



Wyong
Shire
Council
CENTRAL COAST

Planning Proposal

Glover's Lane, The Entrance

Amendment No. 182

F2010/00327

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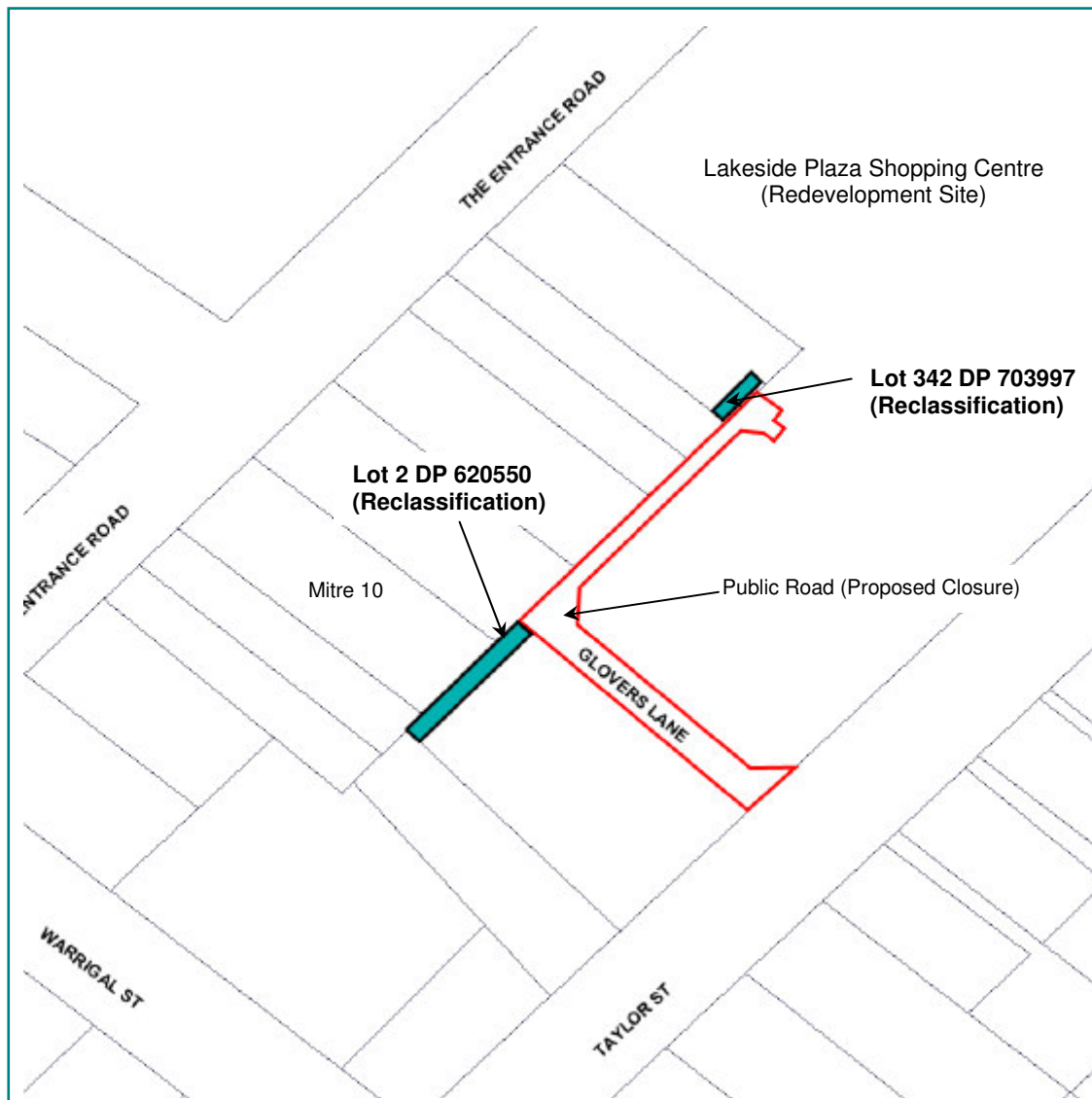


