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

Meeting commenced at 6:30 p.m.

PRESENT: Mayor D. Turley, Deputy Mayor D. Gallagher, Councillors C. Adams, M. Browne, M. Clark, T. Kennedy, B. Licul, J. Nolan and R. Page.

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

Media (2), Members of the Public (15).

APOLOGIES: Councillor B. Algate

RESOLUTION

Minute No. 45485 - Council Resolution

Councillor T. Kennedy moved)

Councillor M. Clark seconded)

That the apology submitted on behalf of Councillor Algate 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

Cemetery Rose Garden

Mrs. Gayle Smith spoke about Council's draft Cemetery Management Policy in relation to pre-purchasing plots in the Rose Garden.

The Mayor accepted Mrs. Smith's letter as a submission to the draft Cemetery Management Policy.

Mine Rates

Ms. Isabelle Eriksson requested that Council consider placing a hold on the shifting of mine rates to residential or business, for this financial year.

The Mayor advised that Council's Budget documents will be presented to the April Council Meeting for Council to resolve to place them on public exhibition.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 45486

Councillor B. Licul moved

Councillor J. Nolan seconded

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That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held February 22, 2017 be confirmed.

CARRIED

DISCLOSURE OF INTEREST

Councillor Gallagher declared:

- a pecuniary interest in Notice of Motion 3/17 as he is the Chair of the Silver City Cup Committee, member of St. Pat's Committee and member of the Memorial Oval Community Committee and advised that he will leave the Council Chambers whilst the item is considered.

MAYORAL MINUTES

Nil.

NOTICES OF MOTION

ITEM 1 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 3/17 - DATED MARCH 24, 2017 - FUNDING FOR FUTURE TOURIST

11/425

Councillor Gallagher declared a conflict of interest in item

Notice of Motion

1. That Motions of Which Notice has been Given No. 3/17 dated March 24, 2017, be received.
2. That the Broken Hill City Council support the St. Pat's Race Meeting this \$10,000.00 will help grow our tourist numbers.
3. That Council provides \$10,000.00 for the Silver City Race Meeting this race day could have a camp oven cook-off or a food festival.
4. That Council provides \$5,000.00 for the Silver City Show

Councillor R. Page moved

Councillor T. Kennedy seconded

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That the Notice of Motion be adopted; that is:

LOST

Councillor Licul foreshadowed a motion should Councillor Page's Notice of Motion be lost; that Council invites the three organisations to apply for financial assistance through the Community Assistance Grants process.

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RESOLUTION

Minute No. 45487

Councillor M. Browne moved
Councillor M. Clark seconded

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1. That Motions of Which Notice has been Given No. 3/17 dated March 24, 2017, be received.
 2. That Council invites the St. Pat's Race Committee, the Silver City Cup Committee and the Silver City Show Committee to apply for financial assistance through the Community Assistance Grants process which is currently open for Round 1 of 2017/2018.

CARRIED

Councillor Gallagher returned at 6:42 p.m.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 37/17 - DATED MARCH 15, 2017 -
CORRESPONDENCE REPORT - CESSATION OF WATER RESTRICTIONS**

11/426

Councillor T. Kennedy moved
Councillor R. Page seconded

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1. That Broken Hill City Council Report No. 37/17 dated March 15, 2017, be received.
 2. That correspondence dated January 31, 2017 from Essential Water regarding the cessation of water restrictions in Broken Hill be received.
 3. That Council sends correspondence to Essential Water clarifying that the water levels experienced in 2016 were nowhere near the minimum levels experienced in 2003 (below 5GL) as there was still a considerable amount of water remaining (approx. 50GL); also expressing Council's concerns regarding the water restrictions and the effect on childrens' lead levels when playing on Council's ovals and parks and school ovals during water restriction periods as these open spaces were extremely dry and dusty.

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Amendment

Councillor M. Browne moved)
Councillor C. Adams seconded)

1. That Broken Hill City Council Report No. 37/17 dated March 15, 2017 be received.
2. That correspondence dated January 31, 2017 from Essential Water regarding the cessation of water restrictions in Broken Hill be received and noted.

