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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
OCTOBER 26, 2016

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Meeting commenced at 6:30 p.m.

**PRESENT:**

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

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

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

**APOLOGIES:**

Nil.

**PRAYER**

Councillor Adams delivered the prayer.

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country.

**PUBLIC FORUM**

*Mr. Kim Donohue addressed Council on the following subjects:*

a) Council clearing weeds on footpaths and at Sturt Park

*Mr. Donohue raised concerns that when Council staff are clearing weeds from footpaths around the City and from the Sturt Park they are sweeping/blowing them into the gutters and onto the street, which is not only causing a slip hazard but looks very unsightly and is worried about the dangers to pedestrians and in particular people with a disability. It also makes the streets look untidy and does not give a good impression of Broken Hill to tourists visiting the City.*

*Mr. Donohue suggested that weed litter be disposed of correctly or recycled and turned into mulch for Council's parks and gardens.*

b) Disabled parking near Life Without Barriers

*Mr. Donohue advised Council that the disabled car space adjacent to Life Without Barriers in Argent Street is often used by other motorists attending the coffee window at the business next door, and disabled motorists are having to park across the road or further along the street. Mr. Donohue asked if this could be addressed.*

c) Disabled signage around the City

*Mr. Donohue suggested that all disabled car spaces around the City be upgraded to include a disabled sign mounted on a post near the kerb as well as the painted disabled symbol on the road. This will assist all motorists to identify the disabled car spaces.*

d) Council Staff to provide assistance to disabled residents visiting Council's Administration Building

*Mr. Donohue advised that Council staff need to provide assistance to disabled residents when they visit Council should they need to put in a complaint or have dealings with a Council Department and cannot do this independently. Mr. Donohue advised that he has had prior dealings with Council that have left him feeling frustrated that he could not get the assistance needed to access Council's services.*

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The Mayor thanked Mr. Donohue for his comments and took his comments on notice, stating that they are very timely given the introduction of the Disability Inclusion Act and that Council has commenced the process of developing its Disability Inclusion Action Plan which aims to ensure that all members of the community can access Council's services.

### PRESENTATION

Presentation of Audited Financial Statements 2015/2016 by Council's External Auditors UHY Haines Norton.

*Following the presentation, the General Manager took a question on notice from Councillor Clark regarding a breakdown of the outstanding rates to Council, whether they are non-resident owners or people with genuine hardship, etc.*

The Mayor thanked UHY Haines Norton for their presentation and congratulated the staff on the work that has been undertaken over the past year resulting in a \$6M turnaround which is an outstanding result. The Mayor also acknowledged that the pleasing financial result was also due to the decisions made by the previous Council.

### MINUTES FOR CONFIRMATION

#### RESOLUTION

Minute No. 45353

Councillor M. Clark moved

Councillor C. Adams seconded

)  
)

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held September 28, 2016 be confirmed.

CARRIED

### DISCLOSURE OF INTEREST

Nil.

### MAYORAL MINUTES

Nil.

### NOTICES OF MOTION

Nil.

**RESCISSION MOTIONS**

Nil.

**REPORTS FROM DELEGATES**

Nil.

**REPORTS**

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 214/16 - DATED OCTOBER 14, 2016 -  
APPOINTMENT OF DELEGATES TO COMMITTEES - SEPTEMBER 2016 TO SEPTEMBER 2017**

11/9

**RESOLUTION**

Minute No. 45354

Councillor R. Page moved )  
Councillor M. Clark seconded )

1. That Broken Hill City Council Report No. 214/16 dated October 14, 2016, be received.
2. That the following vacant Councillor Delegate positions be filled on Section 355 Committees and various other Committees/Working Groups as follows:
  - a. Key Direction Portfolio, Our Community (1 alternate position) – Councillor Adams.
  - b. Key Direction Portfolio, Our Environment (1 alternate position) – Councillor Clark.
  - c. Australia Day Advisory Group, 1 position – Councillor Kennedy.
  - d. Asset Naming Committee, 1 position – Councillor Clark.
  - e. Integrated Waste Management Working Group, 1 position – Councillor Licul.
  - f. Sister City Working Group, 2 positions – Councillor Nolan; and that Councillors advise the Mayor should they wish to fill the other vacant position.
  - g. Tidy Towns Working Group, 1 position – Councillor Browne.
  - h. Volunteer Working Group, 1 position – Councillor Clark.
3. That all Councillor membership ceases at the September 2017 Council Meeting.

