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

Meeting commenced at 6:30 p.m.

The Mayor acknowledged the following persons present at the meeting:

*Mr Kevin Humphries - State Member for Barwon;
Mr Stephen Childe and Mr Brett Cunningham from JLT Statewide Mutual; and
Mr Andrew Schier, National Party Candidate for Barwon.*

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, Chief Operations Officer, Chief Financial Officer,
Director Corporate, Manager Communications, Governance Officer and
Executive Support Officer.

Mr Kevin Humphries MP

Media (4), Members of the Public (22).

APOLOGIES:

Nil

PRAYER

Councillor Adams delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

The Mayor advised of an amendment to the Agenda due to the severe storms in Sydney, Council's external auditors were unable to travel to Broken Hill to attend the meeting and present Council's Financial Statements for 2017/2018.

PUBLIC FORUM

Save Our Recycling Campaign

Ms Barbara Webster spoke about Lifeline scavenging for items to recycle and requested Council to allow Lifeline staff to inspect patron's loads at the weighbridge and assist people with unloading.

The Mayor took the question on notice.

Jubilee Oval Project

Mr Andrew Schmidt advised Council that the Jubilee Redevelopment Project had gained a grant of \$2.568M from the State Government and acknowledged the assistance of the Member for Barwon and his staff with their grant application. They also received grants of \$100,000 from AFL NSW, \$30,000 from the Broken Hill Credit Union, \$50,000 from Council and \$50,000 from AFL Broken Hill. Mr Schmidt also acknowledged the assistance of Council's General Manager and City Growth Coordinator.

Mr Schmidt requested that Council consider waiving all or part of the Development Application Fees of \$32,232.00 associated with the Jubilee Oval Redevelopment and referred to the recent waiving of similar Development Application fees for the YMCA Redevelopment.

PRESENTATION OF TIDY TOWNS AWARDS

Councillor Adams advised that Council had submitted entries into three categories for the NSW Tidy Towns Awards and had been successful in receiving the following awards:

Received positive feedback regarding their entry of the Heritage

- *First Prize – Heritage and Cultural Award for the Broken Hill Regeneration Area Plan.*
- *Second Prize and Highly Commended - Community Spirit and Inclusion Award for the Tidy Town Committee's work at the Broken Hill Cemetery.*

The Committee also received positive feedback regarding their entry of the Broken Hill Heritage Festival and was encouraged to promote the festival nationally.

The Mayor thanked Councillor Adams for her work on the Tidy Towns Committee and the Committee's contribution to beautifying Broken Hill.

PRESENTATION BY THEM R KEVIN HUMPHRIES MP

Mr Kevin Humphries MP addressed Council and spoke about the Government's options for the Menindee Lakes Water Savings Plan and the proposed reconfiguration of the lakes and the water saving initiatives that the NSW Government are obliged to meet by end of 2019.

Mr. Humphries introduced a further option (option 7), seeking Council's support for what he believes would be the most beneficial proposal for the reconfiguration of the Menindee Lakes System to allow flows downstream and also to retain enough water in Menindee Lake to allow for fruit crop irrigation and for recreational purposes at Sunset Strip and Copi Hollow.

Mr Humphries' proposed option is:

- *Construct a regulator at Morton Boolka linking Menindee Lake and Lake Cawndilla via Cawndilla Creek. This would require associated earthworks to raise the height of the Menindee Lake banks adjacent to the regulator.*
- *Flow through rules (MDA supported) established that once Cawndilla reaches a certain capacity, for example 700G, the two lakes are separated.*
- *Works would need to be undertaken to enlarge the capacity of Cawndilla Creek and the Panelco Channel offtake and Darling River delivery point.*
- *An additional consideration is additional storage in Weir 32 to support the fruit industry requirements. This could be achieved with either a top up from the Wetherell – Pamamaroo Lake system via the existing interconnecting channel, or raising the height of Weir 32. This would need further scoping to quantify.*

In effect Lake Cawndilla is to be given over to the MDBA agreement with operations and drawdowns their responsibility with end of system requirements and down stream flows to be met via Lake Cawndilla.

In effect Menindee Lake is to be the full responsibility of NSW. The Lake remains largely intact with flow through rules to meet downstream irrigator, stock and domestic supplies. This needs a review in line with future commitments i.e. it could negate the need for buy outs of water

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

entitlement currently held by irrigators with additional works constructed (weirs) to meet demand. Depending on water storages in both Lakes the water user requirements downstream could also be a shared arrangement between the two Lake systems e.g. a temporary transfer arrangement which gives everyone more options.

Mr Humphries advised that this is not a new proposal, but one that has not been pursued before.

