



AGENDA

Ordinary Council Meeting Tuesday, 16 March 2021

Date: Tuesday, 16 March 2021

Time: 5pm

Location: Council Chambers, Market Street Balranald

**Oliver McNulty
General Manager**

BALRANALD SHIRE COUNCIL

AGENDA

In Case of an emergency, for example a fire, please evacuate the building following the direction of the Administrator. The order to evacuate may be signified by a council officer or myself. Please proceed to the assembly area (in front of police station) or in the car park across the road. An instruction to evacuate to an area should be followed without delay to assist Council in ensuring the Health and Safety of all staff and visitors.

LIVE STREAMING OF COUNCIL MEETINGS PLEASE NOTE: This Council meeting is being streamed live, recorded, and broadcast online via Facebook. To those present in the gallery today, by attending or participating in this public meeting you are consenting to your image, voice and comments being recorded and published. The Administrator and/or General Manager have the authority to pause or terminate the stream if comments or debate are considered defamatory or otherwise inappropriate for publishing. Attendees are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.

Our Vision

To create a better, more vibrant, more resilient and more engaged community, by capitalising upon its human, cultural, environmental and business assets and encouraging a strong sense of civic participation and pride.

Our Mission

"Committed to Balranald Shire, Providing for our People, Protecting our Heritage, and Planning for our Future."

Our Values

Honesty: We will be transparent, frank and truthful to ourselves, each other and with other people we deal with.

Respect: We will treat others as we want to be treated ourselves, we will be tolerant of each other and accept that people have different opinions.

Enjoyment: We will create a pleasant and enjoyable working environment with satisfying jobs.

Teamwork: We will cooperate and support each other to achieve common goals.

Openness: We will collaborate openly and provide opportunities to communicate and network regularly with each other.

Leadership: We will provide a clear strategy and direction and support all to achieve organisational and community goals.

Customer Focus: We will constantly strive to be responsive to our customers' needs and preferences by providing high quality services.

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chambers, Market Street Balranald on:
Tuesday, 16 March 2021 at 5pm

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1 OPENING OF MEETING**The Council's Charter**

(Chapter 3. Section 8 (1) Local Government Act 1993)

(1) A Council has the following charter:

- To provide directly or on behalf of other levels of government, after due consultation, adequate and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
 - To exercise community leadership;
 - To exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
 - To promote and to provide and plan for the needs of children;
 - To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
 - To have regard to the long term and cumulative effects of its decisions;
 - To bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
 - To facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
 - To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
 - To keep the local community and the State government (and through it, the wider community) informed about its activities;
 - To ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
 - To be a responsible employer.
- (2) A council, in the exercise of its functions, must pursue its charter but nothing in the charter or this section gives rise to, or can be taken into account in, any civil cause of action.

2 ACKNOWLEDGEMENT OF COUNTRY**Acknowledgement of Country**

We pay our respect to the Traditional Custodians of the Lands where we hold this meeting to Elders past, present and emerging.

3 APOLOGIES

4 CONFIRMATION OF MINUTES

0.0 MINUTES OF THE COUNCIL MEETING HELD ON 16 FEBRUARY 2021

File Number: D21.48827

Reporting Officer: Carol Holmes, Senior Executive Assistant

Responsible Officer: Oliver McNulty, General Manager

OFFICER RECOMMENDATION

1. That the Minutes of the Council Meeting held on 16 February 2021 be received and noted.

REPORT

Minutes of the Ordinary Council Meeting held on 16 February 2021.

ATTACHMENTS

1. **Minutes of the Council Meeting held on 16 February 2021**



MINUTES

**Ordinary Council Meeting
Tuesday, 16 February 2021**

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**MINUTES OF BALRANALD SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MARKET STREET BALRANALD
ON TUESDAY, 16 FEBRUARY 2021 AT 5PM**

1 OPENING OF MEETING

General Manager Oliver McNulty opened the meeting advising the community that Administrator Mike Colreavy was chairing the meeting remotely via zoom as he was in isolation due to COVID ruling.

2 ACKNOWLEDGMENT OF COUNTRY**Acknowledgement of Country**

We pay our respect to the Traditional Custodians of the Lands where we hold this meeting to Elders past, present and emerging.

PRESENT:

Administrator Mike Colreavy

IN ATTENDANCE:

Oliver McNulty (General Manager), Terri Bilske (Director Corporate & Community Services), Ray Davy (Director Infrastructure & Development), and Carol Holmes (Senior Executive Officer).

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES**4.1 MINUTES OF THE COUNCIL MEETING HELD ON 15 DECEMBER 2020**

RESOLUTION 2021/3

Moved: Administrator Mike Colreavy

That the Minutes of the Council Meeting held on 15 December 2020 be received and noted.

CARRIED

4.2 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 22 JANUARY 2021

RESOLUTION 2021/4

Moved: Administrator Mike Colreavy

That the Minutes of the Extraordinary Council Meeting held on 22 January 2021 be received and noted.

CARRIED

- 5 **DISCLOSURE OF INTEREST** – There were no Disclosures of Interest presented to the meeting.
- 6 **ADMINISTRATOR MINUTE/REPORT** - There was no Administrator's Minute presented to the meeting.

12.4 PRESENTATION OF THE ANNUAL FINANCIAL STATEMENTS TO COUNCIL AND THE PUBLIC FOR THE YEAR ENDED 30 JUNE 2020

PURPOSE OF REPORT

To present Council with the Balranald Shire Council's Annual Financial Statements as audited by the NSW Audit Office through Nexia, Auditors appointed by the NSW Audit Office and to present the Statements to the Public pursuant to Section 419 of the Local Government Act (1993) as advised and reported in the Meeting of Council on 22 January 2021 and advertised on Council's website.

RESOLUTION 2021/5

Moved: Administrator Mike Colreavy

That item 12.4 – Presentation of the Annual Financial Statements to Council and the public for the Year Ended 30 June 2020 be brought forward for consideration.

CARRIED

RESOLUTION 2021/6

Moved: Administrator Mike Colreavy

That Council receives and notes the report on the Balranald Shire's Annual Financial Statements and associated Auditor Reports and the presentation of the Statements to the Public for the year ended 30 June 2020.

CARRIED

7 COMMITTEE REPORTS FOR ADOPTION

7.1 EXECUTIVE OF CHAIRS COMMITTEE HELD ON 22 DECEMBER 2020

RESOLUTION 2021/7

Moved: Administrator Mike Colreavy

That Council receives and notes the Minutes of the Executive of Chairs Committee held on Tuesday 22 December 2020.

CARRIED

7.2 GROWING BUSINESS, INDUSTRY & TOURISM - 10 NOVEMBER 2020 & 1 DECEMBER 2020

RESOLUTION 2021/8

Moved: Administrator Mike Colreavy

That Council receives and notes the discussion notes of the Growing Business Industry & Tourism Advisory Committee meetings held on 10 November 2020 and 1st December 2020.

CARRIED

7.3 AGEING WELL, AGED CARE AND FACILITIES ADVISORY COMMITTEE HELD ON 9 DECEMBER 2020

RESOLUTION 2021/9

Moved: Administrator Mike Colreavy

That Council receives and notes the minutes of the Ageing Well, Aged Care and Facilities Advisory Committee meeting held on 9 December 2020.

CARRIED

7.4 STRENGTHENING COMMUNITY ACCESS, INCLUSION AND WELL-BEING ADVISORY COMMITTEE HELD ON 7 DECEMBER 2020

RESOLUTION 2021/10

Moved: Administrator Mike Colreavy

1. That Council receives the Minutes of the Strengthening Community Access, Inclusion and Well-being Advisory committee (SCAIWAC) meeting held on 7 December 2020.
2. That Council notes the recommendations made by the SCAIWAC as outlined in the attached Minutes and that an update will be provided to the committee at the next meeting.

CARRIED

7.5 BALRANALD BEAUTIFICATION ADVISORY COMMITTEE HELD ON 2 DECEMBER 2020

RESOLUTION 2021/1

Moved: Administrator Mike Colreavy

That Council receives and notes the Minutes of the Balranald Beautification Advisory Committee meeting held on 2 December 2020.

CARRIED

7.6 EUSTON PROGRESSIVE ADVISORY COMMITTEE HELD ON 14 DECEMBER 2020 AND 18 JANUARY 2021

RESOLUTION 2021/12

Moved: Administrator Mike Colreavy

1. That Council receives the Minutes of the Euston Progressive Advisory Committee meeting held on 14 December 2020 and 18 January 2021.
2. That Council notes the request for an application for a multipurpose court, being netball and basketball court and changing rooms, to the upcoming NSW Sports Infrastructure Fund.

CARRIED

GENERAL MANAGER'S REPORTS (INCORPORATING ALL STAFF REPORTS)**PART A – ITEMS REQUIRING DECISION****8 GENERAL MANAGER'S REPORTS****8.1 DROUGHT COMMUNITY GRANT APPLICATION - OXLEY ANGLING CLUB****PURPOSE OF REPORT**

To inform and seek approval from Council, in relation to a request for funding from the Oxley Angling Club Inc., towards the Oxley Fish Stocking Program from the Community Drought Grant Program.

RESOLUTION 2021/13

Moved: Administrator Mike Colreavy

That subject to Oxley Angling Club meeting the eligibility criteria of the Drought Community Funding that Council approves the application of \$2,000 towards the Oxley Fish Stocking Program.

CARRIED

8.2 OPERATIONAL PLAN 2020-2021 PROGRESS REPORT**PURPOSE OF REPORT**

Under the Integrated Planning and Reporting (“IP&R”) Framework, Council is required to report on its progress in implementing its Delivery Program and Operational Plan. This requirement is reflected in section 404(5) of the Local Government Act 1993 (“the Act”), which stipulates that the General Manager must ensure that regular progress reports are provided to the Council, at intervals of no more than six months, detailing the organisation’s progress with respect to the principal activities detailed in the Delivery Program. It is the General Manager’s Intention to provide Council with quarterly progress reports in relation to the progress of actions as outlined within the Operational Plan. This is the first of these progress reports in this current financial year.

RESOLUTION 2021/14

Moved: Administrator Mike Colreavy

That Council receives and notes the Operational Plan 2020-2021 Progress Report, to 31 December 2020 contained in Attachment 1.

CARRIED

8.3 DRAFT COMMUNITY ENGAGEMENT STRATEGY**PURPOSE OF REPORT**

To formally adopt the Draft Community Engagement Strategy 2020-2024.

RESOLUTION 2021/15

Moved: Administrator Mike Colreavy

That Council adopts the Draft Community Engagement Strategy 2020-2024.

CARRIED

8.4 DONATION - MEN'S SHED - DROUGHT COMMUNITY GRANT**PURPOSE OF REPORT**

To advise Council of a request from Balranald Men’s Shed for further funding of \$353.00 to cover a shortfall in a previous approved Drought Community Grant funding application.

RESOLUTION 2021/16

Moved: Administrator Mike Colreavy

That Council approves the request of \$353.00 from the Balranald Men’s Shed, towards the additional costs of upgrading power outlets to 15 amp at the Shed.

CARRIED

8.5 DONATION REQUEST - BALRANALD COMMUNITY ARTS/CRAFTS INC.**PURPOSE OF REPORT**

To advise Council of a donation request received seeking funding to enable Kids Korner program at Balranald Community Arts/Crafts Inc. to continue.

RESOLUTION 2021/17

Moved: Administrator Mike Colreavy

That Council approves the request for a donation of \$480 to Balranald Community Arts/Crafts Inc to enable purchase of Kids Korner supplies to support their ongoing programs.

CARRIED**8.6 ASSET MANAGEMENT****PURPOSE OF REPORT**

To inform Council of a project that has commenced to improve and develop an Asset Management Framework for Balranald Shire Council.

RESOLUTION 2021/18

Moved: Administrator Mike Colreavy

That Council notes;

1. The works commenced to establish an Asset Management Framework,
2. That a further report will be provided at the April Ordinary Council meeting on the status of this project,
3. That this work will be funded through operational savings and that this budget amendment will be reported through the April quarterly budget review.

CARRIED

8.7 DRAFT CEMETERY POLICY**PURPOSE OF REPORT**

A report was presented to Council at the Ordinary Council meeting of 15 December 2020 seeking endorsement to exhibit a Draft Cemetery Policy which included for all cemeteries located in Balranald Shire. At this meeting it was resolved to defer the report relating to the Draft Cemetery Policy until the February 2021 Ordinary Council Meeting.

RESOLUTION 2021/19

Moved: Administrator Mike Colreavy

That Council notes

1. That work has commenced to amend and update the Draft Cemetery Policy,
2. That a report to exhibit a Draft Cemetery Policy will be presented to Council for consideration at the March 2021 Ordinary Council Meeting.

CARRIED

8.8 SCHEDULE OF ORDINARY MEETINGS**PURPOSE OF REPORT**

Section 365 of the Local Government Act 1993 (“the Act”) requires Council to meet at least 10 times each year, each time in a different month. Clause 3.1 of Council’s Code of Meeting Practice (“Meeting Code”) provides that Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings. This report is set out to provide dates and times for these meetings for the remainder of 2020/21

RESOLUTION 2021/20

Moved: Administrator Mike Colreavy

That Council:

1. Pursuant to section 365 of the *Local Government Act 1993* and clause 3.2 of Council’s Code of Meeting Practice, adopt the proposed 2020/2021 Schedule of Ordinary Meetings contained in this report
2. Pursuant to section 9 of the *Local Government Act 1993* and clause 3.4 of Council’s Code of Meeting Practice, provide public notice of the time, date and place of each scheduled Ordinary Meeting as set out in the table included in this report.

CARRIED

9 CORPORATE & COMMUNITY SERVICES REPORTS**9.1 BIDGEE HAVEN QUARTERLY REPORT****PURPOSE OF REPORT**

The purpose of the Bidgee Haven Retirement Hostel Quarterly Report and financial review is to provide Council with information regarding activity within the Hostel including reporting of revenue and expenditure against the adopted and revised Operational and Capital Works budget.

RESOLUTION 2021/21

Moved: Administrator Mike Colreavy

That Council Receives and Notes the Bidgee Haven Retirement Hostel December 2020 Quarterly Report inclusive of financial information against the operational and capital budget.

CARRIED**SWIMMING POOL - UPDATED REPORT - REQUEST FOR POOL OPENING HOURS****PURPOSE OF REPORT**

To consider a request from St Joseph's Parish Primary School for extended opening hours for the Balranald Swimming Pool.

RESOLUTION 2021/22

Moved: Administrator Mike Colreavy

That Council

1. Approves the request to open the pool for the use of St Joseph's School on Wednesday from 9am to 3pm, for the remainder of the pool season at a total cost of \$2,700.00.
2. Approves the request to support Euston Primary School for their Carnival, if they cannot access the Robinvale Pool at a cost of \$450.00
3. Approves the costs associated with each of the requests, up to a maximum sum of \$3,150.00 be allocated from Council's community donation budget.

CARRIED

9.3 QUARTERLY BUDGET REVIEW - DECEMBER 2020**PURPOSE OF REPORT**

To advise Council of the Quarterly budget review and financial position as at 31 December 2020.

RESOLUTION 2021/23

Moved: Administrator Mike Colreavy

1. That the Officer's Report be received and noted;
2. That the proposed budget adjustments to reflect Council decisions since budget and quarterly budget adjustments be endorsed;
3. That the Council endorses the Statement acknowledging the financial position is considered satisfactory.

CARRIED

10 INFRASTRUCTURE & DEVELOPMENT REPORTS**10.1 DA 23/2021 - PROPOSED 10ML DAM, TWO FILTER SHEDS & BOUNDARY REALIGNMENT****PURPOSE OF REPORT**

To seek development consent under Part 4 of the Environmental Planning & Assessment Act 1979 for a 10ML dam, two filter sheds and a boundary realignment of Lot 1 DP 716420 & Lot 3 DP 1027406, Brett Road Euston.

RESOLUTION 2021/24

Moved: Administrator Mike Colreavy

That Council approves Development Application 23/2021 for a 10ML dam, two filter sheds and boundary realignment, Lot 1 DP 716420 & Lot 3 DP 1027406, Brett Road Euston, subject to the following conditions:

Balranald Shire Council

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.
4. The created allotments will not carry a dwelling entitlement.
5. 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.
6. Any adjustments required to existing services for the allotments are to be at the full cost of the proponent.
7. This approval provides consent for the two proposed filter sheds and does not constitute

consent for the erection of any dwellings or other structures on the subject lands. Separate applications must be made for any other buildings in accordance with the Environmental Planning and Assessment Act 1979.

8. Any waste or excavated material removed from the site is to be taken to an authorised site for disposal. No fill is to be deposited on other land without the prior consent of council.
9. This approval does not authorise the damage, destruction, altering, moving or other harms to any aboriginal cultural heritage in relation to carrying out the proposal. A separate application under Part 6 of the National Parks & Wildlife Act 1974 must be made where harm to an Aboriginal object or Aboriginal place cannot be avoided. This application must be approved by the Department of Planning, Industry and Environment prior to any harm occurring.

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
- 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.

Transport for NSW

10. Vehicular access to the road reserve of the Sturt Highway is denied. All vehicular access to the subject site shall be via Brett Road.
11. No works within the road reserve of the Sturt Highway are approved as part of this Development Application.
12. The proposed retention dam is to be designed and located to ensure that any potential breaches of the water body direct and store water away from the road reserve of the Sturt Highway.
13. A management plan to address dust generation from the construction of the dam and from access traffic to and from the construction site shall be prepared to the satisfaction of the consent authority.
14. Any disturbance within the road reserve is to be reinstated to match the surrounding roadside environment in accordance with Council requirements.
15. All works associated with the development shall be at no cost to Transport for NSW.

CARRIED

10.2 DA 16/2021 - SUBDIVISION - PAIKO VINEYARD 1029 TILLARA ROAD BALRANALD**PURPOSE OF REPORT**

To seek Council's consent for a development application from Duxton Vineyards Pty Ltd for a two lot subdivision.

RESOLUTION 2021/25

Moved: Administrator Mike Colreavy
(Division)

That Council approves Development Application 16/2021 for the subdivision of Lot 2 DP 1252366, Paiko Vineyard 1029 Tillara Road Balranald, subject to the following conditions:

1. No alteration to approved plans and specifications is allowed unless separately approved by Council.
2. The subdivision 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.
4. Alterations to existing or additional accesses are to be to the satisfaction of Council or its delegate, and at the applicant's full cost.
5. Any such adjustments to access 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 applicant is responsible for full cost of repairs to rectify any damage to public infrastructure.
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 & Assessment Act 1979.

Reasons for the imposition of conditions:

- Statutory compliance
- Ensure appropriate infrastructure is provided for the development
- Ensure impacts on the natural and built environment are minimised

Notes:

- Any future development on the resulting lots, including the removal of any native vegetation in the course of farming activities, will be regulated by the Biodiversity Conservation Act 2016 and the Local Land Services Act 2013.

CARRIED

10.3 DA 29/2021 - CARPORT EXTENSION - BUILDING LINE SETBACK VARIATION - 24 COWPER STREET EUSTON**PURPOSE OF REPORT**

To consider a building setback variation on Lot 10 Section 21 DP 758402, 24 Cowper St, Euston.

RESOLUTION 2021/26

Moved: Administrator Mike Colreavy

That Council not approve a primary building setback variation to 800mm for a carport structure on Lot 10 Section 21 DP 758402, 24 Cowper Street Euston and that DA 29/2021 be refused.

CARRIED**10.4 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM****PURPOSE OF REPORT**

In July 2020, Council resolved to accept a Commonwealth Government grant of \$832,921 excluding GST under the Local Roads and Community Infrastructure Program (LRCIP). Council resolved (**Resolution 2020/107**) to allocate the sum of \$180,000 to signs and other road safety improvements with the remainder of the funds to be allocated to projects as determined by the Council Advisory Committees. However, due to the timing of the establishment of the Advisory Committees, no recommendations were received.

Council subsequently resolved at the November 2020 OCM (**Resolution 2020/208**) to determine the projects to be funded by this grant, subject to any contrary feedback from the Advisory Committees before the end of November. No such contrary feedback was received. Council further resolved that the Advisory Committees be advised that Council will seek further input in early 2021 regarding additional projects that might be funded under the second tranche of LRCIP funds.

It has become clear that some of the projects proposed under Round 1 cannot realistically be completed within the June 2021 deadline. It is therefore now proposed that these projects be reallocated to Round 2 in order to give the affected community groups more time to finalise their plans. As a consequence, there is a need to identify substitute projects in Round 1 that can realistically be completed in the required time.

RESOLUTION 2021/27

Moved: Administrator Mike Colreavy

That Council;

1. Approves the amended list of projects listed in Attachment 2 for funding under the Local Roads and Community Infrastructure Program, subject to any feedback from Advisory Committees received by 31 March 2021
2. Notes that a further report will be provided to Council if any amendments are required to the approved list of projects proposed for Round 2 funding.

CARRIED

10.5 INFRASTRUCTURE REPORT**PURPOSE OF REPORT**

To update Council on infrastructure works currently in hand and in planning, updated to 8 February 2021.

RESOLUTION 2021/28

Moved: Administrator Mike Colreavy

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

CARRIED**PART B – ITEMS FOR INFORMATION****11 GENERAL MANAGER'S REPORTS****11.1 OUTSTANDING ACTIONS FROM PREVIOUS MEETINGS****PURPOSE OF REPORT**

To bring forward for information the Action report with actions taken on previous council resolutions.

RESOLUTION 2021/29

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED**12 CORPORATE & COMMUNITY SERVICES REPORTS****12.1 QUARTERLY TOURISM REPORT - OCTOBER 2020 TO DECEMBER 2020****PURPOSE OF REPORT**

To provide Council with an update on Tourism activity and provide the quarterly report on Revenue, Expenditure and Capital Works against the adopted Operational and Capital Works budget for the October to December 2020 quarter.

RESOLUTION 2021/30

Moved: Administrator Mike Colreavy

That Council receives and notes the Quarterly Tourism Report October – December 2020.

CARRIED

12.2 STATEMENT OF FUNDS - DECEMBER 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 December 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 2021/31

Moved: Administrator Mike Colreavy

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

CARRIED

12.3 STATEMENT OF FUNDS - JANUARY 2021**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 January 2021;

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 2021/32

Moved: Administrator Mike Colreavy

That Council receives and notes the Statement of Funds for the period ending 31 January 2021

CARRIED

13 INFRASTRUCTURE & DEVELOPMENT REPORTS

13.1 PLANNING ADMINISTRATION

PURPOSE OF REPORT

To advise Council of activities in the Planning area

RESOLUTION 2021/33

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

14 NOTICE OF MOTION / QUESTIONS ON NOTICE

Nil

15 CONFIDENTIAL MATTERS

Nil

The Meeting closed at 7.04pm.

The minutes of this meeting were confirmed at the Council Meeting held on 16 March 2021.

ADMINISTRATOR

GENERAL MANAGER

4.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 25 FEBRUARY 2021

File Number: D21.48859

Reporting Officer: Carol Holmes, Senior Executive Assistant

Responsible Officer: Oliver McNulty, General Manager

OFFICER RECOMMENDATION

1. That the Minutes of the Audit, Risk and Improvement Committee meeting held on 25 February 2021 be received.
2. Defer all internal audits except for Records & Document Management Policy for a maximum period of 12 months as per Recommendation of ARIC to enable progress towards the completion of current outstanding action items.

REPORT

Balranald Audit, Risk and Improvement Committee (ARIC) meet quarterly to discuss the financial situation and risk documentation for Balranald Shire.

The following items were discussed and noted at February Meeting;

- Reformatting of the Action Table from previous meetings;
- Recommendation to Council that the remaining internal audits be deferred for a maximum period of one year to enable progress towards the completion of current outstanding action items.
- Recommendation to Council - The remaining internal Audits except the Records & Document Management Policy be deferred for a maximum of 12 months.
- Balranald Shire Council Annual Financial Statements – 30 June 2020, ARIC would like to commend the staff on their efforts.
- Engagement Closing Report from the Auditors and ARIC noted that we received an unqualified result. Based on the evaluation from Auditors it was also noted that none of the misstatements reported were due to fraud.
- Balranald Shire Council Project Management Report – ARIC recommended to Council that the development of a Contract and Project Management Framework is developed.
- Operational Plan 2020-2021 Progress Report
- Asset Management
- Risk Registers

ATTACHMENTS

1. **Audit Risk & Improvement Committee Minutes 25 February 2021** [!\[\]\(76bad2d6d84ce2abba0b176d7ed416e5_img.jpg\)](#) [!\[\]\(4c5a6c6cf3cf2e376ccbef4afee2dff3_img.jpg\)](#)



MINUTES

**Audit, Risk and Improvement
Committee Meeting
Thursday, 25 February 2021**

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 25 FEBRUARY 2021

Order Of Business

| | | |
|-----|---|---|
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| 2 | Present | 3 |
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| 4 | Minutes of Previous Meeting | 3 |
| 4.1 | Minutes of the Audit Risk and Improvement Committee Meeting held on 3 December 2020 | 3 |
| 4.2 | Minutes of the Audit Risk and Improvement Committee Meeting held on 21 January 2021 | 3 |
| 5 | Business Arising | 4 |
| 6 | Action List | 4 |
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| 7.5 | BALRANALD SHIRE COUNCIL ANNUAL FINANCIAL STATEMENTS - 30 JUNE 2020 | 4 |
| 7.7 | ENGAGEMENT CLOSING REPORT - 30 JUNE 2020 | 5 |
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| 7.6 | Risk Registers | 6 |
| 8 | Next Meeting | 7 |
| 9 | Close | 7 |

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 25 FEBRUARY 2021

**MINUTES OF BALRANALD SHIRE COUNCIL
AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS, MARKET STREET BALRANALD
ON THURSDAY, 25 FEBRUARY 2021 AT 11AM**

1 OPEN**2 PRESENT**

Ms Rosanne Kava, Mr Simon Rule, Mr Damein Aidon, Mr Keith Coates, Mr Brett Hanger, Oliver McNulty (General Manager), Mr Phil Ruddick (HR & Governance Coordinator), Ms. Terri Bilske (Director Corporate & Community Services), Kylie Gebert (Executive Assistant), and Carol Holmes (Senior Executive Officer).

3 APOLOGIES

Ms Manuel Moncada (External Auditor) and Ms Yan Yang (External Auditor)

Declaration of Interests

The Chair, Ms Kava asked the committee if any declaration of interests.

There were no conflict of interests declared at this meeting.

4 MINUTES OF PREVIOUS MEETING

**4.1 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD
ON 3 DECEMBER 2020**

COMMITTEE RESOLUTION 2021/1

Moved: Mr Simon Rule

Seconded: Mr Damein Aidon

1. That the Minutes of the Audit Risk and Improvement Committee held on 3 December 2020 are received and the recommendations therein be adopted.

CARRIED

**4.2 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD
ON 21 JANUARY 2021**

COMMITTEE RESOLUTION 2021/2

Moved: Mr Simon Rule

Seconded: Ms Rosanne Kava

1. That the Minutes of the Audit Risk and Improvement Committee Meeting held on 21 January 2021 be received and the recommendation noted.

CARRIED

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 25 FEBRUARY 2021

5 BUSINESS ARISING**6 ACTION LIST****7 REPORTS****7.1 ACTION PLAN UPDATE****PURPOSE OF REPORT**

To provide ARIC with an updated Action Sheet as at 17 February 2021

COMMITTEE RESOLUTION 2021/3

Moved: Ms Rosanne Kava

Seconded: Mr Simon Rule

1. That the Committee noted the Action Table is in the process of being reformulated as discussed.
2. That AIRC recommend to Council that the remaining internal audits be deferred for a maximum period of one year to enable progress towards the completion of current outstanding action items.
3. That the remaining Internal Audits except the Records & Document Management Policy be deferred for a maximum of 12 months.

CARRIED

MOTION

Moved: Mr Simon Rule

Seconded: Ms Rosanne Kava

That Items 7.5 and 7.7 be brought forward for consideration as Auditors were dialling in.

7.5 BALRANALD SHIRE COUNCIL ANNUAL FINANCIAL STATEMENTS - 30 JUNE 2020**PURPOSE OF REPORT**

Present Audit, Risk and Improvement Committee with the Balranald Shire Council's Annual Financial Statements as audited by the NSW Audit Office through Nexia, Auditors appointed by the NSW Audit Office and to present the Statements to the Public pursuant to Section 419 of the Local Government Act (1993) as advised and reported in the Meeting of Council on 16 February 2021.

COMMITTEE RESOLUTION 2021/4

Moved: Mr Damein Aidon

Seconded: Mr Simon Rule

That the report be received and noted. And staff be commended on their efforts.

Page 4

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 25 FEBRUARY 2021

CARRIED**7.7 ENGAGEMENT CLOSING REPORT - 30 JUNE 2020****PURPOSE OF REPORT**

Provide ARIC with the Engagement Closing Report.

COMMITTEE RESOLUTION 2021/5

Moved: Mr Damein Aidon

Seconded: Mr Simon Rule

That the report be received and noted.

CARRIED**MOTION**

COMMITTEE RESOLUTION 2021/6

Moved: Ms Rosanne Kava

That recording be paused at 11am for 10 minutes and staff exit the meeting to enable Auditors and ARIC to have discussions.

CARRIED**7.2 BSC PROJECT MANAGEMENT REPORT****PURPOSE OF REPORT**

To present the findings of the internal Audit of the Project Management Report

COMMITTEE RESOLUTION 2021/7

Moved: Mr Simon Rule

Seconded: Ms Rosanne Kava

1. That Audit, Risk and Improvement Committee (ARIC) notes and receives the Project Management Report.
2. That ARIC recommend to Council that the development of a contract & project management framework is developed.

CARRIED

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 25 FEBRUARY 2021

7.3 OPERATIONAL PLAN 2020-2021 PROGRESS REPORT**PURPOSE OF REPORT**

Under the Integrated Planning and Reporting ("IP&R") Framework, Council is required to report on its progress in implementing its Delivery Program and Operational Plan. This requirement is reflected in section 404(5) of the Local Government Act 1993 ("the Act"), which stipulates that the General Manager must ensure that regular progress reports are provided to the Council, at intervals of no more than six months, detailing the organisation's progress with respect to the principal activities detailed in the Delivery Program. It is the General Manager's Intention to provide Council with quarterly progress reports in relation to the progress of actions as outlined within the Operational Plan. This is the first of these progress reports in this current financial year.

COMMITTEE RESOLUTION 2021/8

Moved: Ms Rosanne Kava
Seconded: Mr Simon Rule

1. That ARIC receives and notes the Operational Plan 2020-2021 Progress Report, contained in Attachment 1.
2. That ARIC endorses the proposal to include any new projects in the Operational Plan Reporting and advise Council on any projects to be deferred.

CARRIED

7.4 ASSET MANAGEMENT**PURPOSE OF REPORT**

To inform Council of a project that has commenced to improve and develop an Asset Management Framework for Balranald Shire Council.

COMMITTEE RESOLUTION 2021/9

Moved: Mr Simon Rule
Seconded: Mr Damein Aidon

That ARIC receive and note this update report in relation to Asset Management. **CARRIED**

7.6 RISK REGISTERS**PURPOSE OF REPORT**

To provide the updated version of the BSC Risk Registers to ARIC. Showing the updated reporting features.

COMMITTEE RESOLUTION 2021/10

Moved: Mr Damein Aidon
Seconded: Mr Simon Rule

That the updated BSC Risk Registers as presented to the ARIC be noted.

CARRIED

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 25 FEBRUARY 2021

8 NEXT MEETING: 27th May 2021 at 11am

9 CLOSE

The Meeting closed at 11.40am.

The minutes of this meeting were confirmed at the Audit Risk and Improvement Committee Meeting held on 27th May 2021.

.....
CHAIRPERSON

5 DISCLOSURE OF INTEREST

6 ADMINISTRATOR MINUTE/REPORT

7 COMMITTEE REPORTS FOR ADOPTION**7.1 REPORT ON EXECUTIVE OF CHAIRS MEETING - 2 MARCH 2021**

| | |
|------------------------------------|--|
| File Number: | D21.48888 |
| Reporting Officer: | Gavin Helgeland, Manager Strategic Development |
| Responsible Officer: | Oliver McNulty, General Manager |
| Operational Plan Objective: | Pillar 6: Our Leadership – A community that values and fosters leadership, lifelong learning, innovation and good governance. |

OFFICER RECOMMENDATION

That the report be received and noted.

PURPOSE OF REPORT

To report on the quarterly meeting of the Executive of Chair that occurred on 2 March 2021

REPORT

The Executive of Chairs met in the Council Chambers at 7pm on the 2 March 2021. The draft minutes of the meeting are attached. A number of items were discussed. Council presented the adopted Community Engagement Strategy and the Operational Plan Progress Report to the EOC Members. There were no recommendations to Council.

FINANCIAL IMPLICATION

Nil

LEGISLATIVE IMPLICATION

Nil

POLICY IMPLICATION

Nil

RISK RATING

Low

ATTACHMENTS

1. Minutes 2 March 2021 Executive of Chairs Advisory Committee Meeting [!\[\]\(04d23299e85fca9399a2135f77b95f8d_img.jpg\)](#)

Location: Council Chambers (or via Zoom)

Start Time: 7.00 pm

Members

| | |
|---|----------------------|
| Administrator (Chairperson) | Mike Colreavy |
| General Manager | Oliver McNulty |
| Balranald Beautification (BBAC) | Toni Tyer |
| Ageing Well, Aged Care & Facilities & (AWACAFAC) | Tony Conway |
| Euston Progressive (EPAC) | Guy Fielding |
| Growing Business, Industry & Tourism (GBITAC) | Iain Lindsay-Field |
| Sports & Recreation (SARAC) | Richard White |
| Strengthening Community Access, Inclusion & Wellbeing (SCAIWAC) | Rachael Williams |
| Youth Council | Jackson Bialobrzeski |

Others present: Ray Davy, Gavin Helgeland.

1. Opening of Meeting

Meeting opened at 7:05pm

2. Acknowledgement of Country

Acknowledgement given by Mike Colreavy

We pay our respect to the Traditional Custodians of the Lands where we hold this meeting and pay our respects to Elders past, present and emerging.

3. Apologies

Oliver McNulty, Jackson Bialobrzeski

4. Confirmation of Minutes

Moved: Iain; Seconded: Toni

Carried.

5. Report to Council on EOC Meeting & Council Resolutions

It is noted that there are no outstanding recommendations or resolutions of Council.

6. Operational Plan Progress Report & Community Engagement Strategy (CES)

Operational Plan Progress Report presented by Gavin Helgeland.

Motion: That the report be noted. Moved – Richard; Seconded - Iain

Carried.

Gavin Helgeland also presented the adopted CES.

Motion: That the CES be noted. Moved: Iain; Seconded: Tony

Carried

7. Update on Grant Funding Applications & Community Infrastructure Projects

Presented by Gavin Helgeland. A presentation of the priorities and opportunities for community sports infrastructure. Outlined the Kevin Coombs Multisport Court project application recently submitted to the Regional Sport Facility Fund.

Motion: That the report be noted; Moved – Richard; Seconded - Tony
Carried.

8. Around the Table: Updates on Focus and Activity from each Advisory Committee**AWACAFAC – Tony/Toni**

- Had a workshop about the Seniors Festival Week: 3 events:
 - seniors luncheon – euston club [29/3]
 - games night + supper
 - morning tea

SARAC – Richard

- Op plan presented,
- CES presented,
- multisport court project presented

GBITAC – Iain

Meeting on 9th Feb:

- Sub-committee for weir lake project;
- VIC - request to be involved in walkaround on upgrade plans
- Riverfront update discussed.

Meeting on 2nd March:

- annual plan draft – recommending to dedicate next meeting to finalising timing
- Heavy traffic through town – discussion on safety/social impacts.

SCAIWAC – Rachael

- Local Service directories – draft list.
- Developing connections with organisations and programs around community needs.
- Categorical questions developed to inform directory.
- Guest speakers rolling through at each meeting mutual committee-organisation benefit on awareness/familiarisation.

EPAC – Guy

- priority items (15) progress from Council.

ACTION: Gavin/Ray to provide update on the progress/feedback on these at the next EPAC meeting.

- Committee planning to take a walk on the ecotrail out to the lock-weir.

BBAC – Toni

- Bins & seats letter – need to follow up on letter requesting furniture be relocated.

ACTION: need to follow-up (Gavin/Ray).

- Dog poo dispensers location
- Truckwash showers/toilet needed (discussion about history of the objective either budgeted via a request or included in LRCIP-r2 as a notified priority)
- Roses plantings throughout the CBD

Motion: that the Committees updates be noted. Moved – Iain; Seconded – Richard;
Carried.

9. Report on Australia Day

Australia Day – report presented by Mike Colreavy:

- Awards notifications – ensuring families are made aware
- Earlier consideration and greater awareness of award candidates (more from Euston are desired) to maximise nominations.
- Citizenship ceremonies went well.
- Bruce elders (2021 Ambassador) well received.
- Plan is continue with same approach next year.

Motion: that the report be noted Moved – Iain; Seconded – Tony;
Carried.

10. Items without Notice

- Hostel report well received in terms of business status (last newsletter).

11. Next Meeting

Meeting closed 8:17pm – next meeting 1st June, 6pm

7.2 STRENGTHENING COMMUNITY ACCESS, INCLUSION AND WELLBEING ADVISORY COMMITTEE MEETINGS HELD ON 21 JANUARY AND 22 FEBRUARY 2021.

File Number: D21.48072

Reporting Officer: Carol Holmes, Senior Executive Assistant

Gavin Helgeland, Manager Strategic Development

Responsible Officer: Oliver McNulty, General Manager

OFFICER RECOMMENDATION

1. That Council receives and notes the Minutes of the Strengthening Community Access, Inclusion and Wellbeing (SCAIWAC) meeting held on 21st January 2021.
2. That Council as part of its review of the Senior Citizen's Building consider it as a venue for the Adult Day Care Service who are seeking to use it every Monday and Thursday (hours not specified).

PURPOSE OF REPORT

To provide a report on the Strengthening Community Access, Inclusion and Wellbeing Advisory Committee meeting held on 21 January.

REPORT

The Strengthening Community Access, Inclusion and Wellbeing Advisory Committee meeting held on 21st January discussed several items that are documented in the respective attached minutes.

Heading of Item

Senior Citizen's building discussion

Recommendation

A practical and accessible Adult Day Care Venue is imperative for inclusion of all community members and in particular our older community members. To this end we request that the Senior Citizen Building Market St BALRANALD be made available for use to the BALRANALD Adult Day Care Service every Monday and Thursday.

Reporting Officer Comment

Adult Day Care Service (a seniors group) wanting to utilise the building two days a week will feed into the overall plan for utilisation of the Senior Citizen's Building. Council will need to finalise the utilisation strategy for this building.

ATTACHMENTS

1. MINUTES - Strengthening Community Access, Inclusion & wellbeing Advisory Committee - SCAIWAC - 21 January 2021 [!\[\]\(aadd2a91ab0750b0d54f68e9495312ba_img.jpg\)](#)

Strengthening Community Access, Inclusion and Well-being Advisory Committee
Held at BALRANALD Ex Services Club Market St BALRANALD
4.30pm-6pm, 21st January 2021

Meeting opened 4:38pm by Rachael Williams who welcomed BALRANALD Shire Council New General Manager Mr Oliver McNulty, and Gavin Helgeland, Manager – Strategic Development.

Acknowledgement from Country:

We pay our respects to the Traditional Custodians of the Lands where we hold this meeting and pay our respects to Elders past, present and emerging.

ATTENDEES

Present: Rachael Williams, Mandy Haley, Natalie Lay, Lyn Flanagan, Sue Balshaw, Emma Moore, Helen Murphy.

Apologies: Michelle White, Robyn Davies.

Absent: Lea Lawrie, Jedda Kelly.

Disclosures of Interest: Nil

Guest Speaker:

Mr McNulty gave a brief run down on his past positions held prior to BALRANALD.

He stated he was looking forward to all the Advisory groups as he believes it's a great system.

Mr McNulty stated he needs to review the frameworks of how Advisory Committees operate and will be focussing on reviewing their terms of reference.

Mr McNulty also noted Council's IT infrastructure needs upgrading, so all requests for work, recommendations or Motions can be tracked and dealt with in a 2 week time frame.

Reports from Council:

Mr Helgeland explained the Council's process for following up on recommendations and motions made by the Advisory Committees:

- Advisory Committee meeting minutes, approved by the Committee must be with Gavin by the end of week 1 of the month
- Motions from the minutes are formed into a report by the relevant Council staff member (typically Gavin but may be another staff member with specific content knowledge)
- This report must be to the GM and Administrator by the end of the week 2 of the month in preparation for the Ordinary Council Meeting (OCM) on the third Tuesday of the month
- Responses on motions will be returned to the Advisory Committee from the third week of the month onwards
- Based on this timeline an ideal Advisory Committee meeting time is sometime in the late in the 3rd week or early in the 4th week of the month (as such our current meeting day of 1st Monday of each month may not be practical)

Rachael will work with Strengthening Community Access, Inclusion & Wellbeing Advisory Committee members to reset our standing meeting date to late in the 3rd week or early in the 4th week of the month.

Senior Citizens building discussion:

Mr McNulty noted he was still following up on work by Peter Kozlowski regarding the current status of the lease on the Senior Citizens Building. He will advise the Strengthening Community Access, Inclusion & Wellbeing Advisory Committee when he is across the issue.

