

PROPOSED RECLASSIFICATION OF 4 PITTWATER ROAD, GLADESVILLE: BACKGROUND INFORMATION FOR PUBLIC HEARING

FINAL

5 NOVEMBER 2024



CITY OF RYDE

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1 INTRODUCTION

4 Pittwater Road in Gladesville (the site) in the City of Ryde is owned by Hunters Hill Council and is occupied by the Gladesville Occasional Child Care Centre. Hunters Hill Council is proposing to reclassify 4 Pittwater Road, Gladesville from community land to operational land under the *Local Government Act 1993* to consider opportunities for the future use of the land. City of Ryde is managing the reclassification process.

The Planning Proposal for the proposed reclassification was placed on public exhibition for comment from 2 September to 29 September 2024 with 94 submissions received.

Section 29 of the *Local Government Act 1993* requires a public hearing to be held when public land is proposed to be reclassified. A public hearing gives the community an opportunity to expand on written submissions and to present issues to an independent person in a public forum.

The public hearing chaired by an independent person to receive public submissions on the proposed reclassification under Section 29 of the *Local Government Act 1993* will be held on Thursday 28 November 2024. Further details about the public hearing are set out below.

The public hearing will be held on **Thursday 28 November 2024 from 4:30pm-6:00pm at Gladesville Meeting Room, 6 Pittwater Road, Gladesville.**

Registrations are essential at www.ryde.nsw.gov.au/HYS/4PittwaterRdPublicHearing or call Customer Service on 9952 8222. Registrations close **11:59pm on Tuesday 26 November 2024.**

The question to address in your submission at the public hearing is:

Do you agree or disagree with the proposed reclassification of 4 Pittwater Road in Gladesville from community to operational land? Why or why not?

The chair of the public hearing will prepare a report on the submissions to the public exhibition and the public hearing regarding the proposed reclassification in accordance with Section 47G of the *Local Government Act 1993*, including any objections and how they were addressed and recommendations to City of Ryde Council.

The remainder of this background information sets out:

- relevant information about the site
- the purpose of the public hearing
- the legislative requirements for reclassification of community land
- the background to, process and reasons for the proposed reclassification
- what will change and not change if the reclassification proceeds
- what happens after the public hearing.

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2 4 PITTWATER ROAD, GLADESVILLE

Figure 1 Images of 4 Pittwater Road, Gladesville



Relevant information about 4 Pittwater Road in Gladesville is in Table 1 below.

Table 1 4 Pittwater Road, Gladesville

Address	4 Pittwater Road, Gladesville
Lot/DP	Lot 1 DP 816692
Area (m2)	704m ² (approx.)
Owner	Hunters Hill Municipal Council
Road frontage	Pittwater Road to the south-east
Adjoining land uses	Gladesville Library owned by City of Ryde to the north-east. Jim Wilson Carpark owned by City of Ryde to the south-west and north-west
Zoning	MU1 Mixed Use under Ryde Local Environmental Plan 2014 <i>Note: reclassification of land is not the same as rezoning the land</i>
Land use	Not for profit community-based child care centre
Occupier	Gladesville Occasional Child Care Centre
Use agreement	Agreement between Hunters Hill Council and City of Ryde relating to the management, operation and financing of the existing land use.
Classification	Community land
Public reserve under the <i>Local Government Act 1993</i> ?	No

