



# **MINUTES**

**Ordinary Council Meeting  
Thursday, 26 August 2021**

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	Nil	

**MINUTES OF BALRANALD SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, MARKET STREET BALRANALD  
ON THURSDAY, 26 AUGUST 2021 AT 10AM**

**1 OPENING OF MEETING**

Mr Glenn Wilcox, Acting General Manager opened the meeting and advised that due to Covid restrictions Council's Administrator, Mr Mike Colreavy, will be attending this meeting via webcast.

**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:**

Ray Davy (Director Infrastructure & Development), Carol Holmes (Senior Executive Officer), Hodi Beauliv (Member) Glenn Wilcox (General Manager)

**3 APOLOGIES**

Nil

**4 CONFIRMATION OF MINUTES****4.1 MINUTES OF THE COUNCIL MEETING HELD ON 20 JULY 2021**

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**RESOLUTION 2021/124**

Moved: Administrator Mike Colreavy

That the Minutes of the Council Meeting held on 20 July 2021 be received and noted.

**CARRIED**

**4.2 MINUTES OF THE COUNCIL MEETING HELD ON 17 AUGUST 2021**

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**RESOLUTION 2021/125**

Moved: Administrator Mike Colreavy

1. That the Minutes of the Council Meeting held on 17 August 2021 be received and noted.

**CARRIED**

**5 DISCLOSURE OF INTEREST**

The Administrator declared an interest in Item 13.1 Planning and Administration because he is a landowner listed in the report.

**6 ADMINISTRATOR MINUTE/REPORT - Nil****7 COMMITTEE REPORTS FOR ADOPTION****7.1 EUSTON PROGRESSIVE ADVISORY COMMITTEE MEETING HELD ON 28 JUNE 2021**

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**RESOLUTION 2021/126**

Moved: Administrator Mike Colreavy

That Council receives and notes the Minutes of the Euston Progressive Advisory Committee (EPAC) meeting held on Monday 28 June 2021.

**CARRIED**

**7.2 BALRANALD BEAUTIFICATION ADVISORY COMMITTEE HELD ON 7 JULY AND 4 AUGUST 2021**

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**RESOLUTION 2021/127**

Moved: Administrator Mike Colreavy

That Council:

1. Receives and Notes the Minutes of the Balranald Beautification Advisory Committee (BBAC) meeting held on 7 July and 4 August 2021.
2. Review the locations of bins along Market Street, Balranald in consultation with members of Balranald Beautification Advisory Committee.
3. Investigate the purchase and storage of Christmas decorations for Balranald, in consultation with Growing Business Industry & Tourism Advisory Committee and Balranald Inc.

**CARRIED**

**7.3 STRENGTHENING COMMUNITY ACCESS, INCLUSION & WELLBEING ADVISORY COMMITTEE HELD ON 22 JULY 2021**

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**RESOLUTION 2021/128**

Moved: Administrator Mike Colreavy

That Council:

1. Receives and notes the Minutes of the Strengthening Community Access Inclusion & Wellbeing Advisory Committee Meeting held on Thursday 22 July 2021.
2. Investigate and consider the process to become an accredited White Ribbon Organisation.

**CARRIED**

**7.4 LOCAL TRAFFIC COMMITTEE - 10 AUGUST 2021**

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**RESOLUTION 2021/129**

Moved: Administrator Mike Colreavy

1. That the Minutes of the Local Traffic Committee meeting held on 10 August 2021 be resolved and the following recommendations be adopted:
  - (f) That Council write to Transport for NSW to advocate for an 80 km/h buffer speed zone on the western approach to Balranald
  - (i) That Council make representations to Transport for NSW for the installation of overtaking lanes on SH14 between Euston and Gol Gol

**CARRIED**

**7.5 GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE MEETING HELD ON 10 AUGUST 2021**

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**RESOLUTION 2021/130**

Moved: Administrator Mike Colreavy

That Council:

1. Receives and notes the Minutes of the Growing Business Industry & Tourism Advisory Committee (GBIAC) meeting held on 10 August 2021.
2. Invite Celeste Swain, Water Infrastructure NSW to address the GBIAC September meeting with the purpose of updating the committee on Balranald Weir Project.

**CARRIED**

**7.6 EUSTON PROGRESSIVE ADVISORY COMMITTEE MEETING HELD ON 26 JULY 2021**

**PURPOSE OF REPORT**

To update Council on the Euston Progressive Advisory Committee meeting held on 26 July 2021

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**RESOLUTION 2021/131**

Moved: Administrator Mike Colreavy

That Council:

1. Receives and notes the Minutes of the Euston Progressive Advisory Committee (EPAC) meeting held on Monday 28 June 2021: AND
2. Approach Transport for NSW regarding heavy vehicles using engine brakes in residential areas.

