

Wye West Information Session Meeting

Location:	Wye West Seventh Day Adventist Church - 20 Gorokan Road Wye West	Date:	8 April 2021
Facilitator:	Barry Chapman	Time:	5 - 8pm
Present:	Land owners and Council representatives: Cr Gilbert; Staff: Kirsty Hammer, Wes Hain, Joanne Dunkerley, Samantha Hardie, Luke Farr, Dwight Graham, Louise Bustin (Minute Taker)		
Folder No:	F2014/00665/21		

Meeting Record

Agenda Item Ref	Meeting Record
1.	Welcome to Country by Tracey Howie
2.	Welcome – Cr Gilbert
	<ul style="list-style-type: none"> • Introduction of staff: <ul style="list-style-type: none"> ○ Barry Chapman facilitator, ○ Kirsty Hammer – Project Manager for the Wye West Paper Subdivision Development Plan ○ Wes Hain – Manager of Integrated Planning ○ Dwight Graham – Chief Financial Officer • Acknowledgement to Seventh Day Adventist Church for use of facility • Reiterated purpose of meeting is to increase consultation for Council and landowners to create a Development Plan that outlines several payment options. It is VITAL landowners continue to provide feedback and nominate their preferences. Feedback on options presented today is not a vote, but gives Council key information on landowner preferences. • Acknowledgment to Jason Paul who has sadly passed away – Jason was a great contribution to the progress made to date, and had a great community spirit.
3	Presentation by Kirsty Hammer – The Development Plan Process
	<p>In 1914 the Wye West land was subdivided and sold without essential infrastructure (roads, water, sewer, power). Without essential infrastructure land could not be lawfully developed.</p> <p>In 1919, NSW Local Government Act was created. It required developers to provide essential infrastructure to newly subdivided land BEFORE land is sold.</p> <p>What is a Paper Subdivision? It is land subdivided and sold without essential infrastructure – planning law prevents Council giving permission for buildings in a paper subdivision until essential infrastructure is in place.</p> <p>In 2013, the NSW Government created new planning law which allows the Minister for Planning to appoint a subdivision authority to implement a financial agreement for the provision of essential infrastructure.</p> <p>A “Development Plan” outlines the infrastructure required, who pays and how they pay. Under the law, landowners are responsible to pay for and arrange for infrastructure. Wye West Paper Subdivision is different because there are many landowners. It is not feasible for each landowner to arrange and pay for their own pieces of infrastructure. Therefore, Council is proposing to act as the subdivision authority required by the law to help coordinate and fund the essential infrastructure.</p> <p>Moving forward with the Development Plan, the proposal is that Council will forward fund the infrastructure, and land owners can pay Council back. This proposal has not been formally agreed to by Council and staff need feedback from landowners before we present this proposal to Council.</p> <p>Paper subdivision law is complex, has only been in place since 2013 and has only been used once in North-Western Sydney – It is a long complex process. Council started this process in 2017.</p>

