



NOTICE OF BURWOOD LOCAL PLANNING PANEL MEETING

The meeting of the Burwood Local Planning Panel will be held at on Thursday 17 July 2025 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 17 July 2025 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.

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. Development Applications

(Item DA7/25)	Electric Vehicle (EV) charging station at kerbside with integrated digital advertising signage.	3
(Item DA8/25)	Use of existing commercial premises as a 'neighbourhood shop' (tobacconist), minor internal building alterations (internal shop fit-out), and installation of shopfront business identification signage and fixed security bars.	19

Development Applications

(Item DA7/25) Electric Vehicle (EV) charging station at kerbside with integrated digital advertising signage.

File No: 25/31200

Report by Development Assessment Planner

Owner: Burwood Council
Applicant: Mecone Group Pty Ltd
Location: Council owned land adjacent to the kerb on the northern side of Morwick Street, Strathfield (adjacent to Strathfield Sports Club at 6 Lyons Street).
Zoning: MU1 Mixed Use

Proposal

The development application seeks consent for the following:

- Installation of an electric vehicle (EV) charging station with integrated double-sided digital advertising signage panel, situated on Council owned land adjacent to the kerb on the northern side of Morwick Street, Strathfield (adjacent to Strathfield Sports Club).

Details of the proposal are provided below:

Electric vehicle (EV) charging station

The proposed EV charging station includes a 50kW charging unit capable of charging two cars simultaneously by providing 25kW to each car, or 50kW when charging a single car. This particular unit will service only one car at a time, given that only a single dedicated EV charging parking space will be provided on the adjacent roadway (Morwick Street).

The charging unit is 2603mm (H) x 1206mm (W) x 555mm (D) in size, and will be positioned on concrete at ground level, 400mm from the kerb and 245mm clear of the public footpath. The advertising signage panel will be integrated with the structure of the charging unit.

In addition, a main switchboard (MSB) and pole associated with the charging unit will be positioned adjacent to it.

Integrated double-sided digital advertising signage panel

The charging station includes a double-sided digital advertising signage panel integrated with the 50kW charging unit, for the purpose of identifying the location of the charger to motorists and pedestrians. The sign will show Council advertising to promote events and provide community information, as well as third-party advertising to provide revenue for the provider of the charging station ('JOLT').

The signage panel is 1890mm diagonally, 1650mm (H) x 928mm (W) on each side and will be illuminated by LED display screens. According to the submitted Statement of Environmental Effects, the LED screens can display images at a rate of up to six per minute (a minimum of 10 seconds per image). The images themselves will be static (i.e. no video or moving content). The transition time from one advert image to another is approximately 0.1 seconds

NOTE: Associated parking signs and road markings will be provided on the roadway directly adjacent to the main charging unit, subject to a separate approval from Council's Traffic section. The provision of a dedicated EV charging parking space has already been endorsed by Council via a resolution at the ordinary Council meeting held on 20 May 2025.



Figure 1: (above) Top down view of the proposed development, showing the main charging unit with integrated advertising signage, and the associated main switchboard (MSB) and pole. The installation of RMS signage and road marking is subject to a separate approval from Council's Traffic section. Source: JOLT (2025).

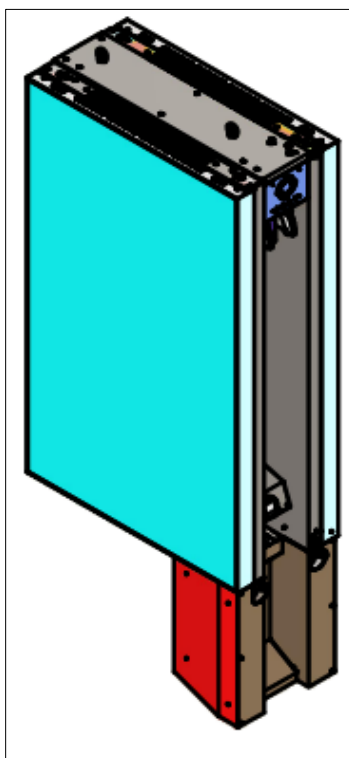


Figure 2: (above) Drawing of the main charging unit with integrated double-sided advertising signage panel. Source: JOLT (2025).

BLPP Referral Criteria

Pursuant to the Ministerial direction dated 6 May 2024, under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the DA is to be determined by the BLPP for the following reason:

- 1) Conflict of interest – Development for which the applicant or landowner is the council. The land on which the proposed development is located is owned by Burwood Council.

Background

At the Ordinary Meeting of Burwood Council held on 20 May 2025, Council resolved to adopt the recommendations of the Burwood Local Traffic Committee for May 2025, which included:

That Council approve the installation of 'No Parking, EV excepted while charging' parking restrictions for a length of 6.0 metres with markings to comply with TfNSW requirements at 31 Morwick Street, Strathfield.

The resolution allows for necessary changes to parking signs and road markings within the road reserve, which are required to facilitate the development.

There are no other development applications applying to the subject site or the surrounding area that are relevant to this development application.

Statutory Requirements

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

Locality

The location of the subject site is depicted in **Figures 1 and 3:**



Figure 3: (above) Aerial view and map showing the location of the proposed development, the kerbside in front of No. 31 Morwick Street, Strathfield, indicated with the red box. Source: JOLT (2025).

The site does not have a specific legal description or postal address, however, it is identified as the Council-owned nature strip situated on Morwick Street, Strathfield (adjacent to the rear of Strathfield Sports Club at 4A Lyons Street, Strathfield). The site is directly adjacent to the kerb and public footpath on the northern side of Morwick Street.

Morwick Street at this specific location has a slight slope upwards towards the east and is four lanes wide, with the inner lanes being used for car parking. There are no above-ground impediments to constructing the proposal on Council's nature strip, such as street trees or other Council assets.

New parking signs and road markings will need to be provided adjacent to the main charging unit to identify the dedicated EV charging parking space. These changes are subject to a separate approval from Council's Traffic section. As noted, the provision of a dedicated EV charging parking space has already been endorsed by Council via a resolution at the ordinary Council meeting held on 20 May 2025.

Existing development surrounding the site includes the Strathfield Sports Club to the north (which contains a car park, food and drink premises, and recreational facilities) and three-storey residential flat buildings on the opposite side of Morwick Street to the south.

The site is designated MU1 Mixed Use under the under BLEP 2012, and falls within the 'Strathfield Town Centre' as outlined in Part 3.4 of the BDCP 2013. The site is not within a heritage conservation area or adjacent to any heritage items. However, the site is flood affected, as per advice provided by Council's Senior Development Engineer.



Figure 4: (above) View of the subject site looking west along Morwick Street. The proposed location of the electric vehicle charging unit is shown with the red arrow. Source: Sim (2025).



Figure 5: (above) View of the subject site looking north-east. The proposed location of the electric vehicle charging unit is shown with the red arrow. Source: Sim (2025).

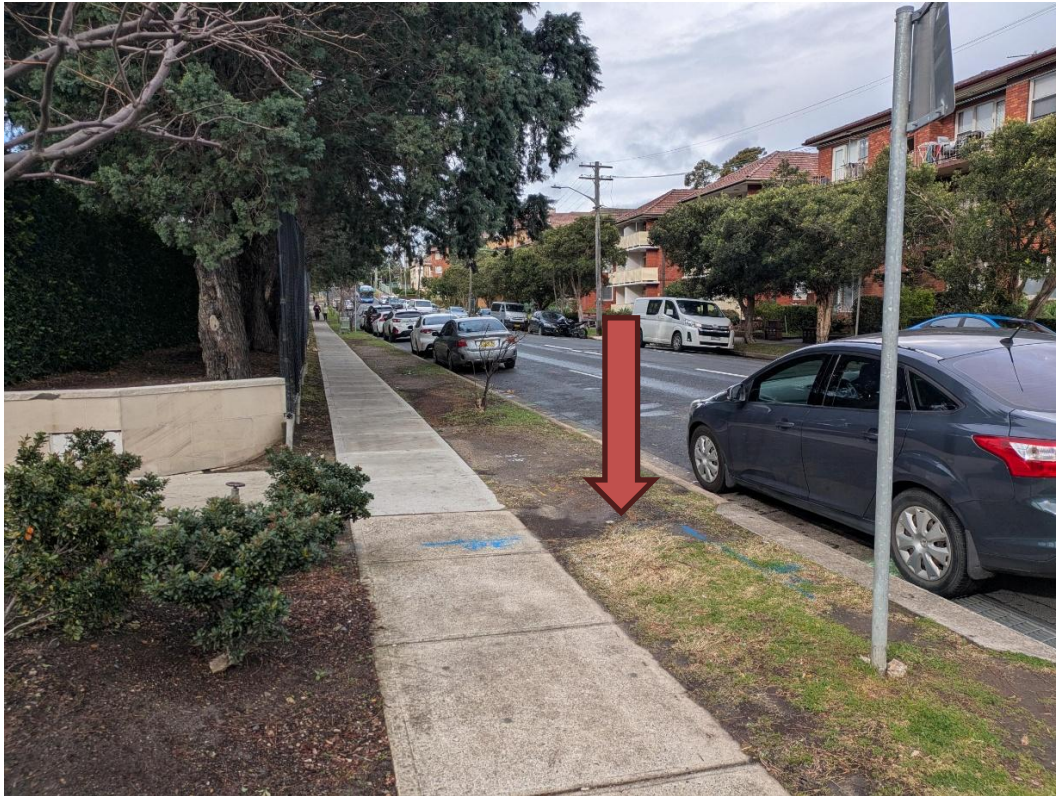


Figure 6: (above) View of the subject site looking east along Morwick Street. The proposed location of the electric vehicle charging unit is shown with the red arrow. Source: Sim (2025).

