
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
SEPTEMBER 25, 2019

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 and
B. Licul.

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

Media (3), Members of the Public (48).

APOLOGIES:

Councillors J. Nolan and R. Page.

RESOLUTION

Minute No. 46069

Councillor B. Licul moved

Councillor M. Clark seconded

)

That the apologies submitted by Councillors
Nolan and Page be accepted and leave of
absence granted.

)

CARRIED UNANIMOUSLY

PRAYER

Councillor Adams delivered the prayer

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country

MINUTES FOR CONFIRMATION

Motion

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 August 28,
2019 be confirmed.

Amendment

Councillor T. Kennedy moved

Councillor B. Algate seconded

)

)

That the minutes of the Ordinary Council
Meeting held 31 July 2019 be amended to record
that Councillor Kennedy had questioned the
Mayor on procedural matters.

LOST

FOR: Crs Algate and Kennedy

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

The original motion was put.

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RESOLUTION

Minute No. 46070

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 August 28, 2019 be confirmed.

CARRIED

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

RESOLUTION

Minute No. 46071

Councillor M. Browne moved)
Councillor M. Clark seconded)

That the Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held September 04, 2019 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 4/19 - DATED SEPTEMBER 10, 2019 - DECLARATION OF CLIMATE EMERGENCY

11/161

Resolved

1. That Mayoral Minute No. 4/19 dated September 10, 2019, be received.
2. That Council recognises that climate change poses a serious risk to the people of Broken Hill and it should be treated as a national emergency.
3. That Council seek to prioritise a climate emergency response as part of the current review being undertaken around the Community Strategic Plan.

RESOLUTION

Minute No. 46072

Councillor D. Turley moved)
Councillor M. Clark seconded)

CARRIED

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

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ITEM 2 - MAYORAL MINUTE NO. 5/19 - DATED SEPTEMBER 18, 2019 - NSW TRAINLINK TRIAL SERVICES

11/161

Resolved

1. That Mayoral Minute No. 5/19 dated September 18, 2019, be received.
2. That Broken Hill City Council requests that NSW TrainLink reinstates the Country Pensioner Excursion ticket for Pensioners and Seniors travelling from Broken Hill to Adelaide at a cost of \$2.50 per ticket.

RESOLUTION

Minute No. 46073

Councillor D. Turley moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

NOTICES OF MOTION

ITEM 3 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 16/19 - DATED SEPTEMBER 12, 2019 - 1) COUNCIL'S LEGAL EXPENSES SINCE 1 JULY 2016; AND 2) CIVIC CENTRE REFURBISHMENT COSTS

19/74, 16/92

Motion

Councillor T. Kennedy moved)

Councillor B. Algate seconded)

1. That Motions of Which Notice has been Given No. 16/19 dated September 12, 2019, be received.
2. That Broken Hill City Council provides Councillors with a report at the October 2019 meeting outlining all Broken Hill City Council legal expenses incurred on all matters that Council have been involved in since 1 July 2016.
3. That Broken Hill City Council provides Councillors with the to-date total cost of the Civic Centre refurbishment, this is to include the associated employee costs and all associated legal expenses, the report outlining those costs is to be submitted at the October meeting of Council.

Amendment

Councillor B. Licul moved)

Councillor M. Clark seconded)

1. That Motions of Which Notice has been Given No. 16/19 dated September 12, 2019, be received.
2. That Broken Hill City Council provides Councillors with a report at the October 2019

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meeting outlining all Broken Hill City Council legal expenses incurred on all matters that Council have been involved in since 1 July 2016.

CARRIED

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

AGAINST: Crs Algate and Kennedy

The amendment becomes the motion.

RESOLUTION

Minute No. 46074

Councillor B. Licul moved)

Councillor M. Clark seconded)

1. That Motions of Which Notice has been Given No. 16/19 dated September 12, 2019, be received.
2. That Broken Hill City Council provides Councillors with a report at the October 2019 meeting outlining all Broken Hill City Council legal expenses incurred on all matters that Council have been involved in since 1 July 2016.

