
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
SEPTEMBER 27, 2017

Meeting commenced at 6:30p.m.

PRESENT:

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

Acting General Manager (Corporate Responsibility Officer), Executive
Manager Strategic City Development, Finance Manager, Manager Planning
Development and Compliance, Manager Infrastructure, Governance Officer,
Executive Support Officer and Digital Officer.

Media (2), 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

Flying the Adelaide Crows Flag

Mr. Andrew Schmidt requested Council shows its support to Broken Hill's Taylor Walker, captain of the Adelaide Crows AFL team playing in the 2017 grand final this coming weekend. Mr. Schmidt borrowed two Adelaide Crows flags from a local supporter, Mrs Kerin, and requested that the Mayor displays them.

The Mayor advised that she will be happy to display the flags at the Council Administration Building and acknowledged Taylor Walker's achievements in AFL and his promotion of Broken Hill and wished the Crows well for the grand final this weekend.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 45628

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 August
30, 2017 be confirmed.

CARRIED

DISCLOSURE OF INTEREST

Councillor Gallagher declared:

- a pecuniary interest in confidential report 181/17 as the person mentioned in the report is a family member, and advised that he will leave the Council Chambers whilst the item is considered.

MAYORAL MINUTES

Nil.

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 155/17 - DATED SEPTEMBER 07, 2017 - ELECTION OF DEPUTY MAYOR

11/18

Recommendation

1. That Broken Hill City Council Report No. 155/17 dated September 7, 2017, 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, i.e. "show of hands".

RESOLUTION

Minute No. 45629

Councillor M. Clark moved
Councillor B. Licul seconded

) That the recommendation of item 1 be adopted.
)

CARRIED

The Mayor appointed the Acting 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 Browne (nominated by Councillor Licul and Councillor Clark – nomination received 26/09/2017 at 5:15pm)*

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2. Councillor Kennedy (nominated by Councillor Algate and Councillor Page – nomination received 27/09/2017 at 6:20pm)

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 Browne as Deputy Mayor for the twelve month term September 2017 to September 2018.

Voting for Councillor Browne as Deputy Mayor

Votes For – 6

Votes Against – 4

Given the number of votes received for Councillor Browne as Deputy Mayor, the Returning Officer declared Councillor Browne as Deputy Mayor elect for the twelve month term from September 2017 to September 2018.

Mayor Turley thanked Councillor Gallagher for his work during the last term as Deputy Mayor and welcomed Councillor Browne as Deputy Mayor for the ensuing twelve month term.

Both Councillor Kennedy and Councillor Page echoed the Mayor's congratulations.

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

ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 156/17 - DATED SEPTEMBER 11, 2017 - APPOINTMENT OF DELEGATES TO COMMITTEES - SEPTEMBER 2017 TO SEPTEMBER 2018 11/9

RESOLUTION

Minute No. 45630

Councillor C. Adams moved)

Councillor D. Gallagher seconded)

1. That Broken Hill City Council Report No. 156/17 dated September 11, 2017, be received.
2. That Council notes that the appointment of Councillors to each Key Direction Working Group will be considered when the report regarding the review of the Key Direction Working Groups twelve month trial period is presented to the April 2018 Council Meeting.
3. That Council determine its Councillor delegates to its Section 355 Committees and various other Committees as per the attached schedule.
4. That Councillor membership on Section 355 Committees and various other Committees be for a twelve month period commencing immediately and ceasing at the September 2018 Council Meeting, and be as follows:

COUNCIL S355 COMMITTEES	
COMMITTEE NAME & NUMBER OF DELEGATES REQUIRED	DELEGATES
Alma Oval Community Committee	Councillor Algate

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At least 1 Councillor	Councillor Gallagher
Broken Hill Heritage Committee 4 Councillors	Mayor Turley Councillor Browne Councillor Adams Councillor Clark
Broken Hill Regional Art Gallery Advisory Committee 3 Councillors	Councillor Page Councillor Licul Councillor Clark
BIU Band Hall Community Committee At least 1 Councillor	Councillor Licul
ET Lamb Memorial Oval Community Committee At least 1 Councillor	Councillor Gallagher
Friends of the Flora and Fauna of the Barrier Ranges Community Committee At least 1 Councillor	Councillor Browne
Memorial Oval Community Committee At least 1 Councillor	Councillor Gallagher
Norm Fox Sportsground Community Committee At least 1 Councillor	Councillor Algate Councillor Gallagher
Picton Sportsground Community Committee At least 1 Councillor	Councillor Adams Councillor Licul
Riddiford Arboretum Community Committee At least 1 Councillor	Councillor Browne
OTHER COMMITTEES	
COMMITTEE NAME & NUMBER OF DELEGATES REQUIRED	DELEGATES REQUIRED
Association of Mining Related Councils 1 Councillor	Councillor Nolan Councillor Page (Alternate)
Australia Day Advisory Group 4 Councillors	Councillor Browne Councillor Gallagher Councillor Adams

