



Burwood Council

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Planning Proposal

Reclassification of Land at 59B Park Road Burwood from Community to Operational Land

August 2015

A Planning Proposal (PP) is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Burwood Local Environmental Plan (BLEP) 2012. A PP explains the intended effect of the proposed amendment and also sets out the justification for making the change. The PP is submitted to the Department of Planning & Environment (DP&E) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.

Part 1 – Objectives or Intended Outcomes

The objective of the PP is to amend the BLEP 2012 to reclassify Council owned land at 59B Park Road, Burwood from community to operational land. The reclassification will facilitate the sale and utilisation of land that has been identified by Council as surplus. It will also help ensure efficient vehicular and pedestrian access for future redevelopment.

There will be no change to zoning. The land will continue to be zoned as R3 Medium Density Residential.

Part 2 – Explanation of the Provisions

The objectives and intended outcomes under Part 1 of this PP will be achieved through an amendment to Schedule 4 of the BLEP 2012. In particular, the property description of the subject land will be inserted in Part 1 of Schedule 4, as follows:

Schedule 4 Classification and reclassification of public land

Part 1 Land classified, or reclassified, as operational land – no interests changed

Column 1 Locality	Column 2 Description
Burwood	Lot 2 DP 615429, 59B Park Road

Note: This PP does not propose to alter the existing zoning or any development standards of the BLEP.

Part 3 – Justification

In 1981, Council purchased a 17.2 square metre area of land at the front of 59 Park Road, Burwood for the purpose of road widening. The land, Lot 2 DP 615429, is known as 59B Park Road Burwood, and is shown below:



The Subject Land

The land was purchased from the owners of 59 Park Road, Burwood.

The landowners have made an offer to purchase the land back from Council as they have plans to redevelop the site and wish to consolidate the land into one parcel again. This would allow the use of this small parcel for access to the proposed redevelopment.

Although purchased for road widening purposes, no other purchases were made in the intervening years and there are no plans in place to proceed with the widening of Park Road.

Clause 6(7) of Schedule 7 of the Local Government Act 1993 required Council to, within one year of the commencement of the Act i.e. 30 June 1994, classify all of its land either community or operational, and if this was not done then the land automatically became community land. Although Council classified all other land in accordance with this Clause at a Council Meeting held on 28 June 1994, this parcel was not, for reasons unknown, included. As a consequence, it is now legally classified as community land.

This situation creates an issue for Council should it agree to sell this small parcel of land back to the adjoining landowners. Section 45(1) of the Local Government Act 1993 states that

Council has no power to sell, exchange or otherwise dispose of community land.

Council provided owner's consent and received a Development Application (DA) for Nos. 59 and 59B Park Road Burwood in August 2014. The DA proposes the demolition of the existing dwelling house and the erection of seven townhouses. A deferred development consent under section 80(3) of the Environmental Planning and Assessment (EP&A) Act 1979 has been granted in August 2015. The consent will become operative when two pre-conditions, including the completion of reclassification and sale of 59B Park Road, are met.

An amendment to the BLEP to reclassify 59B Park Road will allow for the parcel of land to be sold back to the previous owners, consolidated with 59 Park Road and redeveloped. This would also facilitate vehicular and pedestrian access to the proposed redevelopment.

Section A – Need for the Planning Proposal

1. *Is the planning proposal a result of any strategic study or report?*

Yes, a report was presented to the Council Meeting of 25 May 2015, where Council resolved to proceed to have the land reclassified from community land to operational land by way of a Local Environmental Plan process in accordance with the EP&A Act 1979 and the Local Government Act 1993.

No strategic studies are required for the reclassification of the subject property.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

In accordance with the provisions of the Local Government Act 1993, Council is unable to sell, exchange or dispose of land that is classified as community land. The PP to amend the BLEP 2012 is the best and the only means of achieving the reclassification so as to allow for the sale of the land.

Section B – Relationship to Strategic Planning Framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes. The current Metropolitan Strategy, A Plan for Growing Sydney establishes four overarching goals to guide the future vision for Sydney. The goals include:

- 1) A competitive economy with world class services and transport
- 2) A city of housing choice, with homes that meet our needs and lifestyles
- 3) A great place to live with communities that are strong, healthy and well connected
- 4) A sustainable and resilient city protects the natural environment and has a balanced approach to the use of land and resources.

Burwood is identified as a strategic centre to ensure strong economic development. One of the key directions of the plan is to accelerate urban renewal – providing homes closer to jobs. Urban renewal is essential to meet the demand for new housing in Sydney over the next 20

years. Locating new housing near centres will make it easier for people to access services and take the pressure off congested roads.

Although insignificant in size, the PP is consistent with the Metropolitan Strategy as it will help facilitate the sale of 59B Park Road and its consolidation with adjoining land to allow for future redevelopment.

4. *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*

Yes. The Burwood 2030 Community Strategic Plan, adopted by Council in December 2013, identifies its challenges of balancing growth, preserving heritage while ensuring progress, innovation and protection of the environment. It includes:

Strategic Goal 5.1: Support and manage Burwood's Major Centre Status
5.1.1 Implement economic development strategies

The land is deemed to be surplus land. The PP to reclassify the land will allow for the selling of the land and its consolidation with the adjoining bigger parcel. As such, it helps an efficient and economic use of land, and is therefore considered to be consistent with the strategic goal and overall vision for Burwood.

