
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 27, 2015

PLEASE NOTE

The Minutes of the Council Meeting held May 27, 2015 were amended when they were confirmed at the Council Meeting held June 24, 2015.

Council's resolution to amend these minutes is as follows:

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 44967

Councillor P. Black moved)

Councillor C. Adams seconded)

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held May 27, 2015 be confirmed with the following amendment to Item 3:

That the reference to "Aldermen" in the Draft Intellectual Property Policy be amended to read "Councillors and past Aldermen".

CARRIED

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 27, 2015

Meeting commenced at 6:30 p.m.

The General Manager advised that due to the absence of the Mayor and Deputy Mayor, appointment of a Councillor to Chair the Meeting is required.

RESOLUTION

Minute No. 44949

Councillor M. Browne moved) That Councillor Turley Chair the meeting due to
Councillor P. Black seconded) the absence of the Mayor and Deputy Mayor.

CARRIED

Councillor Turley assumed the Chair.

PRESENT:

Councillors C. Adams, B. Algate, P. Black, M. Browne, J. Richards and
D. Turley.

General Manager, Deputy General Manager, Manager Infrastructure
Strategy, Manager Building Development and Compliance, Manager
Economic Development and Culture, Governance Officer, Executive
Support Officer and Communication Specialist.

Media (4), Members of the Public (40).

APOLOGIES:

Councillor W. Cuy (Mayor) Councillor D. Gallagher (Deputy Mayor),
B. Licul and J. Nolan

RESOLUTION

Minute No. 44950

Councillor M. Browne moved) That the apologies submitted on behalf of Mayor
Councillor J. Richards seconded) Cuy, Deputy Mayor Gallagher, Councillor Licul
and Councillor Nolan be accepted and leave of
absence granted.

CARRIED

PRAYER

Councillor Richards delivered the prayer

ACKNOWLEDGEMENT OF COUNTRY

Councillor Richards delivered the Acknowledgment of Country

PUBLIC FORUM

Communications Tower – Modification of Development Consent Conditions

11/467

Mr. Fred Smith on behalf of the Resident's Action Group stated he is opposed to the erection of a tower anywhere in Broken Hill and raised the following concerns:

- *that travellers on the Tibooburra road using their mobile phones will cause a spike in output at the tower, and that this will happen regularly.*
- *Councillors have a duty of care to the ratepayers.*
- *Telstra could situate the tower on the outskirts of the City.*
- *The affects on residents health, drop in land values.*
- *Opposed the increase in Council rates over next 3 years.*
- *Advised that many residents are purchasing their own machines to monitor the emissions.*
- *Request that Council adopts the recommendation to retain the monitoring clauses on the application and to amend the motion to include monitoring the tower at the pool.*

Mr. Smith asked how long the monitoring of emissions will occur ?

Communications Tower – Modification of Development Consent Conditions

11/467

Mrs. Dinitee Haskard on behalf of the Resident's Action Group stated she is opposed to the erection of a tower anywhere in Broken Hill.

She asked Councillors to approve the recommendation in the report dated May 18, 2015 and stated the following concerns:

- *That a telecommunication tower should not be erected in McCulloch Street and is opposed to the location as it is a residential, school and recreational area.*
- *The tower should be located on the outskirts of Broken Hill at a distance of no less than 1km from residences.*

Mrs. Haskard requested that the following amendments be made to the conditions as set out in the report dated 18th May 2015:

- *condition 22, an amendment to include measurements and readings of EME/EMR from the stated 1.5m to include the Water Slide at 15m high and to a height to include the entire tower, being 36m and at circular bands from the tower to 500m.*
- *an amendment for the requirement that any additional antenna installation must be approved by a Development Application to Council and further monitoring must be complied with.*
- *condition 22, to state that the 'regular readings' should be quarterly readings which are to be reported to Council.*

Mrs. Haskard requested Council to rescind the motion to approve the telecommunication tower in McCulloch Street, based on the abhorant visual impact on the surrounding area; the impediments to lifestyle of the people in the local vicinity, the impact to the surrounding recreational facilities; its close proximity to the Willyama High School; the possible devaluation of housing; and the exposure of EME on a 24 hour basis.

