



Burwood Inc.1874

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NOTICE OF BURWOOD LOCAL PLANNING PANEL MEETING

The meeting of the Burwood Local Planning Panel will be held at on Thursday 21 May 2026 at 6:00 PM to consider the matters contained in the attached Agenda.

Tommaso Briscese
General Manager

Agenda

For a Notice of Burwood Local Planning Panel Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Thursday 21 May 2026 at 6.00pm.

Welcome to the meeting of the Burwood Local Planning Panel

I declare the Meeting opened at

1. Acknowledgement of Country

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

2. Introduction of Panel Members

3. Recording of Meeting

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

4. Explanation of how the panel will operate

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

For each matter, the Council officer will briefly give an overview.

All members of the public who have registered to speak will have the opportunity to address the panel. I will invite you to speak and commence by stating your name and address or whom you represent.

After all speakers have been heard, the panel will adjourn to deliberate on the matter.

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

5. Apologies/Leave of Absences

6. Declarations of Interest by Panel Members

7. Chair introduction of Agenda Item

8. Council Officer Overview

9. Development Applications

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Development Applications

(Item GB4/26) Planning Proposal - BLEP 2012 amendment to include provisions for Design Excellence Competitions

File No: 26/13585

Report by Senior Town Planner; Manager City Planning

Summary

Council has prepared a Planning Proposal (Attachment 1) to amend Clause 6.5 (Design excellence in Zones R1, R3, E1 and MU1) of the Burwood Local Environmental Plan (BLEP 2012) by introducing a new development standard that requires certain developments exceeding 55 metres in height (generally 17 storeys or more) to be subject to a competitive design process.

The Planning Proposal is in response to Council's resolution at its meeting on 28 October 2025, which endorsed the preparation of a Council-led Planning Proposal and public exhibition.

This report seeks the Burwood Local Planning Panel's endorsement of the Planning Proposal for its progression to Gateway Determination.

Operational Plan Objective

- C.3 An urban environment that maintains and enhances our sense of identity and place.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.
- C3.2 Protect our unique built heritage and maintain or enhance local character.
- C.4 Sustainable, integrated transport, infrastructure and networks support population growth and improve liveability and productivity.
- C.4.2 Plan for a city that is safe, accessible and easy to get to and move around in.
- C.1.1 Support and deliver initiatives that encourage high-quality design, sustainable development and enhanced urban amenity.
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- C.10 A well informed community active in civic life, local planning and decision making
- C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making
- A.70 Work with developers to promote sustainable development
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride
- P.34 Facilitate the growth and prosperity of local businesses and target the growth of business sectors and growth industries

Background

Burwood Council has long maintained a strong focus on achieving high-quality development outcomes and embedding design excellence as a core principle across all scales of planning, from individual proposals to precinct-wide strategies. This commitment is reflected in the inclusion and ongoing expansion of design excellence provisions within the Burwood Local Environmental Plan 2012 (BLEP), as well as the establishment and continued use of the Burwood Design Review Panel to provide independent design advice. High-quality design is essential for creating functional, attractive and inclusive places that foster community wellbeing and identity.

As Burwood's role as a Strategic Centre continues to expand, supported by integrated land use and transport planning, it is critical that future high-density environments, particularly within Burwood North, deliver high-quality built form and public domain outcomes. Initiatives such as the

Burwood North Precinct Master Plan aim to provide housing, employment opportunities and public spaces in proximity to key transport nodes. A competitive design process will play an important role in ensuring these emerging communities benefit from urban environments that are liveable, inclusive and of enduring quality.

The benefits of competitive design processes are well established. They provide a robust mechanism for elevating design quality and aligning architectural and urban design outcomes with the public interest. Such processes foster innovation, attract high-calibre design talent, deliver multidisciplinary outcomes, and promote transparency and public confidence. Design competitions are widely used across metropolitan Sydney, including by the City of Sydney, Parramatta, Canada Bay and Penrith, to secure high-quality architectural outcomes. The NSW Government Architect's Design Competition Guidelines (September 2023) provide a consistent and transparent framework for the delivery of these processes.

Following updates to Clause 6.5 of the Burwood Local Environmental Plan 2012 (BLEP 2012), through the gazettal of the State Environmental Planning Policy Amendment (Croydon North Masterplan Precinct) 2026, design excellence is now mandated in Zones R1, R3, E1 and MU1.

In accordance with Council's resolutions of 29 January 2025 and 28 October 2025, Council endorsed the preparation of a Planning Proposal to further amend the BLEP 2012 by incorporating enhanced requirements for design competitions under Clause 6.5 across applicable zones.

The intent of these provisions is to require significant developments, such as mixed-use and residential flat buildings exceeding 55 metres (approximately 17 storeys) as identified in the October 2025 council report and resolution, to undergo a competitive design process in accordance with the NSW Government Architect's Design Competition Guidelines (September 2023). This process is intended to occur prior to the determination of a development application.

The proposed approach complements the existing Burwood Design Review Panel process and supports Council's broader objective of achieving high-quality architecture and public domain outcomes. Design competitions are a proven mechanism for delivering excellence and innovation in built form, while also contributing to place identity, liveability and the quality of the public realm.

Proposal

It is proposed to amend Clause 6.5 of BLEP to introduce a requirement for certain developments exceeding 55 metres in height (generally 17 storeys or more) to be subject to a competitive design process.

Development consent would not be granted unless a design competition has been undertaken and the Council has considered its outcomes.

This requirement would not apply to:

- Buildings of 55 metres or less in height (generally up to 17 storeys);
- Alterations or additions to existing buildings; or
- Applications seeking only modifications to an existing consent, unless the modification results in a taller building.

The 55m building height threshold was determined through a benchmark analysis, comparing competitive design process clauses in the City of Sydney, City of Parramatta, City of Canada Bay, and Penrith City Council LEPs. The 55m threshold is considered appropriate and reflects the scale and intensity of development expected in Burwood Town Centre and Burwood North, where a majority of uplift is anticipated.

Benchmarking Applicability Rationale

A benchmarking review was undertaken of design excellence and competitive design process clauses across the City of Sydney, City of Parramatta, City of Canada Bay and Penrith City Council. The review found that while height triggers vary (generally ranging from 24 metres to 55 metres), higher thresholds are typically applied in areas accommodating larger-scale, high-density development.

Based on this analysis, a 55-metre height threshold is considered an appropriate and proportionate standard for Burwood's strategic precincts. This threshold:

- reflects the scale and intensity of development anticipated in Burwood Town Centre and Burwood North;
- targets significant and complex developments where the benefits of a competitive design process are most pronounced;
- balances design quality expectations with economic feasibility and development viability; and
- retains flexibility for Council to require a design competition for strategic or site-specific proposals where warranted.

Accordingly, the proposed clause identifies a design competition trigger of 55 metres.

The proposed amendment to the wording of Clause 6.5 of BLEP is as follows:

Black Text = Existing LEP

Blue Text = new additional wording for planning proposal

6.5 Design excellence in Zones R1, R3 E1 and MU1

- (1) The objective of this clause is to deliver the highest standard of architectural, landscape and urban design.
- (2) This clause applies to development involving the erection of a new building of at least 3 storeys, or with a height of at least 12m, on land in the following zones—
 - (a) Zone R1 General Residential,
 - (b) Zone R3 Medium Density Residential,
 - (c) Zone E1 Local Centre,
 - (d) Zone MU1 Mixed Use.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence.
- (4) In deciding whether the development exhibits design excellence, the consent authority must have regard to the following matters—
 - (a) whether a high standard of architectural, landscape and urban design has been achieved (including in the materials used and in detailing appropriate to the location, building type and surrounding buildings),
 - (b) whether the form and external appearance of the proposed building, and ground level detailing, will significantly improve the quality and amenity of the public domain,
 - (c) how any streetscape and heritage issues have been addressed,

- (d) whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,
 - (e) how traffic circulation and vehicular access will be addressed and whether the proposed development supports the provision of high quality pedestrian, cycle and service access,
 - (f) whether any adverse effect on pedestrian movement and experience will be avoided (and whether the public transport interchange as the focal point for pedestrian movement in the surrounding area will be reinforced and the ease of pedestrian access to and from that interchange will be facilitated),
 - (g) (Repealed)
 - (h) how the bulk, mass, modulation, separation, setback and height of buildings have been addressed and whether they are appropriate in the context of existing and proposed buildings,
 - (i) whether a high standard of ecologically sustainable design (including low-energy or passive design) will be achieved and overshadowing, wind effects and reflectivity will be minimised,
 - (j) for development in Zones E1 and MU1—whether open spaces in the development are designed and distributed in a way that meets the needs of residents and visitors.
- (5) Development consent must not be granted to the following development to which this clause applies unless a **competitive design process** has been held—
- (a) development relating to a new building that is proposed to have a building height of more than 55 metres, or
 - (b) development relating to a new building that is proposed to have more than 17 storeys.
- (6) Subclause (5) does not apply if—
- (a) the consent authority certifies in writing that a competitive design process is not required, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the advice of the design review panel.
- (7) In deciding whether to grant development consent to development referred to in subclause (5), the consent authority must take into account the results of the competitive design process.
- (8) In this clause **competitive design process** means a design competition held in accordance with the Design Competition Guidelines published by the NSW Department of Planning, Housing and Infrastructure in September 2023.

