



Wyong
Shire
Council
CENTRAL COAST



Celebrity Art House Ambassador - Joshua Horner - starts demolition on Wyong Memorial Hall.

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

11 June 2014

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MEETING NOTICE

The Ordinary Council Meeting
of Wyong Shire Council
will be held in the Council Chamber,
Wyong Civic Centre, Hely Street, Wyong on
Wednesday 11 June 2014 at 5.00 pm,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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7 ANSWERS TO QUESTIONS ON NOTICE

7.1 Q66/14 - Chelmsford Road, Charmhaven 248

8 QUESTIONS ON NOTICE ASKED

At the conclusion of the meeting and at the discretion of the Mayor, Council may meet with staff in an informal, non-decision making mode for a period of no more than 30 minutes.

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2013/02042 - D06704487

MANAGER: Lesley Crawley, Manager

AUTHOR: Fiona Kurtz; Councillor Services Officer

The provisions of Chapter 14 of the *Local Government Act, 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

That Councillors now disclose any conflicts of interest in matters under consideration by Council at this meeting.

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2013/02042 - D06704490
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

Briefings proposed for this meeting and future meetings to be held in the Wilfred Barrett and Tim Farrell Committee Rooms:

Date	Briefing	Directorate
11/06/2014	Magenta Shared Path	Community and Recreation Services
11/06/2014	Engagement Framework & Ward Forums	Community and Recreation Services
11/06/2014	Customer Service	Community and Recreation Services
11/06/2014	IPART Determination Review	Infrastructure Management
11/06/2014	Colongra/Halekulani land swap	Property and Economic Development
11/06/2014	Koala Park	Community and Recreation Services

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 11 June 2014

Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Magenta Shared Path	Community and Recreation Services		11/06/2014
Engagement Framework & Ward Forums	Community and Recreation Services		11/06/2014
Customer Service	Community and Recreation Services		11/06/2014
IPART Determination Review	Infrastructure Management		11/06/2014
Colongra/Halekulani land swap	Property and Economic Development		11/06/2014
Koala Park	Community and Recreation Services		11/06/2014
Ourimbah Masterplan objectives of project	Property and Economic Development		25/06/2014
Pioneer Dairy	Community and Recreation Services		25/06/2014
Library Future (External)	Community and Recreation Services		25/06/2014
Brand (External) 1HOUR	Community and Recreation Services		25/06/2014
Wyong CBD Drainage Study	Infrastructure Management		25/06/2014
Education and Business Precinct - Masterplan	Property and Economic Development		13/08/2014
Natural Resources Management Strategy and Biodiversity Management Plan	Property and Economic Development		13/08/2014
Recreation Centres Future	Community and Recreation Services		13/08/2014
Skate Strategy	Community and Recreation Services		13/08/2014
Facts of and Strategy for Tidy Towns & LandCare	Community and Recreation Services		13/08/2014
Library Future - Overview	Community and Recreation Services		13/08/2014
Sponsorship	Community and Recreation Services		13/08/2014
Bushfire works plan	Property and Economic Development		27/08/2014
Social Return on Investment	Community and Recreation Services		27/08/2014
Customer Service	Community and Recreation Services		27/08/2014
CCRDC Update - Graeme Inchley & Greg South	GM Unit		26/11/2014

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Ward Forums Annual Review	Community and Recreation Services		11/03/2015
Wyong Employment Zone - results of DCP and S94 contributions Plan/Biocertification update, DCP amendment update	Property and Economic Development	November	
Art House	Community and Recreation Services	September	
Community Facilities Strategy Update	Community and Recreation Services	November	
Tree Policy and Process Revisions	Community and Recreation Services	September	

1.3 Address By Invited Speakers

TRIM REFERENCE: F2013/02042 - D06704559
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

The following people have been invited to address the meeting of Council:

SPEAKERS	REPORT	PAGE NO	DURATION
Mr Marc Lucas and Mr Lindsay Rowles, Representing Woolworths Limited <i>In favour of the motion</i>	2.1 Planning Proposal and Draft DCP 2013 in Respect to Lot 195 DP 1006789 (1 Figtree Boulevard) Wadalba – Outcomes of Consultation	31	5 minutes

RECOMMENDATION

- 1 That Council receive the report on *Invited Speakers*.
- 2 That Council agree meeting practice be varied to allow reports from *Directors and/or the General Manager to be dealt with following an Invited Speaker's address*.

ATTACHMENTS

Nil

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2013/02042 - D06704628
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 28 May 2014.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 28 May 2014.

ATTACHMENTS

1 Minutes - Ordinary Meeting 28 May 2014 D08139205

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 28 May 2014
COMMENCING AT 5.00PM**

PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, K G Greenwald, L A Matthews, L R Y Nayna, L S Taylor, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

General Manager, Director Development and Building, Director Infrastructure and Operations, Acting Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Manager Communications, Manager Corporate Governance, IT and Operations Manager, IT Infrastructure Administrator, Chief Financial Officer and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.01pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

John Hardwick delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

APOLOGY

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 2.1 and 8.1 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

5.3 Consideration of Submissions to the Wyong Shire Council Strategic Plan

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 5.49pm, took no part in discussion, did not vote and returned to the chamber at 5.50pm.

5.7 Wyong Coal Pty Limited (WCPL) Voluntary Planning Agreement Public Submission Summary

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is the Council delegate to Central Coast Group Training Ltd, who has sponsorship arrangements with Wyong Coal Pty Limited and stated that:

"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because Council delegate and no conflict of interests."

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that Wyong Coal has sponsored Central Coast Group Training's scholarship program and he is the General Manager of Central Coast Group Training, left the chamber at 5.55pm, took no part in discussion, did not vote and returned to the chamber at 5.58pm.

5.16 DA 967/2013 - 405 Lot Subdivision at Crangan Bay

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is the Council delegate to the Joint Regional Planning Panel which will determine this matter.

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Joint Regional Planning Panel that will consider the matter and stated that:

"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty as a Councillor."

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor GREENWALD:

507/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.

1.2 Proposed Inspections and Briefings

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor WEBSTER:

508/14 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor WEBSTER:

509/14 That Council receive the amended report on Invited Speakers.

510/14 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

1.4 Confirmation of Minutes of Previous Meeting

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

511/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 14 May 2014.

Business Arising

There was no business arising.

2.1 DA 646/2013 - Proposed Residential Flat Development comprising 60 Dwellings (townhouses) and a 2 Lot Subdivision (boundary adjustment) at Woongarra

Ms Barbara Matthews, Resident, addressed the meeting at 5.05pm, answered questions and retired at 5.12pm.

RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor NAYNA:

512/14 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.

513/14 That Council advise those who made written submissions of its decision.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

PROCEDURAL MOTION

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor WEBSTER:

514/14 That Council allow meeting practice to be varied.

515/14 That Council use the exception method to deal with the balance of the Agenda.

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

516/14 That with the exception of report numbers 5.3, 5.4, 5.7, 5.9, 5.10, 5.14, 5.15, 6.1, 6.4, 6.6 and 6.8 Council adopt the recommendations contained in the remaining reports.

PROCEDURAL MOTION

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

517/14 That Council allow meeting practice to be varied.

518/14 That Council suspend the order of business to allow consideration of item 8.1 – Notice of Motion - Littering in Wyong Shire and allow the speaker to come forward and make her address.

3.1 Classification of Land at Grasstree Avenue, Woongarra

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

519/14 That Council propose classification of Lot 300 DP 1195398 at Grasstree Avenue, Woongarra as Operational Land.

520/14 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.

521/14 That Council adopt the classification if no adverse submissions are received.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

4.1 Contract CPA/195382 - for the Supply and Delivery of Stationery and Ancillary Items

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

- 522/14** That Council agree to the contract between Hunter Councils Inc. and Staples Australia Pty Ltd, for a period of up to 3 years for Contract CPA/195382 – for the Supply and Delivery of Stationery and Ancillary Items.
- 523/14** That Council delegate to the Director Infrastructure and Operations the option to extend the contract for 1 year based on satisfactory performance.
- 524/14** That Council note the estimated annual expenditure against the contract is \$140,000.00 (excl GST) however actual expenditure may fluctuate depending on demand.
- 525/14** That Council determines the Tender Evaluation Report in Attachment “A” remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, apart from the name of the selected tenderer.

5.1 Ordinary Meeting of 9 July 2014

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

- 526/14** That Council amend its meeting schedule to cancel the Ordinary Meeting of 9 July 2014.
- 527/14** That Council provide appropriate public notice of the amended Ordinary Meeting schedule.

5.2 Determination of Water Supply, Sewerage and Drainage Fees and Charges 2014 - 2015

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

- 528/14** That Council approve the water, sewerage and drainage Service Charges set out in Attachment 1.
- 529/14** That Council note the amount of revenue to be raised by way of the Service Charges is estimated at \$48,269,932.
- 530/14** That Council classify all land for the purpose of levying Services Charges according to the following factors:
- a** whether the land is residential or non residential;
 - b** where the land is residential, by the intensity of the use of the land; and
 - c** the nature and extent of the water or sewerage services connected to each individual allotment.
- 531/14** That Council determine the Service Charges shall be levied in accordance with the Water Management Act 2000.

5.3 Consideration of Submissions to the Wyong Shire Council Strategic Plan

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 5.49pm, took no part in discussion, did not vote and returned to the chamber at 5.50pm.

RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor BEST:

532/14 That Council note that the draft Wyong Shire Council Strategic Plan was publicly exhibited from 14 April 2014 to 12 May 2014.

533/14 That Council receive submissions made by the community following that public exhibition, as detailed in this report.

534/14 That Council consider those submissions, as required by Chapter 13 Part 2 of the Local Government Act 1993.

535/14 That Council note and endorse the amendments recommended by Council staff in this report.

5.4 Adoption of the Wyong Shire Council 2014-2018 Strategic Plan (incorporating Year 2 of the Four Year Delivery Program, Operational Plan, Long Term Resourcing Strategy and Statement of Revenue Policy)

Councillor Troy left the meeting at 5.51pm and returned to the meeting at 5.52pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor WEBSTER:

536/14 That Council adopt the Wyong Shire Council 2014-2018 Strategic Plan (containing the Long Term Resourcing Strategy that includes long-term financial plan, workforce management strategy and asset management strategy, Year 2 of the four year delivery program, the operational plan and the statement of revenue policy) as exhibited, and with the changes proposed in this report and as determined in separate reports considering (a) the determination of water supply, sewerage and drainage fees and charges and (b) submissions to the Plan.

537/14 That Council authorise the General Manager to make final minor changes to the plan to ensure correctness and clarity.

538/14 That Council approve the estimates of income and expenditure as detailed in the Plan.

539/14 That Council set the rates, charges and fees for 2014/15 as detailed in the Statement of Revenue Policy and incorporating the changes outlined in this report and as determined in separate reports considering (a) the determination of water supply, sewerage and drainage fees and charges and (b) submissions to the Plan.

540/14 That Council authorise the General Manager to waive or reduce fees in particular cases.

541/14 That Council set the rate and charge rebates to pensioners for the year 2014/15 in accordance with the relevant legislation and Council's current policy.

- 542/14 That Council authorise the General Manager to investigate and present to Council for their approval, borrowings options from external financial institutions for the purpose of funding capital or operational projects.
- 543/14 That Council is of the opinion that the following rateable land will derive benefit from the business related costs of The Entrance Town Centre Management Corporation Incorporated that are funded in part or whole by The Entrance Area Special Rate:
- a) All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as The Entrance.
 - b) Major Facilities Servicing Tourists identified as all properties in the suburbs of Magenta, The Entrance, North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach and Bateau Bay being land predominantly used for purposes of, amusement centres, camping grounds, caravan parks, eco-tourist facilities, pubs, registered clubs, service stations or tourist and visitor accommodation, as defined in Council's current Local Environmental Plan (LEP) or land identified as Town Centres in Council's current Retail Centres Strategy.
- 544/14 That Council is of the opinion that the following rateable land will derive benefit from the business related costs of The Greater Toukley Vision Incorporated that are funded in part or whole by the Toukley Area Special Rate:
- a) All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head.
- 545/14 That Council is of the opinion that the following rateable land will derive benefit from the business related costs of the Wyong Regional Chamber of Commerce Incorporated that are funded in part or whole by the Wyong Area Special Rate :
- a) All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as Watanobbi.
 - b) All land used for business purposes and categorised as such in accordance with section 518 of the Local Government Act 1993 in the suburb known as Wyong, bounded by the following:
 - North of the Wyong River from Tacoma in the east to the M1 Freeway in the west;
 - East of the M1 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964;
 - South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include Lot 400 DP 1114793 (being to the north of the Pacific Highway);
 - The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.

5.5 Making and fixing of rates and charges for 2014-15

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

546/14 That Council make the following ordinary rates for 2014-15 consisting of an ad valorem amount and subject to a minimum amount, pursuant to Sections 492-494, 497-498, 500 and 533-535 of the Local Government Act 1993:

Ordinary Rate Category Section 493	Ordinary Rate Sub Category Section 529	Ad Valorem Amount (cents in the \$)	Minimum Rate Amount
<i>Farmland</i>		<i>0.305594</i>	<i>\$300.00</i>
<i>Residential</i>		<i>0.536130</i>	<i>\$300.00</i>
<i>Mining</i>		<i>8.750040</i>	<i>\$300.00</i>
<i>Business</i>		<i>0.847020</i>	<i>\$300.00</i>
<i>Business</i>	<i>Business Major Retail</i>	<i>1.270530</i>	<i>\$300.00</i>
<i>Business</i>	<i>Business Local Retail</i>	<i>1.058775</i>	<i>\$300.00</i>

547/14 That Council make the following special rates and amounts for 2014-15 consisting of a base amount to which an ad valorem amount is added, pursuant to Sections 492, 495, 497-500, 535-538 of the Local Government Act 1993:

Special Rate	Base Amount	Ad Valorem Amount (cents in the \$)	% revenue sourced from base amount for each Special Rate
<i>The Entrance Area</i>	<i>\$83.00</i>	<i>0.314180</i>	<i>12.90%</i>
<i>Toukley Area</i>	<i>\$83.00</i>	<i>0.254750</i>	<i>10.36%</i>
<i>Wyong Area</i>	<i>\$83.00</i>	<i>0.109190</i>	<i>18.69%</i>

548/14 That Council adopt the following descriptions of rateable land to which each special rate will apply for 2014-15, pursuant to Section 538 of the Local Government Act 1993:

- a The Entrance Area Special Rate will apply to the following rateable land:**
- i. All land used for business purposes and categorised as such in accordance with section 518 of the Local Government Act 1993 in the suburb known as The Entrance.**
 - ii. All land used as Major Facilities Servicing Tourists identified as all properties in the suburbs of The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach and Bateau Bay being land;**
 - predominantly used for purposes, as defined in Council's current Local Environmental Plan (LEP), of amusement centres, camping grounds, caravan parks, eco-tourist facilities, pubs, registered clubs, service stations, tourist and visitor accommodation.**
 - identified as Town Centres in Council's current Retail Centres Strategy.**

- b** The Toukley Area Special Rate will apply to all rateable land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in suburbs known as Toukley, Canton Beach, Noraville and Norah Head.
- c** The Wyong Area Special Rate will apply to all rateable land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the following areas:
- i.** The suburb known as Watanobbi.
 - ii.** The suburb known as Wyong, bounded by the following:
 - North of the Wyong River from Boyce Avenue in the east to the M1 Motorway in the west.
 - East of the M1 Motorway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964.
 - South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include Lot 400 DP 1114793, (being to the north of the Pacific Highway).
 - The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.

549/14 That Council make the following schedule of annual charges for stormwater management services for 2014-15, pursuant to Sections 496(A) and 510(A) of the Local Government Act 1993:

Description	Unit of Charge	Charge Amount
Residential	Per property	\$25.00
Residential Strata	Per lot	\$12.50
Residential Company Title	Per Company Title complex apportioned according to the number of shares in the company owned by each shareholder	\$25.00
Business	Business Per 850 square metres or part thereof of the land area of the property to a maximum of \$5,000 per property	\$25.00
Business Strata	Per 850 square metres or part thereof of the land area of the strata complex to a maximum of \$5,000 per strata complex, apportioned equally to each lot within the strata complex	\$25.00
Business Company Title	Per 850 square metres or part thereof of the land area of the Company Title complex to a maximum of \$5,000 per Company Title complex, apportioned according to the number of shares in the company owned by each shareholder	\$25.00

550/14 That Council apply the Stormwater Management Charge to all properties in the Shire eligible under Section 496(a) of the Local Government Act 1993 and located east of the M1 Motorway.

- 551/14 That Council make the following annual Domestic Waste Management Charges for 2014-15, pursuant to Section 496 of the Local Government Act 1993:

Description	Charge Amount
Domestic Waste Management Availability Charge	\$64.00
Domestic Waste Management Charge	\$507.00
Domestic Waste Management Charge West of M1 Motorway	\$431.00
Domestic Waste Management Charge – 240 litre Waste Upgrade	\$159.00
Domestic Waste Management Charge – Additional 240 litre Waste Bin Service	\$480.00
Domestic Waste Management Charge – Additional 140 litre Waste Bin Service	\$320.00
Domestic Waste Management Charge – Additional 240 litre Recycling Bin Service	\$78.00
Domestic Waste Management Charge – Additional 240 litre Vegetation Bin Service	\$78.00
Domestic Waste Management Charge – Additional Short Term Extra Service – 140 litre Waste Bin - price per service	\$17.10
Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Waste Bin - price per service	\$18.20
Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Recycling Bin - price per service	\$17.10
Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Vegetation Bin - price per service	\$17.10

- 552/14 That Council continue the current policy of not providing a Domestic Waste Management service to parcels of land which have no Council approval for a residential building.

- 553/14 That Council make the following Waste Management Charges for 2013-14, pursuant to Section 501 of the Local Government Act 1993:

Description	Charge (incl 10% GST)
Waste Management Charge – 140 litre Waste Bin Service	\$396.00
Waste Management Charge – 240 litre Recycling Bin Service	\$85.80
Waste Management Charge – 240 litre Vegetation Bin Service	\$85.80
Waste Management Charge - 240 litre Waste Bin Service	\$528.00
Waste Management Charge - 660 litre Waste Bin Service	\$2,100.00
Waste Management Charge - 1.1 cubic metre Waste Bin Service	\$2,965.00
Waste Management Charge - 1.5 cubic metre Waste Bin Service	\$3,995.00

- 554/14 That Council apply a proportional charge adjustment, calculated on a daily basis, where Domestic Waste Management or Waste Management services commence or cease during the year.

- 555/14 That Council charge the maximum interest rate as specified by the Minister for Local Government and published in the Government Gazette in respect of overdue rates and charges levied under the Local Government Act 1993 and this interest be calculated on a daily basis using the simple interest method in accordance with Section 566 of the Local Government Act 1993, for the period between 1 July 2014 and 30 June 2015.

- 556/14 Incentive Scheme

That Council approve a new electronic bill/direct debit incentive scheme to encourage rate-payers to use more efficient and cost effective mailing and payment channels. This incentive scheme will replace the existing rates payment incentive scheme.

5.6 Report on the introduction of a new Policy for the Management of Gifts and Benefits

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

- 557/14 That Council acknowledge that Councillors are often provided with modest gifts from community members as recognition of their role in the community and to refuse or surrender those gifts may cause offence.**
- 558/14 That Council acknowledge that all gifts and benefits should be declared to ensure that Council is being open and transparent.**
- 559/14 That Council adopt the new Council Policy for the Management of Gifts and Benefits with an amendment enabling Councillors to accept modest gifts up to a value of \$50, subject to those gifts being declared so as to ensure transparency.**
- 560/14 That Council delete from Clause C1 – Definition of Benefits - the sentence “access to confidential or sensitive information”.**

5.7 Wyong Coal Pty Limited (WCPL) Voluntary Planning Agreement Public Submission Summary

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is the Council delegate to Central Coast Group Training Ltd, who has sponsorship arrangements with Wyong Coal Pty Limited and stated that:

“I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because Council delegate and no conflict of interests.”

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that Wyong Coal have sponsored Central Coast Group Training’s scholarship program and he is the General Manager of Central Coast Group Training, left the chamber at 5.55pm, took no part in discussion, did not vote and returned to the chamber at 5.58pm.

RESOLVED on the motion of Councillor GRAHAM and seconded by Councillor EATON:

- 561/14 That Council note that the NSW Planning Assessment Commission (PAC) is the consent authority for the mine on behalf of the State Government.**
- 562/14 That Council note and confirm that three submissions have been made to the Department of Planning and Infrastructure (DoPI) and the PAC opposing the mine development.**
- 563/14 That Council receive and note the report on the submissions received in regard to the draft Voluntary Planning Agreement – Wyong Coal Pty Ltd.**
- 564/14 That Council authorise the General Manager to execute the Voluntary Planning Agreement attached to the report.**
- 565/14 That Council inform those members of the public who made submissions of the outcome.**

566/14 That Council re-endorse its previous unanimous resolutions to oppose coal mining in our water catchment areas and fully support Council's submission lodged on 20 June 2013.

FOR: COUNCILLORS BEST, EATON, GRAHAM, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

5.8 Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2014/15

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

567/14 That Council implement the determination made by the Local Government Remuneration Tribunal in respect of Councillor and Mayoral fees.

568/14 That Council set the annual Mayoral Fee at \$60,580 for the period 1 July 2014 to 30 June 2015.

569/14 That Council set the annual Deputy Mayoral fee at \$8,481.20 for the period 1 July 2014 to 30 June 2015.

570/14 That Council reduce the paid annual Mayoral Fee by 14% (\$8,481.20) to fund the annual Deputy Mayoral fee.

571/14 That Council reduce the paid annual Mayoral Fee by \$2,003.17 for use of the Mayoral Motor Vehicle.

572/14 That Council set the Annual Councillor Fee at \$22,800 for the period 1 July 2014 to 30 June 2015.

5.9 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 1 May 2014

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor TAYLOR:

573/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 1 May 2014.

5.10 Draft Minutes of the Employment and Economic Development Committee Meeting - 7 May 2014

RESOLVED on the motion of Councillor BEST and seconded by Councillor TROY:

- 574/14 That Council receive and note the draft minutes of the Employment and Economic Development Committee meeting held on 7 May 2014.**
- 575/14 That Council endorse the list of properties which have been identified as surplus to Council's needs, identified in Confidential Attachment 2 of this report.**
- 576/14 That Council endorse the further review, by the Employment and Economic Development Committee, of 15W Fortune Crescent, Lake Munmorah, with a view to retaining the parcel as a thoroughfare to the adjoining reserve and that parcel being offset through a portion of the reserve.**
- 577/14 That Council amend item 4.9.4 of the draft Economic Development Strategy to the following:**
- 4.9.4 Reduce 20ha minimum lot size where appropriate within the rural areas of the Shire;**
- 578/14 That Council adopt the draft Economic Development Strategy to be placed on public exhibition for a period of 28 days.**
- 579/14 That Council request the General Manager to submit a report to Council outlining the results of the public exhibition of the Economic Development Strategy, recommending adoption of the strategy.**
- 580/14 That Council recognise the significant economic and employment benefits of the Old Woodbury Farm development.**
- 581/14 That Council note that the iconic site provisions will not provide any benefit to the Old Woodbury Farm development.**
- 582/14 That Council note the additional submissions received.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

5.11 2013-17 Strategic Plan Business Report (Q3)

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

- 583/14 That Council receive the Q3 Business Report on progress against the 2013-17 Strategic Plan.**
- 584/14 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**
- 585/14 That Council approve the proposed budget amendments for 2013/14.**

5.12 Sponsorship Policy

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

586/14 That Council repeal the following policies adopted on 23 June 2010:

**Corporate Sponsorships and Donations (Inwards) Policy
Grants and Sponsorship (Outwards from WSC) Policy**

587/14 That Council adopt the Sponsorship Policy 2014 in the new format in accordance with the recommendations contained in this report.

5.13 Amendment to the Facilities and Expenses for Councillors Policy

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

588/14 That Council note that the amended Facilities and Expenses for Councillors Policy was exhibited in April and May 2014 with two submissions received.

589/14 That Council provide the Office of Local Government with a copy of the amended Policy and information concerning the submissions received.

590/14 That Council propose further amendments to the Facilities and Expenses Policy for Councillors as listed below:

- a Amend the table in Clause D63 in relation to Councillor owned equipment and WSC provided equipment to combine the limits for capital cost and usage costs with the total limit to be \$7,200.**
- b Amend the definition of 'Year' in the policy to be the year July 1 to June 30.**
- c Replace the final dot point in clause C6 – Definition of Council Business with "Attendances associated with the role of a Councillor (eg meetings with residents, ratepayers, developers and stakeholders; individual site inspections, and attendances at local and regional events/functions, including but not limited to local games played by the Mariners Football Team).**
- d Replace clause D81 with "Council will reimburse interest charges and fees (other than late fees) incurred by a councillor in respect to an expense that is able to be reimbursed under this Policy.**
- e Amend Clause E19 by inserting the following additional sentence: "Declarations may be given for claims for expenses incurred during periods of up to 12 months (within the financial year)".**
- f Amend Clause D70 relating to Corporate Uniform to add an additional dot point: "Alterations up to \$200 per year, if required."**
- g Amend Clause D11 increase the limit on conference attendance to \$12,000 per year, per Councillor, subject to a total expenditure limit for all Councillors of \$100,000 per year.**

- h Amend Clause D11 increase the limit on training courses to 4 per year.*
- i Amend Clause D32 by the addition of the following: "Council will reimburse Qantas Club or similar membership for the Mayor."*
- j Amend Clause D70 to provide for the Corporate Uniform allocation to increase to two suits/two shirts (blouses) per Councillor and four shirts (blouses) for the Mayor per annum.*

591/14 That Council exhibit the proposed amendments to the policy in accordance with Section 253 of the Local Government Act, 1993.

