



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 Conference Room, 2 Conder Street, Burwood on Tuesday 29 October 2024 at 6:00 PM to consider the matters contained in the attached Agenda.

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

Tommaso Briscese
General Manager

Agenda

For a Notice of Burwood Local Planning Panel Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 29 October 2024 commencing at 6.00pm.

Welcome to the meeting of the Burwood Local Planning Panel

I declare the Meeting opened at

1. Acknowledgement of Country

Burwood Council acknowledges the Wangal Peoples as the traditional custodians of the area. We pay our respects to their elders past and present and extend that respect to other First Nations People who may be present.

2. Introduction of Panel Members

3. Recording of Meeting

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

4. Explanation of how the panel will operate

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

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

5. Apologies/Leave of Absences

6. Declarations of Interest by Panel Members

7. Chair introduction of Agenda Item

8. Council Officer Overview

9. Development Applications

(Item DA11/24)	2 - 4 Alexandra Street,7-9 Acton Street, 11 Acton Street Croydon - Construction of a community and youth facility including youth kitchen, library, basement car park and open space.....	3
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Development Applications

(Item DA11/24) 2 - 4 Alexandra Street, 7-9 Acton Street, 11 Acton Street Croydon - Construction of a community and youth facility including youth kitchen, library, basement car park and open space.

File No: 24/36562

Report by Senior Town Planner; Manager City Development

Owner: St Joseph's Maronite Catholic Church
Applicant: Mr John Mouawad
Location: 2 Alexandra Avenue (Lot 68 in DP 11902),
4 Alexandra Avenue (Lot 67 in DP 11902), and
11 Acton Street (Lot 54 in DP 11902) Croydon
Zoning: R2 Low Density Residential

Proposal

Partial demolition of the existing dwellings and associated structures, tree removal, construction of a community youth facility including associated amenities and a two-storey basement car park. The facility consists of a multi-purpose hall and foyer, community library, community kitchen, various offices, storage, amenities room and youth kitchen. Additionally, various outdoor area is proposed within the development included a covered open space and a grotto.

The new facility is connecting to the existing St Joseph's Maronite Church but the services it provides will not be restricted to the church community.

BLPP Referral Criteria

The application is considered to be in the public interest to be heard in a public forum by an independent body and determined by the Burwood Local Planning Panel in accordance with the delegations issued 14 May 2024.

Background

24/04/2024 – The subject application was lodged with Council

17/5/2024 – 7/6/2024 – The application was publicly notified. During the notification period Council's development application tracker required urgent, unexpected maintenance beyond Council's control and impacted all notification of applications. The notification was therefore extended for an additional two weeks between 14 June 2024 and 28 June 2024. Five (5) submissions were received three (3) of which listed points of objection.

31/07//2024- Additional information was requested and identified issues in relation to acoustics, traffic, food handling and site management. Concerns raised by objectors were also forwarded to the applicant.

29/08/2024 and 17/10/2024– Amended plans and additional information were submitted by the Applicant. The additional information included an update to the site address which acknowledged the minor works to the existing church site.

Site Locality

The subject site consists of three (3) lots including Lot 68 in DP 11902 (2 Alexandra Avenue), Lot 67 in DP 11902 (4 Alexandra Avenue), and Lot 54 in DP 11902 (11 Acton Street). These allotments have a total site area of 1339.5m². The site is currently occupied by three (3) separate

detached dwelling houses. The site also includes the church site (Saint Joseph’s Maronite Church) located at 7-9 Acton Street, and legally described as Lot 10 in DP 1147567 which provides vehicle access to the proposed community facility.

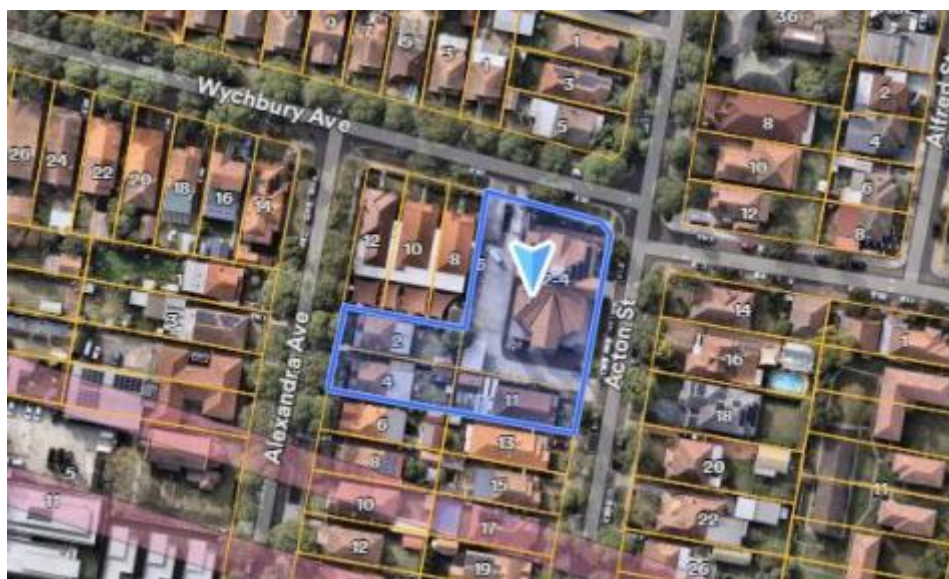


Figure 1: Location plan with the 4 sites subject of this application identified in blue shading. The arrow denotes the location of the St Joseph’s Maronite Church.
 (Source – Council mapping system)

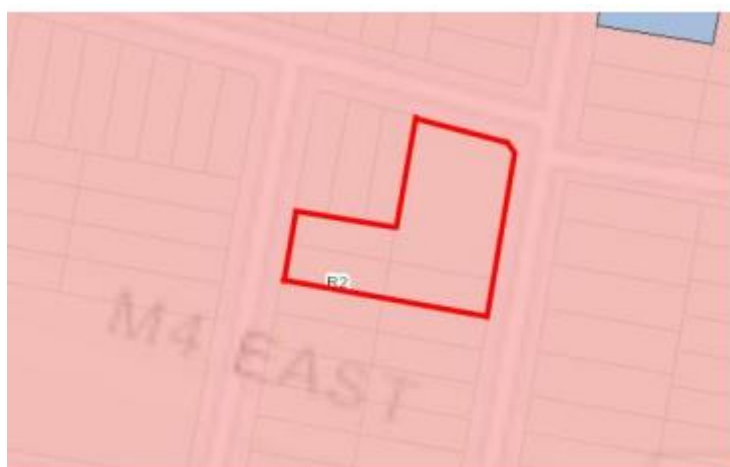


Figure 2: Zoning extract from Burwood Local Environmental Plan 2012 with site identified with pink shading
 (Source – Council mapping system)

The site is located in a low-density residential area surrounded by predominately residential uses, with Parramatta Road and various Industrial and Mixed-Use shops located to the north. The site is adjacent to St Joseph’s Maronite Church and Dashing Ducks Childcare Centre which adjoins the norther boundary of the site.



1.

Figure 3 – Existing St Joseph's Maronite Church Elevation from Wychbury Avenue.
Source: Council Site Inspection



Figure 4 – Church Entrance from Acton Street
Source: Council Site Inspection



Figure 5 – No. 11 Acton Street (right) to be demolished as part of the development to provide the new youth kitchen, library and associated landscaping. *Source: Council Site Inspection*



Figure 6 - No. 13 Acton Street (left) and No. 11 Acton Street (right)
Source: Council Site Inspection



Figure 7: R2 Low Density Residential Zoning Map of subject site. *Source: Council mapping system*

Proposed Development

The proposed development subject of this Development Application can be summarised as follows:

1. Demolition of existing brick dwelling and associated structures within No. 11 Acton Street.
2. Partial demolition of the existing dwellings and demolition of rear detached garages in No. 2 and 4 Alexandra Avenue. The front primary rooms of the buildings are proposed to be retained including original features and leadlight windows.
3. Removal of the mango tree in the rear yard of No.2 Alexandra Avenue.
4. Construction of a single storey Maronite Community and Youth Centre Building and associated buildings including four (4) consulting rooms, library, kitchens, storage room, toilet amenities building.
5. The proposed community facility is sited at the rear of St Joseph's Maronite Church, which is located at No. 7-9 Acton Street, Croydon.
6. A basement garage containing 40 new parking spaces will be construction to provide for the parking demands generated by the proposed development. 23 spaces will be located on the lower basement level, and 17 on the upper basement level.
7. The new basement will form an extension of the existing basement car park serving the Church and childcare centre.
8. The proposed development will utilise the existing driveway located on Acton Street and proposes to create new openings in the existing piled wall to enable a basement extension.

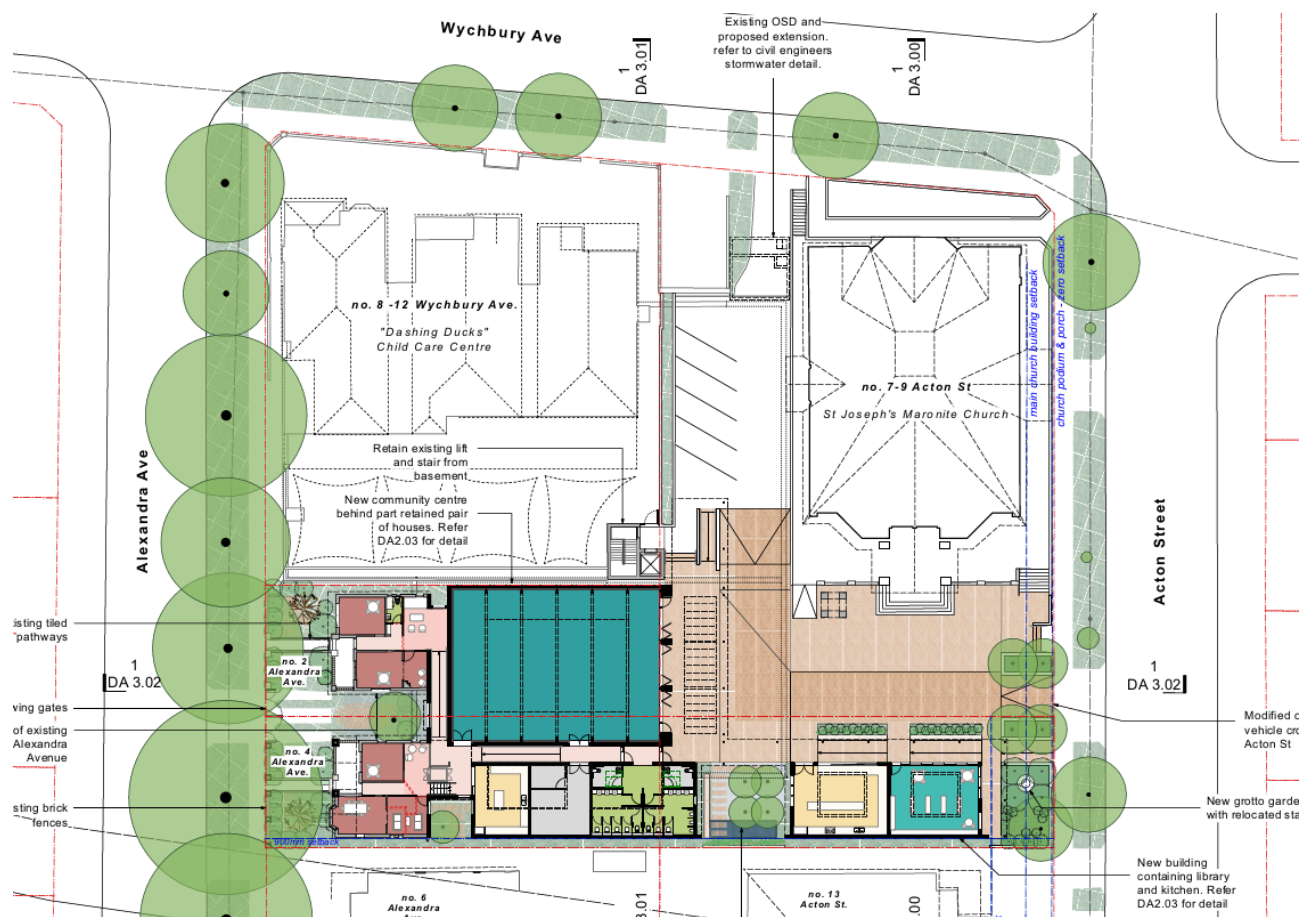


Figure 8 – Proposed Site Layout

Community and Youth Centre

1. The proposed community facility will operate between 7am and 10pm, from Monday to Sunday.
2. The facility will be used to provide a range of primarily youth related community services including counselling and youth activities.
3. The number of people attending these activities will typically range between 3 and 30.
4. During the year there will be occasional community events (up to 14 events a year) with up to 270 people attending typically after 6pm. These events will be coordinated so that they do not coincide with the adjoining Church. These events will involve community and counselling seminars such as marriage counselling or youth counselling.

Given the nature of the special events and the number of people expected to be on site, the community events will be granted approval on a 12-month trial basis. This will allow Council to monitor the appropriateness of the scale of the events and the effectiveness of the operator's management procedures in preventing amenity impacts upon the surrounding residential neighbours.

Library

1. The community library will operate between 9am and 9pm, from Monday to Sunday.
2. The community library will be staffed by between 1 and 2 volunteers and is designed to accommodate up to 10 people inclusive of the volunteers.

Community Kitchen

1. The community (youth) kitchen will operate between 7am and 9pm, from Monday to Sunday.
2. The kitchen will be used to prepare meals to be delivered via a community outreach program which will be consumed off-site.
3. It is anticipated that there will be up to 6 volunteers working in the youth kitchen.

