
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
AUGUST 28, 2019

Meeting commenced at 6:30pm

PRESENT:

Councillor D. Turley AM (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 (7).

APOLOGIES:

Nil

PRAYER

Councillor Adams delivered the prayer

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 46049

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 July 31,
2019 be confirmed.

CARRIED

DISCLOSURE OF INTEREST

Nil.

MAYORAL MINUTES

Nil.

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 127/19 - DATED AUGUST 06, 2019 - 2017-2021 DELIVERY PROGRAM – KEY PERFORMANCE INDICATORS PROGRESS REPORT TO 30 JUNE 2019, INCLUSIVE OF OPERATIONAL PLAN 2018/2019 OUTCOMES 16/165

Motion

- Councillor T. Kennedy moved) 1. That Broken Hill City Council Report No. 127/19
Councillor B. Algate seconded) dated August 6, 2019, be received.
2. That Council adopt the 2017-2021 Delivery Program – Key Performance Indicators Progress Report to 30 June 2019, inclusive of Operational Plan 2018/2019 outcomes.
3. That Council issues a media release apologising for the many Key Performance Indicators that were not met in the Delivery Program for 2018/2019.

Amendment

- Councillor M. Browne moved) 1. That Broken Hill City Council Report No. 127/19
Councillor M. Clark seconded) dated August 6, 2019, be received.
2. That Council adopt the 2017-2021 Delivery Program – Key Performance Indicators Progress Report to 30 June 2019, inclusive of Operational Plan 2018/2019 outcomes.

CARRIED

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

The amendment becomes the motion.

RESOLUTION

Minute No. 46050

- Councillor M. Browne moved) 1. That Broken Hill City Council Report No. 127/19
Councillor M. Clark seconded) dated August 6, 2019, be received.
2. That Council adopt the 2017-2021 Delivery Program – Key Performance Indicators Progress Report to 30 June 2019, inclusive of Operational Plan 2018/2019 outcomes.

CARRIED

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

ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 128/19 - DATED AUGUST 07, 2019 - REVIEW AND DEVELOPMENT OF THE COMMUNITY STRATEGIC PLAN 2040 "2040 OUR BROKEN HILL", INCLUSIVE OF THE DRAFT COMMUNITY ENGAGEMENT STRATEGY 2020 FOR THE COMMUNITY STRATEGIC PLAN REVIEW 19/124

Resolved

1. That Broken Hill City Council Report No. 128/19 dated August 7, 2019, be received.
2. That Council support the approach being taken to review and develop the Broken Hill Community Strategic Plan 2040.
3. That Council endorse the draft Community Engagement Strategy 2020 for phase one review and information gathering for the Community Strategic Plan.

RESOLUTION

Minute No. 46051

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

CARRIED

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

ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 129/19 - DATED JUNE 28, 2019 - ADOPTION OF THE DRAFT CODE OF PRACTICE CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM PROGRAMME POLICY 12/14

Resolved

1. That Broken Hill City Council Report No. 129/19 dated June 28, 2019, be received.
2. That Council adopts the draft Code of Practice Closed Circuit Television (CCTV) Programme Policy as a Policy of Council.
3. That the General Manager be authorised to sign and undertake any further negotiations with the NSW Police Force (Barrier Police District) in relation to the Close Circuit Television (CCTV) Programme.

RESOLUTION

Minute No. 46052

Councillor J. Nolan moved)
Councillor D. Gallagher seconded)

CARRIED

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

ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 130/19 - DATED AUGUST 12, 2019 - BUDGET CARRYOVER'S 2019/20 14/175

Recommendation

1. That Broken Hill City Council Report No. 130/19 dated August 12, 2019, be received.

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2. That Council revoke the budget items as listed below in *Table 1* for the amount of \$547,384
3. That Council note the carryover budget items as listed below in *Table 2* for the amount of \$4,390,623

Motion

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

1. That Broken Hill City Council Report No. 130/19 dated August 12, 2019, be received.
2. That Council revoke the budget items as listed below in *Table 1* for the amount of \$547,384
3. That Council note the carryover budget items as listed below in *Table 2* for the amount of \$4,390,623

Amendment

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

1. That Broken Hill City Council Report No. 130/19 dated August 12, 2019, be received.
2. That Council be provided with a further report on the revoke of budget items and the carryover budget items to determine if they are still Council's priorities in these areas.

LOST

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

The original motion was put.