Figure 1 Planning Proposal Locality Plan

Background

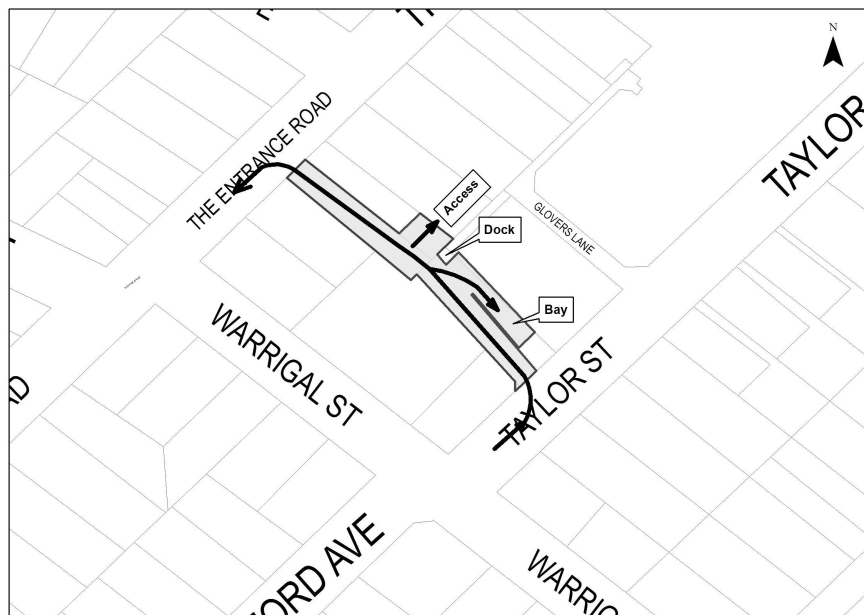
The Entrance Plaza Pty Ltd (TEP P/L) and Dunnet Properties P/L (the applicants), have requested that Council close Glover's Lane at The Entrance and subsequently sell the land in the road in addition to two lots owned by Wyong Shire Council (WSC) consisting of Lot 2 DP 620550 and Lot 342 DP 703997 to TEP P/L.

The Local Government Act, 1993 (the Act) stipulates that all public land must be classified. The lots owned by Wyong Shire Council are classified as community land. In accordance with section 45 of the Act, community land is reserved for a community use and cannot be sold, exchanged or otherwise disposed of by Council. Prior to sale of the land, the subject lots will require reclassification.

Context of Reclassification

The site known as 'Lakeside Plaza' at The Entrance is proposed, at some time in the future, to undergo redevelopment by TEP P/L and Dunnet Properties P/L. The redevelopment will accommodate a variety of employment generating retail business operations at the site. This development is generally supported by The Entrance Peninsula Planning Strategy which was adopted by Council last year.

The subject lots are utilised by the adjoining 'Mitre 10' land for access and bulky goods delivery to and from the site. Currently, Glover's Lane and the adjoining Council owned lots are utilised solely for service access to Lakeside Plaza. The Mitre 10 site adjoins Lot 2 DP 620550 and currently utilises the laneway for bulky goods delivery. Concept plans for Lakeside Plaza (shown below) demonstrate the intent and ability to provide a reasonable alternative access to Mitre 10, which will not disadvantage this property.



Concept Plan, Alternate Access Lane

The concept plan is based on draft plans submitted by the applicant on behalf of TEP P/L. Council has agreed to the alternate access layout provided that reasonable and equitable access, including practical dimensions (turning, entry/egress etc) are available. The concept plan will be determined in more detail at development assessment stage for the redevelopment of Lakeside Plaza. The alternative service access shown in the above

concept plan will remain in the ownership of TEP P/L with a right of way being created in favour of those parcels of land currently benefiting from access from Glover's Lane, i.e. Mitre 10.

A Deed of Agreement has been prepared which provides for the commitments of the developer in relation to costs and responsibilities such as dedicating and constructing (or funding construction thereof) the new alternative road and amalgamating the closed road with the parent site. The Deed of Agreement has been executed, however, if aspects of the Deed are not complied with then the road closure and sale of land will not proceed.

The proposed closure of Glovers Lane and the sale of Lot 2 DP 620550 and Lot 342 DP 703997 would not compromise the future provision of water supply, sewer, gas, electricity or telecommunications infrastructure.

Lot 2 DP 620550 and Lot 342 DP 703997 adjoining Glovers Lane were transferred to Council for use as future public laneway. For the same reason that Glovers Lane may be closed and sold, these parcels may be used in association with the redevelopment of the Lakeside Plaza site. Alternative public road and service access will be provided as part of that redevelopment.

Part 1 Objectives or Intended Outcomes

The intended outcome of the proposal is to reclassify the subject lots (Lot 2 DP 620550, Lot 342 DP 703997) from 'community land' to 'operational land'. The reclassification of the land to 'operational land' would permit the use of the subject lots for commercial activity, including retail business. It is anticipated that once the lots have been reclassified they would unify holdings by TEP Pty Ltd and Dunnet Properties Pty Ltd within the Lakeside Plaza site and will form part of the development footprint of the proposed redevelopment.

