MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
FEBRUARY 28, 2018

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,

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

Media (4), Members of the Public (29).

APOLOGIES: Nil

PRAYER

Councillor Adams delivered the prayer

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country

PUBLIC FORUM

Development Application 115/2017 – 333 Morgan Street (conversion of shed for medical/allied health
students at existing health services facility)

Ms Heather Attard spoke to her Development Application for the conversion of an existing shed for
use by allied health students at an existing health services facility (Interhealth Family Practice) at 333
Morgan Street and explained that she has recently purchased the neighbouring property where her
family will reside and will be seeking to consolidate the two properties therefore allowing for more
space onsite for staff and patient parking. Ms Attard gave an overview of the services that the
Interhealth Family Practice provides to Broken Hill and the surrounding region and stressed the need
for suitable training facilities for medical and allied health students and the importance that a positive
learning experience will have to encourage students to return to Broken Hill once they are qualified
practitioners.

MINUTES FOR CONFIRMATION

RESOLUTION
Minute No. 45731
Councillor M. Clark moved ) That the Minutes of the Ordinary Meeting of the
Councillor D. Gallagher seconded ) Council of the City of Broken Hill held December
) 13, 2017 be confirmed.

CARRIED
DISCLOSURE OF INTEREST

Councillor Kennedy declared:
• a non-pecuniary conflict of interest in Report No. 15/18 as he is a friend of the residents objecting to the Development Application and advised that he will leave the Council Chambers whilst the item is considered.

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 1/18 - DATED FEBRUARY 12, 2018 - BROKEN HILL LONG TERM WATER SUPPLY SOLUTIONS; SUMMARY OF THE FINAL BUSINESS CASE

RESOLUTION
Minute No. 45732
Councillor D. Turley moved
Councillor C. Adams seconded

1. That Mayoral Minute No. 1/18 dated February 12, 2018, be received.

2. That correspondence dated 12 February 2018 from the Hon Niall Blair MLC, Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry regarding the summary of the final business case: Broken Hill Long Term Water Supply Solution be received.

3. That Broken Hill City Council provides specific questions relative to the Wentworth to Broken Hill pipeline business case to the Hon Niall Blair MLC, Minister for Primary Industries, Minister for Regional Water and Minister for Trade and Industry.

CARRIED

NOTICES OF MOTION

ITEM 2 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 1/18 - DATED FEBRUARY 23, 2018 - $10M LOAN BORROWINGS

Notice of Motion

1. That Motions of Which Notice has been Given No. 1/18 dated February 23, 2018, be received.

2. That Broken Hill City Council prepared a report for the March 2018 Ordinary Meeting of Council explaining the following points in relation to the loan for $10,000,000 from the Westpac Bank.

   a) The cost in interest to the community over a 20 year fixed interest loan period for the $10,000,000 and the refinanced $3,600,000.
b) Why the report to Council used to base the majority decision of Councillors to borrow the initial $10,000,000 was through T-Corp and was a matter of urgency also had a worst case scenario. Yet Council used this resolution based on those facts to borrow $13,600,000 through Westpac Bank? This money could be borrowed on a needs basis as is required to improve or maintain infrastructure and should have been presented to Council via a report detailing the new circumstances.

c) How much additional interest will be paid for the refinancing of the $3,600,000 as opposed to paying off the $3,600,000 at the loan’s maturity?

d) What specific infrastructure projects are likely to use the borrowed money and why isn’t Council’s budget adequate to cover these projects given the sound financial position we are in?

e) How will the loan be serviced; how much off the principle each year will be paid; and what effect will this have on the infrastructure budgets of future Councils?

Councillor T. Kennedy moved
Councillor B. Algate seconded

Amendment
Councillor M. Browne moved
Councillor C. Adams seconded

That the recommendation be adopted.

That the original report regarding the $10M loan be recirculated to Councillors.

That the General Manager provides a report addressing the questions in Councillor Kennedy’s Notice of Motion, being:

a) The cost in interest to the community over a 20 year fixed interest loan period for the $10,000,000 and the refinanced $3,600,000.

b) Why the report to Council used to base the majority decision of Councillors to borrow the initial $10,000,000 was through T-Corp and was a matter of urgency also had a worst case scenario. Yet Council used this resolution based on those facts to borrow $13,600,000 through Westpac Bank? This money could be borrowed on a needs basis as is required to improve or maintain infrastructure and should have been presented to Council via a report detailing the new circumstances.

c) How much additional interest will be paid for the refinancing of the $3,600,000 as opposed to paying off the $3,600,000 at the loan’s maturity?

d) What specific infrastructure projects are likely to use the borrowed money and why isn’t Council’s budget
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adequate to cover these projects
given the sound financial position we
are in?

e) How will the loan be serviced; how
much off the principle each year will
be paid; and what effect will this have
on the infrastructure budgets of
future Councils?

That a loan analysis be included in the next
quarterly budget review report.

CARRIED

The amendment becomes the motion.

RESOLUTION
Minute No. 45733
Councillor M. Browne moved
Councillor C. Adams seconded

That the original report regarding the $10M loan
be recirculated to Councillors.

