



**Burwood** <sup>Inc.1874</sup>

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

**Attachments Excluded from Agenda**  
**Burwood Local Planning Panel Meeting**  
**Thursday, 27 November, 2025**  
**6:00 PM**

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### Development Applications

**DA16/25 Section 4.55(2) Modification to BD.2016.003 at 6 Rowley Street & 2 Gordon Street, Burwood**

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Recommended Conditions of Approval

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**Modified Conditions of Approval**

(1) ~~The development being carried out in accordance with the plans and documentation listed below, except where amended by the conditions of consent:~~

~~Architectural Plans prepared Brewster & Murray Pty Ltd, received by Council 16/2/18 as follows;~~

- ~~Project Summary Plan, Sheet No. DA100, Revision 4,~~
- ~~Site Analysis Plan, Sheet No. DA102, Revision 3,~~
- ~~Demolition Plan, Sheet No. DA103, Revision 1,~~
- ~~Ground Floor Plan, Sheet No. DA200, Revision 4,~~
- ~~First Floor Plan, Sheet No. DA201, Revision 4,~~
- ~~Roof Plan, Sheet No. DA202, Revision 4,~~
- ~~Elevations Plan, Sheet No. DA300, Revision 4,~~
- ~~Elevations & Section Plan, Sheet No. DA301, Revision 4,~~
- ~~Area Plan, Sheet No. DA600, Revision 3~~

- ~~Stormwater Drainage Plans prepared by J & M Group, Project No. 1519, Drawing No. HH5501, Revision B, dated 22/6/15,~~
- ~~Stormwater Drainage Plans prepared by J & M Group, Project No. 1519, Drawing No's. HH5500, HH5502 & HH5503, Revision A, dated 22/6/15,~~
- ~~Sediment & Erosion Plans prepared by J & M Group, Project No. 1519, Drawing No. HH5504, Revision A, dated 22/6/15,~~
- ~~Landscape Plans prepared by Site Design Studios, Drawing. No. LP 01, Revision C, dated 27/2/17, received by Council on 23/3/2017,~~
- ~~Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees, dated 10/11/16, received by Council on 23/3/17,~~
- ~~Acoustic Report prepared by Acoustic Logic Pty Ltd, Reference No. 20150625/2705A/R0/JD, dated 27/5/15,~~
- ~~Plan of Management prepared by JBA Urban Planning Consultants Pty Ltd, dated June 2015.~~

(CONDITION 1 ABOVE HAS BEEN DELETED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)

1) *Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans and support documents (stamped approved by Council):*

<i>Plan/Document</i>	<i>Prepared by</i>	<i>Reference.</i>	<i>Rev.</i>	<i>Date</i>
<i>Proposed Site Plan</i>	<i>Walsh Architects</i>	<i>Dwg no. DA040</i>	<i>C</i>	<i>27.10.25</i>
<i>Ground Floor Plan</i>	<i>Walsh Architects</i>	<i>Dwg no. DA100</i>	<i>D</i>	<i>04.11.25</i>
<i>Level 1 Plan</i>	<i>Walsh Architects</i>	<i>Dwg no. DA101</i>	<i>D</i>	<i>04.11.25</i>

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<i>Level 2 Plan</i>	<i>Walsh Architects</i>	<i>Dwg no. DA102</i>	<i>D</i>	<i>04.11.25</i>
<i>Roof Plan</i>	<i>Walsh Architects</i>	<i>Dwg no. DA103</i>	<i>D</i>	<i>04.11.25</i>
<i>Long Sections</i>	<i>Walsh Architects</i>	<i>Dwg no. DA201</i>	<i>D</i>	<i>04.11.25</i>
<i>Cross Sections</i>	<i>Walsh Architects</i>	<i>Dwg no. DA202</i>	<i>D</i>	<i>04.11.25</i>
<i>Elevations</i>	<i>Walsh Architects</i>	<i>Dwg no. DA300</i>	<i>D</i>	<i>04.11.25</i>
<i>Elevations</i>	<i>Walsh Architects</i>	<i>Dwg no. DA301</i>	<i>D</i>	<i>04.11.25</i>
<i>Streetscape Elevations</i>	<i>Walsh Architects</i>	<i>Dwg no. DA301</i>	<i>C</i>	<i>27.10.25</i>
<i>External Finishes</i>	<i>Walsh Architects</i>	<i>Dwg no. DA700</i>	<i>C</i>	<i>27.10.25</i>
<i>Arboricultural Impact Appraisal and Method Statement</i>	<i>Naturally Trees</i>		<i>Received on 23.03.17</i>	<i>10.11.16</i>
<i>Acoustic Report</i>	<i>Acoustic Logic Pty Ltd</i>	<i>20150625/2705A/R0/JD</i>		<i>27.05.15</i>
<i>Sediment &amp; Erosion Plans</i>	<i>J &amp; M Group</i>	<i>Proj. no. 1519, dwg no. HH5504</i>	<i>A</i>	<i>22.06.15</i>
<i>Compliance Check</i>	<i>Genesis Traffic</i>	<i>25119-V1.5-SP, sheet 01 of 04.</i>		<i>20.10.25</i>
<i>Swept Path Assessment</i>	<i>Genesis Traffic</i>	<i>25119-V1.5-SP, sheet 02 of 04</i>		<i>20.10.25</i>
<i>Swept Path Assessment</i>	<i>Genesis Traffic</i>	<i>25119-V1.5-SP, sheet 03 of 04</i>		<i>20.10.25</i>
<i>Swept Path Assessment</i>	<i>Genesis Traffic</i>	<i>25119-V1.5-SP, sheet 04 of 04</i>		<i>20.10.25</i>
<i>Landscape Plans</i>	<i>Site Design Studios</i>	<i>Dwg no. LP 01</i>	<i>D</i>	<i>27.02.17</i>
<i>Landscape Plan</i>	<i>iScale Landscape Architects</i>	<i>61.25 / 103'B'</i>	<i>B</i>	<i>22.10.25</i>
<i>Site Stormwater Management Layout</i>	<i>Alw design civil engineering consultants</i>	<i>SW23084 - S1</i>	<i>C</i>	<i>30.06.25</i>

**(NEW CONDITION 1 ABOVE HAS BEEN ADDED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

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**FEES**

(1) The fees and/or bonds shown in the Table of Fees, are to be paid to Council or another approved collection agency (the Long Service Levy Corporation and its agents and an approved insurer under the *Home Building Act 1989*) and suitable evidence of payment is to be provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate.**

**TABLE OF FEES  
FEES/BONDS TO BE PAID TO COUNCIL OR TO THE NOMINATED BODY PRIOR TO  
ISSUING A CONSTRUCTION CERTIFICATE**

(2) Building and Construction Industry Long Service Corporation levy **\$13,034.00**  
**(Payment to be made to Council, the Corporation or its Agent)**

(3) Damage Deposit **\$19,200.00** - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc.) during building work. **(Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation) NOTE: This deposit is refundable if no damage occurs.**

NOTE: This deposit is refundable if no damage occurs.

(4) Construction by the Applicant of the stormwater drainage works **\$3,000.00**  
**(Payment to be made to Council as a bond)**

(5) **If Council is nominated as the Principal Certifying Authority (PCA)** an inspection fee is to be paid.

This fee for this service is at the rate listed in Council's current Schedule of Fees and Charges. Any additional inspections, including re-inspections, shall be levied and paid to Council upon booking of an appointment at the rate listed in Council's current Schedule of Fees and Charges

**(Payment to be made to Council).**

**(6) Pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 and the Section 94A Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre), the following monetary contribution towards public services and amenities is required:**

<b>Contribution Element</b>		<b>Contribution</b>
<i>A levy of 1% of the cost of carrying out the development, where the cost calculated and agreed by Council is <del>\$3,724,000.00</del> \$5,253,078.58</i>		<del>\$37,240.00</del> \$52,530.79
<b>Index Period</b>	<b>Dec 2017</b>	<b>CPI<sub>1</sub></b>
		<b>113.3</b>

Office Use: T56

**The above contribution will be adjusted at the time of payment. Applicants are advised to contact Council for the adjusted amount immediately prior to arranging payment.**

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*The contribution will be adjusted in accordance with the following formula:  
Contribution (at time of payment) =  $\frac{C \times CPI_2}{CPI_1}$*

*Where:*

*C: the original contributions amount as shown in the development consent;  
CPI<sub>2</sub> the Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter (available from the Australian Bureau of Statistics at the time of payment)  
CPI<sub>1</sub> the Consumer Price Index: All Groups Index for Sydney, applied at the time of granting the development consent as shown on the development consent.*

***Note:** The minimum payment will not be less than the contribution amount stated on the consent.*

*The contribution is to be paid to Council, or evidence that payment has been made is to be submitted to the Principal Certifier, prior to the issuing of a Construction Certificate.*

*Council may accept works in kind or other material public benefits in lieu of the contribution required by this condition subject to and in accordance with the requirements specified in the Section 94A Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre).*

***Note:** Credit cards and personal cheques are not accepted for the payment of Section 94A Contributions.*

**(CONDITION 6 ABOVE HAS BEEN AMENDED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

**PLANNING**

- (1) Compliance with the definition of a Boarding House in the Burwood Local Environmental Plan 2012. The minimum period of tenancy is for three months, in accordance with the definition. The Boarding House premises are not approved as, and must not function as, any kind of Tourist and Visitor Accommodation as defined in the BLEP 2012.
- (2) No strata subdivision of the Boarding House is permitted in any circumstances.
- (3) A clearly visible sign with the name and telephone number of the contact person responsible for the management of the Boarding House must be displayed externally at the front entrance of the building.

The Manager must be contactable 24 hours per day, 7 days a week. An on-site manager/management must be responsible for the operation, administration, cleanliness and fire safety of the premises, including compliance with the Management Plan as well as an Emergency Management and Evacuation Plan.

- (4) A schedule showing the numeral designation of each bedroom and the number of persons permitted to be accommodated in each bedroom must be conspicuously displayed on the premises.
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Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door, or in each bedroom, the maximum number of persons allowed to be accommodated in the bedroom.

(5) Any signage for the boarding house is to be the subject of separate application being lodged to Council for consideration.

(6) CCTV cameras shall be installed at all pedestrian and access points to the building. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required.

(7) Adequate internal and external lighting is to be provided for the pedestrian walkways from Gordon Street within the development including the communal open space area, the car parking, motorcycle and bicycle spaces, to assist in the adequacy of personal safety and security of users of and visitors to the Boarding House and for the operation of the CCTV system. Details are to be submitted and approved by Council **prior to the issue of a Construction Certificate.**

(8) All external lighting is to be designed and installed in a manner which prevents glare and/or spillage having an adverse impact on occupants of adjacent properties.

(9) Mail boxes shall be provided at the entrance to the premises in a manner satisfactory to the operation of the Boarding House, details to be approved **prior to the issue of a Construction Certificate.**

(10) The Applicant is to consult with Energy Australia to determine the need for an electricity substation **prior to the issuing of a Construction Certificate** and, if a site is required, it being situated adjacent to the street alignment, with the size and location of the area being in accordance with the requirements of this Council and Energy Australia, and the land required being dedicated without cost as a public roadway, to enable Energy Australia to establish the substation. The Linen Plan being registered with the Land Titles Office **prior to the issue of an Occupation Certificate.**

### **BUILDING**

(1) Where residential building work (within the meaning of the *Home Building Act 1989*) is proposed to be carried out, either of the following is to be provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate:-**

a. Where work is carried out by a Principal Contractor:

(i) written advice of the Principal Contractor's name and licence number,  
and

(ii) a certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* to the effect that a person is the holder of an insurance contract issued for the purposes of that Part.

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OR

b. Where work is carried out by an owner-builder:-

(i) written advice of the person's name and Owner-Builder Permit number, or

(ii) a signed declaration from the owner of the land that states the reasonable market cost of the labour and materials involved in the work is not high enough for the owner to need an Owner-Builder's Permit to do the work.

(2) Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:

a. Must be a standard flushing toilet, and

b. Must be connected:

(i) To a public sewer

(ii) To an approved chemical closet facility.

The toilet facilities are to be completed before any other work is commenced.

(3) All excavations associated with the erection or demolition of the building are to be properly guarded and protected to prevent them from being dangerous to life or property.

(4) Where soil conditions require it:

a. retaining walls must be provided so as to prevent soil movement; and

b. adequate provision must be made for drainage.

(5) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

a. must preserve and protect the building from damage, and

b. if necessary, must underpin and support the building in an approved manner, and

c. must, at least 7 days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(6) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land

Allotment of land includes a public road and any other public place.

If the work involved in the erection or demolition of a building:

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- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b. building involves the enclosure of a public place.

A hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

(7) Your attention is directed to the following:

#### **WARNING**

The approved plans must be submitted to Sydney Water Tap in™ to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will then be approved, with suitable evidence being provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate.**

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Sydney Water Tap in™ details - see Plumbing, building and developing then Sydney Water Tap in™ and
- Technical guidelines - Building over and adjacent to pipe assets - see Plumbing, building and developing then Building plan approval,

or telephone 13 20 92.

#### **Note:**

The Principal Certifying Authority must ensure that they either:

- Receive the Sydney Water Tap in™ approval letter or
- Sight the Water Servicing Coordinator approval stamp **before the issue of any Construction Certificate.**

(8) The builder is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property. Pedestrian access across the footpath must be maintained at all times. Any damage caused will be made good by Council at Council's restoration rates, at the builder's expense.

(9) No materials are to be stored on Council's roads, footpaths, nature strips or parks.

(10) No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which

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fees will be charged in accordance with Council's current Schedule of Fees and Charges.

(11) The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary. A Principal Certifying Authority sign should also be displayed in a prominent position at the front of the development site.

(12) No work being carried out other than between the hours of 7:00am - 6:00pm Mondays to Fridays and 7:00am - 4:00pm on Saturdays, with no work at all being carried out on Sundays and Public Holidays. Demolition, excavation and/or construction works that involve heavy machinery, noisy trades or the like are **not permitted** to be carried out from 1:00pm to 4:00pm on Saturdays.

(13) The approved structure/s shall not be used or occupied unless an Occupation Certificate (being a Final Certificate or an Interim Certificate) as referred to in section 109C(1)(c) of the *Environmental Planning & Assessment Act 1979* has been issued.

(Vide Section 109M *Environmental Planning & Assessment Act 1979*)

(14) The building works are to be inspected during construction by the Principal Certifying Authority or an appropriate Accredited Certifier authorised by the Principal Certifying Authority at the stages of construction listed in the following schedule. The Principal Certifying Authority must be satisfied that the construction satisfies the standards specified in the Building Code of Australia or in this approval before proceeding beyond the relevant stage of construction.

#### SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- After the commencement of the excavation for, and before the placement of, the first footing;
- Prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
- Prior to covering any stormwater drainage connections; and
- After the building work has been completed and prior to any
- Occupation Certificate being issued in relation to the building.

(15) An application for a Construction Certificate is to be made to Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available upon request. A Construction Certificate must be obtained **prior to the commencement of any building work.**

(16) Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday - electricity, gas, communications and water.

Before you dig call "Dial Before You Dig" on 1100 (listen to the prompts) or register on line at [www.1100.com.au](http://www.1100.com.au) for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether

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you are a backyard renovator, an individual tradesman or a professional excavator, the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

Reason: To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction works.

(17) All building works being erected wholly within the boundaries of the property.

(18) All sanitary plumbing being concealed in suitably enclosed ducts. Such ducts are to be constructed internally (i.e. not on the outside face of an external wall) and are to be adequately sound-proofed.

(19) All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.

(20) The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.

(21) The noise emitted by any air-conditioning equipment being inaudible in your neighbours' homes between 10:00pm and 7:00am weekdays and 10:00pm and 8:00am on weekends and public holidays. Council is to be consulted prior to the installation of any air-conditioning equipment.

(22) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(23) Safety glazing complying with B1.4 of the Building Code of Australia used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with Australian Standard AS 1288-2006: Glass in Buildings - Selection and Installation. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

(24) Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with Australian Standard AS 1288-2006, Table 4.5 SAA Glass Installation Code (Human Impact Considerations) and B1.4 of the Building Code of Australia. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

(25) Treatment for the protection of the building from subterranean termites must be carried out in accordance with Australian Standard AS 3660.1-2014 "Termite management-New building work."

If the method of protection is to be by way of a chemical barrier, it becomes the responsibility of the owner to maintain a suitable maintenance procedure in accordance with the manufacturer's requirements. Such responsibility is placed solely upon the owner.

Details showing compliance with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.** After treatment the following is to be carried out:

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a. A durable notice must be permanently fixed to the building in a prominent location, such as the meter box, indicating:

- (i) The method of protection.
- (ii) The date of installation of the system.
- (iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
- (iv) The installer's or manufacturer's recommendation for the scope and frequency of future inspection for termite activity.

b. Provide the Principal Certifying Authority with a Certificate which verifies that termite protection has been provided in accordance with Australian Standard AS 3660.1-2014. In the case of Reinforced Concrete Slab construction the Certificate is to verify that the protection incorporates both beneath slab (Part A) and slab penetrations (Part B) treatment.

(26) *Dividing Fences Act 1991* - Your attention is directed to any obligations or responsibilities under the *Dividing Fences Act 1991* in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on (02) 8836 5332.

(27) A registered surveyor's certificate being submitted to the Principal Certifying Authority, **prior to the issue of an Occupation Certificate**, as follows:-

a. Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and

b. On completion of the building to indicate the height of the finished floor levels, the height of the roof ridge/parapet and to show boundary clearances and areas of the site occupied by the building.

(28) Prior to the commencement of building work, the following is to be carried out:-

a. Submit to Council a "Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority" form. Council's "Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority" form is to be used where application is made to Council.

b. Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available on request.

(Vide Section 81A *Environmental Planning & Assessment Act 1979*)

(29) A "Section 73 Compliance Certificate" under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For assistance either visit [www.sydneypwater.com.au](http://www.sydneypwater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to the issuing of an Occupation Certificate.**

(30) Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate.**

(31) The Principal Certifying Authority **or** Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifying Authority before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.

(32) Timber sizes and the framework in general are to conform with the requirements of Australian Standard AS 1684 "Residential timber-framed construction."

(33) Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate** and must include the following:-

- a. The location and size of proposed ductwork.
- b. The location of equipment.
- c. The performance characteristics of the proposed motor/s and fan/s.
- d. The air flow characteristics of the system.

At the completion of work a Certificate from an Accredited Certifier, Mechanical Engineer or other suitably qualified person, to the effect that the ventilation system has been installed and performs in accordance with the provisions of Part F4 of the Building Code of Australia, Australian Standard AS 1668 "SM Mechanical Ventilation and Air Conditioning Code", Part 1 and Part 2, Australian Standard AS 3666-1989 and the *Noise Control Act 1975*, must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

(34) Fire Resistance Levels of all structural members, including external and internal walls, spandrels, external and internal columns, lift shafts and stair shafts, ventilation, pipe and like shafts, floors and roofs shall comply with the requirements of Specification C1.1 of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

(35) All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.

(36) Means of access and egress complying with Section D of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

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(37) The building being provided with both access and sanitary facilities (where required) for people with disabilities. The sanitary facilities are to be provided in accordance with F2.4 of the Building Code of Australia and are to comply with the requirements of Clause 10 of AS 1428.1-2009. Access is to be provided to and within the building so as to comply with all the requirements of Part D3 of the BCA and the relevant provisions of AS 1428.1-2009. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

(38) The *Commonwealth Disability Discrimination Act 1992* may apply to this particular proposal. Submissions and/or approval of the application does not imply or confer compliance with this Act. Applicants should satisfy themselves and make their inquiries to the Human Rights and Equal Opportunity Commission.

(39) Continuous balustrades shall be provided along the side/s of any stairway or ramp, any corridor, hallway, balcony, access bridge or the like, any path of access to a building if:-

- a. It is not bounded by a wall; and
- b. The change in level is more than one (1) metre, or five (5) risers in the case of a stairway, from the floor or ground surface beneath;

except where specific exemptions are provided in the Building Code of Australia.

Balustrades shall prevent as far as practicable:

- a. Children climbing over or through it; and
- b. Persons accidentally falling from the floor; and
- c. Objects which might strike a person at a lower level falling from the floor surface.

Balustrade heights and designs shall comply with Part D2.16 of the Building Code of Australia and Australian Standard AS/NZS 1170 Part 1 - Structural design actions. Height above nosings of stair treads, landing, corridors and the like shall generally be not less than 865mm.

Details of the method of satisfying these requirements must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

(40) The building being equipped with a smoke alarm system as required by Table E2.2a of the Building Code of Australia. The system is to satisfy the requirements of Specification E2.2a of the Building Code of Australia and in particular is to comply with the relevant parts of AS 3786-2014 and AS 1670.1-2004. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

(41) Protection of openings (where required) is to be in accordance with Part C3.2 and C3.4 of the Building Code of Australia. Details of the method of satisfying this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

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(42) Protection of openable windows (where required) is to be in accordance with Part D2.24 of the Building Code of Australia. Details of the method of satisfying this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

~~(43) A Fire Safety Certificate (copies available from Council) is to be given to the Principal Certifying Authority prior to applying for an Occupation Certificate or Interim Occupation Certificate and thereafter once in every 12 month period an Annual Fire Safety Statement is to be given to Council. The certificate and~~

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~~statement attest to both the inspection of all essential fire safety measures by a properly qualified person and to the regular maintenance of the fire safety measures. A copy of the Fire Safety Certificate and the Fire Safety Schedule are to be given to the Commissioner of New South Wales Fire and Rescue by the building owner and copies of these documents are to be prominently displayed in the building. Similarly copies of Annual Fire Safety Statements are also to be given to the Commissioner and displayed in the building.~~

~~(Vide clause 153 & Division 3 of the Environmental Planning & Assessment Regulation 2000)~~

**(CONDITION 44 ABOVE HAS BEEN DELETED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

**Reason: An updated condition has been added in relation to Fire Safety Certificates.**

(44) Noise transmission and insulation ratings for building elements being in accordance with Specification Part F5 of the Building Code of Australia.

Details of the method of satisfying this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

#### **DEMOLITION**

(1) Removal of any asbestos must be undertaken in compliance with the requirements of SafeWork NSW. Refer to their Code of Practice "How to Safely Remove Asbestos" dated September 2016.

(2) Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 - 2001, where applicable.

(3) Hours of demolition work shall be from 7:00am to 6:00pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm on Saturdays. Demolition works that involve heavy machinery, noisy trades or the like are **not permitted** to be carried out from 1:00pm to 4:00pm on Saturdays. No demolition work shall be carried out on Sundays or Public Holidays. The owner/builders shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

(4) Access to the site is to be restricted and the site is to be secured when demolition work is not in progress or the site is otherwise occupied.

(5) The demolition site is to be provided with measures to mitigate against dust nuisances arising on adjoining sites and roadways. To achieve this, a fence or barrier is to be erected around the site. The construction may be steel mesh which is covered with a suitable filtering medium or such other construction acceptable to Council. An effective program of watering the site is also required to be maintained.

(6) All demolition and excavation materials are to be removed from the site or disposed of onsite using methods that comply with relevant environmental protection legislation.

(7) When demolition of any existing building is involved, burning of any demolition

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materials on the site is prohibited.

**ENVIRONMENT & HEALTH**

(1) The premises are to be operated and maintained in accordance with the Local Government (General) Regulation 2005, Schedule 2, Part 1 - Standards for places of shared accommodation; Boarding Houses Act 2012 and Boarding Houses Regulation 2013.

(2) The Premises is to be registered with the NSW Department of Fair Trading in accordance with the *Boarding House Act 2012*.

(3) ***The use of the premises, building services, equipment, machinery, laundry facilities, and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.***

**(CONDITION 3 ABOVE HAS BEEN AMENDED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

***Reason: To ensure that laundry facilities do not create "offensive noise".***

(4) ~~A Management Plan shall be submitted to Council for approval **prior to the issue of a Construction Certificate**. The Management Plan is to address all operational aspects identified in P28 under *Operational Controls* of Part 5.4 "Boarding Houses" located within the BDCP 2013.~~

**(CONDITION 4 ABOVE HAS BEEN DELETED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

***Reason: A new Plan of Management condition has been added by this Section 4.55(2) Modification.***

(5) **Prior to the issue of any occupation certificate** for the premises, the applicant shall forward to Council on the appropriate form, the following information:

- a. Name, residential address and contact phone number of the business proprietor or licensee
- b. Name, address and contact phone number of the building owner.
- c. Name and contact phone number of the site manager(s)
- d. Payment of the fee specified in Council's adopted Schedule of Fees and Charges for the boarding house.

*Note:* the Boarding House will be subject to an annual registration process and also be included in Council's inspection program for registered premises.

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(6) An **Environmental Management Plan** is to be submitted to Council for approval, prior to the commencement of any works, detailing the control and management methods to be implemented in addressing the following issues during the demolition, excavation and construction phases of the project:

- Noise and vibration control
- Dust and odour suppression and control
- Asbestos removal and disposal
- Storm water control and discharge
- Erosion control
- Waste storage and recycling control
- Litter control
- Construction material storage
- Truck cleaning methods on site so as to prevent spread of soil and like materials onto Council's roadways

*Note:* Contact details of any organisation/individual responsible for each of the points listed above shall be included in the **Environmental Management Plan**.

(7) The recommendations of Part 5.4 inclusive of the Acoustic Report prepared by Acoustic Logic, (reference 20150625.1/2705A/R0/JD dated 27/05/2015) are to be implemented.

*Note:* This includes undertaking a detailed acoustic review by a suitably qualified party of mechanical plant items at the construction certificate stage; which is to be submitted to Council for approval prior to commencement of any works associated with mechanical plant items.

(8) Walls between bedrooms and any communal areas are to be acoustically treated in order to minimise noise intrusions.

(9) ***The approved number of Lodger/Boarder rooms for the premises is ~~forty one (41)~~. In reference to the Project Summary Plan (Brewster & Murray Pty Ltd, Sheet No. DA100, Revision 3), forty-nine (49), accommodating a total of eighty-nine (89) occupants:***

***The following room number allocation and occupancy numbers are to be adhered to:***

- ***Existing Heritage Building accommodating a maximum of twelve (12) occupants as follows:***

***Unit 1 - two (2) persons***

***Unit 2 - one (1) person (Manager)***

***Unit 3 - one (1) person***

***Unit 4 - one (1) person***

***Unit 5 - one (1) person***

***Unit 6 - two (2) persons***

***Unit 7 - two (2) persons***

***Unit 8 - two (2) persons***

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- **Existing Building fronting Gordon Street - accommodating a maximum of seven (7) occupants as follows;**

**Unit 9 - two (2) persons**

**Unit 10 - two (2) persons**

**Unit 11 - one (1) person**

**Unit 12 - one (1) person**

**Unit 13 - one (1) person**

- **New ~~two~~ three storey building - accommodating a maximum of ~~fifty six (56)~~ seventy (70) occupants as follows:**

**Unit 14 - two (2) persons**

**Unit 15 - two (2) persons**

**Unit 16 - two (2) persons**

**Unit 17 - two (2) persons**

**Unit 18 - two (2) persons**

**Unit 19 - two (2) persons**

**Unit 20 - two (2) persons**

**Unit 21 - two (2) persons**

**Unit 22 - two (2) persons**

**Unit 23 - two (2) persons**

**Unit 24 - two (2) persons**

**Unit 25 - two (2) persons**

**Unit 26 - two (2) persons**

**Unit 27 - two (2) persons**

**Unit 28 - two (2) persons**

**Unit 29 - two (2) persons**

**Unit 30 - two (2) persons**

**Unit 31 - two (2) persons**

**Unit 32 - two (2) persons**

**Unit 33 - two (2) persons**

**Unit 34 - two (2) persons**

**Unit 35 - two (2) persons**

**Unit 36 - two (2) persons**

**Unit 37 - two (2) persons**

**Unit 38 - two (2) persons**

**Unit 39 - two (2) persons**

**Unit 40 - two (2) persons**

**Unit 41 - two (2) persons**

**Unit 42 - two (2) persons**

**Unit 43 - two (2) persons**

**Unit 44 - one (1) person**

**Unit 45 - two (2) persons**

**Unit 46 - two (2) persons**

**Unit 47 - two (2) persons**

**Unit 48 - one (1) person**

**Unit 49 - two (2) persons**

**(CONDITION 9 ABOVE HAS BEEN AMENDED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

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(10) ~~Each bedroom of the boarding house is to be provided with sufficient and adequate storage and furnishings in accordance with P18 of Part 5.4 "Boarding Houses" located within the BDCP 2013; that include the following:~~

- a. ~~Bed (including base, mattress and linen);~~
- b. ~~Wardrobe;~~
- c. ~~Mirror;~~
- d. ~~Table & chair;~~
- e. ~~A night light or other approved illumination device for each bed;~~
- f. ~~Waste container;~~
- g. ~~An approved latching device on the door;~~
- h. ~~Curtains, blinds, or similar privacy device;~~

**(CONDITION 10 ABOVE HAS BEEN AMENDED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

***Reason: To remove reference to the superseded BDCP.***

(11) All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition and free of pests and vermin.

(12) A communal outdoor clothes drying area and facilities is to be provided that is adequate for the number of persons to be accommodated at the boarding house.

Note: the outdoor clothes drying shall be located in a communal area to enable maximum solar access and is accessible to all occupants. A minimum of thirty (30) metres of clothesline for every twelve (12) occupants is to be provided in the outdoor area.

(13) No drying of clothing or other laundry being permitted on balconies, patios and or courtyard areas which are visible from a public place

~~(14) Communal laundry facilities are to comply with P24 of Part 5.4 "Boarding Houses" located within the BDCP 2013.~~

**(CONDITION 14 ABOVE HAS BEEN DELETED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

***Reason: A new condition specifying laundry requirements has been added by this Section 4.55(2) Modification.***

(15) ~~All kitchen facilities are to satisfy the requirements of P20 (e) P26 of Part 5.4 'Boarding Houses and Co-Living Housing' located within the BDCP 2013.~~

**(CONDITION 15 ABOVE HAS BEEN AMENDED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

***Reason: Condition amended to reflect new, updated DCP provisions.***

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#### Waste

- (1) Each unit is to be provided with a waste cupboard or other storage area within each dwelling which is of sufficient size to hold a single day's waste and to enable source separation of general waste, recyclables and compostable materials.
- (2) All garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be:
  - a. Provided with a hose tap connected to the water supply;
  - b. Supplied with both **hot and cold** water;
  - c. Paved with impervious floor materials;
  - d. Coved at the intersection of the floor and the walls;
  - e. All internal surfaces must be light coloured;
  - f. Of adequate size to accommodate all waste and recycling bins associated with the development;
  - g. Designed so the containers used for the storage of recyclable materials are separate from general waste storage containers, to reduce the potential for contamination of recyclable material;
  - h. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*;
  - i. Designed to minimize noise generated by movement of the bins to and from the collection point;
  - j. Include signage which clearly describes the types of materials which can be deposited into recycling bins, general waste bins and green waste bins.
- (3) Waste, recycling and green waste bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly with any waste water being discharged to the sewer by way of a graded drain.
- (4) Garbage, recycling and green waste bins shall only be placed in the nominated collection area in the evening before the scheduled collection day and shall be returned to the waste storage area on the same day following collection.
- (5) The occupier of the premises is to enter an agreement with registered waste company or provider for the regular collection of all waste, recyclable and green waste material generated from the premises.

#### ENGINEERING - STORMWATER

- (1) Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the nearest appropriate Council drainage line.
  - (2) A detailed drainage design shall be submitted to the Principal Certifying Authority.
    - a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code.
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b. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface • flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

c. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.

d. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**

(3) Details and calculations shall be prepared by a competent practicing Hydraulic/Civil Engineer. They shall include:

a. a catchment plan

b. plans showing proposed and existing floor, ground and pavement levels to Australian Height Datum (AHO)

c. details of pipelines/channels showing calculated flows, velocity, size, materials, grade, invert and surface levels

d. details and dimensions of pits and drainage structures

e. hydrologic and hydraulic calculations

f. details of any services near to or affected by any proposed drainage line

g. any calculations necessary to demonstrate the functioning of any proposed drainage facility is in accordance with Council's requirements

h. the depth and location of any existing stormwater pipeline and/or channel being connected to shall be confirmed by the applicant on site. Certification of such is to be provided to Council prior to the release of the construction certificate

The details and calculations are to be reviewed by Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

(4) On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system.

a. This storage shall be designed by a competent practicing Hydraulic/Civil Engineer in accordance with Council's Stormwater Management Code and submitted to the Principal Certifying Authority.

b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

(5) The stormwater works on the development property and connection to Council's stormwater system are to be inspected during construction by a competent practicing hydraulic/civil engineer. The inspections are to be carried out at the stages of construction listed in the following schedule. A compliance Certificate verifying that the construction is in

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accordance with the approved design, this development consent and satisfies the relevant Australian Standard is to be submitted to the Principal Certifying Authority before proceeding beyond the relevant stage of construction.

#### SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- a. Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
  - b. Following joining of pipes and connection to Council's stormwater system.
  - c. For on-site detention systems:-
    - (i) Following set out of detention tank/area to confirm area and volume of storage.
    - (ii) Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.
  - d. Following backfilling. Confirm adequacy of backfilling material and compaction.
- (6) Following completion of all drainage works:-
- a. Works-as-executed plans, prepared and signed by a registered surveyor, shall be prepared. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the works during construction.
  - b. The Principal Certifying Authority is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that all stormwater drainage and related work has been constructed in accordance with the approved plans and consent conditions as shown on the work-as-executed plans, prior to the issuing of an Occupation Certificate.
- (7) A Positive Covenant under section 88E of the Conveyancing Act shall be created on the title of the property(s) detailing the On-site Stormwater Detention system incorporated in the development. The wording of the Instrument shall include but not be limited to the following:
- a. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:
    - i) *On-site Stormwater Detention system*
  - b. The proprietor agrees to have the facilities inspected annually by a competent practicing Hydraulic/Civil Engineer.
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c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean repair and maintain in good working order the facilities in or upon the said land; and recover the costs of any such works from the proprietor.

d. The registered proprietor shall indemnify the Council and any adjoining landowners against damage to their land arising from failure of any component of the facilities.

The applicant shall bear all costs associated with the preparation of the 88E Instrument. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at the Land and Property Information office. Evidence that the Instrument has been registered at the Land and Property Information office shall be submitted to Council, **prior to issuing of an Occupation Certificate.**

~~(8) — The stormwater plans prepared by J & M Group, Drawing Nos. H5500 Revision A & H5501 Revision B are considered satisfactory provided the following requirements are met prior to issuing of the Construction Certificate~~

~~(i) — The discharge control pit of the OSD system shall be designed to control outflow for all storm events from 2 to 100 years ARI. Detailed calculations shall be provided for orifices (at different levels) and the diameters shall be specified.~~

~~(ii) — The applicant shall pay Council a stormwater bond as listed in the Table of Fees for construction of a new pit and kerb lintel on Council's road. The bond shall be refunded after completion of the stormwater works as per Council's satisfaction.~~

~~Engineering drawings addressing the above issues shall be provided for Council's review even if Council is not selected as the PCA.~~

**(CONDITION 8 ABOVE HAS BEEN DELETED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

***Reason: A new condition has been added by this Section 4.55(2) requiring stormwater plans to be updated.***

### **ENGINEERING - GENERAL**

(1) All activities and works external to the site, or that affect public roads, are to be carried out in accordance with Council's Policies including but not limited to the Works on Council's Road Reserve Assets Policy, Rubbish Skips Policy, Work Zone Policy and Temporary Road Closure (Including Standing Plant) Policy.

(2) A road-opening permit shall be obtained for all works carried out on public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's **Schedule of Fees and Charges**. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20 million, and shall provide proof of such cover to the Principal Certifying Authority prior to carrying out the works. **Please see**

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**Burwood Council's web site [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au) - Go to Development/Working on Footpaths or Roadways/Works on Council Property (Application Form).**

(3) Spoil and building materials shall not be placed, stored, thrown or caused to fall on any public roadway or footpath. Waste containers shall be placed in accordance with Council's Rubbish Skips Policy. Contact Council for a list of approved skip bin suppliers.

(4) The builder is to ensure footpaths and roads affected by construction works are kept safe and prevent any damage to Council property. The builder shall erect and maintain where necessary approved hoardings, barricades, warning signs and night warning lamps to ensure public safety. Pedestrian access across the footpath must be maintained at all times.

(5) The following matters shall apply to the damage deposit listed in the Table of Fees:

a. This deposit is refundable if no damage occurs. Any damage caused will be repaired at Council's restoration rates, at the applicant's expense. All or part of the deposit will be forfeited to cover damage to Council's property during the course of demolition and/or construction.

b. Council will carry out two inspections of the Council's footpath, kerb and gutter, stormwater drainage system and roadway, prior to works commencing and at the completion of all work covered by this consent. Council is aware that damage may be caused by individual contractors that culminate in the damage inspected at Council's final inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.

(6) Internal driveway levels shall be designed and constructed to conform with existing footpath and road profiles such that vehicles are not damaged while accessing the property. Council footpath and road profiles will not be altered for this purpose.

#### (7) **Erosion & Sediment Control**

a. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.

b. An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.

(8) All demolition and excavation materials are to be removed from the site or disposed off site using methods that comply with relevant environmental protection legislation.

(9) Vehicles removing demolished materials from the site shall access and depart from the site through Gordon Street. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.

#### **TREE MANAGEMENT/ LANDSCAPING**

**(1) All Landscaping works shall be carried out in accordance with the Landscape Plan by Site Design Studios (Dwg. No. LP 01, Revision C) dated 27 February 2017,**

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*received by Council on 23 March 2017; and*

*the Landscape Plan, prepared by iScape Landscape Architects, ref. 61.25 / 103'B', revision B, dated 22.10.25.*

*In the event of any inconsistency between the two landscape plans, the more recent plan dated 22.10.25 prevails.*

**(CONDITION 1 ABOVE HAS BEEN AMENDED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

***Reason: A new landscape plan forms part of this Section 4.55(2) Modification.***

**(2) Arborist's Report**

The recommendations of the **Arboricultural Impact Appraisal and Method Statement** by Naturally Trees dated 10 November 2016, received by Council on 23 March 2017 shall be adhered to. No objection is raised to the proposed removal of existing site trees as indicated in the Arborist's report. The stump grinding of the Hibiscus and Camellia being removed within the Tree Protection Zone of Tree 6 shall be limited to 100mm below existing ground level to minimise the impact on the root system of Tree 6. Trees being retained must be protected in accordance with AS4970 and the Tree Management Plan in Appendix 8 of the Arborist's report, in consultation with the Arborist. All tree protection measures must be implemented to the satisfaction of the Principal Certifying Authority **prior to the commencement of any works, including demolition.**

**(3) Street Trees**

The three (3) existing street trees in Gordon Street shall be protected in accordance with AS4970 and the Tree Protection Plan in Appendix 8 of the Arborist's report, in consultation with the Arborist. All tree protection measures must be implemented to the satisfaction of the Principal Certifying Authority prior to the commencement of any works, including demolition.

**TRAFFIC MANAGEMENT**

(1) All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.

(2) Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must **be permanently displayed and located** in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times **by the Owners Corporation.**

(3) ***A minimum of 9 10 off-street car parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan***

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**(CONDITION 4 ABOVE HAS BEEN AMENDED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

***Reason: To add one (1) additional car parking space.***

**(4) The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is to be strata subdivided, the car park layout must respect the required allocation:**

- (a) 8 10 residential parking spaces.**
- (b) 1 staff manager parking space.**
- (c) 7 10 motorcycle parking spaces.**
- (d) 10 bicycle parking spaces.**

**(CONDITION 4 ABOVE HAS BEEN AMENDED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

***Reason: To add one (1) additional car parking space, three (3) motorcycle spaces and re-allocate the manager's parking space as a residential parking space.***

**~~(5) No part of the common property is to be used for the parking or storage of vehicles or trailers. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.~~**

**(CONDITION 5 ABOVE HAS BEEN DELETED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025)**

***Reason: Strata subdivision of a boarding house is not permitted.***

**(6) Of the required car parking spaces, at least 1 must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. Accessible car parking spaces must have a minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment.**

**(7) The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3-1993 Parking Facilities Part 3: Bicycle Parking Facilities.**

**(8) The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.**

**(9) Solid walls immediately adjacent to the vehicle entry and exit must not exceed 0.6m in height for the first 2.5m within the boundary so as to ensure adequate sight lines for motorists and pedestrians.**

**(10) Any proposals for alterations to the public road, involving traffic and parking**

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arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Traffic Committee prior to any work commencing on site.

