



Burwood ^{Inc.1874}

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

Attachments Excluded from Agenda

Burwood Council Meeting

Tuesday 11 February 2025

6:00 PM

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Planning Proposal

February 2025

To reclassify certain Council-owned land from Community to Operational Land

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Part 1 – Objectives and intended outcomes

1.1 Introduction

Council is proposing to reclassify certain Council owned land from Community to Operational under the *Local Government Act 1993* (LG Act).

Classification as “Community” reflects the importance of the land to the community because of its use or special features. Generally, land classified as community is intended for public access and use, or where other restrictions applying to the land creates some obligation to maintain public access (such as a trust deed, or dedication under former section 94 of the *Environmental Planning and Assessment Act 1979*). This gives rise to the restrictions in the Local Government Act, intended to preserve the qualities of the land. Community land ordinarily comprise land such as a public park, sportsground or bushland and cannot be sold (s45 LG Act); cannot be leased, licenced or any other estate granted over the land for more than 21 years (without Ministerial consent) (s47 LG Act); and must have a plan of management prepared for it (s35 LG Act).

In contrast, “Operational” land has no special restrictions other than those that may ordinarily apply to any parcel of land. Operational land is unfettered land and would ordinarily comprise land that facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as council offices, a works depot, sewer or water pump station or a council quarry. It also includes land held by Council as a temporary asset or as an investment.

The purpose of the classification of land is to identify clearly land which should be kept for use by the general public (Community land) and that land which need not (Operational land). If land is classified Community and Council wishes to consider various dealings with the land such as a change in usage, development, sale or long-term leasing, this requires the process of a Local Environmental Plan with public exhibition including a public hearing to alter the classification.

Public land can be classified by way of the Local Environmental Plan, or by resolution of Council. Where land is not classified within three months of acquisition, the land is automatically classified as community land.

Upon Gazettal of the Burwood Local Environmental Plan in 2012, Schedule 4 of the LEP, which classifies land, was left blank with no land classified either operational nor community. Therefore, all public land owned by Council deferred to Community Land.

An amendment to the LEP in March 2016 classified 59B Park Road, Burwood (Lot 2, DEP 615429) as “Operational Land – no interests changed.” This is currently the only land listed in Schedule 4 of the LEP. All other Council-owned land has therefore, by default, been classified as Operational Land.

This planning proposal proposes to amend the LEP in order to classify land that is used for operational purposes as operational land.

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Draft Planning Proposal Report - Reclassification of Certain Council owned land - February 2025

1.2 Applicable land

The Planning Proposal applies to the following land in the Burwood Local Government Area.

ITEM	PROPERTY NAME	ADDRESS	ZONING	TITLE	LEASED
OPERATIONAL LAND					
1	Angelo Street Car Park - 12 car spaces	133 Liverpool Rd, Enfield	Local Centre (E1)	Lot 1 DP 1135151	No
2	Land adjoining rear of 10 Luke Ave	Land adjoining eastern boundary of Lot 13 DP1215985	Road reserve	N/A	No
3	Beresford Carpark - 14 car spaces	50 Beresford Avenue, Croydon Park	Low Density Residential (R2)	Lot 1 DP 624841	No
4	Byer Street Carpark	3B-5 Byer St, Enfield	Local Centre (E1)	Lot 12 DP 11302, Lots 1-2 DP 305673	No
5	Cobden St part Road - Part vacant Land result of road widening Cobden/ Shelley Sts.	34 Cobden St Enfield (corner with Shelley Street)	Low Density Residential (R2)	Lot 5 DP 554097	No
6	Depot - Council Operations Centre	8 Kingsbury St, Croydon Park	General Residential (R1)	Lot 1 DP 228032	No
7	Burleigh St No. 12	12 Burleigh St, Burwood	Mixed Use (MU1)	Lot 1 DP 202437	No (Vacant)
	Burleigh St No. 18	18 Burleigh St, Burwood	Mixed Use (MU1)	Lot 4 DP 202437	Yes
	Burleigh St No. 20	20 Burleigh St, Burwood	Mixed Use (MU1)	Lot 5 DP 202437	Yes
	Burleigh St No. 22	22 Burleigh St, Burwood	Mixed Use (MU1)	Lot 6 DP 202437	No (Vacant)
	Burleigh St No. 6	6 Burleigh St, Burwood	Mixed Use (MU1)	Lot 1 DP 205162	Yes
	Burleigh St No.16	16 Burleigh St, Burwood	Mixed Use (MU1)	Lot 3 DP 202437	No (Vacant)
	Burleigh St No.14	14 Burleigh St, Burwood	Mixed Use (MU1)	Lot 2 DP 202437	Yes
8	Elizabeth Street Carpark	8 Burleigh St, Burwood	Mixed Use (MU1)	Lot 2 DP 205162	No
	Elizabeth Street Carpark	10 Burleigh St, Burwood	Mixed Use (MU1)	Lot 1 DP 574391	No
	Elizabeth Street Carpark	5-11 Elizabeth Street	Mixed Use (MU1)	Lot B DP420885	No
	Elizabeth Street Carpark	5-11 Elizabeth Street	Mixed Use (MU1)	Lot A DP420885	No
	Elizabeth Street Carpark	18B Railway Parade	Mixed Use (MU1)	Lot 3 DP 511953	No
	Elizabeth Street Carpark	5-11 Elizabeth Street	Mixed Use (MU1)	Lot B DP 321515	No
	Elizabeth Street Carpark	5-11 Elizabeth Street	Mixed Use (MU1)	Lot A DP321515	No
	Elizabeth Street Carpark	5-11 Elizabeth Street	Mixed Use (MU1)	Lot 1 DP 305065	No
9	Elsie Street Shop C1a Ground Floor	1-17 Elsie St, Burwood	Mixed Use (MU1)	Lot 11 DP 1142160	Yes
	Elsie Street Shop C1b Ground Floor	1-17 Elsie St, Burwood	Mixed Use (MU1)	Lot 11 DP 1142160	Yes
	Elsie Street Shops C2 & C3 -Gnd Floor	1-17 Elsie St, Burwood	Mixed Use (MU1)	Lot 11 DP 1142160	Yes

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Draft Planning Proposal Report - Reclassification of Certain Council owned land - February 2025

10	Elsie Street Suite1 Level 2, part Level B3, Shop C9 & loading dock 2 car spaces	1-17 Elsie St, Burwood	Mixed Use (MU1)	Lot 15 DP 1177555	Yes (part)
11	Elsie Street Carpark- Strata 205 Car Spaces (Public Car Park)	1-17 Elsie St, Burwood	Mixed Use (MU1)	Lot 13 DP 1142160	No
12	Elsie Street Ground Floor Loading Dock 4 car spaces (R of C 6.12.16)	1-17 Elsie St, Burwood	Mixed Use (MU1)	Lot 33 SP 93494	No
13	Fitzroy St Carpark - 28 spaces	1a Fitzroy St, Burwood (adjacent to Reed Reserve).	Low Density Residential (R2)	Cnr Lots 1 and 2 DP 8973	No
14	Georges River Rd - (Rear)	462A (Rear) Georges River Rd, Croydon Park	General Residential (R1)	Lot 2 in DP 1125122	No
15	Heydon St Enfield, corner Heydon, Shelley Street backing onto Trevena Lane	45 Heydon St, Enfield	Low Density Residential (R2)	Lot 121 DP 456968 and Lot 120 DP 456968	No
16	Burwood Council, Library & Community Hub & coffee cart	2-4 Conder St, Burwood	Mixed Use (MU1)	Lot 1 DP 1252835	Yes (part)
17	Unity Place (part)	Hornsey St, Burwood	Mixed Use (MU1)	Lot 11 DP 790324	No
18	Meryla Street Carpark (32 spaces)	33-35 Meryla St, Burwood	Low Density Residential (R2)	Cnr Lots 58 & 57 DP 7805	No
19	Murphys Lane (runs off Wright Street)	17a Wright St, Croydon	Low Density Residential (R2)	Lot 101 DP 873782	No
20	Parnell St Carpark - 33 spaces	1-7 Parnell St, Strathfield	Mixed Use (MU1)	Lot 1 DP 189327, Lot 26 DP83935 & Lot 2 DP 1099132	Yes (part)
21	Railway Square	1a Railway Pde Burwood	Mixed Use (MU1)	Lot 2309 DP 1134547	Yes
22	Seymour Street Car Park - 16 car spaces.	62 Seymour St, Croydon Park	Local Centre (E1)	Lot 10 DP 1901	No
23	Tangarra St Public Carpark - 8 car spaces.	12 Tangarra St, Croydon Park	Local Centre (E1)	Lot 1 DP 580519	No
24	Victoria St part Road & Part Vacant Land	65a Victoria St, Burwood	Mixed Use (MU1)	Lot B 370257	No
25	Wynne Ave Carpark (R of C 26.7.16)	27-31 Belmore St Burwood	Mixed Use (MU1)	Lot 6 SP 91971B	No
26	Brighton St 41 (dwelling)	41 Brighton St, Croydon	Public Recreation (RE1)	Lot 2 DP 304375 subj to Sydney Water easement	Yes
27	Brighton St 43 (dwelling)	43 Brighton St, Croydon	Public Recreation (RE1)	Lot 13 DP 18849, Lot 2 DP 629656 and Lot 3 DP 304375	Yes
28	Jackett Reserve & Minna St No. 39	39 Minna Street, Burwood (also known as 8 Belgrave Street) in Jackett Reserve	Public Recreation (RE1)	Lot 6 & 7 Sec 2 DP233 and Lot 2 DP 201156	Yes (part)
29	SES Building	32-34 Cheltenham Rd Croydon	Low Density Residential (R2)	Lot 3 DP 1198616	Yes
30	Woodstock Park Community Centre, Fitzroy Hall, Chidcare Centre	22 Church St Burwood (incorporating 92 Fitzroy Street Burwood)	Low Density Residential (R2)	Lot 2 DP 605138 (Council), Lot 1 DP 605138 (Ausgrid)	Yes (part)
31	Burwood Council - 8 Conder Street (incl. Council Administration, Community Hub, 49 Belmore Street and part Unity Place).	8 Conder Street Burwood	Mixed Use (B4)	Lot 105 in DP1258893	Yes (part)

The purpose of this Planning Proposal is to reclassify this land from community to operational, as the land is used for operational purposes.

The following land is proposed to reclassify to operational for the purposes of subdividing the land. Once subdivided, the community land part of the site will return to a classification of Community, and the Operational part of the site will continue to be classified as Operational:

- Item 17, Unity Place;
- Item 28, 39 Minna Street and Jackson Reserve; and
- Item 30, Woodstock Park.

1.3 Current planning controls

Burwood LEP 2012 applies to the subject land.

1.3.1 Land use zones

The Subject Land is zoned either:

- Local Centre E1;
- Low Density Residential R2;
- Mixed Use MU1;
- General Residential R1; or
- Public Recreation RE1.

Table 1 includes the zoning information for each parcel of land affected by this Planning Proposal.


Part 2 – Explanation of provisions

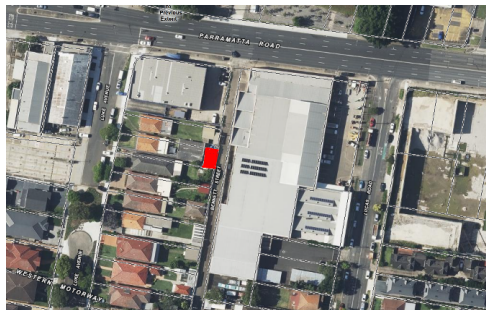
2.1 Amendments to Local Environmental Plan 2015


The Planning Proposal seeks to include the subject land under Schedule 4; Part 1 of Burwood LEP 2012 as Land classified, or reclassified, as operational land – no interests changed, thereby confirming reclassification of such land from community to operational.

The Planning Proposal also seeks to include the following land in Schedule 1, Additional Permitted Uses, of the Burwood LEP, as the use of the land for its current purpose is not permitted under the current zone of the land.


- Item 3, Beresford Car Park, 50 Beresford Avenue, Croydon Park;
- Item 7, Council Depot, 8 Kingsbury Street, Croydon Park;
- Item 13, Fitzroy Street Car Park, 1a Fitzroy Street, Burwood;
- Item 18, Meryla Street Car Park, 33-35 Meryla Street, Burwood; and
- Item 26, 41 Brighton Street, Croydon.


Item 1		Angelo Street Car Park	
Address	133 Liverpool Road, Burwood		
Title	Lot 1 DP 1135151		
Zoning	Local Centre E1		
Land Use	Car Park		
Description	<p>133 Liverpool Road is a carpark to the side of Angelo Street with access to the bays directly off Angelo Street.</p> <p>As the carpark is an operational use it is appropriate to classify it as operational land.</p>		
<p>The land was acquired by Council in 1970 and has been used as a car park ever since. The car park has a 2-hour daytime parking restriction and no fee is charged for its use.</p> <p>The land is not leased and is not a public reserve.</p> <p>There are no development approval records available, however the use of land as a car park is permitted with consent in the E1 zone. It has been used as a car park since prior to the Burwood LEP commencing in 2012.</p>			


Item 2		Land adjoining rear of 10 Luke Avenue
Address	Portion adjoining rear of 10 Luke Avenue	
Title	N/A	
Zoning	Road reserve	
Land Use	Car Park	
Description	<p>Part of road reserve on Bennett Street, adjoining rear of Lot 13 in DP 1215985</p> <p>This end of Bennett Street appears as a road reserve connecting to Parramatta Road.</p>	
<p>The portion of land adjoining the eastern boundary of 10 Luke Avenue is believed to have been acquired by Council in the past for the purpose of establishing a right of way or easement. While specific acquisition details are not available in current records, the land's configuration and use are consistent with Council's historical practices of securing access and connectivity within the local area. It is likely that Council acquired this land through standard local government acquisition processes, potentially including purchase, subdivision, or dedication, with the intent of facilitating public access or utilities.</p> <p>The exact date and method of acquisition are uncertain due to incomplete historical records. However, Council has exercised ownership and management responsibilities over this land for an extended period, as evidenced by its continued use as a public right of way/easement.</p> <p>No development approval records are available for this land parcel, which is consistent with its apparent purpose as a right of way or easement</p>		


Item 3		Beresford Car Park
Address	50 Beresford Avenue, Croydon Park	
Title	Lot 1 DP 624841	
Zoning	Low Density Residential R2	
Land Use	Car Park	
Description	<p>50 Beresford Avenue is a small carpark of approx. 13 bays accessed off the laneway that runs parallel to Georges River Road.</p> <p>As the carpark is an operational use it is appropriate to classify it as operational land.</p>	
<p>The land appears to have been acquired by Council in 1979 and has been used as a car park ever since. The car park has a 2-hour daytime parking restriction and no fee is charged for its use. The land is not leased and is not a public reserve.</p> <p>There are no development approval records available. A car park is a prohibited land use in the R2 zone and it is proposed to include the land in Schedule 1 of the LEP, Additional</p>		

Permitted Uses. It has been used as a car park since before the Burwood LEP commenced in 2012.

