



NOTICE OF BURWOOD LOCAL PLANNING PANEL MEETING

The meeting of the Burwood Local Planning Panel will be held at the Conference Room, Level 1, 2 Conder Street, Burwood on Thursday 21 August 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 21 August 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 DA9/25) | DA.2025.30 - Change of use to operate as an Amusement Centre (Billard, Mahjong, table games and internet gaming services), construction of new signage, internal fit out and extension to operating hours of existing commercial tenancy on land at Suite 3/1, Level 2, 1-17 Elsie Street, Burwood | 3 |
| (Item DA10/25) | Section 4.55(2) Modification to DA.2025.32 which approved an Electric Vehicle (EV) charging station at kerbside with integrated digital advertising signage. The modification seeks to delete condition of consent no. 3B, and relocate the Main Switch Board (MSB) and electricity pole. | 24 |

Development Applications

(Item DA9/25) DA.2025.30 - Change of use to operate as an Amusement Centre (Billard, Mahjong, table games and internet gaming services), construction of new signage, internal fit out and extension to operating hours of existing commercial tenancy on land at Suite 3/1, Level 2, 1-17 Elsie Street, Burwood

File No: 25/25847

Report by Development Enquiry Officer

Owner: Burwood Council
Applicant: Mingkang Yang
Location: Suite 3/1, Level 2, 1-17 Elise Street, Burwood
Zoning: MU1 Mixed Use

BLPP Referral Criteria

Pursuant to the Ministerial direction dated 30 June 2020, under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the DA is to be determined by the Burwood Local Planning Panel for the following reasons:

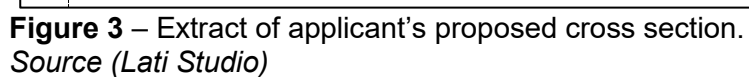
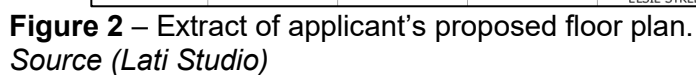
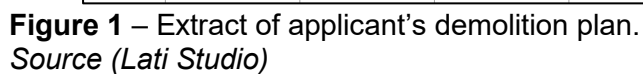
1. The landowner of the property is Burwood Council, which constitutes a conflict of interest in accordance with Schedule 1 of the Local Planning Panels Direction – *Development Applications and Applications to Modify Development Consents*. Therefore, it is in the public interest for this application to be considered in a public forum by an independent body and determined by the Burwood Local Planning Panel

Proposal

The application seeks internal fit outs, change of use of the existing commercial premises and installation of new signages on building façade on the site located at Suite 3/1, Level 2, 1-17 Elise Street, Burwood.

The specifics of the proposal are as follows:

- Demolition of existing internal partition walls.
- Installation of new internal fit-outs and a revised spatial layout for the proposed commercial premises.
- Construction of an illuminated under-awning sign at ground level, adjacent to the Elise Street building entrance.
- Installation of an illuminated under-awning sign on the second-floor balcony.
- Installation of a non-illuminated wall sign on the façade facing Elise Street and Victoria Street.
- Extension of trading hours to allow the commercial premises to operate 24 hours a day, 7 days a week.
- Proposed new uses include table games, Mahjong, billiards, and internet gaming services.
- The proposed entertainment centre seeks to accommodate 200 patrons, with the maximum number of patrons limited to 100 between 1:00 am and 8:00 am.
- The premises will have a maximum of 10 staff members.



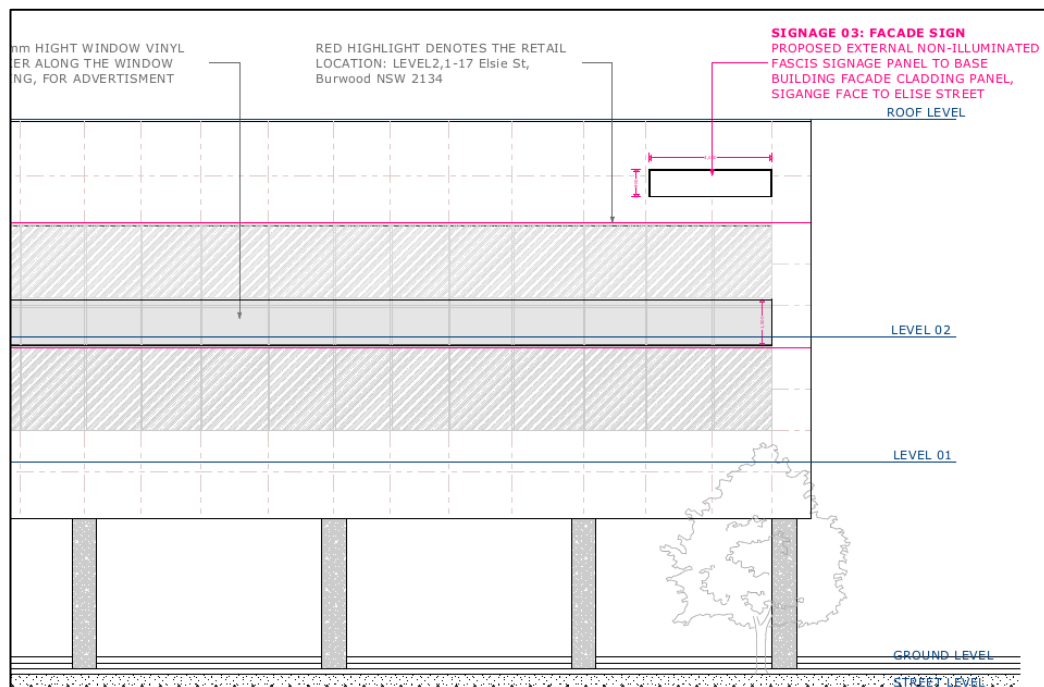


Figure 4 – Extract of applicant's Elise Street elevation
Source (Lati Studio)

