

September 23, 2016

ORDINARY MEETING OF THE COUNCIL MEETING

TO BE HELD

WEDNESDAY, SEPTEMBER 28, 2016

SUPPLEMENTARY AGENDA NO. 1

JAMES RONCON
GENERAL MANAGER

FURTHER BUSINESS

1. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 9/16 - DATED
SEPTEMBER 23, 2016 - COST TO THE COMMUNITY OF THE MURRAY
PIPELINE (11/426)..... 3

2. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 10/16 - DATED
SEPTEMBER 23, 2016 - PROPOSED LIBRARY RELOCATION (14/181) 6

3. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 11/16 - DATED
SEPTEMBER 23, 2016 - AMENDMENT TO CODE OF MEETING
PRACTICE (12/14)..... 10

4. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 12/16 - DATED
SEPTEMBER 23, 2016 - SALE OF FILM STUDIO (EOI16/3)..... 14

ORDINARY MEETING OF THE COUNCIL

September 23, 2016

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 9/16SUBJECT: 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?

Notice of Motion

Council has received a Notice of Motion from Councillor Kennedy requesting that Council makes representations regarding whether the cost of the Murray Pipeline will be passed onto the community of Broken Hill (see attachment).

The notice of motion reads as follows:

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?

Reasons for motion,

The cost of the proposed Murray pipeline and the portion to be paid for by the Broken Hill water users has not been established and could result in water bills doubling or even tripling which is not sustainable given that Broken Hill has a significant number of low income earners and lead contaminated soil issues.

It could also result in a significant increase in water charges for the Broken Hill City Council that could impact on Council's ability to maintain parks and ovals.

Carpentaria's latest report makes mention of the Murray pipeline and the effect it will have on their operations. The community needs to be provided with the full reasons for the pipeline and who is benefiting and contributing to it.

General Manager's Comment

Nil comment.

Attachments

1. Notice of Motion - Cost to the community of the Murray pipeline 1 Page

T. KENNEDY
COUNCILLOR

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held on 28/09/2016

From Councillor Tom Kennedy

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 will 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?

Reasons for motion,

The cost of the proposed Murray pipeline and the portion to be paid for by the Broken Hill water users has not been established and could result in water bills doubling or even tripling which is not sustainable given that Broken Hill has a significant number of low income earners and lead contaminated soil issues.

It could also result in a significant increase in water charges for the Broken Hill City Council that could impact on council's ability to maintain parks and ovals.

Carpentaria's latest report makes mention of the Murray pipeline and the effect it will have on their operations. The community needs to be provided with the full reasons for the pipeline and who is benefiting and contributing to it.

Councillor Tom Kennedy



ORDINARY MEETING OF THE COUNCIL

September 23, 2016

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 10/16SUBJECT: 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?

Notice of Motion

Council has received a Notice of Motion from Councillor Kennedy requesting information be provided to Councillors regarding the proposed relocation of the Library (see attachment).

The notice of motion reads as follows:

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.

- **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?**
- **What work the landlord will carry out on the very old building to bring it up to a modern standard?**
- **What will the utilities costs be for the building considering the building is twice the size of the existing Library?**
- **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?**
- **How does the heating/cooling of the proposed rented building compare to the planned \$800,000 system for the existing Library?**
- **What will happen with the existing Library and what associated costs are expected?**
- **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?**
- **What effect will the library move have on user numbers for those that currently use the Library?**
- **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?**

Reason for motion,

The move will impact on the financial operations of Council for the four years of the current Council and all Councillors should be made aware of the financial impact of a decision made by the previous Council.

General Manager's Comments

The Extraordinary meeting of Council held Thursday 7 April 2016 resolved as follows:

1. That Broken Hill City Council Report No. 64/16 dated March 22, 2016, be received.
2. That Council implement the relocation of the library in line with the recommendation of the adopted Broken Hill Living Museum + Perfect Light Project considering the maintenance and repair issues of the current building.
3. That Council implement the relocation of the Archives to the basement and ground floor of the administration building in line with the BHPB funding received, and

proposal contained in the report considering the maintenance and repair issues of the current building.

4. That the relocation of both the Library and Archives be subject to all necessary compliance approvals including Engineering certification.
5. That the General Manager be authorised to negotiate possible Lease arrangement (20 years + 20 years) with the various property owner(s).
6. That any costs associated with the move are considered as part of the 2016/17 budget process.

