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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
MAY 29, 2019

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Meeting commenced at 6:30 p.m.

**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 (3), Members of the Public (5).

**APOLOGIES:**

Nil.

**PRAYER**

Councillor Adams delivered the prayer.

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country.

**PUBLIC FORUM**

Nil.

**MINUTES FOR CONFIRMATION**

**RESOLUTION**

Minute No. 46067

Councillor J. Nolan moved )

Councillor C. Adams seconded )

That the Minutes of the Ordinary Meeting of the  
Council of the City of Broken Hill held April 17,  
2019 be confirmed.

That the Minutes of the Extraordinary Meeting of  
the Council of the City of Broken Hill held May  
14, 2019 be confirmed.

CARRIED

**DISCLOSURE OF INTEREST**

Councillor Gallagher declared:

- a non-pecuniary interest in Report No. 79/19 (Item 4 of the Confidential Matters) as he is a Club member of the organisation and advised that he will leave the Council Chambers whilst the item is considered.

Councillor Adams declared:

- a non-pecuniary interest in Report No. 77/19 (Item 2 of the Confidential Matters) as she is a Board member of the organisation and advised that she will leave the Council Chambers whilst the item is considered.

Councillor Browne declared:

- a non-pecuniary interest in Report No. 77/19 (Item 2 of the Confidential Matters) as she is a Board member of the organisation and advised that she will leave the Council Chambers whilst the item is considered.

## MAYORAL MINUTES

Nil.

## NOTICES OF MOTION

**ITEM 1 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 9/19 - DATED MAY 24, 2019 -  
WATER PURIFIERS FOR MENINDEE AND WILCANNIA**

11/426

Motion

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

1. That Motions of Which Notice has been Given No. 9/19 dated May 24, 2019, be received.
2. That Broken Hill City Council helps to deliver an offer from Cyclowater Global Pty Ltd to the township of Menindee and Wilcannia, the use of a Cyclowaters Cycloniser to provide clean drinking water for Menindee and Wilcannia. Usual use is a closed loop recycling system but can provide up to 5,000 litres of pure clean drinking water per day.
3. That Council liaise with the company contact and representatives of the Centre Darling Shire to decide the best way to implement this kind offer.
4. That Broken Hill City Council contacts the appropriate Ministers in Federal and State Government and our local members to consider the cyclonisers for use under the Emergency Water Infrastructure Scheme as an important device for the delivery of pure, recycled water for kitchen, bathroom and laundry.
5. The cycloniser is a closed loop recycling device that will dramatically reduce water usage and the cost of trucking water to properties and will deliver an almost pure water product that protects families from unattended effects of the contaminated water that is causing skin and other health ailments.

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Amendment

- Councillor C. Adams moved )  
Councillor D. Gallagher seconded )
1. That Motions of Which Notice has been Given No. 9/19 dated May 24, 2019, be received.
  2. That the offer from Cyclowater Global Pty Ltd to donate a cycloniser to the townships of Wilcannia and Menindee be referred to the Central Darling Shire Council.

CARRIED

The amendment becomes the motion.

**RESOLUTION**

Minute No. 46068

- Councillor C. Adams moved )  
Councillor D. Gallagher seconded )
1. That Motions of Which Notice has been Given No. 9/19 dated May 24, 2019, be received.
  2. That the offer from Cyclowater Global Pty Ltd to donate a cycloniser to the townships of Wilcannia and Menindee be referred to the Central Darling Shire Council.

CARRIED

The Mayor accepted a request for a Division from Councillor Kennedy and seconded by Councillor Algate.

A Division was called which resulted in:

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

AGAINST: Crs Algate and Kennedy

**ITEM 2 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 10/19 - DATED MAY 24, 2019 - 2019/2020 BUDGET CONSIDERATION - ALMA OVAL LIGHTING** 18/191, 12/45

Motion

- Councillor T. Kennedy moved )  
Councillor B. Algate seconded )
1. That Motions of Which Notice has been Given No. 10/19 dated May 24, 2019, be received.
  2. That Broken Hill City Council budget \$700,000 in the 2019-2020 budget for lighting at the Alma Oval.
  3. That money for the Alma Oval Lighting Project is transferred from the \$6,500,000 collected in profit from the W2BH pipeline construction and is currently kept in the Community Hub reserve or from the infrastructure replace loan or from another area identified by the General Manager and voted by Council.

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LOST

The Mayor accepted a request for a Division from Councillor Kennedy and seconded by Councillor Algate.

