



# **MINUTES**

**Ordinary Council Meeting  
Tuesday, 13 December 2022**

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MINUTES OF BALRANALD SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, MARKET STREET BALRANALD  
ON TUESDAY, 13 DECEMBER 2022 AT

**1 OPENING OF MEETING**

5.00 pm

**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:**

Kerry Jones (Executive Manager of Engineering), Carol Holmes (Senior Executive Officer)

**3 APOLOGIES**

Nil

**4 CONFIRMATION OF MINUTES**

**4.1 MINUTES OF THE COUNCIL MEETING HELD ON 29 NOVEMBER 2022**

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**RESOLUTION 2022/214**

Moved: Administrator Mike Colreavy

1. That the Minutes of the Council Meeting held on 29 November 2022 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 AND TOURISM MEETING HELD ON TUESDAY 8 NOVEMBER 2022**

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**RESOLUTION 2022/215**

Moved: Administrator Mike Colreavy

That the Minutes of the Growing Business Industry & Tourism (GBIT) meeting held on Tuesday 8 November 2022 be received and noted.

**CARRIED**

**7.2 STRENGTHENING COMMUNITY ACCESS INCLUSION AND WELLBEING ADVISORY COMMITTEE HELD ON 24 NOVEMBER 2022**

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**RESOLUTION 2022/216**

Moved: Administrator Mike Colreavy

That the Minutes of the Strengthening Community Access Inclusion and Wellbeing Advisory Committee (SCAIW) meeting held on Thursday 24 November 2022 be received and noted.

**CARRIED**

**7.3 EUSTON PROGRESSIVE ADVISORY COMMITTEE MEETING HELD ON MONDAY 28 NOVEMBER 2022**

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**RESOLUTION 2022/217**

Moved: Administrator Mike Colreavy

1. That the Minutes of the Euston Progressive Advisory Committee meeting held on Monday 28 November 2022 be received and noted.

**CARRIED**

**GENERAL MANAGER'S REPORTS (INCORPORATING ALL STAFF REPORTS)****PART A – ITEMS REQUIRING DECISION****8 GENERAL MANAGER'S REPORTS****8.1 LOAN POLICY AND PROCEDURES****PURPOSE OF REPORT**

To formally adopt a policy framework for the future consideration of loan funding.

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**RESOLUTION 2022/218**

Moved: Administrator Mike Colreavy

That Council formally adopt the Draft Loan Policy and Draft Loan Policy Business Case Template that was on Council's website for public exhibition.

**CARRIED**

**8.2 ADOPTION OF COUNCIL POLICIES****PURPOSE OF REPORT**

To seek endorsement to exhibit the draft Loss of Licence, Contract Management and Contractor WHS Management Policies and invite public to make comment.

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**RESOLUTION 2022/219**

Moved: Administrator Mike Colreavy

That Council place the policies listed below on exhibition on Council's website and advertise for a period of 28 days for public comments, and any public comments be reported back to the February 2023 Council Meeting.

- Loss of License Policy
- WHS Management Policy
- Contract Management Policy

**CARRIED**

### 8.3 VILLAGE ENHANCEMENT PLAN

#### PURPOSE OF REPORT

This report has been prepared for the consideration of the final version of the Village Plans for Balranald and Euston village areas.

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#### RESOLUTION 2022/220

Moved: Administrator Mike Colreavy

That the matter be deferred for decision at the February 2023 Council meeting

**.CARRIED**

### 8.4 DA 09/2023 - PROPOSED MULTI DWELLING DEVELOPMENT (FOUR UNITS) & FIVE LOT COMMUNITY SUBDIVISION

#### PURPOSE OF REPORT

To seek Council consent under Part 4 of the Environmental Planning & Assessment Act 1979 for a multi dwelling development involving four (4) detached units and a five (5) lot community title subdivision on Lot 2 DP 510845, 45 Shailer Terrace Euston.