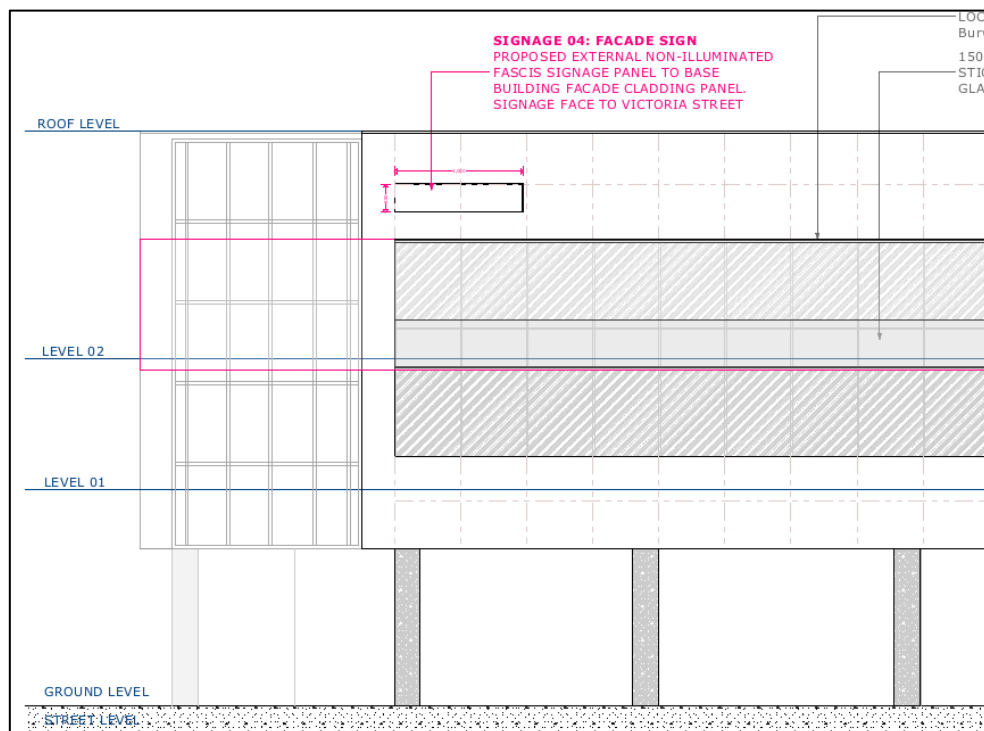


Figure 5 – Extract of applicant's Victoria street elevation
Source (Lati Studio)

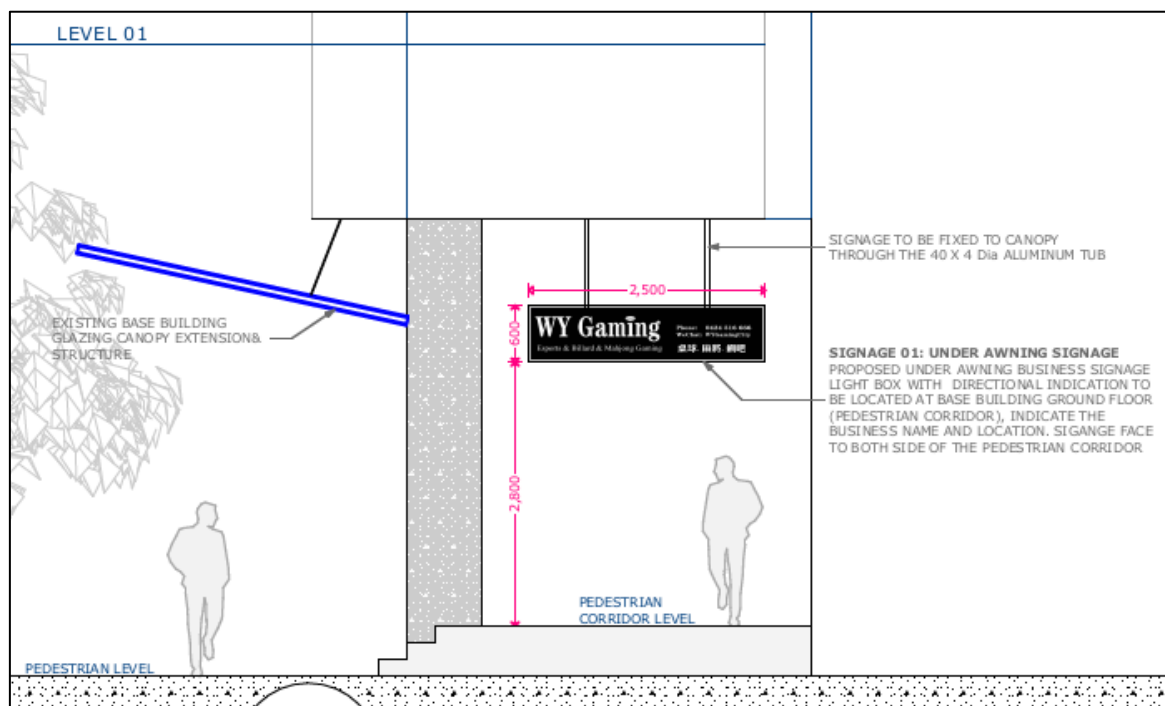


Figure 6 – Extract of applicant's street elevation
Source (Lati Studio)

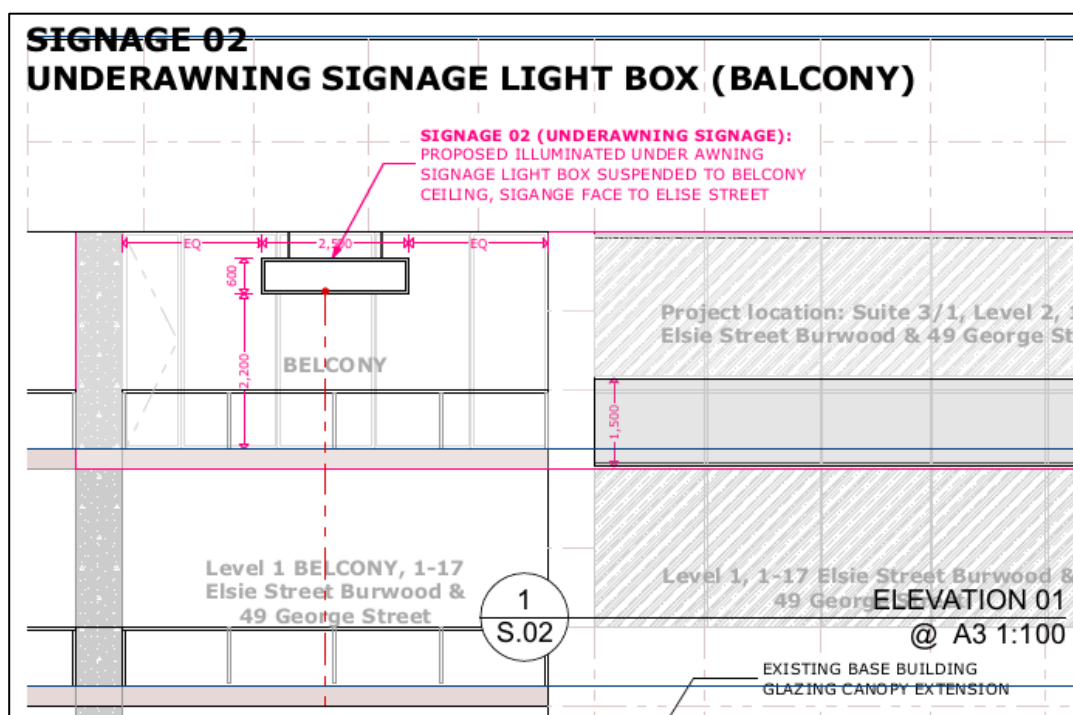


Figure 7 – Extract of applicant's balcony elevation
Source (Lati Studio)

