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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
DECEMBER 13, 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, Corporate Responsibility Officer,  
Executive Manager Strategic City Development, Manager Planning  
Development and Compliance, Governance Officer, Administration Officer,  
Executive Support Officer and Communication and Community Engagement  
Coordinator.

Media (2), Members of the Public (9).

**APOLOGIES:**

Nil

**PRAYER**

Councillor Adams delivered the prayer

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country

**PUBLIC FORUM**

**Transportation of Ore through the City from the North Mine to the Southern Operations.**

11/467

*Ms Isabelle Erickson spoke in relation to the transportation of ore through the City from the North Mine to the Southern Operations. Ms Erickson asked Council to investigate the rail link between the North Mine and the Southern Operations and whether it cannot be used. Ms Erickson advised that she has been informed that the rail link was fully functional and only required an upgrade to be utilised.*

*Ms Erickson also asked for clarification of the total approved number of daily truck movements from the North Mine and Potosi to the Southern Operations.*

*The Mayor took the questions on notice.*

**Broken Hill Regional Airport**

11/214

*Mr Brian Fenton asked if Council could install Ecomist machines (automatic fly spray machines) at the Broken Hill Regional Airport Terminal Building. Mr Fenton advised that he frequently dined at the Broken Hill Regional Airport Café and that the flies can be extremely bad inside the terminal.*

*The Mayor took the question on notice.*

### MINUTES FOR CONFIRMATION

#### RESOLUTION

Minute No. 45711

Councillor C. Adams moved  
Councillor D. Gallagher seconded

)  
)

That the Minutes of the Ordinary Meeting of the  
Council of the City of Broken Hill held November  
29, 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. 5/17 - DATED DECEMBER 05, 2017 - ASSOCIATION OF MINING AND ENERGY RELATED COUNCILS

11/195

#### Recommendation

1. That Reports from Delegates No. 5/17 dated December 5, 2017, be received.

#### RESOLUTION

Minute No. 45712

Councillor J. Nolan moved  
Councillor M. Browne seconded

)  
)

That the recommendation of item 1 be adopted.

CARRIED

### REPORTS

#### ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 220/17 - DATED DECEMBER 01, 2017 - CORRESPONDENCE REPORT - NSW LOCAL GOVERNMENT REMUNERATION TRIBUNAL REVIEW FOR 2018 MAYORAL AND COUNCILLOR FEES

11/20

#### Recommendation

1. That Broken Hill City Council Report No. 220/17 dated December 1, 2017, be received.
2. That Councillors provide information to the General Manager's Office by Thursday 25 January 2018 should Council wish to make a submission to the NSW Local Government Remuneration

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Tribunal to be considered in the Tribunal's review for the 2018 annual determination, as submissions close 30 January 2018.

**RESOLUTION**

Minute No. 45713

Councillor M. Browne moved ) That the recommendation of item 2 be adopted.  
Councillor C. Adams seconded )

CARRIED

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 221/17 - DATED NOVEMBER 28, 2017 -  
CORRESPONDENCE REPORT - WATER EXTRACTION FROM THE BARWON-DARLING RIVER  
SYSTEM**

11/426

Recommendation

1. That Broken Hill City Council Report No. 221/17 dated November 28, 2017, be received.
2. That correspondence from the Premier of NSW dated 18 October 2017 in reply to Council's correspondence dated 21 September 2017 be received and noted.

**RESOLUTION**

Minute No. 45714

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

CARRIED

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 222/17 - DATED DECEMBER 04, 2017 -  
CORRESPONDENCE REPORT - REVIEW OF CARBON FARMING INITIATIVE AND THE  
EMISSIONS REDUCTION FUND**

12/29

- Councillor M. Browne moved )  
Councillor J. Nolan seconded )
1. That Broken Hill City Council Report No. 222/17 dated December 4, 2017, be received.
  2. That correspondence from Cobar Shire Council dated 21 November 2017 seeking support from Western Division Councils for the review of the cut-off date for Property Management Plans to be in place regarding the Carbon Farming Initiatives and the Emissions Reduction Fund, be received.
  3. That following consultation and advice from Cobar Shire Council, Council provides a submission to the Climate Change Authority in support of the removal of the end date of June 2010 to have Property Vegetation Management Plans in place with regards to the Carbon Farming Initiatives and the Emissions Reduction Fund.