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	<p>Now in 2021, we are answering these questions:</p> <ul style="list-style-type: none"> • What is the total cost? • How can cost be equitably shared among owners? – Need landowners’ input. • Can Council fund total cost up front? • If so, how can residents pay back the money – what are the options? <p>The process:</p> <p>2021 – Preparation of development plan with landowners’ help – which is a formal document to allow Council to enter into agreements with owners and provide essential infrastructure. Once a draft agreement is prepared, landowners vote in a formal ballot to accept or decline the plan.</p> <p>If the result of the vote is at least 60% YES, Council can request permission to act as the subdivision authority. After the Minister of Planning makes the subdivision order, physical works can start.</p> <p>IF successful, and the 60% target is reached, Council anticipates subdivision works could start in 2022 at the earliest – involves obtaining planning approvals and appointing a contractor.</p> <p>IF NOT successful, Council and landowners go back to writing a new development plan, and voting in formal ballot, and continue until 60% target is reached.</p> <p>2023 – Once essential services are in place, Council can assess and approve applications for buildings on individual lots - owners can legally build homes.</p> <p>What is the cost?</p> <p>With some costs still not known, Council estimates total cost would be between \$20-30 million. In next six months, Council will narrow this estimate range. All prices are estimates until after the ballot. After a successful ballot Council will ask for quotes from construction companies, and that will be the set cost.</p> <p>All costs will be put into the development plan, and will ultimately be funded by landowners. The only other example of a paper subdivision using this legislation was in North-Western Sydney - \$28 million was their total cost – the costs broken down are \$21 million for physical works; \$7 million for legal and planning.</p> <p>Next steps:</p> <ul style="list-style-type: none"> • Staff are preparing a report to Council about the proposal to forward fund the infrastructure works and repayment options. Re-payment options depend on landowners’ feedback – please fill out a Feedback Form. • Consultation between Council and landowners to write the Development Plan. • Undertaking ballot • Council adopt proposal, send it to Minister for Planning requesting permission to act as Subdivision Authority. • Minister approves request. • Consult with individual landowners regarding which payment plan suits their needs and sign individual agreements. • Contractors commence work. <p>Council are endeavouring to keep this process fair and transparent. Council need landowners to:</p> <ul style="list-style-type: none"> • Be involved • Talk to neighbours to ensure as many landowners as possible are involved • GIVE FEEDBACK to ensure Development Plan is what landowners want it to be. • Consider the payment plans and tell us which works best for you. • Call in to the drop-in sessions held every Thursday at the Church hall 10am to 2pm to ask questions.

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4.	<p>Presentation by Wes Hain – Historical context</p> <ul style="list-style-type: none"> • In the 1990s attempts were made by Council and landowners to resolve issues that still exist – we recognise the frustrations landowners have in relation to time it has taken for the situation to be resolved. • 2013 – Paper subdivision legislation in place • 2016 – Council undertook process to transfer the road reserves to public ownership. • 2017 – Decision of Council to commence process to prepare a Development Plan, established the Wyee West Paper Subdivision Reference group, hired consultants to prepare necessary engineering designs and costs. • 2018 – Consultants prepared required studies: <ul style="list-style-type: none"> ○ Archaeological ○ Biodiversity ○ Contamination ○ Geotechnical ○ Bushfire ○ Engineering designs. • 2019 – Designs finalised for roads and essential infrastructure. • 2020 – Consent obtained from Hunter Water and Ausgrid to the design plans. Independent Quantity Surveyor engaged to provide estimate of cost to do physical works.
5.	<p>Presentation by Dwight Graham – How to share costs</p> <p>Since becoming involved in 2018, Dwight has become aware there are a lot of constraints. Most common questions asked are:</p> <p><i>Who pays?</i> Landowners</p> <p><i>Why don't rates cover cost?</i> Legally rates cannot be used to pay for the construction of new infrastructure within a subdivision.</p> <p><i>How much will it cost?</i> We are estimating \$20-30 million and refining that as quickly as possible.</p> <p><i>What will Council contribute?</i> Council have contributed considerable time and effort to get the process to where it is now, and the proposal is for Council to act as a 'bank' and forward fund development, with owners to pay back Council – <u>Council have NOT yet approved this proposal.</u></p> <p>Funding Model:</p> <p>What we are currently planning to propose to Council is that Council borrows money from the NSW Treasury. It is hoped that Council will qualify for a subsidy and only pay half the applicable interest rate. This saving would be passed on to the owners. Using these funds Council can fund the cost of providing the infrastructure and landowners will repay Council. I again emphasise that Council has not made any decision on this.</p> <p>How will landowners pay?</p> <p>Three options presented for landowners' consideration:</p> <ol style="list-style-type: none"> 1. Upfront. 2. Security over property similar to a mortgage, with a payment plan in place. 3. Security over property and Council is paid back when land is transferred to another owner (no payments made, and interest is charged). <p>We need landowners to fill out the Feedback Form and provide their thoughts on the options nominated. We encourage you to discuss any option you consider viable.</p> <p>How will we allocate the cost to landowners?</p> <p>Three options for consideration. Each lot would be allocated a proportion of the total costs of the development. These costs can be allocated by:</p>

