

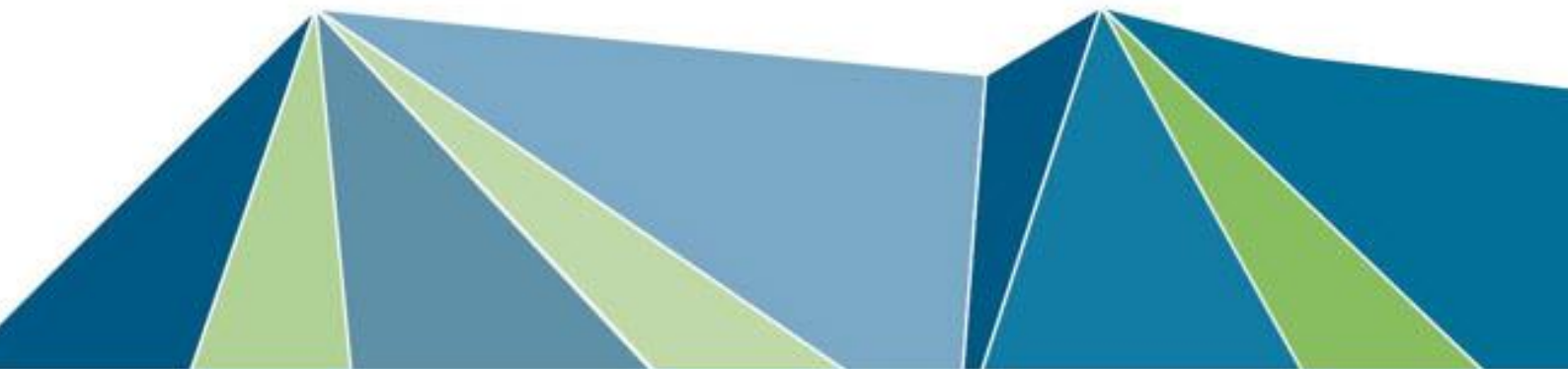
Agenda

Commercial Services Committee Meeting **5 August 2024**

A Commercial Services Committee Meeting will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **5 August 2024 commencing at 4:00 PM.**

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

Paul Hickey
General Manager



Ethical Decision Making and Conflicts of Interest

A guide for Councillors, Council employees and community representatives

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of Interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** – an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to yourself or another person or entity defined in part 4 of the Council's Code of Conduct, with whom you are associated.
- **Non-pecuniary** – a private or personal interest that you have that does not amount to a pecuniary interest as defined in the Council's Code of Conduct.

These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

The test for a conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- It is important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

- Do I have private interests affected by a matter I am officially involved in?
- Is my official role one of influence or perceived influence over the matter?
- Do my private interests' conflict with my official role?

Disclosure and participation in meetings

Pecuniary Interests

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Non-pecuniary Interests

Must be disclosed in meetings. There are a broad range of options available for managing non-pecuniary interests and the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary interests must be dealt with in one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as per the provisions in the Code of Conduct (particularly if you have a significant non pecuniary interest)

Deputations to Council – Guidelines

- Deputations by members of the public may be made at Council meetings on matters included in the business paper.
- Deputations are limited to one speaker in the affirmative and one speaker in opposition.
- Deputations, per person, will be limited to a maximum of two items on the agenda.
- Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting.
- Deputations are given five minutes to address Council.
- Deputations on the same matter will be listed together with the opposition first and the speaker in affirmative second.
- Members of the public are advised that any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.
- The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.
- To avoid conflicts of interest, real or perceived, deputations will not be accepted from:
 - a) Tenderers during a public tender or request for quotation
 - b) Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
 - c) Consultants who are engaged by Council on the matter the subject of the deputation.

Recording and Livestreaming of Council Meetings

- The meeting (with the exception of the confidential session) is being livestreamed and recorded for on-demand viewing via Council's website (ballina.nsw.gov.au/agendas-and-minutes) and a person's image and/or voice may be broadcast.
- Attendance at the meeting is taken as consent by a person to their image and/or voice being webcast.
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent.
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments. This meeting must not be recorded by others without the prior written consent of the Council in accordance with Council's Code of Meeting Practice.

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1. Acknowledgement of Country
 2. Apologies
 3. Declarations of Interest
 4. Deputations
-

1. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country.

