

1. Attendance and Apologies

2. Guests

Cheyne Willebrands – Manager Open Spaces

3. Declarations of Interest

4. Confirmation of Minutes

A copy of the Minutes of the "B" Ward Committee held on 21 September 2020 are included in *Attachment 1*.

5. Outstanding Business

(a) Climate Change Emergency

Action: Claudia Caliarì (on behalf of Ballina Environment Society) enquired how Council are investing towards climate change.

Staff Comment

Council provided a formal response letter to Claudia Caliarì dated 8 October 2020.

(b) EPIQ Sporting Club Construction Status

Action: Darel Vidler enquired about the status for the tenders for the construction of the sporting club.

Staff Comment

Council has contacted the developer for an update. Council have not been provided with a commencement date, but have been advised the construction is anticipated to be completed by April 2021.

(c) Lake Ainsworth Planting

Action: Shaun Eastment enquired about landscaping to be undertaken Lake Ainsworth. Landcare are currently propagating plants and has concerns that local plants won't be used. Shaun asked to be involved in the planting decision and discuss the matter further with Cheyne.

Staff Comment

Meeting held on-site with Council staff and Ms Eastment on 28 September 2020.

6. Business with Notice from Members

(a) Vandalism at Lake Ainsworth

Crs Wright and Cadwallader have requested that vandalism at the northern end of Lake Ainsworth be discussed.

Staff Comment

Cheyne Willebrands, Manager Open Spaces will be attending the meeting to discuss the matter.

(b) Unauthorised Camping

Cathy Byrne raised concerns about the increase in unauthorised camping (including homeless and backpackers) between Black Head, Flat Rock, Shelly and Angels Beach.

- Would Council consider revisiting a free camping site at Bicentennial Park or another site?
- What are the enforcement regimes?
- Requested additional signage in these areas.

Staff Comment

Council is aware of the increased numbers in unauthorised car and tent camping in our shire. Whilst Council has regulatory signage in a number of locations, Council Rangers also monitor and undertake compliance at various sites on a regular basis.

Bicentennial Park has historically been a rest area, not a free camping area therefore overnight rest stops have been permitted when Tamarind Drive was the highway. Future management of this area will be guided by the preparation of a Master Plan. This process will commence in 2021/22, and is in Council's Delivery Program.

(c) Coastal Signage

Cathy Byrne has requested an update on the progress of Coastcare signage.

Cathy also provided an example of signage from Coffs Harbour Shire:



Staff Comment

Council is awaiting confirmation from JALI for the correct Bundjalung wording on the signage. Council is working towards preparing the signage.

With regards to the "Walker signage", Council has undertaken track modification and fencing to discourage bike access and assist walkers in lieu of further signage.

(d) Plant Identification Training

Cathy Byrne has requested plant identification training and strategies for weed management of specific species for Coastcare members, particularly for new members. Requested Council consider assisting by enabling Council nursery staff meet with Coastcare members regularly at different sites for an hour for a sustained period of several months in 2021.

Staff Comment

Cheyne Willebrands, Manager Open Spaces is preparing a response to be discussed at the meeting.

(e) Green Waste Service for Businesses in Lennox Head

Brad Pollard raised concerns as a cafe business in Lennox recently described an experience they had with regards to councils green waste service. The business arranged for 2 green waste bins as they wanted to divert food waste away from landfill and enjoy a reliable scheduled pickup service. At a cost of approximately \$400 per bin, this is unaffordable for most other cafes therefore food waste is being thrown into general waste and ending up in landfill. Additionally, the bins have regularly not been picked up because they were too heavy.

Brad would like to know if anything can be done to reduce the cost to businesses that wish to do the right thing environmentally and why is a weight restriction being applied to the service? A further hurdle for businesses to make when they just want to do the right thing environmentally.

Action: Referred to Civil Services.

(f) Roundabout Landscaping/Maintenance

Brad Pollard requested Council maintain the landscaping on the roundabout on Byron Bay Road/North Creek Road as it is currently looking tired and covered with dirt. As this roundabout is one of two entrances to the village and town centre Brad has requested the roundabout is maintained on a regular basis.

