



## **Notice of Commercial Services Committee Meeting**

Notice is hereby given that a Commercial Services Committee Meeting will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **Monday 9 December 2013 commencing at 4.30 pm.**

### **Business**

1. Apologies
2. Declarations of Interest
3. Deputations
4. Committee Reports

A handwritten signature in black ink, appearing to read 'Paul Hickey', with a long horizontal line underneath.

Paul Hickey  
**General Manager**

## Table of Contents

1.	Apologies.....	1
2.	Declarations of Interest.....	1
3.	Deputations .....	1
4.	Committee Reports.....	2
4.1	Wollongbar Residential Estate - Master Plan Proposal	2
5.	Confidential Session.....	10
5.1	Lennox Head Cultural and Community Centre - Insurance Claim Update	11
5.2	Lease - Shop 151 River Street, Ballina	11
5.3	Land Sale - Russellton Tennis Court Site, Wollongbar	12
5.4	Land Sale - Road Reserve - Alstonville Shopping Plaza	12
5.5	Land Sale - North Creek Road, Ballina	12

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

**1. Apologies**

**2. Declarations of Interest**

**3. Deputations**

## **4.1 Wollongbar Residential Estate - Master Plan Proposal**

---

### **4. Committee Reports**

#### **4.1 Wollongbar Residential Estate - Master Plan Proposal**

**Delivery Program** Commercial Services

**Objective** To seek endorsement of a Master Plan proposal for Stage 3 of Council's Wollongbar Residential Estate.

---

#### **Background**

Council received a report to the Commercial Services Meeting of 26 March 2013 to consider development proposals for Council's land holdings within the Wollongbar Urban Expansion Area.

The recommendation from that meeting was:

- 1. Council authorises the General Manager to prepare and submit a development application for the residential subdivision and development of allotment 5 DP 1161720 Plateau Drive, Wollongbar.*
- 2. Council's preferred development concept is scenario three, as per the plans attached to this report.*
- 3. Council authorises the General Manager to initiate a planning proposal having the effect of adjusting the area of land to be allocated for the purpose of public recreation, as per scenario three, in the plans attached to this report.*

This recommendation was endorsed at Council's Ordinary Meeting of 28 March 2013.

A copy of the development concept plan, referred to as scenario three, as per that report, is included as the first attachment to this report.

This report now presents a more detailed planning proposal for Stage 3 of Council's residential estate.

#### **Key Issues**

- Development opportunity for childcare facility.

#### **Information**

Following on from the Commercial Services Meeting of 23 March, 2013, Council engaged planning consultants Newton Denny Chapelle ("NDC") to prepare and lodge a master plan for Stage 3 based upon Scenario 3. That draft master plan is included as attachment two to this report.

## **4.1 Wollongbar Residential Estate - Master Plan Proposal**

---

For clarification purposes stage 1 of this development recently received planning consent for a fifteen lot residential subdivision. Stage 2 is considered to be the land located on the north western section of the Council land and this land is not impacted on by the proposed planning proposal. Stage 2 will yield approximately 20 residential lots.

Prior to lodging NDC's planning proposal for the master plan, as per attachment two, Commercial Services staff were approached by a commercial child care operator seeking a site in Alstonville / Wollongbar area. This operator is seeking to establish a facility offering long term day care that would be run on a commercial basis.

Stage 3 of Council's land holding was put forward as an option to which the child care operator has expressed genuine interest.

The concept plan contained in NDC's planning proposal, as per attachment two, currently proposes a 1.66 hectare parcel of land to be zoned "RE1 – Public Recreation". Under the provisions of BLEP 2012 childcare facilities are permitted in land zoned "RE1 – Public Recreation".

Commercial Services staff consider a childcare facility would be complimentary to the overall development of the Wollongbar Urban Expansion Area and as such now is an appropriate time to consider land use options and spatial planning for the land proposed to be zoned "RE1 – Public Recreation".

Land use options include for this entire site include:

- Open space / local park
- Childcare facility
- Skatepark

NDC has prepared a revised concept plan that includes all three land uses as per attachment three. This revised concept plan proposes two options as locations for a childcare facility. Option A is the preferred location as it is less intrusive on future residential development and would work better in terms of traffic management.