Consultation

The Draft Design Competition Provisions was publicly exhibited on Council's Participate Burwood online engagement platform for 48 days from 1 November - 19 December 2025 in accordance with

the requirements of the Environmental Planning and Assessment Regulation 2021 and Council's Community Participation Plan.

Members of the public, stakeholders and affected parties were able to view the proposal and provide their comments through the platform. Council received one (1) submission. The submission is summarised as follows:

Submission Received	Council's Response
<p>The submission raises concerns for how the application of the new provisions will be governed and the decisions regarding the design of future buildings. This is to avoid poor quality design and associated visual impacts.</p> <p>The submission highlights the importance of selecting the right candidates for the judging panel, to achieve positive changes and avoiding buildings mistakes of the past.</p>	<p>The primary intent of the new provisions is to achieve a high standard of architectural design and a high level of amenity for future high-density developments that trigger the design competition requirements. The design competition will be held in accordance with the Design Competition Guidelines (September 2023) prepared by the NSW Government Architect.</p> <p>A design competition involves the submission of design responses by a minimum of 3 design teams for a proposed development, allowing the comparative evaluation of different approaches.</p> <p>Applications are judged by the competition jury panel comprising of qualified design experts who have industry-recognised design qualifications and are registered in their profession. Accordingly, design competitions would be led by industry experts to ensure that the best architectural, urban design and planning outcomes are achieved.</p>

Planning or Policy Implications

The proposal introduces a new subclause to Clause 6.5 of the BLEP 2012 to strengthen the delivery of design excellence using competitive design processes. This amendment will require major developments to undergo a competitive design process, embedding best-practice design principles within the statutory planning framework.

The proposed amendment is consistent with the objectives of the Environmental Planning and Assessment Act 1979.

The Burwood Design Competition Guidelines will be prepared following Gateway Approval of the Planning Proposal to assist in the implementation of the program.

Financial Implications

There are no financial implications to amending the BLEP as proposed. If amended, Council's schedule of fees and charges will be updated accordingly to administer a competitive design process.

Conclusion

Council is proposing amendments to Clause 6.5 of the BLEP 2012 to introduce a requirement for certain developments exceeding 55 metres in height to be subject to a competitive design process. This requirement aims to improve design outcomes across Burwood's higher density areas and is consistent with other Councils within metropolitan Sydney.

It is recommended that the Burwood Local Planning Panel support the Planning Proposal and provide advice to Council to proceed with the proposed BLEP 2012 amendments.

Recommendation(s)

That the Burwood Local Planning Panel:

1. Support the Planning Proposal to amend Clause 6.5 of the BLEP 2012.
2. Support the Planning Proposal to proceed to Gateway Determination.
3. Delegate the General Manager to undertake minor modifications to any numerical, typographical, interpretation and formatting errors, or amend any element of the Planning Proposal to meet the requirements for Gateway Determination.

Attachments

- 1 [↓](#) Draft Planning Proposal Report - LEP Amendment - Design Excellence Competitions
- 2 [↓](#) Council Meeting Report - 28.10.2025 - LEP Amendment - Design Excellence Competitions
- 3 [↓](#) Council Meeting Minutes - 28 October 2025
- 4 [↓](#) NSW Government Architect Design Competition Guidelines 2023



Planning Proposal

Amendment to Clause 6.5 (Design excellence in Zones R1, R3, E1 and MU1) of the Burwood Council LEP 2012 to include new provisions for Design Excellence Competitions

May 2026

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

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Attachments

Attachment 1: Council Report

Attachment 2: Council Meeting Minutes

Attachment 3: Public submission

Introduction

Burwood Council proposes to amend the Burwood Local Environmental Plan (BLEP 2012) to update Clause 6.5 (Design excellence in Zones R1, R3, E1 and MU1), by introducing a new development standard that requires certain developments exceeding 55 metres in height (generally 17 storeys or more) to undergo a competitive design process.

It is proposed that competitions for design excellence are undertaken in accordance with the *Design Competition Guidelines* (September 2023) prepared by the NSW Government Architect.

This new design competition process will complement the existing Burwood Design Review Panel process and augment design outcomes across Burwood's higher density areas, supporting Council's broader goal of delivering high-quality architecture and public spaces.

This Planning Proposal has been prepared following Burwood Council's resolution of 28 October 2025, and is submitted to the Department of Planning, Housing and Infrastructure to seek Gateway Approval, to formally amend BLEP 2012.

Background

Burwood Council has long maintained a strong focus on achieving high-quality development outcomes and embedding design excellence as a core principle across all scales of planning – from individual proposals to precinct-wide strategies. High-quality design is essential for creating functional, attractive, and inclusive places that foster community wellbeing and identity.

As Burwood's role as a Strategic Centre continues to expand, supported by integrated land-use and transport planning, it is critical that future high-density environments – particularly in the Burwood Town Centre and Burwood North – deliver outstanding built-form and public-domain outcomes. Initiatives such as Council's Burwood North Precinct Masterplan and State Significant Developments in the Burwood Town Centre aim to provide housing, jobs, and public spaces around key transport nodes. A competitive design process will be essential to ensuring these future communities benefit from urban environments that are liveable, inclusive, and of enduring quality.

Part 1 – Objectives and intended outcomes

The purpose of this Planning Proposal is to amend the BLEP 2012 and update the development standards under Clause 6.5 to introduce a requirement for certain developments exceeding 55 metres in height (generally 17 storeys or more) to be subject to a competitive design process.

Design competitions are a proven mechanism for raising design quality and aligning architectural and urban design outcomes with the public interest. The requirement for design competitions is vital to the progression of Burwood as a city and role as a strategic centre which is continuing to expand and supported by integrated land-use and transport planning. It is therefore critical that future high-density environments, particularly in the Burwood Town Centre and Burwood North precinct, deliver outstanding built-form and public-domain outcomes.

Design competitions are widely used across metropolitan Sydney, including the City of Sydney, Parramatta, Canada Bay and Penrith, to secure high-quality architectural outcomes. The 55m building height threshold was determined through a benchmark analysis, comparing competitive design process clauses in the City of Sydney, City of Parramatta, City of Canada Bay, and Penrith City Council LEPs. The 55m threshold is considered appropriate and reflects the scale and intensity of development currently being proposed in the Burwood Town Centre and expected in Burwood North, where the majority of uplift is anticipated.

Council previously requested for the Department of Planning, Housing and Infrastructure to amend Clause 6.5 of the BLEP 2012 to enable design competitions for significant developments as part of the State Environmental Planning Policy Amendment (Croydon North Masterplan Precinct) 2026. This was not actioned as the higher-density development controls in Burwood Town Centre and Burwood North were not proposed under the Croydon Masterplan. Consequently, a separate, Council-led planning proposal is required to achieve the intended outcomes.

Part 2 – Explanation of Provisions

This Planning Proposal seeks Gateway Approval from DPHI to amend the *Burwood Local Environmental Plan 2012* (BLEP 2012) by amending the development standards in BLEP 2012 (in blue) as follows:

6.5 Design excellence in Zones R1, R3 E1 and MU1

- (1) The objective of this clause is to deliver the highest standard of architectural, landscape and urban design.
- (2) This clause applies to development involving the erection of a new building of at least 3 storeys, or with a height of at least 12m, on land in the following zones—
 - (a) Zone R1 General Residential,
 - (b) Zone R3 Medium Density Residential,
 - (c) Zone E1 Local Centre,
 - (d) Zone MU1 Mixed Use.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence.
- (4) In deciding whether the development exhibits design excellence, the consent authority must have regard to the following matters—
 - (a) whether a high standard of architectural, landscape and urban design has been achieved (including in the materials used and in detailing appropriate to the location, building type and surrounding buildings),
 - (b) whether the form and external appearance of the proposed building, and ground level detailing, will significantly improve the quality and amenity of the public domain,
 - (c) how any streetscape and heritage issues have been addressed,

- (d) whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,
 - (e) how traffic circulation and vehicular access will be addressed and whether the proposed development supports the provision of high quality pedestrian, cycle and service access,
 - (f) whether any adverse effect on pedestrian movement and experience will be avoided (and whether the public transport interchange as the focal point for pedestrian movement in the surrounding area will be reinforced and the ease of pedestrian access to and from that interchange will be facilitated),
 - (g) (Repealed)
 - (h) how the bulk, mass, modulation, separation, setback and height of buildings have been addressed and whether they are appropriate in the context of existing and proposed buildings,
 - (i) whether a high standard of ecologically sustainable design (including low-energy or passive design) will be achieved and overshadowing, wind effects and reflectivity will be minimised,
 - (j) for development in Zones E1 and MU1—whether open spaces in the development are designed and distributed in a way that meets the needs of residents and visitors.
- (5) Development consent must not be granted to the following development to which this clause applies unless a **competitive design process** has been held—
- (a) development relating to a new building that is proposed to have a building height of more than 55 metres, or
 - (b) development relating to a new building that is proposed to have more than 17 storeys.
- (6) Subclause (5) does not apply if—
- (a) the consent authority certifies in writing that a competitive design process is not required, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the advice of the design review panel.
- (7) In deciding whether to grant development consent to development referred to in subclause (5), the consent authority must take into account the results of the competitive design process.
- (8) In this clause **competitive design process** means a design competition held in accordance with the Design Competition Guidelines published by the NSW Department of Planning, Housing and Infrastructure in September 2023.

Part 3 – Justification of Strategic and Site-specific merit

Section A – Need for the Planning Proposal

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

This Planning Proposal has been prepared as a result of Burwood Council's resolution of 28 October 2025.

