



MINUTES

**Ordinary Council Meeting
Tuesday, 15 April 2025**

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**MINUTES OF BALRANALD SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MARKET STREET BALRANALD
ON TUESDAY, 15 APRIL 2025 AT 5PM**

1 OPENING OF MEETING

The Mayor opened the meeting at 5pm.

2 PRAYER & ACKNOWLEDGMENT OF COUNTRY**Prayer**

Almighty and eternal God, give us the grace to faithfully fulfil the duties of our office.

Shed the light of your wisdom and counsel upon us so that, strengthened by these gifts, we will, in the administration of the affairs of the council, always do what is right and just.

We ask that our deliberations will be both fruitful and wise.

Amen

Acknowledgement 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:

Mayor Louie Zaffina, Deputy Mayor Dwaine Scott, Cr Tracy O'Halloran, Cr Phillip Pippin, Cr German Ugarte

IN ATTENDANCE:

Peter Bascomb (Interim General Manager), Glenn Carroll (Director of Governance, Business & Community Services), David McKinley (Director of Infrastructure and Planning Services), Carol Holmes (Senior Executive Officer)

3 APOLOGIES

RESOLUTION 2025/66

Moved: Deputy Mayor Dwaine Scott

Seconded: Cr Phillip Pippin

That apologies from Cr Leigh Byron, Cr Iain Lindsay-Field and Cr Alison Linnett be received and leave of absence be granted.

CARRIED

4 CONFIRMATION OF MINUTES**4.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 18 MARCH 2025**

RESOLUTION 2025/67

Moved: Cr German Ugarte
Seconded: Cr Tracy O'Halloran

That the Minutes of the Ordinary Council Meeting held on Tuesday, 18 March 2025 be received and noted.

CARRIED

5 DISCLOSURE OF INTEREST

Nil

6 MAYORAL/COUNCILLOR REPORT**6.1 MAYORAL MINUTE - RECRUITMENT OF ARIC CHAIR AND INTERNAL AUDITOR**

RESOLUTION 2025/68

Moved: Cr German Ugarte
Seconded: Deputy Mayor Dwaine Scott

That Council:

1. Acknowledge
 - (a) That Ross Earl is not eligible to remain as ARIC Chair as he is an employee of a Joint Organisation
 - (b) The resignation of Kirstyn Thronder as an independent member of the Audit Risk and Improvement Committee (ARIC)
 - (c) The resignation of Keith Coates as Council's Internal Auditor
2. Appoint Ross Earl as an independent member of ARIC
3. Commence the recruitment of a replacement ARIC Chair and a new Internal Auditor contractor.

CARRIED

L.2

7 COMMITTEE REPORTS**7.1 STRENGTHENING COMMUNITY ACCESS INCLUSION & WELLBEING ADVISORY COMMITTEE MEETING HELD ON TUESDAY 3 DECEMBER 2024 AND WEDNESDAY 5 FEBRUARY 2025**

RESOLUTION 2025/69

Moved: Deputy Mayor Dwaine Scott
Seconded: Cr Tracy O'Halloran

That Council

- i. **Note the Minutes of the Strengthening Community Access Inclusion & Wellbeing Advisory Committee meetings held on Tuesday 3 December 2024 and Wednesday 5 February 2025; and**
- ii. **Approve the installation of Condom vending machines funded and restocked by MaariMa in the Discovery Café public toilets and Greenham Park public toilets;**

CARRIED

8 NOTICE OF MOTION**8.1 NOTICE OF MOTION - BALRANALD EARLY LEARNING CENTRE FINANCIAL ASSISTANCE**

RESOLUTION 2025/70

Moved: Cr Phillip Pippin
Seconded: Deputy Mayor Dwaine Scott

That Council donate \$2500 to the Balranald Early Learning Centre towards their electricity account.

CARRIED

8.2 NOTICE OF MOTION - CHANGE OF TIME AND DATE FOR COUNCIL WORKSHOP ON 30 APRIL 2025

RESOLUTION 2025/71

Moved: Deputy Mayor Dwaine Scott
Seconded: Cr German Ugarte

That the date and time for the workshop scheduled for 30 April 2025 be changed to Tuesday 29 April and commence at 3.30pm.

CARRIED

2.2

9 NOTICE OF RESCISSION

Nil

GENERAL MANAGER'S REPORTS (INCORPORATING ALL STAFF REPORTS)**PART A – ITEMS REQUIRING DECISION****10 GENERAL MANAGER'S REPORTS****10.1 INTEGRATED PLANNING & REPORTING (IP&R) - COMMUNITY STRATEGIC PLAN (CSP) 2035****RESOLUTION 2025/72**

Moved: Cr Tracy O'Halloran

Seconded: Deputy Mayor Dwaine Scott

That Council endorse the draft Balranald Shire Community Strategic Plan 2035 (CSP).

