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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
DECEMBER 14, 2016

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Meeting commenced at 6:30 p.m.

**PRESENT:** Councillor D. Turley (Mayor) Councillors C. Adams, B. Algate, M. Browne,  
M. Clark, T. Kennedy, B. Licul, J. Nolan and R. Page.

General Manager, Acting Chief Operating Officer, Finance Manager,  
Corporate Responsibility Officer, Manager Economic Development and  
Culture, Governance Officer, Executive Support Officer, Communication  
and Community Engagement Coordinator and Administration Officer.

Media (2), Members of the Public (14).

**APOLOGIES:** Councillor D. Gallagher (Deputy Mayor)

**RESOLUTION**

Minute No. 45396

Councillor C. Adams moved ) That the apology submitted by Councillor  
Councillor B. Licul seconded ) Gallagher be accepted and leave of absence  
granted.

CARRIED

**PRAYER**

Councillor Adams delivered the prayer

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Nolan delivered the Acknowledgment of Country

**PUBLIC FORUM**

Nil

**MINUTES FOR CONFIRMATION**

**RESOLUTION**

Minute No. 45397

Councillor C. Adams moved ) That the Minutes of the Ordinary Meeting of the  
Councillor M. Clark seconded ) Council of the City of Broken Hill held November  
30, 2016 be confirmed.

CARRIED

**DISCLOSURE OF INTEREST**

Councillor Licul declared:

- a non-pecuniary conflict of interest in Item 5 of Report No. 253/16 as his brother is the Treasurer of the Broken Hill Art Exchange and advised that he will leave the Council Chambers whilst the item is considered.

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Councillor Kennedy declared:

- a non-pecuniary conflict of interest in the Confidential Report No. 261/16 as he has known the Councillor for a long time and advised that he will remain in the Council Chamber and will exercise his vote on this item.
- a non-pecuniary conflict of interest in the Confidential Report No 262/16 as he has known the Councillor for a long time and advised that he will remain in the Council Chamber and will exercise his vote on this item.

Councillor Algate declared:

- a non-pecuniary conflict of interest in the Confidential Report No 261/16 as he has a similar matter listed on the business paper and advised that he would remain in the Council Chamber and will exercise his vote on this item.

Councillor Clarke declared:

- a non-pecuniary conflict of interest in Report No. 253/16 as she is a judge for the Broken Hill Art Exchange and advised that she will leave the Council Chambers whilst the item is considered.

## MAYORAL MINUTES

### RESOLUTION

Minute No. 45398

Councillor B. Algate moved  
Councillor M. Clark seconded

)  
)

That the Confidential Mayoral Minute 7/16 be dealt with in the confidential section of the meeting.

CARRIED

## NOTICES OF MOTION

### RESOLUTION

Minute No. 45399

Councillor C. Adams moved  
Councillor M. Browne seconded

)  
)

That the two Notices of Motion received from Councillor Kennedy be dealt with in the supplementary item section of the meeting (Items 19 and 20).

CARRIED

## RESCISSION MOTIONS

Nil.

## REPORTS FROM DELEGATES

**ITEM 1 - REPORTS FROM DELEGATES NO. 5/16 - DATED DECEMBER 07, 2016 - COUNCILLOR NOLANS' ATTENDANCE AT THE NSW ASSOCIATION OF MINING RELATED COUNCILS MEETING HELD 4 NOVEMBER 2016** 11/195

*The General Manager took a question on notice from Councillor Kennedy regarding the formula used to calculate mine rates and how much the local mines are paying.*

Recommendation

1. That Reports from Delegates No. 5/16 dated December 7, 2016, be received and noted.

**RESOLUTION**

Minute No. 45400

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

CARRIED

## REPORTS

**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 249/16 - DATED DECEMBER 06, 2016 - CORRESPONDENCE REPORT - REDUCTION IN REGIONAL EXPRESS (REX) FLIGHTS** 11/1

**RESOLUTION**

Minute No. 45401

- Councillor C. Adams moved )  
Councillor M. Clark seconded )
1. That Broken Hill City Council Report No. 249/16 dated December 6, 2016, be received.
  2. That Council notes the temporary suspension of the direct Regional Express Airlines flights from Broken Hill to Sydney and return direct flights for the period from mid-December 2016 through to February 2017 and the increase in the cost of these direct flights when they are re-introduced in February 2017
  3. That following the General Manager's meeting with REX in mid-January 2017, Councillors be briefed on the REX matter.

CARRIED

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 250/16 - DATED DECEMBER 05, 2016 - CORRESPONDENCE REPORT - 2017 LOCAL GOVERNMENT REMUNERATION TRIBUNAL REVIEW** 11/171

Recommendation

1. That Broken Hill City Council Report No. 250/16 dated December 5, 2016, be received.
2. That Council make a submission to the Local Government Remuneration Tribunal regarding

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Mayor and Councillors remuneration.

3. That councillor input be submitted to the General Manager by close of business 15 January 2016 to allow for an informed submission to be made on behalf of Councillors.

