



LATE ITEMS

Ordinary Meeting 28 February 2013

**Held at Ballina Shire Council Chambers
Cnr Cherry & Tamar Streets, Ballina**

Table of Contents

Motion of Urgency	1
Councillor Attendance	2
Notice of Motion - Erection of Electricity Infrastructure	3

Motion of Urgency

Attached are two additional reports for Council's Ordinary meeting of 28 February 2013 titled "Councillor Attendance" and "Notice of Motion – Erection of Electricity Infrastructure".

As these items have not been included in the original business paper, with this short notice, they can only be considered at the meeting, if Council considers the items to be of an urgent nature.

The reasons provided for the urgent nature of the reports are:

- Councillor Attendance – The event requiring the Councillor attendance is scheduled prior to the March Council meeting.
- Notice of Motion – Essential Energy may proceed with the works prior to the March Council meeting.

If Council wishes to consider these items at the February 2013 Ordinary Council meeting the recommendation is as follows.

RECOMMENDATION

That Council deal with the following late reports due to the urgent content of the reports:

1. Councillor Attendance – Report is urgent due to the event, which is the subject of the report, being held prior to the March 2013 Ordinary Council meeting
2. Notice of Motion – Erection of Electricity Infrastructure (Cr Keith Johnson) – Notice of motion is urgent due to concerns that Essential Energy may proceed with the works outlined in the notice of motion prior to the March 2013 Ordinary Council meeting.

Councillor Attendance

Councillor Attendance

Delivery Program	Governance
Objective	To provide Councillors with professional development opportunities.

Background

The Councillor Expenses and Facilities Policy requires Council approval for attendance by councillors, excluding the Mayor, at conferences outside the region (Richmond, Tweed, Clarence). Cr Cadwallader is seeking approval to attend the Minister for Local Government's Women in Local Government Award ceremony in Sydney on Wednesday 6 March 2013. Air and cab fares would be required and possibly an overnight stay in Sydney.

Key Issues

- Benefit of the function and cost

Information

Cr Cadwallader has been nominated for an Award and the Division of Local Government guidelines state that councils should finance the cost of person's nominated attending the awards.

Legal / Resource / Financial Implications

Funds are available within the Council's professional development budget to finance these expenses.

Consultation

Council's expenses policy states that these matters must be reported to Council for approval.

Options

Approve or not approve the travel. The recommendation is to approve.

RECOMMENDATION

That Council authorises the attendance of Cr Cadwallader at the Minister for Local Government's Women in Local Government Award ceremony in Sydney on Wednesday 6 March 2013.

Attachment(s)

Nil

Notice of Motion - Erection of Electricity Infrastructure

Notice of Motion - Erection of Electricity Infrastructure

Councillor

Cr Keith Johnson

I move

That Council write to Essential Energy (EE) concerning the proposed undergrounding of electric power on the Council Reserve in Panorama estate, Alstonville, pointing out that the contractors used to produce the required REF (Review of Environmental Factors), in the opinion of residents, have failed to carry out the required community consultation. Council requests EE revoke the approval and investigate the breaches by the contractors involved prior to proceeding with the works.

Councillor Comment

Over the past five months residents of the Panorama Estate have been trying to prevent a 12 metre concrete pole being installed in the Council reserve on the south side of the estate. This pole is intended to be the point at which undergrounding of the electric power lines was to start. The pole, if installed where planned, reduces the amenity of the reserve and directly overshadows several residences.

The residents submitted their concerns to Mr Don Page who submitted the same to the Minister for Resources and Energy, Mr Chris Hartcher. They also submitted a detailed critique of the REF which shows that community consultation had not been actioned and, importantly, as a result of no consultation a better solution to the undergrounding process was ignored. This independent critique also points out several deficiencies in the REF and concludes by showing that the best solution is still viable and had not received analysis in the REF.

Minister Hartcher responded in December 2012 by arranging for EE to cause a full review, including consultation, to be carried out.

On the 14 February 2013 a letter from EE to the residents concerned said the review had been done and as a result EE found the REF represents the option of least impact and EE was granting permission for the applicant to proceed with construction. As a result the installation of a 12 metre concrete pole on the Council Reserve is imminent and will result in reduced amenity for the local residents and an installation that is inferior to the alternatives.

