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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
OCTOBER 30, 2019

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Meeting commenced at 6:30p.m.

**PRESENT:**

Councillor D. Turley (Mayor) Councillor C. Adams (Deputy Mayor)  
Councillors B. Algate, M. Browne, M. Clark, D. Gallagher, T. Kennedy,  
B. Licul, J. Nolan and R. Page.

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

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

**APOLOGIES:**

Nil.

**PRAYER**

Deputy Mayor Adams delivered the prayer.

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country.

**MINUTES FOR CONFIRMATION**

**RESOLUTION**

Minute No. 46100

Councillor C. Adams moved  
Councillor B. Licul seconded

)  
)

That the Minutes of the Ordinary Meeting of the  
Council of the City of Broken Hill held  
September 25, 2019 be confirmed.

CARRIED

**DISCLOSURE OF INTEREST**

Nil.

**MAYORAL MINUTES**

**ITEM 1 - MAYORAL MINUTE NO. 6/19 - DATED OCTOBER 28, 2019 - PLAN TO SAVE OUR  
RECYCLING**

11/199

Resolved

1. That Mayoral Minute No. 6/19 dated October 28, 2019, be received.
2. That Council acknowledges the growing imperative to manage waste and recycling within NSW, and calls for urgent action from the State Government to help build a circular economy in NSW.
3. That Council recognises initiatives and projects taken within the Broken Hill local government area to help achieve this goal, including: The Keepcup and sustainable shopping bag

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campaign as well as the procurement of recycled items and the reuse of old items for infrastructure upgrades.

4. That Council endorses Local Government NSW's sector-wide *Save our Recycling* campaign, and asks the State Government to reinvest the Waste Levy in:
  - a. Funding councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions
  - b. the delivery of the priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified
  - c. support for the purchase of recycled content by all levels of government, to help create new markets
  - d. Funding and delivery of a state-wide education campaign on the importance of recycling, including the right way to recycle, the purchase of products with recycled content and the importance of waste avoidance.
5. That Council write to the local State Member Roy Butler MP, Minister for Energy and Environment the Hon Matthew Kean MP, Local Government Minister Shelley Hancock, NSW Treasurer the Hon Dominic Perrottet MP, Premier the Hon Gladys Berejiklian MP, Opposition Leader Jodi McKay MP, Shadow Minister for Environment and Heritage Kate Washington MP, and Shadow Minister for Local Government Greg Warren MP to confirm its support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy.
6. That Council formally write to the Young Leaders Group advising its members of its support for the *Save Our Recycling* campaign, and ask them to consider endorsing and sharing it to their own networks across the Broken Hill local government area.
7. That Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute
8. That Council shares and promotes the *Save Our Recycling* campaign via its digital and social media channels and via its networks.

**RESOLUTION**

Minute No. 46101

Councillor D. Turley moved )

Councillor R. Page seconded )

CARRIED

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

AGAINST: Crs Algate and Kennedy

**ITEM 2 - MAYORAL MINUTE NO. 7/19 - DATED OCTOBER 30, 2019 - CENTRAL DARLING SHIRE**

11/304

Resolved

1. That Mayoral Minute No. 7/19 dated October 30, 2019, be received.
2. Broken Hill City Council write to the Minister for Local Government advocating for the return of a democratically elected represented body in the Central Darling Shire.

**RESOLUTION**

Minute No. 46102

Councillor D. Turley moved )

Councillor R. Page seconded )

CARRIED UNANIMOUSLY

**NOTICES OF MOTION**

Nil.

**RESCISSION MOTIONS**

Nil.

**REPORTS FROM DELEGATES**

Nil.

**REPORTS**

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 167/19 - DATED OCTOBER 04, 2019 -  
CORRESPONDENCE REPORT - WORKFORCE REDUNDANCIES AT ESSENTIAL ENERGY  
BROKEN HILL**

12/29

Resolved

1. That Broken Hill City Council Report No. 167/19 dated October 4, 2019, be received.
2. That correspondence dated 1 October 2019 from Essential Energy regarding redundancies across its portfolio, be received and Council notes only one employee located in Broken Hill has elected to leave by way of redundancy.