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

There are no State Environmental Planning Policies which the PP would contravene.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?*

Consistency with the applicable Directions (under section 117(2) of the EP&A Act 1979) issued by the Minister for Planning for planning proposals lodged with the DP&E, on or after the date the particular direction was issued, is assessed below:

Direction	Objectives	Consistency
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres	Not Applicable
1.2 Rural Zones	Not applicable.	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.	Not applicable
1.4 Oyster Aquaculture	Not applicable.	Not applicable

1.5 Rural Lands	Not applicable.	Not applicable
2.1 Environment Protection Zones	Not applicable.	Not applicable
2.2 Coastal Protection	Not applicable.	Not applicable
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Nos. 59 and 59B Park Road are in proximity to several heritage items and the Ilfracombe Heritage Conservation Area (HCA). The future redevelopment must have regard to the heritage significance of the items and the HCA. The proposed reclassification would not contravene this Direction.
2.4 Recreation Vehicle Areas	Not applicable.	Not applicable.
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	The PP will facilitate the sale of the surplus land and its consolidation with the adjoining lot to ensure that the proposed townhouse redevelopment has adequate access from Park Road. The PP is deemed consistent with this direction as it helps the provision of additional housing, which will make efficient use of existing infrastructure and services in Burwood.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	Not applicable.
3.3 Home Occupations	Not applicable.	Not applicable.
3.4 Integrating Land Use and Transport	Not applicable	Not applicable.
3.5 Development Near Licensed Aerodromes	Not applicable.	Not applicable.
3.6 Shooting Ranges	Not applicable.	Not applicable.
4.1 Acid Sulfate Soils	Not applicable.	Not applicable.
4.2 Mine Subsidence and Unstable Land	Not applicable.	Not applicable.
4.3 Flood Prone Land	Not applicable.	Not applicable.
4.4 Planning for Bushfire Protection	Not applicable.	Not applicable.
5.1 Implementation of Regional Strategies	Not applicable.	Not applicable.
5.2 Sydney Drinking Water Catchments	Not applicable.	Not applicable.

5.3 5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	Not applicable.
5.5	Revoked	Not applicable.
5.6	Revoked	Not applicable.
5.7	Revoked	Not applicable.
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	Not applicable.
5.9 North West Rail Link Corridor Strategy	Not applicable.	Not applicable.
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The PP involves the reclassification of the subject land through an amendment to Schedule 4 of the BLEP. It will not introduce any additional approval or referral requirements.
6.2 Reserving Land for Public Purposes	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The reclassification does not propose to reserve land for public purposes. It aims to facilitate the sale of surplus land no longer required for public purposes. The PP is deemed to be consistent with this direction.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	This PP will not introduce any site specific planning provisions.
7.1 Implementation of a Plan for Growing Sydney	The objective of this direction is to give legal effect to the planning principles; directions; and priorities for sub regions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	The PP aims to reclassify a small piece of land and does not have any impact on the metropolitan level.

Section C – Environmental, Social and Economic Impact

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. There are no known critical habitats or threatened species, populations or ecological communities, or their habitats which would be expected to be affected.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the PP, such as flooding, landslip, bushfire hazard and the like.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The PP is considered to adequately address social and economic effects as it will allow for consolidation and for surplus land no longer required by Council to be better utilised for the redevelopment at this location. This ensures the orderly and economic development of surplus land.

The monetary compensation received from the selling of the land will be expended towards the benefit of the wider community. It is therefore expected that the reclassification of land will have an overall positive social and economic impact for Burwood and its community.

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

The existing public infrastructure is considered adequate to accommodate this PP for reclassification.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?*

No State or Commonwealth public authorities have been consulted in the preparation of the PP document. The Gateway Determination will confirm any consultation required with State and Commonwealth authorities.

Part 4 – Mapping

The PP does not seek to amend any BLEP Maps. No maps are required to progress the reclassification.

Part 5 – Community Consultation

The PP is to be placed on public exhibition following a positive Gateway Determination. A notice of exhibition of the PP will be published in a local newspaper. All relevant documentation will be made available for inspection at Council's Customer Service Counter, Burwood Library & Community Hub, and on Council's website.

The PP will be exhibited in accordance with DP&E's Practice Note PN 09-003 *Classification and reclassification of public land through a local environmental plan* and the *Best Practice Guideline for LEPs and Council Land*.

The Gateway Determination will specify further the extent and manner of community consultation for the PP, including the holding of a public hearing.

Part 6 – Project Timeline

Anticipated date of Gateway Determination	September 2015
Anticipated timeframe for the completion of required technical information	October 2015
Timeframe for government agency consultation	November 2015
Commencement and completion dates for the public exhibition period	November 2015
Dates for public hearing	November/December 2015
Timeframe for consideration of submissions	January 2016
Timeframe for the consideration of a proposal post exhibition	January 2016
Anticipated date RPA will make the plan (if delegated)	February 2016
Anticipated date RPA will forward to the department for notification (if delegated)	February 2016