Inc.1874

Burwood

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

Attachments Excluded from Agenda

Burwood Local Planning Panel Meeting

Wednesday, 15 April, 2026

6:00 PM

Table of Contents

Development Applications

DA7/26 Section 4.55(2) modification to DA.2018.122 at 106-108 Wentworth Road, Burwood

Attachment 1: Amended Architectural Plans, 3D Montage, and Landscape Plans 3

Attachment 2: Statement of Environmental Effects & Supporting Letters 38

DA8/26 Development Application DA.2025.88 at 63 Conder Street, Burwood

Attachment 1: Recommended Conditions of Approval 82

Attachment 2: Amended Architectural Plans and Landscape Plans 104

Attachment 3: Design Report and 3D Renders 154

Attachment 4: Statement of Environmental Effects 178

Attachment 5: Plan of Management 244

Attachment 6: Heritage Impact Statement 265

Attachment 7: Clause 4.6 Request - Height of Buildings 311

Attachment 8: Clause 4.6 Request - Car Parking 323

Attachment 9: Response Letter to Council RFI 333

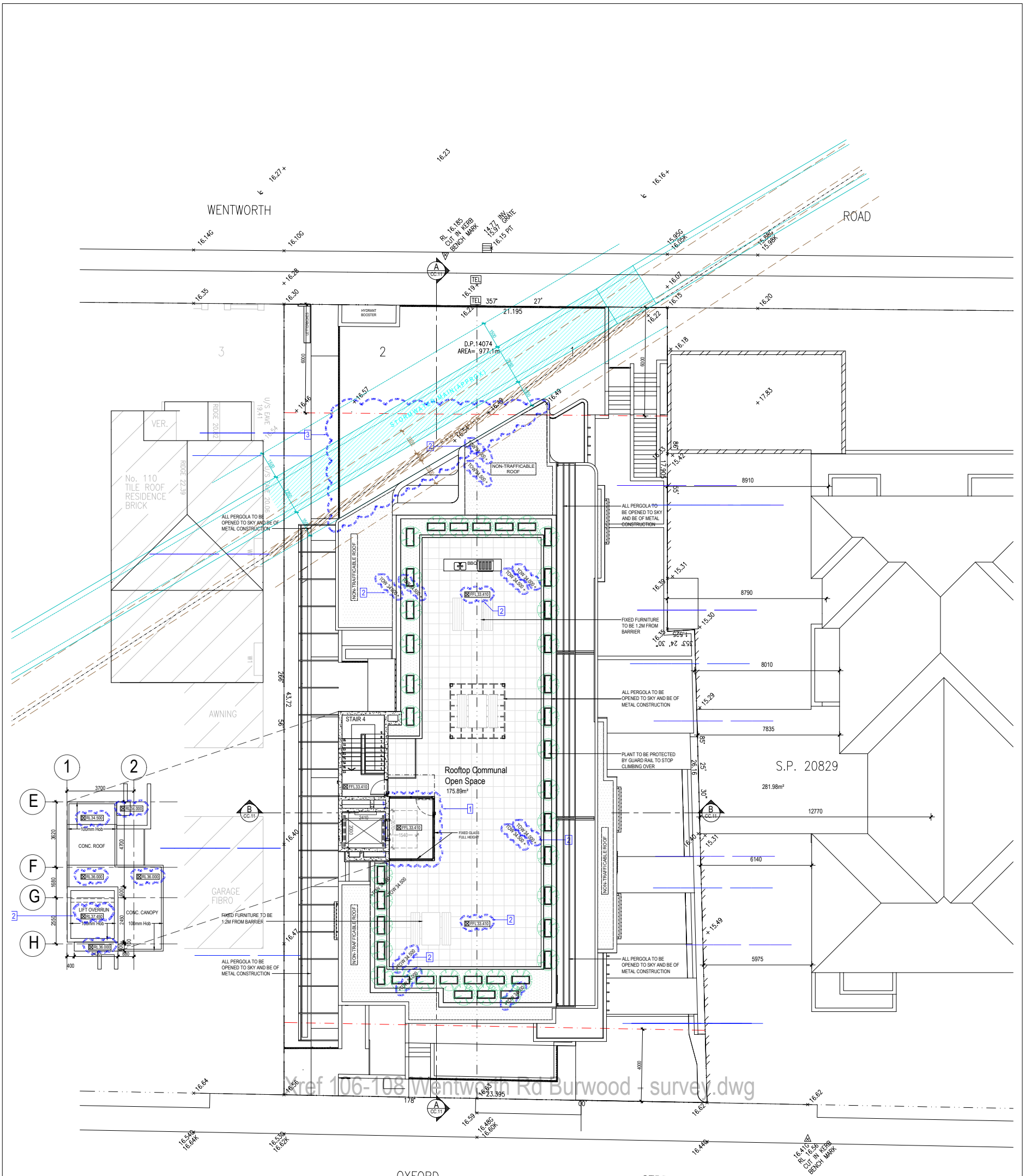
GB3/26 Heritage Delegations Update

Attachment 1: LPP Direction 6 March 2024 340

Attachment 2: EPAA Statement of expectations Order 2024 347

Attachment 3: LPP Agenda 14 May 2024 353

Attachment 4: LPP agenda 29 September 2024 376



ROOF & SITE PLAN

LIST OF S4.55 CHANGES

1. FULLY ENCLOSE THE LIFT LOBBY AT ROOF LEVEL.
2. ADD 100 MM TO LEVELS 1 THROUGH 4 TO ACHIEVE A 2.7 M CEILING HEIGHT IN ACCORDANCE WITH ADG REQUIREMENTS. AS A RESULT, THE OVERALL BUILDING HEIGHT WILL INCREASE.
3. RECONFIGURE THE PROPOSAL TO RETAIN THE EXISTING SYDNEY WATER STORMWATER CULVERT AND SEWER MAIN.

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Drawing

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ROOF & SITE PLAN

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106-108 Wentworth Rd, Burwood

S4.55.01
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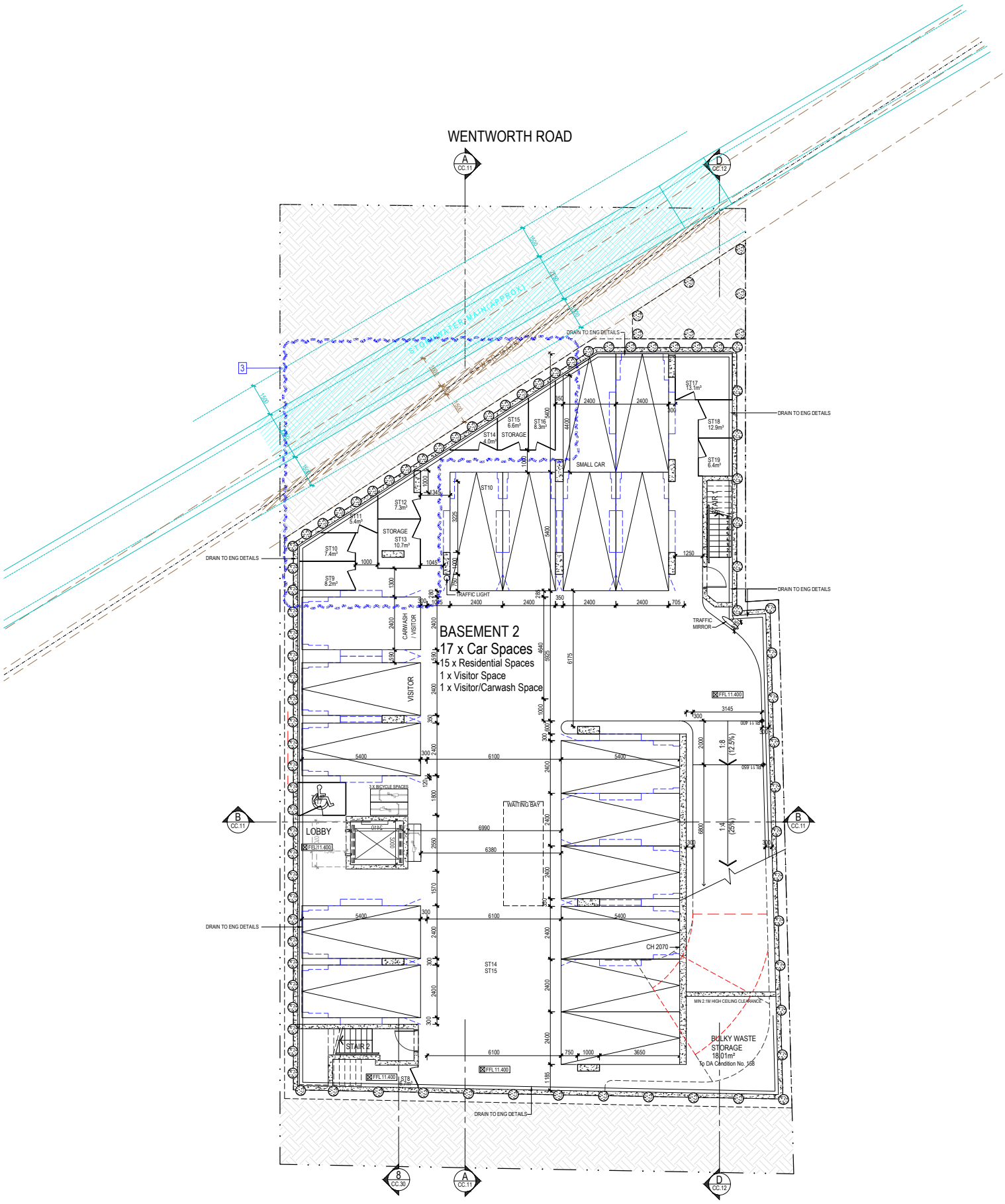

1 BASEMENT 2

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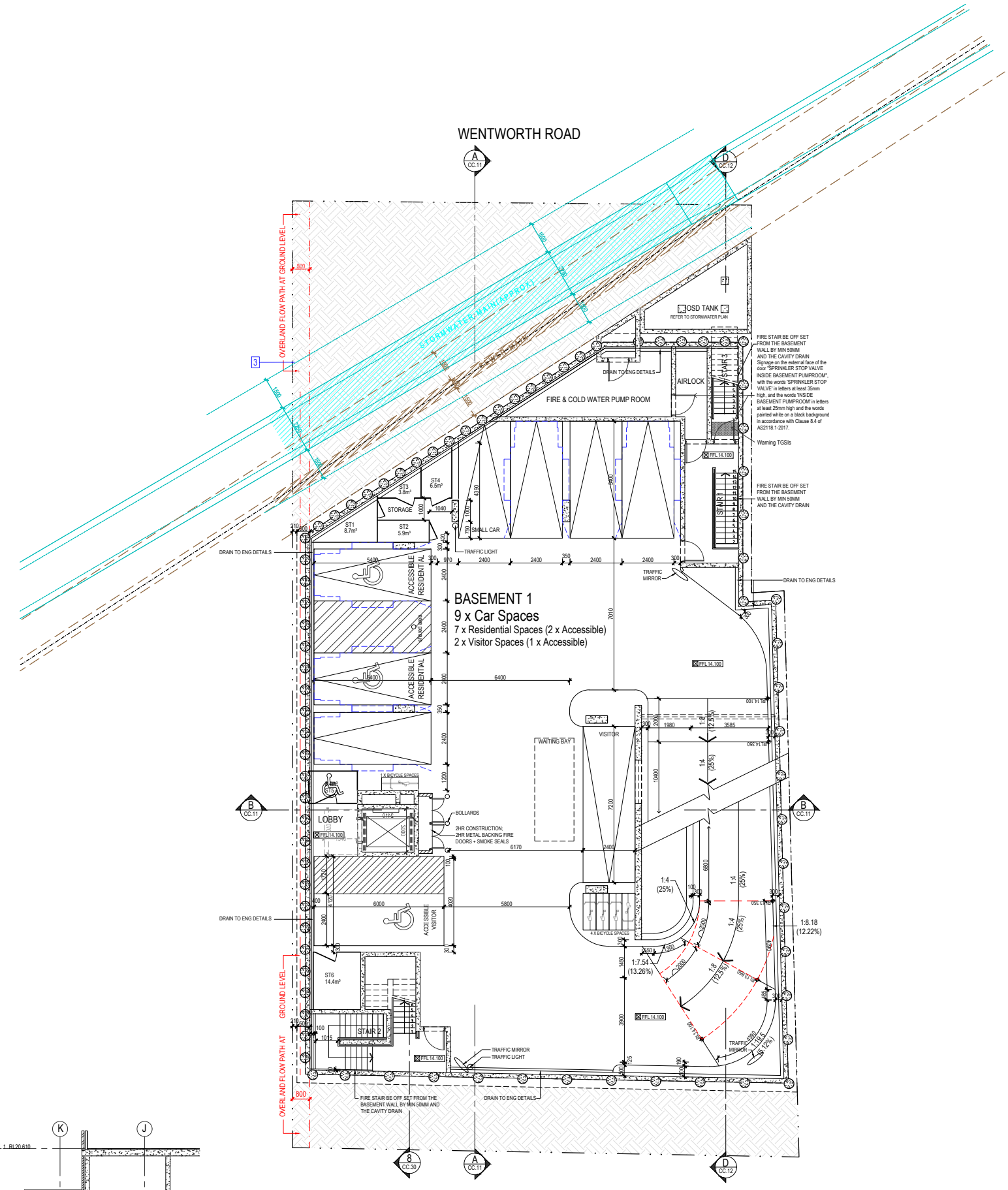
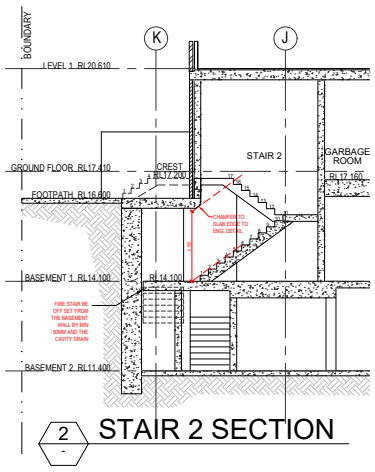


1 - BASEMENT 1



2 - STAIR 2 SECTION

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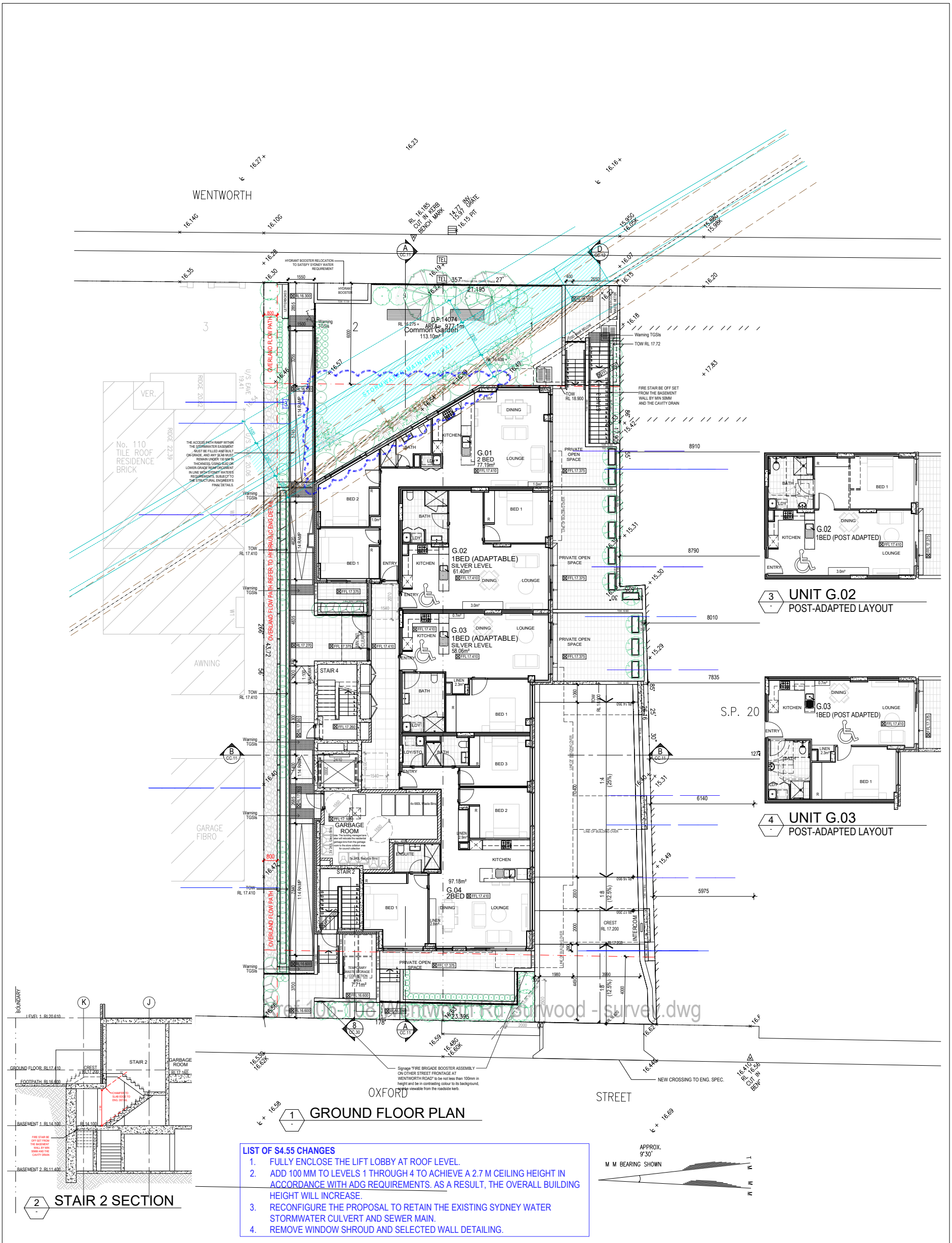

3 - UNIT G.02
POST-ADAPTED LAYOUT

4 - UNIT G.03
POST-ADAPTED LAYOUT

1 - GROUND FLOOR PLAN

2 - STAIR 2 SECTION

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GROUND FLOOR PLAN
POST-ADAPTED UNIT LAYOUT

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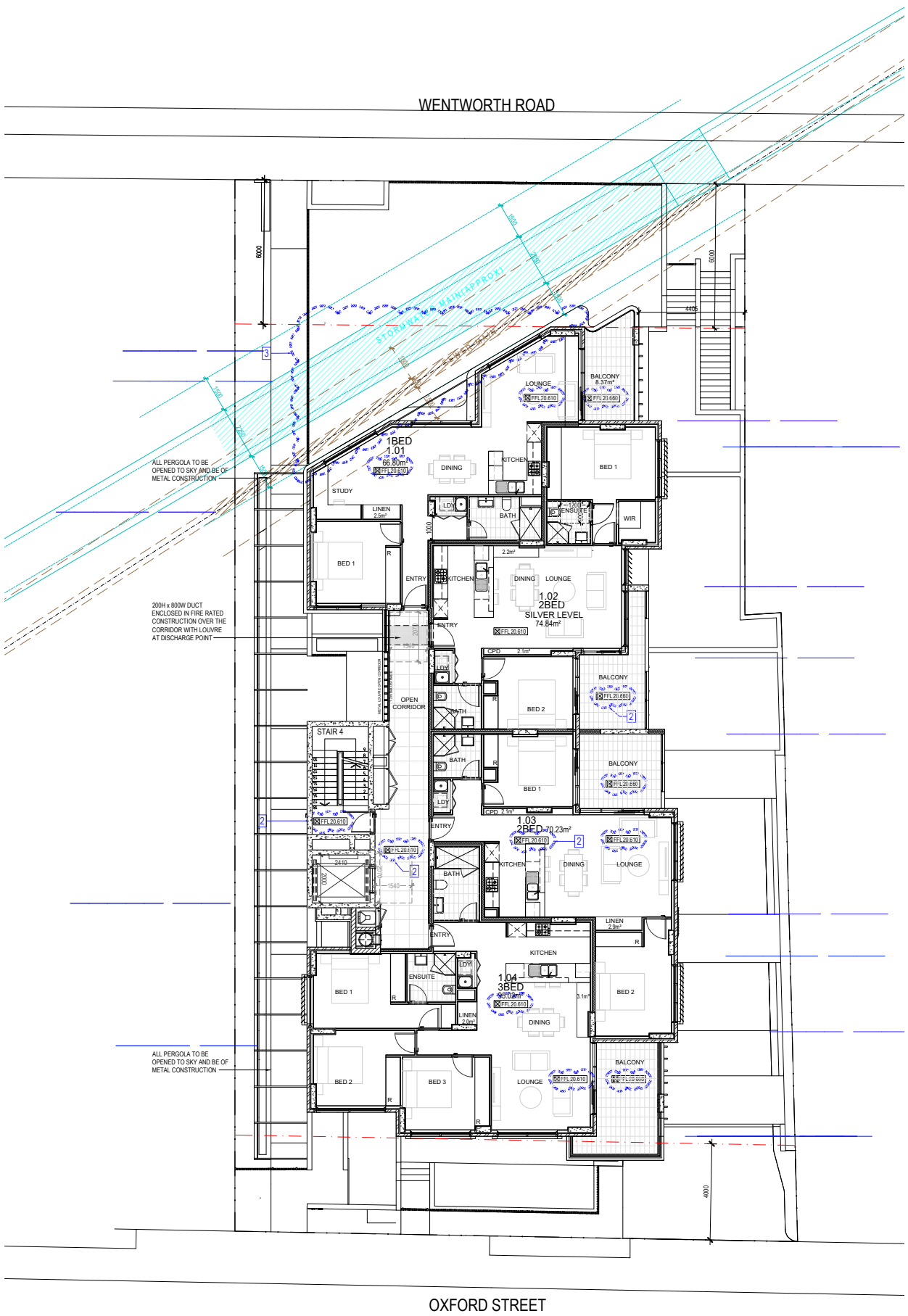

2 - VENTILATION PLENUM
1:50 (UNITS 1.02, 2.02, 3.02)

1 - LEVEL 1 PLAN

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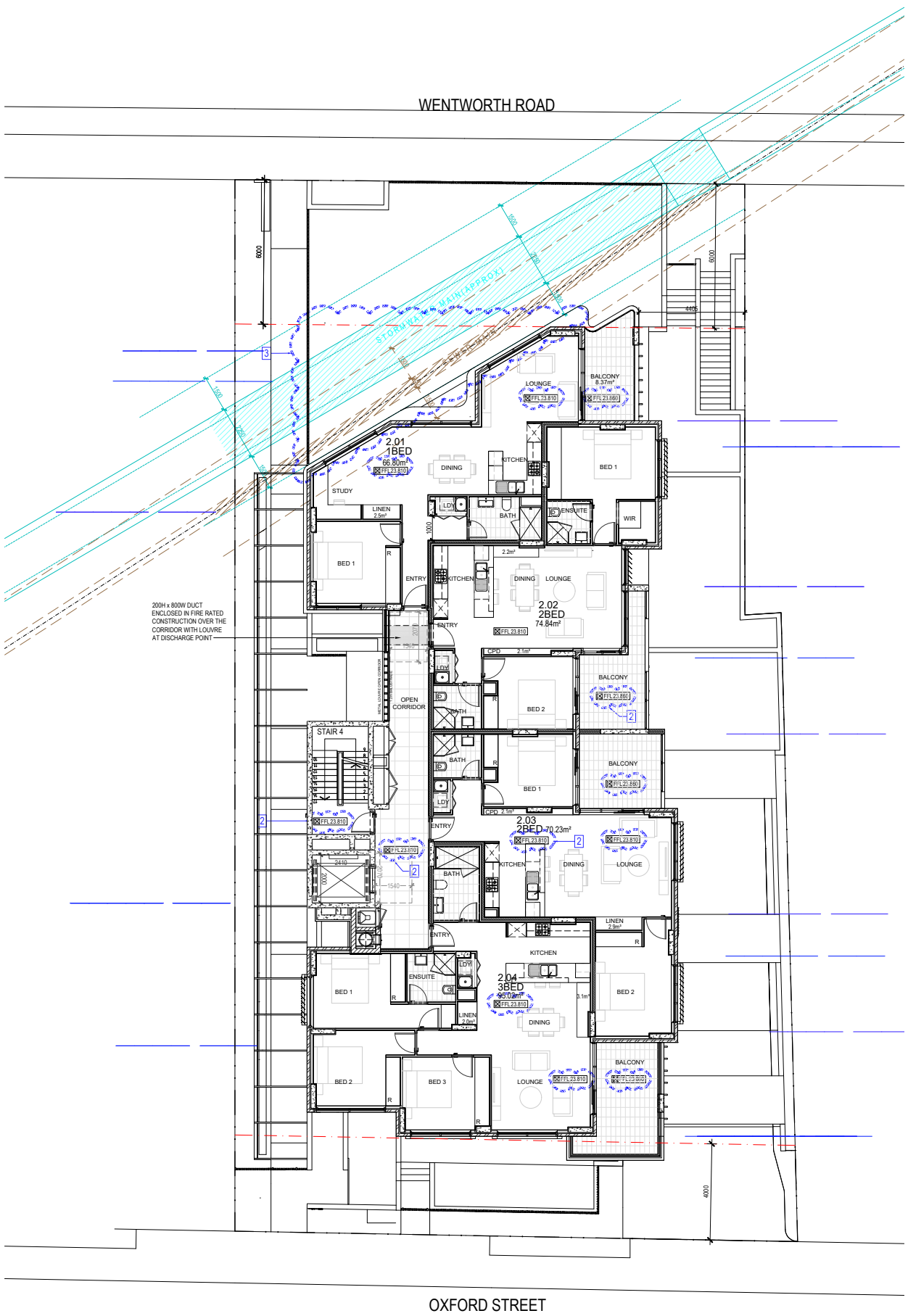

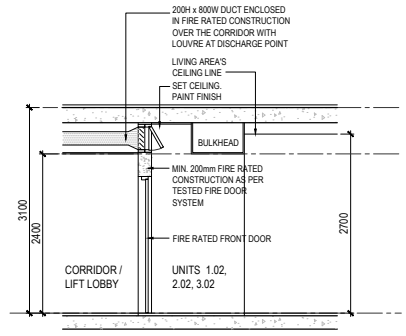

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1 - LEVEL 2 PLAN

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LEVEL 2 PLAN

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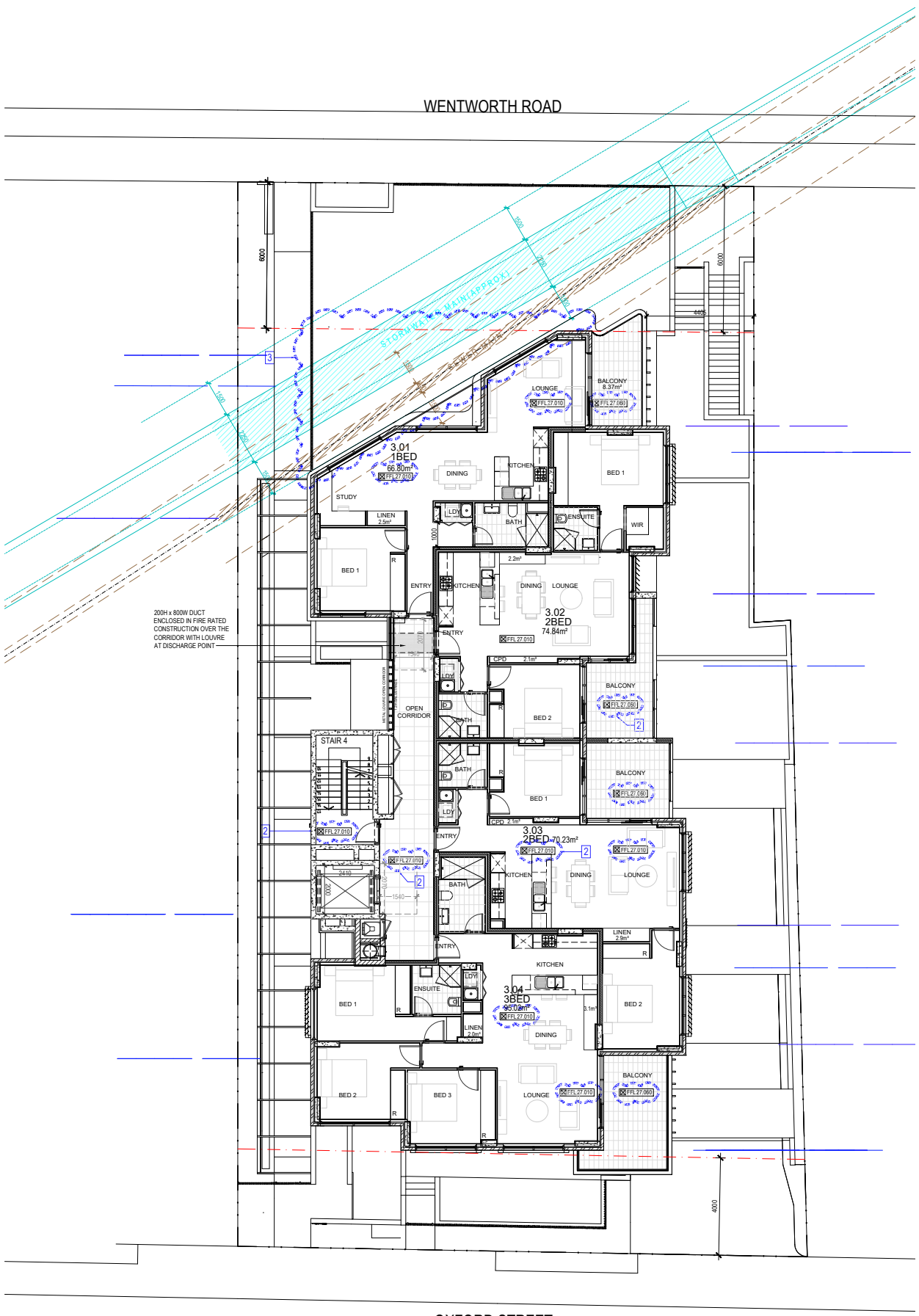

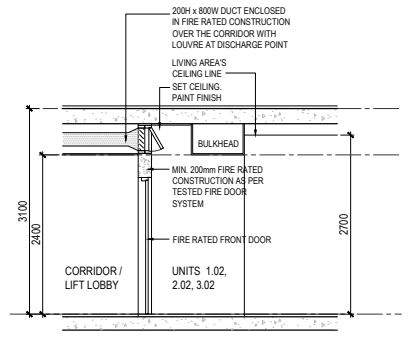

2 - VENTILATION PLENUM
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1 - LEVEL 3 PLAN

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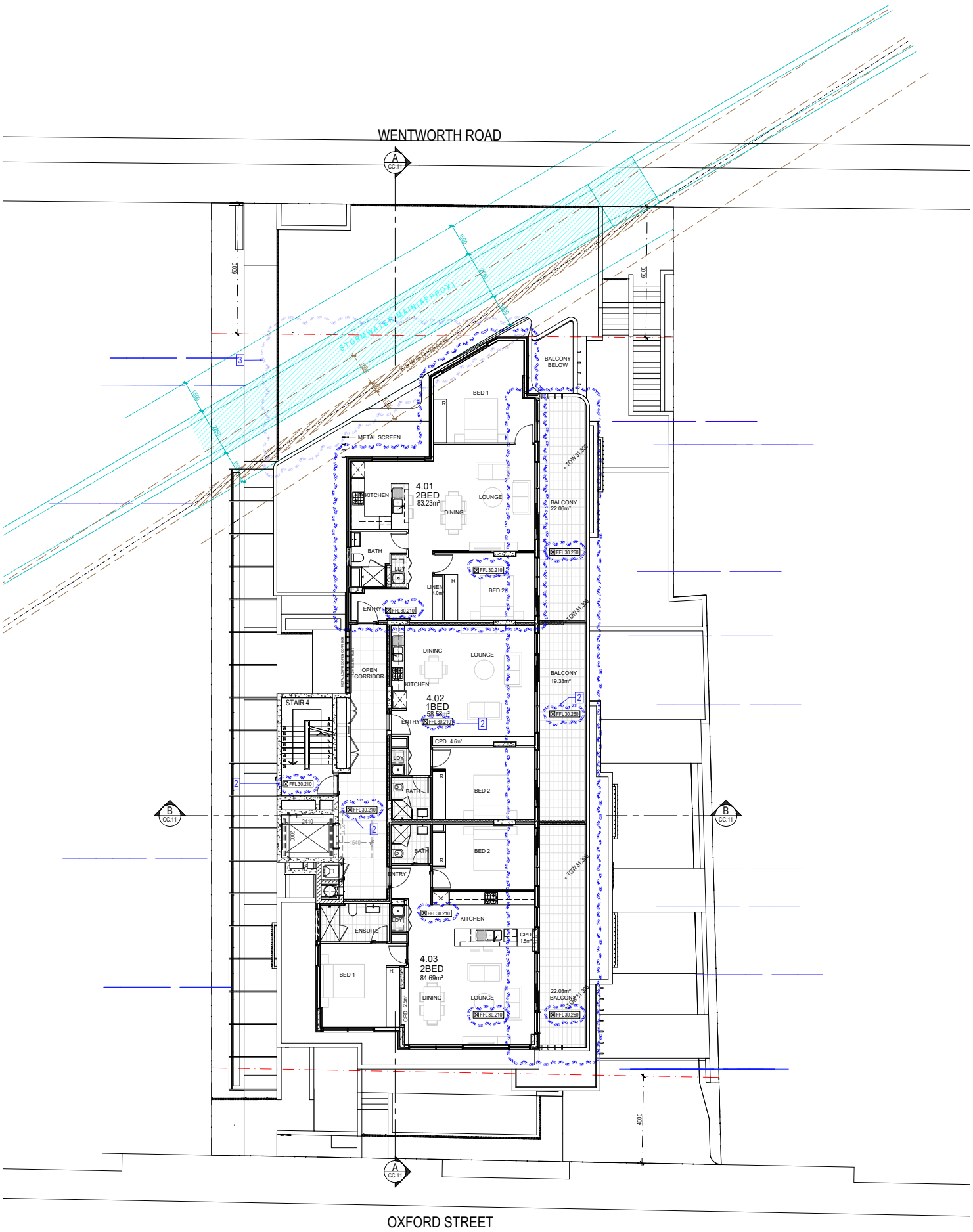

1 - LEVEL 4 PLAN

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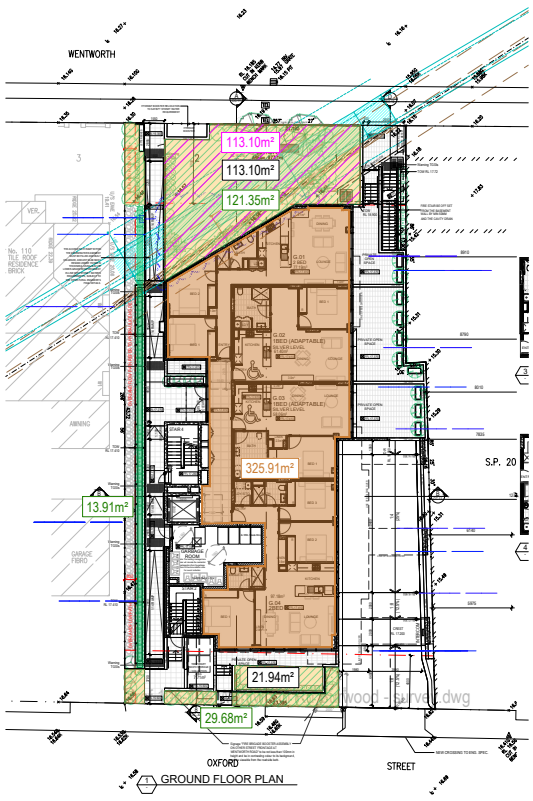
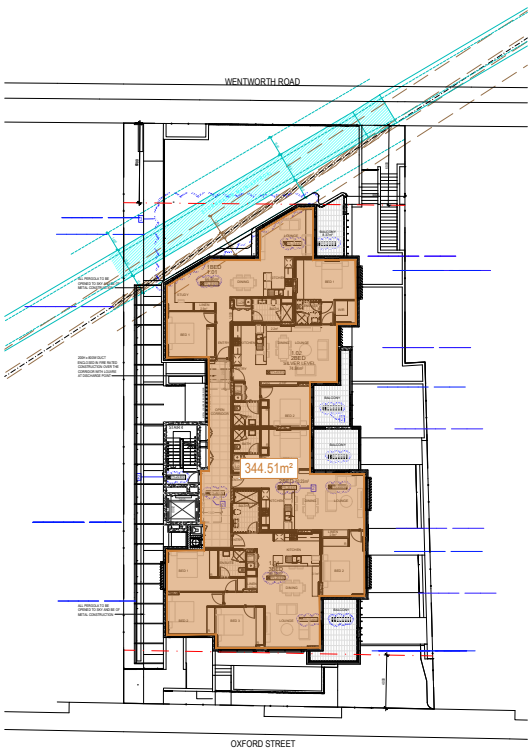


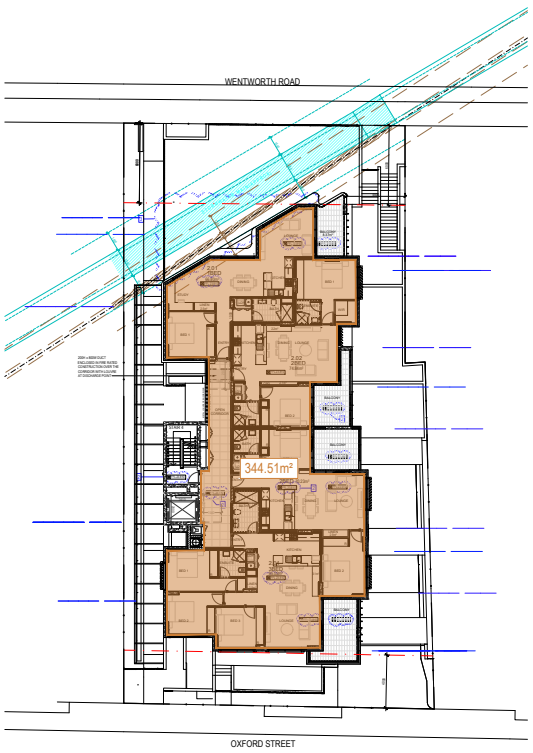
GROUND FLOOR PLAN

GF GFA= 325.91m²
GF COS AREA = 113.10m²
GF LANDSCAPE AREA = 164.94m²
DEEPSOIL AREA = 135.04m²



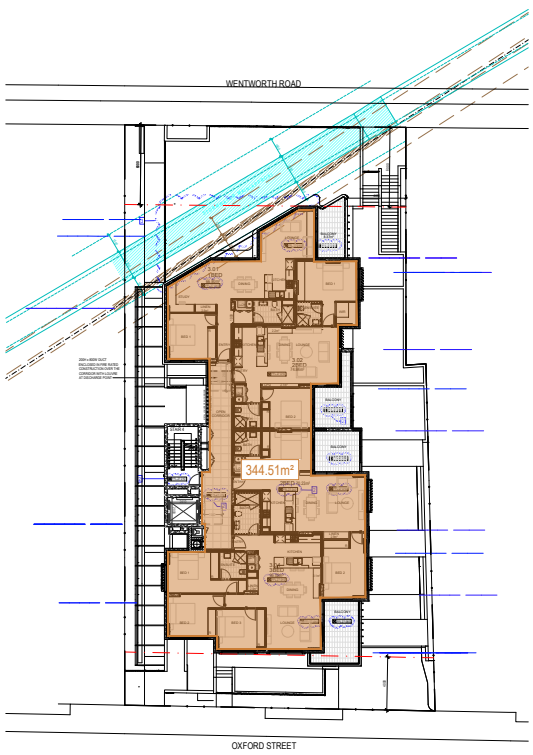
LEVEL 1 PLAN

L1 GFA= 344.51m²



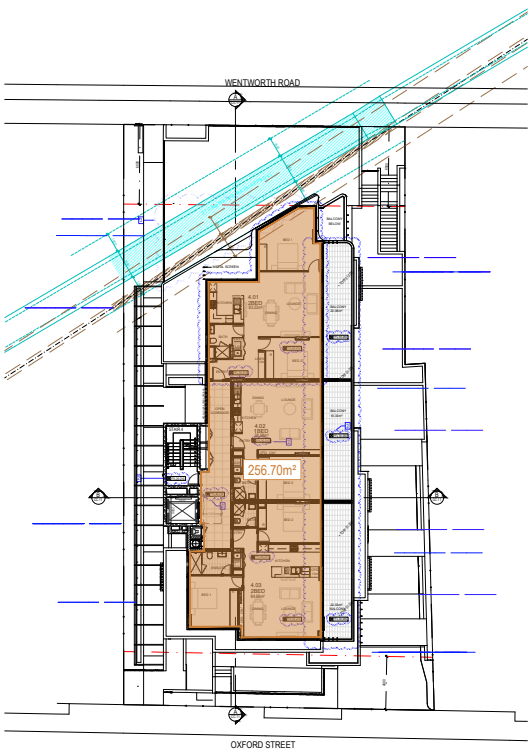
LEVEL 2 PLAN

L2 GFA= 344.51m²



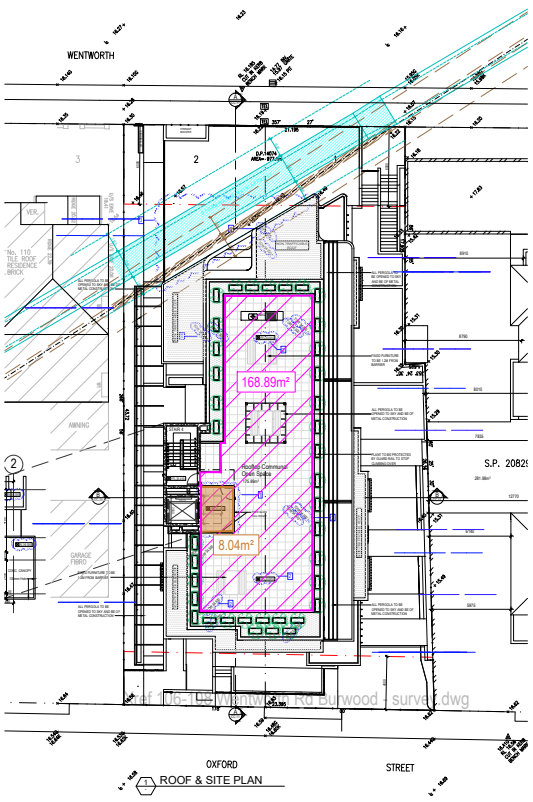
LEVEL 3 PLAN

L3 GFA= 344.51m²



LEVEL 4 PLAN

L4 GFA= 256.70m²



ROOF & SITE PLAN

RP GFA= 8.04m²
ROOF TOP COS AREA = 175.89m²

AREA CALCULATION SUMMARY

Site Area= 977.14m²
Permissible FSR (LEP)= 2:1
Permissible GFA (LEP)= 1954.28m²
Permissible Building Height (LEP)= 14m (5 Storey)
Required Communal Open Space 25%= 244.285m²
Required Deep-Soil Area 10%= 97.714m²

Proposed GFA= 1624.18m²
Proposed Common Open Space= 288.99m² or 29.57%
Proposed Deep-Soil Area = 135.04m² or 13.81%
Proposed Landscape Area = 164.94m² or 16.87%

LEGENDS

- GROSS FLOOR AREA
- COMMUNAL OPEN SPACE AREA
- LANDSCAPE AREA
- DEEP SOIL AREA

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e: info@bc-a.com.au p: +61 2 9746 6993

Drawing

DRAWN PC KK
CHECKED GB
PROJ NO. 180424
SCALE 1:100 on A1
DATE SEPTEMBER 2022

AREA CALCULATION

Do not scale from drawings.
Verify all dimensions on site before commencing work.

Project

PROPOSED RFB
106-108 Wentworth Rd, Burwood

S4.55.09
F

LIST OF S4.55 CHANGES

1. FULLY ENCLOSE THE LIFT LOBBY AT ROOF LEVEL.
2. ADD 100 MM TO LEVELS 1 THROUGH 4 TO ACHIEVE A 2.7 M CEILING HEIGHT IN ACCORDANCE WITH ADG REQUIREMENTS. AS A RESULT, THE OVERALL BUILDING HEIGHT WILL INCREASE.
3. RECONFIGURE THE PROPOSAL TO RETAIN THE EXISTING SYDNEY WATER STORMWATER CULVERT AND SEWER MAIN.
4. REMOVE WINDOW SHROUD AND PROPOSE NEW FACADE.
5. EXTEND THE LEVEL 4 EXTERNAL WALL BY 980 MM TO RESTORE THE LOST GFA FROM LEVELS 1–3.





NOTE:

Balustrade heights to comply with Part D2.16 of the Building Code of Australia and Australian Standard AS/NZS 1170 Part 1 - Structural design actions.

FINISHES



Rendered Paint
- **A** Exterior walls rendered & painted with Dulux Dieskau
- **B** Exterior walls rendered & painted with Dulux Lexicon Quarter
- **C** Exterior walls rendered & painted with Dulux Timeless Grey
- **D** Exterior walls rendered & painted with Dulux Maley Grey

Powder coated Metal Paint
- **E** Metal Louvres screening, Windows &Doors Frame powder coated with Dulux Colorbond Gully
- **F** Upper section pergola, Windows & Doors Frame coated with Dulux Colorbond Shale Grey
- **G** Features Metal Louvres with Dulux Colorbond Surmist

Stone or Masonry Finishes
- **J** Masonry Wall or Stone Cladding - **Brown**

Face-Brick
- H Facebrick - Bowral Brauman Granite
- I Facebrick - Bowral Simmertal Silver

LEGEND
- **RD** RENDERED PAINT
- **ST** STONE CLADDING
- **PS** PRIVACY SCREEN
- **LV** LOURVES
- **GL** GLASS BALUSTRADE

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Revision

A	ISSUED FOR INFORMATION	19.12.2024
B	ISSUED FOR S4.55	25.03.2025
C	ISSUED FOR S4.55	02.05.2025
D	ISSUED FOR S4.55 RFI AMENDMENTS	07.08.2025
E	ISSUED FOR S4.55 RFI AMENDMENTS	21.11.2025
F	ISSUED FOR S4.55 RFI AMENDMENTS	24.03.2026

Design by:

BC&A BECHARA CHAN & ASSOCIATES
Bechara Chan & Associates Pty Ltd
Nominated Architect: Kirapat Khangrang Reg. No.: 11950
Registered Design Practitioner – Architectural: Kirapat Khangrang DEP0003194
Suite 6F, Level 6, 9-13 Redmyre Road Strathfield NSW 2135
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Drawing

DRAWN PC KK | PROJ NO. 180424
SCALE 1:100 on A1
CHECKED GB | DATE SEPTEMBER 2022

WEST & SOUTH ELEVATIONS

Do not scale from drawings.
Verify all dimensions on site before commencing work.

Project

PROPOSED RFB
106-108 Wentworth Rd, Burwood

S4.55.10
F

LIST OF S4.55 CHANGES

1. FULLY ENCLOSE THE LIFT LOBBY AT ROOF LEVEL.
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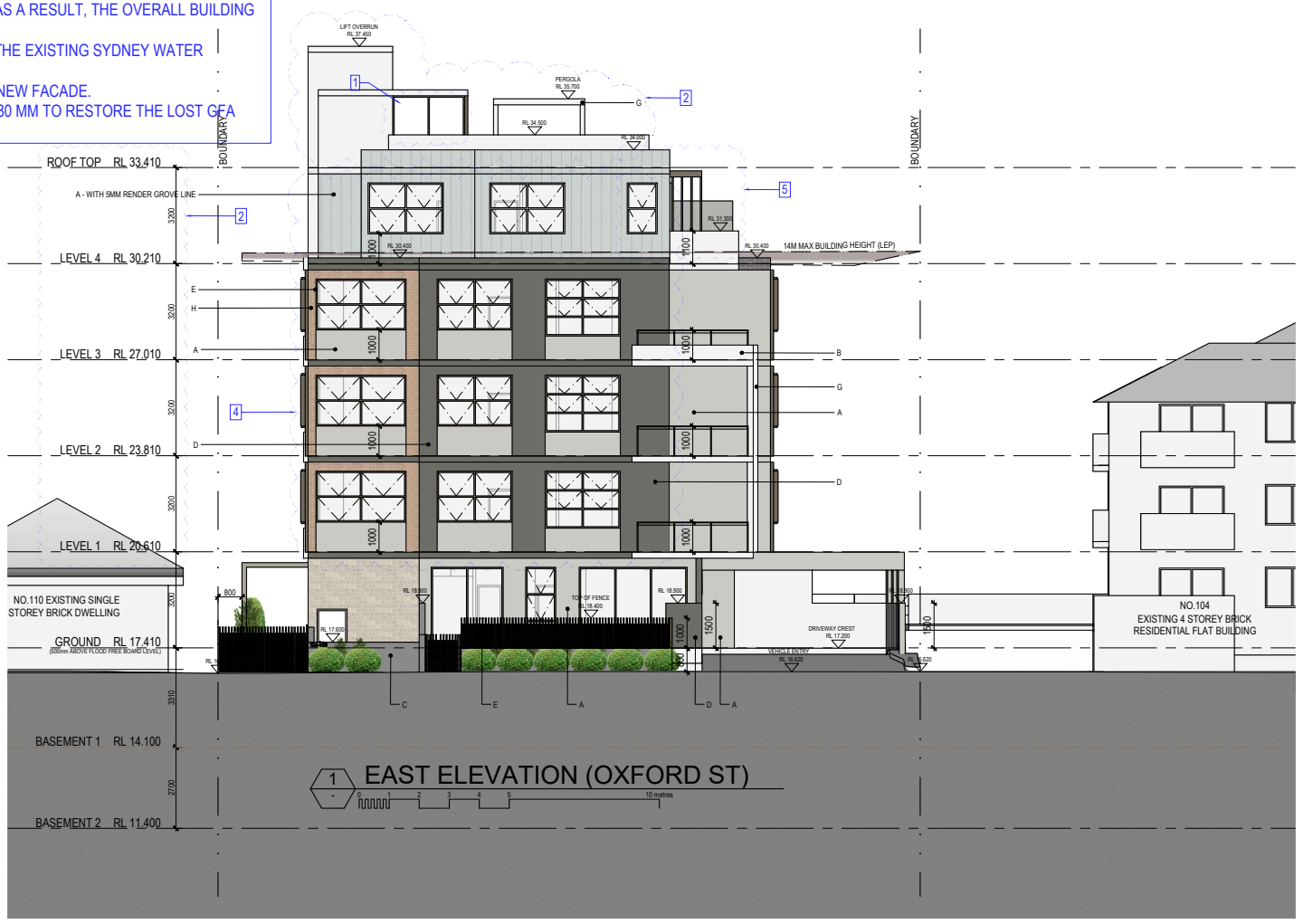

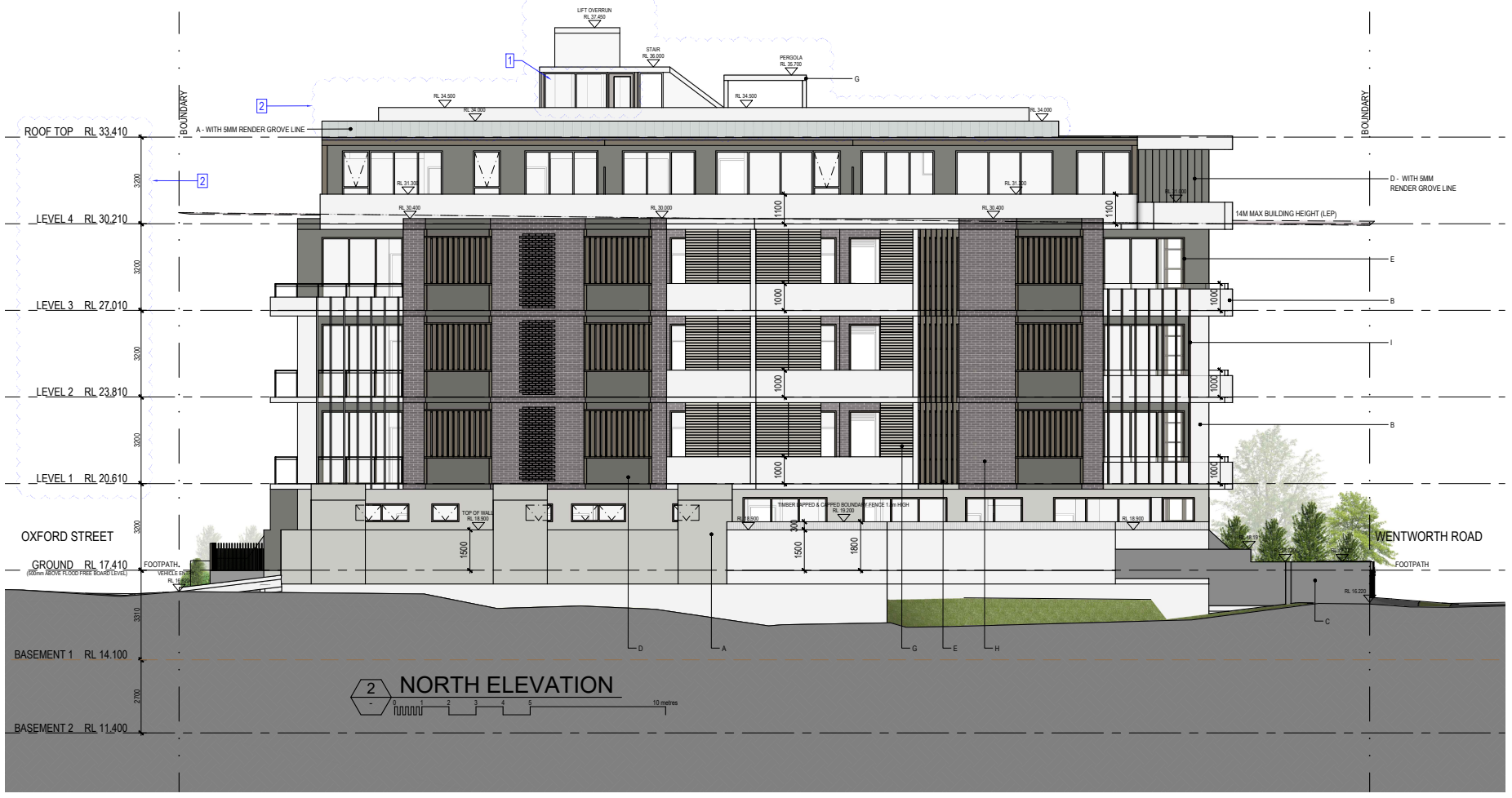

NOTE:

Balustrade heights to comply with Part D2.16 of the Building Code of Australia and Australian Standard AS/NZS 1170 Part 1 - Structural design actions.

