



CGM PLANNING

Experienced land use planning specialists
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COUNCIL OF BURWOOD

Public Hearing Report:

Lot 105 of DP1258893 in the Draft Unity Place
Plan of Management

Local Government Act 1993 Section 40A
Categorisation of Community Land

17 October 2022

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1. INTRODUCTION

1.1 Purpose of this report

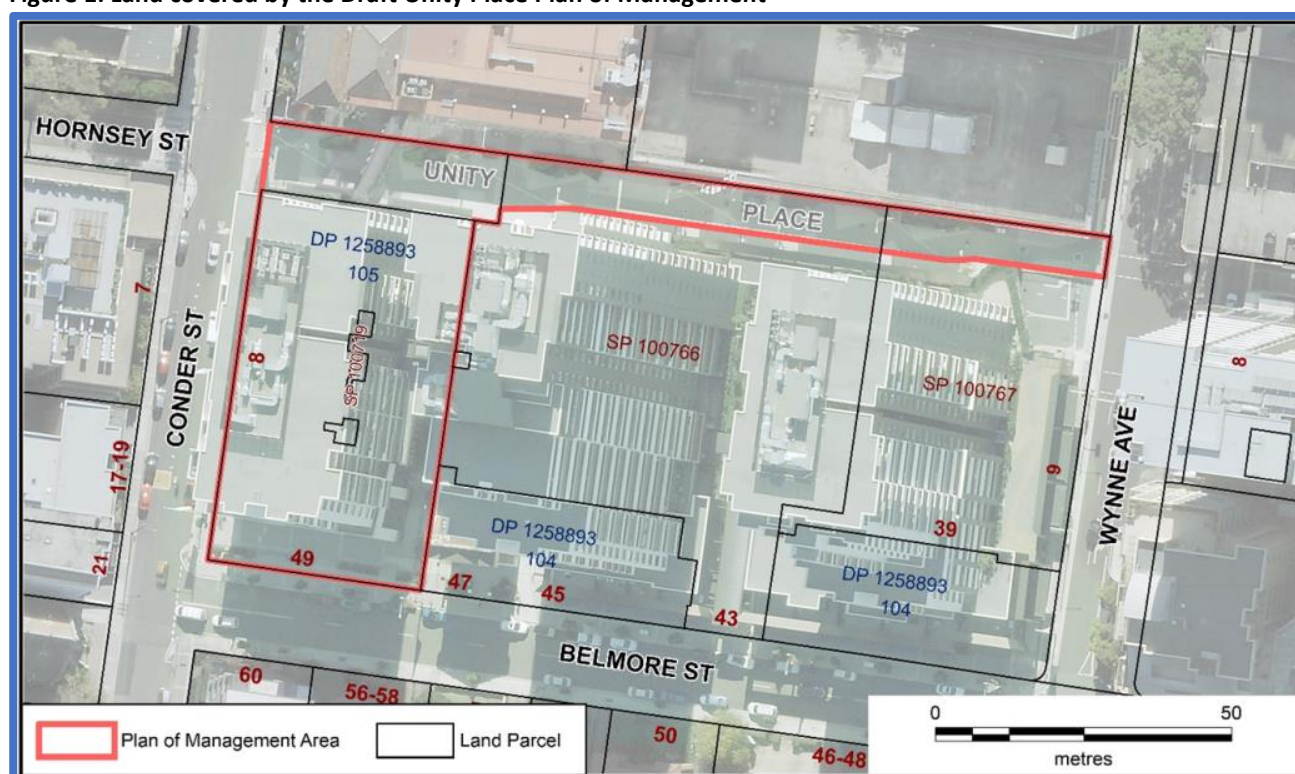
This report provides a summary record of the independently chaired Public Hearing held by the Council of Burwood via video conference on Wednesday 12 October 2022 between 5.00pm and 5.25pm.

The Public Hearing was held in compliance with Chapter 6, Division 2, Section 40A of the *Local Government Act 1993* (LG Act) and was conducted into the proposed categorisation of community land in Council's Draft Unity Place Plan of Management.

1.2 Land covered by this report

The land covered by this report is Lot 105 of DP1258893 at Burwood Grand 39-47 Belmore Street, Burwood. The land is the subject of Council's Draft Unity Place Plan of Management (the draft PoM) and comprises the land in Figure 1.

Figure 1: Land covered by the Draft Unity Place Plan of Management



Source: Draft Unity Place Plan of Management (Figure 3)

The land in the draft PoM is Council-owned land, classified as community land under the LG Act.

