



MINUTES

**Ordinary Council Meeting
Tuesday, 15 September 2020**

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Nil

**MINUTES OF BALRANALD SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MARKET STREET BALRANALD
ON TUESDAY, 15 SEPTEMBER 2020 AT 5PM**

1 OPENING OF MEETING

2 ACKNOWLEDGMENT OF COUNTRY

PRESENT:

Administrator Mike Colreavy

IN ATTENDANCE:

Terri Bilske (Director Corporate & Community Services) & Ray Davy (Director Infrastructure & Development) via zoom, Carol Holmes (Senior Executive Officer), Peter Kozlowski (General Manager) and Jackson Bialobrzkeski (Youth Council Mayor)

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE COUNCIL MEETING HELD ON 18 AUGUST 2020

RESOLUTION 2020/136

Moved: Administrator Mike Colreavy

That the Minutes of the Council Meeting held on 18 August 2020 as presented be taken as read and confirmed.

CARRIED

4.2 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 3 SEPTEMBER 2020

RESOLUTION 2020/137

Moved: Administrator Mike Colreavy

That the Minutes of the Extraordinary Council Meeting held on 3 September 2020 as presented be taken as read and confirmed.

CARRIED

- 5 DISCLOSURE OF INTEREST - Nil
- 6 ADMINISTRATOR MINUTE/REPORT - Nil
- 7 COMMITTEE REPORTS FOR ADOPTION

7.1 COMMITTEE REPORTS

RESOLUTION 2020/138

Moved: Administrator Mike Colreavy

That the Minutes of the LEMC meeting held on 13 August 2020 be received and noted.

CARRIED

GENERAL MANAGER'S REPORTS (INCORPORATING ALL STAFF REPORTS)

PART A – ITEMS REQUIRING DECISION

8 GENERAL MANAGER'S REPORTS

8.1 UNION PICNIC DAY

PURPOSE OF REPORT

To advise Council and staff of the date set for the Union Picnic Day and extend an invitation for attendance.

RESOLUTION 2020/139

Moved: Administrator Mike Colreavy

1. That Council receives and notes the report;
2. That Council approve of office being closed on Monday 2 November 2020. **CARRIED**

Peter Kozlowski, Acting General Manager advised Council that 3 reports from Director Corporate & Community Services Division – Items 9.3 Bidgee Haven Hostel Financial Report, 9.4 Tourism Monthly Financial Report and 9.5 Balranald Caravan Park be withdrawn from the meeting Agenda.

9 CORPORATE & COMMUNITY SERVICES REPORTS

9.1 STATEMENT OF FUNDS

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 August 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

RESOLUTION 2020/140

Moved: Administrator Mike Colreavy

That Council receives and notes the Statement of Funds for the period ending 31 August 2020.

CARRIED

9.2 COUNCIL FINANCIAL REPORT - AUGUST 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 2020-21 Operational and Capital Works budget

RESOLUTION 2020/141

Moved: Administrator Mike Colreavy

That the report on the Financial Review against Council's Operational Plan to 31 August 2020 be received and noted.

CARRIED

This report was withdrawn from the Agenda.

9.3 BIDGEE HAVEN HOSTEL FINANCIAL REPORT

This report was withdrawn from the Agenda.

9.4 TOURISM MONTHLY FINANCIAL REPORT

This report was withdrawn from the Agenda.

9.5 BALRANALD CARAVAN PARK**10 INFRASTRUCTURE & DEVELOPMENT REPORTS****10.1 LOCAL STRATEGIC PLANNING STATEMENT****PURPOSE OF REPORT**

To adopt a Local Strategic Planning Statement (LSPS)

RESOLUTION 2020/142

Moved: Administrator Mike Colreavy

That Council adopts the Local Strategic Planning Statement incorporating the amendments outlined in the report tabled.

CARRIED

10.2 DA 03/2021 - PROPOSED BOUNDARY REALIGNMENT**PURPOSE OF REPORT**

To seek Council consent under Part 4 of the Environmental Planning & Assessment Act 1979 for a boundary realignment between 133 Turandurey Street & 132 Ballandella Street Balranald.

