
MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 29, 2020

Meeting commenced at 6:30pm

PRESENT:

Councillor D. Turley (Mayor) Councillor C. Adams (Deputy Mayor)
Councillors B. Algate, M. Browne, M. Clark, 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 - nil, Members of the Public - nil.

APOLOGIES:

Councillor D. Gallagher

RESOLUTION

Minute No. 46231

Councillor C. Adams moved

Councillor M. Clark seconded

)

)

That the apology submitted by Councillor
Gallagher be accepted and leave of absence
granted.

CARRIED UNANIMOUSLY

Due to the COVID-19 pandemic and the government's protocol for social distancing and indoor gatherings, the meeting was closed to the public and media. The meeting was held via videoconference.

PRAYER

Councillor Adams delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Adams delivered the Acknowledgment of Country.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 46232

Councillor C. Adams moved

Councillor M. Browne seconded

)

)

Resolved

That the Minutes of the Ordinary Meeting of the
Council of the City of Broken Hill held March 25,
2020 be confirmed with an amendment to the
voting of resolution 46219 to show voting for:
Councillors Adams, Browne, Clark, Licul, Nolan
and Turley and voting against: Councillors
Kennedy and Page.

That the Minutes of the Extraordinary Meeting of

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the Council of the City of Broken Hill held April
08, 2020 be confirmed.

CARRIED

FOR: Councillors Adams, Algate, Browne, Clark, Kennedy, Licul, Nolan, Page, Turley
AGAINST: Councillor Kennedy

RESOLUTION

Minute No. 46233

Councillor C. Adams moved
Councillor M. Browne seconded

) That standing orders be suspended in order for
) the meeting to be adjourned while technical
issues with the videoconferencing are being
addressed.

CARRIED UNANIMOUSLY

The meeting adjourned at 6:43pm

RESOLUTION

Minute No. 46234

Councillor C. Adams moved
Councillor M. Browne seconded

) That standing orders be resumed and the
) meeting recommence in open session.

CARRIED UNANIMOUSLY

The meeting resumed at 6:52pm

DISCLOSURE OF INTEREST

Councillor Adams declared:

- a non-pecuniary conflict of interest in Notice of Motion No. 7/20 as she is a close relative to management of the Waste Management Facility and advised that she will leave the meeting whilst the item is considered.
- A pecuniary interest in Report No. 49/20 as the applicant is a general sponsor of an organisation of which Councillor Adams is the Secretary, and advised that she will leave the meeting whilst the item is considered.

Councillor Licul declared:

- a non-pecuniary conflict of interest in Report No. 51/20 as he is a relative of someone named in the report and advised that he will leave the meeting whilst the item is considered.

Councillor Kennedy declared:

- a non-pecuniary conflict of interest in Confidential Report No. 56/20 as he is a Committee Member of the Broken Hill Soccer Association and advised that he will leave the meeting whilst the item is considered.

MAYORAL MINUTES

**ITEM 1 - MAYORAL MINUTE NO. 6/20 - DATED APRIL 23, 2020 - COVID-19 - LOCAL
GOVERNMENT NSW CAMPAIGN FOR FINANCIAL SUPPORT TO COUNCILS**

11/175

Motion

Councillor D. Turley moved
Councillor C. Adams seconded

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)

1. That Mayoral Minute No. 6/20 dated April 23, 2020, be received.
2. That Council calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
3. That Council calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% of GDP to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - Immediate financial assistance to support council employees.
 - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
 - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
4. That Council commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
5. That Council write to the local Federal Member, the Hon Mark Coulton and State Member Mr Roy Butler, the Prime Minister the

Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coultan, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.

6. That Council endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
7. That Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

Amendment

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

1. That Mayoral Minute No. 6/20 dated April 23, 2020, be received.
2. That Council calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
3. That Council calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% of GDP to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - Immediate financial assistance to support council employees.

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- Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
- Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.

4. That Council write to the local Federal Member, the Hon Mark Coulton and State Member Mr Roy Butler, the Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coulton, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. That Council endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. That Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

LOST

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

The original motion was put.

