



IRF25/863

Gateway determination report – PP-2025-622

Northbridge Car Park

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal
Attachment B – Council Statement of Interests incl. Practice Not PN 16-001 assessment
Attachment C – Council Report 24 March 2025
Attachment D – Council Resolution 24 March 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Willoughby Local Government Area
PPA	Willoughby
NAME	Northbridge Plaza Car Park
NUMBER	PP-2025-622
LEP TO BE AMENDED	Willoughby Local Environmental Plan (LEP) 2012
ADDRESS	9A Eastern Valley Way, Northbridge NSW 2063
DESCRIPTION	Lot 2 DP200094 Lot 4 DP200099 Lot 6 DP200096 Lot 6 DP200096 Lot 15 DP4409 Lot B DP323172
RECEIVED	02/04/2025
FILE NO.	IRF25/863
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to reclassify Council owned land at Northbridge Plaza Car Park from “community” land to “operational” land.

Reclassification will align the land classification with the current car park use and enable operational flexibility for the ongoing use of the car park and vacant baby health clinic. The reclassification will also allow Council to consider opportunities for future development proposals.

Reclassification does not commit Council to selling or development the land, nor does it remove Council’s ownership or prevent current uses from continuing.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend *Schedule 4 Classification and reclassification of public land* and insert the site into *Part 2 Land classified, or reclassified, as operational land – interests changed* in the Willoughby LEP 2012 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Reclassify land from	Community	Operational

The planning proposal also seeks to discharge interest applying to the site through the classification, this includes:

- H931061: A restrictive covenant which prevents use of any part of the land other than for the purpose of Public Car Parking and Public Baby Health Centre.
- H713646: A restrictive covenant which prevents the erection of a fence on Lot 6 in Deposited Plan 200096 to divide it from the adjoining land without consent.
- H713650: A restrictive covenant which prevents use of that part of the land being Lot 8 in Deposited Plan 200098 other than for the purpose of vehicular and motor car parking.

All drainage easements and restrictions will remain, as identified in the planning proposal. The planning proposal does not seek to amend any other controls related to the site.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is located at 9A Eastern Valley Way, Northbridge and is made up of a number of lots including Lot 2 DP200094, Lot 4 DP200099, Lot 6 DP200096, Lot 6 DP200096, Lot 15 DP4409 and Lot B DP323172. The site has an approximate area of 9,022 sqm and is located within the E1 Local Centre zone. The Department notes that Lot B DP323172 is zoned mainly E1 Local Centre, with some of the site zone SP2 Classified Road to the west where it adjoins Eastern Valley Way.

Currently the site is used as a public carpark that services the Northbridge Plaza that is located adjacent to the south of the site. To the north of the site is a retirement village and to the east is low density residential development. The site is identified in **Figure 1** below.

The site is generally flat with a gradual fall from south to north. Two entry and exits points access the site, this includes one set to the west along Eastern Valley Way and one set to the east along Harden Avenue.



Figure 1 Subject site (source: Nearmaps)

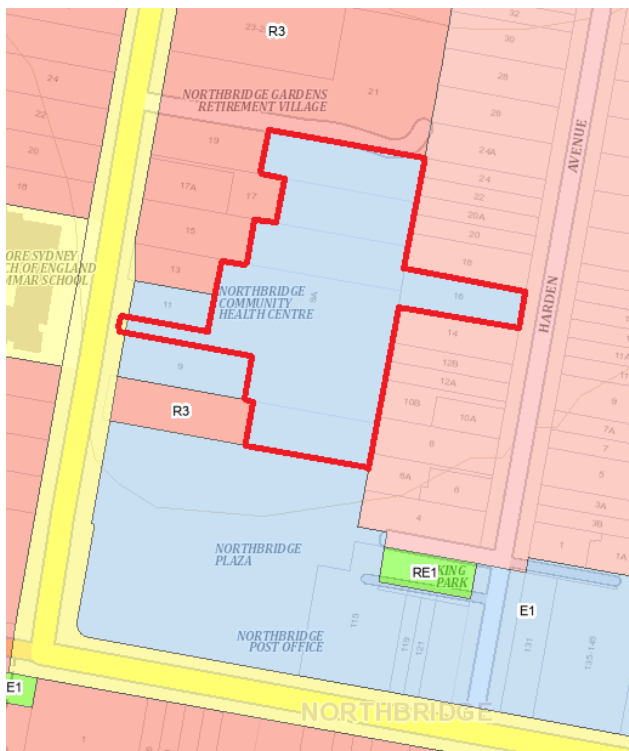


Figure 2 Current land zoning (source: Department)

1.5 Mapping

The planning proposal does not include any changes to the development controls and therefore no change to the LEP maps is required.