A Division was called which resulted in:

FOR: Crs Kennedy, Algate

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

**ITEM 3 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 11/19 - DATED MAY 24, 2019 - 2019/2020 BUDGET CONSIDERATION - UPGRADE WORKS TO NORM FOX OVAL 18/191, 12/53**

Motion

Councillor T. Kennedy moved )

Councillor B. Algate seconded )

1. That Motions of Which Notice has been Given No. 11/19 dated May 24, 2019, be received.
2. That Broken Hill City Council budget \$1,500,000 in the 2019-2020 budget for works at the Norm Fox Oval that includes lighting, sprinkler systems, new turf etc.
3. That money for the Norm Fox project is transferred from the \$6,500,000 collected in profit from the W2BH pipeline construction and is currently kept in the Community Hub reserve or from the infrastructure replace loan or from another area identified by the General Manager and voted by Council.

LOST

The Mayor accepted a request for a Division from Councillor Kennedy and seconded by Councillor Algate.

A Division was called which resulted in:

FOR: Crs Kennedy, Algate and Page

AGAINST: Crs Adams, Browne, Gallagher, Licul, Turley, Clark and Nolan

**ITEM 4 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 12/19 - DATED MAY 24, 2019 - 2019/2020 BUDGET CONSIDERATION - QUEEN ELIZABETH PARK UPGRADE WORKS 18/191, 17/136**

Motion

Councillor T. Kennedy moved )

Councillor B. Algate seconded )

1. That Motions of Which Notice has been Given No. 12/19 dated May 24, 2019, be received.
2. That Broken Hill City Council budget \$1,000,000 in the 2019-2020 budget for works at the Queen Elizabeth Park that includes lighting, sprinkler systems, new turf etc.
3. That money for the Queen Elizabeth Park project is transferred from the \$6,500,000

collected in profit from the W2BH pipeline construction and is currently kept in the Community Hub reserve or from the infrastructure replace loan or from another area identified by the General Manager and voted by Council.

LOST

The Mayor accepted a request for a Division from Councillor Kennedy and seconded by Councillor Algate.

A Division was called which resulted in:

FOR: Crs Kennedy, Algate and Page

AGAINST: Crs Adams, Browne, Gallagher, Licul, Turley, Clark and Nolan

### RESCISSION MOTIONS

Nil.

### REPORTS FROM DELEGATES

Nil.

### REPORTS

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 60/19 - DATED MARCH 26, 2019 - ANNUAL FEES - MAYOR AND COUNCILLORS** 11/20

Motion

Councillor M. Browne moved )

Councillor B. Licul seconded )

1. That Broken Hill City Council Report No. 60/19 dated March 26, 2019, be received.
2. That effective 1 July 2019, the Local Government Remuneration Tribunal annual fee increase of 2.5% for 2019/2020 financial year be applied to the current fees for the Mayor and Councillors.
3. That allocation of a fee for the Deputy Mayor when acting in the role as Mayor, being the daily fee based on the annual additional Mayoral fee; with the fee so payable deducted from the Mayor's fee, be reaffirmed.

*An addendum was suggested by Councillor Clark:*

*That Councillors wishing not to accept the increase should advise the General Manger by 30 June 2019.*

*The addendum was not accepted by the Mayor as it is contrary to the Local Government Act 1993.*

The original motion was put.

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**RESOLUTION**

Minute No. 46069

- Councillor M. Browne moved )  
Councillor B. Licul seconded )
1. That Broken Hill City Council Report No. 60/19 dated March 26, 2019, be received.
  2. That effective 1 July 2019, the Local Government Remuneration Tribunal annual fee increase of 2.5% for 2019/2020 financial year be applied to the current fees for the Mayor and Councillors.
  3. That allocation of a fee for the Deputy Mayor when acting in the role as Mayor, being the daily fee based on the annual additional Mayoral fee; with the fee so payable deducted from the Mayor's fee, be reaffirmed.

CARRIED

On the casting vote of the Mayor

The Mayor accepted a request for a Division from Councillor Kennedy and seconded by Councillor Algate.

A Division was called which resulted in:

FOR: Crs Browne, Licul, Turley, Clark and Nolan

AGAINST: Crs Adams, Algate, Gallagher, Kennedy and Page

CASTING VOTE: The Mayor exercised her casting vote in favour of the motion.

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 61/19 - DATED APRIL 09, 2019 - MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW 2018** 12/14

Motion

- Councillor M. Clark moved )  
Councillor J. Nolan seconded )
1. That Broken Hill City Council Report No. 61/19 dated April 9, 2019, be received.
  2. That Council adopts the draft Code of Meeting Practice Policy (based on the Model Code of Meeting Practice for Local Councils in NSW 2018) as a Policy of Council, with the inclusion of clause 11.11 and the omission of clauses 11.6 to 11.9 and clause 11.13; and that this policy renders the 2013 Code of Meeting Practice Policy obsolete.

