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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
AUGUST 26, 2015

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Meeting commenced at 6:30 p.m.

**PRESENT:**

Councillor W. Cuy (Mayor) Councillor D. Gallagher (Deputy Mayor),  
Councillors C. Adams, P. Black, M. Browne, B. Licul, J. Nolan and  
J. Richards.

General Manager, Deputy General Manager, Chief Financial Officer,  
Manager Planning Development and Compliance, Division Manager  
Corporate and Human Services, Governance Officer, Executive Support  
Officer and Administration Officer.

Media (3), Members of the Public (15).

**APOLOGIES:**

Councillors B. Algate and D. Turley.

**RESOLUTION**

Minute No. 45036

Councillor B. Licul moved  
Councillor C. Adams seconded

) That the apologies submitted on behalf of  
) Councillors Algate and Turley be accepted and  
leave of absence granted.

CARRIED

**PRAYER**

Councillor Richards delivered the prayer

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country

**PUBLIC FORUM**

Nil

**MINUTES FOR CONFIRMATION**

**RESOLUTION**

Minute No. 45037

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 July 29,  
2015 be confirmed.

CARRIED

**DISCLOSURE OF INTEREST**

Councillor Licul declared:

- a conflict of interest in Item 13 (request from Broken Hill High School) as he is employed by the Far West Local Health District and advised that he will leave the Council Chambers whilst the item is considered.

## MAYORAL MINUTES

Nil.

## NOTICES OF MOTION

ITEM 1 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 3/15 - DATED AUGUST 13, 2015 -  
LOCAL GOVERNMENT CONFERENCE, SYDNEY - OCTOBER, 2015 13/147

### Recommendation

That Motions of Which Notice has been Given No. 3/15 dated August 13, 2015, be received.

That Mayor Cuy, Councillor Turley and Councillor Gallagher, APM attend the Local Government Conference to be held in Sydney October 11 – 13, 2015.

That the Council nominated voting delegates to the Conference be the Mayor and Councillor Gallagher, APM.

### Motion

Councillor D. Gallagher moved ) That the recommendation of item 1 be adopted.  
Councillor J. Richards seconded )

### Amendment

Councillor P. Black moved ) That the Mayor, Councillor Licul and Councillor  
Councillor B. Licul seconded ) Turley attend the Local Government Conference  
to be held in Sydney October 11 – 13, 2015.

That the Council nominated voting delegates to  
the Conference be the Mayor and Councillor  
Licul.

LOST  
on the casting vote of the Mayor

The original motion was put.

## RESOLUTION

### Minute No. 45038

Councillor D. Gallagher moved ) That the recommendation of item 1 be adopted.  
Councillor J. Richards seconded )

CARRIED  
on the casting vote of the Mayor

## RESCISSION MOTIONS

Nil.

**REPORTS FROM DELEGATES**

Nil.

**REPORTS**

**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 176/15 - DATED JULY 31, 2015 -  
DISCLOSURE OF INTEREST RETURNS** 11/265, 11/646

Recommendation

That Broken Hill City Council Report No. 176/15 dated July 31, 2015, be received.

That Council note the submission of the required returns by the Councillors and Designated Persons of Council.

That access to Council's Register of Returns of Disclosures by Councillors and Designated Persons be in accordance with the provisions of the *Local Government Act 1993* and other relevant legislation.

**RESOLUTION**

Minute No. 45039

That the recommendation of item 2 be adopted.

Councillor D. Gallagher moved )

Councillor M. Browne seconded )

CARRIED

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 177/15 - DATED JULY 30, 2015 - ALCOHOL  
FREE ZONES** 11/307

Recommendation

That Broken Hill City Council Report No. 177/15 dated July 30, 2015, be received.

That Council endorse the draft proposal (as attached) to re-establish the Alcohol Free Zone surrounding the E.T.Lamb Memorial Oval, including public roads, public car parks and footpath area surrounding the oval bounded by South, Boughtman, Comstock and Jamieson Streets.

That Council endorse the draft proposal (as attached) to establish the Alcohol Free Zone South Broken Hill including all public roads, public car parks and footpaths in an area bounded by Bonanza, Patton, Central and Hebbard Streets including South Street from Piper Street through to Wilson Street.