That the General Manager provides a report
addressing the questions in Councillor Kennedy’s
Notice of Motion, being:

a) The cost in interest to the community
over a 20 year fixed interest loan
period for the $10,000,000 and the
refinanced $3,600,000.

b) Why the report to Council used to
base the majority decision of
Councillors to borrow the initial
$10,000,000 was through T-Corp and
was a matter of urgency also had a
worst case scenario. Yet Council
used this resolution based on those
facts to borrow $13,600,000 through
Westpac Bank? This money could
be borrowed on a needs basis as is
required to improve or maintain
infrastructure and should have been
presented to Council via a report
detailing the new circumstances.

c) How much additional interest will be
paid for the refinancing of the
$3,600,000 as opposed to paying off
the $3,600,000 at the loan’s
maturity?

d) What specific infrastructure projects
are likely to use the borrowed money
and why isn’t Council’s budget
adequate to cover these projects
given the sound financial position we
are in?
e) How will the loan be serviced; how much off the principle each year will be paid; and what effect will this have on the infrastructure budgets of future Councils?

That a loan analysis be included in the next quarterly budget review report.

CARRIED

ITEM 3 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 2/18 - DATED FEBRUARY 23, 2018 - BHP FUNDED PROJECTS 14/181

RESOLUTION
Minute No. 45734
Councillor T. Kennedy moved )
Councillor M. Browne seconded )

1. That Motions of Which Notice has been Given No. 2/18 dated February 23, 2018, be received.

2. That Council notes that the information requested in Councillor Kennedy’s Notice of Motion regarding the expenditure for all projects related to the BHP funding has been circulated to Councillors.

CARRIED

ITEM 4 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 3/18 - DATED FEBRUARY 23, 2018 - WORKPLACE HEALTH & SAFETY OFFICER POSITION 14/128

Notice of Motion

1. That Motions of Which Notice has been Given No. 3/18 dated February 23, 2018, be received.

2. That a report be prepared for the March 2018 Ordinary Meeting of Council detailing the necessity for the position of Workplace Health and Safety Officer. What consultation did the General Manager engage with Councillors before deciding the position was a necessity given Sections 332(1A) and 333 of the Local Government Act and how did this position give effect to Council’s strategic planning given Council’s adopted budgetary restraints, that Section 333 of the Act would mean this was a redetermination requiring a Council decision and given this was not stated as one of the priorities as identified by Council decision, why was money saved from workers insurances used for this position without Council approval?

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

That the recommendation of Item 4 be received.

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

That Motions of Which Notice has been Given No. 3/18 dated February 23, 2018, be received.

CARRIED

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The amendment becomes the motion.

RESOLUTION
Minute No. 45735
Councillor M. Browne moved ) That Motions of Which Notice has been Given
Councillor B. Licul seconded ) No. 3/18 dated February 23, 2018, be received.

CARRIED

A Division was called which resulted in:

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

ITEM 5 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 4/18 - DATED FEBRUARY 23, 2018 - COUNCIL'S CAPACITY TO UNDERTAKE CONTRACTED ROAD WORKS 14/6, 11/339

Notice of Motion

1. That Motions of Which Notice has been Given No. 4/18 dated February 23, 2018, be received.

2. That Broken Hill City Council commit to achieving a paid workforce that is adequate to carry out all Council paid for road maintenance and services and also potential contracted work from other providers such as RMS and other Councils.

3. That a report be submitted to the April Meeting of Council detailing what would be required for from a Council restructure as per 333 of the Local Government Act for the above to be achieved and that the General Manager begin to implement this immediately and for it to be completed within 18 months from the date of this meeting.

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

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

1. That Motions of Which Notice has been Given No. 4/18 dated February 23, 2018, be received.

2. That Broken Hill City Council commit to achieving a paid workforce that is adequate to carry out all Council paid for road maintenance and services and also potential contracted work from other providers such as RMS and other Councils.

3. That the matter be referred to the Draft Budget Process as a matter of urgency.

CARRIED

The amendment becomes the motion.

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RESOLUTION
Minute No. 45736
Councillor M. Browne moved ) 1. That Motions of Which Notice has been
Councillor B. Licul seconded ) Given No. 4/18 dated February 23, 2018, be
received.

2. That Broken Hill City Council commit to
achieving a paid workforce that is adequate
to carry out all Council paid for road
maintenance and services and also potential
contracted work from other providers such as
RMS and other Councils.

3. That the matter be referred to the Draft
Budget Process as a matter of urgency.

CARRIED

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

ITEM 6 - REPORTS FROM DELEGATES NO. 1/18 - DATED FEBRUARY 05, 2018 - COUNCILLOR
ADAMS' ATTENDANCE AT THE OFFICIAL LAUNCH OF THE REJUVENATED PETERBOROUGH
MAIN STREET PROJECT

Recommendation

1. That Reports from Delegates No. 1/18 dated February 5, 2018, be received.

2. That Councillor Adams's report regarding attendance at the official launch of the rejuvenated Main Street Project in Peterborough be received.