FINISHES



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Revision

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D	ISSUED FOR S4.55 RFI AMENDMENTS	07.08.2025
E	ISSUED FOR S4.55 RFI AMENDMENTS	21.11.2025
F	ISSUED FOR S4.55 RFI AMENDMENTS	24.03.2026

Design by:

BC&A BECHARA CHAN & ASSOCIATES
Bechara Chan & Associates Pty Ltd
Nominated Architect: Kirapat Khangrang Reg. No.: 11950
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e: info@bc-a.com.au p: +61 2 9746 6993

Drawing

DRAWN PC KK | PROJ NO. 180424
SCALE 1:100 on A1
CHECKED GB | DATE SEPTEMBER 2022

EAST & NORTH ELEVATIONS

Do not scale from drawings.
Verify all dimensions on site before commencing work.

Project

PROPOSED RFB
106-108 Wentworth Rd, Burwood

S4.55.11
F

LIST OF S4.55 CHANGES

1. FULLY ENCLOSE THE LIFT LOBBY AT ROOF LEVEL.
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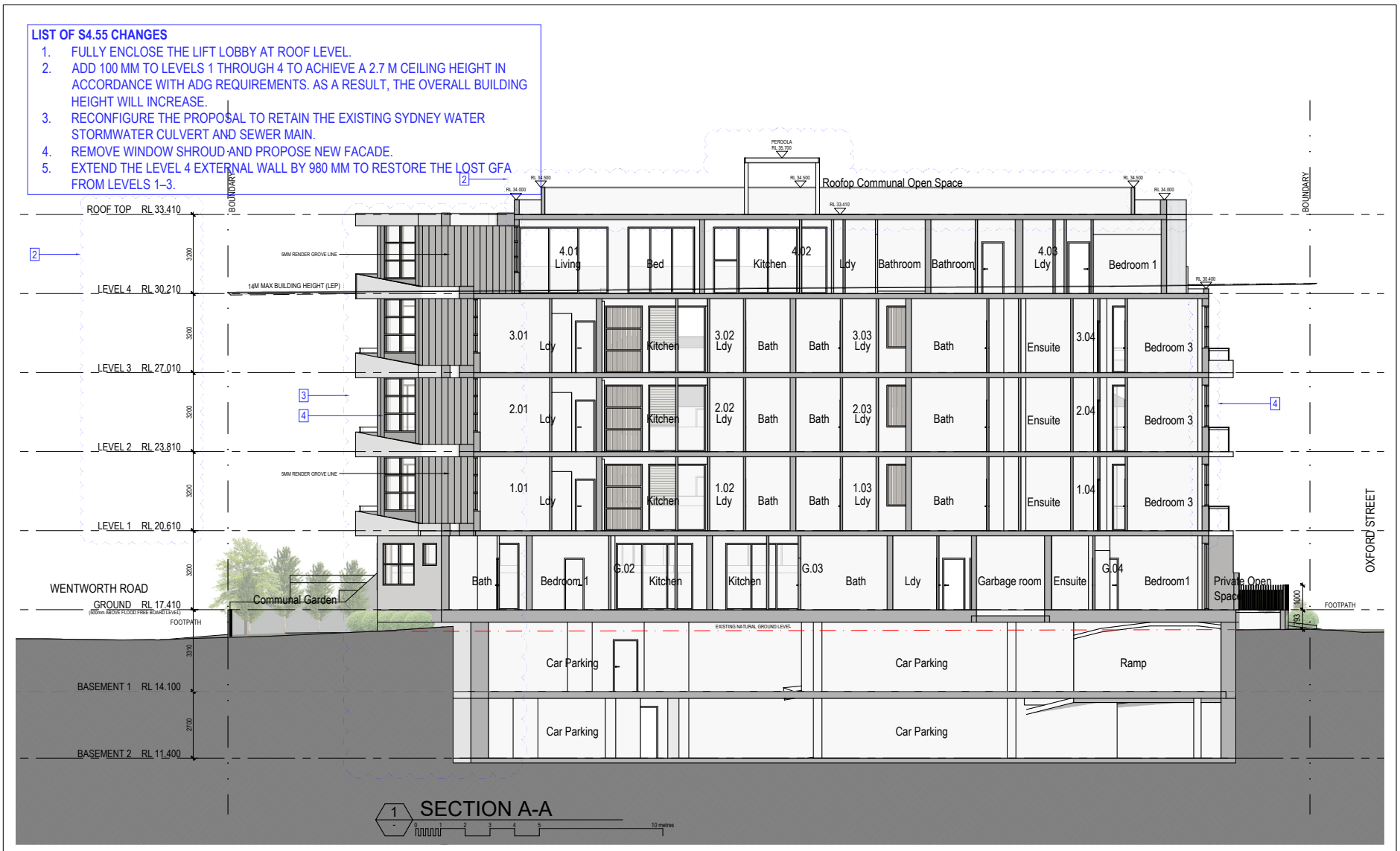



NOTE:

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FINISHES



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LEGEND
- **RD** RENDERED PAINT
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- **PS** PRIVACY SCREEN
- **LV** LOURVES
- **GL** GLASS BALUSTRADE

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Revision

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F	ISSUED FOR S4.55 RFI AMENDMENTS	24.03.2026

Design by:

BC&A BECHARA CHAN & ASSOCIATES
Bechara Chan & Associates Pty Ltd
Nominated Architect: Kirapat Khangrang Reg. No.: 11950
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e: info@bc-a.com.au p: +61 2 9746 6993

Drawing

DRAWN PC KK | PROJ NO. 180424
SCALE 1:100 on A1
CHECKED GB | DATE SEPTEMBER 2022

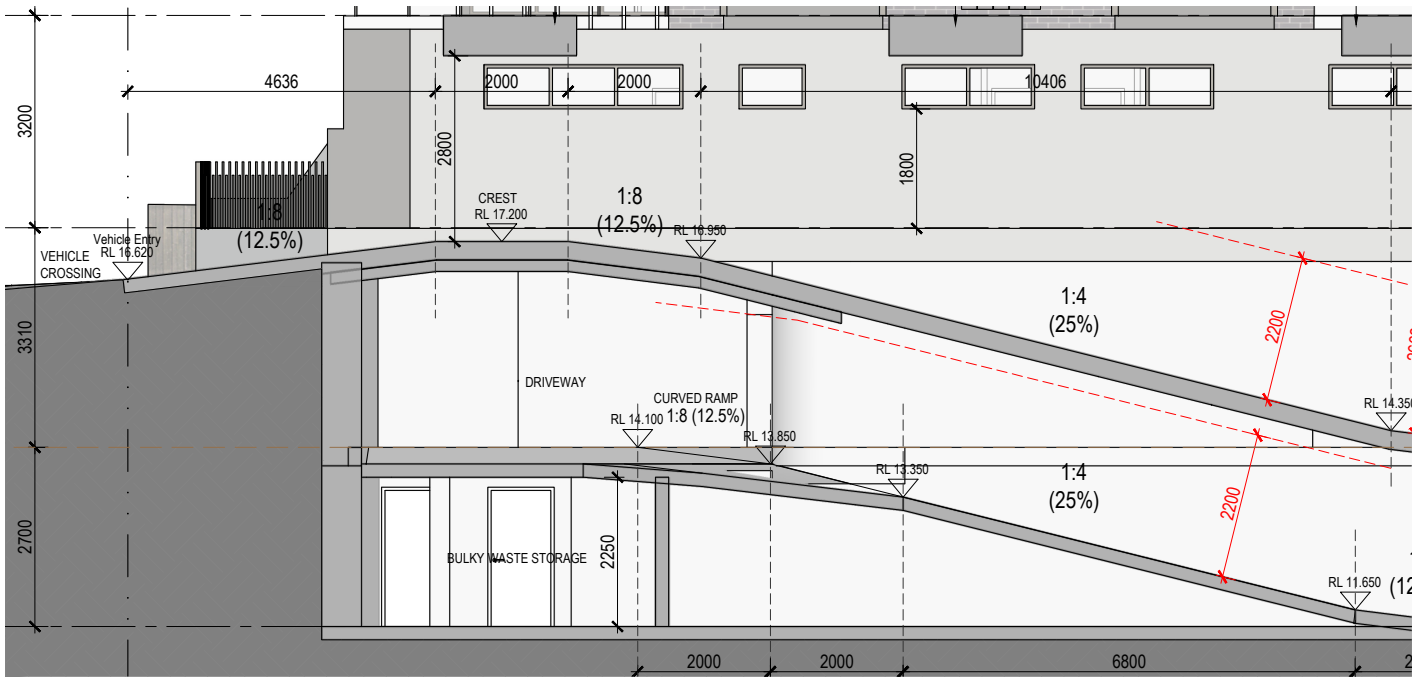
SECTION A-A, B-B

Do not scale from drawings.
Verify all dimensions on site before commencing work.

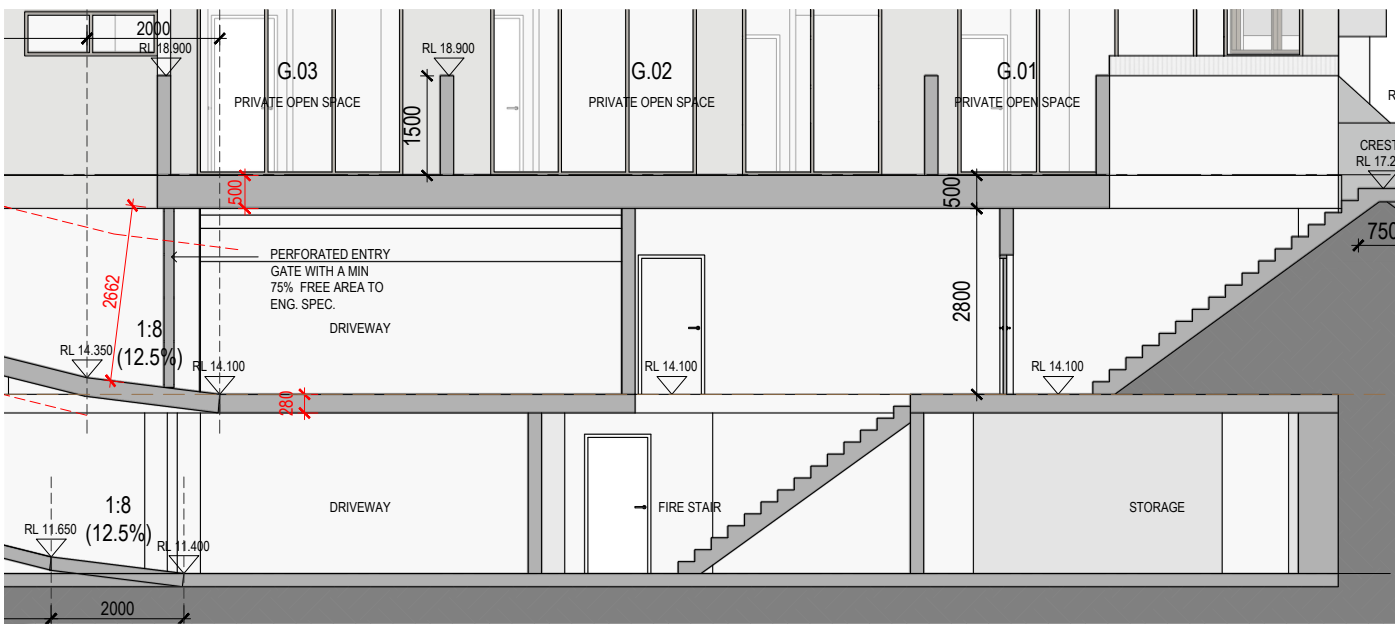
Project

PROPOSED RFB
106-108 Wentworth Rd, Burwood

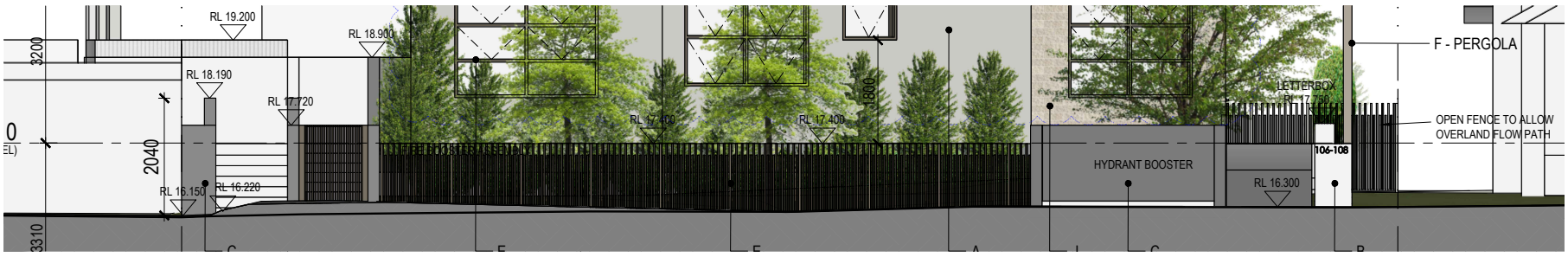
S4.55.12
F



1 - SECTION DD - DRIVEWAY SECTION



2 - SECTION DD - FIRE EGRESS SECTION



3 - WEST FENCE ELEVATION (WENTWORTH RD)



4 - EAST FENCE ELEVATION (OXFORD ST)

FINISHES

A B C D E F G H I J

Rendered Paint
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Revision

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F	ISSUED FOR S4.55 RFI AMENDMENTS	24.03.2026

Design by:

BC&A BECHARA CHAN & ASSOCIATES
Bechara Chan & Associates Pty Ltd
Nominated Architect: Kirapat Khangrang Reg. No.: 11950
Registered Design Practitioner – Architectural: Kirapat Khangrang DEP0003194
Suite 6F, Level 6, 9-13 Redmyre Road Strathfield NSW 2135
e: info@bc-a.com.au p: +61 2 9746 6993

Drawing

DRAWN PC KK
CHECKED GB
PROJ NO. 180424
SCALE 1:50 on A1
DATE SEPTEMBER 2022

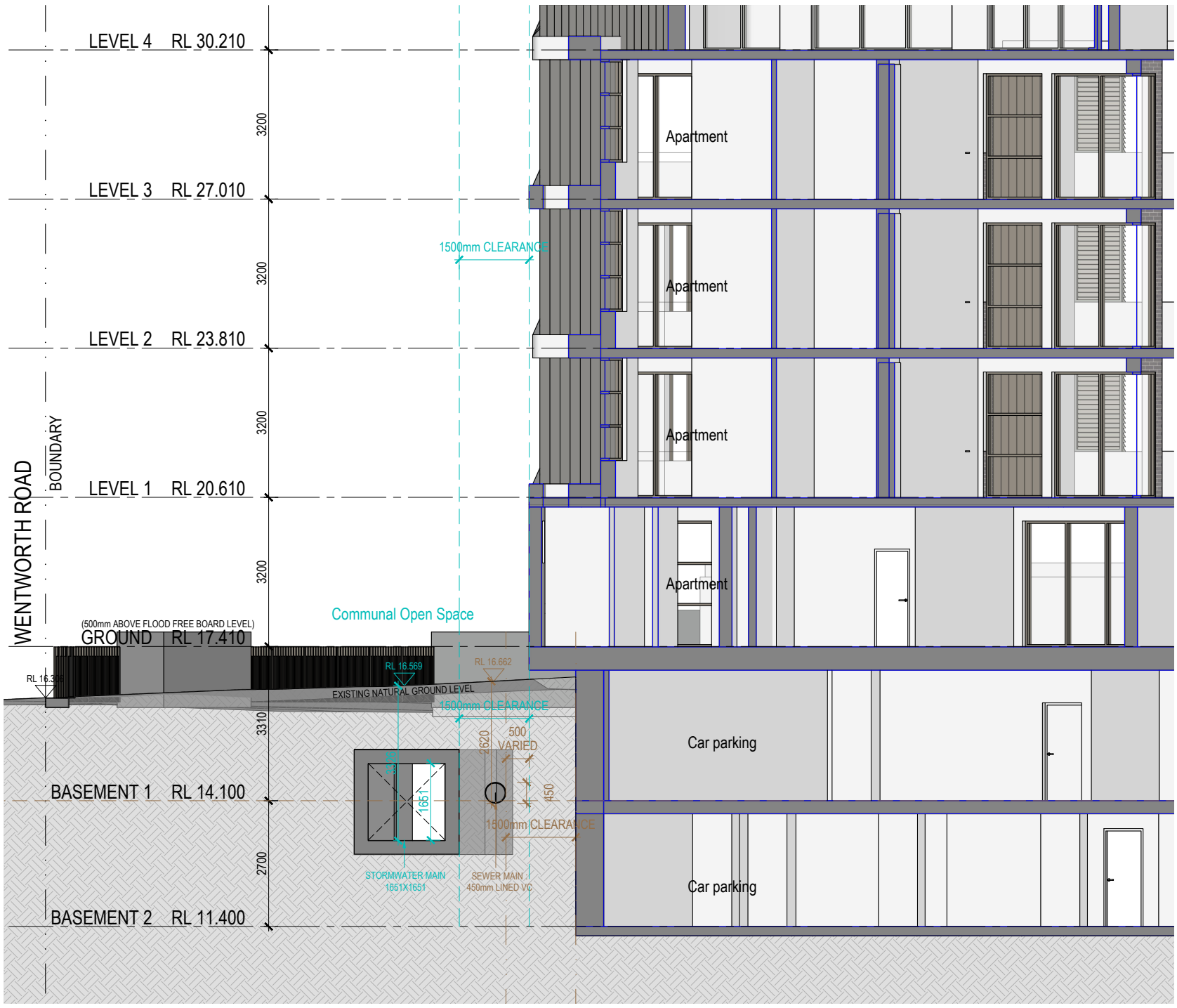
DRIVEWAY SECTION
FENCE DETAILS

Do not scale from drawings.
Verify all dimensions on site before commencing work.

Project

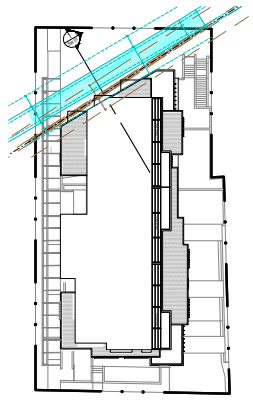
PROPOSED RFB
106-108 Wentworth Rd, Burwood

S4.55.13
F



1 TYPICAL SECTION - SEWER & STORMWATER MAIN

KEY MAP



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Revision

A	ISSUED FOR INFORMATION	11.09.2025
B	ISSUED FOR INFORMATION	20.10.2025

Design by:

Bechara Chan & Associates Pty Ltd
Nominated Architect: Kirapat Khangrang Reg. No.: 11950
Registered Design Practitioner – Architectural: Kirapat Khangrang DEP0003194
Suite 6F, Level 6, 9-13 Redmyre Road Strathfield NSW 2135
e: info@bc-a.com.au p: +61 2 9746 6993

Drawing

DRAWN PC KK
CHECKED GB
PROJ NO. 180424
SCALE 1:50 on A1
DATE SEPTEMBER 2022

TYPICAL SECTION - SEWER & STORMWATER MAIN

Do not scale from drawings.
Verify all dimensions on site before commencing work.

Project

PROPOSED RFB
106-108 Wentworth Rd, Burwood

SW.01
B


106-108
WENTWORTH RD
BECHARA CHAN
BC&A
ASSOCIATES


BC&A
BECHARA CHAN
ASSOCIATES


BECHARA CHAN
BC&A
ASSOCIATES


BC&A
BECHARA CHAN
ASSOCIATES


106-108
BC&A
BECHARA CHAN
ASSOCIATES


BECHARA CHAN
BC&A
ASSOCIATES


BECHARA, CHAN
BC&A
ASSOCIATES


106-108
BC&A
BECHARA CHAN
ASSOCIATES


BC&A
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ASSOCIATES


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ASSOCIATES


BECHARA CHAN
BC&A
ASSOCIATES


106-108
BECHARA CHAN
BC&A
ASSOCIATES


106-108
BC&A
BECHARA CHAN
ASSOCIATES



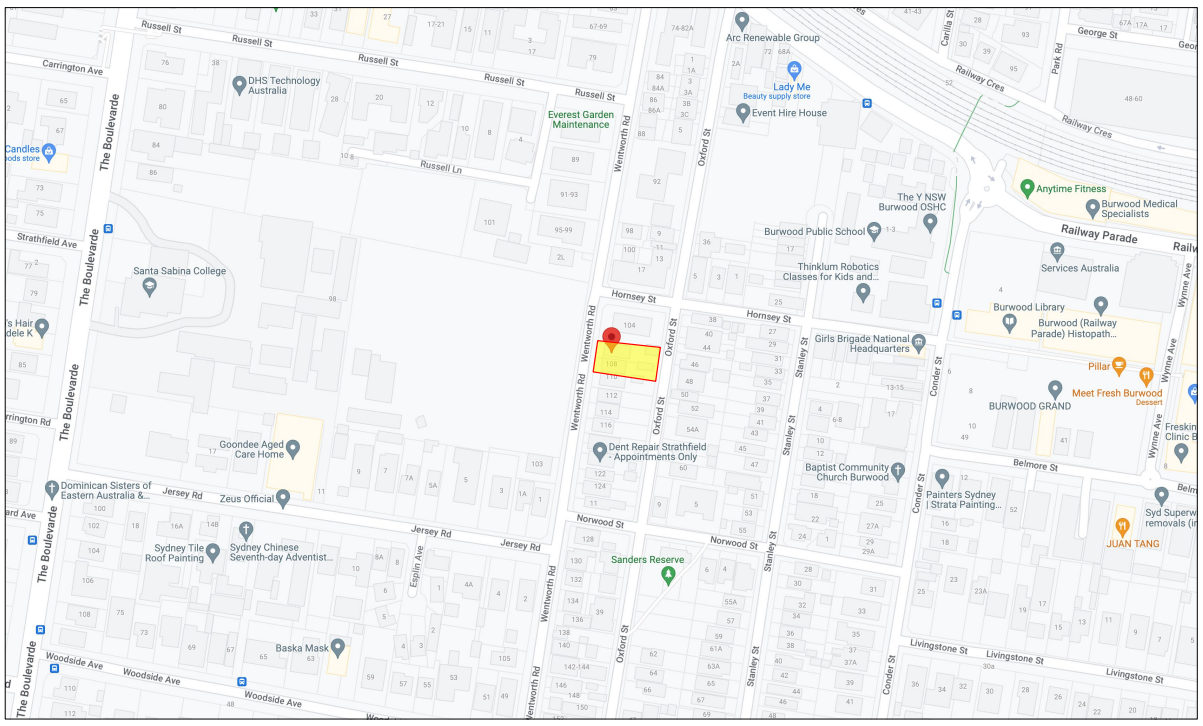

106-108
BC&A
BECHARA CHAN
ASSOCIATES

FOR S4.55
LANDSCAPE PLANS

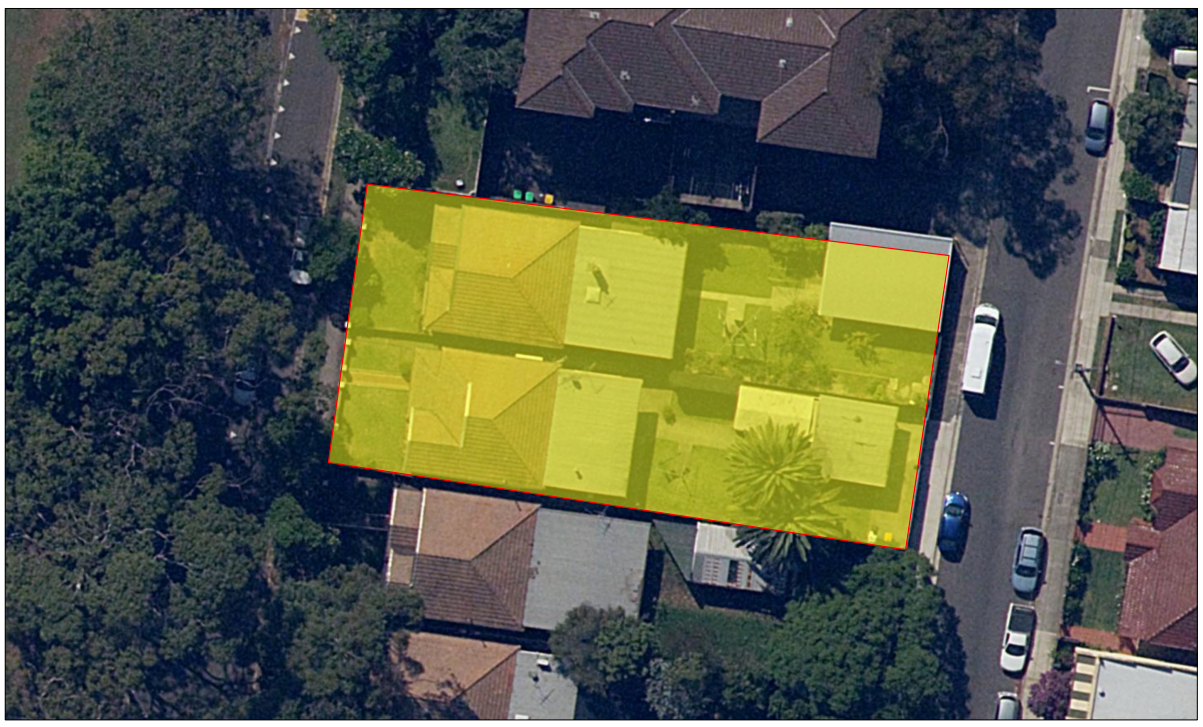
106-108 WENTWORTH ROAD, BURWOOD NSW 2134

DRAWING LIST

SHEET NO.	SHEET TITLE	REVISION	DATE
L/00	COVER SHEET	D	03.12.25
L/01	PROPOSED GROUND FLOOR LANDSCAPE PLAN	D	03.12.25
L/02	PROPOSED ROOF LANDSCAPE PLAN	D	03.12.25
L/03	PROPOSED LANDSCAPE DETAILS	D	03.12.25
L/04	PROPOSED LANDSCAPE DETAILS	D	03.12.25
L/05	PROPOSED LANDSCAPE SPECIFICATION	D	03.12.25



LOCATION PLAN - 106-108 WENTWORTH ROAD, BURWOOD NSW 2134 (SOURCE: GOOGLE MAPS)



AERIAL PHOTO - 106-108 WENTWORTH ROAD, BURWOOD NSW 2134 (SOURCE: SIX MAPS)

No.	Date	Revision	By
D	3/12/25	Amended for S4.55	OTJ
C	7/8/25	Amended for S4.55	SS
B	6/5/25	Issue for S4.55	SS
A	26/4/23	Issue for Construction	OC

Notes:
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2. Do not scale from drawings.
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4. This design is copyright and shall not be copied, utilised or reproduced in any way without prior written permission of A Total Concept Landscape Architects.
5. This plan has been prepared for S4.55 purposes only.
6. All Building Works shall be installed to Structural Engineers detail

Drawing: Cover Sheet
Address: 106-108 Wentworth Rd, Burwood NSW 2134
Project: Residential Flat Building Development
Client: Brightbuild

A Total Concept Landscape Architects & Swimming Pool Designers
65 West Street, North Sydney NSW 2060
T: (02) 9957 5122 E: design@atotalconcept.com.au
www.atotalconcept.com.au
atc a total concept landscape architects & swimming pool designers

Status: SCALE - As Noted
Drawn By: SS | Dwg Date: 07.08.25
Checked By: KR | Plot Date: 07.08.25
CAD File Name: 106-108 Wentworth Rd, Burwood - S4.55 B.vwx

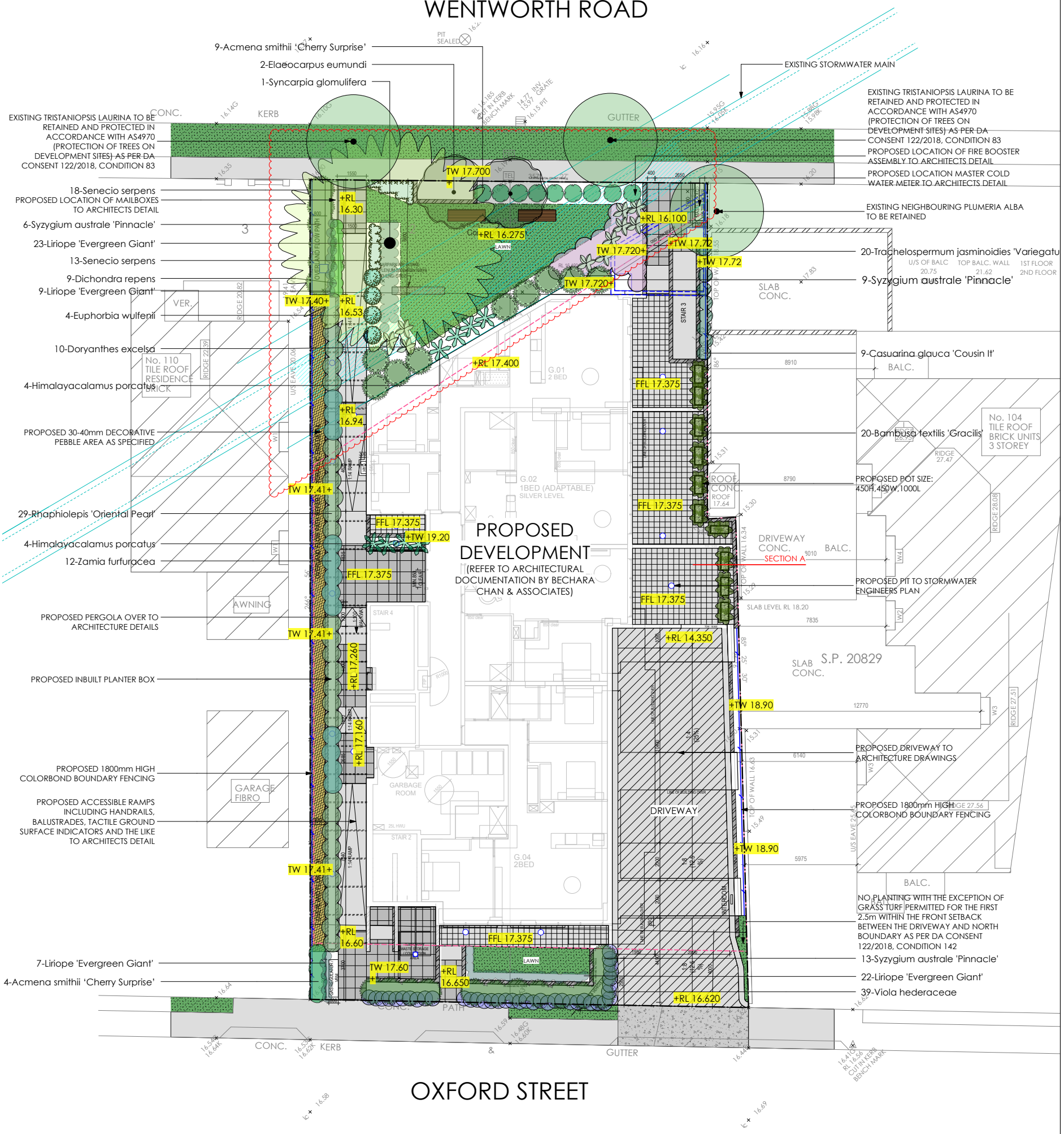
Project No.: Brightbuild
Drawing No. L/00 D
OF 6

LEGEND:

- + RL 49.025 — PROPOSED FINISHED GROUND LEVEL. REFER TO ARCHITECTS DETAIL
- + TW 49.025 — PROPOSED TOP OF WALL LEVEL. REFER TO ARCHITECTS DETAIL
- EXSITING LEVELS - SURVEY
- CADASTRAL BOUNDARY
- PROPOSED LINE OF BASEMENT
- PROPOSED DRIVEWAY TO ARCHITECTS DETAIL
- PROPOSED PRIVATE OPEN SAPCE PAVING AREA OVER PEDESTALS TO ARCHITECTS DETAIL
- PROPOSED COMMUNAL OPEN SPACE PAVING AREA OVER PEDESTALS TO ARCHITECTS DETAIL
- PROPOSED DRIVEWAY CROSSOVER TO COUNCIL SPECIFICATION
- PROPOSED 30-40mm DECORATIVE PEBBLE MULCHED AREA AS SPECIFIED
- PROPOSED 20mm DECORATIVE PEBBLE MULCHED AREA AS SPECIFIED
- PROPOSED LAWN AREA
- PROPOSED GARDEN AREA. REFER TO PLANTING PLANS
- PROPOSED WALL/BALUSTRADE AS REQUIRED TO ARCHITECTS DETAIL
- PROPOSED TIMBER LAWN EDGING AS SPECIFIED
- PROPOSED 1800mm HIGH COLORBOND BOUNDARY FENCING
- PROPOSED STORMWATER PIT TO ENGINEER'S SPECIFICATION. REFER TO STORMWATER DOCUMENATION
- ON-SITE DETENTION TANK. REFER TO STORMWATER DOCUMENATION
- PROPOSED BENCH SEATING AS SPECIFIED
- EXISTING TREE TO BE RETAINED
- PROPOSED PLANTER POT, 450H,450W,1000H

PLANTING SCHEDULE (ENTIRE PROJECT)

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
Acmena smithii 'Cherry Surprise'	Lillypilly	63	15lt	1000	2000
Bambusa textilis 'Gracilis'	Slender Weavers	20	35lt	1000	8000
Casuarina glauca 'Cousin It'	Cousin It	39	5lt	800	800
Dichondra repens	Kidney Weed	9	5lt	700	100
Doryanthes excelsa	Gymea Lily	10	15lt	1000	1500
Elaeocarpus eumundi	Quandong	2	15lt	4000	8000
Euphorbia wulfenii	Euphorbia	4	5lt	1000	800
Himalayacalamus porcatus	Nepalese Blue Bamboo	8	45lt	1200	4000
Liriope 'Evergreen Giant'	Giant Lilyturf	61	2.5lt	500	500
Rhaphiolepis 'Oriental Pearl'	Indian Hawthorn	29	5lt	1000	1000
Senecio serpens	Chalk Sticks	31	5lt	400	300
Syncarpia glomulifera	Turpentine	1	45lt	12000	25000
Syzygium australe 'Pinnacle'	Lillypilly	28	45lt	1500	4000
Trachelospermum jasminoidies 'Variegatum'	Variegated Star Jasmine	20	5lt	1000	400
Viola hederaceae	Native Violets	39	tube	800	300
Zamia furfuracea	Cardboard Plant	12	45lt	1000	2000



NOTE:

REFER ARCHITECTURAL DOCUMENTATION PREPARED BY BECHARA CHAN & ASSOCIATES
REFER CIVIL & STORMWATER DOCUMENTATION PREPARED BY UNITED CONSULTING ENGINEERS

No.	Date	Revision	By
D	3/12/25	Amended for S4.55	OTJ
C	7/8/25	Amended for S4.55	SS
B	6/5/25	Issue for S4.55	SS
A	26/4/23	Issue for Construction	OC

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5. This plan has been prepared for S4.55 purposes only.
6. All Building Works shall be installed to Structural Engineers detail

Drawing: Proposed Ground Floor Landscape Plan
Address: 106-108 Wentworth Rd, Burwood NSW 2134
Project: Residential Flat Building Development
Client: Brightbuild

A Total Concept Landscape Architects & Swimming Pool Designers
65 West Street, North Sydney NSW 2060
T: (02) 9957 5122 E: design@atotalconcept.com.au
www.atotalconcept.com.au
atc a total concept landscape architects & swimming pool designers

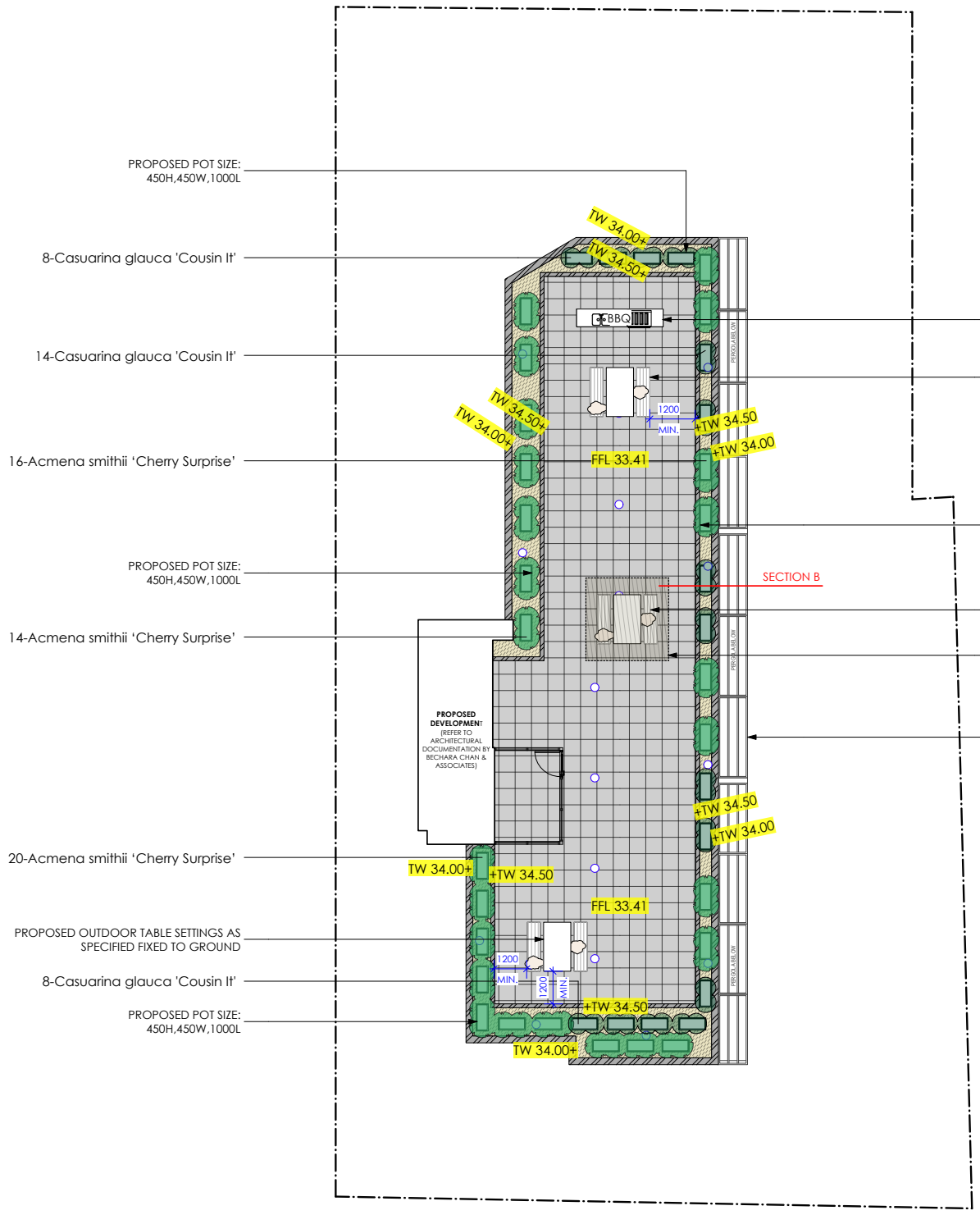
Status: SCALE - 1:100 @ A1
Drawn By: SS | Dwg Date: 07.08.25
Checked By: KR | Plot Date: 07.08.25
CAD File Name: 106-108 Wentworth Rd, Burwood - S4.55

Project No.: Brightbuild
Drawing No. L/01 Rev # D
OF 6

LEGEND:

+ RL 49.025 PROPOSED FINISHED GROUND LEVEL. REFER TO ARCHITECTS DETAIL
+ TW 49.025 PROPOSED TOP OF WALL LEVEL. REFER TO ARCHITECTS DETAIL
+97.30 EXSITING LEVELS - SURVEY
CADASTRAL BOUNDARY
PROPOSED LINE OF BASEMENT
PROPOSED COMMUNAL OPEN SPACE PAVING AREA OVER PEDESTALS TO ARCHITECTS DETAIL
PROPOSED NON TRAFFICABLE AREA
PROPOSED WALL/BALUSTRADE AS REQUIRED TO ARCHITECT'S DETAIL
PROPOSED STORMWATER PIT TO ENGINEER'S SPECIFICATION. REFER TO STORMWATER DOCUMENATION
PROPOSED OUTDOOR TABLE SETTINGS AS SPECIFIED
PROPOSED OPEN STYLE POWDERCOATED STEEL PERGOLA STRUCTURE TO ENGINEER'S SPECIFICATION
PROPOSED PLANTER POT, 450H,450W,1000H

WENTWORTH ROAD



OXFORD STREET

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REFER CIVIL & STORMWATER DOCUMENTATION PREPARED BY UNITED CONSULTING ENGINEERS

No.	Date	Revision	By
D	3/12/25	Amended for S4.55	OTJ
C	7/8/25	Amended for S4.55	SS
B	6/5/25	Issue for S4.55	SS
A	26/4/23	Issue for Construction	OC

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Drawing: Proposed Roof Landscape Plan
Address: 106-108 Wentworth Rd, Burwood NSW 2134
Project: Residential Flat Building Development
Client: Brightbuild

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Status
SCALE - 1:100 @ A1
Drawn By SS Dwg Date: 07.08.25
Checked By KR Plot Date: 07.08.25
CAD File Name 106-108 Wentworth Rd, Burwood - S4.55 Rev...

