

1. Attendance and Apologies

Members

Council Staff

Others in attendance:

Apologies:

Jane Gardiner – Alstonville Plateau Historical Society

2. Guests

3. Declarations of Interest

4. Confirmation of Minutes – 18 March 2021

A copy of the Minutes of the "C" Ward Committee held on 18 March 2021 are included in Attachment 1.

**RECOMMENDATION**

That the minutes of the previous meeting held on 18 March 2021 be accepted as a true and correct record.

5. General Business

a) **2021 Local Government Election - Saturday 4 September 2021**

Council would like to provide the following information relating to the upcoming Local Government Election.

The next election for the Ballina Shire Council will be held on Saturday 4 September 2021.

Local government elections in NSW are held every 4 years. Due to the 2020 election being postponed by a year, the current Council will serve for a 5-year term and the new Council that is elected at the 2021 election will serve for a 3-year term.

NSW Electoral Commission manages the Local Government election for Ballina Shire Council. For further information and key election dates or candidate information, visit [elections.nsw.gov.au](http://elections.nsw.gov.au), email [candidates@elections.nsw.gov.au](mailto:candidates@elections.nsw.gov.au) or phone the NSW Electoral Commission office on 1300 022 011.

The NSW Government is committed to increasing female representation on our local councils at the local government elections in September 2021. Currently women represent only 31% of all councillors serving across the state. If you're female and interested in becoming a councillor, download the factsheet here.

If you would like to know more about becoming a councillor, register to participate in a candidate information session.

- Session One: Monday 7 June - 5.30pm - Ballina Indoor Sports Centre meeting rooms
- Session Two: Tuesday 8 June - 5.30pm - Mullumbimby Civic Centre
- Online session: Date and time to be advised

To register your attendance at one of these sessions please complete the form available on Council's website.

**b) Delivery Program and Operational Plan 2021/2022 – 2024/2025**

Council has prepared its draft Delivery Program for the four year period from 2021/22 to 2024/25. This document, which includes the draft Operational Plan for 2021/22, outlines items such as:

- the services and key actions planned for 2021/22 to 2024/25
- a summary of the major capital works scheduled for 2021/22 to 2024/25
- our ten year long term financial plan for 2021/22 to 2030/31 and
- the rates, charges and fees proposed for 2021/22.

Community Information Sessions

To get a better understanding of what projects are planned or how services will be delivered for the next financial year the following information sessions were held:

- Tuesday 4 May 2021 6pm. Livestream only  
Email questions for the General Manager throughout the session to [qanda@ballina.nsw.gov.au](mailto:qanda@ballina.nsw.gov.au)
- Wednesday 5 May 2021 6pm Wardell Memorial Hall
- Thursday 6 May 2021 6pm Lennox Head Cultural Centre

Link to view Livestream session held at the Chambers Tuesday 4 May 2021 at 6pm:

<https://vimeo.com/545275630/52de17b0b6>.

**c) North Wall Maintenance**

Council would like to advise the committee that pathway maintenance is currently being undertaken from Monday 3 May to Friday 7 May on the North Wall shared path from Shaws Bay to the Ballina Marine Rescue Tower. The path will be closed during these works. Access to the Shaws Bay carpark alongside the Shaws Bay Holiday Park and Gawandii Beach will not be

affected. Access will not be affected to the eastern section of the North Wall from the Marine Rescue Tower to the Richmond River entrance. The public are encouraged to use the pathway along Compton and Fenwick Drives and Pop Denison Park as an alternate route to access the eastern section of North Wall, starting from the Marine Rescue Tower.

d) **NRAR - Know Your Rules About Water Compliance**

Council would like to provide the following information to the Committee.

The Natural Resources Access Regulator (NRAR) has launched its Know the Rules campaign to encourage understanding and compliance on the usage of water.

The campaign features a series of short videos, supported by fact sheets and other information on conditions, licences and approvals. These fact sheets can be found: <https://www.industry.nsw.gov.au/natural-resources-access-regulator/resources/know-the-rules-campaign>.

