



NOTICE OF BURWOOD LOCAL PLANNING PANEL MEETING

The meeting of the Burwood Local Planning Panel will be held at Conference Room, 2 Conder street Burwood on Thursday 19 February 2026 at 6:00 PM to consider the matters contained in the attached Agenda.

Tommaso Briscese
General Manager

Agenda

For a Notice of Burwood Local Planning Panel Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Thursday 19 February 2026 at 6.00pm.

Welcome to the meeting of the Burwood Local Planning Panel

I declare the Meeting opened at

1. Acknowledgement of Country

Burwood Council acknowledges the Wangal Peoples who are the traditional custodians of the area. We pay our respects to their elders past and present.

2. Introduction of Panel Members

3. Recording of Meeting

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

4. Explanation of how the panel will operate

None of the matters before the Panel today qualify for a public hearing. Consequently, there are no members of the public making representations to the Panel for this meeting.

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

For each matter, the Council officer will briefly give an overview.

All members of the public who have registered to speak will have the opportunity to address the panel. I will invite you to speak and commence by stating your name and address or whom you represent.

After all speakers have been heard, the panel will adjourn to deliberate on the matter.

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

5. Apologies/Leave of Absences

6. Declarations of Interest by Panel Members

7. Chair introduction of Agenda Item

8. Council Officer Overview

9. Development Applications

(Item DA2/26)	DA.2025.77 Alterations and additions to an existing heritage listed dwelling at 2A Appian Way, Burwood.....	4
(Item DA3/26)	DA.2025.78 Alterations and additions to an existing heritage listed dwelling at 3 Appian Way, Burwood.....	29

(Item DA4/26)	DA.2025.63 Works to expand commerical tenancy and use as a chemist at 67-71 Burwood Road, Burwood.	51
(Item DA5/26)	DA.2025.90 - Demolition of all existing structures and construction of a new two-storey dwelling with new basement parking and ancillary structures at 52 Woodside Avenue Strathfield	70

Development Applications

(Item DA2/26) DA.2025.77 Alterations and additions to an existing heritage listed dwelling at 2A Appian Way, Burwood.

File No: 26/1650

Report by Development Assessment Planner; Senior Assessment Planner; Manager City Development

Owner: G Faker
Applicant: Christopher Jordan
Location: 2A Appian Way, Burwood
Zoning: R2 Low Density Residential

Proposal

Alterations and additions to the existing dwelling house, construction of a new secondary dwelling, cabana, gym, swimming pool, fencing, associated tree removal, landscaping and heritage conservation works.

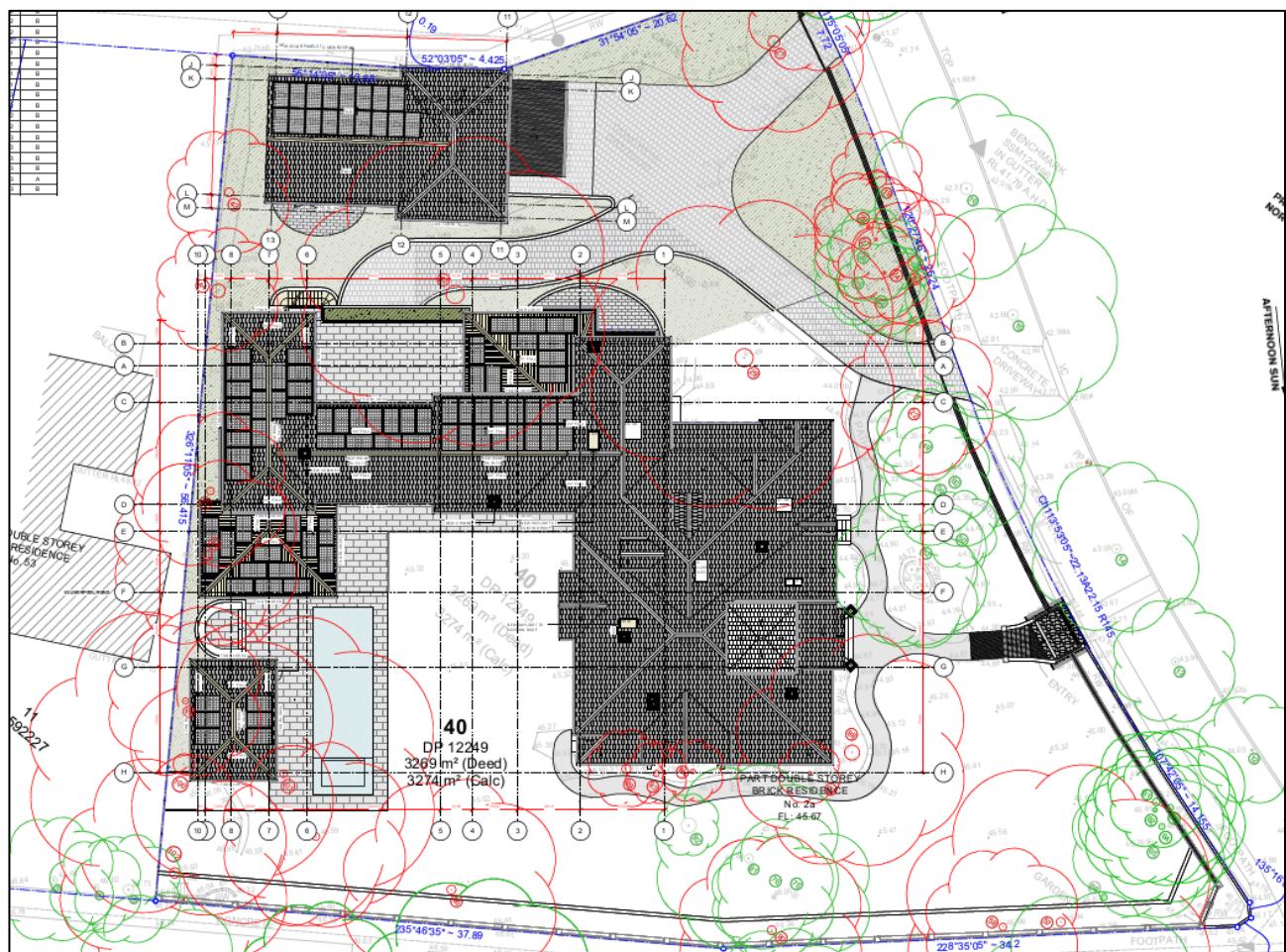


Figure 1 – Extract of the applicant's submitted revised Site Plan.

Source: (Christopher Jordan Architecture and Design)

The proposed works are outlined in detail below:

Alterations to Ground Floor Dwelling House and New Rear Extension

- Demolish a portion of the rear wing.

- Demolish internal walls and create new openings at ground and attic floor levels.
- Infill existing openings at ground floor level.
- Remove the existing staircase (not original).
- Remove selected mantelpieces and replace them with period-appropriate mantelpieces in keeping with the Federation style (the one remaining original Federation mantelpiece will be retained).
- Construct new internal walls and undertake internal alterations of the existing ground floor layout to accommodate a new foyer, master bedroom, ensuite, main bathroom, laundry, guest bathroom and ensuite to Bedroom 1.
- Construct a new rear addition, partially within the footprint of the demolished rear wing, comprising of a new kitchen, butler's kitchen, dining and living room. The new rear wing will be single-storey with a lower ground level partial basement garage and accommodation area comprising a bedroom, rumpus room, media room, hallway, storage area and bathroom. The walls will be constructed of masonry, with sandstone cladding applied to the lower ground level addition. The primary new roofs will be hipped and clad in tiles to match the existing roof, while the secondary roofs will be skillion in form and finished with corrugated metal sheeting. Doors and windows will feature timber frames.

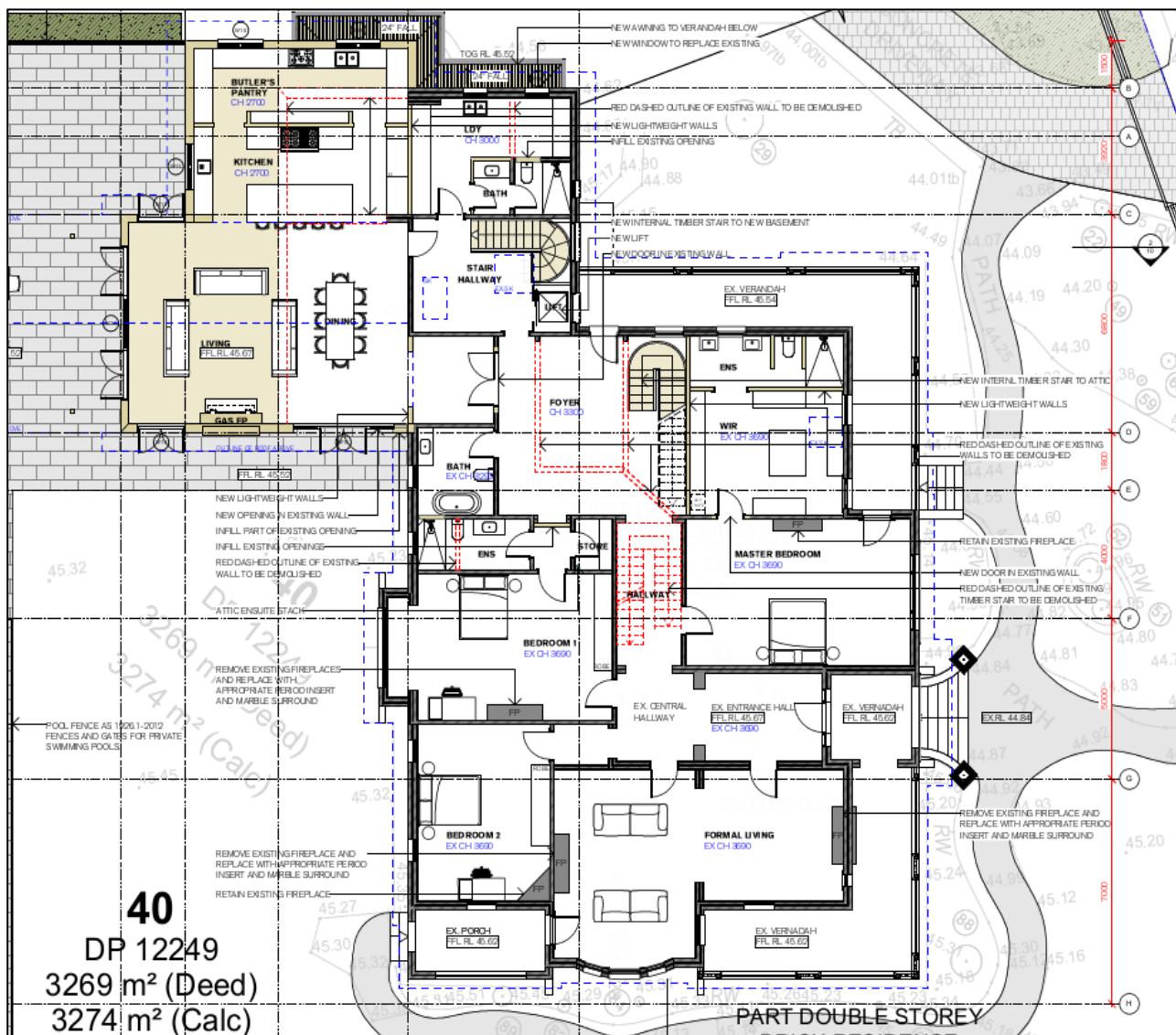


Figure 2 – Extract of the applicant’s submitted revised Ground Floor Plan.

Source: (Christopher Jordan Architecture and Design)

Basement and Lower Ground Floor

- Construction of a new driveway to the lower ground garage.
- Construction of a ten (10) car basement garage.
- Install a new staircase and a lift to the proposed lower ground floor.
- Construction of a lower ground floor level, consisting of Bedroom 5, a rumpus room, bathroom, storage room, hallway, staircase and elevator to ground floor level.

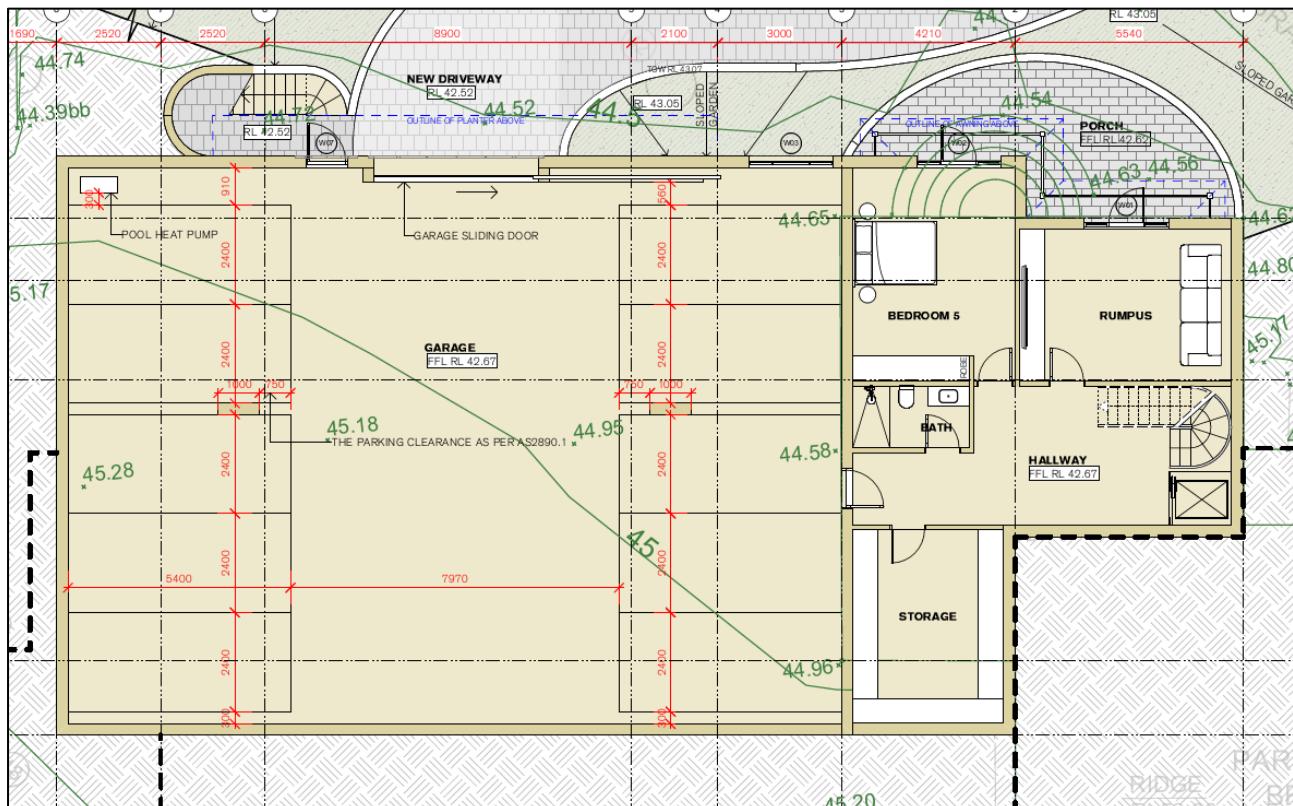


Figure 3 – Extract of the applicant's submitted revised Basement/Lower Ground Floor Plan
Source: (Christopher Jordan Architecture and Design)

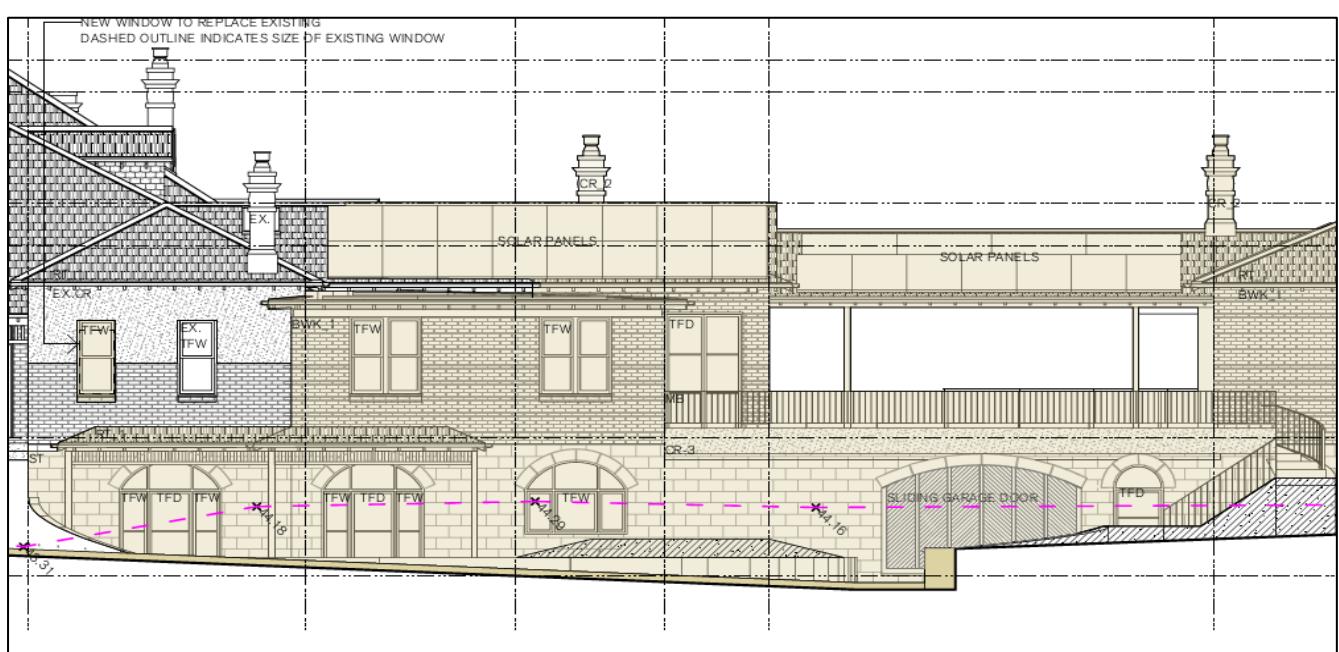


Figure 4 – Extract of the applicant's submitted revised North-West Elevation, depicting the proposed lower ground floor and basement entrance.

Source: (Christopher Jordan Architecture and Design)

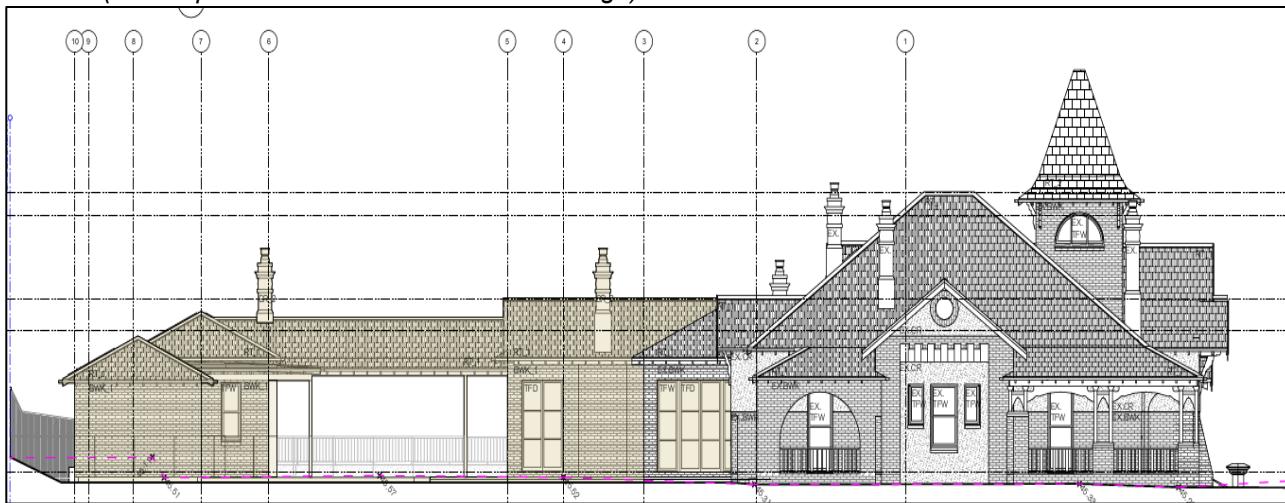


Figure 5 – Extract of the applicant's submitted revised South-East Elevation.

Source: (Christopher Jordan Architecture and Design)



Figure 6 – Extract of the applicant's submitted revised South-West Elevation.

Source: (Christopher Jordan Architecture and Design)



Figure 7 – Extract of the applicant's submitted revised Section BB Plan.

Source: (Christopher Jordan Architecture and Design)

Alterations to Existing Turret/Attic and Roof

- Install a new staircase to the attic floor in a relocated position.
- Construct new internal walls and undertake internal alterations of the existing attic floor layout to accommodate a new staircase void, hall, Bedroom 3, Bedroom 4 with an ensuite, and bathroom.
- Modify two existing dormers and install new flush-mounted skylights on the rear roof plane.

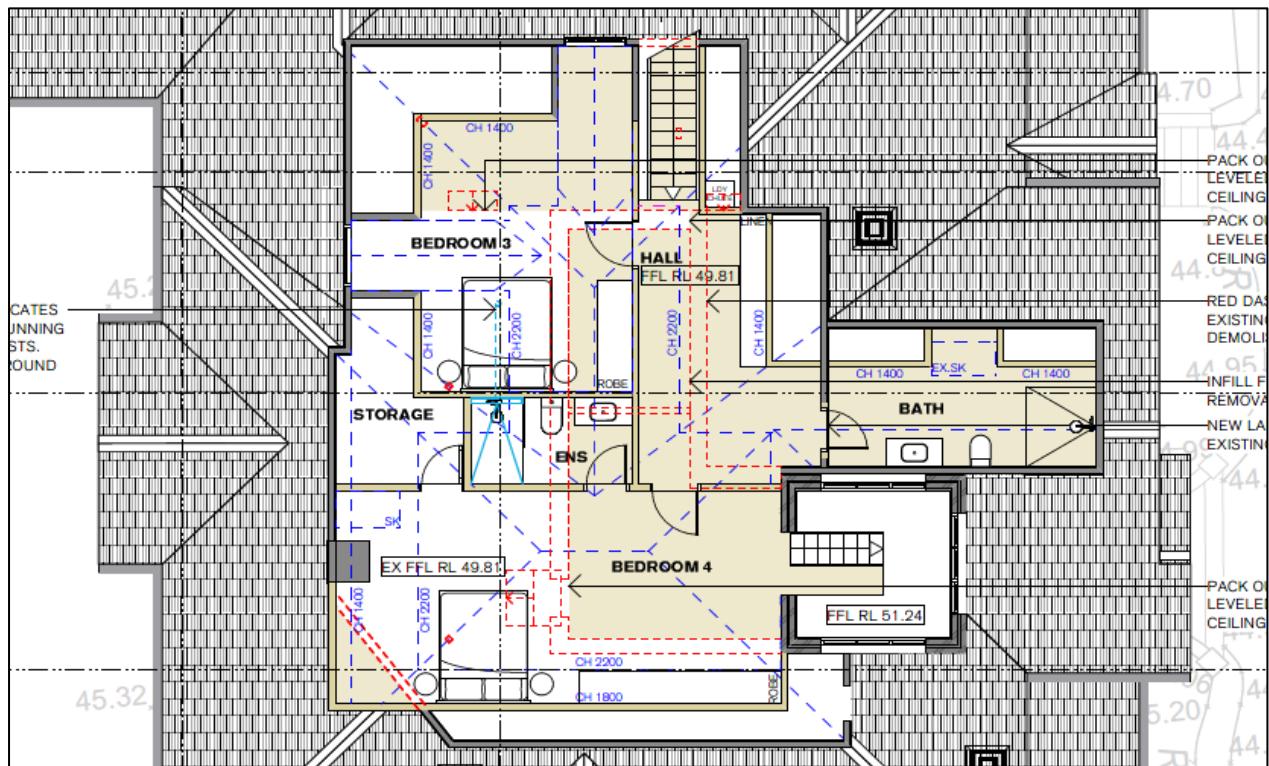


Figure 8 – Extract of the applicant's submitted revised Attic Floor Plan.

Source: (Christopher Jordan Architecture and Design)

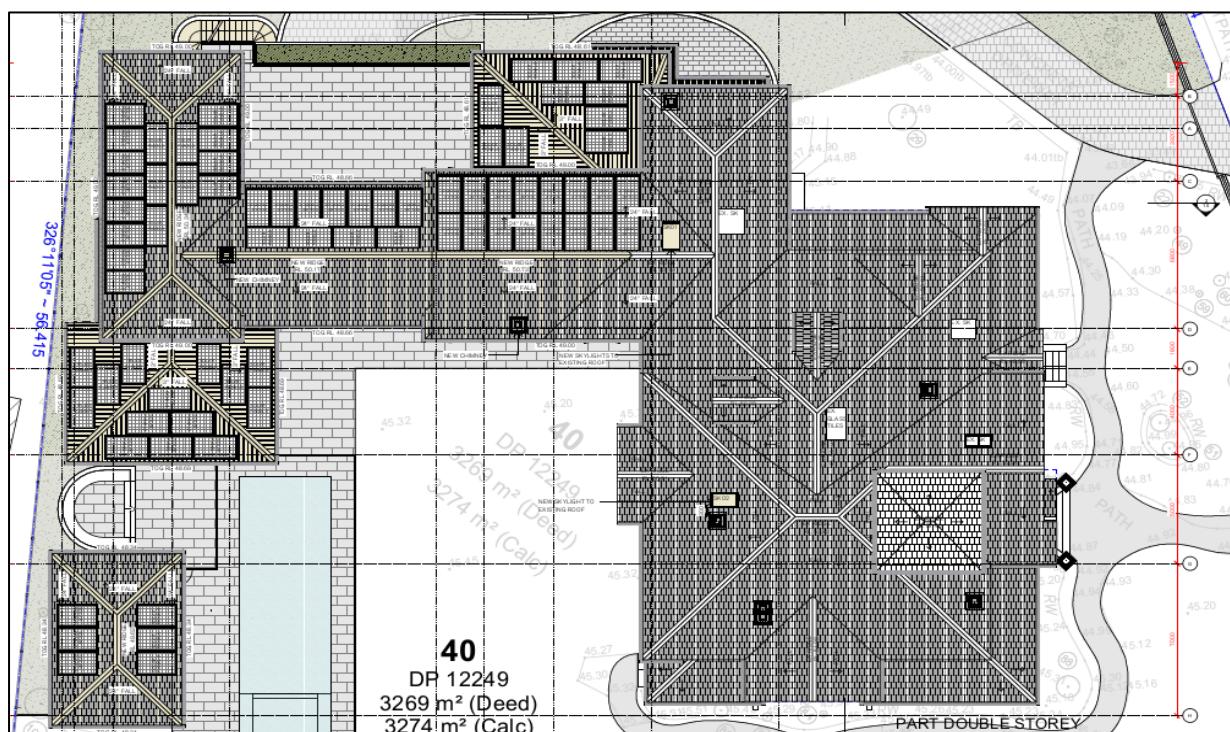


Figure 9 – Extract of the applicant's submitted revised Roof Plan.

