



## **Notice of Reserve Trust Manager Meeting**

Notice is hereby given that a Reserve Trust Manager Meeting will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **Tuesday 30 April 2013 commencing at 4.00 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
- 

**1. Apologies**

**2. Declarations of Interest**

**3. Deputations**

#### **4.1 Shelly Beach Surf Life Saving Club Building - Licence Renewal**

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#### **4. Committee Reports**

#### **4.1 Shelly Beach Surf Life Saving Club Building - Licence Renewal**

**Delivery Program** Open Spaces & Reserves

**Objective** To seek endorsement for the re-issuing of a temporary licence to the Far North Coast Branch Surf Life Saving NSW to occupy the Shelly Beach Surf Life Saving Club building.

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#### **Background**

The Far North Coast Branch of Surf Life Saving NSW (here after referred to as the Branch) have for the past year held a temporary licence to utilise the Shelly Beach Surf Life Saving building for the purposes of accommodating their Surf Communications (Surfcom) operations.

The temporary licence will lapse at the end of May 2013. The Branch has requested ongoing tenure of this building to accommodate their administrative functions and Surfcom operations. A copy of the letter from the Branch is provided as an attachment to this report.

The Ballina Lighthouse and Lismore Surf Life Saving Club will be relocated to the new facility at Lighthouse Beach in June. The Club has been operating from the Shelly Beach facility during 2012/2013 season and with the move to the new facility will no longer need to utilise the Shelly Beach facility.

The State Government is undertaking an investigation into the management of surf club facilities on Crown land. This investigation has not been completed and until it has been the Crown will only issue temporary licences for the occupation of Surf Club buildings. These licences are annual licences.

#### **Key Issues**

- Suitability of proposed tenant
- Other tenants or uses for the building

#### **Information**

The Branch has advised the Reserve Trust of their wish to continue to occupy the Shelly Beach Surf Life Saving building. They have also committed to carry out much needed work on the building utilising their funds and grant funding.

The works proposed include rendering the outside brick work to address problems with concrete cancer. The deck, roof, fascia and windows also need replacement or repair. Minor interior works are also proposed to accommodate the needs of the Branch such as an office area and meeting space and to accommodate Surfcom.

#### **4.1 Shelly Beach Surf Life Saving Club Building - Licence Renewal**

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The upstairs section of the building will be utilised by the Branch with the ground floor available for use by the contracted Lifeguards and the surf club for storage of rescue equipment.

The Branch are seeking long term tenure of the building as they are planning to spend in excess of \$150,000 on works to repair and upgrade the building. At this time the Crown will only provide a short term licence for one year with ongoing renewals.

As this will be a change of tenant for the building from the Surf Club to the Branch, the Reserve Trust is being asked to endorse the ongoing use of the building by the Branch. This will provide them with security and enable them to invest in the building.

The public toilets located on the ground floor of the building are in need of refurbishment and these toilets are considered to be one of the highest priority toilets for works. Funding will be available in the next financial year to commence refurbishment of public toilets. This work can be timed to compliment the upgrade works planned by the Branch.

The use of the building by the Branch, Lifeguards and the Club will provide an ongoing surf life saving presence on Shelly Beach along with upgraded facilities.

#### **Legal / Resource / Financial Implications**

The Crown requires the issuing of a licence to occupy the building to ensure that ongoing occupation of the facility is maintained.

#### **Consultation**

Consultation has been carried out with Far North Coast Branch Surf Life Saving NSW regarding their ongoing use of this building.

#### **Options**

The options are to approve this proposal or seek broader expressions of interest for the facility. With broader expressions there will still be an ongoing need to continue to use the ground floor of the building for lifeguard use and the building does require significant upgrading.

Overall the continued use of the facility for surf life saving related purposes is preferred due to the nature and location of the building, along with the fact that it provides flexibility into the future for servicing Shelly Beach lifeguard patrols or volunteer patrols.

**RECOMMENDATION**

That Ballina Shire Council, as the Reserve Trust Manager, endorses the ongoing use of the Shelly Beach Surf Life Saving Club building by the Far North Coast Branch Surf Life Saving NSW. Council also approves the attaching of the Council seal to a 12 month temporary licence agreement for the use of the building, with the rental to be set at the statutory minimum.

**Attachment(s)**

1. Far North Coast Surf Life Saving NSW - Letter



## SURF LIFE SAVING FAR NORTH COAST

23 April 2013.

The General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Dear Sir,

**RE: SHELLY BEACH CLUBHOUSE**

We are writing to Council on behalf of The Far North Coast Branch of Surf Life Saving NSW, which is responsible for the administration, supervision and support for the area extending from Yamba in the South to the Queensland Border in the North.

