Meeting commenced at 6:30 p.m.

PRESENT:

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

J. Richards and D. Turley.

General Manager, Acting Deputy General Manager, Division Manager Corporate and Human Services, Finance Manager, Governance Officer and

Administration Officer.

Media (4), Members of the Public (23).

APOLOGIES:

Nil.

PRAYER

Councillor Richards delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

PUBLIC FORUM

Broken Hill Railway Station

Ms. Judith Laverick submitted a request to address Council during the public forum session prior to the meeting day, but was not present at the meeting to address Council.

The Mayor advised that Ms. Laverick was requesting Council to lobby to keep the railway station open and the sale of train tickets in town.

In answer to Councillor Black's query regarding taking action on the petition previously submitted by Broken Hill Probus Club, the Mayor advised that Council has sent correspondence to the Local Member and relevant Ministers calling for a change to policy.

The Mayor also confirmed that Council will send correspondence to the Broken Hill Probus Club (whose petition regarding the job losses at the Railway Station was presented to the Extraordinary Council Meeting held April 7, 2016) to advise them of Council's action with regards to this matter.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 45237 Councillor C. Adams moved Councillor D. Gallagher seconded That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held March 30, 2016 be confirmed.

That the Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held April 07, 2016 be confirmed with an amendment to part of the resolution of Item 1 – Confidential Report No. 64/16, to read "That the relocation of both the Library and Archives be subject to all necessary compliance approvals including Engineering certification".

CARRIED

DISCLOSURE OF INTEREST

Councillor Turley declared:

 a pecuniary interest in Report No. 88/16 as she has a family member employed by the service and advised that she will leave the Council Chambers whilst the item is considered.

Councillor Gallagher declared:

• a non-pecuniary interest in Report No. 75/16 as he is a personal friend of the applicant and advised that he will leave the Council Chambers whilst the item is considered.

Councillor Richards declared:

 a conflict interest in Report No. 70/16 as he has a family member employed at the facility and advised that he will leave the Council Chambers whilst the item is considered.

Councillor Adams declared:

 a non-pecuniary interest in Report No. 11/16 as museum colleagues are involved in the submissions and advised that she will leave the Council Chambers whilst the item is considered.

<u>Staff</u>

Governance Officer declared:

• a conflict of interest in Report No. 90/16 as her husband has submitted a tender and advised that she will leave the Council Chambers whilst the item is considered.

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 4/16 - DATED MARCH 11, 2016 - PROPOSED SALE OF BROKEN HILL STUDIOS

12/82

Recommendation

That Mayoral Minute No. 4/16 dated March 11, 2016, be received.

That Council endorses the General Manager to progress with the sale by auction of 210 – 230 Eyre Street, Broken Hill – The Broken Hill Studio Precinct.

)

RESOLUTION Minute No. 45238 Councillor W. Cuy moved

That the recommendation of item 1 be adopted.

CARRIED

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 65/16 - DATED APRIL 14, 2016 CORRESPONDENCE REPORT - REQUEST FOR SUPPORT FOR CAMPAIGN TO ADVOCATE
FOR CHANGES TO TAXATION LEGISLATION 11/161

Recommendation

That Broken Hill City Council Report No. 65/16 dated April 14, 2016, be received.

That correspondence dated March 31, 2016 from the Mayor of Leichhardt Council seeking support for their campaign to advocate for amendments to both Commonwealth and State taxation legislation to encourage full occupancy of commercial premises, be received.

That Council provides support to the campaign by writing to both the Federal and NSW Treasurers seeking amendments to the Income Tax Assessment Act 1993 and 1997; the Local Government Act 1993 and the Stamp Duty Act and Land Tax Act 1956 as detailed in the attachment to Leichhardt Council's correspondence.

RESOLUTION		
Minute No. 45239 Councillor D. Turley moved)	That the recommendation of item 2 be adopted.
Councillor J. Richards seconded)	CARRIED
		T NO. 66/16 - DATED JANUARY 14, 2016 - DRAFT
		THE STATEMENT OF REVENUE POLICY AND
DRAFT SCHEDULE FEES AND CHARGI	ES 2016/	<u>/2017</u> 15/142
RESOLUTION		
Minute No. 45240		
Councillor B. Algate moved)	That Broken Hill City Council Report No. 66/16
Councillor D. Gallagher seconded	j ,	dated January 14, 2016, be received.
		That in accordance with Section 405 of the Local Government Act 1993, the Draft Operational Plan

2016/17 inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2016/17, be endorsed for the purpose of public exhibition for community comment for a 28 day period with an amendment to the Draft Schedule of Fees and Charges 2016/17 to include a prior year cost column.

CARRIED

<u>ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 67/16 - DATED APRIL 12, 2016 - BROKEN HILL CITY COUNCIL DRAFT LONG TERM FINANCIAL PLAN 2017/2026 REVIEW 15/142</u>

Recommendation

That Broken Hill City Council Report No. 67/16 dated April 12, 2016, be received.

That Council endorse the Draft Long Term Financial Plan 2017 -2026 for public exhibition.

