



Burwood Inc.1874

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NOTICE OF BURWOOD LOCAL PLANNING PANEL MEETING

The meeting of the Burwood Local Planning Panel will be held at the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 12 November 2024 at 6:00 PM to consider the matters contained in the attached Agenda.

In accordance with Directions from the Minister for Planning and Public Spaces, there will be no public hearing convened in conjunction with this particular Panel meeting.

Tommaso Briscese
General Manager

Agenda

For a Notice of Burwood Local Planning Panel Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 12 November 2024 immediately after the Public Forum commencing at 6.00pm.

Welcome to the meeting of the Burwood Local Planning Panel

I declare the Meeting opened at

1. Acknowledgement of Country

Burwood Council acknowledges the Wangal Peoples who are the traditional custodians of the area. We pay our respects to their elders past and present.

2. Introduction of Panel Members

3. Recording of Meeting

Members of the public are advised that Meetings of the Panel are audio recorded for the purpose of assisting with the preparation of Minutes and the recording of the public part of the meeting will be published on Council's website.

4. Explanation of how the panel will operate

The Panel has undertaken site investigations and we have before us reports provided by Burwood Council officers on the matters for consideration.

The Panel will make determinations on the matters before it. Each determination will include reasons for the determination, and all such details will be included in the official record of the meeting.

5. Apologies/Leave of Absences

6. Declarations of Interest by Panel Members

7. Chair introduction of Agenda Item

8. Council Officer Overview

9. General Business

(Item GB6/24) Planning Proposal for the reclassification of certain Council-owned land 3

10. Development Applications

(Item DA14/24) 1-17 Elsie Street Burwood - Fitout and use of Suite 2.01 for indoor recreation facility 51

(Item GB7/24) Disclosure of pecuniary interests by Burwood Local Planning Panel Members 59

General Business

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

File No: 24/40528

Report by Senior Strategic Planner

Summary

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

Operational Plan Objective

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

Background

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.

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 Community Land.

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

Proposal

Attachment 1 contains the draft Planning Proposal Report in the format required by the Department of Planning, Housing and Industry (DPHI). This report contains detailed information on the planning proposal and for each item proposed to be reclassified.

Attachment 2 is a Practice Note produced by the Department which explains the process of classifying land and indicates the information that should be provided in the Planning Proposal report at Attachment 1.

The Planning Proposal intends to classify 31 items from "Community Land" to "Operational Land." These items comprise a range of locations that are owned by Council and used for operational purposes and should be classified as operational land under the Local Environmental Plan.

A Ministerial Direction requires all planning proposals to be considered by the Local Planning Panel for advice prior to consideration of the planning proposal by Council. Should Council resolve to support the planning proposal it will be forwarded to DPHI for their consideration to grant Gateway approval. If approved, the Gateway determination will include details of necessary community consultation, following which the planning proposal will again be considered by Council.

The role of the Local Planning Panel is to provide advice to Council to assist their consideration of the planning proposal. This planning proposal does not involve actual development, such as a rezoning or change of planning controls, but rather a change to the classification of land under the LG Act. The professional and independent advice of the Panel will be included in the subsequent report to Council as well as the minutes of the Local Planning Panel meeting.

Consultation

Consultation on this planning proposal will be undertaken during a formal exhibition period, should DPHI determine to grant Gateway approval for the planning proposal. The exhibition period will include a public hearing as required for reclassification planning proposals.

Planning or Policy Implications

The proposed reclassification of certain Council-owned land from Community to Operational aligns with key strategic objectives outlined in Council's Property Strategy and Operational Plan. It supports the goals of complying with financial management responsibilities to promote

transparency and accountability (A.102) and managing Council's property portfolio to optimise financial returns from Council-owned properties (A.104).

This reclassification aims to accurately reflect the current and intended use of these properties, many of which have dual operational and community functions. It is crucial to emphasise that this proposal does not seek to reclassify land that is clearly and solely for community use, such as community centres. This careful approach is designed to maintain the integrity of genuine community spaces whilst addressing the restrictions of attracting commercial operations to activate community land for the community.