That Council endorse the draft proposal (as attached) to establish the Alcohol Free Zone Shell Memorial including all public roads, public car parks and footpaths in an area bounded by Iodide, Thomas, Bromide and Mica Streets including Oxide Street from Thomas Street through to Morgan Street.

That Council endorse the draft proposal (as attached) to re-establish the Alcohol Free Zone Creedon Street, bounded by Rakow and Wills Streets.

That Council refer the Draft Proposals for comment in accordance with the provisions of the *Local Government Act 1993* and Ministerial Guidelines (2009) to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area and all affected licensed premises and registered clubs that border on, adjoin or are adjacent to the proposed alcohol free zone, for response within thirty days of public notice.

That Council invite public comment on the proposal through an advertisement in local newspaper with

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time for response within thirty (30) days.

That a further report be submitted to Council upon completion of the consultative process.

**RESOLUTION**

Minute No. 45040

Councillor C. Adams moved ) That the recommendation of item 3 be adopted.  
Councillor M. Browne seconded )

CARRIED

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 178/15 - DATED AUGUST 11, 2015 -  
INVESTMENT REPORT FOR JULY 2015** 11/48

Recommendation

That Broken Hill City Council Report No. 178/15 dated August 11, 2015, be received.

**RESOLUTION**

Minute No. 45041

Councillor J. Richards moved ) That the recommendation of item 4 be adopted.  
Councillor D. Gallagher seconded )

CARRIED

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 179/15 - DATED AUGUST 11, 2015 -  
REVIEW OF DELIVERY PROGRAM - SIX MONTHLY PERFORMANCE INDICATOR REPORTING  
AS AT JUNE 30, 2015** 13/79

Recommendation

That Broken Hill City Council Report No. 179/15 dated August 11, 2015, be received.

**RESOLUTION**

Minute No. 45042

Councillor J. Richards moved ) That the recommendation of item 5 be adopted.  
Councillor M. Browne seconded )

CARRIED

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 180/15 - DATED AUGUST 18, 2015 -  
COUNCILLOR REPRESENTATION AT THE 2015 LIBRARY SWITCH CONFERENCE, 17 - 19  
NOVEMBER, 2015 IN SYDNEY** 11/364

**RESOLUTION**

Minute No. 45043

Councillor M. Browne moved ) That Broken Hill City Council Report No. 180/15  
Councillor J. Richards seconded ) dated August 18, 2015, be received.

That Councillor Adams attends the 2015 NSW  
Public Libraries Association SWITCH Conference  
in Sydney from 17-19 November, 2015.

CARRIED

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**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 181/15 - DATED AUGUST 18, 2015 - DRAFT  
WASTE SERVICES POLICY FOR PUBLIC EXHIBITION** 11/200

Recommendation

That Broken Hill City Council Report No. 181/15 dated August 18, 2015, be received.

That Council endorse the Draft Waste Services Policy for the purposes of public consultation.

That the Draft Waste Management 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 recommended changes arising, with a view to adopting the Draft Waste Services Policy for use. If adopted the "Waste Services Policy 2005" and "Dumper Hire Policy" will be rendered obsolete.

**RESOLUTION**

Minute No. 45044

Councillor D. Gallagher moved ) That the recommendation of item 7 be adopted.  
Councillor J. Nolan seconded )

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 182/15 - DATED AUGUST 12, 2015 - DRAFT  
SWIMMING POOL BARRIER INSPECTION POLICY FOR PUBLIC EXHIBITION** 12/14

Recommendation

That Broken Hill City Council Report No. 182/15 dated August 12, 2015, be received.

That Council endorse the draft Swimming Pool Barrier Inspection Policy for the purposes of public consultation

That the draft Swimming Pool Barrier Inspection Policy be exhibited for public comment for a 28 day period

That 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 Swimming Pool Barrier Inspection Policy

**RESOLUTION**

Minute No. 45045

Councillor D. Gallagher moved ) That the recommendation of item 8 be adopted.  
Councillor C. Adams seconded )

CARRIED

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 183/15 - DATED AUGUST 18, 2015 - DRAFT  
ASBESTOS POLICY FOR PUBLIC EXHIBITION** 12/180

Recommendation

That Broken Hill City Council Report No. 183/15 dated August 18, 2015, be received.

That Council endorse the Draft Asbestos Policy for the purposes of public consultation.