**RESOLUTION**

Minute No. 45402

Councillor B. Algate moved ) That the recommendation of item 3 be adopted.  
Councillor C. Adams seconded )

CARRIED

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 251/16 - DATED DECEMBER 05, 2016 - INVESTMENT REPORT FOR NOVEMBER 2016** 11/48

Recommendation

1. That Broken Hill City Council Report No. 251/16 dated December 5, 2016, be received.

**RESOLUTION**

Minute No. 45403

Councillor T. Kennedy moved ) That the recommendation of item 4 be adopted.  
Councillor B. Licul seconded )

CARRIED

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 252/16 - DATED DECEMBER 06, 2016 - DRAFT COMMUNITY ENGAGEMENT STRATEGY 2017 FOR COMMUNITY STRATEGIC PLAN REVIEW** 11/89

*The General Manager took a question on notice from Councillor Clarke regarding whether Councillors could receive a review of the Branding Strategy; whether the "For Real" branding was successful or if it needed to be reviewed.*

Recommendation

1. That Broken Hill City Council Report No. 252/16 dated December 6, 2016, be received.
2. That Council adopt the Draft Community Engagement Strategy 2017 for the review of the Community Strategic Plan.

**RESOLUTION**

Minute No. 45404

Councillor T. Kennedy moved ) That the recommendation of item 5 be adopted.  
Councillor B. Algate seconded )

CARRIED

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 253/16 - DATED DECEMBER 02, 2016 - RECOMMENDATIONS OF THE COMMUNITY ASSISTANCE GRANTS PANEL FOR ROUND 2 OF 2016/2017** 16/44

*Councillors Licul and Clarke each declared an interest in item 6 and left the Council Chambers at 6.47p.m.*

**RESOLUTION**

Minute No. 45405

Councillor M. Browne moved ) 1. That Broken Hill City Council Report No.  
Councillor J. Nolan seconded ) 253/16 dated December 2, 2016, be  
received.

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2. That Council adopts the recommendations of the Community Assistance Grants Panel for applications received for Round 2 of 2016/2017, being:

General Community Assistance:

- a) Grant of \$5,000.00 to North Broken Hill Football Club towards the cost to replace ceilings at their Clubrooms; and that information regarding NSW Department of Sport and Recreation grants be forwarded to the North Broken Hill Football Club in order for them to apply for a more substantial grant from the State Government
- b) Grant of \$2,147.00 to Sufi Books of Broken Hill towards the cost to paint an historical themed mural on the wall of their building at the corner of Argent and Bromide Streets (paint and materials; wall preparation; scissor lift hire and DA fees).
- c) Grant of \$1,000.00 to Playtime Preschool for the installation of a water tank at the Preschool to teach children water-wise practices.
- d) Grant of \$15,000.00 to the Broken Hill Art Exchange towards the conduct of two Desert Equinox Preludes; and the Broken Hill Art Exchange be requested to provide a comprehensive report on the outcome of the two Preludes in addition to the usual grant acquittal process.
- e) Grant of \$2,800.00 to the Broken Hill Civic Orchestra for the cost to hold an orchestral music workshop in Broken Hill on June 30 to July 2, 2017.
- f) Grant of \$6,000.00 to Silver City Quilters towards the total cost to hold the International Quilters Day Annual Event at the Civic Centre (\$6,000.00 includes waiver of the Civic Centre fees of \$2,020.00 with the remainder of \$3,980.00 towards other costs associated with the event).
- g) Grant of \$4,000.00 to Landcare Broken Hill towards the cost to upgrade their nursery at Robinson College.

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Painting and Minor Restoration Works:

- a) Grant of \$500.00 to Mr Dean Cooper towards the external painting of his residential property at 476 Crystal Street, Broken Hill.
  - b) Grant of \$500.00 to Ms Barbara Webster towards the external painting of her residential property at 218 Wilson Street, Broken Hill.
  - c) Grant of \$400.00 to Ms Bonnie May Thomas towards the external painting of her residential property at 388 Oxide Street, Broken Hill plus a loan of \$1,000.00 towards the costs to replace guttering.
5. That all conditions of the grants be as per the Community Assistance Grants Policy and the Mayor be authorised to sign the Grant Agreements associated with Round Two of 2016/2017, on behalf of Council.
  6. That the remainder of the budget for General Community Assistance Grants (\$33,053.00) be used to purchase new Christmas Decorations for the Central Business District area and the South Business District (Patton Street Village).

CARRIED

*Councillors Clark and Licul returned to the Council Chambers at 6:52 p.m.*

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 254/16 - DATED NOVEMBER 18, 2016 - DEVELOPMENT APPLICATION 107/2016 - PROPOSED DEMOLITION OF WINDER HOUSE (FORMER CARPENTERS SHOP) AT RASP MINE, CML 7, BROKEN HILL** 11/467

**RESOLUTION**

Minute No. 45406

Councillor T. Kennedy moved )  
Councillor B. Algate seconded )

That Development Application 107/2016 – Proposed Demolition of Winder House (Former Carpenters Shop) at Rasp Mine, CML 7, Broken Hill be refused, due to this building being the first Winder House in Broken Hill and an irreplaceable part of Broken Hill's industrial history; and that the Winder House is essential to Broken Hill's National Heritage Listing and its significance to the visible history of the Line of Lode.