The videos urge water users to check the conditions on their licences and approvals on the NSW Water Register located on the WaterNSW website: <https://www.waternsw.com.au/>.

NRAR has also indicated officers will be at rural field day events including Norco Primex field days.

6. Outstanding Business – 18 March 2021

Nil

7. Business with Notice from Members

a) **Healthy Waterways Project / Tuckean Swamp**

Malcolm Johnson requested a report on the progress achieved by the Tuckean Steering Committee.

Staff Comment

The Tuckean project is summarised in the Ozfish Project Brief contained in Attachment 2.

In relation to Council's program, a Healthy Waterways Strategy publication outlining program projects and outcomes is due to be published soon. The Healthy Waterways Program doesn't only include monies received from a special rate variation associated with waterway health but also includes monies from successful grants plus from other sources separate to the special rate variation.

b) **Marom Creek Aquifer Pumping**

Malcolm Johnson raised concerns regarding the impact use of the Marom Creek Aquifer Pumping might have on the surface flow of streams on the Alstonville Plateau and Tuckean / Broadwater area. Could it lead to local subsidence issues?

Staff Comment

Ballina Council has two approved groundwater allocations on the Alstonville Plateau that are used only in times of drought, and Council is not proposing to change this approach. The current proposals regarding increased aquifer use are within Rous County Council's Future Water Project. All groundwater allocations on the plateau are assessed and regulated by the NSW Department of Planning, Industry and the Environment with the intent of ensuring sustainable management of the aquifer.

Queries regarding the allocations and potential impacts from drawing of water from the aquifer should be directed to the State regulatory authority (being DPIE) and/or Rous Water (in relation to potential future water extraction).

8. Business without Notice

9. Update on Covid19

10. 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**

- Investments Policy (Review)

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

**Other Items**

- **2021/22 - 2024/25 Delivery Program and Operational Plan – closing date 28 May 2021**

Council has prepared its draft Delivery Program for the four year period from 2021/22 to 2024/25. This document, which includes the draft Operational Plan for 2021/22, outlines items such as:

- the services and key actions planned for 2021/22 to 2024/25
- a summary of the major capital works scheduled for 2021/22 to 2024/25
- our ten year long term financial plan for 2021/22 to 2030/31 and

- the rates, charges and fees proposed for 2021/22.

- **Community Donation Programs – closing date 28 May 2021**

Council's draft 2021/22 Operational Plan provides funding through our donations programs to assist community-based groups deliver services to our residents.

Applications are now open for the following donation programs for the 2021/22 period:

- Donations – Financial Assistance for Community Groups
- Donations – Capital Works Assistance for Community Sporting Groups

To be eligible for financial assistance the relevant form below must be completed and returned to Council.

- **Roads Act 1993 - Public Gates – submissions close 21 May 2021**

Notice is hereby given that pursuant to Section 128 of the Roads Act 1993, Ballina Shire Council has received an application to erect Public Gates at the following locations:

- Across the unformed public road reserve that extends west from the end of Norman Jones Lane, Wollongbar
- Across the unformed public road reserve that extends east from the end of Chesworth Lane, Wollongbar.

A period of one month from the date of publication of this notice is allowed during which time any person may lodge a written submission with Council.

**Items on Exhibition after March 2021 Meeting – closed**

- **Ballina Shire Development Control Plan 2012 – closed 16 April 2021**

Draft Amendment Chapter 2 General and Environmental Considerations - Part 3.6 – Mosquito Management Provisions

The Draft Amendment involves a revision of the development controls relating to mosquito management to reflect contemporary understandings of mosquito risk and mitigation.

The review of the DCP provisions has been undertaken in association with mosquito specialist Associate Professor Cameron Webb.

- **Tuckombil Quarry Site - Opportunities Assessment: RFQ1466 – closed 6 April 2021**

Quotations for the development of options for the future use of the Tuckombil Quarry site.

- **Road Name Proposal** – closed 2 April 2021

Ballina Shire Council proposes to name the following road in accordance with the Roads Act 1993. Location: Un-named lane between northern sections of Gibbon and Stewart Streets, Lennox Head. Proposed Road Name: Burrows Lane. Name Origin: Named after John Semple Burrows, as proposed by remaining family still living on family property adjacent to un-named lane, and supported by Lennox Head Heritage Committee.