The Chairperson took on notice the questions raised in Mrs. Haskard's written submission provided to Council, being:

1. *What is the timeframe of 'regular readings'? Please clarify.*
2. *What financial cost would be incurred by BHCC if Telco/SK Planning representing Telstra, were to build the communication to the outskirts of the city?*
3. *What would be the financial cost to Telstra to build the communication tower on the outskirts of the city? BHCC has every right to request this information on behalf of their citizens.*

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 27, 2015

4. *Has BHCC got insurance to cover any potential Court matters relating to the telecommunication tower (Telstra/SK Planning) and any actions that may occur in the Land Environment Court.*
5. *What is the current status of Telstra/Telco's proceedings in the LEC against Council?*
6. *Is it the intention of Council to retain ownership of the parcel of land in question? I.e.: The McCulloch Street location of the currently approved site.*
 - *If it should be the case that Council intends to sell this parcel of land to Telstra or any other similar body/corporate, who and how will compliance of monitoring and reporting be conducted should site ownership be relinquished? Will the compliance of monitoring and reporting still be provided to Council?*
7. *In the report dated 18th May, 2015, it is not stated that the BHCC received a letter from the NSW Dept. of Education and Communities, as an objection to the modifications. I believe BHCC did receive such a letter. Why was this objection not included in the report?*
8. *Could Council please explain their interpretation of 'maximum and minimum levels' requested in the conditions?*
9. *Could Council please explain their interpretation of the previous refusal to Chapple Lane location, based mostly on visual and impediment to locals and school (or similar language), and how does that location differ so much to refuse it, as opposed to McCulloch Street location that has been approved and yet has similar if not more visual and impediment to locals and schools and has had a far greater objection rate via submissions.*
10. *I request that the above questions be answered for the benefit of transparency and to satisfy community concern.*

Communications Tower – Modification of Development Consent Conditions

11/467

Ms. Joanne Mahoney representative of Resident's Action Group stated that the tower will be located 25m from her back fence and raised concerns regarding:

- *The tower should be located 1km out of town on the outskirts.*
- *Byron Shire Councillors voted 9 to 0 against a 31m Telecommunications tower being erected less than 500m from homes and schools at Brunswick Heads. The tower was subsequently built 1.5km from residences on the outskirts of Brunswick Heads.*
- *Council's duty of care to its citizens*
- *The standards for acceptable EMR levels have been reduced in other countries.*
- *That approval should not be given without testing and monitoring conditions even if the tower is built out of town.*
- *Telstra state that testing is a specialised field – EMR Australia have devices available that individuals can carry out their own testing in their homes.*
- *Lyn McLean director of EMR Australia has been monitoring and writing on the subject of EMR for many years and has published a book called "The Force".*
- *Need to be aware of the environment and minimise exposure to EMR.*
- *Referred to a text message from Telstra advising that the long term effects of mobile phones is unknown and requires more study in their usage especially by children and recommends hand held usage on speaker, limiting calls and only using in areas of good reception to minimise EMR to the user.*
- *Is this the new Asbestos ?*

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 27, 2015

Communications Tower – Modification of Development Consent Conditions

11/467

Mr. Ian Dansie raised concerns regarding the monitoring of electromagnetic emissions from the telecommunications tower and spoke about his experience as a radio technician since 1957 and his familiarity with Electromagnetic Emissions. Mr. Dansie raised the following concerns:

- *That a microwave oven must emit less than 1000th of a watt per square cm of electromagnetic emissions.*
- *The output of power from WI-FI devices is only limited to making sure that it connects to a tower, therefore it emits more electromagnetic energy than a microwave oven.*
- *Raised concerns regarding the safe level for electromagnetic emissions from the telecommunications tower.*
- *Requested that the tower be placed out of town on the hill behind the firing range.*

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 44951

Councillor C. Adams moved)
Councillor J. Richards seconded)

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held April 29, 2015 be confirmed.

That the Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held May 13, 2015 be confirmed.

CARRIED

DISCLOSURE OF INTEREST

Councillor Richards declared:

- a conflict of interest in Item 4 (Report No. 110/15) as his employer has a licensing agreement with Telstra and advised that he will leave the Council Chambers whilst the item is considered.

