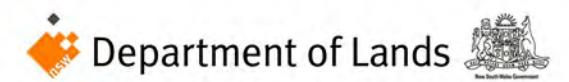




BALLINA FORESHORE MASTERPLAN



CLIENTS | PEOPLE | PERFORMANCE





Contents

1.	Introduction	1
2.	Objectives	7
3.	Master Plan Vision and Key Planning Principles	8
3.1	Master Plan Vision	8
3.2	Key Planning Principles	8
4.	Draft Masterplan	9
5.	Background Paper	17
5.1	Literature Review	17
5.2	Issues Summary	20
5.3	Consultation Summary	26
5.4	Constraints and Opportunities	36
6.	References	45

Table Index

Table 1	Ballina – Summary of Land Use and Background Information for Crown and Council Foreshore Land.	21
Table 2	Threatened Flora and Fauna species	24
Table 3	Foreshore Non Aboriginal Heritage Items or Places	26
Table 4	Summary of Submissions	30

Figure Index

Figure 1	Subject Land	2
Figure 2	Locality Map 1	3
Figure 3	Locality Map 2	4
Figure 4	Locality Map 3	5
Figure 5	Locality Map 4	6
Figure 6	Broad Level Options	9
Figure 7	Broad Level Options (continued)	10
Figure 8	Broad Level Options (continued)	11
Figure 9	Faulks Reserve Preferred Option	12
Figure 10	Trawler Harbour Preferred Option	13
Figure 11	Captain Cook Park Preferred Option	14

Figure 12	Regatta Avenue (Martin St) Harbour Preferred Option	15
Figure 13	Kingsford Smith Drive Preferred Option	16

Map Index

Map 1	Ballina LEP 1987	37
Map 2	Ballina DCP 2006	38
Map 3	Ballina Shire Council Land Use Register	39
Map 4	Shared Cycleways and Walkways	40
Map 5	NSW Wildlife Atlas Recordings Flora Sightings	41
Map 6	NSW Wildlife Atlas Recordings Fauna Sightings	42
Map 7	Flora/Fauna Records and Wildlife Corridors	43
Map 8	Constraints and Opportunities	44

Appendices

A	Memorandum of Understanding – Ballina Shire Council and Department of Lands
B	Key Stakeholder List and Feedback Sheet



1. Introduction

The Ballina Foreshore Master Plan arises from the Memorandum Of Understanding (MOU) agreed between the NSW Department of Lands and Ballina Shire Council, dated October 2006 (Appendix A). It builds on existing information on Crown land and Council sites on the Richmond River foreshore located between Burns Pt ferry and the Missingham Bridge. A plan of the land to which the Ballina Foreshore Master Plan applies is shown in Figures 1 to 5.

The foreshore land includes several large Crown and Council sites and a number of smaller ones that together provide a magnificent foreshore asset to the Ballina community. In preparing the Ballina Foreshore Master Plan each site was assessed in terms of physical and environmental characteristics, existing infrastructure and facilities and planning constraints and opportunities.

For a number of key sites the master plan recommends a preferred option for future land use and management. Not all sites warrant a specific preferred option. In cases such as Lance Ferris Park (ex Fawcett Park) the recently implemented River Street Beautification Project has produced an excellent foreshore park with little if anything left to do. Other areas are very small and have minimum opportunity for site specific plans. The broad level options in this master plan have been prepared for these sites.

The foreshore land was discussed with major stakeholders and their ideas were considered and evaluated to come up with both broad level and site specific options.

The key to preparing a relevant Ballina Foreshore Master Plan has been to build on the sustainability framework finalised by Council in 2006. *People, Place, Prosperity: A Framework for a more Sustainable Ballina Shire 2025* defines the long term vision for the Shire and provides an excellent basis on which to evaluate land use options for this important foreshore precinct.

The draft plan was exhibited for 42 days between 18 October and 30 November 2007. Seventy five submissions were received and taken into consideration by Council in finalising the plan. A summary of submissions is contained in the Background Paper. Ballina Shire Council adopted the Ballina Foreshore Master Plan at its meeting of 21 January 2008.

The New South Wales Department of Lands endorsed the Ballina Foreshore Master Plan on

Subject Land- Burns Point Ferry to Missingham Bridge



Locality Map 1



Plan Extract Map



LEGEND

- CROWN LAND
- COUNCIL LAND



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LOCALITY MAP 1

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Figure 02

Locality Map 2



Plan Extract Map



LEGEND

- CROWN LAND
- COUNCIL LAND



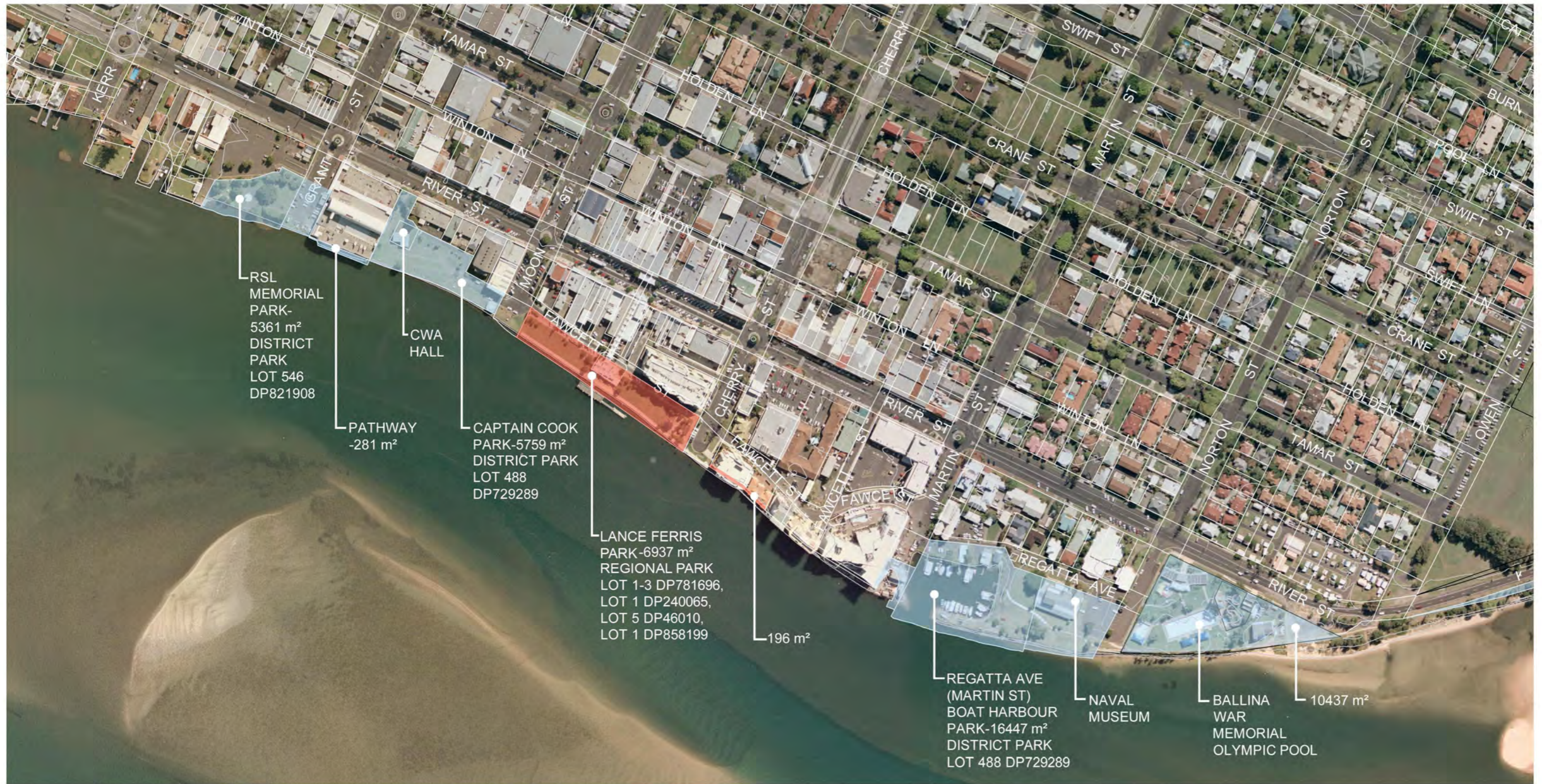
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LOCALITY MAP 2

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Figure 03

Locality Map 3



Plan Extract Map



LEGEND

- CROWN LAND
- COUNCIL LAND



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 BALLINA FORESHORE MASTERPLAN rev no. | C
LOCALITY MAP 3

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Figure 04

Locality Map 4



Plan Extract Map



LEGEND

- CROWN LAND
- COUNCIL LAND



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 BALLINA FORESHORE MASTERPLAN rev no. | C

LOCALITY MAP 4

scale | 1:4000 for A3 date | 21-01-08

Figure 05



2. Objectives

The Ballina Foreshore Master Plan has a range of objectives as follows:

- ▶ To implement the Memorandum Of Understanding (MOU) agreed between the NSW Department of Lands and Ballina Shire Council (dated October 2006);
- ▶ To provide a basis for a plan of management for the Department of Lands for one or more of the areas of land under its control;
- ▶ To provide a basis for Council to zone the foreshore land appropriately in its upcoming Shire Wide Local Environmental Plan;
- ▶ To provide a framework for the future development and management of land that has general public acceptance;
- ▶ To consider facilities for the social, cultural, educational and recreational needs of Ballina Shire;
- ▶ To identify potential appropriate commercial opportunities on Crown and Council land which do not significantly effect the main purposes for which the land has been reserved;
- ▶ The identification of significant archaeological relics that are known to exist on parcels of land (if any);
- ▶ The identification of environmentally significant remnants of native vegetation on particular parcels of land (if any); and
- ▶ The identification of buildings and structures on parcels of land that have historic significance (if any).



3. Master Plan Vision and Key Planning Principles

3.1 Master Plan Vision

In *People, Place and Prosperity* Ballina Council identified 8 visions that represent the shared vision of the Ballina Community to achieve a sustainable Ballina Shire (BSC,2006). These are listed in the background paper to this report. Using a selection of these that are relevant to the foreshore area the vision for this master plan is:

“The Ballina foreshore land should be used in a diverse and balanced way to create a healthy natural environment, a diverse and prosperous economy and a resilient and adaptable community that can attain health and wellbeing.”

3.2 Key Planning Principles

The 8 visions can be used to establish 15 key planning principles that can in turn be used to evaluate the land use options for the foreshore land. The key planning principles that arise out of *People, Place and Prosperity* are as follows:

- Good access in public areas and infrastructure that works for people;
- More options for employment;
- Better quality of life;
- Cleaner water in the Richmond River and the ocean;
- Increased visual amenity;
- Protection of native plants and animals and their habitats;
- Safer swimming, boating and fishing;
- Provision of opportunities for walking and cycling and for enjoying natural areas;
- Long term protection of cultural values associated with landscape and land use;
- Building reconciliation;
- Healthier happier people;
- More opportunities for social interaction;
- Creating a sense of community;
- Development of new industries and industry sectors; and
- Better co-ordination across and within levels of government.

4. Draft Masterplan

Land Use Options and Evaluation

The Ballina foreshore is already used for a range of active and passive activities. In planning for the future it is important that any suggested uses or combination of uses be evaluated against the key planning principles that are outlined in Chapter 3.

Not all the key planning principles will be applicable to any one use or combination of uses on a site, but the more that a proposal can address these principles then the more likely it will be a move towards sustainability.

Site evaluation and stakeholder consultation and literature review indicates there are broad level ideas that can apply across a range of foreshore land (large or small) as well as site specific ideas that apply to only one location.

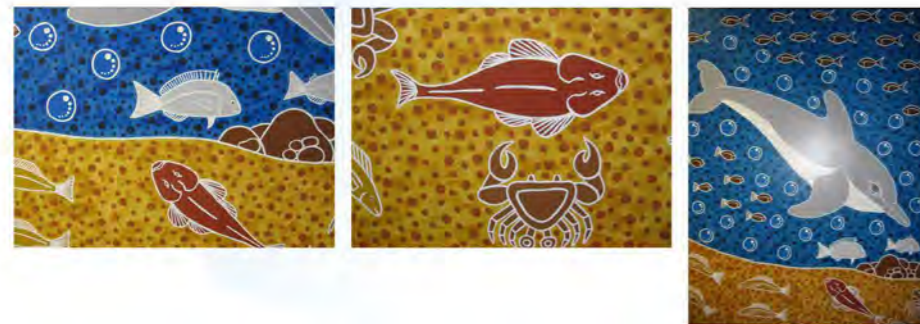
The ideas (or options) at both these levels are evaluated against the key planning principles as follows.

Broad Level Options

Aboriginal Art and Symbolism in Public Spaces

The symbolism in this case may include stamping concrete or bollards with shapes and patterns that reflect Aboriginal relationships with the foreshore and river. The art may be sculpture in parks or murals on fences or buildings or the like in suitable locations to be agreed. It could occur in some of the small foreshore areas or as part of the hard surface infrastructure as it is constructed. It can also be used to soften the visual impact of hard infrastructure.

This option builds on Council's Public Art Policy (2005) and is important in terms of building a better quality of life, increasing visual amenity, building reconciliation, long term protection of cultural values, ensuring healthier and happier people and creating a sense of community.



Heritage Plaques in Historic Locations

This might entail the creation of a "heritage trail" based on the maritime history of the foreshore area. Similar to existing information plaques about wildlife, the plaques would contain brief histories of specific locations coupled with photographs of significant buildings and structures that once occupied the foreshore sites. At least 16 items or places are known on or in the vicinity of the Crown and Council foreshore land. The idea would give people an incentive to extend their walk along the foreshore and is consistent with the maritime and naval museum already located adjacent to the river in the Ballina CBD. The museum would be an excellent starting point for the walk.

This option is important in terms of building a better quality of life, increasing visual amenity, long term protection of cultural values, ensuring healthier and happier people and creating a sense of community.



*Aboriginal artwork by Corel Sines, 2003, sourced Ballina Shire Council



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 BROAD LEVEL OPTIONS

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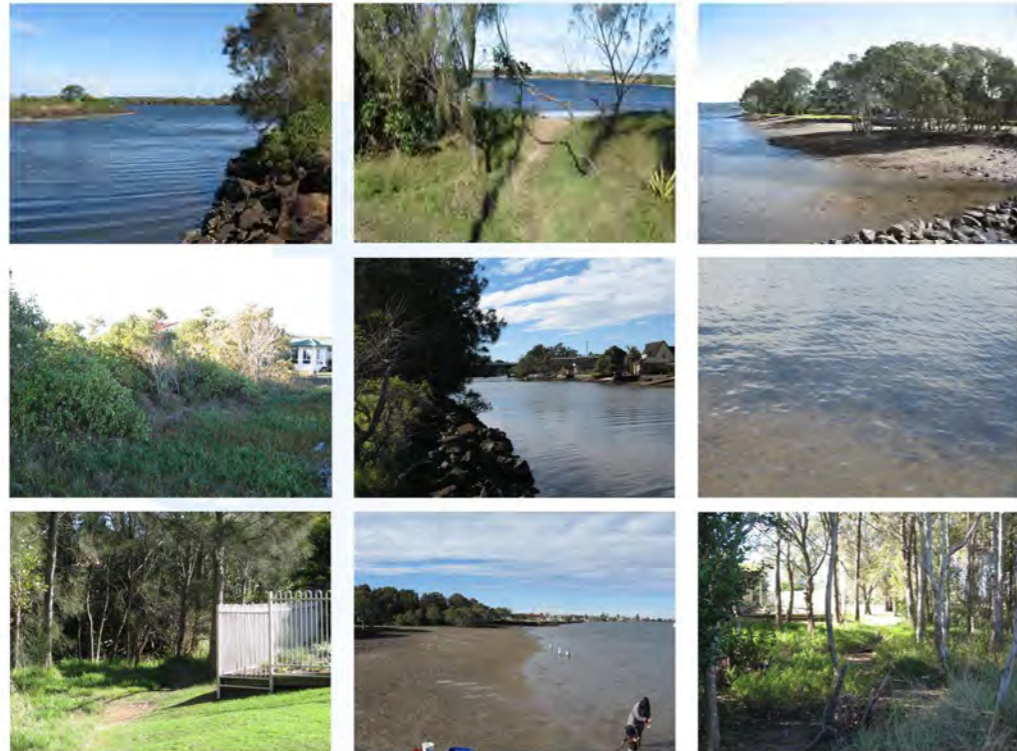
Figure 06

Broad Level Options

Habitat Rehabilitation

This would involve applying a general principle of using native vegetation in the foreshore area, with a preference for endemic species that would be consistent with original habitat types in the locality. The use of native vegetation including lowland rainforest, coastal scrub and wetland species (as appropriate) in the vicinity of Burns Point Ferry, Fishery Ck and Kingsford Smith Drive would assist in enhancing these areas nominated as part of NPWS regional wildlife corridors.

This option is consistent with Council's approach to the use of native vegetation in its Urban Garden Guide as well as on other individual restoration sites such as the Little Fishery Creek Rehabilitation project. This option is important in terms of building a better quality of life, cleaner water in the Richmond River and the ocean, increasing visual amenity, and the protection of native plants and animals and their habitats.

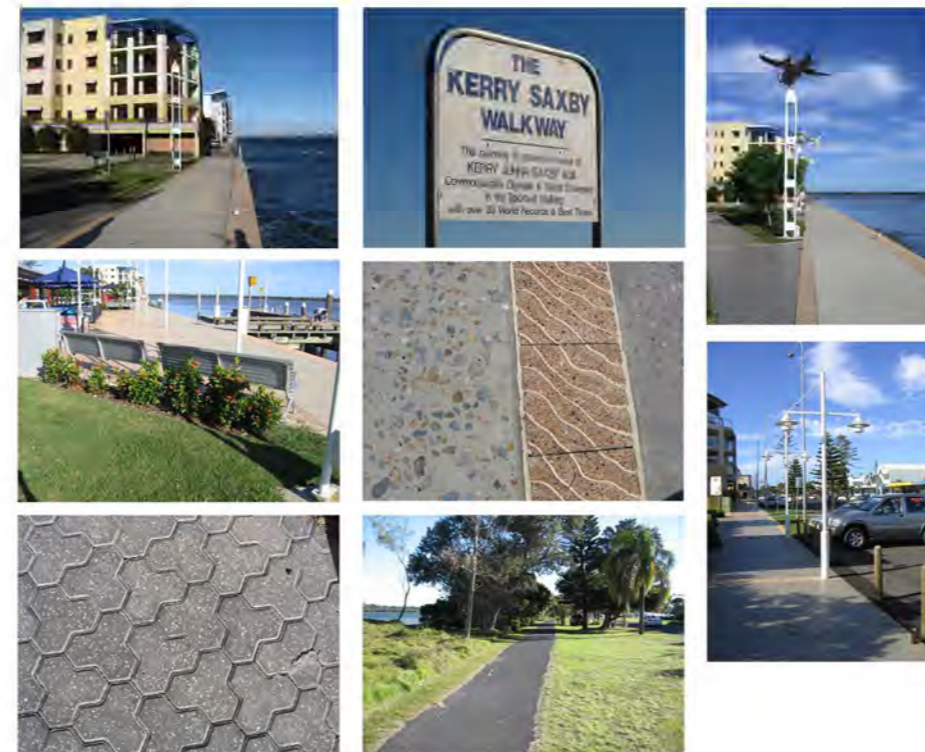


Walkways and Cycleways

This involves establishment of walkways and where possible cycleways in all foreshore locations (where it is physically possible) to eventually achieve a foreshore walk and cycleway from the Missingham bridge to the Burns Point ferry.

Ballina Council has consistently encouraged public access to the foreshore in its public spaces. It has also negotiated public access at the time of redevelopment of major private sites such as the redevelopment of the marina site off Burns Point Rd, the new apartment/ commercial developments between Martin St and Fawcett Park, and the Gateway redevelopment site off Kerr St. Inclusion of this in a foreshore master plan is consistent with Council's Cities for Climate Protection Program and consistent with the NSW Coastal Policy.

It is important in terms of achieving good access in public areas and infrastructure that works for people, provision of opportunities for walking and cycling, for enjoying natural areas, building a better quality of life, increasing visual amenity, ensuring healthier and happier people, providing more opportunities for social interaction and creating a sense of community.



