PRESENT:

APOLOGIES: Cr Alan Purtill, Cr Doug Allen

DISCLOSURE OF INTERESTS

CALENDAR OF EVENTS

<table>
<thead>
<tr>
<th>Calendar of Events</th>
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</thead>
<tbody>
<tr>
<td>September - October</td>
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<table>
<thead>
<tr>
<th>OCTOBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>20  Council @ 10am</td>
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<tr>
<td>25  CSP @ 11am</td>
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<tr>
<td>26 - 27 Murray Darling Association National Conference in Dubbo</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>NOVEMBER</th>
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<tbody>
<tr>
<td>15  Council @ 5pm</td>
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</table>

CONFIRMATION OF MINUTES

Recommendation:
That:

“The minutes of the Ordinary Meeting of Council held on Tuesday 20th September 2016 copies having previously been circulated to each Councillor be taken as read and confirmed.”

“The minutes of the Confidential Meeting of Council held on Tuesday 20th September 2016 copies having previously been circulated to each Councillor be taken as read and confirmed.”

“The minutes of the Extra-Ordinary Meeting of Council held on Thursday 29th September 2016 copies having previously been circulated to each Councillor be taken as read and confirmed.”
PRESENTATION/DELEGATIONS

MAYORAL MINUTE/REPORT

COMMITTEE REPORTS FOR ADOPTION

DELEGATES REPORTS

NOTICES OF MOTION/RESCISSION
GENERAL MANAGER’S REPORTS (Incorporating all Staff Reports)

PART A - ITEMS REQUIRING DECISION

General Manager’s Reports

Item G-1  CHRISTMAS AND NEW YEAR CLOSURE

File number: 

Reporting Officer: Aaron Drenovski, General Manager

Operational Plan Objective: Pillar One: Our People – a community that is proactive, engaged, inclusive and connected

Officer Recommendation:

That Council approves the closure of its office and operations over the Christmas New Year Period commencing Monday 26 December 2016 and re-opening on Tuesday 3 January 2017. The General Manager advertise Council’s closure over the Christmas/ New Year period.

Purpose of Report
To advise Council of arrangements over the Christmas and New Year period.

Report
Council’s office and depot has traditionally closed down between the Christmas and New Year period, which normally results in closure for three working days.

The office staff are normally provided leave for three days over the period in lieu of additional hours worked and not renumerated for during the year.

The office and depot closure will be from Monday 26 December 2016 to Monday 2 January 2017 inclusive.

The majority of works staff are usually on block annual leave for four weeks over this period and January, however, arrangements will be in place for normal essential services and emergency call outs over this period.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Nil</th>
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<tbody>
<tr>
<td>Legislative Implication</td>
<td>Nil</td>
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<tr>
<td>Policy Implication</td>
<td>Nil</td>
</tr>
<tr>
<td>Attachments</td>
<td>Nil</td>
</tr>
</tbody>
</table>
Item G-2 POLICY UPDATE

File number:

Reporting Officer: Aaron Drenovski, General Manager

Operational Plan Objective: Pillar Six: Our Leadership – a community that values and fosters leadership, lifelong learning, innovation and good governance.

Officer Recommendation:
That Council adopt the:
   a) Model Code of Conduct for Local Councils in NSW as Councils policy.
   b) Code of Meeting Practice.
   c) Interactions between Councillors & Staff Policy.

Purpose of Report
To update a number of Council policies.

Report
Council is required to have a number of Policies in place to ensure good governance. Section 440 of the Local Government Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. The current version of the Model Code of Conduct for Local Councils in NSW is dated November 2015 (as attached) and it is suggested that Council adopt it as their Model Code.

Section 360(2) of the Local Government Act provides the provisions for Council to adopt a Code of Meeting Practice. Council’s current Code of Meeting Practice was last adopted on 19 December 2006. Officers have reviewed the current Code with comparison to Albury City’s (as the documents are the same template) and have made a few minor changes.

To ensure good governance it is suggested that Council adopt an “Interactions between Councillors & Staff” policy. The attached policy has been sourced from another Council and rebadged with a few minor changes. The suggested Policy is to promote a positive working relationship between Councillors as the elected people of the community and the staff employed to administer the operations of Council.

Financial Implication Nil

Legislative Implication Local Government Act

Policy Implication Update to Policy register

Attachments Code of Meeting Practice, Model Code of Conduct for Local Councils in NSW, Interactions between Councillors and Staff Policy under separate cover.
Corporate and Community Development Reports

Item C-1 FINANCIAL STATEMENTS 2015/16
File number: AD 001

Reporting Officer: Director of Corporate & Community Development

Operational Plan Objective: Pillar Six: Our Leadership – 6.3.2
Provide good governance, prudent financial management and effective support services for all its activities.

Officer Recommendation
1. That the Financial Statements for 2015/16 be referred for audit.

2. That the Council authorise the Mayor, Councillor Mannix, the General Manager and the Responsible Accounting Officer to sign the statement by Councillors and Management.

Purpose of Report
Audit of Financial Statements 2015/2016

Report
The draft 2015/16 Financial Statements have been prepared for audit and a copy is provided for Councillor inspection. In accordance with Section 513(2) (c) of the Local Government Act 1993 the Financial Statements are required to be referred to the auditor by Council.

A statement by Councillors and Management has been prepared and requires the Council and the responsible officers to sign the documents to refer the financial statements for Audit.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Auditors fees as per budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Implication</td>
<td>Sec. 513 (2) (c) Local Government Act 1993</td>
</tr>
<tr>
<td>Policy Implication</td>
<td>Nil</td>
</tr>
<tr>
<td>Attachments</td>
<td>Nil</td>
</tr>
</tbody>
</table>
Item C - 2  MEMBERSHIP OF COUNCIL COMMITTEES

File number: 026

Reporting Officer: Elizabeth White Director of Corporate and Community Development

Operational Plan Objective: Pillar Six: Our Leadership – 6.3.2 Provide good governance, prudent financial management and effective support services for all its activities.

Officer Recommendation:

1. That Council determine the number of community members and Councillors for Section 355 committees;
2. That council determine the number of committee members required for a quorum.

Purpose of Report
To consider limiting the numbers of community members on Council Committees and limiting Councillor representation to 2 members on each committee.

Report
Council has a number of Sections 355 Community committees and membership on these committees is not currently limited.

Some committees have a large contingent of community representatives and the quorum for meetings appears to be different in each case.

It is suggested that Council limit the number of community representatives on committees and that quorums for meetings be identical.

It is also suggested that Councillor representation on committees be limited to two representatives.

A proposed application form for Council Committees is attached to this report which is intended to ascertain what skills and experience any proposed members would bring to the committee and also the reason for their application.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Nil to this report</th>
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<tbody>
<tr>
<td>Legislative Implication</td>
<td>Nil</td>
</tr>
<tr>
<td>Policy Implication</td>
<td>Nil</td>
</tr>
<tr>
<td>Attachments</td>
<td>Proposed application form for Council Committees</td>
</tr>
</tbody>
</table>
Item C - 3  ELECTION OF COMMITTEES & DETERMINATION OF COMMITTEE FUNCTIONS & POWERS

File number: 026

Reporting Officer: Elizabeth White Director of Corporate and Community Development

Operational Plan Objective: Pillar Six – Our Leadership

Officer Recommendation:
That Council determine the membership and functions of its Committees for 2016/2017.

Purpose of Report
To determine the composition of Council Committees

Report
Attached to this report is the current list of Committees, their functions, delegations and their membership. Council has two categories of Committees, firstly, “Council Committees” which comprise Councillor membership only (with the exception of the Code of Conduct Committee) and secondly, “Section 355 Community Committees” which comprise Councillor and Community membership. Section 355 of the Local Government Act, 1993, provides that Council can exercise its functions through various means including a Committee comprising Councillors and other persons

Election of Chairperson
In accordance with the Local Government (General) Regulation 2005, the following provisions apply to the election of the Chairperson and Deputy Chairperson of Committees –

a. The Chairperson of each Committee of the Council must be -
   i) The Mayor, or
   ii) if the Mayor does not wish to be the Chairperson of a Committee, a member of the Committee elected by the Council, or
   iii) if the Council does not elect such a member, a member of the Committee elected by the Committee.

b. A Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.

It has been normal practice for each Committee to elect its Chairperson. The Mayor is, by virtue of holding that office, a member of each Committee of the Council.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Nil</th>
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<tbody>
<tr>
<td>Legislative Implication</td>
<td>Nil</td>
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<tr>
<td>Policy Implication</td>
<td>Nil</td>
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<tr>
<td>Attachments</td>
<td>Nil</td>
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</tbody>
</table>
COUNCIL MEETING
Meet Monthly 3rd Tuesday @ 5pm.

Quorum – 5

<table>
<thead>
<tr>
<th>Current Members include</th>
<th>New Members</th>
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<tbody>
<tr>
<td>ALL Councillors</td>
<td></td>
</tr>
<tr>
<td>General Manager</td>
<td></td>
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<tr>
<td>Director Corporate &amp; Community Development</td>
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<tr>
<td>Director Infrastructure &amp; Development</td>
<td></td>
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<tr>
<td>Executive Assistant</td>
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</tbody>
</table>

AUSTRALIA DAY COMMITTEE
Community Advisory Meets to discuss Australia Day program and select winners in each nomination category.
Meet annually as needed with Minimum 2 community representatives required, representative from Australia Day Festival Committee, General Manager and director Corporate & Community Development.

Quorum - 3

<table>
<thead>
<tr>
<th>Current Members include</th>
<th>New Members</th>
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<tbody>
<tr>
<td>Cr Leigh Byron</td>
<td></td>
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<tr>
<td>Cr Jeff Mannix</td>
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<tr>
<td>Cr Trevor Jolliffe</td>
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<tr>
<td>Mr Hutch Lawrie</td>
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<tr>
<td>Mrs Linda Nelson</td>
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<tr>
<td>Mrs Cecilia Davies</td>
<td></td>
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<tr>
<td>General Manager</td>
<td></td>
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<tr>
<td>Director Corporate &amp; Community Development</td>
<td></td>
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</tbody>
</table>
BALRANALD BEAUTIFICATION
To carry out authorised voluntary works in Council reserves within allocated funds and resources and make recommendations to Council on beautification works and improvements within Balranald.

Meet Monthly 1st Wednesday @ 7pm. 6 community representatives required with General manager, Director Infrastructure & Development required.

Quorum - 6

<table>
<thead>
<tr>
<th>Current Members include</th>
<th>New Members</th>
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<tbody>
<tr>
<td>Cr Steve O’Halloran</td>
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<tr>
<td>Cr Leigh Byron</td>
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<tr>
<td>Ms Karen Norfolk</td>
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<tr>
<td>Mrs Mary Grisdale</td>
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<td>Mrs Gaye Renfrey</td>
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<td>Mr Greg Camin</td>
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<tr>
<td>Mrs Vicki Burke</td>
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<tr>
<td>Mrs Jill Bath</td>
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<tr>
<td>Director Infrastructure &amp; Development</td>
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</tbody>
</table>

BALRANALD RETIREMENT HOSTEL COMMITTEE
To consider matters in regard to the development of the Balranald Retirement Hostel, for recommendation to Council.

Meet Bi-monthly 1st Monday @ 5pm. 3 community Representatives, Director Corporate & Community Development & Hostel Co-Ordinator required.

Quorum - 5

<table>
<thead>
<tr>
<th>Current Members include</th>
<th>New Members</th>
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<tbody>
<tr>
<td>Cr Leigh Byron</td>
<td></td>
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<tr>
<td>Cr Steve O’Halloran</td>
<td></td>
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<tr>
<td>Mrs Shirley Matarazzo</td>
<td></td>
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<tr>
<td>Mrs Cheryl McFarland</td>
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<tr>
<td>Ms Katherine Ferguson</td>
<td></td>
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<tr>
<td>Mrs Helen Edmonds</td>
<td></td>
</tr>
<tr>
<td>Mr Simon Coelli</td>
<td></td>
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<tr>
<td>Hostel Coordinator</td>
<td></td>
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<tr>
<td>Director Corporate &amp; Community Development</td>
<td></td>
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</tbody>
</table>
INRASTRUCTURE & DEVELOPMENT COMMITTEE
To consider matters related to the Functional responsibilities of the Infrastructure & Development Division which have been referred to the Committee for recommendation to Council or decision under delegation. 
Meet Bi-annual 2nd Wednesday 8.30am.

Quorum - 5

<table>
<thead>
<tr>
<th>Current Members include</th>
<th>New Members</th>
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<tbody>
<tr>
<td>Councillors ALL</td>
<td></td>
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<tr>
<td>General Manager</td>
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<tr>
<td>Director Corporate &amp; Community Dev</td>
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<tr>
<td>Director Infrastructure &amp; Development</td>
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</table>

CARAVAN PARK COMMITTEE
To consider matters in regard to the maintenance, improvement and management of the Balranald Caravan Park for recommendation to Council. Meet Bi-Monthly 1st Thursday.

Quorum - 3

<table>
<thead>
<tr>
<th>Current Members include</th>
<th>New Members</th>
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<tbody>
<tr>
<td>Cr Leigh Byron</td>
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<tr>
<td>Cr Steve O’Halloran</td>
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<td>Cr Jeff Mannix</td>
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<td>Cr Trevor Jolliffe</td>
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<tr>
<td>Caravan Park Managers</td>
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<tr>
<td>General Manager (as required)</td>
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</tbody>
</table>
TOURISM COMMITTEE

To consider matters in regard to tourism and promotion and the maintenance, improvement and management of Council owned tourism facilities for recommendation to Council.

Meet monthly 1st Tuesday @ 5pm. 6 community representatives required with Director Corporate & Community Development, Tourism Co-Ordinator required and General Manager as required.

Quorum - 4

<table>
<thead>
<tr>
<th>Current Members include</th>
<th>New Members</th>
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<tbody>
<tr>
<td>Cr Leigh Byron</td>
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<tr>
<td>Mr Ken Barnes</td>
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<tr>
<td>Cr Jeff Mannix</td>
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<tr>
<td>Cr Steve O’Halloran</td>
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<tr>
<td>Mr Wayne Whitby</td>
<td></td>
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<tr>
<td>Shirley Matarazzo</td>
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<tr>
<td>Simone Carmichael</td>
<td></td>
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<tr>
<td>Silvana Keating</td>
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<tr>
<td>Dinitee Haskard</td>
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<tr>
<td>Ms Myrtle Matarazzo</td>
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<tr>
<td>Jo Gorman</td>
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<tr>
<td>Peter Lawler</td>
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<tr>
<td>Mrs Linda Nelson</td>
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<tr>
<td>Mr Ken Spinks</td>
<td></td>
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<tr>
<td>Mrs Sue O’Halloran</td>
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<tr>
<td>Mrs Bronwyn Brougham</td>
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<tr>
<td>Mr Dylan Walsh</td>
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<tr>
<td>Ms Ema Serevi</td>
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<tr>
<td>Mr German Ugarte</td>
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<tr>
<td>Mrs Di Williams</td>
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<td>Mr Ian Lindsay-Field</td>
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<tr>
<td>Mr Ray Jones</td>
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<tr>
<td>Jo Pedler</td>
<td>Alt: Martin Kendall, Simone Carmichael or Daniel Basham</td>
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<tr>
<td>Tourism Co-Ordinator</td>
<td></td>
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<tr>
<td>Director Corporate &amp; Community Development</td>
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<tr>
<td>General Manager (as required)</td>
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</tbody>
</table>

Mr Ray Jones wishes to receive the minutes to keep updated (not a committee member).
**ECONOMIC DEVELOPMENT & GRANTS COMMITTEE**  
To consider matters in regard to economic development promotion and grants in regard to major projects for recommendation to Council.

