



MINUTES

Ordinary Council Meeting

Tuesday, 15 June 2021

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Nil

**MINUTES OF BALRANALD SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MARKET STREET BALRANALD
ON TUESDAY, 15 JUNE 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 (Acting General Manager) and Carol Holmes (Senior Executive Officer),

3 APOLOGIES

Oliver McNulty (General Manager)

RESOLUTION 2021/73

Moved: Administrator Mike Colreavy

That the apology received from Mr Oliver McNulty be accepted and leave of absence from this meeting be granted.

CARRIED

4 CONFIRMATION OF MINUTES**4.1 MINUTES OF THE COUNCIL MEETING HELD ON 18 MAY 2021**

RESOLUTION 2021/74

Moved: Administrator Mike Colreavy

That the Minutes of the Council Meeting held on 18 May 2021 be received and noted.

CARRIED

4.2 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 27 MAY 2021

RESOLUTION 2021/75

Moved: Administrator Mike Colreavy

That the Minutes of the Extraordinary Council Meeting held on 27 May 2021 be received and noted.

CARRIED

5 DISCLOSURE OF INTEREST - Nil**6 ADMINISTRATOR MINUTE/REPORT - Nil****7 COMMITTEE REPORTS FOR ADOPTION****7.1 GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE MINUTES - HELD ON 4 MAY AND 9 JUNE 2021**

RESOLUTION 2021/76

Moved: Administrator Mike Colreavy

That Council;

1. Receives and notes the Minutes of the GBITAC Meetings held on 4 May & 9 June 2021.
2. Investigate the installation of an additional fish cleaning bay at the Sturt Highway bridge boat ramp area in consultation with the Balranald Anglers Club.

CARRIED

7.2 BALRANALD BEAUTIFICATION ADVISORY COMMITTEE HELD ON 12 MAY 2021

RESOLUTION 2021/77

Moved: Administrator Mike Colreavy

That Council

1. Receives and Notes the Minutes of the Balranald Beautification Advisory Committee meeting held on 12 May 2021.
2. Consider the installation of picnic tables and seats at the Discovery Centre and also a seat with a backrest on the corner of Market and Mayall Streets.
3. Review and report back to the Committee the outcomes from the investigation into the water fixture issues along Moa Street especially from Church Street to the Cemetery.
4. Review and report back to the Committee the outcomes from the investigation of replacing trees with Queensland Box Trees and the planting of trees in median strips where required.

CARRIED

7.3 STRENGTHENING COMMUNITY ACCESS, INCLUSION & WELLBEING ADVISORY COMMITTEE

RESOLUTION 2021/78

Moved: Administrator Mike Colreavy

1. That Council notes that there has been no meeting of the Strengthening Community Access, Inclusion and Wellbeing Advisory Committee since March 2021 due to not having a quorum.
2. That Council notes the Committee's ongoing interest in the Senior Citizens Building.
3. That the ongoing viability of the Committee be reviewed and reported back to Council.

CARRIED

GENERAL MANAGER'S REPORTS (INCORPORATING ALL STAFF REPORTS)**PART A – ITEMS REQUIRING DECISION****8 GENERAL MANAGER'S REPORTS****8.1 DATE AND TIME FOR ORDINARY COUCNIL MEETINGS**

This Item was withdrawn from the Agenda as it is covered by in item 8.2.

8.2 2021-2022 COUNCIL MEETING ARRANGEMENTS**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 2021/79

Moved: Administrator Mike Colreavy

1. Pursuant to section 365 of the *Local Government Act 1993* and clause 3.2 of Council's Code of Meeting Practice, that Council adopts the proposed 2021/2022 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, that Council provide public notice of the time, date and place of each scheduled Ordinary Meeting as set out in the amended table included in this report with the September and March Meeting to be held at the Euston Recreation Reserve, and the December 2021 Meeting be rescheduled to 14 December 2021.
3. That the order of business as proposed in this report be adopted.

CARRIED

8.3 CEMETERY POLICY**PURPOSE OF REPORT**

To advise Council of the results of public exhibition in relation to the advertising of the Cemetery Policy and Operating Manual

RESOLUTION 2021/80

Moved: Administrator Mike Colreavy

1. That this matter be deferred.
2. That an inspection be conducted with the Administrator and relevant staff, and the contents of the policy and manual be reviewed at a workshop before the matter returning to Council's August 2021 meeting.