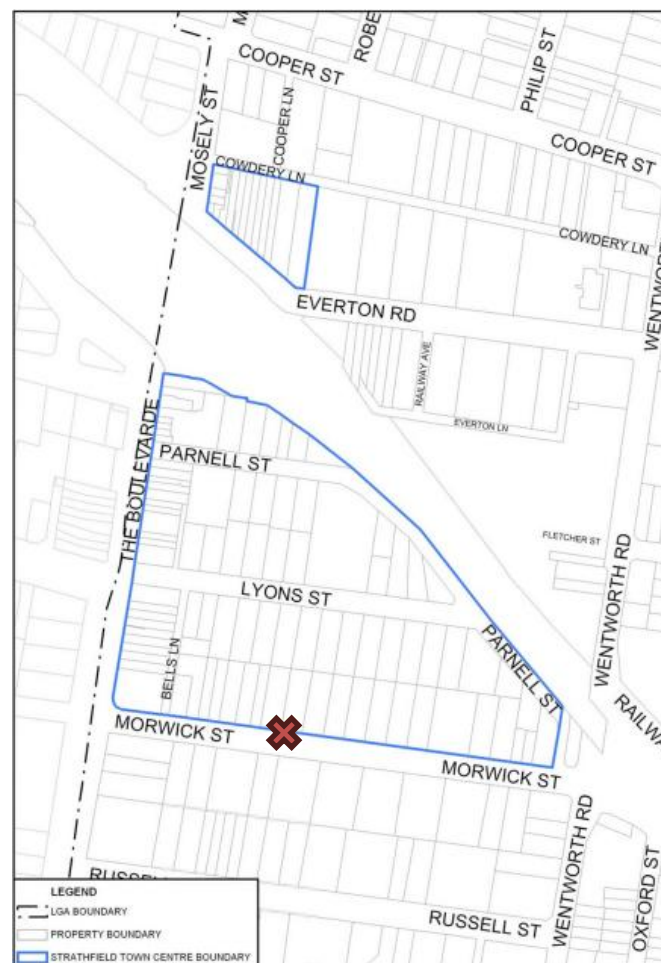


Figure 7: (above) Map of the Strathfield Town Centre from Part 3.4 of the BDCP. The subject site is identified with the red X.

Planning Assessment

SECTION 4.15 EVALUATION

(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—

- (a) the provisions of—

(i) Any environmental planning instrument:

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

The object of [Chapter 4 of the SEPP] is to provide for a statewide planning approach to the remediation of contaminated land. In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements.

Comments: Considering the longstanding use of the site as a kerbside nature strip on a public road, the land on which the proposed development is considered unlikely to require remediation. Moreover, a search of Council's records suggests no evidence of any land contamination on the site and a site inspection revealed no obvious contamination. The land is considered suitable for the proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Subdivision 3 Electric vehicle charging units

2.124A Development permitted with consent—generally

- (1) Development for the purposes of installing an EV charging unit may be carried out with consent if—
 - (a) the unit does not obstruct the following—
 - (i) vehicular, cyclist or pedestrian access to or from, or entry into, a building,
 - (ii) cyclist or pedestrian movement along a cycleway or footpath, and
 - (b) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant, and
 - (c) for an advertising-enabled EV charging unit—
 - (i) the unit is not installed on land in a residential zone, and
 - (ii) each screen or display of the unit—
 - (A) complies with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
 - (B) if illuminated—is not animated, flashing or moving.
- (2) (Repealed)

Comment: The proposed EV charging station with advertising signage is permissible in the zone with consent, as the MU1 Mixed Use zone is not a 'residential zone'. It is positioned clear of any

cycleway or footpath and does not interfere with or obstruct access to any building, or firefighting and fire protection structures or equipment, fire hydrants, and the like.

The proposal has been reviewed by Council's Traffic Engineers, who manage Council road assets including footpaths and cycleways. They have raised no objections to the proposal provided that appropriate conditions of approval be imposed.

The advertising signage will be illuminated, and a condition of approval shall be imposed to ensure compliance with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting* and ensure it is not animated, flashing or moving.

The proposal is considered able to be carried out with consent.

State Environmental Planning Policy (Industry and Employment) 2021

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

3.1 Aims, objectives etc

- 1) This Chapter aims—
 - (a) to ensure that signage (including advertising)—
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
 - (b) to regulate signage (but not content) under Part 4 of the Act, and
 - (c) to provide time-limited consents for the display of certain advertisements, and
 - (d) to regulate the display of advertisements in transport corridors, and
 - (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.
- (2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.

Comment: The proposed digital advertising signage is not incompatible with the desired amenity and visual character of the Strathfield Town Centre. The site is located within a 'business zone', rather than a 'residential zone' where similar digital advertising signage may not be appropriate. The external material finish of the signage is considered satisfactory, considering its general appearance and purpose. As noted, the sign will show Council advertising to promote events and provide community information, as well as third-party advertising to provide revenue for the operator of the charging station ('JOLT'). Overall, the proposed signage is consistent with the aims of Section 3.1 of the SEPP.

and;

Schedule 5 Assessment criteria

1 Character of the area

- 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?

2 Special areas

- 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?

3 Views and vistas

- 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?

4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- Does the proposal require ongoing vegetation management?

5 Site and building

- 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?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

6 Associated devices and logos with advertisements and advertising structures

- 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?

7 Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

8 Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

Comment: An assessment of the proposed digital advertising signage has been carried out in consideration of the objectives as set out in section 3.1(1)(a) and assessment criteria outlined in Schedule 5 of the SEPP. The illuminated displays are 1650mm in height and 928mm in width and is mounted above ground level, as shown in **Figure 8**.

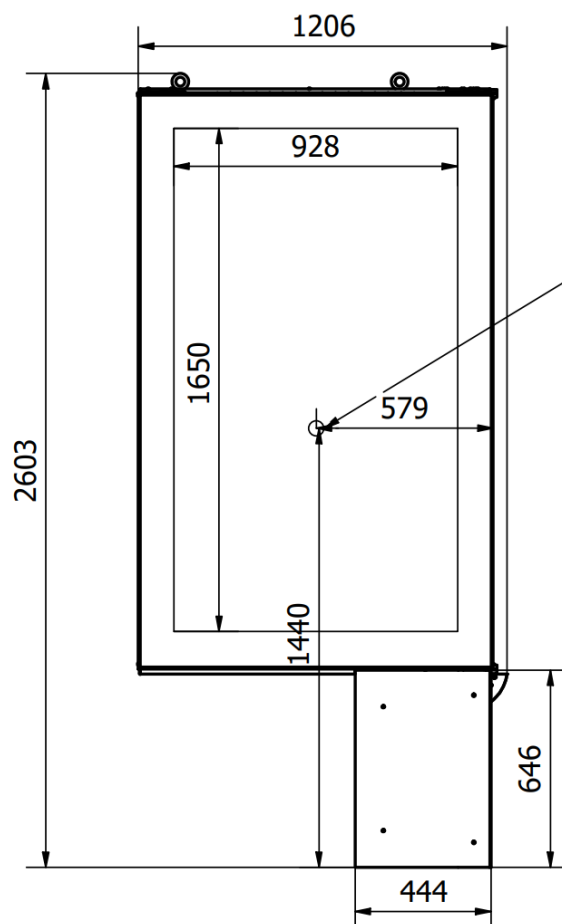


Figure 8: (above) Elevation plan of the main charging unit with integrated digital signage panel. Source: JOLT (2025).

In terms of its scale, proportion, design and illumination, the proposed signage is not inconsistent with existing advertising signage within the MU1 Mixed Use zone and the Strathfield Town Centre, and is considered compatible with the existing and future character of the locality.

It will not 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. It will not compromise any important views or dominate the skyline, nor will it interfere with the rights of other advertisers. Considering its purpose and integration with an EV charging unit, it is considered appropriate for its street setting within a business zone. It will not protrude above any buildings or trees and will not require ongoing vegetation management.

Subject to appropriate conditions of approval to minimise any excessive glare or brightness from the digital illumination, and ensuring that it is not animated, flashing, or moving — the signage is not expected to have adverse environmental amenity or safety impacts on the surrounding area.

Overall, the proposed advertising signage is considered to be consistent with the requirements of State Environmental Planning Policy (Industry and Employment) 2021.

Burwood Local Environmental Plan 2012 (BLEP)

Permissibility

Integrated double-sided digital advertising signage panel

Under the provisions of BLEP, the property is zoned MU1 Mixed Use, where *advertising structures* are permissible with consent. The BLEP and the Act define an *advertising structure* as ‘a structure used or to be used principally for the display of an advertisement.’ *Advertising structures* are a type of *signage* as defined in the BLEP. The proposed advertising signage is permissible in the zone with consent.

Electric vehicle (EV) charging station

Electric vehicle chargers are an innominate use within the MU1 Mixed Use Zone within the BLEP, and are permissible with consent under State Environmental Planning Policy (Transport and Infrastructure) 2021.

