
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
AUGUST 31, 2016

Meeting commenced at 6:30p.m.

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

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

Media (3), Members of the Public (26).

APOLOGIES: Councillor B. Algate.

RESOLUTION

Minute No. 45308

Councillor C. Adams moved)	That the apology submitted on behalf of
Councillor J. Richards seconded)	Councillor Algate be accepted and leave of absence granted.

CARRIED

PRAYER

Councillor Richards delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

PUBLIC FORUM

Nil

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 45309

Councillor C. Adams moved)	That the Minutes of the Ordinary Meeting of the
Councillor B. Licul seconded)	Council of the City of Broken Hill held July 27, 2016 be confirmed.

CARRIED

DISCLOSURE OF INTEREST

Nil.

MAYORAL MINUTES

Nil.

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

ITEM 1 - REPORTS FROM DELEGATES NO. 3/16 - DATED AUGUST 24, 2016 - COUNCILLOR NOLAN'S ATTENDANCE AT THE NSW ASSOCIATION OF MINING RELATED COUNCILS ORDINARY MEETING HELD AUGUST 4, 2016 11/195

Recommendation

1. That Reports from Delegates No. 3/16 dated August 24, 2016, be received.

RESOLUTION

Minute No. 45310

Councillor J. Nolan moved) That the recommendation of item 1 be adopted.
Councillor D. Turley seconded)

CARRIED

REPORTS

ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 169/16 - DATED AUGUST 10, 2016 - CORRESPONDENCE REPORT - LOCAL GOVERNMENT FIT FOR THE FUTURE REFORM 11/304

RESOLUTION

Minute No. 45311

- Councillor M. Browne moved)
Councillor J. Nolan seconded)
1. That Broken Hill City Council Report No. 169/16 dated August 10, 2016, be received.
 2. That Council does not support the "Amalgamation No Thank You" campaign against the forced council amalgamations by the NSW Government.

CARRIED

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**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 170/16 - DATED AUGUST 11, 2016 -
CORRESPONDENCE REPORT - FINANCIAL ASSISTANCE TOWARDS LEGAL FEES - COWRA
SHIRE COUNCIL** 11/304

- Councillor D. Gallagher moved)
Councillor J. Richards seconded)
1. That Broken Hill City Council Report No. 170/16 dated August 11, 2016, be received.
 2. That correspondence received from Local Government NSW dated July 20, 2016 requesting financial assistance to the Cowra Shire Council for legal costs incurred in a Land and Environment Court matter regarding the ability of councils to issue orders under section 124 of the *Local Government Act NSW 1993* in relation to animal welfare issues that are not covered by other laws, be received.
 3. That Council does not provide financial support to Cowra Shire Council.

LOST

Councillor Browne foreshadowed a motion.

RESOLUTION

Minute No. 45312

- Councillor M. Browne moved)
Councillor D. Turley seconded)
1. That Broken Hill City Council Report No. 170/16 dated August 11, 2016, be received.
 2. That correspondence received from Local Government NSW dated July 20, 2016 requesting financial assistance to the Cowra Shire Council for legal costs incurred in a Land and Environment Court matter regarding the ability of councils to issue orders under section 124 of the *Local Government Act NSW 1993* in relation to animal welfare issues that are not covered by other laws, be received.
 3. That Council provides financial support through Local Government NSW for legal assistance to Cowra Shire Council in the amount of \$421.73 towards legal costs incurred.

CARRIED

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**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 171/16 - DATED AUGUST 23, 2016 -
CORRESPONDENCE REPORT - INTRODUCTION OF EMERGENCY SERVICES PROPERTY
LEVY IN NSW**

11/72

Recommendation

1. That Broken Hill City Council Report No. 171/16 dated August 23, 2016, be received.
2. That correspondence received August 22, 2016 from the NSW Treasury advising that the Emergency Services Property Levy (ESPL) will be introduced across NSW on July 1, 2017 and will be collected by councils as a separate item on rates accounts, be received and noted.

RESOLUTION

Minute No. 45313

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

CARRIED

Councillor Nolan requested that it be recorded that he abstained from voting on item 4.

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 172/16 - DATED AUGUST 02, 2016 - END
OF TERM REPORT 2012-2016**

16/64

Recommendation

1. That Broken Hill City Council Report No. 172/16 dated August 2, 2016, be received.
2. That Council adopt the End of Term Report 2012-2016.

