



Burwood
Inc.1874
Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

Unity Place Draft Plan of Management

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Acknowledgement of Country

Burwood Council acknowledges the Wangal people as the traditional custodians of this land. We pay our respects to Elders of the past and present and to those of the future and acknowledge their spiritual connection to Country.



1. Key Information

1.1 Burwood Local Government Area

Located between Sydney and Parramatta, the Burwood Local Government Area (LGA) is a diverse multicultural community with business and retail centres. The Burwood LGA covers seven square kilometres with a population exceeding 40,866 residents.

Burwood is a cultural melting pot of inclusive and diverse communities with a thriving business and retail centre surrounded by historic villages, each with their own distinct character and charm. The LGA includes Burwood, Burwood Heights Croydon Park and Enfield and parts of Croydon and Strathfield.

The quality of life residents enjoy, the central location, local schools and excellent transport infrastructure has made the Burwood LGA an attractive destination for people to live, work and visit. As the first strategic centre west of the Sydney CBD, Burwood will strengthen its role in Sydney over the next 10 years, attracting new business sectors, higher skilled jobs and a diverse mix of housing. By 2036 the population of the Burwood LGA is anticipated to nearly double to 73,500. This means over 32,000 more people will require housing, transport, schools, healthcare, services, leisure opportunities and green and open spaces.

Council's focus is to improve the accessibility and amenity of the LGA to create a liveable and lovable place for its residents and those who choose to live, work, and grow here.



Figure 1 Burwood and its locational context

1.2 Background

Burwood Council entered into a Voluntary Planning Agreement (VPA) with Anson Development, in connection with a Development Application at Nos. 39-47 Belmore Street, 6-14 Conder Street and 11-19 Wynne Avenue, Burwood (the site).

The VPA provided for the Applicant to dedicate to Council commercial space, plus 55 car parking spaces and a stratum subdivision of these areas, community and public domain space and to construct a linking bridge between the proposed building and the Burwood Library and Community Hub.

Initially the Site was earmarked as the preferred location for a possible merged council under the proposed amalgamation promoted by the NSW Government, incorporating Burwood with Canada Bay and Strathfield Councils. However, in July 2017, the State government terminated the merger process and in September 2017 Council reassessed the opportunity, deciding to continue exploring options for Council's administration and community space.

Council held a strategic workshop in February 2018 whereby the matter of Council's future administration and community space was evaluated. A feasibility study and financial presentation were presented and five options considered for the use of the site. Following extensive consultation, Council endorsed the option identified as the optimum balance between operational and community needs.

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.

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.

The spaces within Lot 105 in DP1258893 of the 39-47 Belmore Street, 6-14 Conder Street and 11-19 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).



Figure 2 Unity Place in context of Council's Local Government Area

1.3 Unity Place Plan of Management Overview

This plan of management (PoM) has been prepared by Burwood Council and provides direction as to the use and management of a series of council-owned community land parcels. The PoM has been prepared in accordance with Section 3.23 of the Crown Land Management Act 2016.

This PoM specifically addresses the management of multiple spaces comprising of Lot 105 in DP1258893 being the land dedicated to Council by the owner and developer of Burwood Grand.

The land parcel comprises of public domain space, multipurpose community and commercial space, 55 car parking spaces, a linking bridge to the Burwood Library and Community Hub, and stratum subdivisions for lift access and plant infrastructure for the internal spaces.

The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

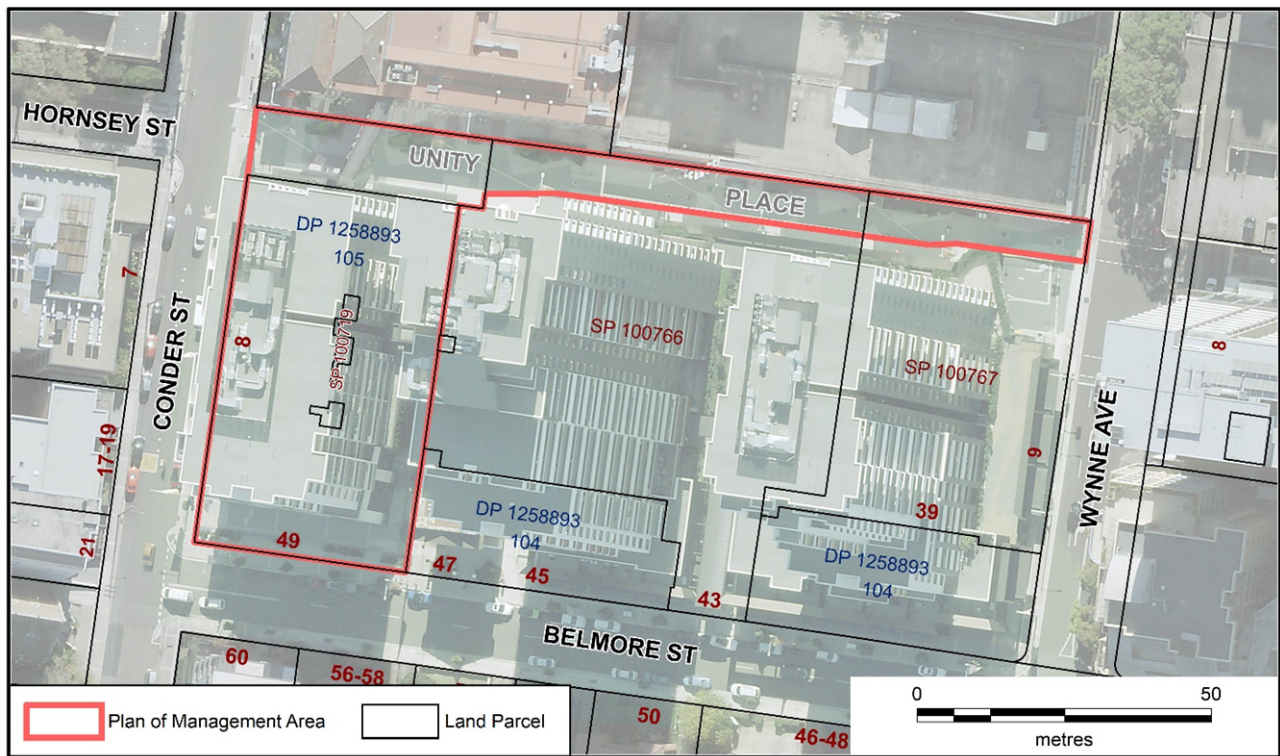


Figure 3 Unity Place PoM area

2. Introduction

2.1 Purpose of the Plan of Management

A Plan of Management (PoM) is a document which provides a clear set of guidelines for the short and long term management of a parcel of Community Land owned and managed by Council or Crown Land under Council's Crown land management.

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The purpose of this PoM is to:

- provide interim guidance of the management of this land which was dedicated to Council
- implement the council's broader strategic goals and vision as set out in Council policy
- ensure compliance with the *Local Government Act 1993*
- provide clarity in the future development, use and management of the community land
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of PoMs can be found in Appendix 2 of this document.

2.2 Community Land

Under the CLMA (s3.22), a council manager of dedicated or reserved Crown land must manage the land as if it were community land under the LG Act. Lot 105 is classified as community land in accordance with the CLMA. The LG Act requires Plans of Management to be prepared, in consultation with the community, for all public land classified as community land.