Amendment

- Councillor T. Kennedy moved )  
Councillor B. Algate seconded )
1. That Broken Hill City Council Report No. 61/19 dated April 9, 2019, be received.
  2. That Council adopts the draft Code of Meeting Practice Policy (based on the Model Code of Meeting Practice for Local Councils in NSW 2018) as a Policy of Council, with the

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inclusion of clause 11.11 and the omission of clauses 11.6 to 11.9 and clause 11.13, and the amendment of clause 18.1 to change the closing time of a Council Meeting to be no later than 11:30 p.m.; and that this policy renders the 2013 Code of Meeting Practice Policy obsolete.

LOST

Amendment

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

1. That Broken Hill City Council Report No. 61/19 dated April 9, 2019, be received.
2. That Council adopts the draft Code of Meeting Practice Policy (based on the Model Code of Meeting Practice for Local Councils in NSW 2018) as a Policy of Council, with the inclusion of clause 11.11 and the omission of clauses 11.6 to 11.9 and clause 11.13, and the amendment of clause 3.10 to remove the limit of Notice of Motions that a Councillor can submit to a Council Meeting.; and that this policy renders the 2013 Code of Meeting Practice Policy obsolete.

LOST

The Mayor accepted a request for a Division from Councillor Kennedy and seconded by Councillor Algate.

A Division was called which resulted in:

FOR: Crs Kennedy, Algate and Page

AGAINST: Crs Adams, Browne, Gallagher, Licul, Turley, Clark and Nolan

*Councillor Kennedy called a Point of Order stating that limiting the number of Notice of Motions that a Councillor can put to a Council Meeting (at clause 3.10(a) of the Code of Meeting Practice) is breaching the Local Government Act 1993.*

*The Mayor ruled that the motion stands as clause 3.10(a) of the Code of Meeting Practice does not breach the Local Government Act 1993.*

The original motion was put.

**RESOLUTION**

Minute No. 46070

Councillor M. Clark moved )

Councillor J. Nolan seconded )

1. That Broken Hill City Council Report No. 61/19 dated April 9, 2019, be received.
2. That Council adopts the draft Code of Meeting Practice Policy (based on the Model Code of Meeting Practice for Local Councils in NSW 2018) as a Policy of Council, with the inclusion of clause 11.11 and the omission of clauses 11.6 to 11.9 and clause 11.13; and that this policy renders the 2013 Code of Meeting Practice Policy obsolete.

CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 62/19 - DATED MAY 13, 2019 - OPENING HOURS OF THE VISITOR INFORMATION CENTRE** 11/407

Motion

- Councillor M. Browne moved )  
Councillor D. Gallagher seconded )
1. That Broken Hill City Council Report No. 62/19 dated May 13, 2019, be received.
  2. That Council retain the current operating hours of the Visitor Information Centre (VIC) i.e:  
  
*March 1 to November 30 (medium season) – 8.30am to 4.00pm daily*  
  
*December 1 to end February (low season) – 8.30am to 3.00pm daily*  
  
*NSW, SA and VIC school holidays (high seasons) – 8.30am to 5.00pm daily*

Amendment

- Councillor T. Kennedy moved )  
Councillor B. Algate seconded )
1. That Broken Hill City Council Report No. 62/19 dated May 13, 2019, be received.
  2. That the opening hours of the Visitor Information Centre be from 8:30am to 5:00pm daily, all year round, closing only on Christmas Day (as per prior to 2011 operating hours).

LOST

The Mayor accepted a request for a Division on the Amendment from Councillor Kennedy and seconded by Councillor Algate.

A Division was called which resulted in:

FOR: Crs Kennedy, Algate and Page

AGAINST: Crs Adams, Browne, Gallagher, Licul, Turley, Clark and Nolan

*The Mayor and General Manager took questions on notice from Councillor Kennedy relating to Report No. 62/19 regarding:*

- a) the accuracy of the lease rental income stated in the report for the Tourist and Travellers Centre; and*
- b) if Councillors could be given an update on the status of the vacant shops at the Tourist and Travellers Centre.*

The original motion was put.

**RESOLUTION**

Minute No. 46071

- Councillor M. Browne moved )  
Councillor D. Gallagher seconded )
1. That Broken Hill City Council Report No. 62/19 dated May 13, 2019, be received.