A discussion was held regarding BALRANALD Day Care services as the space where these services are typically held are currently being utilised for COVID TESTING – as such the group is not meeting and an important community service is not being fulfilled. Given the uncertain and potentially long term nature of the COVID pandemic a new venue is required.

The Senior Citizens building is a preferred location for several reasons:

- It will ensure greater participation in the Adult Day Care service as it is a physically central space,
- It will encourage participation from Hostel residents as they would be within walking distance,
- Hospital residents would be bussed down to the Senior Citizens Building allowing them an important twice weekly outing and the chance to complete other business activities and mix with a broader cohort of peers,
- This location would allow all three schools (Balranald Early Learning Centre, Balranald Central School and St Joseph's Primary School) to walk down to the building and participate in board games and activities with and performances to the Adult Day Care participants.

Based on the above observations the Strengthening Community Access, Inclusion & Wellbeing Advisory Committee agreed the use of the Senior Citizens Building for Adult Day Care Service in Balranald meets important access, inclusion and well-being imperatives.

Helen Murphy put the **MOTION**:

A practical and accessible Adult Day Care Venue is imperative for inclusion of all community members and in particular our older community members. To this end we request that the Senior Citizen Building Market St BALRANALD be made available for use to the BALRANALD Adult Day Care Service every Monday and Thursday.

Seconded Emma Moore. Carried unanimously.

Review of SCAIW PRIORITY Areas

Discussion held regarding Council's out of date Disability Inclusion Action Plan (DIAP). Advice from the Department of Local Government is that Council must review this Plan prior to June 2021 and post June 2021 undertake a full re-write. The DIAP is undertaken internally by Council in consultation with the Shire community.

The assistance of this group to review this plan (pre June) is required by Mr Helgeland. To achieve this Mr Helgeland will email the DIAP at all Advisory Committee members (of both the Strengthening Community Access, Inclusion & Wellbeing and Ageing Well Committees) ahead of bringing key stakeholders together for a **DIAP Review Workshop on Monday 8th February, BALRANALD Shire Council Chambers, 4.30 pm**. All Strengthening Community Access, Inclusion & Wellbeing Advisory Committee Members interested in participating should save this date.

Discussion on our PROPOSED ANNUAL WORKPLAN:

- The priority areas developed by the Strengthening Community Access, Inclusion & Wellbeing membership were reviewed and confirmed as current, with the focus remaining on the development of a comprehensive service directory,
- It was noted that service mapping / service directories are created by a range of organisations and these should be used as a starting point,
- Emma Moore commented that Council staff members (Danika and Toni) were in touch with her last year seeking information of the services provided by Maari Ma, as such wonders if a service directory may have been commenced by Council,
- Mr McNulty noted the interest of several groups he is in contact with in the Strengthening Community Access, Inclusion & Wellbeing Advisory Committee and our work. Mr McNulty will pass on key contacts as relevant to our group,
- Mr McNulty added that whilst Council does not have a role in the delivery of health and wellbeing services they would support with advocacy regarding services gaps identified by the group,

- Regarding commencing work on the Service Mapping / Directory it was agreed that Advisory Committee members would (ahead of our next Advisory Committee Meeting):
 - o Check within their organisation / service if any service directories already exist and forward these directories through to Rachael. Rachael will collate these and present an overarching list of services at the next meeting,
 - o Think about the key questions and information we would need completed by each service for inclusion in the new Service Directory. This includes important information about what a service can and cannot do and their possible delivery into all Shire communities. Please forward your key information / questions list to Rachael,
 - o With a draft of what already exists in terms of service directories, what services are captured and what information is needed we will brainstorm at our next meeting to (a) identify services missing from the list, (b) create an overarching list of services (including key contacts where known), (c) create a key information needed list and (d) divide up the service list for follow-up by individual Advisory Committee members

Next meeting: standing date to be set in consultation with Advisory Committee members.

Meeting closed 6pm.

7.3 BALRANALD BEAUTIFICATION ADVISORY COMMITTEE - HELD ON 3RD FEBRUARY 2021

File Number: D21.48830

Reporting Officer: Gavin Helgeland, Manager Strategic Development

Responsible Officer: Oliver McNulty, General Manager

OFFICER RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Balranald Beautification Advisory Committee meeting held on 3rd February.
2. Investigates the disabled parking bay requirements along Market St,
3. Considers installing picnic furniture at the Senior Citizens Plaza (location to be specified) either by relocating the notified furniture in the recommendation herein or installing new furniture.

PURPOSE

To update Council on the Balranald Beautification advisory Committee meeting held on 3 February 2021.

REPORT

The Balranald Beautification Advisory Committee (BBAC) meeting was held at Balranald Ex-Service's Club Lone Pine Room on Wednesday 3rd February 2021. Several items were discussed on beautification ideas around Balranald. The BBAC have two letters of recommendation that need to be addressed by Council:

Heading of Item

Disabled Parking Investigation Request (Letter of Recommendation, 10/12/2021 - attached)

Recommendation

The Balranald Beautification Advisory Committee would like to put in a request into the Balranald Shire Council, to investigate to whether or not there is too many Disabled Parking Spots in the Main Street of Balranald.

The Disabled Parking Spot in front of the Butcher is useless when it rains, as water just lays there in the guttering and makes it impossible for people to get in and out of their Vehicle.

The Parking Spots are hardly ever used (in both blocks of the Main Street), taking away Parking Spots for potential customers for Balranald Businesses.

Reporting Officer Comment

The disabled bay on the north-facing side of the NW corner of the Mayall-Market St intersection is intended to be removed (has not been completed yet) as the two new disabled bays on Market street (between Mayall and We streets) are considered sufficient. The issue of drainage at the pram ramps of the disabled bays also needs to be addressed.

Heading of Item

Picnic tables and benches relocation request (Letter of Recommendation, 10/12/2021 - attached)

Recommendation

The Balranald Beautification Advisory Committee would like to recommend to the Balranald Shire Council, that the Tables and Seats on the Corner of Mayall and Market Streets (near the IGA

Parking Area), be removed and relocated to the lawn section out the front of the Senior Citizens Centre.

We believe that the Table and Seats would be used more in front of the Senior Citizens Centre, as no-one seems to use the Table and Seats in their current location.

Reporting Officer Comment

Prior to the revitalisation of the Senior Citizen's Plaza, picnic furniture was installed there. The plaza does lend itself to a public picnic spot (eateries are nearby) but this was the intention of the corner/kerbside picnic furniture also. So to relocate the furniture (which has a framed apron at its current location) might not be the preferred option. Rather, that additional furniture be considered for the plaza at a suitable location.

ATTACHMENTS

1. Minutes - Balranald Beautification Advisory Committee- February 2021 [!\[\]\(f4daef31ac4034a58f94f37e5f75c667_img.jpg\)](#)
2. Letter of Recommendation 9/12/2020 - Balranald Beautification Advisory Committee [Table and Seats relocation] [!\[\]\(c6144f6782f55454a3938b974bcdc850_img.jpg\)](#)
3. Disabled Parking Investigation Request - Balranald Beautification Advisory Committee - 2020 [!\[\]\(886e1cf3cd5b40989f27f96ea53f3005_img.jpg\)](#)

**Balranald Shire Council Beautification Advisory Committee - Balranald
Minutes of Meeting held at the Balranald Ex-Services Club Lone Pine Room
Wednesday 3rd February 2021**



Meeting Opened with Acknowledge of Country recited by Toni Tyrer – Chairperson of the Balranald Shire Council Beautification Advisory Committee – at 5:15pm

Present: Gaye Renfrey, Lynne Carter, Penny Jolliffe, Toni Tyrer (Chairperson) and Karen Norfolk (Secretary)

Apologies: Lea Lawrie

Minutes Read and Accepted: Moved by Lynne Carter and Seconded by Gaye Renfrey

CORRESPONDENCE IN:

- Emails from Toni Tyrer – Committee Minutes; Euston Toilet (photo)
- Emails from Peter Kozlowski – re Recommendation Letters from Committee; re Letters from Committee
- Email from Gavin Helgeland – Balranald Beautification Advisory Committee

CORRESPONDENCE OUT:

- Emails to Toni Tyrer – Beatification Advisory Committee Minutes for December; Recommendation Letters; Letter re Disable Parking; Copy of Thank You Letter sent to Peter Kozlowski
- Email to Peter Kozlowski – Recommendation Letters – Table and Seats Relocation; Palms to remain at Discovery Centre; Shower and Toilet Facility at Truck Wash; Letter re Disable Parking; Thank You Letter
- Email to Balranald Beautification Advisory Committee Members – Photos of Hay's Water Towers
- Email to Gavin Helgeland - Balranald Beautification Advisory Committee Minutes for December
- Email to Balranald Beautification Advisory Committee Members and Balranald Shire Council – February's Agenda and December Minutes

Moved by Karen Norfolk and Seconded by Penny Jolliffe

BALRANALD BEAUTIFICATION FINANCIAL STATEMENT:

Same as December Minutes - \$9,834.00 still to spend

AGENDA ITEMS:

Reports: No Beautification Report this Meeting Balranald

Shire Council Project Update: No Report at February' Meeting

Cemetery Policy: NIL

COMMITTEE PRIORITIES:

Priority 1: Table and Seats at the Balranald Senior Citizens Centre – Karen Norfolk has sent in a letter of recommendation about removing the table and chairs from the Corner of Market and Mayall Street (Near IGA), but hasn't received a reply as yet

ITEMS WITHOUT NOTICE:

- Penny Jolliffe recommends that we look into getting the Silos out along Duryea Street painted with a nice mural. Need to find out who exactly owns the Silos. Seconded by Gaye Renfrey
- Karen Norfolk suggested that we look into a shelter, similar to the one of the seat at the Senior Citizens Centre, with Pioneers of Balranald. Seconded by Lynne Carter
- Toni Tyrer asked for a letter to be written to the Balranald Shire council re the Gates leading into Greenham Park Hall

- Lea Lawrie recommended that we write a letter to the Balranald Shire Council requesting a bin near the entrance of the Swing Bridge on Court Street side. Suggest removing the one from FoodWorks' corner and maybe painting it up or disguising it as a wheat bag or a wool bale of a hay bale, for something different. Seconded by Lynne Carter
- Karen Norfolk to write a letter to the Balranald Shire Council requesting to make Balranald more readable and more noticeable on the Discovery Centre Signs when they update them.
- This Committee needs to follow up on the promise of new Christmas decorations, as we believe they should be ordered now. Need to speak to Oliver McNulty about the gifting of Christmas decorations from another Shire, but we would like it writing as well.
- Gaye Renfrey suggest that a letter to be written to the Balranald Shire Council, asking that the existing pathways to be made safer for Walker and a sign stating NO MOTORBIKES on Walking Trails and a reminder goes into the Shire Newsletter that Cyclists must Give Way to Pedestrians. Seconded by Penny Jolliffe
- Gaye Renfrey recommends that we buy some roses out of our budget to replace roses where there are gaps in existing rose gardens
- The Committee needs to take a drive around town to see where trees need to be planted. Need to look at the Streetscape Tree Master Plan.
- Toni Tyrer commented that we need feedback from the recommendation letters that Karen Norfolk has already written to the Balranald Shire Council

Next Meeting: Wednesday 3rd March 2021 at the Balranald Ex-Services Club

Meeting Closed: 18:20hrs

Balranald Shire Council Beautification Advisory Committee - Balranald

Chairperson: Toni Tyrer
Email: mj.a.tyrer@bigpond.com

Secretary: Karen Norfolk
Email: knorfolk@westnet.com.au



Wednesday 9th December 2020

Mr. Peter Koslowski
Acting General Manager
Balranald Shire Council
70 Market Street
Balranald NSW 2715

Dear Peter

Re: Recommendation

The Balranald Beautification Advisory Committee would like to recommend to the Balranald Shire Council, that the Tables and Seats on the Corner of Mayall and Market Streets (near the IGA Parking Area), be removed and relocated to the lawn section out the front of the Senior Citizens Centre.

We believe that the Table and Seats would be used more in front of the Senior Citizens Centre, as no-one seems to use the Table and Seats in their current location.

We await your reply on this recommendation.

Yours truly
Karen Norfolk

Balranald Shire Council Beautification Advisory Committee - Balranald

Chairperson: Toni Tyrer

Secretary: Karen Norfolk

Email: mj.a.tyrer@bigpond.comEmail: knorfolk@westnet.com.au

Thursday 10th December 2020

Mr. Peter Kozlowski
Acting General Manager
Balranald Shire Council
70 Market Street
Balranald NSW 2715

Dear Peter

Re: Disabled Parking

The Balranald Beautification Advisory Committee would like to put in a request into the Balranald Shire Council, to investigate to whether or not there is too many Disabled Parking Spots in the Main Street of Balranald.

The Disabled Parking Spot in front of the Butcher is useless when it rains, as water just lays there in the guttering and makes it impossible for people to get in and out of their Vehicle.

The Parking Spots are hardly ever used (in both blocks of the Main Street), taking away Parking Spots for potential customers for Balranald Businesses,

We await your reply on this request.

Yours truly
Karen Norfolk

7.4 GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE HELD ON 9 FEBRUARY 2021

File Number: D21.48829

Reporting Officer: Carol Holmes, Senior Executive Assistant

Gavin Helgeland, Manager Strategic Development

Responsible Officer: Oliver McNulty, General Manager

OFFICER RECOMMENDATION

That Council:

1. Receives and notes both the minutes of the meeting held on 9 February 2021 and the draft minutes of the meeting held on 2 March 2021.
2. Considers the recommendations that the Growing Business Industry and Tourism Advisory Committee (GBITAC) has made to Council as outlined within this report and to provide an update on each of these items at the next GBITAC meeting

PURPOSE

The purpose of this report is to update Council on the GBITAC meetings held on 9 February 2021 and 2 March specifically any recommendations to Council arising from them.

REPORT

A summary of the recommendations that GBITAC has made to Councils is outlined below. A more detailed outline of each of these items is discussed in the body of the report with reporting officer comments.

1. *Considers the GBITAC as community representatives for any future engagement from Water Infrastructure NSW (a division of DPIE) on the Yanga Lake Murrumbidgee Weir proposal.*
2. *Ensures that, at the next opportunity the architect is visiting Balranald, the Director for Infrastructure and Development coordinates a “walk-over” of the existing facilities with the GBITAC and the architect.*
3. *Considers removal of any business advertising in the Council Newsletter and refers businesses to the Visitor Guide as an opportunity for advertising.*
4. *Refers the matter of the heavy traffic through Balranald township to consider safety and social impacts.*
5. *Considers the attendance of the Administrator and Executive at the next GBITAC meeting (6 April 2021, 5:30pm) which will be dedicated to a workshop on their draft Annual Plan.*

Meeting held on 9 February 2021

The GBITAC meeting was held in the Council Chambers on 9 February 2021. Several items were discussed and a number of recommendations have been put to Council:

Heading of Item

Dec Notes – Re sub-committees

Recommendation

The GBITAC request the formation within its members of a sub-committee to progress the “Optimising Murrumbidgee River - Yanga lake Connectivity” project.

Reporting Officer Comment

Council should consider the facility of a sub-committee under our advisory committees for priority issues or objectives requiring community focus. However, in the case of the Yanga Lake-Weir upgrade proposal, the project is now being progressed by Water Infrastructure NSW whereby they are compelled to engage with our community once the proposal advances to a funded project. Council should, at that stage, consider the entire GBITAC for involvement in any community engagement that ensues.

Heading of Item

8.1 – Update on council projects – Discovery Centre Upgrade

Recommendation

GBITAC request that our members be invited to a walk-over of the Discovery Centre with architect and relevant council staff to have input into design plans.

Reporting Officer Comment

The Director for Infrastructure and Development can coordinate when the architect visits Balranald next to engage with GBITAC and schedule a walk-over of the existing facilities and discuss the upgrade design.

Heading of Item

8.2 – Free advertising in council's monthly newsletter

Recommendation

The GBITAC recommend that BCS phase out all commercial business advertising in Council's monthly newsletter and continue to offer all local businesses the opportunity to advertise in the towns visitor guide at a commercial rate.

Reporting Officer Comment

This is a valid recommendation and addresses a tidy up of Council's approach to fair and equitable support for local businesses.

Meeting held on 2 March 2021

The GBITAC meeting was held in the Council Chambers on 2 March 2021. Several items were discussed and a number of recommendations have been put to Council:

Heading of Item

Robyn D – The speed, length, noise and frequency of trucks through the main street.

Recommendation

GBITAC notes the strong community social and safety concerns regarding the speed, length, noise and frequency of trucks through the main street of Balranald, that this be referred to the Balranald Shire Local Traffic Committee and that relevant council staff provide detailed traffic data to both committees.

Reporting Officer Comment

Council has traffic classifier data that can be made available that will only confirm quantities, directions and swells (peak times) on heavy traffic. This data is most appropriate for assisting studies (normally by TfNSW). This data can be made available to GBITAC. The matter can be raised by the Director for Infrastructure and Development at the next Local Traffic Committee meeting.

Heading of Item

Simone C - Discuss draft GBITAC Annual Plan

Recommendation

The next GBITAC meeting (6 April 2021, 5:30pm) be dedicated to finalising details within the 2021 GBITAC Annual Plan and request relevant council officers attend to ensure dates align with developing council strategic plans.

Reporting Officer Comment

This is a strong initiative by GBITAC and the development of an annual plan should set a precedent for other advisory committees to consider this approach (within their terms of reference).

ATTACHMENTS

1. Minutes - Growing Business, Industry and Tourism Advisory Committee - GBITAC - February 2021 [!\[\]\(baf59c93648c8495e8f5fbb81bf2916c_img.jpg\)](#)
2. ICOR - GBITAC Minutes March 2021 [!\[\]\(340509be52ab0f319741e3994f9c5c89_img.jpg\)](#)

CHAIR: Iain Lindsay-Field

MINUTES OFFICER: Simone Carmichael

| AGENDA ITEM | DISCUSSION | | |
|--|---|----------------|---------------------------|
| 1. | Meeting commenced at 06:10pm – Council Chambers | | |
| ATTENDEES: | Iain Lindsay-Field (Chair), Simone Carmichael (Deputy Chair), Dianne Williams, Peter Lawler, Robyn Davis, Adrian Gorman, Sam Papa, Oliver McNulty (BSC General Manager), Gavin Helgeland (BSC Strategic Dev.) | | |
| 2. | Acknowledgement of country: Robyn Davis | | |
| 3. | Apologies: Guy Fielding, Linda Nelson, Ray Davy (BSC Director Infrastructure), Mike Colreavy (BSC Administrator). Gay Renfrey resigned from the committee. | | |
| 4. | Disclosures of Interest: NIL | | |
| 5. | Confirm Previous Minutes are True & Correct: (Moved Peter Lawlor /Seconded Di Williams) | | |
| 6. | BUSINESS ARISING FROM MINUTES | | |
| 6.1 Nov Notes -Re Old Yanga Creek Hwy Bridge | Simone enquired on status of old hwy Yanga Creek bridge, if RMS had transferred ownership to BSC. | | |
| ACTION | General Manager to follow up | Who: GM | When: Next Meeting |
| RECOMMENDATIONS TO COUNCIL | NIL | | |
| 6.2 Dec Notes – Re sub-committees | Iain enquired what the protocol was for establishing a sub-committee. The GBITAC would like to form a sub-committee to progress the Balranald Low-Level Weir / Yanga Lake project. GM to check the terms of reference for advisory committees but advised a recommendation to council for consideration. Council do not have jurisdiction over the weir infrastructure but are advocating hard for it to be improved or replaced to allow better management of water into Yanga Lake. The weir is governed by Dept. Water Infrastructure NSW. Council are investigating mechanisms to progress the weir upgrade and recognize there are huge multi-facilitated benefits to the community. | | |
| ACTION | NIL | Who | When |
| RECOMMENDATIONS TO COUNCIL | The GBITAC request the formation within it's members of a sub-committee to progress the “Optimising Murrumbidgee River - Yanga lake Connectivity” project. Moved: Adrian Gorman, Seconded: Robyn Davis | | |
| 7. | New Business | | |
| 7.i) Guidelines for Sub-Committees | Covered in 6.2 above | | |
| 7.ii) GBIT Strategy, Kathie | <ul style="list-style-type: none"> Kathie from the Business Enterprise Centre (BEC) addressed the committee via | | |

| | | | |
|---|--|------------|-------------|
| Heyman BEC | <p>Zoom.</p> <ul style="list-style-type: none"> • She was invited by GBITAC Chair with the idea of developing a strategic plan for the committee • Kathie talked about her experience, what BEC offers generally and her thoughts on developing a plan for the committee. E.g. facilitated community workshop to gather tourism and industry ideas. <p>Lengthy discussion within the group around crossover between such a plan and council strategic plans (community strategic plan, operations plan).</p> <ul style="list-style-type: none"> • GM outlined an initiative called “Project HQ”, where a prominent vacant space or shop used as a drop-in center to gather community ideas on business and tourism. • Iain suggested the committee visit other towns where business, industry and tourism is “done really well” e.g Deniliquin, Swan Hill, Mildura, Echuca • Robyn voiced concern that there is a disconnect between council/GBTAC committee/community and that the community get left behind in decision making. She is in favour of the Project HQ idea. • Gavin asked how BEC (& Kathie) can help? GM suggested BEC could possibly assist with facilitation at forums, connect projects with consultants, help with start-up businesses. <p>Motion – This committee call for projects from within the community, identify a priority order then develop an action plan.</p> <p>Moved: Adrian Gorman, Seconded: Simone Carmichael, Carried unanimously</p> <ul style="list-style-type: none"> • Simone added that this should form the basis of a strategic plan for the committee. | | |
| ACTION | NIL | Who | When |
| RECOMMENDATIONS TO COUNCIL | NIL | | |
| 8. | General Business (Items without Notice) | | |
| 8.1 – Update on council projects | <p>Riverfront Development Project – GM advised building codes had changed for pedestrian bridges causing major cost increase for the second swing bridge (6x original). This is no longer within scope of current project budget and will be dependent of future funding. Current funding will be spent on developing the riverfront on the town side.</p> <p><u>Discovery Center Upgrade</u> – GM advised an architect had been engaged to develop a design for the precinct that fits within project budget. The project needs to be delivered by June 2022. Peter suggested that the center promote Balranald as the ‘Gateway to Mungo’ to reclaim Mungo from other shires. Peter also requested that the design team & GBITAC walk over the site to discuss design ideas.</p> | | |
| ACTION | NIL | Who | When |
| RECOMMENDATIONS TO COUNCIL | GBTAC request that our members be invited to a walk-over of the Discovery Centre with architect and relevant council staff to have input into design plans. | | |
| 8.2 – Free advertising in council’s monthly | GM asked for the committees’ thoughts on advertising in the BSC monthly newsletter. The GM advised that the publication is very costly in labour and printer toner and currently there are a small number of businesses that advertise in the newsletter free of | | |

| | | | |
|-----------------------------------|---|------------------------------|--|
| newsletter | charge. Discussion was held around the equity of the current arrangement and options for charging for advertising. The committee agreed that the council newsletter is primarily informative and there are other commercial publications offering business advertising. | | |
| ACTION | | Who | When |
| RECOMMENDATIONS TO COUNCIL | The GBITAC recommend that BCS faze out all commercial business advertising in the council's monthly newsletter and continue to offer all local businesses the opportunity to advertise in the towns visitor guide at a commercial rate. | | |
| 8.3 – Positions vacant | GM advised there are a number of key positions vacant (or soon to be) including Manager Community & Tourism Services and that position descriptions are being finalised. He advised that the tourism officers' role will include economic development. The positions will be open to current staff as well as advertised widely externally. GM was quite adamant that the successful applicant should demonstrate extensive skills and experience (or clear aptitude for training) and if the right fit doesn't present they will re-advertise until a suitable candidate is found. | | |
| ACTION | | Who | When |
| RECOMMENDATIONS TO COUNCIL | | | |
| 8.4 – Fruit Fly Concerns | Adrian advised he had been approached by a member of the community enquiring what the council are doing about fruit fly pests which have destroyed the fruit growing industry. GM advised the council are not resourced to offer services related to the control of fruit fly. This is the responsibility of Western Local Land Services. The Balranald Office is at 82 Market Street, P: (03) 5020 1691 | | |
| ACTION | Pass info on to enquirer | Who: Adrian | When: when convenient |
| RECOMMENDATIONS TO COUNCIL | | | |
| 9. | MEETING CLOSED - 7:48pm NEXT MEETING – 2/03/2021 | | |

MEETING MINUTES

GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE

2 March 2021



CHAIR: Iain Lindsay-Field

MINUTES OFFICER: Simone Carmichael

| AGENDA ITEM | DISCUSSION | | |
|--|--|------|-------|
| 1. | Meeting commenced at 5:33pm – Council Chambers | | |
| ATTENDEES: | Iain Lindsay-Field (Chair), Simone Carmichael (Deputy Chair), Dianne Williams, Peter Lawler, Robyn Davis, Sam Papa, Mike Colreavy (BSC Administrator), Gavin Helgeland (BSC Strategic Dev.), Ray Davy (BSC Director Infrastructure) late. | | |
| 2. | Acknowledgement of country: Robyn Davis | | |
| 3. | Apologies: Linda Nelson, Bronwyn Brougham. | | |
| 4. | Disclosures of Interest: NIL | | |
| 5. | Confirm Previous Minutes are True & Correct: (Moved Peter Lawlor /Seconded Di Williams) Carried | | |
| 6. | Business Arising from Minutes | | |
| Council administrator, Mike Colreavy, advised that the GBITAC Feb minutes were not tabled at the last council meeting. The Nov & Dec meeting notes were tabled but no recommendations were included due to lack of quorum at those meetings. | | | |
| ACTION | NIL | Who: | When: |
| RECOMMENDATIONS TO COUNCIL | NIL | | |
| 7. | Reports from Council | | |
| ACTION | NIL | Who | When |
| RECOMMENDATIONS TO COUNCIL | | | |
| 8. | New Business | | |
| 8.i) | Iain L-F – Recap on the process for informing council decisions. <ul style="list-style-type: none"> • Iain read through process (attached) • Simone asked for clarification regarding confirmation of minutes • Mike explained the minutes aren't formally confirmed until the following GBITAC meeting but recommendations can go to the council meeting if the process has been followed. • Simone advised committee that a 'Read Receipt' would be requested with emailed draft minutes as proof the members had received them. • Gavin asked that the minutes that are forwarded to the GM (for inclusion in the council meeting) are also sent to council@balranald.nsw.gov.au for document filing. • Iain then read through objectives and scope of advisory committees (attached) | | |
| ACTION | NIL | Who | When |
| RECOMMENDATIONS TO COUNCIL | NIL | | |
| 8.ii) | Simone C - Kyalite Progress Association. | | |

MEETING MINUTES

GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE

2 March 2021



- Simone advised the committee of the existence of the Kyalite Progress Association which will be meeting in April to elect new office bearers.
- Ray added that Kyalite village exists on both sides of the Wakool River with the Progress Association initially formed to look after the Kyalite Hall which is on the southern side in Murray River Shire. Balranald council are keen to see more development in Kyalite adding to the pistachios, pub, Pearson's grain storage, almonds, etc.
- New residents to the village (including Simone) are looking to reinvigorate the Association and help develop tourism, housing and industry in the area.
- Iain suggested a representative of the Kyalite Progress Association be invited to speak at a GBITAC meeting in the future.

| ACTION | NIL | Who | When |
|----------------------------|---|-----|------|
| RECOMMENDATIONS TO COUNCIL | NIL | | |
| 8.iii) | Robyn D – The speed, length, noise and frequency of trucks through the main street. | | |

- Robyn voiced strong community concern regarding the number of trucks coming through the main street of Balranald and the social and safety impacts.
- It was made clear by Mike that this something that the GBITAC should be engaged in due to the polarized community sentiment and significant economic development implications.
- A lengthy discussion held with following outcomes;
 1. Speed – police operations show trucks are not speeding, a separate slower speed limit for trucks unprecedented, speed cameras & traffic lights hard to justify, existing traffic data can show vehicle speed.
 2. Length – Sturt Hwy part of the east-west interstate route so B-Doubles, Triples and Road Trains permitted.
 3. Noise – Large vehicles so they make a lot of noise, limiting use of air brakes cannot legally be enforced.
 4. Frequency – Seems to be more trucks on the road, Developing the Mallee Hwy between Tailem Bend in SA and Balranald (via Pinaroo, Ouyen, Tooleybuc) may reduce the number of Adelaide-Sydney trucks going through town. East-west traffic bypass unlikely to get community consensus and would take 20 years+ due to bureaucracy. Council investigating option for a north-west traffic bypass linking Sturt Hwy near Endeavour Dr to Ivanhoe Rd.

Motion: GBITAC notes the strong community social and safety concerns regarding the speed, length, noise and frequency of trucks through the main street of Balranald, that this be referred to the Balranald Shire Local Traffic Committee and that relevant council staff provide detailed traffic data to both committees.

Moved: Robyn Davis, Seconded: Peter Lawler

Motion carried

| ACTION | | Who | When |
|----------------------------|--|-----|------|
| RECOMMENDATIONS TO COUNCIL | GBTAC recommend Council refer the concerns raised to the Safety Committee, that staff resources be allocated to sourcing and providing detailed traffic data and outcomes be reported back to GBITAC. | | |
| 8.iv) | Robyn D - The feral cat problem in town. | | |
| | <ul style="list-style-type: none"> • Robyn raised concerns about the impacts of feral cats in the town. • Robyn has been trapping cats on her property and taking them to council for disposal. • Dianne suggested Local Land Services are the agency responsible for feral animal control. • Mike said the shire has a 'keeping of animals' policy but it addresses domestic not feral animals, also bigger shires have a ranger to assist with such matters. • Simone suggested LLS might be able to trial the <u>Felixer</u> technology which targets cats with a poison gel but probably not suitable for a town environment. | | |

MEETING MINUTES

GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE

2 March 2021



| | | | | | | |
|---|--|-------------------------------|----------------------------------|--|--|--|
| ACTION | Consult Western Local Land Services | Who: Robyn | When: as convenient | | | |
| RECOMMENDATIONS TO COUNCIL | NIL | | | | | |
| 8.v) | Simone C - Discuss draft GBITAC Annual Plan | | | | | |
| <ul style="list-style-type: none"> Committee discussed draft plan (attached) Iain asked all members for comments, all were supportive of adopting the plan. Council staff present also supportive. Peter suggested the Fact Finding & Famili trips would require a budget. Ray advised that council are meeting with some of the big industry players (Iluka, Tronox, Australian Farming Services) to ensure they have effective community engagement processes in place. Simone suggested the best way big industry can make a positive impact on the community is to engage with struggling local sporting groups i.e. Footy/Netball Club, MX Club, etc. (through financial support and shift patterns for workers to join the clubs). Dianne also suggested Balranald Inc. is a great way for businesses to support the community through their community grants program. | | | | | | |
| <p>Motion: The April GBITAC meeting will be dedicated to finalising details within the 2021 GBITAC Annual Plan and request relevant council officers attend to ensure dates align with developing council strategic plans.</p> <p>Moved: Simone Carmichael, Seconded: Sam Papa Motion carried</p> | | | | | | |
| ACTION | | Who: | When: | | | |
| RECOMMENDATIONS TO COUNCIL | Relevant council officers be available to attend the GBITAC meeting 6th April to ensure dates and resources set in the 2021 GBITAC Annual Plan align with council resourcing and developing council strategic plans. | | | | | |
| 9. | Items Without Notice (General Business) | | | | | |
| i) Ray D – Update on Yanga Hwy Bridge. Council meeting with Transport NSW next Tuesday for biannual bridge inspections will discuss (Ray please edit this section as needed) ii) Ray D – Provided those present with updated designs for the Discovery Precinct for consideration (see attached). | | | | | | |
| ACTION | Members review new designs for discussion at April meeting | Who: GBITAC members | When: Before 6/04/2021 | | | |
| RECOMMENDATIONS TO COUNCIL | | | | | | |
| MEETING CLOSED - 7:00pm NEXT MEETING – 6/04/2021 | | | | | | |

MEETING MINUTES**GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE****2 March 2021****Agenda Item 8.i) Recap of Advisory Committee Processes****MAKING RECOMMENDATIONS TO COUNCIL – THE PROCESS FOR INFORMING COUNCIL DECISIONS**

- Recommendations to Council are formed via vote of Advisory Committee members during a formal Committee meeting with a quorum and recorded in the Advisory Committee meeting minutes
 - These minutes are distributed to committee members (via email) within 7 days of the meeting. Members must verify accuracy via email within 3 days. Non-response assumes the minutes are accurate
 - The General Manager receives the minutes, seeks any necessary clarification, elevates recommendations to Council and ensure Council's decisions are returned to Advisory Committees in a timely manner
 - Advisory Committee recommendations (as notified in Council's meeting minutes and reflected in the General Manager's Advisory Committee Report) which are adopted by Council become resolutions of the Council [1]

ADVISORY COMMITTEE OBJECTIVES

Advisory committees were established by Council to:

- Harness the informed views and expertise of the wider community
- Assist Council in its understanding of, and approach to, specific or localised issues, initiatives or community assets
- Provide a structured approach to the ongoing involvement of community residents in Council affairs and the democratic process [1]

THE SCOPE OF ADVISORY COMMITTEES

Advisory Committees:

- Have an advisory role in the formulation of Council policy and its future direction in accordance with the Committee's specific terms of reference
- Can (and are encouraged to) make recommendations to Council for consideration in their decision making
- Do not have the authority to instruct staff or to make decisions on Council's behalf
- Do not have delegated authority i.e. do not have the power to make decisions on financial or other matters [1]

MEETING MINUTES**GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE****2 March 2021**

Agenda Item 8.v) draft GBITAC Annual Plan

**GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE
ANNUAL PLAN 2021**


Mission Statement: The Growing Business Industry & Tourism Advisory Committee call for projects from within the community, identify a priority order & work with the council to deliver outcomes for the community.

First meeting of the calendar year is a planning meeting to discuss and (hopefully) set dates, venues and speakers for the year ahead.

| ACTIVITY | PROPOSED DATE | COMPLETE |
|--|---|--------------------------------|
| Project HQ | (depends on BSC strategic plan development) | <input type="checkbox"/> Date: |
| Committee members and council staff conduct a "shop front drop-in center" over a 4-week period where community can call in and discuss business, industry & tourism ideas. | | |
| Deliver a social media and newsletter survey also asking for ideas. | | |
| These are recorded on maps and in a database for discussion at community forum. | | |
| Community Forum | (depends on BSC strategic plan development) | <input type="checkbox"/> Date: |
| A facilitated community forum where all Project HQ ideas are discussed and prioritised. | | |
| The outcomes of the forum feed directly into BSC community strategic plan | | |
| Fact-Finding Field Trips | Two a year (Autumn & Spring) | <input type="checkbox"/> Date: |
| Committee members & key BSC executive visit a town in the region to experience and discuss success stories relating to growing business, industry & tourism. | | |
| E.g. Moulamein, Deniliquin, Swan Hill, Mildura, Echuca | | |
| Guest speakers | April, July, Oct, | <input type="checkbox"/> Date: |
| Identify guest speakers from ideas identified through the Project HQ & community forum. | | |
| I.e. similar projects done successfully elsewhere. | | |
| Local Industry Familiarisation tour | Two a year (Summer & Winter) | <input type="checkbox"/> Date: |
| Tour a local industry operation (committee members and open to community) to gain a better understanding of the operation, the current and potential benefits to the community. E.g. Almonds, solar, pastitsios, mineral sand mines. | | |
| Conduct GBITAC Meeting on-site. Write-up in BSC Newsletter. | | |

Page 5 of 15

MEETING MINUTES**GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE****2 March 2021****BSC Community Plan****Review**

Review date/s:

 Date:

Committee members and relevant council staff review the Community Strategic Plan to see how it is tracking.
Select a project for the celebration event.

Project Celebration Event

Celebration depending on Project completion

 Date:

Community celebration event for a project that has been delivered as a result of the Project HQ and incorporated in the Community Strategic Plan.

MEETING MINUTES**GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE****2 March 2021****Agenda Item 9.ii) Revised designs for Balranald Visitor Information Centre – C4 Architects P/L**

Please find attached revised concept design with the following notes:

1. Reduced size of new build footprint from 242 square metres down to 170 square metres, - 72 square metre reduction in size
2. Services NSW areas and extension removed from the scheme (no service NSW in this scheme brief)
3. Library area & proposed new store removed from the brief.
4. Glazing areas reduced significantly and replaced with solid walls that can be used to provide imagery of the surrounding national parks for an 'immersive' visitor experience.
5. The original concept of the elliptical roof enveloping the 3 existing pavilions and creating a new 'airy' foyer is kept, however the roof shape has been amended towards the rear to reduce the overall size. The curved form has the effect of simply linking all together without trying to compete with another angle or squared off element. Large overhangs, shade louvres and low awnings provide shade.
6. The elliptical form also allows the existing 3 x entry ways to be maintained visually and practically.
7. The rear entry to the north can be a shaded verandah space with verandah columns continued around the roof shape for consistency.
8. New office and meeting room area removed, the existing interpretive pavilion will remain unchanged externally with new internal partitions for offices and 2 x different sized meeting rooms that can be for hire.
9. Interpretive material is moved out of existing interpretive centre into the foyer area for a better experience for the visitor with regards finding local information. The curved nature of the solid walls above the external windows provides an ideal range of surfaces to provide immersive imagery of the national parks around the foyer. Included could be maps and night sky shots. This provides visitors with an instant appreciation of what tourist destinations are on offer.
10. The museum can be easily connected via a traditional simple verandah structure, either enclosed or open but secure, from the western side of the new foyer adjacent the existing visitor centre building. (link shown on drawing SK07 & SK08).
11. Café unchanged, but with new external shading.
12. New slab to internal foyer area which will resolve level differences to future detail.
13. The foyer roof would be simple post, purlin and ring beam structure that sails over the existing rooves, with some of the existing overhangs cut back internally to simplify the ceiling. Some interpretive items could be hung from the ceiling.
14. Minimal services to the new roof, the ceiling space above the existing visitor/retail building can be used for any air conditioning services required (ceiling and roof of the existing building left in place, just boxed in)
15. Visitor service desk is moved to be central to the foyer, interps and displays loosely displayed around the new foyer area.
16. Some retail items on mobile units that can be wheeled back into the lockable retail area
17. Existing tea room /office/store and staff toilet in visitor centre to remain as is (expensive to move / re build).