Project No. Brightbuild
Drawing No. L/02 D Rev #
OF 6

APARTMENT DESIGN GUIDE :

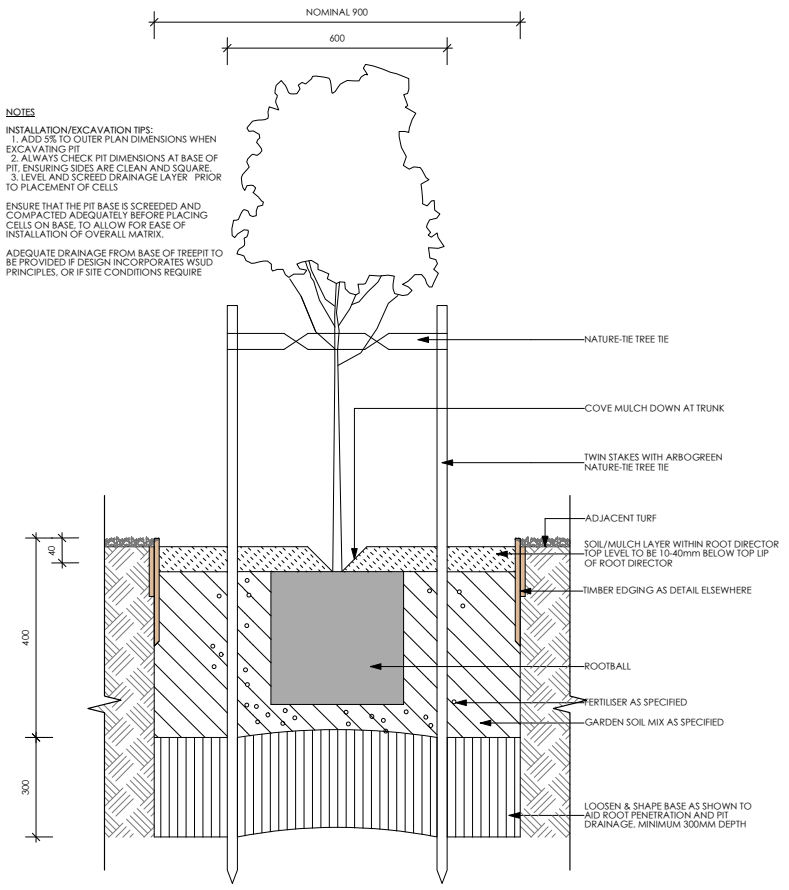
PART 4P PLANTING ON STRUCTURES
TABLE 5: MINIMUM SOIL STANDARDS FOR PLANTING TYPES AND SIZES

Table 5 Minimum soil standards for plant types and sizes

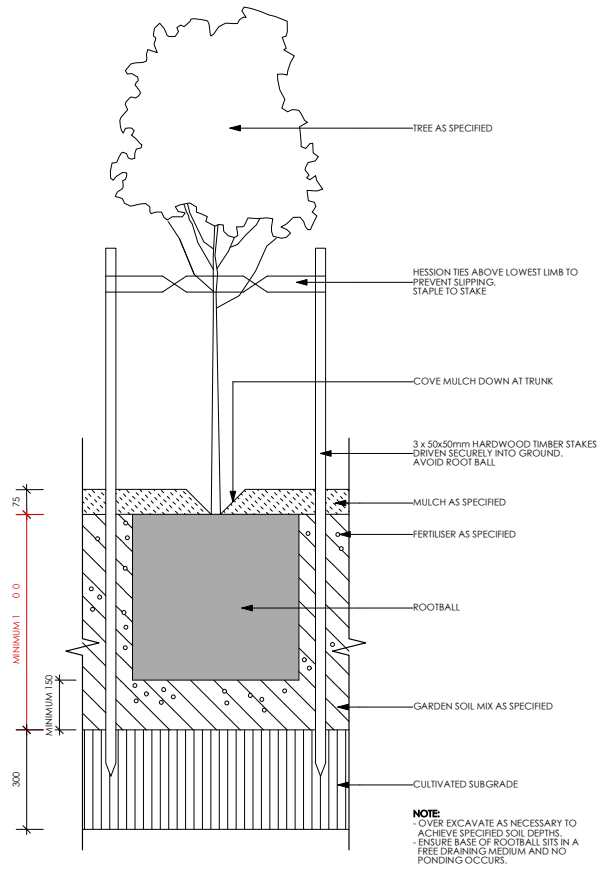
Plant type	Definition	Soil volume	Soil depth	Soil area
Large trees	12-18m high, up to 16m crown spread at maturity	150m³	1,200mm	10m x 10m or equivalent
Medium trees	8-12m high, up to 8m crown spread at maturity	35m³	1,000mm	6m x 6m or equivalent
Small trees	6-8m high, up to 4m crown spread at maturity	9m³	800mm	3.5m x 3.5m or equivalent
Shrubs			500-600mm	
Ground cover			300-450mm	
Turf			200mm	

Note: The above has been calculated assuming fortnightly irrigation. Any sub-surface drainage requirements are in addition to the above minimum soil depths

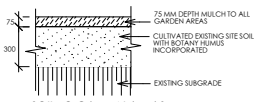
TYPICAL LANDSCAPE DETAILS:



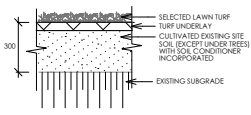
TYPICAL TREE PLANTING IN NATIVE TURF IN UNDISTURBED GROUND DETAIL
SCALE 1:10



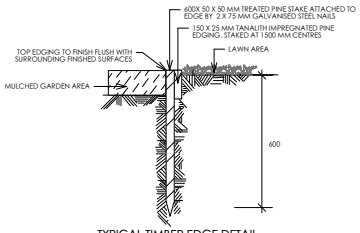
TYPICAL 25-200L TREE PLANTING ON FILLED OR EXCAVATED GROUND DETAIL
SCALE 1:10



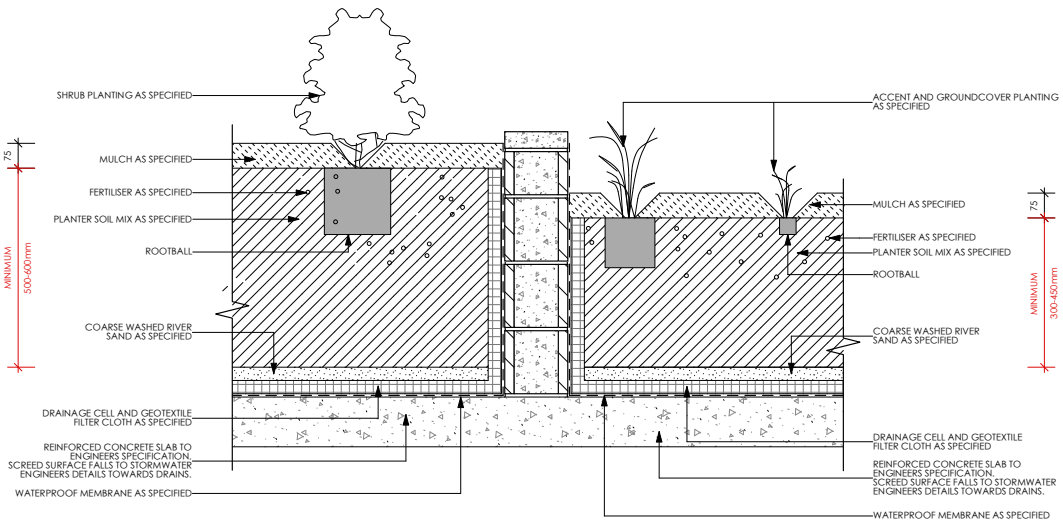
SOIL TO GARDEN AREAS
SCALE 1:20



TYPICAL TURF DETAIL
SCALE 1:20

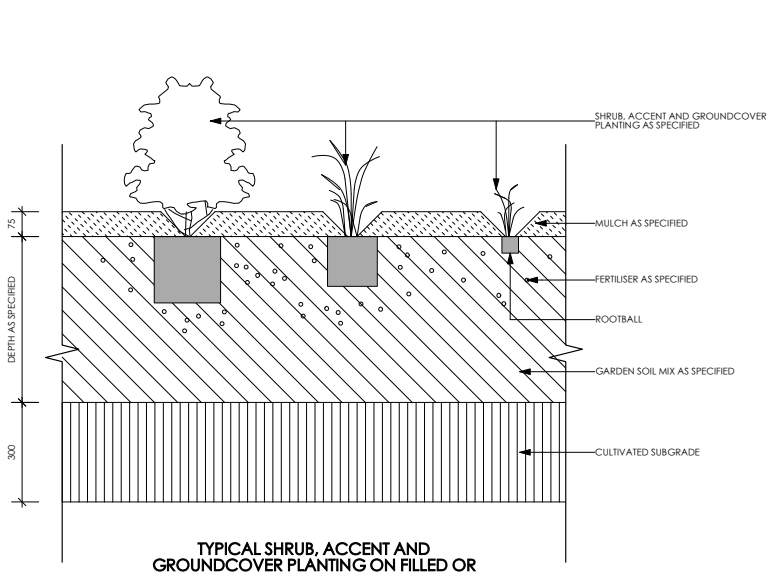


TYPICAL TIMBER EDGE DETAIL
SCALE 1:20
DO NOT SCALE



TYPICAL SHRUB PLANTING ON SLAB DETAIL
SCALE 1:10

TYPICAL ACCENT AND GROUNDCOVER PLANTING ON SLAB DETAIL
SCALE 1:10



TYPICAL SHRUB, ACCENT AND GROUNDCOVER PLANTING ON FILLED OR EXCAVATED GROUND DETAIL
SCALE 1:10

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Drawn By: SS | Dwg Date: 07.08.25
Checked By: KR | Plot Date: 07.08.25
CAD File Name: 106-108 Wentworth Rd, Burwood - S4.55 Revs

Project No. Brightbuild
Drawing No. L/03 D Rev #
OF 6

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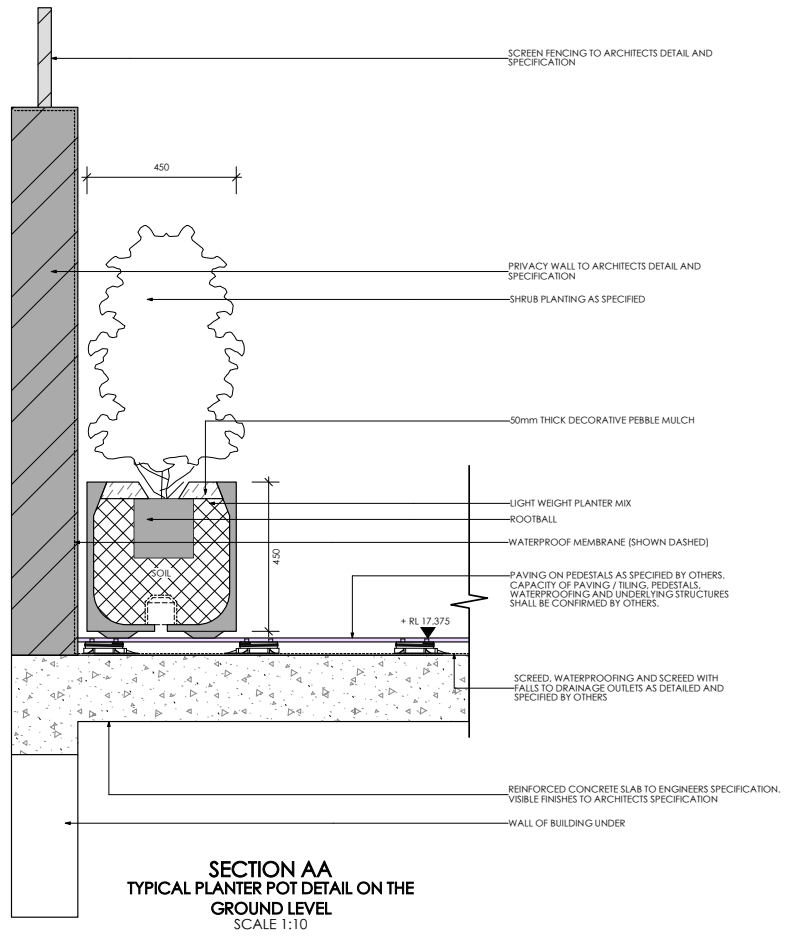
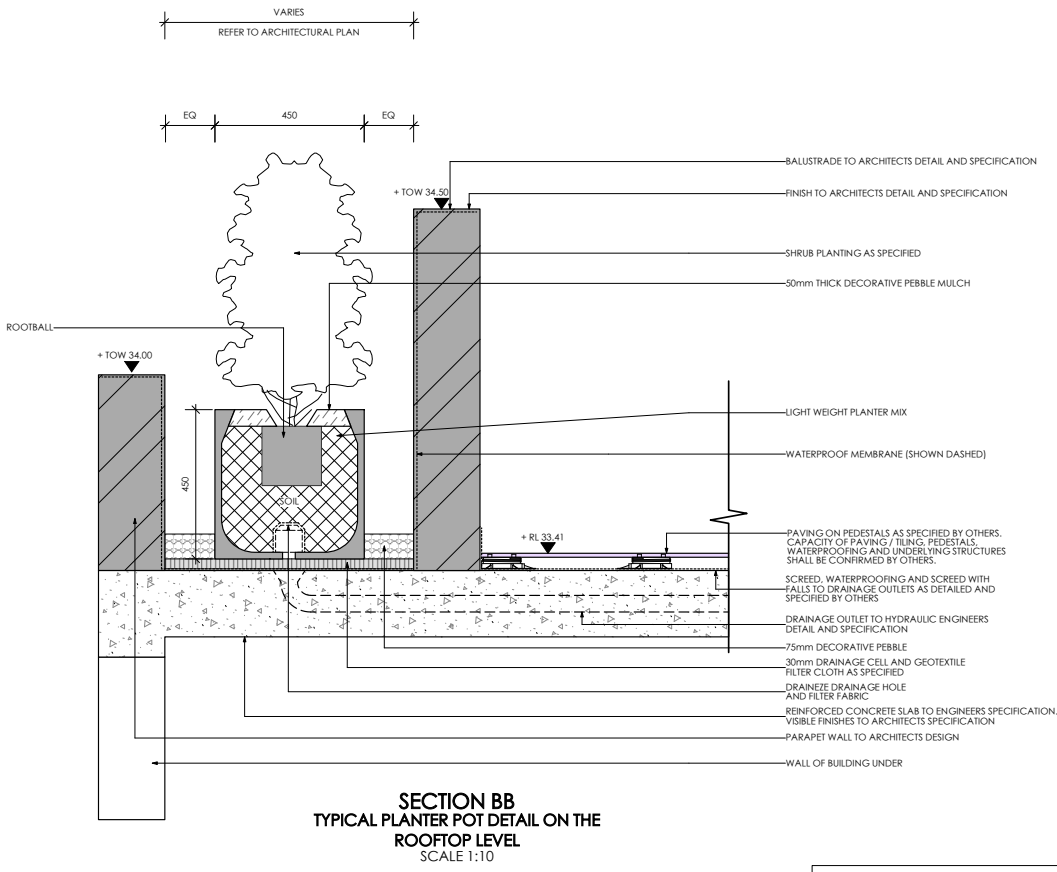


SECTION AA
TYPICAL PLANTER POT DETAIL ON THE GROUND LEVEL
SCALE 1:10



SECTION BB
TYPICAL PLANTER POT DETAIL ON THE ROOFTOP LEVEL
SCALE 1:10

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Checked By	KR
CAD File Name	106-108 Wentworth Rd, Burwood - S4.55 Drwg
Dwg Date:	07.08.25
Plot Date:	07.08.25

COMMUNAL OPEN SPACE ROOFTOPS AND TERRANCE PLANTERS - GENERAL NOTE :

Building Code of Australia (BCA) & Australian Standards (AS):
BCA Building codes and Australian standards apply to all phases of construction, including balustrade design and specification. Specifically, BCA 2012 Parts 3.9.1 (stairs) and 3.9.2 (balustrades) and Australian Standard 1170.1 cover regulations for balustrades on stairways, balconies, rooftop terraces and other surfaces between levels.

BCA Balustrade Regulations and Australian Standards:
A balustrade is defined as a rail and its balusters (posts or other supporting members). A balustrade must:
• Be at least 1 metre high as measured from the finished floor;
• Have openings between risers or posts no greater than 125mm; and
• Be able to withstand loads and impacts as determined by AS 1170.1.
Ultimately, it is the builders responsibility that balustrades are manufactured and installed in compliance with the BCA Balustrade Regulations and Australian Standards.

Balustrade Safety & Planters:
BCA Balustrade Regulations and Standards state that the balustrade must be 1 metre or more, higher than the finished floor. On roof-top terraces, planters, play equipment & furniture may be incorporated.

The inclusion and positioning of these elements should be such that they do not undermine the safety of Communal Open Space (COS) terraces and rooftops, and the compliance with the BCA Balustrade Regulations and Standards is maintained.

Items to consider are:
• Where planters form the safety balustrade, their internal face must be 1m non-climbable
• Outdoor furniture such as tables, BBQs, and seating shall be fixed and located a minimum 1m away from balustrades measured horizontally.
• Where furniture, play equipment and the like is proposed to be fixed to or adjacent to COS terrace planters which form the balustrade, then a compliant handrail will be required to be fixed to the upper external edge of the planter.

After completion of a project and carefully inspected and certified at the Occupation Certificate (OC) stage of the development, the strata body becomes responsible to manage the safety of these areas.

Maintenance of COS area
Communal Open Space terrace and rooftop areas are exposed to extremes of weather therefore ongoing inspection and maintenance is important. The following item should be included or considered:

• All planters shall be water-proofed with this work certified and periodically inspected.
• Future trades shall be closely monitored to ensure they do not damage completed waterproofing.
• All planters shall be drip irrigated with an automated system set on an approved watering pattern with moisture senses installed to minimize overwatering.
• Tree Anchors shall be installed in all Communal Open Space terrace and rooftop areas to larger plants, such as palms and trees.
• Compliance for balustrades and handrails should be monitored regularly
• For the maintenance of all rooftop areas and landscape areas with retaining walls, anchoring points for tying off harnesses for landscape maintenance workers are essential. These are to be designed, detailed and positioned by a suitably qualified consultant.

MAINTENANCE SCHEDULE:

TWELVE MONTHS MAINTENANCE SCHEDULE	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Plant Care												
Monitoring	■	■	■	■	■	■	■	■	■	■	■	■
Pruning as required	■	■	■	■	■				■	■	■	■
Deadhead /tip pruning	■	■	■	■	■				■	■	■	■
Slow release fertilise									■			
Rapid suluble fertilise as required	■	■	■	■					■	■	■	■
Cut back perenials and grasses			■	■					■			
Watering as required	■	■	■	■	■				■	■	■	■
Garden Bed												
Edging	■	■	■	■						■	■	■
Remove weeds and herbicide spraying as required	■	■	■			■				■	■	■
Top up mulch as required	■								■			
Dead foliage removal				■								
Pest Management												
Monitoring and herbicide spraying as required	■	■	■	■	■				■	■	■	■
Turfed Area												
Fertilise									■			■
Make good turf as required										■		
Winter clean up												
Remove dead foliage and pruning as required								■				

OUTLINE LANDSCAPE SPECIFICATION:

Preparation by Builder: Builder shall remove all existing concrete pathways, fences, footings, walls etc. not notated to be retained and complete all necessary excavation work prior to commencement on site by Landscape Contractor (Contractor). Builder shall also install new retaining walls, kerbs, layback kerb, crossover, pathways etc. and make good all existing kerbs, gutters etc. as necessary and to approval of Council. Builder shall ensure that a minimum 450mm of topsoil in garden areas and a minimum 150mm of topsoil in lawn areas exists. Should required depths not exist Builder shall contact Landscape Architect and ask for instructions prior to completion of excavation works.
Excavate as necessary, then fill with approved site topsoil to allow for minimum 500mm soil depth in garden areas and 150mm soil depth in lawn areas and to gain required shapes & levels. Ensure all garden and lawn areas drain satisfactorily. All levels & surface drainage shall be determined by others & approved on site by Head Contractor. Note: Approved imported topsoil mix may be utilised if there is insufficient site topsoil available. State in Tender a m3 rate for additional imported topsoil and the quantities of both site topsoil and imported topsoil allowed for in Tender.
Initial Preparation: Verify all dimensions & levels on site prior to commencement. Do not scale from drawings. Locate all underground & above ground services & ensure no damage occurs to them throughout contract. Spray approved weedicide to all proposed lawn & garden areas to manufacturer's directions. Remove existing concrete pathways, footings, walls etc. not notated to be retained & weeds from site. Levels indicated on Plan are nominal only and are derived from Architectural Plans & Drawings by others. Final structural integrity of all items shall be the sole responsibility of Landscape Contractor.
Tree Protection: Trees to be retained shall be protected during site works and construction by the erection of solid barricades to the specification of Council. Storage of machinery or materials beneath canopy of trees to be retained shall not be permitted. Changes to soil level and cultivation of soil beneath canopy of trees to be retained shall not be permitted unless under direct supervision of Landscape Architect. Existing trees shall be pruned to Landscape Architects onsite instructions.
Soil Preparation: Cultivate to depth of 300mm all proposed lawn & garden areas incorporating minimum 100mm depth of organic clay breaker into existing site soil. Do not cultivate beneath existing trees to be retained. In areas where fill is required gain required shapes & levels using a premium grade soil mix. In areas where excavation is required (if in clay) over excavate as required to to allow for installation of 500mm depth of premium grade topsoil mix to garden areas and 300mm depth of premium grade topsoil mix to lawn areas. Undertake all required action to ensure that no rootballs of proposed plants sit in clay wells and that all garden areas and lawn areas drain satisfactorily. Note it is intended that wherever possible existing levels shall not be altered through garden and lawn areas. It is the Contractors responsibility to ensure that the end result of the project is that all lawn and garden areas drain sufficiently (both surface & subsurface), are at required finished levels and have sufficient soil depths to enable lawn and plants to thrive and grow. Should alternative works to those specified be required to achieve the above result, Contractor shall inform Builder at time of Tender and request instructions.
Lawn Edging and Stepping Stones: Contractor shall install approved bricks on edge on a minimum 100mm deep x 90mm wide concrete footing with brick tor set in, to lines nominated on plan as brick edging. Bricks shall be laid with a nominal 10mm wide approved coloured mortar joint. Bricks needing to be cut shall be done so with clean sharp cuts. Top of edging shall finish flush with surrounding finished surfaces. Approved stepping stones shall be positioned as indicated on plan on a 25mm river sand bed. Approved sandstone stepping stones shall be positioned as indicated on plan on a 25mm river sand bed.
Retaining Walls: Positions, detail and heights of retaining walls shall be by others.
Planting: Purchase plants from an approved nursery. Plants to be healthy & true to type & species. Set out plants to positions indicated on plan. Following approval, plant holes shall be dug approximately twice width and to 100mm deeper than plant rootballs that they are to receive. Base and sides of hole shall be further loosened. Fertiliser, followed by 100mm depth of topsoil mix shall then be placed into base of hole and lightly consolidated. Base of hole shall then be watered. Remove plant container and install plant into hole. Rootball shall be backfilled with surrounding topsoil and topsoil firmed into place. An approved shallow dish shall be formed to contain water around base of stem. Base of stem of plant shall finish flush with finished soil level. Once installed plant shall be thoroughly watered and maintained for the duration of the Contract.
Staking: All trees shall be staked using 2 x 38mm x 38mm x 2000mm long hardwood stakes per plant and with hessian webbing ties installed to Landscape Architect's on site instructions.
Mulching: Install 75mm depth of 25mm diameter hardwood mulch to all garden areas, coving mulch down around all plant stems & to finish flush with adjacent surfaces.
Turfing: Prepare for, level & lay cultivated Palmetto Buffulo turves to all areas nominated on plan as being lawn. Roll, water, fertilise, mow & maintain lawns as necessary until completion of maintenance period. At same time make good all existing lawn areas using same lawn type. Lawns in shade shall be over sown with an approved seed mix. Allow to retrim and returf councils nature strip as required.
Fencing: Retain all existing fences unless advised otherwise by builder. Install timber paling fences to heights indicated on Plan.
Paving: Areas to be paved shall be excavated or filled to allow for installation of bedding materials. Levels and falls shall be as per Plan. Surface drainage on paving shall be towards grated drains with all drains connected to stormwater system and installed by Builder.
Irrigation: Contractor shall supply and install an approved fully automatic, vandal resistant, computerised irrigation system to all garden and lawn areas, excluding council nature strip. Entire system shall be to approval of Water Board and shall utilise pop-up sprinklers and electronic controllers. Contractor shall be responsible to ensure that system is able to satisfactorily operate on available water pressure. Power supply for use by irrigation system shall be provided to an approved location near southwest corner of residence by others and shall consist of an approved weatherproof G.P.O. The irrigation system controller shall be housed in an approved waterproof cabinet mounted to external wall of residence.
Clotheslines: Contractor shall allow for all necessary labour and materials and shall install clotheslines to positions as indicated on plan to manufacturer's instructions to approval of Landscape Architect. Clothesline type shall be equal to 'Hills Foldaline'.
Completion: Prior to practical completion remove from site all unwanted debris occurring from work. Satisfy Council that all landscaping work has been undertaken in strict accordance with Councils landscape codes & guidelines.
Maintenance Period: A twelve month maintenance period shall be undertaken by owner or owners representative as set out herein. Owner shall have care and maintenance of all work specified under this Contract and shall rectify any defective work for a period of 52 weeks following Practical Completion of Landscape Works. This period shall be herein known as the Maintenance Period. Work shall also include for the care and maintenance of all existing vegetation to be retained and proposed vegetation. Site shall be attended at least weekly and as otherwise required. The following works shall be undertaken during the Maintenance Period.
(a) Recurrent works Undertake recurrent works throughout the Maintenance Period. These works shall include but are not limited to watering, weeding, fertilising, pest and disease control, returfing, staking and tying, replanting, cultivation, pruning, aerating, renovating, top dressing and the like.
(b) Watering Regularly water all plants and lawn areas to maintain optimal growing conditions. Contractor shall adjust the water quantity utilised with regard to climatic conditions prevalent at the time.
(c) Replacements Immediately replace plants which die or fail to thrive (at discretion of Landscape Architect) with plants of same species or variety and of same size and quality unless otherwise specified. Plant replacement shall be at Contractors expense, unless replacement is required due to vandalism or theft, which shall be determined by Landscape Architect. Required replacement of plants due to vandalism or theft shall be undertaken by Contractor and shall be paid for by Client at an agreed predetermined rate.
(d) Mulched surfaces Maintain mulched surfaces in clean, tidy, weed-free condition and shall reinstate mulch as necessary to maintain specified depths.
(e) Stakes & ties Adjust and/or replace stakes and ties as required. Remove stakes and ties at end of Maintenance Period if directed by Landscape Architect.
(f) Lawn areas Lawn areas shall be mown at regular intervals to ensure non heading of lawn with a fine-cutting mulching mower and clippings left on lawn to mulch and self-fertilise lawn areas. Primary cut after laying of lawn by others shall be determined on site taking into consideration season, watering and growth rate of lawn. Following the primary cut all lawns shall be regularly mown as required to ensure a healthy lawn and a neat appearance. Care shall always be taken to ensure that no clippings are left on surrounding roads or garden areas after mowing. Replace lawn areas that fail to thrive at discretion of Landscape Architect. All new and made good lawn areas shall be barricaded off from pedestrian traffic by use of star pickets and brightly coloured plastic safety mesh until establishment of lawn. Barricades shall be removed upon establishment of lawn area.
(g) Weeding Remove by hand, or by carefully supervised use of weedicide, any weed growth that may occur throughout Maintenance Period. This work shall be executed at weekly intervals so that all lawn and garden areas may be observed in a weed-free condition.
(h) Pruning Prune new and existing plants (excluding existing trees) as necessary to maintain dense foliage conditions. Any rogue branches, or branches overhanging or obstructing pathways, roads, doorways, etc., shall be removed by approved horticultural methods.
(i) Spraying Spraying for insect, fungal and disease attack shall be undertaken as required and in accordance with spray manufacturers recommendations at intervals taking into account the season of year during which landscape works are to be implemented.
(j) Tree Care Should any existing trees be damaged during construction works immediately engage an experienced arboriculturist and then undertake any rectification work recommended by arboriculturist.

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CAD File Name: 106-108 Wentworth Rd, Burwood - S4.55 Revit

Project No. Brightbuild
Drawing No. L/05 D Rev #
OF 6

CPS
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Statement of Environmental Effects

Section 4.55(2) Modification to an approved five-storey residential flat building over two levels of basement car parking (DA 122/2018)



106 – 108 Wentworth Road, Burwood NSW 2066

Prepared for: E & B Investment Group Pty Ltd
Project No: H189
Date: 11 June 2025

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Creative Planning Solutions works to a stringent Quality Assurance Program.

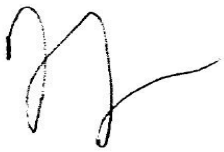
If this document has not been signed for review and approval then it is deemed a preliminary draft.

Prepared by: 

Matthew Flynn – Planner



Reviewed by: Sonya Constantinou – Principal Planner



Authorised by: Daniel Govers – Director

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Contents

1.0 Introduction 4
1.1 Purpose 4
1.2 Background 4
2.0 Site Analysis 6
2.1 Site location and context 6
2.2 Site description 8
2.3 Existing development 9
3.0 Proposed Modification 10
4.0 Planning Assessment 14
4.1 Regulatory Framework 14
4.2 State Environmental Planning Policies 16
4.2.1 State Environmental Planning Policy (Housing) 2021 16
4.2.2 State Environmental Planning Policy (Sustainable Buildings) 2022 20
4.2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021 20
4.3 Local Environmental Plans 21
4.3.1 Burwood Local Environmental Plan 2012 21
4.4 Development Control Plans 24
4.4.1 Burwood Development Control Plan 2013 24
4.5 Impacts on the Environment 24
4.6 Suitability of the site for the development 24
4.7 Public Submissions 25
4.8 Public Interest 25
5.0 Conclusion 26

1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to Burwood Council (the Council) as part of a Section 4.55(2) Modification Application to Development Application (DA 122/2018), approved on 7 May 2020 for the demolition of all existing structures and the construction of a five-storey residential flat building comprising 19 apartments, two levels of basement car parking for 28 vehicles, and associated site landscaping at 106–108 Wentworth Road, Burwood.

A previous Section 4.55(2) Modification Application (Mod 122/2018), approved by Council on 7 September 2023, introduced several changes to the approved development, including the addition of lift access to the rooftop, removal of the external stair, enclosure of the rooftop lift lobby, relocation of the on-site detention tank, and other minor alterations. Most of these modifications were to respond to conditions within the notice of determination of DA 122/2018.

This current modification application seeks further amendments to the previously modified development. This SEE has been prepared by Creative Planning Solutions Pty Limited (CPS) on behalf of the client, E & B Investment Group. It is based on plans and information provided by Bechara Chan & Associates Pty Ltd (BCA).

The report provides an assessment of the proposed modifications, considering the relevant matters under Sections 4.15(1) and 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the Act). Throughout this report, references to "the site" pertain to the land subject to this application.

1.1 Purpose

The purpose of this SEE is to outline the proposed modification, assess its potential environmental impacts, and demonstrate how any adverse effects can be mitigated.

1.2 Background

The original development approval (DA 122/2018), granted on 7 May 2020, permitted the demolition of all existing structures and the construction of a five-storey residential flat building comprising 19 apartments, two levels of basement car parking for 28 vehicles, and associated landscaping.

On 24 July 2023, a Section 4.55(2) Modification Application was submitted to Council, seeking various alterations and additions to the approved development. These modifications included:

- Provision of lift access to the rooftop and removal of the external rooftop stair
- Enclosure of the rooftop lift lobby
- Relocation of the on-site detention (OSD) tank outside the sewer easement
- Relocation of the fire booster assembly, water meter and gas regulator
- Relocation of bedroom windows on levels 1-3
- Modification to the basement.

The modification was approved by Council on 7 September 2023.

This current Section 4.55(2) Modification Application proposes further refinements and amendments to the previously modified development. These changes aim to enhance the design, improve functionality, and ensure compliance with the relevant planning controls and engineering requirements.

2.0 Site Analysis

2.1 Site location and context

The subject site is located at 106–108 Wentworth Road, Burwood, on the eastern side of Wentworth Road, with a secondary frontage to Oxford Street. It is approximately 600m southwest of Burwood Town Centre and Burwood Station.

The site comprises two amalgamated lots, legally described as Lot 1 and Lot 2 in DP 14074, with a combined area of 977.10m². It currently contains two single storey dwelling houses, with vehicular access from Oxford Street.

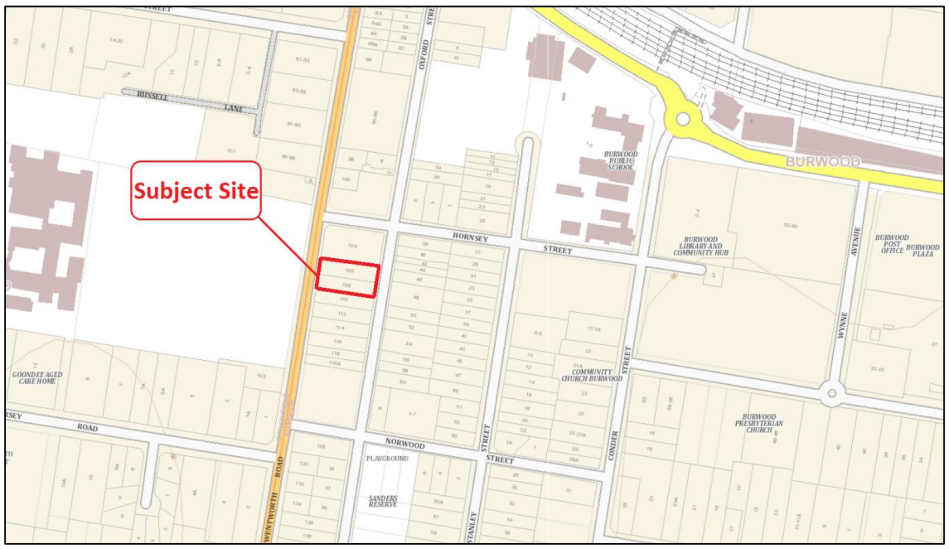


Figure 1 – Location Map – 106-108 Wentworth Road, Burwood
Source: https://maps.six.nsw.gov.au/

Surrounding Development

The immediate surrounding area consists of:

- North: A three-storey residential flat building at 104 Wentworth Road, with basement car parking and vehicular access from Oxford Street.
- South: A single-storey brick dwelling at 110 Wentworth Road, with a tiled and metal roof and vehicular access from Oxford Street.
- West: Sporting fields associated with Santa Sabina College, a locally heritage-listed site.
- East: A mix of single- and two-storey brick dwellings along Oxford Street, including the locally heritage-listed Victorian terrace at 50 Oxford Street.



Figure 2 - Aerial Photograph – 106-108 Wentworth Road, Burwood
Source: http://maps.au.nearmap.com/

Accessibility and Services

The site is well serviced by public transport and amenities:

- Burwood Town Centre (approximately 600m northeast) provides shopping, banking, commercial services, medical facilities, and recreational amenities.
- Strathfield Town Centre (approximately 600m northwest) offers additional retail, dining, and transport options.
- Public transport:
    - Bus stops on Conder Street (240m from the site) provide frequent services on Route 407 (Burwood to Strathfield).
    - Burwood Railway Station is approximately 650m walking distance, and Strathfield Railway Station is approximately 900m walking distance.



Photograph 1 – View of the subject site looking northeast from Wentworth Road
Source: http://maps.google.com.au



Photograph 2 - View of the subject site looking west from Wentworth Road
Source: http://maps.google.com.au

2.2 Site description

The site, which includes two parcels of land, is legally described as shown in **Table 1** below, and has a total site area of approximately 977.10m². The site has a combined frontage to Wentworth Road of 21.195m and frontage to Oxford Street of 23.395m. Reference should be made to the site survey included as part of the development application package for further details.

The legal description of the land is specified in **Table 1** – Legal Description of Subject Site below.

Table 1 – Legal Description of Subject Site

Address	Lot / Deposited Plan	Frontage (As per survey)	Area (As per survey)
106 Wentworth Road, Burwood	Lot 1 in DP 14074	10.526m (Wentworth Road) 11.10m (Oxford Street)	510.197m²
108 Wentworth Road, Burwood	Lot 2 in DP 14074	10.669m (Wentworth Road) 12.295m (Oxford Street)	466.903m²
Total		**44.59m**	**977.10m²**

2.3 Existing development

The site currently contains a single storey dwelling on each allotment, both constructed of brick with tiled and metal roofs. The dwellings are set back from the street within landscaped front gardens featuring lawns and soft landscaping, with covered patio areas at the rear.

Vehicular access to the detached garages and carports on each lot is via concrete driveways from Oxford Street. Pedestrian access is available from Wentworth Road.

3.0 Proposed Modification

This Section 4.55(2) Modification Application seeks minor amendments to the approved five-storey residential flat building originally granted consent under DA 122/2018 and subsequently modified under Mod 122/2018. These modifications arise primarily from coordination with Sydney Water and service diversions, requiring design adjustments. Additional refinements aim to improve buildability, functionality, and construction efficiency.

Key Modifications

1. Sydney Water and Service Diversion Adjustments

- The original DA included stormwater diversions coordinated with neighbouring properties. However, as property owners have declined consent, the stormwater design has been revised to reroute Sydney Water assets entirely within the site boundary.
- Following discussions with Sydney Water, the existing pipelines will now be retained and concrete encased within the site.
- These changes necessitate adjustments to the building footprint and external envelope, most notably the introduction of a diagonal façade at the southwestern corner across all levels, including the basement, to accommodate necessary pipework clearances.

2. Internal Layout Adjustments

- As a result of the required stormwater and service diversion changes, modifications have been made to the internal layouts of various levels. These adjustments ensure compliance with service coordination requirements while optimising internal functionality. Additionally, the chamfer to the front part of the building has necessitated changes to the front unit on all levels, while the remainder of the units remain largely unchanged.
- Basement 2:
    - Reduction in residential parking spaces from 17 to 15
    - Reduction in bicycle storage spaces from ten to three
    - Reconfigured storage compartments
    - Deletion of pump well
    - New bulky waste storage beneath vehicular ramp.
- Basement 1:
    - Deletion of bulky waste storage (now accommodated in Basement 2)
    - Deletion of OSD tank
    - Reconfigured storage compartments
    - Reconfigured fire and cold water pump room and associated airlock
    - Provision of five bicycle storage spaces.
- Apartment Modifications:
    - Units G01, 101, 201 and 301:
        - Reconfiguration of internal layouts to accommodate envelope adjustments
        - Reduction in bedroom count from three to two

- Removal of ensuite bathroom.

- Unit 401:
  - Internal layout reconfigured to accommodate envelope adjustments.

3. Complete Enclosure of Roof Lift Lobby

- The approved design includes a lift lobby featuring a concrete canopy.
- The modification proposes to fully enclose the lift lobby with fixed glass panels and a door. This enclosure only relates to an area of 8m^2 and ensures residents have weather protection from the lift to the communal rooftop open space.

4. Adjustments of Floor Levels

- Minor adjustments to floor levels are proposed to accommodate essential building services and facilitate construction feasibility.
- While most floors will be raised by 100mm, the Ground Floor will be raised by only 10mm, resulting in the following modified finished floor levels:

Table 2 – Amended Floor Levels

Level	Approved RL	Modified RL	Increase (mm)
Ground	17.400	17.410	**+10**
Level 1	20.500	20.610	**+110**
Level 2	23.600	23.810	**+210**
Level 3	26.700	27.010	**+310**
Level 4	29.800	30.210	**+410**
Roof	32.900	33.410	**+510**

5. Simplification of Wall and Window Detailing

- Framing around the windows has been removed to simplify construction and reduce costs.

6. Removal of Planter Boxes

- Removal of planter boxes along the northern edge of the terraces of Units G.01, G.02, G.03.
- Removal of planter boxes along the perimeter of the rooftop communal open space.

Modification to Conditions of Consent

To accommodate the proposed modifications, Conditions 1, 82, 129 and 130 of DA 122/2018 would need to be updated (changes shown in ***bold and italics***) to reflect the revised plans as follows:

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

Document	Author	Date/Received
Architectural Plan Nos. S4.55.01 Rev C, S4.55.02 Rev C, S4.55.03 Rev C, S4.55.04 Rev C, S4.55.05 Rev C, S4.55.06 Rev C, S4.55.07 Rev C, S4.55.08 Rev C, S4.55.10 Rev C, S4.55.11 Rev C, S4.55.12 Rev C, S4.55.13 Rev C, S4.55.14 Rev C, S4.55.61 Rev A, S4.55.62 Rev A.	*Bechara Chan and Associates*	*Dated:* *Rev A – 08.04.2025* *Rev C – 02.05.2025*
Survey Plan Ref No. 205018	W. Buxton Pty Ltd	Dated: 13 April 2018
Landscape Plan No. L/01, L/02, L/03, L/04 Rev B,	*A Total Concept Landscape Architects & Swimming Pool Designers*	*Dated: 6.05.2025*
Stormwater Drainage Plans Nos. 18MB7801/D01, 18MB7801/D02, 18MB7801/D03, 18MB7801/D04, 18MB7801/D05, 18MB7801/D06, 18MB7801/D07, 18MB7801/D08, 18MB7801/D09, 18MB7801/D10, Issue 05.	*United Consulting Engineers*	*Dated: 1.05.2025*
SEE – Ref No. H189	*Creative Planning Solutions*	*Dated: 12 May 2025*
Heritage Response Letter	Heritage 21	Dated: 27 June 2019
BASIX	*Evergreen Energy Consultants*	*Dated: 12.05.2025*
Traffic and Parking s4.55 Assessment Letter	*TTPA*	*Dated: 9.05.2025*
BPA Support Letter	Sydney Water	Dated: 24.04.2023
Design Verification Statement	*Bechara Chan and Associates*	*Dated: 5.05.2025*
Underground Services Report – Ref No. 10001930	CivilScan	Dated: 2023
Access and Adaptibility Assessment Report	Access & Mobility Solutions	Dated: October 2018
Preliminary Site Investigation	Benviron Group	Dated: October 2018

Condition 82 – Landscaping

This condition is to be modified to reference the revised Landscape Plan set prepared by A Total Concept Landscape Architects & Swimming Pool Designers, comprising Drawing Nos. L/01, L/02, L/03, L/04. These plans reflect the updated landscaping arrangements.

The updated condition should read as follows:

82. Landscaping to be installed as per the Landscape Plan sheet set by ***A Total Concept Landscape Architects & Swimming Pool Designers (Drawing Nos. L/01, L/02, L/03, L/04)*** Landscaping to be completed prior to issuing an Occupational Certificate.

    Landscaping must be maintained at all times following installation. This includes replacement of dead, damaged, stolen or unhealthy plants with like for like.

Conditions 129 and 130 – Car Parking and Bicycle Storage

These conditions are to be updated to reflect the revised number and allocation of on-site car parking and bicycle storage spaces as shown in the amended Architectural Plans. The modification proposes a total of 26 car parking spaces (including two residential spaces which do not meet the minimum dimensions of AS/NZS 2890.1 – 2004) and eight bicycle storage spaces. Additionally, the updated allocation of car parking spaces is as follows:

- 22 spaces for residential use
- 4 residential visitor parking spaces.

The updated conditions should read as follows:

129. A total of ***26*** off-street car parking spaces and *8* bicycle parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan ***or a performance solution is to be provided***. The layout, design and security of bicycle facilities either on-street or off street must comply with the minimum requirements of Australian Standard AS 2890.3 – 2015 Parking Facilities Part 3: Bicycle Parking Facilities.

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

    (a) ***22*** residential parking spaces.
    (b) 4 residential visitor parking spaces.

4.0 Planning Assessment

4.1 Regulatory Framework

The proposed modification to DA 122/2018 is sought pursuant to Section 4.55(2) of the Act. In accordance with Section 4.55 of the Act, the consent authority must consider:

> ***(2) Other modifications** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*
>
> ***a)** it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The proposed changes primarily respond to Sydney Water's infrastructure requirements and enhance buildability without altering the development's fundamental nature. The modifications retain the approved residential flat building typology and key design elements, ensuring it remains substantially the same development as approved under DA 122/2018.

The key modifications include:

- **Height adjustment:** The maximum building height increases from 21.48m (RL 37.050) to 21.88m (RL 37.450) (+400mm). This minor modification accommodates service coordination without materially altering the development's scale or appearance.
- **Building footprint:** A slight reduction to accommodate rerouted Sydney Water assets, without significant changes to the building's massing.
- **Residential configuration:** The total number of units remains unchanged, with internal reconfigurations to Units G01, 101, 201, and 301, reducing them from three-bedroom to two-bedroom apartments.
- **Gross floor area (GFA):** The GFA is reduced from 1,697.19m^2 to 1,607.94m^2 (-89.25m^2), resulting in a slight decrease in overall building bulk.
- **Amenity and landscaping:** The modifications will enhance communal open space (COS) and generally maintain the landscaped areas, with:
  - COS increased from 249.6m^2 to 274.19m^2 (+24.59m^2)
  - Deep soil increased from 126.75m^2 to 127.24m^2 (+0.49m^2).
- **Basement and parking adjustments:** Basement layout reconfigured in response to the reduced footprint, with:
  - Residential car spaces reduced from 24 to 22
  - Bicycle storage spaces reduced from ten to eight.
- **Façade and detailing adjustments:** Minor refinements to façade and window detailing to improve buildability and reduce construction costs without altering the building's design intent.

For the reasons listed above, the modifications sought are beneficial and facultative and satisfy Section 4.55(2) of the Act.

b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comment: The modification is not integrated development and does not require concurrence from a separate approval body.

c) it has notified the application in accordance with—
i. the regulations, if the regulations so require, or
ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: The proposal is a modification to an existing residential flat building, and as such, it will be notified in accordance with the Burwood Community Participation Plan. The notification will follow the same period as the original DA notification.

d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

Comment: If any submissions are made regarding the proposed modification, they will be considered by Council as required.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment: As part of their assessment, Council must consider the matters referred to in Section 4.15(1) of the Act, along with the reasons development consent was granted under DA 122/2018.

In accordance with Section 4.15(1) of the Act, the Consent Authority is to take into consideration matters that are of relevance and that are the subject of the development application, specifically:

(a) the provisions of:
(i.) any environmental planning instrument, and
(ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has

notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii.) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(v.) (Repealed)

that apply to the land to which the development application relates,

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

(c) the suitability of the site for the development,

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

(e) the public interest.

With regard to the above, the key environmental planning instruments and development control plans that are of relevance to the development are as considered elsewhere within Section 4 of this SEE.

4.2 State Environmental Planning Policies

4.2.1 State Environmental Planning Policy (Housing) 2021

The proposed modifications relate to an approved residential flat building containing more than four dwellings and exceeding three-storeys. As such, *the State Environmental Planning Policy (Housing) 2021* (Housing SEPP) applies. The modifications do not alter the development's compliance with the prescriptive and non-prescriptive provisions of the Housing SEPP or the Apartment Design Guide (ADG), which provides guidance on achieving the nine design quality principles in Schedule 1 of the Housing SEPP.

The following assessment considers the key Housing SEPP controls applicable to this modification:

Chapter 3 Siting the Development

3A Site Analysis

The primary design change introduces a diagonal south-western façade to accommodate Sydney Water's pipework clearance requirements. While this modifies the building envelope, the overall massing, scale, and architectural intent remain consistent with the approved design.

3B Orientation

The building retains its east-west orientation, addressing Wentworth Road and Oxford Street. Despite the diagonal façade, solar access remains compliant with ADG requirements, and the modified design continues to optimise natural daylight and ventilation.

3C Public Domain Interface

No changes are proposed to the approved pedestrian entry points. However, the setback along Wentworth Road is increased due to the necessary adjustments to the south-western façade. This allows for additional landscaping within the front setback, enhancing the interface between the development and the public domain. The modifications to Units G01, 101, 201, 301, and 401 maintain passive surveillance opportunities and contribute to a well-defined street edge.

3D Communal Open Space

The proposal increases the communal open space (COS) to 274.19m², incorporating 24.59m² of additional landscaped COS adjacent to Wentworth Road. The modified COS remains functional and well-integrated into the site layout, providing sufficient amenity for residents, receiving over 50% direct sunlight for at least two hours in mid-winter, and supporting a range of recreational uses.

3E Deep Soil Zones

The modification results in a total deep soil area of 127.24m^2 (13%), including an additional 0.49m^2. This maintains on-site permeability and opportunities for planting, contributing to the environmental performance of the development.

3F Visual Privacy

The proposed modifications will maintain the approved separation distances and screening devices.

3G Pedestrian Access and Entries / 3H Vehicle Access

No changes are proposed to the approved pedestrian and vehicle access.

3J Bicycle and Car Parking

In accordance with the Guide to Traffic Generating Developments, the building is required to accommodate a minimum of 19 residential car spaces and four visitor car spaces. The modified basement levels will comprise:

- 22 residential car parking spaces (including two accessible spaces)
- Four visitor car parking spaces (including one accessible space and one space which is also designated for car washing)
- Eight secure and accessible bicycle storage spaces.

The minor modifications to the approved basement design accommodate the necessary pipeline clearance requirements while maintaining the approved appearance and vehicular access paths.

Chapter 4 Designing the Building

4A Solar and Daylight Access

The modification maintains at least two hours of solar access to all 19 apartments at mid-winter, ensuring continued compliance with ADG provisions.

4B Natural Ventilation

All habitable rooms within the proposed building are naturally ventilated. As approved, a total of 12 apartments achieves adequate natural cross ventilation, including the modified units (G101, 101, 201, 301 and 401).

4C Ceiling Heights

Floor-to-ceiling height raised to 3m throughout habitable and non-habitable rooms, providing sufficient space to accommodate necessary services and bulk heads. This will contribute to the provision of well-proportioned rooms that maximise the sense of space. The increased floor to ceiling heights will ensure that during construction a minimum floor to ceiling height of 2.7m can be achieved as provided by design criteria 1 of 4C of the ADG.

4D Apartment Size and Layout

All modified apartments meet the minimum internal area requirements as detailed below:

- G01 (2-bedroom) – 77.19m^2 – complies
- 101 (2-bedroom) – 70.43m^2 – complies
- 201 (2-bedroom) – 70.43m^2 – complies
- 301 (2-bedroom) – 70.43m^2 – complies
- 401 (2-bedroom) – 75.91m^2 – complies.

In addition, the modified units meet the minimum room area and dimension requirements of the ADG.

4E Private Open Space and Balconies

All apartments with modified private open space (POS) areas meet the minimum area and dimension requirements as detailed below:

- 101 (2-bedroom) – 11.7m^2 – complies
- 201 (2-bedroom) – 11.7m^2 – complies
- 301 (2-bedroom) – 12.5m^2 – complies.

The balconies remain integrated into the architectural form, with fixed privacy screens along the north elevation, maintaining visual privacy as approved.

4F Common Circulation and Spaces

No modifications are proposed to the approved common circulation spaces.

4G Storage

The modification will reconfigure the approved basement storage. It includes the following storage compartment sizes:

- 6m^3 – 8m^3 – seven storage compartments
- 8m^3 – 10m^3 – six storage compartments
- >10m^3 – six storage compartments.

All apartments comply with the numerical requirements and are capable of including the provision of 50% of the required storage within each apartment. This is also consistent with the conditions prescribed by DA 122/2018.

4H Acoustic Privacy

The modified building remains adequately separated from adjoining development, with altered openings continuing to be oriented away from noise sources. On-site noise sources remain within the basement, and the modified internal layouts maintain appropriate groupings of rooms with similar noise requirements.

4J Noise and Pollution

The modified design maintains the approved noise attenuation measures, minimising external and internal noise transmission.

4K Apartment Mix

The apartment mix remains unchanged, comprising a variety of one-, two-, and three-bedroom units, evenly distributed across all floors.

4L Ground Floor Apartments

Street frontage activity is maintained, with an enlarged communal open space along Wentworth Road, as well as private open space for Unit G04 oriented towards Oxford Street. Ground floor POS areas remain directly accessible from the main living areas, incorporating boundary fencing and screening.

4M Facades

The modified building provides well-articulated facades, with a variety of colours and materials, as approved. It includes a new diagonal south-western façade in response to the necessary pipework clearances. This modification has been designed to maintain the overall architectural intent of the approved development, ensuring a visually cohesive design. It will result in bulk or scale impacts and continues to provide an engaging streetscape for Wentworth Road. Additionally, the façade works will continue to externally express the apartment layout, as well as defining the base, middle and top of the building through differing materials and finishes.

4N Roof Design

Minor adjustments to the roof design respond to the modified building envelope, while remaining integrated and proportional to the overall development. Additionally, despite the removal of perimeter planter boxes, the rooftop communal open space (COS) remains setback from building edges.

4O Landscape Design / 4P Planting on Structures

The modification incorporates additional deep soil landscaping within the Wentworth Road setback, contributing to environmental sustainability and site amenity. In parallel, the modification seeks removal of planter boxes along the northern edge of the terraces for Units G.01, G.02, and G.03 terraces and the perimeter planter bordering the rooftop communal open space. This adjustment responds to functional and maintenance considerations, while ensuring the landscape strategy remains high-quality.

4Q Universal Design
The modified development includes two adaptable units and flexible design solutions, as approved.

4U Energy Efficiency
Adequate natural light and ventilation is provided to habitable rooms, and the development includes passive solar design where necessary.

4V Water Management and Conservation
The modification maintains approved stormwater treatment and flood management systems, with no identified impacts on the existing water management strategy.

4W Waste Management
The modification does not alter the approved Waste Management Plan, which includes an enclosed waste storage/collection area near Oxford Street, bin chutes at all above-ground levels, and sufficient in-unit storage.

4X Building Maintenance
Material selection continues to support long-term building maintenance, with simplified detailing reducing construction and maintenance costs.

4.2.2 State Environmental Planning Policy (Sustainable Buildings) 2022

The residential development is subject to the provisions contained within 'Chapter 2 – Standards for residential development' of this SEPP.

As such, a BASIX Certificate and accompanying documentation form part of the modification package and demonstrate that the proposal can achieve all targets relating to water, thermal comfort and energy. Refer to the accompanying documentation for further information.

4.2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 Water Catchments

The site is located within the Sydney Harbour Catchment. The objectives of this chapter are to balance a prosperous working harbour, maintain a sustainable waterway environment, and promote recreational access to the foreshore by establishing planning principles and controls for the catchment.

The site is not in close proximity to a natural waterbody or riparian land, and the proposed modifications are unlikely to impact water quality, aquatic ecology, or floodwaters within the Sydney Harbour Catchment. The development remains consistent with Clause 6.6 'Water Quality and Quantity' and Clause 6.7 'Aquatic Ecology' of the SEPP

4.3 Local Environmental Plans

4.3.1 Burwood Local Environmental Plan 2012

Zoning and Permissibility

The site is zoned R1 General Residential under the provisions of *Burwood Local Environmental Plan 2012* (BLEP 2012). The proposed modifications do not alter the approved five-storey residential flat building, which remains a permissible use within the zone. The modifications also do not compromise the zone objectives, which seek to provide housing in locations with good access to services and infrastructure.

Clause 4.3 – Height of Buildings

The maximum building height permitted for the site under the BLEP 2012 Height of Buildings Map is 14m. The approved development exceeds this limit, with a maximum height of 21.48m (RL 37.050) at the lift overrun, representing a 7.48m (53.4%) variation. Notably, the provision of the lift was a condition of consent imposed by Council. The main roof has an approved height of 16.7m (RL 32.900), exceeding the height limit by 2.7m (19.3%) (see **Figure 3**).

The proposed modification seeks a 400mm increase to the overall height, resulting in a proposed maximum building height of 21.88m (RL 37.450). The main roof height will also increase by 510mm to RL 33.410. This results in a total height variation of 7.88m (56.3%) above the BLEP 2012 control (see **Figure 3**).

A Clause 4.6 variation request is not required for a Section 4.55 modification application, as established in *Gann & Anor v Sutherland Shire Council [2008] NSWLEC 157*. Instead, the variation is addressed within this Statement of Environmental Effects.

The increase in building height is driven primarily by the need to increase the floor-to-ceiling height. The modified building adopts a floor-to-floor height of 3.2m, rather than the 3.1m as originally approved. This ensures that during the construction and completion of the development a floor to ceiling height of 2.7m as prescribed by Part 4C of the ADG can be achieved.

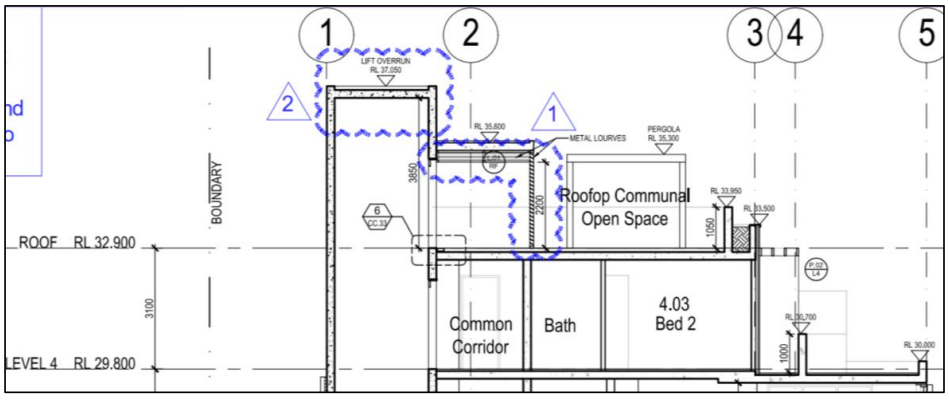


Figure 3 – Section BB Demonstrating the approved Building Height.