The proposal complements the existing Burwood Design Review Panel process and supports Council's broader goal of ensuring high-quality architecture and public spaces.

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

The Planning Proposal is the only means of amending the BLEP 2012, to update Clause 6.5 and impose the requirement for design competitions for developments exceeding 55 metres in height. The intent of the new provisions is to raise design quality and achieve the best planning and amenity outcomes for future developments.

Section B – Relationship to the strategic planning framework

3. *Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy?*

Yes.

The inclusion of design competitions can align with the Greater Sydney Region Plan, Eastern City District Plan, the Burwood Local Strategic Planning Statement, and the draft Sydney Plan when they are used to implement and achieve the planning priorities and directions identified in these plans and policy documents.

A discussion on how the Planning Proposal meets the objectives and visions of each of these plans is provided below:

A Metropolis of Three Cities – Greater Sydney Region Plan

A Metropolis of Three Cities is a regional plan for Greater Sydney which was prepared by the Greater Cities Commission (GCC) in 2018. It sets a 40-year vision for the Greater Sydney region and is intended to inform key priorities for district and local plans.

The Greater Sydney Region Plan (The Region Plan) identifies key priorities for managing Greater Sydney's growth, focusing on the importance of meeting dwelling and employment targets, infrastructure and collaboration, liveability, productivity and sustainability.

Burwood is located within the Eastern Harbour City and is identified as a Strategic Centre given its accessibility and connectivity to both the Harbour CBD and Parramatta CBD. This location enables Burwood to access a broad range of goods, services and jobs which attracts high levels of private sector investment. As such, the Region Plan identifies Burwood as an area within a regionally significant urban growth area.

The updated Clause 6.5 of the BLEP 2012 will meet the following objectives of the Region Plan:

- **Objective 6:** Services and infrastructure meet communities' changing needs
- **Objective 12:** Great places that bring people together
- **Objective 22:** Investment and business activity in centres

Eastern City District Plan 2056

The GCC released the Eastern City District Plan (the District Plan) on 18 March 2018 to give effect to the Greater Sydney Regional Plan.

The District Plan is a 20-year plan which sets out a strategic planning context and aims to manage and support the growth of Greater Sydney's Eastern District, which includes Burwood. The District Plan contains priorities and actions to guide the development and planning of the Eastern District while improving the district's social, economic and environmental assets.

The new Clause 6.5 of the BLEP 2012 will facilitate achieving the following Planning Priorities under the District Plan:

- **Planning Priority E6:** Creating and renewing great places and local centres, and respecting the District's heritage

Burwood Local Strategic Planning Statement (LSPS)

Burwood Local Strategic Planning Statement delivers on the NSW Government's Regional Plan for Sydney, A Metropolis of Three Cities, and the Eastern City District Plan, implementing priorities and actions at the local level.

The LSPS sets out the Burwood community's economic, social and environmental land use needs up to 2040. Key elements of the LSPS Planning Priorities that align with the aspirations of this project include:

- **P4.** Provide high quality planning and urban design outcomes for key sites and precincts.
- **P5.** Identify local character areas considering preservation, enhancement and desired future character.

Draft Sydney Plan

The draft Sydney Plan sets out a 5-year housing target involving 3,300 new dwellings within Burwood. This will be facilitated through the intensification of housing developments in Burwood Town Centre and higher density in and around the Burwood North Metro station. Given that high-density built forms will increase, design excellence will be imperative to ensure new developments are of a high architectural standard, enhance urban liveability outcomes, and provide a positive contribution to the urban landscape and emerging character.

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

Yes. The Planning Proposal is consistent with Council's Local Strategic Planning Statement (LSPS) which was endorsed by the former GSC in March 2020. Council's LSPS sets a long-term vision for the growth of the LGA and identifies objectives and planning priorities in achieving the goals.

Planning Priority 5 of the LSPS states *Identify local character areas considering preservation, enhancement and desired future character*. The LSPS also states that Council is working with the Government Architect NSW and DPIE (now DPHI) to improve urban design and public space outcomes in special character areas and to develop local character statements.

The proposed new provisions for design excellence competitions are in line with this LSPS planning priority as it requires large scale developments to undergo the design competition process set out by the Government Architect NSW to achieve the best architectural, urban design and amenity outcomes. Such developments will shape and enhance the future character of Burwood's high-density precincts.

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

Yes. The Planning Proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State Environmental Planning Policies.

6. *Is the Planning Proposal consistent with applicable State Environmental Planning Policies?*

Yes. The amendments proposed in this Planning Proposal will not contravene any State Environmental Planning Policies (SEPPs).

It is noted that the subject Planning Proposal would not contravene the development standards under the State Environmental Planning Policy Amendment (Croydon North Masterplan Precinct) 2026. Council previously requested for the Department of Planning, Housing and Infrastructure to amend Clause 6.5 of the BLEP 2012 to enable design competitions for significant developments as part of the State Environmental Planning Policy Amendment (Croydon North Masterplan Precinct) 2026. This was not actioned as the higher-density development controls in Burwood Town Centre and Burwood North were not proposed under the Croydon Masterplan. Consequently, a separate, Council-led planning proposal is required to achieve the intended outcomes.

All SEPPs applicable to the Burwood local government area are set out in Table 5 below, together with a comment regarding the Planning Proposal's consistency:

Table 5: Consistency with State Environmental Planning Policies

SEPPs	Comments
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Housing) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Industry and Employment) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Planning Systems) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Precincts—Central River City) 2021	Not relevant
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Not relevant
State Environmental Planning Policy (Precincts—Regional) 2021	Not relevant
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Not relevant
State Environmental Planning Policy (Primary Production) 2021	Not relevant
State Environmental Planning Policy (Resilience and Hazards) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Resources and Energy) 2021	Not relevant
State Environmental Planning Policy (Sustainable Buildings) 2022	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.

7. Is the Planning Proposal consistent with applicable Local Planning Directions (Former Ministerial Directions)?

Yes. Consistency with the list of Directions (under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* issued by the Minister for Planning) is set out in Table 6 below.

Table 6: Consistency with Local Planning (Former Ministerial) Directions

Direction		Comments
Focus area 1: Planning Systems		
1.1	Implementation of Regional Plans	The Planning Proposal is consistent with this Direction. The Planning Proposal is consistent with the applicable regional plan being the Greater Sydney Regional Plan: A Metropolis of Three Cities. Burwood falls under the Eastern City District within the Plan.
1.2	Development of Aboriginal Land Council land	Not relevant.
1.3	Approval and Referral Requirements	The Planning Proposal will not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development.
1.4	Site Specific Provisions	The Planning Proposal is consistent with this Direction. The amended BLEP provisions will require design competitions to be held for developments that are 55m and above, in Zones R1, R3, E1 and MU1.
1.4A	Exclusion of Development Standards from Variation	The new development standards proposed under Clause 6.5 of the BLEP 2012 do not contravene with the provisions under Clause 4.6 of the BLEP 2012.
Direction		Comments
Focus area 1: Planning Systems – Place based		
1.5	Parramatta Road Corridor Urban Transformation Strategy	The new development standards proposed under Clause 6.5 of the BLEP 2012 do not contravene with the visions and principles of the Parramatta Road Corridor Urban Transformation Strategy.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not relevant.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not relevant.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not relevant.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not relevant.
1.10	Implementation of the Western Sydney Aerotropolis Plan	Not relevant.

Direction		Comments
1.11	Implementation of Bayside West Precincts 2036 Plan	Not relevant.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not relevant.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not relevant.
1.14	Implementation of Greater Macarthur 2040	Not relevant.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not relevant.
1.16	North West Rail Link Corridor Strategy	Not relevant.
1.17	Implementation of the Bays West Place Strategy	Not relevant.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not relevant.
1.19	Implementation of the Westmead Place Strategy	Not relevant.
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not relevant.
1.21	Implementation of South West Growth Area Structure Plan	Not relevant.
1.22	Implementation of the Cherrybrook Station Place Strategy	Not relevant.
Focus area 2: Design and Place		
Focus area 3: Biodiversity and Conservation		
3.1	Conservation zones	Not relevant.
3.2	Heritage Conservation	<p>Any future development application that involves a heritage item or is located within a heritage conservation area and triggers the requirements of the amended provisions under Clause 6.5 of the BLEP 2012, will be assessed in accordance with Clause 5.10 (Heritage Conservation) of the BLEP 2012. This approach ensures that all heritage items and conservation areas are appropriately protected. Furthermore, any proposal involving a heritage item or area must consider the protection and enhancement of such items as part of the design.</p> <p>Consequently, the Planning Proposal does not include any provisions that conflict with existing heritage conservation requirements.</p>
3.3	Sydney Drinking Water Catchments	Not relevant.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not relevant.

