
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
NOVEMBER 27, 2024

Meeting commenced at 6:30pm

PRESENT:

Councillor T. Kennedy (Mayor), Councillors B. Algate, M. Boland, A. Byrne, A. Chandler, D. Gallagher APM, E. Gillett and D. Turley AM.

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

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

APOLOGIES:

Councillor Jewitt

RESOLUTION

Minute No. 47692 - Procedural Motion

Councillor D Gallagher moved)

Councillor E Gillett seconded)

Resolved

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

CARRIED UNANIMOUSLY

LEAVE OF ABSENCE

APPLICATIONS:

Deputy Mayor Hickey submitted a Leave of Absence Request for this meeting and provided the reason "family commitments".

RESOLUTION

Minute No. 47693 - Procedural Motion

Councillor A Chandler moved)

Councillor R Algate seconded)

Resolved

That the application be accepted and a Leave of Absence be granted to Deputy Mayor Hickey 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. 47694

Councillor E Gillett moved)
Councillor A Byrne seconded)

Resolved

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held October 30, 2024 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

NIL

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 18/24 - DATED NOVEMBER 20, 2024 - SUPPORT FOR PRIVATE MEMBERS BILL - AUTOMATED EXTERNAL DEFIBRILLATORS (PUBLIC ACCESS) BILL 2024

D24/56123

RESOLUTION

Minute No. 47695

Mayor T Kennedy moved)
Councillor D Gallagher seconded)

Resolved

1. That Mayoral Minute No. 18/24 dated November 20, 2024, be received.
2. That correspondence be sent to the Member of Kiama, Mr Gareth Ward MP, providing Council support to the Private Members Bill: Automated External Defibrillators (Public Access) Bill 2024; with suggested amendments to the proposed Bill for the NSW Government to fully subsidise small businesses/community organisations that fall within the "relevant buildings" and "relevant vehicles" categories of the proposed Bill in order that they are not financial impacted by the introduction of the Bill.

CARRIED UNANIMOUSLY

ITEM 2 - MAYORAL MINUTE NO. 19/24 - DATED NOVEMBER 25, 2024 - SUPPORT FOR COBALT BLUE HOLDINGS LTD CRITICAL MINERALS BATTERY RECYCLING PROJECT

D24/56858

RESOLUTION

Minute No. 47696

Mayor T Kennedy moved)
Councillor A Chandler seconded)

Resolved

1. That Mayoral Minute No. 19/24 dated November 25, 2024, be received.
2. That Council takes every opportunity to strongly advocate for funding for the establishment of Cobalt Blue Holdings Ltd Critical Minerals Battery Recycling Project by repurposing the Broken Hill Cobalt Project Demonstration Plant at 14 Kanandah Road, Broken Hill.

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3. That Council forwards correspondence to the NSW Premier The Hon Chris Minns MP, Minister for Finance and Minister for Natural Resources The Hon Courtney Houssos MLC, and the Minister for Energy and Minister for the Environment The Hon Penny Sharpe MLC, seeking meetings to discuss the project and Cobalt Blue's government funding application.
4. That a Councillor Briefing be held regarding Cobalt Blue's Critical Minerals Battery Recycling Project.

CARRIED UNANIMOUSLY

ITEM 3 - MAYORAL MINUTE NO. 20/24 - DATED NOVEMBER 26, 2024 - EXCLUSION OF SACRED HEART PARISH PRIMARY SCHOOL FROM BROKEN HILL PRIMARY SCHOOLS SPORTS ASSOCIATION (PSSA) CARNIVALS AND EVENTS D24/57239

RESOLUTION

Minute No. 47697

Mayor T Kennedy moved)
Councillor R Algate seconded)

Resolved

1. That Mayoral Minute No. 20/24 dated November 26, 2024, be received.
2. That Council writes to the Minister for Education and Early Learning, The Honorable Prue Car MP, Shadow Minister for Education, The Honorable Sarah Mitchell MLC, Local Member, Mr Roy Butler MP, and Director, Educational Leadership – Far West, Mr Peter Macbeth, expressing opposition and disappointment in the decision to exclude Sacred Heart Parish Primary School from Broken Hill PSSA events and to investigate other avenues (school zoning) to increase enrolment numbers at Broken Hill Public Schools rather than excluding Sacred Heart Parish Primary School from Broken Hill PSSA.
3. That Council advocates for the continuation of Sacred Heart Parish Primary School's participation in Broken Hill PSSA events to maintain unity, equal opportunity and educational choice for all residents within our community.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