RESOLUTION

Minute No. 46235

Councillor D. Turley moved)
Councillor C. Adams seconded)

Resolved

1. That Mayoral Minute No. 6/20 dated April 23, 2020, be received.

2. That Council calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
3. That Council calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% of GDP to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - Immediate financial assistance to support council employees.
 - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
 - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
4. That Council commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
5. That Council write to the local Federal Member, the Hon Mark Coulton and State Member Mr Roy Butler, the Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coulton, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi

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McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.

6. That Council endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
7. That Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

CARRIED

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

NOTICES OF MOTION

**ITEM 2 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 5/20 - DATED APRIL 17, 2020 -
HOLDING ORDINARY MONTHLY COUNCIL MEETINGS IN THE COUNCIL CHAMBERS** 20/81

Motion

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

1. That Motions of Which Notice has been Given No. 5/20 dated April 17, 2020, be received.
2. That Broken Hill City Council writes to the Local Member and the NSW Minister for Health explaining the importance of holding the Ordinary Monthly Council Meetings in the Council Chambers and that those Councillors who do not want to attend in person be able to video link into the meeting.
3. That Council acknowledges the importance of in person Council Meetings and also acknowledges the many people in Broken Hill that continue to work and provide in person services in this time of COVID-19 crisis.

LOST

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

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**ITEM 3 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 6/20 - DATED APRIL 17, 2020 -
DEFER EXPENDITURE AND WORKS ON THE NEW LIBRARY HUB**

16/89

Motion

Councillor T. Kennedy moved
Councillor B. Algate seconded

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)

1. That Motions of Which Notice has been Given No. 6/20 dated April 17, 2020, be received.
2. That Broken Hill City Council defer all expenditure and work on the new Library Hub until after the COVID-19 crisis has passed and all social distancing restrictions are lifted.
3. That BHCC note the advice from council management that the COVID-19 crisis has caused stress to council's financial position and the deferment of the new library hub continue until council's financial position recovers.

LOST

FOR: Councillors Algate, Kennedy and Page
AGAINST: Councililors Adams, Browne, Clark, Licul, Nolan and Turley

**ITEM 4 – MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 7/20 – DATED APRIL 17, 2020 –
REOPENING OF COUNCIL'S WASTE FACILITY**

20/8

Councillor Adams declared an interest in Item 4 and left the meeting at 7:40p.m.

Motion

Councillor T. Kennedy moved
Councillor B. Algate seconded

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)

1. That Motions of Which Notice has been Given No. 7/20 dated April 17, 2020, be received.
2. That Broken Hill City Council acknowledge information from the NSW Environment protection authority that NSW councils are to keep waste facilities open to provide household waste needs and that people are able to drive to the facility without risk of penalty.
3. That Broken Hill City Council open the Broken Hill waste facility to the general public the morning following this council meeting.
4. That Broken Hill City Council immediately open the waste facility to normal operating hours.
5. That Broken Hill City Council prepares a report for the May meeting explaining why

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and on whose authority the waste facility was closed to the public

6. That Broken Hill City Council to implement processes to help mitigate the potential for harm from the COVID-19 virus

LOST

FOR: Councillors Algate, Kennedy and Page
AGAINST: Councillors Browne, Clark, Licul, Nolan and Turley

Councillor Adams returned to the meeting at 8:03p.m. The Mayor advised Councillor Adams that the Notice of Motion was lost.

Councillor Adams foreshadowed an urgent motion following consideration of item 5.

ITEM 5 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 8/20 - DATED APRIL 17, 2020 - NSW LOCAL GOVERNMENT ELECTIONS 15/23

Motion

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

1. That Motions of Which Notice has been Given No. 8/20 dated April 17, 2020, be received.
2. That Broken Hill City Council sends correspondence to our local member Roy Butler and the minister for Local Government informing them that as council we believe that the NSW Local Government Elections should not be delayed until September 2021 and that the NSW local government elections should be held in September 2020 or as soon as social distancing restrictions are eased.
3. That BHCC supports democracy and the right of our community to choose who they want to lead the city coming out of the COVID-19 crisis and supports doing all we can as a council to ensure Local Government elections are held in September 2020 or as soon as possible after that date.