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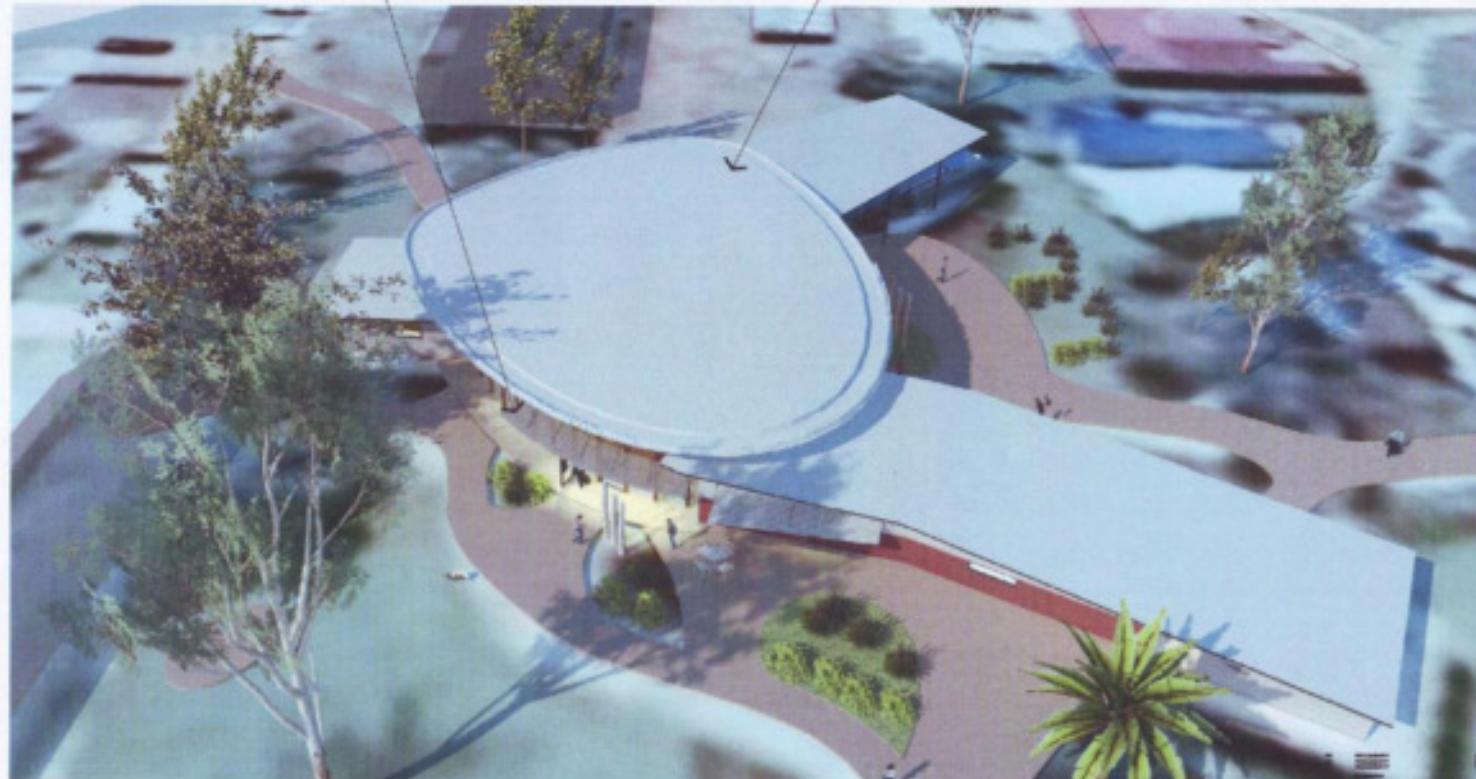
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**MEETING MINUTES
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NEW ELLIPTICAL FOYER ROOF TO ENCLOSE AND CONNECT EXISTING BUILDINGS. LARGE ROOF OVERHANGS, LOW AWNING OVER ENTRIES AND SHADE LOUVRES ON WINDOWS FOR SHADING



AERIAL VIEWS

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**PRELIMINARY
SA BURAIL VISITOR CENTRE
ALTERATIONS**

**MEETING MINUTES
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AERIAL VIEWS

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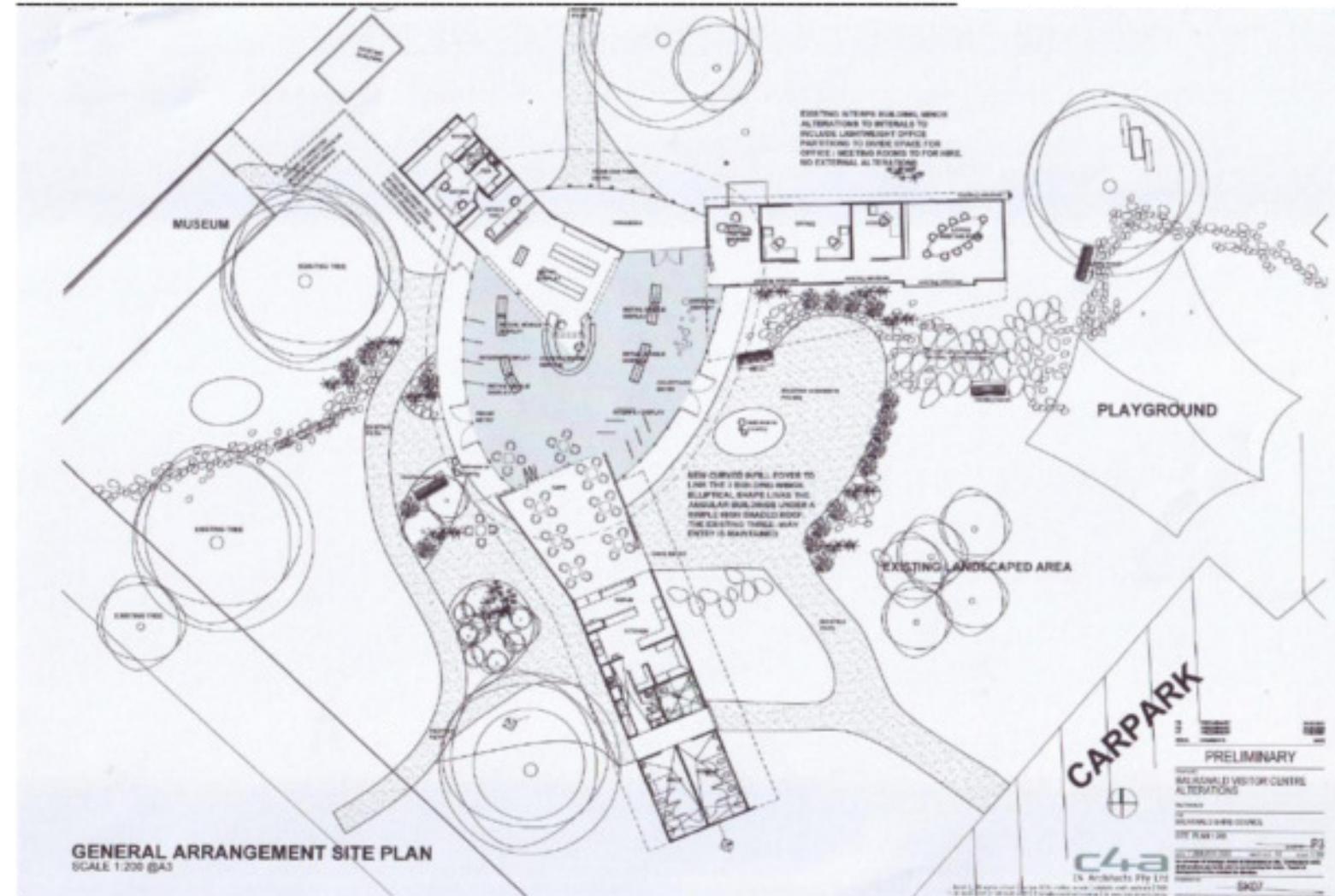
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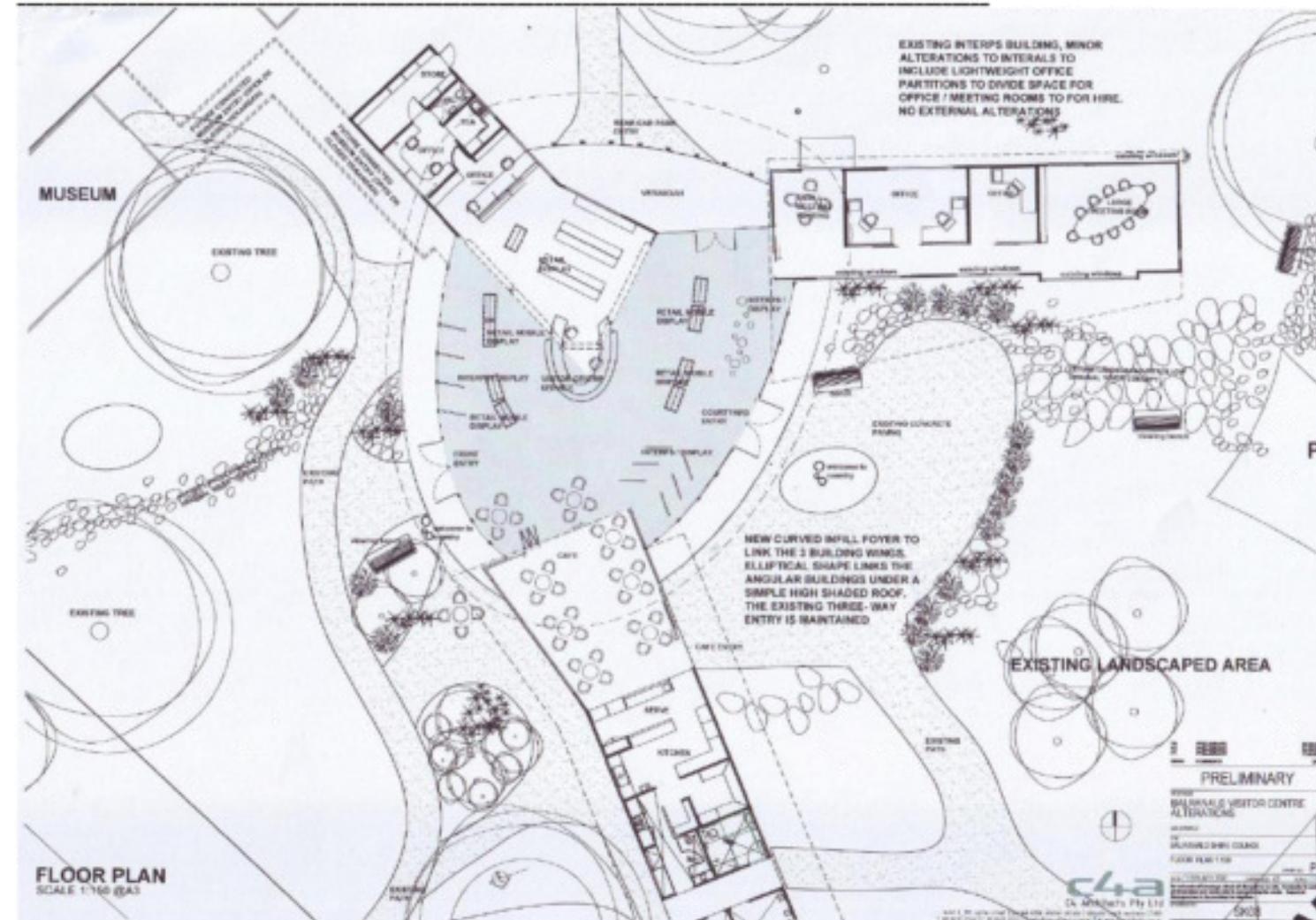
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7.5 AGEING WELL, AGED CARE AND FACILITIES ADVISORY COMMITTEE HELD ON 11 FEBRUARY 2021

File Number: D21.48828

Reporting Officer: Carol Holmes, Senior Executive Assistant

Gavin Helgeland, Manager Strategic Development

Responsible Officer: Oliver McNulty, General Manager

OFFICER RECOMMENDATION

That Council receives and notes the minutes of the Ageing Well, Aged Care and Facilities Advisory Committee meeting held on 11 February 2021 be received and noted.

PURPOSE

To provide an update on the Ageing Well, Aged Care and Facilities Advisory Committee (AWACFAC) held on 11 February 2021.

REPORT

The AWACAF meeting held on 11 February discussed several items that are noted and included within the Minutes attached.

Some of these items include;

- A discussion about the status of the Senior Citizens building;
- An updated list of council staff/their roll and contact details,
- Seniors Festival and some suggestions for the festival week in Balranald Shire,,
- Committee plan – gaining opinions from Community members – eg. Council's newsletter, Facebook page, questionnaire/survey etc.,
- Consideration of changing Councils logo; and,
- Hostel tender process, garden in need of maintenance and the plans of reinstating the Hostel Board.

ATTACHMENTS

1. Minutes - Ageing Well, aged care and facilities advisory committee (SARAC) - February 11, 2021 



Ageing Well, Aged Care and Facilities Advisory Committee

February 11th, 2021 6pm.

Opening – Tony Conway Chair, meeting commenced at 1810 hours.

1. Acknowledgement of Country

We pay our respect to the Traditional Custodians of the Lands where we hold this meeting and pay our respects to Elders past, present and emerging.

2. **Present** – Tony Conway, Helen Murphy, Doreen Greenham, Karen Norfolk, Toni Tyrer, Sue Balshaw, Oliver McNulty, Gavin Helgeland

3. **Apologies** – Mia Zaffina, Therese Comitti, Moved Sue Balshaw, Second Toni Tyrer.

4. **Business from previous Minutes** – Discussed the status of the Senior Citizen building, GM McNulty stated council are following up, by taking possession of the keys, planning of changing locks and assessing the condition of the facility. Footpaths, gutters, and water in guttering – this issue has been rectified by council. If some of the advisory committees continue to overlap with ideas/suggestion, Council to give highest priority to these recommendations. Council would like to focus on a wholistic master plan to integrate committee proposals over a 5, 10, 20 year plan.

5. Previous minutes moved by Doreen Greenham, Seconded Sue Balshaw. **Accepted**

6. **Correspondence.**

- **Out** – December 2020 minutes.
- **In** – N/A

7. **General Business**

- List of council staff/their roll and contact details. Council is planning on a structured review of managers/staff. Unfortunately, recent resignations and retirements is slowing this process, due to recruitment for multiple positions taking place now.
- Council addressed the fact that it run at a ½ million dollar loss last financial year, therefore costs of major works will need to be thoroughly considered, prior to

following up on some recommendations. Committee agreed council can only do what their budget allows.

- Council are being proactive in keeping the community involved in current projects and wish to remain transparent going forward.
- Committee plan – many suggestions for gaining opinions from the community, Questionnaire/survey asking for suggestions for improvement to facilities, needs, wants and likes. Use of council newsletter is an option to get our plan in motion. Gavin Helgeland suggested a Facebook page/group, this may be a good communication option to gain the views of the community.
- Seniors Week Festival – Moved Karen Norfolk, Second Sue Balshaw. Committee to meet with Carol Holmes to workshop ideas for Seniors Luncheon. Suggested date 25th February 2021 (Time and date to be confirmed).
- This years Seniors Week theme is ‘In Our Nature’. April 13 – 24, 2021.
- Committee presented many different suggestions for activities during Seniors week: Luncheon, Rock n Roll themed night, old time movie afternoon, sharing of history, entertainment ‘The Hoffmans’ or ‘Hutch Lawrie’.

8. Business without notice.

- Hostel tender process is progressing, all Tenders are over budget, council will need to rectify missed step prior to continuing, hoping to appoint a contractor consultant on Friday 12 February 2021, Council can consider two choices 1. Reduce the scope of the project or 2. Look into available funding streams to meet the tenders.
- Hostel in need of regular garden maintenance – Moved Toni Tyrer, Second Helen Murphy. Council agrees and are working toward staff being available for the Hostel garden upkeep.
- There is no plan to reinstate the Hostel Board at this stage, GM McNulty would like to research what may be the best way forward for the operational decisions of the Hostel.
- GM McNulty suggested a long-term project could be collecting town/council history, also consider changing council logo. Maybe a competition to design a new logo could be an option.

Meeting closed at 1915hours.

Next Meeting 11 March 2021 6pm, at The Ex-Services Club Lone Pine Room.

GENERAL MANAGER'S REPORTS (INCORPORATING ALL STAFF REPORTS)**PART A – ITEMS REQUIRING DECISION****8 GENERAL MANAGER'S REPORTS****8.1 CROWN LANDS - PLANS OF MANAGEMENT**

| | |
|------------------------------------|---|
| File Number: | D21.48813 |
| Reporting Officer: | Oliver McNulty, General Manager |
| Responsible Officer: | Oliver McNulty, General Manager |
| Operational Plan Objective: | Pillar 5: Our Infrastructure – A community that maintains and strengthens its natural and built environment. |

OFFICER RECOMMENDATION

1. That Council approves the initial categories of Community Land as referred to in Section 36 of the *Local Government Act 1993* as detailed in this report and Attachment 2;
2. That Council authorises the General Manager to seek Ministerial consent to classify Crown Reserves identified in this report and attachment as operational land and Attachment 1;
3. That Council provides the appropriate notification to the Minister;
4. That in the event that Ministerial consent to classify the reserves identified in this report and attachment 2 as operational land is denied – that the reserves be assigned a category of General Community Use,
5. That Councils approves that the General Manager writes to the Office of Local Government seeking an eighteen-month extension of time for the delivery of this project.

PURPOSE OF REPORT

This report is the first step that Council is required to take in the development of Plans of Management, (POMs) for Crown Reserve's that it has notified as being the Crown Land Manager, in line with the requirements of the Local Government Act 1993 and the Crown Land Management Act 2016.

REPORT

All Councils in NSW have commenced management of Crown Reserves under the *Local Government Act* as at July 2018. As a consequence, Councils are required to prepare and adopt Plans of Management for all Crown Land that they manage as Community Land by July 2021. All Councils have received funding to assist in the preparation of legally compliant Plans of Management from the NSW Government.

Under the provisions of the *Crown Land Management Act 2016*, Councils are authorised to manage Crown Land as if it were public land under the *Local Government Act 1993*. The *Local Government Act 1993* requires that all public land be classified as either operational land or community land.

Crown Land must be managed as community land unless the Minister administering the *Crown Land Management Act 2016* has given written consent to classify the land as operational.

If consent is given to classify the land as operational, Council can exercise all of the functions that a local Council has under the *Local Government Act 1993*, except it cannot sell the land without

further Ministerial consent nor do anything that contravenes several conditions of the *Crown Lands Management Act 2016* and Regulations.

Ministerial consent will only be given to manage land as operational in very limited circumstances - including the fact that the land does not fall within any of the categories for Community Land under the *Local Government Act 1993*.

These categories are:

- General Community Use;
- Sportsground;
- Park;
- Natural Area; and
- Area of Cultural Significance.

Examples of uses that may not fall within the categories of the Local Government Act could possibly include:

- Works Depots;
- Emergency Services;
- Quarries and gravel pits;
- Reservoirs;
- Sanitary purposes;
- Sewage Works;
- Water Services; and
- Water infrastructure.

Under the *Crown Land Management Act 2016* Council must assign to all Community Land Crown Reserves one or more initial categories. These categories are outlined in Section 36 of the *Local Government Act 1993*. Council must assign a category that most closely aligns to the purpose for which the land was originally dedicated or reserved.

The Department of Industry has provided all Councils with lists of Crown Reserves that they are required to consider for classification and subsequently develop POMs.

Current Status:

All NSW Councils commenced management of Crown Reserves under the *Local Government Act 1993* as at July 2018. As a consequence, Councils are required to prepare and adopt POMs for all Crown Land that they manage as Community Land by July 2021. All Councils have received funding to assist in the preparation of compliant Plans of Management from the NSW Government.

The first step in this process is to assign initial categories to all relevant Crown Land classified as Community Land and submit these to the Minister for approval. The second step in the process is to seek the approval of the Minister for classifying some Crown Land as Operational. Both of these steps are a requirement prior to the preparation of Crown Land Plans of Management as required by the changes to the legislation.

Council staff have inspected all Crown Land parcels that are under the care and control of Council and are presented to Council for its approval as part of this report.

Council is considerably behind in the development of POMs and will not be able to meet the deadline of July 21. This delay is as a result of a number of factors including but not limited to;

- Delay from Crown Lands to provide templates for commencement of process,
- Difficulty of identifying a suitable resource capable of supporting Council in the delivery of this project,

- COVID 19 has impacted Council in resourcing and delivering a number of specialist projects,
- Limited focus on this project due to conflicting priorities.

Officers are currently in discussions with a number of Consultants who will be capable of assisting Council in delivering this project. A letter seeking an extension of time from the Office of Local Government will be sent pending a direction from Council in relation to this matter.

FINANCIAL IMPLICATION

The preparation of Crown Land Plans of Management is grant funded by the Office of Local Government NSW.

LEGISLATIVE IMPLICATION

Crown Lands Act 2016

Local Government Act 1993

POLICY IMPLICATION

Asset Management Policy

Recreation Areas Policy

RISK RATING

High

ATTACHMENTS

1. [Crown Land Operational Category](#) 
2. [Crown Land Reserves Schedule](#) 

Attachment 1 – Classified Land – Operational Category



Classification of Crown land as operational land Form

Reclassification of Crown land as operational land

Council Crown land managers should use this form to apply for ministerial consent to classify and manage Crown land as operational land under the *Local Government Act 1993* (LG Act) or Crown reserves managed by council in accordance with the *Crown Land Management Act 2016* (CLM Act).

Important information

Please refer to the accompanying *Guideline—initial categorisation of Crown land managed by council Crown land managers* for further information.

Contact us

For more information, please contact us at:

NSW Department of Industry—Lands & Water
PO Box 2155
DANGAR NSW 2309

Phone: 1300 886 235
Fax: 02 4925 3517
Email: council.clm@crownland.nsw.gov.au
Web: [Industry.nsw.gov.au/lands](http://industry.nsw.gov.au/lands)

Lodgement

Email the completed form to: council.clm@crownland.nsw.gov.au

or

Mail to:

NSW Department of Industry
Attn: Council Crown land management
PO Box 2155
DANGAR NSW 2309



Classification of Crown land as operational land Form

Applicant details

| | |
|---|--|
| Council name: | Balranald Shire Council |
| Council address: | 70 Market Street, Balranald NSW 2715 |
| Council contact person name and position: | Ray Mitchell Health and Development Officer |
| Contact person email address: | r.mitchell@balranald.nsw.gov.au |
| Contact person work number: | 0350201620 |

Reserve details

Multiple reserves update (complete attached schedule) Single reserve update (complete below.)

| | | | |
|------------------------------|--|----|--|
| Reserve name: | | | |
| Reserve address: | | | |
| Parish /county: | | | |
| Local Government Area (LGA): | | | |
| Lot/s: | | DP | |
| Reserve purpose: | | | |

Declaration

- I declare and affirm that the information provided on this form is accurate to the best of my knowledge and belief.
- I declare that I am authorised by the Council to make this application

| | | | |
|------------|--|-------|--|
| Name: | | | |
| Position: | | | |
| Signature: | | Date: | |

Office use only – Refer to the Receipting and Referrals Codes Document

| <input type="checkbox"/> BCD | <input type="checkbox"/> BCN | <input type="checkbox"/> DO | Code | | Account Number | |
|------------------------------|------------------------------|-----------------------------|------------|--|----------------|--|
| CM9 | | | Checked by | | Date | |



Classification of Crown land as operational land Form

Schedule 1

Table 1 multiple reserve update

| Reserve /dedication | Gazetted purpose | Lot/DP | Parish | County | Suburb/ locality | Justification |
|---------------------|---------------------------|--|--------|--------|------------------|---------------------------|
| 230018 | Baby Clinic | Lot 44 DP 751170 Lot 45 DP 751170 | | | Balranald | Health Service |
| 1011948 | Local Government Purposes | Lot 7037 DP 1101625 | | | Balranald | Water Supply |
| 230035 | Rubbish Depot | Lot 1 DP 34990 | | | Balranald | Rubbish Tip |
| 82480 | Local Government Purpose | Lot 7308 DP 1140440 | | | Balranald | Works Depot |
| 87754 | Rubbish Depot | Lot 5 DP 1052692 | | | Balranald | Rubbish Tip |
| 86281 | Local Government Purpose | Lot 11 Section 6 DP 7584.2 | | | Euston | Used |
| 89780 | Water Supply | Lot 7302 DP 1141217 | | | Euston | Water Supply |
| 93083 | Local Government Purpose | Lot 1 Section 1 DP 758402 & Lot 7308 DP1181418 | | | Euston | Rubbish Tip |
| 86725 | Rubbish Depot | Lot 1 DP 34993 | | | Oxley | Garbage Depot |
| 37043 | Pound | Lot 76 DP 751170 | | | Balranald | Local Government Purposes |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Note: the above table may be submitted as an excel spreadsheet provided that all the above fields are included.

© State of New South Wales through Department of Industry 2018. The information contained in this publication is based on knowledge and understanding at the time of writing (May 2018). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Industry or the user's independent adviser.

Attachment 2 – Crown Land Reserve Schedule

| Reserve Number | Gazette Date | Reserve Name | Reserve Location | Purpose | Area | Lot & DP | Reserve Classification |
|----------------|--------------|---|------------------|---------------------------------------|------------|---|------------------------|
| 1004368 | 20/10/1950 | ALLIED HEALTH SERVICES | BALRANALD | Baby Clinic | 1,985.73 | Lot 1 Section 12 DP 758048 | Community |
| | | | | | | Lot 2 Section 12 DP 758048 | |
| 1011948 | 20/11/1897 | BALRANALD WATER SUPPLY RESERVE | BALRANALD | Water Supply | 14,069.81 | Lot 7037 DP 1101625 | Operational |
| 1013188 | 6/10/1886 | BALRANALD RIVERBEND RESERVE | BALRANALD | Public Baths Site | 1,646.56 | Lot 1 Section 7 DP 758048 | Community |
| 1019608 | 4/12/2009 | MURRUMBIDGEE RIVER REGENERATION RESERVE | BALRANALD | Environmental Protection | 12,125.65 | Lot 3 DP 256637 | Community |
| 230018 | 6/03/1987 | BALRANALD STORMWATER RETENTION RESERVE | BALRANALD | Local Government Purposes | 10,520.35 | Lot 44 DP 751170 | Operational |
| | | | | | | Lot 45 DP 751170 | |
| 230034 | 20/11/1987 | BALRANALD CHINESE CEMETERY | BALRANALD | Public Recreation | 2,034.38 | Lot 9 Section 5 DP 758048 | Community |
| 230035 | 11/12/1987 | BALRANALD RUBBISH DEPOT | BALRANALD | Rubbish Depot | 177,325.04 | Lot 1 DP 34990 | Operational |
| 31691 | 3/11/1900 | BALRANALD RIVERBEND RECREATION RESERVE | BALRANALD | Public Recreation | 22,218.99 | Lot 701 DP 1030548 | Community |
| 37043 | 16/01/1904 | BALRANALD STOCK POUND | BALRANALD | Pound | 7,962.07 | Lot 76 DP 751170 | Operational |
| 630017 | 12/11/1884 | GREENHAM PARK | BALRANALD | Public Recreation | 239,951.87 | Lot 1 DP 668322 | Community |
| | | | | | | Lot 122 DP 751170 | |
| 65102 | 22/02/1935 | MURRUMBIDGEE RIVER FORESHORE ACCESS RESERVE | BALRANALD | Public Recreation | 18,273.98 | Lot 7303 DP 1141053 | Community |
| 68009 | 25/11/1938 | BALRANALD CARAVAN PARK | BALRANALD | Public Recreation; Resting Place | 72,990.79 | Lot 7032 DP 1028233 | Community |
| 77238 | 12/11/1954 | BALRANALD WATER SUPPLY RESERVE | BALRANALD | Recreation; Resting Place | 2,342.01 | Lot 7028 DP 1028236 | Community |
| 80433 | 7/03/1958 | BALRANALD RECREATION RESERVE | BALRANALD | Public Recreation | 3,231.55 | Lot 8 Section 6 DP 758048 | Community |
| 82480 | 14/04/1960 | BALRANALD WORKS DEPOT | BALRANALD | Local Government Purposes | 72,273.65 | Lot 7308 DP 1140440 | Operational |
| 84515 | 6/09/1963 | BALRANALD RIVERBANK AREA | BALRANALD | Public Recreation | 33,297.03 | Lot 110 DP 725909 | Community |
| 85196 | 22/01/1965 | CHASTON BUILDING RESERVE TRUST | BALRANALD | Local Government Purposes | 747.24 | Lot 11 Section 89 DP 758048 | Community |
| 85299 | 23/04/1965 | BALRANALD LIONS PARK RESERVE | BALRANALD | Public Recreation | 20,163.01 | Lot 1-10 Section 23 DP 758048 | Community |
| 87247 | 27/06/1969 | O'CONNOR STREET EAST PARK | BALRANALD | Children's Playground | 1,675.88 | Lot 16 Section 90 DP 758048 | Community |
| | | | | | | Lot 7300 DP 1161516 | |
| 87754 | 8/05/1970 | BALRANALD OLD TIP | BALRANALD | Rubbish Depot | 94,212.89 | Lot 5 DP 1052692 | Operational |
| 88552 | 20/07/1979 | BOTTLENECK RESERVE | BALRANALD | Preservation Of Trees; Recreation | 423,604.43 | Lot 66 DP 751203 | Community |
| | | | | | | Lot 67 DP 751203 | |
| | | | | | | Lot 68 DP 751203 | |
| | | | | | | Lot 69 DP 751203 | |
| 89042 | 12/10/1973 | ANZAC PARK | BALRANALD | War Memorial | 3,067.25 | Lot 123 DP 751170 | Community |
| 89164 | 22/03/1974 | MURRUMBIDGEE RIVER FORESHORE RECREATION RESERVE | BALRANALD | Public Recreation | 80,820.19 | Lot 7311 DP 1140440 | Community |
| 89742 | 27/02/1976 | BALRANALD PRESCHOOL | BALRANALD | Kindergarten | 2,423.52 | Lot 17 Section 88 DP 758048 | Community |
| | | | | | | Lot 18 Section 88 DP 758048 | |
| | | | | | | Lot 19 Section 88 DP 758048 | |
| 9909 | 19/10/1889 | HERITAGE PARK | BALRANALD | Court House; Lock-Up | 5,758.11 | Lot 71 DP 1127975 | Community |
| 1001060 | 1/05/1998 | EUSTON COURTHOUSE | EUSTON | Community Purposes; Heritage Purposes | 934.12 | Lot 59 DP 822092 | Community |
| 1010550 | 18/2/1870 | EUSTON CEMETERY | EUSTON | Cemetery | 21,969.19 | Lot 7300 DP 1152749 | Community |
| 23416 | 14/12/1895 | EUSTON WHARF | EUSTON | Wharf | 2,203.18 | Lot 7301 DP 1140998 | Community |
| 64604 | 22/06/1934 | LAKE BENANEE RECREATION | EUSTON | Recreation | 158,837.24 | Lot 2351 DP 764315 | Community |
| 64605 | 22/06/1934 | LAKE BENANEE RECREATION RESERVE | EUSTON | Recreation | 68,469.00 | Lot 2352 DP 764316 | Community |
| 77904 | 26/08/1955 | EUSTON RECREATION GROUND RESERVE | EUSTON | Public Recreation | 82,586.52 | Lot 7005 DP 756085, | Community |
| | | | | | | Lot 21 Section 1 DP 758402, | |
| | | | | | | Lots 1-3 DP 758402, | |
| | | | | | | Lots 16-20 Section 2 DP 758402, | |
| | | | | | | Lot 7309 DP 1181418 & Part Lot 3 DP 44241 & Lot 11 Section 21 DP 758402 | |
| 80909 | 1/08/1958 | LAKE BENANEE RECREATION RESERVE | EUSTON | Public Recreation | 68,085.72 | Lot 1 DP 92444 | Community |
| 81860 | 14/08/1959 | EUSTON RECREATION RESERVE | EUSTON | Public Recreation | 9,933.28 | Lot 1 DP 92442 & | Community |
| | | | | | | Lot 1 Section 20 DP 758402 | |
| 84853 | 1/05/1964 | ANDERSON PARK | EUSTON | Children's Playground | 1,777.17 | Lot 11 Section 7 DP 758402 | Community |
| 86281 | 26/05/1967 | | EUSTON | Local Government Purposes | 1,782.91 | Lot 11 Section 6 DP 758402 | Operational |
| 89780 | 23/04/1976 | EUSTON WATER SUPPLY | EUSTON | Water Supply | 303.97 | Lot 7302 DP 1141217 | Operational |
| 89781 | 23/04/1976 | BERRETT PARK | EUSTON | Public Recreation | 493.52 | Lot 7303 DP 1141217 | Community |
| 93083 | 18/07/1980 | EUSTON WORKS DEPOT | EUSTON | Local Government Purposes | 4,043.28 | Lot 1 Section 1 DP 758402 & | Operational |
| | | | | | | Lot 7308 DP 1181418 | |
| 230097 | 25/10/1996 | KYALITE FORESHORE PUBLIC RECREATION RESERVE | KYALITE | Public Recreation | 9,391.48 | Lot 6 DP 751228 | Community |
| 17824 | 3/6/1893 | | OXLEY | Post and Telegraph Office | 1,897.50 | Lot 7 Section 29 DP 758821 | Community |
| 230041 | 22/04/1988 | OXLEY RECREATION RESERVE | OXLEY | Public Recreation | 6,059.85 | Lot 3 Section 37 DP 758821, | Community |
| | | | | | | Lot 4 Section 37 DP 758821 & | |
| | | | | | | Lot 5 Section 37 DP 758821 | |
| 86725 | 17/05/1968 | OXLEY GARBAGE DEPOT | OXLEY | Rubbish Depot | 14,146.77 | Lot 1 DP 34993 | Operational |

8.2 DRAFT CEMETERY POLICY

| | |
|------------------------------------|--|
| File Number: | D21.48836 |
| Reporting Officer: | Carol Holmes, Senior Executive Assistant |
| Responsible Officer: | Oliver McNulty, General Manager |
| Operational Plan Objective: | Pillar 1: Our People – A community that is proactive, engaged, inclusive and connected. |

OFFICER RECOMMENDATION

1. That the Draft Cemetery Policy and Draft Cemetery Operating Manual be advertised for a period of 28 days for public comments; and
2. The policy and public comments be reported back to May Ordinary Council Meeting,
3. That Council approves the rescinding of the following existing policies;
 - a. Lawn Cemeteries Monument Policy,
 - b. Reservations for Lawn Cemeteries Policy.

PURPOSE OF REPORT

Bring forward Draft Cemetery Policy for review and comment

REPORT

Council at the December meeting resolved to defer the Draft Cemetery Policy until February 2021.

At the February Council Meeting it was reported that the works had commenced to amend and update the Draft Cemetery Policy, and that a report to exhibit the Draft Policy will be presented to Council for consideration at the March 2021 Ordinary Council Meeting.

This Draft Policy has now been completed and is attached for viewing and comments.

The Draft Cemetery Policy as presented defines Council's role and responsibilities for the cemeteries under its control. It also lists the framework and legislation that guides Council in relation to these activities.

The Draft Cemetery Operating Manual sets out how the cemeteries in Balranald and Euston will be managed and maintained on an ongoing basis. It sets out the roles and responsibilities in relation to the delivery of these services.

Currently Council has the following two policies relating to Cemeteries;

- Lawn Cemeteries Monument Policy,
- Reservations for Lawn Cemeteries Policy.

These two policies will be made redundant by the adoption of the Draft Cemeteries Policy and Draft Cemeteries Operations Manual and it is recommended that these policies be rescinded at this time.

ATTACHMENTS

1. [Draft Cemetery Policy 2021](#) 
2. [Draft Cemetery Operating Manual - all cemeteries - 2021](#) 

| | | | |
|---|-----------------------------------|--------------------|-------------------|
|  | CEMETERY MANAGEMENT POLICY | Doc No. 1 | |
| | | Version | Date |
| | | 1 | March 2021 |
| Controller | Approved by: | Review Date | |
| | Council | | |
| General Manager | Minute Number | | |

OBJECTIVE

To define Council's role and responsibilities for the cemeteries under Council's control.

SCOPE

This policy applies to all cemeteries and memorial facilities in Balranald and Euston and the provision for all burials services; which are controlled, managed and maintained by Balranald Shire Council.

POLICY STATEMENT

Balranald Shire Council recognises the right of all individuals to a dignified interment and treatment of their remains irrespective of religious belief and culture.

Council as the trustee of cemeteries in our local government area is responsible for the administration and management of plots, transfer of interment rights, approvals for monumental works, issuing of licences to work in cemeteries, maintenance of lawn and cemetery grounds, the interment of ashes and for the provision of indigent burials.

Pursuant to legislative requirements and standards Council will administer, maintain and operate the cemeteries under its control to ensure that sufficient land is acquired and allocated so that current and future generations have equitable access to interment services.

Council will provide a consistent and coherent Cemetery Management Plan for the governance and regulation of cemeteries to ensure that cemetery management demonstrates high levels of accountability, transparency and integrity, and will manage the cemeteries under Council's control in accordance with the principles of Crown land Management specified in section 1.4 of the Crown Lands Act 2016.

Cemetery Management Plan

Council will manage cemeteries in accordance with the appropriate legislation and Council's Cemetery Management Plan.

Fees

For each application made to Council for cemetery services an administrative fee is applied. These fees are reviewed annually and can be found in Council's fees and charges document.

DEFINITION

Cemetery: For the purposes of this policy the term cemetery will apply to all cemeteries and memorial facilities under Balranald Shire Council's control.

EXCEPTIONS

This Policy does not relate to any privately managed cemeteries or privately managed Aboriginal cemeteries located within Shire boundaries.

LEGISLATION REQUIREMENTS

Cemetery and memorial facility management is controlled by multiple legislation and as such these will be listed at the end of this policy.

RELATED DOCUMENTS

- Cemeteries Management Plan

POLICY HISTORY AND VERSION CONTROL

| | |
|----------------------|--|
| Policy Title | Cemetery Management Policy |
| Directorate | Infrastructure Services |
| Department | Engineering and Assets |
| Policy Group | Environmental |
| Responsible Officer | Manager Engineering and Assets |
| History | 1.0 |
| Relevant Legislation | <ul style="list-style-type: none"> • Local government Act 1993 • Anti-Discrimination Act 1977 • Birth Deaths and Marriages Registration Act 1995 • Cemeteries and Crematoria Act 2013 • Cemeteries and Crematoria Regulation 2014 • Coroners Act 2009 • Crown Lands Act 2016 • Crown Lands (General Reserves) By-law 2006 • Environmental Planning & Assessment Act 1979 • Environmental Planning & Assessment Regulation 2000 • Government Information (Public Access) Act 2009 • Health Records Information Privacy Act 2002 • Heritage Act 1977 • Privacy & Personal Information Protection Act 1998 • Public Health Act 2010 • Public Health Regulation 2012 • State Records Act 1998 • Work Health and Safety Act 2011 • Work Health and Safety Regulation 2011 • Workers Compensation Act 1987 • Workplace Injury Management & Workers Compensation Act 1998. |

| | | |
|---|-------------------------|------------------|
|  | BALRANALD SHIRE COUNCIL | |
| DRAFT - CEMETERY OPERATING MANUAL | | |
| Controller: General Manager | Approved By: | Next Review Date |

1. BACKGROUND

Council have an adopted Cemetery Management Policy that defines Council roles and responsibility for the Cemeteries under its control

Cemeteries have cultural, historical, social, and religious values to the community. Balranald Shire Council manages and maintains its cemeteries guided by sound conservation and non-discriminatory principles so that significances for all members of the community are retained.

2. OBJECTIVE

The Cemetery Operating Manual document sets out how the Cemeteries in Balranald and Euston will be managed and maintained on an ongoing basis.

3. SCOPE

Some of the services that are outlined within this Cemetery Operating Manual include (but not limited to);

- a) The interment of the remains of deceased persons;
- b) The interment of the ashes of deceased persons;
- c) The regulation and control of the installation and maintenance of memorials erected to deceased persons;
- d) Regular scheduled maintenance activities consistent with Council's Works Program and other Delivery Programs.

4. CEMETERY LAYOUT

Council has 2 cemeteries within Balranald Shire, Balranald and Euston Cemeteries; each cemetery is comprised of the following sections;

- a) Catholic
- b) Anglican
- c) Presbyterian; and
- d) Lawn

5. DEFINITIONS

Adult: Any person older than the age of 18 years and one day.

Applicant: The person making an application for a burial or memorial right or for a work permit or other Council consent.

Approved Contractor Approved service provider appointed by Council or a family or Trust that has undergone required training and necessary site inductions to carry out a service at a Council owned cemetery.

Authorised Officer: The Council officer or officers to whom the General Manager delegates authority from time to time to administer this Manual and who is authorised by the delegated authority to exercise the powers of an authorised person under this manual

Ashes: The processed remains recovered from the cremation of a body.

Baby: Any person up to 5 years of age.

Body: A human body or any part thereof

Beam: A strip of concrete laid at the head of the grave on which a monument or plaque is placed.

Burial: The interment of non-cremated human remains.

Burial License: A licence for interment of non-cremated human remains.

Burial License Holder: Person who has been issued with a burial licence.

Burial Place: A grave site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.

Burial Right Holder: The original owner/purchaser of the right of the burial. The recognised owner of the right of burial is that person currently entered into the cemetery's burial register. In some cases, the Burial Right Holder refers to a surviving member of the person's family, their executor or administrator, Power of Attorney, their heir or successor. Ownership may be formally transferred or bequeathed by a Will

Council: The Balranald Shire Council.

Cemetery or Cemeteries: Designated area administered and operated by Council, containing one or more burial places and/or areas for cremated remains within the Balranald Shire Council area.

Child: Any person from 5 years up to 10 years of age

Columbarium: A structure having recesses in the walls to receive cremated remains.

Cremation: To reduce a body to ashes by fire.

Exhumation: The removal of human remains from a grave.

Fees and Charges: A fee or charge fixed by Council and published annually in Council's Register of Fees and Charges.

General Manager: The General Manager of the Balranald Shire Council.

Grantee: The recipient of a permit, right or approval under this Manual.

Headstone: Structure placed at the head of a grave on a beam.

Inurnment: The practice of placing an urn in a niche wall and closing it up or placed in a garden.

Lawn Cemetery: Burial area in which a concrete beam or individual grave markers are provided for the location of standard plaques and the remainder of the cemetery is mown grass.

Memorial Garden: Garden area, path or the like in which ashes may be placed and a standard plaque placed. A standard plaque may be located in such areas without the placement of ashes.

Memorial Wall: An area of the cemetery that is established for the memorialisation of cremated remains.

Monument: Any structure, tombstone, plaque, masonry, headstone, metal work, casting, kerbing or railing, or item placed over, in or around a burial right or grave site used for commemorative purposes.

Monumental Mason: A tradesman, mason or person possessing the skills to carry out monumental masonry work.

Niche: Inurnment site or place in a wall where a container containing ashes of a deceased person may be placed.

Owner of Burial Right:

- a) a spouse of the deceased;
- b) a guardian of the deceased;
- c) brothers and sisters of the deceased, or of a spouse of the deceased;
- d) ascendants and descendants of the deceased, or of a spouse of the deceased; and
- e) the person who paid the respective fee for the burial right.

Plaque: Memorial sign that is attached to a beam, headstone or niche wall.

Plinth: A flat stone or concrete structure placed on a grave for which a plaque or monument is attached.

Register: Council's formal data repository containing details of a burial, memorial site, immurement right, and interment right or burial right.

Reservation: Pre-need burial right.

Retrieval: The removal of the cremated human remains from a grave, niche or garden.

The Manual: This manual.

Transfer of Right of Burial: The holder for the time being may transfer the right of burial in accordance with the rules of the cemetery and the transfer takes place upon successful completion of payment and details are entered into the burial register.

6. ROLES AND RESPONSIBILITIES

6.1. The Funeral Director is responsible for the following:

- a) Liaising with Family for Burial Details
- b) All General Preparations for the Burial
- c) Traffic Management in consultation with Council

6.2. Balranald Shire Council is responsible for:

- a) Liaising with the Funeral Director to compile the Funeral Notices
- b) Updating and maintaining the Cemetery Database. Reasonable accurate records dating back to the early 1950s exist.

