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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
OCTOBER 28, 2020

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*Due to the COVID-19 pandemic and the government's protocol for social distancing and indoor gatherings, the meeting was closed to the public. The meeting was held via videoconference. Meeting commenced at 6:30pm.*

**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.

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

**APOLOGIES:**

Nil.

**PRAYER**

Councillor Adams delivered the prayer.

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country

**MINUTES FOR CONFIRMATION**

**RESOLUTION**

Minute No. 46363

Councillor D. Gallagher moved  
Councillor B. Licul seconded

**Resolved**

) That the Minutes of the Ordinary Meeting of the  
) Council of the City of Broken Hill held  
September 30, 2020 be confirmed.

That the Minutes of the Extraordinary Meeting of  
the Council of the City of Broken Hill held  
October 06, 2020 be confirmed.

CARRIED UNANIMOUSLY

**DISCLOSURE OF INTEREST**

Nil.

**MAYORAL MINUTES**

Nil.

## NOTICES OF MOTION

**ITEM 1 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 17/20 - DATED OCTOBER 16, 2020 - TELLUS HOLDINGS LTD - PROPOSED BLUE BUSH PROJECT** 11/467

### Motion

- |                               |   |  |
|-------------------------------|---|--|
| Councillor T. Kennedy moved   | ) | 1. That Motions of Which Notice has been             |
| Councillor B. Algate seconded | ) | Given No. 17/20 dated October 16, 2020, be received. |
2. That Broken Hill City Council reports to the November 2020 Ordinary Meeting of Council on ways the Council can engage with the community to understand the support or lack of support for the proposed toxic waste dump close to Broken Hill.
  3. That Broken Hill City Council reports on potential effects the proposed toxic waste dump will have on tourism and population growth.
  4. That Broken Hill City Council approach the State Government so that any royalties generated from the toxic waste dump if it proceeds is granted to Broken Hill.
  5. That Broken Hill City Council approach the Federal Government to grant Broken Hill City Council an additional \$5m per annum to keep ovals, parks and footpaths grassed and maintained to offset any negative effect if the toxic waste dump proceeds.
  6. That Broken Hill City Council approach the proposed toxic waste dump owners to contribute \$3m per annum to offset the negative impacts on population and tourism if the toxic waste dump proceeds.
  7. That Councillors consider the arguments contained within the Notice of Motion.

### Amendment

- |                              |   |  |
|------------------------------|---|--|
| Councillor M. Clark moved    | ) | 1. That Motions of Which Notice has been             |
| Councillor B. Licul seconded | ) | Given No. 17/20 dated October 16, 2020, be received. |
2. That Council writes to the Coolgardie Shire Council and the Alice Springs Town Council to seek advice on any positive effects or negative effects that the hazardous waste disposal facility has had on their communities and in particular regarding the creation of employment; also any fears that the

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community had prior to the construction of  
the facility which may have been allayed  
once the facility was operational.

CARRIED

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

AGAINST: Crs Algate and Kennedy

The amendment becomes the motion.

**RESOLUTION**

**Resolved**

Minute No. 46364

Councillor M. Clark moved )

Councillor B. Licul seconded )

1. That Motions of Which Notice has been  
Given No. 17/20 dated October 16, 2020, be  
received.
2. That Council writes to the Coolgardie Shire  
Council and the Alice Springs Town Council  
to seek advice on any positive effects or  
negative effects that the hazardous waste  
disposal facility has had on their communities  
and in particular regarding the creation of  
employment; also any fears that the  
community had prior to the construction of  
the facility which may have been allayed  
once the facility was operational.

CARRIED

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

AGAINST: Crs Algate and Kennedy

**ITEM 2 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 18/20 - DATED OCTOBER 16,  
2020 - INSTALLATION OF LOADING ZONES**

11/392

Motion

Councillor T. Kennedy moved )

Councillor B. Algate seconded )

1. That Motions of Which Notice has been  
Given No. 18/20 dated October 16, 2020, be  
received.
2. That Broken Hill City Council investigates and  
reports to the November 2020 Ordinary  
Meeting of Council for the installation of  
loading zones in and around commercial  
precincts where parking is a problem.
3. That Broken Hill City Council consider the  
arguments contained within the Notice of  
Motion.