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2. That Council retain the current operating hours of the Visitor Information Centre (VIC) i.e:

*March 1 to November 30 (medium season) – 8.30am to 4.00pm daily*

*December 1 to end February (low season) – 8.30am to 3.00pm daily*

*NSW, SA and VIC school holidays (high seasons) – 8.30am to 5.00pm daily*

CARRIED

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 63/19 - DATED APRIL 08, 2019 - RE-ESTABLISHMENT OF CENTRAL BUSINESS DISTRICT ALCOHOL-FREE ZONE** 11/307

Resolved

1. That Broken Hill City Council Report No. 63/19 dated April 8, 2019, be received.
2. That Council re-establish the Central Business District Alcohol-Free Zone as described in the final Proposal attached to this report, for a period of four years from 25 June 2019 to 25 June 2023, that is:  
  
Council re-establish the Alcohol-Free Zone in the area generally bounded as follows:  
A zone comprising the Central Business District in an area generally bounded by Crystal, Iodide (Wolfram), Mica, Gossan, Talc (Mercury), Graphite, Wills, Gypsum and Gaffney Streets and South Road, with the exception of businesses within the Alcohol-Free Zone, with approved liquor licence and approved outdoor dining.
3. That the necessary signage be installed showing operation of the zone from 25 June 2019 to 25 June 2023.
4. That re-establishment of the Central Business District Alcohol-Free Zone be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirm that all other existing alcohol-free zones in Broken Hill remain in force.
5. That Council thank the Broken Hill Police for its ongoing support of alcohol-free zones in Broken Hill.

**RESOLUTION**

Minute No. 46072

Councillor B. Algate moved )

Councillor B. Licul seconded )

CARRIED

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 64/19 - DATED MAY 06, 2019 - QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING MARCH 2019** 12/160

Resolved

1. That Broken Hill City Council Report No. 64/19 dated May 6, 2019, be received.
2. That the 2nd Quarterly Budget Review Statement and recommendations be adopted.

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3. That Council note the projected 2018/19 operating surplus (before capital) of \$1,556,000.
4. That Council note the 2018/19 projected net capital expenditure budget of \$11,161,000.

**RESOLUTION**

Minute No. 46073

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

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 65/19 - DATED MAY 06, 2019 - INVESTMENT REPORT FOR APRIL 2019** 17/82  
Resolved

1. That Broken Hill City Council Report No. 65/19 dated May 6, 2019, be received.

**RESOLUTION**

Minute No. 46074

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

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 66/19 - DATED MAY 14, 2019 - COMMUNITY ASSISTANCE GRANTS AWARDED FOR ROUND 1 OF 2019/2020** 18/44  
Resolved

1. That Broken Hill City Council Report No. 66/19 dated May 14, 2019, be received.
2. That Council notes the Community Assistance Grants awarded for Round One of 2018/2019 which were approved by the Panel on 14 May 2019 and the General Manager on 20 May 2019.
3. That the balance from Round 1 of 2019/2020 of \$23,895.90 be rolled-over to Round 2 of 2019/2020.

**RESOLUTION**

Minute No. 46075

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

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 67/19 - DATED MAY 10, 2019 - REVIEW OF SECTION 7.12 DEVELOPER CONTRIBUTIONS PLAN** 11/467  
Resolved

1. That Broken Hill City Council Report No. 67/19 dated May 10, 2019, be received.
2. That the draft Section 7.12 Developer Contributions Plan be publicly exhibited for a period of not less than 28 days.
3. That a further report be presented to Council on completion of the public exhibition for Council's consideration and adoption.

**RESOLUTION**

Minute No. 46076

Councillor J. Nolan moved )

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Councillor M. Browne seconded

)

CARRIED

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 68/19 - DATED MAY 14, 2019 -  
DEVELOPMENT APPLICATION 24/2019 - REDEVELOPMENT AT JUBILEE OVAL, 90 SILVER  
STREET, BROKEN HILL**

11/467

Motion

Councillor T. Kennedy moved

)

1. That Broken Hill City Council Report No. 68/19 dated May 14, 2019, be received.

Councillor B. Algate seconded

)

2. That Development Application 24/2019 be approved, as per the conditions of consent contained within the report with the exclusion of the requirement for the applicant to pay Developer Contribution Fees, i.e.:

a. Compliance with Building Code of Australia

That all building work must be out in accordance with the provisions of the Building Code of Australia.

b. Protection of public places

a) That a hoarding or fence must be erected between the work site and the public place.

i. Submit details of the design of the structure and method of providing safe pedestrian access prior to commencement of works.

b) That if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

c) That the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

d) That any such hoarding, fence or awning is to be removed when the work has been completed. Council's Infrastructure Department shall be contacted to ascertain approval requirements in this regard.