That Council investigates grant funding options in order for CBH to restore the Winder House.

That Council writes to the National Heritage Trust

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informing them of the significance of the Winder House to heritage of Broken Hill.

CARRIED

A Division was called which resulted in:

FOR: Councillors Adams, Algate, Browne, Licul, Turley, Kennedy, Clark, Page and Nolan  
AGAINST: Nil  
ABSENT: Councillor Gallagher is an apology for the meeting.

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 255/16 - DATED DECEMBER 02, 2016 -  
COUNT RESULTS FOR LIVING DESERT TO DETERMINE EFFECTIVENESS OF ELECTRONIC  
PAY BAY** 16/39

**Recommendation**

1. That Broken Hill City Council Report No. 255/16 dated December 2, 2016, be received.
2. That Council note the operational changes that have been implemented at the Living Desert designed to improve visitor experience.

**RESOLUTION**

Minute No. 45407

Councillor T. Kennedy moved ) That the recommendation of item 7 be adopted.  
Councillor M. Browne seconded )

CARRIED

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 256/16 - DATED DECEMBER 07, 2016 -  
MINUTES OF THE BROKEN HILL COMMUNITY STRATEGIC PLAN ROUND TABLE COMMITTEE  
MEETING HELD 16 NOVEMBER 2016** 13/145

**RESOLUTION**

Minute No. 45408

Councillor B. Algate moved ) That the recommendation of item 9 and item 18  
Councillor M. Browne seconded ) be adopted, that is:

1. That Broken Hill City Council Report No. 256/16 dated December 7, 2016, be received.
2. That the minutes of the Broken Hill Community Strategic Plan Round Table committee meeting held 16 November 2016 be received.

CARRIED

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 257/16 - DATED DECEMBER 01, 2016 -  
S355 COMMITTEE TERM REPORT 2012-2016 ALMA OVAL COMMUNITY COMMITTEE** 12/45

**Recommendation**

1. That Broken Hill City Council Report No. 257/16 dated December 1, 2016, be received.
2. That the Term Report 2012-2016 of the Section 355 Alma Oval Community Committee be

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received and noted

**RESOLUTION**

Minute No. 45409

Councillor B. Algate moved )

Councillor R. Page seconded )

That the recommendation of item 10 be adopted.

CARRIED

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 258/16 - DATED NOVEMBER 24, 2016 -  
NOMINATIONS FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION  
355 COMMUNITY COMMITTEES**

11/9

*The General Manager took a question on notice from Councillor Adams regarding whether membership on the Tidy Towns Working Group should also be advertised; and a question from Councillors Licul and Kennedy regarding an update on the establishment of the Soccer Association S355 Committee including the maintenance arrangements for the soccer grounds.*

**RESOLUTION**

Minute No. 45410

Councillor C. Adams moved )

Councillor M. Browne seconded )

That the recommendation of items 11 and Report No 263/16 (Item 17 of the supplementary agenda) be adopted; that is:

1. That Broken Hill City Council Report No. 258/16 dated November 24, 2016, be received.
2. That Council accepts the nominations of Mr Barry Squire, Ms Pamela O'Dwyer, Mr Allen Elliott and Mr Peter O'Dwyer as a community representatives on the Alma Oval Community Committee.
3. That Council accepts the nominations of Ms Paula Williams, Ms Susanne Olsen, Mr Gareth Thomas, Mr Andrew Gosling, Professor Simon Molesworth AO QC and Ms Tracy Fraser as community representatives on the Broken Hill Heritage Committee.
4. That Council accepts the nominations of Ms Iris Dobbin, Mr Andrew Gosling, Ms Natasha Bearman, Mr Eve-lyn Kennedy, Ms Jenny Cattonar, Ms Robyn Taylor, Professor Simon Molesworth AO QC, Ms Tracy Fraser and Mr Stan Dineen as community representatives on the Broken Hill Regional Art Gallery Advisory Group
5. That Council accepts the nominations of Ms Robynne Sanderson, Ms Caroline Dunning and Ms Kyla Vine as community representatives on the BIU Band Hall Community Committee.