(11) All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with any relevant Australian Standards, Austroads Guides and RMS Technical Directions.

(12) All costs associated with signposting for any kerbside parking restrictions and traffic management measures, including any relocation of parking meters, associated with the development shall be borne by the developer.

(13) **A Construction Traffic Management Plan** must be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first). The following matters should be addressed in the plan (where applicable):

- a) A plan view of the entire site and frontage roadways indicating:
  - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
  - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
  - iii) The proposed locations of work zones where it is not possible for loading/unloading to occur on the site in the frontage roadways (which will require separate approval by Council).
  - iv) Location of any proposed crane and concrete pump and truck standing areas on and off the site (which will require separate approval by Council).
  - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
  - vi) Details of vertical and horizontal material handling and deliveries.
  - vii) Any on-site parking area for employees, tradespersons and construction vehicles where possible.
  - viii) Traffic routes to and from the site from the closest arterial road in all directions.
- b) Traffic control plan(s) for the site must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

(14) Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)

- i) Work zone.
-

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### Recommended Conditions of Approval

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- ii) Temporary closure of roadway/footpath.
- iii) Mobile crane or any standing plant
- iv) Scaffolding/Hoardings (fencing on public land)
- v) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc.
- vi) Installation or replacement of private stormwater drain, utility service or water supply

### HERITAGE

(1) In the event that historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potential extent and significance is undertaken and the NSW Heritage Division in the Office of Environment and Heritage be notified under the requirements of the NSW Heritage Act, 1977.

**(2) *An amended Conservation Management Strategy and Schedule of Conservation Works are to be submitted to Council's Heritage Advisor for approval prior to the issue of any Construction Certificate.***

***An appropriately qualified built heritage specialist should be engaged to provide advice on the detailing of missing elements, and to oversee the conservation works to the heritage item. Evidence of this engagement and details of the built heritage specialist shall be provided to Council prior to the issue of any Construction Certificate. The appointed built heritage specialist is to provide a statement to Council at the completion of the works to confirm compliance with the approved Schedule of Conservation Works and Construction Certificate documentation.***

***The following amendments are required;***

- a) ***There are a number of spelling and references to unrelated items within the document that require proof reading and corrections. All heritage best practice guideline documents and policies referred to in the CMS should be up-to-date using the latest versions of these publications.***
  - b) ***The historical development of the site has been directly quoted from a real estate website and although it is a detailed history, it is expected to be written, cross references and researched by the authors of the document. Amended details of the historical development shall be provided. An updated CMS is to be submitted to Council's Heritage Advisor for prior to ANY works occurring to the heritage building not more than 2 months after the issuing of this Section 4.55(1A) Notice of Determination. by 7 September 2023.***
  - c) ***Comparative analysis requires more discussion in terms of the aspects of comparative elements and of the Victorian style that is relevant to the subject heritage item. Images of these comparative items need to be included in the document.***
  - d) ***A curtilage map is to be included which clearly defines the extended and reduced curtilage of the heritage item.***
-

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Recommended Conditions of Approval

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- e) *Items to be conserved are to be clearly defined with reference to the fabric and spaces of High and possible Moderate significance as well as noting what detailing are being considered as Victorian fabric so that no ambiguity occur in the future. An updated CMS is to be submitted to Council's Heritage Advisor for approval prior to ANY works occurring to the heritage building and ~~not more than 2 months after the issuing of this Section 4.55(1A) Notice of Determination.~~ by 7 September 2023.*
- f) *Archaeological potential of the site should not be noted as being unlikely unless it is based on a sound archaeological assessment of the site by a qualified archaeologist, therefore it should be removed from the CMS. Cautious approach is recommended and necessary management guidelines for unexpected archaeological finds should be included in the CMS.*
- g) *The Conservation Policies included in section 1.11 have been combined with schedule of works and condition of the fabric where they should have been solely related to policy guidelines and the repairs and conditions requirements included in a separate section such as section 1.12 (Conservation needs). More specific policies with consideration of future changes to the site and the building of the heritage item should be formulised in line with this comment.*
- h) *Where necessary the body of the CMS should refer to the relevant figures in the images section of the document so the future users of the CMS could easily find and refer to it for any clarification. This is important specifically for the significance ranking plan. It is also necessary to include a table of significance ranking (or at least coloured ranking images/ elevations) for the components of the heritage item including ceilings, cornices, timber door and window joinery, flooring etc. A similar approach to that used for section 3 of the schedule of conservation works with images is appropriate.*
- i) *An Ongoing Maintenance Plan should be provided in the CMS as an attachment to guide future maintenance program to the heritage item as it is going to be the principle guiding conservation management document for the site. This is to be submitted to Council's Heritage Advisor for approval prior to the issue of any Occupation Certificate.*

**(CONDITION 2 ABOVE HAS BEEN AMENDED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025).**

***Reason: To clarify submission dates relating to heritage requirements imposed under the previous Section 4.55(1A) Modification dated 7 July 2023.***

**Schedule of Conservation Works**

(3) There are a number of spelling and references to unrelated items within the document that would require proof reading and corrections. All heritage best practice guideline documents and policies referred to in the Schedule of Conservation Works should be up-to-date using the latest versions of these publications.

(4) A floor plan should be included after section 2.6 (Proposed colour Scheme) for cross-referencing of room numbers referred to in the Conservation Works Schedule.

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## Item Number DA16/25 - Attachment 1

### Recommended Conditions of Approval

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#### Required Design Modifications

(5) The width of the front concrete path is to match the existing width of the path from Rowley Street.

(6) New front Victorian style fencing to Rowley Street boundary is to be noted on the drawings and reference is to be made to the relevant drawing sheet for its details. The drawings are to be submitted to Council's Heritage Department for approval **prior to the issue of a Construction Certificate**.

(7) Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken and submitted to Council's Heritage Advisor for approval **prior to the issue of any Construction Certificate**.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the Heritage Division of the Office of Environment and Heritage.

#### ADDITIONAL CONDITIONS

##### Plan of Management

***(1) The Plan of Management, prepared by Ethos Urban, ref. 2250583, dated 28 July 2025, is not satisfactory. A revised Plan of Management for the operation and management of the boarding house shall be prepared using the template in Part 8.5 Plan of Management – Template of the Burwood Development Control Plan.***

***The revised Plan of Management shall be submitted to Council for approval prior to the issue of a Construction Certificate***

***(2) An Emergency Evacuation Plan must be prepared as part of the Plan of Management detailing the evacuation procedures in the event of the emergency, provision of resident log book, identifying the assembly point and detailing how occupants will be made aware of the procedures contained within the plan. The Emergency Evacuation Plan must be clearly displayed within each room and in the communal living areas of the development.***

##### Laundry facilities

***(3) The communal laundry facilities must only be used between 6:00 am and 11:00 pm, Monday to Sunday. Use of washing machines and dryers outside these hours is strictly prohibited.***

***This requirement must be reflected in the revised Plan of Management, and appropriate signage shall be installed within the laundry area to inform users of these restrictions.***

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Item Number DA16/25 - Attachment 1

Recommended Conditions of Approval

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**(4) The communal laundry windows on the southern elevation must be limited so that the total openable area of all windows does not exceed the minimum area required to provide natural ventilation in accordance with NCC 2022.**

**Plans to the Principal Certifier are to comply with this requirement prior to the issue of a Construction Certificate.**

**Reason: To minimise noise impacts on adjoining properties.**

**(5) A washing machine or washing machine/dryer combo shall be provided within eight (8) boarding rooms. This requirement shall be shown on the plans prior to the issue of a Construction Certificate.**

**Reason: The communal laundry is deficient by one washing machine when assessed against Provision P30 of Part 5.4 of the BDCP, which requires one washing machine per eight boarding rooms.**

**Noise Management**

**(6) The noise level at any point on or within the boundary of any adjoining residential premises must not exceed the background noise level by more than 5 dB(A), when measured in accordance with the procedures in the NSW Noise Policy for Industry (2017), or any policy replacing it.**

**(7) Prior to the issue of a Construction Certificate a report prepared by a suitably qualified acoustic consultant shall be prepared providing a detailed assessment of all noise-generating sources within the development, including but not limited to building services, equipment, machinery, and laundry facilities. The report must (at a minimum):**

- a. Identify potential noise emissions from laundry operations (e.g., washing machines, dryers, exhaust fans).**
- b. Model noise impacts at the nearest property boundaries and sensitive receivers.**
- c. Recommend mitigation measures (such as acoustic insulation, vibration isolation, operational restrictions) to ensure compliance with the requirement that noise does not exceed 5 dB(A) above the ambient background level at any boundary, when measured in accordance with the procedures in the NSW Noise Policy for Industry (2017), or any policy replacing it).**

**Prior to the Occupation Certificate, a qualified acoustic consultant must certify that all recommended measures have been implemented and that laundry operations comply with the noise criteria under real operating conditions.**

**(8) All acoustic attenuation measures and equipment installed in compliance with this consent must be maintained in good working order at all times.**

**Stormwater Plan**

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Recommended Conditions of Approval

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**(9) The Site Stormwater Management Layout Plan, prepared by Alw design civil engineering consultants, ref. SW23084 - S1, issue C, dated 30.06.25, is satisfactory. However, it must be revised to ensure consistency with the approved architectural plans.**

**The revised stormwater plan shall be certified by a practicing hydraulic/civil engineer and submitted to the Principal Certifier prior to the issue of a Construction Certificate.**

**(10) The applicant shall pay Council a stormwater bond as listed in the Table of Fees for construction of a new pit and kerb lintel on Council's road. The bond shall be refunded after completion of the stormwater works as per Council's satisfaction.**

**Opaque Glazing**

**(11) All windows marked as (OP) on the Eastern Elevation Plan must be fitted with opaque glazing.**

**Gordon Street Fence**

**(12) The front fence along the Gordon Street frontage is to remain as approved under the original development application (BD.2016.003) on 05.03.2018.**

**Building**

**(13) Prior to issue of the Construction Certificate, design drawings showing specification details and certification of product compliance to comply with AS1428 to be provided to the Principal Certifier for approval. This included but not limited to access ramps, common lounge, and access stairways.**

**(14) Prior to issue of the Construction Certificate, design details for TGSi (tactile ground surface indicators) demonstrate compliance to AS1428.1 and AS1428.4, to be provided to the Principal Certifier for approval.**

**(15) Prior to issue of the Construction Certificate, design details for the fire shutters to be provided to the Principal Certifier to demonstrate compliance with Section C of NCC 2022 Volume 1.**

**(16) Prior to issue of the Construction Certificate, an FF& E (Furniture, Fixtures and Equipment) Schedule is to be provided to the Principal Certifier for approval before installation, and floor, wall and ceiling linings are to meet the requirements under Specification 7 of the NCC 2022 Volume 1.**

**(17) Prior to issue of the Construction Certificate, details on essential fire safety measures including any modification / new installation are to be provided to the Principal Certifier. This would include the issue of a new fire safety schedule.**

**(18) Prior to issue of the Occupancy Certificate, a final fire safety certificate must be provided to the Principal Certifier including Appendix A – declaration of owners on**

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Item Number DA16/25 - Attachment 1

Recommended Conditions of Approval

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*appointment of competent person to manage performance solutions – fire safety measures. Copy such must be provided to Council Building Surveying Services.*

**Landscaping**

*(19) All landscaping shall be installed in accordance with the approved landscape plans prior to the issue of an Occupation Certificate.*

**Heritage – Schedule of Materials, Colours and Finishes**

*(20) No detail has been provided in regard to the type of paving immediately adjacent to the heritage item. This paving will need to be designed so as to not create damp issues within the masonry walling of the existing building. Paving adjacent to the heritage item on the site is to be designed so as to not direct water into the foundations and plinth of the heritage item.*

*Details of how this will be achieved are to be provided to the Principal Certifier and noted on the plans prior to the issue of a Construction Certificate.*

*(21) The proposed materials, colours and finishes for the new three-storey building are not supported. As this part of the building will be visible behind the locally listed heritage items, a more appropriate palette of materials and colours should be employed that utilizes warm earth tones.*

*The screening to the staircase is shown as being dark grey metal. This element will be visible between No. 2 and No. 4 Gordon Street. The use of a lighter colour that is more in keeping the overall character of this area is sought.*

*The architectural plans and schedule of external finishes pertaining to the whole of the new three-storey building shall be revised and submitted to Council for approval prior to the issue of a Construction Certificate.*

**Heritage - Bin Location**

*(22) The bin storage area adjacent to the southern boundary with No. 4 Gordon Street shall be shifted further back so that it is behind the verandah of the existing building at No. 2 Gordon Street.*

*Reason: To improve usability of the verandah and reduce visual impact on adjacent local heritage item at No. 4 Gordon Street.*

**(ADDITIONAL CONDITIONS 1-22 ABOVE HAVE BEEN ADDED BY THIS SECTION 4.55(2) MODIFICATION, DATED 27.11.2025).**

**END OF CONDITIONS**

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**Item Number DA16/25 - Attachment 1**  
**Recommended Conditions of Approval**

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**2 GORDON ST & 6 ROWLEY ST, BURWOOD**  
**ISSUE FOR DEVELOPMENT APPLICATION**  
**MODIFICATION 4.55**

SHEET LIST	
NUMBER	SHEET NAME
DA000	COVER PAGE
DA020	SITE ANALYSIS
DA040	PROPOSED SITE PLAN
DA100	GROUND FLOOR PLAN
DA101	LEVEL 1 PLAN
DA102	LEVEL 2 PLAN
DA103	ROOF PLAN
DA201	LONG SECTIONS
DA202	CROSS SECTIONS
DA300	ELEVATIONS
DA301	ELEVATIONS
DA302	STREETSCAPE ELEVATIONS
DA400	AREA CALCULATIONS - GROSS FLOOR AREA
DA401	AREA CALCULATIONS - LANDSCAPE
DA500	SHADOW DIAGRAMS - 9AM JUNE 21ST
DA501	SHADOW DIAGRAMS - 12PM JUNE 21ST
DA502	SHADOW DIAGRAMS - 3PM JUNE 21ST
DA600	VIEW FROM SUN - JUNE 21ST
DA601	VIEW FROM SUN - JUNE 21ST
DA602	VIEW FROM SUN - JUNE 21ST
DA700	EXTERNAL FINISHES

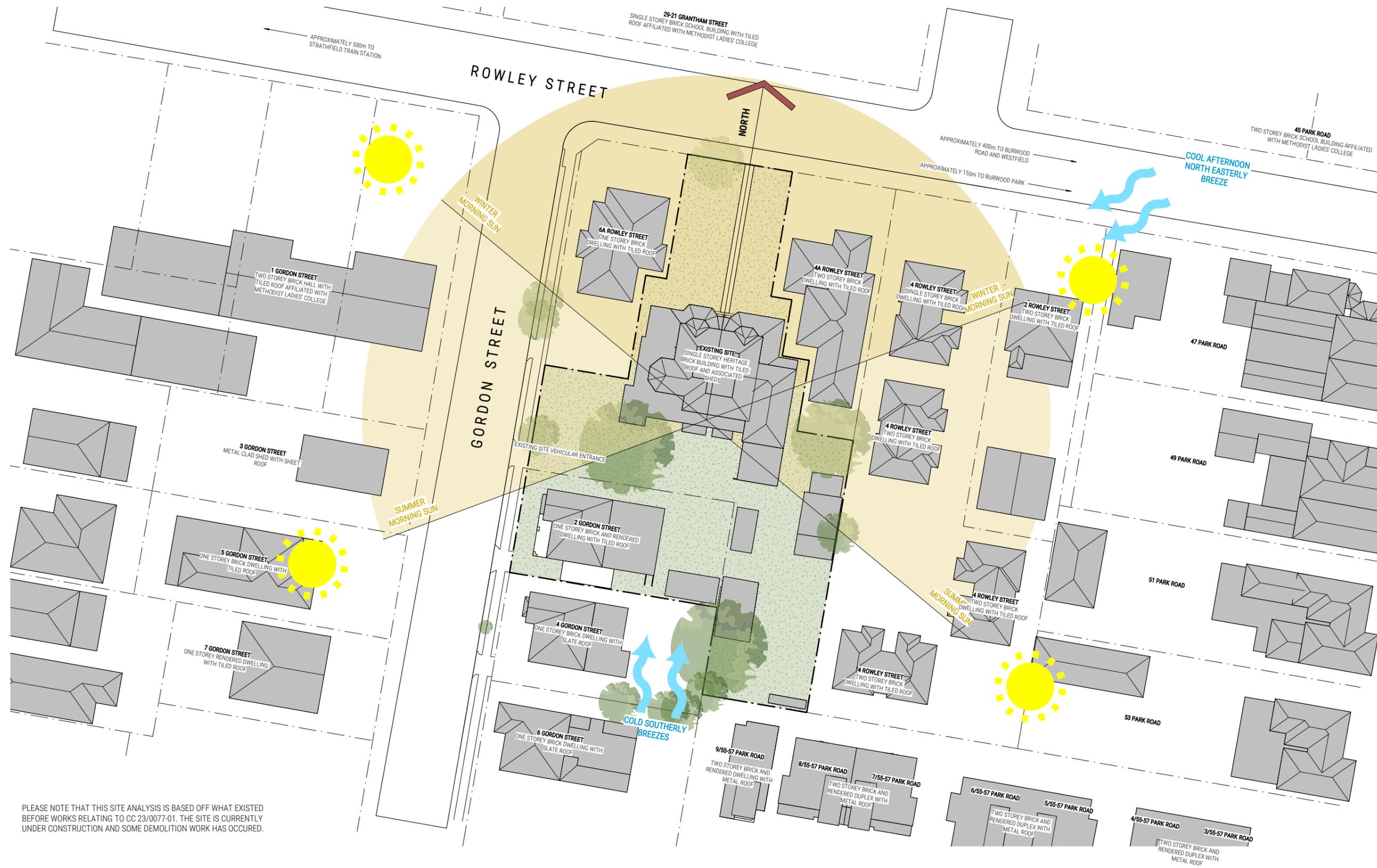


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 Nominated Architect: Scott Walsh  
 ACT 2624

PLEASE NOTE THAT NO CHANGES ARE PROPOSED TO THE EXISTING  
 HERITAGE BUILDING OR TO 2 GORDON STREET IN THIS DA MODIFICATION.  
 CLOUDED AREAS INDICATE PROPOSED WORKS RELATING TO THIS DA  
 MODIFICATION. ALL OTHER ITEMS HAVE BEEN PREVIOUSLY APPROVED  
 UNDER DA (3/2016) AND DC (23/0077-01).

REV NO.	DESCRIPTION	REV DATE	SHEET NUMBER	COVER PAGE
A	FOR DA MODIFICATION 4.55	02.07.25	DA000	COVER PAGE
B	FOR COUNCIL REVIEW	20.10.25	REVISION	C
C	FOR ADDITIONAL INFORMATION	27.10.25	SCALE @ A1	

**2 GORDON ST & 6 ROWLEY ST, BURWOOD**



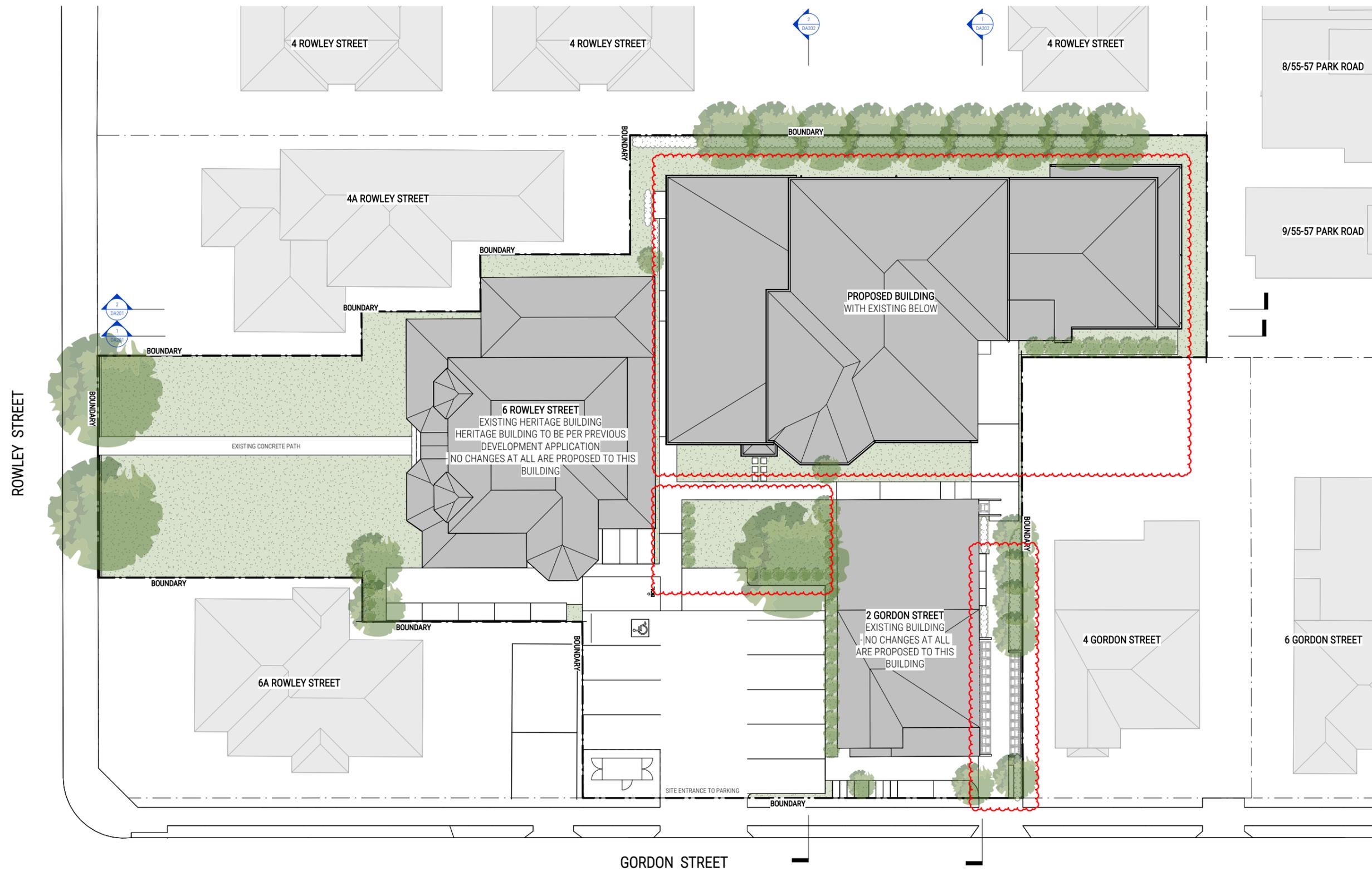
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A	FOR DA MODIFICATION 4.55	02.07.25
B	FOR COUNCIL REVIEW	20.10.25
C	FOR ADDITIONAL INFORMATION	27.10.25

SITE ANALYSIS	
SHEET NUMBER	DA020
REVISION	C
SCALE @ A1	1 : 250
2 GORDON ST & 6 ROWLEY ST, BURWOOD	



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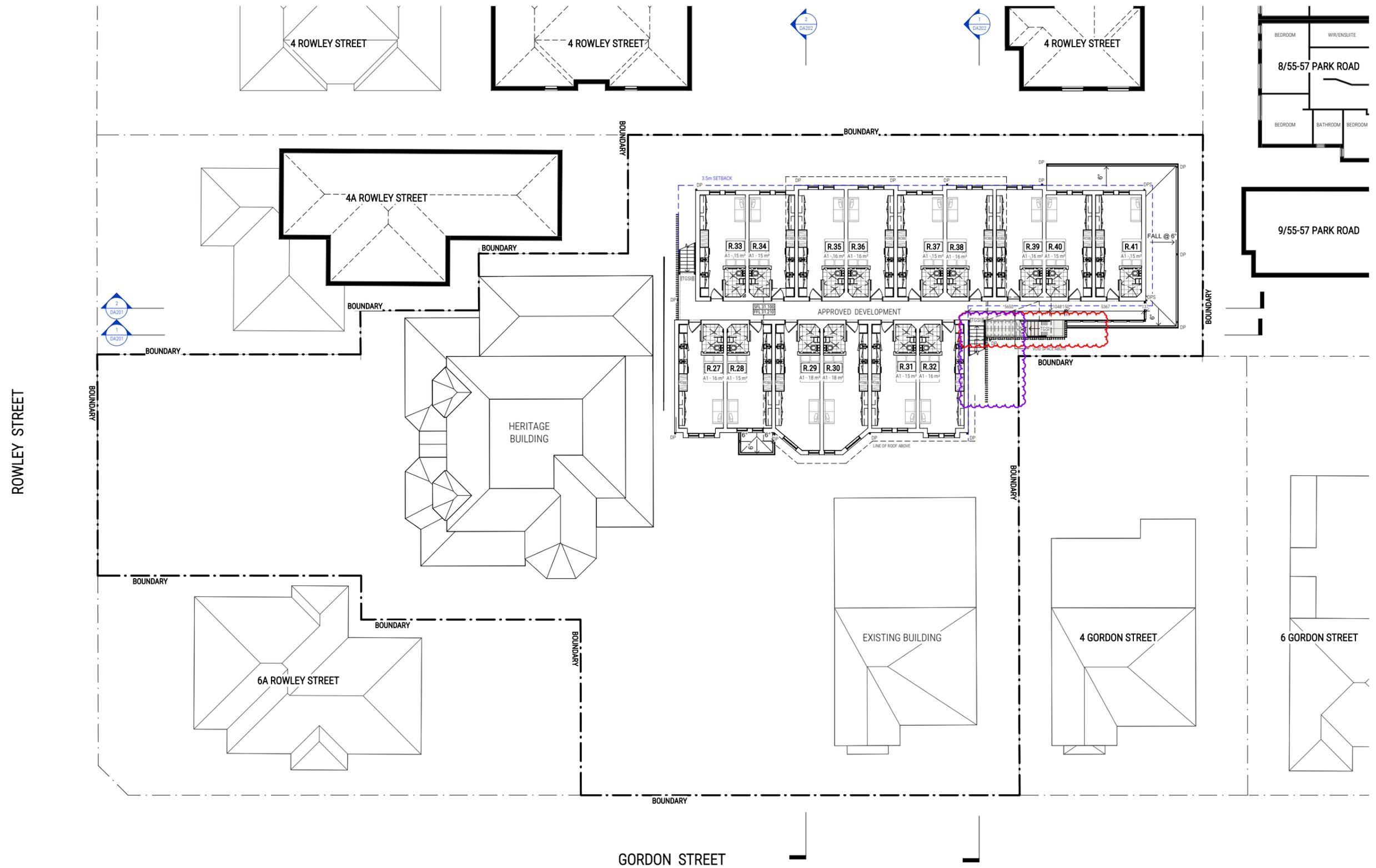
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A	FOR DA MODIFICATION 4.55	02.07.25
B	FOR COUNCIL REVIEW	20.10.25
C	FOR ADDITIONAL INFORMATION	27.10.25

**PROPOSED SITE PLAN**  
SHEET NUMBER **DA040**  
REVISION **C**  
SCALE @ A1 **1 : 125**  
**2 GORDON ST & 6 ROWLEY ST, BURWOOD**





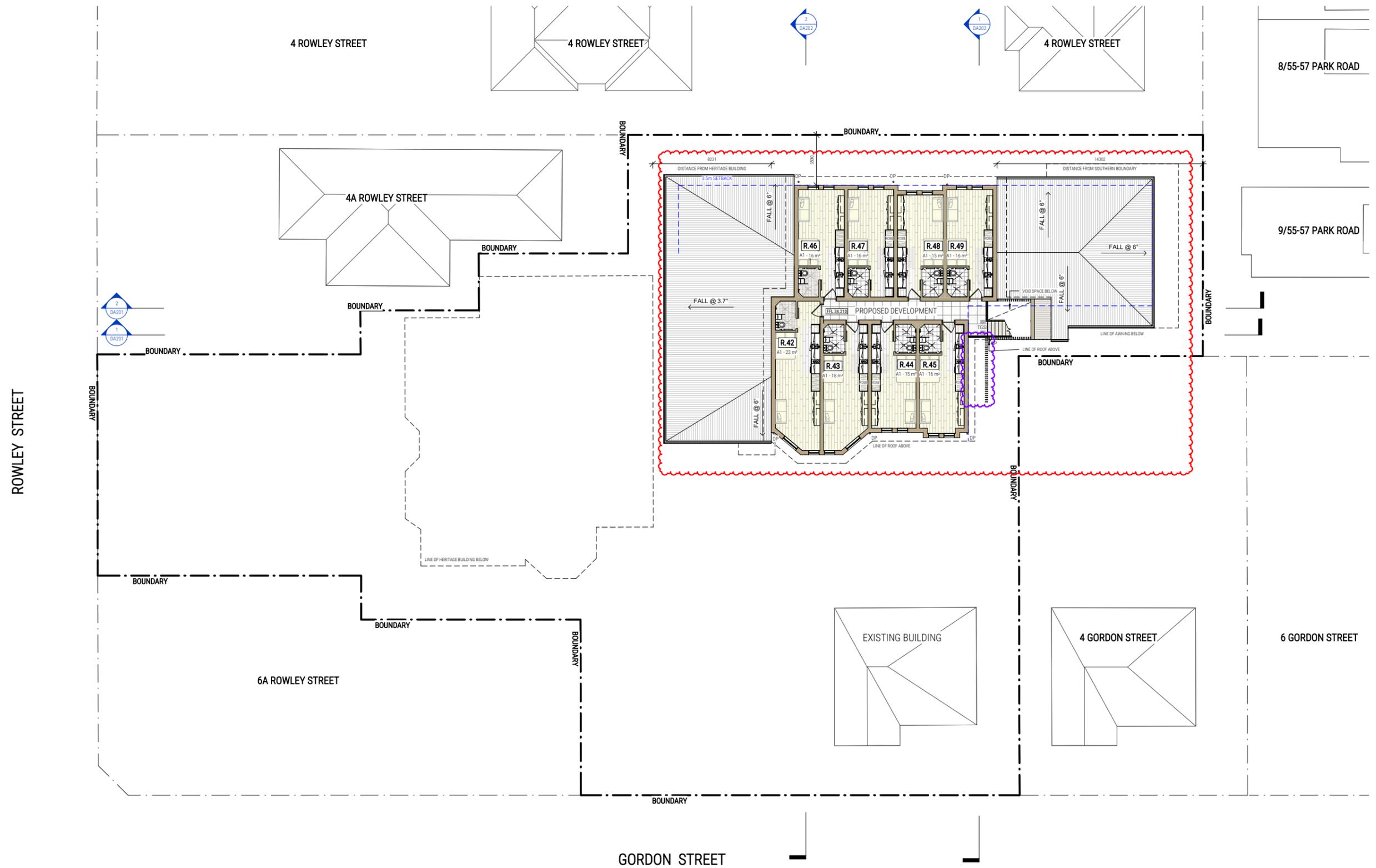
T4, 5 Geelong Street,  
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A	FOR DA MODIFICATION 4.55	02.07.25
B	FOR COUNCIL REVIEW	20.10.25
C	FOR ADDITIONAL INFORMATION	27.10.25
D	FOR ADDITIONAL INFORMATION	04.11.25

LEVEL 1 PLAN	
SHEET NUMBER	DA101
REVISION	D
SCALE @ A1	1:125
2 GORDON ST & 6 ROWLEY ST, BURWOOD	



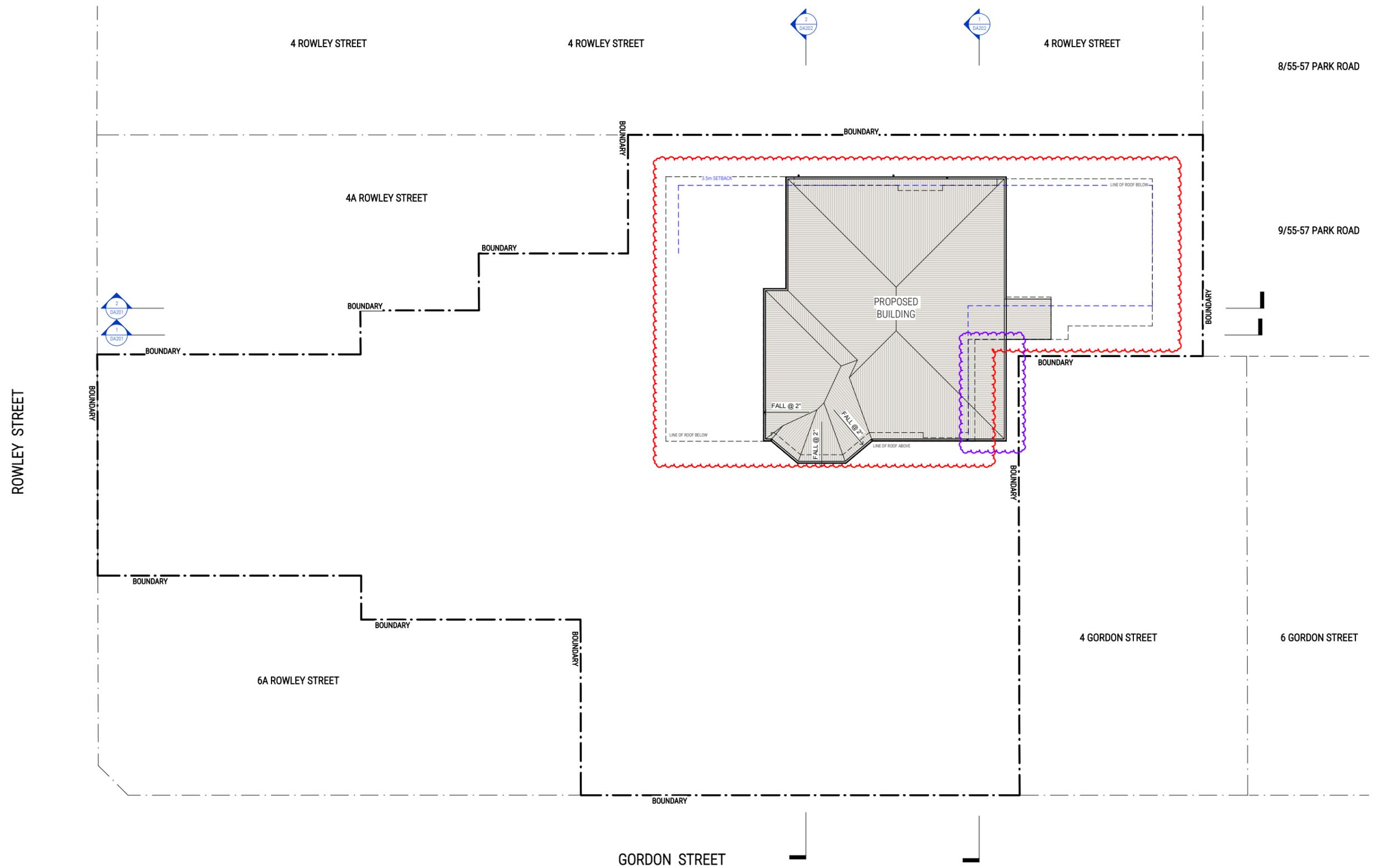
T4, 5 Geelong Street,  
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B	FOR COUNCIL REVIEW	20.10.25
C	FOR ADDITIONAL INFORMATION	27.10.25
D	FOR ADDITIONAL INFORMATION	04.11.25

LEVEL 2 PLAN
SHEET NUMBER DA102
REVISION D
SCALE @ A1 1:125
2 GORDON ST & 6 ROWLEY ST, BURWOOD



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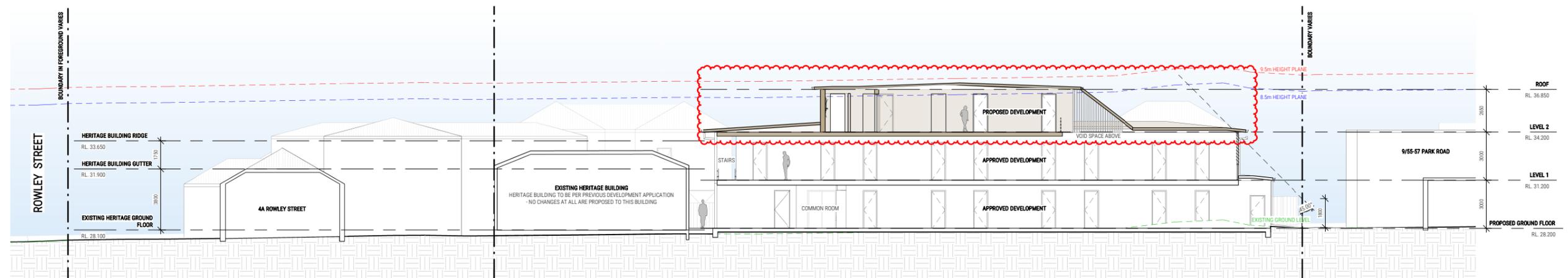
REV NO.	DESCRIPTION	REV DATE
A	FOR DA MODIFICATION 4.55	02.07.25
B	FOR COUNCIL REVIEW	20.10.25
C	FOR ADDITIONAL INFORMATION	27.10.25
D	FOR ADDITIONAL INFORMATION	04.11.25

REV NO.	DESCRIPTION	REV DATE
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B	FOR COUNCIL REVIEW	20.10.25
C	FOR ADDITIONAL INFORMATION	27.10.25
D	FOR ADDITIONAL INFORMATION	04.11.25

ROOF PLAN  
SHEET NUMBER DA103  
REVISION D  
SCALE @ A1 1 : 125  
2 GORDON ST & 6 ROWLEY ST, BURWOOD



1 LONG SECTION 1  
DA2017 1:125 @ A1



2 LONG SECTION 2  
DA2017 1:125 @ A1

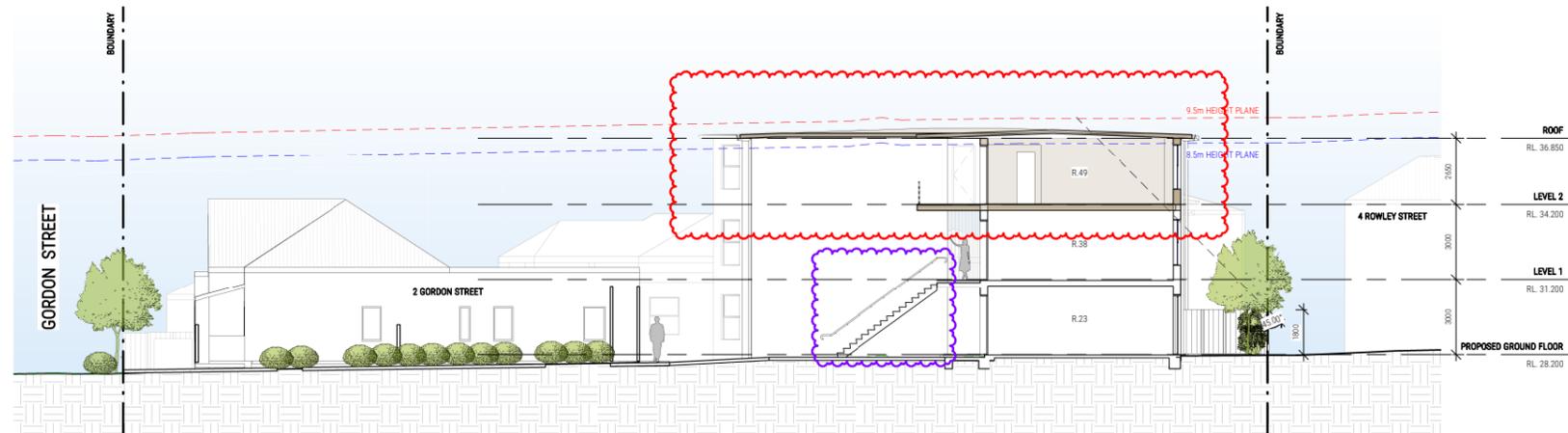


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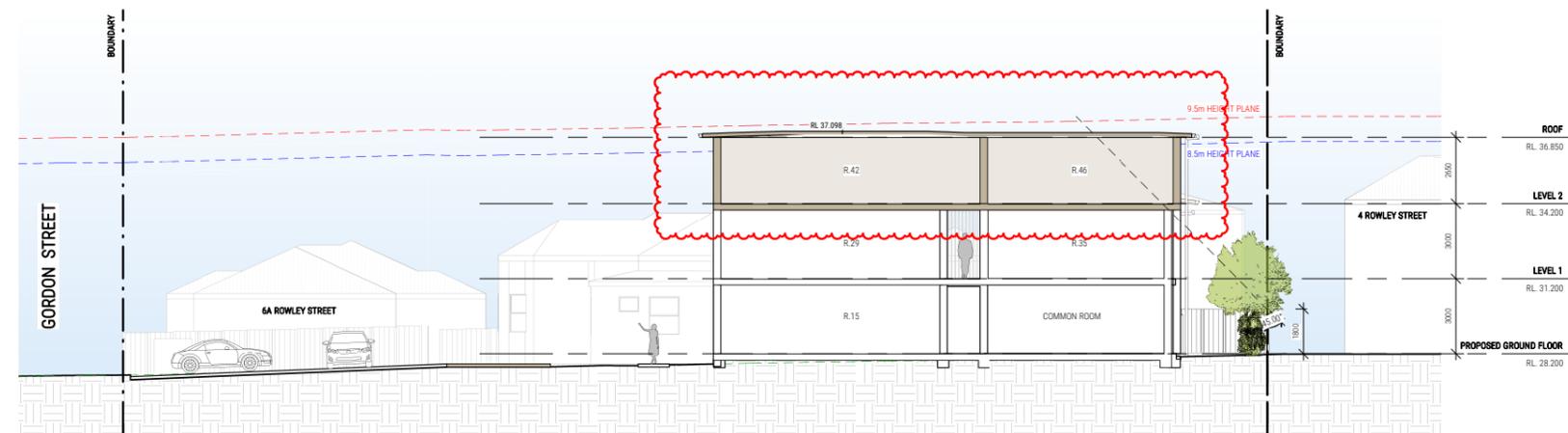
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D	FOR ADDITIONAL INFORMATION	04.11.25