- **Ballina Shire Development Control Plan 2012 - Draft Amendment No.14 - Chapter 7 Rural Living and Activity – Rural Function Centres** – closed 31 March 2021

The Draft Amendment introduces special development controls which address matters of site suitability and the management of events/functions in relation to function centres (including wedding venues) on land zoned RU2 Rural Landscape zone under the Ballina Local Environmental Plan 2012.

The Draft Amendment relates to the recently approved Rural Function Centres Planning Proposal, adopted by Council at the Ordinary Meeting of 25 February 2021, to amend the Ballina Local Environmental Plan 2012. The amendment will be on exhibition from 3 March 2021 to 31 March 2021.

Site suitability criteria proposed in the Draft Amendment include the consideration of acoustic assessments (to be undertaken by qualified acoustic consultants), traffic impact assessments and rural land use conflict assessments.

The event management provisions include requirements and guidance with respect to the preparation of a site management plan addressing matters such as the transport of guests to and from the site, hours of operation, notification of neighbours, and other measures to mitigate environmental impacts and the potential for land use conflicts to arise.

- **Tender Provision for Business Development and Marketing Services for the Ballina Byron Gateway Airport: RFT1450** – closed 16 March 2021

Tenders for the provision of business development and marketing services for the Ballina Byron Gateway Airport for a three year period.

11. Next Meeting

Thursday 8 July 2021 – 5.00 pm

## **Attachment 1**

Ballina Shire "C" Ward Committee Minutes – 18 March 2021 – 5.00 pm

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1. Attendance and Apologies

*Members:*

Cr Ben Smith (Chair)  
Cr David Wright (Mayor)  
Cr Eoin Johnston (via Zoom)

Jane Gardiner - Alstonville Plateau Historical Society (via Zoom)  
Pat Carney - Wardell Progress Association  
Mary Birch - Wollongbar Progress Association (via Zoom)  
Russell Priddle - Alstonville FC

*Council Staff:*

Matt Wood – Director Planning and Environmental Health Division  
Janelle Snellgrove - Executive Support Officer

*Others in Attendance:*

Nil.

*Apologies*

Cr Sharon Parry  
Des Burke – Alstonville Lions  
Barry Jeffress - Secretary Tuckombil Landcare  
Jim Hahn - Probus Club of Alstonville  
Steve Miller - Rous Mill Ratepayers Association  
Wayne Garrard - Alstonville & District Cricket Association  
Malcolm Johnson - Ballina Environment Society

**Recommendation:**

That the apologies be accepted (Eoin Johnston / Mary Birch)

2. Guests

Nil.

3. Declarations of Interest

Nil.

4. Confirmation of Minutes 12 November 2020

**Recommendation:**

That the minutes of the previous meeting held on 12 November 2020 be accepted as a true and correct record (Pat Carney / Mary Birch).

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5. Outstanding Business – 12 November 2020

a) **Snipe Bird Migration**

Jane Gardiner advised that a migratory bird species (a type of Snipe) has been observed in wetlands between Gap Road and Teven Road. This appears to be a resting site for the birds which migrate from Asia. It was suggested this could be the largest site in NSW (possibly Australia). Jane has suggested Council to contact relevant bird groups as this is a very significant site.

The information contained in the agenda was noted.

6. Business with Notice from Members

a) **Alstonville Cultural Centre Update**

Jane Gardiner requested an update on the Alstonville Cultural Centre in regards to contracts, income and centre upgrades planned for 2023.

Staff Comment

The licence agreement with Byron Studios took effect from 1 December 2020. The licence agreement is for a two year period.

Byron Studios are required to pay a passive rate of \$375 per week whilst the premises is not in use and \$750 per week whilst the premises is occupied and a movie is in progress.

Under the licence agreement, the first three months rent is deferred for payment until early 2022.

Byron Studios have secured a film production with the sets currently being completed. The filming will commence this month.