Background

Application History

Development	Determination
BD 2009/290 Fit out for RTA Registry	Approved by Council on 20 January 2009
BD 2009/217 Level 2, fit out for 2500 metre square commercial office space and Council chambers	Approved by Council on 25 September 2009
BD.2009/260 Fit out and use of shop for café/restaurant with outdoor dining	Refused by Council on 5 February 2010
BD.2011/11 Suite 4, Level 1, Fit out for use as software development house	Approved by Council on 3 March 2011
BD.2012.172 Fit out for medical centre	Approved by Council on 25 January 2013
Section 96 of BD.2009.290 Section 96 Modification to amend Planning condition 1 to extend hours of operation	Approved by Council on 28 November 2014
BD.2018.9 Adhesive Vinyl Window Signage and Digital Monitors	Approved by Council on 27 March 2018
DA.2024.55 Fit out and use of Suite 2.01 within an existing mixed-use building for the purpose of a recreational facility (Virtual Reality Escape Room)	Approved by Council on 12 November 2024

Source (Burwood DA tracker)

Current Application – DA.2025.30

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

- 05 May 2025 – Subject Application lodged with Council.
- 07 May 2025 – Internal Referrals and Neighbour Notification undertaken. The internal referrals were sent to Council's Engineering, Environmental Health, Traffic & Design, Building surveying, Property, and Compliance/Community Safety Officers.
- The neighbour notification period closed on 17 May 2025. As a result of the notification, 6 unique submissions were received
- 27 May 2025 - the proposed development was referred to Burwood Police force for considerations
- In response to the issued letter to request for further information issued on 20/06/2025, the applicant has submitted a partial response to the requested information on 28 July 2025.

Additional Information

During the assessment of this modification application, the Council requested information from the applicant's consultants and architect to demonstrate the proposed development's compliance with the Building Code of Australia. This information has been received and is acceptable subject to recommended conditions of consent.

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.
- *State Environmental Planning Policy (Biodiversity) 2021* - Chapter 4 Remediation of land.
- *State Environmental Planning Policy (Industry and Employment) 2021* - Schedule 5 - Assessment Criteria
- The provisions of the *Burwood Local Environmental Plan (BLEP) 2012*.
- The provisions of the Burwood Development Control Plan (BDGP) 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.

These matters are considered in this report.

Locality

The subject site is legally described as (Lot 11 in Deposited Plan 1142160) and is known as Suite 3/1, Level 2, 1-17 Elise Street, Burwood. The site is generally rectangular in shape with a primary frontage to Elsie Street, a secondary frontage to Victoria Street and another frontage to George Street. The site is arranged on a north-south tangent and is orientated to address the site frontage of Elsie Street to the east. The site is surrounded by terraces houses, detached dwellings houses and multi dwellings, commercial buildings and residential flat buildings.

The site presently contains three residential flat buildings connected by a common commercial ground floor podium. The vehicle access to the basement of the existing development is facilitated by the driveway on George Street and Victoria Street. The subject site is located within the MU1 Mixed Use Zone in accordance with BLEP 2012. Refer to Figure 8 below.

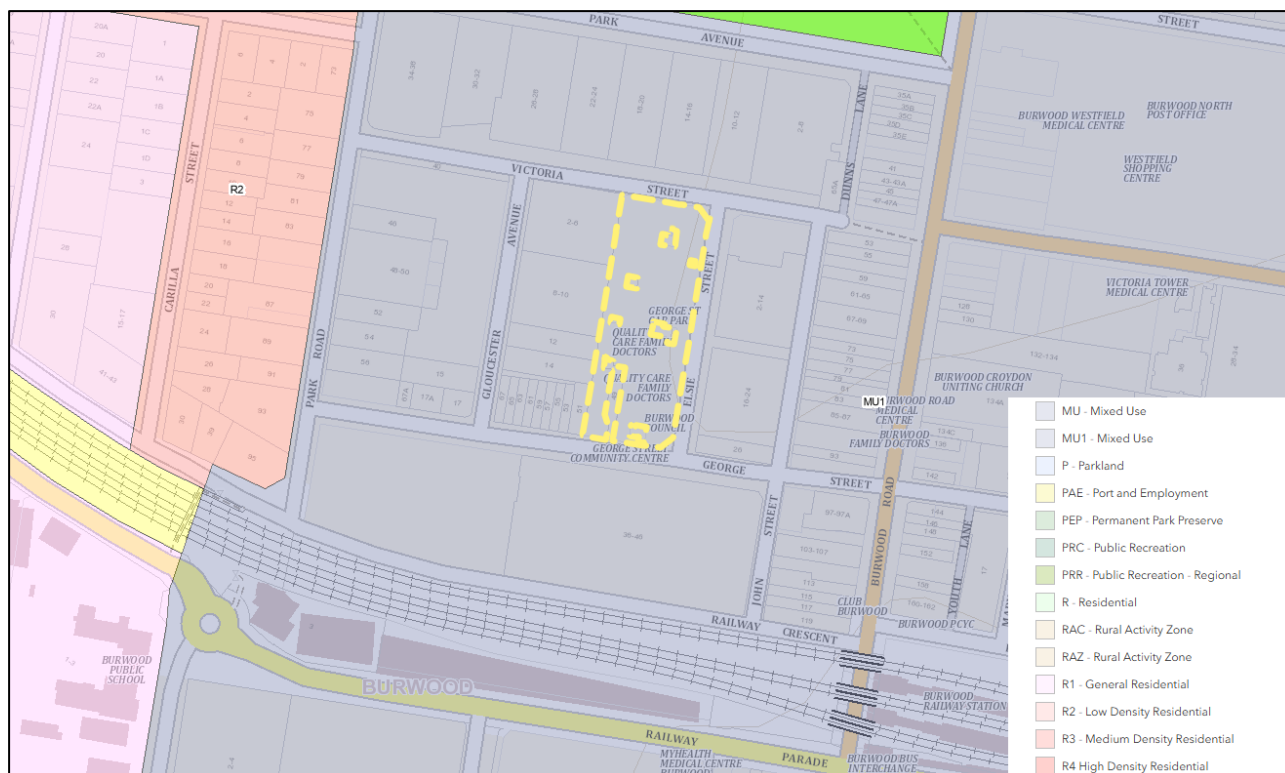


Figure 8 – Subject site located within the MU1 Mixed Use Zone.
Source: (Spatial Viewer)



Figure 9 – Subject site located within the MU1 Mixed Use Zone.
Source: (Spatial Viewer)

