
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JULY 27, 2016

Meeting commenced at 6:30 p.m.

The Mayor and General Manager welcomed two new staff members to the meeting, Mr. Jay Nankivell, Acting Finance Manager and Mr. Darrin Manuel, Communication and Community Engagement Coordinator.

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

General Manager, Acting Deputy General Manager, Acting Finance
Manager, Division Manager Corporate and Human Services, Manager
Economic Development and Culture, Governance Officer, and
Communication and Community Engagement Coordinator.

Media (4), Members of the Public (24).

APOLOGIES: Councillor Turley.

RESOLUTION

Minute No. 45287

Councillor M. Browne moved)	That the apology submitted on behalf of
Councillor J. Nolan seconded)	Councillor 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

ADDRESS BY MURRAY DARLING BASIN AUTHORITY

An invitation was extended to the Murray Darling Basin Authority to address the Ordinary Meeting of Council. Murray Darling Basin Authority Chairperson, Mr. Neil Andrew, OAM, and Executive Director River Management Division, Mr. David Dreverman attended and gave an overview of the Murray Darling Basin Plan and the Draft Environmental Watering Strategy and took questions from Councillors.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 45288

Councillor B. Algate moved
Councillor D. Gallagher seconded

)
)

That the Minutes of the Ordinary Meeting of the
Council of the City of Broken Hill held June 29,
2016 be confirmed.

CARRIED

DISCLOSURE OF INTEREST

Nil

MAYORAL MINUTES

Nil.

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 149/16 - DATED JULY 15, 2016 - ANNUAL FEES - MAYOR AND COUNCILLORS 11/20

Recommendation

1. That Broken Hill City Council Report No. 149/16 dated July 15, 2016, be received.
2. That the Local Government Remuneration Tribunal annual fee increase of 2.5% be applied to the fees for Councillors and the Mayor for 2016/2017 and pro-rata is paid to Councillors and the Mayor for the month of July 2016.
3. That allocation of a fee for the Deputy Mayor when he/she acts in the role as Mayor, being the daily fee based on the annual additional Mayoral fee; with the fee so payable deducted from the Mayor's fee, be reaffirmed.

Councillor B. Algate moved)
Councillor C. Adams seconded) That this matter be referred to the incoming Council.

Amendment

Councillor M. Browne moved)
Councillor J. Nolan seconded) That the recommendation of item 1 be adopted.

CARRIED

The amendment becomes the motion.

RESOLUTION

Minute No. 45289

Councillor M. Browne moved)
Councillor J. Nolan seconded) That the recommendation of item 1 be adopted.

CARRIED

Councillor Algate requested that his name be recorded as voting against the motion of item 1.

ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 150/16 - DATED JUNE 28, 2016 - LOCAL GOVERNMENT ELECTIONS 2016 - CARETAKER PERIOD 15/23

Recommendation

1. That Broken Hill City Council Report No. 150/16 dated June 28, 2016, be received.
2. That Circular No 16-18 dated 27 June 2016 Reference A489192 issued by the NSW Office of Local Government regarding the Local Government Elections – Caretaker Provisions be received and noted.

RESOLUTION

Minute No. 45290

Councillor C. Adams moved)
Councillor D. Gallagher seconded) That the recommendation of item 2 be adopted.

CARRIED

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**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 151/16 - DATED MAY 31, 2016 - ADOPTION
OF DRAFT AMENDED SECTION 94A LEVY CONTRIBUTIONS PLAN** 11/467

Recommendation

1. That Broken Hill City Council Report No. 151/16 dated May 31, 2016, be received.
2. That the draft amended Broken Hill Section 94a Levy Contributions Plan be adopted as a Plan of Council.

RESOLUTION

Minute No. 45291

Councillor B. Algate moved) That the recommendation of item 3 be adopted.
Councillor J. Richards seconded)

CARRIED

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 152/16 - DATED MAY 31, 2016 - ADOPTION
OF THE DRAFT LIVING WELL - AGEING STRATEGY 2016-2021** 11/432

Recommendation

1. That Broken Hill City Council Report No. 152/16 dated May 31, 2016, be received.
2. That Council adopts the Draft Living Well Ageing Strategy 2016 -2021 as a Strategy of Council.

