

# Planning Proposal Reclassification

NORTHBRIDGE CARPARK  
RECLASSIFICATION FROM  
COMMUNITY TO OPERATIONAL LAND

WILLOUGHBY CITY COUNCIL



# Planning Proposal – Reclassification

## Northbridge Carpark

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# Planning Proposal

## Reclassification - Northbridge Carpark

### Introduction and background

#### Introduction

This planning proposal aims to amend Willoughby Local Environmental Plan (LEP) 2012 to reclassify the following 6 parcels of land located in the Northbridge car park from 'community' land to 'operational' land.

- Lot 2 DP200094
- Lot 4 DP200099
- Lot 6 DP200096
- Lot 8 DP 200098
- Lot 15 DP4409
- Lot B DP323172

The planning proposal has been prepared in accordance with Section 3.33(2) of the *Environmental Planning and Assessment Act 1979*, the Department of Planning, Housing and Infrastructure's *Local Environmental Plan Making Guideline (August 2023)* and LEP Practice note (PN16-001) relating to the *Classification and reclassification of public land through a local environmental plan*.

The planning proposal does not propose changes to the current zoning or planning controls.

#### Background

The *Local Government Act 1993* (the LG Act 1993) requires all public land (any land vested in, or under the control of Council) to be classified as either community or operational.

Community land is generally open to the public and includes parks, reserves or sports grounds. Operational land is generally land held as a temporary asset or used by Council to carry out its functions, for example work depots and garages. Community land cannot be sold and cannot be leased or licensed for more than 21 years. No such restrictions apply to operational land.

The reclassification of land does not commit Council to the sale or development of the land, nor does it remove the land from Council's ownership or prevent the current use of the land as a car park from continuing. Such considerations will be subject to separate processes and decisions.

The land was previously proposed to be reclassified in Council's comprehensive review of Willoughby Local Environmental Plan 2012 (Amendment No 34). Amendment No 34 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.

This planning proposal ensures that a community discussion about the potential reclassification of the carpark site is not complicated with a parallel discussion on land-use controls or a development proposal.