CARRIED

8.4 YOUTH COUNCIL RESERVE**PURPOSE OF REPORT**

To seek approval of financial reserves being held for Youth Council.

RESOLUTION 2021/81

Moved: Administrator Mike Colreavy

That Council approves the Unrestricted Financial Reserve being held by Council for the exclusive use of Balranald Shire Youth Council.

CARRIED

8.5 LEASING OF THE ROYAL CAFE AREA OF THE ROYAL THEATRE COMPLEX**PURPOSE OF REPORT**

To advise Council of a request to lease the Royal Café area of the Royal Theatre Complex.

RESOLUTION 2021/82

Moved: Administrator Mike Colreavy

That

1. Council advertise for expressions of interest to lease the Royal Café area of the Theatre Royal complex for a period of 28 days;
2. Any submissions received be reported to the July meeting of Council; and
3. Rev R Davis' request be considered in conjunction with any other submissions other received from the advertising process as part of the July report.

CARRIED

8.6 ESTABLISHMENT OF BIDGEE HAVEN BOARD OF MANAGEMENT**PURPOSE OF REPORT**

To update Council and to provide direction in relation to the establishment of a Bidgee Haven Hostel Committee of Management (the Board).

RESOLUTION 2021/83

Moved: Administrator Mike Colreavy

That this matter be deferred in order for detailed advice to be prepared as to the most appropriate form of governance for the Bidgee Haven Hostel to include Terms of Reference for any board/committee that might be proposed, and that a further report be presented to the September Council Meeting.

CARRIED

9 CORPORATE & COMMUNITY SERVICES REPORTS**9.1 SALE OF LAND FOR UNPAID RATES****PURPOSE OF REPORT**

To advise and seek Council's approval to commence recovery action by way of sale of the properties with outstanding rates for more than 5 years.

RESOLUTION 2021/84

Moved: Administrator Mike Colreavy

1. That Council, pursuant to Section 713 and other relevant sections of the Local Government Act 1993, authorises sale proceedings to sell the properties listed in this report at a public auction at a time and place to be determined.
2. That Outstanding Collections (Aust) Pty Ltd (OSC) be appointed to administer the sale on Council's behalf.
3. That Council authorises Council staff and OSC to proceed with the necessary arrangements, pertaining to the sale of the properties listed in this report, as set out in the Local Government Act 1993 and Local Government (General) Regulation 2005.
4. That Council delegates authority to the General Manager to take the following actions pertaining to the properties specified in the report:
 - a. To withdraw from sale any property that prior to the commencement of the auction has had all Rates and charges, including expenses of Council incurred in connection with the sale, paid in full.
 - b. To withdraw any property from sale for technical, legal, or other compelling reasons.
 - c. To set reserve prices for sale of the properties at auction.
 - d. To negotiate by private treaty and accept offers for sale of any property that fails to sell at auction.
 - e. To execute Sale and Purchase contracts, and property transfer documents, under Council's Common Seal/or by the General Manager.

CARRIED

10 INFRASTRUCTURE & DEVELOPMENT REPORTS**10.1 BUDGET VARIATION BALRANALD LOCAL ENVIRONMENTAL PLAN 2010 REVIEW****PURPOSE OF REPORT**

To request budget variation for the Balranald Local Environmental Plan 2010 (LEP) review.

RESOLUTION 2021/85

Moved: Administrator Mike Colreavy

That provision of \$25,000 be made in the adopted 2021-22 Budget to facilitate a review of the Balranald Local Environmental Plan 2010.

CARRIED

10.2 DA 49/2021 - PROPOSED INSTALLATION OF A TRANSPORTABLE SECONDARY DWELLING (DUAL OCCUPANCY)**PURPOSE OF REPORT**

To seek development consent under Part 4 of the Environmental Planning & Assessment Act 1979 for the installation of a transportable secondary dwelling (dual occupancy) at 164 Lily Street Balranald.

RESOLUTION 2021/86

Moved: Administrator Mike Colreavy

That Council approves Development Application 49/2021 for the installation of a transportable secondary dwelling (dual occupancy) on Lot 27 DP 1037, 164 Lily Street Balranald, subject to the following conditions:

1. No alteration to approved plans and specifications is allowed unless separately approved by Council.
2. All building work shall be carried out in accordance with the provisions of the Local Government Act 1993, The National Construction Code 2019, relevant Australian Standards and The Environmental Planning & Assessment Act 1979, regardless of any omission in the documentation submitted for approval.
3. A person who is carrying out or in charge of carrying out the Building work MUST notify Council two working days prior to the following stages of the construction process;
 - (a) at the completion of preparation of footings prior to placement of concrete/ stumps.
 - (b) at the completion of the building, prior to the use of the building.