5.14 Water Usage Rebates For Residents Affected by the October 2013 Bushfires

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor VINCENT:

592/14 That Council approve that all residential properties, partially or wholly within one kilometre of the burn area of the Ruttleys Road fire of 17 and 18 October 2013 as identified by the Rural Fire Service, be eligible for rebates on water usage charges.

593/14 That Council approve the granting of rebates for residential properties partially or wholly within one kilometre of the Ruttleys Road fire burn area is calculated to offset any additional water used during the period of the October 2013 bushfires.

594/14 That Council approve the methodology for the calculation of the rebates for each residential property in the affected area as a reduction equivalent to the increased the daily average usage in the meter reading period within which the October 2013 bushfire occurred, in comparison to the equivalent meter reading period the previous year subject to a maximum rebate amount of thirty five dollars per property.

595/14 That Council direct the General Manager to arrange a delegation of the Mayor and General Manager to approach the State Treasurer or Premier on this matter.

5.15 Establishment of a Corporate Entity for the Waste Management Business

Councillor Taylor left the meeting at 6.30pm and returned to the meeting at 6.32pm during consideration of this item.

Councillor Best left the meeting at 6.30pm and returned to the meeting at 6.32pm during consideration of this item.

RESOLVED on the motion of Councillor NAYNA and seconded by Councillor BEST:

596/14 That Council authorise the General Manager to progress investigations and construct a detailed business case into the formulation of a corporate structure for the waste management business.

597/14 That Council authorise the General Manager to prepare a submission to the OLG to gain ministerial approval to establish an appropriate corporate structure for the waste management business.

A DIVISION was called by Councillor VINCENT:

FOR: COUNCILLORS BEST, EATON, GRAHAM, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

5.16 DA 967/2013 - 405 Lot Subdivision at Crangan Bay

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is the Council delegate to the Joint Regional Planning Panel who will determine this matter.

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Joint Regional Planning Panel that will consider the matter and stated that:

"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty as a Councillor."

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

598/14 That Council receive the report on DA 967/2013 - 405 Lot Subdivision at Crangan Bay.

599/14 That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel regarding the application.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

6.1 Economic Benefit of Sports Tourism Events

Councillor Matthews left the meeting at 6.37pm and returned to the meeting at 6.39pm during consideration of this item.

Councillor Greenwald left the meeting at 6.41pm and returned to the meeting at 6.43pm during consideration of this item.

Councillor Matthews left the meeting at 6.45pm and returned to the meeting at 6.46pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor VINCENT:

600/14 That Council receive the report on Economic Benefit of Sports Tourism Events.

6.2 Works in Progress - Water Supply and Sewerage

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

601/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.

6.3 Activities of the Development Assessment and Building Certification Compliance and Health Units

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

602/14 That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of April 2014.

6.4 Results of Water Quality Testing for Beaches and Lake Swimming Locations

Councillor Vincent left the meeting at 7.01pm and returned to the meeting at 7.02pm during consideration of this item.

It was MOVED by Councillor NAYNA and seconded by Councillor GREENWALD:

That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

An AMENDMENT was MOVED by Councillor GREENWALD and seconded by Councillor VINCENT:

That Council note with concern the two bad ratings and request the General Manager report on the possible causes and long term resolution.

The AMENDMENT was put to the vote and declared LOST

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor GREENWALD:

603/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

6.5 Investment Report for April 2014

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

604/14 That Council receive the Investment Report for April 2014.

6.6 Beach Safety Services - Completion of First Year of Contract

Councillor Troy left the meeting at 7.11pm and returned to the meeting at 7.13pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor GRAHAM:

605/14 That Council note the report on Beach Safety Services - Completion of First Year of Contract.

6.7 Quarterly Update on EP & A and LGA Developer Contributions

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

606/14 That Council receive the report on Quarterly Update on EP & A and LGA Developer Contributions.

6.8 Wyee Sewerage Servicing Strategy

Councillor Best left the meeting at 7.27pm and returned to the meeting at 7.28pm during consideration of this item.

RESOLVED on the motion of Councillor BEST and seconded by Councillor TAYLOR:

607/14 That Council receive the report on Wyee Sewerage Servicing Strategy.

A DIVISION was called by Councillor VINCENT:

FOR: COUNCILLORS BEST, EATON, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

6.9 Outstanding Questions on Notice and Notices of Motion

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

608/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

8.1 Notice of Motion - Littering in Wyong Shire

Councillor Matthews left the meeting at 5.34pm and returned to the meeting at 5.35pm during consideration of this item.

Councillor Vincent left the meeting at 5.34pm and returned to the meeting at 5.37pm during consideration of this item.

Ms Kay Wall, Resident, addressed the meeting at 5.27pm, answered questions and retired at 5.32pm.

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

- 609/14 That Council **erect** warning signs at sites subject to repeated littering as identified by the General Manager or his delegate.
- 610/14 That Council **include** the maximum penalties for littering on the signage erected under point 1.
- 611/14 That Council **note** that Council's Rangers will continue to have a targeted approach to littering including the regular monitoring of identified sites and the issue of Penalty Infringement Notices for all detected offences.

8.2 Notice of Motion - Asbestos Amnesty

RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TAYLOR:

- 612/14 That Council **note** the prevalence of illegally dumped asbestos within the Wyong local government area, which presents significant potential health risks to the public and which Council cleans up at significant cost.
- 613/14 That Council **recognise** the urgent need to reduce the incidence of illegal dumping of asbestos within the Wyong local government area.
- 614/14 That Council **direct** the General Manager to prepare an Asbestos Amnesty program, such program to:
- a. Enable people who reside in the Wyong local government area to safely dispose of asbestos waste from their permanent home at no cost for a specified period;
 - b. Be subject to the NSW Environment Protection Authority granting relevant exemptions such that no waste levy or contributions are required to be paid by Council in respect to asbestos waste it receives pursuant to the Asbestos Amnesty program;
 - c. Include a requirement for educating the public about the risks associated with the illegal dumping of asbestos and of the operation of the Asbestos Amnesty program.
- 615/14 That Council **acknowledge** that such an education and disposal program will have significant cost around its safe delivery.
- 616/14 That Council **request** that the NSW Government partner with Council in the formulation and future implementation of the Asbestos Amnesty program, with that partnership to include the following:
- a. the prompt consideration and determination of any request to the NSW Environment Protection Authority by Council seeking exemptions from any waste levy in respect to asbestos received by Council pursuant to the Asbestos Amnesty program;
 - b. provision of financial assistance to Council to assist in the funding of the significant costs associated with the promotion and delivery of the Asbestos Amnesty program;

- c. **providing assistance to Council in the formulation of the Asbestos Amnesty program, including technical assistance from the NSW Environment Protection Authority.**

617/14 That Council **direct** that the proposed Asbestos Amnesty policy be reported to Council for consideration and adoption.

618/14 That Council **note** that it is of the opinion that the Waste Levy was originally established to provide the region with improved waste management options and as only a fraction of this \$11M annual levy has been spent locally, the proposed 'Asbestos Amnesty' program is an excellent opportunity for the NSW Government to partner with Council and honour the original intent of the NSW Government's Waste Levy.

QUESTIONS ON NOTICE

Q68/14 Unleashed Dogs - East Budgewoi
Councillor Doug Vincent

"East Budgewoi residents have raised ongoing concerns with unleashed dogs being walked in areas other than the designated Council runs.

The unleashed dogs are currently impacting negatively on beach users and wildlife in the rehabilitated dunes.

Could staff please advise if:

- 1 *There are any monitoring patrols to check these areas?*
- 2 *Who local residents should contact within Council to express concerns?"*

Q69/14 Vandalism and Penalties
Councillor Greg Best

"Mr Mayor,

I note in a recent press article that wilful and wanton destruction of earthmoving equipment was carried out at Council's Lake Haven cinema construction site, allegedly by a gang of youths that were captured on CCTV footage, causing thousands of dollars in damages.

Council appreciates the good work of Staff and the Police in apprehending these individuals and recognises the hundreds and thousands of dollars Council has poured into CCTV surveillance across the shire.

Mr Mayor, could staff please, at the appropriate time, advise Council of the outcome / any court determinations around these acts of vandalism? I do hope the court is in step with Community expectations?"

THE MEETING closed at 7.42pm.

2.1 Planning Proposal and Draft DCP 2013 in Respect of Lot 195 DP 1006789 (1 Figtree Boulevard) Wadalba - Outcomes of Consultation

TRIM REFERENCE: RZ/10/2012 - D06678276

MANAGER: Scott Cox, Director

AUTHOR: Jenny Mewing; Strategic Planner

SUMMARY

This report outlines the outcomes of the public exhibition of a Planning Proposal and draft Wyong Development Control Plan (DCP) 2013 in respect of Lot 195 DP 1006789 (1 Figtree Boulevard) Wadalba.

The report seeks Councils endorsement of the proposal and the proposed amendments to Wyong DCP 2013 (specifically Chapter 6.17 – Warnervale East/Wadalba North West). It seeks that Council endorse the amendment to Wyong Local Environmental Plan (LEP) 2013 to rezone Lot 195 DP 1006789 from R2 Low Density Residential to B2 Local Centre, and implement amendments to DCP 2013.

Proponent:	The Planning Group NSW Pty Ltd
Owner:	Fabcot Pty Ltd
Description of Land:	Lot 195 DP 1006789 (1 Figtree Boulevard) Wadalba
Site Area:	Approximately 1.5 hectares
Current Zoning:	R2 Low Density Residential
Existing Land Use:	Vacant land
Employment Generation:	Construction jobs: 55 direct, 88 indirect Operational jobs: 148 (net)
Estimated Value:	Construction value: >\$10 million Operational turnover: \$29.2 million (2017 EOFY Estimate)

RECOMMENDATION

- 1 ***That Council request the General Manager to exercise the Written Authorisation to Exercise Delegation for RZ/10/2012 issued by the Director-General (Planning and Infrastructure) and proceed with the steps for drafting and making the LEP for the rezoning of Lot 195 DP 1006789.***
- 2 ***That Council adopt draft Wyong DCP 2013 Chapter 6.17 – Warnervale East/Wadalba North West and give appropriate public notice within 28 days that the draft DCP will come into effect on the date the LEP amendment comes into effect.***
- 3 ***That Council forward a copy of amended Wyong Development Control Plan 2013 to the Director General of the NSW Department of Planning & Infrastructure within 28 days of the draft DCP coming into effect.***
- 4 ***That Council advise those who made submissions of the decision.***

BACKGROUND AND CURRENT STATUS

With regard to Lot 195 DP 1006789 (the subject site), Council at its meeting held 12 June 2013:

'RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor WEBSTER:

723/13 That Council initiate the Local Environmental Plan "Gateway" process, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979 by the preparation of a Planning Proposal.

724/13 That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a "Gateway" determination, pursuant to Section 56(1) of the Environmental Planning and Assessment Act.

725/13 That Council executes a Funding Agreement with the applicant to finance the ongoing assessment of the Planning Proposal, subject to the determination of the Gateway Process.

726/13 That Council request the General Manager to apply to accept plan making delegations for the rezoning.

727/13 That Council note that additional information will need to be submitted prior to proceeding to public exhibition/consultation.

728/13 That Council develop and exhibit appropriate Development Control Plan provisions to ensure consistency with the Planning Proposal and provide guidelines for future development.

729/13 That Council direct the General Manager to provide a further report be submitted to Council to report on the results of the consultation phase and the preparation of a relevant LEP and DCP amendment.'

In accordance with the above resolution, actions 723/13 – 728/13 (inclusive) have been completed as follows:

- A Gateway determination to proceed with the proposal was issued to Council by Planning and Infrastructure (P&I) dated 6 August 2013. *Written Authorisation to Exercise Delegation* of plan making functions to the General Manager was issued concurrently with this determination;
- A Funding Agreement between Council and the Proponent, consistent with Council's Planning Proposal Procedure, was executed on 27 November 2013;
- Additional information, including revised traffic studies, conceptual site masterplans/development principles and Economic Impact Assessment (EIA), was submitted, assessed and endorsed by relevant staff, the Roads and Maritime Authority (RMS) and an Independent Peer Reviewer (Don Fox Planning - DFP);

2.1 Planning Proposal and Draft DCP 2013 in Respect of Lot 195 DP 1006789 (1 Figtree Boulevard) Wadalba - Outcomes of Consultation (contd)

- Amendments to Chapter 6.17 Warnervale East/Wadalba North West were drafted to provide site specific guidelines for the future development of Lot 195 DP 1006789 (note that amendments also included the re-insertion of Appendix 1 (from former Chapter 49 of DCP 2005). This appendix was unintentionally omitted during the preparation of DCP 2013);
- Agency and Community consultation of the Planning Proposal and draft Wyong DCP has been undertaken (further details of which are provided in this report) in accordance with the requirements of the Gateway determination.

This report constitutes completion of action 729/13 and provides the results of the consultation phase of the plan making process.

THE PROPOSAL

Planning Proposal

The proposal seeks to rezone Lot 195 DP 1006789 from R2 Low Density Residential to B2 Local Centre under Wyong LEP 2013.

The intended outcome is to enable commercial development on the subject site to accommodate a full-line supermarket (3,200m²) and specialty shop (80m² liquor outlet). A petrol station may also be considered in the future. An indicative layout of the site incorporating the above is provided as Attachment 2 (subject to development consent).

Future development of the site may require access from Orchid Avenue over the adjoining Council owned drainage reserve (Lot 195 DP 1006789). In the event that the rezoning proceeds, negotiations between the Proponent and Council for the creation of a Right of Way over this reserve will need to be entered into.

Draft Wyong DCP 2013: Chapter 6.17 – Warnervale East Wadalba North West

The proposed amendments to Chapter 6.17 include site specific provisions for commercial development on Lot 195 DP 1006789 (attachment 3).

The amendments primarily seek to ensure that any future commercial development of the site is consistent with the existing design features of the Wadalba Village, in terms of building siting, scale, materials, signage and landscaping.

Provisions have also been included to require that arrangements are in place for safe access, egress and internal site circulation patterns for pedestrians, cars and service vehicles. This includes additional traffic analysis in accordance with requirements and specifications of the Roads and Maritime Services (RMS).

CONSULTATION

Government Agency Consultation

Government agency consultation was undertaken for a period of 21 days from 3 December – 24 December 2013. The Gateway determination required consultation with the NSW Mine Subsidence Board (MSB), Department of Trade and Investment - Resources and Energy (DT&I) and the RMS.

The MSB and DT&I did not object to the proposal.

The RMS removed an objection to the proposal, subject to additional traffic analysis and modelling being undertaken, and road infrastructure upgrade requirements being identified, to be assessed as part of an application for development of the subject site. These requirements were incorporated into draft Chapter 6.17 – Warnervale East, Wadalba North West prior to its exhibition.

Community Consultation (Public Exhibition)

The Gateway determination required Community Consultation be undertaken for a period of 14 days. However, as the proposal included an amendment to DCP 2013, the proposal and supporting Chapter of DCP 2013 were exhibited for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment (EP&A) Regulations, 2000*.

The Planning Proposal was available for comment from 19 March until 16 April 2014.

Notification of the exhibition of the proposal was placed in the Central Coast Express Advocate on 19 March and 2 April 2014. Notification was also provided to adjoining landholders by letter prior to the commencement date.

Hardcopies of the exhibition material were available at the Wyong Administration Centre and Lake Haven Library. Exhibition material was also located on Council's website ('On Exhibition' and 'Consultation Hub' pages).

Four (4) submissions were received during the exhibition period. The following provides a summary of the issues raised by the submissions and relevant commentary regarding the consideration of the issue.

- Recommended Amendments to Draft Chapter 6.17

Figure 2 in Chapter 6.17 shows areas of open space for Warnervale East which is outside the boundary for the chapter.

Comment

Figure 2 within draft Chapter proposed for adoption has been updated to remove this area as being identified for future open space.

The area is no longer required to be provided as open space and has been previously removed from the applicable Section 94 Contribution Plan. Alternate open space has been identified within the Warnervale Town Centre and included in the applicable Section 94 Contribution Plan for that area.

- Issue – Social Impact and Impact on Specialty Stores

Submissions raised concerns that the location of an additional liquor outlet in close proximity to playing fields and school would have negative community outcomes.

Additionally, submissions suggested that the proposed liquor outlet would impact viability of two (2) other similar outlets in near vicinity of subject site, which as well as other outlets in the vicinity of proposal (in nearby suburbs), provide adequate levels of service for the community. An additional liquor outlet will be detrimental for long-standing business (over thirty years trading).

Submissions further argued that the Location IQ Economic Impact Assessment (EIA) lacked qualitative assessment of existing floor space across the retail spectrum – including loss of flow on trade for specialty stores dependent on viability of existing anchor stores.

Comment

The social impact of any additional liquor outlet will be required to be addressed and considered as part of any subsequent development application for the site. Clause 7.12 of Wyong LEP 2013 specifies that consent for the purposes of a bottle shop cannot be granted unless Council is satisfied that it will not have a significant adverse impact on the surrounding area. This would be required to be substantiated by a Social Impact Assessment.

The Location IQ EIA identifies that *'as only a small provision of specialty floorspace is proposed, this is unlikely to impact other specialty shops in the area'*.

The mix of specialty stores in the immediate local centre area is typical of convenience related stores that operate in close proximity to supermarkets, including, restaurants, newsagencies, bakeries, liquor outlets, professional services (e.g. medical centres) and pharmacies. These stores complement the goods offered by supermarkets. An additional supermarket in the area would increase the number of visitors to the centre, and consequently, increase the available customers for the surrounding specialty stores.

Notwithstanding this, existing liquor outlets would be in direct competition with the proposed liquor outlet. There is currently one liquor outlet located in the existing local centre, with another drive-through outlet located on the corner of the Pacific Highway and Minnesota Road in connection with a licensed hotel.

Any additional liquor outlet will be subject to separate assessment as part of a development application, and as mentioned above, be subject to the provisions of Clause 7.12 of Wyong LEP 2013. Additionally, any proposed liquor outlet is subject to licensing requirements of the NSW Office of Liquor, Gaming and Racing, which includes assessment and notification/public display of a Community Impact Statement (CIS).

- Issue – Retail Supply and Cumulative Impacts

Submissions state that the size of the total expected (future) retail floorspace in Wadalba (>4,860m²) is not a convenience centre, and more like a neighbourhood / sub-district centre and an oversupply for the area. The proposal is inconsistent with the Retail Strategy in terms of oversupply from that predicted by the Strategy.

Submissions also argue that the Location IQ EIA does not consider the cumulative impact of future retail developments on existing centres/stores.

Comment

Notwithstanding the terminology used in the Location IQ EIA (i.e. 'convenience centre'), Council's Retail Strategy identifies *'Expansion of Wadalba to include additional specialty retail and a second supermarket facility might be supportable after 2016. Should this occur, it is considered that classification as a local centre is justifiable'*.

In their review, Don Fox Planning (DFP) acknowledge that although the *floorspace proposed is greater than that estimated in the (Retail) Strategy, the (Retail) Strategy estimates were not based on a detailed EIA'*.

Future retail development within and beyond the trade area, including potential impacts, was addressed within the Location IQ EIA, including future proposals at the Warnervale Town Centre.

- Issue – Income Estimates

The Location IQ EIA does not consider leakage of disposable income given large commuting population.

Comment

The Location IQ EIA has been independently reviewed by DFP. DFP agree that the *'assumptions, methodology and conclusions of the February 2014 Location IQ are sound and can be relied upon by Council in its further consideration of the planning proposal'*.

- Issue – East Wadalba Retail Potential

Submissions argue that the Location IQ EIA dismisses of potential for retail in East Wadalba.

Comment

The East Wadalba area is currently subject to a planning proposal for the provision of approximately 2,000 residential lots.

Council's current Retail Strategy identifies that future retail activity in this area should comprise a future neighbourhood centre which is acknowledged by the Location IQ EIA. The future for potential retail in Wadalba East has therefore not been discounted. The Location IQ EIA further states that the co-location of major supermarkets within the existing Wadalba retail area would reinforce neighbourhood type retail activity in Wadalba East.

- Issue – Employment Generation

Submissions argue that the Location IQ EIA overestimates employment generation.

Comment

Employment loss from other retail centres has been considered by the Location IQ EIA. The Location IQ EIA predicts gross employment potential to be 165 persons, and a net employment benefit of 148 persons, allowing for 10% loss from existing retail centres, therefore estimated employment generation figures are supported.

- Issue – Traffic Assessment

Submissions argue that the traffic impact assessment does not adequately assess vehicle access, circulation and turning movements, car parking adequacy and bicycle end of trip facilities. The report also contains traffic generation and modelling discrepancies.

Comment

These issues will be required to be addressed and considered as part of any subsequent development application for the site.

Provisions have been incorporated into the draft Chapter 6.17 to require additional traffic generation and modelling prior to lodgement of a DA, as required by the RMS. The RMS has not objected to the proposal subject to this being undertaken. Additionally, provision of car parking and end of trip bicycle facilities will be required to be provided in accordance with other relevant Chapters of DCP 2013 (e.g. Chapter 2.11 – Parking and Access).

GOVERNANCE AND POLICY IMPLICATIONS

Agency and community consultation has been conducted in accordance with the Gateway determination, which required compliance with the notice requirements and specifications for material to be made available within s.5.5.2 of P&I's *Guide to Preparing LEPs (2012)*. The submissions received have been taken into consideration.

2.1 Planning Proposal and Draft DCP 2013 in Respect of Lot 195 DP 1006789 (1 Figtree Boulevard) Wadalba - Outcomes of Consultation (contd)

Written Authorisation to Exercise Delegation has been received from P&I which authorises Council's General Manager to assume the role of the Director General under Sections 58 and 59 of the EP&A Act in finalising the plan making process.

CONCLUSION

Council has previously supported the rezoning of the subject site R2 Low Density Residential to B2 Local Centre subject to a number of further investigations, agency and community consultation and other statutory requirements. These requirements have now been met and addressed in the report. The subject land is considered suitable for the proposed rezoning and therefore it is recommended that Council proceed with the making of the LEP for Lot 195 DP 1006789 and adoption of amendments to DCP 2013 (Chapter 6.17 – Warnervale East/Wadalba North West).

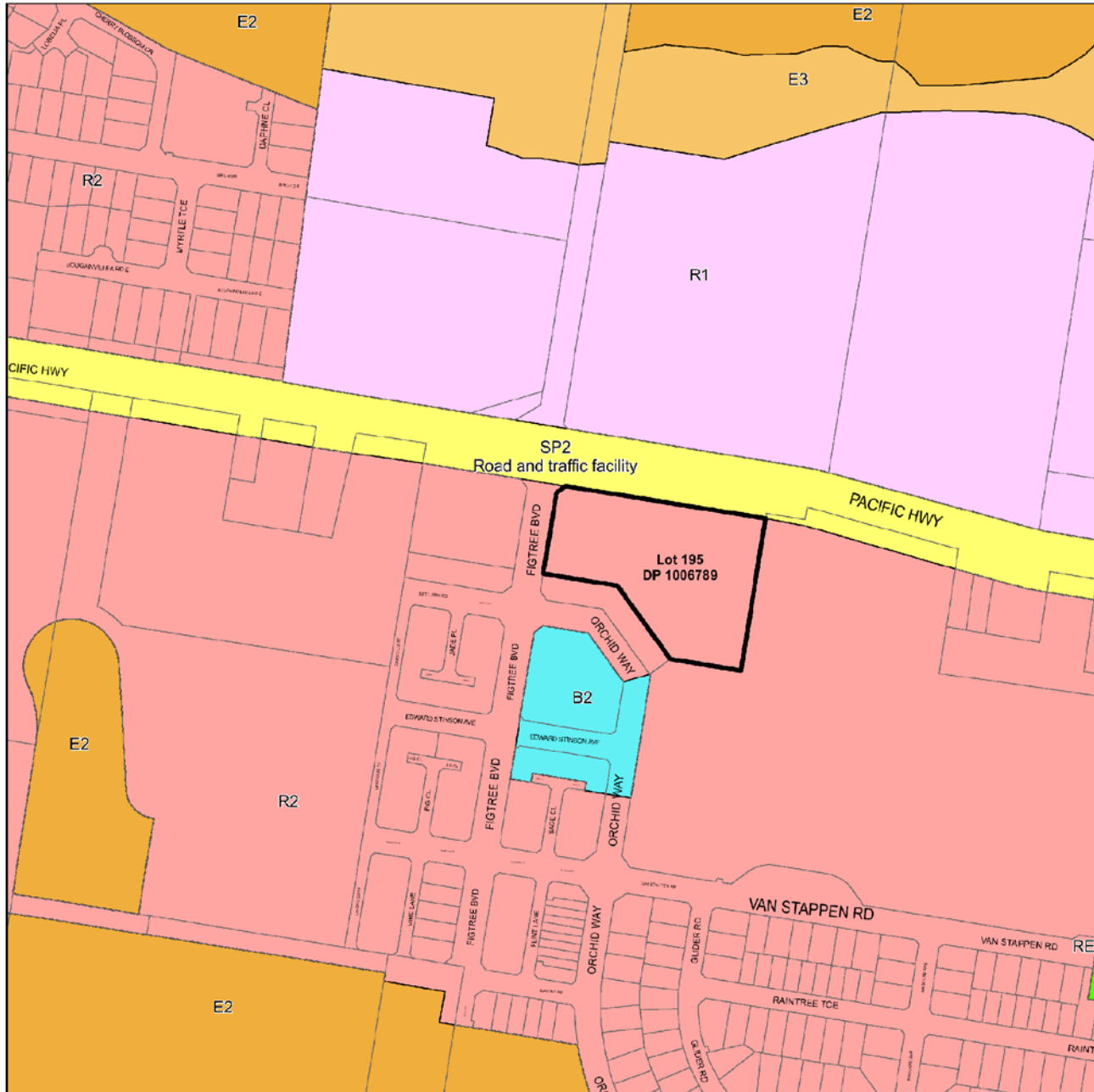
ATTACHMENTS

1	Locality Plan	D06682395
2	Existing Site Zoning - Wyong LEP 2013	D08249318
3	Proposed Site Zoning - Wyong LEP 2013	D08249316
4	Indicative Development Concept Plan	D06682390
5	DCP 2013: Draft Chapter 6.17 - Warnervale East/Wadalba North West	D06682389
6	Additional Commentary - Specialty Store Impact	D07566045