The residents have stated, unequivocally, that no consultation has taken place since receipt of Minister Hartcher's letter (nor before) and no contact by mail, phone or e-mail has occurred between the applicant's contractor and themselves. It is also a demonstrable fact that the REF approved approach is inferior in all respects to the alternative.

COUNCILLOR RECOMMENDATIONS

That Council write to Essential Energy (EE) concerning the proposed undergrounding of electric power on the Council Reserve in Panorama estate, Alstonville, pointing out that the contractors used to produce the required REF (Review of Environmental Factors), in the opinion of residents, have failed to carry out the required community consultation. Council requests EE revoke the approval and investigate the breaches by the contractors involved prior to proceeding with the works.

Attachment(s)

1. Correspondence to residents from Essential Energy
2. Correspondence from Minister for Resources and Energy
3. Supporting notes from Cr Keith Johnson



14 February 2013

Dear

Underground Powerline Project – Pinehurst Court Alstonville.

The purpose of this letter is to inform you that Essential Energy has carried out a comprehensive overview and assessment of a revised Review of Environmental Factors (REF) submitted for the undergrounding of a short section of powerline in the vicinity of Pinehurst Court in Alstonville.

Following concerns raised from the community, further consultation and an environmental review was undertaken by the contracted designers for the project, particularly in relation to the proposed location of an underground to overhead power pole within the Council reserve.

The REF presents details of the proposal, assesses the existing natural and social environments, describes the potential impacts on the environment and summarises management measures and safeguards to minimise, and where possible, avoid identified impacts.

The resulting conclusion of the REF is for the project to proceed, in line with previous recommendations, as it represents the option of least impact.

As a result Essential Energy has granted permission to Galasynd Pty Ltd, the developer undertaking the work, to instruct their installation contractor that they can resume construction work as per the current certified design.

If you have questions relating to this project or require further information please contact Galasynd Pty Ltd's design contractor Clarence Consultants Pty Ltd on 02 6642 7239. Alternatively you can contact Essential Energy's Engineering and Technical Manager, Dennis Darke on 02 6643 7774.

Yours sincerely

A handwritten signature in black ink, appearing to read "Daniel Bylsma".

Daniel Bylsma
Acting Regional General Manager North Coast

PO Box 718 Queenbeyan NSW 2620 Telephone: 13 23 91 Facsimile: (02) 6589 8399
essentialenergy.com.au

Notice of Motion - Erection of Electricity Infrastructure



19 DEC 2012
Chris Hartcher MP
Minister for Resources and Energy
Special Minister of State and
Minister for the Central Coast

IM12/37618
MF12/8952

The Hon Don Page MP
Minister for Local Government
Minister for the North Coast
Member for Ballina
PO Box 1018
BALLINA NSW 2478

Dear Minister *Don*

Thank you for your representations of 16 October 2012 on behalf of

... who have raised further concerns about the impact relocation of a power pole in Ballina Shire Council's public reserve could have on their visual amenity and property values, and the scope of the Review of Environmental Factors (REF) associated with this project – in particular, inadequacy of community consultation.

I am pleased to advise that, in response to these concerns, Essential Energy has arranged for the project to be deferred while the project design contractor undertakes a full review of the REF, during which time all affected landowners will be consulted.

Essential Energy advised that it will keep all concerned residents informed of the outcome of this review and its associated approval process.

If your constituents have any further enquiries, they can contact Mr Gary Humphreys, Chief Operating Officer, Essential Energy, on 02 6589 8702.

Thank you for bringing this matter to my attention.

Yours sincerely

11.12.12

Chris Hartcher MP

GPO Box 5341, Sydney NSW 2001
Phone: (61 2) 9228 5289 Fax: (61 2) 9228 3448 Email: office@hartcher.minister.nsw.gov.au

PINEHURST ELECTRIC POLE SITING.

INTRODUCTION.

1. Over the past few weeks the residents adjacent to the council reserve area in Panorama Estate /Oceanview Estate /Montego Pde area have been expressing their concerns with what appears to be the beginnings of the installation of a large concrete pole in that reserve. Work has stopped on the installation, presumably because of representations made through Mr Don Page. However, at this stage there has been no direct contact with the residents from Essential Energy, EE, (the approving authority). As a consequence there remains uncertainty about what actions, if any, are to be taken to remedy the problem.