The reason for seeking concurrence for land use options, at this point in time, is that Commercial Services staff consider that the proposed childcare facility site should be zoned "R3 – Medium Density Residential".

Application of a residential zoning to childcare sites is not unusual and gives a greater degree of flexibility. This is of importance to commercial operators who may need to mortgage a site to fund purchase and development. Financiers are reluctant to accept property zoned as open space, public recreation, etc, as security for lending purposes, given its limited development and resale potential.

Applying a residential zoning to the proposed childcare facility site would provide Council with the flexibility to accommodate either a commercially operated childcare facility or a community based facility.

Council's Strategic and Community Facilities were consulted in the course of preparing this report. They advise that the Ballina Shire Section 94 Contributions Plan 2008 ("BSCP 2008") proposes that community facilities and a local or district park be developed upon this site.

## **4.1 Wollongbar Residential Estate - Master Plan Proposal**

---

The open space component of BSCP 2008 includes a reference to a two hectare district park on the plateau with this district park to be located on Council's land.

The open space component of BSCP 2008 also includes a reference to 4.5 hectares for the provision of sports fields and associated facilities such as tennis and netball courts

The community facilities component of BSCP 2008 also includes a reference to 2,500 square metres of land for the construction of community hall, which could include meeting rooms, child care centre etc.

Since BSCP 2008 was adopted Council has purchased in excess of 14 hectares for the Wollongbar Sports Fields complex, which is much higher than the figure estimated in BSCP 2008.

This means from a total open space perspective Council is well in excess of the figures and standards identified in BSCP 2008. BSCP 2008 is scheduled for review during 2013/14 and the works identified in the plan will be updated to reflect actual works that have taken place, along with identifying any changes in future open space and community facility demands.

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

Council's Wollongbar land holding is classified as operational land under the Local Government Act 1993.

Applying a residential zoning to the proposed childcare facility site would create a more saleable asset for Council.

### **Consultation**

Other than within Council, no other consultation has been undertaken in the course of preparing this report as this task will be undertaken in the course of the rezoning process.

### **Options**

1. Council resolves to proceed with lodgment of a planning proposal generally in accordance with the NDC concept masterplan plan contained in attachment three, which proposes that the area of land referred to as Option A be zoned "R3 – Medium Density" for use as a childcare facility.

This option is recommended as it provides certainty in regards to future land use of the site. Application of a residential zoning to the proposed childcare facility site would also provide Council with the flexibility to accommodate either a commercially operated childcare facility or a community based facility.

Such flexibility also provides a better outcome for the community, as it provides the opportunity for the private sector or community based organisations to meet the community's needs.

## **4.1 Wollongbar Residential Estate - Master Plan Proposal**

---

2. Council resolves not to proceed with lodgment of a planning proposal generally in accordance with the NDC concept masterplan plan contained in attachment three, which proposes that the area of land referred to as Option A be zoned "R3 – Medium Density" for use as a childcare facility.

In this instance Council would lodge the planning proposal that has been prepared to date, as per attachment two, which simply proposes to zone the entire 1.66 hectare site "RE1 – Public Recreation".

This option is not recommended as it fails to recognise present or future demand for childcare facilities on the Wollongbar Urban Expansion Area. Council has the opportunity to zone the site now and not have to revisit the issue which will involve additional time and cost.

In considering the options identified in this report Council needs to acknowledge that the community may not be supportive of option one. Even though the intention is to make the space available for childcare facilities there may be concerns expressed that this allows the Council to undertake development on the land that was not originally intended, with the original intention being for open space.

The remaining open space area of 1.2 hectares is actually closer to one hectare once the area for stormwater management purposes is excluded. This then needs to be considered against BSCP 2008, which identified an area of two hectares of open space for a district park on this site.

This overall reduction then also needs to be balanced against the 14 hectares Council has purchased for sports fields, with BSCP 2008 only identifying a need for 4.5 hectares. The 14 hectares provides an opportunity for Council to meet any shortage in open space or other community facilities.

This report also does not clarify where the community facility identified in BSCP 2008 will be located if it is not located on the land identified for medium density residential. If the medium density land was sold to a private developer Council would still have a responsibility to provide a community facility (i.e. hall).