Item 4		Byer Street Car Park	
Address	3B-5 Byer St, Enfield		
Title	Lot 12 DP 11302, Lots 1-2 DP 305673		
Zoning	Local Centre E1		
Land Use	Car Park		
Description	<p>The Byer Street Car Park is a triangular shaped car park accessed off Byer Street.</p> <p>As the carpark is an operational use it is appropriate to classify it as operational land.</p>		
<p>The land was acquired by Council in 1975 and has been used as a car park ever since. The car park has a 2-hour daytime parking restriction and no fee is charged for its use. The land is not leased and is not a public reserve.</p> <p>There are no development approval records available, however the use of land as a car park is permitted with consent in the E1 zone. It has been used as a car park since before the Burwood LEP commenced in 2012.</p>			


Item 5		Land at 34 Cobden Street	
Address	34 Cobden Street, Enfield		
Title	Lot 5 DP 554097		
Zoning	Low Density Residential R2		
Land Use	Road and Park		
Description	<p>The land at 34 Cobden Street, Enfield, is partially used for a road and partially as a small pocket park.</p> <p>The main use of the land is for road transport which is an operational use it is appropriate to classify it as operational land.</p>		
<p>The land was acquired by Council in 1971 and has been used as a road and park ever since. The land is not leased and is not a public reserve.</p> <p>The use of land as for 'road' is permitted without consent and a 'Park' is permitted with consent in the R2 zone. It has been used for these purposes since before the Burwood LEP commenced in 2012.</p>			


Item 6		Council Operations Centre (Depot)	
Address	8 Kingsbury Street, Croydon Park		
Title	Lot 1 DP 228032		
Zoning	General Residential R1		
Land Use	Depot		
Description	<p>The land at 8 Kingsbury Street, Croydon Park is used as Councils Operations Centre (Council Depot).</p> <p>As the Depot is an operational use it is appropriate to classify it as operational land.</p>		
<p>Council records indicate that this parcel of land, which serves as a Council depot, was acquired in 1965 to support Council operations. The presence of a mortgagee on the Certificate of Title suggests that the acquisition likely involved a purchase, possibly financed through a mortgage.</p> <p>While the exact details of the transaction are not fully available in Council's current records, the acquisition of this depot aligns with the period of expansion in local government services and infrastructure in the mid-1960s. The decision to acquire this property demonstrates Council's forward-thinking approach to establishing necessary facilities for its growing operational needs.</p> <p>Since its acquisition in 1965, Council has maintained continuous ownership and use of this land for nearly six decades, utilising it as a crucial depot to support various Council functions and services. This depot has played a vital role in Council's ability to efficiently manage its operations and deliver services to the community.</p> <p>The long-term use of this property as a Council depot underscores its importance in Council's operational infrastructure and highlights Council's commitment to maintaining essential facilities for effective local governance</p> <p>The land is not leased and is not a public reserve.</p> <p>There are no development approval records available. A Depot is a prohibited land use in the R1 zone and it is proposed to include the land in Schedule 1 of the LEP, Additional Permitted Uses. It has been used as a depot since before the Burwood LEP commenced in 2012.</p>			


Item 7		Burleigh Street Dwellings	
Address	6, 12, 14, 16, 18, 20, 22 Burleigh Street, Burwood		
Title	Lot 1 DP 205162, Lots 1 – 6 DP 202437		
Zoning	Mixed Use MU1		
Land Use	Single Dwellings		
Description	6 and 12-22 Burleigh Street are seven terrace houses used for residential purposes. 12-22 Burleigh Street is a heritage item in the LEP as Victorian Terraces		
<p>The properties located at 6, 12, 14, 16, 18, 20, and 22 Burleigh Street, Burwood, comprising Lot 1 DP 205162 and Lots 1 - 6 DP 202437, were acquired by Council at various times as part of its long-term strategic vision for the area. These terraced properties were individually purchased over a period of time, reflecting Council's forward-thinking approach to land assembly for future community needs.</p> <p>The acquisitions of these properties occurred progressively between 1976 – 2023.</p> <p>The strategic nature of these purchases indicates a deliberate and planned approach by Council to secure key sites within the Burwood area.</p> <p>The properties were acquired through direct purchases from private owners, aligning with Council's practice of strategically obtaining land to support future community development and urban planning objectives. This approach allowed Council to gradually assemble a significant land holding in a key location, providing flexibility for future use and development in line with evolving community needs.</p> <p>Currently, only three of these terraces remain leased due to the dilapidated state of the buildings. The remaining properties require significant capital investment to remediate their condition, making them unsuitable for use. As a result, Council proposes to reclassify these properties as operational land. This reclassification will enable Council to develop a long-term masterplan for the entire precinct, allowing for a comprehensive approach to revitalisation and future development that aligns with Council's strategic vision.</p> <p>The proposed reclassification to operational land will provide Council with the necessary flexibility to address the significant remediation needs of these properties and to explore various options for their future use. This approach will ensure that these valuable assets can be effectively utilised to meet the evolving needs of the Burwood community.</p> <p>Council's decision to seek reclassification demonstrates its commitment to responsible asset management and its dedication to realising the long-term strategic vision for this important precinct in Burwood</p>			


Item 8 Elizabeth Street Car Park	
Address	5-11 Elizabeth Street, 18B Railway Parade and 8-10 Burleigh Street, Burwood
Title	Lot 1 DP 574391 Lot 2 DP 205162 Lots A & B DP420885 Lot 3 DP 511953 Lots A & B DP321515 Lot 1 DP 305065
Zoning	Mixed Use MU1
Land Use	Car Park
Description	<p>The Elizabeth Street Car Park is a town centre car park located behind buildings fronting Railway Parade and accessed off Burleigh and Elizabeth Streets</p> <p>As the carpark is an operational use it is appropriate to classify it as operational land.</p>
<p>The properties located at 5-11 Elizabeth Street and 8-10 Burleigh Street, were acquired by Council at various times as part of its long-term strategic vision for the area. These properties were individually purchased over a period of time, reflecting Council's forward-thinking approach to land assembly for future community needs.</p> <p>The acquisitions of these properties occurred progressively between 1976 – 2023.</p> <p>The strategic nature of these purchases indicates a deliberate and planned approach by Council to secure key sites within the Burwood area.</p> <p>The properties were acquired through direct purchases from private owners, aligning with Council's practice of strategically obtaining land to support future community development and urban planning objectives. This approach allowed Council to gradually assemble a significant land holding in a key location, providing flexibility for future use and development in line with evolving community needs.</p> <p>Council's decision to seek reclassification demonstrates its commitment to responsible asset management and its dedication to realising the long-term strategic vision for this important precinct in Burwood.</p> <p>The land is not leased and is not a public reserve. There are no development approval records available, however the use of land as a car park is permitted with consent in the MU1 zone. It has been used as a car park since before the Burwood LEP commenced in 2012.</p>	





Item 9		Elsie Street Shops	
Address	Shops C1a, C1b, C2 and C3 Elsie Street, Burwood		
Title	Lot 11 DP 1142160		
Zoning	Mixed Use MU1		
Land Use	Shops		
Description	<p>These sites are ground floor shops leased to tenants.</p> <p>As the shops are an operational use it is appropriate to classify them as operational land.</p>		
<p>The land was acquired by Council in 2009 and has been used for shops and offices since the building was constructed in 2009 (DA379/2001).</p> <p>The shops are leased to tenants on standard commercial leases, and is not a public reserve.</p> <p>Consent for the development was issued in 2001, however the use of land as a shop is permitted with consent in the MU1 zone.</p>			

Item 10		Elsie Street Lot 15	
Address	Elsie Street Suite1 Level 2, part Level B3, Shop C9 & loading dock carspaces		
Title	Lot 15 DP 1177555		
Zoning	Mixed Use MU1		
Land Use	Office, Shop, Car Park		
Description	<p>These sites are shops, offices leased to tenants, and a loading dock with two car spaces</p> <p>As the uses are operational uses it is appropriate to classify them as operational land.</p>		
<p>The land was acquired by Council in 2009 and has been used for shops and offices since the building was constructed in 2009 (DA379/2001).</p> <p>The shops are leased to tenants on standard commercial leases, and is not a public reserve.</p> <p>Consent for the development was issued in 2001, however the use of land as a shop is permitted with consent in the MU1 zone.</p>			

Item 11		George Street Car Park	
Address	1-17 Elsie St, Burwood		
Title	Lot 13 DP 1142160		
Zoning	Mixed Use MU1		
Land Use	Car Park		
Description	<p>The George Street Car Park is a town centre car park located in the basement of 1-17 Elsie Street, accessed off George Street.</p> <p>As the carpark is an operational use it is appropriate to classify it as operational land.</p>		
<p>The land was acquired by Council in 2009 and has been used as a car park since the building was constructed in 2009 (DA379/2001). The land is not leased and is not a public reserve.</p> <p>Consent for the development was issued in 2001, however the use of land as a car park is permitted with consent in the MU1 zone.</p>			


Item 12		Elsie Street Loading Dock and George Street Community Centre	
Address	1-17 Elsie St, Burwood		
Title	Lot 33 SP 93494		
Zoning	Mixed Use MU1		
Land Use	Car Park		
Description	<p>The Elsie Street Loading Dock and associated Car Park is located in the basement of 1-17 Elsie Street, accessed off George Street.</p> <p>As the loading dock and carpark is an operational use it is appropriate to classify it as operational land.</p>		
<p>The land was acquired by Council in 2009 and has been used as a car park since the building was constructed in 2009 (DA379/2001). The land is not leased and is not a public reserve.</p> <p>Consent for the development was issued in 2001, however the use of land as a car park and a community centre is permitted with consent in the MU1 zone.</p>			

Item 13		Fitzroy Street Car Park	
Address	1a Fitzroy St, Burwood (adjacent to Reed Reserve).		
Title	Lots 1 and 2 DP 8973		
Zoning	Low Density Residential (R2)		
Land Use	Car Park		
Description	<p>These lots form part of the Fitzroy Street Car Park in Croydon Town Centre.</p> <p>As the carpark is an operational use it is appropriate to classify it as operational land.</p>		
<p>The Fitzroy Street Car Park was acquired by Council in the 1970s as part of a strategic initiative to provide public parking facilities in the area. While specific development approval records are not available, the site has been continuously used as a car park since acquisition. This long-standing use predates the current Burwood Local Environmental Plan 2012 and is consistent with the site's current zoning. The land is not leased and is not a public reserve.</p>			

Item 14		462a Georges River Road	
Address	462A (Rear) Georges River Rd, Croydon Park		
Title	Lot 2 in DP 1125122		
Zoning	General Residential (R1)		
Land Use	Municipal Purposes		
Description	<p>The land behind the childcare centre is currently used for Council operational purposes (Storage)</p> <p>As the storage is an operational use it is appropriate to classify the site as operational land.</p>		
<p>The property at 462a Georges River Road, Croydon Park, is currently utilised for Council operational purposes. Historical records and the Certificate of Title suggest that this parcel was originally part of a larger land holding at 462 Georges River Road.</p> <p>It appears that Council subdivided the original property, selling off the front portion which has since been redeveloped into a daycare facility. The retained rear portion, now known as 462a Georges River Road, was kept for Council use and is bound by various easements and rights of way, likely established during the subdivision process to ensure access and utilities for both the sold and retained portions of land.</p> <p>While the exact date of the subdivision and partial sale is unknown, this strategic land management decision by Council demonstrates its ability to balance community needs with operational requirements. By retaining a portion of the original property for Council operations while allowing development on another portion, Council has efficiently utilised its land assets.</p>			

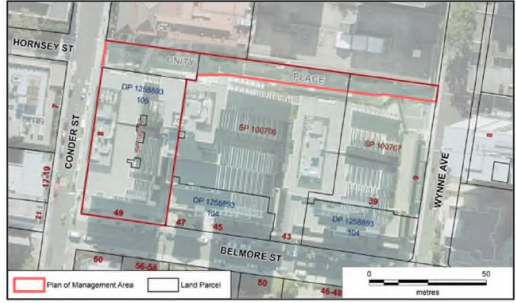
The current use of 462a Georges River Road for Council operational purposes underscores its ongoing importance to Council's service delivery capabilities. The easements and rights of way associated with the property reflect the complex nature of urban land use and the need for careful planning in land subdivision and repurposing.


Council has maintained ownership and management of this operational land since the subdivision, adapting its use to meet evolving Council needs while ensuring continued access and functionality through the established easements and rights of way.


Item 15		45 Heydon Street	
Address	45 Heydon St, Enfield		
Title	Lot 121 DP 456968 and Lot 120 DP 456968		
Zoning	Low Density Residential (R2)		
Land Use	Road and Footpath		
Description	<p>The land at 45 Heydon Street, Enfield is used for road purposes.</p> <p>The main use of the land is for road transport which is an operational use it is appropriate to classify it as operational land.</p>		
<p>Acquired by Council in 1974, this land has been consistently utilised as part of the local road network. Its use as a road is permissible without consent under the current R2 zoning, reflecting its ongoing importance in local traffic management and connectivity.</p> <p>The land is not leased and is not a public reserve. It has been used for these purposes since before the Burwood LEP commenced in 2012.</p>			


Item 16 Council Chambers, Customer Service & Library	
Address	2-4 Conder St, Burwood
Title	Lot 1 DP 1252835
Zoning	Mixed Use MU1
Land Use	Office, Shop, Library, Community Facility
Description	<p>These community and office uses within the Council Administration Centre.</p> <p>As shops and offices an operational uses it is appropriate to classify them as operational land.</p>
	
<p>2-4 Conder Street, Burwood (Lot 1 DP 1252835) encompasses the original Council Chambers, a heritage-listed building that still accommodates the Mayor, Councillors, and some administrative staff. This significant site has evolved to meet changing community needs, with a modern extension to the rear housing Council's customer service center, library, and various community facilities. In 2020, the site underwent substantial upgrades, further enhancing its functionality and amenities.</p> <p>The property serves multiple operational functions, including civic administration, community services, and public amenities. A licensed coffee cart operates on the premises, enhancing visitor amenities. Additionally, the site includes a paid public car park that supports access to these essential community facilities.</p> <p>Council actively manages this multi-faceted property to maintain its heritage values while ensuring it continues to meet contemporary operational and community service needs. The 2020 upgrades demonstrate Council's commitment to ongoing improvement and adaptation of the site. Regular maintenance, service assessments, and strategic planning are undertaken to optimise the site's diverse uses and preserve its importance as a civic and community hub. Furthermore, Council is in the process of delivering an art and cultural centre with underground parking within the current carpark location. This development will significantly enhance the precinct and community amenity. Classifying the land as operational will provide Council with the necessary flexibility to further activate and enhance the site, ensuring it continues to evolve and meet the dynamic needs of the Burwood community.</p>	


Item 17	Unity Place (Part)	
Address	Hornsey St, Burwood	
Title	Lot 105 DP1258893	
Zoning	Mixed Use MU1	
Land Use	Council administration, retail and commercial, civic domain, community facility	
Description	<p>These community and office uses within the Council Administration Centre.</p> <p>As shops and offices an operational uses it is appropriate to classify them as operational land.</p>	
<p>Formerly known as Hornsey Street, this area was renamed Unity Place in 2021. The site is subject to a specific Plan of Management which outlines its intended future reclassification to operational land, supporting Council's long-term strategic planning for the precinct</p> <p>The Conder Street and (formerly) Hornsey Street, Burwood location, now known as Unity Place is widely considered the historic and 'spiritual' home of Burwood Council and recognised as the hub of community related activities.</p> <p>Unity Place has allowed Council to achieve its identified strategic objectives through the creation of a modern and industry leading Civic Centre capable of simultaneously hosting Council's administration, library, community and customer service functions at 2 and 8 Conder Street, Burwood. The co-location of various services in a modern, easily accessible and well connected facility has generated multiple synergies and opened up innumerable opportunities to increase service levels and activate adjoining public spaces.</p> <p>The spaces within Lot 105 in DP1258893 of the 39-47 Belmore Street, 6-14 Conder Street and Wynne Avenue, Burwood site, is now addressed as 8 Conder Street and 49 Belmore Street, Burwood and known in its entirety as Unity Place (formerly Hornsey Street, Burwood).</p>		




Item 18		Meryla Street Car Park
Address	33-35 Meryla St, Burwood	
Title	Lots 58 & 57 DP 7805	
Zoning	Low Density Residential (R2)	
Land Use	Car Park	
Description	<p>33-35 Meryla Street is a small town centre carpark.</p> <p>As the carpark is an operational use it is appropriate to classify it as operational land.</p>	
<p>The Meryla Street Car Park has been a long-standing public parking facility in the area, since its acquisition in 1977. Its continuous use as a car park predates the current LEP. The proposed inclusion in Schedule 1 of the LEP will formalise its permissibility in the R2 zone, reflecting its established and ongoing use. The land is not leased and is not a public reserve.</p> <p>There are no development approval records available.</p>		


Item 19		Murphys Lane
Address	17a Wright St, Croydon	
Title	Lot 101 DP 873782	
Zoning	Low Density Residential (R2)	
Land Use	Footpath	
Description	<p>This narrow strip of land is a footpath to the side of Murphys lane.</p> <p>As the footpath is an operational use it is appropriate to classify the land as operational land.</p>	
<p>This land serves as an important pedestrian link, providing access to adjacent properties. Its function as a public footpath is consistent with Council's objectives for local connectivity and aligns with permissible uses in the R2 zone. The footpath leads to the common property for the dwellings to the north. The area of the land is approx. 17sqm.</p> <p>The land is not leased, and is not a public reserve.</p>		


Item 20		Parnell Street Car Park	
Address	1-7 Parnell St, Strathfield		
Title	Lot 1 DP 189327, Lot 26 DP83935 & Lot 2 DP 1099132		
Zoning	Mixed Use MU1		
Land Use	Car Park		
Description	<p>1-7 Parnell Street is a small triangular car park between Parnell Street and the railway reserve.</p> <p>As the carpark is an operational use it is appropriate to classify it as operational land.</p>		
<p>The land was acquired by Council in 1964 and has been used as a car park ever since. The car park has a 10-hour daytime parking restriction and fees are payable and continues to support the parking needs of the surrounding mixed-use area</p> <p>The land is not leased and is not a public reserve.</p> <p>There are no development approval records available, however the use of land as a car park is permitted with consent in the MU1 zone. It has been used as a car park since before the Burwood LEP commenced in 2012.</p>			

