
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
OCTOBER 31, 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, J. Nolan and R. Page.

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

Media (4), Members of the Public (23).

APOLOGIES:

Nil

PRAYER

Councillor Adams delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

PUBLIC FORUM

West Darling Machinery Preservation Society – Lease of 479 Crystal Street, Broken Hill 11/204

Ms Debbie Robinson, Secretary/Treasurer West Darling Machinery Preservation Society gave an overview of their operations; their contribution to the preservation of Broken Hill's heritage; their involvement in many community events and activities; their long term partnership with Council, and lease of 479 Crystal Street, Broken Hill. Ms Robinson requested Council consider a new lease of 479 Crystal Street for West Darling Machinery Preservation Society.

Code of Conduct Complaints

Mr Bob Coulls requested clarification on the assessment process of Code of Conduct complaints.

The Mayor took the question on notice.

Naming of a Road 11/299

Mr Bob Coulls asked for an update on the proposal for naming a road after the late Pro Hart MBE which was raised at the November 2017 Council Meeting.

The Mayor advised that the application for the re-naming of a road has been received and is following due process.

Brown Street Upgrade Works 11/161

Ms Cathy King, a resident of the unsealed section of Brown Street, raised concerns regarding the proposed postponement of works to seal and upgrade Brown Street between Brookfield Avenue and Kaolin Street. Ms King asked when the resealing works will be undertaken as the dust problem has increased due to a large increase in traffic in the area which in-turn exacerbates the deterioration of the road surface. Speeding motorists and cars racing side-by-side is also a major concern. Ms King

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requested that Council grades the road and uses the water truck more regularly to keep dust at a minimum until the road is sealed. Ms King asked when the upgrade works will commence?

Brown Street Upgrade Works

11/161

Ms Corinne Dall'Ami, a resident of Brown Street, echoed Ms King's concerns and disappointment regarding the postponement of upgrade works at Brown Street and added that the current state of the road is a safety concern evidenced by the number of roll-overs that have happened. Also the number of young children in the street; speeding vehicles and dirt road conditions are also a major concern. Along with this there is also a large amount of wildlife in the area due to the proximity of the regeneration reserve and Ms Dall'Ami requested that regular maintenance of Brown Street be undertaken until the upgrade works can commence.

The Mayor advised Ms King and Ms Dall'Ami that residents in Brown Street would be kept informed with regards to the planned commencement of upgrade works to Brown Street and would also be sent a copy of the maintenance program that will be implemented during the interim period.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 45929

Councillor C. Adams moved)

Councillor M. Browne seconded)

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

CARRIED

DISCLOSURE OF INTEREST

Nil

MAYORAL MINUTES

Nil.

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

**ITEM 1 - RESCISSION MOTION NO. 1/18 - DATED OCTOBER 05, 2018 - COUNCILLORS
RESCISSION MOTION**

11/249, 11/21

Resolved

1. That Rescission Motion No. 1/18 dated October 5, 2018, be received.
2. That Council notes the report.

RESOLUTION

Minute No. 45930

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

CARRIED

A Division was called which resulted in:

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

REPORTS FROM DELEGATES

Nil.

REPORTS

**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 168/18 - DATED SEPTEMBER 27, 2018 -
CODE OF CONDUCT COMPLAINTS STATISTICS ANNUAL REPORT - 2017/2018**

11/171

Resolved

1. That Broken Hill City Council Report No. 168/18 dated September 27, 2018, be received.
2. That the Code of Conduct Complaints Statistics Annual Report for the Broken Hill City Council of the period of 1 September 2017 – 31 August 2018 be forwarded to the Office of Local Government.

RESOLUTION

Minute No. 45931

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

CARRIED

The Mayor took a question on notice from Councillor Kennedy as to whether all Code of Conduct investigations were finalised within the reporting period of 1 September 2017 to 31 August 2018; and if not, what the additional cost of these investigations are.