LOST

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

MOTION OF URGENCY

**ITEM 6 - MOTION OF URGENCY – COUNCILLOR SUPPORT DURING COVID-19
PANDEMIC**

16/158

Motion

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

1. That Councillors publicly acknowledge our complete support of the Mayor, General Manager, Senior Management team and workforce in meeting the challenges for our community and our way of life during this COVID-19 crisis.
2. Express our disappointment with some councillors unwillingness to work with Council.
3. Ask that all Councillors refrain from public comment including social media that undermines council's activities at this difficult time.
4. Ask that all councillors represent the community within the laws available to them and not promote unreasonable expectations within the community.

Amendment

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

1. That Councillors publicly acknowledge the support of the Mayor, General Manager, Senior Management team and workforce and other Councillors in meeting the challenges for our community and our way of life during this COVID-19 crisis.

LOST

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

The original motion was put.

RESOLUTION

Minute No. 46236

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

Resolved

1. That Councillors publicly acknowledge our complete support of the Mayor, General Manager, Senior Management team and workforce in meeting the challenges for our community and our way of life during this COVID-19 crisis.
2. Express our disappointment with some councillors unwillingness to work with Council.

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3. Ask that all Councillors refrain from public comment including social media that undermines council's activities at this difficult time.
4. Ask that all councillors represent the community within the laws available to them and not promote unreasonable expectations within the community.

CARRIED

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

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 46/20 - DATED APRIL 03, 2020 -
CORRESPONDENCE REPORT - MENINDEE LAKES SYSTEM**

11/426

RESOLUTION

Minute No. 46237

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

Resolved

1. That Broken Hill City Council Report No. 46/20 dated April 3, 2020, be received.
2. That correspondence dated 2 April 2020 from the Minister for Water, Property and Housing the Hon Melinda Pavey MP regarding evaporation and/or transmission losses being recognised as a contribution towards the environmental target of water being returned to the environment under the Murray Darling Basin Plan, be received and noted.

CARRIED UNANIMOUSLY

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**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 47/20 - DATED APRIL 03, 2020 -
AMENDMENT TO COUNCIL'S CODE OF MEETING PRACTICE POLICY**

12/14

RESOLUTION

Minute No. 46238

Councillor J. Nolan moved

Councillor M. Clark seconded

Resolved

1. That Broken Hill City Council Report No. 47/20 dated April 3, 2020, be received.
2. That Council notes that the amendments outlined in the report are consistent with the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020* which amends a number of Acts in response to the COVID-19 pandemic, one of which is the *Local Government Act 1993* to allow for Council Meetings to be held via videoconference. They are also consistent with government protocols around social distancing, gatherings and non-essential travel which have been implemented under the *Biosecurity Act 2015*.
3. That the above temporary amendments to Council's Code of Meeting Practice will remain until the NSW Government lifts the social distancing, gatherings and non-essential travel requirements under the *Biosecurity Act 2015* in response to the Coronavirus (COVID-19) pandemic.
4. That Council's Code of Meeting Practice Policy be amended at clause 3.2 to clarify that a request for an Extraordinary Meeting must be accompanied by the item/s of business to be included in the Agenda for the Extraordinary Meeting, which will include the motion to be debated and the argument in support of the motion. This would apply for example, to a Mayoral Minute; a Notice of Motion; a Rescission Motion; a Delegate's Report or an item of correspondence.

CARRIED

FOR: Councillors Adams, Browne, Clark, Licul, Nolan and Turley
AGAINST: Councillors Algate and Kennedy
ABSENT: Councillor Page

Councillor Page temporarily lost videoconference connection to the meeting at 8:42pm.