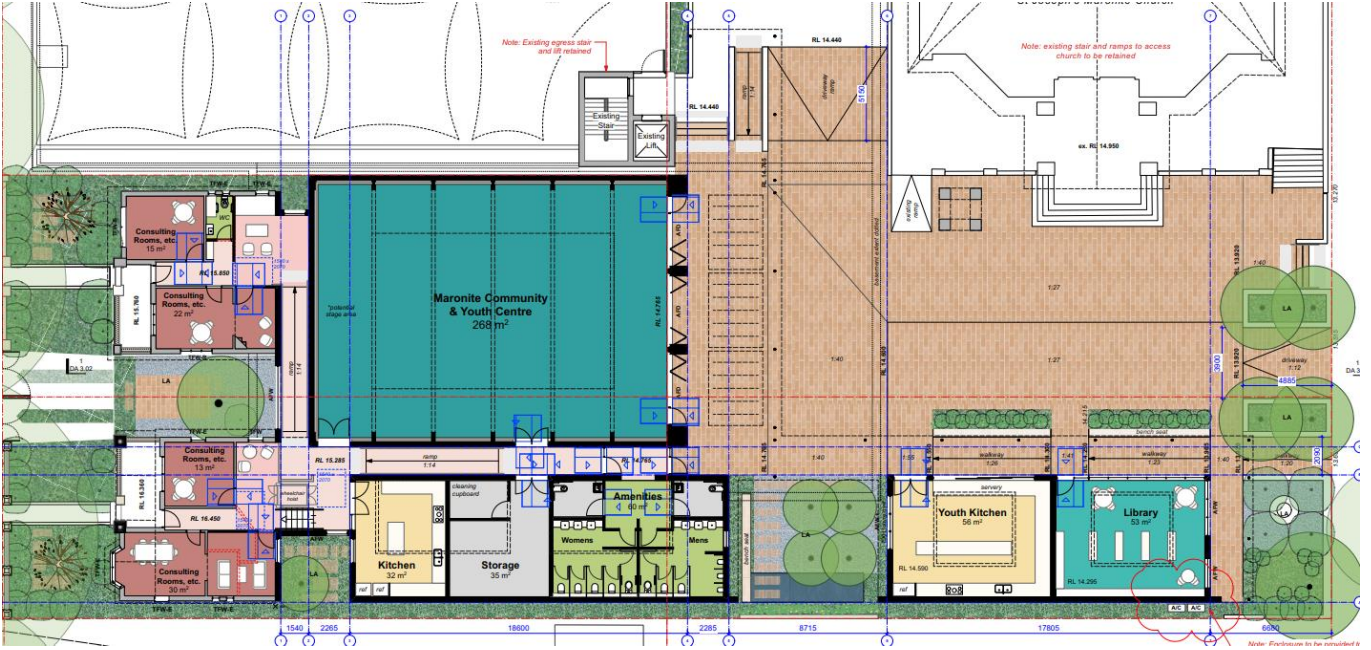


Figure 9 – Site Plan showing the proposed building layouts

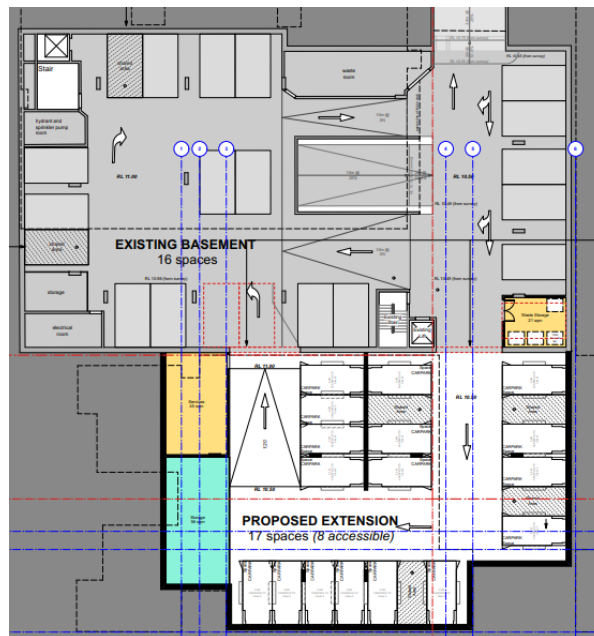


Figure 10 – Basement Car Park Extension connecting to the existing Car Park serving the Church



Figure 11 – Proposed Western Elevation involving the retention of the front portion of the 2 dwellings

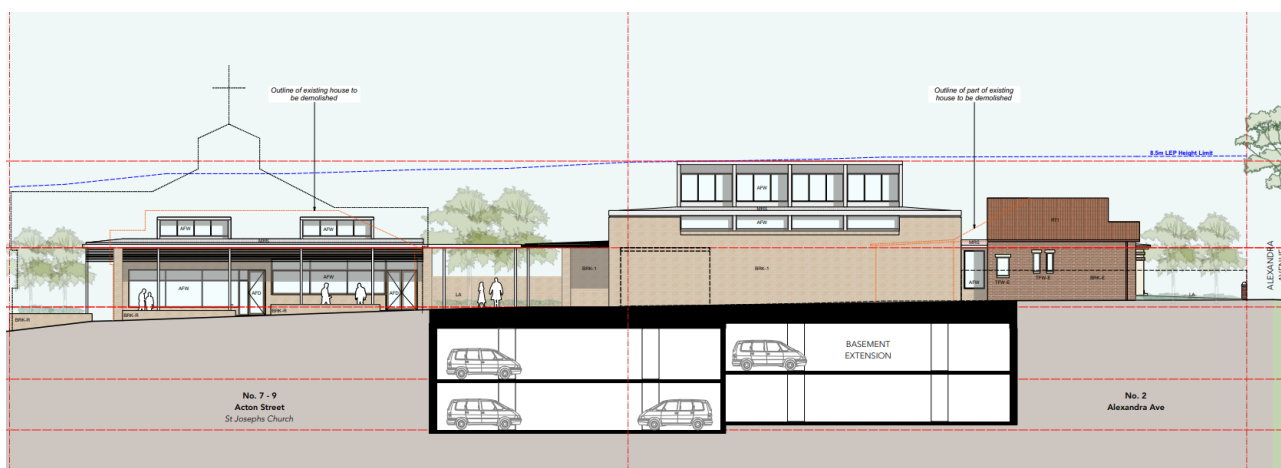


Figure 12 – Proposed Northern elevation

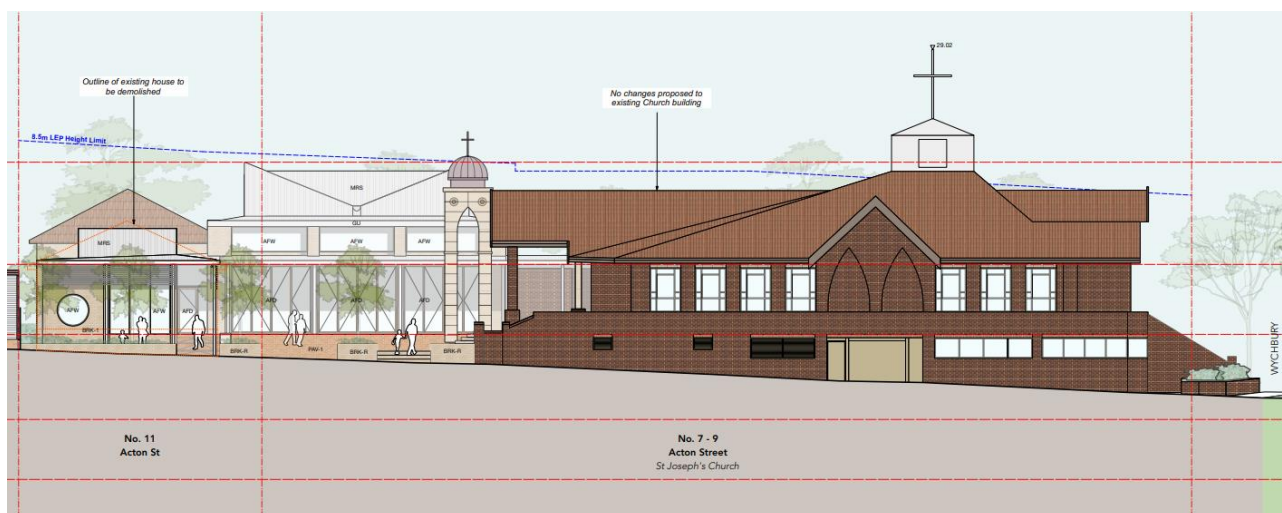


Figure 13 - Proposed Eastern Elevation

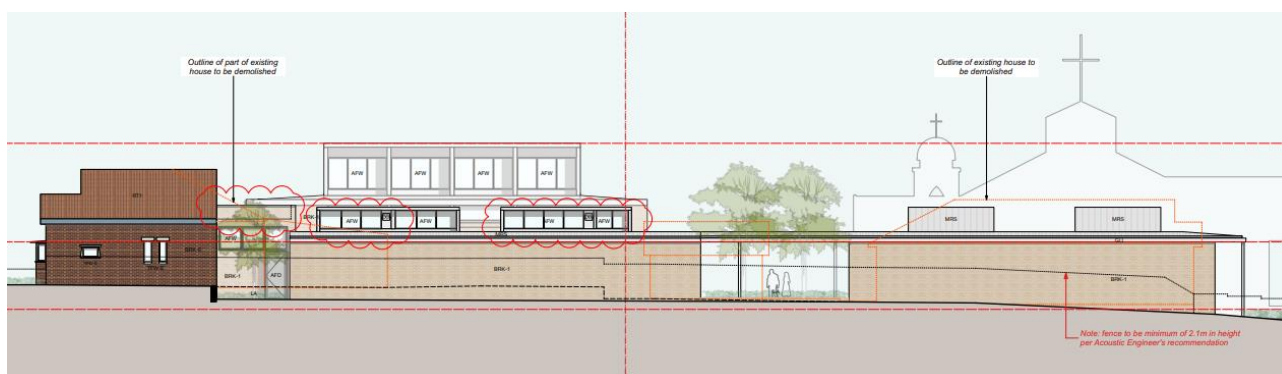


Figure 14 – Proposed Southern Elevation including 2.1m high acoustic fence

Statutory Planning Framework

The application is assessed under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended, which include:

- SEPP (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- 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
- The Public Interest
- Submissions made under the Act and Regulations

These matters are considered in this report.

SEPP (Biodiversity and Conservation) 2021

The proposal involves minimal tree removal and will not result in an adverse impact on threatened species, populations and ecological communities that are under threat of extinction in NSW. The proposal only seeks remove one (1) mango tree in the rear yard of No.2 Alexandra Avenue.

Furthermore, Council's Tree Preservation Officer has assessed the application and raised no concerns, subject to conditions of consent.

SEPP (Resilience and Hazards) 2021

The consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

Considering the existing long standing use of the property for residential purposes and as a place of public worship within an established residential area, and a site inspection revealed no obvious contamination, a land contamination assessment is not considered to be necessary. Council can therefore consent to the development under the provisions of *SEPP (Resilience and Hazards) 2021*.

Burwood LEP 2012

Zoning and Permissibility

The subject site is zoned R2: Low Density Residential under the provisions of the Burwood Local Environmental Plan 2012.

The proposed development is characterised as a community facility. A community facility is defined in the BLEP 2012 as follows:

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The applicant has satisfactorily demonstrated that the proposal is consistent with the BLEP 2012 definition of a community facility and advised the following:

The proposed community facility:

- Will be owned by a non-profit community organisation.
- Will be used to provide services which promote the physical, social, cultural or intellectual development or welfare of the whole community such as marriage or youth counselling
- Will not be limited to parishioners of the Church
- Will not be used for the purpose of religious worship
- is provided with separate access that is independent of the Church

The objectives of the R2 Zone are:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

It is considered that the proposal is consistent with the objectives of the zone as it allows for the development of a community facility providing services for the local area, enhancing opportunities for community interaction and cohesion.

Other BLEP 2012 Development Standards	Proposal	Compliance
4.3(2) Height		
8.5m	8.5m at highest point of the roof ridge of the Community Centre Building.	Yes
4.4(2) FSR		
0.55:1	The proposed FSR on site is 0.53:1 (the proposed GFA is 719.5m ²)	Yes
4.6 Exceptions to Development Standards		
(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard	The proposal does not seek any variations to development standards.	N/A
5.10 Heritage Conservation		
<p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Burwood,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>Nos. 2- 4 Alexandra Avenue (and No. 7-9 Acton Street) are located within the Wychbury and Alexandra Avenue Conservation Area.</p> <p>Please note No. 11 Acton Street is not located with a Conservation Area.</p> <p>The applicant submitted a Statement of Heritage Impact prepared by Weir Phillips, dated April 2024 in support of their application which has been referred to Council's Heritage Officer for comment.</p> <p>In their referral response issued on 5 August 2024, the following was advised:</p> <p><i>"The proposed development at 11 Acton Street generally complies with Clause 5.10 (Heritage and Conservation) of the BLEP and generally complies with the relevant heritage controls of the BDCP. The proposal is a well-considered infill development at the edge of a conservation area that responds to the character and significance of the area and its use as a church and community facility.</i></p>	Yes

Other BLEP 2012 Development Standards	Proposal	Compliance
	<p><i>The significant fabric and form of the two contributory buildings on the site are to be retained and the new buildings have been designed and located to minimise impacts on the HCA. The proposal is acceptable on heritage grounds and responds to the requirements of the BLEP 2012 and BDCP.</i></p> <p>In accordance with the above, conditions of consent have been provided by the Heritage Advisor.</p>	
6.2 Flood Planning		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p>	<p>The subject site is not affected by overland flow.</p>	<p>N/A</p>

Burwood Development Control Plan

Development Control	Proposal	Compliance
4.6 Transport and Parking in Residential Developments		
<p>Community facilities information and education facilities</p> <p>Parking Requirement: As determined by Council's Management Plan for the specific facility.</p>	<p>The proposal seeks to construct a 2 level basement car park to provide 40 car parking spaces (23 spaces on the lower basement level and 17 on the upper basement level) for the development. This basement will connect to the existing basement car park serving the adjoining Church and childcare centre that currently comprises 38 spaces. A net total of 78 spaces will be provided at the completion of this development.</p> <p>The existing vehicular access from Wychbury Avenue will continue to be used for access to the basement car park.</p>	<p>Yes</p>

	Council's Traffic Engineers have assessed the application and raised no concerns to the proposal.	
4.7 Heritage in Residential Precincts		
<p>Building Design Considerations</p> <p>P6 Development of a heritage property must:</p> <p>(i) Be sympathetic in terms of its scale and character</p> <p>(ii) Employ materials and detailing that responds to the traditional form and style of the existing structure</p> <p>(iii) Provide adequate setbacks, and maintain a setting around the heritage property, to facilitate the item's interpretation.</p>	<p>The site is not identified as a heritage property, however, is partly located within a heritage Conservation Area (Wychbury & Alexandra Avenue Conservation Area).</p> <p>Council's Heritage Advisor has assessed the scope of works and the supporting Heritage Impact Statement and raised no concerns, subject to conditions of consent. Furthermore, the siting of the development is sympathetic to the surrounding developments and is within the average building setback along Acton Street and 900mm from the southern boundary which is the typical requirement for single storey developments in the DCP.</p>	Yes
<p>Roofs</p> <p>P11 The main roof form of the existing dwelling should be maintained. Alterations and additions should be located behind the existing main roof form. In cases of rear additions, it is usually appropriate that the roof is set lower than the existing roof ridge and marries-in to the existing roof form.</p>	<p>The front portion of the dwellings located in No 2 and 4 Alexandra Avenue will be retained as part of the development. The front primary rooms will be retained including original features and leadlight windows. Accordingly, the existing historic streetscape will be maintained.</p>	Yes
<p>Landscaping</p> <p>P34 The front setback (i.e. front yard) of a heritage property shall provide minimal hardstand and/or hard surfaces in order to preserve its setting and visual appearance.</p>	<p>Adequate landscaping and deep soil zones have been provided in the site frontages to soften the development and maintain the leafy characteristic of the area.</p>	Yes
<p>Views and Vistas</p> <p>P35 Development of a heritage property, or development in its vicinity, must:</p> <p>- Provide an adequate area of land around the development to allow interpretation</p>	<p>Street elevation plans have been submitted to demonstrate that the development can be appropriately integrated into the existing streetscape. Given that the front portion of the</p>	Yes

<p>of the significant building or place</p> <ul style="list-style-type: none"> - Not detract from the setting of the heritage property - Retain and respect significant views/vistas from the public domain to a heritage property, as well as the views/vistas originating from the heritage property itself. 	<p>existing dwellings in No 2 and 4 Alexandra Avenue will be retained, the historic facades will continue to dominate the streetscape.</p>	
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Town Planning Assessment

Acoustics

Given that the site is surrounded by sensitive receivers (residential developments), the applicant submitted an Acoustic Assessment Report prepared by Anavas, dated 28 August 2024, in support of their application. The assessment concluded that the use of the site can comply with the relevant acoustic criteria, and noise levels can be minimised and managed through the implementation of noise control recommendations. These recommendations include employing ushers on-site to manage people movement and congregation, providing noise control signage in several languages, installing a 2.1-meter gap-free sound barrier on the southern boundaries of the site, keeping the community centre windows closed when in use, and implementing a noise management plan. These recommendations are considered appropriate and will be included as conditions of consent.

