

Attachment 1: Council Report and Minutes (12 June 2013 and 26 June 2013)

1005

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2013/00023 - D03409670

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 12 June 2013.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 12 June 2013.

ATTACHMENTS

- 1** MINUTES - Ordinary Council Meeting - 12 June 2013
- 2** MINUTES - Confidential Ordinary Council Meeting - 12 June 2013
(D03409552)

D03409436

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matter in Confidential Session

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

719/13 That Council consider the following matter in Confidential Session, pursuant to Section 10A 2(a) and (d) of the Local Government Act 1993:

1.6 Mayoral Minute – Wyong Skills Centre

7.1 Metro Cinemas

7.2 Future of Beach Safety Services

720/13 That Council note its reason for considering items 1.6 – Mayoral Minute – Wyong Skills Centre and item 7.1 – Metro Cinemas as they contain information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and is commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the Council, or (iii) reveal a trade secret.

721/13 That Council note its reason for considering item 7.2 – Future of Beach Safety as it contains information concerning particular individuals (other than Councillors).

722/13 That Council request the General Manager to report on this matter in open session of Council.

2.1 RZ/10/2012 - Rezoning to Permit Woolworths Supermarket, Petrol Filling Station and limited Specialty Shopping at Wadalba

Councillor Vincent left the meeting at 5.13 pm and returned to the meeting at 5.17 pm during consideration of this item.

Councillor Matthews left the meeting at 5.13 pm and returned to the meeting at 5.17 pm during consideration of this item.

Mr Michael Rumble, representing Fabcot Pty Ltd and Mr Anthony Iannuzzi representing Woolworths, addressed the meeting at 5.11 pm, answered questions and retired at 5.26 pm.

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.

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

AGAINST: NIL

2.2 RZ/13/2012 - Proposed Rezoning - 2-10 Cams Road, Summerland Point

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

- 730/13 That a Planning Proposal be prepared to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan (SI LEP)) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, for the residential development of Pt 200 DP 1181286, 2-10 Cams Boulevard, Summerland Point.
- 731/13 That Council, forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.
- 732/13 That Council require, subject to the "Gateway Determination," the proponent enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 733/13 That Council authorise the General Manager (or delegate) to sign the Funding Agreement.
- 734/13 That Council enter into a Voluntary Planning Agreement with the Proponent, if required, which details the mitigation and management requirements for the site's *Tetratheca juncea*, should the proposal have a 'significant impact' on the species.
- 735/13 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".

2.1 RZ/10/2012 - Rezoning to Permit Woolworths Supermarket, Petrol Filling Station and limited Specialty Shopping at Wadalba

TRIM REFERENCE: RZ/10/2012 - D03368067

MANAGER: Martin Johnson, Manager Strategic Development

AUTHOR: Scott Duncan, Senior Strategic Planner

SUMMARY

Council is in receipt of a rezoning application (Planning Proposal) which seeks to remove existing planning constraints which restrict the development of a further supermarket and ancillary commercial facilities and infrastructure on vacant land adjacent to the Wadalba Village Centre.

The Planning Proposal is considered on balance to be worthy of Council support and subject to a satisfactory Gateway Determination (and additionally a satisfactory peer review of the accompanying Economic Impact Assessment and appropriate Urban Design Guidelines for the site and its neighbourhood integration) capable of proceeding to public exhibition/consultation.

Applicant	The Planning Group NSW Pty. Ltd.
Owner	Fabcot Pty Ltd
Description of Land	Lot 195 DP1006789 Figtree Boulevard, Wadalba
Site Area	Approximately 1.5 hectares
Existing Use	Vacant Land
Employment Generation	228 (+) jobs (operational) 55 direct / 88 indirect jobs (during construction)
Estimated Value	\$14 (+) million construction cost.

RECOMMENDATION

- 1 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.**
- 2 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.**
- 3 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.**
- 4 That Council request the General Manager to apply to accept plan making**

2.1 RZ/10/2012 - Rezoning to Permit Woolworths Supermarket, Petrol Filling Station and limited Specialty Shopping at Wadalba (contd)

delegations for the rezoning.

- 5** *That Council note that additional information will need to be submitted prior to proceeding to public exhibition/consultation.*
- 6** *That Council develop and exhibit appropriate Development Control Plan provisions to ensure consistency with the Planning Proposal and provide guidelines for future development.*
- 7** *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.*

BACKGROUND/INTRODUCTION

The owner of the land (Fabcot Pty Ltd) has previously sought to have the land rezoned in 2003 and lodged at the same time. This proposal was for a retail proposal comprising a 2,000m² Woolworths Supermarket and 500m² of Specialty shops (DA/2573/2003). The subject Development Application was refused by Council in 2004, with the refusal subsequently upheld by the NSW Land and Environment Court.

A Planning Proposal to rezone the land was submitted in 2009 by Fabcot Pty Ltd, but did not proceed to Council for consideration.

The owners, through Woolworths, have expressed a view that the time is appropriate for a second supermarket at Wadalba and have made a relevant Planning Proposal Submission (Refer to Enclosure 1) supported by an Economic Impact Assessment. Such Assessment importantly concluded that the Proposal will not result in an adverse impact on existing or proposed centres in Wyong and a view that the timing of new centres such as Wadalba East and Warnervale will also not be adversely affected.

Woolworths believe that the introduction of a second supermarket within an existing operational centre, such as Wadalba, will facilitate a broader choice for shoppers and generate competition in the marketplace, to the consumers' benefit. Furthermore, they believe other public benefits will accrue beyond the site boundaries, including improved accessibility and safety and parking within the broader precinct.

THE PROPOSAL

The Planning Proposal Submission (rezoning application), submitted by Fabcot Pty Ltd, seeks to amend the existing planning controls under Wyong Local Environmental Plan 1991 to enable a second full-line supermarket, a petrol station and a specialty shop to be developed by Woolworths, in the Wadalba Village.

The subject site comprises approximately 1.5 ha of generally flat, vacant, sparsely vegetated land situated at the corner of the Pacific Highway and Figtree Boulevard, Wadalba. It also has frontage to Orchid Way and an "intervening" open storm water drainage channel. A relevant site plan/context plan is provided as Attachment 1. No direct access is available to the Pacific Highway. It is situated adjacent to an existing school and opposite an existing Coles Supermarket.

2.1 RZ/10/2012 - Rezoning to Permit Woolworths Supermarket, Petrol Filling Station and limited Specialty Shopping at Wadalba (contd)

More particularly, it is noted that the proposed supermarket would provide some 3,200 square metres of floor space, the specialty shop would be 80 square metres and the petrol station would comprise bowsters a convenience store. Supplementary provision for approximately 200 at grade car parking spaces and complementary civil/drainage/landscape works is proposed.

It should be noted that a Concept Plan of the proposed development and its potential integration with the immediate neighbourhood was initially submitted and subsequently withdrawn by the Applicant. The withdrawal had regard to what is considered to be a narrow interpretation of Section 117 Direction 6.3, subclause (5) which states that "a planning proposal must not contain or refer to drawings that show details of the development proposal".

Having had limited access to a former Concept Plan, as cited above, it is considered that the site has the capacity to accommodate development of the nature proposed.

