

1. Attendance and Apologies
2. Guests
3. Declarations of Interest
4. Confirmation of Minutes - 12 November 2020

A copy of the Minutes of the "C" Ward Committee held on 12 November 2020 are included in Attachment 1.

#### **RECOMMENDATION**

That the minutes of the previous meeting held on 12 November 2020 be accepted as a true and correct records subject to the following amendment:

Apology correction: Russell Priddle - Alstonville & District Football Club (Alstonville FC).

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.

#### Staff Comment

Council notified Richmond Brunswick Bird Group of the snipe bird migration. Richmond Brunswick Bird Group advised they were aware and that the Snipe birds are being monitored.

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.

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

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

Staff Comment

Replacement trees have been ordered and awaiting installation, expected shortly.

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

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

**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.

**Action: Referred to Open Spaces**

**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.

**Action: Referred to Civil Services**

f) **Ballina Shire Future Water Quantity**

Mal Johnson (BES) would like to discuss his 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.

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.

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.

7. Business without Notice

8. Update on Covid19

9. 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 - Investments

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

**Other Items**

- **Ballina Local Environmental Plan 2012 - Planning Proposal BSCPP 20/001 – Teven Road, Teven** – closing date 19 February 2021

Council has prepared a planning proposal to amend the Ballina Local Environmental Plan 2012 to facilitate a dwelling on certain land at Teven Road, Teven. The land to which this planning proposal applies involves twelve land parcels as shown outlined in red in Diagram One below. Further information regarding land parcel details, including lot and deposited plan numbers, are provided in the planning proposal.

**Items on Exhibition after November 2020 meeting – closed**

- **Ballina Shire Development Control Plan 2012 - Draft amendment chapter 4 - Residential and Tourist Accommodation - Special area provisions - 23 Compton Drive, East Ballina** – closed 19 December 2020

The Draft Amendment introduces special controls related to the development of part of 23 Compton Drive, East Ballina for residential accommodation (dwelling house) purposes. The draft development controls relate to:

- Demolition of existing building improvements and reinstatement of the impacted Compton Drive footpath area.
- Bushfire Asset Protection Zone requirements
- Building envelope restrictions
- Ecological considerations including offset requirements
- Delineation of location and nature of s88B restrictions
- Building height requirements
- 0 metre building line provision
- Geotechnical engineering requirements
- Vegetation Management Plan requirements.

The following information regarding the draft DCP amendment can be viewed on council's website at [ballina.nsw.gov.au/ExhibitionDocuments](https://ballina.nsw.gov.au/ExhibitionDocuments)

- Draft Amendments - Ballina Shire DCP 2012
- Report to Council dated 22 October 2020
- Ballina Shire LEP 2012
- Ballina Shire LEP 1987

- Existing Ballina DCP 2012 Chapter 4 Residential and Tourist Development DCP Chapter 4.

- **New Fee - Kitchen Caddies** – closed 30 December 2020

At its meeting of 26 November 2020, Council resolved to approve the public notice of a new Domestic Waste Management Operations fee for the sale of Kitchen Caddies in accordance with Section 610F Public Notices of Fees (Local Government Act 1993) for public comment. The new fee of \$10 each (including GST) will be included in Council's Fees and Charges document for 2020/21.

- **Ballina Local Environmental Plan 2012 - Planning Proposal BSCPP 19/002 Lennox Rise** – closed 24 December 2020

Council has prepared a planning proposal to enable increased diversity in residential lot sizes within the future Lennox Rise Residential Estate in Lennox Head. This planning proposal applies to Lot 1 DP 1070446, located at 78 Hutley Drive, Lennox Head. The land is zoned a mixture of R3 Medium Density Residential and RE1 Public Recreation zone under the terms of the Ballina Local Environmental Plan 2012 (BLEP 2012) and 7(a) Environmental Protection (Wetlands) zone and 7(l) Environmental Protection (Habitat) zone under the terms of the Ballina Local Environmental Plan 1987. The amendments to which this planning proposal relates apply only to parts of the land zoned R3 Medium Density Residential zone.

The purpose of this planning proposal is to amend the Minimum Lot Size (LSZ) map of the Ballina Local Environmental Plan 2012 to apply the 450m<sup>2</sup> minimum lot size standard to parts of subject land. The current version of the Ballina Local Environmental Plan 2012 can be accessed via the NSW Legislation website here 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 18/005 Rural Function Centres** – closed 15 January 2021

Council has prepared a planning proposal to introduce strengthened development control provisions to apply to function centres (including Wedding Venues) on land zoned RU2 Rural Landscape zone under the terms of the Ballina Local Environmental Plan 2012, to provide that such development will not adversely impact on other legitimate rural activities. The current version of the Ballina Local Environmental Plan 2012 can be accessed via the NSW Legislation website. 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).