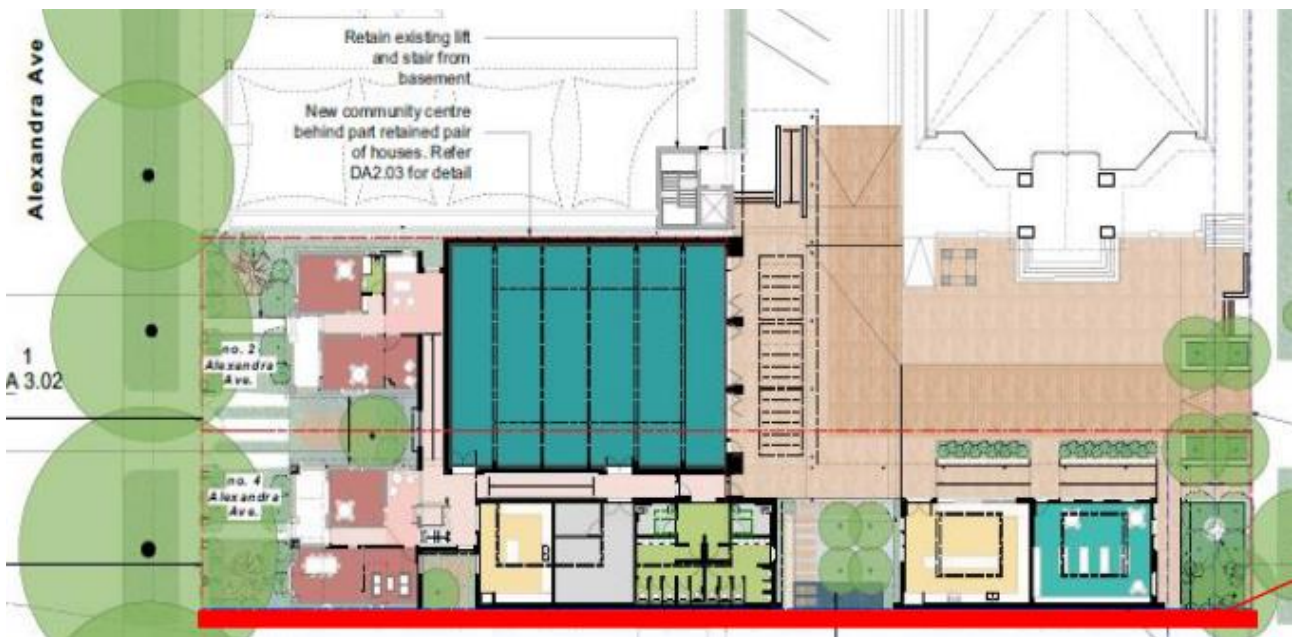


Figure 15 – The 2.1m high gap free acoustic attenuation barrier that is required to be installed along the southern boundary of the site is indicated by the red line

Parking and Traffic

The applicant submitted an updated Traffic Impact Assessment Report prepared by Traffix dated August 2024 in support of their application and to demonstrate that the development would not have an adverse impact on the surrounding road network.

The proposed expanded basement car park containing 73 parking spaces will accommodate most of the additional parking demand. The community facility will not hold separate peak events

concurrently with the neighbouring Church. As the facility will not be holding events during peak church services, the expanded car park will also be available for use during existing Church services to reduce existing on-street parking demands at peak services. Accordingly, the Church and proposed community facility will have a complimentary parking arrangement to accommodate for their parking demands.

Furthermore, the report concludes that no external improvements are required to facilitate the proposed development and the traffic impacts of the development are considered acceptable. The report has been reviewed by Council's traffic engineer and no concerns are raised regarding the proposal.

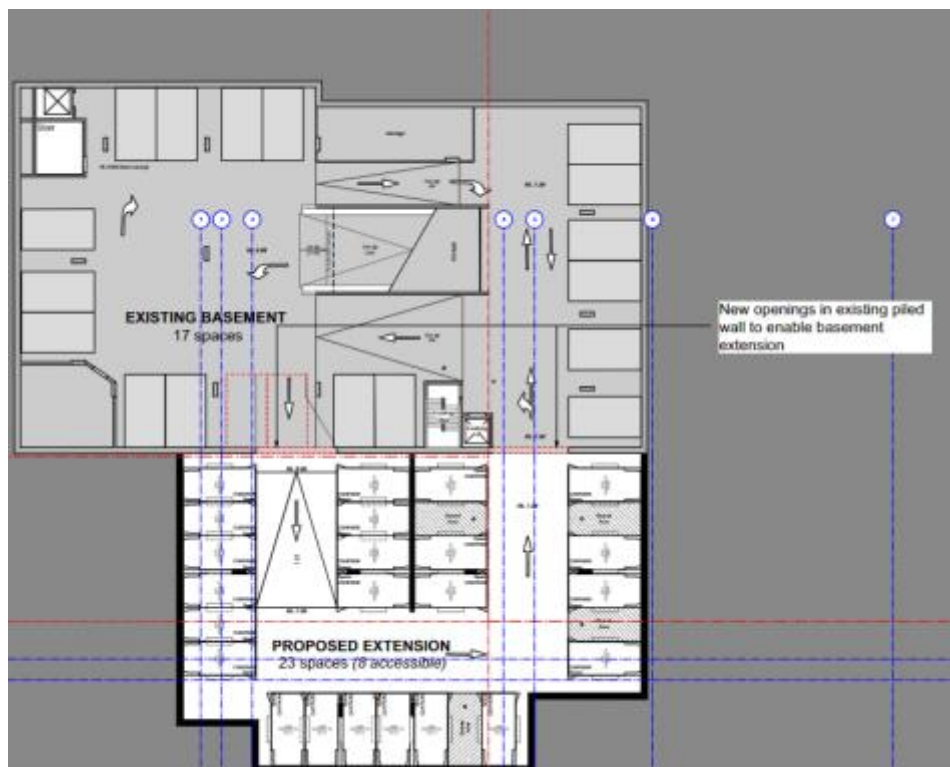


Figure 16 - Proposed Basement Plan Lower



Figure 17 - Proposed Basement Plan Lower

Site Management

The proposed non-residential use will attract a larger number of people on site than the current residential use. A Plan of Management (POM) has been submitted in support of the application. The submitted POM addresses patron management, operational procedures, venue capacity, security, and noise and waste management. The POM has been reviewed and is considered satisfactory. Compliance with the management strategies outlined in the POM will be included as a condition of consent.

REFERRALS

Branch / agency	Comments Received/ Resolution
Environment and Health	Council’s Environment and Health Branch raised no concerns to the proposal.
Engineering Assessment Branch	Council’s Engineering Assessment Branch raised no concerns to the proposal.
Waste Management Branch	Council’s Waste Management Branch raised no concerns to the proposal.
Traffic Branch	Council’s Traffic Branch raised no concerns to the proposal.
Tree Management Officer	Council’s Tree Management Officer raised no concerns to the proposal.
Heritage Officer	Council’s Heritage Officer raised no concerns to the proposal.

The applicant has submitted additional information and amended plans to address the concerns raised by Council in the initial assessment of the application. Accordingly, all issues have been satisfactorily resolved and the application is therefore recommended for approval.


Public Notification

The application was placed on Public Notification from 17 May 2024 to 28 June 2024 during which five (5) submissions were received three (3) of which listed points of objection.

Please note that the notification period was extended as the NSW Development Application Tracker was unavailable due to maintenance.

The following table summarises the concerns raised by the objectors regarding the amended design and Council's comments on the issues raised.

Issue Raised	Council Response
The rear addition to 4 Alexandra Avenue will extend into the rear yard of 11 Acton Street, which results in the majority of the southern boundary of the subject site being built upon and presenting a blank wall to 13 Acton Street.	A 2.1m high gap free sound barrier is required to be installed along the southern boundary for noise attenuation purposes. Accordingly, the majority of the building extensions will be concealed from the neighbouring sites.
The new buildings will only be 900mm from the side boundary and will be solid with no architectural relief.	The southern elevations of the proposed buildings do not contain openings to protect the amenity of neighbouring residents with respect to noise and odour. Furthermore, a 2.1m high gap free sound barrier is required to be installed along the southern boundary for noise attenuation purposes. Accordingly, the majority of the building extensions will be concealed from the neighbouring sites.
The plans should indicate the heights of the buildings on the elevations, as only RL's are provided.	The maximum building height is 8.5m (at highest point of the roof ridge of the Community Centre Building) and complies with the BLEP 2012.
The footprint of the building comprising the kitchen, storage and amenities should be amended to provide increased separation to the youth kitchen and library building so as to not encroach beyond the existing rear lot line of 4 Alexandra Avenue.	The proposed development is located wholly within the property boundaries and does not encroach into neighbouring properties. There is a 900mm side setback from the southern boundary.
The bulk and height of the proposed building will impact upon the outlook of the open sky and distant trees achieved to the north west from the rear of 13 Acton Avenue.	The proposed FSR and building height is compliant with the BLEP 2012. Accordingly, it is considered that the bulk and scale of the development is consistent with the zone objectives.
Accuracy of shadow diagrams	Due to the orientation of the site, shadows created by the development falls south onto the side pathways and a small portion of the rear yards of No. 6 Alexandra Avenue and No. 13 Acton Street. The areas within the rear yards where the shadows fall currently contains detached buildings and sheds. Accordingly, the majority of the usable private open spaces within the neighbouring sites will not be affected by overshadowing.
There is concern with the proposed 'Pyrus Chanticleer' species height at Maturity, which can reach up to 10m, in relation to visual outlook and solar access, particularly during winter.	Council's Tree Preservation Officer has assessed the proposed landscaping scheme and raised no concerns.
The water feature adjacent to the side boundary runs constantly generating unacceptable noise levels.	During the site inspection, it was observed that the water feature within the Church grounds was not in operation. Furthermore, the development

	<p>of No.11 Acton Street as part of this proposal will provide a further separation of the water feature from the adjoining neighbours.</p>  <p>Source: Council Site Inspection</p>
<p>The plans do not clearly differentiate the areas calculated for landscaped areas and deep soil</p>	<p>Council's Tree Preservation Officer has assessed the proposed landscaping scheme and raised no concerns.</p>
<p>A Plan of Management should be required for this proposal given the services that will be provided. It is unclear how the "community facility" will operate either in conjunction with, or separately from the Church.</p>	<p>A POM has been submitted outlining site management procedures.</p> <p>Please note that the community facility will not hold separate peak events concurrently with the neighbouring Church. As the facility will not be holding events during peak church services, the expanded car park will also be available for use during existing Church services to reduce existing on-street parking demands at peak services. Accordingly, the Church and proposed community facility will have a complimentary parking arrangement to accommodate for their parking demands.</p>
<p>Information is lacking about the range of youth related community services to be provided and how often the "occasional community events" will be held and managed. Nor is there information on how these events will not coincide with the current church mass times</p>	<p>The maximum number of people on site will be 270. Notwithstanding, this is only for special community events which are only held up to 14 times a year. The community events will be coordinated so that they do not coincide with events at the adjacent place of worship.</p>
<p>The scale of events proposed has not been properly detailed and seems inappropriate on this site, which immediately adjoins low density dwellings.</p>	<p>The maximum number of people on site will be 270. Notwithstanding, this is only for special community events which are only held up to 14 times a year.</p> <p>During ordinary operating periods, a maximum of</p>

	30 people will be on site attending the community hall and counselling rooms.
There is no acoustic report submitted with this application which should be required.	An Acoustic Assessment Report prepared by Anavas dated 18 September 2024 in support of their application. The assessment concluded that the use of the site can comply with the relevant acoustic criteria and noise levels can be minimised and managed through the implementation of noise control recommendations. These recommendations will form conditions of consent.
The youth kitchen will have a debilitating impact on the acoustic privacy of the residents of the neighbouring dwelling at 13 Acton Street.	The proposed youth kitchen will only operate between 7am and 9pm, from Monday to Sunday. Furthermore, there are no south facing windows from the youth kitchen building that faces the neighbouring residence. In addition, the applicant submitted an Acoustic Report demonstrating that the operation of the youth kitchen within the proposed operating hours can comply with the amenity and intrusiveness acoustic criteria, subject to recommendations and conditions of consent.
The kitchen should be more appropriately located to north western corner of the community hall building next to the existing basement lift.	Both the kitchen and youth kitchens do not have south facing windows. Accordingly, any noise or odours generated by these uses will not be directed towards neighbouring residents.
The location of all mechanical services should be located away from the southern boundary of the site and indicated on the plans.	The air conditioning units attached to the southern building elevation of the library building will be enclosed in accordance with the Acoustic Engineer's requirements.
A window schedule is required which shows if windows are fixed or openable	A window schedule has been provided in the updated plans. Furthermore, the submitted Acoustic Report recommends that the windows of the community centre be kept closed when in use. This will form a condition of consent in order to protect resident amenity.
Alterations and additions to a heritage property must not dominate the character of the existing structure nor be of excessive scale relative to the original building.	Council's Heritage Advisor has assessed the application and advised that the proposal is satisfactory, subject to conditions of consent.
Corrugated iron roofs are not consistent with the colours of the conservation area noting the predominant roof material is terracotta tiles nor is it consistent with the existing roof colour of the church.	Council's Heritage Advisor has assessed the application and advised that the proposal is satisfactory, subject to conditions of consent.
The proposal will result in additional traffic generation and vehicular conflict	An additional 40 parking spaces will be provided on site including 17 x additional spaces in basement level 1 and 23 x additional spaces in basement level 2. This equates to a total of 73 spaces within the expanded basement to accommodate the parking demands generated by the Church and proposed community facility. Further, it shall be noted that the community facility will not hold separate peak events concurrently with the neighbouring Church.