Direction		Comments
3.5	Recreation Vehicle Areas	Not relevant.
3.6	Strategic Conservation Planning	Not relevant.
3.7	Public Bushland	Not relevant.
3.8	Willandra Lakes Region	Not relevant.
3.9	Sydney Harbour Foreshores and Waterways Area	Not relevant.
3.10	Water Catchment Protection	Not relevant.
Focus area 4: Resilience and Hazards		
4.1	Flooding	Any development on land that is flood affected must consider flood controls and considerations in the design of the development.
4.2	Coastal Management	Not relevant.
4.3	Planning for Bushfire Protection	Not relevant.
4.4	Remediation of Contaminated Land	Any future development on land that is contaminated must be appropriately remediated and made suitable for the proposed use as part of the development.
4.5	Acid Sulfate Soils	Not relevant.
4.6	Mine Subsidence and Unstable Land	Not relevant.
Focus area 5: Transport and Infrastructure		
5.1	Integrating Land Use and Transport	Future development proposals triggering the new standards under Clause 6.5 the BLEP 2012 will need to consider access to transport and a green transport plan. The Planning Proposal is consistent with this Direction.
5.2	Reserving Land for Public Purposes	Not relevant.
5.3	Development Near Regulated Airports and Defence Airfields	Not relevant.
5.4	Shooting Ranges	Not relevant.
5.5	High Pressure Dangerous Goods Pipelines	Not relevant.

Focus area 6: Housing		
6.1	Residential Zones	The amended BLEP 2012 provisions will require design competitions to achieve the best design solutions for high rise developments within including Zones R1, R3, E1 and MU1 which permit residential development. Accordingly, the Planning Proposal is consistent with this Direction.
6.2	Caravan Parks and Manufactured Home Estates	Not relevant.
Focus area 7: Industry and Employment		
7.1	Employment Zones	Not relevant.
7.2	Reduction in non-hosted short-term rental accommodation period	Not relevant.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not relevant.
Focus area 8: Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	Not relevant.
Focus area 9: Primary Production		
9.1	Rural Zones	Not relevant.
9.2	Rural Lands	Not relevant.
9.3	Oyster Aquaculture	Not relevant.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Not relevant.

Section C – Environmental, Social and Economic Impact

- 8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?***

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats affected by the Planning Proposal.

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

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

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

The Planning Proposal is considered to have a positive social effect for the community, as it seeks to achieve the best architectural, urban design and amenity outcomes for future high-density developments. The purpose of the design competition is to select the best design option for future development proposals, in order to create a positive contribution to the public domain and urban landscape within Burwood.

The Planning Proposal is not expected to have any adverse social or economic effects.

Section D – Infrastructure (Local, State and Commonwealth)

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

The proposal relates to design excellence and seeks to improve design outcomes across Burwood's higher density areas. Any development application for any new high density/ high rise building must consider the adequacy of public infrastructure to support the proposed new development. Accordingly, all future development applications which trigger the new Clause 6.5 design competition requirements must consider the suitability of the development and the capacity for existing infrastructure to support the development.

Section E – State and Commonwealth Interests

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

Pre Gateway consultation

The proposal is minor in nature and as such, no State or Commonwealth authorities have been consulted as part of the preparation of this Planning Proposal.

Post Gateway consultation

Given the nature of the proposal, consultation with external government agencies is not considered necessary.

Part 4 – Community Consultation

The Draft Design Competition Provisions was publicly exhibited on Council’s Participate Burwood online engagement platform for 48 days from 1 November - 19 December 2025 in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021 and Council’s Community Participation Plan.

Members of the public, stakeholders and affected parties were able to view the proposal and provide their comments through the platform. Council received one (1) submission. The submission is summarised as follows:

Submission Received	Council’s Response
<p>The submission raises concerns for how the application of the new provisions will be governed and the decisions regarding the design of future buildings. This is to avoid poor quality design and associated visual impacts.</p> <p>The submission highlights the importance of selecting the right candidates for the judging panel, to achieve positive changes and avoiding buildings mistakes of the past.</p>	<p>The primary intent of the new provisions is to achieve a high standard of architectural design and a high level of amenity for future high-density developments that trigger the design competition requirements. The design competition will be held in accordance with the Design Competition Guidelines (September 2023) prepared by the NSW Government Architect.</p> <p>A design competition involves the submission of design responses by a minimum of 3 design teams for a proposed development, allowing the comparative evaluation of different approaches.</p> <p>Applications are judged by the competition jury which is a panel consisting of qualified design experts who have industry recognised design qualifications and are registered in their profession. As such, the design competitions will be led by industry experts to ensure that the best architectural and planning outcomes are achieved.</p>

Part 5 – Project Timeline

Stage	Action	Timing
Council Resolution	Endorse Planning Proposal	28 October 2025
Early exhibition	Exhibition on Participate Burwood	1 November - 19 December 2025
Report to BLPP	Endorse Planning Proposal to amend Clause 6.5 of BLEP 2012	May 2026
Gateway Determination	Submit to DPHI	June 2026
Post Exhibition	28 Days	July 2026
Review Submissions	Report to Council	2026
Finalisation	LEP Amendment (if approved)	End 2026

Attachment 1 – Council Report 28.10.2025

Council Meeting

28 October 2025

(Item 76/25) LEP Amendment - Design Excellence Competitions

File No: 25/52050

Report by Director City Strategy

Summary

This report seeks Council's endorsement to prepare a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP) by updating Clause 6.5 relating to Design Excellence. The amendment would require significant developments, such as mixed-use and apartment buildings over 55 metres (or approximately 17 storeys), to undergo a competitive design process in accordance with the *Design Competition Guidelines* (September 2023) prepared by the NSW Government Architect. This process aims to improve design outcomes across Burwood's higher-density areas and must occur prior to any approval being issued.

This report supersedes the earlier version presented to Council on 26 August 2025, following Council's decision to defer the matter pending further investigation. A review of height triggers for design competitions across other metropolitan councils has since been undertaken, resulting in an adjustment to the proposed height threshold from 28 metres to 55 metres.

The proposal complements the existing Burwood Design Review Panel process and supports Council's broader goal of ensuring high-quality architecture and public spaces – particularly within the Burwood Town Centre and Burwood North – where growth will involve complex residential developments. Design competitions are a proven method for achieving excellence and innovation in built form, whilst also delivering wider benefits to community identity, liveability, and the public domain.

Operational Plan Objective

- C.3 An urban environment that maintains and enhances our sense of identity and place.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.
- C3.2 Protect our unique built heritage and maintain or enhance local character.
- C.4 Sustainable, integrated transport, infrastructure and networks support population growth and improve liveability and productivity.
- C.4.2 Plan for a city that is safe, accessible and easy to get to and move around in.
- C.1.1 Support and deliver initiatives that encourage high-quality design, sustainable development and enhanced urban amenity.
- C.10 A well informed community active in civic life, local planning and decision making
- C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making
- A.70 Work with developers to promote sustainable development
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride

Background

Burwood Council has long maintained a strong focus on achieving high-quality development outcomes and embedding design excellence as a core principle across all scales of planning – from individual proposals to precinct-wide strategies. High-quality design is essential for creating functional, attractive, and inclusive places that foster community wellbeing and identity.

As Burwood's role as a Strategic Centre continues to expand, supported by integrated land-use and transport planning, it is critical that future high-density environments – particularly in Burwood North – deliver outstanding built-form and public-domain outcomes. Initiatives such as the *Burwood*

Council Meeting

28 October 2025

North Precinct Masterplan aim to provide housing, jobs, and public spaces around key transport nodes. A competitive design process will be essential to ensuring these future communities benefit from urban environments that are liveable, inclusive, and of enduring quality.

The benefits of a competitive design process are well established. It is a proven mechanism for raising design quality and aligning architectural and urban design outcomes with the public interest. Competitive processes elevate design standards, foster innovation, attract high-calibre design talent, deliver multidisciplinary outcomes, and promote transparency and public confidence. Design competitions are widely used across metropolitan Sydney – including the City of Sydney, Parramatta, Canada Bay and Penrith – to secure high-quality architectural outcomes. The NSW Government Architect's *Design Competition Guidelines* (September 2023) provide a consistent and transparent framework for the delivery of these processes (Attachment A).

Clause 6.5 of BLEP currently mandates design excellence in Zone E1 Local Centre and Zone MU1 Mixed Use. In accordance with Council's resolution of 29 January 2025, the requirement for design excellence is proposed to be extended to Zone R1 General Residential and Zone R3 Medium Density Residential through a BLEP amendment to be progressed alongside the gazettal of the Croydon SEPP.

Council's request at the time for the Department of Planning, Housing and Infrastructure to also amend Clause 6.5 to enable design competitions for significant developments as part of the Croydon SEPP is unlikely to proceed, as the higher-density development controls in Burwood Town Centre and Burwood North are not proposed under the Croydon Masterplan. Consequently, a separate, Council-led planning proposal is required to achieve this outcome.

Benchmarking and Amendment Rationale

The report tabled on 26 August 2025 proposed a design competition trigger at 28 metres in height. Council resolved not to proceed at that time and requested further investigation into the appropriateness of this threshold, particularly in relation to comparable clauses in other Local Environmental Plans (LEPs).

Following this direction, a benchmarking review was undertaken of design excellence and competitive design process clauses in the City of Sydney, City of Parramatta, City of Canada Bay, and Penrith City Council. The review found that whilst height triggers vary among councils (ranging from 24m to 55m), higher thresholds are generally applied in locations that accommodate larger-scale, high-density development.

Based on this review, a 55-metre height threshold is considered a more appropriate and proportionate standard for Burwood's strategic precincts. This threshold:

- Reflects the scale and intensity of development expected in Burwood Town Centre and Burwood North;
- Targets significant and complex projects where the potential design outcomes justify a formal design competition;
- Balances design quality expectations with economic feasibility and development viability; and
- Retains flexibility for Council to require a design competition for strategic or site-specific proposals when warranted.

Accordingly, this report puts forward a revised design competition trigger of 55 metres, replacing the previously tabled 28-metre threshold.