*Quorum - 5*

<table>
<thead>
<tr>
<th>Current Members include</th>
<th>New Members</th>
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<tbody>
<tr>
<td>ALL Councillors</td>
<td></td>
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<tr>
<td>General Manager</td>
<td></td>
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<tr>
<td>Director Corporate &amp; Community Development</td>
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</tbody>
</table>

**CULTURAL COMMITTEE**  
To promote all aspects of the arts and the use of the Royal Theatre.  
*Meet Bi-annually 4th Monday @ 5pm.  5 community members and General Manager required.*

*Quorum – 4.*

<table>
<thead>
<tr>
<th>Current Members include</th>
<th>New Members</th>
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<tbody>
<tr>
<td>Cr Leigh Byron</td>
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<tr>
<td>Cr Allan Purtill</td>
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<tr>
<td>Cr Steve O’Halloran</td>
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<tr>
<td>Mrs Linda Nelson</td>
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<tr>
<td>Ms Ema Serevi</td>
<td></td>
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<tr>
<td>Mrs Robyn Davis</td>
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<tr>
<td>Mrs Doreen Greenham</td>
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<tr>
<td>Mrs Marg Butler</td>
<td></td>
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<tr>
<td>Mrs Jan Lawler</td>
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<tr>
<td>Mrs Michelle Mannix</td>
<td></td>
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<tr>
<td>Ms Sue Balshaw</td>
<td></td>
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<tr>
<td>Mrs Roslyn Eason</td>
<td></td>
</tr>
<tr>
<td>Director Corporate &amp; Community Development</td>
<td></td>
</tr>
</tbody>
</table>
EUSTON BEAUTIFICATION COMMITTEE
To carry out authorised voluntary works in Council reserves within allocated funds and resources and make recommendations to Council on beautification works and improvements within Euston.
Meet monthly 1st Tuesday with 5 community Representatives required
Quorum - 5

<table>
<thead>
<tr>
<th>Current Members include</th>
<th>New Members</th>
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</thead>
<tbody>
<tr>
<td>Mr Barry Watts</td>
<td></td>
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<tr>
<td>Mrs Faye Watts</td>
<td></td>
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<tr>
<td>Mrs Vicki Barnes</td>
<td></td>
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<tr>
<td>Mrs Vivienne McMahon</td>
<td></td>
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<tr>
<td>Mr Jim McMahon</td>
<td></td>
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<tr>
<td>Mrs Edna Price</td>
<td></td>
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<tr>
<td>Mrs Bev Harbinson</td>
<td></td>
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<tr>
<td>Mr Ron Mengler</td>
<td></td>
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<tr>
<td>Mrs Edna Price</td>
<td></td>
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<tr>
<td>Cr Leigh Byron</td>
<td></td>
</tr>
<tr>
<td>Mr Ken Barnes</td>
<td></td>
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<tr>
<td>Director Infrastructure &amp; Development</td>
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</table>

COMMUNITY SAFETY PRECINCT COMMITTEE
To provide our community with a forum to discuss strategies for reducing crime and improving safety within the Balranald Shire.
Meets Bi-Monthly 4th Tuesday @ 2pm. Representatives from Schools, police, aboriginal land council and community members required.

Quorum - 4

<table>
<thead>
<tr>
<th>Current Members include</th>
<th>New Members</th>
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</thead>
<tbody>
<tr>
<td>Cr Leigh Byron</td>
<td></td>
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<tr>
<td>Cr Steve O’Halloran</td>
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<tr>
<td>Cr Allan Purtill</td>
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<tr>
<td>Cr Jeff Mannix</td>
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<tr>
<td>Mr Dylan Walsh</td>
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<tr>
<td>Sgt Narelle Tucker</td>
<td></td>
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<tr>
<td>Mr John Jackson</td>
<td></td>
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<tr>
<td>Rev Wally Johnson</td>
<td></td>
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<tr>
<td>Mrs Patricia Croft</td>
<td></td>
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<tr>
<td>Mrs Robyn Johnson</td>
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<tr>
<td>Mr Steve Worthington</td>
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<tr>
<td>Mr Steve Smith</td>
<td></td>
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<tr>
<td>Mr Paul Hadlow</td>
<td></td>
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<tr>
<td>Vicki Barnes</td>
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</tbody>
</table>

* Please note: several of the above members have not attended meetings in over 6 months
ITEM C - 4  APPOINTMENT OF DELEGATES TO EXTERNAL ORGANISATIONS

File number: 026

Reporting Officer: Aaron Drenovski – General Manager

Operational Plan Objective: Pillar Six – Our Leadership

Officer Recommendation:
That Council appoint its delegates to the listed external organisations for 2016/2017.

Purpose of Report
To appoint Council delegates to external organisations.

Report
Attached to this report are the current Council delegates to external organisations and committees.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Implication</td>
<td>Nil</td>
</tr>
<tr>
<td>Policy Implication</td>
<td>Nil</td>
</tr>
<tr>
<td>Attachments</td>
<td>External Committee &amp; Delegates</td>
</tr>
<tr>
<td>EXTERNAL COMMITTEE</td>
<td>MEET</td>
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<tr>
<td>------------------------------------------------------</td>
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</tr>
<tr>
<td>Riverina and Murray Regional Organisation of Councils (RAMROC)</td>
<td>Quarterly 1st Wednesday 10am Jerilderie</td>
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<tr>
<td>Balranald Bushfire Management Committee</td>
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<tr>
<td>Balranald Rural Fire Service</td>
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<tr>
<td>Murray River Crossing Group</td>
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<tr>
<td>Tri State Local Government Group</td>
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</tr>
<tr>
<td>EXTERNAL COMMITTEE</td>
<td>MEET</td>
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<tr>
<td>--------------------------------------------------------</td>
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</tr>
<tr>
<td>Balranald Shire Local Emergency Management Committee</td>
<td>Every 3 months 2nd Thursday 10.30am Council Depot Staff Room (3 monthly)</td>
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<tr>
<td>Lowbidgee League</td>
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<tr>
<td>Murray Darling Association – Region 3</td>
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<tr>
<td>Balranald /Wentworth Fightback Committee – Rural Counselling</td>
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<td>South West Arts</td>
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<tr>
<td>Mandorla Place Reference Group for Independent Living Units</td>
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<tr>
<td>Homebush Riparian Landcare Group</td>
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<tr>
<td>EXTERNAL COMMITTEE</td>
<td>MEET</td>
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<tr>
<td>Yanga National Park Community</td>
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<td>Balranald Inc</td>
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<tr>
<td>Willandra Lakes World Heritage Committee</td>
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<td>Western Regional Planning Panel</td>
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<td>ICPA</td>
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<td>Central Murray Regional Transport Forum</td>
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<tr>
<td>Local Land Service Advisory Group</td>
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<td>Nimmie Caira Advisory Group</td>
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<tr>
<td>NSW Regional Development Murray Group of Councils</td>
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<tr>
<td>Fit for the Future Initiative Advisory</td>
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</table>
ITEM C - 5  COMBINED CHURCHES REQUEST TO WAIVE THEATRE ROYAL HIRE FEES FOR COMMUNITY CAROLS

File number: 56

Reporting Officer: Elizabeth White

Operational Plan Objective: Pillar 1: Our People – A Community that is proactive, engaged, inclusive and connected

Officer Recommendation:

That Council support the Combined Churches Christmas Carols Committee by waiving the theatre facility hire fees.

Purpose of Report

To advise Council of a request from the Combined Churches Christmas Carols Committee to support this event.

Report

Council received a donation application request from the Combined Churches Christmas Carols Committee dated 29th September 2016, seeking Councils support for the annual community carols.

Carols will be held on Sunday 11th December 2016 at the Theatre Royal and the Committee has requested that Council consider waiving the facility hire fees.

The event will commence at 6.00 p.m. followed by a light supper.

Council has provided an annual budget in 2016/2017 of $10,000 for Community Donations, and the request can be accommodated within that budget.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Waiver of fees for Hall Hire and Cleaning – Total $373.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Implication</td>
<td>Nil</td>
</tr>
<tr>
<td>Policy Implication</td>
<td>Nil</td>
</tr>
<tr>
<td>Attachments</td>
<td>Donation Application and Letter from Pastor Dennis Rayson</td>
</tr>
</tbody>
</table>
Donations Application Form

Address applications to:
General Manager
Balranald Shire Council
PO Box 120
BALRANALD NSW 2715

Privacy Management
Information provided in this form is required in order to process the application. Provision of the information is voluntary; however, if insufficient information is provided, Council will be unable to process the application. The information will be available to authorised officers and may be made available to public enquiries under Government Information (Public Access) Act 2009.

GUIDELINES FOR APPROVAL OF COUNCIL DONATIONS

Council’s donation program is an opportunity to give funding and recognition to individuals, community groups and organisations that play an important part in helping develop the region’s environmental sustainability, community wellbeing, economic prosperity and cultural life.

Council donations generally do not apply to individuals however in certain circumstances donations may be provided.

Organisations will be eligible for a maximum of $5,000 per financial year. Applications are required to meet eligibility criteria outlined in Council’s Donations Policy.

More information regarding this funding can be requested by contacting Council’s Director of Economic and Community Development, on (03) 5020 1300.

1. Community group or organisation details

Please note, to avoid duplication, the details provided below will become your organisation’s principle contact for all correspondence relating to the Donations Programme.

Community group or organisation: Community carols organizing committee Balranald Combined Churches
Postal address: 47 Bank St, Balranald
Contact person: Dennis Rayson
Position: Pastor at the Balranald Presbyterian Church Telephone No: 0428830276
E-mail address: dennis.rayson@bigpond.com

2. Objectives of your community group or organisation:
To organise the annual community carols, which we would like to hold in the Theatre Royal

3. Is your organisation not for profit? Yes / No
4. Is your organisation registered for GST? Yes / No (please circle)

5. ABN Number (if applicable): 

6. Project or Event Name: Community Carols 2016

7. Amount Requested $: The fee for the hire of the theatre Royal for the evening of December 11th 2016

8. Is the project still viable if your community group or organisation receives less than the requested amount? Provide reason:

   We would have to consider holding the evening elsewhere, which would make it very difficult to cater for all of the community, especially those with special needs

9. If income exceeds expenses what will happen to the excess funds?

   The only income from the night is a $100 donation from each church to provide refreshments

10. Project Details – please complete the section below or attach a copy of your event plan

<table>
<thead>
<tr>
<th>Brief project description</th>
<th>The Annual Community Carols</th>
</tr>
</thead>
<tbody>
<tr>
<td>What are you going to do?</td>
<td>Sunday 11th December 2016</td>
</tr>
<tr>
<td>When are you going to do it?</td>
<td>Theatre Royal</td>
</tr>
<tr>
<td>Where are you going to do it?</td>
<td>Theatre Royal</td>
</tr>
<tr>
<td>Who is involved?</td>
<td>The whole community is invited to attend</td>
</tr>
<tr>
<td>Why are you doing it?</td>
<td>To celebrate Christmas and the coming of our saviour</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Start Date</th>
<th>Finish Date</th>
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</thead>
<tbody>
<tr>
<td>List each component of your project</td>
<td>Cost of component</td>
</tr>
<tr>
<td></td>
<td>Amount requested from Council</td>
</tr>
<tr>
<td>$</td>
<td>$</td>
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<td>$</td>
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<tr>
<td>TOTAL (include gst)</td>
<td>$</td>
</tr>
</tbody>
</table>

Please list any funding your organisation has received in the past 18months (Council and External)

<table>
<thead>
<tr>
<th>Date funding received</th>
<th>Amount of funding</th>
<th>Purpose of funding</th>
<th>Have you met all the acquittal conditions of previous funding?</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>Hire of Theatre</td>
<td>For the carols</td>
<td>YES</td>
</tr>
</tbody>
</table>

Name: Dennis Rhyson
Position: Pastor, Balranald Presbyterian Church
Signature: 
Date: 30/10/16

Name: 
Position: 
Signature: 
Date: 

This is Page 20 of the Business Paper of the Ordinary Monthly Meeting of Balranald Shire Council held in the Council Chambers, Market Street Balranald on Thursday 20th October 2016.
To
Mr. Aaron Drenovski
General Manager
Balranald Shire Council
Market Street,
Balranald, NSW 2715

29th September 2016

From
Pastor Dennis Rayson
47 Bank St
Balranald, NSW, 2715

Dear Aaron,

I write on behalf of the organizing committee of local churches in regard to the Community Carols 2016.

The committee organizing the carols this year is Father Pat Austin (Catholic) Pastor Dennis Rayson (Presbyterian) and Reverend Robyn Davis (Walkabout Ministry - Anglican).

All other churches/denominations in Balranald will be invited to participate/attend.

Once again we would like to hold the Community Carols in the Theatre due to the central location within the town and the possibility of bad weather.

I understand that there is a fee for the use of the theatre and accompanied facilities. On this occasion the committee would like to ask the Shire for the fees to be waived due to several factors,-

1. The organizing groups are “not for profit community organizations”
2. The event involves the whole community
3. Each church also donates slices and cakes etc., towards supper.

We will require the theatre from 6pm to approx 10pm on the 11th December and will need to use the kitchen facilities to serve supper.

All facilities will be left clean and tidy.

Thank you for your consideration to this matter and hoping to hear from you soon.

God bless from
Pastor Dennis Rayson
Balranald Presbyterian Church
Item C - 6 SPECIAL RATE VARIATION (SRV) – BUSINESS RATE MINERAL SANDS

File number: 130

Reporting Officer: Elizabeth White Director of Corporate and Community Development

Operational Plan Objective: Pillar Six: Our Leadership – 6.3.2 Provide good governance, prudent financial management and effective support services for all its activities.

Officer Recommendation:

That Council resolve to apply for a Special Rate Variation for Business Mineral Sands in the 2017/2018 Financial Year.

Purpose of Report
To advise Council of the process involved in applying for a special rate variation for Business rates mineral sands.

Report
Council does not currently have a classification in the Rating Structure for business rates mineral sands. The creation of a sub category should enable Council to increase the Notional Yield (Rating Income)

When Council’s Community Strategic Plan was developed, the previous management indicated there was no infrastructure backlog. Through the integrated planning and reporting development process and asset data base development, it has been clearly identified there is significant backlog, especially in the roads area.

Strategic Planning references:

Page 14: undertake key transport and energy infrastructure improvements. A community that maintains and strengthens its natural and built environment.

Page 19 2.1.2 Mining Plan Linkages – State Plan page 28 Goal 10

Increased rating income from Business rates mining would allow Council to address some of this backlog over a period of time.

In order to apply for the SRV, Council staff will be required to update the Delivery Program (4 year plan) and prepare the Long term Financial Plan (10 year plan) in two formats, one being status quo and one with additional rates included.
A media release will be prepared for general public comment, identifying that Council intends to raise the rating income from the mines only and that it will have no immediate impact on the general rates and is to be used for asset and infrastructure backlog.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Increase in Rates Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Implication</td>
<td>Section 508 (2) permanent Increase in rating income</td>
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<tr>
<td>Policy Implication</td>
<td>Nil</td>
</tr>
<tr>
<td>Attachments</td>
<td>Nil</td>
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</table>
Infrastructure and Development Reports

Item I – 1 BALRANALD WASTE DEPOT AGREEMENT
File number: 415

Reporting Officer: Director Infrastructure and Development – John Stevenson

Operational Plan Objective: Pillar 5 Our Infrastructure

Officer Recommendation:
Council extend the present Waste Depot Management agreement with Mr Peter Bourke for a period of three years subject to satisfactory performance, at the agreed existing remuneration.

Purpose of Report
To extend the previous Waste Depot Management agreement.

Report
Council is advised that the previous Balranald Waste Depot Management agreement has expired and the manager has submitted a request that he be granted a further 3 years under the same conditions as previously applied.

In view of the satisfactory service provided and the agreement, which can continue with the same responsibilities currently aligned with the manager, it is considered desirable that a further three year management term be offered.

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<tr>
<th>Financial Implication</th>
<th>Nil.</th>
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<tbody>
<tr>
<td>Legislative Implication</td>
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<td>Policy Implication</td>
<td>Nil.</td>
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<tr>
<td>Attachments</td>
<td>Nil.</td>
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</table>
Item I – 2  DA 03/2017 – UPGRADE EXISTING PUMP, INSTALL NEW PIPESLINES AND CONSTRUCT 600ML STORAGE DAM – WINDOMAL

File number: DA 03/2017

Reporting Officer: Director Infrastructure and Development – John Stevenson

Operational Plan Objective: Pillar 5 Our Infrastructure

Officer Recommendation:
Council consent to the installation of a new pump station, delivery pipeline with suction lines from the Murray River and storage dam on Lot 1675 DP 763439 “Windomal” via Balranald subject to the following conditions:

NSW Transport – Roads & Maritime Services
1) A port (red) lateral navigation marker in compliance with IALA System A, including day shape must be fixed to the top of the supporting pylon closest to the water's edge, so it can be seen by passing vessels.

2) No discharge (including sedimentary run-off) from the development should impact on the normal conditions of the adjacent river (in accordance with the Protection of the Environment Operations Act 1997).

NSW Primary Industries – Fisheries
3) 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.

4) 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.

5) 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.

6) 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.
7) 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.

8) Native vegetation (including trees such as River Red Gum, Black Box and River Coobah, 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.

9) Trees are not to be used for the tying up or securing of vessels. Reason – Continued use of trees for mooring can damage the bark of the tree and lead to its death.

10) The District Fisheries Officer at Deniliquin (Telephone: 03 5881 9928, Mobile: 0427 897 145, Fax: 03 5881 3719, Email: peter.heath@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 Office is aware that work on the river bank is about to commence.

11) 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.

12) The inlet to the suction pipe is to be fitted with a screen with a mesh not greater than 6mm. The screen is to be maintained and kept in place at all times whilst pumping is underway. Reason – To help prevent entrainment of fish and other aquatic biota.
WaterNSW

13) These General Terms of Approval (GTA) only apply to the activity described in the plans and associated documentation relating to DA 03/2017 as provided by Council:

i) Site Plan and/or surveys
ii) Structural design and specifications

Any amendments or modifications to the proposed activity may render these GTA invalid. If the proposal is amended or modified WaterNSW must be notified to determine if any variations to these GTA will be required.

