
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
OCTOBER 25, 2017

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.

Acting General Manager (Corporate Responsibility Officer), Finance
Manager, Executive Manager Strategic City Development, Manager
Infrastructure, Communication and Community Engagement Coordinator,
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

Nil.

TIDY TOWNS BLUE SUSTAINABILITY AWARDS – KEEP NSW BEAUTIFUL

The Mayor advised that Council had made submissions to the Tidy Towns Blue Sustainability Awards and had received placements in 5 out of 6 categories as follows:

AWARD CATEGORY	SUBMISSION	PLACEMENT
Hey Tosser! Litter Action Award	Tidy Towns Clean Up Days and Regional Litter Plan	WINNER
The Waste Less, Recycle More Award	CRC – updated version as per comments from last submission	HIGHLY COMMENDED
The cultural Heritage Award	Railway Museum Hospital Installation	FINALIST
Environmental Achievement Award	Wayne Lovis – Landcare	HIGHLY COMMENDED
The Community Environmental Achievement Award	Weed Competition held and led by Council and supported by Tidy Towns Volunteer Group	No placement
Overall	Must enter 3 of the top 6 categories	HIGHLY COMMENDED

The Mayor recognised the efforts of Councillor Adams as the Tidy Towns Chairperson in winning the state Litter Action Award and Mr Wayne Lovis of Landcare (and also an employee of Council), for his highly commended award.

PRESENTATION OF THE 2016/2017 FINANCIAL STATEMENTS BY COUNCIL'S EXTERNAL AUDITORS

Martin Sabanos of UHY Hains Norton Chartered Accountants made a presentation to Council.

The Mayor explained that the external auditor is now appointed by The Audit Office of NSW.

Following the presentation the Mayor thanked Mr Sabanos for his presentation of the financial statements and his earlier briefing to Councillors and thanked staff for their work in bringing the financial statements into the new accounting format.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 45661

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
September 27, 2017 be confirmed.

That the Minutes of the Extraordinary Meeting of
the Council of the City of Broken Hill held
October 16, 2017 be confirmed.

CARRIED

DISCLOSURE OF INTEREST

Councillor Gallagher declared:

- a pecuniary interest in Item 3 Report No. 200/17 of the Confidential Items as the matter relates to a family member and advised that he will leave the Council Chambers whilst the item is considered.

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 8/17 - DATED OCTOBER 12, 2017 - AUSTRALIAN MINING CITIES AND CENTRES ALLIANCE PROPOSAL

12/29

Recommendation

1. That Mayoral Minute No. 8/17 dated October 12, 2017, be received.
2. That Broken Hill City Council becomes a member of the Australian Mining Cities and Centres Alliance with Council's delegate being Mayor Turley and the alternate delegate being the Deputy Mayor.
3. That Council contributes \$10,000.00 in seed funding to establish the Australian Mining Cities and Centres Alliance with the Cities of Kalgoorlie-Boulder and Mount Isa.
4. That Council authorises the \$10,000.00 contribution as additional expenditure for the 2017/2018 financial year.

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5. That the Mayor be Council's delegate (the Deputy Mayor be the alternate delegate) to the Australian Mining Cities and Centres Alliance.
6. That the Mayor provides Council with progress updates on the formation and benefits of the Alliance.

RESOLUTION

Minute No. 45662

Mayor D. Turley moved

Councillor J. Nolan seconded

)

That the recommendation of item 1 be adopted.

)

CARRIED

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

**ITEM 2 - REPORTS FROM DELEGATES NO. 4/17 - DATED OCTOBER 23, 2017 - NATIONAL
CONFERENCE AND ANNUAL GENERAL MEETING OF THE MURRAY DARLING ASSOCIATION**

11/426

Recommendation

1. That Reports from Delegates No. 4/17 dated October 23, 2017, be received.
2. That Broken Hill City Council liaises more closely with Central Darling Shire Council to pursue opportunities to document both the economic impacts of the implementation of the Basin Plan on Menindee and the surrounding area to explore opportunities to respond positively to these changes.
3. That the regional representative of the Commonwealth Environmental Water Holder based in Mildura be invited to visit Broken Hill.

RESOLUTION

Minute No. 45663

Councillor M. Browne moved

Councillor J. Nolan seconded

)

That the Delegates Report contained in the
Supplementary Agenda be considered at this
point in the meeting procedures.

)

That the recommendation of item 2 be adopted.