RESOLUTION

Minute No. 46053

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

1. That Broken Hill City Council Report No. 130/19 dated August 12, 2019, be received.
2. That Council revoke the budget items as listed below in *Table 1* for the amount of \$547,384
3. That Council note the carryover budget items as listed below in *Table 2* for the amount of \$4,390,623

CARRIED

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

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**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 131/19 - DATED AUGUST 13, 2019 -
REQUEST TO WAIVE DEAD ANIMAL FEES**

11/199

Resolved

1. That Broken Hill City Council Report No. 131/19 dated August 13, 2019, be received.
2. That Broken Hill City Council waive dead animal fees for the RSPCA and RRANA at the Broken Hill Waste Management Facility.

RESOLUTION

Minute No. 46054

Councillor M. Browne moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 132/19 - DATED AUGUST 14, 2019 -
INVESTMENT REPORT FOR JULY 2019**

17/82

Resolved

1. That Broken Hill City Council Report No. 132/19 dated August 14, 2019, be received.

RESOLUTION

Minute No. 46055

Councillor J. Nolan moved)

Councillor D. Gallagher seconded)

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 133/19 - DATED AUGUST 16, 2019 -
ANNUAL INVESTMENT REVIEW FOR THE PERIOD ENDING 30 JUNE 2019**

17/82

Resolved

1. That Broken Hill City Council Report No. 133/19 dated August 16, 2019, be received.

RESOLUTION

Minute No. 46056

Councillor B. Licul moved)

Councillor M. Clark seconded)

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 134/19 - DATED AUGUST 02, 2019 -
ALCOHOL-FREE ZONES**

11/307

Motion

Councillor T. Kennedy moved)

Councillor B. Algate seconded)

1. That Broken Hill City Council Report No. 134/19 dated August 2, 2019, be received.
2. That Council endorse the draft proposal (as attached) to re-establish the Alcohol-Free Zone known as Creedon Street, including public roads and laneways, public car parks and footpath area of Creedon Street bounded by Rakow and Wills Streets.
3. That Council endorse the draft proposal (as attached) to re-establish the Alcohol-Free Zone known as Shell Memorial including all

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public roads and laneways, public car parks and footpaths in an area bounded by Iodide, Thomas, Bromide and Mica Streets including Oxide Street from Thomas Street through to Morgan Street.

4. That Council endorse the draft proposal (as attached) to re-establish the Alcohol-Free Zone surrounding the E.T. Lamb Memorial Oval, including public roads and laneways, public car parks and footpath area surrounding the oval bounded by South, Boughtman, Comstock and Jamieson Streets.
5. That Council endorse the draft proposal (as attached) to re-establish the Alcohol-Free Zone known as South Broken Hill including all public roads and laneways, public car parks and footpaths in an area bounded by Bonanza, Patton, Central and Hebbard Streets including South Street from Piper Street through to Wilson Street.
6. That Council refer the Draft Proposals for comment in accordance with the provisions of the *Local Government Act 1993* and Ministerial Guidelines (2009) to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area and all affected licensed premises and registered clubs that border on, adjoin or are adjacent to the proposed alcohol free zone, for response within thirty days of public notice.
7. That Council invite public comment on the proposal through an advertisement in local newspaper with time for response within thirty days.
8. That a further report be submitted to Council upon completion of the consultative process.

Amendment

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

1. That Broken Hill City Council Report No. 134/19 dated August 2, 2019, be received.
2. That Council endorse the draft proposal (as attached) to re-establish the Alcohol-Free Zone known as Creedon Street, including public roads and laneways, public car parks and footpath area of Creedon Street bounded by Rakow and Wills Streets.

3. That Council endorse the draft proposal (as attached) to re-establish the Alcohol-Free Zone known as Shell Memorial including all public roads and laneways, public car parks and footpaths in an area bounded by Iodide, Thomas, Bromide and Mica Streets including Oxide Street from Thomas Street through to Morgan Street.
4. That Council endorse the draft proposal (as attached) to re-establish the Alcohol-Free Zone surrounding the E.T. Lamb Memorial Oval, including public roads and laneways, public car parks and footpath area surrounding the oval bounded by South, Boughtman, Comstock and Jamieson Streets.
5. That Council endorse the draft proposal (as attached) to re-establish the Alcohol-Free Zone known as South Broken Hill including all public roads and laneways, public car parks and footpaths in an area bounded by Bonanza, Patton, Central and Hebbard Streets including South Street from Piper Street through to Wilson Street; with expansion from Bonanza Street to Morish Street and off Bonanza Street from Wilson Street to Picton Street. This is to incorporate other establishments supplying alcohol within the proposed Zone expansion.
6. That Council refer the Draft Proposals for comment in accordance with the provisions of the *Local Government Act 1993* and Ministerial Guidelines (2009) to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area and all affected licensed premises and registered clubs that border on, adjoin or are adjacent to the proposed alcohol free zone, for response within thirty days of public notice.
7. That Council invite public comment on the proposal through an advertisement in local newspaper with time for response within thirty days.
8. That a further report be submitted to Council upon completion of the consultative process.