CARRIED

The amendment becomes the motion

RESOLUTION

Minute No. 45488

Councillor M. Browne moved)
Councillor C. Adams seconded)

1. That Broken Hill City Council Report No. 37/17 dated March 15, 2017 be received.
2. That correspondence dated January 31, 2017 from Essential Water regarding the cessation of water restrictions in Broken Hill be received and noted.

CARRIED

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 38/17 - DATED MARCH 14, 2017 -
CORRESPONDENCE REPORT - WATER RELEASES FROM THE MENINDEE LAKES SYSTEM**

11/426

Councillor T. Kennedy moved)
Councillor R. Page seconded)

1. That Broken Hill City Council Report No. 38/17 dated March 14, 2017, be received.
2. That correspondence dated February 22, 2017 from the Hon Rick Colless MLC, Parliamentary Secretary for Natural Resources and Western NSW regarding current water releases from the Menindee Lakes System be noted.
3. That Council supports the State Member's proposal on the Menindee Lakes System.
4. That Council sends correspondence to the Parliamentary Secretary for Natural Resources and Western NSW, the Minister for Agriculture and Water, the State Water Minister and the State and Local Member advising of Council's support.

Amendment

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

1. That Broken Hill City Council Report No. 38/17 dated March 14, 2017, be received.

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2. That Council invites the State Member to attend (or attend via skype) the next Council Meeting to explain his Menindee Lakes proposal and his view on the Murray Darling Basin Authority Northern Basin Review.

CARRIED

The amendment becomes the motion.

RESOLUTION

Minute No. 45489

Councillor M. Browne moved
Councillor B. Licul seconded

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|) | 1. That Broken Hill City Council Report No. 38/17 dated March 14, 2017, be received. |
|) | 2. That Council invites the State Member to attend (or attend via skype) the next Council Meeting to explain his Menindee Lakes proposal and his view on the Murray Darling Basin Authority Northern Basin Review. |

CARRIED

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 39/17 - DATED MARCH 15, 2017 -
CORRESPONDENCE REPORT - EXPANSION OF WOMEN'S HEALTH CENTRES IN NSW TO
INCLUDE DOMESTIC VIOLENCE PREVENTION CLINICS**

12/81

Recommendation

1. That Broken Hill City Council Report No. 39/17 dated March 15, 2017, be received.
2. That correspondence dated February 15, 2017 from the Hon Brad Hazzard MP, Minister for Health and Minister for Medical Research regarding the SOS Women's Services proposal to expand the role of Women's Health Centres in NSW to include Domestic Violence Prevention Clinics, be received.

RESOLUTION

Minute No. 45490

Councillor C. Adams moved
Councillor M. Clark seconded

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|) | That the recommendation of item 4 be adopted. |
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CARRIED

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 40/17 - DATED MARCH 10, 2017 -
NOMINATION OF MAYOR TURLEY AS CHAIR OF REGION 4 OF THE MURRAY DARLING
ASSOCIATION**

11/426

Recommendation

1. That Broken Hill City Council Report No. 40/17 dated October 3, 2017, be received.
2. That Council endorses Mayor Darriea Turley to act as Chair of Region 4 of the Murray Darling Association until a formal election is held in 12-18 months' time.

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3. That Council votes a budget of \$10,000 to cover Mayor, General Manager and support officer expenses to travel to, and arrange meetings.

RESOLUTION

Minute No. 45491

Councillor J. Nolan moved
Councillor R. Page seconded

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That the recommendation of item 5 be adopted.

CARRIED

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 41/17 - DATED MARCH 21, 2017 -
COUNCIL PORTFOLIO SYSTEM**

11/249

Councillor J. Nolan moved
Councillor C. Adams seconded

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1. That Broken Hill City Council Report No. 41/17 dated March 21, 2017, be received.
2. That Council trials the new Portfolio System for a period of 12 months with the outcomes reported to Council at expiry of the 12 month period.
3. That Council notes that its Portfolio Councillors were adopted at the first Council Meeting of the newly appointed Council in September 2016.

Amendment

Councillor T. Kennedy moved
Councillor R. Page seconded

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1. That Broken Hill City Council Report No. 41/17 dated March 21, 2017, be received.
2. That Council reintroduces the Standing Committee System with the Portfolio System incorporated in to the Standing Committee System.