**RESOLUTION**

Minute No. 46103

Councillor B. Algate moved )

Councillor J. Nolan seconded )

CARRIED UNANIMOUSLY

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 168/19 - DATED JULY 10, 2019 -  
DISCLOSURE OF INTEREST RETURNS**

11/265, 11/646

Resolved

1. That Broken Hill City Council Report No. 168/19 dated July 10, 2019, be received.
2. That Council note the submission of the required returns by Councillors and Designated Persons of Council.
3. That access to Council's Register of Returns of Disclosures by Councillors and Designated Persons be in accordance with the provisions of the *Local Government Act 1993* and other relevant legislation.

**RESOLUTION**

Minute No. 46104

Councillor C. Adams moved )

Councillor D. Gallagher seconded )

CARRIED UNANIMOUSLY

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**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 169/19 - DATED OCTOBER 08, 2019 -  
FEEDBACK BEING SOUGHT BY THE OFFICE OF LOCAL GOVERNMENT ON THE GIFTS AND  
BENEFITS ANNUAL MONETARY VALUE CAP** 12/137

Resolved

1. That Broken Hill City Council Report No. 169/19 dated October 8, 2019, be received.
2. That Council re-affirms its position on the annual monetary value cap of \$50.00 for gifts and benefits accepted by all Council officials as per its Code of Conduct Policy (based on the Model Code of Conduct for Local Councils in NSW 2018) adopted 27 March 2019 ((Minute No. 46028) and its Gifts and Benefits Policy adopted 25 September 2019 (Minute No. 46080).
3. That Council provides feedback to the Office of Local Government (prior to 8 November 2019) stating that the \$50.00 cap on the value of gifts per annum for all Council Officials (as per the Model Code of Conduct and Council's adopted Code of Conduct Policy and adopted Gifts and Benefits Policy), is an appropriate amount and should not be increased.

**RESOLUTION**

Minute No. 46105

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

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 188/19 - DATED NOVEMBER 13, 2018 -  
PUBLIC PRESENTATION OF 2018/2019 FINANCIAL STATEMENTS** 19/74

Resolved

1. That Broken Hill City Council Report No. 188/19 dated November 13, 2018, be received.
2. That Council adopt the financial statements and present the Annual Financial Statements inclusive of the Auditor's Reports for 2018/19 to the public.

**RESOLUTION**

Minute No. 46106

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

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 170/19 - DATED OCTOBER 02, 2019 -  
DRAFT COMPANION ANIMAL MANAGEMENT PLAN 2019** 11/141

Resolved

1. That Broken Hill City Council Report No. 170/19 dated October 2, 2019, be received.
2. That the draft Companion Animal Management Plan 2019 be publicly exhibited for a period of not less than 28 days.
3. That upon completion of above public exhibition, a further report be presented to Council for consideration and adoption of the Companion Animal Management Plan as a Council policy.

**RESOLUTION**

Minute No. 46107

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

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

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 171/19 - DATED OCTOBER 02, 2019 - NEW AND AMENDED FEES AND CHARGES FOR THE NEW ANIMAL SHELTER (ANIMAL POUND)**

11/660

Resolved

1. That Broken Hill City Council Report No. 171/19 dated October 2, 2019, be received.
2. That Council exhibit the proposed fees and charges for the new Council Animal Shelter for a period of 28 days.
3. That upon completion of above public exhibition, a further report be presented to Council for consideration and approval.

**RESOLUTION**

Minute No. 46108

Councillor J. Nolan moved )

Councillor C. Adams seconded )

CARRIED

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

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 172/19 - DATED OCTOBER 02, 2019 - RE-ESTABLISHMENT OF ALCOHOL-FREE ZONES**

11/307

Recommendation

1. That Broken Hill City Council Report No. 172/19 dated October 2, 2019, be received.
2. That Council re-establish the Alcohol-Free Zone known as Creedon Street as per attached proposal, including public roads and laneways, public car parks and footpath area of Creedon Street bounded by Rakow and Wills Streets.
3. That Council re-establish the Alcohol-Free Zone known as Shell Memorial as per attached proposal, 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 re-establish the Alcohol-Free Zone known as E.T. Lamb Memorial Oval as per attached proposal, 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 re-establish the Alcohol-Free Zone known as South Broken Hill as per attached proposal, 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 to zone along Bonanza Street from Patton to Morish Street and a section of Wilson Street between Bonanza and Picton Streets.
6. That the necessary signage be installed showing operation of Zones from 9 November 2019 to 9 November 2023.
7. That re-establishment of the Creedon Street, Shell Memorial, E.T. Lamb Oval and South Broken Hill Alcohol-Free Zones be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirms that the existing CBD Alcohol-Free Zone remains in force.

