

1. **Attendance and Apologies**

2. **Declarations of Interest**

3. **Deputations**

4. **Confirmation of Minutes 10 May 2018**

A copy of the minutes of the previous meeting held 10 May 2018 was distributed.

**RECOMMENDATION**

That the minutes of the previous meeting held on 10 May 2018 be accepted as a true and correct record.

5. **Business Arising from Minutes – 10 May 2018**

**Wollongbar Sports Fields – Entry Road – Road Rehabilitation Cost Recovery**

The project documents and contract information is under review, and legal advice has also been sought in respect of the options for Council to seek compensation for our losses. The rehabilitation works to date have been undertaken to make the access safe and useable. Council's design engineers are investigating the hydraulic design options that could be deployed to reduce the risk of a further major scour. A preferred option and its cost will be reported to Council, however at this point in time no funds have been allocated in the budget to implement further work.

**Bulwinkel Park – Tree Limbs Overhanging Power Lines**

Council has made contact with the Area Manager, Essential Energy regarding powerline and vegetation concerns. Bulwinkel Landcare Group have been included in this correspondence.

**Freeborn Park – Trees Causing Pavers to Be Raised**

The pavers have been removed and the mulched area of the tree base has been increased. A formal monitoring program to assess tree health has been implemented.

### **Blocked Stormwater Inlets – Geoff Watt Oval area/Panorama Estate**

Stormwater drains often suffer from temporary blockages after heavy rain and it usually comprises loose vegetation material. Often helpful residents assist with removal of minor and loose material when minor blockages are noticed, as Council is not resourced to be able to inspect and check every drainage pit installation. However during the last month some drainage outlet maintenance works has occurred at Panorama Estate and a request for street sweeping has also been included in our customer request system for action.

### **Dalwood Road – Linemarking**

Council has undertaken a further inspection of Dalwood Road and supports the view that linemarking along some curve sections of Dalwood Road would offer visual improvements for road users. The placement of the lines will be able to be undertaken when subcontract resources are available and weather permits.

### **Grass Cutting on Rural Roads**

The cutting of grass along rural roadways follows a routine program and this work is limited to the immediate edges of the road. Dalwood Road and intersecting roads are scheduled for regular grass cutting and during the growing season this approximates to a six week cycle. During the winter period grass cutting is reduced and not undertaken if not needed. Should there be a situation where a key area is thought to be missed then this should be immediately reported to Council with specific details so inspections can be undertaken whilst equipment is in the area.

### **Mowing – Sneaths Lane**

Council undertakes side arm mowing and spraying along Sneaths Road.

### **Weeds along the Bruxner Highway – Morning Glory**

Staff have inspected the site and have programmed control activity spraying along the Lismore Road roadside.

### **Alstonville Pool Works – Pipe**

The redundant pool backwash pipe extending into the adjoining reserve has now been covered with soil to prevent access.

**6. Council Documents on Exhibition**

The following is a list of recent documents that have been placed on exhibition in the period since the last meeting.

- **Draft Policies as per below**

- University Scholarship Program Policy (Review), closing date 4 July 2018
- Policy (Review) – Community Gardens, closing date 8 August 2018
- Policy (Review) – Alcohol Regulation on Public Land, closing date 8 August 2018
- Policy (Review) – Private Structures on Public Land and Roads, closing date 8 August 2018
- Policy (Review) – Pensioner Concessions – Rates and Charges, closing date 8 August 2018

The above draft policies have been reviewed as part of Council's normal program of reviewing policies.

The following draft policies are new policies and are being exhibited for public comment

- **New Policies as per below**

- Policy (New) – Fire Safety Statements Program, closing date, closing date 8 August 2018

Council administers a compliance program in relation to essential services (being fire safety measures in buildings). Essential services are typically required in all buildings other than single dwellings and non-habitable sheds and garages.

Fire safety statements are the central aspect of Council's essential services compliance program. The certification of fire safety statements confirms the ongoing performance and maintenance of approved and installed fire safety measures. This certification is required on an annual basis and the statement is to be provided by the landowner to Council and Fire and Rescue NSW (FRNSW).