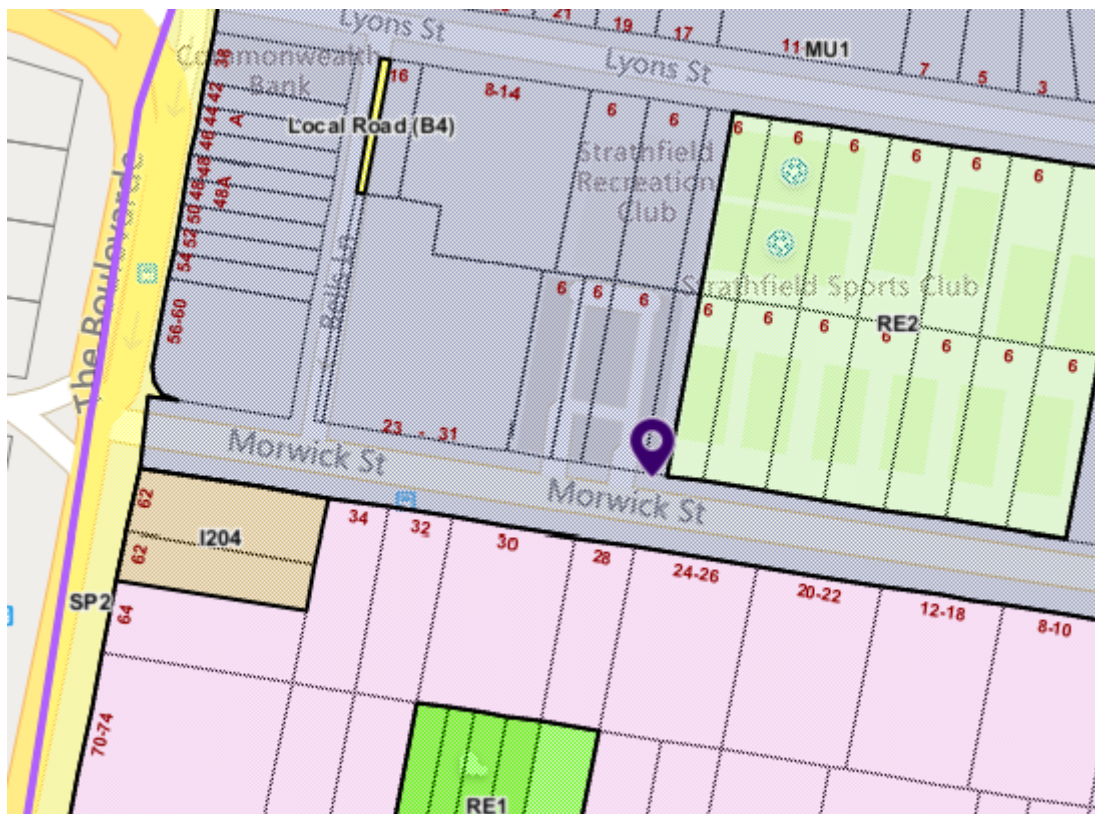


Figure 9: (above) Zoning map from the BLEP, showing the subject site (identified with the purple marker) within the MU1 Mixed Use zone.

Objectives of the MU1 Mixed Use zone

The objectives of the zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

Comment: The proposed signage integrated with the electric vehicle charging unit is considered an appropriate use of the land on which it is situated (adjacent to a public roadway and footpath), and is compatible with nearby land uses within the Strathfield Town Centre. Subject to appropriate conditions to regulate its content and illumination, the signage is not contrary to the objectives of the zone.

Compliance with relevant BLEP development standards

BLEP	Proposal	Compliance
4.3 Height of Buildings		
30m	Max. height of proposal: 2.603m	Yes
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	The proposal is not located within a heritage conservation or within the vicinity of any heritage items. The nearest heritage item is the 'Trinity	N/A

BLEP	Proposal	Compliance
<p>fabric, settings and views,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,</p> <p>(c) To conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance</p>	<p>Uniting Church' located on the southern corner of The Boulevard and Morwick Street (at No. 62 The Boulevard), which is approximately 80m away from the proposal. Given its distance away and existing development in between, it is considered that the proposal will have no adverse impacts on the heritage item.</p>	
6.1 Acid Sulfate Soils		
<p>(1) The objectives of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>The subject site is affected by Class 5 Acid Sulfate Soils. No works are proposed within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. An acid sulfate soils management plan is not required.</p>	N/A
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 site is identified as flood affected. Council's Senior Development Engineer has reviewed the proposal and has raised no objections, subject to appropriate conditions related to flood planning.</p>	Yes

(ii) Any proposed instrument (Draft LEP etc.)

There are no draft planning instruments for consideration.

(iii) Any development control plan

Burwood Development Control Plan 2013 (BDCP)

Does the development comply with following parts of the BDCP?	Yes	No	N/A
Part 2 – Site and Environmental Planning	✓		
Part 3 – Development in Centres and Corridors	✓		
Part 5.6 – Signage and Advertising	✓		
Part 6.2 - Waste Management	✓		
Part 6.4 – Flood Planning	✓		

Discussion

The proposal is subject to the parts of the BDCP listed above. No specified provisions apply to electric vehicle charging units, however they do apply to signage (including digital advertising), waste management and flood planning.

The proposal is consistent with the objectives specified in Part 2 – Site and Environmental Planning (including Parts 2.2 General Site Analysis, 2.3 Views and Vistas & 2.4 Streetscapes). Moreover, the proposal compatible with the desired character of Council's town centres by placing electric vehicle chargers close to services, employment and activities.

Further discussion is provided below to demonstrate that the proposal is consistent with relevant parts of the BDCP:

Part 5.6 – Signage and Advertising

For the purposes of the BDCP, the proposed advertising signage integrated with the electric vehicle charger is considered to be a 'signage panel'.

Provided below is an assessment of the proposed signage against relevant provisions of the BDCP:

5.6.2 Specific Provisions by Signage Type - Signage Panel

P33 *The sign shall have a maximum area of 12 sqm.*

Comment: Each side of the signage panel is 1650mm (H) x 928mm (W) = 1.53sqm in area, and is therefore less than 12sqm in area.

P37 *The sign should not obscure or cover any window or architectural feature.*

Comment: The signage panel does not obscure or cover any window or architectural feature.

P38 *The internal illumination of large panel signs is generally discouraged as such signs contribute to visual clutter and conflict with street lighting and traffic signals.*

Comment: The signage panel is not considered to be a 'large' panel sign as it is well below 12sqm in area. It is not within close proximity of any traffic signals (the closest being over 125m away) and is on the opposite side of Morwick Street from nearby street lighting.

5.6.3 Signage in All Areas

P1 - P5 *Inappropriate Signage Types and Maintenance*

Comment: The signage panel is not listed in the BDCP as an 'inappropriate' signage type. It is not fitted or fixed to a building, but is a free standing structure. The sign is considered to be low maintenance and is not positioned where ongoing maintenance would be difficult.

P6 & P7 Traffic and Pedestrian Safety requirements

Comment: The signage panel, subject to conditions regulating its brightness, movement, and content, is not expected to be a distraction to passing motorists. Each illuminated side of the signage panel is only 1.53sqm in area and does not face traffic on a classified road. Moving, flashing or running light signage will not be permitted.

P8 & P9 Illumination and Electrical Wiring requirements

Comment: Conditions of approval shall be imposed to ensure public safety is maintained and mitigate adverse impacts such as excessive glare from illuminated signage, and ensure that the sign is installed in accordance with relevant construction and Australian Standards.

P10 The content of signage is to generally relate to goods and services available on the premises.

Comment: The sign will show Council advertising to promote events and provide community information, as well as third-party advertising to provide revenue for the provider of the charging station ('JOLT').

P12 Written text upon signage is to be predominately in English.

Comment: Condition of approval shall be imposed to ensure that advertising text displayed is predominantly in English. Non-English text is permitted alongside corresponding English text, provided that it is in smaller lettering or characters than the English text.

P13 Signs on Council Property – Signs must be appropriately placed.

Comment: No objection is raised to the positioning of the signage panel, which is integrated with the structure of the electric vehicle charging unit. Associated parking signs and road markings will be provided within the road reserve directly adjacent to the main charging unit, subject to a separate approval from Council's Traffic section, and a condition of approval has been imposed to make this clear to the applicant.

5.6.4 Additional Signage Controls by Zone Type - Signage in the MU1 Mixed Use Zone***P13 Signs above 2.5m in height will not be permitted***

Comment: The top of the digital signage display screen is approximately 2.5m in height above existing ground level.

Summary

Overall, the proposed signage is considered to be consistent with the requirements of Part 5.6 of the BDCP

Part 6.2 – Waste Management

Relevant objectives of this BDCP section are:

- 1) To reduce the demand for waste disposal through waste separation and resource recovery in demolition, design, construction and operation of buildings and land use activities.

Comment: Subject to appropriate conditions of approval to contain any waste and pollution from the construction of the proposal, the development will be consistent with Part 6.2 of the BDCP.

Part 6.4 – Flood Planning

The site is identified as flood affected in accordance with Council's draft flood study report.

Comment: Please refer to BLEP Clause 6.2 assessment above regarding flood planning.

(iv) The Regulations

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. The proposal is not inconsistent with the Regulations.

(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

The likely impacts of the development, as conditioned, are acceptable considering the site's MU1 Mixed Use zoning and location within the Strathfield Town Centre. The proposed use of land is permissible in the zone with consent, and is consistent with the desired future character of the area.

