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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JULY 25, 2018

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Meeting commenced at 6:30p.m.

**PRESENT:** Councillor D. Turley (Mayor) Councillor M. Browne (Deputy Mayor)  
Councillors C. Adams, B. Algate, M. Clark, T. Kennedy, B. Licul and  
R. Page.  
  
General Manager, Chief Operations Officer, Chief Financial Officer,  
Manager Communications, Governance Officer and Executive Support  
Officer.  
  
Media (4), Members of the Public (12).

**APOLOGIES:** Councillors J. Nolan and D. Gallagher.

**RESOLUTION**

Minute No. 45856

Councillor C. Adams moved ) That the apologies submitted on behalf of  
Councillor B. Licul seconded ) Councillors Nolan and Gallagher be accepted  
and leave of absence granted.

CARRIED

**PRAYER**

Councillor Adams delivered the prayer

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Adams delivered the Acknowledgment of Country

**PUBLIC FORUM**

Nil.

**MINUTES FOR CONFIRMATION**

**RESOLUTION**

Minute No. 45857

Councillor M. Browne moved ) That the Minutes of the Ordinary Meeting of the  
Councillor C. Adams seconded ) Council of the City of Broken Hill held June 27,  
2018 be confirmed with an amendment to the  
list of attendees to remove the Chief Operating  
Officer.

CARRIED

### DISCLOSURE OF INTEREST

Councillor Adams declared:

- a non-pecuniary interest in Report No. 117/18 as she is a member of the North Mine Community Consultative Committee and advised that she will remain in the Council Chambers and will exercise her vote.

### MAYORAL MINUTES

#### ITEM 1 - MAYORAL MINUTE NO. 6/18 - DATED JULY 16, 2018 - PUBLIC LIBRARY FUNDING

11/167

Resolved:

1. That Mayoral Minute No. 6/18 dated July 16, 2018, be received.
2. That Council endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
3. That Council make representation to the local State Member, in relation to the need for additional funding from the NSW State Government for the provision of public library services.
4. That Council write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.
5. That Council take a leading role in activating the campaign locally.
6. That Council endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.
7. That Council formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.

#### **RESOLUTION**

Minute No. 45858

Councillor D. Turley moved )

Councillor M. Browne seconded )

CARRIED

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**ITEM 2 - MAYORAL MINUTE NO. 7/18 - DATED JULY 24, 2018 - BROKEN HILL CIVIC CENTRE -  
UPDATE** 17/114

Resolved:

1. That Mayoral Minute No. 7/18 dated July 24, 2018, be received.
2. That Council note the upcoming briefings and updates around the Civic Centre project in the week of 27 August 2018.

**RESOLUTION**

Minute No. 45859

Councillor D. Turley moved )

Councillor C. Adams seconded )

CARRIED UNANIMOUSLY

*The Mayor took a question on notice from Councillor Kennedy regarding the legal costs that Council has incurred thus far with regards to litigation against the original builder and architect undertaking the Civic Centre refurbishment and also the over budget expenditure to have the defect works rectified.*

**NOTICES OF MOTION**

Nil.

**RESCISSION MOTIONS**

Nil.

**REPORTS FROM DELEGATES**

Nil.

**REPORTS**

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 106/18 - DATED APRIL 06, 2018 -  
ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 21-23 OCTOBER  
2018** 11/364

Resolved:

1. That Broken Hill City Council Report No. 106/18 dated April 6, 2018, be received.
2. That registration and travel arrangements be made for the Mayor, Deputy Mayor and any interested Councillors to attend the Local Government NSW Conference to be held in Albury, October 21-23, 2018.
3. That Council's Mayor and Deputy Mayor be Council's voting delegates to the Conference.
4. That Council determine motions to the NSW Local Government Annual Conference in line with the criteria prior to the closing date of August 26, 2018.

