



# **MINUTES**

**Ordinary Council Meeting  
Tuesday, 16 June 2020**

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	Nil	

**MINUTES OF BALRANALD SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, MARKET STREET BALRANALD  
ON TUESDAY, 16 JUNE 2020 AT 5.14PM**

**1 OPENING OF MEETING**

**2 ACKNOWLEDGMENT OF COUNTRY**

**PRESENT:**

Chairperson Mike Colreavy

**IN ATTENDANCE:**

Terri Bilske – Zoom Meeting (Director Corporate & Community Services), Ray Davy (Director Infrastructure & Development), Michael Kitzelmann (General Manager), Carol Holmes (Senior Executive Officer)

**3 APOLOGIES**

Nil

**4 CONFIRMATION OF MINUTES**

**4.1 MINUTES OF THE COUNCIL MEETING HELD ON 19 MAY 2020**

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**RESOLUTION 2020/104**

Moved: Administrator Mike Colreavy

That the Minutes of the Council Meeting held on 19 May 2020 be received and the recommendations therein be adopted.

**CARRIED**

**4.2 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 26 MAY 2020**

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**RESOLUTION 2020/105**

Moved: Administrator Mike Colreavy

That the Minutes of the Extraordinary Council Meeting held on 26 May 2020 be received and the recommendations therein be adopted.

**CARRIED**

**5 DISCLOSURE OF INTEREST**

Mr Ray Davy declared an Interest in Item 10.2 DA 36/2020 Bidgee Haven Hostel extension of the Infrastructure & Development reports due to him being the Pro Forma/Notional application.

**6 ADMINISTRATOR MINUTE/REPORT**

Nil

**7 COMMITTEE REPORTS FOR ADOPTION**

Nil

**GENERAL MANAGER'S REPORTS (INCORPORATING ALL STAFF REPORTS)****PART A – ITEMS REQUIRING DECISION****8 GENERAL MANAGER'S REPORTS****8.1 DROUGHT COMMUNITY GRANT FUNDING APPLICATIONS****PURPOSE OF REPORT**

To seek approval from council for the provision of Drought Communities Grant funding to the community groups that have applied through Council for funding assistance.

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**RESOLUTION 2020/106**

Moved: Administrator Mike Colreavy

That Council

1. Accepts the applications as attached; and
2. Approves to provide funding as per Officers Recommendation set out in the table in this report as amended that meets with the requirements of grant funding.

**CARRIED**

**8.2 WATER LEAK POLICY****PURPOSE OF REPORT**

To seek adoption of the Water Leak Policy.

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**RESOLUTION 2020/107**

Moved: Administrator Mike Colreavy

That council formally adopts the Water Leak Policy 2020.

**CARRIED**

**9 CORPORATE & COMMUNITY SERVICES REPORTS****9.1 SURVEILLANCE POLICY****PURPOSE OF REPORT**

To advise Council to give consideration to the amendment of the Workplace Surveillance Policy to include the Balranald Shire Council Library Facility.

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**RESOLUTION 2020/108**

Moved: Administrator Mike Colreavy

1. That the Workplace Surveillance Policy be amended to include Balranald Shire Council Library Facility.
2. That the Workplace Surveillance Policy adopted in October 2019 be amended to include Balranald Shire Council Library Facility
  - (a) The amendment be advertised for a period of 28 days for public comment.
  - (b) Any public comments be reported to Council at the July Ordinary meeting of Council

**CARRIED**

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**10 INFRASTRUCTURE & DEVELOPMENT REPORTS****10.1 DA 36/2020 BIDGEE HAVEN HOSTEL EXTENSION, J TERBLANCHE REPORT**

**AUTHOR OF REPORT: JACK TERBLANCHE, DIRECTOR PLANNING & DEVELOPMENT, HAY SHIRE COUNCIL**

**PURPOSE OF REPORT**

To seek Council's consent for a development application for the redevelopment and extension of the Bidgee Haven Hostel.