LONG SECTIONS	
SHEET NUMBER	DA201
REVISION	D
SCALE @ A1	1:125
2 GORDON ST & 6 ROWLEY ST, BURWOOD	



1 CROSS SECTION 1  
DA202 1:125 @ A1



2 CROSS SECTION 2  
DA202 1:125 @ A1

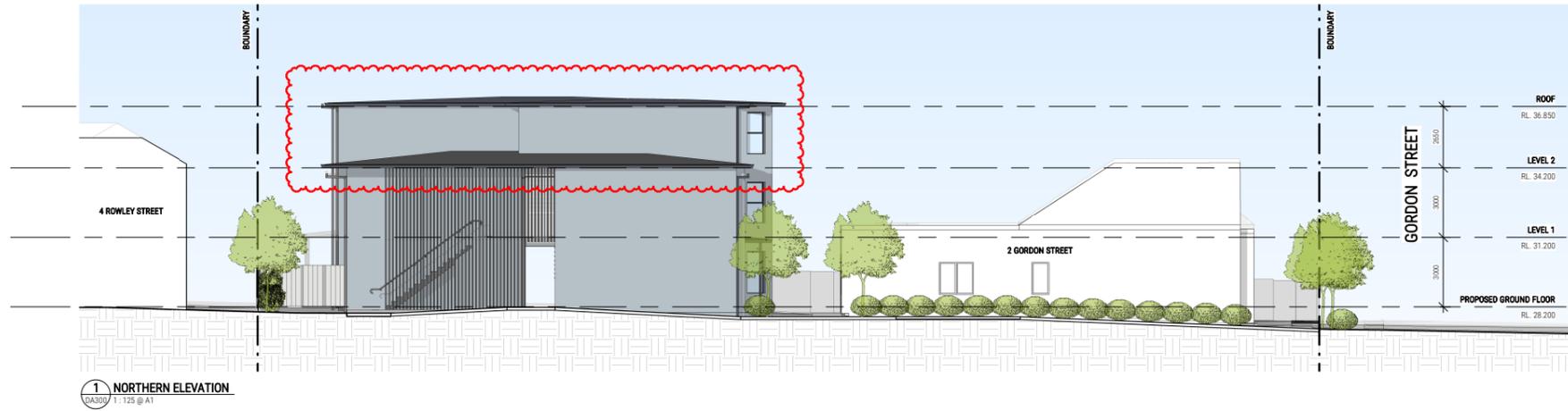


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C	FOR ADDITIONAL INFORMATION	27.10.25
D	FOR ADDITIONAL INFORMATION	04.11.25

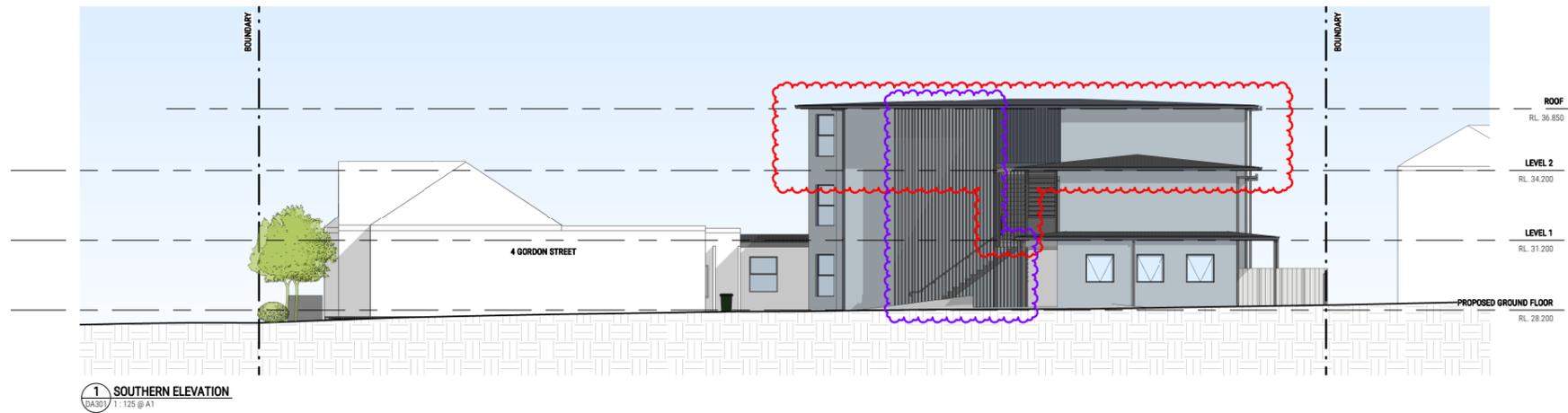
CROSS SECTIONS	
SHEET NUMBER	DA202
REVISION	D
SCALE @ A1	1:125
2 GORDON ST & 6 ROWLEY ST, BURWOOD	



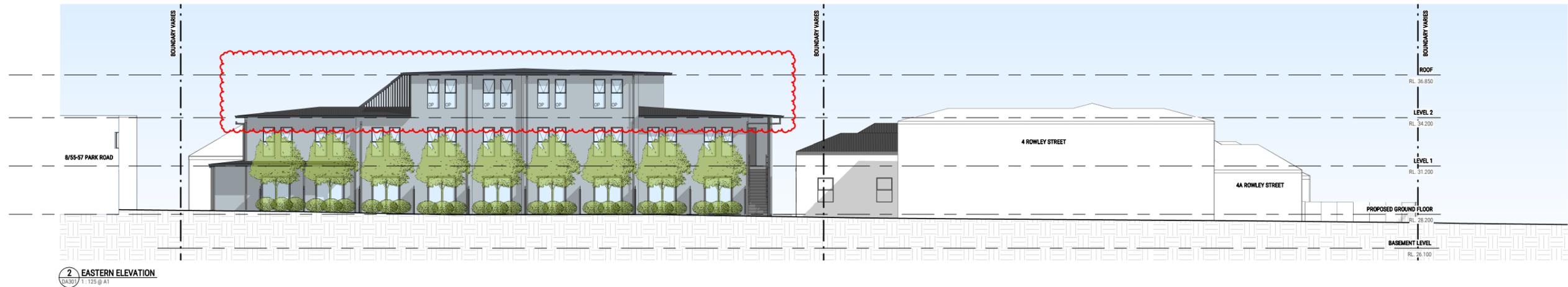
1 NORTHERN ELEVATION  
DA300 1:125 @ A1



2 WESTERN ELEVATION  
DA300 1:125 @ A1



1 SOUTHERN ELEVATION  
DA301 1:125 @ A1



2 EASTERN ELEVATION  
DA301 1:125 @ A1

NOTE: WINDOWS ON LEVEL 2 OF THE EASTERN ELEVATION SHALL HAVE FIXED OPAQUE (OP) GLAZING AS INDICATED AND A TRANSPARENT OPERABLE AWNING ABOVE.

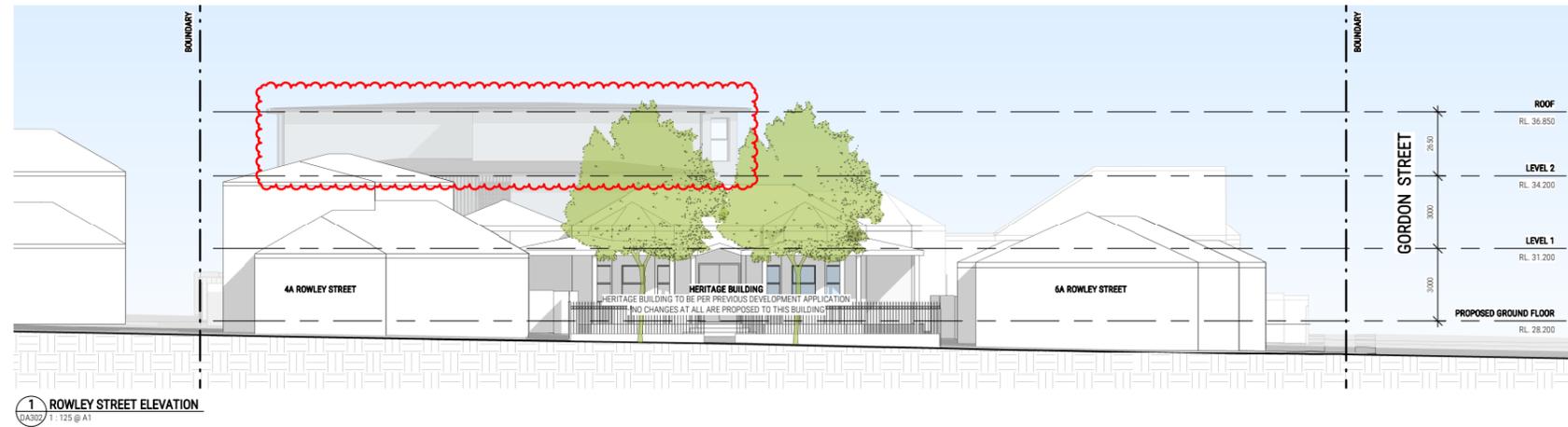


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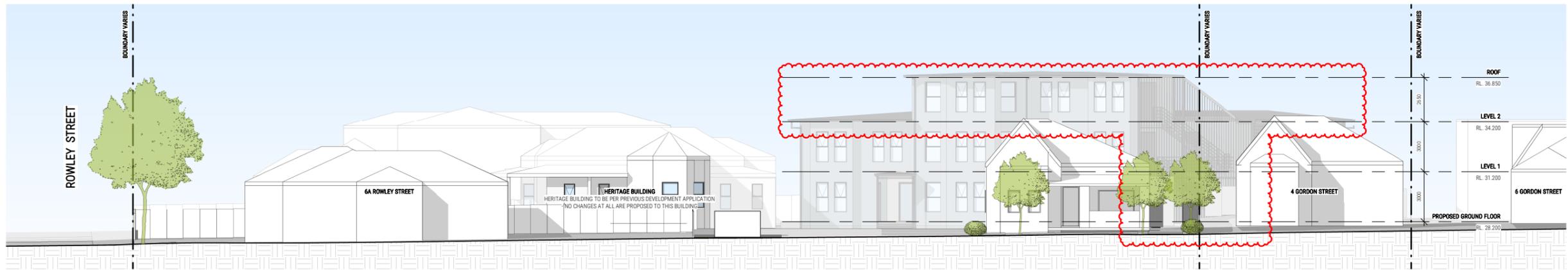
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REV NO.	DESCRIPTION	REV DATE
A	FOR COUNCIL REVIEW	20.10.25
B	FOR ADDITIONAL INFORMATION	27.10.25
C	FOR ADDITIONAL INFORMATION	04.11.25

ELEVATIONS	SHEET NUMBER
DA301	
C	
1:125	
2 GORDON ST & 6 ROWLEY ST, BURWOOD	



1 ROWLEY STREET ELEVATION  
DA302 1:125 @ A1



2 GORDON STREET ELEVATION  
DA302 1:125 @ A1



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CLOUDED AREAS INDICATE PROPOSED WORKS RELATING TO THIS DA MODIFICATION. ALL OTHER ITEMS HAVE BEEN PREVIOUSLY APPROVED UNDER DA (3/2016) AND DC (23/0077-01).

REV NO.	DESCRIPTION	REV DATE
A	FOR DA MODIFICATION 4.55	02.07.25
B	FOR COUNCIL REVIEW	20.10.25
C	FOR ADDITIONAL INFORMATION	27.10.25

STREETSCAPE ELEVATIONS	
SHEET NUMBER	DA302
REVISION	C
SCALE @ A1	1:125
2 GORDON ST & 6 ROWLEY ST, BURWOOD	

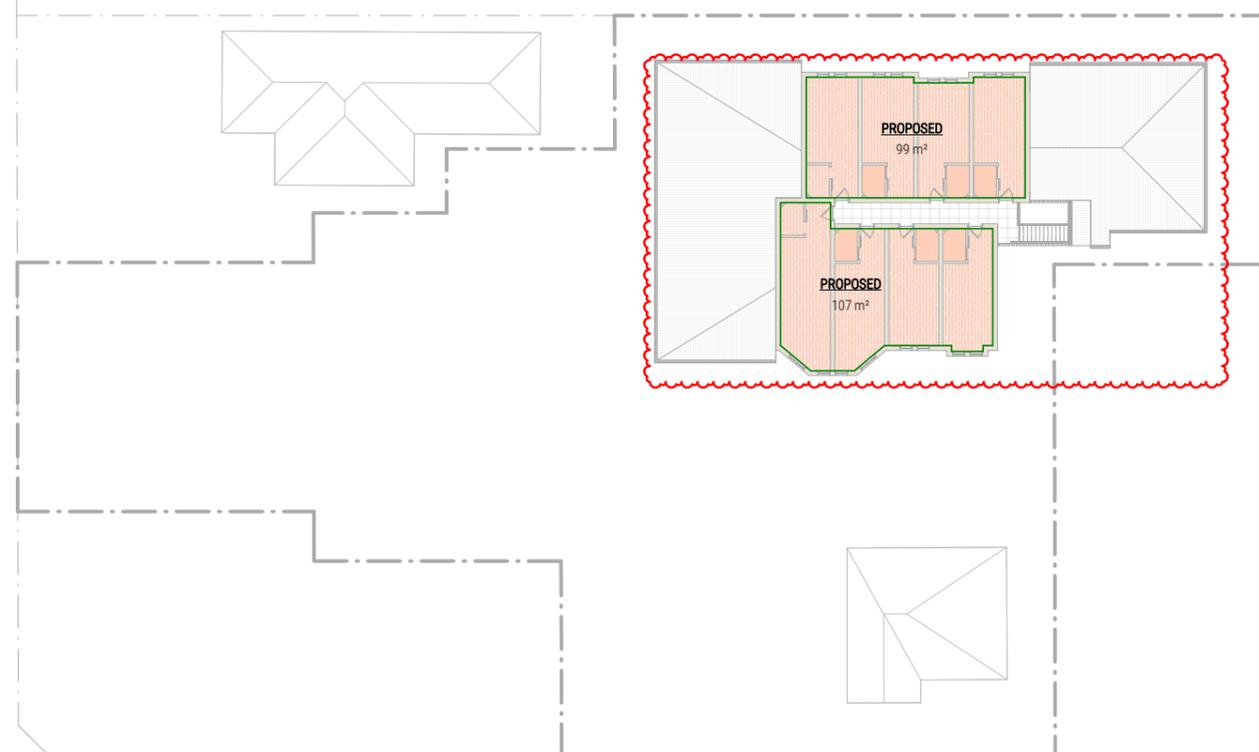
Architectural Plans



1 GFA - GROUND FLOOR  
DA400 1:200 @ A1



2 GFA - LEVEL 1  
DA400 1:200 @ A1



3 GFA - LEVEL 2  
DA400 1:200 @ A1

AREA SCHEDULE - GFA		
Name	Area	FSR
APPROVED	1149 m <sup>2</sup>	0.52
PROPOSED	207 m <sup>2</sup>	0.09
	1356 m <sup>2</sup>	0.62



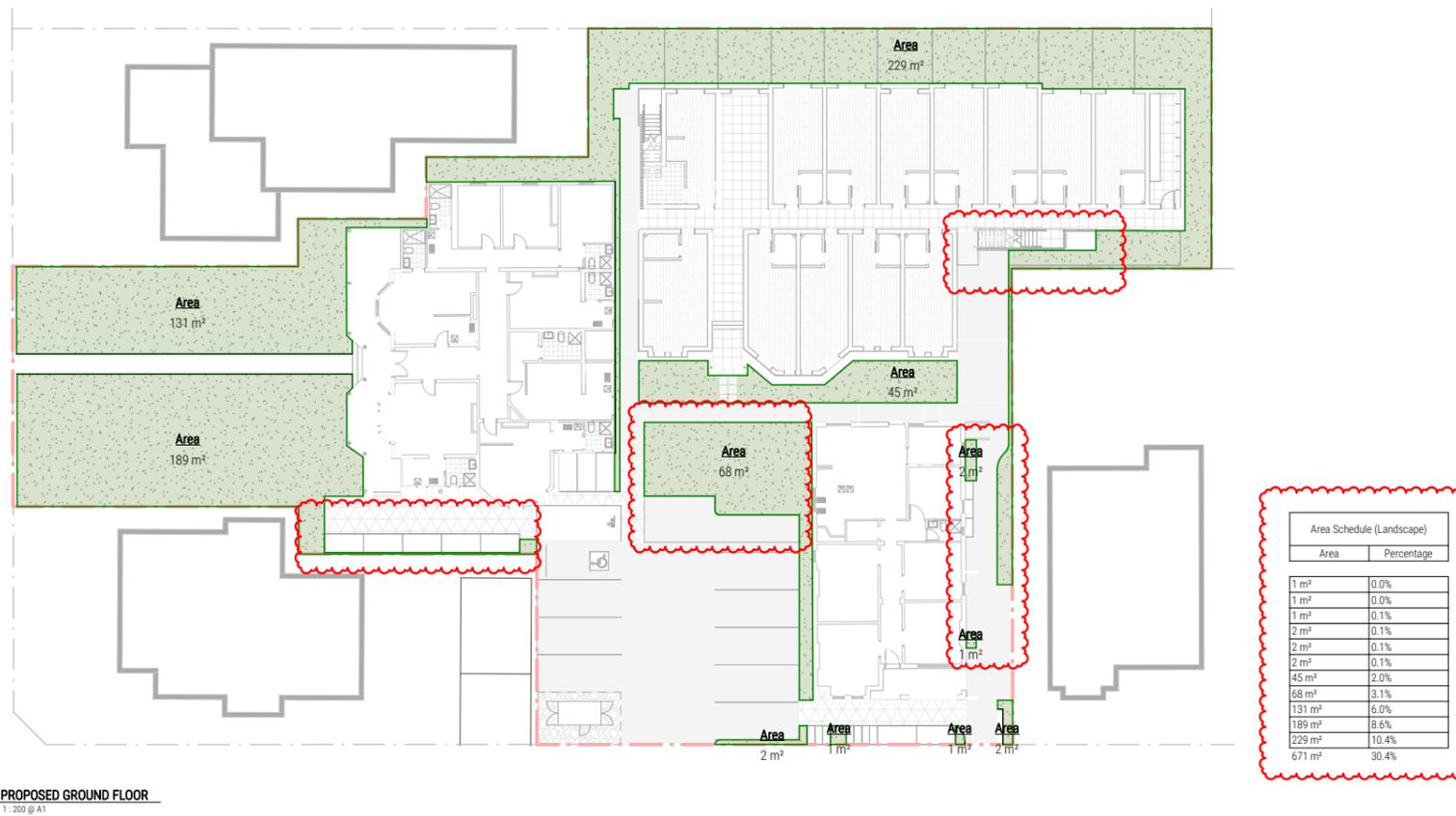
T4, 5 Geelong Street,  
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Nominated Architect: Scott Walsh  
ACT 2624

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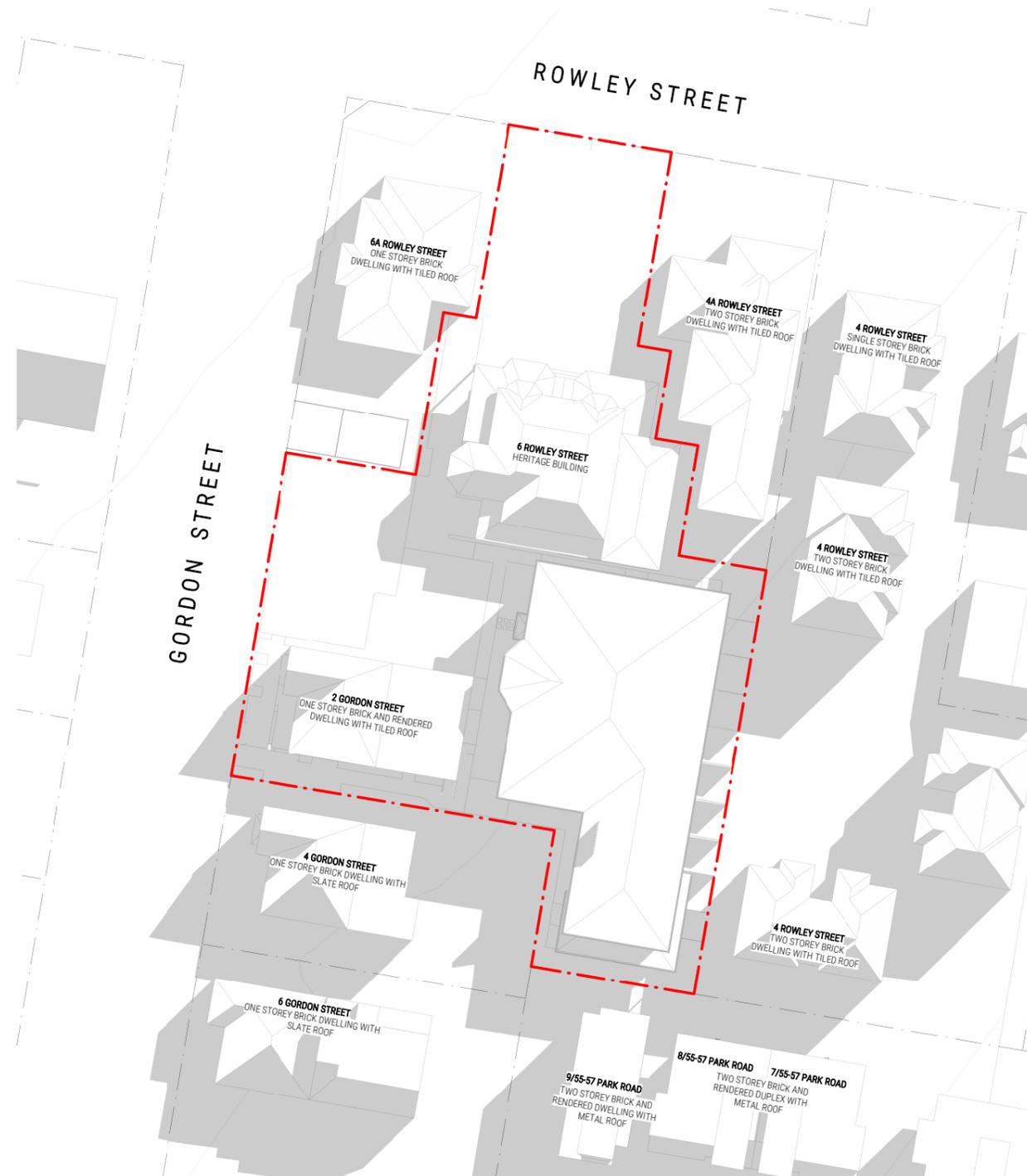
REV NO.	DESCRIPTION	REV DATE
A	FOR DA MODIFICATION 4.55	02.07.25
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C	FOR ADDITIONAL INFORMATION	27.10.25

AREA CALCULATIONS - GROSS FLOOR AREA  
SHEET NUMBER DA400  
REVISION C  
SCALE @ A1 1:200  
2 GORDON ST & 6 ROWLEY ST, BURWOOD

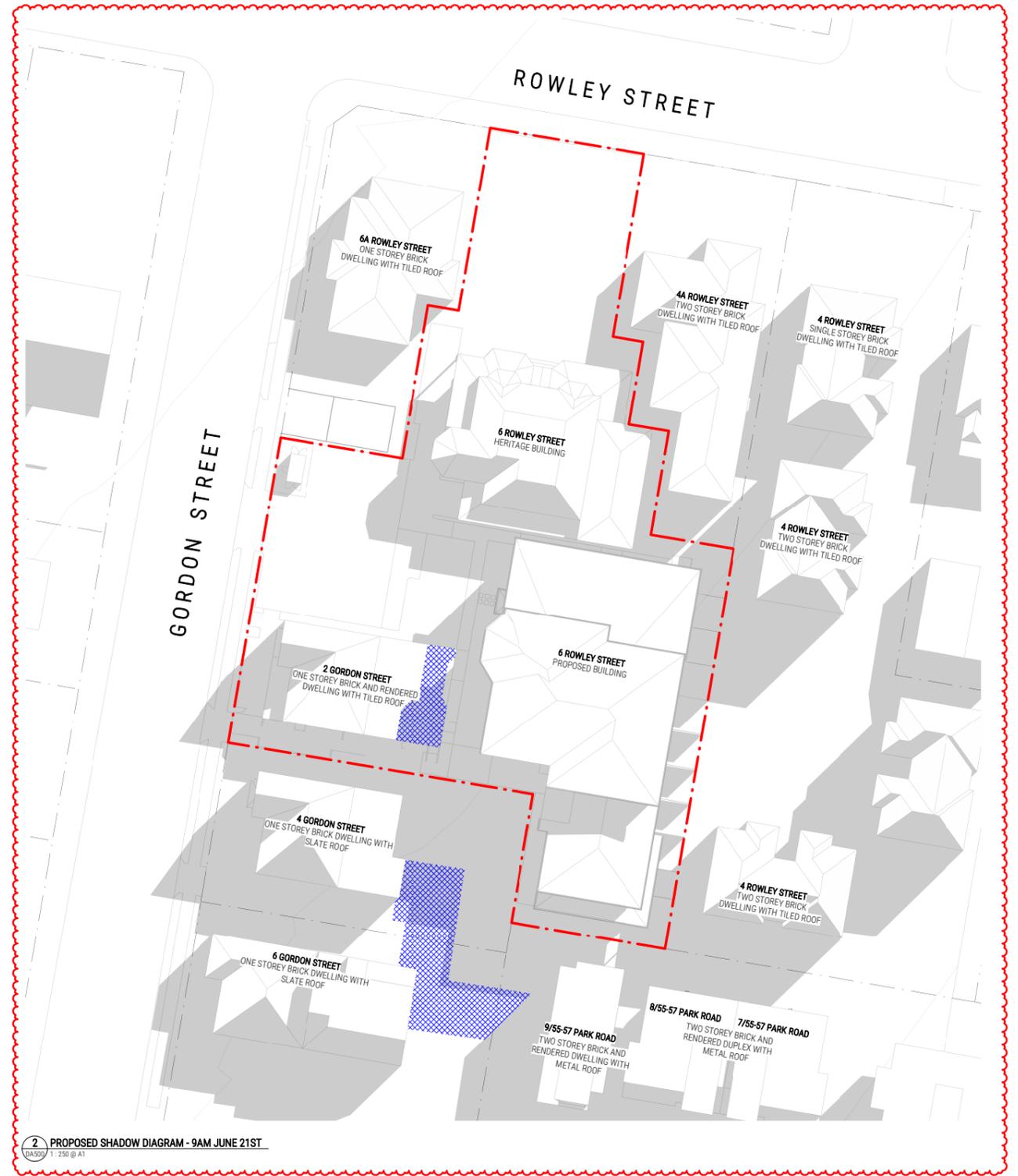


1 PROPOSED GROUND FLOOR  
DA401 1:200 @ A1





1 APPROVED SHADOW DIAGRAM - 9AM JUNE 21ST  
DA500 1:250 @ A1



2 PROPOSED SHADOW DIAGRAM - 9AM JUNE 21ST  
DA500 1:250 @ A1

EXTENT OF PREVIOUSLY PROPOSED SHADOWING



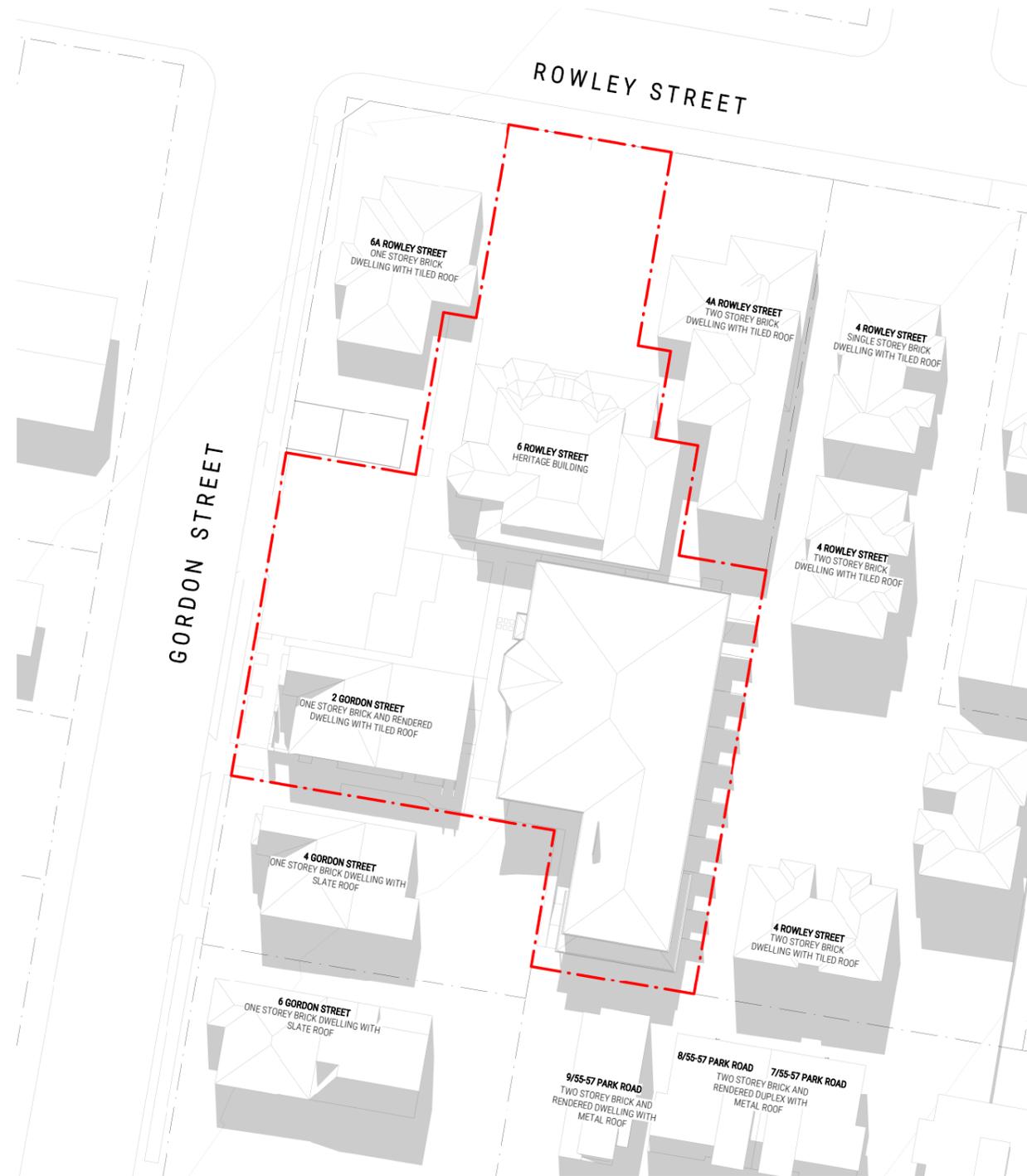
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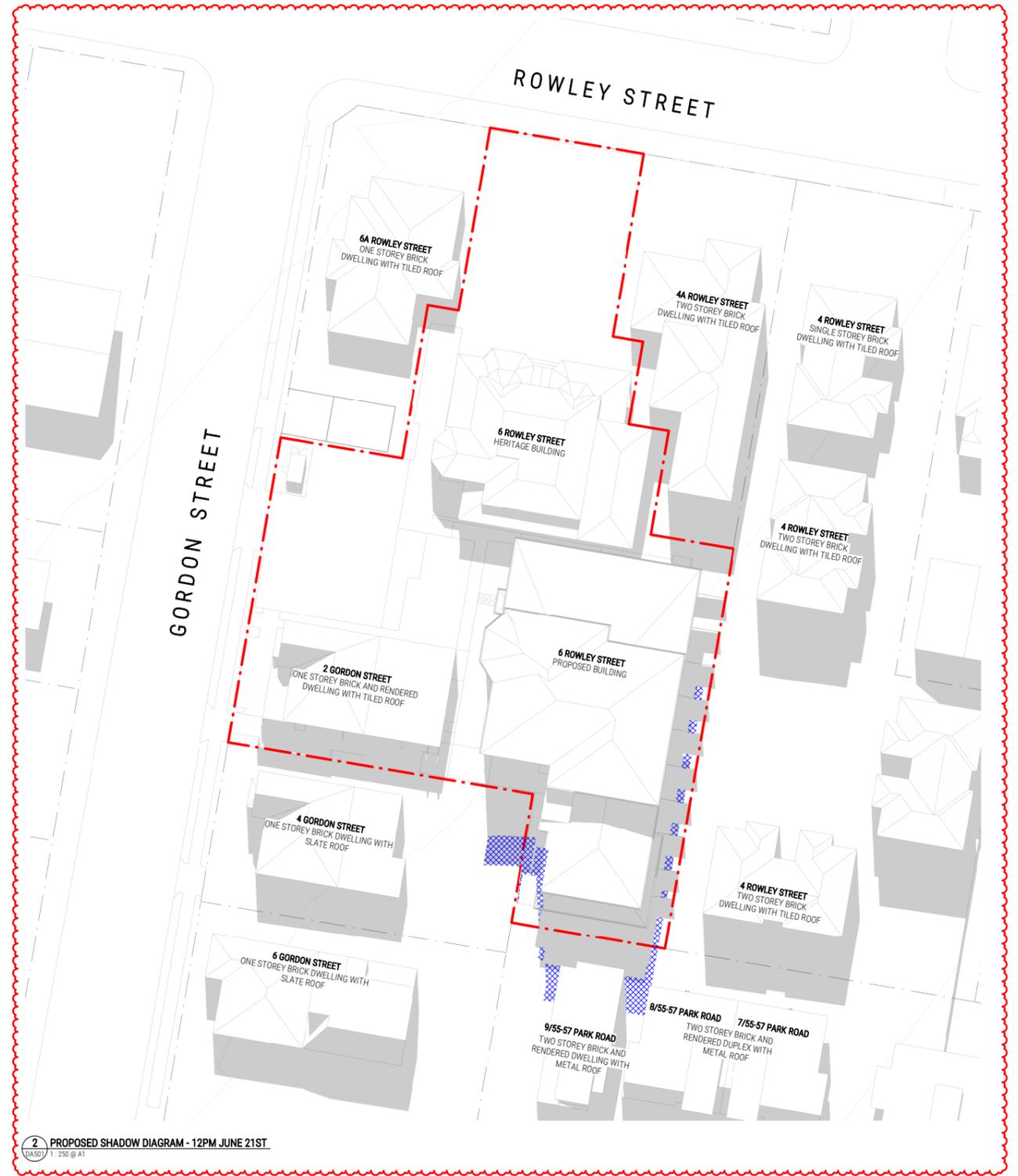


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SHADOW DIAGRAMS - 9AM JUNE 21ST	
SHEET NUMBER	DA500
REVISION	C
SCALE @ A1	1:250
2 GORDON ST & 6 ROWLEY ST, BURWOOD	