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	Councillor Kennedy
Audit, Risk & Improvement Committee 2 Councillors	Councillor Nolan Councillor Gallagher
Asset Naming Committee 5 Councillors	Councillor Browne Councillor Licul Councillor Algate Councillor Adams Councillor Clark
Broken Hill Lead Reference Group 1 Councillor	Councillor Browne
Broken Hill Living Museum and Perfect Light Project Steering Group Mayor + 3 Councillors	Mayor Turley Councillor Nolan Councillor Clark Councillor Adams
Broken Hill Liquor Accord 1 Councillor	Councillor Gallagher
Broken Hill Solar Plant Community Consultative Committee 1 Councillor	Councillor Nolan
Broken Hill Traffic Committee 1 Councillor (observer only)	Councillor Browne
Broken Hill ClubGRANTS Committee 2 Councillors	Councillor Nolan Councillor Kennedy
Community Assistance Grants Panel Mayor + 1 Councillor + Our Community Portfolio Councillor	Councillor Gallagher Councillor Clark Councillor Kennedy (Our Community Portfolio)
Disability Inclusion Action Plan Working Group 2 Councillors	Mayor Turley Councillor Adams
Essential Water Customer Council 1 Councillor	Councillor Browne
General Manager's Performance Review Committee Mayor, Deputy Mayor + 3 Councillors	Mayor Turley Councillor Gallagher Councillor Browne Councillor Adams Councillor Kennedy
Integrated Waste Management Working Group Mayor + 4 Councillors	Mayor Turley Councillor Browne Councillor Algate Councillor Nolan Councillor Licul
Local Government Fit for the	Mayor Turley

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Future – Far West Initiative Advisory Committee Mayor	
Murray Darling Association Mayor + 2 Councillors	Mayor Turley Councillor Browne Councillor Page
Reconciliation Action Plan (RAP) 3 Councillors	Mayor Turley Councillor Browne Councillor Adams
Silverton Wind Farm Community Consultative Committee 1 Councillor	Councillor Browne Councillor Nolan (Alternate)
Sister City Working Group 3 Councillors	Councillor Adams Councillor Gallagher Councillor Nolan
Tidy Towns Working Group 2 Councillors	Councillor Adams Councillor Browne
Western Division Councils 2 Councillors	Mayor Turley Councillor Gallagher
Western NSW Mining and Resource Development Taskforce Mayor	Mayor Turley
Volunteer Working Group 4 Councillors	Councillor Browne Councillor Page Councillor Adams Councillor Clark

5. That Councillor Adams replaces Mayor Turley as Chairperson of the Our Leadership Key Direction Working Group.
6. That the Trust for Recreational Reserve (Broken Hill to Silverton Cycleway) and the University Partnership Working Party both be removed from the list as they are no longer active.
7. That the Terms of Reference for the Sister City Working Group be amended to reduce the Councillor membership from four to three.
8. That the Terms of Reference of the Broken Hill Heritage Committee be amended to increase the Councillor membership from three to four.
9. That Council requests that the Murray Darling Association accepts Mayor Turley as Council's delegate in addition to Councillors Browne and Page.

CARRIED

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 157/17 - DATED SEPTEMBER 14, 2017 -
DISCLOSURE OF INTEREST RETURNS**

11/265, 11/646

Recommendation

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1. That Broken Hill City Council Report No. 157/17 dated September 14, 2017, 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. 45631

Councillor B. Algate moved
Councillor J. Nolan seconded

) That the recommendation of Item 3 be adopted.
)

CARRIED

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 158/17 - DATED SEPTEMBER 14, 2017 -
DELIVERY PROGRAM – KEY PERFORMANCE INDICATORS PROGRESS REPORT AT 30 JUNE
2017**

13/79

RESOLUTION

Minute No. 45632

Councillor D. Gallagher moved
Councillor M. Clark seconded

-) 1. That Broken Hill City Council Report No.
) 158/17 dated September 14, 2017, be
received.
2. That Council adopt the Delivery Program –
Key Performance Indicators for the reporting
period ending 30 June 2017, inclusive of
Operational Plan 2016/2017 outcomes.
3. That the Key Performance Indicators be
reviewed to ensure that they are more tightly
aligned to Council's operations and service
delivery.

