



MINUTES

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

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

1 OPENING OF MEETING

2 ACKNOWLEDGMENT 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:

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

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE COUNCIL MEETING HELD ON 16 FEBRUARY 2021

RESOLUTION 2021/7

Moved: Administrator Mike Colreavy

1. That the Minutes of the Council Meeting held on 16 February 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.

7 COMMITTEE REPORTS FOR ADOPTION

Audit, Risk And Improvement Committee Meeting Minutes were moved from Section 4 of the Agenda to Section 7 in the Minutes under Committee Reports for Adoption.

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

RESOLUTION 2021/8

Moved: Administrator Mike Colreavy

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

CARRIED

7.1 REPORT ON EXECUTIVE OF CHAIRS MEETING - 2 MARCH 2021**PURPOSE OF REPORT**

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

RESOLUTION 2021/9

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

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

RESOLUTION 2021/10

Moved: Administrator Mike Colreavy

1. That Council receives and notes the Minutes of the Strengthening Community Access, Inclusion and Wellbeing (SCAIWAC) Advisory Committee 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.

CARRIED

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

RESOLUTION 2021/11

Moved: Administrator Mike Colreavy

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. Investigates installing picnic furniture at the Senior Citizens Plaza with a location to be specified either by relocating the notified furniture in the recommendation herein or installing new furniture.
4. That 2 and 3 above be referred to the Strengthening Community Access & Inclusion Wellbeing Advisory Committee and the Ageing Well, Aged Care & Facilities Advisory Committee for advice.

CARRIED

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

RESOLUTION 2021/12

Moved: Administrator Mike Colreavy

That Council:

1. Receives and notes both the minutes of the meeting held on 9 February 2021 and the minutes of the meeting held on 2 March 2021.
2. Includes the Growing Business Industry & Tourism Advisory Committee (GBITAC) as community representatives for any future engagement from Water Infrastructure NSW (a division of DPIE) on the Yanga Lake Murrumbidgee Weir proposal.
3. Ensures that, at the next opportunity the architect is visiting Balranald, the Director of Infrastructure and Development coordinates a "walk-over" of the existing facilities with the GBITAC and the architect.
4. Investigates in more detail any opportunities for advertising in the Community News.
5. Refers the matter of the heavy traffic through Balranald township to consider safety and social impacts to Transport for NSW.
6. Confirms that the General Manager will attend the next GBITAC meeting on 6 April 2021 which will be dedicated to a workshop on their draft Annual Plan.

CARRIED

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

RESOLUTION 2021/13

Moved: Administrator Mike Colreavy

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

CARRIED

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****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.

RESOLUTION 2021/14

Moved: Administrator Mike Colreavy

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 the General Manager writing to the Office of Local Government seeking an eighteen-month extension of time for the delivery of this project.

CARRIED

8.2 DRAFT CEMETERY POLICY**PURPOSE OF REPORT**

Bring forward Draft Cemetery Policy for review and comment

RESOLUTION 2021/15

Moved: Administrator Mike Colreavy

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

CARRIED

8.3 FINANCIAL MANAGEMENT

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.

RESOLUTION 2021/16

Moved: Administrator Mike Colreavy

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 2021/22 Operational Plan and 2021/22 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. Will develop a Project Plan outlining a timeline and governance process for this project, and
6. That the charges identified in the mining licence to the gypsum mine/s and the development approval will be levied and recovered, including relevant road restoration charges.

CARRIED

9 CORPORATE & COMMUNITY SERVICES REPORTS

9.1 FINANCIAL INFORMATION PRESENTATION DURING BUDGET PROCESS FOR 2021/22 BUDGET

PURPOSE OF REPORT

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

RESOLUTION 2021/17

Moved: Administrator Mike Colreavy

That Council receives the report on financial information requested at the Extraordinary Meeting of Council held on 22 January 2021 and notes that the information will be presented to the April Council Meeting and considered in the development of the 2021/22 Budget.