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 BALLINA FORESHORE MASTERPLAN rev no. C
 BROAD LEVEL OPTIONS

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Figure 07

Broad Level Options

Boating Facilities

Boating (including non motorised craft) is an important recreational and commercial aspect of a river town like Ballina and the ongoing maintenance and periodic upgrade of boating facilities that already exist in the foreshore study area is vital to continue this activity. These facilities including boat ramps and parking, jetties and pontoons and marina and harbour sites. Together these facilities are essential to allowing the community to access the important recreational facility that is the waterway beyond the foreshore.

This is consistent with the adopted Lower Richmond River Recreational Boating Study and is important in terms of achieving good access in public areas and infrastructure that works for people, building a better quality of life, increasing visual amenity, ensuring healthier and happier people, providing more opportunities for social interaction and creating a sense of community.



Amenities and Facilities

Foreshore amenities and facilities such as toilets, parking, rubbish bins, BBQ's, skate parks, seating, shade/rain shelters and play equipment are important to enhance the useability of the foreshore area to the community. Maintenance and upgrade of these facilities is critical to the ongoing use of these areas.

This is consistent with the Ballina Council Social and Community Plan, 2004 and the Community Facilities/ Open Space Needs Analysis, 2004. It is important in terms of achieving good infrastructure that works for people, enjoying natural areas, building a better quality of life, increasing visual amenity, ensuring healthier and happier people, providing more opportunities for social interaction and creating a sense of community.



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 BALLINA FORESHORE MASTERPLAN rev no. C
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Figure 08

Faulks Reserve Preferred Option

1. Pontoon for boat tie up adjacent to ramp
2. Seating and shade area
3. Osprey nest pole
4. Embellishment of existing amenities (e.g. children's play equipment)
5. Landscaping using endemic species wherever feasible
6. Pedestrian and cyclist path/s linking to exterior network

Key Planning Principles

This preferred option can be evaluated against the key planning principles that arise out of *People, Place and Prosperity* as follows:

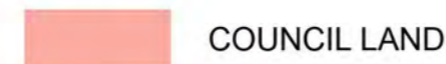
- ✓ Good access in public areas and infrastructure that works for people;
 - More options for employment;
- ✓ Better quality of life;
- ✓ Cleaner water in the Richmond River and the ocean;
- ✓ Increased visual amenity;
- ✓ Protection of native plants and animals and their habitats;
- ✓ Safer swimming, boating and fishing;
- ✓ Provision of opportunities for walking and cycling and for enjoying natural areas;
 - Long term protection of cultural values associated with landscape and land use;
 - Building reconciliation;
- ✓ Healthier happier people;
- ✓ More opportunities for social interaction;
- ✓ Creating a sense of community;
 - Development of new industries and industry sectors; and
 - Better co-ordination across and within levels of government.



Locality Map



LEGEND



Context Map



Trawler Harbour and RTA Depot- Preferred Option

1. Expand the marine facilities centred on the existing harbour
2. Retention of trawler berths
3. Commercial development such as chandlery, boat dry stack storage, laundry, restaurant, café
4. Fuel facility for all boats
5. Pump out sewage facility for boats
6. Residential and tourism development to be permitted
7. Expanded trailer parking for boat ramp
8. Additional pontoon for boat ramp
9. Boat hire business site including riverside pontoons
10. Relocation of RTA Depot
11. Embellishment of creek bank vegetation along Fishery Creek
12. Preservation of seagrass beds in Fishery Creek
13. Extension of existing boat ramp by 1 metre
14. Riverside walkway connecting through to the west
15. Relocation of the existing entrance to the Richmond River to minimise shoaling
16. Identify potential for an environmental education theme at the site



Locality Map




Key Planning Principles

This preferred option can be evaluated against the key planning principles that arise out of *People, Place and Prosperity* as follows:

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- ✓ More options for employment;
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- Building reconciliation;
- ✓ Healthier happier people;
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- ✓ Development of new industries and industry sectors; and
- ✓ Better co-ordination across and within levels of government.

LEGEND

 CROWN LAND

Context Map



Captain Cook Park- Preferred Option

1. Review the use of the existing CWA facilities
2. Pontoon with dedicated portions for recreational and commercial boating use
3. Additional picnic tables and seating
4. Retain passive recreation open space for portions of the park
5. Additional commercial premises (Food outlets, cafes, etc.) to increase passive surveillance
6. Pedestrian pathway linking to Lance Ferris Park and RSL Club
7. Landscaping to complement pedestrian network
8. Incorporation of local aboriginal artworks (Designs in hardscapes, murals, sculptures, etc.)
9. Embellishment of River St park entrance with signage
10. Formalise the current informal vehicle access to the rear of shops that are currently adjacent to the park
11. Continue implementation of the River Street Beautification Project (2002)

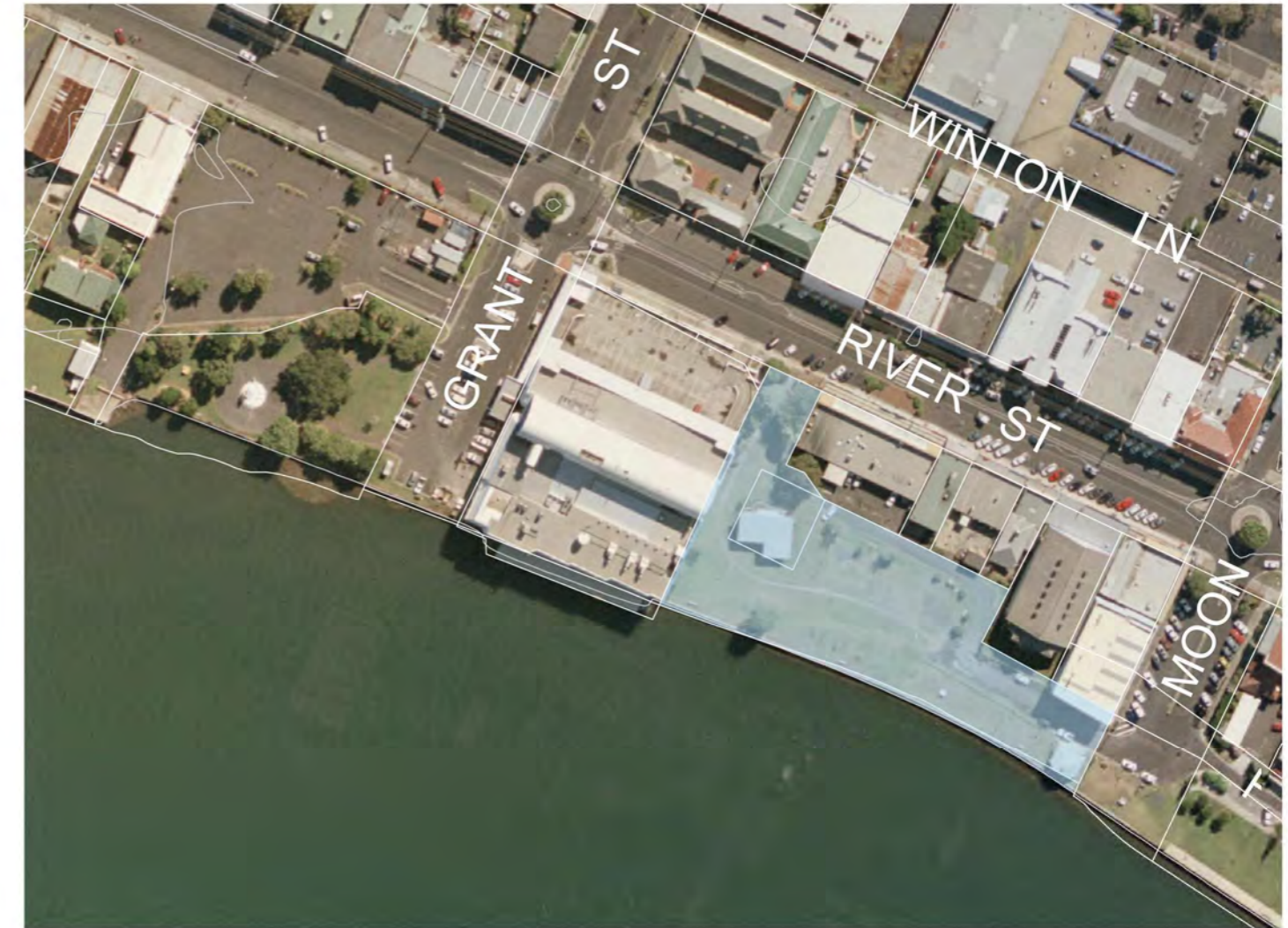


Key Planning Principles

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- ✓ Provision of opportunities for walking and cycling and for enjoying natural areas;
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- ✓ Building reconciliation;
- ✓ Healthier happier people;
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- ✓ Development of new industries and industry sectors; and
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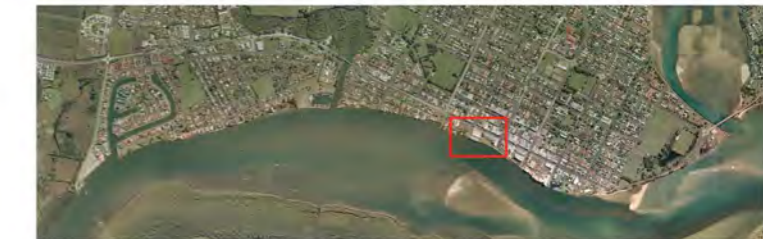
Locality Map



LEGEND

CROWN LAND

Context Map



*Aboriginal artwork by Corel Sines, 2003, sourced Ballina Shire Council

Regatta Ave (Martin St) Harbour- Preferred Option

1. Continuation of riverside walkway connecting through to Lance Ferris Park
2. Additional shade tree planting
3. Retention of existing mature fig tree
4. Commercial/tourism river users priority moorings
5. Commencement point for historical walk
6. Pontoon/jetty for commercial/tourism pick up and drop off
7. Sewage pump out facility
8. Laundry facility
9. Public toilets
10. Additional car parking for day trippers/tourists
11. Tourist related commercial uses such as cafes and restaurants
12. Public seating and viewing areas on harbour and river edge
13. Riverside boat moorings for short term use of visiting boats
14. Remove existing buildings on the northern edge of the harbour to increase access to the foreshore area
15. Ensure that a replacement facility is provided for the Jet Boat Surf Rescue Organisation before removal of the buildings and moorings it currently uses

Key Planning Principles

This preferred option can be evaluated against the key planning principles that arise out of *People, Place and Prosperity* as follows:

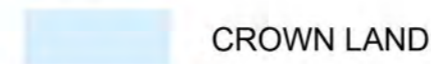
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- ✓ Better quality of life;
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- ✓ Increased visual amenity;
- ✓ Protection of native plants and animals and their habitats;
- ✓ Safer swimming, boating and fishing;
- ✓ Provision of opportunities for walking and cycling and for enjoying natural areas;
- Long term protection of cultural values associated with landscape and land use;
- Building reconciliation;
- ✓ Healthier happier people;
- ✓ More opportunities for social interaction;
- ✓ Creating a sense of community;
- ✓ Development of new industries and industry sectors; and
- ✓ Better co-ordination across and within levels of government.



Locality Map



LEGEND



Context Map



Kingsford Smith Drive- Preferred Option

1. Restoration planting to existing vegetation
2. Bird watching platform, seating and lookout location
3. Retain filtered water views from Kingsford Smith Drive
4. Formalised and dedicated pedestrian access (e.g. stairs or ramp) to the foreshore for swimming and viewing
5. Limit informal pedestrian access to foreshore through existing vegetation
6. Use of historical information plaques along walkway including old Missingham bridge site
7. Incorporation of local aboriginal artworks (Designs in hardscapes, murals, sculptures, etc.)
8. Retain existing sailing club with more efficient use of current lease area
9. Modify pool fence to increase sight lines along bikeway
10. Formalise public parking area next to sailing club premise
11. Landscaping for car park
12. Retain the current Missingham market site for market purposes and formalise parking in this area
13. Install pathway lighting along walkway adjacent to Kingsford Smith Drive consistent with that used in Lance Ferris Park

Key Planning Principles

This preferred option can be evaluated against the key planning principles that arise out of *People, Place and Prosperity* as follows:


- ✓ Good access in public areas and infrastructure that works for people;
 - More options for employment;
- ✓ Better quality of life;
- ✓ Cleaner water in the Richmond River and the ocean;
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Locality Map



LEGEND

 CROWN LAND

Context Map



*Aboriginal artwork by Corel Sines, 2003, sourced Ballina Shire Council



5. Background Paper

The purpose of the background paper is to summarise the work that precedes the preparation of the Master Plan and provides a foundation on which it can be built. This includes the existing available information (literature review), the issues and site analysis (constraints and opportunities) and the stakeholder consultation.

5.1 Literature Review

In creating a Master Plan it is important to build on the work already undertaken to avoid duplication and to move forward. The following is a brief overview of the reports and other work that set the scene for this project.

5.1.1 Lower Richmond Boating Study (GHD, 2005)

This report covered a study area from Wardell to the mouth of the Richmond River at Ballina. It examined the current recreational boating infrastructure requirements of the study area, the current level of facilities, the projected future requirements of the boating community and the potential for additional infrastructure in certain locations. It involved community consultation and State and Council consultation. The major findings were:

- ▶ Current infrastructure is insufficient to provide a satisfactory level of service for the local boating community;
- ▶ There is likely to be an increase in demand for boating infrastructure;
- ▶ Improved services and facilities are required to facilitate growth in recreational boating.
- ▶ Specific to the study area of this master plan project it recommended:
 - ▶ Upgrading of the Fishery Creek Canal boat ramp;
 - ▶ A marine precinct to include dry storage facilities;
 - ▶ Visitor boating facilities to be provided in the river between the existing sailing club and the Martin Street boat harbour;
 - ▶ Redevelopment of the Martin Street boat harbour to include sewer pump out and re-fuelling facilities; and
 - ▶ A new marina be established at the existing trawler harbour/RTA depot site (at entrance to Fishery Creek Canal).

5.1.2 People, Place, Prosperity (BSC, 2006)

People, Place, Prosperity: A framework for a more sustainable Ballina Shire 2025, defines the long term strategic vision for the Shire. It describes what the community is trying to achieve and therefore what will be guiding the decisions the community makes or others make on behalf of the community. It identifies a vision that has eight parts:

- ▶ A built environment contributing to health and wellbeing
- ▶ A diverse and prosperous economy
- ▶ A healthy natural environment

- ▶ Diverse and balanced use of our land
- ▶ People attaining health and wellbeing
- ▶ Resilient and adaptable communities
- ▶ Responsible and efficient use of resources
- ▶ Transparent and accountable governance

These eight parts of Council's vision provide an excellent basis on which to evaluate options for the uses and management of foreshore land in the marine precinct. Benefits identified in the document that might arise from implementing a marine precinct master plan include:

- ▶ Good access in public areas and infrastructure that works for people
- ▶ More options for employment
- ▶ Better quality of life
- ▶ Cleaner water in the Richmond River and the ocean
- ▶ Increased visual amenity
- ▶ Protection of native plants and animals and their habitats
- ▶ Safer swimming, boating and fishing
- ▶ Opportunities for walking and cycling and for enjoying natural areas
- ▶ Long term protection of cultural values associated with landscape and land use
- ▶ Building reconciliation
- ▶ Healthier happier people
- ▶ More opportunities for social interaction
- ▶ Sense of community
- ▶ Development of new industries and industry sectors
- ▶ Better co-ordination across and within levels of government

5.1.3 Principal Generic Plan of Management for Community Land (BSC, 2002)

Ballina Council first adopted a Generic Plan of Management (PoM) for Council land in June 1995. It was last updated in January 2002. All Council land is either "community" or "operational" under the Local Government Act, 1993. The Generic PoM applies to all Council owned "community" land except for land that has an individual plan of management. No land within the foreshore study area has an individual plan of management. Within the foreshore study area the only Council "operational" land is Lance Ferris Park (formerly known as Fawcett Park) in the town centre. The Generic PoM does not apply to Crown land.

The "community" land within the foreshore study area has been categorized in accordance with the Local Government Act, 1993. The Generic PoM sets objectives and performance targets for these areas.



5.1.4 Richmond River Estuary Processes Study (RRCC, 2006)

The broad purpose of this study is to describe and document the key physical, chemical and biological processes and patterns occurring within the Richmond River estuary. The full extent of the Richmond River estuary spans from the ocean entrance at Ballina, to near Casino on the Richmond River and to Lismore on the Wilsons River.

Accompanying the documentation of the processes and patterns occurring within the estuary the study also outlines various impacts and potential threats to these. The following issues identified within the study that are of particular relevance to the Ballina Foreshore Master Plan subject site are:

Global Warming resulting in rising sea levels. The sea level around Australia is predicted to rise between 100 and 400 mm by 2050, which would have impacts for drainage and flooding in urban areas as well as cause shoreline recession.

Small mangrove communities are identified within and adjacent to the subject site.

Pollutant loading from STP's (Sewage Treatment Plants) and urban areas contributing to decreases in water quality.

Relevant listed threats to the survival of the seagrass and mangrove communities are poor water quality and indirect impact through changes in hydrology and geomorphology.

Impacts of urbanisation on the estuary including:

- ▶ Increased stormwater runoff and treated effluent discharges.
- ▶ Increased demand for water supply, sewerage and road infrastructure.
- ▶ Increased waterway use
- ▶ Increased maintenance and development of canal estates.

The Richmond River estuary still has major spiritual, economic and cultural importance to the local Aboriginal people.

The Richmond River estuary also has European cultural significance due to rapid changes in industries utilising the river such as, agriculture and forestry and the associated transportation routes that supported these.

Heritage items of Aboriginal and European cultural significance are listed on various heritage registers.

Key estuarine processes are being impacted on by existing urban development and its associated infrastructure primarily due to untreated stormwater and treated effluent that still contains high concentrations of pathogens and nutrients being discharged into the estuary.

The majority of boating on the Richmond River is undertaken for recreational fishing purposes, with increased numbers in recent years. Commercial uses also include oyster farming, fishing and tourism.

Bow waves or 'wake' produced by boats can be a cause of riverbank erosion. Generally areas of sensitive vegetation along the foreshores are unprotected from bow waves. Boating speed limits have been implemented in some areas that have suffered serious bank erosion for the purposes of minimising this, but policing these limits is an issue that needs to be addressed.

There is a lack of adequate boating and associated facilities in the lower estuary, e.g. marina berths, mooring and parking.

There is a need for a holistic Richmond River Estuary Recreational Boating Plan that covers the entire estuary. It is suggested that such a Plan may require the collection of usage data in its compilation.

In the lower estuary there is a potential in future years for a concentration of boating activity.

Sensitive ecological communities within the estuary, such as seagrass have limited protection from activities such as boating.

There is a limited provision of facilities for small recreational vessels, such as kayaks within the estuary.

There is a lack of information regarding appropriate boat speeds along various sections of the Richmond River. Sound knowledge by boat users could reduce riverbank erosion through reduction of boat wake.

There is a lack of knowledge about areas where usage conflicts exist between land and water activities.

Besides the 188 licensed foreshore structures such as wharves, boat sheds, boat ramps, slipways and pontoons, there is a unknown number of unlicensed access points along the foreshore. These unlicensed access points can result in degradation of foreshore habitats and the destabilisation of riverbanks.

There is a need to review the licensing status of existing foreshore structures.

Restricted commercial fishing activities are undertaken in the Richmond River Estuary.

Recreational fishing contributes significantly on a social and economic level. Compared to the state wide average recreational fishing in the Richmond River estuary has high participation rates.

Tourism and recreation are a major economic generator on the North Coast of NSW.

Outdoor sports and recreation/activities such as, boating, swimming and fishing are particularly popular in the Ballina area.

