
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
SEPTEMBER 28, 2016

Prior to the commencement of the meeting the following Councillors made the Oath/Affirmation of Office in the presence of the General Manager, Mr. James Roncon:

Mayor Turley(Affirmation), Councillor Adams (Oath), Councillor Algate (Affirmation),
Councillor Browne (Affirmation), Councillor Clarke (Affirmation), Councillor Gallagher (Oath),
Councillor Licul (Affirmation), Councillor Kennedy (Affirmation), Councillor Nolan (Oath),
Councillor Page (Oath).

Meeting commenced at 6:42 p.m.

PRESENT:

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

General Manager, Manager Economic Development and Culture, 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 (48).

APOLOGIES:

Nil.

PRAYER

Councillor Adams delivered the prayer

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country

PUBLIC FORUM

Nil.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 45330

Councillor J. Nolan moved)
Councillor M. Browne seconded)

That the Minutes of the Ordinary Meeting of the
Council of the City of Broken Hill held August 31,
2016 be confirmed.

CARRIED

DISCLOSURE OF INTEREST

Nil

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 5/16 - DATED SEPTEMBER 20, 2016 - PRIORITIES FOR COUNCIL 12/82

Recommendation

1. That Mayoral Minute No. 5/16 dated September 20, 2016, be received.
2. That standing committees be established by December 2016 and will be aligned to our key strategic areas.
3. Resource our community based Heritage committee to drive recognition of Broken Hill as Australia's first Heritage City. And invite the Broken Hill City Council Heritage Advisor to be a part of the committee.
4. Lobby state government to reveal details of the business case for the proposed Wentworth-Broken Hill water pipeline, including projected water cost to the people of Broken Hill
5. That Council agree to lobby state government for the return of TAFE College opportunities, upgrade of airport to jet service standards, and for a second weekly Outback Explorer rail service.
6. That Council continues to take an active role in negotiations around the establishment of the proposed 'Far West Initiative' to ensure Council's and the Broken Hill community's interests are protected.
7. Maintaining our 'Greening of the City' and our local heritage programmes.
8. Support the shop local campaign.
9. That the Ordinary Council Meeting for January 2017 not be held.

RESOLUTION

Minute No. 45331

Mayor D. Turley moved) That the recommendation of item 1 be adopted.
Councillor M. Browne seconded)

CARRIED

NOTICES OF MOTION

ITEM 2 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 9/16 - DATED SEPTEMBER 23, 2016 - COST TO THE COMMUNITY OF THE MURRAY PIPELINE 11/426

Notice of Motion

1. That the Broken Hill City Council send correspondence to the Local Member Kevin Humphries, NSW Water Minister, the NSW Premier, opposition leader and opposition water minister requesting that the NSW government provide the Broken Hill community with how much the Broken Hill community is expected to contribute to the pipeline and what water bills will rise to in Broken Hill if IPART decides to pass all costs onto water users. Also what will the iron ore company Carpentaria be contributing to the cost of the pipeline and what will their user charges be?

Motion

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

LOST

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**ITEM 3 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 10/16 - DATED SEPTEMBER 23,
2016 - PROPOSED LIBRARY RELOCATION** 14/181

Notice of Motion

1. That the proposed move of the Library and the signing of the lease of a privately owned building to house the Library be deferred until the following are investigated and answered and new councillors are presented with the details of the move and the cost to Council. Also, the answers are to be reported back to the next Ordinary Council Meeting for Councillors.
 - a) 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?
 - b) What work the landlord will carry out on the very old building to bring it up to a modern standard?
 - c) What will the utilities costs be for the building considering the building is twice the size of the existing Library?
 - d) What heating/cooling system was used to calculate a cost of \$800,000, how much of the \$800,000 is labour, where quotes sought and how many?
 - e) How does the heating/cooling of the proposed rented building compare to the planned \$800,000 system for the existing Library?
 - f) What will happen with the existing Library and what associated costs are expected?
 - g) What other possible options are there for the library relocation, options should include the building of a new purpose build library that could utilise BHP funding by incorporating the archives in the plan?
 - h) What effect will the Library move have on user numbers for those that currently use the Library?
 - i) 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?