2. Apologies

3. Declarations of Interest

4. Deputations

5.1 Crown Land - Acquisitions

5. Committee Reports

5.1 Crown Land - Acquisitions

Section Infrastructure Planning

Objective To provide an update on outstanding land acquisitions of Crown Land by Council and to determine how Council wishes to proceed with these acquisitions.

Background

Council has multiple land acquisitions in progress to facilitate completed, or planned works.

The main engineering projects are:

1. Bridge Duplication – Tamarind Drive and North Creek Canal, Ballina – Purpose is to allow the bridge to be duplicated, with the acquisition funded as part of the duplication works.
2. Bridge duplication – River Street and Fishery Creek, Ballina - Purpose is to allow the bridge to be duplicated, with the acquisition funded as part of the duplication works.
2. Angels Beach Drive, Ballina – Purpose is to tidy up land ownership on which the road is constructed, with the acquisition not funded.
4. Lighthouse Parade, East Ballina - Purpose is to tidy up the land ownership on which the road is constructed, with the acquisition not funded.
5. Regatta Avenue, Ballina - Purpose is to tidy up the land ownership on which the road is constructed, with the acquisition not funded.

Items 4 and 5 are the focus of this report.

This land has been acquired using the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 (the “Act”) by Compulsory Acquisition with agreement from Crown Lands.

The diagrams for Lighthouse Parade and Regatta Avenue are attached to this report.

Lighthouse Parade is a constructed and Council maintained section of roadway which is located on Crown Land.

This reason for the acquisition was in response to the need to install safety street lighting along Lighthouse Parade in 2018.

As the land is not public road, Essential Energy requested easements be created and monetary bonds be paid to cover the works.

5.1 Crown Land - Acquisitions

It was decided to acquire the land encompassing the road, as this would be a better long-term solution should future works be required.

Regatta Avenue was recently upgraded with some road widening and footpath works.

These works encroached onto the adjoining Crown Land.

The approval from Crown Lands was conditional that Council acquire the land required to cover the extent of the works.

These acquisitions were approved by Council resolutions (Lighthouse Parade – April 2021 and Regatta Avenue – May 2023)

Council has now received the acquisition valuations, which are considered unreasonable based on the use of the land.

This report now seeks direction from Council in respect to the acquisitions.

Key Issues

- Outstanding compensation for acquisitions based on the valuations
- Potential rescission of acquisitions

Discussion

The acquisitions of Crown Land have been undertaken by Compulsory Acquisition under the provisions of the Act.

Council did not receive the Valuer General's determination of compensation until after the land is gazette, as acquired.

The compensation is determined as of the date of acquisition being:

- Lighthouse Parade, East Ballina - Date of Acquisition 28 March 2024
- Regatta Ave, Ballina - Date of Acquisition 5 April 2024

Following gazettal, Council received the Valuer General's determination of compensation for each item:

- Lighthouse Parade, East Ballina Shire Council - \$1.38m
- Regatta Ave, Ballina - \$189,194

Council has objected to the valuations on multiple grounds and then sort legal advice to review our objections and to advise on options.

Notwithstanding our objection to the Valuer General and Crown Lands, invoices issued for the compensation are payable as at the date of acquisition under the provisions of the Act.

Statutory interest also accrues from the date of acquisition.

5.1 Crown Land - Acquisitions

Upon further consideration of the Valuer General's determination and the Council legal advice, it was decided to request consent from Crown Lands for the rescission of the acquisitions.

If approved, Council would then directly negotiate with Crown Lands and consider entering into a '*Deed of Agreement*' for the acquisitions.

The rescission requests were sent to Crown Lands on 23 May 2024 for Lighthouse Parade and 4 June 2024 for Regatta Avenue.

Crown Lands requested further information, and this was provided.

The latest correspondence from Crown Lands states they are reviewing the request and any decision from the Minister and Governor may take months.

There is no indication from Crown Lands that the rescission request will be supported or not.

The process to move forward with these acquisitions of land, assuming the rescissions are supported, is:

- Obtain our own valuations for the land. This could happen now, so we have the valuations on hand.
- Enter a "Deed of Acquisition" with the Department of Planning, Housing and Infrastructure (DPHI).

This option is a better pathway to deal with Crown Land acquisitions as Valuer General's determinations are avoided.

This deed option was not tabled at any of council's initial discussions with Crown Lands and they have since provided us with a draft deed agreement.