1 APPROVED SHADOW DIAGRAM - 12PM JUNE 21ST  
DA501 1:250 @ A1



2 PROPOSED SHADOW DIAGRAM - 12PM JUNE 21ST  
DA501 1:250 @ A1

EXTENT OF PREVIOUSLY PROPOSED SHADOWING



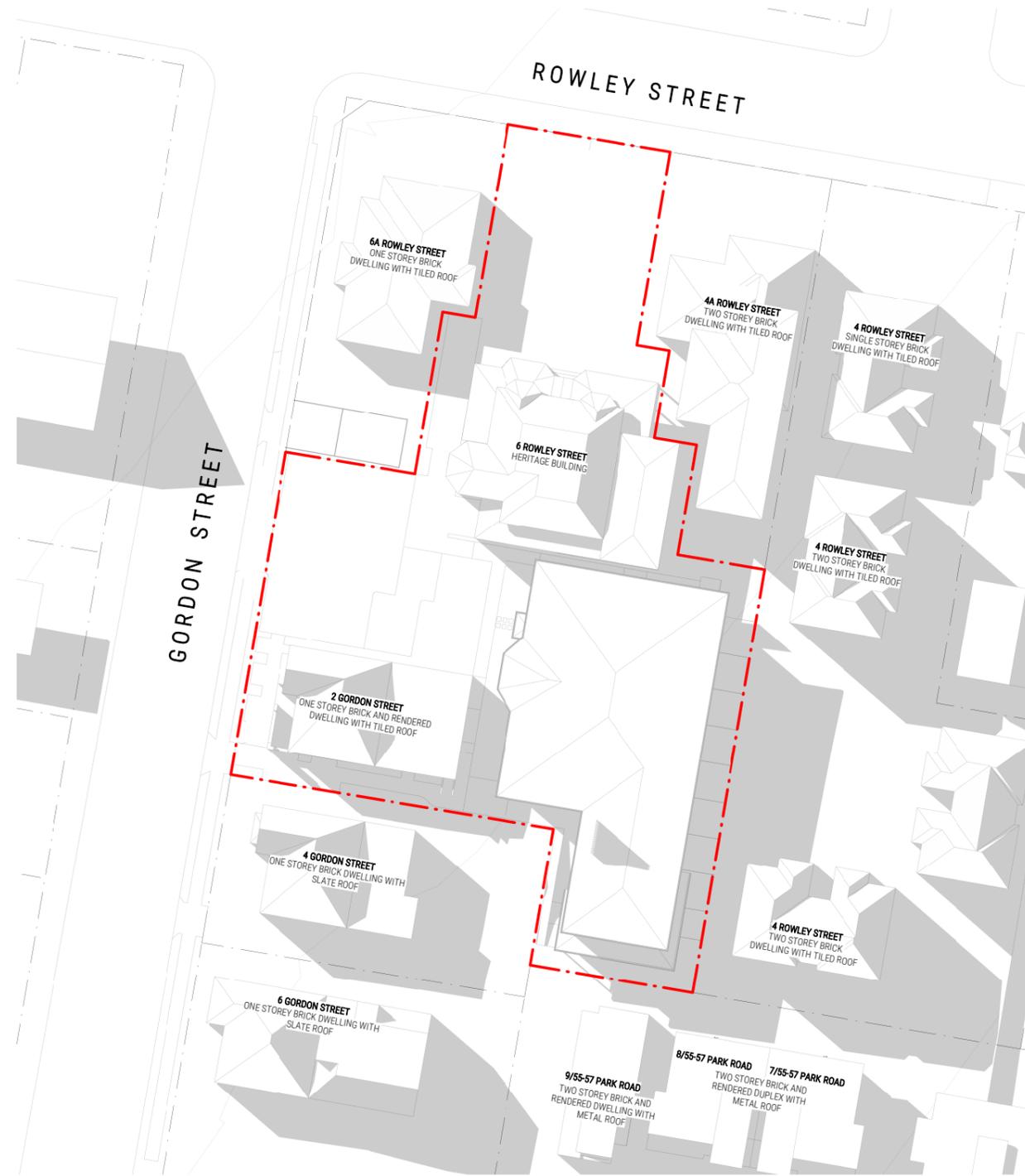
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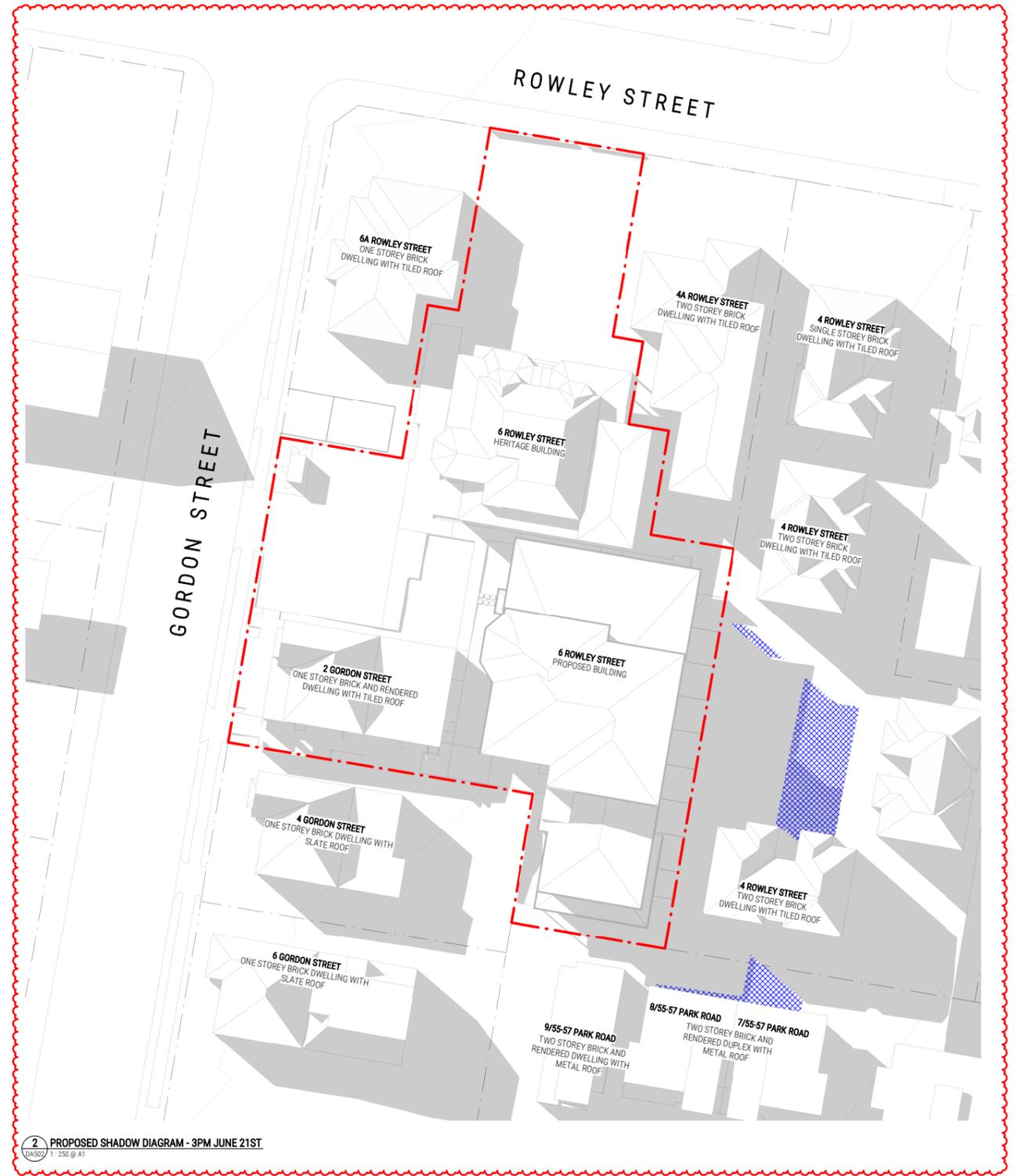


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SHADOW DIAGRAMS - 12PM JUNE 21ST	
SHEET NUMBER	DA501
REVISION	C
SCALE @ A1	1:250
2 GORDON ST & 6 ROWLEY ST, BURWOOD	



1 APPROVED SHADOW DIAGRAM - 3PM JUNE 21ST  
DA502 1:250 @ A1



2 PROPOSED SHADOW DIAGRAM - 3PM JUNE 21ST  
DA502 1:250 @ A1

EXTENT OF PREVIOUSLY PROPOSED SHADOWING



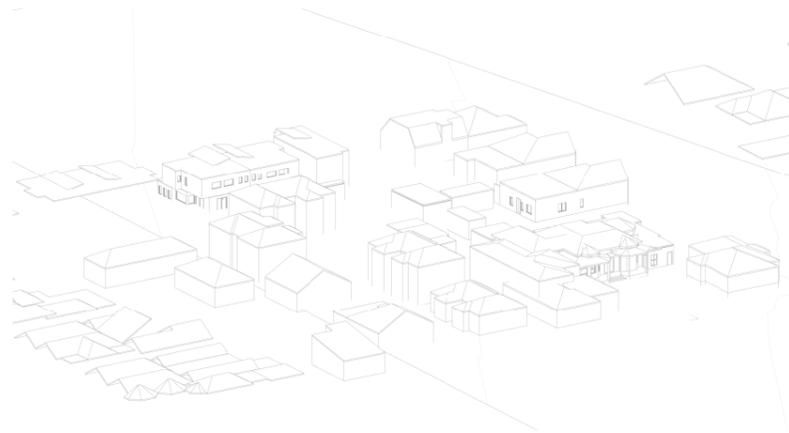
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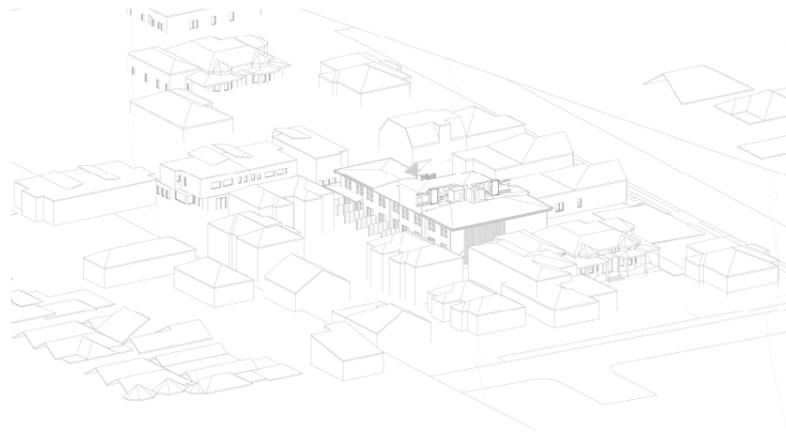


REV NO.	DESCRIPTION	REV DATE
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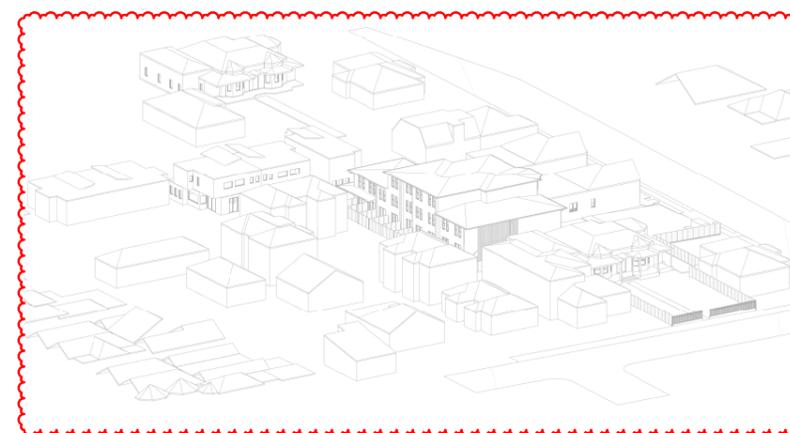
SHADOW DIAGRAMS - 3PM JUNE 21ST	
SHEET NUMBER	DA502
REVISION	C
SCALE @ A1	1 : 250
2 GORDON ST & 6 ROWLEY ST, BURWOOD	



1 VIEW FROM SUN - 21ST JUNE - 9AM EXISTING  
@A1



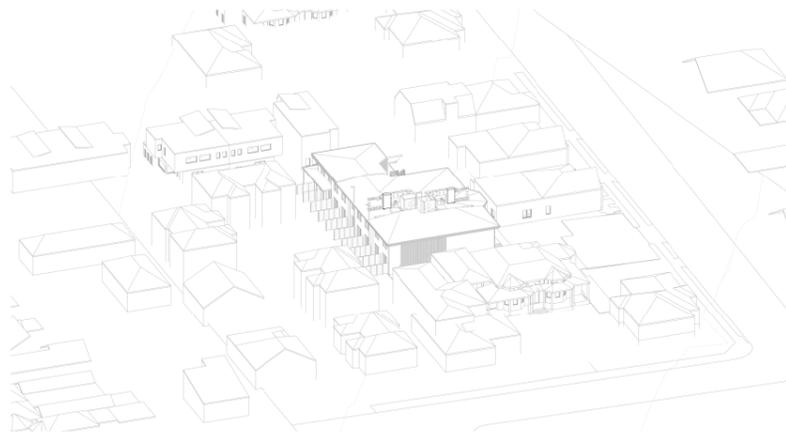
2 VIEW FROM SUN - 21ST JUNE - 9AM CC APPROVED  
@A1



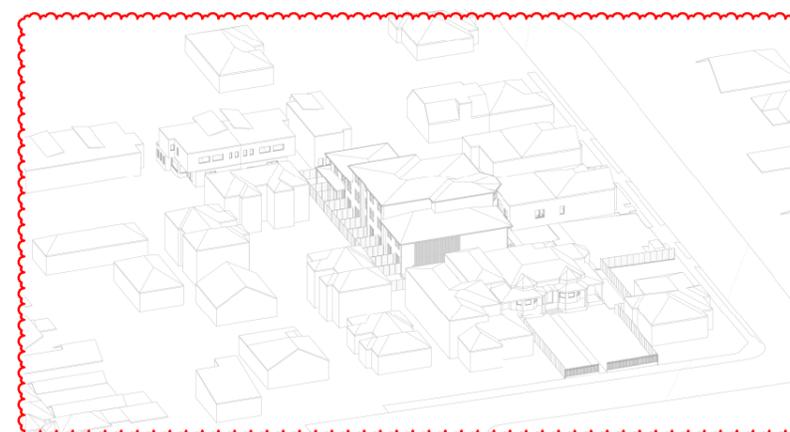
3 VIEW FROM SUN - 21ST JUNE - 9AM PROPOSED  
@A1



4 VIEW FROM SUN - 21ST JUNE - 10AM EXISTING  
@A1



5 VIEW FROM SUN - 21ST JUNE - 10AM CC APPROVED  
@A1



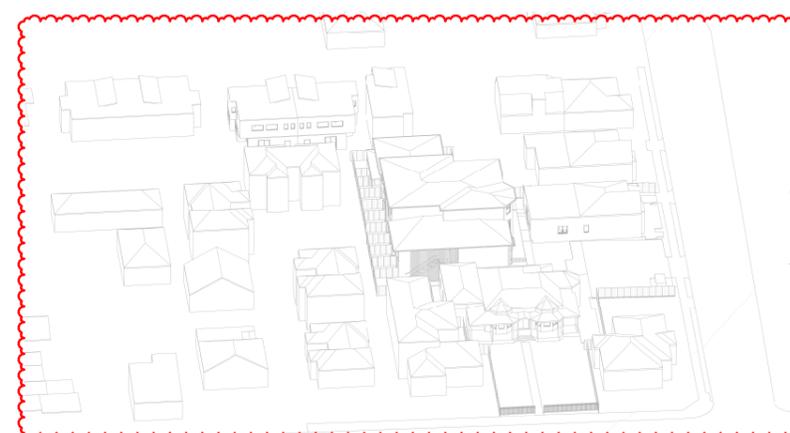
6 VIEW FROM SUN - 21ST JUNE - 10AM PROPOSED  
@A1



7 VIEW FROM SUN - 21ST JUNE - 11AM EXISTING  
@A1



8 VIEW FROM SUN - 21ST JUNE - 11AM CC APPROVED  
@A1



9 VIEW FROM SUN - 21ST JUNE - 11AM PROPOSED  
@A1



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ACT 2624

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**VIEW FROM SUN - JUNE 21ST**  
SHEET NUMBER **DA600**  
REVISION **C**  
SCALE @ A1  
**2 GORDON ST & 6 ROWLEY ST, BURWOOD**

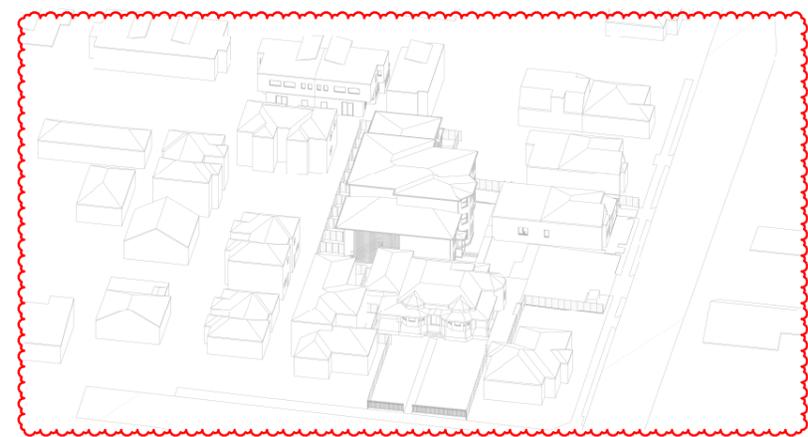
Architectural Plans



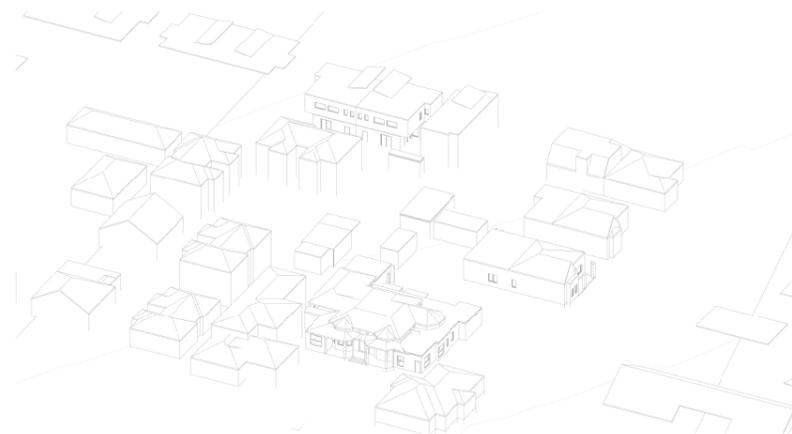
1 VIEW FROM SUN - 21ST JUNE - 12PM EXISTING  
@ A1



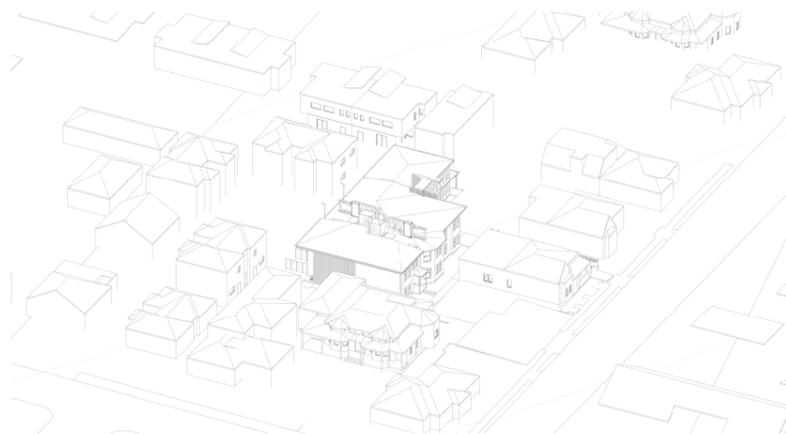
2 VIEW FROM SUN - 21ST JUNE - 12PM CC APPROVED  
@ A1



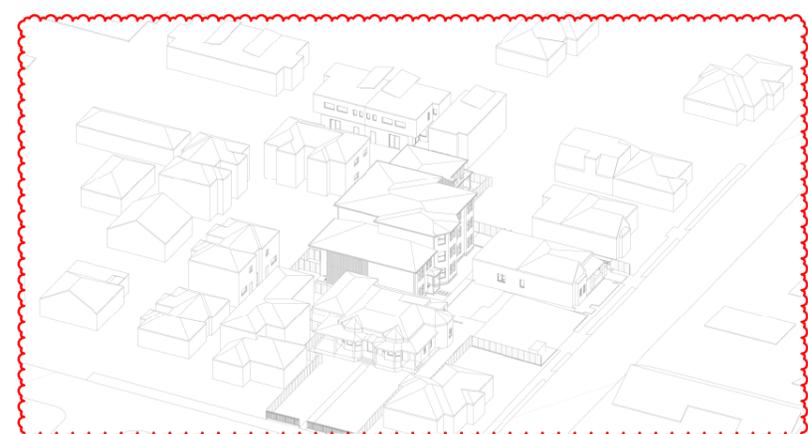
3 VIEW FROM SUN - 21ST JUNE - 12PM PROPOSED  
@ A1



4 VIEW FROM SUN - 21ST JUNE - 1PM EXISTING  
@ A1



5 VIEW FROM SUN - 21ST JUNE - 1PM CC APPROVED  
@ A1



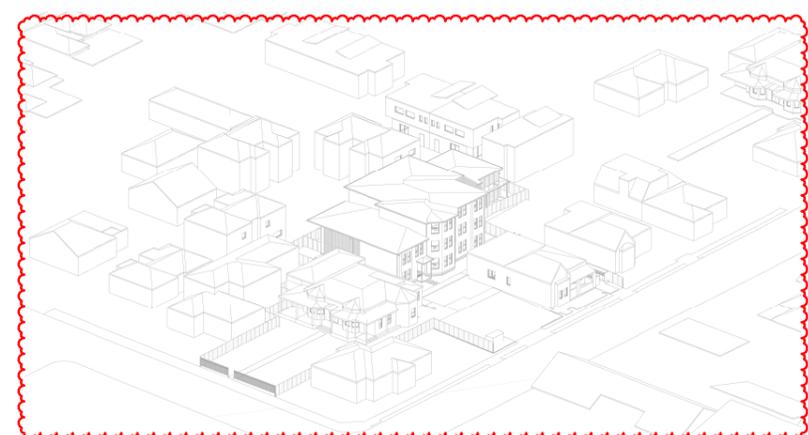
6 VIEW FROM SUN - 21ST JUNE - 1PM PROPOSED  
@ A1



7 VIEW FROM SUN - 21ST JUNE - 2PM EXISTING  
@ A1



8 VIEW FROM SUN - 21ST JUNE - 2PM CC APPROVED  
@ A1



9 VIEW FROM SUN - 21ST JUNE - 2PM PROPOSED  
@ A1



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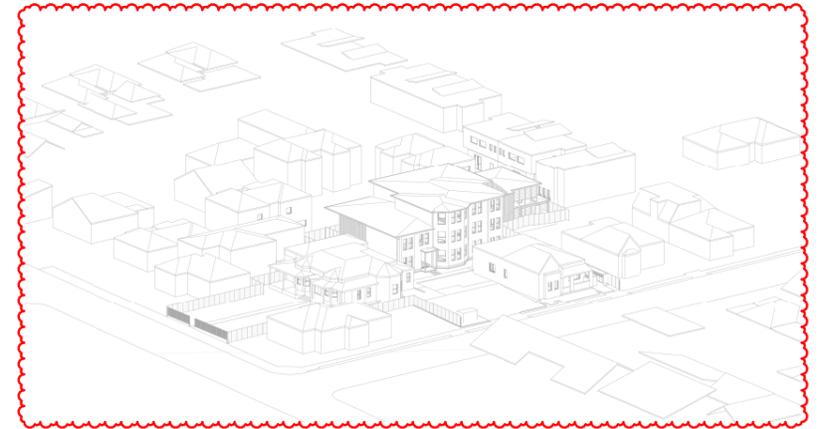
**VIEW FROM SUN - JUNE 21ST**  
SHEET NUMBER **DA601**  
REVISION **C**  
SCALE @ A1  
**2 GORDON ST & 6 ROWLEY ST, BURWOOD**



1 VIEW FROM SUN - 21ST JUNE - 3PM EXISTING  
DA602 @ A1



2 VIEW FROM SUN - 21ST JUNE - 3PM CC APPROVED  
DA602 @ A1



3 VIEW FROM SUN - 21ST JUNE - 3PM PROPOSED  
DA602 @ A1



ALL EXTERNAL FINISHES TO BE CONSISTENT WITH MATERIALS PROPOSED IN ORIGINAL DA

1. RENDER & PAINT FINISH - DULUX GREY PAIL  
GENERAL WALLS

2. RENDER & PAINT FINISH - DULUX GREY BOUNDARY  
PROJECTING BAYS

3. POWDERCOATED ALLUM - DARK GREY  
WINDOW FRAMES, MULLIONS & GUTTERS

HERITAGE BUILDING TO BE PER PREVIOUS DEVELOPMENT APPLICATION -  
REFER TO SCHEDULE OF CONSERVATION WORK BY NBR'S FOR FINISHES TO THE HERITAGE BUILDING



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EXTERNAL FINISHES	
SHEET NUMBER	DA700
REVISION	C
SCALE @ A1	As indicated
2 GORDON ST & 6 ROWLEY ST, BURWOOD	

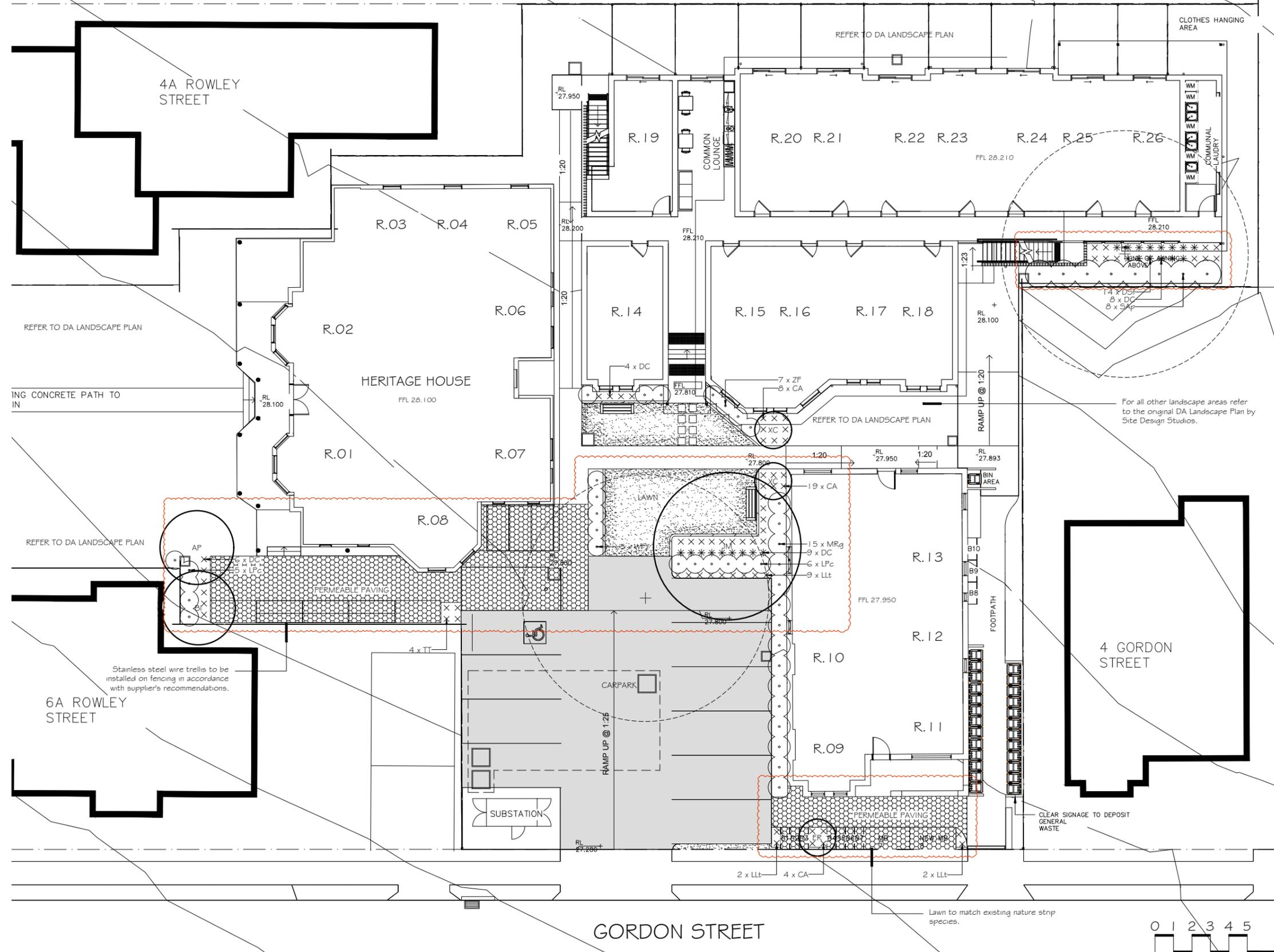
Architectural Plans

SCHEDULE OF PLANT MATERIAL

CODE	BOTANICAL NAME	COMMON NAME	QUANTITY	MATURE HEIGHT	CONTAINER SIZE	STAKES	CODE	BOTANICAL NAME	COMMON NAME	QUANTITY	MATURE HEIGHT	CONTAINER SIZE	STAKES
AP	<i>Acacia podalyriifolia</i>	Queensland Silver Wattle	1	6m	200 litre	2	LLt	<i>Lomandra longifolia</i> 'Tanika'	Tanika Lomandra	13	0.4m	150mm	-
BI	<i>Banksia integrifolia</i>	Coastal Banksia	1	7m	100 litre	2	MRg	<i>Melaleuca</i> 'Revolution Gold'	Honey Myrtle	15	1.5m	200mm	-
CA	<i>Clematis aristata</i>	Old Man's Beard	21	prostrate	150mm	-	SAP	<i>Syzygium australe</i> 'Pinnacle'	Dwarf Lilly Pilli	8	3m	200mm	-
DC	<i>Dianella caerulea</i>	Paroo Lily	27	0.4m	150mm	-	TT	<i>Trachelospermum</i> 'Tricolour'	Variegated Star Jasmine	4	prostrate	140mm	-
DSI	<i>Dichondra</i> 'Silver Falls'	Silver Kidney Weed	14	0.4m	150mm	-	WFz	<i>Westringia fruticosa</i> 'Zena'	Dwarf Coastal Rosemary	5	1m	200mm	-
ER	<i>Eleocharis reticulatus</i>	Blueberry Ash	1	5m	75 litre	2	XC	<i>Xanthostemon chrysanthus</i>	QLD Golden Penda	2	4m	75 litre	-
JM	<i>Jacaranda mimosifolia</i>	Jacaranda	1	15m	200 litre	2	ZF	<i>Zamia furfuracea</i>	Cardboard Palm	7	1m	150mm	-
LPc	<i>Leptospermum</i> 'Pink Cascade'	Tea Tree	11	1m	200mm	-							

LEGEND

- + 55.20 EXISTING LEVELS
- + 65.20 PROPOSED LANDSCAPE LEVELS
- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- NEW TURF AREAS: MATCH DA OR SOFT LEAF BUFFALO IF NONE SPECIFIED
- PERMEABLE PAVING
- MATCH DA OR BRICK GARDEN EDGING IF NONE SPECIFIED



REVISIONS

- A** 13.10.25  
1. Minor revisions.
- B** 22.10.25  
1. Revisions to suit revised plans and council comments.

Verify all dimensions on site before commencing construction or ordering materials. Verify the dimensions of all manufactured products before installation. Use figured dimensions in preference to scaled dimensions. Report any discrepancies to the Landscape Architect for a decision before work commences.

NOTES

This plan is to be read in conjunction with all documentation prepared by Walsh Architects and the original DA Landscape Plan by Site Design Studios.

**iscape**  
LANDSCAPE ARCHITECTS

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email admin@iscapela.com.au

**project**  
Proposed Development  
2-4 Gordon Street and 6 Rowly Street,  
Burwood

**drawing**  
Landscape Plan

**client**

**date**  
October 2025

**scale**  
1:100 @ A1  
1:200 @ A3

**job.dwg no.**  
61.25/103'B'

**no. in set**  
ONE/ONE

**designed by**  
IJ

**drawn by**  
HL

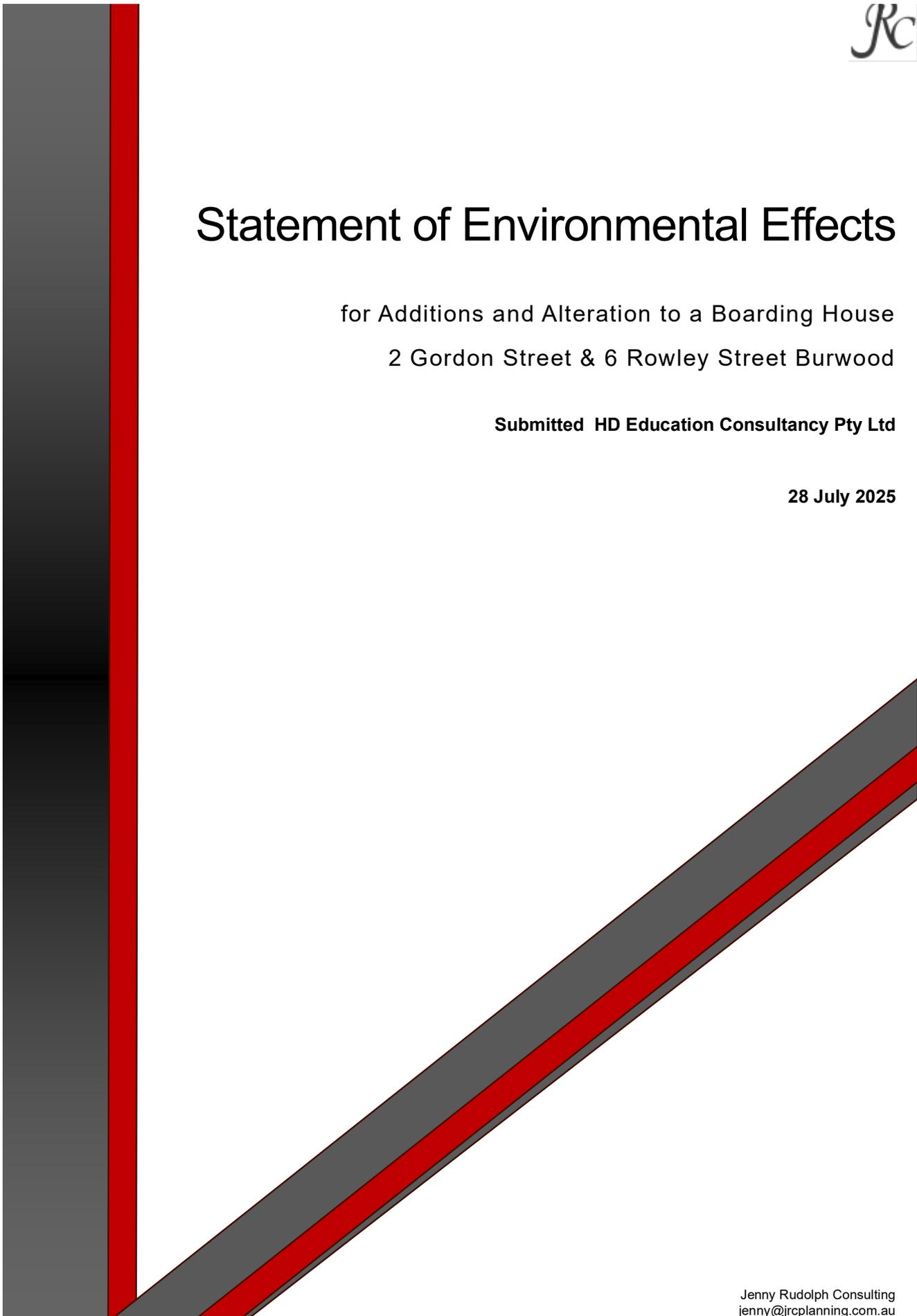


# Statement of Environmental Effects

for Additions and Alteration to a Boarding House  
2 Gordon Street & 6 Rowley Street Burwood

Submitted HD Education Consultancy Pty Ltd

28 July 2025





This report was prepared by: -

Name	Version	Date
J. Rudolph	Final	28/7/2025

Disclaimer

This report has been prepared by JRC Planning with input from a number of other expert consultants (if relevant).

To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. JRC Planning accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication. Changes to the available information, legislation and schedules are made on an on-going basis and the reader should obtain the most up to date information.

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## 1 Introduction

### 1.1 Objective of this report

Jenny Rudolph Consulting (JRC) has been commissioned by HD Education Consultancy Pty Ltd, the owner of the land, to prepare a Statement of Environmental Effects report to accompany a Development Application (DA) to Burwood Council (Council). The DA seeks development consent under S4.55 (2) of the Environmental Planning and Assessment Act, 1979 for alterations and additions, as outlined below, to an approved Boarding House (DA 3/2016 – 5 March 2018) at 2 Gordon Street & 6 Rowley Street Burwood.

The purpose of this report is to provide Council with all the information necessary to assess the development proposal and to determine the DA in accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

### 1.2 Supporting documentation

This DA has been prepared by the following team of consultants.

**Table 1: The Project Team.**

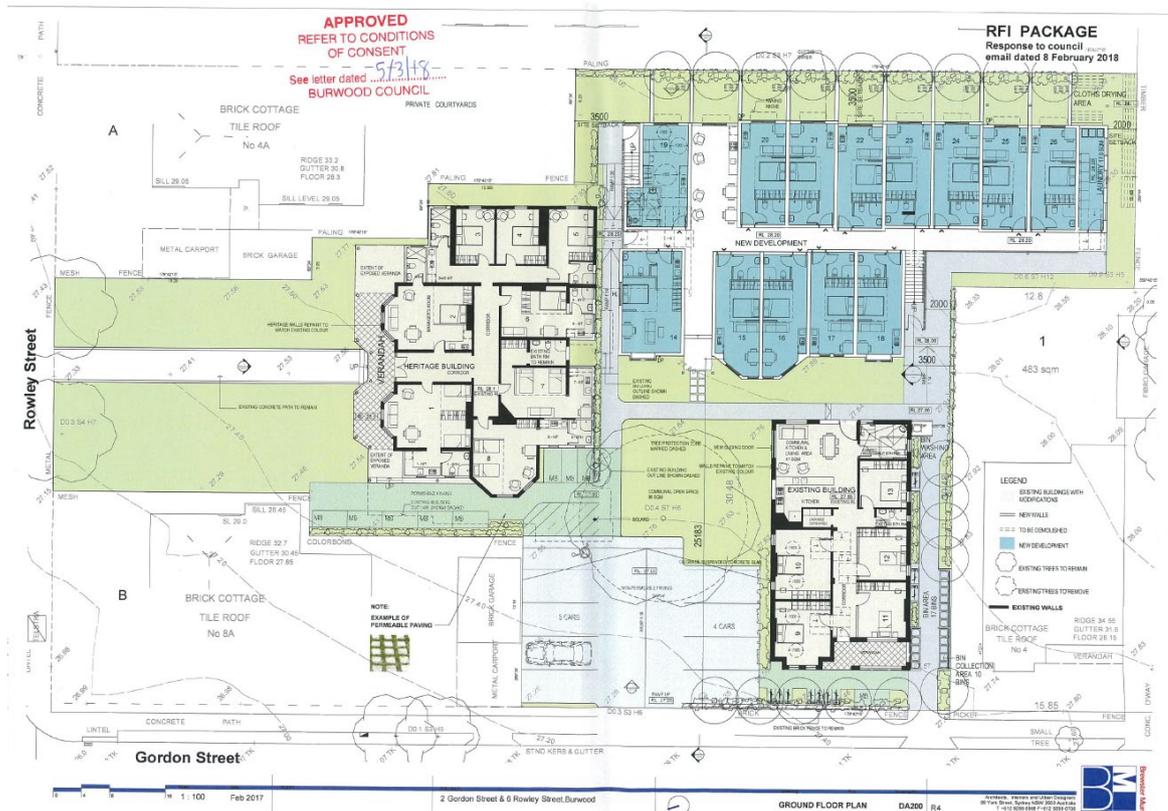
THE PROJECT TEAM		Report/Plans
Architect	Walsh Architects	
Quantity Surveyor	Duo Quantity Surveyor	Council Cost Report 1 July 2025
Town Planning	Jenny Rudolph Consulting	Statement of Environmental Effects – Modification S4.55 application.
Building Compliance (BCA)	East Coast Approval Group Pty Ltd	BCA Report 1 July 2025
Access	East Coast Approval Group Pty Ltd	Access Assessment Report 2 July 2025
Traffic assessment	Genesis Traffic	Proposed S4.55 Modification 2 Gordon Street and 6 Rowley Street, Burwood Proposed Boarding House Development 30 June 2025
Heritage assessment	NBRS	HERITAGE IMPACT STATEMENT 6 Rowley Street & 2 Gordon Street, Burwood 30 June 2025
Acoustic assessment	Acoustic Logic	S4.55 Acoustic Assessment 10 June 2025
Stormwater	ALW Design	PROPOSED RESIDENTIAL DEVELOPMENT AT LOTS 1,2+C, # 2-4 GORDON ST & 6 ROWLEY ST, BURWOOD SITE STORMWATER MANAGEMENT LAYOUT Issue C 30 June 2025
Landscape	Iscape Landscape Architectural	Proposed Development 2-4 Gordon Street and 6 Rowley Street, Burwood Landscape Plan June 2025

### 1.3 Background

The original consent for DA10.2016.3.1 was granted under State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Housing SEPP). A further DA for a 41-room boarding house at 2 Gordon Street and 6 Rowley Street (DA2016.3.) was approved by Council on the 5 March 2018. This included 13 existing boarding house rooms in the dwelling at 6 Rowley Street and 28 new boarding house rooms on the remainder of the site, including within the existing house on Gordon Street and a new two storey building at the rear of the site.

A copy of the approved ground floor plan is included below.

Figure 1: The approved boarding house consent – ground floor



Source: DA Consent package 2021

**1.4 Justification for Section 4.55(2) application - Substantially the same development**

The DA is a Section 4.55(2) under the Environmental Planning and Assessment Act, 1979, as per Section 3, the proposed modification is substantially the same as per the approved development.

“Substantially the same development” means “essentially or materially or having the same essence” as defined by Pearlman C.J in Schrodgers Australian Property Management Ltd v Shoalhaven City Council and Anor (1999) NSWLEC 251. Accordingly, it is the substance of the proposal relative to the substance of the development as originally approved.

**Substantially the same development**

The proposed modifications are not considered to change the essential features of the approved development for the following reasons:

- The additional floor area is not significantly viewed from the public road as it is setback from the street behind the boarding house dwelling on Rowling Street and Gordon Street.