CARRIED

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

AGAINST: Crs Algate and Kennedy

ITEM 4 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 17/19 - DATED SEPTEMBER 12, 2019 - PICTON OVAL CRICKET PITCH

12/54

Motion

Councillor T. Kennedy moved)

Councillor B. Algate seconded)

1. That Motions of Which Notice has been Given No. 17/19 dated September 12, 2019, be received.
2. That Broken Hill City Council liaises with the Picton Oval Management Committee, the Lamb Oval Management Committee and the Barrier Cricket Association to put down an artificial cricket pitch to be ready for the 2019/20 cricket season.

Amendment

Councillor C. Adams moved)

Councillor M. Clark seconded)

1. That Motions of Which Notice has been Given No. 17/19 dated September 12, 2019, be received.

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CARRIED

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

The amendment becomes the motion.

Motion

Councillor C. Adams moved)	1. That Motions of Which Notice has been Given
Councillor M. Clark seconded)	No. 17/19 dated September 12, 2019, be received.

Amendment

Councillor T. Kennedy moved)	1. That Motions of Which Notice has been Given
Councillor B. Algate seconded)	No. 17/19 dated September 12, 2019, be received.
		2. That Broken Hill City Council liaises with the Lamb Oval Management Committee and the Barrier Cricket Association to look at the feasibility of installing a cricket pitch to be ready for the 2019/20 cricket season.

CARRIED UNANIMOUSLY

The amendment becomes the motion.

RESOLUTION

Minute No. 46075

Councillor T. Kennedy moved)	
Councillor B. Algate seconded)	1. That Motions of Which Notice has been Given
		No. 17/19 dated September 12, 2019, be received.
		2. That Broken Hill City Council liaises with the Lamb Oval Management Committee and the Barrier Cricket Association to look at the feasibility of installing a cricket pitch to be ready for the 2019/20 cricket season.

CARRIED UNANIMOUSLY

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 143/19 - DATED SEPTEMBER 06, 2019 -
ELECTION OF DEPUTY MAYOR** 11/18

Resolved

1. That Broken Hill City Council Report No. 143/19 dated September 6, 2019, be received.
2. That Council elect the Deputy Mayor at this meeting.
3. That the Deputy Mayor be elected for a twelve month term concluding at the September 2020 Council Meeting.
4. That voting for the Deputy Mayor Election be open voting, i.e. "show of hands".
5. That the result of the election of Deputy Mayor be sent to the Office of Local Government and to the Chief Executive Officer of the LGNSW.

RESOLUTION

Minute No. 46076

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

CARRIED UNANIMOUSLY

The Mayor appointed the General Manager as Returning Officer for the Election of Deputy Mayor.

The Returning Officer advised that two (2) nominations had been received for the position of Deputy Mayor, these being:

Councillor Adams (nominated by Councillor Browne and Councillor Gallagher) nomination received 19 September 2019 at 11:24a.m.

Councillor Kennedy (nominated by Councillor Algate and Councillor Kennedy) nomination received 25 September 2019 at 6:14p.m.

The Returning Officer called for any further nominations prior to the ballot being conducted. No further nominations were received.

The Returning Officer advised that voting would be by open voting (show of hands) for votes for Deputy Mayor for the twelve month term from September 2019 and concluding on the September 2020 Local Government Election.

Votes for Councillor Adams – 6

Votes for Councillor Kennedy – 2

The Returning Officer declared Councillor Adams as Deputy Mayor for the ensuing 12 month period until the September 2020 Local Government Election.

The Mayor congratulated Councillor Adams on her appointment as Deputy Mayor.

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The Mayor thanked Councillor Browne for all of her efforts and commitment over the past 12 month period in the role of Deputy Mayor.

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 144/19 - DATED SEPTEMBER 09, 2019 -
APPOINTMENT OF DELEGATES TO COMMITTEES - SEPTEMBER 2019 TO SEPTEMBER 2020**

11/9

RESOLUTION

Minute No. 46077

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

1. That Broken Hill City Council Report No. 144/19 dated September 9, 2019, be received.
2. That Council's current Councillor delegates to its Section 355 Committees and various other Committees as per the attached schedule be confirmed.
3. That Councillor membership on Section 355 Committees and various other Committees be for a twelve month period being from the Council Meeting until the September 2020 Local Government Election.