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3 LEGISLATIVE REQUIREMENTS FOR RECLASSIFICATION

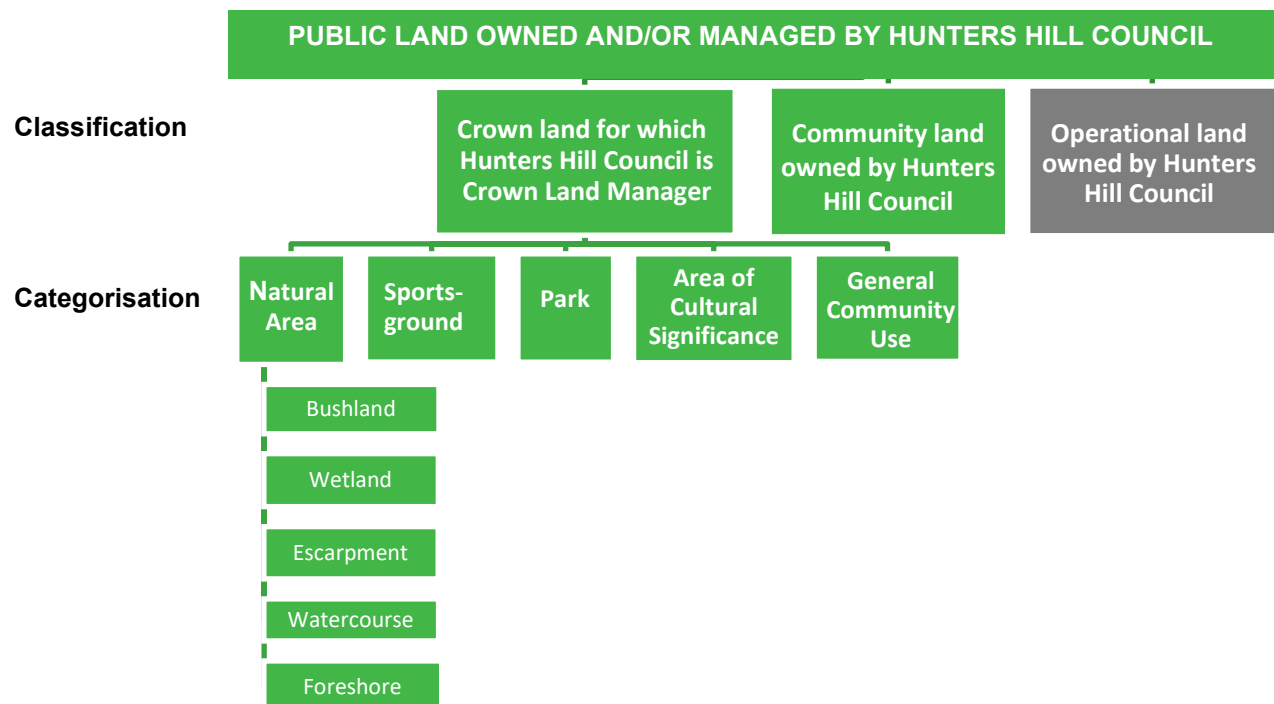
3.1 Public land

The *Local Government Act 1993* sets out a range of requirements that City of Ryde and Hunters Hill Council are legally bound to adhere to. These requirements include the management of public land owned or managed by Hunters Hill Council.

Public land is defined in the *Local Government Act 1993* (LG Act) as any land (including a public reserve) legally owned by Council or under Council control. Exceptions include a public road, Crown land, common land (land that is designated for community use) subject to the *Trustees of Schools of Arts Enabling Act 1902*, or a regional park under the *National Parks and Wildlife Act 1974*.

The relationship between public land, and classification of Council-owned land as community or operational land, is in Figure 2.

Figure 2 Public land, classification and categorisation under the Local Government Act 1993



3.2 Classification of public land

3.2.1 Introduction

Public land is managed under the *Local Government Act 1993* based on its classification. Sections 25 and 26 of the *Local Government Act 1993* require that public land be classified as either 'community' or 'operational' land.

3.2.2 What is community land?

Community land is land that Council owns and makes available for use by the general public, for example, parks, reserves, community facilities or sports grounds.

Community land must not be sold, exchanged or otherwise disposed of by a Council except in the limited circumstances referred to in Section 45 (4) of the Act. Community land can be leased, but there are restrictions on the grant of leases and licences, and also on the way community land can be used. Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's consent. Community land may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained. Council also cannot grant a lease, licence or other estate for private purposes over community land.

Use and management of community land is regulated under the *Local Government Act 1993* (Chapter 6, Part 2) in accordance with:

- the Plan of Management applying to the land
- any law permitting the use of land for a specific purpose
- Division 2 of the *Local Government Act 1993*.

