



Planning and Development Consultants Pty Ltd

ABN 66 121 212 404

Our Ref: IA/200705/141108ltr

14 November, 2008

General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Attention: Stephen Ashton

Dear Stephen,

RE: Closure of Glovers Lane, The Entrance and request to acquire Lot 2 DP620550 and Lot 342 DP703997

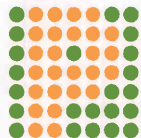
Further to previous correspondence and meetings to discuss requirements for the closure and acquisition of Glovers Lane and acquisition of Lot 2 and Lot 342, I now make this formal submission on behalf of The Entrance Plaza Pty Ltd and Dunnet Properties Pty Ltd seeking Council's in-principle agreement to the road closure and acquisitions as part of the redevelopment of Lakeside Plaza at The Entrance and endorsement to proceed to preparation of a Deed of Agreement between the parties.

We acknowledge that the matters for Council to consider in relation to the request are:

1. Alternative access arrangements which are satisfactory for all affected properties and do not disadvantage any other property owners
2. Any potential impact on service infrastructure and associated costs
3. Appropriate procedures and timing for closure/acquisition relative to the redevelopment and provision of alternative access arrangements
4. Commitment to consolidate all of the lots owned by The Entrance Plaza Pty Ltd and Dunnet Properties Pty Ltd as well as the closed road and Lots 2 and 342.

The properties owned by The Entrance Plaza Pty Ltd and Dunnet Properties Pty Ltd are:

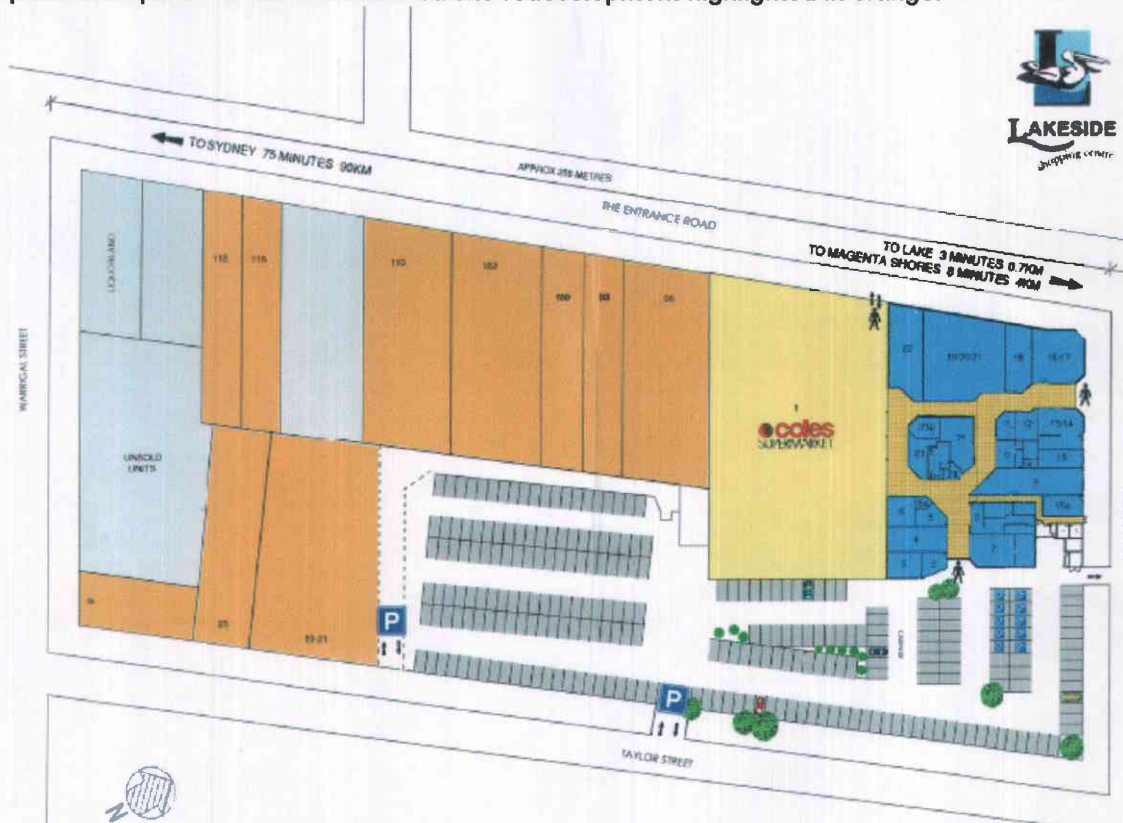
Lot/DP	Address	Owner
Lot 460 DP 738473	Lakeside Plaza Shopping Centre	The Entrance Plaza Pty Ltd
Lot 341 DP 703997	No.96 The Entrance Road, The Entrance	The Entrance Plaza Pty Ltd
Lot 33A DP 438600	No.98 The Entrance Road, The Entrance	The Entrance Plaza Pty Ltd
Lot 33B DP 438600	No.100 The Entrance Road, The Entrance	The Entrance Plaza Pty Ltd
Lot 32 DP 10294	No.102-104 The Entrance Road, The Entrance	The Entrance Plaza Pty Ltd
Lot 31 DP 10294	No.110 The Entrance Road, The Entrance	The Entrance Plaza Pty Ltd
Lot A DP 392342	No.116 The Entrance Road, The Entrance	The Entrance Plaza Pty Ltd
Lot B DP 392342	No.118 The Entrance Road, The Entrance	The Entrance Plaza Pty Ltd
Lot 1 DP 620550	No.19-21 Taylor Street, The Entrance	Dunnet Properties Pty Ltd
Lot D DP 377416	No.23 Taylor Street, The Entrance	The Entrance Plaza Pty Ltd
Lot 6 DP 22914	No.8 Warrigal Street, The Entrance	The Entrance Plaza Pty Ltd