CARRIED

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 159/17 - DATED SEPTEMBER 18, 2017 -
AMENDMENT TO BROKEN HILL CITY COUNCIL'S 2017/2018 FEES AND CHARGES**

16/157

Recommendation

1. That Broken Hill City Council Report No. 159/17 dated September 18, 2017, be received.
2. That the proposed amendments to the 2017/2018 Schedule of Fees & Charges be endorsed for the purpose of public exhibition for community comment for a 28 day period.
3. That Council endorse to support the YMCA during their renovation period, by setting a Community Service Fee of \$2,000 per annum for the use of the BIU Band Hall.

RESOLUTION

Minute No. 45633

Councillor C. Adams moved
Councillor B. Algate seconded

) That the recommendation of item 5 be adopted.
)

CARRIED

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**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 160/17 - DATED SEPTEMBER 07, 2017 -
INVESTMENT REPORT FOR AUGUST 2017** 17/82

Recommendation

1. That Broken Hill City Council Report No. 160/17 dated September 7, 2017, be received.

RESOLUTION

Minute No. 45634

Councillor J. Nolan moved) That the recommendation of item 6 be adopted.
Councillor B. Algate seconded)

CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 161/17 - DATED SEPTEMBER 15, 2017 -
CLASSIFICATION OF LAND AT 17 WILLS STREET, LOT 1975 IN DP 757298** 11/467

Recommendation

1. That Broken Hill City Council Report No. 161/17 dated September 15, 2017, be received.
2. That Lot 1975 DP 757298 be classified as "Operational Land" pursuant to the provisions of the *Local Government Act 1993*

RESOLUTION

Minute No. 45635

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

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 162/17 - DATED SEPTEMBER 15, 2017 -
CLASSIFICATION OF LAND AT 16 WOLFRAM STREET, LOT 2 IN DP 337391** 17/113

Recommendation

1. That Broken Hill City Council Report No. 162/17 dated September 15, 2017, be received.
2. That Lot 2 DP 337391 be classified as "Operational Land" pursuant to the provisions of the *Local Government Act 1993*

RESOLUTION

Minute No. 45636

Councillor M. Clark moved) That the recommendation of item 8 be adopted.
Councillor D. Gallagher seconded)

CARRIED

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 163/17 - DATED JULY 31, 2017 -
ADOPTION OF DRAFT CIVIC AND CEREMONIAL FUNCTIONS AND REPRESENTATION POLICY** 12/14

Recommendation

1. That Broken Hill City Council Report No. 163/17 dated July 31, 2017, be received.
2. That Council adopts the draft Civic and Ceremonial Functions and Representation Policy as a Policy of Council.

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RESOLUTION

Minute No. 45637

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

CARRIED

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 164/17 - DATED JULY 07, 2017 - DRAFT
SWIMMING POOL BARRIER INSPECTION POLICY** 12/14

Recommendation

1. That Broken Hill City Council Report No. 164/17 dated July 7, 2017, be received.
2. That Council endorse the draft Swimming Pool Barrier Inspection Policy for the purposes of public exhibition.
3. That the draft Swimming Pool Barrier Inspection Policy be exhibited for public comment for a 28 day period.
4. That 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 Swimming Pool Barrier Inspection Policy

RESOLUTION

Minute No. 45638

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. 165/17 - DATED SEPTEMBER 14, 2017 -
DRAFT CUSTOMER SERVICE FRAMEWORK** 17/2

Recommendation

1. That Broken Hill City Council Report No. 165/17 dated September 14, 2017, be received.
2. That Council adopt the Customer Service Charter to be placed on public exhibition for a period of 28 days, inviting public submissions.
3. That following the expiration of 28 days public exhibition, the Customer Service Charter and any submissions be reported back to Council for consideration in adopting the Charter for implementation.
4. That Council endorse the draft Customer Service Framework and its associated components: Customer Service Strategy, Frontline Customer Service Standard and Excellence Guide and Customer Feedback Form for implementation.
5. That a Complaints Handling Procedure in accordance with the recently adopted Complaints Management Policy be developed and approved for implementation by the General Manager.