That facility could be provided on the public recreation (open space) area or at the Wollongbar Sports Fields site.

If it was provided on the remaining public recreation area it would further reduce the land available for open space to less than 8,000 square metres. This is well below the two hectares identified in BSCP 2008 but once again, when combined with the Wollongbar Sports Field site, the total area is still well in excess of the relevant planning standards.

As this report has been prepared from a Commercial Services perspective if Council supports option one it would do so being mindful that the planning proposal, once lodged, would then be assessed by Council's Strategic and Community Services Group to ensure that the proposal meets the desired outcomes of Council's strategic planning documents.

**RECOMMENDATION**

That Council authorises the lodgment of a planning proposal generally in accordance with the Newton, Denny, Chappelle concept master plan as contained in attachment three, which proposes that the area of land referred to as Option A be zoned “R3 – Medium Density” for use as a childcare facility.

**Attachment(s)**

1. Commercial Services Meeting 26 March 2013 Scenario 3 Plan
2. NDC Planning Proposal Masterplan in response to Scenario Three
3. NDC Revised Planning Proposal including Medium Density



4.1 Wollongbar Residential Estate - Master Plan Proposal



Total Site Area = 4.25 Ha

Park and Open Space  
Area = About 1.2 Ha

PreSchool  
Area = About 0.4 Ha

Residential and Infrastructure  
Total Area = About 2.65 Ha

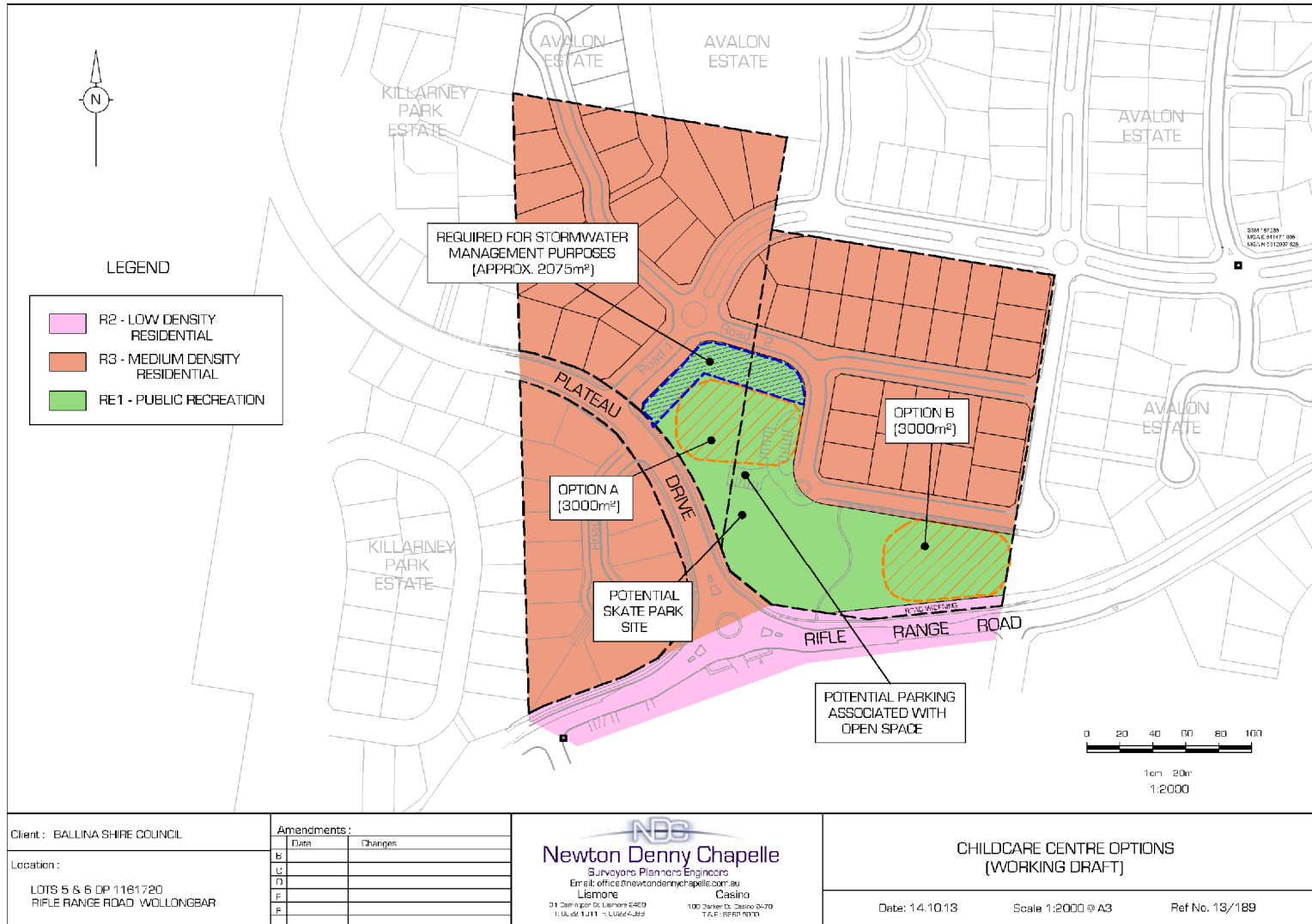
Residential Types  
Conventional Lots (600 - 740 sq.m.) Total Lots = 30