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	<ol style="list-style-type: none"> 1. Square metres – the total cost divided by the total area, then multiplied by the area of the individual lot. Another way to put this is that if a property was 1 per cent of the total land area, it would pay 1 per cent of the total costs. 2. Current land value (using the Valuer General’s land values for each lot) – the total cost divided by the total value of all of the lots, then multiplied by the value of the individual lot. A property that was worth 1 per cent of the total current land value would pay 1 per cent of the total costs. 3. Uplift (the improved land value after the infrastructure is in place) – Using the Valuer General’s valuation of current land values, and our valuer’s estimate of the likely value of land once infrastructure is in place. The difference between the two is the “Uplift”: the improved value of the land as a result of the development. This is the total cost divided by the total uplift of all of the lots, then multiplied by the uplift of the individual lot. A property that was expected to receive 1 per cent of the total uplift from the development would pay 1 per cent of the costs. <p>There are pros and cons with each option. Land owners are encouraged to fill out the Feedback Form to share their thoughts.</p>
6.	Question and answer session facilitated by Barry Chapman
Q.	<p>If Council have been in ownership of roads since 2016 why am I paying for my road to be fixed – every year. We have paid thousands of dollars. Roads are not maintained but now we are still asked to pay more money. Heard Council’s story before. Know Council restricted by law but you are asking us to pay when others get their sewer for free.</p>
Q:	<p>Council acquired the roads – I was still fixing roads up to 8 /9 months ago. Owners paying costs. We were not told that roads are now in Council ownership</p> <p>Road in a really bad state after rain events.</p> <p>Failure of Council to communicate with land owners.</p> <p>Fire brigades and ambulance cannot get to incidents</p>
A:	<p>Council have been out to repair roads in 2020. It is important for owners to call Council and tell us about damage.</p> <p>Council now aware – and will endeavour to address problems as soon as possible.</p> <p>Ultimate plan is to build sealed road.</p> <p>Council staff will talk to works crew and ask for a regular maintenance plan be put into place.</p>
Q:	<p>A FAQ states that rates pay for road maintenance. Also states that rates are not for building new roads, except in the instances of paper subdivision. Are these new roads?</p> <p>Some roads are undrivable – expensive to continually maintain – It has to be cheaper to get it right the first time.</p>
A:	<p>Roads in the paper subdivision are not formed roads. Rates pay for maintenance of roads that are formed which means sealed surface/kerb and gutter. Rates do not pay for building new roads.</p> <p>In instances of paper subdivisions, the infrastructure has not been put in place and handed over to Council. In 2016 land shown as roads on subdivision plan was transferred to Council ownership. Question was do rates pay for maintenance. Council is aware of the problem and will send maintenance crews to do repairs. The roads are not formed. There is no road foundation, no kerb and gutter, no bitumen, and no associated drainage. Therefore, the roads will be quickly and badly affected by rain. Until the roads are formed and sealed, the best we can do is a band-aid solution. We are going through this process get to the point where crews are not sent out after every rain event.</p>