Submission of a Concept Plan, post Gateway, is however considered to be fundamental to communicating (in simple layout terms/outline urban design principles) with the community and statutory authorities. Any such plan should clearly not be "tied" to any rezoning proposal, as would appear to be the underlying intent of the clause 6.3 (5). It could, however, inform a future Development Control Plan amendment, with potential implications for the immediate precinct particularly in terms of enhanced accessibility, stormwater management and the public domain generally.

REVIEW OF THE PROPOSAL

The Draft Planning Proposal has been reviewed in the context of:

- * The Central Coast Regional Strategy: 2006-2031.
- * The North Wyong Shire Structure Plan, 2012.
- * Draft Review of Wyong Retail Centres, 2012.
- * Wyong Local Environmental Plan, 1991.
- * Draft Wyong Local Environmental Plan, 2012.
- * Wyong Development Control Plan, 2005.
- * Draft Wyong Development Control Plan, 2012.
- * The accompanying Economic Impact Assessment.
- * Section 117 Ministerial Directions.
- * State Environmental Planning Policies.
- * Council's relevant corporate planning strategies and policies.

2.1 RZ/10/2012 - Rezoning to Permit Woolworths Supermarket, Petrol Filling Station and limited Specialty Shopping at Wadalba (contd)

Current Planning Provisions

The land is currently zoned 2(e) (Urban Release Zone) under Wyong Local Environmental Plan, 1991. In accordance with the relevant provisions, the proposed development which includes a "large scale retail establishment and service station" is precluded by the subject zoning.

Further, Clause 59 enables certain forms of retail development including one local Shopping Centre at Wadalba. Development is also limited to 1,000m²; it being noted that a 1,500m² Coles supermarket currently exists. Accordingly, the presence of an existing supermarket "local shopping centre" precludes the proposal.

Proposed Planning Provisions-Draft Wyong LEP, 2012 (DWLEP, 2012)

The recently exhibited DWLEP, 2012 proposes to zone the subject land and surrounding land R2 – low density residential. Shops are limited to 125m² in the form of neighbourhood shops, whilst service stations are prohibited, thereby precluding the Proposal. The adjoining Coles Supermarket and specialty shops are proposed to be zoned B2 – Local Centre.

Development Control Plan 2005: Chapter 49 – Warnervale East/Wadalba North West and draft Wyong, DCP, 2012

The subject chapter includes a Masterplan and design requirements which are over a decade old and have in some respects "fallen short" of delivering the envisaged outcomes. In particular the Village Core has not evolved as envisaged, nor the projected higher density housing forms. The precinct is dominated by vehicle movements and some level of pedestrian conflict together with infrastructure that contributes little to the quality of the public domain.

Draft Wyong Development Control Plan, 2012-Section 6.17 has significantly improved these provisions, but some minor refinements to support the progression of the Planning Proposal are required.

The rezoning will expand the size of the retail centre from a "neighbourhood" to "village" centre due to the increase in retail floor space. It is important that the proponent demonstrates how the proposal will be integrated and connected to adjoining development eg. Coles supermarket, specialty retail shops, Wadalba High School and drainage channels.

Submission of supporting Urban Design Guidelines to enable Council to make revisions to DCP 2012 – Section 6.17 will be required. This will need to be publicly exhibited with any rezoning proposal. The proposal should make a positive contribution towards the public domain and address pedestrian connectivity issues between different land uses outside of the area. No information has been submitted to demonstrate how the proponent will address urban design, public domain and landscape treatment issues. The site is also on the corner of Figtree Boulevard and Pacific Highway which is a visually prominent site. There is a need to ensure that the site is treated with the appropriate landscaping and/or public art/signage to establish a high quality entry statement for this significant site.

2.1 RZ/10/2012 - Rezoning to Permit Woolworths Supermarket, Petrol Filling Station and limited Specialty Shopping at Wadalba (contd)

Central Coast Regional Strategy 2006-2031

The Plan represents the long term landuse plan for the region comprising Wyong Shire and Gosford City and contains a series of policies and actions designed to cater for the Region's projected housing and employment growth over the period to 2031.

The Proposal is considered to be consistent with the Strategy and particular the identification of Wadalba as a Village (refer below).

Additionally, the Proposal has the potential to be consistent with the principles of Integrated Landuse and Transport (Action 4.21) and is situated within a Centre (Action 5.11).

The North Wyong Structure Plan, 2012

This Plan identifies where and when development is planned to occur and ensures sufficient land exists to meet regional housing and employment targets. In this context Wadalba is identified as a "Village" and is expected to provide for a group of shops and services for daily shopping (as defined in the Sydney Metropolis Strategy).

The growth of the Wadalba Centre in response to the Proposal is not considered likely to prejudice the ultimate establishment of a centre at Wadalba East nor the program for development of the Warnervale Centre. Further, it will support the emerging local residential communities.

Draft Review of Retail Centres, 2012

A review of Council's current Retail Centre's strategy was undertaken by Don Fox Planning 2012 and is currently in draft form for Council's consideration.

The Draft Report concluded that there are significant opportunities to expand the supply of retail floorspace within Wyong Shire's retail network including the Northern areas of the Shire. More specifically, the Draft Report concluded there was capacity for the Wadalba Centre to expand in the short term. Council's consultant assessed the impact of an additional 2,000m² of retail floorspace from a new supermarket and 500m² of specialty retail shops at the Wadalba centre Don Fox concluded that this may be supportable after 2016. Whereas, the proposal by Woolworths involves 3,200m² of supermarket retail floorspace and 80m² of specialty retail floorspace.

It is recommended that Don Fox Planning be engaged (at the Proponents expense) to review the proponents conclusions in the light of these differences and also undertake a peer review of the submitted Economic Impact Statement. This work need not occur prior to referral of a relevant Planning Proposal to the DOP&I for a Gateway Determination. However, it will be required prior to the commencement of public exhibition.

Economic Impact Assessment, January, 2013 (compiled by the Applicant)

The Proposal is accompanied by an Economic Impact Assessment which was commissioned by the Proponent.

The Assessment concluded that the proposed additional supermarket floorspace will not negate the proposed Wadalba East Village Centre or Warnervale District Centre, or

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unreasonably affect any other existing retailing. Other salient conclusions are reproduced in Attachment "2".

Section 117 Directions

The proposal has been assessed on a preliminary basis against the Section 117 Ministerial Directions. The assessment is summarised in Attachment 3 of this report.

The final consistency of the proposal against a number of S117 Directions is subject to the outcomes of additional investigations, should the proposal be supported by Council and the Gateway.

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPP). The assessment in full is summarised in Attachment 4 of this report.

OPTIONS

Option 1 – Progression of Proposal as Proposed

This report recommends preparation of a Planning Proposal and referral to Department of Planning and Infrastructure for a Gateway Determination.

The delayed completion of additional work is not considered likely to be prejudicial to the logical advancement of the Planning Proposal and will facilitate a Gateway Determination prior to the commitment of additional resources.

Accordingly, this option is recommended.

Option 2 – Delay Progression until Additional Information/Investigative Studies Completed

As an alternative to Option1, Council could request the Economic Impact Assessment Peer Review, Urban Design Guidelines, final contamination analysis, DCP Amendment and Section 94 review be undertaken by the Proponent prior to a Planning Proposal being forwarded to the DoPI for consideration.