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Amendment

- |                              |   |  |
|------------------------------|---|--|
| Councillor M. Browne moved   | ) | 1. That Motions of Which Notice has been                             |
| Councillor C. Adams seconded | ) | Given No. 18/20 dated October 16, 2020, be received.                 |
|                              |   | 2. That the matter be referred to the Broken Hill Traffic Committee. |

*Councillor Kennedy withdrew his Notice of Motion in favour of the amendment.*

The amendment becomes the motion.

**RESOLUTION**

**Resolved**

Minute No. 46365

- |                              |   |  |
|------------------------------|---|--|
| Councillor M. Browne moved   | ) | 1. That Motions of Which Notice has been                             |
| Councillor C. Adams seconded | ) | Given No. 18/20 dated October 16, 2020, be received.                 |
|                              |   | 2. That the matter be referred to the Broken Hill Traffic Committee. |

CARRIED UNANIMOUSLY

**RESCISSION MOTIONS**

Nil.

**REPORTS FROM DELEGATES**

Nil.

**REPORTS**

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 135/20 - DATED OCTOBER 13, 2020 -  
CORRESPONDENCE REPORT - NSW GOVERNMENT SMALL BUSINESS SUPPORT GRANTS**

11/175

Motion

- |                              |   |  |
|------------------------------|---|--|
| Councillor C. Adams moved    | ) | 1. That Broken Hill City Council Report No.  |
| Councillor M. Clark seconded | ) | 135/20 dated October 13, 2020, be received.  |
|                              |   | 2. That correspondence dated 6 October 2020 from The Premier of NSW, The Hon Gladys Berejiklian MP regarding the NSW Small Business Support Grant and Small Business Recovery Grant and advising that the correspondence has been forwarded to The Treasurer, The Hon Dominic Perrottet MP, be received and noted. |

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3. That Council writes to the Premier of NSW, The Hon Gladys Berejiklian MP and The Treasurer, The Hon Dominic Perrottet MP, requesting that Broken Hill be considered as a border town given its proximity to the South Australian border and its remoteness in order for Broken Hill businesses to be eligible for the NSW Small Business Support Grant and Small Business Recovery Grant.

Amendment

Councillor T. Kennedy moved )

Councillor B. Algate seconded )

1. That Broken Hill City Council Report No. 135/20 dated October 13, 2020, be received.
2. That correspondence dated 6 October 2020 from The Premier of NSW, The Hon Gladys Berejiklian MP regarding the NSW Small Business Support Grant and Small Business Recovery Grant and advising that the correspondence has been forwarded to The Treasurer, The Hon Dominic Perrottet MP, be received and noted.
3. That Council writes to the Premier of NSW, The Hon Gladys Berejiklian MP and The Treasurer, The Hon Dominic Perrottet MP, requesting that Broken Hill be considered as a border town given its proximity to the South Australian border and its remoteness in order for Broken Hill businesses to be eligible for the NSW Southern Border Small Business Support Grant along with the NSW Small Business Support Grant and Small Business Recovery Grant.
4. That Council develops a policy that engages and helps small businesses that are struggling through difficult times.

CARRIED

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

AGAINST: Crs Browne and Clark

The amendment becomes the motion.

**RESOLUTION**

Minute No. 46366

Councillor T. Kennedy moved )

**Resolved**

1. That Broken Hill City Council Report No. 135/20 dated October 13, 2020, be received.

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Councillor B. Algate seconded

)

2. That correspondence dated 6 October 2020 from The Premier of NSW, The Hon Gladys Berejiklian MP regarding the NSW Small Business Support Grant and Small Business Recovery Grant and advising that the correspondence has been forwarded to The Treasurer, The Hon Dominic Perrottet MP, be received and noted.
3. That Council writes to the Premier of NSW, The Hon Gladys Berejiklian MP and The Treasurer, The Hon Dominic Perrottet MP, requesting that Broken Hill be considered as a border town given its proximity to the South Australian border and its remoteness in order for Broken Hill businesses to be eligible for the NSW Southern Border Small Business Support Grant along with the NSW Small Business Support Grant and Small Business Recovery Grant.
4. That Council develops a policy that engages and helps small businesses that are struggling through difficult times.