By reclassifying these selected properties, Council will gain greater flexibility in their management, allowing for more efficient use in line with Council's strategic goals. This proposal aligns with best practices in local government asset management, ensuring that land classification accurately reflects its use and potential. The reclassification will provide Council with the tools to better serve the community's needs while maintaining responsible stewardship of public assets.

Financial Implications

The proposed reclassification has several potential financial implications that align with Council's commitment to responsible asset management. Primarily, reclassification to Operational land will enhance revenue opportunities by allowing Council to attract market rates for leasing and licensing of these properties. It will also permit Council to enter into longer-term leases beyond the current 21-year limit for Community land, potentially attracting more stable, long-term tenants and allowing consistency in community service offerings, such as childcare centres, whereby they become restricted in making much needed fit-out improvements given the restricted lease terms.

This optimised approach to property management could increase revenue from these assets. Importantly, the revenue generated from these properties can be redirected towards community needs and services, creating a positive cycle of community benefit. This aligns with Council's goal of using its resources efficiently to support and enhance community services and infrastructure.

The reclassification may also lead to a reduced administrative burden as Operational land classification can streamline some aspects of property management compared to the specific requirements for Community land.

This reclassification does not alter the current use of these properties or change Council's commitment to maintaining these assets for community benefit. Instead, it provides Council with the flexibility to make strategic decisions about these assets in the future, always prioritising the community's best interests. The potential financial benefits of this reclassification could provide additional resources for enhancing community services and infrastructure, supporting Council's ongoing commitment to serving the needs of our residents.

Options

A Ministerial Direction requires all planning proposals to be considered by the Local Planning Panel for advice prior to consideration of the planning proposal by Council.

Council is able to decide whether or not to proceed with the planning proposal. The advice of the Panel will assist Council to make that decision.

Conclusion

The Local Planning Panel is required to consider all planning proposals prior to consideration by Council. This planning proposal is to classify certain Council-owned land that is used for operational purposes from Community to 'Operational Land.' The independent advice of the panel will be included in the subsequent report to Council on this planning proposal.

Recommendation(s)

That the Burwood Local Planning Panel consider the draft Planning Proposal Report in relation to the Reclassification of Certain Council-Owned Land and advise Council to proceed with the proposal reclassification as outlined in the attached Planning Proposal Report.

Attachments

- 1 [↓](#) Draft Planning Proposal Report - Reclassification of Certain Council owned land
- 2 [↓](#) Practice Note on Classification and/or Reclassification of Public Land through an LEP

Planning Proposal

September 2024

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

Table of Contents

Part 1 – Objectives and intended outcomes	3
1.1 Introduction	3
1.2 Applicable land.....	4
1.3 Current planning controls	6
Part 2 – Explanation of provisions	7
2.1 Amendments to Local Environmental Plan 2015	7
Part 3 – Justification of strategic and site-specific merit	4
Section A – Need for the Planning Proposal.....	4
Section B – Relationship to the Strategic Planning Framework	5
Section C – Environmental, Social and Economic Impact.....	7
Section D – Infrastructure (Local, State and Commonwealth).....	7
Section E – State and Commonwealth Interests.....	7
Part 4 – Maps	8
Part 5 – Community consultation	8
Part 6 – Project timeline	8

Attachments

Attachment 1:	Information Required by Practice Note No. 16-001
Attachment 2:	Consistency with the Region Plan, District Plan, Community Strategic Plan and Local Strategic Planning Statement
Attachment 3:	Consistency with Applicable SEPPs
Attachment 4:	Consistency with Relevant Section 9.1 Directions by the Minister

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 longterm 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.