RESOLUTION
Minute No. 45737
Councillor C. Adams moved ) That the recommendation of item 6 be received.
Councillor D. Gallagher seconded )

CARRIED

REPORTS

ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 1/18 - DATED FEBRUARY 06, 2018 -
CORRESPONDENCE REPORT - SEEKING SUPPORT FOR A TRIAL OF A TOURISM
ACCOMMODATION LEVY (BED TAX)

Recommendation

1. That Broken Hill City Council Report No. 1/18 dated February 6, 2018, be received.

2. That correspondence dated 29 November 2017 from the Mayor of Byron Shire Council regarding support for a trial of a Tourism Accommodation Levy (Bed Tax) be received.

RESOLUTION

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ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 2/18 - DATED DECEMBER 19, 2017 - CORRESPONDENCE REPORT - HOMELESSNESS IN AUSTRALIA

Recommendation


2. That correspondence dated 26 October 2017 from the Mayor of Frankston City Council regarding homelessness in Australia be received and noted.

3. That Council sends correspondence to the Australian Government supporting increased funding as part of the 2018-2019 Federal Budget, for essential services and sheltered accommodation for vulnerable Australian people and families.

RESOLUTION

Minute No. 45739
Councillor C. Adams moved ) That the recommendation of item 8 be received.
Councillor M. Clark seconded )
CARRIED

ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 3/18 - DATED FEBRUARY 07, 2018 - APRIL COUNCIL MEETING ARRANGEMENTS

Recommendation

1. That Broken Hill City Council Report No. 3/18 dated February 7, 2018, be received.

2. That Council's Ordinary Monthly Meeting for April 2018 be held on Thursday, April 26, 2018.

RESOLUTION

Minute No. 45740
Councillor B. Algate moved ) That the recommendation of item 9 be received.
Councillor M. Browne seconded )
CARRIED

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 4/18 - DATED JANUARY 18, 2018 - ESTABLISHMENT OF A JOINT ORGANISATION FOR FAR WEST COUNCILS

RESOLUTION

Minute No. 45741
Councillor B. Algate moved )
Councillor R. Page seconded )

1. That Broken Hill City Council Report No. 4/18 dated January 18, 2018, be received.

2. That in accordance with Part 7 of Chapter 12 of the Local Government Act 1993 the Broken Hill City Council resolves:

   a) That Council informs the Minister for Local Government of Council's endorsement of the Minister

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recommendation to the Governor the establishment of a Joint Organisation
in accordance with this resolution.

b) That the Broken Hill local government area be included in the Joint Organisations area.

c) That the Joint Organisation be established to cover Broken Hill City Council's area and any one or more of the following council areas:

- Wentworth Shire Council,
- Balranald Shire Council,
- Central Darling Shire Council,
- Walgett Shire Council,
- Cobar Shire Council
- Bourke Shire Council.

d) That Broken Hill City Council's commitment to the Far West Joint Organisation is predicated on the NSW State Government commitment to provide recurrent funding.

e) That the recurrent funding commitment of the NSW State Government to the Far West Joint Organisation be $500,000 per annum, indexed annually.

f) That on the expiry of a period of 28 days from the making of this resolution, the General Manager provide the Minister:

- With a copy of this resolution including the date on which Council made this resolution; and

- Inform the Minister that this resolution has not been rescinded; for the purpose of the Minister issuing a certificate under section 400P of the Act.

CARRIED
ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 5/18 - DATED JANUARY 16, 2018 - APPOINTMENT OF NEW MEMBERS TO THE WESTERN JOINT REGIONAL PLANNING PANEL

Recommendation

1. That Broken Hill City Council Report No. 5/18 dated January 16, 2018, be received.

2. That based on the required selection criteria Council nominate two (2) members being James Roncon (General Manager), Darriea Turley (Mayor) and one (1) alternate member, Razija Nu'man (Corporate Responsibility Officer) as independent members on the Western Region JRPP, to determine development applications of regional significance in the Broken Hill City Council Local Government Area.

RESOLUTION
Minute No. 45742
Councillor J. Nolan moved ) That the recommendation of item 11 be adopted.
Councillor M. Browne seconded )
CARRIED

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 6/18 - DATED DECEMBER 19, 2017 - ATTENDANCE AT THE 2018 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT TO BE HELD IN CANBERRA ON 17-20 JUNE, 2018 AND CALL FOR MOTIONS

RESOLUTION
Minute No. 45743
Councillor J. Nolan moved )
Councillor R. Page seconded )


2. That Council be represented at the 2018 National General Assembly of Local Government in Canberra, June 17-20, 2018 by the Mayor, Deputy Mayor and General Manager.

3. That Council determine motions to the 2018 National General Assembly of Local Government in line with the Assembly's eligibility principles; and such motions be submitted to the Australian Local Government Association by March 30, 2018 along with a copy of the supporting Council resolution from either the February or March Council Meetings.

4. That Council note that two motions will be forthcoming regarding:

   a) Strengthening the role of the Murray Darling Basin Authority.

   b) Distribution of Financial Assistance Grants to Regional Councils.