- The alterations and additions are within the same building footprint, and still setback 3.5m from the eastern boundary.
- Adequate additional parking is provided on the site, with no change in access arrangements and minimal increase in traffic movement. All requirements are complied with.
- The communal facilities are substantially the same as the original consent, with one additional communal facility provided on level 1.
- Landscaping and open space is substantially the same with 617sqm of open space on site and the two larger open space areas still located facing Rowley Street.
- The material, colour and design are substantially the same providing consistency of design excellence.
- The addition of level does not have significant additional overshadowing impacts on adjacent buildings, enabling all areas to obtain adequate sunlight, with the primary increase being that over the car park areas of the multi housing at 4 Rowley Street to the east from 3pm.
- Has no significant impact on the heritage item on the site fronting Rowley Street.

We therefore consider that the development (as modified) will remain substantially the same as the development that was originally approved.

**Consultation with Minister and authorities (s.4.55(2)(b))**

This 4.55(2) application concerns modifications to an approved development that does not require the concurrence of the relevant Minister, public authority or other approval body.

**s.4.55(2)(c) - Notification**

Council must consider where there is a necessity to notify this application in accordance with the requirements of the regulations or any development control plan.

**s.4.55(2)(d) - Consideration of submissions**

Council must consider any submission made to any notification.

**Section 4.15(1) Considerations (Section 4.55(3))**

Section 4.55(3) of the EP&A Act requires that in determining an application for the modification of a development consent, Council as the consent authority must take into consideration such for the matters referred to in Section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the modification application.

The matters for consideration under Section 4.15(1) of the EP&A Act are considered in Section 5 of this Statement.

## **2 Site Context**

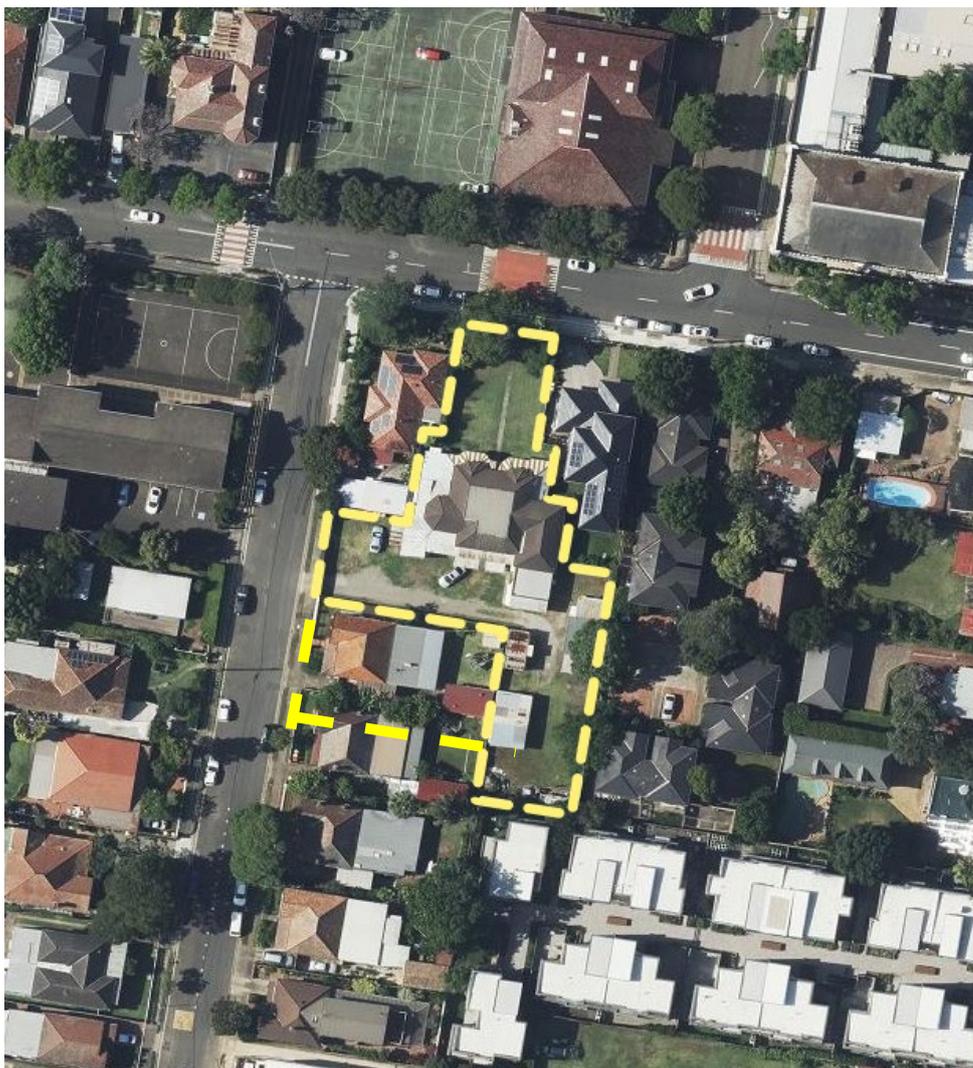
### **2.1 Site description and location**

The site is located at 2 Gordon Street and 6 Rowley Street within Burwood Council local government area (LGA). The site consists of two allotments - 2 Gordon Street and 6 Rowley Street – and has a legal description of Lot 2 DP 92076 and Lot C DP375827. The site is relatively flat and an irregular shape and is approximately 2,202sqm in area.

The site is approximately 870m from Burwood station and between 500-650m to Strathfield station. It has access to open space, being only 150m from Burwood Park. The site is located between 400m - 550m away from shops and Burwood shopping centre.

There are two buildings located on the site. 2 Gordon Street has a single storey dwelling and a shed in the southeast corner of the lot. 6 Rowley Street contains a dwelling; the dwelling is also listed as a local heritage item and is currently approved and used as a boarding house.

#### **Figure 2: The site**



Source: Google Maps (2025)

## 2.2 Surrounds

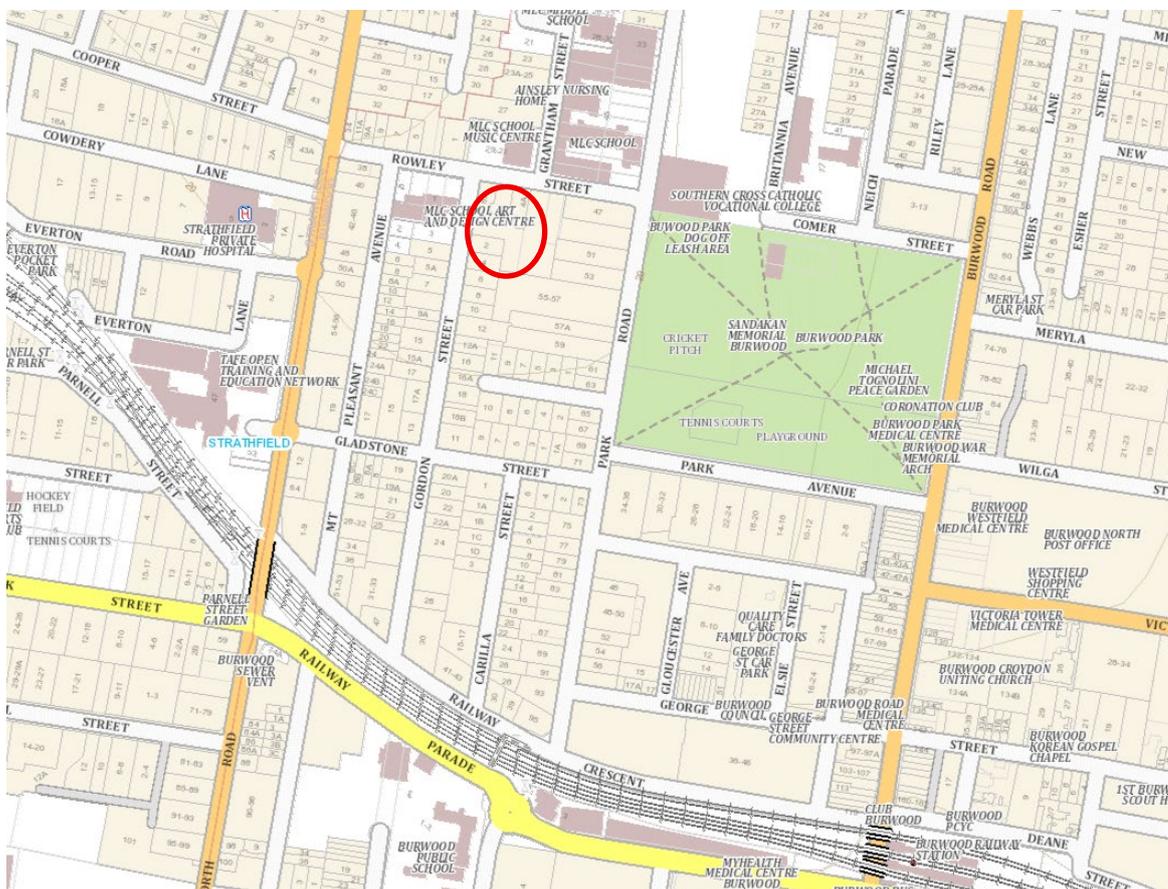
The surrounding area is characterised by one to two storey single lot residential dwellings. The area has a broad range of architecture from Victorian houses to modern new builds. To the immediate southeast of the subject property at 55-57 Park Road - a modern infill development with at grade parking.

The site is zoned R2 Low Density Residential under the Burwood Local Environmental Plan 2012 (Burwood LEP) and directly adjoins R3 Medium Density Residential zoned land to its south-east. Land to the east fronting Rowley Street has been redeveloped by the Land and Housing Corporation to accommodate medium density social and affordable housing. The Methodist Ladies College (MLC) School is located directly across the road from the site on the northern side of Rowley Street.

The site is located within walking distance of Burwood and Strathfield Station and is surrounded by a number of local amenities including parks and open space. The area in which the site is located is characterised by a mix of low to medium density residential development with associated supporting uses.

The site has excellent access to education facilities. To the northeast of the site is MLC school including the MLC Junior School with associated sports court and the aquatic centre. Further to the east is the Southern Cross Catholic Vocational college. To the southwest of the site is the TAFE Digital Strathfield.

Figure 3: The site in its context



Source: SixMaps (2025)

**2.3 Planning Context**

The site falls within the jurisdiction of the Burwood Local Environmental Plan 2012 (Burwood LEP). Under the Burwood LEP the following are the planning controls that relate to the site.

Table 2: Zoning Controls of the site under the Burwood LEP

Aspect	Site controls
Zoning	R2 Low density housing
The following uses are permitted with consent	Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels;

	Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Respite day care centres; Semi-detached dwellings; Seniors housing; Tank-based aquaculture
Minimum lot size	400sqm
Height	8.5m
FSR	0.55:1
<b>Other LEP clause controls</b>	
Heritage item	6 Rowley Street and 4 Gordon Street are listed as local heritage items (I98 and I60)

Under the State Environmental Planning Policy (Affordable Rental Housing) 2009, boarding houses is a permissible use within R2 Low Density Residential zone as the site is within an 'accessible area' of 800m within walking distance from an entrance to a railway station.

### 3 Proposed Development

Development consent is sought under Section 4.55 (2) for the modification of the DA 3/2016 which was approved under the State Environmental Planning Policy (Affordable Rental Housing) 2009 (dated 1 March 2018) for alterations and additions to the boarding house buildings.

The proposed modification to the boarding house includes: -

- Alteration to the building at the rear of the site with an addition of a lift and stairs on the ground floor on the western side of the building,
- Alterations and the conversion of a boarding room to a new communal lounge with a new staircase on level 1 and a second new staircase and lift on level 1 on the western side.
- An addition of 15 boarding units on level 2. Each room will have a self-contained bathroom, kitchen and sitting area.
- The provision of an additional 2 car parking spaces as an extension to the existing car park area and additional parking for motorbike and bicycles all which obtains current access off Gordon Street.

The development will retain 617sqm of landscaping and open space and will retain all other facilities and services as per the original consent.

The following architectural plans of the proposed alterations and additions have been prepared by Walsh Architects for submission with the DA.

- Da000 cover page.
- Da020 site analysis
- Da040 proposed site plan.
- Da100 ground floor plan
- Da101 level 1 plan
- Da102 level 2 plan
- Da103 roof plan
- Da201 long sections
- Da202 cross sections
- Da300 elevations
- Da301 streetscape elevations
- Da400 area calculations - gross floor area
- Da401 area calculations - landscape
- Da500 shadow diagrams - 9am June 21st
- Da501 shadow diagrams - 12pm June 21st
- Da502 shadow diagrams - 3pm June 21st
- Da600 view from sun - June 21st.
- Da601 view from sun - June 21st.
- Da602 view from sun - June 21st.
- DA700 External Finishes

It is therefore proposed that this S4.55(2) application amend Condition (1) of the consent approval dated 5 March 2018 to include the plans listed above.

The key elements of the proposal are shown in the table below:

**Table 3: Development Statistics**

ELEMENT	CURRENT APPROVED	PROPOSAL
Site Area	2,202sqm	2,202sqm
Gross Floor Area	1,149sqm FSR 0.52:1	1,523sqm (additional 374sqm) FSR 0.69:1

Maximum Height	RL34.46 or 2 storeys	RL37.41 the highest point of the roof (or 9.5m) Part 2 and part 3 storeys
Total Boarding house units	41	55
Total Adaptable Units (incl in total)	3	No change
Total Parking	9 cars and 9 bicycle	Total of 11 car spaces, including one accessible, 11 bicycle and 11 motorbike
Open space and landscaping	Approx. 670sqm	617sqm (28% of the site)

**Alterations and additions to the boarding house**

With the significant need for housing affordability, there is a growing demand for boarding house rooms within the Burwood area. Other key reasons that the site is in demand for additional boarding rooms is due to the site being well located, close to railway stations, walkable distance to Burwood town centre and to local parks.

The proposal includes: -

- the conversion of a boarding unit on level 1 to a larger communal room, and to provide access stairs from the lower level.
- addition of stairs and a lift to enable access from level 1 to level 2 on the western side
- an addition of level 2 with 15 boarding units within the existing built form footprint, with a single household person residing in each room. Each room will have a self-contained bathroom, kitchen and sitting area.
- The provision of an additional 2 car parking spaces as an extension to the existing car park area and additional parking for motorbike and bicycles all which obtains current access off Gordon Street

The proposed size of the additional boarding rooms is: -

- Room 41 – 16sqm
- Room 42 – 15sqm
- Room 43 – 18sqm
- Room 44 – 18sqm
- Room 45 – 15sqm
- Room 46 – 16sqm
- Room 47 – 15sqm
- Room 48 – 15sqm
- Room 49 – 16sqm
- Room 50 – 16sqm
- Room 51 - 15sqm
- Room 52 – 16sqm
- Room 53 – 16sqm
- Room 54 – 15sqm
- Room 55 – 15sqm

The proposed additional level and units is substantially the same development as: -

- The additional floor area is not significantly seen from the public road as it is setback from the street behind the boarding house dwelling on Rowling Street and Gordon Street
- The alterations and additions are within the same building footprint, and still setback 3.5m from the eastern boundary.
- Adequate additional parking is provided on the site, with no change in access arrangements and minimal increase in traffic movement. All requirements are complied with.
- The communal facilities are substantially the same as the original consent, with one additional communal facility provided on level 1.
- Landscaping and open space is substantially the same with 617sqm of open space on site and the two larger open space areas still located facing Rowley Street.
- The material, colour and design are substantially the same providing consistency of design excellence.
- The addition of level does not have significant additional overshadowing impacts on adjacent buildings, enabling all areas to obtain adequate sunlight, with the primary increase being that over the car park areas of the multi housing at 4 Rowley Street to the east from 3pm.
- Has no significant impact on the heritage item on the site fronting Rowley Street.

#### Vehicular access and parking

9 car parking spaces were required (including 1 disabled car park) as part of the approved consent. It is proposed to provide an additional 2 parking bays in the same consolidated area, as the original consent, thus not changing or impacting any traffic or pedestrian movement. There will be at least 11 bicycle spaces and hard stand for additional 4 motorbike parking areas, now totalling 11 spaces.

The design provisions in relation to the access, car parking circulation and arrangement in respect to the proposal generally comply with the AS2890 design criteria.

Waste collection will continue to be collected, as per the current consent, along Gordon Street.

#### Infrastructure

The current infrastructure – water, sewer, electricity, and telecommunications will be augmented to accommodate the modifications.

In particular, the stormwater and drainage will be to continue to collect all roof water via downpipes and all surface water is to be collected in pits and conveyed to new stormwater drainage system and into the below ground detention tank. This is then discharged at the new kerb inlet in Gordon Street.

#### 3.3 Estimated Development Cost

The estimated development cost (EDC) of the project has been undertaken by Duo Quantity Surveyors and is estimated at \$1,529,078.58. Refer to the QS Report.

### **4 Pre-lodgement Consultation**

A pre-lodgement meeting was not held with Burwood Council.

## 5 Environmental Planning Assessment

An assessment has been undertaken of the Boarding House Act, 2012 as well as all the requirements under the Environmental Planning and Assessment Act, 1979. As the original consent for the boarding house was granted under State Environmental Planning Policy (Affordable Rental Housing) 2009 (dated 1 March 2018), this modification assessment is undertaken under the same controls.

The requirements and controls are outlined below.

### 5.1 Boarding Houses Act 2012

Boarding houses must comply with the Boarding House Act 2012 and the Boarding House Regulations 2013.

The objectives of the Boarding House act are as follows:

- a. *providing for a registration system for registrable boarding houses, and*
- b. *providing for certain occupancy principles to be observed with respect to the provision of accommodation to residents of registrable boarding houses and for appropriate mechanisms for the enforcement of those principles, and*
- c. *providing for the licensing and regulation of assisted boarding houses and their staff (including providing for service and accommodation standards at such boarding houses), and*
- d. *promoting the sustainability of, and continuous improvements in, the provision of services at registrable boarding houses.*

An amended Plan of Management (PoM) will be submitted on approval of this application to demonstrate compliance with the Boarding House Act and Boarding House Regulation requirements. There would be no substantial changes to the current Plan of Management and therefore propose that any updates be included as a condition of consent.

### 5.2 Section 4.15 of EP&A Act, 1979

Section 4.15(1) of the EPA Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the EPA Act are addressed in the Table below.

**Table 4: Section 4.15 of EP&A Act 1979.**

SECTION	COMMENT
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 5
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Not relevant to this application.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 5.
Section 4.15(1)(a)(iiia) Any planning agreement	Not relevant
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 5.3.

Section 4.15(1)(b) - (e)	These matters have been considered and assessed in Section 6 of this report. Matter (d) relates to submissions and is a matter for the consent authority following public exhibition of the development application.
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**5.3 Environmental Planning and Assessment Regulations, 2021**

5.3.1 **Clause 61 – Additional matters that consent authority must consider**

Clause 61(1) prescribes that the consent authority in determining a DA must consider Australian Standard AS 2601 – 2001. Any demolition works will be undertaken in accordance with AS 2601-1991. The Demolition of Structures published by Standards Australia.

Assessment: -

There is no further demolition other than that already granted with the original consent.

5.3.2 **Clause 69 – Compliance with Building Code of Australia**

Any building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA) pursuant to Clause 69 of the EP&A Reg and will be conditioned as part any development consent.

Assessment: -

The BCA Assessment Report concludes that the proposed development complies or is capable of complying with the relevant provisions of the BCA. The Access Assessment report concludes that the design was found to be consistent with the relevant access provisions, subject to only minor amendments and compliance with specific accessibility requirements that are not detailed on the plans

5.3.3 **Clause 98 – Modification applications for development**

Any modification application is to be made with relevant information and reports. This application complies with this provision.

**5.4 State Environmental Planning Policy (SEPP)**

5.4.1 **SEPP Resilience and Hazards. Chapter 4 - Remediation of Land**

The provisions of this chapter establish a State-wide planning approach for the remediation of contaminated land. Pursuant to s4.6 the consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Assessment: -

As there are no changes to that of the approved consent in relation to contamination or remediation, no further consideration needs to be made.

5.4.2 **Transport and Infrastructure SEPP.**

The provision of Chapter 2 facilitates the effective delivery of infrastructure across the State.

**Section 2.48 – Determination of development applications – other development**

Development that has the potential to impact or be impacted by electrical infrastructure must be referred by Council to the electricity supply authority.

Assessment: -

The proposed development does not impact the already certified substation.

**2.118 - Development with a frontage to classified road**

Development that has the potential to impact on the operation or safety of classified roads may only be approved subject to the concurrence of Transport for NSW.

Assessment: -

The proposed development does not require TfNSW concurrence.

**2.122 Traffic generating development**

The proposal is traffic generating development pursuant to Schedule 3 of the Transport and Infrastructure SEPP.

Assessment: -

The proposed development does not require referral.

5.4.3 **State Environmental Planning Policy (Housing) 2021**

As the modification to the approved building applies to the State Environmental Planning Policy (Affordable Rental Housing) 2009 (dated 1 March 2018), this SEPP is not considered applicable.

5.4.4 **State Environmental Planning Policy (Affordable Rental Housing) 2009 (dated 1 March 2018)**

Division 3 of Part 2 applies to this proposal. The site is zoned R2 Low Density Residential and is located within an 'accessible area' and for this reason this Division applies.

**Table 5: Assessment of 5.4.4 State Environmental Planning Policy (Affordable Rental Housing) 2009 (dated 1 March 2018)**

Control	Requirement	Assessment
<b>CI 29 – Standards that cannot be used to refuse consent</b>		
Maximum FSR permitted on the land	Existing maximum floor space ratio for any form of residential accommodation permitted on the land, namely 0.55:1	See assessment and justification in section 5.5 below. A Clause 4.6 is not required with this Modification application.
Maximum height permitted on the land	Not more than the maximum building height permitted, namely 8.5m	See assessment and justification in section 5.5 below. A Clause 4.6 is not required with this Modification application.
Landscaped area	Landscape treatment of the front setback area is compatible with the streetscape	<b>Complies</b> - There is no change to the landscaping fronting Rowley Street. The landscaping along the Gordon Street side has minor modifications, but further back from the street, and thus would not be significantly different.
Solar access	Provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours	<b>Complies</b> - The modification provides a further communal room on the northern side of the

**Item Number DA16/25 - Attachment 3**

**Statement of Environmental Effects & Heritage Impact Statements**

	direct sunlight between 9am and 3pm in mid-winter	building on level 1, plus the current communal rooms.
Private open space	One area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers	<b>Complies</b> - The primary open space area for lodgers is the open space on the northern side facing Rowley Street. The additional smaller private open space area is provided centrally between the built form.
	If accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation	<b>Complies</b> - There is no change from the approved consent
Parking	an accessible area—at least 0.2 parking spaces are provided for each boarding room	<b>Complies</b> - 11 parking bays have been provided on site which complies with the parking requirements.
	Not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site	<b>Complies</b> - One parking space is allocated for the use of the manager, as per the original consent.
Accommodation size	Each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case.	<b>Complies</b>
Kitchen and bathroom facilities	Boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room	<b>Complies</b> - The proposed additional boarding rooms all have kitchen and bathroom facilities.
Consent authority	A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).	The proposed modification is substantially the same as the approved development and thus the consent authority can approve the application with the minor variations.
<b>30 Standards for boarding houses</b>		
	Boarding house has 5 or more boarding rooms, at least one communal living room will be provided	<b>Complies</b> - There are two communal rooms within the new building.
	No boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres	<b>Complies</b>
	No boarding room will be occupied by more than 2 adult lodgers,	<b>Complies</b>
	Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	<b>Complies</b> - Each boarding room has their own bathroom and kitchen facility.
	If the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on-site dwelling will be provided for a boarding house manager,	<b>Complies</b> , there is an approved on site dwelling for the manager as part of the original consent.

	At least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms	<b>Complies</b> – see Traffic report.
<b>30A Character of local area</b>		
	Taken into consideration whether the design of the development is compatible with the character of the local area.	<b>Complies</b> - The local character of the area comprises single and two storey built form, two storey multiple dwellings complexes to the east and south of the site, and school to the north and west. The modification of the additional level is well set back from the street, and behind the two current dwellings on site. As identified by NBRIS the modifications do not substantially impact the heritage item on site and has minimal impacts of the streetscape. The modification has therefore taken into account the local character of the local area.

**5.5 Application to vary the floor space ratio and height**

This is a formal request to justify a variation to the floor space ratio and height for the proposed modification of the boarding house.

This request has been prepared having regard to the Department of Planning and Environment’s Guidelines to Varying Development Standards (August 2011) and various recent decision in the New South Wales (NSW) Land and Environmental Court (LEC) and the NSW Court of Appeals (Appeals Court).

It is considered appropriate in this circumstance to vary the development standards.

**5.5.1 Standards to be varied**

The standards that are proposed to be varied are the permissible height of 8.5m and permissible FSR of 0.55:1.

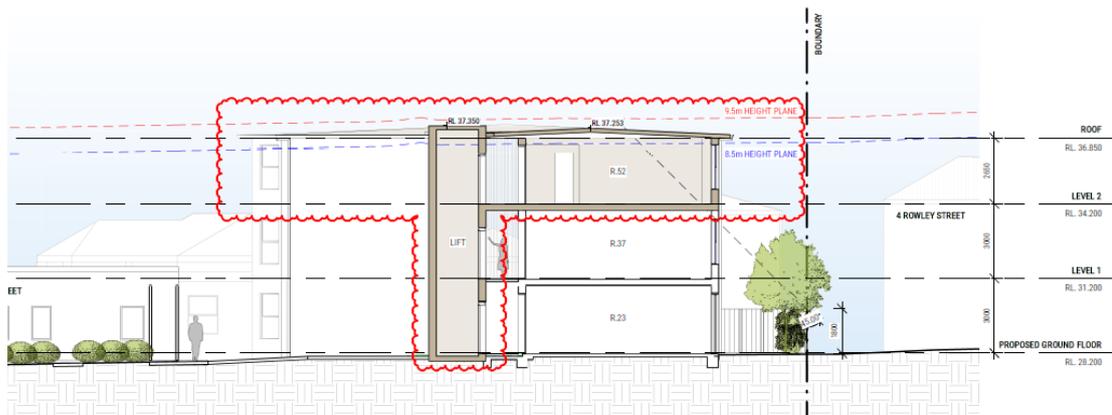
**5.5.2 Extent of the variations**

The proposed extent of the variation are outlined in the table below:-

**Table 6: Proposed variations**

Control	Requirement	Assessment
Maximum FSR permitted on the land	Existing maximum floor space ratio for any form of residential accommodation permitted on the land, namely 0.55:1	The proposed modification is to increase the floor area by 0.17:1 or 374sqm and thus increase the FSR to 0.69:1.
Maximum height permitted on the land	Not more than the maximum building height permitted, namely 8.5m	The proposed modification is to increase the height of the building above the maximum 8.5m height by between 0.5 – 0.71m, thus up to 9.5m

The height variation is demonstrated in the elevation below.



Source: Walsh Architects (2025)

### 5.5.3 Unreasonable and unnecessary

In this section it is demonstrated why compliance with the development standard is unreasonable or unnecessary in the circumstances of this case.

The Court held that there are at least five (5) different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. See *Wehbe v Pittwater Council* [2007] NSWLEC 827 (*Wehbe*).

The five (5) ways of establishing that compliance is unreasonable or unnecessary are:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard; (First Test)
2. The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary; (Second Test)
3. The objectives would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; (Third Test)
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granted consents departing from the standard hence the standard is unreasonable and unnecessary; (Fourth Test) and
5. The zoning of the land is unreasonable or inappropriate. (Fifth Test)

It is sufficient to demonstrate only one of these ways to satisfy Clause 4.6(3)(a) (*Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 at [22] and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [28]) and *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [31].

Nonetheless, JRC have considered the following.

5.5.3.1 Objective of the development standard are achieved notwithstanding non compliance with the standard

Height

OBJECTIVE	DEMONSTRATION
(1) The objectives of this clause are as follows –	
to establish the maximum height of buildings to encourage medium density development in specified areas and maintain Burwood’s low density character in other areas	<ul style="list-style-type: none"> <li>• The local street character off Rowley Street and Gordon Street is retained as the dwelling is set back a long way from the street, behind other dwellings and landscaping. There are no distant view or vistas to or from the site available from the public domain.</li> <li>• NBRIS indicate that the increase in height and mass will have a minimal additional impact on the heritage character of both Rowley and Gordon streetscapes. NBRIS indicate that there is no impact on the physical fabric or visual appearance of the original ‘heritage’ house at the subject site. The significance of the heritage item will be retained.</li> <li>• The variation to the height supports the medium density within the area, with the adjacent school, and two multi-dwelling housing complex and dual occupancies. There are a mixture of one and two storeys within the area.</li> </ul>
to control the potentially adverse impacts of building height on adjoining areas.	<ul style="list-style-type: none"> <li>• The current approved and proposed overshadowing diagrams demonstrates that all adjacent built form retain adequate hours of solar access. There are minor increases at 9am for 2 and 4 Gordon Street, however, the minimum 4 hours of solar access is still achieved. The minor increase at 3pm is predominantly within the central car park areas within 4 Rowley Street, resulting in the dwellings obtaining adequate solar access.</li> <li>• The height of the building does not impact the privacy of the adjacent properties as they are setback, and for the property to the south, there are no proposed additional windows.</li> </ul>

FSR

OBJECTIVE	DEMONSTRATION
(1) The objectives of this clause are as follows –	
to enable development density and intensity of land use to achieve an appropriate urban form,	<ul style="list-style-type: none"> <li>• The proposed floor area and approved boarding house still enables the development to achieve the objectives of the Zone namely, to provide for the housing needs of the community. The additional 14 boarding house rooms provides additional affordable housing which is significantly needed across Burwood, and greater Sydney.</li> <li>• The additional boarding rooms can further support the business and services within the area as the site is well located and within 650m of most day-to-day needs.</li> <li>• The proposed variation also achieves the objectives of the standard as there are two other two storey multi dwellings complexes and a school within the area indicating more intensity within the area being so close to Burwood town centre. There are also rendered duplexes to the south, indicating that the urban form</li> </ul>

OBJECTIVE	DEMONSTRATION
	is mixed with much medium density within the area. This is shown in the Walsh Architect Site Analysis Plan.
to focus higher development density and intensity of land use in the inner part of the Burwood Town Centre and to provide a transition in development density and intensity of land use towards the edge of the Burwood Town Centre.	<ul style="list-style-type: none"> <li>• The site falls within an 'accessible' area, and adjacent to schools and other multi-dwellings developments thus is in easy reach whether walking, cycling or by motorbike to day-to-day services.</li> <li>• The site is under 800m to Strathfield station and Burwood station and is therefore a suitable density so close to major public transport stations.</li> </ul>

Compliance with the Height of buildings and FSR development standard is demonstrated to be unreasonable or unnecessary in this case and the requirements have been met as identified.

5.5.3.2 **The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary**

The proposed modification is to increase the **floor area** by 0.17:1 or 374sqm and thus increase the FSR to 0.69:1. The increase in floor area is justified for the following reasons: -

- The modification for additional floor area increases the height of the rear new boarding house. The increase in FSR is 0.17:1 of the maximum permissible FSR, and as it is setback does not impact the bulk and scale from the street. It is well setback from the public domain.
- The bulk and scale therefore have minimal impact to the surrounding street character.
- The bulk and scale has minimal impact on the adjacent multi-housing complexes as the buildings to the east are not close the proposed addition; setback from their boundary with a central parking courtyard area.
- The modification sits within the current approved building footprint and retains the 2m setback from the southern boundary and 3.5m from the eastern boundary. The building is therefore no closer to common boundaries for any neighbouring properties.

The proposed modification is to increase the **height** between 2.39m and 2.9m higher than the approved height, and 0.71m above the permissible maximum height - is justified for the following reasons:

- The proposed additional height (above the approved height) is a maximum of 2.95m measured to the pitch of the roof. The average height of the building is 36.85RL (ceiling height), which is 2.39m higher than the approved height. The current maximum permissible height is 8.5m under the LEP. The difference between the permissible height and proposed height is the top part of the lift shaft (37.35RL) which is around 0.65m or around 0.71m to the pitch of the roof. The pitch of the roof form is necessary to ensure an adequate roofline to facilitate water into the gutters and downpipes.
- In some sections of the site, the upper the ceiling of the boarding rooms also are above the 8.5m permissible height. This is to ensure that the floor to ceiling height is adequate for the comfort and livability of the occupiers in the boarding rooms. The proposed modification of the upper level has retained a floor to ceiling level of 2,650m in order to minimise any impacts to the adjacent properties.
- The proposed modification is therefore predominantly within the permissible height of the LEP; the variation to the maximum permissible height is between 0.5m to 0.71m.
- The variation of the maximum permissible height does not impact the privacy of the adjacent properties as on the southern side there are no additional windows, and on the eastern side windows are similar in size and rhythm to that of level 1.

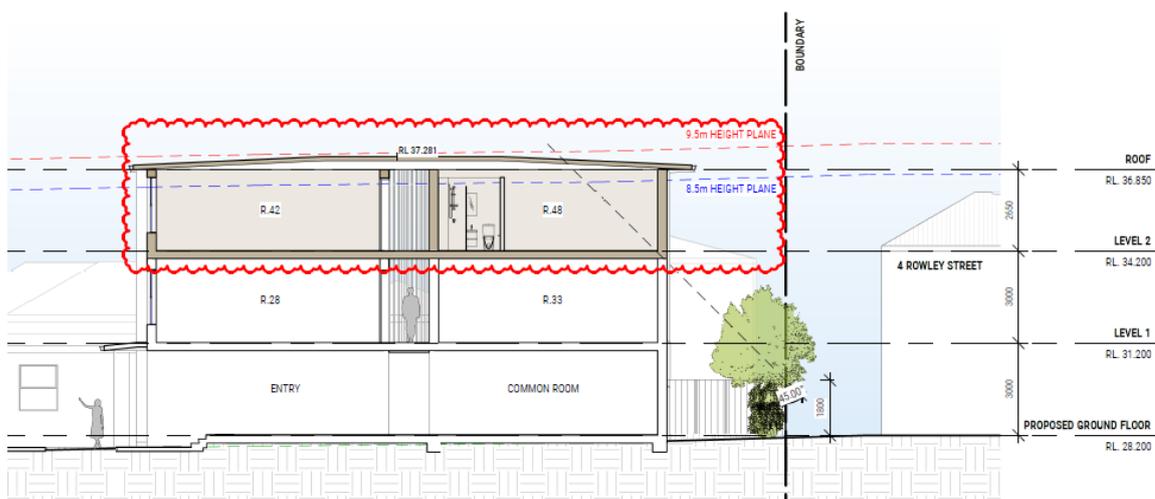
- The proposed increase in height from the approved building, and the increase in height above the maximum permissible height of 8.5m, is thus not significant and the variation should be supported.

The underlying objective or purpose is not relevant to the development and therefore is not relied upon.

5.5.3.3 Sufficient Environmental Planning Grounds

There is 'sufficient' environmental planning grounds to justify the variation and they are particular to the circumstances of the proposed development as:-

- The additional height and FSR enables an additional 14 affordable housing boarding rooms to be developed, when there is a housing crisis.
- The modification, when taking into account the pitch of the roof and built form of 4 Rowley Street, is in relative scale, as shown in the image below (extract from Walsh Architect plans), and does not impact the character of the area.



Source: Walsh Architects (2025)

- The proposed variation achieves and complies with all the building requirements, boarding house requirements, and can accommodate the adequate car parking and cycle parking on site. The open space requirements for use of the occupiers are also met, and thus the proposed variation is not an over development of the site.
- The proposed floor to ceiling heights are not excessive and provide the minimal non compliance by 0.71m.
- The additional floor area is modulated and follows the building footprint retain the constant character.
- The proposed variation does not impact the heritage character or the heritage item on site.

It is therefore the right circumstances for the two development standards to be varied.

Contravening of the development standards does not raises any matter of significance for state or regional environmental planning, the public benefit of maintaining the development standard, and any other matters required to be taken into consideration before granting consent.

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application. the proposal is consistent with the objectives of the zone, and there are no additional matters which would indicate there is any public benefit of maintaining the development standard in the circumstances of this application.

**5.6 Local Environmental Plan**

5.6.1 Zoning and Permissibility

The site is zoned R2 Low Density Residential under the provisions of the Burwood Local Environmental Plan 2012 (the LEP). The objectives of the R2 Zone are:

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

The proposal is consistent with the objects of the zone because: -

- The proposed modification provides additional affordable housing for the needs of the community
- The modifications are well positioned to support the existing facilities and services, and highly accessible to public transport and close to open space.

5.6.2 Relevant Clauses

An assessment of the proposal against the relevant provisions of the LEP is set out in the following table.

**Table 7 - Assessment against relevant provisions of Burwood Local Environmental Plan 2012**

CLAUSE	PROVISION	ASSESSMENT
4.3 Height of buildings	Establishes a maximum building height of 8.5m for the site.	See 5.4.4.1 above.
4.4 Floor space ratio (FSR)	Establishes a maximum FSR of 0.55:1 for the site.	See 5.4.4.1 above.
5.10 Heritage Conservation (e) and (4)	Consent required for erecting a building on land on which a heritage item is located, and Effect of proposed development on heritage significance	A heritage assessment was undertaken by NBRIS, who have stated that the proposed amendment does not change, or in any way affect the heritage item's significant fabric or setting. Their assessment reveals that for this reason there will be no adverse impact on the established heritage significance of the heritage item at the subject site, or to the heritage items in the vicinity. The proposal is, therefore, considered to be consistent with the relevant heritage objectives

**5.7 Development Control Plan**

An assessment of the proposal against the relevant provisions of the Burwood Development Control Plan (DCP) (Amendment no 11) was undertaken. An assessment of the Burwood DCP found that Chapter 5.4 Boarding Houses and Co-living, as well as Chapter 6.2 Waste Management are the primary aspects relating to this Modification Application. The assessment is set out in the following table.

