

## 11.1 Development Servicing Plans for Water and Wastewater.DOC

**BALLINA SHIRE COUNCIL**  
**WATER AND WASTEWATER DEVELOPMENT SERVICING PLANS**  
**PUBLIC EXHIBITION REPORT**  
**11 DEC 2014 – 15 JAN 2015**

Council resolved at its ordinary meeting 24 October 2014 to place the Water And Wastewater Development Servicing Plans of public exhibition for 30 working days. The discussion below concerns issues arising from public exhibition.

### Submissions Received

Document no.	Date and Time Received	Submitter	Description
15/2780	16/1/2015 at 12:13 PM	Ardill Payne & Partners	Submission - Draft DSP for wastewater services -
15/2187	14/1/2015 at 12:30 PM	Ocean Park Consulting	Submission - Draft development servicing plan - water supply infrastructure -
15/2186	14/1/2015 at 12:28 PM	Ocean Park Consulting	Submission - Draft development servicing plan - waste water and recycled water supply infrastructure -
15/1359	12/1/2015 at 8:10 AM	Ocean Park Consulting	Submission - Developer Servicing Plan Wastewater & Recycled Water Supply Infrastructure -

### Major Issue Ballina WWTP:

Essentially Council was double counting the cost of the Ballina WWTP due to inclusion of the OLD and NEW treatment plants in the asset tables. This was actually consistent with the DSP at the original time of development AND with Council's current asset register, which has not capitalized the NEW treatment plant because the construction contract is not yet complete.

However the DSP cost for the asset should be equal to the MEERA costs and including both OLD and NEW treatment plants artificially doubles the replacement cost of the treatment plant.

It is sensible to remove this (large) cost from the DSP.

This has impacted the Area B (North/East/West, Ballina, Ballina Island, Skennars Head, Lennox Head), Area F (CURA A, Ballina Heights) and Area G (CURA B) capital cost per ET by the following amounts;

Development Area	Capital Cost Reduction due to removal of double-counted Ballina WWTP costs
Area B (North/East/West, Ballina, Ballina Island, Skennars Head, Lennox Head),	\$1,823 per ET
Area F (CURA A, Ballina Heights)	\$5,115 per ET
Area G (CURA B)	\$5,115 per ET

This has caused a corresponding impact to agglomeration which create a change to other Development Areas;

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Development Area	Exhibited Dec-Jan	New Developer Charge	Reason
Area C (WUEA),	9,199	12,300	WUEA's charge prior to agglomeration has not changed. WUEA previously benefited from agglomeration with Area F. Due to the relative size of Area C to Area F this had decreased the Developer Charge in WUEA to 9,200. Now that Area F is much less (due to the removal of double-counted Ballina WWTP costs) they no longer agglomerate and WUEA charges are no longer reduced.
Area E (Alstonville, Wollongbar)	6,575	4,410	Area E is agglomerated with Area B (Ballina-Lennox). Area B has reduced in cost due to the removal of double-counted Ballina WWTP costs. Subsequently the agglomerated charge has reduced.
Area A (Wardell)	6,575	4,410	Council resolved to subsidize Wardell's Wastewater charge to the change in Area B. Area B has reduced in cost due to the removal of double-counted Ballina WWTP costs. Subsequently the amount of the subsidy has increased.

### Recommendation

Apart from Area C (WUEA) all the Wastewater Developer Charges are lower than exhibited.

Area C's Developer Charge is very similar to the amount as exhibited in 2013, for which no comments were received.

On this basis, Council may choose to adopt the Plans for registration with NSW Office of Water.

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**HISTORY OF DEVELOPER CHARGES  
WASTEWATER**

Development Area	Total Capital Cost per ET (\$ per ET)			Developer Charge after Agglomeration and less Reduction Amount (\$ per ET)			
	Dec 2013	Amended Oct 2014	Amended Jan 2015	Current F&C	Dec 2013	Amended Oct 2014	Amended Jan 2015
<b>A</b> - Wardell	15,476	17,727	17,727	7,671	7,348	6,575	4,410
<b>B</b> – North/East/West Ballina, Ballina Island, Skennars Head, Lennox Head	10,491	7,538	5,715	7,671	7,348	6,575	4,410
<b>C</b> - WUEA	14,773	13,024	13,024	10,664	12,633	9,199	12,300
<b>E</b> – Alstonville, Wollongbar	5,645	7,471	7,471	3,962	4,726	6,575	4,410
<b>F</b> – CURA A, Ballina Heights	7,464	9,774	4,655	7,671	7,348	9,199	2,808
<b>G</b> – CURA B	6,941	8,853	3,738	7,671	4,726	6,575	2,808
Reduction Amount: Dec 2013 \$2,140 Revised Oct 2014 \$1,351 Agglomeration: Dec 2013 C, (B+A+F), (E+G) Revised A, (C+F), (G+B+E) Revised Jan 2015 (A+C), (B+E), (F+G)							

**WATER**

Development Area	Total Capital Cost per ET (\$ per ET)			Developer Charge after Agglomeration and less Reduction Amount (\$ per ET)			
	Dec 2013	Amended Oct 2014	Jan 2015 (no change)	Current F&C	Dec 2013	Amended Oct 2014	Jan 2015 (no change)
<b>A</b> - Wardell	11,730	11,487	11,487	3,541	11,641	11,102	11,102
<b>B</b> – North/East/West Ballina, Ballina Island, Skennars Head, Lennox Head	2,815	3,337	3,337	3,541	2,375	2,882	2,882
<b>C</b> - WUEA	4,384	2,225	2,225	1,891	4,294	1,840	1,840
<b>E</b> – Alstonville, Wollongbar	2,605	3,177	3,177	3,541	2,375	2,882	2,882
<b>F</b> – CURA A, Ballina Heights	1,290	1,106	1,106	2,570	1,200	561	561
<b>G</b> – CURA B	894	849	849	2,570	804	561	561
Reduction Amount: Dec 2013 \$90 Revised Oct 2014 \$385 Agglomeration: Dec 2013 C, (B+E), C, F, G Revised A, (B+E), C, (F+G)							

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### DETAILS OF SUBMISSIONS

WHO	Document	Submission	Council comment	Response
Ocean Park Consulting Pty Limited	15/2187 Draft Development Servicing Plan For Water Supply Infrastructure Submission 8 Jan 2015	That the Draft Ballina Shire Council (BSC) Development Servicing Plan for Water Supply Infrastructure be amended to reflect the designation of the existing trunk water supply infrastructure as a continuous existing trunk infrastructure water supply main throughout the subject site. In particular Figure 4 and Figure 5 of the Draft DSP be amended so the trunk infrastructure is shown for a continuous link and not part trunk infrastructure and part reticulation infrastructure. The appropriate changes be made to the Draft DSP and all associated Figures.	The trunk infrastructure is actually shown in the existing maps (it is just difficult to see as it is overlaid with developer constructed infrastructure).  The question really is; is augmentation to the existing water pipe the responsibility of Council (under the DSP) or the developer;  Answer; the developer, because they are moving it as part of their development.	Do not endorse
Ocean Park Consulting Pty Limited	15/2187 Draft Development Servicing Plan For Water Supply Infrastructure Submission 8 Jan 2015	That the Draft DSP be amended appropriately to ensure the subject land is included in section 3.3.1 - Future Development Areas, so that the terms in the description in the Draft DSP in the relevant part of section 3.3.1 be amended as follows: " <i>Candidate investigation Release Area in Skennars Head;</i> " be deleted and replaced with " <i>Zoned and Candidate Investigation Release Area in Skennars Head;</i> "	The developer seeks clarity to ensure their development is included in the DSP. No objection, refer to Strategic Planning for final comment	Create a new map clearly showing the development areas included in the plan

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WHO	Document	Submission	Council comment	Response
Ocean Park Consulting Pty Limited	15/2186 Draft Development Servicing Plan For Waste Water And Recycled Water Supply Infrastructure Submission 8 January 2015	That the Draft Ballina Shire Council (BSC) Development Servicing Plan - Wastewater Infrastructure be amended to reflect the future infrastructure that is indicated in the current Ballina Shire Council Sewerage Infrastructure Development Servicing Plan - May 2004, particularly as indicated on Figure 4 - East Ballina, that demonstrates with future rising main / upgrades and future pump station / upgrades the connectivity between the existing sewerage infrastructure services and the proposed DCP Skennars Head Expansion Area land. The appropriate changes be made to the Draft DSP and all associated Figures.	This pump station and rising main is only to service the one proposed development and is no longer considered candidate infrastructure for council to construct or fund through the DSP	Do not endorse
Ocean Park Consulting Pty Limited	15/2186 Draft Development Servicing Plan For Waste Water And Recycled Water Supply Infrastructure Submission 8 January 2015	That the Draft DSP be amended appropriately to ensure the subject land is included in section 3.3.1 - Future Development Areas, so that the terms in the description in the Draft DSP in the relevant part of section 3.3.1 be amended as follows: " <i>Candidate Investigation Release Area in Skennars Head;</i> " be deleted and replaced with " <i>Zoned and Candidate Investigation Release Area in Skennars Head;</i> "	As above	Do not endorse
Ocean Park Consulting Pty Limited	15/2186 Draft Development Servicing Plan For Waste Water And Recycled Water Supply Infrastructure Submission 8 January 2015	That the Draft Ballina Shire Council Development Servicing Plan - Wastewater Infrastructure - Recycled Water Supply Infrastructure Figure 10 - DSP Area B South (Development Servicing Plan - Recycled Water) be amended so it clearly indicates the future recycled water pipe network to service the subject land is part of the BSC Trunk Network and is not a "Developer Constructed Infrastructure".	Agreed, there is a lack of clarity to the purpose and extent of the recycled water infrastructure here. Additional mapping to clarify its purpose.	Issue new plan

