

1. **Attendance and Apologies**

2. **Declarations of Interest**

3. **Deputations**

4. **Confirmation of Minutes 13 July 2017**

A copy of the minutes of the previous meeting held 13 July 2017 was distributed.

RECOMMENDATION

That the minutes of the previous meeting held on 13 July 2017 be accepted as a true and correct record.

5. **Business Arising from Minutes – 13 July 2017**

(a) In-kind support – Rural Fire Shed

All of Council's operational tasks are expensed to a budget allocation. This means Council does not have "in kind" resources as there is an actual cost in providing a service. Council staff may complete activities on community facilities such as a fire shed, however this would require an appropriate allocation in Council's budget, or the elected Council resolved to support a donation.

In respect of Rural Fire Service facilities, Council works with the NSW Rural Fire Service for the planning of maintenance or new facilities.

Council's Support Operations Manager is the preferred contact for any discussions about how Council may be able to assist with this request.

(b) Ballina Local Environmental Plans (LEP'S) 1987 and 2012

Council is currently operating under two different Local Environmental Plans, being the Ballina LEP 2012 and the BLEP 1987. The zoning of a property (or part of a property) determines which LEP is applicable to that land.

Whilst these LEPs operate concurrently, the provisions of each planning instrument (including the defined land uses) are not interchangeable between the two planning instruments.

Accordingly, property owners and professionals in the development industry need to be familiar with both planning instruments.

(c) BBQ at Bulwinkle Park, Alstonville

Council staff have written the following response to Mr Johnson

"I am writing in response to action items that you identified at the "C" Ward Committee Meeting, Thursday 13 July 2017 regarding installation of a barbeque, seating and facilities at Bulwinkle Park, Alstonville.

An investigation to determine suitable locations for the installation of public barbeque facilities was carried out to inform Council prior to the adoption of the Delivery Program and Operational Plan at the Council meeting held 22 June 2017. The investigation identified numerous criteria to determine if a site was suitable based on location, size, status, colocation of existing infrastructure and visitation to ensure that the cost of installing and maintaining barbeque facilities is economically viable and sustainable.

The request for installation of a barbeque at Bulwinkle Park has been noted, however Bulwinkle Park does not meet a number of the criteria identified to ensure that a barbeque would be economically viable or sustainable to install. The lack of suitable electrical supply is particularly prohibitive with estimates expected to be upward of \$50,000 just to establish the required power supply to the site.

In regard to the other embellishments identified for Bulwinkle Park, I reiterate that in accordance with our previous meeting on 6 June 2017, Council is supportive of working with the Bulwinkle Landcare Group and Alstonville Lions Club to continue improving the facilities at Bulwinkle Park. We will continue to liaise with you on the installation of new seating and shelter for the park, removal of the old shelter, improvements to the parking area, improvements for equitable access and renewal/replacement of the amenity building.

Upgrade of the playground at Bulwinkle Park was only finalised last week with the completion of the shade structure on Thursday 10 August. Investigation is currently being carried out to determine the best course of action to progress the next works for the site. I will contact you to discuss upcoming works once the next actions have been determined."

(d) Overgrown Footpath – The Avenue, Alstonville

Council staff have inspected the area. The maintenance of private property frontage is not a service that Council provides. Where there are safety issues due to a resident failing to maintain the area to a reasonable standard we will slash it, but this is very irregular (>6 monthly) and is unbudgeted. This position is currently implied in our road side vegetation management plan and when we revise the plan we are hoping to make it more explicit.

Contact will be made with the property owner to discuss the issue.

6. Special Rate Variation

During 2016/17 Council undertook a community engagement process in respect to a proposal to increase our total rate income above the normal rate peg limit. The three year program was based on the following increases:

	2017/18	2018/19	2019/20
Rate peg limit	1.5%	2.5%	2.5%
Asset renewal	1.9%	3.4%	3.4%
Healthy waterways	1.5%	0.0%	0.0%
Total Rate Increase	4.9%	5.9%	5.9%

As per these figures the additional increase was 3.4% per annum for the three years above the actual (2017/18) and forecast (2018/19 and 2019/20) rate peg limits.

The additional rate revenue was and is to be expended on:

- Increased Asset Renewal – Council’s engineering assessments of our infrastructure identify that we are underfunding the renewal of our existing assets. Unless we increase the current level of investment our infrastructure will deteriorate in the medium to long term.
- Healthy Waterways – This is a program to take a more pro-active approach to improving the health of our key waterways such as the Richmond River, Lake Ainsworth and Shaws Bay.