Concept plans for the redevelopment of Alstonville Culture Centre have been endorsed by Council. Council is in the process of sourcing quotations for the preparation of the detailed design plans for Alstonville Cultural Centre redevelopment.

Once these plans are completed, Council will then proceed with obtaining the relevant planning approvals to enable the ability to then apply for grant funding for the redevelopment works.

The information contained in the agenda was noted.

b) **Tree Replacement – Old Council Chambers**

Jane Gardiner requested an update on the tree replacement planned at the Old Council Chambers, High Street Alstonville.



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Staff Comment

Replacement trees have been ordered and awaiting installation which is expected shortly.

The information contained in the agenda was noted.

c) **Vegetation Removal – Ocean View Drive, Alstonville**

Jane Gardiner thanked Council for removing the vine on Ocean View Drive, Alstonville.

**Action:** Referred to Open Spaces

The Mayor raised a concern about vines on trees at the bottom of the cutting.

**Action:** Referred to Open Spaces

d) **4WD Access Signage**

Pat Carney would like Council to erect "No 4WD Beach Access" signs on Patches Beach Road and Sneesbys Lane. This was discussed at Wardell Progress meeting.

Matt Wood advised consideration can be given to signage once Crown Lands has determined its approach to beach access overall.

Post Meeting Update:

Crown Lands announced on 25 March that access to South Ballina Beach would be closed from 31 March 2021.

e) **Stilt Houses**

Pat Carney requested the date of the meeting when Councillors voted in favour of stilt houses at East Wardell and Empire Vale and the date SES objected stilt houses being built.

The Committee was advised at the meeting that a report addressing pole/stilt houses in rural areas was presented at the 24 May 2018 Ordinary meeting of Council, Item 11.1 "Dwellings in Rural Areas - Flood Mitigation Options". This report included specialist advice with attachments from Bewsher Consulting P/L, SES and OEH. The report recommended no change to the existing policy.

Earlier the completion of milestone reporting including the "Ballina Flood Study Update" and the "Wardell and Cabbage Tree Island Floodplain Risk Management Study" resulted in an amendment (No. 5) to the Ballina Shire Combined Development Control Plan in 2008. This included some conditional exemptions to the fill requirements for development in some parts of Wardell village.

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Matt Wood further advised Council resolved to receive reporting on the matter in May 2017. Council sought feedback from relevant State Government Departments. This information is published on Council's website.

Pat Carney and Matt Wood discussed the level of predicted sea level rise Council has incorporated into its flood modelling. Pat referenced predicted sea level rise information he had sourced. Matt invited submission of the information for review by Council.

f) **Ballina Shire Future Water Quantity**

Mal Johnson (BES) raised concerns about future water quantity for the Ballina Shire due to irrigation and pumping from Marom Creek and also extracting from aquifers.

Staff Comment

Council extracts water from Marom Creek at the Marom Creek Weir, in accordance with the conditions of a Water Access Licence, which is issued by WaterNSW. Council also retains water access licences to access groundwater, although these allocations are not regularly used under normal operating conditions. Groundwater is identified as a drought response supply in Rous County Council's Regional Drought Management Plan.

Water extraction matters relating to private landholders are the responsibility of the State Government's Natural Resource Access Regulator (NRAR). Concerns about extraction should be referred directly to NRAR.

The information contained in the agenda was noted.

Matt Wood and Ben Smith added the importance of NRAR being the first point of contact.

g) **Healthy Waterways Project/Tuckean Swamp**

Mal Johnson (BES) requested a progress report on the Tuckean Swamp Project.

With respect to the Tuckean Swamp area a steering committee has been working on the examination of options to achieve water quality improvements. The consideration of the Tuckean Swamp area involves multiple stakeholders including Rous County Council, Lismore City Council, Ballina Shire Council, OzFish and the National Parks and Wildlife Service (noting much of the area is part of the NPWS estate). Ballina Shire Council is not the lead agency in relation to this project.