Item Number GB6/24 - Attachment 1

Draft Planning Proposal Report - Reclassification of Certain Council owned land

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	Bennett St ext. to Bennett Street Lot 51	End Bennett St known as Lot 51	Low Density Residential (R2)	Lot 51 DP 1090097	No
3	Beresford Carpark - 14 car spaces	50 Beresford Avenue, Croydon Park	Low Density Residential (R2)	Lot 1 DP 624841	No
4	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
5	Byer Street Carpark	3B-5 Byer St, Enfield	Local Centre (E1)	Lot 12 DP 11302, Lots 1-2 DP 305673	No
6	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
7	Depot - Council Operations Centre	8 Kingsbury St, Croydon Park	General Residential (R1)	Lot 1 DP 228032	No
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

Item Number GB6/24 - Attachment 1

Draft Planning Proposal Report - Reclassification of Certain Council owned land

10	Elsie Street Suite1 Level 2, part Level B3, Shop C9 & loading dock 2 carspaces	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

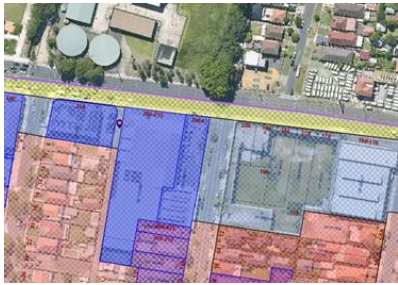
2.1 Amendments to Local Environmental Plan 2015


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	133 Liverpool Road is a carpark to the side of Angelo Street with access to the bays directly off Angelo Street.	
	As the carpark is an operational use it is appropriate to classify it as operational land.	
		
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.		
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 E1 zone. It has been used as a car park since prior to the Burwood LEP commencing in 2012.		


Item 2		Northern End of Bennett Street	
Address	End of Bennett Street		
Title	Lot 51 DP 1090097		
Zoning	Productivity Support E3		
Land Use	Car Park		
Description	This end of Bennett Street appears as a road reserve connecting to Parramatta Road.		
<p>The northern end of Bennett Street 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	50 Beresford Avenue is a small carpark of approx. 13 bays accessed off the laneway that runs parallel to Georges River Road. As the carpark is an operational use it is appropriate to classify it as operational land.		
<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 Permitted Uses. It has been used as a car park since before the Burwood LEP commenced in 2012.</p>			

Item 4		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 5		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 6		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 7 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 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	Car Park		
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>			

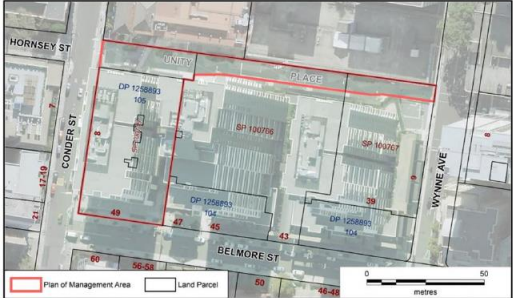
Item 14		462a Georges River Road	
Address	462A (Rear) Georges River Rd, Croydon Park		
Title	Lot 2 in DP 1125122		
Zoning	General Residential (R1)		
Land Use	Municipal Purposes		
Description	<p>The land behind the childcare centre is currently used for Council operational purposes (Storage)</p> <p>As 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>			

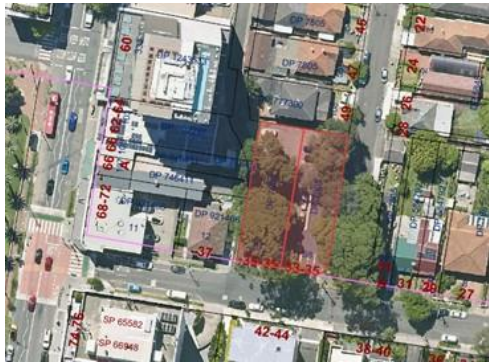
The current use of 462a Georges River Road for Council operational purposes underscores its ongoing importance to Council's service delivery capabilities. The easements and rights of way associated with the property reflect the complex nature of urban land use and the need for careful planning in land 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 1119 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. It has been used as a car park since before the Burwood LEP commenced in 2012.</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 tennis centre 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

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.