6.3. The Funeral Director is responsible for:

- a) Invoicing designated Family Member, Friend or Administer of Estate for the cost of the Funeral

6.4. Balranald Shire Council's Operations or Works Depot is responsible for:

- a) General Maintenance of Council Managed Cemetery Grounds
- b) Grave digging and backfill

6.5. The owner of the Burial Right or Family Member or another person who has a proper interest is responsible for:

- a) General Grave Maintenance
- b) Erection of Headstone

7. PROCEDURE

7.1. Standard Conditions

- a) Council will make such provision as it considers necessary for the following:
 - i. The setting aside of sections for different types, religious denominations and classes of burials.
 - ii. The establishment of standards of construction and design for monuments and structures, and conditions of entry for funeral directors, monumental masons, their workmen and contractors and other service providers associated with work in the Cemeteries.
 - iii. The size, multiple use and location of burial places.
 - iv. The erection or the installation of structures.
 - v. The improvement and maintenance of cemeteries.
 - vi. The supply of goods and services incidental to the conduct of burials, monuments and other matters relating to cemeteries as per the adopted Revenue Policy/ Fees and Charges.
 - vii. The preservation, conservation and promotion of cemetery sites presently in use as places of community significance in terms of their architectural, heritage, social and genealogical content.
 - viii. The promotion and interpretation of cemeteries through the installation of signage, brochures and other interpretive materials when deemed necessary.
 - ix. The liaison with community groups and other organisations to carry out works relevant to the improvement, maintenance and promotion of cemeteries.
 - x. The establishment of regulations and prohibitions in respect to all areas of operation of Council cemeteries by service providers and the community.

7.2. Plot Reservations

Council will consider requests for plot reservations in the Shire's Cemeteries subject to the following guidelines:

- a) All plot reservations in all sections must be confirmed in writing.
- b) An administration fee and the fee for the "purchase of site" must be paid at the time of reservation; as detailed in Council's Fees and Charges.
- c) Site reservations will only be allowed in the developed sections of the Shires Denominational Cemeteries where there are site vacancies
- d) All plot reservations will be reconfirmed in writing every 10 years.
- e) If the reconfirmation of plot reservations are not received within 60 days of notification, the balance of the site fee will be refunded to the applicant and the plot returned to Council
- f) Plot reservations are non-transferable
- g) Requests for cancellation and refund of the site fee paid must be in writing.
- h) If an "Owner of Right of Burial" or "Grantee" cannot be identified the ownership will be transferred back to Council.

- i) A cancellation fee will be applicable on the following scale and will be deducted from the refund of the site fee:
 - i. Within the first five years of reservation 10% of the site fee
 - ii. After 5 years of reservation 20% of the site fee
- j) New interments (other than a second interment or reserved plot), must take the next available plot in the sequence.
- k) Sequencing shall be changed if there are WH&S issues with grave stability.

7.3. Notification and Hours of Operation

- a) Two working days' notice must be given at all times to allow sufficient time for grave digging to be completed.
- b) Burials with less than 48 hours' notice will only be considered if achievable.
- c) Burials and exhumations shall take place only during the hours approved by Council and in accordance with the Land Act 1994 and Regulations.

Burial hours are:

- Between 7.30am and 4.30pm Monday to Friday. Additional fees will be incurred outside these hours.
 - By arrangement with the Balranald Shire Council Director Infrastructure and Development or nominated person on Saturdays, Sundays, public holidays (except Good Friday, Anzac Day and Christmas Day).
 - As the Council may determine from time to time.
- d) The cemetery is open to the public daily from sunrise to sunset or as Council may determine from time to time.

7.4. Grave Allotment Sizes and Grave Preparation

- a) Please refer to Council's Revenue Policy with regards to allotment sizes.
- b) The following depths shall apply–
 - i. Single – 1.22m
 - ii. Double – 2.250m
- c) The use of ground penetration radar (GPR) can be conducted by Council staff or approved Contractors to determine the feasibility of a double interment or digging. This shall be at no cost to Council.
- d) "Probing" can be conducted by Council staff to determine the feasibility of a double interment.

It should be noted that these processes are limited to the condition of the casket from the first interment, or ground conditions are often unreliable.

- e) Only nominated Balranald Shire Council staff (or those contracted to Council) will prepare graves. Grave preparation includes –
 - i. Digging
 - ii. Placement of a grave cover on the grave awaiting arrival of Funeral Directors.
- f) Funeral Directors are required to supply lowering tapes and a marquee if required.

- g) The responsibility of the Funeral Director concludes when the last of the Funeral Directors employees leave the site having covered the grave, for safety reasons, with an approved grave cover, supplied by Balranald Shire Council.
- h) Participation by Council staff in the actual interment process is not permitted. This includes Council staff carrying the casket from the funeral car. It is acknowledged that Council staff may from time to time participate in the actual interment process and they will do so in their own private capacity.
- i) All activities undertaken within the Cemetery Grounds shall comply with relevant WorkCover and Work Health, Environmental and Safety requirements.
- j) Council will backfill a grave within one hour of the removal of the Funeral Director's equipment.
- k) It is recommended that the Funeral Directors advise the family of the deceased not to be present during the filling of a grave as some families find this process distressing.

7.5. Memorials

- a) Balranald Lawn Cemetery grave site memorials are restricted to plaques rather than other monuments. Plaques designs are of the family's choice restricted to a size capable of being affixed to Council's standard concrete pedestal
- b) Headstones or Plaques
 - i. Headstones or plaques which do not exceed the dimensions below do not require specific Council approval:
 - Plaque for Standard site: 381mm wide and 316mm high
 - c) Installation of headstones or plaques
 - i. Only Council staff or a contractor approved by Council shall install a headstone or plaque.
 - ii. Wooden crosses could be considered by Council, in the event of financial hardship.

7.6. Monuments

- a) All monuments in the Euston Lawn Cemetery are restricted to a maximum height of 610mm, width of 615mm and a depth of 260mm.
- b) Where a lawn cemetery section has been established by Council the placement of any form of monumental work or plaque or other adornment will be restricted to the continuous concrete plinth installed by Council in these areas. No memorial fixture or fittings is to be attached to or placed on the continuous concrete plinth without prior approval from Council.
- c) The use of ornaments or tributes (e.g. glass or ceramic statues/crosses) likely to be damaged or broken is not permitted in the lawn cemetery. Any monument, memorial, vase or other adornment placed on any part of the grave (other than the continuous concrete plinth) in a lawn cemetery area may be removed by Council without notice to the owner of the burial right or any relative or family of the deceased.
- d) All monumental works carried out in the cemeteries are subject to prior approval by Council to any person it considers adequately qualified to carry out the work.
- e) This will include all documentation as required by Council.
- f) All monuments and monumental work must comply with *AS 4204-1994 Headstones and Cemetery Monuments*.
- g) Council will only grant a monumental permit with the consent of the grantee of the burial licence or as deemed appropriate by Council.
- h) Any structure that after being assessed is considered to be an immediate hazard and represents a risk for staff and cemetery visitors will be removed by Council. Council will make reasonable efforts to contact the burial right holder or family representative and instruct same to take immediate steps to repair or remove the structure.

7.7. Ash Interments

- a) Ashes can be interred in the (Balranald and Euston) Cemetery under consent of Council in the Lawn Cemetery. Consent from Council is required for all ashes interments.
- b) The interment of Ashes can only be carried out by Funeral Directors, or if approved under the supervision of Council staff. However, the ashes casket can be placed in the allotted space and back filled, if needed by a family member or friend of the deceased under the supervision of Council staff.
- c) Ashes shall not be spread above ground in any of the cemeteries under Council management.

7.8. Ornaments and Flowers

- a) Un-breakable ornaments or tributes placed on a plinth adjacent to a site shall not exceed 40cm in height,
- b) Flowers can be placed near graves/memorials. Fresh or limited artificial flowers are welcome tributes. These should be housed in approved containers provided.
- c) Visitors are encouraged to remove such items when they become unsightly, weathered or wither.
- d) Floral tributes, both fresh and artificial, or other items that encroach on neighbouring memorials or graves will be removed without notice. Glass vases, jars or other non-approved receptacles or ornaments, candles, wind chimes are not permitted and will be removed.
- e) The grounds will be kept neat and tidy by removing withered or weathered floral arrangements and any tributes deemed unsuitable or unsightly. This will be carried out at Council's discretion. Ornaments re-located by cemetery staff may be retrieved from the Council Depot. The Council reserves the right to dispose of items two weeks after being removed. These items are not to be placed back on the grave or memorial.
- f) Council does not accept any responsibility for items left at Cemeteries.

7.9. Cemetery Plaques

- a) Plaques must be no larger than the concrete pedestal at the head of each grave within the Lawn Cemetery; Note that Ashes – Memorial Wall Internment & Plaque (300X210).
- b) A plaque order form shall only be signed by the Executor of the will or persons authorised by the Executor.
- c) No offensive wording shall be placed on any plaque.
- d) The securing of a single item which requires the use of adhesive only such as new plaques, military insignia and photographs do not require a work permit.

7.10. Lighting

- a) Solar powered lights or spikes on individual sites are prohibited.

7.11. Special Burial Requirements

- a) Council is aware of the diverse range of faiths within our community and strives to develop a deep understanding of burials for specific cultural, religious and spiritual beliefs. The following outlines the basic requirements for burials other than those outlined in this manual:
 - iii. Application must be made to Council to give consideration to burials that do not meet the requirements of this manual however are able to meet obligations specified under current legislation.
 - iv. Council recommendations, observations and authorisations for burials requests will be made in accordance with the applicable by-laws, the Public Health Act 1991 and the Public Health (Disposal of Bodies) Regulations 2011, Work, Health and Safety regulations as well as other guidelines if needed.
 - v. If permission is granted the grantee must meet all requirements under all relevant legislation including but not limited to the Public Health Act and the Work, Health and Safety Act.
 - vi. Council shall be indemnified absolutely, by the grantee, in the event of any action suit or claim brought by any other person for damages or loss to extent that such damage or loss may be suffered as a result of customs exercised by persons attending the burial.

7.12. Grave reopening

- a) Council will liaise with Funeral Directors and, if required with family members.
- b) Testing of grave sites for the purpose of reopening shall be at full cost to the applicant.
- c) At the cost of the owner of the burial right, Council will arrange the removal of all monumental work necessary to facilitate the reopening of a grave for a second interment (where permitted) and it will be the responsibility of the owner of the burial right to arrange reinstatement after the burial at the owner of the burial right's cost. All restoration of existing monumental works shall be in accordance with the Australian standard for restoration work.
- d) If however the masonry appears to be constructed in an unworkmanlike manner, Council will hold the owners of the headstone responsible for the repairs. An assessment will be carried out by a Council officer and the undertaker will be given sufficient notification before work takes place.
- e) Burial allotments within the lawn cemeteries are allowed to be re-opened at a later date.
- f) Ash interment could be considered at a grave site by Council without involving a Funeral Director.

7.13. Exhumation

- a) An exhumation may only take place when an order by a Coroner or a Court permit is issued or an applicant has obtained an order, prior to commencing exhumation.
- b) Other requirements:
 - i. Approval for exhumation by NSW Department of Health in accordance with the provision of Public Health (Disposal of Bodies) Regulation, 2012;
 - ii. Approval from Council with the full payment of all associated fees being payable by the applicant.

7.14. Maintenance and Repair of Memorials by Owner of a Burial Right – General

- a) The owner of the burial right or any relative or family of the deceased or another person, who has a proper interest in the maintenance of a memorial to a deceased person, may, with the approval of the General Manager or an authorised officer, carry out maintenance or repair work on a memorial in a Council cemetery.
- b) A person who carries out maintenance or repair work under this section must comply with directions by the General Manager or an authorised officer about how the work is to be carried out in accordance with prescribed standards, technical specifications or other prescribed documentation issued by Council from time to time.

7.15. Maintenance Repair and Removal of Memorials

- a) Council may carry out maintenance or repair work on a memorial after consulting with the family; however Council is not obliged to carry out maintenance or repair work on a memorial unless obliged to do so under a maintenance contract.
- a) Council may remove a memorial if it has become unsafe or has fallen into a state of disrepair or may enclose the memorial in a manner as to make it safe. The cost of making a memorial safe may be recovered by Council from the owner of the burial right.
- b) If there is no immediate danger to the public, Council must, before repairing or removing a memorial under this section, give members of the deceased's family whose identity and whereabouts are known to Council reasonable notice of its intention to remove the memorial.
- c) Council is not obliged to reinstate a memorial removed under this section.
- d) Incorrectly placed monuments moved from their original location should be reinstated if documentation of the correct location is available. Where the original location cannot be found, monuments should be placed in a group of monuments whose original location is unknown.
- e) Odd alignment of monuments should not be regarded as a problem since these often date from a period before the cemetery may have been surveyed. They should be preserved, so far as it is practicable and safe to do so.

7.16. General Maintenance of Graves in Denominational Cemetery

- a) It is the responsibility of the owner of a burial right or a member of the family of a deceased person, or another person who has a proper interest in the maintenance of the plot to maintain the grave plot and any fixture thereon. Council will maintain the surrounding area, including pathways, plants, fencing and structures.
- b) In undertaking maintenance of areas surrounding graves including pathways, plants, fencing and structures, Council employees or approved contractors will take reasonable care to minimise any damage to masonry, monuments or grave structures.
- c) Council may undertake maintenance of a grave plot where requested by the owner of a burial right or a member of the family of a deceased person, or another person who has a proper interest in the maintenance of the plot at the expense of the person requesting the work.
- d) Where the owner of a burial right or a member of the family of a deceased person, or another person who has a proper interest in the maintenance of the plot cannot be identified or located Council may authorise maintenance of the plot, particularly if the plot has some distinct local heritage or historical value.
- e) Where a Lawn Cemetery has been established by Council, maintenance of a grave by the owner of the burial right is limited to maintenance of any monument erected or placed on the continuous concrete plinth installed by Council in these areas. Council may remove from a grave plot any empty flower containers, decayed wreaths or dead flowers if deemed unsightly.
- f) The use of ornaments or tributes (e.g. glass or ceramic statues/crosses) likely to be damaged or broken is not permitted in the lawn cemetery.

g) In any Council cemetery, glass jars and other breakable containers should not be used for the display of floral or other tributes. Plastic or other non-breakable containers should be used for the purpose.

7.17. Non-Compliant Memorials

Memorials that do not comply with the criteria set out within this manual insitu or future they will be assessed in accordance with Councils policy and manual of the time that the infrastructure was installed. In situations where it does not meet the criteria it will be removed by Council in consultation with the family of the Burial Right holder.

7.18. Grounds Maintenance

- a) Minimum standards for grounds maintenance of Council cemeteries are defined as:
 - i. Presenting Council facilities in a clean and tidy condition for use by the community within the limits of allocated budget.
 - ii. Exercising due care so as to minimise the risk of damage to grave plots, memorials and the like.
 - iii. Complying with Workplace Health and Safety obligations.
 - iv. Complying with identified risk/hazard minimisation strategies.
 - v. A commitment to Quality Assurance principles of continuous systems improvement.
 - vi. Developing and maintaining a team environment to achieve a consistently high standard of customer service.
- b) Grass Cutting
 - i. Grass cutting in Council Lawn cemeteries is carried out using pedestrian operated lawn mowers, and ride-on machines with slashers as appropriate to the particular area of the cemetery being maintained.
 - ii. The use of line trimmers, whipper-snippers and other similar devices will be limited to areas where the use of such equipment will not cause damage to graves or monumental structures.
 - iii. Council will schedule its grass cutting activities in the denominational sections to 4 times per year, unless otherwise required and where funds permit.
- c) Planting of Trees and Shrubs

No shrubs, bushes, trees or live growing plants may be planted at any place or time within the cemeteries by any individual other than regular cemetery maintenance personnel, unless prior approval has been obtained by Council

d) Weed Control

- i. Chemicals are used to poison weeds and grass around the perimeter of structures, graves and fences to assist with or minimise lawn mower access. Weed control will be undertaken on average 4 times each year particularly during the warmer growing period or following significant rain events.
- ii. Where significant or noxious weeds are prevalent in a cemetery, Council will take action to eradicate such weeds by poisoning irrespective of whether such weeds are contained within a grave plot or growing on a pathway or other area.
- iii. A notice shall be erected to inform visitors about planned chemical usage.

e) Tree and Vegetation Management

- i. Council will remove trees or vegetation where it poses a Work Health and Safety threat to visitors or personnel.
- ii. Council will remove trees and vegetation where it is deemed that the tree or vegetation poses a threat to the stability or causes damage to a monument or memorial or any other asset.

f) Litter

- i. Litter and other debris, whatever the source, is picked up from the cemetery grounds on a minimum of one occasion per week between Mondays and Fridays.
- ii. Spent flowers and wreaths will, on occasions, be removed as part of the litter clearance.
- iii. Council will provide refuse bins at different locations on site for the collection of waste materials in the cemeteries.

g) Animals or pests within the Confines of a Cemetery

- i. Where it is detected or notified that an animal or animals have become trapped within the confines of a cemetery, Council will make every effort to humanely remove these animals from the cemetery as soon as practicable after detection or notification.
- ii. Where animals become trapped in the cemetery grounds and die, Council will make every effort to remove the carcasses of these animals as soon as practicable after detection or notification to reduce odour and visual pollution for persons visiting the cemetery.
- iii. Council may from time to time establish animal control or baiting programs to control nuisance animals or pests.

h) Responsibility for Damage

- i. Council will not assume responsibility for vandalism. Where vandalism is discovered, the matter will be reported to the local police for investigation and reasonable efforts will be made to notify the owner of a burial right or a member of the family of a deceased person, or another person who has a proper interest in the maintenance of the grave where the vandalism has occurred.
- ii. Council will not automatically assume responsibility for any damage allegedly caused to any structure, monument, grave, or plinth by Council Personnel in the execution of their duties in a cemetery but will investigate how such damage may have occurred.
- iii. If an authorised officer has reason to believe that a person has committed, is committing or about to commit an offence in the cemetery, the authorised officer may require the person to leave the cemetery forthwith.

i) Maintenance of Structures

i. Where structures have been provided in a cemetery for public use, an adequate program of maintenance will be undertaken to ensure such structures are fit for the designated purpose.

7.19. Unsafe Monuments

a) Any monument identified as posing a safety risk will be accorded a category ranking:

i. Category 1

Monuments over 1.75 metres in height that:

- Are likely to collapse or fall over at any time
- Have significant sections or parts separating from the main monument irrespective of cause (subsidence, deterioration etc).

ii. Category 2

Monuments 1.75 metres or less in height that:

- Are likely to collapse or fall over at any time
- Have significant sections or parts separating from the main monument irrespective of cause (subsidence, deterioration etc).

Repair of monuments

The area surrounding the monument is to be immediately secured with barriers and danger signs.

- Council will make reasonable efforts to contact the burial right holder or family representative and instruct same to take immediate steps to repair the monument.
- If contact has not been made with the “burial right holder” or family representative within 14 days, Council will take steps to make the monument safe.
- *Note: Making the monument safe will (usually) consist of laying the headstone down on a sound base of the grave.*

iii. Category 3

The following will apply to monuments that are affected by subsidence and are leaning by more than 10 degrees, but are otherwise deemed to be in sound condition.

Identification and Reporting

- Any identification of unsafe monuments and consequent actions under this clause will be thoroughly documented and supported with photographs. All actions will be recorded on file and against the respective cemetery register entry.

Subsidence

- Where subsidence is evident, Council will fill and compact the ground in the normal manner.
- Old graves will be filled where possible.

Repair of Monument

- Council will not repair monuments and will only act to ensure public safety.
- Council will make reasonable efforts to contact the burial right holder or family representative and instruct same to take immediate steps to repair the monument.
- Council will continue to monitor the site until such time as the monument is identified as Category 1 or Category 2. The appropriate procedure will then be activated.
- Council reserves the right to remove the monument for safety reasons.

7.20. Offences

- a) It is an offence to do any of the following within a cemetery:
 - i. A person must not interfere with a grave, or with flowers or tokens on a grave or memorial, must not remove, damage or interfere with any structure, memorial or plant in any Council controlled cemetery unless the approval of the Council has first been obtained.
 - ii. Film or photograph within the cemetery for the purpose of commercial use. Prior approval must be sought from Council for filming of any kind.
 - iii. Bury, inter or exhume any human remains, whether cremated or not without written authority of Council.
 - iv. Enter or remain in a cemetery between sunset and sunrise unless by prior arrangement.
 - v. Cause or permit an animal that is not under the person's control to enter or remain in a cemetery. Dogs shall be kept on a leash at all times.
 - vi. Take part in any gathering, meeting or assembly, except for the purpose of religious or other ceremony or burial or commemoration.
 - vii. Engage in trade or commerce or other work without prior Council approval.
 - viii. Distribute any circular, advertisement, paper, drawn or photographic matter.
 - ix. Carry on a business or advertise the same.
 - x. Erect a commercial sign.
 - xi. Drive a motor vehicle within the cemetery in a dangerous or careless manner or without reasonable consideration of others.
 - xii. Drive or park a vehicle on any known burial place, verge or plantation or in a manner that is likely to impede traffic.
 - xiii. Discharge a firearm (except at a military funeral).
 - xiv. Bring into or leave any garden waste, oil drums, rubbish, refuse, scrap metal, rock, soil, sand or any other such substances.
 - xv. Remove any dead timber, logs, trees, flora, whether standing or fallen without prior approval from Council.
 - xvi. Kill, capture or in any way interfere with any animal, bird, fish or other fauna, whether native or introduced. Plant any tree, shrub, ground coverage without Council approval.
 - xvii. Note: Offenders may be prosecuted under the relevant Local, State or Federal Law. Part of the reason for these prohibitions is to ensure that surrounding memorials structures and Council's assets are not damaged. Council reserves the right to seek recovery for the cost of repairs necessary. These costs are to be recovered from the service provider or individual responsible for the work and Council is entitled to refuse entry into any of the Council cemeteries by that service provider until the cost of those repairs are recovered. Council has the discretion to take any appropriate action in respect of offences which may include prosecution under the Land Act 1994 and Regulations and in respect to cemetery

service providers to refuse subsequent entry to its cemeteries until the matter is resolved to the satisfaction of Council.

PERFORMANCE INDICATOR

- 1) Reduction in number of complaints
- 2) WH&S Compliance

MANUAL REVIEW DATE

This manual will be reviewed every two years from the date of formal adoption by Council.

RELATED DOCUMENTS

Local Government Act, 1993

Local Government (General) Regulation 2005

Cemeteries and Crematoria Act 2013

Cemetery and Crematoria Regulation 2014

The Privacy and Personal Information Protection Act 1998 (PPIP Act)

Public Health (Disposal of Bodies) Regulation 2012,

Local Government: Control of Cemeteries Amendment Act 1966;

The Local Government Control of Cemeteries Amendment Act (Act No. 52, 1966),

Public Health Act 2010,

AS 4204-1994: Headstones and cemetery monuments

Balranald Shire Council Revenue Policy.

8.3 FINANCIAL MANAGEMENT

| | |
|------------------------------------|---|
| File Number: | D21.48898 |
| Reporting Officer: | Oliver McNulty, General Manager |
| Responsible Officer: | Oliver McNulty, General Manager |
| Operational Plan Objective: | Pillar 3: Our Economy – A community that ensures a strong and resilient economy. |

OFFICER RECOMMENDATION

That Council:

1. Will adhere to the principles of sound financial management laid down in Section 8B of the Local Government Act 1993 in all its affairs;
2. The Draft 2020-21 Operational Plan and 2020-21 Revenue Policy is to be prepared by the General Manager on the basis referred to in “1” above;
3. Will develop Plans of Management for Crown reserves in accordance with the requirements of the Crown Land Management Act 2016 focusing on the reserves that need to be completed first to enable updating of any expired leases or licences,
4. Will commence a review of all leases or licences held on freehold lands owned by Council,
5. Develop a Project Plan outlining a timeline and governance process for this project,
6. Provide a letter to the Office of Local Government updating them on this resolution.

PURPOSE OF REPORT

To update Council and amend the motion raised as part of an Administrators Minute at the May Ordinary Council meeting relating to Sound Financial Management for Council.

REPORT

In May Council considered a report raised as an Administrators Minute relating to Sound Financial Management. At this meeting Council resolved the following;

That in response to the matters raised in the Office of Local Government's letter to Council dated 24 October 2019:

1. *Council will adhere to the principles of sound financial management laid down in Section 8B of the Local Government Act 1993 in all its affairs,*
2. *The Draft 2020-21 Operational Plan and 2020-21 Revenue Policy is to be prepared by the General Manager on the basis referred to in “1” above;*
3. *All expired leases/licences on Council property, including mines, and public recreation reserves where Council is the Trustee, be reviewed expeditiously to ensure they are actively renewed or replaced with each lessee to be required to pay market rent as determined in the expired lease(s) in the interim, until a new lease has been finalised;*
4. *All future leases/licences incorporate a fair market rent. In appropriate circumstances, the lease may also incorporate a rent rebate reflecting the level of community contribution performed by the lessee and its financial capacity;*
5. *Council ensure that the rent is paid in accordance with the terms of each lease, that this is transparent, and delivers the best community value;*
6. *The rents, Council charges, and any charges for other services provided for in each lease be actively levied and recovered;*

7. *The charges identified in the lease to the gypsum mine/s and the development approval are levied and recovered, including relevant road restoration charges;*
8. *COVID-19 hardship arrangements be temporarily applied to recovering lease debts where individual circumstances warrant this;*
9. *Each lessee be notified of this decision and the process that Council will now follow to implement this decision pertaining to their lease; and*
10. *In response to its letter dated 24 October 2019, the Office of Local Government be notified of this decision.*

This report was in response to a letter of complaint, dated 24 October 2019, from the Office of Local Government OLG (OLG) that drew Council's attention to the (then) governing body's apparent failure to follow the principles of sound financial management identified in Section 8B of the Local Government Act 1993. The report to Council (Item 17.9) on the Agenda for the 17th December 2019 Ordinary Meeting of Council, Resolution 2019/128 authorised the then Mayor to respond to the OLG's letter. This apparently did not occur - there is no record of a response to the OLG in Council's document management system. This action has been completed and a letter was sent to OLG on 1 June 2020 outlining the resolution as set out above.

The intent of this report is to update Council in relation to the key areas of concern relation to financial management and specifically to the elements concerning leasing and licences.

Financial Management

Item 1 and item 2 from the resolution above related to the preparation of Councils Operational Plan and Revenue Policy for 2020/21. The development of these documents in 2020/21 did adhere to the principles of sound financial management. Council will continue to adhere to the principles of sound financial management laid down in Section 8B of the Local Government Act 1993 in all its affairs for future financial years and will seek to improve on the process and presentation of their operational plan for future financial years.

Leases /Licenses

The resolution covered a number of items that related to Councils management of leases/licenses and how these impacted on good governance and financial management. Lease and licenses however cover a number of different areas which will need to be actioned and addressed through different processes. Some of the elements that were outlined in the resolution noted above from May and require further consideration, include:

Mines

The Department of xxxx is the consent authority in relation the management and oversight of mining activities. Through the development consent process, for some of the mining activities, within Balranald Shire Councils footprint, it is conditioned that the mining operators are required to enter into specified agreements substantially relating to the management and maintenance of roads. This process has commenced and these agreements will be in place with each operator prior to substantial commencement of mining production.

Freehold / Crown Land

Council has a number of properties and reserves that are subject to leases licences or agreements. This list tabulated below was included in the report presented to Council in May 2020, however it was missing some important information which has now being included. This is the column that specifies if the land is Crown Land or Freehold. This is important as it will guide the process in relation to a review and update of any current agreements.

| BUILDING | ADDRESS | TERM | Amount | EXPIRY DATE | FREEHOLD CROWN LAND |
|----------|---------|------|--------|-------------|------------------------|
|----------|---------|------|--------|-------------|------------------------|

| | | | | | |
|-------------------------------|----------------------------------|-----------|------------------|------------|-----------------------------|
| Baby Health Clinic | River Street, Balranald | 12months | Vacant | 1/12/2016 | Crown |
| Old Dental Clinic | River Street, Balranald | 12months | \$160 per week | 19/10/2021 | Crown |
| Allied Health Building | River Street, Balranald | 3years | \$20 per week | 1/09/2018 | Crown |
| Old Theatre Café | 88B Market Street (Ground Floor) | Vacant | 0 | - | Freehold |
| Old Essential Energy Building | Market Street, Balranald | - | \$150 per week | - | Freehold |
| Old Mallee Family Care Office | 92 Market Street, Balranald | Unlimited | 0 | - | Freehold |
| Discovery Centre Café | Market Street, Balranald | 1year | \$1300 per month | 31/07/2017 | Part Crown Part Freehold |
| Caravan Park | Court Street, Balranald | - | No rent | - | Crown |
| Men's Shed | 85 Market Street | - | - | - | Freehold |
| Art Gallery | Mayall Street, Balranald | 5years | \$1 per Annum | 30/04/2017 | Freehold |
| Euston court House | Murray Terrace | - | - | - | Crown |
| Pre School | Euston, Perry Street | 1 year | \$1 | 1/10/2021 | Crown |
| Pre School | Balranald, Harben Street | - | - | - | Crown |
| Senior Citizens Club | Market Street, Balranald | 3 years | \$1 per Annum | 30/06/2016 | Freehold |
| CWA | Market Street, Balranald | 12 months | \$1 | 11/12/2021 | Crown |
| Golf Course | O'Connor Street, Balranald | 1 year | \$1 per annum | 30/09/2007 | Part Crown Part Freehold |
| Football Ground | Church Street | 6years | 1850 Per Annum | 30.04.2018 | Crown |

| | | | | | |
|-------------------------------|------------------------|----------|------------------|------------------|----------|
| Netball Court | Church Street | 6years | \$360 Per Annum | 30.04.2018 | Crown |
| Football Ground | Church Street | 6years | \$242 per Annum | 30.04.2018 | Crown |
| Multi-Purpose Rooms | Church Street | 6years | \$100 Per Annum | 30.04.2018 | Crown |
| Golf Club | O'Connor Street | - | - | - | Crown |
| Tennis Courts | Church Street | -- | \$210 per annum | fees and charges | Crown |
| Cricket Grounds | Church Street | 5 years | \$460 Per Annum | 00/00/2016 | Crown |
| Old Scout Hall, Greenham Park | Church Street | 5yrs | \$100 Per Annum | 00/00/2016 | Crown |
| Function Room & Grounds | Sturt Highway Euston | 6 years | \$2230 per annum | 30.06.2018 | Crown |
| Euston Recreation Reserve | Sturt Highway Euston | 5 years | \$178 Per Annum | 1/08/2017 | Crown |
| Balranald Waste Depot | Ivanhoe Road Balranald | annually | - | 30/06/2019 | Crown |
| Balranald Motor Cross | Ivanhoe Road Balranald | 5 years | \$10 per annum | 30.03.2021 | Freehold |
| Euston Waste Depot | Sturt Highway Euston | 5years | - | 1/07/2020 | Freehold |

Of the 29 properties, reserves listed above 20 are located on crown reserves, a further 2 are partly located on crown and freehold title.

Leases and agreements that are located on Crown reserves are required to be assessed in accordance with the Crown Land Management Act 2016 (CLM). It is a requirement under the CLM that prior to having new leases or licences on Crown Reserves they must have a Plan of Management (POMs). It is possible to continue to work under existing leases or licences subject to approval from OLG. All Crown Reserves were required to have POMs by July 2021, however Balranald Shire Council like the majority of Councils in NSW will not meet this date. There is a separate report to Council to discuss this process and to commence the process to develop POMs. Once the category of land has been accepted officers will commence the process to develop

POMs focusing on reserves that need to be completed to enable new leases or licences to be put in place.

Separate to this a more detailed review can commence to market test leases or licences on that are held on freehold properties. A project plan will be developed to manage this review process and will be reported separately to Council at a future Ordinary Council Meeting.

LEGISLATIVE IMPLICATION

Local Government Act 1993

Crown Land Management Act 2016

Crown Land Management Regulations 2018

POLICY IMPLICATION

Community Strategic Plan

Access to Information Policy

Revenue Policy

Risk Management Policy

RISK RATING

Low

ATTACHMENTS

Nil

9 CORPORATE & COMMUNITY SERVICES REPORTS**9.1 FINANCIAL INFORMATION PRESENTATION DURING BUDGET PROCESS FOR
2021/22 BUDGET**

| | |
|------------------------------------|--|
| File Number: | D21.48943 |
| Reporting Officer: | Terri Bilske, Director Corporate & Community Services |
| Responsible Officer: | Oliver McNulty, General Manager |
| Operational Plan Objective: | Pillar 6: Our Leadership – A community that values and fosters leadership, lifelong learning, innovation and good governance. |

OFFICER RECOMMENDATION

That Council receives the report on financial information requested at the Extraordinary Meeting of Council on 22 January 2021 and note that the information will be presented and considered in the development of the 2020/21 Budget.

PURPOSE OF REPORT

To seek Council approval to present financial information to be considered in conjunction with the 2021/22 Budget process.

REPORT

At the extraordinary Meeting of Council on 22 January 2021, Council resolved to:-

- *Provide details of changes between the draft financial statements presented to council on 20 October 2020 and the financial statements presented on 22 January 2021,*
- *An explanation of significant factors contributing to the apparent deterioration in the net operating result for the 2019/20 year compared to the previous year,*
- *A report in line item budget review format comparing Council's actual income and expenditure for 2019/20 with budgeted Income and Expenditure for the year, after approved variations.*
- *A comparative report for the period from 1 July 2014 to 30 June 2020 on Council's financial performance, cash position and working capital. This part of the report to also consider the suitability of Council's asset management framework, ledger structure, and budget process.*

Council's Annual Financial Statements were presented to Council and the public after the completion of the audit by the NSW Audit Office and Nexia, the Auditors that were appointed by the NSW Audit Office at the Meeting of Council on 22 January 2021.

The Financial Statements were also presented to the Internal Audit Committee on 25 February 2021.

SUMMARY

Historical financial information will be considered during the Budget preparation for the 2021/22 financial year.

FINANCIAL IMPLICATION

Financial information will be considered in the budget process for 2021/22.

LEGISLATIVE IMPLICATION

Nil

POLICY IMPLICATION

Nil

RISK RATING

Moderate

ATTACHMENTS

Nil

10 INFRASTRUCTURE & DEVELOPMENT REPORTS**10.1 DA 27/2021 - SUBDIVISION - KYALITE ROAD KYALITE**

| | |
|------------------------------------|---|
| File Number: | D21.48351 |
| Reporting Officer: | Ray Mitchell, Health & Development Officer |
| | Nikkita Manning-Rayner, Administration Assistant |
| Responsible Officer: | Ray Davy, Director Infrastructure and Development |
| Applicant: | Wesley Pye of Northern Land Solutions |
| Owner: | Kyalite Pistachios Pty Ltd |
| Proposal: | Two (2) Lot Subdivision |
| Location: | Kyalite Road, Kyalite NSW 2715 |
| Operational Plan Objective: | Pillar 5: Our Infrastructure – A community that maintains and strengthens its natural and built environment. |

OFFICER RECOMMENDATION

(Division)

That Council approve Development Application 27/2021 for the subdivision of Lot 9 DP 751228, Kyalite Road Kyalite, subject to the following conditions:

1. No alteration to approved plans and specifications is allowed unless separately approved by Council.
2. The subdivision 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.
4. Alterations to existing or additional accesses are to be to the satisfaction of Council or its delegate, and at the applicant's full cost.
5. Any such adjustments to access 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 applicant is responsible for full cost of repairs to rectify any damage to public infrastructure.
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 & Assessment Act 1979.
7. The created allotments will not carry a dwelling entitlement.

Reasons for the imposition of conditions:

- Statutory compliance
- Ensure appropriate infrastructure is provided for the development
- Ensure impacts on the natural and built environment are minimised

PURPOSE OF REPORT

To seek Council's consent for a development application from Wesley Pye of Northern Land Solutions for a two lot subdivision.

REPORT

Council has received a development application from Wesley Pye of Northern Land Solutions to subdivide land to create two (2) allotments. The land is a western land lease held jointly by R & L Bruton and Kyalite Pistachios. The leaseholders are seeking the subdivision to facilitate individual leases with the Crown. The Department of Planning, Industry & Environment - Crown Land has provided land owners consent to submit this application.

Description of land: Lot 9 DP 751228

Proposed lot configuration: Proposed Lot 1: 2777m² (approx.)
Proposed Lot 2: 1.772ha (approx.)

Zone: RU1 (Primary Production)

Minimum zone lot size: 40ha

The proposal was submitted to Council as a development application because the proposal does not constitute exempt development in accordance with clause 2.75 of the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 (Codes SEPP) and is not complying development in accordance with Part 6 of the Codes SEPP.

Background

The location of the project is adjacent to the village of Kyalite and has historically been used for agricultural purposes. The land is owned by the State of NSW and leased for agricultural purposes as a Western Lands Lease. The existing allotment contains pistachio plantation on the northern portion with the southern portion taken up by grazing land, fixed overhead sprinkler irrigation and a farm shed.

The application for development has been assessed in accordance with Section 4.15 of the EP&A Act and relevant local and state environmental planning instruments. The application was notified in accordance with Council's Community Participation Plan. Nil public submissions were received.

Site Analysis

There is no apparent landslip, creep or requirement for native vegetation removal to facilitate the proposal. The site is identified as bushfire prone.

Contaminating activities are not known by Council to have been carried out on the land. The land has historically been used for agricultural purposes. Potentially contaminating matters such as sheep dips are not advised to or discernible from Council records.

Access to the allotment is currently provided off the Kyalite Rd. Access arrangements are not being altered due to the existing farm track locations and proposed boundaries.

Adjoining allotments are primarily Zoned RU1 (Primary Production) and are of agricultural use. The land also shares a zone boundary with crown land comprising the bed and bank of the Wakool River, being Zone W1 (Natural Water Ways). RU3 & RU5 zoned land is in proximity to the proposal however are separated by around 100m.

A Statement of Environmental Effects has been submitted as part of the development application.

DEVELOPMENT APPLICATION ASSESSMENT

Under Section 4.15 of the EPA Act 1979,

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (ivia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Planning Instruments

Planning instruments that apply to the land subject to the development application are:

Balranald Local Environmental Plan 2010 (LEP)

State Environmental Planning Policy (Primary Production & Rural Development) 2019

There are no draft planning instruments or development control plans applying to the land.

Balranald Local Environmental Plan 2010 (LEP)

The proposal appears compliant with the LEP, the following table addresses applicable clauses.

| Clause | Comment |
|---|--|
| 2.6(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land. | There are no dwellings on or proposed on the subject land. |
| Objectives of the RU1 zone <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and | The proposal is considered consistent with the objectives of the zone in that the proposal facilitates farm adjustments to individualise |

| | |
|--|--|
| <p>enhancing the natural resource base.</p> <ul style="list-style-type: none"> • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To encourage development that is in accordance with sound management and land capability practices, and that takes into account the environmental sensitivity and biodiversity of the locality. • To support rural communities. • To ensure the provision of accommodation for itinerant workers. | <p>lease arrangements with the Crown.</p> <p>Land use conflict is not likely in this instance due to the long standing co-existing nature of the land uses, being forms of primary production.</p> |
| 4.1 Minimum subdivision lot size | The proposed allotments are below minimum lot size for the RU1 zone. |
| 4.2 Rural subdivision | Lots smaller than the minimum lot size are proposed, however no dwellings exist on the land or are proposed and agricultural land uses are to continue on the land. This Clause overrides Clause 4.1. |
| 4.6 Exceptions to development standards | Not evoked due to the operation of Clause 4.2 |
| <p>5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones</p> <p>(4) The following matters are to be taken into account—</p> <ul style="list-style-type: none"> (a) the existing uses and approved uses of land in the vicinity of the development, (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development, (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b), (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c). | <p>The separation distance from these existing agricultural uses to the nearest sensitive receptor (dwelling) is greater than 270m. This is in line with the buffer distances recommended in the Living and Working in Rural Areas Handbook 2007 (the Handbook), being 50m for stock grazing and 200m for cropping to a rural dwelling.</p> <p>The proposal is considered compatible with surrounding extensive/intensive agricultural land uses as there is no change/intensification of land use or building proposed and the uses have co-existed for a significant period of time.</p> |
| Part 6 Biodiversity, Riparian Land, Waterways, groundwater vulnerability and flood planning | The proposal does not create additional impact in relation to these matters as there is no change/intensification of land use or building proposed and no clearing is proposed as part of |

| | |
|--|------------------|
| | the subdivision. |
|--|------------------|

State Environmental Planning Policy (Primary Production & Rural Development) 2019

Part 2 of Schedule 4 duplicates Clause 5.16 of the LEP and the comments addressing this Clause are applicable for the purposes of this State Environmental Planning Policy.

Environmental Planning & Assessment Act 1979

The proposal is not likely to have significant impacts on the natural or built environment as there is no change/intensification of land use or building proposed and no clearing is proposed. Additionally, social and economic impacts are considered negligible due to no change/intensification of land use or building proposed and no clearing is proposed.

The site is considered suitable for the proposal and not against the public interest due to the low impact nature of the proposal.

The adjoining property landholders have been notified in accordance with Council's Community Participation Plan. The notification period concluded on the 23rd February 2021, one submission has been received which stated no objection (attached).

A subdivision certificate application will be required under Division 4 of the Environmental Planning & Assessment Regulation 2000.

