

## STATEMENT OF COUNCIL'S INTEREST

**PREPARED IN ACCORDANCE WITH THE DEPARTMENT OF PLANNING PRACTICE NOTE (PN 16-001) FOR CLASSIFICATION AND RECLASSIFICATION OF PUBLIC LAND THROUGH A LOCAL ENVIRONMENTAL PLAN DATED 5 OCTOBER 2016.**

**A copy of the abovementioned Planning Practice Note is attached.**

[LEP practice note – PN 16-001 – Classification and reclassification of public land through a local environmental plan](#)

### **Introduction**

The aim of the abovementioned Practice Note (PN 16-001) is to identify the main steps under the Environmental Planning and Assessment Act 1979 and the general requirements for classifying and reclassifying land through local environmental plans and planning proposals.

The intention of this Statement of Council's Interest is to:

- a) Identify land owned by Council proposed for reclassification from 'community land' to 'operational land' under a draft amendment to Willoughby Local Environmental Plan 2012 (Draft WLEP 2012).
- b) Ensure the reclassification process is in accordance with Practice Note (PN 16-001) and therefore allow the community the opportunity to assess the proposal with a full appreciation of all relevant information.

### **Relevant Definitions**

The following definitions are provided in Practice Note (PN 16-001):

- a) "Public land" is any land ... vested in, or under the control of, council."
- b) "Community" land is generally open to the public, for example, parks, reserves or sports grounds."
- c) "Operational" land may be used for other purposes, for example, as works depots or garages, or held by Council as a temporary asset."
- d) "Classification" of public land refers to the process when this land is first acquired and first classified as either 'operational' land or 'community' land.
- e) "Reclassification" of public land refers to the process of changing the classification of 'operational' land to 'community' land or from 'community' land to 'operational' land."

**Reclassification of Lot 2 DP200094, Lot 4 DP200099, Lot 6 DP200096, Lot 8 DP200098, Lot 15 DP4409 and Lot B DP323172, Northbridge from 'Community' to 'Operational'.**

Willoughby Council owns Lot 2 DP200094, Lot 4 DP200099, Lot 6 DP200096, Lot 8 DP200098, Lot 15 DP4409 and Lot B DP323172, Northbridge in freehold. The total site area is 9023.23m<sup>2</sup>. The land comprising the above Lots is currently used as a carpark serving Northbridge Plaza, and a baby health clinic is also on the site. The baby health clinic has been underutilised for 10+ years. The carpark is accessible from Eastern Valley Way and Harden Avenue, Northbridge.

Current and proposed classification of the land

Council intends to reclassify Lot 2 DP200094, Lot 4 DP200099, Lot 6 DP200096, Lot 8 DP200098, Lot 15 DP4409 and Lot B DP323172 from community land to operational land via the planning proposal process.

Photo 1: Northbridge carpark looking south towards the baby health clinic



The land comprised of the above Lots is located adjacent to Northbridge Plaza, and is accessible from Eastern Valley Way and Harden Ave, Northbridge (see Maps 1 and 2).

Photo 2: Northbridge carpark looking east towards Northbridge Plaza



Photo 3: Northbridge carpark looking west



Map 1: Aerial photo of Lot 2 DP200094, Lot 4 DP200099, Lot 6 DP200096, Lot 8 DP200098, Lot 15 DP4409 and Lot B DP323172, Northbridge: Land to be reclassified



Map 2: Location and zoning of Lot 2 DP200094, Lot 4 DP200099, Lot 6 DP200096, Lot 8 DP200098, Lot 15 DP4409 and Lot B DP323172, Northbridge



The land is currently zoned E1 Local Centre. Lot B DP 323172 is predominantly E1 with a small section on Eastern Valley Way zoned SP2 Infrastructure (for proposed road widening purposes).

The changes resulting from the reclassification are addressed below, in line with the requirements in the Practice Note (PN 16-001).