We note that we had previously executed a temporary Licence Agreement in respect of the ex-Ballina Lighthouse and Lismore Surf Club at Shelly Beach for an initial term of twelve (12) months.

We now wish to confirm that it is our unanimous decision to continue in occupation of the premises and we are making a formal request for the preparation and execution of a Long Term Lease Agreement.

The Clubhouse will be used by the Branch as it's headquarters, but it will also be used as a multi-purpose facility by Surf Life Saving generally, as well as its associated entities:-

1. It will constitute the local base for Lifeguard Services for the Region to assist with their administration and gear storage.
2. It will house Surfcom, which is the radio and tele-communications base for the local Branch, as well as for the North Coast and Mid-Coast Branches.
3. The Ballina Jet Boat will also utilize the Clubhouse as a meeting and training venue.
4. The Far North Coast Branch incorporates six (6) Boards:
  - (i) Lifesaving
  - (ii) Surf sports
  - (iii) Education
  - (iv) Member services
  - (v) Finance
  - (vi) Junior activities.

### ASSOCIATED SPONSORS

NBN Television Southern Cross Credit Union

Surf Life Saving Far North Coast  
Branch Office, Pacific Parade, Lennox Head  
PO Box 327, Lennox Head NSW 2478  
Website: <http://www.slsfnc.com.au>

Telephone: 02 6687 6507  
Facsimile: 02 6687 6531  
E-Mail: [branch.slsfnc@gmail.com](mailto:branch.slsfnc@gmail.com)  
ABN: 41 046 815 250

**Page 2:**

All these Boards will constantly obtain maximum use of the Clubhouse for meetings, conferences, training, events and presentations. As well there are a number of sub-committees of the Branch, such as meritorious awards, honours/life membership, selection, etc. will also benefit from having a permanent base.

The Far North Coast Branch has formed a Building/Development Committee, which is now well advanced with the planning for the re-development and re-furbishment of the building. These renovations and repairs will include:-


1. A permanent base and operating facility for Surfcom.
2. An office and storage for the Lifeguards.
3. Meeting and small event venue for the Branch, it's Boards and Committees.
4. A storage facility for Branch gear and equipment.
5. A memorabilia and history section.
6. A new kitchen
7. And other facilities and services for Surf Life Saving Members and the Public.

We fully expect that the cost of such renovations, repairs and re-development can be fully funded by the organization and we have established a Building Fund over recent years for just that purpose.

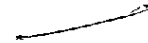
The Far North Coast Branch is incorporated, properly and legally constituted, and it is a charitable community based institution. The Branch is a single uniform entity through and by which Surf Life Saving can be conducted, advanced, promoted and administered by way of the various affiliated clubs on the Far North Coast.

We look forward to receiving Council's confirmation of the decision to proceed with a formal, long term Lease Agreement with the Branch.

Yours faithfully,



**WILSON CREGAN  
PRESIDENT**





## **4.2 Compulsory Acquisition - Easement for Power Supply**

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### **4.2 Compulsory Acquisition - Easement for Power Supply**

**Delivery Program** Commercial Services

**Objective** To determine if the Reserve Trust wishes to support the compulsory acquisition of a multi-purpose easement at Williams Reserve Lennox Head for power supply.

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#### **Background**

In February 2012 Council, as Reserve Trust Manager of Williams Reserve, Lennox Head consented to an application by Norton Rose Solicitors on behalf of Essential Energy to compulsory acquire an easement for underground power lines at Lot 473 DP 729088, at Lennox Head, known as Williams Reserve.

Essential Energy advised that they had received consent from the Minister of Lands (on behalf of the State of NSW) pursuant to section 29 of the Land Acquisition (Just Terms Compensation) Act 1991 to the acquisition of the Easement and required Council's formal consent as the Reserve Trust Manager to Essential Energy acquiring the Easement.

Council have since received correspondence from Norton Rose on behalf of Essential Energy to acquire an additional multipurpose easement in the same vicinity as the previous easement, which was previously overlooked (refer to first attachment).

#### **Key Issues**

- Council's concurrence to acquisition of an easement over Crown land

#### **Information**

A formal request has been received on behalf of Essential Energy for Council's concurrence, as Reserve Trust Manager, to compulsory acquire a multipurpose easement, 4.2 wide, on Williams Reserve, Lennox Head. This easement was overlooked with the previous request for concurrence of an easement for underground powerlines (refer to second attachment).

Council's engineering staff are aware of the proposal and there is no objection to this easement as Council infrastructure is catered for in this locality. Also the planning for the pathway along the eastern side of Williams Reserve has allowed for this easement.