ITEM 1 - VERBAL DELEGATES REPORT FROM COUNCILLOR BOLAND - ATTENDANCE AT THE LGNSW ANNUAL CONFERENCE HELD IN TAMWORTH 17-19 NOVEMBER 2024 (GB2/24)

13/147

Councillor Michael Boland gave a verbal report regarding his attendance at the LGNSW Annual Conference and advised:

- Council submitted five motions on the following subjects, which were passed:
 - Advocacy for increases to Financial Assistance Grants
 - Abolition of cemeteries tax
 - Waste Levy Boundaries
 - Funding of upgrades to regional airports
 - State Government to pay for the remediation of contaminated land
- The lack of support shown by LGNSW regarding the waste levy boundaries has been disappointing, taking three months to receive a response.
- The concern regarding the amendment that was moved to Council's motion (for the state government to pay for the remediation of contaminated land) by a Northern Beaches Greens Councillor that stated "LGNSW calls on the state government to ban all mining in NSW". This Councillor has no idea of mining leases, the environmental bond held by the government or the challenges mining communities face from her place of privilege on the Northern Beaches. The motion ended up passing with the words "Mining Companies and State Government pay for the remediation of contaminated land".
- The concern in the increase of Greens-backed councillors since the election and that LGNSW has further failed to represent the interests of regional NSW.
- The way the structure of voting at the LGNSW Conference benefits the metro areas over regional areas, resulting in motions being presented to the state government as having the full support of every local government area in NSW when this is not correct.
- Questioned whether LGNSW is acting in the best interest of Broken Hill City Council and its residents.

RESOLUTION

Minute No. 47698

Councillor M Boland moved)

Councillor D Gallagher seconded)

Resolved

That Councillor Boland's verbal delegates report be received.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

Nil.

REPORTS

ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 175/24 - DATED NOVEMBER 20, 2024 - LGNSW SUPPORT TO COUNCIL REGARDING THE WASTE SERVICES LEVY D24/56195

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Councillor Turley declared a conflict of interest during discussion of item 4 and left the Council Chambers at 7:02pm

RESOLUTION

Minute No. 47699

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 175/24 dated November 20, 2024, be received.
2. That Council notes that LGNSW took three months to follow up from initial correspondence requesting support to Council's submission on the waste services levy review and the disappointment this has caused.
3. That Council notes a number of motions and amendments that were argued at the LGNSW Conference were not in the interests of Broken Hill or regional NSW. Broken Hill delegates were shocked that the conference considered banning mining in NSW though not passed, it was debated as a reasonable course of action.
4. It is noted that concerns of being part of an organisation that is considered by the State government to have the unanimous support of NSW councils and the risks it poses when city eccentric councils can pass resolutions that could have the potential to decimate regional communities and have no empathy for those communities.
5. That Council notes it is disappointed that LGNSW advocacy at the State Government level is centred around metropolitan councils.
6. That Council immediately resigns our membership from the LGNSW and sends correspondence to LGNSW of our decision.
7. That Council considers rejoining LGNSW if we can be given a written guarantee that motions from member councils will not be considered that have the potential to destroy the economies of other member councils.

CARRIED

FOR: Mayor Tom Kennedy, Councillors Bob Algate, Michael Boland, Alan Chandler, Dave Gallagher and Elaine Gillett

AGAINST: Councillor Ashley Byrne

Councillor Turley returned to the Chambers at 7:19pm. The Mayor advised Councillor Turley of Council's resolution to resign from LGNSW.

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Councillor Turley thanked Council for her time as President of LGNSW, stating that it was an honour to be President and how it brought Ministers and investment to the region. Councillor Turley also commented that the Western Division Associations of Councils will also be affected by the decision.