2.3 Local Government Act Framework

As outlined in the CLMA, a PoM for Crown Reserves is to be prepared in accordance with the LG Act. Appendix 2 lists criteria as set out in the LG Act, which provides a legislative framework to guide councils in their role and responsibility in the management, improvement and development of land classified as community land.

2.4 Process of preparing this plan of management

The process undertaken by Council in preparing this PoM includes the following key steps:

1. Identification of applicable community land categorisation for the land
2. Preparation of the Draft Plan of Management
3. Notification and public exhibition of the PoM in accordance with section 38 of the LG Act
4. Provision of a Public Hearing under section 40A of the LG Act as the land is being categorised for the first time
5. Adoption of the Draft PoM by Council

2.5 Change and review of plan of management

This PoM is required by the LG Act to ensure the legal granting of leases and licenses, the clear identification of permissible uses and developments, and management actions on the land until the community land is reclassified as operational land.

In the interim period before reclassification is achieved, this PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in council

priorities. Council has determined that it will review the PoM within 5 years of its adoption. However, the performance of this PoM will be reviewed on an annual basis to ensure that the community land is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into council's ownership by dedication of land for open space. The appendices to this PoM may be updated from time to time if required to reflect any significant changes to the condition of the community land or new acquisitions or dedications of land.

The community will have an opportunity to participate in any reviews of this PoM.

2.6 Community consultation

This PoM will be placed on public exhibition in accordance with the requirements of section 38 of the *Local Government Act 1993*. Submissions from the community will be received, and Council will consider these submissions before adopting the PoM.

During the exhibition period, a Public Hearing will be held in accordance with Section 40A of the LG Act to explain the first categorisation of the Council-owned community land (Lot 105 DP 1258893) in the draft plan, after which a public hearing report will be provided to Council, and made available for public inspection.

3. Land description

3.1 Spaces within Unity Place

This PoM covers a series of spaces dedicated to Council as part of the development of the Burwood Grand project. These spaces are 'part Lots' of a single land allotment (Lot 105 DP1258893).

One of these spaces is an external corridor that integrates with the former Hornsey Street cul de sac to form "Unity Place" a new public domain space for Burwood. The other spaces are within the Burwood Grand site and will form part of Councils operational and community spaces into the future.

It is intended that this PoM temporarily guide management of this land as Community Land until such time as the land is reclassified via an amendment to Burwood Local Environmental Plan.

Unity Place forms one of the pedestrian links that Burwood council is strategically developing as a network of connections through the Centre of Burwood. The lane connects people with the new Burwood Library and Community Hub. It was designed as a flexible space that can be programmed for diverse uses.

The Community Hub forms part of the spaces within the Unity Place PoM. It is a space open to individuals, community groups and businesses to meet, study, work and play and supports regular program workshops, seminars and events for all ages. This includes junior and seniors STEAM (Science Technology Engineering Arts and Maths) clubs which invite both young people and the elderly to learn new technology. The Hub has a number of meeting rooms, two media production spaces, open study and collaborative areas, as well as a collection of STEAM gear, from robotics to sewing machines and guitars, all available to support community learning.

Council also undertook The Places to Love project which enabled Council to test and trial interventions as well as programming opportunities in the new plaza to enhance walkability, public life and place attachment. As such, Unity Place was renamed from Hornsey Street through part of the project's community engagement. The name was chosen by the community to represent Burwood's harmonious and diverse community.

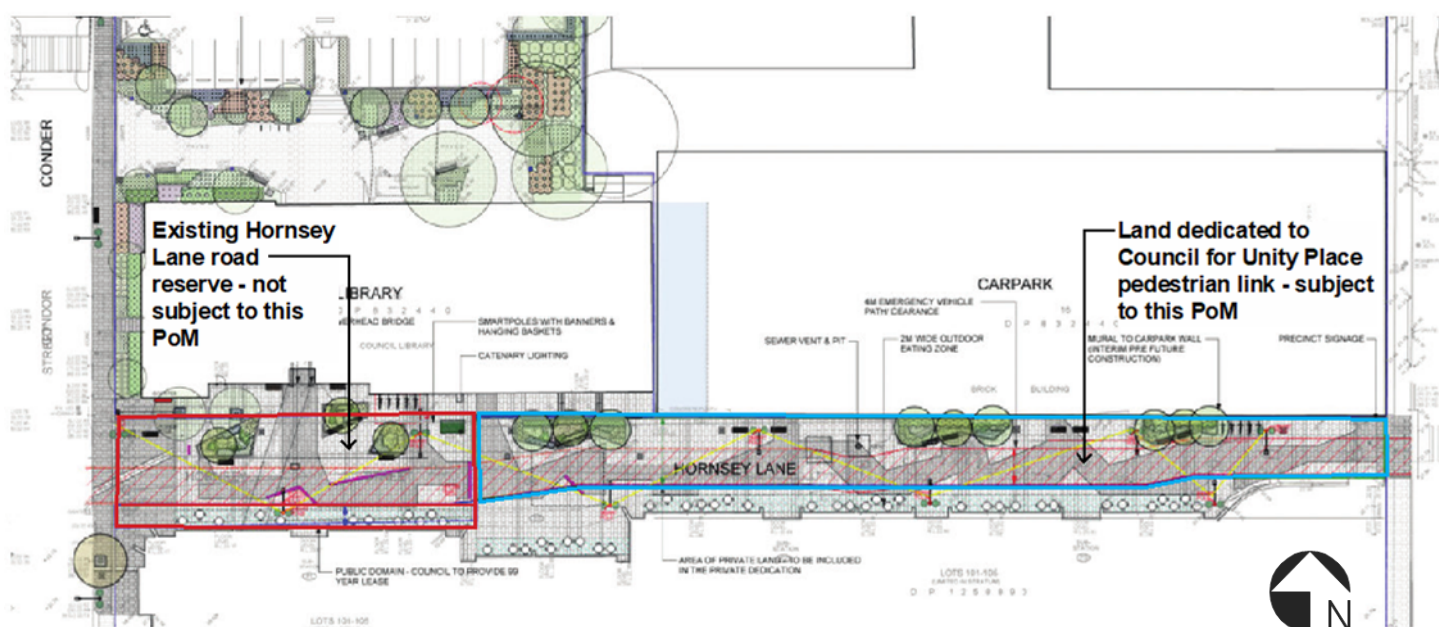


Figure 4 Illustrative Plan for Unity Place link

3.2 History

A Voluntary Planning Agreement (VPA) was executed in May 2017 in connection with Development Application (DA) No. 193/2015 for the subject site. The VPA provided for the owner and developer to dedicate to Council approximately 4,000sqm of office/commercial space, community space, 55

car parking spaces, a linking bridge to the Burwood Library and Community Hub and stratum subdivisions. Further negotiations between Council Officers and the developer were undertaken to progress the construction and dedication of Council's plans for the relocation of its offices, to enhance public benefits and to enable Council to complete its own fit-out.

As a result, the VPA amendments included further dedication of land to Council, leasing of land from Council and the payment by the owner and developer to cover Council's costs associated with carrying out of fit-out works to the community and commercial spaces.

