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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MAY 31, 2017

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Meeting commenced at 6:30pm

**PRESENT:**

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

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

Media (2), Members of the Public (7).

**APOLOGIES:**

Councillor R. Page.

**RESOLUTION**

Minute No. 45538

Councillor B. Licul moved

Councillor C. Adams seconded

) That the apology submitted on behalf of  
) Councillor Page be accepted and leave of  
absence granted.

CARRIED

**PRAYER**

Councillor Adams delivered the prayer

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country

**PUBLIC FORUM**

**State Cover Mutual**

*Mr Lloyd Davidson, Member Services Manager of State Cover Mutual Insurance presented the  
General Manager with a cheque in the sum of \$19,515.00 being for Mutual Performance Rebate for  
Council's Workers Compensation Insurance Policy.*

**MINUTES FOR CONFIRMATION**

**RESOLUTION**

Minute No. 45539

Councillor C. Adams moved

Councillor M. Clark seconded

) That the Minutes of the Ordinary Meeting of the  
) Council of the City of Broken Hill held April 26,  
2017 be confirmed.

CARRIED

**DISCLOSURE OF INTEREST**

Nil.

**MAYORAL MINUTES**

Nil.

**NOTICES OF MOTION**

Nil.

**RESCISSION MOTIONS**

Nil.

**REPORTS FROM DELEGATES**

**ITEM 1 - REPORTS FROM DELEGATES NO. 3/17 - DATED MAY 22, 2017 - COUNCILOR  
NOLAN'S ATTENDANCE AT ASSOCIATION OF MINING RELATED COUNCILS MEETING HELD  
MAY 12, 2017** 11/363

**Recommendation**

1. That Reports from Delegates No. 3/17 dated May 22, 2017, be received.
2. That Councillor Nolan's report including the draft minutes of the Association of Mining Related Council's Meeting held May 12, 2017 be received.

**RESOLUTION**

**Minute No. 45540**

Councillor J. Nolan moved ) That the recommendation of item 1 be adopted.  
Councillor M. Browne seconded )

CARRIED

**REPORTS**

**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 86/17 - DATED MAY 05, 2017 -  
CORRESPONDENCE REPORT - INITIAL LOCAL GOVERNMENT PERFORMANCE AUDITS** 12/6

**Recommendation**

1. That Broken Hill City Council Report No. 86/17 dated May 5, 2017, be received.
2. That correspondence from the Audit Office of NSW dated April 27, 2017 be received and Council notes that it may be called upon to take part in future local government performance audits carried out by the Audit Office of NSW.

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MAY 31, 2017

---

**RESOLUTION**

Minute No. 45541

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

CARRIED

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 84/17 - DATED APRIL 07, 2017 - ANNUAL FEES - MAYOR AND COUNCILLORS**

11/20

Recommendation

1. That Broken Hill City Council Report No. 84/17 dated April 7, 2017, be received.
2. That effective 1 July 2017, the Local Government Remuneration Tribunal annual fee increase of 2.5% be applied to the current 2016/17 fees for the Mayor and Councillors.
3. That allocation of a fee for the Deputy Mayor when he/she acts in the role as Mayor, being the daily fee based on the annual additional Mayoral fee; with the fee so payable deducted from the Mayor's fee, be reaffirmed.

**RESOLUTION**

Minute No. 45542

Councillor M. Browne moved ) That the recommendation of item 3 be adopted.  
Councillor B. Licul seconded )

CARRIED

*Councillor Algate requested that his name be recorded as voting against the resolution of item 3.*

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 85/17 - DATED APRIL 10, 2017 - ADOPTION OF DRAFT HERITAGE STRATEGY 2017 - 2020**

11/129

**RESOLUTION**

Minute No. 45543

- Councillor D. Gallagher moved )
- Councillor J. Nolan seconded )
1. That Broken Hill City Council Report No. 85/17 dated April 10, 2017, be received.
  2. That the draft Heritage Strategy 2017 – 2020 be adopted as a Strategy of Council with an amendment to item 31 to include Council's strategy for promotion of its Heritage Assistance Grants being for Stream 1 - Painting and Minor Restoration Works; and Stream 2 - Verandah Restoration.