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The plan below shows the existing shopping centre site (Lot 460 DP 738473) with additional parcels acquired for the consolidated site redevelopment highlighted in orange.



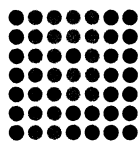
Satisfactory Access Arrangements

In relation to satisfactory access arrangements, only the existing hardware store at No.112 The Entrance Road would be impacted by the proposed closure and sale of the laneway property. Alternative access to the redevelopment site will be provided as part of the development scheme. It is noted that No.112 The Entrance Road does not currently have effective access to Glovers Lane, the only legal access currently being across the three (3) metre wide Lot 2 620550 dedicated at no cost to Council by Dunnet Properties Pty Ltd for future laneway purposes.

Notwithstanding, the current development concept for the site as previously shown to Council in July 2008 at the meeting called by the Mayor, provides for a relocated public laneway which will service both the consolidated redevelopment site and the existing hardware store.

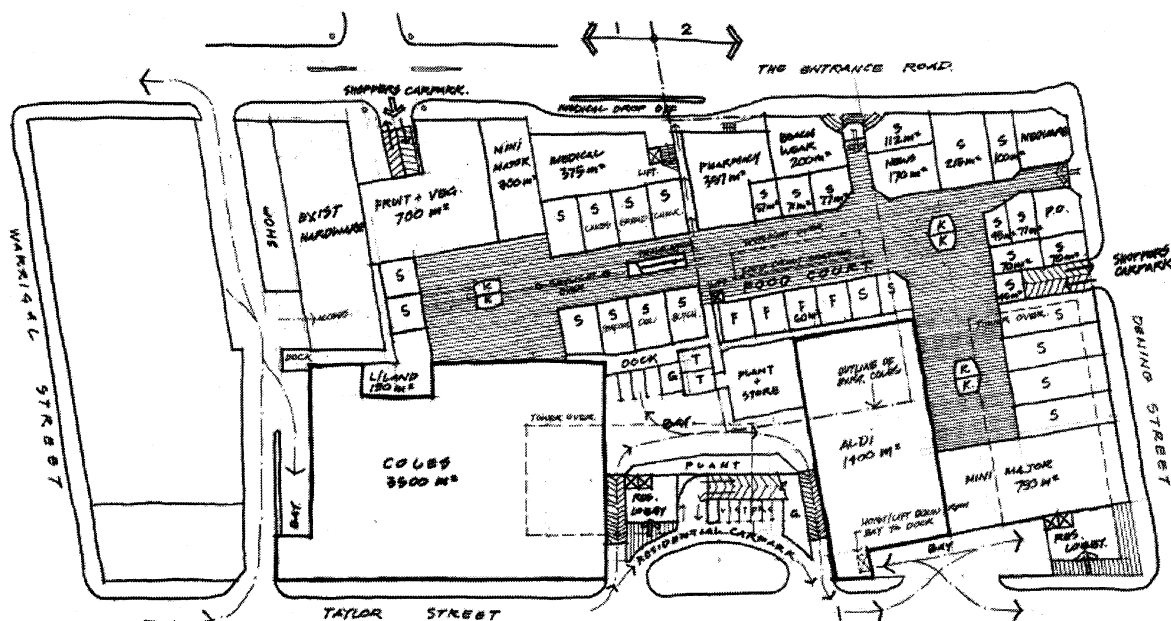
We believe this adequately demonstrates the intent and ability for provision of alternative access arrangements which will not disadvantage other property owners and will in fact provide a superior standard of access to that which currently exists.