Council's meeting on 22nd October 2019 resolved to adopt the amended VPA. The amended VPA was executed on 23 January 2020 and resolved to include that the developer dedicate the majority of Hornsey Street back to Council and Council grant the developer a 99year lease of a strip of land immediately adjacent to the subject site to enable outdoor dining options to activate Hornsey Street.

The portion of Hornsey Street dedicated to Council once provided access to the rear of the Masonic Hall as well as the old community building and car park which have both been demolished as part of the development of Burwood Grand.

The amended VPA has enabled Council to control Hornsey Street in the interest of public benefit and is able to meet Council's objectives in its Local Strategic Planning Statement for quality urban design and inviting public spaces. It also brings forward Council's strategic planning in respect of creating a public square/forecourt in accordance with the Development Control Plan (DCP).

The spaces within Lot 105 in DP1258893 of the 39-47 Belmore Street, 6-14 Conder Street and 11-19 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).

This plan of management covers Lot 105 in Deposited Plan 1258893. The land information is detailed in **Table 1** following. The land is owned and managed by council.

Table 1. Information about land covered by this plan of management.

| Lot | DP | Building Level | LEP Zoning | Area | Proposed Use | Assigned Category |
|--------------|------------|--|--------------|----------|--|-----------------------|
| Part lot 105 | DP 1258893 | Basement 4 | B4 Mixed Use | 13.5m2 | Lift Shaft | General Community Use |
| Part lot 105 | DP 1258893 | Basement 3 | B4 Mixed Use | 13.5m2 | Lift Shaft | General Community Use |
| Part lot 105 | DP 1258893 | Basement 2 | B4 Mixed Use | 13.5m2 | Lift Shaft | General Community Use |
| Part lot 105 | DP 1258893 | Basement 2 | B4 Mixed Use | 147.2m2 | Council Multipurpose room | General Community Use |
| Part lot 105 | DP 1258893 | Basement 1 / Ground Floor (known as Basement 1 on deposited plans) | B4 Mixed Use | 3544.9m2 | Council Administration Offices Office space to lease for commercial purposes Council carpark | General Community Use |
| Part lot 105 | DP 1258893 | Ground Floor (known as Basement 1 on deposited plans) | B4 Mixed Use | 771.7m2 | Unity Place public domain | General Community Use |

| | | | | | | |
|------------------------------|------------|--|-----------------|-----------------|--|--------------------------|
| Part lot 105 | DP 1258893 | Level 1 (known as Ground Floor on deposited plans) | B4 Mixed Use | 2281.8m2 | Entrance to: Council Administration Offices Community Hub | General Community Use |
| Part lot 105 | DP 1258893 | Level 2 (known as Level 1 on deposited plans) | B4 Mixed Use | 2281.8m2 | Council Administration Offices | General Community Use |
| Part lot 105 | DP 1258893 | Level 11 | B4 Mixed Use | 62.9m2 | Council carpark HVAC Plant for Council office e space | General Community Use |
| Total Area of Lot 105 | | | | 9130.8m2 | | |

Note:

1. Basement 1 level lies at the level of Conder Street on the western address of the site while the Ground floor addresses the Wynne Ave level 1 to the east, one storey above.
2. An aerial enclosed walkway traverses the former Hornsey Street, now Unity Place linking Level 1 to Burwood Library and Community Hub.

Refer to **Figure 5** next page for an illustration of the relationship and use of the various stratum. This PoM is specific to the land mentioned in Table 1. Contact the council or refer to the council's website for information about other public land not listed above.

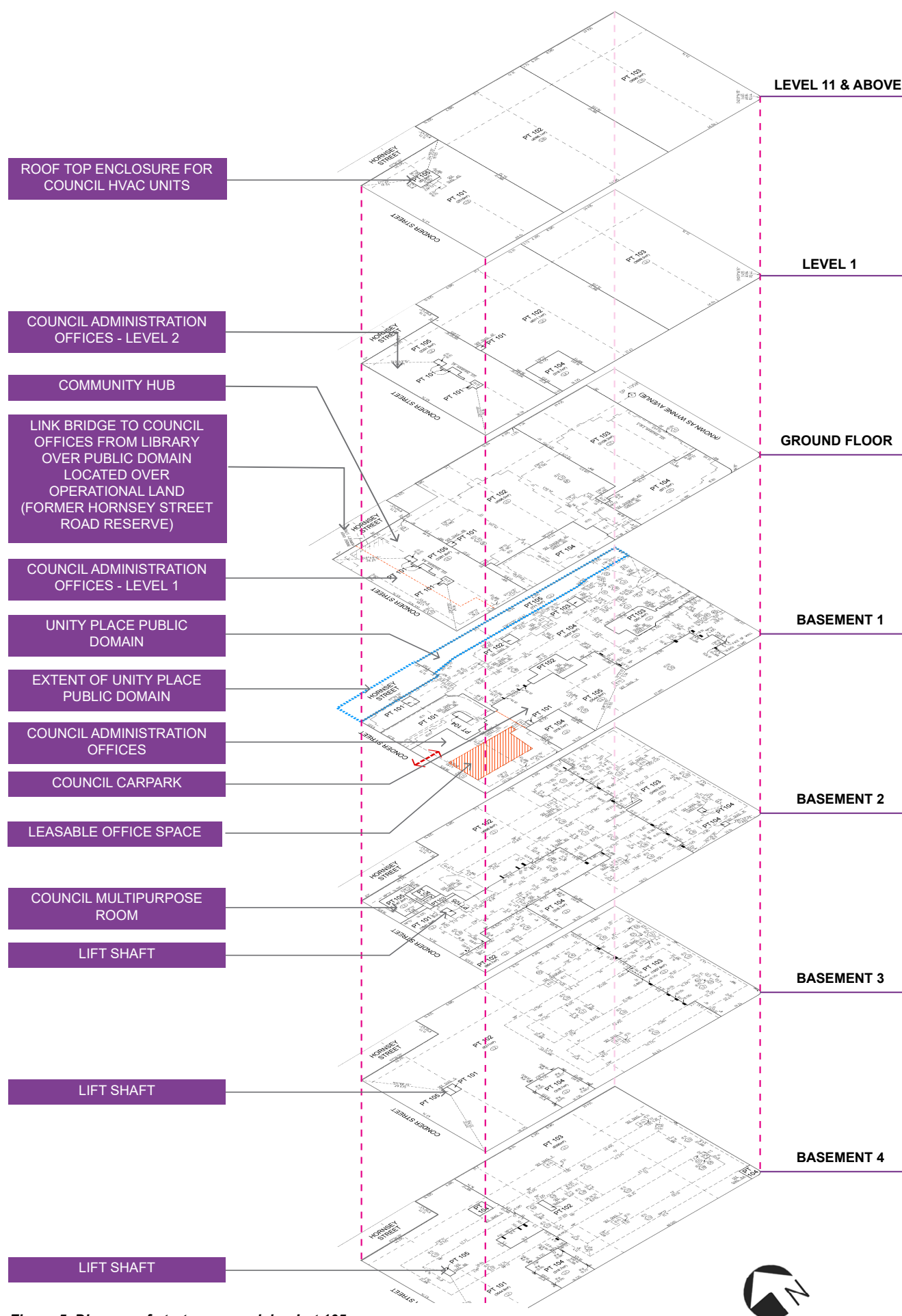


Figure 5 Diagram of stratum comprising Lot 105

4. Basis of management

Burwood Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

4.1 Categorisation of the land

All community land is required to be categorised as one or more of the following categories.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

The assigned categorisation of the land subject to this PoM is **General Community Use**. The maps provided in Appendix 1 illustrate in further detail the extent of the subject land each stratum.