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**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 169/18 - DATED OCTOBER 16, 2018 -
UPDATE ON ACTIONS OF THE KEY DIRECTION WORKING GROUPS** 16/157

Resolved

1. That Broken Hill City Council Report No. 169/18 dated October 16, 2018, be received.
2. That Council note the activities of the Key Direction Working Groups to deliver on the Community Strategic Plan initiatives.

RESOLUTION

Minute No. 45932

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

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 170/18 - DATED OCTOBER 08, 2018 -
MEMBERSHIP OF LOCAL GOVERNMENT CHIEF OFFICERS GROUP** 11/304

Resolved

1. That Broken Hill City Council Report No. 170/18 dated October 8, 2018, be received.
2. That Council supports the ongoing membership and attendance of LGCOG meetings and/or programs by the General Manager, as outlined in this report.

RESOLUTION

Minute No. 45933

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

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 171/18 - DATED OCTOBER 01, 2018 -
NOTICE OF MOTION 27/18 - BROKEN HILL TOURISM FIGURES AND WATER IN MENINDEE
LAKES** 11/407

Resolved

1. That Broken Hill City Council Report No. 171/18 dated October 1, 2018, be received.
2. That Council note that data does not appear to provide a prima facie case for a relationship between visitation numbers to Broken Hill and water levels of the Menindee Lakes.

RESOLUTION

Minute No. 45934

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

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 172/18 - DATED AUGUST 29, 2018 -
ADOPTION OF THE DRAFT LOAN BORROWING POLICY** 12/14

Resolved

1. That Broken Hill City Council Report No. 172/18 dated August 29, 2018, be received.

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2. That the Draft Loan Borrowing Policy be adopted as a Policy of Council.

RESOLUTION

Minute No. 45935

Councillor J. Nolan moved)

Councillor B. Algate seconded)

CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 173/18 - DATED OCTOBER 22, 2018 -
REQUEST FOR FINANCIAL ASSISTANCE - YMCA STREETGYM PROGRAM**

11/117

Motion

Councillor B. Licul moved)

Councillor M. Browne seconded)

1. That Broken Hill City Council Report No. 173/18 dated October 22, 2018, be received.
2. That the YMCA be invited to apply for a Community Assistance Grant for seed funding towards establishing their StreetgYm program for 2019.

Amendment

Councillor T. Kennedy moved)

)

1. That Broken Hill City Council Report No. 173/18 dated October 22, 2018, be received.
2. That the funds received from the YMCA's management of the Broken Hill Regional Aquatic Centre be consolidated with Community Assistance Grant funding and Council provide a \$50.00 subsidy for each child in Broken Hill who participates in organised sport (such as YMCA programs, netball, soccer, football, swimming, golf etc.)

WITHDRAWN

Councillor Kennedy withdrew his amendment in favour of workshopping the idea of a sport subsidy through the Our Community Key Direction Working Group, and to bring a report back to Council on this matter.

The motion was put.

RESOLUTION

Minute No. 45936

Councillor B. Licul moved)

Councillor M. Browne seconded)

1. That Broken Hill City Council Report No. 173/18 dated October 22, 2018, be received.
2. That the YMCA be invited to apply for a Community Assistance Grant for seed funding towards establishing their StreetgYm program for 2019.

CARRIED

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RESOLUTION

Minute No. 45937

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

1. That the Our Community Key Direction Working Group workshop the concept of introducing a sport subsidy program for school-aged children in Broken Hill who participate in organised sport (such as YMCA programs, netball, soccer, football, swimming, golf, cricket etc.)
2. That a report on the matter be presented to a future Council Meeting.

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 174/18 - DATED OCTOBER 12, 2018 -
QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING SEPTEMBER 2018** 12/160

Resolved

1. That Broken Hill City Council Report No. 174/18 dated October 12, 2018, be received.
2. That the 1st Quarterly Budget Review Statement and recommendations be adopted.
3. That Council note the projected 2018/19 operating surplus (before capital) of \$53,000.
4. That Council note the 2018/19 projected capital budget expenditure of \$9,843,000.