More broadly, Council is currently engaged in a number of projects focussed on the health of the waterways in Ballina Shire (part of Council's healthy waterways program). These include projects at Shaws Bay (improvements works), Lake Ainsworth (foreshore restoration), Keith Hall (floodplain drainage investigations) and Emigrant Creek (revegetation works). Council is also proceeding with the preparation of a hydrological assessment for North Creek to inform management actions.

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Progress in relation to key healthy waterways programs is reported to Council on a quarterly basis through Council's Delivery Program and Operational Plan reporting.

The information contained in the agenda was noted.

**7. Business without Notice**

**a) Pearces Creek Road Crossing Safety**

Mary Birch raised concerns about safety issues of crossing the road on Pearces Creek Road for the residents of the SDA village and safety of youth/children travelling to the Wollongbar Sports Field (traffic speed control).

Post Meeting Update

This matter was recently referred to staff by Cr Johnson.

Council's Traffic Engineer has reviewed the site and consulted with RMS.

Achieving compliance with the 60 kmph zone in a predominately rural area is difficult.

The crossing point for the path has good sight distance from both directions and has the appropriate warning signs. The road is too narrow for a pedestrian refuge, and the site would not meet the warrant criteria for a marked crossing.

Options to address the issue include upgrading the size of the advance warning signs and/or providing a section of BB centre line marking through the crossing (BB is the double line). Works in line with these options under consideration.

**b) Roadworks – Tamarind Drive /Tintenbar Road Roadworks**

Mary Birch requested information regarding the road works for the safety upgrade of the corner of Tamarind Drive and Tintenbar Road.

Post Meeting Update

Council's web page <https://ballina.nsw.gov.au/tamarind-drive-and-tintenbar-road-intersection-upgrade> contains project information, including an aerial drawing which is provided below:

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c) **Wollongbar Hall**

Mary Birch commended Council for painting Wollongbar Hall.

**Action:** Referred to Community Facilities

d) **Vandalism**

Mary Birch noted vandalism in the Wollongbar area as a matter of concern.

e) **Ants – Wollongbar Playing Fields**

Russell Priddle outlined concerns about ants on playing fields on the Plateau.

Matt Wood advised Council is aware of the issue and is currently balancing chemical use with the impact of the ants on the playing fields.

f) **Wardell Hall and Wardell Tennis Court**

Pat Carney commended Council for works undertaken at Wardell Hall and Wardell Tennis Courts.

**Action:** Referred to Open Spaces

g) **Elizabeth Ann Brown Park**

Jane Gardiner enquired what works are currently being undertaken at Elizabeth Ann Brown Park.

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Matt Wood advised the RSL received a grant to install a new memorial and garden beds are being rearranged as part of this work.

h) **Gallery Exhibition**

The Mayor advised there is an upcoming gallery exhibition with the theme being the river.

8. Update on COVID-19

Matt Wood advised Council is more open for business but is still operating under some restrictions and in modified ways e.g. zoom meetings.

9. Council Documents on Exhibition

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

Matt Wood further advised the Plan of Management for Community Land is also on Exhibition and closing 7 April 2021.

10. Next Meeting - Thursday 13 May 2021 at 5.00 pm

11. Meeting Closure - The meeting closed at 5.46 pm

## Attachment 2



### Tuckean Swamp Project: Implementation Pathway

#### Purpose:

This project brief is intended for the stakeholders and potential funders on the next stage/s of the Tuckean Swamp Project following on from the recently completed Options Study. It seeks to define a common understanding of the next steps required toward implementing change in the Tuckean Swamp and to seek the required funding to do so.

#### BACKGROUND

Tuckean Swamp is a 6,000 hectare low-lying floodplain located on the Richmond River, approximately 25 km upstream of Ballina, shown in Figure 1. Since the 1880's extensive drainage works have occurred at Tuckean Swamp to allow the rapid discharge of floodwaters from the naturally low-lying floodplain. In 1971, the major drainage works as it exists today was completed with the installation of the Bagotville Barrage. The barrage comprises eight large culverts with one-way floodgate flaps to enable drainage from the Tuckean floodplain, whilst excluding downstream tidal waters and backwater flooding from the Richmond River. These floodgates also act to promote the lowering of groundwater levels across the connected upstream floodplain. The artificial drainage system, including the Bagotville Barrage, have facilitated agricultural development of this land, which is mostly used for grazing and sugar cane.