FINANCIAL IMPLICATION

Nil

LEGISLATIVE IMPLICATION

Environmental Planning & Assessment Act 1979

Balranald Local Environmental Plan 2010

State Environmental Planning Policy (Primary Production & Rural Development) 2019

POLICY IMPLICATION

Nil

ATTACHMENTS

1. DA 27/2021 - Application Documents
2. DA 27/2021 - Submission - Murray River Council



70 Market Street Balranald NSW 2715
 PO Box 120 Balranald NSW 2715
 Ph: 03 5020 1300 Fax: 03 5020 1620
 Email: council@balranald.nsw.gov.au

APPLICATION FOR DEVELOPMENT / CONSTRUCTION CERTIFICATE AND COMPLYING DEVELOPMENT

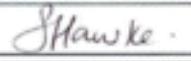
Environment Planning & Assessment Act 1979

| TYPE OF APPROVAL SOUGHT – Please indicate by "X" | | | | |
|--|---|---|--------------------------------|--|
| <input checked="" type="checkbox"/> DEVELOPMENT CONSENT (DA) <input type="checkbox"/> SUBDIVISION <input type="checkbox"/> CONSTRUCTION CERTIFICATE (CC) <input type="checkbox"/> COMPLYING DEVELOPMENT CERTIFICATE (CDC) | | | | |
| 1. Person completing this form - name and address details etc: | Applicant's Name: WESLEY PYE | | | |
| | Postal Address: PO BOX 1054 SWAN HILL VIC 3585 <small>Any correspondence will be posted to the above address</small> | | | |
| | Phone: 03 5033 0035 | Company Contact Person (below): | | |
| | Mobile: 0409 015 326 | | | |
| | Fax: | Email: WES@NORTHERNLANDSOLUTIONS.COM.AU | | |
| 2. Location of the land to be developed and the title description of the property | Unit No: | Street No: | Street: KYALITE ROAD | |
| | Town: KYALITE | Site Area m ² : | | |
| | Lot(s): 9 | Section: | DP/SP: DP 751228 | |
| | Assessment No: | | | |
| | <small>The above information is available from your rate notice, property deeds, or from Council's property maps</small> | | | |
| 3. Description of your proposed development | Is a construction certificate application to be lodged at the same time as the application for development consent? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO OR Has Development Consent previously been granted? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <small>If Yes,</small> Development Consent No: | | | |
| | Date of Determination: | | | |
| | Building Code of Australia Building Classification: | | | |
| | | | | |
| | | | | |

| | | | | |
|--|--|--|---|--|
| 4. Type of Development Consent | DEVELOPMENT TYPE <input type="checkbox"/> Use of land/building <input type="checkbox"/> Erection of a Building <input type="checkbox"/> Demolition <input checked="" type="checkbox"/> Subdivision of land/building <input type="checkbox"/> Carrying out of Work <input type="checkbox"/> Landclearing / Dam <input type="checkbox"/> Erection of Temporary Building <input type="checkbox"/> Buildings Additions/Alterations <input type="checkbox"/> Other CONSTRUCTION / SUBDIVISION CERTIFICATE <input type="checkbox"/> Building Work <input type="checkbox"/> Subdivision Work | | | |
| 5. Estimated Cost | ESTIMATED COST OF DEVELOPMENT / VALUE OF WORK: <div style="border: 1px solid black; padding: 5px; width: 100%;">\$ 0</div> | | | |
| 6. What are the operational hours of the development? (for commercial and industrial developments only) | Days of Operation <input type="checkbox"/> Monday – Friday to <input type="checkbox"/> Saturday to <input type="checkbox"/> Sunday to <input type="checkbox"/> Public Holidays to | Hours of Operation to to to to | Days of Operation <input type="checkbox"/> Monday to <input type="checkbox"/> Tuesday to <input type="checkbox"/> Wednesday to <input type="checkbox"/> Thursday to <input type="checkbox"/> Friday to | Hours of Operation to to to to |
| 7. Section 68 of the Local Government Act 1993 | Approvals required under Section 68 of the Local Government Act 1993 <input type="checkbox"/> Water Supply Work <input type="checkbox"/> Sewerage Works <input type="checkbox"/> Stormwater Drainage <input type="checkbox"/> Install and Operate a Sewer Management Facility <i>NB: Installations of water meters and onsite sewerage systems require "Application for Section 68" to be completed.</i> | | | |
| 8. Environmental Impact (N/A for CDC) | <ul style="list-style-type: none"> • Is this application for Designated Development (see schedule 3 of the Environmental Planning and Assessment Regulations 2000) <input type="checkbox"/> YES <input type="checkbox"/> NO • An Environmental Impact Statement (EIS) is attached – for designated development <input type="checkbox"/> YES <input type="checkbox"/> NO <p>If the application is not designated:</p> <ul style="list-style-type: none"> • A statement of environmental effects is attached <input type="checkbox"/> YES <input type="checkbox"/> NO • The proposed development is considered to have negligible effect <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | | |
| 9. Integrated Development Applications to be referred to another | <ul style="list-style-type: none"> • Is this application for Integrated Development <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <p>List other approvals required to be obtained.</p> <ul style="list-style-type: none"> • Fisheries Management Act 1994 <input type="checkbox"/> s144 <input type="checkbox"/> s201 <input type="checkbox"/> s205 <input type="checkbox"/> s219 • Heritage Act 1977 <input type="checkbox"/> s58 • Mine Subsidence Compensation Act 1961 <input type="checkbox"/> s15 • Mining Act 1992 <input type="checkbox"/> s63 <input type="checkbox"/> s64 • National Parks and Wildlife Act 1974 <input type="checkbox"/> s90 • Pollution Control Act 1979 <input type="checkbox"/> s17A <input type="checkbox"/> s17D <input type="checkbox"/> s171 • Petroleum (Onshore) Act 1991 <input type="checkbox"/> s9 • Protection of the Environment Operations Act 1997 <input type="checkbox"/> ss43 (a) <input type="checkbox"/> ss43 (b) <input type="checkbox"/> ss43 (d) <input type="checkbox"/> ss47 • Roads Act 1993 <input type="checkbox"/> ss48 <input type="checkbox"/> ss55 <input type="checkbox"/> ss122 • Rural Fires Act 1997 <input type="checkbox"/> s138 • Water Management Act 2000 <input type="checkbox"/> s100B • Water Management Act 2000 <input type="checkbox"/> s89 <input type="checkbox"/> s90 <input type="checkbox"/> s91 | | | |
| 10. Do you need Home Building Act Insurance? | <p>If you are using a licence builder for residential building work exceeding \$20,000 you must obtain Home Building Act Insurance. A certificate of insurance must be provided with this application or submitted with the Notice of Commencement. If you are an owner builder and intend to sell within 6 years you need to provide insurance cover. Owner builder's work in excess of \$12,000 requires completion of a course for the permit.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Relevant</p> | | | |

Page 2 of 9

| | | | |
|--|---|--|--|
| 11. Affected Neighbours | Have you discussed the application with affected neighbours? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (We strongly recommend that you discuss this application with your neighbours) | | |
| 12. Principal Certifying Authority | Before you commence the development, you must appoint a Principal Certifying Authority (PCA). You can nominate Council or a private accredited certifier. Do you wish to nominate Balranald Shire Council as your Principal Certifying Authority? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OTHER If other, Name: _____ Accreditation No: _____ Date of Expiration: _____ | | |
| You must advise Council of the appointment of a PCA a minimum of 2 days before work commences. | | | |
| 13. Builder / Owner - Builder details | <input type="checkbox"/> Not known <input type="checkbox"/> Owner Builder <input type="checkbox"/> Licensed Builder – Licence No. _____ Name: _____ Address: _____ Phone: _____ | | |
| 14. Schedule for building work only Information for the Australian Bureau of Statistics | What are the current uses of the building/land? (If land is vacant state that it is Vacant) _____ | | |
| | Does this site contain a dual occupancy? <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| Gross floor area proposed addition or new building (m ²) _____ | | | |
| Gross floor area whole building (m ²) _____ | | | |
| Gross site area (m ²) _____ | | | |
| Number of pre-existing dwellings: _____ Number of dwellings to be demolished: _____ | | | |
| How many dwellings are proposed: _____ How many storeys? _____ | | | |
| Materials to be used: | | | |
| Please a tick in the box which best describes the materials the new work will be constructed of: | | | |
| WALLS ROOF FLOOR FRAME | | | |
| 11 <input type="checkbox"/> Brick (Double) 12 <input type="checkbox"/> Brick (Veneer) 20 <input type="checkbox"/> Concrete / Stone 30 <input type="checkbox"/> Fibre Cement 40 <input type="checkbox"/> Timber / Weatherboard 50 <input type="checkbox"/> Curtain glass 60 <input type="checkbox"/> Steel 70 <input type="checkbox"/> Aluminium 80 <input type="checkbox"/> Other 90 <input type="checkbox"/> Unknown | 10 <input type="checkbox"/> Tiles 20 <input type="checkbox"/> Concrete 30 <input type="checkbox"/> Fibre Cement 60 <input type="checkbox"/> Steel 80 <input type="checkbox"/> Other 90 <input type="checkbox"/> Unknown | 20 <input type="checkbox"/> Concrete 40 <input type="checkbox"/> Timber 80 <input type="checkbox"/> Other 90 <input type="checkbox"/> Unknown | 40 <input type="checkbox"/> Timber 60 <input type="checkbox"/> Steel 70 <input type="checkbox"/> Aluminium 80 <input type="checkbox"/> Other 90 <input type="checkbox"/> Unknown |

| | |
|--|---|
| <p>15. Owner's Consent</p> <p>Must be completed by the owner of the land. If the owner is a company or strata title body corporate, the application must be signed by a director or an authorised person and delegated under common seal.</p> | <p>Owner's Name: SHARON HAWKE AREA MANAGER FAR WEST</p> <p>Owner's Address: Po Box 1840 Dubbo NSW 2830</p> <p>Phone Number: (68)835 400</p> <p>As the owner/s of the land to which this application relates, I/we consent to this application, I also give consent for authorised Council Officers to enter the land to carry out inspections.</p> <p>Owner's Signature:  3/12/2020</p> <p>Owner's Representative or Agent:</p> |
| <p>16. Applicant's Declaration</p> | <p>I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct.</p> <p>I also certify that the development proposal submitted with this form and as detailed on the attached plans will comply with all covenants, caveats and restrictions to user however described or recorded on this title.</p> <p>I also understand that if incomplete, the application may be delayed, rejected or more information may be requested.</p> <p>Signature:  5/12/20</p> |
| <p>17. Privacy Policy</p> | <p>The information you provide in this application will enable your application to be assessed by the certifying authority under the <i>Environmental Planning and Assessment Act 1979</i>. If the information is not provided, your application may not be accepted. The application can potentially be viewed by members of the public. Please contact the Council if the information you have provided in your application is incorrect or changes.</p> |
| <p>18. How to lodge your application</p> | <p>Applications should be addressed to: General Manager Balranald Shire Council</p> <p>Mail: PO Box 120 BALRANALD NSW 2715</p> <p>How to contact us: Phone: (03) 5020 1300 Fax: (03) 5020 1620 Email: council@balranald.nsw.gov.au</p> <p>Personal Delivery: 70 Market Street BALRANALD NSW 2715</p> <p>If you wish to discuss a proposal, it is essential that you arrange an appointment. We recommend that you consult with a Council officer before submitting this application.</p> |

BALRANALD SHIRE COUNCIL
DEVELOPMENT APPLICATION AND CONSTRUCTION CERTIFICATE CHECKLIST

| | | |
|---|--|--|
| 1. Application Form | Have you completed all the spaces on the application form? Has the owner signed and endorsed the application form? | <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> |
| 2. Restrictions / Easements | The owner has identified all covenants, easements or restrictions to use and indicated on the plans. | <input type="checkbox"/> |
| 3. Plans or drawing describing the proposed development | Your plans or drawings describing the proposed development must indicate (where relevant): <ul style="list-style-type: none"> • Floor plans of proposed buildings showing layout, partitioning, room sizes, each floor section and intended uses of each part of the building; • Elevations and sections showing proposed external finishes and heights; • Proposed finished levels of the land in relation to buildings and roads; • Indicate the height, design, construction and provision for fire safety resistance (if any); • The specification is to describe the construction and materials to be used in the building, method of drainage sewerage and water supply and whether the materials to be used are new or second hand; • Proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate); • A site plan and landscape concept plan; • All identified BASIX commitments. | <input type="checkbox"/> <input type="checkbox"/> |
| 4. Location plan of the Land | Supporting detail may be required in addition to your site plan including: <ul style="list-style-type: none"> • Location of proposed new buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development; • Location, boundary dimensions, site area, scale, and north point; • Existing vegetation and trees on the land; • Location and uses of existing buildings on the land; • Existing and proposed levels of the land and buildings; • Location and uses of buildings on sites adjoining the land where required by Council. | <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| 5. Required Attachments | Have you attached the correct number of copies of your plans or drawings describing the proposed development and location of the land? <ul style="list-style-type: none"> • 3 copies of plans or drawings describing the proposed development • 3 copies of the location plan of the land • 3 copies of specifications • Application Fees • BASIX Certificate • Statement of Environmental Effects | <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> |

PLEASE NOTE: New Dwelling Applications
 Alterations / Additions (over \$50,000, Swimming Pools over 40,000litr)

BASIX Certificate

The Building Sustainability Index (BASIX) is a web based planning tool designed to assess the potential performance of residential buildings against a range of sustainability indices.

A BASIX Certificate identifies the sustainability features required to be incorporated in the building design. These features may include sustainable design elements such as recycled water, rainwater tanks, AAA-rated showerheads and taps, native landscaping, heat pump or solar water heaters, gas space heaters, roof eaves/lawnings and wall/ceiling insulation.

You need a BASIX Certificate in Balranald Shire Council when BASIX applies to the type of development for which you require approval. Commencement dates and details of types of development are at www.basix.nsw.gov.au.

The applicant is required to submit the BASIX Certificate with the Development Application or Complying Development Certificate Application. The plans and specifications must also identify the BASIX commitments which will be checked by a professional building certifier during construction. Where submitted plans or specifications are inconsistent with the relevant BASIX Certificate, Council will require applicants to submit consistent applications before progressing with the assessment process, either by amending plans/specifications or by submitting a new BASIX Certificate with commitments that match the rest of the application.

Applicants can generate the BASIX Certificate only on the BASIX website: www.basix.nsw.gov.au. For more information, phone BASIX Help Line on 1300 650 908.

POLITICAL DONATIONS & GIFTS – DAs ONLY

Your attention is drawn to the Department of Planning's Guidelines on Political Donations & Gifts. The guidelines require the following:

Any persons with a financial interest in the application, is required to disclose all reportable political donations and gifts made within the previous 2 years when making a planning application to the Council. A disclosure must also be made of any reportable political donations or gifts made during the period the planning application is being considered prior to it being determined. These include:

- (i) all reportable political donations made to any local councillor of the council,
- (ii) all gifts made to any local councillor or employee of that council.

A reportable political donation made to a local councillor of any local council includes any donation made at the time the person was a candidate for election to the council.

STATEMENT OF ENVIRONMENTAL EFFECTS

If unsure about any of the details required it is recommended that you contact Council's Infrastructure and Development Department by calling (03) 5020 1300 and make an appointment to discuss your proposal with an assessment officer.

Property Details

| | | | |
|-----------------|---------|--------|--------------|
| Lot(s) | 9 | DP | 751228 |
| House Number(s) | | Street | KYALITE ROAD |
| Town | KYALITE | | |

Description of the Site and Locality

TWO PART LOTS EITHER SIDE OF KYALITE ROAD. NORTHERN PART LOT (2777m²) IS PISTACHIO ORCHARD. SOUTHERN PART LOT (1.772ha) IS GRAZING LAND, FIXED OVERHEAD SPRINKLERS, FARM SHED AND SMALL GRAIN SILOS.

Details of the Proposed Development

EACH PART LOT TO BE SUBDIVIDED INTO TWO SEPERATE LOTS. THIS IS TO FACILITATE FORMALISING WESTERN LAND LEASES TO REFLECT CURRENT OPERATIONS. AS IT IS FOR AGRICULTURAL PURPOSES, CLAUSE 42 (3) BALCANALO LEP CAN BE APPLIED TO BE EXEMPT OF MINIMUM LOT SIZE REQUIREMENT OF RLI.

Matters for Consideration

(Matters for consideration pursuant of the Environmental Planning & Assessment Act 1979 Section 79C)

a) Compliance with relevant environmental planning instruments

(ie Local Council Plans, draft LEPs).

- (i) Is the land zoned residential?
- (ii) Is the proposal permissible within the zone?

YES

NO

Note: If unsure check with Council's Infrastructure and Development Department or obtain a s149 Certificate from Council.

- b) Likely impacts of the development, including environmental impacts on both the natural and built environments of the locality.

- (i) Will the proposal result in the loss of any vegetation from the site?
- (ii) If yes, outline details and identify on site plan.

- (iii) Are any landscaping works proposed on the land?
- (iv) If yes, please describe the proposed works and detail what existing trees/vegetation to be removed/ retained or show details on the site plan.

- (v) Does the proposal involve excavation or filling of the site?
- (vi) If yes, outline details and / or identify on plans.

- (vii) Is vehicular access available from the street?
- (viii) Outline details of vehicular access and parking arrangements (location, car parking, etc)

NO CHANGES TO VEHICULAR ACCESS ARE PROPOSED FOR

EITHER LOT

- (ix) Will the proposal impact on adjoining residences?
- (x) If yes, outline where possible building works are proposed to be sited on the land to demonstrate the relationship to existing building (ie distances from the boundaries, etc). These details should be shown on the site plan.

- c) Suitability of the site for the development
- | | | |
|--|---|--|
| <ul style="list-style-type: none">(i) Is the area an established residential area?(ii) Are existing utility services available and adequate to serve the development (ie water, sewerage, telephone, gas, stormwater and garbage)?(iii) If no, what alternative arrangements are proposed? | YES <input type="checkbox"/> <input checked="" type="checkbox"/> | NO <input checked="" type="checkbox"/> <input type="checkbox"/> |
| <hr/> | | |
| <hr/> | | |
| <ul style="list-style-type: none">(iv) Are there any other matters relating to your proposed development or use, such as Management details, operating or construction hours, noise etc?(v) If yes, please specify. | <input type="checkbox"/> <input checked="" type="checkbox"/> | |
| <hr/> | | |
| <hr/> | | |



File Ref: WLL3046-1
Account No: 620992

Letter to Applicant (consent granted)

Jeff Page
Phone: 02 6883 5425
jeff.page@crownland.nsw.gov.au

Mr Wes Pye
PO Box 1054
SWAN HILL VIC 3585

Dear Mr Pye,

| | |
|--|---------------------|
| Consent for development comprising: | Two lot Subdivision |
| Crown Land | Lot 9 DP 751228 |
| Parish/s | Tararie |
| County | Caira |

Consent is granted by the Minister for Water, Property & Housing to the lodgement of applications for approval under the *Environmental Planning and Assessment Act 1979*, and other associated applications required under other legislation, for the development proposal described above.

The Land Owner Consent is granted conditional to the following:

1. Land Owner Consent will expire after a period of 12 months from the date of this letter if not acted on within that time. Extensions of this consent may be sought.
2. You are required to forward a copy of the approval to the NSW Department of Planning, Industry and Environment – Crown Land ("the Department") after approval and prior to commencing works.
3. You are required to ensure that the approval provided is consistent with this Land Owner Consent.
4. The Land Owner Consent is provided for the works detailed on the plans provided by you and retained by the Department as outlined below.

Land Owner Consent is granted in accordance with the following:

- Land Owner Consent is given without prejudice so that consideration of the proposed development may proceed under the *Environmental Planning and Assessment Act 1979* and any other relevant legislation;
- Land Owner Consent does not imply the concurrence of the Minister for Water, Property & Housing for the proposed development and does not provide authorisation under the Crown Lands Management Act 2016 for this proposal;
- The issue of Land Owner Consent does not prevent the Department from making any submission commenting on, supporting or opposing an application;
- The Minister reserves the right to issue Land Owner Consent for the lodgement of applications for any other development proposals on the subject land concurrent with this Land Owner Consent;
- Any changes made to the proposal, including those imposed by the consent authority, must be consistent with the Land Owner Consent and therefore if modifications are made to the proposed development details must be provided to the Department for approval;
- Land Owner Consent also allows application to any other approval authority necessary for this development proposal.

This letter should be submitted to the relevant consent or approval authority in conjunction with the development application and/or any other application. You are responsible for identifying and obtaining all other consents, approvals and permits required under NSW and Commonwealth laws from other agencies for the proposed development.

It is important that you understand your obligations relating to Condition 3. If any alterations are made to the application (whether in the course of assessment, by conditions of consent, or otherwise), it is your responsibility to ensure the amended or modified development remains consistent with this Land Owner Consent. If there is any inconsistency or uncertainty you are required to contact the Department before undertaking the development to ensure that the Department consents to the changes. A subsequent LOC application may incur additional application fees.

During the assessment the Department conducted an Aboriginal Heritage Information Management System (AHIMS) search and one Aboriginal site has been recorded in or near the proposed development site and/or there are natural landscape features that include the potential presence of Aboriginal heritage in or near the proposed development site. You are required to undertake due diligence process to identify if any Aboriginal heritage is present at or nearby the proposal site and should seek further advice from Heritage NSW at heritagemailbox@environment.nsw.gov.au

It is advised that the Department will provide Balranald Shire Council a copy of this Land Owner Consent and will request that Balranald Shire Council notify the Department of the subsequent development application, for potential comment, as part of any public notification procedure.

For further information, please contact Jeff Page via the details given in the letter head.

Yours sincerely



Jeff Page
Senior Property Management Officer
Department of Planning, Industry & Environment
Crown Lands – West Region

3 December 2020



1

DEVELOPMENT APPLICATION REPORT

**2 LOT SUBDIVISION
APPLICATION FOR DEVELOPMENT APPROVAL
KYALITE ROAD, KYALITE
LOT 9 DP751228 (WLL9952)
Our Ref: 20 2353**

This document aims to describe the site and surrounds and make an assessment of the subdivision in relation to the provisions of the Balranald LEP 2010.

THE SITE AND SURROUNDS

The site comprises of one title known as Lot 9 DP 751228. The site is situated around the intersection of Yanga Way and Kyalite Road, Kyalite.

The land is comprised of two part lots either side of Kyalite Road on the eastern side of Yanga Way. The northern part lot is approximately 2777m² and is entirely taken up by a pistachio orchard (operated by Kyalite Pistachios).

The southern part lot is approximately 1.772ha and is taken up by grazing land, fixed overhead sprinkler irrigation and a farm shed. It is operated by Mr. Robert Bruton and Mrs. Lorraine Bruton.

All of the land is under Western Lands jurisdiction. As all of the land is considered one lot, both parties (Kyalite Pistachios and Mr. and Mrs. Bruton) are joint leaseholders for both part lots.



Proposed Lot 2 (taken from Kyalite Road)



THE PROPOSAL

The proposal is a 2 lot subdivision separating each part lot into new lots. This is to facilitate the separation and transfer of Western Lands Leases to allow each lessee full and individual leases over the land which they respectively operate. No boundary positions will physically change on the ground. Please see attached Proposed Plan of Subdivision.

BALRANALD LEP CONSIDERATIONS

The land in this proposal is currently zoned RU1 Primary Production.

Objectives of Primary Production Zone(RU1)

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base
- To encourage diversity in primary industry enterprises and systems appropriate for the area
- To minimise the fragmentation and alienation of resource land
- To minimise conflict between land uses within this zone and land uses within adjoining zones
- To encourage development that is in accordance with sound management and land capability practices, and that takes into account the environmental sensitivity and biodiversity of the locality
- To support rural communities
- To ensure the provision of accommodation for itinerant workers.

Compliance to Minimum Lot Size

The minimum lot size for RU1 is 40ha. However, under clause 4.2 (3), "land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the lot size map in relation to that land"

Response

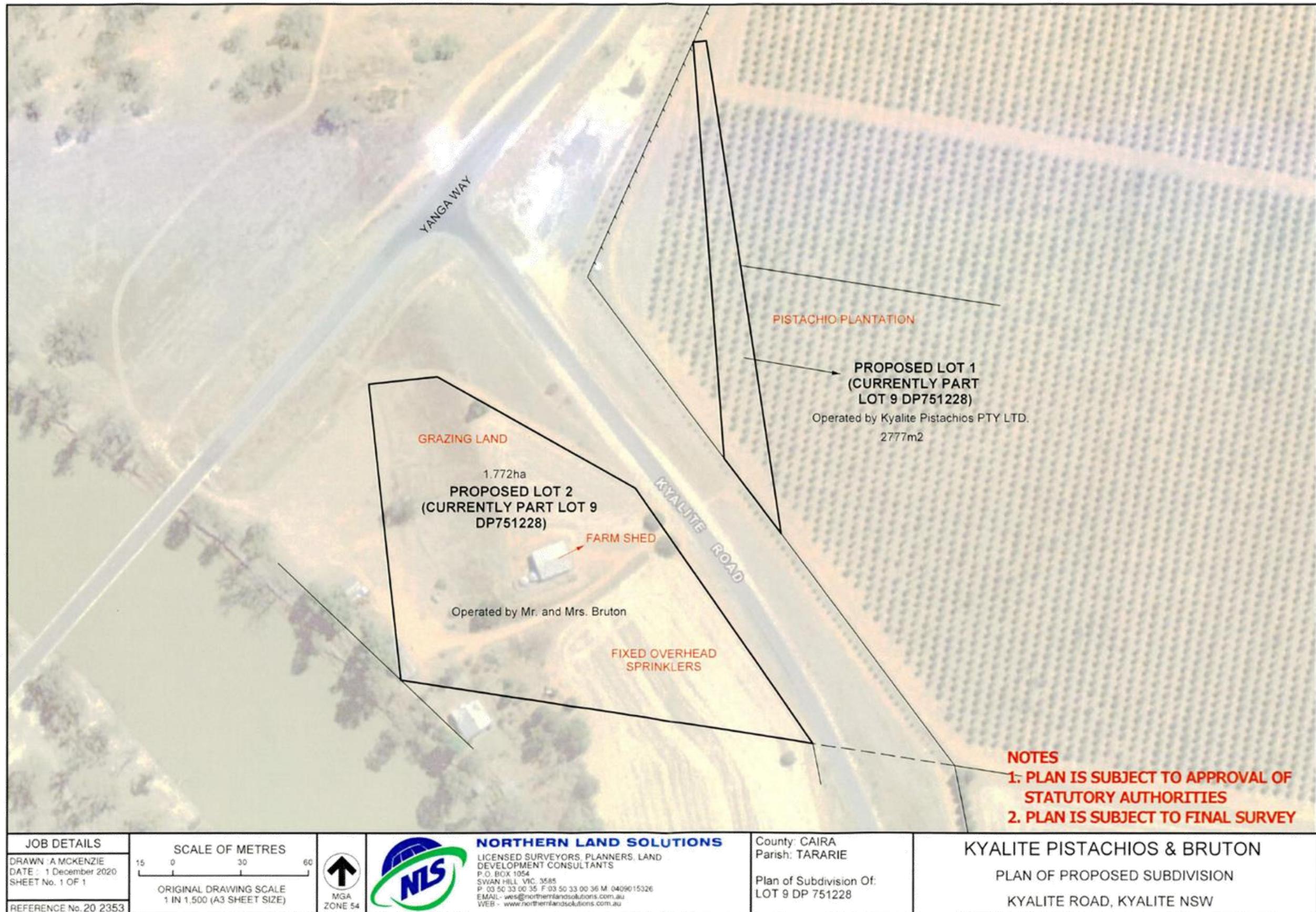
The purpose of this proposal is to facilitate agricultural production. Proposed Lot 1 is entirely taken by pistachio plantation. Proposed Lot 2 is taken up by grazing land, fixed overhead sprinklers and a farm shed. There is no dwelling on either lot. As this subdivision is for agricultural purposes, clause 4.2 (3) can be applied.

STATEMENT OF ENVIRONMENTAL EFFECTS

Please see Development Application and Construction Certificate Form for Statement of Environmental Effects

CONCLUSION

The subdivision has been assessed against the Balranald L.E.P. It is considered that the subdivision provides an acceptable outcome in terms of the L.E.P. directives and we kindly ask Council to provide the necessary DA approval.





Murray River Council
PO Box 906
Moama NSW 2731
p: 1300 087 004
f: 03 5884 3417
e: admin@murrayriver.nsw.gov.au
w: www.murrayriver.nsw.gov.au

19 February 2021

General Manager
Balranald Shire Council
PO BOX 120
BALRANALD NSW 2713
council@balranald.nsw.gov.au

Dear Sir/Madam

RE: DA 27/2021

I refer to your correspondence dated 9 February 2021, which notifies Murray River Council of Development Application No. 27/2021, which is for a 2 Lot Subdivision of Lot 9 DP 751228.

Murray River Council officers are aware of the application and the information provided and have no objection to the application. The planning department at Murray River Council understands that Balranald Shire Council will review the information, undertake an assessment, and make an appropriate decision.

Should you require further information, please contact Chris O'Brien, Senior Town Planner at admin@murrayriver.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "COB".

Chris O'Brien
Senior Town Planner



10.2 DA 32/2021 - SUBDIVISION - GLEN AVON 908 IVANHOE ROAD BALRANALD

| | |
|------------------------------------|---|
| File Number: | D21.48354 |
| Reporting Officer: | Ray Mitchell, Health & Development Officer Nikkita Manning-Rayner, Administration Assistant |
| Responsible Officer: | Ray Davy, Director Infrastructure and Development |
| Applicant: | Brendan & Jennifer Coates |
| Owner: | Mr B.P. & Mrs J. Coates |
| Proposal: | Four (4) Lot Subdivision |
| Location: | Glen Avon, 908 Ivanhoe Road, Balranald NSW 2715 |
| Operational Plan Objective: | Pillar 5: Our Infrastructure – A community that maintains and strengthens its natural and built environment. |

OFFICER RECOMMENDATION

(Division)

That Council approve Development Application 32/2021 for the subdivision of Lot 4864 DP 769099 & Lot 4838 DP 769099, Glen Avon 908 Ivanhoe Road Balranald, subject to the following conditions:

1. No alteration to approved plans and specifications is allowed unless separately approved by Council.
2. The subdivision 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.
4. Alterations to existing or additional accesses are to be to the satisfaction of Council or its delegate, and at the applicant's full cost.
5. Any such adjustments to access 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 applicant is responsible for full cost of repairs to rectify any damage to public infrastructure.
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 & Assessment Act 1979.

Reasons for the imposition of conditions:

- Statutory compliance
- Ensure appropriate infrastructure is provided for the development
- Ensure impacts on the natural and built environment are minimised

Notes:

- Any future development on the resulting lots, including the removal of any native vegetation in the course of farming activities, will be regulated by the Biodiversity Conservation Act 2016 and the Local Land Services Act 2013.

PURPOSE OF REPORT

To seek Council's consent for a development application from Brendan & Jennifer Coates for a four lot subdivision.

REPORT

Council has received a development application from Mr Brendan & Mrs Jennifer Coates to subdivide land to facilitate a farm adjustment by freeholding a western lands agricultural lease and creating four allotments in the holding.

Following subdivision, it is expected proposed lots 1 and 2 will be converted to freehold estate, while Lots 3 and 4 will remain as western land leases to preserve forestry interests.

Description of land: Lots 4838 & 4864 DP 769099

Proposed lot configuration: Proposed Lot 1: 48ha (approx.)
 Proposed Lot 2: 70ha (approx.)
 Proposed Lot 3: 280ha (approx.)
 Proposed Lot 4: 275ha (approx.)

Zone: RU1 (Primary Production)

Minimum zone lot size: 40ha

The proposal was submitted to Council as a development application because the proposal does not constitute exempt development in accordance with clause 2.75 of the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 (Codes SEPP) and is not complying development in accordance with Part 6 of the Codes SEPP.

Background

The land is owned by the State of NSW and leased for agricultural purposes as Western Lands Leases. The location of the project is proposed approximately 7km north of the township of Balranald and has historically been used for agricultural purposes. These uses are extensive agriculture, being grazing and cultivation, with some forestry in the low lying area of the allotments.

The application for development has been assessed in accordance with Section 4.15 of the EP&A Act and relevant local and state environmental planning instruments. The application was notified in accordance with Council's Community Participation Plan with one submission being received.

Site Analysis

There is no apparent landslip, creep or requirement for native vegetation removal to facilitate the proposal. Parts of the site are identified as bushfire and flood prone.

Contaminating activities are not known by Council to have been carried out on the land. The land has historically been used for agricultural purposes. Potentially contaminating matters such as sheep dips are not advised to or discernible from Council records.

Access to the allotment is currently provided off the Main Road 67. Access arrangements are not being significantly altered due to the existing farm track locations and proposed boundaries. However, an easement to proposed Lot 3 and 4 is being established to ensure legal access to the allotments is maintained in accordance with the Legal Roads framework.

Adjoining allotments are primarily Zoned RU1 (Primary Production) and are of agricultural use. The land also shares a zone boundary with crown land comprising the bed and bank of the Murrumbidgee River, being Zone W1 (Natural Water Ways).

A Statement of Environmental Effects has been submitted as part of the development application.

DEVELOPMENT APPLICATION ASSESSMENT

Under Section 4.15 of the EPA Act 1979,

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Planning Instruments

Planning instruments that apply to the land subject to the development application are:

Balranald Local Environmental Plan 2010 (LEP)

State Environmental Planning Policy (Primary Production & Rural Development) 2019

There are no draft planning instruments or development control plans applying to the land.

Balranald Local Environmental Plan 2010 (LEP)

The proposal appears compliant with the LEP, the following table addresses applicable clauses.

| Clause | Comment |
|---|--|
| 2.6(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land. | There are no dwellings on the subject land that contravene this dwelling rule and the proposed allotments are above the minimum lot size for the zone, being 40ha. |
| Objectives of the RU1 zone | The proposal is considered consistent with the |

| | |
|---|--|
| <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To encourage development that is in accordance with sound management and land capability practices, and that takes into account the environmental sensitivity and biodiversity of the locality. • To support rural communities. • To ensure the provision of accommodation for itinerant workers. | <p>objectives of the zone in that the proposal facilitates a farm adjustment to remove lease restrictions on the use of the land encouraging diversity in primary industry enterprises and systems.</p> <p>The proposal also protects the availability of forestry lands potentially providing economic opportunities.</p> <p>Land use conflict is not likely in this instance due to the long standing co-existing nature of the land uses being forms of primary production, single ownership/lease-holder and no sensitive receptors in close proximity to the proposal (650m to nearest residential receptor).</p> |
| <p>Objectives of the RU3 zone:</p> <ul style="list-style-type: none"> • To enable development for forestry purposes. • To enable other development that is compatible with forestry land uses. | <p>The proposal is considered consistent with the objectives of the zone in that the proposal facilitates a farm adjustment while maintaining access to forestry areas for potential development.</p> |
| <p>4.1 Minimum subdivision lot size</p> | <p>The proposal complies with the 40ha minimum lot size for the RU1 zone,</p> <p>Proposed Lot 1: 48ha (approx.)</p> <p>Proposed Lot 2: 70ha (approx.)</p> <p>Proposed Lot 3: 280ha (approx.)</p> <p>Proposed Lot 4: 275ha (approx.)</p> |
| <p>4.2 Rural subdivision</p> | <p>Lots smaller than the minimum lot size are not proposed.</p> |
| <p>5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones</p> <p>(4) The following matters are to be taken into account—</p> <ul style="list-style-type: none"> (a) the existing uses and approved uses of land in the vicinity of the development, (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development, (c) whether or not the development is likely to be incompatible with a use referred to | <p>The separation distance from this existing extensive agricultural use to the nearest sensitive receptor (dwelling) is greater than 650m. This is in line with the buffer distances recommended in the Living and Working in Rural Areas Handbook 2007 (the Handbook), being 50m for stock grazing and 200m for cropping to a rural dwelling.</p> <p>The proposal is considered compatible with surrounding extensive agricultural land uses as there is no change/intensification of land use or building proposed and the uses have co-existed for a significant period of time.</p> |

| | |
|--|--|
| <p>in paragraph (a) or (b),</p> <p>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</p> | |
| Part 6 Biodiversity, Riparian Land, Waterways, groundwater vulnerability and flood planning | The proposal does not create additional impact in relation to these matters as there is no change/intensification of land use or building proposed and no clearing is proposed as part of the subdivision. |

State Environmental Planning Policy (Primary Production & Rural Development) 2019

Part 2 of Schedule 4 duplicates Clause 5.16 of the LEP and the comments addressing this Clause are applicable for the purposes of this State Environmental Planning Policy.

Environmental Planning & Assessment Act 1979

The proposal is not likely to have significant impacts on the natural or built environment as there is no change/intensification of land use or building proposed and no clearing is proposed. Additionally, social and economic impacts are considered negligible due to no change/intensification of land use or building proposed and no clearing is proposed.

The site is considered suitable for the proposal and not against the public interest due to the low impact nature of the proposal.

The adjoining property landholders have been notified in accordance with Council's Community Participation Plan. The submission period concluded on the 24th February 2021, one (1) submission was received from the Biodiversity Conservation Division of Dept. Planning, Industry and Environment.

| Neighbour | Submission | Comment |
|--|--|--|
| Biodiversity Conservation Division of Dept. Planning, Industry and Environment | BCD is satisfied that there will be no impacts on threatened species or ecological communities from the subdivision application alone. However, the proponent should be advised that any future development on the resulting lots, including the removal of any native vegetation in the course of farming activities, will be regulated by the Biodiversity Conservation Act 2016 and the Local Land Services Act 2013. | Noted. Advice regarding future development is included in the draft conditions of consent as a notation. |

A subdivision certificate application will be required under Division 4 of the Environmental Planning & Assessment Regulation 2000.