Note: For the above notifications you may contact Council's office on 5020 1300 between 8.30am-5.00pm Monday to Friday.

Note: Council has a statutory responsibility to inspect building work in progress and therefore work must cease immediately in cases where the above listed inspections are to be undertaken.

4. The applicant must ensure that a copy of the plans, specifications, Consultant Engineers Report and other documents approved by Council are available on the site during the 24 hours following any compulsory notification.
5. Suitable hoardings to ensure the protection of the public are to be erected and separately approved by Council prior to commencement of work
6. No building materials shall be stored on the road reserve. All deliveries are to be placed immediately behind the property boundary.
7. The applicant is responsible for the supply and maintenance of temporary toilet accommodation for use by persons working on the site.
8. All works associated with the implementation / construction of the proposed activity (not operation of the proposal post occupational certificate), involving electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours of operation:
 - Monday to Friday: 7am to 6pm
 - Saturdays: 8am to 5pm
 - Sundays and Public Holidays: no work permitted

The following activities may be carried out in association with construction outside of these hours:

- any works that do not cause noise emissions to be audible at any nearby residences not located on the Premises;
- the delivery of materials as requested by Police or other authorities for safety reasons; and
- emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

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

9. A sign must be erected in a prominent position on the work site showing:

- a) The name address and telephone number of the Principal Certifying Authority for the work
- b) The name of the principal contractor and a telephone number on which that person may be contacted on outside working hours.
- c) That unauthorised entry to the work site is prohibited.

Any such sign must be maintained while the building work is being carried out, but must be removed when the work has been completed.

10.No work is to be carried out which would cause nuisance by way of emission of noise, vibration, smell, fumes, smoke vapour, steam, soot, ash, dust, grit, oil, waste-water, waste products or otherwise.

11.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.

12.The applicant is responsible to ensure that the building is sited on the allotment as specified on the approved site plan and installed to the design levels approved by Council.

13.The applicant is required to ensure that any easements registered over the title to the land are complied with.

14.All work must be carried out in accordance with the Building/ Development Approval and any connections required to any:-

- (a) public electricity supply
- (b) public water supply
- (c) public sewerage system
- (d) public telecommunications system,

must be made in accordance with the requirements of the relevant authority.

15.No second hand materials are to be used unless separately approved by Council and then made available for inspection and prior to use.

16. Finished floor level is to be a minimum of 0.35 metres above street drainage level.

17.Roof water drainage is to be disposed of to the street drainage system.

18.All external metal cladding shall be colourbond, suitable colour and finish so as not to cause reflection or glare.

19.All vehicle movements to and from the allotment must be in a forward direction.

20.The proponent must make adequate provision for onsite parking, including visitor parking.

21. The building work shall be protected from subterranean termite attack in accordance with AS 3660 Part 1 "Protection of Buildings from Subterranean Termites Part 1: New Buildings" and all required certificates shall be forwarded to Council immediately by the applicant.

Note: In cases where the building specification indicates the use of a hand sprayed chemical barrier against termites you are advised that the effective life of organophosphate products is 6-10 years which is less than the economic life of the building. The applicant is required to place in a prominent position (eg inside the meterbox) documentation indicating the chemical used, dosage, and date of treatment for future reference.

22. Smoke alarms complying with AS 3786 must be hard wired to the mains electricity supply and provided with a standby power supply and located in accordance with the manufacturer's specification.

23. Any fuel combustion heater shall be installed in accordance with AS 2918-1990.

24. A road opening permit is to be obtained from Council prior to the commencement of any proposed works on the nature strip road reserve. The applicant is responsible for full cost of repairs to rectify any damage to kerb, guttering, footpath, bitumen seal or nature strip.

25. The building shall NOT BE USED OR OCCUPIED for any purpose other than the building class approved, without the prior consent of Council.

26. The building shall NOT BE USED OR OCCUPIED until completed and a certificate of completion has been issued by Council or until approval has been granted by the Council to occupy an incomplete building.