There is currently a kitchen operating in the rear of 11 Acton Street and the noise from the kitchen can be heard from about 4am to after 11pm on some occasions.	The community/youth kitchen will operate between 7am and 9pm, from Monday through to Sunday. Accordingly, the noise generated from the kitchen will only be restricted to these hours.
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Conclusion

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

Recommendation

It is recommended that the Burwood Local Planning Panel approve Development Application No.2024.22 which proposes partial demolition of the existing dwellings and associated structures across 3 sites, tree removal, construction of a community youth facility including associated amenities and outdoor open space and a two-storey basement car park connecting to the existing St Joseph's Maronite Church site at No. 2-4 Alexandra Avenue, No.11 Acton Street, and No.7-9 Acton Street, Croydon.

Attachments

- 1 Recommended Conditions - Acton Street - 29 October 2024 (*Excluded from agenda*)
- 2 Plans Acton Street - 29 October 2024 (*Excluded from agenda*)

(Item DA12/24) 171 Burwood Road Burwood - Fitout and use of local heritage item as a food and drink premises

File No: 24/44359

Report by Development Enquiry Officer; Manager City Development

Owner: Roderick Seymour Brooks
Applicant: Will Wang
Location: 171 Burwood Road, Burwood 2134

Proposal

Fit out and change of use of a local heritage listed shop from a beauty salon to a food and drink premises (take away coffee shop), and associated new signage.

The proposal is described in detail below:

Change of use of locally listed heritage item

- The application proposes to use one of the commercial premise located on the ground floor the locally heritage-listed item as a take away coffee shop.

Internal fit out to facilitate the use as a take away coffee shop, including:

Proposed demolition

- Demolition of internal partition walls inside the existing shop.
- Proposed removal the existing internal flooring
- Proposed removal the existing internal ceiling

Proposed building work

- Installation of new internal flooring inside the shop
- New fascia signage to be installed on the shop awning
- Installation of new internal partitions wall to reconfigure the shop.
- Installation of new sink and joineries.
- New suspended plaster boarding ceiling with spot lightings
- Installation of internal roller blinds behind the external shop windows.

Minor external works to the building, including

Proposed demolition

- Proposed removal of existing external timber doors.

Proposed building work

- Installation of new external aluminium frame door
- The existing shop front window frame is to be coated with black paint

Staffing Numbers and Hours of Operation

- Hours of Operation – 6.00am to 10pm – Monday to Saturday.

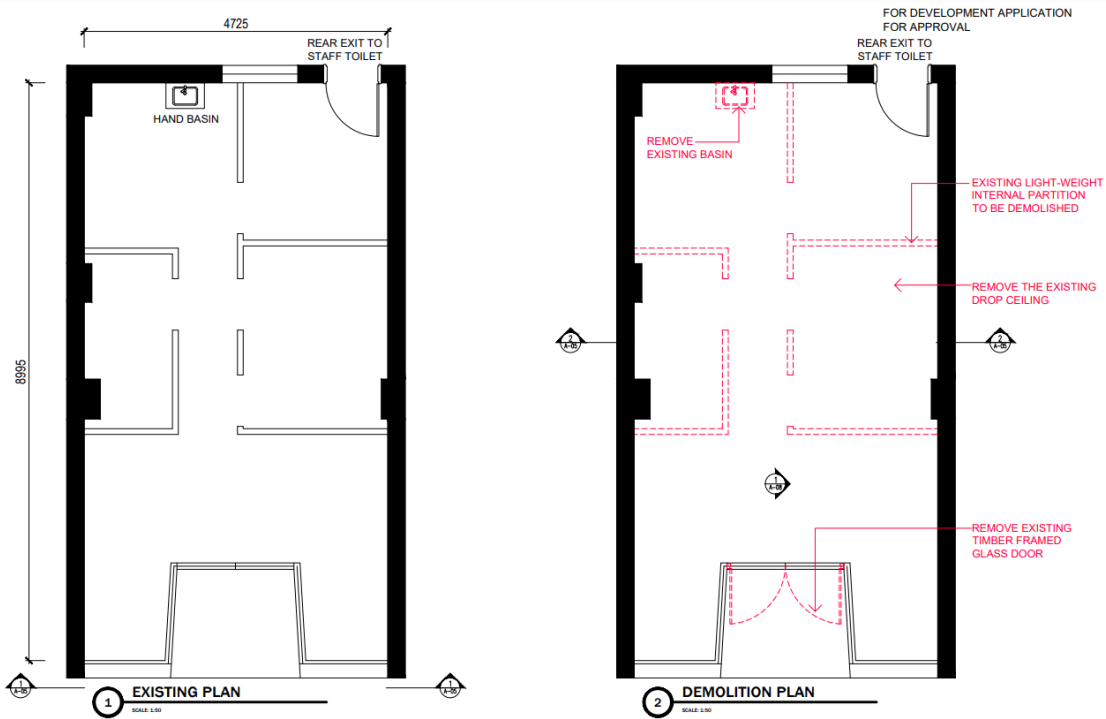


Figure 1: Ground floor plan of the shop showing the proposed demolition of internal partition walls and ceilings, *Source: Aether Architects.*

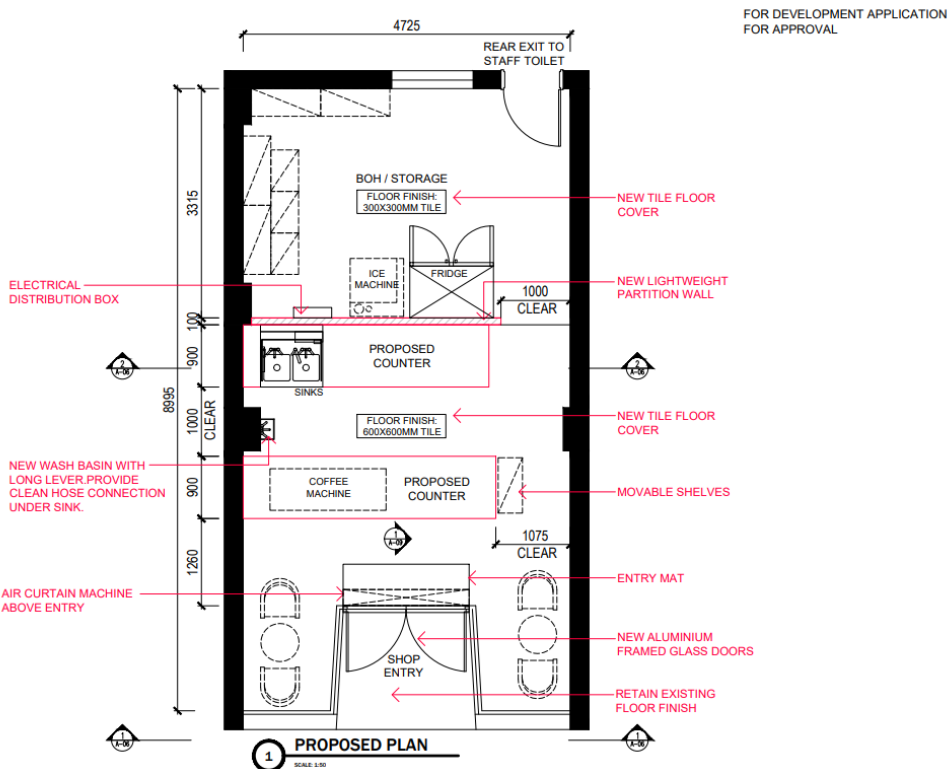


Figure 2: Ground floor plan of the shop showing the proposed internal fit out and minor external works, *Source: Aether Architects.*

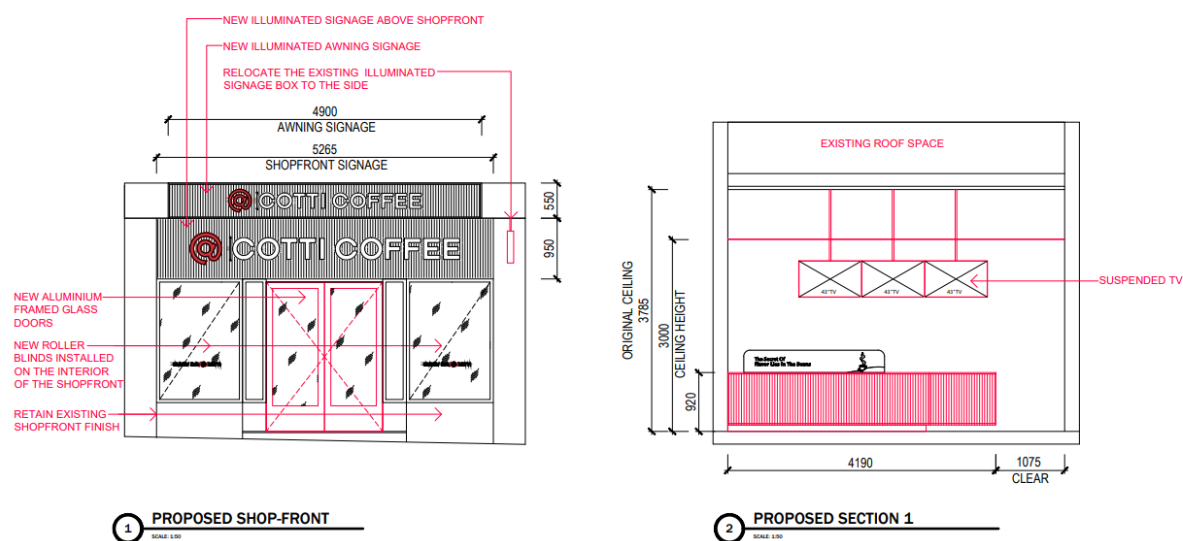


Figure 3: Proposed shop front elevation and internal section showing proposed new signage and internal fit out ,
Source: Aether Architects.

Business identification signage

Proposed demolition

- Proposed removal the existing under awning signage

Proposed signage

- New illuminated up hamper signage.
- New illuminated fascia to be located on the shop awning
- New illuminated under awning signage

Ongoing waste management

The applicant submitted a waste management plan (submitted by the applicant Will Wang) with the application which details how waste will be managed during construction works.

Access to the site

The existing shop provides pedestrian access from Belmore Street.

Parking arrangements

The proposal does not seek to make any changes to existing off-street car parking arrangements on site.

BLPP Referral Criteria

The building is a local heritage item and the development involves change of use of the premise, demolition of the internal walls and minor alterations to the shop frontage.

Background

On 13 March 2000 Council approved development application no. DA.2000.029 for *Proposed change of use from a Tailor shop to a Beauty Salon for the existing shop including internal fit-out for use as a Beauty salon.*

The most recent previous use of the premises was that of a beauty salon. The premises is currently vacant.

Statutory Requirements

Heads of Consideration

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

- State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of land
- The provisions of the Burwood Local Environmental Plan (BLEP) 2012
- The provisions of the Burwood Development Control Plan (BDCP) 2013 as amended
- The regulations (of the EP&A Act)
- The likely social, environmental and economic impacts of the development
- The suitability of the site for development
- The public interest, and
- Submissions made under the Act and Regulations

These matters are considered in this report.

Locality

The location of the subject site is depicted in **Figures 4 and 5** below

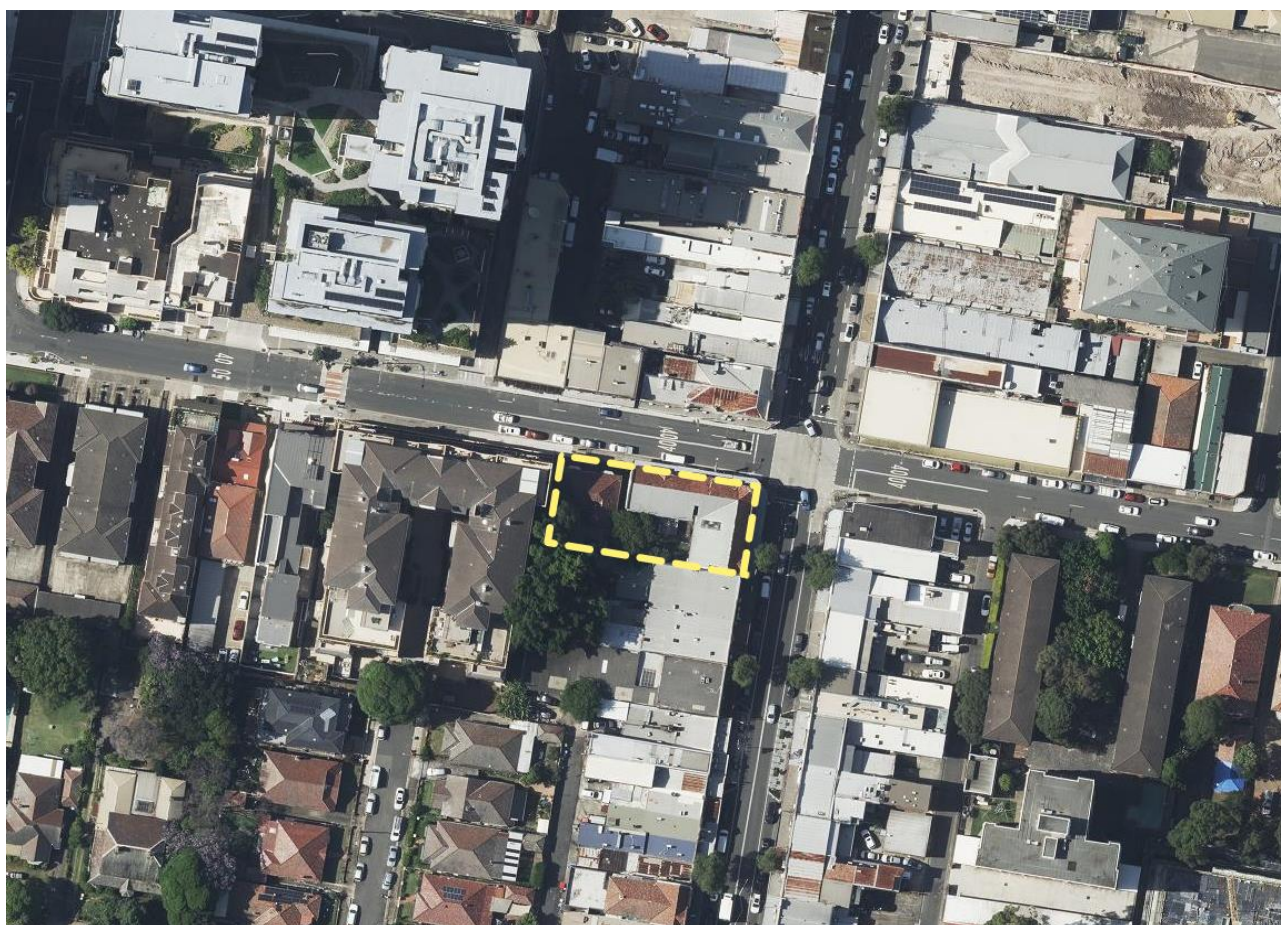


Figure 4: Aerial view of the subject site Lot 101, DP136390, at No. 171 Burwood road, Burwood (indicated with the yellow dashed lines). *Source: NSW Planning Portal (2024).*