Other recent factors are:

- The securing of Broken Hill's water supply via the Murray pipeline now breaks Broken Hill's reliability of water from Weir 32 and releases the need for the 480-640G rule.*
- The decommissioning of Tandou as a farm reliant on water supplied by the Menindee Lakes system via Cawndilla Lake. Cawndilla Lake in effect, is now a stranded large water storage which could be used to meet our downstream end of system flows as per the interstate agreement. Infrastructure in existence via the Panelco Channel which links Cawndilla back to the Darling River, is a logical delivery option.*

Mr Humphries advised that discussions held with Menindee residents and user groups thus far indicates strong support for this option and requested that Council also considers its support.

Mr Humphries then answered questions from Councillors

The Mayor thanked Mr Humphries for his presentation and attendance at the Council Meeting.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 45950

Councillor M. Browne moved
Councillor R. Page seconded

) That the Minutes of the Ordinary Meeting of the
) Council of the City of Broken Hill held October 31,
) 2018 be confirmed.

CARRIED

Councillor Kennedy commented on the minutes of the Ordinary Meeting. The Mayor noted the comments.

RESOLUTION

Minute No. 45951

Councillor M. Browne moved
Councillor R. Page seconded

) That the Minutes of the Extraordinary Meeting of
) the Council of the City of Broken Hill held
) November 05, 2018 be confirmed.

CARRIED

DISCLOSURE OF INTEREST

The Mayor declared:

- a non-pecuniary interest in Report No. 205/18 as her relative works for the organisation and advised that she will leave the Council Chambers whilst the item is considered.

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 9/18 - DATED NOVEMBER 09, 2018 - REQUEST FOR FINANCIAL SUPPORT TOWARDS THE AUSTRALIA INSTITUTE'S REPORT "TRICKLE OUT EFFECT"

11/426

Resolved

1. That Mayoral Minute No. 9/18 dated November 9, 2018, be received.
2. That Council provides financial support of \$2,750.00 (inc GST) to the Australia Institute towards the development of a video to explain the "Trickle Out Effect" report.

RESOLUTION

Minute No. 45952

Councillor M. Browne moved)

Councillor J. Nolan seconded)

CARRIED

ITEM 2 - MAYORAL MINUTE NO. 13/18 - DATED NOVEMBER 14, 2018 - SAVE OUR RECYCLING CAMPAIGN

11/199

Resolved

1. That Mayoral Minute No. 13/18 dated November 14, 2018, be received.
2. That Council endorse Local Government NSW's campaign "Save Our Recycling", to realise the reinvestment of a 100% of the Waste Levy collected each year by the NSW Government in waste minimization, recycling and resource recovery.
3. That Council make representation to the local State Member in support of this campaign objective for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimization, recycling and resource recovery.
4. That Council write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Michael Daley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLD, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimization, recycling and resource recovery.
5. That Council take a lead role in activating the Local Government NSW Save Our Recycling campaign locally.
6. That Council endorse the distribution and display of the Local Government NSW Save Our Recycling information on Council premises, as well as involvement in any actions arising from the initiative.
7. That Council formally advise Local Government NSW that Council has endorsed the Save Our Recycling advocacy initiative.

RESOLUTION

Minute No. 45953

Councillor D. Turley moved)

Councillor C. Adams seconded)

CARRIED

NOTICES OF MOTION

ITEM 3 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 28/18 - DATED NOVEMBER 23, 2018 - OPPOSITION TO THE RECONFIGURATION OF THE MENINDEE LAKES 11/426

Notice of Motion

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

1. That Motions of Which Notice has been Given No. 28/18 dated November 23, 2018, be received.
2. That Broken Hill City Council hold a workshop to provide a submission to the State Government opposing the reconfiguration of the Menindee Lakes and the lowering of the 480/640 GL trigger.
3. That once the submission is complete it be circulated to State election candidates in our electorate for endorsement.
4. The workshop to be held and the submission completed before the December 2018 meeting.

Amendment

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

1. That correspondence be sent to all current and any future State election candidates informing them that the Broken Hill City Council strongly opposes the current version of the Menindee Lakes Water Saving Plan and any lowering of the 480/640 trigger for the reasons that the implementation of the plan combined with a drastic decrease of the water required to be held in the lakes would have a destructive impact on the aboriginal communities who live along the river, that permanent damage to the environment and health of the whole river system would result and the opportunities for recreational enjoyment for the communities of Menindee and Broken Hill would be severely curtailed.
2. That Council makes representations to the Government to consider the State Member for Barwon's "option 7" that is:
 - a) Construct a regulator at Morton Boolka linking Menindee Lake and Lake Cawndilla via Cawndilla Creek. This would require associated earthworks to raise the height of the Menindee Lake banks adjacent to the

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

regulator.

- b) Flow through rules (MDA supported) established that once Cawndilla reaches a certain capacity, for example 700G, the two lakes are separated.
- c) Works would need to be undertaken to enlarge the capacity of Cawndilla Creek and the Panelco Channel offtake and Darling River delivery point.
- d) An additional consideration is additional storage in Weir 32 to support the fruit industry requirements. This could be achieved with either a top up from the Wetherell – Pamamaroo Lake system via the existing interconnecting channel, or raising the height of Weir 32. This would need further scoping to quantify.