The draft deed appears reasonable with minor queries to be discussed. However, no action has been taken pending the outcome of the rescission request.

If the rescission request is refused, Council will then need to decide whether to pay the outstanding invoices or challenge the matter further.

Community Engagement Strategy

Community consultation was not undertaken and is not necessary to inform the community of the proposed acquisitions as the acquisitions are over existing roads.

Tidying up the ownership is the better long-term outcome for the ongoing management of the land.

Financial / Risk Considerations

These acquisitions of Lighthouse Parade and Regatta Avenue are currently unfunded.

5.1 Crown Land - Acquisitions

The determinations of compensation from the Valuer General are not representative of the land use and well beyond Council's expectations of the value of the land.

Council may be exposed to the accruing statutory interest on the acquisitions from the acquisition date.

Should the rescission request be refused, Council still has the issued invoices to deal with.

Options

The following options are available to deal with the Lighthouse Parade and Regatta Avenue acquisitions:

1. Not settle the acquisitions as per the invoices issued by Crown Lands and continue to pursue the rescissions and, if approved, enter into Deeds of Agreement to pursue the land acquisitions. This is the preferred option.
2. Allocate funds to cover the accruing interest on the land acquisitions which may be payable regardless of the outcome of the rescission request. The preference is not to allocate any funds, now, as that funding will need to be sourced from Council's already stretched road maintenance and construction budget.
3. Settle the land acquisitions as per the invoices issued by Crown Lands. This is not recommended as the valuations are excessive, do not reflect the use of the land, and there is no available funding.

RECOMMENDATION

1. That Council notes the contents of this report and supports the rescission of the compulsory acquisitions of part Lighthouse Parade and Regatta Avenue, Ballina based on the Valuer General's valuations not reflecting the actual use of the land subject to the acquisition.
2. That Council approves the entering of deeds of agreement, with the Department of Planning, Housing and Infrastructure, if this is demonstrated to be a more cost-effective way to manage the Council infrastructure located on this Crown Land.

Attachment(s)

1. Crown Land Acquisition - Lighthouse Parade, Ballina ⇨
2. Crown Land Acquisition - Regatta Avenue, Ballina ⇨

5.2 Cherry Street Sports Group - Club Lennox Sports Leases - Update

5.2 Cherry Street Sports Group - Club Lennox Sports Leases - Update

Section Commercial Services

Objective To provide Council with an update on Club Lennox Sports leasing matters and to confirm whether Council wishes to approve a development application for redevelopment works.

Background

At the 24 February 2022 Ordinary meeting Council resolved to grant leases to the Ballina Bowling and Recreation Club Limited (BBRC) over a Council owned site at 10 Stewart Street and part of King Street, Lennox Head. Under the lease terms, BBRC own the building improvements on the sites, generally known as Club Lennox Sports, with Council owning the land.

The lease for 10 Stewart Street was granted for a term of 21 years, with a 50% rent reduction for the first three years of the lease, to assist BBRC in undertaking capital improvement works. The lease over part of King Street, contains a similar condition, and this lease is for five years.

This report provides an update on the upgrade works and seeks landowner's consent for the lodgement of a development application for the works.

Key Issues

- Compliance with lease terms
- Landowner's consent for upgrade works

Discussion

BBRC has been operating Club Lennox Sports since 1 July 2022, the commencement date of the current leases. A condition of the leases is that a 50% rent reduction is provided to BBRC, in recognition of capital upgrade works to be undertaken, during the first three years of the leases.

The scope of the capital works is included in Item 11 of the Schedule in the Stewart Street lease and Item 1 of the King Street lease, detailed as follows:

Table 1 – Capital Expenditure Estimates

| Item | 2022/23 (\$) | 2023/24 (\$) | 2024/25 (\$) |
|---|---------------------|---------------------|---------------------|
| Various fittings and furniture upgrades | | 50,000 | |
| Air conditioners fully replaced | 95,000 | | |
| Kitchen compliance | 12,000 | | |
| Design front entrance and include perimeter fencing | 120,000 | | |
| New bar design | | 250,000 | |
| New kitchen | | 650,000 | |
| New amenities | | | 600,000 |
| Totals | 227,000 | 950,000 | 600,000 |

5.2 Cherry Street Sports Group - Club Lennox Sports Leases - Update

As part of the lease condition, BBRC provides Council with a report on the upgrade works undertaken during the year.