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ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 48/20 - DATED APRIL 20, 2020 - COVID-19 IMPACTS - BUSINESS AND BUDGETARY 16/165

Councillor Licul gave an apology at 8:43pm to leave the meeting to resolve technical issues with videoconference connection to the meeting.

Councillor Page returned to the meeting at 8:45pm.

RESOLUTION

Minute No. 46239

Councillor T. Kennedy moved)
Councillor C. Adams seconded)

Resolved

1. That Broken Hill City Council Report No. 48/20 dated April 20, 2020, be received.
2. That Council note the business disruption created by COVID-19 and the requirement to review, change and improve business practices to ensure long-term sustainability.
3. That Council note the current 19/20 budget implications and review process put in place due to COVID-19.
4. That Council note the updated timeline for the 20/21 budget & Operational Plan due to COVID-19 impacts.

CARRIED UNANIMOUSLY

Councillor Licul was absent for the voting of Item 9.

ITEM 10 – BROKEN HILL CITY COUNCIL REPORT NO. 49/20 – DATED APRIL 14, 2020 – MODIFICATION TO DEVELOPMENT APPLICATION 34/2012 – ALTERATION TO BUSINESS HOURS – 407 CRYSTAL STREET, BROKEN HILL 11/467

Councillor Adams declared an interest in Item 10 and left the meeting at 8:50pm.

Councillor Licul returned to the meeting at 8:53pm.

RESOLUTION

Minute No. 46240 -

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

Resolved

1. That Broken Hill City Council Report No. 49/20 dated April 14, 2020, be received.
2. That modified Development Application 34/2012 be approved, by modifying Condition number 8 (operation hours) and replacing condition number 10 (noise). Therefore, modified Development application 34/2012, shall be approved subject to the following conditions:

- (1) Compliance with Building Code of Australia
That all building work must be out in accordance with the provisions of the Building Code of Australia.

Reason for Imposition of Condition: Statutory condition being clause 98(1)a & 145 of the Environmental Planning and Assessment Regulation 2000.

- (2) Extensions/Alterations
That all necessary alterations and or extensions to services shall be out in accordance with the requirements of the appropriate Supply Authorities.

Reason for imposition of condition: The need to ensure that supply services are provided in accordance with the Authorities requirements.

- (3) Injury to Amenity
That immediate remedial measures shall be taken if in the opinion of Council, injury is being caused to the amenity of the neighbourhood due to any nuisance, traffic hazard or otherwise and that the use shall cease if it is considered that the use can no longer be tolerated.

Reason for imposition of condition: The need to provide Council with the ability to mitigate injurious activities on the neighbourhood.

- (4) Wastes
That the site shall be maintained in a clean and tidy state at all times and all waste shall be stored in an approved waste storage area screened from view.

Reasons for imposition of condition: The need to ensure that the site is clean and tidy and that wastes are properly stored.

- (5) Signs
That separate application shall be made at the appropriate time for the erection of any advertising signs, including details of colour, size, height and method of illumination.

Reason for imposition of condition: The need to provide acceptable signage.

- (6) Loading/Unloading
That all loading and unloading of goods shall be out wholly upon the site.

Reason for imposition of condition: The need to ensure that any loading and unloading, associated with the business does not cause any nuisance to surrounding properties.

- (7) Internal Access Driveways
That the internal access driveways, parking, loading and unloading areas shall be all weather surfaces constructed of bitumen sealed pavement or equivalent to ensure that stormwater drains off the surface without interference to adjoining or neighbouring properties.

Reason for imposition of condition: The need to ensure that access is available at all times, that dust generation is reduced.

- (8) Operation Hours
That the hours of operation shall be restricted to 7am to 7pm Monday to Sunday. Public opening hours shall be restricted to within the hours of 7am to 5:30pm Monday to Friday.

Reason for imposition of condition: The need to limit the hours of operation of a business so that its effect on the surrounding properties is minimised.

- (9) Carparking

That carparking facilities clearly signposted shall be provided onsite. The number of spaces to be provided shall be a minimum of 20, each being a minimum of 2.5 x 5.4 metres.