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**RESOLUTION**

Minute No. 45860

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

CARRIED

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 107/18 - DATED JULY 17, 2018 -  
DEVELOPMENT APPLICATION DA34/2018 - APPLICATION TO PAINT A MURAL ON A HERITAGE  
BUILDING** 11/467

*Prior to the motion being put, Councillor Browne foreshadowed an amendment (being the report recommendation as written). The foreshadowed amendment was not accepted by the Mayor as it was contrary to the motion.*

*The Mayor accepted a foreshadowed motion from Councillor Browne (being the report recommendation as written).*

Motion

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

1. That Broken Hill City Council Report No. 107/18 dated July 17, 2018, be received.

2. That Development Application 34/2018 be approved for the following reasons:

1. There is sufficient information about the Heritage Impact pursuant to clause 10.5(5) of Broken Hill LEP 2013, pursuant to section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*.
2. the development will not have a detrimental effect on the heritage significance of the heritage item known as item I229 Wendt's Chambers pursuant to clause 5.10(4) of Broken Hill LEP 2013, pursuant to section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979* for the following reasons:
  - (a) because Broken Hill is a City of artists and a City that promotes art and murals.
  - (b) The painting of the heritage item known as item I229 Wendts Chambers, as a mural is consistent with the character and amenity of the locality and streetscape for the reasons outlined above (because Broken Hill is a City of artists and a City that promotes art and murals).
  - (c) The proposed mural is consistent with the scale, form, character and design of development in the locality.
  - (d) The proposed painting of the heritage item known as item I229 Wendts Chambers, as a mural will not have a detrimental effect on the heritage significance of the property.

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- (e) The site is suitable for the development because it is compatible with conserving the heritage significance of the site.
- 3. It is consistent with the objectives of clause 5.10(1)(a) and (b) of Broken Hill 2013, pursuant to section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979* for the following reasons: as the development promotes murals and art in the City.
- 4. It is consistent with the objectives of Part 8 of the Broken Hill Development Control Plan because the development promotes murals and art in the City.

- 3. That the proposed business identification sign be amended to remove the word "Nachiappan" from the medical box in the mural where it reads "Nachiappan Surgery" so that it reads "Surgery".

LOST

A Division was called which resulted in:

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

*The foreshadowed motion was put.*

**RESOLUTION**

Minute No. 45861

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

- 1. That Broken Hill City Council Report No. 107/18 dated July 17, 2018, be received.
- 2. That Development Application 34/2018 be refused for the following reasons:
  - 1. There is insufficient information because the requested Heritage Impact Statement has not been submitted pursuant to clause 10.5(5) of Broken Hill LEP 2013, pursuant to section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*.
  - 2. It will have a detrimental effect on the heritage significance of the heritage item known as item I229 Wendt's Chambers, pursuant to clause 5.10(4) of Broken Hill LEP 2013, pursuant to section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979* for the following reasons:
    - (a) The painting of the heritage item known as item I229 Wendts Chambers, as a mural is not consistent with the character and

- amenity of the locality and streetscape for the reasons outlined in the Heritage Advisor's comments, pursuant to section 4.15(1)(b) of the *Environmental Planning and Assessment Act, 1979*
- (b) The proposed mural is not consistent with the scale, form, character and design of development in the locality for the reasons outlined in the Heritage Advisor's comments, pursuant to section 4.15(1)(b) of the *Environmental Planning and Assessment Act, 1979*.
  - (c) The proposed painting of the heritage item known as item I229 Wendts Chambers, as a mural will have a detrimental effect on the heritage significance of the property for the reasons outlined in the Heritage Advisor's comments, pursuant to section 4.15(1)(b) of the *Environmental Planning and Assessment Act, 1979*.
  - (d) The site is not suitable for the development because it is not compatible with conserving the heritage significance of the site for the reasons outlined in the Heritage Advisor's comments, pursuant to section 4.15(1)(c) of the *Environmental Planning and Assessment Act, 1979*.
3. It is not consistent with the objectives of clause 5.10(1)(a) and (b) of Broken Hill 2013, pursuant to section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979* for the following reasons:
- (a) It does not conserve the environmental heritage of Broken Hill for the reasons outlined in the Heritage Advisor's comments.
  - (b) It does not conserve the heritage significance of the heritage item known as item I229 Wendts Chambers, nor does it conserve the significance of the Argent Street Heritage Conservation Area for the reasons outlined in the Heritage Advisor's comments.
4. It is not consistent with the objectives of Part 8 the Broken Hill Development Control Plan because it does not maintain an appropriate setting for the conservation of the heritage item known as item I229 Wendts Chambers, nor does it compliment the heritage item and Argent Street Conservation area for the reasons outlined in the heritage advisor's comments, pursuant to section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act, 1979*.