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8. That Council thank the Broken Hill Police for its ongoing support of Alcohol-Free Zones in Broken Hill.

**RESOLUTION**

Minute No. 46109

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

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 173/19 - DATED OCTOBER 08, 2019 - INVESTMENT REPORT FOR SEPTEMBER 2019** 17/82

Resolved

1. That Broken Hill City Council Report No. 173/19 dated October 8, 2019, be received.

**RESOLUTION**

Minute No. 46110

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

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 174/19 - DATED OCTOBER 21, 2019 - NOMINATIONS AS INDEPENDENT PANEL MEMBERS ON THE COMMUNITY ASSISTANCE GRANTS PANEL** 19/44

Resolved

1. That Broken Hill City Council Report No. 174/19 dated October 21, 2019, be received.
2. That Mr Kenneth Martin and Ms Pamela Tucker be appointed as an Independent Panel Members on the Community Assistance Grants Panel.

**RESOLUTION**

Minute No. 46111

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

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 175/19 - DATED OCTOBER 10, 2019 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 397 HELD TUESDAY OCTOBER 8, 2019** 11/397

Resolved

1. That Broken Hill City Council Report No. 175/19 dated October 10, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.397 held October 8, 2019 be received.

**RESOLUTION**

Minute No. 46112

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

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**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 176/19 - DATED OCTOBER 21, 2019 -  
ACTION LIST REPORT**

11/21

Resolved

1. That Broken Hill City Council Report No. 176/19 dated October 21, 2019, be received.

**RESOLUTION**

Minute No. 46113

Councillor J. Nolan moved )

Councillor M. Browne seconded )

CARRIED UNANIMOUSLY

**SUPPLEMENTARY REPORTS**

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 182/19 - DATED OCTOBER 21, 2019 -  
QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING SEPTEMBER 2019**

12/160

Resolved

1. That Broken Hill City Council Report No. 182/19 dated October 21, 2019, be received.
2. That the 1st Quarterly Budget Review Statement and recommendations be adopted.
3. That Council note the projected 2019/20 operating deficit (before capital) of \$4,184,000.
4. That Council note the 2019/20 projected net capital expenditure budget of \$10,825,000.
5. That Council note the revised Long-Term Financial Plan.

**RESOLUTION**

Minute No. 46114

Councillor B. Licul moved )

Councillor D. Gallagher seconded )

CARRIED UNANIMOUSLY

**COMMITTEE REPORTS**

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 181/19 - DATED SEPTEMBER 26, 2019 -  
MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE  
MEETINGS HELD SEPTEMBER 17, 2019**

12/51

Resolved

1. That Broken Hill City Council Report No. 181/19 dated September 26, 2019, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held September 17, 2019 be received.

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 177/19 - DATED OCTOBER 04, 2019 -  
MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 3 SEPTEMBER  
2019**

12/52

Resolved

1. That Broken Hill City Council Report No. 177/19 dated October 4, 2019, be received.

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2. That minutes of the Memorial Oval Community Committee Meeting held 3 September 2019 be received.

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 178/19 - DATED OCTOBER 04, 2019 - MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD 16 SEPTEMBER 2019** 12/54

Resolved

1. That Broken Hill City Council Report No. 178/19 dated October 4, 2019, be received.
2. That minutes of the Picton Oval Community Committee Meeting held 16 September 2019 be received and the list of maintenance issues be placed into Council's works program.

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 179/19 - DATED OCTOBER 04, 2019 - MEMBERSHIP OF SECTION 355 COMMITTEES** 11/9

Resolved

1. That Broken Hill City Council Report No. 179/19 dated October 4, 2019, be received.
2. That Council accepts the resignation from Mr. Eric McCormick as a community representative on the Broken Hill Heritage Committee, and thanks Mr. McCormick for his service on the Committee.
3. That Council appoints Ms Tracey Robinson as a user representative (Broken Hill Harness Racing Club) on the Memorial Oval Community Committee.
4. That Council notes that advertising is taking place during October in an attempt to fill all vacancies in community representative positions on Council's Section 355 Committees.