Staff Comment

Cheyne Willebrands, Manager Open Spaces is preparing a response to be discussed at the meeting.

(g) Concrete Barriers and Wire Fencing – Ballina Street, Lennox Head

Brad Pollard raised the unattractive appearance of the concrete barriers topped with wire fencing that were installed along Ballina Street, Lennox Head (between Byron Bay Road/North Creek Road roundabout and Allens Parade), possibly to retain the soil, rock and vegetation behind it. To improve the entrance to town Brad requested Council extend and continue the existing black rock wall retainer to the roundabout. This is a beautiful strip and entrance to town.

Action: Referred to Civil Services.

(h) Declaration of Climate Change Emergency / Investment Policy

Claudia Caliarli from the Ballina Environment Society submitted further enquiries relating to climate change and Council's Investment Policy. A copy of Claudia's detailed request for information is included in *Attachment 2*.

Staff Comment

Council's Manager, Financial Services provided the following information in response to the various matters raised:

It is agreed that the ability to place an investment with a non-fossil fuel aligned institution with a return of within 0.05% of the highest available return has had little bearing on the resulting investment holdings.

Council staff are required to comply with the parameters set out in the adopted Investment Policy.

Council's investments comply with the adopted Investment Policy. That is, *"Where possible (and subject to obtaining a comparable return and compliance with other investment policy parameters), the investing officer will place the investment with an institution which has been classified as non-fossil fuel aligned" and "In placing the investment the investing officer will take every reasonable effort to maximise the percentage of the total portfolio held with non-fossil fuel aligned institutions"*.

The Investment Policy parameters must be complied with and the monthly Investments Report to Council makes a statement of compliance.

The Investment Policy parameters have precedence over the Climate Change Emergency.

A change in practice would require a change in the Investment Policy parameters. This Policy is reviewed annually and is due for renewal in February 2021. Management propose that comment in relation to the level of holdings of the non-fossil fuel aligned investments be noted in the report for consideration by Council.

7. Business without Notice

8. Council Documents on Exhibition

The following is a list of documents currently on public exhibition. The documents can be found on our website at the following link: <https://ballina.nsw.gov.au/documents-on-exhibition--179>

Policies Reviewed

- Policy (Review) – Developer Contributions Incentive – Outdoor Spaces
- Policy (Review) – 4WD Beach Access – Seven Mile Beach (4WD Beach Permit) – Attachment 1
- Policy (Review) – 4WD Beach Access – Seven Mile Beach (4WD Beach Permit) – Attachment 2
- Policy (Review) – Community Property Leasing and Licensing

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

Other Items

- **Annual Financial Statement – June 30 2020 – closing date 16 November 2020**

The Annual Financial Statements to 30 June 2020 together with the draft Auditor's Report were presented for consideration for the 22 October 2020 Ordinary Council Meeting.

The Council meeting to be held 26 November 2020 will include the formal presentation of the Audited Financial Statements and Auditor's Report.

- **Developer Contributor Incentive Policy (Review) – closing date 18 November 2020**

The policy was developed to establish a framework for Council to assist the development and expansion of certain investment activities through the waiver of developer contributions and to set out the eligibility and terms for incentives under the policy. The policy is to be amended to include an incentive to encourage the activation of commercial private open space that is accessible to the public.

- **Ballina Shire Development Control Plan 2012 – Amendment No. 13A**

Council adopted Amendment No. 13A to the Ballina Shire Development Control Plan 2012 (the DCP) at its Ordinary Meeting held on 24 September 2020. Amendment No. 13A to the DCP will take effect from 12 October 2020.