Item Number GB6/24 - Attachment 1

Draft Planning Proposal Report - Reclassification of Certain Council owned land

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	

Item Number GB6/24 - Attachment 1

Draft Planning Proposal Report - Reclassification of Certain Council owned land

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 GB6/24 - Attachment 1

Draft Planning Proposal Report - Reclassification of Certain Council owned land

	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

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.

Development Applications

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

File No: 24/45722

Report by Manager City Development; Assistant Planner; Senior Town Planner

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

Proposal

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

BLPP Referral Criteria

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

The Site

The subject site is known as 1-17 Elsie Street, Burwood and legally described as Lot 201 of SP 85916. The site is an irregularly shaped with a total area of approximately 5,143m². The site has frontages of approximately 130m to Elsie Street, 40m to George Street and 40m to Victoria Street.

The existing development at the site comprises three (3) multi-storey commercial buildings. The existing building is currently occupied by a range of differing tenants which include offices. The proposed virtual reality indoor recreation facility will operate from Suite 2.01.

The character of the surrounding area is primarily defined by a mix of commercial and residential typologies. The site is bounded by various residential development to the west and Elsie Street to the east, George Street at the south and Victoria Street at the north.



Figure 1: Site Aerial Map (Site outlined in orange)
Source: Metromaps modified by Patch



Figure 2: Street map showing the subject site indicated by the purple shaded area
Source: Council Mapping system



Figure 3: The subject site frontage of the Development Application, viewed from the corner of Elsie Street and Public Lane way. Dated 31/10/2024. *Source: Site inspection*



Figure 3: The subject site frontage of the development application. Viewed from Elsie Street. *Source: site inspection 31/10/2024*



Figure 4: Corner of Elsie Street and Victoria Street – Commercial shops with residential above. Located on the south side of subject site. *Source: Site Inspection 31/10/2024*

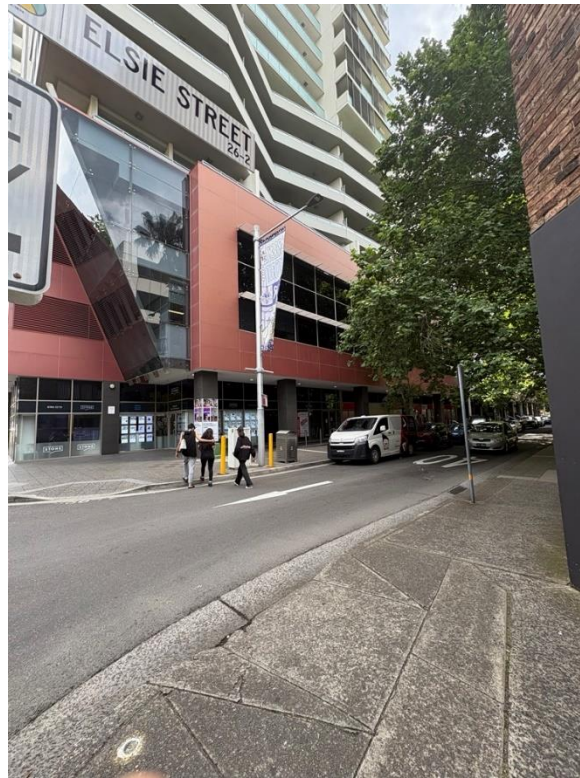


Figure 5: Corner of Elsie Street and George Street – Commercial shops with residential above. Located on the north side of subject site. Source: *Site Inspection 31/10/2024*

THE PROPOSAL

Fit-out works:

- Removal and installation of gyprock walls to create six (6) immersive rooms within the existing tenancy.

