



Notice of Reserve Trust Manager Meeting

A Reserve Trust Manager Meeting will be held in the Ballina Shire Council Chambers, 40 Tamar Street, Ballina on **Thursday 28 January 2016 commencing at 11.30 am.**

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

Table of Contents

1.	Apologies.....	1
2.	Declarations of Interest.....	1
3.	Deputations	1
4.	Committee Reports.....	2
4.1	Use of Council Seal	2
4.2	Captain Cook Park - Richmond River Foreshore Reserve Trust	3
4.3	Marine Rescue Tower - Lease - Ballina Coastal Reserve Trust	25

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

2. Declarations of Interest

3. Deputations

4.1 Use of Council Seal

4. Committee Reports

4.1 Use of Council Seal

RECOMMENDATIONS

That Council, as Reserve Trust Manager for the Clement Park Reserve Trust and the Ballina Regatta Avenue Reserve Trust, affix the Common Seal in relation to the following documents:

Lease - Clement Park Reserve Trust (D540004) – Ballina Bowling and Recreation Club

Renewal of the lease to the Ballina Bowling and Recreation Club for the period 1 October 2015 and expiring on 31 July 2021 at statutory minimum rental.

Explanation

The Ballina Bowling and Recreation Club has been the lessee of the croquet lawns in their current location facing Bentinck Street since approximately 2011, after the Club established new croquet lawns and amenities in that location at their cost. Given the costs associated with the establishment of these facilities, the Club has historically been granted rental at the statutory minimum rate, despite the commercial status of the Club.

The Ballina Bowling and Recreation Club leases the rest of their facility (being the old croquet lawns, bowling greens and club facilities) based on direct agreements with the Department of Primary Industries – Lands. These existing leases expire on 31 July 2021, and the Club has requested that the tenure for the croquet lawns between the Reserve Trust and the Club be renewed for dates in line with the other leases. This proposal has received the in principle support of the Department of Primary Industries – Lands.

Lease - Ballina Regatta Park Reserve Trust (R87280) – Ballina Waterslide

Renewal of the lease to Good Hydration Pty Ltd for the operation of the Ballina Waterslide for the period 1 September 2013 and expiring on 31 May 2018 at an annual rental of \$7,800p/a plus GST.

Explanation

Negotiations have been held with the existing lessee to align this lease with the expiration of the lessee's management contract with Ballina Shire Council for the Ballina Pool. In principle agreement has been reached with the lessee and Department of Primary Industries – Lands. The rental figure reflects the existing lease fee, which is indexed per annum. An entirely new lease will need to be negotiated when this lease expires, in conjunction with the new management contracts.

Attachment(s)

Nil

4.2 Captain Cook Park - Richmond River Foreshore Reserve Trust

4.2 Captain Cook Park - Richmond River Foreshore Reserve Trust

Delivery Program Open Spaces and Reserves

Objective To outline possible funding options to commence the implementation of the Captain Cook Park Master Plan.

Background

The area known as “Captain Cook Park” is land located off River and Moon streets adjacent to the Richmond River. The reserve is managed by Council as Trust Manager for the Richmond River Foreshore Reserve Trust (R71612). Council was appointed as Reserve Trust Manager of the Reserve on 27 July 2012, following a resolution of Council to act as Reserve Trust Manager.

On 5 February 2014, a landscape master plan was adopted by the Reserve Trust for the improvement and embellishment of the site [Minute No RT050214/2]. The master plan is contained in Attachment 1 to this report. At the time the master plan was prepared, no funding sources were identified.

The purpose of this report is to outline possible funding options for the implementation of the master plan.

Key Issues

- Community benefit from the improvement of open spaces and parks;
- Funding for capital works.

Information

Following the endorsement of the master plan for Captain Cook Park, Council staff, on behalf of the Reserve Trust, have investigated funding options to commence the implementation of this master plan.

Investigations have revealed that in 2007 the Ballina RSL Club entered into a 20 year licence directly with the Department of Primary Industries - Lands for the provision of an emergency egress in Captain Cook Park for an area of land adjacent to the RSL building. As the licence was entered into prior to Council being appointed as Reserve Trust Manager, the annual licence fee has been paid directly to the Department of Primary Industries – Lands since that time.

As neither Council nor the Reserve Trust is a party to the licence, the rental amount is not known but it is believed that the proposed licence fee in 2007 was approximately \$20,000.

Enquiries of the Department indicate that these funds may be able to be accessed by the Reserve Trust and applied to the implementation of certain works in accordance with the master plan, following a formal request being made by the Reserve Trust.

4.2 Captain Cook Park - Richmond River Foreshore Reserve Trust

It may also be possible that any future income in accordance with the licence could be directed to Council as Reserve Trust Manager to assist with maintenance and future works in accordance with the master plan.

It is unclear whether the NSW Treasury (being the entity which has received the funds in the absence of an appointed Reserve Trust Manager) will consent to the Reserve Trust receiving past licence fees, however it is suggested that the Trust seeks access to both past and future proceeds from the licence.

Another funding source which may assist with the implementation of the master plan is a condition of consent contained with DA 2007/363 and embodied in a subsequent memorandum of understanding between Council and the Ballina RSL Club. The condition of consent states that certain landscaping and infrastructure works within Captain Cook Park are to be undertaken by Council, with reimbursement of those works by the RSL Club. The funds for the reimbursement are secured by way of deposit guarantee. Council staff intend to initiate consultation with the RSL Club in the first half of 2016 in relation to the allocation of expenditure of these funds.

Council has also received a \$250,000 grant from the State Government under the NSW Boating Now Program for expenditure on ramp and pontoon infrastructure at Captain Cook Park this year. Council is required to provide \$50,000 in addition to this funding for the works and the Council 2015/16 budget is based on the assumption that the \$50,000 will be sourced from either the Crown licence monies or the RSL deposit.

Legal / Resource / Financial Implications

There are no legal implications associated with the proposal.

The funding sources identified provide Council, as Trust Manager, with an opportunity to carry out works in accordance with the master plan.

Council has maintained Captain Cook Park for a significant period of time, including prior to its appointment as Reserve Trust Manager. The annual cost of maintaining the reserve is approximately \$8,000. Council has not received financial support from the landowner (Department of Primary Industries – Lands) for this ongoing maintenance.

The implementation of the Captain Cook master plan has been estimated at \$3m as per the following summary.

Item	Amount (\$)
Laneway and Car Park – one way access	750,000
Public Art / Monument	50,000
Improved Pedestrian Entry from River Street	200,000
RSL Edge Landscaping	150,000
Open Park Land – Paths, planting, furniture	200,000
Public Wharf	250,000
Water Play Area – Drainage, equipment, plantings etc	500,000
Picnic Shelter – BBQs, Structures	150,000
Public Toilets	300,000
Jetty (Regional Boating Plan)	300,000
Landscape between activity zone and Fawcett Park	150,000
Total	3,000,000

4.2 Captain Cook Park - Richmond River Foreshore Reserve Trust

The implementation of this master plan is considered each year as part of Council's Long Term Financial Plan, with the various works listed only able to be funded through successful grant applications, or dividends from the property reserves.

As mentioned earlier, pleasingly, for 2015/16 Council did obtain a \$250,000 grant from the State Government's "Boating Now" program, with \$50,000 to be provided from Council for the \$300,000 project. If Council is unable to obtain funds from the Crown Reserve lease or the RSL guarantee, then we will need to fund the \$50,000 from our internal reserves.

Consultation

Extensive community and Government consultation was undertaken in relation to the master plan and the proposed works prior to the adoption of the master plan.

No further community engagement is proposed at this time.

Options

1. That Council on behalf of Reserve Trust makes a formal request to the Department of Primary Industries – Lands to redirect income previously generated from Licence 396806 to the Reserve Trust.

This request would be for the period 2007 to date for expenditure on works identified under the master plan, or in the alternative, for the period 2012 to date (being the date of the appointment of Council as Reserve Trust Manager).

2. That Council on behalf of the Reserve Trust makes a formal request to the Department of Primary Industries – Lands that any future income generated from Licence 396806 (due to be paid in July 2016 and annually until the end of the licence in 2027) be redirected to the Reserve Trust.

This request would be made on the basis of future maintenance and embellishment costs and for expenditure on works identified under the master plan.

With respect to options 1 and 2, it is proposed that Council as Trust Manager would also pursue funding from the Ballina RSL Club as outlined above and seek to expend the boating grant that has been received.

It is recommended that the Trust proceed with options 1 and 2.

3. The Reserve Trust does not make a formal request for the funds and continues to seek alternate funding sources or does not seek to advance the implementation of the master plan at this time.