**Scenario 3**  
This is a conceptual sketch plan only.

4.1 Wollongbar Residential Estate - Master Plan Proposal



4.1 Wollongbar Residential Estate - Master Plan Proposal



**5. Confidential Session**

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

5.1 Lennox Head Cultural and Community Centre - Insurance Claim Update

This report provides an update on the status of Council's insurance claim for additional costs incurred by Council in respect to the construction of the Lennox Head Cultural and Community Centre. The report contains information relating to the on-going legal negotiations and the release of any information relating to this matter prior to the finalisation of those negotiations could prejudice the ability of Council to maximise the settlement returned to the community.

5.2 Lease - Shop 151 River Street, Ballina

This report provides details of a possible new tenant for Shop 151 River Street, Ballina. The contains information relating to the tenant, along with the proposed tenancy conditions and the release of this information would put Council at a competitive disadvantage in attempting to maximise the commercial return to the community for this property and there is a risk that Council could lose this tenant to another commercial property owner.

5.3 Land Sale - Russellton Tennis Court Site, Wollongbar

This report contains information relating to the sale of this land and by having the report in confidential session Councillors are able to debate the merits of any proposed selling price in the knowledge that the details of that discussion will not prejudice any future sale of the land.

5.4 Land Sale - Road Reserve - Alstonville Shopping Plaza

This report provides on the possible sale of the Council road reserve that is located with the Alstonville Shopping Plaza. The report contains information relating to the proposed selling price and debating this in open Council could prejudice Council's ability to maximise the selling price of the land and thus limit the return to the community from the sale.

## 5. Confidential Session

---

### 5.5 Land Sale - North Creek Road, Ballina

This report contains information relating to the sale of surplus Council land at North Creek Road, Ballina. Council is in the process of negotiating a price for the sale of this land and the discussion of price options in open council could impact on Council's ability to maximise the return to the community from the sale of this land.

#### **RECOMMENDATION**

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

### 5.1 Lennox Head Cultural and Community Centre - Insurance Claim Update

#### **Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as this matter is the subject of on-going legal negotiations and the release of any information relating to this matter prior to the finalisation of those negotiations could prejudice the ability of Council to maximise the settlement returned to the community.

### 5.2 Lease - Shop 151 River Street, Ballina

#### **Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it would put Council at a competitive disadvantage in attempting to maximise the commercial return to the community for this property and there is a risk that Council could lose this tenant to another commercial property owner.

**5.3 Land Sale - Russellton Tennis Court Site, Wollongbar**

**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as by having the report in confidential session Councillors are able to debate the merits of any proposed selling price in the knowledge that the details of that discussion will not prejudice any future sale of the land.

**5.4 Land Sale - Road Reserve - Alstonville Shopping Plaza**

**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as negotiating the sale price in open Council will prejudice Council's ability to maximise the selling price of the land and thus limit the return to the community from the sale.

**5.5 Land Sale - North Creek Road, Ballina**

**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as Council is in the process of negotiating a price for the sale of the land and the discussion of price options in open council could impact on Council's ability to maximise the return to the community from the sale of this land.