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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
NOVEMBER 29, 2017

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Meeting commenced at 6:30pm

**PRESENT:**

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

General Manager, Finance Manager, Executive Manager Strategic City  
Development, Manager Planning Development and Compliance, Manager  
Infrastructure, Governance Officer, Administration Officer, Executive  
Support Officer and Communication and Community Engagement  
Coordinator.

Media (3), Members of the Public (7).

**APOLOGIES:**

Nil

**PRAYER**

Councillor Adams delivered the prayer

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country

**PUBLIC FORUM**

**Mr Andrew Schmidt – Upgrade of the Jubilee Oval**

17/44, 11/290

Mr Andrew Schmidt spoke in relation to a proposed upgrade of the Jubilee Oval. Mr Schmidt advised that the proposed upgrade would be of great benefit to the City and would provide the City with an opportunity to attract regional, state and national sporting events.

The proposal has previously been submitted to the State Government in 2007 and 2010 and was unsuccessful on both occasions. The proposal has recently received new support to be resubmitted.

Andrew advised that the Office of Regional Development needs a buy-in from local groups to illustrate that there is wide community support for the project. AFL are contributing \$100,000 and AFL Broken Hill are contributing \$100, 000 and a number of other community groups will also be contributing.

**MINUTES FOR CONFIRMATION**

**RESOLUTION**

**Minute No. 45691**

Councillor C. Adams moved  
Councillor D. Gallagher seconded

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That the Minutes of the Ordinary Meeting of the  
Council of the City of Broken Hill held October  
25, 2017 be confirmed.

CARRIED

### DISCLOSURE OF INTEREST

Councillor Gallagher declared:

- a non-pecuniary interest in Item 1 Report No. 219/2017 of the Confidential Items as the matter relates to a family member and advised that he will leave the Council Chambers whilst the item is being considered.

### MAYORAL MINUTES

The Mayoral Minute 9/17 was considered in the Confidential Items of the agenda.

### NOTICES OF MOTION

**ITEM 1 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 5/17 - DATED NOVEMBER 20, 2017 - FINANCIAL SUPPORT TOWARDS UPGRADE OF JUBILEE OVAL** 17/44, 11/290

Councillor R. Page moved )  
Councillor D. Gallagher seconded )

1. That Motions of Which Notice has been Given No. 5/17 dated November 20, 2017, be received.
2. That Council provides financial support to the value of \$50,000.00 towards an upgrade of the Jubilee Oval complex by providing separate shower and toilet facilities for female footballers.

**Amendment**

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

1. That Motions of Which Notice has been Given No. 5/17 dated November 20, 2017, be received.
2. That Council support the proposal in principal.
3. That the applicant be encouraged to submit an application for the next round of Community Assistance Grants subject to the successful receipt of grant funding from the NSW Government for the project and wherever possible Council provides in-kind support.

CARRIED  
ON THE CASTING VOTE OF THE MAYOR

The amendment becomes the motion.

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**RESOLUTION**

Minute No. 45692

Councillor B. Licul moved )

Councillor M. Clark seconded )

1. That Motions of Which Notice has been Given No. 5/17 dated November 20, 2017, be received.
2. That Council support the proposal in principal.
3. That the applicant be encouraged to submit an application for the next round of Community Assistance Grants subject to the successful receipt of grant funding from the NSW Government for the project and wherever possible Council provides in-kind support.

CARRIED  
ON THE CASTING VOTE OF THE MAYOR

A Division was called which resulted in:

FOR: Councillors Browne, Licul, Turley, Clark and Nolan

AGAINST: Councillors Adams, Algate, Gallagher, Kennedy and Page

**ITEM 2 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 6/17 - DATED NOVEMBER 28, 2017 - CONSTRUCTION OF THE MURRAY PIPELINE**

11/426

Councillor T. Kennedy moved )

Councillor B. Algate seconded )

1. That Motions of Which Notice has been Given No. 6/17 dated November 28, 2017, be received.
2. That Broken Hill City Council seek options for commencing legal action against the NSW State Government to stop the construction of the Murray Pipeline until the NSW State Government guarantees via legislation that the Broken Hill community will not have to cover the cost of construction of the pipeline, nor will the Broken Hill Community have to pay maintenance and depreciation, also that the Menindee Lakes and the Darling River below Bourke be protected as an environmental, economic and social asset to the Far West Region.
3. That the Broken Hill City Council apply to the Local Government Association of NSW to share the cost amongst member councils as it is a case of the State Government forcing unaffordable costs onto a local government area.
4. That the Premier Gladys Berejiklian, opposition leader Luke Foley, local member Kevin Humphries and MLC Jeremy

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Buckingham be informed of Council's  
intended action.