LOST

RESOLUTION

Minute No. 45492

Councillor J. Nolan moved
Councillor C. Adams seconded

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1. That Broken Hill City Council Report No. 41/17 dated March 21, 2017, be received.
2. That Council trials the new Portfolio System for a period of 12 months with the outcomes reported to Council at expiry of the 12 month period.
3. That Council notes that its Portfolio Councillors were adopted at the first Council Meeting of the newly appointed Council in September 2016.
4. That Council be presented with a 6 month progress report on the new Portfolio System.

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CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 42/17 - DATED MARCH 14, 2017 -
MEMBERSHIP ON THE COUNTRY MAYORS ASSOCIATION OF NEW SOUTH WALES** 11/179

Recommendation

1. That Broken Hill City Council Report No. 42/17 dated March 14, 2017, be received.
2. That Broken Hill City Council joins the Country Mayors Association of New South Wales.
3. That Mayor Turley be Council's voting delegate with the Deputy Mayor being the alternate delegate.
4. That Council notes that the General Manager is also a voting delegate for Council.

RESOLUTION

Minute No. 45493

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

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 43/17 - DATED MARCH 13, 2017 -
ATTENDANCE AT THE 2017 FUTURE OF LOCAL GOVERNMENT NATIONAL SUMMIT** 11/304

RESOLUTION

Minute No. 45494

Councillor C. Adams moved)
Councillor M. Clark seconded)

1. That Broken Hill City Council Report No. 43/17 dated March 13, 2017, be received.
2. That Councillors Browne and Clark attend the 2017 Future of Local Government National Summit to be held in Melbourne on 25-26 May 2017.

CARRIED

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 44/17 - DATED JANUARY 30, 2017 -
ATTENDANCE AT THE AUSTRALIAN LOCAL GOVERNMENT WOMENS ASSOCIATION
CONFERENCE, 4-6 MAY 2017, PENRITH** 11/174

RESOLUTION

Minute No. 45495

Councillor C. Adams moved)
Councillor M. Clark seconded)

1. That Broken Hill City Council Report No. 44/17 dated January 30, 2017, be received.
2. That Mayor Turley attend the 2017 Australian Local Government Women's Conference to be held in Penrith from May 4-6, 2017.

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3. That Councillor interest be provided to the Executive Support Officer by the close of business Friday 7 April 2017 for one additional Councillor delegate to attend.

CARRIED

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 45/17 - DATED MARCH 14, 2017 - ATTENDANCE AT THE 2017 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT TO BE HELD IN CANBERRA ON 18-21 JUNE, 2017 AND CALL FOR MOTIONS 11/304

Recommendation

1. That Broken Hill City Council Report No. 45/17 dated March 14, 2017, be received.
2. That Council be represented at the 2017 National General Assembly of Local Government in Canberra, June 18-21, 2017 by the Mayor, Deputy Mayor and General Manager.
3. That Council determine motions to the 2017 National General Assembly of Local Government in line with the Assembly's eligibility principles; and such motions be submitted by April 21, 2016 along with a copy of the supporting Council resolution.

RESOLUTION

Minute No. 45496

Councillor J. Nolan moved) That the recommendation of item 10 be received.
Councillor D. Gallagher seconded)

CARRIED

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 46/17 - DATED MARCH 13, 2017 - INVESTMENT REPORT FOR FEBRAURY 2017 11/48

Recommendation

1. That Broken Hill City Council Report No. 46/17 dated March 13, 2017, be received.

RESOLUTION

Minute No. 45497

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

CARRIED

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 47/17 - DATED MARCH 21, 2017 - AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES FROM MEETING HELD 13 FEBRUARY 2017 13/19

Recommendation

1. That Broken Hill City Council Report No. 47/17 dated March 21, 2017, be received.
2. That the minutes of the Audit, Risk and Improvement Committee meeting held 13 February 2017 be adopted.
3. That the Broken Hill City Council endorse and adopt the Audit, Risk & Improvement Committee Charter at the March 2017 Ordinary Council Meeting.