Source: *(Christopher Jordan Architecture and Design)*
Heritage Conservation Works to the Dwelling House

- Repairing and replacing terracotta tiles to roof and gables. Repair brickwork to chimneys. Repair fascias and eaves.
- Cleaning and repair of brickwork.
- Cleaning of tiled floors, staircase, timber posts and fretwork of verandah and entry.
- Repair and repainting of lychgate.
- Repair, patch and repaint Room 1 Entry Hall, including repairs to walls, ceilings, cornices and carpet. Remove and replace floorboards (not original).
- Repair, patch and repaint Room 2 Central Hallway, including repairs to walls, ceilings, cornices and carpet. Remove and replace floorboards (not original).
- Repair, patch and repaint Rooms 3 and 4, including repairs to walls, ceilings, cornices and carpet. Remove and replace floorboards (not original). Remove fireplace (not original) and replace with appropriate period fireplace.
- Repair, patch and repaint Room 5 Hallway, including repairs to walls, ceilings, cornices and carpet. Remove and replace floorboards (not original).
- Repair, patch and repaint Room 6, including repairs to walls, ceilings and cornices. Remove and replace floorboards (not original). Retain original timber mantelpiece.
- Repair, patch and repaint Room 7, including repairs to walls, ceilings and cornices. Remove and replace floorboards (not original). Remove fireplace (not original) and replace with appropriate period fireplace.
- Repair, patch and repaint Room 8, including repairs to walls, ceilings and cornices. Remove and replace floorboards (not original). Remove fireplace (not original) and replace with appropriate period fireplace.



Figure 10 – Extract of the applicant's submitted existing Room Number Plan.

Source: (Statement of Conservation Works prepared by Christopher Jordan Architecture and Design)
Secondary Dwelling (Granny Flat)

- Construct a single-storey granny flat to the rear of the existing garage with a hipped roof, comprising a living room, dining area, kitchen, bedroom, bathroom, and laundry. The walls will be constructed of brick, with a hipped roof clad in tiles to match the existing. Doors and windows will feature timber frames.

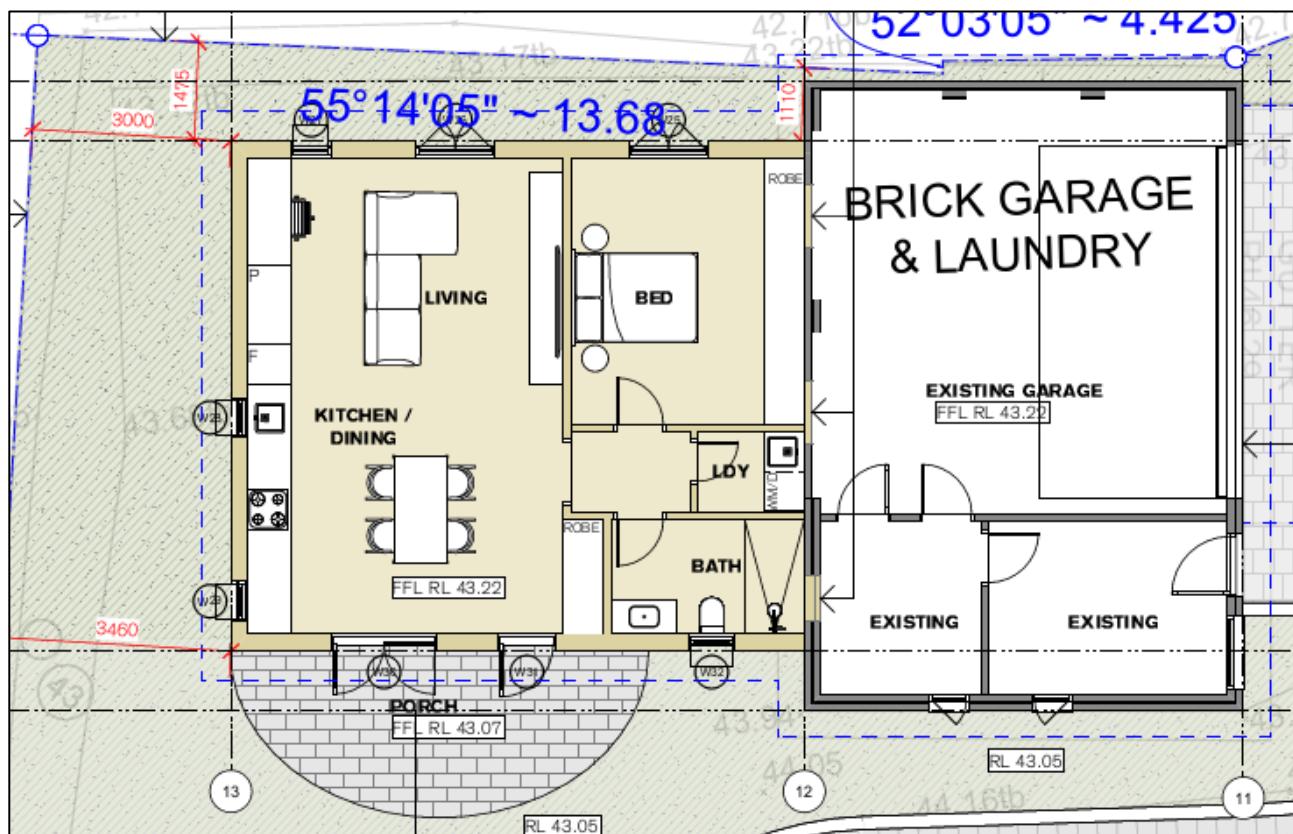


Figure 11 – Extract of the applicant's submitted revised Secondary Dwelling Floor Plan.

Source: (Christopher Jordan Architecture and Design)

Outdoor Alfresco and Ancillary Structures

- Undertake conservation works to the existing garage, including the installation of new timber posts to the existing awning. Remove existing aluminium openings to reinstate the garage to its original function and infill existing rear windows.
- Construction of a new cabana and gym at the rear of the dwelling. The walls will be constructed of brick, with a hipped roof clad in tiles to match the existing. Doors and windows will feature timber frames. The terrace will have a metal palisade railing and an external staircase to the lower ground driveway.
- Installation of a new inground swimming pool in the rear yard, with glazed pool fencing.
- Removal of the existing fencing along both the Appian Way and Liverpool Road boundaries.
- Construction of a new timber picket fence on a face brick base along the Appian Way boundary, including the repair of the existing lychgate. New sliding gates will be installed in the location of the current driveway gates.
- Construction of a two-tone face brick wall along the Liverpool Road boundary.

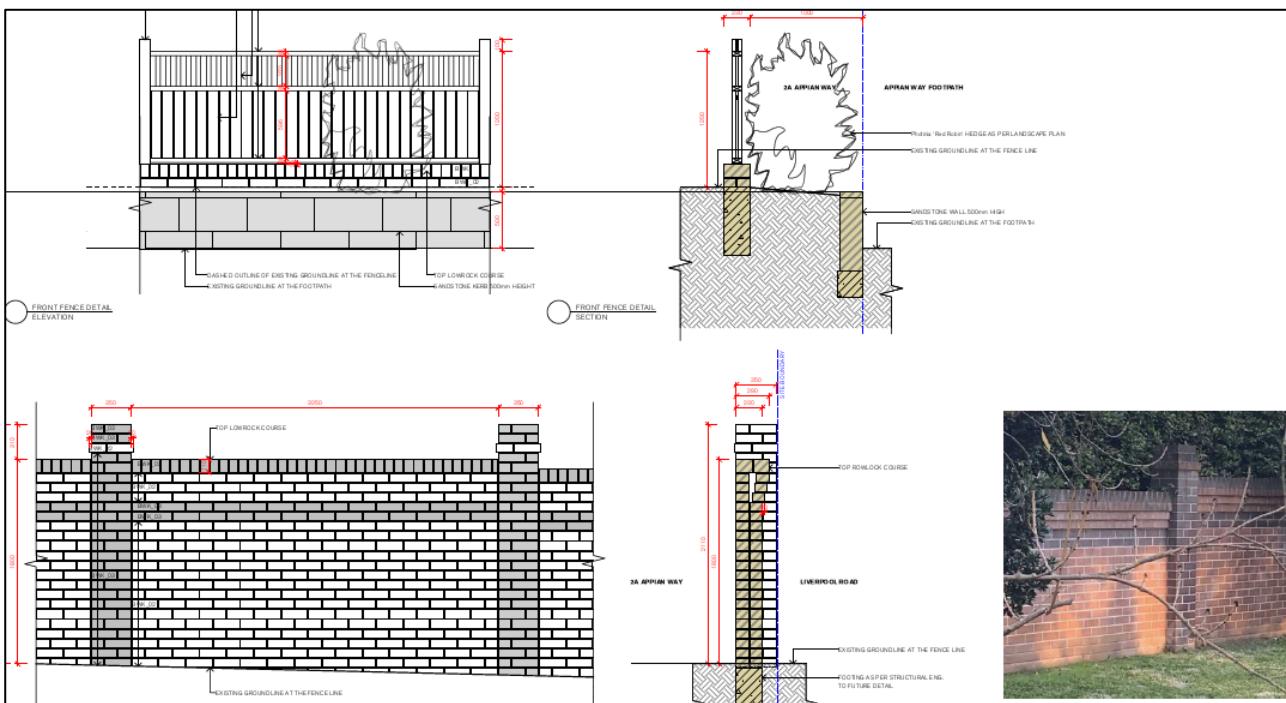


Figure 12 – Extract of the applicant’s submitted revised Front and Boundary Fence Plan.
Source: (*Christopher Jordan Architecture and Design*)

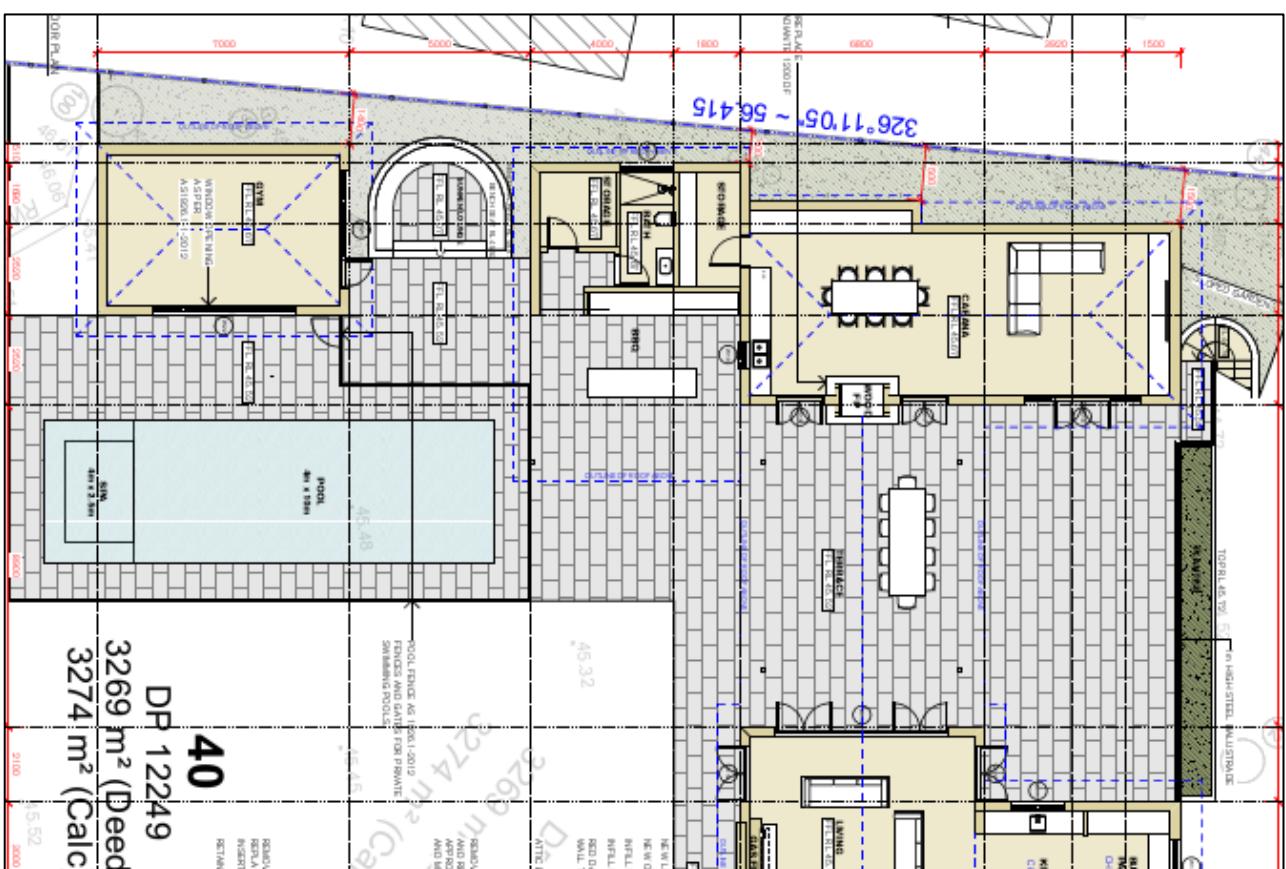


Figure 13 – Extract of the applicant’s submitted revised Ground Floor Plan
Source: (Christopher Jordan Architecture and Design)

Tree Removal and Landscaping

- Removal of selected trees and implementation of new landscaping in accordance with the accompanying landscape plan.



Figure 14 – Extract of the applicant’s submitted revised Landscape Plan

Source: (Christopher Jordan Architecture and Design)

BLPP Referral Criteria

Pursuant to the Ministerial direction dated 6 May 2024, under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (the Act), the application is to be determined by the local planning panel for the following reasons:

- 1) Development involving the demolition of a heritage item; and
- 2) The application is considered to be in the public interest to be heard in a public forum by an independent body and determined by the Burwood Local Planning Panel, in accordance with the delegations issued on 14 May 2024.

Background

Previous applications and listings that are relevant to the application:

- 1) Group Heritage Listing of Appian Way Central Reserve and Public Domain – **endorsed** by the Burwood Local Planning Panel 2 November 2023.
- 2) Development Application No. DA.2023.67 for the subdivision of the site into 2 lots, alterations and additions to the existing dwelling house (proposed Lot 1) including the construction of a new swimming pool and basement parking, alterations and additions to the existing laundry/garage building (proposed Lot 2) to create a 2 storey dwelling house, and associated stormwater works, landscaping and tree removal on the land at 2A Appian Way, Burwood – **refused** by the Land & Environment Court of NSW on 13 August 2024.

Current Application:

- 1) On 15 October 2025, the development application (DA.2025.77) was lodged with Council.
- 2) The application was referred to the following internal Council departments:
 - Development Engineer
 - Heritage Officer
 - Building Surveyor
 - Tree Management OfficerThe application did not require any external referrals.
- 3) In accordance with the Burwood Community Participation Plan, the owners of surrounding properties were given notice of the application on 29 October 2025, with the notification period for submissions closing on 26 November 2025. In response to the public notification of the DA, no submissions were received.
- 4) On 5 December 2025, following a preliminary assessment of the DA, a request for information (RFI) was issued to the applicant identifying the following concerns:
 - **Building Surveying** – The applicant was requested to provide further detail on the proposed glazing for the gym building that serves part of the swimming pool boundary. Any portion of the window open to the pool was requested to have a maximum opening of 100mm, as per AS1926.1-2012.
 - **Traffic** – While parking requirements were met, the design of the car spaces adjacent to the column did not appear to be compliant, lacking the clearances required per AS2890.1.
Those car spaces were requested to be redesigned considering the required clearances. Optionally, a Swept Path Analysis could be provided.
 - **Heritage (Internal Design)** – Council's Heritage Officer requested that the existing staircase proposed to be demolished be retained and relocated if necessary. The original fireplace proposed to be retained was requested to be indicated on any amended plans.
 - **Heritage (Roof)** – In line with BDCP, the number of skylights per roof slope were requested to be reduced to one per slope. Council also requested that the dormer windows were not to be enlarged, given the existing dormers did not receive prior Council approval.

- **Heritage (Fencing)** – The front fence fronting Appian Way was requested to be reduced, in line with surrounding properties and BDCP controls for the Appian Way Heritage Conservation Area. The brick boundary fence fronting Liverpool Road was requested to be reduced in height to 1.8m.
- **Heritage (Basement and Lower Ground Floor)** – Further design investigation was requested by Council to ensure that the proposed basement garage was not visible from Appian Way. The building envelope of the proposed Lower Ground Floor was requested to be amended so as not to impede on the envelope of the original heritage listed dwelling. The entrance to the Basement/Lower Ground Floor Level was requested to be concealed from Appian Way by plantings and timberwork, such as pergolas or lattice work.
- **Heritage (External Design)** – Council's Heritage Officer suggested the proposed roughcast be continued to the rear of the dwelling, and that an internal and external heritage colour scheme be prepared, given the history of unauthorised works to the site.
- **Secondary Dwelling** – BDCP prescribes that secondary dwellings must have a minimum rear boundary of 3m. The submitted architectural plans proposed a rear setback of 2.455m. Amended plans were requested detailing a 3m rear setback.
- **Basement/Lower Ground Floor** – Further information was requested for Council to ascertain what elements/components of the garage/lower floor level qualify as basement. Amended plans were requested including contours and spot levels overlayed over the garage/lower ground floor plan. A Cut and Fill Plan was also requested. Furthermore, BDCP states that basement levels are not to exceed 2.3m from the ground floor to the ceiling. The submitted Section BB plan indicated a floor to ceiling height of 2.5m. Amended plans were requested detailing a lowered basement floor to ceiling height.
- **Outdoor Terrace** – The submitted plan proposed an outdoor rear terrace area FFL of 45.52, which would result in an elevated floor level of approximately 780mm of fill above the natural ground level. Amended plans were requested detailing a lowered finished floor level. Additionally, the bench structure located at the southern rear of the site was not supported, given insufficient information was submitted regarding finished floor levels.
- **Landscaping** – Further consideration was requested to be made to landscaping associated with garden suburbs of the Federation period. The submitted Landscape Plan was requested to be amended to include a minimum of 25 canopy-providing trees capable of achieving a height greater than 12 metres at maturity and ranging to a mature height of over 20m. In addition, the proposed shrub layer is to incorporate a greater variety of Australian native species, with a minimum of 15 shrub species, and no fewer than 8 groundcover species.

5) On 18 January 2026, the applicant submitted amended plans and documentation in response to Council's RFI letter. Council undertook a preliminary assessment of the amended plans, where Council's Building Surveyor, Traffic Engineer, Heritage Officer and Tree Management Officer raised no objections, subject to conditions. Furthermore, an additional site inspection was undertaken on 29 January 2026, which determined that the elevated nature of the rear terrace area would not result in any overlooking or loss of visual privacy to adjoining properties.

Subsequently, the development application is now recommended for approval, subject to conditions.

Locality

The site is legally described as Lot 40 in Deposit Plan 12249 and is known as No. 2A Appian Way, Burwood ('Verona'). The subject site is an irregular shaped allotment with a site area of 3,274m² and a 71.38 metre frontage to Appian Way. The subject site has a 70.98 metre secondary road frontage to Liverpool Road, which is a classified road. The site has a fall of approximately 4.9 metres from the southern to the northern corner of the land parcel.

The site presently accommodates a single storey Queen Anne Federation style brick dwelling house with a tile roof and north-east facing habitable turret. The subject site has an existing garage and two existing road crossovers accessible via Appian Way. Appian Way is a state heritage listed precinct, characterised by predominantly single storey Queen Anne Federation and Arts and Crafts style dwelling houses. The streetscape along Appian Way can be characterised by on-street parking, a privately accessed shared park, and a tree-lined ovular streetscape. Refer to **Figure 16**.

To the immediate west of the subject site is No. 2 Appian Way, which comprises a single storey Queen Anne Federation style brick dwelling house with roughcast finishes and a tile roof. To the immediate east of the site is No. 78 Liverpool Road, Burwood Heights, which comprises a single storey Art Nouveau style brick dwelling house with a tile roof. To the immediate north of the site are Nos. 1 and 1A Appian Way, which comprise of more architecturally modern two storey brick dwelling houses with tile roofs. The subject site is located within the R2 Low Density Residential Zone in accordance with the BLP 2012. Refer to **Figure 15**.

Notably, the subject site is locally heritage listed (Item No. I226) and resides within the Appian Way Heritage Conservation Area, listed within Schedule 5 of the BLP 2012. Refer to **Figure 17**. The site is also subject to the building appearance and streetscape provisions. Refer to **Figure 18**.

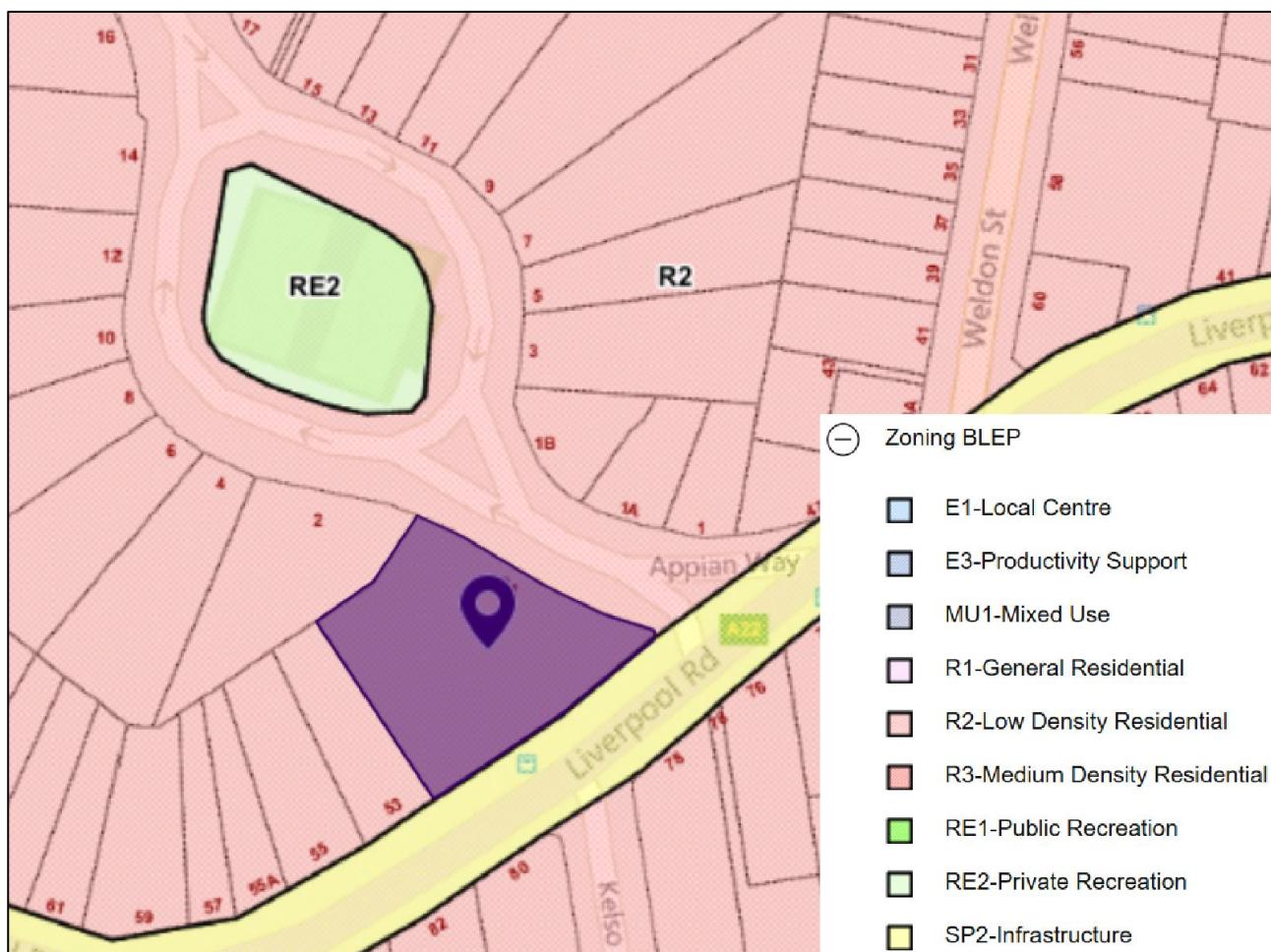


Figure 15 – Subject site located within the R2 Low Density Residential Zone.

Source: (Council Spatial Spectrum)



Figure 16 – Aerial image of the subject site and surrounds.

Source: (Council Spatial Spectrum)

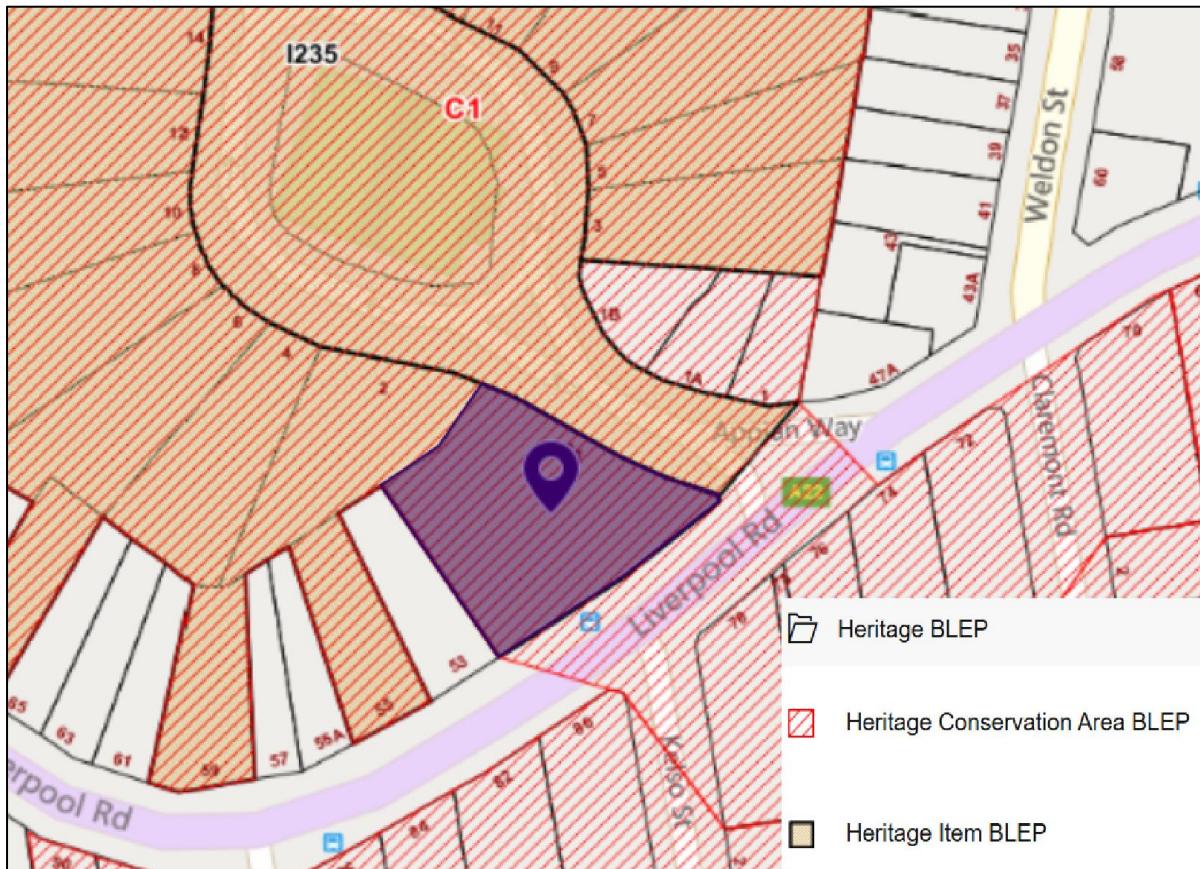


Figure 17 – Subject site identified as heritage listed and located within the Appian Way Heritage Conservation Area.