FINANCIAL IMPLICATION

Nil

LEGISLATIVE IMPLICATION

Environmental Planning & Assessment Act 1979

Balranald Local Environmental Plan 2010

State Environmental Planning Policy (Primary Production & Rural Development) 2019

POLICY IMPLICATION

Nil

ATTACHMENTS

1. DA 32/2021 - Application Form & SEE [!\[\]\(46fe2fff49d51345abbba080f9cb7cb6_img.jpg\)](#)
2. DA 32/2021 - Plan [!\[\]\(73490505bcf44e243a4133cfced4d19a_img.jpg\)](#)
3. DA 32/2021 - Neighbour Notification Response DPIE Biodiversity Conservation Division [!\[\]\(1ec3a1cb94fbf337d4e05f4506012870_img.jpg\)](#)



| | | | | |
|----------------------|------|-------|--------|---------|
| | Info | Reply | Report | Discuss |
| | GM | | | |
| FM | | | | |
| Received 22 JAN 2021 | | | | |
| DDG | | | | |
| a/c: | | | | |

70 Market Street Balranald NSW 2715
 PO Box 120 Balranald NSW 2715
 Ph: 03 5020 1300 Fax: 03 5020 1620
 Email: council@balranald.nsw.gov.au

10.30am 22/2/21

J

APPLICATION FOR DEVELOPMENT / CONSTRUCTION CERTIFICATE AND COMPLYING DEVELOPMENT

Environment Planning & Assessment Act 1979

TYPE OF APPROVAL SOUGHT – Please indicate by "X"

- DEVELOPMENT CONSENT (DA) SUBDIVISION
 CONSTRUCTION CERTIFICATE (CC) COMPLYING DEVELOPMENT CERTIFICATE (CDC)

| | | | | | |
|--|---|--|------------------------------|--|--|
| 1. Person completing this form - name and address details etc: | Applicant's Name: | BRENDAN PATRICK COATES AND JENNIFER COATES | | | |
| | Postal Address: | GLEN AVON 908 IVANHOE ROAD, BALRANALD NSW 2715 | | | |
| | Phone: | Any correspondence will be posted to the above address 03 50201573 | | | |
| | Mobile: | 0407 308668 | | | |
| | Fax: | 03 50200603 | Email: | glenavon@bonternet.com.au | |
| 2. Location of the land to be developed and the title description of the property | Unit No: | ROAD | Street No: | 908 | |
| | Town: | BALRANALD | | | |
| | Lot(s): | 4864 | Section: | 4838 | |
| | | | DP/SP: | DP 76909A DP 76909B | |
| | Assessment No: | | | | |
| <i>The above information is available from your rate notice, property deeds, or from Council's property maps</i> | | | | | |
| 3. Description of your proposed development | Is a construction certificate application to be lodged at the same time as the application for development consent? | | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO | |
| | OR | | | | |
| | Has Development Consent previously been granted? | | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO | |
| | If Yes, | Development Consent No: | Date of Determination: | | |
| Building Code of Australia Building Classification: | | | | | |

| | | | | |
|---|---|--------------------|--|--------------------|
| 4. Type of Development Consent | DEVELOPMENT TYPE <input type="checkbox"/> Use of land/building <input type="checkbox"/> Erection of a Building <input type="checkbox"/> Demolition <input checked="" type="checkbox"/> Subdivision of land/building <input type="checkbox"/> Carrying out of Work <input type="checkbox"/> Landclearing / Dam <input type="checkbox"/> Erection of Temporary Building <input type="checkbox"/> Buildings Additions/Alterations <input type="checkbox"/> Other CONSTRUCTION / SUBDIVISION CERTIFICATE <input type="checkbox"/> Building Work <input type="checkbox"/> Subdivision Work | | | |
| 5. Estimated Cost | ESTIMATED COST OF DEVELOPMENT / VALUE OF WORK: <div style="border: 1px solid black; width: 100%; height: 30px; margin-bottom: 5px;"></div> \$ _____ | | | |
| 6. What are the operational hours of the development? (for commercial and industrial developments only) | Days of Operation | Hours of Operation | Days of Operation | Hours of Operation |
| | <input type="checkbox"/> Monday – Friday to <input type="checkbox"/> Saturday to <input type="checkbox"/> Sunday to <input type="checkbox"/> Public Holidays to | | <input type="checkbox"/> Monday to <input type="checkbox"/> Tuesday to <input type="checkbox"/> Wednesday to <input type="checkbox"/> Thursday to <input type="checkbox"/> Friday to | |
| 7. Section 68 of the Local Government Act 1993 | Approvals required under Section 68 of the Local Government Act 1993 <input type="checkbox"/> Water Supply Work <input type="checkbox"/> Sewerage Works <input type="checkbox"/> Stormwater Drainage <input type="checkbox"/> Install and Operate a Sewer Management Facility <i>NB: Installations of water meters and onsite sewerage systems require "Application for Section 68" to be completed.</i> | | | |
| 8. Environmental Impact (N/A for CDC) | <ul style="list-style-type: none"> • Is this application for Designated Development (see schedule 3 of the Environmental Planning and Assessment Regulations 2000) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO • An Environmental Impact Statement (EIS) is attached – for designated development <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <p>If the application is not designated:</p> <ul style="list-style-type: none"> • A statement of environmental effects is attached <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO • The proposed development is considered to have negligible effect <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | | |
| 9. Integrated Development Applications to be referred to another | <ul style="list-style-type: none"> • Is this application for Integrated Development <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <p>List other approvals required to be obtained.</p> <ul style="list-style-type: none"> • Fisheries Management Act 1994 <input type="checkbox"/> s144 <input type="checkbox"/> s201 <input type="checkbox"/> s205 <input type="checkbox"/> s219 • Heritage Act 1977 <input type="checkbox"/> s58 • Mine Subsidence Compensation Act 1961 <input type="checkbox"/> s15 • Mining Act 1992 <input type="checkbox"/> s63 <input type="checkbox"/> s64 • National Parks and Wildlife Act 1974 <input type="checkbox"/> s90 • Pollution Control Act 1979 <input type="checkbox"/> s17A <input type="checkbox"/> s17D <input type="checkbox"/> s171 • Petroleum (Onshore) Act 1991 <input type="checkbox"/> s9 • Protection of the Environment Operations Act 1997 <input type="checkbox"/> ss43 (a) <input type="checkbox"/> ss43 (b) <input type="checkbox"/> ss43 (d) <input type="checkbox"/> ss47 • Roads Act 1993 <input type="checkbox"/> ss48 <input type="checkbox"/> ss55 <input type="checkbox"/> ss122 • Rural Fires Act 1997 <input type="checkbox"/> s138 • Water Management Act 2000 <input type="checkbox"/> s100B • <input type="checkbox"/> s89 <input type="checkbox"/> s90 <input type="checkbox"/> s91 | | | |
| 10. Do you need Home Building Act Insurance? | <p>If you are using a licence builder for residential building work exceeding \$20,000 you must obtain Home Building Act Insurance. A certificate of insurance must be provided with this application or submitted with the Notice of Commencement. If you are an owner builder and intend to sell within 6 years you need to provide insurance cover. Owner builder's work in excess of \$12,000 requires completion of a course for the permit.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Relevant</p> | | | |

| 11. Affected Neighbours | Have you discussed the application with affected neighbours? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (We strongly recommend that you discuss this application with your neighbours) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--------------------------------------|---------------------------------------|-------|------|-------|-------|--|-----------------------------------|--------------------------------------|------------------------------------|--|--------------------------------------|------------------------------------|-----------------------------------|--|--|-----------------------------------|---------------------------------------|--|-----------------------------------|-------------------------------------|-----------------------------------|---|---------------------------------------|--|-------------------------------------|---|-----------------------------------|--|--|-----------------------------------|-------------------------------------|--|--|---------------------------------------|--|--|--|-----------------------------------|--|--|--|-------------------------------------|--|--|--|
| 12. Principal Certifying Authority | <p>Before you commence the development, you must appoint a Principal Certifying Authority (PCA). You can nominate Council or a private accredited certifier.</p> <p>Do you wish to nominate Balranald Shire Council as your Principal Certifying Authority?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OTHER</p> <p>If other, Name: _____</p> <p>Accreditation No: _____</p> <p>Date of Expiration: _____</p> <p>You must advise Council of the appointment of a PCA a minimum of 2 days before work commences.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13. Builder / Owner - Builder details | <p><input type="checkbox"/> Not known <input type="checkbox"/> Owner Builder</p> <p><input type="checkbox"/> Licensed Builder – Licence No. _____</p> <p>Name: _____</p> <p>Address: _____</p> <p>Phone: _____</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14. Schedule for building work only Information for the Australian Bureau of Statistics | <p>What are the current uses of the building/land? (If land is vacant state that it is Vacant) _____</p> <p>Does this site contain a dual occupancy? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Gross floor area proposed addition or new building (m²) _____</p> <p>Gross floor area whole building (m²) _____</p> <p>Gross site area (m²) _____</p> <p>Number of pre-existing dwellings: _____ Number of dwellings to be demolished: _____</p> <p>How many dwellings are proposed: _____ How many storeys? _____</p> <p>Materials to be used:</p> <p>Please tick in the box which best describes the materials the new work will be constructed of:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center; width: 25%;">WALLS</th> <th style="text-align: center; width: 25%;">ROOF</th> <th style="text-align: center; width: 25%;">FLOOR</th> <th style="text-align: center; width: 25%;">FRAME</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">11 <input type="checkbox"/> Brick (Double)</td> <td style="text-align: center;">10 <input type="checkbox"/> Tiles</td> <td style="text-align: center;">20 <input type="checkbox"/> Concrete</td> <td style="text-align: center;">40 <input type="checkbox"/> Timber</td> </tr> <tr> <td style="text-align: center;">12 <input type="checkbox"/> Brick (Veneer)</td> <td style="text-align: center;">20 <input type="checkbox"/> Concrete</td> <td style="text-align: center;">40 <input type="checkbox"/> Timber</td> <td style="text-align: center;">60 <input type="checkbox"/> Steel</td> </tr> <tr> <td style="text-align: center;">20 <input type="checkbox"/> Concrete / Stone</td> <td style="text-align: center;">30 <input type="checkbox"/> Fibre Cement</td> <td style="text-align: center;">80 <input type="checkbox"/> Other</td> <td style="text-align: center;">70 <input type="checkbox"/> Aluminium</td> </tr> <tr> <td style="text-align: center;">30 <input type="checkbox"/> Fibre Cement</td> <td style="text-align: center;">60 <input type="checkbox"/> Steel</td> <td style="text-align: center;">90 <input type="checkbox"/> Unknown</td> <td style="text-align: center;">80 <input type="checkbox"/> Other</td> </tr> <tr> <td style="text-align: center;">40 <input type="checkbox"/> Timber / Weatherboard</td> <td style="text-align: center;">70 <input type="checkbox"/> Aluminium</td> <td></td> <td style="text-align: center;">90 <input type="checkbox"/> Unknown</td> </tr> <tr> <td style="text-align: center;">50 <input type="checkbox"/> Curtain glass</td> <td style="text-align: center;">80 <input type="checkbox"/> Other</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">60 <input type="checkbox"/> Steel</td> <td style="text-align: center;">90 <input type="checkbox"/> Unknown</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">70 <input type="checkbox"/> Aluminium</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">80 <input type="checkbox"/> Other</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">90 <input type="checkbox"/> Unknown</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> | | | WALLS | ROOF | FLOOR | FRAME | 11 <input type="checkbox"/> Brick (Double) | 10 <input type="checkbox"/> Tiles | 20 <input type="checkbox"/> Concrete | 40 <input type="checkbox"/> Timber | 12 <input type="checkbox"/> Brick (Veneer) | 20 <input type="checkbox"/> Concrete | 40 <input type="checkbox"/> Timber | 60 <input type="checkbox"/> Steel | 20 <input type="checkbox"/> Concrete / Stone | 30 <input type="checkbox"/> Fibre Cement | 80 <input type="checkbox"/> Other | 70 <input type="checkbox"/> Aluminium | 30 <input type="checkbox"/> Fibre Cement | 60 <input type="checkbox"/> Steel | 90 <input type="checkbox"/> Unknown | 80 <input type="checkbox"/> Other | 40 <input type="checkbox"/> Timber / Weatherboard | 70 <input type="checkbox"/> Aluminium | | 90 <input type="checkbox"/> Unknown | 50 <input type="checkbox"/> Curtain glass | 80 <input type="checkbox"/> Other | | | 60 <input type="checkbox"/> Steel | 90 <input type="checkbox"/> Unknown | | | 70 <input type="checkbox"/> Aluminium | | | | 80 <input type="checkbox"/> Other | | | | 90 <input type="checkbox"/> Unknown | | | |
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| 60 <input type="checkbox"/> Steel | 90 <input type="checkbox"/> Unknown | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 80 <input type="checkbox"/> Other | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 90 <input type="checkbox"/> Unknown | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | |
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| 15. Owner's Consent <p>Must be completed by the owner of the land. If the owner is a company or strata title body corporate, the application must be signed by a director or an authorised person and delegated under common seal.</p> | <p>Owner's Name: BRENDAN PATRICK COATES JENNIFER COATES</p> <p>Owner's Address: GLEN AVON 905 IVAN HOB ROAD BALRANALD NSW 2715</p> <p>Phone Number: 0407 308662</p> <p>As the owner/s of the land to which this application relates, I/we consent to this application, I also give consent for authorised Council Officers to enter the land to carry out inspections.</p> <p>Owner's Signature/s: Brendan P. Coates Jenlyfat</p> <p>Owner's Representative or Agent:</p> |
| 16. Applicant's Declaration | <p>I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct.</p> <p>I also certify that the development proposal submitted with this form and as detailed on the attached plans will comply with all covenants, caveats and restrictions to user however described or recorded on this title.</p> <p>I also understand that if incomplete, the application may be delayed, rejected or more information may be requested.</p> <p>Signature: Jenlyfat · Brendan · P. Coates</p> <p>Date: 8.12.2020</p> |
| 17. Privacy Policy | <p>The information you provide in this application will enable your application to be assessed by the certifying authority under the <i>Environmental Planning and Assessment Act 1979</i>. If the information is not provided, your application may not be accepted. The application can potentially be viewed by members of the public. Please contact the Council if the information you have provided in your application is incorrect or changes.</p> |
| 18. How to lodge your application | <p>Applications should be addressed to: General Manager Balranald Shire Council</p> <p>Mail: PO Box 120 BALRANALD NSW 2715</p> <p>How to contact us: Phone: (03) 5020 1300 Fax: (03) 5020 1620 Email: council@balranald.nsw.gov.au</p> <p>Personal Delivery: 70 Market Street BALRANALD NSW 2715</p> <p>If you wish to discuss a proposal, it is essential that you arrange an appointment. We recommend that you consult with a Council officer before submitting this application.</p> |

STATEMENT OF ENVIRONMENTAL EFFECTS

If unsure about any of the details required it is recommended that you contact Council's Infrastructure and Development Department by calling (03) 5020 1300 and make an appointment to discuss your proposal with an assessment officer.

Property Details

| | | | | |
|-----------------|-------------|----------------|---------|--------|
| Lot(s) | 4864 , 4838 | | DP | 769099 |
| House Number(s) | 908 | Street ROAD | IVANHOE | |
| Town | BALRANALD | | | |

Description of the Site and Locality

Pre-existing road and fence line between
two paddocks.

Details of the Proposed Development

Survey fence line to protect Forestry rights
and allow freehold conversion of WLL3199 & 5103.

Matters for Consideration

(Matters for consideration pursuant of the Environmental Planning & Assessment Act 1979 Section 79C)

a) Compliance with relevant environmental planning instruments

(ie Local Council Plans, draft LEPs).

- (i) Is the land zoned residential?
(ii) Is the proposal permissible within the zone?

YES NO

-

Note: If unsure check with Council's Infrastructure and Development Department or obtain a s149 Certificate from Council.

- b) Likely impacts of the development, including environmental impacts on both the natural and built environments of the locality.

- (i) Will the proposal result in the loss of any vegetation from the site?
(ii) If yes, outline details and identify on site plan.

YES NO

- (iii) Are any landscaping works proposed on the land?
(iv) If yes, please describe the proposed works and detail what existing trees/vegetation to be removed/ retained or show details on the site plan.

- (v) Does the proposal involve excavation or filling of the site?
(vi) If yes, outline details and / or identify on plans.

- (vii) Is vehicular access available from the street?
(viii) Outline details of vehicular access and parking arrangements (location, car parking, etc)

- (ix) Will the proposal impact on adjoining residences?
(x) If yes, outline where possible building works are proposed to be sited on the land to demonstrate the relationship to existing building (ie distances from the boundaries, etc). These details should be shown on the site plan.

- b) Likely impacts of the development, including environmental impacts on both the natural and built environments of the locality.

- (i) Will the proposal result in the loss of any vegetation from the site?
(ii) If yes, outline details and identify on site plan.

YES

NO

- (iii) Are any landscaping works proposed on the land?
(iv) If yes, please describe the proposed works and detail what existing trees/vegetation to be removed/ retained or show details on the site plan.

- (v) Does the proposal involve excavation or filling of the site?
(vi) If yes, outline details and / or identify on plans.

- (vii) Is vehicular access available from the street?
(viii) Outline details of vehicular access and parking arrangements (location, car parking, etc)

Access is available on pre-existing road within the paddock.

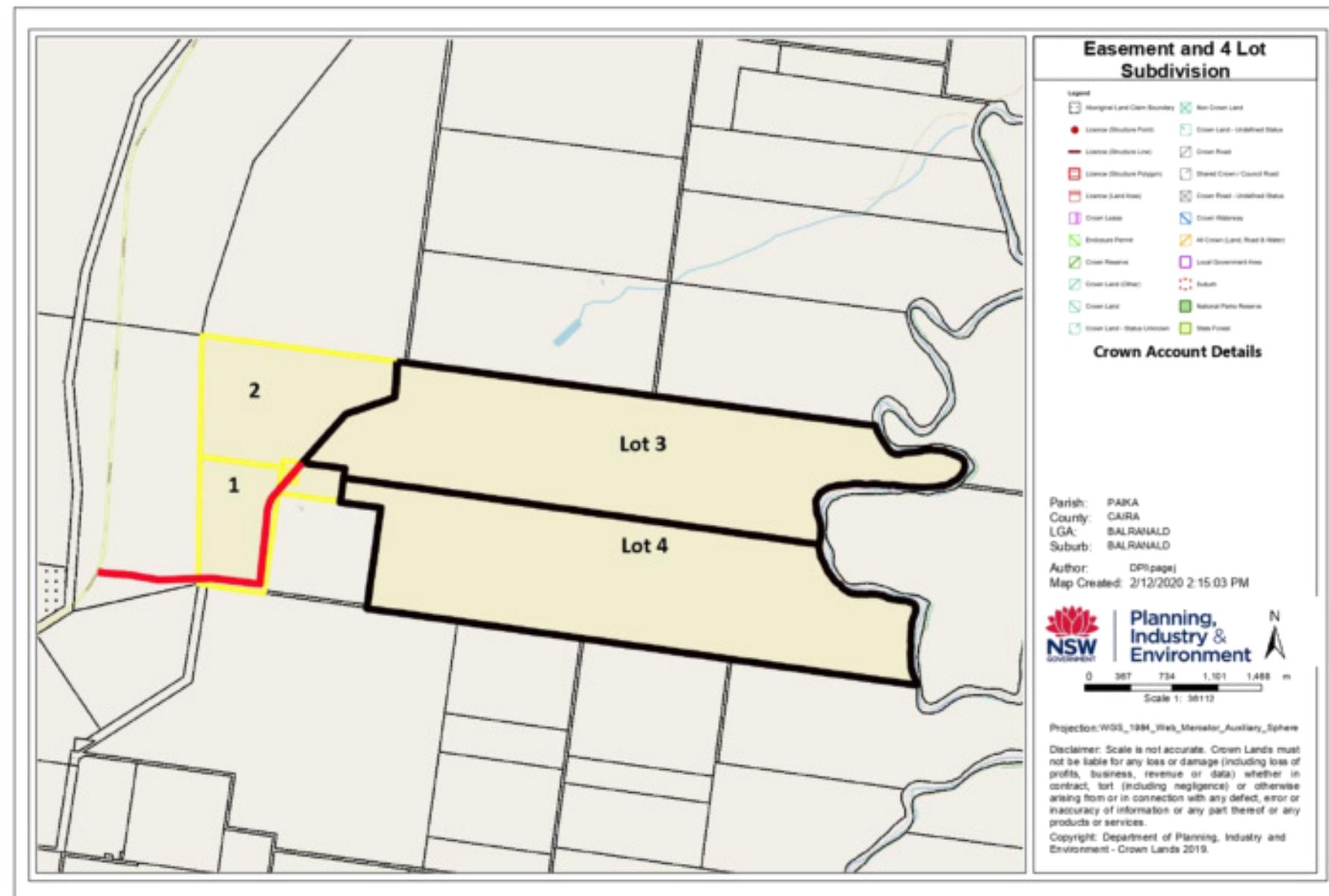
- (ix) Will the proposal impact on adjoining residences?
(x) If yes, outline where possible building works are proposed to be sited on the land to demonstrate the relationship to existing building (ie distances from the boundaries, etc). These details should be shown on the site plan.

c) Suitability of the site for the development

- (i) Is the area an established residential area?
- (ii) Are existing utility services available and adequate to serve the development (ie water, sewerage, telephone, gas, stormwater and garbage)?
- (iii) If no, what alternative arrangements are proposed?

- (iv) Are there any other matters relating to your proposed development or use, such as Management details, operating or construction hours, noise etc?

- (v) If yes, please specify.





Our ref: DOC21/121414

Senders ref: DA 32.2021

Ray Mitchell
Balranald Shire Council
PO Box 120
Balranald NSW 2715

Via email: council@balranald.nsw.gov.au

23 February 2021

Dear Mr Mitchell

Subject: DA 32/2021 – Subdivision – Glen Avon, 908 Ivanhoe Road, Balranald

I refer to your letter dated 10 February 2021 seeking input from the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment on the above development application.

BCD has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats) and flooding. We have reviewed the documents supplied and note the following.

BCD is satisfied that there will be no impacts on threatened species or ecological communities from the subdivision application alone. However, the proponent should be advised that any future development on the resulting lots, including the removal of any native vegetation in the course of farming activities, will be regulated by the *Biodiversity Conservation Act 2016* and the *Local Land Services Act 2013*.

If you have any questions about this advice, please contact Simon Stirrat, Senior Conservation Planning Officer, via rog.southwest@environment.nsw.gov.au or [REDACTED].

Yours sincerely

A handwritten signature in black ink, appearing to read "Andrew Fisher".

Andrew Fisher
Senior Team Leader Planning
South West Branch
Biodiversity and Conservation Division
Department of Planning, Industry and Environment

10.3 NSW RIGHT TO FARM POLICY

| | |
|------------------------------------|---|
| File Number: | D21.48633 |
| Reporting Officer: | Ray Mitchell, Health & Development Officer Nikkita Manning-Rayner, Administration Assistant |
| Responsible Officer: | Ray Davy, Director Infrastructure and Development |
| Operational Plan Objective: | Pillar 5: Our Infrastructure – A community that maintains and strengthens its natural and built environment. |

OFFICER RECOMMENDATION

That Council adopt the NSW Right to Farm Policy into Council's policy set.

PURPOSE OF REPORT

To advise of the results of public consultation in relation to the advertising of the NSW Right to Farm Policy.

REPORT

Council recently adopted the Balranald Local Strategic Planning Statement (resolution 2020/142) which included the recognition of agriculture as being a significant economic driver for the local government area. In order to confirm the importance of agriculture in Council's operational and strategic thinking Action 8 of the Statement - Adopt a Right to Farm policy - was included for adoption into Council's policy framework.

The NSW Government developed the Right to Farm Policy (the Policy) to be a comprehensive, State-wide approach to deal with the issue of the 'right to farm'. Accordingly, it is appropriate that the Policy be incorporated in the suite of Council policies.

The concept of 'right to farm' has multiple facets but the common interpretation – and the one used in this policy – relates to a desire by farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users.

The policy brings together a suite of responses including:

- Reinforcing rights and responsibilities
- Establishing a baseline and ongoing monitoring and evaluation of land use conflicts
- Strengthening land use planning by ensuring that ongoing reviews of relevant environmental planning instruments include consideration of options to ensure best land use outcomes and to minimise conflicts
- Improving education and awareness on management of land use conflicts.

Following on from the December meeting of Council, community consultation has been undertaken in accordance with Resolution 2020/233. The submission period concluded on the 8th March 2021.

There were no submissions in relation to the policy exhibition.

FINANCIAL IMPLICATION

Nil

LEGISLATIVE IMPLICATION

Environmental Planning & Assessment Act 1979

Local Government Act 1993

Protection of the Environment Act 1997

POLICY IMPLICATION

New Policy

RISK RATING

Low

ATTACHMENTS

1. NSW Right to Farm Policy [!\[\]\(16f111fff4d37d37838f99c3e98690c4_img.jpg\)](#) [!\[\]\(fb81767f1d9f01595ef7e5f3ba33e198_img.jpg\)](#)

NEW SOUTH WALES
**RIGHT TO FARM
POLICY**

NSW Department of Primary Industries





NSW RIGHT TO FARM POLICY

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Introduction

The concept of 'right to farm' has multiple facets but the common interpretation – and the one used in this policy – relates to a desire by farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users.

The NSW Government has developed a comprehensive, state-wide approach to deal with the issue of 'right to farm', which brings together a suite of responses including:

- » reinforcing rights and responsibilities
- » establishing a baseline and ongoing monitoring and evaluation of land use conflicts
- » strengthening land use planning
- » ensuring ongoing reviews of relevant environmental planning instruments include consideration of options to ensure best land use outcomes and to minimise conflicts
- » improving education and awareness on management of land use conflicts
- » considering potential future legislative options, should additional Government intervention be required.

Land use conflict occurs when there is disagreement or dispute as to the use of land. The activities of one land user might be perceived to, or actually does, infringe upon the rights, values or amenity of another.

In rural areas, land use conflicts can occur when agriculture impacts on residential uses, but conflicts can also arise when other land users impact on farmers, and also between different agricultural industries. In some circumstances, this can simply be about mutual respect and a right to coexist.

People who want to live in rural and agriculture areas are attracted by the open green space, fresher air and pleasant scenery. The desire to enjoy these landscapes should be accompanied by an understanding that rural land is used for productive purposes, such as agriculture. The reality is that normal farming practices can have impacts on neighbours ranging from residual noise, light, dust and other impacts.

In some local government areas, complaints occur frequently (on a weekly basis). The level of conflict can be a considerable issue for local government, can place increased costs on farming enterprises, and exert pressure on existing farmers to either relocate or leave the industry altogether. Those that do stay may have ongoing uncertainty and as a consequence may underinvest in the farm to reduce their future risks.

The Government supports primary producers in their right to farm. However, the right to farm only extends to what is lawful. This means compliance with the legislation and regulations that govern, for example, land uses, uses of chemicals, intensity and timing of lights and noise and management of odours. The suite of rules applies equally to all land users, including rural lifestyle land owners who, like farmers, have obligations in relation to management of weeds, pests and other biosecurity risks.





Principles

The NSW Government recognises the value of agriculture for growing food and fibre for domestic and international markets and is concerned about the potential loss or impaired use of agricultural land. Agriculture is important to local, regional, and state economies and communities.

Addressing land use conflicts that arise from lawful agricultural practices is an issue of shared obligations. Farmers, neighbours, land developers, new land buyers as well as local and state government all have a significant role to play.

The NSW Government will strive to increase certainty for existing agricultural use and promote innovation and investment in agriculture by:

- » identifying and facilitating access to resources on which agriculture depends
- » supporting the retention of critical industry mass and access to services, infrastructure, processing facilities and markets.

The NSW Government will plan for land use near agriculture that minimises conflicts and where possible enable future growth and adaption, while providing for other industries to co-exist where compatible.

Summary of actions

Reinforcing rights and responsibilities

- » The NSW Government will implement the Right to Farm policy to support farmers in exercising their right to farm.
- » The NSW Government will work with agricultural industries in NSW to support their efforts in establishing and maintaining best practice and minimising land use conflicts.
- » The NSW Government will encourage and support all participants in rural industry to promote good agricultural practice, technological and practical developments of modern farming equipment and techniques, and good neighbour practices.

Establishing a baseline and ongoing monitoring and evaluation

- » The NSW Government will work with local government and other stakeholders to identify and monitor nuisance complaints related to farming in relevant local government areas.

Strengthening land use planning

- » The NSW Government will develop a suite of Regional Plans that identify regional priorities for growth, including for primary industries, as well as providing direction on managing land use conflicts.
- » The NSW Government will work with local councils to identify any additional measures required to assist their efforts in best practice land use planning to address land use conflict issues.

Ensuring current reviews of environmental planning instruments include consideration of options to ensure best land use outcomes and to reduce conflicts

- » The NSW Government will review current land use planning mechanisms and instruments, with the aim of delivering a planning policy framework that supports the management of current and future farming practices.
- » The NSW Government will review the findings of the current Legislative Council Inquiry into regional planning processes in NSW, which is due to report in 2016 and consider the recommendations, including any recommendations regarding the Right to Farm policy.

Improving education and awareness

- » The NSW Government will enhance its current engagement with local government, and in consultation with other stakeholders, support councils' proactive management and education on land use conflict issues that arise from lawful farming practices.

Considering the need for legislative options, should additional Government intervention be required.

- » The NSW Government will maintain its links with other jurisdictions to exchange information about developments in right to farm policy and legislation.
- » The NSW Government will report on the implementation of this policy on an annual basis.
- » The NSW Government will undertake a review after a period of two years of data collection or earlier if the evidence demonstrates the need. This review of the policy will consider other jurisdictions and overseas experiences, as well as the outcomes of the Legislative Council Inquiry and determine if legislative options are necessary.



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Reinforcing rights and responsibilities

The responsibility to address the question of right to farm is a shared one. There are many potential players including local government, state government, agriculturalists, community members, manufacturers of farming equipment, real estate agents and conveyancing professionals, and future land use purchasers.

The Government's objective is to reduce the number of complaints and legal claims made against farmers, while preserving the rights of legitimate complainants. This must be matched with farmers being fully compliant with the relevant environment and planning laws.

It must also be matched with individuals and communities recognising that we need agriculture to produce food and fibre. This recognition should be complemented by a better understanding and acceptance of what are lawful agricultural practices.

Through the Agricultural Industry Action Plan, Government has made commitments to industry in relation to reduction in red tape, best practice regulation and improved security for farming. In turn, industry is to develop and use 'best practice' guides that will demonstrate to community and government that there is scope to reduce the need for regulation in the future.

Also through the Agricultural Industry Action Plan, the agricultural industry has, with government support, committed to develop and enhance its 'social licence'. The development of social licence occurs outside formal permit or regulatory processes, and is used to describe if an industry is accepted and trusted by the community. Aspects of an industry's social licence include its environmental performance and community relationships.

The Department of Primary Industries (DPI) works closely with local government and agricultural industry advisory committees on land use issues. It also collaborates with other agencies in promoting sustainable growth of industries. Best practice education such as guidelines for controlled environment horticulture and environmental management guidelines for the dairy industry are available.

Actions

- » The NSW Government will implement the Right to Farm policy to support farmers in exercising their lawful right to farm.
- » The NSW Government will work with agricultural industries in NSW to support their efforts in establishing and maintaining best practice.
- » NSW Government will encourage and support all participants in rural industry to promote good agricultural practice, technological and practical development of modern farming equipment and techniques, and good neighbour practices.

Establishing a baseline and ongoing monitoring

Agriculture, which includes cropping, horticulture, livestock and viticulture sectors, supplies the food and fibre processing and manufacturing industry and is serviced and supported by agribusiness.

There are around 44,000 farms¹ in NSW and 39,000² agricultural businesses, which accounts for about 74% of the area of the state³ being managed by farmers.

While agriculture is the major land use in NSW, this land is predominately used for the grazing of native vegetation or improved pastures. Only 11 % of NSW is used for higher productivity agricultural uses such as cropping (dryland 9.6%, irrigated 1.3%) and horticulture (0.2%).⁴

Australia's peri-urban regions are an important and contested area of agricultural production. Research has found that peri-urban areas in Australia comprise less than three per cent of land used for agriculture but account for more than 25 per cent of the gross value of agricultural production⁵.

However, the area of agricultural land in Australia is under continual pressure. The reasons for this are complex and varied. Anecdotal evidence suggests that one of the causes of decline in agricultural land relates to the conflicts that can occur between farmers and other land users.

There is limited information on the frequency of this issue. The informal information that has been collated from contacting individual councils suggests that many deal with significant numbers of complaints and threats of action on a weekly basis.

Action

- » The NSW Government will work with local government and other stakeholders to identify and monitor nuisance complaints related to farming in relevant local government areas.

¹ http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0017/532322/Contribution-of-Primary-Industries-to-the-NSW-Economy.pdf

² DPI (2014). Agricultural Industry Action Plan Printed for Growth: Investing Locally Connecting Globally.

³ http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0017/532322/Contribution-of-Primary-Industries-to-the-NSW-Economy.pdf

⁴ http://data.daff.gov.au/bris/landuse/docs/1_State_NSW.pdf

⁵ Houston, P (2005). Re-valuing the Fringe: Some Findings on the Value of Agricultural Production in Australia's Peri-Urban Regions. *Geographical Research* 43(2): 209–223



Strengthening land use planning

In NSW the *Environmental Planning and Assessment Act 1979* (the Act) is the major legislation governing land use and environmental assessment in NSW. The Department of Planning and Environment is the lead agency in implementing this Act. The Act establishes a framework for strategic and local plans, local zoning, development control plans, assessment requirements and development consent provisions.

DPI does not have a role under the Act in relation to the agriculture but works with councils at the strategic level to plan for agricultural industry development and to maintain access to agricultural resources including land. This includes recommending actions to reduce land use conflict.

The intended outcome is appropriate zoning and permissible uses that are compatible with agricultural activities, and local strategies that guide land uses and minimise conflict.

The NSW Government is currently strengthening its approach to strategic planning and the coordination of economic infrastructure, including in regional NSW, through the roll-out of state-wide Regional Plans.

Regional Plans identify the regions priorities that support economic growth and change within the context of ecological sustainable development. Regional Plans deliver these priorities by: directing housing and jobs growth preferred locations; identifying and protecting valuable environmental, agriculture and resources across the region; and setting the framework to balance competing uses.

DPI is contributing to the process by, for example, identifying important agricultural land and other resources and proposing mechanisms to manage and where appropriate, support the protection of those lands.

Recently in Victoria, a high profile Wagyu beef grower highlighted the issue of right to farm. This has resulted in the Ministers for Planning and for Regional Development appointing an advisory committee to examine how the planning system can better support Victorian farmers and agriculture. DPI has made contact with Victorian counterparts to discuss their recent experience and will use that experience to inform its input into the management of agricultural land use conflict.

Actions

- » The NSW Government will develop a suite of Regional Plans that identify regional priorities for growth, including for primary industries, as well as providing direction on managing land use conflicts.
- » The NSW Government will work with local councils to identify any additional measures required to assist their efforts in best practice land use planning to address land use conflict issues.



Ensuring ongoing reviews of relevant environmental planning instruments include consideration of options to ensure best land use outcomes and to minimise conflict

The EP&A Act provides for a hierarchy of environmental planning instruments, which include state environmental planning policies (SEPP) and local environmental plans (LEP).

Within the current planning system there is a range of instruments such as the Rural Land SEPP and the Intensive Agriculture SEPP, as well as a number of zoning controls within the Standard Instrument that informs local environmental plans.

The NSW Government is reviewing planning instruments that relate to rural lands, with the aim of strengthening the planning policy framework to better support current and future agricultural practices, which are important to underpin the concept of right to farm.

This review will investigate opportunities to strengthen current planning policy to support agriculture activity, consider the range of zonings needed to recognise the breadth of agricultural activities, and consider how best to deliver flexibility for agricultural practices to better adapt to changes in circumstances - such as climate change and drought, without triggering the need for development approval.

Concurrently, the NSW Legislative Council is undertaking an inquiry into regional planning to among other things, review the effectiveness of planning instruments to stimulate regional development and consider any constraints imposed to regional development by the planning frameworks.

Actions

- » The NSW Government will review current land use planning mechanisms and instruments, with the aim of delivering a planning policy framework that supports the management of current and future farming practices.
- » The NSW Government will review the findings of the current Legislative Council Inquiry into regional planning processes in NSW, which is due to report in 2016 and consider the recommendations, including any recommendations regarding the Right to Farm policy.



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Improving education and awareness

In many cases land use conflicts arise because of a lack of awareness and understanding of the agricultural industries occurring in an area, the nature and purposes of activities associated with these industries, as well as the likely amenity impacts.

There are many individuals and professional groups that can assist in increasing awareness and reducing land use conflicts to maintain farmers' right to farm.

Adjoining landowners are encouraged to communicate with each other and develop an understanding of what it means to be a 'good neighbour', for example undertaking land ownership responsibilities; discussing major proposed changes in land use; informing neighbours about timing of occasional operations that could cause short-term amenity impacts.

DPI plays an important part in preparing and publishing material for stakeholders who may be involved in issues associated with land use conflicts arising from agricultural production. In addition to the development of agricultural industry best practice guidelines, a key publication is the *Living and Working in Rural Areas* handbook.

Potential purchasers in rural and agricultural areas are strongly encouraged to be fully informed about the current land uses within their location of interest to ensure that the reality of living in rural communities matches their personal dreams. They also need to be aware of responsibilities associated with owning rural land such as weed and pest animal control, bushfire management, and preventing animals from straying.

Professionals such as real estate agents and conveyancers can also help by fully informing potential land buyers of current land uses in the locality.

Councils can assist in this process by providing information to potential buyers and conveyancers at the time of purchase. For example, Wollondilly Shire Council has a 'Notices of Rural Land Use', which provides information about the impacts arising from agricultural activity to prospective purchasers of land surrounding existing agriculture in the area. These Notices accompany s149(2) planning certificates, which are issued under the EP&A Act, and contain information on how a property may be used and the restrictions on development.

The Greater Hume Shire Council has a right to farm policy that states it will not support any action to interfere with the legitimate rural and agricultural use of land where the activity is in accordance with relevant legislation. When an inquiry is made to the council by a prospective rural land purchaser or landholder, the person is advised about the legitimate rural and agricultural uses of land.

Action

- » The NSW Government will enhance its current engagement with local government, and in consultation with other stakeholders, support councils' proactive management and education around land use conflict issues that arise from lawful farming practices.

Considering the need for legislative options, should additional Government intervention be required

There are a range of legislative options that are available to NSW, should the experience and evidence informed by the implementation of this policy suggest that a legislated response is warranted.

Legislative options include:

- » Mandating the Notices of Rural Land Use
- » Protections for specific types of operations
- » Protections for pre-existent enterprises following 'normal farm practices'
- » Establishment of 'farm practices boards' that review individual cases in dispute resolution.

Legislation has been implemented in Australia with mixed results⁶. Western Australia previously had an *Agricultural Practices (Disputes) Act 1995*, which established the Agricultural Practices Board. This legislation was subsequently withdrawn because of very limited numbers of disputes to resolve (eight in total over the life of the legislation).

Following an amendment to the *Victorian Sale of Land Act 1962*, as of 1 October 2014 all sellers or estate agents must make sure that the due diligence check list is available to potential buyers of homes or residential properties. The purpose of the checklist is to make buyers aware, before purchase, of the range of issues that may affect the property including bushfire or flood risk, land contamination, rural land use; or impose planning controls or obligations, such as control of weeds and pest animals, on owners of the property.

Tasmania is the only Australian state to have in place right to farm legislation, the Primary Industries Activities Protection Act 1995. In June 2014 an issues paper on the Act review was released and recommendations from the review are currently being finalised for government endorsement.

Internationally, legislative approaches are also diverse but the common feature is to grant protection to farmers from nuisance claims. A major concern regarding the granting of this immunity is the concomitant reduction in private property rights of the complainant.

Actions

- » The NSW Government will maintain its links with other jurisdictions to exchange information about developments in right to farm policy and legislation.
- » The NSW Government will report on the implementation of the policy on an annual basis.
- » The NSW Government will undertake a review after a period of two years of data collection or earlier if the evidence demonstrates the need. This review of the policy will consider other jurisdictions and overseas experiences, as well as the outcomes of the Legislative Council Inquiry and determine if legislative options are necessary.

Additional reference material

- » *Living and Working in Rural Areas* handbook
- » Greater Hume Shire Right to Farm Policy
- » Agricultural Industry Action Plan
- » NSW Parliamentary Research Services e-brief Right to Farm Laws

⁶ A good summary can be found in the NSW Parliamentary Research Services e-brief 5/2015

Published by the NSW Department of Primary Industries

First published December 2015

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (November 2015). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.
BN 15789_DEC15



Published by
NSW Department of Primary Industries

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13789_DEC15

10.4 2020-21 CAPITAL WORKS BUDGET UPDATE

| | |
|------------------------------------|---|
| File Number: | D21.48847 |
| Reporting Officer: | Gerdi Rand, Executive Assistant |
| | Ray Davy, Director Infrastructure and Development |
| Responsible Officer: | Ray Davy, Director Infrastructure and Development |
| Operational Plan Objective: | Pillar 5: Our Infrastructure – A community that maintains and strengthens its natural and built environment. |

OFFICER RECOMMENDATION

That the updated budget for capital works in 2020-21 be noted and that this report will be presented to the March ordinary Council meeting for approval.

BACKGROUND

Significant changes have occurred in the Council's capital works programme since the adoption of the 2020-21 budget. These have arisen from a combination of reasons including the receipt of grant funding for works not originally contemplated (or if contemplated not funded at the budget stage), deferral or deletion of some items in response to evolving circumstances, and actual tenders prices for some items being greater or less than the budget allowances. Some of these variations have been recorded in the September 2020 and December 2020 Quarterly Budget Review (QBR) or in specific purpose reports to Council. However, it is appropriate that a consolidated update be now reported to Council and the community to properly reflect the proposed capital works programme delivery for the financial year.

REPORT

The attached schedule sets out in detail the 2020-21 capital works programme as originally adopted, as modified by September 2020 and December 2020 QBR, and as now proposed to be delivered. The following report sets out detailed reasons for the proposed variations from the budget as modified up to and including the December QBR.

Public Order and Safety

Grant funds of \$4,000.00 have been received for an upgrade to the Council pound. This is expenditure not anticipated in the original budget and being grant funded has no net impact on Council funds.

Community Services

Council received a grant of \$4,680,000 towards the construction of the proposed 15-bed high dependency extension to the Bidgee Haven Aged Care Hostel. As detailed in a separate report, tenders for the construction have been received that exceed the available funding, and an independent business case assessment is being conducted before any decisions are made on how the funding gap might be met. As a consequence, completion of the project will not occur in the current financial year and therefore the bulk of the projected expenditure will be carried forward to the 2021-22 financial year.

Recreation and Culture

Creative Learning Centre

Council has received a grant of \$284,380 for development of a Creative Learning Centre adjacent to the Balranald Art Gallery. It was anticipated that the project would be completed this financial year but that is now thought unlikely and the budget for this item has been adjusted to reflect this, with the balance of the grant funding to be carried forward to the 2021-22 budget.

Local Roads and Community Infrastructure (LRCI) Programme

Council received a grant of \$832,921 under Phase 1 of the LRCI Programme, and this was included in the budget as a single line item (at a slightly incorrect figure of \$832,930). As reported to Council at the February OCM, these funds have now been allocated to various projects and the budget has been adjusted to reflect this, with no net impact on the total cost.

Council subsequently received a further allocation of \$616,739 under Phase 2 of the LRCI Programme, for projects to be completed by 31 December 2021. Planning and design for two of these projects (Euston town approaches and Euston multicourt upgrade) will commence this financial year and provision has been made for these costs, with the balance carried forward to the 2021-22 budget.

Euston master planning

In order to achieve the best outcome for expenditure on various inter-related projects in Euston, including those funded under the LRCI Programme, there is a need for a proper master planning exercise. The Euston Progressive Advisory Committee has resolved to request Council to re-purpose an existing budget allocation of \$30,000 for upgrading the entrance to the Euston Recreation Reserve to this task.

Our Region Our Rivers

A sum of \$908,517 was included in the budget at the September 2020 QBR to reflect the available balance of grant funding for the new swing bridge, walking trail and riverfront upgrades. It has become apparent that the cost of the bridge will be such that the funding will not be sufficient to deliver this aspiration and accordingly the expenditure in 2020-21 will be reduced while alternative options are considered. Provision of \$350,000 is proposed in the amended programme, with the balance of funding carried forward to 2021-22.

Lions Park Upgrade

Council has received \$587,000 in grants for the development of an upgrade of Lions Park including an adventure playground, upgraded toilets and ancillary works. Although the majority of this expenditure will occur in 2021-22, provision has been made for \$30,000 in the current budget for design and preliminary works.