CARRIED

*The General Manager took the following questions on notice regarding Item 4:*

*Councillor Nolan referred to item 15 of the draft Heritage Strategy 2017-2020 and asked if Council could offer heritage design options to residents when they lodge a Development Application which includes a verandah replacement in the Argent/Oxide Street heritage precinct, even if they have not applied for a Heritage Assistance Grant?*

*Councillor Adams asked whether the appointment of the Museum Adviser and their service should form part of the Heritage Strategy 2017-2020?*

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MAY 31, 2017

---

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 87/17 - DATED MAY 09, 2017 - ADOPTION  
OF DRAFT REVISED MEDIA RELATIONS POLICY** 12/14

**Recommendation**

1. That Broken Hill City Council Report No. 87/17 dated May 9, 2017, be received.
2. That Council adopts the draft revised Media Relations Policy as a Policy of Council.

**RESOLUTION**

Minute No. 45544

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

CARRIED

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 83/17 - DATED APRIL 06, 2017 -  
ADOPTION OF DRAFT CEMETERY MANAGEMENT POLICY** 12/14

**RESOLUTION**

Minute No. 45545

Councillor J. Nolan moved ) 1. That Broken Hill City Council Report No.  
Councillor C. Adams seconded ) 83/17 dated April 6, 2017, be received.

2. That Council adopts the Draft Cemetery Management Policy as a policy of Council with the following amendments:

4.15 – fourth paragraph to remove the word 'and' and insert the word "or" to read "... or do not wish to acknowledge..."

1.1.5 d) remove the word "all" to read: "...ongoing collation of burial records, where possible;"

In the Definitions section, under the definition for "Slab" insert the words "or other stone" to read: "...concrete or other stone covering the gravesite".

4.1 – replace the last sentence to read: "Where subsidence is evident, Council may fill and compact the ground after discussing the proposed works with the exclusive rights holder, or after making reasonable attempts to contact the exclusive rights holder to discuss the proposed works."

CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 88/17 - DATED MAY 12, 2017 - DRAFT**

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MAY 31, 2017

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**COMPLIANCE AND ENFORCEMENT POLICY 2017 FOR PUBLIC EXHIBITION**

12/14

**Recommendation**

1. That Broken Hill City Council Report No. 88/17 dated May 12, 2017, be received.
2. That Council endorse the Draft Compliance and Enforcement Policy 2017 for the purposes of public consultation.
3. That the Draft Compliance and Enforcement Policy be exhibited for public comment for a 28 day period.
4. That the Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the Draft Compliance and Enforcement Policy.

**RESOLUTION**

**Minute No. 45546**

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

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 89/17 - DATED MAY 17, 2017 - DRAFT  
RELATED PARTY TRANSACTION POLICY FOR PUBLIC EXHIBITION**

12/14

**Recommendation**

1. That Broken Hill City Council Report No. 89/17 dated May 17, 2017, be received.
2. That the Draft Related Party Transaction Policy be endorsed for the purpose of public exhibition.
3. That the Draft Related Party Transaction Policy be exhibited for public comment for a 28 day period.
4. That the Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the Draft Related Party Transaction Policy.

**RESOLUTION**

**Minute No. 45547**

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

CARRIED

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 90/17 - DATED MAY 02, 2017 -  
TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE**

11/307

**Recommendation**

1. That Broken Hill City Council Report No. 90/17 dated May 2, 2017, be received.
2. That Council provide in principle support in order to begin the planning process for the temporary suspension of the Alcohol Free Zone for the portion of Sulphide Street, adjacent to the Palace Hotel. Specific details of the suspension and road closure are Crystal Lane (West end), Sulphide Street (South end) and Sulphide Street and Argent Street (bounded by the Palace Hotel and Argent House). This area will include both footpaths in the closed section of Sulphide Street.