Since the adoption of the Council resolution, work has been ongoing by council staff to negotiate the lease of the Pellew & Moore building, ensuring the building is fit for purpose; an architect engaged and library plans have been drawn up; and community engagement undertaken in the week commencing 28 August to show the community the design of the new facility. Overall, positive verbal written community feedback was received from those who attended, about the engagement process and library design.

When the final details of the lease are confirmed, a report will come back to council seeking the authorisation of council to have the Mayor and General Manager sign the lease under the Common Seal of Council.

Attachments

1. Notice of Motion - Proposed Relocaton of Library 1 Page

T. KENNEDY
COUNCILLOR

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held on 28/09/2016

From Councillor Tom Kennedy

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.

- 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?
- What work the landlord will carry out on the very old building to bring in up to a modern standard?
- What will the utilities costs be for the building considering the building is twice the size of the existing library?
- What heating/cooling system was used to calculate a cost of \$800,000, how much of the \$800,000 is labour, were quotes sought and how many?
- How does the heating/cooling of the proposed rented building compare to the planned \$800,000 system for the existing library?
- What will happen with the existing library and what associated costs are expected?
- 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?
- What effect will the library move have on user numbers for those that currently use the library?
- 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?

Reason for motion,

The move will impact on the financial operations of council for the four years of the current council and all councillors should be made aware of the financial impact of a decision made by the previous council.

Councillor Tom Kennedy



ORDINARY MEETING OF THE COUNCIL

September 23, 2016

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 11/16

SUBJECT: 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.

Notice of Motion

Council has received a Notice of Motion from Councillor Kennedy regarding amendment to Council's 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 (see attachment).

The notice of motion reads as follows:

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.

Reasons for motion,

It will allow residents that attend council meetings to be able to put questions to councillors and council at short notice, it will ensure greater public input and higher usage of an effective public consultation tool.

Having questions at the end of meetings will give councillors feedback both positive and negative on decisions made and will allow councillors to further gauge public opinion. It will also encourage the public to remain for the entire meeting.

This simple change will show the community that the new council is a council that engages with the community and welcomes community input.

The public forum rules ensure that questions from the public gallery are not to be derogatory or insulting so having a without notice public question time will not result in any adverse effect.

General Manager's Comment

I provide for Councillors reference, the following excerpt from Council's adopted Code of Meeting Practice regarding the Public Forum sessions at Council Meetings:

2.15 PUBLIC QUESTIONS AND ADDRESSES

2.15.1 Can the public ask questions or address the council at council meetings?

There is no automatic right under the Act or the Regulation for the public to participate in a Council meeting, either by written submission or oral presentation. This includes being able to ask questions or address Council meetings, or to comment on matters during meetings.

However, providing some form of public participation in Council meetings is good practice. To this extent Council will provide an opportunity for the public to attend Council's Public Forum as contained in the Order of Business. The Mayor will invite registered speakers to address Council during the Public Forum.

The conditions of the Public Forum at BHCC are:

PUBLIC FORUM PROCEDURES

Council's procedures in relation to the Public Forum Session at Council meetings is as follows:

- (i) The Public Forum Session will be Item 4 in Council's Order of Business.
- (ii) Any person can apply to address an Ordinary meeting of Council on any issue relevant to the responsibilities of the Broken Hill City Council.
- (iii) Requests to address Council during Public Forum should be made to the Council's General Manager (or nominee) 15 minutes prior to the commencement of the meeting.
- (iv) Only two (2) speakers shall be able to address the same agenda item / topic.
- (v) Requests will be advised to the Mayor prior to the commencement of the Council meeting.
- (vi) At the commencement of Public Forum, the Mayor / Chairperson will advise the public that the Council meeting is being recorded.
- (vii) The Public Forum Session is limited to a period of twenty minutes and each speaker is limited to a period of two (2) minutes.
- (viii) Should the number of registered and approved speakers exceed a maximum of 20 minutes, a decision by Council may extend the time frame for Public Forum by a maximum of 10 minutes.
- (ix) If speakers wish to distribute material to Councillors and Officers, 15 copies shall be provided to the General Manager (or nominee) prior to the meeting.
- (x) Persons registered and approved who wish to participate in the Public Forum must recognise and acknowledge that such submission by them must be made in accordance with the rules under the *Local Government Act 1993* and *Regulation* and Council's Code of Meeting Practice.
- (xi) Council requires that speakers not make insulting or defamatory statements and to take care when discussing other people's personal information without their consent.