4.2 Guidelines and core objectives for management of community land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land (see **Management of Land by applicable Category**). Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2005. The core objectives for each category are set out in the LG Act.

4.3 Councils strategic objectives and priorities

Council's objectives for Unity Place have been identified in direct response to the strategic direction established by Council's Burwood2036, Community Strategic Plan and Property Strategy and as detailed in this PoM.

Council's strategic objectives for Unity Place is to provide spaces that adequately accommodate the diverse needs and uses of the community, whilst ensuring a balance of both commercial and community outcomes is achieved.

The growth in high density living has resulted in increased demand for limited open space and community facilities in an already highly populated area, resulting in greater needs for additional facilities and public spaces.

The following priorities will guide Council on how to achieve its objectives for the community whilst maintaining financial sustainability. Net proceeds from the leasing of the commercial space within

Unity Place can be reinvested back into the community to continue to deliver Council's strategic objectives, furthermore assisting to minimise pressure on service levels or the rates revenue stream.

Council's priorities for Unity Place are to:

- implement an optimum balance of desired spaces for the community
- provide access to a world of learning, information, arts, culture, creativity and history.
- improve the availability and quality of service to the community, from both availability and quality points of view, and creating a new destination
- be places of creativity, vibrant, busy places which invite interaction, discussion, activity
- become community activators
- become more about meeting and gathering spaces
- provide access to, and interactions with, new and emerging technologies
- provide spaces (physical and virtual) for promoting digital interactions and progress
- become more of a centre for investigation and experimentation through creative and cultural spaces

Places to Love – Unity Place

Council activated the Unity Place Places to Love project which brought forward Council's strategic planning for the precinct in respect of creating a public square/forecourt to the Council offices / library / community hub precinct in accordance with the DCP.

The Unity Place public domain concept identified a clear vision:

To provide a new people-friendly linear plaza connecting the town centre with the Burwood Library and Community Hub, and include engaging public art, landscaping, and programming, attracting people and enhancing public life.

And the following objectives:

- Improve walkability through the Burwood Town Centre and improve the public realm.
- Create and activate a continuous public space that connects to the existing pedestrian link between Burwood Plaza and Emerald Square.
- Support the network of pedestrian connections throughout the city centre.
- Encourage safe streets and active transport provide transition and change opinions of the laneway from unusable space into a place for people.
- Provide opportunities for seating and outdoor dining.
- Provide urban canopy cover, increase shade and mitigate the urban 'heat island' effect.
- Strengthen neighbourhood interaction.

The project was tested through a community engagement project which involved the creation of a "pop up" space facilitated through the State Governments Places to Love program that enabled Council to:

- Test library pop-up programming outside in the laneway.
- Trial temporary seating and artwork.
- Engage the community in the renaming of the lane and activation of the space.
- Trial activating a street for new uses and be a catalyst for renewal in the city centre.
- Engage the community in new ways to gain feedback, and build the case for long-term change.

The Unity Place project supports and implements Council policy in a number of ways:

| Policy Framework | Benefit of project |
|---|--|
| The Burwood Local Strategic Planning Statement (LSPS) and Community Facilities and Open Space Strategy 2019 identify a shortfall of public open space and the need to provide additional open space and community spaces. | The Unity Place project increases the amount of public space in the region and improves walkable access in the Centre. |
| Premier's Priority Greener Public Spaces | The Unity Place project improves access to, and quality of public space. |

The dedication of land by the owner and developer of the Burwood Grand to provide the open space connection along Unity Place and to provide Council and community facilities within the building complex as negotiated by Council has enabled the realisation of the Unity Place Vision.

5. Development and use

Council manages its community land through operational services levels that reflect the nature and levels of use.

5.1 Current use of the land

The General Community Use category section of this plan of management contains information about the existing use of the land, including: condition of the land and structures, use of the land and structures, and current leases and licences on the land.

5.2 Permissible uses / future uses

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Burwood Council area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Burwood Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, recreational and sporting facilities in particular, Burwood Council intends to permit and encourage a broad range of appropriate activities in accordance with its strategic objectives.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with this category, are set out in tables in the General Community Use category section in this plan of management.

5.3 Express authorisation of leases and licences and other estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

Leases and licences authorised by the plan of management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the Local Government (General) Regulation 2005
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2005

Tables in the General community use category section of this plan of management further identify the purposes for which leases and licences may be issued over the subject lands to this plan of management.

Short-term licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Short-term licences are authorised for the purpose of:

- (a) the playing of a musical instrument, or singing, for fee or reward
- (b) engaging in a trade or business
- (c) the playing of a lawful game or sport
- (d) the delivery of a public address
- (e) commercial photographic sessions
- (f) picnics and private celebrations such as weddings and family gatherings
- (g) filming sessions
- (h) the agistment of stock.

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

6. Management of land by category

6.1 General Community Use

Guidelines and core objectives

All lands subject to this PoM have been assigned the category of **General Community Use**.

General community use land is defined in clause 106 of the LG (General) Regulation as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

- promote, encourage and provide for the use of the land
- provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
 - (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Key issues

Key management issues for the lands subject to this PoM include:

Access

- Provision of equitable access for all abilities to external and internal spaces
- Provision of easy access from public transport
- Provision of adequate parking to service facilities
- Provision of maintenance access for Council operations to external and internal spaces
- Provision of event bump in and bump out access to external and internal spaces
- Provision of emergency access to external and internal spaces

Use

- Layout of fixed elements to maintain flexibility for use of external and internal spaces
- Provision of a balance of fixed and moveable furniture that facilitate both day to day and event use of external spaces
- Management of noise and traffic impacts arising from event use on adjoining residents
- Management / control of mobile café spaces to prevent encroachment of pedestrian movement and day to day use of adjoining spaces
- Management of potential conflicts between uses within internal spaces

Management framework for reserves categorised as General Community Use

Council will be responsible for the maintenance and management of spaces and fixtures subject to this PoM. Service levels shall be commensurate with Councils operational maintenance services levels for public domain spaces.

Development and use

Use of the external public space and internal spaces subject to this PoM will include:

- Day to day and event community use of the Unity Place public domain
- Café seating related to adjoining food and beverage frontages
- Approx. 4,000sqm of Council office space (with provision to lease a proportion of the space to suitable retail or commercial organisations)
- Community Hub multi-purpose space
- 55 Council car parking spaces to serve Council activities (not available for day to day public use)
- a linking bridge to the Burwood Library
- dedicated Council lift access within the multistorey building
- mechanical services for the internal Council spaces

An enclosed aerial walkway linking the level 1 Community Hub to the Burwood Library and Council offices buildings is elevated over Unity Place. This lies over the existing road reserve of Hornsey Street, and western portion of the Unity Place public domain. The existing road reserve of Hornsey Street and the aerial walkway are not subject to this PoM being over the former road reserve which is classified as operational land.