Motion

Councillor T. Kennedy moved) That the recommendation of item 3 be adopted.
Councillor B. Algate seconded)

LOST

**ITEM 4 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 11/16 - DATED SEPTEMBER 23,
2016 - AMENDMENT TO CODE OF MEETING PRACTICE** 12/14

Notice of Motion

1. That Broken Hill City Council amend the Council Code of Meeting Practice to allow questions without notice during the public forum agenda item and to introduce the same at the end of Council Meetings.

Motion

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

LOST

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**ITEM 5 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 12/16 - DATED SEPTEMBER 23,
2016 - SALE OF FILM STUDIO** EO16/3

Notice of Motion

1. That Broken Hill City Council defers the planned sale of the film studio and new councillors to be briefed on the pros and cons of selling the studio.

Motion

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

LOST

The Mayor took a question on notice from Councillor Kennedy regarding the annual overhead and maintenance costs to Council of the Broken Hill Film Studio.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 191/16 - DATED AUGUST 29, 2016 -
ELECTION OF DEPUTY MAYOR** 11/18

Recommendation

1. That Broken Hill City Council Report No. 191/16 dated August 29, 2016, be received.
2. That Council elect the Deputy Mayor at this meeting.
3. That the Deputy Mayor be elected for a 12 month term concluding at the September 2017 Council Meeting.
4. That voting for the Deputy Mayor Election be open voting, this is "show of hands".

RESOLUTION

Minute No. 45332

Councillor B. Algate moved) That the recommendation of item 6 be adopted.
Councillor C. Adams seconded)

CARRIED

The Mayor appointed the General Manager as Returning Officer for the Election of Deputy Mayor.

The Returning Officer advised that two (2) nominations had been received for the position of Deputy Mayor. The nominations are as follows:

1. *Councillor Gallagher (nominated by Councillor Page and Councillor Adams – nomination received 28/09/2016 at 9:30am*

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2. *Councillor Kennedy (nominated by Councillor Page and Councillor Algate – nomination received 28/09/2016 at 6:15pm)*

The Returning Officer advised that voting would take place in order of the nominations received and called for a show of hands for votes for Councillor Gallagher as Deputy Mayor for the twelve month term September 2016 to September 2017.

Voting for Councillor Gallagher as Deputy Mayor

Votes For – 7

Votes Against – 3

Given the number of votes received for Councillor Gallagher as Deputy Mayor, the Returning Officer declared Councillor Gallagher as Deputy Mayor elect for the twelve month term from September 2016 to September 2017.

Councillor Gallagher assumed the chair of Deputy Mayor for the remainder of the meeting.

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 193/16 - DATED AUGUST 29, 2016 -
APPOINTMENT OF DELEGATES TO COMMITTEES - SEPTEMBER 2016 TO SEPTEMBER 2017**

11/9

RESOLUTION

Minute No. 45333

Councillor C. Adams moved)

Councillor D. Gallagher seconded)

That Broken Hill City Council Report No. 193/16 dated August 29, 2016, be received.

2. That Council accepts the nominations received from Councillors as delegates to its Section 355 Committees and various other Committees.
3. That all Councillor membership be for a twelve month period commencing immediately and ceases at the September 2017 Council Meeting, with the exception of the Broken Hill Heritage Committee.
4. That Councillor membership on the Broken Hill Heritage Committee commences October 10, 2016 to the September 2017 Council Meeting; and that the current delegates remain on the Committee until October 10, 2016 to ensure the success of the inaugural Miners' Memorial Day on October 9, 2016.
5. That Council advertises for community representation on the various Section 355 Committees in accordance with their respective constitutions.

CARRIED

Councillors will be sent a request to nominate for any vacancies left on Committees.

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**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 194/16 - DATED JULY 20, 2016 - PUBLIC
INTEREST DISCLOSURES ANNUAL REPORT 2015/2016**

12/67

Recommendation

1. That Broken Hill City Council Report No. 194/16 dated July 20, 2016, be received.
2. That the Broken Hill City Council Public Interest Disclosures Annual Report be forwarded to the Minister for Local Government and the NSW Ombudsman by 30 October 2016.