This would expose the proponent to increased resourcing in the absence of a Gateway Determination.

This option is therefore not recommended.

Option 3 – Refuse to Progress the Proposal

A review of a decision to refuse the Proposal (triggered by the applicant), pursuant to the review provisions of the EP&A Act, would likely lead to a positive Gateway decision to advance the Planning Proposal.

The utilisation of planning resources in the review process could be better devoted to advancing the Proposal.

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This option is not recommended.

STRATEGIC LINKS

Long term Financial Strategy

Under the Financial Strategy, it is essential that this Planning Proposal achieves the following funding arrangements:

1. To this point the processing of the rezoning application has been funded by fees lodged for Phase 1 Rezoning Applications in accordance with Council's Annual Plan – Fees and Charges.

Further costs of processing the application are able to be satisfied through establishing a funding agreement with the developer prior to the application reaching the next stage of assessment in accordance with Council's Planning Proposal Procedure.

2. The development is to contribute to the cost recovery or funding of any services and or facilities occasioned by the development. This is expected to be satisfied through existing developer contribution plans.
3. Any new transport, water or sewer services infrastructure, required to service the development that is not identified in an existing contribution plan, is to be fully funded by the developer.
4. Development should optimise cost recovery for services and facilities (water, sewer, drainage, waste) through rate and annual levy charges. This is a development design consideration addressed at development application stage.
5. New assets required to service the development should be minimised as far as possible, without compromising quality or sustainability outcomes.
6. The proposal should demonstrate and achieve net community benefits.

Asset Management Strategy

The ongoing maintenance of water supply services, sewerage services, drainage services and stormwater management are funded through annual charges levied by Council. The location of the site, facilitates future development utilisation of existing major infrastructure of roads, sewerage treatment and water supply. Any augmentation/"lead in" costs shall be met by the developer.

Workforce Management Strategy

To this point the rezoning application has been processed by Council staff and funded by the developer in accordance with the requirements of Council's Strategic Plan. Future funding will also be in accordance with Council's Strategic Plan and subject to a Planning Proposal Funding Agreement between the applicant and Council.

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Link to Community Strategic Plan (2030)

The Community Strategic Plan identifies 8 priority objectives, each supported by a range of actions. The level of consistency of the Planning Proposal is summarised as follows:

1. Communities will be vibrant, caring and connected.

The proposal seeks to add an extra dimension to local shopping and services for the immediate Wadalba and Warnervale communities. Increased informal community socialising will occur and shared visits to the centre.

2. There will be ease of travel.

The subject site is on a major bus route and directly accessible from the local collector road - Figtree Boulevard and local road – Orchid Way.

Opportunities for enhancing pedestrian and cycle movements in the immediate precinct will emerge in response to the Proposal.

3. Communities will have a range of facilities and services.

The proposal has the potential to increase the range of services and facilities available to the public as previously identified.

4. Areas of natural value will be enhanced and maintained.

The subject site has been extensively cleared in the past. Implementation of Water Sensitive Urban Design drainage practices as part of the Proposal will introduce a naturalistic element. Complementary landscaping will enhance the immediate biodiversity values.

5. There will be a sense of community ownership of the natural environment.

Not relevant

6. There will be a strong sustainable business sector.

The Proposal will immediately increase the vitality of the Centre. The Economic Impact Assessment prepared by the proponent concluded that trade impacts on other local supermarkets are likely to be short term and not considered a threat to the long term sustainability of an enhanced level mix of such facilities, particularly given local population projections. The significant short term construction employment and potential local materials sourcing will reflect positively in the local economy, and similarly permanent employment will have a positive economic impact.

7. Information and communication technology will be world's best.

While the proposal is unlikely to directly contribute to this objective, the proposed land uses will demand that suitable levels of communication technology are in place.

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8. The community will be educated, innovative and creative.

The proposal will provide employment and as a consequence workforce “supported” opportunities to pursue further education.

Budget Impact

As referenced previously, the processing of the Planning Proposal is being funded by the developer in accordance with the requirements of Council’s Strategic Plan – Statement of Revenue Policy. The ongoing funding will be confirmed by the completion of a Planning Proposal Funding Agreement between Council and the applicant.

CONSULTATION

The proposal was referred to a cross section of Council staff representing diverse interests.

Comments received have informed the assessment of the proposal and the need for additional supporting/investigative documentation.

Initial contact and communication with the Proponent has faltered with the Proponent pursuing a Pre Gateway Review for non determination of the Planning Proposal Submission as detailed below.

Future community and government agency consultation requirements will be outlined by the Gateway Determination, should a positive Gateway Determination be made.

GOVERNANCE AND POLICY IMPLICATIONS

The processing of the Planning Proposal is being undertaken in accordance with Council’s adopted procedure.

Rezoning of the land is undertaken by preparing an amendment to the local environmental plan (currently Wyong LEP 1991) through progressing of a Planning Proposal under sections 55-59 of the Environmental Planning and Assessment Act 1979.

Section 55 requires Council to prepare a Planning Proposal that explains the intended effect of the amendment to the LEP and sets out the justification for the amendment. Section 55 specifies matters to be included in the Planning Proposal.

Section 56 provides that Council submit the Planning Proposal to the Minister (DoPI) for a Gateway Determination. DoPI will advise whether or not the matter should proceed (with or without variation), and may specify further studies or modifications to the Proposal, community and government agency consultation requirements and other matters.

The timing of the making of draft Wyong LEP 2012, which is in the Standard LEP format, will affect the Planning Proposal. It is anticipated that the Planning Proposal will form an amendment to Wyong LEP 2012.

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MATERIAL RISKS AND ISSUES

Corporate risks to be addressed for the Planning Proposal are:

1. Infrastructure Provision:
 - a. Ensure future development of the land is subject to existing Contribution Plans,
 - b. Ensure any new infrastructure required to service the development is funded by the developer or able to be recovered through developer contributions (depending whether infrastructure is already identified in Contributions Plan/s, or the Contributions Plan/s require updating).
2. Service Capacity
 - a. Ensure existing water and sewer headworks and mains have capacity to cater for the increased load, and identify any necessary upgrades required,
 - b. Ensure any upgrades are funded by the developer,
3. Sustainability
 - a. Ensure stormwater/drainage infrastructure embraces principles of Water Sensitive Urban Design and is designed to cater for increased storm intensities predicted to occur as a result of climate change,
4. Political
 - a. Ensure the community consultation process is open and transparent,
 - b. Ensure Councillors are adequately briefed,
5. Certification/Governance
 - a. Ensure appropriate consultation with other levels of government during the consultation phase,
 - b. Ensure legislative procedures for Planning Proposals are followed. (Refer also to Pre Gateway Review below)
6. Asset Management
 - a. Assess long term maintenance requirements and renewal costs of proposed new assets and the capacity for rate/levy income from future development to fund these costs.

PRE GATEWAY REVIEW

The Applicant submitted a pre-Gateway review request to the Minister for Planning and Infrastructure on 25 February 2013 in response to Council's non determination of the subject Planning Proposal within 90 days of lodgment.

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Council was invited by the Department of Planning and Infrastructure on 27 March, 2013 to provide its views about the Proposal and/or an account of why the Proposal had not been progressed.