It is understood that the site is not currently subject to a Plan of Management prepared under the *Local Government Act 1993*.

3.2.3 What is operational land?

Operational land is land which Council owns and facilitates the functions of Council. Operational land may not be open to the general public, for example, a works depot or Council garage.

Operational land may be held as a temporary asset or as an investment. Operational land may be leased for a longer period of time, and may be sold/ transferred only subject to community engagement and with the approval of the elected Council.

There are no special restrictions on Council powers to manage, develop, dispose, or change the nature and use of operational land.

3.3 How can the classification of Council-owned land be changed?

Reclassification of Council-owned land must be undertaken in accordance with:

- the *Local Government Act 1993*
- the *Environmental Planning and Assessment Act 1979*
- Practice Note PN16- 001 - Classification and reclassification of public land through a local environmental plan (issued by the Department of Planning and Environment - October 2016)

- ❑ Local Environmental Plan Making Guideline (Department of Planning, Housing and Infrastructure, August 2023).

Reclassification may be carried out by either:

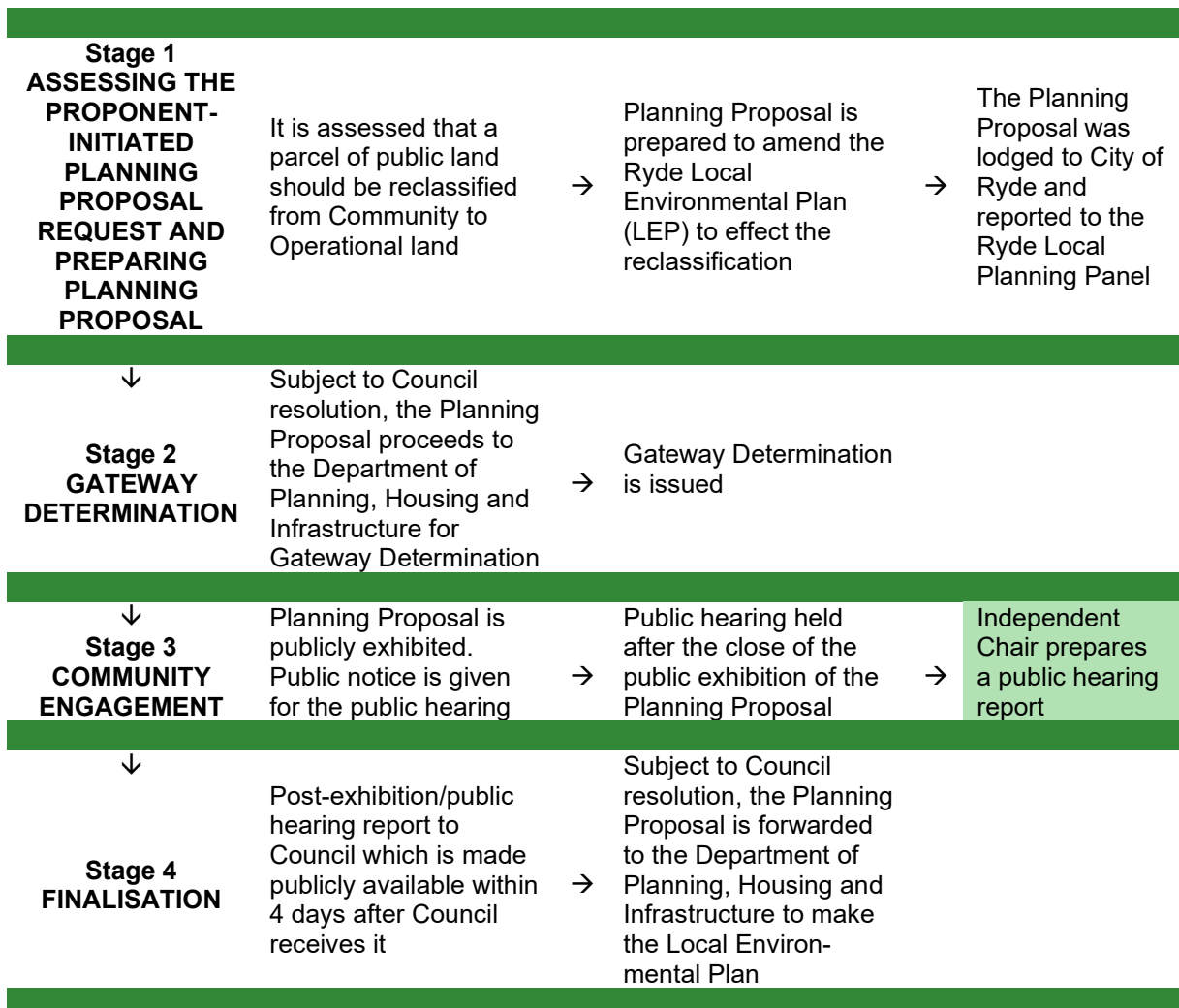
1. Amending the Local Environmental Plan under the *Environmental Planning and Assessment Act 1979* through Section 27(1) of the *Local Government Act 1993* by way of a Planning Proposal, or
2. Council resolution under Section 27(2) of the *Local Government Act 1993*.