- Amendment No. 13A involves various changes to the DCP including the following:
- Adjustments within Chapter 2 – General and Environmental Considerations relating to sewage management, including details specific to the Fig Tree Hill Estate in Lennox Head.
- Adjustments within Chapter 2 – General and Environmental Considerations relating to Public Art requirements.
- Inclusion of provisions within Parts 3.1 and 3.2 of Chapter 3 – Urban Subdivision to clarify Council’s policy position regarding provision of Asset Protection Zones.
- Adjustments to controls within Chapter 4 – Residential & Tourist Development relating to secondary dwellings.
- Inclusion of a provision within Chapter 4 – Residential & Tourist Development to address bulk and scale issues associated with the construction of sheds in residential areas.
- Adjustments within Chapter 4 – Residential & Tourist Development to clarify controls relating to solar access.
- Adjustments within Chapter 6a – Commercial Development Ballina Town Centre to incorporate activation requirements and to clarify accessible car parking provisions.

This advice is provided in accordance with Clause 21 of the *Environmental Planning and Assessment Regulation 2000*.

9. Next Meeting

Monday 15 March 2021 - 4.30 pm

Attachment 1

Ballina Shire "B" Ward Committee Minutes 21 September 2020 – 4.30 pm

1. Attendance and Apologies

Members

Cr Sharon Cadwallader (Chair)
Cr David Wright (Mayor)

Monica Wilcox, Lennox Head Residents Association (via Zoom)
Brad Pollard, Lennox Head Chamber of Commerce (via Zoom)
Alan Veacock, Cumbalum Residents Association Inc. (via teleconference)
Darel Vidler, Lennox Head Combined Services Association (via Zoom)
Shaun Eastment, Lennox Head Landcare (via Zoom)
Lou Wilson, Lennox Head Alstonville Surf Life Saving Club (via Zoom)
Claudia Caliarì – Ballina Environment Society (via Zoom)
Lyn Walker - Ballina Environment Society (via Zoom)

Council Staff

Kelly Brown, Director Corporate and Community Division
John Truman, Director Civil Services Division
Janelle Snellgrove, Secretary
Sandra Jackson – Events Support Officer
Cheyne Willebrands – Manager Open Spaces

Attended as an observer

John Bout – Summerhill Residents Group

Apologies

Lorraine Leuckel – Marine Rescue Ballina
John Dwyer – NSW Sport & Rec
Jim Gilchrist – Preserving Lake Ainsworth Assoc. (Inc)
Cr Keith Williams (unable to access Zoom)

RECOMMENDATION

That the apologies be accepted.

2. Confirmation of Minutes

That the Minutes of the "B" Ward Committee held on 20 July 2020 be taken as read and confirmed with the following additions and amendment:

- Claudia Caliarì be recorded as an attendee via zoom for the previous meeting on the 20 July 2020 meeting.
- Item 5 (d) Lennox Village Vision be recorded that the item raised by Brad Pollard not Monica Wilcox.

(Shaun Eastment/Monica Wilcox)

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3. **Deputations**

Nil.

4. **Outstanding Business**

(a) **Promotional Signs Taskforce**

The information contained in the agenda was noted.

Kelly Brown advised the Signage is scheduled to be installed October 2020.

(b) **Composting Bin System in Lennox Head CBD**

The information contained in the agenda was noted.

(c) **Covid-19**

The information contained in the agenda was noted.

(d) **Pat Morton/Lennox Point, Coast Road Parking**

The information contained in the agenda was noted.

(e) **Offleash Dogs**

The information contained in the agenda was noted.

Cr Cadwallader acknowledged the concerns of committee members and advised that she has requested a report on incidences from council and that council is trying to police and assist with the problem.

(f) **Lighting – Lennox CBD**

The information contained in the agenda was noted.

Shaun Eastment advised she understood that council needs to wait for Essential Energy's advice. However asked that council closely monitor this matter.

(g) **EPIQ Sporting Fields**

The information contained in the agenda was noted.

Darel Vidler further requested temporary storage facility at EPIQ sporting fields.

Cheyne Willebrands advised there will be storage area provided in the proposed sporting club. Council are unable provide a temporary storage facility.

(h) **Cricket Fields Grant**

The information contained in the agenda was noted.