CARRIED

The amendment becomes the motion.

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

- 1. That correspondence be sent to all current and any future State election candidates informing them that the Broken Hill City Council strongly opposes the current version of the Menindee Lakes Water Saving Plan and any lowering of the 480/640 trigger for the reasons that the implementation of the plan combined with a drastic decrease of the water required to be held in the lakes would have a destructive impact on the aboriginal communities who live along the river, that permanent damage to the environment and health of the whole river system would result and the opportunities for recreational enjoyment for the communities of Menindee and Broken Hill would be severely curtailed.
- 2. That Council makes representations to the Government to have them consider the State Member for Barwon's "option 7" that is:
 - a) Construct a regulator at Morton Boolka linking Menindee Lake and Lake Cawndilla via Cawndilla Creek. This would require associated

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

earthworks to raise the height of the Menindee Lake banks adjacent to the regulator.

- b) Flow through rules (MDA supported) established that once Cawndilla reaches a certain capacity, for example 700G, the two lakes are separated.
- c) Works would need to be undertaken to enlarge the capacity of Cawndilla Creek and the Panelco Channel offtake and Darling River delivery point.
- d) An additional consideration is additional storage in Weir 32 to support the fruit industry requirements. This could be achieved with either a top up from the Wetherell – Pamamaroo Lake system via the existing interconnecting channel, or raising the height of Weir 32. This would need further scoping to quantify.

Amendment

Councillor T. Kennedy moved)
Councillor D. Gallagher seconded)

- 1. That Broken Hill City Council supports the Member for Barwon’s proposal; that is:
 - a) Construct a regulator at Morton Boolka linking Menindee Lake and Lake Cawndilla via Cawndilla Creek. This would require associated earthworks to raise the height of the Menindee Lake banks adjacent to the regulator.
 - b) Flow through rules (MDA supported) established that once Cawndilla reaches a certain capacity, for example 700G, the two lakes are separated.
 - c) Works would need to be undertaken to enlarge the capacity of Cawndilla Creek and the Panelco Channel offtake and Darling River delivery point.
 - d) An additional consideration is additional storage in Weir 32 to

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

support the fruit industry requirements. This could be achieved with either a top up from the Wetherell – Pamamaroo Lake system via the existing interconnecting channel, or raising the height of Weir 32. This would need further scoping to quantify.

2. That the proposal be circulated to State election candidates for the seat of Barwon for endorsement.

LOST

The motion was put.

RESOLUTION

Minute No. 45954

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

1. That correspondence be sent to all current and any future State election candidates informing them that the Broken Hill City Council strongly opposes the current version of the Menindee Lakes Water Saving Plan and any lowering of the 480/640 trigger for the reasons that the implementation of the plan combined with a drastic decrease of the water required to be held in the lakes would have a destructive impact on the aboriginal communities who live along the river, that permanent damage to the environment and health of the whole river system would result and the opportunities for recreational enjoyment for the communities of Menindee and Broken Hill would be severely curtailed.
2. That Council makes representations to the Government to have them consider the State Member for Barwon's "option 7" that is:
 - a) Construct a regulator at Morton Boolka linking Menindee Lake and Lake Cawndilla via Cawndilla Creek. This would require associated earthworks to raise the height of the Menindee Lake banks adjacent to the regulator.
 - b) Flow through rules (MDA supported) established that once Cawndilla reaches a certain capacity, for example 700G, the two lakes are separated.
 - c) Works would need to be undertaken to enlarge the capacity of Cawndilla Creek and the Panelco Channel

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

offtake and Darling River delivery point.

- d) An additional consideration is additional storage in Weir 32 to support the fruit industry requirements. This could be achieved with either a top up from the Wetherell – Pamamaroo Lake system via the existing interconnecting channel, or raising the height of Weir 32. This would need further scoping to quantify.

CARRIED
On the casting vote of the Mayor

A Division was called which resulted in:

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

ITEM 4 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 29/18 - DATED NOVEMBER 23, 2018 - RESPONSIBILITY FOR THE COST OF THE WENTWORTH TO BROKEN HILL PIPELINE

11/426

Resolved

1. That Motions of Which Notice has been Given No. 29/18 dated November 23, 2018, be received.
2. That Broken Hill City Council sends correspondence to the NSW State Government and the opposition requesting that the NSW State Government legislates that Broken Hill is not responsible for any costs associated with the delivery of water via the Wentworth to Broken Hill pipeline and that the NSW Government cover the costs for the life of the pipeline; and the pipeline be declared as State significant infrastructure.

That to have the State Government of the day decide whether they subsidise the pipeline costs will cause great uncertainty in the community and to have the Broken Hill community begging the State Government every four years to pay a \$30m subsidy is unacceptable and impractical.