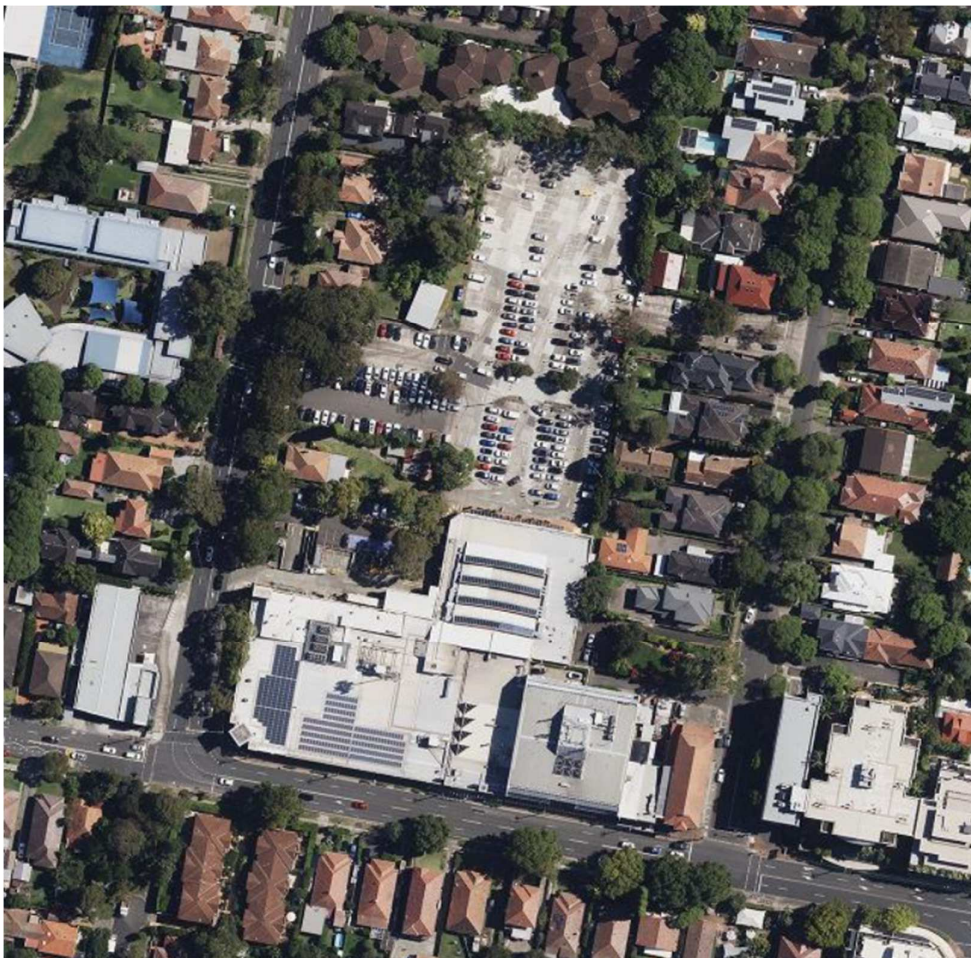
## Site description

The land subject to the planning proposal (subject site) can be best described as follows.

**Table 1:** Legal description, site area and zoning

Site	Legal description	Site area (m <sup>2</sup> )	Zoning
1	Lot 2 DP200094	1182	E1 Local Centre
2	Lot 4 DP200099	1018	E1 Local Centre
3	Lot 6 DP200096	1182	E1 Local Centre
4	Lot 8 DP 200098	942	E1 Local Centre
5	Lot 15 DP4409	765	E1 Local Centre
6	Lot B DP323172	3933	E1 Local Centre / SP2 Infrastructure

The subject site is generally flat with a gradual but consistent fall from south to north. Two ingress and egress points access the subject site from Eastern Valley Way (west) and Harden Avenue (east). The site is generally bound by the Northbridge Plaza shopping centre to the south, residential properties on Harden Avenue to the east, a retirement village to the north and residential properties on Eastern Valley Way to the west.



**Map 1:** Aerial photo showing the general locality of Northbridge Plaza and associated carpark (Source: Six Maps)





**Map 2:** Aerial photo subject site bound red (Source: Council)





**Photo 1:** Former baby health clinic



**Photo 2:** Carpark looking south towards Northbridge Plaza shopping centre





**Photo 3:** Carpark looking west towards Eastern Valley Way access

## Part 1 Intended outcomes

The objective and intended outcome of the planning proposal is to reclassify the subject land from 'community' land to 'operational' land to align the land classification with current operational activities taking place on the subject site. It will enable operational flexibility for the current car park use and will allow Council to consider opportunities for future development proposals.

The planning proposal will remove a number of limitations or restrictions that currently apply to the land through the reclassification process. This is discussed in detail in *Part 2 – Explanation of provisions*.

No changes are proposed to the current zoning or planning controls associated with the site.

Reclassification does not commit Council to selling or developing the land. Nor does it remove Council's ownership or prevent current uses from continuing. Any such changes would require separate decisions and processes.

## Part 2 – Explanation of provisions

This section establishes the means by which the objectives of the planning proposal will be achieved through an amendment to the Willoughby LEP 2012.

The proposed amendment to Willoughby LEP 2012 is to reclassify the subject land from community land to operational land.

### Reclassification

The planning proposal recommends that Willoughby LEP 2012 is amended by adding the land to Schedule 4 *Classification and reclassification of public land*. Specifically, the land is proposed to be inserted into *Part 2 Land classified or reclassified as operational land – interests changed*.

**Table 2:** Schedule 4 Part 2 Willoughby LEP 2012

Under Column 1 Locality	Under Column 2 Description	Under Column 3 Any trust etc not discharged
Northbridge	Lot 2 DP200094	Easement to drain water 1.25 wide (DP1000706)  H982797: Easement for drainage affecting the part of all lots within described shown so burdened in plan with H982797.
	Lot 4 DP200099	Easement to drain water 1.25 wide (DP859450 & DP1000706)  H982797: Easement for drainage affecting the part of all lots within described shown so burdened in plan with H982797.
	Lot 6 DP200096	H982797: Easement for drainage affecting the part of all lots within described shown so burdened in plan with H982797.
	Lot 8 DP 200098	H982797: Easement for drainage affecting the part of all lots within described shown so burdened in plan with H982797.

Under Column 1	Under Column 2	Under Column 3
Locality	Description	Any trust etc not discharged
	Lot 15 DP4409	Nil
	Lot B DP323172	H982797: Easement for drainage affecting the part of all lots within described shown so burdened in plan with H982797.