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WHO	Document	Submission	Council comment	Response
Ardill Payne & Partners	15 January 2015  Submission To Public Exhibition Of Draft Dsp For Wastewater Services	Capital charges related to the Ballina STP, which no longer exists, need to be removed. This includes the value of the land and pond which have been paid for by previous DSP contributions. This is detailed further in the attached emails and file notes.	Agreed	remove
Ardill Payne & Partners	15 January 2015  Submission To Public Exhibition Of Draft Dsp For Wastewater Services	Capital charges related to incorrectly identified assets need to be removed [list provided]	agreed	Changed
Ardill Payne & Partners	15 January 2015  Submission To Public Exhibition Of Draft Dsp For Wastewater Services	Following correction of the above issues the areas must be agglomerated in accordance with the Guidelines. Currently the Wardell agglomeration is not in compliance with the Guidelines, and the 2013 Draft DSP agglomeration was not done in compliance with the Guidelines.	Confirm the NOW the required methodology.	confirmed

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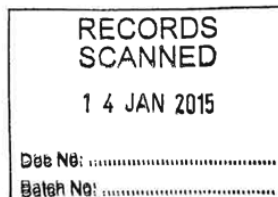
WHO	Document	Submission	Council comment	Response
Ardill Payne & Partners	15 January 2015  Submission To Public Exhibition Of Draft Dsp For Wastewater Services	When Council has amended the Draft DSP in response to public submissions, and before the Draft is submitted to NOW for registration, APP be given the opportunity to review the amended document. This will avoid any challenge to the registered DSP should NOW register a DSP containing previous identified errors in Guidelines compliance as would have occurred has the 2013 draft DSP been registered.		APP may review the documents attached to the agenda for next Council meeting

## OCEAN PARK CONSULTING

8 January 2015  
Our Ref: 0460

General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478

Fax: 02 6686 7035



Dear General Manager,

### DRAFT DEVELOPMENT SERVICING PLAN FOR WASTE WATER AND RECYCLED WATER SUPPLY INFRASTRUCTURE SUBMISSION

We are writing on behalf of Wave Break Properties Pty Ltd to make this submission and requested recommended changes to the Draft Development Servicing Plans in response to the Ballina Shire Council Draft Development Servicing Plan for Waste Water and Recycled Water Supply Infrastructure.

The Draft Development Servicing Plans are identified in the Ballina Shire Council Website - "Documents on Exhibition" with a submission closing date of 15 January 2015.

#### 1.0 Current Land Designation

The subject land the focus of this submission is situated generally to the west of The Coast Road and to the south of Headlands Drive, Skennars Head.

The land is described as:

- Lot 1 DP1184436;
- Lot 2 DP1184436;
- Lot 3 DP1184436;
- Lot 50 DP755684.

The current land designation is indicated on the Ballina Local Environmental Plan 2012 Maps as being partly within the (R2) Low Density Residential Zone, partly within (B1) Neighbourhood Centre Zone, and partly within (DM) Deferred Matter. Refer to Locality Sketch in Attachment 1.

It is proposed that future development on the land will be controlled through a yet to be established proposed "Development Control Plan (DCP) – Skennars Head Expansion Area".

#### 2.0 Current Development Servicing Plan for Sewerage Infrastructure

The subject land the focus of this submission is currently identified within the existing Sewerage DSP Area identified as being situated within Sewerage DSP Area B. Refer to Attachment 2.

The current DSP for Sewerage Infrastructure - Figure 4 – East Ballina (Attachment 2) identifies the subject land is proposed to be serviced by a combination of future infrastructure. The future infrastructure is identified on the mark up on Figure 4 as:

- Location A – Future Rising Main / Upgrade;
- Location B – New Angels Beach Pump Station;

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- Location C – Future Rising Main / Upgrade.

The designations of the sewerage infrastructure on Figure 4 demonstrates the nexus between the subject land (identified by mark up Proposed DCP “Skennars Head Expansion Area”) and the existing sewerage network. This “connection” of the subject land will be by the identified “Future” sewerage rising mains, and pump station (New Angels Beach PS 2015/16). These items are shown as marked up Location A, B and C.

### **3.0 Draft Development Servicing Plan for Wastewater and Recycled - Water Supply Infrastructure**

#### **3.1 Draft Development Servicing Plan - Wastewater**

The subject land is situated within the Draft DSP Drinking Water Supply Figure 1 – DSP Areas Overview as DSP Area B. Refer Attachment 3. In further detail, the land is indicated as being situated within a DSP area in Figure 4 – DSP Area B South.

Draft Figure 4 as identified with the markup indicates Council has removed the following future infrastructure that is currently shown to service the subject land:

- Location A – Future Rising Main / Upgrade; New Angels Beach Pump Station; Future Rising Main / Upgrade.

#### **3.2 Draft Development Servicing Plan – Recycled Water**

The subject land is indicated on Figure 10 – DSP Area B South (Development Servicing Plan – Recycled Water) as being influenced by the following recycled water elements, it is:

- within the designation area “Urban Dual Reticulation”;
- influenced by “Future Recycled Water Pipe Network” (RWP).

### **4.0 Analysis of Draft DSP Influence**

- i. To assist with the analysis discussion, the following current and Draft DSP extracts are provided in the attachments with markups notated for reference.
  - Attachment 1 – Locality Sketch – Overlay on Ballina Local Environmental Plan 2012 – Land Zoning Maps;
  - Attachment 2 – BSC Sewerage Infrastructure – Development Servicing Plans – May 2004;
  - Attachment 3 – BSC Draft Development Servicing Plan for Wastewater and Recycled – Water Supply Infrastructure – December 2014.
- ii. The Draft DSP for Wastewater Infrastructure identifies certain principles which are relevant to this submission. These include:
  - Purpose of the Plan (sub clause 2.2)(part):
    - Ensure that adequate wastewater infrastructure is provided for as part of new development;
    - Provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of contributions on an equitable basis.

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- Works in Kind (sub clause 2.12)(part):

“Works in kind” involves the construction or provision of infrastructure that has been identified in a works schedule contained in the Development Services Plan in lieu of full or part payment of a contribution relating to that section of the plan.

The decision to accept “works in kind” contributions will be at the discretion of Council.”

- iii. The Draft DSP for Wastewater does recognise “a number of key development areas have been identified for future land supply in Ballina Shire”. One of these areas is identified as “Candidate Investigation Release Area in Skennars Head”. It is understood this incorporates the land the subject of this submission. This is reinforced by the subject land being contained within the DSP designated area Draft DSP Area B.
- iv. The fundamental difference between the existing DSP Sewerage Infrastructure and the Draft DSP for Wastewater is the fact the subject land is currently shown as being clearly serviced by future wastewater infrastructure. Refer to Figure 4 – East Ballina markups in particular those facilities identified in the mark up as Location A, Location B and Location C.  
  
The removal of the infrastructure services from the Draft DSP in effect means there is now no surety in relation to the manner in which the subject land will be serviced in the future.
- v. The existing DSP Wastewater clearly identifies the manner in which the proposed DCP Skennars Head Expansion Area is to be serviced and the potential spatial location of future rising mains and the future pump station to service the subject land and its connection with the Lennox Head STP. Without the clearly identified future wastewater sewerage infrastructure, the Draft DSP Wastewater Infrastructure does not provide a connection network from the subject land to the existing Lennox Head STP.
- vi. The subject land is influenced by a gazetted land zoning. It is contained within three (3) designated land zonings (refer item 1.0). Further the land is the subject of a proposed DCP – Skennars Head Expansion Area. Without a clear definition of the manner in which the land can be serviced, it does not conform with the purpose of the plan to ensure the land can be serviced on an equitable basis and can be serviced with surety.
- vii. As the future infrastructure facilities are removed from the Draft DSP for Wastewater , this means the proponent cannot “trigger” works in kind. This is considered to be not equitable as it removes an existing ability to construct works shown in the identified works schedule contained in the current DSP Sewerage and to seek an in lieu full or part works in kind contribution for these identified future infrastructure services works.
- viii. There is no justification provided in the Draft DSP for the removal of the sewerage infrastructure indicated in the current DSP to service the subject land.
- ix. The Draft DSP appears to be configured in relation to the subject land to treat it as if it is remote from the existing services. That is, to treat the subject land by default as being “out of sequence development”. This is not applicable as the land is identified in the current Ballina Shire Council LEP as being zoned partly for residential purposes, and partly for neighbourhood centre. The subject land is also included in the existing and Draft DSP as being contained within a designated DSP area. Therefore not as an out of sequence development.