Source: (Council Spatial Spectrum)

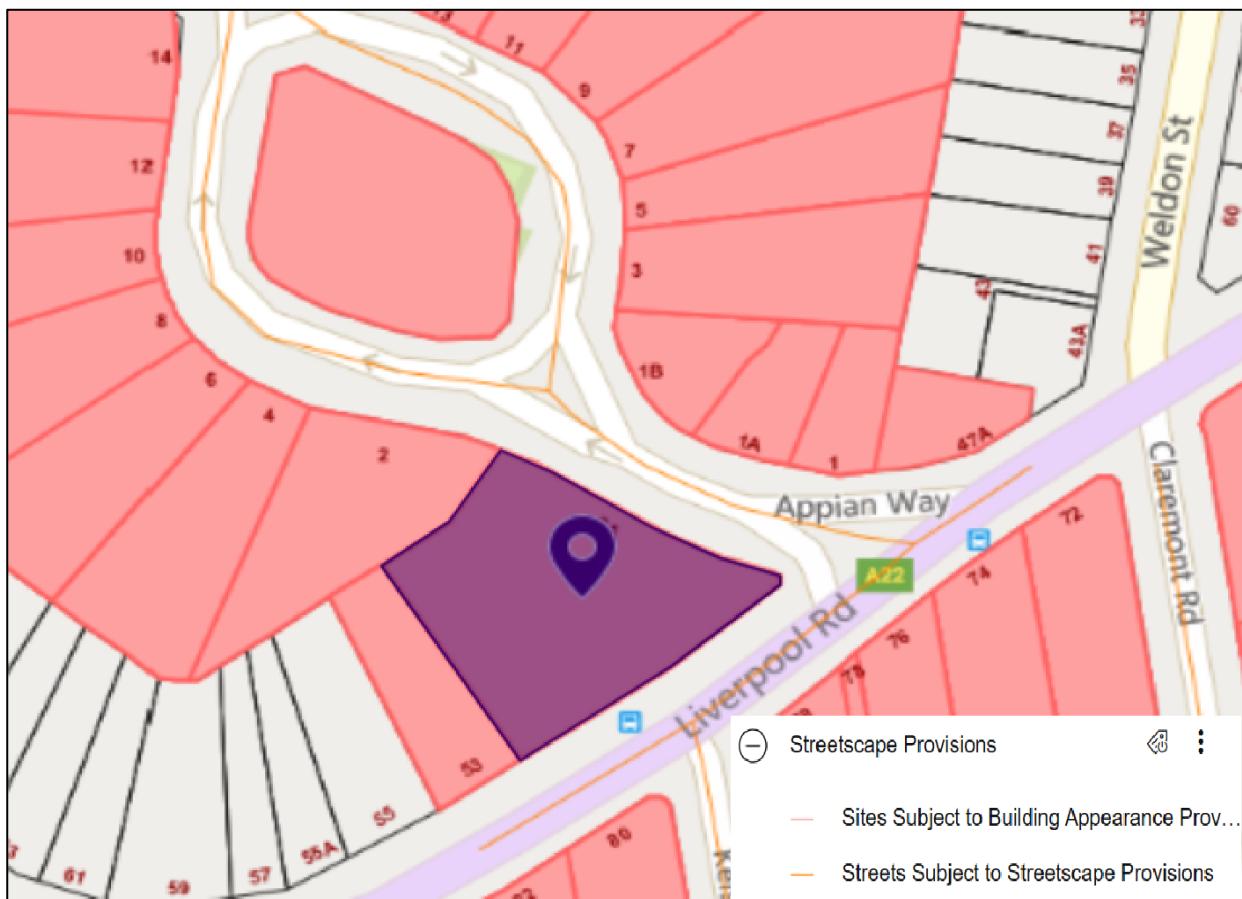


Figure 18 – Subject site identified as being subject to the Building Appearance and Streetscape Provisions.

Source: (Council Spatial Spectrum)



Figure 19 – Photograph of the subject site facing west.

Source: (Council Staff, October 2025)

Surrounding Development



Figure 20 – Photograph No.2 Appian Way, Burwood located to the immediate north-east of the subject site.

Source: (Council Staff, January 2026)



Figure 21 – Photograph of No. 78 Liverpool Road, Burwood Heights located to the immediate south-east of the subject site.

Source: (Council Staff, January 2026)



Figure 22 – Nos.1B Appian Way, Burwood (left), 1A Appian Way, Burwood (middle) and 1 Appian Way, Burwood (right) located to the immediate east of the subject site.

Source: (Council Staff, January 2026)



Figure 23 – Photograph of the communal lawn and tennis courts located at the centre of Appian Way, located to the immediate north of the subject site.

Source: (Council Staff, January 2026)



Figure 24 – Photograph of No. 53 Liverpool Road, Burwood located to the immediate west of the subject site.

Source: (Council Staff, January 2026)



Figure 25 – Photograph of 2A Appian Way, Burwood secondary road frontage to Liverpool Road. Photograph taken facing westward.

Source: (Council Staff, January 2026)

Statutory Requirements

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

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- The provisions of the Burwood Local Environmental Plan (BLEP) 2012.
- The provisions of the Burwood Development Control Plan (BDCP) 2013.
- The regulations (of the EP&A Act).
- The likely social, environmental and economic impacts of the development.
- The suitability of the site for development.
- Submissions made under the Act and Regulations, and
- The public interest.

These matters are considered in this report.

Planning Assessment

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

The provisions of Chapter 4 of the SEPP (Resilience and Hazards) 2021 are required to be considered for any development application. Consideration must be made if the land is suitable for the proposed development, if it is contaminated, if it is suitable for the proposed use, and/or if the contamination is required to be remediated before the land is used for that purpose.

The subject site has been historically used for residential purposes. As such, it is unlikely to contain any contamination, and further investigation is not warranted in this case. In addition, a search of Council's digital records, mapping and a site inspection revealed no land contamination.

State Environmental Planning Policy (Sustainable Buildings) 2022 - Chapter 2 Standards for residential development—BASIX

BASIX stands for Building Sustainability Index. It is a sustainability assessment tool for residential buildings in NSW. BASIX aims to reduce the environmental impact of new homes by requiring them to meet certain minimum standards (for water and energy efficiency, and thermal performance) and to report on construction materials being used so their embodied energy can be calculated. The applicant has submitted a revised BASIX certificate with this application, prepared by Christopher Jordan Architecture and Design, Certificate No. A1815806_02, revised 16 January 2026.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 sets the rules for the clearing of vegetation in NSW on land zoned for urban and environmental purposes. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

Prior to the subject application being lodged, non-consensual landscaping demolition occurred at the subject site, including the illegal removal of twenty-two (22) trees. The subject DA and submitted Landscape Plan (prepared by A Total Concept, January 2026) proposes the removal of thirty-six (36) trees. As part of the assessment of the subject DA, the proposal was referred to Council's Tree Management Officer for comment. In their latest referral response issued on 17 June 2024, no objections were raised subject to the imposition of consent conditions.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Subdivision 2 Development in or adjacent to road corridors and road reservations.

2.119 Development with frontage to classified road

(1) The objectives of this section are—

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment: The subject site is a corner allotment with a secondary road frontage to Liverpool Road, which is a classified road. Vehicular access to the site will remain via two existing road crossovers located on Appian Way. A ten (10) car basement garage is proposed, utilising one of the existing road crossovers. Given vehicle access to the site is via Appian Way and not Liverpool Road, the application was not referred to Transport for NSW for comment.

The subject application also seeks consent for replacement fencing along the eastern side boundary, which will form boundary fencing against Liverpool Road. The proposed boundary fence is of brick material at a height of 1.8m.

As part of the assessment of the subject DA, the proposal was referred to Council's Traffic Engineer for comment. In their latest referral response issued on 21 January 2026, no objections were raised.

Burwood Local Environmental Plan 2012 (BLEP)

Under the BLP the site is zoned R2 Low Density Residential, and alterations and additions to a dwelling house are permitted with Council's consent.

Objectives of the R2 Low Density Residential Zone

- *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 proposed development is considered to satisfy the objectives for residential development as it will provide for the needs of the community within a low density residential environment. The second objective is not of relevance to the proposed development. The proposal satisfies the relevant objectives for residential developments in the R2 zone.

The BLEP came into effect on 9 November 2012 and contains a number of controls including some numerical development standards which apply to the proposed development. A summary of the assessment of the application against the relevant planning controls within the is shown in **Table 1** below.

Table 1: Assessment of the proposed development against relevant provisions of the BLEP

Burwood LEP 2012	Proposal	Compliance
4.1 Minimum Subdivision Size		
400m ²	No subdivision proposed as part of this application.	N/A
4.3(2) Height		
8.5m	<p>Existing Main Dwelling: No proposed change</p> <p>Rear Extension: Roof Ridge RL (existing): 50.73 NGL RL: 45.52</p> <p>Max height of proposed rear extension: 5.21m</p> <p>Secondary Dwelling: Roof ridge RL: 48.34 FFL RL (excavated): 43.22</p> <p>Max height of proposed rear garage extension: 5.12m</p> <p>Cabana: Roof ridge RL (interpreted): 50.352 NGL RL: 45.23</p> <p>Max height of proposed rear garage extension: 5.122m</p> <p>Gym: Roof ridge RL (interpreted): 49.65 NGL RL: 45.45</p> <p>Max height of proposed rear garage extension: 4.2m</p>	Yes
4.4(2) Floor space ratio (FSR)		
0.55:1	Subject site is over 500m ² . Refer to Clause 4.4A(2) below.	Refer to Clause 4.4A(2) below.
4.4A(2) Exceptions to floor space ratio		
Despite clause 4.4, the floor space ratio for a dwelling house on land in Zone R2 Low Density Residential with a site area of more than 500 square metres is not to exceed 0.52:1 .	<p>Site Area: 3,269m²</p> <p>Basement component exceeding 750mm to GF FFL: 68.3m²</p> <p>Lower Ground Floor: 71.4m²</p> <p>Ground Floor: 387.7m²</p> <p>Attic Turret: 91.7m²</p> <p>Secondary Dwelling: 60m²</p> <p>Cabana and Gym: 97.5m²</p> <p>Total Gross Floor Area: 776.6m²</p> <p>FSR: 0.237:1</p>	Yes
4.6 Exceptions to Development Standards		
(3) Development consent must not be granted for development that contravenes a development standard	The proposal does not seek any	N/A

unless the consent authority has considered a written request from the unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard.	variations to development standards.	
5.10 Heritage Conservation		
<p>(1) Objectives The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (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, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. 	<p>As part of the assessment of the subject DA, the proposal was referred to Council's Heritage Officer for comment, given the subject site is locally heritage listed (Item No. 1226) and is located within the Appian Way Heritage Conservation Area, as listed within Schedule 5 of the BLEP 2012.</p> <p>In their latest referral response issued on 26 January 2026, no objections were raised subject to conditions, and the application is now supported on heritage grounds.</p> <p>Note: Recommended condition no. 1 of the heritage referral dated 26 January 2026 provides the following:</p> <p><i>1. Front Fencing: the proposed fencing along the Appian Way frontage is to be re-located to along the boundary. The fence is to have a maximum height of 1m above ground level.</i></p> <p>It is recommended that this condition be modified as follows, given the amount of existing vegetation along the front boundary line that would need to be removed, and since other properties in Appian Way have planted vegetation (such as agapanthus) between their front fences and the footpath:</p> <p><i>1. Front Fencing: The fence is to have a maximum height of 1m above ground level.</i></p>	Yes
6.1 Acid Sulfate Soils		
(1) The objective of this clause is to ensure that development does not disturb, expose or drain Acid Sulfate Soils and cause environmental	The subject site is affected by Class 5 Acid Sulfate Soils. However, there are no works proposed within 500m of adjacent	

damage.	Class 1, 2, 3 or 4 adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian height Datum.	Yes
6.2 Flood Planning		
(1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment.	The subject site is not identified as a flood affected lot.	N/A

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

There are no draft planning instruments for consideration.

(iii) Any development control plan

Burwood Development Control Plan (BDCP) 2013

The development is subject to the provisions outlined within the table above. The provisions of the BDCP have been considered in this assessment and it is concluded that the proposal is consistent with the aims and objectives of BDCP. The proposal is generally consistent with the relevant controls contained within BDCP. However, where strict compliance has not been achieved, in accordance with Section 4.15(3A)(b), flexibility has been sought to allow a reasonable alternative solution that achieves the objects of the standard. These particular matters are discussed below:

Basement Garage

BDCP stipulates that basement areas must not exceed existing natural ground level by more than 750mm when measured to the top of the ground floor slab above the existing ground level. Approximately 68.3m² of the basement garage has been calculated to exceed 750mm when measured to the top of the ground floor FFL. This portion of the basement garage has been included the site's overall FSR calculation.

Built Area

In line with the prescribed controls contained within BDCP for built area, the applicant has submitted written justification supporting the site's exceeding of 450m² total built area. The subject application proposes a total built area of 1,319.8m² (40% total built area). The applicant has stated that while the proposal exceeds the applicable control (being 450m²), the proposed works remain proportionate to the site's land area and floor space ratio. The applicant has stated that the scale of the development is not anticipated to cause any adverse impacts on adjoining properties. Council supports the justification provided by the applicant.

Floor to Ceiling Heights

BDCP stipulates that floor to ceiling heights at the ground floor level are not to exceed 2.7m in height, and that ancillary structures are not to exceed a floor to ceiling height of 2.5m. The subject DA proposes a floor to ceiling height of approximately 3m in the secondary dwelling. Council deems this justifiable, given the secondary dwelling is an extension of the existing garage, where the floor to ceiling heights have been continued.

In addition, the proposed cabana seeks a floor to ceiling height of approximately 3.34m, which is non-compliant with the prescribed control of 2.5m contained within BDCP. Council supports the proposed cabana floor to ceiling height of approximately 3.34m, given the cabana roofline is a continuation of the terrace and main dwelling (extension) roofline. In addition, the proposed terrace and cabana roofline remains below the existing roofline of the main dwelling house.

Ancillary Structures

BDCP states that ancillary structures are not to have an external wall height that exceeds 2.7m above the natural ground level. The proposed cabana seeks an external wall height of approximately 3.7m above the natural ground level. Council supports the proposed non-compliance given the cabana follows the existing roof line and scale of the existing dwelling house. The external wall height of the proposed cabana is a continuation of the existing Federation architectural style.

While the matters identified above do not strictly meet the numerical standards of the BDCP, the proposal is overall consistent with the objectives and heritage conservation considerations of Clause 5.10 of the BLEP and Part 4.7 Heritage in Residential Precincts of the BDCP, and is considered acceptable.

(iv) The Regulations

The Regulation underpins the day-to-day operation of the NSW planning system. The regulation guides the processes, plans, public consultation, impact assessment and decisions made by the local councils, the Department of Planning and others. The proposal is not inconsistent with the Regulations.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

The proposed alterations, conservation works and landscaping proposed within the subject application seeks to rectify past unauthorised works, which resulted in substantial damage to the heritage listed property. All other relevant issues regarding environmental impacts of the development are discussed elsewhere in this report. The development is considered satisfactory in terms of environmental impacts.

(c) The suitability of the site for the development

The subject site is affected by Class 5 Acid Sulfate Soils, however, there are no works proposed within 500m of adjacent Class 1, 2, 3 or 4 land.

The subject site is identified as Local Heritage Item No.1226 and located within the Appian Way Heritage Conservation Area, as listed within Schedule 5 of the BLEP 2012. As part of the assessment of the subject DA, the proposal was referred to Council's Heritage Officer for comment. In their latest referral response, no objections were raised subject to conditions.

The subject site is not affected by any other land use planning constraints. Based on the planning assessment undertaken within this report, along with the response from Council's Development Engineer, Executive Building Surveyor and Tree Management Officer, the site is deemed suitable for the proposed development, subject to conditions.

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

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

(e) The public interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable, subject to conditions. The proposal does not result in any unacceptable adverse impacts upon adjoining properties or the streetscape. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

Community Consultation

In accordance with the Burwood Community Participation Strategy 2023-2026, the development application was placed on public notification from 29 October 2025 until 26 November 2025. In response, no submissions were received.

Referrals**Internal Referrals**

Building: As part of the assessment of the subject DA, the proposal was referred to Council's Executive Building Surveyor for comment. In their referral response issued on 22 October 2025, additional information was requested detailing the proposed gym window and glazing and its compliance with AS1926.1-2012, given the window is proposed to form part of the swimming pool barrier.

On 18 January 2026 the applicant submitted amended plans and documentation in response to Council's RFI letter. In Council's Executive Building Surveyor's latest referral response issued on 19 January 2026, no objections were raised subject to conditions.

Development Engineering: As part of the assessment of the subject DA, the proposal was referred to Council's Senior Development Engineer for comment. In their referral response issued on 27 October 2025, no objections were raised subject to conditions.

Heritage: As part of the assessment of the subject DA, the proposal was referred to Council's Heritage Officer for comment. In their referral response issued on 13 November 2025, amended plans were requested with a revised basement/lower ground floor design to ensure the basement could not be viewed from the streetscape. In addition, the staircase was requested to be retained, a reduction in the number of skylights to one per roof slope was requested, and a reduction in boundary and front fencing.

On 18 January 2026 the applicant submitted amended plans and documentation in response to Council's RFI letter. In Council's Heritage Officer's latest referral response issued on 26 January 2026 no objections were raised, subject to appropriate conditions.

Traffic: As part of the assessment of the subject DA, the proposal was referred to Council's Traffic Engineer for comment. In their referral response issued on 23 October 2025, it was noted that while the parking requirements for residential properties was met, the design of the car spaces adjacent to the column did not appear to comply with AS2890.1. Those car spaces were requested to be redesigned considering the required clearances or alternatively the submission of a Swept Path Analysis.

On 18 January 2026 the applicant submitted amended plans and documentation in response to Council's RFI letter. In Council's Traffic Engineer's latest referral response issued on 21 January 2026, no objections were raised.

Landscape: As part of the assessment of the subject DA, the proposal was referred to Council's Tree Management Officer for comment. In their referral response issued on 28 November 2025, a revised landscape plan was requested, detailing the implementation of a minimum of 25 canopy-providing trees capable of achieving a height greater than 12 metres at maturity and ranging to a mature height of over 20 metres. Additionally, the shrub layer was requested to incorporate a greater variety of Australian native species.

On 16 January 2026 the applicant submitted amended plans and documentation in response to Council's RFI letter. In Council's Tree Management Officer's latest referral response issued on 19 January 2026, no objections were raised subject to conditions.

External Referrals

The application did not require any external referrals.

Conclusion

After consideration of the development against section 4.15 of the *Environmental Planning and Assessment Act 1979* and the relevant statutory and policy provisions, the proposal is recommended approval, subject to appropriate conditions. Importantly, the proposed works seek to restore the heritage listed site from previous damage from unauthorised works, which is in the public interest.

Recommendation(s)

That Development Application DA.2025.77, which proposes alterations and additions to the existing dwelling house, construction of a new secondary dwelling, cabana, gym, swimming pool, fencing, associated tree removal, landscaping and heritage conservation works on land at No. 2A Appian Way, Burwood 2134, be approved subject to the conditions of approval contained within **Attachment 1**.

Attachments

- 1** Recommended Conditions of Approval (*Excluded from agenda*)
- 2** Architectural Plans, Schedule of Finishes, and Landscape Plans (*Excluded from agenda*)
- 3** Heritage Impact Statement and Schedule of Conservation Works (*Excluded from agenda*)
- 4** Statement of Environmental Effects (*Excluded from agenda*)

(Item DA3/26) DA.2025.78 Alterations and additions to an existing heritage listed dwelling at 3 Appian Way, Burwood.

File No: 26/2240

Report by Development Assessment Planner

Owner: Pamela Alidenes, Nina Alidenes and David Murphy
Applicant: Fiona Hicks
Location: 3 Appian Way, Burwood
Zoning: R2 Low Density Residential

Proposal

Alterations and additions to the existing dwelling house including demolition of an existing single storey extension and swimming pool, tree removal, and construction of a new rear addition, carport, swimming pool and bike shed, fencing, and associated landscaping.

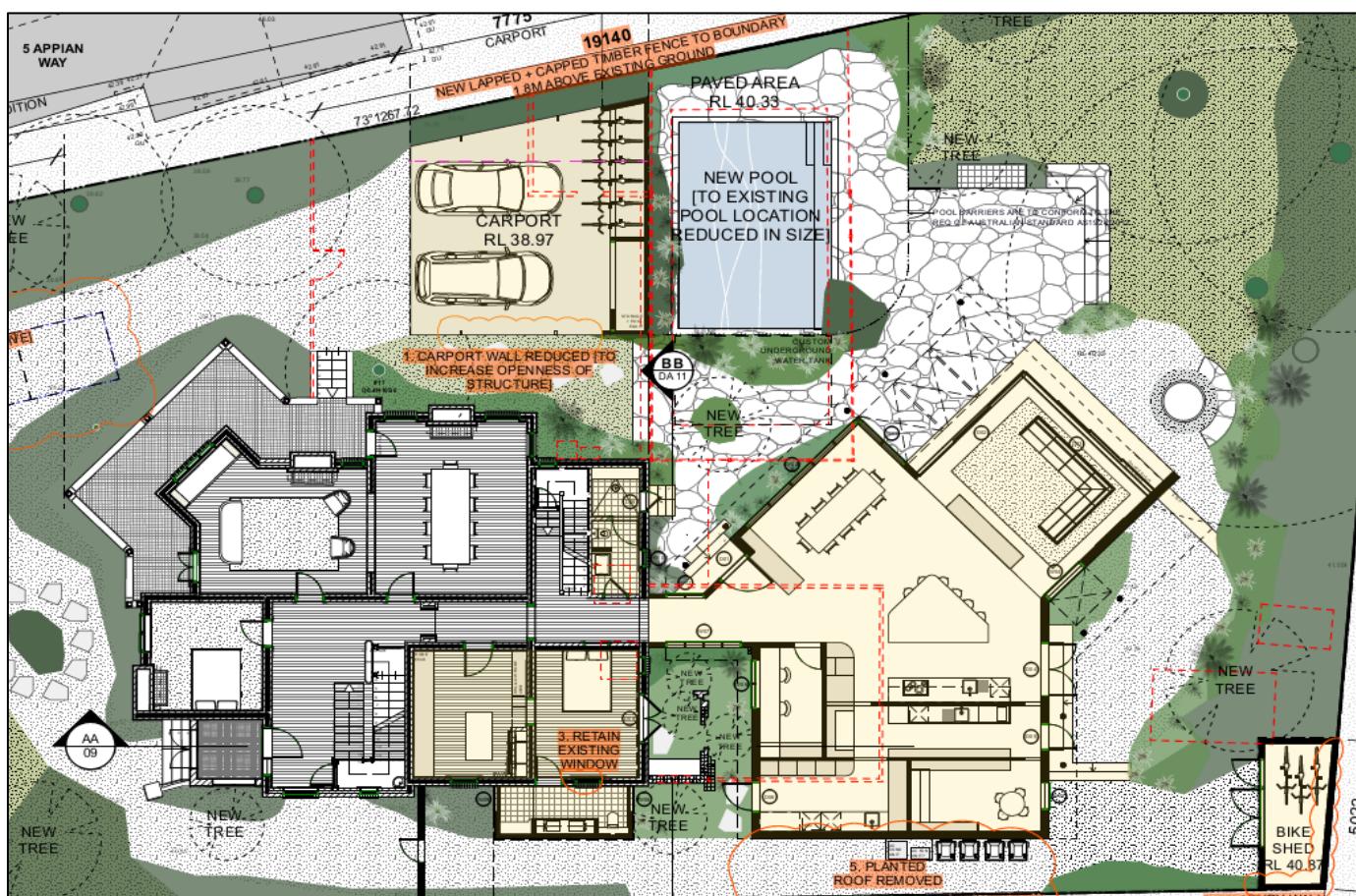


Figure 1 – Extract of the applicant's submitted revised Ground Floor Plan.
Source: (Some Commonplace)

The proposed works are outlined in detail below:

Alterations and Additions to Ground Floor Level

- Demolition of the existing single storey timber rear extension.
- Alterations and additions to the existing ground floor level, including removal of lino flooring in the 'Foyer' room and restoration of timber floor, removal of the 'Kitchen' and 'Meals Room' into a bedroom with walk in wardrobe and renovation of an existing bathroom.
- Construction of a new ground floor level extension with walkway connecting the original heritage dwelling and to the proposed extension.

- Construction of a new living and dining area, kitchen, study and laundry contained within the proposed rear extension.



Figure 2 – Extract of the applicant’s submitted Demolition Site Plan.