This new policy is to guide Council's approach to the management of its essential services obligations as they relate to annual fire safety statements.

- Policy (New) – Beach Debris Management, closing date 8 August 2018

Following the upstream flooding of the Richmond River caused by the remnants of Cyclone Debbie in 2017, Ballina Shire received a large quantity of floating debris deposited on the river foreshore and open ocean beaches. The bulk of the debris consisted of large trees, logs and vegetated islands broken off from river embankments.

The debris was of such significant size and density that it restricted public access and impacted on public amenity for many of the river foreshore and ocean beaches in Ballina Shire. This caused concern amongst some residents.

Council resolved the following in response to a Notice of Motion at the Council meeting of 24 August 2017:

1. That Council develops a policy determining the level of service that Council will provide in respect of clean up works on our beaches and riverbanks in response to need, and to ensure that debris does not build up at these sites due to particular weather events.
2. Should Council be successful in securing clean up funding from the State Government that Council proceed with those clean up works.

This new policy addresses point 1 of that resolution.

- Draft Ballina Shire Roads Contribution Plan Version 4.1, closing date 6 July 2018

Ballina Roads Contribution Plan Version 4.0 was adopted by Council on 24 September 2015.

Draft Version 4.1 has been prepared for public exhibition to include changes to the works schedule arising from a revision of the network configuration planned for Byron Bay Road and Hutley Drive, Lennox Head and subsequent adjustments to the works program, staging and contribution rates.

**7. Presentation by Andrew Smith, Manager Development Services**

To inform the community further in regards to Council's programs and services, members of our senior leadership team will provide a presentation to the ward committees.

The first presentation for C Ward will be made by Andrew Smith, Development Services Manager. Andrew's position is primarily responsible for development assessment.

**8. South Ballina Beach/Patches Beach – Correspondence from Gabrielle Upton MP**

Council is aware of community concerns about various activities along South Ballina Beach including illegal camping, four wheel driving, littering and waste dumping.

In relation to this, the Mayor recently wrote to the Hon. Gabrielle Upton MP to clarify the ownership and management responsibility associated with the land. A copy of this letter (dated 3 May 2018), along with the response provided by Minister Upton is attached for the information of the Committee (7 June 2018).

As indicated in the Mayor's letter, aside from the management of a Council owned land parcel at the end of Patches Beach Lane, Council is not the appropriate authority to determine management arrangements for the public land at South Ballina Beach or Patches Beach or to undertake regulatory enforcement of activities such as illegal camping, four wheel driving, littering, waste dumping or beach access. The National Parks and Wildlife Service and the Department of Industry (Crown Lands) are the agencies responsible for the management of this land.

Further to the above, at the June Council meeting, a resolution was made by Council requesting the General Manager prepare a report investigating the merits of a six month trial of a temporary toilet at the Keith Hall boat ramp.

enquiries refer  
**Matthew Wood**  
in reply please quote  
South Ballina CM Ref.18/28423



3 May 2018

The Hon. Gabrielle Upton MP  
Minister for Local Government  
GPO Box 5341  
SYDNEY NSW 2001

Dear Ms Upton

**Re: Government agency responsibility – management of land and activities at South Ballina Beach and Patches Beach, South Ballina**

I refer to correspondence (reference A572898) from Scott MacDonald MLC addressed to the Member for Ballina, Tamara Smith regarding the roles and responsibilities in the management of land and activities at South Ballina Beach and Patches Beach. The letter was in response to representations made to you by the Wardell and District Progress Association Inc.

In this subject area there are three government agencies responsible for the management of land and activities, being Ballina Shire Council, National Parks and Wildlife and Crown Lands.

I have researched the South Ballina Beach area relative to ownership, roles and responsibilities and have attached maps of the area which may be of assistance in addressing enquiries from the public about Council's roles and responsibilities and the responsibilities of the State Government agencies involved.