3. That each of the candidates for the State election for the seat of Barwon be contacted and asked to provide a written letter of support for legislation that ensures the Broken Hill community does not pay for any costs associated with the delivery of water from the Wentworth to Broken Hill pipeline.

RESOLUTION

Minute No. 45955

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

CARRIED

RESCISSION MOTIONS

Nil.

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

Councillor Kennedy referred to the Rescission Motion regarding DA34/2018 – Painting of a Mural on a Heritage Building in a Heritage Precinct (handed to the Acting Mayor during the August Council Meeting) and stated that it still has not been dealt with.

Councillor Kennedy referred to the Local Government Act (section not cited), stating that once a Rescission Motion has been lodged it negates the original motion as if it never existed until the Rescission Motion is considered. Therefore Council's Resolution for the refusal of DA34/2018 and removal of the mural, does not exist.

The Mayor advised that the General Manager had not included the Rescission Motion in the Business Papers as it was deemed to be an unlawful motion and referred to the General Manager's report.

The Mayor advised that this matter can be discussed at the Councillor Workshop being conducted by the Office of Local Government in December.

REPORTS FROM DELEGATES

Nil.

REPORTS

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 188/18 - DATED NOVEMBER 13, 2018 -
PUBLIC PRESENTATION OF 2017/2018 FINANCIAL STATEMENTS** 13/92

The Mayor took a question on notice from Councillor Kennedy regarding when Council's External Auditor would be able to give the presentation of Council's financial statements to the public.

- Councillor D. Gallagher moved)
Councillor M. Browne seconded)
1. That Broken Hill City Council Report No. 188/18 dated November 13, 2018, be received.
 2. That Council adopt the financial statements and authorise the presentation of the financial statements to the public.

Councillor Kennedy moved a motion of dissent in the Mayor's ruling that he could not ask a further question after Councillor Gallagher had used his right of reply.

Councillor Kennedy stated that Councillor Gallagher had raised new information in his right of reply regarding the Civic Centre redevelopment of which Councillor Kennedy wished to ask a further question. Councillor Gallagher confirmed that he had not mentioned the Civic Centre in his right of reply.

Councillor Kennedy then indicated that he wished to move an amendment. The Mayor ruled that he could not move an amendment after Councillor Gallagher's right of reply.

Councillor Adams moved that the original motion be put.

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

Motion of Dissent

Councillor T. Kennedy moved)
) In the Mayor's ruling that no amendments can be
 put after the mover of the motion has used his
 right of reply.

LOST

Prior to the vote of the Motion of Dissent the Mayor advised that it was her understanding that the right of reply is the closing of the debate and no amendments should be put.

The original motion was put.

RESOLUTION

Minute No. 45956

Councillor D. Gallagher moved)
Councillor M. Browne seconded)
1. That Broken Hill City Council Report No.
188/18 dated November 13, 2018, be
received.
2. That Council adopt the financial statements
and authorise the presentation of the financial
statements to the public.

CARRIED

A Division was called which resulted in:

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

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 189/18 - DATED NOVEMBER 16, 2018 -
DRAFT ANNUAL REPORT 2017/2018** 17/110

Resolved

1. That Broken Hill City Council Report No. 189/18 dated November 16, 2018, be received.
2. That the 2017/2018 Annual Report, inclusive of audited Annual Financial Statements, Delivery Program Key Performance Indicators Report and Disability Inclusion Action Plan Key Performance Indicators Report for the reporting period 1 July 2017 to 30 June 2018 (KPI reports adopted at Council meeting 26 September 2018, minute no. 45884 and minute no. 45885 respectively), be adopted.
3. That the Annual Report, inclusive of audited Annual Financial Statements, Delivery Program Key Performance Indicators Report and Disability Inclusion Action Plan Key Performance Indicators Report for the reporting period 1 July 2017 to 30 June 2018, be posted on Council's website.
4. That Council's web link of Annual Report, inclusive of audited Annual Financial Statements, Delivery Program Key Performance Indicators Report and Disability Inclusion Action Plan Key Performance Indicators Report for the reporting period 1 July 2017 to 30 June 2018, be provided to the Minister via the Office of Local Government and Minister for Disability Services, by 30 November 2018.

RESOLUTION

Minute No. 45957

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

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

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 190/18 - DATED NOVEMBER 09, 2018 -
COUNCILLOR ATTENDANCE AT THE WESTERN DIVISION COUNCILS OF NSW ANNUAL
CONFERENCE 2019**

11/173

RESOLUTION

Minute No. 45958

Councillor D. Gallagher moved)
Councillor C. Adams seconded)

1. That Broken Hill City Council Report No. 190/18 dated November 9, 2018, be received.
2. That Councillors advise their interest in representing Council at the 2019 Western Division Councils of NSW Annual Conference to be held in Bourke, 24-26 February 2019.
3. That the February Council Meeting be re-scheduled to Wednesday, 20 February 2019 to allow Councillors attending the Western Division Councils of NSW Conference to attend the Council Meeting prior to the Conference.
5. That Councillors submit motions to the Western Division Councils of NSW Annual Conference to the General Manager.