CARRIED

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**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 178/16 - DATED JULY 04, 2016 -**  
**ADOPTION OF THE DRAFT DEVELOPMENT CONTROL PLAN 2016** 11/126

Recommendation

1. That Broken Hill City Council Report Nol. 178/16 dated July 4, 2016, be received.
2. That Council adopts the draft Broken hill Development Control Plan 2016 to take effect from the date of notification being placed in local print media.
3. That Council implement a permit system to assess and approve the removal, pruning or lopping of branches of exotic plants on private property in accordance with the Broken Hill Development Control Plan 2016 on a cost recovery basis.

**RESOLUTION**

Minute No. 45355

Councillor B. Algate moved ) That the recommendation of item 2 be adopted.  
Councillor D. Gallagher seconded )

CARRIED

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 215/16 - DATED SEPTEMBER 07, 2016 -**  
**ADOPTION OF DRAFT SCORES ON DOORS POLICY** 12/14

Recommendation

1. That Broken Hill City Council Report No. 215/16 dated September 7, 2016, be received.
2. That the Draft Scores on Doors Policy be adopted as a Policy of Council.

**RESOLUTION**

Minute No. 45356

Councillor D. Gallagher moved ) That the recommendation of item 3 be adopted.  
Councillor J. Nolan seconded )

CARRIED

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 216/16 - DATED OCTOBER 06, 2016 -**  
**INVESTMENT REPORT FOR SEPTEMBER 2016** 11/48

Recommendation

1. That Broken Hill City Council Report No. 216/16 dated October 6, 2016, be received.

**RESOLUTION**

Minute No. 45357

Councillor C. Adams moved ) That the recommendation of item 4 be adopted.  
Councillor J. Nolan seconded )

CARRIED

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**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 217/16 - DATED SEPTEMBER 26, 2016 -  
S355 COMMITTEE TERM REPORTS 2012-2016 AND ANNUAL REPORTS 2015-2016** 16/94

*Councillor Adams advised a correction to the Annual Report of the Heritage Advisory Committee stating that Mr. Larry Angell had inadvertently been omitted from the attendance list.*

Recommendation

1. That Broken Hill City Council Report No. 217/16 dated September 26, 2016, be received.
2. That the Annual Report 2015/16 and Term Report 2012-2016 received from Section 355 Committees be received and noted

**RESOLUTION**

Minute No. 45358

Councillor C. Adams moved ) That the recommendation of item 5 be adopted.  
Councillor M. Clark seconded )

CARRIED

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 218/16 - DATED OCTOBER 12, 2016 -  
RECOMMENDATIONS AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD OCTOBER  
6, 2016** 13/19

Recommendation

1. That Broken Hill City Council Report No. 218/16 dated October 12, 2016, be received.
2. That the minutes of the Audit Committee meeting held October 6, 2016 be adopted.

**RESOLUTION**

Minute No. 45359

Councillor D. Gallagher moved ) That the recommendation of item 6 be adopted.  
Councillor J. Nolan seconded )

CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 219/16 - DATED OCTOBER 14, 2016 -  
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 364 HELD TUESDAY OCTOBER  
4, 2016** 11/397

Recommendation

1. That Broken Hill City Council Report No. 219/16 dated October 14, 2016, be received.
2. That the minutes for the Local Traffic Committee Meeting No. 364, held 4 October 2016, be received and recommendations within minutes be adopted.

**RESOLUTION**

Minute No. 45360

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

CARRIED

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ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 220/16 - DATED OCTOBER 13, 2016 -  
ACTION LIST REPORT - OCTOBER 11/25  
Recommendation

1. That Broken Hill City Council Report No. 220/16 dated October 13, 2016, be received.

**RESOLUTION**

Minute No. 45361

Councillor C. Adams moved ) That the recommendation of item 8 be adopted.  
Councillor B. Licul seconded )

CARRIED

**SUPPLEMENTARY REPORTS**

ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 225/16 - DATED OCTOBER 14, 2016 -  
PUBLIC PRESENTATION OF 2015/2016 FINANCIAL STATEMENTS 13/92  
Recommendation

1. That Broken Hill City Council Report No. 225/16 dated October 14, 2016, be received.
2. That Council adopt the financial statements and authorise the presentation of the financial statements to the public.