Map 1 shows the "Richmond River Nature Reserve" which is part of the National Parks estate managed under the provisions of the *National Parks and Wildlife Act*. There is an endorsed Plan of Management prepared by the State Government dated 1 May 2005 which sets out the management objectives of the Park.

The lands which comprise the Nature Reserve are:

- Lot 226 DP 728246,
- Lot 1 DP 738279,
- Lots 134-135, 178, 215 DP 755626,
- Lot 7006 DP 1051040,
- Lot 7012 DP 1113905,
- Lot 7303 DP 1163711,
- Lot 1834 DP 1188013

The Plan of Management, administered by the Office of Environment and Heritage, is available online <http://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/documents/richmond-river-nature-reserve>.

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Gabrielle Upton MP  
3 May 2018

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Council's only action under the Plan of Management relates to mangrove protection.

The Plan of Management specifically addresses four wheel drive usage within the Reserve.

The land is also the subject of an Aboriginal Land Claim 12411 lodged by the Jali Local Aboriginal Land Council on 5 July 2006.

Map 2 shows the extent of Lot 7303 in DP 1163711 which is known as "Patches Beach" or "Beswicks" Beach. This land parcel starts at the Richmond Nature Reserves and runs south to the end of the Shire border with Richmond Valley Council.

This land is Crown Land. The Reserve number is 10026 with a reserve purpose of "Quarry-Tramway". The Reserve was gazetted on 2 November 1889 and the management status is unknown to Council.

The Local Government Act as S48 states:

**48 Responsibility for certain public reserves**

- (1) *Except as provided by section 98A of the [Crown Lands Act 1989](#), a council has the control of:*
  - (a) *public reserves that are not under the control of or vested in any other body or persons and are not held by a person under lease from the Crown, and*
  - (b) *public reserves that the Governor, by proclamation, places under the control of the council.*
- (2) *If any doubt arises as to whether any land comes within the operation of this section, or as to the boundaries of a public reserve, the Governor may, by proclamation, determine the matter.*

Council's understanding is that a reserve purpose of "Quarry-Tramway" does not fall into the category of "public reserve". While the community may argue that a beach is, by default, a public reserve, the *Crown Lands Act* does not contain a definition of what constitutes a public reserve.

Based on the above and the information available to Council regarding the status of the Crown Land, Council does not manage this land and as such does not have regulatory responsibility for the matters raised in the letter to the Member for Ballina.

The land is also the subject of an Aboriginal Land Claim 12411 lodged by Jali Local Aboriginal Land Council on 5 July 2006.

Map 3 shows Lot 22 in DP 576211 which is Council owned freehold land. The land is classified as community land with a categorisation of "Bushland". There is an unsealed carpark, informal tracks onto both the Crown Reserve in Map 2 and also onto private land.

Council's management of this land is being undertaken in accordance with the requirements of the Local Government Act as follows:

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Gabrielle Upton MP  
3 May 2018

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**36J Core objectives for management of community land categorised as bushland**

The core objectives for management of community land categorised as bushland are:

- (a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
- (b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- (c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
- (d) to restore degraded bushland, and
- (e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- (f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- (g) to protect bushland as a natural stabiliser of the soil surface.

Any management proposals, embellishments or infrastructure changes on this land must be undertaken in accordance with the above objectives.

Aside from the management of the land identified as Lot 22, Council is not the appropriate authority to determine management arrangements for the land at South Ballina Beach or Patches Beach or to undertake regulatory enforcement of activities such as illegal camping, four wheel driving, littering, waste dumping or beach access.

I trust this information is helpful in considering matters that have been raised.

If you have any enquiries in regard to this matter please contact Matthew Wood, Group Manager Development and Environmental Health, on telephone 1300 864 444.

