

## 8. PROPOSAL TO RECLASSIFY LAND AT BROOKVALE PARK

There have been a number of proposals to place commercial entities within the Southern Stand in an attempt to generate considerable income from such a prime commercial location.

Legal advice (May 2001) noted that such a development is of a commercial nature and is therefore not consistent with any of the Community Land categories as per the Local Government Act 1993. For the commercial development of the Southern Stand to go ahead this land would need to be reclassified to "Operational" and therefore segregated from the Community Land at Brookvale Park.

Council approved such a move at its Property Management Committee Meeting on 10 July 2001. The recommendation of the meeting was adopted by Council on 24 July 2001 and was as follows:-

### *"Commercial Development of the Southern Stand at Brookvale Sportsground*

1. *That Council note that we are unable to change the current zoning and at the time of its two year review of the Warringah Local Environmental Plan, Council prepares:*
  - (a) *A draft Local Environmental Plan to reclassify that part of the subject land that fronts Pittwater Road, between Alfred Road and Pine Avenue and generally below the Southern Stand, extending towards Pine Avenue, from "community" to operational' land In the event that the Department is not prepared to amend the WLEP, the General Manager prepares the necessary documentation to enable the proposal to be submitted with the review of WLEP 2000.*
  - (b) *A draft Local Environmental Plan to remove the 'open space zoning' and to rezone the subject area of land described in (a) above as commensurate business zoning with that consistent with Brookvale commercial precinct.*
2. *That, pursuant to Clause 30 of the Local Government Act 1993, any such Local Environmental Plan prepared for the reclassification of the subject land to 'operational' will provide that upon commencement of the plan, the land will cease to be public reserve and that the land is to be discharged from the trusts, estates, interests, dedications, conditions, restrictions and covenants affecting that land or any part thereof.*
3. *That the General Manager be delegated necessary authority to enact this resolution."*

This resolution means that Council is to pursue the reclassification and rezoning of the land to enable the development of a commercial facility at Brookvale Park. However this will not be considered until it is possible to amend the Warringah Local Environmental Plan with the consent of the Department of Urban Affairs and Planning.

Once the rezoning is possible Council will then further pursue this development and hold the appropriate public hearings and exhibitions into the reclassification and rezoning of the relevant land. The community will have the opportunity to discuss and comment on this matter at this stage of the process.

In the meantime this land is to remain classified as Community Land and has been included in this Plan of Management. The commercial development of the Southern Stand is not noted within the action table or in the development authorisations as it is not permissible on this land under it's current classification. However it is recommended that any proposed development noted within the actions table for this land should not be undertaken until this matter has been resolved.

If the land becomes Operational that part of the land will no longer be part of Brookvale Park and as such a plan of management for that land is not needed. **However should the land remain Community then those actions within this Plan of Management relevant to this land will be permissible and may be implemented.**