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 176/24 - DATED OCTOBER 30, 2024 -
APPOINTMENT OF NEW MEMBERS TO THE WESTERN REGIONAL PLANNING PANEL**

D24/52396

RESOLUTION

Minute No. 47700

Councillor R Algate moved)

Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 176/24 dated October 30, 2024, be received.
2. That based on the required selection criteria Council resolves to nominate two (2) members being Mayor Tom Kennedy and Mr Jay Nankivell (General Manager) as independent members on the Western Regional Planning Panel, to determine development applications of regional significance in the Broken Hill City Council Local Government Area; and two (2) alternate members being, Councillor Algate and Ms Razija Nu'man (Chief Corporate and Community Officer)
3. As the standard term of membership of the Western Regional Planning Panel is three (3) years, Council's membership for the new term of the Panel will commence from the 27 November 2024 Council Meeting, and will expire on 27 November 2027.
4. That the NSW Government Planning Panels Secretariat be advised of Council's members and their term on the Western Regional Planning Panel.

CARRIED UNANIMOUSLY

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 177/24 - DATED SEPTEMBER 03, 2024 -
DRAFT ANNUAL REPORT 2023/2024**

D24/43174

RESOLUTION

Minute No. 47701

Councillor R Algate moved)

Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 177/24 dated September 3, 2024, be received.
2. That the Draft Annual Report 2023/2024, inclusive of Delivery Program Achievements, Disability Inclusion Action Plan Achievements, audited Annual Financial Statements for the reporting period 1 July 2023 to 30 June 2024, State of City Report 2022-2024, be adopted.

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3. That the Annual Report 2023/2024, inclusive of Delivery Program Achievements, Disability Inclusion Action Plan Achievements, audited Annual Financial Statements for the reporting period 1 July 2023 to 30 June 2024, State of City Report 2022-2024, be posted on Council's website.
4. That Council's web link for the Annual Report 2023/2024, inclusive of Delivery Program Achievements, Disability Inclusion Action Achievements, audited Annual Financial Statements for the reporting period 1 July 2023 to 30 June 2024, State of City Report 2022-2024, be provided to the Minister via the Office of Local Government and Minister for Disability Services, by 30 November 2024.

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 178/24 - DATED OCTOBER 14, 2024 -
PUBLIC PRESENTATION OF 2023/2024 FINANCIAL STATEMENTS** D24/49703

RESOLUTION

Minute No. 47702

Councillor M Boland moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 178/24 dated October 14, 2024, be received.
2. That Council adopt the financial statements and present the Annual Financial Statements inclusive of the Auditor's Reports for 2023/2024 to the public.

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 179/24 - DATED NOVEMBER 12, 2024 -
QUARTERLY BUDGET REVIEW STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2024** D24/54663

RESOLUTION

Minute No. 47703

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 179/24 dated November 12, 2024, be received.
2. That the 1st 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 2023/24 projected net capital budget expenditure of \$36,199,000.

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CARRIED UNANIMOUSLY

ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 180/24 - DATED NOVEMBER 12, 2024 - INVESTMENT REPORT FOR OCTOBER 2024 D24/54697

RESOLUTION

Minute No. 47704

Councillor M Boland moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 180/24 dated November 12, 2024, be received.

CARRIED UNANIMOUSLY

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 181/24 - DATED OCTOBER 23, 2024 - DEVELOPMENT APPLICATION 54/2024 - CONSTRUCTION OF NEW MULTI PURPOSE GARAGE/WORKSHOP - 1 WARNOCK STREET (COUNCIL WORKS DEPOT) D24/51013

RESOLUTION

Minute No. 47705

Councillor R Algate moved)
Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 181/24 dated October 23, 2024, be received.
2. That Development Application 54/2024, for demolition of existing structures and construction of a multi-purpose shed at 1 Warnock Street, Broken Hill be approved, subject to conditions of development consent (as attached to this report).
3. That Council waive payment of a section 7.12 Contribution Levy relating to the development. This levy payment is to be waived due to the nature of the proposal, and as the development is undertaken by or on behalf of Council, therefore no contributions or payment of the Levy would be warranted in this instance.

CARRIED UNANIMOUSLY

FOR: Mayor Tom Kennedy, Councillors Bob Algate, Michael Boland, Ashley Byrne, Alan Chandler, Dave Gallagher, Elaine Gillett and Darriea Turley

AGAINST: Nil.

