

1. **Attendance and Apologies**

2. **Declarations of Interest**

3. **Confirmation of Minutes**

A copy of the Minutes of the "B" Ward Committee held on 19 November 2018 were distributed.

RECOMMENDATION

That the Minutes of the "B" Ward Committee held on 19 November 2018 be taken as read and confirmed.

4. **Deputations**

5. **Presentation by Council Staff**

To inform the community further in regard to Council's programs and services, members of our Senior Leadership Team will provide a presentation to the ward committees.

The presentation will be made by Paul Tsikleas, Manager Commercial Services.

6. **Outstanding Business**

Nil

7. **Business with Notice from Members**

- (a) **Ballina Environment Society – Off Road Vehicles on Seven Mile Beach at Lennox Head** – see attached document

Time to prohibit Off Road Vehicles on Beaches (ORVs).

Discussion paper prepared by Ballina Environment Society March 2019

Introduction

Ballina Shire Council has a policy to allow ORVs on a designated strip of Seven Mile Beach. There are rules governing where vehicles may drive, the speeds to be used and the priority of pedestrians over vehicles. Drivers are required to obtain a paid permit to drive on this beach.

This policy is a hangover from the days when the population was much smaller and when the highway from Brisbane to Lennox Head was winding and slow, further north beaches allowed ORVs and ORV ownership was not as prevalent. Our understanding of the nature and functions of beaches has grown as has our understanding of the real threat of climate change.



Ballina Environment Society is making four observations that lead to the conclusion that the policy should be revoked:

1. Vehicles are often driven over the dunes. This is prohibited in the rules because it is known to be harmful.
2. There are so many vehicle tracks around the entrance and further up the beach that the churn from them makes it increasingly difficult for pedestrians to transverse this section of the beach. This was never the intention of the 4WD policy.
3. There is a growing body of evidence that the rich life of the intertidal zone is destroyed by ORVs driving on it.
4. ORVs assist sand erosion.

The existing Management Plans, especially the gazetted Ballina Coastal Zone Management Plan 2013/11, allow for closing the beaches when considered necessary and for completely revoking this policy if Council so decides. Indeed, The CZM Plan envisaged that Council might wish to do this. Therefore revoking the policy does not demand formal alteration to any Management Plan. It will require only a resolution of Council.

(Please note that although problems are very serious on South Ballina beaches most of these are national parks and therefore not under the care of Council.)

1.The DUNES

Council is well aware that ORVs on the dunes are detrimental to the health of the beach and to the creatures that live there so BES does not need to argue this case. Thus Council has directed that apart from passing through the dunes to access the beach vehicles are prohibited from driving anywhere except over the intertidal zone.

- There will always be drivers who do not obey this rule. Furthermore, the requirement to remain 10m from dunal vegetation is difficult for a driver to estimate and an unexpected high wave can force drivers too close.



The photos were taken in 2019. Although Rangers have recently been active at Seven Mile there is no possibility of preventing this habitual behaviour without 24/7 surveillance. **The rule is not enough.**

- There will always be drivers who access the beach without a permit as there is no device for checking this at the entrance point -it being an honour system. BES has only been provided with the number of permits issued at a particular time – in Jan 2019 it was 48 – not how many permits were live at that time because permits are issuable for different

periods of time. However, 48 seems risible to those who frequent this entrance area, poor January/February weather notwithstanding.

- No driver to this Society's knowledge has had their permit revoked and no vehicle has been found to be on the beach without a permit. BES doubts that any fines have even been issued.
- Damage to the dunes at the entrance cannot be ignored. In 2005, when vehicles entered the beach at a track past the existing Lake Ainsworth toilet block, the Connell Wagner Report reported that the dunes were so degraded there as to threaten the Lake with inundation. Council removed that entrance promptly in 2006. We do not know what damage to the dunes at the present entrance will have on the long term viability of the dunal system, particularly as climate change advances. Do we need to take that risk?
- There is also a financial risk from maintenance of this entrance, which will become increasingly costly.