A copy of Council's response forms Attachment "5".

In brief, Council communicated that the Planning Proposal from the date of lodgment has had a range of information deficiencies which were addressed on 7 February, 2013 and 14 April, 2013.

A Peer Review of the Economic Impact Assessment and preparation of Urban Design Guidelines remain outstanding but can be deferred until the exhibition/consultation phase. Similarly, a DCP Chapter amendment, Developer Contribution Plan amendment and more rigorous contamination investigations were noted to be requirements prior to the finalisation of the rezoning proposal.

It is understood that the Pre Gateway Review process is continuing concurrently with Council's advancement of the Planning Proposal.

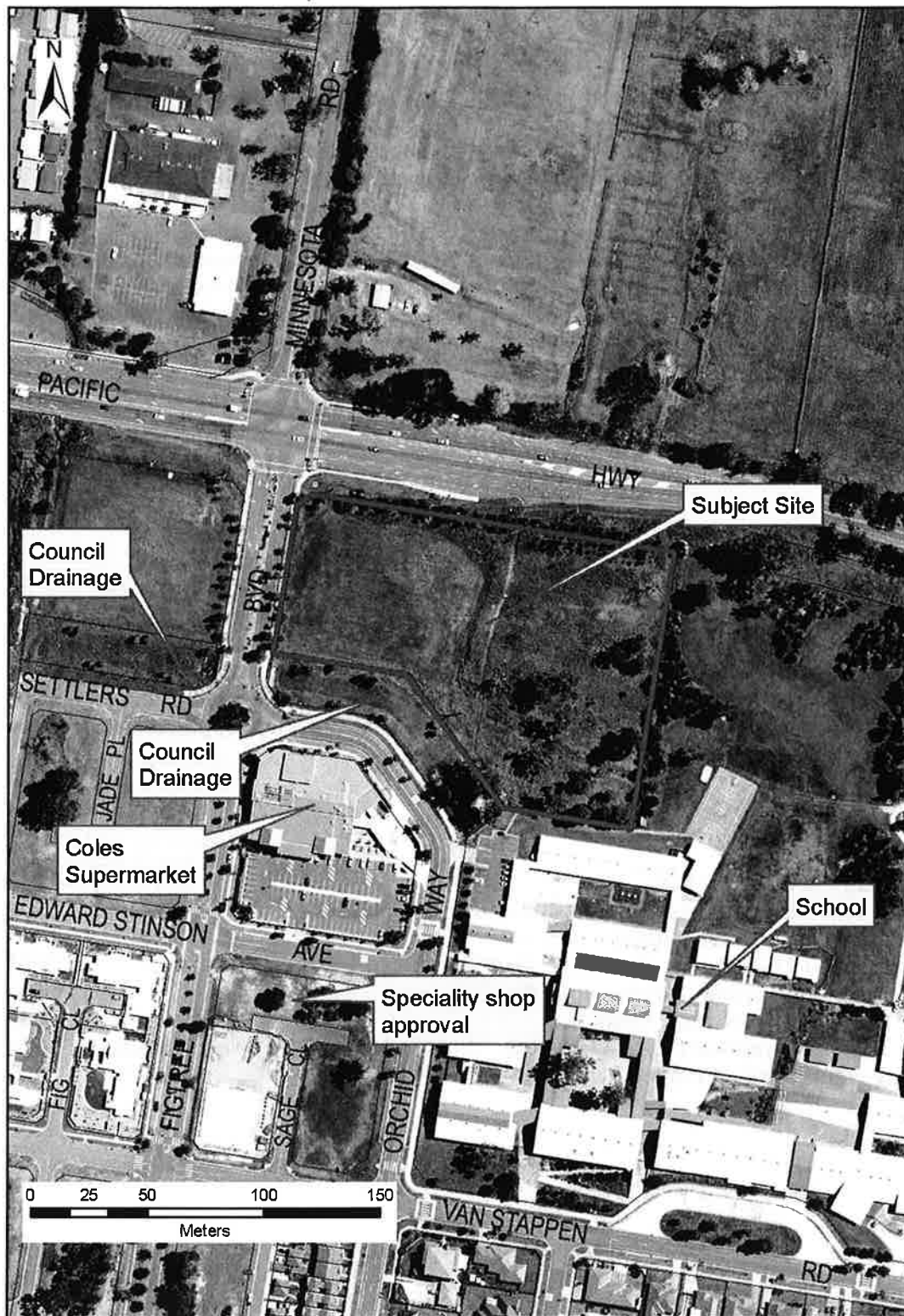
CONCLUSION

This report seeks Council's endorsement to prepare and submit to the DoPI, a Planning Proposal for a site which is adjacent to the Wadalba Village Centre.

The proposal for a further supermarket and limited specialty shopping and a service station will provide enhanced local access to goods and services, the prospects of an enhanced public domain significant short term and permanent employment opportunities is supported.

ATTACHMENTS

1	Site Plan/Context Plan		D03382376
2	Economic Impact Assessment Observations/Conclusions (Location, January, 2013)		D03375928
3	Section 117 Direction Overview		D03376025
4	State Environmental Planning Policy Overview		D03375963
5	Pre Gateway Review Response		D03375901
6	Planning proposal prepared by TPG - WLEP Wyong LEP 1991 - Woolworths - 1 Figtree Blvd WADALBA - RZ/10/2012	Enclosure	D03262301



Economic Impact Assessment Observations/Conclusions

(Location, January – 2013)

Salient observations/conclusions included:

- The development will result in a significant improvement in the range of food and grocery supermarket facilities that will be available to residents, improving choice of location and also allowing for price competition.
- Residents of the region will be provided with a wider range of affordable and conveniently located food and grocery facilities in close proximity to their homes.
- The development will result in reduced travel times and fuel costs for the surrounding population.
- The development will create additional employment, both during the construction period, and more importantly, on an ongoing basis once the project is completed and operational.
- The development will strengthen Wadalba Village as the major food and grocery destination for Wadalba residents, preventing the need to fragment the retail offer.
- It is concluded that the combination of the substantial positive economic impacts from the proposal, serve to more than offset the trading impacts that could be anticipated for a small number of the existing retail stores in the region, particularly the high performing supermarkets. Further, the impacts would not threaten the viability of any of these retailers or centres.