2. Evan Elford, of Ardill Payne and Partners, has met with the residents and Cllr Keith Johnson. Evan has also provided a copy of the REF for the development which has been reviewed by the residents, for the first time. On the basis of that REF and review there are issues arising that raise legitimate concerns with the validity of the REF and the approvals that rely upon it.

3. Accordingly, the purpose of this short report is to outline the deficiencies seen in the REF and the impacts / consequences of those deficiencies. It is also worth documenting that it is the wish and objective of the residents to initiate with EE and Ballina Shire Council a consultation process that can find quick resolution of the issues without recourse to law and needless delay.

DEFICIENCIES.

5. The deficiencies cover a number of points and will be dealt with in order.

6. REF 1.1, 1.2. The description of the proposed works does not, in any way, indicate that a new and obtrusive pole will be installed where none has been before and that it will be closer to residences with no visual buffers than ever before. This section focuses on the undergrounding aspects of the work with no detail of above ground work described. It is not a fair, complete and accurate description of the work.

7. 1.8. The REF states there is are NO OTHER OPTIONS for route and site. This statement is incorrect as a visit to site would show.

8. 1.10, the REF states the level of interest of the local community regarding the site selection or route selection is "negligible". There is no way this conclusion would be reached if community consultation with affected parties had been actually undertaken. At 1.11 the REF states consultation was undertaken – the affected residents are adamant that there was no such consultation.

9. 3.11. The REF states, having acknowledged impacts on a recreational area possibility, that "existing pole to be removed and replaced with new term pole within the boundaries of an enclosed public reserve under the control of Ballina Shire Council." (BSC). Reference is also made to "council

comments supplied with project drawings and documentation. Letter of 7 Jun 2011.” The residents have had no contact from BSC on this issue. These statements, with others cited above and below, suggest the author of the REF was not aware of the actual siting of the concrete pole and not aware of the reactions that configuration would cause.

10. 4.20 The REF rates the social impact of “property value devaluation” as “Minor”. In recent weeks the residents have sought some guidance on this matter from Real Estate Agents and the clear consensus provided is that there would be devaluation and it would not be “Minor”. These residential estates have always commanded a sizeable premium in the Alstonville area because of their location, outlooks, and overall ambience. What is, at present, a peaceful, pleasant, pastoral outlook (which already accommodates the 66Kv line without harsh impacts) will be converted to one dominated by a large, lighthouse like pole, in a central location that would otherwise remain as passive recreation open space. The REF rating cannot be justified.

11. 4.24 Under “visual impacts” the REF classes the impacts as “minor”, a rating that is amplified by comments which refers to tree removal, Agri station liaison, and a vegetation management plan, none of which are relevant to the site at which the pole appears to be prepared for installation. This suggests that the REF, once again, is not focussed on what is actually now occurring. 4.29 continues this theme.

12. Table 5 – Decision, states the community impacts are likely to be low. The community disagrees – the visual impacts alone are significant and with other impacts go a long way to decimating the overall amenity of the locale. Once again the REF rating cannot be justified.

13. In summary the REF cannot be accepted as a reliable accurate basis justifying the action now being taken installing the concrete pole. The REF’s many deficiencies and the absence of community consultation with the affected parties must surely render the REF and all that flows from it as voided.

CORRECTIVE ACTIONS.

14. The affected residents appreciate the action taken by Evan Elford to provide a copy of the REF for their review. They now have a key part of the approval process to focus on and thus a basis to sort out, in conjunction with EE, BSC, and Ardill Payne, appropriate actions to correct the present problems.

15. A lot has been said, and via the REF, inferred, about the siting of what will ultimately be the last above ground pole before the 66Kv lines are undergrounded. This is the issue at the core of the present concerns.

16. The following can be asserted with confidence about “siting”:

1. The pole which is presently in the corner of D.Ag land was replaced with a new one just 12 months ago and carries the 66Kv lines at present. This pole is suitable as the point from which to go underground.

2. Use of this pole is unquestionably the cheapest, easiest, and least intrusive solution to providing the underground solution for the Pinehurst development.

3. The absence of community consultation till now has prevented this solution being put forward.

15. Accordingly, the corrective action now proposed is that a meeting between BSC, EE, Ardill Payne and residents be convened as quickly as possible to allow the above siting solution to be tabled and implementation discussed and agreed.

16. Further, because the present stop work is creating costs for the developer and lost income for contractors, the meeting requested should be organised and conducted as a matter of priority.

Report ENDS.