RESOLUTION

Minute No. 45292

Councillor C. Adams moved) That the recommendation of item 4 be adopted.
Councillor M. Browne seconded)

CARRIED

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 153/16 - DATED JUNE 16, 2016 - DRAFT
LOCAL APPROVALS POLICY FOR PUBLIC EXHIBITION** 12/14

Recommendation

1. That Broken Hill City Council Report No. 153/16 dated June 16, 2016, be received.
2. That Council endorse the Draft Local Approvals Policy for the purposes of public consultation.
3. That the Draft Local Approvals Policy be exhibited for public comment for a 28 day period.
4. 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 Local Approvals Policy.

RESOLUTION

Minute No. 45293

Councillor D. Gallagher moved) That the recommendation of item 5 be adopted.
Councillor J. Nolan seconded)

CARRIED

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**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 154/16 - DATED JULY 15, 2016 -
COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE, 16-
18 OCTOBER, 2016** 11/364

RESOLUTION

Minute No. 45294

- Councillor D. Gallagher moved)
Councillor J. Richards seconded)
1. That Broken Hill City Council Report No. 154/16 dated July 15, 2016, be received.
 2. That registration and travel arrangements be made for the newly elected Mayor, Deputy Mayor and three Councillors (to be Councillor Turley as member of the Local Government NSW Board (if re-elected) and up to two newly elected Councillors) to attend the Local Government NSW Conference to be held in Wollongong, October 16-18, 2016.
 3. That Council's newly elected Mayor and Deputy Mayor be Council's voting delegates to the Conference.
 4. That Council determines its motions to the conference at this Council Meeting as motions close August 22, 2016 and must include the extract from the Council Meeting minutes of Council's support for the motion.

CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 155/16 - DATED JULY 12, 2016 -
INVESTMENT REPORT FOR JUNE 2016** 11/48

Recommendation

1. That Broken Hill City Council Report No. 155/16 dated July 12, 2016, be received.

RESOLUTION

Minute No. 45295

- Councillor B. Algate moved)
Councillor B. Licul seconded)
- That the recommendation of item 7 be adopted.

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 156/16 - DATED JUNE 01, 2016 -
TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE** 11/307

Recommendation

1. That Broken Hill City Council Report No. 156/16 dated June 1, 2016, be received.
2. That Council approve the temporary suspension of the Alcohol Free Zone for the portion of Sulphide Street, adjacent to the Palace Hotel. Specific details of the suspension and road closure are Crystal Lane (East end), Crystal Lane (West end), Sulphide Street (South end) and Sulphide

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Street and Argent Street (bounded by the Palace Hotel and Argent St House). This area will include both footpaths in the closed section of Sulphide Street.

3. That the temporary suspension be in place from Friday, 09 September to Monday, 12 September 2016 subject to the final conditions, inclusive of trading times, contained in the liquor licence as advised by Barrier Local Area Command.
4. That the temporary suspension of the Alcohol Free Zone for the portion of Sulphide Street, adjacent to the Palace Hotel be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirms that all other existing alcohol free zones in Broken Hill remain in force.
5. That the General Manager be authorised to implement the suspension and advertising processes on final advice of Barrier Local Area Command.
6. That Barrier Local Area Command be advised of Council's decision.

RESOLUTION

Minute No. 45296

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

CARRIED

ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 157/16 - DATED JULY 04, 2016 - SCORES ON DOORS 11/137

Recommendation

1. That Broken Hill City Council Report No. 157/16 dated July 4, 2016, be received.
2. That Council adopts the 'Scores on Doors' program for its food businesses to promote compliance with hygiene and food safety standards, promote consumer trust in food businesses and to further the reputation and economy of food businesses in Broken Hill.

RESOLUTION

Minute No. 45297

Councillor B. Algate moved) That the recommendation of item 9 be adopted.
Councillor M. Browne seconded)

CARRIED

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 158/16 - DATED JULY 05, 2016 - EXPRESSION OF INTEREST - COUNCIL SPONSORSHIP 2016-2017 11/425

Recommendation

1. That Broken Hill City Council Report No. 158/16 dated July 5, 2016, be received.
2. That Council adopts the recommendations for Event Sponsorship for applications received for Round 1 of 2016-2017 being for:
 - a) Sponsorship of \$9,500 for the Broken Heel Festival to assist with entertainment, marketing and logistic costs
 - b) Sponsorship of \$10,000 the NSW State Rural Women's Gathering to assist with venue hire

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- c) Sponsorship of \$3,600 for the Regional Development Australia Far West Excellence in Business Awards
- d) Sponsorship of \$3,000 for the Broken Hill Fringe Festival
- e) Sponsorship of \$3,000 for Carols by Candlelight

RESOLUTION

Minute No. 45298

Councillor J. Richards moved) That the recommendation of item 10 be adopted.
Councillor D. Gallagher seconded)