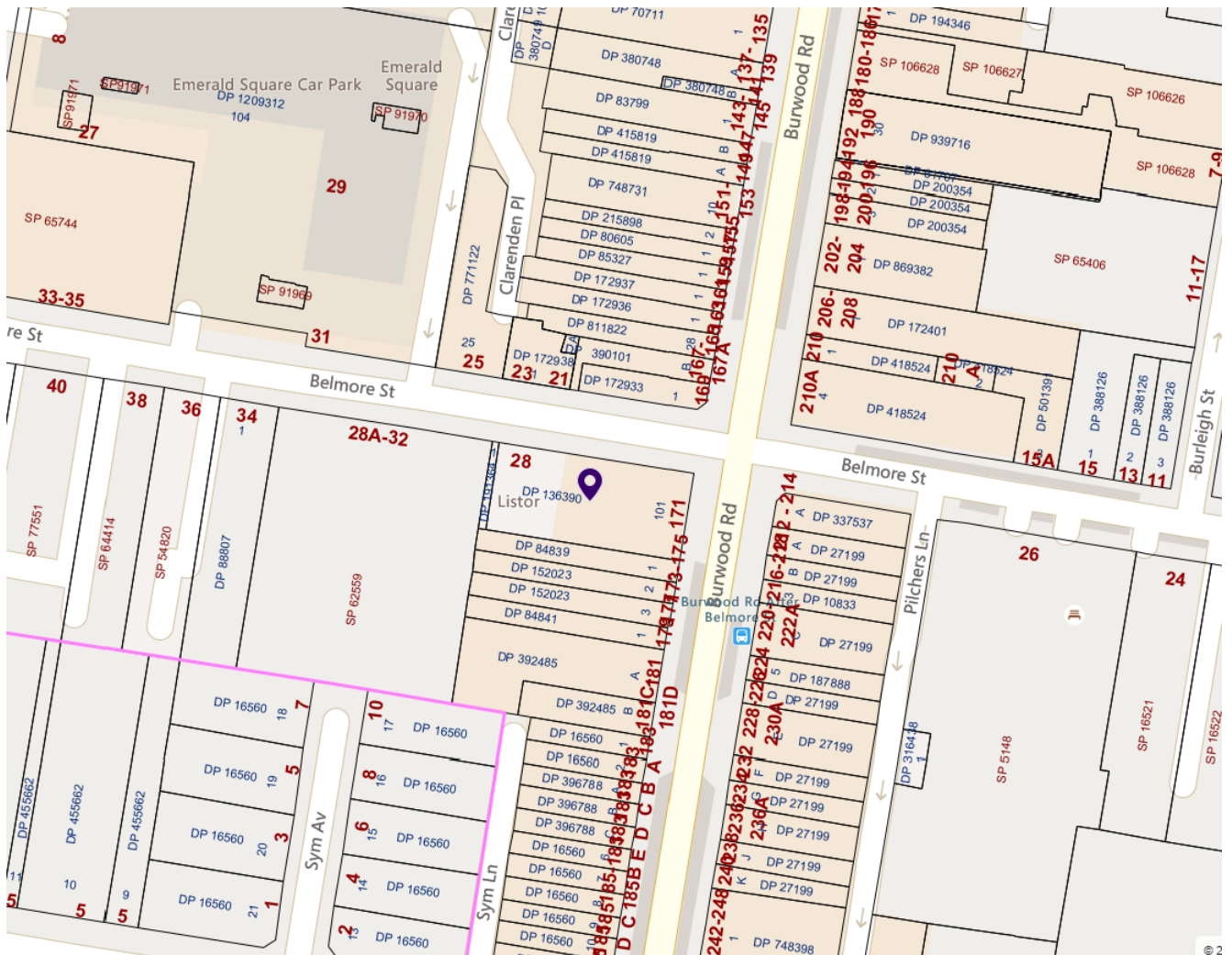


Figure 5: Street map showing the subject site indicated with the purple marker.
 Source: Council mapping system.

The subject site is identified as No. 171 Burwood Road, Burwood NSW 2134 (Lot 101 DP136390). The site is a corner allotment situated within the Burwood Town Centre, approximately 191 metres to the south of Burwood Road. The site has two (2) street frontages, Burwood Road and Belmore Street.

In terms of topography the site has a slight fall from west to east, and also from south to north.

Currently occupying the site are the heritage-listed buildings identified as the shops (Significance: Local) in Schedule 5, Part 1 Heritage items of the Burwood Local Environmental Plan 2012. The heritage memo from the Council’s heritage consultant indicates that the site is located on a prominent corner at the intersection of Belmore Street and Burwood Road in Burwood, addressing the corner with a splayed frontage. The building contains shops at ground level with residential accommodation above. Built c1931, the building has Art Deco details and features, including the remaining original shopfronts. The building appears largely intact externally, with alterations internally. The current proposal is for works to the shop at unit 26B of the building.

Heritage Significance

The property contains a shop building, which is listed as a heritage item in the BLEP. The SHI provides the following Statement of Significance:

No. 171 Burwood Road, Burwood has historic and aesthetic significance as part of the Inter-War period of development in the local area constructed c1930s. Despite some modifications to the ground floor shop fronts the building still retains its original form and detailing including face brick

walls with decorative curved brickwork, multi-paned timber framed windows with arched window tops, bands of louvre windows with decorative sills and plain timber framed double hung windows.

The development site currently has no vehicle access. The shop frontage is situated adjacent to the Council’s pedestrian footpaths. Near the intersection of Burwood Road and Belmore Street, a heritage item features a continuous shop awning installed above the pedestrian footpath. Existing pedestrian entry to the shop front is clearly visible from Belmore Street.

The site is surrounded by commercial and residential developments typical of the Burwood Town Centre. To the west, there is a five-storey residential flat building with ground-floor commercial tenancies. To the north, across Belmore Street, are single-storey shops. To the east is the ANZ Bank, and to the south is a two-storey shop attached to the heritage item at 171 Burwood Road.

There are several heritage items located in proximity to the development site. To the east, directly opposite the subject site, is No. 216-256 Burwood Road, identified as the heritage item Federation Shops (Significance: Local). Approximately 43 metres to the north is No. 157 Burwood Road, identified as the heritage item Shops (Significance: Local). To the south, about 71 metres away, is No. 185-185B Burwood Road, identified as the heritage item Shop-First Floor Facades (Significance: Local).



Figure 6: Heritage extract showing the subject site (indicated with purple marker) containing a heritage item, identified as ‘shop (Significance: Local)’ in Schedule 5, Part 1 Heritage items of the BLEP 2012. Source NSW Planning Portal (2024).



Figure 7: The north façade of the heritage item (shop), as viewed from the intersection of Belmore Street and Burwood Road. Extracted from the Heritage Impact Statement prepared by Touring the past, dated 06/08/2024.



Figure 8: The subject shop frontage of the Development Application, viewed from Belmore Street. Extracted from the Heritage Impact Statement prepared by Touring the past, dated 06/08/2024.



Figure 9: The subject shop frontage and existing under awning sign. *Source, site inspection on 14/10/2024*



Figure 10: The subject shop frontage of the Development Application, viewed from Belmore Street. *Extracted from the Heritage Impact Statement prepared by Touring the past, dated 06/08/2024.*



Figure 11: The two storey brick-construction commercial building located on the site of development.
Source, Site inspection on 18/10/2024



Figure 12: Burwood Road frontage.
Source, site inspection on 18/10/2024.

Surround Development

The site is not a flood identified property in Council's flood mapping. The land use zoning for the site is MU1 Mixed Use under the provisions of the Burwood Local Environmental Plan 2012.

The site is surrounded by commercial and residential developments typical of the Burwood Town Centre. To the east, there is a row of heritage-listed Federation shops facing Burwood Road. To the north, there is a row of two-storey shops and Emerald Square features four residential towers with three storeys of commercial tenancies in the podium levels. To the west, there is a row of residential flat buildings ranging from three to six storeys in height. To the south, there is a row of attached commercial shops includes heritage-listed items, such as the Shop – First Floor Facades and Federation Shops – First Floor Facades.



Figure 13: No.224 and 228 – 230A Burwood Road, Burwood, heritage item federation shops – First Floor Facades located on the east side of the site. *Source, site inspection on 18/10/2024.*



Figure 14: No.242 – 248 Burwood Road, heritage item Federation shops – First Floor Facades located on the east side of the site. *Source, site inspection on 18/10/2024*



Figure 15: No.254 – 256 Burwood Road, heritage item Federation shops – First Floor Facades located on the east side of the site. *Source, site inspection on 18/10/2024*



Figure 16: No.185B Burwood Road, heritage item Federation shops – First Floor Facades located on the east side of the site. *Source, site inspection on 18/10/2024*



Figure 17: No.159 Burwood Road, heritage item Federation shops – First Floor Facades located on the east side of the site. *Source, site inspection on 18/10/2024*

Planning Assessment

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of land.

The provisions of SEPP (Resilience and Hazards) 2021 are required to be considered for any development application. Consideration must be made if the land is suitable for the proposed development, if it is contaminated, if it is suitable for the proposed use, and/or if the contamination is required to be remediated before the land is used for that purpose.

Considering the previous use of the site for commercial purposes and that a search of Council's records and a site inspection revealed no obvious land contamination, given the nature of the proposed development a land contamination assessment is not considered necessary in this instance.

Burwood Local Environmental Plan (BLEP) 2012

The BLEP 2012 came into effect on 9 November 2012 and contains a number of controls including development standards which apply to the proposed development. A summary of the assessment of the application against the relevant planning controls within the BLEP 2012 is shown below.

Permissibility of the development in the zone

Land Use Zone: MU1 Mixed Use.

Proposal: The proposed use is for a take away coffee shop, a form of 'food and drink premise', which is permitted in the MU1 Mixed Use zone with consent.

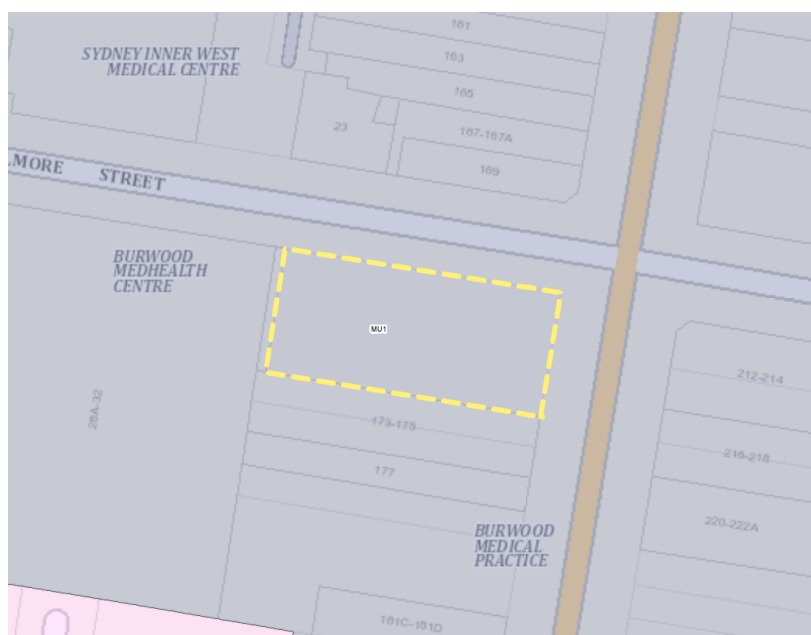


Figure 18: Zoning extract showing the subject site (indicated with yellow dashed lines) within the MU1 Mixed Use zone. Source: NSW Planning Portal (2024).

Compliance with relevant BLEP development standards

SECTION 4.15 HEADS OF CONSIDERATION

Any environmental planning instrument

Instrument	Proposal	Compliance
State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 – Remediation of land.		
The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated.	The subject site has been historically used for commercial purposes. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004		
The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.	A BASIX Certificate (see Certificate No. 1416865S dated 24 August 2023) has been submitted with the amended application. The BASIX commitments have been included on the architectural plans. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate.	N/A
State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 2 – Vegetation in non-rural areas.		
<p>The Vegetation SEPP commenced on 25 August 2017 and replaced clause 5.9 of BLEP 2012, which related to the preservation of trees and vegetation.</p> <p>The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.</p>	The proposal does not seek the removal of any significant vegetation on the subject site.	N/A
State Environmental Planning Policy (Transport and Infrastructure) 2021 Division 17 Roads and Traffic Subdivision 2 – Development in or adjacent to road corridors and road reservations		
<p>The objectives of this clause are:</p> <p>(a) To ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</p> <p>(b) To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p>	The subject site does not have a frontage to a classified road. As such, concurrence is not required by Transport for New South Wales (NSW) under Section 138 of the Roads Act 1993.	N/A

State Environmental Planning Policy (Transport and Infrastructure) 2021 Division 17 Roads and Traffic Subdivision 2 – Development in or adjacent to road corridors and road reservations 2.119 Development with frontage to classified road		
<p>The objectives of this clause are:</p> <p>(c) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</p> <p>(d) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p>	<p>The proposed development does not have any impacted on the ongoing traffics</p> <p>As above</p>	<p>N/A</p> <p>N/A</p>
State Environmental Planning Policy (Industry and Employment) 2021 3.1 Aims, objectives etc		
<p>The Policy aims to ensure that signage (including advertising):</p> <p>i. Is compatible with the desired amenity and visual character of an area, and</p> <p>ii. Provides effective communication in suitable, locations, and</p> <p>iii. Is of high quality design and finish.</p>	<p>Condition will be imposed ensure that the proposed wall signage does not have illumination. The size of the proposed wall signage will also be restricted to be within area of the existing up hamper sign by the imposed condition This will enable to signage to stay coherent with the character of the heritage item</p> <p>The proposed signage is positioned in a highly visible area, featuring a clear and legible font that ensures good visibility and comprehension.</p> <p>The proposed signage features a high-quality material finish and visually appealing aesthetics</p>	<p>Condition to be imposed</p> <p>Yes</p> <p>Yes</p>