Lot 105 of DP1258893 (the Unity Place community land) must have a draft PoM prepared, publicly exhibited and adopted by Council prior to any changes to the nature and use of the land. The PoM defines permitted uses, authorises leases, licences and other estates, as well as setting management action plans with details to provide accountability in implementation and measuring success.

The public hearing is required for the categorisation of the Council-owned land as it is the first time a community land category has been applied to the land.

1.3 Background

Burwood Council prepared the draft PoM for the Unity Place community land and placed the draft PoM on public exhibition for the mandatory minimum for draft PoM public exhibition of 28 days with submissions to the draft PoM being received for a further 14 days.

The public exhibition of the draft PoM specifically provides for submissions about the draft PoM. The draft PoM is on exhibition for a statutory time period of 28 days between 28 September and 26 October 2022 with feedback and comments able to be received until Wednesday 9 November 2022.

The draft PoM can be reviewed and submissions made through Council's Participate Burwood webpage and also be viewed at the Burwood Council Customer Service and Library and the Enfield Aquatic Centre.

<https://participate.burwood.nsw.gov.au/unity-place-draft-plan-management>

2 PLANNING CONTEXT

2.1 Community land

Land owned or controlled by Council is defined in the *Local Government Act 1993* (LG Act) as 'public land', with exceptions such as roads.

All public land is to be classified as either 'community' or 'operational' land (LG Act Chapter 6, Part 2 Division 1).

Classification clearly identifies land which should be kept for use by the general public (community) and that land which need not be kept or may have relatively simple dealings (operational). Classification determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

Community land must not be sold except in limited circumstances referred to in the LG Act. Community land maybe leased or licensed, generally for up to 21 years, but potentially for 30 years with Minister's consent. Community land may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained. No such restrictions apply to operational land.

Community land would ordinarily comprise land such as a public park, sportsgrounds, natural areas or community centres. Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.

The use and management of community land is to be regulated by a plan of management. Until a plan of management is adopted, the nature and use of the land must not change.

Community land must therefore have community land categories assigned and must have community land plans of management adopted by Council.

2.2 Categories of community land

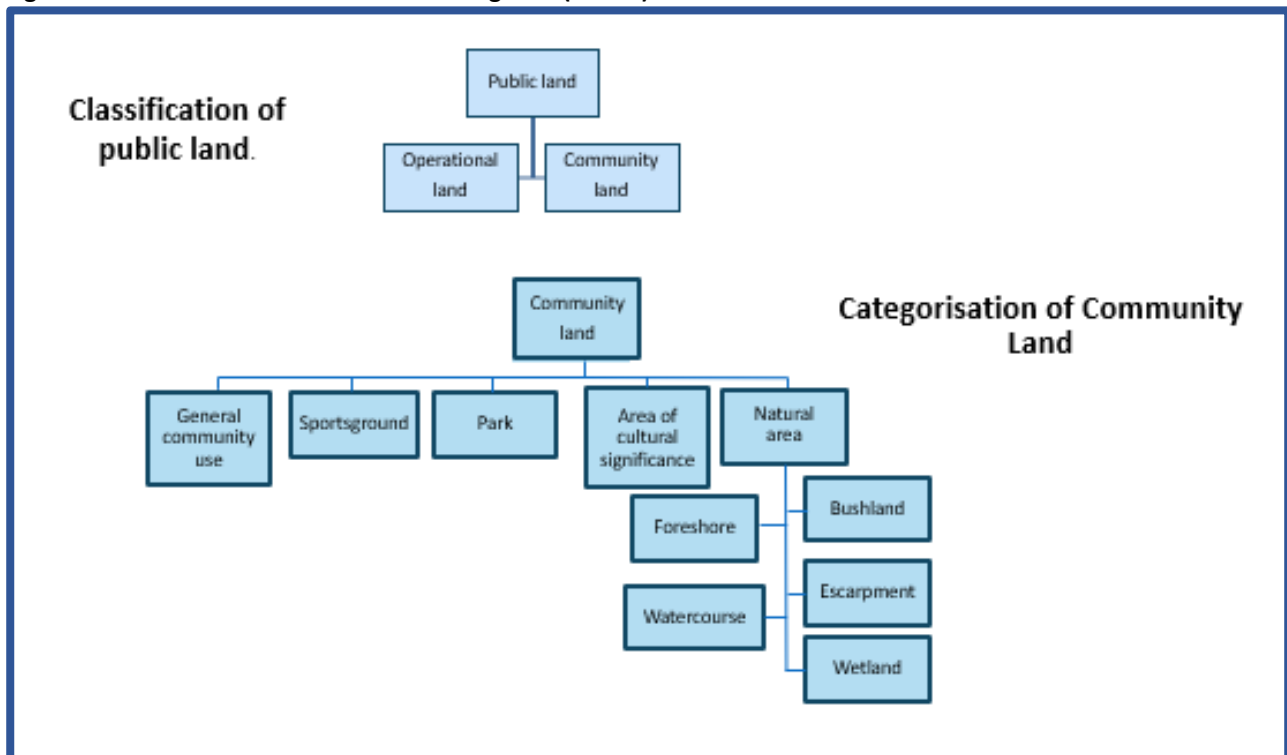
The assignment of the categories is guided by the *Local Government (General) Regulation 2021* (LG Regulation), which provides a description of land and use to guide appropriate assignment of categories to portions of the land.