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MAY 31, 2017

---

3. That the temporary suspension be in place from Friday, 08 September to Monday, 11 September 2017 subject to the final conditions, inclusive of trading times, contained in the liquor licence as advised by Barrier Local Area Command.
4. That the temporary suspension of the Alcohol Free Zone be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirms that all other existing alcohol free zones in Broken Hill remain in force.
5. That the General Manager be authorised to implement the suspension and advertising processes on final advice of Barrier Local Area Command.
6. That Barrier Local Area Command be advised of Council's decision.

**RESOLUTION**

Minute No. 45548

Councillor J. Nolan moved ) That the recommendation of item 9 be adopted.  
Councillor B. Licul seconded )

CARRIED

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 91/17 - DATED MAY 19, 2017 -  
QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING MARCH 2017**

12/160

Recommendation

1. That Broken Hill City Council Report No. 91/17 dated May 19, 2017, be received.
2. That the 3rd Quarterly Budget Review Statement and recommendations be adopted.
3. That Council note the projected 2017/2018 operating deficit (before capital) is reduced by \$139K to \$2,487K.
4. That Council note the 2017/2018 projected capital budget is increased by \$107K to \$16,841K.

**RESOLUTION**

Minute No. 45549

Councillor B. Algate moved ) That the recommendation of item 10 be adopted.  
Councillor M. Clark seconded )

CARRIED

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 92/17 - DATED MAY 03, 2017 -  
INVESTMENT REPORT FOR APRIL 2017**

11/48

Recommendation

1. That Broken Hill City Council Report No. 92/17 dated May 3, 2017, be received.

**RESOLUTION**

Minute No. 45550

Councillor M. Browne moved ) That the recommendation of item 11 be adopted.  
Councillor B. Licul seconded )

CARRIED

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MAY 31, 2017

---

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 93/17 - DATED MAY 15, 2017 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 369 HELD TUESDAY APRIL 4, 2017 AND MEETING NO 370 HELD TUESDAY MAY 2, 2017** 11/397

Recommendation

1. That Broken Hill City Council Report No. 93/17 dated May 15, 2017, be received.
2. That the minutes for the Local Traffic Committee Meeting No. 369, held April 4, 2017, be received and recommendations within minutes be adopted.
3. That the minutes for the Local Traffic Committee Meeting No. 370, held May 2, 2017, be received and recommendations within minutes be adopted.

**RESOLUTION**

Minute No. 45551

Councillor M. Browne moved ) That the recommendation of item 12 be adopted.  
Councillor J. Nolan seconded )

CARRIED

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 94/17 - DATED MAY 23, 2017 - ACTION LIST REPORT** 11/25

Recommendation

1. That Broken Hill City Council Report No. 94/17 dated May 23, 2017, be received.

**RESOLUTION**

Minute No. 45552

Councillor B. Algate moved ) That the recommendation of item 13 be adopted.  
Councillor D. Gallagher seconded )

CARRIED

*The General Manager took on board comments from Councillor Algate that items on the Action List are still in progress and would like to see them finalised completely.*

## COMMITTEE REPORTS

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 95/17 - DATED MAY 08, 2017 - NOMINATIONS FOR COMMUNITY MEMBERSHIP OF COUNCIL S355 COMMITTEES** 11/9

Recommendation

1. That Broken Hill City Council Report No. 95/17 dated May 8, 2017, be received.
2. That Loene Crowley and Mark Curtis be appointed as community representatives on the BIU Band Hall Community Committee.

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 96/17 - DATED MAY 16, 2017 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD MARCH 21, 2017 AND APRIL 18, 2017** 12/51

Recommendation

1. That Broken Hill City Council Report No. 96/17 dated May 16, 2017, be received.

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MAY 31, 2017

---

2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held March 21, 2017 be received.
3. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held April 18, 2017 be received.

