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

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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, Communication and Community Engagement Coordinator,  
Governance Officer and Executive Support Officer.

Media (3), Members of the Public (14).

**APOLOGIES:**

Councillor J. Nolan

**RESOLUTION**

Minute No. 45771

Councillor B. Licul moved )

Councillor M. Clark seconded )

That the apology submitted on behalf of  
Councillor Nolan be accepted and leave of  
absence granted.

CARRIED

**PRAYER**

Councillor Adams delivered the prayer.

**ACKNOWLEDGEMENT OF COUNTRY**

delivered the Acknowledgment of Country.

**PUBLIC FORUM**

Nil

**MINUTES FOR CONFIRMATION**

**RESOLUTION**

Minute No. 45772

Councillor B. Algate moved )

Councillor M. Clark seconded )

That the Minutes of the Ordinary Meeting of the  
Council of the City of Broken Hill held February  
28, 2018 be confirmed.

CARRIED

**RESOLUTION**

Minute No. 45773

Councillor M. Browne moved )

Councillor D. Gallagher seconded )

That the Minutes of the Extraordinary Meeting of  
the Council of the City of Broken Hill held March  
08, 2018 be confirmed.

CARRIED

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

---

**RESOLUTION**

Minute No. 45774

Councillor M. Browne moved )

Councillor M. Clark seconded )

That the Minutes of the Extraordinary Meeting of  
the Council of the City of Broken Hill held March  
26, 2018 be confirmed.

CARRIED

**DISCLOSURE OF INTEREST**

Nil

**MAYORAL MINUTES**

ITEM 1 - MAYORAL MINUTE NO. 2/18 - DATED MARCH 08, 2018 - IPART MEETING 11/426

**Resolved:**

1. That Mayoral Minute No. 2/18 dated March 8, 2018, be received and noted.

**RESOLUTION**

Minute No. 45775

Councillor D. Turley moved )

Councillor C. Adams seconded )

CARRIED

**NOTICES OF MOTION**

ITEM 2 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 5/18 - DATED MARCH 20, 2018 -  
MOTION FOR THE NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2018 -  
FINANCIAL ASSSITANCE GRANTS 11/175

**Resolved:**

1. That Motions of Which Notice has been Given No. 5/18 dated March 20, 2018, be received.
2. That Council submits a motion to the National General Assembly of Local Government 2018 to call on the Federal Government to re-examine the criteria for the calculation and distribution of Financial Assistance (FAG) Grants with a view to better meeting the needs of Rural and Regional Councils.

**RESOLUTION**

Minute No. 45776

Councillor M. Clark moved )

Councillor R. Page seconded )

CARRIED

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

---

**ITEM 3 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 6/18 - DATED MARCH 20, 2018 - MOTION FOR THE NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2018 - WATER ISSUES** 11/426

**Resolved:**

1. That Motions of Which Notice has been Given No. 6/18 dated March 20, 2018, be received.
2. That Council submits a motion to the National General Assembly of Local Government 2018 to call upon the Federal Government to strengthen the role of the Murray Darling Basin Authority with regard to enforcement of compliance regarding water retention and extraction limits to guarantee that agreed flows are allowed to pass downstream for the length of the Barwon/Darling river.

**RESOLUTION**

Minute No. 45777

Councillor M. Clark moved )

Councillor R. Page seconded )

CARRIED

**RESCISSION MOTIONS**

Nil.

**REPORTS FROM DELEGATES**

**ITEM 4 - REPORTS FROM DELEGATES NO. 2/18 - DATED MARCH 21, 2018 - ASSOCIATION OF MINING AND ENERGY RELATED COUNCILS MEETING HELD FEBRUARY 23, 2018** 11/195

**Resolved:**

1. That Reports from Delegates No. 2/18 dated March 21, 2018, be received.

**RESOLUTION**

Minute No. 45778

Councillor B. Algate moved )

Councillor M. Clark seconded )

CARRIED

**REPORTS**

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 35/18 - DATED MARCH 08, 2018 - 2017-2021 DELIVERY PROGRAM – KEY PERFORMANCE INDICATORS PROGRESS REPORT FROM 1 JULY 2017 TO 31 DECEMBER 2017** 16/165

**Resolved:**

1. That Broken Hill City Council Report No. 35/18 dated March 8, 2018, be received.
2. That Council adopt the 2017-2021 Delivery Program – Key Performance Indicators Progress Report from 1 July 2017 to 31 December 2017.