RESOLUTION

Minute No. 45639

Councillor J. Nolan 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. 166/17 - DATED SEPTEMBER 08, 2017 -
MINUTES OF THE BROKEN HILL LEAD REFERENCE GROUP MEETING HELD 24 MAY 2017**

12/177

RESOLUTION

Minute No. 45640

Councillor M. Browne moved
Councillor B. Licul seconded

-) 1. That Broken Hill City Council Report No.
) 166/17 dated September 8, 2017, be
received.
2. That the agenda and minutes of the Broken
Hill Lead Reference Group Meeting held 24
May 2017 be received and noted.
3. That a tour be arranged for Councillors to
view the recent lead remediation projects that
have been carried out in the City.

CARRIED

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 167/17 - DATED AUGUST 16, 2017 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 373 HELD TUESDAY AUGUST 1,
2017 AND MEETING NO 374 HELD TUESDAY SEPTEMBER 5, 2017.**

11/397

Recommendation

1. That Broken Hill City Council Report No. 167/17 dated August 16, 2017, be received.
2. That the minutes for the Local Traffic Committee Meeting No. 373, held August 1, 2017, be received.
3. That the minutes for the Local Traffic Committee Meeting No. 374, held September 5, 2017, be received.
4. Item number 374.7.1 - That the request for temporary road closure, as per the Broken Hill Festival Street Parade TCP No. 0033638263, be endorsed by Council. Any costs associated with the road closure be covered by The Palace Hotel.

RESOLUTION

Minute No. 45641

Councillor M. Browne moved
Councillor J. Nolan seconded

-) That the recommendation of item 13 be adopted.
)

CARRIED

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 168/17 - DATED SEPTEMBER 19, 2017 -
ACTION LIST REPORT**

11/21

Recommendation

1. That Broken Hill City Council Report No. 168/17 dated September 19, 2017, be received.

RESOLUTION

Minute No. 45642

Councillor J. Nolan moved
Councillor B. Algate seconded

-) That the recommendation of item 14 be adopted.
)

CARRIED

COMMITTEE REPORTS

ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 169/17 - DATED JULY 25, 2017 - MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETING HELD JULY 10, 2017 15/87

Recommendation

1. That Broken Hill City Council Report No. 169/17 dated July 25, 2017, be received.
2. That the minutes of the Broken Hill Heritage Committee Meeting held July 10, 2017 be received and noted.

RESOLUTION

Minute No. 45643

Councillor C. Adams moved) That the recommendation of item 15 be adopted.
Councillor M. Browne seconded)

CARRIED

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 170/17 - DATED AUGUST 14, 2017 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 1 AUGUST 2017 12/52

Recommendation

1. That Broken Hill City Council Report No. 170/17 dated August 14, 2017, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 1 August 2017 be received.

RESOLUTION

Minute No. 45644

Councillor D. Gallagher moved) That the recommendation of item 16 be adopted.
Councillor B. Licul seconded)

CARRIED

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 171/17 - DATED AUGUST 14, 2017 - MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE MEETING HELD JUNE 20, 2017 16/8

Recommendation

1. That Broken Hill City Council Report No. 171/17 dated August 14, 2017, be received.
2. That minutes of the BIU Band Hall Community Committee Meeting held June 20, 2017 be received.

RESOLUTION

Minute No. 45645

Councillor B. Licul moved) That the recommendation of item 17 be
Councillor M. Browne seconded) adopted.

CARRIED

ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 172/17 - DATED AUGUST 16, 2017 -

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MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE
MEETINGS HELD JUNE 20, 2017 AND JULY 18, 2017. 12/51

Recommendation

1. That Broken Hill City Council Report No. 172/17 dated August 16, 2017, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held June 20, 2017 and July 18, 2017 be received.