Item 21		Railway Square	
Address	1a Railway Pde Burwood		
Title	Lot 2309 DP 1134547		
Zoning	Mixed Use MU1		
Land Use	Open Space and Shop		
Description	<p>Railway Square is a piece of land located between the railway and Railway Parade. A shop is located within the former goods office on the site.</p> <p>As the shop is an operational use it is appropriate to classify as operational land.</p>		
<p>The land consist of a railway post office building which is leased to tenants on standard commercial leases, and the land is not a public reserve. Railway Square serves dual purposes as public open space and a commercial venue. The shop within the former goods office has relevant approvals and its use is permissible under the current zoning. This multi-functional space contributes to the vibrancy and amenity of the local area</p>			


Item 22		Seymour Street Car Park	
Address	62 Seymour Street, Croydon Park		
Title	Lot 10 DP 1901		
Zoning	Local Centre E1		
Land Use	Car Park		
Description	<p>62 Seymour Street is a 16-bay carpark to the rear of buildings that front Georges River Road, with access to the car park off Seymour Street.</p> <p>As the carpark is an operational use it is appropriate to classify it as operational land.</p>		
<p>This car park has been a long-standing feature of the local area, supporting nearby businesses and residents. Its use is consistent with the E1 zoning and continues to play a vital role in local parking provision. The land is not leased and is not a public reserve.</p> <p>It has been used as a car park since prior to the Burwood LEP commencing in 2012.</p>			


Item 23		Tangarra Street Car Park	
Address	12 Tangarra St, Croydon Park		
Title	Lot 1 DP 580519		
Zoning	Local Centre E1		
Land Use	Car Park		
Description	<p>12 Tangarra Street is a carpark to the side of Tavistock Street with access to the bays directly off Tavistock Street.</p> <p>As the carpark is an operational use it is appropriate to classify it as operational land.</p>		
<p>The Tangarra Street Car Park has provided important parking facilities for the local community for many years. Its ongoing use as a car park is consistent with the current E1 zoning and local planning objectives. The land is not leased and is not a public reserve.</p> <p>There are no development approval records available. It has been used as a car park since prior to the Burwood LEP commencing in 2012.</p>			


Item 24		Victoria Street
Address	65a Victoria St, Burwood	
Title	Lot B 370257	
Zoning	Mixed Use (MU1)	
Land Use	Car Park	
Description	<p>65a Victoria Street is a parcel of land used for a road and a footpath.</p> <p>The main use of the land is for road transport which is an operational use it is appropriate to classify it as operational land.</p>	
<p>This land forms an integral part of the local road network, serving both vehicular and pedestrian traffic. Its use as a road and footpath is consistent with the MU1 zoning and supports local connectivity and accessibility. The land is not leased and is not a public reserve.</p> <p>The use of land as for 'roads' is permitted without consent in the MU1 zone. It has been used for these purposes since before the Burwood LEP commenced in 2012.</p>		


Item 25		Wynne Avenue Car Park
Address	27-31 Belmore St Burwood	
Title	Lot 6 SP 91971B	
Zoning	Mixed Use MU1	
Land Use	Car Park	
Description	<p>The Wynne Avenue Car park is a car park in the basement of 27-31 Belmore Street, accessed off Wynne Avenue.</p> <p>As the carpark is an operational use it is appropriate to classify it as operational land.</p>	
<p>The land was acquired by Council in 2019 and has been used as a car park ever since. The car park has a 10-hour daytime parking restriction and fees are payable.</p> <p>The land is not leased and is not a public reserve.</p> <p>The Wynne Avenue Car Park is a key piece of parking infrastructure in the area. While specific approval details are not available, its use is consistent with the current MU1 zoning and continues to meet local parking needs.</p>		


Item 26		41 Brighton Street	
Address	41 Brighton St, Croydon		
Title	Lot 2 DP 304375 (subject to Sydney Water easement)		
Zoning	Public Recreation (RE1)		
Land Use	Dwelling		
Description	41 Brighton Street is a residential dwelling. As the residential dwelling is an operational use it is appropriate to classify it as operational land.		
<p>This property, while zoned RE1, has historically been used for residential purposes since its acquisition in 1975. The proposed inclusion in Schedule 1 of the LEP aims to regularise this long-standing use while maintaining Council's flexibility for future planning in the area. The land has been treated as community land and a Plan of Management exists for the land.</p> <p>The land is leased under a standard residential lease arrangement, and the land is not a public reserve. There are no development approval records available. A dwelling is a prohibited land use in the RE1 zone and it is proposed to include the land in Schedule 1 of the LEP, Additional Permitted Uses.</p>			

Item 27		43 Brighton Street	
Address	43 Brighton St, Croydon		
Title	Lot 13 DP 18849; Lot 2 DP 629656; and Lot 3 DP 304375		
Zoning	Public Recreation (RE1)		
Land Use	Childcare Centre Recreation Facilities (Outdoor)		
Description	43 Brighton Street is childcare centre and a tennis centre. As the uses are operational use it is appropriate to classify it as operational land.		
<p>The land was acquired by Council by way of transfer in the 1970's. This site accommodates both a childcare centre and tennis facilities, providing operational and community services. These uses are permissible under the current RE1 zoning and have been established features of the local area for many years. The land has been treated as community land and a Plan of Management exists for the land.</p> <p>The land is leased under a standard commercial lease arrangement, and the land is not a public reserve. There are no development approval records available. Childcare centres and Recreation Facilities (Outdoor) are permitted with consent in the RE1 zone. It has been used as a childcare centre and a tennis centre since before the Burwood LEP commenced in 2012.</p>			

Item 28		Jackett Reserve and 39 Minna Street	
Address	39 Minna Street, Burwood (also known as 8 Belgrave Street) in Jackett Reserve		
Title	Lot 6 & 7 Sec 2 DP233 and Lot 2 DP 201156		
Zoning	Public Recreation (RE1)		
Land Use	Park and Childcare Centre		
Description	39 Minna Street is a childcare centre within Jackett Reserve.		
<p>The acquisition date for this land is not specified in Council records. It has been used as a park and childcare centre for many decades. There are no development approval records available. Childcare centres and Recreation Facilities (Outdoor) are permitted with consent in the RE1 zone. It has been used for these purposes since before the Burwood LEP commenced in 2012. The land has been treated as community land and a Plan of Management exists for the land.</p> <p>It is proposed to reclassify the land to operational for the purposes of subdivision. Following subdivision the Childcare centre will remain operational land as it is an operational use, and the park will return to community land as a park is a community land use.</p> <p>There are no development approval records available. Childcare centres and Recreation Facilities (Outdoor) are permitted with consent' in the RE1 zone. It has been used as a childcare centre and a park since before the Burwood LEP commenced in 2012.</p>			

Item 29		SES Building	
Address	32-34 Cheltenham Rd Croydon		
Title	Lot 3 DP 1198616		
Zoning	Low Density Residential (R2)		
Land Use	Emergency Services Facility		
Description	32-34 Cheltenham Road is an operations building for the State Emergency Service As the residential dwelling is an operational use it is appropriate to classify it as operational land.		
<p>Council records do not provide a specific acquisition date for this land. It has been used as an emergency services facility for many years. There are no development approval records available. Emergency Services Facilities are permitted with consent in the R2 zone. It has been used as an emergency services facility since before the Burwood LEP commenced in 201. The land has been treated as community land and a Plan of Management exists for the land.</p> <p>The land is leased to the SES under a memorandum of understanding agreement, and the land is not a public reserve. There are no development approval records available. Emergency Service Facilities are permitted with consent' in the R2 zone. It has been used as an emergency services facility since before the Burwood LEP commenced in 2012.</p>			

Item 30	Woodstock Childcare Centre	
Address	22 Church St Burwood (incorporating 92 Fitzroy Street Burwood)	
Title	PART Lot 2 DP 605138 (Council),	
Zoning	Low Density Residential (R2)	
Land Use	Childcare Centre	
Description	<p>This is the childcare centre at 92 Fitzroy Street.</p> <p>As the uses are operational use it is appropriate to classify it as operational land.</p>	
<p>The acquisition date for this land is not specified in Council records. It has been used as a childcare centre since 2007 and has been leased to a childcare operator since this time.</p> <p>Childcare centres are permitted with consent in the R2 zone. It has been used as a childcare centre since before the Burwood LEP commenced in 2012. The land has been treated as community land and a Plan of Management exists for the land.</p> <p>It is proposed to reclassify the land to operational for the purposes of subdivision. Following subdivision the Childcare centre will remain operational land as it is an operational use, and the remainder will return to community land as it is a community land use.</p> <p>There are no development approval records available, but it is believed that consent occurred in 2006-2007.</p>		

Item 31	Burwood Council Offices	
Address	8 Conder Street Burwood	
Title	Lot 105 in DP1258893	
Zoning	Mixed Use MU1	
Land Use	Office, Shop, Community Facility	
Description	As the uses are operational use it is appropriate to classify it as operational land.	
<p>The Burwood Council Administration Centre site was dedicated to Council in 2020 as part of a comprehensive redevelopment project by way of a Voluntary Planning Agreement. The mixed-use nature of the site, incorporating office, retail, and community facilities, aligns with the strategic objectives for the area and has relevant development approvals in place. The Burwood Council Offices site incorporates a mix of administrative, retail, and community uses. These uses are permissible under the current MU1 zoning and reflect the site's importance as a civic and community hub. This site is central to Council's operations and service delivery. Classifying it as operational land will facilitate more efficient management and potential future adaptations to meet changing administrative and community service needs.</p> <p>The use of land as a shop is permitted with consent in the MU1 zone. It has been used as a shop since before the Burwood LEP commenced in 2012. The land has been used as an office and community facility ever since. The land has been treated as community land and a Plan of Management exists for the land.</p> <p>Part of the land is leased under a standard commercial lease arrangement, and the land is not a public reserve.</p> <p>Consent for the development was issued in 2015, and the use of land as a shop is permitted with consent in the MU1 zone.</p>		

Part 3 – Justification of strategic and site-specific merit

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is not the result of any specific strategy or study. The need for the Planning Proposal has arisen from requirement to have all Council owned land classified appropriately.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An amendment to the BLEP 2012 is required under the EPA Act and LG Act to achieve the intended outcome of the Planning Proposal.

Section B – Relationship to the Strategic Planning Framework

3. 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)?

The Planning Proposal is consistent with the objectives and actions of the regional and district strategic planning framework as represented by the following relevant plans:

- Greater Sydney Region Plan: A Metropolis of Three Cities
- Eastern Harbour City District Plan.

a) Greater Sydney Region Plan: A Metropolis of Three Cities

The Planning Proposal is consistent with the following objectives in the Region Plan:

- Objective 5: Benefits of growth realised by collaboration of governments, community and business
- Objective 6. Services and infrastructure meet communities' changing needs

b) Eastern Harbour City District Plan

This Planning Proposal deals with planning matters at the neighbourhood scale that are of a limited local planning significance. The Planning Proposal is consistent with the following objectives in the District Plan:

- Planning Priority E1 Planning for a city supported by infrastructure
- Planning Priority E3: Providing services and social infrastructure to meet people's changing needs

4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The Planning Proposal is consistent with Burwood LSPS which is the key strategic land use planning document to facilitate and manage future growth and development within Burwood Council. The LSPS builds on the community engagement and outcomes of Council's Community Strategic Plan. The LSPS outlines how Council will manage growth sustainably over a 20-year period.

a) Local Strategic Planning Statement

The Planning Proposal aligns with the Burwood LSPS which is the Key Strategic land use planning document to facilitate and manage future growth and development within the Burwood Council area

The proposed reclassification of land supports these planning priorities by classifying operational land appropriately, so that it can be managed in an operational fashion, thereby contributing to the above planning priorities.

b) Burwood 2025 - Community Strategic Plan

The Planning Proposal is consistent with the Community Strategic Plan as detailed in Attachment 1.

The Community Strategic Plan outlines Council's vision and aspirations for the future of the City and facilitates and manages future growth and development within Burwood to 2036.

Burwood 2036 - Community Strategic Plan identifies five Strategic Directions:

- Inclusive Community and Culture;
- Places for People;
- Sustainable and Protected Environment;
- Vibrant City and Villages; and
- Open and Collaborative Leadership.

5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

This Planning Proposal will not contradict or hinder the application of any relevant State and regional studies or strategies as detailed in Attachment 2.

6. Is the Planning Proposal consistent with applicable SEPPs?

The Planning Proposal is consistent with applicable state environmental planning policies (SEPPs) as detailed in Attachment 2.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 Directions by the Minister)?

The Proposal is consistent with applicable Section 9.1 Ministerial Directions as detailed in Attachment 3.

Section C – Environmental, Social and Economic Impact

- 8. 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?**

The Planning Proposal will not affect critical habitat or threatened species, populations or ecological communities, or their habitats. The sites are within an urbanised area that does not contain flora or fauna that is of significance to the ecological community.

- 9. Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?**

There are no other likely environmental effects as a result of the Planning Proposal. In the event that a Development Application is lodged, a full assessment of environmental impacts will be undertaken with respect to any development.

- 10. Has the Planning Proposal adequately addressed any social and economic effects?**

The sites are considered suitable for the proposed uses. The Planning Proposal is not of scale type that can be expected to result in any significant negative economic or social impacts within the neighbourhood or Burwood LGA.

Section D – Infrastructure (Local, State and Commonwealth)

- 11. Is there adequate public infrastructure for the Planning Proposal?**

The sites are located within an established suburban area with existing access to existing of urban infrastructure and services including, water, energy utilities, telecommunication and regional transport linkages. It is not expected that the scale of any development likely to be generated by the Planning Proposal (if any) would result in demand on that infrastructure which is beyond their existing carrying capacities.

Section E – State and Commonwealth Interests

- 12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Relevant State and Commonwealth public authorities will be consulted during the exhibition of the Planning Proposal in accordance with the Gateway determination directions.

Part 4 – Maps

The proposed amendment does not amend any maps because it proposes to amend Schedule 4 of the Burwood LEP 2012 to reclassify the subject land from Community to Operational Land.

Part 5 – Community consultation

Community consultation will be carried out in accordance with the requirements of any Gateway determination, the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*.

A public hearing will be undertaken in accordance with the *Local Government Act 1993*.

Part 6 – Project timeline

The following project timeline provides an estimated timeframe for each stage of the Planning Proposal.

Table 1 – Indicative project timeline

Stage	Timeframe and/or date
Consideration by Local Planning Panel	October 2024
Consideration by Council at Council Meeting	November 2024
Council decision	November 2024
Gateway determination	March 2025
Pre-Exhibition	April 2025
Commencement and completion of public exhibition period, including a public hearing.	May 2025
Public Hearing	May 2025
Consideration of submissions	June 2025
Post-exhibition review	July 2025
Submission to Council for adoption	August 2025
Submission to the Department for finalisation (where applicable)	August 2025
Gazettal of LEP amendment	October 2025

Attachment 1

Information Required by Practice Note No. 16-001

ITEM	REQUIREMENT	COMMENT
1	The current and proposed classification of the land	Community to Operational
2	Whether the land is a 'public reserve' (defined in the LG Act)	No
3	The strategic and site specific merits of the reclassification and evidence to support this	Refer to Part 2 - Explanation of Provisions
4	Whether the planning proposal is the result of a strategic study or report	No. Refer to Part 2 - Explanation of Provisions
5	Whether the planning proposal is consistent with council's community plan or other local strategic plan	Yes. Refer to Part 3 - Justification of strategic and site-specific merit – of the planning proposal
6	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) - if council does not own the land, the land owner's consent; - the nature of any trusts, dedications etc	Refer to Part 2 - Explanation of Provisions
7	Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	No
8	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);	Refer to Part 2 - Explanation of Provisions
9	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)	Refer to Part 2 - Explanation of Provisions
10	Current use(s) of the land, and whether uses are authorised or unauthorised	Refer to Part 2 - Explanation of Provisions
11	Current or proposed lease or agreements applying to the land, together with their duration, terms and controls	Refer to Part 2 - Explanation of Provisions
12	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.	Nil
13	Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy)	Rezoning of the land is not proposed.

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Draft Planning Proposal Report - Reclassification of Certain Council owned land - February 2025

14	How council may or will benefit financially, and how these funds will be used	N/a
15	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 does not affect open space
16	A 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
17	Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	At this stage, no relevant government agencies have been identified to be consulted in relation to this proposal.