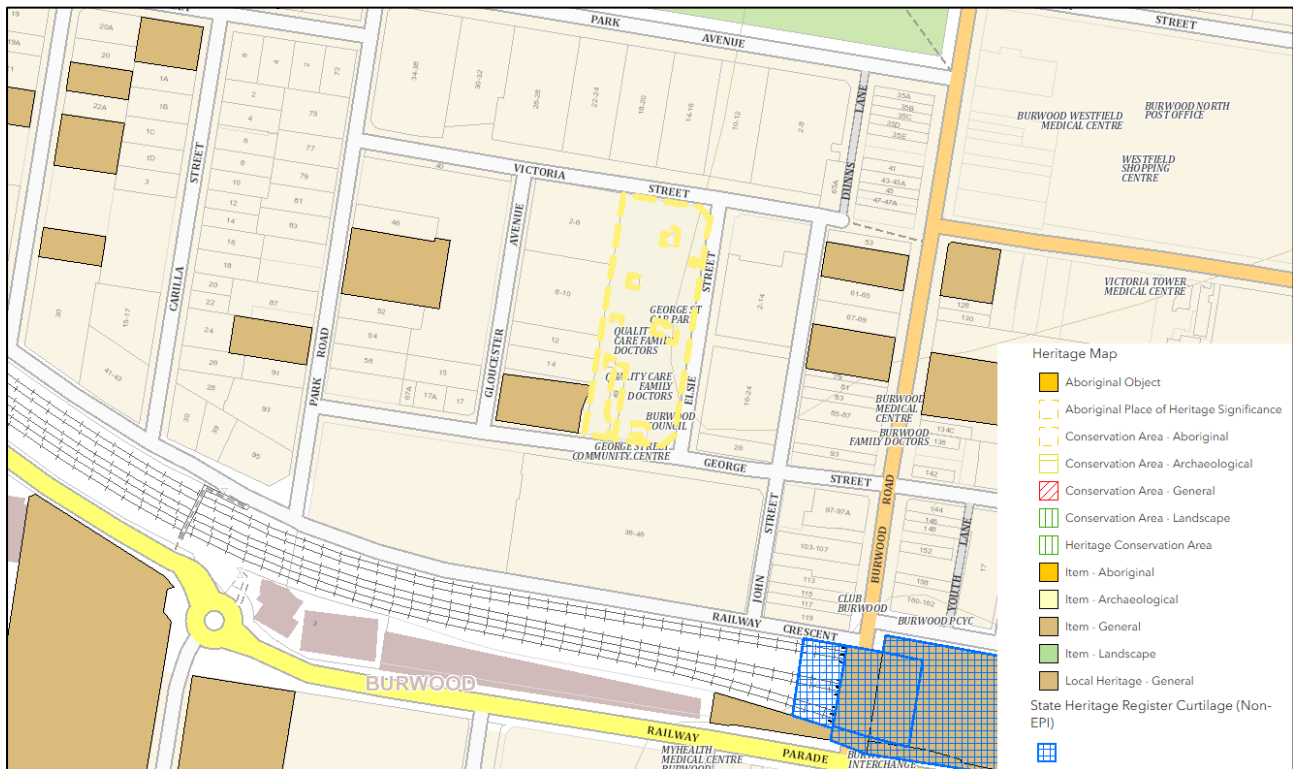


Figure 10 – Subject site located within the MU1 Mixed Use Zone.

Source: (Spatial Viewer)



Figure 11 – Site photograph of 1-17 Elsie Street, taken from Elise Street facing northward. Source: (Council Site Inspection)



Figure 12 – Site photograph of 1-17 Elsie Street, taken from Elise Street facing westward. Source: (Council Site Inspection)



Figure 13 – Site photograph of 1-17 Elsie Street, taken from Elise Street facing northward. Source: (Council Site Inspection)

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 longstanding previous use of the site for commercial purposes, a land contamination assessment with this application is not required. In addition, a search of Council's digital records and mapping, and a site inspection, revealed no evidence of land contamination.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 2 Vegetation in non-rural areas.

Chapter 2 Vegetation in Non-Rural Areas of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 sets the rules for the clearing of vegetation in NSW on land zoned for urban and environmental purposes. 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.

No existing trees or vegetation are proposed to be trimmed or removed as part of this modification application. The proposed building works consist solely of internal fitouts, and there is no existing vegetation in proximity to the proposed signage. Therefore, the development is considered satisfactory.

State Environmental Planning Policy (Industry and Employment) 2021 – Schedule 1 – Assessment Criteria

Chapter 3 – Advertising and Signage of the State Environmental Planning Policy (Industry) 2021 outlines the assessment criteria for the display of new signage. A detailed assessment of the criteria specified in Schedule 5 is provided below.

State Environmental Planning Policy (Industry and Employment) 2021	Comments	Compliance
<i>Schedule 1 - Assessment Criteria</i>		
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?	The design and the dimension of the proposed signage is in character with both the primary street frontage (Elsie Street) and secondary frontage (Victoria Street) façade of the existing building.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Given that there are numerous businesses located near the development site, the proposed signage for the new commercial premises is considered consistent with the immediate locality. Furthermore, the colour theme of the signage does not sharply contrast with the façade of the existing building and is therefore consistent with the character of the area.	Yes
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?	The subject site is not located within a special area.	Not applicable
3. Views and Vistas		
Does the proposal obscure or compromise important views.	<u>Under awning sign ground floor (signage 01)</u> The proposed signage, as depicted in the submitted architectural drawings, is to be installed beneath the awning of the ground floor podium. Due to its low elevation and its placement largely within the building footprint, the signage is not expected to obstruct any significant views.	Yes
	<u>Under awning sign first floor (signage 02)</u> The proposed signage, as depicted in the submitted architectural drawings, is to be installed beneath the ceiling of the second-floor balcony. The signage does not project beyond the façade and, therefore, is not expected to compromise any significant views.	Yes

	<u>Under awning sign first floor (signage 03 and 04)</u> The proposed signage, as illustrated in the submitted architectural drawings, is to be mounted on the façade of the commercial podium facing Victoria Street and Elise Street. The signage does not significantly project beyond the external walls of the existing building. Given its location, the signage is not expected to obstruct any significant views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	None of the proposed new signage is located above the podium level of the existing building. There is no evidence to suggest that any signage will dominate the skyline. Additionally, the colour theme of the signage is consistent with the tone of the existing building façade and therefore does not detract from the quality of the vista.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed new signage does not noticeably obscure the views of any existing business signage on the ground floor. Additionally, the proposed signs are positioned away from existing businesses located on the ground floor podium. A review of the submitted architectural plans indicates that the proposed signage will not interfere with the visibility or viewing rights of other advertisers.	Yes
4. Streetscape Setting or Landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the new signage is consistent with the existing signage on the building façade. Additionally, the size of the signage is compatible to the streetscape of Elsie Street and Victoria Street	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage introduces new decorative elements to the building façade. It also serves a wayfinding purpose, helping pedestrians better identify businesses within the commercial podium. Therefore, it is considered to contribute to the visual interest of the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is arranged on the building façade in an orderly manner. The proposed development is therefore considered to rationalise and simplify the existing advertising.	Yes
Does the proposal screen unsightliness?	A condition will be imposed to ensure that any wiring associated with the illuminated sign is enclosed within the casing of the light box.	Yes