RESOLUTION

Minute No. 45314

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

CARRIED

The Mayor spoke about the achievements of Council over the past four years and that Councillors should take pride in the fact that they have made decisions collectively, (not always unanimously) but a majority decision. These were the right decisions given that we have had all the information at hand and the best interests of the community at heart. The Mayor congratulated Council staff for producing reports and providing Council with all the information required for an informed decision making process. The Mayor praised all Councillors present for the way in which they have conducted themselves saying that we should leave this Council with our heads held high and be exceptionally proud of what we have achieved for the City. It has been an absolute pleasure working with everyone present tonight.

The Mayor also wished all Councillor present the best of luck in the upcoming election and due to the hard work of this Council, the City will blossom over the next term of Council.

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**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 173/16 - DATED JUNE 01, 2016 -
DELIVERY PROGRAM - KEY PERFORMANCE INDICATORS REPORT JUNE 30, 2016** 13/79

Recommendation

1. That Broken Hill City Council Report No. 173/16 dated June 1, 2016, be received.
2. That Council adopt the Delivery Program – Key Performance Indicators Report June 30, 2016.

RESOLUTION

Minute No. 45315

Councillor M. Browne moved) That the recommendation of item 6 be adopted.
Councillor C. Adams seconded)

CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 174/16 - DATED AUGUST 17, 2016 -
2015/2016 DRAFT ANNUAL FINANCIAL STATEMENTS** 13/92

Recommendation

1. That Broken Hill City Council Report No. 174/16 dated August 17, 2016, be received.
2. That the 2015/2016 draft primary Financial Statements as attached be received.
3. That Council adopt the attached Statements of Opinion on the 2015/16 General Purpose and Special Purpose Financial Statements and the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer sign the Statements in accordance with Section 413(2)(c) of the Local Government Act (1993).

RESOLUTION

Minute No. 45316

Councillor J. Richards moved) That the recommendation of item 7 be adopted.
Councillor C. Adams seconded)

CARRIED

Councillor Browne and Councillor Turley spoke about the more favourable financial position that has been achieved, and referred to when the former General Manager, Therese Manns, said that Council had only two years of cashflow left and that if Council continued on the same path, we would come to the point where Council would not be able to provide services. Councillor Turley stated that what the Council, staff and community has had to go through, has ensured that we are in a much better position now. This is a great result as we did not expect such a positive outcome until at least a few years' time. We should all be very proud of this achievement, and that the new Council will be in a very strong position for change and investment in our community.

The Mayor stated that it is easy to sit there and say "we are not in a very good position", but it is harder to make the decisions required to become more financially viable. The decision to show the real picture and to implement a strategic direction was integral to improving Council's finances. A strong Council united behind its decisions has been able to turn the financial position around. He referred to Council's cash expense cover ratio which now sits at 6.8% which is three times better than the NSW Council benchmark of 2%. Council's debt service ratio had improved also. The Mayor stated that given the current interest rates, it would now be an ideal time for Council to borrow money to upgrade some capital infrastructure that the community has been requesting.

The Mayor thanked all Councillors and staff who have made and implemented the decisions which have resulted in such a positive improvement to Council's financial position.

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**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 175/16 - DATED AUGUST 03, 2016 -
BUDGET CARRYOVER'S 2016/17** 14/175

Recommendation

1. That Broken Hill City Council Report No. 175/16 dated August 3, 2016, be received.
2. That Council revoke the budget of \$670,000 expenditure for the construction of the landfill extension area, the purchase of 2 x heavy plant vehicles, the construction of the Brookfield Avenue footbridge and the upgrade of both the Administration building and Visitor Information Centre air conditioners for the 2016/17 year to enable these works to be out.

RESOLUTION

Minute No. 45317

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

CARRIED

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 176/16 - DATED AUGUST 09, 2016 -
INVESTMENT REPORT FOR JULY 2016** 11/48

Recommendation

1. That Broken Hill City Council Report No. 176/16 dated August 9, 2016, be received.

RESOLUTION

Minute No. 45318

Councillor D. Gallagher moved) That the recommendation of item 9 be adopted.
Councillor M. Browne seconded)

CARRIED

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 177/16 - DATED JULY 04, 2016 -
ADOPTION OF THE DRAFT BUSINESS CONTINUITY POLICY** 12/14

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 178/16 - DATED JULY 04, 2016 -
ADOPTION OF THE DRAFT DEVELOPMENT CONTROL PLAN 2016** 11/126

Minute No. 45319

Councillor M. Browne moved) That items 10 and 11 be deferred; and the new
Councillor C. Adams seconded) Council be briefed on the two draft policies prior
to them being re-presented to Council for
adoption.

