



Notice of Reserve Trust Manager Meeting

A Reserve Trust Manager Meeting will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **Wednesday 11 November 2015 commencing at 4.30 pm.**

Business

1. Apologies
2. Declarations of Interest
3. Deputations
4. Committee Reports

A handwritten signature in black ink, appearing to read 'Paul Hickey', with a long horizontal flourish underneath.

Paul Hickey
General Manager

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1. Apologies
 2. Declarations of Interest
 3. Deputations
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1. Apologies

Crs Paul Worth and Robyn Hordern.

2. Declarations of Interest

3. Deputations

4.1 Use of Council Seal

4. Committee Reports

4.1 Use of Council Seal

RECOMMENDATION

That Council, as the Reserve Trust Manager, affix the Common Seal to the following document.

	<p>Clement Park Reserve Trust - tenure renewal for three years to the Ballina Bowling and Recreation Club for the croquet lawns and club house at Bentinck Street, Ballina.</p> <p>Explanation:</p> <p>The Ballina Bowling and Recreation Club has requested a renewal of the tenure for the croquet lawns at statutory minimum rental. The Reserve Trust has previously agreed to statutory minimum rental for the croquet lawns despite the commercial status of the Club. This agreement is in recognition of the improvements made to the reserve by the Club at a cost of approximately \$280,000 (as per their development application), the full cost of which was met by the Club.</p>
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Attachment(s)

Nil

4.2 Ocean Pool - Next Step

4.2 Ocean Pool - Next Step

Delivery Program Community Facilities and Services

Objective To determine how Council, acting as the Ballina Coastal Reserve Trust, wishes to progress the proposed Ocean Pool.

Background

At the December 2014 Ordinary meeting Council resolved as follows:

- 1. The General Manager continue to liaise with Crown Lands and other relevant Government departments to gain in principle support for the construction of an ocean pool at Shelly Beach.*
- 2. That Council investigate different funding options including grants, sponsorship and community partners.*

Even though the resolution is silent on this, the background to this resolution, which arose from a notice of motion, was that this project should be community driven and the ultimate facility, if constructed, should place a minimal maintenance burden on Council.

A number of interested community members have been working together to progress the planning for the pool and the purpose of this report is to confirm the next steps in this process.

Key Issues

- Determine Council support for the project
- Preferred application approach

Information

The attachment to this report is correspondence from the Ballina Ocean Pool Committee (BOPC) seeking advice as to whether Council will support BOPC operating as a committee of Council.

This request has arisen following discussions with NSW Crown Lands in respect to the preferred approach to obtain planning consent.

The verbal advice to Council is that due to the various approvals that need to be required, including dealing with Native Title issues, the recommendation from Crown Lands is that Council, or the Reserve Trust should be the proponent of this facility. Essentially this means Council, or the Reserve Trust, will lodge the planning application once completed.

It also means that the facility once completed will become the responsibility of Council. The preferred location for this facility, from the perspective of the BOPC, is the southern end of Shelly Beach.

Legal / Resource / Financial Implications

This report has no resource or financial implications on Council as it relates purely to the preferred structure for the management of lodging the planning application. The possible resource and financial implications may occur if planning consent is obtained and Council is requested to finance the construction and / or if constructed there are maintenance costs associated with the facility.

Consultation

There has been strong community support for the ocean pool project and this has been noted in the Ballina Major Regional Centre Strategy process. There is also some preference for the pool to be located at "Black Head", in between Shelly Beach and Angel's Beach, however it does appear that the southern end of Shelly Beach is the preferred location for a low maintenance ocean pool due to the on-going interaction with the ocean.

Options

The community group promoting this facility is now at the stage where they wish to commence preparing the documentation for the lodgment of the planning application. It is now an appropriate time for Council, as the Reserve Trust, to determine whether this process is to proceed. If it is to proceed the preferred structure also needs to be confirmed.

The options available are:

- 1) Not support any further progress on this proposal. There remain concerns that this facility, if constructed, could increase Council's maintenance costs and it is probable that at some point in time Council will be requested to assist with construction costs. Council has no allocation for any expenditure on this facility in our ten year financial plan.
- 2) Support the lodgment of a planning application for the facility, however let the BOPC prepare and lodge that application under their name. The downside to this option is that the approval process may be more problematic than option c) as follows.
- 3) Support the lodgment of a planning application for the facility, with that application to be lodged in the name of Council, or the Reserve Trust. In order to support this structure the recommendation would be that the Ballina Ocean Pool Committee would be endorsed as a committee of Council, subject to defined terms of reference.

As Council previously resolved to support the ocean pool, the recommendation that follows is consistent with option three. Even though this is a Reserve Trust meeting the Crown has also advised that Section 98 of the Crown Lands Act, as follows, allows the Reserve Trust Committee to establish the committee; i.e.

98 Application of Local Government Act where a council manages a reserve trust

- (1) If a council is the manager of a reserve trust and the reserve (or the part of the reserve) is a public reserve the trust has all the functions of a council under the Local Government Act 1993 in relation to public reserves.*

RECOMMENDATION

That Council, acting as the Ballina Coastal Reserve (R1010068) Trust, resolves that the Ballina Ocean Pool Committee Inc is established as a Committee of Council, with the terms of reference for the Committee as follows:

- Terms of Reference – To oversee and implement the actions necessary to allow a planning application to be lodged with Council for the establishment of an ocean pool at Shelly Beach, Ballina. The premise of the ocean pool is that it will be constructed through funding sources other than Council, and the pool is to be designed to ensure that nil, or minimal maintenance, is required for the facility on an on-going basis.