CARRIED

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 159/16 - DATED JULY 11, 2016 -
COMMUNITY ASSISTANCE GRANTS - PAINT GRANTS**

16/44

Recommendation

1. That Broken Hill City Council Report No. 159/16 dated July 11, 2016, be received.
2. That Broken Hill City Council approve both applications under stream 3 - Painting and Minor Restoration Works as follows:
 - a. Grant of \$500.00 to Katrina Watt of the Mackenzie Business Centre towards the external painting of the McKenzie Business Centre at 41-47 Crystal Street, Broken Hill.
 - b. Grant of \$500.00 to Sergio Bressanelli of Hande Pty. Ltd. towards the external painting of the Hande Electrics Store at 197-199 Argent Street, Broken Hill.

RESOLUTION

Minute No. 45299

Councillor C. Adams moved) That the recommendation of item 11 be adopted.
Councillor B. Licul seconded)

CARRIED

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 160/16 - DATED JULY 12, 2016 - MINUTES
OF THE LOCAL TRAFFIC COMMITTEE MEETING NO.361, HELD 5 JULY 2016**

11/397

Recommendation

1. That Broken Hill City Council Report No. 160/16 dated July 12, 2016, be received.
2. That the Minutes for the Local Traffic Committee Meeting No.361, held July 5, 2016 be received.
3. That the request for road closure as per The Palace Hotel's updated Traffic Control Plan, Titled: "Road Closure – Broken Hill Festival", valid from Friday 9 September 2016 to Monday 12 September 2016", be endorsed by Council and that any costs associated with the road closure be covered by The Palace Hotel.

RESOLUTION

Minute No. 45300

Councillor B. Algate moved) That the recommendation of item 12 be adopted.
Councillor J. Nolan seconded)

CARRIED

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The Mayor took a question on notice from Councillor Nolan regarding whether directional arrows will be painted in conjunction with the newly reinstated lane markings at the traffic light intersections of Argent/Bromide Streets, Argent/Chloride Streets and Argent/Oxide Streets.

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 161/16 - DATED JULY 04, 2016 -
TOURISM AND CULTURAL ATTRACTIONS ACTIVITY REPORT FOR JULY 2015 TO JUNE 2016**

11/514

Recommendation

1. That Broken Hill City Council Report No. 161/16 dated July 4, 2016, be received.

RESOLUTION

Minute No. 45301

Councillor B. Algate moved) That the recommendation of item 13 be adopted.
Councillor J. Nolan seconded)

CARRIED

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 162/16 - DATED JULY 12, 2016 -
INFRASTRUCTURE STRATEGY ACTIVITIES - JUNE 2016**

11/514

Recommendation

1. That Broken Hill City Council Report No. 162/16 dated July 12, 2016, be received.

RESOLUTION

Minute No. 45302

Councillor D. Gallagher moved) That the recommendation of item 14 be adopted.
Councillor C. Adams seconded)

CARRIED

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 163/16 - DATED JULY 13, 2016 -
PLANNING AND DEVELOPMENT STATUS REPORT - JUNE 2016**

11/467

Recommendation

1. That Broken Hill City Council Report No. 163/16 dated July 13, 2016, be received.

RESOLUTION

Minute No. 45303

Councillor B. Algate moved) That the recommendation of item 15 be adopted.
Councillor M. Browne seconded)

CARRIED

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ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 164/16 - DATED JULY 18, 2016 - ACTION LIST REPORT - JULY 11/25

Recommendation

1. That Broken Hill City Council Report No. 164/16 dated July 18, 2016, be received.

RESOLUTION

Minute No. 45304

Councillor B. Algate moved) That the recommendation of item 16 be adopted.
Councillor D. Gallagher seconded)

CARRIED

COMMITTEE REPORTS

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 165/16 - DATED JULY 14, 2016 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD JULY 5, 2016 12/52

Recommendation

1. That Broken Hill City Council Report No. 165/16 dated July 14, 2016, be received.
2. That minutes of the Memorial Oval Community Committee meeting held July 5, 2016 be received.

ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 166/16 - DATED JULY 11, 2016 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETING HELD JUNE 21, 2016 12/51

Recommendation

1. That Broken Hill City Council Report No. 166/16 dated July 11, 2016, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held June 21, 2016 be received.

Minute No. 45305

Councillor C. Adams moved) That the recommendations of items 17 to 18 be
Councillor J. Richards seconded) adopted.