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 97/17 - DATED MAY 19, 2017 - MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETING HELD MAY 8, 2017** 15/87

**Recommendation**

1. That Broken Hill City Council Report No. 97/17 dated May 19, 2017, be received.
2. That the minutes of the Broken Hill Heritage Committee Meeting held May 8, 2017 be received and noted.

**Minute No. 45553**

|                                  |   |   |
|----------------------------------|---|---|
| Councillor C. Adams moved        | ) | That the recommendations of items 14 to 16 be |
| Councillor D. Gallagher seconded | ) | adopted.                                      |

CARRIED

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

**ITEM 17 - QUESTIONS ON NOTICE NO. 5/17 - DATED MAY 04, 2017 - COUNCILLORS QUESTIONS TAKEN ON NOTICE AT THE APRIL 2017 COUNCIL MEETING** 13/79 11/89 16/157  
15/87 11/60

**Recommendation**

1. That Questions On Notice No. 5/17 dated May 4, 2017, be received.

**RESOLUTION**

**Minute No. 45554**

|                               |   |  |
|-------------------------------|---|--|
| Councillor T. Kennedy moved   | ) | That the recommendation of item 17 be adopted. |
| Councillor M. Browne seconded | ) |  |

CARRIED

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

Draft Heritage Strategy 2017-2020 (from Item 4) 11/129  
*Councillor Nolan referred to item 15 of the draft Heritage Strategy 2017-2020 and asked if Council could offer heritage design options to residents when they lodge a Development Application which includes a verandah replacement in the Argent/Oxide Street heritage precinct, even if they have not applied for a Heritage Assistance Grant?*

*Councillor Adams asked whether the appointment of the Museum Adviser and their service should form part of the Heritage Strategy 2017-2020?*



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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MAY 31, 2017

---

Public Safety Policy (from Item 7)

*Councillor Kennedy raised concerns regarding the recent vandalism in the City and asked whether a draft policy could be created regarding Council's role in addressing public safety, vandalism and crime prevention?*

Broken Hill Community Safety Precinct Committee Meetings (from Item 7)

*Councillor Gallagher advised of Community Safety Precinct Committee Meetings and suggested that it would be of value to Council if Councillor Kennedy wished to attend future Community Safety Precinct Committee Meetings as a Council representative.*

## CONFIDENTIAL MATTERS

### RESOLUTION

Minute No. 45555

|                               |   |   |
|-------------------------------|---|---|
| Councillor T. Kennedy moved   | ) | That the meeting be closed to the public in                   |
| Councillor B. Algate seconded | ) | accordance with Section 10A of the Local Government Act 1993. |

CARRIED

*Media and members of the public left the Council Chamber at 7:05p.m.*

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 98/17 - DATED MAY 18, 2017 - CODE OF CONDUCT NO. BHC160401 - CONFIDENTIAL** BHC160401

**(General Manager's Note:** This report considers a Code of Conduct matter and is deemed confidential under Section 10A(2) (h) of the Local Government Act, 1993 which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

Recommendation

1. That Broken Hill City Council Report No. 98/17 dated May 18, 2017, be received.
2. That correspondence from the Office of Local Government dated April 12, 2017 be received and noted.
3. That Council notes the advice from the Office of Local Government that no further action be taken.

### RESOLUTION

Minute No. 45556

|                                  |   |  |
|----------------------------------|---|--|
| Councillor B. Licul moved        | ) | That the report recommendation be adopted. |
| Councillor D. Gallagher seconded | ) |  |

CARRIED

A Division was called which resulted in:

FOR: Crs Adams, Browne, Gallagher, Licul, Turley and M Clark  
AGAINST: Crs Algate, T Kennedy and Nolan

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MAY 31, 2017

---

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 99/17 - DATED MAY 17, 2017 -  
NETWASTE TENDER F2422 - TENDER FOR COLLECTION AND RECYCLING OF SCRAP METAL  
FOR COUNCILS IN THE NETWASTE REGION - CONFIDENTIAL** 11/199