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4. That support for this initiative does not imply Council's support for the continuation of coal fired power stations.

Amendment

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

1. That Broken Hill City Council Report No. 222/17 dated December 4, 2017, be received.
2. That correspondence from Cobar Shire Council dated 21 November 2017 seeking support from Western Division Councils for the review of the cut-off date for Property Management Plans to be in place regarding the Carbon Farming Initiatives and the Emissions Reduction Fund, be received.
3. That following consultation and advice from Cobar Shire Council, Council provides a submission to the Climate Change Authority in support of the removal of the end date of June 2010 to have Property Vegetation Management Plans in place with regards to the Carbon Farming Initiatives and the Emissions Reduction Fund.

LOST  
ON THE CASTING VOTE OF THE MAYOR

The original motion was put.

**RESOLUTION**

Minute No. 45715

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

1. That Broken Hill City Council Report No. 222/17 dated December 4, 2017, be received.
2. That correspondence from Cobar Shire Council dated 21 November 2017 seeking support from Western Division Councils for the review of the cut-off date for Property Management Plans to be in place regarding the Carbon Farming Initiatives and the Emissions Reduction Fund, be received.
3. That following consultation and advice from Cobar Shire Council, Council provides a submission to the Climate Change Authority in support of the removal of the end date of June 2010 to have Property Vegetation Management Plans in place with regards to the Carbon Farming Initiatives and the Emissions Reduction Fund.

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4. That support for this initiative does not imply Council's support for the continuation of coal fired power stations.

CARRIED  
ON THE CASTING VOTE OF THE MAYOR

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 223/17 - DATED DECEMBER 04, 2017 -  
UPDATE ON THE RELOCATION OF THE CITY LIBRARY** 16/24

**RESOLUTION**

Minute No. 45716

Councillor C. Adams moved )  
Councillor J. Nolan seconded )

1. That Broken Hill City Council Report No. 223/17 dated December 4, 2017, be received.
2. That That Council note the interim data received from the community engagement process.
3. That Council note the community engagement response overwhelmingly supporting the construction of a new library facility at the rear of the Town Hall façade.
4. That Council note the General Manager will bring a further report back to the February 2018 Ordinary Meeting of Council to inform next steps in the process, including:
  - grant funding opportunities and timeframes;
  - any savings that may be made through the consolidation of services should Council build a new Library facility;
  - options on how these savings could be used in regards to tourism and promotion of the City;
  - an overview of the comments received through the survey.

CARRIED

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 224/17 - DATED DECEMBER 04, 2017 -  
YMCA REDEVELOPMENT PROJECT** 11/467

Motion

Councillor D. Gallagher moved )  
Councillor T. Kennedy seconded )

1. That Broken Hill City Council Report No. 224/17 dated December 4, 2017, be received.

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2. That Council make a \$100,000 cash contribution to the YMCA development project to be funded from the previously established YMCA Community contribution Reserve.
3. That Council agrees to make an in-kind contribution of \$100,000 with the view to waiving such items as waste fees, development application fees and developer contributions payments and this support to be budgeted for as part of the 2018/19 Operational Budget.
4. That the General Manager and Area Manager of the YMCA meet to confirm the exact timing and formulation of the in-kind support.

Amendment

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

1. That Broken Hill City Council Report No. 224/17 dated December 4, 2017, be received.
2. That Council reaffirms its support for the YMCA development project.
3. That Council's share of the retained profits from the Aquatic Centre be transferred to the Community Assistance Grants Fund (\$116, 000).
4. That Our Community Key Working Group re-examine the application criteria for the Community Assistance Grants.
5. That the YMCA be encouraged to submit an application for the next round of Community Assistance Grants.

CARRIED  
ON THE CASTING VOTE OF THE MAYOR

The amendment becomes the motion

Motion

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

1. That Broken Hill City Council Report No. 224/17 dated December 4, 2017, be received.
2. That Council reaffirms its support for the YMCA development project.

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3. That Council's share of the retained profits from the Aquatic Centre be transferred to the Community Assistance Grants Fund (\$116, 000).
4. That Our Community Key Working Group re-examine the application criteria for the Community Assistance Grants.
5. That the YMCA be encouraged to submit an application for the next round of Community Assistance Grants.