CARRIED
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ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 7/18 - DATED JANUARY 29, 2018 - ADOPTION OF DRAFT SPONSORSHIP POLICY

Recommendation


3. That the adoption of the Draft Sponsorship Policy supersedes the existing Sponsorship Policy.

RESOLUTION
Minute No. 45744
Councillor J. Nolan moved ) That the recommendation of item 13 be received.
Councillor B. Algate seconded )

CARRIED

The Mayor took a question on notice from Councillor Kennedy regarding Council’s Public Art Policy and whether Development Applications had been submitted for all public murals in Broken Hill, and whether they were compliant with Council’s Public Art Policy?

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 8/18 - DATED FEBRUARY 13, 2018 - DRAFT SOCIAL MEDIA POLICY FOR PUBLIC EXHIBITION

Recommendation

1. That Broken Hill City Council Report No. 8/18 dated February 13, 2018, be received.

2. That Council endorse the draft Social Media Policy for the purpose of public exhibition.

3. That the draft Social Media 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 Social Media Policy.

RESOLUTION
Minute No. 45745
Councillor C. Adams moved ) That the recommendation of item 14 be adopted.
Councillor D. Gallagher seconded )

CARRIED

ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 9/18 - DATED FEBRUARY 13, 2018 - DRAFT DIGITAL STRATEGY FOR PUBLIC EXHIBITION

Recommendation

1. That Broken Hill City Council Report No. 9/18 dated February 13, 2018, be received.

2. That Council endorse the draft Digital Strategy for the purpose of public exhibition.

3. That the draft Digital Strategy 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 Digital Strategy.

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RESOLUTION
Minute No. 45746
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. 10/18 - DATED FEBRUARY 20, 2018. -
UPDATE ON RELOCATION OF CITY LIBRARY

RESOLUTION
Minute No. 45747
Councillor C. Adams seconded ) 10/18 dated February 20, 2018, be received.

2. That the results of the Broken Hill
Charles Rasp Memorial Library
community consultation be noted.

3. That Council commit to a new library and
community hub to be constructed at the
rear of the Town Hall Façade that will
create a civic and cultural heart for the City.

4. That Council support the incorporation of
the Outback Archives into the proposed
new library and cultural hub building as
part of a broader cultural precinct
development.

5. That Council note the existing budget
allocation of $150,000 matched by a
Commonwealth Grant for an activation
study for the Central Business District
(CBD), which provides funding for
specialists to undertake the community
engagement, design and provision of
construction drawings and costings for
the Cultural Precinct Development
project.

6. That Council commit a further $150,000
as part of the 2018/19 budget to
complete the design and construction
plans for the library as a component of
the cultural precinct development.

7. That Council note discussions with BHP
Billiton Foundation (BHPBF) around the
requirement for any potential changes to
project scope and required prior
approvals by the BHPBF under the
Council - BHP Billiton Charitable
Foundation agreement.
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8. That Council note that investment in these projects will allow Council to seek funding contributions for a project that will be 'construction ready'.

9. That Council note that endorsement of this Cultural Precinct project and new Library and Community Hub will establish it as priority project for Broken Hill City Council with the Mayor, General Manager and Council staff using every opportunity to advocate for it on behalf of the Community.

10. That the General Manager form a Steering Committee to guide the project.

CARRIED


Recommendation

1. That Broken Hill City Council Report No. 11/18 dated February 14, 2018, be received.

2. That the 2nd Quarterly Budget Review Statement and recommendations be adopted.

3. That Council note the projected 2017/18 operating deficit (before capital) is decreased by $19,000 to $1,821,000.

4. That Council note the 2017/18 projected capital budget is increased by $59,000 to $11,825,000.

RESOLUTION
Minute No. 45748
Councillor B. Algate moved
Councillor T. Kennedy seconded

That the recommendation of item 17 be adopted.

CARRIED

Councillor Kennedy asked when the state grant funds would be available for works at the Broken Hill Tennis Association tennis courts and Patton Park.

The Mayor took the question on notice.

ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 12/18 - DATED FEBRUARY 05, 2018 - INVESTMENT REPORT FOR DECEMBER 2017 17/82

Recommendation

1. That Broken Hill City Council Report No. 12/18 dated February 5, 2018, be received.

RESOLUTION
Minute No. 45749
Councillor B. Algate moved
Councillor J. Nolan seconded

That the recommendation of item 18 be adopted.

CARRIED
ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 13/18 - DATED FEBRUARY 16, 2018 - INVESTMENT REPORT FOR JANUARY 2018

Recommendation

1. That Broken Hill City Council Report No. 13/18 dated February 16, 2018, be received.

RESOLUTION

Minute No. 45750
Councillor B. Algase moved ) That the recommendation of item 19 be adopted.
Councillor J. Nolan seconded )

CARRIED

ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 14/18 - DATED FEBRUARY 16, 2018 - REVIEW OF HERITAGE AWARDS 2018

Recommendation

1. That Broken Hill City Council Report No. 14/18 dated February 16, 2018, be received.

2. That the Heritage Awards Ceremony for 2018 not be held due to insufficient private Local Heritage Projects over the last 12 months.