## 11.1 Development Servicing Plans for Water and Wastewater.DOC

Draft Development Servicing Plan for Wastewater and Recycled Water Supply Infrastructure – Submission

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- x. The Proponent was not advised of the proposed removal of the infrastructure services to service the subject land. That is, the change that has occurred between the currently existing DSP and the Draft DSP was not advised by Council.
- xi. There is now no surety that Council will accept any future connection by way of a public asset infrastructure services to connect the subject land to an available wastewater connection point. This connection point is not shown in the Draft DSP.
- xii. There are no known detailed technical planning studies conducted for the Draft DSP that clearly indicate the rationale and reason for the exclusion for the wastewater infrastructure services that are currently shown to service the subject land and have been removed as part of the Draft DSP.
- xiii. The Draft DSP by removal of the wastewater infrastructure services to connect the subject land does now not encourage the effective and efficient delivery of sewerage services from the future development of the subject land to the available Council sewerage connection point, as there is no clear direction nominated in the draft DSP.
- xiv. The Draft DSP does not include a clear indication of the capital works existing or new assets required, or likely to be required, to service the subject land. The removal of the sewerage infrastructure to connect to the subject land from the Draft DSP means the capital works program is not comprehensive and is deficient in infrastructure to service the subject land.
- xv. In relation to the Draft DSP for the Recycled Water Infrastructure component it is noted the land is designated within an "Urban Dual Reticulation" area and is to be serviced by a future "Recycled Water Pipe Network". There is a fundamental difference between the mapping designation on Figure 10 – DSP Area B – South, and that of the Figure 4 – DSP Area B South (Development Servicing Plan Drinking Water Supply), that is, Figure 4 of the Drinking Water Supply indicates a designation of the infrastructure in the following manner:
- DSP Area;
  - Trunk Infrastructure;
  - Developer Constructed Infrastructure;
  - Future Infrastructure Funded by DSP;
  - Reticulation;
  - Pumps.
- The above designations provide clarity in relation to the function of the particular infrastructure element, the responsibility for the particular infrastructure element, and whether the infrastructure relates to trunk or future infrastructure funded by the DSP.
- xvi. It is proposed the various figures relating to the Draft DSP recycled water, particularly Figure 10, as it relates to the subject land, should be amended to clearly indicate the responsibilities for the particular infrastructure element. That is, in the case of the land subject of this submission, the recycled water pipe network needs to be clearly identified as trunk infrastructure, to ensure there is no possible confusion with it being "Developer Constructed Infrastructure". In this way it will be clear for any reasonable person that any future construction of these works in the subject land by the proponent could be reasonably be expected to identify the recycle water pipe as trunk infrastructure and could be the subject of "works in kind" contribution if works on the trunk RWP were to be undertaken by the proponent.

**5.0 Recommendation**

- i. That the Draft Ballina Shire Council (BSC) Development Servicing Plan - Wastewater Infrastructure be amended to reflect the future infrastructure that is indicated in the current Ballina Shire Council Sewerage Infrastructure Development Servicing Plan – May 2004, particularly as indicated on Figure 4 – East Ballina, that demonstrates with future rising main / upgrades and future pump station / upgrades the connectivity between the existing sewerage infrastructure services and the proposed DCP Skennars Head Expansion Area land. The appropriate changes be made to the Draft DSP and all associated Figures.
- ii. That the Draft DSP be amended appropriately to ensure the subject land is included in section 3.3.1 – Future Development Areas, so that the terms in the description in the Draft DSP in the relevant part of section 3.3.1 be amended as follows:  
  
*“Candidate Investigation Release Area in Skennars Head;”* be deleted and replaced with *“Zoned and Candidate Investigation Release Area in Skennars Head;”*
- iii. That the Draft Ballina Shire Council Development Servicing Plan – Wastewater Infrastructure – Recycled Water Supply Infrastructure Figure 10 – DSP Area B South (Development Servicing Plan – Recycled Water) be amended so it clearly indicates the future recycled water pipe network to service the subject land is part of the BSC Trunk Network and is not a “Developer Constructed Infrastructure”.

Should you require any further information please do not hesitate to contact Rangi Campbell of our Gold Coast office.

Yours sincerely,  
**OCEAN PARK CONSULTING PTY LIMITED**

  
**Rangi Campbell**  
**Director**

Encl.

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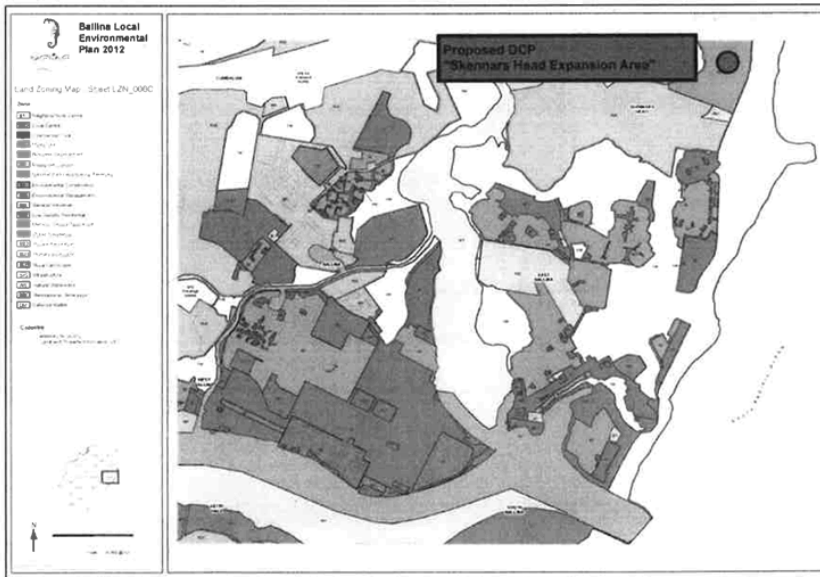
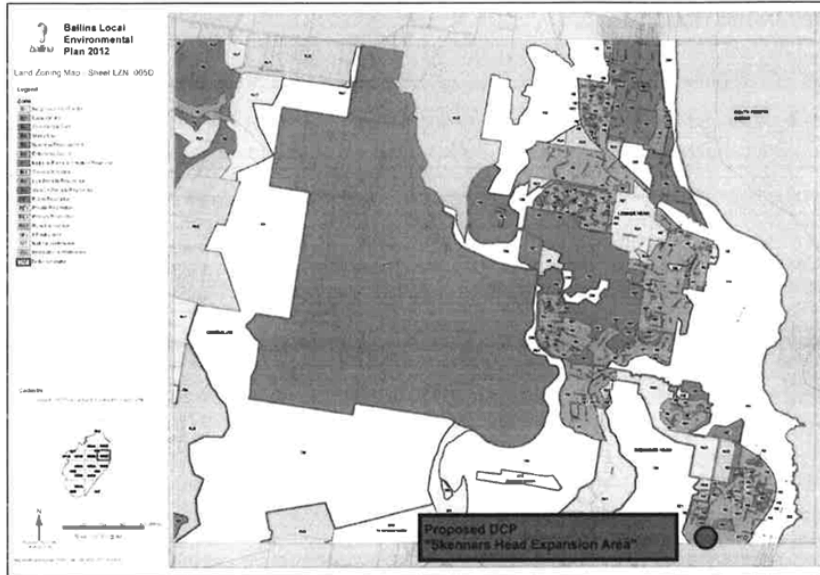
Draft Development Servicing Plan for Wastewater and Recycled Water Supply Infrastructure – Submission

### **ATTACHMENT 1 - LOCALITY SKETCH (OVERLAY BALLINA LEP LAND ZONING MAP)**

Ocean Park Consulting Pty Limited

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**BALLINA SHIRE COUNCIL**  
Ballina Local Environmental Plan 2012 – Land Zoning Maps