Yours faithfully

Cr David Wright  
**Mayor**

Enc.

cc. Member for Ballina, Tamara Smith ([ballina@parliament.nsw.gov.au](mailto:ballina@parliament.nsw.gov.au))  
The Hon. Ben Franklin, MLC ([Ben.Franklin@parliament.nsw.gov.au](mailto:Ben.Franklin@parliament.nsw.gov.au))  
Wardell and District Progress Association ([jefpaola@bigpond.net.au](mailto:jefpaola@bigpond.net.au))

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Map 1  
Ballina Nature Reserve

ballina shire council  
geographical information system  
Projection: GDA04 / MGA zone 56  
Date: 15/03/2018



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Map 2  
Patch s Beach or Beswick's Beach

ballina shire council  
geographical information system  
Projection: GDA04 / MGA zone 56  
Date: 15/03/2018

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**Map 3**  
**Council owned public reserve**

**ballina shire council**  
geographical information system  
Projection: GDA94 / MGA zone 56  
Date: 15/03/2018

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**Office of the Hon Gabrielle Upton MP**  
Minister for the Environment  
Minister for Local Government  
Minister for Heritage

MD18/1923  
South Ballina CM Ref. 18/28423

Councillor David Wright  
Mayor  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

By email: [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)

Dear Councillor

I refer to your letter about management responsibilities of South Ballina and Patches beaches. Your letter has been referred to me and I have been asked to reply on behalf of the Minister.

I appreciate your clarification that the long stretch of beach, known as Patches beach, in Lot 7303 of Deposited Plan 1163771 is Crown land. As such, I have taken the liberty of referring this matter to the Hon Paul Toole MP, Minister for Lands and Forestry, for his consideration.

As you note, the National Parks and Wildlife Service (NPWS) manage the Richmond River Nature Reserve, which includes approximately two kilometres of South Ballina beach, from the break wall.

Four-wheel drive access through the reserve to the beach and south of the access is permitted. NPWS monitors compliance with speed limits in the area and works closely with local police on enforcement.

Yours sincerely

**Scot MacDonald MLC**  
Parliamentary Secretary for Planning, the Central Coast and the Hunter

7 JUN 2018

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**9. Items raised by members of the Committee**

**10. General Business**

**11. Reporting of Safety Related Matters**

Committee members are encouraged to contact Council where matters relating to public safety are identified in the community rather than wait until a Ward Committee meeting to raise these types of issues.

For example, road or footpath conditions that raise safety concerns, the presence of hazards in public spaces or environmental damage should be reported to Council as soon as possible.

**12. Next Meeting**

Thursday 13 September 2018 at 5.00 pm

Ballina Shire "C" Ward Committee Minutes 10 May 2018 at 5.00 pm

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1. **Attendance and Apologies**

Councillor Ben Smith (Chair)  
Cr Eoin Johnston  
Cr David Wright (Mayor)

Lois Wright - Plateau Seniors  
Mary Birch – Wollongbar Progress Association  
Jane Gardiner – Alstonville Plateau Historical Society  
Jim Hahn – Probus Club of Alstonville  
Marilyn Nobbs-Hahn – Probus Club of Alstonville  
Russell Priddle – Alstonville Football Club  
Ron Birch – Wollongbar Progress Association (part time)  
Wayne Garrard – Alstonville Cricket Club  
Pat Carney - Wardell Progress Association  
Les Wiles – Alstonville Lions Club  
Marilyn Perkins – Wollongbar Progress Association  
Barry Jeffress – Tuckombil Landcare

**Others in Attendance**

Douglas Murdoch (Observer)  
Paul Worth (Observer)

**Staff in Attendance**

Matthew Wood, Group Manager, Development and Environmental Health Group

**Apologies**

Malcolm Johnson - Ballina Environment Society  
Steve Miller – Rous Mill Ratepayers  
Richard Lutze – Alstonville/Wollongbar Chamber of Commerce  
Elva Fitzell – Rotary e-Club of NextGen  
Councillor Sharon Parry

The apologies were accepted.

2. **Declarations of Interest**

Nil

3. **Deputations**

Nil

Ballina Shire "C" Ward Committee Minutes 10 May 2018 at 5.00 pm

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**4. Confirmation of Minutes 8 March 2018**

The minutes of the previous meeting held on 8 March 2018 were confirmed as a true and correct record (Mary Birch/Jane Gardiner).