5.1.5 Marine Precinct Ballina Memorandum of Understanding-NSW Department of Lands and Ballina Shire Council (2006)

The Marine Precinct Ballina Memorandum of Understanding is a document agreed upon by NSW Department of Lands and Ballina Shire Council with a commitment to developing and implementing a Marine Masterplan/Plan of Management that is both sustainable and publicly supported. In achieving this shared vision the Memorandum is structured to assist and support each party while making clear their respective legislative responsibilities, including the Crown Lands Act, 1989 and Local Government Act, 1993 in regards to the following:

- ▶ Development of a Marine Precinct Master Plan/Plan of Management for Ballina in accordance with the Principles stated and best practice;
- ▶ Adoption and implementation of the Marine Precinct Master Plan/Plan of Management and its subsequent incorporation into the Ballina Local Environmental Plan, 1987; and
- ▶ Establishment of a business model to achieve financial sustainability of all lands within the Marine Precinct.

As a means of achieving the stated vision and objectives within the Memorandum agreed principles are outlined under the categories of 'Stability', 'Competition', 'Flexibility', 'Representation', and 'Sustainability'.

Also outlined within the document for the two parties involved are general conditions and practices to be agreed upon in regards to the following; 'Responsibilities and Information Sharing', 'Liaison', 'Funding', 'Statutory Requirements', and 'General Intentions'.

The Memorandum also provides a background of the subject site through a description of the lands and relevant planning issues. Also included in the document are a list of definitions and interpretations of



relevant terminology, general operative provisions and those specific for the initial and development phases, and relevant sections and extracts from the Crown Lands Act 1989 and Local Government Act, 1993.

5.1.6 Community Facilities and Open Space Needs Analysis Planning Studies (2004)

The study has a key focus on existing open spaces and community facilities within the Ballina Shire and the future opportunities and constraints affecting them. In reviewing these open spaces and community facilities, standards, strategies and needs are proposed and are categorized into the catchments of Ballina Township, Cumbalum, Lennox Head District, Plateau Villages, Wardell and Rural Areas within the Shire.

Specific findings of relevance to the Ballina Foreshore Master Plan are:

An example of district parks providing passive recreations opportunities for a broader community is the Foreshore Reserve (Captain Cook Park) in Ballina.

District Parks should be easily accessible but do not necessarily have to be in walking distance by all users.

Local Parks should be located within walking distance of the residential community that they service.

In 2004 Ballina township had 50.3 hectares (ha) in total of local and district parks and 2.78 local and district parks per 1000 people of the population. In comparison to adopted standards by other centres (of similar size) and by the Department of Sport and Recreation, Ballina Shire has higher rates of Local and District Parks, however the existing parks are not necessarily well located to service future growth centres. Also, upgrading of existing facilities and embellishment is needed to improve the standard of these parks, as facilities for existing residents.

Many of the local parks are poorly located and too small. More appropriately located and reasonably sized parks would better serve the community. It is recommended that specific requirements be created and met in regards to location, size and topography of parks. Some recommended locational criteria are; minimum size of 2,000m², within 500 metres of all residents, have safe access without major road crossings, have shade trees or structures, seating, pathway/s, play equipment and litter bins.

From consultation with Ballina Shire Council staff, community organisations and other members of the community the following points of interest to the subject site were raised:

- There is a current lack of multipurpose open space facilities, e.g. with play equipment, BBQ's, and areas for sporting and family activities.
- There is a large number of small pocket parks which are often too small with poor location to serve a local neighbourhood.
- There is insufficient funding available to maintain existing facilities at standards that are acceptable to the community.

In regards to Community Facilities the study found that Ballina has an adequate number of community halls, but as these are small specialist facilities such as; CWA Halls, a Scouts Hall, and School of Arts there is a need for a larger multi-purpose hall to better service the community.

5.1.7 Ballina Retail Strategy (2003)

The Ballina Retail Strategy was prepared by Ballina Shire Council in response to a growing community interest in the future direction and viability of retailing within Ballina Shire.

The Strategy applies to the Ballina Local Government Area and explores various issues that are currently impacting on, or may in the future significantly impact upon the regional economy and the Shire's business

sectors.

The retail strategy establishes a retailing hierarchy of development and outlines a strategic direction for future growth and retail development for the towns and villages of the Shire.

Specific points of relevance to the Ballina Foreshore Master Plan subject site within the document are the following:

A core principal of the strategy is maintaining the Ballina Island (namely the Ballina Town Centre) and Kerr Street Retailing Precincts as the major retailing centres of the Shire, suggesting that all decisions that relate to future development of retail activity within the Shire should be centred on achieving this principal. Establishment of additional major retailing outlets outside these two main precincts is discouraged.

An objective of the strategy:- 'To encourage the development of the Ballina Town Centre as a viable dynamic retail centre'.

It is envisaged that the Ballina Town Centre will continue to develop as the primary office, commercial and dining precinct in the Shire through the successful implementation of various proposed initiatives and will be supported by a 'vibrant specialty retail sector'.

Conclusions of relevance from the Retail Strategy Background Report prepared by IBECON Pty Ltd., dated 13 January 2003 as a driving document for the retail strategy were:

- Ballina Shire will continue to experience moderate to strong growth in tourism, particularly as a destination for overnight stayers.
- At the time there was a small over supply of shop floor space in the Ballina Shire LGA.
- Some loss in trade is expected as a direct result of the proposed diversion of the Pacific Highway, particularly in the Ballina Town Centre, and it is recommended that changes and development of existing shops should occur to service and encourage growth of 'destination tourist business'.
- Consolidating existing retail outlets in preference to increasing their dispersion is encouraged in the immediate future, both throughout the Shire and within each location of shops.

5.1.8 Public Art Policy (BSC 2005)

Adopted in August 2005 this Council policy provides a framework for increasing public art throughout Ballina Shire with the goal of enriching the lives of residents and visitors. It seeks to provide public art which respects and enhances the sense of place, reflects cultural diversity, respects history and recognises Aboriginal cultural heritage.

It is very relevant to this foreshore master plan, given the opportunity that these public lands present to implement this policy.

5.1.9 Historical Overview- Shaws Bay Promontory (BSC 2003)

Ballina Shire Council's Strategic Services Section prepared this report as background material for the Draft Plan of Management for Crown Land on the Shaws Bay Promontory, East Ballina, and includes the Shaws Bay Caravan Park.

The main point of relevance to the Ballina Foreshore Master Plan subject site is the construction of a timber railway bridge across North Creek with linking Ballina Island and East Ballina. This was undertaken in 1889 as a way of transporting rock for the construction of the northern breakwater. The rock was initially transported by horse and then by rail from the wharf at Martin Street. The original bridge was replaced in about 1934 with a two lane timber bridge positioned close to the location of the existing Missingham Bridge.



5.1.10 River Street Beautification Project (2002)

This project aimed to upgrade infrastructure and improve pedestrian amenity within the town centre of Ballina. It included landscape design and land use recommendations for Lance Ferris Park and Captain Cook Park. The majority of works in relation to Lance Ferris Park have been carried out with excellent results. Council has yet to make a decision on implementing the recommended works for Captain Cook Park, however the Project is still regarded as adopted Council Policy.

5.2 Issues Summary

5.2.1 Ballina LEP 1987

The foreshore area above high water mark is subject to Ballina Local Environmental Plan 1987 (Ballina LEP). Under Ballina LEP the subject land is variously zoned 6(a) Open Space zone, 3 Business zone, 4 Industrial zone, and 2(a) Living Area zone (see Map 1). The land below high water mark and on the bed of the river is vacant Crown land and is not zoned under Ballina LEP.

The 6(a) zone allows a broad range of uses, with Brothels being the only use specifically prohibited. The Objectives of the zone indicate that this land is predominantly for active and passive recreation, uses ancillary to recreation, uses that meet the cultural and social needs of the community and public works and infrastructure. Most of the subject land is within this zone.

The 3 Business zone also allows a broad range of uses, with Brothels being the only use specifically prohibited. It has primary objectives relating to retail, commercial and administrative land uses, tourist development and some industries, leisure facilities and residential amenity. The secondary objectives relate to car parking and vehicle and pedestrian access. Only Lance Ferris Park, Captain Cook Park and Memorial Park are included in this zone.

The 4 Industrial zone allows the broadest range of land uses and no uses are specifically prohibited. The primary objectives regulate subdivision to encourage industrial uses, allow for a development control plan to regulate different industry types and intensities, and promote industrial development that is efficient in terms of transport, land use and service distribution. Only the existing trawler harbour and its curtilage are included in this zone.

The 2(a) Living Area zone allows a broad range of uses, with Brothels being the only use specifically prohibited. The Objectives of the zone relate to subdivision for housing at a range of densities and ancillary development, plus any other uses that are essential in a residential area. They also allow for a development control plan to regulate housing densities as well as tourist facilities. There is a secondary objective to require site landscaping and permit public works and services. The Brunswick Street boat ramp and Riverview Park and the site of the current RTA Depot are the only significant areas within this zone.

5.2.2 Ballina DCP 2006

The same area affected by Ballina LEP 1987 is also affected by Ballina DCP 2006. Where LEP's set out the basic rules for what is permissible on land, a DCP indicates a greater level of detail as to how, where and in what form that development may take place. Map 2 shows the existing DCP designations. The majority of the land is designated O1 which is Open Space. The exception is the Trawler Harbour which is covered by a combination of I2 (General Industry designation), M1 (Medium Density Residential designation) and O1 Open Space.

5.2.3 Existing Land Use

Table 1 describes the existing land use and classification of all of the Crown and Council land the subject of this master plan. Where the sites are part of Councils parks system the commentary from the ERM (2004) report on Open Space is provided. In all cases planning commentary is made on the land as it appeared at the time of inspection in June 2007.

Map 3 is an annotated map of the study area documenting a range of land uses that occur on and around the subject land.



Table 1 Ballina – Summary of Land Use and Background Information for Crown and Council Foreshore Land.

Name of Facility	Classification	Property Details	Area (ha)	Description of Facilities	ERM (2004) Open Space Comments	GHD Planning and Environmental Comments
Riverview Park	Local Park	Lot 5 DP 244833 and Lot 470 DP 729076, Brunswick Street	0.6759	Swings, BBQ facilities and picnic tables are provided and toilets	The park and the facilities are well maintained. It meets the locational criteria for a local park.	Ospreys nest on tower in park. Could be connected by riverside boardwalk to the small isolated park at the corner of Fishery Creek. Could be embellished by extra play equipment.
Kimi Park	Local Park	Lot 155 DP 31154, Riverside Drive	0.0506	No facilities are provided.	Within 400 metres of other local parks. Limited potential due to size.	Possible rearrangement of rocks to increase the beach sand area and provide more amenity.
Paringa Park	Local Park	Lot 154 DP 31154	0.1208	No facilities are provided.	Within 400 metres of other local parks.	Opportunity for public boardwalk out the front of these properties near the park connecting back to the Daydream Ave river access and pathway.
Riverside Park	Local Park	Lot 156 DP 31154, Riverside Drive	0.0506	No facilities are provided.	Within 400 metres of other local parks. Limited potential due to size.	Sewer pump station at entrance. Good fishing access. Leave as is.
Captain Cook Park	District Park	Lot 448 DP 729289, River Street	0.546	Picnic tables, parking and shelters are provided	The park is in a prime position, adjacent to the Richmond River and close to the Ballina commercial precinct. Embellishment would increase patronage.	See Ballina River Street Beautification master plan. The recommendations of this plan should be implemented.
RSL Memorial Park	District Park	Lot 546 DP 821908, Grant Street	0.3537	Picnic tables, walkways and car parking is provided. Centrepiece of the park is the Cenotaph and its curtilage.	The facilities are well maintained. The park is likely to be used primarily as a thoroughfare between various locations in the CBD and is used more specifically on memorial days.	Will need to be linked to the recently approved Gateway Development to the west and RSL club boardwalk to the east. No other changes likely.
Lance Ferris Park	Regional Park	Lot 1-3 DP 781696, Lot 1 DP 781695, Lot 1 DP 240065, Lot 5 DP 46010 and Lot 1 DP 858199, Fawcett Street	0.7059		Part of foreshore reserve.	Extensively redeveloped and landscaped over last few years in accordance with the Ballina River Street Beautification master plan. No changes suggested.
Open space along river side of Kingsford Smith Drive	Regional Park	Lot 7007 DP1068886 Lot 7008 DP1068886 Lot 7036 DP1069244 Kingsford Smith Drive.	3.3122	The eastern portion contains a skate park. There is minimal lighting surrounding the site. Site is visible and accessible. Sealed and marked parking is provided near the skate park.	The site is well maintained and linked to a number of open space areas, including, the amphitheatre, Kingsford Smith Park and other local parks. Youth and families use the facility for skating and family and community gatherings. It has the potential to be used in conjunction with the amphitheatre.	Commercial opportunity may exist in the open informal car park area south of the children's playground (eg. a beach café). (This site is currently used for farmers markets). However the visual impact of this could be considerable and services would need to be provided to meet health requirements. On the Kingsford Smith Drive section the park has good gallery stands of native vegetation that need embellishment. Also need to limit the access points – currently one every 20 metres. Need to consider providing stairs to the riverbed at the larger access points.



Name of Facility	Classification	Property Details	Area (ha)	Description of Facilities	ERM (2004) Open Space Comments	GHD Planning and Environmental Comments
Faulks Reserve	District Park	Riverside Drive	1.5	BBQ facilities and picnic tables are provided. Large trees offer shading. Toilet block.	The park is located in a residential area adjacent to the Richmond River. A boat ramp and associated fishing facilities are located immediately west of the park. The facilities are maintained and well presented. The embellishment of facilities would increase the utilisation of this park.	Possible picnic table at eastern end. Need walkway access to be maintained off Riverside Drive – is being privatised. Aboriginal art could be incorporated tastefully into this park. Public art generally could be exhibited or built into this park, perhaps as a sculpture walk along the river edge. Commercial opportunity may exist such as Café/Coffee shop/restaurant. There is room for a small scale boat hire business. Would be a good location for a rowing club facility with good access to water suitable for rowing. Visual impacts of any structures would need to be managed.
Amphitheatre	Regional Facility	Kingsford Smith Drive	N/A	The Amphitheatre provides a covered staged area and ancillary features including lighting and storage. Other facilities include 3 shelters with tables and seating. Sealed parking, play equipment, bench seats, some lighting, 3 BBQ's and a Community board.	The site is linked to the Skate Park, the river foreshore is adjacent to Kingsford Smith Park and Commemoration Park. Paths are provided to link these facilities. There are a number of youth activities and family activities organised at this facility.	Well used facility. Leave as is.
Trawler Harbour/RTA depot area/Fishery Creek Boat Ramp	Crown Land, partly licensed to Fishermans Co-op and RTA.	Lot 1 DP 791628 Lot 232 DP 755684 Lot 458 DP 728654 Lot 459 DP 728654	9.275	Boat ramps and toilets and fish cleaning, trawler harbour with commercial boats and private yachts.	N/A	A large site that is underutilised in parts. The open grass area near to existing trawler harbour provides a marina expansion area. Also a possible boat hire business opportunity site on river edge (not facing into the harbour). Upgraded boat ramp needs to be maintained. RTA site could be suitable for a mixed use commercial and residential development subject to land contamination issues (if any) being resolved. Need to preserve trawler access and include buffers between commercial harbour uses and any residential component. Sea grass beds in Fishery Creek need to be preserved and large regrowth stand of casuarinas on Fishery Creek foreshore is a significant remnant.
Daydream Avenue access and concrete path	Council land	N/A	0.114	Concrete foreshore access and walkway, small grassed area. No facilities	N/A	Large mangroves growing on the sand flats on either side of the walkway are significant. Needs seats for viewing and fishing. Needs stairs for access to sand flats.



Name of Facility	Classification	Property Details	Area (ha)	Description of Facilities	ERM (2004) Open Space Comments	GHD Planning and Environmental Comments
Burns Point Ferry "Reserve"	Partly Council land and partly Crown Road.	N/A	N/A	Picnic table and seats, parking area (approx. 9 spaces). Boat ramp on old ferry access	N/A	Parking plan for boat ramp area is required; fish cleaning table and water, toilets could be included. Electricity lines and ferry access dominate the park area (difficult to improve except by going under the river). Good fishing access.
New private "marina" residential development off Burns Point Rd	Council land	N/A	N/A	Public access, pathway, lighting and basic landscaping.	N/A	Excellent new foreshore walkway, but drop off at edges may be an issue. No further embellishment required.
Sailing Club and Pool precinct	Crown land licensed to Sailing Club and Ballina Shire Council	N/A	1.044	Sailing and rowing clubhouse, fenced boat compound and boat storage shed. Adjacent to two small boat ramps and public parking area. Foreshore walkway extends the full length. Pool and waterslide complex in fenced off area.	N/A	Improve sailing club buildings/fence area with landscaping. Soften pool fence with mural perhaps using aboriginal designs. Consider changing the angle of the pool fence to increase sight lines for path users coming from the west who may encounter sailing club boats crossing the footpath.
Regatta Ave (Martin Street) Harbour and Maritime Museum precinct	Crown Land, the management is vested in NSW Maritime (harbour and curtilage) and the Naval and Maritime Museum (via Ballina Shire Council as Trustees).	Lot 488 DP 729289	1.65	Naval and Maritime museum including external boat storage. Public parking to the east with public toilets. Harbour with small slip way and boat sheds; moorings for approximately 12 water craft including commercial users such as Bay Sail and Richmond River Cruises. Harbour curtilage includes an open grass area Ballina jet rescue boat is located in harbour buildings.	N/A	Under utilised as a harbour and facilities are run down. Potential commercial opportunity for say a boat hire business or café (subject to parking). Potential contamination issues with old coal loading facility adjacent to harbour. Significant old fig tree adjacent to museum. Osprey nest on police/Telstra antennae adjacent. Maritime museum occupies the majority of its site. Mouth of harbour currently severs the foreshore walking track linking CBD to Kingsford Smith Drive track. No formal way around the harbour without using the public road way. Harbour curtilage includes an open grass area and mix of buildings which have limited relationship with the harbour itself



5.2.4 Hazards and Constraints

Acid sulphate soils affect the entire study area even though a lot of it has been filled and disturbed by past land use. The acid sulphate soil underlays the entire area and Ballina Council considers that it should be regarded as Class 2, meaning that the acid soil layer is likely to be encountered at or immediately below the soil surface. Any works that involve disturbing more than one tonne of soil will require an assessment of acid sulphate soils and potentially an acid sulphate soil management plan.

Past land uses such as timber mills, slipways and coal storage facilities or a range of other industrial uses can cause land contamination. Disturbance of these areas may lead to release of contaminants and subsequent problems both on or off the site. State Environmental planning Policy No. 55 (Remediation of Land) sets out a procedure that must be followed if land contamination is suspected. Depending on the type and intensity of any proposed uses, land rehabilitation may be required on some foreshore sites such as the old coal loader site adjacent to the Regatta Ave (Martin Street) harbour.

5.2.5 Infrastructure and Access

The foreshore sites within the study area have a range of infrastructure within them including six amenities blocks (three with wheelchair access), five boat ramps, 15 motor vehicle access points, seven designated car parks, approximately 1.5 km of cycle way (also a shared walkway) and approximately 800 m of constructed walkway. These items are documented in Table 1 on a site by site basis and Map 3 and Map 4 shows the approximate location of them throughout the study area. The foreshore has good public access and this has been improved in recent years with Ballina Council negotiating for privately owned waterfront sites to dedicate public access to the foreshore as part of the redevelopment process.

However additional infrastructure requirements that might be considered include stair access to the river edge at locations such as Kingsford Smith Drive or the foreshore walkway near Daydream Ave; public toilets between the pool and Missingham bridge; extra pontoons at the Fishery Creek and Faulks park boat ramps and near Captain Cook park; and a formalised walkway and bikeway around the Martin St harbour. Other infrastructure to be considered in the longer term could include a raised boardwalk linking the gateway development site to Riverview park (off Brunswick St) and a raised boardwalk from Daydream Ave west to Faulks park.

5.2.6 Ecology and Environmental Issues

The study area is located on the northern bank of the Richmond River that was once vegetated with a mixture of mangroves, saltmarsh, coastal heath and rainforest species depending on elevation and exposure to salt and wind.

This area has been significantly modified since the 1840's by extensive filling of low lying areas and the construction of the rock wall that now extends the entire length. Despite these modifications, there still remains some small pockets of salt marsh, mangroves, sea grass, Casuarina and sand/mud flats (Table 1). The Richmond River also provides valuable habitat and/or a food resource for various marine and bird species. The river also contributes significantly to commercial and recreational fisheries in the Northern Rivers region.