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**RESOLUTION 2020/109**

Moved: Administrator Mike Colreavy

That Council approve Development Application 36/2020 for the redevelopment and extension of the Bidgee Haven Hostel subject to the following draft conditions of consent:

1. The development must be carried out in accordance with:
  - (a) C4 Architects P/L Plan Set named Development Application, Proposed Bidgee Haven Resident Room Extension, dated January 2020, Drawing Numbers P100-PL104, PL120, PL200-PL202, PL400 and PL401, address label shown as 24 Mayall St, Balranald.
  - (b) Statement of Environmental Effects authorised by G Helgeland, dated 27/04/2020, Issue D1.

except as amended in accordance with any conditions of this consent.

Where there is inconsistency between the Statement of Environmental Effects and supporting documentation and the conditions of approval, the conditions of approval prevail to the extent of the inconsistency.

2. All building work shall be carried out in accordance with the provisions of the Local Government Act 1993, The National Construction Code 2019, relevant Australian Standards, the Environmental Planning & Assessment Act 1979 and the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, regardless of any omission in the documentation submitted for approval.
3. A Construction Certificate application is required to be submitted to and issued by Balranald Shire Council or an Accredited Certifier prior to any excavation or building works being carried out onsite. This should specifically include Fire Safety provisions, in line with Condition 2.
4. In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate. Details demonstrating compliance are to be submitted to the Certifying Authority.
5. The buildings/structures shall comply with the requirements of the Commonwealth Disability Discrimination Act 1992, the Commonwealth Premises Code and the NSW Anti-Discrimination Act 1977.

Note 1: The Disability Discrimination Act 1992 and the Anti-Discrimination Act 1977 provide that it is an offence to discriminate against a person in a number of different situations. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE BUILDING COMPLIES WITH THIS LEGISLATION.

Note 2: Guidelines in respect of disabled access produced by the Human Rights and Equal Opportunity Commission are available from the Commission. The Applicant should ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

6. Implement Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime which may include:
  - provide adequate lighting to common areas as required under Australian Standard AS 1158: Lighting for roads and public spaces
  - design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
  - design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises

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- provide signage within the development to identify all facilities, entry / exit points and direct movement within the development
7. Prepare a Construction Environmental Management Plan (CEMP), including a Construction Traffic Management Plan (CTMP), Vehicle Movement Plan and Traffic Control Plan. The CEMP shall be prepared with the intention of causing minimal impact on the environment and operation of the road network during construction of the development. The Construction Environmental Management Plan is to provide for:
- Emergency response plan (pollution incident)
  - Waste and stockpiling management
  - Erosion and sediment control
  - Delivery and storage of materials
  - Worker's parking and amenities
  - Hours of construction
  - Noise and dust mitigation
  - Process of handling complaints
  - Crane permits (crane location plan)
  - Describe the volume and type of traffic generated by the works including designed routes
  - Include measures to maintain the safe and efficient operation of the surrounding road network
  - Any proposed Construction zones within Councils Road Reserves. Note: The "Construction Zones" require separate application and approval from Council.
8. A certificate of compliance will be required for any exhaust system to compliment the issue of an Occupation Certificate.
9. Construction & Maintenance of Food Preparation Areas
- (a) To enable surfaces to be easily cleaned and sanitised:
- i. Floors, walls and ceilings in all food preparation areas are to be constructed with smooth and impervious material to enable effective cleaning and sanitation. The intersection of the walls and floors are to be coved (uninterrupted surface) to minimise build up of dirt and food waste. The intersection of the walls and ceiling is to be tight jointed (uninterrupted surface), sealed and dust-proofed;
  - ii. If a cool room is proposed, the floor of the cool room shall be graded to the doorway and the cavity formed between the external walls of the room and the walls of the premises shall be sealed so as to prevent the access of vermin and food spillage.
- (b) So that food preparation surfaces can be easily cleaned and sanitised, all food contact surfaces and equipment in food preparation areas such as the counter, benches, drainage boards, and table tops shall be constructed with smooth and impervious material, non-absorbent material free of cracks, crevices or cavities.
- (c) To enable hands to be effectively washed, hand washing facilities shall be located where they can be easily accessed in a convenient location to food handlers. Hand washing facilities shall be solely used for the purpose of hand washing only and have:
- i. An adequate supply of warm running water through an approved mixing device. The mixing device is to be adjusted to enable hand washing in water with a minimum temperature of 40°C; and
  - ii. A supply of single use towels and soap are required at the hand basin at all times.