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RESOLUTION

Minute No. 45498

Councillor D. Gallagher moved) That the recommendation of item 12 be adopted.
Councillor J. Nolan seconded)

CARRIED

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 48/17 - DATED MARCH 06, 2017 -
SERVICE REVIEW FRAMEWORK**

13/94

Recommendation

1. That Broken Hill City Council Report No. 48/17 dated June 3, 2017, be received.
2. That Council endorse the Broken Hill City Council Service Review Framework.

RESOLUTION

Minute No. 45499

Councillor C. Adams moved) That the recommendation of item 13 be adopted.
Councillor B. Licul seconded)

CARRIED

Councillor Clark requested a copy of Council's organisational chart.

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 49/17 - DATED MARCH 07, 2017 - DRAFT
HERITAGE STRATEGY 2017 - 2020**

11/129

Recommendation

1. That Broken Hill City Council Report No. 49/17 dated March 7, 2017, be received.
2. That the draft Heritage Strategy 2017 – 2020 be placed on public exhibition for 28 days and the relevant stakeholders be invited to comment
3. 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 Heritage Strategy for 2017 -2020.

RESOLUTION

Minute No. 45500

Councillor J. Nolan moved) That the recommendation of item 14 be adopted.
Councillor C. Adams seconded)

CARRIED

Councillor Nolan commented that the draft Heritage Strategy mentions the mineral and art intersections as "parklets" and asked for this reference to be removed before the document is placed on public exhibition.

Councillor Clark referred to page 6, recommendation 4 of the draft Heritage Strategy regarding digitalizing early Barrier Daily Truth articles and commented that there are other organisations (for example the Trades Hall) who also hold historical materials which could be digitalized.

The General Manager advised that these changes would be made prior to the document being placed on public exhibition.

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**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 50/17 - DATED DECEMBER 23, 2016 -
DRAFT AGENCY INFORMATION GUIDE 2017**

11/118

Recommendation

1. That Broken Hill City Council Report No. 50/17 dated December 23, 2016, be received.
2. That Council review the Draft Agency Information Guide.
3. That Council endorse the Draft Agency Information Guide for release to the Information Commissioner for review and potential guidance on the Draft Agency Information Guide.

RESOLUTION

Minute No. 45501

Councillor D. Gallagher moved
Councillor R. Page seconded

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That the recommendation of item 15 be adopted.

CARRIED

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 51/17 - DATED MARCH 15, 2017 - DRAFT
CEMETERY MANAGEMENT POLICY FOR PUBLIC EXHIBITION**

13/163

Recommendation

1. That Broken Hill City Council Report No. 51/17 dated March 15, 2017, be received.
2. That Council endorse the Draft Cemetery Management Policy for the purpose of public consultation.
3. That the Draft Cemetery Management 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 Cemetery Management Policy.

RESOLUTION

Minute No. 45502

Councillor T. Kennedy moved
Councillor M. Browne seconded

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That the recommendation of item 16 be adopted.

CARRIED

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 52/17 - DATED MARCH 15, 2017 - DRAFT
REVISED MEDIA RELATIONS POLICY**

12/14

Recommendation

1. That Broken Hill City Council Report No. 52/17 dated March 15, 2017, be received.
2. That Council endorses the draft revised Media Relations Policy for the purposes of public consultation.
3. That the draft revised Media Relations Policy be exhibited for public comment for a period of 28 days.
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 revised Media Relations Policy.

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RESOLUTION

Minute No. 45503

Councillor T. Kennedy moved

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That the recommendation of item 17 be adopted.

Councillor B. Licul seconded

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CARRIED

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 53/17 - DATED MARCH 14, 2017 -
DEVELOPMENT APPLICATION FOR THE DEVELOPMENT OF A NEW ANIMAL POUND FACILITY
AT LOT 1 DP 1162606**

11/467

Recommendation

1. That Broken Hill City Council Report No. 53/17 dated March 14, 2017, be received.
2. That consent be granted for Development Application 4/2017 for an animal pound facility at Lot 1 DP 1162606, No. 86 Airport Road, Broken Hill subject to the following conditions:

General

1. This consent relates to an Animal Pound Facility at Lot 1 DP 1162606, No. 86 Airport Road, Broken Hill, comprising:

- 20 dog cages,
- An office with future amenities,
- A cattery and veterinary room,
- A carport and patio with shade sail,
- Exercise yards,
- a dangerous dog enclosure,
- a shipping container, and
- car parking for 5 vehicles including a space for persons with disabilities.