Table 8: Assessment of primary DCP requirements

Clause	Provision	Assessment
<b>Chapter 5.4 Boarding Houses</b>		
General Objectives: -	<p>O1. Well located, close to public transport and services.</p> <p>O2. Ensure that the overall design of boarding house does not detract from the existing character of the neighbourhood.</p> <p>O3. Ensure that the design of new boarding house results in an acceptable level of amenity for future occupants through consideration of solar access, open space provisions, privacy, safety and security.</p> <p>O4. Ensure that boarding house deliver an acceptable level of amenity and minimise the impacts on neighbouring properties.</p>	<p><b>Complies</b> - The boarding house is highly railway accessible to stations, public transport as well as services and facilities in the town centre.</p> <p>The proposed modification is well set back from the street and does not detract from the mixed built form, housing and schools within the location.</p> <p>The proposed modification provides the level of amenity, open space, privacy as per the original consent.</p> <p>No windows that are placed along the southern upper level impacting privacy of adjacent residents.</p> <p>There is minimal additional noise, and minor additional overshadowing enables the existing neighbourhood to retain/comply with solar provisions.</p>
Site Planning	<p>O5 and O6. The site is of sufficient width and area so is capable to</p> <ul style="list-style-type: none"> <li>• accommodate practical vehicular access and car manoeuvring,</li> <li>• provide open space with satisfactory level of amenity, and</li> <li>• provide reasonable separation from the adjoining properties</li> </ul>	<b>Complies</b>
	The minimum site frontage for boarding house developments is 17m.	<b>Complies</b>
Local Streetscape Character	<p>O7. Ensure that new development is compatible with the scale and compliment the character of the surrounding development and streetscape.</p> <p>O8. Ensure that new development proposed on land that is within the vicinity of a heritage item or within a Heritage Conservation Area is designed so that it is sympathetic to the heritage significance of the heritage item</p>	<p><b>Complies</b> - The local street character off Rowley Street is retained as the dwelling is set back a long way from the street. Heritage consultants, NBRIS indicate that the view of the proposal is therefore constricted from Rowley Street.</p> <p>There are no distant view or vistas to or from the subject site available from the public domain. NBRIS indicate that the increase in height and mass will have a minimal additional impact on the character of both Rowley and Gordon streetscapes.</p>

Statement of Environmental Effects & Heritage Impact Statements

Design Excellence	<p>O9. Provide quality design that delivers the highest standard of architectural, landscape and urban design.</p> <p>O10. Provide design excellence that inspires and encourages the neighbourhood to follow.</p> <p>O11. Enhance the qualities of the area and design to uplift the future character of the neighbourhood.</p>	<p><b>Complies</b> - The proposed modification supports the quality design of the approved consent and retains the same character, materials and landscaping.</p>
Built form design	<p>O12. Establish the appropriate separation of the built form to the public domain and adjoining development.</p> <p>O13. Ensure ceiling heights allow for sufficient daylight access and natural ventilation.</p>	<p><b>Complies</b> - NBRS indicate that there is no impact on the physical fabric or visual appearance of the original 'heritage' house at the subject site. The significance of the heritage item will be retained and continue to be interpretable from the public domain.</p>
Visual Appearance and Articulation	<p>O14. Ensure well-proportioned built forms, façade treatments and varied architectural character that minimises the appearance of building bulk from the public domain, including along the street.</p> <p>O15. Ensure that the scale, modulation and façade articulation of development responds to its context.</p> <p>O16. Manage the floorplates with pragmatic internal planning that sensibly informs the façade and external articulation.</p> <p>O17. Ensure services including fire booster valves, substations and other infrastructure do not detract from the streetscape presentation of a building</p>	<p><b>Complies</b> – the proposed modification continues the well-proportioned building, materials and colours. The new staircase on the western side is screened providing some variation in design.</p> <p>With the pitch of the current boarding house on 2 Gordon Street, the upper level modification is viewed as fragmented and is not dominant from the street.</p> <p>There is no change to the certified substation and no impact on the streetscape.</p>
Visual Privacy and Acoustic Amenity	<p>O18. Ensure an acceptable level of visual privacy and acoustic amenity is provided for the development and adjoining residential uses</p>	<p><b>Complies</b> - An acoustic assessment was undertaken by Acoustic Logic Consultancy who concluded that there is not change to the established criteria, and the proposed alterations will have no significant additional noise intrusions to the adjacent area.</p>
Landscaping and Open Space	<p>O19. Ensure sufficient and well located private and communal open space to meet the recreational needs of residents.</p> <p>O20. Provide areas for deep soil planting to achieve increased urban tree canopy cover and deliver green grid connections.</p> <p>O21. Maximise the landscape curtilage around the site for quality planting, establishment of tree canopies and creation of useful outdoor spaces in addition to boundary screen planting.</p>	<p><b>Complies</b> - There is over 600sqm of open space, with the primary open space area fronting Rowley Street. Smaller usable pockets are also centrally located.</p> <p>All areas are deep soil planting with a significant increase in green canopy cover to that which exists currently.</p>

**Item Number DA16/25 - Attachment 3**

**Statement of Environmental Effects & Heritage Impact Statements**

Parking	<p>O23. Minimise the adverse impact of vehicles on the amenity of the development, streetscape and neighbourhood.</p> <p>O24. Ensure adequate provision of secure bicycle parking.</p>	<p><b>Complies</b> - The proposed modification provides the required car parking spaces, bicycle and motorbike, and the assessment by Genesis Traffic confirms that the design provisions in relation to the access, car parking circulation and arrangement in respect to the proposal generally comply with the AS2890 design criteria.</p>
Operational Management	<p>O26. Ensure management and operational practices secure the safety and wellbeing of occupants.</p> <p>O27. Ensure that development is operated and maintained in a manner that minimises impacts on adjoining owners and residents.</p> <p>O28. Ensure that clear and suitable operational measures and practices are in place for the on-going management of boarding house</p>	<p><b>Complies</b> – there will be no change. The Access Assessment found that the design will be consistent with the relevant access provisions, subject to only minor amendments and compliance with specific accessibility requirements that are not detailed on the plans</p>
Fire Safety	<p>O29. Ensure the appropriate level of fire safety within all boarding house developments and that acceptable levels of service provision are maintained.</p>	<p><b>Complies</b> – BCA Assessment report is attached.</p>
Service Facilities	<p>Provision of waste facilities, bin areas, storage areas, mailbox, and mechanical and ventilation equipment</p>	<p><b>Complies</b> – there is no change from the approved consent.</p>
Signage	<p>A maximum of one external sign will be permitted with a maximum area of 0.3m<sup>2</sup>.</p> <p>The sign shall indicate the address of the property</p>	<p><b>Complies</b> - No additional signage is proposed.</p>
<b>Chapter 4 – 4.7 Heritage</b>		
	<p>O1 Retain and conserve heritage items and contributory items within heritage conservation areas and maintain their heritage significance.</p> <p>O2 Ensure that alterations or additions to heritage listed buildings and contributory items within heritage conservation areas are sympathetic to the heritage significance of the property and do not detract from the character of the streetscape.</p> <p>O3 Ensure that alterations or additions to heritage listed buildings and contributory items within heritage conservation areas reflect the predominant scale, height, proportion, character and setbacks of the existing building, and surrounding development.</p> <p>O4 Ensure development in the vicinity of a heritage item or heritage conservation area is designed and sited to protect the heritage significance of the item or heritage</p>	<p><b>Complies</b> - The proposed modification is in line with the approved footprint and setbacks for the new building. There is no change to the proposed area of land between and around the new building and original house, and no impact on interpretation of the heritage listed building.</p> <p>NBRS have indicated: -</p> <ul style="list-style-type: none"> <li>• The new building work is sited towards the rear southeastern section of the site, set back from the heritage listed Victorian building at 6 Rowley Street. As the new work is sited entirely behind the original house, it does not impede on or conceal any views to the house from the public domain at either Rowley or Gordon streets.</li> <li>• The proposed new storey and circulation core align with the</li> </ul>

	<p>conservation area.</p> <p>O5 Retain the original subdivision and building patterns of heritage conservation areas and heritage listed properties.</p> <p>O6 Ensure that subdivision or amalgamation of lots does not result in adverse impacts on the curtilages or settings of heritage items or contributory items in heritage conservation areas.</p>	<p>approved building in terms of having regard for the significance of the heritage items. There is, further, no change to the established setbacks, garden settings, and views to the heritage items. The additional height will not significantly overwhelm, dominate or otherwise detract from heritage items in the vicinity, and the new building will remain a visually recessive element in the background.</p>
<b>Chapter 6.2 Waste Management</b>		
	<ul style="list-style-type: none"> <li>• 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.</li> <li>• To achieve the design of waste and recycling storage systems in buildings and land use activities which are hygienic, accessible, quiet to operate, adequate size and visually compatible with their surroundings.</li> </ul>	<p><b>Complies</b> - Waste Management will not change</p>
<b>Chapter 6.5 Stormwater Management</b>		
	<ul style="list-style-type: none"> <li>• To preserve and protect the amenity and property of existing residents, property owners and the community.</li> <li>• To ensure the safety of residents and the community.</li> <li>• To meet reasonable expectations and statutory requirements for the development of properties.</li> <li>• To protect the physical environment and receiving waters of catchments.</li> </ul>	<p><b>Complies</b> – stormwater management and calculations attached in stormwater plan.</p>

## 6 Environmental Assessment

### 6.1 Section 4.15(1)(b) – Likely Impacts of the Development

#### 6.1.1 Built environment

##### **Bulk, scale and overshadowing**

The proposed modification has been designed to be consistent and substantially the same with the approved new boarding house, blending in with the same materials and style. The modification is within the same built form footprint and setbacks from the side boundaries to the south and east.

The building articulation on the eastern side of the modified building is retained, ensuring the continue breakup the built form mass. Whilst the face on the western side also is retained with much variation and articulation copying the Victorian style character. The articulation of the building frontage makes the development sympathetic to the surrounding Victorian properties. Adequate open space, landscaping and communal facilities are provided to the boarding house occupiers, with car parking, motorbike and bicycle parking meeting all requirements of the SEPP. The proposed additional FSR therefore does not create significant bulk and scale issues.

The internal rooms meet or exceed the building requirement. The proposed development will create great amenities for the occupancies of the development.

The proposed height of the building does partially falls within the 8.5m height limit, with exceedances being between 0.5m and 1m as a result of the lift shaft, part of the roof form and due to the topography of the site parts of the ceiling of some of the rooms are above the 8.5m height. The building, with the additional height, is however set back from the street, and thus does not dominate the character or design of the site. The modification does not impact the privacy of the adjacent properties as on the south there are no windows, and on the east, there are windows required for solar access; however, the building is set back from the boundaries.

Shadow diagrams have been prepared by Walsh Architects. The shadow diagrams indicate minor additional shadowing at 9am on 2 and 4 Gordon Street. The overshadowing at 3pm is a small increase, and thus not significant over the car parking area at 4 Rowley Street.

The proposed modification is therefore not creating a significant impact and should be supported.

##### **Heritage**

NBRS, heritage consultants, undertook a heritage impact assessment of the proposed modification to the approved boarding house which does not include any alterations to the heritage item as part of this modification.

NBRS indicates that the cumulative heritage impact primarily relates to impacts to views as a result of the proposed new addition, which will result in an increase of the overall building height than the surrounding residences and heritage items. However, NBRS' assessment states that given the new building is set back to the southeast corner of the site, the additional visual impact is considered to be acceptable from a heritage perspective, and the modification will have limited additional impact. They also state that the proposed modification would have little additional impact on the interpretation of the heritage item's history and significance. Conservation works are being undertaken to the Victorian building as part of the approved scheme, which will assist in understanding the heritage item's history and significance. NBRS conclude that increasing the height and scale of the new building addition will have no impact on the heritage item's significant fabric, design, setting, landscape or significant views.

Proposed modifications to the landscape include two new car spaces and associated driveway at the west side of the subject site at Gordon Street, extending the approved carparking area towards the east / centre of the site. The heritage item's primary landscape setting is to the front facing Rowley Street, and thus there is no

change to this area. The proposed modification therefore has no impact on heritage-built form or open space associated with it.

The proposed modifications are consistent with the heritage objectives of the Burwood LEP 2012 and the Burwood DCP.

#### 6.1.2 Natural environment

The proposed modification will result in minor loss of lawn due to the provision of two additional car parking spaces. However, the site still retains trees and lawn which are usable by the occupiers. The trees all are located in deep soil planting and provided for increased canopy cover in comparison to the current situation.

It is therefore considered that there are no significant impacts to the natural environment.

#### 6.1.3 Social and economic effects

##### **Acoustic**

Acoustic Logic Consultancy Pty Ltd undertook an assessment and concluded that there would be no substantial noise intrusion as a result of the proposed modification, and thus the social amenity of the adjacent community will not be impacted. They however recommend that the current condition should remain in place for the proposal, namely:

*Communal spaces are to comply with the "living areas" noise intrusion criteria stipulated within table 3 of the report, being 40 dB(A)Leq during the day time hours of 7am-10pm whereas the additional 12 boarding rooms will need to ensure compliance with the "sleeping areas" criteria of 35 dB(A)Leq between the hours of 10pm-7am.*

##### **Traffic and Parking:**

A traffic impact assessment was undertaken for the proposal on the basis of the rates published in the RMS Guide to Transport Impact Assessment (2024). The approved development outcome was assessed by Genesis Traffic to generate some 4-5 vtpd during the busiest road network peak. The proposed amended development will generate some 5-6 vtpd in the morning and evening peak periods respectively. This represents an addition of 1 vtpd, being equivalent to an average of 1 vehicle movement every hour. Genesis Traffic concludes that the proposed increase in traffic generation of this order of magnitude is minor and will not adversely impact the local road network.

##### **Provision of affordable housing:**

The proposed modification will provide 14 more affordable housing rooms for the community. Affordable housing provides a significant social benefit for the area.

The redevelopment of the site will have a positive social and economic impact to the area by providing affordable rental accommodation within walking distance to such amenities as train station, shopping centres and higher education facilities.

##### **Economic benefits**

The approved boarding house on site is currently under construction with local and trade jobs being provided on site. The proposed modification provides further construction jobs for the benefit of the economy.

##### **Crime and public safety**

The proposed development will maintain public safety and reduce crime by:

- Providing natural surveillance across all of the development
- Territorial re-enforcement, through the use of the landscaping a clear definition between public and private property, and a boundary fence.

- All areas can be used, or surveillance of open space can occur.
- Maintain a clean development, to provide a sense of ownership.

#### **6.2 Section 4.15(c) – Suitability of the Site for Development**

The proposed site is in a suitable area with easy access to:

- Public transport with it being is close distance from Burwood station and 600m to Strathfield station.
- Great connection to open spaces Burwood Park being 130m away.
- Amenities with Burwood shopping centre being 550m away.
- Has good access to the local and regional road network, and has two street frontages.
- Available utilities

The proposed modification is suitable for the site as it is substantially the same development with minor additional impacts on the site or surrounding neighbourhood.

The proposed development is a suitable site as it:

- Complies with the Burwood LEP and DCP
- Complies with the Affordable Housing SEPP

#### **6.3 Section 4.15(1)(d) – Submissions**

Council as the consent authority will consider the content of any submissions made during notification of the DA. If submissions are made, the applicant will review and provide any comment or make any amendment to the application.

#### **6.4 Section 4.15(1)(e) – Public Interest**

The proposed development is in the public interest as it will provide additional affordable housing options in Burwood. The design for this development was made in accordance with the Affordable Housing SEPP and the Burwood LEP and DCP.

The public interest is served by consent authorities consistently applying the relevant applicable planning controls and development standards when assessing and determining development applications in order to ensure that any adverse impacts are minimised.

The proposed development will be in the public interest because it is consistent with the objectives of the particular FSR and height development standards and the objectives for development within the zone.

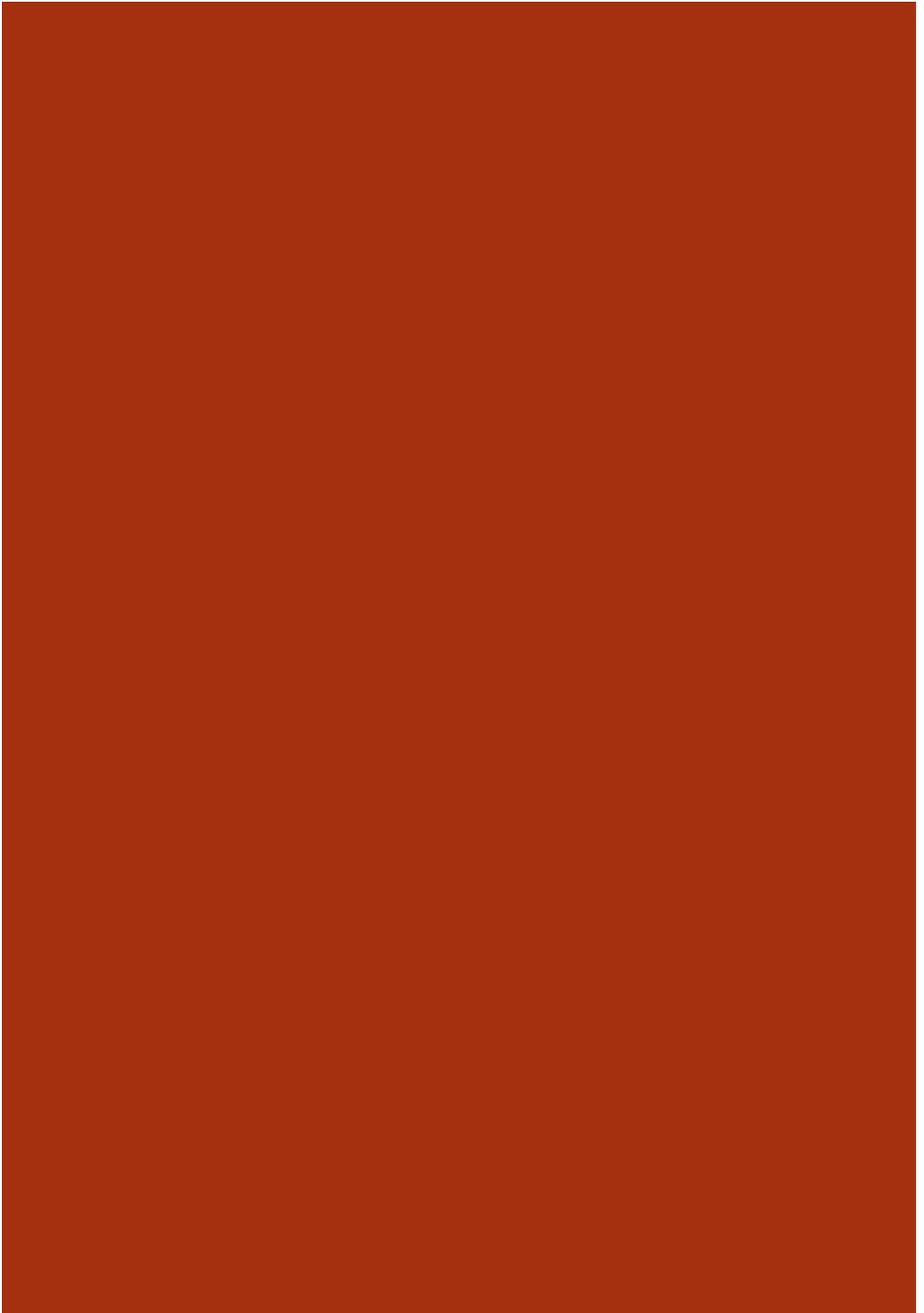
This Statement of Environmental Effects report has assessed the proposal against these controls and policies and determined it to be worthy of approval by Council.

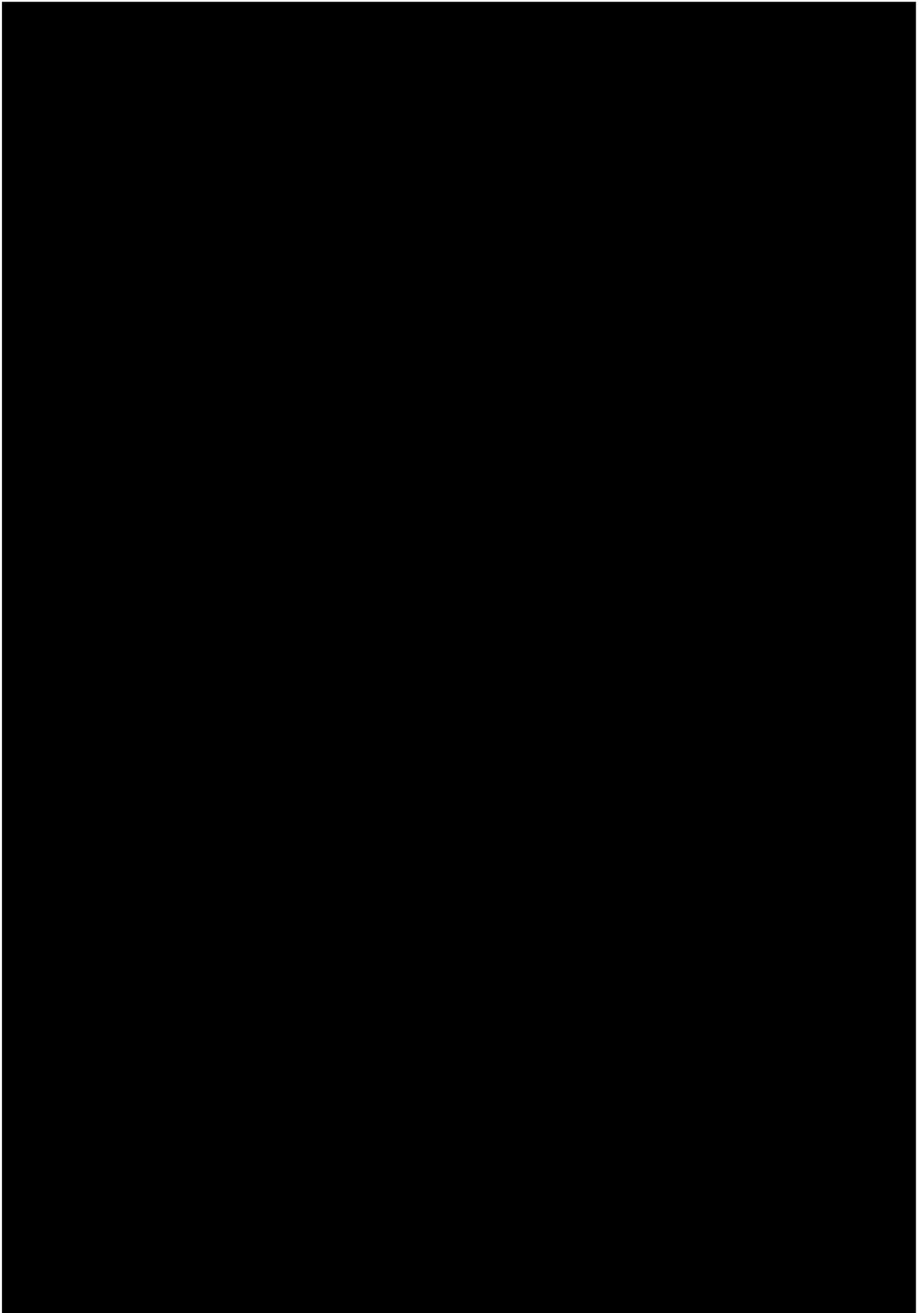
**7 Conclusion**

This assessment has found that the proposed modification is compatible with the existing character of the locality, is compatible with the desired future character of the locality and has no adverse environmental impacts on the site or surrounding area. The modification is substantially the same development as the approved consent and provides for additional affordable housing on the site.

Given the findings of this assessment, it is considered that the proposal is in the public interest and merits approval.

Accordingly, JRC is of the opinion that the proposal should, on merit, be approved by Council.







24 October 2025

General Manager  
Burwood Council  
2 Conder Street,  
Burwood, NSW 2134

Email - Alastair Sim - Alastair.Sim@burwood.nsw.gov.au

Dear Alister,

**Rowley Street and 2 Gordon Street, Burwood 2134**  
**MODIFICATION TO DEVELOPMENT APPLICATION NO. BD.2016.003**

Jenny Rudolph Consulting (JRC) refers to your letter dated 30 September 2025 in relation to BD.2016.003 and Council's request for additional information. I also refer to your email correspondence on 30 September 2025, and our meeting of 7 October 2025.

Thank you for your letter in relation to the proposed alterations and additions to the boarding house on site. This letter serves to respond to the items in your request for information letter.

**Response to RFI letter**

A response to the request for information is addressed below.

**1. Amended proposal development**

It is proposed that the boarding house alterations and additions be amended to reflect the Council's comments. The proposed development includes the following:-

- Reduction in the number of boarding house rooms to a total of 49 rooms by reducing the number of rooms on level 2, and setting level 2 of the building 3.5m away from the eastern boundary and between 1.49-1.78m further away from the heritage house.
- Access to proposed level 2 will be from stairs on the southwestern side of the building.
- With the reduction in the number of rooms, the amendments on level 1 of the communal room will be returned to a boarding room (Room 33)
  
- The size of the boarding rooms on level 2 is proposed as:-
  - Room 42 – 23sqm
  - Room 43 – 18sqm
  - Room 44 – 15sqm
  - Room 45 – 16sqm
  - Room 46 – 16sqm
  - Room 47 – 16sqm
  - Room 48 – 15sqm
  - Room 49 – 16sqm



- Provision of one additional car parking bay as an extension to the existing car park area and an additional parking space for motorbike and bicycle, all of which obtain current access off Gordon Street.
- Reinstate the central communal open area and large tree in the centre of the site.
- The number of bins for waste management will be 25, and the number of washing machines and tubs will be 5.

In summary:

**Table 1: Summary of amendments to proposed boarding house**

ELEMENT	CURRENT APPROVED	PROPOSAL
Site Area	2,202sqm	2,202sqm
Gross Floor Area	1,149sqm FSR 0.52:1	1,356sqm (additional 207sqm) FSR 0.62:1
Maximum Height	RL34.46 or 2 storeys	RL37.22 the highest point of the roof (or 9.02m) Part 2 and part 3 storeys
Total Boarding house units	41	49
Total Adaptable Units (incl in total)	3	No change
Total Parking	9 cars and 9 bicycle	Total of 10 car spaces, including one accessible, 10 bicycle and 10 motorbike
Open space and landscaping	Approx. 670sqm	671sqm (30.4% of the site)

## 2. Updated plans and reports

In addition, please find the following reports and plans to support the modification application:-

- NBR5 – Heritage Letter of Response dated 23 October 2025
- iScape – Amended landscape plan Rev B 22 October 2025
- Genesis Traffic – Amended drawings -4 of 4 sheets dated 20 October 2025
- Walsh Architects – amended plans:
  - DA000 COVER PAGE
  - DA020 SITE ANALYSIS
  - DA040 PROPOSED SITE PLAN
  - DA100 GROUND FLOOR PLAN
  - DA101 LEVEL 1 PLAN
  - DA102 LEVEL 2 PLAN
  - DA103 ROOF PLAN
  - DA201 LONG SECTIONS
  - DA202 CROSS SECTIONS
  - DA300 ELEVATIONS
  - DA301 STREETSCAPE ELEVATIONS
  - DA400 AREA CALCULATIONS – GROSS FLOOR AREA



- DA401 AREA CALCULATIONS - LANDSCAPE
- DA500 SHADOW DIAGRAMS - 9AM JUNE 21ST
- DA501 SHADOW DIAGRAMS - 12PM JUNE 21ST
- DA502 SHADOW DIAGRAMS - 3PM JUNE 21ST
- DA600 VIEW FROM SUN - JUNE 21ST.
- DA601 VIEW FROM SUN - JUNE 21ST.
- DA602 VIEW FROM SUN - JUNE 21ST.
- DA700 EXTERNAL FINISHES

**3. Response to aspects of consideration**

**Table 2: Response to RFI**

ITEM RAISED	RESPONSE
<p><b>General impacts of the proposed third storey:-</b></p> <ul style="list-style-type: none"> <li>• Overshadowing</li> <li>• Setbacks and amenity impacts</li> <li>• Inconsistent with the existing and desired character of the surrounding area</li> <li>• Third storey appears to be an “add on” to the height of the approved building without proper analysis and consideration of constraints</li> </ul>	<p>The proposed amendment to the modification of the development application has addressed many of Council’s and the submissions. In particular:-</p> <ul style="list-style-type: none"> <li>• The reduction in length of Level 2 has substantially reduced the overshadowing of the adjacent properties. This is clearly demonstrated in the Shadow Diagrams Plans DA 500-502.</li> <li>• The built form of level 2 has been set back 3.5m away from the eastern boundary, 14,3m from the southern boundary and 8.2m from the Heritage house (between 1.49-1.78m further away from the heritage house). This has reduced amenity and privacy impacts for properties to the south and east.</li> <li>• Windows of the proposed four rooms on the eastern side will have opaque sections on the bottom section of the windows and clear glass on the top section, resulting in better light and circulation to the rooms while maintaining privacy to the neighbouring properties.</li> <li>• Increasing the height and scale of the new building addition will have an acceptable impact on the heritage item’s significant fabric, design, setting, landscape or significant views. As noted in the Heritage Impact Statement, the modification of the proposed work being set will mitigate any impacts on the heritage item and the character of the area.</li> <li>• The proposed level 2 is set back from the street, and the adjacent properties. The modified work will not result in any change to the materiality of the built form and will read as one building when viewed from Rowley Street. The Heritage expert has indicated that the proposed colour palette is restrained and neutral, with a range of grey tones that will sit softly as a backdrop to the heritage items and within the streetscape. The soft, natural grey tones are complementary to, and will not visually compete with, the heritage items on site or those in the vicinity.</li> </ul>
<p><b>Car parking</b></p> <ul style="list-style-type: none"> <li>• Confirmation of the calculation for car parking.</li> </ul>	<ul style="list-style-type: none"> <li>• In accordance with the Housing SEPP 2009 (as per the approval), at least 0.2 parking spaces are provided for each boarding room. This equates to 10 car parking bays on site.</li> </ul>



ITEM RAISED	RESPONSE
	<ul style="list-style-type: none"> <li>At least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms. This equates to 10 motorbikes and bicycle bays on site.</li> <li>Updated plans are attached with the proposed amendment and demonstrate compliance with the parking rate and manoeuvring on site.</li> </ul>
<p><b>Communal open space</b></p> <ul style="list-style-type: none"> <li>Removal of communal area from the centre of the site is not supported as it is an important amenity</li> </ul>	<ul style="list-style-type: none"> <li>The central open space has been reinstated with a large tree to provide quality open space close to the boarding rooms to support the amenity of residents, in addition to the main open space on Rowley Street.</li> </ul>
<p><b>Heritage Impact</b></p> <ul style="list-style-type: none"> <li>The Heritage impact statement does not adequately meet Section 4.7.2, Objective O3 and associated Provisions P6 and P8 of the Burwood DCP</li> </ul>	<p>It is acknowledged that the modified design is larger than the approved scheme and will be partially visible from Rowley and Gordon streets. However, the new work is set substantially back from the street, particularly to Rowley Street, mitigating the overall appearance of height and scale from the public domain. This effect is further mitigated with the introduction of an additional setback to Level 2.</p> <p>The new work sits behind the existing house and, when viewed from Rowley Street, reads as a secondary and subservient element. The new work does not block or otherwise impact views of the heritage item and its front garden setting, which will remain the dominant streetscape element.</p> <p>The scale of the new work, when viewed from Rowley Street, is minimised by the large setback and physical separation between the two elements. The distance allows the new work to read as a separate, subsidiary element while the contemporary, flat-roofed form is legible as a new addition that does not copy historic details. This approach ensures that the character and significance of the original dwelling is not confused and there is a clear distinction between old and new. The additional height will not significantly overwhelm, dominate or otherwise detract from the heritage item or those in the vicinity, and the new building will remain a visually recessive element in the background.</p> <p>The modified scope makes no change to the proposed materials or architectural detailing. These features have already been approved under the original DA, and the modified work will not result in any change to the materiality or details when viewed from Rowley Street. The proposed colour palette is restrained and neutral, with a range of grey tones that will sit softly as a backdrop to the heritage items and within the streetscape. The soft, natural grey tones are complementary to, and will not visually compete with, the heritage items on site or those in the vicinity.</p>



ITEM RAISED	RESPONSE
	<p>New carparking is proposed in an area which is not identified to be of heritage significance, and does not contain any trees, outbuildings or landscape features that contribute to the item's heritage significance.</p> <p>The attached NBRS report therefore addresses all sections of the Burwood DCP relating to Heritage and demonstrates consistency with the controls.</p>
<p><b>East and south elevations plans</b></p> <ul style="list-style-type: none"> <li>Detailed plans of East Elevation and South Elevation need to be provided</li> </ul>	<p>These drawings have now been provided</p>
<p><b>New staircase adjacent to No 4 Gordon Street</b></p> <ul style="list-style-type: none"> <li>Unclear how the provision of the new staircase will maintain privacy and mitigate overlooking of adjoining properties</li> </ul>	<p>The lift has been removed due to the reduction in the number of rooms on level 2. The staircase is located closer to the building's central area, improving privacy for the adjacent neighbourhood to the west. The slope of the roof above the stairs also reduces overlooking of the property.</p>
<p><b>Waste management</b></p> <ul style="list-style-type: none"> <li>Unclear how the number of bins, which is proposed to remain the same as approved (17 bins), will be able to adequately service the increase in the number of boarding rooms</li> </ul>	<p>It is proposed to provide 25 bins.</p> <p>The following forms the calculation of the bins:</p> <ul style="list-style-type: none"> <li>60L/Boarder/Week, 49 (boarder) x60 = 2940.</li> <li>2940/240(L bin) = 12.25</li> <li>12.25x2 (recycling and waste) = 24.5, rounded to 25.</li> </ul>
<p><b>Laundry facilities</b></p> <ul style="list-style-type: none"> <li>Insufficient information has been provided regarding how suitable laundry facilities will be provided to cater for an increased number of boarding rooms</li> </ul>	<p>The requirement is one washer/tub per 8 boarders, which means 6 facilities in the laundry.</p> <p>A further one washer &amp; tub could be added to the existing laundry facility.</p>
<p><b>Tree management and landscaping</b></p> <ul style="list-style-type: none"> <li>The proposal will now require the removal of Tree 6, a mature Jacaranda mimosifolia, which was previously identified for retention. This tree must be replaced on-site with a 200L advanced tree, with amended landscape plans</li> </ul>	<ul style="list-style-type: none"> <li>On 20 June 2018 a tree permit was granted by Burwood City Council to remove the tree. The tree was to be replaced by planting of a native tree (45l container or larger). This permit was valid for 12 months. It demonstrates that the tree was not significant to the site.</li> <li>A large tree will be planted to support the communal open space in the central area of the site.</li> </ul>



ITEM RAISED	RESPONSE
<p><b>Site planning and local streetscape character</b></p> <ul style="list-style-type: none"> <li>Inconsistent and incompatible with the scale and development of the surrounding development, streetscape and heritage.</li> </ul>	<p>The site has been carefully planned with consideration of the proposed modification within the site and the surrounding context.</p> <p>The proposed alterations and additions sit behind the existing heritage house and dwelling house and, when viewed from Rowley or Gordon Street, read as a secondary and subservient element. The Heritage expert has indicated that the proposed addition does not block or otherwise impact views of the heritage item and its front garden setting, which will remain the dominant streetscape element.</p> <p>The scale of the proposed Level 2 is not excessive relative to the original building. The legibility of the scale difference is mitigated by the large setback from the street and the additional setback of the upper level. The height is further minimised by using a low-pitched roof on the new building, contrasting with the heritage item's pitched roof.</p> <p>The scale is compatible with the adjacent developments as there is minimal impact on overshadowing, does not impact the adjacent amenity, and predominantly retains privacy through materials and design.</p>

**4. Conclusion**

This proposed modification is compatible with the existing character of the locality, is compatible with the desired future character of the locality and has no adverse environmental impacts on the site or surrounding area. The modification is substantially the same development as the approved consent, and provides additional affordable housing on the site.

Given the findings of this assessment, it is considered that the proposal is in the public interest and merits approval.

We thank you for this opportunity to provide the information to you. Please do not hesitate to contact the writer if you have any further queries or wish to meet to discuss any aspects.

Yours sincerely,



Jenny Rudolph  
Executive Director



# HERITAGE IMPACT STATEMENT

6 Rowley Street & 2 Gordon Street, Burwood



Section 4.55 application

30 June 2025



Cover Image: Primary west façade of 6 Rowley Street, Burwood (Source: NBRS)

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This report has been prepared under the guidance of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the provisions relating to expert evidence

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<b>ISSUED</b>	<b>REVIEW</b>	<b>ISSUED BY</b>
19 June 2025	Draft for Review	Claire Miller
<b>30 June 2025</b>	<b>Final</b>	<b>Claire Miller</b>

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## HERITAGE IMPACT STATEMENT FOR SECTION 4.55 - 6 ROWLEY STREET & 2 GORDON STREET, BURWOOD

### 1.0 INTRODUCTION

#### 1.1 BACKGROUND

This Heritage Impact Statement has been prepared in accordance with the standard guidelines of the NSW Heritage Division to accompany an application for proposed works at 6 Rowley Street and 2 Gordon Street, Burwood. The site comprises a single storey Victorian house fronting Rowley Street, and a single storey Federation house fronting Gordon Street.

The proposal involves a modification to the Development Application (3/2016) approved on the 5 March 2018. The modification includes an addition to the top level of the new development on the site. Works approved under DA 3/2016 have commenced, including conservation works to number 6 Rowley Street and number 2 Gordon Street. The current modification application relates only to the proposed new building.

Details of the development proposal have been prepared by Walsh Architects.

Within the subject site, 6 Rowley Street is listed as an item of local heritage significance on Schedule 5 of the *Burwood Local Environmental Plan (LEP) 2012* as 'Victorian House', Item Number 198. It is also located in the vicinity of a number of other listed items, as follows:

- 4 & 6 Gordon Street, Burwood – 'Victorian Houses' item 160
- 45 Park Road, Burwood – 'Methodist Ladies College' item 189
- 47 Park Road, Burwood – 'Federation House' item 190
- 51 & 53 Park Road, Burwood – 'Victorian Villas' item 192

The building at 2 Gordon Street is NOT a listed heritage item. Accordingly, 6 Rowley Street is the relevant heritage item within the subject site.

Accordingly, this Heritage Impact Statement reviews the proposal in terms of the relevant heritage provisions of the *Burwood LEP 2012* and the requirements of the *Burwood Development Control Plan (DCP) 2025*, and the Impact Assessment Criteria guidelines endorsed by the NSW Heritage Council.

In addition, this report formally evaluates the proposal against the policies outlined in the Conservation Management Strategy (CMS), prepared by NBRS in June 2023.

#### 1.2 METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the guidelines set out in the *Australia ICOMOS Charter for Places of Cultural Significance*, 2013, known as The Burra Charter, and the New South Wales Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) publication, NSW Heritage Manual.

The Burra Charter provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. The terminology used, particularly the words *place*, *cultural significance*, *fabric*, and *conservation*, is as defined



in Article 1 of The Burra Charter. The NSW Heritage Manual explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

### 1.3 SITE LOCATION

The site is located on the southern side of Rowley Street, between Park Road and Gordon Street, Burwood. The site runs through to Gordon Street at the west side. The subject property at 6 Rowley Street is identified as Lot C, DP 375827 by the NSW Land Registry Services (LRS). The property at 2 Gordon Street is identified as Lot 2/DP920726 by the NSW Land Registry Services (LRS).



Figure 1: Aerial map with the subject site indicated – 6 Rowley Street in red, and 2 Gordon Street in yellow. (Source: NSW LRS, Explorer, [portal.spatial.nsw.gov.au/explorer](http://portal.spatial.nsw.gov.au/explorer))



Figure 2: Street map with the subject site indicated – 6 Rowley Street in red, and 2 Gordon Street in yellow. (Source: NSW LRS, Explorer, [portal.spatial.nsw.gov.au/explorer](http://portal.spatial.nsw.gov.au/explorer))

### 1.4 HERITAGE MANAGEMENT FRAMEWORK

The subject property is listed as an item of local heritage significance on Schedule 5 of the *Burwood Local Environmental Plan (LEP) 2012* as 'Victorian House', Item Number 198. It is also located in the vicinity of a number of other listed items, as follows:

- 4 & 6 Gordon Street, Burwood (Victorian Houses) – Item No: 160
- 45 Park Road, Burwood (Methodist Ladies College) – Item No: 189
- 47 Park Road, Burwood (Federation House) – Item No: 190
- 51 & 53 Park Road, Burwood (Victorian Villas) – Item No: 192

Other heritage listed items in the vicinity of the subject site are visually and physically separated from the site by intervening development and roadways, and do not warrant assessment as part of this report.

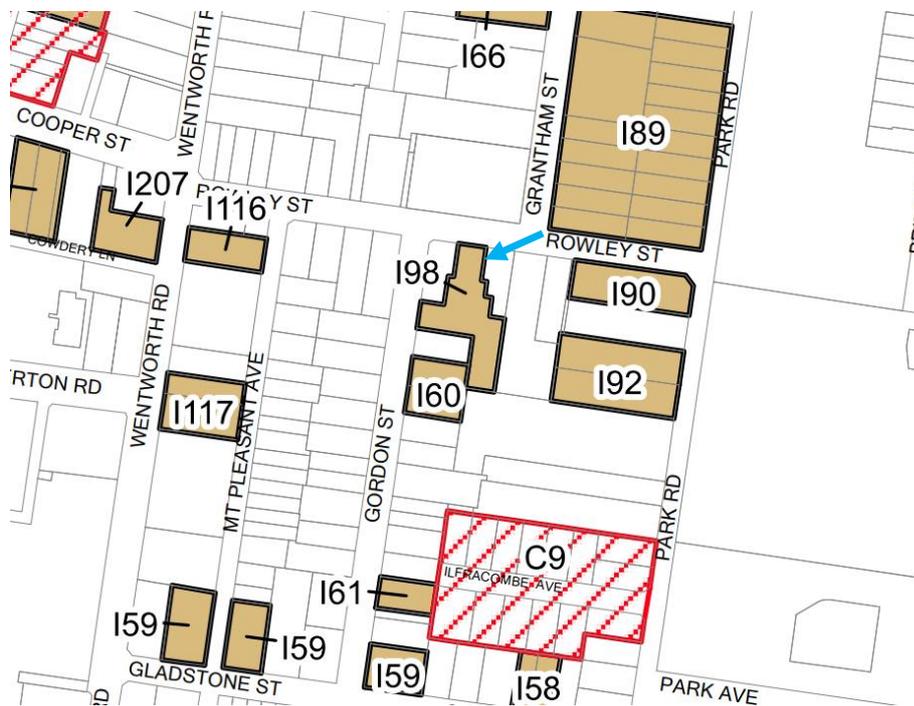


Figure 3: Excerpt from Burwood LEP 2012 Heritage Map Sheet HER\_001 showing heritage items shaded in brown. 6 Rowley Street, item 198, is identified by the blue arrow (Source: Burwood LEP 2012 Heritage Map Sheet HER\_001).