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

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**RESOLUTION**

Minute No. 45046

Councillor J. Nolan moved ) That the recommendation of item 9 be adopted.  
Councillor J. Richards seconded )

CARRIED

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 184/15 - DATED AUGUST 18, 2015 -  
DRAFT COMMUNITY ASSISTANCE GRANT POLICY FOR PUBLIC EXHIBITION 11/117

Recommendation

That Broken Hill City Council Report No. 184/15 dated August 18, 2015, be received.

That Council endorse the Community Assistance Grant Policy for the purposes of public consultation.

That the draft Community Assistance Grant Policy be exhibited for public comment for a 28 day period.

That 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 Community Assistance Grant Policy. If adopted the Community Assistance Policy adopted in 2003 and the Heritage Restoration Fund Loans Policy adopted in 2002 will be rendered obsolete.

**RESOLUTION**

Minute No. 45047

Councillor D. Gallagher moved ) That the recommendation of item 10 be adopted.  
Councillor C. Adams seconded )

CARRIED

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 185/15 - DATED AUGUST 12, 2015 -  
DEVELOPMENT OF A DRAFT CONSOLIDATED DEVELOPMENT CONTROL PLAN (DCP) FOR  
BROKEN HILL CITY COUNCIL 11/126

Recommendation

That Broken Hill City Council Report No. 185/15 dated August 12, 2015, be received.

That a draft Consolidated Development Control Plan be prepared to apply to all land within Broken Hill local government area that consolidates the provisions of current development control plans and the provisions of any draft development control plans into a single plan.

That the draft Consolidated Development Control Plan be presented to a future Council Meeting for the purpose of public exhibition.

**RESOLUTION**

Minute No. 45048

Councillor C. Adams moved ) That the recommendation of item 11 be adopted.  
Councillor D. Gallagher seconded )

CARRIED

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**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 186/15 - DATED AUGUST 18, 2015 -  
RENEWAL OF LICENCE AT BROKEN HILL REGIONAL AIRPORT TERMINAL TO W.T.H. PTY LTD  
TRADING AS AVIS AUSTRALIA FOR CAR RENTAL DESK** 11/220

Recommendation

That Broken Hill City Council Report No. 186/15 dated August 18, 2015, be received.

That Council renews the licence agreement with W.T.H. Pty Ltd trading as Avis Australia for a Car Rental Desk and two (2) car parking spaces within the Licensor's lockup parking compound at the Broken Hill Regional Airport Terminal.

That the term of the licence be for five (5) years commencing July 1, 2015 and expiring June 30, 2020.

That W.T.H. Pty Ltd trading as Avis Australia will pay market fee for the licence in line with other similar airport desk licences; and that this fee is reviewed every twelve months on July 1<sup>st</sup> in line with the Consumer Price Index, and the licence fee adjusted accordingly.

That all other terms be in accordance with the previous licence.

That the Mayor and General Manager be authorised to sign the Licence Agreement and Council's Common Seal be affixed.

**RESOLUTION**

Minute No. 45049

Councillor D. Gallagher moved ) That the recommendation of item 12 be adopted.  
Councillor J. Nolan seconded )

CARRIED

**ITEM 13 – BROKEN HILL CITY COUNCIL REPORT NO. 187/15 – DATED AUGUST 06, 2015 –  
COMMUNITY ASSISTANCE REQUESTS FOR AUGUST** 11/117

*Councillor Licul declared a conflict of interest in section 3 (Broken Hill High School request). The Mayor stated that Council would consider sections 1, 2 and 4 together in order for Councillor Licul to be present for these matters.*

**RESOLUTION**

Minute No. 45050

Councillor M. Browne moved ) That Council approves the discretionary rates  
Councillor J. Nolan seconded ) subsidy to the Broken Hill Philharmonic Society  
Inc. of \$2,335.00 being the difference between  
the business rate and the residential rate for the  
principal property at 200 Crystal Street as per  
clause 7.2 of the Community Assistance Policy.

That Council declines the request for a waiver of entry fees at the Living Desert for the 5<sup>th</sup> Mildura Scouts Cubs Section for their Cub Pack Holiday to Broken Hill as the request does not meet the eligibility criteria of the Community Assistance Policy.

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That Council approves the request (facilitated by Compass Housing Services on behalf of residents of Creedon Street) for Community Assistance by way of in-kind assistance of \$1,551.50 to clean up vacant land and clear rubbish from the back fence line of properties in the Creedon Street Community Hub precinct between Rakow Streets and Cornish Streets.