In Year 1 (2022/23), BBRC undertook works to the value of \$174,247 which included fencing, air conditioning, security cameras and lighting.

This represents 77% of the agreed works program.

In Year 2 (2023/24), BBRC undertook works to the value of \$193,045 in furniture, access handrails, outdoor seating, Point of Sale upgrades and an entry kiosk (refer to Attachment 1).

This represents 20% of the agreed works program.

Club Lennox advise a further \$72,160 in design fees for refurbishment of the Club have been incurred in 2023/24, albeit that has not been demonstrated as actual works. If this expenditure is included the percentage completed increases to 28%.

Clause 3 of the Stewart Street lease and Clause 2.03.6 of the Part King Street lease provides the Lessor (Council) with grounds to reduce the rental reduction by the same proportion by which the Lessee has not undertaken works, in a period specified in Item 1 and Item 11 of the leases.

Based on the information provided to date by BBRC, Council could potentially claim a range of discounted rental rebates to date, as per the following followings.

Table 2 – Rental Paid and Potential Discount Rebate (Ex GST)

| Details | 2022/23 | 2023/24 (1) | 2023/24 (\$) (2) |
|--|----------------|------------------------|-------------------------|
| 10 Stewart Street | 76,000 | 81,016 | 81,016 |
| Part King Street | 3,600 | 3,836 | 3,836 |
| Total Rentals as per Leases | 79,600 | 84,852 | 84,852 |
| Less 50% reduction | 39,800 | 42,426 | 42,426 |
| Rental Paid | 39,800 | 42,426 | 42,426 |
| Rental Discount Rebate | | | |
| Percentage Expended | 77% | 20% | 28% |
| Percentage Under Expended | 23% | 80% | 72% |
| Dollar Value of Rebate to Council | 9,154 | 33,941 | 30,546 |

(1) Excludes design fees

(2) Includes design fees

The dollar value of rebate to Council figure is calculated by applying the percentage under expended to the discount provided.

BBRC advises it will spend in the order of \$5m in capital works over two stages commencing in 2024/25, which is significantly higher than the \$600,000 noted in Item 11 of the lease for 2024/25.

5.2 Cherry Street Sports Group - Club Lennox Sports Leases - Update

BBRC also advise they have engaged Ashley Cooper Constructions to commence the design and planning phase of the building upgrade works at a cost of \$570,000, with \$72,160 of the \$570,000, being the design fees, incurred in 2023/24.

The proposed building upgrade works will predominantly be within the footprint of the existing building envelope.

Council will be requested to provide landowner's consent for the lodgement of a development application for these proposed works.

Gaming machine numbers

Council has previously debated the merit of gaming machines in Council owned properties and during July 2024, Council was notified by Liquor and Gaming NSW that BBRC has approval to increase the number of gaming machine entitlements from 26 to 30 at Club Lennox.

Council has no jurisdiction in relation to gaming machines, as advised by Liquor and Gaming NSW, where the Licensing Officer stated: *Gaming Machines Act 2001 No 127 s.209 refers to a consent authority, which may include Local Council, cannot "regulate or restrict, the installation, keeping or operation of approved gaming machines"*.

Further to this, the Environmental Planning and Assessment Act 1979 (cl. 209) states:

(3) A consent authority (within the meaning of the EPAA 1979) cannot –

(a) as a condition of any development consent under the Act, prohibit or otherwise regulate the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club or any other premises, or

(b) refuse to grant any such development consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club.

Gaming machine numbers can now only be managed by Council through specific lease conditions.

Gaming machine revenue remains a major contributor to the overall operating surplus for the BBRC, with Attachment 2 showing the financial position for 2022/23, as well as a comparison to the previous year.

Community Engagement Strategy

As a major part of the Council owned land is classified as community land, public notice was required before the leases were approved by Council.

Financial / Risk Considerations

Given BBRC receive a 50% rental concession on their two leases with Council, there are financial considerations.

5.2 Cherry Street Sports Group - Club Lennox Sports Leases - Update

Council has an opportunity to claim an additional percentage of rental reduction provided to BBRC in 2023/24 and 2022/23, given the non-compliance with their capital works program.