Carparking design shall comply with AS 2890.

Reason for imposition of condition: The need to ensure that adequate carparking facilities are provided on site.

- (10) Noise
The applicant shall ensure that all ongoing activities comply with the requirements of the Environmental Protection Authority's Noise Policy for Industry (2017) and shall not give rise to the transmission of intrusive noise as defined in the Protection of the

Environment Operation Act 1997 (NSW).

Reason for imposition of condition: The need to ensure that activities comply with relevant legislative requirements.

(11) Stormwater

Post development stormwater runoff levels are not to exceed pre-development levels. Stormwater calculations will be necessary to prove post stormwater levels.

Reason for imposition of condition: To prevent stormwater nuisance to surrounding buildings.

(12) Roadworks

That all existing unused dishcrossings along the Crystal Street frontage shall be removed and matching kerbing be replaced to the design and requirements of Council's Infrastructure Department. All costs associated with these works shall be borne by the developer.

Reason for imposition of condition: The need to provide acceptable street frontages.

(13) Landscaping

That appropriate landscaping shall be provided as shown in plan 012015 (HPO) and Drawing no. 012015.

Reason for imposition of condition: The need to maintain visual street appeal.

(14) Excavations and backfilling

That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason for the imposition of condition: Statutory condition being clause 161 of the Environmental Planning and Assessment Regulation 2000

(15) Signs to be erected on building and demolition sites

- a) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being out:
 - i Stating that unauthorised entry to the work site is prohibited, and
 - ii Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- b) That any such sign is to be removed when the work has been completed.

*Reason for imposition of condition:
Statutory condition being Clause 161 of
the Environmental Planning and
Assessment Regulation 2000*

(16) Method of Demolition

That the demolition of the building strictly comply with the requirements of AS 2601 and any requirements of the Work Cover Authority of NSW.

*Reason for imposition of condition:
Statutory requirement of the Work Health
and Safety Act 2011*

(17) Signs to be erected on building and demolition sites

- b) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being out:
 - iii Stating that unauthorised entry to the work site is prohibited, and
 - iv Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- c) That any such sign is to be removed when the work has been completed.

*Reason for imposition of condition:
Statutory condition being Clause 161 of
the Environmental Planning and
Assessment Regulation 2000*

(18) Driveways

That full concrete or equivalent commercial standard driveways be provided in the following locations:

- i. From the existing bitumen formation in Iodide Street to the boundary of the site and main delivery entrance:
- ii. From the existing remaining dishcrossing in Crystal Street to the boundary of the site.

Reason for Imposition of Condition: The need to ensure that access is available at all times and that dust generation is reduced.

(19) Fire Safety Certificate

That a FIRE SAFETY CERTIFICATE in relation to the following essential fire and other safety measures be presented to Council on the completion of the construction works, prior to the occupation of the building.

MEASURE	STANDARD OF PERFORMANCE
a) Exit and Emergency Lighting	AS2293 AS2419 AS2441
b) Fire Hydrant	AS2444
c) Fire Hose Reel	
d) Fire Extinguishers	

This certificate shall be completed in triplicate as follows:

THE ORIGINAL is to be returned to Council.

ONE COPY is to be sent to the Manager of Fire Safety, New South Wales Fire Brigades, Fire Safety Division.

A FURTHER COPY is to be prominently displayed in the building immediately adjacent to the main entrance doors to the building.

Reason for imposition of condition: To ensure that the fire safety and other

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measures are designed and installed in accordance with the required Australian Standard.

- (20) Lead Safe Work Practices
That all building/demolition works and waste removal procedures comply with standards in Council's Development Control Plan 2016. (DCP available for purchase from Council or download from Council's website www.brokenhill.nsw.gov.au).

Reason for Imposition of Condition: The need to ensure that the impact of nuisance and lead containing dusts is minimised.

CARRIED

FOR: Councillors Browne, Clark Licul, Nolan, Page and Turley
AGAINST: Councillors Algate and Kennedy

Councillor Adams returned to the meeting at 9:00pm. The Mayor advised Councillor Adams that Council had adopted the recommendation of Item 10.