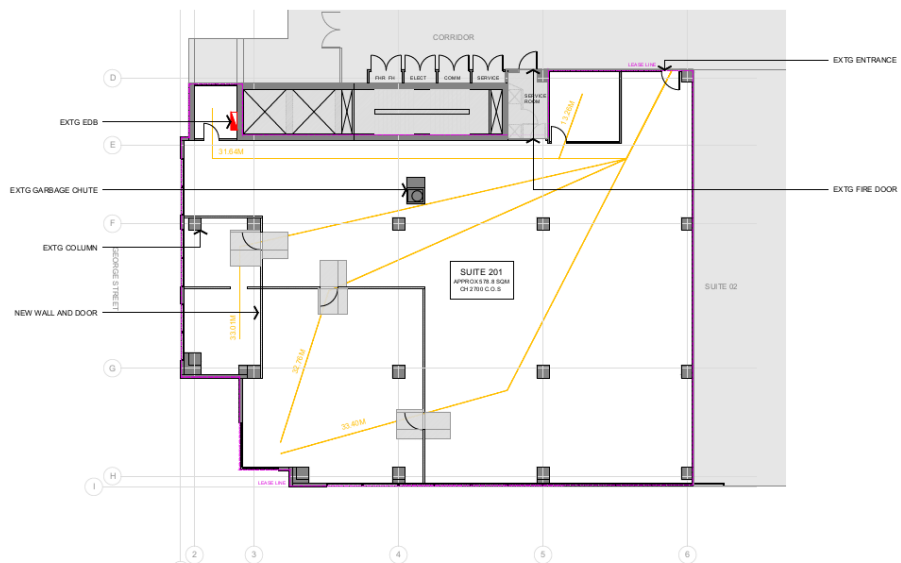


Figure 6: Floor plan of the recreational facility showing minor alternations and proposed fit-out Source: *Enterthemission*