Council applied to IPART (the NSW Independent Pricing and Regulatory Tribunal) for this three year increase, however IPART only provided approval for the 2017/18 increase, and for one year only.

IPART has asked Council to ensure that our key corporate documents such as the Delivery Program and Operational Plan (both on our website) reflect this proposal before they will provide a permanent increase.

This now means that Council has to undertake the same consultation process and again apply to IPART, although it will now be for a two year period.

However we also have to duplicate the 3.4% approved, on a temporary basis, for 2017/18, which means our application will now be as follows:

	2018/19	2019/20
Rate peg limit	2.5%	2.5%
Asset renewal	5.3%	3.4%
Healthy waterways	1.5%	0.0%
Total Rate Increase	9.3%	5.9%

The 9.3% includes the 3.4% approved for 2017/18, as that was a temporary approval only. This means our total rate income will actually increase by 5.9% from 2017/18 to 2018/19 however for the purposes of the application we have to ensure the 3.4% for 2017/18 is retained on a permanent basis.

For the two year period the proposed special rate seeks a cumulative increase of 15.7%, albeit that the 3.4% has already been levied by Council.

Council will be advising the community of this proposal during October through the inclusion of information in our Community Connect magazine, letters to all ratepayers, public meetings and media releases.

The draft Delivery Program, Operational Plan and Special Rate Variation are now on public exhibition (closing date 30 October 2017) and members of the public are encouraged to inspect the documents and make submissions to Council during the exhibition period. As part of the exhibition process Council will hold public meetings. The dates and venues for these meetings are as follows and members of the public are encouraged to attend.

7pm Monday 9 October 2017	Alstonville Leisure and Entertainment Centre
7pm Tuesday 10 October 2017	Lennox Head Community Centre (meeting rooms 1 and 2)
7pm Wednesday 11 October 2017	Ballina Shire Council Chambers
7pm Thursday 12 October 2017	Wardell Memorial Hall

7. 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.

- **Tosha and Killen Falls Draft Management Plans, closing date 4 August 2017**

In June and July 2016, Council resolved to prepare management plans for the Council owned land in the vicinity of Tosha Falls and Killen Falls to assist with long term planning for each of these areas.

- **Draft Policies as per below**

Councillor Expenses and Facilities (Review), closing date 6 September 2017

Festival and Evens (Community) Sponsorship Program (Review), closing date 6 September 2017

Water Metering Policy (Review), closing date 4 October 2017

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

- **Festival and Events (Commercial) Sponsorship Program (New Policy), closing date 6 September 2017**

At the November 2016 Ordinary meeting, Council resolved to allocate funding to a number of events as part of the Community Festival and Event Support Program for 2017/18.

The resolution also asked for a report on establishing a policy and recurrent budget for a Commercial Festival and Events Support Program, as the existing policy and program is based on Council only allocating funding to community based organisations. This policy is as a result of that resolution.

- **Ballina Local Environmental Plan 2012 - Planning Proposal BSCPP 17/007 – Visions Estate Henderson Drive Lennox Head, closing date 8 September 2017**

Council has prepared a planning proposal to amend the Ballina Local Environmental Plan 2012 (Ballina LEP 2012) in respect to part Lot 7 DP 1216761 and part Lot 1 DP 1217906, Henderson Drive, Lennox Head and part of the adjacent Henderson Drive road reserve, as part of the approved subdivision development application DA 2016/166 relating to the 'Visions Estate'.

The planning proposal proposes to rezone part of the subject land from R3 Medium Density Residential to R2 Low Density Residential, with the exception of approved Lots 1, 7 and 15 which are to retain the existing R3 zoning. No changes are proposed to the existing minimum lot size of 800m² or the maximum permitted building height of 8.5 metres.

Council has been given delegation by the Department of Planning and Environment to undertake the processes for finalisation of this planning proposal (should it proceed to completion).

- **Ballina Local Environmental Plan 2012 - Planning Proposal BSCPP 17/008 Rural Area Detached Dual Occupancy, closing date 15 September 2017**

Council has prepared a planning proposal to amend the Ballina Local Environmental Plan 2012 (Ballina LEP 2012) to permit detached dual occupancy development (in addition to attached dual occupancy development) upon land within the RU1 Primary Production and RU2 Rural Landscape zones.

Council has been given delegation by the Department of Planning and Environment to undertake the processes for finalisation of the planning proposal (should it proceed to completion).

- **Ocean Breeze Reserve Master Plan, closing date 2 October 2017**

Council is inviting feedback in relation to the draft Ocean Breeze Reserve Master Plan.