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 191/18 - DATED NOVEMBER 14, 2018 -
COMMUNITY ASSISTANCE GRANTS AWARDED FOR ROUND 2 OF 2018/2019**

18/44

Resolved

1. That Broken Hill City Council Report No. 191/18 dated November 14, 2018, be received.
2. That Council notes the Community Assistance Grants awarded for Round 2 of 2018/2019 which were approved by the Panel on 13 November 2018 and the Acting General Manager on 14 November 2018.
3. That the Community Assistance Grants Policy and Application be amended:
1) to clarify the eligibility criteria 4.5.1(a) to read:

"Applicants must be an incorporated community association/organisation, or a registered not-for-profit association/charitable organisation with an ABN or ACN. Applications will not be accepted from individuals, businesses, government agencies, political parties or lobby groups."

- 2) to include additional questions and evaluation by Council's Finance Department of an organisation/association's financial statements in order for the Panel to gain a clearer understanding of an organisation/association's financial position.
4. That the balance from Round 2 of 2018/2019 of \$28,281.00 be rolled-over to Round 1 of 2019/2020.

RESOLUTION

Minute No. 45959

Councillor J. Nolan moved)

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

Councillor D. Gallagher seconded) CARRIED

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 192/18 - DATED NOVEMBER 08, 2018 -
RECONCILIATION ACTION PLAN REPORT** 14/59

Resolved

1. That Broken Hill City Council Report No. 192/18 dated November 8, 2018, be received.
2. That Broken Hill City Council establish a Reconciliation Action Plan Working Group
3. That Broken Hill City Council endorse the Terms of Reference for the Broken Hill City Council Reconciliation Action Plan Working Group

RESOLUTION

Minute No. 45960

Councillor J. Nolan moved)
Councillor R. Page seconded) CARRIED

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 193/18 - DATED OCTOBER 17, 2018 -
ADOPTION OF DRAFT LIVING DESERT PLAN OF MANAGEMENT** 11/141

Resolved

1. That Broken Hill City Council Report No. 193/18 dated October 17, 2018, be received.
2. That Council adopts the Living Desert Plan of Management.

RESOLUTION

Minute No. 45961

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

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 194/18 - DATED OCTOBER 30, 2018 -
NOTIFICATION OF APPOINTMENT OF NATIVE TITLE MANAGER UNDER THE CROWN LAND
MANAGEMENT ACT 2016** 18/144

Resolved

1. That Broken Hill City Council Report No. 194/18 dated October 30, 2018, be received.
2. That Council nominate Francois Van Der Berg (Manager Operations Planning Development and Compliance) as Council's Native Title Manager under the *Crown Land Management Act 2016*.
3. That give notice to the Minister for Lands and Forestry of the name and contact details of Council's appointed Native Title Manager, as required under Section 8.8 of the *Crown Lands Management Act 2016*.

RESOLUTION

Minute No. 45962

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

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

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 195/18 - DATED NOVEMBER 14, 2018 -
DEVELOPMENT APPLICATION TO OPERATE AN ANIMAL POUND FACILITY** 11/467

Resolved

1. That Broken Hill City Council Report No. 195/18 dated November 14, 2018, be received.
2. That consent be granted for Development Application 110/2018 for an animal pound facility at Lot 12 DP 1232493, No. 86 Airport Road, Broken Hill subject to the following conditions:
 1. This consent relates to an Animal Pound Facility at Part Lot 12 DP 1232493, No. 86 Airport Road, Broken Hill, comprising:
 - Re-use of an existing single story brick workshop to accommodate 20 dog cages, a cattery and veterinary room, a kitchen, toilet and storage area,
 - A ranger's office in a single story transportable building,
 - A carport to provide parking for up to 4 vehicles,
 - Additional unenclosed car parking for 4 vehicles, and
 - Two dog exercise yards.

And as described and shown on the following documents submitted with the development application that are stamped as approved:

- Statement of Environmental Effects prepared by Broken Hill City Council,
- Drawing No. 142018 A1 Site Plan by P. Oldsen, 19 August 2018,
- Drawing No. 212018 A1 Elevations by P. Oldsen, 11 November 2018,
- Drawing No. 212018 A2 Floor Plan by P. Oldsen, 11 November 2018, and
- Environmental Noise Assessment prepared by Sonus dated August 2018.

Notes:

Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under section 4.55 of the Environmental Planning and Assessment Act 1979, or a fresh development application. No works, other than those approved under this consent, shall be out without the prior approval of Council.

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

2. Notice of Commencement

Notice must be given to Council at least two (2) days prior to the commencement of building work.