3. That Council investigate options to reinvigorate and increase participation in the Local Heritage Grant Scheme.

RESOLUTION

Minute No. 45751
Councillor M. Browne moved ) That the recommendation of item 20 be adopted.
Councillor T. Kennedy seconded )

CARRIED

ITEM 21 – BROKEN HILL CITY COUNCIL REPORT NO. 15/18 – DATED FEBRUARY 05, 2018 – DEVELOPMENT APPLICATION 115/2017 – PROPOSED CONVERSION OF EXISTING SHED TO ALLOW FOR MEDICAL/ALLIED HEALTH STUDENTS AT EXISTING HEALTH SERVICES FACILITY – 333 MORGAN STREET, BROKEN HILL

Councillor Kennedy declared a non-pecuniary conflict of interest in item 21 and left the Council Chambers at 7:45pm

Recommendation

1. That Broken Hill City Council Report No. 15/18 dated February 5, 2018, be received.

2. That Development Application 115/2017 be approved, to allow for (i) the conversion and use of an existing shed as offices for allied health and medical students in conjunction with the existing Health Services Facility onsite at 333 Morgan Street, Broken Hill, and (ii) to establish carparking spaces onsite at 333 Morgan Street and part of 337 Morgan Street, Broken Hill.

3. That Development Application 115/2017 be approved subject to the following conditions:

- Compliance with Building Code of Australia
  That all building work must be out in accordance with the provisions of the Building Code of
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Australia.

- Consolidation
  That Lot A DP 386136 and Lot 9 DP 9298 shall be consolidated at the full cost to the developer. Evidence of the consolidation plan being registered with LPI NSW must be provided to Council within 6 months of the date of this approval.

- Carparking
  That carparking facilities clearly signposted shall be provided onsite. The number of spaces to be provided shall be 8. The car parking design must comply with Australian Standard 2890. Prior to the issue of an Occupation Certificate, the vehicle access and off street parking facilities must be constructed in accordance with the approved design and relevant Australian Standard.

- Internal Access Driveways
  That the internal access driveway and parking spaces shall be all weather surfaces constructed of bitumen sealed pavement or equivalent to ensure that stormwater drains off the surface without interference to adjoining or neighbouring properties.

- Operation Hours
  That the hours of operation shall be restricted to 8:30am to 5:30pm Monday to Friday with no work on Saturday, Sunday or Public Holidays.

- Injury to Amenity
  That immediate remedial measures shall be taken if in the opinion of Council, injury is being caused to the amenity of the neighbourhood due to any nuisance, traffic hazard or otherwise and that the use shall cease if it is considered that the use can no longer be tolerated.

- Wastes
  That the site shall be maintained in a clean and tidy state at all times and all waste shall be stored in an approved waste storage area screened from view.

- Signage
  That the existing business sign at the front of 333 Morgan Street shall be removed. The sign shall be removed within 3 months of the date of this approval. Any new signage is subject to separate application to Council, and that application shall provide details of colour, size, location, height and method of illumination.

- Parking Management Plan
  That the applicant/clinic operator shall develop a Parking Management Plan that outlines expectations for staff parking, including but not limited to, that staff shall park onsite; staff not to park on the footpath at any time and that staff must take all necessary measures to ensure that their vehicles movements do not cause unnecessary nuisance to the neighbourhood. The Plan must designate specific staff parking spaces. The Plan shall outline education measures it will take, such as leaflets and signage, that encourages clients to use the onsite parking spaces.

- Construction certificate required
  a) Prior to the commencement of any work on the site, the person having the benefit of this consent;
  b) shall appoint a Principal Certifying Authority (PCA);
  c) a Construction Certificate is to be obtained from either Council or an Accredited Certifier. (All structural details and specifications showing compliance with the BCA must be provided);
  d) shall ensure a Construction Certificate is issued by the PCA.
e) shall notify Council of their intention to commence the site works, at least 2 days prior to commencement of work.

- Damage from works
  All works are to be out so as not to cause damage to nearby public infrastructure, services and utilities, including Council’s kerb and gutter, footpaths, water mains, sewer mains and roadways. All damage arising from demolition is to be made good and any necessary repairs and renovations out immediately at no cost to Council.

- Occupation Certificate
  The Applicant is to obtain an Occupation Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from the Principal Certifying Authority prior to occupation of the building.

- Damage to Adjoining Properties
  All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

- Staff numbers
  A maximum number of 2 health care professionals are permitted to work within the existing Health clinic building at any one time. Additional to this, a maximum number of 2 administration staff are permitted to work within the Health clinic building at any one time. The converted shed is to be used only by allied health/medical students.

- Vehicular Access
  That a full concrete or paved driveway be provided from the existing kerb and gutter to the boundary alignment. Prior to work being undertaken, an Application must be made to Council’s Infrastructure Department for “Construction of Private Works – Concreting/Paving on Council Reserve”.

- Landscaping
  Suitable low-maintenance landscaping must be provided and maintained by the applicant/operator. This landscaping shall be provided, within the subject site, along the dividing neighbour fences (in the front yard of the property) to soften the impact of the onsite carparking areas.