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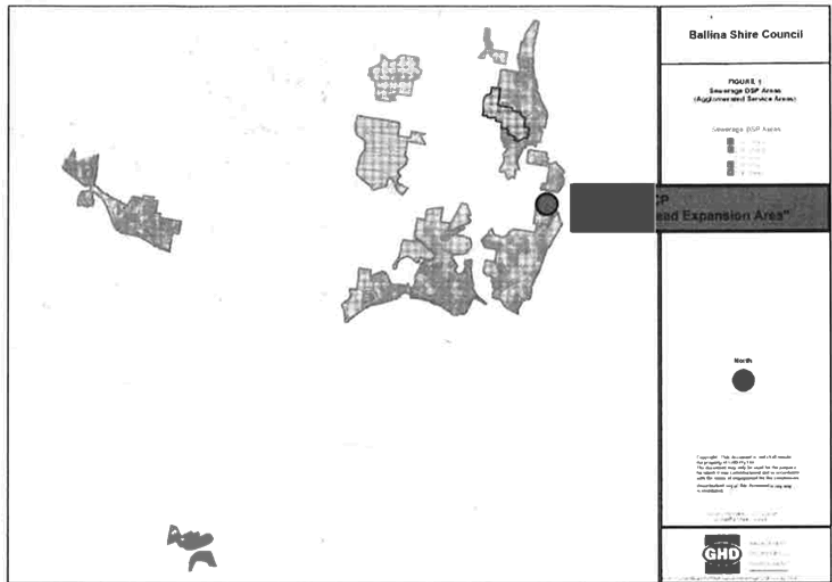
Draft Development Servicing Plan for Wastewater and Recycled Water Supply Infrastructure – Submission

### **ATTACHMENT 2 – SEWERAGE INFRASTRUCTURE - DEVELOPMENT SERVICING PLAN – DRAWING EXTRACTS**

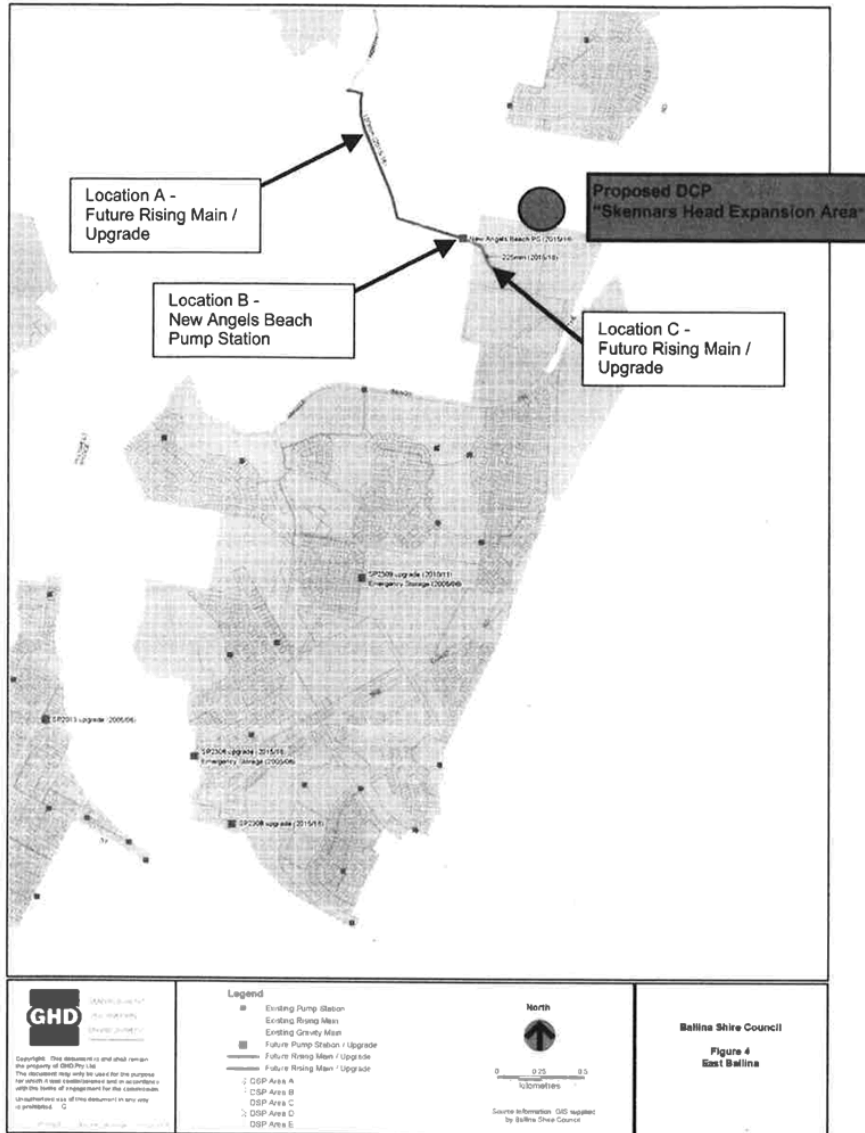
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**BALLINA SHIRE COUNCIL**  
Sewerage Infrastructure – Development Servicing Plans  
May 2004





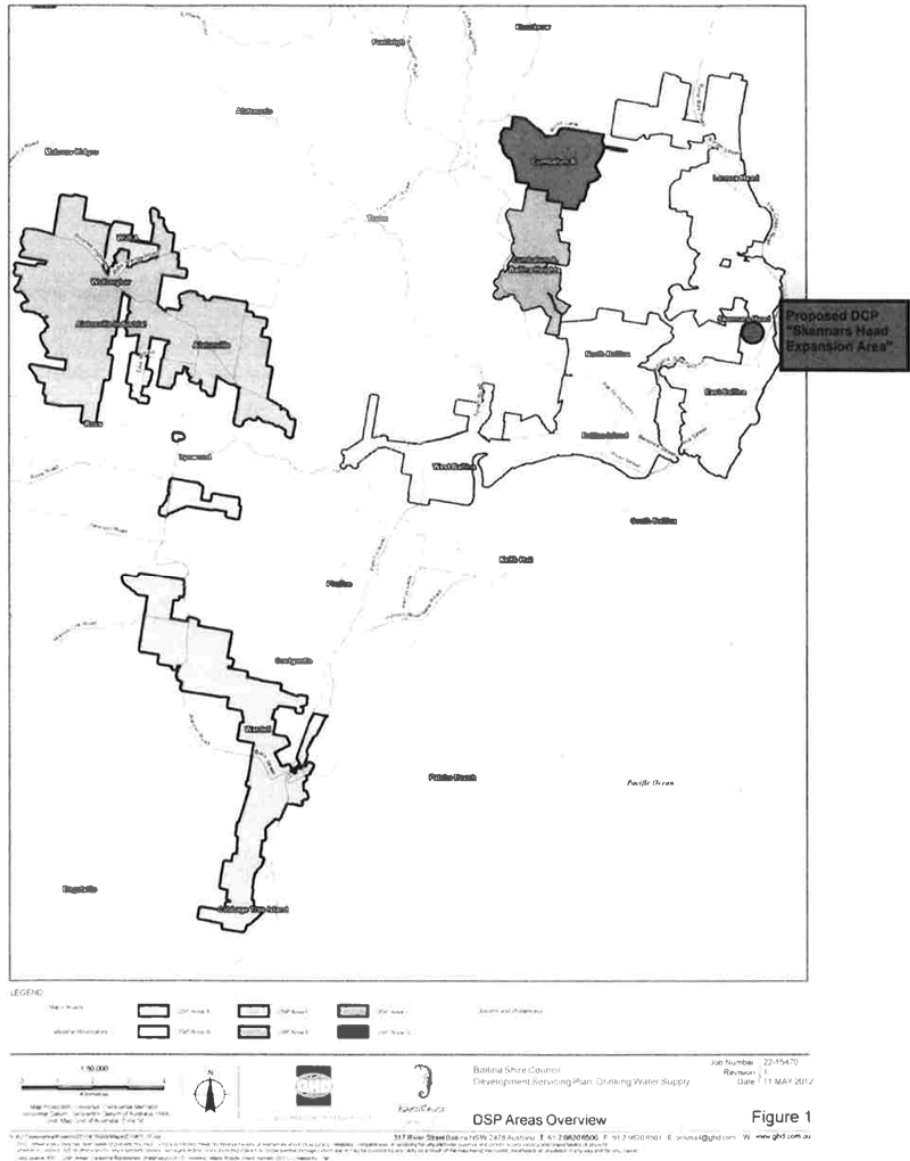


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Draft Development Servicing Plan for Wastewater and Recycled Water Supply Infrastructure – Submission