## **4.2 Compulsory Acquisition - Easement for Power Supply**

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### **Legal / Resource / Financial Implications**

Essential Energy's lawyers advise they (Essential Energy) have the Department of Primary Industries' consent to construct underground electrical infrastructure and acquire easements for both the underground power lines and the power substation (the subject of this easement). Council has not sought its own legal advice on this matter as there do not appear to be any significant legal issues. Council as Reserve Trust Manager is to receive compensation as determined by the Valuer General, however this compensation is not expected to be significant based on the current zoning and use of the land.

### **Consultation**

Consultation has occurred with Council staff and Essential Energy.

### **Options**

1. Council acting in its capacity as Reserve Trust Manager of Williams Reserve, Lennox Head consents to the acquisition of the multi purpose easement as requested, and authorise the General Manager to provide consent.
2. Council not authorise the proposal. Even if Council objected the Minister could override Council's objection.

There is no objection to the creation of this easement and the use of the Valuer General for valuation purposes. Therefore option one is supported.

### **RECOMMENDATION**

That Council, as Reserve Trust Manager for Williams Reserve, approves the compulsory acquisition of the multi purpose easement, as detailed within this report.

### **Attachment(s)**

1. Correspondence from Essential Energy's solicitor
2. Deposited Plan showing multipurpose easement

5 December 2012

Email: [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)

Paul Hickey  
General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478

RECORDS  
SCANNED  
24 DEC 2012  
Doc No.....  
Batch No.....



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Your reference

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Our reference  
2776190

Email  
lammy.steiner@nortonrose.com

Dear Paul

**Essential Energy acquisition of easements at Lennox Head  
Land: Lot 478 in deposited plan 729088**

We refer to your letter to Essential Energy dated 22 February 2012, providing concurrence to the acquisition of an easement for underground powerlines affecting the Land (**Underground Powerlines Easement**).

We enclose a copy for your reference.

At that time this concurrence was sought by Essential Energy, concurrence for a second easement, being an easement for multi-purpose electrical installation 4.2 wide, was unintentionally overlooked (**Multipurpose Easement**).

**Multipurpose Easement**

We enclose a copy of deposited plan 1173573 showing the location of the Underground Powerlines Easement and the Multipurpose Easement.

You will note that the Multipurpose Easement is wholly contained within the Land and therefore does not affect the Council (as Reserve Trust Manager of Reserve No.82927 for Public Recreation) in any way that differs to the Underground Powerlines Easement.

There are no Aboriginal land claims or Native Title claims over the Land.

**Moving forward**

Essential Energy is now in a position to proceed with the acquisition of both easements and requires concurrence from the DPI to the Multipurpose Easement for this purpose.

If acceptable, please arrange for Council to sign the enclosed letter, providing concurrence to both easements.

APAC-#16570623-v1

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5 December 2012

NORTON ROSE

If you have any questions, please do not hesitate to contact us.

Yours faithfully



Nicholas Afaras  
Partner  
Norton Rose Australia  
Contact: Tammy Steiner

AFAC-#16570623-v1

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enquiries refer  
**Paul Tsikleas**  
in reply please quote  
**Williams Reserve**

22 February 2012

Essential Energy  
C/- Norton Rose Australia  
Level 18  
225 George Street  
SYDNEY NSW 2000



Dear Sir/Madam

**Re: Essential Energy - Proposed acquisition of easement for underground powerlines at Lot 473 in DP 729088, known as Williams Reserve, Lennox Head**

Ballina Shire Council, as Reserve Trust Manager for Reserve No. 82927 for Public Recreation (Reserve Trust), acknowledges that Essential Energy:

1. has constructed an underground electrical infrastructure (Works) on Crown land known as Lot 473 in DP 729088 (Land) at Lennox Head; and
2. proposes to acquire an easement for underground powerlines (Easement) on the Land.

Ballina Shire Council confirms that it:

1. consents to the acquisition of an Easement by Essential Energy under the Electricity Supply Act 1994 and the Land Acquisition (Just Terms Compensation) Act 1991 in relation to the Works on Essential Energy's standard terms; and
2. agrees that the compensation to be paid by Essential Energy in relation to the acquisition of the Easement affecting the Land is to be:
  - (1) determined by the Valuer-General of the Department of Finance and Services; and
  - (2) unless otherwise advised by the Minister for Lands, paid to Ballina Shire Council in its capacity as the Reserve Trust Manager.

If you have any enquiries in regard to this matter please contact Paul Tsikleas on 66861239.