RESOLUTION

Minute No. 45334

Councillor D. Gallagher moved) That the recommendation of item 8 be adopted.
Councillor B. Licul seconded)

CARRIED

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 195/16 - DATED SEPTEMBER 06, 2016 -
DELEGATION OF FUNCTIONS**

11/264

Recommendation

1. That Broken Hill City Council Report No. 195/16 dated September 6, 2016, be received.
2. That Council notes the Schedule of Delegable Functions for the Broken Hill City Council attached to this report at Attachment 1.
3. That Broken Hill City Council delegate to the Mayor of the Broken Hill City Council, the Functions in accordance with the Instruments of Delegation attached to this report at Attachment 2.
4. That Broken Hill City Council delegate to the Deputy Mayor of the Broken Hill City Council, the Functions in accordance with the Instruments of Delegation attached to this report at Attachment 3.
5. That Broken Hill City Council delegate to the General Manager of the Broken Hill City Council, the Functions in accordance with the Instruments of Delegation attached to this report at Attachment 4.
6. That the Chief Operating Officer (Deputy General Manager) be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave, such appointment to cease upon the return to work of the General Manager; and that such person acting as General Manager pursuant to this resolution has all the functions, delegations, and sub-delegations given to the General Manager by the Council.
7. That Broken Hill City Council delegate to staff who hold the positions of Chief Operating Officer (Deputy General Manager), Manager Engineering Services, Manager Planning Development and Compliance, Asset Planner Buildings, Asset Planner Parks and Open Spaces, Roads and Parks Coordinator, Waste Management Coordinator, Trades Coordinator, Team Leader Parks and Open Spaces, Team Leader Roads, Labourer/Plant Operator, Works Operator, Ranger Living Desert and Finance Operations Coordinator, Senior Airport Reporting Officer, Airport Reporting Officer and Cemetery Services Coordinator of the Broken Hill City Council the relevant Functions under the *Noxious Weeds Act 1993* as indicated in the table attached to this report at Attachment 5.
8. That in accordance with the Local Government's Promoting Better Practice Review, the Delegations of Functions be reviewed in two years' time (September 2018).
9. That Council noted that the *Local Government Amendment (Governance and Planning) Bill 2016*

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will be presented to a future Council Meeting, once the commencement date has been proclaimed, explaining the amendments to the *Local Government Act 1993* and whether any amendments are required to the Delegations of Functions.

RESOLUTION

Minute No. 45335

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

CARRIED

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 196/16 - DATED SEPTEMBER 19, 2016 -
DISCLOSURE OF INTEREST RETURNS** 11/265, 11/646

Recommendation

1. That Broken Hill City Council Report No. 196/16 dated September 19, 2016, be received.
2. That Council note the submission of the required returns by the Councillors and Designated Persons of Council.
3. That access to Council's Register of Returns of Disclosures by Councillors and Designated Persons be in accordance with the provisions of the *Local Government Act 1993* and other relevant legislation.

RESOLUTION

Minute No. 45336

Councillor B. Algate moved) That the recommendation of item 10 be adopted.
Councillor J. Nolan seconded)

CARRIED

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 197/16 - DATED AUGUST 01, 2016 -
DRAFT 2016/2017 COUNCILLOR SUPPORT POLICY FOR PUBLIC EXHIBITION** 12/114

Recommendation

1. That Broken Hill City Council Report No. 197/16 dated August 1, 2016, be received.
2. That Council adopt the draft 2016/2017 Councillor Support Policy for the purpose of public exhibition.
3. That the draft 2016/2017 Councillor Support Policy be placed on public exhibition for a twenty eight day period.
4. That Council receives a further report at the conclusion of this exhibition, detailing submissions received and any recommended changes arising, with a view to adopting the draft 2016/2017 Councillor Support Policy; and the policy be forwarded to the Deputy Director General of Local Government within twenty eight days of adoption.

RESOLUTION

Minute No. 45337

Councillor D. Gallagher moved) That the recommendation of item 11 be adopted.
Councillor C. Adams seconded)

CARRIED

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**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 198/16 - DATED SEPTEMBER 14, 2016 -
CORRESPONDENCE REPORT - OFFICE OF LOCAL GOVERNMENT COUNCILLOR WORKSHOP**

11/355

Recommendation

1. That Broken Hill City Council Report No. 198/16 dated September 14, 2016, be received.
2. That Councillors confirm their attendance with the General Manager's Office for the Office of Local Government Councillor Workshop "Hit the Ground Running" in Broken Hill on Thursday November 3, 2016.