Given that no other readily available funding sources have been identified and the Trust has previously endorsed the master plan for implementation, this option is not recommended.

RECOMMENDATIONS

1. That Council, as Reserve Trust Manager, makes a formal request to the Department of Primary Industries – Lands to redirect income previously generated from Licence 396806 to the Reserve Trust for expenditure on works identified under the master plan.
2. That Council as Reserve Trust Manager makes a formal request to the Department of Primary Industries – Lands that any future income generated from Licence 396806 be redirected to the Reserve Trust for future maintenance and embellishment works and for expenditure on works identified under the master plan.
3. That Council as Reserve Trust Manager proceeds to advance works consistent with DA 2007/363 and the available NSW Boating Now Program grant.

Attachment(s)

1. Captain Cook Memorial Park Master Plan



Captain Cook Memorial Park, Ballina

LANDSCAPE MASTER PLAN



CONTENTS

1	Introduction	1
2	Street Improvement Considerations	2
3	Guiding Design Principles	3
4	Key Design Zones	4
5	Landscape Master Plan	5
6	Entry Zone	6
7	Open Parkland Zone	8
8	Waterside Activity Zone	11
9	Furniture and Hard Surface Finishes	14
10	Planting Palette	15
	Appendix A: Broad Estimate of Costs	16

1. INTRODUCTION

1

This report illustrates and describes the master plan that has been developed for Captain Cook Memorial Park. The plan is based on considerable background research, site analysis and community consultation which is documented in Captain Cook Memorial Park Landscape Master Plan Report No.1. Accordingly, this master plan should be read in conjunction with the earlier report to fully understand the basis on which master planning decisions have been made.



Captain Cook Memorial Park, Ballina LANDSCAPE MASTER PLAN
FEBRUARY 2014
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2. STREET IMPROVEMENT CONSIDERATIONS

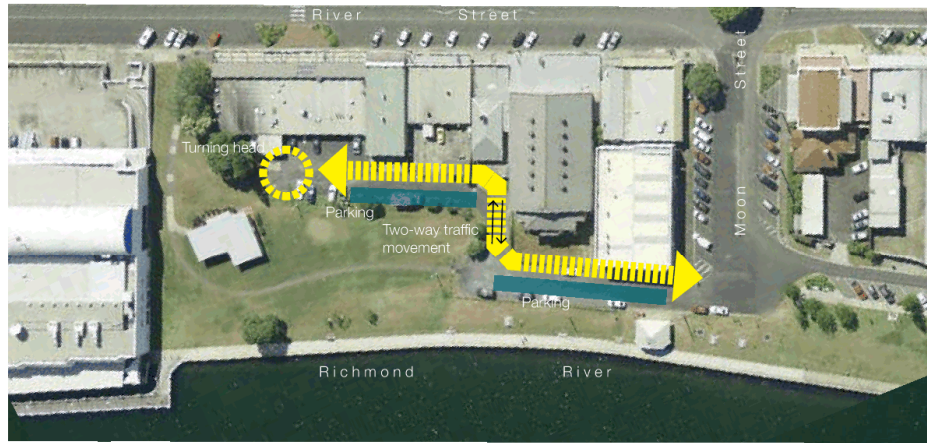
EXISTING TWO-WAY TRAFFIC MOVEMENT

Advantages

- 1 Retains existing familiar traffic system;
- 2 Moon Street is maintained as the central access point into Captain Cook and Fawcett parks; and
- 3 Relatively cost effective to upgrade.

Disadvantages

1. Inefficient wide road required to accommodate two passing lanes and a parking lane which will take up an unnecessarily large area of the adjoining parkland;
- 2 Expansive turning head required for large vehicles such as garbage trucks which may need to be located near front of CWA Hall
- 3 Lack of through vehicle access minimises passive surveillance and maintains sense of remoteness at dead end; and
- 4 Potential traffic conflict during periods of high demand and when car park is full.



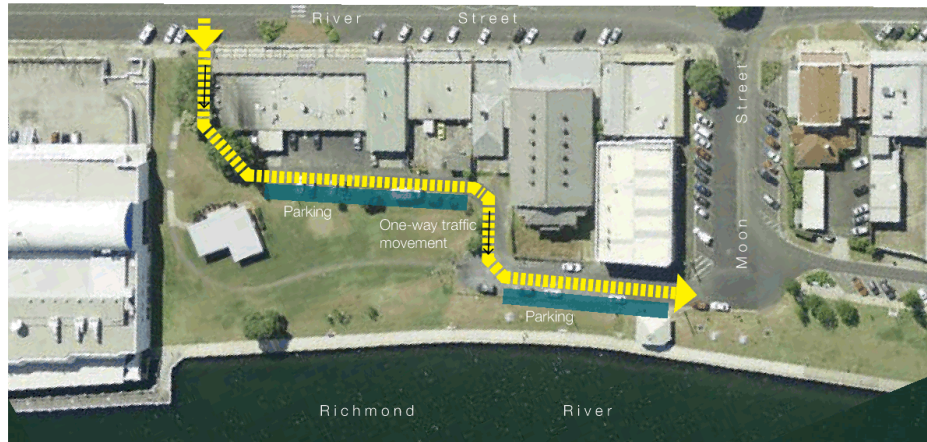
NEW ONE-WAY EASTBOUND FROM RIVER STREET

Advantages

- 1 Narrow single lane is space efficient and enables more space for parkland without compromising car parking availability;
- 2 One-way movement creates easier access arrangement and minimises potential conflicts during peak activity periods;
- 3 Replicates traffic and parking arrangements in Fawcett Street east of Moon Street;
- 4 No turning head required;
- 5 Through access from River Street removes dead end and greatly enhances connectivity and passive surveillance;
- 6 Vehicle access off River Street will increase park recognition from main thoroughfare especially to passing visitors; and
- 7 Loss of parkland area at River Street entry is offset by gains created by narrower street corridor and lack of turning head.

Disadvantages

1. Occupies parkland space near River Street entry;
- 2 Crosses River Street footpath and creates potential new pedestrian conflict point; and
- 3 Potential greater cost of implementation.



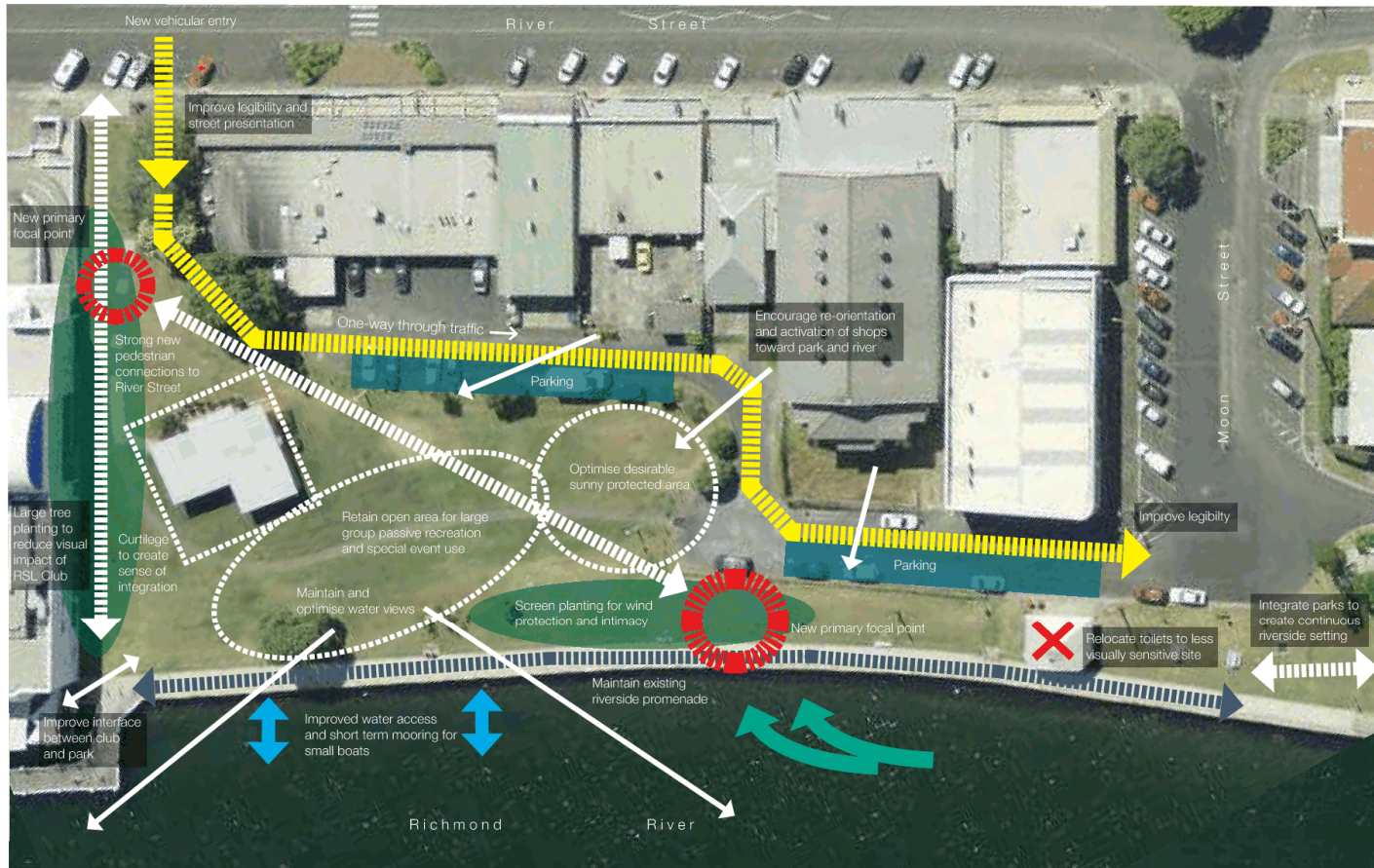
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3. GUIDING DESIGN PRINCIPLES