### Justification

The subject sites will remain operating as a car park. The planning proposal will only affect the classification of the land from 'community' to 'operational' and remove the restrictions relating to baby health centre, fencing and car park. These restrictions to be removed are detailed in *PN16-001 Classification and reclassification of public land through a local environmental plan* attached.

The baby health centre has been vacant for at least 10 years. Child Youth and Family Health services are now offered through Community Health Centres across specific health districts. 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.

The restriction on the erection of a fence is a redundant, historical covenant.

All drainage easements and restrictions will remain unchanged.

### Zone or planning control amendments

No rezoning is associated with this planning proposal. The zone will remain E1 Local Centre and the LEP planning controls will remain the same. Lot B DP 323172 is predominantly E1 with a small section on Eastern Valley Way zoned SP2 Infrastructure (for proposed road widening purposes)

Any changes to the zoning or planning controls will be the subject of a separate planning proposal.

## Part 3 – Justification of strategic and site-specific merit

### A. NEED FOR THE PLANNING PROPOSAL

Q1 Is the planning proposal a result of an endorsed local strategic planning statement (LSPS), strategic study or report?

The planning proposal is consistent with the Council's Local Strategic Planning Statement (LSPS) adopted by Council 10 February 2019.

The LSPS identifies Northbridge (along with other local centres) as a 'priority to plan'.

Specifically, Priority 6 *Planning for local centres which are vibrant places that meet the everyday needs of the population specifically identifies that local centres make a significant contribution to the character of neighbourhoods, sustain a strong sense of community, create opportunities for housing choice and generate accessible local jobs close to public transport and housing.*

The planning proposal will allow Council to consider opportunities for future development proposals that meet this priority.

#### Willoughby Local Centres Strategy

The main aim of the Local Centres Strategy is to promote a network of thriving attractive and distinctive village centre throughout the Council area. It provides the framework for future planning controls and public domain for 8 centres, including Northbridge.

The Vision for Northbridge:

*Northbridge Town Centre is a successful commercial hub providing a mix of local and destination shopping as well as offices and services in an attractive and accessible setting. Its built form and character and range of extensive public open spaces has ensured its role as a much valued community hub. New commercial floor space has created local business opportunities and new medium density housing has responded to the needs of residents at all stages of life.*

Specific key suggestions for Northbridge include:

- Increase shop-top housing within the centre.
- Encourage high quality architectural 'Marker buildings' at key locations to provide gateways to the town centre.
- *Improve public open space provisions by undergrounding Council car park and providing a plaza, create pocket parks and streetscape improvements.*
- Improve pedestrian connections.
- Development potential for new medium density residential, new retail and community uses and additional mixed use development.

The planning proposal will allow Council to consider opportunities for future development proposals and will facilitate the vision for Northbridge outlined in the Willoughby Local Centres Strategy being realised.

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the best and only means of achieving the objectives or intended outcome to reclassify the land.

## B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes, the planning proposal will give effect to the Sydney metropolitan and northern district planning strategies.

*Greater Sydney Regional Plan – A metropolis of Three Cities (March 2018)*

*The Greater Sydney Regional Plan 2056 – A metropolis of three cities (March 2018)* sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney.

The planning proposal is consistent with the following directions, objectives and strategies:

Direction	Objective	Discussion
<b>A city for people - Celebrating diversity and putting people at the heart of planning</b>	O6: Services and infrastructure meet communities' changing needs	The planning proposal provides an opportunity for Council to consider opportunities for the future vision and development of the site.  The planning proposal will facilitate opportunities for other uses on the site, capitalising on its current underutilisation as a car park, acknowledging the community's changing needs.
<b>Housing the city – Giving people housing choices</b>	O10: Greater housing choices	The planning proposal will facilitate consideration of opportunities for future development of the site including potential housing development that would increase housing choices.
<b>A City of great places</b>	O12: Great places that bring people together	Reclassification will allow future opportunities for development to be considered, thereby facilitating the objective to create great places.

### North District plan

The North District Plan (NDP) informed Willoughby Local Strategic Planning Statement and Willoughby LEP 2012. Planning proposals must be consistent with the NDP.

The NDP provides planning priorities consistent with the Objectives from the Region Plan. The Region Plan requires that councils work collaboratively with the (then) Greater Sydney Commission (later Greater Cities Commission) to establish agreed 6 -10 year housing targets.