Community land categories define the core objectives for use, management and development of community land. (LG Act Chapter 6 Part 2 Division 2).

See **Appendix B: Core Objectives and Guidelines for Community Land Categories**.

Figure 2: Classification and Categories shows the classification of public land, and categories of community land.

Figure 2: Public Land Classification and Categories (LG Act)



Source: Office of Local Government plan of management guidelines (2019)

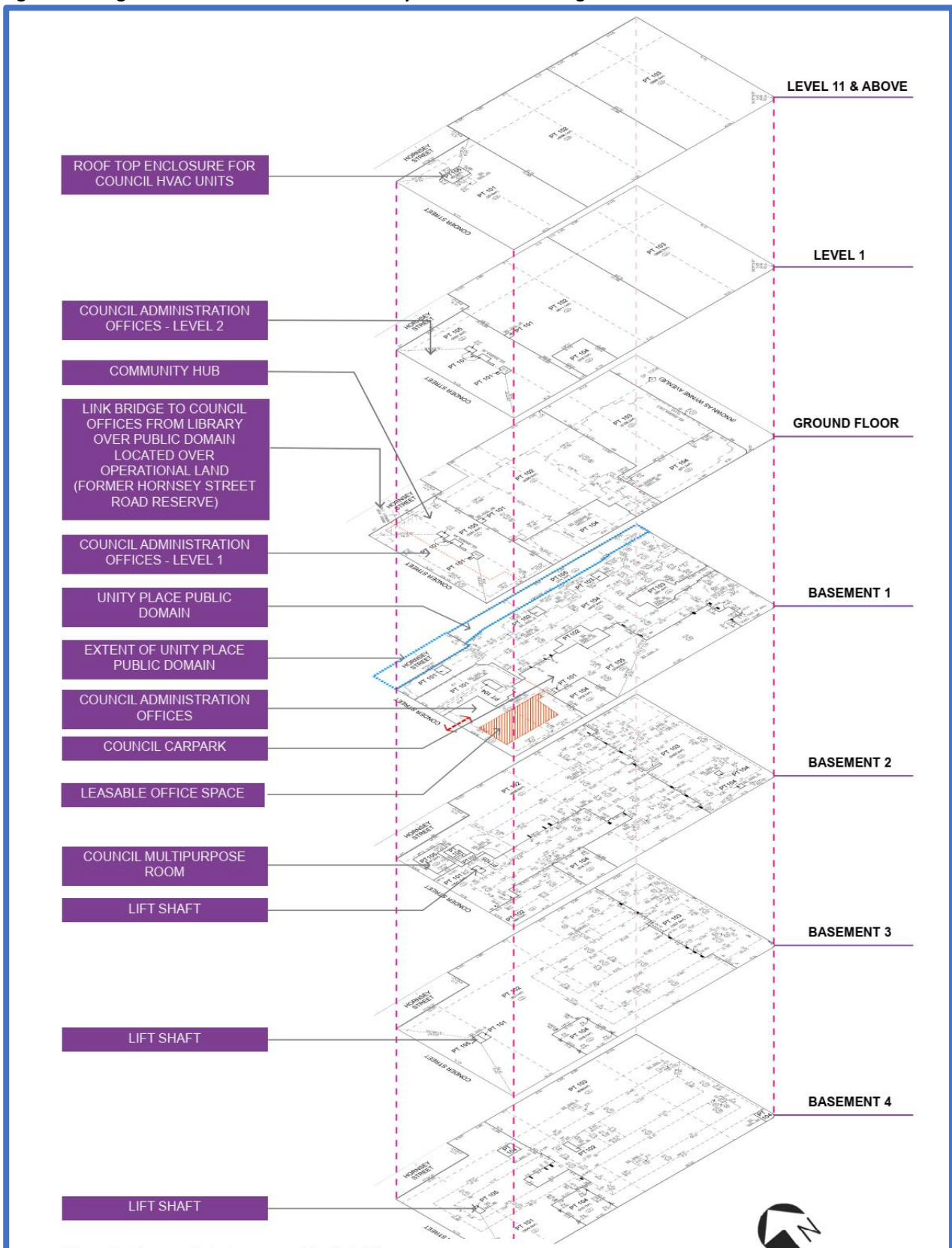
2.3 Community land assignment of categories in the draft PoM

There is one category assigned in the draft PoM over a number of strata levels: General Community Use. The draft PoM applies the category to land for the first time.