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not extend beyond the façade of the building podium. Additionally, the signage is not installed in proximity to any existing trees.	Yes
Does the proposal require ongoing vegetation management	As above	Yes
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?	The size of the proposed signage does not visually dominate other similar signage located within the immediate locality. Additionally, the colour scheme of the proposed signage matches that of the ground floor pillars of the building podium. The new signage is compatible with the scale, proportion, and overall character of the existing building and the surrounding streetscape.	Yes
Does the proposal respect important features of the site or building, or both?	The colour scheme of the proposed new signage matches that of the ground floor pillars of the existing building. Additionally, the wall signage (Signage 03 and 04) does not create a sharp contrast with the cladding of the building podium.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed light box will contribute visual interest and provide illumination at ground level during the evening, thereby enhancing street activation along Elise Street. Additionally, the signage aligns with the objectives of the <i>Burwood After Dark strategy</i> by supporting evening and late-night operations of a new commercial premises on Elise Street.	Yes
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?	The signage will be internally illuminated, with the lighting integrated into the advertising panel.	Yes
7. Illumination		
Would illumination result in unacceptable glare?	Conditions will be imposed to ensure that the panel lighting is adjustable, thereby minimising any unpleasant glare.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	Conditions will be imposed to ensure that the panel lighting is adjustable and that illumination levels are controlled to prevent any adverse effects on the safety of pedestrians, vehicles, and aircraft.	Yes
Would illumination detract	The signage does not directly face any	Yes

from the amenity of any residence or other form of accommodation?	windows of nearby dwellings. Conditions will be imposed to ensure that the illumination is adjustable, preventing any adverse effects on the amenity of neighbouring residents.	
Can the intensity of the illumination be adjusted, if necessary?	Conditions will be imposed to ensure that the brightness of the lighting is adjustable, if necessary, to prevent any adverse effects on the safety of pedestrians, vehicles, and aircraft.	Yes
Is the illumination subject to a curfew?	Condition will be imposed to ensure that the signage will be illuminated only during the operating hours of the premises.	Yes
8.Safety		
Would the proposal reduce the safety for any public road?	Conditions will be imposed to ensure that the brightness of the signage is adjustable, preventing any distracting glare that may affect vehicles on the adjacent road.	Yes

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 development is a mixed-use building that is part residential flat building and part commercial premises, both which are permissible land uses in the MU1 Mixed Use zone with consent. The proposed combined development form is permitted in the zone.

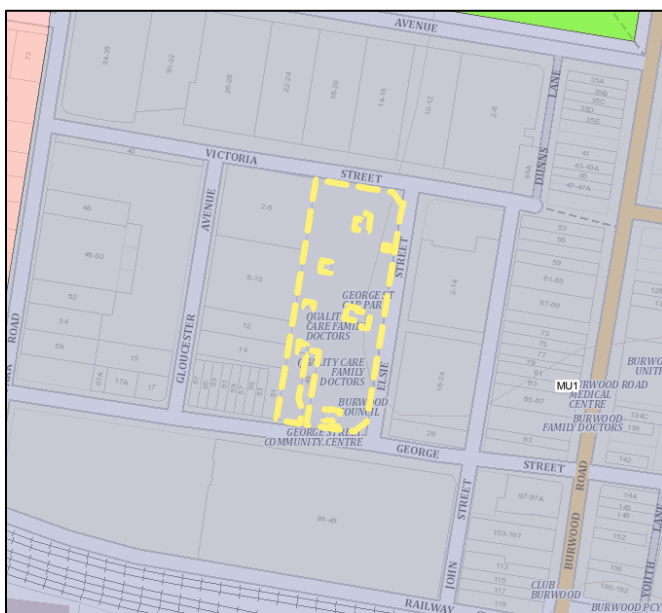


Figure 11: Zoning extract showing the subject site 1-17 Burwood Road, Burwood (indicated with yellow dashed lines) within the MU1 Mixed Use zone. Source: NSW Planning Portal (2025).

Compliance with relevant BLEP development standards

Development Standards	Comments	Compliance
4.3(2) Height		
60m	The proposed development does not seek to change the maximum building height.	Not Applicable
4.4(2) FSR		
4.5:1	The proposal only seeks new business identification signage, change of the use for the existing commercial premise, internal fit out and extension to hours of operations. The proposed development does not seek to alter the existing FSR.	Not Applicable
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 by demonstrating – (a) the compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and, (b) that there are sufficient environmental planning grounds to justify contravening the development standard.	The proposal does not seek any variations to development standards.	Not Applicable
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 subject site is not located within a heritage conservation area, and does not contain an item of environmental heritage	Not Applicable
6.1 Acid Sulfate Soils		
(1) The objectives of this clause is to ensure that development does not disturb,	The subject site is affected by Class 5 Acid Sulfate Soils. However, there are no works proposed within 500m of adjacent Class 1,	Yes

expose or drain acid sulfate soils and cause environmental damage.	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.	
6.2 Flood Planning		
(1) The objectives of this clause are as follows: (a) to minimise the flood risk to life and property associated with the use of land, (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, (c) to avoid significant adverse impacts on flood behaviour and the environment.	The subject site is located within a flood-prone area; however, the proposal seeks formal consent only for new signage on the external building façade. Therefore, there are no flood affectations to be considered.	Yes

4.15 Evaluation (cf previous s 79C)

Section 4.15 Requirement	Comments
(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, and	The Site is in Zone MU1 Mixed Use under the Burwood LEP 2012. The Development falls under the definition of “Amusement Centre”, which is listed in the land uses “Permitted with Consent”
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	No draft environmental planning instruments apply to the site or development.
(iii) any development control plan, and	Burwood DCP 2013 provides the detailed development controls for the site/proposed development. There are no specific requirements for Amusement Centres under Burwood DCP 2013 that would apply to the current modifications.
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Non-applicable.
(iv).the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	Non-applicable.
(v). (Repealed) that apply to the land to which the development application relates	
(b) the likely impacts of that development, including environmental impacts on both	Refer to “Detailed Assessment – Likely Impacts of the Development” immediately following this

the natural and built environments, and social and economic impacts in the locality	report. In summary, the proposed development is expected to have minimal adverse impact on the amenity of the immediate locality, while contributing positively to the economic growth of the Burwood Centre.
(c) the suitability of the site for the development,	The site is located within the Mixed-Use Zone of Burwood. It is considered that the site is suitable for the development given the intensification of development proposed in the current application. The subject site is located within a flood-prone area; however, the proposal seeks formal consent only for new signage on the external building façade. Therefore, there are no flood affectations to be considered. Overall, matters relating to site suitability (eg natural constraints eg bushfire, flooding etc) have been addressed.
(d) any submissions made in accordance with this Act or the regulations,	The “Community Consultation” section of this report, below, gives consideration to the submissions received following neighbour notification.
(e) the public interest.	Overall, given the circumstances of the case, approval of the application is considered to be in the public interest.