14) Prior to the commencement of the proposal, the consent holder must obtain the appropriate approval or amend a current approval under the Water Management Act 2000 (WMA) from WaterNSW.

15) Any approval or amendment to an approval, will be subject to the rules and mandatory conditions required under the relevant Water Sharing Plan for the site and the policies determined by DPI Water and the State of New South Wales.

16) WaterNSW reserves the right to apply discretionary conditions to any approval granted, from time to time as required.

17) The consent holder must prepare or commission the preparation of:

i) A cultural heritage survey over the site for the proposed dam.
ii) Ground water information for the site of the proposed dam (ie: depth to watertable, including any information available for nearby bores or piezometers).
iii) Soil survey information and testing showing the suitability of the site and potential possible impacts of the storage.
iv) Design of storage dam for the site.

18) All plans and reports must be prepared by a suitably qualified person and submitted to WaterNSW for approval along with any application.

19) The consent holder must ensure that no materials or cleared vegetation that may

i) obstruct flow,
ii) wash into the waterbody, or
iii) cause damage to riverbanks;

are left on waterfront land other than in accordance with a plan approved by WaterNSW.

20) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by WaterNSW. These works and structures must be inspected and maintained throughout the construction period of the works and must not be removed until the site has been fully stabilised.
21) The consent holder must ensure that no excavation is undertaken other than in accordance with a plan approved by WaterNSW.

22) The consent holder must ensure that any excavation does not result in
   i) diversion of any river
   ii) bed or bank instability
   iii) damage to native vegetation within the area where the construction of the work will occur,
   other than in accordance with a plan approved by WaterNSW.

23) The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and works on or over the face of the bank, and do not cause erosion.

24) The consent holder may be required by any approval issued under the WMA by WaterNSW to maintain a riparian buffer zone of certain width.

25) The consent holder must ensure that any storage dam does not intercept the watertable and that any storage constructed does not lead to accessions to the watertable.

Balranald Shire Council

26) This consent does not imply approval for dwellings, accommodation structures, workshops or outbuildings. Separate applications for these structures must be lodged.

27) Any new access driveways off Council’s local roads must be constructed to the satisfaction of Council or its delegate and at the applicants full cost.

28) Should any identifiable artefacts, middens, burial sites or items of cultural / archaeological significance be encountered during the process of works all works must cease immediately and must not resume until a full study of the site(s) are undertaken by accredited persons under the guidance of representation of the NSW Office of Environment and Heritage.

**Purpose of Report**

To seek Council’s consent towards a development application from Price Merrett Consulting on behalf of Windomal Holdings Pty Ltd to upgrade an existing pump station with new pump system, suction lines and discharge pipe, and construction of a 600ML storage dam.

**Report**

Price Merrett Consulting seek consent towards this new pump station, pipeline and dam on Lot 1675 DP 763439, "Windomal" forming part of an irrigation network for proposed almond plantation development.
Minimal disturbance will be required to install the eight turbine pumps on the footprint of a previously disturbed pump site. Four (4) pylons will be driven into the bank to secure each suction line and minimal excavation is necessary.

The proposal fits within the requirements of the Balranald Local Environmental Plan 2010 Clause 3, that is, development in conjunction with intensive plant agriculture in an RU1 zone.

Western Land Commissioners consent has been provided along with specific conditional consent of other agencies. The application has been advertised and referred to adjoining land holders in accordance with the provisions of Section 88 of the Environmental Planning & Assessment Reg 2000. One adjoining land owner offered no objection except for a request that any diesel motors required on site be equipped with mufflers to restrict noise to acceptable dBA. Advice will be provided to this party that the proposed pumps are electric.

A detailed submission was received from Murray Valley Diverters. As this is an extensive document it is provided as an attachment. A late submission was also received from Ricegrowers’ Association of Australia Inc.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Nil.</th>
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<tr>
<td>Legislative Implication</td>
<td>Nil.</td>
</tr>
<tr>
<td>Policy Implication</td>
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</table>
| Attachments            | Attachment 1: Site Plan  
|                        | Attachment 2: Submission received from Murray Valley Private Diverters  
|                        | Attachment 3: Submission received from Ricegrowers’ Association of Australia Inc |
Attachment 1: Site Plan
Attachment 2: Submission received from Murray Valley Private Diverters

MURRAY VALLEY PRIVATE DIVERTERS

The General Manager
Balaranld Shire Council
PO Box 120
BALRANALD NSW 2715
Email: council@balranald.nsw.gov.au

Dear Sir/Madam

OBJECTION to Development Applications 03/2017 - ‘Windomal’
04/2017 - ‘Redgate’
05/2017 - ‘Canally’

The Murray Valley Private Diverters object to the above mentioned Integrated Development Applications submitted by Price Merrett Consulting Pty Ltd on behalf of Windomal Holdings Pty Ltd for approval and consent by Balranald Shire Council.

Background Context to objection.

The River Murray and its anabranches have a limited channel capacity to supply water without third party impacts of flooding or access to water for all users as documented in the lower Murray Darling Water Sharing Plan 2016. It is our understanding that this proposed development intends to access substantial volumes of water during what is already the ‘peak demand’ season within the system. October to February.

It appears that the volume of water capable of being pumped with this proposed development threatens the availability of water to be physically supplied, not just to themselves, but every water user within the NSW Murray system.

The impact on those with a history of reliable access to water, and therefore channel capacity share, is unacceptable.

Individual landholders and vertically integrated industries within the region, who have invested heavily in infrastructure based on their historical access to water, will potentially be profoundly impacted through any reduced access to water.

Land values for property with direct water frontage and access have recognised premium value due to the historic reliability of channel capacity and therefore access to water which could now be undermined as a result of this development if it proceeds.

It is assumed that the applicants have carried out their Due Diligence and at least spoken to Water NSW operators concerning the realities of being able to access water, both in the volumes they expect and at the time they require without negatively impacting existing water users.

Council has a responsibility to ensure they do not consent to a development where the developer assumes that consent for infrastructure is tantamount to a guarantee supply of...
water. DPI water and WaterNSW do not guarantee the ability to supply water as demanded, nor the quality of the water that is delivered.

It is also our understanding that this development owns limited volumes of permanent water, and proposes to rely heavily on the temporary trade market to access the required volumes of water - not insignificant volumes.

These developments have the capacity, as a single development, to inflate the value of water in the Murray Valley temporary market to such an extent that regional employment and the social configurations of the regional community will be altered irrevocably. This will have negative impacts regionally, well beyond the Balranald Shire Area.

Grounds of Objection

This proposed development has the potential for significantly negative social and economic impacts on the region as a whole and is not consistent with the Water Management Act 2000 No 92, nor the Murray Lower Darling Water Sharing Plan.

DA 03/2017, DA 04/2017 and 05/2017 are not consistent with the intent and guiding principles of:

1. The Water Management Act 2000 No 92 (The Act)

Chapter 2 Part 1

Division 1 Water management principles

5 Water management principles

(1) The principles set out in this section are the water management principles of this Act.

(2) Generally:

(g) the social and economic benefits to the community should be maximised, and

(4) In relation to water use:

(b) water use should be consistent with the maintenance of productivity of land in the long term and should maximise the social and economic benefits to the community, and

Of significance here is ‘maintenance of productivity’ where it currently exists.

(c) the impacts of water use on other water users should be avoided or minimised.

The potential impacts may be able to be mitigated through provision of on farm storage, so the applicant can be restricted to pumping water if lower demand periods - March to September, and store water on farm.

We note that according to the Water Management Act the Minister has the ability to impose any conditions seen as appropriate.

Water Management Act 2000 No 92
Chapter 3 Part 3 Division 2 Section 93

93 Objections to applications for approvals
(5) Before making a decision on an application for the approval in respect of which any objection has been made, the Minister must endeavour to resolve the issues raised by the objection by means of consultation with the applicant and the objector, with a view to reaching agreement on the matters raised by the objection.

(6) For the purpose of reaching such an agreement, the Minister may propose that the matters raised by the objection be dealt with by way of mediation or neutral evaluation involving an independent mediator or evaluator appointed by agreement between the applicant, the objector and the Minister.

(7) The costs of any such mediation or neutral evaluation are to be paid for by the Minister.

(8) An application or objection may be dismissed by the Minister if the applicant or objector, as the case may be, fails to participate in any mediation or neutral evaluation proceedings referred to in subsection (6).

Chapter 3 Part 3 Division 2 Section 96

96 Matters affecting consideration of applications

In considering whether or not to grant an approval, the Minister must take into account:
(a) such matters as are prescribed by the regulations, and
(b) such other matters as the Minister considers to be relevant.

Chapter 3 Part 3 Division 3

Division 3 Conditions and duration of approvals

100 Conditions of approval generally

(1) An approval is subject to such conditions as the Minister may from time to time impose:

(a) which must include such conditions as are required to be imposed on the approval by this Act or by any relevant management plan (mandatory conditions), and

(b) which may include such other conditions, such as:

(i) conditions to give effect to any agreement between an applicant and objector under section 93 (5), ......

as the Minister thinks fit (discretionary conditions).

Also of note is that The Act requires in its Core Provisions for Water Sharing Plans that form the basis of all Water Sharing Plans

Chapter 2 Part 3 Division 3 Section 23

23 Core provisions

The water use provisions of a management plan for a water management area must deal with the following matters.

(b) the identification of those uses and activities which have adverse impacts, including cumulative impact, on water sources or their dependent ecosystems or on other water users.
24 Additional provisions

The water use provisions of a management plan for a water management area may also deal with the following matters:

(b) prevention of off-site impacts of water use

(g) other measures to give effect to the water management principles and the objects of this Act.

The Minister clearly has the ability to place conditions on a consent to ensure the development is consistent with the Principles of the Act.

2. The Murray Lower Darling Water Sharing Plan

These proposed developments have the very real potential to undermine the existing regional economy.


Part 2 Clause 10

10 Economic objectives, strategies and performance indicators

(1) The economic objectives of this Plan are to:

(a) support viable and sustainable water dependent industries over the long term, and

(2) The economic strategies of this Plan are to:

(a) provide a stable and predictable framework for sharing water among individual licence holders and different categories of access licences, and

Specific Objections to DA 03/2017 'Windomal'

The Applicant has failed to provide Balranald Shire Council with adequate and accurate information on which to base an informed consent.

1. The Development Application

a. failed to acknowledge the need for assessment under the Water Management Act 2000 s89 s90 and s91.

b. failed to provide a declaration of Political Donations and Gifts as required under the Department of Planning's Guidelines for Development Applications.

2. The Proposal Pipeline and Storage Dam: Location Mapping

The maps showing the design and extent of the proposal are marked as 'Concept Plan Only' and conflict with each other on the location of pipelines as well as the proposed storage dam location, size and shape.

A set of final plans clearly showing the exact locations of the pipeline needs to be provided.
3. The Cultural Heritage Assessment - Appendix 3

The proponents have not included a copy of the Assessment, and instead only provided a letter stating that they (the proponents, Price Merrett’s Arthur Kirby and Phil Price) carried out an assessment on 21st April 2016 that was of the pump site only. This is grossly inadequate as excavation with a minimum 700mm cover over the pipeline is required to install the pipelines as referenced in the Statement of Environmental Effects page 7 and page 9 b (vi).

No account or recognition of the Heritage Act 1977 No. 136, s139 has been made. At this point the proposal made require an Excavation Permit for both the pipeline and water storage dam, yet no Cultural Heritage Assessment has been carried out to ascertain or locate any potential impacts on aboriginal sites.

A full survey of the proposed pipelines and the Farm Water Storage Dam needs to be completed and fully reported once the proponents have provided the final pipeline alignments and the location of the dam. This is the only way to validate that an Excavation Permit under the Heritage Act 1977 is not required.

Acknowledgement that the assessment of the dam site has not been done is included in the information provided, however the Proponent should be aware that just because a site has been historically cropped and have some surface disturbance does not mean that artefacts and burials are not present. It has not been excavated before.

4. The EP&A Regulations (Schedule 3) and the proposed Water Storage Dam.

We recognise that the proposal is outside the area for SEPP 52, however it may be a Designated Development. The proponent has only supplied an estimate that the dam has a 17 hectare footprint and hold about 800ML involving excavation and above ground construction.

4 Artificial waterbodies

1. Artificial waterbodies:

(a) that have a maximum aggregate surface area of water of more than 0.5 hectares located:

(i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or

(ii) in an area of high water table or acid sulphate, sodic or saline soils, or *(see Note 2)

(b) that have a maximum aggregate surface area of water of more than 20 hectares or

a maximum total water volume of more than 800 megalitres, or

(c) from which more than 30,000 cubic metres per year of material is to be removed.

* Note 2:

High Watertable means 'where the groundwater depth is less than 3 metres below the surface.'

Sodic soil means 'soil layers in the upper 2 metres of soil with an exchangeable sodium percentage of more than 8 percent'.

Saline soil means 'soil profiles or layers (within the upper 2 metres of soil) with an electrical conductivity of saturated extracts (ECe) value of more than 4 decisiemens per metre (dS/m)'.

In relation to (1) (a) (i) - the proposed dam is over 0.5 hectares.

- No soil tests have been provided to prove the soils are not saline or sodic and therefore a Designated Development.
- No evidence of any investigation or assessment of the water table has been done has been provided.
In relation to (1) (c) -

- no plans have supplied to demonstrate exactly the design size, shape and the cubic metres to be excavated and therefore potentially making it a designated development.

Council at this time has no valid basis to determine that the proposed water storage dam is not a Designated Development under the EP&A Regulations Schedule 3, and based on the information provided is in no position to approve this, even on proviso of the proponent later providing information.

5. No Water Use Approval

While we recognise that the Water Use Approval is not a Council process, we find it extraordinary that the proponent would enter into Councils Approval process without first gaining a Water Use Approval over the entire area to be watered from WaterNSW.

Any Council Approval does not mean the proposal can proceed. It must first obtain a Water Use Approval.

Specific Objections to 04/2017 'Redgate'

The Applicant has failed to provide Balranald Shire Council with adequate and accurate information on which to base an informed consent.

1. The Development Application

a. failed to acknowledge the need for assessment under the Water Management Act 2000 s69.

b. failed to provide a declaration of Political Donations and Gifts as required under the Department of Planning's Guidelines for Development Applications.

c. The DA states that is only a proposal to 'Upgrade Existing Irrigation Pump Site', which is misleading as the maps and Statement of Environmental Effects clearly include references to the 'proposed pipeline'.

2. The Proposal Pipeline Mapping

The maps showing the design and extent of the proposal are marked as 'Concept Plan Only' and conflict with each other on the location of pipelines.

A set of final plans clearly showing the exact locations of the pipeline needs to be provided.

3. The Cultural Heritage Assessment - Appendix 3

The proponents have not included a copy of the Assessment carried out by Barkindji Maraura Elders Environmental Team LTD (referenced page 18), and instead only provided a letter stating that they (the proponents Price Merrett's Arthur Kirby and Phil Price) carried out an assessment on 21st April 2016 that was of the pump site only. This is grossly inadequate as excavation is required to install the pipelines as referenced in the Statement of Environmental Effects page 7 and page 9 b (vi).

No account or recognition of the Heritage Act 1977 No 136, s139 has been made. At this point the proposal may require an Excavation Permit for the pipeline, yet no Cultural Heritage Assessment has been carried out to ascertain or locate any potential impacts on aboriginal sites.
A full survey of the proposed pipelines needs to be completed and fully reported once the proponents have provided the final pipeline locations. This is the only way to validate that an Excavation Permit under the Heritage Act 1977 is not required.

4. No Water Use Approval

While we recognise that the Water Use Approval is not a Council process, we find it extraordinary that the proponent would enter into Councils Approval process without first gaining a Water Use Approval over the entire area to be watered from WaterNSW.

Any Council Approval does not mean the proposal can proceed.

Specific Objections to 05/2017

The Applicant has failed to provide Balranald Shire Council with adequate and accurate information on which to base an informed consent.

1. The Development Application
   a. failed to acknowledge the need for assessment under the Water Management Act 2000 s89.
   b. failed to provide a declaration of Political Donations and Gifts as required under the Department of Planning’s Guidelines for Development Applications.

2. The Proposal Pipeline Mapping

The maps showing the design and extent of the proposal are marked as ‘Concept Plan Only’ and conflict with each other on the location of pipelines.

A set of final plans clearly showing the exact locations of the pipeline needs to be provided.

3. The Cultural Heritage Assessment - Appendix 3

The proponents have not included a copy of the Assessment carried out by Barkindji Maraura Elders Environmental Team LTD (referenced page 18), and instead only provided a letter stating that they (the proponents Price, Merrett’s Arthur Kirby and Phil Price) carried out an assessment on 21st April 2016 that was of the pump site only. This is grossly inadequate as excavation is required to install the pipelines as referenced in the Statement of Environmental Effects page 7 and page 9 b (v).