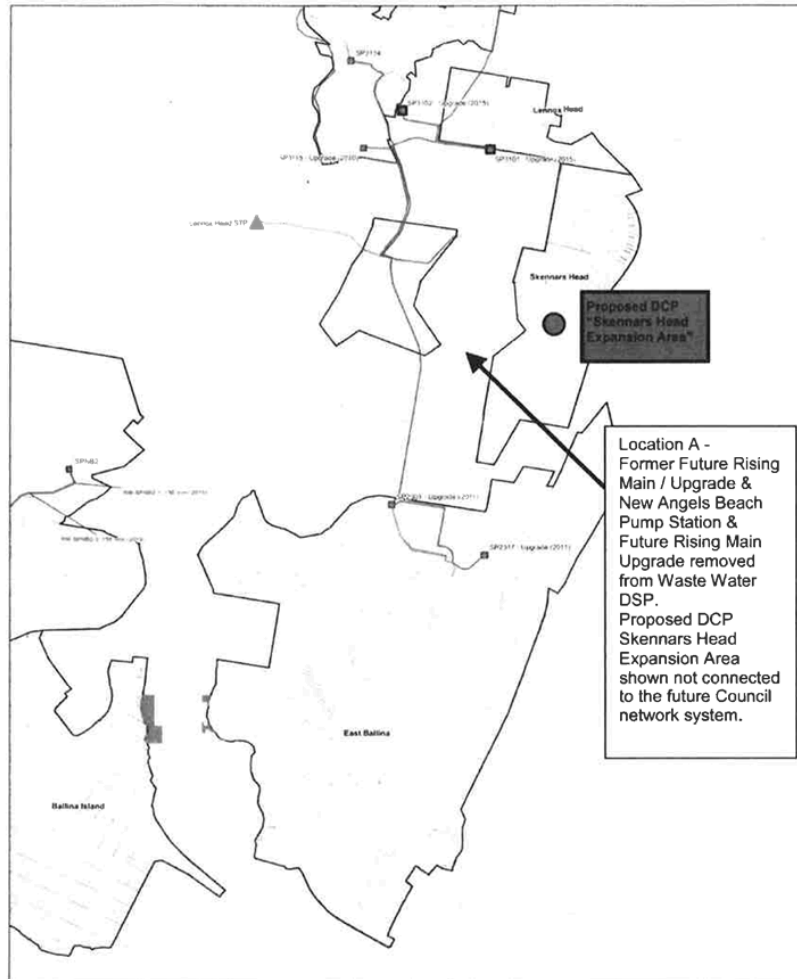
**ATTACHMENT 3 - DRAFT DEVELOPMENT SERVICING PLAN FOR WASTEWATER AND  
RECYCLED - WATER SUPPLY INFRASTRUCTURE – DRAWING EXTRACTS**

**BALLINA SHIRE COUNCIL**  
**DRAFT Development Servicing Plan for Wastewater and Recycled –**  
**Water Supply Infrastructure**  
 December 2014



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DRAFT Development Servicing Plan for Wastewater and Recycled – Water Supply Infrastructure - December 2014



**LEGEND**

Existing Pump Station	Existing Sewerage Mains	Existing Gravity Mains	Existing Stormwater
Future Pump Station	Future Sewerage Mains	Future Gravity Mains	Future Stormwater
Future Pump Upgrade	Future Sewerage Upgrade	Future Gravity Upgrade	Future Stormwater Upgrade

Scale: 0 250 500 750 1000 Meters

Ballina Shire Council  
BSC Wastewater DSP

Job Number: 22-15241  
Revision: 5  
Date: 30 APR 2014

Area B (South)

Figure 4

317 River Street Ballina NSW 2478 Australia F 61 2 9620 8500 F 61 2 9620 6501 E [info@ballina.nsw.gov.au](mailto:info@ballina.nsw.gov.au) W [www.ballina.nsw.gov.au](http://www.ballina.nsw.gov.au)



## OCEAN PARK CONSULTING

8 January 2015  
Our Ref: 0460

General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478

Fax: 02 6686 7035

Dear General Manager,

### **DRAFT DEVELOPMENT SERVICING PLAN FOR WATER SUPPLY INFRASTRUCTURE SUBMISSION**

We are writing on behalf of Wave Break Properties Pty Ltd to make this submission and requested recommended changes to the Draft Development Servicing Plans in response to the Ballina Shire Council Draft Development Servicing Plan for Water Supply Infrastructure.

The Draft Development Servicing Plans are identified in the Ballina Shire Council Website - "Documents on Exhibition" with a submission closing date of 15 January 2015.

#### **1.0 Current Land Designation**

The subject land the focus of this submission is situated generally to the west of The Coast Road and to the south of Headlands Drive, Skennars Head.

The land is described as:

- Lot 1 DP1184436;
- Lot 2 DP1184436;
- Lot 3 DP1184436;
- Lot 50 DP755684.

The current land designation is indicated on the Ballina Local Environmental Plan 2012 Maps as being partly within the (R2) Low Density Residential Zone, partly within (B1) Neighbourhood Centre Zone, and partly within (DM) Deferred Matter. Refer to Locality Sketch in Attachment 1.

It is proposed that future development on the land will be controlled through a yet to be established proposed "Development Control Plan (DCP) – Skennars Head Expansion Area".

#### **2.0 Current Development Servicing Plan for Water Supply**

The subject land the focus of this submission is currently identified within the existing Water DSP Area identified as being situated within Water Supply DSP Area B. Refer to Attachment 2.

The current DSP for Water Supply Infrastructure - The Figure 6 – Angels Beach (Attachment 2) indicates there is an existing water main situated within the land. From investigations of Council's As Constructed information it is understood that part of the existing water main is a 100mm diameter water main and part of the existing water main is a 200mm diameter water main, as noted on the markup on Figure 6. This existing water main is also understood to be situated within an easement for water supply purposes. The current DSP for water supply indicates a

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connection to the south, to the development known as "Angels Beach". This is designated on Figure 6 in a different line marking style.

### 3.0 Draft Development Servicing Plan for Water Supply Infrastructure

The subject land is situated within the Draft DSP Drinking Water Supply Figure 1 – DSP Areas Overview as DSP Area B. Refer Attachment 3. In further detail, the land is indicated in Figure 4 – DSP Area B South. The water supply infrastructure identified in the subject site and as shown on Figure 4 include the following (refer markup Attachment 3):

- Location A – Trunk Infrastructure (part);
- Location B – Reticulation Infrastructure (part);
- Location C – Developer Constructed Infrastructure (part);
- Location D – Trunk Infrastructure (part).

### 4.0 Analysis of Draft DSP Influence

- i. To assist with the analysis discussion, the following current and Draft DSP extracts are provided in the attachments with markups notated for reference.
  - Attachment 1 – Locality Sketch – Overlay on Ballina Local Environmental Plan 2012 – Land Zoning Maps;
  - Attachment 2 – BSC Water Supply Infrastructure – Development Servicing Plans – May 2004;
  - Attachment 3 – BSC Draft Development Servicing Plan for Water Supply Infrastructure – December 2014.
- ii. The Draft DSP for Water Supply Infrastructure identifies certain principles which are relevant to this submission. These include:
  - Purpose of the Plan (sub clause 2.2)(part):
    - Ensure that adequate drinking water infrastructure is provided for as part of new development.....;
    - Provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of contributions on an equitable basis.
  - Works in Kind (sub clause 2.12)(part):

"Works in kind" involves the construction or provision of infrastructure that has been identified in a works schedule contained in the Development Services Plan in lieu of full or part payment of a contribution relating to that section of the plan.

The decision to accept "works in kind" contributions will be at the discretion of Council....."
- iii. The Draft DSP for Water Supply Infrastructure does recognise "a number of key development areas have been identified for future land supply in Ballina Shire". One of these areas is identified as "Candidate Investigation Release Area in Skennars Head". It is understood this incorporates the land the subject of this submission. This is reinforced by the subject land being contained within the DSP designated area Draft DSP Area B.

In addition, the calculated developer charges are based on various service areas which includes Service Area B – Skennars Head. The Draft DSP figures show the Service Area B rightly includes the subject land.

## 11.1 Development Servicing Plans for Water and Wastewater.DOC

Draft Development Servicing Plan for Water Supply Infrastructure - Submission

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- iv. The fundamental difference between the existing DSP for Water Supply Infrastructure and the Draft DSP for Water Supply is the change in designation of the water supply infrastructure situated within the subject land.

The existing DSP identifies the existing water main in two (2) designations; one being existing mains, the other a dashed line indicating a connection to Angels Beach. This is shown in marked up figures in Attachment 2. The "dashed line" is not identified in the figure legend.

The Draft DSP for Water Supply changes the designations of the water supply main within the subject land to describe it as part trunk infrastructure, part reticulation infrastructure, and partly connected with developer constructed infrastructure. Refer to marked up sketch in Attachment 3.

- v. A review of the available Council "As Constructed" information identifies there exists within the subject land a Council water supply main comprising partly a 100mm diameter main and partly a 200mm diameter main. This water supply main extends through the subject land to connect Skennars Head area to Angels Beach and broader network. The water supply main is contained within an easement granted in favour of Council for the purposes of the water supply.

- vi. The designation of the existing water supply main in Figure 6 of the existing DSP Water Supply Infrastructure indicates the water supply main forms part of the DSP area and forms part of the water supply network for this part of the DSP Area B.

- vii. The existing DSP designation of the water supply main within the subject land recognises that the developer may be entitled to consider "works in kind" for any required adjustments or amendments to this water supply main with the future development of the subject land.

- viii. The Draft DSP Water Supply Infrastructure attempts to provide a designation to "down grade" the functionality and requirements of this existing water supply main. That is, the Draft DSP for Water Supply Infrastructure amends the designation within the subject land to that shown on the marked up Figure 4 (Attachment 3). The draft designation now identifies this main as a combination of trunk infrastructure and reticulation infrastructure for varying lengths of the existing water supply main.