**FIGTREE BOULEVARD
LOCALITY PLAN**





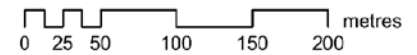
Figtree Bvd, Wadalba

**EXISTING LAND ZONING MAP
WYONG LEP 2013**

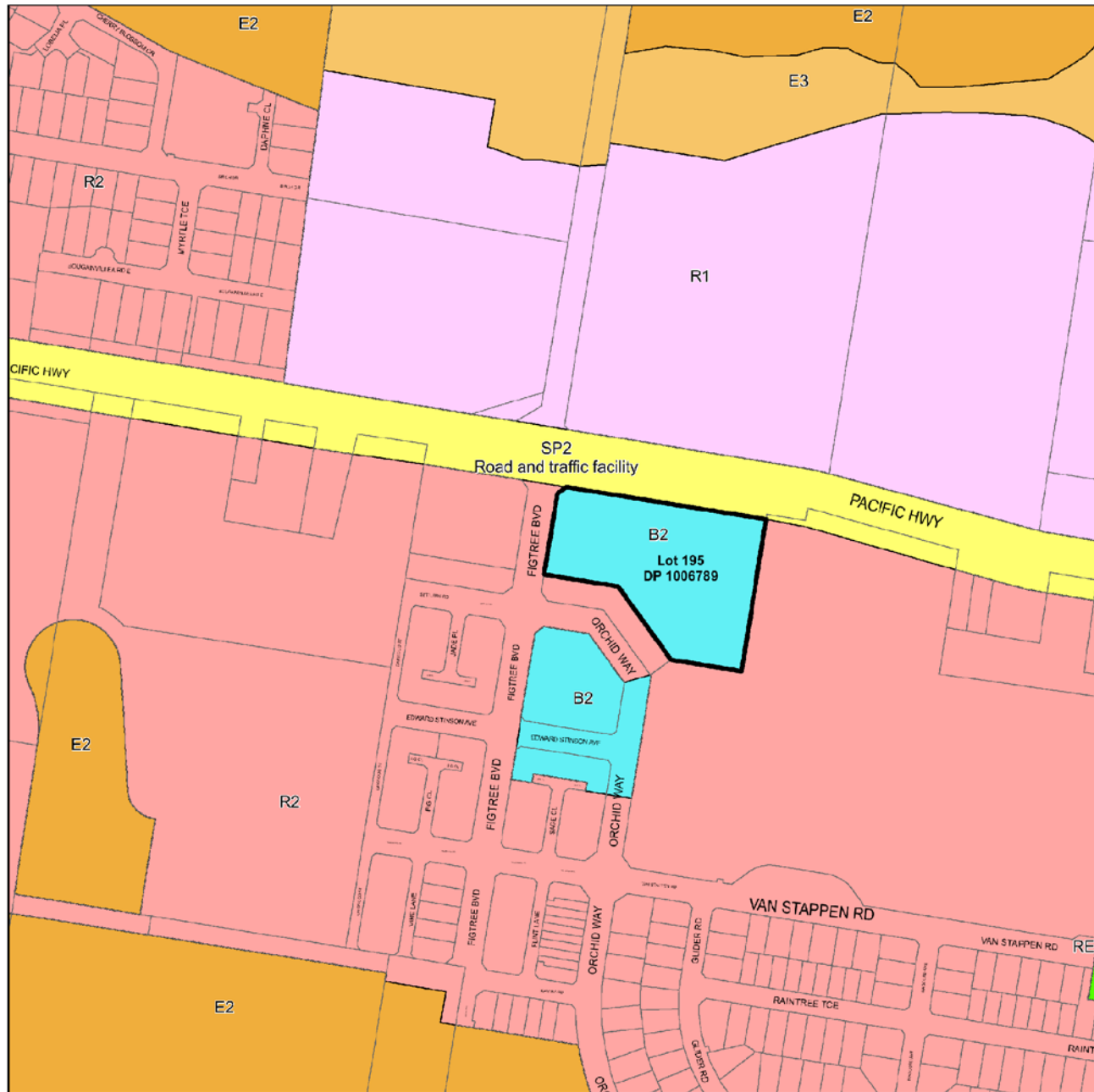
Legend

Zone

- B2 Local Centre
- E2 Environmental Conservation
- E3 Environmental Management
- R1 General Residential
- R2 Low Density Residential
- RE1 Public Recreation
- SP2 Infrastructure



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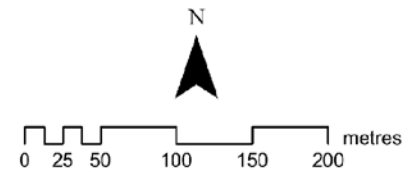


Figtree Bvd, Wadalba
PROPOSED LAND ZONING MAP
WYONG LEP 2013

Legend

Zone

- B2 Local Centre
- E2 Environmental Conservation
- E3 Environmental Management
- R1 General Residential
- R2 Low Density Residential
- RE1 Public Recreation
- SP2 Infrastructure



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FARCO PTY LTD

Woolworths Wadalba
195 ORCHID WAY
WADALBA NSW



SITE PLAN

DATE	ISSUED	BY	FOR
15/05/2013	15/05/2013	MBMO	CONCEPT PLAN
15/05/2013	15/05/2013	MBMO	CONCEPT PLAN
15/05/2013	15/05/2013	MBMO	CONCEPT PLAN

CHAPTER 6.17 WARNERVALE EAST / WADALBA NORTH WEST

1.0 INTRODUCTION

The purpose of this Chapter is to provide specific development guidelines for the former Warnervale/Wadalba Urban Release Areas.

The majority of land suitable for development within the Warnervale East/Wadalba North West area has either been developed or approved for development. The area now comprises the suburbs of Woongarra, Hamlyn Terrace and Wadalba. The area has evolved over the past decade with market forces and changes in development standards resulting in some variation from the original plans detailed in Wyong Shire Council Development Control Plan No. 49 (now superseded).

This chapter has been prepared to provide guidance for the development of the remaining lands, consistent with current development standards and the desired and likely future character of the area.

1.1 Objectives of this Chapter

- To provide a high quality and varied residential environment with accessible open space, retail and community facilities
- To provide attractive streetscapes which reinforce the function of a street and enhance the amenity of dwellings
- To provide opportunity for a variety of housing types
- To provide a safe and efficient system of roads and pathways for vehicular, pedestrian and cycle movements
- To provide for the protection and enhancement of the environment

1.2 Land to which this Chapter Applies

This Chapter applies to land as shown edged heavy black on Figure 1. Figures 2 and 3 on the following pages show in greater detail the land described as Warnervale East (Figure 2) and the land described as Wadalba North West (Figure 3).

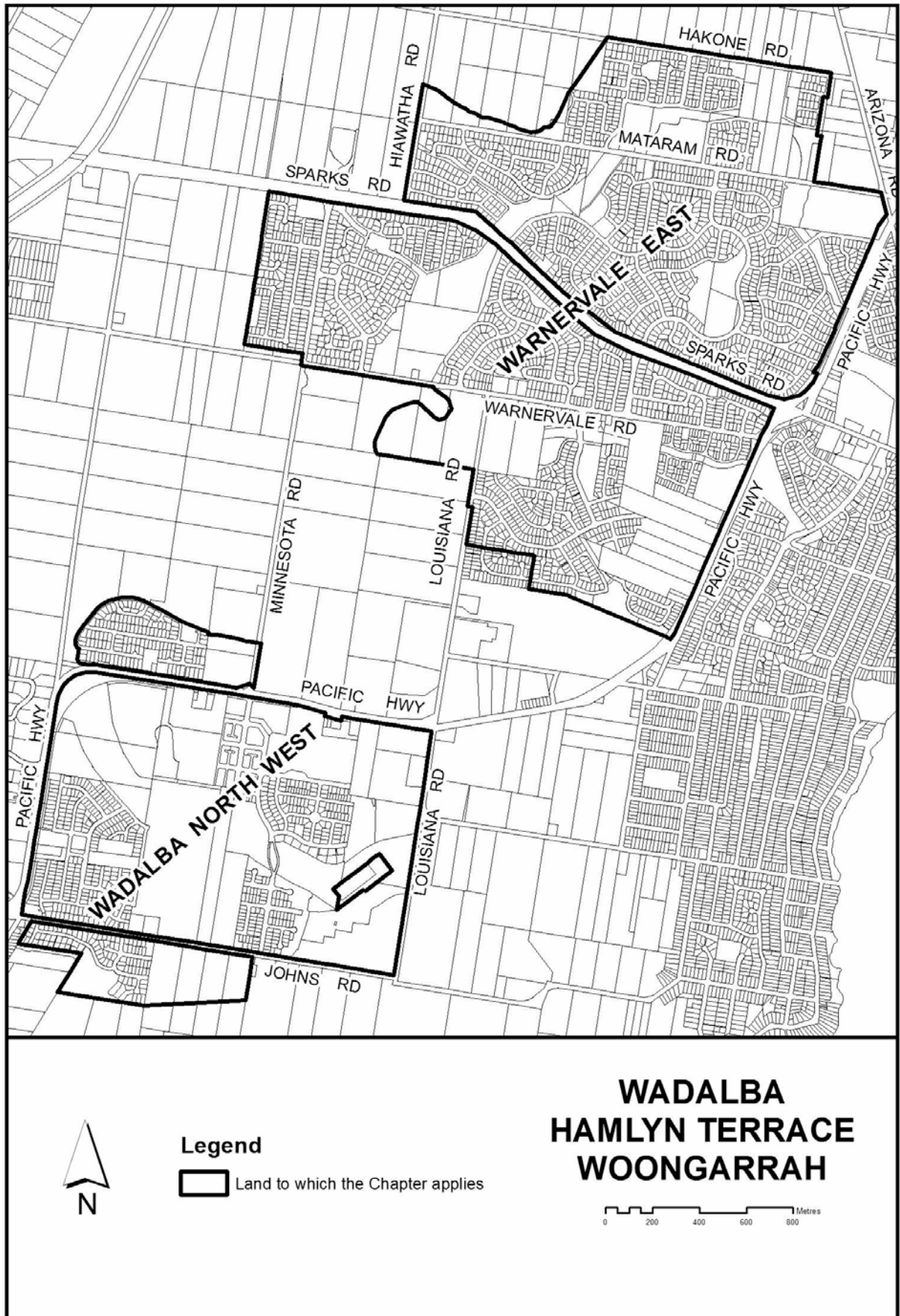


Figure 1 Land to which Chapter 6.17 applies

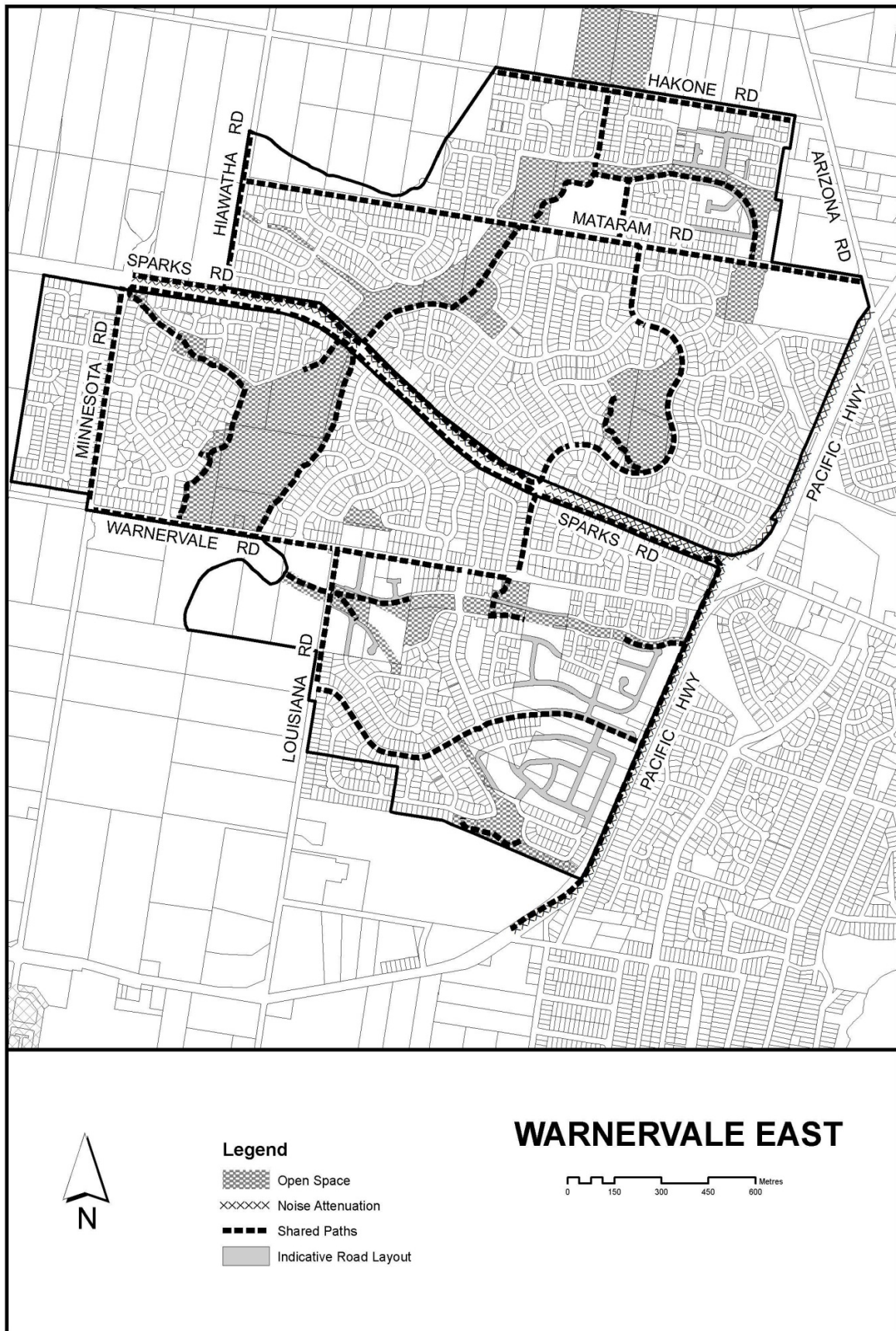


Figure 2 Warnervale East

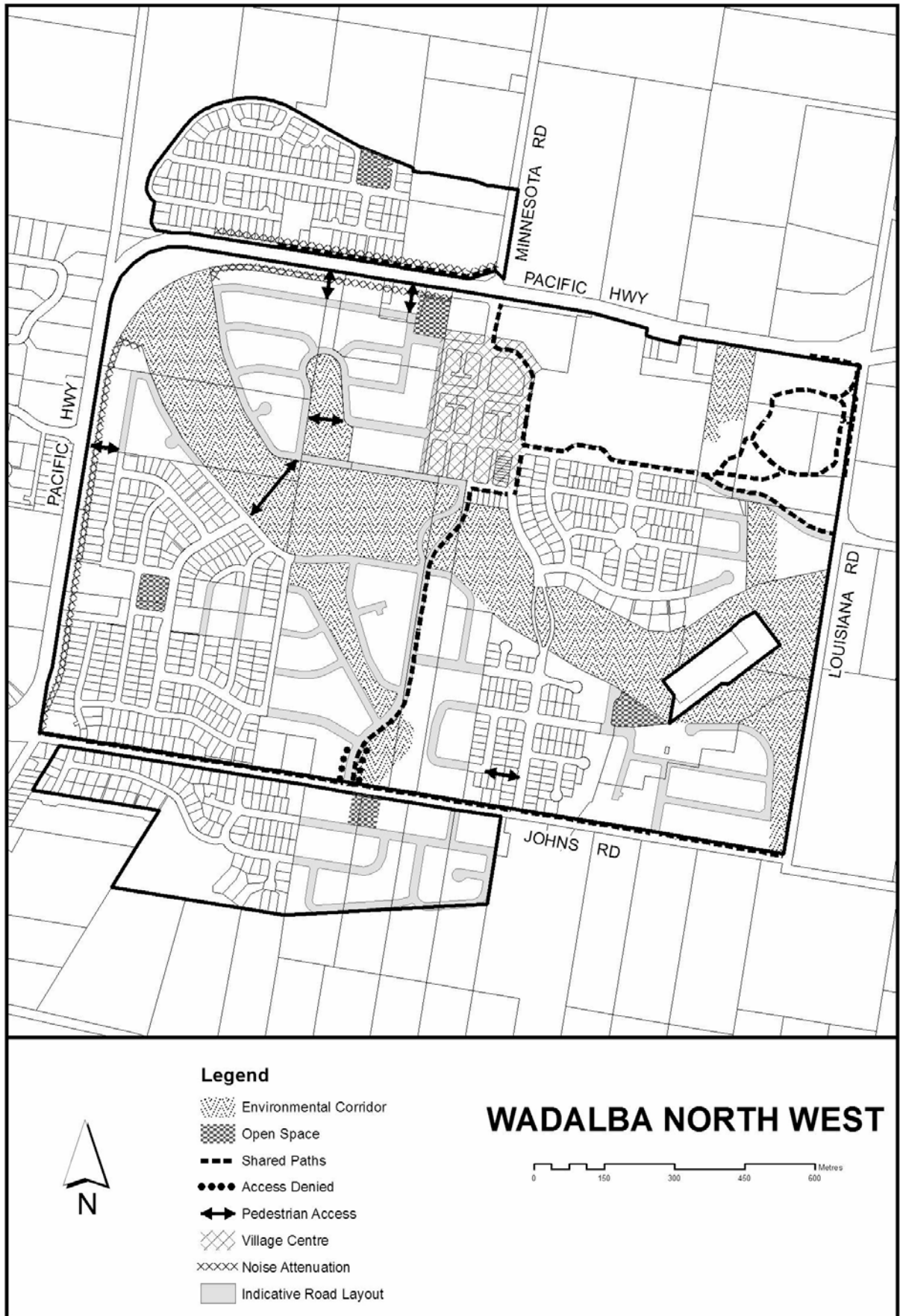


Figure 3 Wadalba North West

1.3 Relationship to other Chapters and Policies

This Chapter should be read in conjunction with other relevant Chapters of this Development Control Plan and other Policy Documents of Council, including but not limited to:

- Chapter 2.1 – Dwellings and Ancillary Structures
- Chapter 2.6 - Signage
- Chapter 2.11 – Parking and Access
- Chapter 3.6 – Tree and Vegetation Management
- Section 4 – Subdivision
- Chapter 6.2 – Hamlyn Terrace – Louisiana Road Infill Precinct (LRIP)
- Council’s Civil Works Design Guideline and Construction Specification
- Policy L1 – Landscape Guidelines

2.0 SUBDIVISION DESIGN

Any application for subdivision of land in the Warnervale/Wadalba area, must consider the requirements of WLEP 2013 and DCP 2013 Section 4 – Subdivision, in addition to any requirements of this Chapter. Where any inconsistencies arise with the provisions contained in this Chapter, this Chapter shall prevail.

2.1 Streetscape

OBJECTIVES

- To ensure a consistent and pleasant streetscape blending into the surrounding natural environment
- To maintain pedestrian and road safety
- To, as far as possible, preserve the natural features of the area

REQUIREMENTS

- a A streetscape plan, prepared and submitted as part of a Category 3 Landscape Design Report in accordance with Council’s Landscape Guidelines is to be provided with each subdivision application. The streetscape plan shall show:
 - i the street reserve together with typical cross sections;
 - ii location and detailing of carriageway pavement, parking bays, bus stops, kerbs, footpath, cycle paths and speed control devices;
 - iii location and species of proposed trees or other vegetation;
 - iv location of existing vegetation to be retained and proposed treatments to ensure its health;
 - v typical dwelling front alignments including any proposed setback variations together with any building detailing proposed to promote special character or identity;

- vi any relevant details for front garden treatment, e.g. fences, driveways and landscape themes;
 - vii any relevant details for the design and location of street furniture - lighting, seats, bus stops, street signs, etc.
- b Applicants are required to consult with Council to ascertain preferred design standards for street furniture prior to the lodgement of a subdivision application.

Note: Wider verges are often necessary to provide space for larger trees, varied service requirements or varied parking requirements particularly where densities are 15 dwellings per hectare or greater.

- c Street landscaping schemes shall:
- i emphasise street tree planting particularly species that attain a minimum height of 8 metres at maturity;
 - ii select species that are drought resistant;
 - iii select species that are locally occurring where possible;
 - iv select species that have a growth habit and propagation that would inhibit weed growth;
 - v select species that would not obscure street lighting, vehicle sight lines at intersections or overhang the carriageway so as to interfere with service vehicles or buses;
 - vi require minimal maintenance once established.

2.1.1 Crossing of Environmental Corridors / Warnervale Floodplain

Those areas identified as "sensitive crossings" will be constructed having regard to the following:

- a tree canopy to continue across the road corridor to facilitate the movement of arboreal fauna;
- b roads to be split to reduce the width of the crossing;
- c pavement to be designed to reduce the concentration of runoff within the corridor;
- d landscaping is to be provided within the road reserve to facilitate the regeneration of the canopy overhanging the road;
- e road crossings are to be designed with features to assist with fauna movement and to reduce mortality (e.g. underpasses, landscaping, lighting issues, speed suppression, glide poles – as appropriate).

2.2 Traffic Noise Amelioration

OBJECTIVE

- To ensure that neighbourhood amenity is maintained through suitable reduction in traffic noise and visual intrusion

REQUIREMENTS

- a Areas labelled on the plan as "Noise Attenuation Areas - Mounds" along the Pacific Highway and Sparks Road shall generally be required to be dedicated to Council.
- b A noise study prepared by an appropriately qualified acoustic consultant shall accompany any development or subdivision application for existing properties with frontage to either the Pacific Highway or Sparks Road. The noise study shall identify appropriate noise amelioration measures including but not limited to dwelling design and acoustic barrier design to achieve noise goals set out in Clause 2.2 c. The design noise level shall be based upon estimated traffic flows, speeds and percentage of heavy goods vehicles for the year 2011. This information will be supplied by Council.
- c The environmental noise goal for new residences shall be 60dB(A) L10 18 hours at one metre from the facade of future residences or 45dB(A) L10 18 hours within those residences when tested in accordance with the Environmental Protection Authority's Guidelines. A relaxation of the external noise goal may occur providing it is based on sound economic and technical considerations and only on the basis of submission of proof that the internal noise standard specified in Australian Standard 2107-1987 can reasonably be achieved for each affected new residence.
- d Notwithstanding Clause 2.2 (c) an acoustic mound shall be constructed in those areas labelled on the plan as "NOISE ATTENUATION AREA - MOUNDS". Profiles are to be submitted to Council for approval and should be sympathetic with existing noise attenuation structures within the area.

2.2.1 Noise Amelioration Mounding – Landscape Treatment

- a Noise amelioration mounds should be treated with stepped construction of sub-grade to enable better keying of top soil to the subgrade mounds. Top soil should be a minimum of 200mm deep and no slope should have a greater than 1:3 batter. Mounds should be constructed with tree planting within batter grass treatments, grasses should only be planted as a temporary measure so that tree establishment is not hindered by competition with grassing.
- b Tree species preferred should be based on a major structural planting *Casuarina glauca* or other *Casuarina* species such as *dystila* or *toralosa* with intermittent planting of alternative species. *Casuarina*'s are preferred because of their drought resistance and ability to survive on low nutrient levels and their self mulching growth habit. In all cases, all beds should be mulched and wherever possible drought tolerant ground covers used underneath the tree planting, native grasses are preferred wherever possible. All planting beds where they are adjacent to established turf or grassed areas should have a mowing edge treatment to them. Any structures such as fences which may atop the noise amelioration mound should be durable in both materials and design and not create the need for maintenance on a frequency more than once every two years nor should they be composed of materials that will not survive a period of at least 20 years from construction. In all cases, consideration should be given to the aesthetic affect of fences and walls and an attempt made to ensure the highest standard of visual presentation while giving priority to the visual appeal of the tree plantings on the noise amelioration mound.

2.2.2 Noise Amelioration – Acoustic Wall

- a In areas labelled on the plan as "NOISE ATTENUATION AREA - STRUCTURE IN ROAD RESERVE REQUIRED". Council has identified that an acoustic wall, constructed within the road reserve will most likely be required to achieve the environmental noise goal specified in Clause 2.2 (c). Should the applicant's noise study confirm this then it will be a requirement for such an acoustic fence to match the structures previously approved on the southern side of Sparks Road. Extensive landscaping is to be provided between the fence and Sparks Road. Should the noise study not confirm the abovementioned requirement then an acoustic mound shall be constructed in accordance with Clause 2.2 (c).
- b Notwithstanding the above, acoustic barriers shall:
- i require minimal maintenance once established. As a general rule structures shall have a design life in excess of 20 years and avoid finishes that require painting; and
 - ii be landscaped with species that:
 - are drought resistant;
 - have a growth habit and propagation that would inhibit weed growth; and
 - would not obscure street lighting, vehicle sight lines at intersections or overhang the carriageway so as to interfere with vehicles.
- c Amendments to the internal road layout may be considered adjoining the noise attenuation area where it can be demonstrated that:
- i the internal road system will continue to operate efficiently;
 - ii the proposed development will meet those noise goals identified above.
- d Amendment to the road and lot layout adjoining Johns Road will be considered where the following can be addressed:
- i no rear fences or backyards face onto Johns Road;
 - ii details of fence treatments and the location of private open spaces from the internal subdivision road are to be provided at the development application stage;
 - iii the northern frontage of dwellings are to avoid the appearance of 'backyards';
 - iv regular and convenient pedestrian accessways are to be provided along Johns Road. These accessways and adjoining development are to be designed to maximise surveillance of these pedestrian/cyclist links;
 - v the Johns Road street frontage is to be varied through the provision of double frontage blocks developed with single storey dual occupancy development where vehicle access is provided to Johns Road;
 - vi any application for subdivision that includes lots along Johns Road that do not provide direct vehicular access to Johns Road is to provide detail of building envelopes, vegetation to be retained and proposed landscaping, the positioning of garages, carports and fences and the proposed treatments for these structures. The approved building envelopes etc. are to be reflected in a Section 88B Instrument applying to the land.