Amendment

Councillor C. Adams moved  
Councillor M. Clark seconded

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1. That Motions of Which Notice has been  
Given No. 6/17 dated November 28, 2017, be  
received.
2. That the motion be deferred and Councillor  
Kennedy be asked to provide verification of  
the data he quotes, to all Councillors; and  
until after the Mayor and General Manager  
have meetings with Ministers in February.
3. That a report be presented to the February  
Council Meeting.

CARRIED

That the amendment becomes the motion.

**RESOLUTION**

Minute No. 45693

Councillor C. Adams moved  
Councillor M. Clark seconded

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)

1. That Motions of Which Notice has been  
Given No. 6/17 dated November 28, 2017, be  
received.
2. That the motion be deferred and Councillor  
Kennedy be asked to provide verification of  
the data he quotes, to all Councillors; and  
until after the Mayor and General Manager  
have meetings with Ministers in February.
3. That a report be presented to the February  
Council Meeting.

CARRIED

**RESCISSION MOTIONS**

Nil.

**REPORTS FROM DELEGATES**

Nil.

## REPORTS

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 205/17 - DATED NOVEMBER 14, 2017 -  
CODE OF CONDUCT - 2016/2017** 11/171

**Recommendation**

1. That Broken Hill City Council Report No. 205/17 dated November 14, 2017, be received.
2. That the Code of Conduct Statistics Annual Report for the Broken Hill City Council of the period of 1 September 2016 – 31 August 2017 be forwarded to the Office of Local Government.

**RESOLUTION**

**Minute No. 45694**

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. 206/17 - DATED OCTOBER 31, 2017 -  
COMMUNITY STRATEGIC PLAN - CENSUS DATA AMENDED** 11/89

**Recommendation**

1. That Broken Hill City Council Report No. 206/17 dated October 31, 2017, be received.
2. That Council note the inclusion of 2016 demographic data.
3. That Council endorse the amended Community Strategic Plan.

**RESOLUTION**

**Minute No. 45695**

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

CARRIED

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 207/17 - DATED OCTOBER 26, 2017 -  
HEALTHY BROKEN HILL PROGRAM** 11/49

**Recommendation**

1. That Broken Hill City Council Report No. 207/17 dated October 26, 2017, be received.

**RESOLUTION**

**Minute No. 45696**

Councillor B. Licul moved ) That the recommendation of Item 5 be adopted.  
Councillor M. Clark seconded )

CARRIED

*The General Manager took a Question on Notice from Councillor Licul in relation to any strategies which the report raises and if there can be any Councillor involvement in this program.*

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**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 208/17 - DATED NOVEMBER 16, 2017 -  
INVESTMENT REPORT FOR OCTOBER 2017** 17/82

Recommendation

1. That Broken Hill City Council Report No. 208/17 dated November 16, 2017, be received.

**RESOLUTION**

Minute No. 45697

Councillor B. Algate moved ) That the recommendation of Item 6 be adopted.  
Councillor M. Clark seconded )

CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 209/17 - DATED NOVEMBER 17, 2017 -  
QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING SEPTEMBER 2017** 12/160

Recommendation

1. That Broken Hill City Council Report No. 209/17 dated November 17, 2017, be received.
2. That the 1st Quarterly Budget Review Statement and recommendations be adopted.
3. That Council note the projected 2017/18 operating deficit (before capital) is increased by \$20,000 to \$1,840,000.
4. That Council note the 2017/18 projected capital budget is increased by \$18,000 to \$11,548,000.

**RESOLUTION**

Minute No. 45698

Councillor M. Browne moved ) That the recommendation of Item 7 be adopted.  
Councillor C. Adams seconded )

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 210/17 - DATED NOVEMBER 02, 2017 -  
ADOPTION OF DRAFT REVISED SWIMMING POOL BARRIER INSPECTION POLICY** 12/14

Recommendation

1. That Broken Hill City Council Report No. 210/17 dated November 2, 2017, be received.
2. That Council adopts the draft revised Swimming Pool Barrier Inspection Policy as a Policy of Council.