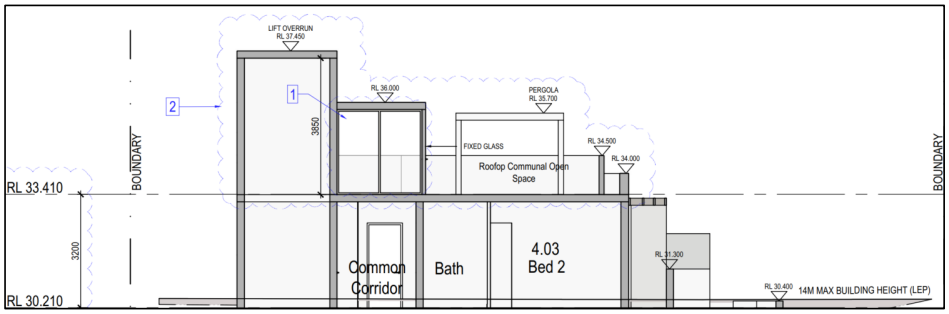


Figure 4 – Section B-B demonstrating proposed building height

The proposed height increase is necessary to accommodate essential building services, including fire safety systems, mechanical systems and electrical systems, which require additional ceiling space (see Figure 5). Specifically:

- **Sprinkler Systems and Building Services:** Since 2019, National Construction Code (NCC) updates mandate the installation of sprinkler systems in all apartments, requiring additional ceiling clearance to accommodate pipework. This is in addition to other services such as air conditioning ducts and electrical systems, which require sufficient space to ensure safe and effective operation.
- **ADG Ceiling Height Compliance:** The ADG requires a minimum 2.7m ceiling height for all habitable rooms, and the proposed 3.2m floor to floor heights ensures the ADG can be achieved as part of the construction of the development.
- **Simplification of Construction:** The increased ceiling height allows for better coordination of services and reduces the complexity of construction, thereby improving both the efficiency and cost-effectiveness of the project. The increase also ensures the avoidance of dropped ceilings or bulkheads, which can detract from the quality and usability of internal spaces.

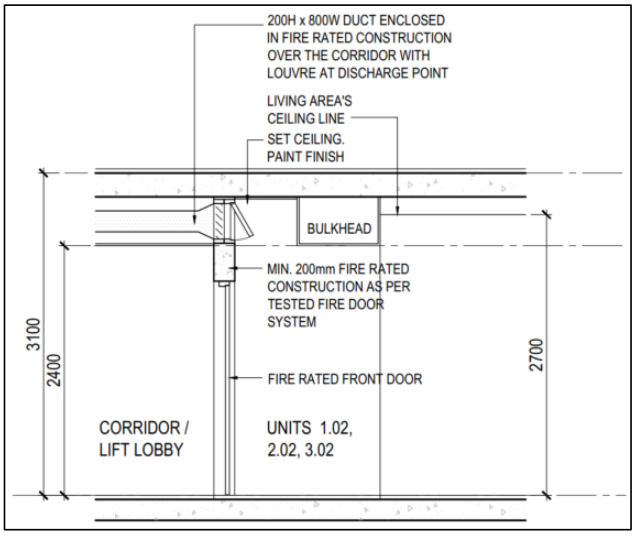


Figure 5 – Ventilation Plenum – Units 102, 202 and 303
Source: Bechara Chan & Associates

The proposed height increase is minor and justified by the modern construction and certification requirements. It will not result in adverse impacts on surrounding properties and maintains a high-quality residential outcome.

In justifying this minor increase to the building's height, with regard to the proposed height variation, a response to the objectives of the BLEP 2012 building height standard is set out in Table 3 below:

Table 3 – Assessment against objectives of BLEP 2012 clause 4.3

Objective	CPS Response
(a) to establish the maximum height of buildings to encourage medium density development in specified areas and maintain Burwood's low density character in other areas,	The increase in building height is required to accommodate the necessary ceiling height adjustments across all habitable levels, ensuring compliance with fire safety standards and modern building requirements. This modification does not undermine the intended transition to medium density development within the R1 General Residential zone. The development remains consistent with the goal of achieving medium density residential outcomes and continues to be aligned with the overall urban strategy for Burwood, as approved.
(b) to control the potentially adverse impacts of building height on adjoining areas.	The proposed height increase is minimal, with the addition of 400mm to the lift overrun and 510mm to the main roof, resulting in a total height increase that will not significantly affect surrounding properties. The changes will not result in an unreasonable loss of solar access, privacy or visual amenity. The lift overrun is located centrally and will not be prominently visible from the public domain, ensuring that the impact of the increased height on the streetscape and neighbouring properties remains insignificant.

The objectives of the building height standard will continue to be satisfied despite the proposed variation. The development remains consistent with the objectives of the R1 zone, which were previously considered by Council as part of the DA122/2018 assessment.

In summary, the proposed increase in building height is minor, reasonable, and acceptable on merit.

Clause 4.4 – Floor Space Ratio

The floor space ratio (FSR) for the site under Clause 4.4 of BLEP 2012 is prescribed as 2:1. The modified building now has a reduced GFA of 1,607.94m², resulting in an FSR of 1.65:1, which is a reduction from the approved FSR of 1.74:1 (GFA 1,697.19m²). This reduction in FSR indicates that the modified development is more-than-compliant with the development standard, and the proposed changes do not result in any significant increase in built form.

Clause 5.21 – Flood Planning

The finished floor level (FFL) of the ground floor is FFL 17.410 as per the approved development. Accordingly, the modified development continues to satisfy the provision provided under clause 5.21 of BLEP 2012.

4.4 Development Control Plans

4.4.1 Burwood Development Control Plan 2013

Section 4 of the Burwood Development Control Plan 2013 (BDCP 2013) outlines development controls for residential zone developments. As the site is within the R1 General Residential zone, Section 4 of BDCP 2013 applies to the development. The proposed modifications continue to align with these controls, and the adjustments will not affect the conclusions of the previous assessment.

4.5 Impacts on the Environment

The modified development remains substantially the same as the originally approved design. The impacts on both the built and natural environment, as well as the social and economic effects on the locality, were thoroughly evaluated as part of the initial approval process. The proposed modifications do not alter these findings.

The nominal increase in building height is essential to accommodate required floor level adjustments, ensuring compliance with updated construction standards and enhancing the internal amenity of the building. This adjustment will not result in a significant change to the building's visual impact from surrounding properties or the public domain.

The proposed modifications will positively contribute to the built environment by maintaining the architectural integrity of the development. The result will be a high-quality residential building that enhances the streetscape and overall amenity of the area.

Therefore, it can be confidently concluded that the proposed modifications will not result in adverse impacts on the built or natural environment nor create any negative social or economic consequences for the area.

4.6 Suitability of the site for the development

The proposed modifications are largely consistent with the approved development. All matters concerning the suitability of the site were considered in the original assessment, and the proposed changes do not alter these conclusions.

In summary, the site remains entirely suitable for the development as proposed, maintaining consistency with the previously approved residential flat building.

4.7 Public Submissions

Any public submissions received in response to the proposed modifications will be considered in accordance with Section 4.15 of the Environmental Planning and Assessment Act. The following factors will be taken into account:

- The stated and underlying objectives of the relevant planning controls
- The specific merits and circumstances that apply to the proposed development and the site
- The acceptable nature of the likely impacts of the proposal
- The suitability of the site in accommodating the proposed development
- The acceptable nature of the proposal when considering the wider public interest.

4.8 Public Interest

The modification is consistent or appropriate on merit with the planning controls of Burwood Council and aligns with the overall development objectives for the area. The proposed adjustments support the public interest by ensuring a high-quality residential development that complements the existing character and meets current construction standards. As such, the public interest remains well-served by the proposed modifications

5.0 Conclusion

The proposed modifications to the approved development have been thoroughly assessed against the relevant planning considerations. Based on this assessment, it is concluded that the proposed development is appropriate and warrants development consent for the following reasons:

- The modified development continues to be permissible within the R1 General Residential zone and aligns with the aims and objectives of this zone.
- The proposal, as modified, complies with the relevant provisions of both the Housing SEPP and the Apartment Design Guide (ADG). Consistency with the objectives of other applicable planning instruments and policies has been demonstrated.
- The proposed modifications will not result in excessive or unreasonable impacts on the surrounding environment or neighbouring properties.
- The development will not adversely affect the residents of the proposed development or surrounding sites.
- No matters have been identified that would justify refusal of the proposal on the grounds of being contrary to the public interest.
- The proposal is consistent with the planning controls for the site, and it will not negatively impact the future development potential of the surrounding area or the amenity of neighbouring properties. On the contrary, the development will result in significant positive impacts.
- The design respects the character of the local area and will set a high-quality precedent for the ongoing transition of this zone to a contemporary medium-density residential area.

The proposed modifications are deemed to have merit and will make a positive contribution to both the Burwood locality and the wider Burwood local government area. Therefore, it is recommended that Burwood Council supports and approves the modification to DA 122/2018.

The General Manager

Burwood Council
PO BOX 240
Burwood NSW 1805

Date: 26 March 2026

SEPP65 DESIGN VERIFICATION STATEMENT

For S4.55(2) modifications to DA approved residential flat building

Demolition of existing buildings and ancillary structures and construction of a new 5-storey Residential Flat Building, including 2 level car-parking basement.

DA Number: DA 122/2018
DA Determined: 5 May 2020
SITE ADDRESS: 106-108 Wentworth Road, Burwood 2134 Lot 1&2 IN DP 14074

In accordance with the SEPP, the following design verification is provided.

I, Kirapat Khangrang, am a qualified designer, being a registered Architect by the board of Architects in NSW (Registration No. 11950) and do hereby verify the following:

(a) that I have been responsible for the design of this residential flat development, and

(b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development are achieved for the residential flat building development.

KIRAPAT KHANGRANG | BArch (Hons), MArch (USyd)
Director
Registered Architect NSW No. 11950

Suite 6F, Level 6, 9-13 Redmyre Road Strathfield NSW 2135 Ph/Fax 9746 6993 info@bc-a.com.au
ABN 88 288 149 971

The General Manager

Municipality of Burwood Council
PO Box 240
Burwood NSW 1805

Date: 4th December 2025

RE: Response letter to Requested For Additional Information for S4.55(2) – DA. 2022.122

Project: PROPOSED 5 STOREY RESIDENTIAL FLAT BUILDING ABOVE BASEMENT PARKING
Site Address: 106-108 WENTWORTH ROAD BURWOOD 2134 LOT 1 & 2 DP 14074

Attn: Alastair Sim, Senior Assessment Planner

Bechara Chan & Associates Pty Ltd has prepared this response letter as an applicant to address the matters raised in the Requested For Additional Information letter on 23th July 2025 and Council's Team meeting on 29th September 2025. The issues outlined below have been carefully reviewed, and suitable resolutions have been incorporated into this resubmission, as detailed below.

URBAN DESIGN COMMENTS
The modification application has been reviewed by Council's Executive Urban Designer who has provided the following comments regarding the proposed modified design:
Built Form

The proposed modification to the approved development application mostly relates to the western portion of the site, where a water easement has constrained the original design. Although the initial intention was to redivert the easement, this has not been achieved due to unresolved issues. As a result, the applicant has revised the floor plan by chamfering the western part of the building to accommodate Sydney Water assets.

While this approach may be the most straightforward from a servicing perspective, it results in a compromised built form outcome. The revised design does not demonstrate a meaningful response to the surrounding context and fails to positively contribute to the character of the street and neighbourhood. A more creative and integrated design approach is encouraged to achieve a higher-quality architectural and urban design outcome. The chamfered form at the basement level is supported as it does not affect the built form neither the function of the basement levels.

Responses: The urban design responses have been outlined in the Urban Design Opinion and Letter of Support prepared by Urbanac.

As discussed in Council's team meeting, to ensure the revised façade design and drawings (Rev E) fully comply with Sydney Water's requirements, we have liaised with the Sydney Water assessor regarding the revised S4.55 Plan Rev E. The senior assessor has agreed in principle to the proposed development as shown in the drawings, as confirmed in the email correspondence.

Sydney Water's remaining comments relate to the relocation of the hydrant booster and the construction of the ramp. The revised drawings have been updated to address these requirements, and both items can be resolved through the Out-of-Scope Building Plan Approval application prior to commencing any construction activities, including excavation works on site.

Natural Ventilation

The cross-ventilation study provided is not accurate, as the accompanying table has not been updated and does not reflect the correct number of cross-ventilated units. In addition, the floor plans for Levels 1–3 incorrectly identify Units 1.02, 2.02, and 3.02 as cross-ventilated, when in fact they are not. Based on a detailed review, the total number of naturally cross-ventilated apartments in the proposed development is 10 out of 19, equating to 52%. This falls short of the minimum requirement outlined in Objective 4B-3 of the Apartment Design Guide (ADG), which requires at least 60% of units in a development to achieve natural cross ventilation. It is recommended that the design be amended to improve compliance with the ADG and ensure a greater proportion of units benefit from natural cross ventilation.

NOTE: No objections are raised to the proposed minor increase in building height.

Responses: Units 1.02, 2.02, and 3.02 are naturally cross-ventilated through ceiling bulkheads, as approved under the latest Section 4.55 consent.

As discussed, this matter has been already addressed with Council.

OSD TANK

Please clarify whether the OSD tank is being deleted or simply amended, as the proposed Basement 1 Plan does not show where it is located (unlike the previous approved Basement 1 plan). However, the tank is shown on the proposed stormwater plans.

NOTE: No objections have been raised to the proposed modified stormwater design by Council's Senior Development Engineer.

Responses: The OSD tank is proposed to be revised in accordance with the stormwater plans. Basement 1 has been updated to include a clear annotation for clarification.

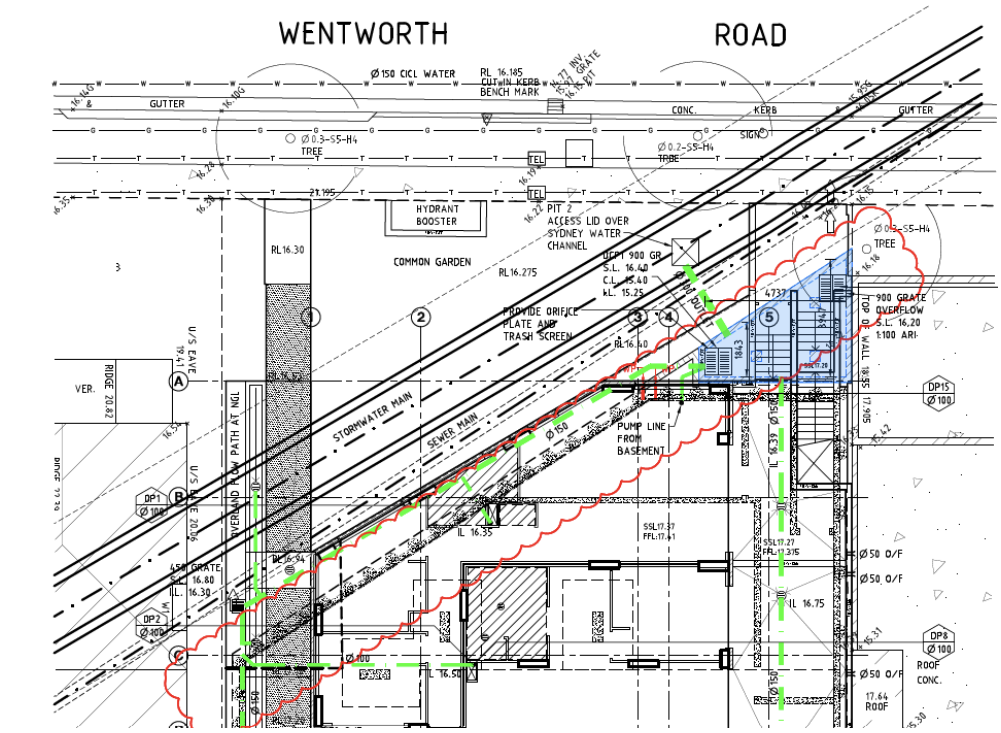


***Figure 1**: Amended Stormwater Plan – Ground floor drainage plan ISSUE 07*

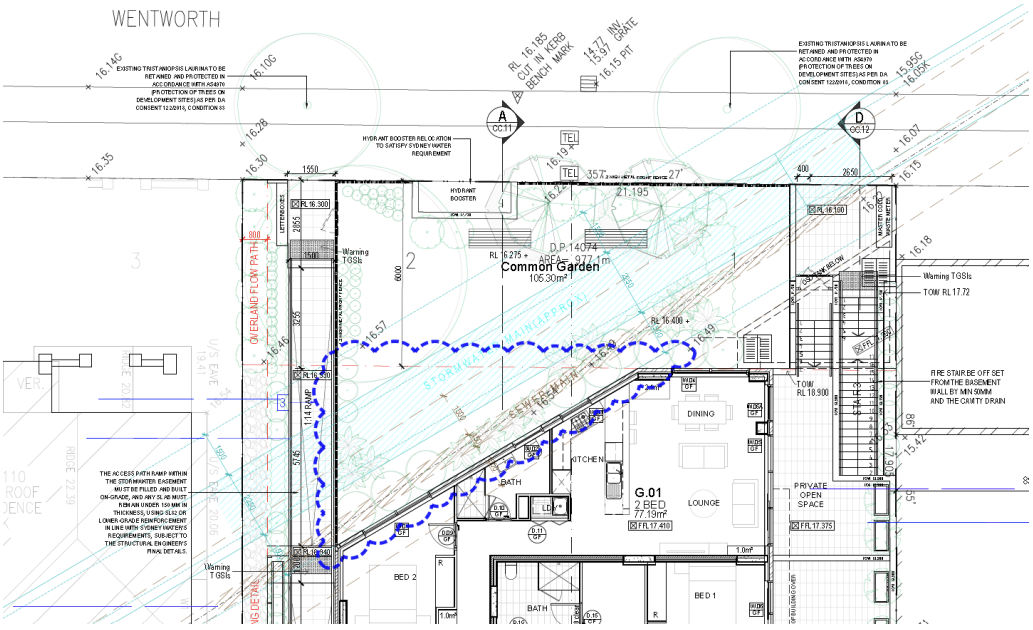


***Figure 2**: Amended Ground floor Plan S4.55.04 REV E – 21.11.2025*

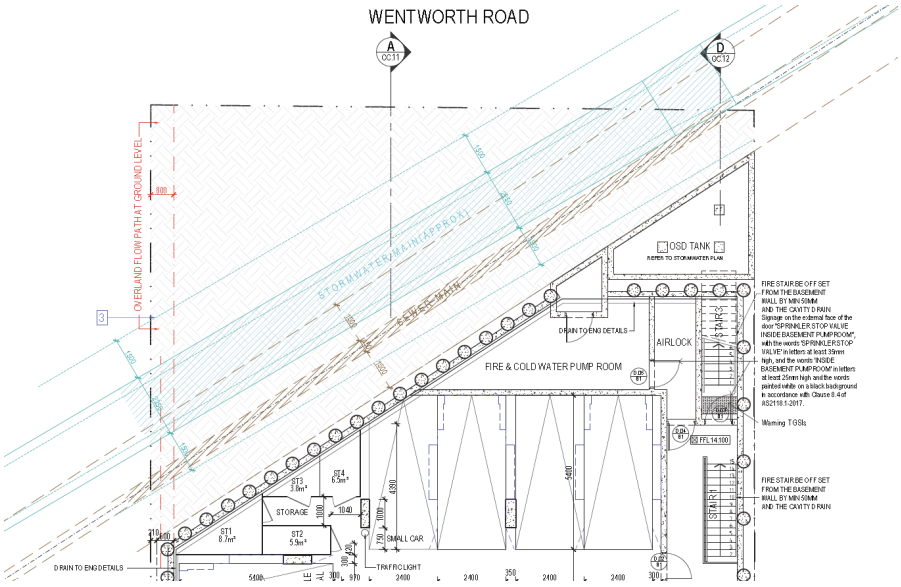


***Figure 3**: Amended Basement 1 Plan S4.55.03 REV E – 21.11.2025*

BUILDING SURVEYING COMMENTS

The storeroom door (ST1 on Basement 1 Plan) may be blocked during an emergency evacuation if a car is parked in the accessible resident car parking space. This poses a public safety risk and hazard. In addition, accessible car parking spaces must remain free from any impediments, including doorway. The storeroom door cannot open into an accessible car parking space – which is a non-compliance with AS1428.1-2009. It is necessary to reconfigure the access to ST1 to address this issue.

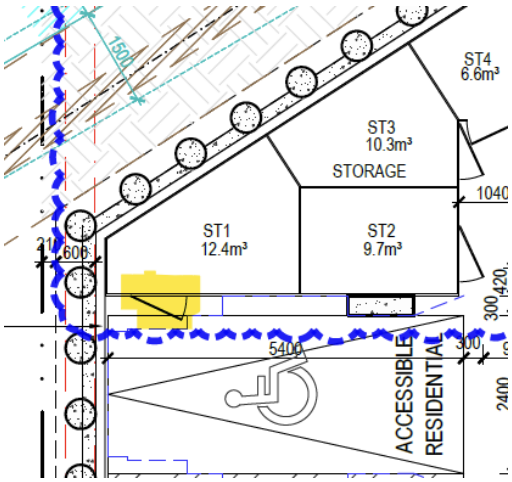


***Figure 4**: ST1 door on Basement 1 Plan S4.55.03 REV C – 02.05.2025*

Please provide revised design of the storerooms adjacent to the accessible resident car parking space, including but not limited to the doorway location

Responses: the storage on basement 1 has been amended to address this issue.

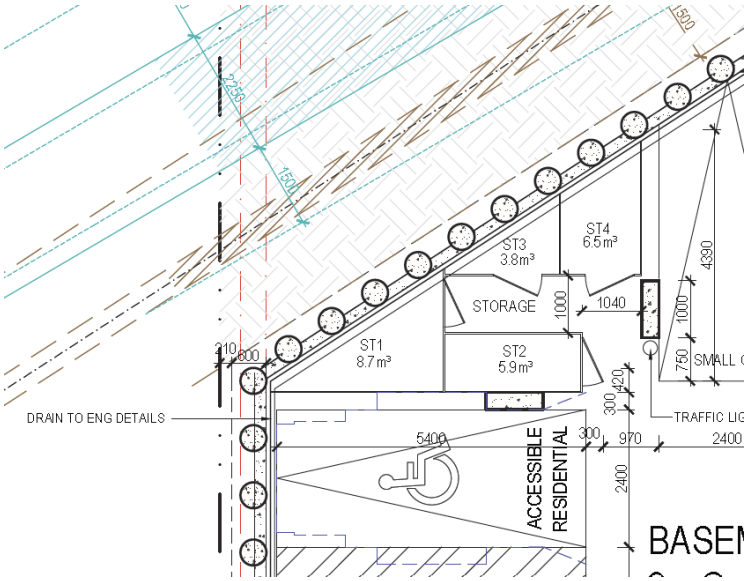


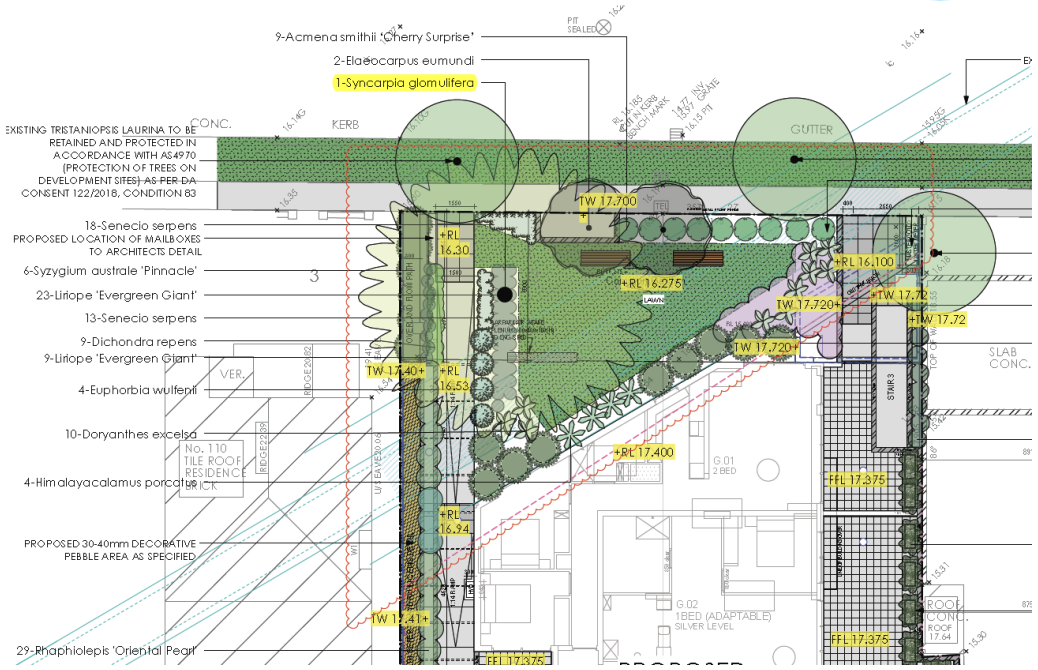
***Figure 5**: Amended ST1 door on Basement 1 Plan S4.55.03 REV E – 21.11.2025*

CHANGES TO LANDSCAPING

The removal of planter boxes along the northern edge of the terraces for Units G.01, G.02, and G.03 terraces and the perimeter planter bordering the rooftop communal open space is not supported by Council, as their removal would result in reduced amenity for residents and be contrary to urban greening and urban cooling objectives. Please revise the landscape plans to retain these landscaping elements.

Responses: The landscape plans have been amended to retain the planter boxes along the terraces of Units G.01, G.02 and G.03, as well as within the rooftop communal open space. The landscape architect has proposed reducing the planter box sizes to suit the selected plantings.

In addition to the recommendations from the Urban Design Letter of support, a large canopy tree "Turpentine" with a mature height of 25 m with 12m spread has been placed in the south-west corner of the site to address the urban design concern.



PLANTING SCHEDULE (ENTIRE PROJECT)

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
Acmena smithii 'Cherry Surprise'	Lillypilly	63	15lt	1000	2000
Bambusa textilis 'Gracilis'	Slender Weavers	20	35lt	1000	8000
Casuarina glauca 'Cousin It'	Cousin It	39	5lt	600	800
Dichondra repens	Kidney Weed	9	5lt	700	100
Doryanthes excelsa	Gymea Lily	10	15lt	1000	1500
Elaeocarpus eumundi	Quandong	2	15lt	4000	8000
Euphorbia wulfenii	Euphorbia	4	5lt	1000	800
Himalayacalamus porcatus	Nepalese Blue Bamboo	8	45lt	1200	4000
Liriope 'Evergreen Giant'	Giant Lilyturf	61	2.5lt	500	500
Rhaphiolepis 'Oriental Pearl'	Indian Hawthorn	29	5lt	1000	1000
Senecio serpens	Chalk Sticks	31	5lt	400	300
Syncarpia glomulifera	Turpentine	1	45lt	12000	25000
Syzygium australe 'Pinnacle'	Lillypilly	28	45lt	1500	4000
Trachelospermum jasminoides 'Variegatum'	Variegated Star Jasmine	20	5lt	1000	400
Viola hederacea	Native Violets	39	tube	600	300
Zamia furfuracea	Cardboard Plant	12	45lt	1000	2000

***Figure 6**: Amended Landscape Plan L-01 REV D – 03.12.2025*

Based on above responses provided, the new DA submission adequately addresses all outstanding information requests and shall be accepted for further formal assessment.

Yours Faithfully,

KIRAPAT KHANGRANG | BArch (Hons) MArch (Usyd)

Director
Registered Architect NSW No. 11950
Registered Design Practitioner – Architectural - DEP0003194
Member AIA No. 68830

Suite 6F, Level 6, 9-13 Redmyre Road Burwood NSW 2135 Ph/Fax 9746 6993 info@bc-a.com.au
ABN 88 288 149 971

The General Manager

Municipality of Burwood Council
PO Box 240
Burwood NSW 1805

Date: 24th March 2026

RE: Response letter to 2nd Requested For Additional Information for S4.55(2) – DA. 2022.122 dated 18.03.2026

Project: PROPOSED 5 STOREY RESIDENTIAL FLAT BUILDING ABOVE BASEMENT PARKING
Site Address: 106-108 WENTWORTH ROAD BURWOOD 2134 LOT 1 & 2 DP 14074

Attn: Alastair Sim, Senior Assessment Planner

Bechara Chan & Associates Pty Ltd has prepared this response letter, as the applicant, to address the matters raised in the 2nd Request for Additional Information letter dated 18 March 2026. The issues outlined below have been carefully reviewed, and suitable resolutions have been incorporated into this resubmission, as referenced in Architectural Drawings Revision F, 3Ds revised facade 24.03.2026 and the updated Stormwater Concept Drawings Sheet 10 issue 7, as detailed below.

RFI outstanding matters dated 18.03.2026	***Response***
URBAN DESIGN *The applicant has submitted an Urban Design Opinion and Letter of Support prepared by Urbanac Pty Ltd in support of the amended built form to the western portion of the site. The justification relies on the position that the chamfered form is an appropriate response to the Sydney Water easement and that the streetscape outcome can be addressed through landscaping and articulation.* *Having reviewed the amended documentation, it is considered that the matters raised in the previous urban design referral have not been adequately resolved, and the proposed amendments continue to raise concerns from an urban design perspective.* *The proposed modification relates to the western portion of the building where the Sydney Water easement has influenced the design. While it is acknowledged that the*	**Design Response to Council Feedback dated 20 March 2026** **1. Front Façade Presentation** The revised scheme has sought to improve the composition of the front façade through refined geometry and clearer articulation of building elements. Further refinement will be undertaken to enhance material transitions, depth, and visual interest, ensuring a more cohesive and resolved street presentation. The façade facing Oxford Street has been retained as per the DA approval, in response to the context of the heritage item. *ADG SEPP 65 Consideration:* The approach aligns with ADG Clause 3.3 and the Design Quality Principles, promoting a legible and well-proportioned street façade

easement and associated Sydney Water clearance requirements present servicing constraints and that the original intention to divert the easement has not been realised, the response adopted by the applicant results in a compromised built form outcome that prioritises servicing constraints over overall urban design quality. *The justification that the proposed chamfered form is acceptable due to variation within the existing streetscape is not supported. New development is expected to reinforce the spatial definition and continuity of the street. In this instance, the proposed form does not maintain a consistent street edge and does not provide a well-integrated response to the surrounding context.* *The chamfered form appears primarily driven by servicing constraints and does not achieve an appropriate relationship with the public domain. While landscaping is proposed to mitigate the recess, this does not sufficiently address the underlying built form considerations or resolve the building's interface with the street. For clarity, the chamfered form at the basement level remains supported, as it does not adversely affect built form expression or functionality. However, the application of this approach to above ground levels does not achieve a satisfactory urban design outcome.* *In summary, the amended design does not adequately address the issues raised in the previous urban design comments. A more integrated design response is required that resolves the servicing constraint while maintaining a consistent street alignment and a coherent built form outcome.*	that responds sensitively to heritage context and reinforces a strong sense of place.    **3D revised façade revision E 21.11.2025**







3D revised façade revision F 24.03.2026

2. Built Form and Articulation
In response to concerns regarding the overall built form, particularly at the ground and uppermost levels, the design will be further developed to:

- Introduce additional window openings om the façade to improve visual permeability and passive surveillance
- Strengthen horizontal and vertical articulation on Levels 1–4 to break down building mass, following the conversion of Units 1.01, 2.01, and 3.01 from two-bedroom to one-bedroom layouts.

	• Enhance the relationship between solid and void elements to achieve a more balanced façade composition. *ADG SEPP 65 Consideration:* These measures respond to ADG Clause 3.2, supporting a human-scale interface with the street and reinforcing clear legibility of building elements, as well as promoting visual interest and safety through passive surveillance.   **3D revised photomontage revision F 24.03.2026** **3. Uppermost Level Design** The uppermost level has been carefully considered in response to building separation requirements under the ADG. Notwithstanding this constraint, the design team will explore alternative massing strategies to: • Reduce the appearance of a "floating" or isolated form. • Integrate the upper level more cohesively with the levels below. • Maintain compliance intent while improving architectural expression, including potential partial non-compliance where it results in a superior design outcome. ADG SEPP 65 Consideration: The strategies reflect ADG Clause 3.4 regarding building height and scale, ensuring that the uppermost level responds to the streetscape

	and neighbouring urban context while maintaining solar access, privacy, and amenity outcomes. **4. Ground Floor Activation** The ground floor currently presents with a more solid expression. The design will be reviewed to incorporate: • Increased glazing and openings where feasible to improved engagement with the street and public domain. • Enhanced livability outcomes for occupants through better daylight access. ADG SEPP 65 Consideration: This responds to Clause 4.1, supporting active street frontages and human-scale interface, enhancing the public domain experience in line with SEPP 65 Design Quality Principles. **5. Floor Space Ratio (FSR) Utilisation** The current scheme adopts a conservative approach to FSR due to site and planning constraints. The design team will review opportunities to optimise the use of permissible GFA, while ensuring that any increase: • Maintains compliance with ADG and LEP/DCP controls where appropriate. • Does not compromise amenity, building separation, or design quality. • Extend the Level 4 external wall by 980 mm to restore the lost FSR and the two-bedroom layouts of Units 1.01, 2.01, and 3.01, while enhancing façade articulation on Levels 1–3. *ADG SEPP 65 Consideration:* The approach ensures that FSR utilisation supports high-quality design outcomes in accordance with Clause 3.1, balancing density with amenity, building separation, and overall design excellence.  **Area Calculation – S4.55.09, Revision F, dated 24 March 2026.**

6. View Analysis – Wentworth Road (Both Directions)

The proposal will not result in adverse visual impact when viewed from either direction along Wentworth Road. The building is moderated by the established street tree canopy and adjoining open space, which filter views and reduce perceived bulk. The chamfered wall condition is effectively broken up through articulation, ensuring it does not read as a continuous planar surface. Upper levels are expressed as recessive and lightweight, preventing any dominant or overbearing presentation within the streetscape.



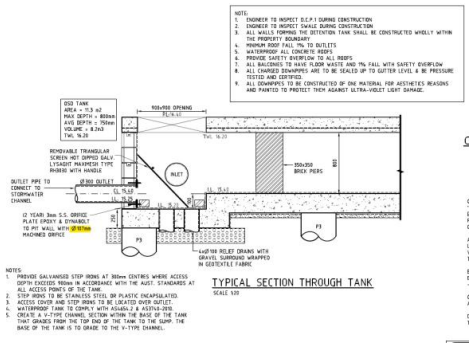
3D montage view from the northern side of Wentworth Road – Revision F, dated 24 March 2026.



3D montage view from the southern side of Wentworth Road – Revision F, dated 24 March 2026.

The built form demonstrates a compliant and well-resolved massing strategy that responds appropriately to its context. Articulation through recessed and projected elements, together with a clear base–middle–top composition, reduces perceived scale and avoids a monolithic outcome.

The uppermost level is successfully integrated through both material selection and built form expression, presenting as a lightweight and visually subordinate element. Its treatment ensures a cohesive architectural outcome while maintaining appropriate visual hierarchy.

	The material palette is deliberate and high quality, reinforcing architectural legibility, durability, and a cohesive streetscape character. Accordingly, the proposal achieves a high standard of design consistent with the objectives of SEPP 65 and the ADG, with no unacceptable impacts on the public domain.
OSD TANK *Council's stormwater engineers noticed some inconsistencies in stormwater drawing, 18MB7801/D10-Issue 6, as follows:* *The OSD orifice diameter being 107mm for 2 ARI, the drawing shows differently, 161mm at 'Section through OSD Tank"* *An updated drawing is required to address this issue.*	The updated Stormwater concept drawings has been addressed this issue. 
ADDITIONAL DESIGN SUGGESTION – HYDRANT BOOSTER *To improve the overall streetscape presentation of the development, consideration could be given to reorienting the hydrant booster so that it is positioned perpendicular to the street rather than parallel. This should be undertaken in accordance with Sydney Water's easement and clearance requirements.*	The hydrant booster has been relocated and integrated with the pedestrian entrance where practical and in compliance with hydraulic requirements. In the current scenario, it cannot be positioned or oriented within the overland flow path along the southern boundary; therefore, it must be installed perpendicular to the street to achieve other compliances.

In summary, the revised design has carefully addressed Council's feedback, with targeted improvements to façade presentation, built form articulation, uppermost level integration, ground floor activation, and FSR utilisation. Each amendment has been undertaken with consideration of ADG SEPP 65 Design Quality Principles to ensure a balanced outcome that respects the streetscape, enhances public domain interaction, and maintains high-quality residential amenity. We look forward to Council's review and are committed to further refinement where necessary to achieve a superior design outcome.

Yours Faithfully,

KIRAPAT KHANGRANG | BArch (Hons) MArch (Usyd)

Director
Registered Architect NSW No. 11950
Registered Design Practitioner – Architectural - DEP0003194
Member AIA No. 68830

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URBANAC

Urbanac Pty Ltd, ABN 76 144 49973, 30 / 5 Pyrmont Bridge Road, Camperdown NSW 2050 info@urbanac.com.au

1 December 2025

Nick Kirapat Khangrang
Bechara Chan & Associates Pty Limited
Suite 6f, 9-13 Redmyre Road, Strathfield, 2135

by email: kkhangrang@bc-a.com.au

Dear Nick,

Urban Design Opinion and Letter of Support – Proposed amendments to Development Application 122/2018 for 106-108 Wentworth Road, Burwood

At your request I have undertaken an urban design review of the proposed design amendments to Development Application 122/2018 for 106-108 Wentworth Road, Burwood, specifically the massing and design of the western part of the built form.

Background

The proposed modification to the approved development application mostly relates to the western portion of the site, where a diagonal water easement has constrained the original design. Although the initial intention was to redivert the easement, this has not been achieved due to unresolved issues. As a result, the design is being revised to accommodate the Sydney Water assets by reducing the western extent of the building and a Section 4.55 application was lodged in June 2025 to allow the design process to progress with the easement in place.

In the course of assessing the Section 4.55 application, four design options have been discussed with the Council. These have been based on chamfering the western frontage, with different articulation solutions. Feedback in relation to these options has led to a fifth option which is now being proposed and which is the subject of this urban design opinion.

Issues

While the option proposes a reduced floorplate and is therefore a lesser amount of development there is nevertheless a need to ensure the revised design relates positively to the Wentworth Street streetscape. The key issues are how the amended design (in comparison to the approved design):

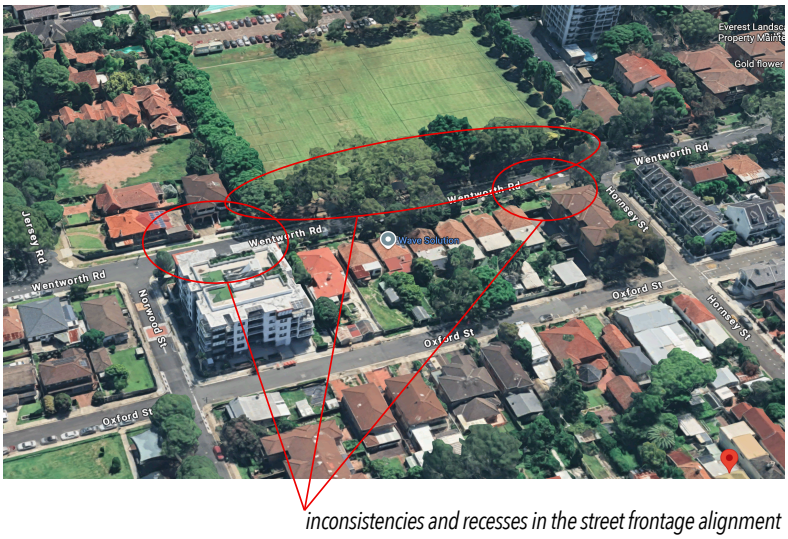
1. provides a meaningful response to the surrounding context and contributes positively to the street and neighbourhood
2. utilises the recessed space created in front of the western elevation to contribute to the streetscape
3. utilises materiality and articulation of the western elevation.

These are discussed below. The chamfering of the basement is not at issue.

URBANAC

1. Response to Context

The Wentworth Road Streetscape in the context of the site has a range of street frontage setback conditions.



inconsistencies and recesses in the street frontage alignment

Figure 1 Aerial view looking west showing context
(Source: Google)

Observations/Response:

- In the short-medium term, the current street frontage alignment of the detached dwellings provides a reasonably consistent streetscape between larger developments at each corner, but these corner developments do not maintain that alignment and there are larger front recesses on both sides of the street
- The eastern side of Wentworth Street (which includes the site) can be reasonably considered as an area in transition due to the absence of any heritage listings on this side of the street, together with the uplifts available to consolidating sites. Over time, it is reasonable to expect minor changes to the existing front setbacks as sites are consolidated and developed
- The large trees and playing fields opposite the site provide a break in the streetscape such that there is no street frontage alignment as such and therefore no consistency to the western side of the street in terms of frontages and alignments
- With the open space to the west having a line of trees along the street frontage opposite the site, and with the landscaping to frontages on the eastern side of the street, and a current predominantly one storey build form in the middle of the street, it is considered that landscaping rather than built form defines the streetscape in this block.
- Further setting back the western elevation (beyond that required by the easement) would tend to further dilute the consistency of the streetscape and is not supported

Recommendation:

- Given the generally low consistency of the street frontage alignment in the block, and the significant role of landscaping in defining the street in this block, it is considered that the additional setback being proposed in the revised design to accommodate the easement results in an acceptable streetscape.

URBANAC

2. Recessed Space

The stepping and/or chamfering of the western façade has the effect of expanding the area of open space along the Wentworth Road frontage.

Observations/Response:

- The provision of an open space in front of the building is an inevitability of the water easement
- Option 5 maintains an alignment close to the prevailing alignment of the streetscape at the northern side, and steps back to follow the water easement with the southern side of the building set back a further approximately 6m (compared to the north side)
- It is not unusual to step buildings back from a street frontage for a range of reasons, despite a prevailing street frontage alignment. Often this occurs to retain an existing canopy tree in a site frontage. Such a setback does not in my view in and of itself detract from a streetscape – it adds character and variety, often with the canopy tree providing a visual continuity of street frontage and streetwall heights. The design currently proposes a new tree in the triangular portion of the site west of the easement near the corner of the site. This tree is however comparatively small in the drawings
- The revised design still includes elements on the northern (left) side of the western frontage that maintains the predominant street frontage alignment.

Recommendation:

- It is not in my view necessary for the proposed building to be orthogonal to the street
- Placing a much bigger canopy tree in the southwest corner of the site is recommended. This is because, over time, such a tree will relate to trees opposite the site and fill in any perceived recess in the street frontage. Such a canopy tree will also provide benefits in terms of microclimate, urban tree canopy and habitat. It will also help to scale the building providing a more human scale to the street and reducing the overall visual bulk of the building behind. A native tree species with a final mature height 15-30m is recommended (subject to the input of a landscape designer) to completely fill the triangular space without causing issues for the easement. This would also ensure that landscape remains the dominant feature of the streetscape of Wentworth Road in this block.



Figure 2 Streetscape view looking north showing landscaping defining the streetscape
(Source: Google)

URBANAC

3. Materiality and Articulation

The Section 4.55 design as lodged modified the materiality of the approved elevation with the expansion of the rendered framing elements and a reduction of facebrick. The current option is a significant improvement to that original design in terms of the materiality and articulation, and is more authentic to the approved design despite a modified alignment.

Observations/Response:

- The original design composition included a grey rendered framing component with partly solid balustrades of facebrick and glass together with a facebrick element to the southwestern corner, providing an overall balanced composition.
- The amended design retains the basic materiality with a rendered component to the north (left) of the elevation, and the clear expression of a facebrick element at the southwestern (right) corner. It also maintains the balconies along the north that achieve ADG solar access
- Despite the realignment the elevation maintains good passive surveillance of the street and does not result in significant overlooking issues for adjacent sites, and despite the chamfer still functions well as the western elevation of the development and the street frontage.

Recommendation:

- The revised design materiality retains the key finishes and articulation of the approved design, but on a different chamfered alignment, and is supported in urban design terms.

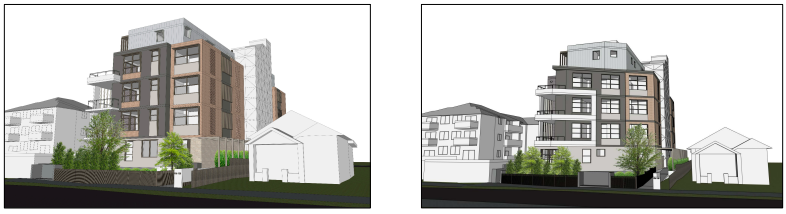


Figure 3 Side by side comparison – approved design (left) and proposed design (right)

Conclusions

Despite best efforts, it has not been possible to arrange the relocation of the easement. Given that constraint, the proposed amended design is considered to be a good urban design response for reason including:

- The revised design materiality retains the key finishes and articulation of the approved design, despite the different chamfered alignment
- There is a high degree of variation in the existing streetscape such that the chamfering of the built form and the space does not create any significant adverse impacts
- The revised design, with the planting of a canopy tree in the southwest corner, can maintain and enhance the dominant landscaped character of the streetscape.

If you have any questions, please do not hesitate to contact me.

Kind regards

Alan Cadogan, Director
Urbanac Pty Ltd, m: +61 400 906 383, e: alan@urbanac.com.au

Recommended Conditions of Approval

PART A - DEFERRED COMMENCEMENT CONDITIONS

Pursuant to Section 4.16(3) of the *Environmental Planning & Assessment Act 1979*, this consent will not operate until such time as the following requirements are satisfied:

1. EASEMENT REGISTRATION

The submission of documentary evidence that an easement has been registered over the title to the adjoining site (**Lot 2 DP 908463**) in favour of (the subject site – **Lot 1 DP 121878**) which accords with the location of the easement shown on STORMWATER CONCEPT PLAN GROUND LEVEL, PREPARED BY TELFORD CIVIL, PROJECT NO. 25133, DWG. NO. 103, ISSUE B, DATED 25.03.2026.

Reason: Stormwater disposal and statutory compliance.

2. DESIGN CHANGES (LANDSCAPE PLAN AMENDMENTS)

The submission of amended plans and documents for Council's approval which provide the following plan amendments:

a. The approved landscape plans shall be amended to ensure they are consistent with the stamped, approved architectural plans.

Reason: To allow for minor amendments to the approved plans as required by the consent authority (following assessment of the development).

3. DOCUMENTARY EVIDENCE OF COMPLIANCE

Written evidence that the matter/s identified above has been satisfied, must be submitted to Council within five (5) years from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 4.53(6) of the *Environmental Planning and Assessment Act 1979.*

Reason: Statutory Requirement.

4. OPERATION OF THIS CONSENT

This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent conditions above have been satisfied.

Reason: Statutory Requirement.

PART B – CONDITIONS OF CONSENT

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

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

Document Description	***Date***	***Plan No/Reference***
Architectural Plans (Amended)	25.03.2026	REVISION 02, PROJECT NO. 2430A, PREPARED BY BENSON MCCORMACK PTY LTD
Stormwater Concept Plans (Amended)	25.03.2026	ISSUE B, PROJECT NO. 25133, PREPARED BY TELFORD CONSULTING PTY LTD
Operational Waste Management Plan (Amended)	20.03.2026	REVISION E, REPORT NO. 707998, PREPARED BY ELEPHANTS FOOT CONSULTING. PTY LTD
Parking & Traffic Impact Assessment	31.10.2025	REF. 25-061-REP-1, PREPARED BY STANBURY TRAFFIC PLANNING
Preliminary Geotechnical Investigation Report	14.11.2025	REVISION 0, REPORT ID: G25074BUR-R01F, PREPARED BY GEO-ENVIRONMENTAL ENGINEERING
Landscape Plans	12.11.2025	ISSUE B, PROJECT NO. 25995, PREPARED MATTHEW HIGGINSON LANDSCAPE ARCHITECTURE PTY LTD
National Construction Code Report – Co-Living Development	12.11.2025	FOR 63 CONDER STREET, PREPARED BY DESIGN RIGHT CONSULTING
Statement of Compliance Access for People with a Disability (Access Report)	03.11.2025	JOB NO. 225079, PREPARED BY ACCESSIBLE BUILDING SOLUTIONS
Acoustic Design and Construction Advice report	06.11.2025	REVISION 1, 6908R001.WS.251103 , PREPARED BY ACOUSTIC DYNAMICS
Design Report	November 2025	FOR 63 CONDER STREET, PREPARED BY BENSON MCCORMACK PTY LTD

Plan of Management – Co-Living Housing	November 2025	FOR 63 CONDER STREET, PREPARED BY BENSON MCCORMACK PTY LTD
Site Waste Minimisation and Management Plan	November 2025	FOR 63 CONDER STREET, PREPARED BY BENSON MCCORMACK PTY LTD

2. **Inconsistency between documents.** In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

3. **National Construction Code.** All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code (BCA).

4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

   (a) Protect and support the adjoining premises from possible damage from the excavation, and;
   (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

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

6. **Hoardings.**
   (a) A hoarding or fence must be erected between the work site and any adjoining public place;
   (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

7. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

10. **Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (e.g. Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

11. **Road Opening Permit.** In accordance with the requirements of the Roads Act, the applicant must obtain consent (*Road opening Permit*) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.

12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

13. **Prescribed Condition – Co-Living Housing.** This section applies to development permitted under State Environmental Planning Policy (Housing 2021, Chapter 3, Part 3. It is a condition of the development consent that from the day on which an occupation certificate is issued for the development

    (a) The co-living housing must be managed in accordance with a plan of management by a managing agent who is contactable 24 hours a day, and;

    (b) Notice of a change to the plan of management must be given to the consent authority no later than 3 months after the change, and

    (c) Private rooms and communal living areas in the co-living housing must contain appropriate furniture and fittings, maintained in a reasonable state of repair, for the use of residents.

    Reason: *Prescribed condition under section 85 of the Environmental Planning and Assessment Regulation 2021.*

14. **Plan of Management.** Ongoing compliance is required with any approved Plan of Management. The operator of the co-living development is to review the stamped, approved Plan of Management at least annually, with any changes necessitated from the review not to be carried out without written approval of Council's Manager City Development.

    Any proposed amendments to the Plan of Management that conflict with any other condition of consent or require the modification of any other condition of consent may require the submission and determination of a further formal application (e.g. complying development certificate application, modification application or development application).

    Note: Council undertakes to not unreasonably withhold its approval and to respond to requests to amend in a timely manner.

    Reason: *To ensure the operational measures implemented protect the amenity of the local area, maintain the safety and security of patrons and staff and to facilitate ongoing minor changes to the Plan of Management.*

15. **Maximum Room Occupancy and Schedule.** The number of occupants accommodated in each co-living room shall not exceed **two (2) persons**.

A schedule identifying each co-living room by number and specifying the maximum number of occupants permitted in each room must be prepared and prominently displayed on the premises. All rooms must be numbered in accordance with this schedule, and the approved maximum occupancy for each room must be clearly displayed on or adjacent to the door of the room, or within the room itself.

16. **Building Management Contact and Responsibilities.** A clearly visible sign with the name and telephone number of the contact person responsible for the management of the co-living building must be displayed externally at the front entrance of the building. The Manager must be contactable 24 hours per day, 7 days a week. An on-site manager/management must be responsible for the operation, administration, cleanliness and fire safety of the premises, including compliance with the approved Plan of Management as well as an **Emergency Management and Evacuation Plan**.

17. **Landscaping – Ongoing Maintenance.** Landscaping to be maintained at all times following installation, including replacement of any plants that are dead, damaged, unhealthy or stolen, with like for like.

ENGINEERING CONDITIONS

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

19. A road-opening permit and/or construction permit shall be obtained for all works carried out on public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's **Schedule of Fees and Charges**. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of $20 million, and shall provide proof of such cover to the Principal Certifier prior to carrying out the works. Please see **Burwood Council's web site** **www.burwood.nsw.gov.au** - Go to Rates and Payments/ Works on Council Property/ Application for Works on Council Property

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

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

22. **Damage Deposit** - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc.) during building work **$35,213.00** (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/ excavation).

Note: This deposit is refundable if no damage occurs, for which a damage deposit refund application shall be lodged in Council after submission of occupation certificate.