2.3 Road Hierarchy and Layout/Major Intersections and Car Parking – Warnervale and Wadalba North West

OBJECTIVES

- To create a legible road hierarchy
- To best ensure the safety of road user, pedestrians and residents

REQUIREMENT

The majority of the development in the Warnervale and Wadalba North-West areas have been either completed or approved for development. With regard to roadworks, those areas yet to be approved for subdivision or development are to have consideration of the existing subdivision pattern and the requirements of Part 4 – Subdivision. Additional specific requirements for certain locations are shown in Appendix A.

2.4 Bus Routes

OBJECTIVE

- To provide for efficient and convenient public transport links and stops

REQUIREMENTS

An overall scheme for permanent bus routes was developed prior to the development of the Warnervale/Wadalba area, however changes to bus routes and the road network has seen this scheme altered.

- a Applicants for subdivision of land should consult with both Council and the relevant bus company with regard to bus routes and the provision of bus shelters. Bus shelters will be located in consultation with Council and the relevant bus company.
- b Applicants are required to consult with the relevant bus company to identify:
 - i suitable bus stop locations; and
 - ii the need for alternate bus routes.
- c The subdivision design shall facilitate pedestrian movements to bus stop locations.
- d Copies of correspondence between the applicant and the bus company shall be provided to support any subdivision application.
- e Low frequency bus routes (less than a total of six bus movements per day) will be allowed on a 9 metre road pavement within an 18 metre road reservation.

2.5 Cycleway and Footpath System

OBJECTIVE

- To provide safe and convenient pedestrian and cycleway networks with clear internal links and connections to external regional networks

REQUIREMENTS

- a Cycleway systems shall be provided generally in the locations shown in Figure 2 and 3, and shall consist of a rigid pavement of 2.5 metres within a minimum 5.0 metre reservation.
- b The design of the shared pedestrian/cycleways shall be in accordance with Austrroads.
- c Public pedestrian accessways should be provided to connect the major areas of residential use with recreational areas, and other community facilities and services such as schools, shops, child care and neighbourhood centres. Pedestrian Road crossings should coincide with slow points designed to limit the travel speed of vehicles.
- d Concrete footpaths shall be provided in accordance with Part 4 Subdivision.
- e The pedestrian and cycleway links shall utilise the proposed traffic signals at the Pacific Highway and Louisiana Road intersection.

2.6 Open Space and Landscaping

OBJECTIVE

- To ensure that adequate and appropriate open space land is provided for the development of the area

REQUIREMENTS

- a Local open space shall be provided in the locations identified in Figures 2 and 3, subject to the specific notations on the Plan and the requirements of Table 1. Minor variations in the location and configuration of open space, as a result of subdivision design are acceptable.
- b Open space types and the areas they are to be provided are shown in Table 1.
- c No trees shall be removed from areas designated on the plan as open space, drainage corridor or environmental corridor unless approved by Council.
- d Where appropriate, small parks should be landscaped prior to each land release and designed to create attractive usable focal points.
- e Noise amelioration areas, trunk drainage, and areas below the 1:100 year flood line (other than those identified on the plan as open space) shall not be accepted as contributing to open space requirements of a subdivision.
- f Small parks shall generally be located adjacent to low speed streets (less than 40km/h) and designed to:
 - i deter impulsive moves onto the street through the judicious use of planting and/or fencing;
 - ii maximise visibility to passing drivers;

- iii be accessed via road crossings located at slow points designed to limit the travel speed of vehicles.
- g Additional open space may be provided by the applicant providing it can be clearly demonstrated that it is likely to require minimal maintenance or be maintained by adjoining residents. Any additional open space will not be credited against any S.94 charges.
- h As a general rule these additional open space areas will not be grassed. They are more likely to be landscaped with shrubs, trees and ground covers that are drought resistant and have a growth and propagation that would inhibit weed growth.

Open Space Type	Number	Requirements
Small Parks	19 – 20	Minimum area of 0.5 hectare and not less than 30 metres wide. Locate within 500 metres of all residential areas.
Large Parks	1	Minimum area of 6 hectares protecting small knoll north of Sparks Road, above 40 metre contour. <i>N.B. Large park requirement for Wadalba included in land proposed to be acquired as part of the Environmental Corridor.</i>
Playing Fields	4	Minimum dimensions of 200 metres x 200 metres. Locate within 1km of all residential areas and school sites.
Courts	3	Minimum dimensions of 100 metres x 100 metres. Locate within 1km of all residential areas and school sites.
Semi-Natural Parks (including Wadalba North West Environmental Corridor)		See notes on the Plan. To be fenced to limit disturbance. Fencing to allow movement of ground dwelling mammals.
Cycleways		Minimum of 2.5 metres wide within a 5 metre reservation.

Table 1 Open space and landscaping requirements

Note: This table includes parks required within the Louisiana Road Infill Precinct (LRIP). The specific park requirements for the LRIP are dealt with in Chapter 6.2.

2.7 Utility Services

OBJECTIVES

- To maintain satisfactory visual amenity by limiting the number of services visible in the area
- To ensure that the environmental impact of development is minimised through the use of appropriate physical controls

REQUIREMENTS

- a With the exception of existing or proposed 33kV or greater electricity services in Warnervale, Mataram, Sparks and Hiawatha Roads, undergrounding of all services (existing and proposed) shall be required in all developments or subdivisions.
- b Gross pollutant traps required as part of the Warnervale East Trunk Drainage Scheme shall be constructed prior to subdivision of land within each of the defined drainage sub-catchments generally in accordance with the parameters identified in Table 3.1 of the Report entitled "Trunk Drainage Investigation: Warnervale East 7B - Stage 2 - Flood Management Plan", prepared by Willing and Partners, unless applicants for development can satisfactorily demonstrate that temporary measures can be implemented in the context of staged development.

3.0 DEVELOPMENT PRINCIPLES

3.1 Wadalba - Residential Neighbourhoods/Precincts

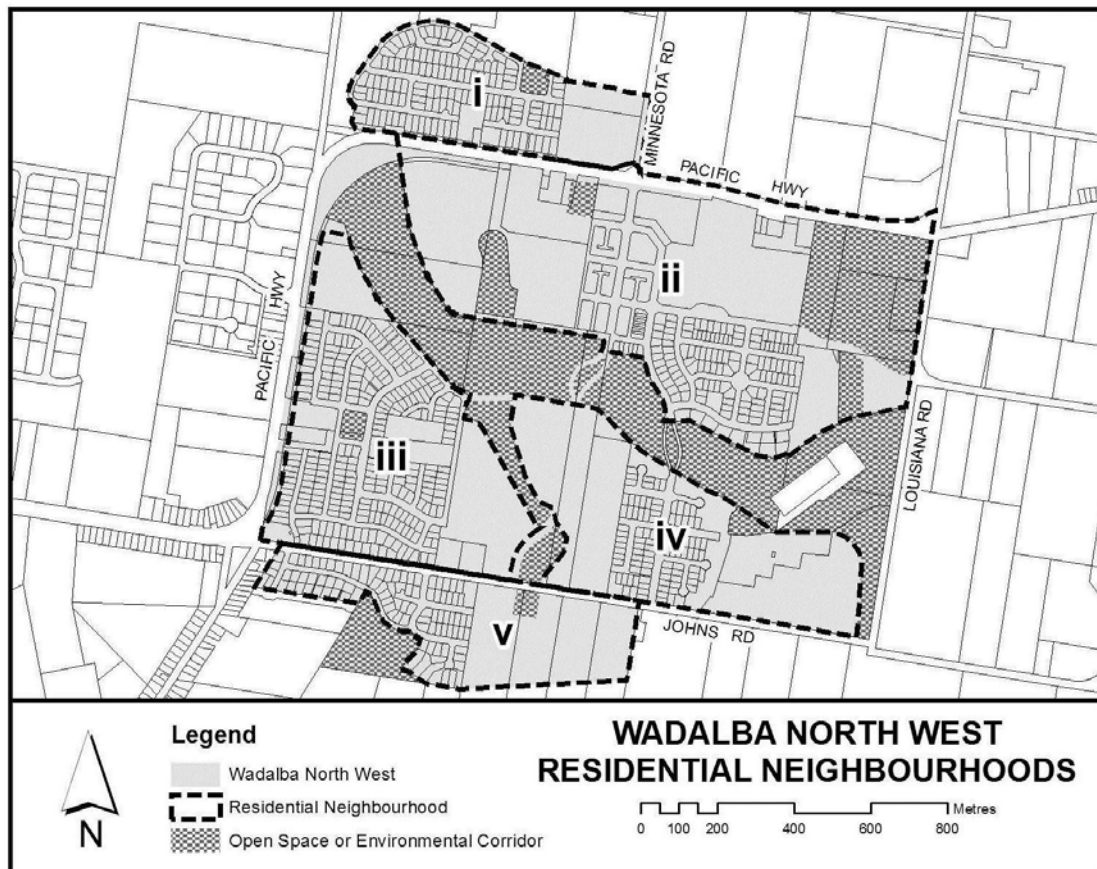


Figure 4 Wadalba Residential Neighbourhoods

OBJECTIVE

- To provide for a range of suitable housing opportunities taking advantage of the surrounding natural environment and the proximity to services

REQUIREMENTS

- a As shown in Figure 4, five distinct neighbourhoods are to be created within the Wadalba North West area. These neighbourhoods are physically separated by the Pacific Highway, the drainage or environmental corridor or Johns Road. These neighbourhoods should be distinguished by variety in the architectural character and building materials used while being related to the whole Wadalba Village through the use of a consistent palette of street landscaping. The five neighbourhoods include:
- i land north of the Pacific Highway. Small scale neighbourhood of two sub-precincts on either side of Minnesota Road (for east side refer to Chapter 6.2 - LRIP);
 - ii neighbourhood surrounding the local centre and school. Maximum residential densities permitted under the provisions of the WLEP 2013 are encouraged within this neighbourhood (with the exception of steeply sloping and elevated sites adjoining the Environmental Corridor);

- iii neighbourhood bounded by the Pacific Highway, Johns Road and the drainage corridor. This neighbourhood is to be developed to maximise surveillance of and views to the drainage corridor. Higher density development is encouraged in those areas in close proximity to the proposed bus route;
 - iv neighbourhood on the southern side of the Environmental Corridor, east of the drainage corridor and bounded by Johns Road to the south. Development is to maximise views to the environmental corridor and views out of the site to the south;
 - v land south of Johns Road Development is to maximise views to the proposed environmental corridor within Wadalba. Larger allotments are to be created as the elevation increases and slope increases at the southern boundary of this neighbourhood.
- b Residential development within the Wadalba North West area will achieve a high standard of urban form through:
- i a variety of lots sizes and opportunities to increase housing choice;
 - ii balconies, planters, verandas, steps in the roofline and other architectural features to provide visual relief and individual identity;
 - iii a variety of finishes used on external materials;
 - iv building designs which encourage neighbourly communication and surveillance of streets and public spaces;
 - v garages and parking structures are to be sited and designed to reduce their impact on the street.

3.2 Wadalba Local Centre

The Wadalba Local Centre is proposed to have an integrated mix of retail, commercial, community and residential uses. In order to maximise the utilisation of local services and to provide a high degree of surveillance, a minimum gross density of 25 dwellings per hectare is to be achieved within the Local Centre,

OBJECTIVES

- To provide for appropriate residential development in the proximity of the Wadalba Local Centre
- To provide for other appropriate commercial and community based development in the locality

REQUIREMENTS

- a The development of land for residential purposes in the Wadalba Local Centre is to be for Small Lot Residential Development as described in Part 4 Subdivision.
- b The development of non-residential uses at the entrance to the Wadalba North West Estate should meet the following criteria:
 - i development is to be at a similar scale and bulk to the local centre. In this regard development shall be a maximum of two storeys;
 - ii no access/egress provided to the Pacific Highway.
- c Movement of pedestrians through sites with frontage to the Pacific Highway is to ensure that all pedestrian movements across the Pacific Highway are channelled to the signalised intersection with Minnesota Road.

- d Landscaping plans for sites fronting the Pacific Highway are to include the continuation of the landscaping treatment along the Pacific Highway frontage.

3.2.1 Lot 195 DP 1006789

OBJECTIVES

- To provide specific design requirements for any non-residential uses of Lot 195 DP 1006789

REQUIREMENTS

- a Any proposed access or egress to/from the site to/from Figtree Boulevard is to be designed to the satisfaction of both Council and the Roads and Maritime Service (RMS) and are to retain the integrity of the visually important tree lined entrance to the Wadalba Village. The location of proposed intersections are required to have due consideration for the efficiency of the existing roundabout and signalised Pacific Highway / Figtree Boulevard / Minnesota Road intersection.
- b Any proposed development will be required to undertake a revised Traffic Impact Study to identify the likely traffic impacts and subsequent road upgrade requirements. The study is to be prepared in accordance with the Roads and Maritime *Guide to Traffic Generating Developments 2002* and is to include, but not be limited to the following:
- i Current traffic counts for the Pacific Highway/Figtree Boulevard/Minnesota Road and Figtree Boulevard/Orchid Way intersections, inclusive of all proposed and approved developments.
 - ii The anticipated additional vehicular traffic generated from the proposed development.
 - iii The distribution on the road network of the trips generated by the proposed development. Predicted traffic flows are to be shown diagrammatically.
 - iv Consideration of the traffic impacts on existing and proposed intersections and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development. The study is to also give consideration to the cumulative traffic impacts of other proposed and approved developments in the area.
 - v Identifying the necessary road network infrastructure upgrades that are required to maintain existing levels of service and road safety on both the local and classified road network. This is to be demonstrated by preliminary concept drawings. Any upgrades are required to be to the satisfaction of Roads and Maritime Services and Council.
 - vi Traffic analysis of any major/relevant intersections using SIDRA or similar traffic model, including:
 - Current traffic counts and 10 year traffic growth projections (inclusive of proposed and approved developments in the area)
 - With and without development scenarios considered
 - 95th percentile back of queue lengths
 - Submission of electronic input/output data files.
- c Appropriate access arrangements to the site over Council's drainage reserve (Lot 198 DP 1006789) are to be resolved prior to the lodgement of a development application for the site.

- d Any access arrangement which proposes a permanent 'bridge' structure over Council's drainage reserve is to be designed so that the structure is at least 600mm above the 1% AEP flood level. Structures are to be designed and constructed in accordance with Council's Civil Works Design Guidelines and Construction Specifications. No further encroachment onto Lot 198 DP 1006789 will be accepted.
- e Due to increased flooding potential resulting from development of the site, upgrade works will be required to be undertaken on the adjoining drainage reserve, including but not limited to channel deepening and vegetative plantings, in accordance with any requirements of Council.
- f Documentation in the form of an acoustic assessment is required to be submitted with any development application for the site which identifies the compliance of the noise impacts from building operation (including but not limited to loading vehicles, plant or other machinery) with relevant noise standards for the nearby school and residential areas.
- g As part of any development application for the site, a design feature for the intersection of the Figtree Boulevard and Pacific Highway is to be provided. This feature is to act as an entry treatment for the Wadalba village and not contain corporate or commercial designs or logos. This may be located on the road reserve of Figtree Boulevard, provided it does not restrict pedestrian/vehicular visibility.
- h Setbacks from Figtree Boulevard are to be consistent with other setbacks for existing development which have frontages to Figtree Boulevard.
- i The internal site layout is to be designed so as to avoid conflict between service vehicles, customer vehicle parking and movement areas and pedestrian movement paths. Pedestrian access and egress routes are to be clearly defined. A site operational management plan is to be submitted which documents how this will be achieved.
- j Public areas (including car parking, footpaths/thoroughfares, site accesses, building entries etc) are to have focused lighting for safety and surveillance.
- k Suitable architectural features (including surface relief or surface patterns) are to be incorporated in the building design to provide visual relief and minimise the bulk and scale of the development.
- l Awnings are to be provided on all building frontages.
- m A variety of architectural forms and roof shapes are to be used to create visual interest. A flat monotonous roof profile will not be accepted.
- n Items of plant or equipment located on roofs are to be suitably screened.
- o Buildings adjacent to the Pacific Highway are to be constructed of high quality materials and are to incorporate significant architectural features such as those identified in 'k' to break up the building bulk.
- p Developments are to be designed, constructed and operated having regard for available energy efficient materials, lighting, heating and cooling.
- q All outdoor storage areas, including areas for waste and bulk bins, are to be located in areas which not visible from public areas and screened by fencing and landscaping.
- r Any hazardous material on site is to be stored in compliance with relevant health and safety requirements and construction specifications.
- s A landscape plan which complies with Category 3 of Council's Landscape Policy is to be prepared by an approved architect. The plan is to provide for a consistent theme or image which has regard for the context of the site, utilisation of local endemic native species and existing adjoining development and landscaping themes.

- t Landscaping is to be provided within setbacks and adjoining pedestrian movement paths where located on/adjoining the site. Strategic localities within the car parking area are to be planted with species which will provide shading.
- u Landscaping is to be used in preference to fencing to delineate public/private area and site boundaries; however any fencing required for protection of property or plant from vandalism is to be minimalistic.
- v Signage is to be a unifying part of the local centre as well as overall building design. It is to incorporate similar elements as utilised elsewhere in the centre. Building signage is to be consistent, utilising standard formats and colours.

3.3 Wadalba Environmental Corridor

The former Department of Environment and Conservation (now OEH) has issued Council with a deemed concurrence to deal with subdivision proposals which have "significant" impacts on a number of threatened species listed on the *Threatened Species Conservation Act, 1995* within the Wadalba area. In effect this switches off concurrence provisions of the *Threatened Species Conservation Act, 1995* within the area to which it applies. A copy of this information is available within Appendix 1 of the Wadalba Wildlife Corridor Management Plan 2006 (D00641790, or download the document using the following link: <http://www.wyong.nsw.gov.au/DownloadDocument.ashx?DocumentID=95>).

This letter outlines the conditions under which the deemed concurrence can be used. Individual Species Impact Statements (SISs) are not required for developments which involve removal of threatened species habitat as covered by the Deemed Concurrence. The conditions outlined by DEC need to be satisfied in order for DEC's concurrence to be assumed under Section 64 of the *Environmental Planning and Assessment Regulations, 2000*. Applicants should discuss the requirements with Council's staff, prior to the development of subdivision designs.

Areas identified as part of the Wadalba Environmental Corridor are shown in Figure 3.

3.3.1 Restriction on Works and Occupation

OBJECTIVE

- To ensure that development and future interaction within and in the vicinity of the Wadalba Wildlife Corridor does not interfere with the integrity of the Corridor

REQUIREMENTS

- a Any facilities within the environmental corridor including, but not limited to roads, drainage works, small parks should:
 - i not result in the clearing or significant fragmentation of the area;
 - ii services such as water, power and telecommunications that are unavoidably required to be within the wildlife corridor are to be sensitively placed so as to avoid, protect or retain known habitat features (e.g. hollow bearing trees, dams, drainage lines, etc);
 - iii retain corridors of woodland around, and where possible over, the proposed facilities;
 - iv not impact on the necessary glide angles and widths in relation to the squirrel glider; and
 - v not compromise the value and connectivity of the environmental corridor.

- b No fencing which would prevent movement of ground dwelling mammals, including ground dwelling medium sized mammals, should be erected within the identified environmental corridor.
- c There is to be minimal use of overhead lighting within the environmental corridor (to ensure nocturnal movements of native species along fauna corridors are maintained and native species are not disturbed by lighting).
- d All necessary fire protection measures (asset protection zones, fuel free and fuel reduced zones) are not to impact on the wildlife corridor area.
- e Placement and construction of any detention/water treatment structures required within the wildlife corridor are located sensitively and designed and landscaped to enhance habitat values for threatened amphibians and mitigate Identified Key Threatening Processes (e.g. *Gambusia* and frog chytrid).
- f Properties adjoining, abutting or adjacent to the wildlife corridor (including those separated by only a roadway) are to be provided with a restriction as to user covenant to restrict and control cat ownership.

3.3.2 Reservoirs and Communication Tower

- a Vehicle access to the reservoirs and the adjoining communication tower(s) must be maintained at all times.
- b The street drainage of that land south of the reservoirs must be designed and constructed to accommodate overflow from the reservoirs. The applicant must liaise with Council's Water and Sewerage section in this regard.
- c The water mains from reservoirs are to be located on land that is dedicated to Council as part of the road reserve. The mains must not be located on privately owned land requiring the formalisation of easements.

3.4 Warnervale/Wadalba - Community and Local Centres

OBJECTIVE

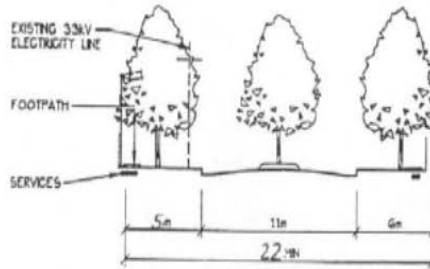
- To provide adequate land and facilities to support the development of local communities and appropriate services

REQUIREMENTS

- a A total of 3.7 hectares of land shall be provided for the establishment of community centres.
- b The sites shall be generally located in the areas shown by the plan and shall accommodate community facilities such as a child care centre and neighbourhood centre, plus associated carparking and public toilets; and:
 - i be located on a pedestrian route;
 - ii be near a school;
 - iii be easily accessibly by both bus and car;
 - iv be adjacent to an area of open space.

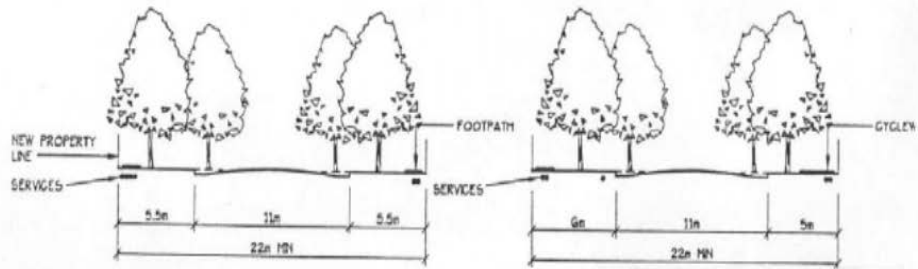
APPENDIX A

TYPICAL CROSS-SECTIONS FOR VARIOUS ROADS IN WARNERVALE/WADALBA URBAN RELEASE AREA



NOTE: WIDEN TWO(2) METRES ON SOUTHERN SIDE OF EXISTING ROAD RESERVATION LANDSCAPED MEDIANS AT SELECTED LOCATIONS

WARNERVALE ROAD DEVIATION

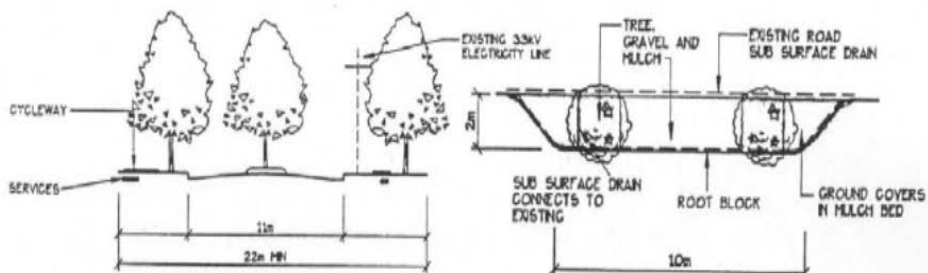


NOTE: WIDEN ONE(1) METRE EITHER SIDE OF EXISTING ROAD RESERVATION AND UNDERGROUNDING OF EXISTING ELECTRICITY LINES

NOTE: WIDEN EXISTING ROAD RESERVATION TWO (2) METRES (VARIABLE SIDES) AND UNDERGROUNDING OF EXISTING ELECTRICITY LINES

MINNESOTA (INCLUDING EXTENSION TO MIAWATHA), LOUISIANA (INCLUDE. MOUNTAIN VIEW DRIVE)

JOHNS ROAD



FOR MATARAM RD ONLY
NOTE: WIDEN 1.5 METRES ON NORTHERN SIDE AND 0.5 METRES ON SOUTHERN SIDE OF EXISTING ROAD RESERVATION, LANDSCAPED MEDIANS AT SELECTED LOCATIONS

MATARAM ROAD AND HAKONE ROAD

TYPICAL PLAN OF PROTRUDENCES INTO PAVEMENT WARNERVALE ONLY



5th May 2014

Mr Marc Lucas
Property Development
Woolworths Limited
1 Woolworths Way
Bella Vista NSW 2153

WADALBA ECONOMIC IMPACT ASSESSMENT

This letter presents our reply to the query from Wyong Shire Council raised during the public submission process. Specifically, Council has indicated that it requires further quantification in relation to the impact on specialty stores from the proposed development, particularly the impacts on those specialty stores located at Wadalba and in proximity of the perimeter of the existing Coles building.

Customer Visitation

The first relevant point to consider is that the addition of a Woolworths supermarket at the subject site only has one proposed specialty store, being a liquor outlet. There will be no other specialty stores competing with the existing facilities.

Further, the addition of the Woolworths supermarket at Wadalba would significantly increase the number of customers visiting the Wadalba location and consequently the available customers for specialty stores surrounding the site. Projected sales for the Woolworths supermarket are \$28.8 million, with combined sales for Woolworths and Coles of \$42.6 million in 2017, increasing from \$20.8 million for Coles currently.

Location IQ
02 8248 0100
Level 6, 56 Pitt Street
Sydney NSW 2000
www.locationiq.com.au

Wadalba EIA

Mr M Lucas

The doubling in supermarket sales at Wadalba, and assuming an average customer spend of \$35, means a doubling in customers, or an additional 620,000 customers in the Wadalba area. This results in substantially more customers available for the existing specialty stores at Wadalba. The opportunity for specialty stores, therefore, to increase their sales is significant, particularly those who do not compete directly with the Woolworths supermarket.