Bal Archies Sponsorship

Council normally sponsors this annual event through the purchase of artworks, and a budget provision of \$3,000 was made for this purpose. However, due to Covid-19 restrictions the event was cancelled in 2020 and the budget is adjusted accordingly.

Business Undertakings

Caravan Park improvements

With the significant reduction in patronage of the Balranald Caravan Park due to Covid-19 restrictions, it was decided not to proceed with installation of new power poles for powered sites (\$30,000) or site upgrades (\$21,850) and these items are now deleted from the budget. Any decision whether to reinstate these items in the 2021-22 budget will be a matter for the consideration of Council in due course.

Discovery Centre Complex

An amount of \$1 million is available to Council for a redevelopment of the Discovery Centre, and it was originally anticipated that the project would be completed this financial year. Delays in finalising a concept that is acceptable to the community now mean that only preliminary works will be completed in 2020-21 with the bulk of the expenditure carried forward to 2021-22.

Balranald landfill security upgrade

Council has for some time been seeking to upgrade security and public safety at the Balranald landfill. Although any physical works will be dependent on grant funding in future years, a provision of \$20,000 is proposed for survey and design of a modified refuse receival arrangement.

Transport

As is often the case, Council had no certainty of its funding allocations for road projects prior to commencement of the financial year, as State grant processes generally roll out over subsequent months. Specific funding programmes such as Fixing Local Roads and the Regional Road Repair Programme have resulted in significant allocations to Council since the budget was originally adopted.

Fixing Local Roads (FLR)

Council has received funding under FLR for sealing sections of the Marma – Box Creek Road and the Weimby – Kyalite Road, in each case over two financial years. It is anticipated that expenditure in the current year will be \$1.6 million and \$800,000 respectively, with the balance of the grant funding to be carried forward to the 2021-22 budget.

Regional Road Repair Programme (REPAIR)

Council has received funding under REPAIR for widening a section of Main Road 296 (Kyalite – Moulamein Road) to be completed this financial year. Total cost of this work, split between the REPAIR grants and Council's annual Block Grant from the State, is \$296,000 which was not anticipated in the original budget

Council has also received funding under REPAIR for a culvert extension and 2km sealing of Main Road 514 (Oxley Road), to be completed this financial year. Total cost of this work is estimated at \$511,793 which varies slightly from the amount provided for in the original budget.

Roads to Recovery (R2R)

The multi-year R2R-funded programme is routinely adjusted so as to provide co-funding for grants from other sources as well as for funding various stand-alone projects. A single lump sum was previously included in the budget and adjusted at the September 2020 QBR, but has now been allocated across specific projects as well as providing co-funding for the FLR projects referred to above. Details of these allocations are set out in the attached schedule.

Drought funding – grid maintenance and replacement

A total of \$300,000 has been allocated under Phase 2 of the Drought Communities Programme for improvements or replacement of grids on Council roads, to be completed by 30 June 2021.

Block Grant adjustments

As project of resheeting an unsealed section of Main Road 514 (Oxley Road) has been deleted from the current programme, and the original budget provision for heavy patching on Main Road 67 (Ivanhoe Road) has been reduced in order to allow the funds to be allocated to co-funding REPAIR projects.

Market Street defects

Provision of \$60,000 has been made for Council to rectify defects on the contractor's work on the Market Street upgrade project, to be funded out of retention monies held.

Water services*Euston raw pump station electrical upgrade*

Tender prices for this work exceeded the budget provision of \$50,000 and an increase is proposed to cover the cost of the works including overheads.

Balranald filtered water reservoir inspection

This item was originally proposed to include interior and exterior painting at a budget cost of \$475,000 but Council was unable to identify suitable contractors for the works and the scope was reduced to cover inspection only, with an allowance for costs associated with taking the reservoir off line during the process, at a reduced budget allowance of \$50,000. Tenders for the inspection works have resulted in a significant saving through no longer having to take the facility off line, and the budget can be reduced accordingly.

Sewer services*Balranald PS2 electrical upgrade*

Tender prices for this work exceeded the budget provision of \$20,000 and an increase is proposed to cover the cost of the works including overheads.

Euston sewer pump station upgrade

Tender prices for this work were lower than the budget provision of \$20,000 and a decrease is proposed to reflect the cost of the works including overheads.

FINANCIAL IMPLICATION

As set out in the attached schedule, the net overall impact for the 2020-21 capital works budget will be a decrease of \$4,186,663.

The net impact on Council's own source expenditure (excluding transfers from reserves) is an increase of \$168,000.

LEGISLATIVE IMPLICATION

Nil.

POLICY IMPLICATION

2020-21 Operational plan

RISK RATING

Project based risks have been individually assessed

ATTACHMENTS

1. 2020-21 capital works and loan repayments schedule [!\[\]\(f5ffeaa336bc6fc82b161691cd2adc07_img.jpg\)](#)

| PROJECT DESCRIPTION | Adopted Budget | Sept 2020 QBR | Dec 20 QBR | Proposed Mar 2021 | Variation | Source of Funds | | | Comments |
|--|------------------|------------------|------------------|-------------------|-----------------|-------------------|-----------------|------------------------|------------------------------|
| | | | | | | Council 2020/2021 | Reserves | Grants/Other 2020/2021 | |
| GOVERNANCE | | | | | | | | | |
| Content Management Upgrade | \$25,000 | \$25,000 | \$25,000 | \$25,000 | | \$25,000 | | | |
| Allocation for co-funding for Capital Grant Applications | \$40,000 | \$40,000 | \$0 | | | | | | |
| Sub - Total | \$65,000 | \$65,000 | \$25,000 | \$25,000 | \$0 | \$25,000 | \$0 | \$0 | |
| CORPORATE & ADMINISTRATIVE SERVICES | | | | | | | | | |
| Web Site Development Shire wide | \$50,000 | \$50,000 | \$50,000 | \$50,000 | | \$50,000 | | | |
| IT Architecture Refresh | \$200,000 | \$200,000 | \$200,000 | \$200,000 | | \$200,000 | | | |
| Corporate & Administrative Services Sub - Total | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$0 | \$250,000 | \$0 | \$0 | |
| ENGINEERING OPERATIONS | | | | | | | | | |
| Major Plant Acquisition Costs | | | | | | | | | |
| Tipper Body for Trailer | \$30,000 | \$30,000 | \$32,310 | \$32,310 | | \$32,310 | | | |
| Trailblazer Replacement BSC100 | \$28,000 | \$28,000 | \$28,000 | \$28,000 | | \$28,000 | | | Net replacement cost |
| Trailblazer Replacement BSC102 | \$28,000 | \$28,000 | \$28,000 | \$28,000 | | \$28,000 | | | Net replacement cost |
| Prado replacement BSC101 | | | \$45,000 | \$45,000 | | \$45,000 | | | Brought forward from 2019/20 |
| Rick Campbell's Ute Replacement DMAX | \$34,000 | \$34,000 | \$24,000 | \$24,000 | | \$24,000 | | | Net replacement cost |
| Bulk Storage Diesel Bowser | \$40,000 | \$40,000 | \$40,000 | \$40,000 | | \$40,000 | | | New |
| Mini Excavator | \$50,000 | \$50,000 | \$55,000 | \$55,000 | | \$55,000 | | | New |
| Mazda Replacement BSC113 | \$25,000 | \$25,000 | \$25,000 | \$25,000 | | \$25,000 | | | Net replacement cost |
| Walker Mower & Trailer | \$55,000 | \$55,000 | \$34,000 | \$34,000 | | \$34,000 | | | Net replacement cost |
| Road Train Prime Mover | \$75,000 | \$75,000 | \$75,000 | \$75,000 | | \$75,000 | | | Net replacement cost |
| Hydrovax | | | \$87,000 | \$87,000 | | \$87,000 | | | New |
| Caravan Upgrade | \$100,000 | \$100,000 | \$0 | \$0 | | \$0 | | | No longer required |
| Plant Replacement Loan 137 | \$75,810 | \$75,810 | \$75,810 | \$75,810 | | \$75,810 | | | |
| Engineering Administration Sub - Total | \$540,810 | \$540,810 | \$549,120 | \$549,120 | \$0 | \$549,120 | \$0 | \$0 | |
| PUBLIC ORDER & SAFETY | | | | | | | | | |
| Rural Fire Service Capital | \$100,000 | \$100,000 | \$100,000 | \$100,000 | | | \$100,000 | | RFS Reimbursement |
| Fire Hydrant Upgrade | \$30,000 | \$30,000 | \$30,000 | \$30,000 | | | \$30,000 | | Water reserve |
| Pound Upgrade | | | | \$4,000 | -\$4,000 | | | \$4,000 | |
| Public Order & Safety Sub-Total | \$130,000 | \$130,000 | \$130,000 | \$134,000 | -\$4,000 | \$0 | \$30,000 | \$104,000 | |

| BALRANALD SHIRE COUNCIL CAPITAL WORKS & LOAN PAYMENTS | | | | | | | | |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|-----------------|------------------|--------------------------|
| COMMUNITY SERVICES | | | | | | | | |
| Capital Works | \$20,000 | \$20,000 | \$20,000 | \$20,000 | \$20,000 | | | |
| Hostel Extension | \$4,680,000 | \$4,680,000 | \$4,680,000 | \$400,000 | \$4,280,000 | | \$400,000 | Balance carried forward |
| Community Services Sub-Total | \$4,700,000 | \$4,700,000 | \$4,700,000 | \$420,000 | \$4,280,000 | \$20,000 | \$0 | \$400,000 |
| HOUSING & COMMUNITY AMENITIES | | | | | | | | |
| Flood Mitigation Loan 132 Principal Repayments | \$15,420 | \$15,420 | \$15,420 | \$15,420 | \$15,420 | | | Principal Loan Payment |
| West Balranald Drainage I, can | \$58,870 | \$58,870 | \$58,870 | \$58,870 | \$58,870 | | | |
| Purchase of Buildings and Facilities | \$360,000 | \$335,200 | \$335,200 | \$335,200 | | | \$335,200 | Purchase 83 Court Street |
| Housing & Community Amenities Sub - Total | \$434,290 | \$409,490 | \$409,490 | \$409,490 | \$0 | \$74,290 | \$335,200 | \$0 |
| RECREATION & CULTURE | | | | | | | | |
| Art Gallery - Balranald Creative Community Learning Centre | \$264,380 | \$264,380 | \$264,380 | \$150,000 | \$134,380 | | \$150,000 | Balance carried forward |
| Greenham Park - Balranald Tennis Courts Upgrade Project | \$287,510 | \$287,510 | \$287,510 | \$287,510 | | | \$287,510 | |
| Ben Scott Birdwalk | \$100,000 | \$50,000 | \$50,000 | \$50,000 | | | \$50,000 | |
| Greenham Park - Football Changerooms | \$500,000 | \$500,000 | \$500,000 | \$500,000 | | | \$500,000 | |
| Greenham Pk Disabled Toilets | \$40,000 | \$40,000 | \$40,000 | \$40,000 | | | \$40,000 | |
| Local Roads and Community Infrastructure Grant (Phase 1) | \$832,930 | \$832,930 | \$832,930 | \$832,930 | | | | Distributed to projects |
| Euston walking trail upgrades | | | | \$50,000 | -\$50,000 | | \$50,000 | LRCI Phase 1 |
| Balranald cemetery toilet | | | | \$80,000 | -\$80,000 | | \$80,000 | LRCI Phase 1 |
| Anzac Park fencing | | | | \$20,000 | -\$20,000 | | \$20,000 | LRCI Phase 1 |
| Theatre Royal heating | | | | \$100,000 | -\$100,000 | | \$100,000 | LRCI Phase 1 |
| Greenham Park Hall furniture and storage facility | | | | \$50,000 | -\$50,000 | | \$50,000 | LRCI Phase 1 |
| Euston town approaches | | | | \$40,000 | -\$40,000 | | \$40,000 | LRCI Phase 2 (part) |
| Euston multi-court upgrade | | | | \$20,000 | -\$20,000 | | \$20,000 | LRCI Phase 2 (part) |
| Our Region Our Rivers | \$908,517 | \$908,517 | \$908,517 | \$350,000 | \$558,517 | | \$350,000 | Balance carried forward |
| Euston River-front | \$88,000 | \$88,000 | \$88,000 | | | | \$88,000 | Euston Club grant |
| Euston Masterplan (previously Sports Grounds Entrance) | \$30,000 | \$30,000 | \$30,000 | \$30,000 | | \$30,000 | | Funds re-purposed |
| Lions Park upgrade | | | | \$30,000 | -\$30,000 | | \$30,000 | Balance carried forward |
| Art Acquisition (Bal Archives Sponsorship) | \$3,000 | \$3,000 | \$3,000 | \$0 | \$3,000 | | | Event cancelled |
| Library Book replacement | \$15,770 | \$15,770 | \$15,770 | \$15,770 | | \$15,770 | | |
| Library Building Works | \$30,000 | \$30,000 | \$30,000 | \$30,000 | | \$30,000 | | |
| Recreation & Culture Sub-Total | \$2,123,990 | \$3,870,107 | \$3,870,107 | \$1,911,280 | \$1,158,827 | \$75,770 | \$0 | \$1,835,510 |
| BUSINESS UNDERTAKINGS | | | | | | | | |
| Information Centre Loan | \$41,330 | \$41,330 | \$41,330 | \$41,330 | \$41,330 | | | Principal Loan Payment |
| Caravan Park powered sites power poles | \$30,000 | \$30,000 | \$30,000 | \$0 | \$30,000 | | | Works deferred |
| Caravan Park Buggy - for cleaning | \$8,000 | \$8,000 | \$8,000 | \$8,000 | | | \$8,000 | |
| Caravan Park site upgrades | \$21,850 | \$21,850 | \$21,850 | \$0 | \$21,850 | | | Works deferred |
| Joint Organisation Discovery Centre Complex | \$1,000,000 | \$1,000,000 | \$1,000,000 | \$100,000 | \$900,000 | | \$100,000 | Balance carried forward |
| Balranald landfill security upgrade | | | | \$20,000 | -\$20,000 | \$20,000 | | |
| Business Undertakings Sub-Total | \$1,101,100 | \$1,101,100 | \$1,101,100 | \$169,330 | \$931,850 | \$61,330 | \$8,000 | \$100,000 |

BALRANALD SHIRE COUNCIL**CAPITAL WORKS & LOAN PAYMENTS****TRANSPORT**

| | | | | | | | | | |
|--|--------------------|--------------------|--------------------|--------------------|---------------------|------------------|-----------------|--------------------|------------------------------|
| MR 514 culvert extension and sealing | \$509,180 | \$509,180 | \$509,180 | \$511,793 | -\$2,613 | | | \$511,793 | Block grant/REPAIR |
| MR67 Heavy Patching | \$148,940 | \$148,940 | \$148,940 | \$109,800 | \$39,140 | | | \$109,800 | Block grant |
| Wiemby Kyalide Sealing Works | | | | \$600,000 | -\$600,000 | \$98,000 | | \$702,000 | FLR/R2R |
| Mamma Box Creek Sealing works | | | | \$1,600,000 | -\$1,600,000 | \$50,000 | | \$1,550,000 | FLR/R2R |
| Regional road resseals - Capital | \$466,520 | \$466,520 | \$466,520 | \$466,520 | | | | \$466,520 | Block grant |
| Grid Maintenance & Replacement | \$350,000 | \$300,000 | \$300,000 | \$300,000 | | | | \$300,000 | Drought funding |
| Market Street Defects | \$0 | \$0 | \$0 | \$60,000 | -\$60,000 | | \$60,000 | | Taken out of Retention money |
| MR514 Unsealed - Gravel Resealing | \$103,550 | \$103,550 | \$103,550 | \$103,550 | | | | | Project deleted |
| MR296 widening and seal | | | | \$296,000 | -\$296,000 | | | \$296,000 | Block grant/REPAIR |
| MR67 - Safety Works co funded by Tronox | \$240,000 | \$240,000 | \$240,000 | \$180,000 | \$60,000 | | | \$180,000 | Net of \$60k Tronox share |
| Traffic calming Bertram & Taylor Roads | | | | \$120,000 | -\$120,000 | | | \$120,000 | LRCI Phase 1 |
| Purton Lane sealing | | | | \$84,921 | -\$84,921 | | | \$84,921 | LRCI Phase 1 |
| Wambo Corner upgrade | | | | \$80,000 | -\$80,000 | | | \$80,000 | LRCI Phase 1 |
| Footpath construction | | | | \$88,000 | -\$88,000 | | | \$88,000 | LRCI Phase 1 |
| Roads to Recovery | \$1,355,610 | \$1,249,830 | \$1,249,830 | | \$1,249,830 | | | | Distributed to projects |
| Roads to Recovery - Woodanbarra Corlong Road | | | | \$79,000 | -\$79,000 | | | \$79,000 | R2R |
| Roads to Recovery - Kilpatrick Road | | | | \$106,000 | -\$106,000 | | | \$106,000 | R2R |
| Roads to Recovery - Hattfield The Vale Road (Binda corner) | | | | \$161,000 | -\$161,000 | | | \$161,000 | R2R |
| Roads to Recovery - Mildura Hanhoe Road | | | | \$98,000 | -\$98,000 | | | \$98,000 | R2R |
| Roads to Recovery - Ivanhoe Lakebed | | | | \$72,000 | -\$72,000 | | | \$72,000 | R2R |
| Business case for bridge works | | \$20,000 | \$20,000 | \$20,000 | | \$20,000 | | | |
| Transport Sub-Total | \$3,173,800 | \$3,038,820 | \$3,038,820 | \$5,233,034 | -\$2,195,814 | \$168,000 | \$60,000 | \$5,005,034 | |

WATER SERVICES

| | | | | | | | | | |
|--|--------------------|--------------------|--------------------|--------------------|-----------------|------------|--------------------|------------|------------------------------|
| Balranald Raw Pump Station Electrical & Monitoring Upgrade | \$60,000 | \$60,000 | \$80,000 | \$80,000 | | | | \$80,000 | |
| Balranald WTP design | \$200,000 | \$210,000 | \$210,000 | \$210,000 | | | | \$210,000 | Originally described as IWCM |
| Euston Raw Water PS Upgrade | \$45,000 | \$45,000 | \$45,000 | \$45,000 | | | | \$45,000 | |
| Euston Electrical Upgrade Raw PS | \$50,000 | \$50,000 | \$50,000 | \$65,000 | -\$15,000 | | | \$65,000 | |
| Valves and Meters | \$52,000 | \$52,000 | \$52,000 | \$52,000 | | | | \$52,000 | |
| Euston Cemetery Watermain Upgrade | \$50,000 | \$50,000 | \$0 | \$0 | | | | \$0 | |
| Euston Filtered Water Reservoir Cathodic Protection | \$45,000 | \$45,000 | \$45,000 | \$45,000 | | | | \$45,000 | |
| Balranald WTP (cost \$2m, 40% Council) | \$1,000,000 | \$0 | \$0 | \$0 | | | | \$0 | |
| Minor pumps and metering equipment | \$10,000 | \$10,000 | \$10,000 | \$10,000 | | | | \$10,000 | |
| Balranald AC Mains Replacement | \$42,000 | \$42,000 | \$82,000 | \$82,000 | | | | \$82,000 | |
| Euston Replace AC Mains | \$42,000 | \$42,000 | \$50,000 | \$50,000 | | | | \$50,000 | |
| Balranald Filtered Water Tower Repaint Int & Ext | \$475,000 | \$50,000 | \$50,000 | \$20,000 | \$30,000 | | | \$20,000 | Inspection only this year |
| Balranald Raw Water Tower Clean & Inspect | \$80,000 | \$80,000 | \$0 | \$0 | | | | \$0 | Deferred to 2021/22 |
| Water Meter Replacements | \$50,000 | \$50,000 | \$50,000 | \$50,000 | | | | \$50,000 | |
| Integrated Water Management Strategy | \$210,000 | \$264,000 | \$284,000 | \$284,000 | | | | \$264,000 | 90% grant funded |
| Euston Water Loan | \$66,300 | \$66,300 | \$66,300 | \$66,300 | | | | \$66,300 | |
| Water Services Sub - Total | \$2,432,300 | \$1,126,300 | \$1,054,300 | \$1,039,300 | \$15,000 | \$0 | \$1,039,300 | \$0 | |

BALRANALD SHIRE COUNCIL**CAPITAL WORKS & LOAN PAYMENTS**

| SEWERAGE SERVICES | | | | | | | | | |
|--|---------------------|---------------------|---------------------|---------------------|--------------------|------------------|--------------------|--------------------|--|
| Balranald Irrigation Channels cleaning and channel stops | \$30,000 | \$30,000 | \$30,000 | \$30,000 | | | \$30,000 | | |
| Euston Sewer Cleaning Inlet Structure | \$30,000 | \$30,000 | \$30,000 | \$30,000 | | | \$30,000 | | |
| Balranald Sewer PS Upgrades | \$15,000 | \$15,000 | \$15,000 | \$20,000 | -\$5,000 | | \$20,000 | | |
| Balranald Sewer Excavation & Renewals Inc Manholes | \$15,000 | \$15,000 | \$15,000 | \$15,000 | | | \$15,000 | | |
| Balranald Sewer Relining | \$300,000 | \$300,000 | \$300,000 | \$300,000 | | | \$300,000 | | |
| BB Switchboard Upgrade | \$30,000 | \$56,000 | \$46,000 | \$46,000 | | | \$46,000 | | |
| Euston Sewer Pumps | \$20,000 | \$20,000 | \$20,000 | \$15,000 | \$5,000 | | \$15,000 | | |
| Sewerage Services Sub-Total | \$440,000 | \$466,000 | \$456,000 | \$456,000 | \$0 | \$0 | \$456,000 | \$0 | |
| TOTAL CAPITAL WORKS & PRINCIPAL LOAN PAYMENTS | \$15,390,970 | \$14,896,907 | \$14,783,217 | \$10,596,554 | \$4,186,663 | \$674,390 | \$2,477,620 | \$7,444,564 | |

10.5 BIDGEE HAVEN HOSTEL

| | |
|------------------------------------|---|
| File Number: | D21.48848 |
| Reporting Officer: | Ray Davy, Director Infrastructure and Development |
| Responsible Officer: | Ray Davy, Director Infrastructure and Development |
| Operational Plan Objective: | Pillar 5: Our Infrastructure – A community that maintains and strengthens its natural and built environment. |

OFFICER RECOMMENDATION

1. That Council resolves in accordance with Regulation 178(1)(b) of the *Local Government (General) Regulation 2005* not to accept any tender for the proposed extension of the Bidgee Haven Aged Care Hostel.
2. That Council resolves in accordance with Regulation 178(3)(e) of the *Local Government (General) Regulation 2005* to enter into non-binding negotiations with RTM Constructions for the works for the following reasons:
 - (a) None of the tenders received offered to undertake the works within Council's budget; and
 - (b) Council is satisfied that the tender process resulted in a fair representation of the local contracting market for works of this nature and that it is unlikely that fresh tenders will result in any substantially different outcome in this regard; and
 - (c) Council believes, on independent professional advice, that the best value for money is likely to be achieved through negotiations with a preferred contractor; and
 - (d) The tender received from RTM Constructions offered the best value for money of the tenders received and would have been the preferred tender in the event that Council resolved to accept any tender for the works.
3. That Council seeks additional grant funding for the proposed extension and defers any decision to proceed with the works pending:
 - (a) receipt of an independent report on the business case for the project; and
 - (b) receipt of a further report on the result of negotiations with RTM Constructions; and
 - (c) advice of the outcome of its application for additional funding.

PURPOSE OF REPORT

To recommend a proposed course of action in relation to the construction of a high dependency extension wing for the Bidgee Haven Aged Care Hostel.

REPORT*Background*

In 2019 Council received funding of \$4.68 million under the 2018-2019 Aged Care Approvals Round (ACAR) for the construction of a 15-bed high dependency extension wing for the Bidgee Haven Aged Care Hostel.

Design and cost consultants were appointed by Council to assist Council to progress the project, which was subsequently delayed by the impact of COVID-19 on the free movement of personnel across State borders. Preparations for the project were resumed in the second half of 2020 and tenders for the work were publicly invited in October 2020 (Request for Tenders 2019-20/32).

Five (5) tenders were received at the designated closing time, ranging in price from \$4,500,000 to \$5,560,630. Details of the tender prices are set out in the Confidential Attachment.

The overall budget for the project as reported to Council, inclusive of an allowance to provide accommodation for additional staff required for the extension, was \$4.95 million. When provision was made for items not included in the scope of the tenders, such as professional fees, landscaping, furniture, the additional accommodation and a reasonable contingency allowance, conformance with the budget would have required the construction tenders to be no more than \$3.94 million (or \$4.21 million if the additional accommodation were to be separately funded). Accordingly, none of the conforming tenders if accepted would deliver the project within Council's available funding.

One significant cost not contemplated at the time the project was originally scoped for the funding application is that the town water supply has insufficient pressure to cope with the firefighting requirements of the enlarged facility. This one factor alone has added some \$360,000 to the project cost

Tender assessment

The tenders were assessed against the weighted scoring criteria set out in the Request for Tenders. These were:

| | |
|-----------------------------------|-----|
| Key personnel | 15% |
| Construction delivery and program | 20% |
| Price/value for money | 60% |
| Local content | 5% |

Scoring was assigned by a panel comprising the Director Infrastructure & Development, the project architect and the cost consultant. The outcome of the scoring process is set out in the Confidential Assessment. As noted therein, one of the tenders was assessed as being non-conforming on multiple criteria and would have been rejected on that basis although it was judged in any case not to offer the best value for money.

Submissions were also assessed qualitatively having regard to demonstrated prior experience with projects of a similar nature, especially in aged care, and the extent to which tenderers had demonstrated awareness of the specific circumstances of the Hostel during the tender process.. The Hostel Manager was also involved in this process, which determined that each of the four conforming tenderers showed an acceptable level of understanding of the specific nature of the challenges associated with a "brownfields" development of this nature.

During the assessment process, it was observed that there were significant variances between the approach taken by different tenderers to the pricing of individual elements such as the new kitchen (where the elemental price varied between \$255,000 and \$623,000. This made it difficult to assess, for example, how Council might achieve better value for money by deleting certain elements of the project to be separately tendered. All tenderers were asked to confirm seemingly anomalous elements of their tenders, but this process resulted in no greater clarity on their respective pricing methodologies.

One of the most complex issues in weighted scoring systems is the methodology for blending price and non-price attributes within a single scoring system. The relative rankings

of the tenderers were therefore tested using an alternative methodology which, although it altered the absolute scores, made no difference to the relative outcome that saw Tenderer B as the highest ranking tenderer.

Potential savings

The project consultants undertook a “desktop” exercise to identify likely areas of savings that might result from direct negotiations. Analysis of Tender B suggested that savings of approximately \$336,000 might flow from a detailed line-by-line review, if the tenderer was confident that it was the preferred contractor. At 7% of tender price, this is considered to be at the high end of industry norms, but achievable under the right negotiating conditions. The advice of the project consultants was that this would reduce to approximately 5% (maximum) in parallel negotiations with more than one contender.

Additional costs

In addition to the construction cost resulting from a negotiated reduction, Council faces a number of additional costs to deliver the project. Identified additional costs are:

| | |
|-----------------------------|------------------|
| Professional fees | \$340,000 |
| Landscaping | \$50,000 |
| Furniture | \$150,000 |
| Additional land* | \$20,000 |
| IT upgrade | \$60,000 |
| Power upgrade (contingency) | \$50,000 |
| Project contingency | <u>\$200,000</u> |
| Total | <u>\$870,000</u> |

* Refer Council Resolution 2020/237 December 2020

Accordingly the overall project cost to Council, assuming the projected savings from negotiations with Tenderer B, would be approximately \$5.3 million or \$620,000 more than the current funding.

Statutory considerations

Regulation 178(1) of the *Local Government (General) Regulation 2005* stipulates that:

After considering the tenders submitted for a proposed contract, the council must either—

- (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
- (b) *decline to accept any of the tenders.*

Regulation 178(3) further stipulates that:

A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following—

- (a) postpone or cancel the proposal for the contract,
- (b) invite ... fresh tenders based on the same or different details,
- (c) invite ... fresh applications from persons interested in tendering for the proposed contract,
- (d) invite ... fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
- (f) carry out the requirements of the proposed contract itself.

Regulation 178(4) further stipulates that:

If a council resolves to enter into negotiations as referred to in subclause (3)(e), the resolution must state the following—

- (a) *the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3)(b)–(d),*
- (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3)(e)*

Given the current circumstances, Council is not in a position to accept any of the tenders within the constraints of its available funding. It is the considered view of the Administration and Council's consultants that the tender process resulted in a fair representation of the local contracting market for works of this nature and that it is unlikely that fresh tenders will result in any substantially different outcome. Accordingly, it is recommended that in compliance with the various parts of Regulation 178 it should resolve not to accept any of the tenders and to enter non-binding negotiations with Tenderer B (RTM Constructions) in order to seek the most favourable available price for the works.

Council has an opportunity to apply for a further round of ACAR funding to bridge the funding gap, although of course there is no certainty that its application will be successful. Concurrently, Council is awaiting the outcome of an independent report on a detailed business case for the project which will determine whether the project is likely to be financially viable in the longer term at any given level of cost. While the proposed negotiations should generate the most favourable available project cost, it would not be prudent to enter into a binding commitment without that assurance along with the outcome of a new funding application.

FINANCIAL IMPLICATION

Unable to be determined accurately pending finalisation of the independent business case and the outcome of the proposed negotiations and the application for additional funding. However it is currently contemplated that the project will be fully grant funded and involve no own source revenue.

As noted above, works will not proceed until there has been a further report to Council on these matters and the financial implications will be fully explored at that time.

LEGISLATIVE IMPLICATION

Local Government (General) Regulation 2005

POLICY IMPLICATION

Procurement Policy

Sound financial management

RISK RATING

Nil at this stage. Any financial risk will be assessed as part of the independent business case report..

ATTACHMENTS

1. Evaluation Summary (under separate cover) 

PART B – ITEMS FOR INFORMATION**11 GENERAL MANAGER'S REPORTS****11.1 CIRCULARS FROM OFFICE LOCAL GOVERNMENT**

| | |
|------------------------------------|--|
| File Number: | D21.48882 |
| Reporting Officer: | Carol Holmes, Senior Executive Assistant |
| Responsible Officer: | Oliver McNulty, General Manager |
| Operational Plan Objective: | Pillar 1: Our People – A community that is proactive, engaged, inclusive and connected. |

OFFICER RECOMMENDATION

That the report be received and noted.

PURPOSE OF REPORT

To provide Council with copies of the circulars received from Office Local Government since 30 December 2020.

REPORT

Council receives circulars from Office of Local Government with updates and information relevant to our Council. Whilst many of the circulars are of an administrative nature, there may be matters that are of interest to Community members.

Circulars Council has received since 15 December 2020 are as follows;

1. Circular 20/40 - Local Government Code of Accounting Practice and Financial Reporting 2020-21,
2. Circular 20/41 - Further extension of increased tendering exemption threshold for contracts for bushfire response and recovery to 30 June 2021,
3. Circular 20-42 - Release of Exposure Draft Bill on local government rating reform,
4. Circular 21-01 Transitioning back to in-person council and committee meetings and consultation on proposed changes allowing remote attendance at meetings.

All the circulars can be found on OLG's website <https://www.olg.nsw.gov.au/circulars/>

FINANCIAL IMPLICATION

Nil

LEGISLATIVE IMPLICATION

Nil

POLICY IMPLICATION

Nil

RISK RATING

Low

ATTACHMENTS

Nil

11.2 ADMINISTRATOR, GENERAL MANAGER AND DIRECTORS MEETINGS

| | |
|------------------------------------|---|
| File Number: | D21.48901 |
| Reporting Officer: | Carol Holmes, Senior Executive Assistant |
| Responsible Officer: | Oliver McNulty, General Manager |
| Operational Plan Objective: | Pillar 6: Our Leadership – A community that values and fosters leadership, lifelong learning, innovation and good governance. |

OFFICER RECOMMENDATION

That the report be received and noted.

PURPOSE OF REPORT

To advise Council of the meetings undertaken on behalf of Council by the Administrator, General Manager and Directors since 16 February 2021.

REPORT**Administrator, General Manager and Directors Meetings**

| Date | Participants | Topic | Council Reps |
|--------|------------------------------------|---|-------------------------------------|
| 18-Feb | Border briefing for LGA's | Cross Border Issues | General Manager, DID |
| 19-Feb | SES | Updated SES arrangements | DID |
| 19-Feb | Southern Mallee District Council | Development of a Mallee Highway Corridor Strategy | <u>DID</u> |
| 23-Feb | Millbrae Quarries | Gravel supply | DID |
| 23-Feb | Murray/Murrumbidgee RWS | Draft Water Strategy | General Manager, DID |
| 23-Feb | Transport NSW | Audit & CAR-s Workshop | DID |
| 23-Feb | Tronox | Atlas-Campaspe Mine Update | DID |
| 25-Feb | Far West Joint Organisation (FWJO) | Board Meeting | General Manager, Administrator |
| 25-Feb | Audit, Risk and Improvement | Ordinary Meeting | General Manager, DCCS |
| 25-Feb | Kyalite Residents | Water Supply Issues | DID |
| 25-Feb | Management Solutions | Resilience to Climate Change project update | DID |
| 1-Mar | Asset Steering Committee | Asset Management | General Manager, DID, DCCS, Finance |

| | | | Manager |
|--------|------------------------------|---|---|
| 2-Mar | Iluka Mining | Update on Activities | General Manager, DID |
| 3-Mar | Tronox | Update on activities | General Manager, Administrator, DID |
| 3-Mar | Peter Evans | Office Local Government | Administrator, General Manager |
| 3-Mar | South West Arts | Official Opening in Deniliquin | General Manager, DID |
| 4-Mar | Sabana Quale | Indigenous Community Liaison officer | General Manager |
| 9-Mar | FWJO | General Managers Meeting | General Manager |
| 9-Mar | Richard Bush & Brendan Logan | Crown Lands Commissioner | General Manager |
| 9-Mar | Transport NSW | Joint Planning Assessment | DID |
| 10-Mar | Australian Farming Services | Tour of facility and update | Administrator, General Manager, DID, DCCS |
| 11-Mar | Tronox | Atlas-Campaspe Mine Haul Road construction issues | DID |

Administrator - Mike Colreavy

General Manager (GM)- Oliver McNulty

Director Infrastructure & Development (DID) - Ray Davy

Director Corporate & Community Services (DCCS) - Terri Bilske

Finance Manager - Jay Panchal

FINANCIAL IMPLICATION

Budgetted

LEGISLATIVE IMPLICATION

N/A

POLICY IMPLICATION

Payment of Expenses and Provisions for Administrator, Mayor and Councillors Policy

Code of Conduct

Conferences Seminar Attendance Policy

RISK RATING

Low

ATTACHMENTS

Nil

11.3 OUTSTANDING ACTIONS FROM PREVIOUS MEETINGS

File Number: D21.48825
Reporting Officer: Carol Holmes, Senior Executive Assistant
Responsible Officer: Oliver McNulty, General Manager
Operational Plan Objective: Pillar 6: Our Leadership – A community that values and fosters leadership, lifelong learning, innovation and good governance.

OFFICER RECOMMENDATION

That the report be received and noted.

PURPOSE OF REPORT

To bring forward for information the Action report with actions taken on previous council resolutions.

REPORT

Outstanding Actions from previous meetings in the attached report.

FINANCIAL IMPLICATION

Nil

LEGISLATIVE IMPLICATION

Nil

POLICY IMPLICATION

Nil

RISK RATING

Moderate

ATTACHMENTS

1. Outstanding Actions - March 2021 [!\[\]\(f5224a77493b986b2b257349a01e28b2_img.jpg\)](#)

| Meeting | Officer/Director | Section | Subject |
|--------------------|-----------------------------------|-----------------------------|---|
| Council 19/05/2020 | Kozlowski, Peter Holmes, Carol | Administrator Minute/Report | ADMINISTRATOR'S MINUTE - SOUND FINANCIAL MANAGEMENT FOR COUNCIL |

RESOLUTION 2020/75

Moved: Administrator Mike Colreavy

That in response to the matters raised in the Office of Local Government's letter to Council dated 24 October 2019:

1. Council will adhere to the principles of sound financial management laid down in Section 8B of the *Local Government Act 1993* in all its affairs;
2. The *Draft 2020-21 Operational Plan and 2020-21 Revenue Policy* is to be prepared by the General Manager on the basis referred to in "1" above;
3. All expired leases/licences on Council property, including mines, and public recreation reserves where Council is the Trustee, be reviewed expeditiously to ensure they are actively renewed or replaced with each lessee to be required to pay market rent as determined in the expired lease(s) in the interim, until a new lease has been finalised;
4. All future leases/licences incorporate a fair market rent. In appropriate circumstances, the lease may also incorporate a rent rebate reflecting the level of community contribution performed by the lessee and its financial capacity;
5. Council ensure that the rent is paid in accordance with the terms of each lease, that this is transparent, and delivers the best community value;
6. The rents, Council charges, and any charges for other services provided for in each lease be actively levied and recovered;
7. The charges identified in the mining lease to the gypsum mine/s and the development approval be levied and recovered, including relevant road restoration charges;
8. COVID-19 hardship arrangements be temporarily applied to recovering lease debts where individual circumstances warrant this;
9. Each lessee be notified of this decision and the process that Council will now follow to implement this decision pertaining to their lease; and
10. The Office of Local Government be notified of this decision.

CARRIED

13 Nov 2020 - 11:52 AM - Peter Kozlowski

Revised Target Date changed by: Kozlowski, Peter From: 2 Jun 2020 To: 30 Jun 2021

Reason: There are various components with individual timelines. All items are progressing.

| Meeting | Officer/Director | Section | Subject |
|---------|------------------|---------|---------|
|---------|------------------|---------|---------|

| | | | |
|--|----------------------------|---|---|
| Council 15/09/2020 | Mitchell, Ray Davy, Ray | Part A - Infrastructure & Development Reports | Balranald Local Environmental Plan 2010 Additional Clause |
| 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 | | | |
| 13 Nov 2020 - 10:32 AM - Carol Holmes Revised Target Date changed by: Holmes, Carol From: 29 Sep 2020 To: 31 Mar 2021 Reason: Draft clause to be publicly advertised | | | |

| Meeting | Officer/Director | Section | Subject |
|---|-----------------------------------|------------------------------------|---|
| Council 17/11/2020 | Kozlowski, Peter Holmes, Carol | Part A - General Manager's Reports | Establishment of Bidgee Haven Board of Management |
| RESOLUTION 2020/193 | | | |
| Moved: Administrator Mike Colreavy | | | |
| 1 That Acting General Manager, Mr Kozlowski be requested to provide a handover report to the Administrator for Council's consideration covering significant matters relevant to Council's general management and operations, as he deems necessary, ahead of his impending departure on 11 December 2020. | | | |
| 2. That the Acting General Manager be requested to specifically advise on the current management framework for the operation of the Bidgee Haven Hostel, suggesting appropriate changes, in the handover report. | | | |
| 3. That, taking into account information received in the Acting General Manager handover report, and after consultation with the Ageing Well Aged Care and Facilities Advisory Committee, the incoming General Manager, Mr McNulty be requested to report to Council on the most suitable management framework for the Bidgee Haven Hostel, as a matter of high priority early in 2021. | | | |
| CARRIED | | | |

| Meeting | Officer/Director | Section | Subject |
|----------------------------|-----------------------------------|------------------------------------|---|
| Council 17/11/2020 | Kozlowski, Peter Holmes, Carol | Part A - General Manager's Reports | Establishment of a Balranald Cemetery Master Plan |
| RESOLUTION 2020/194 | | | |

Moved: Administrator Mike Colreavy

That resourcing for a Balranald cemetery master plan be considered in preparing the 2021-2022 Operational Plan & Revenue Policy, and updated Long-Term Financial Plan.

CARRIED

4 Dec 2020 - 2:24 PM - Carol Holmes

Revised Target Date changed by: Holmes, Carol From: 1 Dec 2020 To: 30 Jun 2021

Reason: Consideration in 2021/2022 Budget

| Meeting | Officer/Director | Section | Subject |
|--------------------|-------------------------------------|------------------------------------|-------------------------------|
| Council 17/11/2020 | Helgeland, Gavin McNulty, Oliver | Part A - General Manager's Reports | Disability Action Plan Review |

RESOLUTION 2020/196

Moved: Administrator Mike Colreavy

That Council commences a review of the current Disability Action Plan 2017-2019 with a view to updating the status of actions and developing a new Plan, with appropriate community consultation, for the period of 2021-2025, to be completed by the 31 March 2021 and for consideration by Council at the April Ordinary Council Meeting.

CARRIED

23 Nov 2020 - 10:08 AM - Peter Kozlowski

This matter is delegated to Gavin for action in conjunction with relevant Advisory Committees.

23 Nov 2020 - 10:16 AM - Peter Kozlowski

Action reassigned to Helgeland, Gavin by: Kozlowski, Peter for the reason: The Manager Strategic Development is the most appropriate person to coordinate this task.

| Meeting | Officer/Director | Section | Subject |
|--------------------|-----------------------------------|------------------------------------|--|
| Council 17/11/2020 | Kozlowski, Peter Holmes, Carol | Part A - General Manager's Reports | Strategy to Deal with Road Network Damage due to Unauthorised Vehicle Movements During Road Closures |

RESOLUTION 2020/201

Moved: Administrator Mike Colreavy

1. That a preliminary report be prepared for the December Council meeting advising on what, if any, powers Council may have to recover costs associated with road network damage due to unauthorised vehicle movements and what cost elements would be involved to position Council to proceed with this,

2. That resourcing for this proposed strategy and its preparation be considered in preparing the 2021-2022 Operational Plan and Long-Term Financial Plan.

