
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
NOVEMBER 27, 2019

Meeting commenced at 6:30p.m.

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

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

Media (3), Members of the Public (55).

APOLOGIES: Nil

ACKNOWLEDGEMENT OF THE LATE FRAN MCKINNON OAM

A minute silence was observed for the late Fran McKinnon OAM who was a former Councillor, who served for many terms on Council. Recognition was made of her hard work and dedication to the prosperity of the City. Fran Mckinnon OAM was also the first female Deputy Mayor.

PRAYER

Councillor Adams delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 46123

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

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held October 30, 2019 be confirmed, with a correction to the reflect that the question asked by Councillor Algate was regarding when the stump/s would be removed from the footpath adjacent to his property which remain in-situ after Council cut down the dead tree/s.

CARRIED UNANIMOUSLY

RESOLUTION

Minute No. 46124

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

That the Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held November 12, 2019 be confirmed.

CARRIED

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

DISCLOSURE OF INTEREST

Mayor Turley declared:

- a non-pecuniary conflict of interest in Report No. 195/19 as a partnership exists between the applicant and the Mayor's employer and advised that she will leave the Council Chambers whilst the item is considered.

Councillor Licul declared:

- a non-pecuniary conflict of interest in Report No. 195/19 as a partnership exists between the applicant and Councillor Licul's employer and advised that he will leave the Council Chambers whilst the item is considered.

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 8/19 - DATED NOVEMBER 25, 2019 - NATION DANCE - 1
DECEMBER 2019

11/117, 11/426

Resolved

1. That Mayoral Minute No. 8/19 dated November 25, 2019, be received.
2. That park booking fees and entry fees be waived at the Living Desert Flora and Fauna Sanctuary on Sunday 1 December 2019 (all day) in order for the Nation Dance to be conducted.
3. That the usual park booking processes are undertaken by the Barkandji Language Group (completed booking form, Risk Assessment and Public Liability Insurance).

RESOLUTION

Minute No. 46125

Councillor D. Turley moved)

Councillor M. Browne seconded)

CARRIED UNANIMOUSLY

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Councillor Kennedy tabled a petition calling upon Council to work with Deanna Spicer to produce and install the five gateway signs developed by Deanna Spicer at the gateway entrances to Broken Hill to help ensure a prosperous future for Broken Hill.

Motion

Councillor T. Kennedy moved)

Councillor B. Algate seconded)

That Councillor Kennedy receive an extension of time to speak to his Rescission Motion.

LOST

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

ITEM 2 - RESCISSION MOTION NO. 1/19 - DATED NOVEMBER 15, 2019 - RESCISSION MOTION REGARDING BROKEN HILL GATEWAY SIGNAGE 17/133

- .
- Councillor R. Page moved)
Councillor T. Kennedy seconded)
1. That Rescission Motion No. 1/19 dated November 15, 2019, be received.
 2. That Council rescinds the resolution passed at the Extraordinary Council Meeting held 12 November 2019 (minute number:46122).

LOST

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

REPORTS FROM DELEGATES

Nil.

REPORTS

ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 188/19 - DATED NOVEMBER 15, 2019 - CORRESPONDENCE REPORT - NATIONAL DISABILITY INSURANCE SCHEME 11/490

Resolved

1. That Broken Hill City Council Report No. 188/19 dated November 15, 2019, be received.
2. That correspondence received from Federal Member for Parkes, The Hon Mark Coulton MP dated 25 October 2019 regarding the National Disability Insurance Scheme and forwarding a copy of correspondence from The Hon Stuart Robert MP, Minister for the National Disability Insurance Scheme dated 17 October 2019 be received and noted and referenced correspondence dated 14 August 2019 be received and noted.