10. Next Meeting

Thursday 13 May 2021 – 5.00 pm

## **Attachment 1**

Ballina Shire "C" Ward Committee Minutes – 12 November 2020 – 5.00 pm

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### **1. Attendance and Apologies**

#### *Members:*

Cr Ben Smith (Chair)  
Cr David Wright (Mayor)  
Cr Eoin Johnson (via Zoom)  
Cr Sharon Parry (via Zoom)

Jane Gardiner - Alstonville Plateau Historical Society  
Pat Carney - Wardell Progress Association  
Mary Birch - Wollongbar Progress Association (via Zoom)  
Des Burke - Alstonville Lions (via Zoom)  
Malcolm Johnson - Ballina Environment Society  
Steve Miller - Rous Mill Ratepayers Association (via Zoom)  
Wayne Garrard - Alstonville & District Cricket Association  
Jim Hahn - Probus Club of Alstonville

#### *Council Staff:*

Matthew Wood - Director Planning & Environmental Health  
Janelle Snellgrove - Executive Support Officer

#### *Others in Attendance*

Marilyn Perkins - Wollongbar Progress Association (via Zoom)  
Jennifer Regan - Alstonville Tibouchina Day Club

#### *Apologies*

Russell Priddle - Alstonville & District Cricket Association  
Barry Jeffress - Secretary Tuckombil Landcare

#### **Recommendation:**

That the apologies be accepted (Mary Birch / Cr Parry).

### **2. Guests**

Paul Tsikleas - Manager Airport and Commercial Services.

### **3. Declarations of Interest**

Nil.

### **4. Confirmation of Minutes 9 July 2020**

#### **Recommendation:**

That the minutes of the previous meeting held on 10 September 2020 be accepted as a true and correct record (Pat Carney / Jane Gardiner).

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**5. Outstanding Business - 10 September 2020**

**a) Wardell Toilet Replacement**

Pat Carney requested a further update on the replacement of Wardell Toilet at the next C Ward Committee meeting.

The information contained in the agenda was noted.

**b) Maintenance on Tables near Wardell Tennis Courts**

Pat Carney requested a status update on repairing/replacement of the tables at Wardell tennis courts as they are in a poor state.

The information contained in the agenda was noted.

**c) Bulwinkle Park**

Mal Johnson enquired about improvements to Bulwinkle Park and raised concern about slow progress. Mr Johnson requested an update on status from Council.

The information contained in the agenda was noted.

**d) Wollongbar Community Hall**

Mary Birch enquired whether it is necessary to register the Wollongbar Community Hall's Covid19 plan in the same way businesses are required to register their plans.

The information contained in the agenda was noted.

**e) Crawford House**

Jane Gardiner also enquired whether it is necessary to register Crawford House's Covid19 plan.

The information contained in the agenda was noted.

**f) Wollongbar Rural Fire Brigade Fire Station Access**

Malcolm Johnson advised that with the former tennis court site now being a private business, there are now difficulties for fire trucks in relation to access at the RFS site.

Malcolm Johnson indicated there was a previous agreement with Council that Council would provide a new entrance and turning circle. A standpipe site to fill up at station is also requested, instead of going to the top end of the estate.

The information contained in the agenda was noted.

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Malcolm Johnson further added he was satisfied with the progress of the works, noting a hydrant has been installed but needs to be connected to mains.

Malcolm also advised that the RFS has lodged a development application for an awning and hose drying area. Malcolm enquired as to whether the DA fees can be refunded.

Matt Wood advised that the development application fees and process for the development application have been discussed with Rural Fire Service. Council staff have contacted Rural Fire Service and provided the appropriate forms to the RFS to apply for a donation.

**g) Devils Elbow Roadworks (Marom Creek)**

Steve Miller requested Council install Guard rails.

The information contained in the agenda was noted.

**h) Alstonville Boral Asphalt Quarry**

Tyrone McGillick requested a copy of the air quality report for Alstonville Boral Asphalt Quarry and commented the odour from the Alstonville Boral Asphalt Quarry has reduced.

The information contained in the agenda was noted.

**6. Business with Notice from Members**

**a) Alstonville Cultural Centre**

Jane Gardiner requested Councillors discuss the leasing of the Alstonville Cultural Centre, including the process involved prior to reaching a decision. Also requested an update on the outcome of the Community Property Leasing Policy, particularly with regard to concerns raised by the Alstonville Soccer Club and Community Preschool.

Jane Gardiner, Marilyn Perkins, Jennifer Regan raised concern about the approach taken to enabling Byron Studios to occupy the Alstonville Cultural Centre. In particular, it was suggested that a greater extent of community consultation should have occurred prior to Council's resolution to enter into a licence agreement with Byron Studios at the Alstonville Cultural Centre.

Specific concern about limited engagement with the Tibouchina Day Club prior to the Council decision was raised by Jennifer Regan.

Paul Tsikleas provided detail on the use of the centre by Byron Studios including the following information:

- The licence agreement is expected to commence 1 December 2020.
- The site is operational land. Operational is managed under Local Government Act and is akin to freehold land.



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- Discussions initially commenced between Council and Byron Studios in July/August 2020. At the time bookings weren't able to proceed due to Covid 19.
- The agreement secures an income stream for the centre noting this has been uncertain due to Covid 19.
- The decision to enter a licence agreement with Byron Studios was made at Council's Ordinary meeting held on 24 September 2020.