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 146/19 - DATED SEPTEMBER 17, 2019 -
COUNCILLOR PROFESSIONAL DEVELOPMENT**

11/468

RESOLUTION

Minute No. 46078

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

1. That Broken Hill City Council Report No. 146/19 dated September 17, 2019, be received and the proposal be referred to the newly elected Council in 2020.

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 147/19 - DATED AUGUST 07, 2019 -
PUBLIC INTEREST DISCLOSURES ANNUAL REPORT 2018/19**

12/67

Resolved

1. That Broken Hill City Council Report No. 147/19 dated August 7, 2019, be received.
2. That the Broken Hill City Council Public Interest Disclosures Annual Report 2018/19 be forwarded to the Minister for Local Government and the NSW Ombudsman by 30 October 2019.

RESOLUTION

Minute No. 46079

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

CARRIED UNANIMOUSLY

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**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 148/19 - DATED AUGUST 20, 2019 -
ADOPTION OF THE DRAFT GIFTS AND BENEFITS POLICY**

12/14

Resolved

1. That Broken Hill City Council Report No. 148/19 dated August 20, 2019, be received.
2. That Council adopts the draft Gifts and Benefits Policy as a policy of Council.

RESOLUTION

Minute No. 46080

Councillor B. Adams moved)

Councillor B. Algate seconded)

CARRIED UNANIMOUSLY

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 149/19 - DATED AUGUST 20, 2019 -
ADOPTION OF THE REPORTING OF PUBLIC INTEREST DISCLOSURES POLICY**

12/14

Resolved

1. That Broken Hill City Council Report No. 149/19 dated August 20, 2019, be received.
2. That the Draft Reporting of Public Interest Disclosures Policy be adopted as a policy of Council.

RESOLUTION

Minute No. 46081

Councillor B. Algate moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 150/19 - DATED AUGUST 20, 2019 -
ADOPTION OF THE DRAFT VOLUNTARY PLANNING AGREEMENT POLICY**

11/192

Resolved

1. That Broken Hill City Council Report No. 150/19 dated August 20, 2019, be received.
2. That the draft Voluntary Planning Agreement Policy be adopted as a policy of Council.

RESOLUTION

Minute No. 46082

Councillor M. Browne moved)

Councillor C. Adams seconded)

CARRIED

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

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 151/19 - DATED SEPTEMBER 13, 2019 -
REVIEW OF COMMUNICATION AND ENGAGEMENT STRATEGY AND SOCIAL MEDIA
STRATEGY**

12/14

Resolved

1. That Broken Hill City Council Report No. 151/19 dated September 13, 2019, be received.

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2. That Council endorse the draft Communication and Engagement Strategy for the purpose of public exhibition.
3. That the Draft Communication and Engagement Strategy be exhibited for public comment for a 28-day period.
4. That Council adopts the reviewed Social Media Strategy.

RESOLUTION

Minute No. 46083

Councillor C. Adams moved)

Councillor M. Browne seconded)

CARRIED

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

AGAINST: Cr Kennedy

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 152/19 - DATED SEPTEMBER 12, 2019 - INVESTMENT REPORT FOR AUGUST 2019

17/82

Resolved

1. That Broken Hill City Council Report No. 152/19 dated September 12, 2019, be received.

RESOLUTION

Minute No. 46084

Councillor M. Browne moved)

Councillor D. Gallagher seconded)

CARRIED UNANIMOUSLY

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 153/19 - DATED AUGUST 20, 2019 - TEMPORARY SUSPENSION OF ALCOHOL-FREE ZONE - PERFECT LIGHT FILM FESTIVAL - 2 NOVEMBER 2019

11/307

RESOLUTION

Minute No. 46085

Councillor C. Adams moved)

Councillor M. Browne seconded)

1. That Broken Hill City Council Report No. 153/19 dated August 20, 2019, be received.
2. That Council provide in principle support to begin the planning process for the temporary suspension of the prohibition of the consumption of alcohol in part of Sturt Park, under Section 632A, of the *Local Government Act 1993* on Saturday, 2 November 2019 from 6pm to 11pm 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

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Sturt Park; and that all existing alcohol-free zones in Broken Hill will remain in force.