Consistency with Region Plan, District Plan, Community Strategic Plan and Local Strategic Planning Statement

A. Greater Sydney Region Plan – A Metropolis of 3 Cities

Direction	Objective	Does this objective apply to the Planning Proposal?	How does this Planning Proposal implement the Direction and Objective?
A city supported by infrastructure	Objective 1: Infrastructure supports the three cities	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
	Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact	N/a	
	Objective 3: Infrastructure adapts to meet future needs	N/a	
	Objective 4: Infrastructure use is optimised	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
A collaborative city	Objective 5: Benefits of growth realised by collaboration of governments, community and business	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
A city for people	Objective 6: Services and infrastructure meet communities' changing needs	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
	Objective 7: Communities are healthy, resilient and socially connected	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
	Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
	Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
Giving people housing choices	Objective 10: Great places that bring people together	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
	Objective 11: Housing is more diverse and affordable	N/a	
A city of great places	Objective 12: Great places that bring people together	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
	Objective 13: Environmental heritage is identified, conserved and enhanced	N/a	
A well-connected city	Objective 14: A Metropolis of 3 Cities – integrated land use and transport creates walkable and 30-minute cities	N/a	
	Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive.	N/a	
	Objective 16: Freight and logistics network is competitive and efficient	N/a	
	Objective 17: Regional connectivity is enhanced	N/a	
	Objective 18:	N/a	

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Draft Planning Proposal Report - Reclassification of Certain Council owned land - February 2025

Jobs and skills for the city	Harbour CBD is stronger and more competitive		
	Objective 19: Greater Parramatta is stronger and better connected	N/a	
	Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	N/a	
	Objective 21: Internationally competitive health, education, research and innovation precincts	N/a	
	Objective 22: Investment and business activity in centres	N/a	
	Objective 23: Industrial and urban services land is planned, retained and managed	N/a	
	Objective 24: Economic sectors are targeted for success	N/a	
A city in its landscape	Objective 25: The coast and waterways are protected and healthier	N/a	
	Objective 26: A cool and green parkland city in the South Creek corridor	N/a	
	Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	N/a	
	Objective 28: Scenic and cultural landscapes are protected	N/a	
	Objective 29: Environmental, social and economic values in rural areas are protected and enhanced	N/a	
	Objective 30: Urban tree canopy cover is increased	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
	Objective 31: Public open space is accessible, protected and enhanced	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
	Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
An Efficient City	Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	N/a	
	Objective 34: Energy and water flows are captured, used and reused	N/a	
	Objective 35: More waste is re-used and recycled to support the development of a circular economy	N/a	
A resilient city	Objective 36: People and places adapt to climate change and future shocks and stresses	N/a	
	Objective 37: Exposure to natural and urban hazards is reduced	N/a	
	Objective 38: Heatwaves and extreme heat are managed	N/a	
	Objective 39: A collaborative approach to city planning	N/a	
	Objective 40: Plans refined by monitoring and reporting	N/a	

B. Eastern City District Plan

Direction	Objective	Does this objective apply to the Planning Proposal?	How does this Planning Proposal implement the Direction and Objective?
A city supported by infrastructure	Planning Priority E1 Planning for a city supported by Infrastructure	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
A collaborative city	Planning Priority E2 Working through Collaboration	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
A City for People	Planning Priority E3 Providing services and social infrastructure to meet people's changing needs	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
	Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
Housing the city	Planning Priority E5 Providing housing supply, choice and affordability with access to jobs, services and public transport	N/a	
A city of great places	Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
A well connected city	Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
	Planning Priority E7 Growing a stronger and more competitive Harbour CBD	N/a	
	Planning Priority E8 Growing and investing in health and education precincts and the Innovation Corridor	N/a	
	Planning Priority E9 Growing international trade gateways	N/a	
	Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres	N/a	
	Planning Priority E12 Retaining and managing industrial and urban services land	N/a	
	Planning Priority E13 Supporting growth of targeted industry sectors	N/a	
A city in its landscape	Planning Priority E14 Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways	N/a	
	Planning Priority E15 Protecting and enhancing bushland and biodiversity	N/a	
	Planning Priority E16 Protecting and enhancing scenic and cultural landscapes	N/a	

	Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections	N/a	
	Planning Priority E18 Delivering high quality open space	Yes	Consistent, the proposal allows council-owned land to be managed appropriately.
An efficient city	Planning Priority E19 Reducing carbon emissions and managing energy, water and waste efficiently	N/a	
A resilient city	Planning Priority E20 Adapting to the impacts of urban and natural hazards and climate change	N/a	
Implementation	Planning Priority E21 Preparing local strategic planning statements informed by local strategic planning	N/a	
	Planning Priority E21 Monitoring and reporting on the delivery of the Plan	N/a	

C. Burwood 2036, Community Strategic Plan

Strategic Direction	Compliance
Inclusive Community and Culture	Consistent, the proposal allows council-owned land to be managed appropriately.
Places for People	
Sustainable and Protected Environment	
Vibrant City and Villages	
Open and Collaborative Leadership	

D. Burwood Local Strategic Planning Statement

Direction	Planning Priority	Does this apply to the Planning Proposal?	How does this Planning Proposal implement the Planning Priority?
Infrastructure and Collaboration	P1. Plan for a city that is supported by infrastructure.	Yes	The proposal allows council-owned land to be managed appropriately.
	P2. Deliver local infrastructure, services and facilities.	Yes	The proposal allows council-owned land to be managed appropriately.
Liveability	P3. Provide housing supply, choice and affordability in close proximity to jobs, services and public transport.	N/a	
	P4. Provide high quality planning and urban design outcomes for key sites and precincts	N/a	
	P5. Identify local character areas considering preservation, enhancement and desired future character.	N/a	
Productivity	P6. Strategically grow investment, business opportunities and jobs.	Yes	The proposal allows council-owned land to be managed appropriately.

Item Number 3/25 - Attachment 1

Draft Planning Proposal Report - Reclassification of Certain Council owned land - February 2025

	P7. Grow Burwood's night-time entertainment, dining and other recreational opportunities.	Yes	The proposal allows council-owned land to be managed appropriately.
	P8. Increase the long term viability of all centres.	Yes	The proposal allows council-owned land to be managed appropriately.
	P9. Support urban freight and commercial servicing along commercial corridors	N/a	
Sustainability	P10. Deliver high quality open space and recreation facilities.	Yes	The proposal allows council-owned land to be managed appropriately.
	P11. Increase urban tree canopy cover.	Yes	The proposal allows council-owned land to be managed appropriately.
	P12. Deliver Green Grid connections	Yes	The proposal allows council-owned land to be managed appropriately.
	P13. Promote the improved health and enjoyment of the Cooks River waterway and Parramatta River catchment.	N/a	
	P14. Protect and enhance biodiversity.	N/a	
	P15. Reduce carbon emissions and manage energy, water and waste efficiently.	N/a	
	P16. Build resilience across Burwood Council and the Burwood community.	Yes	The proposal allows council-owned land to be managed appropriately.
	P17. Protect and enhance scenic and cultural landscapes.	Yes	The proposal allows council-owned land to be managed appropriately.

Consistency with Applicable SEPPs

State Environmental Planning Policy	Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes. The proposal does not affect the biodiversity and ecological conservation of the area.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes. The sustainability of any future development will be assessed during the development application process.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Housing) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Industry and Employment) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy No 65— Design Quality of Residential Apartment Development	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Planning Systems) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Precincts— Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts— Eastern Harbour City) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Precincts— Regional) 2021	Not applicable
State Environmental Planning Policy (Precincts— Western Parkland City) 2021	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Not applicable
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Resources and Energy) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Sustainable Buildings) 2022	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP

Attachment 4

Consistency with relevant Section 9.1 Directions by the Minister

	Direction	Consistency
Planning Systems		
1.1	Implementation of Regional Plans	The Planning Proposal is consistent with this Direction.
1.2	Development of Aboriginal Land Council land	Not applicable.
1.3	Approval and Referral Requirements	The Planning Proposal is consistent with this Direction.
1.4	Site Specific Provisions	The Planning Proposal is consistent with this Direction.
1.4A	Exclusion of Development Standards from Variation	Not applicable.
Planning Systems – Place Based		
1.5	Parramatta Road Corridor Urban Transformation Strategy	The Planning Proposal is consistent with this Direction.
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 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.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable.
1.19	Implementation of the Westmead Place Strategy	Not applicable.
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable.
1.21	Implementation of South West Growth Area Structure Plan	Not applicable.
1.22	Implementation of the Cherrybrook Station Place Strategy	Not applicable.
Design and Place		
Biodiversity and Conservation		
3.1	Conservation Zones	Not applicable.
3.2	Heritage Conservation	The Planning Proposal is consistent with this Direction.
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	The Planning Proposal is consistent with this Direction.
3.8	Wilandra Lakes Region	Not applicable.
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable.
3.10	Water Catchment Protection	Not applicable.
Resilience and Hazards		
4.1	Flooding	Not applicable.
4.2	Coastal Management	Not applicable.
4.3	Planning for Bushfire Protection	Not applicable.
4.4	Remediation of Contaminated Land	Not applicable.

4.5	Acid Sulfate Soils	Not applicable.
4.6	Mine Subsidence and Unstable Land	Not applicable.
Transport and Infrastructure		
5.1	Integrating Land Use and Transport	Not applicable.
5.2	Reserving Land For Public Purposes	The Planning Proposal is consistent with this Direction.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable.
5.4	Shooting Ranges	Not applicable.
5.5	High pressure dangerous goods pipelines	Not applicable.
Housing		
6.1	Residential Zones	The Planning Proposal is consistent with this Direction.
6.2	Caravan Parks and Manufactured Home Estates	Not applicable.
Industry and Employment		
7.1	Employment Zones	The Planning Proposal is consistent with this Direction.
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.
Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable.
Primary Production		
9.1	Rural Zones	Not applicable.
9.2	Rural Lands	Not applicable.
9.3	Oyster Aquaculture	Not applicable.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.

LEP practice note

LOCAL PLANNING

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- *Community* land – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
- *Operational* land – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

What is public land?

Public land is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased,

but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

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

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

Classification of public land occurs when it is first acquired by a council and classified as either community or operational.

Reclassification of public land occurs when its classification is changed from community to operational, or from operational to community.

Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP is the mechanism with which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30).

It is critical that all interests are identified upfront as part of any planning proposal. If public land is reclassified from community to operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community (usually by council resolution under LG Act s.33¹) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

Public reserve is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as ‘public reserve’, or
- publishing a notification in the Government Gazette for an existing parcel.

Interests in land refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, ‘interests’ means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else’s land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

¹ Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(l)).

Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at: <http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.

Tel: 1300 305 695

Email: information@planning.nsw.gov.au

Authorised by:
Carolyn McNally
Secretary

Important note: This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

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ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

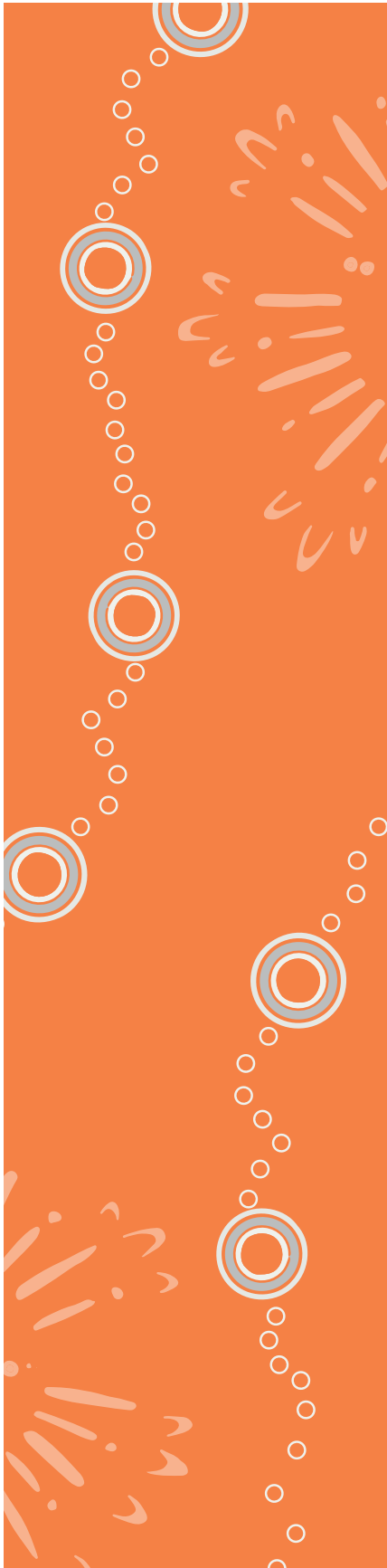
All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- the current and proposed classification of the land;
- whether the land is a 'public reserve' (defined in the LG Act);
- the strategic and site specific merits of the reclassification and evidence to support this;
- whether the planning proposal is the result of a strategic study or report;
- whether the planning proposal is consistent with council's community plan or other local strategic plan;
- 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)
 - if council does not own the land, the land owner's consent;
 - the nature of any trusts, dedications etc;
- whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- 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);
- 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);
- current use(s) of the land, and whether uses are authorised or unauthorised;
- current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- 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);
- any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- how council may or will benefit financially, and how these funds will be used;
- 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;
- a 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; and
- preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Local Environmental Plan Making Guideline

August 2023





Acknowledgement of Country

The NSW Department of Planning and Environment acknowledges the Traditional Custodians of the land and pays respect to Elders past, present and future. We recognise First Nations peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

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Left: Artwork by Nikita Ridgeway

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Abbreviations

Abbreviation	Definition
Department	NSW Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act (1979) https://legislation.nsw.gov.au/browse/inforce
GCC	Greater Cities Commission
IPC	Independent Planning Commission
LEP	Local Environmental Plan
LHS	Local Housing Strategy
LPMA	Local Plan-Making Authority
LPP	Local Planning Panel
LSPS	Local Strategic Planning Statement
PCO	Parliamentary Counsel's Office
PPA	Planning Proposal Authority
SEPP	State Environmental Planning Policy

Guideline language

This guideline uses terms and language that refer to specific roles and functions of the NSW Department of Planning and Environment (the Department) and legislative processes.

Table 1 clarifies what these terms mean within the context of this guideline.

Table 1. Terms used in this guideline

Term	Meaning for the purposes of this Guideline
Days	<p>Days referenced in this guideline are in working days, with the exception of Rezoning Review and Gateway Review which are calculated in calendar days.</p> <p>Working days means Monday through Friday excluding Saturday and Sunday, public holidays, and the Christmas/New Year period between 20 December and 10 January (inclusive).</p>
Gateway	Critical stage of the planning proposal for the Department to review strategic and site-specific merit and whether the planning proposal should proceed to public exhibition and any conditions to be satisfied before the LEP is made.
Gateway determination	<p>In accordance with section 3.34 of the EP&A Act, the Minister or delegate must issue a Gateway determination (with or without conditions) when it receives a planning proposal from the PPA.</p> <p>The Gateway determination will determine (among other things) whether the planning proposal may proceed to the next stage of the process.</p>

Term	Meaning for the purposes of this Guideline
Independent Planning Commission (IPC)	Established under Division 2.3 of the EP&A Act, the IPC is independent from the Department and in relation to the LEP making process provides advice on rezoning reviews of City of Sydney planning proposals and all Gateway review requests.
Independent Planning Panel	A regional or district planning panel or the Independent Planning Commission (IPC)
Local Plan-Making Authority (LPMA)	Authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister (or delegate) or the relevant council
Minister	Minister administering the EP&A Act, being the Minister for Planning and Public Spaces
Minister's delegate	<p>The person to whom the Minister has delegated his/her authority in accordance with section 2.4 of the EP&A Act.</p> <p>For LEP making, this authority is generally delegated to the Planning Secretary and Departmental staff.</p> <p>The instrument of delegation can be found on the Department's website. https://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Planning-Approval-Pathways/Delegated-Decisions</p> <p>Any reference to 'the Minister' in this guideline should be read as reference to the Minister or their delegate.</p>
Planning Proposal	A document and supporting information that explains the intended effect and justification of a proposed LEP or amendment to an LEP.
Planning Proposal Authority (PPA)	Authority responsible for the governance of a planning proposal, including its preparation and submission to the Department for a Gateway determination, satisfying the conditions of a Gateway determination, public exhibition and its finalisation (including submission to the Department for finalisation, where required)
Planning Secretary	The Secretary of the Department
Proponent	A developer, landowner or third party who initiates a proposal, prepares a planning proposal and submits it to the relevant council.
Site-specific merit	<p>A proposal's demonstrated environmental, social and economic impact on the site and surrounds and ability to be accommodated within the capacity of the current and/or future infrastructure and services</p> <p>When an LEP is made or amended through the planning proposal, it must demonstrate site-specific merit by having regard to the criteria in Section 2 of this guideline</p>
Strategic merit	<p>A proposal's demonstrated alignment with the NSW strategic planning framework or current government priority.</p> <p>When an LEP is made or amended through the planning proposal, it must demonstrate strategic merit having regard to the criteria in Section 2 of this guideline.</p>

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Introduction

This guideline provides a detailed explanation of the steps of the NSW Local Environmental Plan (LEP) making process to assist and guide councils, communities, State agencies, proponents, and practitioners.