RESOLUTION 2020/143

Moved: Administrator Mike Colreavy

That Council approves Development Application 03/2021 for a boundary realignment of Lot 4 Section 6 DP 758048, Lot 1 DP 1092716 and Lot 16 Section 6 DP 758048, 133 Turandurey Street & 132 Ballandella Street Balranald, subject to the following conditions:

1. No alteration to approved plans and specifications is allowed unless separately approved by Council.
2. The boundary realignment must conform with the sketch plan as submitted.
3. Plans prepared by an appropriately qualified surveyor must be submitted to Council prior to the release of the Subdivision Certificate.

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4. Adjustments to existing accesses to the proposed allotments require a road opening permit to be obtained from Council prior to the commencement of any works in the road reserve. The proponent is responsible for full cost of repairs to rectify any damage to public infrastructure.
 5. Any adjustments required to existing services for the allotments are to be at the full cost of the proponent.
 6. This approval does not constitute consent for the erection of any dwellings or other structures on the subject lands. Separate applications must be made for any buildings in accordance with the Environmental Planning and Assessment Act 1979.

CARRIED

10.3 DA 43/2020 - PROPOSED GRAVEL QUARRY - HABITAT PLANNING REPORT

PURPOSE OF REPORT

This report is presented to Council for determination of a proposed extractive industry (quarry) on land at Lot 3210 DP 765415 at Dockerty Road, Arumpo.

RESOLUTION 2020/144

Moved: Administrator Mike Colreavy

That Council approves Development Application 43/2020 for a proposed extractive industry (quarry) on land at Lot 3210 DP 765415 at Dockerty Road, Arumpo, subject to the following draft conditions of consent:

1. Development must be carried out in accordance with:
 - a) the Statement of Environmental Effects prepared by Planningmatters Pty Ltd dated 22 November 2019;
 - b) the 'Melton Grove Gravel Pit Development Sheets 1 to 5' and 'Melton Grove Gravel Pit Development Overall Plan';
 - c) the Aboriginal due diligence assessment report prepared by OzArk dated July 2019;
 - d) the Biodiversity Development Assessment Report prepared by OzArk dated August 2019; and
 - e) the Melton Grove Quarry – Rehabilitation Management Plan prepared by LG Civil Pty Ltd dated 14 April 2020,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 environmental safeguards, mitigation, monitoring, rehabilitation and reporting conditions in the endorsed documents at condition 1 shall be implemented and maintained throughout the life of the development.
 3. Prior to any operation of the quarry, the applicant must create an easement for access burdening Lot 5872 in DP768764 in favour of Lot 3210 in DP765415 to ensure access from Dockerty Road to the proposed quarry. The easement must be maintained at all times and operations must cease if the easement is extinguished for any reason.
 4. Prior to any works commencing on the site, the applicant shall:
 - a) in accordance with Section 7.13(3) of the *Biodiversity Conservation Act 2013*, retire the
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- equivalent biodiversity credits as calculated by the Biodiversity Development Assessment Report for the site prepared by OzArk Environment & Heritage Pty Ltd and dated 13 August 2020; and
- b) provide to Council for endorsement evidence to demonstrate that the requirement for the retiring of the biodiversity credits has been satisfied.
5. Prior to any works commencing, the applicant must provide a Soil and Water Management Plan to Council for approval and implement this at all times.
 6. The boundaries of the extraction area of the quarry must not exceed the area as shown on the plans titled 'Melton Grove Gravel Pit Development Overall Plan'.
 7. The applicant shall limit the production of extractive material to a maximum of 15,000 cubic metres per annum.
 8. This consent lapses after the sooner of:
 - a) 40,000 cubic metres of extractive material has been removed from the subject land; or
 - b) 20 years after the date the consent commences.
 9. Hours of operation, including any construction works, to be limited to 7.00 am to 5.00 pm.
 10. The applicant shall observe the procedures described in the Statement of Environmental Effects and associated documents necessary to minimise the emission of dust from all activities with the quarry operation.
 11. All areas of the operations including but not limited to all roads and trafficable areas, stockpile areas, material handling areas and rehabilitated and vegetated areas must be maintained in a condition that minimises the generation of dust.
 12. Loaded trucks entering and leaving the premises must have these loads completely covered at all times, except during loading and unloading.
 13. The applicant shall ensure that the development is suitably equipped to respond to any fires on-site.
 14. Sediment from stockpiles shall be contained by way of silt fencing or controlled by ensuring drains are constructed in such a manner that will only allow stormwater to escape to the sediment pond.
 15. Prior to undertaking any blasting on the subject land, a Blasting/Vibration Management Protocol must be prepared relation to the development, submitted to Council for approval and implemented. The protocol must include, but need not be limited to, the following matters:
 - compliance standards;
 - mitigation measures;
 - remedial action;
 - monitoring methods and program;
 - monitoring program for flyrock distribution;
 - notification of procedures for neighbours prior to detonation of each blast;
 - measures to protect people, property, livestock and utilities from flyrock.
 16. In the event of Council receiving noise and/or vibration complaints associated with activities at the quarry, it may request noise monitoring at any residence at the applicant's expense.
 17. Heavy vehicles travelling to or from the quarry site via Dockerty Road to the south of the quarry shall use the Ivanhoe-Mildura Road for access to or from the regional road network, and shall not use any other local road unless authorised by Council's Director Infrastructure and Development or his delegate.
 18. Prior to commencement of any works or operation, the applicant must enter into a Road
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Maintenance Agreement with Balranald Shire Council to address *inter alia* the following matters:

- a) Prohibition on the use of unsealed local roads by heavy vehicles following rain, unless authorised by Council's Director Infrastructure and Development or his delegate;
 - b) Responsibility for costs of maintenance on unsealed local roads where, in the opinion of Council's Director Infrastructure and Development or his delegate, it becomes necessary to increase maintenance grading to more than once annually in order to ensure safe driving conditions;
 - c) Inspection, maintenance and repair of cattle grids on local roads used by heavy vehicles travelling to or from the quarry;
 - d) Installation of warning signs as considered necessary.
19. Prior to commencement of any works or operation, the applicant must enter into a Road Maintenance Agreement with Wentworth Shire Council in relation to any heavy vehicle movements via Dockerty Road north of the Shire boundary.
20. The area outside the extractive area site shall be managed in a sustainable manner, to minimise bushfire risk, prevent unsightly conditions, prevent the transport of soil, sediment, pollutants and the like off the site and offset potential adverse effects on other land and waterways.
21. All signage erected on or adjacent to any public road shall be to the approval in writing of Balranald Shire Council.
22. The applicant shall comply with any reasonable request from the consent authority arising from matters contained in:
- a) the endorsed Statement of Environmental Effects;
 - b) any reports, plans or correspondence that are submitted to the consent authority in accordance with this development consent; and
 - c) the implementation of any actions or measures contained in these reports, plans or correspondence.
23. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
- a) not further harm the object;
 - b) immediately cease all work at the location;
 - c) secure the area to avoid further harm to the Aboriginal object;
 - d) notify Heritage NSW, or its equivalent, as soon as practicable on 131 555, providing any details of the Aboriginal object and its location; and
 - e) not recommence any work at the location unless authorised in writing by Heritage NSW.
24. If Aboriginal burials are unexpectedly encountered during the activity, work must stop immediately, the area be secured to prevent unauthorised access, and NSW Police and Heritage NSW contacted.

CARRIED

10.4 BALRANALD LOCAL ENVIRONMENTAL PLAN 2010 ADDITIONAL CLAUSE**PURPOSE OF REPORT**

To consider undertaking planning work towards introducing a provision in the Balranald Local Environmental Plan 2010 that would permit (with conditions) manufactured home estates and caravan parks in RU5 Zones on sites less than one (1) hectare, for the specific purpose of supporting affordable accommodation including accommodation for temporary and seasonal workers.