No account or recognition of the Heritage Act 1977 No 136. s139 has been made. At this point the proposal made require an Excavation Permit for both the pipeline, yet no Cultural Heritage Assessment has been carried out to ascertain or locate any potential impacts on aboriginal sites.

The identification of a cultural site on this inspection seems to be being significantly ignored. OEH should be notified and asked to provide advice about long term protection and management, particularly as excavation in the vicinity is required as part of the proposal.

A full survey of the proposed pipelines needs to be completed and fully reported once the proponents have provided the final pipeline alignments. This is the only way to validate that an Excavation Permit under the Heritage Act 1977 is not required.

4. No Water Use Approval

While we recognise that the Water Use Approval is not a Council process, we find it extraordinary that the proponent would enter into Councils Approval process without first gaining a Water Use Approval over the entire area to be watered from WaterNSW.
Any Council Approval does not mean the proposal can necessarily proceed.

Conclusion
Council has not been provided with adequate accurate information on which to make an informed decision.

Yours faithfully

Sally Dye
Contact for MVPD

These listed organisations have also requested I lodge this objection on their behalf as well.

Wakool River Association
Niemur Colligen Pumpers
Merran Creek Trust
Wakool Landholders Association
Southern Riverina Irrigators
Rice Growers Association
Lower Edward River Pumpers & Landholders
Attachment 3: Submission from Ricegrowers’ Association of Australia Inc

13 October 2015

The General Manager
Balranald Shire Council
PO Box 120
BALRANALD NSW 2715

Email: council@balranald.nsw.gov.au
(Please note original will not follow by post)

Dear Sir/Madam

OBJECTION TO DEVELOPMENT APPLICATIONS 03/2017 - ‘WINDOMAL’; 04/2017 - ‘REDGATE’; 05/2017 - ‘CANALY’

The Ricegrowers’ Association of Australia (RGA) represents the interests of 1500 voluntary member rice growers’ and industry supporters mainly located within the Murray and Murrumbidgee valleys of the NSW Riverina.

The RGA makes this objection on behalf of its respective members.

OBJECTION

Section 79C of the Environmental Planning and Assessment Act 1979 (NSW) provides that the Balranald Shire Council must consider, amongst other things, the following matters when determining a development application:

1. Any current or proposed environmental planning instrument, development control plan, current or draft planning agreement or regulations that apply to the land to which the development application relates.

The Balranald Shire Economic Development Strategy 2013 provides at section 1.4 that Council has prioritised five key project actions, one of those being to “promote agriculture opportunities and address water security”.

Specifically, section 1.4.2 provides that:

“A current trend is the expansion of high value irrigated horticultural production, which is underpinned by secure access to water from the Murray River. … Opportunities for further growth will be subject to ongoing secure access to water, and it is essential that certainty is provided to farmers and potential investors, particularly in light of the Draft Murray-Darling Basin Plan”

We understand however that the proposed developments do not provide for ongoing secure access to water, despite encompassing permanent plantings which require a significant volume of water regardless of the current climate. We consider the developments proposed reliance on the temporary water market, and hence insecurity of access to water, to be highly risky. In addition, we note that due to the location of the...
pump sites and the existing upstream water use, there may be restrictions to the ability of the applicant to access the water they require when they need to.

Nevertheless we trust that the Council will ensure that the Applicant completes the required due diligence regarding water supply issues.

2. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

3. The suitability of the site for the development

4. The public interest.

The RGA believes that these respective developments do not meet the requirements above, for the following reasons:

**Impact on reliability of access to water**

Our State and Federal Government has also recognised the importance of protecting the reliability of current irrigator’s access to water. We would hence expect our local government to also take this position.

The size of these developments, and in particular the size of the pumps servicing the developments, means that the take of water for the developments could have significant impacts on other water users within those valleys. This will be the case in particular during peak water demand periods, when the weather is very hot, and when water availability is very low.

The impact that reducing the reliability of access can have on the economic value of the impacted landholdings can be significant. Reliability is important to the productivity of the landholdings. By reducing the reliability of access, the landholders’ ability to produce the best crops for their farm system may be reduced. This is particularly true as irrigation practices moves towards achieving improved water efficiencies, generally through having the ability to move water on and around the landholder quickly.

Favouring one irrigation business to the detriment of other local irrigation businesses is a very risky practice, especially if the favoured business in the end is unsuccessful. In this instance, this risk is compounded by the fact that the business in question focuses on developing permanent plantings in a relatively low rainfall zone subject to climate extremes. We have seen instances over the past decade where those with permanent plantings have had to watch their trees die due to lack of water availability and/or environmental degradation. We understand that the Applicant does not intend to hold permanent entitlement but rather general security entitlement for the purpose of the developments. The proven unreliability of general security water further compounds this risk.

**Environmental impacts**

The RGA trusts that the appropriate Water Use Approvals are sought for the irrigation at these developments. This is a requirement for all irrigated land in NSW and if the respective soils are deemed to be inappropriate for irrigation, then the RGA reminds the council that the Applicant must comply with this decision.

The RGA believes that the Water Use Approval licensing system has been developed to protect the environment from long term environmental damage, and in particular where there are unsuitable soils, to protect this land from the impacts of salinity. Through experience we have learnt that these soil types cannot handle irrigation over a significant period of time will generally become impacted by salinity and hence unproductive and unusable after a number of years.

**Other Economic and Social Impacts**
Any council investment in these developments would be subject to the same level of risk as the development itself, and the Council must hence question whether this is an appropriate investment, and what are the impacts for the Council if the developments are not successful.

The Council must also question the likely impacts of the Applicant’s reliance on the temporary water market for other local water users. Considering the significant amount of water the Applicant intends to purchase from the water market, other local irrigators may be priced out of the market, or otherwise have the viability of their businesses impacted. As you will well be aware, when the viability of local irrigation businesses is reduced, local communities in turn face negative social and economic impacts, as has been demonstrated by the Murray-Darling Basin Plan.

The RGA thanks the Balranald Shire Council for the opportunity to object to these Development Applications.

Yours Sincerely

Jeremy Morton
RGA President
Item I – 3  DA 04/2017 – UPGRADE EXISTING PUMP AND INSTALL NEW PIPELINES - REDGATE

File number: DA 04/2017

Reporting Officer: Director Infrastructure and Development – John Stevenson

Operational Plan Objective: Pillar 5 Our Infrastructure

Officer Recommendation:
Council consent to the installation of a new pump station and delivery pipeline, with suction lines from the Murrumbidgee River on Lot 1672 DP 763440 "Redgate" via Balranald subject to the following conditions:

NSW Transport – Roads & Maritime Services
1) A starboard (green) lateral navigation marker in compliance with IALA System A, including day shape must be fixed to the top of the supporting pylon closest to the water’s edge, so it can be seen by passing vessels.

2) No discharge (including sedimentary run-off) from the development should impact on the normal conditions of the adjacent river (in accordance with the Protection of the Environment Operations Act 1997).

NSW Primary Industries – Fisheries
3) 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.

4) 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.

5) 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.

6) 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.

7) 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.

8) Native vegetation (including trees such as River Red Gum, Black Box and River Coobah, 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.

9) Trees are not to be used for the tying up or securing of vessels. **Reason** – Continued use of trees for mooring can damage the bark of the tree and lead to its death.

10) The District Fisheries Officer at Deniliquin (Telephone: 03 5881 9928, Mobile: 0427 897 145, Fax: 03 5881 3719, Email: peter.heath@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 Office is aware that work on the river bank is about to commence.

11) 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.

12) The inlet to the suction pipe is to be fitted with a screen with a mesh not greater than 6mm. The screen is to be maintained and kept in place at all times whilst pumping is underway. **Reason** – To help prevent entrainment of fish and other aquatic biota.

WaterNSW

13) These General Terms of Approval (GTA) only apply to the activity described in the plans and associated documentation relating to DA 04/2017 as provided by Council:

   i) Site Plan and/or surveys
   ii) Structural design and specifications

Any amendments or modifications to the proposed activity may render these GTA invalid. If the proposal is amended or modified WaterNSW must be
14) Prior to the commencement of the proposal, the consent holder must obtain the appropriate approval or amend a current approval under the Water Management Act 2000 (WMA) from WaterNSW.

15) Any approval or amendment to an approval, will be subject to the rules and mandatory conditions required under the relevant Water Sharing Plan for the site and the policies determined by DPI Water and the State of New South Wales.

16) WaterNSW reserves the right to apply discretionary conditions to any approval granted, from time to time as required.

17) The approval holder must reinstate waterfront land affected by the carrying out of the proposal in accordance with a plan or design approved by WaterNSW.

18) The approval holder must not locate access-ways, within the riparian corridor other than in accordance with a plan approved by WaterNSW.

19) The approval holder must apply for a flood work approval for any access-way that may exceed 150mm above natural surface level, when within a floodway.

20) The consent holder must ensure that no materials or cleared vegetation that may
   i. obstruct flow,
   ii. wash into the waterbody, or
   iii. cause damage to riverbanks;
   are left on waterfront land other than in accordance with a plan approved by WaterNSW.

21) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by WaterNSW. These works and structures must be inspected and maintained throughout the construction period of the works and must not be removed until the site has been fully stabilised.

22) The consent holder must ensure that no excavation is undertaken other than in accordance with a plan approved by WaterNSW.

23) The consent holder must ensure that any excavation does not result in
   i) diversion of any river
   ii) bed or bank instability
   iii) damage to native vegetation with in the area where the construction of the work will occur,
   other than in accordance with a plan approved by WaterNSW.

24) The approval holder must ensure that
   i) river diversion, realignment or alteration does not result from the approval and
   ii) bank control or protection works maintain the existing river hydraulic and
geomorphic functions.

25) The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and works on or over the face of the bank, and do not cause erosion.

26) The consent holder may be required by any approval issued under the WMA by WaterNSW to maintain a riparian buffer zone of certain width.

Balranald Shire Council

27) This consent does not imply approval for dwellings, accommodation structures, workshops or outbuildings. Separate applications for these structures must be lodged.

28) Any new access driveways off Council’s local roads must be constructed to the satisfaction of Council or its delegate and at the applicants full cost.

29) Should any identifiable artefacts, middens, burial sites or items of cultural / archaeological significance be encountered during the process of works all works must cease immediately and must not resume until a full study of the site(s) are undertaken by accredited persons under the guidance of representation of the NSW Office of Environment and Heritage.

**Purpose of Report**

To seek Council's consent towards a development application from Price Merrett Consulting on behalf of Windomal Holdings Pty Ltd to upgrade an existing pump station with new pump system, suction lines and discharge pipe on Redgate.

**Report**

Price Merrett Consulting seek consent towards this new pump station on Lot 1672 DP 763440, “Redgate” forming part of an irrigation network for proposed almond plantation development.

Minimal disturbance will be required to install the five pumps on the footprint of a previously disturbed pump site. Three (3) pylons will be driven into the bank to secure each of the suction lines and minimal excavation is necessary.

The proposal fits within the requirements of the Balranald Local Environmental Plan 2010 Clause 3, that is, development in conjunction with intensive plant agriculture in an RU1 zone.

Western Land Commissioners consent has been provided along with specific conditional consent of other agencies. The application has been advertised and referred to adjoining land holders in accordance with the provisions of Section 88 of the Environmental Planning & Assessment Reg 2000. A detailed
submission was received from Murray Valley Diverters. As this is an extensive document it is provided as an attachment. A late submission was also received from Ricegrowers’ Association of Australia Inc.

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<thead>
<tr>
<th>Financial Implication</th>
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<td>Policy Implication</td>
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Attachment 1: Site Plan

Attachment 2: Submission received from Murray Valley Private Diverters
MURRAY VALLEY PRIVATE DIVERTERS

'Murgha'
DENILUQUIN NSW 2710
dye@burternet.com.au

The General Manager
Balranald Shire Council
PO Box 120
BALRANALD NSW 2715
Email: council@balranald.nsw.gov.au 03 October 2015

Dear Sir/Madam

**OBJECTION to Development Applications**
03/2017 - 'Windomai'
04/2017 - 'Redgate'
05/2017 - 'Canally'

The Murray Valley Private Diversiders object to the above mentioned Integrated Development Applications submitted by Price Merrett Consulting Pty Ltd on behalf of Windomai Holdings Pty Ltd for approval and consent by Balranald Shire Council.

Background Context to objection.

The River Murray and its anabranched have a limited channel capacity to supply water without third party impacts of flooding or access to water for all users as documented in the lower Murray Darling Water Sharing Plan 2010.

It is our understanding that this proposed development intends to access substantial volumes of water during what is already the ‘peak demand’ season within the system: October to February.

It appears that the volume of water capable of being pumped with this proposed development threatens the availability of water to be physically supplied, not just to themselves, but every water user within the NSW Murray system.

The impact on those with a history of reliable access to water, and therefore channel capacity share, is unacceptable.

Individual landholders and vertically integrated industries within the region, who have invested heavily in infrastructure based on their historical access to water, will potentially be profoundly impacted through any reduced access to water.

Land values for property with direct water frontage and access have recognised premium value due to the historic reliability of channel capacity and therefore access to water which could now be undermined as a result of this development if it proceeds.

It is assumed that the applicants have carried out their Due Diligence and at least spoken to Water NSW operators concerning the realities of being able to access water, both in the volumes they expect and at the time they require without negatively impacting existing water users.

Council has a responsibility to ensure they do not consent to a development where the developer assumes that consent for infrastructure is tantamount to a guarantee supply of...
This proposed development has the potential for significantly negative social and economic impacts on the region as a whole and is not consistent with the Water Management Act 2000 No 92, nor the Murray Lower Darling Water Sharing Plan.

DA 03/2017, DA 04/2017 and 05/2017 are not consistent with the intent and guiding principles of:

1. The Water Management Act 2000 No 92 (The Act)

Chapter 2 Part 1

Division 1 Water management principles

5 Water management principles

(1) The principles set out in this section are the water management principles of this Act.

(2) Generally:

(g) the social and economic benefits to the community should be maximised, and

(4) in relation to water use:

(b) water use should be consistent with the maintenance of productivity of land in the long term and should maximise the social and economic benefits to the community, and

Of significance here is ‘maintenance of productivity’ where it currently exists.

(c) the impacts of water use on other water users should be avoided or minimised.

The potential impacts may be able to be mitigated through provision of on farm storage, so the applicant can be restricted to pumping water if lower demand periods- March to September, and store water on farm.

We note that according to the Water Management Act the Minister has the ability to impose any conditions seen as appropriate.

Water Management Act 2000 No 92
Chapter 3 Part 3 Division 2 Section 93

93 Objections to applications for approvals
(5) Before making a decision on an application for the approval in respect of which any objection has been made, the Minister must endeavour to resolve the issues raised by the objection by means of consultation with the applicant and the objector, with a view to reaching agreement on the matters raised by the objection.

(6) For the purpose of reaching such an agreement, the Minister may propose that the matters raised by the objection be dealt with by way of mediation or neutral evaluation involving an independent mediator or evaluator appointed by agreement between the applicant, the objector and the Minister.

(7) The costs of any such mediation or neutral evaluation are to be paid for by the Minister.

(8) An application or objection may be dismissed by the Minister if the applicant or objector, as the case may be, fails to participate in any mediation or neutral evaluation proceedings referred to in subsection (6).

Chapter 3 Part 3 Division 2 Section 96

96 Matters affecting consideration of applications

In considering whether or not to grant an approval, the Minister must take into account:

(a) such matters as are prescribed by the regulations, and

(b) such other matters as the Minister considers to be relevant.

Chapter 3 Part 3 Division 3

Division 3 Conditions and duration of approvals

100 Conditions of approval generally

(1) An approval is subject to such conditions as the Minister may from time to time impose:

(a) which must include such conditions as are required to be imposed on the approval by this Act or by any relevant management plan (mandatory conditions), and

(b) which may include such other conditions, such as:

(i) conditions to give effect to any agreement between an applicant and objector under section 93 (5), ......

as the Minister thinks fit (discretionary conditions).

Also of note is that The Act requires in its Core Provisions for Water Sharing Plans that form the basis of all Water Sharing Plans

Chapter 2 Part 3 Division 3 Section 23

23 Core provisions

The water use provisions of a management plan for a water management area must deal with the following matters.

(b) the identification of those uses and activities which have adverse impacts, including cumulative impact, on water sources or their dependent ecosystems or on other water users.
Chapter 2 Part 3 Division 3 Section 24

24 Additional provisions

The water use provisions of a management plan for a water management area may also deal with the following matters:

(b) prevention of off-site impacts of water use,

(g) other measures to give effect to the water management principles and the objects of this Act,

The Minister clearly has the ability to place conditions on a consent to ensure the development is consistent with the Principles of the Act.

2. The Murray Lower Darling Water Sharing Plan

These proposed developments have the very real potential to undermine the existing regional economy.