Attachment(s)

1. Correspondence from Ballina Ocean Pool Committee (BOPC)

BALLINA OCEAN POOL

Chairman: John Wise
jywise@ozemail.com.au
Mob:0411679789

Secretary: Michelle Bourke
Michelle.ballina@gmail.com
Mob: 0409712688

12th October 2015

Dear Mr Hickey,

We would like to thank the Councillors for their in principle support for the construction of an ocean pool on the rock shelf between Shelly and Lighthouse Beach, Ballina. This location has been chosen due to the close proximity of car parking, toilets, the cycleway, two surf clubs and the Shelly Beach Cafe.

We feel that an ocean pool would be a great complement to our beaches and ultimately be a popular local swimming facility that will be enjoyed by both locals and visitors alike. Our aim is to design a world class 50 metre ocean pool that has minimal ongoing maintenance costs and is aesthetically pleasing while blending into the natural environment.

We also feel that with some negative publicity about the safety of swimming at Ballina, this will improve Ballina's reputation as a holiday venue.

Since the community push began for an Ocean pool we have established and incorporated the Ballina Ocean Pool Committee. A list of the Committee members is attached. Some Committee members have had several meetings with representatives from Council, Crown Lands, the Australian Maritime College, and professors from Southern Cross University. Everywhere we go we get offers of support.

We have assembled a professional team to work on the project with offers of support from all of the above organisations and many local businesses and professionals, including surveyors, builders, construction companies, planners, engineers, surf club members, ocean swimmers and parents. This is fast becoming a wonderful community project.

Mr Steve Connelly from Planners North has kindly volunteered his time to help us with the planning issues which will ensure that the application has a genuine prospect of being accepted by all of the relevant Government departments. We enclose letters of support from Crown Lands, Ballina Surf Lifesaving Association and Professor Harrison at Southern Cross University for your consideration.

It has been suggested that for Council (or the Reserve Trust) appoint our committee, or the members of our committee, as a Committee of Council, with the authority to prepare the application.

We would then take the next step and prepare a Review of Environmental Factors under Part 5 the Environmental Planning and Assessment Act to be submitted to the Council for consideration. In the event that this submission is successful the intent is for Council to 'own and manage' the facility.

We seek your confirmation that this is the correct way to go about this and if so, we look forward to your advise that we would be acting as a Committee of Council moving forward..

Yours sincerely

Ballina Ocean Pool Committee.

John Wise

(Per:Michelle Bourke)

Ballina Ocean Pool Committee

John Wise	Builder and Manager	President
Michelle Bourke	Solicitor and Manager	Secretary
Peter Lucena	Engineer	Member
Bill McInerney	Builder	Member
Eoin Johnston	Barrister	Member
Jeff Johnson	Councillor	Member

Ballina Lighthouse & Lismore SLSC Inc.

Established 13 September, 1933
SLSA Club of the Year 2012
SLS NSW Club of the Year 2012
SLS NSW Club of the Year 2014



19 September 2015

Ballina Ocean Pool Incorporated
56 Shelly Beach Road
Ballina NSW 2478

Dear John

The Ballina Lighthouse and Lismore SLSC would like to express their support for the Ballina Ocean Pool. We believe that it would be a wonderful addition to the facilities already offered to our Club members. It will also add to the public's enjoyment of both Shelly Beach and Lighthouse Beach.

Yours Sincerely

Craig Nowlan
President
Ballina Lighthouse and Lismore Surf Life Saving Club.

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Ballina Lighthouse & Lismore SLSC Inc is Registered Gift Recipient ABN 64 923 973 436
PO Box 590, Ballina NSW 2478 Australia email: ballinaslsc.ad@gmail.com www.ballinasurfclub.com.au
Vigilance & Service



6th October 2015

To Whom It May Concern,

I am the Director of the Marine Ecology Research Centre at Southern Cross University and I wish to note my support for the proposed Ocean Pool concept on the rock shelf between Shelly and Main Beaches Ballina.

The project offers many exciting possibilities and our marine research and environmental management staff would be able to provide support in relation to the project's marine biology and ecology, environmental impact assessment, enhancing the design of the pool and surroundings to enable it to blend in with the natural rock shelf and intertidal pool environment and to provide new habitats for local marine species.

The proposed Ocean Pool provides important opportunities as a safe place for swimming, and for learning and research for students and the broader community to interact with and learn about our marine environment.

Yours sincerely,

Professor Peter Harrison
Director of the Marine Ecology Research Centre
School of Environment, Science and Engineering

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Email: peter.harrison@scu.edu.au





Department of
Primary Industries
Lands

Our Ref: 09/01645-04
TRIM Ref: DOC15/183639

1 October 2015

Mr John Wise & Ms Michelle Burke
Ballina Ocean Pool Incorporated
By email
jwise@ozemail.com.au
michelle.ballina@gmail.com

Dear John and Michelle

Re: Ballina Ocean Pool

I refer to your letter of 20 September 2015 seeking support for the proposed Ballina Ocean Pool.

I wish to confirm the Department of Primary Industry - Lands supports investigations into the feasibility of an ocean pool within the Ballina Coastal Reserve. The development of recreation facilities aligns with the intent of the adopted Ballina Coastal Reserve Plan of Management and the notified public purpose of the reserve (public recreation & coastal environmental protection)

Approval for any development of this nature on Crown land will be subject to all legislative and statutory planning requirements. For further clarification please don't hesitate to contact me by telephone: (02) 6642 9217 or by email; kevin.cameron@crowland.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kevin Cameron".

Kevin Cameron
Manager Far North Coast
Department of Primary Industries - Lands

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