- c. Extensions/Alterations  
That all necessary alterations and or extensions to services shall be out in accordance with the requirements of the appropriate Supply Authorities.
- d. Injury to Amenity  
No nuisance shall be caused to the amenity of the area by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
- e. Construction activities  
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.
- f. PCA Requirements  
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:
  - a) shall appoint a Principal Certifying Authority (PCA).
  - b) shall ensure a Construction Certificate is issued by the PCA.
  - c) shall notify Council of their intention to commence the site works, at least 2 days prior to commencement of work.
- g. During construction, dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being out in order to control wind-blown dust.

- h. During construction, all works associated with the development must be out entirely within the allotment boundaries.
- i. During construction, all roads adjoining the site must be kept clean and free of all materials.
- j. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- k. Prior to the commencement of any work involving asbestos, a plan shall be prepared by a suitable qualified person in accordance with the following standards:

- a) *AS 2601-2001 The Demolition of Structures.*
- b) *Safe Work Australia Code of Practice How to Manage and Control Asbestos in the Workplace.*
- c) *Work Health and Safety Act 2011.*

Details demonstrating compliance shall be submitted with the Construction Certificate application.

- l. During construction, any demolition works shall comply with the provisions of Australian Standard *AS 2601-2001 – The Demolition of Structures*, the *Safe Work Australia Code of Practice – How to Manage and Control Asbestos in the Workplace*, and the *Work Health and Safety Act 2011*.
- m. During construction, works are to be 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.

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LOST

*Prior to the motion being put Councillor Browne foreshadowed a motion (should the current motion be lost) being the report recommendation as written. The Mayor accepted the foreshadowed motion.*

The Mayor accepted a request for a Division from Councillor Kennedy and seconded by Councillor Algate.

A Division was called which resulted in:

FOR: Crs Kennedy, Algate and Page

AGAINST: Crs Adams, Browne, Gallagher, Licul, Turley, Clark and Nolan

*As the previous motion was lost, the foreshadowed motion was put.*

**RESOLUTION**

Minute No. 46077

Councillor M. Browne moved )

Councillor B. Licul seconded )

1. That Broken Hill City Council Report No. 68/19 dated May 14, 2019, be received.
2. That Development Application 24/2019 be approved, subject to the following conditions:
  - a. Compliance with Building Code of Australia  
That all building work must be out in accordance with the provisions of the Building Code of Australia.
  - b. Protection of public places
    - a) That a hoarding or fence must be erected between the work site and the public place.
    - i. Submit details of the design of the structure and method of providing safe pedestrian access prior to commencement of works.
    - b) That if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
    - c) That the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
    - d) That any such hoarding, fence or awning is to be removed when the work has been completed.  
Council's Infrastructure Department shall be contacted to ascertain approval requirements in this regard.
  - c. Extensions/Alterations  
That all necessary alterations and or

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extensions to services shall be out in accordance with the requirements of the appropriate Supply Authorities.

- d. Injury to Amenity  
No nuisance shall be caused to the amenity of the area by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
- e. Construction activities  
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.
- f. PCA Requirements  
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:
  - a) shall appoint a Principal Certifying Authority (PCA).
  - b) shall ensure a Construction Certificate is issued by the PCA.
  - c) shall notify Council of their intention to commence the site works, at least 2 days prior to commencement of work.
- g. The monetary contribution set out in the following table is to be paid to Council prior to the issue of an Occupation Certificate.

Contribution Type	Section 7.12 Contribution
Proposed Cost of Development	\$2,800,000

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Levy Percentage	1%
Total Contribution	\$28,000

- h. During construction, dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being out in order to control wind-blown dust.
- i. During construction, all works associated with the development must be out entirely within the allotment boundaries.
- j. During construction, all roads adjoining the site must be kept clean and free of all materials.
- k. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- l. Prior to the commencement of any work involving asbestos, a plan shall be prepared by a suitable qualified person in accordance with the following standards:
  - a) *AS 2601-2001 The Demolition of Structures.*
  - b) *Safe Work Australia Code of Practice How to Manage and Control Asbestos in the Workplace.*
  - c) *Work Health and Safety Act 2011.*Details demonstrating compliance shall be submitted with the Construction Certificate application.
- m. During construction, any demolition works shall comply with the provisions of Australian Standard *AS 2601-2001 - The Demolition of Structures*, the *Safe Work Australia Code of Practice – How to Manage and Control Asbestos in the Workplace*, and the *Work Health and Safety Act 2011*.