State Environmental Planning Policy (Industry and Employment) 2021	Proposal	Compliance
Schedule 1 - Assessment Criteria		
1. Character of the area		
<ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposal can comply. A condition is recommended to ensure that the top hamper signage is not illuminated. Additionally, the size of the proposed wall signage will be restricted to remain within the area of the existing upper hamper sign. This will help maintain consistency with the character of the heritage item.</p> <p>The proposed design of signage is consistent and coherent with the other signage that are located on Belmore Street</p>	<p>Can comply</p> <p>Yes</p>
2. Special Areas		
<ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>Can comply subject to conditions of consent</p>	<p>Can comply</p>
3. Views and Vistas		
<ul style="list-style-type: none"> Does the proposal obscure or compromise important views. Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers 	<p>No Important view or vista is compromised by the proposed signage</p> <p>Ground floor signage is proposed.</p> <p>The proposed signage does interfere with the visibility of nearby signage when viewed from the street.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

4. Streetscape Setting or Landscape		
<ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? 	The scale, proportion and form of the proposal is considered satisfactory at the locality.	Yes
<ul style="list-style-type: none"> Does the proposal contribute to the visual interest of the streetscape, setting or landscape? 	The proposal does not detract from the visual interest of the locality.	Yes
<ul style="list-style-type: none"> Does the proposal reduce clutter by rationalising and simplifying existing advertising? 	The design of the proposed signage does not clutter	Yes
<ul style="list-style-type: none"> Does the proposal screen unsightliness? 	N/A	N/A
<ul style="list-style-type: none"> Does the proposal protrude above buildings, structures or tree canopies in the area or locality? 	Conditions will be imposed to ensure that proposed fascia sign does not protrude above the existing canopy	Yes
<ul style="list-style-type: none"> Does the proposal require ongoing vegetation management? 	The subject shop does not have any existing vegetation in the proximity	N/A

5. Site and Building		
<ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? 	<p>The size of the proposed wall signage will be restricted to be within area of the existing upper hamper sign by the imposed condition This will enable to signage to stay coherent with the character of the heritage item</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Does the proposal respect important features of the site or building, or both? 	<p>It is recommended, as a condition of consent, that the size of the proposed wall signage be restricted to remain within the area of the existing upper hamper sign. This will ensure that the signage remains consistent with the character of the heritage item.</p>	<p>Can comply</p>
<ul style="list-style-type: none"> • Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The signage is of contemporary design. Its design is consistent with architectural language of the existing shop front</p>	<p>Yes</p>
6. Associated devices and logos with advertisements and advertising structures		
<ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>The logo of the take away coffee shop is design to be an integral part of the proposed signage</p>	<p>Yes</p>

7. Illumination		
<ul style="list-style-type: none"> • Would illumination result in unacceptable glare? 	A condition is recommended to ensure that the hamper signage is not illuminated. As above	Can comply
<ul style="list-style-type: none"> • Would illumination affect safety for pedestrians, vehicles or aircraft? 	As above	Yes
<ul style="list-style-type: none"> • Would illumination detract from the amenity of any residence or other form of accommodation? 	As above	Yes
<ul style="list-style-type: none"> • Can the intensity of the illumination be adjusted, if necessary? 	As above	Yes
<ul style="list-style-type: none"> • Is the illumination subject to a curfew? 	As above	Yes
8. Safety		
<ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? 	The proposed signage does propose any danger to the safety of the going traffic on the public road.	Yes
<ul style="list-style-type: none"> • Would the proposal reduce the safety for pedestrians or bicyclists? 	The proposed height of the under awning sign is sufficient for pedestrians walking on Belmore Street	Yes
<ul style="list-style-type: none"> • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposed development does not obscure sightlines from public areas	Yes

Burwood Local Environmental Plan 2012

Under Burwood LEP 2012, the property is zoned MU1 Mixed Use Zone, and food and drink premise is permitted with Council’s consent.

Objectives of the MU1 Mixed Use Zone

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*

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

The proposed development is considered to satisfy the objectives for residential development as it will provide for the needs of the community within a low density residential environment

The following is a summary of the relevant clauses under Burwood LEP 2012 applicable to the development.

Burwood LEP 2012	Proposal	Compliance
4.3(2) Height		
30m	Unchanged, the proposal relates to the fit out of an existing ground floor retail shop.	Yes
4.4(2) FSR		
3:1	The proposed development does not affect the existing FSR of the property	N/A
5.10 Heritage Conservation		
(1) The objectives of this clause are as follows— (a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views, (c) To conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance	The Development Application was referred to Council's heritage advisor made a number of recommendations relating to retaining the existing timber doors, minimising impact on existing fabric and modification of the approved signage. Each of these items can be addressed by conditions of consent to protect the existing heritage item and its contribution to the streetscape.	Can comply
6.1 Acid Sulfate Soils		
(1) The objectives of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The subject site is affected by Class 5 Acid Sulfate Soils. However, there are no works proposed within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1m.	Yes

6.2 Flood Planning		
<p>(1) The objectives of this clause are as follows:</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land’s flood hazard, taking into account project damages as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p>	<p>The subject site is not affected by flooding.</p>	<p>N/A</p>

(i) Any proposed instrument (Draft LEP etc)

There are no draft Environmental Planning Instruments for consideration.

(ii) Any development control plan

Does the development comply with following parts of Burwood DCP 2013	Yes	No	N/A
Part 2 – Site and Environmental Planning	✓		
Part 3 – Development in Centers and Corridors	✓		
Part 4 – Development in Residential Areas			✓
Part 5.2 – Child Care Centers			✓
Part 5.4 – Boarding Houses			✓
Part 5.6 – Signage and Advertising			✓
Part 6.1 – Tree Preservation			✓
Part 6.2 - Waste Management	✓		
Part 6.3 – Acid Sulfate Soils			✓
Part 6.4 – Flood Planning			✓
Part 6.5 – Stormwater Management			✓
Part 6.6 – Landscaping for Development			✓
Part 6.7 – Energy Efficiency and Sustainability			✓

BURWOOD DCP 2013 – COMPLIANCE WITH PROVISIONS	Proposed	Compliance
Part 2 – Site & Environmental Planning	The proposal is consistent with the objectives of Part 2 of the Burwood DCP.	Yes
Part 3.2 – General Building Design Controls in Centres and Corridors		
3.2.4 Street-Front Activities and Building Access		
<p>P2 Ground floor level development must:</p> <ul style="list-style-type: none"> - Promote quality non-residential activities in accordance with the zone. - Minimise the number of service doors and encourage visual interest on service doors with displays etc. <ol style="list-style-type: none"> 1. - Provide access points to and from the public domain at not more than 20 metre intervals. <ol style="list-style-type: none"> 2. - Provide at-grade access at entry points. <ol style="list-style-type: none"> 3. - Incorporate visually interesting streetscape frontages at ground level with attractive entries, clear glazed windows and window displays, artworks, articulated architecture and facade modulation. 	<p>The development promotes quality non-residential activities – being a food and drink premises.</p> <p>The proposed development does not seek to propose any additional doors</p> <p>The existing shop entrance is to be retained.</p> <p>NA</p> <p>The existing glazing of the shop frontage is retained. The shop frontage and the proposed signage is visually appealing to the pedestrians traversing on Belmore street.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p>
P3 Separate and clearly identifiable entrances must be provided from the street for pedestrians and cars, and different uses (residential and non-residential).	The commercial tenancy have dedicate entrance for the pedestrian	Yes
P4. Building entrances must have a direct physical and visual connection with the street	The commercial tenancy entrance is visible on Belmore Street and can be accessed by ongoing pedestrians	Yes
P5. Residential component of any development must have a clear street address and a separate entry	The proposal is relate shop fit out and change of use	N/A
P.6 Outdoor dining is generally encouraged on the footpath of commercially active street frontages, subject to compliance with Council's Outdoor Eating Area Policy	As above	N/A
P.7 All commercial components must have a clear street address	The street address is visible on the existing awning attached the existing two storey shop	Yes
P.8 CCTV cameras shall be installed over any entrance points (including car parking entrance) for residential flat buildings and major developments. The CCTV system shall provide a quality image that can assist with the detection	The proposal does not include any new CCTV cameras	N/A

of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required		
3.2.19 Access and Mobility		
P1 The main entry of development must be designed and identified for use by persons with a mobility impairment P2 The main entry must be accessible from the street footpath in accordance with Australian Standard (AS) 1428: Design for Access and Mobility.	The existing heritage shopfront is to be retained.	Existing
P3 Safe and convenient access must be provided in all development, car parks and communal facilities	Not applicable. The proposal relates to an existing shop fitout	NA
P4. Compliance with AS 1428.1 is required with respect to access requirements on new building work	The existing heritage shopfront is to be retained.	Existing
P5. Tactile indicators must be provided on the ground immediately adjacent to the approach and departure sides of any changes in floor levels in the public domain which incorporate a step, ramp, stepped ramp or the like in accordance with AS 1428.4.	Not applicable. The existing heritage shopfront is to be retained.	NA
3.3.2 Burwood Town Centre Areas Commercial Core and Middle Ring Areas		
P3 Street front development along Burwood Road must enhance the existing streetscape and be of a similar scale, form, bulk, placement and character to adjoining and nearby street front development.	P3 The subject site does not face Burwood Road, however, the development is considered to enhance the existing streetscape and be of a similar scale, form, bulk, placement and character to adjoining and nearby street front development subject to conditions of consent.	Yes

The regulations (of the EP&A Act)

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA) and impose prescribed conditions for development approvals. A standard condition of approval shall be imposed to ensure that all works are carried out in accordance with the Building Code of Australia. Furthermore, the application shall be conditioned so that a Construction Certificate must be issued for the approved building works prior to the commencement of any building works.

The likely social, environmental and economic impacts of the development

The impacts of the development will be those associated with the internal fit-out, new signage and change of use of the heritage-listed item as a take away coffee shop at 171 Burwood Road Street, Burwood NSW 2134 and conditions of approval have been imposed on the development to ensure that any environmental, social and economic impacts are properly managed during development works and on an on-going basis.

The suitability of the site for development

The proposal is a permissible form of development in the MU1 Mixed Use zone, being a type of 'food and drink premise, and generally satisfies the key planning controls for the site as detailed above and is considered to be suitable for the site.

The public interest

It is considered that the proposal development, as conditioned by Council, is generally in the public interest.

Submissions made under the Act and Regulations

At the time of preparing this report, no submissions were received. The exhibition date will finish on 23/10/2024

Community Consultation

The application was publicly notified between 4 October and 23 October 2024 in accordance Council's current notification policy.

Referrals

Environmental Health

The application was referred to Council's Environmental Health section who identified the proposal will need to comply with Australian Standards and the Food Act. It is recommended as conditions of consent the application prepare detailed plans for a construction certificate demonstrating compliance.

Heritage Advisor

The application proposes building works to a local heritage item. The applicant submitted a Heritage Impact Statement Letter, prepared by Touring the Past, alongside the proposal. Accordingly, the application was referred to Council's consultant Heritage Advisor for review and comment. The advisor made several recommendations to protect the heritage of the existing building and its contribution to the streetscape.

Specifically, concerns were raised regarding the removal of the existing timber doors and the type and scale of the proposed signage. To address these concerns, a number of conditions are recommended, including the retention of the existing timber doors, reducing the scale of the signage, restricting illumination of the top hamper wall signage, and minimising the impact of the proposed works on significant internal fabric. Subject to the imposition of the recommended conditions, the issues raised can be adequately addressed.

The application therefore is considered to satisfy Clause 5.10 of the BLEP 2012.

*Please refer to **Attachment 3** to view the applicant's heritage impact statement and **Attachment 4** to view Council's heritage advisor's referral.*

Engineering

The application was referred to Council's Development Engineer for review and comment. No objections to the proposal were raised, provided that appropriate conditions of approval be imposed.

Conclusion

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

Recommendation(s)

That Development Application No. DA.2024.56, which proposes the internal fit-out, new signage and change of use of the heritage-listed item as a food and drink premises at 171 Burwood Road Street, Burwood NSW 2134, be approved subject to the conditions of approval contained in **Attachment**

Attachments

- 1 Recommended Conditions - 171 Burwood Road Burwood 29 October 2024 (*Excluded from agenda*)
- 2 Plans - 171 Burwood Road Burwood - 29 October 2024 (*Excluded from agenda*)
- 3 Heritage Impact Statement - 171 Burwood Road Burwood - 29 October 2024 (*Excluded from agenda*)
- 4 Heritage Referral -171 Burwood Road Burwood - 29 October 2024 (*Excluded from agenda*)

(Item DA13/24) 22 Belmore Street Burwood - Alternations and additions to a local heritage listed residential flat building

File No: 24/44554

Report by Manager City Development; Senior Town Planner

Owner: Renee Connellan
Applicant: Sky Planning Pty Ltd
Location: 22 Belmore Street Burwood

Proposal

Development Application proposing demolition and re-construction of the rear detached garage and laundry facilities, replacement of concrete driveway and upgrade works to the exterior of an existing residential flat building (figs. 1-7).

The works proposed under this application are as follows:

- The demolition and disposal of:
 - The existing concrete driveway.
 - The existing rear ancillary garages with laundry rooms.
 - The rear external deck/stair structure.
- The construction of:
 - New concrete driveway to match original finish and condition.
 - New rear ancillary garages with laundry rooms to match original finish and condition.
 - New rear exterior deck/stair structure on apartment building to match original finish and condition (including cladding, windows, timber framing and roof).
- The reinstatement of:
 - Front balcony brick balustrade capping and raising of balustrade by two brick courses.
 - Concrete spalling to ceiling soffit on balconies.
 - Brick re-pointing on front entry stairs and installation of Seton anti-slip treads and nosing on length of stairs.
 - Spalling, waterproofing and concrete defects repairs works on rear exterior apartment block stairs.

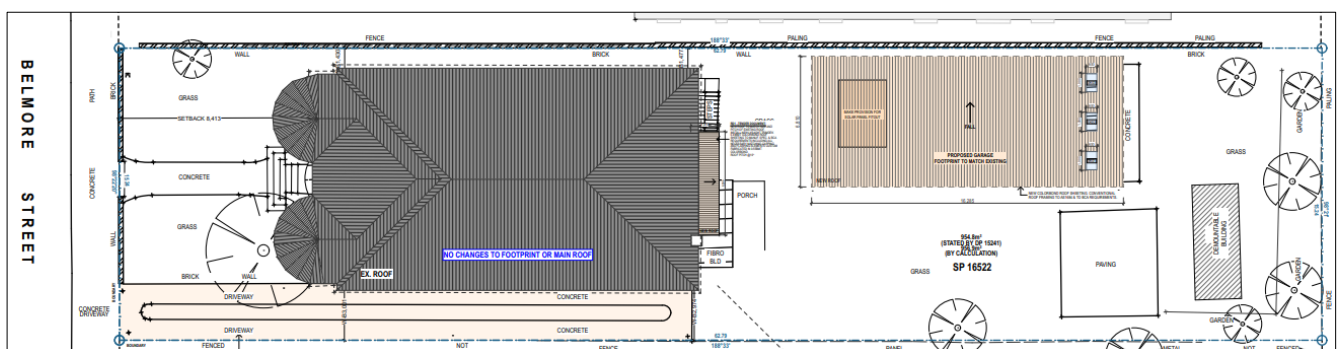


Figure 1: Site Layout indicating areas to be modified highlighted. Source: PlanShop.