And as described and shown on the following documents submitted with the development application:

- Statement of Environmental Effects prepared by Broken Hill City Council,
- Drawing No 1 of 5, C-005/16 Ground Plan and Elevations by Kenx Design Associates Pty Ltd dated 21 January 2017,
- Drawing No 2 of 5, C-005/16 Site and Contour Plan by Kenx Design Associates Pty Ltd dated 21 January 2017,
- Drawing No 3 of 5, C-005/16 Reinforced Concrete Footing & Slab Layout, Steelwork Marking Plan by Kenx Design Associates Pty Ltd dated 21 January 2017,
- Drawing No 4 of 5, C-005/16 Electrical, IT & Security Services, Sections and floor plans by Kenx Design Associates Pty Ltd dated 21 January 2017,
- Drawing No 5 of 5, C-005/16 Details by Kenx Design Associates Pty Ltd dated 21 January 2017, and

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- Soil Testing Report prepared by CivilTest Pty Ltd dated 6 December 2016.

Notes:

Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be out without the prior approval of Council.

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

2. Notice of Commencement

Notice must be given to Council at least two (2) days prior to the commencement of building work.

3. Principal Certifying Authority/Construction Certificate

The following must be undertaken before any building works can commence:

- (a) A Principal Certifying Authority (PCA) must be appointed; and
- (b) A Construction Certificate must be obtained from either Council or an accredited certifier.

4. Existing services and damage to public assets

Prior to the commencement of any work(s) associated with this development:

- (a) The developer or his agent shall undertake a site inspection of the adjacent kerbs, gutters, carriageway, reserves and the like and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense. Any damage to the adjacent kerb, gutter, footpath/road reserve area, carriageway and the like that occurs during development works shall be repaired by the applicant; and
- (b) The developer or his agent must check that the proposed works are not affected by any Council, energy utility, telecommunications, gas service or other services. Any required alterations to services will be at the developer's expense.

5. Supervision of works

Prior to the commencement of any works, Council shall be advised in writing of the name of the person/company nominated to be responsible for construction works including erosion and sediment control measures.

6. Sign – Supervisor Contact Details

The person/company responsible for the construction of site works must erect a sign at the site in a visible position with that person/company's name, license number, site address and contact number, and the name of the Principal Certifying Authority, accreditation number and telephone number, where the Principal Certifying Authority is not the Council.

7. Protection of existing vegetation

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No vegetation is to be removed from Lot 1 DP 1162606 or adjoining land at any time other than is necessary to construct and operate the animal pound facility within the site area shown on Drawing No 1 of 5, C-005/16 Ground Plan and Elevations by Kenx Design Associates Pty Ltd dated 21 January 2017, and Drawing No 2 of 5, C-005/16 Site and Contour Plan by Kenx Design Associates Pty Ltd dated 21 January 2017, and to provide access to the facility. All existing trees/vegetation that are within 6 metres of any works on the subject site, are to be marked with temporary barrier fencing external to the base of the tree. This must be inspected and approved by the Principal Certifying Authority.

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

8. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan and accompanying specifications for the construction phase of the works based on the Landcom manual "Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004", shall be lodged for approval with the application for a Construction Certificate. All controls must be implemented, inspected and approved prior to the commencement of any site works.

9. Stormwater and wastewater management

The stormwater and wastewater management system is to be designed to comply with the Trade Waste requirements of Essential Water. Details are to be submitted with the application for a construction certificate.

10. Waste Minimisation and Management

A Waste Management Plan must be prepared that complies with the NSW DECC Environmental Guidelines: Classification and Management of Liquid and Non-liquid Wastes and lodged for approval with the application for a Construction Certificate. A copy of the approved plan shall be lodged with Council prior to the issue of the Construction Certificate.

