerns raised by the community during the Minister’s visit in

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June 2024.

RESOLUTION

Minute No. 47617

Mayor T Kennedy moved)
Councillor R Algate seconded)

Resolved

That Council writes to the NSW Minister for Water the Hon Rose Jackson MLC thanking her for her visit to Wilcannia in June and acting on the concerns of the Wilcannia community regarding the construction of the new weir; and for halting the design process whilst an independent review is conducted into the environmental impacts, safety and operational concerns of the new design for the weir.

CARRIED UNANIMOUSLY

PUBLIC FORUM

NIL

RESOLUTION

Minute No. 47618 - Procedural Motion

Councillor M Boland moved)
Councillor R Algate 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

The live stream of the meeting ceased at 8:18pm.

Members of the media, public and Council staff left the meeting at 8:19pm. The General Manager declared a pecuniary interest in Item 1 of Confidential Matters and left the meeting at 8:19pm.

CONFIDENTIAL MATTERS

ITEM 29 - MAYORAL MINUTE NO. 11/24 - DATED JULY 25, 2024 - GENERAL MANAGER'S PERFORMANCE REVIEW 2023/2024 - CONFIDENTIAL

D24/36258

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

RESOLUTION

Minute No. 47619

Mayor T Kennedy moved)
Councillor D Gallagher seconded)

Resolved

1. That Mayoral Minute No. 11/24 dated July 25, 2024, be received.
2. That Council note the view of the GM Performance Review Panel that General Manager, Jay Nankivell has performed at a very high level in the third year of his contract of employment as General Manager of Broken Hill City Council and congratulates him on that performance and his leadership

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of the staff, and encourages him to continue the progress made in the organisation and in his personal development to ensure the Council's continued financial sustainability.

3. That the seven (7) priorities for 2024/25 listed in the Mayoral Minute be adopted and included in the General Manager's Performance Agreement for 2024/25 noting the General Manager will develop an Action Plan for submission to the Mayor and Deputy Mayor to outline the actions to be taken to address the seven (7) priorities so progress can be reviewed in February 2025.
4. That the General Manager's Total Remuneration Package be increased by 3.5% to recognise his high performance in accordance with Clause 8.3 of his contract of employment, and to align with the same increase granted to all staff under the Local Government State Award.

CARRIED UNANIMOUSLY

The General Manager and staff returned to the Council Chambers at 8:24pm. The Mayor advised the General Manager that Council had resolved to accept the recommendation of the Mayoral Minute.

**ITEM 30 - BROKEN HILL CITY COUNCIL REPORT NO. 104/24 - DATED JULY 11, 2024 -
BROKEN HILL CITY COUNCIL LICENCE TO W T H PTY LTD (T/AS AVIS AUSTRALIA) -
CONFIDENTIAL** D24/34090

(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).

RESOLUTION

Minute No. 47620

Councillor M Boland moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 104/24 dated July 11, 2024, be received.
2. That Council enter into a new licence agreement with W T H Pty Ltd (t/as Avis Australia) for use of the car hire desk and parking facilities at the Broken Hill Airport.
3. That the licence duration be five (5) years and the initial licence fee be \$7,894.00 per annum including GST, with a fixed increase of 3% per annum.
4. That the Mayor and General Manager be authorised to sign and execute the licence documents under the Common Seal of Council.

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CARRIED UNANIMOUSLY

ITEM 31 - BROKEN HILL CITY COUNCIL REPORT NO. 120/24 - DATED JUNE 17, 2024 - SALE OF LAND FOR UNPAID RATES - CONFIDENTIAL D24/29702

(General Manager's Note: This report considers Sale of Land for Unpaid Rates and is deemed confidential under Section 10A(2) (b) of the Local Government Act, 1993 which contains matters that will involve the discussion of the personal hardship of any resident or rate payer).