(c) The suitability of the site for the development

The site is identified as the Council-owned nature strip situated on Morwick Street, Strathfield (adjacent to the rear of Strathfield Sports Club at 4A Lyons Street, Strathfield). The site is directly adjacent to the kerb and public footpath on the northern side of Morwick Street. The application has been reviewed by Council's Traffic and Development Engineers, who have considered the impacts of the proposal on the road reserve, as well as the flood affectation of the site. The proposal is consistent with the relevant planning controls, as demonstrated in this report. The site is considered suitable for the proposal, subject to conditions.

(d) Any submissions made in accordance with this Act or the regulations

Please refer to the 'Community Consultation' section of this report below.

(e) The public interest

The development will provide an electric vehicle charger at a location close to services, employment and activities. Part of the screen time of the signage will show Council advertising to promote events and provide community information. To ensure the development is carried out in a proper and orderly manner, appropriate conditions of approval shall be imposed. Overall, the proposal is considered to be in the public interest.

Community Consultation

As noted above, the development application was publicly notified in accordance with Burwood Council's Community Engagement Strategy between 20 May 2025 and 24 June 2025. **No submissions were received.**

Referrals

Traffic Engineering

The application was referred to Council's Traffic Engineering team for review and comment. No objections were raised, provided that appropriate conditions of approval be imposed.

Development Engineering

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

Building Surveying

The application was referred to Council's Senior Development Engineer for review and comment, who identified no issues identified with the proposal with regard to National Construction Code (NCC) 2022.

Conclusion

The proposed development is consistent with the relevant matters for consideration under Clause 4.15 of the *Environmental Planning & Assessment Act 1979*, as detailed above in this report. Therefore, the proposal is recommended for approval (subject to conditions).

Recommendation(s)

That development application no. DA.2025.32, which proposes to install an electric vehicle (EV) charging station with integrated double-sided digital advertising signage panel, situated on Council owned land adjacent to the kerb on the northern side of Morwick Street, Strathfield (adjacent to Strathfield Sports Club), be approved subject to the conditions of approval contained in **Attachment 3**.

Attachments

- 1** Statement of Environmental Effects & letter from applicant (*Excluded from agenda*)
- 2** Plans, Details and Specifications (*Excluded from agenda*)
- 3** Recommended Conditions of Approval (*Excluded from agenda*)

(Item DA8/25) Use of existing commercial premises as a 'neighbourhood shop' (tobacconist), minor internal building alterations (internal shop fit-out), and installation of shopfront business identification signage and fixed security bars.

File No: 25/32084

Report by Development Assessment Planner

Owner: Biagio Lorenzo
Applicant: Abdallah Sulayh
Location: 16 The Strand, Croydon NSW 2132
Zoning: E1 Local Centre

Proposal

The development application seeks consent for the following:

- Use of an existing ground floor commercial premises as a 'neighbourhood shop' (tobacconist).
- Minor internal building alterations (internal shop fit-out).
- Provision of fixed security bars to the shopfront. The security bars are existing and are unauthorised, having already been installed without the required development consent.
- Installation of business identification signage to the shopfront.

The most recent previous use of the premises (until 2024) was as a clothing shop, which is a type of 'shop' as defined in the Burwood Local Environmental Plan 2012.

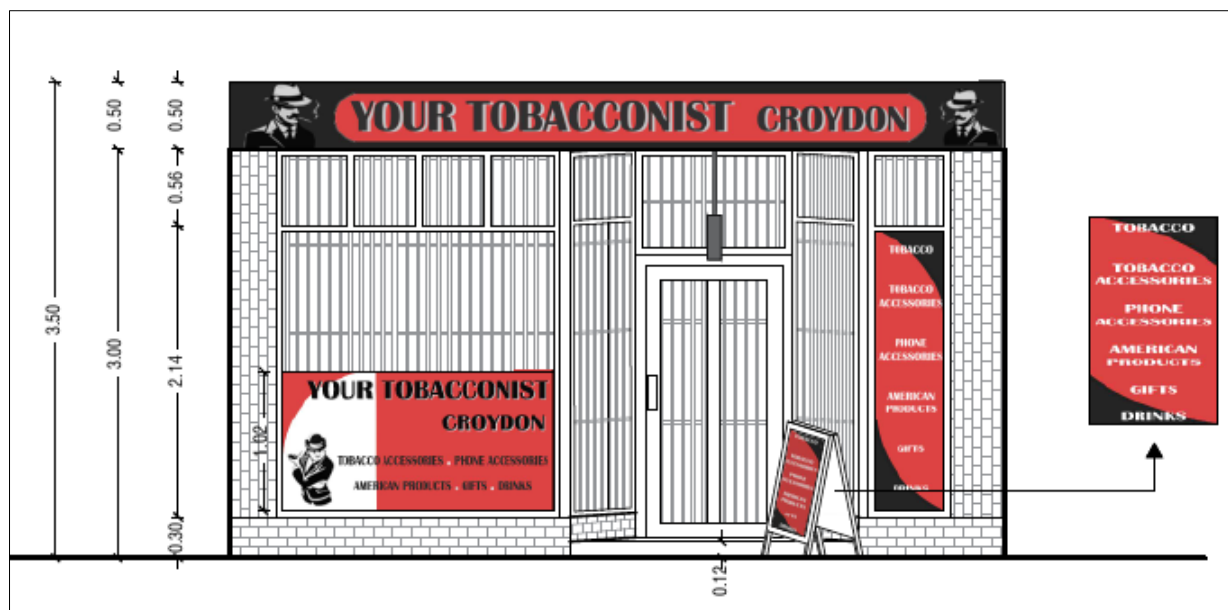


Figure 1: (above) Proposed shopfront of the tobacconist provided by the applicant with the application.
 Source: StraightLine Planning (2025).

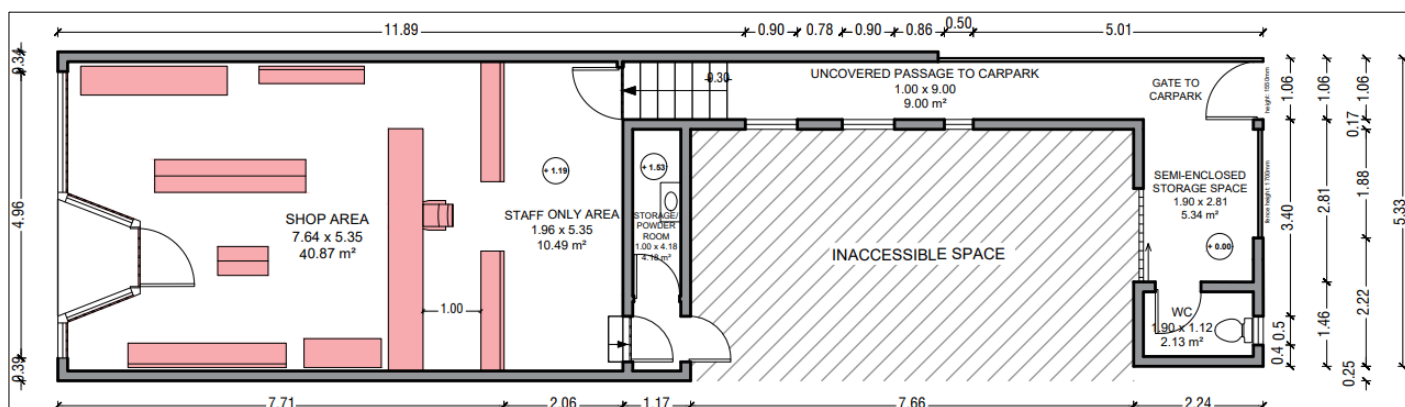


Figure 2: (above) Actual floor plan of the tobacconist provided by the applicant with the application. Source: StraightLine Planning (2025).

Details of the proposal are provided below:

Use of an existing ground floor commercial premises as a 'neighbourhood shop' (tobacconist)

The application seeks consent to use the existing ground floor commercial premises as a 'neighbourhood shop' (tobacconist). The application also seeks consent for hours of operation of the premises. The subject premises is a tobacconist that also sells products including phone accessories, gifts and drinks. Notwithstanding that consent is sought for the 'use' of the premises, it is considered that the change of use to a tobacconist (excluding the proposed hours of operation) is 'exempt development' pursuant to Clauses 2.20A & 2.20B of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and therefore the proposed use as a tobacconist does not require development consent.

The application also proposes the following hours of operation for the premises:

- 7am – 10pm (7 days per week).

Minor internal building alterations (internal shop fit-out).

The proposal includes minor internal building alterations that have already been carried out as part of the internal fit-out of the tobacconist premises, and are depicted on the submitted 'actual floor plan'. Notwithstanding that consent is sought for the said works, Council is of the view that the minor internal building alterations are 'exempt development' pursuant to Clauses 2.51 & 2.52 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Installation of fixed security bars to the shopfront

The proposal seeks consent for the installation of fixed metal security bars to the shopfront. The security bars are existing and are unauthorised, requiring development consent.

Installation of business identification signage to the shopfront

The proposal seeks consent for the installation of business identification signage to the shopfront. The signage includes an awning fascia sign, two (2) window signs, and an A-frame sandwich board sign. The awning fascia sign is existing. Notwithstanding that consent is sought for the said works, Council is of the view that the awning fascia sign is 'exempt development' pursuant to Clauses 2.88 & 2.89 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

NOTE: The proposed A-Frame sandwich board sign cannot be considered as part of this development application as it is located on Council property. Permits for A-frame signage on the public footpath are issued separately by Council's Traffic section under the *Roads Act 1993*.

BLPP Referral Criteria

Pursuant to the Ministerial direction dated 6 May 2024, under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the DA is to be determined by the BLPP for the following reason:

- 1) There are more than 10 unique submissions by way of objection in response to the public notification of the development application.