11. Driveway access plan

A plan that shows a layback driveway entrance to the site of the animal pound facility that is in accordance with Council's engineering specifications shall be lodged with Council prior to the issue of the Construction Certificate.

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

12. Soil and Water Management

All site works shall be undertaken in accordance with the Erosion and Sediment Control Plan and measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur.

13. Geo-technical requirements

Plans submitted with the application for a construction certificate must comply with the recommendations provided in the Soil Testing Report prepared by CivilTest Pty Ltd dated 6 December 2016.

14. Waste Management

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Management Plan or removed to an authorised waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

15. Construction hours/storage

To limit the impact of the development on adjoining properties, the following must be complied with:

- (a) All construction work shall be restricted to the hours of 7:00am to 5:00pm Monday to Friday and 8:00am to 1:00pm Saturdays. No construction work shall take place on Sundays or Public Holidays,
- (b) The storing of construction equipment/materials, soil, spoil, or rubbish external to Lot 1 DP 1162606 is prohibited other than on the adjoining road reserve, and
- (c) The parking of machinery or vehicles shall only be on Lot 1 DP 1162606 in the immediate vicinity of the works area or on the adjoining road reserve.

16. Landscaping

Landscaping is to be out as shown on Drawing No 1 of 5, C-005/16 Ground Plan and Elevations by Kenx Design Associates Pty Ltd dated 21 January 2017.

17. Building Code of Australia

All building work must be out in accordance with the requirements of the Building Code of Australia.

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED

18. Compliance with conditions

Conditions 14 (Landscaping) shall be complied with and completed prior to the issue of an Occupation Certificate for the approved development.

19. Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) before the building is used or occupied. If Council is the appointed PCA for this project, a minimum of twenty four (24) hours' notice must be given to Council to make an inspection of the work.

CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT

16. Site Management and Maintenance

The proprietor shall at all times be responsible for on-going site management and maintenance in accordance with the following:

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(a) The use of the approved development must not:

- (i) cause transmission of vibration to any place of different occupancy,
- (ii) cause 'Offensive Noise' as defined in the Protection of the Environment Operations Act 1997, or
- (iii) Impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise.

(b) Council must ensure that the facility is well maintained in consideration of the visual amenity of the area.

17. Ongoing operations

The ongoing care and management of animals kept within the facility should have regard to the standards set out in the *NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in animal boarding establishments*.

18. Signage

Signage is to comprise a business identification sign and directional signs. All signage is to comply with the provisions of Broken Hill Development Control Plan 2016.

REASONS FOR CONDITIONS

Conditions of consent have been imposed to ensure that:

1. the proposed development achieves the objects of the *Environmental Planning and Assessment Act 1979* and complies with the provisions of relevant environmental planning instruments
2. the relevant public authorities have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities
3. the protection of the amenity and character of land adjoining and in the locality of the proposed development
4. any potential adverse environmental, social or economic impacts of the proposed development are minimised or mitigated
5. all traffic, car parking and access requirements arising from the development are addressed
6. the development does not conflict with the public interest

RESOLUTION

Minute No. 45504

Councillor D. Gallagher moved

Councillor C. Adams seconded

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That the recommendation of item 18 be adopted.

CARRIED

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A Division was called which resulted in:

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

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 54/17 - DATED MARCH 06, 2017 -
MINUTES OF THE BROKEN HILL LEAD REFERENCE GROUP MEETING HELD 22 FEBRUARY
2017** 12/177

Recommendation

1. That Broken Hill City Council Report No. 54/17 dated March 6, 2017, be received.
2. That the minutes of the Broken Hill Lead Reference Group Meeting held 22 February 2017 be received and noted.

RESOLUTION

Minute No. 45505

Councillor M. Browne moved) That the recommendation of item 19 be adopted.
Councillor J. Nolan seconded)

CARRIED

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 55/17 - DATED MARCH 15, 2017 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 367 HELD TUESDAY FEBRUARY
7, 2017 AND MEETING NO 368 HELD TUESDAY MARCH 7, 2017** 11/397

Recommendation

1. That Broken Hill City Council Report No. 55/17 dated March 15, 2017, be received.
2. That the minutes for the Local Traffic Committee Meeting No. 367, held February 7, 2017, be received and recommendations within minutes be adopted.
3. That the minutes for the Local Traffic Committee Meeting No. 368, held March 7, 2017, be received and recommendations within minutes be adopted.

