
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,
B. Licul, J. Nolan and R. Page.

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)

Councillor D. Gallagher seconded)

That the Minutes of the Ordinary Meeting of the
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 11/426

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 13/21

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.

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- 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) That the recommendation be adopted.
Councillor B. Algate seconded)

Amendment

Councillor M. Browne moved) That the original report regarding the \$10M loan
Councillor C. Adams seconded) 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?

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- 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) That the recommendation of item 5 be adopted.
Councillor B. Algate seconded)

Amendment

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

The amendment becomes the motion.

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RESOLUTION

Minute No. 45736

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

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

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

11/407

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)
Councillor D. Gallagher seconded)

That the recommendation of item 6 be received.

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)

11/161

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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Minute No. 45738

Councillor T. Kennedy moved) That the recommendation of item 7 be received.
Councillor B. Licul seconded)

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 2/18 - DATED DECEMBER 19, 2017 -
CORRESPONDENCE REPORT - HOMELESSNESS IN AUSTRALIA** 11/161

Recommendation

1. That Broken Hill City Council Report No. 2/18 dated December 19, 2017, be received.
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** 11/21

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** 11/173

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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recommending 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

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**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**

11/529

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**

11/304

RESOLUTION

Minute No. 45743

- Councillor J. Nolan moved)
Councillor R. Page seconded)
1. That Broken Hill City Council Report No. 6/18 dated December 19, 2017, be received.
 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**

11/117

Recommendation

1. That Broken Hill City Council Report No. 7/18 dated January 29, 2018, be received.
2. That Council adopts the Draft Sponsorship Policy as a Policy of Council.
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**

12/14

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**

12/14

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
Councillor M. Clark seconded

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)

That the recommendation of item 15 be adopted.

CARRIED

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 10/18 - DATED FEBRUARY 20, 2018 -
UPDATE ON RELOCATION OF CITY LIBRARY**

16/24

RESOLUTION

Minute No. 45747

Councillor J. Nolan moved
Councillor C. Adams seconded

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)

1. That Broken Hill City Council Report No. 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

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 11/18 - DATED FEBRUARY 14, 2018 -
QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING DECEMBER 2017** 12/160

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) That the recommendation of item 17 be adopted.
Councillor T. Kennedy seconded)

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

CARRIED

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**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 13/18 - DATED FEBRUARY 16, 2018 -
INVESTMENT REPORT FOR JANUARY 2018** 17/82

Recommendation

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

RESOLUTION

Minute No. 45750

Councillor B. Algate 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** 12/114

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** 11/467

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.

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- 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** 11/467

RESOLUTION

Minute No. 45753

Councillor C. Adams moved) That the matter be deferred pending further
Councillor M. Browne seconded) discussions with staff on how any planning
concerns 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** 11/214

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

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.** 11/397

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

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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 CLUB 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) That the recommendation of item 25 be adopted.
Councillor C. Adams seconded)

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) That the recommendation of item 26 be adopted.
Councillor D. Gallagher seconded)

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**

16/8

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

Councillor D. Gallagher seconded

)

)

That the recommendation of item 27 be

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**

13/145

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**

15/87

Recommendation

1. That Broken Hill City Council Report No. 23/18 dated January 23, 2018, be received.
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.

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**ITEM 30 - BROKEN HILL CITY COUNCIL REPORT NO. 24/18 - DATED FEBRUARY 21, 2018 -
MEMBERSHIP OF THE MEMORIAL OVAL COMMUNITY COMMITTEE** 12/52

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** 12/52

Recommendation

1. That Broken Hill City Council Report No. 25/18 dated January 15, 2018, be received.
2. That minutes of the Memorial Oval Community Committee Meetings held 5 December 2017 and 6 February 2018 (Annual General Meeting) be received.

**ITEM 32 - BROKEN HILL CITY COUNCIL REPORT NO. 26/18 - DATED FEBRUARY 12, 2018 -
MINUTES OF THE BROKEN HILL REGIONAL ART GALLERY ADVISORY COMMITTEE
MEETINGS HELD 12 JULY 2017, 13 SEPTEMBER 2017 AND 22 NOVEMBER 2017** 12/46

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** 15/87

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** 12/54

Recommendation

1. That Broken Hill City Council Report No. 28/18 dated February 13, 2018, be received.

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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
Councillor M. Clark seconded) adopted.

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 T16/13

(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. 29/18 dated December 22, 2017, be received.
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 T18/1

(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. 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. Algate 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



CHAIRPERSON