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- n. During construction, works are to be 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.

CARRIED

The Mayor accepted a request for a Division from Councillor Kennedy and seconded by Councillor Algate.

A Division was called which resulted in:

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

AGAINST: Crs Kennedy, Algate and Page

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 69/19 - DATED MAY 15, 2019 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 392 HELD WEDNESDAY MAY 8, 2019**

11/397

Resolved

1. That Broken Hill City Council Report No. 69/19 dated May 15, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.392 held May 8, 2019 be received.

**RESOLUTION**

Minute No. 46078

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

CARRIED

*The Mayor took a question on notice from Councillor Kennedy regarding whether the Traffic Committee was aware that the traffic lights on the corner of Oxide and Argent Streets were malfunctioning.*

*Councillor Browne advised that she will raise this matter at the next Traffic Committee Meeting.*

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 70/19 - DATED MAY 17, 2019 - ACTION LIST REPORT**

11/21

Resolved

1. That Broken Hill City Council Report No. 70/19 dated May 17, 2019, be received.

**RESOLUTION**

Minute No. 46079

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

CARRIED

*Councillor Kennedy asked why the following items had been removed from the Action List before the*

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action was complete, stating that each item required a further report to Council which has not been provided:

- a) Item from August 2018 Council Meeting regarding investigating options to re-open Imperial Lakes
- b) Item from August 2018 Council Meeting regarding a review of the Public Art Policy

The Mayor accepted these items as a question on notice.

## COMMITTEE REPORTS

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 71/19 - DATED APRIL 09, 2019 - NOMINATIONS FOR COMMUNITY MEMBERSHIP OF COUNCIL S355 COMMITTEES** 12/52

Resolved

1. That Broken Hill City Council Report No. 71/19 dated April 9, 2019, be received.
2. That Council accepts the resignation of Sandra Havran as a community representative on the Friends of the Flora and Fauna of the Barrier Ranges Community Committee
3. That Merran Coombe be appointed as community representative on the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.
4. That Alan Titcombe be appointed as a User Group representative (Silver City Pastoral Association) on the Memorial Oval Community Committee.

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 54/19 - DATED APRIL 03, 2019 - MINUTES OF THE BROKEN HILL COMMUNITY STRATEGIC PLAN ROUND TABLE COMMITTEE MEETING HELD 20 MARCH 2019** 13/145

Resolved

1. That Broken Hill City Council Report No. 54/19 dated April 3, 2019, be received.
2. That the minutes of the Broken Hill Community Strategic Plan Round Table committee meeting held 20 March 2019 be received.

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 72/19 - DATED MAY 09, 2019 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD APRIL 16, 2019** 12/51

Resolved

1. That Broken Hill City Council Report No. 72/19 dated May 9, 2019, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held April 16, 2019 be received.

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 73/19 - DATED MAY 10, 2019 - MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETINGS HELD APRIL 8, 2019 AND MAY 13, 2019** 12/54

Resolved

1. That Broken Hill City Council Report No. 73/19 dated May 10, 2019, be received.

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2. That minutes of the Picton Oval Community Committee Meetings held April 8, 2019 and May 13, 2019 be received.

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 74/19 - DATED MAY 10, 2019 - MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE MEETING HELD 19 FEBRUARY 2019** 16/8

Resolved

1. That Broken Hill City Council Report No. 74/19 dated May 10, 2019, be received.
2. That minutes of the BIU Band Hall Community Committee Meeting held 19 February 2019 be received.

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 75/19 - DATED MAY 15, 2019 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 7 MAY 2019** 12/52

Resolved

1. That Broken Hill City Council Report No. 75/19 dated May 15, 2019, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 7 May 2019 be received.

Minute No. 46080

Councillor M. Clark moved ) That the recommendations of items 16 to 21 be  
Councillor C. Adams seconded ) adopted.