Hunters Hill Council is required to reclassify the Council-owned community land under Option 1 ie. by amendments to the Ryde Local Environmental Plan 2014 by way of a Planning Proposal, as the site is located within City of Ryde’s local government area. A Planning Proposal explains the intended outcome of a proposed amendment to a local environmental plan and sets out the justification for making that amendment. Planning Proposal PP-2022-3966 was initiated by Hunters Hill Council which seeks to reclassify 4 Pittwater Road in Gladesville from community land to operational land.

Classification or reclassification of land does not affect any estate or interest a Council has in the land.

The process of reclassifying community to operational land by changes to the Ryde Local Environmental Plan 2014 is in Figure 3.

Figure 3 Process of reclassifying community land to operational land by local environmental plan



3.4 Public hearings for reclassification of community land

Section 29 of the *Local Government Act 1993* requires a public hearing to be held when public land is proposed to be reclassified.

An independent chairperson will conduct the public hearing. Under Section 47G of the Act, the person presiding at a public hearing must not be:

- A Councillor or employee of the Council holding the public hearing.
- A person who has been a Councillor or employee of that Council at any time during the 5 years before the date of his or her appointment.

The chairperson will provide a report to Council with recommendations on the proposed reclassification of community land.

4 BACKGROUND TO PROPOSED RECLASSIFICATION

4.1 Introduction

The background to the proposal to reclassify 4 Pittwater Road, Gladesville from community land to operational land is outlined in detail in the Planning Proposal (SJB, August 2024) and in supporting information on the NSW Planning Portal and on Council's website.

4.2 Process and timeline

Table 2 Process and timeline of proposed reclassification of 4 Pittwater Road, Gladesville

Date	Event
1945	The site was transferred from Sydney Water (formerly the Metropolitan Water Sewerage and Drainage Board) to Hunters Hill Council for the purpose of a baby health centre. A restriction was placed on the title for this use at dedication to Hunters Hill Council.
1992	The site was subdivided to create Lot 1 and Lot 2 in DP 816692 being no. 4 and no. 6 Pittwater Road in Gladesville.
2015	Hunters Hill Council's Fit for the Future Improvement Proposal 2015 contained the following initiative for 6 Pittwater Road, Gladesville (Early Childhood Centre): This site is located in the Ryde City Council area and adjoins the Gladesville Library. There is a possibility that the City of Ryde Council (CoR) may seek an opportunity to re-develop their substantial land holdings in its area in conjunction with the Gladesville Masterplan and it would be logical that this site is included in any future proposals. CoR has recently commissioned consultants to consider development options for the site. Proceeds from sales, or revenue earned, could be used for strategic re-investment to fund ongoing initiatives including capital works.
25 June 2018	Hunters Hill Council resolved to re-establish the Property Advisory Committee to provide recommendations to provide recommendations to Council with regards to: <ul style="list-style-type: none">- evaluating Council's property assets to determine if they are providing community benefit- developing strategies for the future of Council's assets- investigating opportunities to invest/reinvest in property assets.
2021	Hunters Hill Council undertook community engagement, public exhibition and finalisation of its Community Infrastructure Plan which was renamed as the Property Strategy. 4 Pittwater Road in Gladesville was identified in the Strategy as surplus to Hunters Hill Council's requirements, and options to realise its value will be investigated whilst still retaining the occasional child care centre in the area.
19 April 2021	Hunters Hill Council received a report on finalisation of the Community Infrastructure Plan.