Detailed Assessment – Likely Impacts of the Development

Section 4.15(1)(b) requires Council to consider “the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”

Overall, the development is considered to have acceptable impacts on the immediate locality. The Plan of Management and Acoustic Report will be endorsed to mitigate potential acoustic impacts on the adjoining residential flat buildings. Furthermore, a trial period for the proposed operating hours will be recommended as a condition of consent to ensure the premises can demonstrate effective management.

The likely impacts are considered in more detail as follows:

A. Natural environment:

As the proposed building works are internal fit outs and installation of four external signage, the proposed development will have minimal impacts on the Natural Environment

B. Built environment:

The impacts of the proposed development on the built environment, specifically amenity impacts on the occupants of adjoining and nearby dwellings, are summarised below.

Noise Impacts:

The amusement centre and its services has the potential to generate noise through the patron participating in board games, Mahjong, internet gaming and background music, as well as from people coming to/from the premises. An acoustic report was submitted as part of this Development

Application, providing recommendations to mitigate and manage potential noise generated by the operation of the premises.

Car parking

The proposed development does not seek formal consent to create any additional parking spaces. Patrons and staff attending the amusement centre will be required to utilise existing public parking spaces in the George Streetcar Park or kerbside parking along Elsie Street.

Based on the traffic assessment undertaken by Council's Traffic Team, no significant adverse impacts on on-street parking demand are anticipated in the surrounding streets.

Traffic/Vehicle Movements

Given that the subject site is located within the Burwood Town Centre, regular vehicle traffic is to be expected. Additionally, due to the premises' proximity to Burwood Train Station, it is anticipated that private vehicles will not be the sole mode of transport used to access the site. Furthermore, the traffic assessment undertaken by Council's Traffic Team has not identified any foreseeable adverse impacts on traffic movement resulting from the proposed development.

Conclusion – Impacts on the Built Environment:

Overall, the proposed development will acceptably impact in terms of the built environment in terms of on-streetcar parking, traffic/vehicle movements and noise impacts.

C. Social impacts:

Overall, the development aligns with Burwood Council's night time economy objectives and supports the further activation of Elsie Street through increased foot traffic from patrons attending the amusement centre. It is therefore considered to have a positive social impact on the immediate locality.

D. Economic impacts:

The proposal will create additional employment opportunities and is therefore considered to have a positive economic impact on the immediate locality.

Community Consultation

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

Concern	Response
Concerns have been raised regarding potential noise emissions from the premises during late-night hours.	<p>An acoustic report was submitted with the Development Application, detailing measures to mitigate noise emissions from the premises. Endorsement of the acoustic report as part of the development consent is recommended, with compliance with the report to be required throughout the operation of the premises to ensure noise impacts are appropriately managed.</p> <p>Examples of acoustic emission mitigation measures identified in the Noise Impact Assessment include, but are not limited to, the following:</p>

	<ul style="list-style-type: none"> Ensuring that glass windows and doors remain closed at all times (other than when patrons/members enter and exit the premises). The manager of the premises will monitor guest behaviour when entering and exiting during night-time hours to ensure noise is kept to a minimum. Patrons will be advised not to congregate in the commercial hallway areas during business hours.
There are fears that the operation of the premises may contribute to antisocial behaviour and loitering within the locality.	A trial period will be imposed on the operating hours of the amusement centre to allow the operator to demonstrate good management. Furthermore, the submitted Plan of Management indicates that a security guard will be employed to monitor the entrance and surrounding areas of the premises.
Residents have expressed concerns about potential adverse impacts on their lifestyle and the overall residential amenity of the area, resulting from increased foot traffic and patrons entering and leaving the premises during late-night hours.	The submitted Plan of Management states that all patrons leaving the premises during late-night hours will be reminded by staff to exit quietly. Additionally, queue barriers will be implemented to manage the orderly entry of patrons. It is recommended that the Plan of Management be endorsed as part of the development consent to help mitigate potential impacts on neighbouring residents caused by patrons entering and exiting the premises.
Concern that the proposed 24-hour gambling venue is not suitable for this location.	Council will recommend that a condition be imposed requiring an amended Plan of Management to include measures that mitigate the risk of individuals engaging in unlawful gambling on the premises.
Concerns have been raised that the proposed development will increase demand for public parking spaces.	Patrons and staff attending the amusement centre will have access to kerbside parking and public parking spaces available in a nearby basement car park. Additionally, given the proximity of the subject site to Burwood Train Station, it is anticipated that private vehicles will not be the sole mode of transport used to access the site. Furthermore, the traffic assessment undertaken by Council's Traffic Team has not raised any concerns regarding the impact of the proposed development on existing public parking availability.
Concerns have been expressed that the proposed development is not compatible with the surrounding land uses.	The subject site is located within zone MU1 Mixed Use. The proposed amusement centre is a permitted use with consent under the Land Use Table of the Burwood Local Environmental Plan 2012. Additionally, the proposal is considered to be aligned with the land use objectives of the MU1 Mixed Use zone under the <i>Burwood LEP 2012</i> .
Concerns have been raised that operating the premises 24 hours a day, seven days a week, offers no public benefit.	Given that the subject site is located within the Burwood Town Centre, the operation of the premises aligns with Burwood Council's

	nighttime economy strategy. Additionally, the premises will contribute to the activation of Elsie Street through increased pedestrian foot traffic. The proposed development is considered to have positive social impact on the immediate locality.
Concerns have been raised regarding potential overlooking and privacy impacts on the neighbouring residential flat buildings.	The proposed development does not involve any alteration or enlargement of the existing windows within the commercial tenancies. As such, Council does not anticipate any new adverse privacy impacts or overlooking concerns for the adjoining residential flat buildings.

Referrals

Traffic Engineering

The development application was referred to Council's Traffic Engineering team for review and comment. No objections were raised.

Property Management

The development application was referred to Council's Property team for review and comment. No objections were raised.

Building Surveyor

The development application and submitted additional information were referred to Council's Executive Building Surveyor for review and comment. No objections were raised subject to building conditions.

Community Safety

The development application was referred to Council's Community Safety for review and comment. No objections were raised.

Environmental Health

The development application was referred to Council's Senior Environmental Health Officer for review and comment. No objections were raised subject to conditions.

Burwood Police

The development application was referred to Burwood Police for review and comment. No objection was raised.

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.

Recommendation(s)

It is recommended that this Development Application which proposes change of use to operate as an amusement centre, construction of new signage, internal fit out and extension to operating hours of existing commercial tenancy on land at Suite 3/1, Level 2, 1-17 Elsie Street to be approved subject to conditions of approval contained in Attachment 4.

Attachments

- 1 ➡ Architectural Plans (*Excluded from agenda*)
- 2 ➡ Plan of Management (*Excluded from agenda*)

- 3⇒ Acoustic Report (*Excluded from agenda*)
- 4⇒ Draft Condition (*Excluded from agenda*)

(Item DA10/25) Section 4.55(2) Modification to DA.2025.32 which approved an Electric Vehicle (EV) charging station at kerbside with integrated digital advertising signage. The modification seeks to delete condition of consent no. 3B, and relocate the Main Switch Board (MSB) and electricity pole.

