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BURWOOD LOCAL PLANNING PANEL MEETING

MINUTES OF THE MEETING OF THE BURWOOD LOCAL PLANNING PANEL held at Burwood Council Chambers on Thursday 18 September 2025 commencing at 6:00 PM.

Attendance

Donna Rygate, Chair
Louise Bochner, Expert Panel Member
Awais Piracha, Expert Panel Member
Kristy Wellfare, Community Representative
Jai Reid, Manager City Development
Julian Sciarrone, Executive Assessment Planner
Dr. Noni Boyd, Senior Heritage Planner
Alastair Sim, Senior Assessment Planner
Chris Young, Consultant Planner
Erica Lacuna, Assistant Planner

Opening of meeting

The meeting opened at 6:00pm

The Chair opened the meeting with Acknowledgement of Country.

Apologies

There were no apologies.

Declarations of Interest

There was one declaration - the Chair declared she may know one of the objectors for the second item (18 Appian Way). As such, she will not take part in the discussion, deliberation or voting on this item and Prof Piracha will chair the relevant parts of the meeting.

Speakers

The Panel heard from the following speakers in relation to the agenda items:

| Name | Item |
|-------------------------------------|---|
| Antao Li (registered, in person) | (Item DA12/25) DA.2024.76 - Alterations and additions to a dwelling including a basement, pool, cabana and new fencing - 4 Woodside Ave BURWOOD |
| Chris Ghaleb (in person) | (Item DA12/25) DA.2024.76 - Alterations and additions to a dwelling including a basement, pool, cabana and new fencing - 4 Woodside Ave BURWOOD |

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| Emma Ziegenfusz (registered, via Zoom) | (Item DA13/25) DA.2021.88 - Section 4.55 Modification - alterations and additions to an existing dwelling for childcare centre - 18 Appian Way BURWOOD |
| James Phillips (registered, via Zoom) | (Item DA13/25) DA.2021.88 - Section 4.55 Modification - alterations and additions to an existing dwelling for childcare centre - 18 Appian Way BURWOOD |
| Luke Yearsley (registered, via Zoom) | (Item DA13/25) DA.2021.88 - Section 4.55 Modification - alterations and additions to an existing dwelling for childcare centre - 18 Appian Way BURWOOD |
| Jyn Kim (registered, in person) | (Item DA11/25) DA.2025.48 - Alterations and additions to an existing sex services premises - demolition of existing unauthorised outbuildings and construction of a new single-storey extension containing an office, staff room and kitchenette, and new carport awning roof and gate – 10 Elizabeth St BURWOOD |

No other persons appeared to speak to the Panel regarding the Agenda items.

The panel moved into closed session at 6.20pm.

Development Applications

(Item DA12/25) DA.2024.76 - Alterations and additions to a dwelling including a basement, pool, cabana, and new fencing - 4 Woodside Ave BURWOOD

File No: 25/45334

LPP30/ RESOLVED 25

That DA.2024.76 for alterations and additions to a dwelling house at Lot 1 DP231995, 4 Woodside Avenue BURWOOD NSW 2134 be DEFERRED for a period of 60 days, in light of the Applicant's representative's assurance in the public meeting that the Applicant is willing to address Council's concerns with the application. In preparing amended plans, the Applicant is to engage a heritage architect who has experience with timber framed buildings from the early 19th Century, prepare an archaeological assessment as per the NSW Heritage Office guidelines, and ensure the concerns raised by Council's independent planning consultant are addressed (see report) commencing on page 108 of the Attachments to the Agenda for the Panel meeting and publicly available here:
https://burwood.infocouncil.biz/Open/2025/09/CM_23092025_ATT_EXCLUDED_WEB.htm

The Panel also resolved to delegate the determination of the application to Council's Manager City Development after this 60-day period.

