



# **MINUTES**

**Ordinary Council Meeting  
Tuesday, 19 October 2021**

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**MINUTES OF BALRANALD SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, MARKET STREET BALRANALD  
ON TUESDAY, 19 OCTOBER 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:**

Glenn Wilcox (General Manager), Ray Davy (Director Infrastructure & Development), Hodi Beauliv (Director Corporate & Community Services) and Carol Holmes (Senior Executive Officer).

**3 APOLOGIES**

Nil

**4 CONFIRMATION OF MINUTES**

**4.1 MINUTES OF THE COUNCIL MEETING HELD ON 21 SEPTEMBER 2021**

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**RESOLUTION 2021/163**

Moved: Administrator Mike Colreavy

That the Minutes of the Council Meeting held on 21 September 2021 be received and noted.

**CARRIED**

**5 DISCLOSURE OF INTEREST – There were no Disclosures of Interest.**

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**6 ADMINISTRATOR MINUTE/REPORT****6.1 MAYORAL MINUTE - FINANCIAL MANAGEMENT - STATE OF ACCOUNTS WORK**

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**RESOLUTION 2021/164**

Moved: Administrator Mike Colreavy

1. Council is to be provided with ongoing assurance that transactions are up-to-date and correct in the Practical and subsidiary ledger systems;
2. A Statement is to be submitted to each Ordinary Council Meeting, in a form acceptable to Council, certified by the General Manager and the Responsible Accounting Officer, confirming the status of the following work to the end of the preceding month, indicating if the work is up-to-date, or the extent of any arrears:
  - o All payroll, stores, plant hire, creditors, rates, debtors, asset, liability and journal transactions are correctly entered into the Practical and subsidiary financial management systems;
  - o All subsidiary ledgers/financial management systems have been balanced with the general ledger;
  - o The asset management system is up-to-date;
  - o Bank reconciliations have been completed for all bank accounts; and
  - o Ratepayers and other debtors have been invoiced/charged for all monies due to Council.

**CARRIED**

**7 COMMITTEE REPORTS FOR ADOPTION****7.1 STRENGTHENING COMMUNITY ACCESS, INCLUSION & 23 SEPTEMBER 2021**

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**RESOLUTION 2021/165**

Moved: Administrator Mike Colreavy

That Council receives and notes the Minutes of the Strengthening Community Access, Inclusion & Wellbeing Advisory Committee (SCAIW) meeting held on 23 September 2021.

**CARRIED**

**7.2 GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE MEETING HELD ON 5 OCTOBER 2021**

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**RESOLUTION 2021/166**

Moved: Administrator Mike Colreavy

That Council

1. Receives and notes the Minutes of the Growing Business Industry & Tourism Advisory Committee (GBITAC) meeting held on 5 October 2021;
2. Meet with the GBITAC to review the final Discovery Centre Upgrade Plans prior to being presented to Council;
3. Note the suggestion of an Arts, Heritage and Culture Advisory Committee when reviewing the Committee structure;
4. Approves the GBITAC Chairperson invite representatives from Water Infrastructure

NSW and Windlab-Burrawong Wind Farm to the November GBIT Meeting to update members on their respective projects; and

5. Approves the GBIT Chairperson to invite representatives of the Waugh family to meet with GBIT to determine what assistance can be offered in planning Clare Station 150th Annual Shearing Celebrations.

**CARRIED**

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**7.3 AGEING WELL AGED CARE AND FACILITIES ADVISORY COMMITTEE MEETINGS  
HELD ON 14 OCTOBER 2021**

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**RESOLUTION 2021/167**

Moved: Administrator Mike Colreavy

That item 7.3 be deferred until later in this meeting and discussed in conjunction with item 12.1 (Bidgee Haven Retirement Hostel Expansion Project).

**CARRIED**

**GENERAL MANAGER'S REPORTS (INCORPORATING ALL STAFF REPORTS)**

**PART A – ITEMS REQUIRING DECISION**

**8 GENERAL MANAGER'S REPORTS**

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**8.1 CHRISTMAS/NEW YEAR OFFICE CLOSURE**

**PURPOSE OF REPORT**

To advise Council of the proposed arrangements for Council offices and staff over Christmas and New Year period.