CARRIED

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

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RESOLUTION

Minute No. 46057

Councillor M. Browne moved
Councillor C. Adams seconded

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-)
1. That Broken Hill City Council Report No. 134/19 dated August 2, 2019, be received.
 2. That Council endorse the draft proposal (as attached) to re-establish the Alcohol-Free Zone known as Creedon Street, including public roads and laneways, public car parks and footpath area of Creedon Street bounded by Rakow and Wills Streets.
 3. That Council endorse the draft proposal (as attached) to re-establish the Alcohol-Free Zone known as Shell Memorial including all public roads and laneways, public car parks and footpaths in an area bounded by Iodide, Thomas, Bromide and Mica Streets including Oxide Street from Thomas Street through to Morgan Street.
 4. That Council endorse the draft proposal (as attached) to re-establish the Alcohol-Free Zone surrounding the E.T. Lamb Memorial Oval, including public roads and laneways, public car parks and footpath area surrounding the oval bounded by South, Boughtman, Comstock and Jamieson Streets.
 5. That Council endorse the draft proposal (as attached) to re-establish the Alcohol-Free Zone known as South Broken Hill including all public roads and laneways, public car parks and footpaths in an area bounded by Bonanza, Patton, Central and Hebbard Streets including South Street from Piper Street through to Wilson Street; with expansion from Bonanza Street to Morish Street and off Bonanza Street from Wilson Street to Picton Street. This is to incorporate other establishments supplying alcohol within the proposed Zone expansion.
 6. That Council refer the Draft Proposals for comment in accordance with the provisions of the *Local Government Act 1993* and Ministerial Guidelines (2009) to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area and all affected licensed premises and registered clubs that border on, adjoin or are adjacent to the proposed alcohol free zone, for response within thirty days of public notice.

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7. That Council invite public comment on the proposal through an advertisement in local newspaper with time for response within thirty days.
8. That a further report be submitted to Council upon completion of the consultative process.

CARRIED

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

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 135/19 - DATED AUGUST 07, 2019 -
ACTION LIST REPORT**

11/21

Recommendation

1. That Broken Hill City Council Report No. 135/19 dated August 7, 2019, be received.

RESOLUTION

Minute No. 46058

Councillor M. Browne moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 136/19 - DATED AUGUST 07, 2019 -
NOMINATIONS FOR COMMUNITY MEMBERSHIP OF COUNCIL S355 COMMITTEES**

12/52

Resolved

1. That Broken Hill City Council Report No. 136/19 dated August 7, 2019, be received.
2. That Mr Ron Butcher be appointed as community representatives on the Alma Oval Community Committee.

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 137/19 - DATED AUGUST 02, 2019 -
MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE
MEETINGS HELD JULY 16, 2019**

12/51

Resolved

1. That Broken Hill City Council Report No. 137/19 dated August 2, 2019, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held July 16, 2019 be received.

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 138/19 - DATED AUGUST 13, 2019 -
MINUTES OF THE ALMA OVAL COMMUNITY COMMITTEE MEETING HELD 24 JULY 2019**

12/45

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Resolved

1. That Broken Hill City Council Report No. 138/19 dated August 13, 2019, be received.
2. That minutes of the Alma Oval Community Committee Meeting held 24 July 2019 be received.

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 139/19 - DATED AUGUST 15, 2019 -
MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD 13 AUGUST 2019**

12/54

Resolved

1. That Broken Hill City Council Report No. 139/19 dated August 15, 2019, be received.
2. That minutes of the Picton Oval Community Committee Meeting held 13 August 2019 be received.

Minute No. 46059

- | | | |
|------------------------------|---|---|
| Councillor C. Adams moved |) | 1. That the recommendations of items 10 to 13 |
| Councillor M. Clark seconded |) | be adopted. |

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 14 - QUESTIONS ON NOTICE NO. 8/19 - DATED AUGUST 07, 2019 - COUNCILLOR
QUESTIONS TAKEN ON NOTICE AT THE JULY 2019 COUNCIL MEETING**

16/89

Recommendation

1. That Questions On Notice No. 8/19 dated August 7, 2019, be received.

RESOLUTION

Minute No. 46060

- | | | |
|-------------------------------|---|--|
| Councillor T. Kennedy moved |) | 1. That Questions On Notice No. 8/19 dated |
| Councillor B. Algate seconded |) | August 7, 2019, be received. |
| | | 2. That the Mayor and Councillors be given |
| | | training in meeting procedures and |
| | | regulations. |

CARRIED UNANIMOUSLY

Motion

- | | | |
|-------------------------------|---|--|
| Councillor T. Kennedy moved |) | 1. That Council invites Mr Bobos to submit a |
| Councillor B. Algate seconded |) | Development Application for the erection of |
| | | his "Broken Hill" sign and a formal request |
| | | to Council for waiver of the Development |
| | | Application fees. |

LOST

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

SUPPLEMENTARY REPORTS

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 142/19 - DATED AUGUST 26, 2019 -
2018/2019 DRAFT ANNUAL FINANCIAL STATEMENTS**

19/74

Motion

Councillor T. Kennedy moved) That the matter be deferred to be dealt with at an
Councillor B. Algate seconded) Extraordinary Council Meeting.

