



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

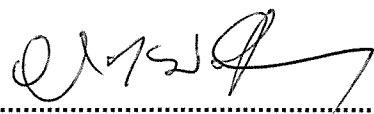
15 CONFIDENTIAL MATTERS

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