	NR: Not Relevant C: consistent JI: Justifiably Inconsistent			
No.	S.117 (2) Directions	NR	C	JI
1.	Employment & Resources			
1.1	Business and industrial Zones		✓	
1.2	Rural Zones	✓		
1.3	Mining, Petroleum Production and Extractive Industries	✓		
1.4	Oyster Aquaculture	✓		
2	Environment & Heritage			
2.1	Environmental Protection Zones	✓		
2.2	Coastal Protection	✓		
2.3	Heritage Conservation		✓	
2.4	Recreation Vehicle Areas	✓		
3	Housing, Infrastructure and Urban Development			
3.1	Residential Zones		✓	
3.2	Caravan parks and Manufactured Home Estates	✓		
3.3	Home Occupations	✓		
3.4	Integrating Land Use and Transport		✓	
3.5	Development Near Licensed Aerodromes	✓		
4	Hazard and Risk			
4.1	Acid Sulphate Soils	✓		
4.2	Mine Subsidence and Unstable Land		✓	
4.3	Flood Prone Land	✓		
4.4	Planning for Bushfire Protection	✓		

5	Regional Planning			
5.1	Implementation of Regional Strategies		√	
5.2	Sydney Drinking Water Catchments	√		
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	√		
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	√		
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	√		
5.6	Sydney to Canberra corridor	√		
5.7	Central Coast	√		
5.8	Second Sydney Airport: Badgerys Creek	√		
6	Local Plan Making			
6.1	Approval and Referral Requirements	√		
6.2	Reserving Land for Public Purposes	√		
6.3	Site Specific Provisions		√	
7	Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	√		

State Environmental Planning Policy (including Relevant Deemed SEPPs) Overview

SEPP	Not Relevant	Justifiably Inconsistent	Consistent
SEPP No. 22 – Shops and Commercial Premises			√
SEPP No.55 – Remediation of Land			√
SEPP No.64 – Advertising and Signage			√
SEPP (Infrastructure) 2007			√
SEPP (Exempt and Complying Development Codes) 2008			√
SEPP No.44 Koala Habitat Protection			√



KC/Graham Pascoe/Scott Duncan
RZ/10/2012

6 May 2013

The Executive Director
Att: Mr McGaffin
Rural and Regional Planning
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2011

Dear Mr McGaffin

REQUEST FOR PRE GATEWAY REVIEW – WOOLWORTHS, CORNER PACIFIC HIGHWAY/FIGTREE BOULEVARD, WADALBA - RZ/10/2012

I refer to your letter of 27 March, 2013 in respect of the abovementioned matter specifically inviting Council comment pertaining to the proposal and/or the reasoning as to why the original request to Council was not progressed.

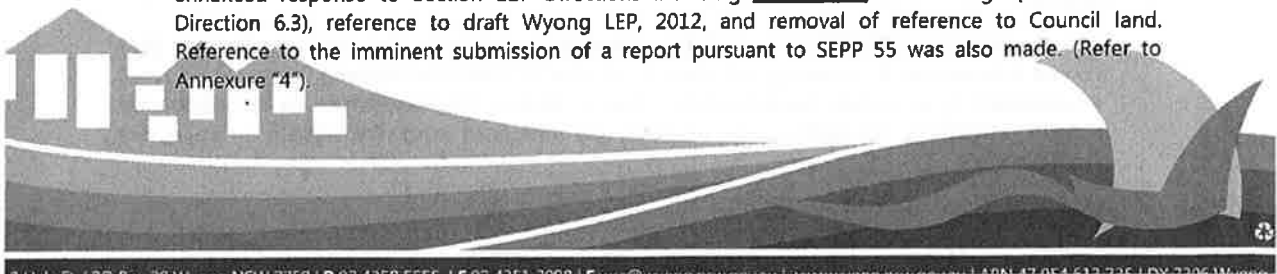
Overview-Progress of Planning Proposal Submission

A Progress Synopsis of the subject Planning Proposal is produced as Annexure "1". In summary a Planning Proposal was lodged with Council on 20 September, 2012 and was subject to a preliminary "Desk Top" review. Insufficient information was available to conclude such review.

In response Council sought to convene a meeting with the Applicant to discuss Council's preliminary review conclusions and develop a consensus strategy for advancement. Initial contact with the Applicant on 16 November, 2012 foreshadowed such a meeting. The meeting was eventually scheduled for 13 December, 2012 after some significant challenges in getting the consultant to attend a meeting at Council.

Brief background notes were prepared to inform the subject meeting and form Annexure "2". The conclusions arrived at the subject meeting formed an "Advancement Strategy" and were communicated to the Applicant on 19 December, 2012 (Refer to Annexure "3").

Numerous attempts to contact the Applicant to discuss progress in terms of the "Advancement Strategy" during January and early February, 2013 proved to be unsuccessful. On the 7 February, 2013 the Applicant contacted Council, acknowledging Council's attempted contact and furnished an amended Planning Proposal inclusive of; inter alia, a revised Economic Impact Assessment (EIA), an enhanced response to Section 117 Directions including removal of all drawings (reference 117 Direction 6.3), reference to draft Wyong LEP, 2012, and removal of reference to Council land. Reference to the imminent submission of a report pursuant to SEPP 55 was also made. (Refer to Annexure "4").



The removal of Plans is considered to represent a very narrow interpretation of Section 117 Direction 6.3 - Site Specific Provisions and is counterproductive to attempts to progress a relevant Planning Proposal, particularly in terms of reporting to Council and meaningful consultation with the State Agencies/Authorities and the Community. It is noted that the concept plans have also been removed from the revised Planning Proposal (received 7 February 2013) inclusive of the Traffic Report and Economic Impact Assessment (EIA).

In the preceding regard it is acknowledged that a Planning Proposal would not reference Site Specific Plans. Urban Design Principles would, however, be noted, together with the need to revise DCP 2005 – Chapter 49 Warnervale East and Wadalba North West Urban Land Release Area and prepare on amendment to the prevailing Section 94 Contribution Plan; the latter two which would need to be finalised before forwarding a relevant Planning Proposal to the Minister for finalisation as an LEP amendment.

Council also obtained a Fee Proposal from the author of its Retail Centres Review to conduct a peer review of the EIA and communicated the same to the Applicant on 8 March, 2013. Despite numerous requests in respect of its acceptability the Applicant has not responded.

On 14 April, 2013 the Applicant also furnished a Phase 1 Environmental Site Assessment Report (SEPP 55) which apart from identifying some potentially contaminated on-site stockpiles and dumped waste material was inconclusive in the absence of intrusive investigation. It was similarly inconclusive in respect of prevailing ground conditions generally in the absence of intrusive investigation methods. The limitations of the subject report are of a nature which would not prevent an initial Report to Council.

Council Position

Council has long held a view that the Planning Proposal seeking to amend prevailing planning provisions to ultimately facilitate development of a Supermarket, Service Station, limited specialty retailing and associated landscaping and support infrastructure is potentially "supportable" at Wadalba, subject to; independent economic review and appropriate urban design outcomes (in a site specific and neighbourhood integration context).

"The proposal is deemed to have merit, but further justification is required".
(Council Background Notes – Meeting with Applicant and Proponent
13 December 2012).

However, it is stressed that a formal decision of Council to support this rezoning is yet to be obtained and would still be required even if a positive "Gateway" determination is obtained.

After the meeting of 13 December, 2012 with the Applicant and Proponent it was considered that there was consensus and enthusiasm to proceed collaboratively to develop a relevant Planning Proposal in a timely manner, as detailed in the "Advancement Strategy" dated 19 December, 2012 (Refer to Annexure "3").

With the additional information submitted by the Applicant on 7 February, 2013 and 14 April, 2013 Council believes that it is nearing a position to be able to report the Planning Proposal to Council accompanied by a positive recommendation that a Planning Proposal (based on the substantive material supplied by the Applicant) be prepared and referenced to the Department for a Gateway Determination.

It is, however, considered fundamental that a concept layout plan depicting the proposal and its integration with the immediate precinct be submitted so as to inform the report to Council and foreshadowed Gateway Referral.

More detailed urban design guidelines, a peer review of the Economic Impact Analysis and more rigorous traffic impact analysis and contamination investigations although desirable could potentially be deferred to after a Gateway Determination. (Refer to Annexure "6").