A further consideration is the Plan of Management for the community land where Club Lennox is located (10 Stewart Street, Lennox Head) is authorised for the following:

- *Social and recreational activities associated with use of the site as a bowling and sports club.*
- *Small scale alterations and additions to existing building and facilities permitted subject to development consent requirements.*

The capital works program estimated to be \$5m does not currently fit within the 'authorised uses'.

Therefore, the recommendation that follows seeks to amend the authorised uses in the Plan of Management for 10 Stewart Street, Lennox Head to include 'major works'.

This will allow BBRC to undertake their capital works program.

Options

Council can seek to claim rent back from BBRC given the non-compliance with the terms of the leases.

The rental rebate options are:

- a) 2022/23 \$9,154 and 2023/24 \$33,941 for a total of \$43,095
- b) 2022/23 \$9,154 and 2023/24 \$30,546 (design figures included in expenditure) for a total of \$39,700.

Alternatively, Council could choose to forego the claim of additional rent with the understanding that a large capital works program is planned in 2024/25.

With respect to landowners' consent, Council could approve or refuse a request from BBRC for the General Manager, acting as landowner, to sign a development application for the proposed building renovations at Club Lennox Sports at 10 Stewart Street and Part of King Street, Lennox Head.

In respect to options, it is a matter for Council to determine whether the planned works justify a continued reduction in rent.

The 2022/23 expenditure was relatively close to the planned works program whereas the 2023/24 expenditure is substantially less.

The rebate period is for three years and the BBRC has confirmed that it has a significant expenditure program planned for 2024/25.

Based on this, the preference is to confirm that Council will not seek a rebate for the 2022/23 and 2023/24 financial years, on the proviso that the BBRC will expend well above the agreed schedule of works for the three-year period.

5.2 Cherry Street Sports Group - Club Lennox Sports Leases - Update

However, it should also be noted that Council will seek a rental rebate for the entire period, if the agreed figures are not reached on a cumulative basis, based on the percentage under expended.

It is also recommended that Council authorise landowner's consent, for the proposed building renovations, as this would be in the spirit of the leases held with BBRC to improve the facilities.

It also recommended that Council amend the Plan of Management to ensure the proposed capital works program does not conflict with authorised uses.

RECOMMENDATIONS

1. That Council notes that, as per the contents of this report, the planned capital expenditure program to support the rental rebate for the Ballina Bowling and Recreation Club (BBRC) Limited has not been met, as per the conditions of the leases for 2022/23 and 2023/24.
2. That Council confirms that it will not seek a rental rebate for 2022/23 and 2023/24, based on the expenditure commitment planned by the BBRC Limited for 2024/25, however if by the end of 2024/25, the cumulative expenditure is not above the agreed works program, Council will claim a rental rebate for the percentage under expended.
3. That Council authorises the General Manager to provide landowner's consent for a development application to undertake building works on premises located at 10 Stewart Street and part of King Street, Lennox Head, as detailed in this report.
4. That Council authorises an amendment to include major works to the Plan of Management for 10 Stewart Street, Lennox Head based on the BBRC Limited's proposed works program.

Attachment(s)

1. Cherry Street Sports Group - Club Lennox Sports - 2023/24 Expenditure (Ballina Bowling and Recreation Club Ltd) [⇒](#)
2. Cherry Street Sports Group - Annual Report and Financial Statements - 2022/23 [⇒](#)

5.3 Wollongbar Medium Density Housing Project - Community Consultation

5.3 Wollongbar Medium Density Housing Project - Community Consultation

Section Commercial Services

Objective To provide Council with feedback from the community consultation for the Wollongbar Medium Density Housing Project, and to seek direction on how to move forward.

Background

Council received the latest report on the Wollongbar Medium Density Housing Project (the Project) at the 12 June 2024 Commercial Services Committee meeting.

At that time, planning and design work for the project was advanced to the point where the next step would be to proceed to detailed design to facilitate gaining a Complying Development Certificate (CDC) for the Project. A CDC provides planning and construction approval.

Council was also advised that a community consultation process for the Project had commenced.

The resolution from the meeting was *“That Council notes the contents of this status report on the Wollongbar Medium Density Housing Project.”*

The purpose of this report is to provide feedback following the community consultation process.

Key Issues

- Community perception of the Project
- Car parking
- Concentration of dwellings
- Number of one and two bedroom dwellings

Discussion

The community consultation process for the Project commenced on 6 June 2024 and concluded on 12 July 2024.