LOST

FOR: Crs Algate and Kennedy

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

Councillor Kennedy called a point of order stating that the supplementary report could not be dealt with at this meeting as three days' notice had not been given to Councillors.

The Mayor ruled that Broken Hill City Council Report No. 142/19 be dealt with at this meeting, as a matter of urgency.

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 142/19 - DATED AUGUST 26, 2019 -
2018/2019 DRAFT ANNUAL FINANCIAL STATEMENTS**

19/74

Resolved

1. That Broken Hill City Council Report No. 142/19 dated August 26, 2019 be considered at this meeting.
2. That Broken Hill City Council Report No. 142/19 dated August 26, 2019, be received.
3. That the 2018/2019 Draft Primary Financial Statements as attached be received.
4. That the 2018/2019 Draft Primary Financial Statements as attached be referred to audit.
5. That Council adopt the attached Statements of Opinion on the 2018/19 General Purpose and Special Purpose Financial Statements and the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer sign the Statements in accordance with Section 413(2)(c) of the *Local Government Act 1993*.
6. That Council delegate to the General Manager the authority to finalise the date at which the auditor's report and financial statements are to be presented to the public.
7. That Council delegate the General Manager the authority to authorise the 2018/19 General Purpose and Special Purpose Financial Statements and associated Special Schedules for issue immediately upon receipt of the auditors reports subject to there being no material audit changes or audit issues, in accordance with AASB 110.

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RESOLUTION

Minute No. 46061

Councillor C. Adams moved)

Councillor D. Gallagher seconded)

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

From Item 17 – Confidential Report – Request for Tender T18/9 Repairs to Hailstorm Structure for the Broken Hill City Council

The Mayor took a question on notice from Councillor Kennedy regarding the accounting/auditing process required to deal with the payment received from Council's insurance company for the repair of Council's assets due to hailstorm damage.

CONFIDENTIAL MATTERS

RESOLUTION

Minute No. 46062

Councillor J. Nolan moved)

Councillor M. Clark seconded)

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

CARRIED UNANIMOUSLY

Members of the public and media left the Council Chambers at 7:56pm.

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 140/19 - DATED AUGUST 19, 2019 - REQUEST FOR TENDER T19/11 FOR DESIGN OF AIR-CONDITIONING SYSTEMS UPGRADE FOR SIX BUILDINGS - CONFIDENTIAL

Q19/11

(General Manager's Note: This report 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. 140/19 dated August 19, 2019, be received.
2. That Council award the tender to System Solutions Engineers for the tender amount of \$175,000 incl. GST to deliver design and project management services for air-conditioning systems control upgrade for six buildings.

RESOLUTION

Minute No. 46063

Councillor D. Gallagher moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

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**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 141/19 - DATED AUGUST 19, 2019 -
REQUEST FOR TENDER T18/9 FOR REPAIRS TO HAILSTORM DAMAGED STRUCTURES FOR
BROKEN HILL CITY COUNCIL - CONFIDENTIAL** T18/9

(General Manager's Note: This report 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. 141/19 dated August 19, 2019, be received.
2. That Council approves NSW Government Public Works Advisory to Project Manage the reinstatement of Council's assets as a result of the hailstorm which occurred on 11th November 2016.

RESOLUTION

Minute No. 46064

Councillor C. Adams moved)

Councillor B. Licul seconded)

CARRIED UNANIMOUSLY

The Mayor took a question on notice from Councillor Kennedy regarding the accounting/auditing process required to deal with the payment received from Council's insurance company for the repair of Council's assets due to hailstorm damage.

RESOLUTION

Minute No. 46065

Councillor M. Clark moved)

Councillor J. Nolan seconded)

That the meeting resume in open session.

CARRIED UNANIMOUSLY

Members of the public and media returned to the Council Chamber at 8:08pm.

At the Mayor's invitation, the General Manager reported on the Council Resolutions of the items considered in closed session.

There being no further business the Mayor closed the meeting at 8:10 pm.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 25 SEPTEMBER 2019.)

CHAIRPERSON