It is considered that such an apparent down grading of the water supply main is a specific attempt to remove the ability of the development of the land to claim any "works in kind" provisions.

If it is found that the water main is not required as a strategic link main as shown on the current DSP, Council should give consideration to removing the existing water main from the private property and extinguishing the existing water supply easement.

- ix. It is contended the water supply main be it a trunk main or distribution main that is currently existing within the subject land and contained within an easement for that purpose has provided and appears to continue to provide a water supply infrastructure that has a material public benefit by having the water supply main link in this particular portion of the Skennars Head and Angels Beach area and broader water supply network function.

- x. The subject land is influenced by a gazetted land zoning. It is contained within three (3) designated land zonings (refer item 1.0). Further the land is the subject of a proposed DCP – Skennars Head Expansion Area.



Draft Development Servicing Plan for Water Supply Infrastructure - Submission

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- xi. There is no justification provided in the Draft DSP for the change in designation of the water supply infrastructure to that as indicated in the current DSP to service the subject land.
- xii. The Proponent was not advised, by Council, of the proposed Draft DSP change in designation to the water supply infrastructure services to service the subject land.
- xiii. There are no known detailed technical planning studies conducted for the Draft DSP that clearly indicate the rationale and reason for the change of designation of the water supply infrastructure services that are currently shown to service the subject land.

**5.0 Recommendation**

- i. That the Draft Ballina Shire Council (BSC) Development Servicing Plan for Water Supply Infrastructure be amended to reflect the designation of the existing trunk water supply infrastructure as a continuous existing trunk infrastructure water supply main throughout the subject site. In particular Figure 4 and Figure 5 of the Draft DSP be amended so the trunk infrastructure is shown for a continuous link and not part trunk infrastructure and part reticulation infrastructure. The appropriate changes be made to the Draft DSP and all associated Figures.
- ii. That the Draft DSP be amended appropriately to ensure the subject land is included in section 3.3.1 – Future Development Areas, so that the terms in the description in the Draft DSP in the relevant part of section 3.3.1 be amended as follows:

*"Candidate Investigation Release Area in Skennars Head;" be deleted and replaced with "Zoned and Candidate Investigation Release Area in Skennars Head;"*

Should you require any further information please do not hesitate to contact Rangi Campbell of our Gold Coast office.

Yours sincerely,  
**OCEAN PARK CONSULTING PTY LIMITED**

  
**Rangi Campbell**  
**Director**

Encl.

**11.1 Development Servicing Plans for Water and Wastewater.DOC**

Draft Development Servicing Plan for Water Supply Infrastructure - Submission

**ATTACHMENT 1 - LOCALITY SKETCH (OVERLAY BALLINA LEP LAND ZONING MAP)**



**11.1 Development Servicing Plans for Water and Wastewater.DOC**

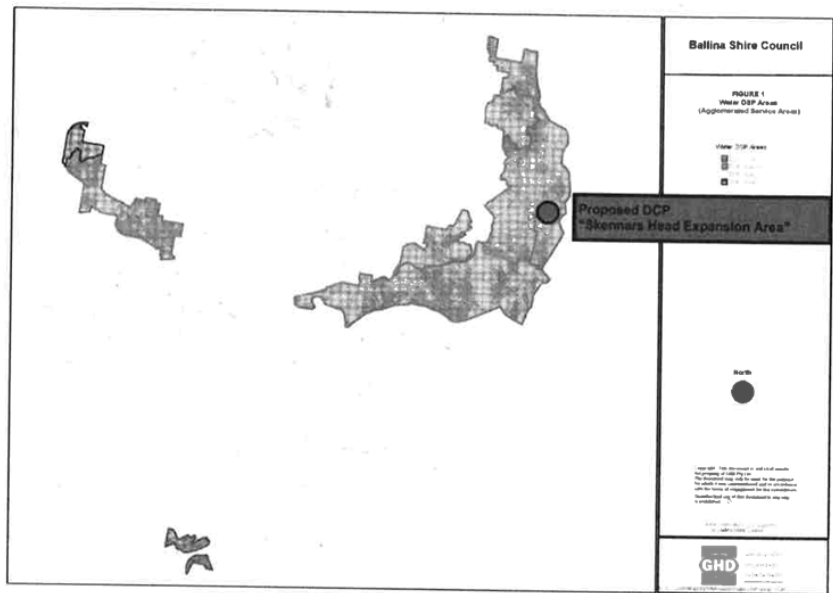
Draft Development Servicing Plan for Water Supply Infrastructure - Submission

**ATTACHMENT 2 - DEVELOPMENT SERVICING PLAN WATER SUPPLY EXISTING -  
DRAWING EXTRACTS**

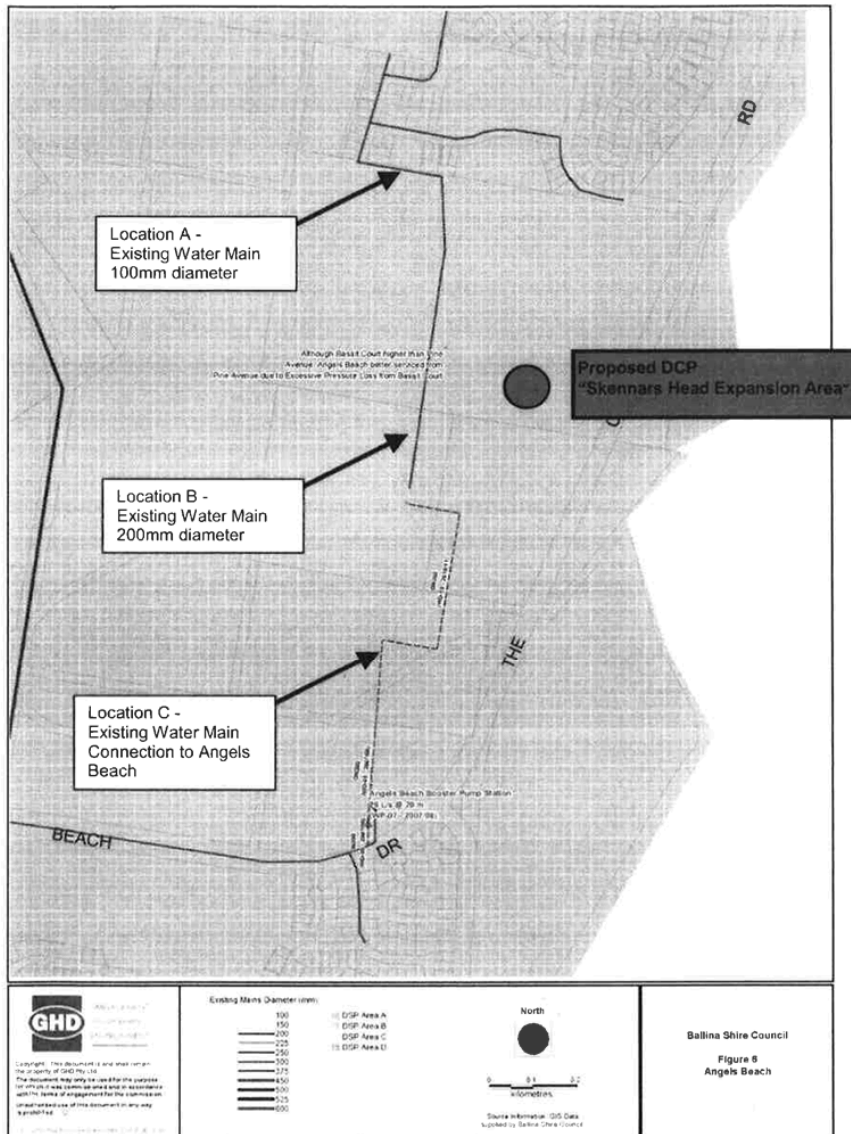
Ocean Park Consulting Pty Limited

Page 6 of 7

**BALLINA SHIRE COUNCIL**  
Water Supply Infrastructure – Development Servicing Plans  
May 2004



11.1 Development Servicing Plans for Water and Wastewater.DOC



## 11.1 Development Servicing Plans for Water and Wastewater.DOC

Draft Development Servicing Plan for Water Supply Infrastructure - Submission

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### **ATTACHMENT 3 - DRAFT DEVELOPMENT SERVICING PLAN FOR WATER SUPPLY INFRASTRUCTURE – DRAWING EXTRACTS**