CARRIED

REPORTS

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 183/17 - DATED OCTOBER 13, 2017 -
CORRESPONDENCE REPORT - WATER EXTRACTION IN THE NORTHERN BASIN - FOUR
CORNERS EXPOSE**

11/426

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

1. That Broken Hill City Council Report No. 183/17 dated October 13, 2017, be received.
2. That the Mayor's correspondence (in her capacity as Chair of Region 4 of the Murray Darling Association) to the Premier of NSW dated 25 August 2017 be noted.
3. That reply correspondence from the Premier of NSW dated 3 October 2017 be received.

Amendment

Councillor M. Clark moved)
Councillor R. Page seconded)

1. That Broken Hill City Council Report No. 183/17 dated October 13, 2017, be received.
2. That the Mayor's correspondence (in her capacity as Chair of Region 4 of the Murray Darling Association) to the Premier of NSW dated 25 August 2017 be noted.
3. That reply correspondence from the Premier of NSW dated 3 October 2017 be received.
4. That correspondence be sent to the Premier of NSW stating that Council requests, as a matter of urgency, that the "no meter no pump" policy for large water users across NSW be implemented immediately.

CARRIED

RESOLUTION

Minute No. 45664

Councillor M. Clark moved)
Councillor R. Page seconded)

1. That Broken Hill City Council Report No. 183/17 dated October 13, 2017, be received.
2. That the Mayor's correspondence (in her capacity as Chair of Region 4 of the Murray Darling Association) to the Premier of NSW dated 25 August 2017 be noted.
3. That reply correspondence from the Premier of NSW dated 3 October 2017 be received.
4. That correspondence be sent to the Premier of NSW stating that Council requests, as a matter of urgency, that the "no meter no

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pump" policy for large water users across
NSW be implemented immediately.

CARRIED

RESOLUTION

Minute No. 45665

Councillor D. Gallagher moved)
Councillor J. Nolan seconded)

1. That Council prepares a submission to IPART in relation to the pricing of water to ensure that it is affordable to Broken Hill residents once the Murray to Broken Hill pipeline is commissioned.

CARRIED

RESOLUTION

Minute No. 45666

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

1. That Council seek a commitment from the NSW Government that the supply of water to Broken Hill via the Murray to Broken Hill pipeline is provided with a subsidy to residents to cover the increased costs of the supply of water via the pipeline.

CARRIED

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 184/17 - DATED SEPTEMBER 22, 2017 -
DECEMBER AND JANUARY COUNCIL MEETING ARRANGEMENTS**

11/21

Recommendation

1. That Broken Hill City Council Report No. 184/17 dated September 22, 2017, be received.
2. That Council's Ordinary Monthly Meeting for December 2017 be held Wednesday, December 13, 2017.
3. That an Ordinary Council Meeting not be held in January 2018; and that should an urgent matter arise in January, an Extraordinary Council Meeting will be arranged.
4. That the Council shutdown period be from 5:00pm Friday December 22, 2017 with Council reopening at 8:30am Tuesday January 2, 2018.

RESOLUTION

Minute No. 45667

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

- That the recommendation of item 4 be adopted.

CARRIED

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 185/17 - DATED OCTOBER 13, 2017 -
AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES FROM MEETING HELD 11
SEPTEMBER 2017**

13/19

Recommendation

1. That Broken Hill City Council Report No. 185/17 dated October 13, 2017, be received.
2. That the minutes of the Audit, Risk and Improvement Committee meeting held 11 September 2017 be adopted.

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RESOLUTION

Minute No. 45668

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

CARRIED

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 186/17 - DATED OCTOBER 05, 2017 -
INVESTMENT REPORT FOR SEPTEMBER 2017**

17/82

Recommendation

1. That Broken Hill City Council Report No. 186/17 dated October 5, 2017, be received.

RESOLUTION

Minute No. 45669

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. 187/17 - DATED OCTOBER 09, 2017 -
TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE - PERFECT LIGHT FILM FESTIVAL**

11/307

Recommendation

1. That Broken Hill City Council Report No. 187/17 dated October 9, 2017, be received.
2. That Council suspend the prohibition of the consumption of alcohol in part of Sturt Park, under Section 632, of the *Local Government Act, 1993* on Saturday, 2 December 2017 6.00pm to Saturday, 2 December 2017 11.00pm for the Perfect Light Film Festival.
3. That the temporary suspension on the prohibition of the consumption of alcohol in part of Sturt Park be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirms that the suspension only applies to the VIP Marquee area; and that the consumption of alcohol will remain prohibited for all other areas of the Sturt Park and all existing alcohol free zones in Broken Hill will remain in force.
4. That Barrier Local Area Command be advised of Council's decision.