The planning proposal is consistent with the NDP and specifically meets the following Planning Priority.

Planning priority	Objective	Discussion
<b>N6 Creating and renewing great places and local centres, and respecting the District's heritage</b>	12. Great places that bring people together	<p>The planning proposal provides an opportunity for Council to consider opportunities for future vision and development of the site.</p> <p>The planning proposal will facilitate consideration of opportunities for other uses on the site, capitalising on its current underutilisation as a car park, acknowledging the community's changing needs.</p>

Q4 Is the Planning Proposal consistent with a council Local Strategic Planning Statement that has been endorsed by the Planning Secretary or Greater Cities Commission, or another endorsed local strategy or strategic plan?

#### Willoughby Local Strategic Planning Statement

The planning proposal is consistent with the Council's Local Strategic Planning Statement (LSPS) adopted by Council 10 February 2019.

The LSPS identifies Northbridge (along with other local centres) as a priority to plan. Specifically, Priority 6 *Planning for local centres which are vibrant places that meet the everyday needs of the population* specifically identifies that local centres *make a significant contribution to the character of neighbourhoods, sustain a strong sense of community, create opportunities for housing choice and generate accessible local jobs close to public transport and housing.*

The planning proposal will allow Council to consider opportunities for future development proposals that meet this priority.

#### Our Future Willoughby 2032

Our Future Willoughby 2032 is the Council's community strategic plan, providing a long-term vision for the future of the City. Our Future Willoughby 2032 is used to inform Council's decision making and planning.

The main community priorities within Our Future Willoughby 2032 relevant to this planning proposal are:

- 3.4 Create desirable places to be and enjoy.
- 3.5 Balance population growth and development with quality of life.
- 4.6 Facilitate the viability and vibrancy of our CBD and village centres.

The planning proposal is consistent with these priorities.

**Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

As the planning proposal only proposes to reclassify land there are no other specific State or regional studies or strategies to consider.

**Q6. Is the planning proposal consistent with applicable SEPPs?**

The following table identifies compliance and/or consistency with State Environmental Planning Policies (SEPPs)

<b>SEPP name</b>	<b>Consistency with the SEPP</b>
State Environmental Planning Policy (Planning Systems) 2021	The planning proposal does not contain provisions that would affect the application of the SEPP
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The planning proposal is consistent with the SEPP
State Environmental Planning Policy (Resilience and Hazards) 2021	The planning proposal does not contain provisions that would affect the application of the SEPP
State Environmental Planning Policy (Transport and Infrastructure) 2021	The planning proposal does not contain provisions that would affect the application of the SEPP
State Environmental Planning Policy (Industry and Employment) 2021	The planning proposal does not contain provisions that would affect the application of the SEPP
State Environmental Planning Policy (Resources and Energy) 2021	The planning proposal does not contain provisions that would affect the application of the SEPP
State Environmental Planning Policy (Primary Production) 2021	The planning proposal does not contain provisions that would affect the application of the SEPP
State Environmental Planning Policy (Eastern Harbour City) 2021	The planning proposal is consistent with the SEPP
State Environmental Planning Policy (Central River City) 2021	Not applicable
State Environmental Planning Policy (Western Parkland City) 2021	Not applicable
State Environmental Planning Policy (Precincts Regional) 2021	Not applicable
State Environmental Planning Policy (Housing) 2021	The planning proposal does not contain provisions that would affect the application of the SEPP
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The planning proposal is consistent with the SEPP
State Environmental Planning Policy (Sustainable Buildings) 2022	The planning proposal does not contain provisions that would affect the application of the SEPP

**Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 directions) or key government priority?**

The following table identifies compliance and/or consistency with Ministerial Directions or key government priorities.