RESOLUTION

Minute No. 46126

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

ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 205/19 - DATED OCTOBER 30, 2019 - CODE OF CONDUCT COMPLAINTS STATISTICS ANNUAL REPORT - 2018/2019 11/171

Resolved

1. That Broken Hill City Council Report No. 205/19 dated October 30, 2019, be received.
2. That the Code of Conduct Complaints Statistics Annual Report for the Broken Hill City Council for the period of 1 September 2018 – 31 August 2019 be forwarded to the Office of Local Government.

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RESOLUTION

Minute No. 46127

Councillor M. Browne moved)

Councillor M. Clark seconded)

CARRIED UNANIMOUSLY

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 189/19 - DATED OCTOBER 30, 2019 -
DRAFT 2018/2019 ANNUAL REPORT**

18/132

Resolved

1. That Broken Hill City Council Report No. 189/19 dated October 30, 2019, be received.
2. That the Draft 2018/2019 Annual Report, inclusive of Delivery Program Achievements, Disability Inclusion Action Plan Achievements and audited Annual Financial Statements, for the reporting period 1 July 2018 to 30 June 2019, be adopted.
3. That the Draft 2018/2019 Annual Report, inclusive of Delivery Program Achievements, Disability Inclusion Action Plan Achievements and audited Annual Financial Statements for the reporting period 1 July 2018 to 30 June 2019, be posted on Council's website.
4. That Council's web link of 2018/2019 Annual Report, inclusive of Delivery Program Achievements, Disability Inclusion Action Achievements and audited Annual Financial Statements for the reporting period 1 July 2018 to 30 June 2019, be provided to the Minister via the Office of Local Government and Minister for Disability Services, by 30 November 2019.

RESOLUTION

Minute No. 46128

Councillor D. Gallagher moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 190/19 - DATED OCTOBER 30, 2019 - 2017-
2021 DISABILITY INCLUSION ACTION PLAN KEY PERFORMANCE INDICATORS PROGRESS
REPORT FOR PERIOD ENDING 30 JUNE 2019**

16/82

Resolved

1. That Broken Hill City Council Report No. 190/19 dated October 30, 2019, be received.
2. That Council adopt the Disability Inclusion Action Plan 2017-2021 – Key Performance Indicators Progress Report for the reporting period ending 30 June 2019.

RESOLUTION

Minute No. 46129

Councillor B. Algate moved)

Councillor M. Clark seconded)

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 191/19 - DATED NOVEMBER 01, 2019 -
DRAFT AGENCY INFORMATION GUIDE**

11/118

Resolved

1. That Broken Hill City Council Report No. 191/19 dated November 1, 2019, be received.

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2. That Council endorse the reviewed and Draft Agency Information Guide for release to the Information Commissioner for its review and comment.

RESOLUTION

Minute No. 46130

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

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 192/19 - DATED OCTOBER 01, 2019 -
ADOPTION OF DRAFT COMMUNICATION AND ENGAGEMENT STRATEGY** 12/14

Resolved

1. That Broken Hill City Council Report No. 192/19 dated October 1, 2019, be received.
2. That Council adopts the draft Communication and Engagement Strategy as a Strategy of Council.

RESOLUTION

Minute No. 46131

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

CARRIED

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

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 193/19 - DATED NOVEMBER 16, 2019 -
DRAFT ASSET MANAGEMENT POLICY, ASSET MANAGEMENT STRATEGY AND BENCHMARKS
FOR BUILDING ASSETS RATIONALISATION** 13/163

Resolved

1. That Broken Hill City Council Report No. 193/19 dated November 16, 2019, be received.
2. That the draft Asset Management Policy, Asset Management Strategy and Benchmarks for Building Asset Rationalisation be publicly exhibited for a period of not less than 28 days.
3. That a further report be presented to Council following the public exhibition for Council's consideration and adoption.