That the Draft Long Term Financial Plan 2017 -2026 be place on public display for 28 days in accordance with legislation.

RESOLUTION

Minute No. 45241
Councillor C. Adams moved
Councillor B. Algate seconded

That the recommendation of item 4 be adopted.

CARRIED

As it was indicated that items 5 to 8 would be considered in a block resolution, Councillor Richards advised his intention to leave the Council Chambers as he had previously declared an interest in item 7 and did not wish to be present for the vote.

Councillor Richards left the Council Chambers at 6:45 p.m.

ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 68/16 - DATED APRIL 12, 2016 - INVESTMENT REPORT FOR MARCH 2016

11/48

Recommendation

That Broken Hill City Council Report No. 68/16 dated April 12, 2016, be received.

ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 69/16 - DATED MARCH 03, 2016 - ADOPTION OF THE DRAFT MODEL CODE OF CONDUCT POLICY

12/14

Recommendation

That Broken Hill City Council Report No. 69/16 dated March 3, 2016, be received.

That Council adopts the Draft Amended 2015 Model Code of Conduct Policy as a policy of Council.

ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 70/16 - DATED MARCH 03, 2016 - ADOPTION OF CHANGES TO OPERATING HOURS FOR THE BROKEN HILL WASTE MANAGEMENT FACILITY

11/200

Recommendation

That Broken Hill City Council Report No. 70/16 dated March 3, 2016, be received.

That Council adopts the changes to operating hours of the Broken Hill Waste Management Facility (following public consultation) to:

- 8am 5.30pm Monday and Friday
- 8am 4pm Tuesday, Wednesday and Thursday
- 8am 4pm Weekends
- Public Holidays 8am 2pm
- Closed Christmas Day, Anzac Day and Good Friday

Instead of the original proposed hours of:

- 8am 4pm seven days per week
- Public Holidays 8am 2pm
- Closed Christmas Day, Anzac Day and Good Friday

That the new hours commence July 1, 2016 allowing time to advertise the new hours to the Broken Hill Community.

ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 71/16 - DATED APRIL 14, 2016 - DRAFT ASSET ACCOUNTING POLICY 12/14

Recommendation

That Broken Hill City Council Report No. 24/16 dated April 14, 2016, be received.

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

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

That the 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 Draft Asset Accounting Policy.

This policy update will supersede the Asset Capitalisation Policy dated 2009.

Minute No. 45242		
Councillor P. Black moved)	That the recommendations of items 5 to 8 be
Councillor B. Algate seconded)	adopted.

CARRIED

Councillor Richards returned to the Council Chambers at 6:46 p.m. The Mayor advised Councillor Richards that Council had adopted the recommendations of items 5 to 8.

<u>ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 72/16 - DATED APRIL 04, 2016 - SALE OF LAND FOR UNPAID RATES</u> 11/338

<u>Recommendation</u>

That Broken Hill City Council Report No. 72/16 dated April 4, 2016, be received.

RESOLUTION Minute No. 45243 Councillor P. Black moved) That the recommendation of item 9 be adopted. Councillor J. Nolan seconded) CARRIED

Councillor Browne raised concerns regarding a block in the north of the City, that was sold at the Auction was actually part of the regeneration area although it has a street address, this street is undeveloped, and asked whether the boundary of the block extends onto the regeneration area. Councillor Browne said if this is the case then Council should have acquired the block of land rather than encourage development in the regeneration/undeveloped area.

The Mayor took the question on notice.

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 73/16 - DATED APRIL 14, 2016 - DEED OF RELEASE - NEW SOUTH WALES LAND AND HOUSING CORPORATION AND SHORTY O'NEIL VILLAGE

Recommendation

That Broken Hill City Council Report No. 73/16 dated April 14, 2016, be received.

That the Mayor and General Manager be authorised to sign the Deed of Release on behalf of Council and apply the Common Seal of Council.

RESOLUTION

<u> Minute No. 45244</u>		
Councillor P. Black moved)	That the recommendation of item 10 be adopted.
Councillor J. Nolan seconded)	
		CARRIED

<u>ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 74/16 - DATED APRIL 14, 2016 - REVIEW OF DISABILITY ACTION PLAN 2011-2015</u>

Councillor Gallagher left the Council Chambers at 6:50 p.m. whilst item 11 was considered. Councillor Gallagher's declaration of interest is in item 12 and he therefore was not present for voting on item 11 in error.

11/432

Recommendation

That Broken Hill City Council Report No. 74/16 dated April 14, 2016, be received.

That Council receive the report on the Review of the Disability Action Plan 2011-2015 for information only.

RESOLUTION		
<u> Minute No. 45245</u>		
Councillor P. Black moved)	That the recommendation of item 11 be adopted.
Councillor J. Nolan seconded)	
		CARRIED

Councillor Turley advised that the current Disability Action Plan finished in 2015 and asked what the next stage is, and the timeframe for development of a new plan.

The Mayor took the question on notice.

Councillor Gallagher returned at 6:51 p.m.