**RESOLUTION**

Minute No. 45779

Councillor D. Gallagher moved )

Councillor M. Clark seconded )

CARRIED

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

---

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 36/18 - DATED MARCH 05, 2018 - 2017-2021 DISABILITY INCLUSION ACTION PLAN KEY PERFORMANCE INDICATORS PROGRESS REPORT - 1 JULY 2017 - 31 DECEMBER 2017** 16/82

**Resolved:**

1. That Broken Hill City Council Report No. 36/18 dated March 5, 2018, be received.
2. That Council adopt the Disability Inclusion Action Plan 2017-2021 – Key Performance Indicators for the reporting period 1 July 2017 and ending 31 December 2017.
3. That Council call a meeting of the Disability Inclusion Action Plan Monitoring Group to assess the progress report.

**RESOLUTION**

Minute No. 45780

Councillor M. Clark moved )

Councillor C. Adams seconded )

CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 37/18 - DATED MARCH 08, 2018 - INVESTMENT REPORT FOR FEBRUARY 2018** 17/82

**Resolved:**

1. That Broken Hill City Council Report No. 37/18 dated March 8, 2018, be received.

**RESOLUTION**

Minute No. 45781

Councillor M. Browne moved )

Councillor D. Gallagher seconded )

CARRIED

*Councillor Kennedy raised queries around the nature of Council's managed funds. The General Manager took the question on notice.*

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 38/18 - DATED MARCH 12, 2018 - DEVELOPMENT APPLICATION 162/2017 - ALTERATIONS AND REFURBISHMENT OF YMCA BUILDING TO CREATE "YMCA BROKEN HILL INTEGRATED WELLNESS CENTRE"** 11/467

**Resolved:**

1. That Broken Hill City Council Report No. 38/18 dated March 12, 2018, be received.
2. That Development Application 162/2017 be approved, subject to the following conditions:
  - The development shall be carried out in accordance with:
    - a) The approved stamped plans prepared by AJ & C, being DA1001-4, DA 1001-5, DA2101-6, DA0201-5, DA2101-7, DA3101-6, DA3201-5, DA3901-6.
    - b) The approved Statement of Environmental Effects prepared by BW & A National Building Consultants (dated March 2018).
    - c) The approved Heritage Impact Statement prepared by Elizabeth Vines (dated February 2018)
    - d) The approved Parking Capacity Review prepared by TTW (dated 13 February 2018)
    - e) The approved Civil design statement prepared by TTW (dated 15 December 2017)
    - f) The approved Structural design statement prepared by TTW (dated 6 December 2017)
    - g) The approved Statement on services design prepared by Trinamic Consultants (dated 6 November 2017)
    - h) On street parking sketch, drawing number T01 (option 1, parallel parking) prepared by TTW

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

---

except where amended by any of the following conditions.

- The hours of operation of the premises are restricted to the times listed below:

Monday to Thursday: 5am to 10pm

Friday: 5am to 9pm

Saturday: 8am to 8pm

Sunday: 8am to 8pm

Public Holidays: 8am to 8pm

- The food preparation areas must comply with the *Food Act 2003* and the *Australia New Zealand Food Standards Code*.  
The internal fit out and operation of the premises shall comply with the requirements of the *Food Act 2003* and *Australia New Zealand Food Standards Code Standard 3.2.3 - Food Premises and Equipment*.  
The food business is to be notified to Broken Hill City Council's Planning, Development and Compliance Department.
- Construction activities at the development site shall be carried out only between 7.00am to 6.00pm Monday to Saturday. No work on Sundays and Public Holidays is permitted.
- During construction, any waste materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- At no time shall the use of the premises give rise to offensive noise as defined under the *Protection of the Environment Operations Act 1997*.
- All required exits, emergency lighting, exit signs and other fire safety measures within the existing building must be upgraded to comply with the requirements of Sections D and E of the *Building Code of Australia*. Plans of the proposed upgrading works must be submitted to the certifying authority, prior to the issue of a Construction Certificate.
- Prior to the commencement of any work on the site, a Construction Certificate is to be obtained from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with this consent and the applicable standards.
- Prior to the commencement of any work on the site, the person having the benefit of this consent:
  - shall appoint a Principal Certifying Authority (PCA).
  - shall ensure a Construction Certificate is issued by the PCA.
  - shall notify Council of their intention to commence the site works, at least 2 days prior to commencement of work.
- During construction, all street trees shall be retained and protected, except where Council's prior written consent has been obtained to remove a particular tree(s).
- During construction, works are to be carried 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.
- The Applicant is to obtain an Occupation Certificate pursuant to Section 6.4 (c) of the *Environmental Planning and Assessment Act 1979*, from the Principal Certifying Authority prior to occupation of the building.

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

---

- That the Lot Titles Lots 1 & 2 Section 28 DP 759092, Lots 1, 2, 3, 4, DP 215275 shall be consolidated at the full cost to the developer. The consolidation plan shall be prepared and lodged with LPI prior to the issue of an Occupation Certificate.
- That separate application shall be made at the appropriate time for the erection of any advertising or identification signs, including details of colour, size, height and method of illumination.
- That the developer shall clearly linemark a minimum of 73 on-street parallel parking spaces as shown in "On street parking sketch, drawing number T01 (option 1, parallel parking) prepared by TTW". The full cost of this work is to be borne by the developer. Linemarking is required in lieu of the prescribed Section 7.12 developer contributions.
- The applicant must submit a resolved external colour scheme prepared *in conjunction with* their heritage consultant for the approval of council prior to the issue of a Construction Certificate for the work.
- Details of the partitions in the eastern wing to be submitted for approval by council prior to issue of a Construction Certificate for the works. Advice from the project heritage consultant should guide that detailing.
- The following information shall be submitted to Council for approval prior to the issue of Construction Certificate:
  - Details of the proposed external new joinery to the former German Club building. It is noted that while the Heritage Impact Statement recommends traditional joinery, an alternative approach can be well designed contemporary joinery that fits within the overall character of the building. The applicant should submit the final details for joinery for approval.
  - Confirmation of the extent of ceiling removal to reveal original ceilings in the former German Club Building
  - Confirmation that wall nibs and walls above openings (to retain ceilings intact) are to be retained where walls are removed as set out in the Heritage Impact Statement.
  - Detailing of the upper level gable end façade of the 1920s gymnasium to preferably recover the glazed form or if this is not viable on how the current façade treatment is to be modified to respond to the Heritage Impact Statement comments on this area.

**RESOLUTION**

Minute No. 45782

Councillor C. Adams moved )

Councillor B. Algate seconded )

CARRIED UNANIMOUSLY

A Division was called which resulted in:

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

AGAINST: Nil

ABSENT: Cr Nolan

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

---

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 39/18 - DATED MARCH 13, 2018 -  
MINUTES OF THE BROKEN HILL LIVING MUSEUM + PERFECT LIGHT PROJECT STEERING  
GROUP 13 FEBRUARY 2018**

14/181

**Resolved:**

1. That Broken Hill City Council Report No. 39/18 dated March 13, 2018, be received.
2. That minutes of the Broken Hill Living Museum + Perfect Light Project Steering Group Meeting held February 13, 2018 be received.

**RESOLUTION**

Minute No. 45783

Councillor C. Adams moved )

Councillor M. Browne seconded )

CARRIED

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 40/18 - DATED MARCH 15, 2018 - ACTION  
LIST REPORT**

11/21

**Resolved:**

1. That Broken Hill City Council Report No. 40/18 dated March 15, 2018, be received.

**RESOLUTION**

Minute No. 45784

Councillor D. Gallagher moved )

Councillor M. Browne seconded )

CARRIED

**COMMITTEE REPORTS**

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 41/18 - DATED MARCH 13, 2018 -  
MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE  
MEETINGS HELD OCTOBER 17, 2017, NOVEMBER 21, 2017 AND FEBRUARY 20, 2018.**

12/51

**Resolved:**

1. That Broken Hill City Council Report No. 41/18 dated March 13, 2018, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held October 17, 2017 be received.
3. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held November 21, 2017 be received.
4. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held February 20, 2018 be received.