Amendment

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

1. That the \$116, 000 held in a reserve fund be shared evenly between the YMCA and AFL Broken Hill; That is \$58, 000 for the YMCA redevelopment and \$58, 000 for AFL Broken Hill to upgrade the Jubilee Oval.
2. That the YMCA also be granted in-kind support to the value of \$142,000 (giving a total of \$200, 000 in combined financial and in-kind support) towards the YMCA redevelopment.

*The Mayor did not accept Councillor Kennedy's amendment, and ruled the amendment as being contrary to Council's resolution of November 29, 2017 (Councillor Page's Notice of Motion - Minute No 45692). The Mayor advised that Council would need to pass a Rescission Motion to rescind Minute No. 45692 in order for Council to consider Councillor Kennedy's amendment. As there has not been a Rescission Motion submitted, Councillor Kennedy's amendment cannot be put.*

*Councillor Kennedy called a point of order on the Mayor's ruling.*

*Councillor Kennedy called a Motion of Dissent on the Mayor's decision not to accept the amendment due to the wording of Minute No 45692 of the November 29, 2017 Council Meeting as it only refers to "the applicant" not AFL Broken Hill.*

Motion of Dissent

Councillor T. Kennedy moved )

1. That Councillor Kennedy's amendment be accepted as the wording of Minute No. 45692 of the November 29, 2017 Council Meeting only refers to "the applicant" not AFL Broken Hill.

LOST

Councillor Licul's amendment becomes the motion.

**RESOLUTION**

Minute No. 45717

Councillor B. Licul moved )

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Councillor M. Clark seconded )

1. That Broken Hill City Council Report No. 224/17 dated December 4, 2017, be received.
2. That Council reaffirms its support for the YMCA development project.
3. That Council's share of the retained profits from the Aquatic Centre be transferred to the Community Assistance Grants Fund (\$116,000).
4. That Our Community Key Working Group re-examine the application criteria for the Community Assistance Grants, and that Council creates a fund for the larger amounts applied for by the community groups, above the Community Assistance Grants funds.
5. That the YMCA be encouraged to submit an application for the next round of Community Assistance Grants.

CARRIED  
ON THE CASTING VOTE OF THE MAYOR

A Division was called which resulted in:

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

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

**ITEM 7 – BROKEN HILL CITY COUNCIL REPORT NO. 225/17 – DATED DECEMBER 04, 2017 – COUNCILLOR ATTENDANCE AT THE AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE 2018 (NSW BRANCH)**

11/174

**Recommendation**

1. That Broken Hill City Council Report No. 225/17 dated December 4, 2017, be received.
2. That Council considers Councillor representation to the 2018 Australian Local Government Women's Conference to be held in Gundagai, 15-17 March 2018.
3. That Councillor interest be provided to the Executive Support Officer by the close of business Friday 12 January 2018.

**RESOLUTION**

**Minute No. 45718**

Councillor C. Adams moved )

Councillor D. Gallagher seconded )

That the recommendation of item 7 be adopted.

CARRIED

**ITEM 8 – BROKEN HILL CITY COUNCIL REPORT NO. 226/17 – DATED DECEMBER 06, 2017 – INVESTMENT REPORT FOR NOVEMBER 2017**

17/82

**Recommendation**



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1. That Broken Hill City Council Report No. 226/17 dated December 6, 2017, be received.

**RESOLUTION**

Minute No. 45719

Councillor D. Gallagher moved

)

That the recommendation of item 8 be adopted.

Councillor M. Clark seconded

)

CARRIED

**ITEM 9 – BROKEN HILL CITY COUNCIL REPORT NO. 227/17 – DATED NOVEMBER 09, 2017 –  
DRAFT SPONSORSHIP POLICY**

12/14

Recommendation

1. That Broken Hill City Council Report No. 227/17 dated November 9, 2017, be received.
2. That Council endorse the draft Sponsorship Policy for the purpose of public exhibition.
3. That the draft Sponsorship 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 Sponsorship Policy.

**RESOLUTION**

Minute No. 45720

Councillor M. Browne moved

)

That the recommendation of item 9 be adopted.