The draft PoM details the community land and proposed categorisation. Figure 3 shows the application of the General Community Use category on Lot 105 of DP1258893.

Appendix D: Public Hearing – Council Presentation details the first application of the community land category applied to the land.

Figure 3: Categorisation of land in the Draft Unity Place Plan of Management



Source: Draft Unity Place Plan of Management (Figure 5)

2.4 Proposed categorisation in the draft PoM

The assignment of community land categories in the draft PoM has been undertaken in accordance with the Local Government (General) Regulation 2005, Part 4 Community Land, Division 1 Guidelines for the categorisation of community land.

The draft PoM applies a community land category to the land for the first time and so a public hearing is required under Section 40A of the LG Act.

The NSW Office of Local Government *Practice Note No.1 Public Land Management* states (Page 11):

Guidelines for council to assist in categorisation are provided in the Local Government (General) Regulation (cls.10 - 19). Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that council be able to justify any decision.

2.5 Public hearing for categorisation of community land

The LG Act and the LG Reg both set parameters for the holding of Public Hearings. See **Appendix A** for pertinent legislation extracts. Council must hold a public hearing in respect of a proposed PoM if the proposed plan would have the effect of categorising, or altering the categorisation of, community land.

Council must hold a further public hearing in respect of the proposed plan of management if Council decides to amend the proposed plan after a public hearing and the amendment of the plan would have the effect of altering the categorisation of community land from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

It should be noted that the public hearing is held because of a change, amendment, or first application of a community land category. The Unity Place draft PoM applies a category to the land for the first time.

There is no LG Act legislated time period for a public hearing, except that any public hearing report must be considered by Council prior to making any decision with respect to the matter to which it relates. It is lawful to conduct a LG Act Section 40A public hearing during or after the period of public exhibition of a draft plan of management.

3 THE PUBLIC HEARING

3.1 Advertising and notification

Council advertised the Public Hearing through a notice on the Participate Burwood webpage (30 September 2022) and the draft PoM exhibition was notified in a variety of ways:

- Council's Participate Burwood webpage (28 September 2022);
- Council's e-Newsletters for over 12,000 residents; and
- Council's social media channels including Instagram, Facebook and Twitter.

Appendix C: Public Hearing Notifications shows the notice contents.

3.2 Attendance at the Public Hearing

The Public Hearing was convened and managed by:

- Carl Malmberg, Independent Chair – CGM Planning;
- Colette Goodwin, recording the proceedings - CGM Planning;
- Burwood Council officer:
 - Ms Mikaela Thorogood - Manager Property

There was no members of the public in attendance despite the notifications.

3.3 The Public Hearing

The Public Hearing was conducted via teleconference between 5.00pm and 5.25pm on Wednesday 12 October 2022.

The Chair conducted the meeting providing an outline of the need for, and conduct of the public hearing, and Council's presentation was made. The meeting followed the agenda set out in **Table 1**.

Table1: Public Hearing Agenda

Agenda Item	Speaker
1. Public hearings for categorisation of community land	Independent Chair
2. Background	Independent Chair
3. What is community land?	Burwood Council
4. What are the categories of community land?	Burwood Council
5. Proposed categorisation of Unity Place	Burwood Council
6. Open Questions & Answer session, submissions made	Attendee(s)
7. End of Meeting	Chair

Source: Public Hearing Presentation – Council

3.4 Public Hearing Record

Following the Council of Burwood's Acknowledgment of Country, the Hearing was commenced by the Chair. The Independent Chair confirmed that, as required under the *Local Government Act 1993* (the LG Act), neither he nor other CGM Planning Director, Ms Colette Goodwin, were employees of Council nor a Councillor, nor had either Director been a Council of Burwood employee or Councillor during the last five years.

The Chair explained that this Public Hearing was a requirement under Sections 40A and 47G of the LG Act as the draft plan of management was either assigning a community land category to community land for the first time or altering previously assigned categories.

The Chair also confirmed that the Public Hearing was into the assignment and use of community land categories to the land and that a record of the meeting would be taken and provided in the subsequent public hearing report.