The Chairperson advised that due to Councillor Richards' declaration of interest and the number of Councillors absent from the meeting, a quorum would not be present for Item 4 (Report No. 110/15) and therefore this item will be deferred to the June Council Meeting.

MAYORAL MINUTES

Nil.

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 99/15 - DATED MARCH 30, 2015 -
ADOPTION OF DRAFT CEMETERY MANAGEMENT POLICY 13/163

Recommendation

That Broken Hill City Council Report No. 99/15 dated March 30, 2015, be received.

That Council adopts the Draft Cemetery Management Policy as a Policy of Council.

That one existing policy (Exclusive Rights for Old Graves Policy) be deleted from Council's Policy Register as adoption of the Draft Cemetery Management Policy will render it obsolete.

Councillor P. Black moved) That the recommendation of item 1 be adopted.
Councillor C. Adams seconded)

Amendment

Councillor B. Algate moved) That the report be deferred and presented to the
Councillor C. Adams seconded) June Council Meeting with amendments to the
following clauses of the Draft Cemetery
Management Policy:
Clause 6 - to review the requirement to pay
the difference between the Exclusive Rights
for Old Graves effective at the time of
purchase and the fee for an Exclusive Right
for burial effective at the time of the
proposed interment prior to the interment
taking place.

Clause 7 – to correct the size of the plot
allocation in the Rose Garden to 450mm x
400mm.

CARRIED

The amendment becomes the motion.

RESOLUTION

Minute No. 44952

Councillor B. Algate moved) That the report be deferred and presented to the
Councillor C. Adams seconded) June Council Meeting with amendments to the

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 27, 2015

following clauses of the Draft Cemetery
Management Policy:

Clause 6 - to review the requirement to pay the difference between the Exclusive Rights for Old Graves effective at the time of purchase and the fee for an Exclusive Right for burial effective at the time of the proposed interment prior to the interment taking place.

Clause 7 – to correct the size of the plot allocation in the Rose Garden to 450mm x 400mm.

CARRIED

ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 108/15 - DATED MAY 14, 2015 - DRAFT COMPLIANCE AND ENFORCEMENT POLICY 12/14

Recommendation

That Broken Hill City Council Report No. 108/15 dated May 14, 2015, be received.

That Council endorse the Draft Compliance and Enforcement Policy for the purposes of public consultation.

That the Draft Compliance and Enforcement Policy be exhibited for public comment for a 28 day period.

That the Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the Draft Compliance and Enforcement Policy.

RESOLUTION

Minute No. 44953

Councillor P. Black moved) That the recommendation of item 2 be adopted.
Councillor B. Algate seconded)

CARRIED

ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 109/15 - DATED MAY 05, 2015 - DRAFT INTELLECTUAL PROPERTY POLICY FOR PUBLIC EXHIBITION 12/14

RESOLUTION

Minute No. 44954

Councillor P. Black moved) That Broken Hill City Council Report No. 109/15
Councillor M. Browne seconded) dated May 5, 2015, be received.

That the Draft Policy be amended to correct the reference to "Alderman" and change it to "Councillor".

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 27, 2015

That Council endorse the Intellectual Property Policy for the purposes of public consultation.

That the Draft Intellectual Property Policy be exhibited for public comment for a 28 day period.

That the Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the Draft Intellectual Property Policy as a Policy of Council.

CARRIED

ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 110/15 - DATED MAY 18, 2015 - MODIFICATION OF DEVELOPMENT CONSENT 182/2014 - 334 MCCULLOCH STREET, BROKEN HILL - TELSTRA CORPORATION 11/467

The Chairperson advised that due to Councillor Richards' declaration of interest and the number of Councillors absent from the meeting, a quorum is not be present to consider Item 4, and therefore this item is deferred to the June Council Meeting.

ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 100/15 - DATED MAY 12, 2015 - INVESTMENT REPORT FOR APRIL 2015 11/48

Recommendation

That Broken Hill City Council Report No. 100/15 dated May 12, 2015, be received.

ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 111/15 - DATED MAY 19, 2015 - QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING MARCH 2015 12/160

Recommendation

That Broken Hill City Council Report No. 111/15 dated May 19, 2015, be received.