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**RESOLUTION 2021/168**

Moved: Administrator Mike Colreavy

1. That Council approves the closure of its office and operations over the Christmas/New Year period commencing 3pm on Friday 24th December and re-opening on Tuesday 4th January 2022.
2. That adequate staffing be maintained for normal essential services and emergency call outs from Christmas to New Year, and throughout January.
3. The General Manager advertises Council's closure over the Christmas/New Year Period.

**CARRIED**

**8.2 LOCAL GOVERNMENT PICNIC DAY****PURPOSE OF REPORT**

Under the NSW Local Government Award 2021, members of various unions can hold a picnic day and request leave.

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**RESOLUTION 2021/169**

Moved: Administrator Mike Colreavy

1. That Council approves the Local Government Picnic Day in accordance with the NSW State Award on Monday 1st November 2021,
2. That Council close its Office to the public on Monday 1<sup>st</sup> November 2021, and
3. Council advertise the closure of the office on its website and other media.

**CARRIED**

**8.3 REVIEW OF COUNCIL POLICIES****PURPOSE OF REPORT**

In accordance with the Local Government Act 1993 a Council is required to review its local policies and other documents following a general election. Council is under Administration; however, this should not remove the requirement for a review as required by the Act. Council is required to advertise the policies to the public.

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**RESOLUTION 2021/170**

Moved: Administrator Mike Colreavy

That Council

1. Notes the review of its Local Policies in accordance with section 165 Local Government Act 1993,
2. Advertise all policies for a period of 40 days to allow for public for comment; and
3. Consider all public comments at the time of adopting any policy.

**CARRIED**

**8.4 BETTER PRACTICE REVIEW****PURPOSE OF REPORT**

This report is to provide advice on the outcomes of the Better Practice Review undertaken by Council, as reported to Councils September 2021 Ordinary Meeting.

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**RESOLUTION 2021/171**

Moved: Administrator Mike Colreavy

1. That Council take immediate action to comply with the Recommendations made from the Better Practice Review to ensure compliance with the Local Government Act 1993 and associated legislation, and
2. That a rolling monthly report is prepared to Council as to compliance with the recommendations based on the template attached to this report.

**CARRIED**

**8.5 DISCLOSURE OF INTEREST RETURNS****PURPOSE OF REPORT**

In accordance with the Code of Conduct, Clause 4.21 and Schedule 2 it is a requirement to disclose pecuniary interests and other matters by designated personnel.

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**RESOLUTION 2021/172**

Moved: Administrator Mike Colreavy

That Council notes the disclosure of interest register as tabled.

**CARRIED**

**9 CORPORATE & COMMUNITY SERVICES REPORTS****9.1 REQUEST FOR EXTENSION OF EXTERNAL AUDIT****PURPOSE OF REPORT**

This report is to provide advice that Council has been required to seek approval from the Office of Local Government under s416 Local Government Act 1993 for an extension to the external auditing of its 2020/21 financial accounts.

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**RESOLUTION 2021/173**

Moved: Administrator Mike Colreavy

That Council

1. Notes that an extension of time has been requested under Section 416 Local Government Act 1993 due to Council not being able to complete the 2020/2021 financial audit of its accounts;



2. Advertise for suitably qualified persons to contract to Council to maintain, report and undertake the management of Councils 2021/22 budget and financial process; and
3. Have controls in place to require monthly reporting to Council on the financial outcomes being undertaken to comply with future internal and external audit.

**CARRIED**

## **9.2 RATES REVIEW - MINING OCTOBER 2021**

### **PURPOSE OF REPORT**

This report is to seek Councils approval to introduce a Mining Rate from 2022/23.

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### **RESOLUTION 2021/174**

Moved: Administrator Mike Colreavy

That Council

1. Undertake a review of its rating structure and look at the introduction of a Mining Rate in the 2022/23 financial year;
2. That Council contact IPART to discuss the development of a Special Rate Variation to allow a new mining rate to be included outside the General Rate levies that presently exist, to ensure that any changes to mining or State Significant developments does not require the general rates to cover the loss of mining rate income, and
3. That Council contact the NSW Valuer Generals Office to request advice on the introduction of a mining rate, the means of valuation for metalliferous and non-metalliferous mines that may exist in Balranald Shire Council.

**CARRIED**

## **9.3 INVESTMENT POLICY**

### **PURPOSE OF REPORT**

To advise Council of the results of the public exhibition and advertising of the Investment Policy.