THE INTERTIDAL ZONE

Evidence that ORVs are detrimental to the intertidal zone is growing. Many expert articles now take that damage for granted as a simple search of the internet will show. (I have one here, Jan 2019 by John Pickeral)

The arguments are as follows.

- ORVs kill life in the intertidal zone. A 4WD can crush a pipi at depth 30cms. There is increasing usage of ORVS around (and onto) the Byron Bay/ Ballina border because there are still some pipis, worms and ghost crabs to be found there. How long will that be the case? ORVs are a danger to wild life including protected species such as pied oyster catcher, nesting turtles, and Rainbow bee eaters
They contribute to beach erosion.
- THEY create barriers to other beach users by forming a massive barrier of soft craters across the entire beach at times.
- The intertidal zone sometimes goes up to the dunes.
- Drivers go right up to the dunes and down into the water looking for some solid ground to move over. Despite the requirement to keep 10m from the dunes, on some tides this is not possible and some drivers are either ignorant or ignore this rule.

Council has the power to change the policy of ORVs on beaches. BES requests Council use this power to retract this policy.

Prepared by Dr Lyn Walker
8th March 2019

8. 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

- Complaints Management Policy, closing date 19 December 2018
- Local Directional Signage within Road Reserves Policy, closing date 19 December 2018
- Banner Poles Policy, closing date 19 December 2018
- Backflow Prevention Policy, closing date 9 January 2019
- Donations - Rates and Charges Policy, closing date 9 January 2019
- Donations - Rates and Charges Policy, closing date 9 January 2019
- Donations - Insurance for Environmental Volunteer Groups Policy, closing date 9 January 2019
- Urban Vegetation on Public Land Policy, closing date 9 January 2019
- Corporate Sponsorship Policy, closing date 30 January 2019
- Financial Assistance (Hardship) Rates and Charges, closing date 6 March 2019
- Code of Meeting Practice, closing date 21 March 2019
- Investments Policy, closing date 10 April 2019
- Donations – Waste Disposal Fees for Not-for-Profit Disposal of Feral, Orphan Animals, closing date 10 April 2019

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 exhibited for public comment

New Policies as per below

- **Metered Standpipes Policy and Fees, closing date 9 January 2019**

Council's Backflow Prevention Policy was reviewed by Council at its Ordinary meeting on 22 November 2018.

The information on standpipes contained within that Policy, was separated out into a new policy. The intent of this change is to make information on the use of metered standpipes more accessible to the community. The objective of this to improve compliance and reduce the risks to Council of uncontrolled or illegal access to our water supply system.

- **Private Swimming Pool Barrier Fencing, closing date 6 March 2019**

On 1 September 2018, the NSW Government gazetted a new Regulation for swimming pools, which included the addition of new fees that Council

can charge as well as increasing some current fees listed within Council's Fees and Charges.

This new policy is a result of the new regulation and will guide Council's approach to the management of private swimming pool barrier fencing and to outline proposed changes to Council's fees and charges having regard for recent legislative changes.

- **Flat Rock Tent Park - Proposed 2019/10 Fees and Charges, closing date 9 January 2019**

The NSW Local Government Act requires councils to formally advertise and adopt their fees and charges prior to implementation. The majority of Council's fees are set each June as part of the annual Operational Plan however Flat Rock Tent Park's fees are set for the twelve months from 1 February each year.

- **Proposed Name Change – Elizabeth Ann Brown Park , closing date 7 November 2018**

The Elizabeth Ann Brown Park Concept and Management Plan seeks to identify management issues and propose actions to protect and address the amenity and heritage significance of the Park.

The concept plan and management plan can be downloaded from Council's website.