Source: (*Some Commonplace*)

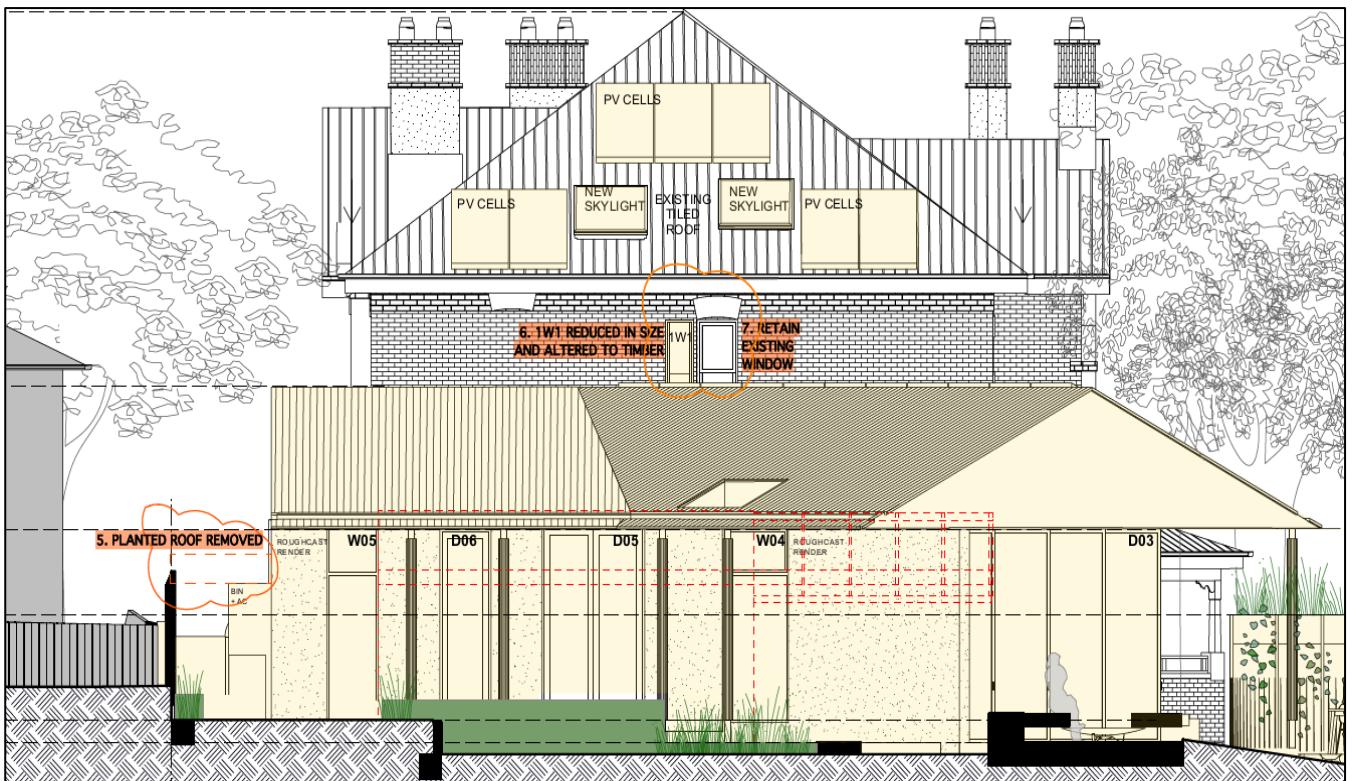


Figure 3 – Extract of the applicant's submitted amended East Elevation.

Source: (*Some Commonplace*)



Figure 4 – Extract of the applicant's submitted amended North Elevation. Source: (Some Commonplace)

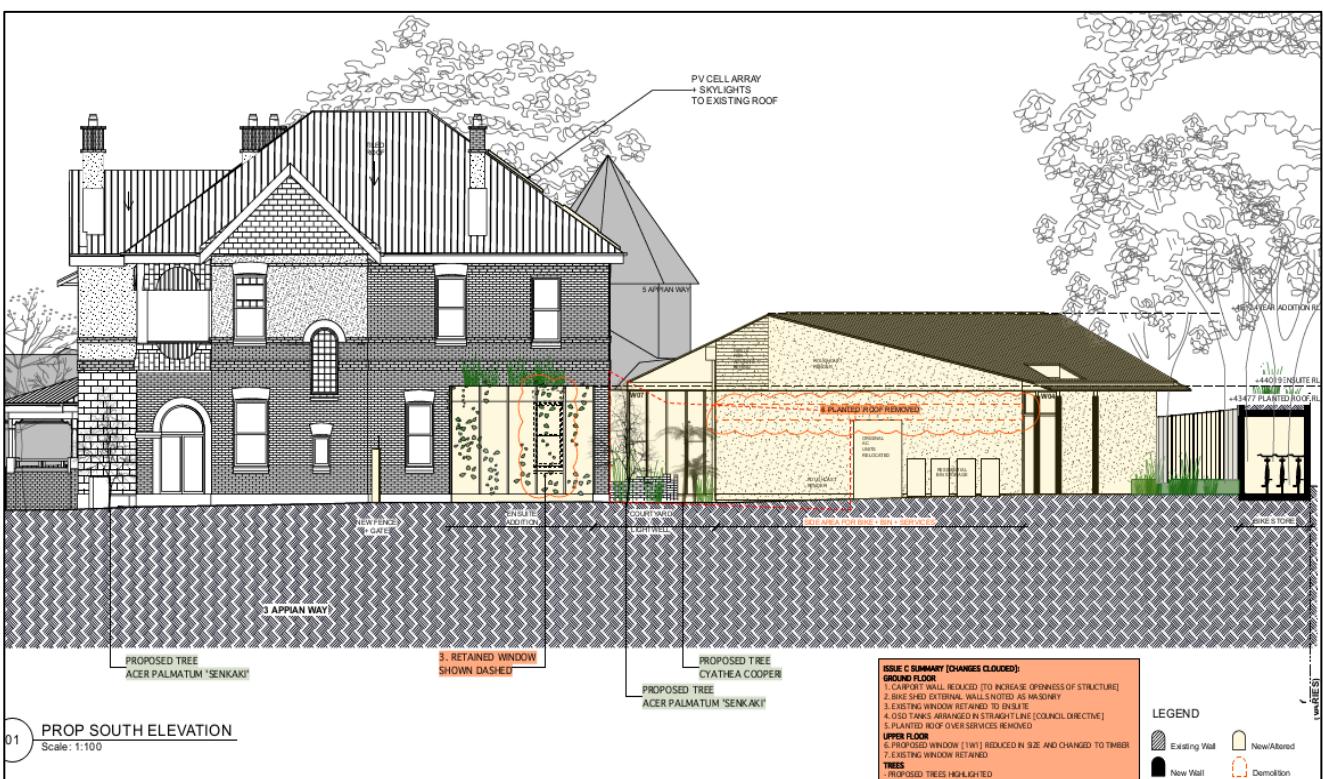


Figure 5 – Extract of the applicant's submitted amended South Elevation. Source: (Some Commonplace)

Alterations and Additions to First Floor Level

- Alterations and additions to the existing first floor level, including reopening the existing enclosed sunroom into an open balcony, renovation of the existing Bedroom 5 into a bathroom and renovation of Bed 2 (existing) into Main Bed 1, with an ensuite.
- PV Cells and skylights proposed at the rear of the First Floor Level (Refer **Figure 3**).

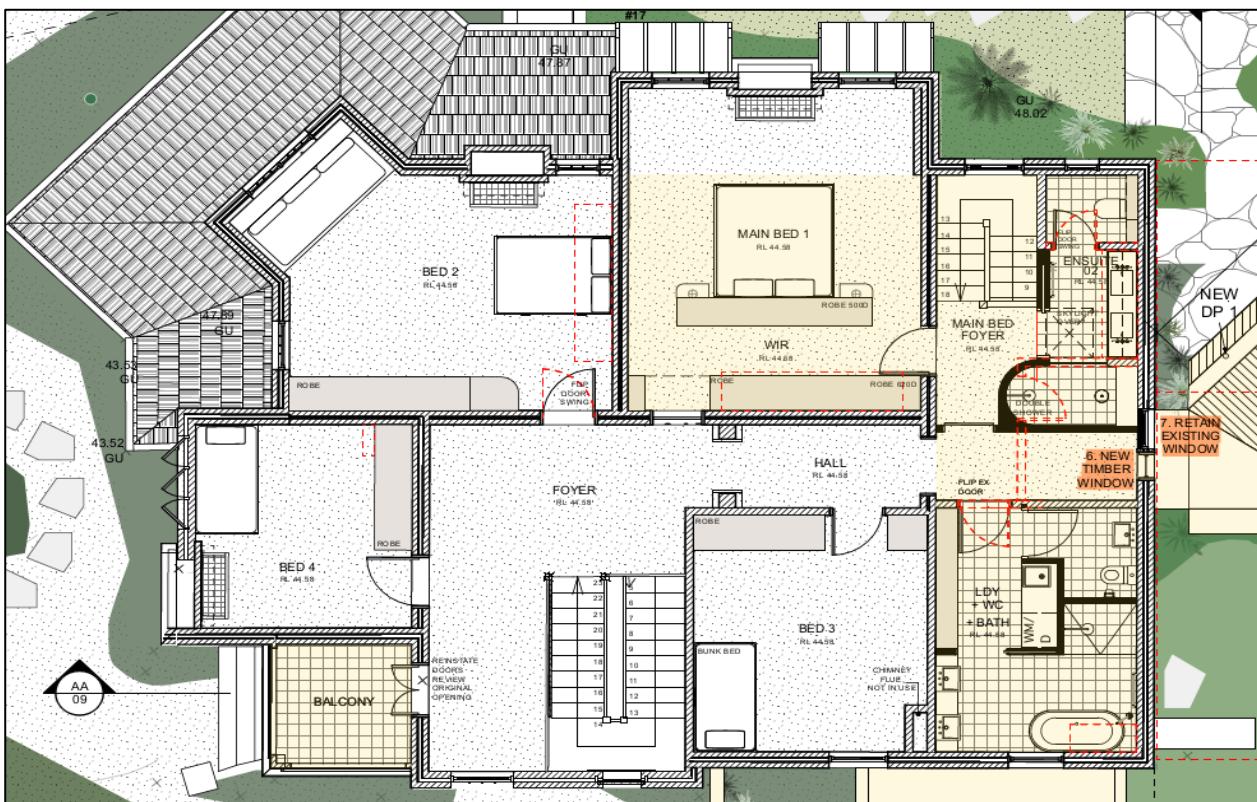


Figure 6 – Extract of the applicant's submitted revised First Floor Plan.

Source: (*Some Commonplace*)

Ancillary Structures – Demolition and Construction Works

- Demolition and relocation of the rear yard swimming pool.
- On-Site Detention (OSD) tanks to be constructed beneath the main driveway entrance, within the front setback.
- Construction of a double carport with a planted roof. The back wall of the carport is to form part of the swimming pool barrier.
- Construction of a masonry bike shed built to the boundary.
- Construction of new boundary fencing and front fencing to Appian Way.

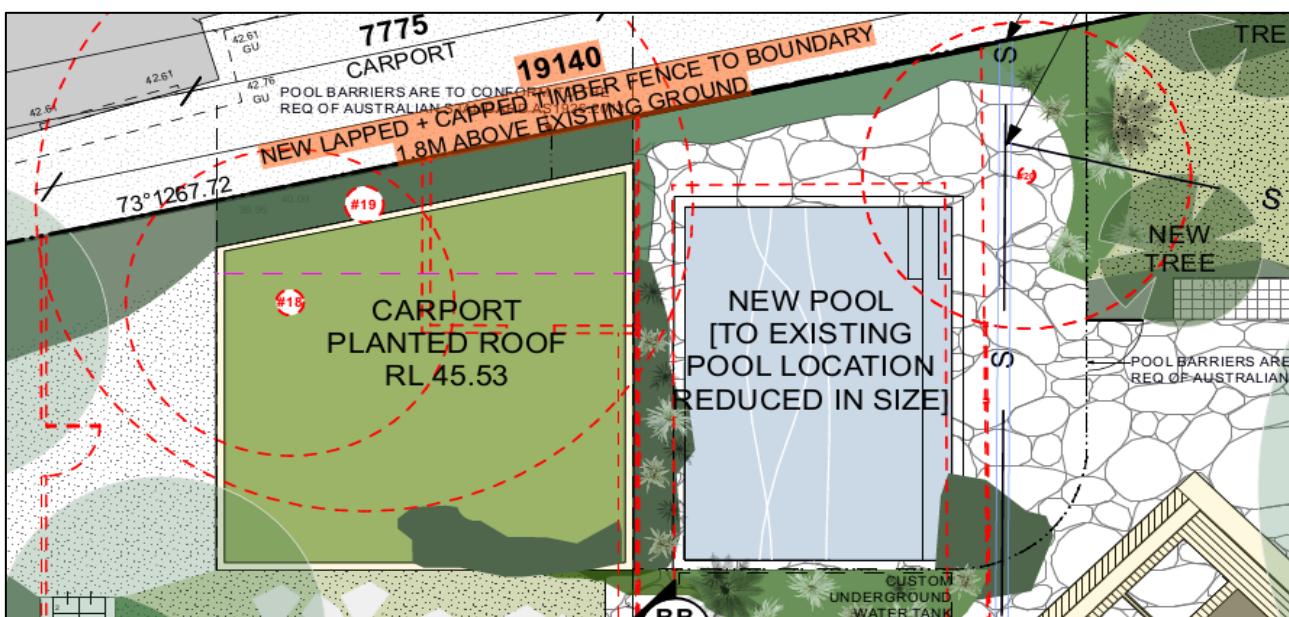


Figure 7 – Extract of the applicant’s submitted Roof Plan, detailing open garage planted roof and boundary fence details. Source: *(Some Commonplace)*

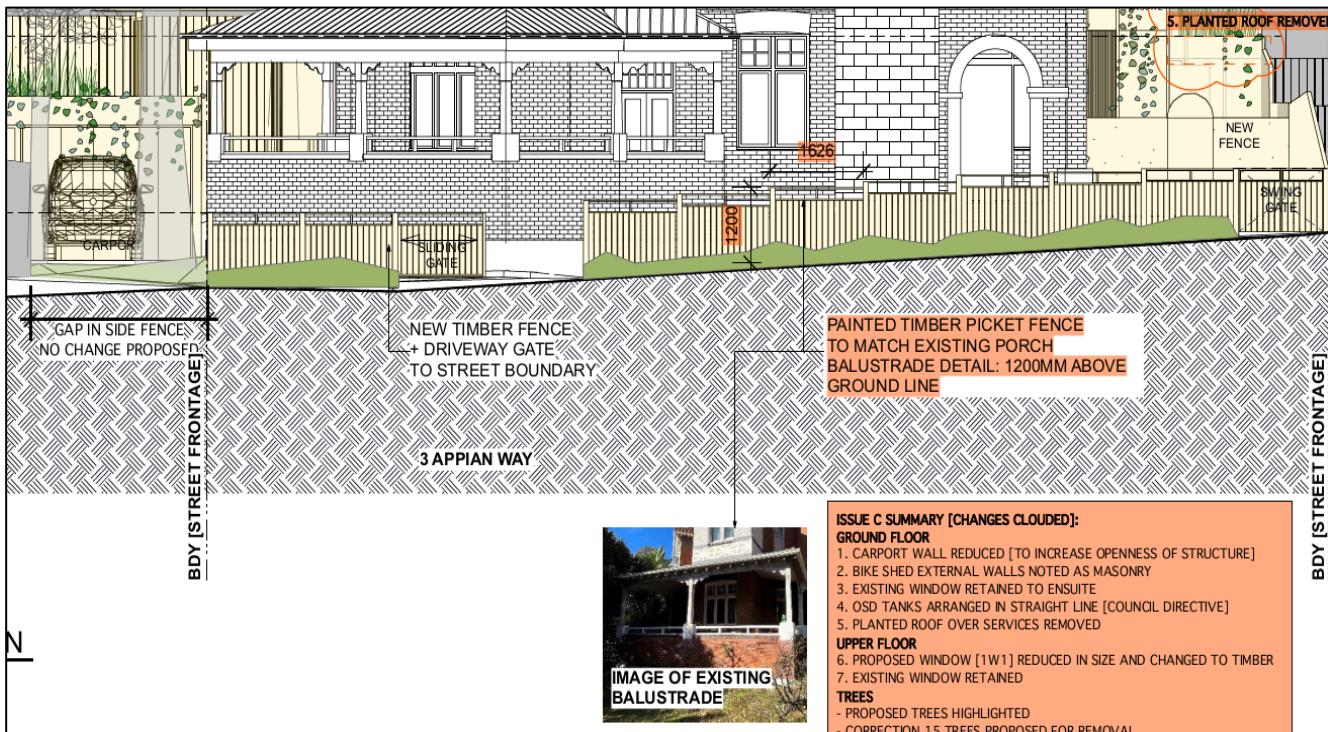


Figure 8 – Extract of the applicant's submitted revised Street Elevation Plan detailing front fencing.
Source: *(Some Commonplace)*

Tree Removal and Landscaping

- The application seeks the removal of fourteen (14) trees within the property and new landscaping arrangements.

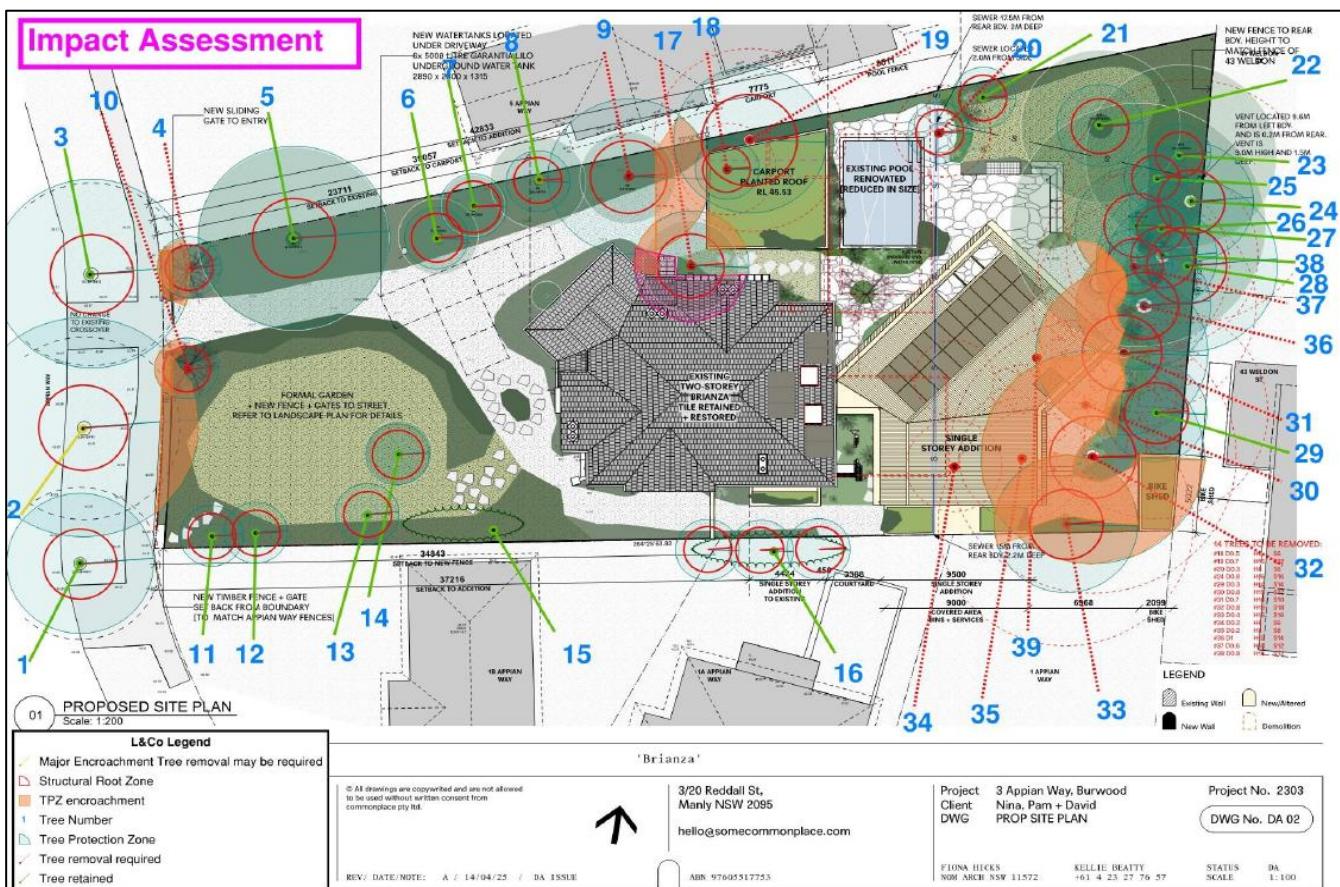


Figure 9 – Extract of the applicant's submitted Arboricultural impact assessment schedule.
Source: *(L & Co Consultancy Arboriculture Plant Pathology)*

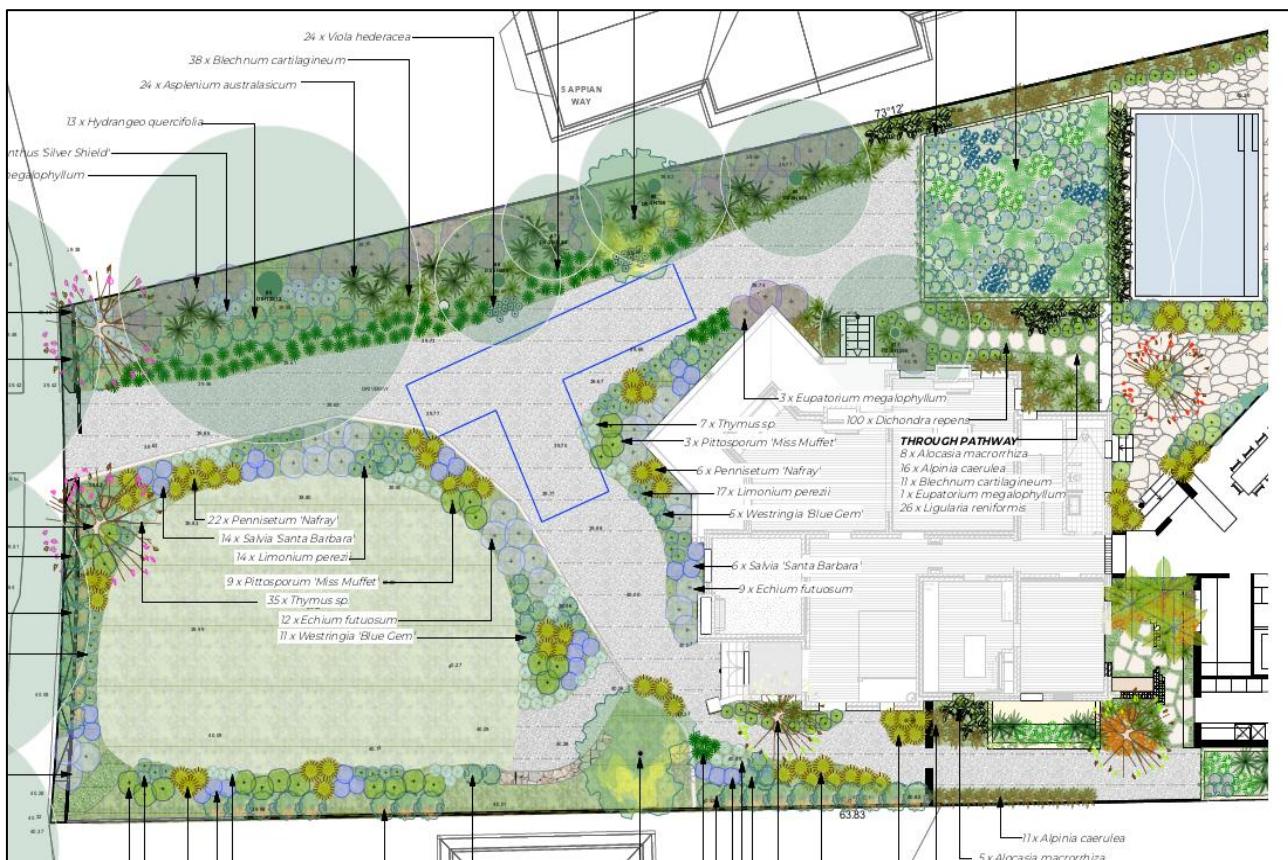


Figure 10 – Extract of the applicant’s submitted Landscape Plan. Source: (*Melissa Wilson Landscape Architects*)



Figure 11 – Extract of the applicant’s submitted Landscape Plan. Source: (Melissa Wilson Landscape Architects)

BLPP Referral Criteria

Pursuant to the Ministerial direction dated 6 May 2024, under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (the Act), the application is to be determined by the local planning panel for the following reasons:

- 1) Development involving the demolition of a heritage item; and
- 2) The application is considered to be in the public interest to be heard in a public forum by an independent body and determined by the Burwood Local Planning Panel, in accordance with the delegations issued 14 May 2024.

Background

Previous applications and listings that are relevant to the application:

- 1) Group Heritage Listing of Appian Way Central Reserve and Public Domain – **endorsed** by the Burwood Local Planning Panel 2 November 2023.

Current Application:

- 1) On 15 October 2025, the development application (DA.2025.78) was lodged with Council.
- 2) The application was referred to the following internal Council departments:

- Building Surveyor
- Development Engineer
- Heritage Planner
- Tree Management Officer

The application did not require any external referrals.

- 3) In accordance with the Burwood Council Community Participation Plan, the owners of surrounding properties were given notice of the application on 4 November 2025, with the notification period for submissions closing on 2 December 2025. In response to the public notification of the DA, one (1) *unique submission* was received (which consists of two separate submissions from the same source). Issues raised within the submissions are detailed later within this report under 'Community Consultation'.
- 4) On 27 November 2025, following a preliminary assessment of the DA, a request for information (RFI) was issued to the applicant identifying the following concerns:
 - **Floor to Ceiling Heights** – Amended plans were requested detailing floor to ceiling heights of all components of the proposal.
 - **Fencing** – insufficient information was provided with respect to rear and side boundary fencing and front fencing. Amended plans were requested detailing all fencing proposed.
 - **Carport/Open Garage** – BDCP provides specific development controls and objectives for carports. It was determined that the proposed carparking space was not suited to be classified as a carport, however met the objectives and controls for open garages. Amended plans were requested detailing the carparking space to be labelled as an open garage to better meet the definitions and objectives of BDCP.
 - **Bike Shed** – BDCP states that ancillary structures are not to be built to the boundary to ensure accessibility and maintenance. The proposed bike shed is built to the south-eastern corner boundary of the site. Amended plans were requested detailing either a 150mm boundary (built of masonry) or 450mm boundary setback.