**RESOLUTION**

Minute No. 45362

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

CARRIED

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 226/16 - DATED SEPTEMBER 27, 2016 -  
ANNUAL REPORT 2015/2016 15/144

**RESOLUTION**

Minute No. 45363

- Councillor B. Licul moved )
1. That Broken Hill City Council Report No. 226/16 dated September 27, 2016, be received.
  2. That the 2015/2016 Annual Report, inclusive of audited Financial Statements, Delivery Program Key Performance Indicators Six Month Report Jan 2016 – Jun 2016 (adopted at Council meeting 31 August 2016, minute no. 45315), 2012-2016 End of Term Report (adopted at Council meeting 31 August 2016, minute no. 45314) and 2012-2016 State of Environment Report be adopted with the following amendment to page 42 of the Delivery Program Key Performance
- Councillor C. Adams seconded )

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Indicators Report (page 204 of the Supplementary Agenda) to reflect the true number of Code of Conduct complaints and the cost to Council.

3. That once amended the Annual Report, inclusive of audited Financial Statements, Delivery Program Key Performance Indicators Six Month Report Jan 2016 – Jun 2016, 2012-2016 End of Term Report and 2012-2016 State of Environment Report be posted on Council's website (note: End of Term Report 2012-2016 was previously posted on Council's website as a stand-alone document).
4. That Council's web link to the Annual Report, inclusive of audited Financial Statements Delivery Program Key Performance Indicators Six Month Report Jan 2016 – Jun 2016, 2012-2016 End of Term Report and 2012-2016 State of Environment Report be provided to the Minister, via the Office of Local Government by 30 November 2016.

CARRIED

### COMMITTEE REPORTS

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 221/16 - DATED OCTOBER 13, 2016 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETINGS HELD SEPTEMBER 7 AND OCTOBER 4, 2016 12/52

Recommendation

1. That Broken Hill City Council Report No. 221/16 dated October 13, 2016, be received.
2. That minutes of the Memorial Oval Community Committee meetings held September 7 and October 4, 2016 be received.

**RESOLUTION**

Minute No. 45364

Councillor D. Gallagher moved ) That the recommendation of item 11 be adopted.  
Councillor B. Licul seconded )

CARRIED

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 222/16 - DATED OCTOBER 18, 2016 - MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD OCTOBER 17, 2016 12/54

Recommendation

1. That Broken Hill City Council Report No. 222/16 dated October 18, 2016, be received.
2. That the minutes of the Picton Oval Community Committee Meeting held October 17, 2016 be received.

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**RESOLUTION**

Minute No. 45365

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

CARRIED

**QUESTIONS ON NOTICE**

ITEM 13 - QUESTIONS ON NOTICE NO. 7/16 - DATED SEPTEMBER 30, 2016 - QUESTIONS  
TAKEN FROM COUNCILLORS AT SEPTEMBER 2016 COUNCIL MEETING EOI16/3

Recommendation

1. That Questions On Notice No. 7/16 dated September 30, 2016, be received.

**RESOLUTION**

Minute No. 45366

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

CARRIED

**QUESTIONS FOR NEXT MEETING**

Presentation of Audited Financial Statements 2015/2016

*Following the presentation, the General Manager took a question on notice from Councillor Clark regarding a breakdown of the outstanding rates to Council, whether they are non-resident owners or people with genuine hardship, etc.*

Library Relocation

*Councillor Kennedy requested that the questions raised in his Notice of Motion to the September Council Meeting (Item 3 of minutes confirmed at this meeting) be answered.*

The Mayor advised that as Councillor Kennedy's Notice of Motion to the September Council Meeting was lost she was happy to answer questions that relate to the relocation of the Library to the proposed site only; being:

1. *What effect moving the Library will have on parking in Argent Street and what strategies Council has to manage any negative effect on parking that may occur?*
2. *What work the landlord will carry out on the very old building to bring it up to a modern standard?*
3. *What will the utilities costs be for the building considering the building is twice the size of the existing Library?*
4. *How does the heating/cooling of the proposed rented building compare to the planned \$800,000 system for the existing Library?*
5. *What will happen with the existing Library and what associated costs are expected?*
6. *What effect will the Library move have on user numbers for those that currently use the*



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*Library?*

7. *What contingencies are in place if the move to a rented building has a negative impact on Library usage numbers, parking and costs to Council?*

The Mayor advised that a briefing session and a tour of the proposed site for the relocation of the Library will be arranged for Councillors.