Councillor M. Clark seconded

)

CARRIED

**ITEM 10 – BROKEN HILL CITY COUNCIL REPORT NO. 228/17 – DATED NOVEMBER 17, 2017 –  
COMMUNITY ASSISTANCE GRANTS AWARDED FOR ROUND 2 OF 2017/2018**

17/44

Recommendation

1. That Broken Hill City Council Report No. 228/17 dated November 17, 2017, be received.
2. That Council notes the Community Assistance Grants Panel Evaluation for Round 2 of 2017/2018, approved by the Panel and the General Manager.
3. That the balance from Round 2 2017/2018 of \$4,989.00 be allocated towards community lighting projects.

**RESOLUTION**

Minute No. 45721

Councillor B. Licul moved

)

That the recommendation of item 10 be adopted.

Councillor M. Clark seconded

)

CARRIED

**COMMITTEE REPORTS**

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**ITEM 11 – BROKEN HILL CITY COUNCIL REPORT NO. 229/17 – DATED NOVEMBER 22, 2017 – MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD NOVEMBER 20, 2017**

12/54

**Recommendation**

1. That Broken Hill City Council Report No. 229/17 dated November 22, 2017, be received.
2. That minutes of the Picton Oval Community Committee Meeting held November 20, 2017 be received.

**ITEM 12 – BROKEN HILL CITY COUNCIL REPORT NO. 231/17 – DATED DECEMBER 01, 2017 – MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETING HELD NOVEMBER 9, 2017**

15/87

**Recommendation**

1. That Broken Hill City Council Report No. 231/17 dated December 1, 2017, be received.
2. That the minutes of the Broken Hill Heritage Committee Meeting held November 9, 2017 be received and noted.

**ITEM 13 – BROKEN HILL CITY COUNCIL REPORT NO. 232/17 – DATED DECEMBER 05, 2017 – MINUTES OF THE BROKEN HILL COMMUNITY STRATEGIC PLAN ROUND TABLE COMMITTEE MEETING HELD 8 NOVEMBER 2017**

13/145

**Recommendation**

1. That Broken Hill City Council Report No. 232/17 dated December 5, 2017, be received.
2. That the minutes of the Broken Hill Community Strategic Plan Round Table committee meeting held 8 November 2017 be received.

**Minute No. 45722**

Councillor D. Gallagher moved	)	That the recommendations of items 11 to 13 be
Councillor M. Browne seconded	)	adopted.

CARRIED

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

**ITEM 14 – QUESTIONS ON NOTICE NO. 14/17 – DATED DECEMBER 01, 2017 – COUNCILLORS QUESTIONS TAKEN ON NOTICE AT NOVEMBER 2017 COUNCIL MEETING 11/49, 11/467, 16/120**

**Recommendation**

1. That Questions On Notice No. 14/17 dated December 1, 2017, be received.

**RESOLUTION**

**Minute No. 45723**

Councillor J. Nolan moved	)	That the recommendation of item 14 be adopted.
Councillor M. Browne seconded	)	

CARRIED

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

### Animal Pound Facility

11/141

*The Mayor took a question on notice from Councillor Kennedy whether copies of the previous Council reports relating to the decisions by Council to build a new animal pound facility could be circulated to Councillors.*

### ITEM 15 – BROKEN HILL CITY COUNCIL REPORT NO. 233/17 – DATED NOVEMBER 30, 2017 – PROPOSED LEASES TO WATER NSW – CONFIDENTIAL

15/103

**(General Manager's Note:** This report is deemed confidential under Section 10A(2) © 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. 45724

Councillor M. Browne moved  
Councillor B. Licul seconded

)

That item 15 be considered in open session.

)

That consideration of the leases be deferred until Council receives the full detailed business case which underpins the Government's decision to build the \$500,000,000 pipeline from the Murray River rather than to undertake the proposed works at Menindee Lakes and an upgrade of the Menindee to Broken Hill pipeline.

CARRIED

A Division was called which resulted in:

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

### ITEM 16 – BROKEN HILL CITY COUNCIL REPORT NO. 234/17 – DATED NOVEMBER 30, 2017 – WILLYAMA COMMON TRUST – PROPOSED LEASE AGREEMENT WITH WATER NSW – CONFIDENTIAL

11/63

**(General Manager's Note:** This report is deemed confidential under Section 10A(2) © 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. 45725

Councillor M. Browne moved  
Councillor B. Algate seconded

)

That item 16 be considered in open session.