4. That the General Manager be authorised to implement the suspension and advertising processes on final advice of Barrier Local Area Command.
5. That the Barrier Local Area Command be advised of Council's decision.
6. That Council investigates options to extend the alcohol free zone to incorporate a larger area of the park, in order that members of the public attending the Festival may consume alcohol in the park.

CARRIED UNANIMOUSLY

ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 154/19 - DATED AUGUST 28, 2019 - FORMAL AGREEMENT BETWEEN BROKEN HILL CITY COUNCIL AND BROKEN HILL RIFLE CLUB

11/214

Resolved

1. That Broken Hill City Council Report No. 154/19 dated August 28, 2019, be received.
2. That Broken Hill City Council enters into an agreement with the Broken Hill Rifle Club (BHRC) to formalise the future use of the rifle range in South Broken Hill.
3. That the General Manager be authorised to execute the formal agreement on behalf of Broken Hill City Council.

RESOLUTION

Minute No. 46086

Councillor D. Gallagher moved)

Councillor B. Licul seconded)

CARRIED UNANIMOUSLY

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 155/19 - DATED AUGUST 28, 2019 - MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 19 AUGUST 2019

13/19

Resolved

1. That Broken Hill City Council Report No. 155/19 dated August 28, 2019, be received.
2. That minutes of the Audit, Risk and Improvement Committee Meeting held 19 August 2019 be received.

RESOLUTION

Minute No. 46087

Councillor D. Gallagher moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

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ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 156/19 - DATED SEPTEMBER 03, 2019 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 395 HELD WEDNESDAY AUGUST 14, 2019 AND NO 396 HELD TUESDAY SEPTEMBER 3, 2019

11/397

Resolved

1. That Broken Hill City Council Report No. 156/19 dated September 3, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.395 held August 14, 2019 be received.
3. That the minutes for the Local Traffic Committee Meeting No.396 held September 3, 2019 be received.

RESOLUTION

Minute No. 46088

Councillor M. Browne moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 157/19 - DATED SEPTEMBER 09, 2019 - ACTION LIST REPORT

11/21

Resolved

1. That Broken Hill City Council Report No. 157/19 dated September 9, 2019, be received.

RESOLUTION

Minute No. 46089

Councillor B. Algate moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 158/19 - DATED SEPTEMBER 06, 2019 - MEMBERSHIP OF SECTION 355 COMMITTEES

11/9

Resolved

1. That Broken Hill City Council Report No. 158/19 dated September 6, 2019, be received.
2. That Council accepts the resignation from Mr Stephen Pascoe as a community representative on the Alma Oval Community Committee, and thanks Mr Pascoe for his service on the Committee.
3. That Council accepts the nomination from Ms Karen Gosling as a community representative on the Picton Oval Community Committee.
4. That Council advertises for all vacancies on its Section 355 Committees.

ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 159/19 - DATED AUGUST 29, 2019 - S355 ANNUAL AND FINANCIAL REPORTS 2018/2019

16/94

Resolved

1. That Broken Hill City Council Report No. 159/19 dated August 29, 2019, be received.

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2. That the 2018/2019 Norm Fox Sporting Complex Annual Report be received and noted.
3. That the 2018/2019 Friends of the Flora and Fauna of the Barrier Ranges Community Committee Annual Report be received and noted.
4. That the 2018/2019 BIU Band Hall Annual Report and Financial Statements be received and noted
5. That the 2018/2019 Alma Oval Community Committee Annual and Financial Reports be received and noted.
6. That the 2018/2019 Community Strategic Round Table Annual Report be received and noted.
7. That the 2018/2019 Broken Hill Heritage Committee Annual Report be received and noted.
8. That the 2018/2019 Riddiford Arboretum Community Committee Annual Report be received and noted.
9. That the 2018/2019 Broken Hill Regional Art Gallery Advisory Committee Annual Report be received and noted.

ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 160/19 - DATED AUGUST 27, 2019 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD AUGUST 20, 2019 12/51

Resolved

1. That Broken Hill City Council Report No. 160/19 dated August 27, 2019, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held August 20, 2019 be received.