RESOLUTION

Minute No. 45670

Councillor B. Algate moved) That the recommendation of item 7 be adopted.
Councillor C. Adams seconded)

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 188/17 - DATED OCTOBER 12, 2017 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 375 HELD TUESDAY OCTOBER
3, 2017.**

11/397

Recommendation

1. That Broken Hill City Council Report No. 188/17 dated October 12, 2017, be received.
2. That the minutes for the Local Traffic Committee Meeting No. 375, held October 3, 2017, be received.

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RESOLUTION

Minute No. 45671

Councillor M. Browne moved

Councillor D. Gallagher seconded

)

That the recommendation of item 8 be adopted.

)

CARRIED

The General Manager took a question on notice from Councillor Clark relating to the proposal for a pedestrian crossing in Gypsum Street adjacent to the Burke Ward School and the RMS' criteria regarding the volume of pedestrian traffic that is required to warrant a crossing being installed.

ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 189/17 - DATED OCTOBER 12, 2017 - ACTION LIST REPORT

11/21

RESOLUTION

Minute No. 45672

Councillor C. Adams moved

Councillor M. Browne seconded

)

1. That Broken Hill City Council Report No. 189/17 dated October 12, 2017, be received.

)

2. That a progress report be presented to the November Council Meeting on the implementation of Action Item 1 – Sustainability Report No. 8/12 dated January 13, 2012 – Renewal of Lease to the Aero Club of Broken Hill Inc. at Airport – Confidential.

CARRIED

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 202/17 - DATED OCTOBER 18, 2017 - PUBLIC PRESENTATION OF 2016/2017 FINANCIAL STATEMENTS

13/92

Recommendation

1. That Broken Hill City Council Report No. 202/17 dated October 18, 2017, be received.
2. That Council adopt the financial statements and authorise the presentation of the financial statements to the public.

RESOLUTION

Minute No. 45673

Councillor J. Nolan moved

Councillor M. Browne seconded

)

That the recommendation of item 10 be adopted.

)

CARRIED

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 204/17 - DATED OCTOBER 13, 2017 - ANNUAL REPORT 2016/2017

15/144

Recommendation

1. That Broken Hill City Council Report No. 204/17 dated October 13, 2017, be received.
2. That the 2016/2017 Annual Report, inclusive of audited Annual Financial Statements, Delivery Program Key Performance Indicators for the reporting period ending 30 June 2017 (adopted at Council meeting 27 September 2017, minute no. 45632), be adopted.

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3. That the Annual Report, inclusive of audited Annual Financial Statements, Delivery Program Key Performance Indicators for the reporting period ending 30 June 2017 be posted on Council's website.
4. That Council's web link of Annual Report, inclusive of audited Annual Financial Statements Delivery Program Key Performance Indicators for the reporting period ending 30 June 2017 be provided to the Minister, via the Office of Local Government by 30 November 2017.

RESOLUTION

Minute No. 45674

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

CARRIED

The General Manager took the following questions on notice from Councillor Browne regarding the Annual Report:

- *Page 6 of the Annual Report – Economy – 2011 Profile ID statistics – whether the unit used for the measurement of the Gross Regional Product is correct?*
- *Page 15 of the Annual Report – The Year That Was Highlights – whether the GeoCentre and the Aquatic Centre figures are correct as they are exactly the same? and whether the Art Gallery and Visitor Information Centre figures are correct as they also are exactly the same?*

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 203/17 - DATED OCTOBER 18, 2017 -
AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES FROM MEETING HELD 13 OCTOBER
2017 13/19

Recommendation

1. That Broken Hill City Council Report No. 203/17 dated October 18, 2017, be received.
2. That the minutes of the Audit, Risk and Improvement Committee meeting held 13 October 2017 be adopted.

RESOLUTION

Minute No. 45675

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

CARRIED

COMMITTEE REPORTS

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 191/17 - DATED OCTOBER 09, 2017 - KEY
DIRECTION WORKING GROUP - OUR COMMUNITY - PROGRESS REPORT 17/85

Recommendation

1. That Broken Hill City Council Report No. 191/17 dated October 9, 2017, be received.

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RESOLUTION

Minute No. 45676

Councillor T. Kennedy moved) That the recommendation of item 13 be adopted.
Councillor M. Browne seconded)

CARRIED

The Mayor advised that an email would be sent to Councillors to nominate for the vacant Councillor delegate position on the Our Community Key Direction Working Group.