Specialty Shop Mix

Our review of the specialty shop mix in the immediate surrounding area includes:

- The Kanwal medical centre including a pharmacy.
- Chinese restaurant.
- Newsagency.
- Sam's Bakehouse.
- Peter's Home Brew.
- Cellarbrations Liquor.

The specialty mix in the immediate surrounding area is typical of convenience related stores which operate in close proximity to supermarkets, including full-line supermarkets as proposed at Wadalba.

Further, a number of these specialty stores would not compete directly with the supermarket in any significant way, such as the Home Brew store, Chinese restaurant and medical centre/pharmacy. Other tenants such as the newsagency would have some overlap with the supermarket, but typically operate in close proximity to a supermarket. Consequently, these stores all stand to benefit significantly from the additional customer flows generated by the Woolworths development.

The two remaining tenancies, Sam's Bakehouse and Cellarbrations Liquor, would more directly compete with the Woolworths supermarket and liquor store. A bakery store, however, usually provides an offer different to the supermarket chains, with customers

Wadalba EIA

Mr M Lucas

specifically preferring specialized bakery goods. Consequently, there is a large consumer base who specifically prefer customised bread offerings. This is not to say that Sam's Bakehouse would not be impacted by the proposed Woolworths development, however, there are many examples throughout Australia where bakeries compete with Woolworths stores serving a different customer base and remaining viable.

The remaining tenant, Cellarbrations Liquor, would compete directly with the proposed Woolworths Liquor outlet. The provision of a liquor outlet at the site would be subject to liquor licensing arrangements, and the direct competition between two liquor outlets and the impact of one tenant on another has consistently been stated in planning courts and tribunals is not of planning concern.

The provision of detached liquor stores in New South Wales is one for every 3,500 persons based on licensing information from the NSW Office of Liquor, Gaming and Racing. The only detached liquor store currently within the defined trade area is the Cellarbrations Liquor at Wadalba (excluding the drive thru liquor facility attached to a nearby hotel, which is not included as a detached liquor store). The main trade area population at 11,500 persons and projected to increase to 13,600 persons by 2016 and further to 16,000 persons by 2021 would clearly sustain more than one liquor store. Again, this is not to say Cellarbrations Liquor will not be impacted, but there is sufficient room in the market for an additional liquor store at Wadalba.

In relation to the drive thru liquor facility as part of the nearby Dam hotel, this forms only one component of the hotel business. The other functions of the hotel, including bar, gaming, dining, etc. will not be impacted by the Woolworths development. Although there may be some impact on the drive thru liquor component, the operation of the other components will not be impacted. This facility has traded for over 30 years and the components of the hotel, other than drive thru liquor, are also benefitting from population growth in the area.

Wadalba EIA

Mr M Lucas

Summary

Overall, therefore, clearly the provision of the subject Woolworths supermarket would improve the vitality of the Wadalba retail area over the longer term, providing a strong customer generating facility which would be of net benefit to specialty stores in the immediate surrounding area. This is particularly the case given the limited number of specialty stores and that most of them do not compete directly with the subject proposal.

Yours Sincerely



Gavin Duane
Director
LOCATIQ

3.1 Property Portfolio Review Project - Stage 1

TRIM REFERENCE: F2014/00328 - D07709288

MANAGER: Steven Mann, Manager

AUTHOR: Kathryn Heintz; Senior Strategic Planner

SUMMARY

Council's operational property portfolio is extensive, with a total of 1,337 properties. As part of Council's ongoing review of the highest and best use of its assets in terms of service to the community, investigation into Council's operational properties has recently commenced.

This report provides detail on the outcomes of an initial Stage 1 review of properties which principally included small residentially zoned parcels between 350m²-650m², and land west of the M1 Pacific Motorway. This review has resulted in 20 parcels being identified as surplus to Council's needs and having limited service to the community.

This report identifies these surplus properties and seeks Council's authorisation to proceed with the sale of these properties, for not less than market value.

RECOMMENDATION

1 That Council authorise the sale of the following properties for not less than market value:

- a Lot 220 DP 222242 - 379W Lakedge Avenue, Berkeley Vale**
- b Lot 2 DP 878874217 - Scenic Drive, Budgewoi**
- c Lot 1 DP 46773 - 6W Brennon Road, Gorokan**
- d Lot 1 DP 218979 - 1 Cornwall Avenue, Gorokan**
- e Lot 52 DP 215427 - Dalnott Road, Gorokan**
- f Lot 2 DP 600238 & Lot 166 DP 83103 - 0 Phyllis Avenue & 8 Sara Jane Close, Kanwal**
- g Lot 154 DP 218427 - 18W Dunvegan Street, Mannering Park**
- h Lot 56 DP 830706 - 56 Coachwood Drive, Ourimbah**
- i Lot 59 DP 830706 - 6W Ironbark Close, Ourimbah**
- j Lot 147 DP 28798 - 6 Wyndora Avenue, San Remo**
- k Lot 331 DP 214998 - 32W Murrumbong Road, Summerland Point**
- l Lot 52 DP 1100416 - 1 Devon Lane, Wyong**
- m Lot 5 DP 749065 - 4W Walter Close, Wyong**
- n Lot 2 DP 165001656 - Yarramalong Road, Wyong Creek**
- o Lot 7 DP 258490 - 41W Moola Road, Buff Point**
- p Lot 33 DP 74043820A - Holloway Drive, Jilliby**
- q Lot 13 DP 826966 - 89 Baileys Road, Ourimbah**
- r Lot 14 DP 251953 - 21W Ravensdale Road, Ravensdale**
- s Lot 23 DP 251953 - 19W Ravensdale Road, Ravensdale**
- t Lot 112 DP 574144 - 18W McDonagh Road, Wyong**

2 That Council authorise the General Manager and the Mayor to execute all necessary documentation relevant to the sale of these properties.

- 3** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the purchaser associated with the sale of land.*

BACKGROUND

Council's responsibilities are provided under the guiding principles of the *Local Government Act 1993*. In particular, Items 7 and 10 of these principles requires Council to do the following:

- "7. To plan, account for and manage the assets we are custodian and trustee for*
- 10. To deliver services through funds raised from rates, fees and charges, investment, borrowings and grants"*

Council's operational property portfolio is extensive, with a total of 1,337 properties with a combined book value of \$412,558,000. Historically, Council has not treated its property portfolio as a strategic resource, spending large amounts per year on underperforming surplus and vacant land assets.

At present, there are a number of issues associated with how Council manages its property portfolio, including:

- Varying levels of information about property assets;
- Under-utilisation/over-utilisation of some properties;
- Considerable maintenance and renewal obligations in relation to some buildings to better accommodate community needs or to comply with building or regulatory standards;

In accordance with Item 7 of the guiding principles of the *Local Government Act 1993*, it is important that Council has a clear framework within which to make decisions about property investment, development, maintenance, acquisition or divestment. The recently endorsed Property Strategy will assist in this regard.

It is also important that Council has consistent and accurate information on each property asset, including market valuation, service performance and financial performance. This Property Portfolio Review project will assist in this regard. Whilst Council has dramatically improved its approach to asset management over the last few years, the Property Portfolio Review project has an important role in responding to these issues in a strategic and coordinated manner, incorporating all aspects of Council's business. As a result, the Property Portfolio Review is listed in Council's Strategic Plan 2013-2017 as a designated 'Major Project' – projects dealing with priority areas that are identified as being of critical importance to the community.

CURRENT STATUS

A key aim of the Property Portfolio Review project is to identify surplus and non-performing assets which can be divested. In accordance with Council's draft Policy and Guidelines for Property Transactions, any funds generated by this programme will be reinvested through the Council's property reserve to fund an improved level of facility and service provision or revenue generating projects.

3.1 Property Portfolio Review Project - Stage 1 (contd)

Stage 1 of the Property Portfolio Review centred on selection of appropriate sites for immediate divestment, mainly “lazy” assets that are surplus to Council requirements. With this in mind, the following criteria were used to identify appropriate sites:

- (a) Size (area in square metres)
- (b) Location (e.g. access to town centres)
- (c) Acquisition details (e.g. agreements over the land)
- (d) Current use (including potential land use conflicts)
- (e) Land constraints and/or opportunities (vegetation, flooding, servicing, heritage, zoning)
- (f) Financial implications

Using these criteria, 20 sites have been identified as suitable for immediate divestment. These sites are detailed in Attachment 1.

THE PROPOSAL

This report provides detail on the outcomes of an initial Stage 1 review of 374 properties principally sized between 350m² – 650m², as well as land west of the M1 Pacific Motorway. Allotments within this size range were selected for Stage 1 as they are considered suitable for short-term divestment. The remaining allotments will be addressed in the remaining stages of this project.

As a result of the Stage 1 review, a total of 20 surplus properties are recommended for immediate sale. These include sites classified as stand-alone properties, and potential sales to adjacent property owners. Stand-alone properties are defined as those that can be sold to any person (not just a neighbour) and can be used separately from adjoining land. Sites allocated to the “sales to adjacent property owners” category are those sites that have little commercial appeal to the broader market. It is worth noting that stand alone properties can also be sold to adjoining property owners, however this will be carried out through a competitive market process.

For Stage 1 of this project a team of senior staff from across the organisation reviewed each of the properties recommended for sale, with the following properties endorsed by the Employment and Economic Development Committee on 7 May 2014:

1. Stand Alone Properties

The following properties are recommended for sale on the open market:

- a Lot 220 DP 222242 - 379W Lakedge Avenue, Berkeley Vale
- b Lot 2 DP 878874 - 217 Scenic Drive, Budgewoi
- c Lot 1 DP 46773 - 6W Brennon Road, Gorokan
- d Lot 1 DP 218979 - 1 Cornwall Avenue, Gorokan
- e Lot 52 DP 21542 - 7 Dalnott Road, Gorokan
- f Lot 2 DP 600238 & Lot 166 DP 83103 - Phyllis Avenue & 8 Sara Jane Close, Kanwal
- g Lot 154 DP 218427 - 18W Dunvegan Street, Mannering Park
- h Lot 56 DP 830706 - 56 Coachwood Drive, Ourimbah
- i Lot 59 DP 830706 - 6W Ironbark Close, Ourimbah
- j Lot 147 DP 28798 - 6 Wyndora Avenue, San Remo
- k Lot 331 DP 214998 - 32W Murrumbong Road, Summerland Point
- l Lot 52 DP 1100416 - 1 Devon Lane, Wyong
- m Lot 5 DP 749065 - 4W Walter Close, Wyong
- n Lot 2 DP 165001 - 656 Yarramalong Road, Wyong Creek

These properties are discussed in more detail in Attachment 1.

2. Sales to Adjacent Property Owners

The following properties are recommended for offer of sale to adjoining landowners (noting that the adjoining owners may not always be prepared to purchase):

- a Lot 7 DP 258490 - 41W Moola Road, Buff Point
- b Lot 33 DP 740438 - 20A Holloway Drive, Jilliby
- c Lot 13 DP 826966 - 89 Baileys Road, Ourimbah
- d Lot 14 DP 251953 - 21W Ravensdale Road, Ravensdale
- e Lot 23 DP 251953 - 19W Ravensdale Road, Ravensdale
- f Lot 112 DP 574144 - 18W McDonagh Road, Wyong

These properties are discussed in more detail in Attachment 2.

METHOD OF SALE

Council has recently developed a policy to provide guidance and transparency around property transactions. The Policy for Property Transactions – Sale and Acquisition of Land outlines the procedural requirements for the sale of Council-owned land. This policy sets important parameters on matters such as the appointment of agents and methods of sale, establishes clear and transparent procedures to ensure Council maximises the revenue from property transactions and restricts practices which reduce competition and may result in unfavourable outcomes for Council.

In accordance with the Policy for Property Transactions, these properties will be prepared for sale in a transparent and efficient manner. An independent Valuer will be engaged to provide market valuations of all sites being sold to establish the minimum sale price.

A panel of local Real Estate agents will be pre-qualified to assist with the sale process.

OPTIONS

The sites recommended for immediate sale are all small in size, with the median size of the stand-alone sites listed above being 554.5m². Review of sites as part of this initial Stage 1 review was intentionally restricted to small sites with few development opportunities with the exception of a single dwelling. As a result, those sites with more development options will be considered as part of Stage 2 of the Property Portfolio Review.

STRATEGIC LINKS

Wyong Shire Council Strategic / Annual Plan

As part of the Strategic Plan and the Corporate/Commercial Strategy, Council has committed to put its extensive property portfolio to work by developing new sustainable revenue streams to reduce the rate burden on our community. This will involve reviewing property assets with a view to ensuring that each asset is being used efficiently and to its full potential. This will assist Council to fulfil its responsibilities to the Wyong Shire community.

3.1 Property Portfolio Review Project - Stage 1 (contd)

The Property Portfolio Review is listed in Councils Strategic Plan 2013-2017 as a designated 'Major Project' – projects dealing with priority areas that are identified as being of critical importance to the community.

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
3	Economic and Property Development	Strengthening the economic base of the Shire by promoting economic development as well as the creation of employment opportunities, identifying and developing sustainable income strategies for Council, and providing property related services to the organisation.	n/a	This project will assist Council to achieve Key Performance Indicator PA03.01.01: 10% increase in rental and/or land sale revenue to Council.

Contribution of Proposal to the Principal Activity

This project will assist Council to achieve Key Performance Indicator PA03.01.01 which requires a 10% increase in rental and/or land sale revenue to Council.

Long term Financial Strategy (LTFS)

The LTFS is the framework guiding the preferred approach for ensuring Council's enduring financial sustainability. The review of Council's Property Portfolio is therefore aligned with this strategy.

Asset Management Strategy

The Asset Management Strategy guides the various Council Departments as to the best use of resources by ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's service needs. As a result, the review of Council's Property Portfolio is wholly in accordance with Council's Asset Management Strategy.

Workforce Management Strategy

Not applicable.

Link to Community Strategic Plan (2030)

The Property Portfolio Review project aims to identify:

- Surplus/underutilised/non-fit for purpose/vacant assets
- Operational and Non-Operational assets and sites
- Potential to co-locate future community facilities with other assets.

The outcomes of the Property Portfolio Review project will involve maximising our property assets, including sale of surplus sites. Therefore, profits from the sale of surplus Council land will indirectly assist Council in improving our deliver of some, if not all, of the 8 priority areas that the Community identified as part of the Community Strategic Plan:

- Vibrant, caring and connected communities
- Access to facilities, programs and services
- Ease of travel
- Educated, innovative and creative communities
- Enhanced areas of natural value
- Community ownership of the natural and built environment
- Strong sustainable business sector and increased local employment
- Advanced information communication technology.

Budget Impact

Council will incur costs associated with the proposed sale of land including valuation, survey, agent commissions and legal fees. However, if the properties are sold Council will also receive proceeds of the sale. Overall the proposal will yield a positive budget return to Council. It is proposed that the proceeds of any sale be reinvested through Council's Property Reserve.

CONSULTATION

For Stage 1 of this project a team of senior staff from across the organisation reviewed each of the properties identified in Attachment 1. The properties were also considered by the Employment and Economic Development Committee on 7 May 2014, at which time the following resolution was made:

“RESOLVED unanimously on the motion of Councillor Troy and seconded by Councillor Webster:

1. *That the Committee receive the report on the Property Portfolio Strategy – Stage 1 Review.*
2. *That the Committee recommend to Council that it endorse the list of properties identified in Attachment 1 (confidential) which have been identified as surplus to Council's needs.*
3. *That the Committee recommend to Council that those properties identified in Attachment 1 (confidential) to this report be sold.*
4. *That the Committee further review 15W Fortune Crescent, Lake Munmorah with a view to retaining the parcel as a thoroughfare to the adjoining reserve and that parcel being offset through a portion of the reserve.”*

As a result of this recommendation and a further review by staff, 15W Fortune Crescent, Lake Munmorah has been removed from the list of sites proposed for immediate sale, and will instead be further considered as part of the Stage 2 Property Portfolio Review.

GOVERNANCE AND POLICY IMPLICATIONS

The proposal is consistent with Council's Property Strategy and the draft Policy for Property Transactions – Sale and Acquisition of Land.

MATERIAL RISKS AND ISSUES

There are no material risks as the properties will not be sold for less than market value, with the possible exception of those properties within the 'Sales to Adjacent Property Owners' category.

CONCLUSION

As the subject sites are surplus to Council requirements and are classed as Operational land, it is recommended that the proposed sale of the land be authorised, as set out in this report.

ATTACHMENTS

- 1 Property Portfolio Review - 11 June 2014 - Attachment 1 D08128036

1. Parcel Information for Stand Alone Property 1	
Address	379W Lakedge Avenue BERKELEY VALE 2261
Known As	
Parcel Description	Lot 220 DP 222242
2. Area	
SQM	409.53m2
3. Location	
e.g. Access to town centres	1.2km to Chittaway Bay local centre.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Marked 'PG & RS' on DP.
Acquisition Details (e.g. fee simple)	Dedicated from a plan of subdivision - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Public Reserve
5. Current Use	
Current Use / Potential Conflicts	Vacant land - waterfront.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R2 Low Density Residential
Vegetation	Not vegetated.
Water / Sewer Servicing	Yes.
Heritage	No.
Flooding	Yes - 1% AEP
Bushfire Prone Land	No
Mine Subsidence District	No
Minimum Lot Size	Yes
Plan of Management	Plan Of Management Number 5 for Sportsgrounds, Parks and General Community Use
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Open Space & Recreation
Direction of funds	TBD
9. Conclusion	
Comments	12m wide. Likely to be utilised for lakefront access, however alternative access points available 100m in both directions. Site identified as surplus to requirements by Open Space and Recreation Unit - Advised by email 16 April 2014.
Recommend Sale	Yes
Staging	
10. Figures (see following page)	



Lot 220 DP222242

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Legend

- Reported Parcel
- Zone
- R2 Low Density Residential
- RE1 Public Recreation
- W2 Recreational Use/Single



1. Parcel Information for Stand Alone Property 2	
Address	217 Scenic Drive BUDGEWOI 2262
Known As	
Parcel Description	Lot 2 DP 878874
2. Area	
SQM	409.05m2
3. Location	
e.g. Access to town centres	1.3 kms to the Local Centre
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Easement for electricity over the land along Scenic Drive
Acquisition Details (e.g. fee simple)	Transfer - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Unknown.
5. Current Use	
Current Use / Potential Conflicts	Corner block of vacant land
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R2 Low Density Residential
Vegetation	Partially vegetated. No EEC.
Water / Sewer Servicing	Yes.
Heritage	No
Flooding	No.
Bushfire Prone Land	No
Mine Subsidence District	Yes
Minimum Lot Size	Yes
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Property.
Direction of funds	TBD
9. Conclusion	
Comments	Vacant land. Valued at \$143,000 in 2011 by Valuer General.
Recommend Sale	Yes.
Staging	
10. Figures (see following page)	



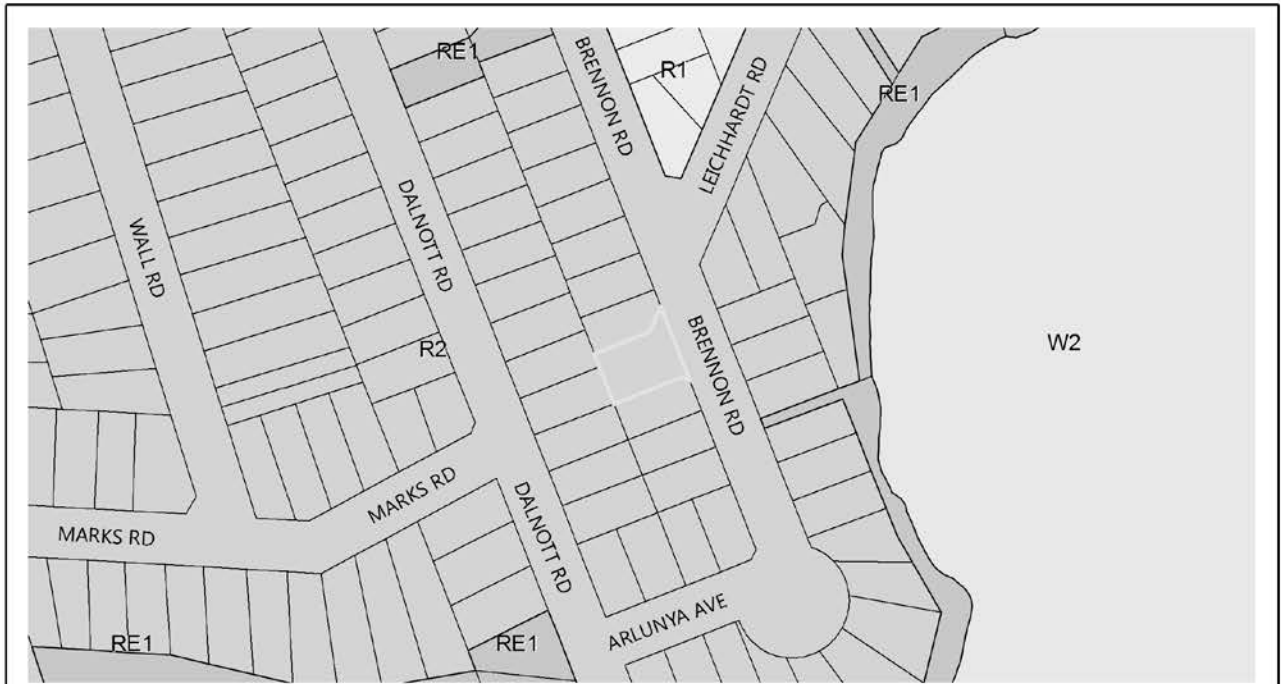
Lot 2 DP878874

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Wyong Shire Council



1. Parcel Information for Stand Alone Property 3	
Address	6W Brennon Road GOROKAN 2263
Known As	
Parcel Description	Lot 1 DP 46773
2. Area	
SQM	676.69m2
3. Location	
e.g. Access to town centres	670m to the neighbourhood centre
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	No easement over land
Acquisition Details (e.g. fee simple)	Transfer - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Road purchase.
5. Current Use	
Current Use / Potential Conflicts	Vacant land used as an access to adjacent street
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R2 Low Density Residential
Vegetation	Not vegetated.
Water / Sewer Servicing	Yes.
Heritage	No.
Flooding	No.
Bushfire Prone Land	No
MIne Subsidence District	Yes
Minimum Lot Size	Yes
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Roads & Drainage
Direction of funds	TBD
9. Conclusion	
Comments	Vacant land. Used as an access to neighbouring street although alternative access is less than 20m away. Sale potential. Note that 8 Brennon Road currently obtains access from this site. No right of carriageway is registered, however this will likely be required prior to sale. Site identified as surplus to requirements by Roads & Drainage Unit - Advised by email 16 April 2014.
Recommend Sale	Yes
Staging	
10. Figures (see following page)	



Lot 1 DP46773

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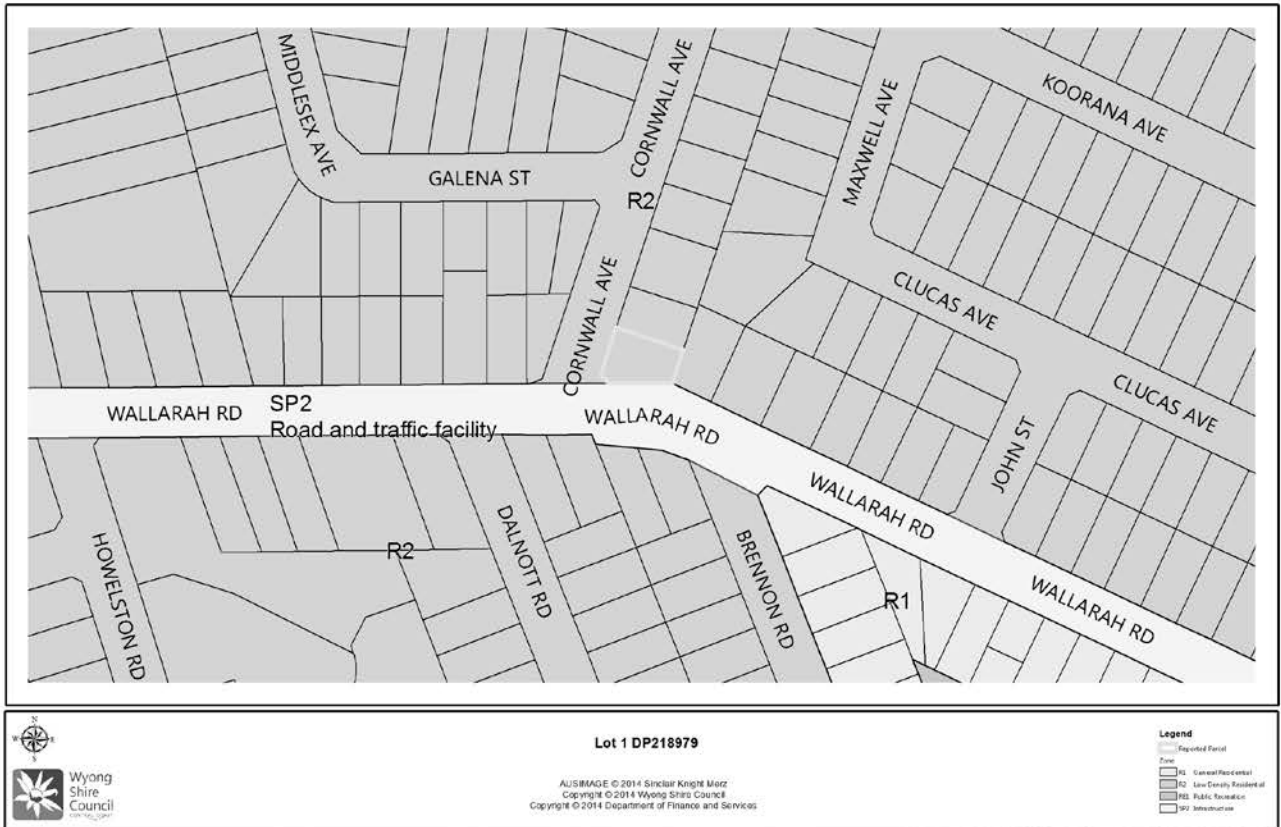
Legend