That the 3rd Quarterly Budget Review Statement and recommendations contained within be adopted and income and expenditure adjustments be voted.

Minute No. 44955

Councillor P. Black moved) That the recommendations of items 5 to 6 be
Councillor B. Algate seconded) adopted.

CARRIED

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 27, 2015

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 112/15 - DATED MAY 12, 2015 -
COMMUNITY ASSISTANCE REQUESTS - APRIL 2015** 11/117

RESOLUTION

Minute No. 44956

Councillor P. Black moved) That Broken Hill City Council Report No. 112/15
Councillor C. Adams seconded) dated May 12, 2015, be received.

That Council approves a Rates Subsidy of \$1635.00 to the Broken Hill Repertory Society Inc. at their principal facility at 189 Wills Street, Broken Hill for the 2014/2015 financial year (being the difference between the business rate and the residential rate as per Clause 7.2 of the Community Assistance Policy).

That the Community Assistance Policy be amended to include provision of an annual rates subsidy to the Broken Hill Repertory Society Inc. at their principal facility at 189 Wills Street, Broken Hill (being the difference between the business rate and the residential rate as per Clause 7.2 of the Community Assistance Policy).

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 101/15 - DATED MAY 12, 2015 -
SUSTAINABILITY GROUP ACTIVITIES - APRIL 2015** 11/514

Recommendation

That Broken Hill City Council Report No. 101/15 dated May 12, 2015, be received.

RESOLUTION

Minute No. 44957

Councillor J. Richards moved) That the recommendation of item 8 be adopted.
Councillor C. Adams seconded)

CARRIED

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 102/15 - DATED MAY 12, 2015 - HERITAGE
STATUS REPORT - APRIL 2015** 11/126

Recommendation

That Broken Hill City Council Report No. 102/15 dated May 12, 2015, be received.

RESOLUTION

Minute No. 44958

Councillor B. Algate moved) That the recommendation of item 9 be adopted.
Councillor C. Adams seconded)

CARRIED

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 27, 2015

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 113/15 - DATED MAY 12, 2015 -
ECONOMIC DEVELOPMENT ACTIVITY REPORT FOR APRIL 2015** 11/514

RESOLUTION

Minute No. 44959

Councillor P. Black moved) That Broken Hill City Council Report No. 113/15
Councillor M. Browne seconded) dated May 12, 2015, are received.

That Council extends its congratulations to Kerry Stevenson, Managing Director of the Resources and Energy Symposium for the conduct of the 2015 Symposium, and reiterates that Council is pleased to support the continuation of the event in Broken Hill.

CARRIED

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 103/15 - DATED MAY 13, 2015 -
INFRASTRUCTURE MONTHLY ACTIVITIES FOR THE MONTH OF APRIL 2015** 11/514

Recommendation

That Broken Hill City Council Report No. 103/15 dated May 13, 2015, be received.

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 114/15 - DATED MAY 15, 2015 - ACTION
LIST REPORT** 11/25

Recommendation

That Broken Hill City Council Report No. 114/15 dated May 15, 2015, be received.

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 104/15 - DATED MAY 11, 2015 - MINUTES
OF THE LOCAL TRAFFIC COMMITTEE MEETING NO.348, HELD 5 MAY 2015** 11/397

Recommendation

That Broken Hill City Council Report No. 104/15 dated May 11, 2015, be received.

That the Minutes for the Local Traffic Committee Meeting No.348, held May 5, 2015 be received.

Minute No. 44960

Councillor P. Black moved) That the recommendations of items 11 to 13 be
Councillor B. Algate seconded) adopted.

CARRIED

COMMITTEE REPORTS

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 105/15 - DATED MAY 11, 2015 - MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES MEETING HELD 21 APRIL 2015 12/51

Recommendation

That Broken Hill City Council Report No. 105/15 dated May 11, 2015, be received.

That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee meeting held April 21, 2015 be received.

ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 106/15 - DATED MAY 14, 2015 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD MAY 5, 2015 12/52

Recommendation

That Broken Hill City Council Report No. 106/15 dated May 14, 2015, be received.