Part 2 Clause 10

10 Economic objectives, strategies and performance indicators

(1) The economic objectives of this Plan are to:

(a) support viable and sustainable water dependent industries over the long term, and

(2) The economic strategies of this Plan are to:

(a) provide a stable and predictable framework for sharing water among individual licence holders and different categories of access licences, and

Specific Objections to DA 03/2017 'Windomal'

The Applicant has failed to provide Balranald Shire Council with adequate and accurate information on which to base an informed consent.

1. The Development Application

a. failed to acknowledge the need for assessment under the Water Management Act 2000 s89 s90 and s91.

b. failed to provide a declaration of Political Donations and Gifts as required under the Department of Planning's Guidelines for Development Applications.

2. The Proposal Pipeline and Storage Dam Location Mapping

The maps showing the design and extent of the proposal are marked as 'Concept Plan Only' and conflict with each other on the location of pipelines as well as the proposed storage dam location, size and shape.

A set of final plans clearly showing the exact locations of the pipeline needs to be provided.
3. The Cultural Heritage Assessment - Appendix 3

The proponents have not included a copy of the Assessment, and instead only provided a letter stating that they (the proponents: Price Merrett’s Arthur Kirby and Phil Price) carried out an assessment on 21st April 2016 that was of the pump site only. This is grossly inadequate as excavation with a minimum 700mm cover over the pipeline is required to install the pipelines as referenced in the Statement of Environmental Effects page 7 and page 9 b (vi).

No account or recognition of the Heritage Act 1977 No 136, s139 has been made. At this point the proposal made require an Excavation Permit both for the pipeline and water storage dam, yet no Cultural Heritage Assessment has been carried out to ascertain or locate any potential impacts on aboriginal sites.

A full survey of the proposed pipelines and the Farm Water Storage Dam needs to be completed and fully reported once the proponents have provided the final pipeline alignments and the location of the dam. This is the only way to validate that an Excavation Permit under the Heritage Act 1977 is not required.

Acknowledgement that the assessment of the dam site has not been done is included in the information provided, however the Proponent should be aware that just because a site has been historically cropped and have some surface disturbance does not mean that artefacts and burials are not present. It has not been excavated before.

4. The EP&AA Regulations (Schedule 3) and the proposed Water Storage Dam.

We recognise that the proposal is outside the area for SEPP 52, however it may be a Designated Development. The proponent has only supplied an estimate that the dam has a ‘17 hectare footprint and holds about 900ML involving excavation and above ground construction.

4. Artificial waterbodies

(a) that have a maximum aggregate surface area of water of more than 0.5 hectares located:
   (i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or
   (ii) in an area of high water table or acid sulphate, sodic or saline soils, or *(see Note 2)

(b) that have a maximum aggregate surface area of water of more than 20 hectares or a maximum total water volume of more than 800 megalitres, or

(c) from which more than 30,000 cubic metres per year of material is to be removed.

* Note 2:
   High Watertable means 'where the groundwater depth is less than 3 metres below the surface.'
   Sodic soil means 'soil layers in the upper 2 metres of soil with an exchangeable sodium percentage of more than 8 percent'.
   Saline soil means 'soil profiles or layers (within the upper 2 metres of soil) with an electrical conductivity of saturated extracts (Ece) value of more than 4 decisemens per metre (Dsm)'

In relation to (1) (a) (i) - the proposed dam is over 0.5 hectares.
- No soil tests have been provided to prove the soils are not saline or sodic and therefore a Designated Development.
- No evidence of any investigation or assessment of the watertable has been done has been provided.
In relation to (1) (c) -

- no plans have been supplied to demonstrate exactly the design size, shape and the cubic metres to be excavated and therefore potentially making it a designated development.

Council at this time has no valid basis to determine that the proposed water storage dam is not a Designated Development under the EP&A Regulations Schedule 3, and based on the information provided is in no position to approve this, even on proviso of the proponent later providing information.

5. No Water Use Approval

While we recognise that the Water Use Approval is not a Council process, we find it extraordinary that the proponent would enter into Council's Approval process without first gaining a Water Use Approval over the entire area to be watered from WaterNSW.

Any Council Approval does not mean the proposal can proceed. It must first obtain a Water Use Approval.

Specific Objections to 04/2017 'Redgate'

The Applicant has failed to provide Balranald Shire Council with adequate and accurate information on which to base an informed consent.

1. The Development Application

a. failed to acknowledge the need for assessment under the Water Management Act 2000 s89.

b. failed to provide a declaration of Political Donations and Gifts as required under the Department of Planning's Guidelines for Development Applications.

C. The DA states that is only a proposal to 'Upgrade Existing Irrigation Pump Site', which is misleading as the maps and Statement of Environmental Effects clearly include references to the 'proposed pipeline'.

2. The Proposal Pipeline Mapping

The maps showing the design and extent of the proposal are marked as 'Concept Plan Only' and conflict with each other on the location of pipelines.

A set of final plans clearly showing the exact locations of the pipeline needs to be provided.

3. The Cultural Heritage Assessment - Appendix 3

The proponents have not included a copy of the Assessment carried out by Barkindji Maraura Elders Environmental Team LTD (referenced page 18), and instead only provided a letter stating that they (the proponents Price Merret's Arthur Kirby and Phil Price) carried out an assessment on 21st April 2016 that was of the pump site only. This is grossly inadequate as excavation is required to install the pipelines as referenced in the Statement of Environmental Effects page 7 and page 9 b (vi).

No account or recognition of the Heritage Act 1977 No 136, s139 has been made. At this point the proposal may require an Excavation Permit for the pipeline, yet no Cultural Heritage Assessment has been carried out to ascertain or locate any potential impacts on aboriginal sites.
A full survey of the proposed pipelines needs to be completed and fully reported once the proponents have provided the final pipeline locations. This is the only way to validate that an Excavation Permit under the Heritage Act 1977 is not required.

4. No Water Use Approval

While we recognise that the Water Use Approval is not a Council process, we find it extraordinary that the proponent would enter into Councils Approval process without first gaining a Water Use Approval over the entire area to be watered from WaterNSW.

Any Council Approval does not mean the proposal can proceed.

**Specific Objections to 05/2017**

The Applicant has failed to provide Balranald Shire Council with adequate and accurate information on which to base an informed consent.

1. The Development Application
   a. failed to acknowledge the need for assessment under the Water Management Act 2000 s89.
   b. failed to provide a declaration of Political Donations and Gifts as required under the Department of Planning’s Guidelines for Development Applications.

2. The Proposal Pipeline Mapping

The maps showing the design and extent of the proposal are marked as ‘Concept Plan Only’ and conflict with each other on the location of pipelines.

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No account or recognition of the Heritage Act 1977 No 136, s139 has been made. At this point the proposal made require an Excavation Permit for both the pipeline, yet no Cultural Heritage Assessment has been carried out to ascertain or locate any potential impacts on aboriginal sites.

The identification of a cultural site on this inspection seems to be being significantly ignored. OEH should be notified and asked to provide advice about long term protection and management, particularly as excavation in the vicinity is required as part of the proposal.

A full survey of the proposed pipelines needs to be completed and fully reported once the proponents have provided the final pipeline alignments. This is the only way to validate that an Excavation Permit under the Heritage Act 1977 is not required.

4. No Water Use Approval

While we recognise that the Water Use Approval is not a Council process, we find it extraordinary that the proponent would enter into Councils Approval process without first gaining a Water Use Approval over the entire area to be watered from WaterNSW.
Any Council Approval does not mean the proposal can necessarily proceed.

Conclusion
Council has not been provided with adequate accurate information on which to make an informed decision.

Yours faithfully

Sally Dye
Contact for MVPD

These listed organisations have also requested I lodge this objection on their behalf as well.

Wakool River Association
Niemur Colligen Pumpers
Merran Creek Trust
Wakool Landholders Association
Southern Riverina Irrigators
Rice Growers Association
Lower Edward River Pumpers & Landholders
Attachment 3: Submission from Ricegrowers’ Association of Australia Inc

15 October 2016

The General Manager
Balranald Shire Council
PO Box 120
BALRANALD NSW 2715

Email: council@balranald.nsw.gov.au
(Please note original will not follow by post)

Dear Sir/Madam

OBJECTION TO DEVELOPMENT APPLICATIONS 03/2017 - 'WINDOMAL'; 04/2017 - 'REDGATE'; 05/2017 - 'CANALLY'

The Ricegrowers’ Association of Australia (RGA) represents the interests of 1500 voluntary member rice growers’ and industry supporters mainly located within the Murray and Murrumbidgee valleys of the NSW Riverina.

The RGA makes this objection on behalf of its respective members.

OBJECTION

Section 79C of the Environmental Planning and Assessment Act 1979 (NSW) provides that the Balranald Shire Council must consider, amongst other things, the following matters when determining a development application:

1. Any current or proposed environmental planning instrument, development control plan, current or draft planning agreement or regulations that apply to the land to which the development application relates

The Balranald Shire Economic Development Strategy 2013 provides at section 1.4 that Council has prioritised five key project actions, one of those being to “promote agriculture opportunities and address water security”.

Specifically, section 1.4.2 provides that:

“A current trend is the expansion of high value irrigated horticultural production, which is underpinned by secure access to water from the Murray River. … Opportunities for further growth will be subject to ongoing secure access to water, and it is essential that certainty is provided to farmers and potential investors, particularly in light of the Draft Murray-Darling Basin Plan.”

We understand however that the proposed developments do not provide for ongoing secure access to water, despite encompassing permanent plantings which require a significant volume of water regardless of the current climate. We consider the developments proposed reliance on the temporary water market, and hence insecurity of access to water, to be highly risky. In addition, we note that due to the location of the
pump sites and the existing upstream water use, there may be restrictions to the ability of the applicant to access the water they require when they need to.

Nevertheless we trust that the Council will ensure that the Applicant completes the required due diligence regarding water supply issues.

2. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

3. The suitability of the site for the development

4. The public interest.

The RGA believes that these respective developments do not meet the requirements above, for the following reasons:

Impact on reliability of access to water

Our State and Federal Government has also recognised the importance of protecting the reliability of current irrigator’s access to water. We would hence expect our local government to also take this position.

The size of these developments, and in particular the size of the pumps servicing the developments, means that the take of water for the developments could have significant impacts on other water users within those valleys. This will be the case in particular during peak water demand periods, when the weather is very hot, and when water availability is very low.

The impact that reducing the reliability of access can have on the economic value of the impacted landholdings can be significant. Reliability is important to the productivity of the landholdings. By reducing the reliability of access, the landholders’ ability to produce the best crops for their farm system may be reduced. This is particularly true as irrigation practices moves towards achieving improved water efficiencies, generally through having the ability to move water on and around the landholder quickly.

Favouring one irrigation business to the detriment of other local irrigation businesses is a very risky practice, especially if the favoured business in the end is unsuccessful. In this instance, this risk is compounded by the fact that the business in question focuses on developing permanent plantings in a relatively low rainfall zone subject to climate extremes. We have seen instances over the past decade where those with permanent plantings have had to watch their trees die due to lack of water availability and/or environmental degradation. We understand that the Applicant does not intend to hold permanent entitlement but rather general security entitlement for the purpose of the developments. The proven unreliability of general security water further compounds this risk.

Environmental impacts

The RGA trusts that the appropriate Water Use Approvals are sought for the irrigation at these developments. This is a requirement for all irrigated land in NSW and if the respective soils are deemed to be inappropriate for irrigation, then the RGA reminds the council that the Applicant must comply with this decision.

The RGA believes that the Water Use Approval licencing system has been developed to protect the environment from long term environmental damage, and in particular where there are unsuitable soils, to protect this land from the impacts of salinity. Through experience we have learnt that these soil types cannot handle irrigation over a significant period of time will generally become impacted by salinity and hence unproductive and unusable after a number of years.

Other Economic and Social Impacts
Any council investment in these developments would be subject to the same level of risk as the development itself, and the Council must hence question whether this is an appropriate investment, and what are the impacts for the Council if the developments are not successful.

The Council must also question the likely impacts of the Applicant’s reliance on the temporary water market for other local water users. Considering the significant amount of water the Applicant intends to purchase from the water market, other local irrigators may be priced out of the market, or otherwise have the viability of their businesses impacted. As you will well be aware, when the viability of local irrigation businesses is reduced, local communities in turn face negative social and economic impacts, as has been demonstrated by the Murray Darling Basin Plan.

The RGA thanks the Balranald Shire Council for the opportunity to object to these Development Applications.

Yours Sincerely

Jeremy Morton
RGA President
Item I – 4 DA 05/2017 – UPGRADE EXISTING PUMP AND INSTALL NEW PIPELINES - CANALLY

File number: DA 05/2017

Reporting Officer: Director Infrastructure and Development – John Stevenson

Operational Plan Objective: Pillar 5 Our Infrastructure

Officer Recommendation:
Council consent to the installation of a new pump station and delivery pipeline, with suction lines from the Murrumbidgee River on Lot 1670 DP 763438 “Canally” via Balranald subject to the following conditions:

NSW Transport – Roads & Maritime Services

1) A starboard (green) lateral navigation marker in compliance with IALA System A, including day shape must be fixed to the top of the supporting pylon closest to the water’s edge, so it can be seen by passing vessels.

2) No discharge (including sedimentary run-off) from the development should impact on the normal conditions of the adjacent river (in accordance with the Protection of the Environment Operations Act 1997).

NSW Primary Industries – Fisheries

3) 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.

4) 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.

5) 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.

6) 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.

7) 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.

8) Native vegetation (including trees such as River Red Gum, Black Box and River Coobah, 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.

9) Trees are not to be used for the tying up or securing of vessels. Reason – Continued use of trees for mooring can damage the bark of the tree and lead to its death.

10) The District Fisheries Officer at Deniliquin (Telephone: 03 5881 9928, Mobile: 0427 897 145, Fax: 03 5881 3719, Email: peter.heath@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 Office is aware that work on the river bank is about to commence.

11) 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.

12) The inlet to the suction pipe is to be fitted with a screen with a mesh not greater than 6mm. The screen is to be maintained and kept in place at all times whilst pumping is underway. Reason – To help prevent entrainment of fish and other aquatic biota.

WaterNSW

13) These General Terms of Approval (GTA) only apply to the activity
described in the plans and associated documentation relating to DA 05/2017 as provided by Council:
   iii) Site Plan and/or surveys
   iv) Structural design and specifications

Any amendments or modifications to the proposed activity may render these GTA invalid. If the proposal is amended or modified WaterNSW must be notified to determine if any variations to these GTA will be required.

14) Prior to the commencement of the proposal, the consent holder must obtain the appropriate approval or amend a current approval under the Water Management Act 2000 (WMA) from WaterNSW.

15) Any approval or amendment to an approval, will be subject to the rules and mandatory conditions required under the relevant Water Sharing Plan for the site and the policies determined by DPI Water and the State of New South Wales.

16) WaterNSW reserves the right to apply discretionary conditions to any approval granted, from time to time as required.

17) The approval holder must reinstate waterfront land affected by the carrying out of the proposal in accordance with a plan or design approved by WaterNSW.

18) The approval holder must not locate access-ways, within the riparian corridor other than in accordance with a plan approved by WaterNSW.

19) The approval holder must apply for a flood work approval for any access-way that may exceed 150mm above natural surface level, when within a floodway.

20) The consent holder must ensure that no materials or cleared vegetation that may
   iv) obstruct flow,
   v) wash into the waterbody, or
   vi) cause damage to riverbanks;

   are left on waterfront land other than in accordance with a plan approved by WaterNSW.

21) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by WaterNSW. These works and structures must be inspected and maintained throughout the construction period of the works and must not be removed until the site has been fully stabilised.

22) The consent holder must ensure that no excavation is undertaken other than in accordance with a plan approved by WaterNSW.

23) The consent holder must ensure that any excavation does not result in
   iv) diversion of any river
   v) bed or bank instability
vi) damage to native vegetation within the area where the
construction of the work will occur,
other than in accordance with a plan approved by WaterNSW.

24) The approval holder must ensure that

   iii) river diversion, realignment or alteration does not result from
       the approval and

   iv) bank control or protection works maintain the existing river
       hydraulic and geomorphic functions.

25) The consent holder must ensure that the surfaces of river banks are
    graded to enable the unobstructed flow of water and works on or over
    the face of the bank, and do not cause erosion.

26) The consent holder may be required by any approval issued under the
    WMA by WaterNSW to maintain a riparian buffer zone of certain width.

Balranald Shire Council

27) This consent does not imply approval for dwellings, accommodation
    structures, workshops or outbuildings. Separate applications for these
    structures must be lodged.

28) Any new access driveways off Council’s local roads must be
    constructed to the satisfaction of Council or its delegate and at the
    applicants full cost.

29) Should any identifiable artefacts, middens, burial sites or items of
    cultural / archaeological significance be encountered during the
    process of works all works must cease immediately and must not
    resume until a full study of the site(s) are undertaken by accredited
    persons under the guidance of representation of the NSW Office of
    Environment and Heritage.