**RESOLUTION**

Minute No. 46115

Councillor C. Adams moved ) That the recommendations of item 15 to 18 be  
Councillor B. Licul seconded ) adopted.

CARRIED UNANIMOUSLY

**QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING**

**ITEM 20 - QUESTIONS ON NOTICE NO. 10/19 - DATED OCTOBER 09, 2019 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE AUGUST 2019 COUNCIL MEETING** 11/249, 11/140

Resolved

1. That Questions On Notice No. 10/19 dated October 9, 2019, be received.

**RESOLUTION**

Minute No. 46116

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

CARRIED UNANIMOUSLY



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

### Airport Kiosk

11/229

Councillor Algate requested information on the status of the Airport Kiosk Lease and enquired when the Kiosk will reopen.

### Street Tree Replacement Program

11/390

Councillor Licul referred to the many street trees that have died on footpaths around the City and requested information on the number of street trees that will be replaced and the species of trees that will be replanted.

Councillor Algate advised that dead tree/s on his footpath have been removed by Council, and enquired when the stump/s would be removed.

### Quarterly Budget Review Report

12/160

Councillor Kennedy referred to the additional legal expenses of \$3.2M due to ongoing litigation and asked that Councillors be provided with the Council Resolution Minute No. 45709 from the November 2017 Council Meeting.

Councillor Kennedy referred to the additional legal expenses of \$3.2M and asked if Councillors can be provided with details of the original expenditure with regards to legal expenses.

## CONFIDENTIAL MATTERS

### ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 180/19 - DATED OCTOBER 21, 2019 - CONFIDENTIAL MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 SEPTEMBER 2019 - CONFIDENTIAL

19/11

**(General Manager's Note:** This report considers confidential minutes of the Ordinary Council Meeting held 25 September 2019 which relates to various confidential matters and is deemed confidential under Section 10A(2) (b) (c) (e) (g) of the Local Government Act, 1993 which contains matters that will involve the discussion of the personal hardship of any resident or rate payer; AND which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND which 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. 180/19 be considered in open session.
2. That Broken Hill City Council Report No. 180/19 dated October 21, 2019, be received.
3. That the confidential minutes of the Ordinary Council Meeting held 25 September 2019 be confirmed.

### **RESOLUTION**

#### Minute No. 46117

Councillor T. Kennedy moved )

Councillor C. Adams seconded )

CARRIED UNANIMOUSLY

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**RESOLUTION**

Minute No. 46118

Councillor M. Browne moved )  
Councillor B. Licul seconded ) That the meeting be closed to the public in accordance with the *Local Government Act 1993 clause 10A(2)*, whilst the confidential matter is considered.

CARRIED UNANIMOUSLY

*Members of the media and public left the Council Chambers at 7:20p.m.*

**ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 186/19 - DATED OCTOBER 23, 2019 -  
DETAIL OF COUNCIL'S LEGAL EXPENSES SINCE 1 JULY 2016 & CIVIC CENTRE  
REDEVELOPMENT PROJECT UPDATE - CONFIDENTIAL**

13/152

**(General Manager's Note:** This report considers detailed legal expenses 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. 186/19 dated October 23, 2019, be received.
2. That Council note the below report.
3. That Council note the correspondence received from Council's solicitors.
4. That Council note the presentation and advice provided by Council's solicitors regarding Council's current state of affairs and next steps for the Civic Centre Redevelopment Project.

**RESOLUTION**

Minute No. 46119

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

CARRIED

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

*Members of the media and public returned to the Council Chambers at 7:38p.m.*

*At the Mayor's invitation, the Acting General Manager reported on the resolutions of the confidential matters, one considered in open session and one considered in closed session.*

There being no further business the Mayor closed the meeting at 7:39p.m.

THE FOREGOING MINUTES WERE READ )  
AND CONFIRMED AT THE ORDINARY )  
MEETING OF THE BROKEN HILL CITY )  
COUNCIL HELD ON 27 NOVEMBER 2019 )

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CHAIRPERSON