1.6 Background

1.6.1 Site History

In 1961, Council purchased two parcels of land from the Neighbourhood Centres Pty Limited. These parcels, comprised of land which is now the existing car park, are contained in two separate Certificates of Title. During this time, the Neighbourhood Centre Pty Limited owned the land that is now the Northbridge Plaza shopping centre.

The transfer of these parcels to Council contained a restrictive covenant that prevented the use of the land for any purpose other than a public car park and baby health centre. A restriction covenant on the erection of a fence to divide Lot 6 DP200096 from adjoining land also applied during the transfer.

Since this time, the land has been used predominantly as a Council car park. A baby health clinic was located on part of the site however, this clinic has been non-operational for approximately 10 years and now sits vacant.

1.6.2 Willoughby comprehensive LEP (PP-2021-6242)

The land subject to this planning proposal was previously proposed to be reclassified as a part of Council's comprehensive review of Willoughby Local Environmental Plan 2012, which was exhibited in 2022. The reclassification was prepared along with zoning, height and floor space ratio changes for the carpark. Uplift changes to the Northbridge Plaza and North bridge Local Centre were also proposed more generally.

On 12 December 2022, Council resolved to retain the existing controls for the Northbridge Plaza and car park and seek Gateway Determination for a separate planning proposal to implement the changes to the planning controls and reclassification of the car park to operational.

Council noted it was necessary to remove the proposed changes from the comprehensive LEP as submissions raised concerns about the feasibility of planning controls as well as the resources needed for the land reclassification process. It was determined that resolving these issues could delay the making of the of the remaining comprehensive changes to the LEP.

The Department notes the background section within the planning proposal does not discuss the removal of the site's reclassification from the Willoughby comprehensive LEP. A **Gateway Condition** will recommend that prior to exhibition the background section be updated to provide further explanation for the context of the current reclassification proposal and how concerns raised in submissions received for the comprehensive planning proposal have been addressed.

1.6.3 Current Planning Proposal (PP-2025-622)

On 4 February 2025, the Willoughby Local Planning Panel considered the planning proposal and provided its support to proceed to Gateway Determination.

On 24 March 2025, Council resolved to submit the planning proposal to the Department of Planning, Housing and Infrastructure for Gateway Determination.

2 Need for the planning proposal

The planning proposal is not the result of a strategic plan, study or report.

There is no other planning mechanism to reclassify community land to operational land under the Local Government Act 1993. A planning proposal is required to achieve the intended outcomes. The site is classified as ‘community’ land, there are restrictions on the use and is unable to be sold or transferred.

The planning proposal notes it is consistent with the Local Strategic Planning Statement (LSPS) particularly Priority 6 that looks at local centres, such as Northbridge, as ‘priority to plan’ centres. The LSPS recognises the need for these centres to be vibrant places that meet the everyday needs of the population. The planning proposal will allow Council to consider opportunities for future development that meet this priority.

3 Strategic assessment

3.1 District Plan

The site is within the North District. The North District Plan (March 2018) contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Planning Priority N6 Creating and renewing places and local centre, and respecting the District’s heritage	<p>The proposed reclassification will enable Council to consider opportunities for future development onsite. In particular, the reclassification will allow for the capitalising on its current underutilisation as a car park and acknowledge the communities’ changing needs.</p> <p>Council has indicated that the reclassification of the site does not commit Council to selling or developing the land and does not remove Council’s ownership.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	Published in February 2020, the <i>Willoughby City Local Strategic Planning Statement</i> (LSPS) provides a 20-year vision explaining how land use planning will be used to respond to predicted housing, economic, and population trends within the LGA.

	<p>The planning proposal is consistent with Direction 6 of the LSPS which looks at <i>‘Planning for local centres which are vibrant places that meet the everyday needs of the population’</i>. Northbridge has been identified as a local centre within this direction, with concerns regarding the traffic and transport issues associated with the Council car park identified.</p> <p>The planning proposal will allow Council to consider opportunities for future development proposals that align with the outcomes of this priority.</p>
Willoughby Local Centres Strategy	<p>Published in June 2020, the <i>Willoughby Local Centre Strategy 2036</i>, provides a framework for future planning controls and public domain improvements for eight local centres.</p> <p>The strategy identifies the vision for Northbridge as a <i>‘successful commercial hub providing a mix of local and destination shopping as well as offices and services in an attractive and accessible setting’</i>. Included in the key changes is a recommendation that looks to provide improvements in public space provisions by undergrounding Council car park, providing a plaza and creating pocket parks and streetscape improvements.</p> <p>The planning proposal will provide Council with opportunities to consider future development proposals that will facilitate the vision for Northbridge as outlines in the Willoughby Local Centres Strategy.</p>

3.3 Local planning panel (LPP) recommendation

The planning proposal was considered at the Willoughby LPP’s meeting on 4 February 2025. The LPP provided the following advice to Council:

The Panel is satisfied that the planning proposal demonstrates strategic and site specific merit and supports the proposal being forwarded to the Department of Planning for Gateway consideration.