CARRIED

*Councillor Licul declared an interest in section 3 (Broken Hill High School request) and left the Council Chambers at 6:47 p.m.*

**RESOLUTION**

Minute No. 45051

Councillor M. Browne moved )  
Councillor C. Adams seconded )

That Council approves the discretionary rates subsidy to the Broken Hill Philharmonic Society Inc. of \$2,335.00 being the difference between the business rate and the residential rate for the principal property at 200 Crystal Street as per clause 7.2 of the Community Assistance Policy.

That Council declines the request for a waiver of entry fees at the Living Desert for the 5<sup>th</sup> Mildura Scouts Cubs Section for their Cub Pack Holiday to Broken Hill as the request does not meet the eligibility criteria of the Community Assistance Policy.

That Council approves the request (facilitated by Compass Housing Services on behalf of residents of Creedon Street) for Community Assistance by way of in-kind assistance of \$1,550.50 to clean up vacant land and clear rubbish from the back fence line of properties in the Creedon Street Community Hub precinct between Rakow Streets and Cornish Streets.

That Council declines the request for waiver of fees for the Department of Education to hold a concert benefiting the Broken Hill Base Hospital (up to \$3,000.00 dependent on ticket sales) as the request does not meet the eligibility criteria of the Community Assistance Policy as both organisations are government funded.

CARRIED

*Councillor Licul returned to the Council Chamber at 6:48 p.m.*

*The Mayor advised Councillor Licul that the recommendation regarding the Broken Hill High School request was adopted.*

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 188/15 - DATED AUGUST 10, 2015 -  
TOURISM AND CULTURAL ATTRACTIONS ACTIVITY REPORT FOR JULY 2015**

11/514

Recommendation



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That Broken Hill City Council Report No. 188/15 dated August 10, 2015, are received.

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 189/15 - DATED AUGUST 05, 2015 -  
INFRASTRUCTURE MONTHLY ACTIVITIES - JULY 2015** 11/514

Recommendation

That Broken Hill City Council Report No. 189/15 dated August 5, 2015, be received.

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 190/15 - DATED AUGUST 12, 2015 -  
DEVELOPMENT ACTIVITIES - JULY 2015** 11/514

Recommendation

That Broken Hill City Council Report No. 190/15 dated August 12, 2015, be received.

Minute No. 45052

Councillor P. Black moved ) That the recommendations of items 14 to 16 be  
Councillor B. Licul seconded ) adopted.

CARRIED

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 191/15 - DATED AUGUST 12, 2015 -  
HERITAGE STATUS REPORT - JULY 2015** 11/126

Recommendation

That Broken Hill City Council Report No. 191/15 dated August 12, 2015, be received.

**RESOLUTION**

Minute No. 45053

Councillor M. Browne moved ) That the recommendation of item 17 be adopted.  
Councillor B. Licul seconded )

CARRIED

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 192/15 - DATED AUGUST 04, 2015 -  
ACTION LIST REPORT** 11/25

Recommendation

That Broken Hill City Council Report No. 192/15 dated August 4, 2015, be received.

**RESOLUTION**

Minute No. 45054

Councillor D. Gallagher moved ) That the recommendation of item 18 be adopted.  
Councillor J. Richards seconded )

CARRIED

**COMMITTEE REPORTS**

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 193/15 - DATED AUGUST 13, 2015 -  
NOMINATION FOR COMMUNITY REPRESENTATIVES ON VARIOUS SECTION 355 ASSET  
COMMITTEES**

12/57

Recommendation

That Broken Hill City Council Report No. 193/15 dated August 13, 2015, be received.

That Council appoints Mr. John Erskine as a community representative on the Memorial Oval Community Committee.

That Council appoints Ms. Fallon Lawn and Ms. Helen Semmens as community representatives on the Riddiford Arboretum Community Committee.

That Council appoints Mr. Hans Noorman as a community representative on the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 194/15 - DATED AUGUST 17, 2015 -  
MINUTES OF THE BIU BAND HALL AND SOCCER COMPLEX COMMUNITY COMMITTEE  
MEETING HELD AUGUST 12, 2015**

12/48

Recommendation

That Broken Hill City Council Report No. 194/15 dated August 17, 2015, be received.