- **Heritage (Rear Extension Setbacks)** – In line with BDCP, Council's Heritage Officer requested the southern elevation of the rear extension be reduced in scale so as to sit behind the main dwelling building line, so as not to be seen from the streetscape.
- **Heritage (Side Elevation Fenestration)** – Retention of the existing pattern of fenestration to the side elevations, including the deletion of the proposed ensuite proposed at the southern elevation. The proposed ensuite extension would result in the removal of an original window.
- **Heritage (Front Fence)** – Insufficient information was provided in regard to the proposed front fence. Elevations and materials were requested. Any proposed fencing was requested to correspond with fencing to adjacent heritage sites.
- **Heritage (External Details)** – BDCP states that one skylight is allowable per roof slope. The subject application seeks two skylights and PV cells the roof of the main dwelling. Council's Heritage Officer requested the PC cells be removed and the skylights reduced to one per roof slope. The use of the existing arch to the rear elevation at first floor level for the new window was requested. The proposed below ground OSD tanks in the front setback were requested to revised so as to ensure no impact to the main dwelling envelope.
- **Heritage (Landscaping)** – Retention of the mature trees to the rear of the site was requested.
- **Tree Management** – The proposed extent of tree removal was not supported, particularly with regard to the historic nature of the site. Council's Tree Management Officer requested that all vegetation on the property be subject to further review and an updated landscape plan provided, seeking to retain and improve the existing landscape.
- **Building Surveying (Swimming Pool)** – Further swimming pool details were requested, ensuring compliance with AS1926.1-2012 (non-climbable zone).

5) On 18 January 2026, the applicant submitted amended plans and documentation in response to Council's RFI letter. Council undertook an assessment of the amended plans, in conjunction with Council's Building Surveyor's, Heritage Officer's and Tree Management Officer.

Subsequently, the development application is recommended for approval, subject to appropriate conditions.

Locality

The site is legally described as Lot 1 in Deposit Plan 984192 and is known as No. 3 Appian Way, Burwood ('Brianza'). The subject site is an irregular shaped allotment with a site area of 1,677.9m² and a 19.48 metre frontage to Appian Way. The subject site is relatively flat, with a slight incline of approximately 0.3 metres upwards from the northern side boundary to the southern side boundary.

The site presently accommodates a two storey Arts and Crafts Federation style brick dwelling house with a tile roof. The subject site has an existing road crossover accessible via Appian Way. The Appian Way is a state heritage listed precinct, characterised by predominantly single storey Queen Anne Federation and Arts and Crafts style dwelling houses. No. 3 Appian Way is the only original two storey dwelling in the precinct. The streetscape along Appian Way can be characterised by on-street parking, a privately accessed shared park, and a tree-lined ovular streetscape. Refer to **Figure 13**.

To the immediate north of the subject site is No. 5 Appian Way, which comprises a single storey Queen Anne Federation style dwelling house with roughcast finishes and a tile roof. To the

immediate south of the site are Nos. 1, 1A and 1B Appian Way, which comprise of more architecturally modern two storey dwelling houses, with brick finishes and tile roofs. To the immediate east (rear) of the site are Nos. 41 and 43 Weldon Street, Burwood which comprise of modern two storey dwelling houses with tile roofs. Subject site is located within the R2 Low Density Residential Zone in accordance with the BLEP 2012. Refer to **Figure 12**.

Notably, the subject site is locally heritage listed (Item No. I226) and resides within the Appian Way Heritage Conservation Area, listed within Schedule 5 of the BLEP 2012. Refer to **Figure 14**. The site is also subject to the building appearance and streetscape provisions. Refer to **Figure 15**.

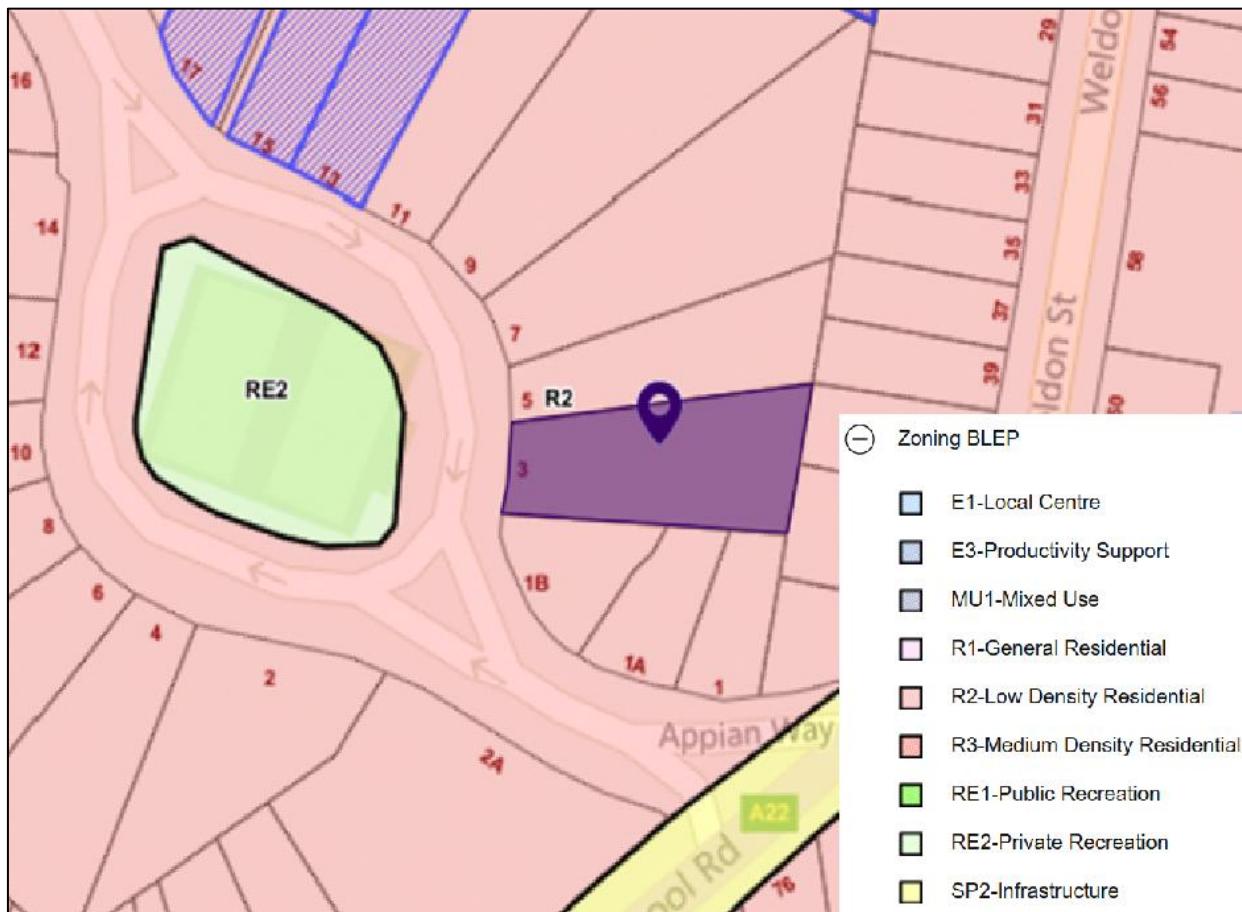


Figure 12 – Subject site located within the R2 Low Density Residential Zone.

Source: *(Council Spatial Spectrum)*



Figure 13 – Aerial image of the subject site and surrounds. Source: (Council Spatial Spectrum)

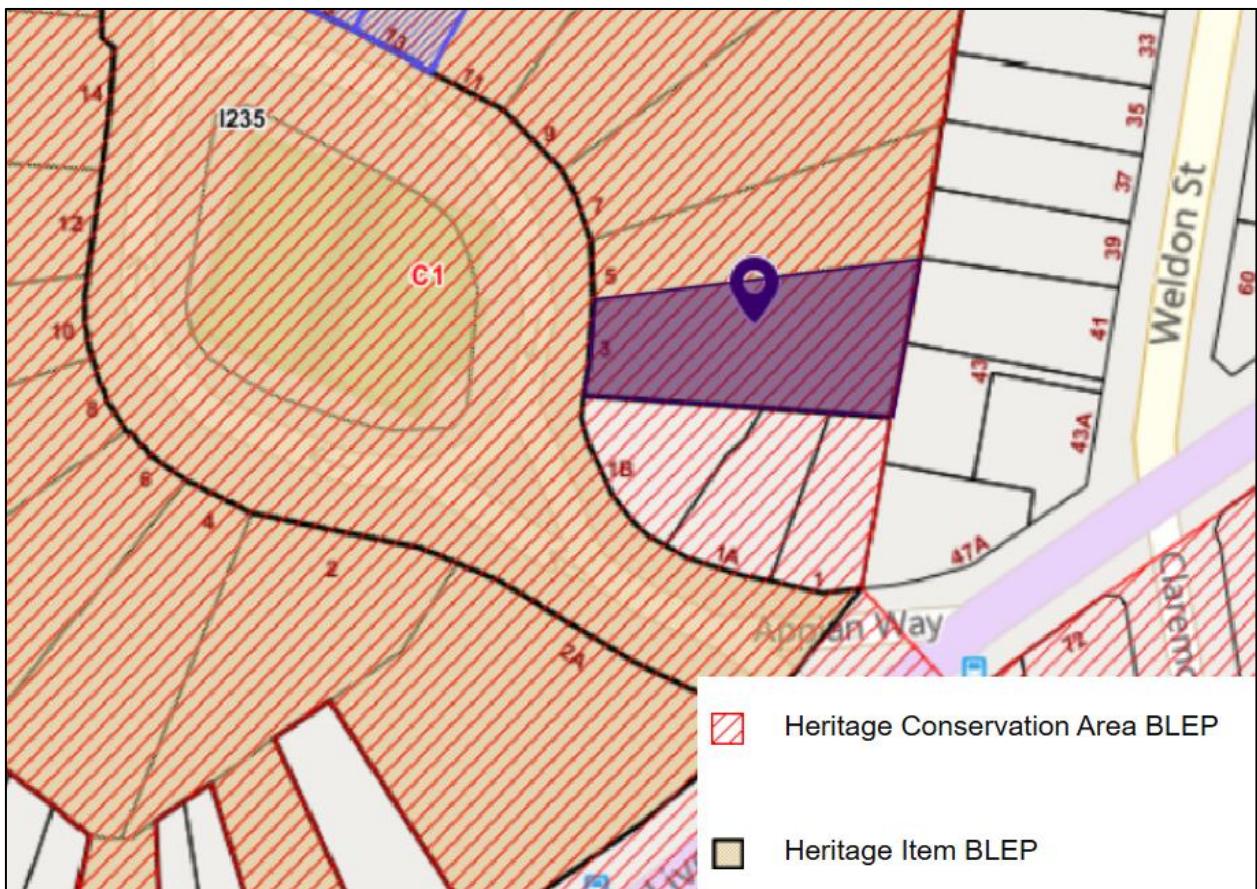


Figure 14 – Subject site identified as a heritage item and located within the Appian Way Heritage Conservation Area. Source: (*Council Spatial Spectrum*)

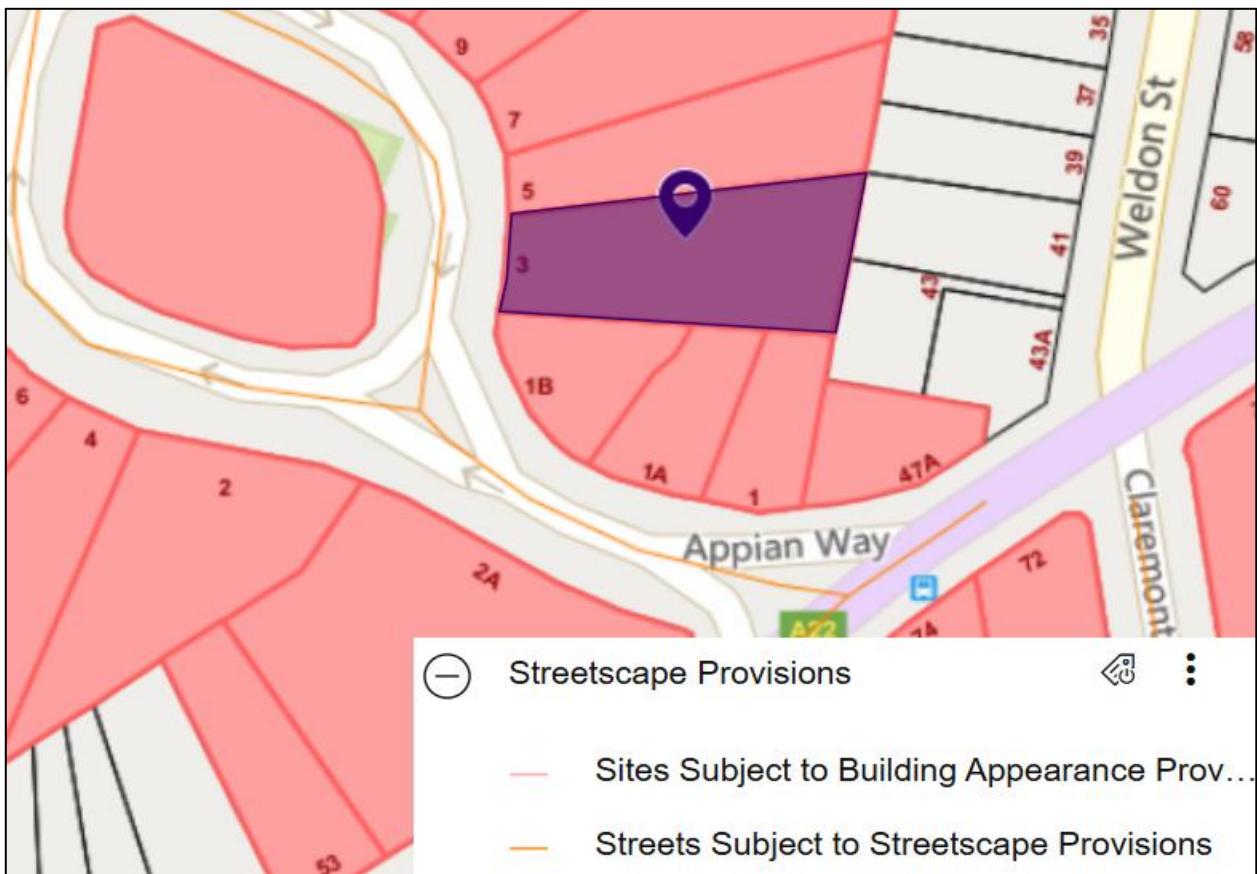


Figure 15 – Subject site identified as being subject to the Building Appearance and Streetscape Provisions. Source: *(Council Spatial Spectrum)*



Figure 16 – Photograph of the subject site, as taken from Appian Way, Burwood. Source: *(Council Staff, November 2025)*

Surrounding Development



Figure 17 – Photograph of No. 5 Appian Way, Burwood located to the immediate north of the subject site. Source: *(Council Staff, January 2026)*



Figure 18 – Photograph of No. 1B Appian Way, Burwood located to the immediate south of the subject site. Source: *(Council Staff, January 2026)*



Figure 19 – Photograph of Nos. 1B Appian Way, Burwood (left). 1A Appian Way, Burwood (centre) and 1 Appian Way, Burwood (right), located to the immediate south of the subject site.
Source: (Council Staff, January 2026)



Figure 20 – Photograph of the communal reserve and tennis courts located in the middle of Appian Way, Burwood. Source: (Council Staff, January 2026)



Figure 21 – Photograph of Nos.43 and 43A Weldon Street, Burwood, located to the immediate east (rear) of the subject site. Source: *(Council Staff, January 2026)*

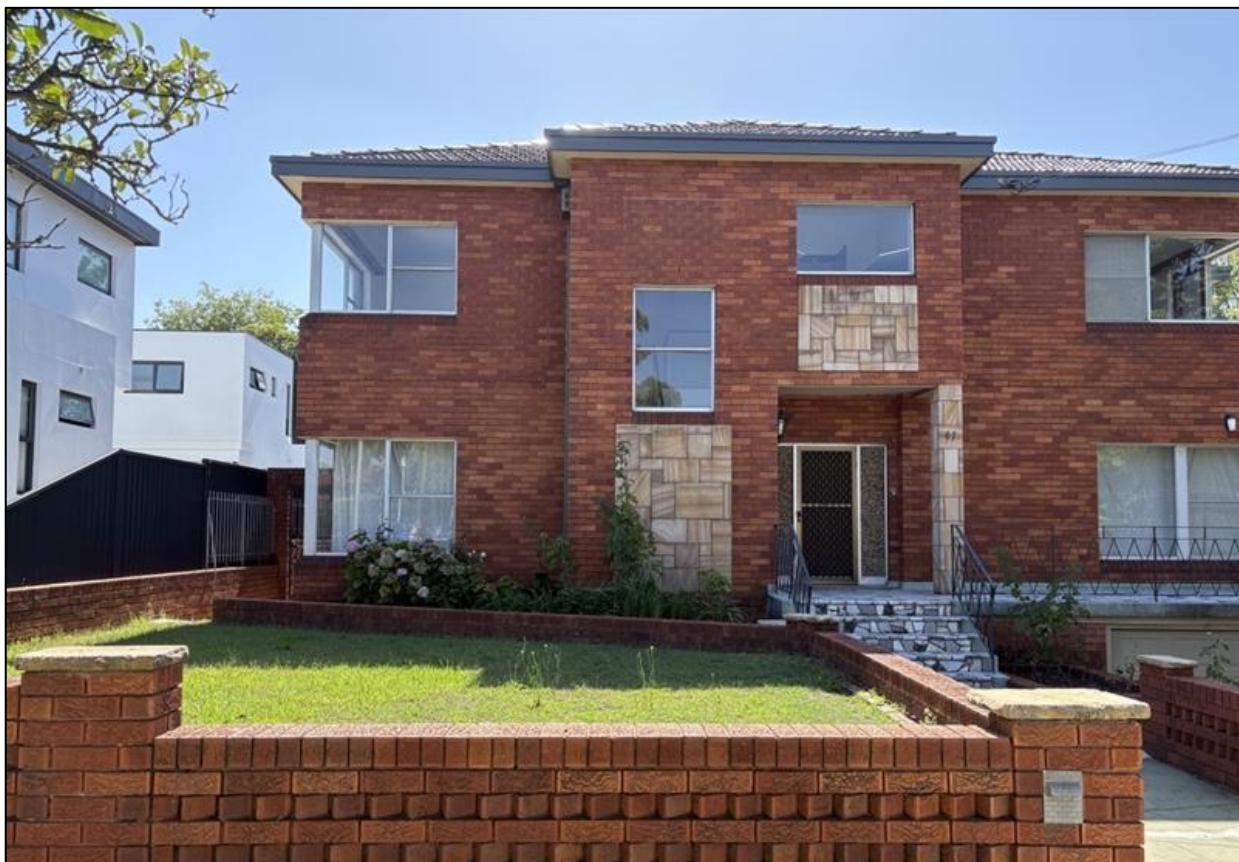


Figure 22 – Photograph of No. 41 Weldon Street, Burwood located to the immediate east (rear) of the subject site. Source: *(Council Staff, January 2026)*

Statutory Requirements

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

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- The provisions of the Burwood Local Environmental Plan (BLEP) 2012.
- The provisions of the Burwood Development Control Plan (BDCP) 2013.
- The regulations (of the EP&A Act).
- The likely social, environmental and economic impacts of the development.
- The suitability of the site for development.
- Submissions made under the Act and Regulations, and
- The public interest.

These matters are considered in this report.

Planning Assessment

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

The provisions of Chapter 4 of the SEPP (Resilience and Hazards) 2021 are required to be considered for any development application. Consideration must be made if the land is suitable for the proposed development, if it is contaminated, if it is suitable for the proposed use, and/or if the contamination is required to be remediated before the land is used for that purpose.

The subject site has been historically used for residential purposes. As such, it is unlikely to contain any contamination, and further investigation is not warranted in this case. In addition, a search of Council's digital records, mapping and a site inspection revealed no land contamination.

State Environmental Planning Policy (Sustainable Buildings) 2022 - Chapter 2 Standards for residential development—BASIX

BASIX stands for Building Sustainability Index. It is a sustainability assessment tool for residential buildings in NSW. BASIX aims to reduce the environmental impact of new homes by requiring them to meet certain minimum standards (for water and energy efficiency, and thermal performance) and to report on construction materials being used so their embodied energy can be calculated. The applicant has submitted a BASIX certificate with this application, prepared by Commonplace Pty Ltd, Certificate No. A1813508, dated 18 September 2025.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 sets the rules for the clearing of vegetation in NSW on land zoned for urban and environmental purposes. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

The subject DA and submitted Arboricultural Impact Assessment (prepared by L and Co Consultancy Arboriculture Plant Pathology, June 2025) and Landscape Plan (prepared by Melissa Wilson Landscape Architects, June 2025) proposes the removal of fourteen (14) trees. As part of the assessment of the subject DA, the proposal was referred to Council's Tree Management Officer for comment.

In their referral response issued on 10 November 2025, the number of trees proposed to be removed and extent of landscaping works to the main portion of the dwelling was not supported.

Council's Tree Management Officer requested in an RFI issued to the applicant on 27 November 2025 that all vegetation on the property be subject to further review. No vegetation was deemed to qualify for automatic exemption, and it was stated that each specimen should be reassessed in light of the site's heritage value. A review of the landscape plan was also requested to retain and improve the existing landscape.

The applicant submitted amended plans and documentation to Council on 16 January 2026, including but not limited to a written statement in relation to the proposed landscaping and tree removal, prepared by Melissa Wilson Landscape Architects, dated 15 January 2025. Notably, the applicant did not submit amended landscape or tree removal plans.

The amended plans and documentation were re-referred to Council's Tree Management Officer for comment. In their latest referral response dated 2 February 2025, support was not given for the removal of the number of trees proposed by the applicant. Several trees were identified as requiring retention.

Council remains of the view that the extent of proposed tree removal and associated canopy cover is excessive and would significantly alter the established character of the site.

Notwithstanding this, there is capability for the application to be supported subject to conditions of consent requiring the submission of a revised landscape plan that identifies additional existing trees for retention, updated development plans clearly overlaying tree protection measures for each tree identified for retention, and an updated arborist's report to be approved by Council's Manager City Development prior to the issue of a Construction Certificate.

Burwood Local Environmental Plan 2012 (BLEP)

Under Burwood LEP 2012, the property is zoned R2 Low Density Residential, and alterations and additions to a dwelling house are permitted with Council's consent.

Objectives of the R2 Low Density Residential Zone

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

The second objective is not of relevance to the proposed development. The proposed satisfies the relevant objectives for residential developments in the R2 zone.

The Burwood Local Environmental Plan 2012 came into effect on 9 November 2012. Burwood LEP 2012 contains a number of controls including some numerical development standards which apply to the proposed development. A summary of the assessment of the application against the relevant planning controls within LEP 2012 is shown in **Table 1** below.

Table 1: Assessment of the proposed development against Burwood LEP 2012

Burwood LEP 2012	Proposal	Compliance
4.1 Minimum Subdivision Size		
400m²	No subdivision proposed as part of this application.	N/A
4.3(2) Height		
8.5m	<p>Existing Main Dwelling: No proposed change</p> <p>Rear Extension: Roof Ridge RL: 46.121 NGL RL: 40.51</p> <p>Max height of proposed rear extension: 5.611m</p> <p>Open Garage: Roof ridge RL: 42.525 NGL RL (FFL): 39.92</p> <p>Max height of proposed rear garage extension: 2.605m</p> <p>Bike Shed: Roof ridge RL (interpreted): 43.477 NGL RL (interpreted): 41.47</p> <p>Max height of proposed rear garage extension: 2.007m</p>	Yes
4.4(2) FSR		
0.55:1	Subject site is over 500m ² . Refer to Clause 4.4A(2) below.	Refer to Clause 4.4A(2) below.
4.4A(2) FSR		
Despite clause 4.4, the floor space ratio for a dwelling house on land in Zone R2 Low Density Residential with a site area of more than 500 square metres is not to exceed 0.52:1 .	<p>Ground Floor: 298.3m²</p> <p>First Floor: 142.6m²</p> <p>Bike Shed: 9.3m²</p> <p>Total Area: 450.2m²</p> <p>Site Area: 1,677.9m²</p> <p>FSR: 0.268:1</p>	Yes
5.10 Heritage Conservation		
<p>(1) Objectives The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (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, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. 	<p>As part of the assessment of the subject DA, the proposal was referred to Council's Heritage Officer for comment, given the subject site is locally heritage listed (Item No. 1226) and is located within the Appian Way Heritage Conservation Area, as listed within Schedule 5 of the BLEP 2012.</p> <p>In their latest referral response issued on 26 January 2026, no objections were raised subject to conditions, and the application is now supported on heritage grounds.</p>	Yes
6.1 Acid Sulfate Soils		

<p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>The subject site is affected by Class 5 Acid Sulfate Soils. However, there are no works proposed within 500m of adjacent Class 1, 2, 3 or 4 adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian height Datum.</p>	<p>Yes</p>
6.2 Flood Planning		
<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment. 	<p>The subject site is not identified as a flood affected lot.</p>	<p>N/A</p>

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

There are no draft planning instruments for consideration.

(iii) Any development control plan

Burwood Development Control Plan (BDCP) 2013

The development is subject to the provisions outlined within the table above. The provisions of the BDCP have been considered in this assessment and it is concluded that the proposal is consistent with the aims and objectives of BDCP. The proposal is generally consistent with the relevant controls contained within BDCP. However, where strict compliance has not been achieved, in accordance with Section 4.15(3A)(b), flexibility has been sought to allow a reasonable alternative solution that achieves the objects of the standard.

Open Garage/Carport

BDCP provides the objective that carports must be minimal in their size, bulk and scale. To reflect this, BDCP prescribes a maximum dimension for carports of 6m in length and 3m in width. The carport in its current form does not meet the objectives or controls for carports, given its bulk and scale. In addition, the roof structure to the carport appears to be of solid masonry slab with a rooftop garden, also not akin to a carport structure, which is generally constructed of light weight combustible materials.

Council's assessment of the structure has determined that the outbuilding is better assessed under the controls for garages contained within BDCP. The proposed structure complies with the prescribed controls for garages contained within BDCP. Given the scale of the site and the substantial manor style dwelling, the proposed open garage is considered acceptable in this instance and can be supported.

Skylights in the Appian Way Heritage Conservation Area

Part 4.7 Heritage in Residential Precincts of BDCP states that skylights in the Appian Way Heritage Conservation Area are not permitted to the main roof areas except on rear elevations where only one skylight per roof plane is permissible. Council issued an RFI letter to the applicant on 27 November 2025, stating that the proposed PV cells were not supported and that the proposed skylights were to be reduced to one. Amended plans were submitted to Council in response to the RFI, where the no changes to the PV cell and skylight arrangements were proposed.

Council's Heritage Officer's latest referral response supported the inclusion of the two skylights located on the rear roof. A condition of consent has been recommended to delete the inclusion of PV cells to the existing roof.