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 192/17 - DATED OCTOBER 10, 2017 - KEY DIRECTION WORKING GROUP - OUR ECONOMY - PROGRESS REPORT 17/86

Recommendation

1. That Broken Hill City Council Report No. 192/17 dated October 10, 2017, be received.

RESOLUTION

Minute No. 45677

Councillor B. Licul moved) That the recommendation of item 14 be adopted.
Councillor J. Nolan seconded)

CARRIED

ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 193/17 - DATED OCTOBER 10, 2017 - KEY DIRECTION WORKING GROUP - OUR ENVIRONMENT - PROGRESS REPORT 17/87

Recommendation

1. That Broken Hill City Council Report No. 193/17 dated October 10, 2017, be received.

RESOLUTION

Minute No. 45678

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

CARRIED

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 194/17 - DATED OCTOBER 10, 2017 - KEY DIRECTION WORKING GROUP - OUR LEADERSHIP - PROGRESS REPORT 17/84

Recommendation

1. That Broken Hill City Council Report No. 194/17 dated October 10, 2017, be received.

RESOLUTION

Minute No. 45679

Councillor C. Adams moved) That the recommendation of item 16 be adopted.
Councillor D. Gallagher seconded)

CARRIED

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 195/17 - DATED OCTOBER 13, 2017 - S355 COMMITTEE ANNUAL REPORTS 2016-2017 16/94

Recommendation

1. That Broken Hill City Council Report No. 195/17 dated October 13, 2017, be received.
2. That the Annual Report 2016/17 received from Section 355 Committees be received and noted.

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3. That a further report be provided to Council to present the outstanding Annual and Financial Reports from Section 355 Committees.

RESOLUTION

Minute No. 45680

Councillor M. Clark moved) That the recommendation of item 17 be adopted.
Councillor C. Adams seconded)

CARRIED

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 196/17 - DATED OCTOBER 12, 2017 -
NOMINATION FOR COMMUNITY MEMBERSHIP OF COUNCIL S355 COMMITTEE** 12/57

Recommendation

1. That Broken Hill City Council Report No. 196/17 dated October 12, 2017, be received.
2. That Sharon McIntyre be appointed as a community representative on the Riddiford Arboretum Community Committee.

RESOLUTION

Minute No. 45681

Councillor B. Algate moved) That the recommendation of item 18 be adopted.
Councillor M. Browne seconded)

CARRIED

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 190/17 - DATED OCTOBER 09, 2017 -
MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETINGS HELD 3 OCTOBER
2017** 12/52

Recommendation

1. That Broken Hill City Council Report No. 190/17 dated October 9, 2017, be received.
2. That minutes of the Memorial Oval Community Committee Meetings held 3 October 2017 be received.

RESOLUTION

Minute No. 45682

Councillor D. Gallagher moved) That the recommendation of item 19 be adopted.
Councillor R. Page seconded)

CARRIED

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 197/17 - DATED OCTOBER 10, 2017 -
MINUTES OF THE BROKEN HILL COMMUNITY STRATEGIC PLAN ROUND TABLE COMMITTEE
MEETING HELD 6 SEPTEMBER 2017** 13/145

Recommendation

1. That Broken Hill City Council Report No. 197/17 dated October 10, 2017, be received.
2. That the minutes of the Broken Hill Community Strategic Plan Round Table committee meeting held 6 September 2017 be received.

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RESOLUTION

Minute No. 45683

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

CARRIED

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 198/17 - DATED OCTOBER 12, 2017 -
MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE
MEETINGS HELD AUGUST 15, 2017 AND SEPTEMBER 19, 2017.**

12/51

Recommendation

1. That Broken Hill City Council Report No. 198/17 dated October 12, 2017, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held August 15, 2017 be received.
3. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held September 19, 2017 be received.

RESOLUTION

Minute No. 45684

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

CARRIED

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 22 - QUESTIONS ON NOTICE NO. 12/17 - DATED SEPTEMBER 29, 2017 - COUNCILLORS
QUESTIONS TAKEN ON NOTICE AT SEPTEMBER 2017 COUNCIL MEETING** 11/49 17/84 17/85
17/86 17/87 11/21 12/48 11/153 11/290

RESOLUTION

Minute No. 45685

- Councillor C. Adams moved)
Councillor M. Clark seconded)
1. That Questions On Notice No. 12/17 dated September 29, 2017, be received.
 2. That a report be presented to the November Council Meeting providing an update on the formation of a S355 Committee for the management and operation of the O'Neil Park Soccer Grounds; and prior to this the matter be progressed through the Our Community Key Direction Working Group.