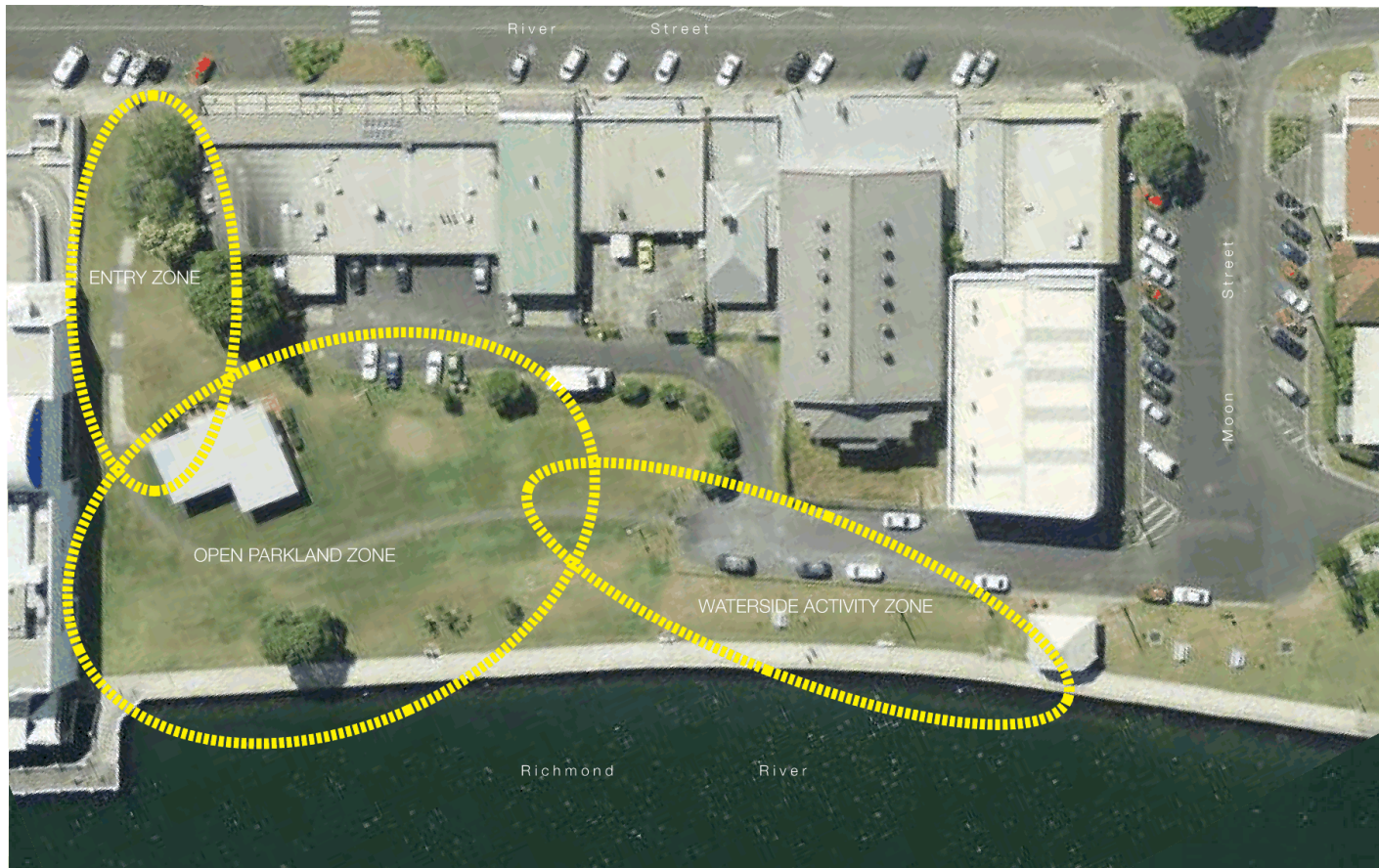


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4. KEY DESIGN ZONES

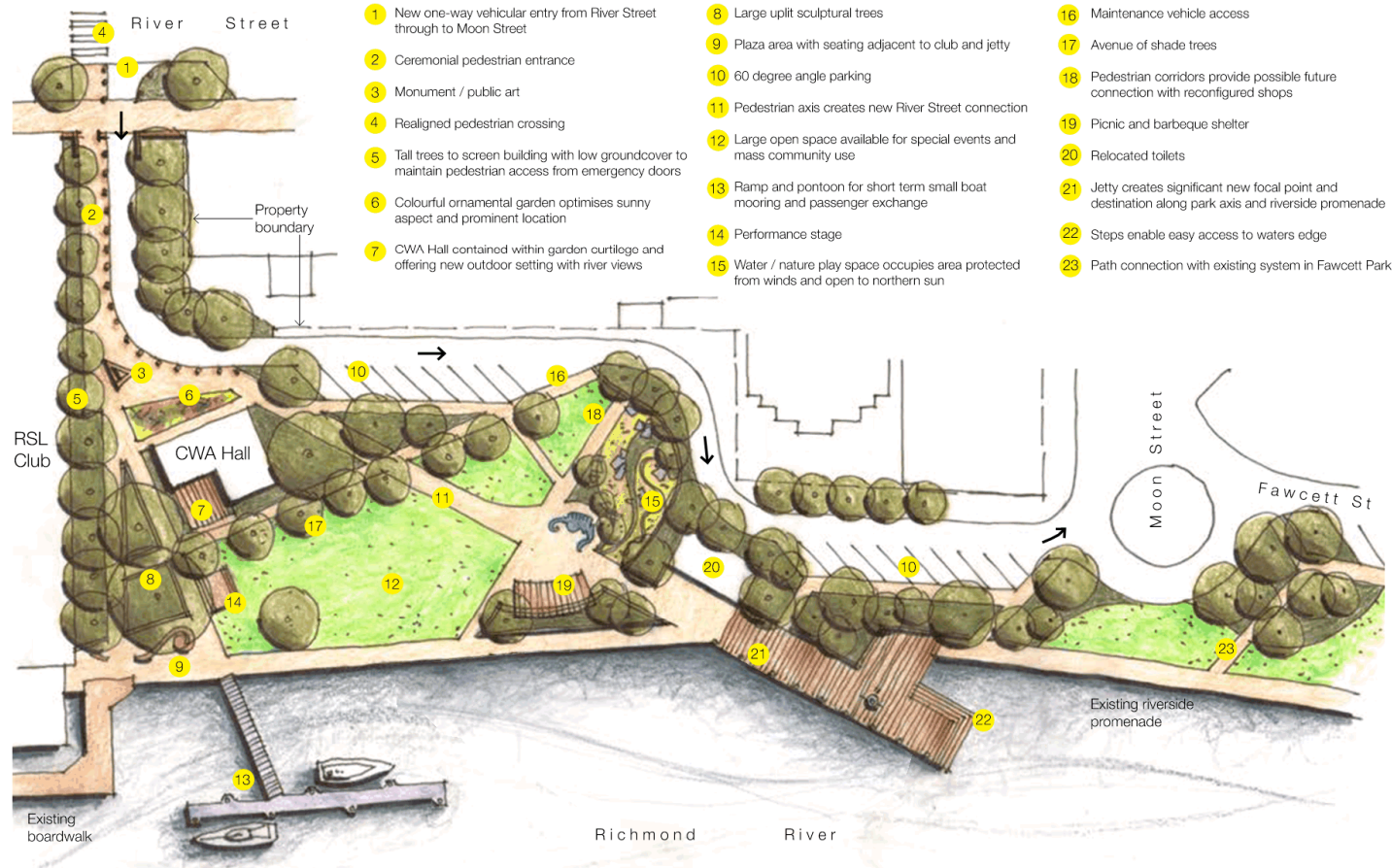
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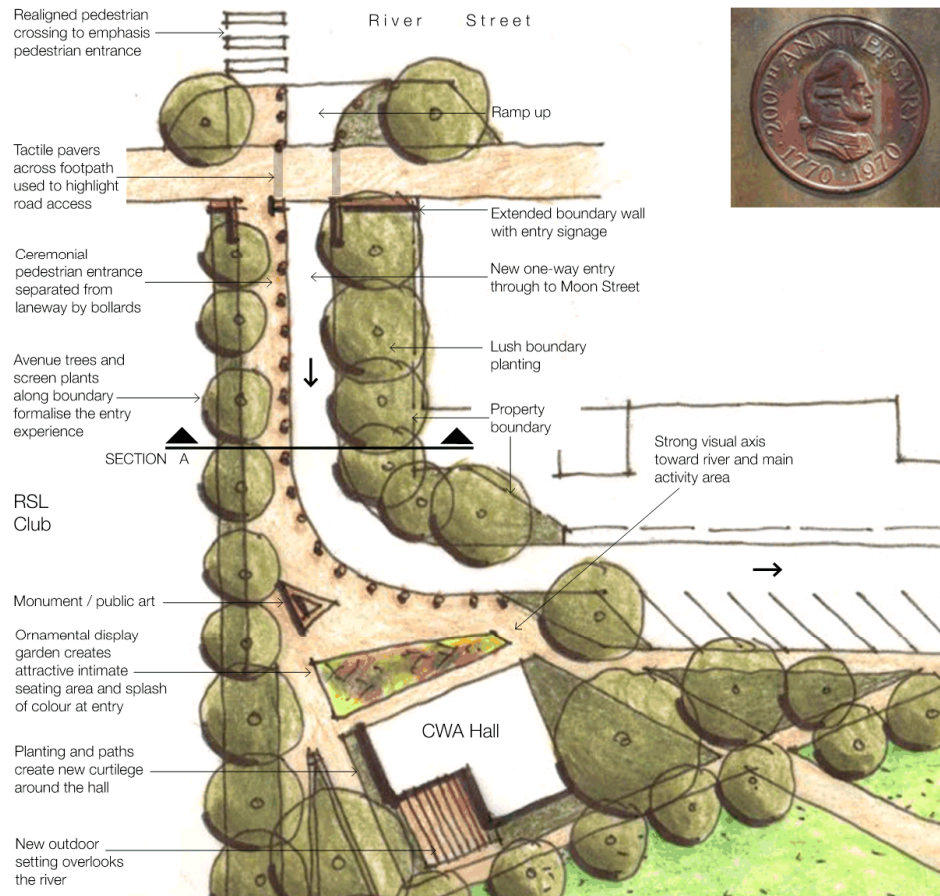
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5. LANDSCAPE MASTER PLAN



6. ENTRY ZONE



A new park gateway and entry area will be created on River Street to significantly enhance the visual significance of the park to passing pedestrians and drivers.

Key to increasing the park's prominence will be a new vehicle entrance off River Street. The new route will provide continuous one-way access linking with the existing laneway at the rear of the shops and onto Moon Street further east. This will greatly improve the sense of connectivity within the park and its level of passive surveillance which is currently curtailed by the dead end of the existing laneway.



Captain Cook Memorial Park, Ballina LANDSCAPE MASTER PLAN

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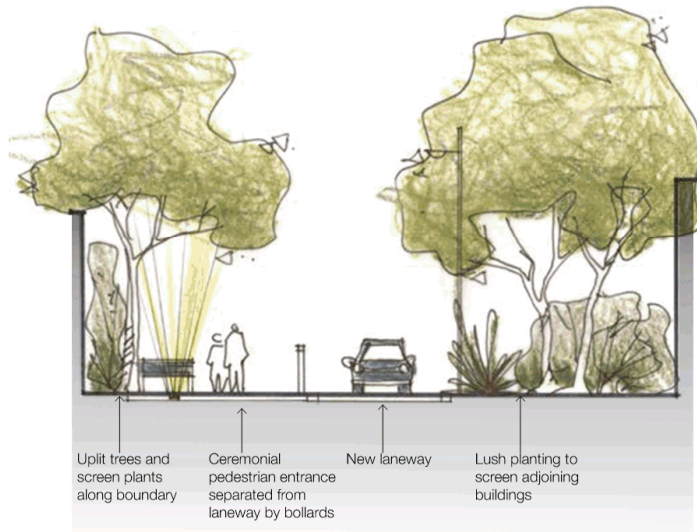
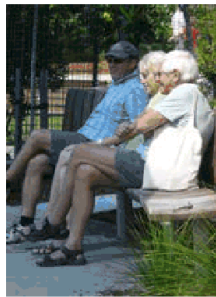