This included a direct mail out to residents of Wollongbar (approximately 1,500 letters) and exhibition material that included building plans and street renders on Council's website.

A presentation was delivered to the C Ward Committee meeting, on 11 July 2024, at which approximately 19 people attended.

The closing date for community consultation was initially 5 July 2024 but was extended to 12 July 2024 based on feedback.

Council received a total of 53 submissions from an online survey or via email.

5.3 Wollongbar Medium Density Housing Project - Community Consultation

The responses can be summarised as:

- 11 respondents indicated support for the Project and think it's a positive initiative by Council to help address the lack of housing in the Shire.
- 34 respondents objected to the Project, for various reasons as detailed below.
- Eight respondents were neutral.

Copies of the submissions are included as Attachment 1. The main points, or concerns, raised regarding the Project are summarised as follows:

| Topic | Details | Staff Response |
|--|---|--|
| Support for the Project due to lack of housing in the Shire. | <p>Several respondents were in support of the Project, particularly if it addressed the housing shortages currently being experienced in the area.</p> <p>One business owner advised that he has been experiencing chronic staff shortages and said lack of affordable housing is an issue</p> | <p>Council's Ballina Shire Housing Strategy 2024 identified a lack of housing and housing options including workers seeking affordable accommodation in the Shire.</p> <p>The Project aims to address the growing housing needs of the community through a diverse range of accommodation options.</p> |
| Lack of parking | <p>The lack of parking was a significant concern for several respondents.</p> <p>They believed only having 17 garages for 15 dwellings was inadequate and would lead to significant traffic issues in the area.</p> <p>These respondents also claimed that visitors to the Wollongbar District Park on weekends were already creating parking issues in the area.</p> | <p>The Project consultants have advised that the number of car spaces provided for in the Project complies with the relevant legislation.</p> <p>Council could choose to increase the number of car spaces, but this would reduce the number of dwellings and in doing so adversely affect the financial viability of the Project.</p> |
| Perceived negative impact on property values. | <p>Concerns were raised that the Project would have a negative impact on house values.</p> | <p>The Project has been designed in sympathy with the surrounding residential development.</p> |

5.3 Wollongbar Medium Density Housing Project - Community Consultation

| Topic | Details | Staff Response |
|---|---|---|
| | <p>These respondents claimed renters would not look after their dwellings and in doing so detract from the overall amenity of the area.</p> <p>There was also a perception that the project is aimed at social housing.</p> | <p>There are many dwellings in the Wollongbar area that are rented and co-exist with owner occupiers.</p> <p>Council has not decided on whether the dwellings will be sold or rented.</p> |
| Confusion on purpose of the Project. | The change in terminology for the project from “Affordable Housing”, “Key Worker Housing” to “Diverse Housing Types” has raised confusion and concern. | <p>The Project was initially referred to as “Key “Worker Housing” and or “Affordable Housing” in earlier Council reports.</p> <p>Council recently resolved to refer to the Project as “Wollongbar Medium Density Housing Project” and has also used the terminology of providing a “diverse range of housing types”.</p> <p>The problem appears to be one of mixed messaging.</p> |
| Inadequate infrastructure and services. | <p>Several responses highlighted the lack of infrastructure and services in the Wollongbar area.</p> <p>They are concerned that an increase in population will only put more pressure on these services and the perceived lack of medical services and shopping facilities.</p> | <p>The Project is located on Stage 3 of Council’s residential estate and includes 30 approved residential lots which are adequately serviced in terms of infrastructure to comply with the medium density zoning.</p> <p>Council can only encourage the provision of retail, medical services, etc. through adequate zonings and land supply.</p> |
| Lack of one and two bedroom dwellings | Some respondents would like to see more one and two bedroom dwellings as well as housing for the disabled. | <p>The current proposal for Stage 1 includes:</p> <ul style="list-style-type: none"> • 2 x 4-bedroom duplexes • 9 x 3-bedroom townhouses • One manor house comprising: |

5.3 Wollongbar Medium Density Housing Project - Community Consultation

| Topic | Details | Staff Response |
|-------------------------------|--|---|
| | | <p>2 x 1-bedroom units 1 x 2-bedroom unit 1 x 3-bedroom unit.</p> <p>To address this, the Project consultants advise a manor house could be constructed on Lot 29 and comprise 4 x 1 bedroom units and 4 garages.</p> |
| Concentration of development. | Concern have been expressed regarding the concentration or density of development over 5 adjoining lots. | The Project consultants advise the various components of the Project could be split up and spread throughout the 30 residential lots. |

Based upon the feedback Council could instruct the Project consultant to formulate options to address the following key issues:

Car Parking

The Project in its current form complies with State Environmental Planning Policy Exempt and Complying Development Codes 2008 and the Low Rise Housing Diversity Design Guideline 2020.