The Chair stated the Public Hearing was essentially about one matter which was the use and nature of the category assigned to the community land in the draft PoM, and that the public exhibition of the draft PoM was the most appropriate forum of submissions about the content, nature and management planning in the draft PoM.

Council presented the community land site and explained the categorisation and the reasons for application of the General Community Use category - see **Appendix D**: Council presentation.

The Chair thanked Ms Thorogood for her presentation and the next steps were outlined by Council and the Chair.

The Chair stated the LG Act requirements that a report of the Public Hearing be provided to Council and that Council must make the report available for public inspection within four days of receipt.

The Chair sought confirmation from Council that any written submissions arising from an inspection of the Hearing report could be received by Council as submissions to exhibition of the draft PoM.

The meeting was closed at approximately 5.25 pm.

4 RECOMMENDATIONS

4.1 Recommendations

This report recommends Council:

1. notes that despite the absence of attendees, the Hearing was duly notified and conducted and this Report contains an accurate record of the Public Hearing held 12 October 2022;
2. makes this Public Hearing Report available for public inspection as required under the LG Act S.47G;
3. considers the report before making any decision with respect to adoption of the draft PoM and formal assignment of the community land categories in the draft PoM as required under the LG Act S.734 Public hearings by a council; and
4. notes that further amendments to, or application of other community land categories in the draft PoM may require an additional Public Hearing under Section 40A of the LG Act.

APPENDIX A: EXTRACTS OF PERTINENT LEGISLATION

Red text is CGM Planning explanatory notes

What does the LG Act say about this Public Hearing?

The LG Act Section 40 sets out the conditions under which Council may adopt a PoM for community land. One of these conditions is that a PoM may not be adopted until any public hearing that may be required under Section 40A is held.

40A Public hearing in relation to proposed plans of management

- (1) The council must hold a public hearing in respect of a proposed plan of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4)
[the five major categories set out in Section 36(4): Natural Area, Sportsground, Park, an Area of Cultural Significance, and General Community Use.]
- (2) However, a public hearing is not required if the proposed plan would merely have the effect of altering the categorisation of the land under section 36(5)
[the five natural area sub-categories set out in Section 36(5): Bushland, Wetland, Escarpment, Watercourse, and Foreshore].
- (3) A council must hold a further public hearing in respect of the proposed plan of management if—
 - (a) the council decides to amend the proposed plan after a public hearing has been held in accordance with this section, and
 - (b) the amendment of the plan would have the effect of altering the categorisation of community land under section 36(4) [the five major categories] from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

A public hearing is required to be held in accordance with LG Act Section 47G.

47G Public hearings

- (2) The person presiding at a public hearing must not be—
 - (a) a councillor or employee of the council holding the public hearing, or
 - (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.
- (3) Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

Section 734 of the LG Act also applies to this public hearing.

734 Public hearings by a council

- (1) This section applies to a **public hearing** that by this Act (section 29(1) except [where reclassification of community land to operational land under EP&A Act]) is required to be arranged by a council with respect to any matter.
- (2) The **public hearing** is to be conducted in such manner as is determined by the council, subject to this Act and the regulations.
- (3) A report of the **public hearing** must be furnished to the council and the council must make the report public.
- (4) The council must consider the report before making any decision with respect to the matter to which it relates.

What does the LG (General) Reg say about this Public Hearing ?

The LG Reg makes reference to submissions in relation to categorisation in a draft PoM.

114 Adoption of draft plan of management in relation to which certain submissions have been made

- (1) This clause applies if—
 - (a) a council prepares a draft plan of management, and
 - (b) the council receives any submission, made in accordance with the Act, concerning that draft plan that makes any objection to a categorisation of land under the draft plan, and
 - (c) the council adopts the plan of management without amending the categorisation that gave rise to the objection.
- (2) If this clause applies, the resolution by which the council adopts the plan of management must state the council's reasons for categorising the relevant land in the manner that gave rise to the objection.

If Council decides to alter the proposed categorisation of community land from that in the Draft Plan of Management and that considered at the public hearing, Council must hold a further public hearing in respect of the proposed Plan of Management (Section 40A(3) of the *Local Government Act 1993*).