DIRECTION	PLANNING PROPOSAL CONSISTENCY
<b>Focus area 1: Planning Systems</b>	
1.1 – Implementation of Regional Plan	Consistent with Regional Plan as detail in Q3 above.
1.2 - Development of Aboriginal Land Council land	Not applicable.
1.3 - Approval and Referral Requirements	The proposed amendments do not include the requirements for approvals or referrals.
1.4 - Site Specific Provisions	Not applicable, as the planning proposal does not include unnecessarily restrictive site specific planning controls.
1.4A – Exclusion of Development Standards from Variation	Not applicable.
1.5 - Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
1.6 - Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
1.7 - Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.8 - Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.9 - Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
1.10 - Implementation of the Western Sydney Aerotropolis Plan	Not applicable.
1.11 - Implementation of Bayside West Precincts 2036 Plan	Not applicable.
1.12 - Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.
1.13 - Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable.
1.14 - Implementation of Greater Macarthur 2040	Not applicable.
1.15 - Implementation of the Pyrmont Peninsula Place Strategy	Not applicable.
1.16 - North West Rail Link Corridor Strategy	Not applicable.
1.17 - Implementation of the Bays West Place Strategy	Not applicable.

DIRECTION	PLANNING PROPOSAL CONSISTENCY
1.18 – Implementation of the Macquarie Park Innovation Precinct	Not applicable.
1.19 – Implementation of Westmead Place Strategy	Not applicable.
1.20 – Implementation of Camellia-Rosehill Place Strategy	Not applicable.
1.21 – Implementation of South West Growth Area Structure Plan	Not applicable.
1.22 - Implementation of Cherrybrook Station Place Strategy	Not applicable.
<b>Focus area 2: Design and Place</b>	
(blank)	-
<b>Focus area 3: Biodiversity and Conservation</b>	
3.1 - Conservation Zones	The planning proposal does not include any land within an environmentally sensitive areas.
3.2 - Heritage Conservation	The planning proposal does not include any heritage conservation sites.
3.3 - Sydney Drinking Water Catchments	Not applicable.
3.4 - Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3.5 - Recreation Vehicle Areas	Not applicable.
3.6 - Strategic Conservation Planning	Not applicable.
3.7 – Public Bushland	Consistent
3.8 – Willandra Lakes	Not applicable
3.9 – Sydney Harbour Foreshore and Waterways	Not applicable
3.10 – Water Catchment Protection	Not applicable
<b>Focus area 4: Resilience and Hazards</b>	
4.1 - Flooding	Consistent - the planning proposal aims to reclassify land not rezone for additional uses
4.2 - Coastal Management	Not applicable.
4.3 - Planning for Bushfire Protection	The planning proposal does not result in controls that place development in hazardous areas. It does not change any existing provisions relating to bushfire prone lands.
4.4 - Remediation of Contaminated Land	Consistent – the planning proposal aims to reclassify land not rezone for additional uses. Any future

DIRECTION	PLANNING PROPOSAL CONSISTENCY
	development will consider contamination issues.
4.5 - Acid Sulfate Soils	Consistent
4.6 - Mine Subsidence and Unstable Land	Not applicable
<b>Focus area 5: Transport and Infrastructure</b>	
5.1 - Integrating Land Use and Transport	Consistent – the planning proposal does not introduce new controls that affect transport and infrastructure
5.2 - Reserving Land for Public Purposes	Not applicable.
5.3 - Development Near Regulated Airports and Defence Airfields	Not applicable
5.4 - Shooting Ranges	Not applicable
<b>Focus area 6: Housing</b>	
6.1 - Residential Zones	Not applicable
6.2 - Caravan Parks and Manufactured Home Estates	Not applicable
<b>Focus area 7: Industry and Employment</b>	
7.1 - Business and Industrial Zones	Consistent – the planning proposal aims to reclassify land not rezone land.
7.2 - Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 - Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
<b>Focus area 8: Resources and Energy</b>	
8.1 - Mining, Petroleum Production and Extractive Industries	Consistent
<b>Focus area 9: Primary Production</b>	
9.1 - Rural Zones	Not applicable
9.2 - Rural Lands	Not applicable
9.3 - Oyster Aquaculture	Consistent
9.4 - Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.



## C. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

There are no likely impacts on threatened species or ecological communities that would preclude the reclassification of the subject site.

The planning proposal does not involve any development on the site. Future development will consider any direct impacts.

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No, this planning proposal only seeks to reclassify the subject land. The reclassification will not have any environmental effects as it does not involve any development. Any future impacts will be managed through subsequent rezonings and/or the development application process.

Q10. Has the planning proposal adequately addressed any social and economic effects?

There are no likely negative social or economic effects as a result of the planning proposal.

The baby health centre has been vacant for 10+ years. Child Youth and Family Health services are now offered through Community Health Centres across specific health districts. 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. The removal of the vacant baby health clinic use will therefore not result in a loss of social infrastructure. The site will continue to operate as a car park until a further planning proposal process is undertaken to determine any other future use.