3.4 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.2 Reserving land for public purposes	Consistent	<p>The objectives of this direction is to facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservation of land for public purposes where the land is no longer required for acquisition.</p> <p>The proposal is consistent with this direction as it seeks to reclassify the land which will better reflect the current use of the land being a car park for the Northbridge Plaza. This will allow Council greater flexibility with leasing and licensing of the site. The proposed reclassification does not amend the zoning or land reservation acquisition map.</p>

7.1 Employment Zones	Consistent	<p>The objectives of the direction are to encourage employment growth in suitable locations, protect employment land in employment zones and support the viability of identified centres.</p> <p>The site is zoned E1 Local Centre. The planning proposal is consistent with this direction as it does not propose a reduction in the area or location of the employment zone nor does it reduce the potential floor space for employment uses or public services.</p>
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3.5 State environmental planning policies (SEPPs)

The planning proposal has considered and is consistent with all relevant SEPPs.

The planning proposal proposes the reclassification of land only and does not propose to rezone land. Council notes that any changes to planning controls or the sale of land in the future, would require separate processes and decisions.

3.6 LEP Practice Note PN 16-001

LEP Practice note PN16-001 *Classification and reclassification of public land through a local environmental plan* provides guidance on preparing planning proposals seeking to reclassify public land through an LEP. The practice note also provides an accompanying information checklist of considerations to be discussed within reclassification proposals.

The planning proposal has provided an assessment against the checklist within the supporting 'Statement of Council's Interests' (**Attachment B**). The Department has considered this and is satisfied that the planning proposal meets the checklist requirements.

4 Site-specific assessment

4.1 Environmental, social and economic

The planning proposal does not alter any development controls and is not considered to have any adverse social, economic or environmental impacts.

As previously discussed in this report, the reclassification of the site will align the land classification with the current car park use and enable operational flexibility for the ongoing use of the car park. This will assist in ensuring appropriate leasing and licensing arrangements of the site in its current configuration. The reclassification will allow Council to consider opportunities for future development proposals.

Reclassification of the site will also allow opportunity for the baby health clinic on site, that has been vacant for the past 10+ years, to be utilised for other uses that better serve the community. The baby health clinic no longer has purpose on this site as child, youth and family health services are now offered through Community Health Centres across specific health districts.

Reclassification does not commit Council to selling or development the land, nor does it remove Council's ownership or prevent current uses from continuing.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

Given the planning proposal is categorised as a standard planning proposal, it is recommended the exhibition period is a minimum of 20 working days

Council must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). After the exhibition period has ended, at least 21 days public notice must be given before the hearing.

5.2 Agencies

The proposal does not specifically identify which agencies will be consulted.

It is recommended that Sydney Water and utility providers such as Ausgrid be consulted on the planning proposal and given 30 working days to comment, due to the presence of utility infrastructure and drainage easements on and adjoining the site.

6 Timeframe

Council proposes a 10 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 10 March 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

The Department recommends that Council not be authorised to be the local plan-making authority for this proposal as the site is owned by Council.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the North District Plan, Council's Local Strategic Planning Statement, and the relevant SEPPs and Section 9.1 Directions.
- Reclassification of the site will align the land classification with the current car park use and enable operational flexibility for the use of the current car park and vacant baby health clinic.
- Reclassification does not commit Council to selling or development the land, nor does it remove Council's ownership or prevent current uses from continuing.
- The proposal will not result in any adverse environmental outcomes and have a positive social and economic impact for the community.

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- Include further information regarding the removal of the site's reclassification from the Willoughby comprehensive LEP.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that there are no inconsistencies with section 9.1 Directions.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to exhibition the background section of the planning proposal be updated to provide further explanation of the removal of the site's reclassification from the Willoughby comprehensive LEP and how previous concerns raised have been addressed.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Sydney Water
 - Utility providers such as Ausgrid

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is required to be held into the matter as required when reclassifying public land from community to operational under LEP Practice Note PN16-001.

The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority.

The timeframe for the LEP to be completed is on or before 10 March 2026.



24 April 2025

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2 June 2025

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