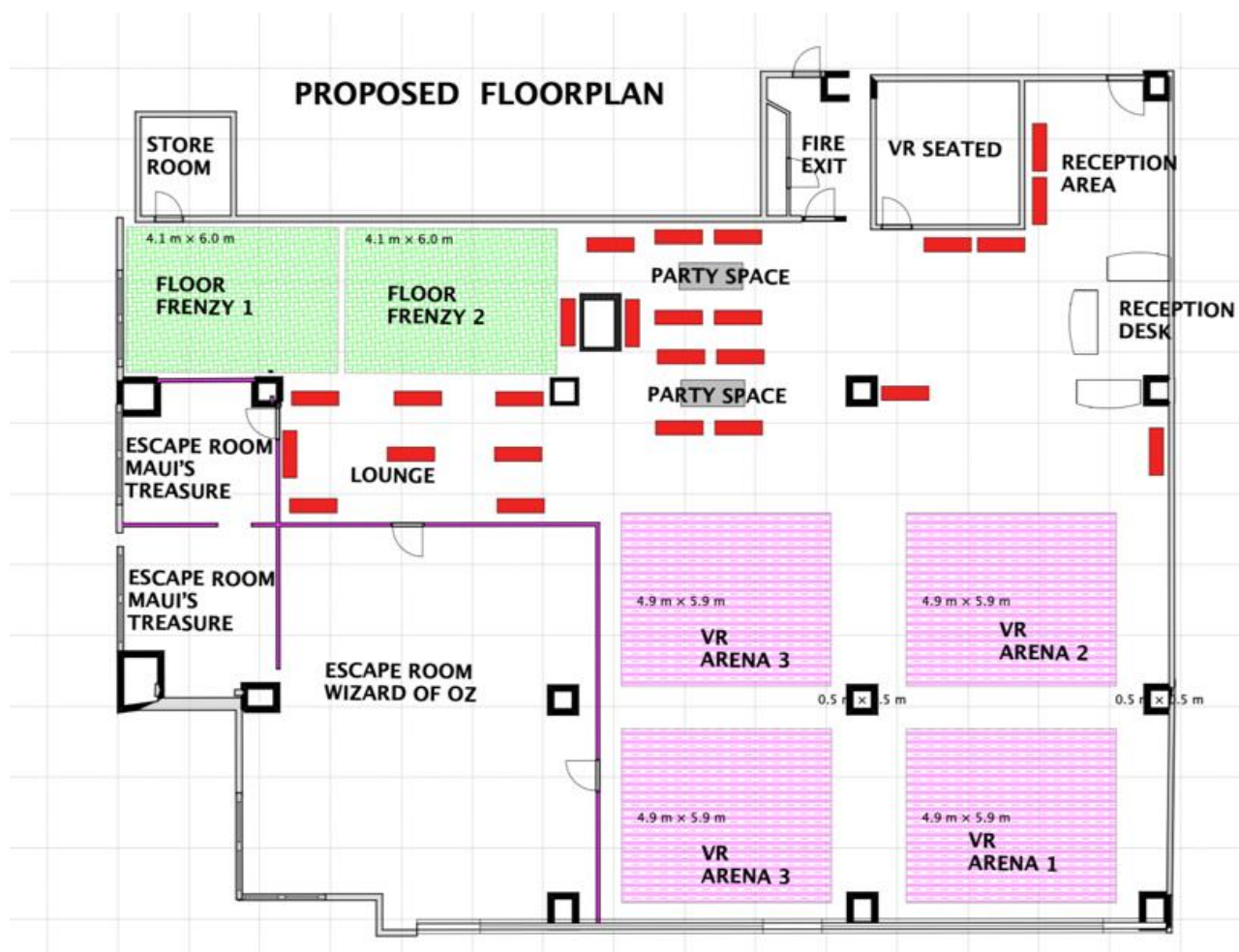


Figure 7: Proposed floor plan of the recreational facility showing the intended purpose for the proposed fit-out *Source: Enterthemission*

Operational Details

- The visual reality arenas are completely wireless as they connect to digital networks in order to function. Each Virtual arena has its own boundary and the software has been developed to work within the areas.
- The Maui's Treasure and Wizard of Oz rooms are themed escape rooms.
- The floor frenzy areas will be used to host floor light up dancing challenge games.
- All puzzles are powered by 12V
- Each escape room experience will last up to 60 minutes and will be managed via a booking system
- The party spaces will consist of tables with movable furniture which customers can use to host birthday events and serve birthday cakes or similar celebrations. Waste storage and disposal areas will be provided by the facility.
- The store room will be used by staff to store personal belongings.
- The site will not be a licenced premise; therefore, alcohol consumption will not occur on site
- The proposed maximum occupancy, including staff, is up to 80 people

Waste Management:

- The site will utilise an existing garbage chute within the building to manage operational waste
- A commercial waste contractor will be engaged to ensure the regular removal of operational waste on a weekly basis.

Staffing Numbers and Hours of Operation:

- The venue will have one (1) full-time manager supported by casual staff during peak periods.
- The proposed operating hours are Sunday to Thursday 10.00am - 9:30pm and Friday to Saturday 10:45am – 10:00pm.

Site History

The subject site was previously used as Burwood Council offices prior to the Council office relocating to No. 2 Conder Street Burwood.

Statutory Requirements

The application is assessed under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), as amended, which includes:

- Burwood Local Environmental Plan 2012
- Burwood Development Control Plan 2013

Burwood Local Environmental Plan 2012

Permissibility

The proposal seeks consent for the use of a commercial suite within the MU1 Mixed Use zone for the purpose of a recreational facility (indoor).

Recreation facilities (indoor) are permitted in the MU1 Mixed Use zone.

A recreational facility (indoor) is defined in the Burwood LEP 2012 as follows:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

The objectives of the zone are:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

It is considered that the proposal is consistent with the objectives of the zone as the development generates employment opportunities and creates an attractive and vibrant commercial space.

Building Height

The BLEP 2012 permits a maximum building height of 60m at the subject site.

The proposal only seeks internal fit outs and use of the existing suite No. Suite 2.01 and therefore no changes to the building height is proposed.

Floor Space Ratio

The BLEP 2012 permits a maximum FSR of 4.5:1 at the subject site.

The proposal does not involve the expansion of floor area within the existing building and therefore no changes to the FSR is proposed.

Burwood Development Control Plan 2013

The proposal has been assessed against the provisions of the Burwood DCP 2013 and no non-compliances were identified.