That minutes of the BIU Band Hall and Soccer Complex Community Committee meeting held August 12, 2015 be received and noted.

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 195/15 - DATED AUGUST 18, 2015 -  
MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD AUGUST 17, 2015**

12/54

Recommendation

That Broken Hill City Council Report No. 195/15 dated August 18, 2015, be received.

That the minutes of the Picton Oval Community Committee Meeting held August 17, 2015 be received.

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 196/15 - DATED AUGUST 14, 2015 -  
MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE**

12/51

Recommendation

That Broken Hill City Council Report No. 196/15 dated August 14, 2015, be received.

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*Saturday evening games and Sunday afternoon games next year.*

**CONFIDENTIAL MATTERS**

**RESOLUTION**

Minute No. 45058

Councillor M. Browne moved ) That the confidential matters be considered in  
Councillor D. Gallagher seconded ) closed session in accordance with Section 10(A)  
of the Local Government Act, 1993.

CARRIED

*Council staff, members of the public and media left the Council Chambers at 6:58 p.m.*

*The Governance Officer returned to the Council Chambers at 7:02 p.m.*

**ITEM 24 - MAYORAL MINUTE NO. 4/15 - DATED AUGUST 19, 2015 - CONFIDENTIAL**

**(General Manager's Note:** This report considers personnel matters 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).

Recommendation

That Mayoral Minute No. 4/15 dated August 19, 2015, be received.

**RESOLUTION**

Minute No. 45059

Councillor M. Browne moved ) That the recommendation of item 24 be adopted.  
Councillor D. Gallagher seconded )

CARRIED

*Council staff returned to the Council Chambers at 7:03 p.m.*

**ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 197/15 - DATED JUNE 03, 2015 - CONFIDENTIAL**

**(General Manager's Note:** This report considers Responses to an Expression of Interest 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. 197/15 dated June 3, 2015, be received.

That Council approve the sale by auction process of Shorty O'Neil Village less the twelve units between Gossan and Skipman Streets subject to lifting of the caveat over the site by NSW Land and Housing Corporation and final subdivision from the overall site of the twelve unit cluster.

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Authorise the General Manager to proceed to subdivision of the site from the 12 unit cluster at Gossan Street once agreement has been reached with NSW Land and Property on the removal of the caveat.

**ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 198/15 - DATED AUGUST 18, 2015 -  
CONFIDENTIAL**

**(General Manager's Note:** This report considers a contract that is yet to be finalised 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. 198/15 dated August 18, 2015, be received.

That Council endorse the actions of the General Manager in relation to the sale of bed licences.

**Minute No. 45059**

Councillor P. Black moved ) That the recommendations of items 25 to 26 be  
Councillor D. Gallagher seconded ) adopted.

CARRIED

*Members of the public and media returned to the Council Chambers at 7:04 p.m.*

*The Mayor requested the General Manager to report on the confidential matters. The General Manager advised that Council had resolved in respect of:*

**Item 24 - Mayoral Minute no. 4/15 - dated August 19, 2015 – Confidential**

- That Mayoral Minute No. 4/15 dated August 19, 2015, be received.

**Item 25 - Broken Hill City Council Report No. 197/15 - dated June 03, 2015 - Confidential**

- That Broken Hill City Council Report No. 197/15 dated June 3, 2015, be received.
- That Council approve the sale by auction process of Shorty O'Neil Village less the twelve units between Gossan and Skipman Streets subject to lifting of the caveat over the site by NSW Land and Housing Corporation and final subdivision from the overall site of the twelve unit cluster.
- Authorise the General Manager to proceed to subdivision of the site from the 12 unit cluster at Gossan Street once agreement has been reached with NSW Land and Property on the removal of the caveat.

**Item 26 - Broken Hill City Council Report No. 198/15 - dated August 18, 2015 - Confidential**

- That Broken Hill City Council Report No. 198/15 dated August 18, 2015, be received.

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- That Council endorse the actions of the General Manager in relation to the sale of bed licences

There being no further business the Mayor closed the meeting at 7:05 p.m.

THE FOREGOING MINUTES WERE READ  
AND CONFIRMED AT THE ORDINARY  
MEETING OF THE BROKEN HILL CITY  
COUNCIL HELD ON SEPTEMBER 30, 2015.

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CHAIRPERSON