CARRIED

## QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 22 - QUESTIONS ON NOTICE NO. 5/19 - DATED MAY 20, 2019 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE APRIL 2019 COUNCIL MEETING** 11/407, 18/41, 17/206

Resolved

1. That Questions On Notice No. 5/19 dated May 20, 2019, be received.

### RESOLUTION

Minute No. 46081

Councillor T. Kennedy moved )  
Councillor M. Clark seconded )

CARRIED

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

From Item 7 – Opening Hours of the Visitors Information Centre

*The Mayor and General Manager took questions on notice from Councillor Kennedy relating to Report No. 62/19 regarding:*

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- a) *the accuracy of the lease rental income stated in the report for the Tourist and Travellers Centre; and*
- b) *if Councillors could be given an update on the status of the vacant shops at the Tourist and Travellers Centre.*

From Item 14 – Broken Hill Traffic Committee

*The Mayor took a question on notice from Councillor Kennedy regarding whether the Traffic Committee was aware that the traffic lights on the corner of Oxide and Argent Streets were malfunctioning.*

*Councillor Browne advised that she will raise this matter at the next Traffic Committee Meeting.*

From Item 15 – Action List Items

*Councillor Kennedy asked why the following items had been removed from the Action List before the action was complete, stating that each item required a further report to Council which has not been provided:*

- a) *Item from August 2018 Council Meeting regarding investigating options to re-open Imperial Lakes*
- b) *Item from August 2018 Council Meeting regarding a review of the Public Art Policy*

Council's Draft Sustainability Strategy

*Councillor Kennedy asked why the Draft Sustainability Strategy that was recently on public exhibition did not contain details of the labour costs for Council's staff to implement and manage sustainability/recycling initiatives/transfer station; the cost of additional staff; the cost of installing CCTV cameras contained within the Strategy? Also why weren't Councillors advised of these costs when they approved the transfer station development?*

## CONFIDENTIAL MATTERS

### RESOLUTION

Minute No. 46082

Councillor M. Browne moved ) That the meeting be closed to the public in  
Councillor J. Nolan seconded ) accordance with the *Local Government Act*  
*1993 clause 10A(2)*, whilst the confidential  
matters are considered.

CARRIED

*Members of the media and public left the Council Chambers at 8:28 p.m.*

**ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 76/19 - DATED NOVEMBER 27, 2018 -  
PROPOSED LICENCE OF PART OF THE WILLYAMA COMMON FOR KEEPING OF HORSES -  
CONFIDENTIAL**

11/63

**(General Manager's Note:** This report considers a proposed 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. 76/19 dated November 27, 2018, be received.

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2. That Council (as Trust Managers for the Willyama Common Trust) consent to the proposed licence to John and Leanne Ray for the keeping of horses on the Willyama Common, being Lot 1 DP 914814 and part Lot 7388 DP 1200953.
3. That the licence include the following conditions as provided by the Broken Hill Aboriginal Land Council:
  - a) Any improvements being of a temporary nature to be removed if required when the licence is terminated
  - b) The licence agreement containing a provision that it may be terminated in the event Aboriginal Land Claims 40396 and/or 43660 are determined as grants by the Crown Lands Minister
  - c) The Aboriginal Cultural & heritage protection provisions of the *National Parks & Wildlife Act 1974* being complied with;
  - d) If any section of land is proposed to be cleared by the operation of machinery, then that particular section of land will require further cultural surveys prior to commencement of works; and
  - e) No other stock is to be kept on the land other than those listed on the licence application.
4. That the licence is subject to compliance with the *Native Title Act 1993* and the Aboriginal Cultural Heritage provisions of the *National Parks & Wildlife Act 1974*.
5. That the initial licence term be for four years, with the annual rental to be an estimated \$5,768.16 (including GST and subject to any CPI adjustments).
6. That the licensee be responsible for any legal fees incurred in the drafting of the licence documents.
7. That the Mayor and General Manager be authorised to sign and execute the licence documents under the Common Seal of Council, in absence of a Trust Seal.

**RESOLUTION**

Minute No. 46083

Councillor C. Adams moved )

Councillor D. Gallagher seconded )

CARRIED

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 77/19 - DATED DECEMBER 17, 2018 - FAR WEST HACC TRANSFER OF NORTH MINE HALL LEASE TO LIVEBETTER SERVICES -**

**CONFIDENTIAL**

11/121

**(General Manager's Note:** This report considers a transfer of 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).

*Councillors Adams and Browne each declared a non-pecuniary interest in item 20 and left the Council Chambers at 8:29 p.m.*

Resolved

1. That Broken Hill City Council Report No. 77/19 dated December 17, 2018, be received.
2. That Council consent to the proposed transfer of lease, with the current lease for the North Mine Hall to be transferred from Far West HACC Services to Livebetter Services Limited.
3. That the terms and conditions of the current lease agreement remain the same, including the rent of \$1 per year.
4. That Livebetter Services Limited are responsible for any legal fees incurred by Council.

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5. That the Mayor and General Manager be authorised to sign the transfer of lease documents under the Common Seal of Council.