Acoustic Impacts

Given that the use is completely internalised within the commercial component of an existing mixed use building, it is unlikely that any adverse amenity impacts with respect to noise and vibrations will affect neighbouring residents. Furthermore, the operator advised that the games involve team members working together to solve challenges or find solutions and there is an element of concentration required by them to do so. Accordingly, it is not expected that there will be consistent noise generated by the use during the sites operations and noise levels will not be beyond what a typical commercial use would ordinarily generate.

Site Management

To ensure that the virtual reality escape room can operate in an environmentally satisfactory manner, a condition of consent has been imposed requiring the applicant to submit an Operational Plan of Management prior to the issue of an Occupation Certificate. The Plan of Management shall address the following matters:

- Complaints management and register
- Management and prevention of antisocial behaviour
- Noise management
- Large parties and events
- Games and events schedule. It is recommended that games and events are staggered to allow patrons sufficient time to leave the premises prior to patrons of the subsequent games arriving.

With regard to the above, it is considered that the use can operate on site without causing adverse amenity impacts upon the surrounding sensitive receivers (residents), subject to conditions of consent.

Parking

Given that the proposal does not seek to expand the gross leasable area within the premises, the development does not generate the requirement for additional car parking. The subject site is located within the Burwood Town Centre with ample public and private car parking facilities and street parking within the vicinity of the site.

Community Consultation

The application was publicly notified from 19 September 2024 to 7 October 2024. Two unique submissions were received. The submissions contained enquiries in relation to the development including the following:

Concern	Response
Whether the escape rooms were for commercial use or for private use within the apartments within the building.	The site will operate as a commercial premises, offering virtual reality games to the general public.
What renovation works are involved.	The fit out works involve the removal and installation of gyprock walls to create six (6) immersive rooms within the existing tenancy.
Impacts relating to noise, lighting and electric current surge.	<p>Given that the use is completely internalised within the commercial component of an existing mixed use building, it is unlikely that any adverse amenity impacts with respect to noise and vibrations will affect neighbouring residents.</p> <p>It is unlikely that any lighting will impact the residents located within the storeys above as they will be internalised within the games rooms.</p> <p>In regards to electric current surge, the applicant advised that all games are powered by 12V and therefore they draw minimum amperage.</p>

With regard to the above, the concerns raised by the objectors have been considered as part of the assessment of the application. It is considered that the concerns are not of such magnitude that would warrant a recommendation for refusal.

Internal Referrals

The application was referred to Council's Building Surveyor who raised no concerns.

Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered satisfactory and in the public interest. Therefore, it is recommended that the application be approved.

Recommendation

It is recommended that the Burwood Local Planning Panel approved Development Application No. 2024.55 which proposes the fit out and use of Suite 2.01 within an existing mixed use building for the purpose of a recreational facility (Virtual Reality Escape Room) at No. 1-17 Elsie Street Burwood.

Attachments

- 1 Draft Conditions of Consent - DA.2024.55 (*Excluded from agenda*)
- 2 Draft plans - 1-17 Elsie Street Burwood - DA.2024.55(2) (*Excluded from agenda*)

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

File No: 24/46541

Report by Manager Governance & Risk

Summary

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

Background

1. Under Clause 4.17 of the *Code of Conduct for Local Planning Panel Members*, Panel Members are required to make and lodge a disclosure of interest with the Panel Chair as at 30 June 2024.
- 2.
3. In addition, new members are to lodge their first time disclosure within one month of appointment and before they attend any panel meetings. Burwood Council recently appointed several new expert members to the Panel who are submitting their first time returns.
- 4.
5. The following Disclosures have been lodged since the last batch of returns were reported to the Panel:

Position	Incumbent	Received
Alternate Chair (new)	Peter Tomasetti	31 October 2024
Expert Member	Lisa Trueman	31 October 2024
Expert Member	Stephen Pearse	6 August 2024

Recommendation(s)

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

Attachments

There are no attachments for this report.