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6. That Council accepts the nominations of Ms Eve-lyn Kennedy, Mr Sandra Havran, Mr Geoffrey Hoare, Ms Susan Spangler, Mr John Rogers, Ms Gaylene Ford, Ms Lyn Campigli, Mr Ray Allen, Ms Alison Gander, Mr Paul Reed, Ms Jill Spielvogel, Mr David Spielvogel, Mr Michael Ford, Ms Nevada Ford, Mr Jeffrey Crase, Mr Ronald Fletcher, Mr Ronald Tumes, and Ms Rosalind Molesworth as community representatives on the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.
7. That Council accepts the nominations of Mr Dennis Cetinich, Mr John Ralph, Mr David Hamilton, Mr Tristan Savage, Mr Anthony Camilleri, Mr Ray Steer, Mr John Erskine, Mr Bruce McIntosh and Ms Tanya Martyn as community representatives on the Memorial Oval Community Committee.
8. That Council accepts the nominations of Mr John Hirchausen, Mr Mike Burke, Mr Donald Campbell, Ms Kate Hogg, Ms Sonja McEvoy, Mr Dennis Watts and Mr Frederick Billing as community representatives on the Norm Fox Sporting Complex Community Committee.
9. That Council accepts the nominations of Mr William Pascoe, Ms Fay Whitfield Mr Hans Noorman and Ms Rosalind Molesworth as community representatives on the Riddiford Arboretum Community Committee.
10. That Council accepts the nomination from Mr Noel Hannigan as a community representative on the Picton Oval Community Committee.
11. That the community representatives be advised of their appointment and advice also be sent to the corresponding Committee Chairperson.
12. That a further call for community representatives be made for all vacant positions via the media and Council's website, and also include correspondence to the Chairperson/Secretary of the Broken Hill Community Strategic Plan Round Table Committee, the ET Lamb Memorial Oval Community Committee and the Picton Oval Community Committee requesting that they encourage outgoing community representatives to renominate.

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13. That Broken Hill City Council Report No. 263/16 dated December 8, 2016, be received.
14. That the S355 Asset Committee Framework and the Constitution of the Alma Oval Community Committee be amended to include an additional community representative position on the Alma Oval Community Committee.
15. That Council accepts the nomination from Mr Stephen Pascoe as a community representative on the Alma Oval Community Committee
16. That Council accepts the nominations from Ms Iris Dobbin and Mr Peter Beven as community representatives on the Community Strategic Plan Round Table Committee.

CARRIED

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 259/16 - DATED DECEMBER 02, 2016 - ACTION LIST REPORT** 11/25

Recommendation

1. That Broken Hill City Council Report No. 259/16 dated December 2, 2016, be received.

**RESOLUTION**

Minute No. 45411

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

CARRIED

**COMMITTEE REPORTS**

Nil.

**QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING**

**ITEM 13 - QUESTIONS ON NOTICE NO. 12/16 - DATED DECEMBER 02, 2016 - COUNCILLORS QUESTIONS TAKEN ON NOTICE AT THE NOVEMBER 2016 COUNCIL MEETING** 11/206

Recommendation

1. That Questions On Notice No. 12/16 dated December 2, 2016, be received.

**RESOLUTION**

Minute No. 45412

Councillor T. Kennedy moved ) That the recommendation of item 13 be adopted.  
Councillor B. Licul seconded )

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CARRIED

**ITEM 14 - QUESTIONS ON NOTICE NO. 13/16 - DATED DECEMBER 02, 2016 - PUBLIC FORUM**  
**QUESTIONS TAKEN ON NOTICE FROM THE NOVEMBER 2016 COUNCIL MEETING** 11/318,  
11/392,

**Recommendation**

1. That Questions On Notice No. 13/16 dated December 2, 2016, be received.

**RESOLUTION**

**Minute No. 45413**

Councillor C. Adams moved ) That the recommendation of item 14 be adopted.  
Councillor B. Licul seconded )

CARRIED

**QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA**

Nil

**Mine Rates (from Item 1)** 12/174  
*The General Manager took a question on notice from Councillor Kennedy regarding the formula used to calculate mine rates and how much the local mines are paying.*

**"For Real" Branding Strategy (from Item 5)** 11/407  
*The General Manager took a question on notice from Councillor Clarke regarding whether Councillors could receive a review of the Branding Strategy; whether the "For Real" branding was successful or if it needed to be reviewed.*

**Membership of Tidy Towns Working Group and Establishment of Soccer Oval Committee (from Item 11)** 13/135  
*The General Manager took a question on notice from Councillor Adams regarding whether membership on the Tidy Towns Working Group should also be advertised; and a question from Councillors Licul and Kennedy regarding an update on the establishment of the Soccer Association S355 Committee including the maintenance arrangements for the soccer grounds.*

**SUPPLEMENTARY AGENDA ITEMS**

**ITEM 15 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 16/16 - DATED DECEMBER 09, 2016 - INVITE TO ATTEND COUNCIL MEETING** 12/11

**Notice of Motion**

1. That Broken Hill City Council sends correspondence to MLA Kevin Humphries and MP Mark Coulton inviting them to attend an ordinary meeting of Council.