Council retains the role and rights of a local government entity to manage activity and behaviour at the site through regulatory signage and activities to ensure a safe, clean and attractive environment. This includes the identification of permissible and non-permissible activities, limiting or promotion of the sale and consumption of alcohol, companion animal management, rubbish and refuse management as deemed required by Council.

Current use of the land

Condition of the land and structures

The development in which the land lies and the internal spaces, fixtures and external public domain have been completed in the last 3 years and are in very good condition.

Use of the land and structures

The external spaces comprising Unity Place have been developed to facilitate community access and use. The public walkway is complemented by adjoining food and beverage outlets and by an ongoing program of planned activations and events. Post occupational analysis by Council has shown that the Unity Place walkway has generated a high volume of pedestrian traffic and is developing as an important public space within the town centre

The internal spaces to the building will cater for Council management operations, a community hub space, a space leasable to suitable non not for profit or not for profit organisations, and parking to serve Council activities in the building. These spaces are integrated with the office spaces within the Library and Community Hub to the north side of Unity Place by the overhead covered walkway at the ground floor level.

Current leases and licences

There are no existing leases or licences on the community land subject to the PoM.

Permissible uses / future uses

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in **Table 2** following. The facilities on community land may change over time, reflecting the needs of the community.

Table 2 Permissible use and development of community land categorised as General Community Use by council or the community

| Purpose/Use, such as... | Development to facilitate uses, such as... |
|---|---|
| <p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing a location or facilities for the delivery of services to the community such as Council administration offices, spaces and meeting rooms, and including any areas ancillary or supportive of these functions such as:</p> <ul style="list-style-type: none"> • kitchen areas, • cleaning or maintenance spaces • dedicated Council lift access within the multistorey building. And • mechanical services for the internal Council spaces. <p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> • casual or informal recreation • meetings (including for social, recreational, educational or cultural purposes) • functions • concerts, including all musical genres • performances (including film and stage) • exhibitions • fairs and parades • workshops • leisure or training classes • child care (for example, long day care centre, before and after school care, vacation care) • senior citizens or designated community group use (e.g. scout and girl guide use) • educational centres, including libraries, information and resource centres • entertainment facilities <p>Eating and drinking in a relaxed setting</p> <p>Commercial activities suitable to the LEP zone and surrounding environment</p> | <p>Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth services, aged services, men's sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> • provision of building spaces or areas for the delivery of services to the community and ancillary or supportive activity areas and spaces • provision of buildings or other amenity areas to facilitate use and enjoyment by the community • development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) • space for commercial activities that are suited to the locality and environment • landscaping and finishes, improving access, amenity and the visual character of the general community area • Café or refreshment areas (kiosks/restaurants) including external seating • Lighting, seating, toilet facilities, courtyards and entrance areas, paved areas • Hard and soft landscaped areas • Storage sheds • car parking and loading areas • advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> ○ relate to approved uses/activities ○ are discreet and temporary ○ are approved by the council • locational, directional and regulatory signage. • water-saving initiatives such as rain gardens • energy-saving initiatives such as solar lights and solar panels |

| Purpose/Use, such as... | Development to facilitate uses, such as... |
|---|--|
| Publicly accessible ancillary areas, such as toilets Car and vehicles parking spaces and loading areas ancillary and supportive of uses | |

Express authorisation of leases, licences and other estates – General Community Use

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in **Table 3** following.

Table 3 Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use

| Type of tenure arrangement | Maximum term | Purpose for which tenure may be granted |
|----------------------------|---|--|
| Lease | <ul style="list-style-type: none"> Up to 21 years | <ul style="list-style-type: none"> not for profit community groups or organisations delivery of community services including specific community services recipients such as women, aged, youth, disabled or culturally diverse peoples long day care, child care or vacation care health or medical practitioners associated with the relevant facility (for example, nutrition, physiotherapy) educational purposes, including libraries, education classes, workshops cultural purposes, including concerts, dramatic productions and galleries recreational purposes, including fitness classes, dance classes and games kiosk, café and refreshment purposes non not for profit organisations including commercial and retail uses, suitable to the location or associated with the facility, e.g.: educational, health cultural and leisure goods and services |
| Licence | <ul style="list-style-type: none"> Between 1 year and five years | <ul style="list-style-type: none"> not for profit community groups or organisations delivery of community services including specific community services recipients such as women, aged, youth, disabled or culturally diverse peoples long day care, child care, vacation care) educational purposes, including libraries, education classes, workshops recreational purposes, including fitness classes, dance classes café/kiosk areas, including outdoor seating and coffee carts or pop-up food and beverage service sale of goods or services that are ancillary to community land use, e.g: educational, health cultural and leisure goods and services |

| Type of tenure arrangement | Maximum term | Purpose for which tenure may be granted |
|----------------------------|--|---|
| Short-term licence | <ul style="list-style-type: none"> Up to one year | <ul style="list-style-type: none"> public speeches, meetings, seminars and presentations, including educational programs functions (including commemorative functions, book launches, film releases, balls, and similar activities) displays, exhibitions, fairs, fashion parades and shows events (including weddings, corporate functions, and community gatherings) concerts and other performances, including both live performances and film (cinema and TV) broadcasts associated with any event, concert, or public speech engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities |
| Other estates | | This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act. |

Action plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 4 following sets out these requirements for community land categorised as General Community Use.

Table 4. Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use

| Management Issues | s.36(3)(b) Objectives and Performance Targets | s.36(3)(c) Means of achievement of objectives | s.36(3)(d) Manner of assessment of performance |
|--|--|---|--|
| Access | | | |
| Provision of equitable access for all abilities | Equitable access to Unity Place Public Domain | Design of implemented works has implemented equitable access Monitor accessibility to ensure design intent maintained | Review and monitoring on site Complaints / requests for action |
| | Equitable access to spaces within Lot 105 DP1258893 | Design of implemented works has implemented equitable access Monitor accessibility to ensure design intent maintained | Review and monitoring on site Complaints / requests for action |
| Provision of access from public transport | Unity Place and related Council facilities are accessible by public transport | Unity Place is 290m from Burwood Station accessible along at grade paved walkways and by bus to Railway Parade | Availability of effective public transport access User feedback |
| Provision of adequate parking to serve facilities | Availability of compliant disabled and general parking to service Council facilities | Dedicated Council parking within the Burwood Council Library car park | Parking available User liaison and feedback |
| Provision of maintenance access for Council operations | Availability of effective maintenance access to Unity Place public domain | Maintenance access has been integrated to design of public domain Operate and manage spaces to maintain effective maintenance access | Access available Operations staff liaison and feedback |

| Management Issues | s.36(3)(b) Objectives and Performance Targets | s.36(3)(c) Means of achievement of objectives | s.36(3)(d) Manner of assessment of performance |
|--|--|---|--|
| | Availability of effective maintenance access to internal Council spaces | Maintenance access has been integrated to design of building and fit out of Council spaces Manage internal spaces to maintain effective maintenance access through permanent and temporary facilities and activities | Access available Operations staff liaison and feedback |
| Provision of event bump in and bump out access | Availability of effective event access and infrastructure to Unity Place public domain | Event access and infrastructure has been integrated to design of public domain Manage space to maintain effective event access through permanent and temporary facilities and activities | Access available Operations / events staff liaison and feedback |
| Provision of emergency access | Availability of effective emergency access to Unity Place public domain | Emergency access has been integrated to design of public domain Manage space to maintain effective emergency access through permanent and temporary facilities and activities | Access available Review of any incidents Emergency operator feedback |
| | Availability of effective emergency access to internal Council spaces | Emergency access has been integrated to design of building and fit out of Council space Operate and manage spaces to maintain effective maintenance access | Access available Review of any incidents Emergency operator feedback |
| Use | | | |