It is not necessary for Council to endorse the concept plan itself at this time as there are other aspects of the plan which will require further discussion, including car park access locations, development bulk and height and streetscape. However, the plan is sufficient for Council to be satisfied that an appropriate alternative access arrangement can be implemented if Glovers Lane is closed and incorporated into the Lakeside Plaza redevelopment and the only matter for resolution is appropriate procedures in relation to the timing of closure and sale to ensure continuity of access to all properties currently serviced from the laneway.



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Lakeside Plaza Redevelopment – Preliminary Concept (Beckington Ald Consultants, July 2008)

Service Infrastructure

In relation to public infrastructure, we have undertaken the necessary searches for existing infrastructure and believe the results clearly show that the proposed closure would in no way compromise the future provision of water supply, sewerage, gas, electricity or telecommunications infrastructure. The results of these searches are attached and also described below:

Gas (Alinta) – gas mains are located on the eastern side of Taylor Avenue and northern side of Warrigal Avenue and will be unaffected by the proposed closure of Glovers Lane and redevelopment.

Electricity (Energy Australia) – electricity mains are located along the western side of Taylor Avenue and will be unaffected by the proposed closure of Glovers Lane and redevelopment.

Telecommunications (Telstra) – telephone cables are located in Taylor Avenue but there is no Telstra infrastructure in Glovers Lane.

Water (Wyang Council) – there is an existing water main on the western side of Taylor Avenue which will be unaffected by the proposed closure of Glovers Lane and redevelopment.

Sewer (Wyang Council) – Glovers Lane contains a gravity sewer main which services the existing Lakeside shopping centre and properties in The Entrance Road to the south of the shopping centre. This line drains to the south (ie to Warrigal Street) as shown on the attached sewer diagram and that part of the line affected by the closure of Glovers Lane and site redevelopment will therefore be made redundant. Note also that the sewer line to No.112 The Entrance Road (not owned by a Dunnet company) is a separate line which links to the gravity sewer main downstream of the Glovers Lane sewer line and is therefore not affected by the proposed closure.

However, the sewer line from No.112 does cross Nos.116 and 118 The Entrance Road owned by The Entrance Plaza Pty Ltd and any impact on this line (potential encasement or re-routing) would be a normal consideration at development application stage unrelated to the laneway closure.

The redundant section of sewer line currently within Glovers Lane would be replaced by new infrastructure elsewhere on the site as appropriate as part of the site redevelopment (determined at development application stage) and there is therefore no cost to Council as a consequence of retired/depreciated infrastructure.

Appropriate Procedures

It is important that there is certainty in relation to the closure of Glovers Lane and its incorporation along with Lot 2 and Lot 342 into the consolidated redevelopment site for Lakeside Plaza. However, it is acknowledged that the closure of the laneway and transfer of the land to the adjoining owner, The Entrance Plaza Pty Ltd only makes sense in the context of redevelopment of the site and even upon issue of a development consent for such redevelopment the Council has no guarantee that it will proceed.