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 75/16 - DATED APRIL 20, 2016 DEVELOPMENT APPLICATION 9/2016 - PROPOSED LONG DAY CHILD CARE CENTRE AT 24-28
TRAMWAY TERRACE, BROKEN HILL
11/467

Councillor Gallagher declared an interest in item 12 and left the Council Chambers at 6:51 p.m.

RESOLUTION

Minute No. 45246
Councillor B. Algate moved
Councillor D. Turley seconded

That Broken Hill City Council Report No. 75/16 dated April 20, 2016, be received.

That Council approves Development Application 9/2016 for Proposed Long Day Child Care Centre at 24-28 Tramway Terrace, Broken Hill as a Deferred Commencement Consent subject to the following conditions:

Part 1 - Deferred Commencement conditions:

This development consent shall not operate until such time as the following matters are completed to the satisfaction of the Council:

A. Traffic Management Plan

The applicant is to engage a suitably qualified and practising traffic engineer to prepare a Traffic Management Plan, and provide to Council for review and approval.

The Traffic Management Plan shall:

 (i) incorporate traffic calming or safety measures or works to be constructed/established prior to an occupation certificate being issued. The

measures should aim to facilitate safe access to the proposed child care development whilst preserving the needs of the immediate residential neighbourhood which currently enjoys minimal traffic volumes.

- (ii) Investigate and identify the existing main traffic issues in the street fronting the property (Tramway Terrace), including traffic volumes, traffic manoeuvres and patterns associated with properties in the vicinity of the site.
- (iii) Recommend what measures, if any, can be implemented to mitigate the potential impact on the neighbourhood of the increased traffic as a result of the proposed child care centre. For example, this may include (but not be limited to) providing for one-way traffic flow, alterations to the roadway geometry, pedestrian facilities (taking note that there is currently no footpath area) etc, and seeking to reduce any risks associated with additional traffic movements to and from the child care centre relative to the current traffic activity in the neighbourhood.
- (iv) Include conceptual design plans detailing the proposed measures. These plans must be to scale and depict any existing traffic controls and facilities. The proposed measures are to be dimensioned and located clearly.
- **B.** The Traffic Management Plan must be submitted to Council for review and approval. All design and construction costs required to implement the Traffic Management Plan are to be at the applicant's cost.

The development consent will not be activated until after Council provides the applicant written notice that the consent is now operational. Part 2 of the consent conditions will then be in effect.

Part 2 - Conditions of consent:

Consolidation

That the Lot Titles 14, 15 and 16 DP 867528 shall be consolidated at the full cost to the applicants. Evidence of the consolidation plan being registered at Land and Property Information (LPI)

must be provided to Council prior to an Occupation Certificate being issued.

Reason for imposition of condition: The need to ensure that the development remains on one allotment and that any associated components of the development are retained.

Loading/Unloading

That all loading and unloading of goods shall be carried out wholly upon the site.

Reason for imposition of condition: The need to ensure that any loading and unloading, associated with the business does not cause any nuisance to surrounding properties.

Operation Hours

That the hours of operation shall be restricted to 7:15am to 6:15pm Monday to Friday inclusive.

Reason of imposition of condition: The need to limit the hours of operation of a business so that its effect on the surrounding properties is minimised.

Extensions/Alterations

That all necessary alterations and or extensions to services shall be carried out in accordance with the requirements of the appropriate Supply Authorities.

Reason for imposition of condition: The need to ensure that supply services are provided in accordance with the Authorities requirements.

Wastes

That the site shall be maintained in a clean and tidy state at all times and all waste shall be stored in an approved waste storage area screened from view.

Reasons for imposition of condition: The need to ensure that the site is clean and tidy and that wastes are properly stored.

Protection of public places

- a) That a hoarding or fence must be erected between the work site and the public place.
 - Submit details of the design of the structure and method of providing safe pedestrian access prior to commencement of works.

- b) That if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) That the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d) That any such hoarding, fence or awning is to be removed when the work has been completed.

Reason for imposition of condition: Statutory condition being Section 161 of the Environmental Planning and Assessment Act, Regulations.

Internal Access Driveways

That the internal access driveways, parking, loading and unloading areas shall be all weather surfaces constructed of bitumen sealed pavement or equivalent to ensure that stormwater drains off the surface without interference to adjoining or neighbouring properties.

Reason for imposition of condition: The need to ensure that access is available at all times, that dust generation is reduced.

Carparking

 a) That carparking facilities clearly signposted shall be provided onsite. the number of spaces to be provided shall be a minimum of 19. The layout and provision of carparking shall comply with AS2890.

Reason for imposition of condition: The need to ensure that adequate carparking facilities are provided on site.

Signs

That separate application shall be made for the erection of any advertising signs, including details of colour, size, height and method of illumination.

Reason for imposition of condition: The need to provide acceptable signage.

That a pedestrian footpath shall be constructed along the entire frontage of the site (being Lots 14, 15 and 16). All costs associated with the design and construction of the footpath are to be at the applicants cost. The design of the footpath shall meet with the requirements and approval of

Council's Infrastructure Department. The footpath shall be constructed prior to an occupation certificate being issued.