**5. Business Arising from Minutes –8 March 2018**

**(a) Use of Steam as a Weed Control System**

The information contained in the agenda was noted.

**(b) Disaster Relief Funding – “Devil’s Elbow”**

The information contained in the agenda was noted.

**(c) Bulwinkle Park**

The information contained in the agenda was noted.

**(d) Angels Beach**

The information contained in the agenda was noted.

**(e) Entry Signs – Alstonville**

The information contained in the agenda was noted.

**(f) Fundraising Activities – Woolworths Ballina**

The information contained in the agenda was noted.

**(g) Chair of C Ward Committee**

The information contained in the agenda was noted.

Councillor Smith indicated that the Councillors are comfortable with the status quo. The meeting confirmed that the existing arrangement is acceptable at present.

Councillor Smith indicated that Council will further consider policy in relation the Ward Committees in a Councillor briefing to be held mid May 2018.

There was some interest amongst the Committee in rotation of Councillors through the chair role. This can be considered by Council in the briefing regarding engagement policy.

**(h) Update on Swimming Pool Redevelopments**

The information contained in the agenda was noted.

Mayor Wright indicated that Council is examining provision of additional shade. Storage has also been addressed in the rebuild.

Ballina Shire "C" Ward Committee Minutes 10 May 2018 at 5.00 pm

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Councillor Smith indicated the pools are due to be opened for an extended season in late July or early August 2018.

**(i) Wollongbar Sports Fields – Entry Road**

The information contained in the agenda was noted.

Paul Worth asked who opens and closes the gates. Matthew Wood advised that gate management is carried out by Council's security contractor.

Mary Birch asked about the status of road repairs. The Mayor and Councillor Smith indicated further works are being considered for implementation. It was confirmed that the road is open for public use.

Paul Worth asked who designed the original road in the context of concern about ratepayers meeting rehabilitation costs. Mayor Wright and Councillor Smith indicated Cardno designed the road and that Council will consider recovery of costs from the original designer. The matter to be referred to the Engineering Works section for review.

Related to the matter of professional design advice provided to Council, Councillor Johnston raised concerns about pool upgrade costs and delays in relation to power augmentation.

**(j) Toilets at Geoff Watt Oval**

The information contained in the agenda was noted.

Councillor Johnston raised concerns about the availability of Police at Alstonville as it appears that Alstonville's officer is often seconded to work in other places.

**(k) Footpath near Alstonville Telephone Exchange**

The information contained in the agenda was noted.

**6. Council Documents on Exhibition**

The list of Council documents which have recently been exhibited for public comment was noted.

Lois Wright queried whether the waste fees for not for profit groups policy has changed. Matthew Wood advised no significant changes are proposed in the document that is on exhibition.

Marilyn Nobbs-Hahn queried the rules for garage sale signage. Matthew Wood indicated that such signage is not permitted to be erected on public land, power poles etc.

Ballina Shire "C" Ward Committee Minutes 10 May 2018 at 5.00 pm

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Councillor Smith gauged the level of interest in holding a Delivery Program public meeting in Alstonville. No strong preference was expressed by the Committee.

**7. Items raised by members of the Committee**

**(a) Weeds along the Bruxner Highway**

Mary Birch raised concern about the weed, morning glory growing along the Bruxner Highway. Mary indicated that amenity is significantly impacted especially near the BP and Kays Lane. It was also noted that directional signage is becoming covered.

Mayor Wright advised Council staff have raised this issue with the RMS. Matter to be further considered by staff (post meeting note: photographs provided by Marilyn Perkins).

**(b) Maintenance of Public Spaces around Wollongbar/Waste Forum**

Mary Birch provided positive feedback about the maintenance of public spaces around Wollongbar and advised a waste education talk would be held at Wollongbar Hall at 6pm Wednesday 16 May 2018.