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Darel Vidler further enquired about the status on the cricket nets as the funding was available.

Cheyne Willebrands advised Megan Reserve was allocated the funding. Darel Vidler and Cheyne Willebrands agreed to meet and discuss further.

(i) Friday Hut Road and Killen Falls

Darel Vidler raised road safety concerns for Friday Hut Road, shoulders are too narrow and negligible. A high number of vehicles and cyclists travel along Friday Hut Road. The shoulders need to be widened due to the increased pedestrian access along this road.

John Truman advised that currently there is no funding proposed to undertake shoulder work upgrade for Friday Hut Road section which accesses Killen Falls.

Kelly Brown advised a traffic audit was undertaken by council which revealed there has been a 10 car increase since 2016 and the average travelling speed along Killen Falls Road is 50km/h (80km/h speed zone). There is also a Plan of Management to be undertaken for Killen Falls area in 2020/21 which will also further examine traffic/parking considerations.

John Truman advised Killen Falls Road is typical of most rural roads, there is no specific issue therefore general road improvements will continue to apply.

5. Business with Notice from Members

(a) Lake Ainsworth Vandalism

The information contained in the agenda was noted.

(b) Stone Blocks at Lake Ainsworth

The information contained in the agenda was noted.

Cheyne Willebrands further advised council will monitor the stone blocks for vandalism.

(c) Cameras at Lake Ainsworth

The information contained in the agenda was noted.

(d) Filming Notification in the Shire

The information contained in the agenda was noted.

Monica Wilcox further requested council communicate with community when events are scheduled.

Sandra Jackson advised council have various methods of communicating with the public such as road info (if there are road closures), media release, radio, social media, leaflets may be distributed to effected residents.

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Sandra Jackson also advised that the recent Boulders Beach filming was a car chase therefore the area was closed to the public for safety reasons.

(e) Toilet adjacent to Lennox Head Surf Club

The information contained in the agenda was noted.

(f) Climate Change

The information contained in the agenda was noted.

Claudia Caliarri raised that at councils ordinary meeting 28 November 19 it was resolved climate emergency investment policies conflict with climate emergency, Claudia enquired which takes precedence. Claudia requested council investigates all council policies.

Cr Cadwallader advised council would take on notice and report back to Claudia on this matter.

(g) Lake Ainsworth Reserve Public Access

Lyn Walker requested Council consider changing the Lake Ainsworth Reserve Public Access (from Gibbon St/Ross St). A copy of Lyn's detailed request for information is included in Attachment 4.

John Truman advised that a notice of motion would be required as this matter had previously been resolved by council.

(h) Williams Reserve Plan of Management

The information contained in the agenda was noted.

6. Cumbalum Interchange

The information contained in the agenda was noted.

John Truman further advised that Transport NSW are progressing with a flood study which will be available to council by the end of this year.

The purpose is to examine smaller storm events that cause closure of local roads in the area.

Any proposed upgrade works for the interchange will need to sufficiently mitigate any impacts of the 100 year flood level.

Council continues to look for opportunities for the government to make a commitment to the interchange upgrade project.

7. Council Documents on Exhibition

The list of documents currently on public exhibition was noted.

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8. Business without Notice

(a) Pat Morton Shared Pathway

Sean Eastment enquired about a shared path near the Pat Morton Lookout.

John Truman advised the landscape plan council adopted indicated the shared pathway terminates at Pat Morton Lookout. A car parking upgrade program is scheduled for July 2021.

(b) EPIQ Sporting Club Construction Status

Darel Vidler enquired about the status for the tenders for the construction of the sporting club.

Cheyne Willebrands advised the club has the relevant approvals and an update will be provided.

Action: Referred to Open Spaces.

(c) Lake Ainsworth Planting

Shaun Eastment about landscaping to be undertaken Lake Ainsworth. Landcare are currently propagating plants and has concerns that local plants won't be used. Shaun asked to be involved in the planting decision and discuss the matter further with Cheyne.

