

1. **Attendance and Apologies**

2. **Declarations of Interest**

3. **Deputations**

Presentation by Paul Tsikleas, Manager Commercial Services.

4. **Confirmation of Minutes – 8 May 2018**

A copy of the minutes of the previous meeting held 8 May 2018 was distributed.

RECOMMENDATION

That the minutes of the previous meeting held on 8 May 2018 be accepted as a true and correct record.

5. **Business arising from Minutes – 8 May 2018**

Enforcement Program near 848 River Drive

A request has been sent to Ballina Police for an enforcement program on River Drive. Police advise they are currently responding to speeding complaints in this area and have agreed to increase their taskings and patrols at this location.

Floodgates at South Ballina

Two specialist suppliers have been consulted and differing feedback with respect to installation and performance has been received. The trial will therefore proceed with two product types for comparison purposes. The installation is forecast for September 2018.

Captain Cook Park

Signs are currently being reviewed for all parks and they are being amended as required.

6. **General Business**

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.

South Ballina Beach/Patchs 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 Patchs Beach Lane, Council is not the appropriate authority to determine management arrangements for the public land at South Ballina Beach or Patchs 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>.

40 cherry street, po box 450, ballina nsw 2478
t 1300 864 444 e council@ballina.nsw.gov.au w ballina.nsw.gov.au abn 539 29 887 369

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Gabrielle Upton MP
3 May 2018

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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3 May 2018

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)
The Hon. Ben Franklin, MLC (Ben.Franklin@parliament.nsw.gov.au)
Wardell and District Progress Association (jefpaola@bigpond.net.au)

40 cherry street, po box 450, ballina nsw 2478
t 1300 864 444 e council@ballina.nsw.gov.au w ballina.nsw.gov.au abn 539 29 887 369



Ballina Shire Council
40 Cherry Street
BALLINA NSW 2478
PO Box 450
BALLINA NSW 2478
02 6686 4444
council@ballina.nsw.gov.au
www.ballina.nsw.gov.au



Map 1
Ballina Nature Reserve

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



Ballina Shire Council
40 Cherry Street
BALLINA NSW 2478
PO Box 450
BALLINA NSW 2478
02 6686 4444
council@ballina.nsw.gov.au
www.ballina.nsw.gov.au



Map 2
Patches Beach or Beswick's Beach

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

40 cherry street, po box 450, ballina nsw 2478
t 1300 864 444 e council@ballina.nsw.gov.au w ballina.nsw.gov.au abn 539 29 887 369



Ballina Shire Council
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02 6686 4444
council@ballina.nsw.gov.au
www.ballina.nsw.gov.au



Map 3
Council owned public reserve

ballina shire council
geographical information system
Projection: GDAS4 / MGA zone 56
Date: 15/03/2018

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40 cherry street, po box 450, ballina nsw 2478
t 1300 864 444 e council@ballina.nsw.gov.au w ballina.nsw.gov.au abn 539 29 887 369



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

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

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 6107 ■ F: (02) 9339 5546 ■ E: www.nsw.gov.au/ministerupton

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.

- **Draft Policies as per below**
- **University Scholarship Program Policy (Review)**, closing date 4 July 2018
- Policy (Review) – Community Gardens
- Policy (Review) – Alcohol Regulation on Public Land
- Policy (Review) – Private Structures on Public Land and Roads
- Policy (Review) – Pensioner Concessions – Rates and Charges

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

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

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

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 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.

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

8. Next Meeting

The next regular meeting is scheduled to be held on Tuesday, 11 September 2018 at 4.00pm.