5. The proposed business identification sign is not consistent with the objectives of the *State Environmental Planning Policy 64 Advertising and Signage* pursuant to section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979* nor does it satisfy the assessment criteria, for the following reasons:
    - (a) It is not considered that the signage is compatible with the desired amenity and visual character of the area for the reasons outlined in the Heritage Advisor's report.
    - (b) The proposed signage is not considered compatible with the character of the area for the reasons outlined in the Heritage Advisor's comments.
    - (c) The proposed sign detracts from the amenity and visual quality of the heritage conservation area for the reasons outlined in the Heritage Advisor's comments.
    - (d) The scale and proportion of the proposal is not appropriate for the streetscape for the reasons outlined in the Heritage Advisor's comments.
    - (e) The proposal is not considered to contribute to the visual interest of the streetscape for the reasons outlined in the Heritage Advisor's comments.
    - (f) The proposed signage is not compatible with the scale or proportions of the building because it covers the entire wall, and as such is considered to be too large.
    - (g) The proposed signage does not respect the heritage values of the building for the reasons outlined in the Heritage Advisor's report.
  6. The business identification sign is not consistent with the objectives of part 5 of the Broken Hill Development Control Plan because it is detrimental to the character of the area and also its scale and form is not complimentary to the streetscape for the reasons outlined in the heritage advisor's comments, pursuant to section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act, 1979*.
3. That Council issue an order under the provisions of the *Environmental Planning and Assessment Act 1979*, as amended, for the removal of the mural.

CARRIED

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A Division was called which resulted in:

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

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 108/18 - DATED JULY 13, 2018 -  
AMENDMENT TO BROKEN HILL CITY COUNCIL'S 2018/19 FEES AND CHARGES -  
COMMERCIAL WASTE FEES**

17/206

Resolved:

1. That Broken Hill City Council Report No. 108/18 dated July 13, 2018, be received.
2. That the proposed amendments to the 2018/19 Schedule of Fees & Charges be adopted.
3. That the amended fees become effective as of 1 July 2018.

**RESOLUTION**

Minute No. 45862

Councillor M. Browne moved )  
Councillor M. Clark seconded )

CARRIED

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 109/18 - DATED JULY 12, 2018 -  
INVESTMENT REPORT FOR JUNE 2018**

17/82

Resolved:

1. That Broken Hill City Council Report No. 109/18 dated July 12, 2018, be received.

**RESOLUTION**

Minute No. 45863

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

CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 110/18 - DATED JULY 05, 2018 - ACTION  
LIST REPORT**

11/21

Resolved:

1. That Broken Hill City Council Report No. 110/18 dated July 5, 2018, be received.

**RESOLUTION**

Minute No. 45864

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

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 111/18 - DATED JUNE 15, 2018 - MINUTES  
OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 382 HELD TUESDAY JUNE 5, 2018.**

11/397

Resolved:

1. That Broken Hill City Council Report No. 111/18 dated June 15, 2018, be received.
2. That the minutes for the Local Traffic Committee Meeting No.382, held June 5, 2018 be received.



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3. Item Number 382.6.3 - That the request for road closure as per The Palace Hotel's Traffic Control Plan:

Author: Bradley Burcher

Notes: Argent St Parade Closed from Saturday 8/9/18 at 11am to 3pm Saturday Chloride St & Oxide St Intersection will be closed for public safety.