23. **The following matters shall apply to the damage deposit listed in the Table of Fees:**

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

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

    c. The applicant shall lodge an application to the Council for a refund of damage deposit after obtaining an Occupation Certificate (OC). The OC must be formally submitted to Council prior to lodging the application for refund of damage deposit.

24. **Bulk Earthwork and Shoring Conditions:**

    a. The applicant shall prepare detailed survey reports of all existing service authority assets in and around the areas of the proposed development that may be affected in any way by the proposed excavation. Surveys should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.

    b. The applicant shall liaise with all relevant service authorities to satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets. A written consent shall be required where a service authority asset will be affected.

    c. The applicant shall strictly implement all erosion and sediment control measures prior to the commencement of excavation. Such measures shall be inspected at site by a competent practicing hydraulic/civil engineer and the PCA shall be provided with a compliance certificate in regard to that.

25. **Vehicular Crossing. The following matters apply to the construction of the proposed vehicular crossing:**

a. A new vehicular crossing to Conder Street shall be constructed by the Applicant/Council at the applicant's cost.

b. The vehicular crossing shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.

c. The redundant vehicular crossing shall be removed and replaced with kerb and gutter and footpath at no cost to Council.

26. All demolition and excavation materials are to be removed from the site and disposed of in compliance with any relevant environmental protection legislation.

27. The stormwater from the new roof and paved surfaces shall be collected and discharged by means of a gravity pipe to Council's street drainage system.

ENVIRONMENTAL HEALTH CONDITIONS

28. An Environmental Management Plan is to be submitted the Principal Certifier, prior to the commencement of any works, detailing the control and management methods to be implemented in addressing the following issues during the demolition, excavation and construction phases of the project:

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

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

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

TRAFFIC & PARKING CONDITIONS

31. A minimum of one (1) car share vehicle must be provided on-site and continually operated for the life of the development. The car share vehicle must be registered, insured, maintained, cleaned and visibly available for booking by eligible users (including residents of the development and other authorised members of the nominated car share scheme).

32. **Prior to the issue of any Occupation Certificate, the Applicant must submit to Council for approval** a Car Share Management Plan (CSMP) prepared by a suitably

qualified person. The CSMP must demonstrate how the car share vehicle(s) will be operated, maintained, insured, cleaned, booked and monitored, and include clear communication materials for residents. The CSMP must, at a minimum, address:

(a) Operator details: name of car share provider, contact details, roles/responsibilities, and contract/partnership arrangements.
(b) Vehicle details: make/model, fuel/EV status, registration, insurance (comprehensive including third-party liability), safety checks, and replacement procedures.
(c) Maintenance & cleanliness: scheduled servicing, safety inspections, cleaning frequency (interior/exterior), defect reporting and rectification timeframes.
(d) Booking system: platform/app/web access, account creation, eligibility, authentication, booking windows, cancellation rules, and accessibility provisions.
(e) Fees & charges: fee structure (hourly/daily/km), deposits/bonds (if any), late/cleaning/damage fees, and how pricing changes are communicated.
(f) User information: onboarding materials and resident guide covering how to book, fees, key rules, damage/incident reporting, contact numbers, and dispute resolution.
(g) Access & security: vehicle location, bay delineation and signage, key/card/app access, CCTV (if applicable), and measures to prevent misuse.
(h) Insurance & incident management: claim processes, accident/damage procedures, driver eligibility/licensing checks, and emergency response.
(i) Monitoring & reporting: utilisation, membership numbers, booking volumes, cancellations/no-shows, incidents, maintenance and cleaning logs, and customer feedback.
(j) Complaints & escalation: documented process with response SLAs and Council contact point for unresolved issues.
(k) Contingency arrangements: temporary vehicle replacement, alternative providers if the operator ceases, and steps to maintain uninterrupted service.
(l) Review cycle: annual review of performance, utilisation, pricing, and user feedback with proposed improvements.

33. All residents must be provided with clear information (digital and/or printed) explaining the car share system, booking instructions, fees, terms of use, and support contacts. A copy must be attached to the Car Share Management Plan (CSMP). Building Management must keep this information up to date and ready to produce to Council Officers if required.

34. **Prior to the issue of an Occupation Certificate** permanent signage must be installed indicating the car share parking space, operator branding (if applicable), booking instructions, and contact details. Signage must comply with relevant standards and be maintained for legibility.

35. **Prior to the issue of an Occupation Certificate:**
(a) A copy of the approved Car Share Management Plan (CSMP);
(b) evidence of a current service agreement with a car share operator;
(c) proof of vehicle registration and insurance; and
(d) photos confirming bay line-marking and signage.

Shall be provided to the Principal Certifier **prior to the issue of an Occupation Certificate.**

36. The car share space is to be for the exclusive use of co-living building occupants and is to be provided, managed and maintained by building management and be available 24 hours a day via online booking platform with which occupants of the building are likely to become familiar.

37. Any material changes to the operator, number of vehicles, booking system, pricing structure, location or access arrangements must be notified to Council in writing and, where relevant, an updated Car Share Management Plan (CSMP) must be submitted to Council for approval prior to implementation.

38. On an ongoing basis, Building Management must maintain records of vehicle servicing, cleaning, road safety incidents, utilisation and complaints. Upon request, provide Council with six-monthly reports demonstrating ongoing compliance with the Car Share Management Plan (CSMP).

39. All owners, tenants and occupiers of this development are not eligible to participate in any existing or proposed Council on-street Permit parking schemes.

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

41. A total of **1** car share off-street car parking spaces, **4** motorbike parking spaces, and **25** bicycle parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 2015 Parking Facilities Part 3: Bicycle Parking Facilities.

42. Of the required car parking spaces, at least 1 car space must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. Accessible car parking spaces must have a minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment.

43. At all times the car parking spaces, access driveways and turning bays must be kept clear of goods and must not be used for storage purposes, including garbage storage.

44. The size of vehicles servicing the property must be a **maximum length of 5.2m B99 vehicle.**

45. Any proposals for alterations to the public road, involving traffic facilities and/or parking restrictions, excluding the construction of a vehicular crossing, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Traffic Committee prior to any work commencing on site.

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

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

48. **A Construction Traffic Management Plan (CTMP)** must be submitted and approved by Council prior to the commencement of demolition and excavation or issuing of the Construction Certificate (whichever occurs first). The Construction Traffic Management Plan must be complied with at all times. The following matters should be addressed in the plan (where applicable):

    (a) A plan view of the entire site and frontage roadways indicating:

        i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and all vehicles in the frontage roadways.
        ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all vehicles on the site.
        iii) The proposed locations of work zones where it is not possible for loading/unloading to occur on the site in the frontage roadways (which will require separate approval by Council).
        iv) Location of any proposed crane and concrete pump and truck standing areas on and off the site (which will require separate approval by Council).
        v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
        vi) Traffic routes to and from the site from the closest arterial road in all directions.

    (b) Traffic control plan(s) for the site must be in accordance with the Roads and Maritime Services publication “Traffic Control Worksite Manual” and prepared by a suitably qualified person. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

49. All works carried out in conjunction with the development including during the course of demolition, excavation and construction must be implemented in accordance with the approved Construction Traffic Management Plan (CTMP) and/or approved permits from Council or any other Road authority.

50. Heavy vehicles approaching, entering and exiting the site must approach, enter and exit the site in accordance with the approved route(s) as set out in the Construction Traffic Management Plan (CTMP).

51. All heavy vehicles must comply with the approved CTMP, once heavy vehicles have exited the Burwood LGA via the approved routes stated in the CTMP, only State

Roads (Parramatta Road, The Boulevarde, Coronation Parade, Liverpool Road and Georges River Road) are permitted to be used on re-entry into Burwood LGA.

52. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity:

    a. Work zone.
    b. Temporary closure of roadway/footpath.
    c. Mobile crane or any standing plant
    d. Scaffolding/Hoardings (fencing on public land)
    e. Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc.
    f. Installation or replacement of private stormwater drain, utility service or water supply

WASTE MANAGEMENT

53. All building work, construction and demolition activities are to be conducted in accordance with the approved Site Waste Minimisation and Management Plan.

54. Upon disposal of any waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

    - The contact details of the person(s) who removed the waste
    - The waste carrier vehicle registration
    - The date and time of waste collection
    - A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
    - The address of the disposal location(s) where the waste was taken
    - The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

    Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

55. All operational and ongoing waste management is to be conducted in accordance with the approved Operational Waste Management Plan.

56. All waste shall be stored in the designated areas only.

57. Residential waste bin storage areas are to be:

    a. Supplied with both **hot and cold** water;
    b. Paved with impervious floor materials;
    c. Coved at the intersection of the floor and the walls;
    d. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;

e. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
f. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
g. Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.

58. Waste and recycling bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water being discharged to the sewer by way of the grated drain.

59. Access pathways for manual wheeling bins between storage areas and the collection vehicle parking location must be free of steps.

60. The owner or occupier of the premises must enter into and maintain a current agreement with a registered waste contractor for the regular collection of all waste and recyclable materials generated on the premises. A copy of the agreement must be kept on site at all times and produced to an authorised Council Officer upon request.

DEMOLITION & EXCAVATION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

61. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:

(a) Council must be notified of the following particulars:
(i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
(ii) The date the work is due to commence and the expected completion date

(b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.

62. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

63. **Excavation**
(a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.

(b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The

applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

64. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Work Cover New South Wales.

65. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

66. **Waste management plan.** Demolition material must be managed in accordance with the approved Site Waste Minimisation and Management Plan.

67. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

68. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

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

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

70. **Long Service Levy** – Before the issue of the relevant construction certificate, the long service levy of **$11,737.00** as calculated at the date of this consent, must be paid to the Long Service Corporation of Council under the *Building and Construction Industry Long Service Payments Act 1986*, section 34, and evidence of the payment is to be provided to principal certifier. Link: https://longservice.my.site.com/bci/s/levy-calculator.

71. **Damage Deposit** - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc.) during building work **$35,213.00 (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)**

    NOTE: This deposit is refundable if no damage occurs.

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

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

72. **Developer Contributions.** Pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Burwood Local Infrastructure Contributions Plan 2024*, the following monetary contribution towards public services and amenities is required for land outside the Burwood Town Centre:

Contribution Element			**Contribution**
A levy of **1%** of the cost of carrying out the development, where the cost calculated and agreed by Council is **$4,695,098.00.**			**$46,950.98**
Index Period	September 2025	**CPI_1**	143.9

Office Use: T49

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

The contribution will be adjusted in accordance with the following formula:

Contribution (at time of payment) = $\frac{C \times CPI_2}{CPI_1}$

Where:

C: the original contributions amount as shown in the development consent;

CPI_2 the Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter

CPI_1 the Consumer Price Index: All Groups Index for Sydney, applied at the time of granting the development consent as shown on the development consent.

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

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

Council may accept works in kind or other material public benefits in lieu of the contribution required by this condition subject to and in accordance with the requirements specified in the Section 7.12 Contributions Plan.

Note: The payment of a Section 7.12 contribution over an amount of $5,000 may only be paid by Bank Cheque (i.e. personal or company cheques will not be accepted). Contributions of $5,000 or less may be paid by cash, EFTPOS, cheque or credit card. Payments by credit card may be subject to a surcharge.

A copy of Council's *Burwood Local Infrastructure Contributions Plan 2024* is available on Council's website http://www.burwood.nsw.gov.au.

73. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

74. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements **prior to the release of the Construction Certificate**.

75. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to www.sydneywater.com.au/tapin to apply.

76. **EV Charging.** All car parking spaces must have the necessary capacity for cabling and associated infrastructure installed to enable an electric vehicle (EV) charger to be installed. This must be verified by the Principal Certifier, **prior to the issuing of a Construction Certificate.**

77. **Screening of hydrant booster pump and fire service equipment.** All hydrant booster pump and fire service equipment shall be provided in accordance with the Building Code of Australia and housed within an enclosed cupboard of a design and finish that enhances the streetscape and complements the building. Enclosure doors must not swing open over the public footpath.

    Details of these areas and the enclosures are to be assessed by an Accredited Fire Safety Engineer and shall comply with the performance requirements of the Building Code of Australia; shown on plans and submitted to the Principal Certifying Authority **prior to release of a Construction Certificate.**

78. **Adequate lighting**. Plans detailing external lighting must be prepared by a suitably qualified person. The lighting plan must be consistent with the approved plans and documents, and the following requirements:

    (a) Comply with AS 1158: Lighting for Roads and Public Spaces;
    (b) Comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting
    (c) Lighting must be placed at all entrances to, and exits from the premises
    (d) Lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;
    (e) Lighting must not interfere with traffic safety;
    (f) Lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
    (g) External lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.

    The lighting plan must be submitted to the Principal Certifier **prior to the issue of a Construction Certificate**

79. **The doors of the residential entry foyer to the building** are to be security grade features and are to be appropriately security keyed to ensure the personal safety and security of residents of the development. An intercom system linked to the manager room and each co-living room is to be included in these security arrangements. Details are to be submitted to the Principal Certifier **prior to the issue of a Construction Certificate.**

80. **External gas water heaters** are to be located in recessed enclosures within external walls and are to be located so as to be not visible from a public road or place or adjoining property. Similarly, air conditioning units and plant are to be located so as not to be visible from a public road or place or adjoining property. Details are to be submitted to the Principal Certifier **prior to the issue of a Construction Certificate.**

81. **CCTV cameras** shall be installed externally and internally within the building so that they can survey (at a minimum) the main pedestrian entry pathway, entry door and mailboxes; the vehicular driveway; and the internal ground floor car parking and waste storage area.

    The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required. Details are to be submitted to the Principal Certifier **prior to the issue of a Construction Certificate.**

82. **Performance Requirements.** All identified non-compliance with the Deemed to Satisfy provisions must be addressed through a Performance Solution demonstrating compliance with the applicable Performance Requirements of NCC 2022 Volume One. The Performance Solution is to be prepared by a suitably qualified professional and submitted to the PCA for approval **prior to the issue of the Construction Certificate.**

83. **Access Report.** All recommendations outlined in the approved Access Report must be incorporated into the design and documentation at the Construction Certificate stage. The Principal Certifying Authority (PCA) must verify compliance **prior to issuing the Construction Certificate.**

84. **Acoustic Treatment.** All recommendations relating to noise suppression and control measures contained within the Acoustic Design and Construction Advice report prepared by ACOUSTIC DYNAMICS, dated 6 November 2025 (Report No. 6908R001.WS.251103), must be incorporated into the development. Evidence demonstrating compliance is to be submitted to the Principal Certifier **prior to the issue of a Construction Certificate.**

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

85. **Notification – Prior to Commencement of Works:** Prior to the commencement of building work, the following is to be carried out:-

    a. Submit to Council a "Notice of Intention to Commence Building Work and Appointment of a Principal Certifier" form. Council's "Notice of Intention to Commence Building Work and Appointment of a Principal Certifier" form is to be used where application is made to Council.
    b. Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available on request. (Vide Section 6.6 (81A) *Environmental Planning & Assessment Act 1979*)

86. **Site Sign**
    (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
        (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
        (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
        (iii) stating that unauthorised entry to the work site is prohibited.

    (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

87. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

88. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

    (a) in the case of work for which a principal contractor is required to be appointed:
        (i) the name and licence number of the principal contractor; and
        (ii) the name of the insurer by which the work is insured under Part 6 of that Act.

    (b) in the case of work to be done by an owner-builder:
        (i) the name of the owner-builder; and
        (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

    If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

89. **Excavation adjacent to adjoining land**
    (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
    (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
    (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

90. **Dilapidation Report – Pre-Commencement.** Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier.

    Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties.
    No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to the principal certifier at the same time.

    Reason: Protection of adjoining properties.

91. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.

92. **Dial Before You Dig**. A free national community service to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use every day – electricity, gas, communications and water

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

    The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a backyard renovator, an individual tradesman or an professional excavator, the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

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

    a. Must be a standard flushing toilet, and
    b. Must be connected

        (i) To a public sewer, or
        (ii) To an approved chemical closet facility

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

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

94. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000.*

95. **Noise from construction work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction work.

96. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

97. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

98. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
    (a) Fill is allowed under this consent;

(b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997;*
(c) the material is reused only to the extent that fill is allowed by the consent.

99. **Construction materials.** All materials associated with construction must be retained within the site.

100. **Site Facilities**
The following facilities must be provided on the site:
(a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
(b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

101. **Site maintenance**
The applicant must ensure that:
(a) approved sediment and erosion control measures are installed and maintained during the construction period;
(b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
(c) the site is clear of waste and debris at the completion of the works.

102. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 “Traffic Control Devices for Work on Roads”.

103. **Consent Documents Available On Site.** At all times during the construction, a copy of the development consent and approved stamped plans are to be kept on site. These documents are to be made available to any Council Officer as requested.

Reason: *Development consent enforcement.*

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

104. **Fire Safety:** A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.

105. **Works as Executed:** Following completion of all drainage works:

    a) Works-as-executed plans, prepared and signed by a registered surveyor, shall be prepared. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the works during construction.

    b) The Principal Certifying Authority is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that all stormwater drainage and related work has been constructed in accordance with the approved plans and consent conditions as shown on the work-as-executed plans, prior to the issuing of an Occupation Certificate.

106. **Identification Survey Report:** Prior to the issuing of an Occupation Certificate, A report by a registered surveyor must be submitted to the Principal Certifier verifying that the height of floor structures at each level, the height of external walls, the height of roof structures/roof eaves overhangs and that the external wall setbacks to the property boundaries all conform with the approved plans.

107. **Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. The compliance certificate also identifies any applicable Infrastructure Contribution charges. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before a Subdivision Certificate will be issued for the relevant building works approved under

108. **EV Charging.** All car parking spaces within the approved basement carpark must have the necessary capacity for cabling and associated infrastructure installed to enable an electric vehicle (EV) charger to be installed. This must be verified by the Principal Certifier, **prior to the issuing of an Occupation Certificate.**

109. **Acoustic Treatment. Prior to the issue of an Occupation Certificate**, a suitably qualified acoustic consultant must provide certification confirming that all recommendations outlined in the Acoustic Design and Construction Advice report prepared by ACOUSTIC DYNAMICS, dated 6 November 2025 (Report No. 6908R001.WS.251103), have been fully implemented.

110. **Prior to the issue of any Occupation Certificate**, the Principal Certifier must be satisfied all landscape and tree works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.

Reason: *To ensure landscaping/tree works are completed satisfactorily.*

111. **Post-Construction Dilapidation Report.** Prior to the issue of an occupation certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Principal Certifier, detailing whether:

    (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
    (b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and
    (c) a copy of the post-construction dilapidation report must be provided to Council and to the relevant adjoining property owner(s).

    Reason: *Protection of adjoining properties.*

112. **Building Name and Street Number.** Prior to issue of the Occupation Certificate, the building name and street number (at least 150mm in height) of the development shall be clearly displayed at the entry outside the development, with suitable illumination for after- hours recognition. Room numbers shall also be clearly identified within the development.

End of Conditions

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DEVELOPMENT APPLICATION

PROJECT:
63 CONDER ST, BURWOOD NSW 2134

CLIENT:
Meduri Ragonese Partnership
122 Tennyson Road
Tennyson Point NSW 2111

DATE:
25/3/26

Amended Architectural Plans and Landscape Plans

	Layout ID	Rev	Layout Name	Scale
GENERAL				
	000-001	02	Title Sheet	
	000-002	02	Index	
	000-003	02	Project Compliance Summary	
SITE INFORMATION				
	001-001	01	Location Plans	
	001-002	01	Site Context Plans	
	001-003	01	Site Photographs	
	001-004	01	Site Survey	1:200
	001-005	01	Site Controls - BLEP 2012	
	001-006	01	Site Analysis Constraints	
	001-007	01	Site Analysis Opportunities	
	001-008	01	Site Analysis Setbacks	
	001-009	01	Site Analysis - View Coridors	
	001-012	02	Site Plan	
SITE WORKS				
	010-001	01	Demolition Plan	1:200
GENERAL ARRANGEMENT PLANS				
	110-001	02	Basement 01 GA	1:200
	110-002	02	Ground Level GA	1:200
	110-003	02	Level 1 GA	1:200
	110-004	02	Level 2 GA	1:200
	110-005	02	Roof GA	1:200
GENERAL ARRANGEMENT ELEVATIONS				
	120-001	02	North Elevation	1:200
	120-002	02	East Elevation	1:200
	120-003	02	South Elevation	1:200
	120-004	02	West Elevation	1:200
GENERAL ARRANGEMENT SECTIONS				
	130-001	02	Section AA & BB	1:200
	130-002	02	Section CC & DD	1:200
COMMON AREAS				
	601-001	01	Boundary Interface	
	601-002	01	3D Diagram COS	
BUILDING ENVELOPE				
	700-000	02	Height Plane 3D	
LANDSCAPE AND DEEPSOIL				
	701-001	02	DEEP SOIL	1:200
	701-002	02	COMMUNAL OPEN SPACE	1:200
SHADOW DIAGRAMS				
	702-001	01	JUNE 21 - (09:00 - 12:00)	1:500
	702-002	01	JUNE 21 - (13:00 - 15:00)	1:500
	702-003	01	JUNE 21 - (09:00 - 12:00)	
	702-004	01	JUNE 21 - (13:00 - 15:00)	
SOLAR ACCESS				
	703-001	02	JUNE 21 (09:00 - 12:00)	
	703-002	02	JUNE 21 - (13:00 - 15:00)	
	703-003	02	MAR/SEP 21 - (09:00 - 12:00)	
	703-004	02	MAR/SEP 21 - (13:00 - 15:00)	
GFA DIAGRAMS				
	710-001	02	Sheet 01	1:200
	710-002	02	Sheet 02	1:200
CONCEPT DIAGRAMS				
	730-001	02	Access	1:200
	730-002	02	Waste Management	1:200
EXTERNAL FINISHES				
	800-001	01	Finishes	
	800-002	01	Finishes	
APARTMENT				
	811-001	01	Co-Living Room Types	1:100
PERSPECTIVES				
	900-001	01	CGI	



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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
GENERAL
Index

DRAWN LS | SCALE @A3 | NORTH

DRAWING No
DA-000-002

REV
02

63 CONDER STREET, BURWOOD

CO-LIVING DEVELOPMENT (HOUSING SEPP2021)

AREA AND ACCOMMODATION SCHEDULE

DATE : 18.03.2026
REV : 03

BURWOOD LEP 2012

SITE AREA	841.0	m²	
MAX. FSR	0.850	:1	
MAX. GFA	**714.9**	m²	
MAX. HEIGHT	**8.5**	m	
ZONING	**R1**	GENERAL RESIDENTIAL	
HERITAGE	**NA**	ADJOINS 186 GENERAL ITEM	
MIN. LOT SIZE	**400.0**	m²	
ACID SULPHATE	**CLASS 5**		

HOUSING SEPP (CHAPTER 3 - DIVERSE HOUSING, PART 3 - CO-LIVING)

MAX. FSR (+10%)	0.935	:1					
MAX. GFA	**786.3**	m²					
MIN. LOT SIZE	**800.0**	m²					
COMMUNAL OPEN SPACE (COS)	**168.2**	m²	20% REQ	**258.0**	m²	30.7% PROVIDED	
COMMUNAL LIVING AREA	**58.0**	m²	30m² +2m²	**79.4**	m²	21.4 m² ADDITIONAL PROVIDED	AT LEAST 3 HOURS DIRECT SOLAR ACCESS ON 21 JUNE
CAR PARKING	**0.2**	PER ROOM IN ACCESSIBLE AREAS		SEE BELOW			
	0.5	PER ROOM IN OTHER LOCATIONS					
MOTORCYCLE PARKING	**ADEQUATE**	REFER TO DCP					
BICYCLE PARKING	**ADEQUATE**	REFER TO DCP					

BURWOOD DCP 2023

ACTIVE STREET FRONTAGE	**N/A**					
MIN. LOT SIZE		AS PER HOUSING SEPP				
MIN. SITE FRONTAGE	**17.0**	m				
DEEP SOIL	**84.1**	10% OF SITE AREA	**108.7**	m²	12.9% PROVIDED	
DEEP SOIL MIN. DIMENSIONS	**3.0**	m	**152.6**	m²	(<3.0m) PROVIDED	
DEEP SOIL w Permeable Paving			**65.8**	m²		
COMMUNAL OPEN SPACE (COS)		AS PER HOUSING SEPP 2021	50% OF COS IS REQUIRED TO RECEIVE 2 HOURS DIRECT SUNLIGHT ON 21 JUNE			
COMMUNAL LIVING AREA		AS PER HOUSING SEPP 2021				
WASHING MACHINE/DRYER	**1.0**	FOR EVERY 8 ROOMS				
LARGE LAUNDRY TUB	**1.0**	FOR EVERY 8 ROOMS				
PRIVATE OPEN SPACE	**1.0**	m	MIN. DIMENSION	ROOMS ALONG THE FRONT ELEVATION MUST HAVE		
	2.0	m²	MIN. AREA			

SETBACKS

FRONT	**PREDOMINANT STREET SETBACK or 6**	m	whichever is greater
SIDE (at least 3 storeys)	**AS PER ADG**		
REAR (at least 3 storeys)	**AS PER ADG**		

AWNINGS

CONDER STREET	**N/A**	m

SITE AMALGAMATION

MIN FRONTAGE WIDTH	17.0	m

PARKING (PART 9.3)

CO-LIVING	0.2	PER ROOM	(AS PER HOUDING SEPP)	**4.0**
MOTORCYCLE (BOARDING)	1.0	PER 5 ROOM		**4.0**
BICYCLE (BOARDING)	1.0	PER 5 ROOM		**4.0**
LOADING	0.2			

WASTE
CO-LIVING HOUSING

GENERAL (RED)	60.00 L/OCCUPANT/WEEK
RECYCLE (YELLOW)	60.00 L/OCCUPANT/WEEK
ORGANIC (GREEN)	N/A

LEVEL	USE	FLR/FLR	AHD	GBA (m²)	GFA (m²)	SINGLE	DOUBLE	TOTAL	NLA (m²)	PARKING*	BICYCLE	M.CYCLE	COS m²	COM. LIVING m²
LIFT OVERRUN			33.25		0.0									
L02	CO-LIV	3.20	**29.25**		239.9	0	7	**7**	0.0					
L01	CO-LIV	3.20	**26.05**		258.7	0	8	**8**	0.0					
GROUND	LOBBY / COS / COM. LIVING / CO-LIV	3.20	**22.85**		236.2	0	5	**5**	0.0	1	4	4	258.0	79.4
B1	LDRY / STR / HWP-CWPR / WASTE ROOM	2.80	**20.05**		33.6									
TOTAL				0.0	**768.4**	**0**	**20**	**20**	**0.0**	**1**	**4**	**4**	**258.0**	**79.4**
				0.0%		**0.0%**	**100.0%**		0.0%	NB*-			**30.7%**	**137%**
PROPOSED FSR				EFF.	**0.914**	**:1FSR**			EFF.	1X CAR SHARE = 5X SPACES				
					-17.9									
MAX. NUMBER OF OCCUPANTS						**0**	**40**	**40**	OCCUPANTS					

PARKING	SINGLE	DOUBLE	VISITOR	TOTAL REQ	Total Provided	
HOUSING SEPP PARKING RATES (0.2 SPACES / ROOM)	0.2	0.2				
PARKING REQ.	**0.0**	**4.0**		**4.0**	**1.0**	shared car
BURWOOD DCP 2023 PARKING RATES (RETAIL/BUSINESS 1/25M²)						
PARKING REQ.						
BURWOOD DCP 2023 BICYCLE RATES (BOARDING - 1/5 ROOMS)	0.2	0.2				
BICYCLES REQ.	**0.0**	**4.0**		**4.0**	**25.0**	bicycles
BURWOOD DCP 2023 MOTORCYCLE RATES (BOARDING - 1/5 ROOMS)	0.2	0.2				
MOTORCYCLES REQ.	**0.0**	**4.0**		**4.0**	**4.0**	motorcycles

WASTE GENERATION RATES (BURWOOD DCP 2023)	SINGLE	DOUBLE		
CO-LIVING WASTE GENERATION (60 LITRES /OCCUPANT / WEEK)	60.0	60.0		
TOTAL CO-LIVING GENERAL WASTE PER WEEK	0.0	2400.0		
ASSUME 660 LITRE BINS COLLECTED TWICE WEEKLY	**0.0**	**1.8**	2	x660
CO-LIVING RECYCLING GENERATION (60 LITRES / OCCUPANT / WEEK)	60.0	60.0		
TOTAL CO-LIVING RECYCLE WASTE PER WEEK	0.0	2400.0		
ASSUME 660 LITRE BINS COLLECTED TWICE WEEKLY	**0.0**	**1.8**	2	x660
CO-LIVING FOGO WASTE GENERATION (25 LITRES / UNIT / WEEK)	25.0	25.0		
TOTAL CO-LIVING FOGO WASTE PER WEEK	0	500		
ASSUME 240 LITRE BINS COLLECTED WEEKLY	0	2.1	2	x240

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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

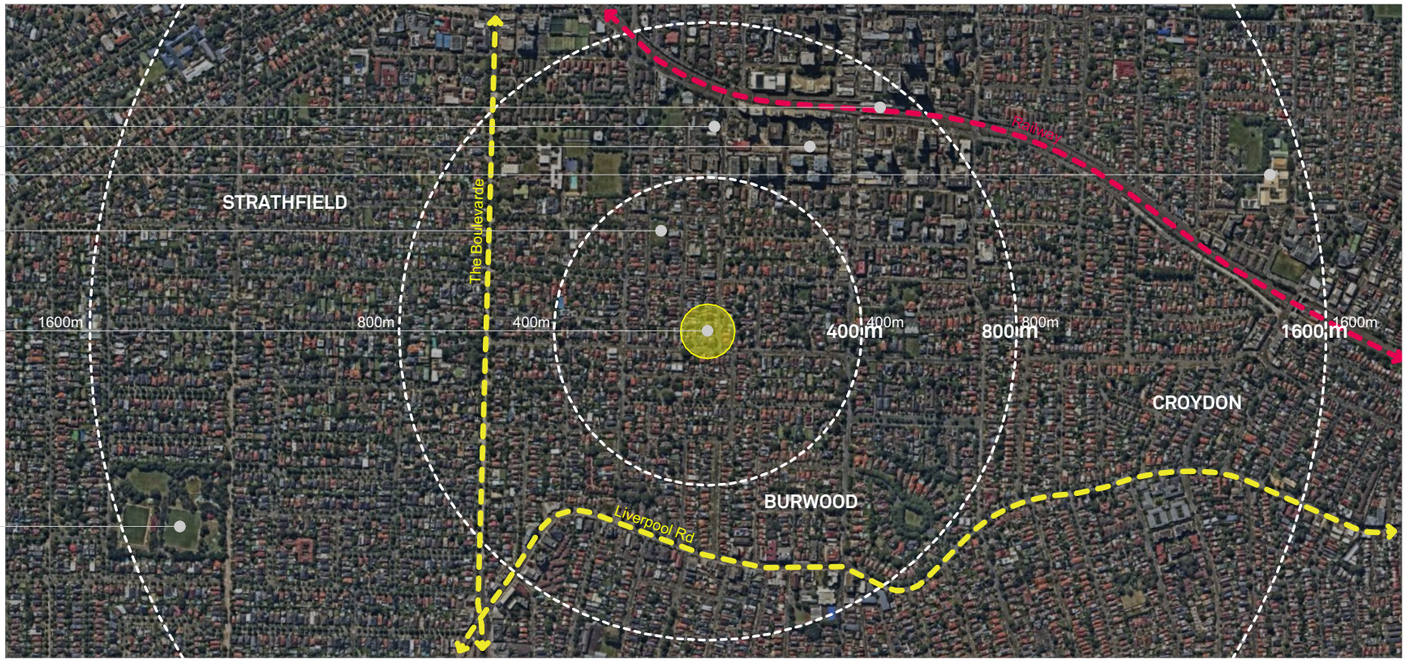
PROJECT STATUS
DA

DRAWING TITLE
GENERAL
Project Compliance Summary

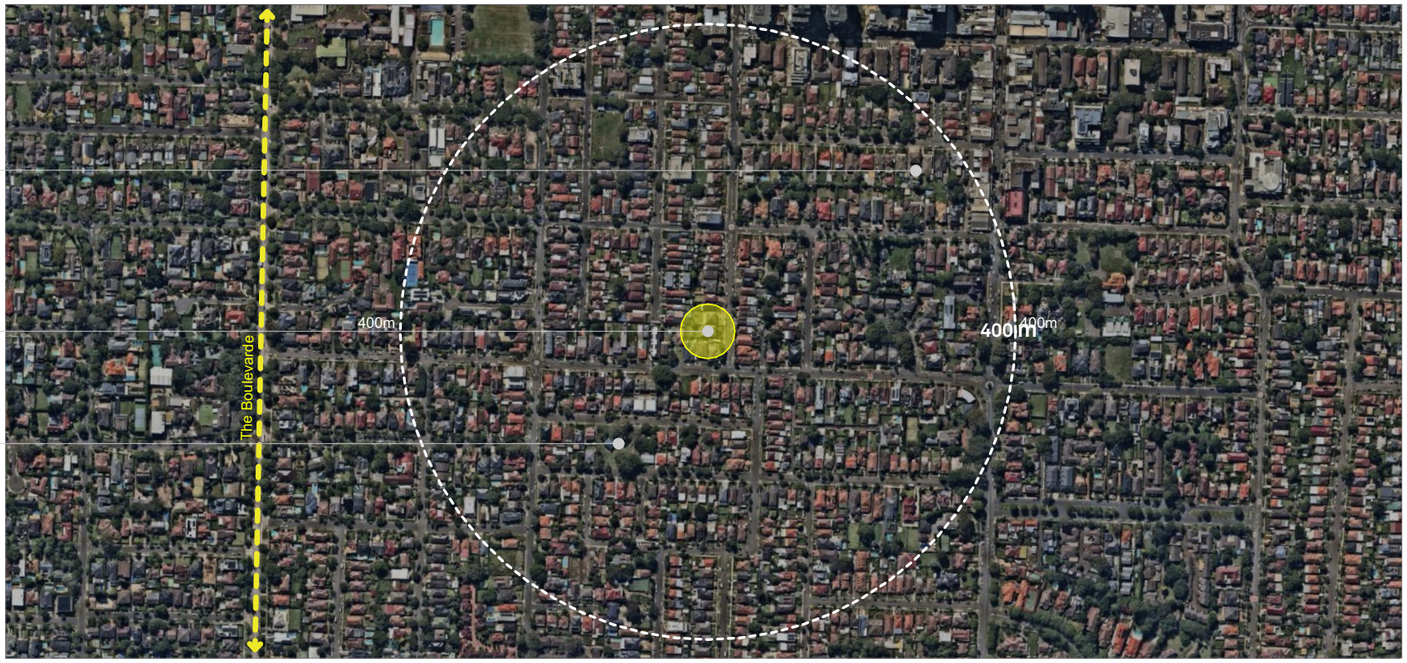
DRAWN LS | SCALE @A3 | NORTH

DRAWING No **DA-000-003** | REV **02**

BURWOOD TRAIN STATION
BURWOOD PUBLIC SCHOOL
BURWOOD PLAZA SHOPPING MALL
CROYDON PUBLIC SCHOOL
SANDERS RESERVE
63 CONDER STREET BURWOOD NSW 2134
STRATHFIELD PARK



FIRE AND RESCUE NSW BURWOOD FIRE STATION
63 CONDER STREET BURWOOD NSW 2134
JACKETT RESERVE



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AMENDMENTS

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PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
SITE INFORMATION
Location Plans

DRAWN LS | SCALE @A3 | NORTH

DRAWING No
DA-001-001

REV
01

63 CONDER STREET BURWOOD NSW 2134
2025



63 CONDER STREET BURWOOD NSW 2134
2009



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PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
SITE INFORMATION
Site Context Plans

DRAWN LS | SCALE @A3 | NORTH

DRAWING No
DA-001-002

REV
01



HERITAGE ITEM 186
25 NICHOLSON ST



37 NICHOLSON ST

THE SUBJECT SITE
63 CONDER ST



47 CONDER ST



THE SUBJECT SITE
63 CONDER ST



66-70 STANLEY ST



THE SUBJECT SITE
63 CONDER ST

HERITAGE ITEM 186
25 NICHOLSON ST



66-70 STANLEY ST

THE SUBJECT SITE
63 CONDER ST





37 NICHOLSON ST

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PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
SITE INFORMATION
Site Photographs

DRAWN LS | SCALE @A3 | NORTH

DRAWING No
DA-001-003

REV
01

- THIS TITLEBLOCK IS AN INTEGRAL PART OF THIS DRAWING AND MUST NOT BE REMOVED
- BOUNDARIES HAVE NOT BEEN DEFINED BY SURVEY AND ARE DIAGRAMMATIC ONLY
- THE POSITION OF STRUCTURES IN RELATION TO THE BOUNDARIES IS DIAGRAMMATIC ONLY
- DO NOT SCALE OFF THIS PLAN
- BEARINGS AND DISTANCES HAVE BEEN COMPILED FROM PLANS OBTAINED FROM NSWLRS
- AREAS SHOWN HAVE BEEN CALCULATED FROM THE LAND DIMENSIONS
- IF IT IS PROPOSED TO UNDERTAKE ANY WORKS CLOSE TO BOUNDARIES, WE STRONGLY RECOMMEND THAT A PLAN OF SURVEY IS UNDERTAKEN TO DEFINE THE POSITION OF THE BOUNDARIES
- VISIBLE AND ACCESSIBLE SERVICES HAVE ONLY BEEN LOCATED.
- NO UNDERGROUND SERVICES HAVE BEEN INVESTIGATED
- INVESTIGATIONS WITH BEFORE YOU DIG AUSTRALIA AND SERVICE PROVIDORS MUST BE UNDERTAKEN PRIOR TO ANY DESIGN, EXCAVATION AND/OR CONSTRUCTION WORKS

TITLE NOTES :

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

THE ABOVE NOTIFICATIONS HAVE NOT BEEN INVESTIGATED.

APPROXIMATE POSITION OF SEWER MAIN BY SYDNEY WATER REFER TO THE DBYD DIAGRAM FOR DETAILS. NOTE: PRIOR TO ANY DESIGN AND CONSTRUCTION, A SEWER PEGOUT MUST BE UNDERTAKEN TO DETERMINE THE EXACT LOCATION OF THE SEWER LINE.

THE POSITION OF STRUCTURES AND IMPROVEMENTS SHOWN ARE APPROXIMATE ONLY AND SHOULD BE VERIFIED PRIOR TO ANY CRITICAL DESIGN OR CONSTRUCTION WORKS. FOR ANY PROPOSED STRUCTURES IN RELATION TO A BOUNDARY, A REGISTERED SURVEYOR MUST CARRY OUT A BOUNDARY SURVEY, SETOUT SURVEY OR IDENTIFICATION SURVEY FOR THE PROPOSED WORKS.



REVISION	DATE	DETAILS
A	04/07/2023	1ST ISSUE

© UNITED SURVEYORS 2022

DATUM: AUSTRALIAN HEIGHT DATUM
ORIGIN: SSM122516 RL24.093
DWG REF: 12948-1
REDUCTION RATIO: 1:100
SHEET SIZE: A1
DATE OF SURVEY: 20/06/2023
SURVEYOR: SL/JF

LEGEND D - DIAMETER , H - HEIGHT , S - SPREAD

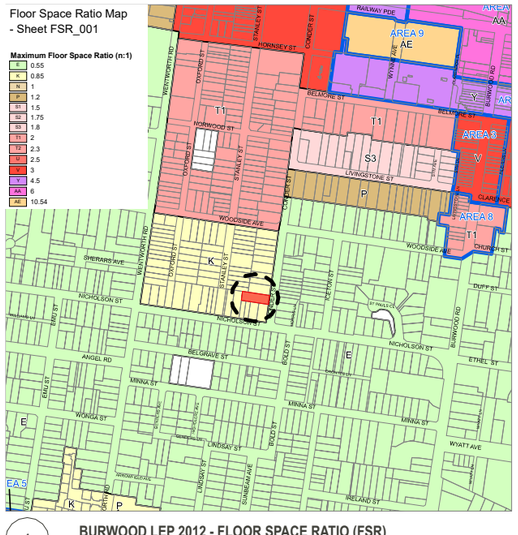
TEL - TELSTRA PIT	SMH - SEWER MANHOLE
SL - SURFACE LEVEL	SWO - STORMWATER OUTLET
IL - INVERT LEVEL	SIP - SEWER INSPECTION POINT
PP - POWER POLE	SW - BOTTOM OF WINDOW
TW - TOP OF WINDOW	TD - TOP OF DOOR
TG - TOP OF GUTTER	TSD - TOP OF SLIDING DOOR

DIAL 1100 BEFORE YOU DIG

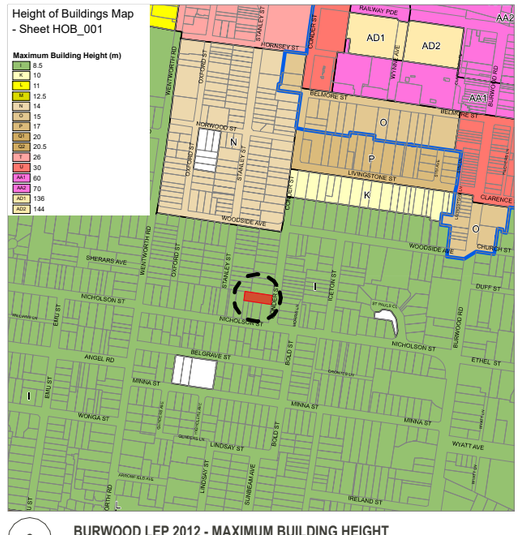
united surveyors

PLAN OF: DETAIL AND LEVELS
AT: 63 CONDER STREET
BURWOOD
BEING: LOT 1 IN DP121878

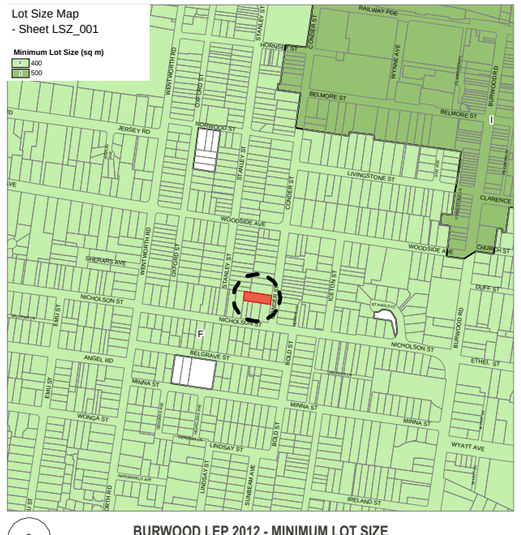
BURWOOD LEP MAPS 2012



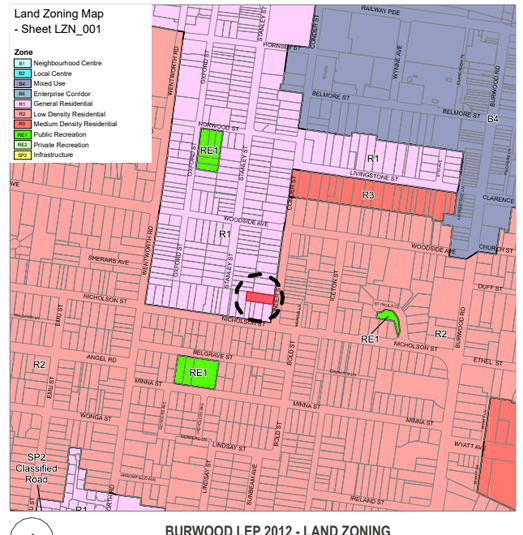
1 BURWOOD LEP 2012 - FLOOR SPACE RATIO (FSR)



2 BURWOOD LEP 2012 - MAXIMUM BUILDING HEIGHT



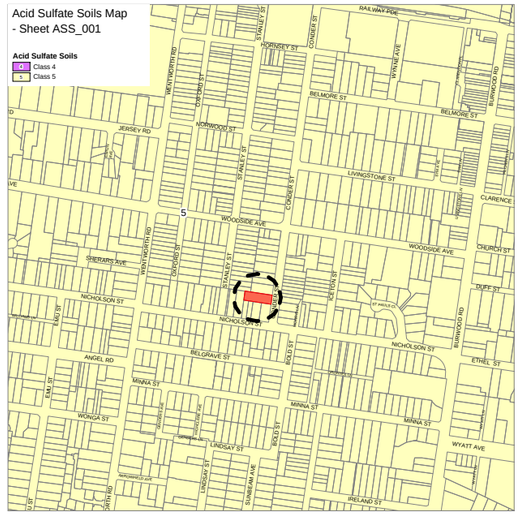
3 BURWOOD LEP 2012 - MINIMUM LOT SIZE



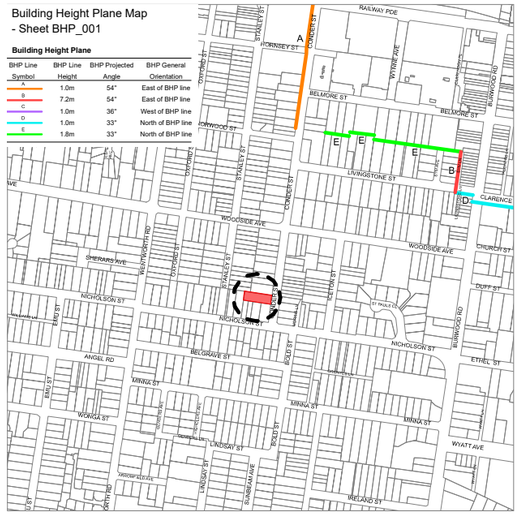
4 BURWOOD LEP 2012 - LAND ZONING



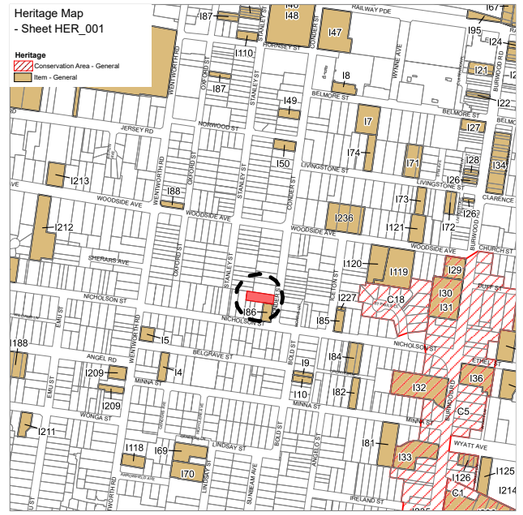
5 BURWOOD LEP 2012 - ACTIVE STREET FRONTAGES



6 BURWOOD LEP 2012 - ACID SULFATE SOILS



7 BURWOOD LEP 2012 - BUILDING HEIGHT PLANE



8 BURWOOD LEP 2012 - HERITAGE MAP

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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
SITE INFORMATION
Site Controls - BLEP 2012

DRAWN LS | SCALE @A3 | NORTH

DRAWING No
DA-001-005

REV
01

SITE CONSTRAINTS

In analysing the subject site and immediate context, BMA has identified a number of specific constraints that will guide the design. These include the following:

1 **STATUTORY PLANNING CONSTRAINTS**
The subject site is zoned R1 General Residential under Burwood LEP 2012.
The maximum allowable Floor Space Ratio (FSR) is 0.85:1 (LEP) and 0.94:1 under the Housing SEPP 2021 – Diverse Housing, Part 3 Co-living.
The maximum building height is 8.5m.
The site has frontage to Conder Street and adjoins a heritage item, identified as Item No. 186 under Schedule 5 of the Burwood LEP 2012.

2 **DIVERSE HOUSING AND COMMUNAL LIVING**
Clause 3.0 of the Housing SEPP 2021 mandates a minimum lot size of 800m² for co-living developments. Communal open space must comprise at least 168.2m² (20%), and communal living areas must provide 58.0m² (30m² plus 2m² per co-living room).

3 **SITE CONFIGURATION**
The subject site has an area of 841m² and fronts Conder Street.
Setbacks are defined as follows:
Front: Predominant Street Setback or 6.0m, whichever is greater
Side (for 3 storeys or more): As per ADG (Apartment Design Guide)
Rear (for 3 storeys or more): As per ADG

4 **VEHICULAR ACCESS**
Vehicular access to the site is proposed via Conder Street at the front.

5 **PEDESTRIAN ACCESS AND CONNECTIVITY**
Pedestrian access is also from Conder Street. The site is well-connected to public transport, with bus services operating along Conder Street in close proximity.



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PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
SITE INFORMATION
Site Analysis Constraints

DRAWN LS | SCALE @A3 | NORTH

DRAWING No
DA-001-006

REV
01

SITE OPPORTUNITIES

In analysing the subject site and immediate context, BMA has identified a number of specific constraints that will guide the design. These include the following:

1 **PUBLIC TRANSPORT**
The subject site is well-serviced by a public bus network, with stops located along Conder Street, offering direct connections to **Strathfield West, Strathfield**, and **Burwood Station**. The site's proximity to major public transport routes enhances its accessibility and supports the suitability of the location for co-living development.

2 **PEDESTRIAN ACCESS AND CONNECTIVITY**
Pedestrian access is provided directly from Conder Street, offering a clear and convenient entry point for future residents.

3 **VEHICULAR ACCESS AND CONNECTIVITY**
Vehicular access is maintained via the existing driveway crossover on Conder Street, enabling efficient ingress and egress without altering current traffic patterns.

4 **LANDSCAPING AND TREE CANOPY**
Enhanced landscaping is proposed along the front, rear, and side boundaries to improve residential amenity, increase privacy, and soften the interface with adjoining properties. Tree planting will also contribute to the local urban canopy.

5 **MASSING**
The proposed massing strategy enhances the architectural character of the development. Key features include:

- Articulated building form with balconies to break up visual bulk;
- An additional 2m front setback at the third level to reduce scale and respond sensitively to the adjacent heritage item;
- A balanced proportion between solid and void to create visual interest and promote human scale at street level.



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PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
SITE INFORMATION
Site Analysis Opportunities

DRAWN LS | SCALE @A3 | NORTH

DRAWING No **DA-001-007** | REV **01**

SITE CONSIDERATIONS

Based on a comprehensive analysis of the subject site and its immediate urban context, appropriate building setbacks have been established to govern an appropriate interface between the new development and neighbouring uses.

1 **FRONT SETBACK (CONDER STREET – GROUND TO LEVEL 1)**
A 9.0m front setback is proposed from ground level to Level 1 to align with the prevailing streetscape character. This setback provides space for landscaping, contributes to the public domain, and enhances the visual relationship between the development and the street.

2 **FRONT SETBACK (CONDER STREET – LEVEL 2)**
An additional 2.0m setback is introduced at Level 2, resulting in a total setback of 11.0m. This upper-level recess is intended to reduce the perceived bulk of the building and respond sensitively to the adjoining heritage item, ensuring a respectful and scaled transition at the interface.

3 **REAR SETBACK ALIGNMENT**
A 6.0m rear setback is provided to comply with the Apartment Design Guide (ADG), supporting adequate building separation, solar access, and privacy to adjoining properties.

4 **SIDE SETBACK ALIGNMENT (NORTHERN AND SOUTHERN BOUNDARIES)**
3.0m side setbacks are applied to both the northern and southern boundaries, consistent with the ADG for developments of three storeys. These setbacks maintain visual and acoustic privacy while supporting appropriate landscape buffers and site optimization.