Practice Note PN 16-001 Requirement	Council Response
Current and proposed classification of the land	Council intends to reclassify Lot 2 DP200094, Lot 4 DP200099, Lot 6 DP200096, Lot 8 DP200098, Lot 15 DP4409 and Lot B DP323172 from 'community land' to 'operational land' via the planning proposal process.
Is the land is a 'public reserve' (defined in the LG Act)	The land is not defined as a 'public reserve' in the LG Act.
The strategic and site-specific merits of the reclassification and evidence to support this	<p>Reclassifying the land from community to operational will provide Council with more flexibility in managing the future needs of the community.</p> <p>Reclassifying the land to 'operational' will allow Council greater flexibility with the leasing and licensing of the site in its current configuration.</p>
Is the planning proposal the result of a strategic study or report	<p>Yes</p> <p>Reclassifying the land from community to operational will provide Council with more flexibility in managing the future needs of the community. Council has an adopted Local Centres Strategy that envisages a future redevelopment of the site to provide a mix of uses more consistent with operational classification.</p> <p>Council report of 12 December 2022 which considered the post exhibition of the comprehensive LEP (Amendment No 34) resolved to:</p> <p><i>"..4. 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</i></p>

Practice Note PN 16-001 Requirement	Council Response
	<i>reported to Council for endorsement prior to exhibition....</i>
Is the planning proposal consistent with council's community plan or other local strategic plan	Yes. The planning proposal is consistent with the <i>"Local strategic Planning Statement"</i> 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.
A summary of council's interests in the land, including: how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)	Council's car park comprises land contained in two separate Certificates of Title. Council purchased these two parcels of land from Neighbourhood Centres Pty Limited in 1961. At that time, Neighbourhood Centres Pty Limited also owned the land which now comprises the Shopping Centre. The transfer to Council contained the Restrictive Covenant preventing use of the land for any purpose other than a public car park and baby health centre (more information on covenants is provided below).
If council does not own the land, the landowner's consent	Council owns the land proposed to be reclassified.
The nature of any trusts, dedications etc	<p><b>It is proposed to <u>remove</u> the following restrictions</b></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><b>It is proposed to <u>retain</u> the following restrictions</b></p> <p>H982797: An easement for drainage running from Sailors Bay Rd across both the Shopping Centre and the Car Park.</p>

<b>Practice Note PN 16-001 Requirement</b>	<b>Council Response</b>
	<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>
Is an interest in land proposed to be discharged, and if so, an explanation of the reasons why	Councils interest in the land is not proposed to be discharged, however, as explained above, some restrictions on Title are proposed to be removed.
The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged)	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.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents)	N/A
Current use(s) of the land, and whether uses are authorised or unauthorised	The site comprising the above Lots is currently used as a Council owned carpark and also contains a baby health clinic. The baby health clinic has been vacant for the past 10+ years.
Proposed future use of the land	Currently no detailed plan is adopted or funded by Council. However, the Local Centres Strategy envisages open space and redevelopment subject to a rezoning process. Any changes to the current use to deliver a redevelopment of the land would be subject to a future masterplan and planning proposal process and associated extensive community consultation.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls	There are no current leases on the site.
Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time)	There are no current business dealings.

<b>Practice Note PN 16-001 Requirement</b>	<b>Council Response</b>
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy)	No. This Planning Proposal is seeking reclassification only. Any future proposal to rezone the land would be subject of extensive community engagement and consultation to inform a masterplan and future proposal.
How council may or will benefit financially, and how these funds will be used	The reclassification better reflects the current use of the land, which is a car park associated with a shopping centre and better aligns to classification of other Council owned car parks such as the Albert Avenue car park which adjoins Chatswood Westfield. 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 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 improvements referred to in justifying the reclassification, if relevant to the proposal	N/A. The proposal is for reclassification only. The site is currently a car park and this proposal does not seek to change the use of the site. Any future change of use to the site would be the subject of landowner and community consultation and a separate proposal.
Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot	N/A
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable	N/A