**RESOLUTION**

Minute No. 45752
Councillor J. Nolan moved ) That the recommendation of item 21 be adopted.
Councillor D. Gallagher seconded )

CARRIED

A Division was called which resulted in:

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

Councillor Kennedy returned to the Council Chambers at 7:47pm. The Mayor advised Councillor Kennedy that Council had adopted the report recommendation of item 21.

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ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 16/18 - DATED FEBRUARY 14, 2018 -
DEVELOPMENT APPLICATION 156/2017 - PROPOSED STATUE OF ROY INWOOD VC ON THE
FOOTPATH AT THE FRONT OF 403 ARGENT STREET, BROKEN HILL

RESOLUTION
Minute No. 45753
Councillor C. Adams moved
Councillor M. Browne seconded
That the matter be deferred pending further
discussions with staff on how any planning
conscerns may be able to be overcome should
Council wish to approve DA156/2017.

CARRIED

ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 17/18 - DATED FEBRUARY 08, 2018 -
WILLYAMA COMMON TRUST - LICENCE AGREEMENT FOR INSTALLATION OF WATER
PIPELINE FROM KNOX STREET TO THORNDALE STATION

Recommendation
1. That Broken Hill City Council Report No. 17/18 dated February 8, 2018, be received.
2. That Council in its capacity as the Willyama Common Trust Manager enter into a 10 year licence
agreement with the owners of Thorndale Station for the installation of a private water supply
pipeline across Lot 7482 DP 1200701 and Lot 7488 DP 1200701.
3. That Thorndale Station (Mr. C & Mrs. S. Bright) cover all legal fees in the establishment of the
licence agreement.
4. That the Mayor and General Manager be delegated authority to sign the licence agreement under
the Common Seal of Council in the absence of a Trust Seal.

RESOLUTION
Minute No. 45754
Councillor B. Aigate moved
Councillor J. Nolan seconded
That the recommendation of item 23 be adopted.

CARRIED

ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 18/18 - DATED FEBRUARY 15, 2018 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 377 HELD TUESDAY
DECEMBER 5, 2017 AND MEETING NO 387 HELD FEBRUARY 6, 2018.

RESOLUTION
Minute No. 45755
Councillor M. Clark moved
Councillor J. Nolan seconded
1. That Broken Hill City Council Report No. 18/18 dated February 15, 2018, be received.
2. That the minutes for the Local Traffic Committee Meeting No. 377, held December 5, 2017 and Meeting No. 378, held February 6, 2018 be received.
3. That Council sends correspondence to the Roads and Maritime Service and the Broken Hill Police Service seeking their
reasoning/substantiation for objecting to the introduction of angle parking in Crystal Street adjacent to the new health service development.

CARRIED

The Mayor took a question on notice from Councillor Kennedy regarding whether the "state highway" designation of Crystal Street can be removed?

ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 19/18 - DATED NOVEMBER 15, 2017 - UPDATE ON ACTION LIST ITEM - RENEWAL OF LEASE AT THE AIRPORT TO THE AERO CLU OF BROKEN HILL

11/232

Recommendation

1. That Broken Hill City Council Report No. 19/18 dated November 15, 2017, be received.

2. That the item be removed from the Action List as the amended lease renewal relating to the Council Resolution Minute No. 43222 has now expired, and noting the information contained in this report.

3. That Council notes that staff will meet with the Broken Hill Aero Club regarding negotiating a new lease as per advice from Council’s solicitor and a report regarding a new lease will be provided to Council in due course.

RESOLUTION

Minute No. 45756
Councillor J. Nolan moved
Councillor C. Adams seconded

That the recommendation of item 25 be adopted.

CARRIED

ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 20/18 - DATED FEBRUARY 05, 2018 - ACTION LIST REPORT

11/21

Recommendation

1. That Broken Hill City Council Report No. 20/18 dated February 5, 2018, be received.

RESOLUTION

Minute No. 45757
Councillor B. Algate moved
Councillor D. Gallagher seconded

That the recommendation of item 26 be adopted.

CARRIED

The Mayor noted the Action List Item - Motions of Which Notice Has Been Given - Construction of the Murray Pipeline from the November 2017 Council Meeting which states that the Notice of Motion would be deferred until a report is presented to the February Council Meeting following the Mayor and General Manager’s meeting with Ministers. The Mayor stated that a report regarding these meetings will be presented to the March Council Meeting.
COMMITTEE REPORTS

ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 21/18 - DATED FEBRUARY 14, 2018 - MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE MEETING HELD NOVEMBER 28, 2017

Recommendation

1. That Broken Hill City Council Report No. 21/18 dated February 14, 2018, be received.

2. That minutes of the BIU Band Hall Community Committee Meeting held November 28, 2017 be received.

RESOLUTION

Minute No. 45758
Councillor C. Adams moved ) That the recommendation of item 27 be
Councillor D. Gallagher seconded ) adopted.