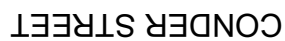
| Management Issues | s.36(3)(b) Objectives and Performance Targets | s.36(3)(c) Means of achievement of objectives | s.36(3)(d) Manner of assessment of performance |
|--|---|---|---|
| Amenity of public domain | Public domain provides an appropriate level of comfort and amenity | Design of public domain has integrated shade and shelter, greening and seating in an integrated design to encourage visitation and use of the space | Monitoring of use User feedback |
| Layout of fixed elements to maintain flexibility for use of spaces | Public domain effectively caters for day to day use as well as events | Events provisions have been integrated to design of public domain Operate and manage spaces to maintain effective event adaptability and flexibility | Operations and events staff liaison and feedback |
| Provision of a balance of fixed and moveable furniture that facilitate both day to day and event use of external spaces | Furniture facilitates and enhances use of the public domain | Design of public domain has considered the modal role of the space from day to day use to events | Monitoring of use User feedback |
| Management of noise and traffic impacts arising from event use on adjoining residents | Event use is facilitated without undue impacts on adjoining residents and uses | Plan and manage event use to ensure any noise and traffic impacts are compliant with applicable standards | Monitoring of events Community complaints / requests for action |
| Management / control of mobile café spaces to prevent encroachment of pedestrian movement and day to day use of adjoining spaces | Mobile furniture supports café uses and adds to the character of the public domain without unduly impacting general access and use of the space | Define allowable extent of mobile furniture and equipment (umbrellas and the like) Monitor and manage compliance | Monitoring of operations Community complaints / requests for action |
| Management of planned / curated activation of Unity Place | Events of varied scales activate Unit Place and add to the character of the CBD | Provision of a coordinated and curated program of events for Unity Place Effective planning, implementation and review of events | Review of events program Review of events operations Community feedback |

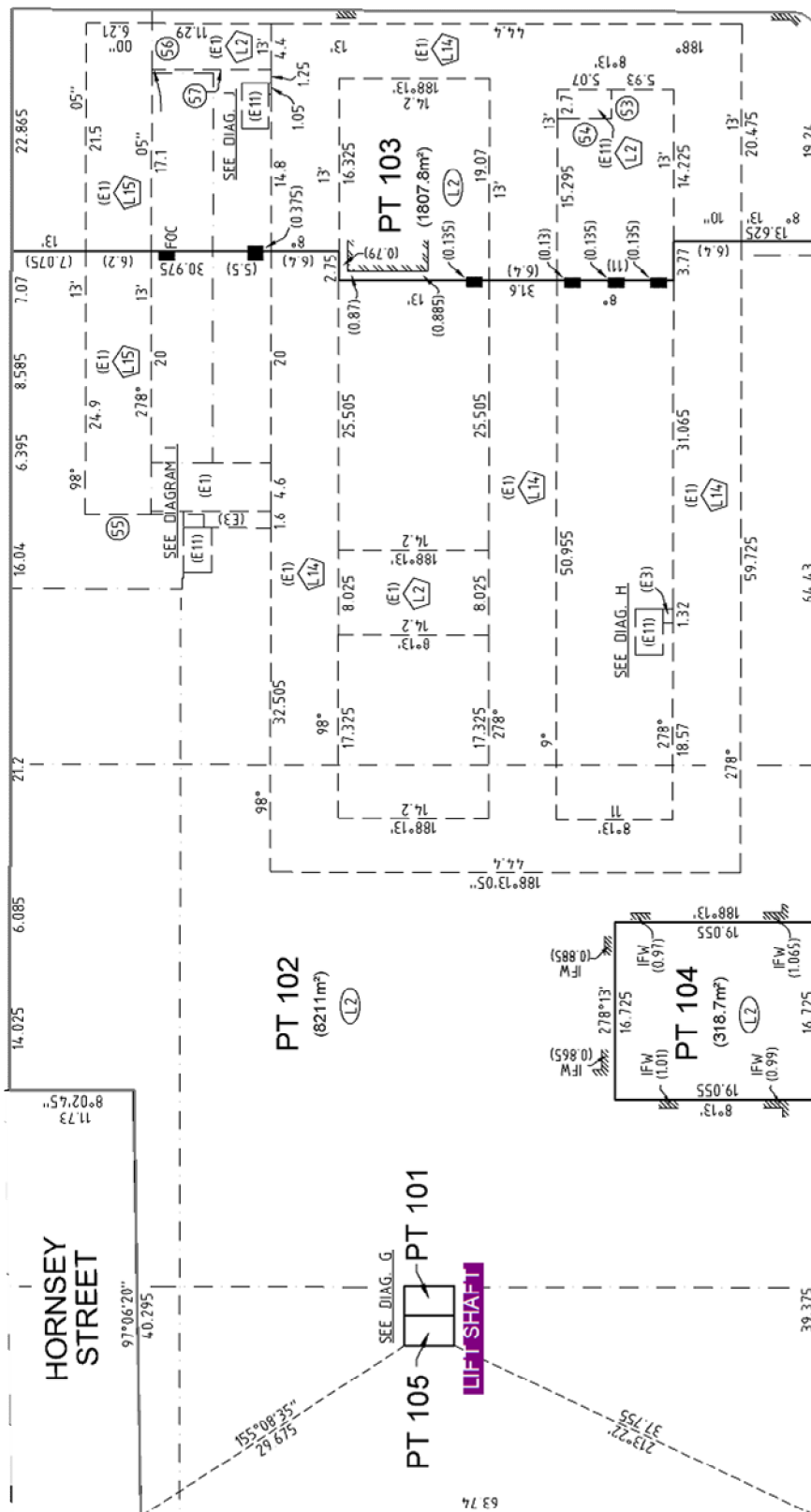
| Management Issues | s.36(3)(b) Objectives and Performance Targets | s.36(3)(c) Means of achievement of objectives | s.36(3)(d) Manner of assessment of performance |
|---|---|---|--|
| Management of potential conflicts between uses within internal spaces | Mixed uses function effectively to internal spaces | Consider operational issues in managing mix of uses to external spaces Monitor conflicts Address conflicts if they are identified | Occurrence of conflicts Addressing of conflicts |
| Maintenance | | | |
| Provision of operational maintenance to maintain function and amenity of spaces | Effective maintenance of external spaces | Maintenance of public domain of Unity Place in accordance with Council service levels | |
| | Effective maintenance of internal spaces | Develop and implement maintenance plan for internal spaces including parking area access Refine / Update as necessary | Maintenance Plan complete Monitoring of plan effectiveness |
| Management | | | |
| Classification of internal Council building spaces as community land | Spaces in Lot 105 DP1258893 are classified as Operational Land to reflect the intention of the original dedication and their ongoing use for operational purposes | Undertake process to reclassify Community Land within Lot 105 DP1258893 to Operational Land | Completion of reclassification |
| Co-function of Council uses with other tenants of building | Council and community activities within Burwood Grand are able to be conducted effectively and in harmony with other building uses | Establish protocols to be observed by management of use on both sides to ensure success of co-use | Protocols established and agreed Protocols implemented Protocols monitored |