LEPs provide the local statutory framework that guides development and land use decisions throughout NSW. They do this through zoning and development standards, which provide a framework for the way land can be developed and used.

As changes to planning zones or controls to permit new development and land uses are proposed, this often requires an amendment to the LEP applying to that land. Amendments to LEPs are generally undertaken through the preparation and assessment of planning proposals.

A planning proposal is the document that sets out the justification and supporting information to allow an LEP to be made.

Division 3.4 of the EP&A Act prescribes the LEP making process. This guideline supplements this to outline the practical steps to amend or create a new LEP.

The guideline aims to:

- help streamline the LEP making process to reduce delays while also ensuring that strategic led and quality place-based planning outcomes are achieved
- explain each of the steps to efficiently progress and obtain appropriate amendments to a LEP
- ensure that planning proposals provide adequate information to explain the proposal and explain the likely impacts of the amendment when assessed against government legislation, strategic plans, council policies and other guidelines
- explain the roles and responsibilities of each user and stakeholder in the making of a LEP
- outline best practice and encourage genuine consultation and collaboration at the initial stages of a planning proposal
- provide benchmark timeframes for different categories of planning proposals
- provide recommendations for suitable community engagement and participation throughout the LEP making process
- set benchmarks for decisions on planning proposals to ensure an efficient planning system

The guideline sets out specific requirements for the preparation of a planning proposal as issued by the Planning Secretary under section 3.33(3) of the EP&A Act. These requirements are outlined in **Section 2** of this Guideline.

How to use this Guideline

The guideline is divided into two sections:

SECTION

1

The LEP Making Process

Provides a step by step guide to the process and identifies the roles and responsibilities for stakeholders involved in each stage.

SECTION

2

The Planning Proposal

Outlines the requirements to prepare and submit a planning proposal.

NSW Planning Portal

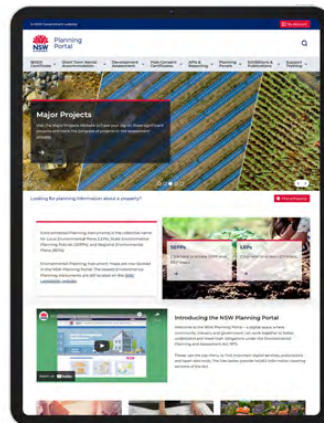
The Department’s NSW Planning Portal (the Planning Portal) registers and catalogues planning proposals for online assessment and determination. It provides transparency of the planning system and ensures greater accountability of all stakeholders involved in the process.

Planning proposals are submitted, assessed, and determined with real time updates via the Planning Portal.

This Planning Portal supports all the key actions and steps associated with the LEP making process, including:

- lodging planning proposals with councils
- submitting planning proposals for Gateway determination by the Department
- submitting planning proposals for Rezoning Review by the relevant Planning Panel
- submitting planning proposals for Gateway Review by the Independent Planning Commission (IPC)
- making all supporting information on planning proposals publicly available
- requiring and receiving additional information
- publishing all decisions

As of July 2021, all planning proposals are to be submitted and processed through the Planning Portal. More information about the system is on the [Planning Portal](#) website.



Supporting material

The Strategic Planning Toolkit on the Department’s website contains a number other guides and resources to support local councils and planning professionals in the LEP making process.

Refer to the Department’s [Local Planning and Zoning Resources – Strategic Planning Toolkit and Resources webpage](#) for more information.

Strategic Planning Framework

An effective planning system looks to the future, led by long-term, evidence-based strategic planning that is inclusive, democratic, responsive to climate change and injects predictability into decision-making. Its purpose is to provide for the needs of people and the environment now and into the future.

The NSW planning system is based on a strategic-led planning framework¹ as shown in **Figure 1**.

This strategic planning framework establishes the vision for NSW into the future with alignment between planning priorities identified at a state, regional or district level with finer-grained placed-based planning at the local level.

The framework sets out the principles and outcomes for meeting the needs of communities and the environment now and plans for the needs of the future. It enables communities to assess the broader implications and consequences of identifying locations for growth and change.

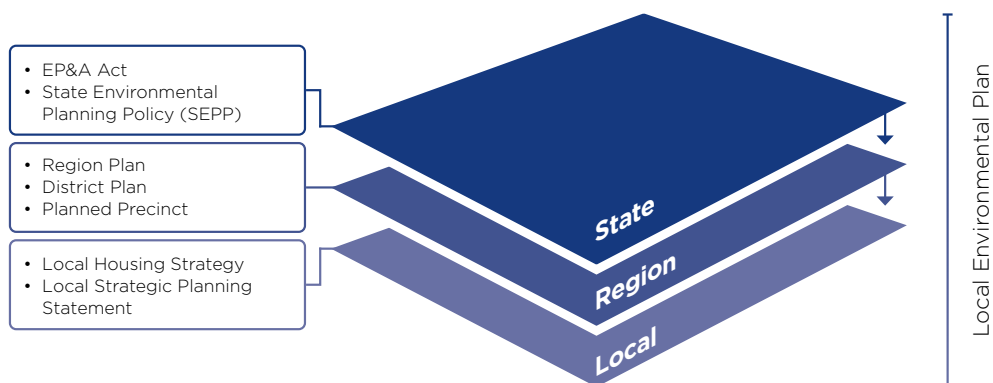
Alignment across state and local strategic planning sets up a streamlined process for amending LEPs by having planning matters resolved early and setting a clear sequence for how communities will grow and change over time.

Investment made into a stronger strategic planning framework enables decision making on LEP amendments consistent with the agreed state and local framework to be prioritised and expedited. All this provides greater certainty for industry, local government and communities that strategic plans will be translated into changes to planning controls and zoning.

All levels of government have an interest in seeing their strategic planning realised into outcomes for the community.

The strategic planning framework, along with infrastructure provision, should be the major consideration when starting, or thinking about, an LEP amendment. Having the right vision and alignment to the strategic planning framework upfront is critical for the LEP making process.

Figure 1. Strategic planning framework



1. See Division 3.1 of the EP&A Act

Regional plans

Regional Plans are State-led strategic planning documents that set out the vision and direction for strategic planning and land use within a region and planning for the future needs for housing, jobs, infrastructure, a healthy environment and connected communities across NSW.

There are 10 regional plans across NSW:

- Central Coast
- Central West and Orana
- Hunter
- Illawarra-Shoalhaven
- Metropolitan Sydney (A Metropolis of Three Cities – The Greater Sydney Region Plan)
- New England-North West
- Riverina-Murray
- South East and Tablelands
- Far West
- North Coast

<https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans>

District plans

Five district plans implement the vision and objectives of the Greater Sydney Region Plan at a district level.

These 20-year plans provide a bridge between regional and local planning to inform LEPs, local strategic planning statements (LSPS), community strategic plans and the assessment of planning proposals.

<https://www.greater.sydney/district-plans>

State-led rezoning

Precincts provide a place-based strategic planning approach to growth in Sydney and set specific actions and objectives for specific areas, based on the vision outlined in the region or district plan.

There are four pathways to progress precincts in Greater Sydney. State-led rezonings are focussed on where there is a strategic imperative for the Department to lead, including places with current or future city-shaping infrastructure and investment and where the state has the opportunity to create great public spaces.

These precincts provide a coordinated approach by State and local government which helps ensure infrastructure such as schools, parks, community facilities, public transport and road upgrades are delivered to support housing and jobs to meet community needs.

<https://www.planning.nsw.gov.au/Plans-for-your-area/A-new-approach-to-precincts>

Metropolitan Plans and Special Activation Precincts

There are a number of other strategic planning documents including the Greater Newcastle Metropolitan Plan 2036 and special activation precincts (SAPs) in regional NSW. These documents set out strategies and actions for a particular LGA or precinct to create jobs, attract businesses and investors, support local industries and fuel economic development.

<https://www.planning.nsw.gov.au/Plans-for-your-area/Greater-Newcastle-metropolitan-planning>

<https://www.nsw.gov.au/snowy-hydro-legacy-fund/special-activation-precincts>

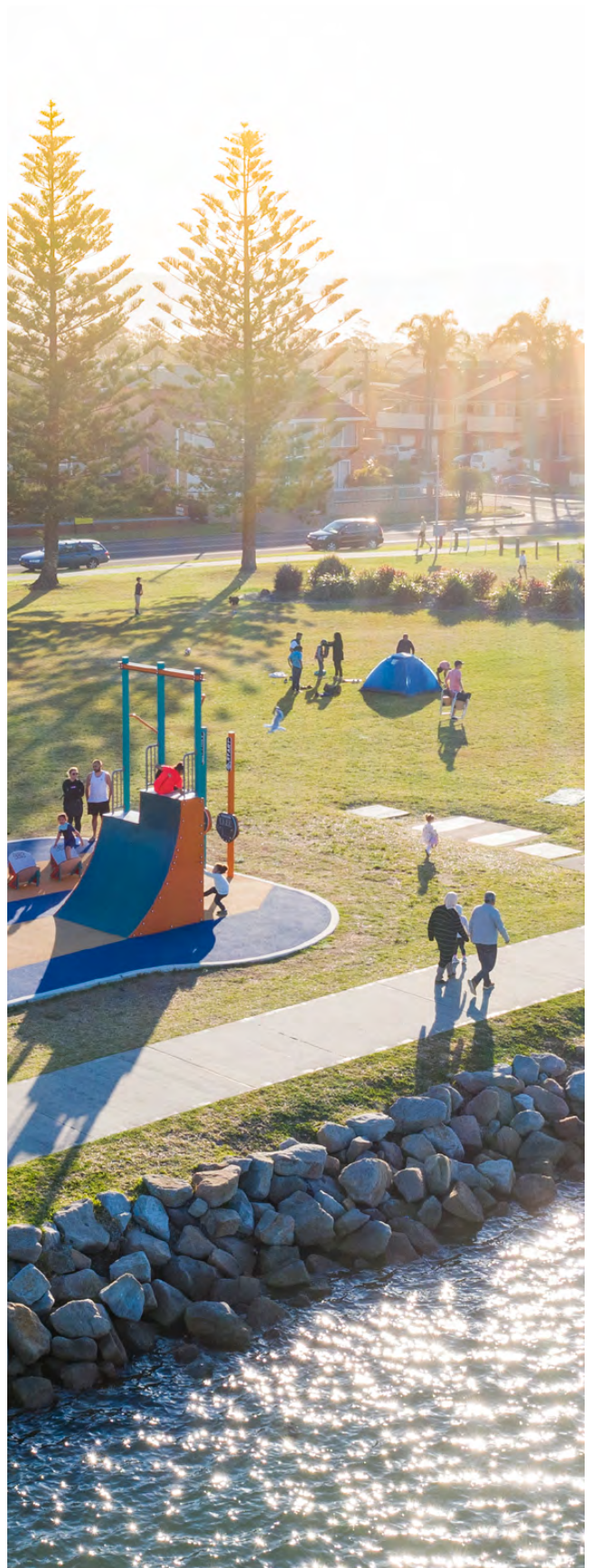
Local strategic planning statements

A LSPS² sets out the strategic planning ambitions for a LGA as a whole and for specific areas. The LSPS allows councils to translate regional and district planning into local priorities and actions and identifies the need for further local strategic planning work (e.g. precinct planning, local housing, employment areas, and infrastructure strategies).

<https://www.planning.nsw.gov.au/policy-and-legislation/environmental-planning-and-assessment-act-updated/guide-to-the-updated-environmental-planning-and-assessment-act-1979/part-3-strategic-planning>

The NSW Government has placed significant focus on the strategic planning framework, strategic place-based planning, connection to Country, green infrastructure and sustainability outcomes.

The above documents form the strategic planning framework which guides the assessment of planning proposals under the strategic merit test, as explained in **Part 3 of Section 2: The Planning Proposal**. Planning proposals should demonstrate consistency with applicable strategic plans.



2. See section 3.9 on the EP&A Act

Local Environmental Plan Making

What is a LEP?

LEPs guide planning decisions for LGAs through zoning and development controls. They provide a local framework for the way land can be developed and used. LEPs are the main planning tool to shape the future of communities by ensuring local development is carried out appropriately.

An LEP is an environmental planning instrument (EPI) and statutory plan. LEPs must comply with the common format and content of LEPs as outlined in the *Standard Instrument (Local Environmental Plans) Order 2006* (Standard Instrument) <https://legislation.nsw.gov.au/browse/inforce>.

If an LEP is to be amended or a new one created, the change is made through the preparation of a planning proposal. The planning proposal explains the intent of the proposed change(s) and the justification for the LEP amendments.

In some cases, a site may be zoned under another and separate EPI, such as a State Environmental Planning Policy (SEPP) or an Interim Development Order (IDO).

To determine which EPI applies to certain land, liaise with the relevant council and refer to the NSW Spatial Viewer - <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>

If an amendment is required under another EPI not being a LEP, contact the relevant Regional or Place team in the Department.

Is there a need to amend a LEP?

The NSW planning system provides flexibility in the application of LEP development standards allowing consent authorities (such as council) to approve a variation to development standards through clause 4.6 of an LEP.

Where the proposal is minor in nature or consequence, an expedited amendment process under section 3.22 of the EP&A Act to an LEP may be adopted. For more guidance see the **Special cases and exceptional circumstances** of this guideline.

Where changes are required outside of these development standards or where a clause 4.6 variation cannot be supported, an amendment to the LEP is required.

The creation of a new LEP or an amendment to an existing LEP is required for the following:

- To implement and align an LEP with the State government Regional and District Plans to support good growth
- Update to incorporate vision and outcomes from the council's LSPS or other changes to the strategic planning framework
- Comprehensive changes to a LEP, for example when a council has endorsed and seeks to implement and give effect to its local housing or employment land strategy
- Amendments relating to changes to the current zones, zone objectives, permitted land uses and/or development standards, specific clauses, reclassification of land or the inclusion of a local heritage item listing
- When directed or otherwise required by the Minister

Amendments can affect any land to which an LEP applies, including a single allotment, a whole zone, or an entire LGA.

What is a planning proposal?

A planning proposal is a document (including supporting information) that explains the intended effect of a proposed LEP or proposed amendments to an LEP. It describes the intended outcomes, identifies and assesses the potential impacts that the changes to the LEP may have and provides justifications for making the LEP³.

The planning proposal describes how amendments to an LEP 'give effect' to strategic and site-specific planning outcomes. It is therefore the first step in making the statutory link with strategic plans and amending an LEP.

The planning proposal should be structured in accordance with **Section 2: The Planning Proposal** of this guideline.

Who can initiate and prepare a planning proposal?

A planning proposal can be initiated by either a proponent or the relevant council. In certain circumstances, particularly when it is of State significance, the Minister may initiate an amendment to an EPI via a SEPP.

A planning proposal can only be prepared and submitted to the Department for Gateway determination by either the council or a person or body directed by the Minister⁴.

The body responsible for preparing and progressing a planning proposal is known as the planning proposal authority (PPA).

Council-initiated planning proposals

A council may initiate an LEP amendment or new LEP by drafting a planning proposal and submitting it to the Department for Gateway determination.

Council is responsible for preparing the information and supporting documentation for any council-initiated proposal.

3. See section 3.33(1) of the EP&A Act

4. See section 3.32 of the EP&A Act

Proponent-initiated planning proposals

A landowner, developer or an individual seeking to amend the zoning or development standards that apply to land they own or have an interest in may initiate a planning proposal.

The information required to support the proposal is generally prepared with the assistance of specialist consultants and submitted to the relevant council for consideration and assessment through the Planning Portal.

The relevant council (or PPA) must support the planning proposal before it is submitted to the Department via the Planning Portal for a Gateway determination (Stage 3).

Planning proposal categories

Determination of which category applies is based on the strategic consistency and complexity of the planning proposal. Each planning proposal category has associated target timeframes for the proposal to be assessed and determined, and minimum information requirements as outlined in each stage of this guideline.

Council should identify the planning proposal category when submitting a planning proposal to the Department for Gateway determination. The Department will confirm the category during its review of the planning proposal.

Comprehensive LEPs

Generally, the Department will only support the making of a new Standard Instrument LEP when:

1. Following amalgamation of two or more councils, two or more local environmental plans need to be consolidated into a single local environmental plan.
2. Following the splitting of a single council into two or more councils, two or more local environmental plans need to be made, being one for each new council.

Planning Proposal Categories

Note: Categories of planning proposals are for administrative purposes only and not set out in the EP&A Act.