Upgrade of the Civic Centre

*Councillor Algate advised that the organisers of the Pink Ball had complained to him that they were not kept informed regarding the status of the upgrade of the Civic Centre ahead of their booking for the Pink Ball this coming weekend. Councillor Algate requested that Council staff ensure that all organisations who have upcoming bookings at the Civic Centre are fully aware of the status of the building works and what arrangements can be put in place to provide all facilities required for their function to be held.*

The General Manager took Councillor Algate's advice on board regarding improving communication with users, stating that there are always ways that Council can improve communication. Whatever information that we have at any time is passed onto the users, and may have been a timing issue that they did not receive Council's information before they had heard it from another source.

City Playgrounds

*Councillor Page asked if Council staff could carry out inspections of playgrounds in the City to check that fencing is intact and that gates are operating correctly. This will ensure the safety of children using the City's playground areas.*

The General Manager took the matter on notice, and also took the opportunity to remind Councillors that Item 15 of the Agenda is for the purpose of Councillors asking questions regarding items in the Business Paper to be answered at the next meeting. The General Manager advised that Councillors can forward him any questions by email or by phone call at any time.

The Mayor also stressed that Councillors don't need to wait until the Council Meeting to raise issues, they can contact herself or the General Manager direct in the meantime.

## CONFIDENTIAL MATTERS

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 223/16 - DATED AUGUST 19, 2016 -  
PURCHASE OF LAND SOLD AT AUCTION FOR SALE OF LAND FOR UNPAID RATES -

CONFIDENTIAL

11/338

**(General Manager's Note:** This report considers the purchase 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

1. That Broken Hill City Council Report No. 223/16 dated August 19, 2016, be received.
2. That Council votes to purchase land at 17 Wills Street (Lot 1975 DP 757298) for the extension of the landfill of which was sold in error at the recent Sale of Land for Unpaid Rates Auction in March 2016.
3. That the Mayor and General Manager be authorised to sign the sale of land contracts under the Common Seal of Council.

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**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 224/16 - DATED OCTOBER 14, 2016 -  
WRITE OFF BAD DEBT - KAMACHLO PTY LTD - CONFIDENTIAL** 11/33

**(General Manager's Note:** This report considers the write off of bad debt and is deemed confidential under Section 10A(2) (b) of the Local Government Act, 1993 which contains matters that will involve the discussion of the personal hardship of any resident or rate payer).

Recommendation

1. That Broken Hill City Council Report No. 224/16 dated October 14, 2016, be received.
2. That Council approve the write off of the debt relating to Kamachlo Pty Ltd (debtor: 925.04) for the amount of \$14,290.10.

Minute No. 45367

Councillor C. Adams moved ) That the confidential items be considered in open  
Councillor D. Gallagher seconded ) session and the recommendations of items 15  
and 16 be adopted.

CARRIED

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

**Item 14 – Broken Hill City Council Report No. 223/16 – dated August 19, 2016 – Purchase of Land Sold at Auction for Sale of Land for Unpaid Rates – CONFIDENTIAL**

- That Broken Hill City Council Report No. 223/16 dated August 19, 2016, be received.
- That Council votes to purchase land at 17 Wills Street (Lot 1975 DP 757298) for the extension of the landfill of which was sold in error at the recent Sale of Land for Unpaid Rates Auction in March 2016.
- That the Mayor and General Manager be authorised to sign the sale of land contracts under the Common Seal of Council.

**Item 15 – Broken Hill City Council Report No. 224/16 – dated October 14, 2016 – Write-off of Bad Debt – Kamachlo Pty. Ltd. – CONFIDENTIAL**

- That Broken Hill City Council Report No. 224/16 dated October 14, 2016, be received.
- That Council approve the write off of the debt relating to Kamachlo Pty Ltd (debtor: 925.04) for the amount of \$14,290.10.

There being no further business the Mayor closed the meeting at 7:27 p.m.

THE FOREGOING MINUTES WERE READ  
AND CONFIRMED AT THE ORDINARY  
MEETING OF THE BROKEN HILL CITY  
COUNCIL HELD ON NOVEMBER 30 2016.

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CHAIRPERSON