Carried

| Meeting | Officer/Director | Section | Subject |
|--------------------|--------------------------------|---|---|
| Council 17/11/2020 | Bilske, Terri Bilske, Terri | Part B - Corporate & Community Services Reports | BIDGE HAVEN RETIREMENT HOSTEL RESERVE ESTABLISHMENT |

RESOLUTION 2020/213

Moved: Administrator Mike Colreavy

That Council Approves the establishment of the Bidgee Haven Retirement Hostel Reserve as internally restricted funds equivalent \$63,530 which is the balance for all surplus and deficit funds from the financial year ending 30 June 2003 to 30 June 2020.

CARRIED

| Meeting | Officer/Director | Section | Subject |
|--------------------|-------------------------------------|------------------------------------|---|
| Council 15/12/2020 | Helgeland, Gavin McNulty, Oliver | Part A - General Manager's Reports | REPORT ON EUSTON PROGRESSIVE ADVISORY COMMITTEE |

RESOLUTION 2020/225

Moved: Administrator Mike Colreavy

1. That Council receives and notes this report, and the attached meeting minutes, and the recommendation to Council; and

2. That Council provide the Euston Progressive Advisory Committee (EPAC) with a brief on Council services in Euston.

Carried

| Meeting | Officer/Director | Section | Subject |
|--------------------|-------------------------------------|------------------------------------|--|
| Council 15/12/2020 | Helgeland, Gavin McNulty, Oliver | Part A - General Manager's Reports | Report on the Strengthening Community Access, Inclusion and Wellbeing Advisory Committee meeting held 7 December |

RESOLUTION 2020/230

Moved: Administrator Mike Colreavy

That Council:

1. Receives and notes this report and the attached minutes.

2. Commits to establishing a position on the Senior Citizen's building once a report is provided to Council on its current occupancy and options for future use.

CARRIED

| Meeting | Officer/Director | Section | Subject |
|--------------------|----------------------------|---|----------------------|
| Council 15/12/2020 | Mitchell, Ray Davy, Ray | Part A - Infrastructure & Development Reports | Right to Farm Policy |

RESOLUTION 2020/233

Moved: Administrator Mike Colreavy

That Council undertake public consultation in line with the Community Participation Plan, advertising the proposed adoption of the NSW Right to Farm Policy with a submission period of 28 days.

CARRIED

1 Mar 2021 - 8:36 AM - Ray Mitchell
Exhibition being undertaken, closes on the 08/03/2021 and further report to March meeting.
9 Mar 2021 - 4:45 PM - Carol Holmes
Revised Target Date changed by: Holmes, Carol From: 29 Dec 2020 To: 17 Mar 2021
Reason: Advertised, no submissions received and reported to March 2021 OCM

| Meeting | Officer/Director | Section | Subject |
|--------------------|------------------------|---|--------------------------------------|
| Council 15/12/2020 | Davy, Ray Davy, Ray | Part A - Infrastructure & Development Reports | Purchase of Land from Balranald Club |

RESOLUTION 2020/237

Moved: Administrator Mike Colreavy

That Council approves the purchase of approximately 320 square metres of land from the Balranald District Ex-Services Memorial Club Ltd for a maximum price of \$10,000 and authorises the General Manager to:

- (i) execute the formal instrument of sale when available; and
- (ii) enter into a short-term lease to enable Council to have use of the land pending finalisation of the necessary subdivision and transfer functions.
- (iii) Affix the seal to the contract and necessary documents, if required.

CARRIED

| Meeting | Officer/Director | Section | Subject |
|--------------------|------------------------|---|--------------------------------|
| Council 15/12/2020 | Davy, Ray Davy, Ray | Part A - Infrastructure & Development Reports | Rural Roads and Grids Policies |

RESOLUTION 2020/238

Moved: Administrator Mike Colreavy

That Council's existing Rural Roads Policy and Grids – Retention, Removal and Replacement Policy be revoked and that consultation be initiated with rural ratepayers on a framework for amended policies.

CARRIED

| Meeting | Officer/Director | Section | Subject |
|--------------------|--------------------------------|--------------------------------|---|
| Council 16/02/2021 | Holmes, Carol Holmes, Carol | Committee Reports for Adoption | Strengthening Community Access, Inclusion and Well-being Advisory Committee held on 7 December 2020 |

RESOLUTION 2021/9

Moved: Administrator Mike Colreavy

1. That Council receives the Minutes of the Strengthening Community Access, Inclusion and Well-being Advisory committee (SCAIWAC) meeting held on 7 December 2020 notes the recommendations.
2. That Council notes the recommendations made by the SCAIWAC as outlined in the attached Minutes and that an update will be provided to the committee at the next meeting.

CARRIED

| Meeting | Officer/Director | Section | Subject |
|--------------------|--------------------------------|------------------------------------|--|
| Council 16/02/2021 | Holmes, Carol Holmes, Carol | Part A - General Manager's Reports | DROUGHT COMMUNITY GRANT APPLICATION - OXLEY ANGLING CLUB |

RESOLUTION 2021/12

Moved: Administrator Mike Colreavy

That subject to Oxley Angling Club meeting the eligibility criteria of the Drought community Funding that Council approves the application of \$2,000 towards the Oxley Fish Stocking Program.

CARRIED

| Meeting | Officer/Director | Section | Subject |
|--------------------|------------------------------------|------------------------------------|------------------|
| Council 16/02/2021 | McNulty, Oliver McNulty, Oliver | Part A - General Manager's Reports | Asset Management |

RESOLUTION 2021/17

Moved: Administrator Mike Colreavy

That Council notes;

1. The works commenced to establish an Asset Management Framework,
2. That a further report will be provided at the April Ordinary Council meeting on the status of this project,
3. That this work will be funded through operational savings and that this budget amendment will be reported through the April quarterly budget review.

Carried

| Meeting | Officer/Director | Section | Subject |
|--------------------|------------------------------------|------------------------------------|-----------------------|
| Council 16/02/2021 | McNulty, Oliver McNulty, Oliver | Part A - General Manager's Reports | DRAFT CEMETERY POLICY |

RESOLUTION 2021/18

Moved: Administrator Mike Colreavy

That Council notes

1. That work has commenced to amend and update the Draft Cemetery Policy,
2. That a report to exhibit a Draft Cemetery Policy will be presented to Council for consideration at the March 2021 Ordinary Council Meeting.

Carried

9 Mar 2021 - 4:54 PM - Carol Holmes

Revised Target Date changed by: Holmes, Carol From: 2 Mar 2021 To: 19 Mar 2021

Reason: Reported to March Ordinary Council Meeting

| Meeting | Officer/Director | Section | Subject |
|--------------------|------------------------------------|---|---|
| Council 16/02/2021 | McNulty, Oliver McNulty, Oliver | Part A - Corporate & Community Services Reports | SWIMMING POOL - UPDATED REPORT - REQUEST FOR POOL OPENING HOURS |

RESOLUTION 2021/21

Moved: Administrator Mike Colreavy

That Council

1. Approves the request to open the pool for the use of St Joseph's School on Wednesday from 9am to 3pm, for the remainder of the pool season at a total cost of \$2,700.00.
2. Approves the request to support Euston Primary School for their Carnival, if they cannot access the Robinvale Pool at a cost of \$450.00
3. Approves the costs associated with each of the requests, up to a maximum sum of \$3,150.00 be allocated from Council's community donation budget.

CARRIED

12 CORPORATE & COMMUNITY SERVICES REPORTS**12.1 BALRANALD CARAVAN PARK FINANCIAL REPORT****Record Number:** **D21.47904****Authorising Officer:** **Oliver McNulty, General Manager****Operational Plan Objective:** **Pillar 1: Our People – A community that is proactive, engaged, inclusive and connected.**

OFFICER RECOMMENDATION

That Council Receive and Note the Balranald Caravan Park Financial Report for the period ended on 28 February 2021.

PURPOSE OF REPORT

The purpose of the Financial Review report is to provide Council with accurate and timely reporting of revenue and expenditure against the adopted Operational and Capital Works budget for the Balranald Caravan Park.

REPORT

Council's Income, Operating Expenditure and Capital Expenditure for the caravan park is reviewed monthly and presented to Council quarterly with variations required adjusted on a quarterly basis. Financial information to 28 February 2021 is presented to Council for information.

The actual income and expenses have been measured against the revised December quarterly budget review as adopted by Council on the 16 February 2021. 41.95% of the revenue budget has been received, and 54.38% of the operational expenditure budget has been expensed, with 23.97% of the Capital Works budget expensed as reported to 28 February 2021.

It should be noted that revenue for the Caravan Park to 28 February is \$232,172 compared to the budgeted amount of \$321,331 being only 41.95% of the budgeted revenue expected. This has been as a direct result of Covid-19 restrictions between June 2020 and February 2021. It is expected that revenue will improve in the last four months of this financial year.

The following table represents detailed revenue and expenditure to 28 February 2021.

| Balranald Shire Council Caravan Park Revenue and Expense Report As at 28 February 2021 | | | | | |
|--|----------------------------|------------------------------|----------------|------------------|---------------|
| | Original Budget Adopted | Amended Budget Qtr Review | Actual | Budget Remaining | % Variation |
| Operating Revenue | | | | | |
| Caravan Park Fees | 550,000 | 550,000 | 229,140 | 320,860 | 41.66% |
| Washing Machine Charges | 3,500 | 3,500 | 2,523 | 977 | 72.08% |
| Caravan Rental | 0 | 0 | 160 | -160 | 0.00% |
| Caravan Park Merchandise Sales | 0 | 0 | 346 | -346 | 0.00% |
| Total Operating Revenue | 553,500 | 553,500 | 232,169 | 321,331 | 41.95% |
| Operating Expenditure | | | | | |
| Salaries | 54,300 | 54,300 | 45,302 | 8,998 | 83.43% |
| Advertising | 0 | 0 | 1,145 | -1,145 | 0.00% |
| Bank Charges | 3,250 | 3,250 | 2,007 | 1,243 | 61.75% |
| Caravan Park - Cleaning Services | 53,700 | 53,700 | 10,534 | 43,166 | 19.62% |
| Electricity - Operational | 65,000 | 65,000 | 12,191 | 52,809 | 18.76% |
| Insurance | 8,400 | 8,400 | 7,602 | 798 | 90.50% |
| Caravan Park Management Fees | 150,000 | 150,000 | 79,160 | 70,840 | 52.77% |
| Caravan Park Legal Expenses | 0 | 0 | 4,112 | | 0.00% |
| Caravan Park - Software Support | 3,000 | 3,000 | 2,328 | 672 | 77.60% |
| Rates & Charges on Council Property | 28,000 | 28,000 | 24,494 | 3,506 | 87.48% |
| Telephone | 2,000 | 2,000 | 1,974 | 26 | 98.69% |
| Caravan Park Administration Fees | 40,000 | 40,000 | 26,667 | 13,333 | 66.67% |
| Caravan Park R & M | 45,000 | 45,000 | 31,843 | 13,157 | 70.76% |
| Caravan Park - Consumables GST | 39,000 | 39,000 | 12,490 | 26,510 | 32.03% |
| Caravan Park - Consumables No GST | 2,000 | 2,000 | 232 | 1,768 | 11.60% |
| Depreciation | 51,700 | 51,700 | 34,467 | 17,233 | 66.67% |
| Total Operating Expenditure | 545,350 | 545,350 | 296,548 | 252,914 | 54.38% |
| Net Operating Surplus/ (Deficit) | 8,150 | 8,150 | -64,380 | 68,418 | |
| Capital Expenditure | | | | | |
| Powered Sites Power Poles (20) | 30,000 | 30,000 | 0 | 0 | 0% |
| Transportable Cabin | | | 8,438 | 0 | |
| Buggy - for cleaning | 8,000 | 8,000 | 5,910 | 2,090 | 73.88% |
| Site Upgrade (10) | 21,850 | 21,850 | 0 | 21,850 | 0.00% |
| Total Capital Expenditure | 59,850 | 59,850 | 14,348 | 23,940 | 23.97% |
| Net Capital Surplus/ (Deficit) | -59,850 | -59,850 | 28,695 | -23,940 | |
| Net Result Surplus/ (Deficit) | -51,700 | -51,700 | -35,684 | 44,478 | |

LEGISLATIVE IMPLICATION

Crown Lands Management Act 2016

Crown Lands Management Regulation 2018

POLICY IMPLICATION

Revenue Policy – Caravan Park Fees and Charges

RISK RATING

Moderate – High community interest in the operation of the caravan park.

ATTACHMENTS

Nil

12.2 STATEMENT OF FUNDS - FEBRUARY 2021

| | |
|------------------------------------|--|
| File Number: | D21.48844 |
| Reporting Officer: | Kristy Cameron, Finance Officer |
| Responsible Officer: | Terri Bilske, Director Corporate & Community Services |
| Operational Plan Objective: | Pillar 6: Our Leadership – A community that values and fosters leadership, lifelong learning, innovation and good governance. |

OFFICER RECOMMENDATION

That Council receives and notes the Statement of Funds for the period ending 28 February 2021.

PURPOSE OF REPORT

The purpose of this report is to advise Council of the balance of funds and investments held for the month ending 28 February 2021;

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

REPORT

Council's total investments including cash as at 28 February 2021 is \$16,498,210. This is an increase of \$686,436 on the previous month's total of \$15,811,774.

The increase of funds has been a result of:

- Receipt of the third instalment of Rates & Water usage billing, with the due date 28th February 2021 and
- Receipt of the Financial Assistance Grant third quarter instalment.

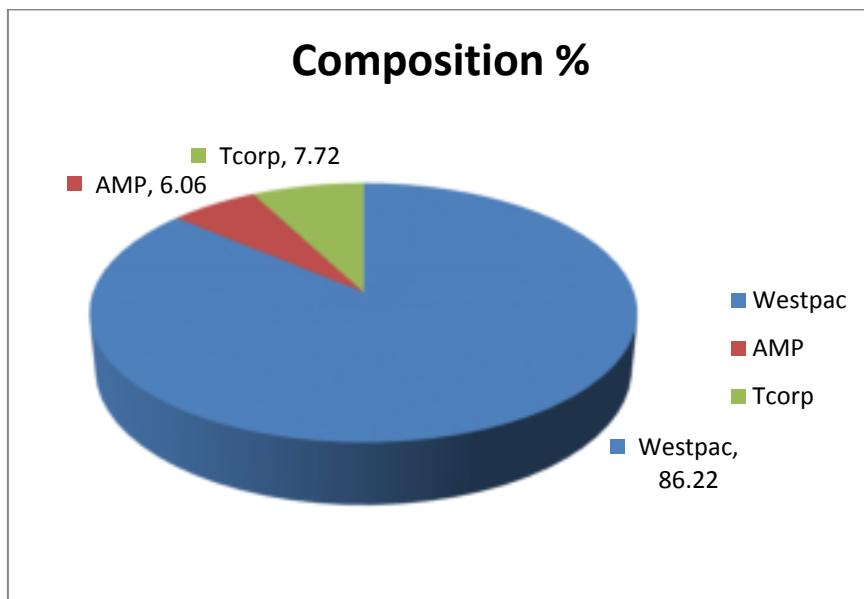
Actual interest received for investments up until the 28th February 2021 is \$37,405

A summary of Council's investment and cash balances as at 28 February 2021 is as follows:

| | Reference | S&P Rating | Term (Days) | Start Date | Maturity Date | Interest Rate/ Rate of Return | Investment Value | Accrued Interest |
|---|-----------|------------|-------------|------------|---------------|-------------------------------|------------------|------------------|
| Term Deposits | | | | | | | | |
| Westpac Bank a/c No. 178-576 | INV12 | A-1+ | 371 | 10/11/2020 | 22/11/2021 | 0.60% | 1,000,000 | 1,808.22 |
| Westpac Bank a/c No. 178 848 | INV14 | A-1+ | 182 | 30/12/2020 | 30/06/2021 | 0.25% | 1,000,000 | 410.96 |
| Westpac Bank a/c a/c: 177229 | INV15 | A-1+ | 273 | 2/06/2020 | 2/03/2021 | 0.87% | 1,000,000 | 6,459.45 |
| Westpac Bank a/c No. 177 237 | INV | A-1+ | 365 | 3/09/2020 | 3/09/2021 | 0.80% | 750,000 | 2,926.03 |
| Westpac Bank a/c a/c: 177816 | INV | A-1+ | 92 | 31/12/2020 | 29/03/2021 | 0.20% | 750,000 | 242.47 |
| AMP Bank a/c No. TD8889993366 | INV20 | BBB+ | 363 | 29/04/2020 | 27/04/2021 | 1.65% | 1,000,000 | 13,787.67 |
| Total Term Deposits | | | | | | Average rate | 0.86% | 5,500,000 |
| At Call Accounts | | | | | | | | 25,634.79 |
| Westpac Cash Reserve a/c No. 162 975 | | | | | AT CALL | 0.09% | 603,336 | |
| Tcorp a/c No. 1288 | | | | | AT CALL | 0.96% | 1,274,042 | |
| Cash Accounts | | | | | | | | |
| Westpac Bank a/c No. 000 000 | | | | | CASH AT BANK | 0.01% | 9,120,833 | |
| TOTAL BANK | | | | | | | 10,998,210 | |
| TOTAL INVESTMENTS PORTFOLIO INCLUDING CASH | | | | | | | 16,498,210 | 25,634.79 |

The table and graph below shows the composition of investments with Financial Institutions:

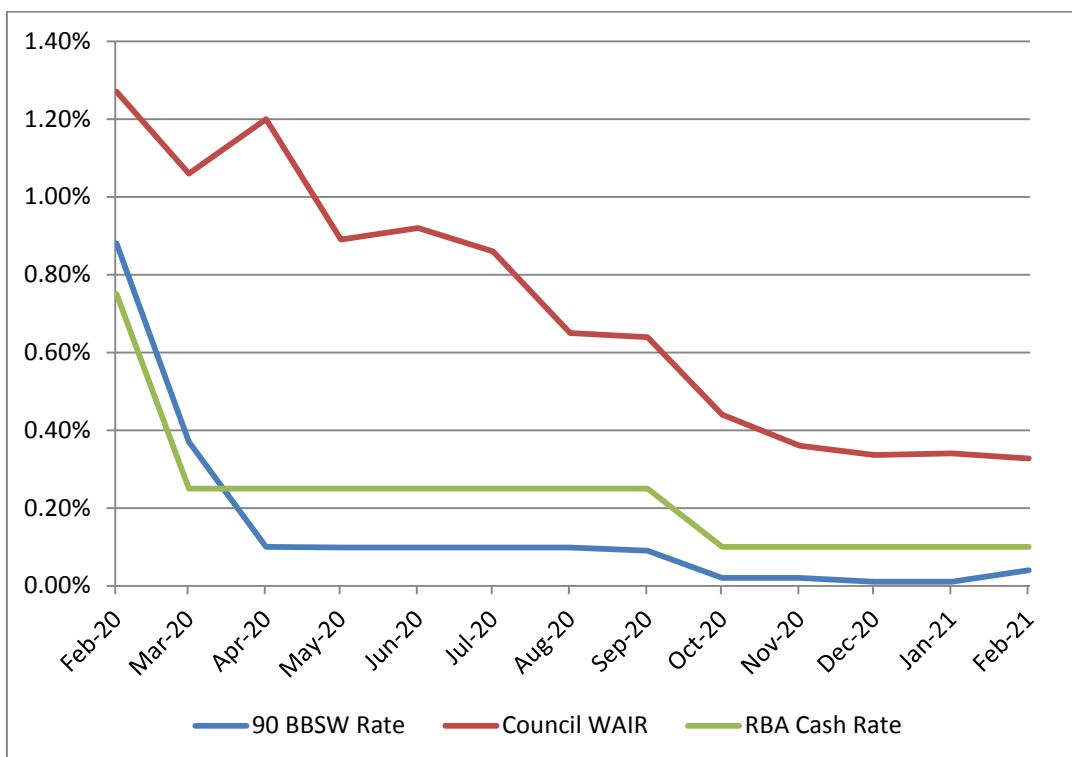
| Financial Institutions | Composition | Amount |
|------------------------|----------------|-------------------|
| Westpac | 86.00% | 14,224,169 |
| AMP | 6.00% | 1,000,000 |
| Tcorp | 8.00% | 1,274,042 |
| Total | 100.00% | 16,498,210 |



Council's weighted average return for all investments and cash accounts for the month is 0.33%, which is above the required 90 bank bill swap reference rate of 0.04% as at 28 February 2021. Note that the official cash rate stayed at 0.10% for February. The weighted average return rate is the rate which considers the size of the investment as well as the interest rate of the investment.

The graph below shows Council's performance for the past 12 months against the 90 bank bill swap reference rate.

Month End Return on Investments for Past 12 Months

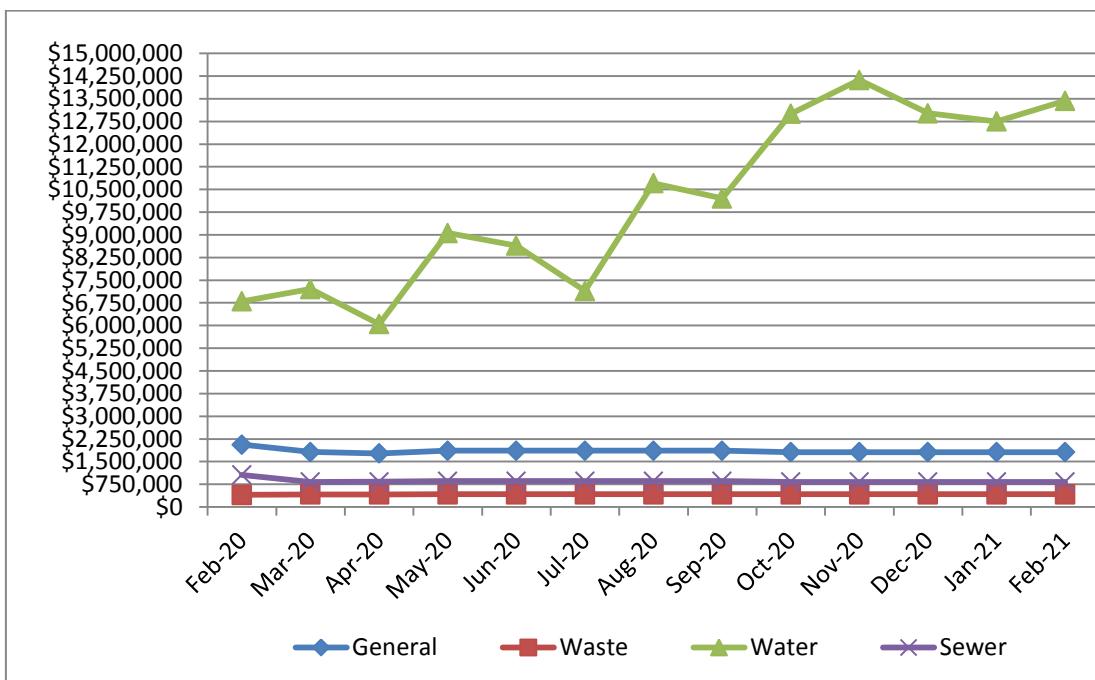


| | 90 BBSW Rate | Council WAIR | RBA Cash Rate |
|--------|--------------|--------------|---------------|
| Feb-20 | 0.88% | 1.27% | 0.75% |
| Mar-20 | 0.37% | 1.06% | 0.25% |
| Apr-20 | 0.10% | 1.20% | 0.25% |
| May-20 | 0.10% | 0.89% | 0.25% |
| May-20 | 0.10% | 0.89% | 0.25% |
| Jun-20 | 0.10% | 0.92% | 0.25% |
| Jul-20 | 0.10% | 0.86% | 0.25% |
| Aug-20 | 0.10% | 0.65% | 0.25% |
| Sep-20 | 0.09% | 0.64% | 0.25% |
| Oct-20 | 0.02% | 0.44% | 0.10% |
| Nov-20 | 0.02% | 0.36% | 0.10% |
| Dec-20 | 0.01% | 0.34% | 0.10% |
| Jan-21 | 0.01% | 0.34% | 0.10% |
| Feb-21 | 0.04% | 0.33% | 0.10% |

Council's total investment and cash accounts balance of \$16,498,210 across the funds as listed below:

| FUNDS HELD | Investment | Bank | Combined | Restricted | Unrestricted |
|---------------------------|------------------|-------------------|-------------------|------------------|------------------|
| General Fund | 4,400,000 | 9,033,990 | 13,433,990 | 3,722,815 | 9,711,175 |
| Domestic Waste Management | 0 | 422,104 | 422,104 | 422,104 | 0 |
| Water Supplies | 600,000 | 1,213,723 | 1,813,723 | 1,813,723 | 0 |
| Sewerage Service | 500,000 | 328,394 | 828,394 | 828,394 | 0 |
| TOTAL FUNDS HELD | 5,500,000 | 10,998,210 | 16,498,210 | 6,787,036 | 9,711,175 |

Balance by Funds for Past 12 Months



The table below shows the individual make-up of the restricted amounts that combine to a total of \$6,787,036 at end of month:

| RESTRICTED FUNDS | External | Internal | Feb 2021 Total |
|--|------------------|------------------|-----------------------|
| Specific Purpose Unexpended Grants | 221,677 | | 221,677 |
| Domestic Waste Management | 422,104 | | 422,104 |
| Water Supplies | 1,813,723 | | 1,813,723 |
| Sewerage Service | 828,394 | | 828,394 |
| Other (Unexpended Cont. Euston) | 50,000 | | 50,000 |
| Future Development Reserve | | 414,864 | 414,864 |
| Plant & Vehicle Replacement | | 350,934 | 350,934 |
| Infrastructure Replacement | | 214,000 | 214,000 |
| Employee Leave Entitlements | | 269,000 | 269,000 |
| Deposits, Retentions & Bonds | | 127,842 | 127,842 |
| Caravan Park | | 197,247 | 197,247 |
| Euston Cemetery | | 38,000 | 38,000 |
| Health Reserve | | 6,000 | 6,000 |
| Hostel Bonds | | 1,287,060 | 1,287,060 |
| Market Street Improvements | | 20,000 | 20,000 |
| Town Clock | | 3,000 | 3,000 |
| Gravel Pit Rehabilitation | | 234,065 | 234,065 |
| Lake Benanee Capital Improvements | | 1,126 | 1,126 |
| Other Assets Replacement | | 286,000 | 286,000 |
| Financial Assistance Funding | | 0 | 0 |
| Berrett Park Revitalisation (Council Contribution) | | 2,000 | 2,000 |
| TOTAL RESTRICTED FUNDS | 3,335,898 | 3,451,138 | 6,787,036 |

The bank reconciliation on the Westpac cash account, or operating account, has been reconciled as at 28 February 2021 and is shown below:

| Cashbook Summary | |
|---|------------------|
| Opening Cashbook Balance | 8,434,406 |
| Plus Receipts | 1,553,463 |
| Less Payments | (867,036) |
| Cashbook Balance at 28 February 2021 | 9,120,833 |

| Statement Summary | |
|---|------------------|
| Opening Statement Balance | 8,435,240 |
| Plus Receipts | 1,540,746 |
| Less Payments | (882,355) |
| Bank Statement Balance at 28 February 2021 | 9,093,631 |
| Plus Unpresented Receipts | 30,707 |
| Less Unpresented Payments | (3,505) |
| Reconciliation Balance at 28 February 2021 | 9,120,833 |

SUMMARY

Council currently holds \$16,498,210 in Cash and Investments. The average interest rate trend is still at a low for February .327%

As with all financial reports, the reported figures are based on a point of time only and vary daily. However, Council is in a reasonable financial position but it is essential that all expenditure is kept within the approved budget to achieve a breakeven point or better position for this financial year.

I hereby certify that the investments listed within this report were made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

**FINANCIAL IMPLICATION**

Nil

LEGISLATIVE IMPLICATION

The Local Government Act 1993
The Local Government (General) Regulation 2005
Ministerial Investment Order (Gazetted 11 February 2011)

POLICY IMPLICATION

Council's Investment Policy (Approved 17th October 2017)

RISK RATING

Low

ATTACHMENTS

Nil

13 INFRASTRUCTURE & DEVELOPMENT REPORTS**13.1 INFRASTRUCTURE REPORT**

| | |
|------------------------------------|---|
| File Number: | D21.48796 |
| Reporting Officer: | Ray Davy, Director Infrastructure and Development |
| | Gerdi Rand, Executive Assistant |
| Responsible Officer: | Ray Davy, Director Infrastructure and Development |
| Operational Plan Objective: | Pillar 5: Our Infrastructure – A community that maintains and strengthens its natural and built environment. |

OFFICER RECOMMENDATION

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

PURPOSE OF REPORT

To update Council on infrastructure works currently in hand and in planning, updated to 11 March 2021.

REPORT**1. Road construction and maintenance****1.1 Construction***Regional roads*

Preliminary works are continuing for the widening and sealing of a 2km section of MR514 (Oxley Road) and completion of the formation widening on the “missing link” section of MR67 (Ivanhoe Road). Geotechnical investigations are in hand to finalise pavement design for the MR514 works.

Tenders have been invited for contractors to undertake the widening of MR296 (Kyalite-Moulamein Road).

No response has yet been forthcoming to Council’s funding submission for widening the formation of a narrow section of MR67 north of Homebush, proposed to be carried out in the 2021-22 year.

Local roads

Work continues on the reconstruction of Marma-Box Creek Road including remediation and widening of 2.7km of old seal east of Bidura Station. The intersection of Marma-Box Creek Road and Wampo-Magenta Road has been reconfigured to improve safety, given the increase in traffic using the latter road to access the Atlas-Campaspe Mineral Sands mine site.

A contractor has been engaged to commence formation and drainage on the first stage of reconstruction and sealing of the Weimby-Kyalite Road. Works on Marma-Box Creek Road and Weimby-Kyalite Road are funded over two years under the Fixing Local Roads Programme.

Tender documents are being prepared for drainage improvements and sealing of Purton Lane in Balranald.

Council is awaiting the outcome of previous funding submissions for the reconstruction of Benanee Road and the widening of Leslie Drive under the next round of the Fixing Local Roads programme.

1.2 Unsealed road maintenance

As previously reported, maintenance grading work for the balance of the financial year is focussed on dealing with safety issues as they arise. Tillara Road and a section of the Mildura-Ivanhoe Road north of Mungo National Park Visitor Centre are currently being addressed.

Council is awaiting the outcome of its submission for reclassification of the Mildura-Ivanhoe Road to regional road status.

1.3 Sealed road maintenance

The bitumen reseal programme for the current year will commence in early May, concentrating on the recently constructed sections of MR67 and MR 514 (Oxley Road) that have only had primer seals applied.

Work will commence shortly on traffic calming of Bertram and Taylor Roads, Euston including some related road improvements to these roads and their intersections with Morris Road and Sturt Highway. This work is funded under the Local Roads and Community Infrastructure Programme.

Planning is in hand for safety improvements to the 100km of MR67 from Hatfield to the Shire boundary, co-funded by Tronox, as a requirement for the road to be used for haulage of mineral sands concentrate from the Atlas-Campaspe Mineral Sands mine to the proposed railhead at Ivanhoe.

1.4 Bridge maintenance

No change since the last report.

2. Water, sewerage and drainage

2.1 Integrated Water Cycle Management (IWCM) Plan

A draft of the “Options Paper” has been received from Public Works Advisory, and is currently being reviewed. This will form the basis of all future water and sewer capital works, including applications for State funding assistance.

2.2 Balranald Sewerage Program

Work is largely complete on the latest round of sewer relining. Quotations have been received for a switchboard upgrade for Pump Station No 2.

2.3 Balranald Water Network

A contractor has been appointed for a switchboard upgrade for the main raw water intake. A replacement pump for the intake has been purchased, awaiting contractor availability for installation. A contract has been awarded for the next round of AC mains replacement.

Quotations have been received for inspection and minor remedial works to the filtered water reservoir and a contract for this work will be awarded shortly. Contractors are still being sought for the inspection of the raw water reservoir.

2.4 Euston Sewerage Program

A contractor has been appointed for upgrading the main inlet structure and pump replacement.

2.5 Euston Water Network

Work on cathodic protection of the filtered water reservoir is largely complete. Quotations have been received for upgrading the switchboards at the main pumping station and work is in hand to upgrade some of the physical infrastructure within the building. A contract has been awarded for the next round of AC mains replacement.

2.6 Kyalite Water Supply

Council has met with affected stakeholders and discussions are progressing with a view to Council taking a coordinating role in raw water supply and potential future supply of potable water to Kyalite village. Currently there are multiple private water extraction licenses to supply raw water to households, and no filtered supply.

3. Civic enhancement projects

3.1 Market Street upgrade

Work is substantially complete with only minor omissions and defects to be rectified.

3.2 Riverfront precinct

Work is well in hand on construction of the ecotrail walkway. The proposed second footbridge is to be deferred pending consideration of additional funding options, which will allow more money to be allocated under the existing project to enhancement elements on the town side of the river. Details of these are to be the subject of further detailed review, based on the work of the original Community Reference Group.

4. Buildings and Facilities

4.1 Greenham Park

Scoping is being carried out to determine a final concept for new or refurbished change rooms for the football club.

Funding has been received for upgrading electrical services to Greenham Park Hall to improve utilisation of the Hall and its surrounding open areas. Purchase of new furniture and construction of a secure storage facility for Greenham Park Hall has been included in Council's proposals for Phase 1 of the Local Roads and Community Infrastructure Programme, subject to confirmation of eligibility by the funding agency.

Contract documents for the upgrading of the tennis courts are currently being prepared. A related matter regarding the retention or removal of a row of existing mature maple trees is being assessed with professional arborist assistance.

4.2 Swimming Pool

No new works to report.

4.3 Bidgee Haven Hostel

This project is the subject of a separate report. An independent consultant is currently preparing a detailed business case for the expansion project to underpin any funding decisions.

4.4 Aerodrome

No change since the last report. No response has yet been received to Council's funding application for upgrading the perimeter fence.

4.5 Visitor Centre/Discovery Centre

An amended concept design has been prepared to integrate the pavilions. This will now proceed to full design and confirmation of costings, prior to award of a contract for the works.



Concepts for redevelopment of Balranald Visitor Centre

4.6 Balranald Library

A review of Balranald's needs regarding a library and related services is ongoing. A survey of community wishes and expectations will form part of this process.

4.7 Theatre Royal

Technical assessment for proposed heating improvements has shown that there are no supply capacity constraints and the works can be delivered within budget.

As previously reported, although structurally sound, the building has sustained considerable deterioration and will need a significant investment to bring it fully up to a suitable standard of preservation. As a first step, a Conservation Plan is needed to identify the necessary works. Funding for this will be considered in the 2021-22 budget process.

4.8 Balranald Landfill

Survey work is being commissioned to assist in planning modifications to the main entry to keep members of the public away from the tip area. Assistance is to be obtained from RAMJO for an overall management strategy for the facility.

The trial placement of skip bins for green waste outside the existing entry gate is being continued for the time being.

4.9 Euston Landfill

No change since the last report. Discussions are continuing with Robinvale Waste to install new security gates and a weighbridge at the facility.

4.10 Balranald Cemetery

A preferred option for a toilet has been selected by the Balranald Beautification Advisory Committee, and this work will be undertaken shortly.



Proposed style of toilet for Balranald Cemetery

4.11 Euston Cemetery

No update since last report.

4.12 Euston Recreation Reserve

Enhancements to the reserve and facilities, and the potential upgrading of the Max Willis Reserve as a visitor “arrival point”, are being assessed in consultation with the Euston Progressive Advisory Committee. Proposals are being sought from suitably qualified consultants for master planning these and other beautification works including promotional approach signage for the town.

4.13 Euston Riverfront Reserve and Walking Trail

A “walkover” of the walking trails is to be conducted by the Euston Progressive Advisory Committee on 28th March to consider allocation of \$50,000 budgeted for enhancement to the trails (signage, seating etc.). A previously reported proposal from the Euston Cooperative to make a parcel of land available at the end of Gareffa Parade for a carpark and information signage about the walkway to Robinvale is being evaluated as part of this process.

4.14 Ben Scott Memorial Bird Walk

Improvements to the walking track including repairs to the concrete and existing timber boardwalks have been completed, however it is proposed to replace some of the timbers that have significantly deteriorated. Signage remains to be delivered.

4.15 Balranald Creative Learning Centre

No change since last report.

4.16 Kyalite Riverside Reserve

A meeting of the Kyalite Progress Association is scheduled for 8th April to consider proposals for enhancement to the Reserve, to be funded under the Local Roads and Community Infrastructure Programme.

5. Town Maintenance Works**5.1 Balranald town maintenance**

The Operations team continue to carry out routine town maintenance tasks and specific works as required from time to time.

5.2 Euston town maintenance

Landscaping of the main entries to the town has been identified as a priority for funding from the Local Roads and Community Infrastructure Programme, and details of this are currently being consulted with the Euston Progressive Advisory Committee. Town maintenance resources in Euston have been boosted with the employment of another fulltime town maintenance employee.

6. Policy development

Updated draft policies for rural roads and grids, street trees, tree maintenance and the maintenance of grassed urban areas are being deferred until the relevant level of service aspects of the draft Asset Management Plan are complete.

7. Forward planning

A revised Capital Works Programme and budget for 2020-21, is the subject of a separate report. Planning is in hand for the 2021-22 budget.

FINANCIAL IMPLICATION

As per budgeted works program unless otherwise noted in this Report.

LEGISLATIVE IMPLICATION

Nil.

POLICY IMPLICATION

Access to Town Water Supply Policy

Contaminated Lands Policy

Footpath Policy

Grids Policy

Nature Strip Landscaping Policy

Recreation Areas Policy

Road Class Maintenance Policy

Roads Policy

Signs Policy

RISK RATING

Project based risks have been individually assessed

ATTACHMENTS

Nil

13.2 PLANNING ADMINISTRATION

| | |
|------------------------------------|---|
| File Number: | D21.47740 |
| Reporting Officer: | Ray Mitchell, Health & Development Officer |
| | Nikkita Manning-Rayner, Administration Assistant |
| Responsible Officer: | Ray Davy, Director Infrastructure and Development |
| Operational Plan Objective: | Pillar 5: Our Infrastructure – A community that maintains and strengthens its natural and built environment. |

OFFICER RECOMMENDATION

That the report be received and noted.

PURPOSE OF REPORT

To advise Council of activities in the Planning area

REPORT

The following Notices of Determination, Construction Certificates, Complying Development Certificates, Section 68 Certificates, Subdivision Certificates and / or Occupation Certificates have been issued under delegated authority since the February 2021 meeting of Council.

| Application | Owner/Applicant | Locality | Description |
|-------------|--|-----------------------------------|--|
| DA 25/2021 | Mr Graeme Barnes | Sydney Street, Balranald | Mechanics Workshop |
| DA 33/2021 | Brent Williams of BW&A National on behalf of Mr W.R. & Mrs D.E. Vandenberg | 3 Bates Drive, Euston | Dwelling |
| CC 11/2021 | Dimity Cimino for Mr C. & Mrs D.L. Cimino | 169 Market Street, Balranald | Veranda |
| CC 12/2021 | Mr Jeffrey Innes for Tronox Holdings | Magenta Wampo Road, Balranald | 141 bed accommodation facility |
| CC 13/2021 | Mr Philip Robertson for Michael Lanteri Pty Ltd & Joseph Lanteri Pty Ltd | Brett Road, Euston | Two (2) Filter Sheds |
| CC 14/2021 | Lamattina Farms for APJ Brothers Pty Ltd | Garreffa Parade, Euston | Civil construction works for 17 lot subdivision |
| S68 04/2021 | Mr Jeffrey Innes for Tronox Holdings | Magenta Wampo Road, Balranald | Onsite sewage management facility for 141 bed accommodation facility |
| SDC 05/2021 | Greg Rae for Mr G.J. & Mrs S.A. Rae | 1802 Prungle Mail Road, Balranald | Three Lot Subdivision |

The following numbers of certificates relating to conveyancing have been issued since the February 2021 meeting of Council.

| | |
|--|---|
| Environmental Planning & Assessment Act 1979 Planning Information Certificates (10.7) | 1 |
| Environmental Planning & Assessment Act 1979 Building Certificates (6.24) | 0 |
| Environmental Planning & Assessment Act 1979 Outstanding Orders (121ZP) | 0 |
| Local Government Act 1993 Outstanding Orders (735A) | 0 |
| Local Government Act 1993 Drainage Diagram | 1 |
| Biosecurity Act 2015 Outstanding Orders (Noxious Weeds) | 0 |

FINANCIAL IMPLICATION

Nil

LEGISLATIVE IMPLICATION

Environmental Planning & Assessment Act 1979

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Local Government Act 1993

Biosecurity Act 2015

Conveyancing Act 1919

POLICY IMPLICATION

Nil

ATTACHMENTS

Nil

14 NOTICE OF MOTION / QUESTIONS ON NOTICE

Nil

15 CONFIDENTIAL MATTERS

Nil

16 CLOSURE OF MEETING