CARRIED UNANIMOUSLY

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 136/20 - DATED SEPTEMBER 30, 2020 - CORRESPONDENCE REPORT - SEALING OF THE SILVER CITY HIGHWAY BETWEEN BROKEN HILL AND TIBOOBURRA**

11/161

**RESOLUTION**

**Resolved**

Minute No. 46367

Councillor C. Adams moved

)

Councillor M. Clark seconded

)

1. That Broken Hill City Council Report No. 136/20 dated September 30, 2020, be received.
2. That the following correspondence be received and noted:
  - a) Correspondence dated 28 September 2020 from the Principal Manager of Transport for NSW acknowledging the contributions of Mr Peter Beven, Mr Peter Black, Mr John Elliott and Mr John Williams in advocating for the sealing of the Silver City Highway between Broken Hill and Tibooburra.
  - b) Correspondence dated 29 September 2020 from Mr Peter Beven regarding the sealing of the Silver City Highway between Broken Hill and Tibooburra and

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enclosing a report on the official opening  
event held in Tibbooburra on 1 July 2020.

CARRIED UNANIMOUSLY

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 137/20 - DATED SEPTEMBER 30, 2020 -  
CORRESPONDENCE REPORT - MENINDEE LAKES SUSTAINABLE DIVERSION LIMIT  
ADJUSTMENT MECHANISM PROJECT**

11/151

Motion

- |                              |   |   |
|------------------------------|---|---|
| Councillor M. Browne moved   | ) | 1. That Broken Hill City Council Report No. 137/20 dated September 30, 2020, be received.   |
| Councillor C. Adams seconded | ) |   |
|                              |   | 2. That correspondence dated 22 September 2020 from The Hon Melinda Pavey MP, Minister for Water, Property and Housing regarding the Menindee Lakes Sustainable Diversion Limit Adjustment Mechanism Project be received and noted. |

Amendment

- |                              |   |   |
|------------------------------|---|---|
| Councillor T. Kennedy moved  | ) | 1. That Broken Hill City Council Report No. 137/20 dated September 30, 2020, be received.   |
| Councillor J. Nolan seconded | ) |   |
|                              |   | 2. That correspondence dated 22 September 2020 from The Hon Melinda Pavey MP, Minister for Water, Property and Housing regarding the Menindee Lakes Sustainable Diversion Limit Adjustment Mechanism Project be received and noted.   |
|                              |   | 3. That Council writes to the The Hon Melinda Pavey MP, Minister for Water, Property and Housing requesting an amendment to the terms of reference within the document "Menindee Lakes Sustainable Diversion Limit Adjustment Mechanism Project" to remove the 106gl water savings target, thus allowing many potential water saving ideas. |

*Councillor Browne withdrew her motion in favour of the amendment.*

The amendment becomes the motion.

**RESOLUTION**

**Resolved**

Minute No. 46368

- |                             |   |   |
|-----------------------------|---|---|
| Councillor T. Kennedy moved | ) | 1. That Broken Hill City Council Report No. 137/20 dated September 30, 2020, be received. |
|-----------------------------|---|---|

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Councillor J. Nolan seconded )

2. That correspondence dated 22 September 2020 from The Hon Melinda Pavey MP, Minister for Water, Property and Housing regarding the Menindee Lakes Sustainable Diversion Limit Adjustment Mechanism Project be received and noted.
3. That Council writes to the The Hon Melinda Pavey MP, Minister for Water, Property and Housing requesting an amendment to the terms of reference within the document "Menindee Lakes Sustainable Diversion Limit Adjustment Mechanism Project" to remove the 106gl water savings target, thus allowing many potential water saving ideas.