A search of the DEC Threatened Species database indicates that there are 15 threatened flora species and 63 threatened fauna species located within a 10 km radius of the study site, as shown on Map 5 and Map 6.

The DPI indicates that there are four species of fish, listed under the Fisheries Management Act (1994) as threatened, that may occur in the area. The most likely threatened species to occur within the study area are listed in Table 2:

Table 2 Threatened Flora and Fauna species

Fauna	Flora
Osprey (<i>Pandion haliaetus</i>)	Scented Acronychia (<i>Acronychia littoralis</i>)
Sanderling (<i>Calidris alba</i>)	Southern Swamp Orchid (<i>Phaius australis</i>)
Black Cod (<i>Epinephelus daemeli</i>)	Red Lilly Pilly (<i>Syzygium hodgkinsoniae</i>)
Grass Owl (<i>Tyto capensis</i>)	
Terek Sandpiper (<i>Xenus cinereus</i>)	
Little Tern (<i>Sterna albifrons</i>)	
White Tern (<i>Gygis alba</i>)	

The study area is also likely to contain habitat for numerous other non-threatened species.

A noted plant species within the study area is the Coastal Pandanus tree approximately 15 of which are located along Kingsford Smith Drive on Crown land (Map 7). These have recently been the subject of an inoculation program to protect them from the Pandanus leaf hopper which had been destroying Pandanus along the NSW North Coast. Another locally significant tree is the Moreton Bay Fig within the curtilage of the Ballina Naval and Maritime Reserve.

The location of the study area on the banks of the Richmond River means it has significant environmental value and plays a part in regional wildlife corridors as shown on Map 7. It also means that the environment of the study area is sensitive and under increasing pressure from the impacts associated with development. It will be essential to the success of the Master Plan that the environmental values of the study area are appropriately managed.

Outlined below are the main environmental issues relating to the environment of the study area:

- ▶ The modified environment of the rock armoured/artificial banks along the entire length of the study area;
- ▶ Access tracks through vegetation along Foreshore Reserve (near Kingsford Smith Drive) and to the west of the Trawler Harbour site;
- ▶ Clearing of vegetation for development and to maintain views;
- ▶ The visual impact of development along foreshore;
- ▶ Litter, stormwater and other forms of pollution from urban areas;
- ▶ Acid sulphate soils;
- ▶ Greenhouse gas emissions from lighting in Reserves and along boardwalks;
- ▶ Light pollution from developments along foreshore;
- ▶ Potentially contaminated land in areas of old boat slipways, past industrial sites and coal loader.



The following is a list of environmental management recommendations relevant to the study area that might be included in the draft master plan:

- ▶ People attracted to the river foreshore would benefit from installation of additional environmental educational/interpretative signage in parks and along riverside walks;
- ▶ The sand/mud flats in the small bay west of the Trawler Harbour reserve could be revegetated with mangroves;
- ▶ Revegetation and weed removal of the small reserve on the eastern bank of the mouth of Fishery Creek;
- ▶ Formalise tracks through the mangrove and Casuarina vegetation west of the Trawler Harbour reserve and through the vegetation along Foreshore Reserve near Kingsford Smith Drive;
- ▶ Conserve the existing osprey nest sites and consider providing additional Osprey nesting sites between Faulks Park and the Burns Point Ferry;
- ▶ Installation of gross pollution traps and/or other pollution reduction measures at stormwater outlets;
- ▶ Conserve the existing sea grass beds on the edges of Fishery Creek;
- ▶ Conserve the Fig tree in the curtilage to the Ballina Naval and Maritime Museum;
- ▶ Conserve and incorporate into any redevelopment the Casuarina vegetation stand adjacent to Trawler Harbour along Fishery Creek.
- ▶ Install and maintain sediment and erosion controls on all new development and enforce sediment control plans;
- ▶ Revegetate part of Faulks Reserve with floodplain rainforest species with local provenance;
- ▶ Install solar or wind powered lighting in foreshore public parks;
- ▶ Ensure there are sufficient rubbish bins in reserves;
- ▶ Develop acid sulphate soil management plans in accordance with the ASSMAC Guidelines for any development involving earthwork;
- ▶ Install a bird watching facility with interpretative information in Foreshore Reserve (Kingsford Smith Drive) adjacent to the sand flat;
- ▶ Limit external lighting from future development to minimise impact on marine habitat and adjacent residential property and to reduce light pollution effects; and
- ▶ Undertake an assessment of potentially contaminated sites and consider remediation options if appropriate.

5.2.7 Climate Change and Flooding

Climate change is an important issue facing many coastal communities and foreshore land is effectively in the front line of any impacts. Impacts are likely to include increased sea levels, additional and more severe storm activity and changes to rainfall and flood regimes. Land less than 10 metres above sea level is regarded as being vulnerable to climate change (Ballina Shire Council, 2006) and all of the land in the study area is in this situation. Permanent and/or habitable structures within low-lying areas should be carefully considered in terms of retreat versus protection from climate change effects.

Much of the subject land is flood prone to some extent simply because it abuts the river. However, past

filling has lifted some foreshore land to above the 1% flood level. It is important that any structures that may be proposed for foreshore land are able to withstand inundation or have floor levels above the 1% flood event. An additional freeboard is normally added for storm surge (given the proximity to the mouth of the River) and Council may need to evaluate the need for a freeboard to account for climate change.

5.2.8 Aboriginal Heritage

A search of the AHIMS undertaken on 25 May 2007 indicated that there are no known Aboriginal objects or Aboriginal places recorded within the study area. The area is extensively modified by filling, rock wall construction and past industrial and commercial land uses.

However, there is no doubt that the area would have been extensively used by local Aboriginal people and there may still be sites or artefacts found if excavation takes place. Proper assessment will be required should this be proposed. Page et al (2007) suggests that the seas and foreshore lands of this part of the NSW coast have been recognised as a special place for meeting and gathering and for sharing resources and culture. The area has supported Aboriginal people for at least 22,000 years and includes many spiritual and culturally important sites such as middens, burial sites, ceremonial bora rings and open camp sites.

Even if no specific sites are found, the area is important to the Jali community and respect for their prior occupation of the land should be shown in any Master Plan.

A search of the National Native Title Tribunal web site shows that a claim application has been lodged by the Numbahjing Clan and related families within the Bundjalung Nation. The claim is for an area from approximately Broken Head in the North to Evans head in the South and covers the study area for the draft Master Plan. However as at May 2007 the claim had not been registration tested. The Numbahjing Clan are part of the Jali community.

5.2.9 Non Aboriginal Heritage

Table 3 summarises the non aboriginal places or items that are known to occur between Burns Point Ferry and the Missingham Bridge that have been identified and assessed as having heritage values according to the NSW Heritage Office. Many of these items or places have little or no physical representation but they indicate that the Ballina waterfront has historically been an important commercial site. Those places or items noted as having archaeological values are likely to be nominated on a schedule in Ballina Local Environmental Plan. The main archaeological site located on Crown or Council land is the Norco butter/bacon factory site which affects the RSL Memorial Park off Grant Street. Any footpath construction in this location would need to take into consideration the potential archaeological values that may be encountered. The other site is the thin strip of footpath land located between Martin Street and Fawcett Street, however this land has already been subject to recent footpath construction.

Together these sites form an excellent basis for a waterfront heritage trail or as part of signage and displays in open space areas.



Table 3 Foreshore Non Aboriginal Heritage Items or Places

Item/Place	Location	Reason Significance	for	Level of Significance
Cedar camp site	Along river-front between Las Balsa Plaza and Martin Street	Historic, social and archaeological	and	Local
River baths site	In river adjacent existing Memorial Pool	Historic		Local
Bagot's Mill site	Area bordered by Fishery Creek, Richmond River, River Street and Henry Philp Avenue.	Historic & social		Local
Bagot's Mill dumping site	Area fronting Richmond River and bordered by Tweed, River and Kerr Streets.	Archaeological		Local
Norco butter/ bacon factory site	Area fronting Richmond River and bordered by Kerr and Grant streets.	Historic archaeological	and	Local
Cannery site	Fawcett Street, Ballina.	Historic		Local
Barlow's slipway site	River Street (rear of DP 23 897 Lot 6)	Historic archaeological	and	Local
Sundowner slipway site	River Street (rear of DP 23 897 Lot 8)	Historic		Local
Fenwick's/White's slipway site	Area fronting Richmond River and bordered by Martin, River and Fawcett Streets.	Historic, archaeological		Local
Ballina historic wharf sites	On riverfront at end of Norton and Cherry Streets.	Historic		Local
Martin Street boat harbour	Martin Street	Historic		Local
Riverview Park	Brunswick Street	Social		Local
Norfolk Island pines	River Street and water front (DP 244 352 Lot 10 & DP 499 510 Lot 1)	Historic		Local
South Ballina Vista	-	Historic & aesthetic		Local
Fishery Creek	Fishery Creek	Historic		Local
Burn's Point Ferry	Burn's Point	Assessment still under investigation	-	-

5.3 Consultation Summary

After discussion with Council and the Department of Lands twenty community and Government groups were identified as representing key stakeholders in the study area and were contacted. Each group were given the option of providing a written response, attending an interview by telephone or in person, or providing digital photographs with commentary. Twelve of the twenty groups responded (60%) and an additional 8 river users attended a meeting organised by Ballina Shire Council's Economic Development Officer to discuss the proposed master plan. The list of key stakeholders targeted and the Feedback Sheet provided to them is in Appendix B.

The following is a summary of stakeholder consultation notes from in person and telephone interviews and written responses.

National Parks and Wildlife Service

22/06/07

- ▶ Use of aboriginal symbolism in the public areas would be acceptable including artwork;
- ▶ Aboriginal occupation and use of the subject land would have traditionally been widespread;
- ▶ No known aboriginal sites or relics remain in the subject land due to a history of disturbance and use post white settlement;
- ▶ Commercial uses typically don't prove to be a problem individually but public access to the foreshore is paramount;
- ▶ Excavation would be an issue with any development and onsite monitoring for aboriginal artefacts, and sites would be required;
- ▶ Vegetation embellishment is a positive thing and should be encouraged particularly along Kingsford Smith Drive foreshore to stop erosion and create and expand habitat areas.

Jali Aboriginal Land Council Representative and Ballina Shire Council Aboriginal Liaison Officer

27/06/07

- ▶ Both parties are appreciative of early consultation in the process over land that is significant to the Jali people;
- ▶ Acknowledged that there are no known sites or relics still in existence on the subject land but all of the foreshore of the Ballina River and Richmond River is significant to the Jali people and was heavily used in pre white settlement days;
- ▶ Jali are tentatively supportive of aboriginal symbolism and art being incorporated into the public spaces but would like to report these matters specifically back to the Aboriginal Land Council for deliberation;
- ▶ This consultation will be reported back to the Jali Land Council at the next opportunity;
- ▶ Jali are definitely interested in reviewing the draft Master Plan at a later stage and reserve the right to make a submission to any draft Master Plan.

Richmond River Fisherman's Co-operative

29/06/07

- ▶ The professional fisherman's co-operative owns the lease/licence for the existing trawler harbour and has an ongoing interest in remaining the lease owner for the commercial harbour area;
- ▶ They pay money to the Department of Lands for their lease or licence over the area and recoup that by charging commercial and recreational boat owners to use the mooring facilities. It costs about \$80,000



per year to run the boat harbour. They currently sell diesel to commercial trawler operators through an onsite facility which they would like to retain to keep the fuel costs as low as possible for their members;

- ▶ The trawler harbour does have a problem with siltation and the mouth and bed of the harbour have been shallowing up over the last ten years and they are not sure how bad this is going to get or what they are going to do about it given problems with dredging in these locations;
- ▶ The current harbour was built in the 1970s they believe and currently they don't receive much in the way of noise, light or smell complaints from neighbouring residential landowners and there doesn't seem to be much of a problem with the current mix of commercial and non commercial boats in the relatively small harbour;
- ▶ They don't really have a problem if this whole site was to be redeveloped for a major commercial marina but they stress the following two points:-
- ▶ Business costs for professional fisherman must be under the control of the co-operative's members including leasing costs and fuel sales if they are to remain as a viable industry and;
- ▶ There has to be some separation within the marina between the private boat owners and users from commercial operators and trawlers if they are to avoid problems and conflicts in the future.

The Ballina Sailing and Rowing Club

29/06/07

- ▶ Existing Club has space issues and they have effectively outgrown their site;
- ▶ They currently cater for sailing, rowing and dragon boat and outrigger canoe racing enthusiasts and also the handicapped sailors (from Lake Ainsworth) sometimes use their facilities as well;
- ▶ They really like their location and they need the boatramp adjacent to them and the carparking adjacent to that, they need their easy access across a low open sand dune to sandy beach all of which make for excellent small boat sailing conditions;
- ▶ They are worried about the downgrading of the adjacent boat ramp and are actually interested in taking over a larger area which may include the boatramp and the carpark if they could although they realise this would create issues in terms of public access;

- ▶ They definitely want to get involved in the planning of their site on the foreshore in the long term and want to be involved in the draft master plan although they acknowledge that a lot of their issues are very site specific;
- ▶ They have had problems with security in the past and have been forced to erect a large barbwire top fence which they acknowledge is not very pretty but does keep their equipment safe. It may be possible to soften the look of this fence;
- ▶ They are also investigating redesigning their building and improving the look and functionality of it;
- ▶ They are concerned about the very large solid pool fence immediately to the west of their location and consider there is a corner of this fence could be sliced off to increase site line to the shed which would decrease problems with bicycle riders coming across sailing boats crossing the public footpath with limited sight lines.

Rowing Club President

29/06/07

- ▶ In the long term the Rowing Club is concerned about the ability to hold regattas from its current location associated with the Sailing Club;
- ▶ The water is open and windy and relatively shallow and doesn't provide ideal rowing conditions, it is a much better place for a sailing club than a rowing club;
- ▶ If the rowing club is to expand the current site with the sailing and rowing club together has insufficient room for larger boats such as fours and eights and a larger collection of boats that is required for a club to grow;
- ▶ The rowing club would ideally like a space on the foreshore somewhere upstream from their current location more towards Burns Point Ferry that would provide a better location for a rowing shed and club house and equipment storage area;
- ▶ They consider that Faulks Park is a good site that could potentially be used for a rowing club and facility subject to closer examination of the site characteristics and the needs of the rowing club. They would like the concept of a rowing club at Faulks Park to be considered in the draft master plan.



NSW Marine Authority

9/7/07

- ▶ Support the creation of public infrastructure for the boating public including jetties and wharves.
- ▶ Support the location of a sewage pump out facility in a location suitable for recreational boating.
- ▶ Have no objection in principle to an expanded marina site at the existing trawler harbour.
- ▶ Are not currently considering lifting the plying limit on self hire boats on the Richmond River (currently at Lance Ferris park, due to safety issues.
- ▶ Recently established 22 moorings in Emigrant Ck and they are already full with a waiting list.

Ballina Boat Hire

02/07/07

- ▶ He has been interested in locating pontoons at the end of Moon Street in the Ballina CBD for sometime and has had meetings with Council Officers and elected representatives. He has looked at a range of sites and is currently running his boat hire business from private waterfront land in the vicinity of the Gateway development site;
- ▶ He is limited in his options by a prohibition (imposed by NSW Maritime) on hire boats down stream of Lance Ferris Park. He needs a riverfront site upstream of Lance Ferris Park where he can hire small low powered boats to the general public from a 36 metre commercial pontoon with jetty. He would also like to have some sort of floating booking office and be available to hire boats on the water all the time. He needs parking for clients and traffic movement and access will be an issue;
- ▶ He needs a long term lease on any site to justify the investment and infrastructure but is prepared to share the infrastructure with the general public and boating public generally;
- ▶ He would consider the current Martin Street Harbour but it is downstream from the NSW Maritime prohibition area and he is not allowed to run the boat hire business from this location;
- ▶ He would consider an external riverside location in the vicinity of the existing trawler harbour and proposed marina site and would consider that this might yield a viable option as long as he could have river based pontoons and be physically separated from the yachts and professional fishing boats that would use the marina;
- ▶ He would like to see a number of sites nominated in the draft master plan as being potentially suitable for boat hire businesses such as his to increase public use and interest in the river.

Commercial River Users Group meeting

10/7/07

- ▶ Fishery creek boat ramp is an excellent resource and the only one capable of launching the larger boats, however needs an extra pontoon and the ramp needs a 1 metre extension for better use at low tide.
- ▶ Proposed marina site (existing trawler site) is supported as a commercial marina site and needs to include a fuel facility, sewage pump out facility, access for cruising yachts and boats, permanent moorings and associated commercial development such as chandlery, laundry etc.
- ▶ Very important that the creation of any commercial marina is via a transparent process that allows all to

have the opportunity to be involved.

- ▶ Regatta Ave (Martin St) harbour needs to be kept as a CBD focus for commercial operators in Ballina eg tour operators, pick up/drop off facilities, sewage pump out, fuel facility, and full renovation/beautification. It also needs the curtilage re-assessed in terms of the buildings that surround it and the uses that back onto it such as the Police yards and the Telstra building. Access and parking need review. Opportunities for cafes and the like should be undertaken perhaps using some of the existing buildings.
- ▶ Captain Cook park needs to be completed by Council in accordance with the beautification project, and if not then it should be reconsidered as an opportunity to secure an additional boating facility such as boat hire with associated parking, vehicle access and booking office. This would be associated with additional extra pontoons including public pontoons access.
- ▶ Generally the group agrees that public access to the foreshore is a major issue and needs to be an important feature of the masterplan.
- ▶ Given the long term timing of many aspects of the masterplan, there is a need for interim measures such as an extension to the existing Lance Ferris park pontoon at its eastern end, by the addition of one pole and a floating pontoon. This would allow commercial operators to pull up there even when other boats were there, such as visiting tall ships. Council may need to consider signage to boat operators indicating how long they can stay at the wharf to avoid overstaying.

Ballina Naval and Maritime Museum

12/7/07

- ▶ The group are currently applying for heritage funding to prepare a heritage walk along the foreshore area with information plaques that indicate the history of past buildings and land uses. Would like to see this supported in the master plan.
- ▶ Support the retention and expansion of the Martin St (Regatta Ave) harbour with a view to keeping the maritime theme alive on the foreshore.
- ▶ Would like to make comment on the draft master plan when it is produced.

W.A.T.E.R

24/7/07

- ▶ It will be hard to dramatically change the use of the Council and Crown Land specified in the foreshore masterplan due to their zoning under the Ballina LEP and designation under Ballina DCP. If dramatic changes of use were proposed for these sites strong community opposition is expected.
- ▶ Community are interested to see what will be proposed for the trawler harbour site.
- ▶ Crown Land (or Council land) in front of the Ramada and new apartment development on Martin St is not identified on the subject site plan included with the stakeholder feedback sheet.



Stakeholder consultation notes from written responses

Ballina Environment Society

29/06/07

- ▶ Time allowed for community consultation is inadequate;
- ▶ Foreshore masterplan is a significant document and has long term implications. Widespread community consultation is vital;
- ▶ Richmond River is pivotal in the ecology of the Cape Byron Marine Park;
- ▶ Sea grass beds in the River are highly significant ecosystems that need protection;
- ▶ No seagrass beds should be damaged or destroyed for any marina or other development that may come out of a masterplan;
- ▶ Any development in the masterplan should be assessed in terms of its impact on the Cape Byron Marine Park;
- ▶ The masterplan should be based on the precautionary principle;
- ▶ Shadowing effects on the marine environment by buildings or structures on or near the foreshore should be a consideration;
- ▶ Should consider the NSW Govt Healthy Rivers report, Great Barrier Reef Marine park Authority studies on foreshore and watershed planning, and United nations reports on coastal ecology.

Ballina RSL Fishing Club

28/06/07

- ▶ Support picnic tables and BBQ areas near the boat ramp at Fishery Creek.
- ▶ Need additional car parking and boat trailer parking in the corner of the existing RTA compound.
- ▶ Support increasing the existing marine area to include public moorings, refuelling and extra parking.
- ▶ Support an increase in the size of the Fishery Creek boat ramp to accommodate increased use.