CARRIED

Councillor Page foreshadowed a motion for the next Council Meeting for the upgrade of Jubilee Oval's toilets and shower facilities for female football grades in Broken Hill.

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

From Item 6 - Traffic Committee – RMS Criteria for Pedestrian Crossing at Burke Ward School 11/397
The General Manager took a question on notice from Councillor Clark relating to the proposal for a pedestrian crossing in Gypsum Street adjacent to the Burke Ward School and the RMS' criteria regarding the volume of pedestrian traffic required to warrant a crossing being installed.

From Item 11 – 2016/2017 Annual Report – Query regarding statistics 15/144
The General Manager took the following questions on notice from Councillor Browne regarding the Annual Report:

- *Page 6 of the Annual Report – Economy – 2011 Profile ID statistics – whether the unit used for the measurement of the Gross Regional Product is correct?*
- *Page 15 of the Annual Report – “The Year That Was” Highlights – whether the GeoCentre and the Aquatic Centre figures are correct as they are exactly the same? and whether the Art Gallery and Visitor Information Centre figures are correct as they also are exactly the same?*

Haulage of ore from Perilya's North Mine to their South Operations 11/467
Councillor Algate advised that he had met with a resident who raised concerns regarding the haulage of ore from the North Mine as distinct from the haulage of ore from Potosi; the resident referred to Council's decision in February 2017 approving the upgrade of the haulage trucks from B-Doubles to A-Doubles; and that there was discussion about two different routes, but was unsure how the Iodide Street route eventuated. The resident stated that there had never been a Council decision on the cartage of ore by road from the North Mine and referred to correspondence from RMS who were not in favour of the cartage and who suggested back in 2008 the use of the rail link was ruled out due to cost factors and serviceability of the rail line and that what may have been the case in 2008 may not necessarily be the case in 2017; and the resident asked why the rail link wasn't explored?

Councillor Algate asked if there was a Council resolution regarding the cartage of ore from the North Mine to the South Concentrator.

Haulage of ore from Perilya's North Mine to their South Operations 11/467

Councillor Nolan also advised that he had met with the same resident and supplemented Councillor Algate's question for next meeting by referring to Council's resolution of 27 October 2011 for amendment to consent regarding a 5 year operating period (Council Business Paper of 24 November 2010 refers) and that this 5 year period has expired. Councillor Nolan sought clarification as to how Perilya can still be carting ore when the 5 year period has expired?

Councillor Nolan also referred to Land and Environment Court Case 1310 Broken Hill Perilya Limited – Broken Hill North Mine Report 938/04. Councillor Nolan asked if Perilya's permit for transport of ore by road is still valid, given the expiration of the 5 year period and that this was conditional on a haulage road being constructed? The haulage road was never constructed.

Asbestos Inspector 11/161
Councillor Clark advised that she had also met with a resident who had concerns that building material in their home may contain asbestos and asked if Council had an asbestos inspector?

From Item 25 – Bankruptcy Matter - Councillor Workshop on Finance Policies 12/114

The Mayor took a question on notice from Councillor Page whether a Councillor Workshop could be conducted in relation to finance policies?

CONFIDENTIAL MATTERS

RESOLUTION

Minute No. 45686

Councillor D. Gallagher moved
Councillor M. Browne 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

Members of the public and media left the Council Chambers at 7:53 p.m.

**ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 201/17 - DATED OCTOBER 09, 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).

Councillor B. Licul moved
Councillor M. Clark seconded

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-)
1. That Broken Hill City Council Report No. 201/17 dated October 9, 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.
 5. That a further report be presented to Council, following the completion of the trial program, considering all comparisons of financials, resourcing and findings of the trial.
 6. That Council further investigates the possibility of undertaking work for RMS and neighboring Local Government areas in-line with the priorities adopted by the Our Economy Key Direction Working Group.

Amendment

Councillor T. Kennedy moved
Councillor B. Algate seconded

-)
-)
1. That Broken Hill City Council Report No. 201/17 dated October 9, 2017, be received.
 2. That the reseal be carried out by Council employees for the twelve month financial

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period 2017/2018 and over this period a report be prepared on the cost of Council employing the required amount of employees needed to carry out the reseal as required and details of the shortage of workers that Council has in the road maintenance, footpath maintenance and parks and gardens departments.