**(General Manager's Note:** This report considers a tender 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. 99/17 dated May 17, 2017, be received.
2. NetWaste Tender F2442 – Tender for the Collection and Recycling of Scrap Metal for Councils in the NetWaste Region Contract be awarded to SIMS Metal Management
3. That Council confirm its involvement in the Contract to the NetWaste Projects Coordinator and execute the Contract documents as appropriate

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 100/17 - DATED MAY 18, 2017 - TENDER  
FOR REPLACEMENT BANTAM COMPACTOR AND TENDER FOR NEW HOOK LIFT TRUCK -  
CONFIDENTIAL** T17/2

**(General Manager's Note:** This report considers a tender 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. 100/17 dated May 18, 2017, be received.
2. That Council accept the tender (T17/2) from Johnson Truck and Coach Services Pty Ltd for a HINO FD1124 Pro-shift with 8m3 Bucher Compactor for \$200 985.19 exc GST + on road costs
3. That Council accept the tender from Johnson Truck and Coach Services Pty Ltd for HINO 700 Series plus multi-lift hook option for \$263 710.54 exc GST + on road costs

Minute No. 45557

|                              |   |  |
|------------------------------|---|--|
| Councillor T. Kennedy moved  | ) | That the recommendations of items 19 and 20 be |
| Councillor C. Adams seconded | ) | adopted.                                       |

CARRIED

**RESOLUTION**

Minute No. 45558

|                              |   |  |
|------------------------------|---|--|
| Councillor B. Licul moved    | ) | That the meeting resume in open session. |
| Councillor M. Clark seconded | ) |  |

CARRIED

*Members of the media returned to the Council Chambers at 7:37 p.m. (no members of the public returned).*

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MAY 31, 2017

---

The Mayor invited the General Manager to report on the items considered in closed session. The General Manager advised that Council had resolved, in respect of:

Item 18 – Broken Hill City Council Report No. 98/17 dated May 18, 2017 – Code of Conduct No. BHC160401 – Confidential

- That Broken Hill City Council Report No. 98/17 dated May 18, 2017, be received.
- That correspondence from the Office of Local Government dated April 12, 2017 be received and noted.
- That Council notes the advice from the Office of Local Government that no further action be taken.

Item 19 – Broken Hill City Council Report No. 99/17 dated May 17, 2017 – Netwaste Tender F2422 – Tender for Collection and Recycling of Scrap Metal for Councils in the Netwaste Region – Confidential

- That Broken Hill City Council Report No. 99/17 dated May 17, 2017, be received.
- NetWaste Tender F2442 – Tender for the Collection and Recycling of Scrap Metal for Councils in the NetWaste Region Contract be awarded to SIMS Metal Management
- That Council confirm its involvement in the Contract to the NetWaste Projects Coordinator and execute the Contract documents as appropriate

Item 20 – Broken Hill City Council Report No. 100/17 dated May 18, 2017 – Tender for Replacement Bantam Compactor and Tender for Hook Lift Truck – Confidential

- That Broken Hill City Council Report No. 100/17 dated May 18, 2017, be received.
- That Council accept the tender (T17/2) from Johnson Truck and Coach Services Pty Ltd for a HINO FD1124 Pro-shift with 8m3 Bucher Compactor for \$200 985.19 exc GST + on road costs
- That Council accept the tender from Johnson Truck and Coach Services Pty Ltd for HINO 700 Series plus multi-lift hook option for \$263 710.54 exc GST + on road costs

There being no further business the Mayor closed the meeting at 7:39 pm.

THE FOREGOING MINUTES WERE READ  
AND CONFIRMED AT THE ORDINARY  
MEETING OF THE BROKEN HILL CITY  
COUNCIL HELD ON JUNE 28, 2017.

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CHAIRPERSON

