

**12.11 RECLASSIFICATION OF COUNCIL LAND AT NORTHBRIDGE PLAZA
CAR PARK**

RESPONSIBLE OFFICER: MITCHELL NOBLE, ACTING PLANNING &
INFRASTRUCTURE DIRECTOR

AUTHOR: JANE GIBSON, STRATEGIC PLANNER

1. EXECUTIVE SUMMARY

This report recommends that Council seek approval from the Department of Planning, Housing and Infrastructure to publicly exhibit a Planning Proposal to reclassify Council owned land at Northbridge Plaza Car Park from community to operational land. The reclassification to operational land will better align the classification to the current uses of the land and will also allow for a separate public process to consider the future of the site.

2. RECOMMENDATION

That Council:

1. Supports the Planning Proposal.
2. Forward the Planning Proposal to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
3. Subject to 2 above, Council endorse the Planning Proposal for public exhibition.
4. Delegate authority to the General Manager to make any amendments to the Planning Proposal that do not alter the policy intent or result in material changes.

3. DISCUSSION

Background and Previous Exhibition

This planning proposal aims to amend Willoughby Local Environmental Plan (LEP) 2012 to reclassify the six parcels of land located in the Northbridge car park from 'community' land to 'operational' land. The land is all owned by Willoughby Council.

The land was previously proposed to be reclassified in Council's comprehensive review of Willoughby Local Environmental Plan 2012. This review was exhibited in 2022. The proposed reclassification was prepared along with proposed zoning, height and floor space ratio changes for the car park, along with proposed uplift changes to Northbridge Plaza and Northbridge Local Centre generally. After public exhibition, a report was considered by Council in December 2022. At the meeting, Council resolved to:

"Retain the existing controls for the Northbridge Plaza and Car Park and shopping centre, and seek a Gateway Determination for a separate Planning Proposal to implement the proposed changes to planning controls and reclassification of the land to operational to allow for further community engagement and technical investigations. Should this result in the need for changes to the planning controls that were exhibited as part of the draft comprehensive Local Environmental Plan, the matter is to be reported to Council for endorsement prior to exhibition."

This action was necessary due to submissions raising concerns about the feasibility of the proposed planning controls, as well as the resources needed for the land reclassification process. The report stated that resolving these issues could delay the making of the remaining comprehensive changes to the LEP, and recommended retention of the site's controls for the time being.

Reclassification of the land is required for Council to be able to explore a wider range of commercial partnerships and arrangements that would facilitate redevelopment. Setting the zoning, heights and floor space ratio before fulsome discussions can be had with other impacted landowners would potentially lead to suboptimal or impractical outcomes.

It is appropriate to reclassify the land to operational and commence a public process engaging the community and key landowners in considering the future of the site and the planning controls required.

MBWA Consulting has been engaged to draft the Planning Proposal, in satisfaction of the relevant requirements for such proposals, on behalf of Council (**Attachment 1**).

The Proposal

Council owns approximately 9,000 square metres of land at the Northbridge Carpark, near the corner of Sailors Bay Rd and Eastern Valley Way. The proposed reclassification applies to six lots being:

- Lot 2 DP 200094
- Lot 4 DP 200099
- Lot 6 DP 200096
- Lot 8 DP 200098
- Lot 15 DP 4409
- Lot B DP 323172

The location of the sites, including maps, is included in the Planning Proposal, see **Attachment 1**. The Lots are currently zoned E1 Local Centre with a small portion zoned SP2 Infrastructure at the end of Lot B for proposed road widening.

The Willoughby Local Centres Strategy 2036 (as adopted in 2020) proposes a new strategic planning approach for the Northbridge Carpark, which aims to make this area an improved urban place.

The current classification as Community Land fetters the Council's ability to enter into commercial arrangements with prospective partners. This limits Council's ability to pursue the improvements envisioned by the Strategy, such as redeveloping the site with a mix of public open space, car parking, and housing.

By reclassifying the land, Council will then be able to explore a wider range of options that can inform a separate, future, planning proposal.

Further, the reclassification will also allow Council to more effectively and efficiently manage the current site, allowing consideration of a wider range of leasing and licensing arrangements to assist in managing uses under the current controls.

Reclassification process

Under the *Local Government Act 1993*, all public land must be classified as either Community or Operational land. Council's Northbridge Carpark holdings are classified as Community land, which is the classification usually placed on public parks and natural bushland areas.