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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

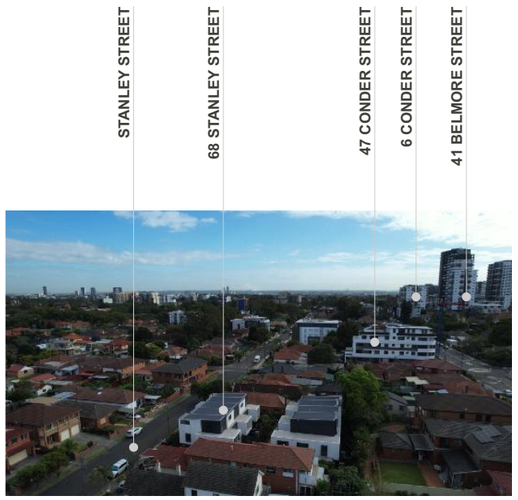
PROJECT No
2430A

PROJECT STATUS
DA

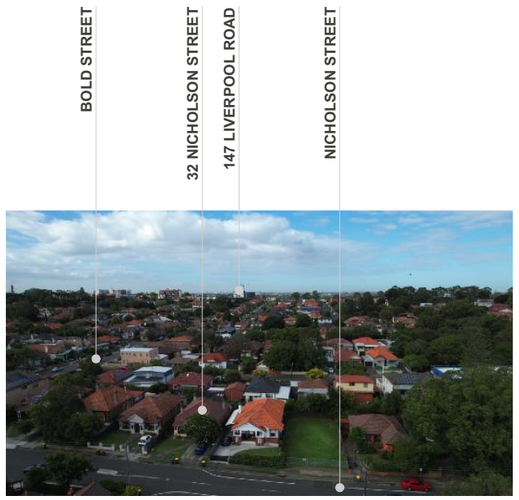
DRAWING TITLE
SITE INFORMATION
Site Analysis Setbacks

DRAWN LS | SCALE @A3 | NORTH

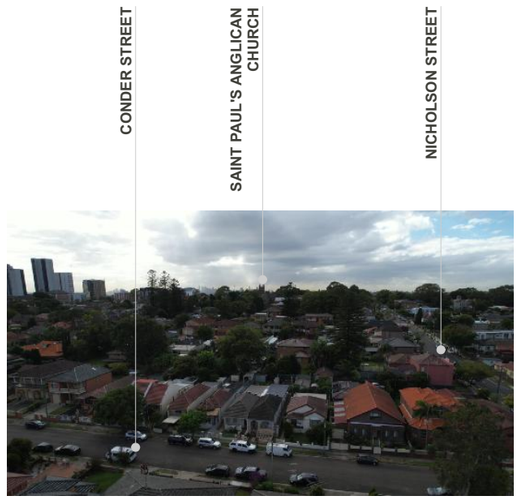
DRAWING No **DA-001-008** | REV **01**



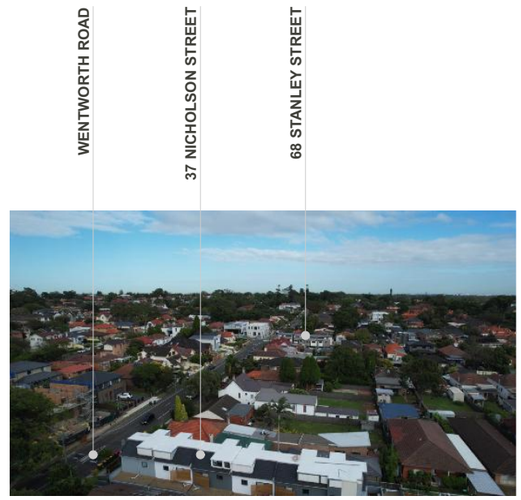
NORTH VIEW



SOUTH VIEW



EAST VIEW



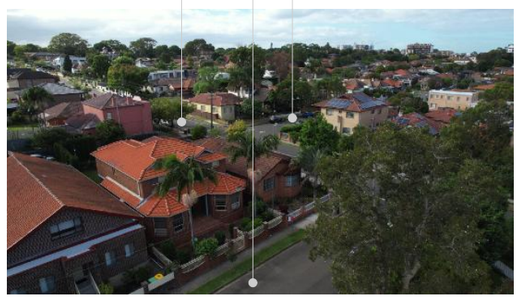
WEST VIEW



NORTH EAST VIEW



NORTH WEST VIEW



SOUTH EAST VIEW



SOUTH WEST VIEW

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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

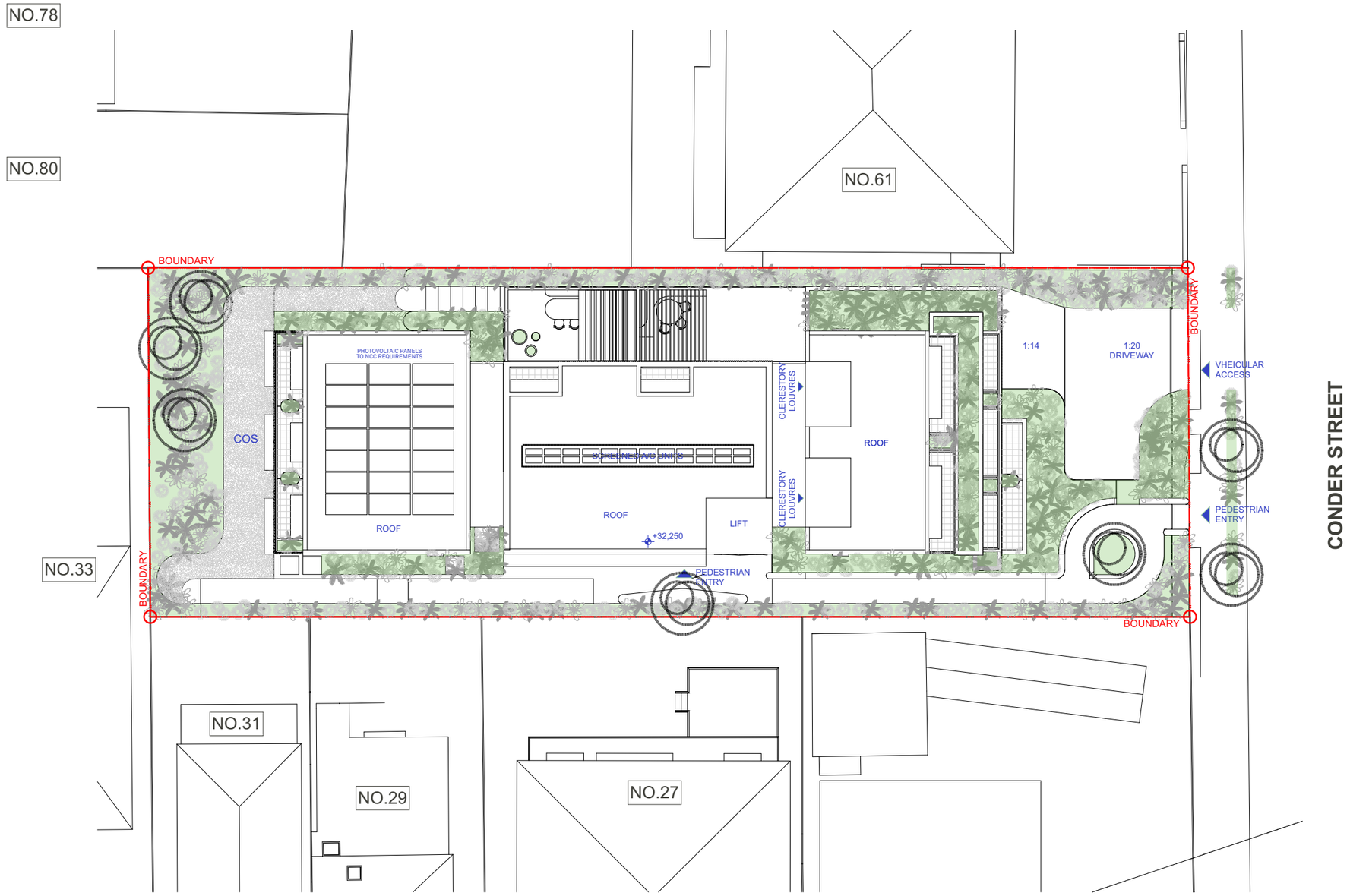
PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
SITE INFORMATION
Site Analysis - View Coridors

DRAWN LS | SCALE @A3 | NORTH

DRAWING No **DA-001-009** | REV **01**



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AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

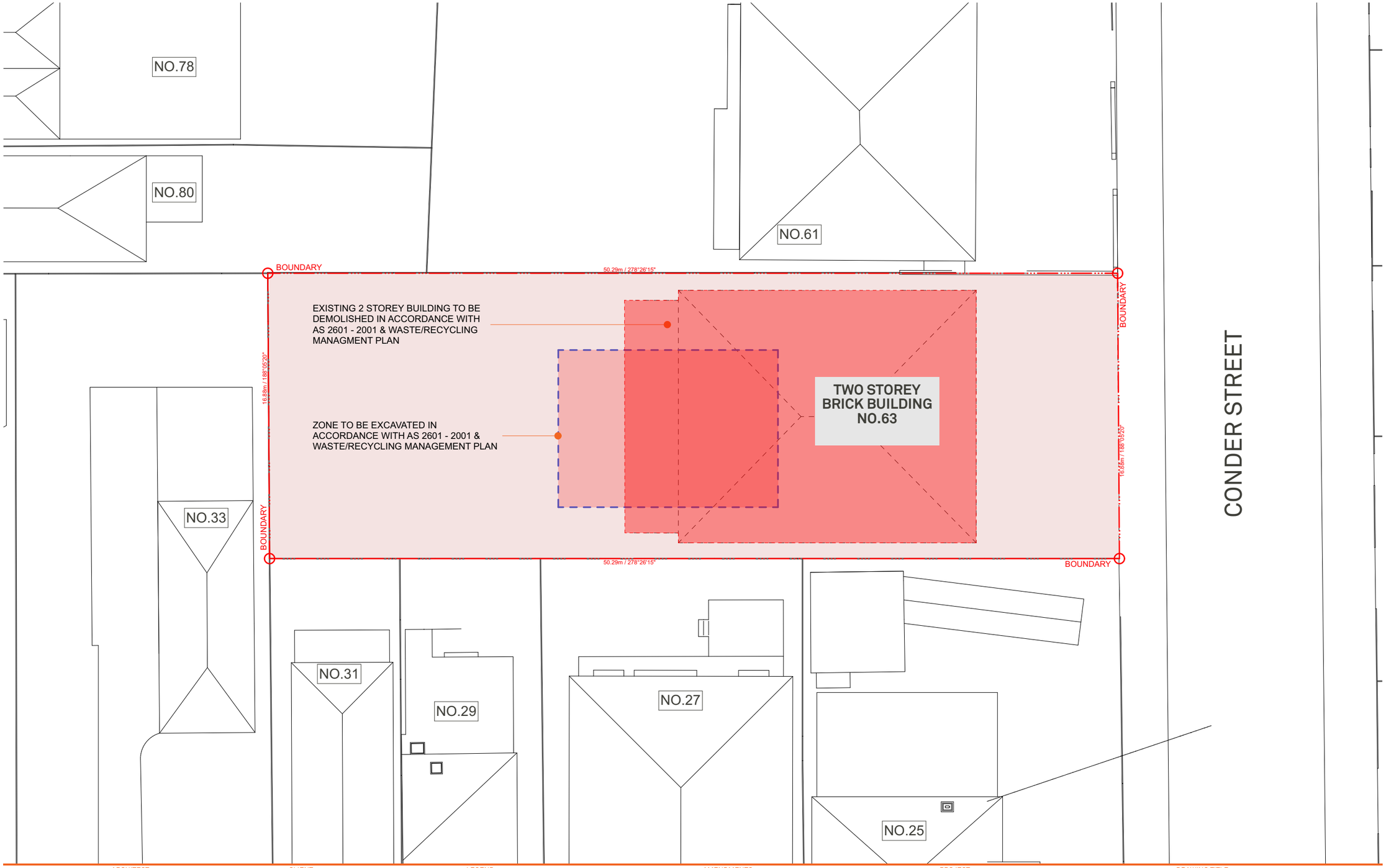
PROJECT STATUS
DA

DRAWING TITLE
SITE INFORMATION
Site Plan

DRAWN LS | SCALE @A3 | NORTH

DRAWING No
DA-001-012

REV
02



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AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

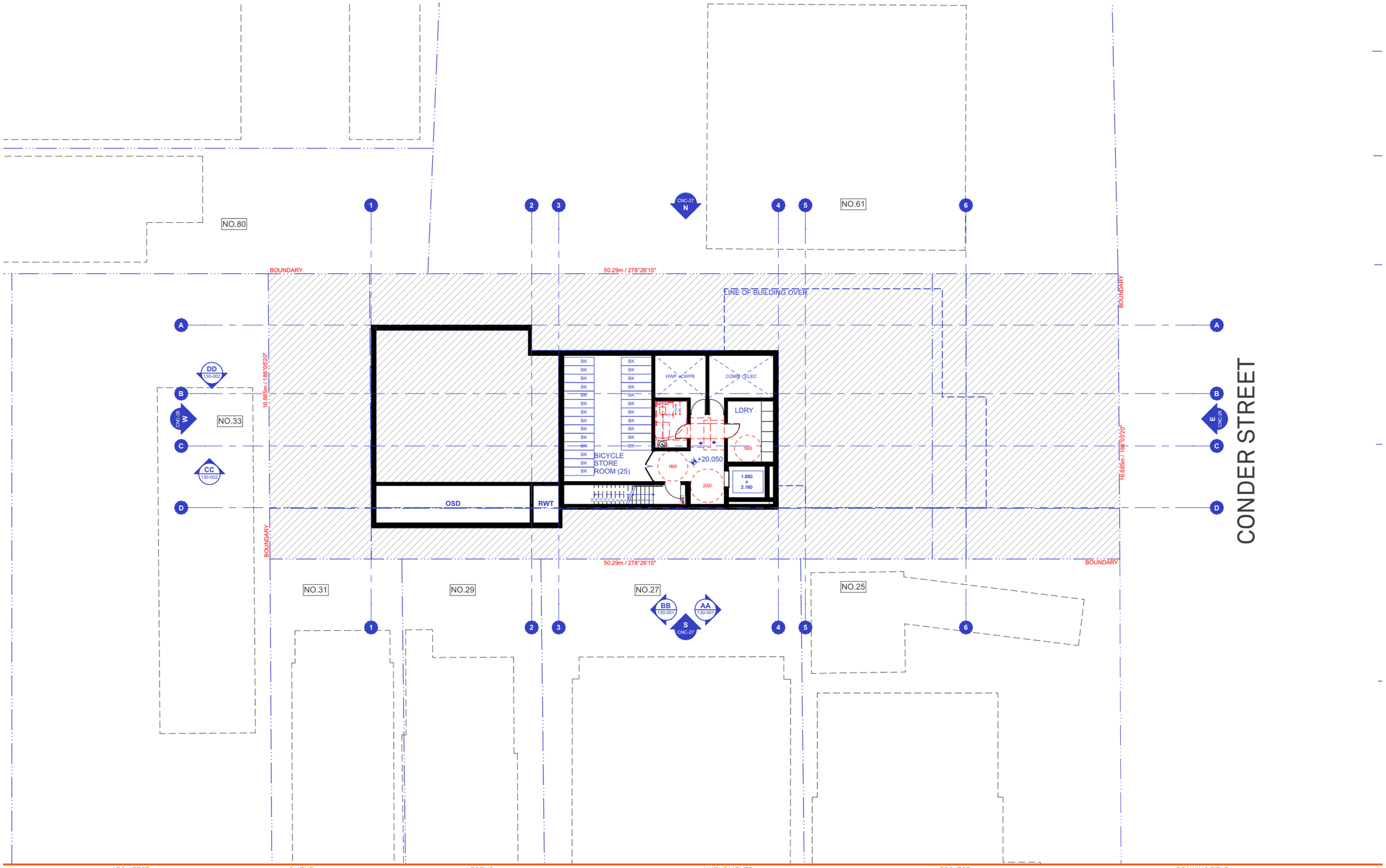
PROJECT STATUS
DA

DRAWING TITLE
SITE WORKS
Demolition Plan

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-010-001

REV
01



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AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

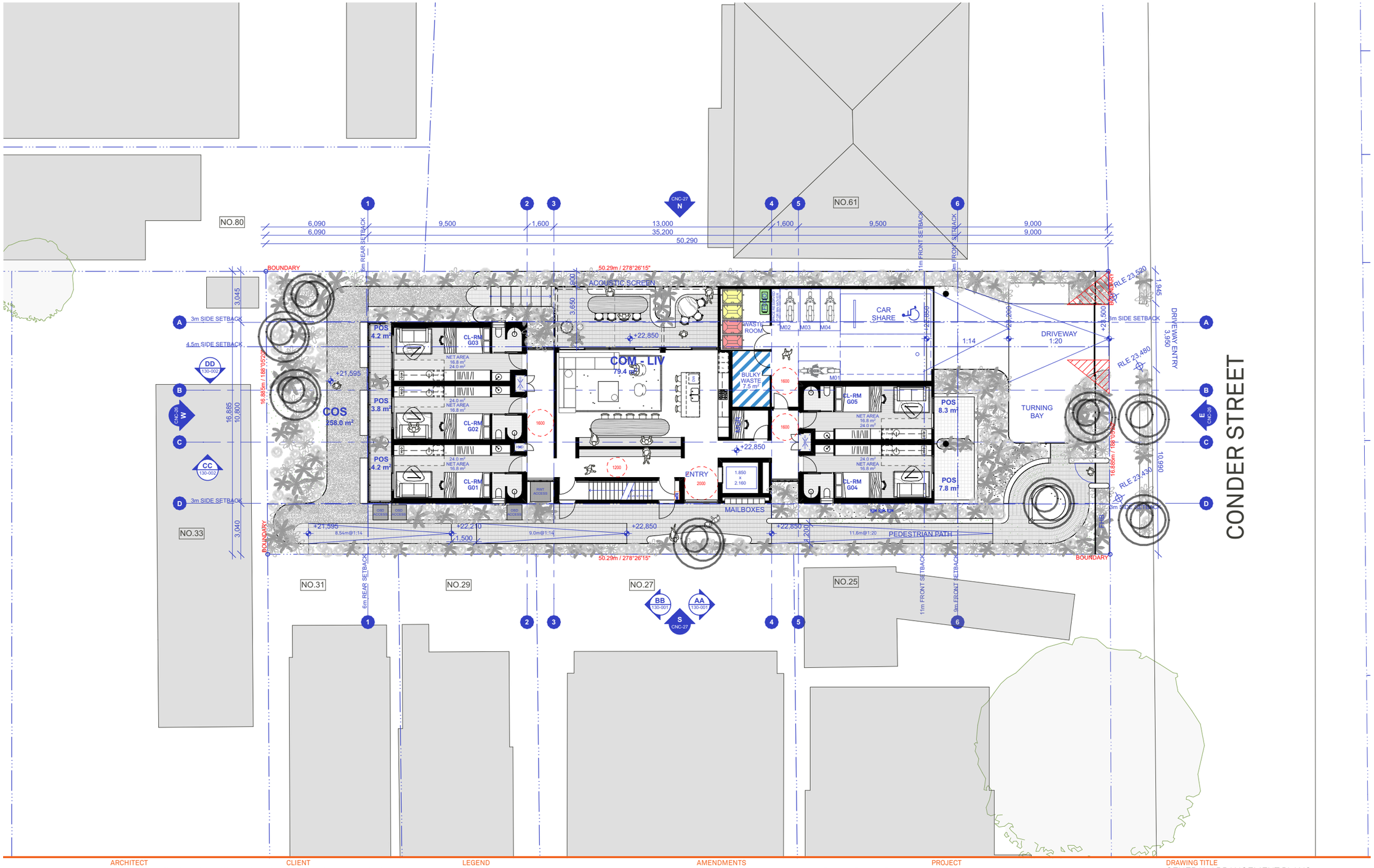
PROJECT STATUS
DA

DRAWING TITLE
GENERAL ARRANGEMENT PLANS
Basement 01 GA

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-110-001

REV
02



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AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

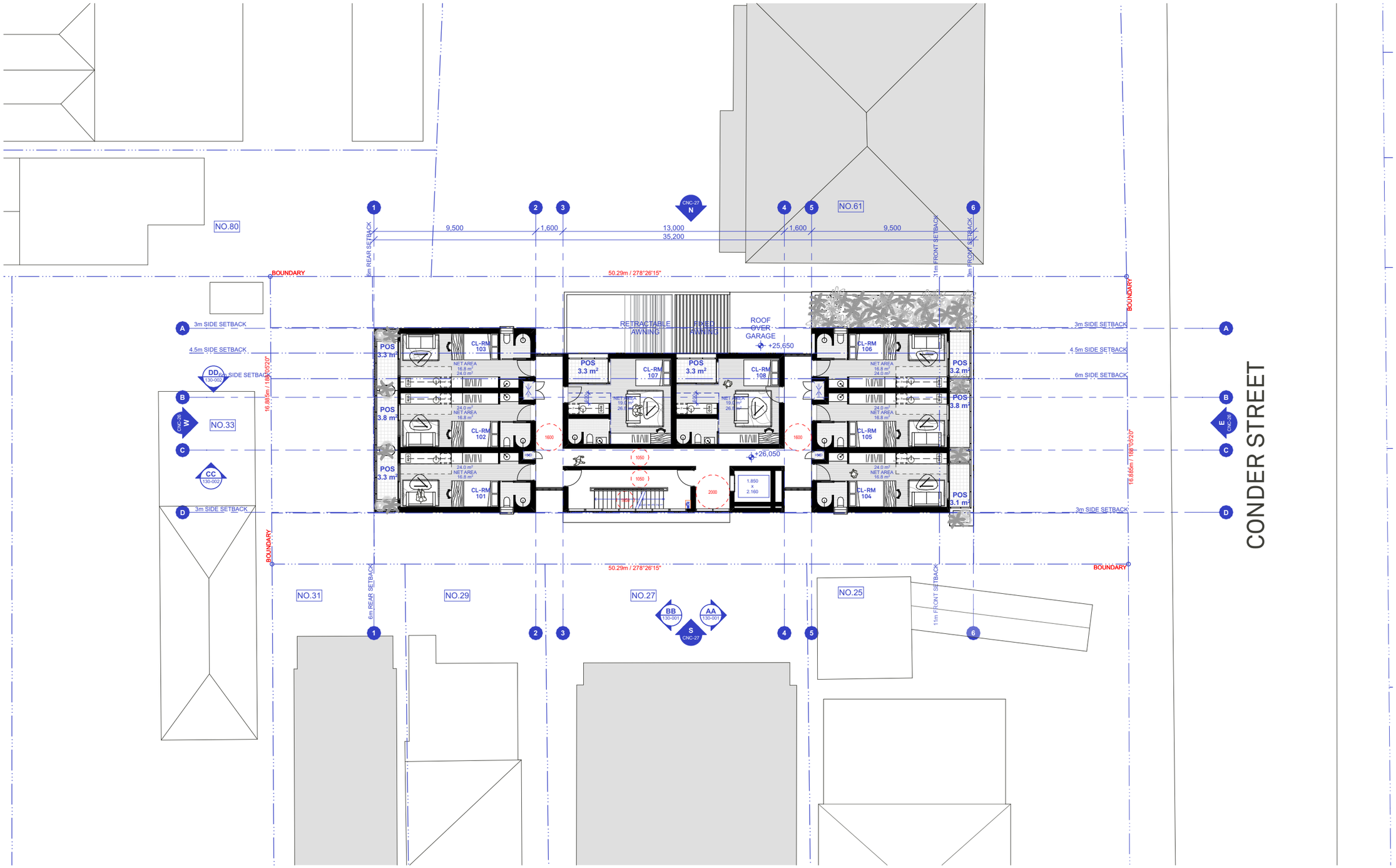
PROJECT STATUS
DA

DRAWING TITLE
GENERAL ARRANGEMENT PLANS
Ground Level GA

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-110-002

REV
02



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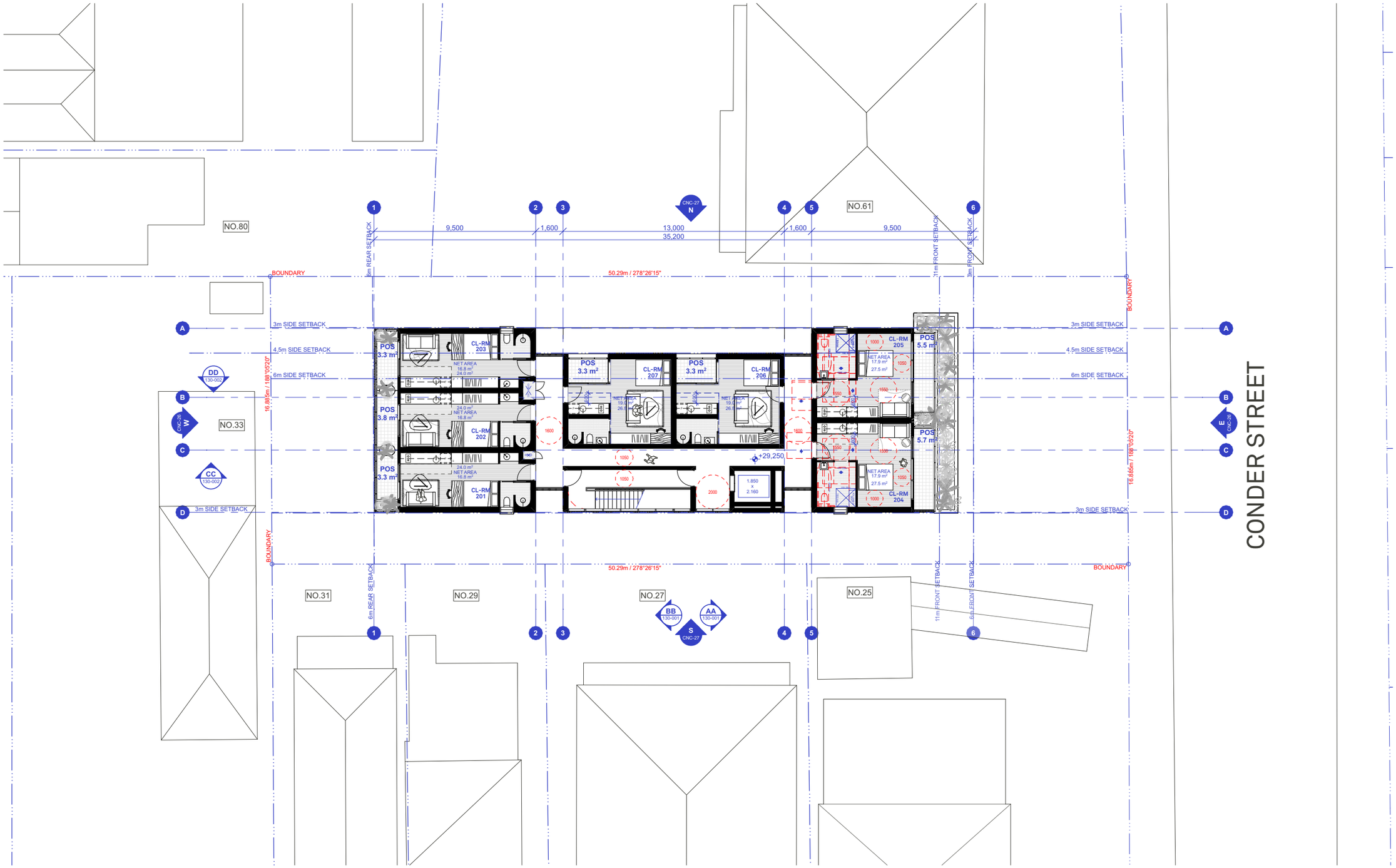
LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134
PROJECT No
2430A
PROJECT STATUS
DA

DRAWING TITLE
GENERAL ARRANGEMENT PLANS
Level 1 GA
DRAWN LS
SCALE 1:200@A3
NORTH
DRAWING No
DA-110-003
REV
02



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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

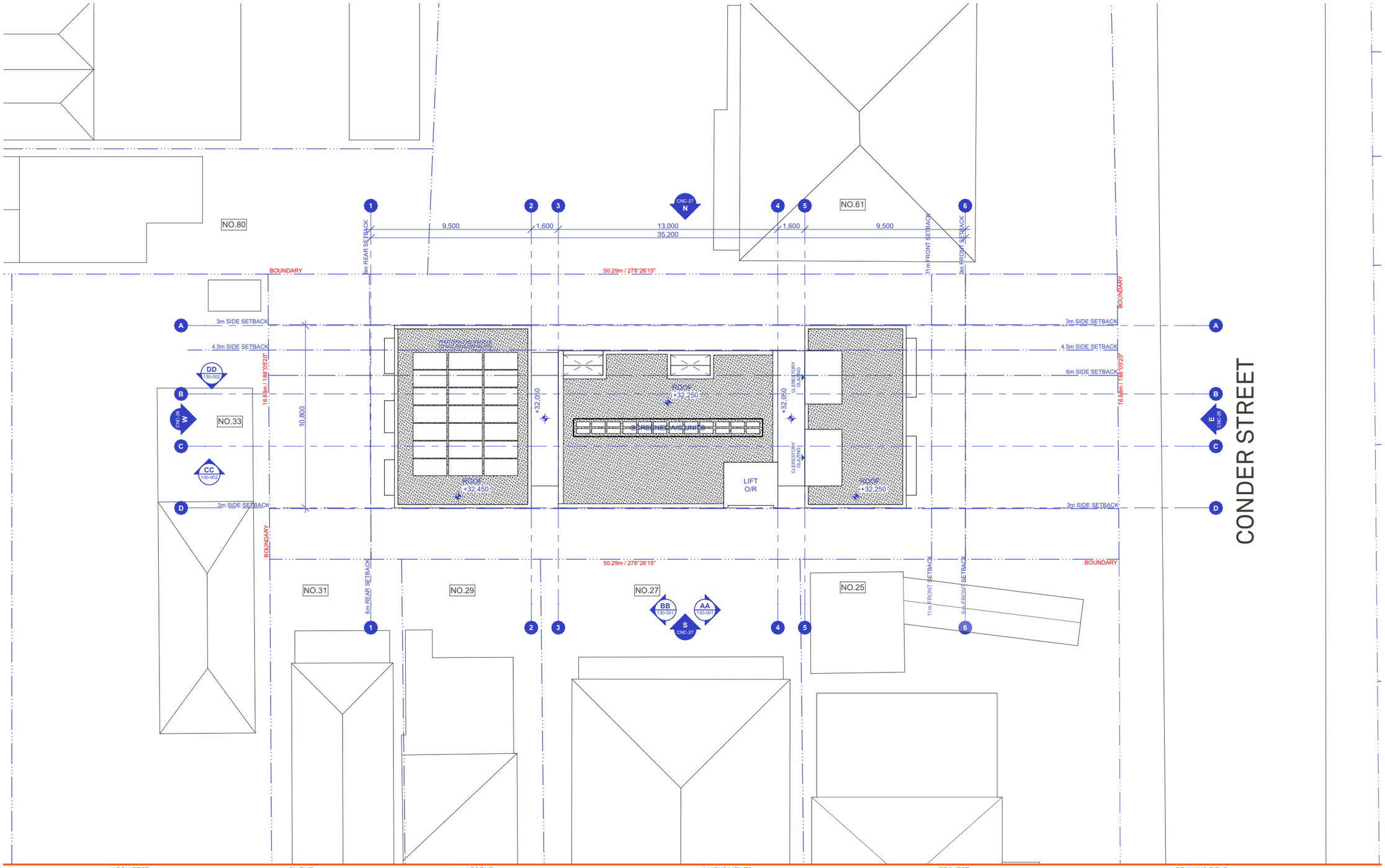
PROJECT STATUS
DA

DRAWING TITLE
GENERAL ARRANGEMENT PLANS
Level 2 GA

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-110-004

REV
02



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AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

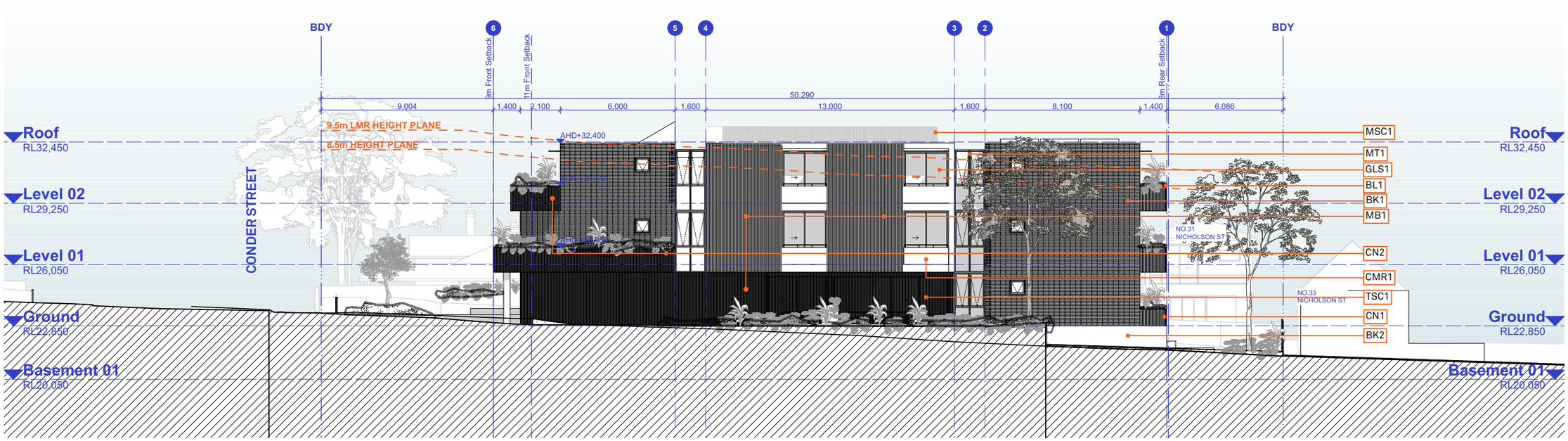
PROJECT STATUS
DA

DRAWING TITLE
GENERAL ARRANGEMENT PLANS
Roof GA

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-110-005

REV
02



FINISHES LEGEND

CN1 - Off-form Concrete - Light Grey Colour
CN2 - Off-form Concrete - Ribbed - Light Grey Colour
BK1 - Brick - Red-Brown Colour
BK2 - Brick - Light Grey Colour
CMR1 - Cement Render - Monument Grey Colour
GLS1 - Clear Glazing in Aluminium Powder Coated Frame Match MT1
GLS2 - Clear Glass Louver
MT1 - Metal - Powder Coated Monument Grey Colour
MB1 - Metal Batten - Colour to Match MT1
MSC1 - Metal Screening - Colour to Match MT1
BL1 - Aluminium Balustrade - Colour to Match MT1
TSC1 - Timber Screen

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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

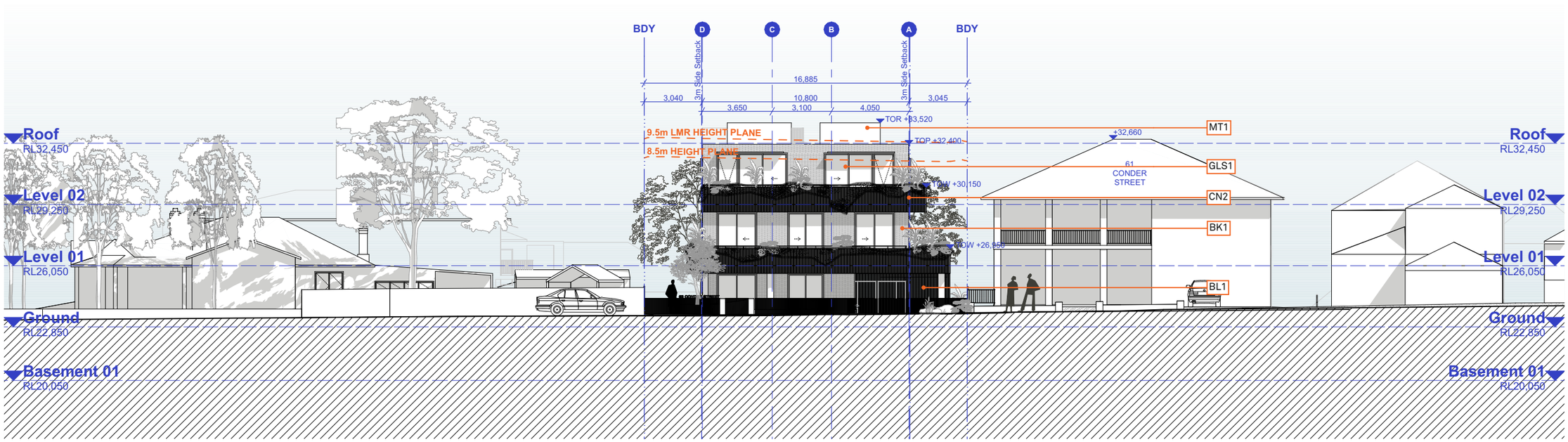
PROJECT STATUS
DA

DRAWING TITLE
GENERAL ARRANGEMENT ELEVATIONS
North Elevation

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-120-001

REV
02



FINISHES LEGEND

CN1 - Off-form Concrete - Light Grey Colour
CN2 - Off-form Concrete - Ribbed - Light Grey Colour
BK1 - Brick - Red-Brown Colour
BK2 - Brick - Light Grey Colour
CMR1 - Cement Render - Monument Grey Colour
GLS1 - Clear Glazing in Aluminium Powder Coated Frame Match MT1
GLS2 - Clear Glass Louver
MT1 - Metal - Powder Coated Monument Grey Colour
MB1 - Metal Batten - Colour to Match MT1
MSC1 - Metal Screening - Colour to Match MT1
BL1 - Aluminium Balustrade - Colour to Match MT1
TSC1 - Timber Screen

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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

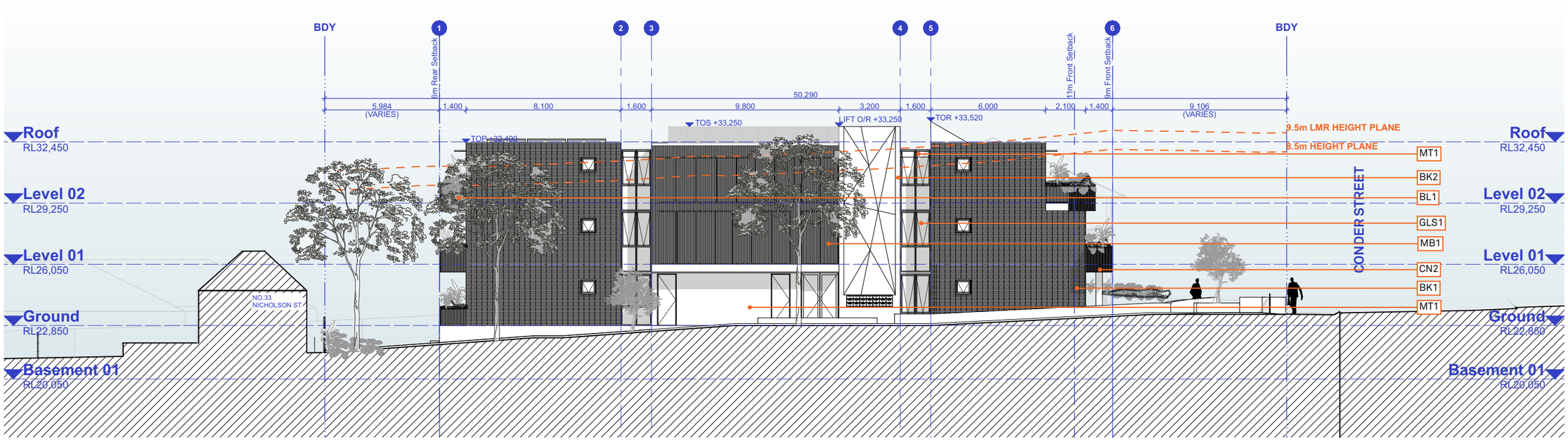
PROJECT STATUS
DA

DRAWING TITLE
GENERAL ARRANGEMENT ELEVATIONS
East Elevation

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-120-002

REV
02



FINISHES LEGEND

CN1 - Off-form Concrete - Light Grey Colour
CN2 - Off-form Concrete - Ribbed - Light Grey Colour
BK1 - Brick - Red-Brown Colour
BK2 - Brick - Light Grey Colour
CMR1 - Cement Render - Monument Grey Colour
GLS1 - Clear Glazing in Aluminium Powder Coated Frame Match MT1
GLS2 - Clear Glass Louver
MT1 - Metal - Powder Coated Monument Grey Colour
MB1 - Metal Batten - Colour to Match MT1
MSC1 - Metal Screening - Colour to Match MT1
BL1 - Aluminium Balustrade - Colour to Match MT1
TSC1 - Timber Screen

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AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

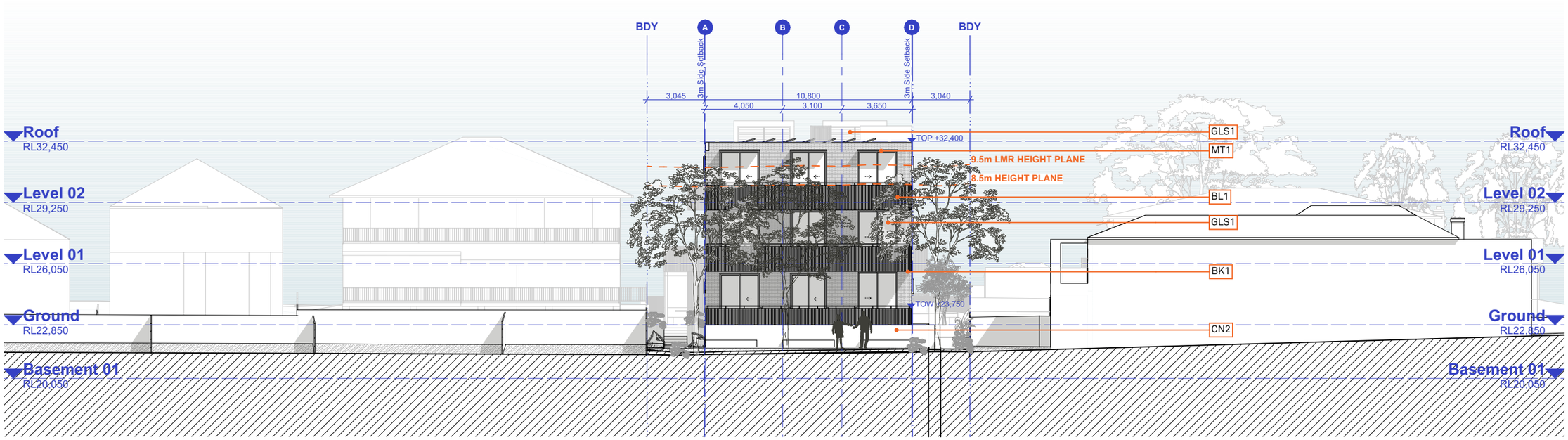
PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
GENERAL ARRANGEMENT ELEVATIONS
South Elevation

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No **DA-120-003** | REV **02**



FINISHES LEGEND

CN1 - Off-form Concrete - Light Grey Colour
CN2 - Off-form Concrete - Ribbed - Light Grey Colour
BK1 - Brick - Red-Brown Colour
BK2 - Brick - Light Grey Colour
CMR1 - Cement Render - Monument Grey Colour
GLS1 - Clear Glazing in Aluminium Powder Coated Frame Match MT1
GLS2 - Clear Glass Louver
MT1 - Metal - Powder Coated Monument Grey Colour
MB1 - Metal Batten - Colour to Match MT1
MSC1 - Metal Screening - Colour to Match MT1
BL1 - Aluminium Balustrade - Colour to Match MT1
TSC1 - Timber Screen

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AMENDMENTS

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PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

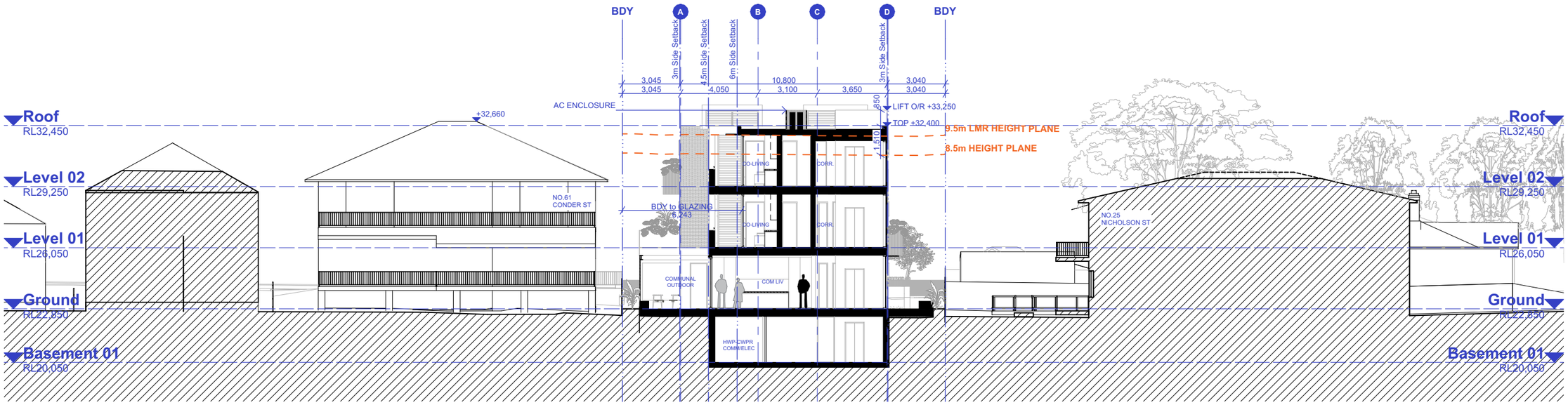
PROJECT STATUS
DA

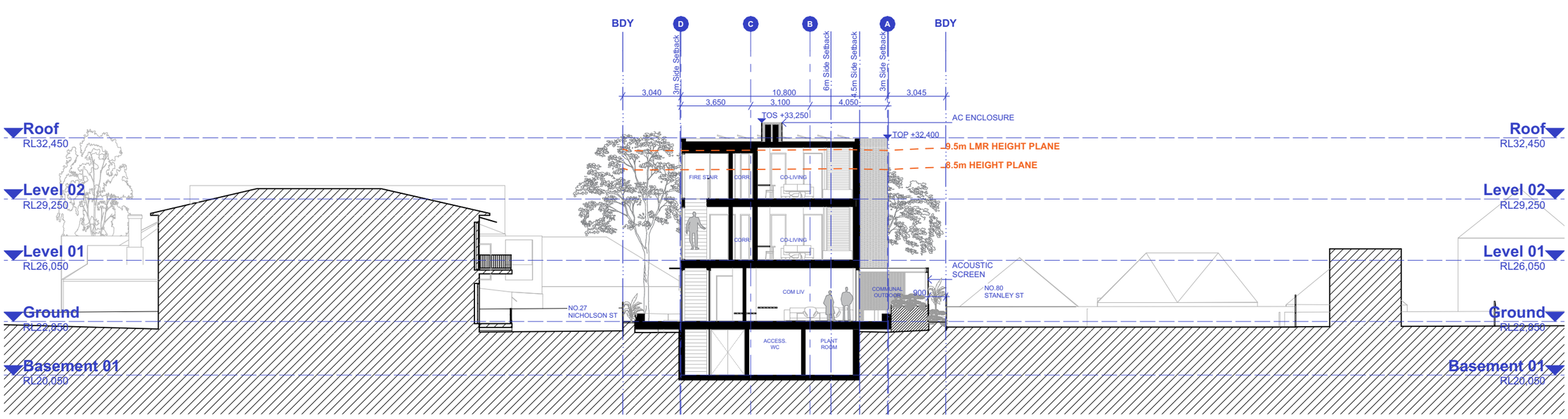
DRAWING TITLE
GENERAL ARRANGEMENT ELEVATIONS
West Elevation

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-120-004

REV
02





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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

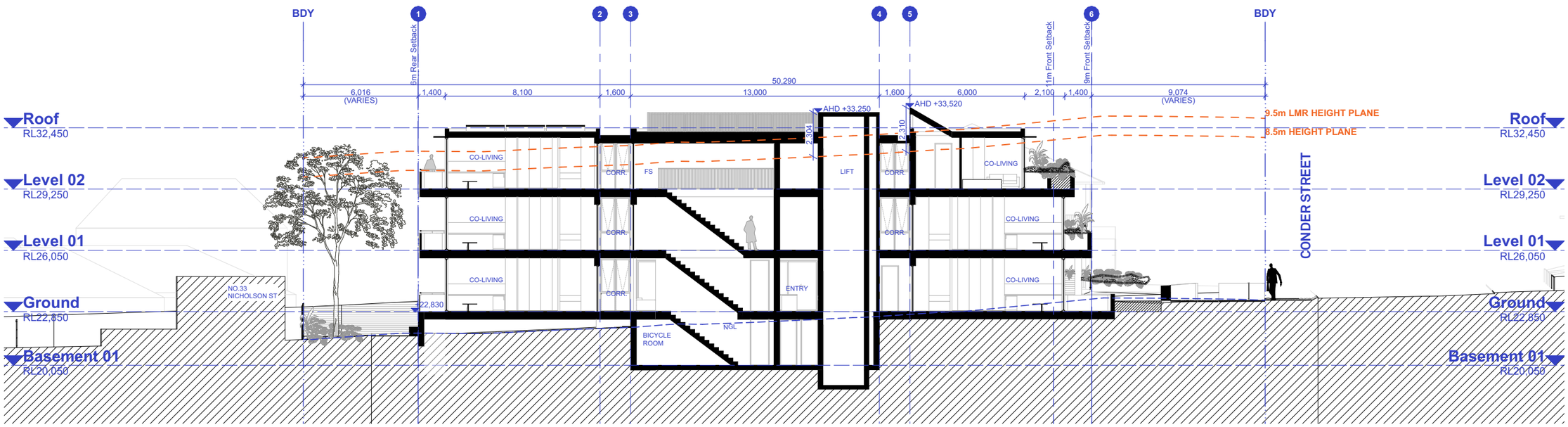
PROJECT STATUS
DA

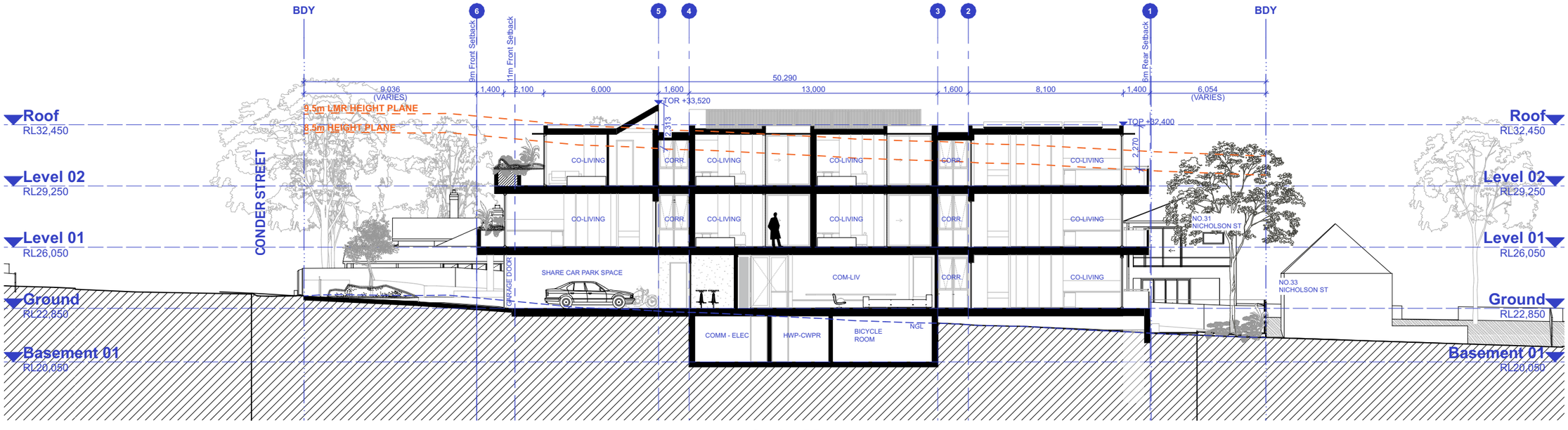
DRAWING TITLE
GENERAL ARRANGEMENT SECTIONS
Section AA & BB

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-130-001

REV
02





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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

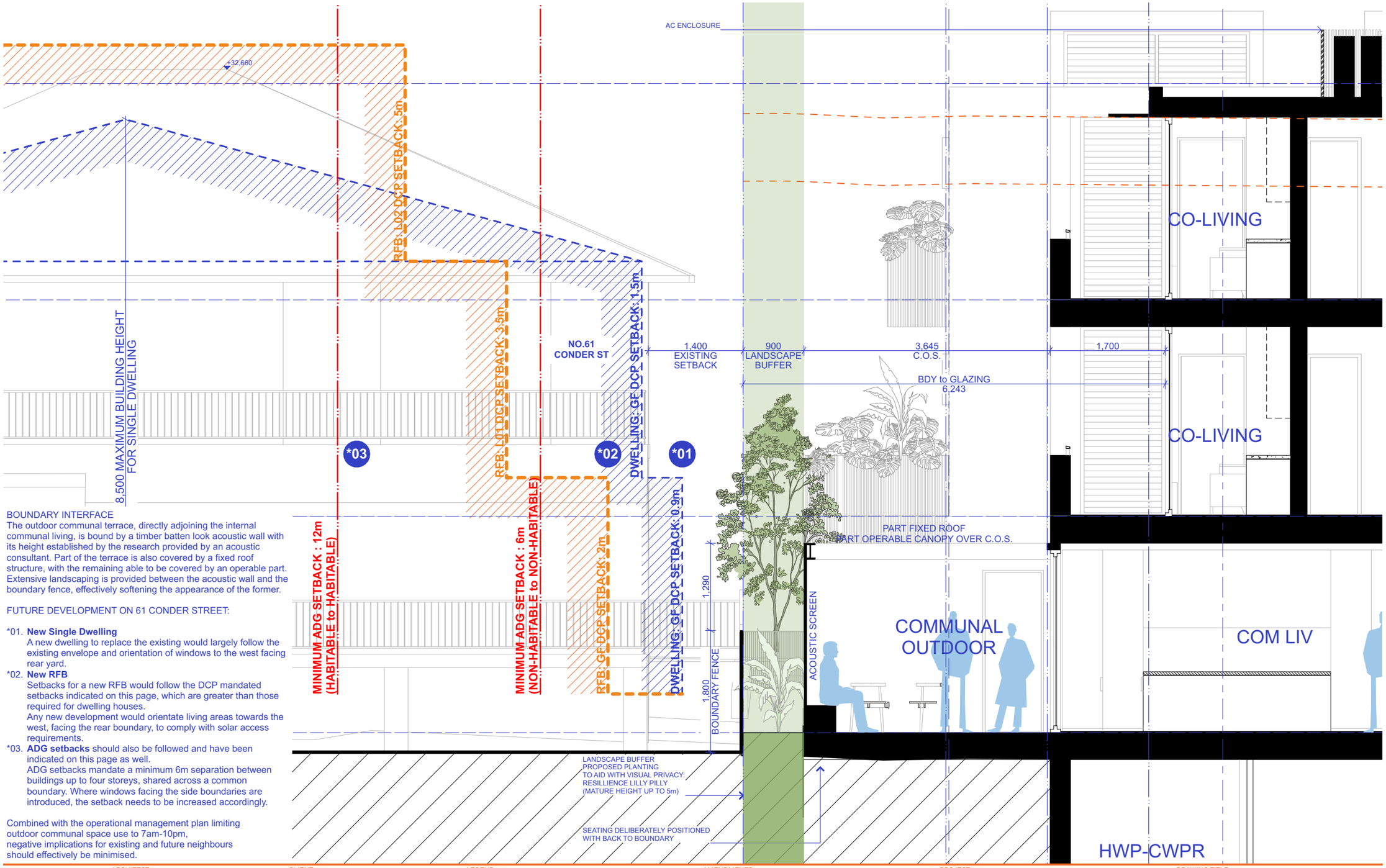
PROJECT STATUS
DA

DRAWING TITLE
GENERAL ARRANGEMENT SECTIONS
Section CC & DD

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-130-002

REV
02



BOUNDARY INTERFACE

The outdoor communal terrace, directly adjoining the internal communal living, is bound by a timber batten look acoustic wall with its height established by the research provided by an acoustic consultant. Part of the terrace is also covered by a fixed roof structure, with the remaining able to be covered by an operable part. Extensive landscaping is provided between the acoustic wall and the boundary fence, effectively softening the appearance of the former.