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#### RESOLUTION 2022/221

Moved: Administrator Mike Colreavy

(Division)

That Council approve Development Application 09/2023 for four (4) detached units and a five (5) lot community title subdivision of Lot 2 DP 510845, 45 Shailer Terrace Euston, subject to the following Conditions of Consent and Terms of Approval as set out below:

#### Terms of Approval

The reasons for the imposition of conditions are:

- 1) To ensure a quality urban design for the development which complements the surrounding environment.
- 2) To maintain neighbourhood amenity and character.
- 3) To ensure compliance with relevant statutory requirements.
- 4) To provide adequate public health and safety measures.
- 5) Because the development will require the provision of, or increase the demand for, public amenities and services.
- 6) To ensure the utility services are available to the site and adequate for the development.
- 7) To prevent the proposed development having a detrimental effect on adjoining land uses.
- 8) To minimise the impact of development on the environment.

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**Conditions**

1. The development must be carried out in accordance with:
  - (a) MH2 DWG No. MH22022-056 Plan Set Sheets 1 to 16
  - (b) Statement of Environmental Effects prepared by Habitat Planning dated August 2022.except as amended in accordance with any conditions of this consent.

Where there is inconsistency between the Statement of Environmental Effects and supporting documentation and the conditions of approval, the conditions of approval prevail to the extent of the inconsistency.

2. No alteration to approved plans and specifications is allowed unless separately approved by Council.
3. Any variation to the proposed use as approved in this documentation requires the further consent of Council.
4. 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.
5. In accordance with the provisions of the Environmental Planning & Assessment Act 1979 construction works approved by this consent must not commence until:
  - (a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
  - (b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
  - (c) At least two days' notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the National Construction Code and the relevant Australian Standards.

6. In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate. Details demonstrating compliance are to be submitted to the Certifying Authority.
7. 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.
8. In the event that the subdivision precedes construction of buildings on any of the lots, Council will require the lodgement of a Section 88B Instrument to ensure that development proceeds in accordance with the conditions of this Development Consent. The restriction shall contain a provision that it may not be extinguished or altered except with the consent of Council.
9. Prior to the commencement of installation, the proponent shall lodge with Council, and receive approval for the following other listed Section 68 Local Government Act 1993 approvals:
  - (a) carry out water supply work
  - (b) carry out sewerage work
  - (c) carry out stormwater drainage work
10. Water and sewer connection fees and charges to be at the applicant's full cost and paid to

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Council prior to the release of the subdivision certificate.

11. Suitable hoardings to ensure the protection of the public are to be erected and separately approved by Council prior to commencement of work.
12. Finished floor level is to be a minimum of 0.35 metres above street drainage level.
13. No portion of the building - including footings, eaves, overhang and service pipes - shall encroach into any easement or deemed easement.
14. The applicant is required to ensure that any easements registered over the title to the land are complied with.
15. Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
16. Off-streetcar parking spaces shall be provided upon the site in accordance with the approved plans and be constructed in accordance with accepted engineering practice and/or guidelines.
17. All parking associated with the development is to be onsite.
18. All trafficable grates installed within the driveway system shall be designed and installed in a manner that prevents nuisance by way of noise when vehicles drive over them.
19. All vehicle movements to and from the allotment must be a forward direction.
20. A sign is to 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, and
  - (b) the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) that unauthorised entry to the site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.
21. Any alterations to existing surface levels on the site shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties. Stormwater discharge points must not result in the concentration of stormwater flows, increased flow velocities or potential erosion issues.
22. Soil erosion control measures shall be implemented on the site.
23. 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



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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).

24. 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, wastewater, waste products or otherwise.
25. 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.
26. The applicant is responsible to ensure that the buildings are sited on the allotment as specified on the approved site plan.
27. All work must be carried out in accordance with the Development Approval and any connections required to any:-
  - public electricity supply
  - public water supply
  - public sewerage system
  - public telecommunications system,must be made in accordance with the requirements of the relevant authority.
28. No second-hand materials are to be used unless separately approved by Council and then made available for inspection prior to use.
29. Roof water drainage is to be disposed of to the street drainage system.
30. All external metal cladding shall be of suitable colour and finish so as not to cause reflection or glare.
31. A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.
32. All materials onsite or being delivered to the site are to be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
33. All landscaping shall be installed in accordance with the approved plans prior to the issue of an Occupation Certificate.
34. No person is to use or occupy the building/s or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
35. 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.
36. Each dwelling is to have individual sewer connections and metered water supply lines. Services are to be located on the respective land intended for individual title.
37. A site drainage diagram is to be provided to Council 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.
38. Any damage to Council's infrastructure or other services is the full responsibility of the applicant.
39. 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.