More comprehensive urban design work, traffic impact analysis and contamination investigations could potentially be deferred and completed prior to community consultation.

Pre Gateway Review

For non determination of the Planning Proposal indeed Council holds firmly to the view that it has only been in receipt of a substantive Planning Proposal since 7 February, 2013, and even now advocates the need for a Concept Layout Plan as a minimum. This being the case the 90 day time limit for Council determination is only now coming due on the date of this response.

Further, Council remains exceedingly disappointed, in the light of the meeting of 13 December, 2013 outcomes, that the Applicant and Proponent have taken the subject course of action which has only distracted from finalising submission of a relevant report to Council offering qualified endorsement of the Planning Proposal proceeding to a Gateway Determination.

Conclusion

The subject Planning Proposal from the date of its lodgement has had a range of information inadequacies. A program for advancing a relevant Planning Proposal was documented on 19 December, 2012 after meeting with the Applicant and Proponent and was understood to represent a consensus view and provide a framework for collaboratively advancing a Planning Proposal.

The Applicant has proceeded to submit additional information on 7 February, 2013 and 14 April, 2013, but has removed all plans, plans considered essential to communicating the proposal to Council, the community and State Government Agencies/Authorities.

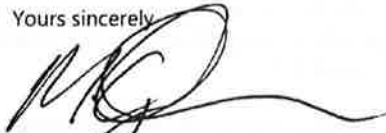
A satisfactory Peer Review of the accompanying Revised Economic Impact Assessment (funded by the Applicant/Proponent), together with appropriate Urban Design documentation for the site and its integration into the Wadalba Village Centre would enable Council to finalise the necessary documents to publicly exhibit the Planning Proposal.

It is noted that completion of the DCP Chapter amendment (including relevant data inputs) Developer Contribution Plan amendment, and more rigorous contamination investigation will be required before forwarding the Planning Proposal to the Minister for finalisation as an LEP amendment.

I trust this information enables the Department and Joint Regional Planning Panel to understand the progress of the subject Planning Proposal and the prospects of potential imminent Council support.

Should you require clarification of any of the foregoing please do not hesitate to initially contact Scott Duncan, Senior Strategic Planner, on 4350 5547 or Graham Pascoe, Contractor, on 02 4350 1302 (Thursday – Friday).

Yours sincerely,

A handwritten signature in black ink, appearing to be 'MJ', with a long horizontal flourish extending to the right.

Martin Johnson
Acting Manager
STRATEGIC DEVELOPMENT

ANNEXURE "1"**WOOLWORTHS PLANNING PROPOSAL – WADALBA (RZ/10/2012)****(Progress Synopsis) as at 8/3/13****Lodgement**

Planning Proposal lodged with Council (20/9/12)

Internal Referrals

Issued 16/10/12

Comments received October/November, 2012

Progress Update with Proponent Consultant

Foreshadowed meeting to discuss overview in December, 2012. (16/11/12)

Meeting Co-ordination

23/11/12

Meeting Between Council, Proponent and Proponent Consultant

13/12/12 (Refer to background briefing at Annexure "2")

Advancement Strategy

Strategy developed having regard to abovementioned meeting outcomes and issued on 19/12/12. Focus on a collaborative approach. (Refer to Annexure "3" inclusive of Attachment "A")

Attempted Contact with Proponent Consultant

Numerous phone and email attempts to contact Proponent Consultant (acknowledged by Consultant):- mid/late January and February, 2013. (Refer to Attachment "3" pages 2 and 3)

Planning Proposal Amendment

Submission of amended Planning Proposal by Proponent's Consultant (7/2/13)

Principle amendments included:

- Revised Economic Assessment (EIA), removal of all plans, revised response to Section 117 Directions, update having regard to DWyong LEP, amended mapping and removal of reference to Council land.
- Foreshadowed submission of SEPP 55 Report.

(Refer to Annexure "4" Page 1)

Acknowledgment of Amended Documentation

Receipt of amended documentation communicated accompanied by advice feedback would be provided shortly.

Securing of a fee proposal for review of the EIA was communicated by Council.

Commitment by the Proponent to the suggested Design Workshop was questioned. (8/2/13)

Progress Update

Proponent consultant was advised that a proposal to review the EIA would be communicated shortly. Removal of all plans and "narrow" interpretation of 117 Direction 6.3 questioned by Council.

Question posed again in respect of commitment to design workshop. (22/2/13) (Refer to Annexure "5")

Proposed peer review of EIA submitted to Proponent Consultant for endorsement, together with requested response to email of 22/2/13 cited above. (8/3/13)

ANNEXURE "2"**Woolworths Wadalba Shopping Centre Proposal**

(Background Notes for meeting – 13 December 2012)

1.0 Introduction

Several matters will need to be addressed to advance the Planning Proposal, generally they do not require final resolution before the report is submitted to Council. However work can commence on these pre "Gateway" to progress the rezoning in the event of a positive determination.

Some of the additional design work mentioned below will need to be undertaken collaboratively with Council.

2.0 Strategic Context/Economic Impact

- The accompanying economic assessment and peer review is dated (2009) and prepared in respect of a different proposal (2000m2 supermarket, 500m2 speciality shops, a service station).
- Further, Council's Draft Retail Strategy Review referring to the former proposal identifies the prospect of 2,000m2 supermarket and 500m2 of speciality shops as potentially supportable after 2016.
- The timing relationship relative to Woolworths Warnervale Town Centre commitment requires clarification, as to does the impact upon Lakehaven and potentially Wadalba East in particular.

Actions

- **Need for revised economic impact assessment, potentially via Council's current Retail Review.**
- **Consultant need for clarification of timing of proposal.**

3.0 Urban Design/Masterplan

- The site planning produces some on-site conflicts and challenges in respect of service infrastructure and integration with the broader neighbourhood; including
 - Suburb/Centre entry statement
 - Service vehicle conflicts on site.
 - Potential traffic queuing to enter service station.
 - Pedestrian vehicle conflicts.
 - Location of bus stop.
 - Interface with surrounding development.
 - Potential stormwater management
- The proposal also provides the prospect of contributing positively to revised masterplanning of the broader precinct.

Actions

- **Review design and better integrate with an enhanced precinct masterplan.**
(Potentially undertake collaboratively with Council)

4.0 Enhancement Opportunities

The Proposal provides prospects of:

- Contributing to an enhanced precinct masterplan
- Implementation of water sensitive urban design practices.
- Upgraded integration with surrounding precinct, including alternative movement means.
- Exploring infrastructure rationalisation.

Actions

- **Examine opportunities to contribute towards enhanced urban outcomes.**

5.0 Section 117 Directions

A more rigorous review of Section 117 Directions and in particular:

- 1.1 Business and Industrial Zones
- 3.4 Integrating Landuse and Transport
- 4.2 Mine subsidence and Unstable Land
- 5.1 Implementation of Regional Strategies

Actions

- **Enhance commentary in respect of the above mentioned 117 Directions.**

Other Issues

- There are a number of traffic matters which require further clarification, at a future point in time including; interalia, revised traffic counts, modelling and manoeuvring.
- A Phase 1 Contaminated lands investigation should be undertaken at a future point in time.
- Revised development guidelines consistent with the new masterplanning outcomes will need to be addressed at a future point in time. These will be incorporated into DCP 2005 – Chapter 49 – Warnervale and Wadalba East Urban Land Release Area.