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A new pedestrian entry will also be established adjacent to the vehicle route. This will be emphasised by the realignment of the River Street pedestrian crossing to be moved from its existing location further east. The entry will be celebrated with a gateway structure incorporating materials and plaques salvaged from the existing entry wall.

From here, pedestrians will pass through a plaza area flanked by seating nodes and an avenue of shade trees that will form a ceremonial axis toward a new monument. The monument will be a central visual feature and key point of orientation within the park.



SECTION A



Trees within the entry area will be complemented by tall boundary plants to conceal surrounding buildings and to create an intimate, green setting. Perennial plants such as canna lillies will also be used in a display garden fronting the CWA Hall to enhance the formality of the space surrounding the monument and to create further seating opportunities.

Lighting will be used as an important device to bring life to the park entrance at night. Uplighting will highlight tree canopies and edge planting while spot lights will illuminate the new monument.



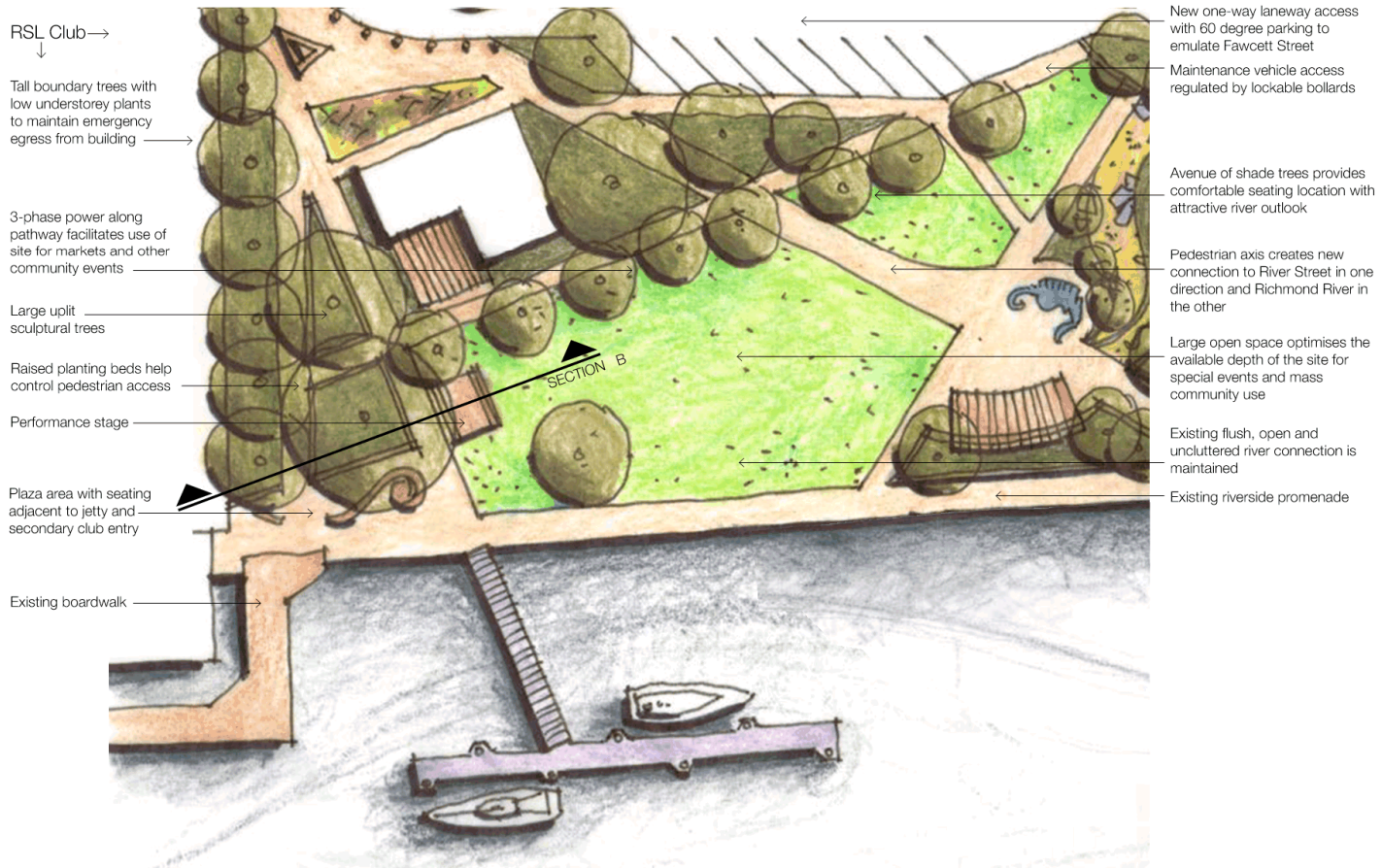
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7. OPEN PARKLAND ZONE