Traffic Management Plan Number 0033638263.

Be endorsed by Council and that any costs associated with the road closure be covered by The Palace Hotel.

**RESOLUTION**

Minute No. 45865

Councillor M. Browne moved )

Councillor M. Clark seconded )

CARRIED

**COMMITTEE REPORTS**

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 112/18 - DATED JULY 05, 2018 - MINUTES OF THE ALMA OVAL COMMUNITY COMMITTEE MEETING HELD 26 JUNE 2018** 12/45

Resolved:

1. That Broken Hill City Council Report No. 112/18 dated July 5, 2018, be received.
2. That minutes of the Alma Oval Community Committee Meeting held 26 June 2018 be received.

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 113/18 - DATED JULY 09, 2018 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD JUNE 19, 2018** 12/51

Resolved:

1. That Broken Hill City Council Report No. 113/18 dated July 9, 2018, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held June 19, 2018 be received.

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 114/18 - DATED JULY 11, 2018 - MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD 18 JUNE 2018** 12/54

Resolved:

1. That Broken Hill City Council Report No. 114/18 dated July 11, 2018, be received.
2. That minutes of the Picton Oval Community Committee Meeting held 18 June 2018 be received.

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 115/18 - DATED JULY 13, 2018 - MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETING HELD JULY 5, 2018** 15/87

Resolved:

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1. That Broken Hill City Council Report No. 115/18 dated July 13, 2018, be received.
2. That the minutes of the Broken Hill Heritage Committee Meeting held July 5, 2018 be received and noted.

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 116/18 - DATED JULY 17, 2018 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETINGS HELD 5 JUNE 2018 AND 4 JULY 2018** 12/52

**Resolved:**

1. That Broken Hill City Council Report No. 116/18 dated July 17, 2018, be received.
2. That minutes of the Memorial Oval Community Committee Meetings held 5 June 2018 and 4 July 2018 be received.

**Minute No. 45866**

Councillor M. Clark moved ) That the recommendations of items 9 to 13 be  
Councillor C. Adams seconded ) adopted.

CARRIED

### SUPPLEMENTARY REPORTS

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 117/18 - DATED JULY 19, 2018 - LETTER OF SUPPORT - PROPOSED MODIFICATIONS TO ORE HAULAGE ROUTE AND EVAPORATIONS PONDS - NORTH MINE RECOMMENCEMENT PROJECT** 13/4

**Resolved:**

1. That Broken Hill City Council Report No. 117/18 dated July 19, 2018, be received.
2. That the matter be deferred to the August Council Meeting pending a site visit for Councillors of Perilya's proposed modifications to development consent SSD 7538, which entails modifications to the approved ore haulage route and evaporation ponds, associated with the Broken Hill North Mine project.

**RESOLUTION**

**Minute No. 45867**

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

CARRIED

### QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

Nil.

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

Civic Centre Redevelopment

17/114

*The Mayor took a question on notice from Councillor Kennedy regarding the legal costs that Council has incurred thus far with regards to litigation against the original builder and architect undertaking the Civic Centre redevelopment and also the over budget expenditure to have the defect works rectified.*

Community Meeting

17/206, 17/114

*Councillor Kennedy invited Councillors and the General Manager to attend a public meeting to be held Tuesday 31 July 2018 at 7:00pm in the Musician's Club.*

*The Mayor advised that herself and the General Manager would be in Mildura attending a meeting on Tuesday 31 July, and thanked Councillor Kennedy for his invitation.*

**WELCOME**

*The Mayor welcomed Council's new Chief Operations Officer Anthony Misagh and his family to Broken Hill.*

**CONFIDENTIAL MATTERS**

Nil.

There being no further business the Mayor closed the meeting at 7:22 p.m.

THE FOREGOING MINUTES WERE READ  
AND CONFIRMED AT THE ORDINARY  
MEETING OF THE BROKEN HILL CITY  
COUNCIL HELD ON 29 AUGUST 2018.

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CHAIRPERSON