RESOLUTION 2020/145

Moved: Administrator Mike Colreavy

That Council initiates the process to amend the Balranald Local Environmental Plan 2010 so as to provide for the approval with conditions of caravan parks and manufactured homes estates on land less than one (1) hectare in size. **CARRIED**

10.5 REDUNDANT HIGHWAY BRIDGES AT YANGA CREEK**PURPOSE OF REPORT**

Council has been approached by Transport for NSW (TfNSW) enquiring as to whether it is willing to accept a transfer of ownership of the disused bridge over Yanga Creek on the former alignment of the Sturt Highway, approximately 7.4km south of Balranald. Yanga Creek represents the boundary at this point between the Balranald and Murray River Council areas.

Council staff believe that the bridge and the associated redundant roadway, including four small approach structures, has the potential to become an attractive and unusual point of interest for travellers approaching Balranald if developed as an extension to the existing rest area on the eastern side of Yanga Creek.

RESOLUTION 2020/146

Moved: Administrator Mike Colreavy

That this matter be deferred to the October Council Meeting with an inspection be undertaken by the Administrator with relevant council staff in the meantime.

CARRIED

10.6 INFRASTRUCTURE AND DEVELOPMENT REPORT**PURPOSE OF REPORT**

This is a monthly report to update Council on infrastructure works currently in hand and in planning, updated to 31 August 2020.

RESOLUTION 2020/147

Moved: Adminsitrator Mike Colreavy

That the monthly update of infrastructure projects be received and noted, that item 2.6 be deferred to the October Ordinary Council meeting, including the proposed amended schedule of water and sewer capital works as listed in the attachment, and note that items 4.14 and 4.15 should read “approval has been publicly listed on the stronger country communities fund webpage”, rather than “has been received”.

CARRIED

PART B – ITEMS FOR INFORMATION

11 GENERAL MANAGER’S REPORTS

11.1 CORRESPONDENCE

PURPOSE OF REPORT

To advise Council of recent correspondence of interest received.

RESOLUTION 2020/148

Moved: Adminsitrator Mike Colreavy

That the report be received and noted.

CARRIED

12 CORPORATE & COMMUNITY SERVICES REPORTS

Nil

13 INFRASTRUCTURE & DEVELOPMENT REPORTS

13.1 PLANNING ADMINISTRATION

PURPOSE OF REPORT

To advise Council of activities in the Planning area

RESOLUTION 2020/149

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

13.2 EUSTON LANDFILL**PURPOSE OF REPORT**

Euston landfill is currently operated by MJ & EA Leslie Pty Ltd trading as Robinvale Waste under a management agreement that expired on 30 June 2020. The management agreement provides that

Council may, subject to the contractor performing its obligations under this Agreement, grant to the Contractor an option to renew the Contract for a further term of five (5) years commencing 1 July 2020.

This report proposes that Robinvale Waste be granted such an option on condition of an agreement to co-invest in improved security and site management infrastructure, and explains the reasons for this recommendation.

RESOLUTION 2020/150

Moved: Administrator Mike Colreavy

1. That Robinvale Waste be granted an extension of its management contract for the Euston landfill for a period of five (5) years from 1 July 2020 on terms similar to the recently expired contract for this service, subject to:
 - preparation and execution of a comprehensive agreement to the satisfaction of the Acting General Manager; and
 - the agreement to the satisfaction of the Acting General Manager for a capital contribution by Robinvale Waste towards improved security and site management infrastructure;
2. That the Acting General Manager be given delegated authority to execute such an agreement.

CARRIED

14 NOTICE OF MOTION / QUESTIONS ON NOTICE

Nil

15 CONFIDENTIAL MATTERS

Nil

The Meeting closed at 6.34pm.

The minutes of this meeting were confirmed at the Council Meeting held on 20 October 2020.



.....
ADMINISTRATOR



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ACTING GENERAL MANAGER