Where the reclassification is to be approved through the 'gateway determination', it is not known at this stage when the sale of the lots would occur, as this is largely dependant on the outcome of the redevelopment process and subsequent master planning for the Lakeside Plaza site.

Part 2 Explanation of Provisions

The following provisions are presented as a means to achieve the objectives of the planning proposal:

- Amend Wyong Local Environmental Plan, 1991 to reclassify Lot 2 DP 620550, and Lot 342 DP 703997 from 'community land' to 'operational land' as identified in Figure 1: Locality Map.
- Incorporate the subject lots within Schedule 3 'Classification or Reclassification of Public Land as Operational Land' of Wyong Local Environmental Plan, 1991.
- Retain the existing zoning provisions that apply to the subject lots.

Part 3 Justification

(A) Is the planning proposal the result of any strategic study or report?

While the planning proposal is not a direct result of any strategic study or report, the proposal is consistent with the objectives of The Entrance Peninsula Planning Strategy (TEPPS), which sets the future direction for The Entrance and surrounds. A significant recommendation of the strategy identifies a need to redevelop the Lakeside Plaza site; conceptual plans for the Lakeside Plaza site have indicated that redevelopment could occur without detriment to neighbouring properties.

Subsequently, in order to facilitate the redevelopment, the applicants seek to reclassify two parcels of land (Lot 2 DP 620550, and Lot 342 DP 703997) which form a section of Glover's Lane, and are currently owned by Wyong Shire Council. Initially, the subject lots were transferred to Council for use as future public laneway. The reclassification would permit the sale of the land and subsequent use for employment generating commercial and business operations at the site.

Council resolved to proceed with the reclassification and sale of Lot 2 DP 620550, and Lot 342 DP 703997 at its meeting held 10 June 2009. The resolution is as follows:

- 1 *That Council enter into a Deed of Agreement with Dunnet Pty Limited and The Entrance Plaza Pty Limited in respect of the redevelopment of the Lakeside Plaza site and conditions for the transfer of Council closed road land and Lot 2 DP 620550 and Lot 342 DP 703997.*
- 2 *That Council apply to the Minister for Lands to close public road being Glovers Lane at The Entrance.*
- 3 *That Council not pre-empt any consultation process or outcome, in respect of the closure of the road. The Deed of Agreement will indemnify Council for any costs incurred, or other loss resulting from a decision by the Minister for Lands in respect of the Road Closure.*
- 4 *That Council agree to the land transfer of the closed road to the owner of the adjoining property subject to:*
 - *the successful negotiation of the Deed of Agreement referred to in Item 1 and*
 - *the land to be transferred being consolidated with the adjoining land and*
 - *to alternative public access being provided to Lot 30 DP 10294.*
- 5 *That Council proceed with the reclassification of Lot 2 DP 620550 and Lot 342 DP 703997 Glovers Lane, The Entrance from Community Land to Operational Land.*
- 6 *That Council sell Lot 2 DP 620550 and Lot 342 DP 703997 to the owner of the adjoining land for a consideration to be agreed subject to:*
 - *the sale price being part of and contained within the Deed of Agreement and*
 - *the land being sold being consolidated with the adjoining land and*
 - *alternative public access being provided to Lot 30 DP 10294.*

- 7 *That Council require the applicant to bear all costs associated with:*
- the closure of the road referred to in Item 2 and*
the reclassification of the land referred to in Item 4 and
the transfer and consolidation of that land.
- 8 *That Council authorise the affixing of the Common Seal of Wyong Shire Council to any or all of the documents to give effect to items 1-6 including any private development application for the Council land or road involved and any legal agreements necessary.*
- 9 *That Council authorise the execution by Mayor and the General Manager, of all documents to give effect to items 1-6 including any private development application for the Council land or road involved and any legal agreements necessary.*

(B) Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

The planning proposal is consistent with The Entrance Peninsula Planning Strategy (TEPPS) and Council's Community Plan, 2008. The objectives within Chapter 2 of TEPPS aim to:

- 'Facilitate the redevelopment of specific sites, including Lakeside Plaza'
- 'Investigate the opportunities for amalgamating abutting properties located on the same block as Lakeside Plaza, to incorporate them into any future development of the site.'

The planning proposal does not compromise any objectives of the strategy and is consistent with the above aims.