RESOLUTION

Minute No. 45506

Councillor D. Gallagher moved) That the recommendation of item 20 be adopted.
Councillor M. Clark seconded)

CARRIED

Councillor Kennedy advised that the gum trees adjacent to the Sacred Heart School and the Cathedral in Lane Street require trimming as the branches are low preventing cars from parking in the area.

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 56/17 - DATED MARCH 17, 2017 - ACTION
LIST REPORT** 11/25

Recommendation

1. That Broken Hill City Council Report No. 56/17 dated March 17, 2017, be received.

RESOLUTION

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

Minute No. 45507

Councillor C. Adams moved) That the recommendation of item 21 be adopted.
Councillor M. Clark seconded)

CARRIED

COMMITTEE REPORTS

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 57/17 - DATED DECEMBER 05, 2016 -
SECTION 355 ADVISORY AND ASSET COMMITTEE FRAMEWORKS AND CONSTITUTIONS 16/94
recommendation**

1. That Broken Hill City Council Report No. 57/17 dated December 5, 2016, be received.
2. That Council adopt the Section 355 Asset Committee Manual
3. That Council adopt the Section 355 Advisory Committee Manual
4. That Council adopt the Section 355 Constitutions for all eleven Section 355 Committees
5. That all previous Frameworks and Constitutions become obsolete and be removed from Council's website.

RESOLUTION

Minute No. 45508

Councillor T. Kennedy moved) That the recommendation of item 22 be adopted.
Councillor M. Browne seconded)

CARRIED

**ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 58/17 - DATED MARCH 15, 2017 -
NOMINATIONS FOR COMMUNITY MEMBERSHIP OF COUNCIL S355 COMMITTEES**

11/9

Recommendation

1. That Broken Hill City Council Report No. 58/17 dated March 15, 2017, be received.
2. That the Constitution of the Broken Hill Regional Art Gallery Advisory Committee be amended to include an additional community representative.
3. That Clark Barrett be appointed as a community representative on the Broken Hill Regional Art Gallery Advisory Committee.
4. That Ann Evers be appointed as a community representative on the Riddiford Arboretum Community Committee.

RESOLUTION

Minute No. 45509

Councillor T. Kennedy moved) That the recommendation of item 23 be adopted.
Councillor J. Nolan seconded)

CARRIED

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

**ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 59/17 - DATED MARCH 10, 2017 -
MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE
MEETING HELD 21 FEBRUARY 2017**

12/51

Recommendation

1. That Broken Hill City Council Report No. 59/17 dated October 3, 2017, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held February 21, 2017 be received.

RESOLUTION

Minute No. 45510

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

CARRIED

**ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 60/17 - DATED MARCH 15, 2017 -
MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD MARCH 13, 2017**

12/54

RESOLUTION

Minute No. 45511

- Councillor C. Adams moved)
Councillor J. Nolan seconded)
1. That Broken Hill City Council Report No. 60/17 dated March 15, 2017, be received.
 2. That minutes of the Picton Oval Community Committee Meeting held March 13, 2017 be received.
 3. That Council's Park and Gardens staff be thanked for their prompt action to attend to matters at the Picton Oval.

CARRIED

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 26 - QUESTIONS ON NOTICE NO. 3/17 - DATED FEBRUARY 24, 2017 - COUNCILLORS
QUESTIONS TAKEN ON NOTICE AT THE FEBRUARY 2017 COUNCIL MEETING**

12/48,
BHC160401, 11/89

Recommendation

1. That Questions On Notice No. 3/17 dated February 24, 2017, be received.

RESOLUTION

Minute No. 45512

Councillor T. Kennedy moved) That the recommendation of item 26 be adopted.
Councillor J. Nolan seconded)

CARRIED

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

From Item 13 – Service Review Framework

13/94

Councillor Clark requested a copy of Council's organisational chart.

Tidy Towns Working Group

16/94, 11/9

Councillor Adams requested that the Tidy Towns Working Group be re-established as a Section 355 Committee.