3. Principal Certifying Authority/Construction Certificate

The following must be undertaken before any building works can commence:

- (a) A Principal Certifying Authority (PCA) must be appointed; and
- (b) A Construction Certificate must be obtained from either Council or an accredited certifier.

4. Existing services and damage to public assets

Prior to the commencement of any work(s) associated with this development:

- (a) The developer or his agent shall undertake a site inspection of the adjacent kerbs, gutters, carriageway, reserves and the like and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense. Any damage to the adjacent kerb, gutter, footpath/road reserve area, carriageway and the like that occurs during development works shall be repaired by the applicant; and
- (b) The developer or his agent must check that the proposed works are not affected by any Council, energy utility, telecommunications, gas service or other services. Any required alterations to services will be at the developer's expense.

5. Supervision of works

Prior to the commencement of any works, Council shall be advised in writing of the name of the person/company nominated to be responsible for construction works including erosion and sediment control measures.

6. Sign – Supervisor Contact Details

The person/company responsible for the construction of site works must erect a sign at the site in a visible position with that person/company's name, license number, site address and contact number, and the name of the Principal Certifying Authority, accreditation number and telephone number, where the Principal Certifying Authority is not the Council.

7. Protection of existing vegetation

No vegetation is to be removed from Lot 12 DP 1232493 or adjoining land at any time other than is necessary to construct and operate the animal pound facility and ancillary works within the site area shown on the approved stamped drawings, to provide access to the facility and as a 10 metre defendable space surrounding the pound building in the event of bushfire. All other existing trees/vegetation that are within 6 metres of any works on the subject site, are to be marked with temporary barrier fencing external to the base of the tree. This must be inspected and approved by the Principal Certifying Authority.

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

8. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan and accompanying specifications for the construction phase of the works based on the Landcom manual "Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004", shall be lodged for approval with the application for a Construction Certificate. All controls must be implemented, inspected and approved prior to the commencement of any site works.

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

9. Stormwater and wastewater management

The stormwater and wastewater management system is to be designed to comply with the Trade Waste requirements of Essential Water. Details are to be submitted with the application for a Construction Certificate.

10. Waste Minimisation and Management

A Waste Management Plan must be prepared that complies with the NSW DECC Environmental Guidelines: Classification and Management of Liquid and Non-liquid Wastes and lodged for approval with the application for a Construction Certificate. A copy of the approved plan shall be lodged with Council prior to the issue of the Construction Certificate.

11. Driveway access and car parking

A plan that shows driveway entrances to the site of the animal pound facility and sealed car parking that is in accordance with Council's engineering specifications shall be lodged with Council prior to the issue of the Construction Certificate. A parking space for persons with disabilities is to be included within the public parking area in accordance with the Disability (Access to Premises - Buildings) Standard 2010.

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

12. Soil and Water Management

All site works shall be undertaken in accordance with the Erosion and Sediment Control Plan and measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur.

13. Waste Management

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Management Plan or removed to an authorised waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

14. Construction hours/storage

To limit the impact of the development on adjoining properties, the following must be complied with:

- (a) All construction work shall be restricted to the hours of 7:00am to 5:00pm Monday to Friday and 8:00am to 1:00pm Saturdays. No construction work shall take place on Sundays or Public Holidays,
- (b) The storing of construction equipment/materials, soil, spoil, or rubbish external to Lot 12 DP 1232493 is prohibited other than on the adjoining road reserve, and
- (c) The parking of machinery or vehicles shall only be on Lot 12 DP 1232493 in the immediate vicinity of the works area or on the adjoining road reserve.

15. Building Code of Australia

All building work must be out in accordance with the requirements of the Building Code of Australia.

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED

16. Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) before the building is used or occupied. If Council is the appointed PCA for this project, a minimum of twenty four (24) hours' notice must be given to Council to make an inspection of the work.

CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT

17. Site Management and Maintenance

The proprietor shall at all times be responsible for on-going site management and maintenance in accordance with the following:

(a) The use of the approved development must not:

- (i) cause transmission of vibration to any place of different occupancy,
- (ii) cause 'Offensive Noise' as defined in the Protection of the Environment Operations Act 1997, or
- (iii) Impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise.

(b) Council must ensure that the facility is well maintained in consideration of the visual amenity of the area.

18. Ongoing operations

The ongoing care and management of animals kept within the facility should have regard to the standards set out in the NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in animal boarding establishments.

19. Signage

Signage is to comprise a business identification sign, a warning sign citing penalties for abandonment of animals at the facility, and directional signs on Airport Road. All signage is to comply with the provisions of Broken Hill Development Control Plan 2016.

20. Surveillance

A CCTV monitoring and alarm system is to be installed that enables surveillance of the external perimeter of the facility.