- Reported Parcel
- R1 Council Residential
- R2 Low Density Residential
- RE1 Public Recreation
- W2 Recreational Waterways

Wyong Shire Council



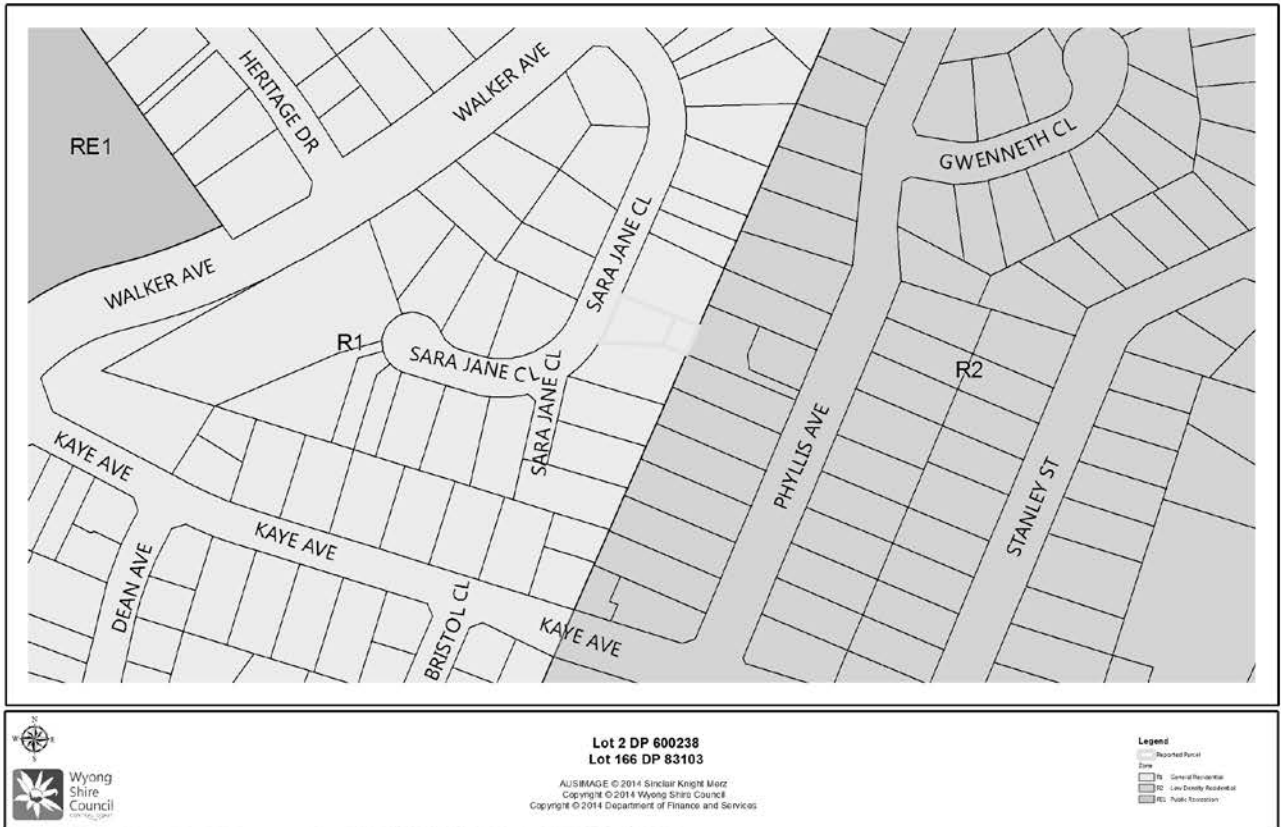
1. Parcel Information for Stand Alone Property 4	
Address	1 Cornwall Avenue GOROKAN 2263
Known As	
Parcel Description	Lot 1 DP 218979
2. Area	
SQM	494.98m2
3. Location	
e.g. Access to town centres	1km to Kanwal neighbourhood centre.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Identified 'to dedicate the splayed corner on Lot 1 to the public' on DP.
Acquisition Details (e.g. fee simple)	Transfer - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Public Reserve
5. Current Use	
Current Use / Potential Conflicts	Vacant land. Residential neighbourhood.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R2 Low Density Residential
Vegetation	Partially vegetated. No EEC.
Water / Sewer Servicing	Yes.
Heritage	No.
Flooding	No.
Bushfire Prone Land	No
Mine Subsidence District	Yes
Minimum Lot Size	Yes
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Open Space & Recreation
Direction of funds	TBD
9. Conclusion	
Comments	Vacant land.
Recommend Sale	Yes.
Staging	
10. Figures (see following page)	



1. Parcel Information for Stand Alone Property 5	
Address	7 Dalnott Road GOROKAN 2263
Known As	
Parcel Description	Lot 52 DP 21542
2. Area	
SQM	513.6m ²
3. Location	
e.g. Access to town centres	670m to the neighbourhood centre
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	No easement over land
Acquisition Details (e.g. fee simple)	Transfer - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Unknown.
5. Current Use	
Current Use / Potential Conflicts	Vacant land used as an access to adjacent street
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R2 Low Density Residential
Vegetation	Not vegetated.
Water / Sewer Servicing	Yes.
Heritage	No.
Flooding	No.
Bushfire Prone Land	No
Mine Subsidence District	Yes
Minimum Lot Size	Yes
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Roads & Drainage
Direction of funds	TBD
9. Conclusion	
Comments	Vacant land. Used as an access to neighbouring street although alternative access is less than 20m away. Sale potential. Site identified as surplus to requirements by Roads & Drainage Unit - Advised by email 16 April 2014.
Recommend Sale	Yes
Staging	
10. Figures (see following page)	



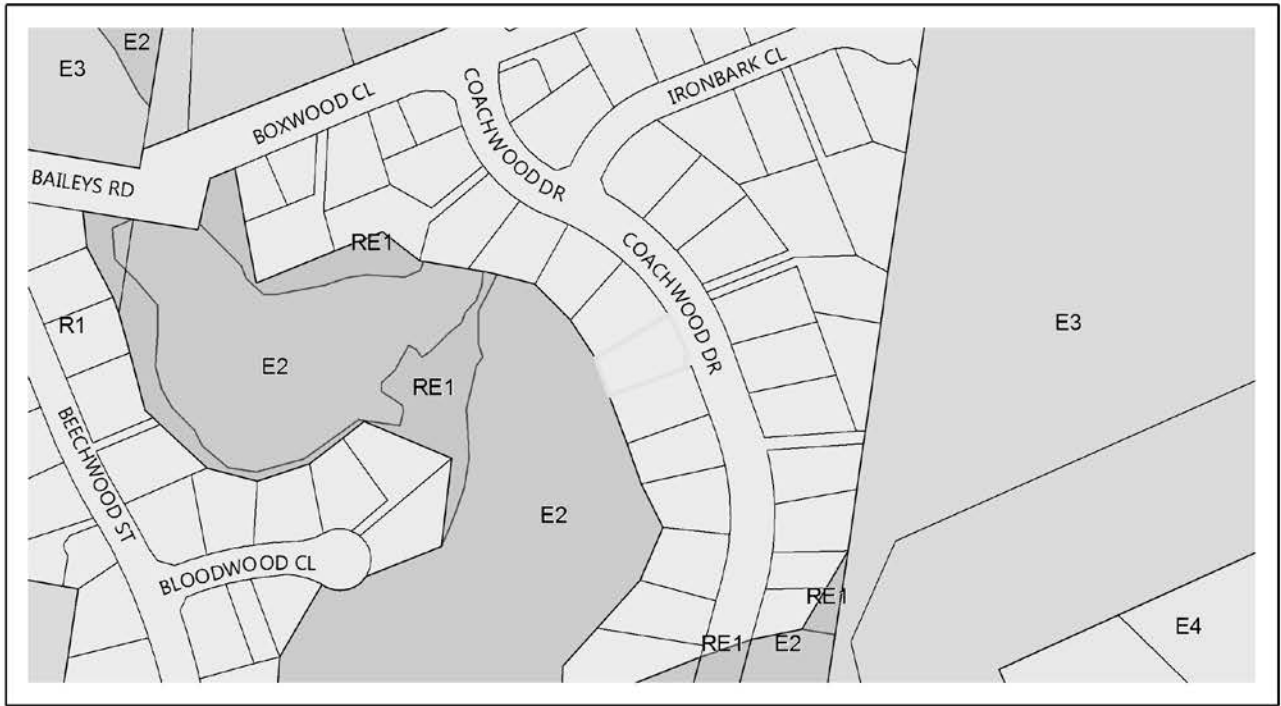
1. Parcel Information for Stand Alone Property 6	
Address	Phyllis Avenue KANWAL 2259 8 Sara Jane Close KANWAL 2259
Known As	
Parcel Description	Lot 2 DP 600238 Lot 166 DP 83103
2. Area	
SQM	m2
3. Location	
e.g. Access to town centres	375m to Kanwal neighbourhood centre.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Nil.
Acquisition Details (e.g. fee simple)	Lot 2: Vested by Department of Public Works - Fee simple. Lot 166: Transfer - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Sewer and drainage infrastructure
5. Current Use	
Current Use / Potential Conflicts	Vacant land. Drainage function.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R1 General Residential
Vegetation	Not vegetated.
Water / Sewer Servicing	Yes.
Heritage	No.
Flooding	No.
Bushfire Prone Land	No
Mine Subsidence District	Yes
Minimum Lot Size	Yes
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Roads & Drainage
Direction of funds	TBD
9. Conclusion	
Comments	Located at rear of Lot 166 DP 831035 - combined area of 487.1m2. This small allotment appears to be constrained by an adjoining easement, however could count towards the total open space area for a dwelling site on adjoining Lot 166. Needs to be amalgamated. Site identified as surplus to requirements by Roads & Drainage Unit - Advised by email 16 April 2014.
Recommend Sale	Yes
Staging	
10. Figures (see following page)	



1. Parcel Information for Stand Alone Property 7	
Address	18W Dunvegan Street MANNERING PARK 2259
Known As	
Parcel Description	Lot 154 DP 218427
2. Area	
SQM	556.94m2
3. Location	
e.g. Access to town centres	650m to Mannering Park neighbourhood centre.
4. Acquisition Details	
S.94 Dedication	No
Agreements over the land	Marked as Public Garden & Recreation Space on DP.
Acquisition Details (e.g. fee simple)	Dedicated from a plan of subdivision - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Public Reserve
5. Current Use	
Current Use / Potential Conflicts	Vacant land.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R2 Low Density Residential
Vegetation	Heavily vegetated. No EEC.
Water / Sewer Servicing	Yes.
Heritage	No.
Flooding	No.
Bushfire Prone Land	No
Mine Subsidence District	Yes
Minimum Lot Size	Yes
Plan of Management	Plan Of Management Number 5 for Sportsgrounds, Parks and General Community Use
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Open Space & Recreation
Direction of funds	TBD
9. Conclusion	
Comments	Vacant land. Book value may be higher than market value. Site identified as surplus to requirements by Community Unit - Advised by email 16 April 2014.
Recommend Sale	Yes
Staging	
10. Figures (see following page)	



1. Parcel Information for Stand Alone Property 8	
Address	56 Coachwood Drive OURIMBAH 2258
Known As	
Parcel Description	Lot 56 DP 830706
2. Area	
SQM	620.8m2
3. Location	
e.g. Access to town centres	2km to Ourimbah Town Centre.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Marked as public reserve on DP.
Acquisition Details (e.g. fee simple)	Transfer - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Public Reserve
5. Current Use	
Current Use / Potential Conflicts	Vacant land.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R1 General Residential
Vegetation	Not vegetated.
Water / Sewer Servicing	Yes.
Heritage	No.
Flooding	No.
Bushfire Prone Land	Yes
Mine Subsidence District	No
Minimum Lot Size	Yes
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Open Space & Recreation
Direction of funds	TBD
9. Conclusion	
Comments	Vacant land. Book value may be higher than market value. Council owns drainage reserve at end of the street that could be used as an alternative public reserve. Site identified as surplus to requirements by Open Space and Recreation Unit - Advised by email 16 April 2014.
Recommend Sale	Yes
Staging	
10. Figures (see following page)	



Lot 56 DP830706

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Legend

[Symbol]	Proposed Plot
[Symbol]	Zone
[Symbol]	Environmental Conservation
[Symbol]	Environmental Management
[Symbol]	Environmental Living
[Symbol]	General Residential
[Symbol]	Public Recreation



1. Parcel Information for Stand Alone Property 9	
Address	6W Ironbark Close OURIMBAH 2258
Known As	
Parcel Description	Lot 59 DP 830706
2. Area	
SQM	999.7m2
3. Location	
e.g. Access to town centres	2km to Ourimbah Town Centre.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Marked as public reserve on DP.
Acquisition Details (e.g. fee simple)	Dedicated from a plan of subdivision - Fee simple. 24.7.1998
Acquisition Conditions	Nil.
Reason for Acquisition	Addition to drainage land and access from Ironbark Close
5. Current Use	
Current Use / Potential Conflicts	Vacant land.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R1 General Residential
Vegetation	Partially vegetated. No EEC.
Water / Sewer Servicing	Yes.
Heritage	No.
Flooding	No.
Bushfire Prone Land	Yes
Mine Subsidence District	No
Minimum Lot Size	Yes
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Roads & Drainage
Direction of funds	TBD
9. Conclusion	
Comments	Layout of site, with narrow access handle likely limits the usefulness of this site for public recreation. Alternative public reserve located off of Shirley Street a maximum of 300m from this site. Potential for sale. Neighbours objected to reclassification during exhibition of WLEP 2013 - therefore sale may be controversial.
Recommend Sale	Yes
Staging	
10. Figures (see following page)	





Wyong Shire Council

Lot 59 DP830706

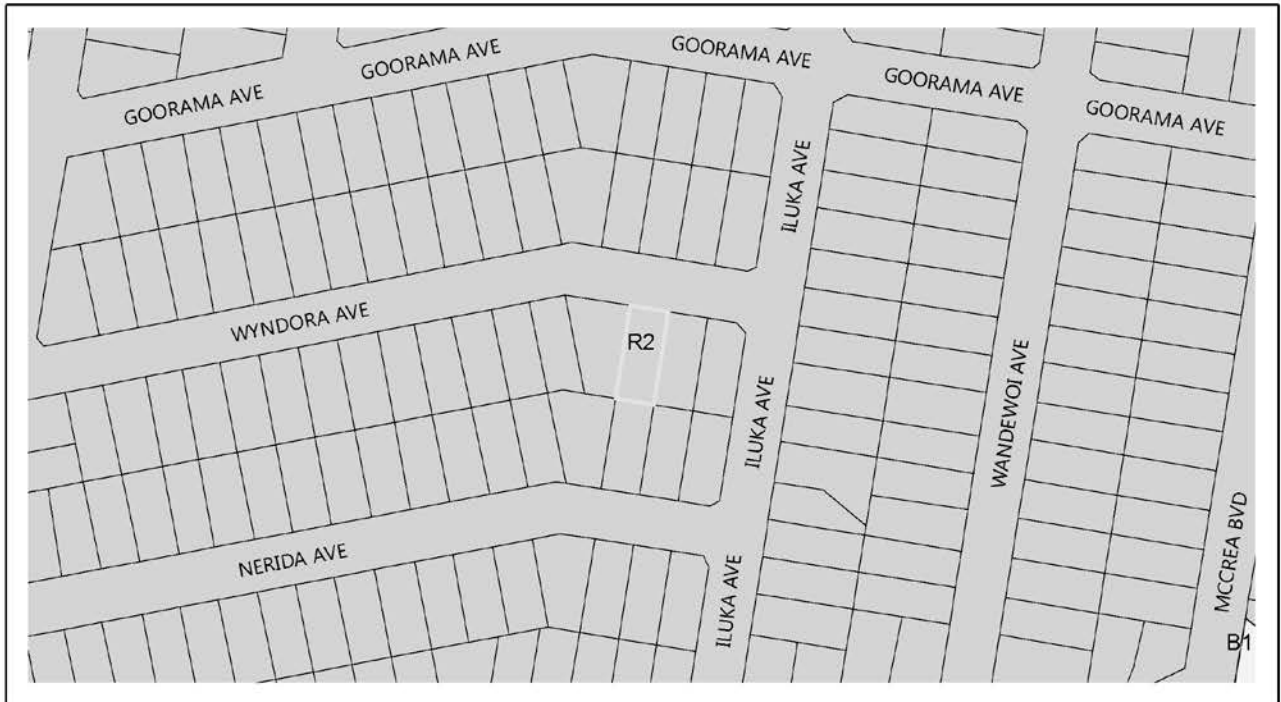
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Legend

- Reported Parcel
- Zone
- Environmental Conservation
- Environmental Management
- Environmental Living
- General Residential
- Public Recreation



1. Parcel Information for Stand Alone Property 10	
Address	6 Wyndora Avenue SAN REMO 2262
Known As	
Parcel Description	Lot 147 DP 28798
2. Area	
SQM	554.49m2
3. Location	
e.g. Access to town centres	400m to San Remo neighbourhood centre.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Marked as natural watercourse on DP.
Acquisition Details (e.g. fee simple)	Transfer - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Drainage.
5. Current Use	
Current Use / Potential Conflicts	Drainage corridor.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R2 Low Density Residential
Vegetation	Partially vegetated. No EEC.
Water / Sewer Servicing	Yes.
Heritage	No.
Flooding	No.
Bushfire Prone Land	No
MIne Subsidence District	Yes
Minimum Lot Size	Yes
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Roads & Drainage
Direction of funds	TBD
9. Conclusion	
Comments	Site identified as surplus to requirements by Roads & Drainage Unit - Advised by email 16 April 2014. Site has an open concrete culvert at the rear of the site - similar to adjoining 2 & 4 Wyndora Avenue properties that are in private ownership and comprise 1 dwelling.
Recommend Sale	Yes
Staging	
10. Figures (see following page)	



Lot 147 DP28798

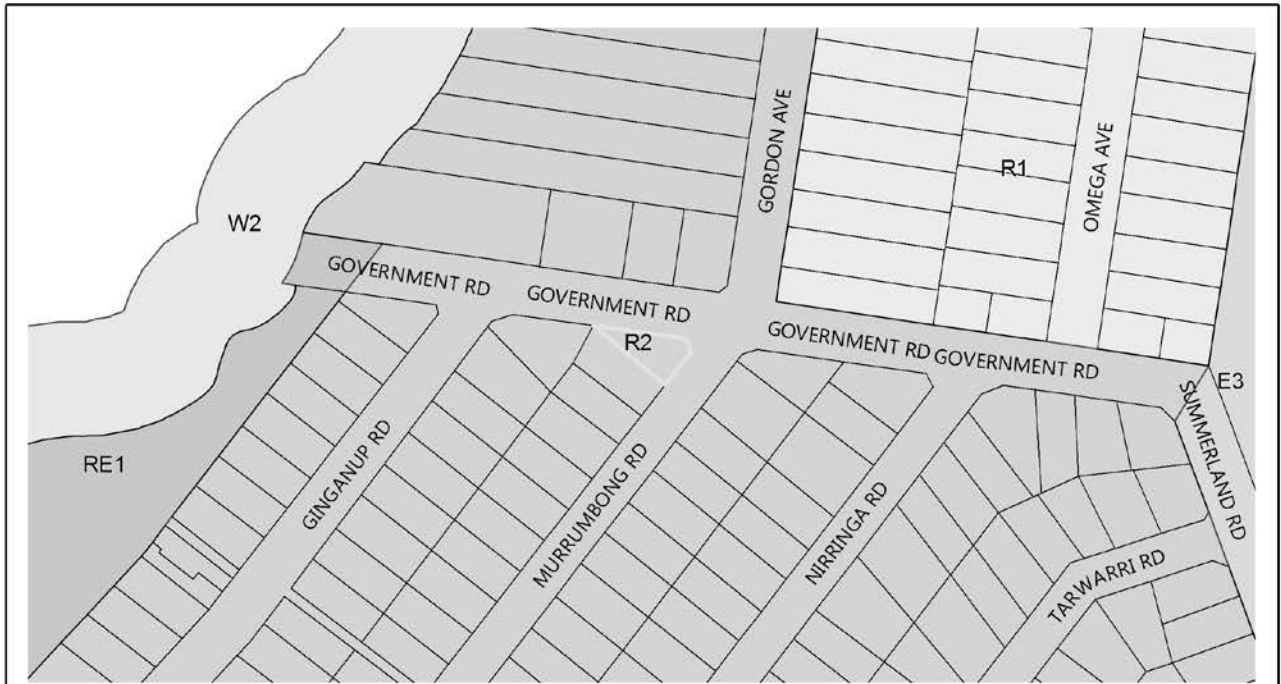
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Legend
- Restricted Road
- Zone
- Neighbourhood Centre
- Low Density Residential

Wyong Shire Council



1. Parcel Information for Stand Alone Property 11	
Address	32W Murrumbong Road SUMMERLAND POINT 2259
Known As	
Parcel Description	Lot 331 DP 214998
2. Area	
SQM	379.1m2
3. Location	
e.g. Access to town centres	550m to Summerland Point neighbourhood centre.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Marked as Public Garden and Recreation Space on DP.
Acquisition Details (e.g. fee simple)	Dedicated from a plan of subdivision - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Public Reserve
5. Current Use	
Current Use / Potential Conflicts	Vacant land - Informal recreation.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R2 Low Density Residential
Vegetation	Partially vegetated. No EEC.
Water / Sewer Servicing	Yes - Has a sewer longitudinally through the centre and it may be difficult to build on.
Heritage	No.
Flooding	No.
Bushfire Prone Land	No
Mine Subsidence District	Yes
Minimum Lot Size	Yes
Plan of Management	Plan Of Management Number 5 for Sportsgrounds, Parks and General Community Use
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Open Space & Recreation
Direction of funds	TBD
9. Conclusion	
Comments	Small allotment. It is understood that MLS requirements for dwellings do not apply to R2 zone. May have good market value for a small dwelling. Loss of informal recreation area may not be important due to extensive foreshore area 100m away. Site identified as surplus to requirements by Open Space and Recreation Unit - Advised by email 16 April 2014. NOTE: Water & Sewer advised as follows on 13 May 2014:
Recommend Sale	Yes
Staging	
10. Figures (see following page)	



Lot 331 DP214998

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Legend

- Shaded Portals
- Zone
- RE1 Environmental Management
- R1 General Residential
- R2 Low Density Residential
- RE2 Public Recreation
- W2 Recreational/Highway

Wyong Shire Council



1. Parcel Information for Stand Alone Property 12	
Address	1 Devon Lane WYONG 2259
Known As	
Parcel Description	Lot 52 DP 1100416
2. Area	
SQM	572.9m2
3. Location	
e.g. Access to town centres	Adjacent to proposed service station and McDonalds (old Mitre 10 site)
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	No easements over land.
Acquisition Details (e.g. fee simple)	Dedicated from a plan of subdivision - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Residue lot.
5. Current Use	
Current Use / Potential Conflicts	Vacant industrial land.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	IN1 General Industrial
Vegetation	No.
Water / Sewer Servicing	Yes.
Heritage	No.
Flooding	No.
Bushfire Prone Land	No
Mine Subsidence District	No
Minimum Lot Size	Yes
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Property.
Direction of funds	TBD
9. Conclusion	
Comments	Small corner allotment. May have some value as a fast food restaurant such as a Subway. Adjacent to the proposed McDonalds Restaurant and service station on the site of the old Eatons Mitre 10 therefore may benefit from co-location. If not, recommend sale to adjoining landowner. Market value assessed as \$85,000 in 2007.
Recommend Sale	Yes.
Staging	
10. Figures (see following page)	



Lot 52 DP1100416

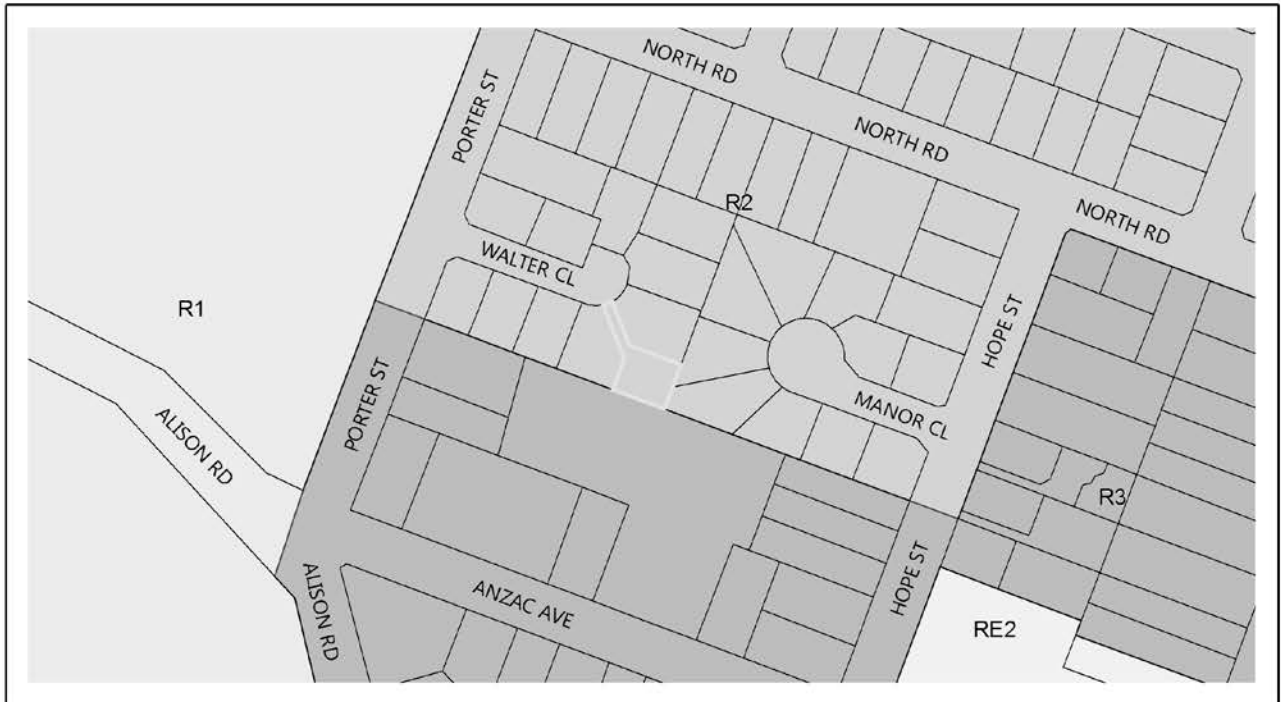
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Legend