#### 1.5 AUTHORSHIP

This report was prepared by Dr Claire Miller, Associate, using information from the previous reports prepared for the site in 2020 and 2023.

#### 1.6 LIMITATIONS

This report is limited to the assessment of potential impacts on the European cultural heritage values of the site and does not include Aboriginal and Archaeological assessment. This report only addresses the relevant planning provisions that relate to heritage.

#### 1.7 COPYRIGHT

Copyright of this report remains with the author, **NBR'S**. Unless otherwise noted, all images are by the author.



## 2.0 DOCUMENTARY EVIDENCE

The following historical details are drawn from the previous Statement of Heritage Impact, prepared by NBRIS in 2020. And the CMS, prepared by NBRIS in 2023.

### 2.1 PRE-EUROPEAN HISTORY

Prior to the arrival of European settlers in 1788, the Sydney Basin had been the home to the Eora People for thousands of years. Their land stretched north from the Hawkesbury, south to the Shoalhaven and west to the Nepean. The Eora people consisted of three main tribes, based on linguistic groups, the Guringai, north of Sydney Harbour, the Dharug, around the harbour and to the west, and the Tharawal to the south of Botany Bay.

Recent research indicated that the Dharug people were made up of a number of groups, and those who lived in neighbourhood of Burwood were known as the Wangal people. The Aboriginal leader Bennelong was a member of the Wangal clan. Although the Wangal travelled to trade and find food, their territory was the land on the southern bank of the Parramatta River. Their boundaries extended to the west of Iron Cove to as far as Homebush Bay, with a southern boundary along the watershed between Cooks River and Sydney Harbour.

The British First Lieutenant William Bradley writes in his journal about seeing a number of Wangal people along the banks of the river around Mortlake in 1788. When his exploration party stopped for breakfast on the opposite bank, a group of seven Wangals came over in canoes to meet them. "They left their spears in the canoes and came to us" wrote Lieutenant Bradley.

The arrival of European settlers forced the retreat of the Wangal and together with the smallpox epidemic of 1788 saw the decimation of the local population. No Wangal people survive today; however, Burwood is home to 200-300 of the 10,000 Aboriginal residents who live in Sydney.<sup>1</sup>

Despite the length of time of occupation of the area by Aboriginal peoples and the limited evidence of the occupation that survives in some parts of the Municipality, there is no evidence of use or occupation of the subject site.

### 2.2 DEVELOPMENT OF THE SUBURB

In the early years of the colony, Governor Arthur Phillip founded a small farming community at Rose Hill, near Parramatta. Communication between the two settlements was essential, so a rough track was established which later became Parramatta Road. The building of this road was to give impetus to the establishment of Burwood as it lay half way between the settlement at Parramatta and Sydney Cove. Coaching houses were soon providing resting places for the travellers.

Initial subdivision in 1833 contained allotments of between 4 and 20 acres. Portions of the 'Town of Cheltenham' were first advertised for auction sale in June 1854 "to Gentlemen in Public Offices, Agriculturalists, Market Gardeners, Nurserymen, Dairymen and others".<sup>2</sup> Following the opening of the first Australian railway from Sydney to Parramatta in 1855 with a station at Burwood, the land was soon re-subdivided into smaller residential lots. Further portions of the Cheltenham Estate were offered for auction throughout the 1850s.

---

<sup>1</sup> Burwood Council Website – Local History

<sup>2</sup> "The First Step to Independence", *Sydney Morning Herald*, 17 June 1854, p8.



The area, now easily accessible to the city, became attractive to a number of wealthy merchants and industrialists who built spacious mansions and villas in the area. One of the oldest surviving residences is Harry Webb's "Cicado" in Queen Street, Croydon. One of the largest of these developments was "Shubra Hall" the home of Anthony Hordern, built in 1869, and now part of PLC School.

The Municipality of Burwood was incorporated in 1874 and the first council elected on June 9<sup>th</sup> of that year. Burwood at this time contained 1,200 residents and about 300 buildings. Gas was available in the area and used to light street lamps in 1882 and reticulated water was laid on in 1886-7. An overhead rail bridge built in 1892 allowed for the expansion of the Western Line and reinforced Burwood Road as the commercial centre of the area. Tram services along Burwood Road were introduced in 1901 and motor buses in 1915.

The boom years of Burwood's development occurred at the end of the nineteenth century and in the first decades of the twentieth century. By 1900 the population had risen to 7,400 and by 1930 to over 20,000.

Council imposed covenants requiring construction in brickwork with slate or tiled roofs in 1909. The 1920s were a great period for brick housing in Burwood with bricks supplied from two huge local brick pits operating from Webb Street and Cheltenham Road.

In recent years, Burwood has expanded as a commercial centre and many of its streets have been being rezoned for home unit development. Over thirty percent of the present population was born overseas giving Burwood a multicultural flavour.<sup>3</sup>

### 2.3 HISTORY OF THE SUBJECT SITE

The subject site was originally part of a 250-acre estate (allotment 246, Parish of Concord, County of Cumberland) granted to Thomas Rowley, a soldier in the New South Wales Corps, by Governor Hunter, on 9 August 1803.<sup>4</sup> Rowley, who became a prominent farmer of merino sheep, named the land after 'Burwood Farm', his former home in Cornwell, England.<sup>5</sup> Today, his name is remembered by Rowley Street, Burwood.<sup>6</sup>

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<sup>3</sup> Information relating to the early development of Burwood is taken from *Harvest of the Years; The Story of Burwood 1794-1974* by Eric Dunlop.

<sup>4</sup> Eric Wilfrid Dunlop, *Harvest of the Years: The Story of Burwood 1794-1974* (Burwood, NSW: Council of the Municipality of Burwood, 1974), p.26.

<sup>5</sup> 'History and Heritage', Burwood Council and Burwood Heritage Centre, accessed 5 June 2023, <https://www.burwood.nsw.gov.au/Our-Council/Our-Burwood/History-and-Heritage>.

<sup>6</sup> 'HMS - Burwood Post Office (former)', accessed 6 June 2023, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051522>.

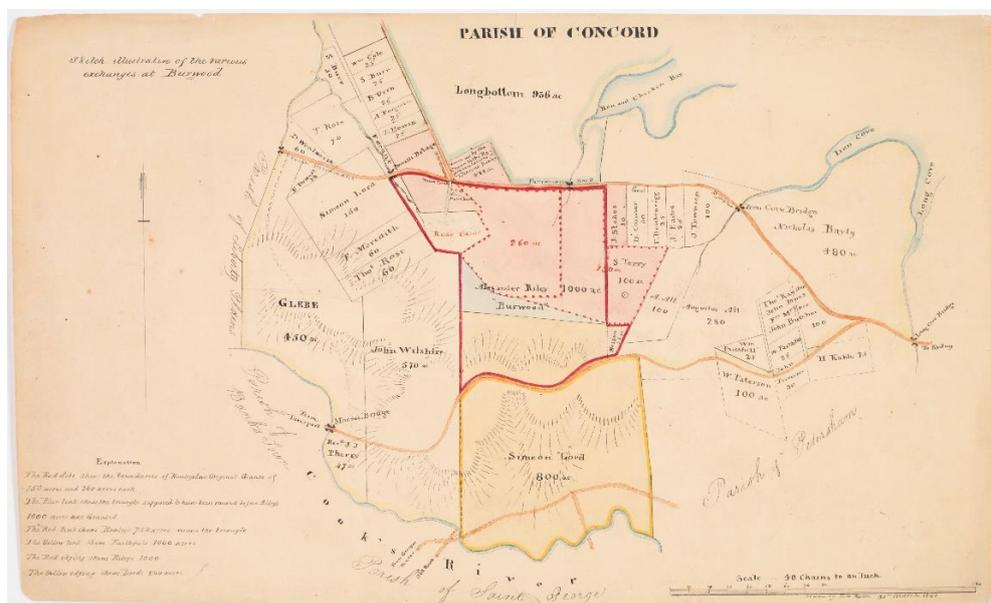


Figure 4: 'Sketch illustrative of the various [land] exchanges at Burwood', showing the Burwood Estate located in the segment outlined in red and labelled Alexander Riley, by T W Ryan, 31 March 1840 (Source: State Library of NSW, Ce 84/15)

Following Rowley's death, in 1812 the land was purchased by the merchant and pastoralist, Alexander Riley who built 'Burwood Villa' in 1814.<sup>7</sup> In 1832, the sale of the Burwood estate was disputed by Rowley's children Thomas junior, John, Mary and Eliza, who subsequently re-gained possession of the land, along with an increased allotment of 750 acres, which became known as 'Rowley's Farm'.<sup>8</sup>

Following the construction of Burwood Station, part of the first Australian railway line from Sydney to Parramatta, in 1855, the suburb of Burwood became increasingly popular, with small, residential sized portions of land bordering the new station advertised for auction sale throughout the late 1850s (Figure 5 and Figure 6 illustrative).<sup>9</sup>

<sup>7</sup> Dunlop, *Harvest of the Years: The Story of Burwood 1794-1974*, 16; 'Advertising', *Sydney Morning Herald*, 10 July 1885, <http://nla.gov.au/nla.news-article13592601>.

<sup>8</sup> Dunlop, *Harvest of the Years: The Story of Burwood 1794-1974*, 26.

<sup>9</sup> Transport for NSW, 'History of the NSW Railways', Interactive Resource (Transport for NSW, 5 June 2017), <https://www.transport.nsw.gov.au/node/4729>.

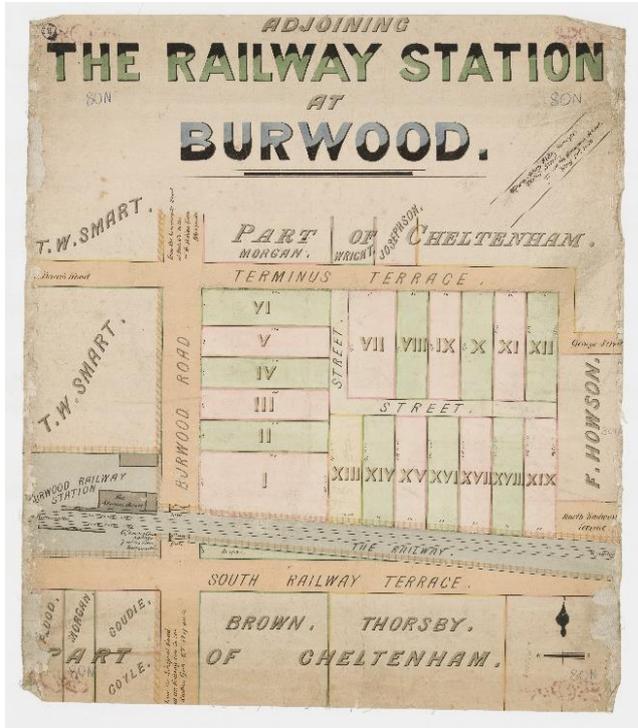


Figure 5: 'Adjoining the Railway Station at Burwood' Surveyed by William Henry Wells, May 12 1856 (Source: State Library of NSW, Maps/0153)

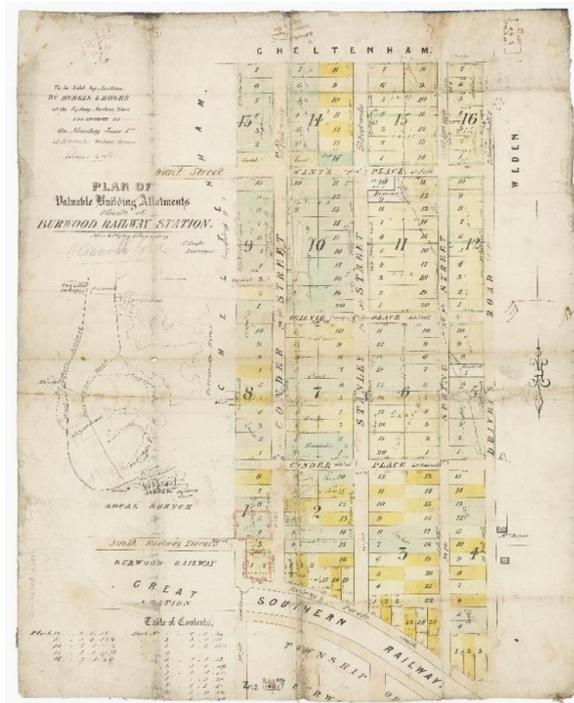


Figure 6: (189-?). Plan of Burwood House and grounds, & 246 allotments of land. <https://nla.gov.au/nla.obj-230112606>



In 1868 Henry Deane purchased Lots 27-30 of the Burwood Estate (Section 2), one portion of what would become the subject site.<sup>10</sup> In 1870 he transferred Lots 27 and 28 to Sergeant Major Charles Prince and Lots 29 and 30 to Alexander Anderson.<sup>11</sup> In 1885 lots 6-9, Section 2 of the Burwood Estate, the second portion of what would become the second portion of the subject site, was acquired by G Millar.<sup>12</sup> From 1876 until early 1885, Lots 27 to 30 and 6-9, were combined and held briefly by a succession of owners.

In July 1885, Section 2, Lots 1-8 and Lots 27-30 of Burwood Estate were auctioned (Figure 7).<sup>13</sup> The allotments comprised of land with frontages to Park Road (then River View terrace), Rowley Street and Gordon Street (then Burwood Street).<sup>14</sup> William Reilly, a mercantile broker, purchased lot 6,7 and 8 (each 50ft x 252ft) fronting Rowley Street and lots 27, 28, 29 and 30 (each 40ft x 100ft) fronting Gordon Street, forming one large irregular shaped block of land, which today contains the subject site, along with 6a and 4a Rowley Street Burwood (Figure 7 and Figure 8, curtilage shaded).<sup>15</sup>

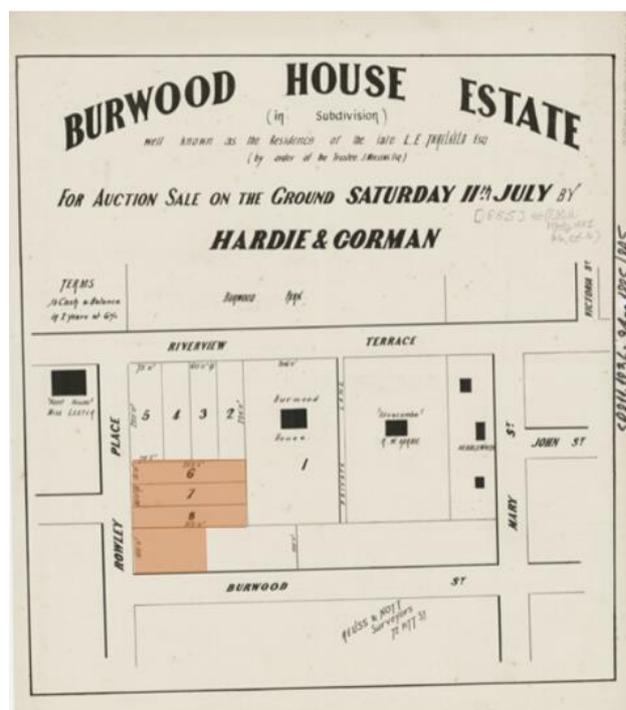


Figure 7: 'Burwood House Estate (in subdivision)', surveyed by 'Reuss and Nott', 1885. Lots 6-9, purchased by William Reilly, shaded orange. Approximate location of Lots 27-30 (unnumbered) also shaded (Source: State Library of NSW Z/SP/811.1836.94/1885/845).

<sup>10</sup> NSW Land Registry Services, Certificate of Title', 1858, Vol-Fol 17-46.  
<sup>11</sup> NSW Land Registry Services, Certificate of Title', 1870; NSW Land Registry Services, Certificate of Title', 1870.  
<sup>12</sup> NSW Land Registry Services, Primary Application Number 14651, 1885.  
<sup>13</sup> 'Advertising', 10 July 1885.  
<sup>14</sup> 'Advertising'.  
<sup>15</sup> NSW Land Registry Services, Certificate of Title', 1870; NSW Land Registry Services, Certificate of Title', 1870.

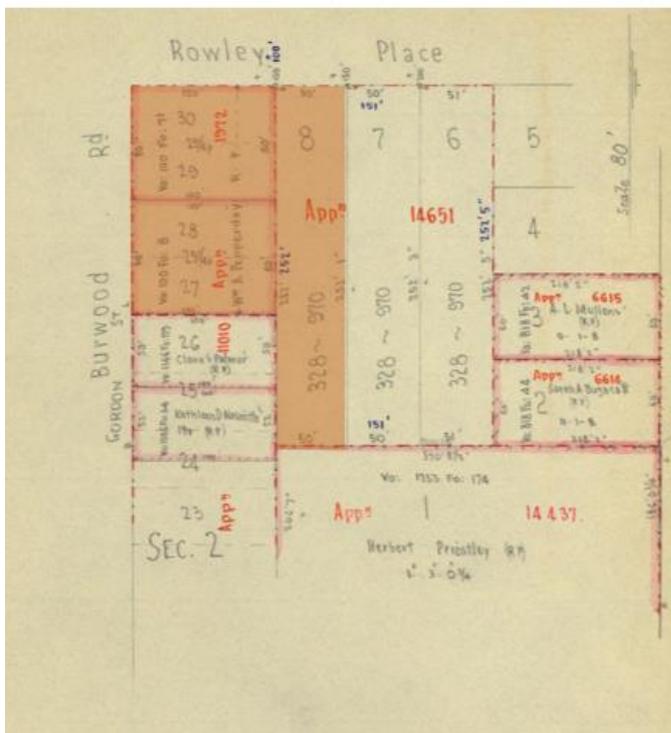


Figure 8: Sketch of allotments Section 2, Burwood Estate PA no. 14651. Original curtilage of subject site shaded orange (Source: NSW Historical Land Records Viewer)

Reilly then commissioned the architect John B. Spencer to design a residence on his behalf, which became known as 'Tynilba'.<sup>16</sup> Between 1885 and 1889 both Spencer and Reilly released tenders for the construction of Tynilba along with further improvements, such as fencing and a coach house and stables.<sup>17</sup> In 1889, the first mention of Tynilba appeared in *The Sands Directory*, giving an approximate date of completion.<sup>18</sup> During his time at the property, two children were born to Reilly and his wife, a son on January 13, 1888, and a daughter on December 11, 1889.<sup>19</sup> In 1889 Reilly placed the house on the market for sale.<sup>20</sup>

From 1892 to 1899, Tynilba was sold to Henry Perdriau a member of the well-known Perdriau family.<sup>21</sup> While living at Tynilba, Perdriau established the firm Perdriau and Co., which manufactured and imported rubber goods, the first business of its kind in Australia.<sup>22</sup> Two children were born to Perdriau and his wife at this time, a daughter on September 22, 1893 and son on May 18, 1895.<sup>23</sup>

<sup>16</sup> John Sands, 'Sands Sydney, Suburban and Country Commercial Directory, 1891', City of Sydney Archives, p.178, accessed 5 June 2023, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1898968>.

<sup>17</sup> 'Advertising', *Sydney Morning Herald*, 11 February 1886, <http://nla.gov.au/nla.news-article13611012>; 'Advertising', *Sydney Morning Herald*, 10 December 1885, <http://nla.gov.au/nla.news-article13606185>.

<sup>18</sup> 'Sands Sydney, Suburban and Country Commercial Directory, 1895', City of Sydney Archives, accessed 5 June 2023, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1898964>.

<sup>19</sup> 'Family Notices', *Sydney Morning Herald*, 21 December 1889, <http://nla.gov.au/nla.news-article13753834>; 'Family Notices', *Sydney Morning Herald*, 2 January 1890, <http://nla.gov.au/nla.news-article13754950>. 'Sands Sydney, Suburban and Country Commercial Directory, 1895'.

<sup>20</sup> 'Advertising', *Sydney Morning Herald*, 7 September 1891, <http://nla.gov.au/nla.news-article13837902>.

<sup>21</sup> 'MR. HENRY PERDRIAU.', *Sydney Morning Herald*, 18 November 1935, <http://nla.gov.au/nla.news-article17238889>.

<sup>22</sup> 'MR. HENRY PERDRIAU.'

<sup>23</sup> 'Family Notices', *Sydney Mail and New South Wales Advertiser*, 14 October 1893, <http://nla.gov.au/nla.news-article164367260>; 'Family Notices', *Sydney Morning Herald*, 28 May 1895, <http://nla.gov.au/nla.news-article13982827>.



In 1900, the Reilly family returned to reside at 'Tynilba' and in 1904, they placed the property on the market for sale with the following advertisement in the Sydney Morning Herald:

*'SUPERIOR ATTRACTIVE COTTAGE Residence, Tynilba, at corner of Rowley-place and Gordon-street, faithfully built of brick, and containing wide hall, drawing, dining, and breakfast rooms, 4 bedrooms, bathroom, kitchen, scullery, laundry, two tennis courts, brick stable and coach house, effectively laid out front garden and vegetable garden.*

*LAND 251 feet frontage Rowley place (of which 151 feet has depth of 250 1/2). The other 100 feet has a depth of 100 feet along Gordon-street, over 1 ACRE'.<sup>24</sup>*

The property was purchased by William Alfred Pepperday, who ran a printing business known as W. A. Pepperday and Co.<sup>25</sup> Pepperday renamed the house to 'Rugbeia', in reference to the market town Rugby, located in Warwickshire, England, which was the residence of his late father, William Pepperday.<sup>26</sup> In 1907, Pepperday was granted an additional portion of land, described as being located 'on the southern side of Rowley Street and the north eastern corner of other land of the said William Alfred Pepperday'. Although not given an allotment number, the location described suggests that Pepperday had purchased Lot 8, Section 2 of the Burwood Estate.<sup>27</sup> In 1922, the 1907 Certificate of Title was cancelled and re-allocated to Pepperday, this time naming the location as 'Lot 8' (Figure 9).<sup>28</sup>

In 1943, Doris Winifred Guss, daughter of William and Lydia Pepperday, was named proprietor of the subject site subject totalling 2 rods and 25 perches, on either the death or remarriage of her mother Lydia.<sup>29</sup> The illustration included in the Certificate of Title clearly shows the curtilage of the subject site prior to the further divisions that occurred in the 1950s (Figure 10).

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<sup>24</sup> 'SOCIAL.', *Sydney Morning Herald*, 20 October 1900, <http://nla.gov.au/nla.news-article14345834>; 'Advertising', *Sydney Morning Herald*, 20 April 1904, <http://nla.gov.au/nla.news-article14614528>.

<sup>25</sup> 'Advertising', *Sydney Morning Herald*, 14 April 1906, <http://nla.gov.au/nla.news-article14765469>.

<sup>26</sup> 'Sands Sydney, Suburban and Country Commercial Directory, 1907', City of Sydney Archives, p.260, accessed 7 June 2023, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1898952>; 'Pepperday in 1881 England & Wales Census', accessed 7 June 2023, <https://www.rootspoint.com/search/?CollectionKey=UK1881&LastName=Pepperday&County&MatchType=exact>.

<sup>27</sup> 'NSW Land Registry Services, Certificate of Title', 1907 Vol-Fol 1970-133.

<sup>28</sup> 'NSW Land Registry Services, Certificate of Title', 1922 Vol-Fol 3342-27.

<sup>29</sup> 'NSW Land Registry Services, Certificate of Title', 1942; 'Doris W Pepperday', Record of Birth, in *Australia, Birth Index, 1788-1922* via AncestryLibrary.com.au





Burwood.<sup>30</sup> Bruce Herbert Jackson, an Elizabeth Bay Estate Agent, and his wife Mavis Elsie Jackson, were named as joint tenants (Estate in Fee Simple) of the remaining portions of land, both measuring 18 ¼ that was called 6a and 4a Rowley Street.<sup>31</sup>

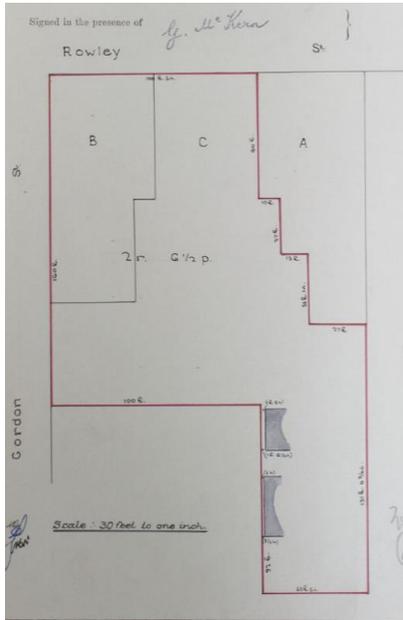


Figure 11: 'Certificate of Title Vol-Fol 6488-22, 1942 (Source: NSWLRV)

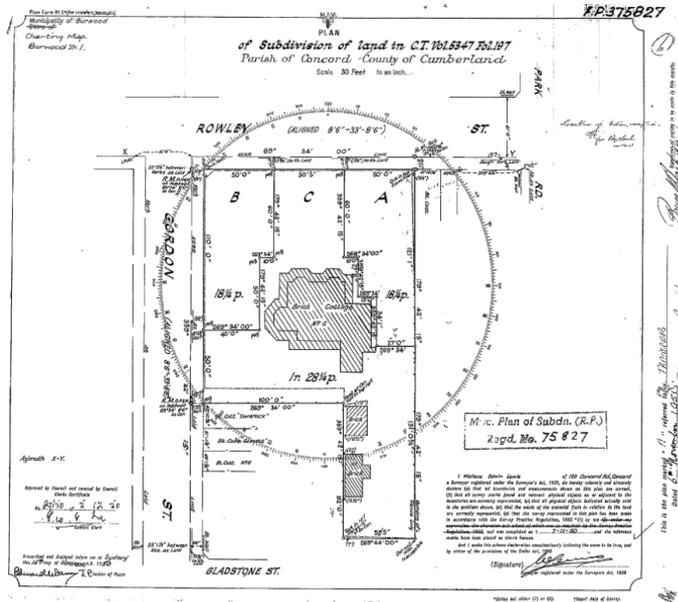


Figure 12: 'Subdivision of land in CT Vol 5347 Fol 197, Parish of Concord, County of Cumberland', Charting Map, Surveyed by Edwin Lewis Wallace, 14 November 1950 (Source: InfoTrack).

<sup>30</sup> NSW Land Registry Services, Certificate of Title, 1952, Vol-Fol 6852-69

<sup>31</sup> NSW Land Registry Services, Certificate of Title, 1952, Vol-Fol 6488-22; NSW Land Registry Services, Certificate of Title, 1952, Vol-Fol 6812-158



### 3.0 PHYSICAL EVIDENCE

The following site descriptions are drawn from the CMS, prepared by NBRS in 2023, with additional information as required.

#### 3.1 CONTEXT AND SETTING

The southern side of Rowley Street, containing the subject site, is characterised by low-scale detached residential properties, and buildings forming the Methodist Ladies College campus. The broader area, including Gordon Street, is similarly low-scale detached residential, with development dating from the Victorian period through to the inter-war, with pockets of later infill development up to 2 or 3 storeys.

While the area is predominantly residential, public and institutional elements include the MLC school campus and Burwood Park. The MLC campus is a dominant element, adding scale and height to the surroundings. Commercial development increases further southeast, closer to the railway line and Burwood station; and to the west closer to Strathfield Station (within Strathfield LGA).

The surrounding land is relatively flat, with street patterns reflecting the early development of transport corridors to and through the area, and the early residential subdivision.



Figure 13: View of the MLC art and design building at the south-west corner of Rowley and Gordon streets. (Source: NBRS, 2025.)



Figure 14: View of number 4 (left) and 4A (right) Rowley Street, with the subject site just visible in the background at the right. Number 4A is sited on the subdivided portion of the subject site's front garden setting. (Source: NBRS, 2025.)

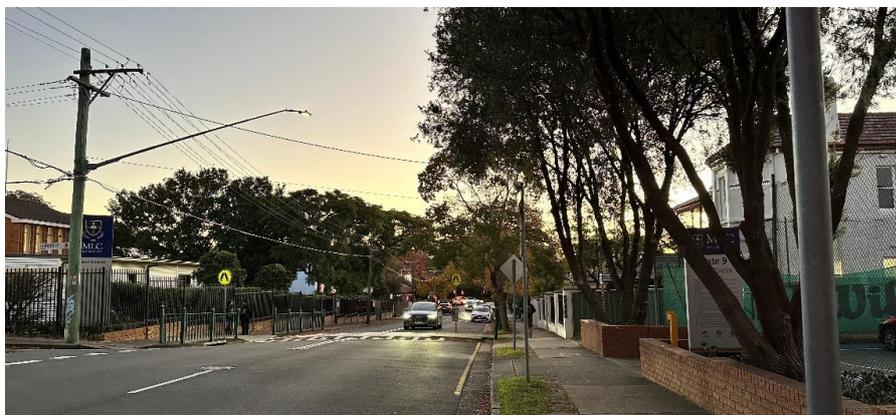


Figure 15: View looking west along Rowley Street, with MLC school buildings on both sides of the road. (Source: NBR S, 2025).



Figure 16: View looking north-east to the corner of Rowley and Grantham streets, showing the MLC campus. (Source: Google maps, image dated 2024).

### 3.2 DESCRIPTION OF THE SITE

The subject site comprises two individual properties – the houses at 6 Rowley Street and 2 Gordon Street. The subject site is an irregular shaped lot, due to its having been subdivided in the 1960s to create numbers 4A and 6A Rowley Street. The site extends to the south-east, partly, behind number 4 Gordon Street.

The house at 6 Rowley Street is a single-storey Victorian-era villa set in a deep front garden. At the rear of the site, the garden extends westward to Gordon Street and provides vehicle access. The house was designed by John Brain Spencer c1880s-1890s in the late Victorian Free Classical Style. It was constructed by George Hawkins.

The house at 2 Gordon Street is a single-storey Victorian-era house with a steeply pitched projecting front gable wing. It is constructed of brick with a tiled roof (a later alteration). This house is stylistically a pair with the adjacent number 4 Gordon Street, however it has been substantially altered.



### 3.3 DESCRIPTION OF THE BUILDING – 6 ROWLEY STREET

Number 6 Rowley Street is located centrally on the block with a deep setback from Rowley Street forming a sparsely landscaped front yard. It is visible from the street between two trees planted behind a non-original iron fence. A concrete path leads from the street to the front porch. There is no vehicular access from Rowley Street; the driveway is on the western boundary of the site, accessible from Gordon Street.

The house had been altered for use as a boarding house,. The side verandas were in-filled and extended for services spaces. A southern extension had been constructed on the original rear/eastern service wing. The verandah of the faceted bay facing west was been infilled and the extension went further to the west for additional accommodation. The likely original extent of the house is indicated by the hipped roof on tall walls with consoles under the eaves.

The allotment was reduced in size in the post-war era, when the corners of the front garden were sold as separate residential allotments.

The lot to the east was subdivided c.1942, followed by the lot to the west c.1950. The site plan prepared in 1950 does not show the verandah additions, suggesting that they were constructed after this plan was prepared. This is consistent with physical evidence suggesting fabric dates from the 1950s onwards, and with the location of these additions very close to the present-day lot boundaries.

At the time of writing this report, construction works to 6 Rowley Street have commenced, and the heritage conservation works to the Victorian villa is in progress.

#### 3.3.1 EXTERIOR

The house comprises a single storey beneath an original hipped roof form which was altered by later additions, constructed c.1950s onwards. At the front, an original portion of the verandah is extant, with cast iron columns, filigree ironwork and a timber structure, in fair-poor condition. The original slate roofing to the main roof has been replaced with cement tiles. A curved corrugated iron roof forms the original verandah and is also in poor condition. Physical evidence suggests that the verandah originally wrapped further around the building on the east, west and south sides. A section of curved corrugated iron is extant at the rear, in the location of what would have originally been the rear verandah.

The front verandah is supported on cast iron Corinthian columns, supporting a timber structure of beams and curved purlins. The corrugated steel roofing to the verandah has a bell-cast profile, apart from the entry gable. The veranda is decorated with a cast iron valance.

The building is constructed in brick with a timber floor and roof structure. Brickwork is rendered externally and plastered internally. Additions (c.1950s) were constructed in brick, unrendered, with some fibro sheeting and low-pitched metal deck roofing. Some non-original windows are casement steel windows, painted, with some fixed frames.

Original windows are in timber, also painted. There are many original timber-framed sash windows remaining in a weathered condition. The front door, side lights and atop lights are original with the door furniture. Many of the original doors in the Victorian part of the house have been replaced with flush doors.



The original house has a symmetrical form facing Rowley Street with a faceted bay on either side of the front door, and a verandah along this front elevation. A third faceted bay faced to the west and had a verandah around it, connected to the front verandah facing north.

The external walls are double brick and single skin brick for the internal walls. All original walls are rendered externally with some decoration to the string courses, profiled sills, architraves and the console brackets supporting the eaves, all typical of the Victorian 1880s Boom period.



Figure 17: View of the front (north) façade of 6 Rowley Street, Burwood, from the front garden (Source: NBR'S 2023)



Figure 18: Rear addition on the eastern side, showing steel windows, unrendered brickwork and fibro sheeting (Source: NBR 2023)



Figure 19: The verandah wrapping around a faceted window bay on the front façade (Source: NBR 2023)



### 3.3.2 INTERIOR

The front door leads to a central corridor leading to the centre of the house, but rather than proceeding to the back door in a straight line as houses of the period often did, the corridor dog-legs to the east around a major room.

The interiors contain some original Victorian profiles in the joinery, plaster cornices and marble fireplaces, all typical of an upper middle-class house in the 1880s. All of the joinery has been painted; it is likely that some of it was originally varnished.

The entry hall retains its original front door, internal door leaves and architraves to other rooms. The end of the hall retains the frame of a former air lock door, with evidence of previous fixings. The frame has some stop chamfering and provides evidence of the French doors with side lights and top lights that have been cut away.

Most ceilings are batted panels. Several of the grand rooms retain their Victorian cornices. The grander rooms retain marble fireplaces with cast iron coal grates and marble mantelpieces, each different, and one has carving in cream coloured stone.

There are no early service rooms in the house. The larger tiled bathrooms date from the mid Twentieth Century. The smaller bathrooms appear to have been inserted among the major rooms of the house and in the extensions in the late Twentieth Century.



Figure 20: View of the front hall, facing north towards the front door (Source: NBRS 2023)

### 3.4 DESCRIPTION OF THE BUILDING – 2 GORDON STREET

The house at No. 2 Gordon Street is a single-storey detached house constructed of brick with steep roofs that references a Gothic style. The front feature gabled section has projecting



bay, also in brickwork with a pair of segmented arched windows that retain their original joinery. It is surmounted by a plain timber bargeboard.

The house appears to be pair with the adjacent property at 4 Gordon Street, which retains much of its original detail, and is similar to numbers 6 and 8 Gordon Street. Both numbers 4 and 6 are local heritage items.

At the time of writing this report, construction works to 2 Gordon Street have commenced.

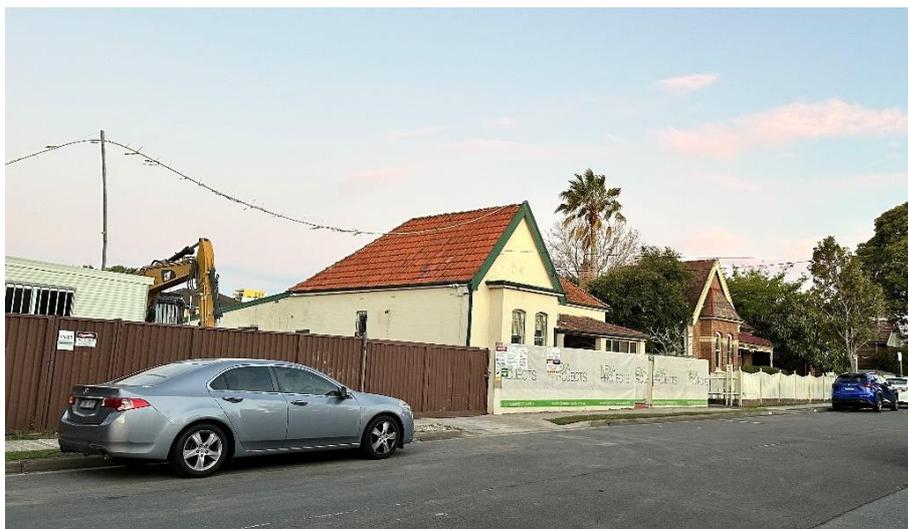


Figure 21: The house at 2 Gordon Street. It is a heavily altered pair with number 4 Gordon Street (right). (Source: NBR S 2025).

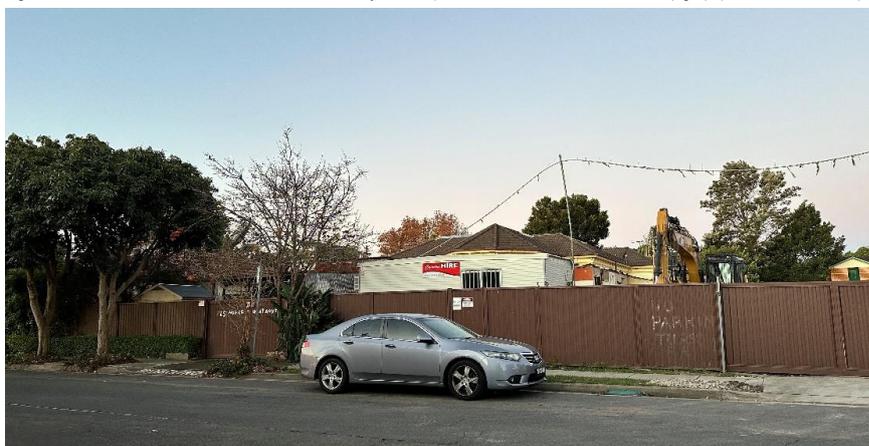


Figure 22: The site of 6 Rowley Street adjacent to the house at 2 Gordon Street, viewed east from Gordon Street.

### 3.5 VIEWS

The site is relatively flat and there are no extensive views to or from the heritage item. Primary views are from Rowley Street, but these are interrupted by the later subdivision and new construction at numbers 4A and 6A Rowley Street. In general, views are constricted as the subject property is set a long way back from the street.



Views are more accessible from Gordon Street, with high visibility to the rear of 6 Rowley Street and the front and side elevations of 2 Gordon Street.

Views from the subject site include the nearby heritage items along both Gordon Street (residences) and Rowley Street (MLC campus), and to the side elevation of 47 Park Street.

There are no distant view or vistas to or from the subject site available from the public domain. The subject site is not particularly prominent or a landmark in Burwood.



#### 4.0 HERITAGE MANAGEMENT FRAMEWORK

##### 4.1 HERITAGE STATUS

The building at 2 Gordon Street is NOT a listed heritage item. Accordingly, 6 Rowley Street is the relevant heritage item within the subject site.

Within the subject site, 6 Rowley Street is listed as an item of local heritage significance on Schedule 5 of the *Burwood Local Environmental Plan (LEP) 2012* as 'Victorian House', Item Number 198. It is also located in the vicinity of a number of other listed items, as follows:

- 4 & 6 Gordon Street, Burwood – 'Victorian Houses' item 160
- 45 Park Road, Burwood – 'Methodist Ladies College' item 189
- 47 Park Road, Burwood – 'Federation House' item 190
- 51 & 53 Park Road, Burwood – 'Victorian Villas' item 192

Details of these items are included below. Other heritage listed items in the vicinity of the subject site are visually and physically separated from the site by intervening development and distance.