21. Fencing and security

Fencing is to comprise a 1.8 metre high solid Colorbond metal fence to enclose all structures with internal 1.8 metre high chainmesh fencing to enclose the dog exercise areas. Other external areas are to remain unenclosed to retain the amenity of the immediate area.

22. Bushfire protection

The location of the animal pound is mapped as being category 3 bushfire prone land. A cleared defensible space of 10 metres surrounding the pound building is to be maintained at all times.

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

REASONS FOR CONDITIONS

Conditions of consent have been imposed to ensure that:

1. The proposed development achieves the objects of the Environmental Planning and Assessment Act 1979 and complies with the provisions of relevant environmental planning instruments
2. The relevant public authorities have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities
3. The protection of the amenity and character of land adjoining and in the locality of the proposed development
4. Any potential adverse environmental, social or economic impacts of the proposed development are minimised or mitigated
5. All traffic, car parking and access requirements arising from the development are addressed
6. The development does not conflict with the public interest

RESOLUTION

Minute No. 45963

Councillor C. Adams moved)

Councillor J. Nolan seconded)

CARRIED

A Division was called which resulted in:

FOR: Crs Adams, Browne, Gallagher, Licul, Turley, Clark, Page and Nolan

AGAINST: Crs Algate and Kennedy

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 196/18 - DATED OCTOBER 25, 2018 - AFL
BROKEN HILL - WAIVER OF DEVELOPMENT FEES ASSOCIATED WITH JUBILEE OVAL
UPGRADE** 16/154

Motion

Councillor B. Licul moved)

Councillor M. Clark seconded)

1. That Broken Hill City Council Report No. 196/18 dated October 25, 2018, be received.
2. That the request for waiver of development fees associated with the Jubilee Oval upgrade be referred to the Community Assistance Grants program for consideration.

Amendment

Councillor T. Kennedy moved)

Councillor B. Algate seconded)

1. That Broken Hill City Council Report No. 196/18 dated October 25, 2018, be received.
2. That the applicant pay the fees listed as 1-5 in the report:
 - 1) DA application fee of \$3,966.00
 - 2) Plan First Fee of \$1,503.50
 - 3) Construction Certificate fee of \$3,309.04
 - 4) Long Service Levy of \$8,222.21

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

5) Principal Certifying Authority fee of
\$1,471.00

3. That Council waive the Section 7.12
Developer Contribution Fee of \$23,492.02.

LOST

The original motion was put.

RESOLUTION

Minute No. 45964

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

1. That Broken Hill City Council Report No.
196/18 dated October 25, 2018, be received.
2. That the request for waiver of development
fees associated with the Jubilee Oval
upgrade be referred to the Community
Assistance Grants program for consideration.

CARRIED

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 197/18 - DATED OCTOBER 31, 2018 -
BOOK CALLED 'THE FATAL LODES'** 11/254

Resolved

1. That Broken Hill City Council Report No. 197/18 dated October 31, 2018, be received.
2. That Council rescind Minute 44555 of the meeting held on 29 January 2014 and authorize the
General Manager or his delegate, to make any future decisions on pricing and distribution of the
content (including digital) of the book called, '*The Fatal Lodes*' with consideration given to the
author's wishes.

RESOLUTION

Minute No. 45965

Councillor C. Adams moved)
Councillor J. Nolan seconded)

CARRIED

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 198/18 - DATED NOVEMBER 13, 2018 -
INVESTMENT REPORT FOR OCTOBER 2018** 17/82

Resolved

1. That Broken Hill City Council Report No. 198/18 dated November 13, 2018, be received.

RESOLUTION

Minute No. 45966

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

CARRIED

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 199/18 - DATED NOVEMBER 16, 2018 -
ACTION LIST REPORT** 11/21

Resolved

1. That Broken Hill City Council Report No. 199/18 dated November 16, 2018, be received.

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

RESOLUTION

Minute No. 45967

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

CARRIED

COMMITTEE REPORTS

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 200/18 - DATED NOVEMBER 09, 2018 -
NOMINATIONS FOR COMMUNITY MEMBERSHIP OF COUNCIL S355 COMMITTEES** 12/52

Resolved

1. That Broken Hill City Council Report No. 200/18 dated November 9, 2018, be received.
2. That Layne Ralph and Dinny Reardon be appointed as community representatives on the Memorial Oval Community Committee.

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 201/18 - DATED NOVEMBER 12, 2018 -
MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE
MEETING HELD 16 OCTOBER 2018** 12/51

Resolved

1. That Broken Hill City Council Report No. 201/18 dated November 12, 2018, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held October 16, 2018 be received.

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 202/18 - DATED NOVEMBER 13, 2018 -
MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 6 NOVEMBER
2018** 12/52

Resolved

1. That Broken Hill City Council Report No. 202/18 dated November 13, 2018, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 6 November 2018 be received.

Minute No. 45968

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

That the recommendations of items 17 to 19 be
adopted.