RESOLUTION

Minute No. 45338

Councillor C. Adams moved) That the recommendation of item 12 be adopted.
Councillor M. Browne seconded)

CARRIED

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 199/16 - DATED SEPTEMBER 14, 2016 -
CORRESPONDENCE REPORT - RELEASE OF IPART ISSUES PAPER FOR THE REVIEW OF
PRICES FOR WATERNSW TO APPLY FROM JULY 1, 2017**

11/426

RESOLUTION

Minute No. 45339

- Councillor M. Browne moved)
Councillor R. Page seconded)
1. That Broken Hill City Council Report No. 199/16 dated September 14, 2016, be received.
 2. That Councillors provide their feedback regarding the IPART Issues Paper into WaterNSW's Rural Bulk Water Pricing Proposal to the General Manager's Office by October 7, 2016 in order for a submission to be formulated and lodged by October 17, 2016.
 3. That a Councillor Workshop be held with Essential Water representatives (prior to lodging a submission) to seek their views on the matter.

CARRIED

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**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 200/16 - DATED SEPTEMBER 13, 2016 -
INVESTMENT REPORT FOR AUGUST 2016** 11/48

Recommendation

1. That Broken Hill City Council Report No. 200/16 dated September 13, 2016, be received.

RESOLUTION

Minute No. 45340

Councillor D. Gallagher moved) That the recommendation of item 14 be adopted.
Councillor B. Algate seconded)

CARRIED

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 201/16 - DATED AUGUST 01, 2016 -
ADOPTION OF DRAFT LOCAL APPROVALS POLICY** 12/14

Recommendation

1. That Broken Hill City Council Report No. 201/16 dated August 1, 2016, be received.
2. That Council adopts the Draft Local Approvals Policy as a policy of Council.

RESOLUTION

Minute No. 45341

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

CARRIED

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 202/16 - DATED SEPTEMBER 05, 2016 -
ADOPTION OF COUNCIL BUSINESS CONTINUITY POLICY** 12/14

Recommendation

1. That Broken Hill City Council Report No. 202/16 dated September 5, 2016, be received.
2. That Council adopt the Draft Business Continuity Policy as a Policy of Council.

RESOLUTION

Minute No. 45342

Councillor J. Nolan moved) That the recommendation of item 16 be adopted.
Councillor B. Licul seconded)

CARRIED

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 203/16 - DATED SEPTEMBER 12, 2016 -
PLANNING AND DEVELOPMENT STATUS REPORT - AUGUST 2016** 11/467

Recommendation

1. That Broken Hill City Council Report No. 203/16 dated September 12, 2016, be received.

RESOLUTION

Minute No. 45343

Councillor D. Gallagher moved) That the recommendation of item 17 be adopted.
Councillor M. Browne seconded)

CARRIED

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**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 204/16 - DATED SEPTEMBER 12, 2016 -
S355 COMMITTEE TERM REPORTS 2012-2016 AND ANNUAL REPORTS 2015-2016** 16/94

Recommendation

1. That Broken Hill City Council Report No. 204/16 dated September 12, 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. 45344

Councillor C. Adams moved) That the recommendation of item 18 be adopted.
Councillor M. Browne seconded)

CARRIED

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 205/16 - DATED SEPTEMBER 16, 2016 -
AUDIT, RISK AND IMPROVEMENT COMMITTEE - INDEPENDENT MEMBERS APPOINTMENT** 13/19

Recommendation

1. That Broken Hill City Council Report No. 205/16 dated September 16, 2016, be received.
2. That Council appoint Mr. James Mitchell and Mr. Damian Pulgies as the two (2) independent members of the Broken Hill City Council Audit, Risk and Improvement Committee.

RESOLUTION

Minute No. 45345

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

CARRIED

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 206/16 - DATED SEPTEMBER 16, 2016 -
SAFE HAVEN ENTERPRISE VISA SCHEME** 11/161

RESOLUTION

Minute No. 45346

Councillor C. Adams moved) That Broken Hill City Council Report No. 206/16
Councillor D. Gallagher seconded) dated September 16, 2016 be received.

CARRIED

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 207/16 - DATED SEPTEMBER 16, 2016 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 363 HELD TUESDAY
SEPTEMBER 6, 2016** 11/397

Recommendation

1. That Broken Hill City Council Report No. 207/16 dated September 16, 2016, be received.
2. That the minutes for the Local Traffic Committee Meeting No. 363, held 6 September 2016, be received.