The master planning has considered previous community feedback as well as the outcomes of more recent master plan specific engagement as the basis for draft site planning options that are responsive to the community's vision for the reserve.

The draft master plan sets out three concept options for the future use of the reserve based on variations in the scale and range of facilities. Costs associated with the implementation of these facilities are not currently funded in Council's long term financial plan.

- **Draft Amendment - Ballina Shire Plan of Management for Community Land Ocean Breeze Reserve Lennox Head, closing date 2 October 2017**

In association with the public exhibition of site planning options (concepts) for the Ocean Breeze Reserve Master Plan, Council is also proposing an amendment to the Ballina Shire Plan of Management for Community Land.

It is proposed that the Plan of Management for Community Land be amended in relation to the Ocean Breeze Reserve to insert a special provision in Section 5 of the management plan recognising the Ocean Breeze Reserve Master Plan.

The inclusion of the special provision in the management plan will have the effect of recognising that a master plan for the reserve has been prepared (once adopted by Council). It will also recognise that the master plan is the intended basis for ongoing site planning and works within Council's formal management planning document for community land in the shire.

- **Ballina Shire Development Control Plan 2012 - Draft Amendment No.11 – General Amendments, closing date 29 September 2017**

Draft Amendment No.11 to the Ballina Shire Development Control Plan 2012 (BSDCP 2012) proposes changes to various controls including those relating to third storey/loft provisions associated with residential development, building design in the Lennox Head coastal hazard area, exterior materials permitted on industrial buildings, requirements for shade cover over play equipment in local parks and requirements for rural area dual occupancy development.

- **Ballina Cup 2018 and 2019 – feedback, closing 13 October 2017** is being sought from the public on what holiday arrangements Council will apply to the Minister for Industrial Relations to be declared for the Ballina Cup in 2018 and 2019.

The Ballina Jockey Club has asked for Council support in applying to the Minister for Industrial Relations for a local event day for the 2018 and 2019 Ballina Cup Days. The suggested dates are Thursday 6 September 2018 and Thursday 5 September 2019.

Council is required to gauge the potential impact the application will have on businesses and communities in the Shire, prior to it making a decision on whether to apply for a local event day or public holiday. It is expected that Council will make a decision on whether to apply to the Minister, at its 26 October Ordinary meeting.

A copy of the guidelines for Local Public Holidays and Local Event Day Applications is available on Council's website.

Local Public Holiday - Implications for Employers

The public holiday provisions contained in the National Employment Standards of the Fair Work Act 2009 apply to local public holidays declared under the Public Holidays Act 2010.

This means that all employees irrespective of their former entitlements and whose place of work is within a local public holiday area will be entitled to be absent from work for the day or part day declared to be a public holiday. In addition, employees who work on the day or part day may have an entitlement to penalty rates under a relevant award of enterprise agreement.

Local Event Day - Implications for Employers

A declared local event day does not automatically mean that employers in the particular locality are compelled to treat the day as a public holiday. Entitlements to paid leave or penalty rates on a local event day will only arise where agreed to at the workplace level, usually in the form of an enterprise agreement or by contract. This goes some way to restoring the industrial arrangements that existed prior to changes in the Commonwealth workplace laws. Importantly this is not a local public holiday.

Council has for the past two years, applied for and had declared a Local Event Day for the Ballina Cup.

Any submissions made are publicly available documents, and as such they may be listed on Council's website and/or included in business paper reports to Councillors. If you request confidentiality please advise in your submission.

- **Delivery Program/Operational Plan and Proposed Special Rate Variation, closing date 30 October 2017 (refer separate item also)**

Council has prepared its Delivery Program for the four year period from 2017/18 to 2020/21. This information was adopted by Council in June 2017. We are however proposing to make an application to the Independent Pricing and Regulatory Tribunal (IPART) for a variation to our rate income, and are therefore re-exhibiting the Delivery Program and Operational Plan.

Included in these documents, and of particular note is the proposed special rate variation. This includes:

- a 4.9% increase in our total rate income for 2017/18. This is 3.4% above the standard rate peg limit of 1.5%, with the funding from the additional percentage to be expended on increased asset renewal works and actions to improve the health of our waterways. The 3.4% extra increase has been **approved** by the Independent Pricing and Regulatory Tribunal (IPART) temporarily for the 2017/18 financial year only.
- the Delivery Program also outlines a program above the rate peg limit increases proposed by Council being 9.3% for 2018/19 and 5.9% for 2019/20 (including an assumed rate peg of 2.5%). These proposed extra funds will be spent on increased asset renewal and our healthy waterways program. These increases are intended to be permanent increases to our rate income. Overall the proposal seeks a cumulative rate increase of 15.7%.