CARRIED

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

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

RESOLUTION 2021/18

Moved: Administrator Mike Colreavy

(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

CARRIED

10.2 DA 32/2021 - SUBDIVISION - GLEN AVON 908 IVANHOE ROAD BALRANALD**PURPOSE OF REPORT**

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

RESOLUTION 2021/19

Moved: Administrator Mike Colreavy

(Division)

That Council approves 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.

CARRIED

10.3 NSW RIGHT TO FARM POLICY

PURPOSE OF REPORT

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

RESOLUTION 2021/20

Moved: Administrator Mike Colreavy

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

CARRIED

10.4 2020-21 CAPITAL WORKS BUDGET UPDATE

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.

RESOLUTION 2021/21

Moved: Administrator Mike Colreavy

1. That the updated budget for capital works in 2020-21 be noted and approved; and
2. That Council provide information on the status of the following projects in the next Council Newsletter;
 - a. The Bidgee Haven Hostel;
 - b. The Visitor Information Centre/Discovery Centre Project;
 - c. The Balranald Riverfront Project from Our Rivers, Our Regions funding; and
 - d. The Creative Learning Centre.

CARRIED

10.5 BIDGEE HAVEN HOSTEL

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.

RESOLUTION 2021/22

Moved: Administrator Mike Colreavy

1. That Council notes the information in the confidential attachment to the report at Item 10.5 of this agenda. The document is confidential in accordance with Section 10A(2) of the *Local Government Act 1993*. It comprises information of a confidential nature which if released publically would prejudice the commercial position of Council and the providers.
2. 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.
3. 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 tenderer in the event that Council resolved to accept any tender for the works.
4. 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.

CARRIED

PART B – ITEMS FOR INFORMATION

11 GENERAL MANAGER'S REPORTS

11.1 CIRCULARS FROM OFFICE LOCAL GOVERNMENT

PURPOSE OF REPORT

To provide Council with copies of the circulars received from Office Local Government since 30 December 2020.

RESOLUTION 2021/23

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

11.2 ADMINISTRATOR, GENERAL MANAGER AND DIRECTORS MEETINGS

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.

RESOLUTION 2021/24

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

11.3 OUTSTANDING ACTIONS FROM PREVIOUS MEETINGS**PURPOSE OF REPORT**

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

RESOLUTION 2021/25

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

12 CORPORATE & COMMUNITY SERVICES REPORTS**12.1 BALRANALD CARAVAN PARK FINANCIAL REPORT****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.

RESOLUTION 2021/26

Moved: Administrator Mike Colreavy

That Council Receives and Notes the Balranald Caravan Park Financial Report for the period ended on 28 February 2021.

CARRIED

12.2 STATEMENT OF FUNDS - 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

RESOLUTION 2021/27

Moved: Administrator Mike Colreavy

That Council receives and notes the Statement of Funds for the period ending 28 February 2021.

CARRIED

13 INFRASTRUCTURE & DEVELOPMENT REPORTS

13.1 INFRASTRUCTURE REPORT

PURPOSE OF REPORT

To update Council on infrastructure works currently in hand and in planning, updated to 11 March 2021.

RESOLUTION 2021/28

Moved: Administrator Mike Colreavy

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

CARRIED

13.2 PLANNING ADMINISTRATION

PURPOSE OF REPORT

To advise Council of activities in the Planning area

RESOLUTION 2021/29

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

14 NOTICE OF MOTION / QUESTIONS ON NOTICE

Nil

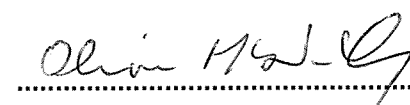
15 CONFIDENTIAL MATTERS

Nil

The Meeting closed at 6.51pm.

The minutes of this meeting were confirmed at the Council Meeting held on 22 April 2021.


ADMINISTRATOR


GENERAL MANAGER