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 42/18 - DATED MARCH 14, 2018 -  
MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 6 MARCH 2018**

12/52

**Resolved:**

1. That Broken Hill City Council Report No. 42/18 dated March 14, 2018, be received.

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

---

2. That minutes of the Memorial Oval Community Committee Meeting held 6 March 2018 be received.

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 43/18 - DATED MARCH 15, 2018 - MINUTES OF THE BROKEN HILL REGIONAL ART GALLERY ADVISORY COMMITTEE MEETING HELD 17 JANUARY 2018** 12/46

**Resolved:**

1. That Broken Hill City Council Report No. 43/18 dated March 15, 2018, be received.
2. That minutes of the Broken Hill Regional Art Gallery Advisory Committee Meeting held 17 January 2018 be received.

Minute No. 45785

Councillor M. Clark moved ) That the recommendations of items 11 to 13 be  
Councillor C. Adams seconded ) adopted.

CARRIED

**QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING**

**ITEM 14 - QUESTIONS ON NOTICE NO. 3/18 - DATED MARCH 07, 2018 - COUNCILLORS QUESTIONS TAKEN ON NOTICE AT THE DECEMBER 2017 COUNCIL MEETING** 11/141, 11/467, 11/49

**Resolved:**

1. That Questions On Notice No. 3/18 dated March 7, 2018, be received.

**RESOLUTION**

Minute No. 45786

Councillor R. Page moved )  
Councillor T. Kennedy seconded )

CARRIED

The Mayor took a question on notice from Councillor Kennedy that relates to Question 1 contained within the Questions On Notice Report No. 3/18. Councillors Kennedy requested answers to the following:

- the location of murals that had been approved retrospectively on heritage buildings
- date that the approval was given
- whether the owners of these premises received a letter to paint over/remove the mural

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

Council's Investments

17/82

*Councillor Kennedy raised queries around the nature of Council's managed funds. The General Manager took the question on notice.*

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

---

Motions Foreshadowed for the April Council Meeting

11/249

Councillor Page foreshadowed motions that he will present to the next meeting.

- Council to lobby the State and Federal government for funding to paint murals around Broken Hill.
- A no confidence motion in the Mayor regarding the reinstatement of Standing Committees.
- A confidential motion.

*The Mayor reminded Councillor Page of Council's resolution surrounding the reintroduction of Standing Committees that relate to the trial of the Key Direction Working Groups.*

Councillor Professional Development Training

12/108

Councillor Kennedy asked if further Professional Development training could be arranged for Councillors, in particular conflict resolution training.

*The Mayor stated that Local Government NSW has developed a "Professional Development Program in a box" for Councillors which would include conflict resolution training, and that this will be arranged for Councillors.*

## SUPPLEMENTARY AGENDA REPORTS

ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 48/18 - DATED MARCH 26, 2018 -  
MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD 26 MARCH 2018

11/249

Recommendation

1. That Broken Hill City Council Report No. 48/18 dated March 26, 2018, be received.
2. That Council adopts the minutes of the Extraordinary Council Meeting held 26 March 2018 during the Minutes for Confirmation section of the March Ordinary Council Meeting.

**NOTE: Item 15 was dealt with in the Minutes for Confirmation Section at this meeting.**

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 49/18 - DATED MARCH 14, 2018 -  
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 379 HELD TUESDAY MARCH 6,  
2018.

11/397

**Resolved:**

1. That Broken Hill City Council Report No. 49/18 dated March 14, 2018, be received.
2. That the minutes for the Local Traffic Committee Meeting No.379, held March 6, 2018 be received.
3. Item Number 379.7.2 - That Council arrange a meeting between RMS, Council and Far West Local Health District (FWLHD) representatives to discuss correspondence received by FWLHD, General Manager, Ken Barnett.

