

APPENDIX R

Our Ref: 2013/0524 KG

RE: NEGOTIATION TERMS COMMENTARY FOR 44 BROOKS PARADE

The Applicant's development currently contains provisions for the acquisition of the isolated lot known as 44 Brooks Parade, Belmont.

The Applicant is fully aware of the implications that an isolated lot imposes on their development and is also aware of the Planning Principles established by the Land and Environment Court for negotiations pertaining to such lots.

The isolated lot is located on the corner of Brooks Parade and Sharp Street. The property is opposite the foreshore park to Lake Macquarie on Brooks Parade and opposite an existing multi-storey development on Sharp Street. The lot is zoned B4 and could be easily accommodated into the proposed development, as indicated in Appendix Q to the Statement of Environmental Effects.

The Applicant's approached the owners of 44 Brooks Parade with the intention of acquiring the isolated lot. The Applicant's engaged a licenced valuer to undertake a property valuation which was conducted in August 2016. The Applicant's then prepared plans detailing how the isolated lot could be incorporated into their development proposal. An offer was put to the owners of the isolated lot in January 2017 which exceeded the valuation by approximately 30%. The Applicant's also lodged their development application in January 2017.

The Applicant has engaged in a number of discussions with the Council in relation to the isolated lot and this has led to the owners of that isolated lot, the Applicant's and the Council staff, meeting to discuss the proposed acquisition and the incorporation plans.

That meeting resulted in a number of agreed undertakings in an attempt to re-enliven the acquisition negotiations. As a result of that meeting, the owners of the isolated lot, through their solicitors, have re-entered into negotiations with the Applicant. At the Applicant's expense, the isolated lot owners are in the

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process of obtaining a current valuation for the purposes of crystallising the negotiations for a contract of sale on their property. It is anticipated that the valuation will be received either late August or early September 2017, enabling the parties to consider terms.

Subject to any Commercial in Confidence considerations, the Applicant undertakes to keep the Council informed of the progress of those negotiations.