NSW Department of Primary Industries

4/7/07

- ▶ Richmond River Recreational Fishing Haven affects the entire study area and needs to be recognised as an important recreational resource for the community and the region. Public access is vital to maintain the full value of this resource.
- ▶ Commercial fisheries rely heavily on the trawler harbour and boat ramps and access to these should be maintained.

- ▶ Aquaculture in the Richmond River is an important industry and requires good water quality to remain viable. Any development should be water sensitive.
- ▶ Habitat protection is vital to maintaining aquatic ecosystems. Marine vegetation should be valued highly and any dredging or reclamation work should be carefully assessed and the impacts ameliorated.

Richmond River Cruises

17/7/07

- ▶ Water quality in the river from riverside development and stormwater is an issue
- ▶ A sewage pump out facility is needed for boats that use the river (commercial or otherwise)
- ▶ The Regatta Ave (Martin St) harbour needs a fuel facility, sewage pump out and needs to be the hub of commercial boating on the river
- ▶ Public access at all locations should be maintained and there should also be seating and walkways

Key improvements would be fencing for increased public safety along Lance Ferris Park, more seats and shade trees near the RSL club and a larger entrance to the Regatta Ave (Martin St) harbour.



5.3.1 Summary of Submissions Received During the Exhibition of the Draft Ballina Fore Shore Master Plan

Seventy five submissions were received and are summarised by issue above. Of these, two were from Government Departments (DPI and the RTA). No submission was received from NSW Maritime and a draft concept for Regatta Ave harbour (prepared some time ago) was not provided when requested.

The majority of submissions were from residents in Riverside Drive or nearby and were objections to the proposed rowing club at Faulks Reserve. The five most popular items noted in submissions were the marina concept for the trawler harbour site, the cycle way and footpaths along the foreshore, the whole master plan, shade and BBQ's and habitat rehabilitation.

Table 4 Summary of Submissions

Issue	Description	Planning Comment	Action
Access for swimmers	Provide access points (ladders) for people wishing to swim in the river	The rock walling of most of the river bank does make access for swimmers and the disabled difficult. The master plan currently recommends a formal access point with a ramp or suitable facility be located along the Kingsford Smith Drive part of the foreshore.	No change recommended. Already addressed.
Broadwater or Woodburn ideal area for rowing or "further upstream"		The study area was limited to public foreshore land between Burns Point ferry and Missingham bridge.	No change recommended. Council and the Department of Lands may choose to undertake a similar master plan for other areas at a later date.
Climate change needs to be fully considered on riverfront development	May lead to increased occurrence of inundation of fore shore land from storm surge and flooding.	Any structures proposed in fore shore areas will need to be designed with this in mind. Any habitable structures or commercial development (eg the potential marina site) will need to have floor levels that reflect any predicted changes resulting from climate change.	No change recommended. Council will need to assess future development applications in relation to climate change issues.
Concern for Richmond River's health	Fish, pollution, erosion – has it been fully addressed?	The intent of the master plan is to suggest a broad outline of potential uses for all sites and some more specific recommendations for some key sites. It was not intended to examine the environmental impacts of individual ideas as these can only be properly examined through a process such as a development application assessment.	No change recommended. Individual ideas will need to be assessed on their merits through the development application process if they are to be taken further.
Currently only one jetty to access CBD	Provide further jetty or a pontoon for boaters to access CBD	The master plan currently recommends an additional pontoon at the edge of Captain Cook park in the CBD. It also recommends a pontoon in the Regatta Ave harbour and public riverside moorings adjacent to the harbour.	No change recommended. Already adequately addressed in the master plan



Issue	Description	Planning Comment	Action
Faulks Reserve – proposed rowing club.	<p>Proposed rowing sheds & activities will impact negatively on residences/citizens.</p> <p>The area should remain residential with a passive park as requested by the benefactor.</p> <p>Most residents believe that the park is not under utilised, quoting problems getting a park at peak times, fishing, boating, picnics, walkers, dog owners and weddings as proof that park is being used to full advantage.</p> <p>The water conditions totally unsuitable for rowing.</p>	<p>Sixty five submissions raised objections to the idea of locating a rowing club in Faulks Reserve. The specific issues raised include the impacts on residents of Riverside Drive such as disruption to views, traffic, parking, noise and security lights. Also raised were the issues of the intention of the park's benefactor, the impacts on current passive users of the park (loss of open space), the privatisation of public land, the impacts on the environment from increased use, and the suitability of the river for rowing in that location. It was also commented that this aspect of the master plan should have been discussed specifically with the residents most directly affected.</p> <p>Rowing clubs are normally located on public land in river foreshore locations. This can be expected to impact on the views of houses that currently look over such a site. However, the level of impact can only really be gauged when a specific site is identified and a specific building is proposed. This happens at the development application stage rather than at the broad conceptual stage of a master plan. Similarly, the traffic, parking, noise and light, and environmental issues would all have to be addressed at this later stage when a detailed proposal is available.</p> <p>The issues that need to be determined at this master plan stage are the relevance of the original intent of the landowner in donating the land to Council, the potential 'privatisation' of public land, the loss of passive open space and the basic suitability of the site in relation to the park size and the water aspects.</p> <p>The original owners intent in donating the park is as espoused in a plaque located on the site. It is true that a rowing club would occupy land that would no longer be available to the general public. This occupation would be by lease arrangements and the Council would remain the owner of the land. It would not be 'privatised' in this regard. Having a rowing club in the area would also introduce a new group of users to the park that have an interest in rowing. This arguably expands on the public use of the park. It is open for anyone to join a rowing club and get access to its facilities.</p> <p>It is understood that there are no restrictions on the title of this land imposed at the time it was transferred to Council.</p> <p>The <i>Community Facilities and Open Space Needs Analysis</i> (ERM, 2004) found that Ballina township has quite high rates per capita of local and district parks, but the facilities in these parks could be improved. The creation of parks that are multi purpose with opportunities for play equipment, BBQ's, sporting activities and family activities is to be encouraged. The consideration of a rowing facility would be consistent with this position and is not likely to create a shortage of passive public open space.</p> <p>The physical attributes of the park that make it attractive for additional sporting facilities such as a rowing club are its size (1.5 ha) its long foreshore access (enhanced viewing and opportunity for passive access) and public amenities (boat ramp and toilets). A submission from the local rowing club suggests that the water adjacent is suitable for a rowing course and can be located to avoid the ferry and the trawler harbour as well as the entrance to the canal estate. Course options range from 500m to 2000m depending on the event. The course does not have to be laid out parallel to the shore.</p> <p>The residents were not consulted directly because the master plan has relevance to all residents of Ballina Shire whether they live near the foreshore or not. It was decided that all residents would be given an opportunity to comment through a long public exhibition process (42 days). Such exhibitions are normally only 28 days in length.</p>	<p>No change recommended. In the context of a master plan the idea has merit and is worth further investigation and evaluation through a development application process.</p>



Issue	Description	Planning Comment	Action
Faulks Reserve	Increase in commercial use will limit public usage of park	<p>A number of submissions objected to the reference in the background paper (chapter 5) that commercial facilities such as a café might be located in the park.</p> <p>The park is currently categorised as “community land” under the Local Government Act and commercial use normally requires land to be “operational land”. Although the park has some characteristics suited to such commercial uses they are more likely to be successful at the trawler harbour site as part of a marina development.</p> <p>The Preferred Option for Faulks Reserve does not currently include a café or commercial use.</p>	No change recommended. Commercial use is not currently recommended.
Faulks Reserve	Bird life impacted negatively with development	The majority of Faulks Reserve is mown grass with a rock wall at the rivers edge. Although it would provide some roosting opportunities for wading birds at high tide, cover is limited and mangrove and mud flat areas at South Ballina would be more attractive. It is true that additional facilities placed in this park that increased its use would not increase its value to wildlife.	No change recommended.
Faulks Reserve – boating facilities	Suggested improvements to boat ramp including a boat tie up area and floating pontoon that allows easy access at all tide levels.	The boat ramp at Faulks Reserve is well used. However it was noted in the Lower Richmond Boating Study (2005) that it would be more functional if a tie up area or pontoon was provided to allow boat users to moor safely while bringing their vehicle back to the ramp to collect the boat (and vice versa). The suggestion of a pontoon to enable safe access to boats at all tides is consistent with this. The master plan currently recommends an additional pontoon for boat tie up be located adjacent to this boat ramp.	No change recommended.
Faulks Reserve – boat hire	Will require fuel tanks etc – dangerous in residential area	A number of submissions objected to the reference in the background paper (chapter 5) that a boat hire business might be located in the park. Although this was discussed, it was not recommended as a preferred option for this location.	No change recommended.
Faulks Reserve - Osprey Pole	Faulks Reserve in flight path – could cause air collision – inappropriate.	Two submissions objected to the preferred option of putting an additional osprey pole in this park. However, two other submissions listed it as something that should be supported. It is highly unlikely that an osprey pole will lead to an air crash as the birds generally stay at low altitudes to hunt fish in the river. It is important that the master plan contain some environmental improvements where possible.	No change recommended.
Faulks Reserve amenities	Great to provide more shaded seating and gas BBQs	A number of submissions supported increased seating and BBQ facilities in this park. The master plan currently recommends embellishment of facilities and this is consistent with the <i>Community Facilities and Open Space Needs Analysis</i> (ERM, 2004).	No change recommended. Embellishment of amenities already endorsed in the master plan.
Faulks Reserve for rowing club	River & riverbank conditions & positioning are ideal for rowing	<p>A detailed submission was received in support of the location of the rowing club in this park. The main reasons are:</p> <ul style="list-style-type: none"> ▶ that the park is physically well suited to locate a club and to view rowing; ▶ the park has a river bank which is suitable for a launching pontoon, ▶ the river has water that is well suited to rowing and has sufficient space to handle the various course lengths; ▶ the site is in town making it easy to access for schools and people who row before or after work. ▶ the park has a boat ramp and an amenities block which are also important. <p>The submission also summarises the reason why the club wants to move from its current location, the economic benefits of having a rowing club in Ballina and the importance of rowing in promoting a healthy community and involving children in sport.</p> <p>For planning comments refer to the previous comments on the objections to the concept of a rowing club being located on this site.</p>	No change recommended.



Issue	Description	Planning Comment	Action
Faulks Reserve Walk way and cycle way	Would be pointless as homes front the river, no access	The concept of developing a walkway or cycle way over a large distance such as from Missingham Bridge to Burns Point Ferry will always be a challenge because of the physical problems such as the breaks in continuity caused by waterways as well as the tenure issues caused by privately owned waterfront land. However, it is clear that if Council persists over a long period of time then each of these can be overcome as the opportunity arises.	No change recommended.
Fencing of all river side walkways	To protect the walkway users	Council has to date avoided fencing of walkway areas and staff indicate that it is not preferred due to its visual impact, maintenance issues and cost.	No change recommended.
Fishery Creek/RTA site	Marina, rowing club & boat hire located here	<p>Sixteen submissions suggested that they supported the idea of a marina at the trawler harbour and RTA site. A number also suggested that this would be a good location for a boat hire business and for a rowing club.</p> <p>It is good that the idea of a marina with commercial development has some support. The draft master plan suggested that a boat hire business might be located here.</p> <p>The concept of housing the rowing club in this location has some merit in terms of access to water, parking and the distance to the nearest houses. However there are potential problems with co-locating powered and unpowered boats in one location due to the wash that comes from power boats and the inability of rowing craft to evade collisions with limited space.</p>	No change recommended. However Council might consider the idea of locating a rowing club in this location if it chooses not to proceed with the Faulks Reserve idea.
Jet Boat Surf Rescue	Need to allocate funding to relocate them Jet Rescue Boat needs to be incorporated in any design	The jet boat surf rescue facility is currently located in the Regatta Ave harbour in a locked boat shed. The boat needs to be easily launched for a quick response time to a boating incident at places like the Richmond River bar. It is agreed that removing the buildings on the northern edge of the harbour would displace the jet boat surf rescue facility. The service has already considered moving to a suitable location at North Creek, but has no funds to enable the move. The master plan is likely to be implemented over the long term and it is not intended that the jet boat surf rescue facility be removed without having a suitable place to go. The northern edge of the harbour can only be opened up by the removal of the buildings but this is something that may take place one building at a time as the users are able to make other arrangements.	No change recommended.
Kingsford Smith Drive	The movement of sandbank needs to be considered	Providing access to a sand spit area that moves will be difficult. However, the technical problems should be addressed when a specific site is chosen. Solutions can be tailored to the circumstances of the site.	No change recommended.
Need to look further up the river to place some of these facilities		Other foreshore locations may be assessed by Council or the Department of Lands in the future.	No change recommended. The brief was limited to a defined area.
Need to provide full facilities for recreational vessels at a marina (power & sail)	Inc pump out, power, fresh water, toilets, shower, laundry	The foreshore master plan suggests that the trawler harbour site be expanded to a size that allows for a full range of facilities and services. However, the detail of what should be included will need to await a specific proposal.	No change recommended.
Port access	Currently limited safe access at the river mouth	<p>It is true that problems with a shallow or dangerous river bar and boating channel will limit the ability of ocean going boats to use a marina or any other facilities that may be provided. However, if no plans are in place to improve the boating facilities of the Richmond then there is little incentive to improve the boating channels or river bar. On balance the two matters should proceed simultaneously. As the idea for an improved marina goes forward the issue of the river bar should be further investigated to determine the feasibility of any improvement options.</p> <p>Note also that the river bar is outside the study area for this master plan.</p>	No change recommended.



Issue	Description	Planning Comment	Action
Positive things that the community noted about the draft master plan		<p>The pro forma that Council used on its web site provided an opportunity to state what people liked the most about the draft foreshore master plan. The following is the list of issues that were nominated and the number of submissions that mentioned the issue:</p> <ul style="list-style-type: none"> ▶ Proposed marina (13) ▶ Fore shore cycleway/footpath (11) ▶ The whole master plan (10) ▶ Shade and BBQs (8) ▶ Habitat rehabilitation (7) ▶ Osprey pole at Faulks Reserve (4) ▶ Better boat facilities (4) ▶ Regatta Ave harbour redevelopment (4) ▶ The opportunity to comment (2) ▶ The vision (2) ▶ More playground equipment (2) ▶ Improved sand spit access (2) ▶ Pontoon at Faulks Reserve (2) ▶ Fore shore interpretative trails (1) ▶ Increased public access (1) ▶ Changes to Captain Cook Park (1) 	
Trawlers should be berthed at Regatta Ave site		Trawlers have been berthed at Regatta Ave in the past, however it is quite shallow and has a narrow entrance which makes it difficult to manoeuvre large boats, particularly at low tide. The industrial nature of a trawling fleet would likely be incompatible with the redevelopment and tourism focus going on around this harbour. There are no refuelling facilities at this site and it is quite distant from the Co-op facility on the western edge of town.	No change recommended.
Kingsford Smith Drive	Lighting needed on walkway	This walkway is likely to become more popular for evening walks and the use of subtle lighting is a good idea that may make the path safer and easier to use.	Change recommended. It is recommended that the Kingsford Smith Drive Option be altered to include: "13. Install pathway lighting consistent with that used in the Lance Ferris Park"
Needs more emphasis on development of new industries and industry sectors		The draft master plan tries to balance the three concepts of economics, social and environmental within individual areas and across the whole of the 21 pieces of foreshore land assessed. Much of the land is small in area or awkward in shape and is unlikely to yield genuine opportunities for new industries. The largest piece of land is identified for a marina site and this will hopefully be a boost to the marine industries of the Ballina area.	No change recommended.
Renaming of Fawcett Park	Objects to this decision on the grounds that other parks in the foreshore that are currently un-named could have been named after lance Ferris eg trawler harbour area.	Council made a decision to change the name of Fawcett Park to Lance Ferris Park. The merits of this decision are not a consideration for this master plan, but the references in the master plan to this park should be changed to reflect Council's decision.	Change recommended. It is recommended that all references in the broad level options and the site specific preferred options be amended to refer to Lance Ferris Park instead of Fawcett Park.



Issue	Description	Planning Comment	Action
Riverview Park – boardwalk	A high boardwalk would make access to “sandy beach” area difficult and boardwalk at property level would create security issues for property owners	The concept of having access along the foreshore may not involve raised boardwalks. It is also agreed that dead end walks are not as good as walkways that connect with other access points. In some cases access to a sandy beach would be preferred. However the broad level option of establishing a walkway in all foreshore locations (where it is physically possible) is a valid goal for Council to have.	No change recommended.
Need a Ski zone on the river	Suggested ski zone near Fishery Creek.	The idea of having an area set aside for skiers may have merit, but is outside the brief for this master plan and needs to be taken up with Maritime Services.	No change recommended.
Trawler Harbour	Expansion of existing facility to the north to allow for possible residential apartments. Maintain the native vegetation along the riverfront adjacent to the Trawler Harbour	Both these suggestions are consistent with the Preferred Option in the draft master plan for this site.	No change recommended. Already addressed in the draft master plan.
Port of Ballina Concept should have been considered in the draft master plan	A series of reports and economic studies were undertaken in 1998 and 1999 that affect an area that overlaps with the study area for this draft master plan. The studies were brought forward during the public exhibition.	The Port of Ballina reports focussed primarily on an area between the swimming pool and Kerr street and included public and private land within a one to two block width of this area. The ideas included things that have now happened such as the redevelopment of Fawcett Park (Lance Ferris Park), and a board walk in front of the RSL club (soon to be constructed). As well as things that have not happened such as the western expansion of the Regatta Ave harbour onto what is now the Ramada site. It is unfortunate that this information was not made available at the time of doing the literature review as it appears quite relevant. Some of the key recommendations that directly affect the master plan study area include the establishment of a board walk or pathway along the entire foreshore length; redevelopment of the Regatta Ave boat harbour as a tourism related waterway with the potential for private berths if appropriate; and consideration of the economic benefits of the foreshore area as well as the social and environmental benefits. Council needs to consider if it has moved on from the Port of Ballina concept as a whole and whether it wants to endorse it as a Council document.	No change recommended. The Port of Ballina studies should have been considered in the literature review. However, having now been reviewed the specific recommendations for the public land in this study area are largely consistent with the draft master plan.
Trawler Harbour - Marina site	Trawler Harbour is too small, consider using west of Burns Point Ferry Road	At over 9 ha, this site is the largest in the study area. It is agreed that if a 400 plus berth marina is required than this site is unlikely to be suitable. It is appropriate that a proposal for a marina design be undertaken in due course and then considered on its merits as to whether it is a viable proposition. If not, then sites outside of this study area will need to be considered.	No change recommended.
Did special interest groups get preferential treatment in formulating the master plan? Why was the Regatta St Boat Dock Association not consulted? Why was the RTA not consulted?		The process of formulating the master plan is documented in the Background Paper. Twenty community and government groups were given an opportunity to complete a pro forma and /or participate in an interview. Twelve groups responded and gave their views which did help formulate the draft master plan. It was not intended to leave any groups out, but it was decided not to consult individuals until the full public exhibition phase when ideas would be available for people to consider. It is not known if the Regatta Street Boat Dock Association existed at the time that the initial stakeholder consultation was undertaken. The Department of Lands advised that it had commenced consultation with the RTA about its long term future at the Crown land site adjacent to the trawler harbour. The outcome of this consultation is not known at this stage.	



5.4 Constraints and Opportunities

The major issues, ideas and limitations applicable to the study area can be pulled together into a constraints and opportunities map (Map 8).

Constraints include the physical characteristics of the study area such as the extensive rockwalling of the rivers edge, the presence of acid sulphate soils throughout all of the land, the low lying nature of the land that makes it vulnerable to flooding and climate change effects and the possible contamination from past commercial and industrial land uses.



Other constraints include the mix of privately owned foreshore land interspersed between the public land and the gaps in the foreshore as a result of water bodies such as the Regatta Ave (Martin Street) harbour, Fishery Creek, and the West Ballina canal entrance.

Opportunities include the possibility for a near - continuous foreshore walking track and cycle way from Missingham Bridge to Burns Point Ferry (subject to resolution of water crossings and private foreshore land); redevelopment of the trawler harbour for an expanded trawler and recreational marina with associated commercial development and residential development; upgrade of recreational boating facilities such as boat ramps and parking; embellishment of the Regatta Ave (Martin St) harbour as a river tourism focus; improvements to the Captain Cook Park including additional commercial uses and recreation embellishment; additional recreational facilities at Faulks park and native vegetation rehabilitation along the three main regional wildlife corridors in the vicinity of Kingsford Smith Drive, Fishery Creek and Burns Point Ferry.