File No: 25/40039

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

This Section 4.55(2) modification application seeks consent for the following changes to an approved Electric Vehicle (EV) charging station with integrated digital advertising signage:

- **To delete condition of consent no. 3B to allow the EV charging unit to be provided with electricity via an overhead cable, rather than via an underground connection only.**

The original development application as initially lodged proposed an unpainted electricity pole between the footpath and the kerb, as shown in **Figure 1**. However, condition of consent no. 3B was added by the Burwood Local Planning Panel on 17 July 2025, and reads as follows:

‘The electricity to the charging unit is to be supplied via an underground connection only. Any external/above ground element supplying electricity to the charging unit is prohibited.’

The applicant seeks to maintain their original intent of providing electricity to the charging unit via an overhead power line from the opposite side of Morwick Street. The proposed overhead cable will extend directly from an existing telegraph pole across the road to a new painted electricity pole installed within the grass strip between the footpath and the boundary of Strathfield Sports Club. Electricity will then run underground from the new pole to the EV charging unit.

- **Relocate the Main Switch Board (MSB) and electricity pole to the north of the existing footpath on Morwick Street.**

The proposed Main Switch Board (MSB) and painted electricity pole are to be relocated to a new position within the grass strip between the footpath and the boundary of Strathfield Sports Club. Originally, they were proposed to be positioned between the footpath and the kerb. The revised positioning will increase their setback from the street kerb which is intended to reduce their visibility with the streetscape.

NOTE: The applicant has provided additional details about the proposed electricity pole, including its materials and design. The pole is metal and will be painted in ‘Monument Grey’ colour (or another colour preferred by the Panel), with the aim of minimising its visual impact within the streetscape and blend with other street furniture and infrastructure.



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 Act), the modification is to be determined by the local planning panel for the following reasons:

- 1) Local planning panels are to determine applications under section 4.55(2) of the Act for the modification of development consents granted by the panel that:
 - propose amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or
 - propose amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel,
 - or meet the criteria for development applications set out in the Schedules to this direction relating to conflict of interest, contentious development or departure from development standards.

Condition of consent no. 3B was added by the local planning panel, and thus this modification application is to be determined by the local planning panel; and

- 2) 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

Original development application (approved with conditions by the Panel on 17 July 2025)

At the Burwood Local Planning Panel meeting held on 17 July 2025, the Panel resolved to approve, subject to conditions, the 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).

The applicant initially proposed to provide the EV charging unit with electricity via an overhead cable. The cable would connect a new unpainted metal electricity pole located on the nature strip adjacent to the EV charger to the existing overhead powerlines on the opposite side of Morwick Street.

However, the Panel added a condition of consent (no. 3B) requiring the charging unit to be supplied via an underground connection only. The Panel provided the following reason for adding this condition: *'The Panel was conscious of the streetscape in the locality where overhead power lines are minimised and retention of streetscape is highly desirable'*.

This modification application

This section 4.55(2) modification application was lodged with Council via the NSW Planning Portal on 8 August 2025.

In accordance with the Burwood Community Participation Strategy 2023-2026, the modification was not required to be publicly notified via post. However, the application and the supporting plans and documents were placed on Council's DA Tracker website for public viewing upon lodgement of the modification.

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 below in **Figure 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.

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 main 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 main 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 main 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 4.55(2) of the *Environmental Planning and Assessment Act 1979*

In order to modify the consent, the consent authority must be satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).

Comment: Council is satisfied, based on the modified plans and supporting documentation provided by the applicant, that this proposed modification is ‘substantially the same development’ as already approved. The application can therefore be assessed and determined by the consent authority as a Section 4.55(2) modification.

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.

Comment: 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 modification will not alter the position of the main EV charging unit, and therefore will not alter the approved integrated advertising signage. The modification seeks to relocate the Main Switch Board (MSB) and painted electricity pole to within the grass strip north of the footpath. No obstruction of the footpath or any firefighting equipment will occur. The modified proposal is considered able to be carried out with consent.

Burwood Local Environmental Plan 2012 (BLEP)**Permissibility of the development in the zone, and compliance with Objectives of the zone**

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*. The modified proposal remains compliant with the stated objectives of the MU1 zone, which 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.

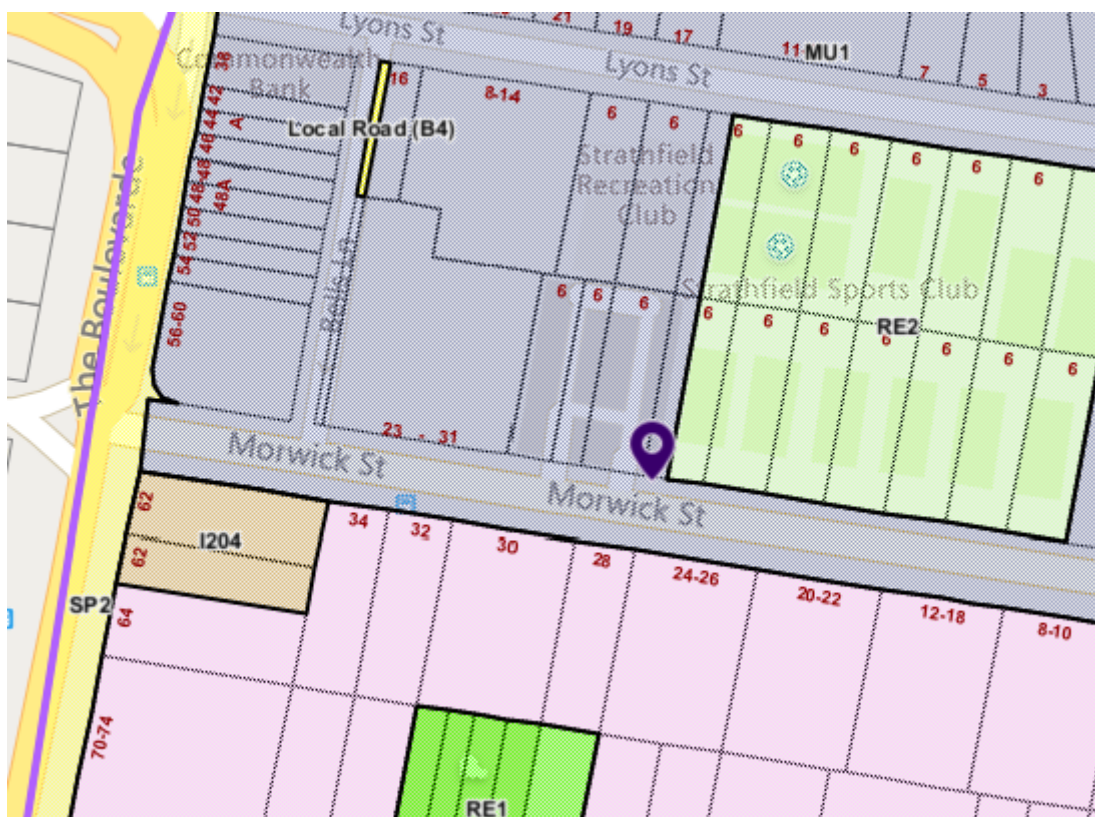


Figure 8: (above) Zoning map from the BLEP, showing the subject site (identified with the purple marker) within the MU1 Mixed Use zone.