Basic	<p>A basic planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:</p> <ul style="list-style-type: none"> • To correct an administrative error • For a few minor 'housekeeping' amendments • To list a local heritage item • To reclassify land where the Governor's approval is not required • That is consistent with a Department endorsed/approved local strategy, such as a Local Housing Strategy • That is consistent with section 3.22 Expedited amendments of environmental planning instruments of the EP&A Act to: <ol style="list-style-type: none"> a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature, and/or c. deal with matters that the Minister considers do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land
Standard	<p>A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:</p> <ul style="list-style-type: none"> • To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone • That relates to altering the principal development standards of the LEP • That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP • That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS • Relating to classification or reclassification of public land through the LEP
Complex	<p>A complex planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:</p> <ul style="list-style-type: none"> • To change in the land use zone and/or the principal development standards of the LEP, which would result in a significant increase in demand for supporting local, regional or State infrastructure and would require infrastructure funding • To respond to a new policy e.g. local character or new provision not in the standard instrument template • That is inconsistent with a District/Regional Plan or council's endorsed LSPS • Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends • That is progressed under the Aboriginal Land SEPP • Any other amendment or amendments that are not categorised as a principal LEP, standard or basic planning proposal
Principal	<p>A principal LEP planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:</p> <ul style="list-style-type: none"> • To create a new LEP that applies to the whole LGA • To implement a change in local policy that effects the LGA • To consolidate one or more LEPs into a new comprehensive LEP • That includes multiple 'housekeeping' amendments or a combination of a number of planning proposals

SECTION

1

The LEP Making Process



LEP Making Process Overview

There are six key stages related to the making of an LEP as shown in **Figure 2**.

Figure 2. LEP making process overview



Benchmark Timeframes

Proponents, councils, government agencies and the Department are all stakeholders in the process and share the timeline to prepare, progress, and determine a planning proposal.

The time required to undertake each stage in the LEP making process is expected to vary depending on the nature, scale and complexity of a proposal, issues that need to be resolved, and level of community interest.

Benchmark timeframes for councils and the Department ensure that the LEP making process is efficient, transparent, accountable, and outcomes focused – avoiding delays to development and setting clear expectations on decision making.

Working within these timeframes often relies on effective and early consultation with councils, authorities and government agencies and other stakeholders including the local community. This includes gauging indicative support from council (or the relevant PPA) on whether the proposal has strategic merit and confirming what depth of investigations and studies may be required to underpin a suitably justified proposal. The resolution of key issues early in the process will ensure planning proposal are efficiently progressed through the system.

The benchmark timeframes are the maximum length of time each stage of the process is

The NSW Government is implementing a range of planning reforms that will make it easier to navigate the planning system, reduce assessment times, and make it easier to invest in NSW. The Department has a target of achieving a 33% reduction in average planning proposal assessment timeframes to 380 working days by June 2023, measured from referral of a planning proposal to the Department for Gateway to finalisation.

expected to take (**Table 2**). Active management of each planning proposal, ongoing improvements to processes, procedures and the systems required to support the assessment of proposals, and more open and upfront engagement with agencies and key stakeholders will result in more expedient timeframes.

The timeframes for which an LEP is made will be determined by the Department and set out in the Gateway determination. Any request to extend the timeframes outlined above or timeframes specified in a Gateway determination must be supported by sufficient justification and include clear revised milestones for completion.










The Minister may alter a Gateway determination to not proceed where there has been significant delay in progressing the planning proposal and/or insufficient justification has been provided to the Department.

Table 2. Planning Proposal Benchmark Timeframes

Stage	Maximum Benchmark Timeframes (working days)			
	Basic	Standard	Complex	Principal
Stage 1 – Pre-lodgement	30 days	50 days	60 days	20-30 days
Stage 2 – Planning Proposal	80 days	95 days	120 days	40 days
Stage 3 – Gateway determination	25 days	25 days	45 days	45 days
Stage 4 – Post-Gateway	20 days	50 days	70 days	160 days
Stage 5 – Public Exhibition & Assessment	70 days	95 days	115 days	95 days
Stage 6 – Finalisation	25 days	55 days	70 days	80 days
Sub-total (Department target)	140 working days	225 working days	300 working days	380 working days
Total (end to end)	220 days	320 days	420 days	420 days

Note: Department target of 380 working days is measured from Stage 3 – Stage 6 (inclusive).

Overview of roles and responsibilities

<p>Planning Proposal Authority (PPA) </p> <p>The PPA is the body responsible for governance, content and quality of information contained within a planning proposal. It should manage the proposal as it progresses through the LEP making process.</p> <p>Council Council is generally the PPA for all planning proposals, unless otherwise determined by the Minister.</p> <p>Alternative PPA In circumstances where council has not initiated or progressed a planning proposal, the Minister may direct the Planning Secretary (the Department) or an independent planning panel to be the PPA.</p> <p>The Special cases and exceptional circumstances - Appointment of an alternative PPA section details the circumstances in which this may occur.</p>	<p>Local Plan-Making Authority (LPMA) </p> <p>The LMPA undertakes the statutory functions in making the LEP.</p> <p>Under the EP&A Act the Minister is the LPMA. If authorised under a Gateway determination, council may exercise LPMA functions.</p> <p>Council Council will generally be authorised as the LPMA for basic and standard LEP amendments.</p> <p>Minister for Planning and Public Spaces The Minister will typically be the LPMA for all other LEPs. This role is delegated to the Department and only exercised by the Minister in exceptional circumstances.</p>	<p>The Department </p> <p>The Department assesses and guides planning proposals through the LEP making process. This includes active management of the planning proposal through the LEP making process, issue resolution, and finalising the LEP (if the Minister is the LPMA).</p> <p>Under the Minister's delegation the Department is the assessment authority for planning proposals.</p>
<p>Proponent </p> <p>May seek to amend an existing LEP to change the zoning of the land and/or development standards applying to a site, an area or location, or to the whole LGA.</p> <p>A proponent may be a developer or landowner (or a third party on their behalf) or council who is seeking an amendment to an existing LEP.</p>	<p>Council </p> <p>May seek to amend an existing LEP or create a new LEP relating to its LGA by preparing a planning proposal and submitting it to the Department for Gateway determination.</p> <p>Council is the relevant local government to which the LEP applies.</p>	<p>Community </p> <p>The community reviews, provides comments and feedback on planning proposals at key steps in the LEP making process. The matters raised by the community during exhibition and consultation associated with the proposal are considered by the PPA.</p> <p>Anyone affected by, or interested in, a planning proposal.</p>
<p>Independent Planning Commission (IPC) </p> <p>The IPC acts as the independent planning panel in Gateway reviews and rezoning reviews for the City of Sydney LGA.</p> <p>The IPC is a standalone agency under Part 2, Division 2.3 of the EP&A Act. It is independent of other government departments, including the Department.</p>	<p>Sydney & Regional Planning Panels </p> <p>Sydney and Regional Planning Panels act as the independent body in rezoning reviews.</p> <p>There are five Sydney Planning Panels and four Regional Planning Panels across NSW under sections 2.12 and 3.2 and Part 3 of schedule 2 of the EP&A Act. Each panel is an independent body that is not subject to the direction of the Minister.</p>	<p>Authorities & Government Agencies </p> <p>A planning proposal may be referred to an authority or government agency by council or the Department based on referral criteria (Attachment B) at pre-lodgement or post-Gateway as recommended by the Gateway determination.</p> <p>Public authorities and government agencies may be a public service agency, a Minister, public authority, public office or other.</p>



Pre-lodgement

The pre-lodgement stage of a planning proposal is the important first step of the LEP making process. A proposal's early alignment with the strategic planning framework can reduce time and cost later in preparing the planning proposal and making the LEP.

Pre-lodgement is not a legislative requirement (or supported by the Planning Portal) but is highly recommended as the first stage in the process for standard and complex planning proposals.

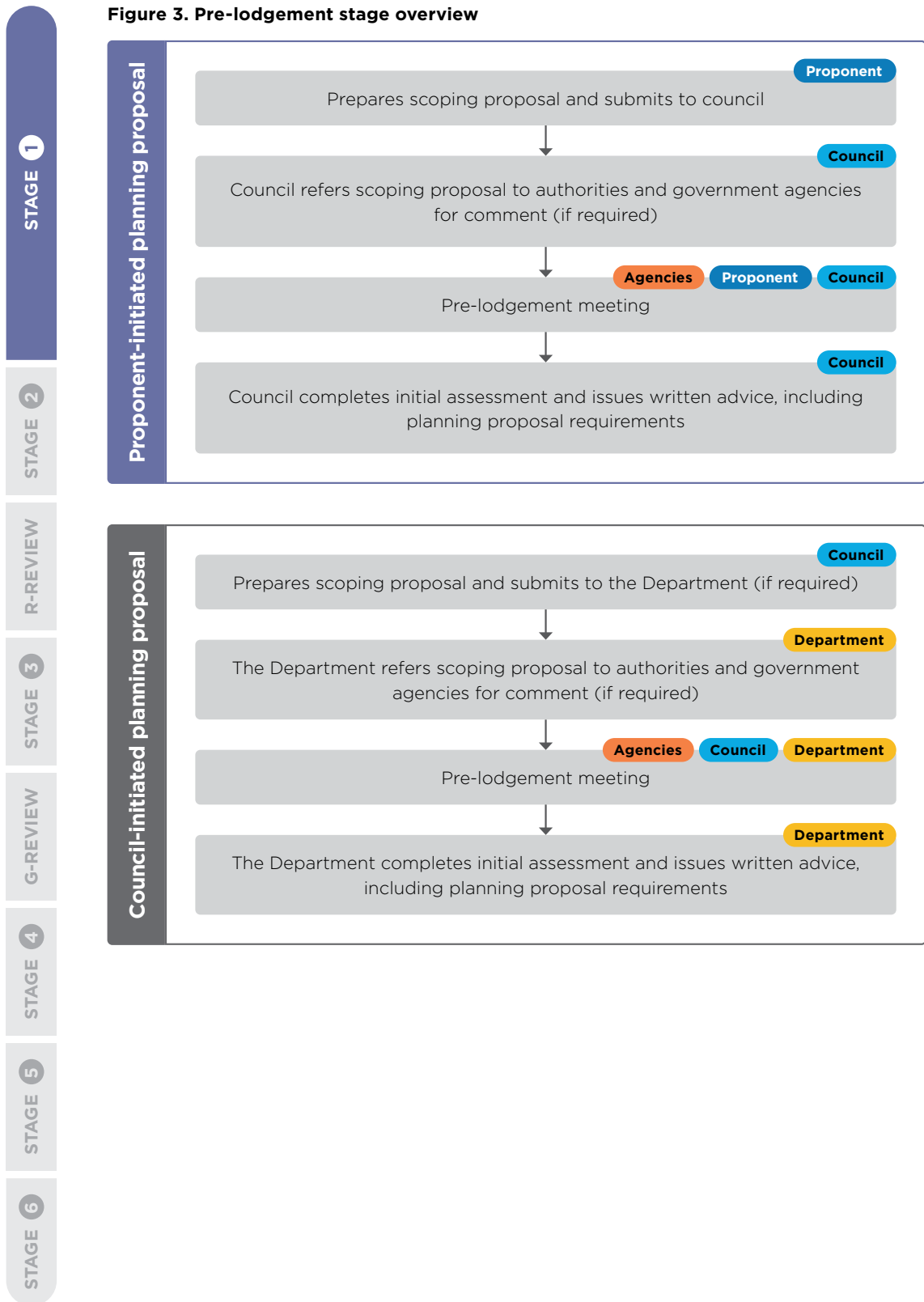
The purpose of the pre-lodgement stage is to:

- provide early feedback to proponents and councils, in particular about the strategic and site-specific merits of a proposal
- understand the expectations for what justification and key supporting studies are required to support a planning proposal
- facilitate early consultation with key authorities and government agencies to understand and resolve agency issues earlier in the process, which is expected to facilitate a quicker consultation during exhibition
- identify infrastructure needs and determine what form of infrastructure funding may be needed to support the proposal
- resolve planning issues upfront to enable a streamlined LEP making process

The recommended steps for this stage are outlined in **Figure 3**.

Timeline	
Basic	30 working days
Standard	50 working days
Complex	60 working days
Principal	20-30 working days

This stage is measured from lodgement of scoping proposal to issue of planning proposal requirements.





Scoping proposal and meeting

Early due diligence should be undertaken to scope a proposal and before preparation of any planning proposal. This may include high-level desktop studies, review of the site setting and context, identification of objectives of the proposal and development of any concepts and feasibility.

These investigations should also include review of the strategic directions and expectations set down in a council's local strategies and LSPS, and more broadly the relevant district and/or regional plans (see **Strategic Planning Framework**).

Preparing and submitting a scoping proposal

To assist in the pre-lodgement stage of the process and before engaging with council or the PPA, it is recommended that a scoping proposal be prepared to outline the proposal, key matters, and expected consultation with agencies that may be needed.

The level of information required within the scoping proposal is dependent on the nature, scale, complexity, and predicted environmental impacts of the proposal. Guidance for what should be included within a scoping proposal is included at **Attachment A**.

For proponent-initiated proposals, the proponent is to submit the scoping proposal to council (or alternative PPA) and request a pre-lodgement meeting. Council is responsible for managing and coordinating this process with the proponent.

For council-initiated planning proposals, council should submit the scoping report to the Department's relevant Place or Regional team and request a meeting, if deemed necessary. The Department is responsible for managing and coordinating this process with council.

Referral to authorities and government agencies

On receipt of the scoping proposal, council is encouraged to consult with external authorities and government agencies for initial comment and identification of requirements necessary to progress the proposal. The Department will refer the scoping proposal for complex council-initiated and principal LEP planning proposals to the relevant agencies.

Relevant authorities and government agencies are encouraged to provide feedback to:

- identify potential key issues that need addressing as part of the planning proposal
- gauge agency in principle view/support for the proposal
- provide direction on information and/or studies required for the planning proposal
- seek early engagement if resolution of issues is needed before the planning proposal is lodged

Referral criteria for authorities and government agencies (including when a council may refer a proponent scoping proposal to the Department) is provided at **Attachment B**.

Note: Referral to authorities and government agencies is encouraged but not mandatory. The Department is currently collaborating with authorities and government agencies and council in finalising this referral process – in the interim, referral and feedback is not a requirement but is a desirable outcome.

If a proposal satisfies one or more of the referral criteria for a specific authority or agency, then pre-lodgement referral occurs. Authorities and government agencies are encouraged to provide a response within 20 working days of referral.



Pre-lodgement meeting

Following a review of the scoping proposal, a pre-lodgement meeting should be held between the proponent, council officers and other relevant parties (which may include authorities/agencies and the Department, if required) to discuss the proposal and provide preliminary feedback.

Council should proceed with the pre-lodgement meeting if the authority/agency comments are not received.

This pre-lodgement meeting should:

- explain the proposal
- discuss what matters need to be addressed to justify the proposal
- ascertain whether the council identifies that the proposal has potential for strategic and site-specific merit
- ascertain whether the proposal is ready to be submitted or if there are other matters that may need to be addressed before a planning proposal can be progressed

For a council-initiated planning proposal, it is recommended that council officers consult with the Department to confirm what supporting information is needed to justify the proposal. The Department will liaise with council and the authorities/agencies on the planning proposal requirements.

The pre-lodgement process is not a full merit assessment of the proposal. Proponents and councils should consider the advice in proceeding with and preparing a planning proposal.

Written advice and planning proposal requirements

Within 10 working days of the pre-lodgement meeting, council is to provide the proponent with minutes of the meeting and written advice. This will include:

- any recommended changes to the scope of the proposal, where considered appropriate
- nomination of the planning proposal category (basic, standard, complex or principal LEP)
- confirmation of council assessment fees, likely consultation requirements, and assessment timeframes and milestones
- recommended investigations and studies to support and justify the proposal, including the requirements in **Attachment C** of this guideline
- preliminary advice as to whether the proposal has strategic and site-specific merit
- a copy of authority/agency comments

The Department will provide this same guidance to a council where it has sought to initiate a council complex or principal LEP planning proposal.

The pre-lodgement advice and planning proposal requirements will not be coordinated through the planning proposal online portal.

Planning proposal requirements are to be proportionate to the type of proposal. Where a proponent does not respond to a specific requirement, justification should be provided in the planning proposal submitted to council.

Proponents and councils should determine what matters associated with the design of buildings, subdivision layout, or other detailed matters are more appropriately addressed at the development application stage.

Note: a proponent may still lodge a planning proposal with council, despite any views expressed by council during the pre-lodgement stage.

- STAGE 1
- STAGE 2
- R-REVIEW
- STAGE 3
- G-REVIEW
- STAGE 4
- STAGE 5
- STAGE 6

Infrastructure needs

The need and capacity for local and regional infrastructure to support the future development resulting from the proposal should be considered upfront in the LEP making process.

Council should work with proponents and provide advice on existing and any planned local infrastructure as part of the initial concept proposal. It is the responsibility of the proponent to investigate infrastructure requirements and associated funding for the proposal.