CARRIED UNANIMOUSLY

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 138/20 - DATED SEPTEMBER 25, 2020 -  
PUBLIC INTEREST DISCLOSURES ANNUAL REPORT 2019/2020** 12/67

**RESOLUTION**

**Resolved**

Minute No. 46369

Councillor C. Adams moved )

Councillor B. Licul seconded )

1. That Broken Hill City Council Report No. 138/20 dated September 25, 2020, be received.
2. That the Broken Hill City Council Public Interest Disclosures Annual Report 2019/2020 be forwarded to the Minister for Local Government and the NSW Ombudsman by 30 October 2020.

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 139/20 - DATED OCTOBER 08, 2020 -  
CULTURAL FACILITIES OPENING HOURS** 11/212

Motion

Councillor C. Adams moved )

Councillor M. Clark seconded )

1. That Broken Hill City Council Report No. 139/20 dated October 8, 2020, be received.
2. That Council note the below report and subsequent budget adjustment presented in the September Quarterly Budget Review.
3. That Council note that a review of the Visitors Information Centre operational model will form part of the 2021/22 Operational Plan.

Amendment

Councillor T. Kennedy moved )



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Councillor B. Algate seconded )

1. That Broken Hill City Council Report No. 139/20 dated October 8, 2020, be received.
2. That Council note the below report and subsequent budget adjustment presented in the September Quarterly Budget Review.
3. That Council note that a review of the Visitors Information Centre operational model will form part of the 2021/22 Operational Plan.
4. That all Council cultural facilities be opened to normal opening hours and a report be presented to the November Council Meeting detailing the additional costs to be incurred.

LOST

FOR: Crs Algate, Kennedy and Page

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

The original motion was put.

**RESOLUTION**

**Resolved**

**Minute No. 46370**

Councillor C. Adams moved )

Councillor M. Clark seconded )

1. That Broken Hill City Council Report No. 139/20 dated October 8, 2020, be received.
2. That Council note the below report and subsequent budget adjustment presented in the September Quarterly Budget Review.
3. That Council note that a review of the Visitors Information Centre operational model will form part of the 2021/22 Operational Plan.

CARRIED

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

AGAINST: Crs Algate, Kennedy and Page

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 140/20 - DATED OCTOBER 16, 2020 - RECONCILIATION ACTION PLAN 2020-2022**

14/59

**RESOLUTION**

**Resolved**

**Minute No. 46371**

Councillor M. Clark moved )

Councillor M. Browne seconded )

1. That Broken Hill City Council Report No. 140/20 dated October 16, 2020, be received.

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2. That Broken Hill City Council approves the fully endorsed Reconciliation Action Plan October 2020- October 2022.

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 141/20 - DATED AUGUST 28, 2020 -  
ADOPTION OF DRAFT MOBILE FOOD VEHICLES, TEMPORARY FOOD STALLS AND HAWKING  
POLICY** 12/14

**RESOLUTION**

**Resolved**

Minute No. 46372

- |                              |   |  |
|------------------------------|---|--|
| Councillor J. Nolan moved    | ) | 1. That Broken Hill City Council Report No. 141/20 dated August 28, 2020, be received.   |
| Councillor C. Adams seconded | ) | 2. That Council adopts the draft Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy as a Policy of Council.  |
|                              |   | 3. That adoption of the draft Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy will render the Food Hawker and Vendor Regulations Policy obsolete. |

CARRIED UNANIMOUSLY

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 142/20 - DATED OCTOBER 19, 2020 -  
INDUSTRIAL RATES** 17/90

Motion

- |                              |   |   |
|------------------------------|---|---|
| Councillor B. Licul moved    | ) | 1. That Broken Hill City Council Report No. 142/20 dated October 19, 2020, be received.   |
| Councillor M. Clark seconded | ) | 2. That Council note the information provided by the Valuer General.  |
|                              |   | 3. That Council review the city's entire rating structure as part of preparing the 2021/22 Operational Plan to ensure a fair and equitable outcome for all rating categories across the city. |

Amendment

- |                               |   |   |
|-------------------------------|---|---|
| Councillor T. Kennedy moved   | ) | 1. That Broken Hill City Council Report No. 142/20 dated October 19, 2020, be received. |
| Councillor B. Algate seconded | ) | 2. That Council note the information provided by the Valuer General.                    |

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3. That Council review the city's entire rating structure as part of preparing the 2021/22 Operational Plan to ensure a fair and equitable outcome for all rating categories across the city.
4. That Council presents a report to the November Council Meeting outlining scenarios that may be used to lower rates at the Kanandah Road Industrial Precinct to 2019/2020 plus rate pegging announced.