Reason for imposition of condition: The need to ensure safe pedestrian movements.

That prior to site works, a preliminary investigation of the land must be carried out in accordance with EPA contaminated land guidelines. Details of the findings of this investigation must be provided to Council. If Council considers that the findings of the preliminary investigation warrant such an investigation, then the applicant will be required to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land guidelines).

That food preparation areas are to be constructed and provided in accordance with The Food Act 2003, Food Regulation 2015and the relevant sections of the Australian/New Zealand Food Standards Code. Guidance may be obtained from the National Code and for the Construction and Fitout of Food Premises published by the Australian Institute of Environmental Health and relevant Australian Standards. In the case of any inconsistency between these documents, the Australian/New Zealand Food Standards Code shall prevail. Specifications and details of the kitchen fit out shall be provided with application for a Construction certificate.

That this approval is given for the use of the land for the purposes of a Long day Child Care Centre with a maximum of 53 children. A separate approval and/or license will be required from the Department of Community Services for the operation of a child care centre.

That rainwater tanks with a total holding capacity of a minimum of 10 000 Litres shall be provided on site, to assist with stormwater management. Stormwater is to be re-used on landscaped areas

That the Section 94A Levy Contribution is required towards the provision of public amenities and services in accordance with the Broken Hill City Council Section 94A Plan: 1% of the cost of development amounting to \$4000 shall be paid to Council prior to the release of an Occupation certificate.

The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent.

That no construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays. No work to occur on weekends and public holidays.

That all works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997 and the **DECC Noise Control Guideline - Construction** Site Noise and AS 2436-1981 - "Guide to Noise Control on Construction, Maintenance and Demolition Sites" for the control of construction noise.

That following occupation of the Child Care Centre, should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged, with the Council and the operator/owner of the premises agreeing on the acoustical consultant, to measure noise emanating from the building/premises and to recommend appropriate action. The reasonable cost of such appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

CARRIED

A Division was called which resulted in:

Councillors Adams, Algate, Black, Browne, Cuy, Nolan, Licul, Turley and Richards

AGAINST: Nil

FOR:

ABSENT: Councillor Gallagher (declaration of interest)

Councillor Gallagher returned to the Council Chambers at 6:53 p.m. The Mayor advised Councillor Gallagher that Council had resolved to approve a deferred commencement consent subject to conditions.

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 76/16 - DATED APRIL 14, 2016 -NETWASTE REGIONAL LITTER PLAN

11/164

Recommendation

That Broken Hill City Council Report No. 76/16 dated April 14, 2016, be received.

That Council supports the Regional Litter Plan, implements waste strategies contained in the plan and participates in trial projects to reduce litter in the community.

<u>ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 78/16 - DATED APRIL 14, 2016 - CONSENT FOR ESTABLISHMENT OF EASEMENT ON WILLYAMA COMMON FOR WATER DRAINAGE</u>

1

Recommendation

That Broken Hill City Council Report No. 78/16 dated April 14, 2016, be received.

That Council under the Common Seal of Broken Hill City Council in its capacity as Trust Manager of Willyama Common Trust grant consent to Essential Energy ABN 37 428 185 226 to establish an easement on Lot 7482 in DP1200701, in the form of the consent letter sent to Council by Norton Rose Fulbright (Essential Energy's Solicitors).

Minute No. 45247		
Councillor P. Black moved Councillor C. Adams seconded)	That the recommendations of items 13 to 14 be adopted.

CARRIED

6

ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 79/16 - DATED APRIL 13, 2016 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO.358, HELD 5 APRIL 2016 11/397

Recommendation

That Broken Hill City Council Report No. 79/16 dated April 13, 2016, be received.

That the Minutes for the Local Traffic Committee Meeting No.358, held April 5, 2016 be received.

RESOLUTION

Minute No. 45248
Councillor B. Algate moved) That the recommendation of item 15 be adopted.
Councillor P. Black seconded) CARRIED

A question was taken on notice from Councillor Black regarding the reinstatement of line markings in Bromide Street to delineate the turning lanes at the intersection of Argent Street.

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 80/16 - DATED APRIL 05, 2016 - TOURISM AND CULTURAL ATTRACTIONS ACTIVITY REPORT FOR JULY 2015 TO MARCH 2016 11/514

RESOLUTION

11202011011		
Minute No. 45249		
Councillor C. Adams moved)	That Broken Hill City Council Report No. 80/1
Councillor B. Algate seconded)	dated April 5, 2016, be received.
		That Council investigates the feasibility of the
		That Council investigates the readibility of the

placement of a traffic counter at the pay booth at the Living Desert to detect whether the new pay booth is effective and whether all visitors to the facility are paying (giving an allowance for annual passes to be considered in the count results).

CARRIED

Councillor Adams advised that the activities of the Museum Adviser is reported under the heading "Visitor Economy" and asked if in future reports the heading could be changed to "Museum Adviser's Report" to better reflect the work that the Museum Adviser carries out in the City each month.