27. A site drainage diagram is to be provided prior to a certificate of completion being issued. This diagram is to be to scale and include sub-floor or under slab drain layout, together with measurements for drains taken to permanent corners or lines.

28. Any damage to Council's infrastructure or other services is the full responsibility of the proponent.

29. 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 Heritage NSW 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 Heritage NSW.

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 Heritage NSW contacted.

CARRIED

10.3 AWARD OF CONTRACT – CONSTRUCTION OF FOOTBALL CHANGE SHEDS**PURPOSE OF REPORT**

To inform Council of the outcome of negotiations for the award of a contract for the design and construction of new football change sheds at Greenham Park, Balranald

RESOLUTION 2021/87

Moved: Administrator Mike Colreavy

That Council notes the award of a contract for RFT 20/21-09 Design and Construction of Balranald Football Club Changerooms to P.J. & S.G. Murphy Builders in the amount of \$447,000 plus GST.

CARRIED

10.4 SUPPLIER PANEL FOR THE HIRE OF PLANT AND EQUIPMENT**PURPOSE OF REPORT**

The purpose of this report is to recommend the establishment of a Supplier Panel for the hire of plant and equipment for the two financial years 2021-22 and 2022-23, for use on Council's capital works and maintenance programmes at various locations within the Shire.

RESOLUTION 2021/88

Moved: Administrator Mike Colreavy

That a Supplier Panel be established for the hire of plant and equipment for the two financial years 2021-22 and 2022-23, comprising the firms responding the Council's request for Quotations RFQ 20/21-12 and the rates quoted for various items as recorded in document D21.50333 on Council's record management system.

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 2021/89

Moved: Administrator Mike Colreavy

That the report including the schedule tabled at the meeting be received and noted.

CARRIED

11.2 CIRCULARS FROM OFFICE LOCAL GOVERNMENT**PURPOSE OF REPORT**

To provide Council with copies of the circulars received from Office Local Government since 11 May 2021.

RESOLUTION 2021/90

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

RESOLUTION 2021/91

Moved: Administrator Mike Colreavy

That the late items 11.3 - Naidoc Week Celebrations and 11.4 - Administrator, General Manager and Directors Meetings be admitted to the agenda.

CARRIED

11.3 NAIDOC WEEK CELEBRATIONS**PURPOSE OF REPORT**

The purpose of this report is to advise of an approach to Council on behalf of the local NAIDOC Committee to hold a "family event" at the River Bend on Saturday 10 July 2021 as part of 2021 NAIDOC Week celebrations

RESOLUTION 2021/92

Moved: Administrator Mike Colreavy

That Council approves "in principle" the holding of a family event on the River Bend Reserve on 10 July 2021 as part of NAIDOC Week celebrations, and authorises the General Manager to make such arrangements and apply such conditions as may be reasonably necessary and appropriate to facilitate the event.

CARRIED

11.4 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 April 2021 Ordinary Meeting.

RESOLUTION 2021/93

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

12 CORPORATE & COMMUNITY SERVICES REPORTS**12.1 STATEMENT OF FUNDS - MAY 2021****PURPOSE OF REPORT**

The purpose of this report is to:

1. Advise Council of the balance of funds and investments held for the month ending 31st May 2021;
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 2021/94

Moved: Administrator Mike Colreavy

That Council receives and notes the Statement of Funds for the period ending 31st May 2021.

CARRIED

13 INFRASTRUCTURE & DEVELOPMENT REPORTS**13.1 PLANNING ADMINISTRATION****PURPOSE OF REPORT**

To advise Council of activities in the Planning area

RESOLUTION 2021/95

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

13.2 INFRASTRUCTURE REPORT - JUNE 2021**PURPOSE OF REPORT**

To update Council on infrastructure works currently in hand and in planning, updated to 7 June 2021.

RESOLUTION 2021/96

Moved: Administrator Mike Colreavy

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

CARRIED

14 NOTICE OF MOTION / QUESTIONS ON NOTICE -

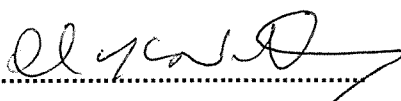
Nil

15 CONFIDENTIAL MATTERS

Nil

The Meeting closed at 6.32pm.

The minutes of this meeting were confirmed at the Council Meeting held on 20 July 2021.


.....
GENERAL MANAGER


.....
ADMINISTRATOR