LOST  
on the casting vote of the Mayor

*Councillor Clark foreshadowed an amendment should Councillor Kennedy's amendment be lost.*

FOR: Crs Algate, Gallagher, Kennedy, Licul and R Page

AGAINST: Crs Adams, Browne, M Clark, Nolan and Turley

The original motion was put.

The mover of the original motion accepted an addendum by Councillor Clark.

**RESOLUTION**

Minute No. 46373

Councillor B. Licul moved )

Councillor M. Clark seconded )

**Resolved**

1. That Broken Hill City Council Report No. 142/20 dated October 19, 2020, be received.
2. That Council note the information provided by the Valuer General.
3. That Council review the city's entire rating structure as part of preparing the 2021/22 Operational Plan to ensure a fair and equitable outcome for all rating categories across the city.
4. That Council continues to pursue the Department of Crown Lands to access further land for the Kanandah Road Industrial Precinct if possible.

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. 143/20 - DATED OCTOBER 16, 2020 -  
BUDGET CARRYOVER'S 2020/21**

14/175

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Motion

- Councillor J. Nolan moved )  
Councillor M. Clark seconded )
1. That Broken Hill City Council Report No. 143/20 dated October 16, 2020, be received.
  2. That Council revoke the budget items as listed below in *Table 1* for the amount of \$37,500.
  3. That Council note the carryover budget items as listed below in *Table 2* for the amount of \$4,837,930.

Amendment

- Councillor T. Kennedy moved )  
Councillor B. Algate seconded )
1. That Broken Hill City Council Report No. 143/20 dated October 16, 2020, be received.
  2. That Council revoke the budget items as listed below in *Table 1* for the amount of \$37,500.
  3. That Council note the carryover budget items as listed below in *Table 2* for the amount of \$4,837,930.
  4. That Council note concern about the level of carryovers for this year.

LOST

FOR: Crs Algate and Kennedy

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

The original motion was put.

**RESOLUTION**

**Resolved**

Minute No. 46374

- Councillor J. Nolan moved )  
Councillor M. Clark seconded )
1. That Broken Hill City Council Report No. 143/20 dated October 16, 2020, be received.
  2. That Council revoke the budget items as listed below in *Table 1* for the amount of \$37,500.
  3. That Council note the carryover budget items as listed below in *Table 2* for the amount of \$4,837,930.

CARRIED

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

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AGAINST: Crs Algate and Kennedy

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 144/20 - DATED OCTOBER 20, 2020 -  
QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDED SEPTEMBER 2020** 12/160

Motion

- |                              |   |   |
|------------------------------|---|---|
| Councillor C. Adams moved    | ) | 1. That Broken Hill City Council Report No. 144/20 dated October 20, 2020, be received.       |
| Councillor M. Clark seconded | ) | 2. That the 1st Quarterly Budget Review Statement and recommendations be adopted.             |
|                              |   | 3. That Council note the projected 2020/21 operating deficit (before capital) of \$2,580,000. |
|                              |   | 4. That Council note the 2020/21 projected capital budget expenditure of \$46,326,000.        |
|                              |   | 5. That Council note the revised Long-Term Financial Plan 2021-2030                           |

Amendment

- |                               |   |   |
|-------------------------------|---|---|
| Councillor T. Kennedy moved   | ) | 1. That Broken Hill City Council Report No. 144/20 dated October 20, 2020, be received.                       |
| Councillor B. Algate seconded | ) | 2. That the 1st Quarterly Budget Review Statement and recommendations be adopted.                             |
|                               |   | 3. That a report be presented to the November Council Meeting outlining ways to reduce the deficit.           |
|                               |   | 4. That a report be presented to the November Council Meeting explaining how the \$46,326,000 was arrived at. |
|                               |   | 5. That Council note the revised Long-Term Financial Plan 2021-2030.  |

LOST

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

The original motion was put.