RESOLUTION

Minute No. 46132

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

CARRIED

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

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 194/19 - DATED OCTOBER 21, 2019 -
ACQUISITION OF FEDERATION WAY** 18/200

Resolved

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1. That Broken Hill City Council Report No. 194/19 dated October 21, 2019, be received.
2. That Council make an application to the Minister and Governor to compulsorily acquire Federation Way, otherwise known as part lots 11-14 Section 57 DP 759092, part lots 1-8 Section 58 DP 759092, part lots 7428-7431 DP 1178911 and part lot 7421 DP 1183597 (as identified in the plan of acquisition).
3. That the acquisition be undertaken in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*, under Section 186 of the *Local Government Act 1993* and for the purposes of a public road under Section 177 of the *Roads Act 1993*.
4. That upon acquisition, Council undertake the required actions to open the subject road by registration of a plan in accordance with Section 7 of the *Roads Act 1993*.
5. That the Mayor and General Manager be authorised to sign and execute any documents related to the acquisition or road opening under the Common Seal of Council.

RESOLUTION

Minute No. 46133

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 11 - BROKEN HILL CITY COUNCIL REPORT NO. 195/19 - DATED NOVEMBER 11, 2019 -
MAARI MA KNOWLEDGE AND HEALING CENTRE** 11/161

Mayor Turley and Councillor Licul both declared a non-pecuniary conflict of interest in Item 11 and left the Council Chambers at 7:39 p.m.

The Deputy Mayor assumed the Chair.

Resolved

1. That Broken Hill City Council Report No. 195/19 dated November 11, 2019, be received.
2. That Council note the proposal by Maari Ma Inc for the development of a Knowledge and Healing Centre.
3. That Council continue to liaise with Maari Ma Inc and that a further report is provided to Council once a more detailed project scope is available for consideration.

RESOLUTION

Minute No. 46134

Councillor J. Nolan moved)

Councillor D. Gallagher seconded)

CARRIED UNANIMOUSLY

Mayor Turley and Councillor Licul returned to the Council Chambers at 7:40 p.m.

The Deputy Mayor advised that the report recommendation of Report No. 195/19 had been adopted.

The Mayor resumed the Chair.

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**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 196/19 - DATED NOVEMBER 12, 2019 -
MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 18
OCTOBER 2019**

13/19

Resolved

1. That Broken Hill City Council Report No. 196/19 dated November 12, 2019, be received.

RESOLUTION

Minute No. 46135

Councillor D. Gallagher moved)

Councillor B. Licul seconded)

CARRIED UNANIMOUSLY

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 197/19 - DATED NOVEMBER 06, 2019 -
INVESTMENT REPORT FOR OCTOBER 2019**

17/82

Resolved

1. That Broken Hill City Council Report No. 197/19 dated November 6, 2019, be received.

RESOLUTION

Minute No. 46136

Councillor M. Clark moved)

Councillor D. Gallagher seconded)

CARRIED UNANIMOUSLY

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 198/19 - DATED NOVEMBER 13, 2019 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 398 HELD WEDNESDAY
NOVEMBER 6, 2019**

11/397

Resolved

1. That Broken Hill City Council Report No. 198/19 dated November 13, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.398 held November 6, 2019 be received.

RESOLUTION

Minute No. 46137

Councillor M. Browne moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 199/19 - DATED NOVEMBER 14, 2019 -
ACTION LIST REPORT**

11/21

Resolved

1. That Broken Hill City Council Report No. 199/19 dated November 14, 2019, be received.

RESOLUTION

Minute No. 46138

Councillor J. Nolan moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 200/19 - DATED NOVEMBER 08, 2019 - MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETINGS HELD 21 OCTOBER 2019 AND 11 NOVEMBER 2019 12/54

Resolved

1. That Broken Hill City Council Report No. 200/19 dated November 8, 2019, be received.
2. That minutes of the Picton Oval Community Committee Meetings held 21 October 2019 and 11 November 2019, be received.

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 201/19 - DATED NOVEMBER 12, 2019 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD OCTOBER 15, 2019 12/51

Resolved

1. That Broken Hill City Council Report No. 201/19 dated November 12, 2019, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held October 15, 2019 be received.

ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 202/19 - DATED NOVEMBER 12, 2019 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 1 OCTOBER 2019 12/52

Resolved

1. That Broken Hill City Council Report No. 202/19 dated November 12, 2019, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 2 July 2019 be received.

Minute No. 46139

Councillor C. Adams moved) That the recommendations of items 16 to 18 be
Councillor M. Clark seconded) adopted.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 19 - QUESTIONS ON NOTICE NO. 11/19 - DATED OCTOBER 31, 2019 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE OCTOBER 2019 COUNCIL MEETING 12/160, 11/229, 11/390

Resolved

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1. That Questions On Notice No. 11/19 dated October 31, 2019, be received.

RESOLUTION

Minute No. 46140

Councillor B. Licul moved)

Councillor B. Algate seconded)

CARRIED

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

AGAINST: Crs Algate, Kennedy and Page

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Willyama Common matter being considered at Ordinary Council Meetings 11/63

The Mayor took a question on notice from Councillor Kennedy whether matters pertaining to the Willyama Common can be dealt with at Ordinary Council Meetings or whether Council should hold Extraordinary Council Meetings as was the practice some years ago.

Gateway Signage Competition (From Item 2) 17/133

The Mayor took a question on notice from Councillor Kennedy regarding whether the emails previously sent to Councillors regarding the processes for the Gateway Signage Competition can be circulated to Councillors, media and public.

Code of Conduct Complaint Statistics Annual Report 2018/2019 (From Item 4) 11/171

The Mayor took a question on notice from Councillor Kennedy as to why it is not recorded in the report if a Code of Conduct complaint is made by a Councillor about the conduct of another Councillor?

Street Tree Replacement Program (From Item 19) 11/390

Councillor Licul who asked if part of his question regarding the number of street trees that need replacing be answered as it was not answered in Questions on Notice Report No. 11/19 presented to this meeting.

Street Tree Replacement Program (From Item 19 and confirmation of minutes) 11/390

Councillor Algate asked when the stump/s would be removed from the footpath adjacent to his property, which remain in-situ after Council cut down the dead tree/s (question corrected at Minutes for Confirmation form Question Taken on Notice at October 2019 Council Meeting).

CONFIDENTIAL MATTERS

ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 203/19 - DATED NOVEMBER 04, 2019 - CONFIDENTIAL MINUTES OF THE ORDINARY COUNCIL MEETING HELD 30 OCTOBER 2019 -

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CONFIDENTIAL

19/11

(General Manager's Note: This report considers confidential minutes of the Ordinary Council Meeting held 30 October 2019 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).

RESOLUTION

Minute No. 46141

Councillor B. Licul moved)

Councillor J. Nolan seconded)

1. That Report No. 203/19 be considered in open session.
2. That Broken Hill City Council Report No. 203/19 dated November 4, 2019, be received.
3. That the confidential minutes of the Ordinary Council Meeting held 25 September 2019 be confirmed.

CARRIED UNANIMOUSLY

ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 204/19 - DATED NOVEMBER 11, 2019 - WATER NSW ACQUISITION OF WATER PIPELINE EASEMENT FROM WILLYAMA COMMON TRUST - 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).

RESOLUTION

Minute No. 46142

Councillor D. Gallagher moved)

Councillor J. Nolan seconded)

1. That Report No. 204/19 be considered in open session.
2. That Broken Hill City Council Report No. 204/19 dated November 11, 2019, be received.
3. That the Willyama Common Trust consent to Water NSW's proposed acquisition of a water pipeline easement across Lot 302 Deposited Plan 1242250.
4. That the Willyama Common Trust agree to the proposed terms and conditions proposed by Water NSW, including any compensation.
5. That the Mayor and General Manager be authorised to sign and execute any documents relating to the acquisition of the easement under the Common Seal of Council, in the absence of a Trust Seal.

CARRIED UNANIMOUSLY

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There being no further business the Mayor closed the meeting at 7:52 p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON DECEMBER 11, 2019.)

CHAIRPERSON