Conclusion

The proposal is deemed to have merit, but further justification is required. A collaborative masterplanning phase should potentially be commenced as a priority, but need not be finalised before reporting the Planning Proposal Submission to Council.

A limited number of additional (actions will also need to be undertaken to progress the Planning Proposal, both “pre Gateway” and “post Gateway).

ANNEXURE "3"



KC/Scott Duncan
RZ/10/2012

19 December 2012

Att: Marian Higgins
TPG
PO Box 1612
NORTH SYDNEY NSW 2059

Dear Marian

RE: PLANNING PROPOSAL WOOLWORTHS, WADALBA RZ/10/12

May we initially thank you for your attendance at the recent meeting to discuss Council's preliminary review of the subject Planning Proposal (PP) and the development of a collaborative approach for advancing the PP inclusive of the masterplanning of the immediate precinct.

The salient conclusions of the meeting are summarised as follows:

The Proponents undertake

- To prepare an updated Economic Impact Assessment (and Peer Review if desired) (End January, 2013).
- To fund a review of the revised assessment by Council's current Retail Planning consultant Don Fox Planning (Beginning February, 2013).
- To resource a Council/Proponent workshop on Council premises to advance the conceptual design and masterplanning of the immediate precinct to support the upgrading of the existing Wadalba 'neighbourhood' centre to a village centre.

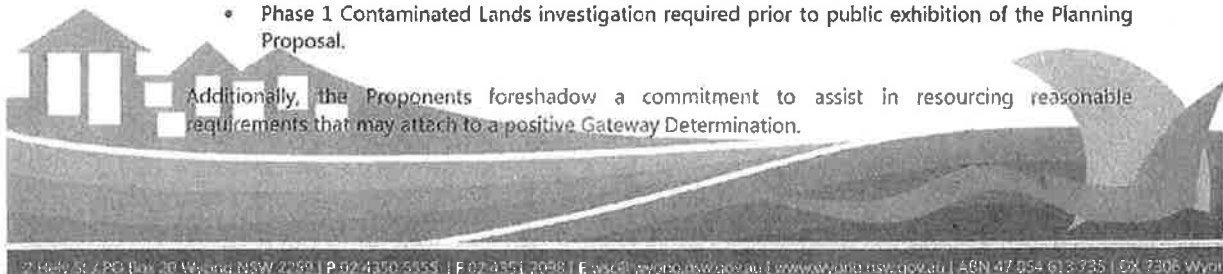
Note 1

Council will provide a venue to meet which will include a cross-section of staff representing town planning/urban design, traffic/transport/accessibility planning, social planning, stormwater/hydraulic design. The Proponent will provide urban design/masterplanning, town planning, stormwater management traffic/transport/accessibility and project design expertise.

Note 2

- The subject conceptual design/masterplanning exercise does not need to be completed, prior to reporting the Planning Proposal to Council.
- Relevant Section 117 Directions need to be embellished as discussed at our meeting.
- Phase 1 Contaminated Lands investigation required prior to public exhibition of the Planning Proposal.

Additionally, the Proponents foreshadow a commitment to assist in resourcing reasonable requirements that may attach to a positive Gateway Determination.



Council undertake

- To refer the revised Economic Impact Assessment to Don Fox Planning for review (subject to Proponent funding).
- To target a report to Council for consideration of advancing the PP (subject to a positive statement from Don Fox Planning) in mid/late March, 2013.
- To address all relevant statutory matters to provide a planning framework to facilitate consideration of a relevant Development Application (excluding DCP amendment).
- To forward preliminary traffic review comments in respect of the current PP submission (Refer to Attachment "A").
- To check the designation of the drainage reserve.
- To facilitate forwarding the PP to the Department of Planning and Infrastructure for a Gateway Determination in a timely manner, in the event of a positive Council decision (a potential target date in April, 2013, all other things being equal, would appear to be reasonable).
- Additionally, Council foreshadows an amendment to the prevailing DCP, based on the Concept/Masterplanning work.

Future Funding

It is noted that the Phase 2 funding amounts to \$8,808.00 (equivalent of 60 hours) plus a bond of \$8,808.00. The Phase 3 funding is noted to be \$5,873.50 (equivalent of 40 hours) plus a bond of \$5,873.50.

You are further advised that in the event that the Phase 2 bond is not fully expended the residual value will be assigned to the Phase 3 payment and bond requirements.

At the project conclusion if all monies are not fully expended, a reconciliation will occur and reimbursement will occur. Should the progress instalments and bond not meet the full costs incurred by Council, additional time expended will be charged out in accordance with the prevailing fee in Council's adopted schedule of Fees and Charges.

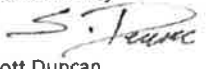
A copy of Council's Funding Agreement will be provided early next year.

It should be noted that the preceding information, particularly indicative timeframes, has been provided in good faith.

Council looks forward to working with yourself and your client in a collaborative manner in pursuit of a mutually acceptable outcome.

Should you require clarification of any of the foregoing please do not hesitate to contact Mr Graham Pascoe on 4350 1302 in the first instance, or in Graham's absence myself on 4350 5547.

Yours sincerely

 19/12/2012
Scott Duncan
Senior Strategic Planner
SUSTAINABILITY

Transport Planning Comments on RZ/10/2012

1 Figtree Boulevard, Wadalba
22 October 2012

1. The northern access to the petrol filling station is approximately 15 metres from the intersection of Pacific Highway and Figtree Boulevard. This access must be deleted as vehicles waiting to access the fuel pumps will most likely queue out of the site and possibly onto Pacific Highway. Council will not permit any access to the site within 50 metres of Pacific Highway.
2. The Traffic counts accompanying the report were undertaken on Friday afternoon and Saturday at midday. Council requires that traffic counts for these types of developments are undertaken for the morning and afternoon peak hours on a Thursday and for the morning Saturday peak hour. Council requires a copy of the raw traffic count data either electronically or in hard copy. It is to include traffic volume counts for a period of 1 week, which is to include the days of the intersection counts.
3. An intersection count is required at the intersection of Pacific Highway and Figtree Boulevard to confirm existing traffic movements to which traffic generated by the development can be added for modelling.

The Sidra modelling for the intersection of Pacific Highway and Figtree Boulevard should be calibrated for the existing (2012) by undertaking observations of queue lengths and delay in the morning and afternoon periods. The intersection is also to be modelled to include a 10 year projection of background traffic growth at 1.5% per annum, plus traffic generated by the proposed development. The Sidra modelling must use the existing traffic signal phasing arrangements. This information can be obtained from Roads and Maritime Services (RMS).

4. Council requires an electronic copy of the Sidra files for both the existing and future scenarios.
5. The eastern end of the southern carpark should be closed to prevent conflict between passenger vehicles and trucks manoeuvring in the loading dock.
6. Truck turning templates are required for the Figtree Boulevard/Orchid Way roundabout for the largest anticipated vehicle likely to access the development.
7. Turning templates are also required for vehicles egressing the east-west dock.
8. This re-zoning application must be referred to RMS for comment as the traffic generated by the development will have a direct impact on the efficiency of the traffic signals at the intersection of Pacific Highway and Figtree Boulevard.