Minute No. 46090

Councillor C. Adams moved)	That the recommendations of items 19 to 21 be
Councillor M. Clark seconded)	adopted.

CARRIED

ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 161/19 - DATED SEPTEMBER 06, 2019 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 6 AUGUST 2019 12/52

Resolved

1. That Broken Hill City Council Report No. 161/19 dated September 6, 2019, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 6 August 2019 be received.

RESOLUTION

Minute No. 46091

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

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**ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 162/19 - DATED SEPTEMBER 06, 2019 -
MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE MEETING HELD 23 JULY 2019**

16/8

Resolved

1. That Broken Hill City Council Report No. 162/19 dated September 6, 2019, be received.
2. That minutes of the BIU Band Hall Community Committee Annual General Meeting held 23 July 2019 be received.

RESOLUTION

Minute No. 46092

Councillor C. Adams moved)

Councillor B. Licul seconded)

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 24 - QUESTIONS ON NOTICE NO. 9/19 - DATED AUGUST 30, 2019 - COUNCILLOR
QUESTIONS TAKEN ON NOTICE AT THE AUGUST 2019 COUNCIL MEETING**

T18/9

Resolved

1. That Questions On Notice No. 9/19 dated August 30, 2019, be received.

RESOLUTION

Minute No. 46093

Councillor T. Kennedy moved)

Councillor M. Clark seconded)

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Meeting Procedures

11/249

Councillor Kennedy questioned why his Notice of Motion – Question on Notice Councillor Briefing was placed in confidential matters at this meeting, when only the answers to the questions contained in the Notice of Motion should have been placed in confidential matters? Councillor Kennedy requested that his Notice of Motion be considered in open session.

The Mayor advised Councillor Kennedy that he could raise the matter of dealing with his Notice of Motion in open session when Council considered the item.

Property on Barrier Highway owned by Boss Constructions Pty Ltd

11/140

Councillor Kennedy advised that he had been handed a file from Nick Bobos (owner of Boss Constructions Pty Ltd (with whom Councillors are aware is in litigation with Council) and the owner of the property on the Barrier Highway which incorporates the land on which Council's tourist information bay is erected) to ask Council the following questions. The Mayor took the following questions on notice:

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In 2005/2006 Council was pushing for a truck stop/roadhouse to be erected on the outskirts of the city; Bobos Engineering purchased the subject land on the Barrier Highway. In a meeting with a Council Officer to discuss expressions of interest to construct a truck stop/roadhouse on the land, the Council Officer showed Mr Bobos a Development Application previously approved which included zoning consistent for the development of a truck stop/roadhouse. In relation to this matter, Councillor Kennedy asked:

When was the zoning changed?

Why did the zoning change so that the land could no longer be used for a truck stop/roadhouse?

Why was the \$700,000 government grant (for a truck wash) returned to the government ?

Why was the \$900,000 government grant dedicated for drought programs then proposed by Council to be used for Brown Street road construction when Council had dedicated money for Brown Street from somewhere else?; and why wasn't this \$900,000 grant used in conjunction with grant money for the truck wash to complete this project?; and why did Council not receive a report to consider this?

Was development approval of the truck stop/roadhouse and accommodation subject to Council removing the tourist information bay signage from the property?

Was this agreed to?; and why hasn't Council removed the tourist information bay signage?

In the cross statement of claim submitted to the Parramatta Court in relation to this matter, the Judge made a statement that one might think that Council would have to pay the defendant for some kind of rent for the use of the sign due to the continuing collection of monies in rent for advertising on the sign.

Is Council paying any rent for this sign? Is Council collecting money from people in rent for advertising on the sign? Does Council have a moral obligation to pay some sort of costs to Nick Bobos given the Judge's statement?