FUTURE DEVELOPMENT ON 61 CONDER STREET:

*01. **New Single Dwelling**
A new dwelling to replace the existing would largely follow the existing envelope and orientation of windows to the west facing rear yard.

*02. **New RFB**
Setbacks for a new RFB would follow the DCP mandated setbacks indicated on this page, which are greater than those required for dwelling houses.
Any new development would orientate living areas towards the west, facing the rear boundary, to comply with solar access requirements.

*03. **ADG setbacks** should also be followed and have been indicated on this page as well.
ADG setbacks mandate a minimum 6m separation between buildings up to four storeys, shared across a common boundary. Where windows facing the side boundaries are introduced, the setback needs to be increased accordingly.

Combined with the operational management plan limiting outdoor communal space use to 7am-10pm, negative implications for existing and future neighbours should effectively be minimised.

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01	DA ISSUE 02-RFI RESPONSE	AH	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
COMMON AREAS
Boundary Interface

DRAWN AH | SCALE @A3 | NORTH

DRAWING No **DA-601-001** | REV **01**



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AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 02-RFI RESPONSE	A	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

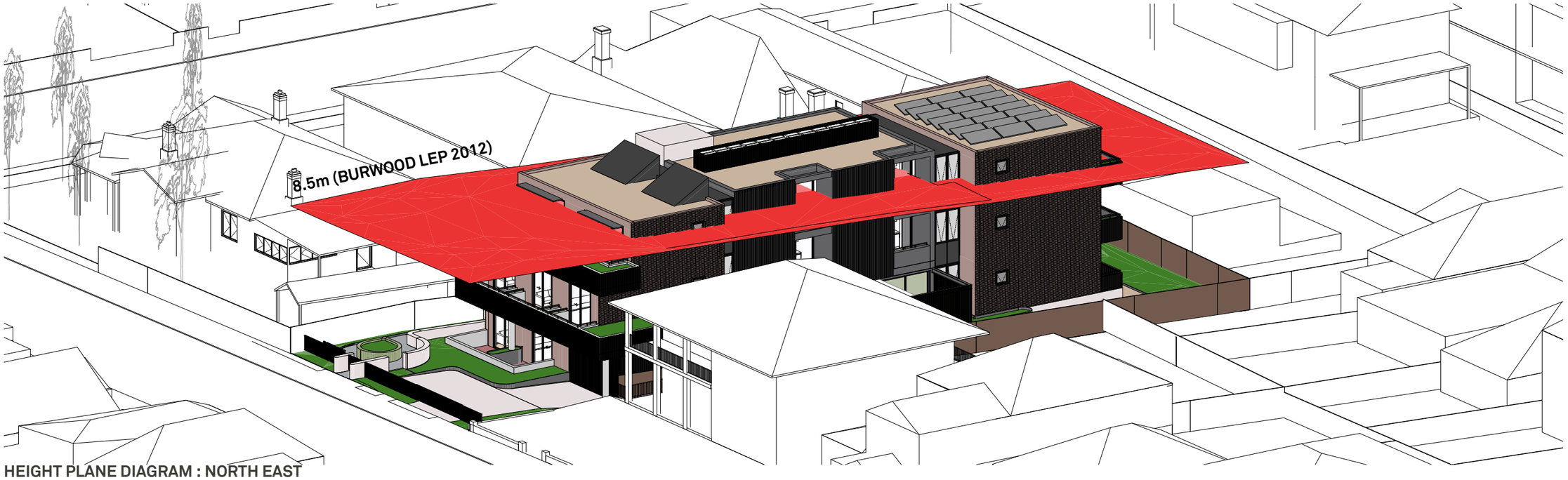
PROJECT No
2430A

PROJECT STATUS
DA

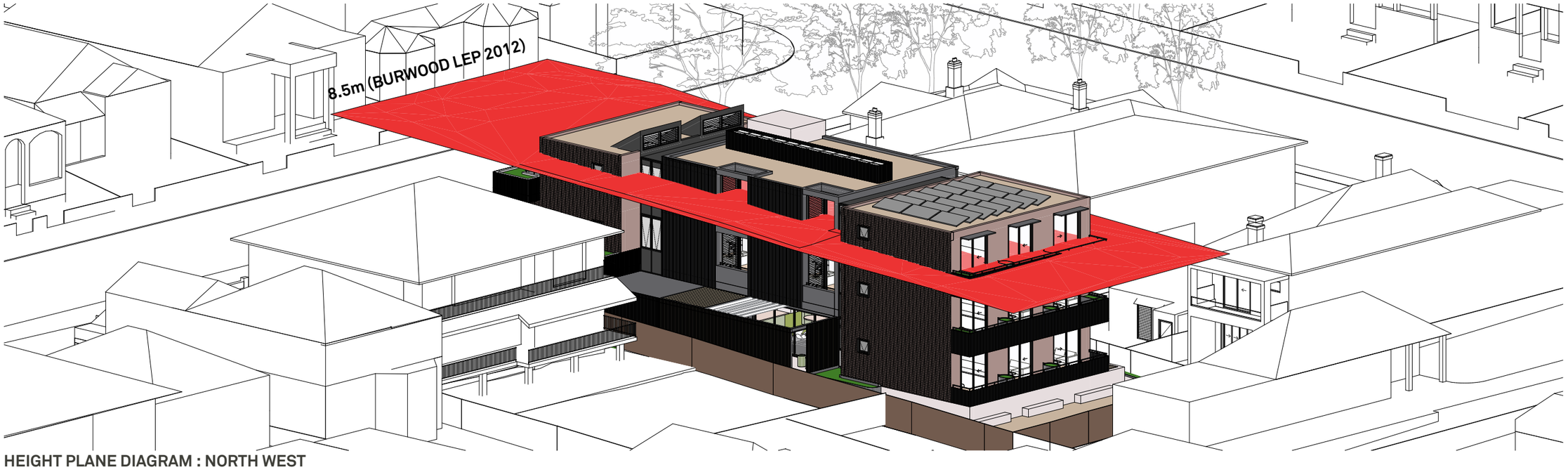
DRAWING TITLE
COMMON AREAS
3D Diagram COS

DRAWN A | SCALE @A3 | NORTH

DRAWING No **DA-601-002** | REV **01**



HEIGHT PLANE DIAGRAM : NORTH EAST



HEIGHT PLANE DIAGRAM : NORTH WEST

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PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

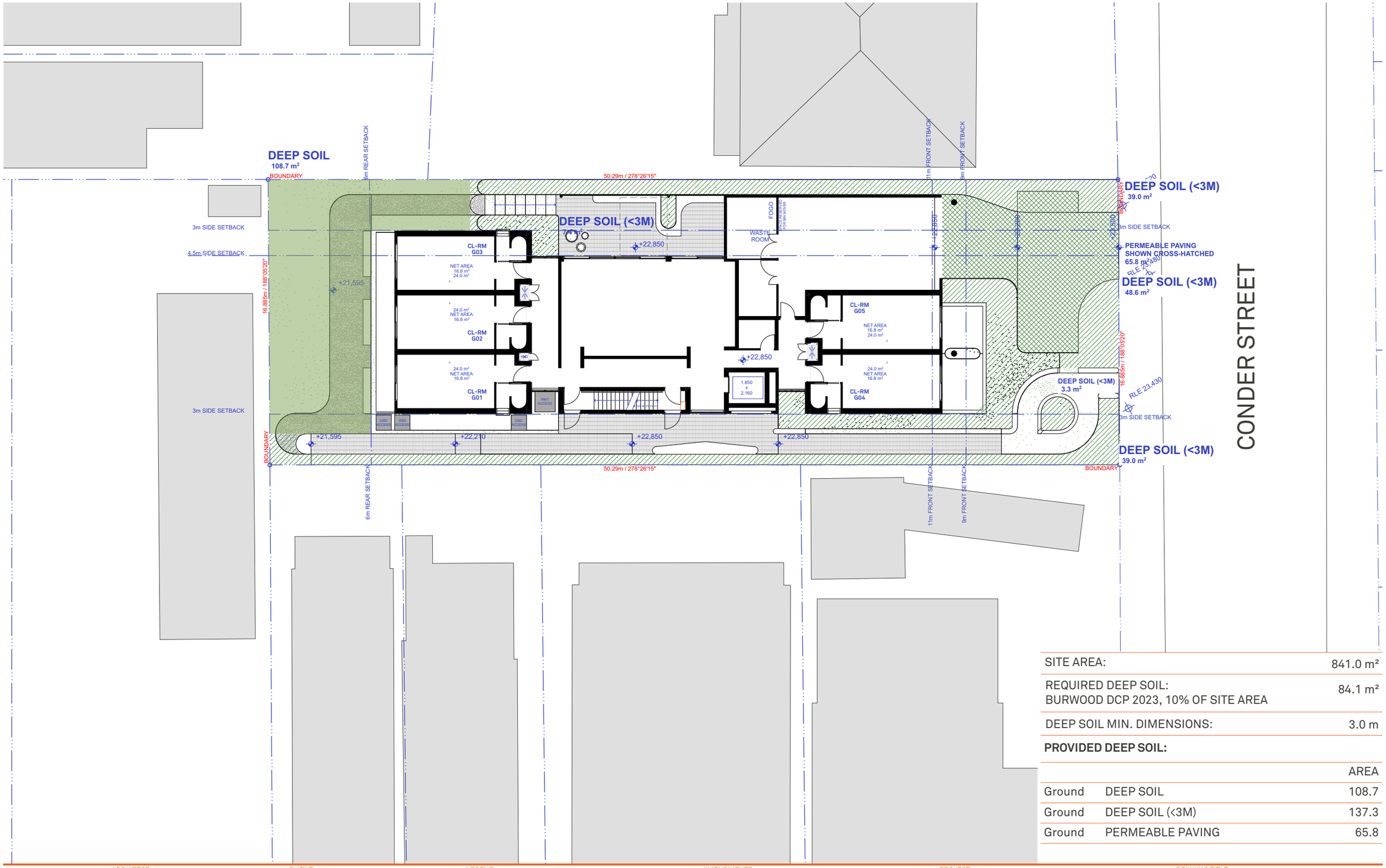
PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
BUILDING ENVELOPE
Height Plane 3D

DRAWN LS | SCALE @A3 | NORTH

DRAWING No **DA-700-000** | REV **02**



SITE AREA:		841.0 m²
REQUIRED DEEP SOIL: BURWOOD DCP 2023, 10% OF SITE AREA		84.1 m²
DEEP SOIL MIN. DIMENSIONS:		3.0 m
PROVIDED DEEP SOIL:		
		AREA
Ground	DEEP SOIL	108.7
Ground	DEEP SOIL (<3M)	137.3
Ground	PERMEABLE PAVING	65.8

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AMENDMENTS

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PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

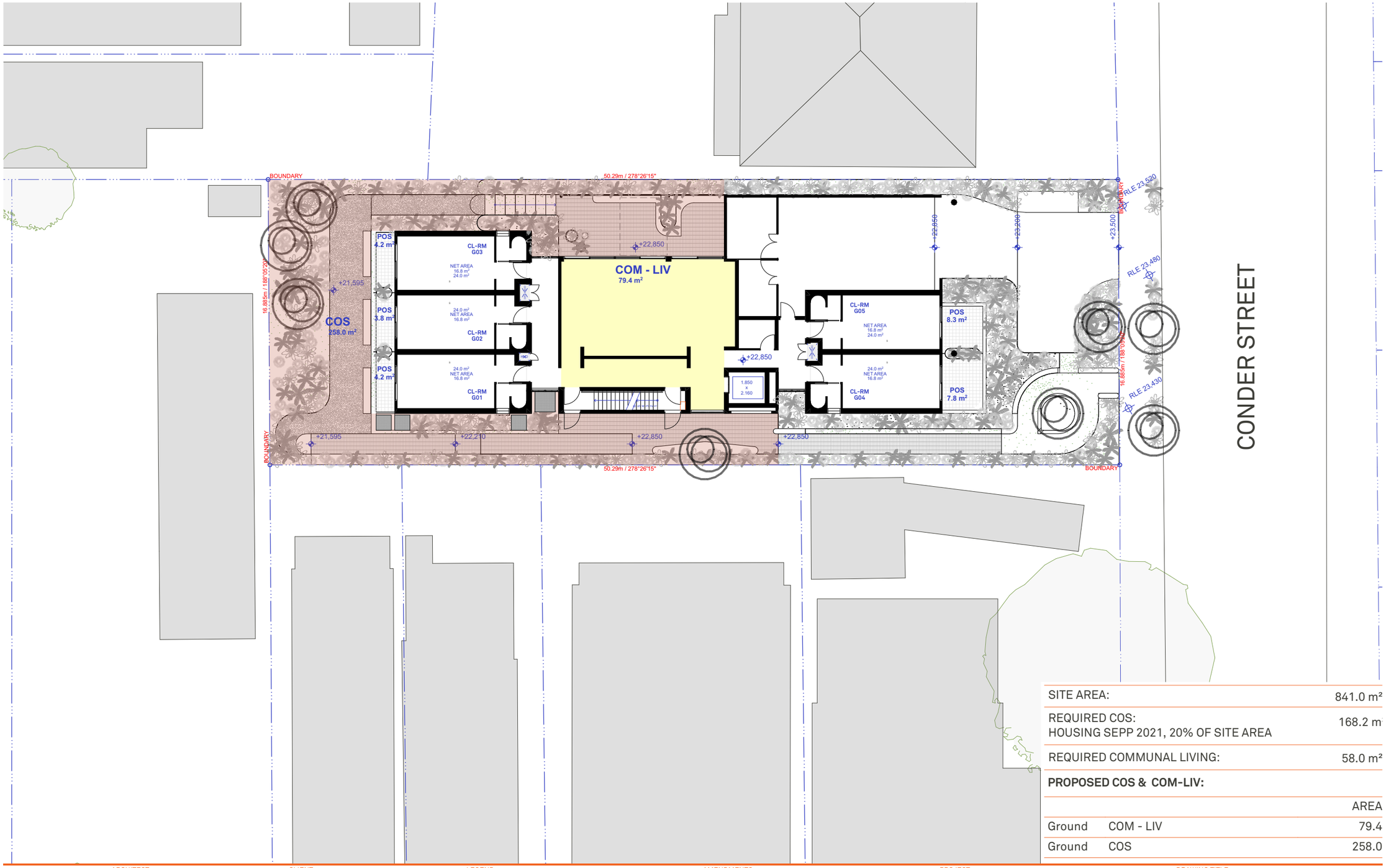
PROJECT STATUS
DA

DRAWING TITLE
LANDSCAPE AND DEEPSOIL
DEEP SOIL

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-701-001

REV
02



SITE AREA:	841.0 m²
REQUIRED COS: HOUSING SEPP 2021, 20% OF SITE AREA	168.2 m²
REQUIRED COMMUNAL LIVING:	58.0 m²

PROPOSED COS & COM-LIV:

		AREA
Ground	COM - LIV	79.4
Ground	COS	258.0

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PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

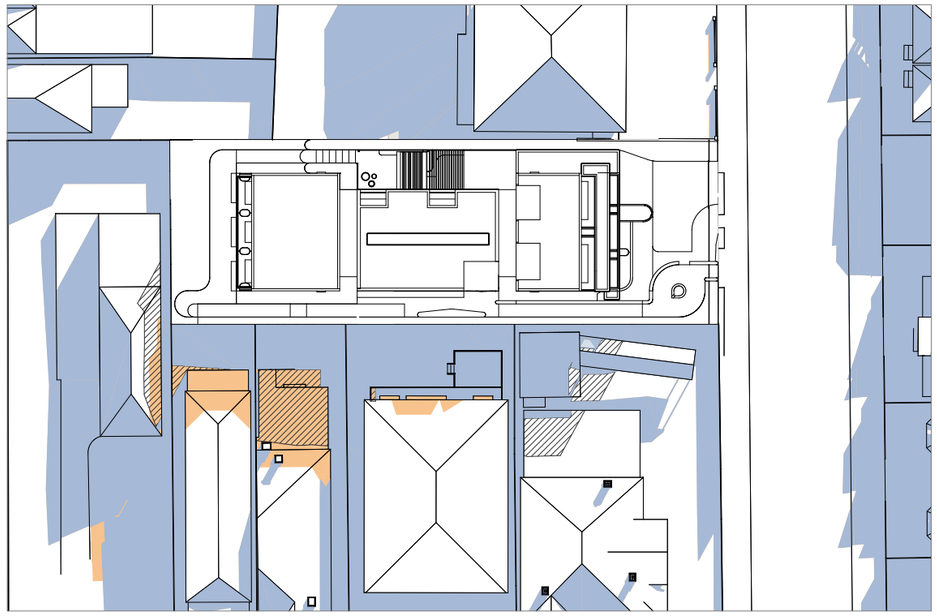
PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
LANDSCAPE AND DEEPSOIL
COMMUNAL OPEN SPACE

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No **DA-701-002** | REV **02**



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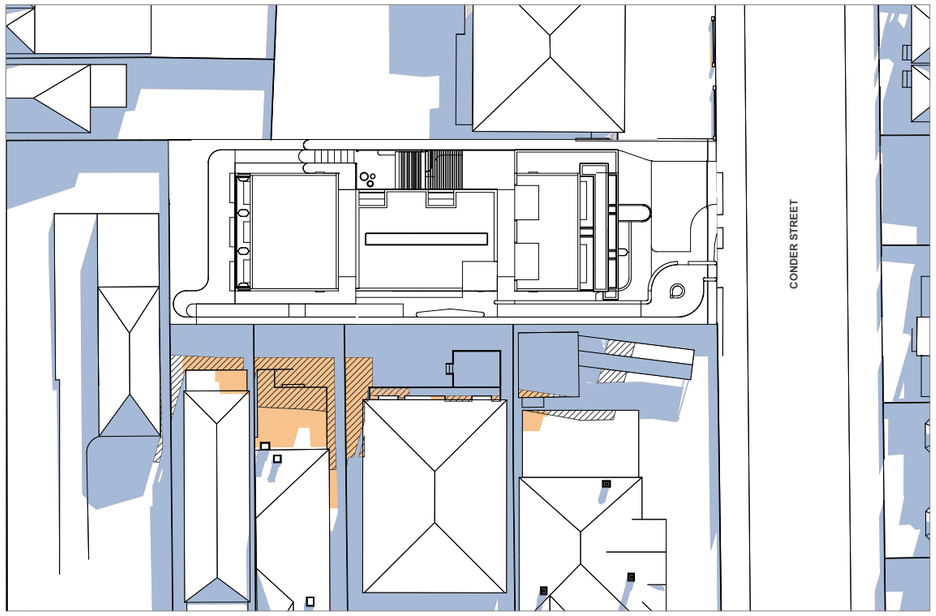

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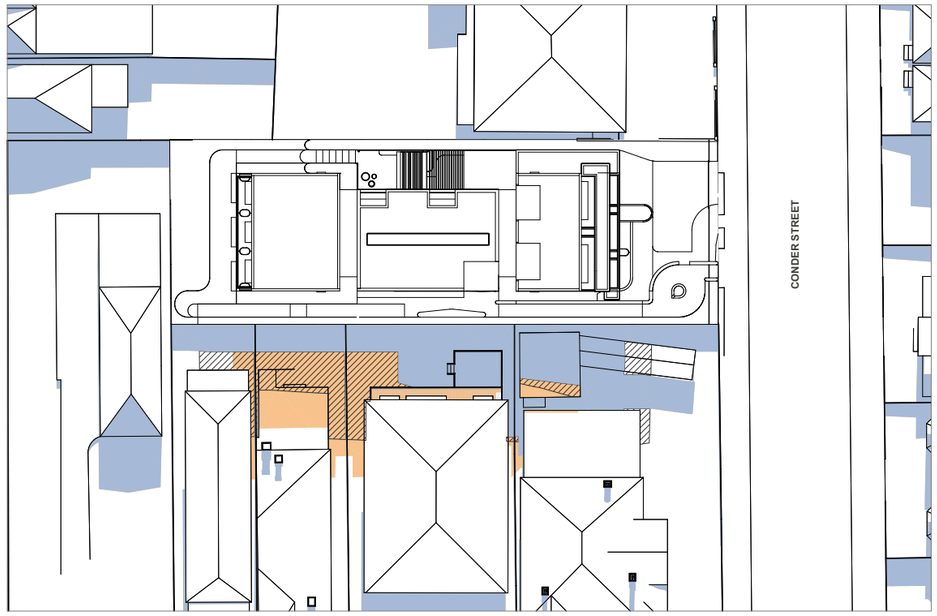

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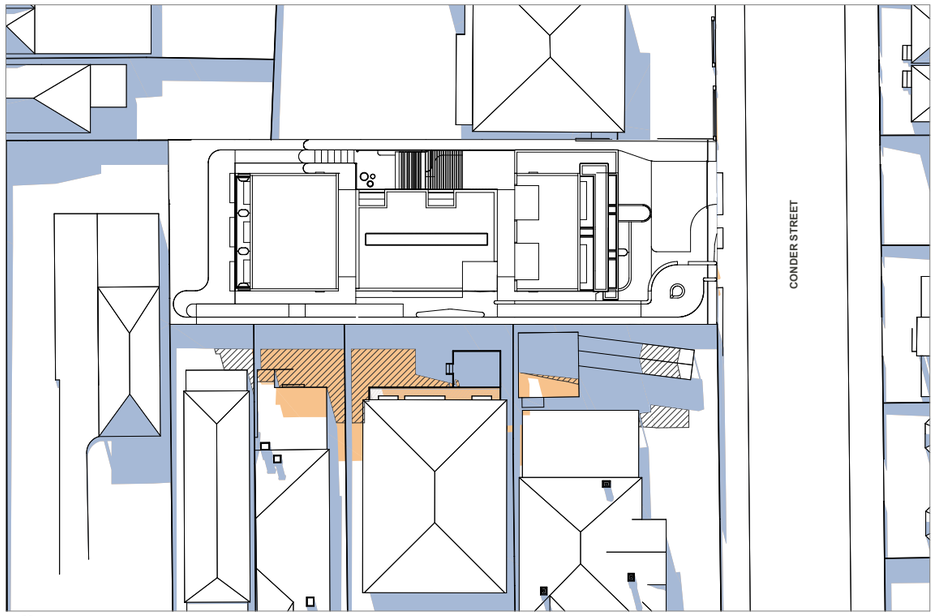

4 12:00 PM Shadow Study

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LEGEND

- EXISTING
- BURWOOD DCP - MUTLI DWELLING HOUSING
- PROPOSED SHADOW

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

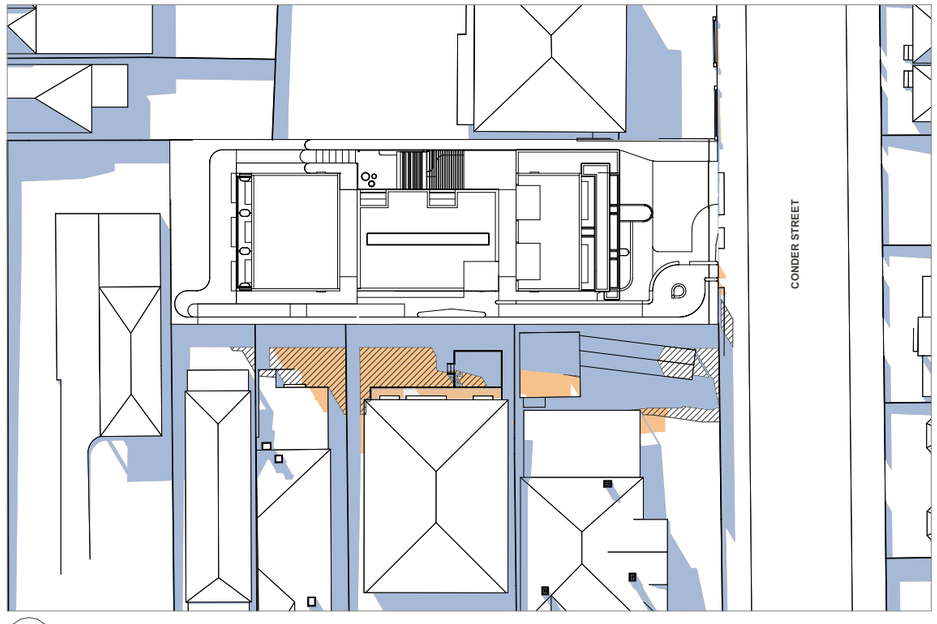
PROJECT STATUS
DA

DRAWING TITLE
SHADOW DIAGRAMS
JUNE 21 - (09:00 - 12:00)

DRAWN LS | SCALE 1:500@A3 | NORTH

DRAWING No
DA-702-001

REV
01



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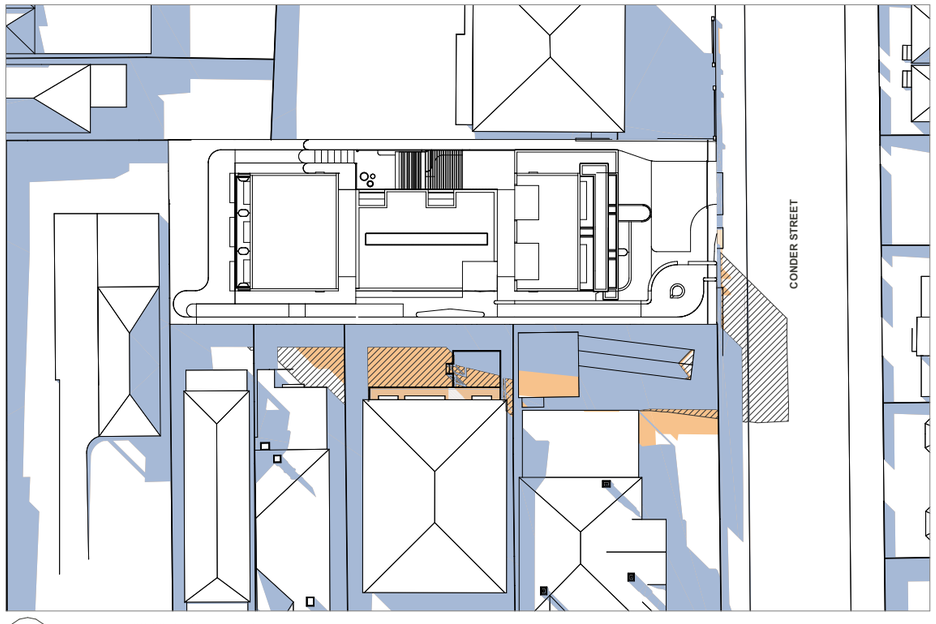

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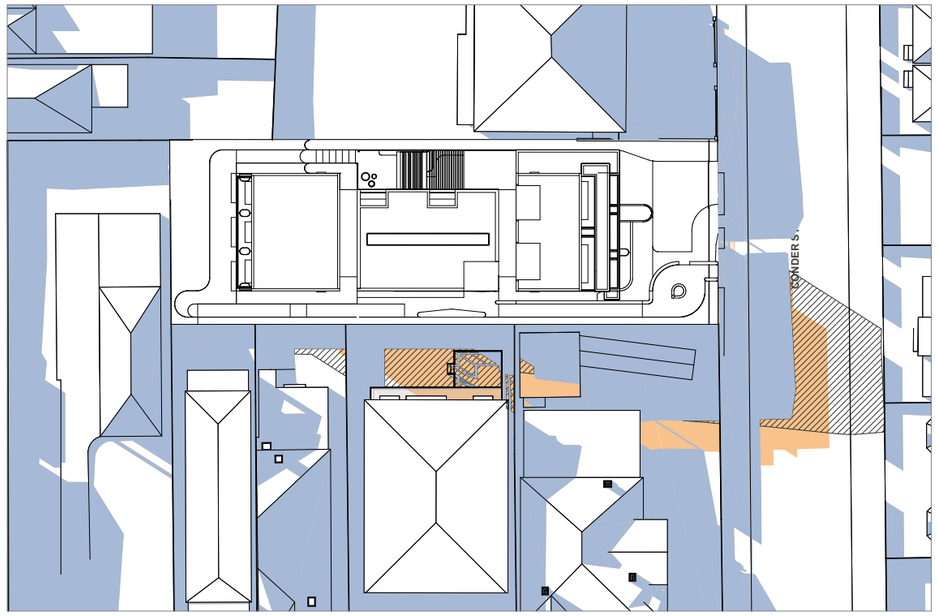

3 03:00 PM Shadow Study

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LEGEND
- EXISTING
- BURWOOD DCP - MUTLI DWELLING HOUSING
- PROPOSED SHADOW

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25

PROJECT
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PROJECT No
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PROJECT STATUS
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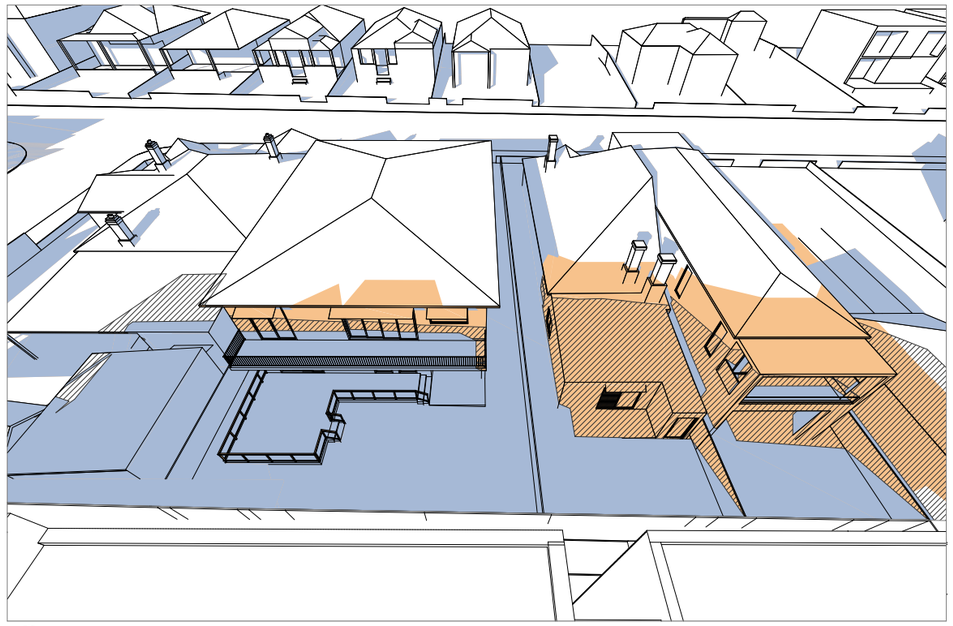
DRAWING TITLE
SHADOW DIAGRAMS
JUNE 21 - (13:00 - 15:00)

DRAWN LS | SCALE 1:500@A3 | NORTH

DRAWING No **DA-702-002** | REV **01**



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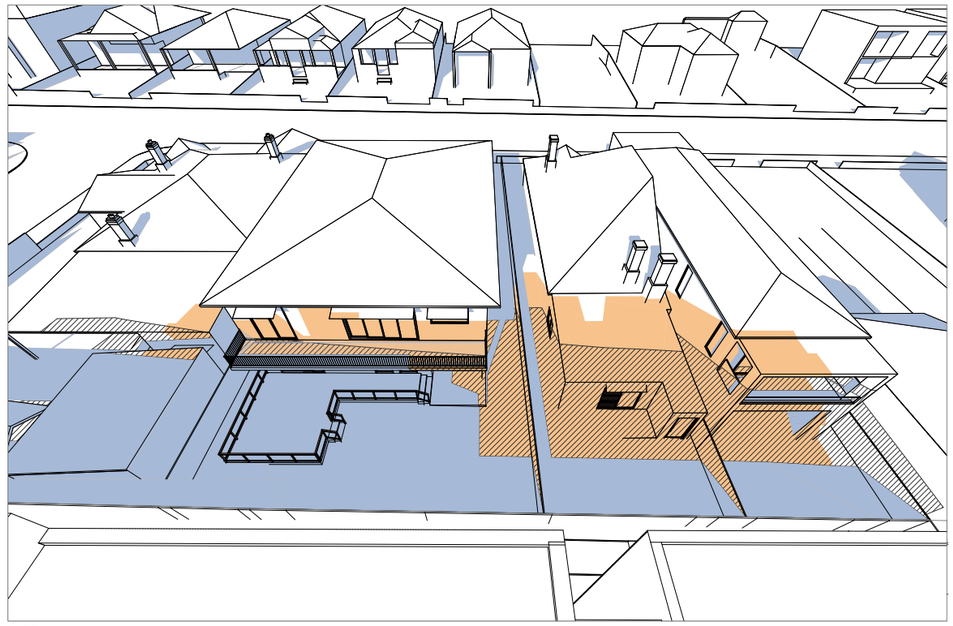

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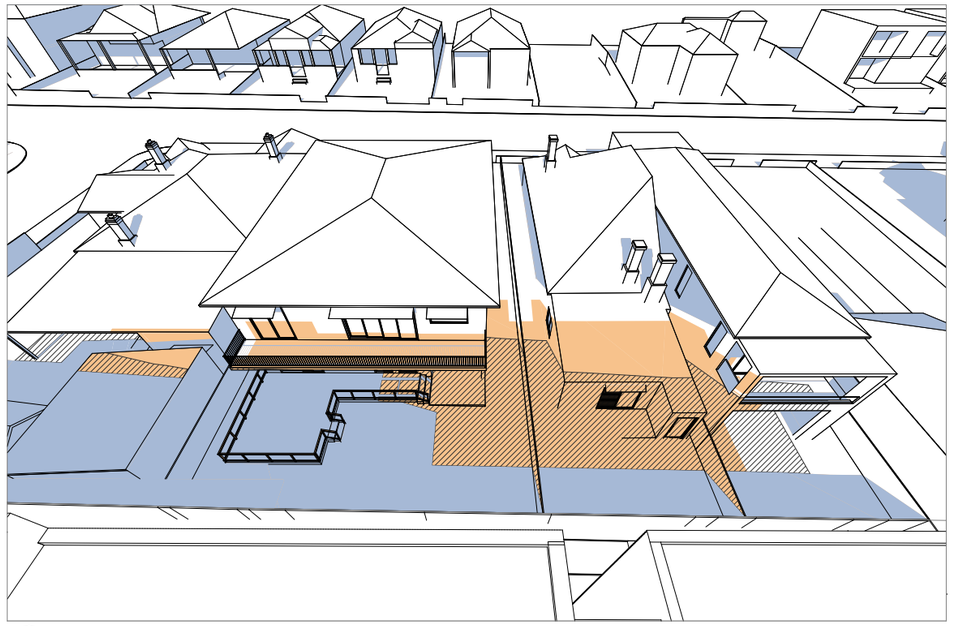

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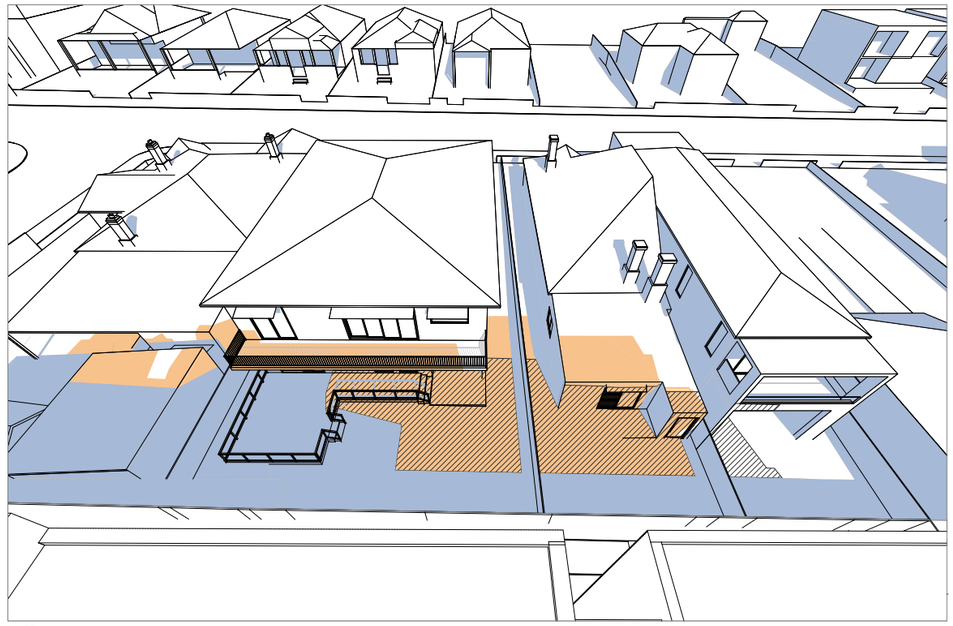

4 12:00 PM Shadow Study

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LEGEND
- EXISTING
- BURWOOD DCP - MUTLI DWELLING HOUSING
- PROPOSED SHADOW

AMENDMENTS

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01	DA ISSUE 01	LS	AH	12/11/25

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PROJECT No
2430A

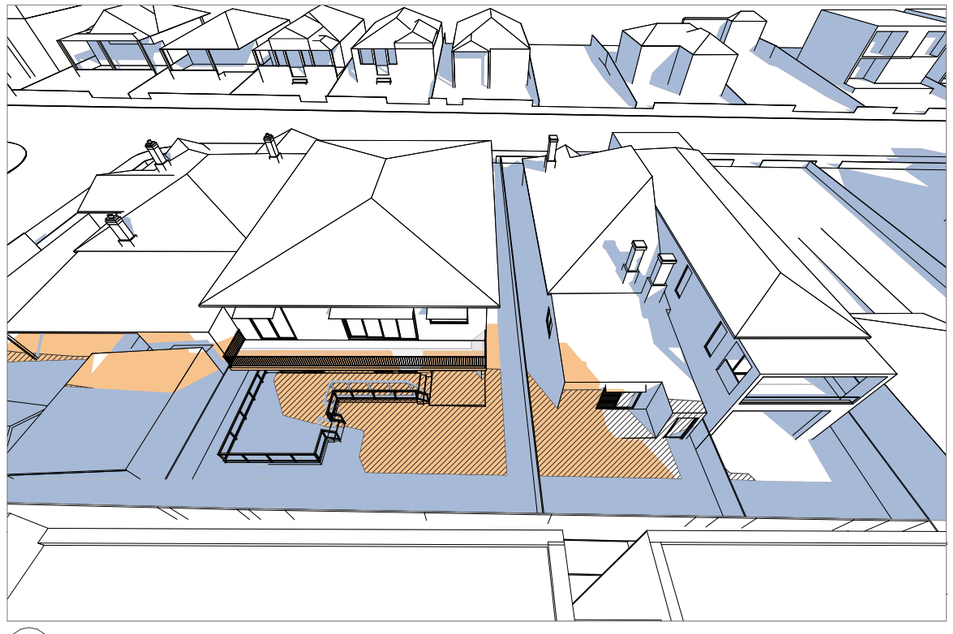
PROJECT STATUS
DA

DRAWING TITLE
SHADOW DIAGRAMS
JUNE 21 - (09:00 - 12:00)

DRAWN LS | SCALE @A3 | NORTH

DRAWING No
DA-702-003

REV
01



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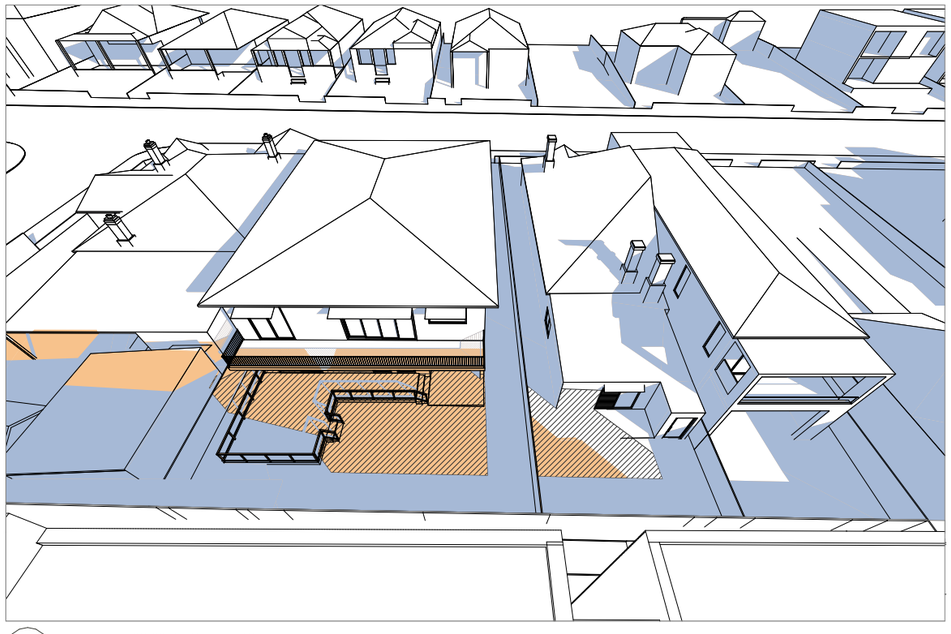

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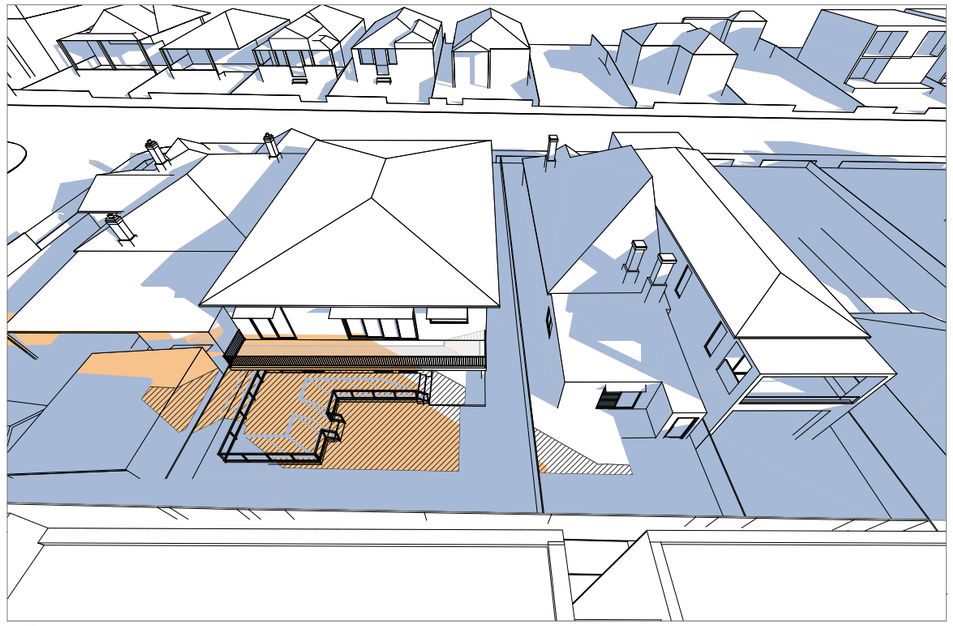

3 03:00 PM Shadow Study

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LEGEND
- EXISTING
- BURWOOD DCP - MUTLI DWELLING HOUSING
- PROPOSED SHADOW

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
SHADOW DIAGRAMS
JUNE 21 - (13:00 - 15:00)

DRAWN LS | SCALE @A3 | NORTH

DRAWING No **DA-702-004** | REV **01**



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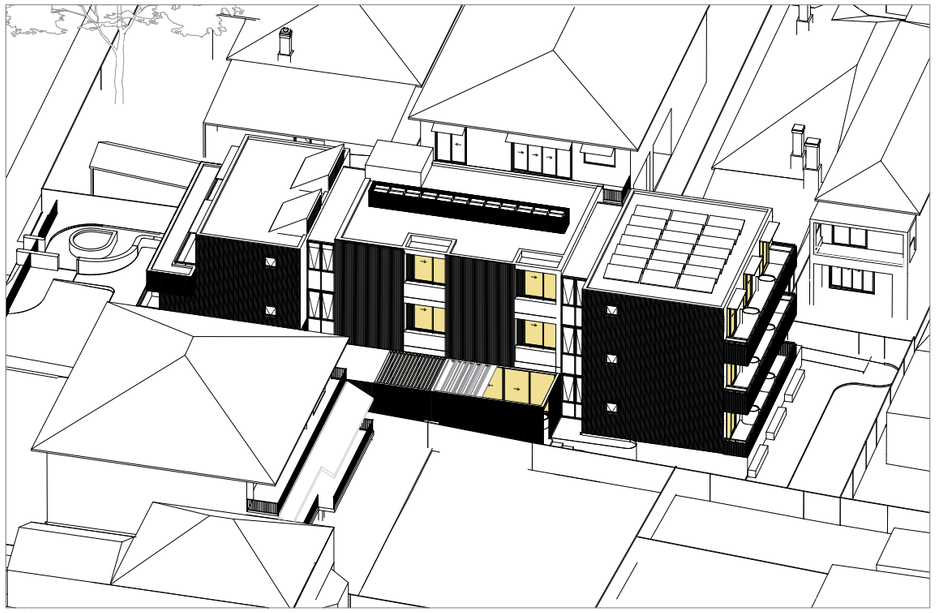
2 10:00 AM SOLAR ACCESS



3 11:00 AM SOLAR ACCESS



4 12:00 PM SOLAR ACCESS

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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

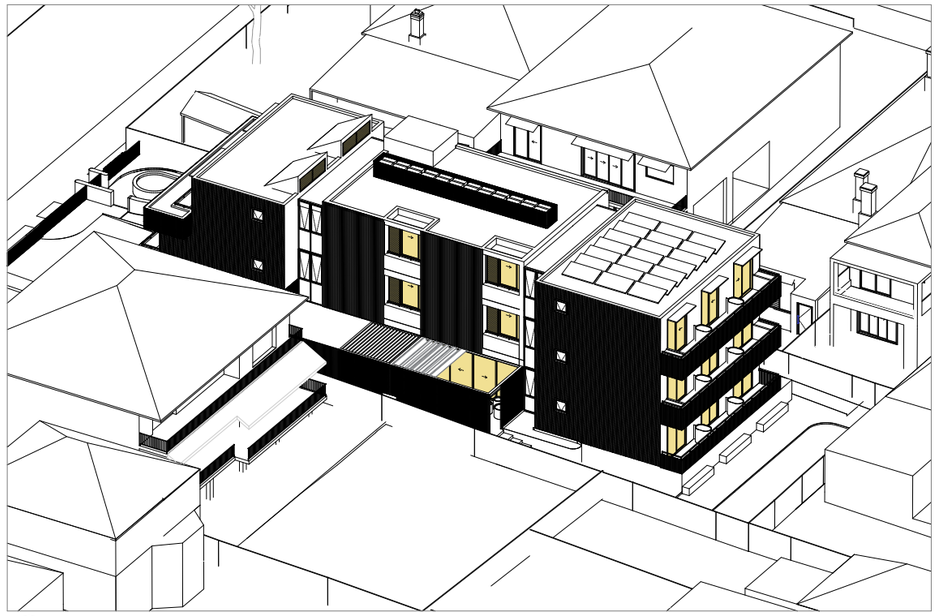
PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
SOLAR ACCESS
JUNE 21 (09:00 - 12:00)