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#### 10. Temperature Measuring Devices (e.g. Thermometers)

- (a) All appliances capable of holding hot and cold foods (including milk and milk products, eggs, meat, fish, cooked rice and opened shell fish) shall be provided with either:
  - i. a numerically scaled indicating thermometer; or
  - ii. a recording thermometer; or
  - iii. an alarm system to continuously monitor the temperature of the appliance.
- (b) So that potentially hazardous foods are stored under temperature control a food business must have a temperature measuring device that is:
  - i. is readily accessible at all times; and
  - ii. can accurately measure the temperature of potentially hazardous food to  $\pm 1^{\circ}\text{C}$ .

#### 11. Light Fittings:

- (a) All glass lights (e.g. fluorescent tubes) above food preparation areas (including store rooms and cool rooms containing food) are to be fitted with shatter proof light fittings to minimise foreign physical contamination in the case of blown, broken glass from light.

#### 12. Food Handlers – Adequate Skills and Knowledge:

- (a) Food Businesses are to ensure that persons undertaking or supervising food handling operations have appropriate skills and knowledge in food safety and food hygiene matters.

#### 13. Building over Sewer

All works must be supervised by Council staff and undertaken by licensed personnel. The applicant must:

- (a) Provide a detailed design to Council before any construction.
- (b) Any construction to be supervised by Council staff.
- (c) All construction to be done by licensed and experienced staff.
- (d) All costs of this, as well as any cost in the case of damage to the sewer, must be borne by the applicant.
- (e) No construction activities may be undertaken until satisfactory arrangements are approved by Council in relation to the siting of the building extension over Council's reticulated sewer infrastructure.

#### 14. Demolition:

- (a) Asbestos: Detection, removal and disposal of asbestos is the responsibility of the owner. Please refer to SafeWork NSW guidelines. Please contact Council, in advance, when disposing of asbestos.
- (b) Removal of Hazardous Waste: Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
- (c) Only competent persons, or competent and registered persons shall carry out removal.
- (d) Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the National Occupational Health and Safety Commission code of practice.
- (e) All demolition works and asbestos handling/removal is to be carried out in accordance with NSW Workcover requirements.
- (f) Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials.



15. The applicant is required to ensure that any easements registered over the title to the land are complied with.
16. Prior to the commencement of construction or installation, the proponent shall lodge with Council, and receive approval for the following listed S68 Local Approval(s):
  - (a) carry out water supply work
  - (b) carry out sewerage work
  - (c) carry out stormwater drainage work
  - (d) install, alter, disconnect or remove a meter connected to a service pipe.

17. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
  - could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - could cause damage to adjoining lands by falling objects, or
  - involve the enclosure of a public place or part of a public place.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the Local Government Act 1993 or the Roads Act 1993, respectively.

Note 2: The Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017 contain provisions relating to scaffolds, hoardings and other temporary structures.

18. A sign is to be erected in a prominent position on any site on which building work:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

19. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- be a standard flushing toilet connected to a public sewer, or
  - have an on-site effluent disposal system approved under the Local Government Act 1993, or
  - be a temporary chemical closet approved under the Local Government Act 1993
20. Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
  21. Roof water drainage is to be directed to the street drainage in urban areas.
  22. Finished floor level is to be established so as to minimise the potential for storm water inundation of the buildings.
  23. Any alterations to existing surface levels on the site shall be undertaken in such a manner so as to ensure that no surface water is drained onto or impounded on adjoining properties. Stormwater discharge points must not result in the concentration of stormwater flows, increased flow velocities or potential erosion issues.
  24. All construction/demolition work on the site is to be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday inclusive, 7.00 am to 5.00 pm Saturdays and no work is permitted on Sundays and Public Holidays. Written approval must be obtained from the

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General Manager of Balranald Shire Council to vary these hours.

Note: All noise generating activities are subject to the requirements of the Protection of the Environment Operations Act 1997. This condition of consent does not relieve the proponent including developers, contractors or their agents from the requirements under the relevant noise control legislation (POEO Act 1997).