RESOLUTION

Minute No. 45646

Councillor M. Browne moved) That the recommendation of item 18 be adopted.
Councillor J. Nolan seconded)

CARRIED

ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 173/17 - DATED AUGUST 29, 2017 -
MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETING HELD AUGUST 14, 2017 15/87

RESOLUTION

Minute No. 45647

- Councillor C. Adams moved)
Councillor B. Algate seconded)
1. That Broken Hill City Council Report No. 173/17 dated August 29, 2017, be received.
 2. That the minutes of the Broken Hill Heritage Committee Meeting held August 14, 2017 be received and noted.
 3. That Council forwards a letter of appreciation to its former Heritage Adviser, Ms Liz Vines, acknowledging her work over many years in particular, the establishment of Council's heritage verandah revival program, heritage paint grants and contribution towards Broken Hill's listing as Australia's First Heritage City.

CARRIED

Councillor Algate also acknowledged Council's former Group Manager Sustainability, Mr Peter Oldsen, for his dedication and work towards Broken Hill's heritage listing.

Councillor Clark reminded Council that the Miner's Memorial Day will be held on 8 October 2017 on the Line of Lode.

ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 174/17 - DATED SEPTEMBER 12, 2017 -
MINUTES OF THE BROKEN HILL LIVING MUSEUM + PERFECT LIGHT PROJECT STEERING
GROUP 15 AUGUST 2017 14/181

Recommendation

1. That Broken Hill City Council Report No. 174/17 dated September 12, 2017, be received.
2. That minutes of the Broken Hill Living Museum + Perfect Light Project Steering Group Meeting held August 15, 2017 be received.

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RESOLUTION

Minute No. 45648

Councillor J. Nolan moved
Councillor R. Page seconded

)

That the recommendation of item 20 be adopted.

)

CARRIED

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 175/17 - DATED SEPTEMBER 13, 2017 -
MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD SEPTEMBER 11,
2017**

12/54

RESOLUTION

Minute No. 45649

Councillor C. Adams moved
Councillor B. Licul seconded

)

)

1. That Broken Hill City Council Report No. 175/17 dated September 13, 2017, be received.
2. That minutes of the Picton Oval Community Committee Meeting held April 3, 2017 be received.
3. That Council staff be thanked for arranging the partnership with Correctional Services; and that a letter of appreciation be forwarded to Correctional Services for the work that they have undertaken recently at the Picton Oval.

CARRIED

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 176/17 - DATED SEPTEMBER 14, 2017 -
MINUTES OF THE ALMA OVAL COMMUNITY COMMITTEE MEETING HELD 5 SEPTEMBER 2017**

12/45

Recommendation

1. That Broken Hill City Council Report No. 176/17 dated September 14, 2017, be received.
2. That minutes of the Alma Oval Community Committee Meeting held 5 September 2017 be received.

RESOLUTION

Minute No. 45650

Councillor D. Gallagher moved
Councillor B. Algate seconded

)

)

That the recommendation of item 22 be adopted.

CARRIED

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 23 - QUESTIONS ON NOTICE NO. 10/17 - DATED SEPTEMBER 07, 2017 - QUESTIONS ON

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NOTICE FROM PUBLIC FORUM SESSION OF AUGUST 2017 COUNCIL MEETING

11/397

Recommendation

1. That Questions On Notice No. 10/17 dated September 7, 2017, be received.

RESOLUTION

Minute No. 45651

Councillor T. Kennedy moved) That the recommendation of item 23 be adopted.
Councillor B. Licul seconded)

CARRIED

ITEM 24 - QUESTIONS ON NOTICE NO. 11/17 - DATED SEPTEMBER 07, 2017 - COUNCILLORS
QUESTIONS TAKEN ON NOTICE AT AUGUST 2017 COUNCIL MEETING 11/21, Q17/13, 11/397

Recommendation

1. That Questions On Notice No. 11/17 dated September 7, 2017, be received.

RESOLUTION

Minute No. 45652

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

CARRIED

The Mayor advised that Councillors had workshopped the designs for the entrance gateway signage for the City and have agreed on five conceptual designs (each entrance sign will include different symbolic Broken Hill icons) which will now be sent to a graphic designer to produce final designs. These designs will be reported to the October Council Meeting.

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Healthy Broken Hill

11/49

Councillor Licul advised that the Picton Oval Community Committee have discuss the concept of installing outdoor exercise equipment at the Oval and enquired about the Healthy Broken Hill program presented to Council by the University Department of Rural Health and whether this program is still active in the City?

Formation of a Section 355 Committee for the operation and management of the Soccer Ovals

12/48

Councillor Licul expressed his concern that the operation and management of the Soccer Ovals has not been governed by a Section 355 Committee for the past twelve months and asked that this matter be expedited to reduce any risk to Council.