**CARRIED**

**GENERAL MANAGER'S REPORTS (INCORPORATING ALL STAFF REPORTS)****PART A – ITEMS REQUIRING DECISION****8 GENERAL MANAGER'S REPORTS****8.1 DELEGATION OF APPOINTMENT OF INTERIM ACTING GENERAL MANAGER****PURPOSE OF REPORT**

To appoint an Acting General Manager for a period of at least 6 months.

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**RESOLUTION 2021/132**

Moved: Administrator Mike Colreavy

1. That the General Manager be delegated authority to perform the functions required under the Local Government Act 1993 and any other Act, and in accordance with Council's Delegations of Authority Policy Dated 28 October 2020 (Resolution Number 2020/175) Part 2 Delegations to the General Manager, which may impact on the business of Council, other than those matters which are specifically reserved by law for decision by Council.
2. The General Manager can exercise any functions so delegated on any particular matter, but nothing in this instrument of delegation operates to prevent the Council from exercising a function concurrently with the delegate, if the General Manager is notified by resolution of the Council's intention to do so the General Manager will refrain from exercising the particular delegated power.
3. That Council delegate the additional legislation and functions of Section 60 (Prohibition Orders) and Section 114 (Appointment of Authorised Officers) of the Food Act 2003 to the General Manager of Balranald Shire Council.
4. That Council delegate authority to the General Manager to issue consent for works and structures to be carried out in public road reserves pursuant to Section 138 of the Roads Act 1993.
5. That the General Manager be delegated authority to decide on the method of tendering, i.e. Open or Selective as per the Local Government (General) Regulation 2005 – Part 7 Tendering.

**CARRIED**

**8.2 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

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**RESOLUTION 2021/133**

Moved: Administrator Mike Colreavy

That Council:

1. Adopts the Cemetery Management Policy as attached to this report.
2. Remove the large statue currently located within the lawn cemetery that is not in keeping with the style and intent of the Lawn Cemetery.
3. Consult with the family that has erected the large statue to return that item to the family.

**CARRIED**

**8.3 DONATION REQUEST - LODGE BALRANALD NO. 214.****PURPOSE OF REPORT**

To advise Council of a donation request received seeking financial assistance of \$500 towards the Rates for 2021-2022.

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**RESOLUTION 2021/134**

Moved: Administrator Mike Colreavy

That Council approves the request for a donation of \$500 to Balranald Lodge No. 214 Incorporated.

**CARRIED**

**8.4 DONATION REQUEST - CANASSIST****PURPOSE OF REPORT**

To advise Council of a donation request received from CanAss at seeking funding of \$500.

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**RESOLUTION 2021/135**

Moved: Administrator Mike Colreavy

That Council approves the donation request of \$500 to Balranald branch CanAssist.

**CARRIED**



**9 CORPORATE & COMMUNITY SERVICES REPORTS****9.1 DRAFT INVESTMENT POLICY****PURPOSE OF REPORT**

Council last reviewed its Investment Policy in October 2017. The policy is due to be reviewed every two years. In October 2020 the Internal Auditor provided a report to the Internal Audit and Risk Committee recommending a number of changes to the Investment Policy. As a result, the Draft Policy is presented for endorsement and approval to place on public exhibition for public comment.

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**RESOLUTION 2021/136**

Moved: Administrator Mike Colreavy

1. That Council endorses the Draft Investment Policy,
2. That the Draft Investment Policy be placed on exhibition and advertised for a period of 28 days for public comment and any public comments be reported back to the October Ordinary Council Meeting.

**CARRIED**

**9.2 MANAGING FINANCIAL HARDSHIP FROM COVID-19****PURPOSE OF REPORT**

The purpose of this report is to consider options for providing relief for ratepayers, businesses and organisations experiencing hardship due to the current COVID-19 Regional NSW Lockdown, and to give ratepayers an extended time to pay given Council's administration office is closed for payment of rates over the counter.