RESOLUTION

Minute No. 47621

Councillor A Chandler moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 120/24 dated June 17, 2024, be received.
2. That Council proceed with the sale of land for unpaid rates for eligible properties as attached to this report.
3. That Council call for expressions of interest for services to undertake the process for sale of the listed properties.
4. That Council delegate authority to the General Manager to take the following actions pertaining to the properties specified in the report:
 - a) To withdraw from sale of any property that, prior to commencement of the auction, has had all rates and charges payable (including overdue rates and charges) paid in full; or a suitable payment arrange has been agreed to and entered into including a suitable upfront payment being made.
 - b) To withdraw any property from sale for technical or legal reasons;
 - c) To set reserve prices for sale of the properties at auction;
 - d) To negotiate by private treaty and accept offers for sale of any property that fails to sell at auction
 - e) To execute sale and purchase contracts, and property transfer documents, under Council's Common Seal
 - f) To write off residual rates outstanding due to shortfall in sale for individual properties

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- g) Be authorised to appoint a Council Officer to bid on Council's behalf for selected properties at auction.

CARRIED UNANIMOUSLY

ITEM 32 - MOTION TO THE LOCAL GOVERNMENT NSW CONFERENCE (GB6/24) 22/65

Councillors discussed the sale of land for unpaid rates and the possibility of lead contaminated land being included in the sale and any ramifications to Council if the land is sold without lead remediation occurring. It was agreed that the State Government should pay for the remediation of land contaminated by mining operations.

RESOLUTION

Minute No. 47622

Councillor A Chandler moved)
Councillor M Boland seconded)

Resolved

1. That Council delegates authority to the Mayor and General Manager to formulate a motion to the Local Government NSW Conference and to circulate this motion to Councillors prior to submission to Local Government NSW:
 - a) Request for the State Government to pay for the remediation of land that is no longer fit for use due to contamination from mining.

CARRIED UNANIMOUSLY

ITEM 33 - BROKEN HILL CITY COUNCIL REPORT NO. 121/24 - DATED JULY 05, 2024 - T24/4 - REQUEST FOR TENDER FOR SUPPLY OF 6 X UTILITY VEHICLES - CONFIDENTIAL D24/33376

(General Manager's Note: This report considers Tender for Utility Vehicles and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

RESOLUTION

Minute No. 47623

Councillor R Algate moved)
Councillor D Turley seconded)

Resolved

1. That Broken Hill City Council Report No. 121/24 dated July 5, 2024, be received.
2. That Council award the Contract T24/4 Request for Tender for Supply of 6 x Utility Vehicles to Far West Auto Pty Ltd for the total price of \$320,142.00 incl GST (\$291,038.18 ex GST).
3. That Council proceed to repurpose the existing fleet to other Council Business Units where appropriate.

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4. That Council proceed to public auction for disposal of existing fleet where appropriate.

CARRIED UNANIMOUSLY

ITEM 34 - BROKEN HILL CITY COUNCIL REPORT NO. 122/24 - DATED JULY 18, 2024 - T23/29 - THOMAS STREET ROAD RECONSTRUCTION FROM CHLORIDE STREET TO SULPHIDE STREET - CONFIDENTIAL D24/35091

(General Manager's Note: This report 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. 47624

Councillor D Gallagher moved)
Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 122/24 dated July 18, 2024, be received.
2. That GTE1 Pty Ltd be awarded the contract for T23/29 Request for Tender for Thomas Street Road Reconstruction from Chloride Street to Sulphide Street, for the amount of \$799,763.85 (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 \$1,308,327.00.
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

ITEM 35 - TENDER REPORT NO. 4/24 - DATED JULY 18, 2024 - T23/34 - TENDER - WARNOCK STREET DEPOT - GARAGE WORKSHOP CONSTRUCTION - CONFIDENTIAL D24/35305

(General Manager's Note: This report is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

RESOLUTION

Minute No. 47625

Councillor D Turley moved)
Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Tender Report No. 4/24 dated July 18, 2024, be received.
2. That Council award the contract for T23/34 – Request for Tender – Warnock Street Depot – Garage Workshop Construction to Structen Pty Ltd for a total price of \$4,893,660.00 (excluding GST).

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3. That Council approve a revised total budget for this project at \$6,110,761 excluding GST.
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

Minute No. 47626 - Procedural Motion
Councillor M Boland moved)
Councillor R Page seconded)

Resolved

That the meeting resumes in open session.

CARRIED UNANIMOUSLY

Members of the media and public returned to the Council Chambers at 8:35pm and the live stream of the meeting recommenced.

At the Mayor's invitation, the General Manager reported on the Confidential resolutions of Council.

CONCLUSION OF THE MEETING

There being no further business to consider, the Mayor closed the meeting at 8:41p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON WEDNESDAY, 28 AUGUST 2024.)

CHAIRPERSON