- (xii) Council at all times retains the discretion to refuse a person the opportunity to address Council under its public forum process.
- (xiii) A person committing an act of disorder for the purposes of the *Local Government Act* and *Regulation* and Council's Code of Meeting practice may be required to leave the meeting.
- (xiv) The process by which a person's opportunity to address Council under the Public Forum process may be suspended for any acts of disorder or breaches of the Public Forum rules.
- (xi) A person may be banned from addressing Council under the Public Forum process for repeated acts of disorder or breaches of the public forum rules.
- (xii) Council will make a record of the matters raised in the Public Forum Session and such record is included in the Minutes of the Ordinary Meeting.

Copies of the terms of Public Forum and a registration form is placed on all chairs in the gallery at the Council Meeting and are available on Council's website and at the Customer Relations Counter at the Administrative Building. Registration forms are required to be lodged fifteen minutes prior to the commencement of the Council Meeting.

Attachments

1. Notice of Motion - Code of Meeting Practice 1 Page

T. KENNEDY
COUNCILLOR

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held on 28/09/2016

From Councillor Tom Kennedy

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.

Reasons for motion,

It will allow residents that attend council meetings to be able to put questions to councillors and council at short notice, it will ensure greater public input and higher usage of an effective public consultation tool.

Having questions at the end of meetings will give councillors feedback both positive and negative on decisions made and will allow councillors to further gauge public opinion. It will also encourage the public to remain for the entire meeting.

This simple change will show the community that the new council is a council that engages with the community and welcomes community input.

The public forum rules ensure that questions from the public gallery are not to be derogatory or insulting so having a without notice public question time will not result in any adverse effect.

Councillor Tom Kennedy



ORDINARY MEETING OF THE COUNCIL

September 23, 2016

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 12/16

SUBJECT: SALE OF FILM STUDIO

EO116/3

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.

Summary

Council has received a Notice of Motion from Councillor Kennedy requesting that the sale of the Broken Hill Film Studios be deferred, pending a briefing for new Councillors (see attachment).

The notice of motion reads as follows:

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.

Reasons for notice of motion,

To give new councillors the information the re-elected councillors used to make the current decision.

The film studio is an asset that has had significant investment from the community and has the potential to remain an important asset.

It can potentially be used for a car, motorcycle and mining museum.

It could also generate significant income for the council when other major feature films are made in Broken Hill. Mad Max 2 will be made at some stage and the Australian dollar is low, making Broken Hill appealing as a location.

The film studio received \$300,000 in rental income from the makers of Mad Max and this would be higher for any other feature film.

Having a film studio could be the difference between Broken Hill getting a feature film and somewhere else.

General Manager's Comment

Mayoral Minute 4/16 was presented to the Ordinary Meeting of Council on Wednesday 27 April 2016.

The Minute sought and Council endorsed the General Manager to progress with the sale by auction of the Broken Hill Film Studios at its Ordinary Meeting held April 27, 2016.

Following an Expression of Interest process to engage a selling agent, the sale of the studios was placed in the care of Broken Hill First National Real Estate, who have commenced their extensive campaign to sell the film studio by auction on 7 November 2016.

Attachments

1. Notice of Motion - Defer sale of the Broken Hill Film Studio 1 Page

T. KENNEDY
COUNCILLOR

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held on 28/09/2016

From Councillor Tom Kennedy

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.

Reasons for notice of motion,

To give new councillors the information the re-elected councillors used to make the current decision.

The film studio is an asset that has had significant investment from the community and has the potential to remain an important asset.

It can potentially be used for a car, motorcycle and mining museum.

It could also generate significant income for the council when other major feature films are made in Broken Hill. Mad Max 2 will be made at some stage and the Australian dollar is low, making Broken Hill appealing as a location.

The film studio received \$300,000 in rental income from the makers of Mad Max and this would be higher for any other feature film.

Having a film studio could be the difference between Broken Hill getting a feature film and somewhere else.

Councillor Tom Kennedy-