**RESOLUTION**

Minute No. 45699

Councillor J. Nolan moved ) That the recommendation of Item 8 be adopted.  
Councillor D. Gallagher seconded )

CARRIED

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 211/17 - DATED NOVEMBER 02, 2017 -  
ADOPTION OF AMENDMENT TO BROKEN HILL CITY COUNCIL'S 2017/2018 FEES AND  
CHARGES** 16/157

Recommendation

1. That Broken Hill City Council Report No. 211/17 dated November 2, 2017, be received.

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2. That the proposed amendments to the 2017/2018 Schedule of Fees & Charges be adopted.
3. That Council supports the YMCA during their renovation period, by setting a Community Service Fee of \$2,000.00 per annum for the use of the BIU Band Hall.

**RESOLUTION**

Minute No. 45700

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. 212/17 - DATED NOVEMBER 14, 2017 -**  
**ADOPTION OF DRAFT CUSTOMER SERVICE CHARTER** D12/11853

Recommendation

1. That Broken Hill City Council Report No. 212/17 dated November 14, 2017, be received.
2. That Council adopts the draft Customer Service Charter.

**RESOLUTION**

Minute No. 45701

Councillor J. Nolan moved ) That the recommendation of Item 10 be adopted.  
Councillor C. Adams seconded )

CARRIED

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 213/17 - DATED NOVEMBER 10, 2017 -**  
**CBD PARKING STRATEGY - ENDORSEMENT FOR PUBLIC DISPLAY** 11/392

**RESOLUTION**

Minute No. 45702

- Councillor M. Browne moved )  
Councillor C. Adams seconded )
1. That the matter be deferred pending a further report on the parking strategy for the new Health Service facility in Crystal Street.
  2. That representations be made to the Roads and Maritime Service requesting that angle parking on one side of Crystal Street be introduced due to the Health Service development.

CARRIED

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 214/17 - DATED NOVEMBER 15, 2017 -**  
**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 376 HELD TUESDAY**  
**NOVEMBER 14, 2017.** 11/397

Recommendation

1. That Broken Hill City Council Report No. 214/17 dated November 15, 2017, be received.
2. That the minutes for the Local Traffic Committee Meeting No. 376, held November 14, 2017, be received.

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**RESOLUTION**

Minute No. 45703

Councillor M. Browne moved  
Councillor D. Gallagher seconded

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That the recommendation of Item 12 be adopted.

CARRIED

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 215/17 - DATED NOVEMBER 17, 2017 -  
ACTION LIST REPORT**

11/21

Recommendation

1. That Broken Hill City Council Report No. 215/17 dated November 17, 2017, be received.

**RESOLUTION**

Minute No. 45704

Councillor J. Nolan moved  
Councillor M. Browne seconded

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That the recommendation of Item 13 be adopted.

CARRIED

*The General Manager took a Question on Notice from Councillor Nolan regarding when the Integrated Waste Management Group will hold a meeting.*

**COMMITTEE REPORTS**

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 216/17 - DATED OCTOBER 31, 2017 -  
MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE MEETINGS HELD 15 AUGUST  
2017 AND 10 OCTOBER 2017**

16/8

Recommendation

1. That Broken Hill City Council Report No. 216/17 dated October 31, 2017, be received.
2. That minutes of the BIU Band Hall Community Committee Meetings held 15 August 2017 and 10 October 2017 be received.

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 217/17 - DATED NOVEMBER 13, 2017 -  
MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE  
MEETINGS HELD OCTOBER 17, 2017.**

12/51

Recommendation

1. That Broken Hill City Council Report No. 217/17 dated November 13, 2017, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held October 17, 2017 be received.

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 218/17 - DATED NOVEMBER 08, 2017 -  
MINUTES OF THE BROKEN HILL LIVING MUSEUM + PERFECT LIGHT PROJECT STEERING  
GROUP 17 OCTOBER 2017**

14/181

Recommendation

1. That Broken Hill City Council Report No. 218/17 dated November 8, 2017, be received.



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2. That minutes of the Broken Hill Living Museum + Perfect Light Project Steering Group Meeting held October 17, 2017 be received.

Minute No. 45705

Councillor D. Gallagher moved

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That the recommendations of items 14 to 16 be adopted.

Councillor M. Clark seconded

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CARRIED

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

**ITEM 17 - QUESTIONS ON NOTICE NO. 13/17 - DATED OCTOBER 27, 2017 - COUNCILLORS**

**QUESTIONS TAKEN ON NOTICE AT OCTOBER 2017 COUNCIL MEETING** 11/397, 15/44, 11/467, 11/161, 12/114

Recommendation

1. That Questions On Notice No. 13/17 dated October 27, 2017, be received.

**RESOLUTION**

Minute No. 45706

Councillor J. Nolan moved

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That the recommendation of Item 17 be adopted.