)

That consideration of the lease be deferred until Council receives the full detailed business case which underpins the Government's decision to build the \$500,000,000 pipeline from the Murray River rather than to undertake the proposed

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works at the Menindee Lakes and an upgrade of  
the Menindee to Broken Hill pipeline.

CARRIED

## CONFIDENTIAL MATTERS

### RESOLUTION

Minute No. 45726

Councillor J. Nolan moved  
Councillor M. Clark seconded

- ) 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.

CARRIED

*The media and members of the public left the Council Chambers at 7:53pm.*

### ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 235/17 - DATED NOVEMBER 30, 2017 - UPDATE ON ANIMAL POUND TENDER - CONFIDENTIAL

11/141

**(General Manager's Note:** This report is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

#### Recommendation

1. That Broken Hill City Council Report No. 235/17 dated November 30, 2017, be received and noted.

### RESOLUTION

Minute No. 45727

Councillor M. Browne moved  
Councillor C. Adams seconded

- ) That the recommendation of item 17 be adopted.  
)

CARRIED

*The Mayor took a question on notice from Councillor Kennedy whether copies of the previous Council reports relating to the decisions by Council to build a new animal pound facility be circulated to Councillors.*

### ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 236/17 - DATED NOVEMBER 02, 2017 - BROKEN HILL FILM STUDIOS TRADEMARK - CONFIDENTIAL

16/150

**(General Manager's Note:** This report is deemed confidential under Section 10A(2) (d) of the Local Government Act, 1993 which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).

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Recommendation

1. That Broken Hill City Council Report No. 236/17 dated November 2, 2017, be received.
2. That the Mayor and General Manager be authorised to execute the Deed of Assignment of Trademark that will enable the transfer of the Broken Hill Studios Trademark to CPS Broken Hill Pty Ltd, under the Common Seal of Council and at a cost to CPS Broken Hill Pty Ltd payable to Broken Hill City Council of \$21,270 (plus GST).
3. That it is noted that all rights to the future use of the Broken Hill Studios Trademark will be transferred following the affixing of the Common Seal.

**RESOLUTION**

Minute No. 45728

Councillor M. Browne moved ) That the recommendation of item 18 be adopted.  
Councillor D. Gallagher seconded )

CARRIED

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 230/17 - DATED NOVEMBER 13, 2017 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETINGS HELD 5 SEPTEMBER 2017 AND 6 NOVEMBER 2017 - CONFIDENTIAL**

12/52

(**General Manager's Note:** This report is deemed confidential under Section 10A(2) (f) of the Local Government Act, 1993 which contains matters affecting the security of the Council, Councillors, Council staff or Council property).

Recommendation

1. That Broken Hill City Council Report No. 230/17 dated November 13, 2017, be received.
2. That minutes of the Memorial Oval Community Committee Meetings held 5 September 2017 and 6 November 2017 be received.

**RESOLUTION**

Minute No. 45729

Councillor T. Kennedy moved )  
Councillor D. Gallagher seconded )

1. That Broken Hill City Council Report No. 230/17 dated November 13, 2017, be received.
2. That minutes of the Memorial Oval Community Committee Meetings held 5 September 2017 and 6 November 2017 be received.
3. That the General Manager investigates the matters raised in the minutes and provides a report to the February Council Meeting whether there is a conflict between Council Staff and the Memorial Oval Community Committee and identify possible solutions to resolve these issues.

CARRIED

**RESOLUTION**

Minute No. 45730

Councillor D. Gallagher moved ) That the meeting resume in open session.

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Councillor M. Clark seconded

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CARRIED

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

The General Manager reported on Council's decisions whilst in closed session.

There being no further business the Mayor closed the meeting at 8:07p.m.

THE FOREGOING MINUTES WERE READ  
AND CONFIRMED AT THE ORDINARY  
MEETING OF THE BROKEN HILL CITY  
COUNCIL HELD ON FEBRUARY 28, 2018

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CHAIRPERSON