CARRIED

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**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 179/16 - DATED AUGUST 17, 2016 -
DRAFT SCORES ON DOORS POLICY FOR PUBLIC EXHIBITION**

12/14

Recommendation

1. That Broken Hill City Council Report No. 179/16 dated August 17, 2016, be received.
2. That Council endorse the draft Scores on Doors Policy for the purposes of public consultation.
3. That the draft Scores on Doors Policy be exhibited for public comment for a 28 day period.
4. That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the Draft Scores on Doors Policy.

RESOLUTION

Minute No. 45320

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

CARRIED

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 180/16 - DATED AUGUST 11, 2016 -
COUNCILLOR ATTENDANCE AT THE MURRAY DARLING ASSOCIATION NATIONAL
CONFERENCE AND AGM - DUBBO OCTOBER 26-27, 2016**

11/364

RESOLUTION

Minute No. 45321

Councillor M. Browne moved) 1. That Broken Hill City Council Report No.
Councillor D. Gallagher seconded) 180/16 dated August 11, 2016, be received.

2. That the Mayor (or alternate) and two (2) Councillors attend the Murray Darling Association National Conference with the preference being that one of the two Councillors is a new serving Councillor.

3. That an expression of interest be sent to the newly elected Councillors to advise their availability.

CARRIED

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 181/16 - DATED AUGUST 12, 2016 - LATE
MOTIONS TO THE NSW LOCAL GOVERNMENT CONFERENCE**

13/147

RESOLUTION

Minute No. 45322

Councillor C. Adams moved) 1. That Broken Hill City Council Report No.
Councillor D. Turley seconded) 181/16 dated August 12, 2016, be received.

2. That Council requests that the NSW Local Government Association accepts Council's late motions as detailed below

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- a. That Local Government NSW supports the Local Government Authorities of Broken Hill City Council, Wentworth Shire Council and Central Darling Shire Council with their campaign for a sustainable Darling River System that ensures the health and wellbeing of the communities that live along it and enriches the economic, social, environmental and cultural values that has been part of its long history.
- b. That Local Government NSW lobby the state government to fund the establishment and ongoing operation of their proposed Far West Authority.
- c. That Local Government NSW encourages all NSW Councils to register their protest regarding the collection of the State Government's Emergency Services Property Levy via Council rates

That Local Government NSW makes representations to the Prime Minister, Federal Treasurer, NSW Premier and the NSW Treasurer on behalf of all concerned NSW councils protesting against the introduction of an Emergency Services Property Levy.

CARRIED

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 182/16 - DATED AUGUST 15, 2016 -
LEASE OF LAND AT GLADSTONE PARK TO ALMA SWIMMING CLUB INC.** 11/197

Recommendation

1. That Broken Hill City Council Report No. 182/16 dated August 15, 2016, be received.
2. That Council's previous resolution of September 2, 2009 (minute number 42106) be rescinded in favour of a new motion:
 - a. That Council, in its appointed capacity to manage the affairs of the Gladstone Park Reserve Trust, lease as much land as is necessary fronting Morish Street to formalise the existing occupation by the Alma Swimming Club Inc. together with an additional four metres along the eastern side of the site, for swimming club purposes.
 - b. That the term of the lease be five years and that during this term, Council investigates another Trust model for management of the Gladstone Park Reserve that is better suited to the usage of the Reserve and also acceptable to the Department of Crown Lands.
 - c. That rental at commencement be \$250 per annum and that this rental be reviewed annually for CPI increases.
 - d. That public liability insurance in the sum of \$20 million be provided noting the rights and interests of Council as Trustee and the Minister administering the Crown Lands Act 1989,

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and that this amount be increased from time to time as required by Council's insurers.

- e. That the Alma Swimming Club insure its assets and contents for replacement value as determined in conjunction with its insurer.
- f. That all other standard leasing requirements be complied with.
- g. That the Alma Swimming Club be liable for Council's legal fees incurred in this matter.
- h. That, in the absence of a Trust Seal, lease documents be signed by the Mayor and General Manger under Council's Common Seal.

RESOLUTION

Minute No. 45323

Councillor J. Nolan moved) That the recommendation of item 15 be adopted.
Councillor J. Richards seconded)

CARRIED

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 183/16 - DATED AUGUST 17, 2016 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO.362, HELD 2 AUGUST 2016**

11/397

Recommendation

- 1. That Broken Hill City Council Report No. 183/16 dated August 17, 2016, be received.
- 2. That the Minutes for the Local Traffic Committee Meeting No.362, held August 2, 2016 be received.