Cheyne Willebrands advised other works are being populated with planting in the shire which are more in need.

Action: Cheyne Willebrands to work with Shaun Eastment on proposed works.

(d) Community Property Leasing and Licencing policy review

Darel Vidler raised the need for security of a lease agreement and enquired what length of time will be offered for lease. The length of lease was uncertain. It was noted that there is a review currently underway.

Post Meeting Update

The Community Property Leasing and Licencing policy review will be reported to council's ordinary meeting Thursday 24 September 2020.

(e) Market relocation proposal

Shaun Eastment raised concerns about the potential for Lennox Head Markets relocating to Lake Ainsworth. The markets would generate vehicles around the lake which would cause damage to the lake.

Sandra Jackson explained the suitability and requirements of a site for a successful market and approvals involved.

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9. **Next Meeting**

Monday 16 November 2020 – 4.30 pm

10. **Meeting closure**

5.46 pm

Attachment 2

Ballina Environment Society

Ballina Council Declaration of Climate Emergency – where is it going with Investments?

Council has shown that it has a resolute intention to take account of Climate Change in all of its activities with two resolutions, namely;

“that Council declares we are in a state of Climate Emergency that requires urgent action by all levels of government “ (Nov 2019)

And Climate Change mitigation and adaptation has been put as a requirement in all Councils endeavours into the overarching strategically dominant position of Engaged Leadership in Ballina Shire Local Strategic Planning Statement 2020-2040 on 28/05/2020.

Council’s Investment policy demands the same commitment by requiring its investments to move, albeit slowly, towards predominantly favouring non fossil fuel supporting investments. (Relevant extractions below)

BES looked at the investments since Nov 2019 and found that there is no trend in practice towards this policy determination.

When it comes to investments the balance remains about 60% for fossil fuel aligned and 30% non fossil fuel aligned across twelve months. Staff have argued to The B Ward Committee that day to day variations plus External requirements from the NSW Government and Council’s internal requirements are to blame for this. Put bluntly is Council’s argument for non compliance that its too hard?

BES therefore posed this question for Council

1. When there is a clash between investment policy and climate change emergency what has precedence?

A second reply from Council to the B Ward ignores the question and instead argues that in addition to too many variables (too hard) investments are not relevant to Council’s Climate change response –relevance is solar panels, appropriate street lighting, trees etc. Not relevant seems a poor excuse.

Council’s own policy states “10. Investments obtained are to be considered in light of the following key criteria [one of which is] Reputational and Environmental Risk – the risk of damage to Council’s image and/or risk to the environment resulting from Council taking out investments with institutions who are known to fund fossil fuel activities.

and

Ballina Environment Society

13. REPUTATIONAL AND ENVIRONMENTAL CONSIDERATIONS

13.1 Where possible (and subject to obtaining a comparable return and compliance with other investment policy parameters), the investing officer will place the investment with an institution which has been classified as non-fossil fuel aligned. This classification shall be determined based on publicly available information, such as from Market Forces www.marketforces.org.au).

13.2 In placing the investment the investing officer will: Take every reasonable effort to maximise the percentage of the total portfolio held with non-fossil fuel aligned institutions.

Be mindful of maximising the credit rating parameter that is aligned with non-fossil fuel aligned institutions (typically the B category).

Also consider the reputation of the institution with respect to ethical behaviour, with Council's preference being for investments to be held with institutions that display the highest standards of ethical behaviour" (p5, Policy no 101 (Feb 2017 confirmed Jan 2020) (BES emphasis)

BES believes that there is no necessary clash between policy and action but this appears to be Council's argument –too hard and not relevant.

We suggest that there is a need to encourage more effort to change behaviours and Council needs a clear strategy with clear goals and targets.

BES suggests that Council could appoint a senior person to oversee the development of a detailed plan and to oversee that the CED is embedded in investment decisions and all future Council actions within the overall plan.

Some other local Governments are already showing the way trying to do the right thing.

Claudia Caliarì
for Ballina Environment Society