That the minutes of the Memorial Oval Community Committee Meeting held May 5, 2015 be received.

Minute No. 44961

Councillor C. Adams moved) That the recommendations of items 14 to 15 be
Councillor M. Browne seconded) adopted.

CARRIED

QUESTIONS ON NOTICE

ITEM 16 - QUESTIONS ON NOTICE NO. 8/15 - DATED MAY 01, 2015 - COUNCILLORS QUESTIONS ON NOTICE FROM THE APRIL 2015 COUNCIL MEETING 11/115

Recommendation

That Questions On Notice No. 8/15 dated May 1, 2015, be received.

RESOLUTION

Minute No. 44962

Councillor P. Black moved) That the recommendation of item 16 be adopted.
Councillor C. Adams seconded)

CARRIED

QUESTIONS FOR NEXT MEETING

No. 4 Headframe

Councillor Richards requested information regarding the status of works to secure and restore the No. 4 Headframe.

CONFIDENTIAL MATTERS

RESOLUTION

Minute No. 44963

Councillor P. Black moved
Councillor B. Algate seconded

)
)

That the confidential items be considered in open session.

CARRIED

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 107/15 - DATED APRIL 21, 2015 -

CONFIDENTIAL

(General Manager's Note: This report considers a tender 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).

Recommendation

That Broken Hill City Council Report No. 107/15 dated April 21, 2015, be received.

That Council accept the tender from Johnson's Trucks and Coach Service Pty Ltd for a Hino 4x2 GH mounted with a Burcher Municipal SPORT GenV Side Loader for \$327,734.39 be accepted together with the trade in price offered for the Hino Cab Chassis McDonald Johnston Compactor Body (Fleet #3272) of \$44,000.00. The total cost to Council for the replacement and purchase of a new garbage compactor being \$283,734.39

RESOLUTION

Minute No. 44964

Councillor P. Black moved
Councillor B. Algate seconded

)
)

That the recommendation of item 17 be adopted.

CARRIED

DIVISION: CARRIED UNANIMOUSLY

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 27, 2015

ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 115/15 - DATED MAY 20, 2015 -

CONFIDENTIAL

(General Manager's Note: This report considers a tender 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).

Recommendation

That Broken Hill City Council Report No. 115/15 dated May 20, 2015, be received.

That Council accept the tender submitted by AJ&C for \$542,472, for Project Management of the Broken Hill Civic Centre Redevelopment (TenderT15/2), subject to the funding agreement being signed prior.

RESOLUTION

Minute No. 44965

Councillor P. Black moved) That the recommendation of item 18 be adopted.
Councillor B. Algate seconded)

CARRIED

DIVISION: CARRIED UNANIMOUSLY

The Chairperson requested the General Manager report on the confidential matters. The General Manager advised that Council had resolved, in respect of:

Item 17 - Broken Hill City Council Report No. 107/15 - dated April 21, 2015 – Confidential

- That Broken Hill City Council Report No. 107/15 dated April 21, 2015, be received.
- That Council accept the tender from Johnson's Trucks and Coach Service Pty Ltd for a Hino 4x2 GH mounted with a Burcher Municipal SPORT GenV Side Loader for \$327,734.39 be accepted together with the trade in price offered for the Hino Cab Chassis McDonald Johnston Compactor Body (Fleet #3272) of \$44,000.00. The total cost to Council for the replacement and purchase of a new garbage compactor being \$283,734.39

Item 18 - Broken Hill City Council Report No. 115/15 - dated May 20, 2015 – Confidential

- That Broken Hill City Council Report No. 115/15 dated May 20, 2015, be received.
- That Council accept the tender submitted by AJ&C for \$542,472, for Project Management of the Broken Hill Civic Centre Redevelopment (TenderT15/2), subject to the funding agreement being signed prior.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MAY 27, 2015

There being no further business the Chairperson closed the meeting at 7:07 p.m.

THE FOREGOING MINUTES WERE READ
AND CONFIRMED AT THE ORDINARY
MEETING OF THE BROKEN HILL CITY
COUNCIL HELD ON JUNE 24, 2015.

)
)
)
)


CHAIRPERSON