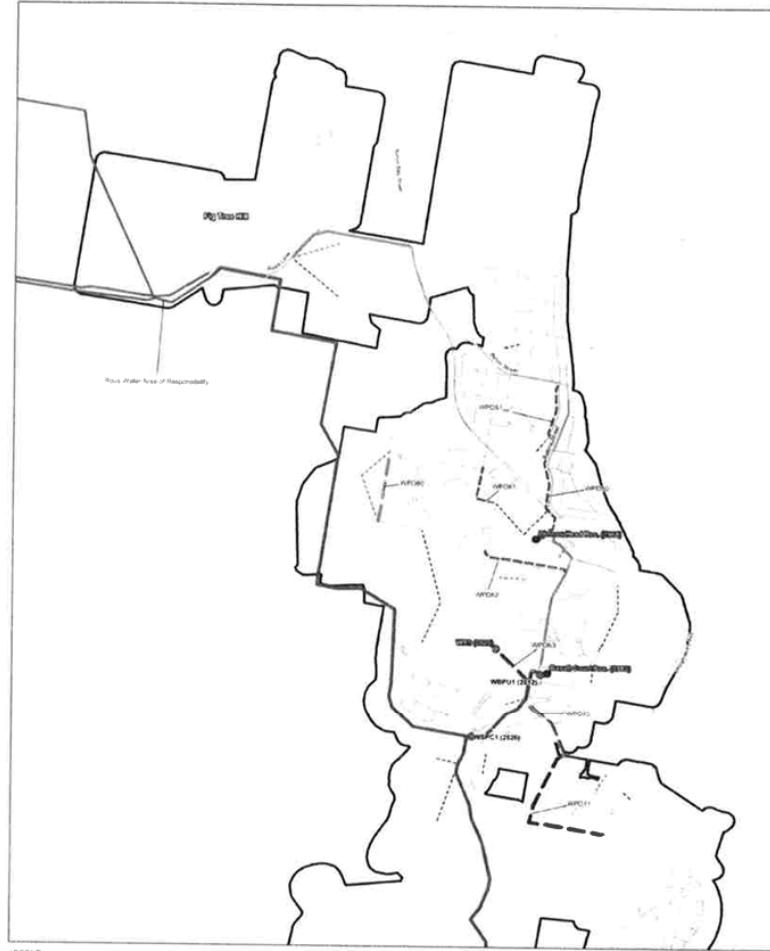
Ocean Park Consulting Pty Limited

Page 7 of 7





DRAFT Development Servicing Plan for Water Supply Infrastructure - December 2014



**LEGEND**

	<b>DSP Area B</b>		<b>Pipe Infrastructure</b>		<b>Developer Contributed Infrastructure</b>		<b>Future Infrastructure Funded by DSP</b>		<b>Reservoirs</b>		<b>Pumps</b>
	<b>General Boundaries</b>		<b>100mm Pipe</b>		<b>150mm Pipe</b>		<b>200mm Pipe</b>		<b>300mm Pipe</b>		<b>Pumping Pumps</b>
	<b>100mm Reservoir</b>		<b>150mm Reservoir</b>		<b>200mm Reservoir</b>		<b>300mm Reservoir</b>		<b>400mm Reservoir</b>		<b>Future DSP Pumps</b>

Scale: 1:20,000

Ballina Shire Council  
Development Servicing Plan - Drinking Water Supply

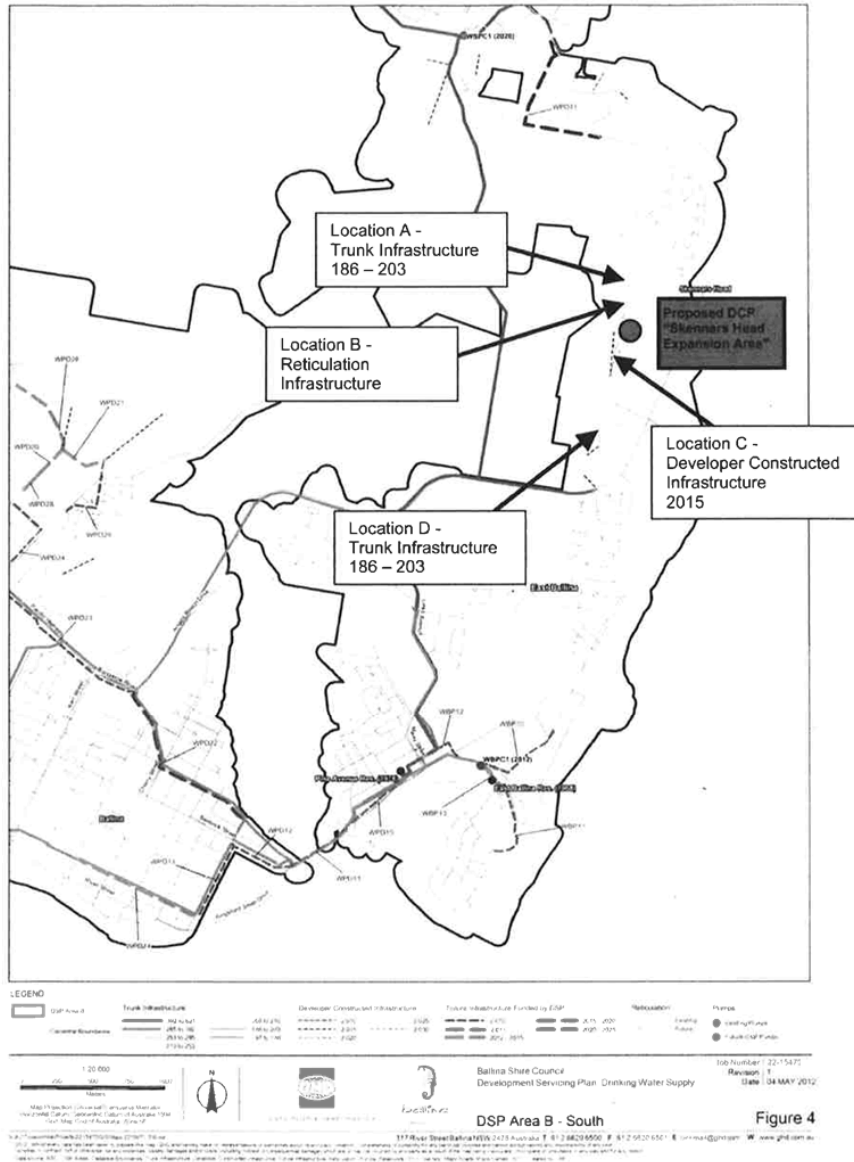
Job Number: 22-15470  
Revision: 1  
Date: 08 May 2012

**DSP Area B - North** **Figure 3**

311 Street, Ballina NSW 2478 Australia T 61 2 6620 6500 F 61 2 6620 6501 E [info@ballina.nsw.gov.au](mailto:info@ballina.nsw.gov.au)  
[www.ballina.nsw.gov.au](http://www.ballina.nsw.gov.au)  
 2012-2013 Financial Year Budget: \$10,000,000.00  
 2013-2014 Financial Year Budget: \$10,000,000.00  
 2014-2015 Financial Year Budget: \$10,000,000.00  
 2015-2016 Financial Year Budget: \$10,000,000.00  
 2016-2017 Financial Year Budget: \$10,000,000.00  
 2017-2018 Financial Year Budget: \$10,000,000.00  
 2018-2019 Financial Year Budget: \$10,000,000.00  
 2019-2020 Financial Year Budget: \$10,000,000.00  
 2020-2021 Financial Year Budget: \$10,000,000.00  
 2021-2022 Financial Year Budget: \$10,000,000.00  
 2022-2023 Financial Year Budget: \$10,000,000.00  
 2023-2024 Financial Year Budget: \$10,000,000.00  
 2024-2025 Financial Year Budget: \$10,000,000.00  
 2025-2026 Financial Year Budget: \$10,000,000.00  
 2026-2027 Financial Year Budget: \$10,000,000.00  
 2027-2028 Financial Year Budget: \$10,000,000.00  
 2028-2029 Financial Year Budget: \$10,000,000.00  
 2029-2030 Financial Year Budget: \$10,000,000.00

11.1 Development Servicing Plans for Water and Wastewater.DOC

DRAFT Development Servicing Plan for Water Supply Infrastructure - December 2014





# ARDILL PAYNE

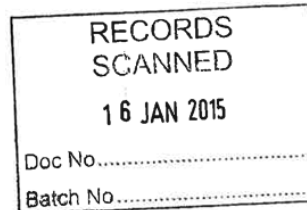
& P a r t n e r s  
www.ardillpayne.com.au e:info@ardillpayne.com.au  
ABN: 51 808 558 977



ballina 2014 dsp app submission\_r1.docx

15 January 2015

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



**Attention: Andrew Swan**

Dear Sir

**RE: Submission to Public Exhibition of Draft DSP for Wastewater Services**

Thank you for the meeting with GHD and yourself on 11 December to discuss the Draft DSP, and your subsequent email of 14 January 2015 detailing the resulting contributions should these corrections be confirmed. As you are waiting for further advice from NSW Office of Water (NOW) before reaching a final position regarding these corrections I will reiterate our concerns for the record.

We believe that prior to submission of the Draft DSP for registration with NOW the following errors need to be corrected.