**RESOLUTION**

**Minute No. 45414**

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Councillor T. Kennedy moved ) That the recommendation of item 19 be adopted.  
Councillor B. Algate seconded )

CARRIED

**ITEM 16 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 17/16 - DATED DECEMBER 09, 2016 - CESSATION OF WATER RESTRICTIONS** 11/426

*The General Manager took a question on notice from Councillor Kennedy regarding circulating to Councillors an updated map on lead levels in Broken Hill and a copy of the Broken Hill Environmental Lead Program's recent presentation.*

**RESOLUTION**

**Minute No. 45415**

Councillor T. Kennedy moved ) That Broken Hill City Council sends  
Councillor J. Nolan seconded ) correspondence to Essential Water requesting  
that they take Broken Hill's lead levels into  
consideration when introducing water restrictions  
in the future.

That Council sends correspondence to the State  
and Federal Water Ministers regarding Broken  
Hill's high lead levels.

CARRIED

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 263/16 - DATED DECEMBER 08, 2016 - FURTHER NOMINATIONS TO SECTION 355 COMMITTEES** 11/9

**This item was considered in conjunction with item 11 of the meeting agenda.**

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 264/16 - DATED DECEMBER 09, 2016 - MINUTES OF COMMUNITY STRATEGIC PLAN ROUND TABLE COMMITTEE MEETING HELD NOVEMBER 16, 2016** 13/145

**This item was considered in conjunction with item 9 of the meeting agenda**

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 265/16 - DATED DECEMBER 13, 2016 - FAR WEST INITIATIVE** 11/173

**Recommendation**

1. That Broken Hill City Council Report No. 265/16 dated December 13, 2016, be received.
2. That Council endorse the Far West Initiative submission as presented and send to the Minister for

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Local Government by the deadline of Friday 16 December 2016.

3. That interested Councillors wishing to attend the Western Division Conference in Wentworth on 26 - 28 February 2017 advise the General Manager's Office by 31 January 2017.

**RESOLUTION**

Minute No. 45416

Councillor T. Kennedy moved ) That the recommendation of item 23 be adopted.  
Councillor C. Adams seconded )

CARRIED

**CONFIDENTIAL MATTERS**

**RESOLUTION**

Minute No. 45417 - Motion

Councillor C. Adams moved ) That the meeting be closed to the public in  
Councillor M. Clark seconded ) accordance with Section 10(A) of the Local  
Government Act in order for Council to  
considered a confidential report.

CARRIED

*Members of the public and staff left the Council Chambers at 7:18 p.m. (staff remaining: General Manager, Corporate Responsibility Officer and Governance Officer).*

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 260/16 - DATED DECEMBER 02, 2016 - TENDER FOR APPROVAL - T16/11 DESIGN AND CONSTRUCTION WASTE TRANSFER STATION AT THE BROKEN HILL WASTE MANAGEMENT FACILITY - CONFIDENTIAL** 11/200

**(General Manager's Note:** This report considers a tender and is deemed confidential under Section 10A(2) (d) of the Local Government Act, 1993 which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).

Recommendation

1. That Broken Hill City Council Report No. 260/16 dated December 2, 2016, be received.
2. That Council award the tender to CBC Project Management Group for the tendered amount of \$512 000 exc GST for the installation of a 6 bay transfer Station at the Broken Hill Waste Management Facility
3. That Council approve budget increase of \$126 000 for T16/11 funded from the waste reserve to allow for the construction of a 6 bay transfer station as preference to accommodate a maximum of 12 vehicles at one time
4. That Council approve additional budget of \$470 000 for the purchase of a Hook Lift Truck and industrial bins for the transfer station and loop road area funded from the waste reserve

**RESOLUTION**

Minute No. 45418

Councillor C. Adams moved ) That the resolution of item 20 be adopted.  
Councillor B. Licul seconded )

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CARRIED

**ITEM 21 - MAYORAL MINUTE NO. 7/16 - DATED DECEMBER 02, 2016 - GENERAL MANAGER'S INTERIM PERFORMANCE REVIEW - CONFIDENTIAL** 16/156

**(General Manager's Note:** This report considers a staff matter 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

1. That Mayoral Minute No. 7/16 dated December 2, 2016, be received.
2. That Council note that the General Manager's Performance Appraisal Committee met on Wednesday 2 November 2016 to review the performance of the General Manager.
3. That Council note that the results of the mid-term performance review found that Council's General Manager, Mr. James Roncon, meets or exceeds the expectations of Council.
4. That General Manager Mr. James Roncon be formally advised of the outcome of his annual review.

**RESOLUTION**

Minute No. 45419

Councillor M. Browne moved ) That the resolution of item 21 be adopted.  
Councillor B. Algate seconded )

CARRIED

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 261/16 - DATED DECEMBER 06, 2016 - CODE OF CONDUCT NO. BHC160201 - CONFIDENTIAL** 16/14

**(General Manager's Note:** This report considers a Code of Conduct matter and is deemed confidential under Section 10A(2) (h) of the Local Government Act, 1993 which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

**RESOLUTION**

Minute No. 45420

Councillor B. Licul moved )  
Councillor M. Clark seconded )

1. That the recommendation contained in the report be rejected on the grounds that the Final Investigation Report containing the recommendations is severely flawed and evidences multiple breaches of the Rules of Procedural Fairness, as detailed in correspondence from legal counsel of the subject person.
2. That Council note the following facts relating to this report and the original complaint which preceded it:
  - a) That the Broken Hill Regional Art Gallery Advisory Committee directed the Councillors on that committee to formally make representation to the Acting General Manager regarding changes in structure which had left the Art Gallery without a dedicated full-time Manager. This approach was made prior to recruitment of a Cultural Facilities

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Manager. There is concern that the fact that this meeting had been held was not disclosed in the initial report.