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 182/24 - DATED NOVEMBER 13, 2024 - COMMUNITY ASSISTANCE GRANTS AWARDED FOR ROUND 2 OF 2024/2025 D24/55069

RESOLUTION

Minute No. 47706

Councillor D Turley moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 182/24 dated November 13, 2024, be received.
2. That Council notes the Community Assistance Grants awarded for Round Two of

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2024/2025 which were recommended by the Panel on 13 November 2024, and approved by the General Manager under delegation on 13 November 2024.

3. That Council notes that the Community Assistance Grants budget for Round Two is not fully expended with \$8,705.00 remaining unspent which will be returned to Council's operating budget for 2024/2025.
4. That correspondence be sent to People First (Australia) Ltd to encourage them to reapply in a future round of Community Assistance Grants Funding and offering assistance in the completion of their funding application.

CARRIED UNANIMOUSLY

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 183/24 - DATED NOVEMBER 20, 2024 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.452, HELD ON TUESDAY, 12 NOVEMBER 2024 D24/56181

RESOLUTION

Minute No. 47707

Councillor R Algate moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 183/24 dated November 20, 2024, be received.
2. That the minutes of the Local Traffic Committee – Meeting No.452, held on Tuesday, 12 November 2024 be endorsed.
3. That Item No.452.10.1 recommendation be received:
 - 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.
4. That Item No.449.10.1 recommendation be received:
 - That Council Rangers and NSW Police be asked to monitor parking on Mica Street near Oxide Street, and that correspondence be sent to Domino's requesting they utilise rear parking instead of parking on the nature strip.

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5. That Item No.452.8.1 recommendations be received:
 - That the 'Loading Zone' remain unchanged.
 - That Council consult with the management of the Palace Hotel, advising they are to arrange matting to be placed on the pavers during beer keg deliveries, to prevent damage.
6. That Item No.452.8.2 recommendation be received:
 - That NSW Police and Council Rangers be asked to increase patrol of the area to ensure compliance and enforce infringement notices.
7. That Item No.452.8.4 recommendations be received:
 - That Council note that the Local Traffic Committee endorse the concept plans prepared by Council for installation of line marking of parking spaces, adjacent to the Alma Public School on Comstock Street and a section of Boughtman Street.
 - That Council makes arrangements for the installation of line marking for the parking spaces.
 - That Council invoice Alma Public School for the cost of the line marking.
8. That Item No.452.8.5 recommendation be received:
 - That Council note that the Local Traffic Committee endorse the Traffic Control Plan for the 2024 Christmas Pageant being held on Saturday, 7 December 2024.

CARRIED UNANIMOUSLY

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 184/24 - DATED NOVEMBER 11, 2024 -
ACTION LIST REPORT D24/54533

RESOLUTION

Resolved

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Minute No. 47708

Councillor D Gallagher moved)
Councillor A Byrne seconded) 1. That Broken Hill City Council Report No.
184/24 dated November 11, 2024, be
received.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 14 - QUESTIONS ON NOTICE NO. 12/24 - DATED NOVEMBER 01, 2024 - COUNCILLOR
QUESTIONS ON NOTICE TAKEN AT THE OCTOBER COUNCIL MEETING D24/53119**

RESOLUTION

Resolved

Minute No. 47709

Councillor A Byrne moved)
Councillor D Gallagher seconded) 1. That Questions On Notice No. 12/24 dated
November 1, 2024, be received.

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Local Traffic Committee Matter – Loading Zone Adjacent to the Palace Hotel

Councillor Algate referred to Item 452.8.1 of the Local Traffic Committee Minutes regarding the location of the loading zone adjacent to the Palace Hotel and the request received from the management of the Palace Hotel to move the loading zone to align with a concrete path that was installed in the new footpath paving in Sulphide Street to allow for beer kegs to be delivered without causing damage to the newly laid pavers.

Councillor Algate requested that the Traffic Committee reviews their recommendations to leave the loading zone unchanged as slight damage is already evident to the pavers adjacent to the Palace Hotel and also requests the Traffic Committee to review its recommendation regarding the use of matting over the pavers (instead of moving the loading zone) as this may cause a trip hazard to pedestrians.

PUBLIC FORUM SESSION

Nil.

CONFIDENTIAL MATTERS

Nil.

There being no further business to consider, the Mayor closed the meeting at 7:42pm.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)

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COUNCIL HELD ON

)

CHAIRPERSON