Purpose of Report
To seek Council's consent towards a development application from Price
Merrett Consulting on behalf of Windomal Holdings Pty Ltd to upgrade an
existing pump station with new pump system, suction lines and discharge pipe
on Canally.

Report
Price Merrett Consulting seek consent towards this new pump station on Lot
1670 DP 763438, “Canally” forming part of an irrigation network for proposed
almond plantation development.

Minimal disturbance will be required to install the pumps on the footprint of a
previously disturbed pump site. Three (3) pylons will be driven into the bank to
secure the suction lines and minimal excavation is necessary.
The proposal fits within the requirements of the Balranald Local Environmental Plan 2010 Clause 3, that is, development in conjunction with intensive plant agriculture in an RU1 zone.

Western Land Commissioners consent has been provided along with specific conditional consent of other agencies. The application has been advertised and referred to adjoining land holders in accordance with the provisions of Section 88 of the Environmental Planning & Assessment Reg 2000. A detailed submission was received from Murray Valley Divers. As this is an extensive document it is provided as an attachment. A late submission was also received from Ricegrowers’ Association of Australia Inc.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Nil.</th>
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<td>Legislative Implication</td>
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<tr>
<td>Policy Implication</td>
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| Attachments | Attachment 1: Site Plan  
Attachment 2: Submission received from Murray Valley Private Divers  
Attachment 3: Submission received from Ricegrowers’ Association of Australia Inc |
Attachment 1: Site Plan

Attachment 2: Submission received from Murray Valley Private Diverters
Murray Valley Private Diversers

'Murgha'
DENILIQUIN NSW 2710
dye@bordernet.com.au

The General Manager
Balranald Shire Council
PO Box 120
BALRANALD NSW 2715
Email: council@balranald.nsw.gov.au

03 October 2016

Dear Sir/Madam

OBJECTION to Development Applications 03/2017 - 'Windomal'
04/2017 - 'Redgate'
05/2017 - 'Canally'

The Murray Valley Private Diversers object to the above mentioned Integrated Development Applications submitted by Price Merrett Consulting Pty Ltd on behalf of Windomal Holdings Pty Ltd for approval and consent by Balranald Shire Council.

Background Context to objection.

The River Murray and its anabranches have a limited channel capacity to supply water without third party impacts of flooding or access to water for all users as documented in the lower Murray Darling Water Sharing Plan 2010.

It is our understanding that this proposed development intends to access substantial volumes of water during what is already the 'peak demand' season within the system- October to February.

It appears that the volume of water capable of being pumped with this proposed development threatens the availability of water to be physically supplied, not just to themselves, but every water user within the NSW Murray system.

The impact on those with a history of reliable access to water, and therefore channel capacity share, is unacceptable.

Individual landholders and vertically integrated industries within the region, who have invested heavily in infrastructure based on their historical access to water, will potentially be profoundly impacted through any reduced access to water.

Land values for property with direct water frontage and access have recognised premium value due to the historic reliability of channel capacity and therefore access to water which could now be undermined as a result of this development if it proceeds.

It is assumed that the applicants have carried out their Due Diligence and at least spoken to Water NSW operators concerning the realities of being able to access water, both in the volumes they expect and at the time they require without negatively impacting existing water users.

Council has a responsibility to ensure they do not consent to a development where the developer assumes that consent for infrastructure is tantamount to a guarantee supply of
water. DPI water and WaterNSW do not guarantee the ability to supply water as demanded, nor the quality of the water that is delivered.

It is also our understanding that this development owns limited volumes of permanent water, and proposes to rely heavily on the temporary trade market to access the required volumes of water - not insignificant volumes.

These developments have the capacity, as a single development, to inflate the value of water in the Murray Valley temporary market to such an extent that regional employment and the social configurations of the regional community will be altered irrevocably. This will have negative impacts regionally, well beyond the Balranald Shire Area.

Grounds of Objection

This proposed development has the potential for significantly negative social and economic impacts on the region as a whole and is not consistent with the Water Management Act 2000 No 92, nor the Murray Lower Darling Water Sharing Plan.

DA 03/2017, DA 04/2017 and 05/2017 are not consistent with the intent and guiding principles of:

1. The Water Management Act 2000 No 92 (The Act)

   Chapter 2 Part 1

Division 1 Water management principles

5 Water management principles

(1) The principles set out in this section are the water management principles of this Act.

(2) Generally:

   (g) the social and economic benefits to the community should be maximised, and

(4) In relation to water use:

   (b) water use should be consistent with the maintenance of productivity of land in the long term and should maximise the social and economic benefits to the community, and

Of significance here is ‘maintenance of productivity’ where it currently exists.

   (c) the impacts of water use on other water users should be avoided or minimised.

The potential impacts may be able to be mitigated through provision of on farm storage, so the applicant can be restricted to pumping water if lower demand periods - March to September, and store water on farm.

We note that according to the Water Management Act the Minister has the ability to impose any conditions seen as appropriate.

Water Management Act 2000 No 92

   Chapter 3 Part 3 Division 2 Section 93

93 Objections to applications for approvals
Before making a decision on an application for the approval in respect of which any objection has been made, the Minister must endeavour to resolve the issues raised by the objection by means of consultation with the applicant and the objector, with a view to reaching agreement on the matters raised by the objection.

For the purpose of reaching such an agreement, the Minister may propose that the matters raised by the objection be dealt with by way of mediation or neutral evaluation involving an independent mediator or evaluator appointed by agreement between the applicant, the objector and the Minister.

The costs of any such mediation or neutral evaluation are to be paid for by the Minister.

An application or objection may be dismissed by the Minister if the applicant or objector, as the case may be, fails to participate in any mediation or neutral evaluation proceedings referred to in subsection (6).

Chapter 3 Part 3 Division 2 Section 96

96 Matters affecting consideration of applications

In considering whether or not to grant an approval, the Minister must take into account:
(a) such matters as are prescribed by the regulations, and
(b) such other matters as the Minister considers to be relevant.

Chapter 3 Part 3 Division 3

Division 3 Conditions and duration of approvals

100 Conditions of approval generally

(1) An approval is subject to such conditions as the Minister may from time to time impose:

(a) which must include such conditions as are required to be imposed on the approval by this Act or by any relevant management plan (mandatory conditions), and

(b) which may include such other conditions, such as:

(i) conditions to give effect to any agreement between an applicant and objector under section 93 (5), ......

as the Minister thinks fit (discretionary conditions).

Also of note is that The Act requires in its Core Provisions for Water Sharing Plans that form the basis of all Water Sharing Plans

Chapter 2 Part 3 Division 3 Section 23

23 Core provisions

The water use provisions of a management plan for a water management area must deal with the following matters.

(b) the identification of those uses and activities which have adverse impacts, including cumulative impact, on water sources or their dependent ecosystems or on other water users.
Chapter 2 Part 3 Division 3 Section 24

24 Additional provisions

The water use provisions of a management plan for a water management area may also deal with the following matters.

(b) prevention of off-site impacts of water use,

(g) other measures to give effect to the water management principles and the objects of this Act,

The Minister clearly has the ability to place conditions on a consent to ensure the development is consistent with the Principles of the Act.

2. The Murray Lower Darling Water Sharing Plan

These proposed developments have the very real potential to undermine the existing regional economy.


Part 2 Clause 10

10 Economic objectives, strategies and performance indicators

(1) The economic objectives of this Plan are to:

(a) support viable and sustainable water dependent industries over the long term, and

(2) The economic strategies of this Plan are to:

(a) provide a stable and predictable framework for sharing water among individual licence holders and different categories of access licences, and

Specific Objections to DA 03/2017 'Windomal'

The Applicant has failed to provide Balranald Shire Council with adequate and accurate information on which to base an informed consent.

1. The Development Application

a. failed to acknowledge the need for assessment under the Water Management Act 2000 s89 s90 and s91.

b. failed to provide a declaration of Political Donations and Gifts as required under the Department of Planning’s Guidelines for Development Applications.

2. The Proposal Pipeline and Storage Dam Location Mapping

The maps showing the design and extent of the proposal are marked as ‘Concept Plan Only’ and conflict with each other on the location of pipelines as well as the proposed storage dam location, size and shape.

A set of final plans clearly showing the exact locations of the pipeline needs to be provided.
3. The Cultural Heritage Assessment - Appendix 3

The proponents have not included a copy of the Assessment, and instead only provided a letter stating that they (the proponents Price Merrett’s Arthur Kirby and Phil Price ) carried out an assessment on 21st April 2016 that was of the pump site only. This is grossly inadequate as excavation with a minimum 700mm cover over the pipeline is required to install the pipelines as referenced in the Statement of Environmental Effects page 7 and page 9 b (vi).

No account or recognition of the Heritage Act 1977 No 136 s139 has been made. At this point the proposal made require an Excavation Permit for both the pipeline and water storage dam, yet no Cultural Heritage Assessment has been carried out to ascertain or locate any potential impacts on aboriginal sites.

A full survey of the proposed pipelines and the Farm Water Storage Dam needs to be completed and fully reported once the proponents have provided the final pipeline alignments and the location of the dam. This is the only way to validate that an Excavation Permit under the Heritage Act 1977 is not required.

Acknowledgement that the assessment of the dam site has not been done is included in the information provided, however the Propoent should be aware that just because a site has been historically cropped and have some surface disturbance does not mean that artefacts and burials are not present. It has not been excavated before.

4. The EP&A Regulations (Schedule 3) and the proposed Water Storage Dam.

We recognise that the proposal is outside the area for SEPP 52, however it may be a Designated Development. The proponent has only supplied an estimate that the dam has a ‘17 hectare footprint and hold about 500ML involving excavation and above ground construction.

4. Artificial waterbodies.

(1) Artificial waterbodies:

(a) that have a maximum aggregate surface area of water of more than 0.5 hectares located:
   (i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or
   (ii) in an area of high water table or acid sulphate, sodic or saline soils, or *(see Note 2)

(b) that have a maximum aggregate surface area of water of more than 20 hectares or a maximum total water volume of more than 800 megalitres, or

(c) from which more than 30,000 cubic metres per year of material is to be removed.

* Note 2.

High Water table means 'where the groundwater depth is less than 3 metres below the surface.'

Sodic soil means 'soil layers in the upper 2 metres of soil with an exchangeable sodium percentage of more than 8 percent'.

Saline soil means 'soil profiles or layers (within the upper 2 metres of soil) with an electrical conductivity of saturated extracts (Ece) value of more than 4 decisiemens per metre( Ds/m)'

In relation to (1) (a) (i) - the proposed dam is over 0.5 hectares.

• No soil tests have been provided to prove the soils are not saline or sodic and therefore a Designated Development.
• No evidence of any investigation or assessment of the watertable has been done has been provided.
In relation to (1) (c) -

- no plans have supplied to demonstrate exactly the design size, shape and the cubic metres to be excavated and therefore potentially making it a designated development.

Council at this time has no valid basis to determine that the proposed water storage dam is not a Designated Development under the EP&A Regulations Schedule 3, and based on the information provided is in no position to approve this, even on proviso of the proponent later providing information.

5. No Water Use Approval

While we recognise that the Water Use Approval is not a Council process, we find it extraordinary that the proponent would enter into Council’s Approval process without first gaining a Water Use Approval over the entire area to be watered from WaterNSW.

Any Council Approval does not mean the proposal can proceed. It must first obtain a Water Use Approval.

Specific Objections to 04/2017 'Redgate'

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1. The Development Application

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b. failed to provide a declaration of Political Donations and Gifts as required under the Department of Planning’s Guidelines for Development Applications.

c. The DA states that is only a proposal to ‘Upgrade Existing Irrigation Pump Site’, which is misleading as the maps and Statement of Environmental Effects clearly include references to the ‘proposed pipeline’.

2. The Proposal Pipeline Mapping

The maps showing the design and extent of the proposal are marked as ‘Concept Plan Only’ and conflict with each other on the location of pipelines.

A set of final plans clearly showing the exact locations of the pipeline needs to be provided.

3. The Cultural Heritage Assessment - Appendix 3

The proponents have not included a copy of the Assessment carried out by Barkindji Maraura Elders Environmental Team LTD (referenced page 18), and instead only provided a letter stating that they (the proponents Price Merretts Arthur Kirby and Phil Price) carried out an assessment on 21st April 2016 that was of the pump site only. This is grossly inadequate as excavation is required to install the pipelines as referenced in the Statement of Environmental Effects page 7 and page 9 b (vi).

No account or recognition of the Heritage Act 1977 No 136, s139 has been made. At this point the proposal may require an Excavation Permit for the pipeline, yet no Cultural Heritage Assessment has been carried out to ascertain or locate any potential impacts on aboriginal sites.
A full survey of the proposed pipelines needs to be completed and fully reported once the proponents have provided the final pipeline locations. This is the only way to validate that an Excavation Permit under the Heritage Act 1977 is not required.

4. No Water Use Approval

While we recognise that the Water Use Approval is not a Council process, we find it extraordinary that the proponent would enter into Council’s Approval process without first gaining a Water Use Approval over the entire area to be watered from WaterNSW.

Any Council Approval does not mean the proposal can proceed.

Specific Objections to 05/2017

The Applicant has failed to provide Balranald Shire Council with adequate and accurate information on which to base an informed consent.

1. The Development Application

   a. failed to acknowledge the need for assessment under the Water Management Act 2000 s89.
   b. failed to provide a declaration of Political Donations and Gifts as required under the Department of Planning’s Guidelines for Development Applications.

2. The Proposal Pipeline Mapping

The maps showing the design and extent of the proposal are marked as ‘Concept Plan Only’ and conflict with each other on the location of pipelines.

A set of final plans clearly showing the exact locations of the pipeline needs to be provided.

3. The Cultural Heritage Assessment – Appendix 3

The proponents have not included a copy of the Assessment carried out by Barkindji Maraura Elders Environmental Team LTD (referenced page 18), and instead only provided a letter stating that they (the proponents Price Merrett’s Arthur Kirby and Phil Price) carried out an assessment on 21st April 2016 that was of the pump site only. This is grossly inadequate as excavation is required to install the pipelines as referenced in the Statement of Environmental Effects page 7 and page 9 b (w).

No account or recognition of the Heritage Act 1977 No 136, s139 has been made. At this point the proposal made require an Excavation Permit for both the pipeline, yet no Cultural Heritage Assessment has been carried out to ascertain or locate any potential impacts on aboriginal sites.

The identification of a cultural site on this inspection seems to be being significantly ignored. OEH should be notified and asked to provide advice about long term protection and management, particularly as excavation in the vicinity is required as part of the proposal.

A full survey of the proposed pipelines needs to be completed and fully reported once the proponents have provided the final pipeline alignments. This is the only way to validate that an Excavation Permit under the Heritage Act 1977 is not required.

4. No Water Use Approval

While we recognise that the Water Use Approval is not a Council process, we find it extraordinary that the proponent would enter into Council’s Approval process without first gaining a Water Use Approval over the entire area to be watered from WaterNSW.
Any Council Approval does not mean the proposal can necessarily proceed.

Conclusion
Council has not been provided with adequate accurate information on which to make an informed decision.

Yours faithfully

Sally Dye
Contact for MVPD

These listed organisations have also requested I lodge this objection on their behalf as well.

Wakool River Association
Niemur Colligen Pumpers
Merran Creek Trust
Wakool Landholders Association
Southern Riverina Irrigators
Rice Growers Association
Lower Edward River Pumpers & Landholders
13 October 2016

The General Manager
Balranald Shire Council
PO Box 120
BALRANALD NSW 2715

Email: council@balranald.nsw.gov.au

(Please note original will not follow by post)

Dear Sir/Madam

OBJECTION TO DEVELOPMENT APPLICATIONS 05/2017 - 'WIRDOMAL'; 04/2017 - 'REDGATE'; 05/2017 - 'CANALLY'

The Ricegrowers' Association of Australia (RGA) represents the interests of 1500 voluntary member rice growers' and industry supporters mainly located within the Murray and Murrumbidgee valleys of the NSW Riverina.

The RGA makes this objection on behalf of its respective members.

OBJECTION

Section 79C of the Environmental Planning and Assessment Act 1979 (NSW) provides that the Balranald Shire Council must consider, amongst other things, the following matters when determining a development application:

1. Any current or proposed environmental planning instrument, development control plan, current or draft planning agreement or regulations that apply to the land to which the development application relates

The Balranald Shire Economic Development Strategy 2013 provides at section 1.4 that Council has prioritised five key project actions, one of those being to “promote agriculture opportunities and address water security”.

Specifically, section 1.4.2 provides that:

“A current trend is the expansion of high value irrigated horticultural production, which is underpinned by secure access to water from the Murray River. Opportunities for further growth will be subject to ongoing secure access to water, and it is essential that certainty is provided to farmers and potential investors, particularly in light of the Draft Murray-Darling Basin Plan.”