<p>Q:</p>	<p>Eight to 12 months ago roads were repaired. I have been paying garbage rates for 10 years, and there are people without houses on their land, not paying garbage rates. What happened to money that I paid?</p> <p>If it is not illegal to charge for garbage rates when no house on land, why has the garbage rate been removed from my notice?</p>
<p>A:</p>	<p>Rates pay for wide variety of services across the whole City, not just your immediate neighbourhood.</p> <p>It is legal to charge waste charges when there is no development on land. The waste charge has been removed because the issue was raised with Council and Council came to the conclusion that if no-one was living on the land, and the owner cannot develop land legally, it would be inappropriate to continue to charge rates. Garbage rates previously paid were spent on waste services across the City.</p>
<p>Q:</p>	<p>This situation has been going for over 20 years. The man I bought land from advocated for services. Independent guy told us we are getting sewer. We understand we have to contribute. Council have put landowners in a separate section. Our sewer was going to be part of neighbouring service. Council has to help us. Council has to develop the subdivision.</p> <p>Because we are not Hunter Water customers we do not get the sewer. Having the sewer would cut the costs for all.</p> <p>Council let us live here when we bought here. We want what other subdivisions have.</p>
<p>A:</p>	<p>Questions in relation to cost of sewer; and roads noted by Council staff for further investigation.</p>
<p>Q:</p>	<p>Council seem to be working against us. We don't have mail boxes because Council will not allow mailboxes, and will not advise Australia Post we have valid addresses.</p> <p>Continually managing runoff that flows through contamination (asbestos waste).</p> <p>House has moved off its pillars because of torrent of water flowing through because of no drainage.</p> <p>Rates do not seem to cover Wye residents.</p>
<p>A:</p>	<p>Council staff will check the issue with delivery of post to the subdivision. Stormwater will be managed by the infrastructure as part of the Development Plan.</p>
<p>Q:</p>	<p>Lived on eastern side of Wye – parents moved there in 1980s. There were no sealed roads, sewer or water. How did that development proceed? Led to believe that it was a paper subdivision until Council allowed development applications, owners paid their rates, paid for hook up to sewer. We feel duped. Were those land owners charged for water, roads and sewer?</p>
<p>A:</p>	<p>Not aware of that situation – Staff will research how that part of Wye developed. Hunter Water provide sewer, so Council are not sure of what arrangements they have in place.</p> <p>When Hunter Water did a backlog sewer program to provide sewer to existing Hunter Water customers, Council were successful in having Hunter Water design the pipes and pump station to connect the lots in the Paper Subdivision.</p> <p>Kirsty will research sewer situation and will talk to Hunter Water and will post response on the Shape LakeMac site.</p>
<p>Q:</p>	<p>Have seen plans and know costs landowners pay covers the road to the station. Part of the land from the church to the subdivision is developed differently. If we pay for that, as well as paper subdivision costs for the infrastructure, will part of these services benefit other parts of Wye (referring to section of Gorokan Road north from Tulkaba Road, to the church at 20 Gorokan Road)</p>

<p>A:</p>	<p>Kerb and gutter on Gorokan Road outside the church was paid for by the Church. It is fair and reasonable that landowners meet the cost of infrastructure needed.</p> <p>As far as Council is aware Hunter Water have rebates for benefiting other land owners. Those rebates would be factored in to the costings. Pipeline is only being built to connect to the area north to the site - NOT Kerb and gutter. Works funded by the Development Plan stop at the top of subdivision (Tulkaba Road).</p>
<p>Q:</p>	<p>In future when providing information can Council give breakdown of percentage spent on roads etc so we can see where money is being spent. We can then determine what percentage is being spent on unnecessary things. Want cheapest possible way out. We want roads, sewer, drainage and electricity.</p> <p>An estimated financial report is going to be submitted to council – the costs are estimated at \$20M. We vote on \$20M, but works actually cost \$30M, what happens then? We get a bigger bill?</p>
<p>A:</p>	<p>Costs can be broken down and we will present that. The quantity survey will provide a breakdown of costs.</p> <p>The Development Plan outlines the <i>maximum</i> landowners will be asked to pay. Then Council takes its estimates and quantity surveyor estimates into the reality of the process, engage contractor to do the job as cheap as reasonably possible. If actual costs are over, Council pays the difference. If actual costs are less, the paper subdivision law protects you as land owners and any surplus that exists in the funds, is redistributed the same way it was collected. If actual costs are over It is Council's risk and one way to reduce this risk is to over estimate not under estimate. Only way the development plan estimates can be changed is to have landowners vote on an amended development plan.</p>
<p>Q:</p>	<p>Is it possible to get firm costs before we vote</p>
<p>A:</p>	<p>No. Quotes are only valid for 3 months – timeline for Council to go through process will exceed 3 months.</p> <p>Council will talk to developer in Radcliff Estate and ask what it cost per linear metre or per 100 metres to provide road and other infrastructure and use that as a guide and refine our estimate for Wye West landowners to have more confidence in what the actual costs will be.</p>
<p>Q:</p>	<p>Have been comparing subdivisions in the area for value of finished lots – Lots on Hue Hue Road area are about \$300,000- \$350,000; Watagan Park around \$380,000.</p>
<p>A:</p>	<p>Wye West Paper subdivision land will be comparable if not more valuable than neighbouring subdivisions due to the close location of the railway station. Quality of subdivision paid for will be reflected in the value of the finished product.</p>
<p>Q:</p>	<p>My land is 820m2 – Everything I own is on the land. I have been told, according to Domestic Waste Management Act, I cannot be charged for garbage collection.</p> <p>Roads that run off Gorokan Road are considered roads because Council has put up a street sign, shouldn't it be maintained. As a gazetted road it should be maintained by Council.</p> <p>What happens if 60% not reached at the vote.</p>
<p>A:</p>	<p>Information provided is incorrect. Legislation clearly states the domestic waste charge (garbage collection) can be applied to any property to which the waste service can be provided.</p> <p>It is very different in the case of paper subdivisions, which is covered in a very specific part of the Environmental Planning and Assessment Act.</p> <p>If 60% not reached, we all go back to drawing board, and revise the Development Plan to get it to a form landowners can vote yes to. Additional costs will be incurred – running the</p>