(C) If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The provisions of the planning proposal include the extinguishment of Council's interests in the land and subsequent sale and transfer of the land to TEP P/L. The reason for extinguishing Council's interest in the land is to facilitate the appropriate and orderly development of the adjoining land which has been identified for redevelopment.

(D) The concurrence of the landowner, where the land is not owned by the relevant planning authority.

The subject lots are owned by Wyong Shire Council.

Part 4 Community Consultation

The planning proposal will be placed on public exhibition for a period of 30 days and will adhere to the requirements made under section 56 of the Environmental Planning and Assessment Act, 1979. In addition, Council will notify property owners of adjoining sites.

A public hearing shall be held after close of public exhibition and notice of the hearing arrangements provided on Council's website, in the local newspaper, Council libraries, and at Council's customer service centre for a period of 21 days.

Conclusion

The reclassification and sale of the subject lots would permit the redevelopment of Lakeside Plaza so that the site may accommodate a variety of employment generating business operations at the site. In addition, the acquired land is to be merged with TEP/PL's existing titles and a significant increase in land value will accrue. It is anticipated that Council on behalf of the community, will share in that advantage through the commercial arrangements, including the proposed sale.

The reclassification will facilitate much needed redevelopment that will contribute to providing a modern and active retail business space to the southern end of The Entrance Town Centre, and will improve functional links with other sites and areas within The Entrance. It is considered that the reclassification of the lots and subsequent redevelopment has the potential to revitalize The Entrance Town Centre and provide a benefit to the community in a manner consistent with Council's 'The Entrance Peninsula Planning Strategy' and 'Shire Strategic Vision'.

Attachments and Supporting Documentation

- Attachment 1: Aerial Photograph
- Attachment 2: s117 Ministerial Directions
- Attachment 3: Applicant's Submission Letter
- Attachment 4: Deed of Agreement

Attachment 1: Aerial Photograph



Attachment 2: s117 Ministerial Directions

Number	Direction	Applicable	Consistent
Employment and Resources			
1.1	Business & Industrial Zones	YES	YES
The planning proposal relates to land zoned 3(a) Business Centre Zone under WLEP, 1991. The planning proposal is consistent with this direction as it will increase the total land available for employment uses such as business related activities. The proposal is in accordance with the Central Coast Regional Strategy.			
1.2	Rural Zones	NO	NA
1.3	Mining, Petroleum Production and Extractive Industries	NO	NA
1.4	Oyster Aquaculture	NO	NA
1.5	Rural Lands	NO	NA
Environment and Heritage			
2.1	Environment Protection Zones	NO	NA
2.2	Coastal Protection	NO	NA
2.3	Heritage Conservation	NO	NA
2.4	Recreation Vehicle Areas	NO	NA
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	NO	NA
3.2	Caravan Parks and Manufactured Home Estates	NO	NA
3.3	Home Occupations	NO	NA
3.4	Integrating Land Use and Transport	YES	YES
The planning proposal will alter an existing provision relating to urban land, and is consistent with the aims, objectives and principles of 'Improving Transport Choice' and 'The Right Place for Business and Services' produced by the Department in 2001.			
3.5	Development Near Licensed Aerodromes	NO	NA
Hazard and Risk			
4.1	Acid Sulfate Soils	NO	NA
4.2	Mine Subsidence and Unstable Land	NO	NA
4.3	Flood Prone Land	NO	NA

Number	Direction	Applicable	Consistent
4.4	Planning for Bushfire Protection	NO	NA
Regional Planning			
5.1	Implementation of Regional Strategies	YES	YES
This direction applies to all planning authorities where a planning proposal is to be prepared. The regional strategy applying to the Wyong Local Government Area is the Central Coast Regional Strategy. The planning proposal has been assessed against this strategy and is found to be consistent.			
5.2	Sydney Drinking Water Catchments	NO	NA
5.3	Farmland of State and Regional Significance	NO	NA
5.4	Commercial and Retail Development, Pacific Hwy North Coast	NO	NA
5.5	Development in the vicinity Ellalong, Paxton and Millfield (Cessnock LGA)	NO	NA
5.8	Second Sydney Airport: Badgerys Creek	NO	NA
Local Plan Making			
6.1	Approval and Referral Requirements	NO	NA
6.2	Reserving Land for Public Purposes	YES	YES
This direction applies to all planning authorities where a planning proposal is to be prepared. The planning proposal will facilitate the removal of the reservation of the land for a community purpose to an operational purpose. The existing 3(a) zoning applying to the land will remain.			
6.3	Site Specific Provisions	NO	NA
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	NO	NA