The planning proposal enables a positive public economic impact in facilitating the future orderly development of a Council asset.

### Planning Secretary's requirements for reclassifying land

The *Local Environmental Plan Making Guideline August 2023* (page 65) sets out the Planning Secretary's requirements for reclassifying land. The specific matters that are to be addressed are detailed in the table below.

Requirement	Comment
Is the planning proposal the result of a strategic study or report?	<p>See Q1 above for a detailed response to this question.</p> <p>The planning proposal is consistent with the Council's Local Strategic Planning Statement (LSPS) adopted by Council 10 February 2019.</p> <p>Further, the planning proposal is consistent with the Willoughby Local Centre Strategy.</p>
Is the planning proposal consistent with the council's community plan, or other local strategic plan?	<p>See Q4 above for a detailed response to this question.</p> <p>Yes. The planning proposal is consistent with the Willoughby LSPS in that it identifies Northbridge (along with other local centres) as a priority to plan for local centres which are vibrant places that meet the everyday needs of the population.</p>

Requirement	Comment
	The planning proposal is also consistent with Our Future Willoughby 2032, Council's strategic plan that provides a long-term vision for the City.
If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided	<p>It is proposed to <u>remove</u> the following restrictions</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>It is proposed to <u>retain</u> the following restrictions</p> <p>H982797: An easement for drainage running from Sailors Bay Rd across both the Shopping Centre and the Car Park.</p> <p>DP 1000706 affecting Lot 2 DP 200094 and Lot 4 DP 200099 – easement to drain water.</p> <p>DP 859450 affecting Lot 4 DP 200099 - easement to drain water</p> <p>The car park land 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. The baby health centre has been vacant for at least 10 years. Child Youth and Family Health services are now offered through Community Health Centres across specific health districts. 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.</p> <p>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.</p> <p>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.</p> <p>The preferred approach to managing the future use and public benefit of the carpark land is to undertake a standalone land reclassification process, before examining new land-use controls for the Northbridge Plaza and carpark area.</p>

Requirement	Comment		
	The details of the restrictions on each of the Lots are as follows:		
	<b>Legal description</b>	<b>Restriction</b>	<b>Proposed action</b>
	<b>Lot 2 DP200094</b>		
		<b>H931061</b> Be used for public parking and baby health centre	Restriction proposed to be removed
		<b>H982797</b> Easement for drainage	Remain as is
		<b>DP 1000706</b> Easement to drain water	Remain as is
	<b>Lot 4 DP200099</b>		
		<b>H931061</b> Be used for public parking and baby health centre	Restriction proposed to be removed
		<b>H982797</b> Easement for drainage	Remain as is
		<b>DP 859450 &amp; DP 1000706</b> Easement to drain water	Remain as is
	<b>Lot 6 DP200096</b>		
		<b>H931061</b> Be used for public parking and baby health centre	Restriction proposed to be removed
		<b>H982797</b> Easement for drainage	Remain as is
		<b>H713646</b> Preventing the erection of a fence to divide it from adjoining land without consent	Restriction proposed to be removed
	<b>Lot 8 DP 200098</b>		
		<b>H931061</b> Be used for public parking	Restriction proposed to be removed

Requirement	Comment		
		and baby health centre	
		<b>H713650</b> Which prevents the use of lot for anything other than car parking	Restriction proposed to be removed
		<b>H982797</b> Easement for drainage	Remain as is
	<b>Lot 15 DP4409</b>		
		<b>H931061</b> Be used for public parking and baby health centre	Restriction proposed to be removed
	<b>Lot B DP323172</b>		
		<b>H931061</b> Be used for public parking and baby health centre	Restriction proposed to be removed
		<b>H982797</b> Easement for drainage	Remain as is
The concurrence of the landowner must be obtained, where the land is not owned by the PPA	Council owns the land proposed to be reclassified.		
The effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status	The reclassification will better reflect the current use of the land, which is a car park associated with a shopping centre. The reclassification will allow Council greater flexibility with the leasing and licensing of the site		
The strategic and site-specific merits of the reclassification and evidence to support this. Does the planning proposal deliver a public benefit?	<p>Reclassifying the land from community to operational will provide Council with more flexibility in planning for the future of the site.</p> <p>The public benefit is that the removal of the restriction to retain the site as carparking and a baby health clinic will be removed, and Council will be able to fully consider the best option for the future of the site.</p>		
Have the implications for open space in the LGA in relation to current and future open space needs been considered and will there be a net gain to open space?	The subject site is not open space. The site works as a carpark and former baby health clinic.		
How funds obtained from any future sale of the land will be used	The reclassification will allow greater flexibility when negotiating operation of the car park. Reclassification will also enable Council to undertake a collaborative masterplan process involving		