Approximately 550 ha of the lowest lying area on the floodplain is owned and managed by National Parks and Wildlife Services (NPWS), referred to as the Tuckean Nature Reserve (TNR), indicated on Figure 1.

Over the past century, flood mitigation works across the Tuckean Swamp floodplain have resulted in agricultural benefits to some landholders and environmental harm to the broader estuary. The agricultural areas are valued by local landholders and the flood mitigation scheme is a vital component, ensuring that the landscape remains arable. Unfortunately, the flood mitigation drain is also responsible for the extensive production and transport of acidic waters and related by-products to the broader estuary. Remediation strategies to improve the overall water quality of the estuary must consider any hydrologic impact to the floodplain.

Past remediation efforts in the 1990s have gone some way to improving the water quality leaving the Tuckean catchment, including the installation of the sluice windows in the Bagotville Barrage floodgates to allow a greater exchange of waters above and below the barrage at appropriate times.

In 2015, a band of local concerned recreational fishers raised their concerns about the impact the Tuckean Swamp continued to have on river health, oyster and fish populations. In 2017 they were awarded a grant from the Recreational Fishing Trust's Flagship Program with matching funding from two private philanthropists, National Parks and Wildlife Service, Lismore and Ballina Councils and The Nature Conservancy.



These funds allowed discussions to commence with landholders, an oral history of the swamp and its value changes over time, and an assessment of the swamps hydrology, water quality issues and restoration options (Options Study). Seven different options were modelled for implementation. Ten different stakeholders with management responsibilities as well as the local landholders in the swamp catchment were engaged in the investigation of these options. From this study, recent adjustments to the operation of the sluice windows in the barrage floodgates were able to be made to further improve the current level of water exchange between the Tuckean Broadwater and the Swamp.

The key issues from the community remain; concerns that salt water or additional freshwater or retained flood waters will impact productive land resulting in a net economic loss for the local community; the continuing water quality problems that exist under the current water management regime; these problems will result in continuing degradation of the downstream ecosystem and likely more fish kills as catastrophic as those in 2001 and 2008 that severely impacted the lower Richmond River estuary.

Since the completion of the main body of work in January 2020 the Committee partners and landholders have all received a copy of the finalised report and summary report, also available on the website [www.ozfish.org.au/tuckean](http://www.ozfish.org.au/tuckean). OzFish continues to remain a contact point for landholders and the community, maintain communication of the Steering Committee and facilitate next steps in the project. OzFish have ensured that all Councillors and the commercial Fisherman's Coop have been made aware of the report outcomes and will continue to spread the word among local fishers and community. OzFish are fielding requests for information on project progress from local MPs offices and the Inter Agency Working Group and conveying this information to the Steering Committee.

OzFish acknowledges that there may be a more appropriate lead-agency on this work, or on several parts of the work as the next phase progresses, until these leads are identified, OzFish will continue to pursue progress.

#### **DESCRIPTION**

To move forward into the next project phase, based on suggestions from the wider steering committee in recent meetings, we propose the following actions:

- Further **Information**: additional studies are necessary to move toward implementation including;
  - Cost Benefit Analysis
  - Full design and costing of infrastructure changes, including ongoing maintenance
  - Toolkit of options to incentivise land use change
- IAWG through NPWS to review the environmental changes to the Nature Reserve brought about by any changed management.
- CMP review process – EES and Councils to ensure that Tuckean remains a priority in this process and that any work undertaken by the Steering Committee is supporting this, and that any outcomes of the CMP support progress toward implementing change for the management of the Tuckean Swamp.

#### **COST ESTIMATE**

1. BRIEF 1: Cost Benefit Analysis - \$60000
2. Design and costing of infrastructure changes (2-3 options all costed) and ongoing maintenance costs, Values Assessment and Toolkit - \$60000
3. OzFish project coordination, governance role, contact point - \$25 000

**TOTAL Cost: ~\$145 000**

COMMITTEE ROAD MAP