The Mayor advised that a report addressing these concerns would be presented to the next Council Meeting.

Parking Infringement Fines

11/153

Councillor Algate advised that a member of the public had approached him advising that they had received two licence demerit points due to a parking infringement and asked whether this was in line with State Government guidelines?

Key Direction Working Groups

17/84, 17/85, 17/86, 17/87, 11/21

Councillor Kennedy requested that the four Chairs of the Key Direction Working Groups present a

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progress report to each Council Meeting in order to provide an update to all Councillors on the Community Strategic Plan items that each Working Group is addressing.

The Mayor agreed and advised that this would be introduced.

Future Tender Reports to include completed weighting assessments 11/21
Councillor Kennedy requested that future tender reports contain the completed weighting assessment and an overview on the reasoning for the preferred tender recommended to Council for approval in order for Councillors to be fully informed when resolving to award tenders.

Correctional Services 11/290
Councillor Kennedy advised that the Broken Hill Correctional Service is seeking Council's in-principal support for the establishment of a new correctional facility in Broken Hill.

The Mayor advised that she will follow this matter up.

CONFIDENTIAL MATTERS

RESOLUTION

Minute No. 45653

Councillor D. Gallagher moved)	That the meeting be closed to the public in
Councillor C. Adams seconded)	accordance with Section 10(A) of the Local Government Act 1993 in order for the confidential items to be considered.

CARRIED

Members of the public and media left the Council Chambers at 7:25p.m.

ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 177/17 - DATED JULY 21, 2017 - LEASE FOR THE BROKEN HILL MODEL FLYING CLUB - CONFIDENTIAL 11/63
(General Manager's Note: This report considers a lease arrangement 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. 177/17 dated July 21, 2017, be received.
2. That Council as the Willyama Common Trust Manager grant the Broken Hill Model Flying Club a 10 year lease agreement to occupy the land known as "Ulinga Field" within the Willyama Common Reserve 23158.
3. That the Broken Hill Model Flying Club cover all legal fees in establishment of the lease agreement.
4. That the Mayor and General Manager be delegated authority to sign the lease agreement under the Common Seal of Council in the absence of a Trust Seal.

RESOLUTION

Minute No. 45654

Councillor T. Kennedy moved)	That the recommendation of item 25 be adopted.
Councillor B. Algate seconded)	

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CARRIED

**ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 178/17 - DATED SEPTEMBER 11, 2017 -
APPLICATION FROM BROKEN HILL SCHOOL OF THE AIR - USE OF PART OF QUEEN**

ELIZABETH II PARK AS A PLAYGROUND AND OUTDOOR AREA - CONFIDENTIAL 12/180

(General Manager's Note: This report considers a licence agreement 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).

RESOLUTION

Minute No. 45655

Councillor C. Adams moved)

Councillor J. Nolan seconded)

1. That Broken Hill City Council Report No. 178/17 dated September 11, 2017, be received.
2. That Council seeks Ministerial approval to enter into a licence agreement with Broken Hill School of the Air for the use of part (approx. 1080 square metres) of Queen Elizabeth II Park Lot 1, DP914746 as an outdoor play and dining area.
3. That the licence agreement be for a period of 20 years.
4. That due to the Broken Hill School of the Air being a non-profit community organisation, the licence fee for the site be set at a peppercorn rental of \$1.00 per year (no CPI increase to apply) with the total fee for the 20 year licence to be paid in advance.
5. That Council be responsible for all legal costs in the set-up of the licence up to the value of \$500.00 and Broken Hill School of the Air be responsible for any additional costs over this amount.
6. That all other standard licence agreement terms apply.
7. That the Broken Hill School of the Air be responsible for the ongoing maintenance of the play and dining area for the duration of the licence agreement.
8. That the Mayor and General Manager be authorised to execute the licence documents under the Common Seal of Council.
9. That any media relating to the matter advises that the land to be occupied by the School as an outdoor play and dining area is the old tennis court area which is an underutilised part of the park.

CARRIED

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**ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 179/17 - DATED SEPTEMBER 11, 2017 -
T16/10 - REQUEST FOR TENDER FOR SUPPLY AND SALE OR TRADE OF WHEEL LOADER -
CONFIDENTIAL**

T16/10

(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).