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**RESOLUTION 2021/137**

Moved: Administrator Mike Colreavy

That Council approve the following measures to provide relief for ratepayers, businesses and organisations suffering hardship as a result of the current COVID-19 coronavirus pandemic (COVID-19) Regional NSW Lockdown:

That Council

1. Allows an extended period for the payment of the first quarter rates instalment and current water usage notice, without accruing interest to the 30<sup>th</sup> September 2021, and
  2. Approves the modification of debt recovery procedures under Council's Debt Recovery Policy, as outlined below until 30<sup>th</sup> October 2021:
    - a. not send any Final notices from Council
    - b. not commence any new legal actions with Council's debt collection agency to recover unpaid debts, unless a final notice from Council has already been issued, and the Ratepayer does not apply for consideration under Council's financial hardship; and
  3. Advise Ratepayers experiencing financial hardship to apply for consideration under Council's Financial Hardship policy.
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4. Write to our businesses especially the Tourism Industry to advise of the provisions under the Hardship Policy; and
  5. Advise via Social Media and Council's Newsletter that the Hardship Policies can be accessed for all Ratepayers.

**CARRIED**

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## 10 INFRASTRUCTURE & DEVELOPMENT REPORTS

### 10.1 DA 15/2021 - PROPOSED STEPS AND PONTOON - 3 BATES DRIVE EUSTON

#### PURPOSE OF REPORT

To seek Council's approval to install a floating pontoon and steps on the bank of the Murray River, Lot 3 DP 1123942, 3 Bates Drive Euston.

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#### RESOLUTION 2021/138

Moved: Administrator Mike Colreavy

(Division)

That Council approves Development Application 15/2021 for the installation of steps on the river bank and a floating pontoon on Lot 3 DP 1123942, 3 Bates Drive Euston, subject to the following conditions:

#### Barranald Shire Council:

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. Site Plan
  - b. Tonkin Consulting Plans – Project Number 202625, Revision 1, Sheets S02, S01, S02, S03, S04 & S05
  - c. Statement of Environmental Effects – Construction of New Steps
  - d. Statement of Environmental Effects – Proposed Pontoon

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.

Reason: To confirm and clarify the terms of consent

2. No alteration to approved plans and specifications is allowed unless separately approved by Council.

Reason: Statutory Compliance

3. This approval does not authorise the damage, destruction, altering, moving or other harms to any aboriginal cultural heritage in relation to carrying out the proposal.

A separate application under Part 6 of the National Parks & Wildlife Act 1974 must be made where harm to an Aboriginal object or Aboriginal place cannot be avoided. This application must be approved by Heritage NSW prior to any harm occurring.

Reason: Statutory Compliance

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4. 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.

Reason: Statutory Compliance

5. All building work shall be carried out in accordance with the provisions of the Local Government Act 1993, The National Construction Code 2019, and The Environmental Planning & Assessment Act 1979, regardless of any omission in the documentation submitted for approval.

Reason: Statutory Compliance

6. In addition to meeting any specific performance criteria established under other conditions of this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction and operation of the development.

Reason: Environmental Amenity

7. All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding area from windblown dust, debris, noise and the like during the works and operation of the development.

Reason: Health and Amenity

8. The proposed 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.

Reason: Statutory Compliance

9. 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.

Reason: Statutory Compliance

#### **NSW Department of Primary Industries - Fisheries:**

10. The applicants will need to obtain a permit under the Fisheries Management Act or the Water Management Act if there is to be any excavation within or filling of the waterway.

11. If any ground disturbance is to take place, erosion and sediment mitigation devices are to be erected in a manner consistent with currently accepted Best Management Practice (ie Managing Urban Stormwater: Soils and Construction 4th Edition Landcom, 2004) to prevent the entry of sediment into the waterway prior to any earthworks being undertaken. These are to be maintained in good working order for the whole duration of the works and subsequently until the site has been stabilised and the risk of erosion and sediment movement from the site is minimal. Exposed soil is to be reseeded or turfed.

Reason – To ensure that sediment generated by the exposure of soil is not transported into the main water body.

12. On completion of the works, the site is to be rehabilitated and stabilised. Surplus construction materials and temporary structures (other than silt fences and other erosion and sediment control devices) installed during the course of the works are to be removed.

Reason – To ensure that habitats are restored as quickly as possible, public safety is not compromised and aesthetic values are not degraded.

13. Machinery is not to enter, or work from the waterway unnecessarily.

Reason - To ensure minimal risk of water pollution from oil or petroleum products and to minimise disturbance to the streambed substrate.

14. No snags (tree trunks, root balls, limbs, branches or other woody debris) in the channel or on the bank of the river are to be moved, removed or otherwise interfered with either during the construction phase or at any time subsequently without the concurrence of Department of Primary Industries Fisheries.