The classification of Community land is not appropriate for the Northbridge Carpark land as it:

- prohibits Council from seeking to implement the outcomes of the Willoughby Local Centres Strategy, and
- limits the scope of future development proposals.

Operational Land would be more consistent with the current use of the land, being primarily (though not exclusively) car parking ancillary to the privately owned Northbridge Plaza.

The carpark land also has a covenant on title that broadly states the land must be used as a public carpark or public baby health centre. The covenant was placed on title by the developer of the Northbridge Plaza who subsequently transferred the carpark to Council in the mid-1960s. In the time since the mid-1960's the model for provision of post-natal care has significantly changed and the need for "baby health centres" of the type previously on the site is no longer current. The baby health centre has been vacant for at least 10 years. Child Youth and Family Health services are now offered through larger Community Health Centres offering a range of services to wider catchments. The nearest Child and Family Health Centre is located at Hercules St, Chatswood and offers a range of baby and child services, including nursing advice and support and child development checks.

There is also a restrictive covenant applicable to Lot 6 DP 200096 which prevents the erection of a fence to divide it from the adjoining land without consent.

In the process of changing from community to operational land, it is the intention that these covenants be extinguished. All drainage easements and restrictions on the lots will remain as is.

The reclassification process is outlined under the *Local Government Act 1993* and would

require Council to prepare a Planning Proposal and, after receiving Gateway approval from the Department of Planning, Housing and Infrastructure, undertaking a public hearing and exhibition period. The Planning Proposal has been prepared by a consultant planner and can be viewed at **Attachment 1**. A Statement of Council's Interest as required by the Department of Planning, Housing and Infrastructure's Practice LEP Note PN 16-001 can be viewed at **Attachment 2**.

Willoughby Local Planning Panel (WLPP)

The proposal was referred to the WLPP on 4 February 2025. The Panel provided the following advice:

The Panel advises it is satisfied that the planning proposal is worthy of being forwarded to the DPH&I for a Gateway consideration having demonstrated strategic and site specific merit. The Panel recommends unanimously:

Supporting the Planning Proposal to Council.

- 1. Forwarding the planning proposal to the DPH&I for a Gateway consideration as drafted.*
- 2. Public Consultation including Public Exhibition Period and Public Independent Hearing in accordance with the requirements under Planning Proposals.*

Conclusion

In order to align the classification of the land and implement the Local Centres Strategy, it is recommended that Council commence the process to re-classify the land from Community to Operational. If the land is reclassified, Council will also be able to consider any proposal for the site, subject to rezoning or changes to existing development controls.

4. COMMUNITY STRATEGIC PLAN OUTCOME

3.4 Create desirable places to be and enjoy.

3.5 Balance population growth and development with quality of life.

5. GOVERNANCE, RISK AND COMPLIANCE IMPLICATIONS

A Community Engagement Plan will be developed to manage stakeholder engagement. It will satisfy the requirements set out in Council's Community Participation Plan and any additional requirements set out in the Gateway Determination to be issued by the Department of Planning, Housing and Infrastructure.

It is a requirement for reclassification proposals of this nature to be subject to a public hearing; once a Gateway Determination has been received, Council will engage an independent facilitator to run the hearing.

As the matter is subject to the assessment of the Department of Planning, Housing and Infrastructure, a timeline for exhibition cannot be predicted. The exhibition will be held as soon as is practicable following the receipt of a Gateway Determination noting adequate time will be required to notify the community of hearing and exhibition dates.

It is important to note that this proposal is limited to the reclassification of the land and the removal of the restrictions relating to the baby health centre, fencing and car park. It does not propose to rezone or redevelop the land, nor does it require that Council rezone or

redevelop the land in the future. The community has expressed a desire to be involved in any future redevelopment of the land this would occur following reclassification, should Council wish to proceed with exploring redevelopment options at that time.

6. FINANCIAL / RESOURCE IMPLICATIONS

The public exhibition, including engagement of an independent facilitator to conduct a public hearing and prepare a report with recommendations, as well as any amendments or updates to the draft proposal arising from the exhibition, are proposed to be undertaken using the existing operational funds available for planning proposals.

ATTACHMENTS:

- 1. PLANNING PROPOSAL WILLOUGHBY RECLASSIFICATION**
- 2. STATEMENT OF COUNCIL'S INTERESTS RECLASSIFICATION OF LAND NORTHBRIDGE**