RESOLUTION

Minute No. 45656

Councillor B. Algate moved
Councillor J. Nolan seconded

-) 1. That Broken Hill City Council Report No.
) 179/17 dated September 11, 2017, be
received.
2. That Council accept the offer from Cavpower
and purchases a Wheel Loader for a total
price of \$226,500.00 ex.GST.
3. That Councillors acknowledge the weighting
matrix used to assess this tender and that
Cavpower have been awarded the tender
due to the superior quality, performance and
reliability of its machinery.

CARRIED

A Division was called which resulted in:

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

**ITEM 28 - BROKEN HILL CITY COUNCIL REPORT NO. 180/17 - DATED SEPTEMBER 15, 2017 -
T17/8 REQUEST FOR TENDER FOR DESIGN AND CONSTRUCT C240 BITUMEN SPRAY SEAL -
CONFIDENTIAL**

T17/8

(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. 180/17 dated September 15, 2017, be received.
2. That Council awards the Contract for Tender T17/3 to Inroads Pty Ltd (VSA group).
3. That Council accepts the lump sum fee of \$488,644.00 ex. GST for tendered works (pending final design).
4. That the General Manager and/or Mayor be authorised to execute the contract documents relating to Tender T17/3 under the Common Seal of Council if required.

Councillor M. Browne moved
Councillor C. Adams seconded

) That the recommendation of item 28 be adopted
)

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A Division was called which resulted in:

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

Prior to the Mayor using her casting vote, Councillor Kennedy proposed an amendment.

The amendment was accepted by the Mayor.

Amendment

Councillor T. Kennedy moved
Councillor R. Page seconded

) That the matter be deferred to the next Ordinary
) Council Meeting in order for a report to be
presented detailing the verbal response by the
Manager Infrastructure to questions from
Councillors regarding the tender proposal.

CARRIED UNANIMOUSLY

The amendment becomes the motion.

RESOLUTION

Minute No. 45657

Councillor T. Kennedy moved
Councillor R. Page seconded

) That the matter be deferred to the next Ordinary
) Council Meeting in order for a report to be
presented detailing the verbal response by the
Manager Infrastructure to questions from
Councillors regarding the tender proposal.

CARRIED UNANIMOUSLY

As the item was carried unanimously, voting was as follows:

FOR: Crs Adams, Algate, Browne, Gallagher, Licul, Turley, Kennedy, Clark, Page and Nolan
AGAINST: Nil

Councillor Gallagher declared an interest in item 29 and left the Council Chambers at 7:50p.m.

**ITEM 29 - BROKEN HILL CITY COUNCIL REPORT NO. 181/17 - DATED SEPTEMBER 26, 2017 -
BANKRUPTCY MATTER - 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) 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 (g) which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

Councillor C. Adams moved
Councillor B. Licul seconded

-)
)
1. That Broken Hill City Council Report No. 181/17 dated September 26, 2017, be received.
 2. That Council note the correspondence received from Council's collection agency

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Amendment

Councillor T. Kennedy moved)
Councillor B. Algate seconded)

1. That Broken Hill City Council Report No. 181/17 dated September 26, 2017, be received.
2. That Council note the correspondence received from Council's collection agency.
3. That Council seeks independent legal advice as a matter of urgency, from a solicitor who specialises in Local Government matters, regarding the actions of Council relating to this matter; and that the matter be reported back to Council.

CARRIED

The amendment becomes the motion.

RESOLUTION

Minute No. 45658

Councillor T. Kennedy moved)
Councillor B. Algate seconded)

1. That Broken Hill City Council Report No. 181/17 dated September 26, 2017, be received.
2. That Council note the correspondence received from Council's collection agency.
3. That Council seeks independent legal advice as a matter of urgency, from a solicitor who specialises in Local Government matters, regarding the actions of Council relating to this matter; and that the matter be reported back to Council.

CARRIED

RESOLUTION

Minute No. 45659

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

- That the meeting resume in open session.

CARRIED

Members of the media and public returned to the Council Chamber at 8:05 p.m.

Councillor Algate left the meeting at 8:06 p.m.

The Mayor read the resolutions of the confidential items that were considered in closed session.

There being no further business the Mayor closed the meeting at 8:11 p.m.

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THE FOREGOING MINUTES WERE READ
AND CONFIRMED AT THE ORDINARY
MEETING OF THE BROKEN HILL CITY
COUNCIL HELD ON OCTOBER 25, 2017.

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CHAIRPERSON