1. Capital charges related to the Ballina STP, which no longer exists, need to be removed. This includes the value of the land and pond which have been paid for by previous DSP contributions. This is detailed further in the attached emails and file notes.
2. Capital charges related to incorrectly identified assets need to be removed;
  - a. RM-2401-1 is a duplication of existing rising mains FM 1053 and FM 1048 and should be removed (still in dispute see A.Swan email 19/12/14 and C.Mulder response attached)

Engineers | Planners | Surveyors | Environmental | Project Management

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BALLINA NSW 2478  
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Level 1, The Designbank  
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**GUNNDAH**  
Germane House,  
285 Conadilly Street,  
GUNNDAH NSW 2380  
Ph: 02-6742 9955

15/01/15

Ardill Payne & Partners 

- b. FM-978 (duplicate label) 150Ø constructed 1983 cannot be related to Area F (agreed by BSC see A.Swan email 19/12/14 attached)
  - c. FM-988 63Ø constructed 1985 cannot be related to Area F (agreed by BSC see A.Swan email 19/12/14 attached)
  - d. FM-1029 (duplicate label) 63Ø constructed 1980 cannot be related to Area F (agreed by BSC see A.Swan email 19/12/14 attached)
3. Following correction of the above issues the areas must be agglomerated in accordance with the Guidelines. Currently the Wardell agglomeration is not in compliance with the Guidelines, and the 2013 Draft DSP agglomeration was not done in compliance with the Guidelines.

We also request that when Council has amended the Draft DSP in response to public submissions, and before the Draft is submitted to NOW for registration, APP be given an opportunity to review the amended document. This will avoid any challenge to the registered DSP should NOW register a DSP containing previously identified errors in Guideline compliance as would have occurred had the 2013 draft DSP been registered.

I look forward to your response to these requests. Should you require any additional information please contact me on 6686 3280 or 0427 291771.

Yours faithfully



Chris Mulder

**ARDILL PAYNE & PARTNERS**

Attachments;

1. File Notes of 11/12/14 meeting issued to BSC
2. A. Swan 19/12/14 email response to meeting and file notes
3. C. Mulder email response to A. Swan's 19/12/14 email

15/01/15

Ardill Payne & Partners **Attachment 1** File Notes of 11/12/14 meeting issued to BSC**MEMO/File Note**

<b>Subject:</b>	<b>Ballina Draft DSP Meeting</b>		
<b>Date:</b>	11/12/14	<b>Job No:</b>	5009/7771
Attendance;	Andrew Swan, Michael Evans, Chris Mulder,	BSC GHD APP	

The meeting was conducted as part of the DSP public exhibition and consultation process.

Agglomeration

CM As per previous APP advice the current draft has not been agglomerated in accordance with the Guidelines, and neither was the 2013 draft. CM requested confirmation that agglomeration would be done in accordance with the Guidelines. This includes agglomerating after the correction of any errors in asset valuation or inclusion.

AS & ME advised that the currently disputed agglomeration related to Wardell subsidies and clarification has been sought from NOW. Agglomeration for unsubsidised (all other) areas would be in accordance with the 2012 Guidelines with Wardell being as directed by NOW.

Major Assets Wrongly Included

Ballina STP no longer exists having been completely replaced by Ballina RWF. Yet both items appear in the DSP as operating over the next 36 years.

AS indicated that this must be a result of the length of time that the DSP has taken to finalise (4 years), but there would be some residual value in the pond and land.

CM pointed out that the Guidelines do not allow assets over 30 years old to be included in the DSP without justification. No justification has been given. Therefore any residual value in the pond or land should have already been covered by previous DSP's and should not be included.

AS said that this would be investigated and corrected as necessary.

CM also pointed out that the NPV calculation for the Ballina STP appeared to be incorrect and that if any residual value was included the NPV calculation would need to be revised.

Minor Assets Wrongly Included

- RM-2401-1 is a duplication of existing rising mains FM 1053 and FM 1048 and should be removed
- FM-978 (duplicate label) 150Ø constructed 1983 cannot be related to Area F which was not sewered until after 2002
- FM-988 63Ø constructed 1985 cannot be related to Area F which was not sewered until after 2002

ballina 2014 dsp app submission\_r1.docx

Attachment 1.

15/01/15

Ardill Payne & Partners 

- FM-1029 (duplicate label) 63Ø constructed 1980 cannot be related to Area F which was not sewered until after 2002

AS said that these matters will be investigated and corrected as necessary.

Process Going Forward

AS advised that APP should make a written submission to the exhibition and not take this meeting as a submission.

CM advised that this would be done but suggested that APP be advised of the results, and corresponding changes to contributions, of investigations prior to making submission and finalisation of draft for registration. This would avoid challenges to the registered DSP resulting from errors in process in relation to the correction of matters identified during the exhibition period or post exhibition discussions. This was agreed.

----- end -----

15/01/15

Ardill Payne & Partners **Attachment 2 A. Swan 19/12/14 email response to meeting and file notes****From:** Andrew Swan [<mailto:aswan@ballina.nsw.gov.au>]**Sent:** Friday, 19 December 2014 10:37 AM**To:** Chris Mulder**Subject:** RE: 7771 Ballina DSP meeting with GHD notes

Hi Chris, yes I just received a response this morning as was looking at it as I go your email. (as below)

Re agglomeration / subsidy: Maha (NSW Office of Water) is not back until mid-January and we are best to wait his advice prior to making a final response on this issue. Other than we will follow the requirements of the Guidelines as advised by NSW Office of Water in this regard.

Regarding the removal of the old Ballina STP costs: we agree it makes sense to remove it, but we do intend to determine if we can / should include certain components of the existing treatment that have been training in the new treatment process. We will need to discuss with NOW how this applies. In principle it would be the previous catch pond which has been converted into a wet weather storage pond, the outfall and any relevant site value if this can / should be included. These are obviously much less than the existing capital amount for those assets in the DSP.

For the additional four mains that were raised:

- RM2401, FM1053, and FM1048 are not duplications. No changes made to DSP.
  - o RM2401-1 is the main out of PS by same name (labelled below)
  - o FM1053 is a section of duplicate pipe between SP2404 and SP2402 (as per blue arrows below)
  - o FM1048 is a small part of the outlet of SP2402



- FM-978 (DN150, 9 m, 1983 version) is associated with Lennox Head area. **Reassigned to Area B in DSP.**  
(The other, DN225 FM-978 is correctly associated with Area F)
- FM-988 (DN63, 1985 version) is associated with Lennox Head area. **Reassigned to Area B in DSP.**  
(The other, DN300 FM-988 is correctly associated with Area F)
- FM-1029 (DN63, 1980 version) is associated with North Ballina area. **Reassigned to Area B in DSP.**  
(The other, DN228 FM-1029 is correctly associated with Area F)

ballina 2014 dsp app submission\_r1.docx

Attachment 2.



15/01/15

Ardill Payne & Partners 

**Attachment 3 C. Mulder email response to A. Swan's 19/12/14 email**

**From:** Chris Mulder  
**Sent:** Friday, 19 December 2014 2:27 PM  
**To:** 'Andrew Swan'  
**Cc:** Bill Payne  
**Subject:** RE: 7771 Ballina DSP meeting with GHD notes

Hi Andrew,

Thanks for reply.

From your advice it would appear that responses from NOW, and therefore further advice from yourselves in regard to the likely final contributions, are unlikely before the end of the exhibition period.

We should however be able to reach agreement on the rising mains.

Your statement that RM2401 is not a duplication is incorrect.

- The only section of 150 rising main in the BHE system, now or in the future, is the existing 408m of 150PVC (auxiliary to existing 225PVC) from SP2401 to SP2402, occupying the alignment marked on your plan for RM2401, and already accounted for in the DSP by FM1053 and FM 1048 totalling 450m 150PVC.
- The existing duplicate main between SP2404 and SP2402 (auxiliary to existing 110PE) is 100PVC, not 150PVC and so cannot be FM1053. It is 459m long and accounted for in the DSP by FM-881, FM-882 and FM-973 totalling 445.5m 100PVC. This is the only 100PVC in the BHE system.
- The WAE infrastructure that exists should dictate what is in the plan, not the servicing plan when it is shown to be in error.
- Therefore RM2401, 480m 150DICL, is a duplication and needs to be removed.

Correction of the other misallocated mains is noted.

As for the treatment of the Ballina STP. Our submission will point out that;

1. The STP, commissioned 42 years ago, no longer exists having been replaced by Ballina RWF, the costs of which are included in the DSP
2. All parts of the STP remaining in service eg land, pond and outfall are well beyond the 30 year age limit for inclusion in the DSP and should have been completely paid for by now. Future development should not be burdened with duplicating payments already received by council. Assets older than 30 years can only be included in a DSP if there is documented justification (approved by NOW) in the DSP, which there is not, and only applies to significant long term infrastructure such as dams and ocean outfalls.
3. Therefore all asset costs related to Ballina STP should be removed from the DSP.

I will hold off making a submission until closer to the closing date in the hope of receiving your agreement on the rising main duplication and/or information regarding further directions from NOW.

FYI  
Regards  
Chris

ballina 2014 dsp app submission\_r1.docx

Attachment 3.