Background

The most recent use of the premises was as a clothing shop (up until 2024) which is a type of *shop*, and the most recent development consent pertaining to the site approved a change of use to a hairdressing salon, via development consent no. 1995.74 for '*Change the existing shop use to a Hair and Beauty Salon*', approved by Council on 29 June 1995.

The existing security bars are unauthorised development, having been installed without obtaining required development consent.

On 18 September 2024 a Notice of Intention to Issue a Development Control Order was issued to the premises. It was stated that Burwood Council intended to issue an Order in terms of the Order No: 6 being a Remove Advertising Order and an Order No: 10 Restore Works Order. Specifically, the following unauthorised works were listed:

1. Advertisements at the premises is displayed contrary to a provision made by on under this Act.
2. Unauthorised works have been carried out by way of security bars being installed at the front of the premises.

Statutory Requirements

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

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- Burwood Local Environmental Plan 2012 (BLEP);
- Burwood Development Control Plan 2013 (BDCP);
- The likely social, environmental and economic impacts of the development;
- The suitability of the site for the development;
- The public interest, and
- Submissions made under the Act and Regulations.

These matters are considered in this report.

Locality

The subject site is ground floor commercial premises legally described as Lot 3 in Deposited Plan 255125, and is known as No. 16 The Strand, Croydon NSW 2132. The subject site is a rectangular shaped allotment with an area of 229m². The site has a longstanding history as a commercial premises and currently accommodates a tobacconist that also sells products including phone accessories, gifts and drinks.

The site has a north-west frontage to The Strand and rear (south-east) access to Paisley Lane. To the immediate north of the subject site is No. 14 The Strand, which comprises a ground floor shop with first floor residential accommodation above. To the immediate south of the site is No.18 The

Strand, which comprises a ground floor shop (currently a pharmacy) with first floor residential accommodation above. The Strand is characterised by Federation and early Interwar architecture, with Croydon railway station located within proximity to the site.

The subject site is located within the E1 Local Centre Zone in accordance with the BLEP (refer to **Figure 3** below). Notably, the site is located within the Malvern Hill Heritage Conservation Area, as listed within Schedule 5 of the BLEP (refer to **Figure 5** below). The Strand, Croydon, is known for its well-preserved heritage streetscape, which is valued by Council and the local community, with established ground floor commercial tenancies with first floor brick facades lining both sides of the street.

At Council's meeting of 29 January 2025, Council resolved to commence a precinct-specific study for the Strand, Croydon in the Burwood LGA zoned E1 area to identify opportunities to preserve and strengthen the character provisions in the DCP. The same resolution also seeks to list The Strand as a local heritage item group under the BLEP. The potential listing is still currently under review with a site-specific heritage study underway.

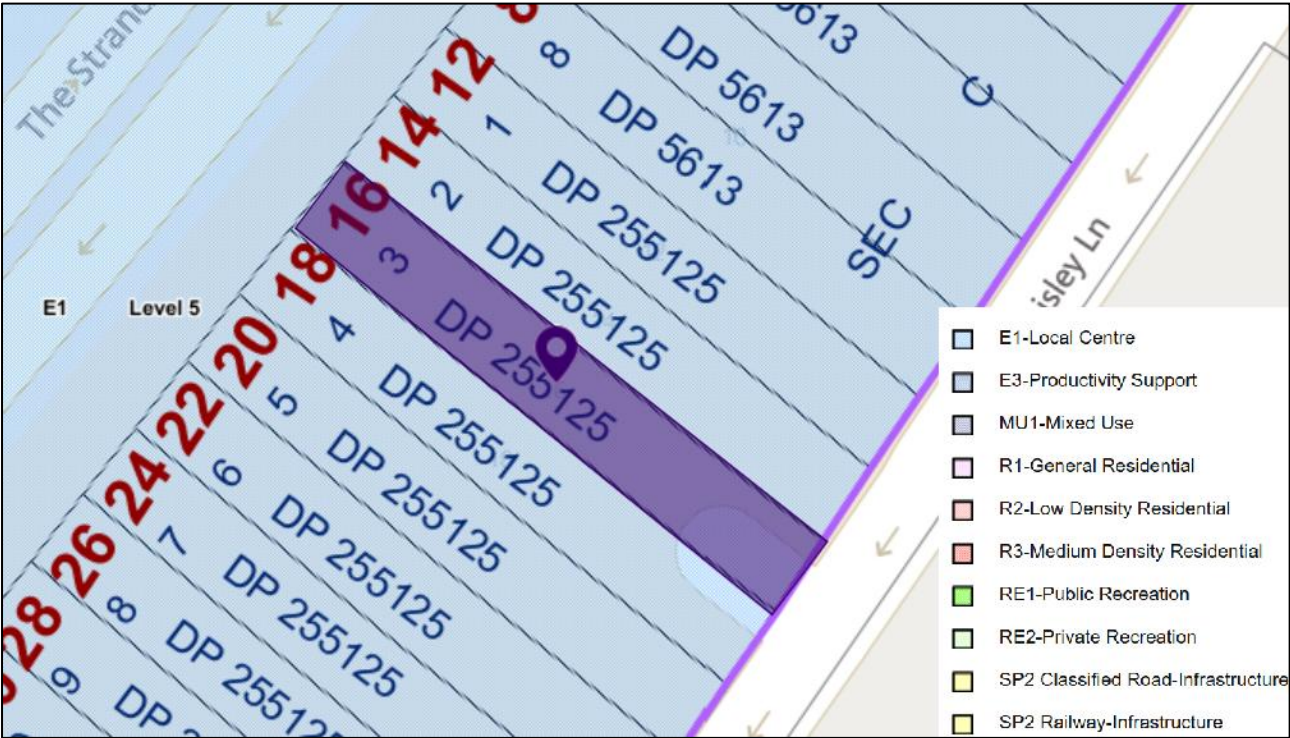


Figure 3: (above) Map showing the subject site 16 The Strand Croydon within the E1 Local Centre zone. Source: Council mapping (2025).

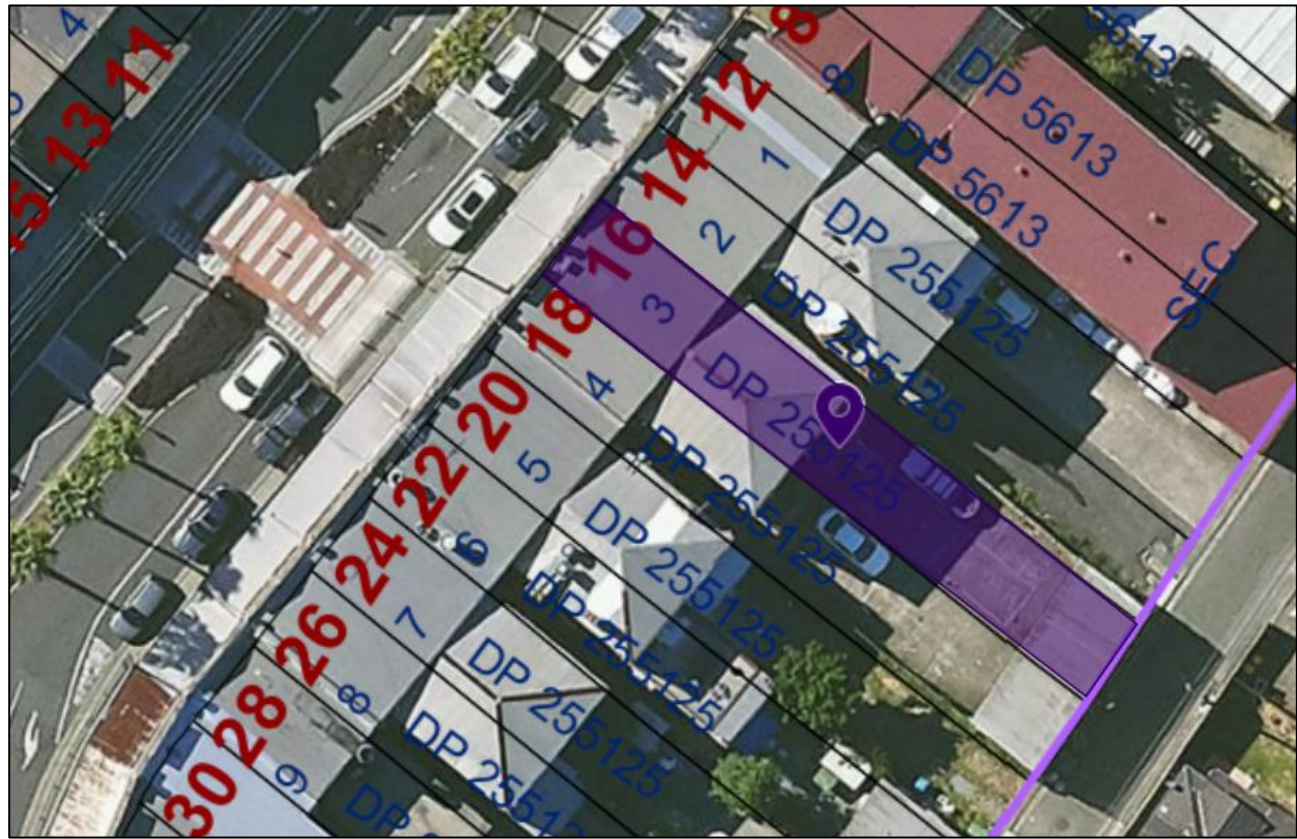


Figure 4: (above) Aerial view of the subject site – 16 The Strand Croydon. Source: Council mapping (2025).