- b) That in the report there is insufficient recognition that the subject person was Acting Chair of the Broken Hill Regional Art Gallery Advisory Committee when interviewed by the journalist from the Barrier Daily Truth.
  - c) That the Broken Hill City Council's media policy for Broken Hill Regional Art Gallery Advisory Committee calls for the Chair to be spokesperson for the Committee.
  - d) That the subject person in the article dated 6 January 2016 was responding to questions relating to the Art Gallery and the restructure which left the Art Gallery without a dedicated Manager, not the Cultural Facilities Manager which is a different role. The connection with the Manager Cultural Facilities position was made by the journalist and not by the subject person.
3. That the Council note that the subject person had undertaken to meet with the Council employee named in the report to express her regret that the comments made by the subject person have caused the employee unintentional distress.
4. That Council review its Media Relations Policy so that the Policy more closely aligns with current practice. Current practice gives tacit encouragement to all councillors to speak to the media which is contrary to the terms of the Policy

CARRIED

**ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 262/16 - DATED DECEMBER 06, 2016 -  
CODE OF CONDUCT NO. BHC160401 - CONFIDENTIAL** 16/42

**(General Manager's Note:** This report considers a Code of Conduct matter and is deemed confidential under Section 10A(2) (h) of the Local Government Act, 1993 which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

**RESOLUTION**

Minute No. 45421

Councillor B. Licul moved )  
Councillor M. Clark seconded )

- 1. That Broken Hill City Council Report No. 262/16 dated December 6, 2016, be received.
- 2. That in accordance with clause 8.43 of the

Procedures, the Complaints Coordinator arranges this report to be tabled at the next ordinary Council meeting following the receipt of this report.

3. That as a matter of urgency the General Manager, or a suitably qualified person of the General Managers choosing counsels the Subject Person regarding:
  - a) His obligations under the confidentiality provisions of the Code and Council's Media Relations Policy
  - b) His obligations under the provisions of the Local Government Act 1993, including but not limited to the following provisions of the Local Government Act 1993:
    - Section 10(A)(2) (c), Section
    - Section 232 (Role of a Councillor)
    - Section 335 (Functions of the General Manager)
    - Section 352 (Independence of staff for certain purposes)
    - Section 439 (Conduct Councillors and others)
    - Section 440F (Misconduct Provisions)
  - c) The implications of the release of confidential information on, but not limited to, the programs of Council, Council's legal obligations, and the communities trust in Council and its administration.
  - c) His obligations in relation to matters conducted in the Committee of the Whole.
  - d) The impacts and possible consequences of making adverse comments about the programs of the Council.
  - e) The impacts and possible consequences of adversely commenting on the skills, abilities and work of Council employees (including WHS Obligations)
  - f) The concept of 'acting in the Public Interest' and what obligation a Councillor has in that regard. This counseling should focus on the Councillors obligation to act in the broader public interest or in the interests of the 'whole community'.



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- g) The concept of 'leadership' and the obligations of Councillors as outlined in the Office of Local Government's Councillor Handbook.
  - h) This counseling should occur not later than one month from the time in which this report is tabled at Council.
4. That Council resolves to formerly censure the Subject Person for his conduct under the provisions of section 440(G) of the Local Government Act 1993. This censure is to occur at the meeting, or the meeting immediately following Council's consideration of this report.
  5. That Council resolves to report the conduct of the Subject Person to the Office of Local Government for consideration under the misconduct provisions, of the *Local Government Act 1993*, and include the subject person's response statement.
  6. That the Subject Person issues a public apology for making comments in the media, which brought the Council, Council employees and Council's programs, as it related to the Library and Community lounge project into disrepute. This apology is to be made at the meeting immediately following the tabling of this report.
  7. That the Subject Person issues a specific public apology, to Council employees involved in the production of a report to Council concerning the relocation of the Council's library facilities and for any harm or embarrassment the comments caused them. This apology is to be made at the meeting immediately following the tabling of this report. The Council officers involved in the production of the report, still in the employ of Council are:
    - Mr Harry Stamboulidis – Chief Finance Officer
    - Mr Shane Nankivel – Finance Manager
    - Mr Shane Stenhouse – Asset Planner
    - Mr Garry Schindler – Asset Inspector
    - Mr David Zhao – Infrastructure Engineer.
  8. Having consideration to the broader public interest and the serious nature of the breaches, the subject of this investigation, it is recommended that the finding of inappropriate conduct is made public.