CARRIED

10.2 INTEGRATED PLANNING & REPORTING (IP&R) - 2025-2029 DELIVERY PROGRAM**RESOLUTION 2025/73**

Moved: Cr Tracy O'Halloran

Seconded: Cr German Ugarte

That Council place the draft 2025-2029 Delivery Program (DP) on public exhibition for a period of twenty-eight (28) days for comment prior to it being submitted to the June 2025 Council meeting for formal adoption.

CARRIED

10.3 INTEGRATED PLANNING & REPORTING (IP&R) - 2025-2026 OPERATIONAL PLAN**RESOLUTION 2025/74**

Moved: Cr Tracy O'Halloran

Seconded: Cr Phillip Pippin

That Council place the 2025/2026 Draft Operational Plan on public exhibition for a period of twenty-eight (28) days for comment prior to it being submitted to the June 2025 Council Meeting for formal adoption.

CARRIED

L.2

10.4 INTEGRATED PLANNING & REPORTING - 2025-2035 RESOURCING STRATEGY**RESOLUTION 2025/75**

Moved: Cr German Ugarte

Seconded: Cr Tracy O'Halloran

That Council place the draft Resourcing Strategy on public exhibition for a period of twenty-eight (28) days for comment prior to it being submitted to the June 2025 Council meeting for formal adoption.

CARRIED

10.5 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) CONFERENCE**RESOLUTION 2025/76**

Moved: Cr Phillip Pippin

Seconded: Deputy Mayor Dwaine Scott

That Council approve Cr Linnett's and Cr O'Halloran's attendance at the ALGWA Conference being held in Griffith at a date to be confirmed.

CARRIED

10.6 ILUKA COMMUNITY BUILDING PARTNERSHIPS AND EDUCATION SCHOLARSHIPS COMMITTEE TERMS OF REFERENCE**RESOLUTION 2025/77**

Moved: Deputy Mayor Dwaine Scott

Seconded: Cr Phillip Pippin

That Council

- 1. Accept the Terms of Reference for the Committee, as amended and**
- 2. Nominate the Mayor of the day and Cr O'Halloran as Council's representatives on the Committee.**

CARRIED

10.7 REVIEW OF COUNCIL POLICIES**RESOLUTION 2025/78**

Moved: Deputy Mayor Dwaine Scott

Seconded: Cr German Ugarte

That Council approve the policies listed in the report to be publicly exhibited for a period of 28 days in order to seek public comment and for any significant public submissions to be reported back to the June 2025 Ordinary Council meeting, otherwise the policies will be deemed to be adopted immediately by Council following the exhibition period.

CARRIED

10.8 COUNCIL COMMITTEES REVIEW**RESOLUTION 2025/79**

Moved: Cr German Ugarte

Seconded: Deputy Mayor Dwaine Scott

That Council:

i. Establish the following committees

- a. Australia Day Committee as a Section 355 Committee (ADC)**
- b. Euston Progressive Advisory Committee (EPAC)**
- c. Balranald Wellbeing & Health Advisory Committee (BWHAC)**
- d. Tourism & Economic Development Advisory Committee (TED)**

ii. Establish the following statutory committees

- a. Audit Risk & Improvement Committee (ARIC)**
- b. Local Traffic Committee**
- c. Flood Mitigation Committees**
- d. Local Emergency Management Committee (LEMC)**

iii. Develop Terms of Reference for each of the committees to be ratified by Council

iv. Then call for Expressions of Interest (EOI) for community members to become members of one or more of the committees.

CARRIED

L.2

**10.9 PROPOSED TERMINATION OF RFT CONTRACT NUMBER 19/20-08 FINALISATION
PAYMENT MICROFLOC PTY LTD****RESOLUTION 2025/80**

Moved: Deputy Mayor Dwaine Scott

Seconded: Cr Phillip Pippin

That Council authorise a payment of \$33,000 (inclusive of GST) to Microfloc Pty Ltd (ABN 83 163 694 728) consistent with the attached Contract Finalisation and Final Payment Claim on the condition that Microfloc Pty Ltd acknowledges that it is the full and final payment and settlement of both parties' obligations under Contract 19/20-08.