We therefore propose that the appropriate mechanism to give certainty to both the developer/landowner and the Council is a Deed of Agreement to establish the undertakings of each party and the procedural steps to be followed. It is also acknowledged that the final decision in relation to the closure of Glovers Lane will be made by the Minister (or his delegate) and any Deed would therefore recognize that Council is not responsible in this regard, but may use its best endeavours to achieve the agreed target outcomes.

The following is proposed as a list of the principle matters to be covered by a Deed of Agreement between Council, The Entrance Plaza Pty Ltd and Dunnet Properties Pty Ltd:

1. The parties agree that to facilitate the redevelopment of the consolidated Lakeside Plaza site Glovers Lane should be formally closed and transferred to The Entrance Plaza Pty Ltd along with Lot 2 DP 620550 and Lot 342 DP 703997 previously transferred to Council for laneway purposes.
2. The Entrance Plaza Pty Ltd undertakes to create and dedicate an alternative public laneway between Taylor Street and The Entrance Road to provide service access to the redeveloped site and also to No.112 The Entrance Road.
3. Simultaneously with the transfer of the closed laneway and Lots 2 and 342, The Entrance Plaza Pty Ltd will consolidate all lots into a single allotment and create an easement for service access across the area formerly occupied by Glovers Lane and Lots 2 and 342 as an interim measure until approval of a development application for redevelopment of the consolidated site and commencement of that development.
4. The Entrance Plaza Pty Ltd will dedicate the alternative service laneway in accordance with the approved development application prior to commencement of construction of the redevelopment.
5. Simultaneously with the dedication of the alternative service laneway, Council will release the easement for service access covering the area formerly occupied by Glovers Lane and Lots 2 and 342.

As previously advised, a formal application for closure of Glovers Lane has already been lodged with the Department of Lands who have provided an acknowledgment of the application (see attached). Transfer of this application to a Council sponsored road closure process could also be detailed as part of the Deed of Agreement

Lot Consolidation

Consolidation of allotments in an amalgamated development site is a normal condition of consent for any development application for redevelopment of multiple parcels. In this instance, The Entrance Plaza Pty Ltd would agree to the early consolidation of the allotments, including the closed laneway and Lots 2 and 342 simultaneously with the creation of the interim easement for access in accordance with the detailed procedure to be outlined in the Deed of Agreement.

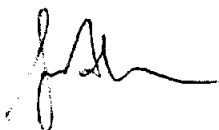
Conclusion

Council's in-principle commitment to the closure of Glovers Lane and transfer of Lots 2 and 342 is essential to provide certainty for the redevelopment scheme for the consolidated Lakeside Plaza site as is the entering into a Deed of Agreement to cover the appropriate procedures and timing for the closure and transfer process.

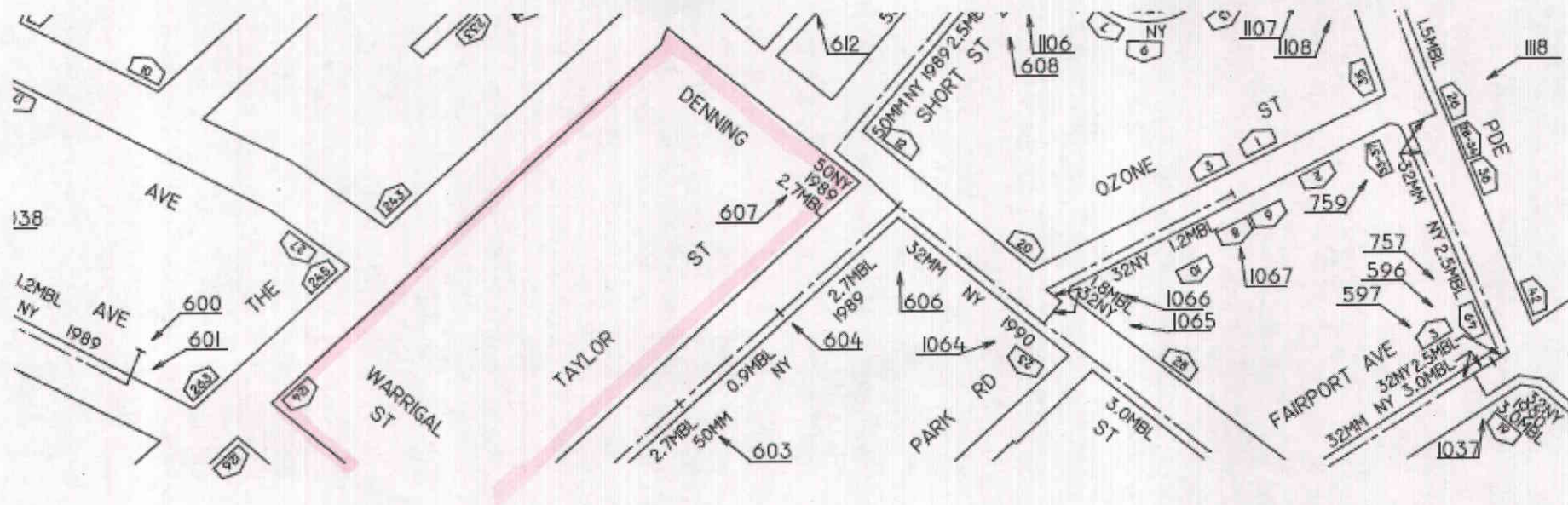
We have previously suggested that it is appropriate for the Council to give consideration to the proposed closure at the same time as the revised Strategy for The Entrance and we still believe this to be the case. Notwithstanding, and irrespective of the timing of Council's consideration of the revised Strategy, we now seek Council's urgent endorsement of the proposed closure of Glovers Lane and its transfer (along with Lot 2 DP 620550 and Lot 342 DP 703997) to The Entrance Plaza Pty Ltd and delegation to the General Manager to enter into a Deed of Agreement to establish the steps towards this goal.