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OPEN SPACE

An open expanse of grassland will form the centrepiece of the park. The grassland will extend across the full width of the reserve to optimise the available depth of space for larger group activities, passive recreation and community events. This broad open area will contrast with the smaller scaled spaces found elsewhere in the park.

The space will be oriented in a south-westerly direction to optimise an attractive vista across a long river reach toward a distant range of hills. The view will be framed by tall, dense canopied trees which will disguise the visual dominance of the RSL Club and CWA Hall.

Numerous seats will be located around the periphery of the parkland catering to high visitor demand and providing options to overlook the park and to seek protection from excessive sun and wind.

Service hubs providing 3-phase power will be incorporated at the base of light poles along the northern edge of the parkland to facilitate its use for community markets or other special events.

PEDESTRIAN ACCESS

The park will comprise a new network of paths to enhance circulation and to establish legible connections between key facilities and destinations.

The main path will be a 3-metre wide corridor that will pass diagonally across the park to create a strong visual axis and pedestrian connection between the riverside promenade and the main River Street entry. The monument and a new pedestrian jetty with wind sculpture will form two prominent visual cues at either end of the axis further enhancing orientation and legibility.

Another key path will follow and emphasise the view corridor extending from River Street to the river foreshore. Low, strap leaf plants in the garden bed between the path and the RSL Club will ensure access is maintained from the emergency doorways along the eastern wall of the building.

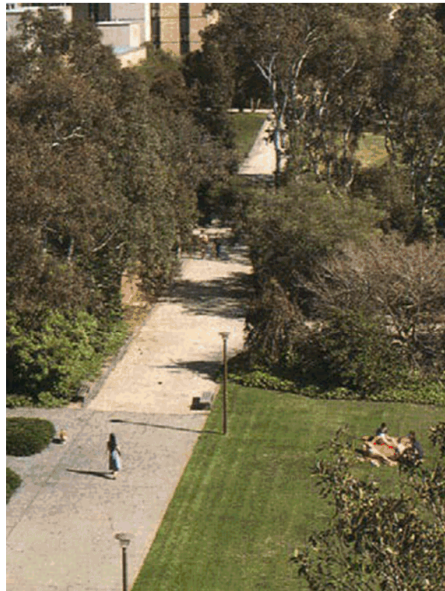
A separate path will fork away from this route to form a secondary axis and pedestrian gesture extending out toward the river, further enhancing the sense of integration between park and river.

A series of other smaller paths across the park will further enhance connections between destinations and provide additional opportunity for seating around the central open space.

PUBLIC WHARF

A new public wharf is proposed at the termination of the secondary pedestrian axis through the park. The jetty will provide short term mooring for small water craft and enable easy exchange of passengers. This will greatly enhance the park as a destination for the boating community and increase the visual interest of the park generally. It will also enable greater access to the river edge for recreational fishing, and provide a convenient facility for special fishing events organised by the nearby RSL Club.

The riverside path between the jetty and the RSL Club will be widened and include seating to complement these activities and create a more formal forecourt and interface between the club and the park.



Captain Cook Memorial Park, Ballina LANDSCAPE MASTER PLAN

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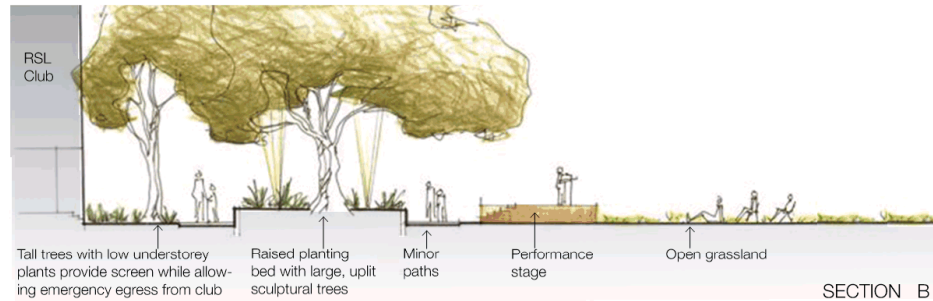
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CWA HALL

The masterplan proposes to help integrate the existing CWA Hall into the park by aligning paths and providing infill planting to create a well defined building curtilage. It is also recommended that the building be modified to better utilise the existing river views and access to the park. This could be achieved with new doors along the southern wall of the building that open out onto a new protected outdoor courtyard. This would greatly increase the appeal of the hall for functions and allow larger activities to spill out onto the adjoining open space. Large trees within mass planting beds will create privacy from the nearby RSL Club.

The protected northerly entrance area of the hall will also feature a small display garden with seating to optimise this desirable setting for quiet contemplation. The garden will complement the design theme of the nearby monument and provide a splash of colour at the River Street entry of the park.



LANEWAY DESIGN

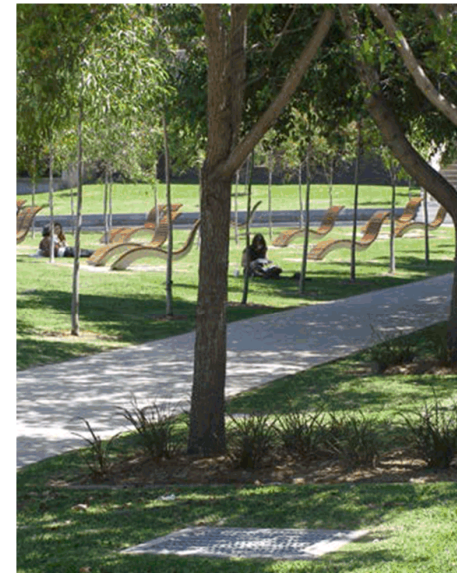
A new one-way through route will replace the existing two-way, deadend laneway. This new corridor will greatly enhance traffic flow by avoiding bottlenecks during peak park use when the car park is full. It will also enable an easier and safer route for large vehicles such as garbage trucks which would otherwise require a significant additional turn-around area. A one-way system will require a much narrower traffic aisle enabling more space for the park without compromising the availability of car parking. The laneway and car parking will adopt the same design and construction materials as Fawcett Street further east for visual continuity and legibility.