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3. That Council adopt the recommendation of the Traffic Committee meeting held September 6, 2016.
 - a. 363.8.2 - That Council write to Mr Regan Edgecumbe thanking him for his comments and advising Mr Edgecumbe that Council has held extensive community consultation regarding the Parking Strategy and have recommended a review of the Parking Strategy after a trial period of 12 months; his comments will be considered as part of this process.
 - b. 363.8.3 - That Council write to Ms Pauline Jones thanking her for her comments and advising Ms Jones that Council has held extensive community consultation regarding the Parking Strategy and have recommended a review of the Parking Strategy after a trial period of 12 months; her comments will be considered as part of this process.

RESOLUTION

Minute No. 45347

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

CARRIED

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 208/16 - DATED SEPTEMBER 20, 2016 -
ACTION LIST REPORT - SEPTEMBER** 11/25
Recommendation

1. That Broken Hill City Council Report No. 208/16 dated September 20, 2016, be received.

RESOLUTION

Minute No. 45348

Councillor J. Nolan moved) That the recommendation of item 22 be adopted.
Councillor M. Clark seconded)

CARRIED

COMMITTEE REPORTS

**ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 209/16 - DATED SEPTEMBER 13, 2016 -
MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD SEPTEMBER 12,
2016** 12/54

Recommendation

1. That Broken Hill City Council Report No. 209/16 dated September 13, 2016, be received.
2. That minutes of the Picton Oval Community Committee meeting held September 12, 2016 be received.

RESOLUTION

Minute No. 45349

Councillor C. Adams moved) That the recommendation of item 23 be adopted.
Councillor B. Licul seconded)

CARRIED

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**ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 210/16 - DATED SEPTEMBER 20, 2016 -
MINUTES OF THE BROKEN HILL HERITAGE ADVISORY COMMITTEE MEETING HELD AUGUST
11, 2016 AND SEPTEMBER 17, 2016** 15/87

Recommendation

1. That Broken Hill City Council Report No. 210/16 dated September 20, 2016, be received.
2. That minutes of the Broken Hill Heritage Advisory Committee meetings held August 11, 2016 and September 17, 2016 be received.

RESOLUTION

Minute No. 45350

Councillor C. Adams moved) That the recommendation of item 24 be adopted.
Councillor M. Browne seconded)

CARRIED

QUESTIONS ON NOTICE

**ITEM 25 - QUESTIONS ON NOTICE NO. 6/16 - DATED AUGUST 23, 2016 - COUNCILLORS
QUESTION TAKEN ON NOTICE AT JULY AND AUGUST COUNCIL MEETINGS** 11/214

Recommendation

1. That Questions On Notice No. 6/16 dated August 23, 2016, be received.

RESOLUTION

Minute No. 45351

Councillor B. Algate moved) That the recommendation of item 25 be adopted.
Councillor C. Adams seconded)

CARRIED

QUESTIONS FOR NEXT MEETING

From Item 5 – Notice of Motion – Sale of Film Studio

EOI16/3

The Mayor took a question on notice from Councillor Kennedy regarding the annual overhead and maintenance costs to Council of the Broken Hill Film Studio.

CONFIDENTIAL MATTERS

**ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 211/16 - DATED AUGUST 23, 2016 -
HERITAGE VERANDAH REVIVAL LOAN - 350 ARGENT STREET, BROKEN HILL -**

CONFIDENTIAL

11/467

(General Manager's Note: This report 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. 211/16 dated August 23, 2016, be received.
2. That funding of \$12,540.00 (combination of loan and grant) be approved for maintenance work to the existing verandah at 350 Argent Street subject to the owner meeting the required loan conditions.

**ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 212/16 - DATED SEPTEMBER 15, 2016 -
EXPRESSION OF INTEREST 16/4 - SALE OF LAND AT THE BROKEN HILL REGIONAL AIRPORT**
- CONFIDENTIAL

EOI16/4

(General Manager's Note: This report considers 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

1. That Broken Hill City Council Report No. 212/16 dated September 15, 2016, be received.
2. That Council accepts the offer of \$8,500.00 from Mr Phillip Cvirn for purchase of land at the Broken Hill Regional Airport being part Lot 1 in DP1162606 (Lot 52 in DP876533 on Council's internal mapping system).
3. That each party be liable for their own legal costs incurred.
4. That the Mayor and General Manager be delegated to sign the sale of land contract under the Common Seal of Council.