CARRIED

QUESTIONS ON NOTICE

**ITEM 19 - QUESTIONS ON NOTICE NO. 4/16 - DATED JULY 13, 2016 - COUNCILLORS
QUESTIONS TAKEN ON NOTICE AT THE JULY 2016 COUNCIL MEETING** 16/8

Recommendation

1. That Questions On Notice No. 4/16 dated July 13, 2016, be received.

RESOLUTION

Minute No. 45306

Councillor M. Browne moved) That the recommendation of item 19 be adopted.
Councillor J. Richards seconded)

CARRIED

QUESTIONS FOR NEXT MEETING

Mayor and Councillor Annual Fees (Item 1) 11/20
During discussion of item 1 the Mayor took a question on notice from Councillor Licul as to whether the in-coming Council could consider an alternate motion regarding the Mayor and Councillor Fees after it is resolved at this meeting?

Argent Street Intersections – Lane Markings (Item 12)
The Mayor took a question on notice from Councillor Nolan regarding whether directional arrows will be painted on the newly reinstated lanes at the traffic light intersections of Argent/Bromide Streets, Argent/Chloride Streets and Argent/Oxide Streets?

EFTPOS and ATM Facilities and the Broken Hill Airport
The Mayor took a question on notice from Councillor Algate regarding whether it would be possible for Council to provide EFTPOS facilities at the Broken Hill Airport Kiosk and ATM facilities in the terminal building for visitors' convenience?

CONFIDENTIAL MATTERS

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 167/16 - DATED JULY 14, 2016 – SALE OF
LEASEHOLD INTEREST AT BROKEN HILL AIRPORT – PHILLIP JOHN CVIRN - CONFIDENTIAL**
(General Manager's Note: This report considers a lease 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).

Recommendation

1. That Broken Hill City Council Report No. 167/16 dated July 14, 2016, be received.

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2. That Council approves the Mayor and General Manager to execute the Deed of Assignment, Consent to Assignment of Lease from Phillip John Cvirn to James Andrew Nesbit, Maria Nesbit, James Alfred O'Hara Nesbit and Jennifer Faye Nesbit for lease of Council's land at the Broken Hill Airport (Part 1/1162606 being Lot 51 in DP 876533); and affix Council's Common Seal if required.
3. That the new Lessee be responsible for all legal fees (including Council's) associated with the sale of the leasehold.

ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 168/16 - DATED JULY 14, 2016 – LEASE AGREEMENT – BROKEN HILL CITY COUNCIL TO ARINC ROCKWELL COLLINS – FACILITY FOR AVIATION COMMUNICATIONS EQUIPMENT - CONFIDENTIAL

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

Recommendation

1. That Broken Hill City Council Report No. 168/16 dated July 14, 2016, be received.
2. That the Mayor and General Manager be authorised to execute the Lease Agreement with ARINC Rockwell Collins under the Common Seal of Council

Minute No 45307

Councillor D. Gallagher moved) That the confidential reports be considered in
Councillor M. Browne seconded) open session and the recommendations of items
20 to 21 be adopted.

CARRIED

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

Item 20 - Broken Hill City Council Report No. 167/16 - dated July 14, 2016 – Sale of Leasehold Interest at Broken Hill Airport – Phillip John Cvirn - Confidential

- That Broken Hill City Council Report No. 167/16 dated July 14, 2016, be received.
- That Council approves the Mayor and General Manager to execute the Deed of Assignment, Consent to Assignment of Lease from Phillip John Cvirn to James Andrew Nesbit, Maria Nesbit, James Alfred O'Hara Nesbit and Jennifer Faye Nesbit for lease of Council's land at the Broken Hill Airport (Part 1/1162606 being Lot 51 in DP 876533); and affix Council's Common Seal if required.
- That the new Lessee be responsible for all legal fees (including Council's) associated with the sale of the leasehold.

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Item 21 - Broken Hill City Council Report No. 168/16 - dated July 14, 2016 – Lease Agreement –
Broken Hill City Council to ARINC Rockwell Collins – Facility for Aviation Communications
Equipment - Confidential

- That Broken Hill City Council Report No. 168/16 dated July 14, 2016, be received.
- That the Mayor and General Manager be authorised to execute the Lease Agreement with ARINC Rockwell Collins under the Common Seal of Council

There being no further business the Mayor closed the meeting at 7:54 p.m.

THE FOREGOING MINUTES WERE READ
AND CONFIRMED AT THE ORDINARY
MEETING OF THE BROKEN HILL CITY
COUNCIL HELD ON AUGUST 31, 2016.

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CHAIRPERSON