Proposal

It is proposed to amend Clause 6.5 of BLEP to introduce a requirement for certain developments exceeding 55 metres in height (generally 17 storeys or more) to be subject to a competitive design process.

Development consent would not be granted unless a design competition has been undertaken and the Council has considered its outcomes.

This requirement would not apply to:

- Buildings of 55 metres or less in height (generally up to 17 storeys);
- Alterations or additions to existing buildings; or
- Applications seeking only modifications to an existing consent, unless the modification results in a taller building.

Council would have discretion to certify in writing that a design competition is not necessary. Where a competition is not required, proposals would instead be referred to the Burwood Design Review Panel, and its findings must be considered by Council before determination.

Full details of the proposed amending provisions are contained in Attachment 1 to this report.

Consultation

If endorsed, the draft provision will be referred to the Burwood Local Planning Panel for comment in accordance with legislative requirements. A Planning Proposal will then be submitted to the Department of Planning, Housing and Infrastructure for Gateway determination. Following the issue of a Gateway determination, the clause will be placed on public exhibition for 28 days and referred to relevant agencies for consultation in accordance with the *Environmental Planning and Assessment Act 1979*.

Any submissions received during the exhibition period will be reviewed and addressed in a post-exhibition report, which will be presented to Council for consideration at the conclusion of the exhibition process.

Planning or Policy Implications

The proposal introduces a new subclause to BLEP to strengthen the delivery of design excellence using competitive design processes. This amendment will require major developments to undergo a competitive design process, embedding best-practice design principles within the statutory planning framework.

The proposed amendment is consistent with the objectives of the *Environmental Planning and Assessment Act 1979*.

Burwood Design Competition Guidelines would be prepared following gateway to assist in the implementation of the program.

Financial Implications

There are no financial implications to amending the BLEP as proposed. If amended, Council's schedule of fees and charges will be updated accordingly to administer a competitive design process.

Conclusion

The proposed amendment to Clause 6.5 of BLEP requiring design competitions for certain developments will ensure that Burwood continues to uphold high architectural and urban design standards for significant projects. It will also attract high-quality design expertise and professional talent to the LGA, reinforcing Burwood as a desirable place to live, work, visit, and invest. In addition, the amendment is consistent with State planning policy and recognised best practice in delivering design excellence.

Attachment 2 – Council Meeting Minutes 28.10.2025

(Item 76/25) LEP Amendment - Design Excellence Competitions

File No: 25/52050

Summary

This report seeks Council's endorsement to prepare a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP) by updating Clause 6.5 relating to Design Excellence. The amendment would require significant developments, such as mixed-use and apartment buildings over 55 metres (or approximately 17 storeys), to undergo a competitive design process in accordance with the *Design Competition Guidelines* (September 2023) prepared by the NSW Government Architect. This process aims to improve design outcomes across Burwood's higher-density areas and must occur prior to any approval being issued.

This report supersedes the earlier version presented to Council on 26 August 2025, following Council's decision to defer the matter pending further investigation. A review of height triggers for design competitions across other metropolitan councils has since been undertaken, resulting in an adjustment to the proposed height threshold from 28 metres to 55 metres.

The proposal complements the existing Burwood Design Review Panel process and supports Council's broader goal of ensuring high-quality architecture and public spaces – particularly within the Burwood Town Centre and Burwood North – where growth will

involve complex residential developments. Design competitions are a proven method for achieving excellence and innovation in built form, whilst also delivering wider benefits to community identity, liveability, and the public domain.

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- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride

127/25 RESOLVED

That Council:

1. Endorse the preparation of a Planning Proposal to amend the Burwood Local Environmental Plan 2012, as outlined in Attachment 1.
2. Delegate authority to the General Manager to finalise the Planning Proposal for submission to the Department of Planning, Housing and Infrastructure for Gateway determination.
3. Receive a further report following the public exhibition of the draft amendment, outlining any submissions received and providing recommendations on the finalisation of the amendment.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang

Against: Nil

(Moved Deputy Mayor George Mannah/Seconded Councillor Alex Yang)

Attachment 3 – Public submissions

Submission – Design Excellence in Burwood – Proposed LEP Amendment

Date Submitted 21 November 2025, via Council's 'Participate Burwood' website

Whilst this is a positive move, which should avoid some of the extremely visually terrible apartment blocks that have been constructed in Burwood, in the last ten years or so. Witness the complete eyesore building on Railway Parade across from the Plaza and Library. It will all depend on who sits on the selection panel, their eye for change and their motivations. This will require very close scrutiny and governance.

(Item 76/25) LEP Amendment - Design Excellence Competitions

File No: 25/52050

Report by Director City Strategy

Summary

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As Burwood's role as a Strategic Centre continues to expand, supported by integrated land-use and transport planning, it is critical that future high-density environments – particularly in Burwood

North – deliver outstanding built-form and public-domain outcomes. Initiatives such as the *Burwood North Precinct Masterplan* aim to provide housing, jobs, and public spaces around key transport nodes. A competitive design process will be essential to ensuring these future communities benefit from urban environments that are liveable, inclusive, and of enduring quality.

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Burwood Design Competition Guidelines would be prepared following gateway to assist in the implementation of the program.

Financial Implications

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Conclusion

The proposed amendment to Clause 6.5 of BLEP requiring design competitions for certain developments will ensure that Burwood continues to uphold high architectural and urban design standards for significant projects. It will also attract high-quality design expertise and professional

talent to the LGA, reinforcing Burwood as a desirable place to live, work, visit, and invest. In addition, the amendment is consistent with State planning policy and recognised best practice in delivering design excellence.

Recommendation(s)

That Council:

1. Endorse the preparation of a Planning Proposal to amend the Burwood Local Environmental Plan 2012, as outlined in Attachment 1.
2. Delegate authority to the General Manager to finalise the Planning Proposal for submission to the Department of Planning, Housing and Infrastructure for Gateway determination.
3. Receive a further report following the public exhibition of the draft amendment, outlining any submissions received and providing recommendations on the finalisation of the amendment.

Attachments

- 1 Attachment 1 - Draft Design Competition BLEP amendments 2025
- 2 Attachment 2 - NSW Government Architect Design Competition Guidelines 2023

(Item GB5/26) 10 Daisy Street Croydon Park. Section 4.56 modification

File No: 26/21053

Report by Manager City Development

Summary

This report relates to a Section 4.56 Modification Application lodged under the Environmental Planning and Assessment Act 1979 for the development known as 10 Daisy Street, Croydon. Due to the significant level of community interest and submissions received throughout the assessment process, this report has been prepared by an external planning consultant engaged by Council to undertake an independent assessment of the application.

Background**Subject Site and Existing Development**

The Site was first used as a church since the early 1920s – and the present church buildings were completed in 1936. There are 2 x single storey buildings on site – a church hall at the front (generally used for church services, congregation and worship) and a smaller building at the rear, containing offices, amenities and a smaller hall.

Most of the site (not occupied by buildings) is turfed, and there are concrete paths and a small hard-stand car park/driveway for 1-2 vehicles at the front.

For many years, there was no development consent in place, or any other formal approval arrangements regarding the Church. There have been several more recent Development Applications (DAs) approved by Council at the Site, as summarised in the table below.

Development	Determination
DA2007/233 Extension to existing place of worship & demolition of existing separate assembly hall.	Approved by Council 21 Oct 2008
DA2012/25 Alterations and additions to existing church buildings with proposed new car park.	Determined
DA2019/28 Continuation of Church Premises - Changes to the activities and services approved at the site.	Approved via NSW Land & Environment Court 28 Nov 2019
DA2019/28.2 Modification of approved place of public worship to extend worship services, special occasions, bible study and modify conditions of consent.	Refused by Council (Local Planning Panel) 13 Mar 2025
DA2019/28.3 Modification of approved place of public worship to allow staggered arrival times (allow Church officers to arrive approx. 90mins before	(Current s4.56 application)

Development	Determination
<p>worship services instead of 30mins; designation of 2 on-street parking spaces for Church drop-off/pick-up; and encouragement of carpooling and sustainable transport options).</p> <p>These involve condition No's 2, 5, and 9 of the consent.</p>	

Source: Burwood Council DA tracker

Previous Section 4.56 Modification Application – DA2019.28.2

There was a previous s.4.56 modification application determined by Council at the Local Planning Panel meeting on 13 March 2025 – DA2019/28.2. This previous modification proposed various components which would have significantly expanded the Church operations, including (in summary):

- Increasing Church Services from 3 services per week – to 5 services per week.
- Allowing choir members, deacons and deaconesses to arrive up to 90mins prior to Church activities/services. (This component is similar to the current proposal).
- Extending the 3 “special occasions” (namely Holy Supper Devotional Prayer; Church Anniversary Thanksgiving; and Year End Thanksgiving) by 1 additional week for each occasion – ie from 1 week to 2 weeks each.
- Allowing Bible Study activities 3 nights per week (Mon, Thu and Fri) – these would have been additional activities as currently no Bible Study is allowed under the current consent.

This previous Modification Application DA2019/28.2 was referred to the Local Planning Panel meeting on 13 March 2025 – where the following determination was made:

That Application No 2019/28.02 for modifications to an approved Place of Public Worship at Lot 25-26 DP9297, No 10 Daisy St Croydon Park be refused for the following reasons:

1. Pursuant to Section 4.56 and 4.15(1)(b) of the Environmental Planning & Assessment Act 1979, the proposed modifications will have excessive and unacceptable impacts on the amenity of the neighbourhood.