The draft documents are now on exhibition and members of the public are encouraged to inspect the documents and make submissions to Council during the exhibition period. As part of the exhibition process Council will hold public meetings. The dates and venues for these meetings are as follows and members of the public are encouraged to attend.

7pm Monday 9 October 2017	Alstonville Leisure and Entertainment Centre
7pm Tuesday 10 October 2017	Lennox Head Community Centre (meeting rooms 1 and 2)
7pm Wednesday 11 October 2017	Ballina Shire Council Chambers
7pm Thursday 12 October 2017	Wardell Memorial Hall

8. Items raised by members of the Committee

9. General Business

10. Next Meeting

Thursday 9 November 2017 at 5.00 pm

Ballina Shire "C" Ward Committee Minutes 13 July 2017 at 5.00 pm

1. **Attendance and Apologies**

Cr Eoin Johnston
Cr David Wright (Mayor)
Cr Sharon Parry
Cr Ben Smith (Chair)

Les Wiles- Alstonville Lions Club
Malcolm Johnson - Ballina Environment Society
Doug Lipscomb – Wollongbar Progress Association
Steve Miller – Rous Mill Ratepayers
Tyrone McGillick – Alstonville Asphalt Watch
Lois Wright- Plateau Seniors
Jim Hahn – Probus Club of Alstonville
Wayne Garrard – Alstonville Cricket Club
Mary Birch – Wollongbar Progress Association
Richard Lutze – Alstonville/Wollongbar Chamber of Commerce
Pat Carney – Wardell Progress Association

Others in Attendance

– Visitor Marilyn Hahn
– Visitor Barry Campey
– Visitor Paul Earner
– Visitor Terry Prendergast

Staff in Attendance

Kerri Watts – Acting Group Manager Development and Environmental Health.

Apologies

Jane Gardiner – Alstonville Plateau Historical Society
Elva Fitzell – Rotary e-Club of NextGen

The apologies were accepted.

2. **Welcome to new Members**

The Committee welcomed new members, Jim Hahn from the Alstonville Probus Club. Elva Fitzell was an apology, however she is now representing Rotary e-Club of NextGen.

3. **Declarations of Interest**

Nil

4. **Deputations**

Nil

Ballina Shire "C" Ward Committee Minutes 13 July 2017 at 5.00 pm

5. Confirmation of Minutes 11 May 2017

The minutes of the previous meeting held on 11 May 2017 were confirmed as a true and correct record. (Cr Eoin Johnston/Les Wiles)

6. Business Arising from Minutes –11 May 2017

(a) Rous Mill Road Drainage

Cr Eoin Johnston advised that he had a meeting on site with Steve Miller, Council staff John Truman and Alex Dalrymple to discuss the matter. It was agreed that Council will address the washed out table drain on the western side of the causeway to carry water down the verge to the causeway to try and stop it running over the road. Some other matters relating to this area were also discussed at this meeting.

(b) Alstonville Swimming Pool Redevelopment

Cr Wright advised that at this time contractors are on track for completion hopefully by November 2017, dependent of weather and other factors.

The splash pad was discussed and it was raised by Tyrone McGillick that the facility does not adequately cater for toddlers.

(c) Discharge Drain, Crawford Park

Water from the pool facilities did discharge across sections of Crawford Park and created damage to grass and risk to users. A storage tank to control discharge is part of the new facilities upgrade. Cr Wright raised that Council must consider the findings from the Court Case with regards to water discharge and management.

Cr Smith advised that work on the parking in this area will be carried out as the works program permits.

(d) Pathways at Rear of Wollongbar Hall

Mary Birch advised works were completed and thanked Council.

(e) Wild Dog Issues

A Community Information Evening is being held on Wednesday 26 July at 6pm at the Alstonville Bowling Club. Cr Johnston expressed his interest in the matter and that he encourages everyone who is impacted by wild dogs to attend the meeting. Local Land Services at this time only have a limited number of people registered for the evening.

Malcolm Johnson advised that Tony Walker founder of the North Alstonville Wild Dog Group passed away two weeks ago.

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(f) Boral Asphalt Plant

Cr Parry advised that she raised a Notice of Motion at the last Ordinary Council Meeting on 22 June 2017 requesting additional air and noise monitoring at the Boral Asphalt Plant site.

Kerri Watts advised that a letter is currently being drafted and is to be sent to the NSW Environment Protection Authority to undertake increased independent monitoring of odour emissions and noise impacts arising from the Boral Asphalt Plant so as to assist in responding to community concerns about the alleged adverse amenity impact and possible health risks associated with continued operation of the Plant.