Date	Event
20 September 2021	Hunters Hill Council resolved to prepare and lodge a Planning Proposal with City of Ryde for the reclassification of 4 Pittwater Road Gladesville to operational land under the <i>Local Government Act 1993</i> .
16 July 2023	Planning Proposal PP-2022-3966 was prepared by SJB on behalf of Hunters Hill Council.
23 February 2023	Hunters Hill Council staff and City of Ryde Council staff held a pre-lodgement meeting for the planning proposal. City of Ryde staff provided verbal feedback and advice for the lodgement, which was later collated into a letter sent 27 February 2024.
4 April 2023	Hunters Hill Council lodged the Planning Proposal that seeks to reclassify the public land at 4 Pittwater Road in Gladesville from community land to operational land with the Department of Planning, Housing and Infrastructure
14 December 2023	The Ryde Local Planning Panel unanimously agreed the Planning Proposal should proceed to a gateway determination under section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i> for the purpose of reclassification from community land to operational.
26 March 2024	<p>City of Ryde Council resolved to:</p> <ul style="list-style-type: none"> - Support the Planning Proposal to reclassify land at 4 Pittwater Road, Gladesville, being Lot 1 DP 816692 from Community to Operational land; - Submit the Planning Proposal to the Department of Planning, Housing and Infrastructure for Gateway Determination under s3.34 of the <i>Environmental Planning and Assessment Act 1979</i>; - That the Department of Planning, Housing and Infrastructure be advised that Council wishes to be delegated as the Local Plan-Making Authority; and - That following public exhibition, the planning proposal and any submissions be reported back to Council to finalise the proposal.
24 April 2024	<p>Correspondence from Hunters Hill Council to Sydney Water regarding the specific interest which applies to the site included:</p> <p>Dealing No. 394665 is a Memorandum of Transfer of the land from the Metropolitan Water Sewerage and Drainage Board (MWS&DB) to Hunters Hill Council. This Dealing, among other matters, created an easement and also a restriction on the future use of the land:</p> <p>(3) That the transferee will not at any time use or occupy or cause or permit to be used or occupied the said land hereby transferred or any part thereof otherwise than solely for the erection and conduct of a Baby Health Centre.</p> <p>This interest may restrict use of the land solely for use as Baby Health Centre, so this would restrict Hunters Hill Council from selling or developing the land for any other purpose.</p> <p>As this restriction is an agreement between Hunters Hill Council and MWS&DB (now Sydney Water) it is appropriate that Council consult with Sydney Water about this restriction.</p>
5 June 2024	Correspondence from Sydney Water to Hunters Hill Council raised no objection to the proposed reclassification.
5 July 2024	<p>The Gateway Determination issued by the Department of Planning, Housing and Infrastructure included Gateway Condition 5:</p> <p>‘A public hearing is required to be held in accordance with Section 29 of the Local Government Act 1993 and the Department’s Practice Note PN 16-001.’</p>
Monday 2 September to Sunday 29 September 2024	<p>The revised Planning Proposal (SJB, August 2024) was placed on public exhibition for comment:</p> <ul style="list-style-type: none"> - Online at Have Your Say - Physical copies at Gladesville Library. <p>94 submissions were received to the public exhibition of the Planning Proposal.</p>

Date	Event
Thursday 28 November 2024	City of Ryde holds the PUBLIC HEARING as required under Section 29 of the Local Government Act 1993.