The Mayor advised Councillors that due to the time being 9:00pm, and as per section 18 of Council's Code of Meeting Practice Policy, should Councillors wish that the meeting continue, then a resolution to that affect is required.

RESOLUTION

Motion

Councillor J. Nolan moved) That the meeting continue and concludes once all
Councillor B. Licul seconded) matters have been considered.

CARRIED

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

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 50/20 - DATED APRIL 07, 2020 - INVESTMENT REPORT FOR MARCH 2020

17/82

RESOLUTION

Minute No. 46241

Councillor B. Licul moved)
Councillor M. Clark seconded) 1. That Broken Hill City Council Report No. 50/20 dated April 7, 2020, be received.

CARRIED UNANIMOUSLY

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**ITEM 12 – BROKEN HILL CITY COUNCIL REPORT NO. 51/20 – DATED APRIL 14, 2020 –
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 401 HELD TUESDAY, 7 APRIL
2020**

11/397

Councillor Licul declared an interest in Item 12 and left the meeting at 9:03pm.

RESOLUTION

Minute No. 46242

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

Resolved

1. That Broken Hill City Council Report No. 51/20 dated April 14, 2020, be received.
2. That the minutes for the Local Traffic Committee Meeting No.400 held Tuesday, 7 April 2020 be received.

CARRIED UNANIMOUSLY

Councillor Licul returned to the meeting at 9:04pm. The Mayor advised Councillor Licul that Council had adopted the recommendation of Item 12.

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 52/20 - DATED APRIL 20, 2020 - ACTION
LIST REPORT**

11/21

RESOLUTION

Minute No. 46243

Councillor C. Adams moved)
Councillor J. Nolan seconded)

Resolved

1. That Broken Hill City Council Report No. 52/20 dated April 20, 2020, be received.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 53/20 - DATED APRIL 20, 2020 - MINUTES
OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS
HELD TUESDAY, 16 MARCH 2020**

12/51

RESOLUTION

Minute No. 46244

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

Resolved

1. That Broken Hill City Council Report No. 53/20 dated April 20, 2020, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held March, 16 2020 be received.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 15 - QUESTIONS ON NOTICE NO. 6/20 - DATED APRIL 07, 2020 - COUNCILLOR
QUESTIONS TAKEN ON NOTICE AT THE MARCH 2020 ORDINARY COUNCIL MEETING 12/160,
11/141

Motion

- | | | |
|-------------------------------|---|---|
| Councillor T. Kennedy moved |) | 1. That Questions On Notice No. 6/20 dated |
| Councillor M. Browne seconded |) | April 7, 2020, be received. |
| | | 2. That access to the Council Chambers public |
| | | toilets be available during week days and |
| | | normal operating hours to enable patrons of |
| | | Centrelink to utilise them. |

After the motion was seconded, the mover included an addendum to the motion. Councillor Browne withdrew her support for the motion as Secunder.

The Mayor called for a Secunder.

RESOLUTION

Minute No. 46245

- | | | |
|-------------------------------|---|---|
| Councillor T. Kennedy moved |) | <u>Resolved</u> |
| Councillor B. Algate seconded |) | 1. That Questions On Notice No. 6/20 dated |
| | | April 7, 2020, be received. |
| | | 2. That access to the Council Chambers public |
| | | toilets be available during week days and |
| | | normal operating hours to enable patrons of |
| | | Centrelink to utilise them. |

CARRIED

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

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Councillor Kennedy advised that he will send an email to the General Manager regarding recent dog attacks.

RESOLUTION

Minute No. 46246

- | | | |
|-------------------------------|---|--|
| Councillor C. Adams moved |) | That the meeting be closed to the public in |
| Councillor M. Browne seconded |) | accordance with Section 10(A)2 of the <i>Local</i> |
| | | <i>Government Act 1993</i> whilst the confidential |
| | | matters are considered. |

CARRIED UNANIMOUSLY

The meeting recording ceased at 9:15pm.