- Wooded Area
- Zone
- E2 Environmental Conservation
- R2 General Residential
- IN1 Low Density Residential
- SP2 Infrastructure



1. Parcel Information for Stand Alone Property 13	
Address	4W Walter Close WYONG 2259
Known As	
Parcel Description	Lot 5 DP 749065
2. Area	
SQM	468.58m2
3. Location	
e.g. Access to town centres	700m to Wyong TC.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Marked as public reserve on DP.
Acquisition Details (e.g. fee simple)	Dedicated from a plan of subdivision - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Requirement of DA conditions
5. Current Use	
Current Use / Potential Conflicts	Vacant land.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R2 Low Density Residential
Vegetation	Not vegetated.
Water / Sewer Servicing	Yes.
Heritage	No.
Flooding	No.
Bushfire Prone Land	
Mine Subsidence District	
Minimum Lot Size	Yes
Plan of Management	Plan Of Management Number 5 for Sportsgrounds, Parks and General Community Use
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Open Space & Recreation
Direction of funds	TBD
9. Conclusion	
Comments	Vacant land. Small battleaxe block. Book value may be higher than market value. Adjacent landowner wishes to purchase this site. Site identified as surplus to requirements by Open Space and Recreation Unit - Advised by email 16 April 2014.
Recommend Sale	Yes
Staging	
10. Figures (see following page)	









 **Lot 5 DP749065**

 **Wyong Shire Council**

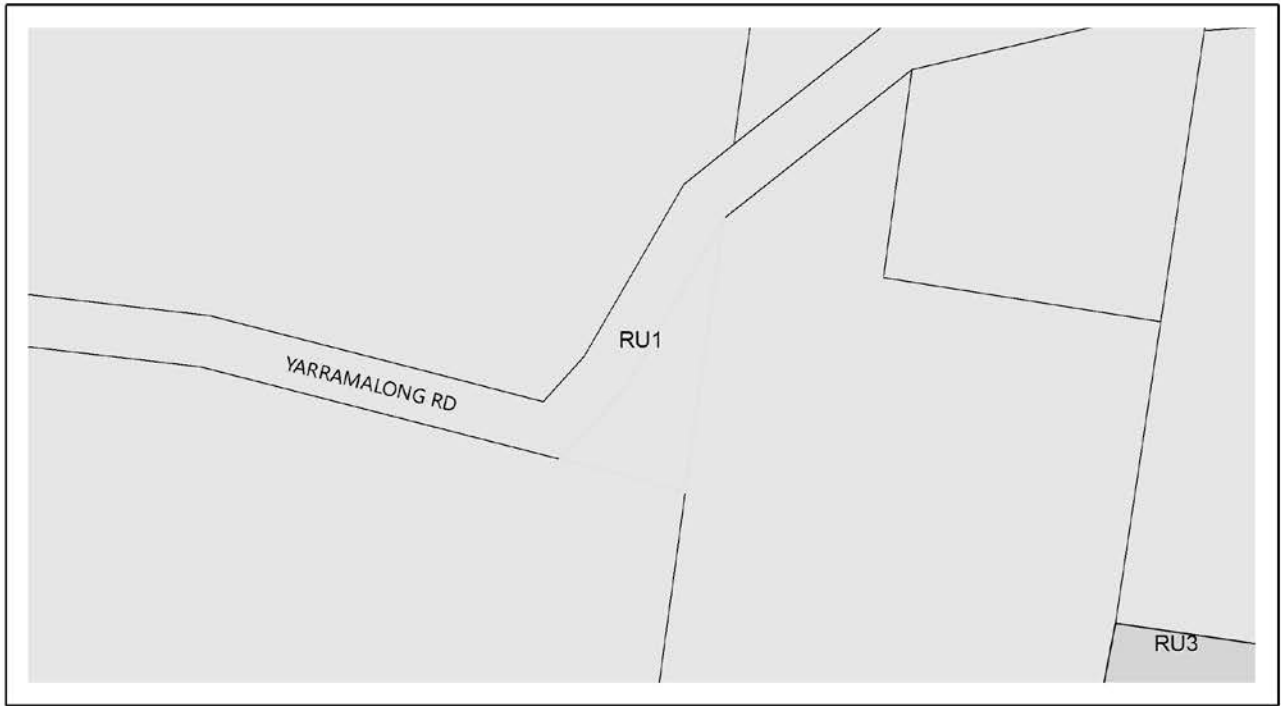
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Legend

-  Wooden Fence
-  Park
-  R1 - General Residential
-  R2 - Low Density Residential
-  R3 - Medium Density Residential
-  RE2 - Rural Residential



1. Parcel Information for Stand Alone Property 14	
Address	656 Yarramalong Road WYONG CREEK 2259
Known As	
Parcel Description	Lot 2 DP 165001
2. Area	
SQM	2067.7m2
3. Location	
e.g. Access to town centres	8km to Wyong Local Centre
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Easement for power supply along southern boundary. Right of carriageway through northern part of site.
Acquisition Details (e.g. fee simple)	Transfer - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Unknown.
5. Current Use	
Current Use / Potential Conflicts	Vacant land.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	RU1 Primary Production
Vegetation	Heavily vegetated - Riverflat Eucalypt Forest EEC.
Water / Sewer Servicing	No.
Heritage	No.
Flooding	Partial - 1% AEP
Bushfire Prone Land	Yes
Mine Subsidence District	Yes
Minimum Lot Size	Yes
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Roads & Drainage
Direction of funds	TBD
9. Conclusion	
Comments	Steep site. Small parcel. Parcel was created 20 October 1958 (prior to the appointed day) and was zoned 1(a) under WLEP 1991, therefore the property has a dwelling entitlement subject to Clause 16 of WLEP 1991 and Clause 4.2A of WLEP 2013.
Recommend Sale	Yes
Staging	
10. Figures (see following page)	



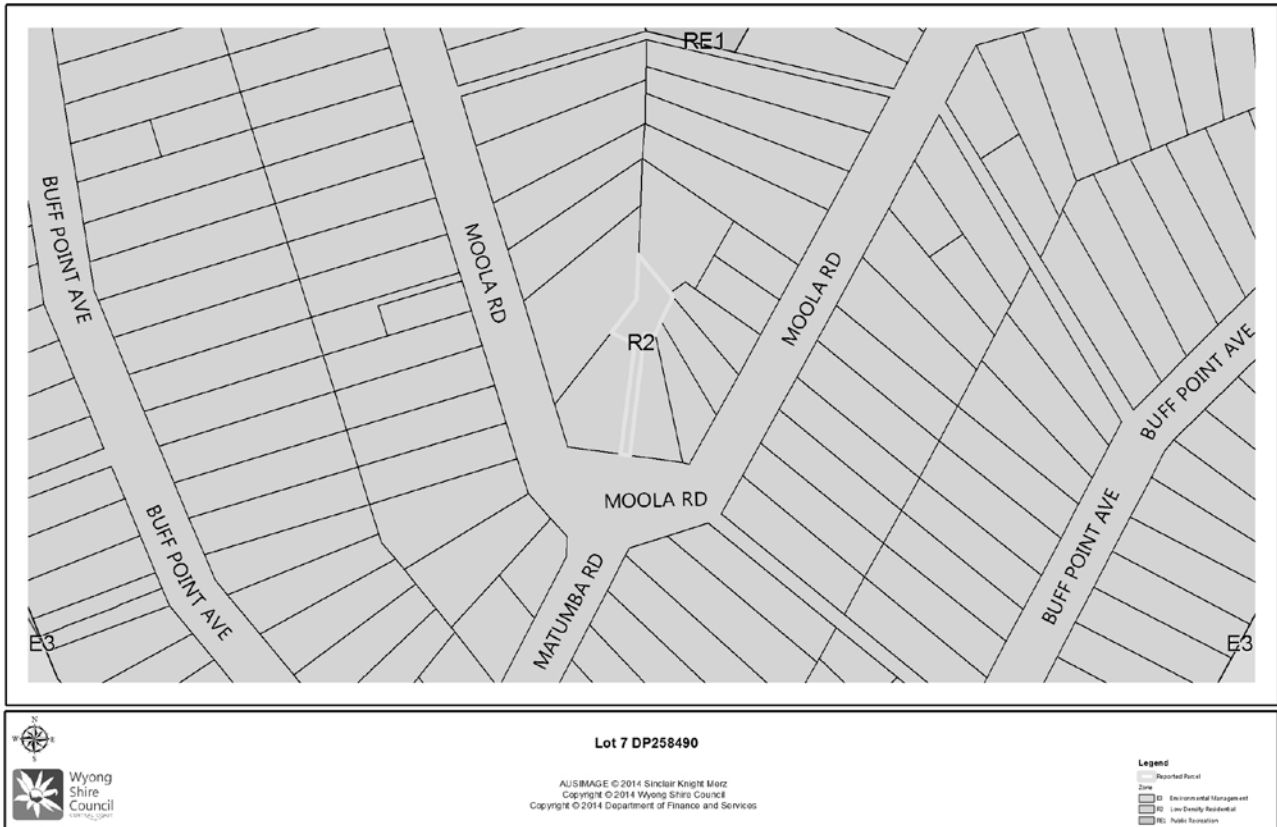
Lot 2 DP165001

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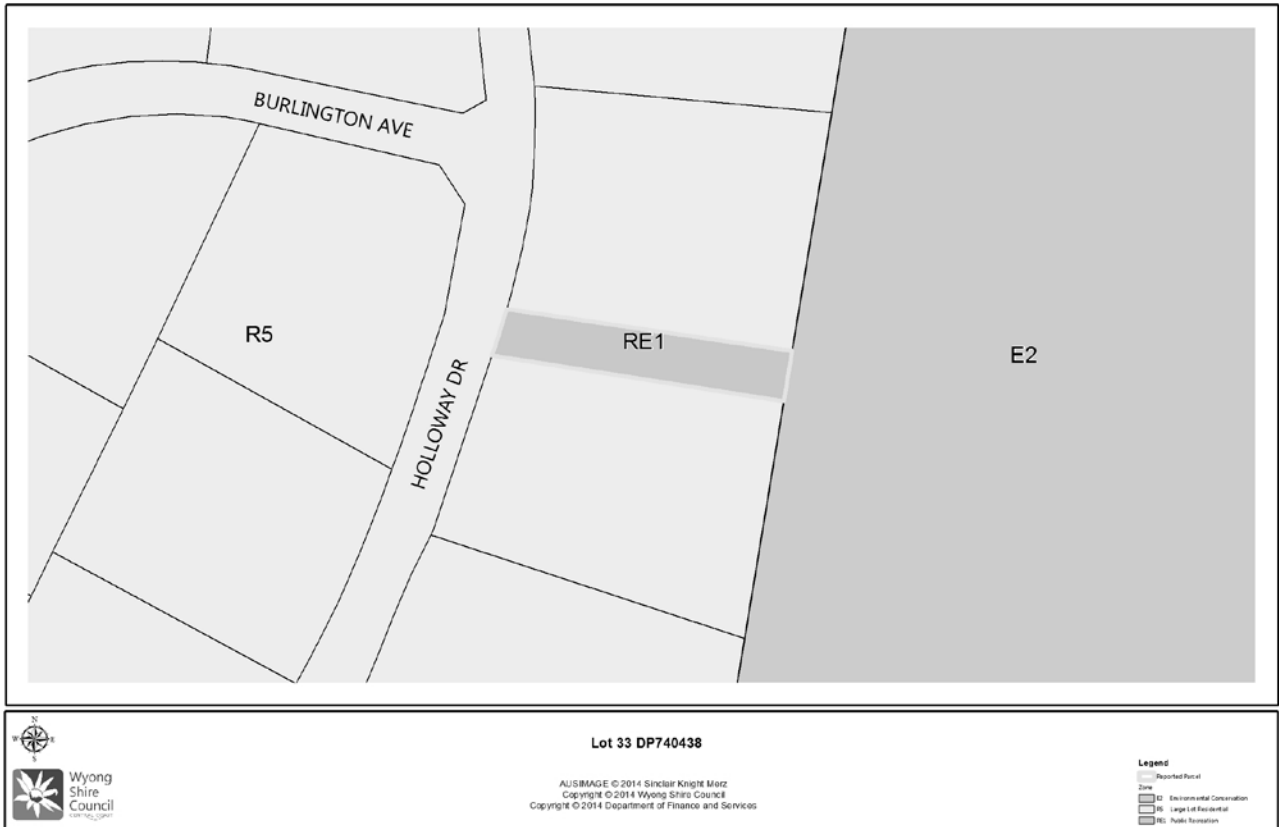
Legend
- Shaded Relief
Zone
- RU1 - Rural Production
- RU3 - Rural Production



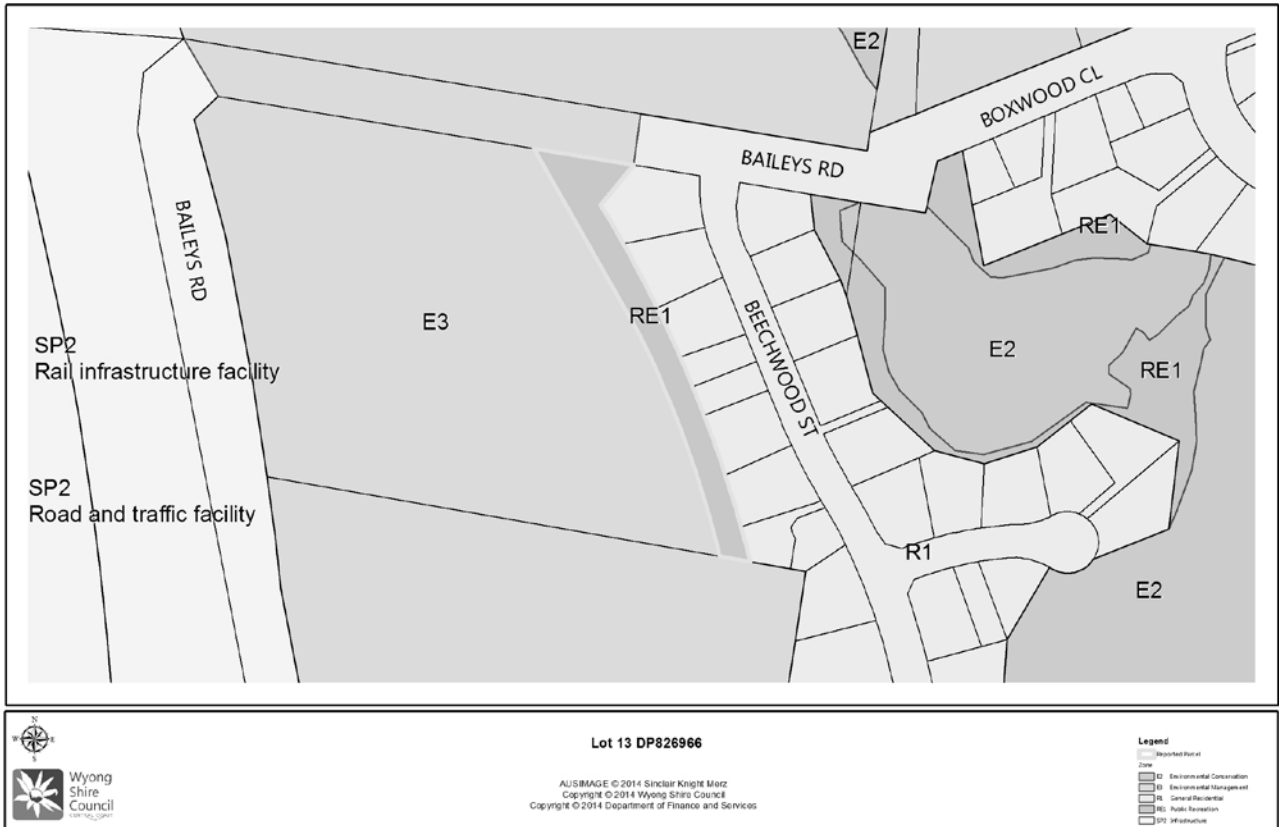
1. Parcel Information for Sale to Adjacent Property Owners 1	
Address	41W Moola Road BUFF POINT 2262
Known As	
Parcel Description	Lot 7 DP 258490
2. Area	
SQM	515.98m2
3. Location	
e.g. Access to town centres	Buff Point residential area.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Marked as public reserve on DP.
Acquisition Details (e.g. fee simple)	Dedicated from a plan of subdivision - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Public Reserve
5. Current Use	
Current Use / Potential Conflicts	Vacant land.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	R2 Low Density Residential
Vegetation	Heavily vegetated. No EEC.
Water / Sewer Servicing	Yes.
Heritage	No.
Flooding	No.
Bushfire Prone Land	
Mine Subsidence District	
Minimum Lot Size	
Plan of Management	Plan Of Management Number 5 for Sportsgrounds, Parks and General Community Use
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Open Space & Recreation
Direction of funds	TBD
9. Conclusion	
Comments	Offer for sale to 41 Moola Road or 39A Moola Road.
Recommend Sale	Yes - Adjoining neighbours only
Staging	
10. Figures (see following page)	



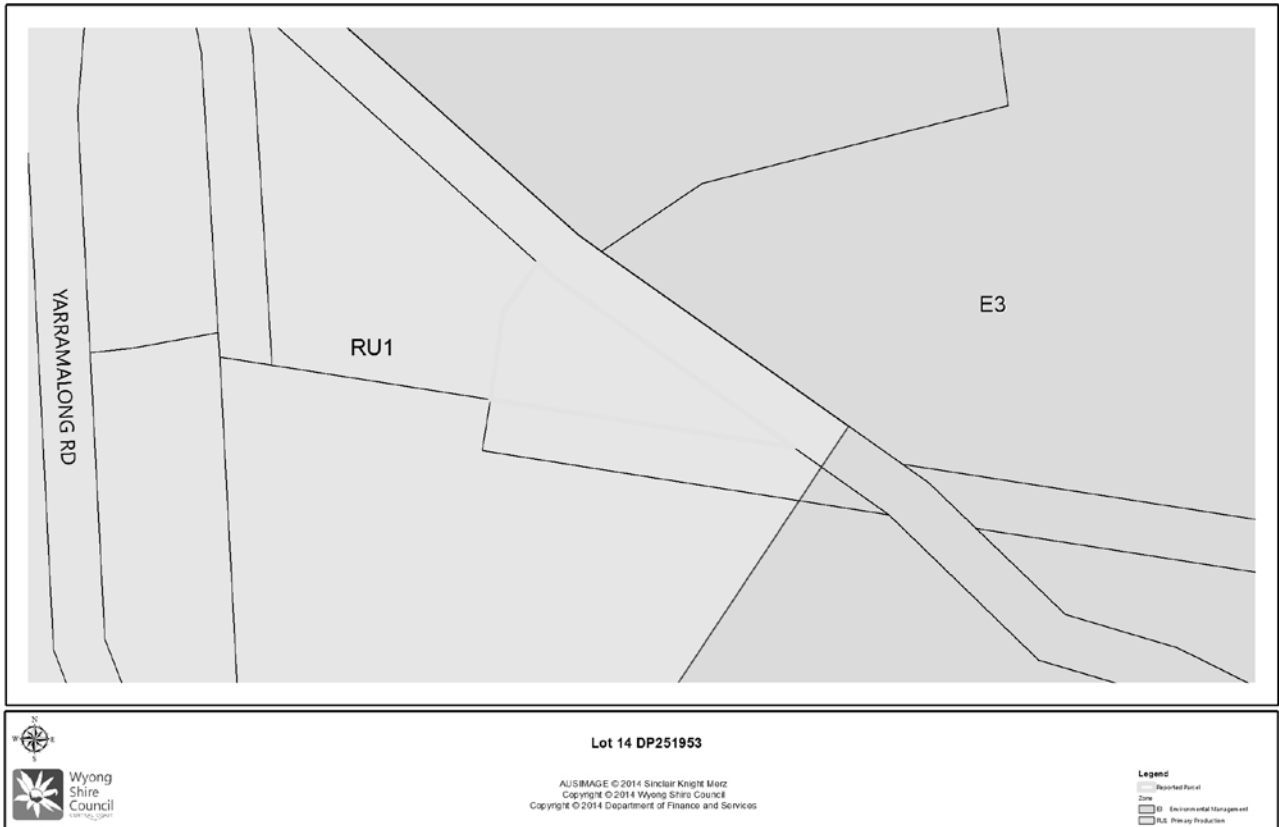
1. Parcel Information for Sale to Adjacent Property Owners 2	
Address	20A Holloway Drive JILLIBY 2259
Known As	
Parcel Description	Lot 33 DP 740438
2. Area	
SQM	2247m2
3. Location	
e.g. Access to town centres	Jilliby rural residential area.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Marked as public reserve on DP.
Acquisition Details (e.g. fee simple)	Dedicated from a plan of subdivision - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Public Reserve
5. Current Use	
Current Use / Potential Conflicts	Vacant land.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	RE1 Public Recreation
Vegetation	Heavily vegetated. No EEC.
Water / Sewer Servicing	Water - Yes Sewer - No
Heritage	No.
Flooding	Yes - 1% AEP (small area at rear)
Bushfire Prone Land	
Mine Subsidence District	
Minimum Lot Size	
Plan of Management	Plan Of Management Number 5 for Sportsgrounds, Parks and General Community Use
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Open Space & Recreation
Direction of funds	TBD
9. Conclusion	
Comments	Not suitable for retention as public reserve - too narrow. However, at 2,247m2 does not come close to meeting the minimum lot size of 2 ha to enable erection of a dwelling. Options are therefore limited. Sale to adjoining landowners may be best option. Offer for sale to 20 Holloway Drive or 22 Holloway Drive.
Recommend Sale	Yes - Adjoining neighbours only
Staging	
10. Figures (see following page)	



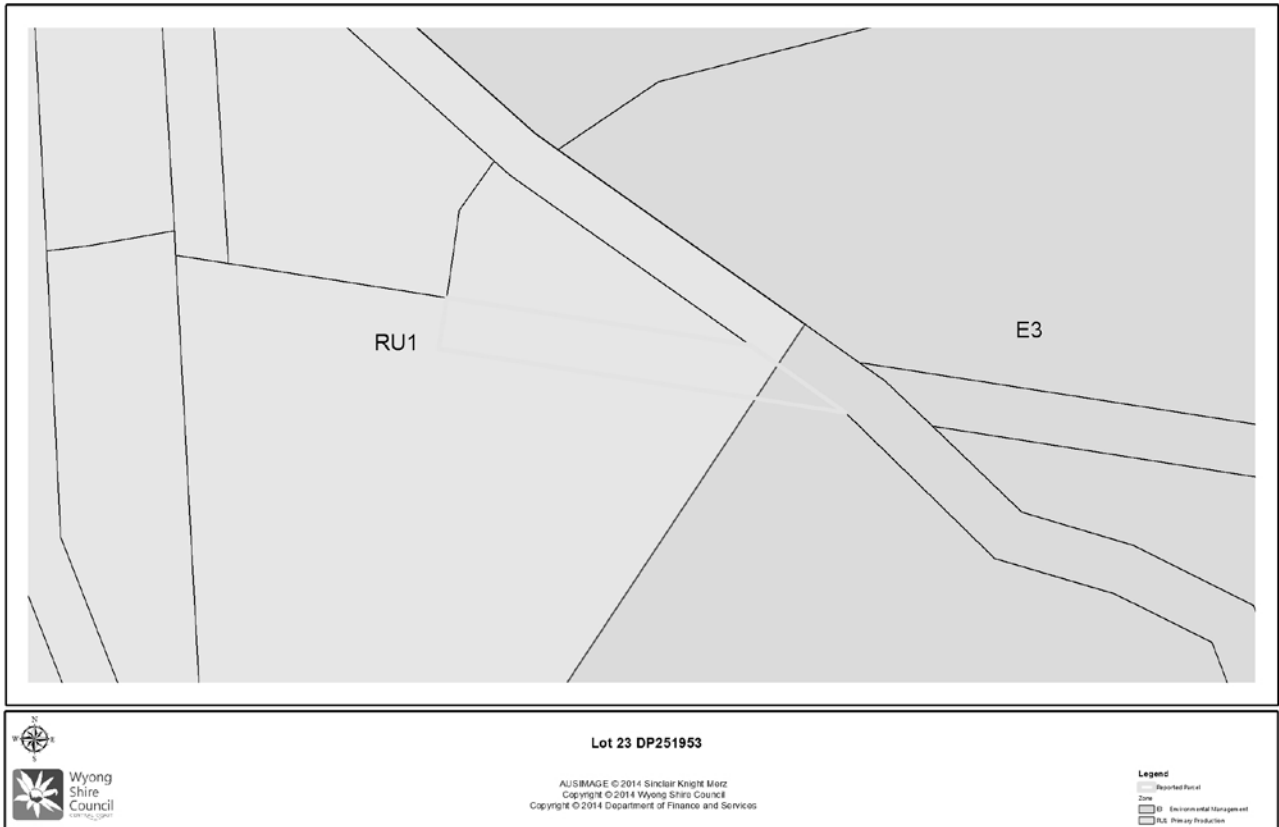
1. Parcel Information for Sale to Adjacent Property Owners 3	
Address	89 Baileys Road OURIMBAH 2258
Known As	
Parcel Description	Lot 13 DP 826966
2. Area	
SQM	1994m2
3. Location	
e.g. Access to town centres	Adjacent to southern border with Gosford City Council LGA.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Marked as public reserve on DP.
Acquisition Details (e.g. fee simple)	Dedicated from a plan of subdivision - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Public Reserve
5. Current Use	
Current Use / Potential Conflicts	Vacant land.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	E3 Environmental Management
Vegetation	Cleared farmland.
Water / Sewer Servicing	Water - Yes Sewer - No
Heritage	No.
Flooding	Partial - 1% AEP
Bushfire Prone Land	
Mine Subsidence District	
Minimum Lot Size	
Plan of Management	Plan Of Management Number 5 for Sportsgrounds, Parks and General Community Use
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Open Space & Recreation
Direction of funds	TBD
9. Conclusion	
Comments	Narrow public reserve - no longer required. Offer for sale to owner of 79 Baileys Road to consolidate parcel.
Recommend Sale	Yes - Adjoining neighbours only
Staging	
10. Figures (see following page)	



