
MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MARCH 26, 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 and R. Page.

General Manager, Director Corporate, Manager Planning Development and
Compliance, Communications and Customer Engagement Coordinator and
Governance Officer.

Media (3), Members of the Public (21).

APOLOGIES: Councillor J. Nolan.

Resolution:

Minute No. 45768

Moved Councillor B. Licul) That the apology submitted on behalf of
Seconded Councillor C. Adams) Councillor Nolan be accepted and leave of
absence granted.

CARRIED

PURPOSE OF THE MEETING

To consider the following matter:

- Councillor/s Motion to Approve a Development before Receipt and Assessment of a Development Application

DISCLOSURE OF INTEREST

Nil

REPORTS

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 47/18 - DATED MARCH 20, 2018 -
COUNCILLOR/S MOTION TO APPROVE A DEVELOPMENT BEFORE RECEIPT AND
ASSESSMENT OF A DEVELOPMENT APPLICATION** 11/249, 11/467

Motion:

Moved Councillor M. Browne) That Broken Hill City Council Report No. 47/18
Seconded Councillor B. Licul) dated March 20, 2018, be received.

That Council note the report.

Amendment:

Moved Councillor T. Kennedy) That Council rescinds the order to remove/paint
over the mural known as DA34/2018 within 14
days and that the mural goes through the normal Development Application process and be brought to

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MARCH 26, 2018

Council determination; and that no formal action be taken against the applicant before or after the Development Application is determined.

THE MAYOR DID NOT ACCEPT THE AMENDMENT
As it is unlawful to consider a development whilst the
development is being assessed by Council staff

Motion of Dissent:

Moved Councillor T. Kennedy) Councillor Kennedy called a Motion of Dissent on
the Mayor's ruling and referred to a High Court
decision (case not cited) that Councils cannot approve Development Applications retrospectively but
that Councils can move motions prospectively and may hold over an item until the development
application assessment process is complete.

LOST

*The Mayor referred to Section 240(2) of the Local Government Act 1993 that it is unlawful for Council
to debate a Development Application whilst it is being assessed.*

The Mayor put the motion.

Minute No. 45769

Moved Councillor M. Browne) That Broken Hill City Council Report No. 47/18
Seconded Councillor B. Licul) dated March 20, 2018, be received.

That Council note the report.

CARRIED

**MATTER OF URGENCY
MAYORAL MINUTE**

**ITEM 2 - MAYORAL MINUTE NO. 3/18 - DATED MARCH 26, 2018 - DEVELOPMENT
APPLICATION DA34/2018 - PAINTING OF A MURAL IN THE HERITAGE PRECINCT ON A
HERITAGE BUILDING**

11/467

Resolved that:

1. That the Matter of Urgency be considered; that Mayoral Minute No. 3/18 dated March 26, 2018, be received.
2. That the development application (DA34/2018) received for the painting of a mural in the heritage precinct, on a heritage building, be referred to the City of Canterbury Bankstown or an independent Planning Consultant for development assessment

Minute No. 45770

Moved Councillor D. Turley
Seconded Councillor D. Gallagher

CARRIED

Councillor Kennedy called a point of order regarding the recommendation of the Mayoral Minute stating that it is not dissimilar to his amendment to Item 1, in which the Mayor ruled his amendment unlawful.

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MARCH 26, 2018

The Mayor stated that the recommendation of the Mayoral Minute complied with Local Government Regulations 2005.

A Division was called which resulted in:

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

There being no further business the Mayor closed the meeting at 6:51 p.m.

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

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CHAIRPERSON