Council's resolved at the 27 September 2018 Ordinary meeting, as follows:

1. *That Council confirms its support to change the name of 'Elizabeth Ann Brown Park' to 'Elizabeth Ann Brown War Memorial Park', subject to the proposal being placed on public exhibition.*
2. *If no submissions are received opposed to the proposal, Council authorises a submission be made to the NSW Geographical Names Board. If opposing submissions are received, the community feedback is to be reported back to Council.*

No submissions were received to the name change and an application was made to the Geographical Names Board to have the name changed. The Board will give consideration to the application at their meeting on 5 March 2019.

- **Consultation - Community Garden Proposal, Ocean Breeze Reserve, Lennox Head, closing date 11 January 2019**

The adopted Ocean Breeze Reserve Master Plan (2017) included provision for the establishment of a community garden within the reserve. Council has received an application from Lennox Community Gardens Incorporated to progress the development of the garden. Council is supportive of the application and is seeking feedback on the submitted

proposal and design of the garden. A copy of the proposal can be viewed on Council's website

As part of the application, as the land is classified as Community Land, Council is proposing to enter into a licence agreement with Lennox Community Gardens Incorporated in accordance with the provisions of Section 47 of the Local Government Act 1993. Written submissions are invited with respect to the granting of the licence.



9. Business Without Notice

This item provides an opportunity for updates and / or questions to be tabled by the members.

10. Next Meeting

Monday 20 May 2019 at 4.30 pm

Meeting dates for 2019 are

Monday 15 July 2019

Monday 16 September 2019

Monday 18 November 2019

1. **Attendance and Apologies**

Members

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

Monica Wilcox, Lennox Head Residents Association
Marshall Chang, Ballina Heights Residences Action Group
Brad Pollard, Lennox Head Chamber of Commerce
Jim Gilchrist, Preserve Lake Ainsworth
Lyn Walker, Ballina Environment Society
Fran Byrne, Ballina Coastcare
Darel Vidler, Lennox Head Combined Sports Association
Lorraine Leuckel, Marine Rescue Ballina
Shaun Eastment, Lennox Head Landcare
Jason Dwyer, Sport and Recreation Centre
David Griffiths, Ballina Coastcare

Observers

Henrietta Chang, Ballina Heights Residences Action Group

Council Staff

Vince Hunt, Manager Building Services
John Truman, Group Manager Civil Services
Steve Barnier, Group Manager Strategic and Community Facilities

Apologies

Nil

2. **Declarations of Interest**

3. **Confirmation of Minutes**

RECOMMENDATION

That the Minutes of the "B" Ward Committee held 17 September 2018 be taken as read and confirmed (Ms Leuckel/Mr Chang).

4. **Deputations**

Nil

Ballina Shire "B" Ward Committee Minutes 19 November 2018 – 4.30 pm

5. **Presentation by Member of Council's Senior Leadership Team**
Vince Hunt, Manager Building Services within Council's Development and Environmental Health Group, provided Committee members with a comprehensive overview of the key roles and responsibilities of his team.

6. **Outstanding Business**
 - (a) **Ballina Marine Rescue – Trimming of Trees in Coastal Reserve**
The information contained in the agenda was noted.

 - (b) **Ballina Marine Rescue – Water Charges**
The information contained in the agenda was noted.

7. **Business with Notice from Members**
Nil

8. **Council Documents on Exhibition**
The list of Council documents which have recently been exhibited for community feedback was noted, with some clarification by staff concerning individual items.

9. **Nominations for 2019 Australia Day Awards**
Members were encouraged to discuss potential nominations for these awards within their respective community organisations.

10. **Business Without Notice**
 - (a) **Lennox Head Combined Sports Association**
Mr Vidler raised concerns regarding activities within parts of Williams Reserve involving itinerant persons. This generated some discussion about a review of the vegetation management arrangements relating to the western part of the reserve.

Mr Vidler reiterated the importance of the installation of upgraded lighting within Williams Reserve. He also enquired about the timing for activation of the Epiq Estate playing fields and finalisation of the design and construction of the associated sportsground amenities.