Bike Shed

BDCP states that ancillary structures, such as bike sheds, are not to be built to the boundary. This is to ensure boundary fences are able to be erected, accessed and maintained. Ancillary structures may be located within 150mm of side and rear boundaries, so long as they are constructed of masonry materials. The applicant submitted amended plans in response to Council's RFI. The bike shed has been amended to be constructed of a masonry material. A condition of consent has been recommended, ensuring a 150mm setback of the bike shed from all boundaries.

While the matters identified above do not strictly meet the numerical standards of the BDCP, the proposal is overall consistent with the objectives and heritage conservation considerations of Clause 5.10 of the BLEP and Part 4.7 Heritage in Residential Precincts of the BDCP, and is considered acceptable.

(iv) The Regulations

The Regulation underpins the day-to-day operation of the NSW planning system. The regulation guides the processes, plans, public consultation, impact assessment and decisions made by the local councils, the Department of Planning and others. The proposal is not inconsistent with the Regulations.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

The proposed development is permissible in the R2 Low Density Residential zone with consent under the provisions of the BLEP. Relevant issues regarding environmental impacts of the development are discussed in detail in this report. The development is considered satisfactory in terms of environmental impacts, subject to the imposition of appropriate conditions of consent.

(c) The suitability of the site for the development

The subject site is affected by Class 5 Acid Sulfate Soils, however, there are no works proposed within 500m of adjacent Class 1, 2, 3 or 4 land.

The subject site is identified as Local Heritage Item No.1226 and located within the Appian Way Heritage Conservation Area, as listed within Schedule 5 of the BLEP 2012. As part of the assessment of the subject DA, the proposal was referred to Council's Heritage Officer for comment. In their latest referral response, no objections were raised subject to conditions.

The subject site is not affected by any other land use planning constraints. Based on the planning assessment undertaken within this report, along with the response from Council's Development Engineer, Executive Building Surveyor and Tree Management Officer, the site is deemed suitable for the proposed development, subject to appropriate conditions including but not limited to the submission of a revised landscape plan that retains additional existing trees.

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

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

Community Consultation

In accordance with the Burwood Community Participation Strategy 2023-2026, the development application was placed on public notification from 4 November 2025 until 2 December 2025. In response, one (1) unique submission was received.

The matters raised within the submission are summarised below, followed by a comment from the assessing planner:

A. Concerns over excessive tree removal.

Assessing Officer Comment: As discussed above in this report, Council remains of the view that the extent of proposed tree removal and associated canopy cover is excessive and would significantly alter the established character of the site. Council therefore recommends conditions of consent requiring the submission of a revised landscape plan that identifies additional existing trees for retention, updated development plans clearly overlaying tree protection measures for each tree identified for retention, and an updated arborist's report to be approved by Council's Manager City Development prior to the issue of a Construction Certificate.

B. Excessive bulk, height and overshadowing impacts.

Assessing Officer Comment: It is acknowledged that any adjoining property to the immediate south of the subject site will be impacted by overshadowing as a result of the rear extension. However, any form of overshadowing to occur is largely the result of the site's unfavourable east/west orientation, with north/south being the side boundaries. As such, any redevelopment of a property to the north will cast a shadow to an adjoining property to the immediate south. Despite the unfavourable orientation, the proposal achieves compliance with the building height, floor space ratio and built area development standards. In addition, the proposal provides generous setbacks, in excess of that required by BDCP. Furthermore, the submitted shadow diagrams demonstrate that a compliant level of solar access will be provided to the principle private open space area of Nos. 1 and 1A Appian Way, Burwood between 9am and 12pm.

C. Concerns over proposed materials and finishes

Assessing Officer Comment: As part of the assessment of the subject, the application was referred to Council's Heritage Officer for comment. In their referral response, no objections were raised with regard to the proposed Schedule of Materials and Finishes. Furthermore, the applicant has submitted a Heritage Impact Statement (prepared by NBRS, dated July 2025) supporting the proposed materials.

D. Requirement for a Quantity Surveyor's Report

Assessing Officer Comment: Council requested a revised Cost Summary Report, prepared by a qualified professional, given the estimated cost of works are above \$150,000 and under \$3 million. The applicant submitted a revised report on 23 January 2026. Council is satisfied with the revised Report, which provides a more detailed cost estimate breakdown.

Referrals

Internal Referrals

Building: As part of the assessment of the subject DA, the proposal was referred to Council's Executive Building Surveyor for comment. In their referral response issued on 30 October 2025, additional information was requested detailing compliance with AS1926.1-2012 and NCC Volume 2, Part H3P1.

On 16 January 2026 the applicant submitted amended plans and documentation in response to Council's RFI letter. In Council's Executive Building Surveyor's latest referral response issued on 19 January 2026, no objections were raised subject to conditions.

Development Engineering: The proposal was referred to Council's Senior Development Engineer for comment. In their referral response issued on 31 October 2025, no objections were raised subject to conditions.

Heritage: The proposal was referred to Council's Heritage Officer for comment. In their referral response issued on 4 November 2025, amended plans were requested detailing a reduced scale of the southern elevation and deletion of the southern elevation ensuite, a reduction in the number of skylights to one per roof slope, deletion of the PV cells from the roof, further details on the proposed front fence and retention of the mature trees on the site.

On 16 January 2026 the applicant submitted amended plans and documentation in response to Council's RFI letter. In Council's Heritage Officer's latest referral response issued on 26 January 2026, no objections were raised subject to conditions.

Traffic: The proposal was referred to Council's Traffic Engineer for comment. In their referral response issued on 29 October 2025, no objections were raised subject to conditions.

Landscaping / Tree Management: The proposal was referred to Council's Tree Management Officer for comment. As discussed in detail in this report, Council therefore recommends conditions of consent requiring the submission of a revised landscape plan that identifies additional existing trees for retention, updated development plans clearly overlaying tree protection measures for each tree identified for retention, and an updated arborist's report to be approved by Council's Manager City Development prior to the issue of a Construction Certificate.

External Referrals

The application did not require any external referrals.

Conclusion

After consideration of the development against section 4.15 of the *Environmental Planning and Assessment Act 1979* and the relevant statutory and policy provisions, the proposal is recommended approval, subject to appropriate conditions including but not limited to and management of existing trees on the site.

Recommendation(s)

That Development Application DA.2025.78, which proposes alterations and additions to the existing dwelling house including demolition of an existing single storey extension and swimming pool, tree removal, and construction of a new rear addition, carport, swimming pool and bike shed, fencing, and associated landscaping on land at No. 3 Appian Way, Burwood 2134, be approved subject to the recommended conditions of approval contained within **Attachment 1**.

Attachments

- 1** Recommended Conditions of Approval (*Excluded from agenda*)
- 2** Statement of Environmental Effects (*Excluded from agenda*)
- 3** Architectural Plans (*Excluded from agenda*)
- 4** Heritage Impact Statements (*Excluded from agenda*)
- 5** (Not for Approval) Original Landscape Plans and additional Landscape Architect Statement (*Excluded from agenda*)

(Item DA4/26) DA.2025.63 Works to expand commerical tenancy and use as a chemist at 67-71 Burwood Road, Burwood.

File No: 26/4037

Report by Development Assessment Planner

Owner: 67-71 Burwood Road Burwood Pty Ltd
Applicant: Allan Caladine
Location: 67 - 71 Burwood Road Burwood
Zoning: MU1 Mixed Use Zone

Proposal

Demolition of the existing party walls between shops, removal of the external walls and internal ground floor partition walls, relocation of two (2) parking spaces, removal of two (2) parking spaces and a 'change the use' of the commercial tenancy to operate as a 'Chemist Warehouse' chemist shop.

The proposal is outlined in detail below:

- Removal of internal load bearing and non-load bearing walls from existing ground floor tenancies to amalgamate three (3) shops into one single chemist shop.
- Demolition of the existing party wall of the heritage item at 69 Burwood Road, Burwood.
- Change the use of commercial tenancies located on the ground floor of 67-69 and 71 Burwood Road, Burwood to operate as a chemist shop.
- Removal of two (2) car spaces located adjacent to John Street and at the rear of the existing shop.
- Relocate two (2) car spaces from the rear of the existing shop on 67-69 Burwood to the rear site boundary adjacent to John Street.
- Construction of a rear ground floor extension behind the heritage item at .71 Burwood Road, Burwood.
- The proposal seeks to increase the maximum staff to 9 persons and to 18 persons during the peak period on Saturday, Sunday and Thursday nights.
- Fixed shut the existing front door associate the ground floor tenancy on 71 Burwood Road, Burwood.

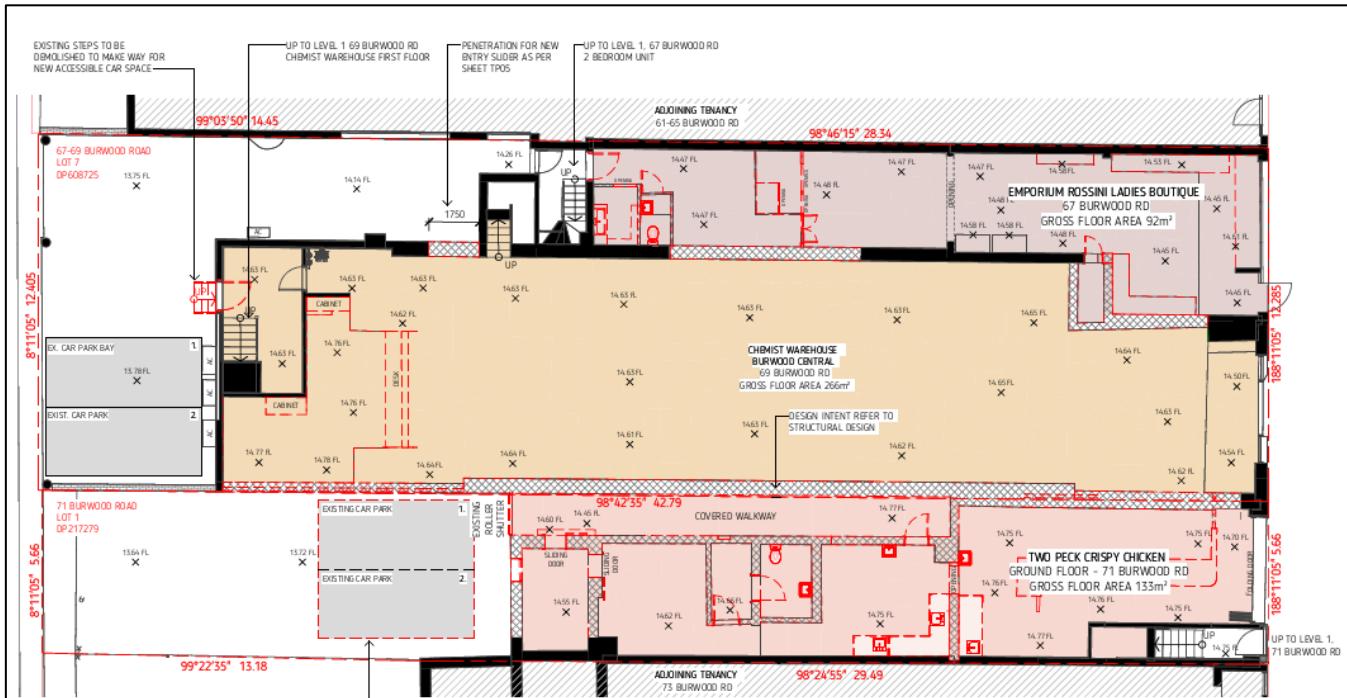


Figure 1 – Extract of applicant's demolition plan.

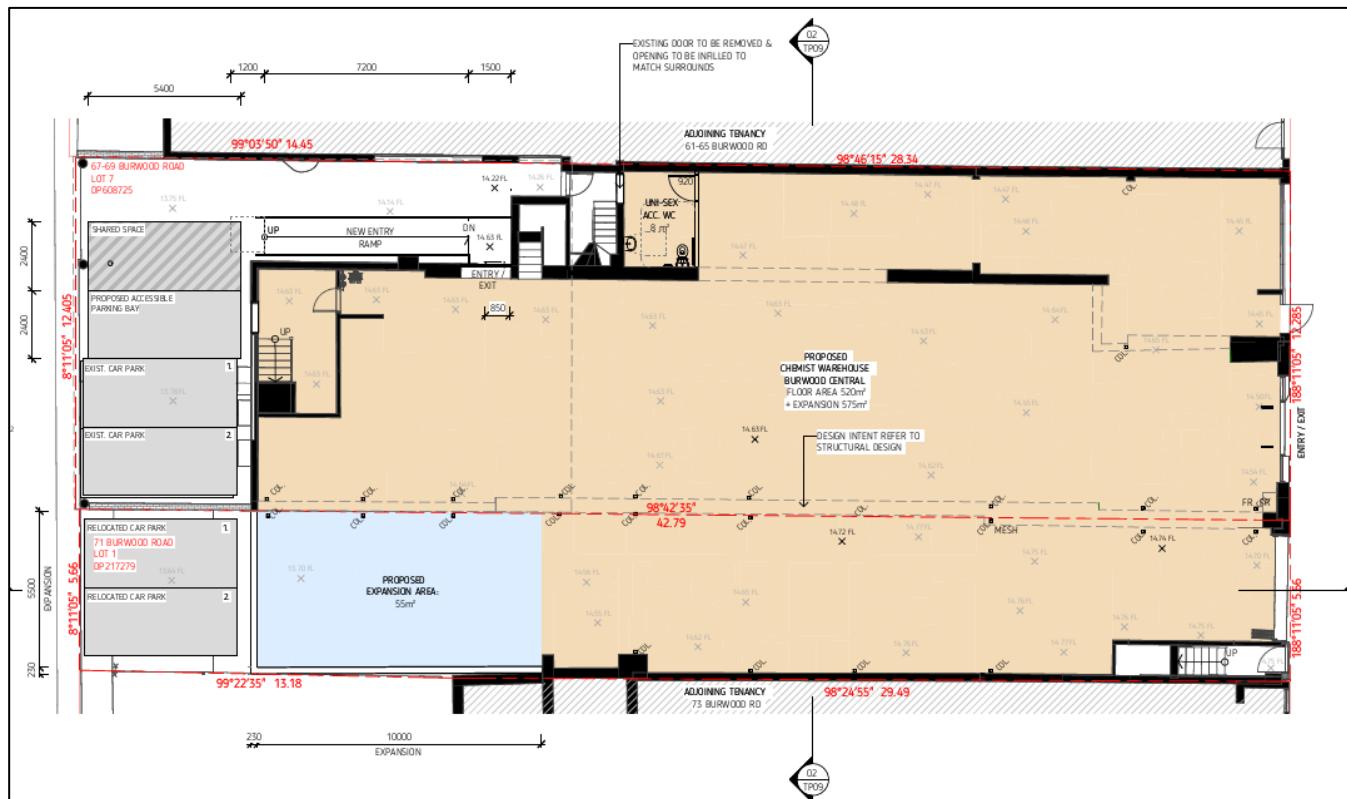


Figure 2 – Extract of applicant's proposed ground floor plan.

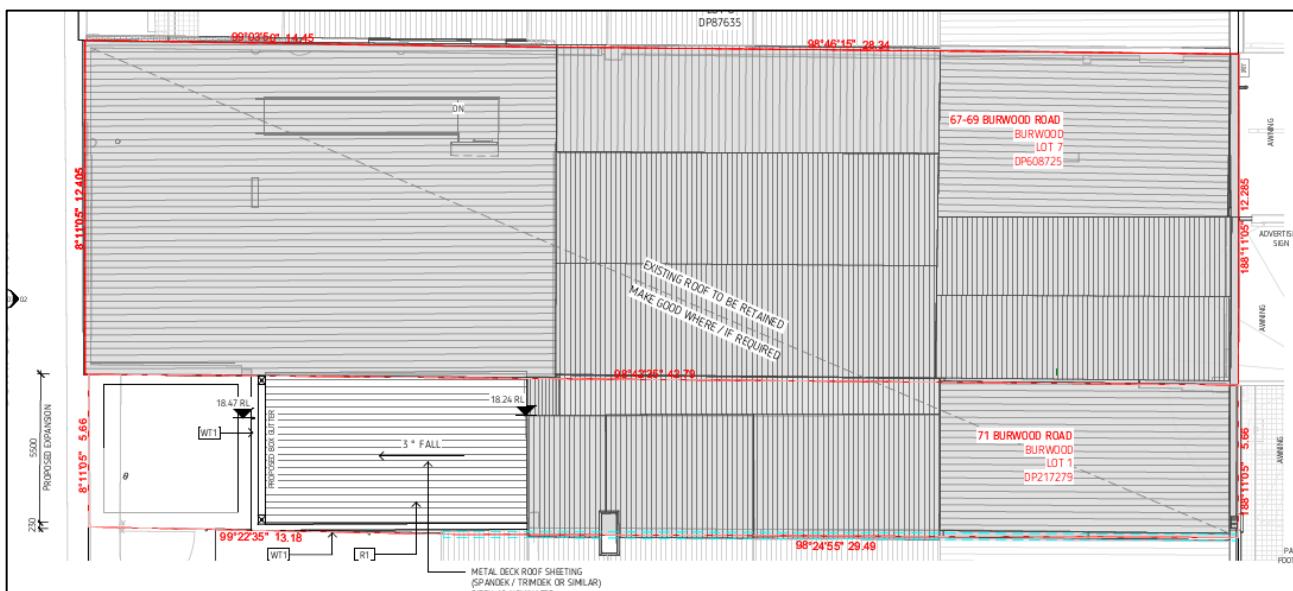


Figure 3 – Extract of applicant's proposed roof plan.

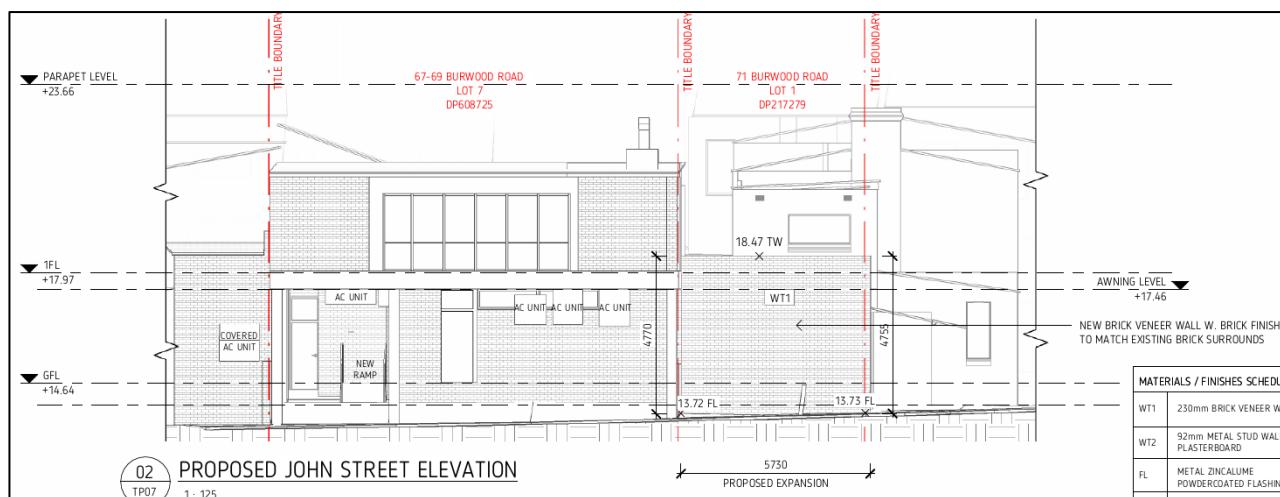


Figure 4 – Extract of applicant's proposed John Street elevation.

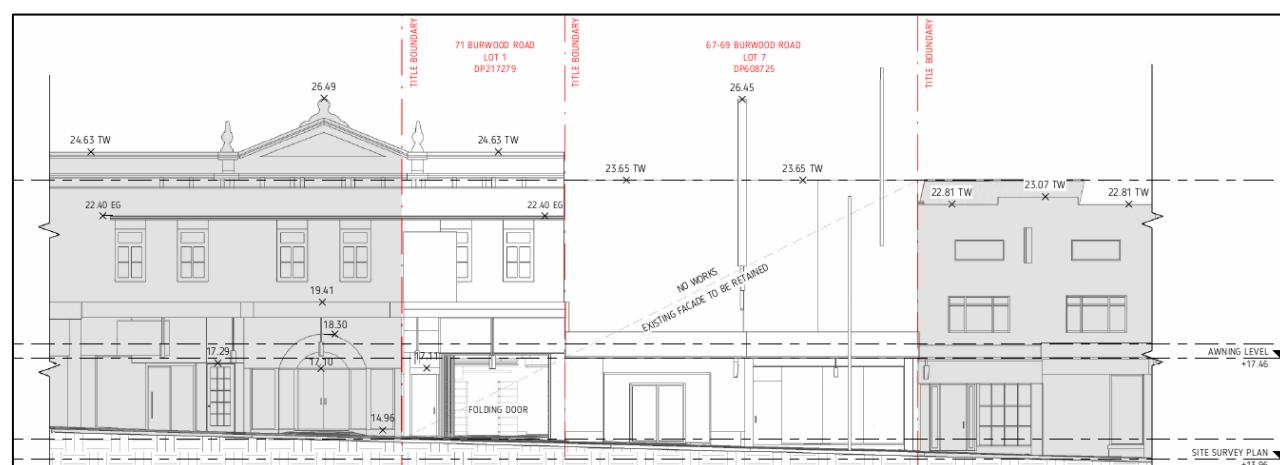


Figure 5 – Extract of applicant's proposed Burwood Street elevation.

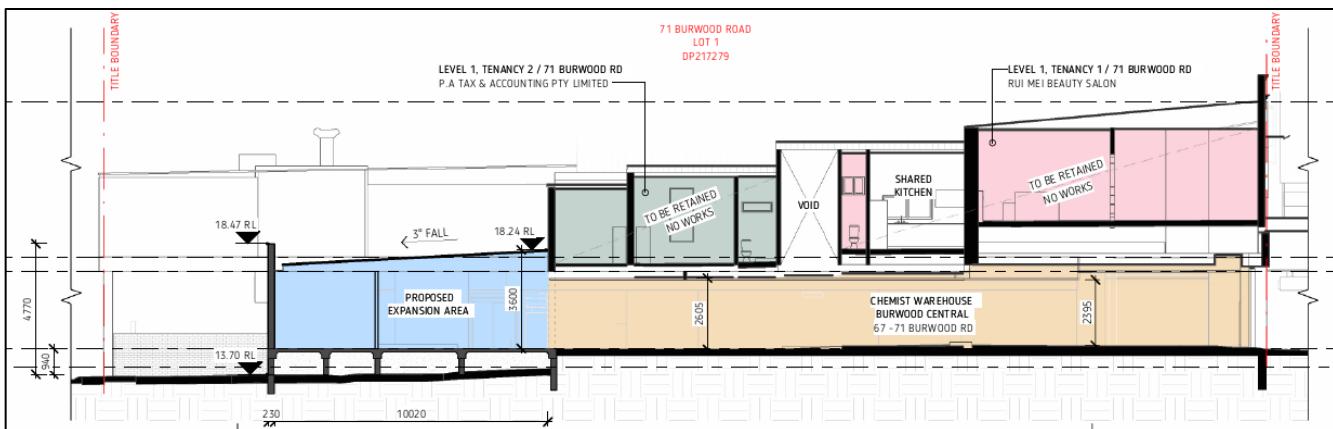


Figure 6 – Extract of applicant's proposed sectional drawing.

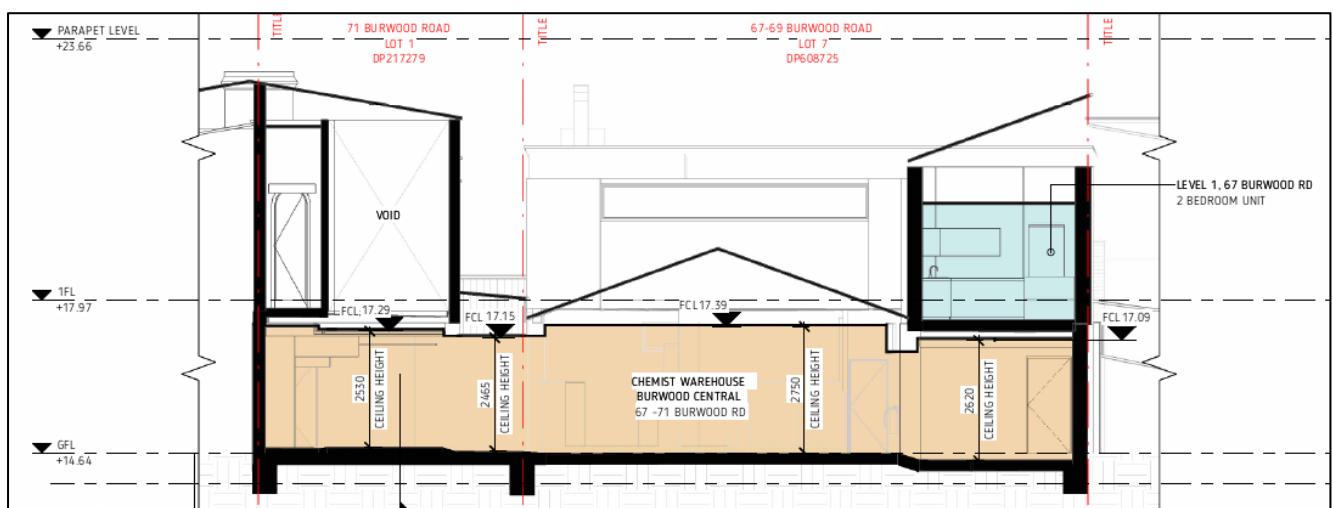


Figure 7 – Extract of applicant's proposed sectional drawing

BLPP Referral Criteria

Pursuant to the Ministerial direction dated 6 May 2024, under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (the Act), the application is to be determined by the local planning panel for the following reasons:

1. Development involving the demolition of a heritage item.

Background

Previous applications that are relevant to the application:

1. Development Application no.DA.1993.184 was approved by Council on 12 November 1993 for *Dick Smith Store: retail of electrical goods and electrical trade spares on land at no. 67 – 69 Burwood Road, Burwood*.
2. Development Application no.BD.2007.116 was approved by Council on 31 May 2007 for *upgrade shop front and signage for existing shop building on land at no. 67 – 69 Burwood Road, Burwood*.
3. Complying Development Certificate no.CD.2010.14 was approved by Appointed Certifying Authority on 12 April 2010 for *internal alterations to the existing retail fit out for use as a chemist warehouse on land at no. 67 – 69 Burwood Road, Burwood*.