4.3 Reasons for the proposed reclassification

Hunters Hill Council, as owner of the land, is proposing to reclassify 4 Pittwater Road, Gladesville from community land to operational land under the *Local Government Act 1993* to consider opportunities for the future use of the land, including options for the development or sale of the land.

Council's strategic planning framework, including the Community Infrastructure Plan and Property Strategy 2021, identifies the site as surplus to Council's needs.

Further reasons for the recategorisation are as follows:

- ❑ The site being classified as community land means Hunters Hill Council is not able to develop, sell, exchange or dispose of community land under the provisions of the *Local Government Act 1993*.
- ❑ The operational land classification will enable Hunters Hill Council to sell, exchange or otherwise divest or deal with the parcel of land to assist with facilitating redevelopment of the land. Any returns to Council can be reinvested into other projects, such as public domain improvements. Options to realise its value will be investigated whilst still retaining the child care centre in the area. Should the site be divested or developed in future, all proceeds will be placed in an internally restricted reserve.
- ❑ Other reasons include:
 - the site is in City of Ryde and adjoins land owned by City of Ryde.
 - the childcare centre is in need of updating.
 - the operational classification would be consistent with the current zoning and use of the site.
 - the reclassification offers Hunters Hill Council an opportunity for the site to be considered with the upcoming Gladesville Masterplan.

Overall, the reclassification of 4 Pittwater Road, Gladesville will not affect its current use or predetermine future use, but give Hunters Hill Council flexibility to ensure it can deliver improved community infrastructure via redevelopment of the site or possible sale and redirection of funds to other community infrastructure projects.

Any dealing with the property following reclassification would be subject to a further Council resolution. This proposal is not a specific proposal to develop or sell the land, which would need to be pursued as a separate process.

4.4 What would change from reclassification?

4.4.1 Change resulting from reclassification

The Planning Proposal seeks to amend Schedule 4 'Classification and reclassification of public land', Part 1 'Land classified, or reclassified, as operational land – no interests changed' of the Ryde Local Environmental Plan 2014, to reclassify land at 4 Pittwater Road, Gladesville (Lot 1 in DP 816692), from 'community' land to 'operational' land.

4.4.2 No change

If the proposed reclassification proceeds, no change would be made to:

- the current use of the land and agreement for use of the land
- the current zoning of MU1 Mixed Use
- maximum building height of 22 metres
- maximum floor space ratio 2.6:1
- any other planning or development controls and maps applicable to the land under the Ryde Local Environmental Plan 2014
- existing trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land. There are no interests in the land that Council is seeking to discharge.

5 AFTER THE PUBLIC HEARING

After the public hearing, the independent chairperson prepares a report on the verbal submissions to the public hearing and refers to the written submissions about the Planning Proposal.

City of Ryde Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public at a location within the area of Council no later than four days after it has received the final report from the person presiding at the public hearing. Council will make the public hearing report available to the public on Council's Have Your Say website, and email a link to the public hearing report to the people who attended the public hearing.

The public hearing report will be presented to City of Ryde Council for its information as part of their consideration of the proposed reclassification.

If City of Ryde Council resolves to endorse/adopt and proceed with the planning proposal as per delegations issued by the Department of Planning, Housing and Infrastructure's Gateway Determination for the proposed reclassification:

- ❑ Council requests the Department of Planning, Housing and Infrastructure and Parliamentary Counsel's Office to prepare the draft Local Environmental Plan to give effect to the planning proposal as per delegations issued by the Gateway Determination.
- ❑ The amendment to Part 1 of Schedule 4 of the Ryde Local Environmental Plan 2014 will be made under Sections 27 and 30(1) of the *Local Government Act 1993* as proposed to reclassify the site from community to operational land without any discharge of any interests. The Department of Planning, Housing and Infrastructure would require the Local Environmental Plan to be completed on or before 2 May 2025.

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