If you have any queries in relation to this, please do not hesitate to contact me.

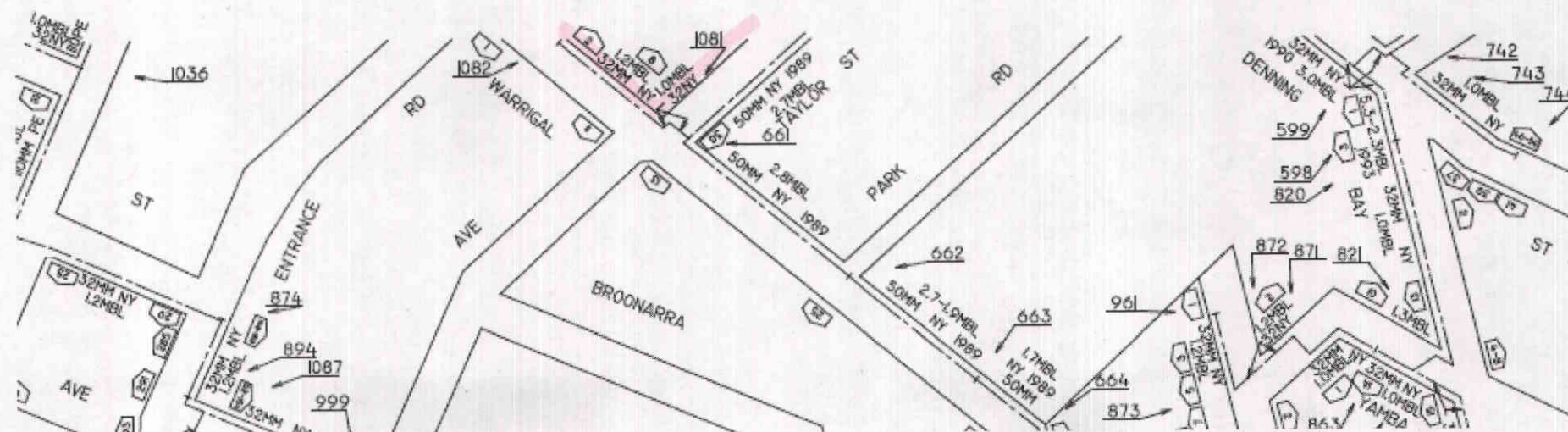
Yours faithfully



Ian Adams
Director
PARADIGM PLANNING & DEVELOPMENT CONSULTANTS Pty Ltd



	D	E
C	D	E



1.0
0.8

90.0



4x125 PVC

NR
NR

0.9
0.6

120.0



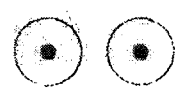
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NR
NR