The Mayor took the question on notice.

<u>ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 81/16 - DATED APRIL 07, 2016 - INFRASTRUCTURE STRATEGY ACTIVITIES - MARCH 2016</u>

11/514

Recommendation

That Broken Hill City Council Report No. 81/16 dated April 7, 2016, be received.

ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 82/16 - DATED APRIL 13, 2016 - ACTION LIST REPORT - APRIL 11/25

Recommendation

That Broken Hill City Council Report No. 82/16 dated April 13, 2016, be received.

Minute No. 45250

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

CARRIED

COMMITTEE REPORTS

ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 83/16 - DATED MARCH 30, 2016 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETING HELD MARCH 15, 2016 12/51

Recommendation

That Broken Hill City Council Report No. 83/16 dated March 30, 2016, be received.

That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held March 15, 2016 be received.

<u>ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 84/16 - DATED APRIL 13, 2016 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETINGS HELD MARCH 1, 2016 AND APRIL 4, 2016</u>

Recommendation

That Broken Hill City Council Report No. 84/16 dated April 13, 2016, be received.

That minutes of the Memorial Oval Community Committee meetings held March 1, 2016 and April 4, 2016 be received.

ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 85/16 - DATED APRIL 13, 2016 - MINUTES
OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD MARCH 14, 2016 12/54

Recommendation

That Broken Hill City Council Report No. 85/16 dated April 13, 2016, be received.

That minutes of the Picton Oval Community Committee meeting held March 14, 2016 be received.

ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 86/16 - DATED APRIL 14, 2016 - NOMINATION FOR COMMUNITY REPRESENTATIVES ON SECTION 355 FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE

Recommendation

That Broken Hill City Council Report No. 86/16 dated April 14, 2016, be received.

That Council appoints Mr Paul Reed and Mr Ronald Fletcher as community representatives on the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.

Minute No. 45251
Councillor P. Black moved
Councillor B. Algate seconded
) That the recommendations of items 19 to 22 be adopted.

CARRIED

12/51

SUPPLEMENTARY ITEMS

<u>ITEM 14 – BROKEN HILL CITY COUNCIL REPORT NO. 77/16 – DATED MARCH 24, 2016 – SPONSORSHIP FOR 2016 BROKEN HILL GEM AND MINERAL SHOW</u> 11/117

Councillor Adams declared an interest in item 14 and left the Council Chambers at 7:03 p.m.

This is page 15 of the Minutes of the Ordinary Meeting of the Broken Hill City Council held APRIL 27, 2016

The Mayor noted a correction to the total amount of the request stated in the report which should read \$3,875.00 not \$2,875.00.

RESOLUTION

Minute No. 45252

Councillor B. Algate moved Councillor D. Gallagher seconded

That Broken Hill City Council Report No. 77/16 dated March 24, 2016, be received.

That Council approve \$3,875.00 financial assistance to the Broken Hill Mineral Club for the hire of the Memorial Oval and Showground Adkin Pavilion and the printing of promotional posters and invitations for the Broken Hill Gem and Mineral Show to be held on September 30 to October 2, 2016.

CARRIED

Councillor Adams returned to the Council Chambers at 7:04 p.m.

The Mayor advised that Council had adopted the recommendation with an amendment to correct the total amount of the sponsorship to be \$3,875.00.

QUESTIONS ON NOTICE

Nil.

QUESTIONS FOR NEXT MEETING

Item 9 - Sale of Land for Unpaid Rates

Councillor Browne raised concerns regarding a block in the north of the City, that was sold at the Auction was actually part of the regeneration area although it has a street address, this street is undeveloped, and asked whether the boundary of the block extends onto the regeneration area. Councillor Browne said if this is the case then Council should have acquired the block of land rather than encourage development in the regeneration/undeveloped area.

The Mayor took the question on notice.

Item 11 - Review of Disability Action Plan 2011-2015

Councillor Turley advised that the current Disability Action Plan finished in 2015 and asked what the next stage is, and the timeframe for development of a new plan.

The Mayor took the question on notice.

Item 16 - Tourism and Cultural Attractions Activity Report

Councillor Adams advised that the activities of the Museum Adviser is reported under the heading

"Visitor Economy" and asked if in future reports the heading could be changed to "Museum Adviser's Report" to better reflect the work that the Museum Adviser carries out in the City each month.

The Mayor took the question on notice.

Item 15 - Line Marking

A question was taken on notice from Councillor Black regarding the reinstatement of line markings in Bromide Street to delineate the turning lanes at the intersection of Argent Street.

Audit Committee Meeting

Councillor Turley sought clarification as to when the Audit Committee last met and given that the meeting has now been cancelled twice; asked when the next Audit Committee Meeting will be held.

The Mayor advised that the Audit Committee last met at the end of 2015 and that the Chairperson had cancelled the meeting schedule for February 18th as the Acting General Manager was conducting the budget due to the resignation of the Chief Financial Officer.