There was discussion amongst the members of the committee about the matter including in relation to:

- Engagement of user groups.
- Opportunities for economic benefits and employment in the film and production sector.
- Opportunities for improved communication.
- Naming of the Alstonville Cultural Centre.

**b) Wollongbar Expansion Land Release**

March Birch requested a progress update on the Wollongbar expansion land release.

Paul Tsikleas advised that Stage 3 consists of 31 lots. Bulk earthworks and site remediation is currently being undertaken and is near completion. The tender for civil works to construct the subdivision will be considered at Council's Ordinary meeting on 26 November 2020. Avalon is developing the lots adjoining Council's land and sharing the cost of the road construction. The skate park construction is expected to commence in December 2020. The Council lots are expected to be available June/July 2021.

**c) Wollongbar District Park**

March Birch requested a progress update on the Wollongbar District Park.

The information contained in the agenda was noted. Matt Wood further advised the construction of the majority of the park should progress early next year, with the skate park component expected to commence in December 2020.

Marilyn Perkins further enquired if the points made in the submissions relating to the park at the time Council considered the design have resulted in adjustments to the design.

Matt Wood advised that Council did not alter the proposed design at the time development consent was granted to the proposed works. The construction is based on the plan as approved.

**d) Community Consultation**

March Birch enquired what Council's policy is on community consultation, what triggers consultation and requested an explanation of the consultation process.

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The information contained in the agenda was noted (this included a copy of Council's Community Participation Plan and Community Consultation Policy).

Marilyn Perkins noted that Council's Community Consultation policy indicates that Council should determine its approach to consulting with the community based on whether the circumstances are considered high or low impact. Marilyn also suggested that the Alstonville Cultural Centre matter should have been considered high impact on the community and according to the policy there should have been interaction with the community.

**e) Wardell Bypass**

Pat Carney enquired about the status of the gravel heap on the end of Carlisle Street, Wardell. If the gravel is no longer required for road construction, can it be removed and requested the area undergo beautification.

The information contained in the agenda was noted.

Pat Carney advised he met with Paul Busmanis and Traffic NSW to discuss the matter and identify who is responsible. Further investigations into the matter are underway.

**7. Business without Notice**

**a) Bulwinkle Park**

Mal Johnson raised concerns about losing the plants Landcare have been stockpiling and enquired if there were any planting arrangements. The lack of seating was raised. Mal Johnson also enquired if a landscape architect was being employed. When the heritage report becomes available Mal Johnson has requested he is provided with a copy of the report.

Matt Wood advised the process has been to examine heritage first with the aim then being to engage a landscape architect to work on design. Council staff are progressing this as resources allow noting this is not a matter listed within Council's delivery program and operational plan as a project for the 2020/21 year.

**Post Meeting Note:**

A copy of the heritage report has been provided to Malcolm.

**b) Carparking**

Jane Gardiner raised carparking concerns in relation to the Teven Road and old Bruxner Highway intersection due to development in the vicinity of the intersection. In particular, Jane raised concern about trade vehicles being parked along the road and difficulties seeing oncoming traffic at the intersection.

Matt Wood advised Council Rangers had been tasked to visit the site and inspect parking arrangements.

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Post Meeting Note:

Rangers have inspected the site and spoken with the building contractors at the development site about the issue. No illegal parking of vehicles was identified at the time of the inspection.

Matt also noted that the development includes a new intersection treatment that incorporates a small roundabout.

If the matter continues to be an issue, an option is to refer this to Council's traffic committee for consideration of management measures such as no stopping areas.

**c) 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.

**Action:** Referred to Council's Environmental Scientist for review.

**d) Construction of Stilt Houses in Rural Areas**

Pat Carney requested Councillors investigate building of houses on stilts in rural areas in the Wardell area, particularly given the cost of filling for housing. Pat raised concern about the Council's response to advice from the SES relating to such housing construction when the flood study and policy was prepared. Pat would like council to revisit this matter and consider supporting building on stilts in rural areas as it is more cost effective.

Matt Wood noted that Council can revisit the policy but it is more complex than the view of the SES. Factors such as flood velocity and depth are also important factors to consider along with community knowledge. Matt also noted that climate change projections are factored into Council's flood planning policy following a query about this during the discussion.

**e) Geoff Watt Oval Facilities**

Wayne Garrard expressed appreciation to Council and advised the upgrade of the facilities at Geoff Watt Oval are now completed.

**Action:** Referred to Open Spaces to note.

**f) Rous Mill Hall**

Steve Miller provided an update on the refurbishment of the deck at Rous Mill Hall. He thanked Council for grant support provided and advised work is continuing on repair of the cricket shed and consulting with the community for future directions.

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**8. Update on COVID-19**

Matt Wood provided an update with respect to COVID 19 and Council's operations. Council continues to comply with Covid 19 restrictions noting that works are continuing and services remain in demand. Council is continuing to provide some support to businesses but this is now reducing.

**9. Council Documents on Exhibition**

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

**10. Next Meeting** - Thursday 11 March 2021 at 5.00 pm

**11. Meeting Closure** - The meeting closed at 6.20 pm