| Management Issues | s.36(3)(b) Objectives and Performance Targets | s.36(3)(c) Means of achievement of objectives | s.36(3)(d) Manner of assessment of performance |
|-------------------|--|--|--|
| Asset management | Effective preventative maintenance and renewal of Unity Place public domain | Asset management plan developed Asset Management plan implemented Refine / Update as necessary | Asset management Plan complete Monitoring of plan effectiveness |
| | Effective preventative maintenance and renewal of internal spaces and fixtures to Lot 105 DP1258893. | Asset management plan developed Asset Management plan implemented Refine / Update as necessary | Asset management Plan complete Monitoring of plan effectiveness |

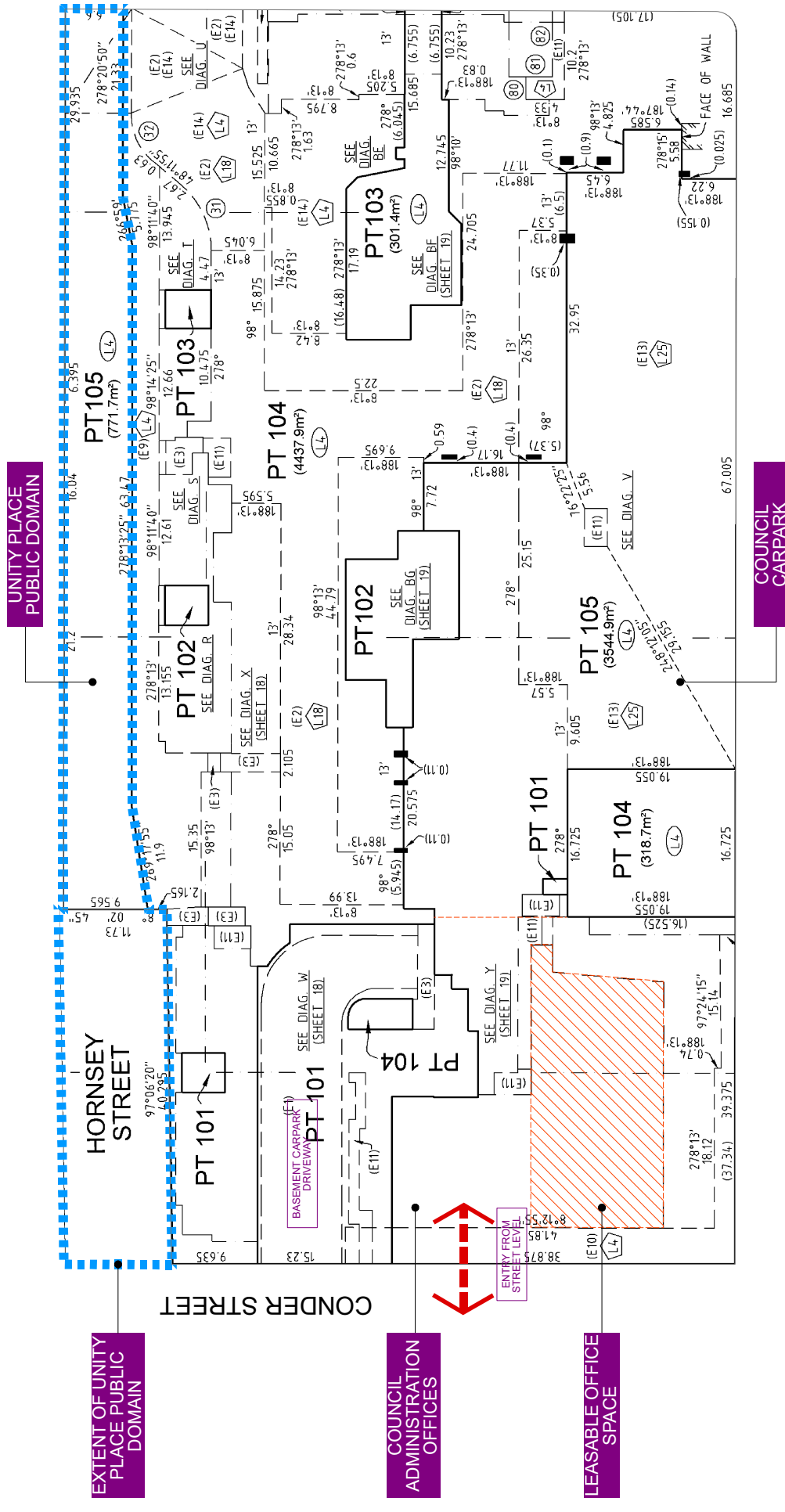
7. Appendix 1 - Maps

The following maps illustrate the location of the spaces subject to this PoM on the various stratum of the subject site.