4. Development Application no.DA.2018.149 was approved by Council on 9 May 2019 for *fit out and use of ground floor of an existing shop for the purpose of sale of cosmetics and takeaway drinks on land at no. 71 Burwood Road, Burwood*.
5. Complying Development Certificate no.CD.2021.2 was approved by Appointed Certifying Authority on 14 December 2020 for *change of use & fit out of chicken shop on land at no. 71 Burwood Road, Burwood*.

Current Application History

1. The subject Development Application was lodged with Council on 10 September 2025.
2. The application was referred to the following internal Council departments:
 - Development Engineer.
 - Environmental Health Officer.
 - Traffic Officer.
 - Building Surveyor.
 - Heritage Officer.

The application did not require any external referrals.

3. In accordance with the Burwood Community Participation Plan, the owners of surrounding properties were given notice of the application on 12 September 2025, with the notification period for submissions closing on 03 October 2025. In response to the public notification of the DA no submissions were received.
4. Request to withdraw: Following a preliminary assessment of the development application, Council identified that the proposal could not be supported. On 03 November 2025, a request for withdrawal was issued to the applicant identifying unresolved planning, heritage and building compliance issues. Key matters are summarised as follows:
 - a. The absence of a registered survey plan preventing assessment of floor space ratio;
 - b. Insufficient information to assess compliance within minimum floor-to-ceiling height requirements;
 - c. Heritage concerns were raised regarding the proposed removal of load-bearing party walls and the side passage to the local heritage item;
 - d. Inadequate roof detailing and drainage;
 - e. Insufficient information relating to façade signage and staff amenities;
 - f. The submitted information package did not contain sufficient information for Council to undertake a preliminary assessment of compliance with NCC 2022;

Due to the cumulative nature of these issues and the extent of redesign and additional information required, Council requested that the development application be withdrawn.

5. Meeting with the applicant: On the 13 November 2025, a meeting was held between Council officers and the applicant to discuss the issues raised in the request for withdrawal and to identify a potential pathway forward.

Additionally, Council has advised that the proposal could benefit from further urban design consideration, including the incorporation of mural artwork on John Street facing façade of the proposed extension to the existing shop building.

The applicant subsequently provided the additional information which has reduced the scope of issues to the point a limited approval can be granted.

Statutory Requirements

The application is assed under the provisions of section 4.15 of *the Environmental Planning and Assessment Act 1979*, as amended, which includes:

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

These matters are considered in this report.

Locality

The subject site

The subject site is legally described as (Lot 7 Deposited Plan 608725 and Lot 1 Deposited Plan 217279) which is known as No. 67-71 Burwood Road, Burwood. The site comprises two (2) rectangular shaped parcels of land with a combined primary street frontage of 17.95m to Burwood Road and a 18m frontage to John Street at the rear. The total site area of the subject site is 772.7m².

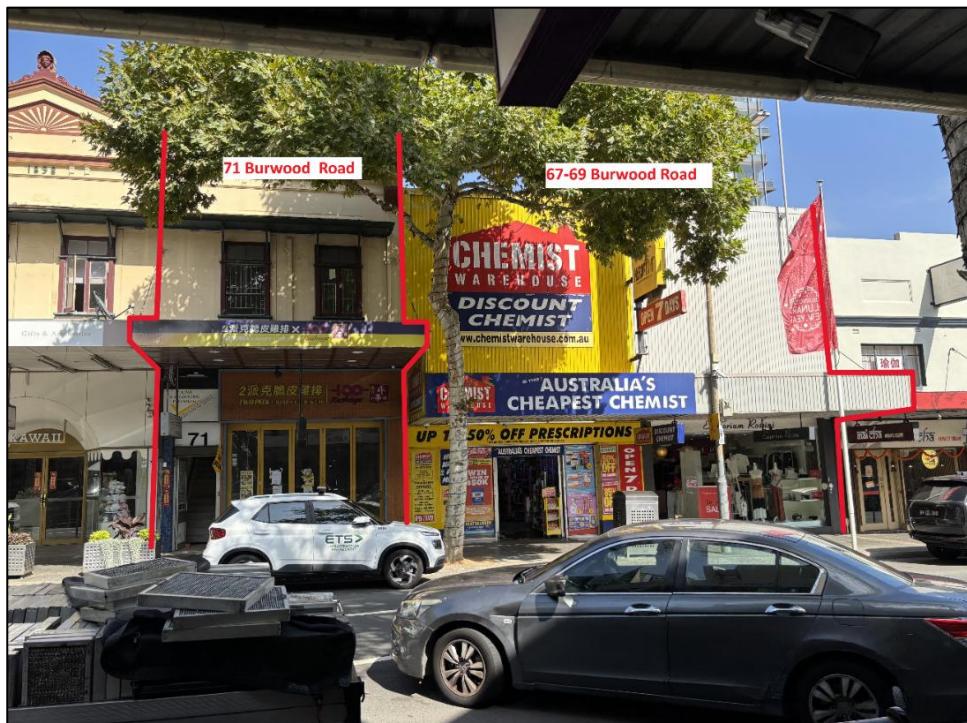
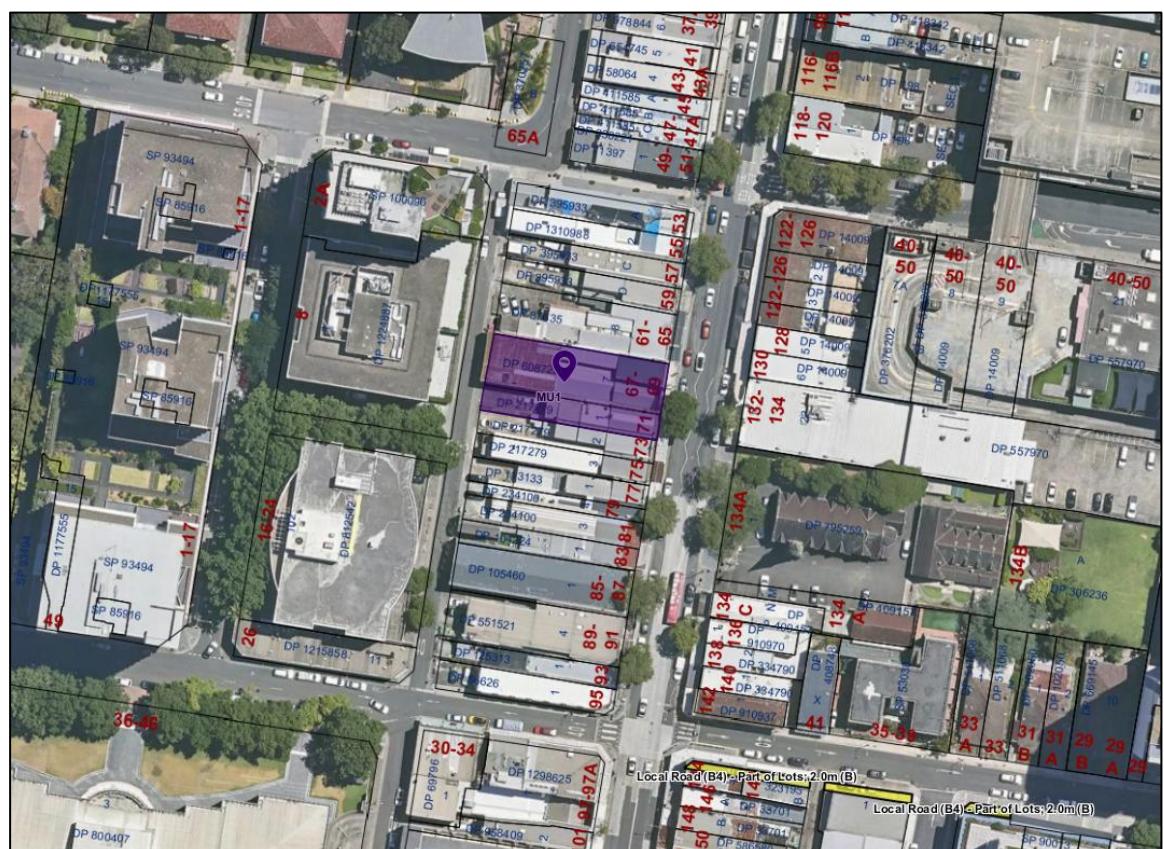


Figure 8 – street view of Burwood Road frontage of the subject site.

Source: (Council Site Inspection)



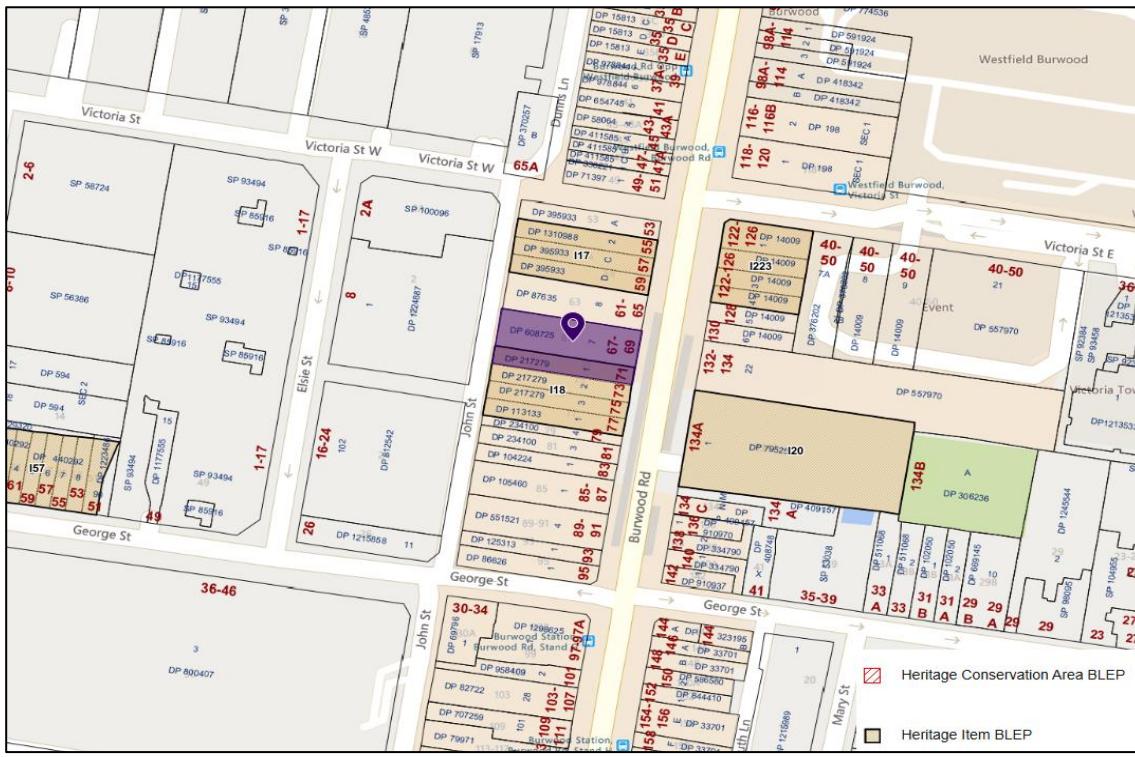


Figure 10 – The subject site contains a heritage item listed under Schedule 5 of the *Burwood Local Environmental Plan 2012*, identified as Shops—first floor facades.

Source: (Spatial Spectrum)

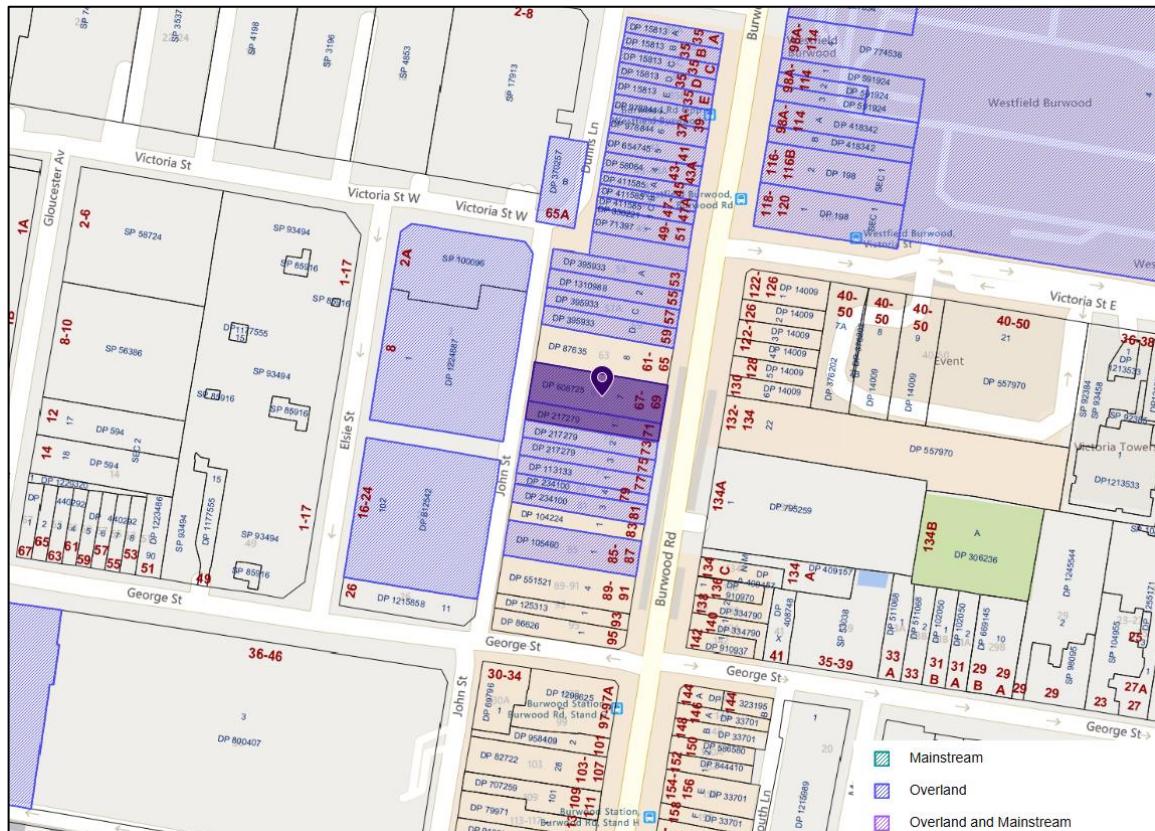


Figure 11 – Subject site is affected by overland flooding

Source: (Spatial Spectrum)

Surrounding development

To the immediate north of the site is No.73 Burwood Road which consists of an attached two-storey shop building. To the immediate south of the site is No.61-65 Burwood Road which also comprises an attached two-storey mixed-use building. To the east of the subject sites, across Burwood Road is No. 132 Burwood Road which comprises of attached two-story shop buildings. To the west of the subject site, across John Street is No. 2-14 Elsie Street which comprises of a seven (7) storey commercial building. The streetscape on Burwood Road predominately consists of two storey attached shop buildings.

The site presently contains attached two storey shops with metal cladded façade and cantilevered awning. The vehicular access to the subject site is facilitated by the parking spaces along John streets at the rear of the shops. The subject site is located with the MU1 Mixed Use Zone in accordance with BLED 2012. Notably, the subject site contains a local heritage item identified by Schedule 5 Burwood Local Environmental Plan 2012 (BLEP 2012) as Victorian shops – first floor façade. The subject site is also affected by overland flooding.



Figure 13 – Street view of the heritage item, *Victorian shops – first floor façade*, located No. 71-77 Burwood Road, Burwood. Source: (Council Site Inspection)



Figure 14 – street view of the shop front frontages for no.71 and no.69 -71 Burwood Road
Source: (Council Site Inspection)



Figure 15 – street view of the shop front frontages for no.69 -71 Burwood Road
Source: (Council Site Inspection)



Figure 16 – street view of John Street, running along the rear of the subject site.
Source: *(Council Site Inspection)*



Figure 17 – John Street frontage of no.71 and no.67-69 Burwood Road
Source: *(Council Site Inspection)*



Figure 18 – John Street frontage of no.71 and no.67-69 Burwood Road
Source: (Council Site Inspection)

Planning Assessment

Section 4.15 Evaluation

(1) **Matters for consideration-general** in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application-

(a). The provision of

(i). Any environmental planning instrument:

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

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

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

Council Comment: Considering the subject site has been historically used for commercial purposes, the land on which the proposed development is unlikely to require remediation. As such the land is considered suitable for the proposed development.

Burwood Local Environmental Plan 2012

Under Burwood LEP 2012, the property is zoned MU1 Mixed Use, and alterations and additions to attached shop buildings, as well as the operation of a chemist, are permitted with consent.

Objectives of the MU1 Mixed Use Zone

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

Council Comment: The proposed development is considered to satisfy the objectives of the MU1 Mixed Use zone as it will generate employment opportunities in the town centre. The proposal has satisfied the second objective by retaining the existing ground floor commercial frontages, thereby supporting the continued commercial use and attracting additional pedestrian foot traffic.

The buildings located adjacent to the subject site contain ground floor commercial tenancies. Therefore, the operation of the chemist does not create conflict between land uses. The proposal will retain the ground floor tenancy as commercial premises, thereby meeting the fourth objective of Mixed-Use zone.

The Burwood Local Environmental Plans 2012 came into effect on 9 November 2012. Burwood LEP 2012 contains a number of controls including some numerical development standards which apply to the proposed development. A summary of the assessment of the application against the relevant controls within LEP 2012 is shown in **Table 1** below.

Table 1: Assessment of the proposed development against Burwood LEP 2012.

Burwood LEP 2012	Proposal	Compliance
4.1 Minimum Subdivision Size		
500m ²	<p>No subdivision is proposed as part of this application.</p> <p>However, the subject site does include two (2) separate lots:</p> <p>Lot 7 in Deposit Plan 608725 Site Area: 527.8m² (Approx.)</p> <p>Lot 1 in Deposit Plan 217279 Site Area: 244.9m² (Approx.)</p>	N/A
4.3(2) Height		
60m	The proposal does not seek to	N/A

	<p>increase the maximum height of the existing shop building.</p> <p>The approximate height of the existing building measured from the submitted architectural plan is 12 metres.</p>	
4.3A(2) Exceptions to heights buildings		
Despite clause 4.3, the height of a building on land marked "Area A" on the Height of Buildings Map is not to exceed the building height plane for that land.	<p>The subject site is identified as Area A on the Height of Buildings Map. However, the proposal does not seek to increase the existing maximum building height which is approx. 12m.</p>	N/A
4.4(2) FSR		
4.5.1	<p>Ground Floor: 592.1m² First Floor: 408.6m² Total GFA: 1000.7m² Site Area: 772.7m² Proposed FSR: 0.772:1</p>	Yes
4.6 Exceptions to Development Standards		
(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard.	<p>The proposal does not seek any variations to the development standards.</p>	N/A
5.10 Heritage Conservation		
<p>(1) Objectives The objectives of this clause are as follows -</p> <p>(a) to conserve the environmental heritage of Burwood, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance</p>	<p>As part of the assessment of the subject DA the proposal was referred to Council's Heritage Officer for comment given the subject site contains a local heritage item.</p> <p>Concerns were raised given the limited information provided by the applicant. These concerns can be addressed through a limited consent and subject to conditions of consent. Refer to discussion.</p>	Yes
6.1 Acid Sulfate Soils		
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	<p>The subject site is affected by Class 5 Acid Sulfate Soils. However, there are no works proposed within 500m of adjacent class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the</p>	Yes

	water table is likely to be lowered 1 metre Australian height Datum.	
6.2 Flood Planning		
(1) The objectives of this clause are as follows - (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment.	As part of the assessment of the subject DA, the proposal was referred to Council's Development Engineer for comment given that the subject site is affected by flood planning. In their latest referral response issued on 22 September 2025, no objections were raised subject to conditions.	Yes
6.3 Active street frontages		
The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B4 Mixed Use identified as "Active Street frontage" on the "Active Street Frontages Map"	The subject site identified as active street frontage on the Active Street Frontages Map. The proposed development will utilise the ground floor tenancy as a chemist, which will encourage pedestrian activities and contribute an increased foot traffic along Burwood Road.	Yes

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

There are no draft planning instruments for considerations.

(iii) Any Development Control plan

Burwood Development Control Plan 2013 (BDCP 2013)

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

Discussion

The proposal is considered to be consistent with the objectives specified in Part 2 – Site and Environmental Planning (including Parts 2.2 General Site Analysis, 2.3 Views and Vista & 2.4

Streetscapes). Moreover, the proposal is compatible with the desired character of Council's town centres by expanding the operation of the chemist and creating more employment opportunities.

Part 6.2 – Waste Management

Relevant objectives of this BDCP section are:

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

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

Part 6.4 – Flood Planning

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

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

(iv) The Regulations

The Regulation underpins the day – to – day operation of the NSW planning system. The Regulation guides the process, plans public consultation, impact assessment and decisions made by local Councils, the Department of Planning and others. The proposal is not inconsistent with the Regulation

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

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

(c) The suitability of the site for the development

The application has been reviewed by Council's building surveyor, heritage officer, traffic engineer and development engineer, who have considered the impacts of the proposal on the heritage item, parking spaces adjacent to John Street, as well as the flood affectation of the site. The proposal is consistent with the relevant planning controls, as demonstrated in this report. The site is considered suitable for the proposal, subject to conditions.

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

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

(e) The public interest

The development will expand the operation of the existing chemist to meet the daily needs of an increasing population residing within and adjacent to the town centre. Additionally, the proposal will provide additional employment opportunities in the town centre. Overall, the proposal is considered to be in the public interest.

Community Consultation

As noted above the development application was publicly notified in accordance with Burwood Council's Community Engagement Strategy between 12 September 2025 and 3 October 2025. **No submissions were received.**

Referrals

Traffic Engineering

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

Development Engineering

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

Building Surveyor

The application was referred to Council's Building Surveyor for review and comment. In the referral comments issued on 13 October 2025, the following issues were identified:

- **Structural Area:** Further information was requested to clarify the intended use of the structural area depicted on the submitted architectural plan. This information is required to accurately identify the *NCC* classification of the building.
- **Fire compartments:** Given that the proposal seeks to amalgamate the existing commercial tenancies, further information was requested to clarify if the proposal will result in a united building as defined under *part A7G1 of NCC 2022*, or otherwise a single building with a single fire compartment and a single set of building fire safety compliance measures.
- **Existing use of the first floor:** The submitted architectural plans do not identify the use of the existing rooms located on the first floor of the shop building. Further information was requested to clarify the use of these rooms, as this information is required to assess the fire safety of the building.
- **Room Height:** Further information was requested to demonstrate how the height of the newly created rooms on ground floor and other spaces affected by the development, will comply with the *NCC 2022 part F5D2*.
- **Escape distances:** Further information was requested to demonstrate how the escape distance on ground floor will comply with *NCC 2022 Volume One Clause D2D5 (3) (b)*.
- **Sanitary facilities:** The building assessment identified that no sanitary facilities on ground floor. Considering the proposed chemist will have a maximum staff of 18 persons during the peak trading periods, further information was requested to demonstrate how the proposal will comply with sanitary facility requirements of the *NCC 2022*.
- **Accessible parking spaces:** Further information was requested to demonstrate how the proposal compliances with the accessible parking space requirement of the *NCC 2022*.
- **Structural Design:** Given the proposal seeks to demolish the ground floor party wall of the heritage item, either a structural design drawing or an *NCC* audit report is required to assess the impact of its removal and to verify that the first-floor loads are adequately supported in accordance with structural requirements.
- **Fire Safety:** Further investigation is required to identify whether the existing first floor of the shop building is currently used as shop top housing, as it appears to be used as residential tenancy. In addition, the first-floor rooms above 67-69 Burwood Road appears to function as boarding house or group accommodation which presents high fire risk and must be classified as Class 3 building under *NCC 2022*.

In response to the building comments, amended architectural plans, structural drawings and BCA report was submitted on 17 December 2025. The amended plans and additional information were referred to Council's building surveyor for review and comment. No objection was raised subject to conditions of the approval be imposed.

Environmental Health

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

Heritage

The application was referred to Council's Heritage Officer for review and comments. In the referral comments issued on 23 October 2025, the following issues were identified.

- **Structural impact on the heritage item:** Concerns were raised regarding the impact of the proposed demolition work on the structural integrity of the heritage item at No 71 Burwood Road, specifically the removal of the load-bearing party wall at the ground floor. Additional structural engineering details were requested to demonstrate how the proposal will address these impacts.
- **Side passage:** Objection were raised regarding the proposed removal of the side passage to the heritage item at No.71 Burwood Road, Burwood. The passage provides natural light and ventilation to the existing shop, and the internal walls to the passage are likely load bearing. Further details must be provided in the amended sectional drawings to demonstrate that the proposal will preserve the structural integrity of the heritage item.
- **Flashing:** The proposal does not indicate where the rigid flash is to be cut into the historic brickwork of the heritage item.
- **Existing Signage:** Further information was requested to seek clarifications on whether the existing signage attached to No.71 Burwood Road which belongs to the previous fried chicken shop was to remain or be removed. Given the operation of the chemist warehouse will extends into the entirety of the ground floor tenancy at No.71 Burwood Road, it is unlikely that the chemist will retain the signage of the previous business which has occupied the tenancy. A condition of consent has been recommended to remove all existing signage.

Additionally, the heritage officer has requested a copy of the formal consent for the existing signage attached to the façade of the shop building on No.67-69 Burwood Road, as the heritage assessment indicates the existing signage is oversized in relation to the awning façade of No. 67-69 Burwood Road.

- **Roof design:** The submitted sectional drawing AA do not indicate how the skillion roof and rear parapet are to be drained. Additionally, the existing metalwork for the gutters and flashing may not be compatible with Colourbond or Zincalume.
- **Internal layout:** The existing ground floor layout of No. 71 Burwood Road could be reconfigured to accommodate the dispensary, consulting room, and required staff amenities without necessitating the removal of the breezeway or the load – bearing party wall located at the northern end of the local heritage item at No.75 – 71 Burwood Road.

In response to the above heritage comments, amended architectural plans and structural drawings was submitted on 17 December 2025. The amended plans and additional information only partly address the issues raised. It is recommended that a limited consent be issued, all signage be removed and a signage strategy be prepared prior to a future application for coordinated signage across the site which considered the heritage significance of the existing heritage item.

Council's heritage assessment has identified that additional information must be provided prior to the release of the Construction Certificate to ensure that the proposed works will conserve the

surviving heritage fabric of the existing heritage item located on land no.71 Burwood Road. A summary of the recommendations from Council's Heritage Officer is provided below.

Internal fit outs

The submitted architectural plans do not detail the internal shop fit-out associated with the proposed chemist expansion. As insufficient information has been provided to assess the internal fit-out works, it is recommended that no internal fit-out works form part of this Development Application. A separate Development Application should be submitted for any proposed ground-floor tenancy fit-out associated with the chemist.