The General Manager advised that the meeting to be held April 21st was cancelled as he had not had adequate time to prepare reports and an agenda for the meeting and advised that a replacement meeting will be held in June.

CONGRATULATIONS

The Mayor passed on congratulation to Councillor Jim Richards on his pending marriage this coming weekend and wished him and his fiancé Maddison Tozer, all the best for a very happy future together.

CONFIDENTIAL MATTERS

RESOLUTION Minute No. 45253		
Councillor B. Licul moved Councillor M. Browne seconded)	That the meeting be closed to the public in accordance with Section 10A(2) of the Local Government Act, 1993 whilst the confidential matters are considered.

CARRIED

Media and members of the public left the Council Chambers at 7:06 p.m.

ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 87/16 - DATED APRIL 13, 2016 - FUTURE OF BROKEN HILL COUNCIL POUND - CONFIDENTIAL

(General Manager's Note: This report considers Future of Council Facility 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).

)

RESOLUTION

Minute No. 45254 Councillor B. Algate moved Councillor D. Turley seconded

That Broken Hill City Council Report No. 87/16 dated April 13, 2016, be received.

That Council return to a Council owned and operated pound facility in the 2016/17 financial year.

That amendments be made to Council's Section 94A contributions plan, to fund the construction of a new pound facility during the 2016/17 financial year.

That Council's contractor be advised of Council's decision and that the contract continue on a month to month basis until further notice.

That Council proceed with the preliminary and design work for the construction of a new impounding facility.

That options for the preferred site be presented to Council for approval at the next Council Meeting, with site visits of the preferred sites arranged for Councillors.

CARRIED

ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 88/16 - DATED APRIL 13, 2016 - NATIONAL DISABILITY INSURANCE SCHEME AND COMMONWEALTH HOME SUPPORT PROGRAM - IMPLICATIONS FOR COUNCIL OPERATED SERVICES - 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).

Councillor Turley declared an interest in item 25 and left the Council Chambers at 7:10 p.m.

)

Motion

Councillor J. Nolan moved Councillor B. Licul seconded

That the matter be deferred to the May Council meeting pending consultation with Council staff, the Barrier Industrial Council and representative unions, service users and their families, and with the wider community about the implications for the delivery of community services with the introduction of the National Disability Insurance Scheme.

LOST

Councillor Algate had foreshadowed a motion should Councillor Nolan's motion be Lost. The motion being:

That Broken Hill City Council Report No. 88/16 dated April 13, 2016, be received.

That Council note the introduction of the National Disability Insurance Scheme (NDIS) from 1 July 2017 and the significant change in the funding model.

That Council note that this change to a competitive market place will result in greater uncertainty for Council around ongoing funding levels as part of the new operating environment.

That Council note the inflexibility of Council's Consent Award, limits Council's ability to compete in this new environment, and the implementation of the new funding model, would require considerable subsidisation by ratepayers.

That Council note that Broken Hill has a number of appropriately accredited specialist service providers operating within the city. These services have the economies of scale to maintain services to the Broken Hill community as the funding environment changes.

That Council note transition to a specialist provider with an industry specific award, will allow for increased opportunities and more flexible service delivery e.g. overnight and weekend support, currently unavailable within Council's Consent Award.

That Council note that transitioning of services to a more specialist provider supports Council's agenda of strengthening the service sector rather than being a direct competitor.

That the General Manager ensure all efforts are undertaken to achieve a seamless transition process and minimise the impact for both clients and staff. Where possible a new provider will be encouraged to engage current staff.

That Council endorse the General Manager to inform the Department of Health (Commonwealth), Department of Social Services (Commonwealth), Family and Community services (State) and Community Options Australia, that Council will be withdrawing as a direct service provider by no later than 30 June 2017.

That renewal of expiring contracts be renegotiated with the funding bodies to align with the transition out process for all services.

That Council endorse the General Manager to enter negotiations to support the ongoing co-location of programs, and undertake required actions with relevant organisations in respect to the future use of the Home and Community Care (HACC) Centre and associated assets.

That Council management make arrangements to formally brief representative unions, on all known aspects before the matter becomes public knowledge; and continue these briefings as information becomes available.

As the motion was lost, Councillor Algate's foreshadowed motion was put.

RESOLUTION		
Minute No. 45255 Councillor B. Algate moved Councillor D. Gallagher seconded)	That Broken Hill City Council Report No. 88/16 dated April 13, 2016, be received.

That Council note the introduction of the National Disability Insurance Scheme (NDIS) from 1 July 2017 and the significant change in the funding model.

That Council note that this change to a competitive market place will result in greater uncertainty for council around ongoing funding levels as part of the new operating environment.

That Council note the inflexibility of Council's Consent Award, limits Council's ability to compete in this new environment, and the implementation of the new funding model, would require considerable subsidisation by ratepayers.

That Council note that Broken Hill has a number of appropriately accredited specialist service providers operating within the city. These services have the economies of scale to maintain services to the Broken Hill community as the funding environment changes.