**ITEM 28 - BROKEN HILL CITY COUNCIL REPORT NO. 213/16 - DATED AUGUST 16, 2016 -
TRANSFER OF OWNERSHIP OF 55-59 GYPSUM STREET TO BROKEN HILL FAMILY DAY CARE
COMMITTEE INC. - CONFIDENTIAL**

11/197

(General Manager's Note: This report considers sale of an asset 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. 213/16 dated August 16, 2016, be received.
2. That Council rescinds minute number 45284 of May 25, 2016 (transfer ownership of 55-59 Gypsum Street to Broken Hill Family Day Care Committee Inc.) in favour of the following motion:

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- a. That due to Family Day Care Committee Inc.'s current financial position, Council offers the Committee a lease arrangement for 12 months (all terms as per current lease) for occupation of 55-59 Gypsum Street.
- b. That the Family Day Care Committee Inc. be responsible for all legal costs, including Council's, incurred in the drawing of the lease.
- c. That the Mayor and General Manager be delegated authority to execute the lease under the Common Seal of Council.
- d. That at the expiration of the 12 month lease, Council's Finance staff re-inspects the Committee's financial statements and a further report be presented to Council regarding the option of transferring the ownership of 55-59 Gypsum Street (formerly the Railwaytown Community Centre) to the Broken Hill Family Day Care Committee Inc.

RESOLUTION

Minute No. 45352

Councillor B. Algate moved) That the confidential matters be considered in
Councillor D. Gallagher seconded) open session.

That the recommendations of confidential items
26 to 28 be adopted.

CARRIED

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

Item 26 - Broken Hill City Council Report No. 211/16 - dated August 23, 2016 - Heritage Verandah Revival Loan - 350 Argent Street, Broken Hill - Confidential

- That Broken Hill City Council Report No. 211/16 dated August 23, 2016, be received.
- That funding of \$12,540.00 (combination of loan and grant) be approved for maintenance work to the existing verandah at 350 Argent Street subject to the owner meeting the required loan conditions.

Item 27 - Broken Hill City Council Report No. 212/16 - dated September 15, 2016 - Expression of Interest 16/4 - Sale of Land at the Broken Hill Regional Airport - Confidential

- That Broken Hill City Council Report No. 212/16 dated September 15, 2016, be received.
- That Council accepts the offer of \$8,500.00 from Mr Phillip Cvirn for purchase of land at the Broken Hill Regional Airport being part Lot 1 in DP1162606 (Lot 52 in DP876533 on Council's internal mapping system).
- That each party be liable for their own legal costs incurred.
- That the Mayor and General Manager be delegated to sign the sale of land contract under the Common Seal of Council.

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Item 28 - Broken Hill City Council Report No. 213/16 - dated August 16, 2016 - Transfer of Ownership of 55-59 Gypsum Street to Broken Hill Family Day Care Committee Inc. - Confidential

- That Broken Hill City Council Report No. 213/16 dated August 16, 2016, be received.
- That Council rescinds minute number 45284 of May 25, 2016 (transfer ownership of 55-59 Gypsum Street to Broken Hill Family Day Care Committee Inc.) in favour of the following motion:
 - That due to Family Day Care Committee Inc.'s current financial position, Council offers the Committee a lease arrangement for 12 months (all terms as per current lease) for occupation of 55-59 Gypsum Street.
 - That the Family Day Care Committee Inc. be responsible for all legal costs, including Council's, incurred in the drawing of the lease.
 - That the Mayor and General Manager be delegated authority to execute the lease under the Common Seal of Council.
 - That at the expiration of the 12 month lease, Council's Finance staff re-inspects the Committee's financial statements and a further report be presented to Council regarding the option of transferring the ownership of 55-59 Gypsum Street (formerly the Railwaytown Community Centre) to the Broken Hill Family Day Care Committee Inc.

There being no further business the Mayor closed the meeting at 7:45 p.m.

THE FOREGOING MINUTES WERE READ
AND CONFIRMED AT THE ORDINARY
MEETING OF THE BROKEN HILL CITY
COUNCIL HELD ON OCTOBER 26, 2016

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CHAIRPERSON