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### **RESOLUTION 2021/175**

Moved: Administrator Mike Colreavy

That Council adopts the Draft Investment Policy.

**CARRIED**

## **9.4 DONATION REQUEST - COMBINED CHURCH'S COMMUNITY CAROLS**

### **PURPOSE OF REPORT**

To advise Council of a donation request received seeking Greenham Park Hall hire costs to be waived on the evening of 12 December 2021 for Christmas Carols.

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### **RESOLUTION 2021/176**

Moved: Administrator Mike Colreavy

That Council

1. Approves the request from the Combined Church's Community Carols for a donation of waiving of Greenham Park Hall costs totalling \$270.
2. Advise the Combined Church Community Carols that the hall hire costs have been waived and the hall must be left clean and tidy.

**CARRIED**

## **10 INFRASTRUCTURE & DEVELOPMENT REPORTS**

### **10.1 DA 10/2022 - THREE LOT SUBDIVISION - 21 MURRAY TERRACE EUSTON**

#### **PURPOSE OF REPORT**

To seek Council consent under Part 4 of the Environmental Planning & Assessment Act 1979 for a three (3) lot subdivision of 21 Murray Terrace, Euston.

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#### **RESOLUTION 2021/177**

Moved: Administrator Mike Colreavy

That Council approves Development Application 10/2022 for a three (3) lot subdivision of Lot 6 Section 18 DP 758402, 21 Murray Terrace Euston, 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 plan as submitted, other than where varied by conditions of this consent.
3. An easement for levee infrastructure to the benefit of Balranald Shire Council is to be created over the existing infrastructure.
4. Plans prepared by an appropriately qualified surveyor must be submitted to Council via the NSW Planning Portal prior to the release of the Subdivision Certificate.
5. Alterations to existing or additional accesses are to be to the satisfaction of Council or its delegate, and at the applicant's full cost.
6. 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 proponent is responsible for full cost of repairs to rectify any damage to public infrastructure.
7. Any adjustments required to existing services for the allotments are to be at the full cost of the proponent.
8. Water and sewer connection fees and charges to be at the applicant's full cost.
9. This approval does not constitute consent for the erection of any dwellings or other structures on the subject lands. Separate applications must be made for any buildings in accordance with the Environmental Planning and Assessment Act 1979.

**CARRIED**

**10.2 DA 26/2017 MOD 1 - PROPOSED ADDITIONAL WASH BAY & PARTIAL DEMOLITION OF BUILDING - 80 MARKET STREET BALRANALD****PURPOSE OF REPORT**

To seek Council consent under Part 4 of the Environmental Planning & Assessment Act 1979 for the modification of an existing development consent (DA 26/2017 – Two Bay Car Wash) to include an additional wash bay and partial demolition of the building at 80 Market Street, Balranald.

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**RESOLUTION 2021/178**

Moved: Administrator Mike Colreavy

(Division)

That Council approves Development Application 26/2017 Mod 1 for an additional wash bay and partial demolition of the building on Lot 9 Section 13 DP 758048, 80 Market 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 Building Code of Australia, and The Environmental Planning & Assessment Act 1979, regardless of any omission in the documentation submitted for approval.
3. 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.
4. Suitable hoardings to ensure the protection of the public are to be erected prior to commencement of work.
5. No building materials shall be stored on the road reserve. All deliveries are to be placed immediately behind the property boundary.
6. All external metal cladding shall be colourbond, suitable colour and finish so as not to cause reflection or glare.
7. The applicant is responsible for the supply and maintenance of temporary toilet accommodation for use by persons working on the site.
8. Building work shall not commence on the site before 7.00 am Monday to Saturday and 8.00am on Sundays and Public Holidays and cease by 8.00 pm daily.
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 principle 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 buildings are sited on the allotment as specified on the approved site plan and constructed 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) water supply
  - c) septic tank and drainage system, or
  - 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. The building shall NOT BE USED OR OCCUPIED for any purpose other than the building class approved, without the prior consent of Council.
17. A site drainage diagram is to be provided prior to an occupation certificate 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.
18. Roof water drainage is to be disposed to the street drainage system.
19. The building shall NOT BE USED OR OCCUPIED until completed or until approval has been granted by Council to occupy an incomplete building.
20. Any damage to Councils services is the full responsibility of the proponent.
21. Driveway access to the development, or alteration to existing access, is to be to the satisfaction of Council or its delegate, and at the applicants full cost.
22. A Construction Certificate must be issued in relation to the car wash cover structure prior to the commencement of construction.
23. An approval under Section 68 of the Local Government Act 1993 to discharge trade waste into Council's sewer must be obtained.
24. The hours of operation are restricted to between the hours of 7.00am and 6.00pm Monday – Saturday and 8.00am to 6.00pm on Sunday and public holidays.
25. The use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