1.2
0.6

150.0

GLOVERS LN



4x125 PVC



NR
NR

0.65
0.7

42.9

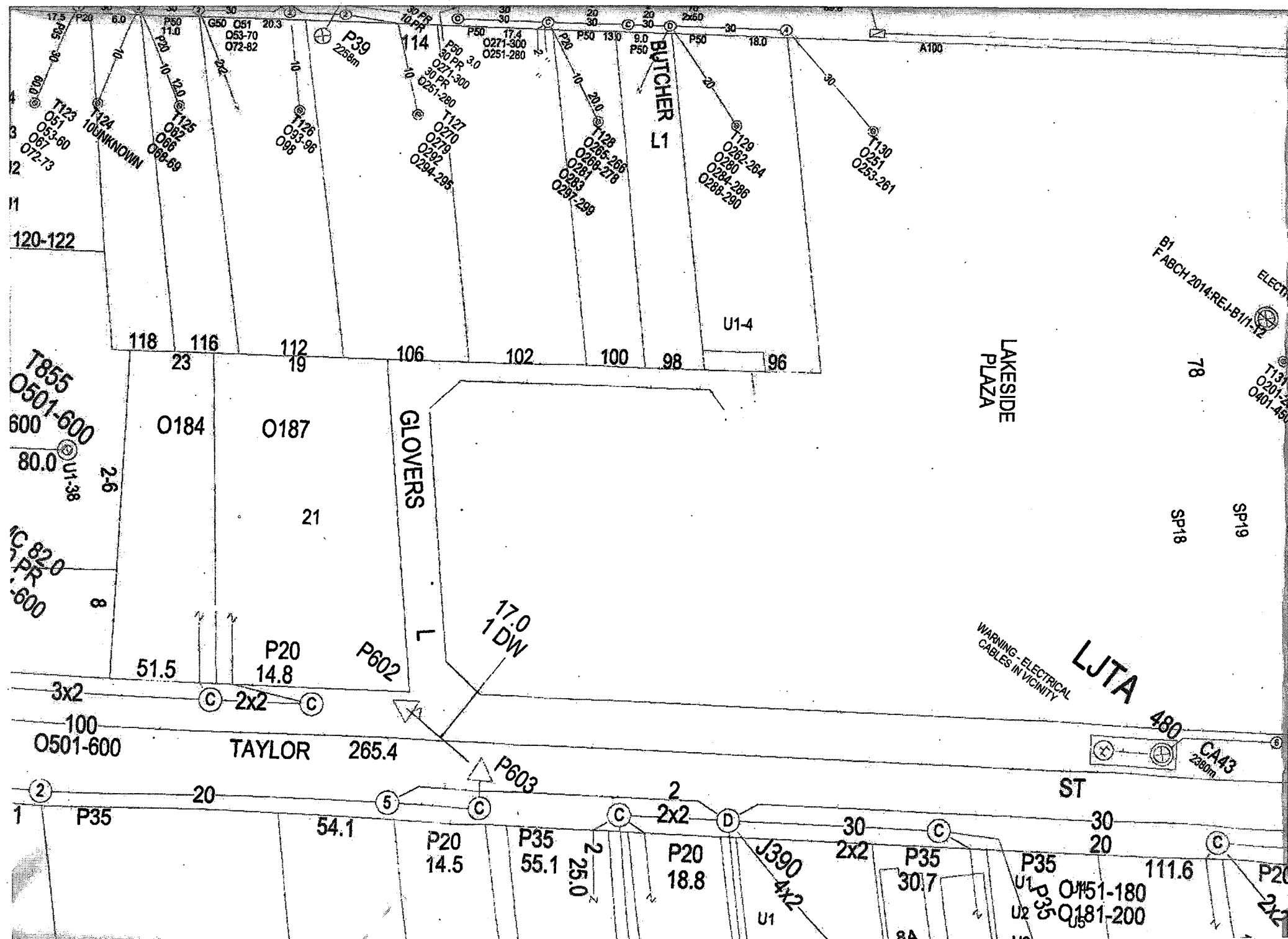
40.0

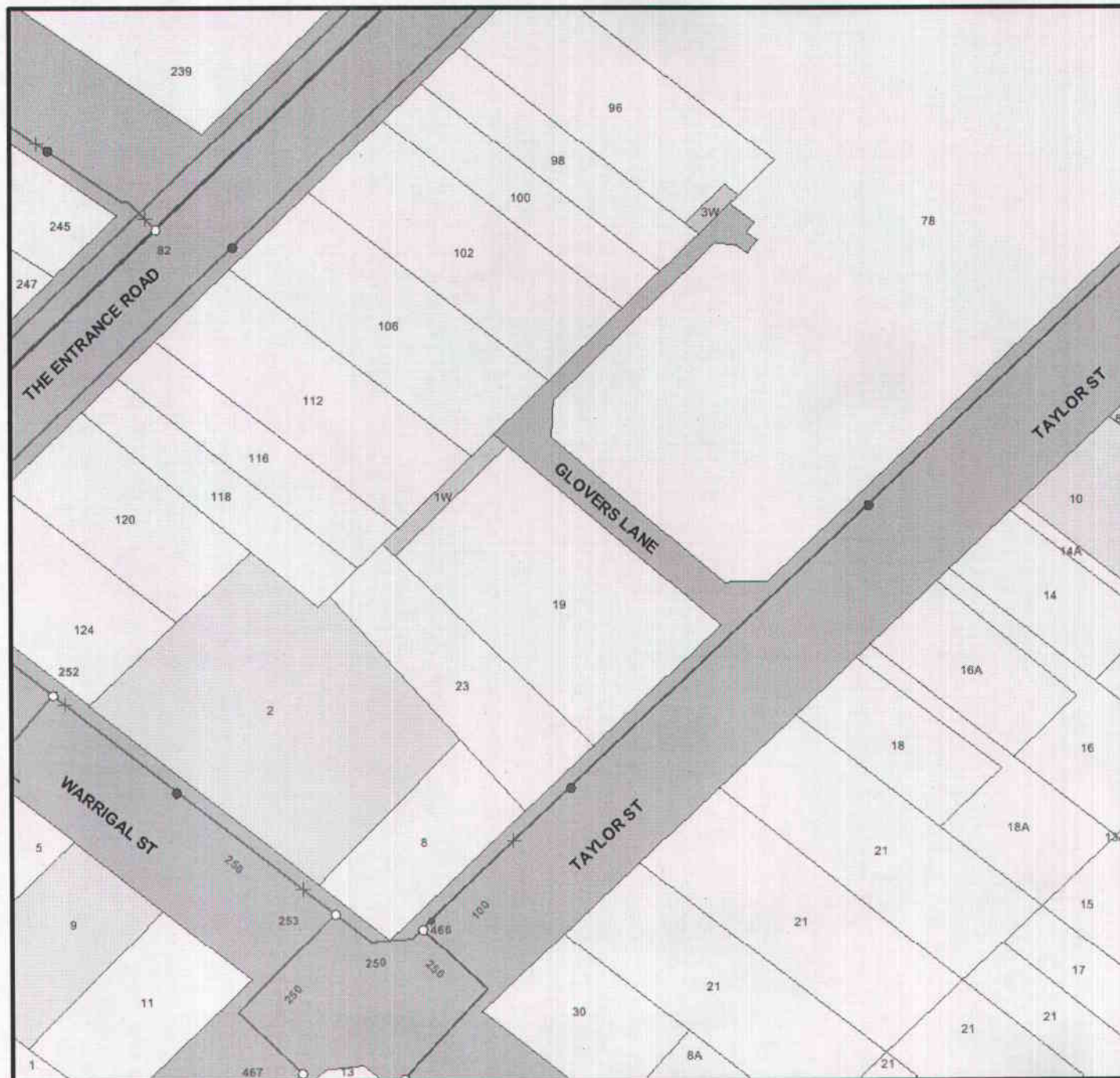
38.7

35.6

34.3

CLOR ST





WYONG SHIRE COUNCIL **UNDERGROUND PLANT** **LOCATIONS** Not to Scale

LEGEND

WATER

Water Mains	
Water Mains Asbestos	
Water Mains Disused	
Water Mains Disused Asbestos	
Reclaimed Water Mains	
Tunnel	
Hydrants	

