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BURWOOD LOCAL PLANNING PANEL MEETING

MINUTES OF THE MEETING OF THE BURWOOD LOCAL PLANNING PANEL held at THE CONFERENCE ROOM, LEVEL 1, 2 CONDER STREET, BURWOOD on Tuesday 12 November 2024 commencing at 6:00 PM.

Attendance

Kevin Hoffman, Chair
Luke Foley
Brian Kirk
Tom Morgan

Jai Reid, Manager City Development
Sumathi Navaratnam, Manager Strategic Planning
Michelle Butler, Manager Governance & Risk
Anita Leighton, Coordinator EPlanning & Business Services
Geraldine Pham, Senior Town Planner
Erica Lacuna, Assistant Planner
Mikaela Thorogood, Manager Property
David Millikan, Executive Strategic Planner

Opening of meeting

The meeting opened at 6:01 pm

The Chair opened the meeting with Acknowledgement of Country.

Apologies

There were no apologies.

Declarations of Interest

There were no declarations of interests by Panel Members.

Address by the public on agenda items

Name	Item
Paulo Pasten	Item DA 14/24 – 1-17 Elsie Street, Burwood – Fitout and use of Suite 2.01 for an indoor recreation facility

The Panel moved into closed session at 6:16pm.

General Business

(Item GB6/24) Planning Proposal for the reclassification of certain Council-owned land

File No: 24/40528

Summary

Council is proposing to classify certain Council-owned land from Community to Operational under the Local Government Act 1993 (LG Act). The process to classify this land is by way of an amendment to the Local Environmental Plan, otherwise known as a planning proposal. A Ministerial Direction requires all planning proposals to be considered by the Local Planning Panel for advice prior to consideration of the planning proposal by Council.

Operational Plan Objective

- A.102 Comply with financial management responsibilities to promote transparency and accountability.
- A.104 Manage Council's property portfolio to optimise financial returns from Council-owned properties.
- C.5 Public and open spaces are high quality, welcoming, accessible, shaded, enjoyable places seamlessly connected with their surroundings
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- C.10 A well-informed community active in civic life, local planning and decision making

LPP1 RESOLVED 8/24

That the Burwood Local Planning Panel considered the draft Planning Proposal Report in relation to the Reclassification of Certain Council-Owned Land and advises Council to proceed with the proposed reclassification as outlined in the attached Planning Proposal Report subject to the following advice:

1. That the draft Planning Proposal Report be expanded to research the matter in which each property came into Council's ownership.
2. Should the Council's ownership have come by way of dedication or gift or resumption for a specific purpose and therefore whether the property is subject to a trust for public purposes, not necessarily a statutory trust.
3. If the land is subject to a trust for public purposes that land should remain community land.
4. Given that the Council have chosen to use the LEP process, the draft Planning Proposal Report is to clearly articulate a planning purpose for the LEP.
5. Where the Council considers that land is currently used for an operational purpose that use should be detailed sufficiently to differentiate it from a community purpose.

For: Kevin Hoffman, Luke Foley, Brian Kirk, Tom Morgan
Against: Nil

Development Applications

(Item DA14/24) 1-17 Elsie Street Burwood - Fitout and use of Suite 2.01 for indoor recreation facility

File No: 24/45722

Owner: Burwood Council Ltd
Applicant: Lawrence Fowle
Location: Suite 2.01 within No. 1-17 Elsie Street Burwood (Lot 201 of SP 85916)
Zoning: MU1 Mixed Use pursuant to the Burwood Local Environmental Plan 2012

Proposal

The proposal seeks consent for the fit out and use of Suite 2.01 within an existing mixed use building for the purpose of a recreational facility (Virtual Reality Escape Room).

BLPP Referral Criteria

The building is a council owned building and the development will occur and operate from within the council building.

LPP 19/24 **RESOLVED**

It is recommended that the Burwood Local Planning Panel approved Development Application No. 2024.55 which proposes the fit out and use of Suite 2.01 within an existing mixed use building for the purpose of a recreational facility (Virtual Reality Escape Room) at No. 1-17 Elsie Street Burwood subject to conditions contained within the officer's report as amended in Condition 33 which shall read:

33. Prior to the issue of an Occupation Certificate, the applicant shall submit an Operational Plan of Management to Burwood Council for approval. The Plan of Management shall address matters including but not limited to:

- Patron and noise management
- Management of large parties, special events and associated crowd management
- Anti-social behaviour
- Detailed complaints register

The Plan of Management must provide for the ongoing management of the premises in a manner which will ensure that the premises is properly managed, risks are measured and controlled and patrons are safe.

The operation of the approved use will comply with the approved Plan of Management at all times.

The Plan of Management is to be reviewed by the operator of the premises at least annually. Any proposed amendments are not to be enacted without the written approval of Burwood Council. Council will undertake not to unreasonably withhold its approval and will respond to written requests to amend the Plan of Management in a timely manner.

Any proposed amendments to the Plan of Management must not conflict with any other condition of consent. Should a conflict arise, a Section 4.55 Modification Application may need to be submitted.

All staff are to be instructed on the contents of the Plan of Management, and any future approved amendments, to ensure they understand how the premises are to be operated and managed. A copy of the approved Plan of Management is to be kept on the premises and available for all customers and visitors if requested.

Reason: To ensure the operation of the premises provides for the safety of patrons and protects the amenity of the area.

For: Kevin Hoffman, Luke Foley, Brian Kirk, Tom Morgan

Against: Nil

Reasons for the decision

The Panel inspected the development site and familiarised itself with the environment. The Panel heard from the Applicant and read all the objection(s).

In reaching its decision the Panel considered the following:

- Conditions of consent address the sole objectors concerns and will ameliorate any potential noise impacts, construction related works, lighting and electrical surges to acceptable levels.
- The recreational facility will provide a novel form of entertainment using modern technology that will attract customers of all ages in the Burwood Town Centre.
- The facility will create new employment opportunities and increase the appeal of the Town Centre.

(Item GB7/24) Disclosure of pecuniary interests by Burwood Local Planning Panel Members

File No: 24/46541

Summary

In accordance with Clause 4.21 of the *Code of Conduct for Local Planning Panel Members*, the Pecuniary Interests and Other Matters Returns required to be lodged with the panel chair under clause 4.17 must be tabled at the next panel meeting after the return is lodged.

Recommendation(s)

That the receipt of Disclosures of Pecuniary Interest and Other Matters Returns by the Burwood Local Planning Panel Members as listed in this report be noted and accepted as tabled in readiness for proactive release via the Burwood Council website.

The meeting closed at 6:33pm.