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ABN 84 873 116 132

March 23, 2018

EXTRAORDINARY MEETING

TO BE HELD

MONDAY, MARCH 26, 2018

Dear Sir/Madam,

Your attendance is requested at the Extraordinary Meeting of the Council of the City of Broken Hill to be held in the Council Chamber, Sulphide Street, Broken Hill on **Monday, March 26, 2018** commencing at **6:30pm** to consider the following business:

- 1) Apologies
- 2) Disclosure of Interest
- 3) Reports
 - a) Councillor/s Motion to Approve a Development Before Receipt and Assessment of a Development Application



JAMES RONCON
GENERAL MANAGER

REPORTS

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)..... 3

EXTRAORDINARY MEETING OF THE COUNCIL

March 20, 2018

ITEM 1BROKEN HILL CITY COUNCIL REPORT NO. 47/18

SUBJECT: COUNCILLOR/S MOTION TO APPROVE A DEVELOPMENT
BEFORE RECEIPT AND ASSESSMENT OF A DEVELOPMENT
APPLICATION 11/249, 11/467

Recommendation

1. That Broken Hill City Council Report No. 47/18 dated March 20, 2018, be received.
2. That Council note the report.

Executive Summary:

Broken Hill City Council is in receipt of a request received 15 March 2018 calling for an Extraordinary Meeting of Council to approve a development, before receipt and assessment of the development application has been undertaken by staff.

Council should seek a Division.

Report:

Broken Hill City Council is in receipt of a notice calling for an Extraordinary Meeting of Council. The request seeks to approve a development before a development application had been lodged and appropriately assessed by staff.

In accordance with the provisions of the *Local Government (General) Regulation 2005* Reg 240(2):

‘The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council’.

It is my opinion that the business is (or the implementation of the business would be) unlawful within the meaning of clause 240(2) of the *Local Government (General) Regulation 2005*.

It should also be clearly noted that it is this type of activity that has seen metropolitan Councils lose their planning powers in favour of Independent Hearing and Assessment Panels (IHAPs). An outcome such as an IHAP in the Broken Hill City Council area may, arguably, mean worse outcomes for the community so the powers Council currently have should be respected.

It is also my opinion that a Division be required.

Strategic Direction:

Key Direction: 4 Our Leadership
Objective: 4.1 Openness and Transparency in Decision Making
Function: Leadership and Governance
DP Action: 4.1.1.06 The Council leadership group works well together to serve the community

Key Direction: 4 Our Leadership
Objective: 4.1 Openness and Transparency in Decision Making
Function: Corporate Support
DP Action: 4.1.1.22 Maintain good governance and best practice methods and ensure compliance with various guidelines, legislation and report requirements

Relevant Legislation:

Local Government (General) Regulation 2005 Reg 240

Financial Implications:

Nil

Attachments

There are no attachments for this report.

JAMES RONCON
GENERAL MANAGER