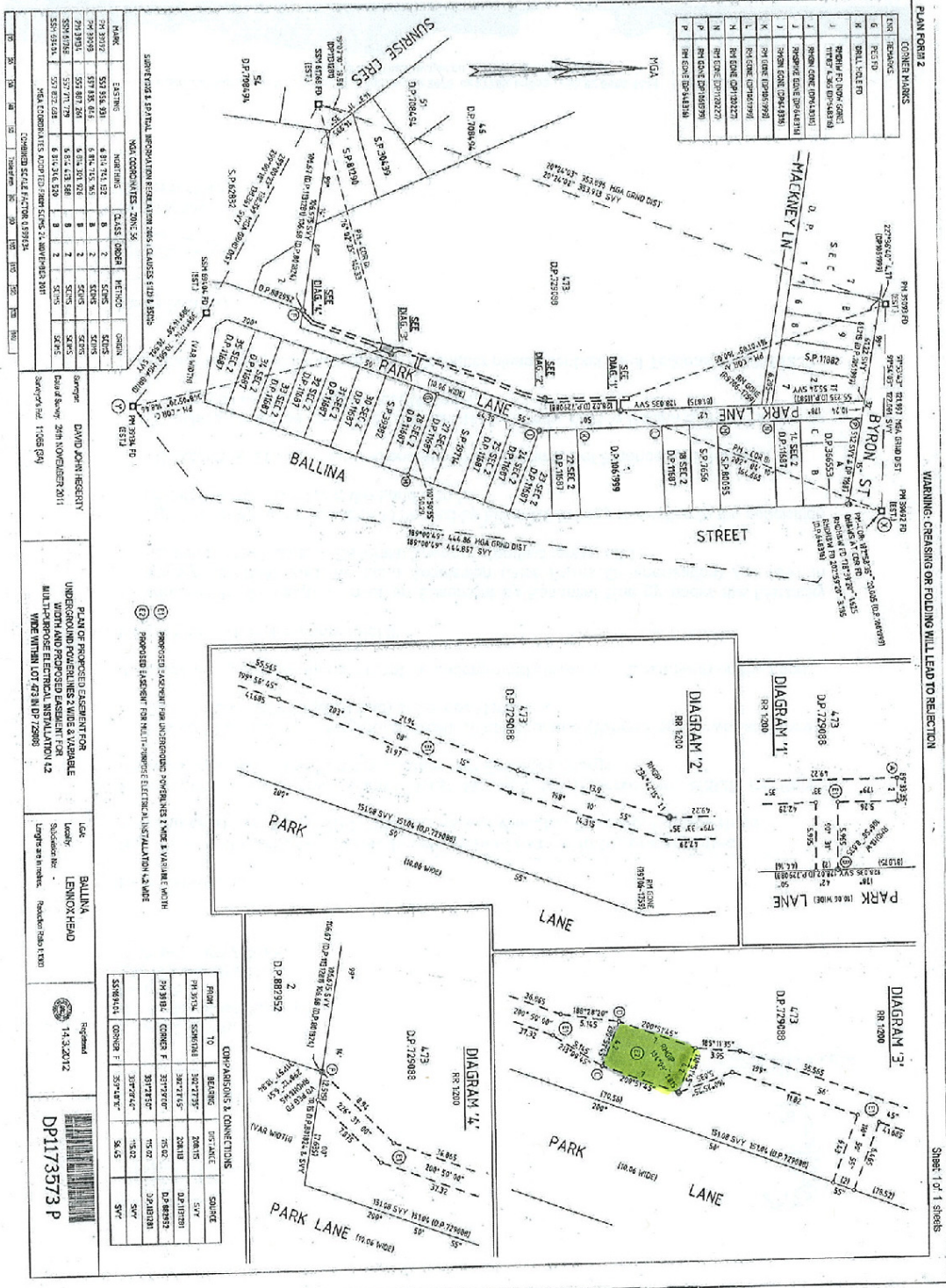
Yours faithfully

Paul Hickey  
General Manager

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• council@ballina.nsw.gov.au • www.ballina.nsw.gov.au

# 4.2 Compulsory Acquisition - Easement for Power Supply

Reg:R269619 /Doc:DP 1173573 P /Rev:14-Mar-2012 /Sta:SG.CX /Prt:02-Aug-2012 17:15 /Pgs:ALL /Seq:1 of 2  
 Ref:T3/2776199 /Spc:1



**CONCRETE MARKS**

1	REINFORCED CONCRETE
2	REINFORCED CONCRETE
3	REINFORCED CONCRETE
4	REINFORCED CONCRETE
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18	REINFORCED CONCRETE
19	REINFORCED CONCRETE
20	REINFORCED CONCRETE