**RESOLUTION**

**Resolved**

Minute No. 46375

Councillor C. Adams moved )

Councillor M. Clark seconded )

1. That Broken Hill City Council Report No. 144/20 dated October 20, 2020, be received.
2. That the 1st Quarterly Budget Review Statement and recommendations be adopted.
3. That Council note the projected 2020/21 operating deficit (before capital) of \$2,580,000.
4. That Council note the 2020/21 projected capital budget expenditure of \$46,326,000.
5. That Council note the revised Long-Term Financial Plan 2021-2030

CARRIED

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

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 145/20 - DATED OCTOBER 09, 2020 - INVESTMENT REPORT FOR SEPTEMBER 2020** 17/82

*The Mayor left the meeting briefing at 8:50pm. The Deputy Mayor assumed the Chair.*

*The Mayor returned to the meeting at 8:52pm and resumed the Chair prior to item 13 being put to the vote.*

**RESOLUTION**

**Resolved**

Minute No. 46376

Councillor J. Nolan moved )

Councillor M. Clark seconded )

1. That Broken Hill City Council Report No. 145/20 dated October 9, 2020, be received.

CARRIED UNANIMOUSLY

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 146/20 - DATED OCTOBER 16, 2020 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 407 HELD TUESDAY, 6 OCTOBER 2020** 11/397

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**RESOLUTION**

**Resolved**

Minute No. 46377

Councillor M. Browne moved )

Councillor M. Clark seconded )

1. That Broken Hill City Council Report No. 146/20 dated October 16, 2020, be received.
2. That the minutes for the Local Traffic Committee Meeting No.405 held Tuesday, 6 October 2020 be received.
3. That the following Item 406.6.6 – Blende Street – Library Parking; be approved to install 2-hour timed parking signs in Blende Street in front of the Library (directly opposite the Civic Centre).

CARRIED UNANIMOUSLY

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 147/20 - DATED OCTOBER 15, 2020 - ACTION LIST REPORT**

11/21

**RESOLUTION**

**Resolved**

Minute No. 46378

Councillor J. Nolan moved )

Councillor C. Adams seconded )

1. That Broken Hill City Council Report No. 147/20 dated October 15, 2020, be received.

CARRIED UNANIMOUSLY

*As the time was 9:00pm, the Mayor sought a motion for the meeting to continue (Code of Meeting Practice requires a Council Resolution at 9:00pm to continue the meeting, otherwise the meeting will be adjourned to a future date and time to be set).*

**RESOLUTION**

**Resolved**

Minute No. 46379 - Procedural Motion

Councillor B. Licul moved )

Councillor J. Nolan seconded )

That the standing orders remain and the meeting continue until its completion.

CARRIED UNANIMOUSLY

**COMMITTEE REPORTS**

Nil.

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

Nil.

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

### From Item 12 – Quarterly Budget Review

12/160

*Councillor Algate referred to page 137 of the Business Paper and queried the figure of \$11m listed as capital expenditure for renewal assets (replacement) and described as “other” and asked for a line-by-line breakdown of this amount.*

*The Chief Financial Officer advised that he will provide this breakdown to Councillors.*

### Mildura and Adelaide Bus Service

11/291

*Councillor Browne advised that the bus service to Mildura had been cancelled and asked that clarification be sought as to why the Mildura and Adelaide bus services had ceased and to request that they both be made permanent.*

*Councillor Clark advised that she believes the cancellation of the bus service to Mildura and Adelaide was only temporary due to the border closure.*