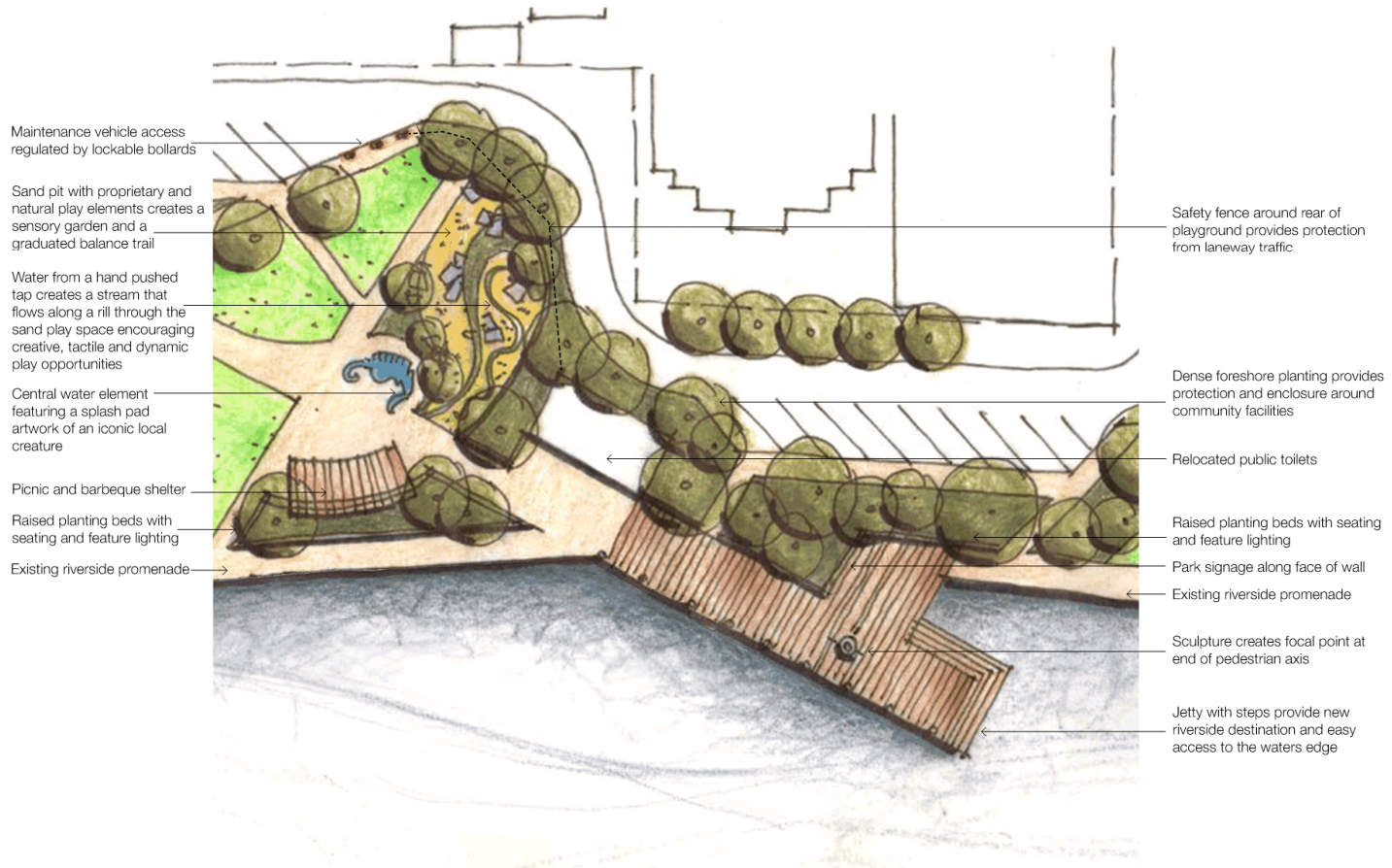
SAFETY BY DESIGN

Safer by design is an important principle that has guided the preparation of the master plan. Key features of the park that demonstrate this principle include:

- replacement of a dead end laneway with a through route to enhance traffic flow, enable safer truck movement and increase passive surveillance of the park;
- creation of legible pedestrian paths with clear, direct sightlines that allow continuous access to exit points at the park periphery;
- the provision of planting beds and bollards along the edge of the laneway to prevent vehicle access onto the park;
- low planting beneath canopy trees to maintain clear lines of sight;
- provision of a safety fence adjacent to the playground to contain children and prevent access onto the laneway;
- location of the play area away from the river edge;
- discrete provision of primary lighting along the laneway and main pedestrian paths to minimise dispersed movement at night; and
- feature lighting of park elements such as tree canopies, public art and walls to minimise areas of complete darkness.



8. WATERSIDE ACTIVITY ZONE



A range of new public facilities will be concentrated at the southern end of the main path axis to establish a primary destination of community activity. The location is convenient to car parking and is central and easily accessible to the existing established parkland further east.

PLAYGROUND

An open, nature based playground is proposed in the park to complement the existing enclosed facility containing conventional equipment in Fawcett Park.

The new playground is a key feature of the park and has been carefully positioned for optimum benefit of its users. The proposed location avoids the impacts of overshadowing and visual intrusion from surrounding buildings, particularly the RSL Club. It will also be protected from undesirable winds generated across the river and will be discretely remote from the river edge to minimise safety concerns. The playground here will also benefit from its close proximity and easy access to the adjoining grass area, and to other key park facilities such as picnic tables, barbecues and toilets.

The playground will be designed as a series of informal play spaces featuring natural materials and themes. It will be a place where children will be encouraged to interact, explore and develop skills through spontaneous play in a safe and stimulating environment.

Ideas for the play spaces include:

- water and sand play featuring a hand-operated tap to deliver water into a meandering rill within a setting of sand and natural forms to encourage creativity, teamwork and social interaction;
- a graduated balancing circuit of rock, tree trunks, stumps and other natural and constructed forms that increase in difficulty to challenge and encourage achievement;
- sensory walkway and nature play featuring a range of loose natural elements and a variety of native plants with different textures and fragrances to stimulate sensory play;
- a splash pad with zero water depth featuring an iconic local water creature creating a safe, inclusive and accessible facility and establishes a central creative feature in the park

Numerous shaded seating opportunities will be provided around the playground for children supervision. Playground structures such as walls, tree trunks and sculptural elements may also offer informal seating opportunity.



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FEBRUARY 2014

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4.2 Captain Cook Park - Richmond River Foreshore Reserve Trust

13

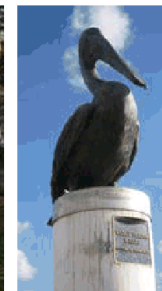
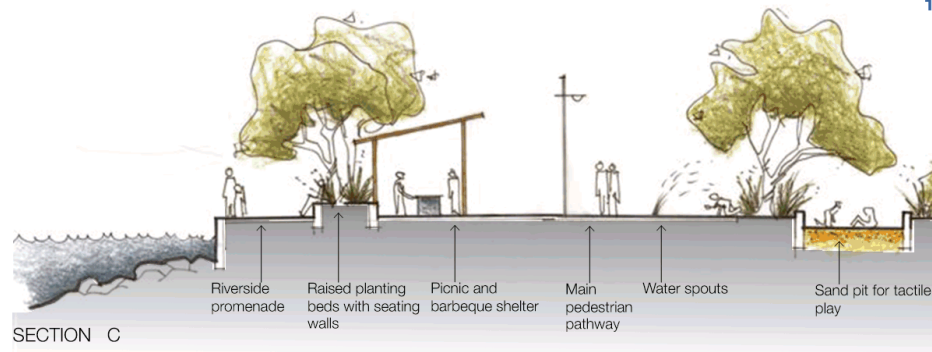
RIVERSIDE JETTY

A new riverside jetty is proposed at the southern end of the main axis path as a primary focal point of the park. The structure will extend out across the river edge, interrupting the westward flow of pedestrians along the riverside promenade and redirecting them toward the new monument and onto River Street. This new diversion will aim to change the main pedestrian flow into and through the park with greater emphasis on the River Street connection.

The jetty will include steps down to water level to provide new water edge experience for park visitors. Piers will also enable a secondary location for temporary mooring of small water craft. Seating, wider decking and a public art installation positioned centrally along the main path axis will further highlight the significance and visual focus of the jetty facility. A park identification sign will be located along the side of the raised planting bed of the riverside path to announce the park entry for pedestrian approaching from the east.

PUBLIC AMENITIES

New public facilities will be installed in close and convenient proximity to the new jetty and playground area. These will include new male and female toilets, a separate baby change and an accessible toilet to replace the existing highly prominent facilities near the end of Moon Street. A new covered picnic facility will also be installed featuring barbeques, picnic tables and seats to cater to large groups.



Captain Cook Memorial Park, Ballina LANDSCAPE MASTER PLAN

FEBRUARY 2014

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9. FURNITURE AND HARD SURFACE FINISHES

14

CONCEPT

The proposed range of materials and furnishings for Captain Cook Park will generally adopt the same suite used in adjoining Fawcett Park and within the upgraded sections of River Street. This existing range will accommodate the broad scope of applications and high standard of finish required within the new park setting. It will also ensure that the upgraded park will seamlessly integrate into the wider public domain with products and details that will be familiar to Council's maintenance team.



SURFACE TREATMENTS

Pedestrian Paths

Main paths and key pedestrian nodes will incorporate pre-cast concrete pavers which will be laid in a similar pattern to newly paved areas along footpaths within River Street.

Secondary paths will generally consist of expanses of lightly washed insitu concrete with edge pavers to create a continuous border. All paved areas will include tactile ground surface indicators to enhance accessibility and highlight hazards and road crossings.