Members were also reminded that Christmas Carols are scheduled to occur on Williams Reserve on Sunday 2 December.

(b) Lennox Head Residents Association

Ms Wilcox acknowledged the improvement works presently being undertaken within the public reserve adjacent to Lake Ainsworth. She also questioned the timing for reinstatement of the pedestrian access ways between the reserve and Seven Mile Beach.

Ms Wilcox noted there is some discussion within the Lennox Head community regarding the timing and duration of the proposed one way traffic management trial associated with the planned village centre improvement project.

(c) Preserve Lake Ainsworth

Mr Gilchrist spoke about the importance of providing conveniently located and accessible disabled car parking spaces within the Lennox Head village centre.

Mr Truman indicated this will be considered in the context of the village centre improvement project.

(d) NSW Sport and Recreation

Mr Dwyer enquired about progress of his Department's Development Application to enable the construction of alternative vehicular access to the Lake Ainsworth Centre.

Mr Dwyer also appreciated receiving advice that arrangements for a Police presence within the Lake Ainsworth public reserve during Australia Day 2019 are planned to be the same as last year.

(e) Lennox Head Chamber of Commerce

Mr Pollard enquired about the process for selection of the direction of one way traffic flow for the proposed Lennox Head village centre improvement program. Further, he sought feedback on the design for the proposed two way/one way interface within Park Lane.

It was indicated that clarification relating to these matters will be provided in the explanatory material to be distributed by Council leading up to and during the traffic management trial.

(f) Ballina Coastcare

Ms Byrne noted advice from Mr Truman that the waste receptacle removed by Council from the car parking area adjacent to Angels Beach is not to be replaced.

Ms Byrne prompted discussion about recycling within the Shire. Mr Truman provided a brief overview of Council's processes and its commitment to recycling. He foreshadowed that an announcement from Council regarding changed arrangements for household recycling is imminent.

Ms Byrne raised concerns about the state of the site of the former Shelly Beach Café following the recent fire.

(g) Ballina Environment Society

Dr Walker indicated that she and other community members will welcome discussion with Council regarding formalisation of pedestrian access from the corner of Ross Street and Gibbon Street to the Lake Ainsworth foreshore.

Dr Walker suggested it is timely, leading up to the NSW State election in 2019, for Council to identify key planning issues affecting the Shire which it might raise to ascertain policy positions from respective election candidates.

(h) Ballina Heights Residences Action Group

Mr Chang advised the meeting that the organisation he represents is proposing to convert its status from a community group to an incorporated association, and is contemplating a name change. He noted membership of the organisation is continuing to increase.

Mr Chang noted that some members of his Group remain highly concerned that a hazard for motorists exists at the intersection of Tamarind Drive and Deadmans Creek Road, particularly during adverse weather conditions, due to inadequate lighting.

Mr Truman noted that this matter is scheduled for discussion at the next meeting of Council's Local Traffic Committee.

Mr Chang indicated that members of his group continue to make representations to Government regarding inadequate telecommunication services to and within Ballina Heights Estate.

(i) Ballina Surf Club Building

The Mayor, Cr Wright advised members that completion of Building B at the Ballina Surf Club is imminent.

He noted also that usage of the new Ballina Memorial Pool is extremely high. It is hoped that installation of a new shade shelter at the pool will occur prior to Christmas.

11. Reporting of Safety Related Matters

The information contained in the agenda was noted.

Members were reminded that there is no need to wait for meetings of the Committee to raise matters of general concern from participating community groups.

Enquiries or customer requests can be lodged with Council at any time for staff follow up.

Ballina Shire "B" Ward Committee Minutes 19 November 2018 – 4.30 pm

12. **Next Meeting**

Monday 18 March 2019 at 4.30 pm

13. **Meeting Closure**

There being no further business, the meeting concluded at 6.35 pm.