In particular, the proposed modifications will cause further adverse impacts of on-street car parking, traffic impacts (increased number of vehicle movements and driver behaviour) and noise from people coming to/from the site. These impacts will adversely affect the amenity of the occupants of adjoining/nearby dwellings.

2. Pursuant to Section 4.56 and 4.15(1)(c) of the Environmental Planning & Assessment Act 1979, the Subject Site is unsuitable for the intensity and scale of the Church services and related activities proposed in this modification application. In particular, the site is located in a low-density residential area. The site is unable to provide adequate on-site parking to cater for the expected needs of people attending the site as proposed in this modification application. Further, the site's location in close proximity to adjoining dwellings means that there will also be significant adverse noise impacts arising from the Church services and activities.
3. Pursuant to Section 4.56 and 4.15(1)(d) and (e) of the Environmental Planning & Assessment Act 1979, in the circumstances of the case, approval of the proposed modifications would not be in the Public Interest.

4. In particular, this is demonstrated in the number of submissions received from adjoining/nearby neighbours, and the nature of issues of concern raised in those submissions.

Current Section 4.56 Modification Application – DA2019.28.3

In common with the previous s4.56 modification application as above – the current Application DA2019/28.3 is made under s.4.56 of the Environmental Planning & Assessment Act 1979, which deals with Modification by consent authorities of consents granted by the Court. A full assessment of the application against the matters listed in s.4.56 of the Act is provided later in this report.

The key dates and events for this application are summarised as follows (full details also provided later in this report):

- 4 Feb 2026 – Subject Application lodged with Council.
- 11 Feb 2026 – Internal Referrals and Neighbour Notification undertaken. The internal referrals were sent to Council’s Environmental Health, Traffic & Design, and Waste Services.
- Neighbour notification occurred for a minimum period from 18 Feb to 11 Mar 2026. Twenty (20) submissions were received, and these are discussed in detail later in this report.
- There have been no requests for information/amended plans from the applicant during the processing of the current application.

Proposal

Modification Application (under s.4.56 of the Environmental Planning & Assessment Act 1979) to an approved Place of Public Worship (Iglesia Ni Cristo Church of Christ).

The modifications propose changes to the Church operations, including:

- Staggered arrival times for Church officers. The application seeks to allow around 40 Church officers to arrive approximately 90 minutes before worship services (instead of 30 minutes as per the current consent condition).
- Designation of the existing on-street parking spaces as two temporary drop-off and pick-up spots in front of the Church. These areas would be clearly marked as “No Parking” only during adult worship service times, including the proposed extended arrival period and the approved departure period following the adult worship services.
- Encouragement of carpooling and the use of sustainable transport options by Church officers and congregation members.

The modifications involve changes to Condition No’s 2, 5 and 9 of Consent No DA2019/28, approved via the NSW Land and Environment Court on 28 November 2019. In particular, two of these conditions (No 2 and 9) relate to the approved Plan of Management (PoM), and in this regard, a revised PoM has been submitted for Council’s consideration.

The November 2019 approval by the NSW Land & Environment Court resulted in a significant expansion and intensification of the Church activities (eg in terms of number of persons attending, number of worship services and other activities such as Bible Study occurring per week etc) – compared to how the Church operated prior to the 2019 approval.

Residents through submissions have stated the current operation of the Church has caused significant impacts on the amenity of residents in Daisy St and also surrounding streets (eg noise, traffic movements in Daisy Street; and on-street parking in Daisy St and several other streets in the vicinity of the Church) – this has been demonstrated in previous applications considered by Council for this site which have attracted a large number of submissions.

Also, there have been strong concerns raised by local residents that the Church operations have not complied with the conditions of consent in the November 2019 approval.

Although the current modifications appear relatively minor in nature and do not propose any further expansion of the Church's operations (in terms of number of Worship Services per week, or number of worshipers attending the site etc), they will cause additional amenity impacts on Worship Days due to the earlier arrival of Church Officers; and also through the reduction in on-street parking (ie 2 on-street spaces proposed to become a "No Parking" zone, and used as drop-off/pick-up spaces).

On-street parking in Daisy St is already in extremely high demand, particularly on weekends in general but in particular while the Church is in operation, and any reduction in on-street parking availability is not supported.

BLPP Referral Criteria

The application has received more than 10 unique objection submissions (20 submissions received).

Summary Recommendation:

Refusal.

The Site

The subject site has a legal description of Lot 25-26 DP9297, and a street address of No 10 Daisy St Croydon Park. It is on the eastern side of the street mid-way between Lily St and Violet St, and is approximately 1.8km south of Burwood railway station.

The site is a regular-shaped (rectangular) lot with a frontage of 24.4m and site area of 986m².

The site contains 2 x single storey buildings and was first used as a church in 1936. A church hall is at the front (generally used for church services, congregation and worship) and there is a smaller building at the rear, containing offices, amenities and a smaller hall.

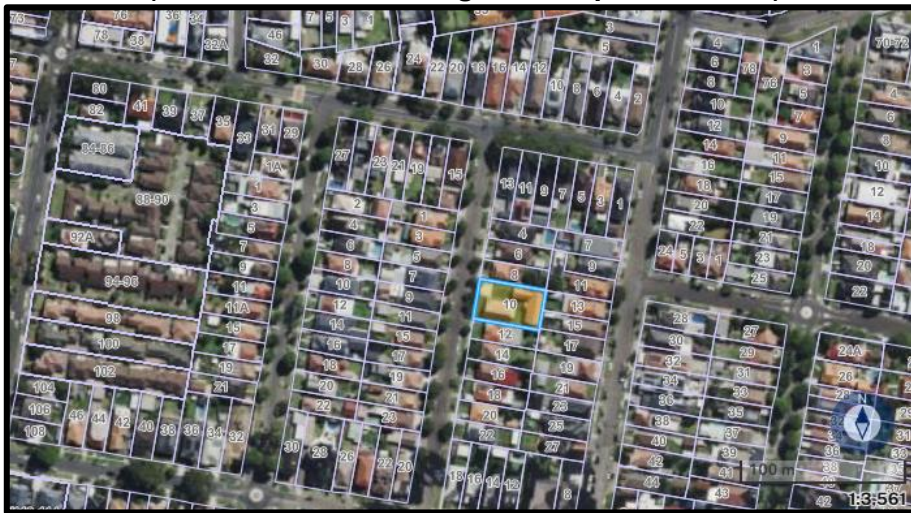
Most of the site (not occupied by buildings) is turfed, with some concrete paths and a small hard-stand car park/driveway for 1-2 vehicles at the front.

Surrounding development consists of mostly detached dwelling houses (1 and 2 storeys in height), consistent with the R2 Low Density Residential zoning of this location under Burwood LEP 2012. The Site is not a Heritage Item, or within a Heritage Conservation Area.

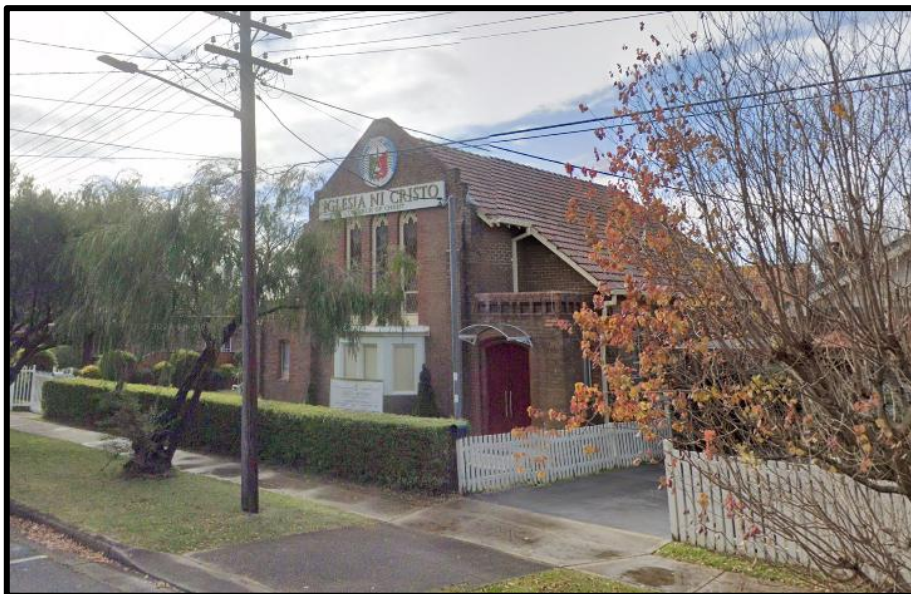
The following are a visual presentation of the site and it's surrounds – containing the Burwood LEP 2012 zoning map, air photo, and street-view images of the Site and immediately adjoining properties.



**Zoning Map – Burwood LEP 2012. Subject Site No 10 Daisy St Croydon Park shown by yellow outline
(Source: NSW Planning Portal Spatial Viewer)**



**Air Photo of the Subject Site No 10 Daisy St Croydon Park (shown with blue outline)
(Source: maps.six.nsw.gov.au)**



**Subject Site No 10 Daisy St Croydon Park showing front church building
(Source: Google Street View)**



**Subject Site No 10 Daisy St Croydon Park showing rear church building
(Source: Google Street View)**



**Immediate Adjoining Properties to the North (No 4, 6 and 8 Daisy St Croydon Park)
(Source: Google Street View)**



**Immediate Adjoining Properties to the South (No 12, 14 and 16 Daisy St Croydon Park)
(Source: Google Street View)**

Consultation

In accordance with Council's Community Consultation Plan, neighbours were notified of the proposed modification application for a minimum period from 18 Feb to 11 Mar 2026.