Parking Bays

Segmental pavers with flush concrete edges will distinguish car parking areas from the adjoining bitumen traffic aisle.

Jetties

New wharves, boardwalks and jetties will incorporate hardwood timber piles, timber or composite decking, and timber ballustrades and edge seating blocks.



PARK FURNITURE

New furniture will include benches, tables, bins and barbeque units that are finished or highlighted with natural anodised aluminium finish.

A new seating style will be introduced along the riverside promenade. Seats here will be fixed onto the walls of raised planting beds and will incorporate timber battens to complement the decking of new nearby jetties and boardwalks.

Key park elements such as light fixtures, bollards and shade structures will be finished in white to continue the existing theme along the foreshore and throughout the town centre.



Captain Cook Memorial Park, Ballina LANDSCAPE MASTER PLAN
FEBRUARY 2014

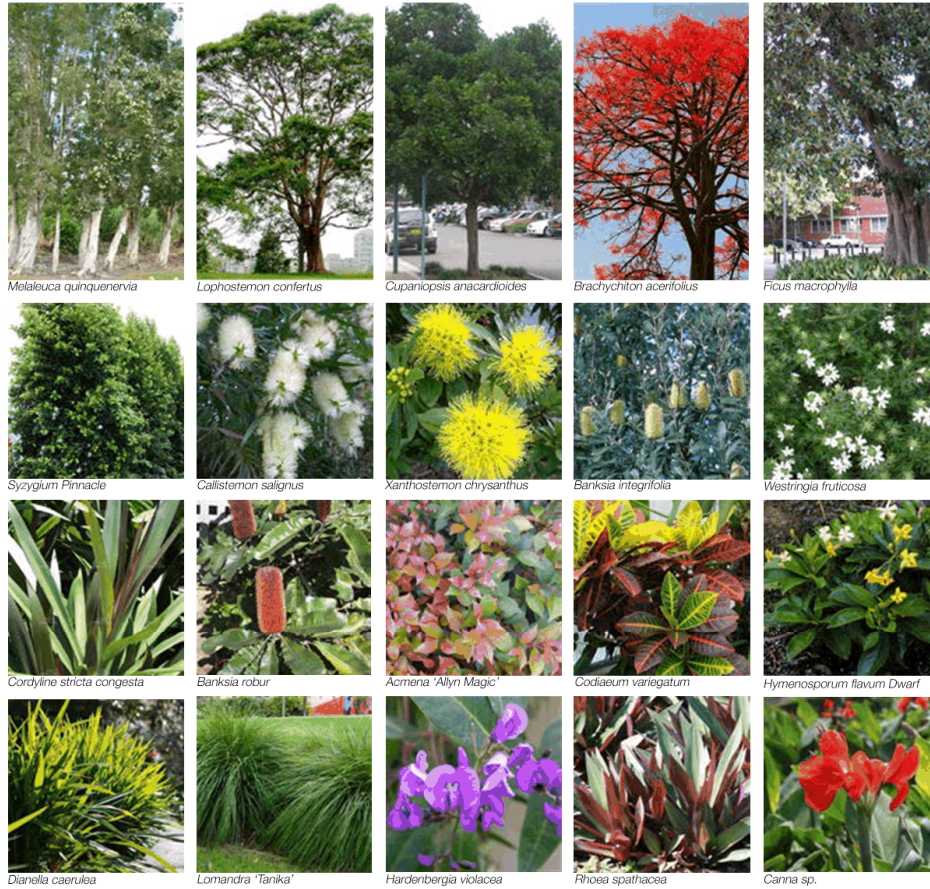
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10. PLANTING PALETTE

The proposed planting palette will have a predominance of native species to generate a strong natural theme and visual character. This will include a range of robust locally indigenous species to resist the site's harsh microclimate and to create an attractive setting that will offer much needed wind protection and shade for visitor comfort. Native plants will also enhance the site's natural values and raise visitor awareness and appreciation of the original riparian plant community. Tall evergreen trees will enclose and screen the park from surrounding built form while avenue trees will be used to generate a sense of formality between the River Street entry and the new monument. A mix of ornamental plants including some exotic species will create a visually rich formal display on the northern side of the CWA Hall to complement the protected sunny aspect of the site.

MASTER PLAN PLANT SCHEDULE		
Botanic Name	Common Name	Height (m)
Trees		
<i>Banksia integrifolia</i>	Coast Banksia	15
<i>Brachychiton acerifolius</i>	Flame Tree	18
<i>Callistemon salignus</i>	Weeping Bottle Brush	9
<i>Cupaniopsis anacardioides</i>	Tuckeroo	12
<i>Ficus macrophylla</i>	Moreton Bay Fig	30
<i>Lophostemon confertus</i>	Brush Box	20
<i>Melaleuca quinquenervia</i>	Broad-leaved Paperbark	18
<i>Xanthostemon chrysanthus</i>	Golden Penda	10
Shrubs		
<i>Acmena 'Alyn Magic'</i>	Lilly Pilly	0.5
<i>Alpinia caerulea</i>	Native Ginger	2
<i>Austrumyrtus dulcis</i>	Midgen Berry	0.5
<i>Banksia robur</i>	Swamp banksia	2
<i>Codiaeum variegatum</i>	Variegated Croton	1
<i>Cordylina stricta congesta</i>	Narrow Palm Lily	2
<i>Eupomatia laurina</i>	Bolwarra	3
<i>Hymenosporum flavum Dwarf</i>	Dwarf Native Frangipani	1
<i>Syzygium Pinnacle</i>	Pinnacle Lilly Pilly	6
<i>Westringia fruticosa</i>	Coast Rosemary	2
Groundcovers and Understorey Plants		
<i>Canna sp</i>	Canna Lily	1.0
<i>Dianella caerulea</i>	Flax Lily	0.4
<i>Hardenbergia violacea</i>	False Sarsaparilla	0.4
<i>Lomandra 'Tanika'</i>	Mat-rush	0.6
<i>Rhoea spathacea</i>	Moses in the Cradle	0.2



Captain Cook Memorial Park, Ballina LANDSCAPE MASTER PLAN

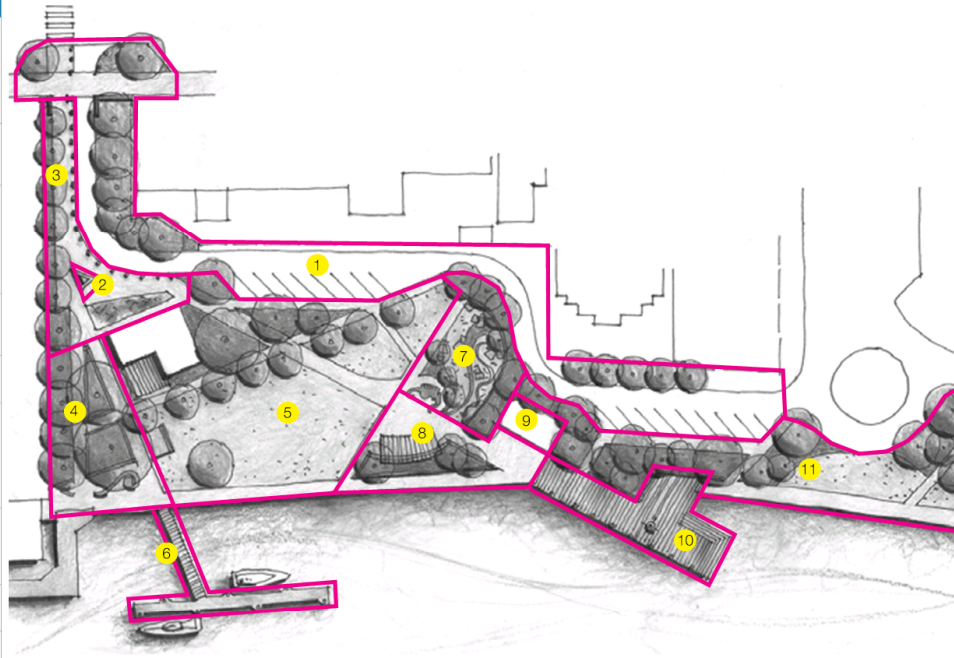
FEBRUARY 2014

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APPENDIX A: BROAD ESTIMATE OF COSTS