The ratio of garages per dwelling are summarised as follows:

| Dwelling Type | Number of Garages |
|-------------------------|-------------------|
| One bedroom unit | One |
| Two bedroom unit | One |
| Three bedroom unit | One |
| Three bedroom townhouse | One |
| Four bedroom townhouse | Two |

From the above data, the three bedroom townhouses are under parked based on the number of bedrooms per garage.

The Project consultant advises that the number of garages for the three-bedroom townhouses could be increased from one garage per dwelling to two garages per dwelling however the downside is that this would probably reduce the number of three bedroom townhouses from nine down to five due to the space required for the additional garages.

Subject to further review from the Project consultant, it would appear that one, two and four bedroom dwellings would provide better parking outcomes if that was Council's preference in respect to car parking.

5.3 Wollongbar Medium Density Housing Project - Community Consultation

Concentration of Development

The concentration of development could be reduced if a “salt and pepper” approach is adopted and spread the proposed dwellings throughout the 30 lots held by Council.

For example, the Project consultants advise that a manor house could be constructed on Lot 29 and accommodate four x one bedroom units (refer to lot layout plan contained in Attachment 2 and project concept plans in Attachment 3).

This approach may alleviate concerns regarding the perceived lack of car parking.

If Council wishes to address these issues, it could instruct the consultants to review the Project and formulate options to improve car parking and reduce the concentration of development by considering where the proposed dwellings could be better placed on any of the 30 lots held by Council.

A question raised at the C Ward meeting related to whether the Project complied with the prevailing zoning.

The Project is zoned “R3 Medium Density Residential” as is the majority of the Wollongbar Urban Expansion Area, and as such the Project complies with this zoning.

Community Engagement Strategy

Council has undertaken a community consultation process including providing information to residents of Wollongbar and exhibition material on Council’s website.

A presentation was also undertaken at the C Ward meeting and the Economic Activation Taskforce.

Financial / Risk Considerations

The financial risk and return for the Project are reviewed on a step-by-step basis. Any acceptance of a tender for construction, if the Project proceeds to that stage, will only be recommended for approval if the Project remains financially viable.

Changes and delays add costs, and Council needs to balance financial viability with the cost of making changes and any loss of dwellings for car parking.

Options

The objective of this report is to provide feedback on the community consultation process and key areas that have been identified in the process.

Based on the issues raised in this report Council could consider the following options:

5.3 Wollongbar Medium Density Housing Project - Community Consultation

1. Formulate options to increase car parking and reduce the concentration of development, by considering where proposed dwellings could be better placed on any of the 30 lots held by Council.

This option is recommended as it acknowledges the concerns raised from the community consultation process and may lead to better outcomes for the community.

The revised layouts would be presented back to Council for approval to move forward.

Council may also wish to address the mixture of one, two, three and four bedroom dwellings as part of this review.

2. Continue with the Project in its current form, i.e. Stage 1 comprising 15 dwellings and 17 garage spaces on lots 19,20, 21, 22, 30 and proceed to the detailed design phase, as the next step in gaining Complying Development Certificate for the Project.

This option is not recommended as it would not address the issues raised in the community consultation.

In conclusion, a complexity with this project is trying to balance all the outcomes Council is trying to achieve including diversity in housing, dwellings that should be less expensive to buy, if sold, potential rental incomes, financial viability, aesthetically pleasing, adequate car parking etc.

Clarity from Council is needed in respect to any changes that are to be incorporated into the current concept plans.

The recommendation that follows seeks to increase car parking numbers, while at the same time reducing the immediate density of the Project.

RECOMMENDATION

That Council receive a further report on the Wollongbar Medium Density Housing Project that provides options to increase car parking numbers and to reduce the concentration of development by considering where proposed dwellings could be better placed on any of the 30 lots held by Council.

Attachment(s)

1. Wollongbar Housing Project - Submissions [⇨](#)
2. Lot Layout Plan [⇨](#)
3. Project Concept Plans