Compliance with relevant BLEP development standards

The modified proposal will not alter the compliance of the development with the BLEP in comparison to the original development application.

As noted, the only physical changes the modification proposes is to relocate the Main Switch Board (MSB) and painted electricity pole to the north of the existing footpath (and to delete condition of consent no. 3B to allow for an overhead electricity cable).

(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)

The BDCP does not include any objectives or provisions specifically related to electric vehicle charging units. However, the modified proposal is considered to be consistent with the objectives specified in Part 2 – Site and Environmental Planning, especially considering that the Main Switch Board (MSB) and new painted electricity pole will be relocated to a less visually obtrusive position within the streetscape. In addition, the modified proposal will remain consistent with the objectives of Part 3 – Development in Centres and Corridors, as well as signage, waste management and flood planning provisions. Please also refer to the 'Likely Impacts' section of this report below for a discussion of the proposed modification, including the applicant's rationale.

(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 applicant has provided the following rationale for the proposed changes to the approved development application:

Removing condition no. 3B from the consent

The applicant requests to delete condition of consent no. 3B from the consent to allow the EV charging unit to be provided with electricity via an overhead cable, rather than via an underground connection only. The rationale provided by the applicant is detailed in points 1-4 below:

- 1) Infrastructure and Engineering Constraints – Site investigations confirm existing Sydney Water Infrastructure within the road reserve including a 1800mm stormwater culvert, 1100mm sewer main and several disused rehabilitation mains in addition to existing road surfaces (200-300mm of reinforced concrete beneath asphalt). As such, significant planning, excavation and trenching works would be required to enable the undergrounding of electricity connections
- 2) Financial and Delivery Feasibility – Preliminary costs associated with the project and undergrounding of the electricity connection have been estimated at \$64,000 which is more than double the original costs estimated for the project. The additional costs associated with the undergrounding of electricity connections are substantial for a project of this scale and would ultimately render the project commercially unviable and risks NSW funding allocated to this location to be withdrawn.

NOTE: The applicant has submitted an Installation Cost Report which states that the cost of installing the EV charging unit and electricity connection via an overhead cable is \$26,510.00. The applicant has also submitted an Estimated Quote for Works on Council Property from for restoration works within the road reserve should the electricity connection be underground beneath the roadway, which is \$64,827.60. These documents are attached to this report.

- 3) Ausgrid Electrical Design Approvals - Formal connection approval has been granted by Ausgrid for an overhead power supply to the proposed EV charger. This design was accepted without condition satisfying Ausgrid's technical compliance, which is safe, and feasible within Ausgrid's network standards. Any shift to an underground connection would require redesign and resubmission to Ausgrid, introducing delays, further cost, and uncertainty of approval.
- 4) Waste – Excavation and reinstatement works would generate substantial construction waste which unnecessarily increases the carbon impact of the project. An overhead connection as originally proposed would have substantially less waste generated.

It is also noted that there is an existing agreement between JOLT and Council for the digital signage to provide a portion of screen time for the purposes of Council advertising to promote events and provide community information. This is reflected in condition of consent no. 10 of the existing development consent. In addition, the agreement requires the unit to provide up to 7kWh of power (in terms of electricity) free of charge per vehicle per 24-hour period.

Relocation of the Main Switch Board (MSB) and electricity pole, and painting of the electricity pole.

The new electricity pole and Main Switch Board (MSB) are proposed to be relocated to the grass strip on northern side of the existing footpath on Morwick Street. This revised positioning will increase their setback from the street kerb and reduce their visibility from the public domain.

Moreover, the applicant has provided additional details about the proposed electricity pole, including its materials and design. The metal pole is proposed to be painted in 'Monument Grey' colour (or another colour preferred by the Panel), with the aim of minimising its visual impact within the streetscape and blend with other street furniture and infrastructure.

The proposed overhead cable will extend directly from an existing telegraph pole across the road to the new painted metal pole. Electricity will then run underground from the pole to the EV charging unit.

Overall, it is considered that the modified proposal is a clear improvement compared to the initial proposal presented to the Panel on 17 July 2025, particularly with regard to its impact on the streetscape.

(c) The suitability of the site for the development

The site is identified as the Council-owned road reserve situated on Morwick Street, Strathfield (adjacent to the rear of Strathfield Sports Club at 4A Lyons Street, Strathfield). The site is adjacent to the kerb and public footpath on the northern side of Morwick Street.

The modification proposes relocating the Main Switch Board (MSB) and painted electricity pole to the grass strip north of the existing footpath. The relocation is considered to be a clear improvement compared to the initial proposal presented to the Panel.

The modified proposal is consistent with the relevant planning controls, as outlined in this report. The site is considered suitable for the proposal.

(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. The unit provides a public benefit by providing up to 7kWh of power (in terms of electricity) free of charge per vehicle per 24-hour period. Part of the screen time of the advertising 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 have been imposed. Overall, the modified proposal is considered to be in the public interest.

Community Consultation

In accordance with the Burwood Community Participation Strategy 2023-2026, the modification was not required to be publicly notified via post. However, the application and the supporting plans and documents were placed on Council's DA Tracker website for public viewing upon lodgement of the modification. No submissions were received.

Conclusion

The modified proposal is consistent with the relevant matters for consideration under section 4.55(2) and section 4.15 of the *Environmental Planning & Assessment Act 1979*, as detailed in this report. The modified proposal is therefore recommended for approval.

Recommendation(s)

That this Section 4.55(2) to development application no. DA.2025.32, which proposes to delete condition of consent no. 3B, and relocate the Main Switch Board (MSB) and (to be painted) metal electricity pole associated with an approved EV charging station with integrated digital advertising, situated on Council owned land on the northern side of Morwick Street, Strathfield, be approved subject to the modified conditions of approval contained in **Attachment 6**.

Attachments

- 1⇒ Statement of Environmental Effects (*Excluded from agenda*)
- 2⇒ Proposed Plans and Specifications (*Excluded from agenda*)
- 3⇒ Estimated costs of underground electrical works under roadway (*Excluded from agenda*)
- 4⇒ Cost Report of modified proposal (*Excluded from agenda*)
- 5⇒ Notice of Determination of original DA approved by the Panel on 17 July 2025 (*Excluded from agenda*)
- 6⇒ Recommended Modified Conditions of Approval (*Excluded from agenda*)