CONFIDENTIAL MATTERS

RESOLUTION

Minute No. 46094

Councillor B. Licul 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

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

AGAINST: Cr Kennedy

Members of the public and media left the Council Chambers at 7:58pm

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**ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 163/19 - DATED SEPTEMBER 05, 2019 -
CONFIDENTIAL MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD 4 SEPTEMBER
2019 - CONFIDENTIAL** 17/185

(General Manager's Note: This report considers confidential minutes of the Extraordinary Council Meeting held 4 September 2019 which relates to matters pertaining to the Civic Centre Redevelopment and is deemed confidential under Section 10A(2) (e) (g) of the Local Government Act, 1993 which provides for information that would, if disclosed, prejudice the maintenance of law; 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).

Resolved

1. That Broken Hill City Council Report No. 163/19 dated September 5, 2019, be received.
2. That the confidential minutes of the Extraordinary Council Meeting held 4 September 2019 be confirmed.

RESOLUTION

Minute No. 46095

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

CARRIED UNANIMOUSLY

**ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 164/19 - DATED AUGUST 30, 2019 -
APPOINTMENT OF A HERITAGE CONSULTANT TO CARRY OUT HERITAGE STUDIES SUBJECT
TO GRANT FUNDING - CONFIDENTIAL** 16/154

(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. 164/19 dated August 30, 2019, be received.
2. That Broken Hill City Council does not call for tenders for the carrying out of heritage studies pursuant to the provisions of Section 55 (3) (i) of the *Local Government Act 1993* due to extenuating circumstances associated with Broken Hill's remoteness and the unavailability of competitive tenderers.
3. That Council appoint Paul Davies, Council's Heritage Advisor, for the following projects:
 - i. Commonwealth Heritage Grant for a Heritage Study on Broken Hill's National Heritage values;
 - ii. NSW Heritage Grant - Broken Hill Heritage Study Review

RESOLUTION

Minute No. 46096

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

CARRIED

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

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
SEPTEMBER 25, 2019

**ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 165/19 - DATED AUGUST 23, 2019 -
BROKEN HILL CITY COUNCIL TO WATER NSW DEED OF AGREEMENT FOR WATER PIPELINE
EASEMENT - CONFIDENTIAL** 11/63

(General Manager's Note: This report considers a deed of 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. 165/19 dated August 23, 2019, be received.
2. That Council consent to Water NSW's proposed acquisition and registration of an easement over Lot 2393 in Deposited Plan 757298.
3. That Council agree to the terms and conditions of the proposed Deed of Agreement.
4. That the Mayor and General Manager be authorised to sign and execute any related documents under the Common Seal of Council.

RESOLUTION

Minute No. 46097

Councillor M. Browne moved)

Councillor B. Licul seconded)

CARRIED UNANIMOUSLY

**ITEM 28 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 18/19 - DATED SEPTEMBER 12,
2019 - MATTERS PERTAINING TO THE CIVIC CENTRE REDEVELOPMENT - CONFIDENTIAL** 17/185

(General Manager's Note: This report is deemed confidential under Section 10A(2) (e) (g) of the Local Government Act, 1993 which provides for information that would, if disclosed, prejudice the maintenance of law; 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).

RESOLUTION

Minute No. 46098

Councillor B. Licul moved)

Councillor M. Clark seconded)

1. That Motions of Which Notice has been Given No. 18/19 dated September 12, 2019, be deferred until the final report is received by Council.

CARRIED

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

**ITEM 29 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 19/19 - DATED SEPTEMBER 12,
2019 - QUESTION ON NOTICE - COUNCILLOR BRIEFING - CONFIDENTIAL** 11/21

(General Manager's Note: This report is deemed confidential under Section 10A(2) (b) of the Local Government Act, 1993 which contains matters that will involve the discussion of the personal hardship of any resident or rate payer).

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
SEPTEMBER 25, 2019

RESOLUTION

Minute No. 46099

Councillor M. Browne moved

)

1. That Motions of Which Notice has been
Given No. 19/19 dated September 12, 2019,
be received

Councillor B. Licul seconded

)

CARRIED

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

AGAINST: Crs Algate and Kennedy

Members of the public and media returned to the Council Chambers at 8:07p.m.

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 8:09p.m.

THE FOREGOING MINUTES WERE READ
AND CONFIRMED AT THE ORDINARY
MEETING OF THE BROKEN HILL CITY
COUNCIL HELD ON 30 OCTOBER, 2019.

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CHAIRPERSON