CARRIED

**10.10 DA 15/2024 - PONTOON, LANDSCAPING, STABILISATION & STAIRS - 9 MURRAY
TERRACE EUSTON****RESOLUTION 2025/81**

Moved: Cr German Ugarte

Seconded: Cr Tracy O'Halloran

That Council approve Development Application DA 15/2024 for a pontoon, landscaping, stabilisation and stairs on Lot 1 Section 18 DP 758402 & Lot 3 DP 1246017, 9 Murray Terrace Euston, subject to the following conditions:

Terms of Approval

The reasons for the imposition of conditions are:

- 1) To ensure a quality 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) To prevent the proposed development having a detrimental effect on adjoining land uses.
- 6) To minimise the impact of development on the environment.

Conditions*Balranald 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 except as amended in accordance with any conditions of this consent:
 - Statement Of Environmental Effects prepared by BW&A National Building Consultants, dated July 2023;
 - Architectural Plans, prepared by DACCA Architecture, dated 15/04/2024
 - Assessment of Significance DA15/2024 CNR- 63300 Balranald Shire Council – Murray River – Floating pontoon and associated works – Euston Club Motel - 9 Murray Terrace Euston Lot 52 DP725342 prepared by Green Edge Environmental, dated 23/10/2024;

- IDAS-2023-10762 -Request for additional information prepared by Green Edge Environmental, dated 31/01/2024, this includes the Site Map;
- Euston Club Resort Pontoon Landscape Architectural DA Approval, prepared by Arcadia, dated April 2024;
- Tonkin Plan Set Proposed Additions for Euston Club Resort Project Number 201362 Sheets S01 and S02 Revision B, S10 Revision D and S11 Revision C

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. 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.

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; and
 - 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 Department of Planning, Industry and Environment contacted.

5. 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.
6. In addition to meeting any specific performance criteria established under other conditions of this consent, the proponent 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.
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.
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.
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.
10. 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 commencement of construction works.

11. All works associated with the implementation / construction of the proposed activity (not operation of the proposal post occupation certificate), involving electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours of operation:

- Monday to Friday: 7.00 am and 6.00 pm
- Saturdays: 8.00 am to 1.00 pm
- 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).

12. The applicant is responsible to ensure that the facilities are sited on the allotments as specified in the approved site plan.
13. The applicant is responsible to ensure that any easements registered over the title to the land are complied with.
14. The applicant is responsible for the supply and maintenance of temporary toilet accommodation for use by persons working on the site.
15. All materials onsite or 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.
16. All landscaping shall be installed in accordance with the approved plans prior to use of the proposal.
17. Any damage to Council's infrastructure or other services is the full responsibility of the proponent.

Transport for NSW

1. Each side of the pontoon orientated in the direction of the navigable channel must be white and have white reflective material (e.g discs) affixed.
2. Any poles placed within the waterway to support the structure must have white pole caps fitted.

Reason: To provide for safe navigation of vessels by providing visibility to passing vessels.

L. Z

NSW Department of Primary Industries – Fisheries

1. A permit under s198-202 the *Fisheries Management Act 1994*, or a Controlled Activity Approval under the *Water Management Act 2000*, or a Crown Lands Licence is to be obtained prior to commencement of works.
2. Erosion and sediment mitigation devices are to be erected in a manner consistent with currently accepted Best Management Practice (i.e. *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.
3. Fish passage is not to be obstructed between the overflow pool (#6 on the Landscape plan) and the River channel. An interval/spacing in the rock (min 1.5 metre) should be provided at the downstream end of the overflow pool. *Reason – To allow continuous opportunity for movement of aquatic species between the river and overflow pool, and to prevent fish being stranded in the overflow pool area.*
4. 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.
5. Machinery is not to enter or work from the waterway unnecessarily.
6. Snags (tree trunks, root balls, limbs, branches or other woody debris) in the channel or on the bank of the river are not 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.*
7. Native vegetation (including trees, shrubs, reeds and grasses) on or adjacent to the riverbank 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.*
8. 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.*

*Department of Planning & Environment – Water**General Terms of Approval*

1. Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment – Water, and obtained, for a controlled activity approval under the *Water Management Act 2000*.
2. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA 15/2024 provided by Council to Department of Planning and Environment – Water.
3. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment – Water, must be notified in writing to determine if any variations to the GTA will be required.