CARRIED

ITEM 28 - BROKEN HILL CITY COUNCIL REPORT NO. 22/18 - DATED DECEMBER 20, 2017 - MEMBERSHIP OF THE COMMUNITY STRATEGIC PLAN ROUND TABLE ADVISORY COMMITTEE

Recommendation

1. That Broken Hill City Council Report No. 22/18 dated December 20, 2017, be received.

2. That Melanie Chynoweth be appointed as a community representative on the Community Strategic Plan Round Table Advisory Committee.

3. That the Constitution of the Community Strategic Plan Round Table Advisory Committee be amended to include a representative from the Broken Hill Youth Council; and that Council sends correspondence to the Broken Hill Youth Council accordingly.

ITEM 29 - BROKEN HILL CITY COUNCIL REPORT NO. 23/18 - DATED JANUARY 23, 2018 - MEMBERSHIP OF THE BROKEN HILL HERITAGE COMMITTEE

Recommendation


2. That Council call for nominations for two community members with demonstrated expertise in heritage, arts, culture and/or event planning, for membership on the Broken Hill Heritage Committee.

3. That Council acknowledge in writing the resignations of Mr. Gareth Thomas and Ms. Tracy Fraser and express its gratitude and appreciation for their contribution to the committee and the community.
ITEM 30 - BROKEN HILL CITY COUNCIL REPORT NO. 24/18 - DATED FEBRUARY 21, 2018 - MEMBERSHIP OF THE MEMORIAL OVAL COMMUNITY COMMITTEE

Recommendation
1. That Broken Hill City Council Report No. 24/18 dated February 21, 2018, be received.
2. That Mr Christopher May be appointed as a community representative (Silver City Kennel Club) on the Memorial Oval Community Committee.

ITEM 31 - BROKEN HILL CITY COUNCIL REPORT NO. 25/18 - DATED JANUARY 15, 2018 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETINGS HELD 5 DECEMBER 2017 AND 6 FEBRUARY 2018

Recommendation
2. That minutes of the Memorial Oval Community Committee Meetings held 5 December 2017 and 6 February 2018 (Annual General Meeting) be received.


Recommendation
1. That Broken Hill City Council Report No. 26/18 dated February 12, 2018, be received.
2. That minutes of the Broken Hill Regional Art Gallery Advisory Committee Meetings held 12 July 2017, 13 September 2017 and 22 November 2017 be received.

ITEM 33 - BROKEN HILL CITY COUNCIL REPORT NO. 27/18 - DATED FEBRUARY 13, 2018 - MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETINGS HELD JANUARY 19, 2018 AND FEBRUARY 15, 2018

Recommendation
1. That Broken Hill City Council Report No. 27/18 dated February 13, 2018, be received.
2. That the minutes of the Broken Hill Heritage Committee Meetings held January 19, 2018 and February 15, 2018 be received and noted.

ITEM 34 - BROKEN HILL CITY COUNCIL REPORT NO. 28/18 - DATED FEBRUARY 13, 2018 - MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD DECEMBER 12, 2017

Recommendation
1. That Broken Hill City Council Report No. 28/18 dated February 13, 2018, be received.
2. That minutes of the Picton Oval Community Committee Meeting held December 12, 2017 be received.

Minute No. 45759
Councillor T. Kennedy moved) That the recommendations of items 28 to 34 be adopted.
Councillor M. Clark seconded) CARRIED

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 35 - QUESTIONS ON NOTICE NO. 1/18 - DATED FEBRUARY 16, 2018 - COUNCILLORS
QUESTIONS TAKEN ON NOTICE AT THE DECEMBER 2017 COUNCIL MEETING 11/141, 11/467, 11/49

Recommendation

1. That Questions On Notice No. 1/18 dated February 16, 2018, be received.

RESOLUTION
Minute No. 45760
Councillor T. Kennedy moved) That the recommendation of item 35 be adopted.
Councillor J. Nolan seconded) CARRIED

ITEM 36 - QUESTIONS ON NOTICE NO. 2/18 - DATED DECEMBER 15, 2017 - PUBLIC FORUM
QUESTIONS TAKEN ON NOTICE AT THE DECEMBER 2017 COUNCIL MEETING 11/141

Recommendation

1. That Questions On Notice No. 2/18 dated December 15, 2017, be received.

RESOLUTION
Minute No. 45761
Councillor M. Browne moved) That the recommendation of item 36 be adopted.
Councillor C. Adams seconded) CARRIED

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

From Item 13 – Adoption of Draft Event Sponsorship Policy
The Mayor took a question on notice from Councillor Kennedy regarding Council's Public Art Policy and whether Development Applications had been submitted for all public murals in Broken Hill, and whether they were compliant with Council's Public Art Policy?

From Item 17 – Quarterly Budget Review Statement for Period Ending December 31, 2017
Councillor Kennedy asked when the state grant funds would be available for works at the Broken Hill Tennis Association tennis courts and Patton Park.
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From Item 24 – Minutes of the Local Traffic Committee Meetings
The Mayor took a question on notice from Councillor Kennedy regarding whether the “state highway” designation of Crystal Street can be removed?