CONFIDENTIAL MATTERS

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 54/20 - DATED MARCH 31, 2020 -
CONFIDENTIAL MINUTES FOR CONFIRMATION - ORDINARY COUNCIL MEETING HELD 25
MARCH 2020 - CONFIDENTIAL**

20/82

(General Manager's Note: This report considers confidential minutes for confirmation that relate to various confidential matters and is deemed confidential under Section 10A(2) (c) (d) (i) 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; AND which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret; AND which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

RESOLUTION

Minute No. 46247

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

Resolved

1. That Broken Hill City Council Report No. 54/20 dated March 31, 2020, be received.
2. That the confidential minutes of the Ordinary Council Meeting held 25 March 2020 be confirmed.

CARRIED UNANIMOUSLY

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 55/20 - DATED APRIL 03, 2020 -
CORRESPONDENCE REPORT - CODE OF CONDUCT NO. BHC20190628 - CONFIDENTIAL**

CC19/1

(General Manager's Note: This report is deemed confidential under Section 10A(2) (i) of the Local Government Act, 1993 which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

RESOLUTION

Minute No. 46248

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

Resolved

1. That Broken Hill City Council Report No. 55/20 dated April 3, 2020, be received.
2. That correspondence received from the Office of Local Government regarding Code of Conduct matter BHC20190628 be received and noted.

CARRIED UNANIMOUSLY

**ITEM 18 – BROKEN HILL CITY COUNCIL REPORT NO. 56/20 – DATED APRIL 14, 2020 –
PROPOSED LICENCE OF E.P. O'NEILL PARK TO BROKEN HILL SOCCER ASSOCIATION –
CONFIDENTIAL**

12/119

(General Manager's Note: This report considers a licence agreement and is deemed confidential under Section 10A(2) © 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).

Councillor Kennedy declared an interest in Item 18 and left the meeting at 9:47pm.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 29, 2020

RESOLUTION

Minute No. 46249

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

Resolved

1. That Broken Hill City Council Report No. 56/20 dated April 14, 2020, be received.
2. That Council enter into an interim licence agreement with the Broken Hill Soccer Association Inc for the use of E.P. O'Neill Park (Reserve 70321, Lot 7304 DP1176992; Lot 2760 DP 764895; Lot 2916 DP 765076).
3. That the licence agreement be for the duration of twelve (12) months.
4. That the annual rent be the current Crown Lands Minimum Rent of \$504.00 per annum.
5. That the licence agreement be signed and executed by the Mayor and General Manager under the Common Seal of Council.

CARRIED UNANIMOUSLY

Councillor Kennedy returned to the meeting at 9:55pm. The Mayor advised Councillor Kennedy that Council had adopted the report recommendation of Item 18.

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 57/20 - DATED APRIL 24, 2020 -
CORRESPONDENCE REPORT - REQUEST FOR FINANCIAL ASSISTANCE - REX AIRLINES -
CONFIDENTIAL**

19/69

(General Manager's Note: This report considers a partnership agreement and is deemed confidential under Section 10A(2) (d) of the Local Government Act, 1993 which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).

RESOLUTION

Minute No. 46250

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

Resolved

1. That Broken Hill City Council Report No. 57/20 dated April 24, 2020, be received.
2. That correspondence from Regional Express Holdings Ltd dated 23 April 2020 be received.
3. That Regional Express Holdings Ltd be informed that Council is willing to defer payment of \$48,400.00 on a no-interest basis for a period of 12 months or until the airline is in a position to repay the amount whichever is the sooner.
4. That the State Government be approached as a matter of urgency with a request to provide financial assistance to Regional

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 29, 2020

Express Holdings Ltd to assure the survival
of an airline for Broken Hill and region.

CARRIED

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

The meeting resumed in open session at 10:12pm.

At the Mayor's request, the General Manager read the resolutions of the matters considered in closed session.

There being no further business the Mayor closed the meeting at 10:14 p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 27 MAY 2020.)

CHAIRPERSON