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CARRIED

**ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 266/16 - DATED DECEMBER 13, 2016 -  
EOI16/5 - LEASING OPPORTUNITIES AT THE TOURIST AND TRAVELLERS CENTRE -  
CONFIDENTIAL**

EOI16/5

**(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. 266/16 dated December 13, 2016, be received.
2. That Council enters into a lease arrangement with JA & JM Gordon Investments Pty Ltd for occupation of Shop 3 at the Tourist and Travellers Centre plus exclusive use of two designated parking spaces located between the trade waste receptacle and the bus wash bay at the Centre.
3. That the initial term of the lease be three years with three options to renew the lease each of three years duration.
4. That the initial base rental be \$2,937.00 to be increased by a percentage of outgoings of the Tourist and Travellers Centre, to be negotiated by the General Manager.
5. That the total rental amount be reviewed for CPI increases on July 1 each year with the first CPI review to be July 1, 2017.
6. That all other standard lease terms as per the *Conveyancing Act 1919* be included.
7. That the General Manager and Mayor be authorised to sign the lease contract under the Common Seal of Council.

**RESOLUTION**

**Minute No. 45422**

Councillor T. Kennedy moved ) That the recommendation of item 24 be adopted.  
Councillor M. Browne seconded )

CARRIED

**ITEM 25 - URGENT MOTION**

16/14

**RESOLUTION**

**Minute No. 45423**

Councillor T. Kennedy moved ) That, subject to advice from the Office of Local  
Councillor R. Page seconded ) Government, the subject person's legal costs be  
reimbursed by Council with regards to Code of  
Conduct complaint BHC160201.

CARRIED

*Members of the media and public returned 8:54 p.m.*

*The Mayor invited the General Manager to report on the items considered in closed session. The General Manager advised that in respect of:*

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Item 20 - Broken Hill City Council Report No. 260/16 - dated December 02, 2016 - Tender for Approval - T16/11 Design and Construction Waste Transfer Station at the Broken Hill Waste Management Facility - **Confidential**

- That Broken Hill City Council Report No. 260/16 dated December 2, 2016, be received.
- That Council award the tender to CBC Project Management Group for the tendered amount of \$512 000 exc GST for the installation of a 6 bay transfer Station at the Broken Hill Waste Management Facility
- That Council approve budget increase of \$126 000 for T16/11 funded from the waste reserve to allow for the construction of a 6 bay transfer station as preference to accommodate a maximum of 12 vehicles at one time
- That Council approve additional budget of \$470 000 for the purchase of a Hook Lift Truck and industrial bins for the transfer station and loop road area funded from the waste reserve

Item 21 - Mayoral Minute No. 7/16 - dated December 02, 2016 - General Manager's Interim Performance Review – **Confidential**

- That Mayoral Minute No. 7/16 dated December 2, 2016, be received.
- That Council note that the General Manager's Performance Appraisal Committee met on Wednesday 2 November 2016 to review the performance of the General Manager.
- That Council note that the results of the mid-term performance review found that Council's General Manager, Mr. James Roncon, meets or exceeds the expectations of Council.
- That General Manager Mr. James Roncon be formally advised of the outcome of his annual review.

Item 22 - Broken Hill City Council Report No. 261/16 - dated December 06, 2016 - Code of Conduct No. BHC160201 - **Confidential**

- That the recommendation contained in the report be rejected on the grounds that the Final Investigation Report containing the recommendations is severely flawed and evidences multiple breaches of the Rules of Procedural Fairness, as detailed in correspondence from legal counsel of the subject person.
- That Council note the following facts relating to this report and the original complaint which preceded it:
  - That the Broken Hill Regional Art Gallery Advisory Committee directed the Councillors on that committee to formally make representation to the Acting General Manager regarding changes in structure which had left the Art Gallery without a dedicated full-time Manager. This approach was made prior to recruitment of a Cultural Facilities Manager. There is concern that the fact that this meeting had been held was not disclosed in the initial report.
  - That in the report there is insufficient recognition that the subject person was Acting Chair of the Broken Hill Regional Art Gallery Advisory Committee when interviewed by the journalist from the Barrier Daily Truth.