**ADDITIONAL & SPECIAL APPROVALS/REGULATIONS/NOTES/CLAUSES/STIP & BINDS**

MARK	DATE	CLASS	ORDER	REVISION	COMMENTS
1	14/03/2012	1	1	1	ISSUED
2	14/03/2012	1	1	1	ISSUED
3	14/03/2012	1	1	1	ISSUED
4	14/03/2012	1	1	1	ISSUED
5	14/03/2012	1	1	1	ISSUED
6	14/03/2012	1	1	1	ISSUED
7	14/03/2012	1	1	1	ISSUED
8	14/03/2012	1	1	1	ISSUED
9	14/03/2012	1	1	1	ISSUED
10	14/03/2012	1	1	1	ISSUED
11	14/03/2012	1	1	1	ISSUED
12	14/03/2012	1	1	1	ISSUED
13	14/03/2012	1	1	1	ISSUED
14	14/03/2012	1	1	1	ISSUED
15	14/03/2012	1	1	1	ISSUED
16	14/03/2012	1	1	1	ISSUED
17	14/03/2012	1	1	1	ISSUED
18	14/03/2012	1	1	1	ISSUED
19	14/03/2012	1	1	1	ISSUED
20	14/03/2012	1	1	1	ISSUED

**DAVID JOHN HEBERTY**  
 UNDERGROUND POWER LINES & WIRE & VARIABLE WIDTH  
 MULTIPURPOSE EASEMENT FOR BALLINA-PARK LANE ELECTRICAL INSTALLATION L2  
 WIRE WITHIN LOT 423 RMP 12808

**PLAN OF PROPOSED EASEMENT FOR**  
 UNDERGROUND POWER LINES & WIRE & VARIABLE  
 WIDTH MULTIPURPOSE EASEMENT FOR BALLINA-PARK LANE  
 ELECTRICAL INSTALLATION L2  
 WIRE WITHIN LOT 423 RMP 12808

**LOCAL AUTHORITY**  
 BALLINA  
 LENNOX HEAD  
 14/03/2012



**COMPARISONS & CONNECTIONS**

FROM	TO	REVISION	DATE	SOURCE
1	1	1	14/03/2012	1
2	2	2	14/03/2012	2
3	3	3	14/03/2012	3
4	4	4	14/03/2012	4
5	5	5	14/03/2012	5
6	6	6	14/03/2012	6
7	7	7	14/03/2012	7
8	8	8	14/03/2012	8
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17	17	17	14/03/2012	17
18	18	18	14/03/2012	18
19	19	19	14/03/2012	19
20	20	20	14/03/2012	20

#### 4.3 Use of Council Seal

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#### 4.3 Use of Council Seal

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### RECOMMENDATIONS

That Ballina Shire Council as Reserve Trust Manager affix the Common Seal to the following documents.

The Ballina Regatta Park Reserve Trust as Trustee of Crown Reserve 87280 to Lee Patrick Fitzgerald and Vicki Maree Fitzgerald. Lease of Lot 2 DP 1051004 being part Crown Reserve 87280 upon which is situated the Ballina Waterslide structure and associated infrastructure, for a 5 + 5 year term commencing 1 September 2013.

Explanation: The Fitzgeralds have leased the Ballina Waterslide site since September 1997. The current 5 + 5 year term of the Waterslide lease expired last month on 22 March 2013. The Fitzgeralds have requested that the new lease of the Waterslide site be aligned with their management contract of the Ballina Memorial Olympic Swimming Pool. The two sites are contiguous. The management contract for the Ballina Memorial Olympic Swimming Pool is a 5 + 5 + 5 year term that commenced 1 September 2008, with the second of the two five year option periods due to commence in four months time on 1 September 2013, hence the request to delay the commencement of the new Ballina Waterslide lease to that same date. The Crown has indicated concurrence to the continuance of the Waterslide lease under the holding over provisions of the now expired lease (clause 31.1) pending the execution of the proposed new lease for the 5 + 5 year term commencing on 1 September 2013.

The current rental is for land only as the Fitzgeralds own the structure. With the December CPI included the forecast rental is approximately \$7,800 + GST p.a.

Ballina Shire Council as Reserve Trust Manager of the Ballina Coastal Reserve - Temporary Licence Agreement to Lennox Head - Alstonville Surf Life Saving Club Incorporated for use of the Lennox Head Clubhouse for surf lifesaving purposes on Lot 1 DP 1115145, No. 77 Pacific Parade, Lennox Head, for a period of twelve months from 24 May 2013 to 23 May 2014. Minimum statutory rental of approximately \$480 rental p.a.

#### Attachment(s)

Nil