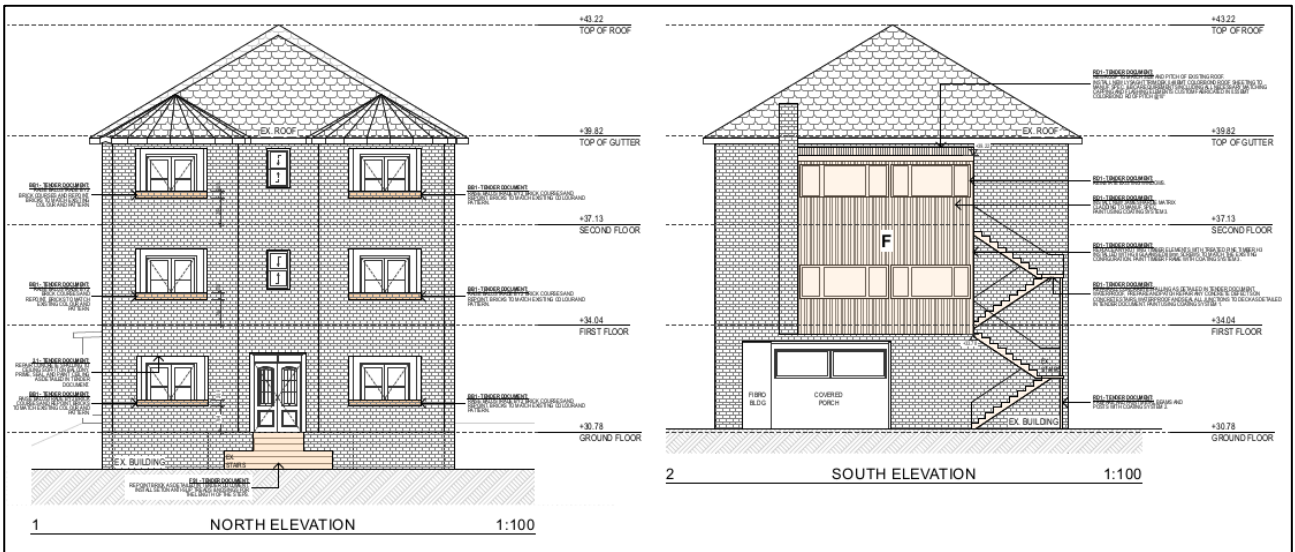


Figure 2. Main dwelling north and south elevations. Source: PlanShop

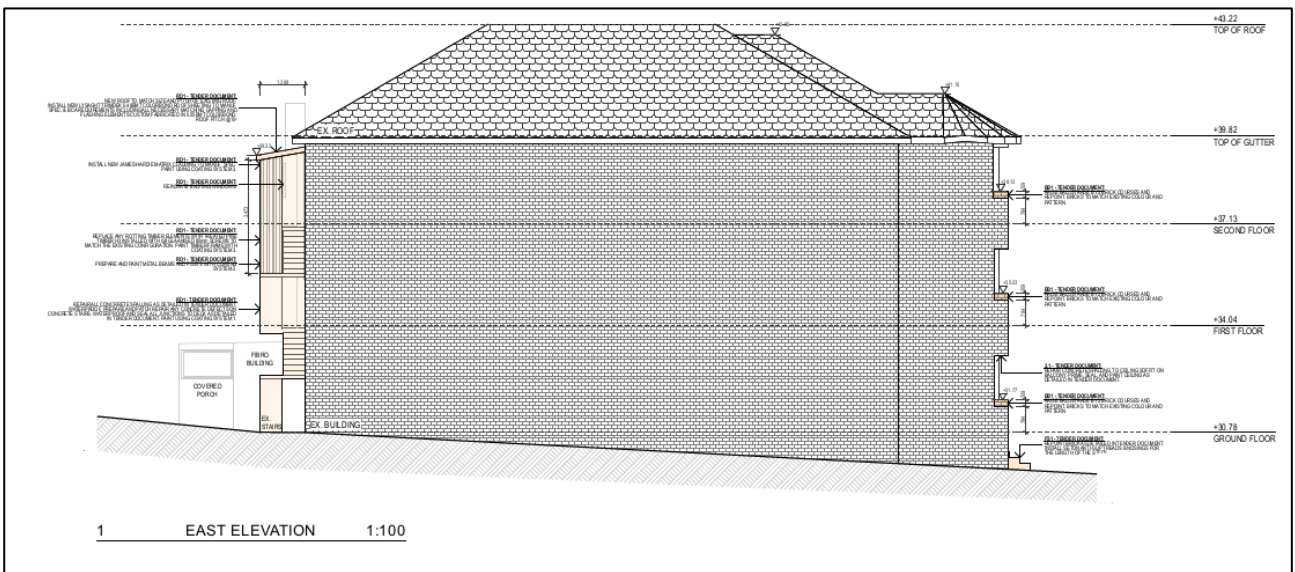


Figure 3. Main dwelling east elevation. Source: PlanShop

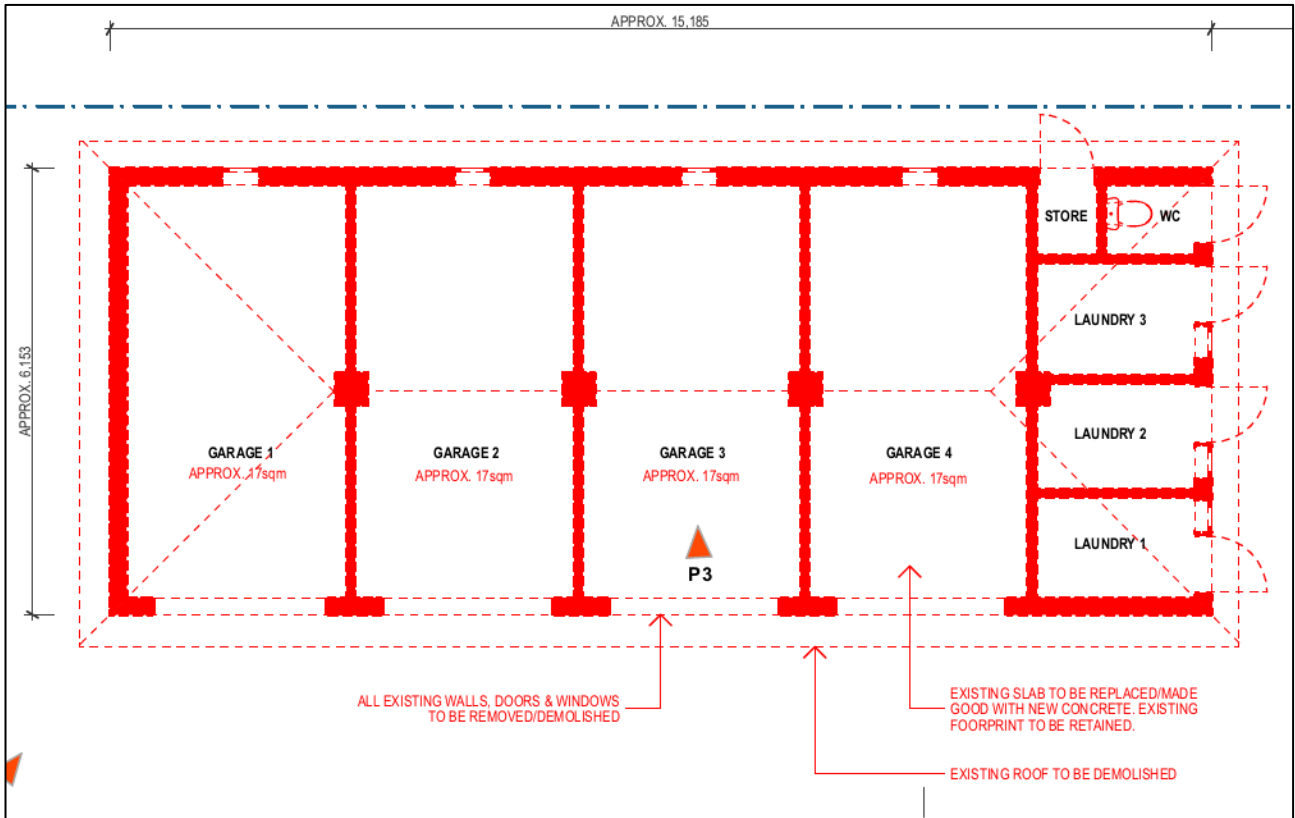


Figure 4. Existing rear garage with laundry facilities. Source: PlanShop.

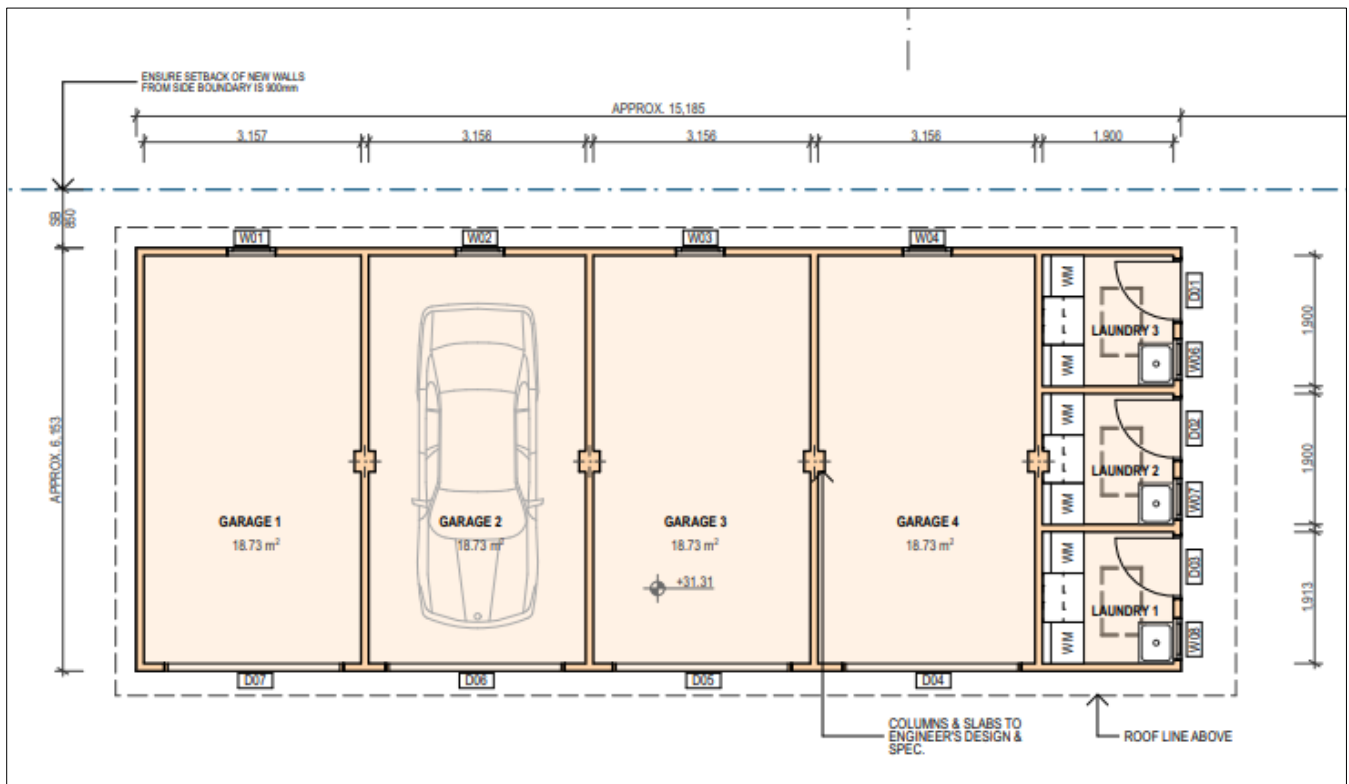


Figure 5. Proposed new rear garage with laundry facilities. Source: PlanShop.