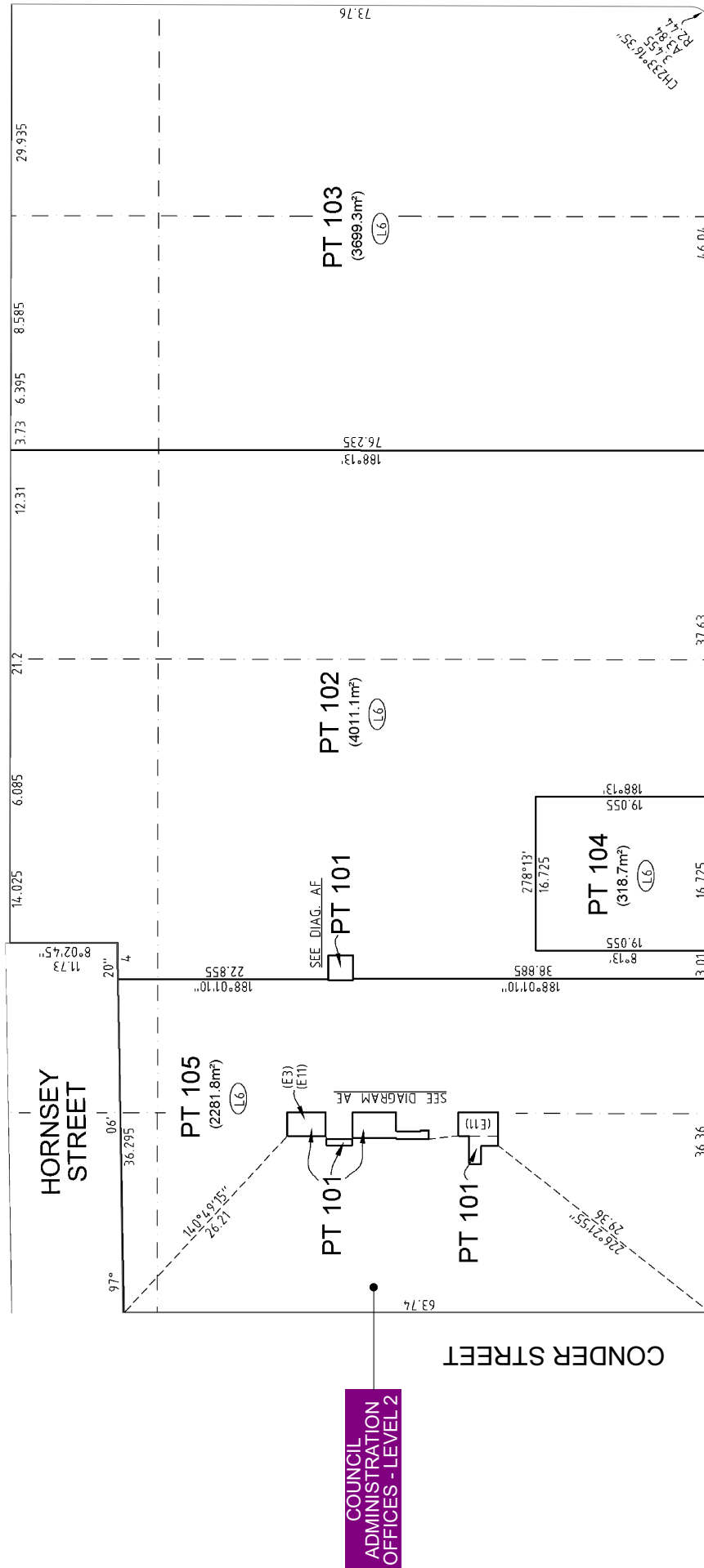




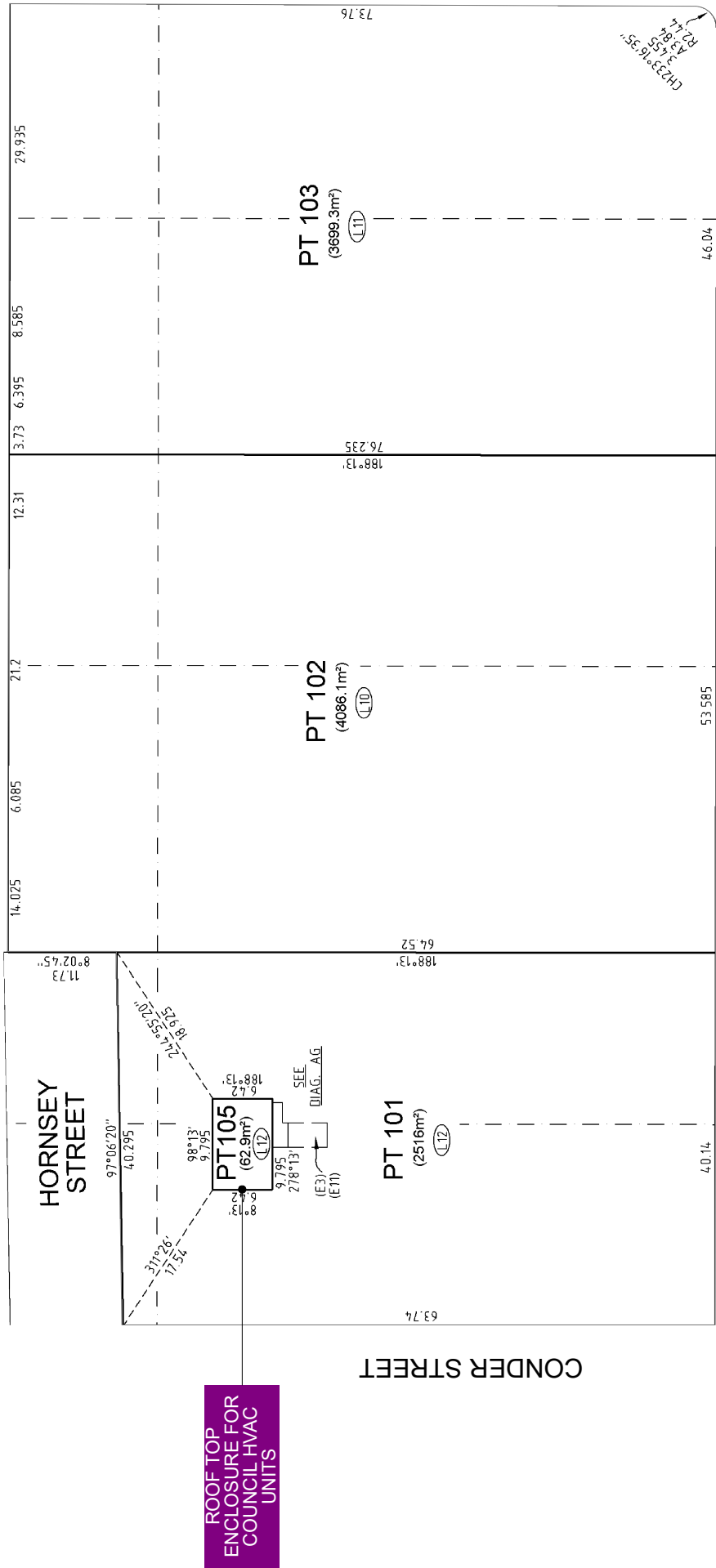
BASEMENT 1



Ground Level



Level 1



Level 11 & Above

8. Appendix 2 – Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described following. Further information regarding these acts is available at www.legislation.nsw.gov.au.

8.1 Local Government Act 1993

Section 35 of the *Local Government Act 1993* (LG Act) provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the category of the land,
 - b) the objectives and performance **targets** of the plan with respect to the land,
 - c) the means by which the council proposes to **achieve** the plan's objectives and performance targets,
 - d) the manner in which the council proposes **to assess its performance** with respect to the plan's objectives and performance targets,
- and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

8.2 Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45 and 46) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

8.3 Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

- Burwood Local Strategic Planning Statement (LSPS) 2020
- Burwood Community Facilities and Open Space Strategy 2019
- Unity Place Places to Love Case Study 2022

8.4 Other state and Commonwealth legislation

NSW state legislation

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies

(SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Biodiversity Conservation Act 2016

Note: This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*.

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

DPIE's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

State Environmental Planning Policies

State Environmental Planning Policy no. 19 – Bushland in urban areas

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area – Bushland.

State Environmental Planning Policy (Infrastructure) 2007

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

This aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

Other relevant legislation, policies and plans

Biodiversity Conservation Act 2016

Biosecurity Act 2015

Catchment Management Authorities Act 2003

Companion Animals Act 1998

Disability Discrimination Act 1992

Environmental Planning and Assessment Act 1979

Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)

Heritage Act 1977

Operations Act 1997

Pesticides Act 1999

Protection of the Environment Operations Act 1997

Retail Leases Act 1994

Telecommunications Act 1997 (Cth)

A Vegetation Management Plan for the Sydney Region (Green Web Sydney)

Australian Natural Heritage Charter



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