Reason - 'Removal of Large Woody Debris' is listed as a Key Threatening Process under the provisions of the Fisheries Management Act 1994 and there are significant penalties for harming the habitat of threatened species.

15. Native vegetation (including trees such as River Red Gum, Black Box and River Cootah, shrubs, reeds such as Phragmites and grasses) on or adjacent to the river bank is not to be cleared, modified or otherwise harmed at any time during the construction or at any time subsequently. This does not include control of noxious or other recognised weeds.

Reason – "Decline in native riparian vegetation" is listed as a Key Threatening Process under the provisions of the Fisheries Management Act 1994 and there are significant penalties for harming the habitat of threatened species.

16. The District Fisheries Officer at Darroton (Mobile: 0427 429 579, Email: <potor.boath@industry.nsw.gov.au>) is to be notified at least 3 days prior to the commencement of construction (email or fax preferred).

Reason - To ensure that the local Fisheries Officer is aware that work on the river bank is about to commence.

17. NSW Department of Primary Industries Fisheries is to be notified immediately if any fish kills occur in the vicinity of the works. In such a case all works are to cease until the issue is rectified and approval is given to proceed.

Reason - Department of Primary Industries Fisheries needs to be aware of fish kills so that it can assess the cause and mitigate further incidents in consultation with relevant authorities. They are also potentially contentious incidents from the public perspective. Work practices may need to be modified to reduce the impacts upon the aquatic environment.

#### **Natural Resources Access Regulator – General Terms of Approval:**

18. A controlled activity approval (CAA) under the Water Management Act 2000 will be required from Natural Resources Access Regulator prior to any work commencing. Once received the CAA will then be assessed and will be required to be issued prior to any works proceeding on site.

#### **NSW EPA:**

19. The proponent must take all necessary precautions and implement all practical measures that could be taken to prevent, control, abate or mitigate water pollution and protect human health and the environment from harm during the construction phase.

#### **Transport for NSW (formerly RMS):**

20. Each side of the pontoon orientated in the direction of the navigable channel must have red reflective material (e.g. discs) affixed.
21. A port top mark, in full compliance with IALA System A, must be placed on structure.

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Note: A licence may be required from Transport for NSW Maritime Division for the proposed occupation of water by the structure pursuant to Clause 22 of the Marine Safety Regulation 2016 which includes provision to apply a fee equivalent to the market rate for the use of the waters.

**CARRIED**

## **PART B – ITEMS FOR INFORMATION**

### **11 GENERAL MANAGER'S REPORTS**

#### **11.1 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 July 2021 Ordinary Meeting.

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##### **RESOLUTION 2021/139**

Moved: Administrator Mike Colreavy

That the report be received and noted.

**CARRIED**

#### **11.2 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 2021/140**

Moved: Administrator Mike Colreavy

That the report be received and noted.

**CARRIED**

#### **11.3 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 2021/141**

Moved: Administrator Mike Colreavy

That Council receive and note this report.

**CARRIED**

**12 CORPORATE & COMMUNITY SERVICES REPORTS****12.1 STATEMENT OF FUNDS - JULY 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<sup>st</sup> July 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.
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**RESOLUTION 2021/142**

Moved: Administrator Mike Colreavy

That Council receives and notes the Statement of Funds for the period ending 31<sup>st</sup> July 2021.

**CARRIED**

**13 INFRASTRUCTURE & DEVELOPMENT REPORTS****13.1 PLANNING ADMINISTRATION**

The Administrator, Mike Colreavy declared an interest in this item as owner of 151 Ballandella Street, Balranald.

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**PURPOSE OF REPORT**

To advise Council of activities in the Planning area

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**RESOLUTION 2021/143**

Moved: Administrator Mike Colreavy

That the report be received and noted.

**CARRIED**

13.2 INFRASTRUCTURE UPDATE

PURPOSE OF REPORT

To update Council on infrastructure works currently in hand and in planning, updated to 9 August 2021.

RESOLUTION 2021/144

Moved: Administrator Mike Colreavy

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

CARRIED

14 NOTICE OF MOTION / QUESTIONS ON NOTICE

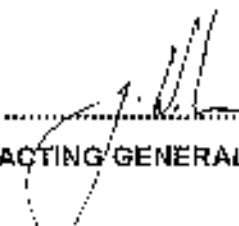
Nil

15 CONFIDENTIAL MATTERS

Nil

The Meeting closed at 10.54am.

The minutes of this meeting were confirmed at the Council Meeting held on 21 September 2021.

  
.....  
ACTING GENERAL MANAGER

  
.....  
ADMINISTRATOR