BALLINA FORESHORE MASTER PLAN

Map 1 Ballina LEP 1987

Legend

-  Rivers
-  Cadastre

Zones

- 1(a2) Rural (Coastal Lands Agriculture)
- 1(b) Rural (Secondary Agricultural Land)
- 1(d) Rural (Urban Investigation)
- 2(a) Residential (Living Area)
- 3 Business
- 4 Industrial
- 6(a) Open Space
- 7(a) Environmental Protection (Wetlands)
- 7(l) Environmental Protection (Habitat)
- 8 National Parks
- K29 Not Zoned (Closed Road)

North



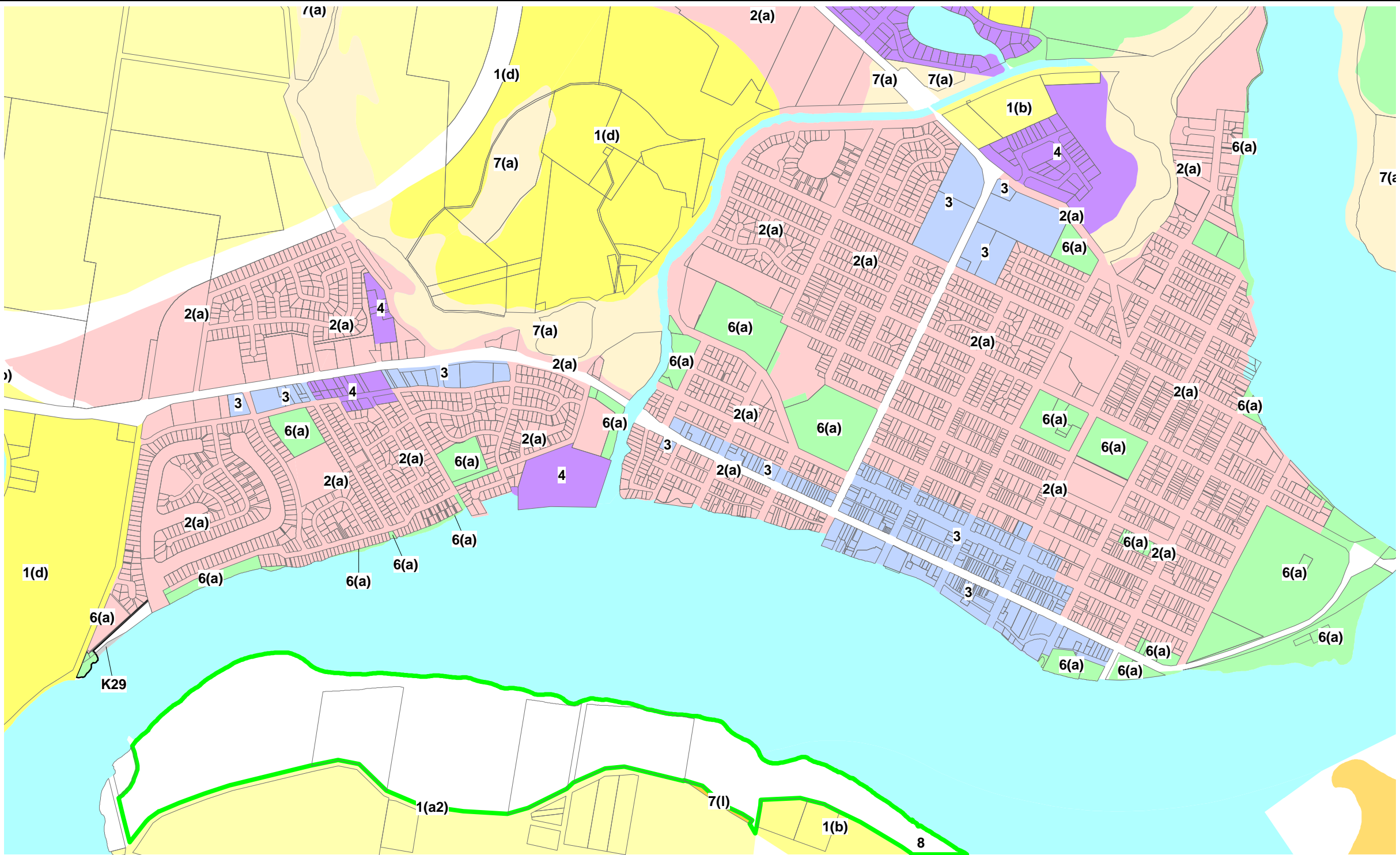
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Source Information Supplied by Ballina Shire Council



BALLINA FORESHORE MASTER PLAN

Map 2 Ballina DCP 2006

Legend

-  Rivers
-  Cadastre

DCP Designations

- 01 Open Space
- C1 Ballina Business District
- C3 Local Centre
- C4 Special Centre
- D Duplex
- HR Historical Items
- I1 Local Industry
- I2 General Industry
- L1 Low Density (Large Lots)
- L2 Low Density (Dwellings & Dual Occupancy)
- LDC Long Day Care Centres
- M1 Medium Density
- P1 Planned Urban Development
- T1 Tourist Accommodation

North



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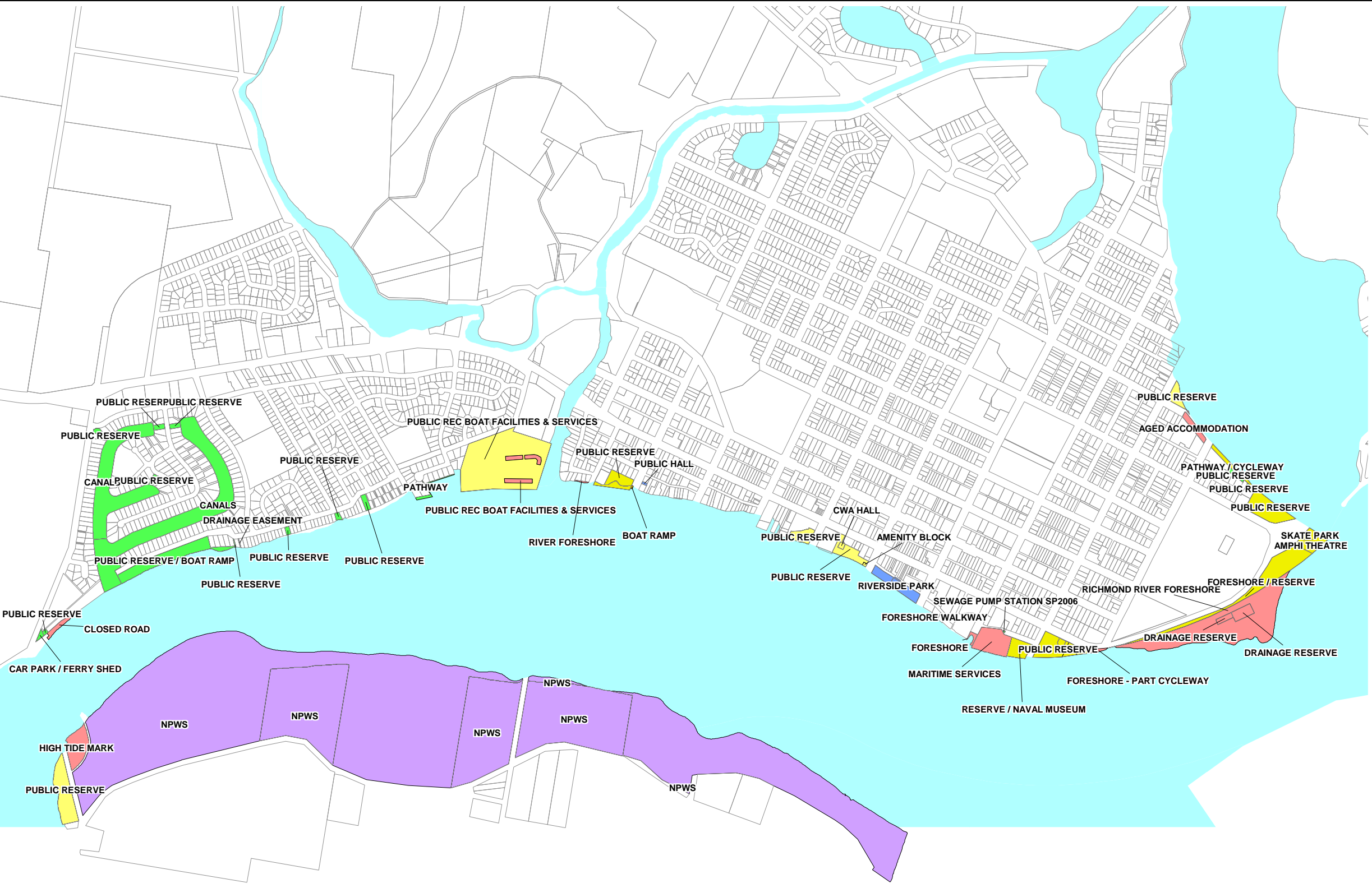


BALLINA FORESHORE MASTER PLAN

Map 3 Ballina Shire Council Land Use Register

Legend

-  Rivers
-  Cadastre



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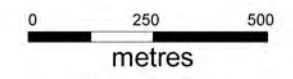


BALLINA FORESHORE MASTER PLAN

Map 4 Shared Cycleways and Walkways

Legend

-  Shared Cycleway
-  Constructed Walkway
-  River
-  Cadastre



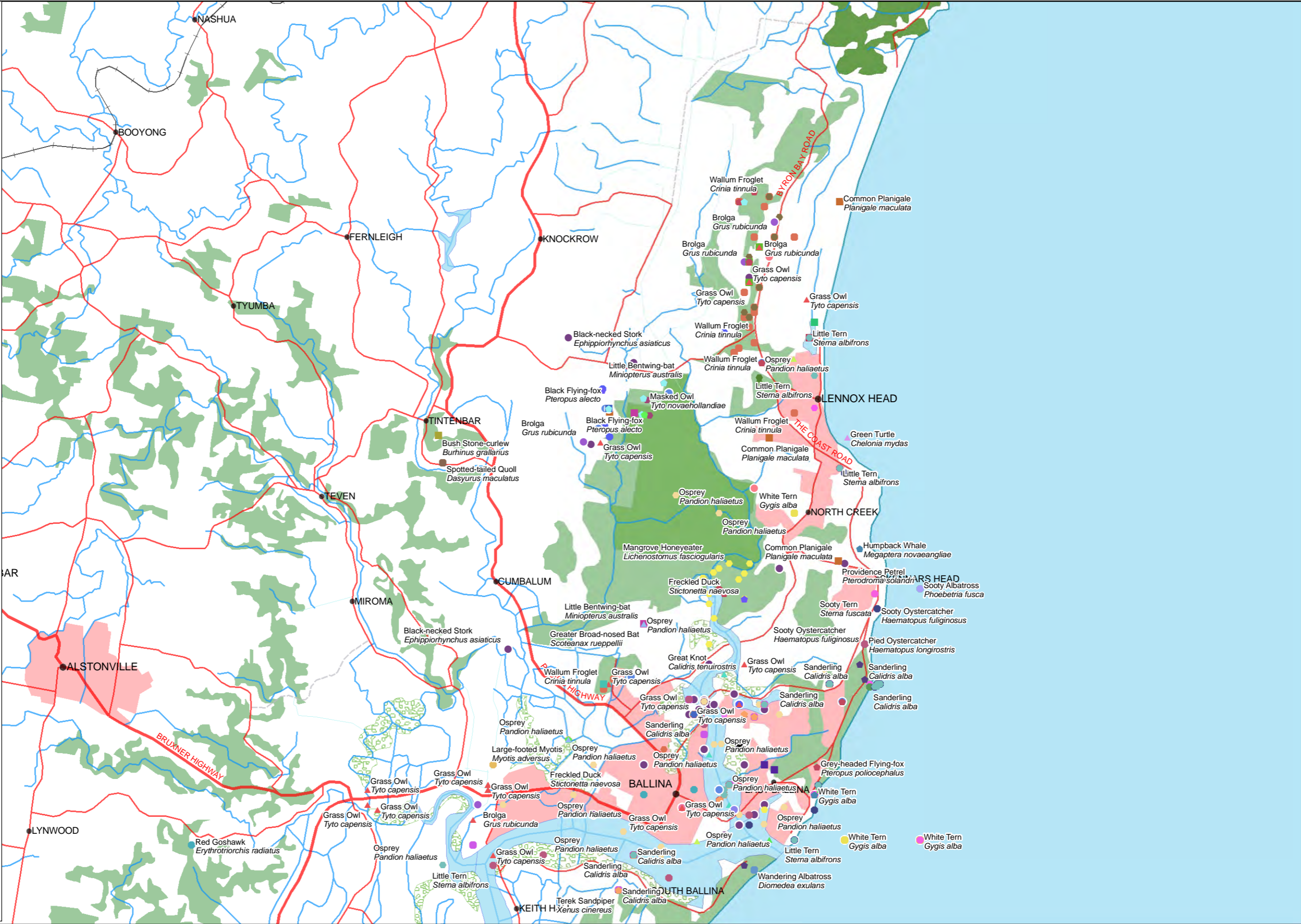
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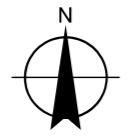


- LEGEND**
- AUSTRALASIAN BITTERN
 - BARRED CUCKOO-SHRIKE
 - BEACH STONE-CURLEW
 - BLACK BITTERN
 - BLACK FLYING-FOX
 - BLACK-NECKED STORK
 - BLACK-TAILED GODWIT
 - BLACK-WINGED PETREL
 - BROAD-BILLED SANDPIPER
 - BROLGA
 - BUSH STONE-CURLEW
 - BUSH-HEN
 - COLLARED KINGFISHER
 - COMB-CRESTED JACANA
 - COMMON BLOSSOM-BAT
 - COMMON PLANIGALE
 - EASTERN BENTWING-BAT
 - EASTERN FREETAIL-BAT
 - EASTERN GROUND PARROT
 - EASTERN LONG-EARED BAT
 - ▲ FLESH-FOOTED SHEARWATER
 - ▲ FRECKLED DUCK
 - ▲ GLOSSY BLACK-COCKATOO
 - ▲ GOULD'S PETREL
 - ▲ GRASS OWL
 - ▲ GREAT KNOT
 - ▲ GREATER BROAD-NOSED BAT
 - ▲ GREATER SAND-PIPER
 - ▲ GREEN TURTLE
 - ▲ GREEN AND GOLDEN BELL FROG
 - ▲ GREY TERNLET
 - ▲ GREY-CROWNED BABBLER (EASTERN SUBSPECIES)
 - ▲ GREY-HEADED FLYING-FOX
 - ▲ HUMPBAC WHALE
 - ▲ KOALA
 - ▲ LARGE-FOOTED MYOTIS
 - ▲ LEATHERY TURTLE
 - ▲ LESSER SAND-PIPER
 - ▲ LITTLE BENTWING-BAT
 - ▲ LITTLE SHEARWATER
 - ▲ LITTLE TERN
 - ▲ LOGGERHEAD TURTLE
 - ▲ MAGPIE GOOSE
 - ▲ MANGROVE HONEYEATER
 - ▲ MARBLED FROGMOUTH
 - ▲ MASKED BOOBY
 - ▲ MASKED OWL
 - ▲ MITCHELL'S RAINFOREST SNAIL
 - ▲ OLBONBURRA FROG
 - ▲ OSPREY
 - PAINTED SNIPPE (AUSTRALIAN SUBSPECIES)
 - PIED OYSTERCATCHER
 - PROVIDENCE PETREL
 - RED GOSHAWK
 - RED-TAILED TROPICBIRD
 - ROSE-CROWNED FRUIT-DOVE
 - SANDERLING
 - SOOTY ALBATROSS
 - SOOTY OYSTERCATCHER
 - SOOTY TERN
 - SPOTTED-TAILED QUOLL
 - SUPERB FRUIT-DOVE
 - TEREK SANDPIPER
 - WALLUM FROGLET
 - WANDERING ALBATROSS
 - WHITE TERN
 - DUAL CARRIAGEWAY
 - PRINCIPAL ROAD
 - SECONDARY ROAD
 - MINOR ROAD
 - TRACK
 - RAIL LINE
 - FOOT TRACK
 - RESERVOIR
 - WATERCOURSE AREA
 - LAKE
 - WATERCOURSE
 - POPULATED PLACE
 - LOCATION
 - BUILT UP AREA
 - FOREST
 - MANGROVE
 - RAINFOREST
 - FORESTRY RESERVE
 - INDIGENOUS RESERVE
 - NATURE CONSERVATION RESERVE
 - WATER SUPPLY RESERVE
 - MAINLAND



1:75,000 for A3
 0 375 750 1,500 2,250 3,000
 Metres

Map Projection: Universal Transverse Mercator
 Horizontal Datum: Geodetic Datum of Australia 1994
 Grid: Map Grid of Australia, Zone 56











Ballina Shire Council
 Ballina Foreshore Master Plan
 NSW Wildlife Atlas recordings
 Fauna sightings
 28 | June 2007

job no. | 22-13415
 rev no. | A
Map 6

BALLINA FORESHORE MASTER PLAN

Map 7 Flora/Fauna Records and Wildlife Corridors

Legend

-  Pandanus
-  Flora Record (BSC Register)
-  Fauna Record (BSC Register)
-  Public Reserve Park
-  Open Space Parks
-  NPWS Corridors
-  Rivers
-  Cadastre

Note: The flora and fauna records on the BSC register are not necessarily threatened or vulnerable species.

North



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LEGEND

-  EXISTING PEDESTRIAN WALKWAY
-  RESTRICTED PUBLIC ACCESS
-  WILDLIFE CORRIDOR
-  NEW FORESHORE ACCESS AND EMBELLISHMENT
-  SHARED PEDESTRIAN AND CYCLIST PATHWAY



DRAFT



CLIENTS | PEOPLE | PERFORMANCE

BALLINA SHIRE COUNCIL AND DEPARTMENT OF LANDS job no. | 22-13415
 BALLINA FORESHORE DRAFT MASTERPLAN rev no. | A

CONSTRAINTS AND OPPORTUNITIES

scale | 1:15000 for A3 date | AUGUST 2007

Map 08



6. References

Ballina Shire Council, 2002. Principal Generic Plan of Management for Community Land.

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GHD, 2005. Lower Richmond Boating Study.

Page, A, Gallagher, M, Stewart, W. 2007. Developing a Partnership with the Local Indigenous Community at Cape Byron Marine Park. In Waves, Vol 13, Number 2.

Richmond River County Council, 2006. Richmond River Estuary Processes Study.



Appendix A

Memorandum of Understanding – Ballina Shire Council and Department of Lands

DATED

2006

MARINE PRECINCT BALLINA

MEMORANDUM OF UNDERSTANDING

NSW DEPARTMENT OF LANDS

AND

BALLINA SHIRE COUNCIL

MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT is made on

2006

BETWEEN

THE NSW DEPARTMENT OF LANDS ("Lands") and

BALLINA SHIRE COUNCIL of 40 Cherry Street, Ballina ("Council")

1. PREAMBLE

1.1 Purpose

Lands and Council (the parties) are committed toward the development and implementation of a publicly supported and sustainable Marine Precinct Master Plan/Plan of Management. To guide the preparation and implementation of the plan the parties have agreed to enter into this Memorandum of Understanding.

1.2 Objective

This Agreement is intended to assist and support each party, whilst recognising their respective legislative responsibilities, including *Crown Lands Act, 1989* & *Local Government Act, 1993* in relation to the following:-

- a) Development of a Marine Precinct Master Plan/Plan of Management for Ballina in accordance with the Principles stated and best practice; and
- b) Adoption and implementation of the Marine Precinct Master Plan/Plan of Management and its subsequent incorporation into the Ballina Local Environmental Plan, 1987.
- c) Establishment of a business model to achieve financial sustainability of all lands within the Marine Precinct.

The framework set out in this agreement is intended to promote transparency, help prevent unnecessary duplication of effort and minimise the regulatory burden on the commercial and recreational development and use of the Marine precinct.