Warning Note for Underground Plant Locations

This plan may not have been adjusted to take into account changes to boundaries, levels, fences or structures subsequent to the installation of the service/s. This plan is not to scale and all measurements are approximate only. The service/s indicated are expected to be in proximity to the location and depth shown on the plan. Where it is intended to rely on the accurate location of the service/s, the exact position and depth of the service/s should be ascertained onsite by careful hand excavation. Council can provide an on-site advisory service on request to assist in this process. Persons undertaking work will be held responsible for any damage caused to Council's services. Any indication of materials should be used as a guide only.

Base Cadastre is part of the Digital Cadastral Database supplied by the Department of Lands, Bathurst. Any person whose legal rights may be affected, or intends to act on any cadastral information shown on this plan should verify such information by consulting the Department of Lands before so acting.

Kerry Yates
General Manager



WYONG SHIRE COUNCIL **UNDERGROUND PLANT** **LOCATIONS**

Not to Scale

LEGEND

SEWER

Reticulation Mains	
Manhole	
Junction Lines	
Ties	
Cast Iron Pipes	
Concrete Encasing	
Disused Pipes	
Reticulation Mains Asbestos	

RISING

Main Lines	
Concrete Encasing	
Cast Iron Pipes	
Ties	
Disused Pipes	
Private Rising Mains	
Main Lines Asbestos	

Warning Note for Underground Plant Locations

This plan may not have been adjusted to take into account changes to boundaries, levels, fences or structures subsequent to the installation of the services. This plan is not to scale and all measurements are approximate only. The services indicated are expected to be in proximity to the location and depth shown on the plan. Where it is intended to rely on the accurate location of the services, the exact position and depth of the services should be ascertained on-site by careful hand excavation. Council can provide an on-site advisory service on request to assist in this process. Persons undertaking work will be held responsible for any damage caused to Council's services. Any indication of materials should be used as a guide only.

Base Cadastre is part of the Digital Cadastral Database supplied by the Department of Lands, Bathurst. Any person whose legal rights may be affected, or intends to act on any cadastral information shown on this plan should verify such information by consulting the Department of Lands before so acting.

Kerry Yates
General Manager

**ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION
FOR CLOSURE OF ROAD**

Department of Lands



File Reference: 08/8261
Account No: W408972

Contact: Rebecca Burgess
Phone: 02 4937 9369
Email: Rebecca.Burgess@lands.nsw.gov.au

Paradigm Planning & Development Consultants Pty Ltd
PO Box 4034
RATHMINES NSW 2283

Dear Sir/Madam

Acknowledgement is made of your application to close Crown/Council roads. Your application has been assigned account number W408972.

Due to the number of applications on hand, processing of your application may take considerable time.

It is not expected that you will be disadvantaged by a delay in processing because the purchase price for the land, if road closure is approved, will be established as at the date of your application to close the road. Any rent paid in advance for an enclosure permit will also be refunded if closure is completed prior to the end of the rent period.

Please note the following points:-

Acceptance of the application does not constitute any guarantee by the department that the application for closure of the road will be successful;

If your application is successful, the land will remain public road until the closure of the road is formally notified in the Government Gazette;

Any enclosure permit held over the road will be retained until the closure of the road is formally notified in the Government Gazette. Termination of the enclosure permit will be carried out as at the date of notification of closure and termination advice will issue to you for your records;

You should continue to pay the rent on the enclosure permit as it is called for, pending the outcome of the application;

If you have any queries in relation to your application please direct them to your local District Office of Crown Lands NSW.

Yours faithfully

Rebecca Burgess
for Crown Lands Division, Maitland
12th September 2008



Receipt Number 3775441
Office MAITLAND
Date of Issue 18-JUL-2008

RECEIPT



Department of Lands

ABN 21 804 973 362

Paradigm Planning & Developmen
PO Box 4034
RATHMINES NSW 2283

Paid By THE ENTRANCE PLAZA
Receipt Date 18-JUL-2008
Payment Method CHEQUE
Amount \$475.00

Details :

W408972 Road Closure

\$475.00

Road closure application - Glovers Lane off Taylor St - The Entrance