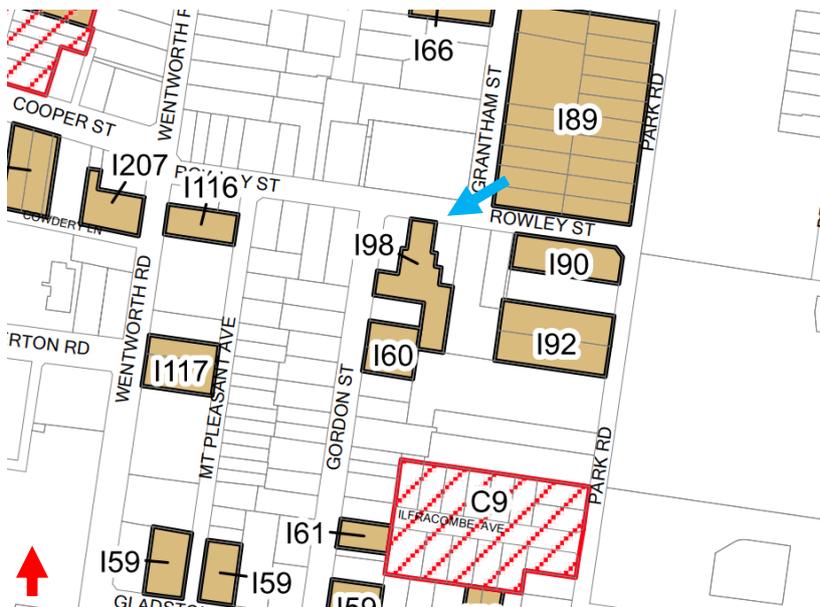


Figure 23: Excerpt from Burwood LEP 2012 Heritage Map Sheet HER\_001 showing heritage items shaded in brown. 6 Rowley Street, item 198, is identified by the blue arrow (Source: Burwood LEP 2012 Heritage Map Sheet HER\_001).

##### 4.2 SIGNIFICANCE OF THE SUBJECT SITE

The following Statement of Significance for the Victorian House (Item 98), at 6 Rowley Street, is sourced from the NSW State Heritage Inventory, Heritage Item ID 1250041.

*No. 6 Rowley Street, Burwood has historic and aesthetic significance as a good intact example of a c. 1880s - 90s house designed in the late Victorian Free Classical style. Despite some modifications the building retains its original form, character and detailing including rendered brickwork, projecting faceted bays, large, tall double hung timber framed windows, front corrugated steel verandah with cast iron detailing. The original curtilage has been lost and replaced by a c. 1960s subdivision which has detracted from the original building.*



#### 4.3 SIGNIFICANCE OF ITEMS IN THE VICINITY

The following Statement of Significance for the Victorian Houses (Item 60) at 4 & 6 Gordon Street is sourced from the NSW State Heritage Inventory, Heritage Item ID 1250039.

*Nos. 4 and 6 Gordon Street, Burwood have historic and aesthetic significance as good fairly intact examples of c. 1880s - 90s houses designed in the late Victorian Free Classical style. The buildings retains their overall scale, form character and detailing including face brickwork with contrasting brickwork around the openings, a front projecting bay, a pair of tall double hung windows with arched heads, a bull nose corrugated steel verandah with timber posts on a tessellated tiled base, timber frieze and a timber and leadlight panelled door with leadlight fanlight. As a pair they contribute to the Gordon Street streetscape.*



Figure 24: View of numbers 4 (left) and 6 (right) Gordon Street, dated 2010. (Source: NSW State Heritage Inventory)

The following Statement of Significance for the Methodist Ladies College (Item 89) at 45 Park Road is sourced from the NSW State Heritage Inventory, Heritage Item ID 1250043:

*MLC Burwood, particularly the main school site bounded by Rowley and Grantham Street and Park Road, is of local historic, aesthetic and social significance as a good example of an early all girls Church run School established in the late 1880s, as part of the early development in the local area.*

*The establishment of the School in c.1886 represents the recognition of Burwood as a favourable and growing suburb. Subsequent land acquisitions and development of the school also reflects the growth and development of the local area. The establishment of the school also represents the Church's recognition and value of an all girl school, it was the first all girls' school established by the Wesleyan/ Methodist Church. The site is of high social significance due to its associations with the Uniting Church and its predecessors and past and present students, staff and their families*

*The Schofield Wing/ Chapel, Tower and remaining wing, corner building containing Potts Hall and associated fence are of high, local historic, aesthetic and social significance as part of the early development of the School. Despite some change, adaption and additions, the buildings represent the early growth and development of the School and generally retain their overall form, character and Federation and Inter-war period details including face brick facades, brick and rendered detail including corner pilasters and towers and crenulated parapets, parapeted and pitched roof forms. Each also makes a high visual contribution to the Park Road, Rowley and Grantham Street streetscapes.*



Part of the School land on the eastern side of Park Road is also of some historic significance as part of the lands originally purchased for the School. This land has traditionally and significantly continues to be used for school sports activities.

The remainder of the school buildings are representative examples of educational buildings and facilities from the 1960s to the present. The various changes and modifications to the buildings and site frontages and construction of new building and additional wings demonstrate the on-going use and evolution of the school and changing requirements, tastes and expectations. The built context is enhanced by a number of open spaces and courtyards, trees and plantings. The area of the Principal's Lawn and area and planting in front of Kent House Visual Arts Centre is also of some historic and aesthetic significance and make a contribution to the School sites and Park Road and Rowley Street streetscapes.



Figure 25: Views of MLC at 45 Park Road, images dated 2010. (Source: NSW State Heritage Inventory).

The following Statement of Significance for the Federation House (Item 90) at 47 Park Road is sourced from the NSW State Heritage Inventory, Heritage Item ID 1250042:

No. 47 Park Road, Burwood has historic and aesthetic significance as a very good example of a single storey Victorian house with a later addition of a verandah in the Federation/Inter-war period. The house represents an endangered aspect of the cultural history of the Burwood area, as it is one of only three surviving mansions of this type fronting Burwood Park, which would have once have been surrounded by the late 19th century mansions of the wealthy. Despite a later verandah addition, the building retains its original form, character and detailing including dichromatic brickwork, round columns, decorated valance and timber framed double hung windows. The building makes a positive contribution to the Park Road streetscape.



Figure 26: Federation House at 47 Park Road, image dated 2010. (Source: NSW State Heritage Inventory)



The following Statement of Significance for the Victorian Villas (Item 92) at 51 & 53 Park Road is sourced from the NSW State Heritage Inventory, Heritage Item ID 1250040:

*Nos. 51 and 53 Park Road, Burwood have historic and aesthetic significance as excellent intact examples of two storeyed c. 1885/86 gentleman's villas designed in the Victorian Italianate style. It is historically associated with the settlement of the Burwood area by the wealthy middle class in the late nineteenth century. The house represents an endangered aspect of the cultural history of the Burwood area, as it is one of only three surviving mansions of this type fronting Burwood Park, which would have once have been surrounded by the late 19th century mansions of the wealthy. The buildings have aesthetic significance as they retain their overall scale, form and character including large projecting bays, two storey verandahs with tessellated floor tiles, cast iron columns, friezes and brackets, timber and glass panelled French doors with arched window heads, wide timber and leadlight multi panelled door with leadlight sidelight and arched leadlight highlight windows and classical mouldings. The buildings, including their front gardens make a positive contribution to the Park Road, streetscape.*



Figure 27: View of numbers 51 (left) and 53 (right) Park Road, dated 2010. (Source: NSW State Heritage Inventory)



### 5.0 THE PROPOSAL

The proposed development, designed by Walsh Architects, comprises a modification to the Development Application (3/2016) approved on the 5 March 2018. The approved DA enables use of the site as a boarding house, with alterations to 6 Rowley Street and 4 Gordon Street, and the construction of a new building at the south-east part of the site. The modified scope of work is confined to the new building, and includes:

- Addition of a third storey to the new building (height increase approximately 2.6m)
- Addition of a new common lounge area at the approved Level 1
- Addition of a new lift and stair to the west elevation of the new building
- Two additional car spaces

The aim of the proposal is to increase the area available for boarding house accommodation

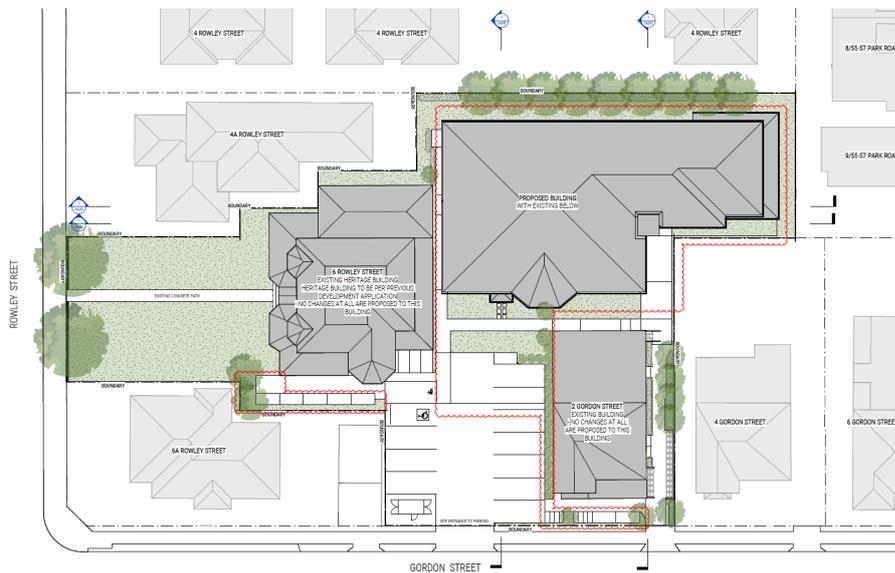


Figure 28: Proposed site plan showing the modified scope clouded in red. (Source: Extract drawing DA040, Walsh Architects)

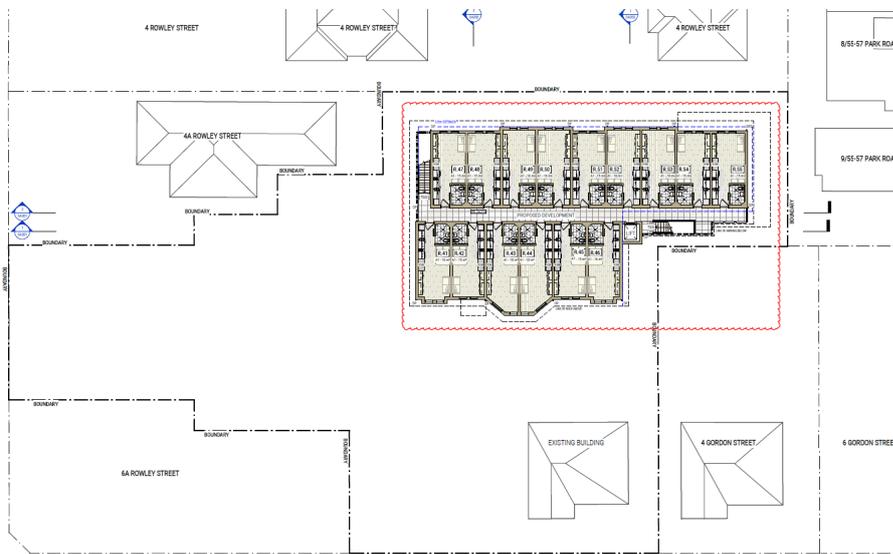


Figure 29: Proposed level 2 plan showing the modified scope clouded in red. (Source: Extract drawing DA102, Walsh Architects)



Figure 30: West elevation (Gordon Street) showing the modified scope clouded in red. (Source: Extract drawing DA300, Walsh Architects)

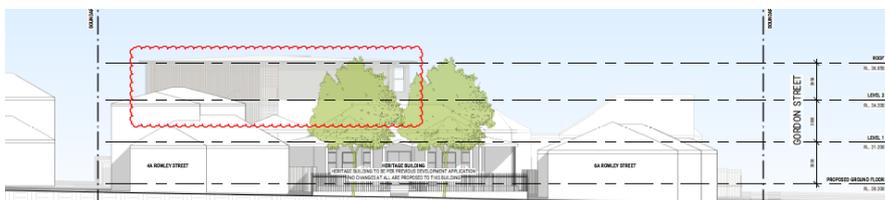


Figure 31: Rowley Street elevation (north), the modified scope is clouded in red. (Source: Extract drawing DA301, Walsh Architects)



Figure 32: Perspective view of the subject site from Rowley Street. (Source: Walsh Architects)



Figure 33: Perspective view of the subject site from Gordon Street. (Source: Walsh Architects)



### 5.1 DOCUMENTATION EVALUATED

The following drawings, prepared by Walsh Architects(Architect) and iScape (landscape), were reviewed as part of the preparation of this report:

DRAWING NO.	DRAWING TITLE	ISSUE	DATE
DA000	COVER PAGE	A	26.06.25
DA020	SITE ANALYSIS	A	26.06.25
DA040	PROPOSED SITE PLAN	A	26.06.25
DA100	GROUND FLOOR PLAN	A	26.06.25
DA101	LEVEL 1 PLAN	A	26.06.25
DA102	LEVEL 2 PLAN	A	26.06.25
DA103	ROOF PLAN	A	26.06.25
DA201	LONG SECTIONS	A	26.06.25
DA202	CROSS SECTIONS	A	26.06.25
DA300	ELEVATIONS	A	26.06.25
DA301	STREETSCAPE ELEVATIONS	A	26.06.25
DA400	AREA CALCULATIONS - GROSS FLOOR AREA	A	26.06.25
DA401	AREA CALCULATIONS - LANDSCAPE	A	26.06.25
DA500	SHADOW DIAGRAMS - 9AM JUNE 21ST	A	26.06.25
DA501	SHADOW DIAGRAMS - 12PM JUNE 21ST	A	26.06.25
DA502	SHADOW DIAGRAMS - 3PM JUNE 21ST	A	26.06.25
DA600	VIEW FROM SUN - JUNE 21ST	A	26.06.25
DA601	VIEW FROM SUN - JUNE 21ST	A	26.06.25
DA602	VIEW FROM SUN - JUNE 21 <sup>ST</sup>	A	26.06.25
61.25/103	LANDSCAPE PLAN		June 2025



**6.0 ASSESSMENT OF HERITAGE IMPACT**

**6.1 INTRODUCTION**

This Heritage Impact Statement has been prepared in relation to the following impact assessment criteria: the *Burwood Local Environmental Plan (LEP) 2012*, the *Burwood Development Control Plan (DCP) 2025* and the guidelines prepared by Environment and Heritage – Department of Planning and Environment NSW in their document: ‘Guidelines for preparing a statement of heritage impact’ published in June 2023. This report also assesses the proposal against the policies established in the Conservation Management Strategy (CMS) for the site, prepared by NBRS, dated June 2023.

**6.2 EVALUATION OF THE GUIDELINES OF THE NSW HERITAGE DIVISION**

The following assessment is based on the assessment criteria set out by Environment and Heritage – Department of Planning and Environment NSW in their ‘Guidelines for preparing a statement of heritage impact’ published in June 2023. The standard format has been adapted to suit the circumstances of this application.

**6.2.1 MATTERS FOR CONSIDERATION**

The following questions, extracted from the above guidelines and reproduced in italics, are considered in relation to the proposed development in the below table. Only the modified scope of work will be assessed, being the addition of a second storey to the new building, as other works have already been approved.

Matters for consideration	Summary comments on the proposal
<p><i>Do the proposed works include removal of unsympathetic alterations and additions? How does this benefit or impact the heritage item and its significance?</i></p>	<p>The proposed modifications do not involve removal of unsympathetic alterations or additions. No work is proposed to the original house as part of the modified scope.</p> <p>It is noted that the works already approved under DA 3/2016 include the removal of unsympathetic additions, which has been found to be a positive outcome for the significance of the heritage item.</p>
<p><i>Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?</i></p>	<p>The proposed modifications will be visible from both Rowley and Gordon streets, but will not affect these streetscapes as the work is set well back from the site, as well as set back from the Victorian villa at 6 Rowley Street. The proposed addition to the new building is readily legible as a later infill.</p> <p>The work will not impact on views to any heritage item at the subject site or vicinity, as it does not conceal or obscure any significant fabric or primary façades when viewed from the public domain. The historic character of the area, including heritage items identified at Section 4.0 of this report, will be retained and remain visible.</p>



	<p>The proposed design modification will have minimal additional impact on views from the subject site towards heritage items in the vicinity. There is no change to the approved footprint, siting and setbacks. Views to heritage items in the vicinity are already obscured by distance, street layout, and intervening development.</p>
<p><i>Are the proposed works part of a broader scope of works?</i></p>	<p>Yes, the modified scope is part of already approved works under DA 3/2016. These works have commenced, with conservation to the house at the subject site underway.</p>
<p><i>Does this proposal relate to any previous or future works? If so, what cumulative impact (positive and/or adverse) will these works have on the heritage significance of the item?</i></p>	<p>The proposed design modification relates to the previously approved works under DA 3/2016 which include conservation of the Victorian villa at 6 Rowley Street, and the construction of a new building at the south-east part of the subject site. The current design modification is limited to the new building which will include addition of one storey, a lift and associated circulation core to the building.</p> <p>The cumulative heritage impact relates to impacts to views as a result of the new addition. The proposed storey to the new building will result in an increase of the overall building height than the surrounding residences and heritage items. However, given the new building is set back to the south east corner of the site, the additional visual impact is considered to be acceptable from a heritage perspective. In this way, the modification has limited additional impact.</p>
<p><i>Are the proposed works to a heritage item that is also significant for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted.</i></p>	<p>Assessment of impacts on Aboriginal cultural heritage values are outside the scope of this report and services provided by NBRS.</p>
<p><i>Has the applicant checked if any other approvals of a separate process to evaluate the potential for impacts is required?</i></p>	<p>This report has been prepared to accompany an application to modify a development approval under Division 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>, to be assessed in accordance with the relevant provisions of the <i>Burwood LEP 2012</i>.</p> <p>NBRS is not aware of any additional approval processes which may be relevant to the project and which would be pursued by the applicant if applicable.</p>



<p><i>Do the proposed works trigger a change of use classification under the National construction code that may result in prescriptive building requirements? If so, have options that avoid impact on the heritage values been investigated?</i></p>	<p>The proposed modifications do not trigger a change of use classification.</p>
<p><i>If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?</i></p>	<p>The relevant requirements of the DCP are considered in Section 6.4 of this report.</p>
<p><i>Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated?</i></p>	<p>The proposed modification will have comparable impacts to the approved work under DA 3/2016. The increase in height and mass will have a minimal additional impact on the character of both Rowley and Gordon streetscapes.</p> <p>There is no impact on the physical fabric or visual appearance of the original house at the subject site. The significance of the heritage item will be retained and continue to be interpretable from the public domain.</p>

**6.2.2 ALTERATIONS AND ADDITIONS**

- *Do the proposed works comply with Article 22 of The Burra Charter, specifically Practice note article 22 – new work (Australia ICOMOS 2013b)?*
- *Are the proposed alterations/additions sympathetic to the heritage item? In what way (e.g. form, proportion, scale, design, materials)?*
- *Will the proposed works impact on the significant fabric, design or layout, significant garden setting, landscape and trees or on the heritage item’s setting or any significant views?*
- *How have the impact of the alterations/additions on the heritage item been minimised?*
- *Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from archaeologists been sought? How will the impact be avoided or mitigated?*

**Comment:**

The proposed modification seeks to alter the approved new building to the subject site;. No alterations are proposed to the heritage item as part of this modification.

Increasing the height and scale of the new building addition will have no impact on the heritage item’s significant fabric, design, setting, landscape or significant views. The modification will increase the visibility of the new work with potential impacts on the streetscape appearance of the heritage item at the subject site. However, this is mitigated by the new work being set a long way back and entirely behind the original house to be largely concealed. Further, the new work is readily identifiable as such and appears as a separate. Later infill in the background of the heritage item which will remain as the dominant element in the streetscape.

The modified scope does not include additional subsurface works that could impact on potential archaeological relics.



### 6.2.3 NEW LANDSCAPE WORKS AND FEATURES

- *How has the impact on the heritage significance of the existing landscape been minimised?*
- *Are works to the landscape or pathways necessary to comply with the access requirements of the Disability Discrimination Act 1992?*
- *Has evidence (archival or physical) of previous landscape work been investigated? Is the original landscape work being reinstated?*
- *Will any known or potential archaeological relics be affected by the landscape works? How will this be mitigated? Has advice been sought from a suitably qualified archaeologist?*
- *Do the proposed works impact views to, from and within adjacent heritage items?*

#### **Comment:**

Proposed modifications to the landscape include two new car spaces and associated driveway at the west side of the subject site at Gordon Street, extending the approved carparking area towards the east / centre of the site. This area is part of the existing rear garden related to the heritage item, which is not identified to be of heritage significance. The rear garden does not contain any substantial trees, early outbuildings or landscape features indicative of the original or early appearance.

An increase of hard paving in this location will have a negligible impact on the heritage significance of the existing landscape. The heritage item's primary landscape setting is to the front facing Rowley Street, no change is proposed to this area.

Previous landscape investigations have been carried out as part of the CMS. It is not proposed to reinstate the original landscape to the rear of the heritage item. There are no known archaeological relics in the rear garden area, and an archaeological assessment has not been carried out. The modified scope of hard landscaping does not involve subsurface excavation and therefore would not affect any potential archaeological relics.

The modified work will have no additional impact on views to, from, or within the subject site or any adjacent heritage items.

### 6.2.4 INTERPRETATION

- *Will the proposed works contribute to a continued understanding of the heritage item's history and significance?*
- *Can interpretive features be integrated into the design?*

#### **Comment:**

The proposed modification would have little additional impact on the interpretation of the heritage item's history and significance. Conservation works are being undertaken to the Victorian building as part of the approved scheme, which will assist in understanding the heritage item's history and significance.

It is appropriate that the new and separate building addition to the site is legible as such and does not copy historic details or confuse the evidence of change at the subject site. The proposed use of contemporary design, form and materiality ensures the heritage building remains legible and that its heritage significance can be retained and conserved.



**6.2.5 WORKS ADJACENT TO A HERITAGE ITEM OR WITHIN A HERITAGE CONSERVATION AREA**

- Will the proposed works affect the heritage significance of the adjacent heritage item or the heritage conservation area?
- Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated?
- Will the proposed works impact on the integrity or the streetscape of the heritage conservation area?

**Comment:**

The proposed modifications will not affect the significance of heritage items in the vicinity. There will be no additional impact on views to or from the heritage item at the subject site. While the modifications increase the overall height, the work remains entirely behind the heritage item and those in the vicinity (eg 4 & 6 Gordon Street, item 60). The heritage item will remain visible from both Rowley and Gordon streets.

Views from the subject site to heritage items in the vicinity are already obscured by distance and intervening development, as well as the approved new building. The modifications to that building will not further obscure or conceal views to heritage items in the vicinity.

**6.3 EVALUATION AGAINST CMS POLICIES**

The proposal is assessed below against the relevant policies set out in the Conservation Management Strategy (CMS) for the site, prepared by NBR'S, dated June 2023, and included in italics below:

5.2 CONSERVATION POLICIES	Comments on the proposal
<p><b><i>Policy 2 – Retention of the Place</i></b>  <i>The Victorian building on the site should be retained and conserved in such a way as retains the established cultural significance of the place.</i></p>	<p>The proposed modification retains the heritage item in its entirety and does not propose full or partial demolition of the house. Retention and conservation are already approved and underway as part of the approved DA 3/2016.</p>
<p><b><i>Policy 8 – New Work</i></b>  <i>New work should be identifiable as new, either through a differentiation of design and detailing or, in the case of reconstructed works, date stamping.</i></p>	<p>The new work at the rear of the site will be readily identifiable as new through the use of contemporary design, detailing, form and materiality. The proposed modifications to the design maintain this approach, and the significance of the existing Victorian building on the site will be retained and conserved,</p>

**6.4 HERITAGE OBJECTIVES OF THE BURWOOD LEP 2012**

The proposed modifications are acceptable, from a heritage perspective, for the following reasons:

- Does not change, modify, or in any way affect the heritage item’s significant fabric or setting.
- Retains views to and from the heritage item from both Rowley and Gordon streets.
- The new work will be identifiable as new.
- There will be no adverse impact on the established heritage significance of the heritage item at the subject site, or to the heritage items in the vicinity.



- There will be no change to the appreciation or interpretation of the heritage item from the public domain at Rowley or Grant streets.

The proposal is, therefore, considered to be consistent with the relevant heritage objectives of the *Burwood LEP 2012*, which are:

**5.10 Heritage conservation**

*(1) Objectives*

*The objectives of this clause are as follows:*

- (a) to conserve the environmental heritage of Burwood*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views*

**6.5 HERITAGE GUIDELINES OF THE BURWOOD DCP**

The *Burwood DCP* supports the *Burwood LEP 2012* by providing additional objectives and development standards for Heritage in Residential Precincts.

**6.5.1 GENERAL HERITAGE PROVISIONS**

The proposed development modification is generally consistent with the objectives of the *Burwood DCP 2025* that relate to heritage and are set out in the following DCP Sections:

**4.7 Heritage in Residential Precincts**

**4.7.2 Heritage Controls**

Objectives O1 through O6.

**6.5.2 HERITAGE CONTROLS**

The subject property is located within a residential precinct and in the vicinity of other heritage items, for which the *Burwood DCP* contains the following provisions:

**4.7.2 Heritage Controls**

**P35 Views and Vistas**

*Development of a heritage property, or development in its vicinity, must:*

- *Provide an adequate area of land around the development to allow interpretation of the significant building or place.*
- *Not detract from the setting of the heritage property.*
- *Retain and respect significant views/vistas from the public domain to a heritage property, as well as the views/vistas originating from the heritage property itself.*

**Comment:**

The proposed modification is in line with the approved footprint and setbacks for the new building. There is no change to the proposed area of land between and around the new building and original house, and no impact on interpretation of the heritage listed building.

The new building work is sited towards the rear south eastern section of the site, set back from the heritage listed Victorian building at 6 Rowley Street .

As the new work is sited entirely behind the original house, it does not impede on or conceal any views to the house from the public domain at either Rowley or Gordon streets. While the new work will be visible from some angles, it will be clearly legible as a separate element in the background and will not affect interpretation of the original house and its significance.



Views originating from the heritage items within the vicinity of the site are not significantly impacted by the proposed modification. The approved siting and footprint of the new building are retained, with no potential for the proposed additional height to impede or conceal views out from the subject site. There are currently no substantial views from within the subject site to heritage items in the vicinity. Views to 4 & 6 Gordon Street (item 60) are restricted to their rear façades, and the modified scope exerts no additional impact upon these views when compared with the approved work. Views to 51 & 53 Park Road (item 92) are currently impeded by distance and intervening development – the modified work will have no impact.

#### **4.7.2 Heritage Controls**

##### **P40 Development in the Vicinity of a Heritage Property**

*New development, or alterations and additions to existing development, that is located in the vicinity of a heritage property, must be designed and sited to:*

- *Have regard for, and be compatible with, the significance of the heritage property.*
- *Reflect the bulk, scale, height and proportion of the heritage property.*
- *Respect the front garden setting, any established setbacks, and views and vistas of the heritage property.*
- *Be recessive in character and not dominate the heritage property.*
- *Interpret the materials and architectural detailing of the heritage property.*
- *Respond to the building alignment of the heritage property.*

#### **Comment:**

Modifications to the approved new building are located in the vicinity of a number of heritage items. The proposed new storey and circulation core align with the approved building in terms of having regard for the significance of the heritage items. There is, further, no change to the established setbacks, garden settings, and views to the heritage items.

The proposed modification increases the height of the new building. It is acknowledged that the proposed three-storey development is not in line with the height, scale and proportions of heritage items in the vicinity. However, this is mitigated by its being set back from the property boundaries and sited behind the heritage properties to be largely concealed from the public domain. The additional height will not significantly overwhelm, dominate or otherwise detract from heritage items in the vicinity, and the new building will remain a visually recessive element in the background.

The modified scope makes no change to the proposed building alignment, materials or architectural detailing. These features have already been approved, and the modified work will not result in any additional impact.

##### **P40B**

*Any development located on a site contiguous with a heritage property, shall have regard to the following:*

- *The front setback area of the development is to maintain and open setting for the heritage item such as by way of a lower front fence height, sensitive location of the pedestrian access path/entrance, and landscaping. The "privatisation" of the front setback – characterised by courtyards, fences dividing private open space, multiple entries, and high walls – should be avoided. Structures (e.g. bin enclosures, covered letterboxes, fire stairs) should be avoided in the front setback.*
- *The location of driveways in close proximity to the heritage item's boundary is to be avoided. Driveways have the potential to adversely impact the amenity of the*



*heritage property, its setting, cause excavation impacts, and reduce landscaping of the new development.*

- *The location of multiple courtyards or private open spaces along the boundary of the heritage item is to be avoided. This densification of use has the potential to impact the amenity of the heritage property's residents/occupants.*

**Comment:**

The subject site is contiguous with the rear boundary of number 4 Gordon Street (item 60). As the work is sited entirely behind, and set back from, the heritage item there are no impacts associated with front setbacks, driveways and courtyards / private open space at the shared boundary. The retained house at 2 Gordon Street provides a buffer between the heritage item and the driveway, carparking and private open space at the subject site.



## 7.0 CONCLUSION

The proposed modifications to the approved development (DA 3/2016) of the properties at 6 Rowley Street and 2 Gordon Street, Burwood, will have an acceptable additional impact on the heritage significance of the heritage item at the subject site (Victorian House, item 98), and heritage items in the vicinity.

The design of the modified scope has been carefully considered and is in keeping with the approved development in terms of footprint siting, design approach, materials and form. The modified scope (an additional storey, new circulation, shared lounge, and two new car spaces) will have negligible additional impact compared with the approved. While the additional storey will be visible, this is mitigated by its being sited to the rear of the property, set back from the street, and behind all relevant heritage items.

All existing views to and from the heritage items in the vicinity, and the character of streetscape and subject site will be retained and conserved.

The proposed modifications are consistent with the heritage objectives of the *Burwood LEP 2012* and the *Burwood DCP*. In our view, the consent authority should have no hesitation, from a heritage perspective, in approving this application.



Dr Claire Miller  
Associate, Heritage  
**NBRS**  
30 June 2025



23 October 2025

Burwood Council  
PO Box 250,  
Burwood NSW 1805

To whom it may concern,

Dear Sir/Madam

**RE: 6 Rowley Street and 2-4 Gordon Street, Burwood – Request for Further Information regarding BD.2016.003 (4.55 Mod)**

This letter has been prepared to respond to Burwood Council's Additional Information Request, dated 30 September 2025, issued in related to DA modification application BD.2016.003(4.55 Mod).

**BACKGROUND**

The proposed modification is for the addition of the third storey to the approved scheme, with associated changes including additional carparking, the addition of a lift and stair, and a new common lounge area to level 1. Council has identified a number of concerns with the proposed modification; this letter will address heritage matters only.

Subsequently, the project team met with Council for further discussions regarding the concerns about the design as raised in the RFI. Following that meeting and receipt of additional feedback from Council, the design has been amended to respond to those concerns.

***Reference Documents***

This letter refers to application drawings, dated 26 June 2025, prepared by Walsh Architects as referenced in the HIS prepared by NBRS and dated 30 June 2025.

Since the Additional Information Request, the drawings have been updated and reflect the revised design. The updated set, prepared by Walsh Architects and dated 20 October 2025, was reviewed during the preparation of this letter and includes the following:

Dwg Number:	Dwg Name:	Rev:
DA000	Cover Page	B
DA020	Site Analysis	B
DA040	Proposed Site Plan	B
DA100	Ground Floor Plan	B
DA101	Level 1 Plan	B
DA102	Level 2 Plan	B
DA103	Roof Plan	B
DA201	Long Sections	B
DA202	Cross Sections	B
DA300	Elevations	B
DA301	Elevations	A
DA302	Streetscape Elevations	B
DA400	Area Calculations – Gross Floor Area	B
DA401	Area Calculations – Landscape	B
DA500	Shadow Diagrams – 9AM June 21st	B



DA501	Shadow Diagrams – 12PM June 21 <sup>st</sup>	B
DA502	Shadow Diagrams – 3PM June 21 <sup>st</sup>	B
DA600	View From Sun – June 21 <sup>st</sup>	B
DA601	View From Sun – June 21 <sup>st</sup>	B
DA602	View From Sun – June 21 <sup>st</sup>	B
DA700	External Finishes	B

#### ADDITIONAL INFORMATION REQUEST

Heritage-related concerns with the 4.55 application, as identified by Council, are outlined as follows:

*The addition of another storey to the new residential building proposed to the rear of the heritage item fronting Rowley Street does not meet Section 4.7.2, Objective O3 and associated Provisions P6 and P8 of the Burwood DCP, which are intended to protect the character and setting of heritage items. The predominant scale of the residential buildings in the vicinity is one or two storey, with the two buildings on the site being single storey. The Statement of Heritage Impact does not adequately address the DCP objective that relates to the predominant scale of the heritage property and its surrounds.*

*The form and materials of the elevation to Rowley Street also do not meet the DCP provisions and do not respond to the form or design of the heritage item.*

*Given that a lift is being included in the proposal, the height of part of the building is likely to be even taller than shown on the architectural drawings. This increase in height will impact the heritage item at No. 4 Gordon Street and is not supported.*

*The increase in the amount of hard paving and the corresponding loss of landscaped area and communal outdoor space is not supported. The architectural drawings do not provide sufficient information regarding the nature of the proposed paving adjacent to the heritage item. The provision of parking immediately adjacent to the heritage item is undesirable, a buffer should have been provided.*

*It is also recommended that the landscaped area and communal open space not be reduced in scale to provide the additional car parking.*

*The proposal is not supported on heritage grounds due to the scale of the proposed additional level and the lack of compliance with the DCP objectives and provisions relating to the predominant scale of heritage properties in residential areas. It is recommended that the scale of the new building to the rear of the local heritage item at 6 Rowley Street, Burwood remain as currently approved.*

#### Summary of Concerns

Council's concerns can be summarised into four main points:

1. **Scale** – the additional storey is over scaled for the location
2. The **form and materials to Rowley Street** are not appropriate to the heritage item
3. The **new lift** will further increase the overall height
4. Additional **carparking and hard paving**, and loss of landscaped area, does not provide an appropriate setting and buffer to the heritage item or those in the vicinity

The main concerns relate to the visual impacts of the additional storey on the heritage item and those in the vicinity, and lack of compliance with the DCP regarding scale (at section 4.7.2), form and materials. These concerns will be discussed further in the following sections.



*Summary of Design Changes*

Design changes in response to the RFI and further discussions with Council are summarised as follows:

- Setbacks introduced at Level 2 from the southern boundary and northern interface with the original dwelling in site.
- Reduction in the number of carparks proposed.
- Increased area of communal courtyard space.
- Lift has been removed from the scheme.

These changes are reflected in the updated drawings, and form the scope of work reviewed for the preparation of this letter.

**SCALE**

The Burwood DCP section 4.7.2 Objective O3 seeks:

*To ensure that any alterations or additions to heritage properties reflect the predominant scale, height, proportion, character and setbacks of the existing property, and surrounding development.*

Provision P6 states, in part:

*Development of a heritage property must:*

- (i) *Be sympathetic in terms of its scale and character*

Provision P8 states:

*Alterations and additions to a heritage property must not dominate the character of the existing structure, nor be of excessive scale relative to the original building.*

It is acknowledged that the modified design is larger than the approved scheme and will be partially visible from Rowley and Gordon streets. However, the new work is set substantially back from the street, particularly to Rowley Street, mitigating the overall appearance of height and scale from the public domain. This effect is further mitigated with the introduction of an additional setback to Level 2. The new setback reduces the visibility of the upper level when viewed from Rowley Street, and creates a stepped increase in scale that concentrates additional height and mass away from the heritage item.

The new work sits behind the existing house and, when viewed from Rowley Street, reads as a secondary and subservient element. The new work does not block or otherwise impact views of the heritage item and its front garden setting, which will remain the dominant streetscape element.

The scale of the proposed Level 2 is not excessive relative to the original building. The legibility of the scale difference is mitigated by the large setback from the street and additional setback of the upper level. The height is further minimised by using a low-pitched roof to the new building, contrasting against the heritage item's pitched roof.

The proposed modification increases the height of the new building. It is acknowledged that the proposed three-storey development is not in line with the height, scale and proportions of most heritage items in the vicinity. Buildings of two-storeys in the vicinity are, however, similarly scaled due to their largely having pitched roofs. The increase in scale is mitigated by its being set back from the property boundaries and sited behind the heritage properties to be largely concealed from the public domain. The additional height will not significantly overwhelm, dominate or otherwise detract from the heritage item or those in the vicinity, and the new building will remain a visually recessive element in the background.

Increasing the height and scale of the new building addition will have an acceptable impact on the heritage item's significant fabric, design, setting, landscape or significant views. As noted in the Heritage Impact Statement, the modification will increase the visibility of the new work with potential impacts on the streetscape appearance of the heritage item. However, this is mitigated by the new work being set



a long way back and entirely behind the original house to be largely concealed. Further, the new work is readily identifiable as such and appears as a separate, later infill in the background of the heritage item which will remain as the dominant element in the streetscape.

The proposed modification will not impact on views to the heritage item at the subject site or any in the vicinity, as it does not conceal or obscure any significant fabric or primary façades when viewed from the public domain. The historic character of the area, including heritage items in the vicinity, will be retained and remain visible.

#### **FORM & MATERIALS TO ROWLEY STREET**

Objective O4 at section 4.7.2 of the DCP seeks:

*To ensure that development located in the vicinity of a heritage property is designed and sited in a manner sympathetic to the significance of the heritage property and its setting.*

Provision P6 states, in part:

*Development of a heritage property must:*

- (i) *Be sympathetic in terms of its scale and character*
- (ii) *Employ materials and detailing that responds to the traditional form and style of the existing structure*

The scale of the new work, when viewed from Rowley Street, is minimised by the large and stepped setbacks, and physical separation between the two elements. The distance allows the new work to read as a separate, subsidiary element while the contemporary form is legible as a new addition that does not copy historic details. This approach ensures that the character and significance of the original dwelling is not confused as there is a clear distinction between old and new.

The modified scope makes no change to the proposed materials or architectural detailing. These features have already been approved under the original DA, and the modified work will not result in any change to the materiality or details when viewed from Rowley Street. The proposed colour palette is restrained and neutral, with a range of grey tones that will sit softly as a backdrop to the heritage items and within the streetscape. The soft, natural grey tones are complementary to, and will not visually compete with, the heritage items on site or those in the vicinity.

#### **NEW LIFT**

The new lift that was proposed as part of the S4.55 application has been removed from the scheme. This is positive outcome that directly responds to Council's concerns about potential additional height resulting from the lift overrun.

#### **CARPARKING & HARD PAVING**

Provision P6 states, in part:

*Development of a heritage property must:*

- (iii) *Provide adequate setbacks, and maintain a setting around the heritage property, to facilitate the item's interpretation*

The proposed modification is in line with the approved footprint and setbacks for the new building. There is no change to the proposed area of land between and around the new building and original house, and no impact on interpretation of the heritage listed building. There is, further, no change to the established setbacks, garden settings, and views to the heritage items in the vicinity.

New carparking is proposed in an area which is not identified to be of heritage significance, and does not contain any trees, outbuildings or landscape features that contribute to the item's heritage



significance. This is an appropriate location for new hard landscaping and vehicle storage, and is in line with the current condition.

The S4.55 modification sought an additional two car spaces (for a total of 11) compared with the original DA. Subsequent design changes to reduce the size of the upper level has reduced the number of carparks required for the site. It is now proposed to have a total of 10 car spaces, an increase of one from the approved scheme. Removing one car space from the scheme has increased the area of shared open space and soft landscaping behind the heritage item, softening its setting.

The additional car space will retain an open setting surrounding the heritage item on the site. A buffer is retained at the edge of the carpark in the form of a pedestrian pathway and soft landscaping. It is acknowledged that the grassed area immediately south of the heritage item will be slightly reduced. However, this area is in the centre of the site and set well back from the street. The landscape buffer as approved would not be readily appreciable from the public realm and the proposed modification would not alter this condition.

A minor increase of hard paving in this location will have a negligible impact on the heritage significance of the existing landscape. The heritage item's primary landscape setting is to the front facing Rowley Street. It is from this side that the item is interpretable as a Victorian-era house set within a garden landscape. No change is proposed to this area, and there are no impacts on the relationship of the heritage item to Rowley or Gordon streets.

The proposed modifications to the carparking make no change to the approved setbacks or open setting to the house, and do not adversely impact on the item's interpretability.

**CONCLUSION**

The updated 4.55 proposal is acceptable from a heritage perspective as the heritage significance of the subject item will be retained.

Should you require any further information, please contact the undersigned.

Yours faithfully,



**NBRS**

**Claire Miller**

Associate, Heritage