APPENDIX B: CORE OBJECTIVES AND GUIDELINES FOR COMMUNITY LAND CATEGORIES

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
Park	<p>The core objectives for management of community land categorised as a park are:</p> <ul style="list-style-type: none"> a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and b) to provide for passive recreational activities or pastimes and for the casual playing of games, and c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. 	<p>The land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.</p>
Sportsground	<p>The core objectives for management of community land categorised as a sportsground are:</p> <ul style="list-style-type: none"> a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and b) to ensure that such activities are managed having regard to any adverse impact on nearby residences. 	<p>The land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.</p>
General Community Use	<p>The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <ul style="list-style-type: none"> 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). 	<p>The land:</p> <ul style="list-style-type: none"> a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and b) is not required to be categorised as a natural area and does not satisfy the guidelines under categorisation as a natural area, a sportsground, a park or an area of cultural significance.
Cultural Significance	<p>The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.</p> <p>Those conservation methods may include any or all of the following methods—</p> <ul style="list-style-type: none"> a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance, 	<p>Land should be categorised as an area of cultural significance under section 36(4) of the Act if the land is—</p> <ul style="list-style-type: none"> a) an area of Aboriginal significance, because the land— <ul style="list-style-type: none"> • has been declared an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974, or • whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or • is of significance or interest because of Aboriginal associations, or

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
	<ul style="list-style-type: none"> b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material, c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state, d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact), e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land. 	<ul style="list-style-type: none"> • displays physical evidence of Aboriginal occupation (for example, items or artifacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or • is associated with Aboriginal stories, or • contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or b) an area of aesthetic significance, by virtue of— <ul style="list-style-type: none"> • having strong visual or sensory appeal or cohesion, or • including a significant landmark, or • having creative or technical qualities, such as architectural excellence, or c) an area of archaeological significance, because the area contains— <ul style="list-style-type: none"> • evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artifacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or • any other deposit, object or material that relates to the settlement of the land, or d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons.
Natural Area	<p>The core objectives for management of community land categorised as a natural area are:</p> <ul style="list-style-type: none"> a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and b) to maintain the land, or that feature or habitat, in its natural state and setting, and c) to provide for the restoration and regeneration of the land, and 	<p>The land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as:</p> <ul style="list-style-type: none"> • bushland, • wetland, • escarpment, • watercourse or

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
	<p>d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and</p> <p>e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>.</p>	<ul style="list-style-type: none"> foreshore.
Bushland	<p>The core objectives for management of community land categorised as bushland are—</p> <p>a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and</p> <p>b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and</p> <p>c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and</p> <p>d) to restore degraded bushland, and</p> <p>e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and</p> <p>f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and</p> <p>g) to protect bushland as a natural stabiliser of the soil surface.</p>	<p>Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the Act if the land contains primarily native vegetation and that vegetation—</p> <p>a) is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</p> <p>Such land includes—</p> <ul style="list-style-type: none"> bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.
Wetland	<p>The core objectives for management of community land categorised as wetland are—</p> <p>a) to protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and</p> <p>b) to restore and regenerate degraded wetlands, and</p>	<p>Land that is categorised as a natural area should be further categorised as wetland under section 36(5) of the Act if the land includes marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.</p>


Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
	c) to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.	
Watercourse	<p>The core objectives for management of community land categorised as a watercourse are—</p> <ul style="list-style-type: none"> a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and c) to restore degraded watercourses, and d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category. 	<p>Land that is categorised as a natural area should be further categorised as a watercourse under section 36(5) of the Act if the land includes—</p> <ul style="list-style-type: none"> a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and b) associated riparian land or vegetation.
Escarpment	<p>The core objectives for management of community land categorised as an escarpment are—</p> <ul style="list-style-type: none"> a) to protect any important geological, geomorphological or scenic features of the escarpment, and b) to facilitate safe community use and enjoyment of the escarpment. 	<p>Land that is categorised as a natural area should be further categorised as an escarpment under section 36(5) of the Act if—</p> <ul style="list-style-type: none"> a) the land includes such features as a long cliff-like ridge or rock, and b) the land includes significant or unusual geological, geomorphological or scenic qualities.
Foreshore	<p>The core objectives for management of community land categorised as foreshore are—</p> <ul style="list-style-type: none"> a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use. 	<p>Land that is categorised as a natural area should be further categorised as foreshore under section 36(5) of the Act if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.</p>

APPENDIX C: PUBLIC HEARING NOTIFICATIONS


Summary

Council advertised the Public Hearing through a notice on the Participate Burwood webpage (30 September 2022) and the draft PoM exhibition was notified in a variety of ways:

- Council's Participate Burwood webpage (28 September 2022);
- Council's e-Newsletters for over 12,000 residents; and.
- Council's social media channels including Instagram, Facebook and Twitter.



HomeProjectsLog In / Join



Notice of Public Hearing for Community Land Categorisation

An independently chaired public hearing will be conducted in relation to the first assignment/application of a category on community land in Burwood.