ITEM	DETAIL	EST. COST
1	Laneway /carpark New and reconstructed AC roadway, kerbs, ramps, drainage, signs, lights, bollards, planting, other services, fees	\$500 - \$750K
2	Monument Artist, sculpture construction, footings, feature lighting	\$20 - 50K
3	Pedestrian entry Paving, planting, drainage, lighting, furniture, fees	\$200K
4	RSL edge landscape Paths, retaining walls, drainage, planting, uplighting, furniture, fees	\$150K
5	Open parkland Paths, planting, lighting, furniture, 3-phase power, performance stage, fees	\$200K
6	Public wharf Piles, decking, lighting, fees	\$200 - \$250K
7	Water play area Drainage, retaining walls, hydraulics, fence, play equipment, natural play structures, sculptures, surface materials, planting, fees	\$400 - \$500K
8	Picnic Shelter Structure, barbeques, furniture, paving, planting lighting, retaining walls, fees	\$150K
9	Public toilets Building installation, services, fees	\$300K
10	Jetty Piles, decking, steps, lighting, sculpture, fees	\$200 - \$350K
11	Landscape between activity zone and Fawcett Park Seating walls, planting, drainage, feature and functional lighting, paving, furniture, signage, fees	\$150K
TOTAL		\$2.47 - \$3.05M



4.3 Marine Rescue Tower - Lease - Ballina Coastal Reserve Trust

4.3 Marine Rescue Tower - Lease - Ballina Coastal Reserve Trust

Delivery Program Community Facilities and Services

Objective To seek direction from the Reserve Trust regarding terms and conditions for a tenure agreement with Marine Rescue New South Wales for occupation of the new Marine Rescue tower that is planned for construction.

Background

Ballina Shire Council has committed to the construction of a new Marine Rescue Tower located adjacent to the northern training wall at the entrance to the Richmond River (Attachment 1). Council is presently undertaking the necessary processes to enable construction of the new facility in 2016.

Funding for the construction of the facility has been secured through an allocation from Ballina Shire Council and grant funding from both the State and Federal governments.

The existing Marine Rescue Tower is located within an area administered by Council in its capacity as Trust Manager of the Shaws Bay Reserve (R88004) which adjoins the Coastal Reserve. The Shaws Bay Reserve Trust has historically entered into tenure agreements with Marine Rescue NSW (and its former entities) for the occupation of the existing Marine Rescue Tower.

The location for the new Marine Rescue Tower is within the Ballina Coastal Reserve (R1010668). Ballina Shire Council is the Reserve Trust Manager for the Ballina Coastal Reserve which incorporates the coastline from Seven Mile Beach, Lennox Head to Lighthouse Beach, East Ballina.

Due to the decision to construct a new facility and relocation of the Marine Rescue Tower into the Coastal Reserve, the Coastal Reserve Trust now needs to consider the tenure arrangements for the new facility.

Key Issues

- Terms and conditions of tenure offered to Marine Rescue New South Wales.

Information

Construction is expected to commence on the new Marine Rescue Tower in February 2016. The building will incorporate an observation area, communications room, training area and amenities for Marine Rescue volunteers. The location of the facility is shown in Attachment 1.

4.3 Marine Rescue Tower - Lease - Ballina Coastal Reserve Trust

The relocation from the current site within the Shaws Bay Reserve to the proposed site within the Coastal Reserve is consistent with the adopted Coastal Reserve Plan of Management. Approval under Part 5 of the Environmental Planning & Assessment Act has been obtained for the construction of the facility.

Council as Reserve Trust Manager has been advised by the Department of Primary Industries – Lands that a lease should be put in place for the new facility prior to construction commencing.

The tenure documents previously issued to Marine Rescue New South Wales provide for that organisation to have exclusive occupation of the facility, and contains obligations on the lessee including requirements to keep the site in a clean and tidy condition, to undertake all maintenance and repair, to notify the lessor of any accidents, to erect barricades and warning signs in the event of the premises becoming unsafe and to repair any breakages or damage at the site (amongst other Crown standard conditions).

It is proposed to prepare a tenure document (in the form of a lease) in similar terms for the new site.

Legal / Resource / Financial Implications

Legal

The Reserve Trust is required to enter into tenure arrangements for all exclusive occupations of land.

To comply with the relevant provisions of the Crown Lands Act, as well as the Real Property Act, it is proposed to grant a three year lease to Marine Rescue New South Wales. A three year term will provide exclusive occupation to the lessee, without a requirement for the lease to be registered. In the event that grant funding authorities require a longer tenure as security for the grant funds provided, this will require for a subdivision for leasing purposes to be prepared.

Financial

As Marine Rescue New South Wales provide community services, and in accordance with prior tenure agreements, it is proposed that the Crown statutory minimum rental be applied for this tenancy.

As the lease will provide for exclusive occupation of the facility by Marine Rescue New South Wales, the standard lease terms require the lessee to meet the maintenance and repair costs associated with the facility. However, Council in its capacity as Reserve Trust Manager will have an obligation to regularly inspect the facility and should also provide a budget for depreciation as well as repair/replacement of large maintenance items such as the lift, air conditioning and automatic roller doors in the storage area.

It is important that the Reserve Trust, and Council where applicable, clarify who is responsible for major maintenance. When there is no clear responsibility, buildings typically deteriorate rapidly, especially when they constructed close to the foreshore.

4.3 Marine Rescue Tower - Lease - Ballina Coastal Reserve Trust

The Ballina Surf Club and the existing Marine Rescue Tower are prime examples of this, where the actual life of the buildings was reduced to around 30 years, largely due to a lack of maintenance.

Even though the Reserve Trust, or Council, may be reluctant to take on the major maintenance responsibility, unless we take that responsibility the likelihood of a building falling into a state of disrepair quickly, is high.

Unfortunately the new Marine Rescue Tower has no identified revenue stream to assist with maintenance, whereas buildings such as the Ballina Surf Club, have kiosks and cafes that assist, albeit they don't cover the full cost of maintenance.

The Marine Rescue Tower has provision for the mobile van type facility, albeit that this is unlikely to generate any revenues of significance.

In respect to an actual maintenance budget, based on the total building cost of around \$2.2m, an allowance of \$20,000 will most likely be needed from 2017/18 onwards. The building will be constructed in 2016, and with a 12 months defects period, 2017/18 is the first year that a major maintenance allowance will be needed.

Consultation

Initial consultation with the Department of Primary Industries – Lands has been undertaken. Following this report and the Reserve Trust's resolution, it is proposed to liaise with Marine Rescue New South Wales to ensure the terms of the lease are appropriate to meet any requirements of the grant funding received for the construction of the new tower.

In the event that a longer term lease is required to meet the terms of any grant funding, it is proposed to request the costs of any subdivision for lease purposes be met by Marine Rescue NSW.

Options

1. Grant a lease to Marine Rescue New South Wales for the land identified in Attachment 1 for a term of three years in accordance with the lease conditions provided by the Department of Primary Industries -Lands.

This approach will enable negotiation of a suitable lease arrangement between Council as Trust Manager and Marine Rescue NSW.

In the event that a longer lease is required, the recommended approach is for the Trust to authorise the General Manager to negotiate a lease arrangement for a period of up to 10 years. Costs associated with a lease in excess of three years would be the responsibility of Marine Rescue NSW.

Having regard for the above and the advice from the Department of Primary Industries – Lands that the Trust should address site tenure before construction commences, this is the recommended option.

4.3 Marine Rescue Tower - Lease - Ballina Coastal Reserve Trust

2. Grant a lease to Ballina Shire Council with a sublease to Marine Rescue New South Wales.

Given that a relatively simple direct lease arrangement can be provided for in the circumstances and there are no public amenities or other areas for general public access proposed in the new building, this approach is not recommended.

The recommendation also makes reference to the future allowance for major maintenance in Council's long term financial plan.

RECOMMENDATIONS

1. The Ballina Coastal Reserve Trust grant a three year lease to Marine Rescue New South Wales in accordance with the usual lease conditions provided by Department of Primary Industries – Lands at the statutory minimum rental.
2. If a longer tenure is required by Marine Rescue New South Wales, a lease up to 10 years be offered, with the additional costs for subdivision for lease purposes and registration being met by Marine Rescue New South Wales.
3. The General Manager on behalf of the Reserve Trust is authorised to negotiate the term of the lease up to 10 years if required.
4. The General Manager on behalf of the Reserve Trust is authorised to establish a maintenance budget from the rental income and any other income sources identified from the Coastal Reserve for inspection and repair of the facility, with this allowance to be incorporated into Council's long term financial plan.
5. That Council, on behalf of the Reserve Trust be authorised to affix the seal to the lease document and any other documents as required to register the lease (if needed).

Attachment(s)

1. Site Plan - New Marine Rescue Tower

4.3 Marine Rescue Tower - Lease - Ballina Coastal Reserve Trust