We understand however that the proposed developments do not provide for ongoing secure access to water, despite encompassing permanent plantings which require a significant volume of water regardless of the current climate. We consider the developments proposed reliance on the temporary water market, and hence insecurity of access to water, to be highly risky. In addition, we note that due to the location of the
pump sites and the existing upstream water use, there may be restrictions to the ability of the applicant to access the water they require when they need to.

Nevertheless we trust that the Council will ensure that the Applicant completes the required due diligence regarding water supply issues.

2. The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

3. The suitability of the site for the development

4. The public interest.

The RGA believes that these respective developments do not meet the requirements above, for the following reasons:

**Impact on reliability of access to water**

Our State and Federal Government has also recognised the importance of protecting the reliability of current irrigator’s access to water. We would hence expect our local government to also take this position.

The size of these developments, and in particular the size of the pumps servicing the developments, means that the take of water for the developments could have significant impacts on other water users within those valleys. This will be the case in particular during peak water demand periods, when the weather is very hot, and when water availability is very low.

The impact that reducing the reliability of access can have on the economic value of the impacted landholdings can be significant. Reliability is important to the productivity of the landholdings. By reducing the reliability of access, the landholders’ ability to produce the best crops for their farm system may be reduced. This is particularly true as irrigation practices moves towards achieving improved water efficiencies, generally through having the ability to move water on and around the landholder quickly.

Favouring one irrigation business to the detriment of other local irrigation businesses is a very risky practice, especially if the favoured business in the end is unsuccessful. In this instance, this risk is compounded by the fact that the business in question focuses on developing permanent plantings in a relatively low rainfall zone subject to climate extremes. We have seen instances over the past decade where those with permanent plantings have had to watch their trees die due to lack of water availability and/or environmental degradation. We understand that the Applicant does not intend to hold permanent entitlement but rather general security entitlement for the purpose of the developments. The proven unreliability of general security water further compounds this risk.

**Environmental Impacts**

The RGA trusts that the appropriate Water Use Approvals are sought for the irrigation at these developments. This is a requirement for all irrigated land in NSW and if the respective soils are deemed to be inappropriate for irrigation, then the RGA reminds the council that the Applicant must comply with this decision.

The RGA believes that the Water Use Approval licencing system has been developed to protect the environment from long term environmental damage, and in particular where there are unsuitable soils, to protect this land from the impacts of salinity. Through experience we have learnt that these soil types cannot handle irrigation over a significant period of time will generally become impacted by salinity and hence unproductive and unusable after a number of years.

**Other Economic and Social Impacts**
Any council investment in these developments would be subject to the same level of risk as the development itself, and the Council must hence question whether this is an appropriate investment, and what are the impacts for the Council if the developments are not successful.

The Council must also question the likely impacts of the Applicant’s reliance on the temporary water market for other local water users. Considering the significant amount of water the Applicant intends to purchase from the water market, other local irrigators may be priced out of the market, or otherwise have the viability of their businesses impacted. As you will well be aware, when the viability of local irrigation businesses is reduced, local communities in turn face negative social and economic impacts, as has been demonstrated by the Murray Darling Basin Plan.

The RGA thanks the Balranald Shire Council for the opportunity to object to these Development Applications.

Yours Sincerely

Jeremy Morton
RGA President
Item I – 5 DA 67/2016 - 144 BALLANDELLA STREET, BALRANALD WORKER ACCOMMODATION

File number: DA 67/2016

Reporting Officer: Director Infrastructure and Development – John Stevenson

Operational Plan Objective: Pillar 5 Our Infrastructure

Officer Recommendation:
Council approve Mr Arentz’s application to permit occupation of the eight (8) units by workers other than from his company.

Council modify condition 2 of DA 67/2016 to state:
A single caravan may be stored on site from time to time but is not to be utilised for accommodation, nor is any further temporary accommodation to be placed on the land.

Purpose of Report

The applicant is seeking to exercise the ability to provide the above accommodation for persons other than his direct employees by way of the consent of Council as per condition 1 of the above approval.

The applicant is also seeking to modify condition 2 of the approval to allow the placement of a Caravan on the site for storage purposes from time to time.

Report

Council issued consent to Arentz Electrical to provide an additional four residential units on Lot 10 Section 5 DP 758048, 144 Ballandella Street in June of this year subject to 25 conditions.

Condition 1 stipulates, “No more than eight (8) persons are to reside on the site. The buildings shall not be used or occupied for any purpose other than the building class approved. No leasing or subletting of the accommodation units shall be permitted without the prior consent of Council.”

Mr Arentz now seeks this consent from Council following the temporary cessation of works at the Iluka site and his relocation of all workers.

Mr Arentz also informs that any future workers accommodated on site unrelated to his business will abide by all other conditions of consent.
Condition 2 of the consent states “The temporary accommodation via caravan is to be removed from the site and no further temporary accommodation is to be placed on the land.”

Mr Arentz simply requests consent to store a caravan belonging to another family member on site from time to time as he has no other storage facility in town.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Nil.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Implication</td>
<td>Nil.</td>
</tr>
<tr>
<td>Policy Implication</td>
<td>Nil.</td>
</tr>
<tr>
<td>Attachments</td>
<td>Nil.</td>
</tr>
</tbody>
</table>
PART B – ITEMS FOR INFORMATION

General Manager’s Reports

ITEM G – 3 CORRESPONDENCE

File Number: 712

Reporting Officer: Aaron Drenovski, General Manager

Operational Plan Objective: Pillar 1: Our People – A community that is proactive, engaged, inclusive and connected

Officer Recommendation:
For information.

Purpose of Report

To advise Council of recent correspondence of interest.

Report

All correspondence will be supplied under separate cover.
ITEM G - 4  

ACTION SHEET

Reporting Officer: Aaron Drenovski, General Manager

File Number: 120

Officer Recommendation:
For information.

Purpose of Report
To bring forward for Councillors information the Action Report with actions taken on previous council resolutions.

---

### BALRANALD SHIRE COUNCIL

**ACTION SHEET**

**SEPTEMBER 2016**

<table>
<thead>
<tr>
<th>MINUTE</th>
<th>DIRECTOR / FILE NO</th>
<th>SUBJECT</th>
<th>DATE COMPLETED</th>
<th>COMMENTS CURRENT STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>04.16.3676</td>
<td>DID</td>
<td><strong>Euston Beautification:</strong> Liaise with contractor re Euston Courthouse refurbishment.</td>
<td>In Progress</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Follow up the pavement repair works at the end of Shailer Terrace.</td>
<td>In Progress</td>
<td></td>
</tr>
<tr>
<td>05.16.3697</td>
<td>DID</td>
<td><strong>Balranald Beautification Committee:</strong> Purchase of trees and provision of extra seating at lawn cemetery.</td>
<td>In Progress</td>
<td></td>
</tr>
<tr>
<td>DCCD</td>
<td></td>
<td><strong>Tourism Committee –</strong> Write to Minister re; consider BSC as part of the funding for Regional Development of Roads.</td>
<td>In Progress</td>
<td></td>
</tr>
<tr>
<td>DID</td>
<td></td>
<td><strong>Balranald Beautification</strong> - Liaise with Garden Staff re; trees adjacent to MPS in Court Street.</td>
<td>In Progress</td>
<td></td>
</tr>
<tr>
<td>06.16.3731</td>
<td>DID</td>
<td>Apply to make Chinese Cemetery reserve Freehold.</td>
<td>In Progress</td>
<td></td>
</tr>
<tr>
<td>07.16.3755</td>
<td>DID</td>
<td><strong>Euston Beautification &amp; Tourism</strong> Approach Leon Follett re; storyboard stop points.</td>
<td>In Progress</td>
<td></td>
</tr>
<tr>
<td>08.16.3785</td>
<td>GM</td>
<td>Provide a report regarding ACFI to Council</td>
<td>Awaiting Response</td>
<td></td>
</tr>
<tr>
<td>08.16.3791</td>
<td>DID</td>
<td>Report any public comments in October Meeting re; naming roads with naming discrepancies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09.16.3813</td>
<td>GM</td>
<td>Write to Minister re; Emergency Levy</td>
<td>Letter Sent</td>
<td></td>
</tr>
<tr>
<td>09.16.3816</td>
<td>GM</td>
<td>Request to CSP Committee re; time of meetings.</td>
<td>Meeting on 25.10.2016</td>
<td></td>
</tr>
<tr>
<td>09.16.3818</td>
<td>GM</td>
<td>Arrange meeting in Claire 20.10.2016</td>
<td>21.09.2016</td>
<td>Meeting arranged</td>
</tr>
</tbody>
</table>

---

*This is Page 79 of the Business Paper of the Ordinary Monthly Meeting of Balranald Shire Council held in the Council Chambers, Market Street Balranald on Thursday 20th October 2016.*
<table>
<thead>
<tr>
<th>Number</th>
<th>Code</th>
<th>Description</th>
<th>Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>09.16.3819</td>
<td>GM</td>
<td>Arrange Meeting on 29.09.2016 to discuss Councils submission re Far West Initiative</td>
<td>26.09.2016</td>
<td>Notices Sent out to Councillors</td>
</tr>
<tr>
<td>09.16.3821</td>
<td>GM</td>
<td>Arrange registrations for conferences</td>
<td>27.09.2016</td>
<td>Registered</td>
</tr>
<tr>
<td>09.16.3825</td>
<td>GM</td>
<td>Report Review of Committees to October Meeting</td>
<td></td>
<td>Reported</td>
</tr>
<tr>
<td>09.16.3826</td>
<td>DCCD</td>
<td>Revote expenditure from 15/16 year to 16/17 financial year</td>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td>09.16.3827</td>
<td>DID</td>
<td>Confirm support as landowner to BLALC re extension of Aboriginal Cemetery</td>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td>09.16.3828</td>
<td>DID</td>
<td>Adopt Contaminated Land Policy</td>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td>09.16.3830</td>
<td>DID</td>
<td>Extend Alcohol Free Zones in Balranald &amp; Euston, arrange correct signage</td>
<td></td>
<td>Signs ordered</td>
</tr>
<tr>
<td>09.16.3843</td>
<td>GM</td>
<td>Appoint Sunraysia Environmental for phase 1 assessment and report back to Council</td>
<td></td>
<td>21.09.2016</td>
</tr>
<tr>
<td>09.16.3844</td>
<td>DID</td>
<td>Notify Primal of tender acceptance for supply &amp; deliver sprayed bituminous surfacing.</td>
<td>21.09.2016</td>
<td>Notified</td>
</tr>
</tbody>
</table>
Corporate and Community Development Division

Item C-7 MONTHLY INVESTMENT REPORT – SEPTEMBER 2016
File number: 085

Reporting Officer: Elizabeth White Director of Corporate and Community Development

Operational Plan Objective: Pillar Six: Our Leadership – a community that values and fosters leadership, lifelong learning, innovation and good governance

Officer Recommendation:

That Council receive and note the report.

Purpose of Report
Investment Report for September 2016

In accordance with Section 212 of the Local Government (General Regulation, 2005 the following funds are invested under Section 625 of the Local Government Act, 1993 as at 31st August 2016.
<table>
<thead>
<tr>
<th>Portfolio Holding as at 31st September 2016</th>
<th>Investment value $</th>
<th>Interest Rate %</th>
<th>Maturity Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Westpac Bank</td>
<td>1,527,326.00</td>
<td>0.32%</td>
<td>At Call</td>
</tr>
<tr>
<td>TERM DEPOSITS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank-West</td>
<td>500,000.00</td>
<td>2.70%</td>
<td>19/10/2016</td>
</tr>
<tr>
<td>Bank West</td>
<td>500,000.00</td>
<td>2.55%</td>
<td>24/10/2016</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>503,780.83</td>
<td>2.78%</td>
<td>10/11/2016</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>500,000.00</td>
<td>2.41%</td>
<td>11/10/2016</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>500,000.00</td>
<td>2.66%</td>
<td>30/11/2016</td>
</tr>
<tr>
<td>Westpac Bank</td>
<td>500,000.00</td>
<td>2.65%</td>
<td>23/11/2016</td>
</tr>
<tr>
<td>Westpac Bank</td>
<td>500,000.00</td>
<td>2.65%</td>
<td>23/11/2016</td>
</tr>
<tr>
<td>Westpac Bank</td>
<td>500,000.00</td>
<td>2.65%</td>
<td>21/11/2016</td>
</tr>
<tr>
<td><strong>Total Portfolio</strong></td>
<td><strong>5,531,106.83</strong></td>
<td><strong>2.37%</strong></td>
<td></td>
</tr>
</tbody>
</table>
## Restricted Funds

<table>
<thead>
<tr>
<th>Internal</th>
<th>External</th>
<th>Total Restricted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific Purpose Unexpended Grants</td>
<td>$562,000</td>
<td>$562,000</td>
</tr>
<tr>
<td>Water Supplies</td>
<td>1,041,000</td>
<td>1,041,000</td>
</tr>
<tr>
<td>Sewerage Services</td>
<td>1,841,000</td>
<td>2,011,000</td>
</tr>
<tr>
<td>Domestic Waste Management</td>
<td>59,000</td>
<td>59,000</td>
</tr>
<tr>
<td>Employee Leave Entitlements</td>
<td>270,000</td>
<td>270,000</td>
</tr>
<tr>
<td>Plant &amp; Vehicle Replacement</td>
<td>123,000</td>
<td>123,000</td>
</tr>
<tr>
<td>Infrastructure Replacement</td>
<td>556,000</td>
<td>556,000</td>
</tr>
<tr>
<td>Caravan Park Reserve</td>
<td>66,000</td>
<td>66,000</td>
</tr>
<tr>
<td>Euston Cemetery</td>
<td>38,000</td>
<td>38,000</td>
</tr>
<tr>
<td>Health Reserve</td>
<td>3,000</td>
<td>3,000</td>
</tr>
<tr>
<td>Hostel Bonds</td>
<td>388,000</td>
<td>388,000</td>
</tr>
<tr>
<td>Hostel Reserve</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Town Clock</td>
<td>3,000</td>
<td>3,000</td>
</tr>
<tr>
<td>Other</td>
<td>170,000</td>
<td>170,000</td>
</tr>
<tr>
<td>Carry Over Works</td>
<td>264,000</td>
<td>264,000</td>
</tr>
<tr>
<td>Market Street Improvements</td>
<td>20,000</td>
<td>20,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>1,911,000</strong></td>
<td><strong>3,503,000</strong></td>
</tr>
</tbody>
</table>

The table above is subject to amendments, as Council reconciles and prepares its annual financial report for 30th June 2016.

### Certification by the Responsible Accounting Officer:

In accordance with paragraph 212(1)(b) of the Local Government (general) Regulation, the investments listed in this report have been made in accordance with:

1. The Local Government Act, 1993
2. The Regulations, and
3. Councils Investment Policy

Elizabeth White  
Director of Corporate & Community Development
Item C – 8  TOURISM REPORT – SEPTEMBER 2016

File number:  771B

Reporting Officer: Director of Corporate & Community Development

Operational Plan Objective: Pillar 3: Our Economy – 3.2.1 Tourism

Officer Recommendation:
That Council accept the September Tourism report for information.

Purpose of Report
To provide Council with a progress report on Tourism activities.

Report
Attached to this report is the Tourism Monthly Reporting Dashboard for the month of September 2016.

The following is a summary of the Statistics provided in this report:

Following on from our good form of last month, September has also been a very active and successful month. We continued our “Balranald Business Online” Project with now 10 websites under construction. Once again we received record results with our social media & digital campaign and visitors to our tourism website soared to 6,133 with a 92% increase from last month due to an ongoing digital campaign designed to drive visitors DIRECTLY to the website and to also download the digital version of the Visitor Guide from the homepage. September also saw the printing & distribution of the new VISITOR GUIDE which has already received wonderful reviews from Visitors.