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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 (e.g., inside the meter box) documentation indicating the chemical used, dosage, and date of treatment for future reference.

40. 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 National Construction Code 2019 Vol. 2.
41. Any fuel combustion heater shall be installed in accordance with AS 2918-1990.
42. 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 location,
- Secure the area so as to avoid further harm to the Aboriginal object,
- Notify Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location, and
- 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.

**CARRIED**

**PART B – ITEMS FOR INFORMATION****9 GENERAL MANAGER'S REPORTS****9.1 REPORT ON AREAS OF COUNCIL'S FINANCIAL OPERATIONS****PURPOSE OF REPORT**

The purpose of this report is to advise and report to council on the status of the following financial areas of operation-

- 1 Investments
- 2 Bank Reconciliation
- 3 Monthly Statement of Rates and Charges
- 4 Monthly Summary of Revenue and Expenditure for the Caravan Park
- 5 Monthly Summary of Revenue and Expenditure for the Bidgee Haven Hostel
- 6 Monthly Summary of Revenue and Expenditure for the Tourist Information Centre
- 7 Monthly Summary of Revenue and Expenditure for the Library
- 8 Debtors
- 9 Grants – See separate report
- 10 Statement of Currency of Work within the Finance Function of Council

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**RESOLUTION 2022/222**

Moved: Administrator Mike Colreavy

That Council receives and notes the financial information for the period ending 30 November 2022 as set out in the report.

**CARRIED**

**9.2 PLANNING ADMINISTRATION****PURPOSE OF REPORT**

To advise Council of activities in the Planning area

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**RESOLUTION 2022/223**

Moved: Administrator Mike Colreavy

That the report be received and noted.

**CARRIED**

**9.3 GRANT STATUS UPDATE**

**PURPOSE OF REPORT**

To provide Council with an updated summary of the current and active grant funded projects across Council.

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**RESOLUTION 2022/224**

Moved: Administrator Mike Colreavy

That the report be received and noted.

**CARRIED**

**9.4 CIRCULARS FROM OFFICE LOCAL GOVERNMENT & CORRESPONDENCE OF INFORMATION**

**PURPOSE OF REPORT**

To provide Council with copies of the circulars received from Office Local Government and correspondence of interest received since the November Council Meeting.

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**RESOLUTION 2022/225**

Moved: Administrator Mike Colreavy

That Council receives and notes this report.

**CARRIED**

**9.5 OUTSTANDING ACTIONS**

**PURPOSE OF REPORT**

To bring forward for information the Action Report with outstanding actions from previous meeting resolutions.

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**RESOLUTION 2022/226**

Moved: Administrator Mike Colreavy

That the report be received and noted.

**CARRIED**

**9.6 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 Managers since November 2022 Ordinary Meeting.

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**RESOLUTION 2022/227**

Moved: Administrator Mike Colreavy

That the report be received and noted.

**CARRIED**

**10 NOTICE OF MOTION / QUESTIONS ON NOTICE**

Nil

**11 CONFIDENTIAL MATTERS**

**11.1 WORKFORCE PLAN AND STRATEGY**

This matter is considered to be confidential under Section 10A(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

The Acting General Manager requested that this item be withdrawn from the agenda and deferred to the February Council meeting.

**RESOLUTION 2022/228**


Moved: Administrator Mike Colreavy

That the matter be deferred until the February 2023 Council meeting.

**CARRIED**

**The Meeting closed at 5.57 pm**

The minutes of this meeting were confirmed at the Council Meeting held on 21 February 2023.

  
.....  
**ADMINISTRATOR**

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**ACTING GENERAL MANAGER**