Home / Notice of Public Hearing for Community Land Categorisation

In accordance with s40A of the Local Government Act 1993, public notice is hereby given that an independently chaired public hearing will be conducted in relation to the first assignment/application of a category on community land in Burwood.

This hearing is to explain the first categorisation of the Council-owned community land (Lot 105 of DP1258893) in the Draft Unity Place Plan of Management.

The Draft Unity Place Plan of Management is currently on exhibition (29 September 2022 to 26 October 2022) and submissions to this Plan of Management can be received until two weeks after this date, being 5pm 9 November 2022.

To view the Draft Unity Place Plan of Management or to make a submission please [click here](#).

To Register

There are three ways you can register:

1. Complete the online submission form below.
2. Email your confirmation of attendance to council@burwood.nsw.gov.au with the subject line Public Hearing – Draft Unity Place Plan of Management
3. Post it to Manager Property, Burwood Council, PO Box 240, Burwood NSW 1805 with the subject line Public Hearing – Draft Unity Place Plan of Management


What's next

Registrants will receive an online meeting invitation or information on the meeting venue for those who do not have computer access.


Following the public hearing, a report will be provided by the Chair which will be available for inspection at Burwood Council, Library & Community Hub. The Public Hearing Report will be submitted together with the final Draft Unity Place Plan of Management for Council's consideration and adoption.

Open

Key Dates


 **Wednesday 12 October 2022 05:00 pm – 06:00 pm**
Hearing Date


Document Library


 **Draft Unity Place Plan of Management**
PDF (12.09 MB)

Who's Listening

Manager, Property

 **Name** Mikaela Thorogood

 **Phone** 9911 9978

 **Email** council@burwood.nsw.gov.au

Hearing Report: Draft Unity Place Plan of Management

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Council of Burwood – Participate Burwood webpage Draft Plan of Management Notice (28 September)



Unity Place Draft Plan of Management

Council is seeking comments from the community on the The Unity Place Draft Plan of Management.

Home / Unity Place Draft Plan of Management

The Draft Plan of Management provides direction for the use and management of a series of council-owned community land parcels, in accordance with the Crown Land Management Act 2016.

We welcome you to download a copy of the Unity Place Draft Plan Of Management which will be available for viewing until Wednesday 26 October 2022 and submit your feedback and comments to Council by Wednesday 9 November 2022. The Draft Plan of Management document can also be viewed at the Burwood Council Customer Service and Library and the Enfield Aquatic Centre.


Following the public exhibition process, submissions will be reviewed and considered for inclusion in the Plan of Management. The Unity Place Draft Plan of Management will also be subject to a Public Hearing as the land is being categorised for the first time. A separate notice of Public Hearing will be issued and will be held during the exhibition period. A report providing a summary of submissions received and amendments made to the draft document will be presented to Council.

How to make a Submission

There are three ways you can lodge a submission:

- Complete the online submission form below.
- Email your submission to council@burwood.nsw.gov.au with the subject line Unity Place Draft Plan of Management
- Post it to Manager Property, Burwood Council, PO Box 240, Burwood NSW 1805.

Document Library

 **Unity Place Draft Plan Of Management**
PDF (12.09 MB)

Timeline

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Public Exhibition (28 days)
29 September to 26 October 2022

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Public Hearing
Mid October 2022

☆

Submissions reviewed and considered by Council
Late November 2022

☆

Adoption of Plan of Management
Late November 2022

[See less](#)

Who's Listening

Manager Property

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Name


Mikaela Thorogood

📧

Email

mikaela.thorogood@burwood.nsw.gov.au

APPENDIX D: COUNCIL PRESENTATION - PUBLIC HEARING




Public Hearing

Categorisation of Community Land: Lot 105 of DP1258893 in the Draft Unity Place Plan of Management

16 October 2022

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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.

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Overview


- Public Hearing for categorisation of community land
- What is community land?
- What are the categories of community land?
- Proposed categorisation of the Unity Place
- Open Questions & Answer session, submissions made

Independent Chair
Carl Malmberg, Director
CGM Planning & Development P/L

Burwood Council
Mikaela Thorogood, Manager Property

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Why a Public Hearing?

- In accordance with s40A of the LG Act, an independently chaired public hearing is to be conducted in relation to the first assignment/application of a category on community land.
- This hearing is to explain the first categorisation of the Council-owned community land (Lot 105 of DP1258893) in the Draft Unity Place Plan of Management.

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What is Community Land?