**CARRIED**

**10.3 INFRASTRUCTURE UPDATE****PURPOSE OF REPORT**

To update Council on infrastructure works currently in hand, updated to 11 October 2021.

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**RESOLUTION 2021/179**

Moved: Administrator Mike Colreavy

That

1. That the monthly update of infrastructure projects be received and noted;
2. That Council establish a Works Committee comprising the Administrator (Chair), General Manager, Director Infrastructure & Development, and a Senior Engineer to prioritise and review all capital works and major maintenance projects on Council infrastructure;
3. That tendering for the Tapalin Mail Road, Leslie Drive, and Kilpatrick Road projects be placed on hold until full project plans, specifications and tender documents are presented to the Works Committee for consideration; and
4. That a review be undertaken of Council's annual budget to determine if full costings and funding are available to meet the project costs for the Tapalin Mail Road, Leslie Drive, and Kilpatrick Road projects.

**CARRIED**

**10.4 BALRANALD VISITOR INFORMATION CENTRE****PURPOSE OF REPORT**

To recommend that Council proceed with the invitation of tenders for the redevelopment of the Balranald Visitor Information Centre complex and give consideration to public submissions on the proposed works prior to proceeding with the works.

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**RESOLUTION 2021/180**

Moved: Administrator Mike Colreavy

That

1. Plans for the redevelopment of the Balranald Visitor Information Centre complex and a Review of Environmental Factors for the proposed works be placed on public display, inviting submissions for a period of 28 days; and
2. Staff provide additional advice to council covering project management costs, insurance and other known costs before going to tender.

**CARRIED**

**RESOLUTION 2021/181**

Moved: Administrator Mike Colreavy

That the late item 10.5 Kyalite Progress Association - request for financial contribution be admitted to the agenda.

**CARRIED**

**10.5 KYALITE PROGRESS ASSOCIATION - REQUEST FOR FINANCIAL CONTRIBUTION****PURPOSE OF REPORT**

To inform Council of an initiative by the Kyalite Progress and Recreation Reserve Association to undertake the preparation of a strategic plan to guide future development in Kyalite Village and recommend that Council makes a financial contribution towards the cost of the project.

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**RESOLUTION 2021/182**

Moved: Administrator Mike Colreavy

That Council makes a donation of \$500.00 to the Kyalite Progress and Recreation Reserve Association to assist in the preparation of a strategic plan for Kyalite Village.

**CARRIED**

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

To bring forward for information the Action Report with actions taken on previous Council resolutions.

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**RESOLUTION 2021/183**

Moved: Administrator Mike Colreavy

1. That the report be received and noted.
2. That un-actioned resolution 2021/133 be restored to the list and actioned.

**CARRIED**

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

To provide Council with copies of the circulars received from Office Local Government during the month of July 2021.

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**RESOLUTION 2021/184**

Moved: Administrator Mike Colreavy

That Council receive and note this report.

**CARRIED**

**11.3 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 August 2021 Ordinary Meeting.

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**RESOLUTION 2021/185**

Moved: Administrator Mike Colreavy

That the report be received and noted.

**CARRIED**

**12 CORPORATE & COMMUNITY SERVICES REPORTS****12.1 BIDGEE HAVEN RETIREMENT HOSTEL EXPANSION PROJECT****PURPOSE OF REPORT**

This report provides information on the future development and financial sustainability of the Bidgee Haven Hostel, to help determine if Council should proceed with the extension, given Council's Performance Improvement Order requires it to provide a path to achieve a break-even result or an operating surplus in the future.