**RESOLUTION**

Minute No. 46084

Councillor B. Licul moved )

Councillor B. Algate seconded )

CARRIED

*Councillors Adams and Browne returned to the Council Chambers at 8:30 p.m. The Mayor advised Councillor Adams and Browne that the report recommendation of item 20 was adopted.*

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 78/19 - DATED APRIL 09, 2019 -  
PROPOSED ACCESS LICENCE THROUGH PART OF THE WILLYAMA COMMON -**

**CONFIDENTIAL**

11/63

**(General Manager's Note:** This report considers a proposed licence 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. 78/19 dated April 9, 2019, be received.
2. That Council (as Trust Managers for the Willyama Common Trust) consent to the issue of an access license to P S & D K Weston across the Willyama Common (Lot 4 in Deposited Plan 1220372), to formalise access to the property located at Lot 5547 in Deposited Plan 757298.
3. That a temporary license agreement be issued for 12 months, for a rental of \$1.
4. That should the Weston's still own the property at the license expiry date and require continued access, that the license be renewed accordingly.
5. That in the absence of a Trust Seal, the Mayor and General Manager be authorised to sign and execute any documents relating to the license under the Common Seal of Council.

**RESOLUTION**

Minute No. 46085

Councillor B. Algate moved )

Councillor C. Adams seconded )

CARRIED

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 79/19 - DATED APRIL 24, 2019 -  
RENEWAL OF LEASE AT THE AIRPORT TO THE AERO CLUB OF BROKEN HILL -**

**CONFIDENTIAL**

11/232

**(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).

*Councillor Gallagher declared a non-pecuniary interest in item 22 and left the Council Chambers at 8:30 p.m.*

Resolved

1. That Broken Hill City Council Report No. 79/19 dated April 24, 2019, be received.

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2. That Council renew the current lease at the Broken Hill Airport to the Aero Club of Broken Hill, exercising the renewal option for a further five (5) years.
3. That the Aero Club of Broken Hill be responsible for any legal fees associated with the lease renewal.
4. That the Mayor and General Manager be authorised to sign and execute any documents relating to the lease renewal under the Common Seal of Council.

**RESOLUTION**

Minute No. 46086

Councillor C. Adams moved )

Councillor J. Nolan seconded )

CARRIED

*Councillor Gallagher returned to the Council Chambers at 8:31 p.m. The Mayor advised Councillor Gallagher that the report recommendation of item 23 was adopted.*

**ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 82/19 - DATED MAY 22, 2019 -  
VARIATION OF LEASE - 72-74 GYPSUM STREET TO LIVEBETTER SERVICES PTY LTD -**

**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).

*At this point in the meeting the Mayor declared a conflict of interest in item 24 as her son works for the organisation. The Mayor left the Council Chamber at 8:32 p.m. and the Deputy Mayor assumed the Chair.*

Resolved

1. That Broken Hill City Council Report No. 82/19 dated May 22, 2019, be received.
2. That Council consent to the variation in rental for 72-74 Gypsum Street, with the new annual lease amount being \$137,500 for a period of two years.
3. That the Mayor and General Manager be authorised to sign and execute any documents relating to the lease variation under the Common Seal of Council.

**RESOLUTION**

Minute No. 46087

Councillor C. Adams moved )

Councillor J. Nolan seconded )

CARRIED

*The Mayor returned to the Council Chamber at 8:34 p.m. and resumed the Chair.*

**ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 81/19 - DATED MAY 13, 2019 - BROKEN  
HILL ANIMAL POUND - CONFIDENTIAL**

19/22

**(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).

*Due to a pecuniary interest in item 24, the Governance Officer left the Council Chambers at 8:34 p.m.*

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Resolved

1. That Broken Hill City Council Report No. 81/19 dated May 13, 2019, be received.
2. That Council endorse the budget for the Broken Hill Animal Pound be increased to \$450,000.00.

**RESOLUTION**

Minute No. 46088

Councillor J. Nolan moved )  
Councillor B. Licul seconded ) CARRIED

**RESOLUTION**

Minute No. 46089

Councillor M. Browne moved ) That the meeting resume in open session  
Councillor D. Gallagher seconded ) CARRIED

*The Governance Officer, members of the public and media returned to the Council Chamber at 8:36 p.m.*

*At the Mayor's invitation the General Manager read the resolutions of the Confidential Matters.*

There being no further business the Mayor closed the meeting at 8:40 p.m.

THE FOREGOING MINUTES WERE READ )  
AND CONFIRMED AT THE ORDINARY )  
MEETING OF THE BROKEN HILL CITY )  
COUNCIL HELD ON 26 JUNE 2019. )

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CHAIRPERSON