	ballot is an expensive process. Strongly encourage landowners to tell Council what you want. Provide early feedback.
Q:	I have had damage to several vehicles due to the bad condition of the roads.
A:	As advised earlier, we will speak to Council works department about roads.
Q:	Landowners need Council to reconsider costs and report back. Can Council investigate if we land owners need to fit in with Radcliffe Development or main part of town?
A:	Council will do investigations on development costs and report back to landowners. If landowners want to sell right away, they will benefit from uplift; if majority want to stay, they will benefit from keeping costs low. Need MAJORITY of landowners to consider : Is the desire to have a lower quality development that costs less OR a higher quality development that will bring higher resale value.
Q	Legislation states if land owner does not vote, it is deemed to be a NO vote. If Council cannot contact owners will it be deemed as NO vote.
A.	That is correct, if a land owner does not vote, it is deemed to be a NO vote. Eight owners are yet to provide a response. Staff are ringing, visiting electoral commission, and doing everything possible get contact details of all owners. To be informed of progress ALL property owners are to provide contact details – phone or email OR post.
Q	Told a government grant given for the east and west subdivision is that true? Did all of the grant go to east side?
A.	Please provide information regarding this on feedback form so that it can be researched.
Q	Is development plan going to cover the 199 lots?
A.	There are 199 properties, 15 of these are zoned Environmental Conservation. Remaining lots are zoned for residential. The Development Plan will need to cover what happens with all lots. Every landowner votes, and we need 60% owners to agree and 60% of the area of the land. A fact sheet on the voting process and ballot count will be provided.
Q	Will land rates increase once subdivision works happen?
A.	If you are currently not paying for garbage, you will get a garbage charge. Rates are partially calculated on land value, which is set by the Valuer General, not Council. If land value increases, which will happen as a result of the subdivision infrastructure, rates will increase.
Q.	Owners of land zoned E2 pay rates, but there will be no road or rubbish. Waiting to find out where we stand
A.	Kirsty will speak to owners of E2 land. Valuers have done initial estimate – when we can, we will need to negotiate with landowners. Owners of E2 land are/will pay proportionally lower rates.
Q.	Will a Geotech survey be done for the whole project before estimates are provided?
A.	Geotech studies were conducted in 2009 and 2018. Sandstone has been detected. Bill of quantities allows a percentage for digging in sandstone.
Q.	Landowners were asked by Facilitator if meetings like this are worthwhile
A.	Yes, making progress.
7.	Next meeting:

	<p>The next Wye Paper Subdivision Landowners Information Session will take place within approximately two months. All attendees asked to speak to their neighbour or any landowner not present and encourage them to attend next meeting.</p>
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