In response, twenty (20) submissions were received, mostly from residents of Daisy St but also from surrounding streets.

The issues of concern raised in the submissions are summarised and discussed in the following table:

Concern	Response
<p>1. Intensification of Church Activities. Concerns were raised regarding the increased number of church services, the additional Bible Study activities and the extension of the Church Special Occasions.</p>	<p><u>Comment:</u> This is the central issue of concern with this application, and the neighbours' concerns are valid and reasonable.</p> <p>The existing Church operations already cause significant amenity impacts when in operation. Although the current modifications appear to be relatively minor in nature, they will result in people (eg Deacons, deaconesses, Choir etc) arriving earlier than commencement of Worship times (by 90 minutes instead of the current requirement for 30 minutes prior) and this will intensify the amenity impacts.</p> <p>For example, the earlier arrival of deacons, deaconesses, Choir etc will bring associated traffic and parking movements earlier on Sunday mornings and Wednesday evenings (ie when the worship services are held).</p> <p>As discussed throughout this report, the proposed modifications will exacerbate impacts currently occurring on neighbourhood amenity, and overall the modifications are unacceptable.</p>
<p>2. Car Parking. Concerns were raised that as the site does not have on-site parking (ie 1-2 spaces in a front driveway) – almost all car parking needs to be accommodated on-street. This location already has high demand for on-street parking through normal residential demand and population density – and on-street parking from this development spreads to several streets away from the Site. The proposed modifications will worsen this situation regarding car parking.</p>	<p><u>Comment:</u> These concerns are also valid and reasonable. The current operations of the church enable realistic assessment to be made in terms of on-street parking, and the Church does generate significant car parking impacts in several surrounding streets.</p> <p>The current modifications will cause these current impacts to occur over a longer period on Worship days (ie through Church personnel arriving earlier), and they also involve a reduction in on-street parking by 2 spaces at the front of the Church if these are to be converted into pedestrian drop-off/pick-up area.</p> <p>This would be an unacceptable outcome – as on-street parking is already in high demand and Church worshipers' vehicles are parked in numerous streets surrounding Daisy St.</p>
<p>3. Traffic Impacts. Coupled with car parking issues, concerns were also raised regarding increased traffic generation and related issues such as blocked driveways, hazardous vehicle movement (double parking, u-turns etc) and cars stopping in the middle of the street for people to alight.</p>	<p><u>Comment:</u> These concerns are also valid and reasonable – in terms of the current Church operations.</p> <p>It is generally considered that the current modifications would not cause additional traffic generation, rather it would result in that traffic occurring over a wider period of time through earlier arrival of Church personnel.</p> <p>This will cause significant amenity impacts given that the Church Services are held on a Sunday.</p>
<p>4. Compliance Issues. Concern is raised that the development is already not operating in</p>	<p><u>Comment:</u> Consent conditions are in place under DA2019/28, and the Environmental Planning & Assessment Act 1979 provides enforcement powers to ensure that the development satisfies the</p>

Concern	Response
<p><i>accordance with the Land & Environment Court Consent (DA2019/28), and so any further church services/activities should not be approved.</i></p>	<p>consent condition requirements.</p> <p>Anecdotally, the local residents have raised strong concerns that the Church operations often breach the conditions of consent imposed by the NSW Land & Environment Court as part of the 2019 approval.</p> <p>The nature of the Church operations (ie Services occurring on weekends) makes it difficult for Council officers to monitor/enforce the consent conditions, and in reality it is the residents who observe and monitor whether the consent conditions are being satisfied, and also the residents who are impacted by any such non-compliances.</p> <p>As the Church Services occur on Wednesday evenings and Sunday mornings (ie outside standard working hours), it is very difficult to achieve effective, immediate resolution to any issues requiring enforcement actions.</p>
<p>5. Noise. <i>Concern is raised regarding the additional noise generated – both from on-site activities at the Church, and from people (and cars) entering/leaving the site particularly at night.</i></p>	<p><u>Comment:</u> Noise is currently generated both through Church activities occurring on-site, but also from people entering/leaving the site (eg walking, conversation, noise from vehicle movements). While it is noted that the noise outputs generally satisfy the relevant noise criteria (or can be required to ensure it does not cause “offensive noise” under the Protection of the Environment Operations Act 1997) – the noise impacts then become a more general planning consideration of what is reasonable in terms of impacts on neighbourhood amenity.</p> <p>In this regard, the only real potential additional noise source proposed in this application would be the additional arrival time window for Church personnel (ie 90 minutes prior to commencement of Church services instead of 30m as currently permitted).</p> <p>This would cause only minimal impact in terms of additional noise.</p>
<p>6. Modification to a Land & Environment Court Approval. <i>Concern is raised that the consent conditions imposed by the Court should not be varied or extended.</i></p>	<p><u>Comment:</u> The Environmental Planning & Assessment Act 1979 allows applicants to apply for modifications to Court consents (s.4.56), and this Section provides the requirements by which such applications are assessed. This s.4.56 assessment is provided previously in this report.</p>
<p>7. Community Character and Inconsistency with the R2 Low Density Residential zoning. <i>Concerns were raised regarding the Church’s consistency with the residential environment where it is located.</i></p>	<p><u>Comment:</u> These would only be valid/reasonable for a new proposal. The Church has existed on the site since 1936 and has development consent in place (DA2019/28) regarding it’s use/s.</p>

Referral Comments

The application was referred to the following Internal Referral Officers:

Traffic & Design Engineer: Has reviewed the application and provided the following comments:

On Street Parking

The proposal seeks to provide pick-up/drop off space by providing 'No Parking' signages in front of the church at Daisey Street. The proposed hours are 6pm to 9:30pm on Wednesday and 8am to 11:30am on Sunday.

An on-street parking utilisation survey has been provided to support the fact that there are additional spaces to spare on Daisy Street and other surrounding streets during the proposed 'No Parking' hours.

Traffic generation

The proposal claims that it does not intend to generate additional traffic and just that the patrons will be arriving early to prepare for the worship services.

This is acceptable from traffic perspective.

Conditions

- 1. While the request to introduce 'No Parking' during service hours is reasonable in technical terms, given the history of the development, feedback from community consultation should be taken into consideration prior to processing this request.*
- 2. Any proposals for alterations to the public road, involving traffic facilities and/or parking restrictions, excluding the construction of a vehicular crossing, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Traffic Committee prior to any work commencing on site.*
- 3. Following approval of the signages, drivers will not be allowed to park on the pick-up/drop off area and will need to find parking elsewhere after dropping off the patrons.*
- 4. No changes are proposed and shall not be made to any existing land use GFA and parking facilities. Any changes that warrant a change in traffic facilities shall be submitted for Council's approval.*

Assessment Officer's Comments: It is noted that the comments of Council's Traffic & Design Engineer are generally supportive of the proposal.

Although the comments are noted, it is considered that traffic and parking concerns are more of a general planning and amenity nature. For example, although the proposed modifications may not result in significant additional traffic movements or on-street parking demand, the nature of the additional traffic movements and on-street parking demand will occur on a Sunday morning (and Wednesday evening) which by their nature will cause additional amenity impacts.

Planning or Policy Implications

Statutory Requirements

This application is assessed under the provisions of s.4.56 of the Environmental Planning & Assessment Act 1979, as amended, which includes:

- Assessment under the heads of consideration in s.4.15 of the Act [required under s.4.56] Burwood Local Environmental Plan (LEP) 2012
- Burwood Development Control Plan (DCP) 2013
- The likely social, environmental and economic impacts of the development
- The suitability of the site for the development
- Submissions received from the neighbour notification/advertising process
- The Public Interest

These matters are considered in this report.

Planning Assessment

The current application is for modifications to a consent issued by the NSW Land & Environment Court. Such modifications are covered by s4.56 of the Environmental Planning & Assessment Act 1979. An assessment against the provisions of s.4.56 is provided in the following Table:

4.56 Modification by consent authorities of consents granted by the Court (cf previous s 96AA)

Section 4.56 Requirement	Comments
<p>(1) <i>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—</i></p> <p>(a) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and</i></p>	<p><u>Comment:</u> The development description (in DA2019/28 dated 28 November 2019 issued by the NSW Land & Environment Court) is: "... <i>expansion and enlargement of the existing use at 10 Daisy St Croydon Park as a place of public worship to the activities and services outlined in condition 3 of Annexure A</i>".</p> <p>The current application seeks continuation of this overall use as a "<i>place of public worship</i>", with modifications to particular conditions as discussed throughout this report. Therefore the current application is "<i>substantially the same development</i>" and thus satisfies s.4.56(1)(a).</p>
<p>(b) <i>it has notified the application in accordance with—</i></p> <p>(i) <i>the regulations, if the regulations so require, and</i></p> <p>(ii) <i>a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i></p>	<p><u>Comment:</u> The current modification application has been notified to neighbours as per Council's Neighbour Notification DCP – see "<i>Community Consultation</i>" section of this report, below.</p>
<p>(c) <i>it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to</i></p>	<p><u>Comment:</u> Council has made reasonable attempts to notify previous submitters to the original DA.</p>