## CONFIDENTIAL MATTERS

### **RESOLUTION**

### **Resolved**

#### Minute No. 46380

Councillor J. Nolan moved	)	That the meeting be closed to the public in accordance with Section 10A(2) of the Local Government Act 1993 whilst the confidential matters are considered.
Councillor B. Licul seconded	)	

CARRIED

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

AGAINST: Crs Algate and Kennedy

*The Livestream of the meeting ceased at 9:07pm.*

### **ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 148/20 - DATED OCTOBER 15, 2020 - CONFIDENTIAL MINUTES FOR CONFIRMATION - ORDINARY COUNCIL MEETING HELD 30 SEPTEMBER 2020 - CONFIDENTIAL**

20/82

**(General Manager's Note:** This report considers confidential minutes for confirmation that relate to a lease 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**

### **Resolved**

#### Minute No. 46381

Councillor J. Nolan moved	)	1. That Broken Hill City Council Report No. 148/20 dated October 15, 2020, be received.
Councillor C. Adams seconded	)	



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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
OCTOBER 28, 2020

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2. That the confidential minutes of the Ordinary Council Meeting held 30 September 2020 be confirmed.

CARRIED UNANIMOUSLY

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 149/20 - DATED OCTOBER 15, 2020 -  
CONFIDENTIAL MINUTES FOR CONFIRMATION - EXTRAORDINARY COUNCIL MEETING HELD  
6 OCTOBER 2020 - CONFIDENTIAL** 20/82

**(General Manager's Note:** This report considers confidential minutes for confirmation that relate to a legal matter 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**

**Resolved**

Minute No. 46382

- |                              |   |   |
|------------------------------|---|---|
| Councillor J. Nolan moved    | ) | 1. That Broken Hill City Council Report No. 149/20 dated October 15, 2020, be received.                 |
| Councillor C. Adams seconded | ) | 2. That the confidential minutes of the Extraordinary Council Meeting held 6 October 2020 be confirmed. |

CARRIED UNANIMOUSLY

**ITEM 18 – MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 19/20 – DATED OCTOBER 16, 2020 – NOTICE OF MOTION – CIVIC CENTRE REFURBISHMENT – CONFIDENTIAL** 17/114

**(General Manager's Note:** This report considers the General Manager's comments to questions on notice relating to a current legal matter 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).

Motion

- |                               |   |  |
|-------------------------------|---|--|
| Councillor T. Kennedy moved   | ) | 1. That Motions of Which Notice has been Given No. 19/20 dated October 16, 2020, be received.  |
| Councillor B. Algate seconded | ) | 2. That Broken Hill City Council reports to the November Ordinary Council Meeting how many local businesses are still owed money from the Civic Centre refurbishment and how much. |
|                               |   | 3. That Broken Hill City Council pay the outstanding amounts owed to local businesses from the failed Civic Centre refurbishment.  |

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
OCTOBER 28, 2020

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4. That Councillors consider the arguments contained within the Notice of Motion.

LAPSED  
Councillor Kennedy withdrew his Notice of Motion

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 150/20 - DATED OCTOBER 21, 2020 - CIVIC CENTRE LITIGATION - CONFIDENTIAL**

17/114

**(General Manager's Note:** This report considers litigation proceedings 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**

**Resolved**

Minute No. 46383

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

1. That Broken Hill City Council Report No. 150/20 dated October 21, 2020, be received.
2. That Council commit to seeing the matter through to the Hearing, as detailed within the attached report from Council's Solicitors.
3. That Council adopt an increase in the budget that will see the matter through to the Hearing, in accordance with the attached cost schedule.

CARRIED

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

AGAINST: Crs Algate, Kennedy and Page

*The meeting resumed in open session at 9:32 pm and the Livestream recommenced.*

*At the Mayor's request the General Manager read the resolution of the items considered in closed session.*

There being no further business the Mayor closed the meeting at 9:34 pm.

THE FOREGOING MINUTES WERE READ )  
AND CONFIRMED AT THE ORDINARY )  
MEETING OF THE BROKEN HILL CITY )  
COUNCIL HELD ON 25 NOVEMBER 2020. )

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CHAIRPERSON