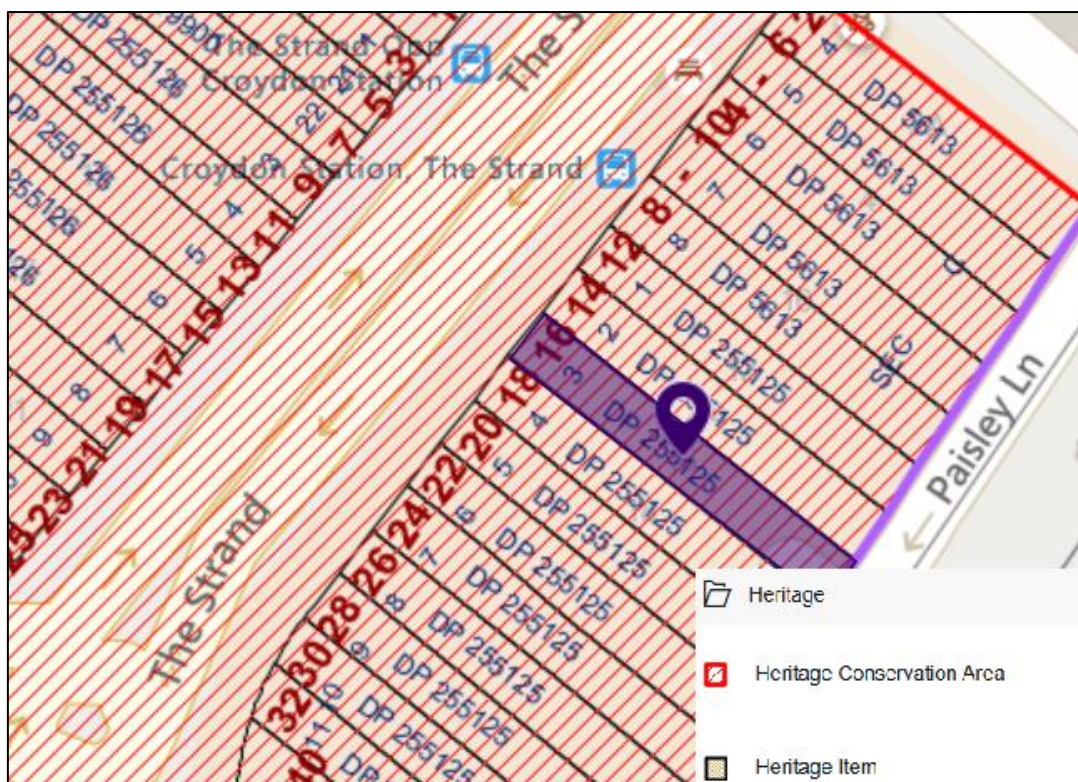


Figure 5: The subject site 16 The Strand Croydon is located within the Malvern Hill Conservation Area. Council mapping (2025).



Figure 6: (above) View of the subject premises, looking east from the western side of The Strand, Croydon. Source: Burwood Council (2025).



Figure 7: (above) View of the subject premises, looking south-east from the western side of The Strand, Croydon. Source: Burwood Council (2025).

Planning Assessment

SECTION 4.15 EVALUATION

(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—

(a) the provisions of—

(i) Any environmental planning instrument:

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

The object of [Chapter 4 of the SEPP] is to provide for a statewide planning approach to the remediation of contaminated land. In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—

(a) by specifying when consent is required, and when it is not required, for a remediation work, and

(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and

(c) by requiring that a remediation work meet certain standards and notification requirements.

Comments: Considering the longstanding business and retail use of the premises within a local shopping centre, the land on which the proposal is located is considered unlikely to require remediation. The most recent ‘use’ of the premises was for a clothing shop. No excavation works are required to facilitate the development. The proposal seeks consent for the ‘use’ of the premises, signage, minor internal fit-out, and shopfront works. Moreover, a search of Council’s records suggests no evidence of any land contamination on the site and a site inspection revealed no obvious contamination. The land is considered suitable for the proposed development.

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

3.1 Aims, objectives etc

1) This Chapter aims—

(a) to ensure that signage (including advertising)—

(i) is compatible with the desired amenity and visual character of an area, and

(ii) provides effective communication in suitable locations, and

(iii) is of high quality design and finish, and

(b) to regulate signage (but not content) under Part 4 of the Act, and

(c) to provide time-limited consents for the display of certain advertisements, and

(d) to regulate the display of advertisements in transport corridors, and

(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

(2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.

Comment: The proposed signage is considered incompatible with the desired amenity and visual character of the Malvern Hill Conservation Area and Croydon Neighbourhood Centre. Council's Senior Heritage Planner has provided comments explaining how the signage design is unsatisfactory in terms of its heritage impact on the existing building and streetscape. Moreover, the signage positioned on the shopfront window is oversized and non-compliant with BDCP provisions for window signs. The signage is not of a high quality design and finish and does not contribute positively to the heritage streetscape of The Strand.

While it is noted that this Chapter of the SEPP does not regulate signage content, concern has been raised by Council's Environmental Health section that the signage does not comply with Part 3 Advertising and promotion of tobacco products of the *Public Health (Tobacco) Act 2008*, as it gives publicity to, or otherwise promotes or is intended to promote, use of tobacco.

Notwithstanding its content, the awning fascia sign is considered to be 'exempt development' under Clauses 2.88 & 2.89 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, which allows the construction or installation of a business identification sign on the existing fascia of the awning of a building as 'exempt development', including within a heritage conservation area. The remainder of the shopfront signage is not 'exempt development' and requires development consent, or in the case of the A-Frame sandwich board sign a permit under the *Roads Act 1993*.

Overall, the proposed shopfront signage submitted under this development application is considered to be inconsistent with the aims of Section 3.1 of the SEPP.

and;

Schedule 5 Assessment criteria

1 Character of the area

- 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?

2 Special areas

- 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?

3 Views and vistas

- 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?

4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- Does the proposal require ongoing vegetation management?

5 Site and building

- 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?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

6 Associated devices and logos with advertisements and advertising structures

- 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?

7 Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

8 Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

Comment: An assessment of the signage has been carried out in consideration of the objectives set out in section 3.1(1)(a) and assessment criteria outlined in Schedule 5 of the SEPP. As noted, aside from the awning fascia sign (not withstanding its content) which is 'exempt development', and the A-Frame sandwich board sign, the proposed signage requires development consent.

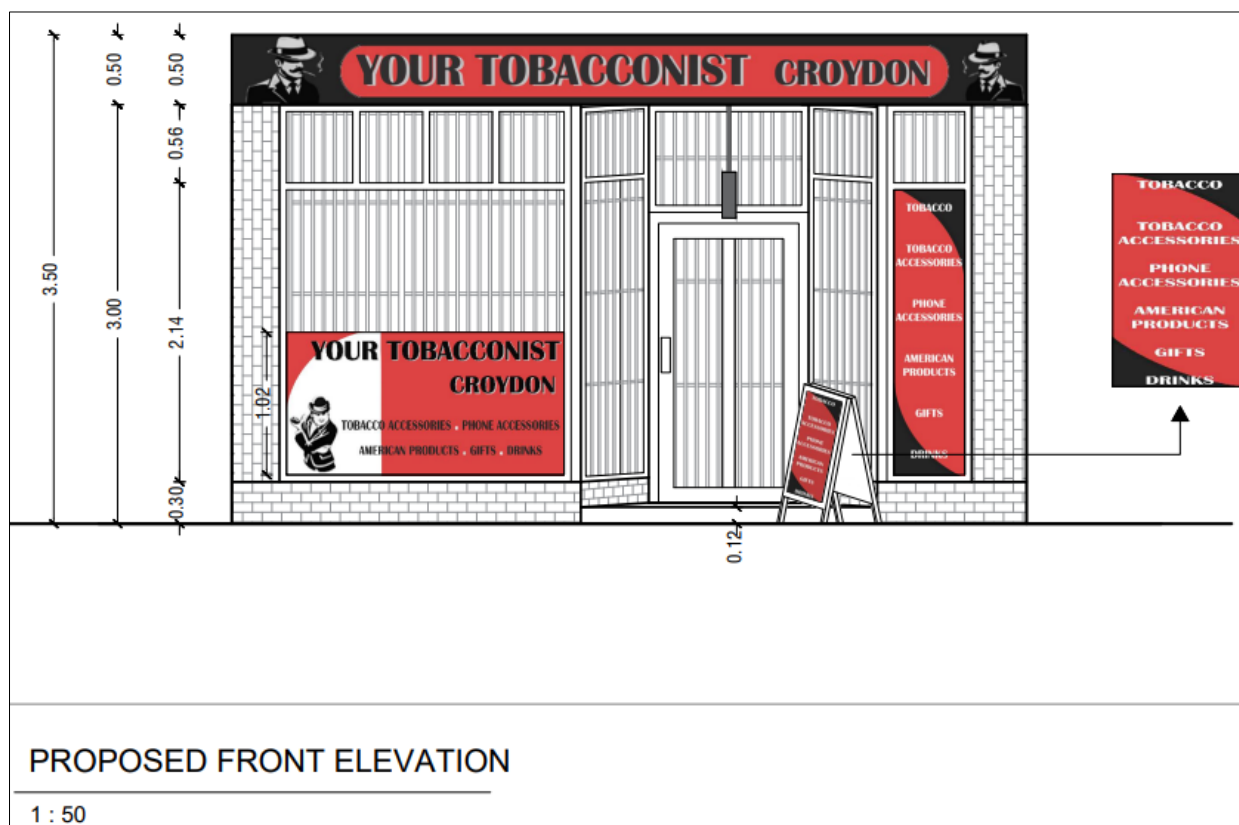


Figure 8: (above) Elevation plan of the proposed shopfront at 16 The Strand, Croydon. Source: Straightline Planning (2025).