Requirement	Comment
	landowners and the community to confirm the future vision for the site.
How council will ensure funds remain available to fund proposed open space sites or improvement referred to in justifying the reclassification, if relevant	Not relevant as the subject site is not open space.

### ***Section D – Infrastructure (Local, State and Commonwealth)***

#### **Q11 Is there adequate public infrastructure for the Planning Proposal?**

The planning proposal will not generate a need for additional public infrastructure as it does not seek the rezoning of land for additional uses. Any subsequent proposal to develop the subject land will need to consider infrastructure requirements. The reclassification in itself, generates no additional infrastructure.

### ***Section E – State and Commonwealth interests***

#### **Q12 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

No consultation has been initiated at this point in time. Council will adhere to any requirements of Gateway determination to consult with State and Commonwealth public authorities.



## Part 4 – Maps

The planning proposal does not recommend nor require any changes to maps in Willoughby LEP 2012.

## Part 5 – Community Consultation

The Planning Proposal will be subject to a public exhibition following the Gateway determination. The Gateway determination will specify the community consultation that must be undertaken for the planning proposal. The exact consultation requirements are therefore not fully known at this stage.

It is anticipated that the public exhibition will be held for a period of 28 days in accordance with Section 34 *Local Government Act 1993* and the requirements of *A Guide to preparing Local Environmental Plans* (August 2023) as the category of planning proposal is ‘standard’ (20 working days). The following consultation process will be undertaken:

- A notice of Willoughby City Council websites.
- Written correspondence to adjoining landowners.

## Part 6 - Project Timeline

Stage	Timeframe
Consideration by Willoughby Local Planning Panel	February 2025
Report to Council on Planning Proposal	March 2025
Submit to the Department for Gateway determination	April 2025
Gateway determination issued	June 2025
Public exhibition and agency consultation	July – August 2025
Post exhibition review of submissions and proposal Review of submissions by independent assessor	August - September 2025
Public hearing and reporting	September 2025
Report to Council on exhibition and public hearing	November 2025
Submission to the Department for finalisation	December 2025
Gazettal of LEP amendment	March 2026

Attachment 1 - Certificate of Title



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: AUTO CONSOL 8303-231

SEARCH DATE	TIME	EDITION NO	DATE
25/6/2024	8:55 AM	2	13/5/1999

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS  
AT NORTHERIDGE  
LOCAL GOVERNMENT AREA WILLOUGHBY  
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND  
TITLE DIAGRAM SEE SCHEDULE OF PARCELS

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF WILLOUGHBY (T H931061)

SECOND SCHEDULE (7 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 H713646 COVENANT AFFECTING LOT 6 WITHIN DESCRIBED
- 3 H713650 COVENANT AFFECTING LOT 8 WITHIN DESCRIBED
- 4 H931061 COVENANT
- 5 H982797 EASEMENT FOR DRAINAGE AFFECTING THE PART OF ALL LOTS WITHIN DESCRIBED SHOWN SO BURDENED IN PLAN WITH H982797
- 6 DP859450 EASEMENT TO DRAIN WATER 1.25 WIDE AFFECTING THE PART OF LOT 4 IN DP200099 ABOVE DESCRIBED SHOWN SO BURDENED IN DP859450
- 7 DP1000706 EASEMENT TO DRAIN WATER 1.25 METRES WIDE AFFECTING THE PART(S) OF LOTS 2 IN DP200094 & 4 IN DP200099 SHOWN SO BURDENED IN DP1000706

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS	TITLE DIAGRAM
LOT 2 IN DP200094	DP200094
LOT 6 IN DP200096	DP200096
LOT 8 IN DP200098	DP200098
LOT 4 IN DP200099	DP200099
LOT B IN DP323172	DP323172.

\*\*\* END OF SEARCH \*\*\*

glswill

PRINTED ON 25/6/2024

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