4. The application for a controlled activity approval must include the following plan(s):
 - Detailed civil construction plans
 - Erosion and sediment control plans
 - Vegetation management plan
 - Riparian offset plan
 - Itemised VMP Costings
5. The plan(s) must be prepared in accordance with Department of Planning and Environment – Water’s guidelines located on the website <https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines> .
6. A security deposit must be provided, if required by Department of Planning and Environment – Water.
7. The deposit must be:
 - A bank guarantee, cash deposit or equivalent, and
 - Equal to the amount required by Department of Planning and Environment – Water for that controlled activity approval.
8. Schedule 1
 - Statement of Environmental Effects, prepared by BW&A consultants, dated July 2023
 - RFI Response, prepared by GreenEdge Environmental, dated 31/01/2025
 - Architectural Plans, prepared by DACCA Architecture, dated 15/04/2024
 - Landscape Plan, prepared by Arcadia, dated April 2024.

In accordance with Section 375A of the Local Government Act, 1993 the Mayor called for a division.

In Favour: Crs Louie Zaffina, Dwaine Scott, Tracy O'Halloran, Phillip Pippin and German Ugarte

Against: Nil

CARRIED 5/0

L-2

PART B – ITEMS FOR INFORMATION**11 GENERAL MANAGER'S REPORTS****11.1 WORK HEALTH & SAFETY SELF AUDIT REPORT****RESOLUTION 2025/82**

Moved: Deputy Mayor Dwaine Scott

Seconded: Cr Phillip Pippin

That Council note the report.

CARRIED

11.2 REPORT ON FINANCIAL INFORMATION AS AT 31 MARCH 2025**RESOLUTION 2025/83**

Moved: Cr German Ugarte

Seconded: Cr Tracy O'Halloran

That Council note the financial information contained in this report for the period ending, 31 March 2025.

CARRIED

11.3 MONTHLY INVESTMENTS REPORT**RESOLUTION 2025/84**

Moved: Cr Tracy O'Halloran

Seconded: Cr German Ugarte

That Council note the information provided in this report.

CARRIED

11.4 OUTSTANDING RATES AND USAGE CHARGES AS AT 31 MARCH 2025**RESOLUTION 2025/85**

Moved: Cr Tracy O'Halloran

Seconded: Deputy Mayor Dwaine Scott

That Council notes the information contained within this report.

CARRIED

L.2

11.5 OUTSTANDING DEBTORS AS AT 31 MARCH 2025

RESOLUTION 2025/86

Moved: Cr Tracy O'Halloran

Seconded: Deputy Mayor Dwaine Scott

That Council note the report.

CARRIED

11.6 GRANT FUNDED PROJECTS STATUS UPDATE

RESOLUTION 2025/87

Moved: Cr Tracy O'Halloran

Seconded: Deputy Mayor Dwaine Scott

That Council notes the report.

CARRIED

11.7 ACTIVITIES UNDERTAKEN WITHIN THE PLANNING DEPARTMENT

RESOLUTION 2025/88

Moved: Deputy Mayor Dwaine Scott

Seconded: Cr Phillip Pippin

That Council notes the report.

CARRIED

11.8 INFRASTRUCTURE UPDATE FOR MARCH 2025

RESOLUTION 2025/89

Moved: Cr Tracy O'Halloran

Seconded: Deputy Mayor Dwaine Scott

That Council notes the report.

CARRIED

L.2

11.9 MEETINGS ATTENDED BY THE MAYOR, THE INTERIM GENERAL MANAGER AND DIRECTORS

RESOLUTION 2025/90

Moved: Cr German Ugarte

Seconded: Deputy Mayor Dwaine Scott

That Council notes the information.

CARRIED

11.10 OUTSTANDING ACTIONS AS AT TUESDAY 3 APRIL 2025

RESOLUTION 2025/91

Moved: Cr Tracy O'Halloran

Seconded: Cr Phillip Pippin

That Council notes the report.

CARRIED

12 NOTICE OF MOTION / QUESTIONS ON NOTICE

Nil

L-2

13 CONFIDENTIAL MATTERS

RESOLUTION 2025/92

Moved: Cr German Ugarte

Seconded: Cr Phillip Pippin

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

13.1 Balranald Airport Redevelopment Proposal - Possible Land Purchase

This matter is considered to be confidential under Section 10A(2) - c 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CARRIED

RESOLUTION 2025/93

Moved: Cr Phillip Pippin

Seconded: Deputy Mayor Dwaine Scott

That Council moves out of Closed Council into Open Council.

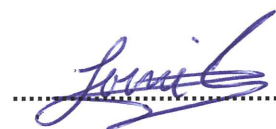
The Mayor read out the recommendation from closed Council;

That Council initiate negotiations with the owner of the adjacent property to the Balranald Airport regarding a possible land purchase to facilitate the future redevelopment of the airport.

CARRIED

The Meeting closed at 6.20pm.

The minutes of this meeting were confirmed at the Council Meeting held on 20 May 2025.

**MAYOR**