25. No work is to be carried out which would cause nuisance by way of emission of noise, vibration, smell, fumes, smoke vapour, steam, soot, ash, dust, grit, oil, waste-water, waste products or otherwise.
26. All external metal cladding shall be of suitable colour and finish so as not to cause reflection or glare.
27. All materials onsite or being delivered to the site are to be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
28. No second hand materials are to be used unless separately approved by council and then made available for inspection prior to use.
29. Any damage to Councils infrastructure or other services is the full responsibility of the proponent.
30. All Landscaping shall be installed in accordance with the approved plans prior to the issue of an Occupation Certificate.
31. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the Plumbing and Drainage Act 2011.
32. No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
33. The use of the premises must not give rise to offensive noise as defined in the Protection of the Environment Operations Act 1997.
34. Where Balranald Shire Council is not the Principal Certifying Authority, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Council and a Final Notice of Inspection issued, prior to the issue of an Occupation Certificate.
35. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
  - Not further harm the object;
  - Immediately cease all work at the particular location;
  - Secure the area so as to avoid further harm to the Aboriginal object;
  - Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location; and
  - Not recommence any work at the particular location unless authorised in writing by Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Department of Planning, Industry and Environment contacted.

36. The developer shall appoint a registered land surveyor to provide guidance on the location of the property boundaries, the cost to be carried by the developer. Where construction will take place on a shared boundary, the adjacent landowner shall be given 7 days notice. The developer shall rectify any damage to the neighbours property, any costs incurred to make good the property, shall be to the developers cost.

**CARRIED**

Part B – Items for Information

**11 GENERAL MANAGER'S REPORTS**

Nil

**12 CORPORATE & COMMUNITY SERVICES REPORTS**

**12.1 STATEMENT OF FUNDS: 31 MAY 2020**

**PURPOSE OF REPORT**

The purpose of this report is to:

1. To advise Council of the balance of funds and investments held for the month ending 31 May 2020;
2. Certify that Council's investments have been made in accordance with the *Local Government Act 1993 (Section 625)*, the Local Government (General) Regulation 2005 (Section 212) and Council's Investment Policy, which was adopted by Council on the 17 October 2017.

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**RESOLUTION 2020/110**

Moved: Administrator Mike Colreavy

That Council receive and note the Statement of Funds for the period ending 31 May 2020.

**CARRIED**

**12.2 COUNCIL FINANCIAL REPORT - MAY 2020**

**PURPOSE OF REPORT**

The purpose of the Financial Review report is to provide Council with accurate and timely reporting of income and expenditure against the adopted 2019-20 Operational and Capital Works budget.

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**RESOLUTION 2020/111**

Moved: Administrator Mike Colreavy

That the report on the Financial Review against Councils Operation Plan to 31 May 2020 be received and noted.

**CARRIED**

## 13 INFRASTRUCTURE & DEVELOPMENT REPORTS

### 13.1 PLANNING ADMINISTRATION

#### PURPOSE OF REPORT

To advise Council of activities in the Planning area

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#### RESOLUTION 2020/112

Moved: Administrator Mike Colreavy

That the report be noted.

CARRIED

### 13.2 INFRASTRUCTURE UPDATE

#### BACKGROUND

This is a monthly report to update Council on infrastructure works currently in hand and in planning.

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#### RESOLUTION 2020/113

Moved: Administrator Mike Colreavy

That the monthly update of Infrastructure projects be received and noted.

CARRIED

## 14 NOTICE OF MOTION / QUESTIONS ON NOTICE

Nil

## 15 CONFIDENTIAL MATTERS

Nil

16 RECORDING OF COUNCIL MEETING

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**RESOLUTION 2020/114**

Moved: Administrator Mike Colreavy

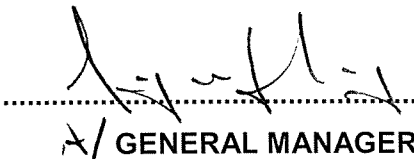
In view of the technical issues with tonight's Council meeting, the zoom recording of Council's Ordinary meeting be posted on councils Facebook and website.

**CARRIED**

The Meeting closed at 5.57pm.

The minutes of this meeting were confirmed at the Council Meeting held on 21 July 2020.

  
.....  
**ADMINISTRATOR**

  
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**A/ GENERAL MANAGER**