For: All
Against: Nil

Reasons for the decision

The Panel inspected the development site from the public domain and familiarised itself with the environment. The Panel heard from the Applicant's representative and an objector and read all the objections. In reaching its decision the Panel considered the following:

- The proposed development is currently unsatisfactory in terms of *Burwood Local Environmental Plan 2012*, particularly Clause 2.3 – Zone Objectives and Land Use Table, and Clause 5.10 – Heritage Conservation.
- Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*, the proposed development is currently unsatisfactory when assessed in terms of any development control plan that applies to the Site.
- Pursuant to Section 4.15(1)(b) of the *Environmental Planning & Assessment Act 1979*, the likely impacts of the development are currently unsatisfactory. The development as currently proposed would have unacceptable impacts in terms of the built environment, specifically in terms of the heritage significance of the Site.
- The proposed development is currently unsatisfactory in terms of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, particularly Chapter 2 – Vegetation in Non-Rural Areas – having regard to the nature and extent of vegetation removal at the site
- Pursuant to Section 4.15(1)(c) of the *Environmental Planning & Assessment Act 1979*, the Site is unsuitable for the development in the manner currently proposed. The proposed development, in the manner submitted in this development application is an unsatisfactory design response to the heritage significance of the site.
- Pursuant to Section 4.15(1)(d) and (e) of the *Environmental Planning & Assessment Act 1979*, in the circumstances of the case, approval of the currently proposed modifications would not be in the Public Interest. This is demonstrated in the number of submissions received from adjoining/nearby neighbours, and the nature of issues of concern raised in those submissions.

(Item DA13/25) DA.2021.88 - Section 4.55 Modification - alterations and additions to an existing dwelling for childcare centre - 18 Appian Way BURWOOD

File No: 25/45598

LPP31/ 25 RESOLVED

That DA.2021.88.2 for modifications to an approved Child Care Centre at Lot 1 DP12249, 18 Appian Way be *REFUSED* for the following reasons:

1. Pursuant to Section 4.56 and 4.15(1)(a)(i) and (iii) of the *Environmental Planning & Assessment Act 1979*, the proposed modifications are unsatisfactory when assessed in terms of the environmental planning instrument (Burwood LEP 2012) and development control plan (Burwood DCP 2013) which apply to the Site.

In particular, the proposal is unsatisfactory when assessed under Burwood LEP 2012 Clause 5.10 (Heritage Conservation); and also Burwood DCP 2013 (Part 4.8 – Special Development Precincts, Part 4.8.1 Appian Way Area.

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

In particular, the proposed modifications to the driveway design would require removal of a tree from the footpath/road reserve area (i.e. Tree No 5, a *Lophostemon confertus* "Brush Box) – which will cause significant street impacts.

This is one of many trees in the footpath/road reserve area in Appian Way, and this avenue of trees makes a significant contribution to the streetscape. The proposed removal of Tree No 5 is unacceptable.

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

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

For: Louise Bochner, Awais Piracha, Kristy Wellfare

Against: Nil

Abstained: Donna Rygate

Reasons for the decision

The Panel (other than Ms Rygate) inspected the development site and familiarised itself with the environment. The Panel heard from the Applicant's representatives and read all the objection(s). The Panel had concerns with the removal of significant Appian Way street trees and was not satisfied as to the robustness of the information submitted regarding alternative options regarding the servicing the substation.

(Item DA11/25) DA.2025.48 - Alterations and additions to an existing sex services premises - demolition of existing unauthorised outbuildings and construction of a new single-storey extension containing an office, staff room and kitchenette, and new carport awning roof and gate.

File No: 25/43195

LPP32/ 25 RESOLVED

That DA.2025.48 for alterations and additions to an existing sex services premises comprising demolition of existing unauthorised outbuildings and construction of a new single-storey extension containing an office, staff room and kitchenette, and new carport awning roof and gate, be *APPROVED* subject to Council's recommended conditions of approval.

For: All

Against: Nil

Reasons for the decision

The Panel inspected the development site and familiarised itself with the environment. The Panel heard from the Applicant's representative. After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is satisfactory for the site and in the public interest. No objections are raised to the approval of this development application, subject to appropriate conditions of approval.

The meeting closed at 7:30pm.