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MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
JANUARY 13, 2020

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Meeting commenced at 5:00p.m.

**PRESENT:**

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

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

Media (4), Members of the Public (6).

**APOLOGIES:**

Councillor R. Page.

Minute No. 46164

Moved Councillor D. Gallagher  
Seconded Councillor J. Nolan

) That the apology submitted on behalf of  
) Councillor Page be accepted and leave of absence  
granted.

CARRIED

**ACKNOWLEDGEMENT OF COUNTRY**

Mayor Turley delivered the Acknowledgment of Country.

**PURPOSE OF THE MEETING**

To consider the following reports:

1. Mayoral Minute No. 1/20 – dated December 20, 2019 – Proposal for dual naming of the Darling River
2. Mayoral Minute No. 2/20 – dated January 9, 2020 – NSW Ombudsman investigation into Broken Hill City Council – final report – **Confidential**

**DISCLOSURE OF INTEREST**

Nil

**MAYORAL MINUTES**

**ITEM 1 - MAYORAL MINUTE NO. 1/20 - DATED DECEMBER 20, 2019 - PROPOSAL FOR DUAL NAMING OF THE DARLING RIVER**

11/426

Minute No. 46165

Moved Councillor D. Turley  
Seconded Councillor M. Browne

- ) 1. That Mayoral Minute No. 1/20 dated December 20,  
) 2019, be received.
2. That Broken Hill City Council supports the proposal  
for the dual naming of the Darling River to be also  
named the Baaka.

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3. That Council sends a correspondence to the Geographical Names Board advising of Council's support for the dual naming of the Darling River.

CARRIED

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

Moved Councillor M. Browne ) That the meeting be closed to the public in  
Seconded Councillor J. Nolan ) accordance with the *Local Government Act 1993*  
*clause 10A(2)*, whilst the confidential matter is  
considered.

*The General Manager left the Council Chambers at 5:06p.m.*

Amendment

Moved Councillor T. Kennedy ) That the tabling of the Ombudsman's Report in  
Seconded Councillor B. Algate ) closed session be deferred until advice can be  
received from the Ombudsman and the Office of  
Local Government in relation to the report being  
tabled at a public meeting.

LOST

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

Minute No. 46166

Moved Councillor M. Browne ) That the meeting be closed to the public in  
Seconded Councillor J. Nolan ) accordance with the *Local Government Act 1993*  
*clause 10A(2)*, whilst the confidential matter is  
considered.

CARRIED

*The Mayor took a question on notice from Councillor Clark in relation to making the Ombudsman's Report public. Councillor Clark asked if making the Ombudsman's Report public today would influence any legal proceeding Council may have in progress at the moment.*

*The remaining staff (excluding the Corporate Support Officer), media and members of the public left the Chambers at 5:19p.m.*

## CONFIDENTIAL MATTERS

**ITEM 2 - MAYORAL MINUTE NO. 2/20 - DATED JANUARY 09, 2020 - NSW OMBUDSMAN INVESTIGATION INTO BROKEN HILL CITY COUNCIL - FINAL REPORT - **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).

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Minute No. 46167

Councillor D. Turley moved )

Councillor C. Adams seconded )

1. That Mayoral Minute No. 2/20 dated January 9, 2020, be received.
2. That Council commits to working closely with the DPIE to improve processes.
3. That Council commits to working closely with the OLG to improve processes.
4. That Council commits to working closely with both DPIE and OLG on any legislative reform.
5. That the Confidential Final Report be formally presented to the Audit, Risk and Improvement Committee at its next meeting to be held February 2020.
6. That the Audit, Risk and Improvement committee review the draft project management framework at its next meeting.
7. That Council note the engagement of external or independent third parties to assess development applications where it is the proponent.
8. That an MOU be established where the reciprocal agreement to assess development applications is with another council and this process be publicly advised.
9. That where Broken Hill City Council uses an independent third party such as a consultant to assess development applications for which it is the proponent, Council engage the consultant from an industry panel established through local government procurement and this process be publicly advised.
10. Council is committed to continually improving its practices and procedures to ensure best practice is part of Council's culture and that a further round of PID training will be delivered in the 2020 calendar year.
11. That the Mayor discuss future training requirements with the General Manager.

CARRIED

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

*During closed session, the Mayor took a question on notice from Councillor Kennedy requesting the actual cost of the legal advice received from Redenback Lee Lawyers to defend Council against the*

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*initial investigation of the Ombudsman's Report.*

*Staff (excluding the General Manager), members of the media and public returned to the Council Chambers at 5:45 p.m.*

*At the Mayor's invitation, the Chief Financial Officer read the resolutions of the items considered in closed session.*

There being no further business the Mayor closed the meeting at 5:48 p.m.

THE FOREGOING MINUTES WERE READ )  
AND CONFIRMED AT THE ORDINARY )  
MEETING OF THE BROKEN HILL CITY )  
COUNCIL HELD ON 26 FEBRUARY 2020. )

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CHAIRPERSON