CONFIDENTIAL MATTERS

ITEM 37 - BROKEN HILL CITY COUNCIL REPORT NO. 29/18 - DATED DECEMBER 22, 2017 - T16/13 - BROKEN HILL ANIMAL POUND TENDER - CONFIDENTIAL

(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


2. That Council rejects the tender from Gettin There Pty Ltd.

3. That Council do not invite fresh tenders for Tender T16/13 due to poor interest in the project from contractors.

4. That Council enters into direct negotiations with contractors with a view to entering into a contract for the construction of a new animal Pound Facility subject to the provisions of clause 178(3) of the Local Government (General) Regulation 2005 for the following reasons being:

   a) Poor interest from contractors locally and regionally in tender T16/13;
   
   b) High cost of ongoing advertisements in newspapers;
   
   c) Increased effectiveness of direct negotiations.

5. That a further report be presented to Council subsequent to contractor negotiations.

RESOLUTION

Minute No. 45762
Councillor M. Browne moved ) That the recommendation of item 37 be adopted.
Councillor D. Gallagher seconded )

CARRIED

ITEM 38 - BROKEN HILL CITY COUNCIL REPORT NO. 30/18 - DATED FEBRUARY 08, 2018 - T18/1 - TENDER FOR RECONSTRUCTION OF FAILED SEALED PAVEMENT SECTIONS AWARD - CONFIDENTIAL

(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. 30/18 dated February 8, 2018, be received.

2. That Fulton Hogan Industries Pty Ltd be awarded the Contract for Tender T18/1.

3. That Council accept the lump sum fee of $1,343,940.18 ex. GST for all tendered works under T18/1.

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4. That Council accept the additional quotation to T18/1 from Fulton Hogan Industries Pty Ltd for Reconstruction of Kanandah Road Section 2 for $213,240 ex. GST.

RESOLUTION
Minute No. 45763
Councillor C. Adams moved ) That the recommendation of item 38 be adopted.
Councillor J. Nolan seconded )
CARRIED

ITEM 39 - BROKEN HILL CITY COUNCIL REPORT NO. 31/18 - DATED FEBRUARY 09, 2018 -
EVENT SPONSORSHIP - ROUND TWO - 2017/18 - CONFIDENTIAL 11/117
(General Manager's Note: This report considers information of a commercial nature and details that may confer a commercial advantage on competitors/other events 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. 31/18 dated February 9, 2018, be received.

2. That Council adopts the recommendations for Event Sponsorship for applications received for Round 2 of 2017-2018 being for:

3. Sponsorship of $10,000.00 for AGFAIR

4. Sponsorship of $5,000.00 for Broken Hill Art Exchange Desert Equinox Solar and Wind Art Prize, exhibition and associated activities 2018

RESOLUTION
Minute No. 45764
Councillor B. Licul moved ) That the recommendation of item 39 be adopted.
Councillor M. Clark seconded )
CARRIED

ITEM 40 - BROKEN HILL CITY COUNCIL REPORT NO. 32/18 - DATED FEBRUARY 08, 2018 -
PROPOSED LICENCE TO WATER NSW FROM WILLYAMA COMMON TRUST - CONFIDENTIAL 11/63
(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. 32/18 dated February 8, 2018, be received.

2. That the Willyama Common Trust seeks Ministerial approval to enter into a two year licence agreement with WaterNSW for the installation of a water supply pipeline across part of the Willyama Common being Lot 7300 DP 1179131.

3. That WaterNSW be responsible for all legal costs associated with the negotiation and finalisation of this licence agreement inclusive of costs associated with the creation of a future easement as required.

4. That documents required to be sealed by the Willyama Common Trust be executed by the Mayor and General Manager under Council's Seal in the absence of a Trust Seal.
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RESOLUTION
Minute No. 45765
Councillor M. Browne moved ) That the recommendation of item 40 be adopted.
Councillor B. Licul seconded )
CARRIED

ITEM 41 - BROKEN HILL CITY COUNCIL REPORT NO. 33/18 - DATED FEBRUARY 07, 2018 -
PROPOSED LEASES TO WATER NSW - CONFIDENTIAL 15/103
(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. 33/18 dated February 7, 2018, be received.
2. That Council lease Lot 2393 DP 757298 and Lot 1 DP 601770 to Water NSW for the installation
   of a new water pipeline and associated works.
3. That the term of both leases be for two years.
4. That Water NSW be responsible for all legal costs associated with the negotiation and finalisation
   of these lease agreements inclusive of costs associated with the creation of future easements
   where appropriate.
5. That documents required to be sealed be executed by the Mayor and General Manager under
   Council’s Seal.

RESOLUTION
Minute No. 45766
Councillor J. Nolan moved ) That the recommendation of item 41 be adopted.
Councillor B. Aigle seconded ) CARRIED

At the Mayor’s invitation, the General Manager read the resolutions of the confidential items.

Councillor Gallagher congratulated Mayor Turley on being awarded as a Member of the Order of
Australia on Australia Day 2018.

There being no further business the Mayor closed the meeting at 8:15pm

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

[Signature]
CHAIRPERSON

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