RESOLUTION

Minute No. 45938

Councillor M. Browne moved)
Councillor J. Nolan seconded)

CARRIED

Councillors Kennedy and Algate requested that their names be recorded as voting against the motion of Item 8.

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 175/18 - DATED OCTOBER 08, 2018 -
INVESTMENT REPORT FOR SEPTEMBER 2018** 17/82

Resolved

1. That Broken Hill City Council Report No. 175/18 dated October 8, 2018, be received.

RESOLUTION

Minute No. 45939

Councillor B. Algate moved)
Councillor D. Gallagher seconded)

CARRIED

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 176/18 - DATED OCTOBER 15, 2018 -
TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE - PERFECT LIGHT FILM FESTIVAL - 1
DECEMBER 2018** 11/307

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RESOLUTION

Minute No. 45940

Councillor B. Licul moved)

Councillor R. Page seconded)

1. That Broken Hill City Council Report No. 176/18 dated October 15, 2018, be received.
2. That Council suspend the prohibition of the consumption of alcohol in part of Sturt Park, under Section 632A, of the *Local Government Act, 1993* on Saturday, 1 December 2018 6.00pm to Saturday, 1 December 2018 11.00pm for the Perfect Light Film Festival.
3. That the temporary suspension on the prohibition of the consumption of alcohol in part of Sturt Park be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirms that the suspension only applies to the VIP Marquee area; and that the consumption of alcohol will remain prohibited for all other areas of the Sturt Park and all existing alcohol free zones in Broken Hill will remain in force.
4. That Barrier Local Area Command be advised of Council's decision.
5. That staff investigate whether the alcohol free zone can be expanded to a broader area of the park for next year's Perfect Light Film Festival.

CARRIED

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 177/18 - DATED OCTOBER 10, 2018 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 386 HELD TUESDAY OCTOBER 2, 2018.

11/397

Resolved

1. That Broken Hill City Council Report No. 177/18 dated October 10, 2018, be received.
2. That the minutes for the Local Traffic Committee Meeting No.386, held October 2, 2018 be received.

RESOLUTION

Minute No. 45941

Councillor M. Browne moved)

Councillor C. Adams seconded)

CARRIED

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 178/18 - DATED OCTOBER 11, 2018 - ACTION LIST REPORT

11/21

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Resolved

1. That Broken Hill City Council Report No. 178/18 dated October 11, 2018, be received.

RESOLUTION

Minute No. 45942

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

CARRIED

COMMITTEE REPORTS

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 179/18 - DATED OCTOBER 09, 2018 -
MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE
MEETING HELD 18 SEPTEMBER 2018** 12/51

Resolved

1. That Broken Hill City Council Report No. 179/18 dated October 9, 2018, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held September 18, 2018 be received.

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 180/18 - DATED OCTOBER 12, 2018 -
MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETINGS HELD OCTOBER 4, 2018** 15/87

Resolved

1. That Broken Hill City Council Report No. 180/18 dated October 12, 2018, be received.
2. That the minutes of the Broken Hill Heritage Committee Meeting held October 4, 2018 be received and noted.

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 181/18 - DATED OCTOBER 17, 2018 -
MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE MEETINGS HELD 3 APRIL AND
11 SEPTEMBER, 2018** 16/8

Resolved

1. That Broken Hill City Council Report No. 181/18 dated October 17, 2018, be received.
2. That minutes of the BIU Band Hall Community Committee Meetings held 3 April 2018 and 11 September 2018 be received.

Minute No. 45943

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

That the recommendations of items 13 to 15 be adopted.

CARRIED

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

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**ITEM 16 - QUESTIONS ON NOTICE NO. 8/18 - DATED OCTOBER 04, 2018 - COUNCILLOR
QUESTIONS TAKEN ON NOTICE AT THE SEPTEMBER 2018 COUNCIL MEETING** 14/175, 11/9

Resolved

1. That Questions On Notice No. 8/18 dated October 4, 2018, be received.

RESOLUTION

Minute No. 45944

Councillor J. Nolan moved)

Councillor M. Clark seconded)

CARRIED

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Code of Conduct Complaints Annual Statistics Report

11/171

The Mayor took a question on notice from Councillor Kennedy as to whether all Code of Conduct investigations were finalised within the reporting period of 1 September 2017 to 31 August 2018; and if not, what the additional cost of these investigations are.