CARRIED

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 20 - QUESTIONS ON NOTICE NO. 9/18 - DATED NOVEMBER 07, 2018 - COUNCILLOR
QUESTIONS TAKEN ON NOTICE AT THE OCTOBER 2018 COUNCIL MEETING** 11/171

Resolved

1. That Questions On Notice No. 9/18 dated November 7, 2018, be received.

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

RESOLUTION

Minute No. 45969

Councillor M. Browne moved)

Councillor B. Licul seconded)

CARRIED

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Public Presentation of Council's 2017/2018 Financial Statements

The Mayor took a question on notice from Councillor Kennedy regarding when Council's External Auditor would be able to give the presentation of Council's financial statements to the public.

CONFIDENTIAL MATTERS

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 203/18 - DATED NOVEMBER 16, 2018 -
CONFIDENTIAL MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD 5 NOVEMBER
2018 - CONFIDENTIAL**

11/249

(General Manager's Note: This report considers confidential minutes from a tender item and is deemed confidential under Section 10A(2) (c) (g) 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; AND which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

Recommendation

1. That Broken Hill City Council Report No. 203/18 dated November 16, 2018, be received.
2. That the confidential minutes of the Extraordinary Council Meeting held 5 November 2018 be noted for confirmation of minutes purposes.

The Mayor advised that Item 19 had been dealt with at the Minutes for Confirmation section.

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 204/18 - DATED OCTOBER 17, 2018 -
T18/5 - REQUEST FOR TENDER FOR ASPHALT RECONSTRUCTION OF FAILED FLEXIBLE
PAVEMENT 2018/19 - AWARD - CONFIDENTIAL**

T18/5

(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).

Resolved

1. That Broken Hill City Council Report No. 204/18 dated October 17, 2018, be received.
2. That GBM CONSULTING SERVICES PTY LTD be awarded the Contract for Tender T18/5
3. That Council accept the lump sum fee of \$1,100,519.90 ex. GST for all tendered works under T18/5.

RESOLUTION

Minute No. 45970

Councillor B. Algate moved)

Councillor M. Browne seconded)

CARRIED

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

A Division was called which resulted in:

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

ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 205/18 - DATED OCTOBER 25, 2018 - LEASE OF 72 GYPSUM STREET (HACC CENTRE) TO LIVEBETTER SERVICES LIMITED - CONFIDENTIAL 11/121

(General Manager's Note: This report considers a lease 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).

The Mayor declared a non-pecuniary interest in Item 21 and left the Council Chambers at 8:32pm.

The Deputy Mayor assumed the Chair.

Resolved

1. That Broken Hill City Council Report No. 205/18 dated October 25, 2018, be received.
2. That Council accept the initial lease term for 72-74 Gypsum Street (HACC Centre) proposed by Livebetter Services Limited, being two (2) x two (2) year options, instead of the previous one (1) x three (3) year option.
3. That the annual rent and other terms of the lease remain the same.
4. That the General Manager be authorised to negotiate variations to the lease agreement as required with Livebetter Services Limited.
5. That the Mayor and General Manager be authorised to sign and execute any documents as required under the Common Seal of Council.

RESOLUTION

Minute No. 45971

Councillor C. Adams moved)
Councillor B. Licul seconded)

CARRIED

The Mayor returned to the Council Chambers at 8:33pm and resumed the Chair.

The Deputy Mayor advised the Mayor that Council had adopted the report recommendation of Item 21.

ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 206/18 - DATED NOVEMBER 09, 2018 - CONSOLIDATED BROKEN HILL HOLDINGS PROPOSED SUBLEASE OF AIRPORT HANGAR 30 - CONFIDENTIAL 11/218

(General Manager's Note: This report considers a lease 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. 206/18 dated November 9, 2018, be received.

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

2. That Council consent to the proposed sublease of Airport 'Hangar 30' (also known as Lot 13, or part 12/1232493), consenting to Consolidated Broken Hill Holdings subleasing the hangar to Consolidated Aviation Services Pty Ltd.
3. That the General Manager be authorised to negotiate the terms and conditions of the sublease agreement.
4. That Consolidated Broken Hill Holdings be responsible for any legal fees incurred by Council regarding the proposed sublease agreement.
5. That the Mayor and General Manager be authorised to sign and execute any required documents under the Common Seal of Council.

RESOLUTION

Minute No. 45972

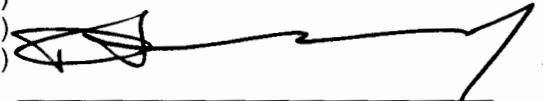
Councillor B. Algate moved)

Councillor J. Nolan seconded)

CARRIED

There being no further business the Mayor closed the meeting at 8:34pm.

THE FOREGOING MINUTES WERE READ
AND CONFIRMED AT THE ORDINARY
MEETING OF THE BROKEN HILL CITY
COUNCIL HELD ON 12 DECEMBER 2018

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CHAIRPERSON