1.3 Principles

The parties support the following Principles:

- Stability: During preparation of the Marine Precinct Master Plan/Plan of Management it is intended there be no change to the functioning of the current tenure arrangements in the Marine Precinct. This agreement recognises that a different and more sustainable management structure may be appropriate for the implementation of the Marine Precinct Master Plan/Plan of Management and future management of the Marine Precinct.

- **Competition:** The Marine Precinct Master Plan/Plan of Management, in its final form, should encourage market participation to support competition and consumer choice in the ongoing development, management and multiple public use of the Marine Precinct.
- **Flexibility:** The Marine Precinct Master Plan/Plan of Management needs to be flexible and responsive enough to quickly meet the changing needs of the marine precinct, its tenants and users. Therefore, the management system that is ultimately adopted, should, as far as possible, foster continuing stakeholder input.
- **Representation:** It is intended that in the development of the Marine Precinct Master Plan/Plan of Management and in the future management of the Marine Precinct, public input be encouraged to ensure that the functional diversity of all users and their needs is addressed.
- **Sustainability:** An agreed goal of the parties is the development of a Marine Precinct Master Plan/Plan of Management, and ongoing development and maintenance activities, that reflect the need for an economic, environmental and socially viable, self-sustaining marine precinct and management, whilst referencing principles of Ecologically Sustainable Development¹ and attempting to satisfy the multiple and contemporary bottom line requirements of both the community and the parties.

1.4 Responsibilities and Information Sharing

- The parties each have specific responsibilities under respective NSW legislation, including promoting development and use in sustainable, perpetual, equitable and effective manner, monitoring compliance of any and all conditions of development and use, and ensuring that all development and use facilities, as may be reasonably practicable, promote greater access and multiple uses of the Marine precinct.
- Lands is responsible under the *Crown Lands Act*, for management of Crown lands in accordance with Object and Principles of Crown land management, whilst operating in the best interests of the State and the people of NSW.
- Council is responsible under the *Local Government Act 1993* for development and sustainable management benefits on behalf of the Ballina community and the State of NSW.
- Council is responsible under the *Environmental Planning & Assessment Act 1979* in its role as the Local Planning Authority.

¹ Ecologically Sustainable Development is development that aims to meet the needs of Australians today, while conserving our ecosystems for the benefit of future generations. ie, finding better ways

- In addition to the exercise of formal powers and requests the parties will (subject to any restrictions imposed by law) share information that the parties believe would be of assistance to the other in undertaking their responsibilities under the Act and Local Government Act and this agreement.
- Wherever possible, the parties will avoid separate collection of the same information and data from all users of the Marine Precinct.

1.5 Liaison

- The parties will facilitate regular contact between their selected and nominated officers on routine operational matters.
- The parties will hold meetings of respective General Managers every four months at the request of either, to discuss any relevant matters in relation to the Marine Precinct, and the operation of this Agreement.

1.6 Funding

This Agreement does not commit or bind the parties, except as otherwise stated in this Agreement, to fund the development of the Marine Precinct in accordance with the adopted Marine Precinct Master Plan.

2. BACKGROUND

Description of Lands

- 2.1 Annexure A identifies the extent of the Master Plan as the northern bank of the Richmond River extending from Burns Point Ferry Rd (A) to Missingham Bridge (B). This area is to be known as the Marine Precinct;
- 2.4 Land within the Marine Precinct is used for marine, port, commercial and recreational purposes, is relevantly zoned for those uses by the LEP and comprises lands vested in the Crown comprising Public Reserves and Crown Lands under the Crown Lands Act 1989 and privately owned lands.
- 2.5 A map showing the Crown Lands and public Reserves is attached as Annexure "B".

Planning Issues

- 2.7 The Marine Precinct is within the coastal zone as defined in the Coastal Protection Act 1979 and, as a consequence, is subject to State Environmental Planning Policy No 71 - Coastal Protection ("SEPP 71");
- 2.8 So that development might proceed in the Marine Precinct the parties must prepare a Master Plan pursuant to Part 5 of SEPP71 concerning that Precinct ("SEPP 71 MP");
- 2.9 In relation to the Marine Precinct the Master Plan will be prepared in such a manner that could allow it to be adopted by the Minister of Lands as a Plan of Management under the Act ("PoM").
- 2.10 Planning considerations for the Marine Precinct include:
- The National and State natural and heritage significance.
 - The National, State, Regional and local importance of:
 - Business, commercial, social, recreational and open space opportunities
 - Indigenous values
 - Provision and maintenance of biodiversity
 - Statutory requirements of the parties

Statutory Requirements of the Parties

- 2.11 Lands is bound by the principles of Crown land Management set forth in Schedule 1;
- 2.12 The Council is bound by its Charter and may perform the service functions given it under the Local Government Act 1993 ("LG Act") set forth in Schedule 2;

General Intention of the Parties

- 2.13 The parties have agreed a Master Plan/Plan of Management for the Marine Precinct ("Master Plan POM") should be created and that Development Control Plans under the Environmental Planning and Assessment Act 1979 ("DCPs") for part or parts of the land in the Master Plan/Plan of Management should also be created;

- 2.14 The parties have also agreed the Master Plan, the management of the lands in the Marine Precinct and the implementation of the Master Plan/Plan of Management must take properly into account the National, State, Regional and local importance of that precinct and the respective obligations of the parties in relation to that Precinct.

3. DEFINITIONS AND INTERPRETATION

- 3.1 In this agreement, unless the context or subject-matter otherwise indicates or requires:
- Act** means the Crown Lands Act 1989;
- Area** has the same meaning as in the LG Act;
- Council** means Ballina Shire Council or other local government body under the LG Act the Area of which includes the Marine Precinct;
- DCPs** means the Development Control Plans under the Environmental Planning and Assessment Act 1979 to be made in accordance with this agreement;
- Development Phase** means the period during which preparation and construction works are to be effect in the implementation of the Master Plan/Plan of Management and management of the resultant developments is required;
- Marine Precinct** means that part of the Ballina foreshores that is edged in black on the plan that is annexure "A";
- Master Plan POM** means the master plan/Plan of Management to be created in relation to the Marine Precinct in accordance with this agreement;
- Initial Phase** means the time during which the actions to be taken pursuant to this agreement from this date until the date on which the Master Plan/Plan of Management are made;
- Lands** means NSW Department of Lands;
- LEP** means Ballina Local Environmental Plan 1987
- LG Act** means the Local Government Act 1993
- Minister** means the Minister for Lands or other minister administering the Act from time to time;
- PMS** means the Project Management Structure created by this agreement;
- PMT** means the Project Management Team part of the PMS;
- SPG** means the Strategic Planning Group part of the PMS;

POM means a Plan of Management pursuant to the Act for the Foreshore Precinct;

SEPP 71 means State Environmental Planning Policy No 71 - Coastal Protection;

SEPP 71 MP means the master plan described in clause 2.13 of the background;

The parties means the NSW Department of Lands and Ballina Shire Council.

- 3.2 In this agreement, unless the context or subject-matter otherwise indicates or requires:
- 3.2.1 A reference to any legislation or legislative provision includes any statutory modification or re-enactment of, or legislative provision substituted for, and any subordinate legislation issued under, that legislation or legislative provision;
- 3.2.2 The singular includes the plural and vice versa;
- 3.2.3 A reference to an individual or person includes a corporation, partnership, joint venture, association, authority, trust, state or government and vice versa;
- 3.2.4 A reference to any gender includes all genders;
- 3.2.5 A reference to a clause in the preamble, background, a clause in the operative section or a schedule, annexure or exhibit is to a clause in the preamble, background, a clause in the operative section or a schedule, annexure or exhibit of or to this agreement;
- 3.2.6. The preamble, background, a schedule, an annexure or a description of the parties forms part of this agreement;
- 3.2.7 A reference to any agreement or document is to that agreement or document (and, where applicable, any of its provisions) as amended, novated, supplemented or replaced from time to time;
- 3.2.8 A reference to any party to this agreement or any other document or arrangement includes that party's substitutes, successors and permitted assignees; and
- 3.2.9 Where an expression is defined, another part of speech or grammatical form of that expression has a corresponding meaning.

4. OPERATIVE PROVISIONS - INITIAL PHASE

4.1 The parties mutually agree:

Organisation Structure

4.1.1 Each of the PMS, the SPG and PMT are created.

4.1.2 The SPG shall meet together in the manner and as often as the members agree and in any event will meet within 10 days of a written request from Lands or the Council. The business of the SPG shall be conducted as the members agree but in any event minutes of the SPG's deliberations must be kept and copies of those minutes must be circulated to members and furnished to Lands and the Council as soon as practicable after each meeting.

4.1.3 The PMT shall meet together in the manner and as often as the members agree and in any event will meet as requested by the Project Manager or within 10 days of a written request from Lands or the Council. The business of the PMT shall be conducted as the members agree but in any event the PMT shall observe or take properly into account the decisions and recommendations of the SPG, minutes of the PMT's deliberations must be kept and copies of those minutes must be circulated to members and furnished to the SPG, Lands and the Council as soon as practicable after each meeting.

Process to be Followed

4.1.4 The PMT will be in place during the Initial Phase and during that time the PMT will be responsible for:

4.1.4.1 the preparation of the draft Master Plan, the draft DCP's and drafts of the SEPP 71 MP and the PoM (if required);

4.1.4.2 the process of obtaining Lands and Councils approval of each of those drafts; and

4.1.4.2 the public consultation processes.

4.1.5 Lands and Council will ensure the SPG and PMT:

4.1.5.1 identify appropriate land uses within the Marine Precinct and for that purpose create a draft Master Plan acceptable to both parties;

- 4.1.5.2 obtain all requisite assistance and reports from experts (Lands and Council staff and external consultants) to assist in the preparation of the draft Master Plan and to validate its contents;
Prior to engaging any external consultants the parties are to approve in writing the brief for the work required, and any cost sharing arrangement in relation thereto.
- 4.1.5.3 undertake comprehensive and meaningful consultation with all interested government and local authorities and other stakeholders as to the contents of the draft Masterplan
- 4.1.5.4 in the preparation of the draft Master Plan observe:
 - 4.1.5.4.1 the advice obtained pursuant to clause 4.1.5.2;
 - 4.1.5.4.2 the results of consultations pursuant to clause 4.1.5.3;
 - 4.1.5.4.3 the matters set forth in Schedules 1 and 2;
 - 4.1.5.4.4 the matters set forth in clause 1.3 of the preamble and in clauses 2.16 and 2.17 of the background and to protect and enhance the natural, cultural, scenic, social, recreational and economic values of the Marine Precinct;
- 4.1.5.5 make and promote applications to Lands and the Council for approval in principle of the draft Master Plan/Plan of Management;
- 4.1.5.6 once the approvals pursuant to clause 4.1.5.5 have been obtained, prepare draft DCPs to provide more detailed provisions than are contained in the draft Master Plan/Plan of Management in respect of a part or parts of the land to which that draft plan applies, and, as well, drafts of the SEPP 71 MP and the PoM (if required) in conformity with the draft Master Plan/Plan of Management;
- 4.1.5.7 make and promote applications to Lands and the Council for approval in principle of the draft DCPs and draft SEPP 71 MP;
- 4.1.5.8 In accordance with Clause 2.14, and if required for the ongoing management and implementation of the Masterplan/Plan of Management for the Marine Precinct, make and promote an application to Lands for approval of the PoM;
- 4.1.5.9 once the approvals pursuant to clause 4.1.5.7 have been obtained, place the draft Masterplan/Plan of Management and the draft DCPs on public exhibition for at least 30 days and invite submission in relation thereto from the public and during such exhibition to inform and otherwise consult comprehensively with the public;

- 4.1.5.10 take submissions from the public and otherwise properly into account in settling the final form of the draft Masterplan/Plan of Management and draft DCPs, draft SEPP 71 MP;
- 4.1.5.11 make and promote applications to Lands and Council for approval of the final drafts of the Master Plan/Plan of Management; DCPs and SEPP 71 MP; and
- 4.1.6 Once the final draft drafts of the Master Plan/Plan of Management; DCPs, SEPP 71 MP have been prepared, to take all steps requisite to have each of those documents made, accepted, approved or created as the case requires; and
- 4.1.7 To share the costs incurred pursuant to clause 4.1.5 in the manner set forth in Schedule 3 or as otherwise agreed in writing between the parties.

Support and Resources

- 4.2 The Council agrees:
 - 4.2.1 to allocate an appropriately qualified person as Project Manager;
 - 4.2.2 to make other resources available to achieve the objectives of this agreement;
 - 4.2.5 to take appropriate steps to ensure the LEP and existing Development Control Plans are amended to enable the Master Plan/Plan of Management to be implemented.
- 4.3 Lands agrees to make resources available to achieve the objectives of this agreement and agrees to co-operate with the Council to identify the necessary studies and information (existing and to be obtained) to determine and support sustainable development for the the Marine Precinct, to be incorporated into the Draft Masterplan/Plan of Management and the Draft DCP's.

5. OPERATIVE PROVISIONS - DEVELOPMENT PHASE

- 5.1 The parties acknowledge the existing management structures for the care, control and management of lands within the Marine Precinct may not be suitable for appropriate implementation of the Master Plan/Plan of Management as it relates to the Marine Precinct and the ongoing effective and efficient management of lands and assets in that precinct. The parties agree to work together during the Initial Phase to identify appropriate management structures and a commercial framework for implementation of the Master Plan/Plan of Management and Management of the Marine Precinct.

- 5.2 The parties recognise existing land tenures in the Marine Precinct may cease to be appropriate when the structures described in clause 5.1 are created and agree to co-operate in identifying and creating suitable land reservations and/or land tenures.
- 5.3 The Council agrees to incorporate, in its annual management plan preparation, maintenance and recurring expenses applicable to the landward part or parts of the Marine Precinct identified for open space and recreational purposes in the Master Plan, excluding privately held lands.
- 5.4 Lands agrees it will be necessary for the parties to determine the standard of marine infrastructure requisite to support the developments proposed in the Master Plan and the DCP'S.

6. OPERATIVE PROVISIONS - GENERAL

- 6.1 The parties mutually agree:
 - 6.1.1 Nothing in this agreement shall be deemed or construed by the parties or any third party as creating the relationship of partnership or joint venture or the relationship of principal and agent between the parties or between Lands and the Council;
 - 6.1.2 In relation to all matters the subject of this agreement, to act in good faith with transparency;
 - 6.1.3 If a clause is void, illegal or unenforceable, it may be severed without affecting the enforceability of the other provisions in this agreement;
 - 6.1.4 A variation of this agreement must be in writing and signed by the parties;
 - 6.1.5 Each party will do all things and execute all further documents necessary to give full effect to this agreement;
 - 6.1.6 This agreement may be executed in any number of counterparts;
 - 6.1.7 Subject to contrary provision of this agreement, each party will bear its own costs and expenses in relation to the negotiation, preparation, execution, delivery and completion of this agreement and any other related documentation.
 - 6.1.8 This agreement will terminate on adoption by Lands and Council of the Masterplan/Plan of Management but may be extended at any time by the mutual agreement of the parties, in writing and signed by the parties.
 - 6.1.9 Either party may terminate this agreement prior to the termination date, by providing one hundred and twenty (120) days written notice to the other party, provided however that such notice cannot be given prior to completion of the draft Masterplan/Plan of Management for the marine precinct.

- 6.1.10 Following termination of this agreement in accordance with either 6.1.15 or 6.1.16 each party shall continue to be responsible for any cost sharing arrangement in accordance with Schedule 3, or any other cost sharing arrangement that has been agreed to in writing in relation to this agreement.

EXECUTED as an agreement

<p>SIGNED by the General Manager Crown Lands on behalf of the NSW Department of Lands in the presence of: Name:</p>	<p>..... Date / /</p>
--	---------------------------

<p>SIGNED by the General Manager on behalf of Ballina Council in the presence of: Name:</p>	<p>..... Date / /</p>
--	---------------------------

SCHEDULE 1

Section 11 Crown Lands Act 1989

Principles of Crown Land Management

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land,
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible,
- (c) that public use and enjoyment of appropriate Crown land be encouraged,
- (d) that, where appropriate, multiple use of Crown land be encouraged,
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

SCHEDULE 2

Extract from the Local Government Act

The Council's charter

A council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions

- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

21. Functions under this Act

A council has the functions conferred or imposed on it by or under this Act.

22. Other functions

A council has the functions conferred or imposed on it by or under any other Act or law.

23. Supplementary, incidental and consequential functions

A council may do all such things as are supplemental or incidental to, or consequential on, the exercise of its functions.

24. Provision of goods, services and facilities and carrying out of activities

A council may provide goods, services and facilities, and carry out activities, appropriate to the current and future needs within its local community and of the wider public, subject to this Act, the regulations and any other law.

DATED

2006

MARINE PRECINCT BALLINA

MEMORANDUM OF UNDERSTANDING

NSW DEPARTMENT OF LANDS

AND

BALLINA SHIRE COUNCIL

MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT is made on

2006

BETWEEN

THE NSW DEPARTMENT OF LANDS ("Lands") and

BALLINA SHIRE COUNCIL of 40 Cherry Street, Ballina ("Council")

1. PREAMBLE

1.1 Purpose

Lands and Council (the parties) are committed toward the development and implementation of a publicly supported and sustainable Marine Precinct Master Plan/Plan of Management. To guide the preparation and implementation of the plan the parties have agreed to enter into this Memorandum of Understanding.

1.2 Objective

This Agreement is intended to assist and support each party, whilst recognising their respective legislative responsibilities, including *Crown Lands Act, 1989* & *Local Government Act, 1993* in relation to the following:-

- a) Development of a Marine Precinct Master Plan/Plan of Management for Ballina in accordance with the Principles stated and best practice; and
- b) Adoption and implementation of the Marine Precinct Master Plan/Plan of Management and its subsequent incorporation into the Ballina Local Environmental Plan, 1987.
- c) Establishment of a business model to achieve financial sustainability of all lands within the Marine Precinct.

The framework set out in this agreement is intended to promote transparency, help prevent unnecessary duplication of effort and minimise the regulatory burden on the commercial and recreational development and use of the Marine precinct.

1.3 Principles

The parties support the following Principles:

- Stability: During preparation of the Marine Precinct Master Plan/Plan of Management it is intended there be no change to the functioning of the current tenure arrangements in the Marine Precinct. This agreement recognises that a different and more sustainable management structure may be appropriate for the implementation of the Marine Precinct Master Plan/Plan of Management and future management of the Marine Precinct.

- **Competition:** The Marine Precinct Master Plan/Plan of Management, in its final form, should encourage market participation to support competition and consumer choice in the ongoing development, management and multiple public use of the Marine Precinct.
- **Flexibility:** The Marine Precinct Master Plan/Plan of Management needs to be flexible and responsive enough to quickly meet the changing needs of the marine precinct, its tenants and users. Therefore, the management system that is ultimately adopted, should, as far as possible, foster continuing stakeholder input.
- **Representation:** It is intended that in the development of the Marine Precinct Master Plan/Plan of Management and in the future management of the Marine Precinct, public input be encouraged to ensure that the functional diversity of all users and their needs is addressed.
- **Sustainability:** An agreed goal of the parties is the development of a Marine Precinct Master Plan/Plan of Management, and ongoing development and maintenance activities, that reflect the need for an economic, environmental and socially viable, self-sustaining marine precinct and management, whilst referencing principles of Ecologically Sustainable Development¹ and attempting to satisfy the multiple and contemporary bottom line requirements of both the community and the parties.

1.4 Responsibilities and Information Sharing

- The parties each have specific responsibilities under respective NSW legislation, including promoting development and use in sustainable, perpetual, equitable and effective manner, monitoring compliance of any and all conditions of development and use, and ensuring that all development and use facilities, as may be reasonably practicable, promote greater access and multiple uses of the Marine precinct.
- Lands is responsible under the *Crown Lands Act*, for management of Crown lands in accordance with Object and Principles of Crown land management, whilst operating in the best interests of the State and the people of NSW.
- Council is responsible under the *Local Government Act 1993* for development and sustainable management benefits on behalf of the Ballina community and the State of NSW.
- Council is responsible under the *Environmental Planning & Assessment Act 1979* in its role as the Local Planning Authority.