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That the General Manager ensure all efforts are undertaken to achieve a seamless transition process and minimise the impact for both clients and staff. Where possible a new provider will be encouraged to engage current staff.

That Council endorse the General Manager to inform the Department of Health (Commonwealth), Department of Social Services (Commonwealth), Family and Community services (State) and Community Options Australia, that Council will be withdrawing as a direct service provider by no later than 30 June 2017.

That renewal of expiring contracts be renegotiated with the funding bodies to align with

the transition out process for all services.

That Council endorse the General Manager to enter negotiations to support the ongoing colocation of programs, and undertake required actions with relevant organisations in respect to the future use of the Home and Community Care (HACC) Centre and associated assets.

That Council management make arrangements to formally brief representative unions, on all known aspects before the matter becomes public knowledge; and continue these briefings as information becomes available.

CARRIED

Councillor Turley returned to the Council Chambers at 7:30 p.m. The Mayor advised Councillor Turley that Council had resolved to adopt the recommendation with an addendum that Council management make arrangements to formally brief representative unions, on all known aspects before the matter becomes public knowledge; and continue these briefings as information becomes available.

ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 89/16 - DATED APRIL 13, 2016 - ACCESS ARRANGEMENT FOR EXPLORATION LICENCES - WILLYAMA COMMON - CONFIDENTIAL (General Manager's Note: This report considers a Licence Access 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).

Recommendation

That Broken Hill City Council Report No. 89/16 dated April 13, 2016, be received.

That Council as Trustees of the Willyama Common, sign the Land Access Arrangement for Mineral Exploration and attach the Council Seal if required.

That the Code of Environmental Practice for Mineral Exploration on Willyama Common be attached to the Agreement as Special Conditions under Annexure D.

RESOLUTION

Minute No. 45256
Councillor B. Algate moved
Councillor J. Richards seconded

CARRIED

ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 90/16 - DATED APRIL 14, 2016 - TENDER T16/4 - BROKEN HILL CITY COUNCIL BUILDINGS PAINTING AND MAINTENANCE - TENDER SUBMISSIONS - CONFIDENTIAL

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

The Governance Officer declared an interest in item 27 and left the Council Chambers at 7:31pm

RESOLUTION

Minute No. 45257
Councillor C. Adams moved
Councillor J. Richards seconded

That Broken Hill City Council Report No. 90/16 dated April 14, 2016, be received.

That Vincent & Pritchard be awarded the Contract for the painting of Broken Hill Regional Airport, Town Hall Façade, and Broken Hill Regional Aquatic Centre pending clarification of the tendered amount.

That Timperio Contractors be awarded the Contract for all maintenance works including:

- Replacement of guttering at Alma Oval
- Guttering at Aged Persons Rest Centre
- Repair ceiling damage at AJ Keast Park
- Repair white ant damage at Bridge Club

CARRIED

The Governance Officer returned at 7:35 p.m.

A Division was called which resulted in:

FOR:

Councillors Adams, Algate, Black, Browne, Cuy, Gallagher, Nolan, Licul, Turley and

Richards

AGAINST: Nil

ITEM 28 - BROKEN HILL CITY COUNCIL REPORT NO. 91/16 - DATED APRIL 14, 2016 - TENDER T16/5 - ROAD PAVEMENT DESIGN AND RECONSTRUCTION OF BLENDE STREET, GYPSUM STREET AND KANADAH ROAD - TENDER SUBMISSIONS - CONFIDENTIAL (General Manager's Note: This report considers a tender and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed,

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

That Broken Hill City Council Report No. 91/16 dated April 14, 2016, be received.

That GBM CONSULTING SERVICES PTY LTD be awarded the Contract for Tender T16/5.

That Council accept the Proposals of Work for the reconstruction of Blende Street between Garnet and Kaolin Streets and the Heavy Patch of Gypsum Street.

That Council hold further consultation with GBM CONSULTING SERVICES PTY LTD regarding their further cost efficient and effective road remediation options for the reconstruction of Kanandah Road.

RESOLUTION		
Minute No. 45258		
Councillor C. Adams moved)	That the recommendation of item 28 be adopted.
Councillor B. Algate seconded)	
-		CARRIED

A Division was called which resulted in:

FOR:

Councillors Adams, Algate, Black, Browne, Cuy, Gallagher, Nolan, Licul, Turley and

Richards

AGAINST: NII

ITEM 29 - BROKEN HILL CITY COUNCIL REPORT NO. 92/16 - DATED APRIL 12, 2016 - TENDER T16/6 FOR THE SUPPLY OF BULK MATERIALS - TENDER SUBMISSIONS - CONFIDENTIAL (General Manager's Note: This report considers a tender 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

That Broken Hill City Council Report No. 92/16 dated April 12, 2016, be received.

That Mawsons be awarded the contract for supply of aggregate, road base, concrete, crusher dust and loam to Broken Hill City Council for the 36 month term of Contract.

That SAMI Bitumen Technologies be awarded the contract for supply of bitumen and emulsion to Broken Hill City Council for the 36 month term of Contract.