The design of the two shopfront window signs are not supported within the heritage conservation area. Council's Senior Heritage Planner has provided comments explaining how the signage design is unsatisfactory in terms of its heritage impact on the conservation area. Furthermore, the vertical window sign on the right hand side of the shopfront (the southern side) does not comply with the BDCP which requires the sign to be reduced in size by 50%, so that the majority of the area of the window pane is not covered by signage.

The signage design, proportion in relation to the shopfront, and placement is considered to detract from the amenity and visual quality of the heritage streetscape of The Strand, and is inconsistent with the desired future character of the Croydon Neighbourhood Centre. The signage does not respect the important features of the heritage shopfront, nor does it show innovation and imagination in its relationship to the building.

Overall, the proposed advertising signage is considered to be inconsistent with the requirements of State Environmental Planning Policy (Industry and Employment) 2021.

Burwood Local Environmental Plan 2012 (BLEP)

Permissibility

Under the provisions of BLEP, the property is zoned E1 Local Centre, where *neighbourhood shops* are permissible with consent. The BLEP and the Act define a *neighbourhood shop* as 'a premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.' *Neighbourhood shops* are a type of *shop*. The subject premises is a tobacconist that also sells products including phone accessories, gifts and drinks and is considered to meet the definition of *neighbourhood shop*, noting that there is no specific definition in the BLEP for 'tobacconist'.

Clause 5.4(7) of the BLEP limits the retail floor area of *neighbourhood shops* to no more than 80 square metres. The proposal complies with this provision.

The premises is not a *restricted premises*, which is defined in the BLEP as 'premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises'. Premises selling tobacco products, non-tobacco smoking products and e-cigarettes or e-cigarette accessories are not required by the *Public Health (Tobacco) Act 2008* or any other legislation to restrict access the premises by patrons or customers of a particular age.

The proposed 'use' is considered to be a *neighbourhood shop* and is permissible in the zone with consent.

NOTE: It is considered that the change of use to a tobacconist (excluding the proposed hours of operation) is 'exempt development' pursuant to Clauses 2.20A & 2.20B of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and therefore the proposed use as a tobacconist does not require development consent. Nevertheless, this development application seeks consent for the use of the premises.

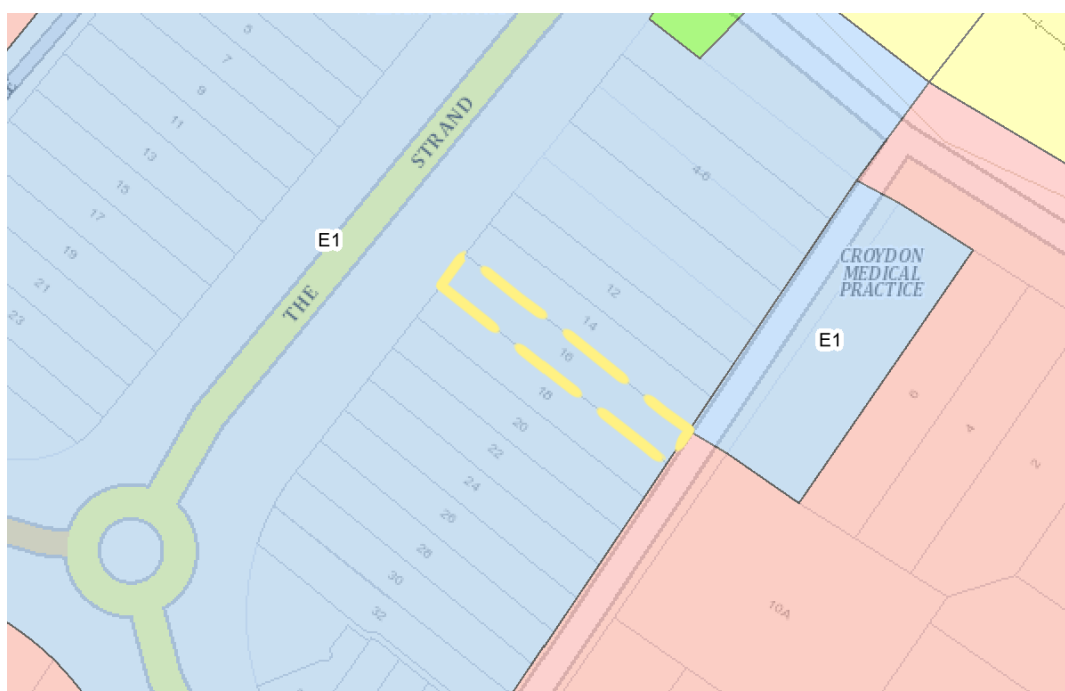


Figure 9: (above) Zoning map from the BLEP, showing the subject site (identified with the purple marker) within the E1 Local Centre zone.

Objectives of the E1 Local Centre zone

The objectives of the zone are:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To conserve the heritage character of local centres.

Comment: The use of the ground floor premises as a *neighbourhood shop* is not contrary to the objectives of the zone. However, the signage and security bars have undesirable impact of the heritage character of The Strand and do not contribute to a vibrant local centre.

Compliance with relevant BLEP development standards

BLEP	Proposal	Compliance
4.3 Height of Buildings		
Maximum permissible height of buildings - 10m	No change to building height. All works are less than 10m above the existing ground level.	YES
4.4 Floor space ratio		
Maximum permissible floor space ratio – 1:1	No change to floor space ratio. The proposal does not add or remove any <i>gross floor area</i> .	YES
5.4 Controls relating to miscellaneous permissible uses		
(7) Neighbourhood shops If development for the purposes of a neighbourhood shop	The retail floor area of the premises does not exceed	YES

BLEP	Proposal	Compliance
is permitted under this Plan, the retail floor area must not exceed 80 square metres.	80sqm.	
5.10 Heritage Conservation		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,</p> <p>(c) To conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance</p>	<p>The site does not contain a heritage item and is not within the vicinity of any heritage items. However, the site is located within a heritage conservation area known as the 'Malvern Hill Conservation Area'.</p> <p>Council's Senior Heritage Planner has reviewed the application and has raised no objections to the proposed 'use'. However, significant concerns have been raised in regard to the physical shopfront works, including the signage, security bars, and removal of pressed metal sheeting above the shop.</p> <p>Concerns have also been raised on heritage grounds regarding the standard of the architectural drawings and information provided in the heritage impact statement.</p> <p>The building works are considered to be inconsistent Clause 5.10 Heritage conservation of the BLEP.</p>	NO

(ii) Any proposed instrument (Draft LEP etc.)

There are no draft planning instruments for consideration.

(iii) Any development control plan

Burwood Development Control Plan 2013 (BDCP)

Does the development comply with following parts of the BDCP?	Yes	No	N/A
Part 2 Site and Environmental Planning		✓	
Part 3 Development in Centres and Corridors		✓	
Part 4.8.2 Special Residential Precincts – Malvern Hill		✓	
Part 5.6 Signage and Advertising		✓	

Part 6.2 Waste Management	✓		
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Discussion

Part 2 Site and Environmental Planning

The proposal is considered to be inconsistent with the objectives specified in Part 2 – Site and Environmental Planning (including Parts 2.3 Views and Vistas & 2.4 Streetscapes). The signage and security bars detract from the heritage streetscape of The Strand and negatively impact views of the heritage building facades.

Part 3 Development in Centres and Corridors

The site is located within the Croydon Neighbourhood Centre and therefore Part 3 of the BDCP applies to the development. An assessment against relevant objectives and provisions is provided below.

3.2.18 Safety and Security

P10 *Security bars, roller shutters or fixed grilles visible from the public domain on any commercial, retail or business premises are prohibited.*

Comment: The proposal provides fixed security bars from the public domain, which are inconsistent with this provision.

3.5.3 Croydon Neighbourhood Centre

O1 *To maintain the character and streetscape of the area through the conservation and enhancement of existing buildings, structures and work.*

Comment: The signage and fixed security bars are considered incompatible with the desired amenity and visual character of the Malvern Hill Conservation Area and Croydon Neighbourhood Centre. They do not enhance the visual quality of the heritage shopfront. Moreover, the signage and security bars do not comply with the BDCP and are inconsistent with Clause 5.10 Heritage conservation of the BLEP.

3.10 Heritage in Centres and Corridors

Signage, Visual Presentation and Colour Schemes

P18 *Signage proposed upon historic facades or exteriors shall not obscure significant architectural elements, nor detract from the character of the heritage property; and*

P19 *Signage shall be restricted upon historic facades. Where applicable, the signs should occupy the areas upon a building traditionally reserved for signage, such as the top hamper or awning fascia. Signage should be addressed as an overall scheme to avoid the accumulation of signs over time; and*

P21 *Roller shutters, security bars or similar devices shall not be permitted upon a heritage property as these obscure significant architectural elements and detract from the character of buildings. In general, sympathetic alternatives can be found to address the security of business/office/retail premises, such as anti-theft glass and internal locks.*

Comment: The signage and security bars are not supported on heritage grounds. The signage obscures the shopfront windows and detracts from the heritage character of the shopfront, the Croydon Neighbourhood Centre, and the Malvern Hill Conservation Area. Fixed security bars have been installed at the shopfront, which are not appropriate for the heritage streetscape.