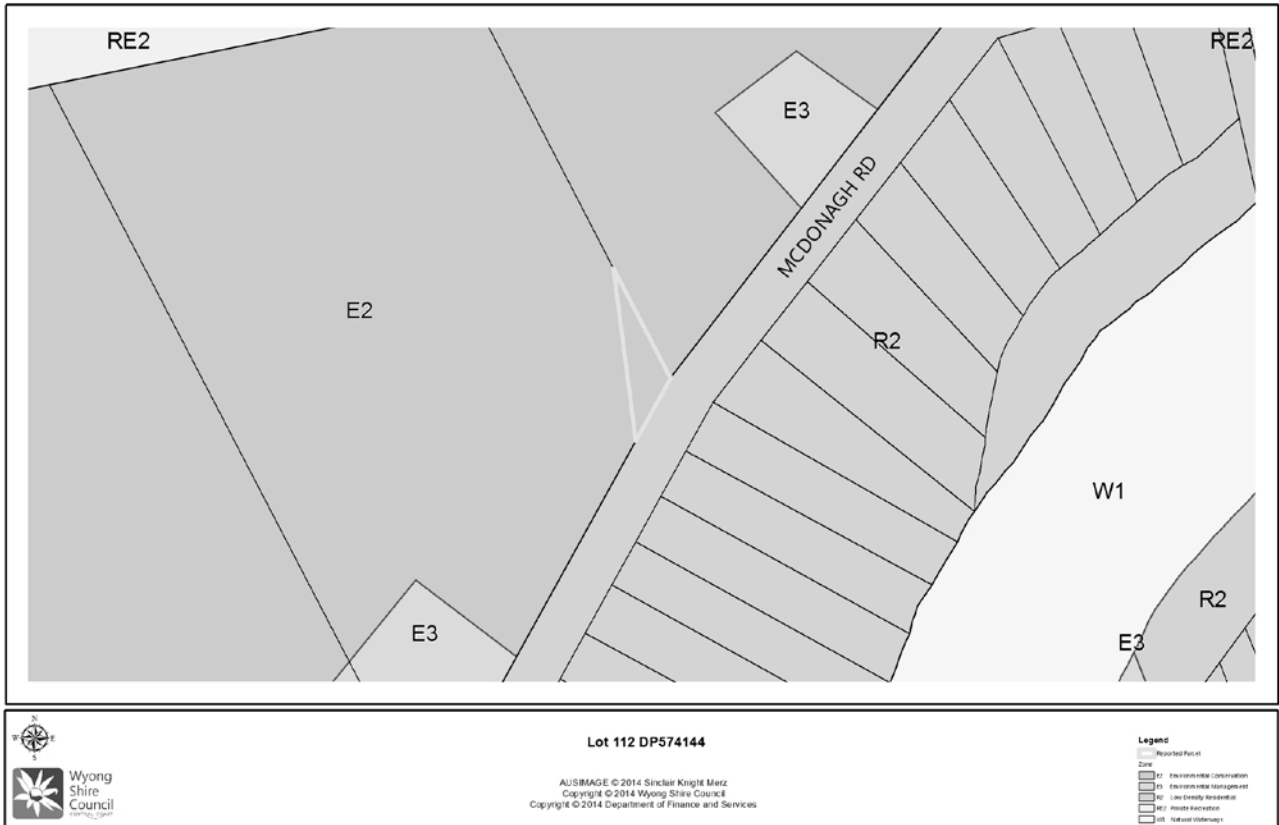
1. Parcel Information for Sale to Adjacent Property Owners 4	
Address	21W Ravensdale Road RAVENSDALE 2259
Known As	
Parcel Description	Lot 14 DP 251953
2. Area	
SQM	3433.05m2
3. Location	
e.g. Access to town centres	Isolated parcels within larger, privately held properties.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Identified on plan redefining area grants.
Acquisition Details (e.g. fee simple)	Dedicated from a plan of subdivision - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Unknown.
5. Current Use	
Current Use / Potential Conflicts	Vacant land.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	RU1 Primary Production
Vegetation	Heavily vegetated. No EEC.
Water / Sewer Servicing	No.
Heritage	No.
Flooding	No.
Bushfire Prone Land	Yes
Mine Subsidence District	
Minimum Lot Size	Yes
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Property.
Direction of funds	TBD
9. Conclusion	
Comments	Former road reserve - isolated parcels within larger, privately held properties.
Recommend Sale	Yes - Adjoining neighbours only
Staging	
10. Figures (see following page)	



1. Parcel Information for Sale to Adjacent Property Owners 5	
Address	19W Ravensdale Road RAVENSDALE 2259
Known As	
Parcel Description	Lot 23 DP 251953
2. Area	
SQM	2732m2
3. Location	
e.g. Access to town centres	Isolated parcels within larger, privately held properties.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	Identified on plan redefining area grants.
Acquisition Details (e.g. fee simple)	Dedicated from a plan of subdivision - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Unknown.
5. Current Use	
Current Use / Potential Conflicts	Vacant land.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	RU1 Primary Production
Vegetation	Heavily vegetated. No EEC.
Water / Sewer Servicing	No.
Heritage	No.
Flooding	No.
Bushfire Prone Land	
MIne Subsidence District	
Minimum Lot Size	
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Property.
Direction of funds	TBD
9. Conclusion	
Comments	Former road reserve - isolated parcels within larger, privately held properties.
Recommend Sale	Yes - Adjoining neighbours only
Staging	
10. Figures (see following page)	



1. Parcel Information for Sale to Adjacent Property Owners 6	
Address	18W McDonagh Road WYONG 2259
Known As	
Parcel Description	Lot 112 DP 574144
2. Area	
SQM	554.3m2
3. Location	
e.g. Access to town centres	Close to Wyong River in east Wyong.
4. Acquisition Details	
S.94 Dedication	No.
Agreements over the land	No easements over land.
Acquisition Details (e.g. fee simple)	Dedicated from a plan of subdivision - Fee simple.
Acquisition Conditions	Nil.
Reason for Acquisition	Residue lot.
5. Current Use	
Current Use / Potential Conflicts	Vacant land.
Utilisation Rate	n/a
6. Constraints/Opportunities	
Zoning	E2 Environmental Conservation
Vegetation	Heavily vegetated. Riverflat Eucalypt Forest EEC.
Water / Sewer Servicing	No.
Heritage	No.
Flooding	Yes - 1% AEP
Bushfire Prone Land	Yes
Mine Subsidence District	
Minimum Lot Size	Yes
Plan of Management	Nil.
7. Financial	
Operational Expenditure	Nil
General Expenditure	General property maintenance.
Income	Nil
8. Proposed use of funds	
Asset Owner	Property.
Direction of funds	TBD
9. Conclusion	
Comments	E2 zone - No EEC. Flood prone. Awkward shape. Surrounded by privately held land. No real opportunities, except sale to adjoining landowner.
Recommend Sale	Yes - Adjoining neighbours only
Staging	
10. Figures (see following page)	



3.2 Proposed Sale of Council Land at Bateau Bay

TRIM REFERENCE: F2013/00287 - D06923527

MANAGER: Steven Mann, Manager

AUTHOR: Breanne Bryant; Strategic Planner2

SUMMARY

Council has been approached with an offer to purchase part of Council's property at Lot 282 DP 875780 and Lot 26 DP 776263 7W Sir Joseph Banks Drive Bateau Bay. Negotiations have been undertaken and agreement has been reached between Council and the proponent. Approval is now sought for the disposal of the land subject to the agreement as outlined in the report.

RECOMMENDATION

- 1 That Council approve the disposal of a 2,000m² portion of Council land at Lot 282 DP 875780 and Lot 26 DP 776263, 7W Sir Joseph Banks Drive, Bateau Bay for a value of \$500,000 subject to the following terms:**
 - a The purchase of the land is subject to the proponent securing a rezoning of the land through a Planning Proposal which is to be prepared and submitted at the cost of the proponent.**
 - b The Planning Proposal is to be accompanied by a Voluntary Planning Agreement which includes a monetary contribution of \$52,000 to cover the cost of the relocation of the playground (currently located on the subject land) and in lieu of any future Section 94A contributions for development on the land.**
 - c The proponent is to submit a "Put and Call" option which is subject to the land being rezoned with a 5% (\$25,000) deposit bond (which is refundable if rezoning is unsuccessful).**
 - d Following the above a Development Application is to be prepared and submitted at the cost of the proponent to adjust the boundaries between Lot 282 DP 875780 and Lot 26 DP 776263 to create a parcel of land (approximately 2,000m²) to be transferred to the proponent.**
- 2 That Council resolve to deal directly with Mr Michael Shipp, the owner of the adjoining land, in regards to the sale of the subject land.**
- 3 That Council authorise the General Manager and the Mayor to execute all necessary documentation relevant to the sale of this site.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the purchaser.**

BACKGROUND

Negotiations have been held between Wyong Council and Mr Michael Shipp in relation to the proposed purchase of Council land immediately to the west of the Cresthaven Shopping Centre. A plan showing the location of the subject land is set out below:





FRONTAGE



VIEW OVER LAND FROM NORTH EAST CORNER



VIEW OVER LAND TO STREET



VEGETATION AT REAR OF LAND

A timeline of events relating to the negotiations between Council staff and Mr Shipp is contained in the confidential attachment to this report:

THE LAND

The subject land shown above represents approximately 1,000m² of Lot 282 DP 875780 and 1,000m² of Lot 26 DP 776263. Should the transfer proceed a subdivision of the land will be required to delineate the boundary of the land to be disposed.

The section of Lot 26 subject to this proposal currently contains a Council playground. The section of Lot 282 that is subject to this proposal is generally vacant land. It is proposed to enter into a VPA with the proponent to enable the funding for the relocation of this playground.

The land is currently zoned RE1 Public Recreation. If the sale is approved by Council a Planning Proposal to rezone it to B1 Neighbourhood Centre, to permit the future expansion of the Cresthaven Shopping Centre is required.

LAND VALUATION

Council commissioned a valuation report for the subject land and internal staff discussions were undertaken in regard to the potential disposal of the land and the impact on existing assets including the playground and Banksia Community Centre. The valuation report identified the value of the land once rezoned to B1 Neighbourhood Centre was \$500,000. Details of the valuation are included in a confidential attachment to this report.

Approval was granted from the Director Property and Economic Development to enter into negotiations with the proponent with a view to him purchasing 2,000m² of Council Land for \$500,000 subject to a number of terms.

THE PROPOSAL

Following extensive negotiations between Council and the proponent, agreement has now been reached between the two parties and is as follows:

- The proponent will purchase 2000m² of Council land immediately west of the Cresthaven Shopping Centre located on Lot 282 DP 875780 and Lot 26 DP 776263 for \$500,000.
- The purchase of the land is subject to the proponent securing a rezoning of the land through a Planning Proposal which is to be prepared and submitted at the cost of the proponent.
- The Planning Proposal is to be accompanied by a Voluntary Planning Agreement which includes a monetary contribution of \$52,000 to cover the cost of the relocation of the playground.
- The proponent is to submit a ‘Put and Call’ option which is subject to the land being rezoned with a 5% (\$25,000) deposit bond for a nominal period of 12 months to enable the land to be rezoned. The deposit bond is fully refundable should rezoning of the land be unsuccessful.
- Following approval by Council of the above, a Development Application is to be prepared and submitted at the cost of the proponent to adjust the boundaries between Lot 282 DP 875780 and Lot 26 DP 776263 to create a parcel of land (approximately 2,000m²) to be transferred to the proponent.
- The proponent will not be required to pay Section 94A contributions.

Should Council resolve to deal directly with the Mr Shipp relating to the sale of the subject land the following steps will still remain:

No.	Description	Responsibility
1	Submission of Planning Proposal (PP) and VPA to Council	Mr Shipp
2	Public consultation associate with PP/VPA	Council
3	Rezoning achieved, VPA enacted, subdivision DA submitted & VPA contribution paid	Mr Shipp
4	Playground relocated	Council - Open Space & Recreation
5	Subdivision Certificate registered and land transferred – Purchase price paid	Mr Shipp/Council

PUBLIC BENEFIT

As mentioned above, the Planning Proposal to rezone the land to B1 Neighbourhood Centre is to be accompanied by a VPA providing a monetary contribution towards the public benefit. This will involve the relocation of the Council playground further to the west in a location specified by Council's Open Space and Recreation Section.

The VPA will propose to fund the relocation of the playground by way of a cash contribution of \$52,000.

The sale of the land will allow for the expansion of the existing Cresthaven Shopping Centre which provides a valuable service and employment opportunity to the local community.

PUBLIC CONSULTATION

The reclassification of this land was undertaken as part of the WLEP 2013 and was therefore included in public consultation and exhibition of this document.

While there has been no public consultation to date relating to the sale of the land it is proposed to undertake community engagement should Council resolve to proceed with the sale of the land. This engagement will be associated with the exhibition of the Planning Proposal and VPA. This process will ensure that the community is aware of the benefits to be gained from the sale of the land, which include the relocation of the playground at the proponent's cost and expansion of the shopping centre.

CONCLUSION

It is recommended that Council resolve to deal directly with the proponent Mr Shipp and endorse the proposed transfer of the subject land to the proponent subject to the terms outlined in Council's final offer.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Confidential Valuation Details Relating to the Proposed Sale of Council Land at Bateau Bay - 11-6-2014 | D08521309 |
|---|--|-----------|

4.1 CPA/242672 - Operation of Wyong Shire Council Animal Care Facility

TRIM REFERENCE: CPA/242672 - D08253639

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: Sara Foster; Project Officer

SUMMARY

Evaluation and selection of tenders for Contract CPA/242672 – Operation of Wyong Shire Council Animal Care Facility.

RECOMMENDATION

- 1 That Council accepts the tender from the organisation nominated as Tenderer No. 3 in the attached Tender Evaluation Report, for a period of up to three (3) years with three (3) options for a further one (1) year term for Contract CPA/242672 – Operation of Wyong Shire Council Animal Care Facility. The estimated annual expenditure against this contract is \$234,815.50 (excl GST); however actual expenditure may vary significantly with fluctuations in demand.**
- 2 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**
- 4 That Council delegates to the General Manager the power to approve the option(s) for further terms.**

BACKGROUND

The recent review of the Building Certification, Compliance and Health Unit recommended that Expressions of Interest be called for the operation of the Animal Care Facility, based on a model similar to that of Gosford City Council. Such arrangements would be subject to an agreement between the Contractor and Council to ensure that the operation of the facility does not have a detrimental impact on other regulatory functions of Council eg the control of dangerous/restricted dogs.

Affected staff and Unions were consulted on the proposal to call for Tenders for the operation of the facility throughout February this year. On 12 March 2014 Councillors were briefed on three proposed options of operating the facility with the preferred option being to call for tenders for the operation of the service from Council's Charmhaven facility by an external contractor.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Development and Building, before the Request for Tender was issued. The approved Contract Plan is in TRIM D06556205.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Advertiser and eTender on 29 April 2014 and closed on 22 May 2014.

The invitation documents called for lump sum tenders for the annual operation and a rate for animal sustenance per animal per day which Council must pay during the impounding period.

A pre-tender meeting was held at Council's Civic Centre on 14 May 2014 to allow tenderers to become familiar with the services currently being provided at the facility and Council's contract requirements.

Tenders closed at Council's Chambers at 2.00pm on 22 May 2014.

TENDER SUBMISSIONS

The following tenders were received and are listed in alphabetical order:

- Claws n' Paws Rescue
- Gosford Dog Paws Pty Ltd
- SoCares – Society of Companion Animals Rescuers Inc.

No late submissions were received.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

- a) Price;
- b) Methodology;
- c) Experience;
- d) Performance; and
- e) Local Content.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the 2014/15 Operational budget for the Animal Care Facility. The actual expenditure for 2012/13 for the Animal Care Facility was \$742,327. The awarding of this tender represents a reduction in annual expenditure in the order of \$500,000.

4.1 CPA/242672 - Operation of Wyong Shire Council Animal Care Facility (contd)

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

CRITICAL DATES / TIME FRAMES

It is anticipated that the contract will be awarded on 16 June 2014 and that the transfer of operation of the Animal Care facility at Charmhaven is expected by 1 July 2014.

RISK

This contract has been assessed as a low risk contract. The key risks and mitigations measures have been addressed in the Contract Plan and detailed Risk Assessment which is on the TRIM file.

REGULATORY APPROVALS

Nil.

PROCESS REVIEW

The Tender evaluation and this Report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

PUBLIC CONSULTATION

No public consultation specific to this contract was necessary and none has occurred.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Confidential Attachment 'A' to Business Paper Tender Evaluation Report
CPA/242672 - | D08249677 |
|---|--|-----------|

5.1 CPA/212700 - Collection and Purchase of Scrap Metal / Batteries from Charhaven Depot, Long Jetty Depot, Bateau Bay Treatment Plant & Buttonderry Waste Management Facility

TRIM REFERENCE: CPA/212700 - D05477541

MANAGER: Eric Lemon, Manager Commercial Enterprises

AUTHOR: Charlotte Drury; Waste Operations Manager

SUMMARY

A staff review has been completed for the existing scrap metal and lead acid battery collection and processing contract and recommendations made for future contractual arrangements.

RECOMMENDATION

- 1 That Council approve an increase to the revenue level of contract CPA/212700 to exceed \$150,000.**
- 2 That Council approve an extension of the current contract CPA/212700 on a month by month basis up to a total value of \$400,000 in revenue.**
- 3 That Council note the intention to undertake a new procurement process for a three year term contract containing a formula to mirror the global price for scrap metal.**

BACKGROUND

As part of efforts to reduce the quantity of waste disposed of to landfill, Council has for some years encouraged the source separation of recyclable metals and car batteries from the waste stream received at the Buttonderry Waste Management Facility. Metals can be taken to the facility free of charge.

In addition, at the Long Jetty and Charmhaven Works Depots, facilities exist for the segregation of scrap steel and other non-ferrous metals such as brass and copper. At the Bateau Bay Treatment Plant limited segregation facilities exist and all ferrous and non-ferrous scrap are comingled in one bin. The contractor currently supplies the following:

Four bulk bins for the segregated storage of scrap steel and other non-ferrous metals, brass and copper at the WSC Charmhaven Works Depot (2 x small for water meters & 2 x large for scrap metal)

Two bulk bins at the WSC Long Jetty Works Depot (1 x small for water meter, 1 x extra large for bulk scrap metal)

One bulk bin at the WSC Bateau Bay Treatment Plant (1 x small size)

All of the plant and labour necessary for the collection and weighing of the storage bins at the treatment plant and the depots and for the collection of scrap metal, car bodies and

5.1 CPA/212700 - Collection and Purchase of Scrap Metal / Batteries from Charhaven Depot, Long Jetty Depot, Bateau Bay Treatment Plant & Buttonderry Waste Management Facility (contd)

batteries from stockpiles at the Buttonderry Waste Management Facility. All items are then transported to an approved recycling facility.

In 2008, the scrap metal contract was reduced from a 2 year contract into a short term 4 month contract due to the volatility in scrap metal prices which can regularly halve and/or double in an 18-24 month period. This decision was made as a result of Council being locked into a low rate even though global prices had increased significantly.

This short four month contract has however also resulted in some major drawbacks. The onerous nature of the paperwork meant that many tenderer's stopped applying leaving only two companies, Sell and Parker and OneSteel, tendering in the last few years. Additionally, as Council would not accept some of the conditions put forward by One Steel, in the last tendering round only one company, Sell and Parker, tendered. As a result of this lack of competition their prices have dropped during this time.

In an effort to reduce the paperwork and encourage more companies to tender the contract was increased from 4 to 6 months in 2012. However the lack of competition remained and the prices continued to drop. It became clear that a new longer term contract was required to increase competition and obtain better prices for the scrap metal.

There are three different options put forward in this report to deal with this issue in the future. These include;

- 1 Status Quo – Short term Contracts (6 months);
- 2 Quote by Quote Basis;
- 3 Three Year Contract (with the inclusion of a formula to mirror the Global Scrap Metal Price)

CURRENT STATUS

The current contract with Sell and Parker commenced on the 12th of November 2012 and expired on the 10th of May 2013. Council negotiated to extend the contract on a month by month basis under the same terms and conditions as the original contract documents. The contract may be terminated by either party once 30 days notice is received in writing.

The volumes and therefore the income received from the scrap metal is variable as outlined in the confidential attachment entitled: ***Table One: Scrap Metal Tonnages and Revenue Current Contract Sell and Parker November 2012 – April 2014***.

The total revenue for this contract now exceeds the \$150,000 threshold limit for reporting to Council and as such the Waste Unit requests permission to extend this contract to a total value of not more than \$400,000 whilst new contract arrangements are put in place.

THE PROPOSAL

It is proposed that a three year contract be developed which allows for a review of the rate for payment to be adjusted in line with the world market for ferrous scrap steel and lead acid batteries.

5.1 CPA/212700 - Collection and Purchase of Scrap Metal / Batteries from Charhaven Depot, Long Jetty Depot, Bateau Bay Treatment Plant & Buttonderry Waste Management Facility (contd)

Due to much smaller volumes of brass and copper being received (only four tonne of brass and nil copper during the current contract), tenderers will need to provide a set price for these items.

Option One – Spot Rate

To review the rate based on the US TEX BOX PRICE. This standard is based on the recording (By text) of each sale worldwide of Ferrous Scrap Steel in USD per Tonne. These prices are logged and advised to the market on a daily basis.

Companies tender a percentage of this price. The company which tenders the highest percentage and meets Council's performance requirements will be awarded the tender.

Example

US TEX BOX PRICE - \$US248.25 X 55% = \$136.54 per tonne.

The price would be determined each time (day) the scrap metal is removed from the Depots and Waste Management Facility and both parties would need to agree on a suitable source for the US Tex Box price.

One such source is the TEX Report, which is an international report which publishes daily information on the trade of minerals and raw materials. However there is also the Platts Report which is equally valid.

Different contractors prescribe to different daily published reports and this could be agreed on by both parties on commencement of the contract. The contractor shall provide evidence of the authorised report which Council can then verify.

Option Two – 3 Month Fixed Spot Price

Three month fixed spot price which is reviewed approximately every 3 months as outlined in the tender document specification. The rate review still based on the average US TEX BOX PRICE. This method of pricing is less volatile and provides a price in-line with prevailing market conditions within Australia.

Either Option 1 or 2 would be suitable, and Council can elect to change payment options at any time during the contract. Option One could potentially provide a better return and it is recommended that Council initially go with this arrangement.

Alternative Tender

Council could also give contractors the option to provide an alternative proposal that could be compared to the other two options in the event that the contractor may be able to provide a more attractive offer via a different pricing mechanism which is verified through an international report which is published daily.

5.1 CPA/212700 - Collection and Purchase of Scrap Metal / Batteries from Charhaven Depot, Long Jetty Depot, Bateau Bay Treatment Plant & Buttonderry Waste Management Facility (contd)

Lead Acid Batteries

The price for lead acid batteries is based on the “Lead Cash Seller & Settlement” price in US\$ per tonne published on the London Exchange free of charge.

EXAMPLE

LEAD CASH SELLER PRICE - \$300 X 55% = \$165 per tonne.

The company that provides the highest percentage of the “Lead Cash Seller & Settlement” price and meets Council’s performance standards will be awarded the contract.

Under the new contract there is also the potential for additional income for Council as presently, the Long Jetty and Charmhaven Council Depots have approximately 200 batteries which require disposal annually. The depots pay to have these batteries removed as part of a general rubbish collection whereas under this contract the contractor pays Council for the batteries.

Tenderers will need to provide a set price for brass for which there are much lower tonnages, with only four tonne being received over the course of the current tender.

ALTERNATIVE OPTIONS

There are two other options for consideration by Council;

Status Quo – Short term Contracts (6 months)

Council can continue on with the current situation of tendering for short 6 month term contracts. This approach however is onerous in terms of paperwork for both Council Staff and Tenderers and has resulted in the number of tenders received being reduced over time. In the last tendering round only Sell and Parker tendered. This approach is not recommended however due to the lack of competition and the lower prices currently being received.

Quote by Quote Basis

Council can have scrap metal collected on a quote by quote basis. Although this option is quite feasible at the Buttonderry Waste Management Facility due to the ease of collection, there are some difficulties which arise at the Council Depots.

At the Council Depots the contractor supplies a number of bulk bins of various sizes (seven in total) which are transported out and replaced by the contractor during each collection.

If the collection were completed on a quote by quote basis Council would have to arrange for the purchase of skip bins of various sizes and then the transport of these bins to the Buttonderry Waste Management Facility for general collection by a metal recycler. In order to transport the bins a specialised hook loader truck is required.

The bins would also need to be unloaded at Buttonderry using an excavator. Alternatively, Council could transport the bins directly to a metal recycler but the issue of unloading at the other end would remain.