- Is land owned or controlled by Council and recognised as an important component of the environment.
- Provides opportunities for recreation, leisure, community development and services, and contact with the natural environment.
- It may include a wide variety of properties, ranging from small recreation reserves to iconic parks and buildings.
- Must be categorised and have community land plans of management adopted by Council.

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Plan of Management Overview

- 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 Draft Unity Place PoM provides direction as to the use and management of a series of council-owned community land parcels.
- 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 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.

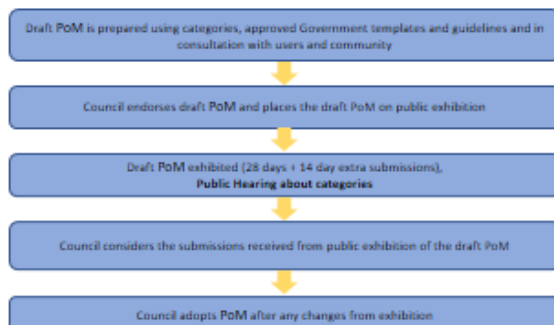
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Plan of Management Process



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Council Endorsement

Council resolved on 27 September 2022 (MN 118/22) that:

1. Council approve the public exhibition of the Draft Unity Place Plan of Management pursuant to Section 38 of the Local Government Act 1993.
2. Council approve the public hearing of the Draft Unity Place Plan of Management pursuant to Section 40A of the Local Government Act 1993.
3. Following the public exhibition and public hearing period, and after considering any comments received during the public exhibition period, the final Unity Place Plan of Management will be submitted to Council for formal adoption.

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Community Consultation

- PoM currently on public exhibition until 26 October 2022 with feedback and comments able to be received until Wednesday 9 November 2022.
- PoM can also be viewed at the Burwood Council Customer Service and Library and the Enfield Aquatic Centre.
- Public Hearing 12 October 2022.
- Public Hearing report made available for public inspection.
- Submissions from the community will be received, and Council will consider these submissions before adopting the PoM at 22 November 2022 Council Meeting.

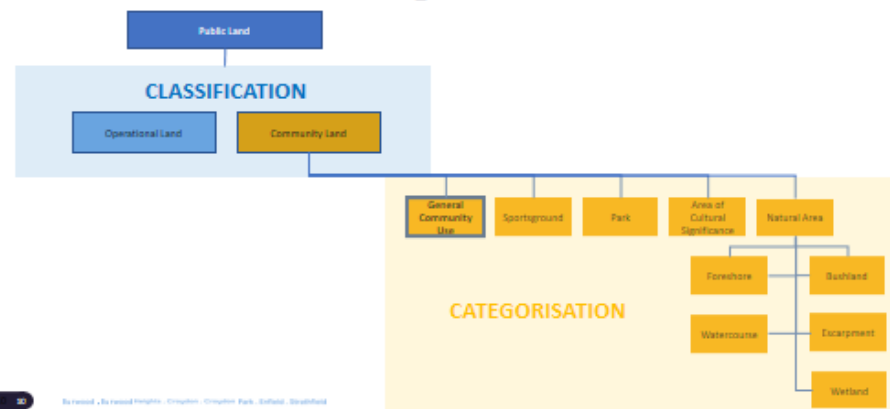
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Classification & Categorisation of Land



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The Lot 105 Community Land Parcel

The land parcel comprises of:

- public domain space
- multipurpose community and commercial space
- 55 car parking spaces
- a link bridge to the Burwood Library and Community Hub
- stratum subdivisions for lift access and plant infrastructure for the internal spaces



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General Community Use

- Defined 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, sportground, park or area of cultural significance.
- Core objectives for community land categorised as general community use, 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).

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Category Use and Objectives

- Draft PoM prepared in direct response to the strategic direction established by Council's Burwood2036, Community Strategic Plan and Property Strategy - to meet the community's expressed needs
- The Draft PoM categories are in accordance with the Local Government (General) Regulation 2005, Part 4, Division 1 Guidelines for categorisation of community land.
- All lands subject to this PoM have been assigned the category of **General Community Use**.
- The objectives for Unity Place is to:
 - promote and encourage spaces that adequately accommodate the diverse needs and uses of the community now and in the future
 - ensure a balance of both commercial and community outcomes, to support the activation and operation of the various spaces within Unity Place

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Plan of Management Area – General Community Use



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What happens after the Public Hearing?

- The Independent Chair will provide a report on the Public Hearing to Council.
- Council will make this report available for public inspection within four days.
- The report will be made available along with the Draft Unity Place PoM.
- Any written submissions about the categorisation of the land will be considered as part of the submissions related to the draft PoM public exhibition.

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Comments & Questions?

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