Council is also requesting information from the NSW Environment Protection Authority on the amount of monitoring currently being undertaken, complaints received and their outcomes etc.

7. Council Documents on Exhibition

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

8. Items raised by members of the Committee

a) Richard Lutze - Ballina Local Environmental Plans (LEP'S) 1987 and 2012

Richard Lutze raised his concerns regarding the conflicts that exist between the two currently existing Local Environmental Plans (LEPs) for land use options. Richard asked what is Council's position to allow land uses to be considered under a different LEP.

Cr Smith and Cr Wright explained that the two existing LEP's are a result of a deferred matter.

Cr Smith explained that Council has the discretion to consider a planning proposal for a change of zoning in specific circumstances.

b) Mary Birch – Liquor Licence Wollongbar Tavern

Mary Birch advised that the Wollongbar Tavern has currently lodged an application to extend their licence to 3am. She thanked Council for ensuring the community was aware and advertising the application for public comment.

c) Mary Birch - Skate Park

Mary Birch asked as to whether a development application will be required for the new location of the Wollongbar skate park.

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Cr Wright advised that a new development application will be required to be prepared for the site and this is not expected to be developed before the end of the year.

d) **Tyrone McGillick - Boral Asphalt Plant**

Tyrone McGillick raised that for truck noise monitoring, that Boral monitor the route from Teven Road to Gap Road, and do not monitor the route from Gap Road along Teven Road to the Bruxner Highway.

Tyrone asked that the night monitoring data from Boral be publicly available. Kerri Watts advised that she is currently following up this matter with Boral.

Staff subsequent to the meeting advise as follows:

Monitoring was carried out along the route from Gap Road to Teven Road (to the north) not Gap Road along Teven Road (to the south) because this is the route the trucks would take to source aggregates and fines from the Boral Teven Quarry at 348 North Teven Road Teven. Refer map below.



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e) **Terry Prendergast – Tosha Falls**

Terry Prendergast advised that Council currently has on public exhibition a Draft Management Plan for Tosha Falls.

Terry explained briefly the history regarding access to Tosha Falls and its pristine location and that it needs to be 'show cased' as a tourist attraction for the area.

Cr Smith encouraged the committee and community members to have their say on the matter whilst open for public comment.

9. **General Business**

a) **Lois Wright – Overgrown Footpath – The Avenue, Alstonville**

Lois Wright advised that the footpath area at the top end of The Avenue was overgrown with weeds and wanted to know who is responsible for maintenance. Kerri Watts to inspect and follow up if any action is required.

b) **Pat Carney – Dual Occupancies**

Pat Carney advised that he had read a recent article in the Byron Echo on dual occupancies and questioned where Council was up to. Cr Smith and Cr Wright responded that this was recently before Council and it was resolved to prepare an LEP amendment to enable detached dual occupancies.

c) **Malcolm Johnson – Bulwinkle Park Playground Equipment**

Malcolm Johnson advised that the Bulwinkle Park new playground equipment has been installed and completed on flood free land. The Alstonville Lions Club has approximately an additional \$10,000 to assist with new seating and facilities at the site. Les Wiles said they want to be able to cater for people with disabilities.

Malcolm Johnson advised that the preference is to install a BBQ facility at the site however power is not provided. He enquired as to whether Council could assist with the provision of power.

Cr Smith to follow up with John Truman the cost of Council supplying power to the site to enable the new BBQ to be installed.

d) **Cr Eoin Johnston – Policing in Alstonville**

Cr Eoin Johnston advised that he had a recent discussion with Richmond Local Area Command Chief Inspector, Bill McKenna regarding policing in Alstonville.

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He advised that Mr McKenna has concerns that people are not reporting issues/incidents to the Police. This information is needed for surveillance records for the Police when reviewing crimes in the area.

Cr Johnston expressed his concern that people need to feel safe in their community.

e) Malcolm Johnson – Rural Fire Shed

Malcolm Johnson enquired as to in-kind support from Council with their extension to the Rural Fire Service shed. This will be subject to further discussions.

f) Mary Birch – New Playground Equipment in Rueben Street, Wollongbar

Mary Birch expressed her thank you for the new playground equipment in Rueben Street, Wollongbar.

(g) Pat Carney – Wardell Boardwalk

Pat Carney expressed his thank you to Council for the new boardwalk at Wardell.

10. Next Meeting

Thursday 14 September 2017 at 5.00 pm

Meeting Closure

6.02 pm