

**From:** [Christophe Charkos](#)  
**To:** [Shankie-Williams, Norma](#)  
**Cc:** [Tony Zhang](#); [Arnott, Ian](#); [John Wynne](#); [O'Brien, Craig](#)  
**Subject:** RE: Meeting - 845 Pacific Highway Chatswood  
**Date:** Wednesday, 18 March 2020 5:51:00 PM  
**Attachments:** [image018.png](#)  
[image019.png](#)  
[image020.png](#)  
[image021.png](#)  
[image022.png](#)  
[845 Pacific Highway Land Acquisition and Road Closure Process Draft v2.pdf](#)  
[image003.png](#)  
[image005.png](#)  
[image007.png](#)  
[image009.png](#)  
[image011.png](#)

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Hi Norma

I hope you are well, please see attached updated planning process outline reflecting your comments below. Please let me know if this now covers the relevant matters you raise in your email below.

Also could you please let me know whether Willoughby is implementing any new protocols for meetings, noting that we have an upcoming meeting booked in on the 30<sup>th</sup> March? Are there any other things we need to be aware of relating to Council operations? Remote working etc.

Kind Regards  
Christophe

## CHRISTOPHE CHARKOS

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**From:** Shankie-Williams, Norma <Norma.Shankie-Williams@Willoughby.nsw.gov.au>

**Sent:** Friday, 28 February 2020 6:03 PM

**To:** Christophe Charkos <ccharkos@urbis.com.au>

**Cc:** Tony Zhang <tony@vantagergroup.com.au>; Arnott, Ian <Ian.Arnott@Willoughby.nsw.gov.au>; John Wynne <jwynne@urbis.com.au>; O'Brien, Craig <Craig.Obrien@Willoughby.nsw.gov.au>  
**Subject:** RE: Meeting - 845 Pacific Highway Chatswood

Dear Christophe

Thank you for the information you sent to Council on 5 February.  
We would confirm that the steps set out in your Memo appear to be accurate.  
Some *additional* steps are considered prudent and are set out below with commentary.  
You'll appreciate these comments are indicative of process and in no way reflect any potential outcome.

1. In respect of both community land and road, Council would conduct a title review **at the outset** to ensure that Council is the registered proprietor of the land in question and the classification of the land is as stated. Council would be the relevant authority for the road.
2. In respect of the re-classification of the land, Council officers would need to be satisfied that the proposal is appropriate and that re-classification is recommended. The very nature of community classification is to preserve the land for community use. Any proposal for re-classification would need to be strenuously considered.  
Part of this internal process would involve consideration by Council's Executive Leadership Team and potentially a Councillor briefing prior to consideration at a Council meeting.
3. In respect of road closure:
  - a) In respect of Point 2, first bullet point, Council may only propose the closure of a road in certain circumstances (s.38 A Roads Act 1993) , these being:
    - if the road is not reasonably required as road for public use;
    - the road is not required to provide continuity for an existing road network;
    - if the road provides a means of vehicular access to particular land that another public road provides lawful and reasonably practicable vehicular access to that land;
4. In respect of Point 2 bullet point 5, if the road is a classified road (see s.38D of the Roads Act 1993) then TfNSW (RMS) consent would be required even if there are no objections. Roads are classified under Part 5 of the Roads Act and tend to be 'busier' roads. Council will need to determine if the road in question is classified.
5. In respect Point 2, bullet point 6 regarding the classification of land, the road may not be classified under the Local Government Act 1993 and therefore, it would be prudent to classify the land as operational upon closure. If Councils records indicate the (current) road is classified as operational, Council should confirm the classification has occurred in accordance with the LGA requirements.
6. The proponent would be required to pay legal costs associated with reclassification of land and road closure, as well as any surveying costs (for

example, creation of a new lot).

7. The reclassification of Council land from Community to Operational is to be consistent with the LEP Practice Note PN 16-001, issued October 2016 – 'Classification and reclassification of public land through a local environmental plan.'

It is suggested that these comments be incorporated into your process outline, and we will then have an agreed process 'road map'.

At the outset, the proponent would need to request Council commence the title review land reclassification process in writing.

Kind Regards  
Norma

**Norma Shankie-Williams** - *Strategic Planning Team Leader*

**WILLOUGHBY CITY COUNCIL**

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**From:** Christophe Charkos [<mailto:ccharkos@urbis.com.au>]

**Sent:** Wednesday, 5 February 2020 5:34 PM

**To:** O'Brien, Craig

**Cc:** Shankie-Williams, Norma; Tony Zhang; Arnott, Ian; John Wynne

**Subject:** RE: Meeting - 845 Pacific Highway Chatswood

Hi Craig

As requested in our meeting last week please find attached our understanding of the land acquisition and road closure process. It would be great if we could get an outline of both processes so Vantager can make an informed decision in relation to the development of its site at 845 Pacific Highway.

Please call me if you have any questions.

Kind Regards  
Christophe

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