Following issues raised by FWLHD for discussion are:

- Time limited parking in the vicinity of the Community Health Centre.
- Drop off zone on Sulphide Street in front of the Community Health Centre.
- Pedestrian access and safety, particularly for families bringing children to the centre.

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

---

**RESOLUTION**

Minute No. 45787

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

CARRIED

**CONFIDENTIAL MATTERS**

**RESOLUTION**

Minute No. 45788

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

That the meeting be closed to the public in accordance with Section 10(A) of the Local government Act 1993.

CARRIED

Members of the media and public left the Council Chambers at 7:02pm

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 44/18 - DATED MARCH 08, 2018 - PROGRESS REPORT - PROBITY AUDIT REVIEW - CIVIC CENTRE REFURBISHMENT PROJECT AV CONTRACT - CONFIDENTIAL** 17/114

**(General Manager's Note:** This report considers probity audit of Telstra contractual arrangements with Council and is deemed confidential under Section 10A(2) (g) of the Local Government Act, 1993 which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

**Resolved:**

1. That Broken Hill City Council Report No. 44/18 dated March 8, 2018, be received.
2. That Council note progress and compliance on OCM recommendations 1 - 5.

**RESOLUTION**

Minute No. 45789

Councillor M. Browne moved )  
Councillor D. Gallagher seconded )

CARRIED

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 45/18 - DATED MARCH 12, 2018 - ACCESS ARRANGEMENT FOR EXPLORATION LICENCE EL5818 WILLYAMA COMMON - CONFIDENTIAL** 11/63

**(General Manager's Note:** This report considers a licence agreement 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).

**Resolved:**

1. That Broken Hill City Council Report No. 45/18 dated March 12, 2018, be received.
2. That the Code of Environmental Practice for Mineral Exploration on Willyama Common be attached to the Agreement as a special condition.

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

---

3. That Council as Trustees of the Willyama Common, sign the Land Access and Compensation Agreement for Mineral Exploration.

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 46/18 - DATED MARCH 13, 2018 -  
PROPOSED EASEMENT FOR ACCESS THROUGH PART OF THE WILLYAMA COMMON -  
CONFIDENTIAL**

11/63

**(General Manager's Note:** This report considers a proposed easement 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).

**Resolved:**

1. That Broken Hill City Council Report No. 46/18 dated March 13, 2018, be received.
2. That Council, under the Common Seal of Broken Hill City Council in its capacity as Trust Manager of Willyama Common, consent to the development of an easement over the subject property (Lot 7315 DP 1183447 and Lot 5 DP 1034212) to legalise access over an existing track.

**Minute No. 45790**

Councillor M. Browne moved ) That the recommendations of items 18 and 19 be  
Councillor C. Adams seconded ) adopted.

CARRIED

**RESOLUTION**

**Minute No. 45791**

Councillor D. Gallagher moved ) That the meeting resume in open session.  
Councillor C. Adams seconded )

CARRIED

Members of the media and public returned to the Council Chambers at 7:14pm

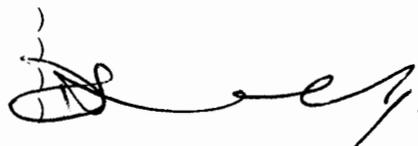
At the Mayor's request, the General Manager read the resolutions of the items considered in closed session.

*Prior to closing the meeting, the Mayor advised that over 4,100 people watched the live stream of the last Council Meeting and compared this figure to the city of California which had 7,000 watch their live stream. These figures indicate that Broken Hill City Council is engaging well with the Broken Hill community.*

*The Mayor thanked Council's Communications and Community Engagement Coordinator Mr Darrin Manuel and Council's Digital Officer Mr Luke Dart for their efforts each month to make the live streaming of Council meetings available to the public.*

There being no further business the Mayor closed the meeting at 7:16 p.m.

THE FOREGOING MINUTES WERE READ  
AND CONFIRMED AT THE ORDINARY  
MEETING OF THE BROKEN HILL CITY  
COUNCIL HELD ON 26 APRIL 2018

  
\_\_\_\_\_  
CHAIRPERSON