Tree Request

11/391

Councillor Kennedy advised that the gum trees adjacent to the Sacred Heart School and the Cathedral in Lane Street require trimming as the branches are low preventing cars from parking in the area.

CONFIDENTIAL MATTERS

ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 61/17 - DATED MARCH 09, 2017 - REGIONAL EXPRESS AIRLINES - PROPOSED AMENDMENT TO PARTNERSHIP AGREEMENT - CONFIDENTIAL

11/1

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

Recommendation

1. That Broken Hill City Council Report No. 61/17 dated March 9, 2017, be received.
2. That correspondence from Regional Express Airlines dated March 8, 2017 regarding a proposed agreement for the introduction of a community fare be received and noted.
3. That Council advise Regional Express Airlines of its agreement to the terms of the proposal, noting that:
 - a) Rex will introduce a \$199.00 Community Fare on available seats, 24 hours prior to departure on the direct week day flights between Broken Hill and Sydney.
 - b) Broken Hill City Council will provide a full head tax waiver on any Community Fare seats sold.
 - c) Broken Hill City Council will provide assistance by locally promoting the introduction of the new Rex Community Fares.

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

**ITEM 28 - BROKEN HILL CITY COUNCIL REPORT NO. 62/17 - DATED MARCH 15, 2017 - T17/1
DESIGN AND RECONSTRUCTION OF FAILED SEALED PAVEMENT SECTIONS OF BLENDE
STREET AND KANANDAH ROAD - TENDER SUBMISSIONS - **CONFIDENTIAL****

T17/1

(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. 62/17 dated March 15, 2017, be received.
2. That GBM CONSULTING SERVICES PTY LTD be awarded the Contract for Tender T17/1
3. That Council accept the lump sum fee of \$571,001 ex. GST for all tendered works under T17/1.

Minute No. 45513

Councillor J. Nolan moved)

Councillor D. Gallagher seconded)

That the confidential reports be considered in open session.

That the recommendations of items 27 and 28 be adopted.

CARRIED

A Division was called which resulted in:

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

AGAINST: Nil

ABSENT: Cr Algate

The Mayor invited the General Manager to report on the confidential matters. The General Manager advised that in respect of:

Item 27 – Broken Hill City Council Report No. 61/17 - dated March 09, 2017 - Regional Express Airlines - Proposed Amendment to Partnership Agreement – **Confidential**

- That Broken Hill City Council Report No. 61/17 dated March 9, 2017, be received.
- That correspondence from Regional Express Airlines dated March 8, 2017 regarding a proposed agreement for the introduction of a community fare be received and noted.
- That Council advise Regional Express Airlines of its agreement to the terms of the proposal, noting that:
 - a) Rex will introduce a \$199.00 Community Fare on available seats, 24 hours prior to departure on the direct week day flights between Broken Hill and Sydney.
 - b) Broken Hill City Council will provide a full head tax waiver on any Community Fare seats sold.
 - c) Broken Hill City Council will provide assistance by locally promoting the introduction of the new Rex Community Fares.

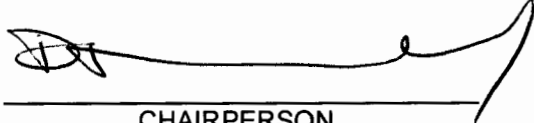
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MARCH 29, 2017

Item 28 - Broken Hill City Council Report No. 62/17 - dated March 15, 2017 - T17/1 Design and Reconstruction of Failed Sealed Pavement Sections of Blende Street and Kanandah Road - Tender Submissions - Confidential

- That Broken Hill City Council Report No. 62/17 dated March 15, 2017, be received.
- That GBM CONSULTING SERVICES PTY LTD be awarded the Contract for Tender T17/1
- That Council accept the lump sum fee of \$571,001 ex. GST for all tendered works under T17/1.

There being no further business the Mayor closed the meeting at 8:05 p.m.

THE FOREGOING MINUTES WERE READ
AND CONFIRMED AT THE ORDINARY
MEETING OF THE BROKEN HILL CITY
COUNCIL HELD ON MAY 31, 2017.

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CHAIRPERSON