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- That the Broken Hill City Council's media policy for Broken Hill Regional Art Gallery Advisory Committee calls for the Chair to be spokesperson for the Committee.
- That the subject person in the article dated 6 January 2016 was responding to questions relating to the Art Gallery and the restructure which left the Art Gallery without a dedicated Manager, not the Cultural Facilities Manager which is a different role. The connection with the Manager Cultural Facilities position was made by the journalist and not by the subject person.
- That the Council note that the subject person had undertaken to meet with the Council employee named in the report to express her regret that the comments made by the subject person have caused the employee unintentional distress.
- That Council review its Media Relations Policy so that the Policy more closely aligns with current practice. Current practice gives tacit encouragement to all councillors to speak to the media which is contrary to the terms of the Policy

Item 23 - Broken Hill City Council Report No. 262/16 - dated December 06, 2016 - Code of Conduct No. BHC160401 – **Confidential**

- That Broken Hill City Council Report No. 262/16 dated December 6, 2016, be received.
- That in accordance with clause 8.43 of the Procedures, the Complaints Coordinator arranges this report to be tabled at the next ordinary Council meeting following the receipt of this report.
- That as a matter of urgency the General Manager, or a suitably qualified person of the General Managers choosing counsels the Subject Person regarding:
  - His obligations under the confidentiality provisions of the Code and Council's Media Relations Policy
  - His obligations under the provisions of the Local Government Act 1993, including but not limited to the following provisions of the Local Government Act 1993:
    - Section 10(A)(2) (c), Section
    - Section 232 (Role of a Councillor)
    - Section 335 (Functions of the General Manager)
    - Section 352 (Independence of staff for certain purposes)
    - Section 439 (Conduct Councillors and others)
    - Section 440F (Misconduct Provisions)
  - The implications of the release of confidential information on, but not limited to, the programs of Council, Council's legal obligations, and the communities trust in Council and its administration.
  - His obligations in relation to matters conducted in the Committee of the Whole.
  - The impacts and possible consequences of making adverse comments about the programs of the Council.
  - The impacts and possible consequences of adversely commenting on the skills, abilities and work of Council employees (including WHS Obligations)
  - The concept of 'acting in the Public Interest' and what obligation a Councillor has in that regard. This counseling should focus on the Councillors obligation to act in the broader public interest or in the interests of the 'whole community'.

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- The concept of 'leadership' and the obligations of Councillors as outlined in the Office of Local Government's Councillor Handbook.
- This counseling should occur not later than one month from the time in which this report is tabled at Council.
- That Council resolves to formerly censure the Subject Person for his conduct under the provisions of section 440(G) of the Local Government Act 1993. This censure is to occur at the meeting, or the meeting immediately following Council's consideration of this report.
- That Council resolves to report the conduct of the Subject Person to the Office of Local Government for consideration under the misconduct provisions, of the *Local Government Act 1993*, and include the subject person's response statement.
- That the Subject Person issues a public apology for making comments in the media, which brought the Council, Council employees and Council's programs, as it related to the Library and Community lounge project into disrepute. This apology is to be made at the meeting immediately following the tabling of this report.
- That the Subject Person issues a specific public apology, to Council employees involved in the production of a report to Council concerning the relocation of the Council's library facilities and for any harm or embarrassment the comments caused them. This apology is to be made at the meeting immediately following the tabling of this report. The Council officers involved in the production of the report, still in the employ of Council are:  
Mr Harry Stamboulidis – Chief Finance Officer  
Mr Shane Nankivel – Finance Manager  
Mr Shane Stenhouse – Asset Planner  
Mr Garry Schindler – Asset Inspector  
Mr David Zhao – Infrastructure Engineer.
- Having consideration to the broader public interest and the serious nature of the breaches, the subject of this investigation, it is recommended that the finding of inappropriate conduct is made public.

Item 24 - Broken Hill City Council Report No. 266/16 - dated December 13, 2016 - EO16/5 - Leasing Opportunities at the Tourist and Travellers Centre – **Confidential**

- That Broken Hill City Council Report No. 266/16 dated December 13, 2016, be received.
- That Council enters into a lease arrangement with JA & JM Gordon Investments Pty Ltd for occupation of Shop 3 at the Tourist and Travellers Centre plus exclusive use of two designated parking spaces located between the trade waste receptacle and the bus wash bay at the Centre.
- That the initial term of the lease be three years with three options to renew the lease each of three years duration.
- That the initial base rental be \$2,937.00 to be increased by a percentage of outgoings of the Tourist and Travellers Centre, to be negotiated by the General Manager.
- That the total rental amount be reviewed for CPI increases on July 1 each year with the first CPI review to be July 1, 2017.
- That all other standard lease terms as per the *Conveyancing Act 1919* be included.
- That the General Manager and Mayor be authorised to sign the lease contract under the Common Seal of Council.

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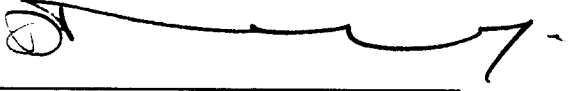
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*The Mayor thanked the public, media staff for their attendance at Council Meetings throughout the year and wished them a very merry Christmas and a happy New Year. The Mayor thanked Councillors for their contributions in 2016 and also wished them well for the festive season and the new year and that she looks forward to coming back in the new year to work together for the best interest of Broken Hill.*

There being no further business the Mayor closed the meeting at 9:03 p.m.

THE FOREGOING MINUTES WERE READ  
AND CONFIRMED AT THE ORDINARY  
MEETING OF THE BROKEN HILL CITY  
COUNCIL HELD ON FEBRAURY 22, 2017.

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CHAIRPERSON