¹ Ecologically Sustainable Development is development that aims to meet the needs of Australians today, while conserving our ecosystems for the benefit of future generations. ie, finding better ways

- In addition to the exercise of formal powers and requests the parties will (subject to any restrictions imposed by law) share information that the parties believe would be of assistance to the other in undertaking their responsibilities under the Act and Local Government Act and this agreement.
- Wherever possible, the parties will avoid separate collection of the same information and data from all users of the Marine Precinct.

1.5 Liaison

- The parties will facilitate regular contact between their selected and nominated officers on routine operational matters.
- The parties will hold meetings of respective General Managers every four months at the request of either, to discuss any relevant matters in relation to the Marine Precinct, and the operation of this Agreement.

1.6 Funding

This Agreement does not commit or bind the parties, except as otherwise stated in this Agreement, to fund the development of the Marine Precinct in accordance with the adopted Marine Precinct Master Plan.

2. BACKGROUND

Description of Lands

- 2.1 Annexure A identifies the extent of the Master Plan as the northern bank of the Richmond River extending from Burns Point Ferry Rd (A) to Missingham Bridge (B). This area is to be known as the Marine Precinct;
- 2.4 Land within the Marine Precinct is used for marine, port, commercial and recreational purposes, is relevantly zoned for those uses by the LEP and comprises lands vested in the Crown comprising Public Reserves and Crown Lands under the Crown Lands Act 1989 and privately owned lands.
- 2.5 A map showing the Crown Lands and public Reserves is attached as Annexure "B".

Planning Issues

- 2.7 The Marine Precinct is within the coastal zone as defined in the Coastal Protection Act 1979 and, as a consequence, is subject to State Environmental Planning Policy No 71 - Coastal Protection ("SEPP 71");
- 2.8 So that development might proceed in the Marine Precinct the parties must prepare a Master Plan pursuant to Part 5 of SEPP71 concerning that Precinct ("SEPP 71 MP");
- 2.9 In relation to the Marine Precinct the Master Plan will be prepared in such a manner that could allow it to be adopted by the Minister of Lands as a Plan of Management under the Act ("PoM").
- 2.10 Planning considerations for the Marine Precinct include:
- The National and State natural and heritage significance.
 - The National, State, Regional and local importance of:
 - Business, commercial, social, recreational and open space opportunities
 - Indigenous values
 - Provision and maintenance of biodiversity
 - Statutory requirements of the parties

Statutory Requirements of the Parties

- 2.11 Lands is bound by the principles of Crown land Management set forth in Schedule 1;
- 2.12 The Council is bound by its Charter and may perform the service functions given it under the Local Government Act 1993 ("LG Act") set forth in Schedule 2;

General Intention of the Parties

- 2.13 The parties have agreed a Master Plan/Plan of Management for the Marine Precinct ("Master Plan POM") should be created and that Development Control Plans under the Environmental Planning and Assessment Act 1979 ("DCPs") for part or parts of the land in the Master Plan/Plan of Management should also be created;

- 2.14 The parties have also agreed the Master Plan, the management of the lands in the Marine Precinct and the implementation of the Master Plan/Plan of Management must take properly into account the National, State, Regional and local importance of that precinct and the respective obligations of the parties in relation to that Precinct.

3. DEFINITIONS AND INTERPRETATION

- 3.1 In this agreement, unless the context or subject-matter otherwise indicates or requires:
- Act** means the Crown Lands Act 1989;
- Area** has the same meaning as in the LG Act;
- Council** means Ballina Shire Council or other local government body under the LG Act the Area of which includes the Marine Precinct;
- DCPs** means the Development Control Plans under the Environmental Planning and Assessment Act 1979 to be made in accordance with this agreement;
- Development Phase** means the period during which preparation and construction works are to be effect in the implementation of the Master Plan/Plan of Management and management of the resultant developments is required;
- Marine Precinct** means that part of the Ballina foreshores that is edged in black on the plan that is annexure "A";
- Master Plan POM** means the master plan/Plan of Management to be created in relation to the Marine Precinct in accordance with this agreement;
- Initial Phase** means the time during which the actions to be taken pursuant to this agreement from this date until the date on which the Master Plan/Plan of Management are made;
- Lands** means NSW Department of Lands;
- LEP** means Ballina Local Environmental Plan 1987
- LG Act** means the Local Government Act 1993
- Minister** means the Minister for Lands or other minister administering the Act from time to time;
- PMS** means the Project Management Structure created by this agreement;
- PMT** means the Project Management Team part of the PMS;
- SPG** means the Strategic Planning Group part of the PMS;

POM means a Plan of Management pursuant to the Act for the Foreshore Precinct;

SEPP 71 means State Environmental Planning Policy No 71 - Coastal Protection;

SEPP 71 MP means the master plan described in clause 2.13 of the background;

The parties means the NSW Department of Lands and Ballina Shire Council.

- 3.2 In this agreement, unless the context or subject-matter otherwise indicates or requires:
- 3.2.1 A reference to any legislation or legislative provision includes any statutory modification or re-enactment of, or legislative provision substituted for, and any subordinate legislation issued under, that legislation or legislative provision;
- 3.2.2 The singular includes the plural and vice versa;
- 3.2.3 A reference to an individual or person includes a corporation, partnership, joint venture, association, authority, trust, state or government and vice versa;
- 3.2.4 A reference to any gender includes all genders;
- 3.2.5 A reference to a clause in the preamble, background, a clause in the operative section or a schedule, annexure or exhibit is to a clause in the preamble, background, a clause in the operative section or a schedule, annexure or exhibit of or to this agreement;
- 3.2.6. The preamble, background, a schedule, an annexure or a description of the parties forms part of this agreement;
- 3.2.7 A reference to any agreement or document is to that agreement or document (and, where applicable, any of its provisions) as amended, novated, supplemented or replaced from time to time;
- 3.2.8 A reference to any party to this agreement or any other document or arrangement includes that party's substitutes, successors and permitted assignees; and
- 3.2.9 Where an expression is defined, another part of speech or grammatical form of that expression has a corresponding meaning.

4. OPERATIVE PROVISIONS - INITIAL PHASE

4.1 The parties mutually agree:

Organisation Structure

4.1.1 Each of the PMS, the SPG and PMT are created.

4.1.2 The SPG shall meet together in the manner and as often as the members agree and in any event will meet within 10 days of a written request from Lands or the Council. The business of the SPG shall be conducted as the members agree but in any event minutes of the SPG's deliberations must be kept and copies of those minutes must be circulated to members and furnished to Lands and the Council as soon as practicable after each meeting.

4.1.3 The PMT shall meet together in the manner and as often as the members agree and in any event will meet as requested by the Project Manager or within 10 days of a written request from Lands or the Council. The business of the PMT shall be conducted as the members agree but in any event the PMT shall observe or take properly into account the decisions and recommendations of the SPG, minutes of the PMT's deliberations must be kept and copies of those minutes must be circulated to members and furnished to the SPG, Lands and the Council as soon as practicable after each meeting.

Process to be Followed

4.1.4 The PMT will be in place during the Initial Phase and during that time the PMT will be responsible for:

4.1.4.1 the preparation of the draft Master Plan, the draft DCP's and drafts of the SEPP 71 MP and the PoM (if required);

4.1.4.2 the process of obtaining Lands and Councils approval of each of those drafts; and

4.1.4.2 the public consultation processes.

4.1.5 Lands and Council will ensure the SPG and PMT:

4.1.5.1 identify appropriate land uses within the Marine Precinct and for that purpose create a draft Master Plan acceptable to both parties;

- 4.1.5.2 obtain all requisite assistance and reports from experts (Lands and Council staff and external consultants) to assist in the preparation of the draft Master Plan and to validate its contents;
Prior to engaging any external consultants the parties are to approve in writing the brief for the work required, and any cost sharing arrangement in relation thereto.
- 4.1.5.3 undertake comprehensive and meaningful consultation with all interested government and local authorities and other stakeholders as to the contents of the draft Masterplan
- 4.1.5.4 in the preparation of the draft Master Plan observe:
 - 4.1.5.4.1 the advice obtained pursuant to clause 4.1.5.2;
 - 4.1.5.4.2 the results of consultations pursuant to clause 4.1.5.3;
 - 4.1.5.4.3 the matters set forth in Schedules 1 and 2;
 - 4.1.5.4.4 the matters set forth in clause 1.3 of the preamble and in clauses 2.16 and 2.17 of the background and to protect and enhance the natural, cultural, scenic, social, recreational and economic values of the Marine Precinct;
- 4.1.5.5 make and promote applications to Lands and the Council for approval in principle of the draft Master Plan/Plan of Management;
- 4.1.5.6 once the approvals pursuant to clause 4.1.5.5 have been obtained, prepare draft DCPs to provide more detailed provisions than are contained in the draft Master Plan/Plan of Management in respect of a part or parts of the land to which that draft plan applies, and, as well, drafts of the SEPP 71 MP and the PoM (if required) in conformity with the draft Master Plan/Plan of Management;
- 4.1.5.7 make and promote applications to Lands and the Council for approval in principle of the draft DCPs and draft SEPP 71 MP;
- 4.1.5.8 In accordance with Clause 2.14, and if required for the ongoing management and implementation of the Masterplan/Plan of Management for the Marine Precinct, make and promote an application to Lands for approval of the PoM;
- 4.1.5.9 once the approvals pursuant to clause 4.1.5.7 have been obtained, place the draft Masterplan/Plan of Management and the draft DCPs on public exhibition for at least 30 days and invite submission in relation thereto from the public and during such exhibition to inform and otherwise consult comprehensively with the public;

- 4.1.5.10 take submissions from the public and otherwise properly into account in settling the final form of the draft Masterplan/Plan of Management and draft DCPs, draft SEPP 71 MP;
- 4.1.5.11 make and promote applications to Lands and Council for approval of the final drafts of the Master Plan/Plan of Management; DCPs and SEPP 71 MP; and
- 4.1.6 Once the final draft drafts of the Master Plan/Plan of Management; DCPs, SEPP 71 MP have been prepared, to take all steps requisite to have each of those documents made, accepted, approved or created as the case requires; and
- 4.1.7 To share the costs incurred pursuant to clause 4.1.5 in the manner set forth in Schedule 3 or as otherwise agreed in writing between the parties.

Support and Resources

- 4.2 The Council agrees:
 - 4.2.1 to allocate an appropriately qualified person as Project Manager;
 - 4.2.2 to make other resources available to achieve the objectives of this agreement;
 - 4.2.5 to take appropriate steps to ensure the LEP and existing Development Control Plans are amended to enable the Master Plan/Plan of Management to be implemented.
- 4.3 Lands agrees to make resources available to achieve the objectives of this agreement and agrees to co-operate with the Council to identify the necessary studies and information (existing and to be obtained) to determine and support sustainable development for the the Marine Precinct, to be incorporated into the Draft Masterplan/Plan of Management and the Draft DCP's.

5. OPERATIVE PROVISIONS - DEVELOPMENT PHASE

- 5.1 The parties acknowledge the existing management structures for the care, control and management of lands within the Marine Precinct may not be suitable for appropriate implementation of the Master Plan/Plan of Management as it relates to the Marine Precinct and the ongoing effective and efficient management of lands and assets in that precinct. The parties agree to work together during the Initial Phase to identify appropriate management structures and a commercial framework for implementation of the Master Plan/Plan of Management and Management of the Marine Precinct.

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- 5.3 The Council agrees to incorporate, in it's annual management plan preparation, maintenance and recurring expenses applicable to the landward part or parts of the Marine Precinct identified for open space and recreational purposes in the Master Plan, excluding privately held lands.
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 - 6.1.1 Nothing in this agreement shall be deemed or construed by the parties or any third party as creating the relationship of partnership or joint venture or the relationship of principal and agent between the parties or between Lands and the Council;
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EXECUTED as an agreement

<p>SIGNED by the General Manager Crown Lands on behalf of the NSW Department of Lands in the presence of: Name:</p>	<p>..... Date / /</p>
--	---------------------------

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SCHEDULE 1

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- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions

- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
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- to keep the local community and the State government (and through it, the wider community) informed about its activities
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24. Provision of goods, services and facilities and carrying out of activities

A council may provide goods, services and facilities, and carry out activities, appropriate to the current and future needs within its local community and of the wider public, subject to this Act, the regulations and any other law.

SCHEDULE 3

	Report or Action	Proposed cost sharing			
		TOTAL \$K	BSC share \$K	DoL share \$K	Other State funds \$K
	Engagement of consultants to prepare a Master Plan/Plan of Management for the Ballina Marine precinct.	45	15	15	15
	TOTALS	45	15	15	15

Note:

1. Cost sharing subject to clause 4.1.5.2 where each report will be subject to mutual agreement to the brief, the preferred consultant the cost apportionment prior to commencement.

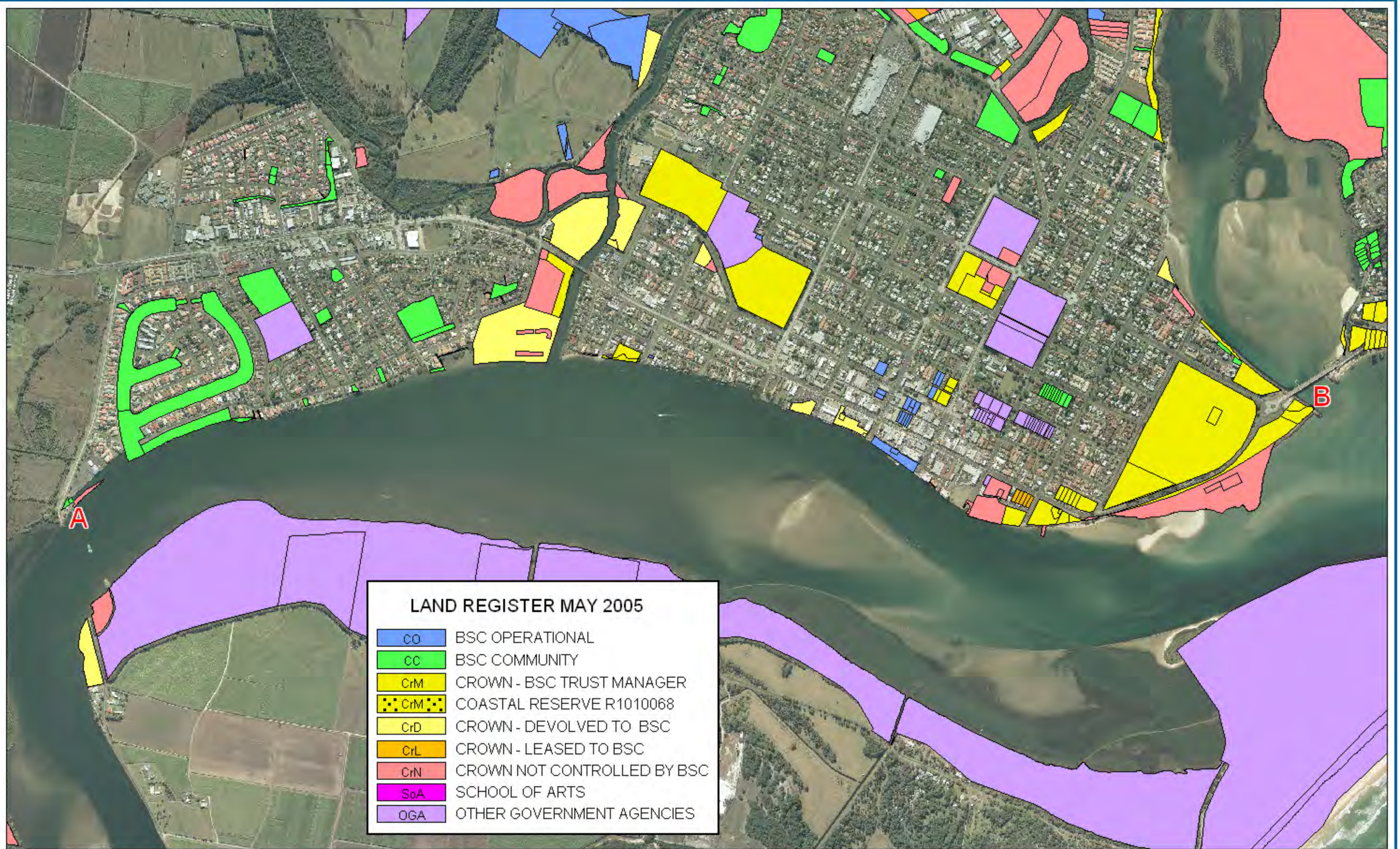


LOCALITY PLAN
POINT A BURNS POINT FERRY ROAD WEST BALLINA TO POINT B MISSINGHAM BRIDGE EAST BALLINA
AERIALS FLOWN 2004 (PLATEAU IMAGES)



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Although all care is taken in the preparation of this plan, Ballina Shire Council accepts no responsibility for any misprints, errors, omissions or inaccuracies.
The information contained within this plan is for pictorial representation only. Do not scale. Accurate measurements should be undertaken by survey.

Printed
16/11/2006



LOCALITY PLAN
POINT A BURNS POINT FERRY ROAD WEST BALLINA TO POINT B MISSINGHAM BRIDGE EAST BALLINA
AERIALS FLOWN 2004 (PLATEAU IMAGES) and COUNCIL LAND REGISTER (see legend)



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Printed
 16/11/2006



Appendix B
Key Stakeholder List and Feedback Sheet

Stakeholder Groups

Jali Local Aboriginal Land Council

Ballina Shire Council

Richmond River Sailing & Rowing Club

Ballina Chamber of Commerce

Richmond River County Council

NSW Maritime Authority

NSW Roads and Traffic Authority

Ballina RSL Fishing Club, c/- RSL Club

Ballina Environment Society

Ballina Economic Development Unit

Ballina Angling Club

Country Women's Association (Ballina Branch)

Ballina Cruising Yacht Club

Ballina Fishermen's Co-operative

NSW Marine Park Authority

Australian Seabird Rescue Inc.

NSW Department of Primary Industries

Ballina Naval and Maritime Museum Inc.

W.A.T.E.R.

Ballina Ski Club

Department of Environment and Climate Change



Feedback Sheet for Ballina Foreshore Master Plan

Filling out this feedback sheet will assist GHD, Ballina Shire Council and the NSW Department of Lands to prepare a Master Plan for Crown and Council land located on the foreshore of the Richmond River between Burns Point Ferry and the Missingham Bridge in Ballina. To help in completing these questions a map of the land to be affected by the Master Plan is attached.

- Some environmental issues that will affect the Foreshore Master Plan are flora and fauna, (including threatened species), acid sulfate soils, flooding and climate change.
Do you feel there other environmental issues that need to be considered for the lands in this study area?

.....

.....

.....

- Some social issues that will influence the outcome of Foreshore Master Plan are aboriginal heritage and cultural issues, non aboriginal heritage issues, visual amenity, public access and open space.
Do you feel there other social issues that need to be considered for the lands in this study area?

.....

.....

.....

- Some commercial issues that influence the Foreshore Master Plan are boating and marina uses, commercial opportunities and infrastructure (such as access and parking).
Are there other commercial issues that you think need to be considered for the lands in this study area?

.....

.....

.....

- Are there studies or reports that you would like to bring to our attention that you see as relevant to preparing a Foreshore Master Plan for this study area?

.....

.....

.....



- Are there ideas for individual areas or places within the study area that you want to see considered in a Foreshore Master Plan?

.....

.....

.....

- What are three things you like most about the foreshore study area?

.....

.....

.....

- What are three things that you would change (if you could) about the foreshore study area?

.....

.....

.....

- Optional Photo Submission

Using a digital camera (or mobile phone camera) can you photograph three places or things within the study area that you would either change or preserve. If you could submit these photos by email and provide a short statement to support why you have chosen them that would be helpful.

Name and contact details of person/organisation making this submission:

.....

.....

Mike Svikis

Principal Planner
GHD Pty Ltd
2/90 Tamar Street
BALLINA NSW 2478

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Thank you for taking the time to complete this Feedback sheet. Your views are appreciated and will be considered in preparing a Master Plan for the Ballina foreshore. Please be aware that any submission you make including any personal information in it, may be made publicly available and may be included in Council or State Government reports or documents.



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		Name	Signature	Name	Signature	Date
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