Councillor C. Adams seconded

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CARRIED

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

Healthy Broken Hill Program

11/49

The General Manager took a Question on Notice from Councillor Licul in relation to any strategies which the report raises and if there can be any Councillor involvement in this program

Haulage of ore from Perilya's North Mine to their Southern Operations

11/467

Councillor Nolan referred to a Council decision dated 24 November 2010 to allow the trucking of ore through Broken Hill for up to five years pending the construction of a haulage road and requested that the Council report be recirculated to Councillors for further consideration.

Integrated Waste Management Working Group

16/120

The General Manager took a Question on Notice from Councillor Nolan asking when the Integrated Waste Management Working Group will hold a meeting.

**CONFIDENTIAL MATTERS**

**RESOLUTION**

Minute No. 45707

Councillor M. Browne moved

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That the meeting be closed to the public in accordance with Section 10A(2) of the Local Government Act, 1993 whilst the confidential items are considered.

Councillor B. Licul seconded

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CARRIED

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*Members of the public and media left the Council Chambers at 7:26pm.*

*Councillor Gallagher declared an interest in Confidential Item 18 and left the Council Chambers at 7.26pm.*

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 219/17 - DATED NOVEMBER 16, 2017 - BANKRUPTCY MATTER - UPDATE - CONFIDENTIAL** 15/36

**(General Manager's Note:** This report considers a bankruptcy matter concerning a ratepayer and is deemed confidential under Section 10A(2) (b) (g) of the Local Government Act, 1993 which contains matters that will involve the discussion of the personal hardship of any resident or rate payer; AND which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

**Recommendation**

1. That Broken Hill City Council Report No. 219/17 dated November 16, 2017, be received.
2. That Council note there has been no breach of the *Local Government Act 1993* or the Broken Hill City Council Debt Recovery Policy by pursuing all available avenues to recover the debt owing to Council.
3. That Council note that the debtors are still yet to file their Statement of Affairs with the Trustee's Office.
4. That Council provide unequivocal advice to the debtors that they (the debtors) are the only party that can resolve this matter.

**RESOLUTION**

**Minute No. 45708**

Councillor M. Browne moved

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That the recommendation of Item 18 be adopted.

Councillor B. Licul seconded

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CARRIED

*Councillor Gallagher returned to the Council Chambers at 7.47pm. The Mayor advised that the recommendation was adopted.*

**ITEM 19 - MAYORAL MINUTE NO. 9/17 - DATED NOVEMBER 28, 2017 - UPDATE ON PROGRESS OF CIVIC CENTRE REDEVELOPMENT - CONFIDENTIAL** 16/92

**(General Manager's Note:** This report considers legal advice and is deemed confidential under Section 10A(2) (g) of the Local Government Act, 1993 which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

**Recommendation**

1. That Mayoral Minute No. 9/17 dated November 28, 2017, be received.
2. That having regard to the substantial breaches of contract by the Contractor, and associated damage and loss sustained by Council, the General Manager be authorised in relation to contract number T16/3:
  - a) To take over the works, including but not limited to in such case where works must be subcontracted by Council without further tender due to the extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, and

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pursue such remedies as is required to mitigate the losses; and

- b) Pursue such losses as advised by Council's solicitors, Redenbach Lee, from time to time.

**RESOLUTION**

Minute No. 45709

Councillor D. Turley moved )

Councillor M. Browne seconded )

That the recommendation of Item 19 be adopted.

CARRIED

**RESOLUTION**

Minute No. 45710

Councillor M. Browne moved )

Councillor D. Gallagher seconded )

That the meeting resumes in open session.

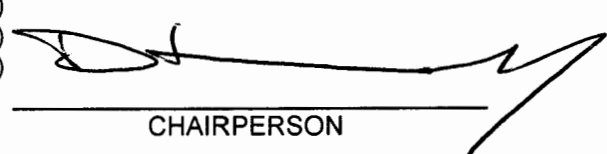
CARRIED

*Members of the media returned to the Council Chambers at 8:05 p.m. (nil members of the public returned).*

*At the Mayor's request, the General Manager read the resolutions of the confidential items that were considered in closed session.*

There being no further business the Mayor closed the meeting at 8:08p.m.

THE FOREGOING MINUTES WERE READ  
AND CONFIRMED AT THE ORDINARY  
MEETING OF THE BROKEN HILL CITY  
COUNCIL HELD ON DECEMBER 13, 2017.

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CHAIRPERSON