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**RESOLUTION 2021/186**

Moved: Administrator Mike Colreavy

1. Noting that:

- a) The Ministerial Performance Improvement Order imposed on Council in 2017 envisages Council following a path to financial sustainability;
- b) Requirement No 16 of the Performance Improvement Order Action Plan 2018 originally required Council to consider divesting the management and possibly ownership of the Bidgee Haven Hostel to ensure losses do not impact on Council's limited budget and risks to Council are minimized. Although consideration was given by Council in

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September 2017 to various alternate management arrangements, in-house management arrangements for the Hostel have continued up to now;

- c) Until today's report, the Administrator's requests to successive General Managers to demonstrate categorically that the proposed Bidgee Haven Hostel extension project can be delivered within the funding approved by the Commonwealth Government and Council have not received a positive answer;
- d) Under Council in-house management:
  - (i) Bidgee Haven Hostel operates at a loss when all operating expenses (including depreciation) and capital costs are factored in; and
  - (ii) financial viability of the expanded Hostel will, at best, only be marginal and permanently reliant on continuing occupancy rates around 90%, - at worst the Hostel will not be financially viable;
- e) Council's governance framework is already overstretched, and it lacks the kind of project management expertise required to deliver this project successfully, as is readily apparent from the report on the Better Practice Review in today's Council Meeting Agenda and other information under consideration by Council's Audit Risk & Improvement Committee;
- f) Council's current and predicted long-term financial position is not sufficiently robust to assume the risks associated with expanding and operating the Bidgee Haven Hostel complex in-house;
- g) Other crucial Council services, particularly roads, are already overstretched and cannot absorb further losses if they are incurred by the Bidgee Haven Hostel;
- h) The expansion of Bidgee Haven Hostel could eventually proceed, in line with community expectations, but under the ownership/stewardship of a specialist operator with demonstrated capability in efficiently operating similar facilities elsewhere, and Council can act immediately to seek a suitable purchaser;
- i) A proposed sale will be more attractive to a specialist operator if there is an opportunity to modify the project design to satisfy their operational requirements prior to the construction phase;
- j) The recommendation of the Ageing Well, Aged-Care & Facilities Advisory Committee to proceed with the build immediately, while simultaneously investigating the possibility of negotiating a sale of the Hostel complex, is a clear indication that community sentiment supports the Bidgee Haven Hostel's expansion proceeding;
- k) The recommendation of the responsible Director and the Acting General Manager is not to proceed with the tendering and construction of the 15-bed extension, and instead to call for expressions of interest for the potential sale of the Hostel complex and seek advice as to the transfer of grant funding to a future Hostel operator; and
- l) The two recommendations referred to in (j) and (k) above are incompatible – they cannot coexist and it would be financially irresponsible for Council not to follow Management's recommendation in this case.

2. That tendering and construction of the 15-bed extension be placed on hold, at this stage.



3. That advice be sought from the funding body about the potential to transfer the approved grant funding to a future hostel operator.
4. That expressions of interest be called for the sale of the Bidgee Haven Hostel complex to an experienced, specialist aged-care operator.
5. That the pre-construction design and planning work, and preparation of tender documents currently underway, be finalised by Council for inclusion with the sale of the complex.
6. That Council receives and notes the Minutes of the Ageing Well, Aged Care and Facilities Advisory Committee (AWACAFAC) meeting held on 14 October 2021.

**CARRIED**

## **12.2 STATEMENT OF FUNDS - SEPTEMBER 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 31 August 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 are moving towards compliance with Council's Investment Policy, which was adopted by Council on the 17 October 2017
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### **RESOLUTION 2021/187**

Moved: Administrator Mike Colreavy

That Council receives and notes the Statement of Funds for the period ending 30<sup>th</sup> September 2021.

**CARRIED**

**13 INFRASTRUCTURE & DEVELOPMENT REPORTS**

**13.1 PLANNING ADMINISTRATION**

**PURPOSE OF REPORT**

To advise Council of activities in the Planning area

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**RESOLUTION 2021/188**

Moved: Administrator Mike Colreavy

That the report be received and noted.

**CARRIED**

**14 NOTICE OF MOTION / QUESTIONS ON NOTICE**

Nil

**15 CONFIDENTIAL MATTERS**

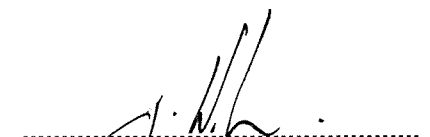
Nil

The Meeting closed at 6.50pm.

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

  
.....  
ADMINISTRATOR

  
.....  
ACTING GENERAL MANAGER