Section 4.56 Requirement	Comments
<i>the last address known to the consent authority of the objector or other person, and</i>	
(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	<u>Comment:</u> The “Community Consultation” section of this report (below) summarises the submissions received from neighbours, and provides a planning response.
(1A) <i>In determining an application for a modification of a consent under this section, the consent authority must take the following into consideration:</i> (a) <i>the matters referred to in section 4.15(1), but only so far as the matters are of relevance to the application,</i> (b) <i>the reasons given by the consent authority for the grant of the consent sought to be modified, but only so far as the reasons are of relevance to the application.</i>	<u>Comment:</u> As required by s.4.56(1A)(1)(a), an assessment in terms of the heads of consideration in s.4.15(1) of the Environmental Planning & Assessment Act 1979 is undertaken below. Section 4.56(1A)(1)(b) is not relevant to this assessment, as the report recommends refusal of the application.
(1AA) <i>Section 4.15(1C) extends to an application for a modification under this section of a consent for targeted assessment development.</i>	<u>Comment:</u> Not relevant, this modification application does not relate to a consent for targeted assessment development.
(1B) <i>To avoid doubt, a consent authority is not prevented from modifying a consent under this section merely because the modification only modifies a condition of consent and would not result in a change to the development the subject of the consent.</i>	<u>Comment:</u> Noted. As stated previously, the proposed modifications are substantially the same development as the original approval.
(1C) <i>The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.</i>	<u>Comment:</u> Noted.
(2) <i>After determining an application for modification of a consent under this section, the consent authority must send a notice of its determination to each person who made a submission in respect of the application for modification.</i>	<u>Comment:</u> Noted, Council’s standard administrative processes will ensure that all submitters receive the Notice of Determination (ie made available via Council’s DA tracker).
(3) <i>The regulations may make provision for or with respect to the following—</i> (a) <i>the period after which a consent authority, that has not determined an application under this section, is taken to have determined the application by refusing consent,</i> (b) <i>the effect of any such deemed determination on the power of a consent authority to determine any such</i>	<u>Comment:</u> Noted.

Section 4.56 Requirement	Comments
<p>application,</p> <p>(c) <i>the effect of a subsequent determination on the power of a consent authority on any appeal sought under this Act.</i></p>	
(4) (Repealed)	-

Conclusion re s.4.56 Assessment:

This application (and Council's assessment thereof) satisfies the requirements of s.4.56 of the Environmental Planning & Assessment Act to enable it to be assessed and determined as a modification application to DA2019/28.

As noted above, s.4.56(1A) requires Council to assess the proposal in terms of the heads of consideration in s.4.15(1). This s.4.15(1) Assessment is undertaken as follows:

4.15 Evaluation (cf previous s 79C)

Section 4.15 Requirement	Comments
<p>(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</p>	
(a) the provisions of—	
<p>(i) any environmental planning instrument, and</p>	<p>The Site is in Zone R2 Low Density Residential under Burwood LEP 2012.</p> <p>The Development falls under the definition of "<i>Place of Public Worship</i>", which is not listed in the land uses "Permitted with Consent" and is therefore prohibited.</p> <p>However, as part of the NSW Land & Environment Court's determination to approve the original DA2019/28 – it was established that the Church at the site benefits from the "<i>Existing Use Rights</i>" provisions of the Environmental Planning & Assessment Act 1979.</p> <p>The development is therefore permissible under these "<i>Existing Use Rights</i>" under the Act.</p>
<p>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p>	No draft environmental planning instruments apply to the site or development.
<p>(iii) any development control plan, and</p>	<p>Burwood DCP 2013 provides the detailed development controls for the site/proposed development.</p> <p>There are no specific requirements for a Place of Public Worship under Burwood DCP 2013 that</p>

Section 4.15 Requirement	Comments
	would apply to the current modifications.
(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	None applicable.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	<p>Clause 164 of the Environmental Planning & Assessment Regulation 2021 provides the following requirements for <i>Enlargement, expansion and intensification of existing uses</i>:</p> <p>164 Enlargement, expansion and intensification of existing uses</p> <p>(1) Development consent is required for any enlargement, expansion or intensification of an existing use.</p> <p>(2) The enlargement, expansion or intensification must be—</p> <p>(a) for the existing use and for no other use, and</p> <p>(b) carried out only on the land on which the existing use was carried out immediately before the relevant day.</p> <p>The original DA2019/28 provided the development consent required to enlarge (intensify) to nature of the use of the site as it is currently approved to operate.</p> <p>The current application is a modification to change particular conditions.</p> <p>The application is acceptable for assessment under Clause 164 of the Environmental Planning & Assessment Regulation 2021.</p>
(v) (Repealed) that apply to the land to which the development application relates,	-
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	<p>The likely impacts of the development (ie specifically the proposed modifications as described in this application) are unacceptable as it is likely that there would be additional impacts to local residents in Daisy St and surrounding streets as a result of the current modifications.</p> <p>The November 2019 approval by the NSW Land & Environment Court resulted in a significant expansion and intensification of the Church activities (eg in terms of number of persons attending, number of worship services and other activities such as Bible Study occurring per week etc) – compared to how the Church operated prior to the 2019 approval.</p> <p>The current operation of the Church has caused significant impacts on the amenity of residents in Daisy St and also surrounding streets (eg noise, traffic movements in Daisy Street; and on-street parking in Daisy St and several other streets in the</p>

Section 4.15 Requirement	Comments
	<p>vicinity of the Church) – this has been demonstrated in previous applications considered by Council for this site which have attracted a large number of submissions.</p> <p>Also, there have been strong concerns raised by local residents that the Church operations have not complied with the conditions of consent in the November 2019 approval.</p> <p>Although the current modifications appear relatively minor in nature and do not propose any further expansion of the Church’s operations (in terms of number of Worship Services per week, or number of worshipers attending the site etc), they will cause additional amenity impacts on Worship Days due to the earlier arrival of Church Officers; and also through the reduction in on-street parking (ie the reduction of 2 on-street spaces to be replaced as drop-off/pick-up spaces).</p> <p>On-street parking in Daisy St is already in high demand and any reduction in on-street parking availability is not supported.</p>
(c) the suitability of the site for the development,	<p>Overall, matters relating to site suitability (eg natural constraints eg bushfire, flooding etc) have been addressed in previous approvals for the Church at this Site.</p> <p>Focusing on the current modification application – strong concerns have been raised regarding the overall suitability of this site for a Church (ie with the intensity of it’s current operations).</p>
(d) any submissions made in accordance with this Act or the regulations,	<p>The “<i>Community Consultation</i>” section of this report, below, gives consideration to the submissions received following neighbour notification.</p>
(e) the public interest.	<p>Overall, in the circumstances of the case, approval of the current modification application is not considered to be in the public interest.</p>

Conclusion

The proposed modifications have been assessed against the requirements of s.4.56, and the heads of consideration in s.4.15 of the Environmental Planning & Assessment Act 1979.

Overall, the proposed modifications are considered to be unacceptable.

The current operation of the Church has caused significant impacts on the amenity of residents in Daisy St and also surrounding streets (eg noise, traffic movements in Daisy Street; and on-street parking in Daisy St and several other streets in the vicinity of the Church) – this has been demonstrated in previous applications considered by Council for this site which have attracted a large number of submissions.

The proposal to amend Condition 5 (arrival time for Deacons, deaconesses and Choir) will involve a larger “window” of time for them to arrive at the site – so that such arrivals are spread over a longer period (ie 90 minutes instead of 30 minutes). Accordingly, the proposed modifications would result in these unacceptable amenity impacts occurring over a longer period (when the Church is being used for worship services).

Also, the proposed arrangements for “No Parking” restrictions in front of the site will result in reduced on-street parking availability, and therefore higher demand. This will in turn result in Church attendees having to park further away from the church during Worship services, which would cause amenity impacts further away in more adjoining streets.

Overall, on balance, the proposal is considered to be unacceptable and Refusal is recommended for the reasons set out in the Recommendation below.

Recommendation(s)

That Application No 2019/28.03 for modifications to an approved Place of Public Worship at Lot 25-26 DP9297, No 10 Daisy St Croydon Park be refused for the following reasons.

1. Pursuant to Section 4.56 and 4.15(1)(b) of the Environmental Planning & Assessment Act 1979, the proposed modifications will have excessive and unacceptable impacts on the amenity of the neighbourhood.

In particular, the proposed modifications will cause further adverse impacts associated with on-street parking and traffic impacts. The proposed extension to the arrival times for Church persons (Deacons, deaconesses and Choir) will extend these amenity impacts, and also the reduction in on-street parking availability during Church Services will reduce on-street parking availability and cause attendees to have to park further away from the Church, thus causing on-street parking impacts in adjoining streets further away from the Church.

2. Pursuant to Section 4.56 and 4.15(1)(d) and (e) of the Environmental Planning & Assessment Act 1979, in the circumstances of the case, approval of the proposed modifications would not be in the Public Interest.

In particular, this is demonstrated in the number of submissions received from adjoining/nearby neighbours, and the nature of issues of concern raised in those submissions.

Attachments

1. SEE (ie Planning Modification Report) - 10 Daisy Street Croydon Park - DA.2019.28
2. Proposed Plan of Management - 10 Daisy Street Croydon Park - DA.2019.28
3. Original DA Consent (Orders from the NSW Land & Environment Court).
4. Traffic and Parking Assessment- 10 Daisy Street Croydon Park - DA.2019.28