Steve McDonald/Bob Burch
Transport Planning Unit

ANNEXURE "4"

Comber, Kristy

From: Marian Higgins <marian.higgins@tpgnsf.com.au>
Sent: Thursday, 7 February 2013 1:19 PM
To: Pascoe, Graham
Cc: Duncan, Scott; Rumble Michael; Craig Schulman
Subject: RE: Progress of Woolworths Planning Proposal -Wadalba-RZ/10/2012
Attachments: 213 054 Wadalba PP - Final with Appendices.pdf; img-129155324-0001.pdf

Dear Graham,

Thanks for your emails and calls.

The final EIA has been issued – refer to Appendix C of the attached Planning Proposal.

Woolworths is in the process of obtaining a report to assist with addressing SEPP 55 and this will be issued as soon as it is available.

TPG has also adjusted the PP based on Council's feedback, specifically to address the S117 directions in more detail.

In doing so, it became apparent that S117 Direction 6.3 Site Specific Provisions (copy attached) at subclause (5) states:

" (5) A planning proposal must not contain or refer to drawings that show details of the development proposal."

Therefore, the drawings have been removed from the PP, as have all references to DCP matters.

In addition, all references to the Council lot have been removed.

As the draft LEP has commenced exhibition, this is also referenced in relation to the site.

Mapping amendments have now been included at Appendix H.

Three hard copies are being sent in the mail tonight.

Regards,

Marian Higgins
Director



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AND URBAN DESIGN

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From: Pascoe, Graham [<mailto:GGPascoe@wyong.nsw.gov.au>]
Sent: Thursday, 7 February 2013 9:24 AM
To: Marian Higgins
Cc: Duncan, Scott
Subject: FW: Progress of Woolworths Planning Proposal -Wadalba-RZ/10/2012

Dear Marian,

We are planning for the potential advancement of the subject Planning Proposal and need to be updated on your progress.

Please advise accordingly ,at your convenience.

Regards Graham

From: Pascoe, Graham
Sent: Thursday, 24 January 2013 11:52 AM
To: 'Marian Higgins'
Cc: Duncan, Scott
Subject: FW: Progress of Woolworths Planning Proposal -Wadalba-RZ/10/2012

Dear Marian,

Any progress?

Regards Graham

From: Pascoe, Graham
Sent: Friday, 18 January 2013 9:35 AM
To: 'Marian Higgins'
Cc: Duncan, Scott
Subject: Progress of Woolworths Planning Proposal -Wadalba-RZ/10/2012

Dear Marian,

Welcome back--I assume you are hard at it again.

Do you have any questions in respect of the 'Advancement Strategy" provided subsequent to our meeting late last year?
or perhaps equally importantly how are you and your client progressing with your immediate actions?

Could you also please provide details of the Party (Proponent) who will be entering the Funding Agreement?
(Name of entity and contact address,Name of empowered person/person authorised to sign and Title of such person.)

Should you require clarification of any aspect of this note please do not hesitate to contact me or in my absence Scott.

Regards Graham

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This email is privileged and confidential. If you are not the intended recipient please delete the message and notify the sender. The use, copying or distribution of this message or any information it contains, by anyone other than the intended recipient is prohibited by Wyong Shire Council.

ANNEXURE "5"

Page 1 of 1

From: Pascoe, Graham
Sent: Friday, 22 February 2013 4:33 PM
To: 'Marian Higgins'
Cc: Duncan, Scott
Subject: Woolworths Wadalba-Planning Proposal (RZ/10/2012)
Dear Marian,

I refer to my recent email communication of 8 February, 2013 in respect of the subject matter and wish to confirm that Council recently requested a Fee Proposal from Don Fox Planning to review the Amended Economic Impact Assessment.
We will provide it to you when it is to hand.

We note in your covering advice and from our initial review of the Amended documentation that you have deleted the reference to your draft layout plan. Further your specialist consultants do not reference such a plan either.

Your interpretation of Section 117 Direction 6.3 and in particular subclause (5) is considered to be a particularly narrow interpretation.
It is fundamental that a plan is attached to the Planning Proposal to enable Council to, as a minimum, more fully communicate with Council and the community in simple spatial terms.
It is not Council's intent to "tie" any potential rezoning to a particular plan, as would appear to be the underlying intent of subclause (5).
It is, however, Council's intent to reference the need for a DCP amendment and indeed prepare same for concurrent exhibition with the Planning Proposal, should it be advanced.

Council would, however, like a response to the previously raised opportunity/desire for a design/masterplan workshop. Could you please respond accordingly?

Regards Graham

file://L:\LUP\Pascoe\Woolworths Wadalba\117 Narrow Interpretation\Woolworths W... 08/03/2013

ANNEXURE "6"**INFORMATION REQUIRED PRIOR TO EXHIBITION OF PLANNING PROPOSAL****1. Preparation of Urban Design Guidelines**

The proponent has been requested to prepare Urban Design Guidelines (preferably after consulting with nearby landowners through a stakeholder workshop). The rezoning will expand the Wadalba area from a 'neighbourhood centre' to a 'Village Centre' with the increase in retail floorspace. Council has offered to provide a venue for this to occur. It will be important for the proponent to demonstrate how the shopping centre can be integrated with nearby retail developments (e.g. nearby speciality shops, and existing Coles Supermarket), high school and existing/planned residential developments and drainage channels. This will require the development of supporting Urban Design Guidelines to enable Council to make revisions to DCP 2005 - Chapter 49. This will need to be publicly exhibited with any rezoning proposal and it is Council's expectation that the proposal will contribute towards the public domain and address pedestrian connectivity issues between different land uses outside of the area. No information has been submitted to demonstrate how the proponent will address urban design, public domain and landscape treatment issues. The site is also on the corner of Figtree Boulevard and Pacific Highway which is a visually prominent site. There is a need to ensure that the site is treated with the appropriate landscaping and/or public art/signage to establish a high quality entry statement for this significant site.

2. Retail Review

Council is in the process of conducting a Retail Centres Review for Wyong Shire by Don Fox Planning. There are some aspects where the proposal does not strictly meet the draft recommendations of the report in terms of timing and retail floorspace with the increase in floorpace proposed from 2,000m² to 5,300m². To this end, Council requested a Peer Review of the Economic Impact Assessment and requested that this be funded by the Applicant/Proponent. A quote was obtained for this to be conducted for \$4,180 GST inclusive).

NOTE: It would be preferable to have the above mentioned information before seeking Council's support for the Planning Proposal, as it will be difficult to answer many reasonable questions that Councillor and the community might have about the proposal. However no objection is raised to the proposal proceeding to obtain a Gateway Determination providing that the above mentioned information is provided to Council prior to the Planning Proposal being publicly exhibited.

3. Information required prior to finalisation of Draft LEP

A more rigorous assessment of potential contamination pursuant to SEPP 55 shall be undertaken. The inclusion of appropriate intrusive techniques shall be employed in respect of the on-site stockpiles and dumped waste material and appropriate techniques in respect of the prevailing ground conditions. In the latter regard gross cover is not considered to be an impediment to a preliminary investigation.