RESOLUTION

Minute No. 45324

Councillor D. Gallagher moved) That the recommendation of item 16 be adopted.
Councillor M. Browne seconded)

CARRIED

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 184/16 - DATED AUGUST 17, 2016 -
INFRASTRUCTURE STRATEGY ACTIVITIES - JULY 2016**

11/514

Recommendation

- 1. That Broken Hill City Council Report No. 184/16 dated August 17, 2016, be received.

RESOLUTION

Minute No. 45325

Councillor M. Browne moved) That the recommendation of item 17 be adopted.
Councillor C. Adams seconded)

CARRIED

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 185/16 - DATED AUGUST 19, 2016 -
PLANNING AND DEVELOPMENT STATUS REPORT - JULY 2016**

11/467

Recommendation

- 1. That Broken Hill City Council Report No. 185/16 dated August 19, 2016, be received.

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RESOLUTION

Minute No. 45326

Councillor J. Richards moved) That the recommendation of item 18 be adopted.
Councillor C. Adams seconded)

CARRIED

ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 186/16 - DATED AUGUST 19, 2016 -
ACTION LIST REPORT - AUGUST 11/25
Recommendation

1. That Broken Hill City Council Report No. 186/16 dated August 19, 2016, be received.

RESOLUTION

Minute No. 45327

Councillor B. Licul moved) That the recommendation of item 19 be adopted.
Councillor M. Browne seconded)

CARRIED

COMMITTEE REPORTS

ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 187/16 - DATED AUGUST 03, 2016 -
MINUTES OF THE BROKEN HILL COMMUNITY STRATEGIC PLAN ROUND TABLE COMMITTEE
MEETING HELD MAY 18, 2016 13/145
Recommendation

That Broken Hill City Council Report No. 187/16 dated August 3, 2016, be received.

That the minutes of the Broken Hill Community Strategic Plan Round Table committee meeting held May 18, 2016 be received.

ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 188/16 - DATED AUGUST 10, 2016 -
MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD AUGUST 2,
2016 12/52
Recommendation

1. That Broken Hill City Council Report No. 188/16 dated August 10, 2016, be received.
2. That minutes of the Memorial Oval Community Committee meeting held August 2, 2016 be received.

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ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 189/16 - DATED AUGUST 10, 2016 -
MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD JULY 25, 2016

12/54

Recommendation

1. That Broken Hill City Council Report No. 189/16 dated August 10, 2016, be received.
2. That minutes of the Picton Oval Community Committee meeting held July 25, 2016 be received.

ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 190/16 - DATED AUGUST 18, 2016 -
MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE
MEETING HELD JULY 19, 2016

12/51

Recommendation

1. That Broken Hill City Council Report No. 190/16 dated August 18, 2016, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held July 19, 2016 be received.

Minute No. 45328

Councillor C. Adams moved) That the recommendations of items 20 to 23 be
Councillor M. Browne seconded) adopted.

CARRIED

QUESTIONS ON NOTICE

ITEM 24 - QUESTIONS ON NOTICE NO. 5/16 - DATED AUGUST 03, 2016 - COUNCILLORS
QUESTIONS TAKEN ON NOTICE AT THE JULY 2016 COUNCIL MEETING

16/8

Recommendation

1. That Questions On Notice No. 5/16 dated August 3, 2016, be received.

RESOLUTION

Minute No. 45329

Councillor M. Browne moved) That the recommendation of item 24 be adopted.
Councillor J. Nolan seconded)

CARRIED

QUESTIONS FOR NEXT MEETING

Nil.

CONFIDENTIAL MATTERS

Nil.

In closing the meeting, the Mayor again thanked all staff and Councillors, and wished all Councillors presented at the meeting the best of luck in the upcoming elections stating that they deserved to be part of the next Council to carry forward the work that has been started.

Councillor Adams, thanked the Mayor and stated that only himself and his family understand how much he has put into the position over these years, and for those that don't understand then it is their loss.

Councillor Adams stated that it has been a pleasure working together, and thanked him for leading Council.

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

THE FOREGOING MINUTES WERE READ
AND CONFIRMED AT THE ORDINARY
MEETING OF THE BROKEN HILL CITY
COUNCIL HELD ON SEPTEMBER 28, 2016

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CHAIRPERSON