Early engagement


The LEP making process does not require formal community consultation prior to a proponent submitting a planning proposal to council.

The most appropriate time for community consultation for planning proposals is after a Gateway determination is issued and all relevant studies and reports have been completed. This ensures the community has clear and evidence-based information available to help them make informed comments on the proposal.




- STAGE 1
- STAGE 2
- R-REVIEW
- STAGE 3
- G-REVIEW
- STAGE 4
- STAGE 5
- STAGE 6


Key Actions

Proponent 

- Develop the proposal scope (where the planning proposal is to be initiated by the proponent)
- Draft and submit scoping proposal to council
- Attend pre-lodgement meeting to discuss the proposal
- Review advice from council and undertake identified technical studies to inform the preparation of the planning proposal

Department 

- Attend pre-lodgement meeting at the request of council
- For council-initiated proposals, accept the scoping proposal and undertake the referral to agencies and authorities
- For council-initiated proposals, accept the scoping proposal, meet with council and issue preliminary advice, including planning proposal requirements
- Confirm the planning proposal category (basic, standard, complex or principal LEP)

Council 

- Accept the scoping report and hold a pre-lodgement meeting with the proponent
- Refer the scoping report to relevant authorities and government agencies
- Undertake a high-level assessment and collate comments
- Nominate the planning proposal category (basic, standard, complex or principal LEP)
- Meet with proponent and issue advice identifying any significant barriers and if a proposal should proceed including planning proposal requirements government agencies, as required
- For council-initiated planning proposals, consult with the Department and other government agencies, as required

Government Agencies 

- Review scoping report
- Submit written comments to council (or Department for council-initiated proposals) together with specific planning proposal requirements

- STAGE 1
- STAGE 2
- R-REVIEW
- STAGE 3
- G-REVIEW
- STAGE 4
- STAGE 5
- STAGE 6

Planning Proposal

The preparation and lodgement of the planning proposal is a key step in the LEP making process. The following should be read in conjunction with Section 2: The Planning Proposal.

The steps in preparing, lodging and initial council assessment of a planning proposal are outlined in Figure 4.

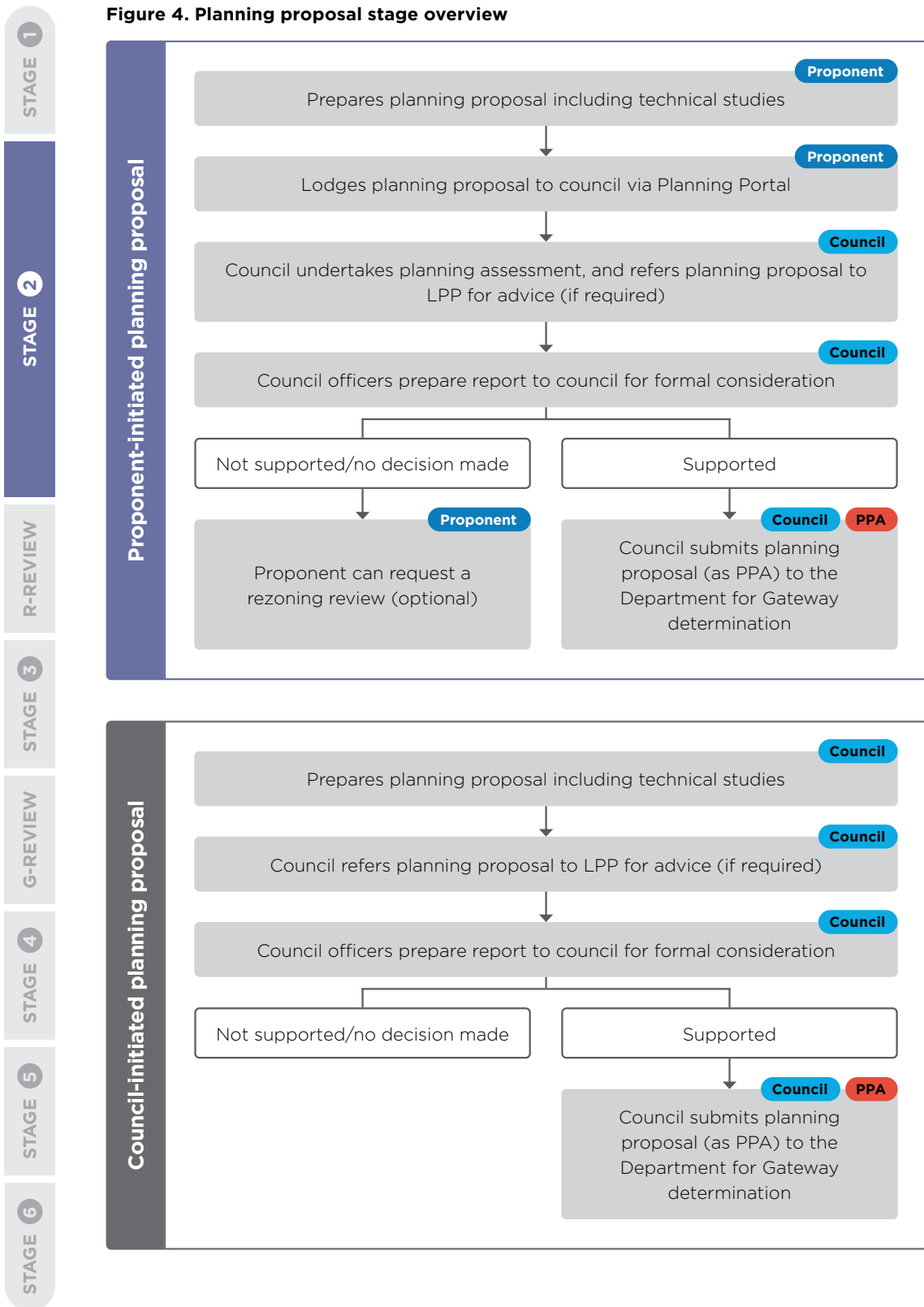
Timeline	
Basic	80 working days
Standard	95 working days
Complex	120 working days
Principal	40 working days

This stage is measured from lodgement of the planning proposal with council via the Planning Portal to council decision on whether the proposal should proceed and be referred to the Department for a Gateway determination.

Note: the timeframe for principal LEPs amendment is less as generally it is a result of an action or commitment within a LSPS or because of the findings of a strategic study for an area (i.e. a housing or rural study) has already been prepared. The planning proposal may also indicate that these studies are to be undertaken post Gateway.



Figure 4. Planning proposal stage overview





Preparing a planning proposal

Based on advice provided in the pre-lodgement stage of the process a planning proposal should identify the likely environmental, social, economic and other site-specific considerations of the proposal.

The planning proposal should be drafted to ensure that a wide audience including departmental staff, authorities and government agencies, councils, stakeholders and the community, can clearly understand the scope and impacts of the proposal.

A planning proposal must include the following components⁵:

- **Part 1 – Objectives and intended outcomes** – a statement of the objectives of the proposed LEP
- **Part 2 – Explanation of provisions** – an explanation of the provisions that are to be included in the proposed LEP
- **Part 3 – Justification of strategic and site-specific merit** – justification of strategic and potential site-specific merit, outcomes, and the process for implementation
- **Part 4 – Maps** – maps, where relevant, to identify the effect of the planning proposal and the area to which it applies
- **Part 5 – Community consultation** – details of the community consultation that is to be undertaken on the planning proposal
- **Part 6 – Project timeline** – project timeline to detail the anticipated timeframe for the LEP making process in accordance with the benchmarks in this guideline

These components ensure the planning proposal addresses all issues and contains enough information to determine whether there is merit to proceed to the next stage of the LEP making process.

A detailed description of the matters that must be addressed in a planning proposal is outlined in **Section 2: The Planning Proposal** of this guideline.

Potential technical information to support the preparation of a planning proposal is outlined in **Attachment C** and will be confirmed in council's or the Departments written advice following the pre-lodgement stage.

Lodging a proponent-initiated planning proposal

A proponent is required to lodge a planning proposal online via the Planning Portal. The proponent is to pay the necessary planning proposal fee. A planning proposal is considered lodged after a 14 day adequacy period for council to review the proposal and the proponent to pay fees.

A council can reject a planning proposal request within this 14 day period if the planning proposal request is illegible, unclear or is not accompanied by all the information specified in scoping study requirements. Should this occur, the proponent may amend the planning proposal and re-lodge via the Planning Portal.

The Planning Portal enables the planning proposal and all associated documents to be viewed and reviewed by the public.

5. See section 3.33(2) of the EP&A Act

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Planning assessment by council

Once a proponent-initiated planning proposal is formally lodged (i.e. lodged on the Planning Portal and fees paid) the council undertakes an initial evaluation of the planning proposal to check that:

- the scope of the proposal is clearly articulated
- the planning proposal addresses any comments and/or study requirements sought by council, authorities and government agencies
- that all studies and supporting documentation is included with the planning proposal
- all section 9.1 Directions and SEPPs have been adequately addressed
- relevant regional/district plans and LSPS (if relevant) have been addressed

Note: If the planning proposal is illegible or unclear, Council may reject the planning proposal within 14 days of lodgement.

Requests for further information are to be made within 1-4 weeks from lodgement of the planning proposal request on the Planning Portal. Proponents should provide additional information within 4 weeks.

Council then undertakes an assessment of the planning proposal and forms a view as to whether the proposal has strategic and site-specific merit. The planning assessment forms part of the planning proposal report to council on whether the planning proposal should be supported or not.

Note: A planning proposal can be changed prior to a council decision or during the council meeting.

If this occurs, the planning proposal should be updated following the council decision and prior to referral of the planning proposal to the Department for a Gateway determination.

If a significant amendment is undertaken post-Gateway because of a technical study or consultation, it may be necessary to obtain a further council resolution and an amendment to the Gateway determination.

Local planning panel advice

Local Planning Panels (LPP) are in place for all councils in Sydney, Wollongong City Council, Wingecarribee, and the Central Coast. A planning proposal must be referred to the relevant LPP in accordance with the referral criteria of LPP Ministerial direction⁶.

The relevant LPP will undertake an assessment of the proposal and provide advice to the council as PPA.

Council resolution

Council staff will prepare and submit an assessment report to a council meeting for formal consideration. If there is a relevant LPP, the report would include the guidance from the panel.

If the council determines that the planning proposal has strategic and site-specific merit, and is to be supported, it should submit the planning proposal to the Department for a Gateway determination. It is at this point that council formally becomes the PPA.

Only the PPA, which is in most cases the council, can submit a planning proposal for Gateway determination.

If the planning proposal is not supported, council will advise both the proponent and the Department.

6. See section 9.1 Direction – Local Planning Panels Direction – Planning Proposals - [IHAPS ministerial directions proposal \(nsw.gov.au\)](https://www.dpi.nsw.gov.au)

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Council authorised as LPMA

When submitting a planning proposal for a Gateway determination, councils must identify whether they will or will not be seeking to be authorised as the LPMA.

When a council is the LPMA, it may delegate this plan making function to an officer within council (usually the general manager or planning director) who will then exercise the function. If a council chooses to delegate the function, the council should advise the Department at the same time it seeks to be the LPMA.

The Minister may withdraw an authorisation for a council to make a LEP if the conditions set out in the Gateway determination are not met. This can occur if:

- the PPA has not satisfied all the conditions of the Gateway determination
- the planning proposal is inconsistent with the relevant section 9.1 Directions or the Planning Secretary has not agreed that the inconsistencies are justified
- there are outstanding written objections from authorities and government agencies



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Key Actions

Proponent 

- Prepare a planning proposal in accordance with any pre-lodgement advice
- Formally lodge the planning proposal with the relevant council on the Planning Portal
- Attend and present the proposal to a LPP meeting, if requested
- Attend and present the proposal at a council meeting, if required

Department 

- No action

Council/PPA  

For proponent-initiated planning proposals:

- Evaluate whether the planning proposal is suitable for assessment
- Assess the planning proposal for strategic and site-specific merit, whether preliminary issues have been addressed and determine whether it should be progressed

For council-initiated planning proposals:

- Prepare a planning proposal consistent with the requirements in Section 2: The Planning Proposal

For all planning proposals:

- Following the above steps, prepare and submit assessment report with recommendations to LPP
- Prepare and submit assessment report with recommendations to Council meeting
- If proposal is supported by Council, submit the planning proposal to Department for Gateway determination and identify whether council seeks the authority to be LPMA
- Ensure all information is correct and up to date on the Planning Portal

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Rezoning Review

A rezoning review allows a proponent to request an independent planning panel evaluate and recommend to the Minister whether a proposal should progress to Gateway determination.

This can only occur after the lodgement of the planning proposal with council, and council has:

- notified the proponent in writing that it does not support the proposal
- failed to indicate its support for the planning proposal within 90 or 115 calendar days (depending on the planning proposal category) of the proponent lodging the planning proposal
- failed to submit the planning proposal for Gateway determination within 28 calendar days after it has indicated support

The steps in this process are outlined in **Figure 5**.

Rezoning reviews are carried out by:

- Regional Planning Panels for:
 - o Northern NSW
 - o Hunter and Central Coast regions
 - o Western NSW
 - o Southern NSW
- a Sydney district planning panel for proposals that relate to land within the Greater Sydney region
- the IPC for proposals that relate to land within the LGA for the City of Sydney

Timeline

All rezoning review requests have a target timeframe from lodgement of the review until the planning panel recommendation of 100 calendar days.

For the purposes of explaining this rezoning review process in this chapter, ‘planning panel’ means all the above forms of panels and the IPC.

The Department will monitor the progress of rezoning review requests and ensure that documents (review requests, planning panel reports and decisions) are published on the Planning Portal.

Refer to [Planning Circular: PS18-012 Independent reviews of plan making decision](#) for more information.

Fees/Costs

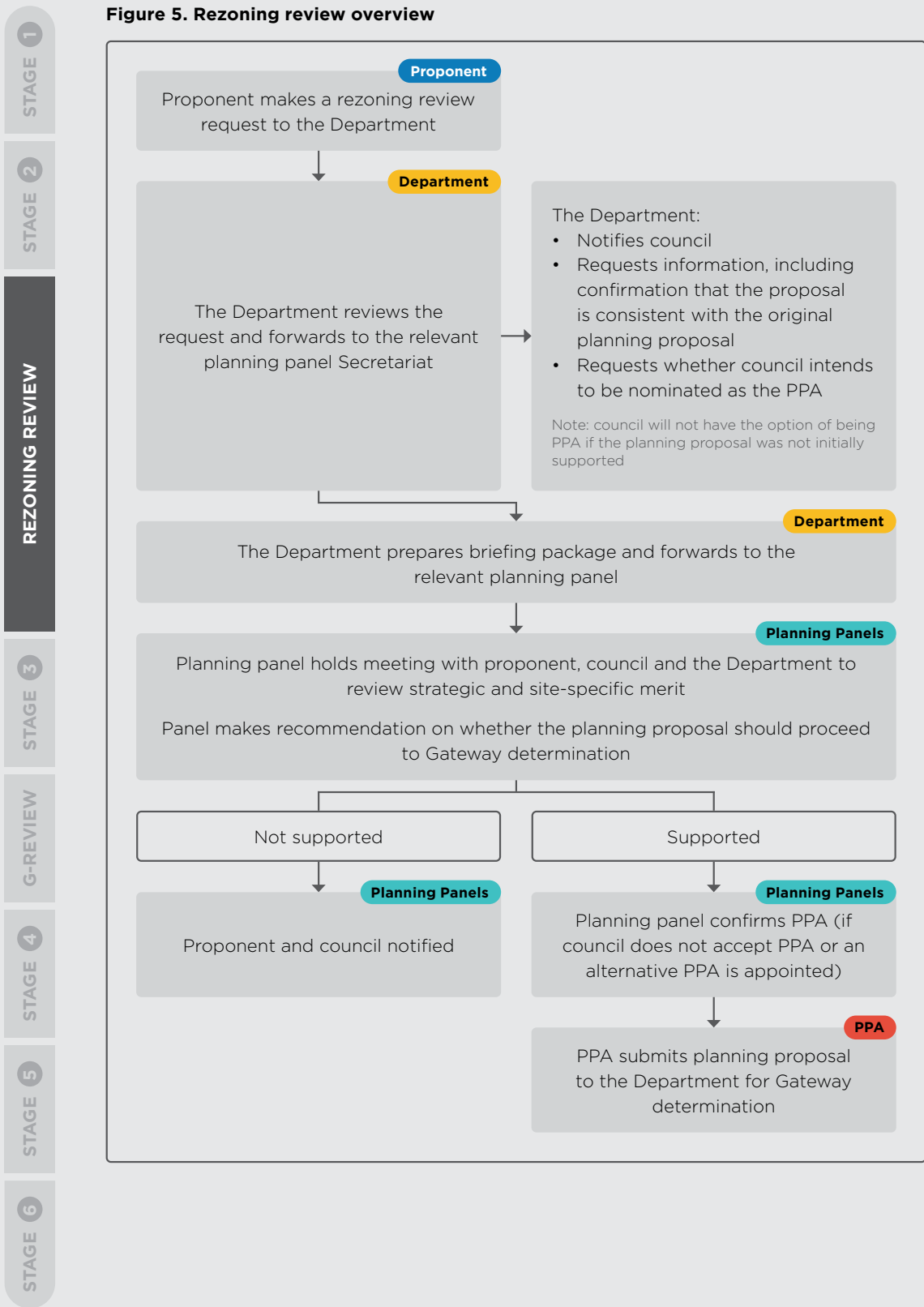
A fee for a rezoning review request applies.