RESOLUTION

Minute No. 45945 - Motion

Councillor B. Licul moved)

Councillor M. Clark seconded)

That the meeting be closed to the public in accordance with Section 10A(2) of the Local Government Act 1993.

CARRIED

Members of the public and media left the Council Chambers at 7:27 p.m.

CONFIDENTIAL MATTERS

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 183/18 - DATED OCTOBER 15, 2018 -
SALE OF 55-59 GYPSUM STREET - CONFIDENTIAL**

11/197

(General Manager's Note: This report considers sale of property 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. 183/18 dated October 15, 2018, be received.
2. That Council rescinds minute number 45352 dated 28 September 2016 (transfer of ownership of 55-59 Gypsum Street to Broken Hill Family Day Care Committee Inc.)
3. That Council engage a real estate agent to list the property at 55-59 Gypsum Street for sale.

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4. That the General Manager be authorised to negotiate and finalise the sale of 55-59 Gypsum Street.
5. That the Mayor and General Manager be authorised to sign and execute any documents related to the sale under the Common Seal of Council.

RESOLUTION

Minute No. 45946

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

CARRIED

A Division was called which resulted in:

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

ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 184/18 - DATED SEPTEMBER 28, 2018 - SALE OF PROPERTY - LOT 2 IN DEPOSITED PLAN 1067380 - CONFIDENTIAL 11/204
(**General Manager's Note:** This report considers Sale of Property 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).

RESOLUTION

Minute No. 45947

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

1. That Broken Hill City Council Report No. 184/18 dated September 28, 2018, be received.
2. That Council negotiate a new lease (with CPI increase) with the West Darling Machinery Preservation Society for use of 479 Crystal Street (Lot 2 in Deposited Plan 1067380)
3. That the Mayor and General Manager be authorised to execute lease documents under the Common Seal of Council.

CARRIED

A Division was called which resulted in:

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

ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 186/18 - DATED OCTOBER 31, 2018 - TENDER T16/11 - TENDER FOR TRANSFER STATION AT WASTE SERVICES FACILITY - CONFIDENTIAL T16/11

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(General Manager's Note: This report considers legal advice and a tender 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).

The item was presented as a late motion and following some discussion the Mayor advised that Item 19 would be referred to an Extraordinary Council Meeting to be scheduled early in the following week. Councillors supported this action.

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 182/18 - DATED OCTOBER 09, 2018 -
CODE OF CONDUCT - CONFIDENTIAL** CC18/3

(General Manager's Note: This report considers a Code of Conduct matter and is deemed confidential under Section 10A(2) (i) of the Local Government Act, 1993 which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

Resolved

1. That Broken Hill City Council Report No. 182/18 dated October 9, 2018, be received.
2. That in line with clause 8.56(d) of the Procedures of the Model Code of Conduct for Local Councils in NSW, the subject person be formally censured for the breach of the Broken Hill City Council Model Code of Conduct as per s440G of the *Local Government Act 1993*.
3. The formal censure of the subject person reflects the substantiated allegation that the subject person has not acted in a way that enhances public confidence in the integrity of Local Government and acted in a manner that contravenes Council's policies, namely the Social Media Policy.

RESOLUTION

Minute No. 45948

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

Councillors Algate and Page requested that their names be recorded as voting against the motion of item 20.

RESOLUTION

Minute No. 45949 - Motion

Councillor C. Adams moved) That the meeting resume in open session.
Councillor M. Browne seconded) CARRIED

Members of the public and media returned to the Council Chambers at 7:59 p.m.

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

There being no further business the Mayor closed the meeting at 8:01 p.m.

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

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CHAIRPERSON