External signages

Insufficient information has been provided to confirm whether the proposal includes the removal of existing signage associated with former businesses that previously occupied the ground floor tenancies. It is recommended that a condition be imposed requiring the owner to surrender any existing development consents associated with existing signage and all signage be removed.

Load bearing walls

Council's heritage assessment has identified that further investigation is required to confirm the impacts of the proposed removal of load-bearing walls on the ground floor, and the adequacy of the proposed structural design intended to replace these elements while maintaining the building's structural integrity. It is recommended that a condition be imposed requiring detailed structural engineering documentation to be submitted to Council or the Principal Certifier prior to the issue of an Occupation Certificate.

Recommendation(s)

That Development Application DA.2025.63 which seeks consent for alteration and addition to the existing ground floor commercial tenancies and a local heritage item, and change of use of ground floor tenancies to operate as a chemist on land at 67 – 71 Burwood Road Burwood, Burwood, be approved, subject to the conditions provided within Attachment 1 of this report.

Attachments

- 1** [Draft Consent document to Caladines Town Planning Pty Ltd - 67-69 Burwood Road BURWOOD - DA.2025.63](#) (*Excluded from agenda*)
- 2** [Statement of Environmental Effects](#) (*Excluded from agenda*)
- 3** [Architectural Plans](#) (*Excluded from agenda*)
- 4** [Applicant's Heritage Impact Response to RFI](#) (*Excluded from agenda*)
- 5** [Heritage Impact Statement](#) (*Excluded from agenda*)

(Item DA5/26) DA.2025.90 - Demolition of all existing structures and construction of a new two-storey dwelling with new basement parking and ancillary structures at 52 Woodside Avenue Strathfield

File No: 26/4112

Report by Senior Assessment Planner

Owner: K D Attwater
Applicant: Tony Taouk
Location: 52 Woodside Avenue, Strathfield 2135
Zoning: R2 Low Density Residential

BLPP Referral Criteria

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

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

Proposal

The application seeks demolition of an existing dwelling and construction of new two-storey dwelling with basement parking, in-ground swimming pool and spa, tennis court with lighting, outbuilding and front fence at 52 Woodside Avenue Strathfield. The specifics of the proposal are as follows:

Basement

- Basement garage accessed via a driveway ramp from Woodside Avenue
- Provision of six car parking spaces, storage areas and plant rooms
- Internal lift and stairs servicing all levels



Figure 1 – Extract of the applicant's submitted Basement Plan.

Source: (Vision Group Architects)

Ground Floor

- Ground floor arranged in two wings around a central living area
- Living, kitchen and dining areas opening to a covered rear terrace
- Guest bedrooms, ancillary rooms and formal living spaces
- Rear outbuilding containing recreational rooms
- Swimming pool located within the rear yard



Figure 2 – Extract of the applicant’s submitted Ground Floor Plan.

Source: (Vision Group Architects)

First Floor

- Four bedrooms, each with ensuite and walk-in wardrobe
- Sitting room and home office
- Central voids

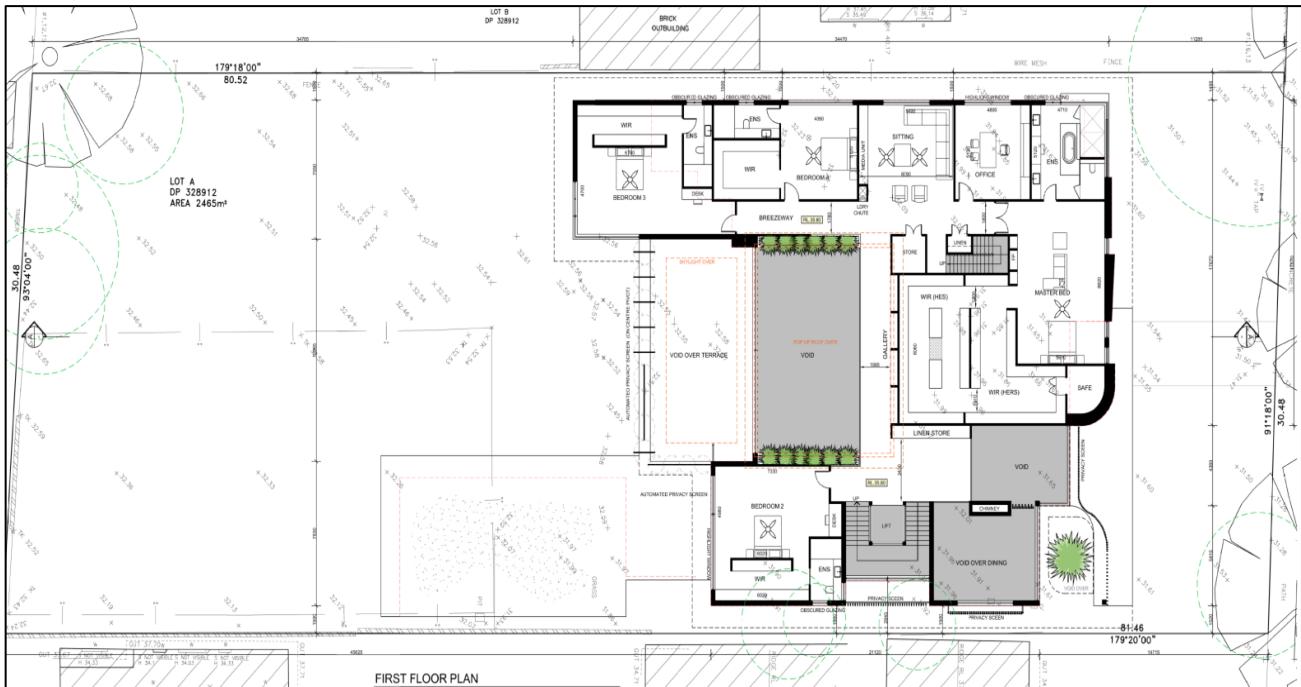


Figure 3 – Extract of the applicant’s submitted First Floor Plan.

Source: (Vision Group Architects)



Figure 4 – Extract of the applicant's submitted North and South Elevations.

Source: (Vision Group Architects)



Figure 5 – Extract of the applicant’s submitted West and East Elevations.

Source: (Vision Group Architects)

Landscaping and Tree Removal

- Landscaping within the front, side and rear setbacks
- Removal of trees within setbacks to facilitate development
- Replacement planting provided in accordance with the landscape plan



Figure 6 – Extract of the applicant's submitted Landscape Plan.

Source: (Site Design + Studios)

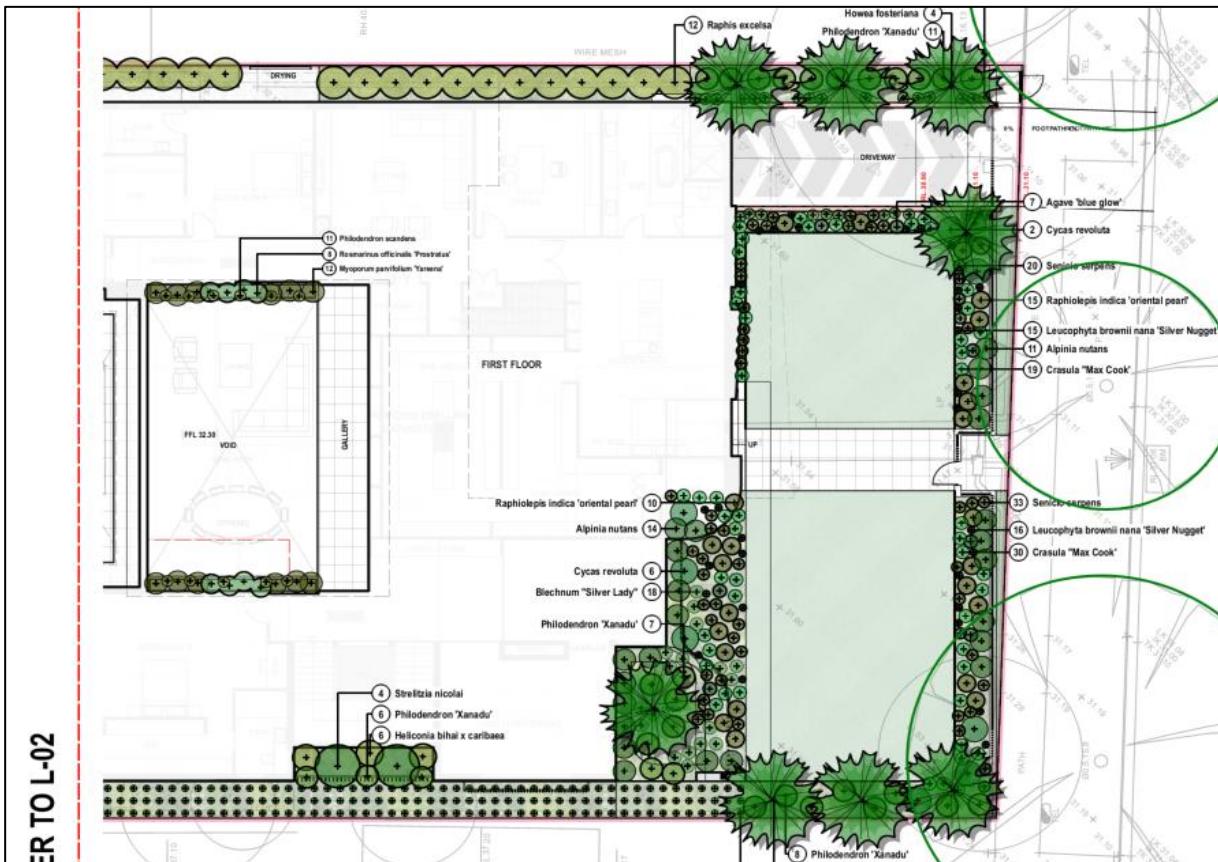


Figure 7 – Extract of the applicant's submitted Landscape Plan.

Source: (Site Design + Studios)

Background

Previous applications and listings that are relevant to the application:

- 1) **DA.2020.23** – The site previously received development consent for a proposal identical to the subject application on 29 October 2020. The consent lapsed without activation.

Current Application

- 1) On 22 December 2025, the development application (DA.2025.90) was lodged.
- 2) The application was referred to the following internal Council departments:

- Development Engineer;
- Tree Management Officer;
- Building Surveyor; and
- Traffic Engineer.

The application did not require any external referrals.

- 3) In accordance with the Burwood Community Participation Plan, the owners of surrounding properties were given notice of the application on 13 January 2026 with the notification period for submissions closing on 23 January 2026. In response to the public notification of the DA, no submissions were received.
- 4) On 23 January 2025, following a preliminary assessment of the DA, a request for information (RFI) was issued to the applicant to address the following matters:
 - Front setback
 - Built area
 - Floor to ceiling heights
 - Basement levels
 - OSD tank location
 - Tennis court details
 - Landscaping details

These items have subsequently been resolved either through recommended conditions of consent or a review of the existing information. The application is now ready for determination.

Statutory Requirements

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

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

These matters are considered in this report.

Locality

The subject site

The site is legally described as lot A in DP328912 and is known as 52 Woodside Avenue Strathfield. The subject site is a rectangular shaped allotment with a site area of 2,465m² and a 30.48 metre frontage to Woodside Avenue. The site presently accommodates a single storey dwelling house with a rear tennis court. Vercular access is provided from Woodside Avenue. The site does not contain a heritage item and is not located within a conservation area. The land parcel is relatively flat, with a 1 metre incline from Woodside Avenue to the west facing rear. Woodside Avenue and the surrounding area is characterised by a mixture of two storey dwellings of varying architectural styles.

The subject site is located within the R2 Low Density Residential Zone in accordance with the Burwood Local Environmental Plan 2012 (BLEP 2012). Refer to **Figure 8** below.

Surrounding development

To the immediate north of the subject site is No. 71 Woodside Avenue, which comprises a double storey dwelling house with a tile roof and road crossover along the western side boundary. To the immediate east of the subject site is No. 50 Woodside Avenue, which comprises a brick dwelling house with a tile roof. To the immediate west of the subject site is No. 54 Woodside Avenue, which comprises a two storey brick dwelling house with a tile roof. To the immediate rear (west) of the subject site is No. 4 McDonald Crescent, which comprises a two storey with a swimming pool located to the eastern boundary of the dwelling.

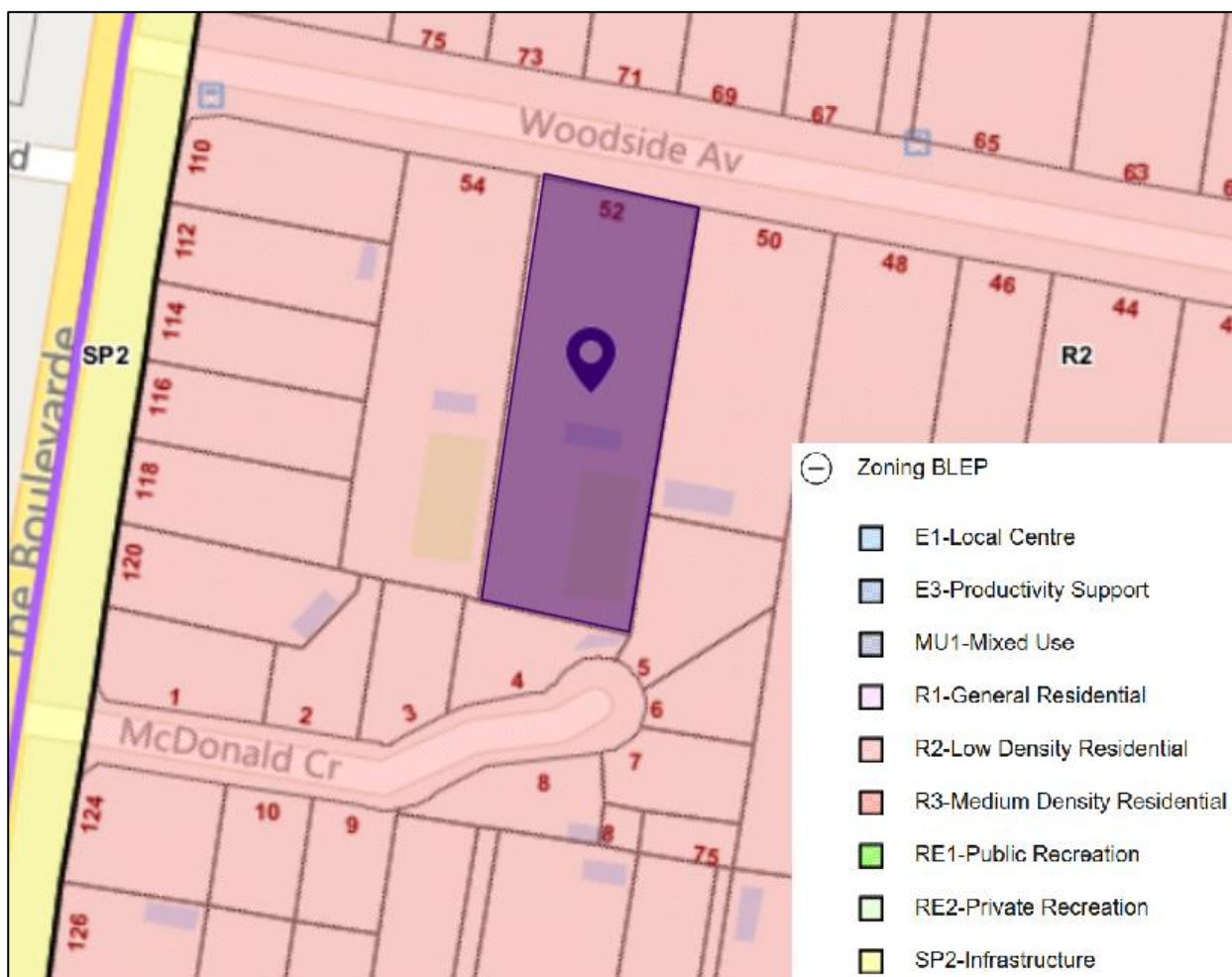


Figure 8 – Subject site located within the R2 Low Density Residential Zone.
Source: (Council Spectrum Spatial)



Figure 9 – Aerial image of the subject site and surrounds.

Source: (Council Spectrum Spatial)



Figure 10 – Photograph of the subject site, taken from Woodside Avenue.

Source: (Council Staff, February 2026)

The surrounding area is primarily low density residential with an established character of large lots and substantial dwellings, particularly on the southern side of Woodside Avenue. There are two heritage items within the vicinity of the site at 48 Woodside Avenue and 65 Woodside Avenue however they are not within the visual catchment of the subject site.



Figure 11 – Photograph of No. 50 Woodside Avenue, Strathfield, located to the immediate east of the subject site.

Source: (Council Staff, February 2026)



Figure 12 – Photograph of No. 54 Woodside Avenue, Strathfield, located to the immediate west of the subject site.

Source: (Council Staff, February 2026)



Figure 13 – Photograph of No. 71 Woodside Avenue, Strathfield, located to the immediate north of the subject site.

Source: (Council Staff, February 2026)



Figure 14 – Photograph of No. 4 McDonald Crescent, Strathfield, located to the immediate west of the subject site.

Source: (Council Staff, February 2026)



Figure 15 – Photograph of No. 48 Woodside Avenue, Strathfield, a heritage listed property located within proximity to the subject site. *Source: (Council Staff, February 2026)*

Planning Assessment

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

The provisions of Chapter 4 of the SEPP (Resilience and Hazards) 2021 are required to be considered for any development application. Consideration must be made if the land is suitable for the proposed development, if it is contaminated, if it is suitable for the proposed use, and/or if the contamination is required to be remediated before the land is used for that purpose.

The subject site has been historically used for residential purposes. As such, it is unlikely to contain any contamination, and further investigation is not warranted in this case. In addition, a search of Council's digital records, mapping and a site inspection revealed no land contamination.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 sets the rules for the clearing of vegetation in NSW on land zoned for urban and environmental purposes. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

The proposal seeks the removal of several trees on the subject site. These trees already have approval for removal as part of previous consents. As part of the assessment of the subject DA, the proposal was referred to Council's Tree Management Officer for comment. Recommendations were made for additional tree planning to meet canopy targets. Several of the proposed species

require updating which can be updated as conditions of consent. In addition, an updated arborist report is to be provided to address tree protection measures.

State Environmental Planning Policy (Sustainable Buildings) 2022 - Chapter 2 Standards for residential development—BASIX

BASIX stands for Building Sustainability Index. It is a sustainability assessment tool for residential buildings in NSW. BASIX aims to reduce the environmental impact of new homes by requiring them to meet certain minimum standards (for water and energy efficiency, and thermal performance) and to report on construction materials being used so their embodied energy can be calculated. The applicant has submitted a BASIX certificate with this application, prepared by ecomaxhomes, Certificate No. 1825588S, dated 08 December 2025.

Burwood Local Environmental Plan 2012

Under Burwood LEP 2012, the property is zoned R2 Low Density Residential, and dwelling houses are permitted with Council's consent.

Objectives of the R2 Low Density Residential Zone

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

The second objective is not of relevance to the proposed development. The proposed satisfies the relevant objectives for residential developments in the R2 zone.

The Burwood Local Environmental Plan 2012 came into effect on 9 November 2012. Burwood LEP 2012 contains a number of controls including some numerical development standards which apply to the proposed development. A summary of the assessment of the application against the relevant planning controls within LEP 2012 is shown in **Table 1** below.

Table 1: Assessment of the proposed development against Burwood LEP 2012

Burwood LEP 2012	Proposal	Compliance
4.3(2) Height		
8.5m	Roof Ridge RL: 40.25 NGL RL (interpreted): 31.85 Max height of proposed new dwelling house: 8.4m	Yes
4.3A(2) Exceptions to height of buildings		
Despite clause 4.3, the height of a building on land marked "Area A" on the Height of Buildings Map is not to exceed the building height plane for that land.	The subject site is not marked "Area A" on the height of buildings map.	N/A
4.4(2) FSR		
0.55:1	The subject site has an area exceeding 500m ² . Refer to 4.4A(2) below.	N/A
4.4A(2) FSR		

Burwood LEP 2012	Proposal	Compliance
Despite clause 4.4, the floor space ratio for a dwelling house on land in Zone R2 Low Density Residential with a site area of more than 500 square metres is not to exceed 0.52:1.	Basement: 22.3m ² Ground Floor: 677.3m ² First Floor Addition: 487.3m ² Total Area: 1,186.9m ² Site Area: 2,465m ² FSR: 0.48:1	Yes
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, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The site is not listed as a local heritage item and is not located within a conservation area. There are two heritage items within the vicinity of the site at 48 Woodside Avenue and 65 Woodside Avenue. The proposal by way of visual catchment separation will have no impact on the nearby heritage items.	Yes
6.1 Acid Sulfate Soils		
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The subject site is affected by Class 5 Acid Sulfate Soils. However, there are no works proposed within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian height Datum.	Yes
6.2 Flood Planning		
(1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment.	The subject site is not affected by overland flow.	N/A

Burwood Development Control Plan 2013 (BDCP 2013)

Burwood BDCP 2013	Permitted	Proposed
Section 4.5.1		
Sunlight	<p>Building to minimise overshadowing to adjoining properties, particularly to the south.</p> <p>Floor to ceiling heights for the first floor level is not to exceed 2.6m and ground floor not to exceed 2.7m.</p>	<p>Complies.</p> <p>Floor to ceiling heights generally comply. See discussion.</p>
Privacy	<p>Living areas, including studies at the first floor, must have raised sill heights.</p> <p>Translucent or opaque windows must be provided to all bathrooms, ensuites, water closets, and stairwells.</p>	Proposed windows include a mixture of high levels, privacy screens and obscure glazing subject to conditions.
Height	<p>P3. Single dwellings must not exceed 2 stories in height above natural ground level. However, consideration may be given to a basement where such area has a ceiling height not exceeding 2.3m from the underside edge beam and is below existing ground level</p> <p>P5. Basement areas must not exceed existing natural ground level by more than 750mm when measured to the top of the ground floor slab above the existing ground level</p>	<p>Two storey dwelling proposed with basement parking.</p> <p>Basement proposed has a ceiling height of 2.4m floor to ceiling level excluding bulkhead for utilities level</p>
Setbacks	<p>Front Ground Level: Average of existing building line</p> <p>Front First Floor: 9m</p> <p>Side Ground Level: 900mm</p> <p>Side First Floor: 1.5m</p> <p>Rear Ground Level: 3m</p> <p>Rear First Floor: 6m</p>	Complies
Floor Space Ratio and Built Area	<p>Max. built area is 67% (1651.55m²) includes area of each floor, balconies, outbuildings etc.</p> <p>Built area for single dwelling is not to exceed 450m².</p>	<p>Complies: 67% (1649m²)</p> <p>Proposed dwelling built area exceeds 450m². See discussion.</p>
Landscape areas	Min. of 30% of the front setback is to	Complies

Burwood BDCP 2013	Permitted	Proposed
	consist of soft landscaping.	
Swimming pools	<p>A minimum setback of 1m must be provided from the water edge of the swimming pool to any boundary.</p> <p>No ancillary or other structures are permitted within the fenced pool area, except for diving boards or pool filter equipment.</p>	Complies

4.5.2 Ancillary Structures

Outbuildings	Any garage or outbuilding with a floor area of 60 square metres more, or a continuous wall length of 8 metres or more, must be setback a minimum of 900mm from all side and rear boundaries.	Outbuilding approximately 95m ² and is setback back by 900mm
Tennis Court	No specific controls. Merit based assessment	No objection subject to tennis court fence being set back at least 500mm from boundary and lighting managed.

The provisions of BDCP have been considered in this assessment and it is concluded that the proposal is consistent with the aims and objectives of BDCP 2013. The proposed new dwelling and ancillary structures complies with the controls contained within BDCP 2013. However, where strict compliance has not been achieved, in accordance with Section 4.15(3A)(b), flexibility has been sought to allow a reasonable alternative solution that achieves the objects of the standard. These matters are discussed below:

Built Area

Provision 3 of Section 4.5.1 (Floor Space Ratio and Built Area) states that irrespective of the allotment size, Council does not generally favour single dwellings exceeding 450m² in Built Area. Buildings above this size will generally only be allowed where the allotment size and the character of the existing development in the area so warrants.

The proposed development has a built area of 1649m², which equates to 67% of the site area. The proposed development complies with Council's FSR and Built Area requirements under the provisions of the DCP, notwithstanding the Built Area being greater than 450m².

Given the size of other allotments in the area being greater than 1000m², the built area of 1649m² is considered acceptable in the context of the surrounding development. It should be noted that Council approved DA No.'s 125/13 (75 Woodside Avenue) and 18/2015 (63 Woodside Avenue) in similar circumstances to this proposal.

Height

The proposed floor to ceiling heights are generally compliant with the 2.7m ground floor heights and the 2.6m first floor height when taking into account bulk heads. Several rooms incorporate voids to give spaces double height and result in technical non-compliance. Notwithstanding this, the double height voids and other area that exceed the floor to ceiling heights do not add to an overall height that exceeds the maximum 8.5m or the bulk of the building.

Community Consultation

In accordance with the Burwood Community Participation Plan, the owners of surrounding properties were given notice of the application on 13 January 2026 with the notification period for submissions closing on 23 January 2026. In response to the public notification of the DA, no submissions were received

Internal Referrals

Development Engineer: As part of the assessment of the subject DA, the proposal was referred to Council's Senior Development Engineer for comment. In their referral response issued on 8 January 2026, no objections were raised subject to the imposition of consent conditions.

Tree Management Officer: As part of the assessment of the subject DA, the proposal was referred to Council's Tree Management Officer for comment. In their referral response issued on 23 January 2026, recommendations were made for additional tree planning to meet canopy targets. Several of the proposed species require updating which can be updated as conditions of consent. In addition, an updated arborist report is to be provided to address tree protection measures.

Building Surveyor: As part of the assessment of the subject DA, the proposal was referred to Council's Building Surveyor for comment. In their referral response issued on 6 January 2026, no objections were raised subject to conditions.

Traffic Engineer: As part of the assessment of the subject DA, the proposal was referred to Council's Traffic Engineer for comment. In their referral response issued on 13 January 2026, no objections were raised subject to conditions.

External Referrals

The application did not require any external referrals.

Conclusion

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

Recommendation(s)

That Development Application DA.2025.90 which seeks consent for demolition of an existing dwelling and construction of new two-storey dwelling with basement parking, in-ground swimming pool and spa, tennis court with lighting, outbuilding and front fence on the land at 52 Woodside Avenue Strathfield be approved, subject to the conditions provided within **Attachment 3** of this report.

Attachments

- 1 ➔ Architectural Plans and Supporting Documentation (*Excluded from agenda*)
- 2 ➔ Statement of Environmental Effects (*Excluded from agenda*)
- 3 ➔ Recommended Conditions of Approval - 52 Woodside Avenue Strathfield - DA.2025.90 (*Excluded from agenda*)