



MINUTES

**Ordinary Council Meeting
Tuesday, 15 August 2023**

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**MINUTES OF BALRANALD SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MARKET STREET BALRANALD
ON TUESDAY, 15 AUGUST 2023 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:

Craig Bennett (General Manager), Kerry Jones (Executive Manager of Engineering) and Carol Holmes (Senior Executive Officer),

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES**4.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 18 JULY 2023**

RESOLUTION 2023/74

Moved: Administrator Mike Colreavy

That the Minutes of the Ordinary Council Meeting held on Tuesday, 18 July 2023 be received and noted.

CARRIED

5 DISCLOSURE OF INTEREST

There were no Disclosure of Interests submitted to this meeting.

6 ADMINISTRATOR MINUTE/REPORT**6.1 MAYORAL MINUTE - 2024 COUNCILLOR ELECTIONS**

RESOLUTION 2023/75

Moved: Administrator Mike Colreavy

That the Mayoral Minute be received and noted.

CARRIED

7 COMMITTEE REPORTS

7.1 STRENGTHENING COMMUNITY ACCESS INCLUSION & WELLBEING ADVISORY COMMITTEE MEETING HELD ON WEDNESDAY 12 JULY 2023**RESOLUTION 2023/76**

Moved: Administrator Mike Colreavy

That the Minutes of the Strengthening Community Access Inclusion & Wellbeing Advisory Committee meeting held on Wednesday 12 July 2023 be received and noted.

CARRIED

7.2 GROWING BUSINESS INDUSTRY AND TOURISM ADVISORY COMMITTEE MEETING HELD ON THURSDAY, 20 JULY 2023**RESOLUTION 2023/77**

Moved: Administrator Mike Colreavy

That:

- 1. The Minutes of the Growing Business Industry and Tourism Advisory Committee meeting held on Thursday, 20 July 2023 be received and noted;**
- 2. The Chairperson of Growing Business Industry and Tourism Advisory Committee calls for expressions of interests through the Executive of Chairs Advisory Committee for members willing to sit on a Community Foundation Working Group and that Council supports this proposal; and**
- 3. Council support the Growing Business Industry and Tourism Advisory Committee Chairperson's attendance at the Gippsland New Energy Conference, which is being held from Thursday, 31 August 2023 until Friday, 1 September 2023 and Council will cover all of the associated costs of the Chairperson attending this conference.**

CARRIED

GENERAL MANAGER'S REPORTS (INCORPORATING ALL STAFF REPORTS)**PART A – ITEMS REQUIRING DECISION****8 GENERAL MANAGER'S REPORTS****8.1 REQUEST TO WAIVE CEMETERY FEES****RESOLUTION 2023/78**

Moved: Administrator Mike Colreavy

That:

1. Council waives all fees associated with the burial of Mr Peter Blake in the Catholic Section of the Balranald Cemetery.
2. Councils condolences to Mr Peter Blakes family be noted.

CARRIED

8.2 DONATION REQUEST - SPORTING PARTICIPANT**RESOLUTION 2023/79**

Moved: Administrator Mike Colreavy

That Council approves the donation request of \$150 to Ryan Johnstone

CARRIED

8.3 DONATION REQUEST - BALRANALD PARENTS & CITIZENS COMMITTEE**RESOLUTION 2023/80**

Moved: Administrator Mike Colreavy

That Council donate \$500 to the Balranald Central School Parents and Citizens Committee to assist with the purchasing of shelving units and storage boxes to store their fundraising equipment.

CARRIED

8.4 THEATRE ROYAL HALL FEE WAIVER REQUEST**RESOLUTION 2023/81**

Moved: Administrator Mike Colreavy

That Council:

1. Approves of the request from Balranald Football Netball Club and allows the debutantes and their partners to hold dance practice for the Debutante Ball from Sunday 6 August 2023 until Sunday 15 October 2023.
2. Writes to the Balranald Football Netball Club, advising them that Council will waive the Theatre Royal Hall Hire Fee each Sunday for Dance practice.

CARRIED

**8.5 DA 01/2024, CHANGE OF USE AND BUILDING WORK, 99 CHURCH STREET
BALRANALD**

RESOLUTION 2023/82

Moved: Administrator Mike Colreavy

That Council approve Development Application 01/2024 for the change of use of a building from an assembly building (class 9b) to an office building (class 5) with internal partitioning, car parking and the construction of an external covered area on Lot 1 DP 204488, 99 Church Street Balranald, subject to the following Draft Conditions of Consent:

1. *The development authorised by this consent must be carried out in accordance with the conditions of this consent and the listed approved documents:*
 - (a) *Statement of Environmental Effects for Office from Assembly Building prepared by DA Busters Dated June 2023;*
 - (b) *Proposed Site Layout for 99 Church St Balranald labelled 2022-2-BBM-22[2];*
 - (c) *99 Church Street Balranald Layout, Office Layout Option 4, Sheet 1 of 1.*

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 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 2022, relevant Australian Standards and the Environmental Planning & Assessment Act 1979, regardless of any omission in the documentation submitted for approval.*
5. *The buildings/structure/s shall comply with the requirements of the Commonwealth Disability Discrimination Act, 1992 and the Commonwealth Premises Code and the NSW Anti-Discrimination Act 1977.*

Note 1: The Disability Discrimination Act 1992 and the Anti-Discrimination Act 1977 provide that it is an offence to discriminate against a person in a number of different situations. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE BUILDING COMPLIES WITH THIS LEGISLATION.