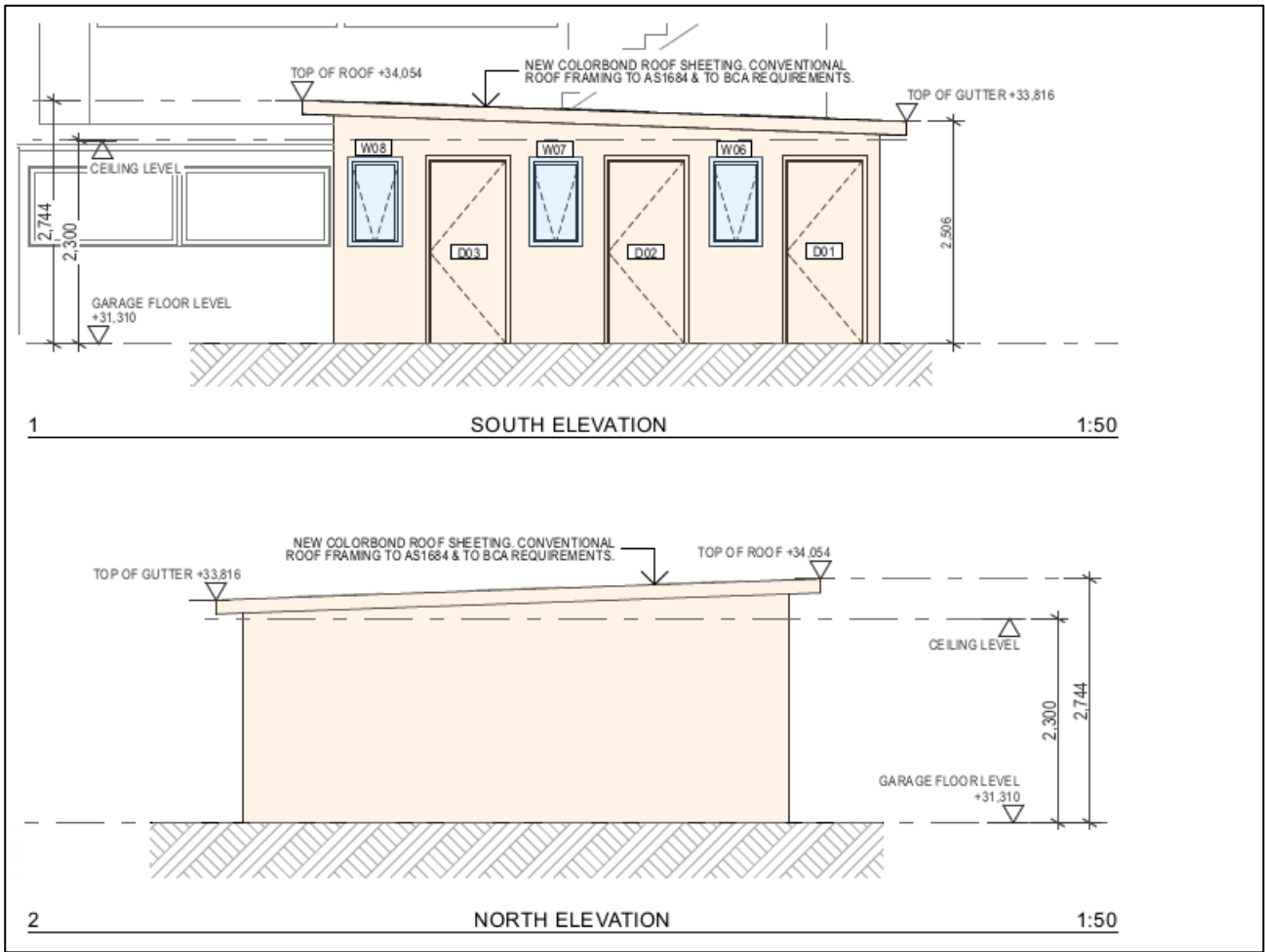


Figure 6. Garage north and south elevations. Source: PlanShop

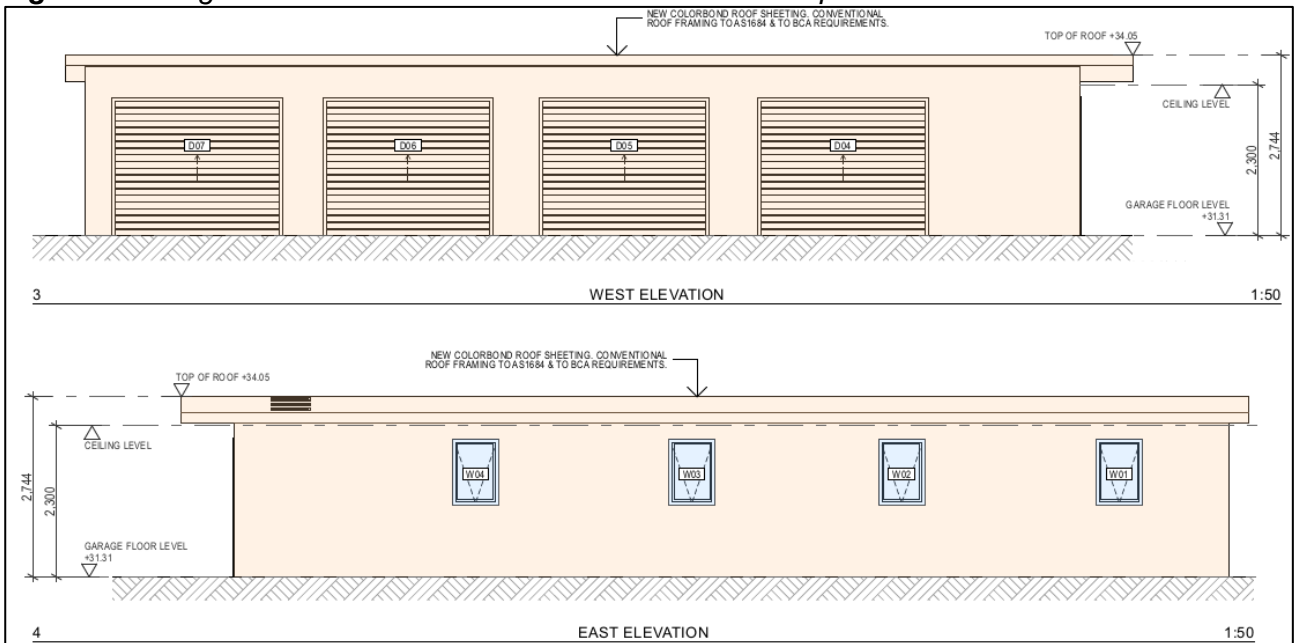


Figure 7. Garage east and west elevations. Source: PlanShop

BLPP Referral Criteria

The proposal involves demolition works to a heritage item.

Background

There are no recent approvals pertaining to the site. The purpose of the subject Development Application is to remediate the exterior of the existing building and replace the existing driveway and rear garages and laundry facilities in order to upgrade the existing development and provide a high level of amenity for residents.

Statutory Requirements

Heads of Consideration

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

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Housing) 2021
- The provisions of the Burwood Local Environmental Plan (BLEP) 2012
- The provisions of the Burwood Development Control Plan (BDCP) 2013 as amended
- The regulations (of the EP&A Act)
- The likely social, environmental and economic impacts of the development
- The suitability of the site for development
- The public interest, and
- Submissions made under the Act and Regulations

These matters are considered in this report.

Locality

The subject site is identified as 22 Belmore Street, Burwood NSW 2134 (CP/-/SP16522), situated within the Burwood Town Centre (fig. 8). It has one (1) street frontage on Belmore Street (fig. 9) and is approximately 110 metres to the east of Burwood Road. The site is neighboured by a two storey heritage listed residential flat building to the west and a four storey residential flat building to the east. The topography of the site shows a slight fall from the south to the north.



Figure 8. Aerial view of the subject site (indicated in yellow dashed line). Source: NSW Planning Portal (2024)



Figure 9. Front facade of the building, looking south from Belmore Street. Source: PlanShop



Figure 10. Existing rear garage, looking north from the rear of the site. Source: PlanShop



Figure 11. Existing garage, looking east from the west of the site. Source: PlanShop

Currently occupying the site is a residential flat building (fig. 9), 'Orontes', identified as an item of local significance in Schedule 5, Part 1 Heritage items of the Burwood Local Environmental Plan 2012. A single storey garage building is located at the rear of the flats building. The heritage memo from the Council's heritage consultant indicates that the site is located within the vicinity of other local heritage items, but is not located within a heritage conservation area itself. Built c 1937 in the Inter-war Art Deco style, the building has dark brick walls and terracotta tiled roof. It has a symmetrical front façade with curved brick projecting bays either side of the central entrance.

The current proposal is for exterior remedial works at the front and rear of the building, repair of the existing concrete driveway, and the demolition of existing the garage structure (figs. 10 -11) and replacement with a new garage.



Figure 12. Heritage extract from Council's LEP showing the subject site as containing a heritage item. Source: Council mapping system (2024).

Heritage Significance

The site contains a residential flat building which is listed as a heritage item in the BLEP (fig. 12). The Statement of Heritage Impact (SHI) provides the following Statement of Significance:

Nos. 22 and 24 Belmore Street, Burwood have historic and aesthetic significance as good intact examples of c.1937 flat buildings designed in the Inter-war Art Deco style. The buildings significantly retain their overall scale, form and character including curved brick balconies, decorative brick panels and a central ground floor entry with Art Deco style timber and glass panelled doors with fanlight over.

Planning Assessment

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of land

The provisions of SEPP (Resilience and Hazards) 2021 are required to be considered for any development application. Consideration must be made if the land is suitable for the proposed development, if it is contaminated, if it is suitable for the proposed use, and/or if the contamination is required to be remediated before the land is used for that purpose.

Considering the previous and continued use of the site for residential purposes, and that a search of Council's records and a site inspection revealed no obvious land contamination, a land contamination assessment is not considered necessary in this instance.

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) – Design of residential apartment development

The proposal seeks to demolish the existing driveway, balustrades, stairs, rear garage and laundry facilities and rebuild them on a like-for-like basis. The proposal does not involve an intensification of the existing use and does not introduce any new buildings or uses on site. Accordingly, an assessment of the proposal against the ADG controls is not required in this circumstance. Furthermore, the purpose of the proposal is to upgrade the existing building amenities to provide a high level of amenity for residents and therefore will result in an improved planning outcome.

Burwood Local Environmental Plan (BLEP) 2012

The BLEP 2012 came into effect on 9 November 2012 and contains a number of controls including development standards which apply to the proposed development. A summary of the assessment of the application against the relevant planning controls within the BLEP 2012 is shown below.

Permissibility of the development in the zone

Land Use Zone: MU1 Mixed Use.

Proposal: The proposed use development relates to a residential flat building, which is permitted in the MU1 Mixed Use zone with consent.

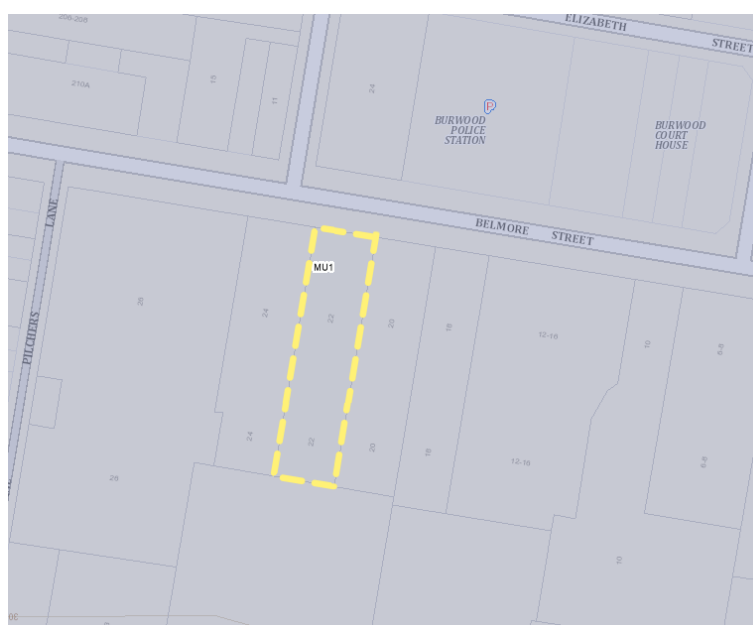


Figure 13. Subject site located within the MU1 Mixed Use Zone.
Source: Council MapInfo.

Compliance with relevant BLEP development standards

BURWOOD LEP 2012 – COMPLIANCE WITH DEVELOPMENT STANDARDS	YES	NO/NA	COMMENTS
4.1 Minimum Lot Size		✓	No subdivision of land proposed. N/A
4.3 Height of Buildings	✓		Maximum Permissible Height: 30m. Height of the proposed works: The existing building is less than 30m in height. Furthermore, the works proposed do not result in an increased building height.
4.4 Floor Space Ratio (FSR)	✓		Maximum FSR: 3:1. Proposed FSR: No changes to the FSR is proposed in this application. The rear garages with the laundry facilities will be rebuilt on a like for like basis. The existing FSR is 0.94:1 and therefore the development complies.
5.10 Heritage Conservation	Can comply		The site is identified as an item of Local Heritage Significance under the Burwood Local Environmental Plan 2012 as the 'Orontes' - residential flat building (Item Number I6). The applicant has submitted a Statement of Heritage Impact prepared by three+one heritage dated 28 May 2024 in support of the application. The application was referred to Council's consultant Heritage Advisor for review and comment, who raised no objections to the proposal provided that appropriate heritage conditions of approval be imposed. The application therefore is considered to generally satisfy Clause 5.10 of the Burwood LEP 2012. <i>Please refer to Attachment 3 to view the applicant's heritage impact statement and Attachment 4 to view Council's heritage advisor's referral.</i>
6.1 Acid Sulfate Soils		✓	Is the proposal affected by acid sulfate soils? Comment: The land is classed as having Class 5 acid sulfate soils - meaning there is low chance of acid sulfate within the soil which can impact development. Minimal excavation is required to carry out the development. No acid sulfate soil management report is considered to be required.
6.2 Flood Planning		✓	Is the property a flood identified property? Comment: No.
6.3 Active Street Frontages			Do BLEP 2012 Active Street Frontage

BURWOOD LEP 2012 – COMPLIANCE WITH DEVELOPMENT STANDARDS	YES	NO/NA	COMMENTS
		✓	provisions apply to the site? Comment: No.

Burwood Development Control Plan (BDCP) 2013 as amended

The proposal generally complies with the applicable provisions of the Burwood DCP. A merit assessment of the application revealed that the proposed upgrade works is satisfactory, subject to conditions of consent.

The regulations (of the EP&A Act)

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local Councils, the Department of Planning and others. Standard conditions are recommended relating to compliance with the BCA and AS.

The likely social, environmental and economic impacts of the development

Assessment of the application concludes that the proposal is of minimal environment impact. The proposal seeks to rebuild several components of the building which have dilapidated over time and will be reconstructed on a like-for-like basis.

The suitability of the site for development

The proposal is a permissible form of development in the MU1 Mixed Use zone and generally satisfies the key planning controls for the site as detailed above and is considered to be suitable for the site.

The public interest

The development will provide new amenities for residents living within the residential flat building without impacting on the significance of the existing local heritage item. The proposal is therefore considered to be in the public interest.

Submissions made under the Act and Regulations

Given the minor nature of the proposed works, the application was not notified.

Referrals

Heritage Advisor

The application was referred to Council's consultant Heritage Advisor for review and comment, who recommended the use of flat steel rails (rather than brickwork) to increase the height of the front balustrades and that the new garage have a pitched tiled roof rather than the proposed metal skillion roof.

The design amendments have been incorporated into the recommended conditions of consent where appropriate.

*Please refer to **Attachment 3** to view the applicant's heritage impact statement and **Attachment 4** to view Council's heritage advisor's referral memo.*

Engineering

The application was referred to Council's Development Engineer for review and comment. No objections to the proposal were raised, provided that appropriate conditions of approval be imposed.

Conclusion

The proposed development is consistent with the relevant matters for consideration under Clause 4.15 of the EP&A Act, as detailed above in this report. Therefore, the proposal is recommended for approval.

Recommendation(s)

That Development Application No. 2024.39 proposing demolition and re-construction of the rear detached garage and laundry facility, replacement of concrete driveway and upgrade works to the exterior of an existing residential flat building located at No. 22 Belmore Street, Burwood be approved, subject to conditions of consent.

Attachments

- 1 Attachment 1 - Recommended Conditions - 22 Belmore Street Burwood
- 2 Attachment 2 - Architectural Drawings - 22 Belmore Street Burwood - 29 October 2024
- 3 Attachment 3 - Heritage Impact Statement - 22 Belmore Street Burwood - 29 October 2024
(*Excluded from agenda*)
- 4 Attachment 4 - Heritage Referral - 22 Belmore Street Burwood - 29 October 2024