Where a rezoning review is recommended to proceed to Gateway and the planning panel or Planning Secretary is appointed as the PPA, an additional fee applies.

Fees are paid directly to the Department.

Information on fees and payment can be found on the Department’s webpage <https://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Making-and-Amending-LEPs>.

Figure 5. Rezoning review overview



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Proponent requests rezoning review

Council acceptance of planning proposal

For the purposes of triggering a rezoning review request, the timeframe begins from the day the planning proposal is lodged with council on the Planning Portal and fees are paid.

Note: the timeframe for lodgement of a rezoning review will restart if a planning proposal is amended and received by council when under assessment by council.

A planning proposal that has been amended after council has resolved to not support the matter is not eligible for a rezoning review. The revised planning proposal would need to be submitted to council as a new planning proposal.

Rezoning review request triggers

A proponent for a planning proposal can seek a rezoning review request:

- within 42 calendar days of council notifying the proponent that it does not support the planning proposal request, or
- if council has failed to make a decision on the planning proposal after:
 - o 90 calendar days from the date the proposal was lodged with council if this is a basic and standard planning proposal
 - o 115 calendar days from the date the proposal was lodged with council if this is a complex planning proposal
- if council has supported the planning proposal but has not submitted the planning proposal to the Department within 28 calendar days

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Rezoning review request requirements

A rezoning review request must be made by a proponent via the Planning Portal and contain:

- a copy of the proponent's latest version of the planning proposal, including all supporting material and information that was submitted to council
- all correspondence that the proponent has received from the council in relation to the planning proposal request, including (if relevant) any copies of the council's written advice to the proponent and/or the Council resolution not proceed with the proposal
- all correspondence and written advice from other public authorities and government agencies, if available
- the proponent's written justification of the strategic and site-specific merit to confirm why a review is warranted
- disclosure of reportable political donations under section 10.4 of the EP&A Act, if relevant
- the rezoning review fee to the Department

If the reason for the rezoning review is based on the circumstance that council has not had the opportunity to review or not make a decision on the planning proposal, the proponent should demonstrate that there has been an attempt to collaborate with council to obtain a decision relating to the planning proposal. This evidence should be included within the rezoning review application.

The Department will only accept rezoning review requests that include all of the above items.

[Planning Portal Quick Reference Guide: Initiating a Rezoning Review](#)

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Departmental notification and briefing

Upon receipt of the rezoning review request the Department will notify the relevant council and request that council respond within 21 calendar days with the following:

- any comments and additional information on the planning proposal
- confirmation that the proposal is consistent with what was submitted as the accepted proposal by council
- confirmation whether council wishes to nominate itself as the PPA, but only where the council has failed to determine the proposal prior to the rezoning request application being submitted to the Department. If this nomination by council is not clearly provided, then council has up until 4 days before the planning panel meeting to inform the Department of their nomination in writing. The Department will forward rezoning review requests to the relevant planning panel within 3 days of the lodgement of the rezoning review application

The Department prepares and submits to the panel a short briefing report summarising the proposal and background information for the panel. The report does not include an assessment, opinion or recommendation on whether the planning proposal should proceed. This enables the planning panel to form an independent view of the planning proposal.

The Department will compile a package of the planning proposal, council's information and the Department's summary report and forward to the planning panel secretariat.

Planning panel recommendation

Planning panel review

The planning panel will review the planning proposal and associated documentation.

As part of this review, the planning panel members may attend a site visit with representatives from the Department.

Planning panel assessment and recommendation

After the planning panel has reviewed the planning proposal, it will:

- schedule a meeting between the proponent and council for a briefing, have an opportunity to ask questions and gain clarification on the proposal, and
- assess and make a recommendation on the proposal

The planning panel will assess the planning proposal and make a recommendation whether it has strategic merit and site-specific merit, having regard to the matters outlined in **Part 3 of Section 2: The Planning Proposal** of these guidelines. The panel should first and foremost form the view whether the planning proposal has 'strategic merit'.

- Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or
- Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or
- Respond to a change in circumstances that has not been recognised.

Having met the strategic merit test, the relevant planning panel must then determine

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if the proposal has site-specific merit, having regard to:

- the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)
- the built environment, social and economic conditions
- existing, approved and likely future uses of land in the vicinity of the land to which the proposal relates; and/or
- services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision

Proposals that do not reasonably meet the strategic and site-specific merit assessment criteria are unlikely to proceed. After the hearing, the panel will advise the Department, council and the proponent of its recommendation on whether the planning proposal should or should not proceed to Gateway within 5 calendar days of the panel meeting date.

The planning panel will outline the reasons for its decision, including its assessment on strategic and site-specific merit.

Panel recommendations to alter the proposal and/or additional Gateway conditions

Should the planning panel find that a planning proposal has strategic merit, they may recommend requirements to be included in the Gateway determination or changes to the planning proposal to deliver strategic merit and address site specific matters. The planning panel can recommend qualifying changes to the planning proposal for the proposal to proceed to Gateway.

Before the panel makes this type of recommendation it should seek the council's and proponent's view at the panel meeting. If the panel only comes to the view that it should make recommendations for changes post the panel hearing, it may ask the panel Secretariat to reconvene a panel meeting.

Alternatively, if the panel appoints itself in the PPA role for the proposal, it can vary the planning proposal but only if it is substantially the same as the proposal or provides a reduced impact (e.g. a reduction in built form, floor space ratio or height).

Appointing the PPA

If the planning panel recommends that the planning proposal should proceed to Gateway determination, it will:

- notify the relevant council that the planning panel will assume PPA role, if in the circumstance the council change to has refused to support the planning proposal, or
- identify the PPA (either council or itself) where council has not made a determination on a planning proposal but has informed the panel in writing prior to the panel meeting of its nomination

Note: if a planning proposal request has been refused by council, the planning panel may appoint itself as the PPA to avoid any conflicts that may arise between the proponent and council and ensure efficiency and resolution of matters.


Submitting the planning proposal to the Department for Gateway determination

Where the council is nominated as the PPA, it will have 28 calendar days to submit the planning proposal. Before it is submitted for Gateway determination, the planning proposal may need to be altered to action any recommended changes by the panel.


If the planning panel appoints itself as the PPA, then it must submit the planning proposal to the Department for Gateway determination within 28 days. The proposal may need to be altered by the proponent to accommodate for any recommended changes to the proposal.

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Key Actions

Proponent 


- Submit request for rezoning review application via the Planning Portal
- Pay the relevant fee to the Department
- Attend and present at planning panel meeting

Council 


- Within 21 days of being notified of rezoning review application council is to provide to the Department:
 - Confirmation that the proposal for the rezoning review is consistent with the planning proposal submitted to council
 - confirmation whether council wishes to be PPA for the subject proposal
 - any additional information and commentary
- Attend and present at planning panel meeting

Department 

- Take receipt of the rezoning review application and fees
- Prepare briefing package and forward to the relevant planning panel
- Brief planning panel and attend meeting
- Monitor the progress of the rezoning review to achieve an outcome within a target of 100 days

Planning Panel/IPC 

- Review briefing package and planning proposal
- Attend site visit, as required
- Hold panel meeting with council, the proponent and relevant Department staff
- Assess planning proposal and make recommendation whether the planning proposal should proceed, or not proceed, to Gateway determination
- If council is not to be the PPA, then appoint itself as PPA or recommend an alternative PPA

Community 

- There is no formal role for community in this stage of the planning proposal process. If representations were made to a council meeting, then the Chairperson of the planning panel has the discretion to invite those members to the panel hearing

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Gateway Determination

The Gateway determination is a key assessment point for the planning proposal. It allows for review of the strategic and site-specific merits or a proposal and determines whether the planning proposal should proceed⁷.

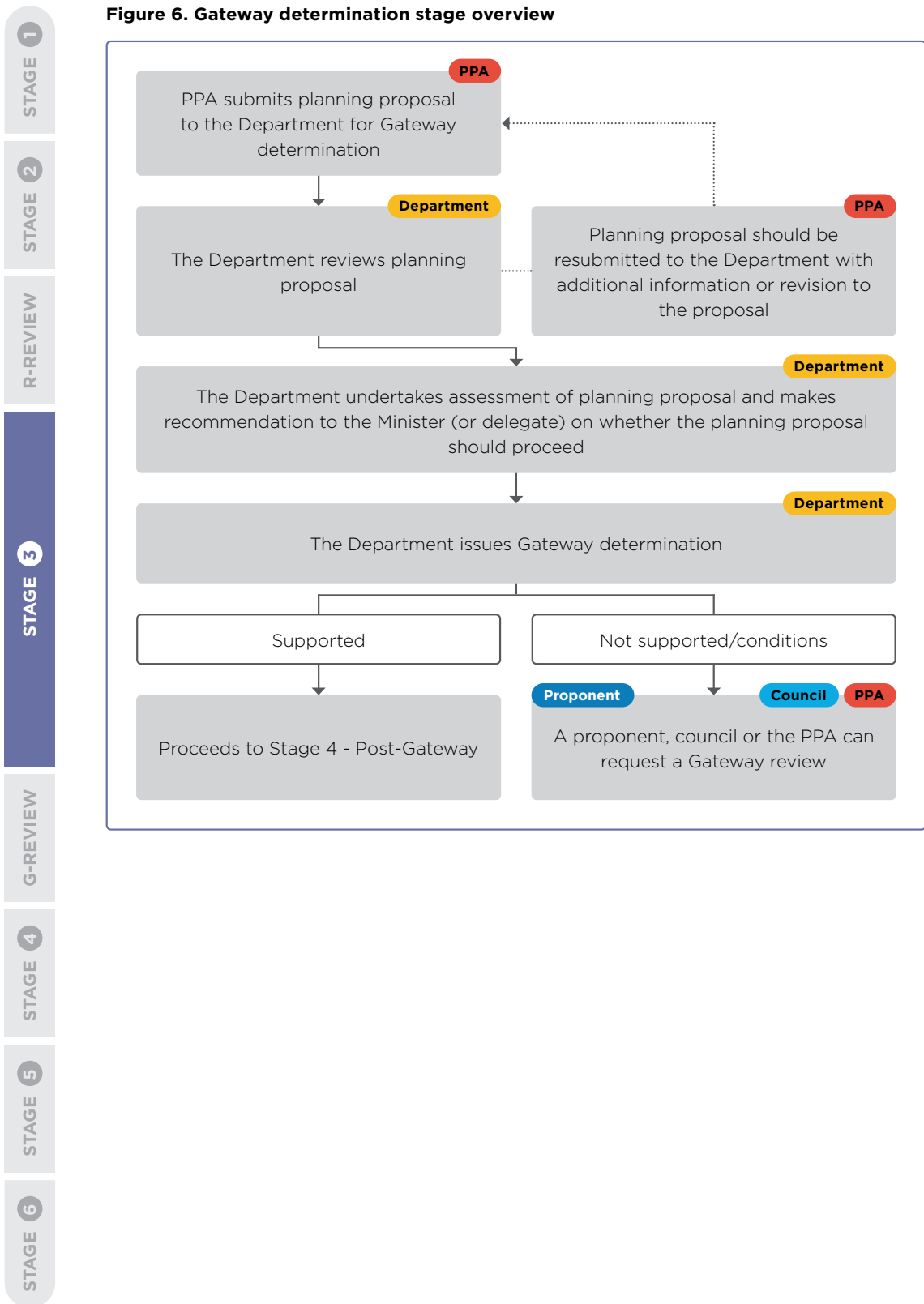
The steps in this process are outlined in [Figure 6](#).

Timeline	
Basic	25 working days
Standard	25 working days
Complex	45 working days
Principal	45 working days

This stage is measured from referral of the planning proposal to the Department for a Gateway determination to the issuing of a Gateway determination. It is estimated that it can take council up to two weeks to forward the planning proposal to the Department and this is included in the above time.

7. See section 3.34 of the EP&A Act







Submitting a planning proposal for Gateway determination

The PPA is to submit the planning proposal to the Department for Gateway determination via the Planning Portal.

[NSW Planning Portal Quick Reference Guide: Submitting a Planning Proposal](#)

The PPA should use the unique planning proposal number (e.g. PP-2021-0278) generated by the Planning Portal as the identifier for the planning proposal from initiation through public exhibition and finalisation stages. The LEP amendment number is not required to be provided by the council.

The actual amendment number to the LEP is automatically generated when the draft LEP is submitted to Parliamentary Counsel's Office (PCO) for final opinion. The planning proposal number and LEP amendment number will also be included in mapping and making of the LEP.

Department review

The Department undertakes a review of the planning proposal⁸. In completing this review, the Department will typically:

- undertake a high-level check of the planning proposal to ensure the package meets the minimum administrative requirements in this guideline. This check is generally undertaken within 5 days of the proposal being submitted
- undertake a strategic merit assessment of the proposal against relevant district plan, regional plan, LSPS, section 9.1 Directions, SEPPs any Department endorsed local strategy or relevant strategic circumstances.

- undertake an assessment of potential environmental, social, economic, and infrastructure impacts of the proposal
- obtain high level advice and guidance from the Department's legal team or PCO (where required)
- seek agency advice and/or comments, where required or where an authority or government agency has not consulted at the pre-lodgement stage
- review proposed community consultation and the expected timeframe for the proposal

Department officers then prepare an assessment report and provide a recommendation to the Minister (or delegate) on whether the planning proposal should proceed.

Additional information

While completing the review of the planning proposal, the Department may require the PPA to provide additional information to address any outstanding matters or issues. The information will be published on the Planning Portal. Additional information should be provided within 20 working days.

Where significant additional information is sought or where the information cannot be provided within a reasonable timeframe, the Department will request that the planning proposal be withdrawn from the Gateway and resubmitted when the additional information is available.

8. See section 3.34(2) of the EP&A Act

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Issuing a Gateway determination

The Minister (or delegate) decides whether the planning proposal can proceed, either with or without variation.

The Gateway determination will specify⁹:

- whether the planning proposal is supported to proceed or not
- any necessary technical studies or supporting studies
- whether the planning proposal needs to be amended (and possibly resubmitted to the Department) prior to exhibition
- the duration and extent of community consultation
- whether consultation with State or federal authorities (if required)
- whether a local contributions plan is to be exhibited at the same time as the planning proposal
- whether a public hearing is needed
- the timeframes within which the various stages of the process for making of the proposed LEP are to be completed
- whether the council is to be authorised to make the proposed instrument as the LPMA
- any other conditions

The purpose of the Gateway determination is to ensure early in the process that there is sufficient strategic and site-specific merit for the planning proposal to progress.

A Gateway determination that specifies the proposal should proceed, does not guarantee that the proposed LEP will be made.

The Gateway determination may identify the requirement for any additional information, revisions, studies, or targeted consultation to occur with authorities or government agencies and other stakeholders prior to public exhibition. It may also identify that a revision needs to be considered by the Department prior to exhibition.

9. See section 3.34(2) of the EP&A Act
10. See section 3.34(3A) of the EP&A Act

The PPA is responsible for ensuring the required matters are completed prior to the public exhibition of the planning proposal.

Prior to issuing a Gateway determination, the Minister (or delegate) must refer a planning proposal to the Greater Cities Commission (GCC), if the proposal relates to land within the Six Cities and is likely to significantly affect the implementation of a strategic plan in the region¹⁰.

Altering a Gateway determination

An alteration to a Gateway determination may be required if:

- the relevant conditions have not been satisfactorily completed within the timeframes set in the Gateway determination, and additional time is required to progress the planning proposal
- There has or needs to be alteration to the scope of the proposal (see further detail below regarding **Varying a planning proposal**), and/or
- If the PPA/council/proponent seek to alter the Gateway determination conditions

The Department will determine whether to grant approval to alter the Gateway determination. It will only grant extensions in exceptional circumstance to ensure timely determination of proposals.

Alternatively, a proponent or the PPA may request a Gateway review to alter the Gateway determination within a certain timeframe after the Gateway determination is issued (see **Gateway Review** in this guideline).