Part 4.8.2 Special Residential Precincts – Malvern Hill

The Strand Shopping Centre

P68 Preservation, reinstatement and maintenance of original façades and shopfronts is required.

Comment: The installation of non-compliant signage and fixed shopfront security bars is considered to be contrary to the preservation, reinstatement and maintenance of original façades within The Strand.

Part 5.6 Signage and Advertising

5.6.2 Specific Provisions by Signage Type

The two shopfront window signs are not ‘exempt development’ and require development consent. The signage has been considered against relevant BDCP provisions below.



Figure 10: (above) Proposed window sign submitted by the applicant. Source: StraightLine Planning (2025).



Figure 11: (above) Proposed window sign submitted by the applicant. Source: StraightLine Planning (2025).

Window Signs

P32 The sign shall not cover more than 50% of the window area in the interests of safety, surveillance and visual amenity.

Comment: The shopfront window sign shown in **Figure 10** covers more than 50% of the surface area of the window to which it is attached, and is therefore inconsistent with this provision.

5.6.3 Signage in All Areas

Inappropriate Signage Types and Maintenance

P2 Signage should be of limited contrasting colours and proportional to the building and awning

Comment: The design of the signage provides a colour scheme that is incompatible with the desired future character of The Strand and the heritage conservation area.

Signage Design Approach

P16 The proportions of signs should relate to major architectural elements of the building, including window heads, sills, etc.

Comment: The proportion of the vertical window sign on the right hand side of the shopfront (the southern side) is excessive and does not comply with the BDCP which requires it to be reduced in size by 50%. Covering the entire area of the window pane with signage is considered to be an undesirable outcome in terms of streetscape amenity and is inconsistent with this provision.

5.6.5 Signs on, or in the Vicinity of, Heritage Properties

The provisions of the BLEP should also be consulted for provisions relating to heritage properties.

Guidelines

P4 The following additional matters should be taken into consideration in heritage areas:

- (a) As the external colours applied in different historical periods varied and were more limited in range than those available today, it is wise to research appropriate colour ranges for buildings in heritage areas. Generally, however, the following muted colours are suggested dark green, maroon, brown, terracotta, charcoal, etc. highlighted with creams, pinks, ochres and earth tones.
- (b) Heritage lettering styles may involve shaded letters, the mixing of styles and letters and ornamental scrolls as relevant to the period of the building.

Comment: Council's Senior Heritage Planner has provided comments explaining that the signage is unsatisfactory in terms of its heritage impact. The signage, including its colour scheme, is not of a high quality design and finish and does not contribute positively to the heritage streetscape of The Strand.

Overall, the proposed signage is considered to be inconsistent with the requirements of Part 5.6 of the BDCP.

Part 6.2 – Waste Management

Relevant objectives of this BDCP section are:

- 1) To reduce the demand for waste disposal through waste separation and resource recovery in demolition, design, construction and operation of buildings and land use activities.

Comment: No concerns are raised in regard to ongoing waste management, given the longstanding use of the ground floor of the building as a business or retail premises.

(iv) The Regulations

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. The proposal is not inconsistent with the Regulations.

(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

Adverse impacts of the development have been mitigated by the imposition of conditions of approval making it clear that no approval is granted for any signage, or security bars or grilles. The proposed 'use' of the premises as a tobacconist that also sells products including phone accessories, gifts and drinks – which is considered a *neighbourhood shop* as defined in BLEP, is a permissible land use in the E1 Local Centre. Moreover, the proposed hours of operation are considered reasonable given the site's location within a neighbourhood centre.

(c) The suitability of the site for the development

The proposed use as a neighbourhood shop is a permissible land use in the E1 Local Centre. The proposal also complies with BLEP development standards including height of buildings and floor space ratio. However, the shopfront works proposed as part of this application do not satisfy *State*

Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and signage, Clause 5.10 Heritage conservation of the BLEP, or the BDCP. Conditions of approval have been imposed making it clear that no approval is granted for any signage, or security bars or grilles. Subject to conditions, the site is considered suitable for the development.

(d) Any submissions made in accordance with this Act or the regulations

Please refer to the 'Community Consultation' section of this report below.

(e) The public interest

The proposed use as a neighbourhood shop is a permissible land use in the E1 Local Centre. To ensure the development is carried out in a proper and orderly manner, appropriate conditions of approval shall be imposed, including to make it clear that no approval is granted for any signage, or security bars or grilles. Overall, the proposal considered not contrary to the public interest.

Community Consultation

The application was notified in accordance with Burwood Council's *Community Engagement Strategy 2023–2026*, between 30 May 2025 and 20 June 2025. Council received sixteen (16) submissions objecting to the proposal. All submissions have been reviewed and carefully considered as part of the assessment process.

The submissions raised several key concerns, summarised as follows:

- Unauthorised development
- Inappropriate use as a tobacconist / location for a Restricted Premises
- Impact on the Heritage conservation area

Council Response: The sixteen (16) submissions received generally raise similar issues. Council's detailed response to the key concerns is outlined below.

Unauthorised development

The application seeks to regularise unauthorised works, including signage and security bars installed without development consent. These elements of the proposal are **not supported** due to their adverse impact on the heritage conservation area.

Although consent is sought for use as a neighbourhood shop, this use is classified as *exempt development* under the relevant planning controls.

In addition, the internal alterations are considered *exempt development* in accordance with Clauses 2.51 and 2.52 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

Inappropriate use as a tobacconist / location for a 'Restricted Premises'

As outlined in the assessment report, Council considers the use of the premises to fall within the definition of a *neighbourhood shop* under the *Burwood Local Environmental Plan* (BLEP). This land use is permitted in the zone with consent. There are no planning controls that restrict the location of a neighbourhood shop based on proximity to other land uses.

The premises is **not** defined as a *Restricted Premises* under planning legislation. Selling tobacco products, non-tobacco smoking products, e-cigarettes, or related accessories does not require restricted access to the premises under the *Public Health (Tobacco) Act 2008* or any other applicable legislation.

Although development consent has been sought for the proposed use, Council considers the change of use to a tobacconist (excluding the proposed hours of operation) to be *exempt development* under Clauses 2.20A and 2.20B of the *Codes SEPP*, and as such, development consent is not required for the use itself.

Impact on the Heritage Conservation area

The application has been reviewed by Council's Senior Heritage Planner. The proposed signage and security bars are **not supported** on heritage grounds. These elements are considered to detract from the character of The Strand, are inconsistent with the *Burwood Development Control Plan* (BDGP), and do not comply with the *State Environmental Planning Policy (Industry and Employment) 2021*.

Council considers that the signage and security bars have an unacceptable impact on the heritage shopfront, the streetscape of The Strand, and the broader Malvern Hill Conservation Area. Conditions will be imposed stating that no approval is granted for these elements.

It is noted that *SEPP (Industry and Employment) 2021* does not regulate the **content** of signage. Furthermore, Council is not the regulatory authority responsible for enforcing tobacco retail laws. However, Council is of the view that the proposed signage is inconsistent with **Part 3 – Advertising and promotion of tobacco products** under the *Public Health (Tobacco) Act 2008*, as it appears to give publicity to, or promote, tobacco use—specifically through imagery of a person smoking.

Referrals

The application was referred to the following internal Council departments:

Senior Heritage Planner

The application was referred to Council's Senior Heritage Planner for review and comment, who advised that the shopfront works, including the signage, security bars, and the unauthorised removal of pressed metal sheeting above the shop, are unsatisfactory in terms of their heritage impact on the heritage conservation area. On that basis, the shopfront works that consent is sought for are not supported by Council.

Building Surveyor

The application was referred to Council's Senior Development Engineer for review and comment, who identified no issues identified with the proposal with regard to National Construction Code (NCC) 2022.

Environmental Health

The application was referred to Council's Environmental Health section for review and comment, who raised concern that the signage does not comply with Part 3 Advertising and promotion of tobacco products of the *Public Health (Tobacco) Act 2008*, as it gives publicity to, or otherwise promotes or is intended to promote, use of tobacco.

Community Safety (Compliance)

Works that form part of this application are currently considered to be unauthorised works as they were carried out without obtaining required development consent. This is explained above in the 'Background' section of this assessment report.

Conclusion

The proposed development, provided that conditions are imposed making it clear that no approval is granted to any signage or security bars, is generally consistent with the relevant matters for consideration under Clause 4.15 of the *Environmental Planning & Assessment Act 1979*, as

detailed above in this report. Therefore, the application is recommended for approval (subject to conditions).

Recommendation(s)

That development application no. DA.2025.35, for the 'use' of premises as a 'neighbourhood shop' and minor internal building alterations (internal shop fit-out), to an existing ground floor commercial premises at No. 16 The Strand, Croydon 2132, be approved subject to the conditions of approval contained in **Attachment 4**, including but not limited to the following conditions:

- No approval is granted for any security bars or grilles.
- No approval is granted for any signage.

Attachments

- 1 Architectural Plans (*Excluded from agenda*)
- 2 Heritage Impact Statement (*Excluded from agenda*)
- 3 Statement of Environmental Effects (*Excluded from agenda*)
- 4 Recommended Conditions of Approval (*Excluded from agenda*)