That the supply of Cutter Oil be readvertised as a Supplier Agreement Quotation.

RESOLUTION

Minute No. 45259		
Councillor D. Turley moved)	That the recommendation of item 28 be adopted.
Councillor B. Algate seconded)	
•		CARRIED

A Division was called which resulted in:

FOR:

Councillors Adams, Algate, Black, Browne, Cuy, Gallagher, Nolan, Licul, Turley and

Richards

AGAINST: Nil

ITEM 30 - BROKEN HILL CITY COUNCIL REPORT NO. 93/16 - DATED APRIL 22, 2016 - ROYAL FLYING DOCTOR SERVICE REQUEST TO PURCHASE LAND AT BROKEN HILL AIRPORT (BEING LOT 1, DP 1162606) - CONFIDENTIAL

(General Manager's Note: This report considers the proposed sale of land 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

That Broken Hill City Council Report No. 93/16 dated April 22, 2016, be received.

That Council approves the sale of part of Lot 1 DP 1162606 at the Broken Hill Airport the Royal Flying Doctor Service South Eastern Section for the purchase price of \$5,500.00 inc.GST.

That the Mayor and General Manager be authorised to sign the sale of land contract and affix the Council Seal if required.

RESOLUTION Minute No. 45260 Councillor D. Gallagher moved Councillor J. Nolan seconded)	That the recommendation of item 30 be adopted. CARRIED
RESOLUTION Minute No. 45261 Councillor D. Gallagher moved Councillor B. Licul seconded)	That the meeting resume in open session. CARRIED

The media and members of the public returned to the Council Chamber at 7:42 p.m.

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

Item 24 - Broken Hill City Council Report No. 87/16 - dated April 13, 2016 - Confidential

- That Broken Hill City Council Report No. 87/16 dated April 13, 2016, be received.
- That Council return to a Council owned and operated pound facility in the 2016/17 financial year.
- That amendments be made to Council's Section 94A contributions plan, to fund the construction of a new pound facility during the 2016/17 financial year.
- That Council's contractor be advised of Council's decision and that the contract continue on a month to month basis until further notice.
- That Council proceed with the preliminary and design work for the construction of a new impounding facility.
- That options for the preferred site be presented to Council for approval at the next Council Meeting, with site visits of the preferred sites arranged for Councillors.

Item 25 - Broken Hill City Council Report No. 88/16 - dated April 13, 2016 - Confidential

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- That Council note the introduction of the National Disability Insurance Scheme (NDIS) from 1
 July 2017 and the significant change in the funding model.

- That Council note that this change to a competitive market place will result in greater uncertainty for council around ongoing funding levels as part of the new operating environment.
- That Council note the inflexibility of Council's Consent Award, limits Council's ability to compete in this new environment, and the implementation of the new funding model, would require considerable subsidisation by ratepayers.
- That Council note that Broken Hill has a number of appropriately accredited specialist service
 providers operating within the city. These services have the economies of scale to maintain
 services to the Broken Hill community as the funding environment changes.
- That Council note transition to a specialist provider with an industry specific award, will allow for increased opportunities and more flexible service delivery e.g. overnight and weekend support, currently unavailable within Council's Consent Award.
- That Council note that transitioning of services to a more specialist provider supports
 Council's agenda of strengthening the service sector rather than being a direct competitor.
- That the General Manager ensure all efforts are undertaken to achieve a seamless transition
 process and minimise the impact for both clients and staff. Where possible a new provider will
 be encouraged to engage current staff.
- That Council endorse the General Manager to inform the Department of Health (Commonwealth), Department of Social Services (Commonwealth), Family and Community services (State) and Community Options Australia, that Council will be withdrawing as a direct service provider by no later than 30 June 2017.
- That renewal of expiring contracts be renegotiated with the funding bodies to align with the transition out process for all services.
- That Council endorse the General Manager to enter negotiations to support the ongoing colocation of programs, and undertake required actions with relevant organisations in respect to the future use of the Home and Community Care (HACC) Centre and associated assets.
- That Council management make arrangements to formally brief representative unions, on all known aspects before the matter becomes public knowledge; and continue these briefings as information becomes available.

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- That the Code of Environmental Practice for Mineral Exploration on Willyama Common be attached to the Agreement as Special Conditions under Annexure D.

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- That Council accept the Proposals of Work for the reconstruction of Blende Street between Garnet and Kaolin Streets and the Heavy Patch of Gypsum Street.
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Item 30 - Broken Hill City Council Report No. 93/16 dated April 22, 2016 - Confidential

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- That Council approves the sale of part of Lot 1 DP 1162606 at the Broken Hill Airport the Royal Flying Doctor Service South Eastern Section for the purchase price of \$5,500.00 inc.GST.

• That the Mayor and General Manager be authorised to sign the sale of land contract and affix the Council Seal if required.

There being no further business the Mayor closed the meeting at 7:51 p.m.

THE FOREGOING MINUTES WERE READ AND CONFIRMED AT THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD ON MAY 25, 2016.

CHAIRPERSON.