Note 2: Guidelines in respect of disabled access and produced by the Human Rights and Equal Opportunity Commission are available from the Commission or from Council's Environmental Services Department. The Applicant should ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

6. *In accordance with the provisions of the Environmental Planning and 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.

7. *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 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 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.*
8. *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.*
9. *Suitable hoardings to ensure the protection of the public are to be erected prior to commencement of work.*
10. *No building materials shall be stored on the road reserve. All deliveries are to be placed immediately behind the property boundary.*
11. *The applicant is responsible for the supply and maintenance of temporary toilet accommodation for use by persons working on the site.*
12. *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 1pm*
 - *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).

13. *The use of the site post occupation certificate must not 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.*
15. *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.

16. *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.*
17. *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.*
18. *The applicant is responsible to ensure that the building and carpark are sited on the*

allotment as specified on the approved site plan.

19. *The applicant is required to ensure that any easements registered over the title to the land are complied with.*
20. *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) *drainage system, or*
 - (e) *public telecommunications system,**must be made in accordance with the requirements of the relevant authority.*
21. *No second hand materials are to be used unless separately approved by Council and then made available for inspection prior to use.*
22. *Finished floor level is to be established so as to minimise the potential for storm water inundation of the building.*
23. *Roof water drainage is to be directed to the street drainage in urban areas.*
24. *All external metal cladding shall be of suitable colour and finish so as not to cause reflection or glare.*
25. *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.*
26. *Any future strata title subdivision of the land and buildings is the subject of a separate application to Council.*
27. *The building shall NOT BE USED OR OCCUPIED until completed and an occupation certificate / certificate of completion has been issued by the principal certifying authority or until approval has been granted by the principal certifying authority to occupy an incomplete building.*
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.

The reasons for the imposition of the conditions above are as follows:

- 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.

CARRIED

PART B – ITEMS FOR INFORMATION

9 GENERAL MANAGER'S REPORTS

9.1 MONTHLY INVESTMENTS REPORT

RESOLUTION 2023/83

Moved: Administrator Mike Colreavy

That Council receives and notes the information contained in this report.

CARRIED

9.2 REPORT ON FINANCIAL INFORMATION AS AT MONDAY 31ST JULY 2023

RESOLUTION 2023/84

Moved: Administrator Mike Colreavy

That Council receives and notes the financial information contained in this report for the year ending Monday, 31 July 2023.

CARRIED

9.3 RATES AND CHARGES AS AT 7 AUGUST 2023

RESOLUTION 2023/85

Moved: Administrator Mike Colreavy

That Council receives and notes the information contained in this report

CARRIED

9.4 OUTSTANDING DEBTORS AS AT 31 JULY 2023

RESOLUTION 2023/86

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

9.5 ENGINEERING UPDATE FOR JULY 2023

RESOLUTION 2023/87

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

9.6 GRANTS STATUS UPDATE

RESOLUTION 2023/88

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

9.7 ACTIVITIES UNDERTAKEN WITHIN THE PLANNING DEPARTMENT

RESOLUTION 2023/89

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

9.8 OUTSTANDING ACTIONS AS AT THURSDAY 10 AUGUST 2023

RESOLUTION 2023/90

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

9.9 CIRCULARS FROM THE OFFICE OF LOCAL GOVERNMENT

RESOLUTION 2023/91

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

9.10 MEETINGS ATTENDED BY THE ADMINISTRATOR, THE GENERAL MANAGER AND THE EXECUTIVE MANAGER OF ENGINEERING

RESOLUTION 2023/92

Moved: Administrator Mike Colreavy

That the report be received and noted.

CARRIED

10 NOTICE OF MOTION / QUESTIONS ON NOTICE

Nil

11 CONFIDENTIAL MATTERS

Nil

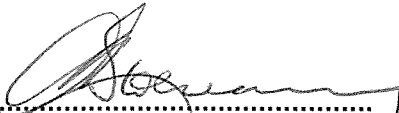
Departure of Executive Manager of Engineering

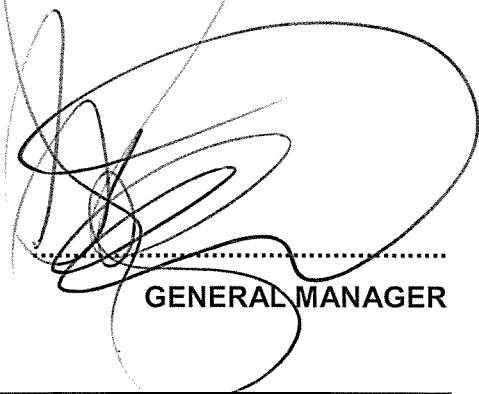
The Administrator, on behalf of Council thanked Mr Jones for his contribution to Council during the past 16 months, particularly during the floods and wished him all the very best for the future.

General Manager also thanked Mr Jones for his service over the past 16 months and wished him and his family all the best for the future.

The Meeting closed at 5.55pm.

The minutes of this meeting were confirmed at the Council Meeting held on 19 September 2023.


.....
ADMINISTRATOR


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GENERAL MANAGER