Walk-In at the Visitor Information Centre increased by 9% compared to September 2015 and an increase of 27% compared to last month. For the first time since installing a counter at the Interpretive Pavilion at the end of August our Walk-in figures for the Interpretive Pavilion was 2,509. Sales increased 13% compared to September 2015 and an increase of 40% compared to sales last month. It was encouraging to see that the largest percentage of visitors in September came from interstate visitors (again) at 44% in the following order VIC, SA, QLD, TAS, WA & NT and intrastate visitors at 36%. International visitors was steady at 2%, coming from China, France, Germany, Ireland and Italy. Coaches/Groups accounted for a best ever result of 18% of visitors with 284 visitors. Note that we also recorded 29 groups of visitors that the VIC team encouraged to stay an extra night. Most popular merchandise this month: Pistachios, Frog figurines, Magnets, Robinvale Estates products, and Pens.
The “Discover Balranald & Surrounds” performed exceptionally well and has quickly reached 3,041 LIKES which is a 47% increase on last month and has had another huge reach of 190,796 people and record engagement (likes, comments, clicks & shares) of 16,174 people from 9 posts. The post with the most engagement was our promotion on Wetlands & Photos which recorded a huge reach of 78,133 people and a record direct engagement of 5,660 people (3,000 people engaged on one photo alone)

Our integrated “Discover Balranald & Surrounds” campaign will continue in October with digital activities, print media adverts. TV, & Radio should commence end of Oct.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Implication</td>
<td>Nil</td>
</tr>
<tr>
<td>Policy Implication</td>
<td>Nil</td>
</tr>
<tr>
<td>Attachments</td>
<td>Tourism Monthly Reporting Dashboard</td>
</tr>
</tbody>
</table>
TOURISM MONTHLY REPORTING DASHBOARD: FOR THE MONTH OF: SEPT 2016

VISITOR WALK-INS

<table>
<thead>
<tr>
<th>Date</th>
<th>Numbers</th>
<th>%Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visitor Information Centre</td>
<td>1595</td>
<td></td>
</tr>
<tr>
<td>Current Month</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Previous Month</td>
<td>1260</td>
<td>27%↑</td>
</tr>
<tr>
<td>Same Time Last Year</td>
<td>1463</td>
<td>9%↑</td>
</tr>
<tr>
<td>Interpretive Pavilion</td>
<td>2509</td>
<td></td>
</tr>
</tbody>
</table>

Visitor Breakdown Figures

<table>
<thead>
<tr>
<th>From Where</th>
<th>Breakdown</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intra-State</td>
<td>Within NSW</td>
<td>36%</td>
</tr>
<tr>
<td>Intestate</td>
<td>1. VIC 2. SA 3. QLD 4. NSW 5. WA 6. NT</td>
<td>44%</td>
</tr>
</tbody>
</table>

No. of Coaches/Groups

| No of Visitors | 284 | 18% |

SALES

<table>
<thead>
<tr>
<th>Date</th>
<th>Numbers</th>
<th>%Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Month</td>
<td>$7,305.10</td>
<td></td>
</tr>
<tr>
<td>Previous Month</td>
<td>$5,212.05</td>
<td>40%↑</td>
</tr>
<tr>
<td>Same Time Last Year</td>
<td>$6,455.40</td>
<td>13%↑</td>
</tr>
</tbody>
</table>

Top 5 Products

1. Pistachios
2. Frog Figunnes
3. Magnets
4. Robinson Estates
5. Pens

MARKETING ACTIVITIES

<table>
<thead>
<tr>
<th>Medium</th>
<th>This Month’s Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discover Balranald &amp; Surrounds Facebook Page – this page has replaced</td>
<td>Current Likes: 3041 (47%↑ from last month) Number of Posts: 8 Total Reach: 190,796</td>
</tr>
<tr>
<td>the Council Page for Tourism promotions</td>
<td>Number of Engaging with Posts: 12,071 Post with most engagement (likes, comments,</td>
</tr>
<tr>
<td></td>
<td>clicks &amp; shares): The Magic of Balranald – RIVERS &amp; LAKES</td>
</tr>
<tr>
<td></td>
<td>Ballarat 8. Bris</td>
</tr>
<tr>
<td></td>
<td>7. NZ</td>
</tr>
<tr>
<td>Discover Balranald &amp; Surrounds Website – Google Analytics is</td>
<td>No of Visitors: 4,133 (92%↑ from last month) %New Visitors: 82% %Return Visitors:</td>
</tr>
<tr>
<td>attached to the website for statistics &amp; trends (since 25th July 2016)</td>
<td>18% Total Page Views: 18,264 (80%↑ from last month) Average No of Pages viewed</td>
</tr>
<tr>
<td></td>
<td>per visit: 4 Top 10 Pages (out of 61 pages): 1. The 5 Rivers 2. See&amp;Dos 3. Road</td>
</tr>
</tbody>
</table>
## Tourism Monthly Reporting Dashboard: For the Month of: Sept 2016

<table>
<thead>
<tr>
<th>Medium</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publications – Newspaper</td>
<td>Media releases re “Sydney Weekender” visit &amp; the upcoming 5 Rivers Outback Festival, ads for “Vietnam Framed” &amp; the “The Wide Road” event</td>
</tr>
<tr>
<td>Publications – Magazines</td>
<td>Full Page Ad in the “Wanderer” Magazine</td>
</tr>
</tbody>
</table>
| Digital Media & Website       | * Specific digital campaign to drive traffic to the website as part of “Discover Balranald & Surrounds” campaign  
* We ended the first stage of our digital campaign at the end of and for an investment of $700  
* RESULTS = 6,000 people directly clicked onto the website and averaged 4 pages per session  
* Uploading of a Digital Version of the Visitor Guide on the homepage of website |
| Tourism Collateral (Brochures, flyers, signage etc.) | * Visitor Guide were printed and distributed to other information Centre and to all local operators  
* Next on the schedule is the group of flyers promoting specific attractions & activities |
| Events                        | * Promotion of Kapooka Band  
* Promotion of “Vietnam Framed”  
* Promotion for “Wide Road”  
* Promotion of the 5 Rivers Outback Festival |
| Social Media Activities       | Promotions on social media included: Kapooka Band; New Visitor Guide; Event Calendar; “Wide Road” event; “The Wetlands” – photography campaign |
| Direct Marketing & Campaigns  | Distribution of Visitor Guide to specific Target Groups & Digital |
| Media Releases & PR           | Media releases included the upcoming 5 Rivers Outback Festival & the “Sydney Weekender” Show filming in Balranald |

## Reviews

<table>
<thead>
<tr>
<th>Review Medium</th>
<th>Reviews/Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trip Advisor (Balranald Discovery Centre)</td>
<td>Number of Reviews to Date: 43 Average Rating out of 5 Stars: 4.5</td>
</tr>
<tr>
<td>WIKICamps Discovery Centre &amp; RV Facility</td>
<td>Number of Reviews to Date: 103 Average Rating out of 5 Stars: 4.3</td>
</tr>
</tbody>
</table>
| Facebook & Google Reviews                 | Number of Reviews to Date for Discovery Centre Page: 19 Average Rating of 5 Stars: 4.9  
Number of Reviews to Date for Discover Balranald Page: 2 Average Rating of 5 Stars: 4.0 |
| Visitor Book Reviews                      | Number of Reviews this Month: 80 %Number of Very Good/Excellent Reviews: 160%      |

## Development & Management

<table>
<thead>
<tr>
<th>Medium</th>
<th>Reviews/Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conferences/Meetings/Workshops (Attended by Tourism Coordinator)</td>
<td>September Tourism Committee Meeting</td>
</tr>
</tbody>
</table>
| Capacity Building, Strategic Alliances & Planning | Development of a Landing Page for the Sydney Weekender Offer  
Ongoing work with the “Balranald Business Online” Project – A full Update Report will be provided in November |
| Medium                                    | Reviews/Activities                                                                 |
| Submissions/Grants/Applications           | Investigating Destination NSW “Events Flagship” EDI                              |
| Research & Data for this Month            | Top Attractions for the Month:  
1. Interp. Pavilion  
2. Museum  
3. Yangoo  
4. Heritage Sites/Trail  
5. Old Gool  7. Mango NP  
8. RV Site  
9. Outback Geo Adventure tours  
The VIC team encouraged 22 groups of Visitors to stay the extra night |

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*This is Page 87 of the Business Paper of the Ordinary Monthly Meeting of Balranald Shire Council held in the Council Chambers, Market Street Balranald on Thursday 20th October 2016.*
Item C - 9 HOSTEL ACFI (AGED CARE FUNDING INSTRUMENT) REVIEW
BY THE AUSTRALIAN GOVERNMENT DEPARTMENT OF HEALTH

File number: 370

Reporting Officer: Elizabeth White Director of Corporate and Community Development

Operational Plan Objective: Pillar Six: Our Leadership – 6.3.2 Provide good governance, prudent financial management and effective support services for all its activities.

Officer Recommendation:

That Council Receive and note the Report

Purpose of Report
To advise Council of the Outcome of the recent ACFI reviews conducted on 9th May 2016 and 27th September 2016.

Report
Council received a report from ACS (Aged Care Services) in July 2015, which indicated there may have been some over claiming of ACFI fees at the Hostel.
DCCD contacted the Accountability section at the Department of Social Services and after several phone calls and emails, received a response that the request for an ACFI Audit had been forwarded to the NSW ACFI assistant director who would contact Council. No contact made by 1st December 2015 and a further email request was forwarded.

An interim Audit was conducted in May 2016 and the Department of Health advised that of the 2 residents audited, one was downgraded, with a subsidy adjustment of $3,439.

A further audit of 2 residents was conducted on 26th September 2016 and resulted in the downgrading of one resident with a subsidy adjustment of $19,924. The total adjustment made is $23,363.

It is important that ACFI claims are supported by the appropriate evidence based documentation. Council needs to maximise ACFI funding and have recently contracted Allied Care Group who are ACFI Specialist to assist the Co-ordinator with increasing funding to the Hostel. The cost of these specialists will be covered by the increase on our Government Funding.
<table>
<thead>
<tr>
<th><strong>Financial Implication</strong></th>
<th>Decrease in Income for Hostel Fees of $23,363</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legislative Implication</strong></td>
<td>Aged Care Act 1997</td>
</tr>
<tr>
<td><strong>Policy Implication</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Attachments</strong></td>
<td>Nil</td>
</tr>
</tbody>
</table>
Infrastructure and Development Reports

Item I - 6 CONSTRUCTION CERTIFICATES

File number: 600

Reporting Officer: Director Infrastructure and Development – John Stevenson

Operational Plan Objective: Pillar 6

Officer Recommendation:
That the report be noted.

Purpose of Report
To advise Council of Certificates issued under delegated authority.

Report
The following Construction Certificates, Complying Development Certificates, Section 68 Certificates and / or Notices of Determinations have been issued since the June 2016 meeting of Council.

<table>
<thead>
<tr>
<th>Application</th>
<th>Owner/Applicant</th>
<th>Locality</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CC 06/2017</td>
<td>P. Robertson</td>
<td>Brett Road, Euston</td>
<td>Grape Packing / Storage Shed</td>
</tr>
<tr>
<td>S68 03/2017</td>
<td>Roy Costa Planning</td>
<td>Brett Road / McGinty Drive, Euston</td>
<td>Relocation of Existing Dwelling</td>
</tr>
<tr>
<td>DA 16/2017</td>
<td>P. Connell on behalf of V. Violi</td>
<td>Bertram Rd, Euston</td>
<td>Farm Storage Shed</td>
</tr>
</tbody>
</table>

Financial Implication | Nil.
Legislative Implication | The approvals process.
Policy Implication | Nil.
Attachments | Nil.
Item I - 7  MAINTENANCE AND CONSTRUCTION PROGRAM

File number: 726

Reporting Officer: Director of Infrastructure – John Stevenson

Operational Plan Objective: Pillar 5 – Our Infrastructure

Officer Recommendation:
That the report be noted and accepted.

Purpose of Report
To provide Council with a progress report on works, since the September meeting.

Report

1. Road Maintenance

Council has continued its unsealed roads maintenance, as well as sealed road maintenance. Works have been undertaken in the following areas:
- The Vale Loop Road maintenance grading has been completed
- Prungle Mail Road maintenance grading and gravel patching
- General sign repair and maintenance
- Patching of various roads in preparation for resealing
- Roadside slashing and weed spraying
- Arumpo Road (MR431) grading has commenced with some gravel patching and drainage work planned on the Balranald section
- Mendook gravel pit rehabilitation near Euston

2. Roads to Recovery Program

Works continued on a 1km section of the Prungle Mail Rd at the Sturt Highway end. Clearing and earthworks, culvert extensions and a new double grid are complete and the section is being gravelled in preparation for sealing.

Works have commenced on a 0.5km section of the Tillara road at the Sturt Highway end. Clearing and earthworks are complete and the section will be prepared for sealing.
3. **Roads Program**

Works have commenced on a 3km section of the Balranald Ivanhoe Road on the southern boundary of Clare Bank. Survey and set out is complete and clearing is about to commence. The section is scheduled for sealing and will reduce the unsealed length of this road.

4. **Miscellaneous Works**

a) The water and sewerage telemetry contract has experienced some delays due to supply of components from overseas. The contract is now scheduled for completion in November, a six week extension of time. Minor repairs are being completed at Euston Water treatment Plant prior to the installation of new equipment.

b) The Resealing Contract has commenced with schedules and costing prepared. Works under this contract are expected to commence in November.

c) Asset investigation, sewer camera work and associated condition reporting is continuing with almost 6km of the Balranald sewer network completed. Eleven (11) km are planned for this current stage of the work. Some major restrictions and blockages have been cleared. Work should be complete in 2 weeks.

d) Balranald Sewerage Treatment Plant, installation of pipes and pumping have commenced in order to drain a pond. Works will extend over an 8 to 12 month timeframe due to the requirement to drain and dry the 4 ponds in sequence whilst still maintaining the functionality of the treatment works. The ponds will also be brought up to current day standards to ensure the banks are adequately protected.

e) Shailer Terrace footpath work is about to commence. Survey and design is complete.

f) Access to some low lying areas has been closed due to flooding, Redbank Weir and Balranald Riverbend Park.

g) Stormwater lines and pollutant traps cleaned in Balranald.

h) Better Boating program – Installation of retaining walls and landscaping in front of Euston Club

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>As per budgeted works program.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Implication</td>
<td>Nil.</td>
</tr>
<tr>
<td>Policy Implication</td>
<td>Rural Roads Policy.</td>
</tr>
<tr>
<td>Attachments</td>
<td>Nil.</td>
</tr>
</tbody>
</table>
Balranald Sewer investigation - Camera and Cleaning Work

Gravel pit rehabilitation
Euston Landscaping works
Item I – 8  NBN ROLLOUT BALRANALD & EUSTON

File number: 198

Reporting Officer: Director Infrastructure and Development – John Stevenson

Operational Plan Objective: Pillar 5 Our Infrastructure

Officer Recommendation: That Council note the progress of NBN rollout.

Purpose of Report

For Council to note the commencement of works in Balranald on the NBN high speed broadband for internet and phone access.

Report

Lendlease, land access coordinators for the NBN Co Ltd, have contacted Council seeking a waiver to any approvals for works on footpaths towards this project. This waiver was agreed to as it is State infrastructure under the SEPP and as such work has commenced in Balranald.

Cable laying will be confined to existing Telstra corridors with cabinets located at some key locations on footpaths (initially We St in Balranald & Perry St in Euston). This work will continue over the coming months.

Advice from NBN Co. is that Balranald residents on the fixed line NBN network should have accessibility by mid-2017. Likewise, Euston residents by late 2017. Residents outside of the NBN fixed line servicing areas in Balranald and Euston are now also able to order services over the NBN Sky Muster service.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Nil.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Implication</td>
<td>Nil.</td>
</tr>
<tr>
<td>Policy Implication</td>
<td>Nil.</td>
</tr>
<tr>
<td>Attachments</td>
<td>Nil.</td>
</tr>
</tbody>
</table>
Item I – 9 DA 12/2017 – SUBDIVISION FOR VEGETATION OFFSETS

File number: DA 12/2017

Reporting Officer: Director Infrastructure and Development – John Stevenson

Operational Plan Objective: Pillar 5 Our Infrastructure

Officer Recommendation:
That the issue of a Notice of Determination for the subdivision of 6261 & 6262 DP762297, subject to the following conditions;

1) The subdivision strictly complies with the sketch plan as submitted.
2) Any new driveway access to the newly created lots, or alteration to existing access, is to be to the satisfaction of Council or its delegate, and at the applicants full cost.
3) Separate application must be made for any new structures on the newly created lots.
4) Any water supplies to the subject lands are the full responsibility of the applicant.

Purpose of Report

To advise Council of a Subdivision approved under delegated authority.

Report

A Development Application was lodged on behalf of Iluka Resources P/L to undertake a 4 lot subdivision.

Description of Land: Lot 6261 & 6262 DP762297

Area: Proposed Lot 1: 2118ha
      Proposed Lot 2: 2348ha
      Proposed Lot 3: 2533ha
      Proposed Lot 4: 1933ha

Zone: Zone RU1

The project meets the minimum lot size requirements of the Local Environmental Plan 2010.

Crown Lands have provided concurrence for the subdivision to be carried out.
The purpose of the subdivision is to provide an environmental offset for Iluka’s mining operations comprising of proposed Lots 1 and 4, with proposed Lots 2 and 3 remaining as agricultural production. Mining is not proposed on any of the proposed lots.

<table>
<thead>
<tr>
<th>Financial Implication</th>
<th>Nil.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Implication</td>
<td>Nil.</td>
</tr>
<tr>
<td>Policy Implication</td>
<td>Nil.</td>
</tr>
</tbody>
</table>
| Attachments            | 1: Plan of Existing Lot Configuration  
2: Plan of Proposal |
Attachment 1: Plan of Existing Lot Configuration

Lot 6261 DP 762297
Lot 6262 DP 762297
Prungle Mail Road
Sturt Highway
Attachment 2: Plan of Proposal
QUESTIONS ON NOTICE

CLOSED MEETING - CONFIDENTIAL MATTERS