**(c) Bulwinkle Park**

Les Wiles raised Bulwinkle Park works, including removal of 9 camphor laurel trees. More trees are yet to be removed with this work likely to take until July 2018. Expected cost is in the order of \$10,000 for chipping (removal is being undertaken at no cost). Councillor Smith suggested the group make a donation request for works at Bulwinkle Park.

Les also raised the matter of the power line running through the park where tree limbs are overhanging the lines. Councillor Smith indicated Council can raise this matter with Essential Energy. The matter to be referred to Council's Open Space and Reserves section for review.

**(d) Freeborn Park**

Les Wiles indicated that in Freeborn Park one of the trees is causing pavers to be raised. Concern raised that this may be a trip hazard. Matter to be referred to Council's Open Space and Reserves section for review.

**(e) Teven Park**

Barry Jeffress indicated that Teven Park is a work in progress involving removal of approximately 40 camphor laurel trees. The group is planning to plant around 3,000 rainforest trees on the site in about June 2018.



Ballina Shire "C" Ward Committee Minutes 10 May 2018 at 5.00 pm

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**(f) Engine Immobiliser Damage**

Barry Jeffress raised an issue relating to engine immobiliser damage resulting from power surges in the power boxes/transformers. Barry was encouraged to contact Essential Energy direct.

**(g) Blocked Stormwater Inlets**

Wayne Garrard raised concern that stormwater inlets around Alstonville are blocked by debris after heavy rain (particularly in the Geoff Watt Oval area and around Panorama Estate). The matter to be referred to Council's Engineering Works section for review.

**(h) Alstonville Pool Works – Pipe**

The matter of a pipe remaining from the Alstonville pool works near trees on Crawford Park was also raised (pipe is partly buried but the end is exposed). There is concern the pipe may contain asbestos material. The matter to be referred to Council's Community Facilities and Open Space and Reserves sections for review.

**(i) Rous Hall**

Councillor Johnston advised that a recent meet and greet at Rous Hall was successful.

**(j) Dalwood Road – Linemarking**

Councillor Johnston indicated that Dalwood Road does not have white line marking and this is of concern particularly due to the nature of the sweeping bends. The matter to be referred to Council's Engineering Works section for review.

**(k) Grass Cutting on Rural Roads**

Grass cutting along roadways being missed in key areas was also raised (for example, where Rous Road joins Dalwood Road). Concern about potential for visibility problems. The matter to be referred to Engineering Works and Open Space and Reserves sections for review.

**(l) Slip Lane Roadworks – Bruxner Highway**

Les Wiles asked when slip lane road works will commence on the Bruxner Highway at Alstonville. Mayor Wright indicated the works are expected to begin in mid May 2018.

**(m) Mowing – Sneaths Lane**

Mary Birch enquired about mowing around Sneaths Lane near the TAFE and footpath. The matter to be referred to Council's Open Space and Reserves section for review.

Ballina Shire "C" Ward Committee Minutes 10 May 2018 at 5.00 pm

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**(n) Croquet Facilities – Alstonville/Wollongbar**

Jane Gardiner raised the issue of croquet fields at Alstonville and the level of services available. Mayor Wright indicated that the Wollongbar Sports Fields project included engagement with sporting groups but croquet did not identify particular needs at the time. Council has not received a definitive proposal for the Alstonville club (post meeting note: further information has been provided to Council by the Alstonville croquet club for consideration).

**(o) Wollongbar Skate Park**

The Wollongbar skate park was discussed in relation to enquiries received by the Mayor. By way of a status update, the development application for the facility is under assessment including consideration of noise issues and NSW Police feedback.

**(p) Vandalism Repair Costs – Crawford House**

Jane Gardiner advised that vandalism repair costs in the order of \$800 relating to windows at Crawford House will be reimbursed to the Historical Society by Council.

**(q) Chamber of Commerce Awards Night**

Councillor Smith advised of the upcoming Chamber of Commerce Awards night.

**9. General Business**

Nil.

**10. Next Meeting**

Thursday 12 July 2018 at 5.00 pm

**Meeting Closure**

5.55 pm