3. That Council further investigates the possibility of undertaking work for RMS and neighboring Local Government areas in-line with the priorities adopted by the Our Economy Key Direction Working Group.

CARRIED

A Division on the amendment was called which resulted in:

For: Councillors Nolan, Clark, Kennedy, Algate, Page and
Gallagher
Against: Councillors Licul, Adams, Browne and Turley

The amendment becomes the motion.

RESOLUTION

Minute No. 45687

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

1. That Broken Hill City Council Report No. 201/17 dated October 9, 2017, be received.
2. That the reseal be carried out by Council employees for the twelve month financial period 2017/2018 and over this period a report be prepared on the cost of Council employing the required amount of employees needed to carry out the reseal as required and details of the shortage of workers that Council has in the road maintenance, footpath maintenance and parks and gardens departments.
3. That Council further investigates the possibility of undertaking work for RMS and neighboring Local Government areas in-line with the priorities adopted by the Our Economy Key Direction Working Group.

CARRIED

A Division on the motion was called which resulted in:

For: Councillors Nolan, Clark, Kennedy, Algate, Page and
Gallagher
Against: Councillors Licul, Adams, Browne and Turley

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**ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 199/17 - DATED OCTOBER 09, 2017 -
TENDER T16/11 - TRANSFER STATION AT BROKEN HILL WASTE FACILITY - CONFIDENTIAL**

T16/11

(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. 199/17 dated October 9, 2017, be received.
2. That Council confirm and agree to new contract value of \$746,000 with CBC Innovations and agree to relocate the building to more solid ground.
3. That Council issue a formal Instrument of Agreement with new contract value to CBC Innovations to be executed by the Mayor and General Manager under the Common Seal of Council if required.
4. Council agree to release \$200,000 from the Restricted Waste reserve to cover the extra project costs.

RESOLUTION

Minute No. 45688

Councillor M. Browne moved) That the recommendation of item 24 be adopted.
Councillor D. Gallagher seconded)

CARRIED

A Division was called which resulted in:

For: Councillors Nolan, Clark, Licul, Algate, Page, Adams,
Gallagher, Browne and Turley
Against: Councillor Kennedy

Councillor Gallagher declared an interest in Item 25 and left the Council Chambers at 8:16 p.m.

**ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 200/17 - DATED OCTOBER 16, 2017 -
BANKRUPTCY MATTER - UPDATE - CONFIDENTIAL**

15/36

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

- Councillor B. Licul moved)
Councillor M. Browne seconded)
1. That Broken Hill City Council Report No. 200/17 dated October 16, 2017, be received.
 2. That Council note the independent legal advice received from BAL Lawyers.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
OCTOBER 25, 2017

Amendment

Councillor T. Kennedy moved
Councillor B. Algate seconded

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)

That Council accepts the amount owed in rates by the ratepayer and this amount be paid in full to Council; and that Council submits a petition to the Federal Court to annul the petition for bankruptcy, as long as this is legally possible. If Council is unable to legally submit the petition then the bankruptcy matter be referred to the November Council Meeting.

CARRIED

The amendment becomes the motion.

RESOLUTION

Minute No. 45689

Councillor T. Kennedy moved
Councillor B. Algate seconded

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)

That Council accepts the amount owed in rates by the ratepayer and this amount be paid in full to Council; and that Council submits a petition to the Federal Court to annul the petition for bankruptcy, as long as this is legally possible. If Council is unable to legally submit the petition then the bankruptcy matter be referred to the November Council Meeting.

CARRIED

The Mayor took a question on notice from Councillor Page whether a Councillor Workshop could be conducted in relation to finance policies?

The Mayor advised that a Councillor Workshop would be arranged.

RESOLUTION

Minute No. 45690

Councillor M. Browne moved
Councillor B. Algate seconded

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That the meeting resumes in open session.

CARRIED

Councillor Gallagher and members of the media and public returned to the Council Chambers at 8:35 p.m.

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

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
OCTOBER 25, 2017

There being no further business the Mayor closed the meeting at 8:38 p.m.

THE FOREGOING MINUTES WERE READ
AND CONFIRMED AT THE ORDINARY
MEETING OF THE BROKEN HILL CITY
COUNCIL HELD ON NOVEMBER 29, 2017.

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CHAIRPERSON