DRAWN LS | SCALE @A3 | NORTH

DRAWING No **DA-703-001** | REV **02**



1 01:00 PM SOLAR ACCESS



2 02:00 PM SOLAR ACCESS



3 03:00 PM SOLAR ACCESS

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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

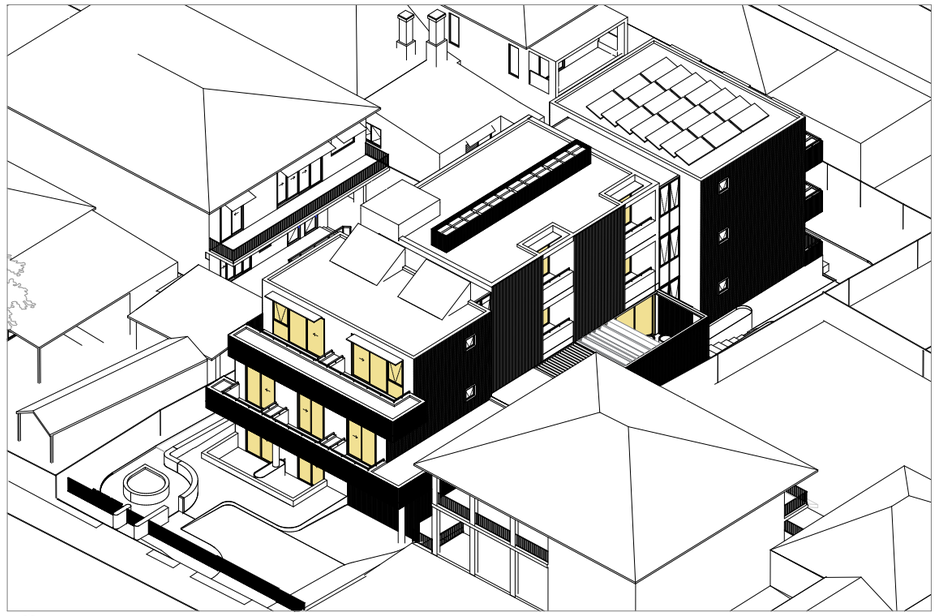
PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
SOLAR ACCESS
JUNE 21 - (13:00 - 15:00)

DRAWN LS | SCALE @A3 | NORTH

DRAWING No **DA-703-002** | REV **02**



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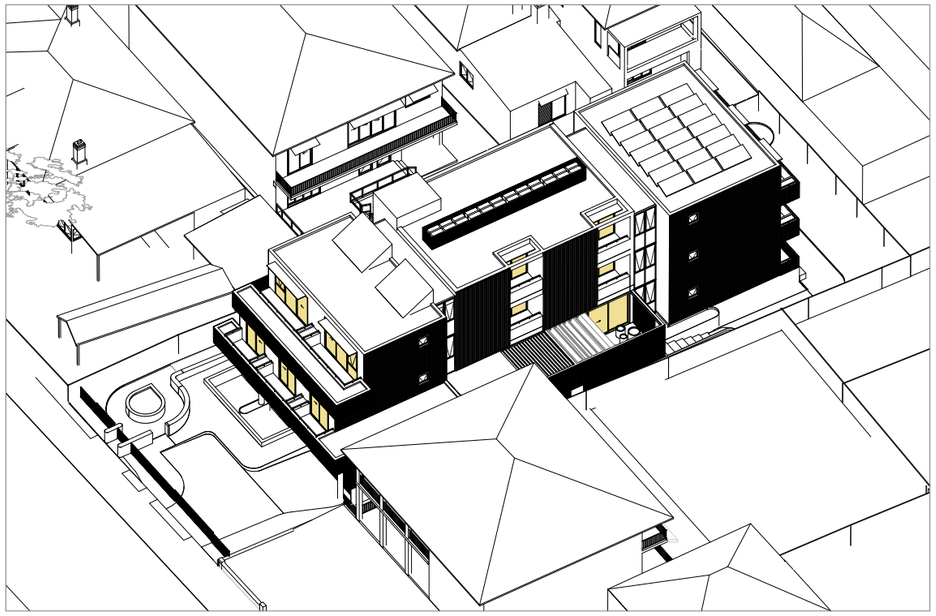

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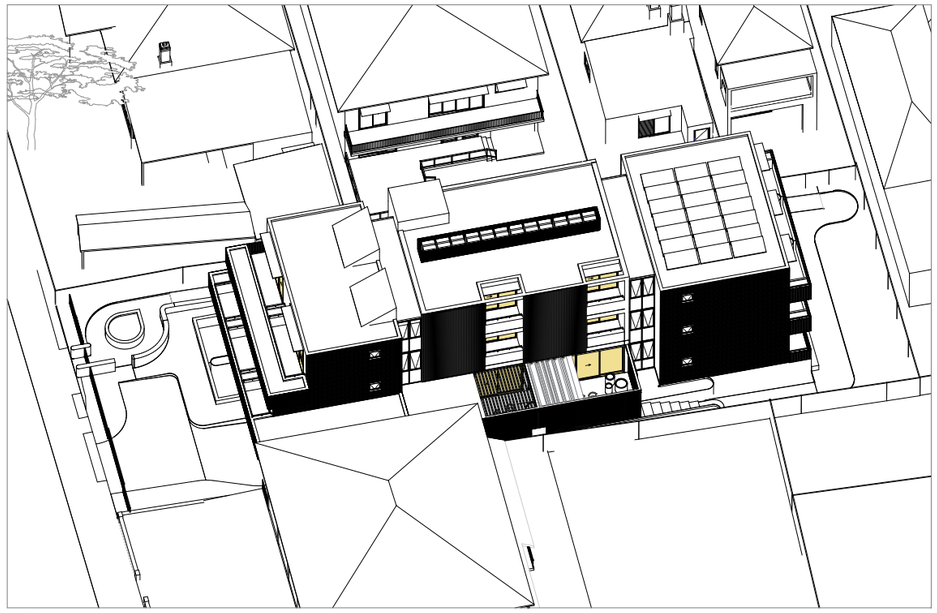

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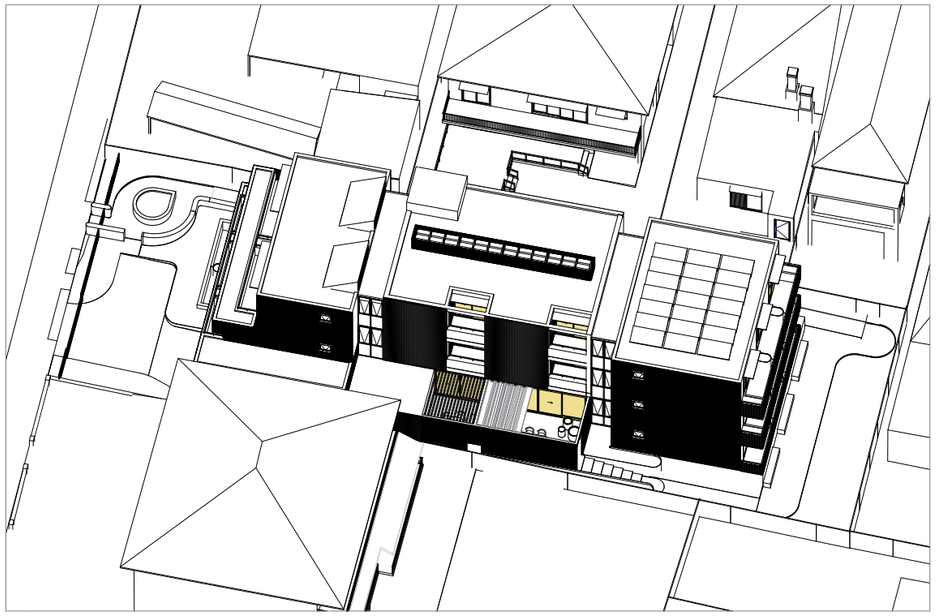

4 12:00 PM SOLAR ACCESS

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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

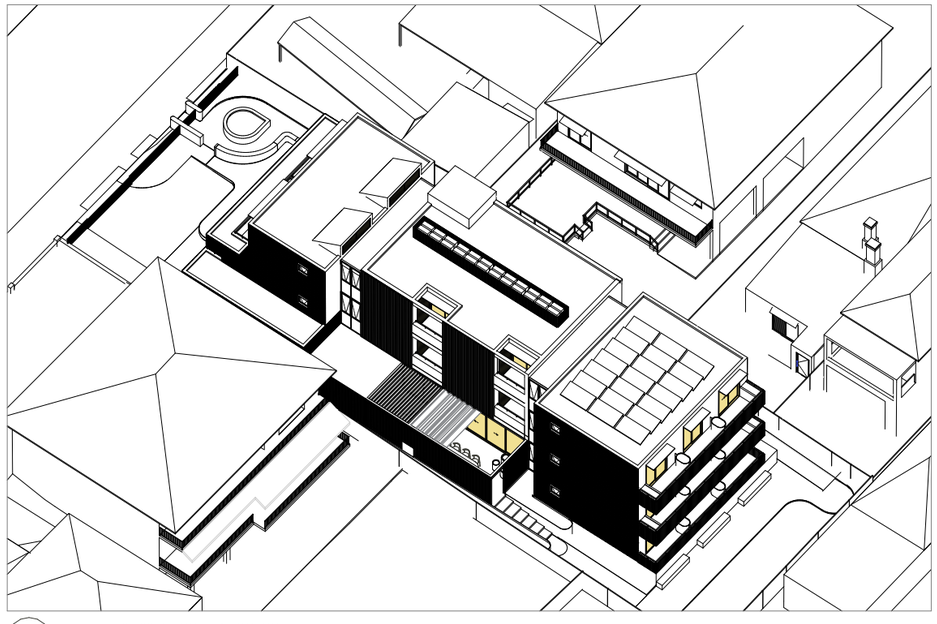
PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
SOLAR ACCESS
MAR/SEP 21 - (09:00 - 12:00)

DRAWN LS | SCALE @A3 | NORTH

DRAWING No **DA-703-003** | REV **02**



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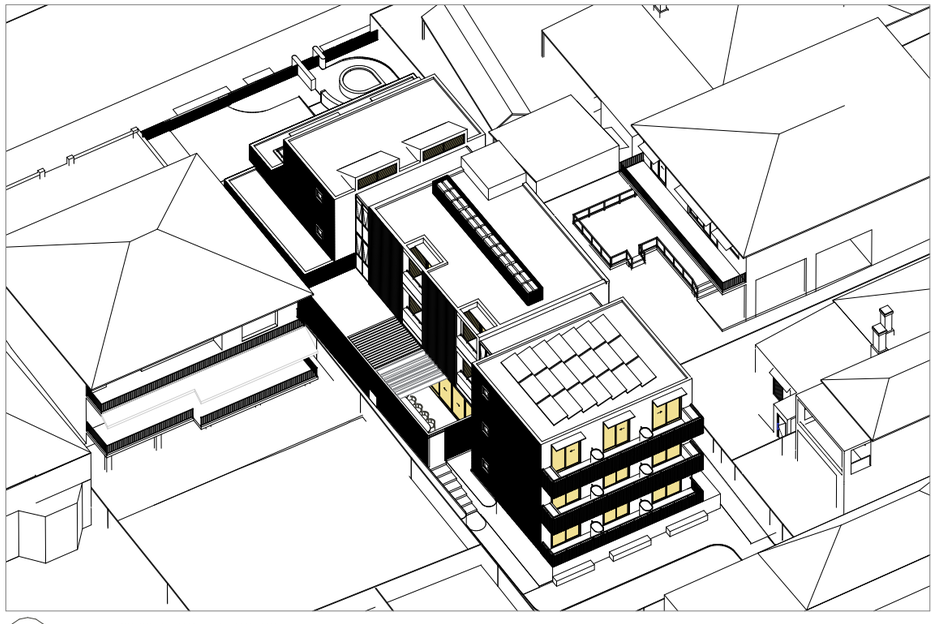

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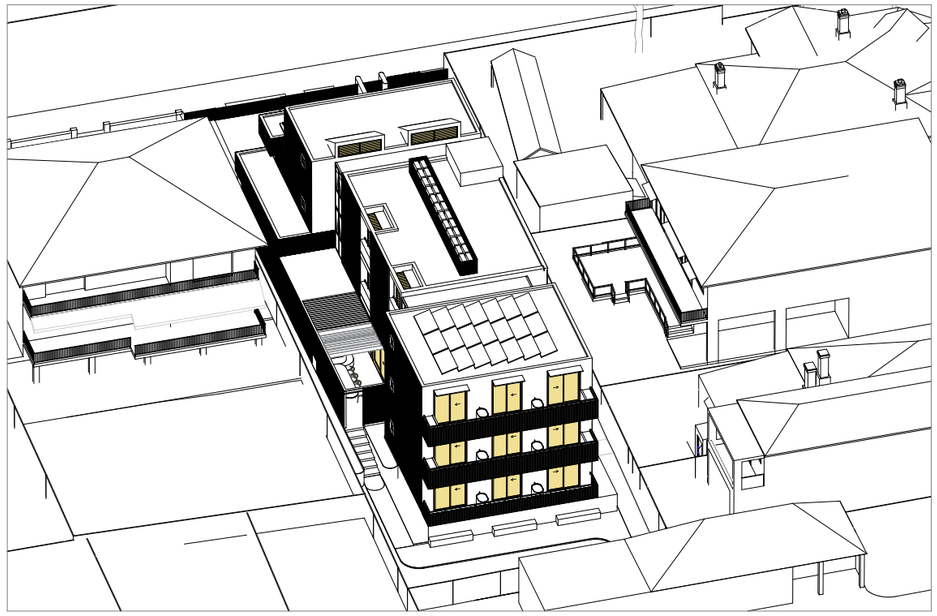

3 03:00 PM SOLAR ACCESS

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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

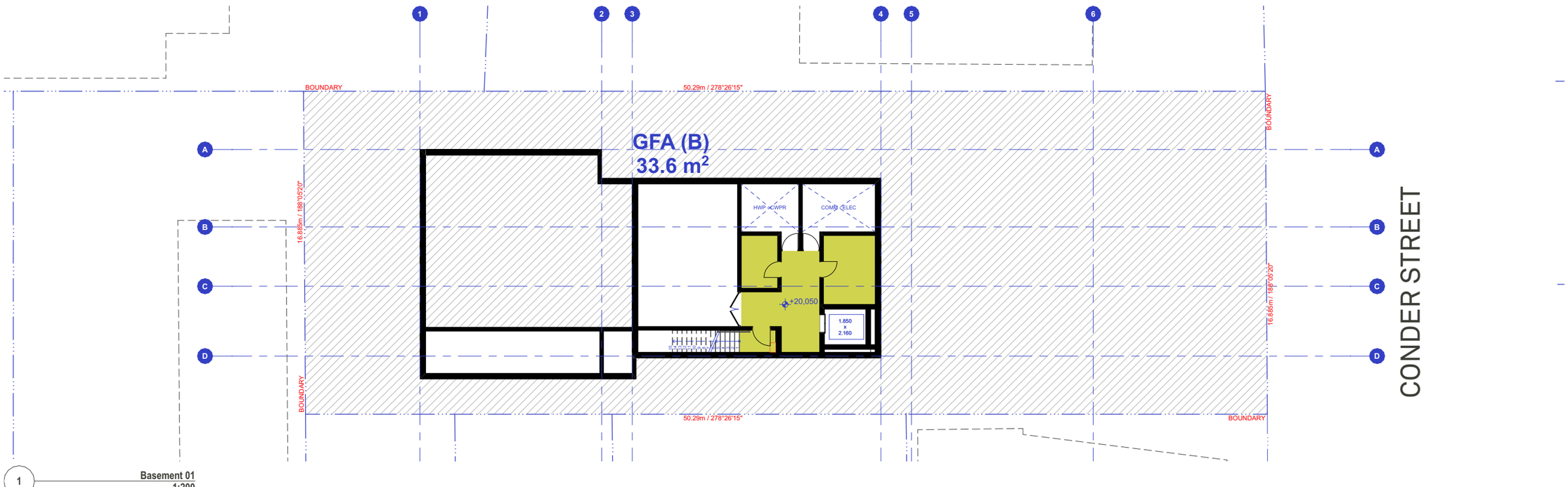
PROJECT No
2430A

PROJECT STATUS
DA

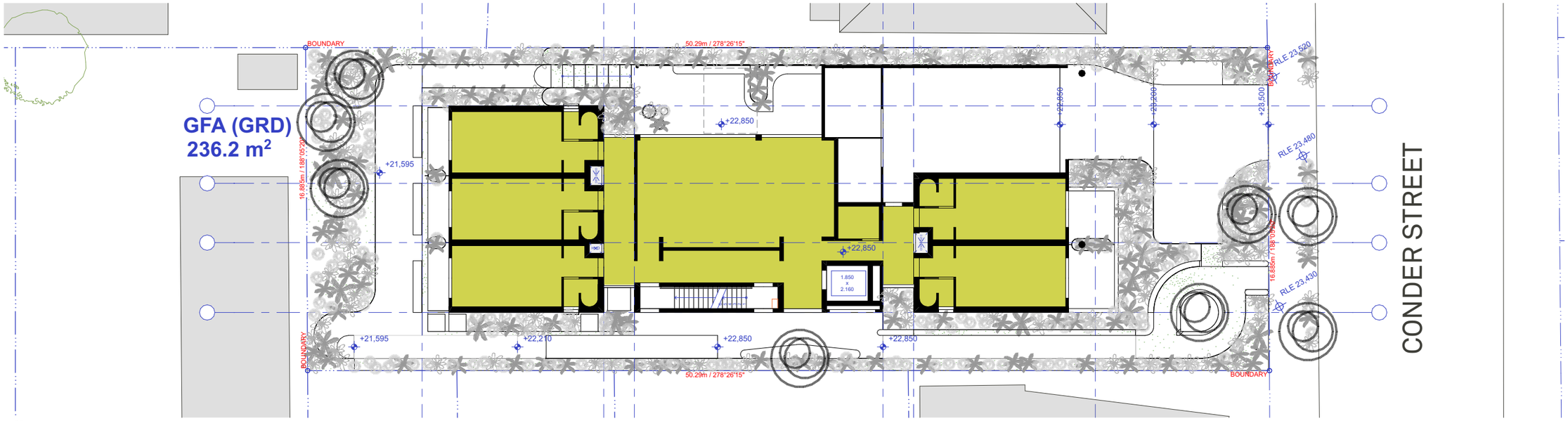
DRAWING TITLE
SOLAR ACCESS
MAR/SEP 21 - (13:00 - 15:00)

DRAWN LS
SCALE @A3
NORTH

DRAWING No
DA-703-004
REV
02



1 Basement 01
1:200



2 Ground
1:200

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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

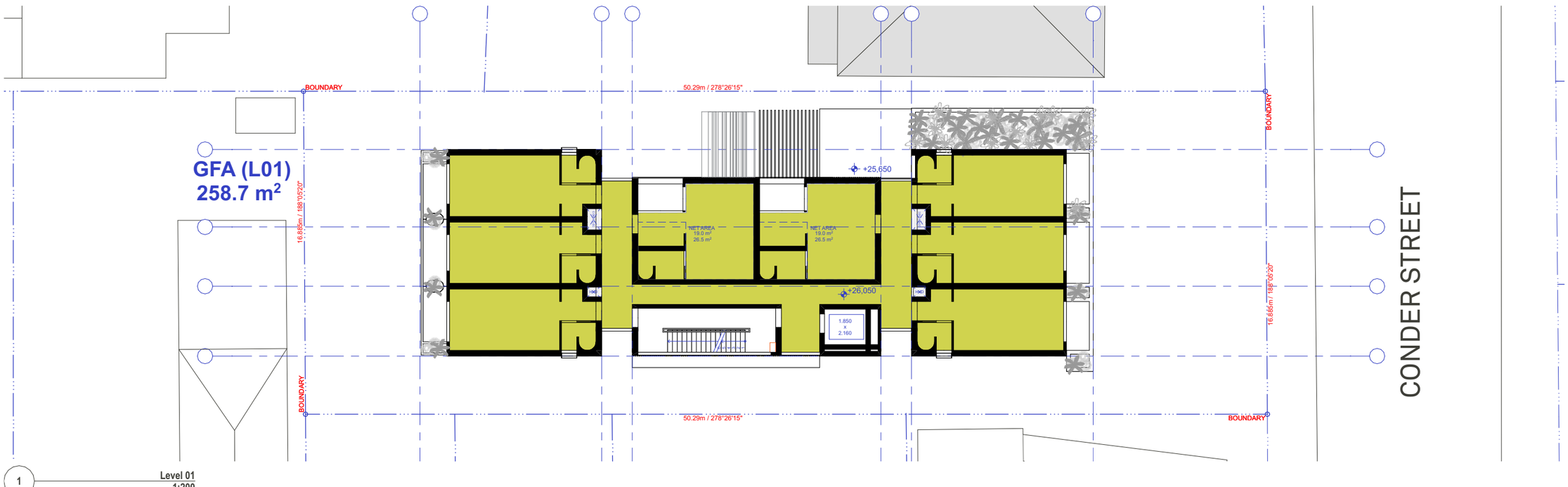
PROJECT STATUS
DA

DRAWING TITLE
GFA DIAGRAMS
Sheet 01

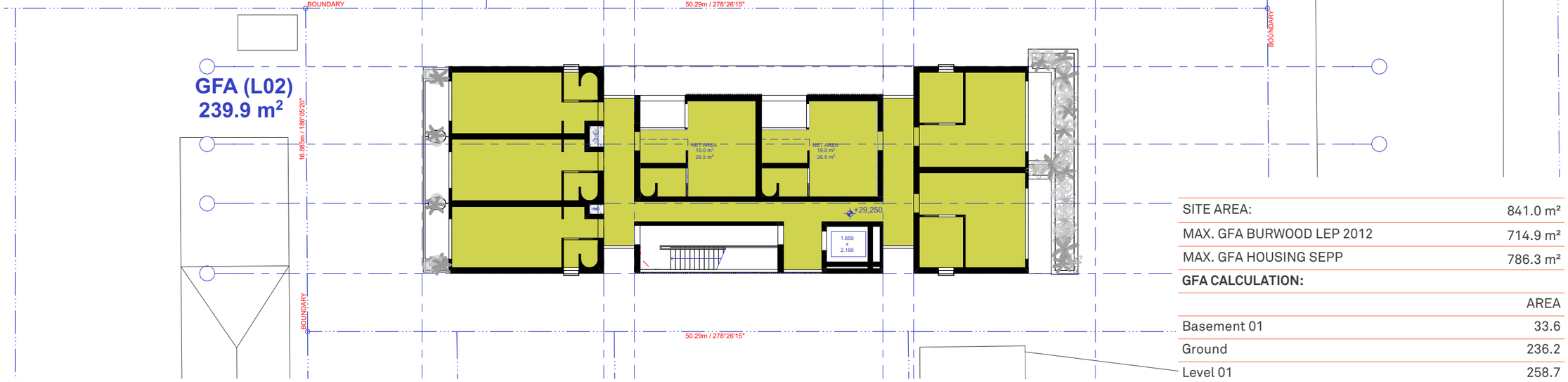
DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-710-001

REV
02



1 Level 01
1:200



2 Level 02
1:200

SITE AREA:	841.0 m²
MAX. GFA BURWOOD LEP 2012	714.9 m²
MAX. GFA HOUSING SEPP	786.3 m²
GFA CALCULATION:	
	AREA
Basement 01	33.6
Ground	236.2
Level 01	258.7
Level 02	239.9
TOTAL:	**768.4 m²**

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AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

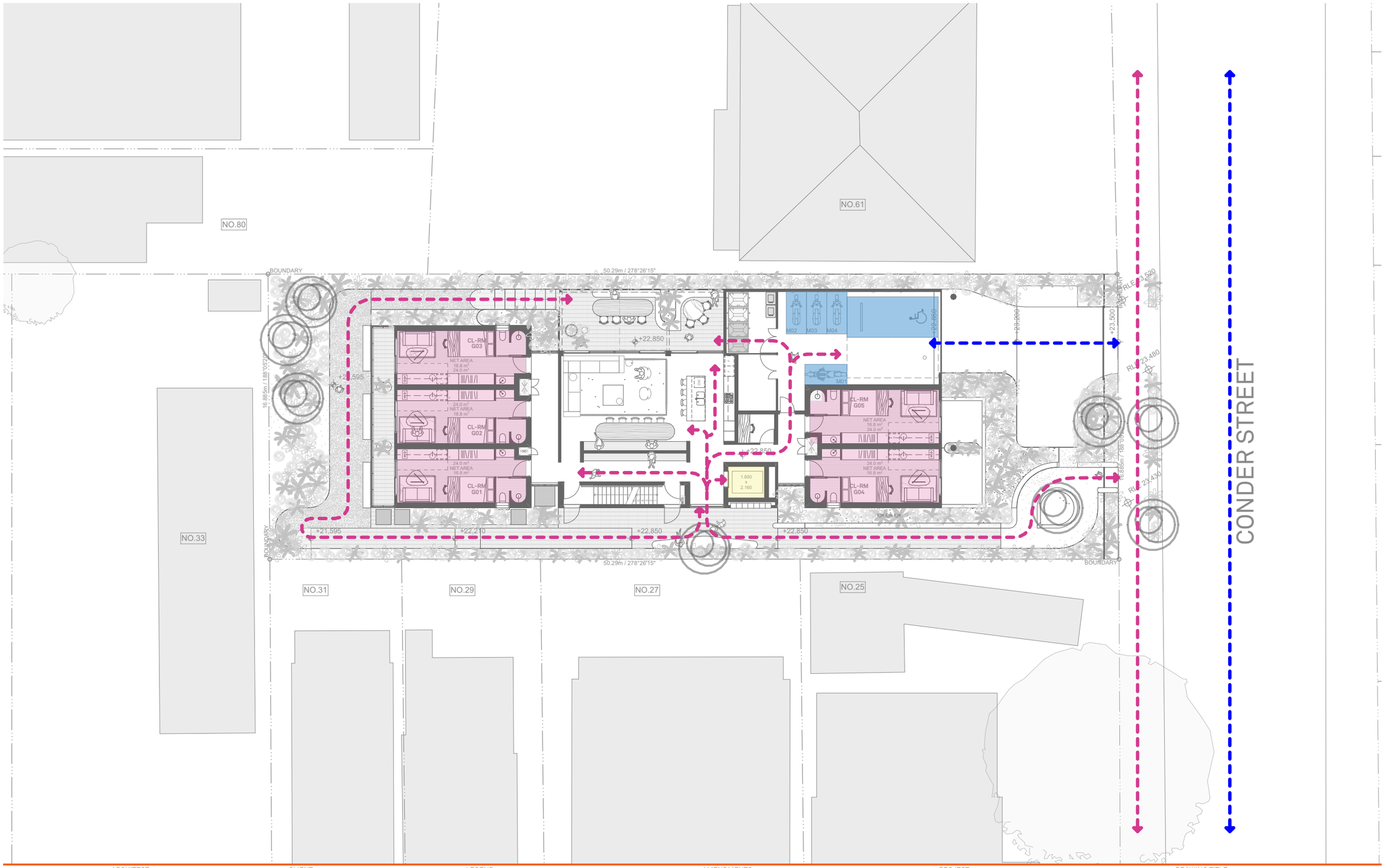
PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
GFA DIAGRAMS
Sheet 02

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No **DA-710-002** | REV **02**



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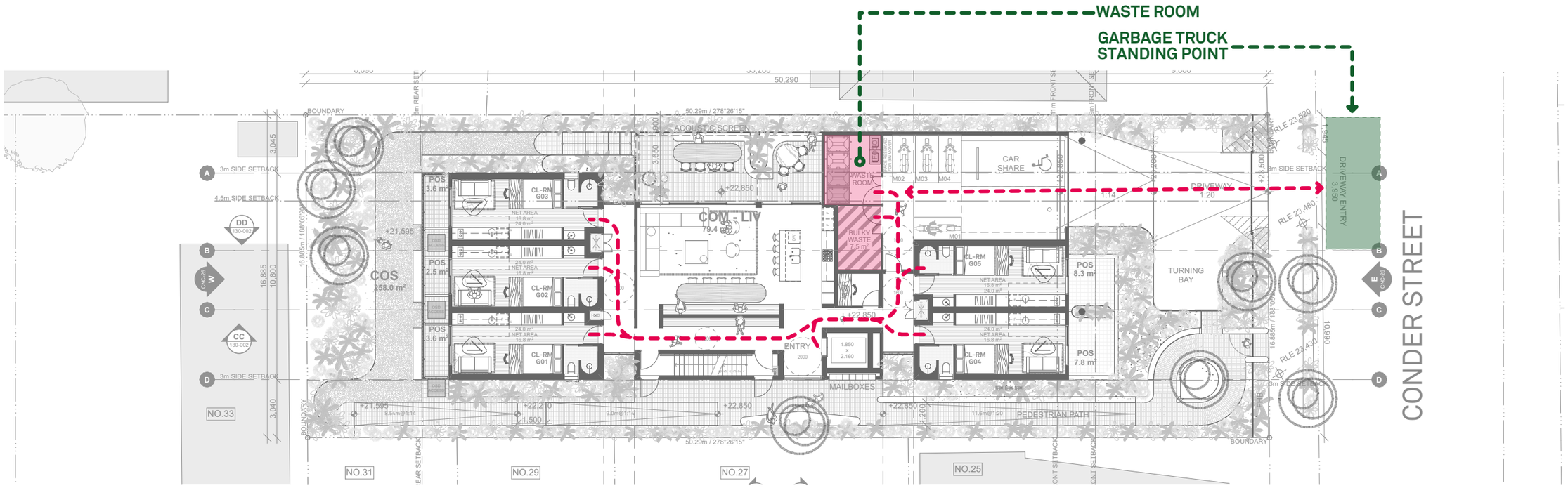
LEGEND
PEDESTARIAN + BICYCLE ACCESS
VEHICULAR ACCESS

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134
PROJECT No
2430A
PROJECT STATUS
DA

DRAWING TITLE
CONCEPT DIAGRAMS
Access
DRAWN LS
SCALE 1:200@A3
NORTH
DRAWING No
DA-730-001
REV
02



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LEGEND
WASTE ROUTE
COLLECTION AREA

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25
02	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
CONCEPT DIAGRAMS
Waste Management

DRAWN LS | SCALE 1:200@A3 | NORTH

DRAWING No
DA-730-002

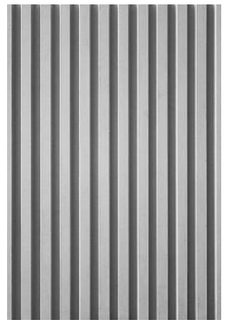
REV
02

FINISHES LEGEND

CN1 - Off-form Concrete - Light Grey Colour
CN2 - Off-form Concrete - Ribbed - Light Grey Colour
BK1 - Brick - Red-Brown Colour
BK2 - Brick - Light Grey Colour
CMR1 - Cement Render - Monument Grey Colour
GLS1 - Clear Glazing in Aluminium Powder Coated Frame Match MT1
GLS2 - Clear Glass Louver
MT1 - Metal - Powder Coated Monument Grey Colour
MB1 - Metal Batten - Colour to Match MT1
MSC1 - Metal Screening - Colour to Match MT1
BL1 - Aluminium Balustrade - Colour to Match MT1
TSC1 - Timber Screen



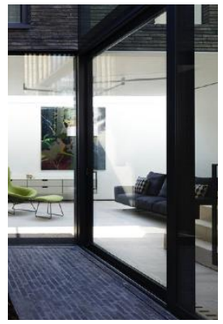
CN1
Off-form Concrete
Light Grey Colour



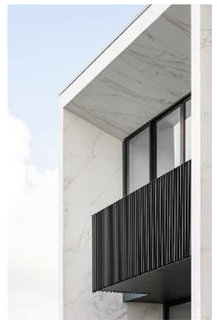
CN2
Off-form Concrete
Ribbed
Light Grey Colour



CMR1
Cement Render
Monument Grey Colour



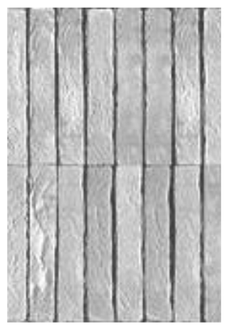
GLS1
Clear Glazing
Aluminium
Frame Match MT1



BL1
Aluminium Balustrade
Colour to Match MT1



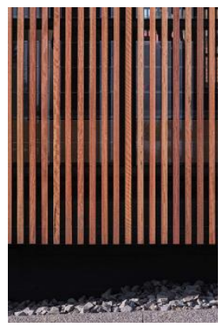
BK1
Brick
Red-Brown Colour



BK2
Brick
Light Grey Colour



BK1
Brick Pattern
Reference Image



TSC1
Timber Screen



MT1
Metal - Powder Coated
Monument Grey Colour



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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
EXTERNAL FINISHES
Finishes

DRAWN LS | SCALE @A3 | NORTH

DRAWING No
DA-800-001

REV
01

FINISHES LEGEND

CN1 - Off-form Concrete - Light Grey Colour
CN2 - Off-form Concrete - Ribbed - Light Grey Colour
BK1 - Brick - Red-Brown Colour
BK2 - Brick - Light Grey Colour
CMR1 - Cement Render - Monument Grey Colour
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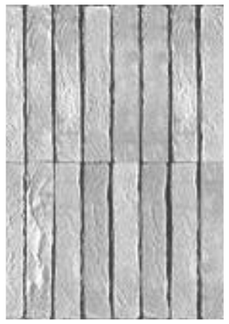
GLS2 - Clear Glass Louver
MT1 - Metal - Powder Coated Monument Grey Colour
MB1 - Metal Batten - Colour to Match MT1
MSC1 - Metal Screening - Colour to Match MT1
BL1 - Aluminium Balustrade - Colour to Match MT1
TSC1 - Timber Screen



BK1 - Brick - Red-Brown Colour



BK2 - Brick - Light Grey Colour



BK1 - Brick Pattern - Reference Image



TSC1 - Timber Screen



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CLIENT
Meduri Ragonese Partnership

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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 02-RFI RESPONSE	LS	GMC	25/3/26

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

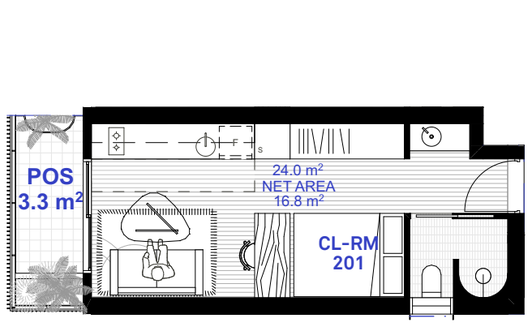
PROJECT No
2430A

PROJECT STATUS
DA

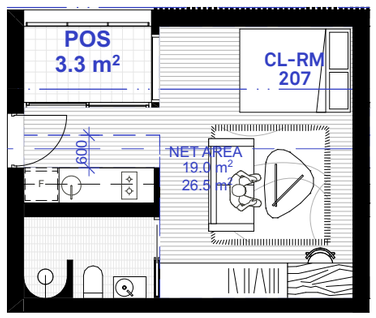
DRAWING TITLE
EXTERNAL FINISHES
Finishes

DRAWN LS | SCALE @A3 | NORTH

DRAWING No **DA-800-002** | REV **01**



TYPE 01



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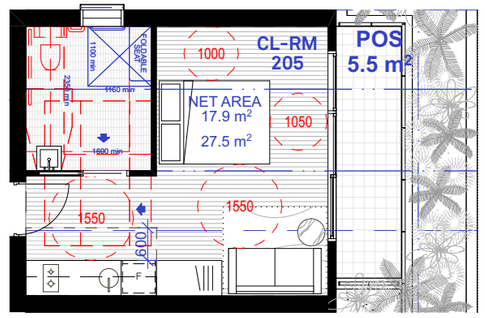

TYPE 03

Co-Living Room Types	Total
Type 01	14
Type 02	4
Type 03 - Accessible	2
Total	20

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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	LS	AH	12/11/25

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

DRAWING TITLE
APARTMENT
Co-Living Room Types

DRAWN LS | SCALE 1:100@A3 | NORTH

DRAWING No
DA-811-001

REV
01



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LEGEND

AMENDMENTS

Rev	Description	By	Check	Date
01	DA ISSUE 01	-	AH	12/11/25

PROJECT
63C
63 CONDER ST, BURWOOD NSW 2134

PROJECT No
2430A

PROJECT STATUS
DA

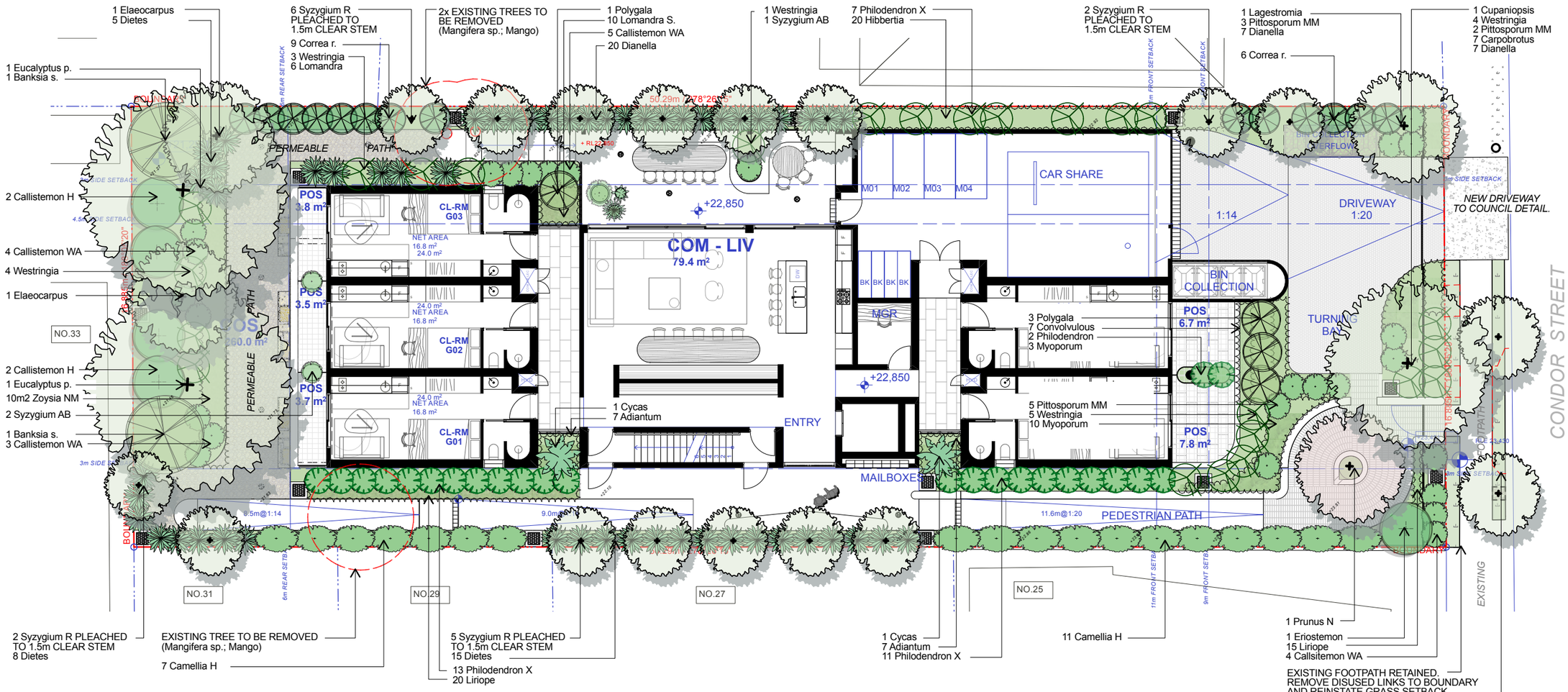
DRAWING TITLE
PERSPECTIVES
CGI

DRAWN: -
SCALE: @A3
NORTH:

DRAWING No
DA-900-001

REV
01

Amended Architectural Plans and Landscape Plans

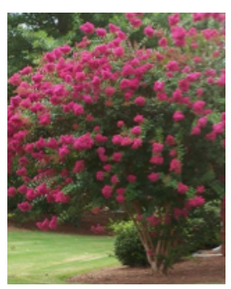



Eucalyptus punctata


Elaeocarpus


Prunus Nigra


Cupaniopsis


Lagestroemia


Syzygium Resilience


Camellia

LEGEND:

- EXISTING TREE - RETAIN
- EXISTING TREE - REMOVE
- SITE BOUNDARY
- 17.750 + EXISTING SPOT LEVEL
- RL17.750 + PROPOSED SPOT LEVEL

Matthew Higginson Landscape Architecture Pty Ltd po box 353 five dock nsw 2046 **t** 0414 725 944 **e** mhla@mhla.com.au

DEVELOPMENT APPLICATION

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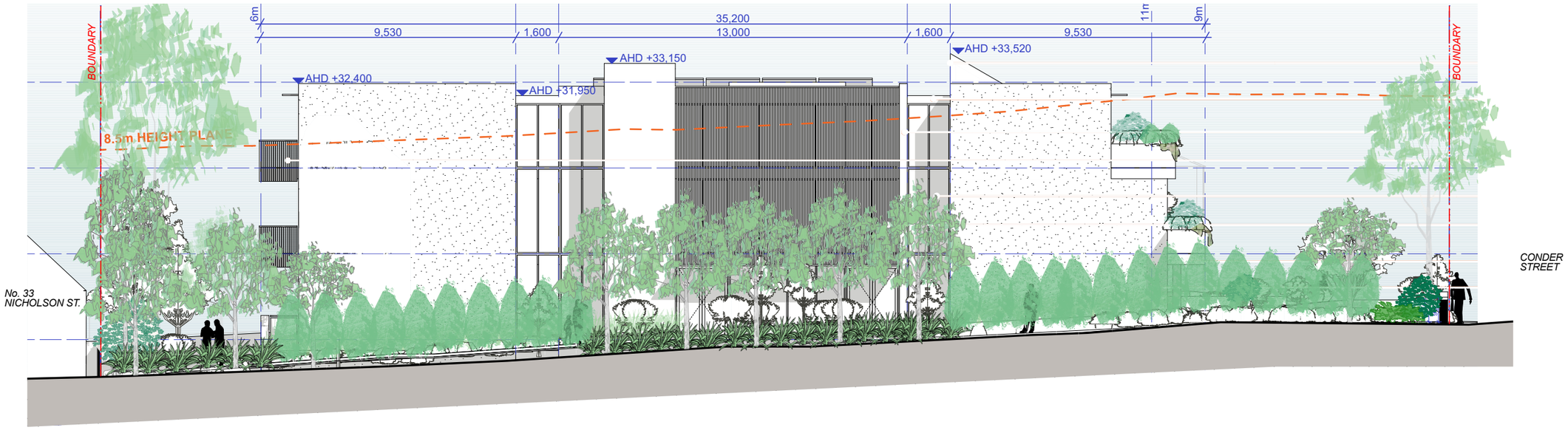
issue	date	description
01	04.09.25	Preliminary issue for comment.
A	05.10.25	Update to arch. Amend to comments. DA issue
B	12.11.25	Update to arch. Coord SW. DA issue

project
63 Condor Street Burwood NSW

client
Meduri Ragonese Partnership

drawing title
Landscape Plan : Ground Floor

scale	project no.	drawing no.	issue
1:150 @ A3	25995	LP01	B



01 South Elevation
1:150

PLANT SCHEDULE

Botanic Name	Common Name	Supply Size (mm/L)	Mature Height	Mature Spread	Qty
Trees					
Cupaniopsis anacaroides	Tuckeroo	100L	8m	5m	1
Elaeocarpus reticulatus	Blueberry Ash	100L	8m	4m	2
Eucalyptus punctata	Grey Box	100L	15m	8m	2
Lagerstroemia indica 'Sioux'	Sioux Crepe Myrtle	100L	6m	3m	1
Prunus cerasifera Nigra	Purple Leaf Flowering Plum	100L	5m	4m	1
Shrubs					
Banksia serrata	Old Man Banksia	75L	5m	2m	2
Callistemon Harkness	Harkness Bottlebrush	75L	4m	2m	4
Camellia sasanqua Hagoromo	Hagaromo Camellia	45L	4m	2m	18
Correa reflexa	Native Fuscia	300mm	1m	1m	15
Cycas revoluta	Sage Palm	300mm	1.5m	1m	2
Eriostemon myoporoides	Long-leaf Wax Flower	300mm	1.5m	1.5m	1
Philodendron 'Xanadu'	Xanadu Philodendron	300mm	0.9m	0.9m	32
Pittosporum Miss Muffet	Miss Muffet	300mm	1m	1m	17
Polygala myrtifolia	Myrtle-leaf Milkwort	300mm	1.2m	1.2m	4
Syzygium 'Aussie Boomer'	Aussie Boomer Dwarf Lilly Pilly	300mm	1.5m	1m	19
Syzygium 'Resilience'	Resilience Lilly Pilly	100L	5m	3m	19
Westringia glabra	Violet Westringia	45L	1.5m	1m	21

Botanic Name	Common Name	Supply Size (mm/L)	Mature Height	Mature Spread	Qty
Groundcovers					
Adiantum aethiopicum	Maidenhair Fern	140mm	0.3m	0.5m	14
Callsitemon White Anzac	White Anzac	200mm	0.3m	1m	16
Carpobrotus glaucescens	Pig Face	140mm	0.2m	1m	12
Casuarina Shagpile	Prostrate She-Oak	200mm	0.2m	1m	24
Convolvulous sabatius	Ground Morning Glory	140mm	0.1m	1m	7
Dianella caerulea	Flax Lily	140mm	0.7m	0.7m	34
Dietes iricioides	Butterfly Iris	200mm	1m	1m	33
Hibbertia scandens	Guinea Flower	200mm	0.2m	1m	20
Liriope muscarii	Lily Turf	140mm	0.4m	0.4m	35
Lomandra Shara	Shara Mat Rush	200mm	0.5m	0.5m	16
Myoporum parvifolium	Creeping Boobiala	140mm	0.2m	1m	35
Zoysia 'No Mow'	No Mow Grass	ROLL	0.1m	1m	10m2

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DEVELOPMENT APPLICATION

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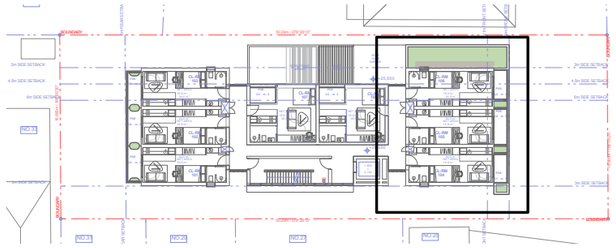
north

project
63 Condor Street Burwood NSW

client
Meduri Ragonese Partnership

drawing title
Elevation + Schedule

scale	project no.	drawing no.	issue
1:150 @ A3	25995	LP02	B



Key Plan
1:500



Syzygium Aussie Boomer



Westringia glabra



Carpobrotus glaucescens



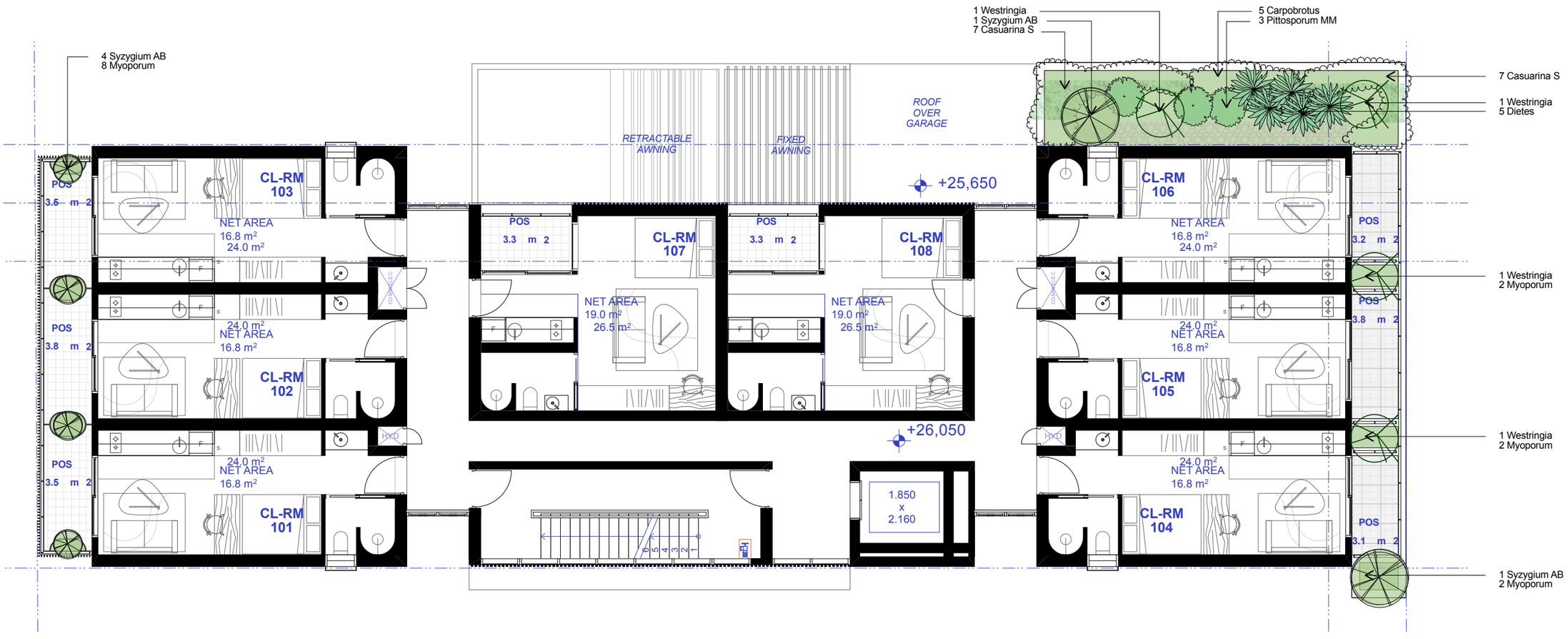
Pittosporum Miss Muffet



Casuarina Shagpile



Pennisetum Nafray



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DEVELOPMENT APPLICATION

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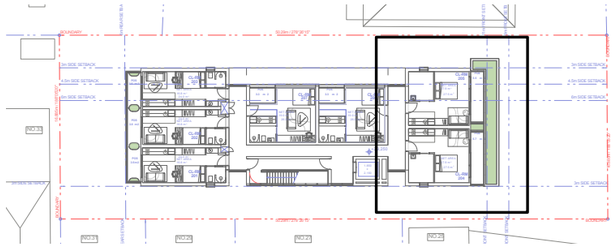
project
63 Condor Street Burwood NSW

client
Meduri Ragonese Partnership

drawing title
Landscape Plan : Level 1

scale	project no.	drawing no.	issue
1:100 @ A3	25995	LP03	B



Key Plan
1:500



Syzygium Aussie Boomer



Westringia glabra



Carpobrotus glaucescens



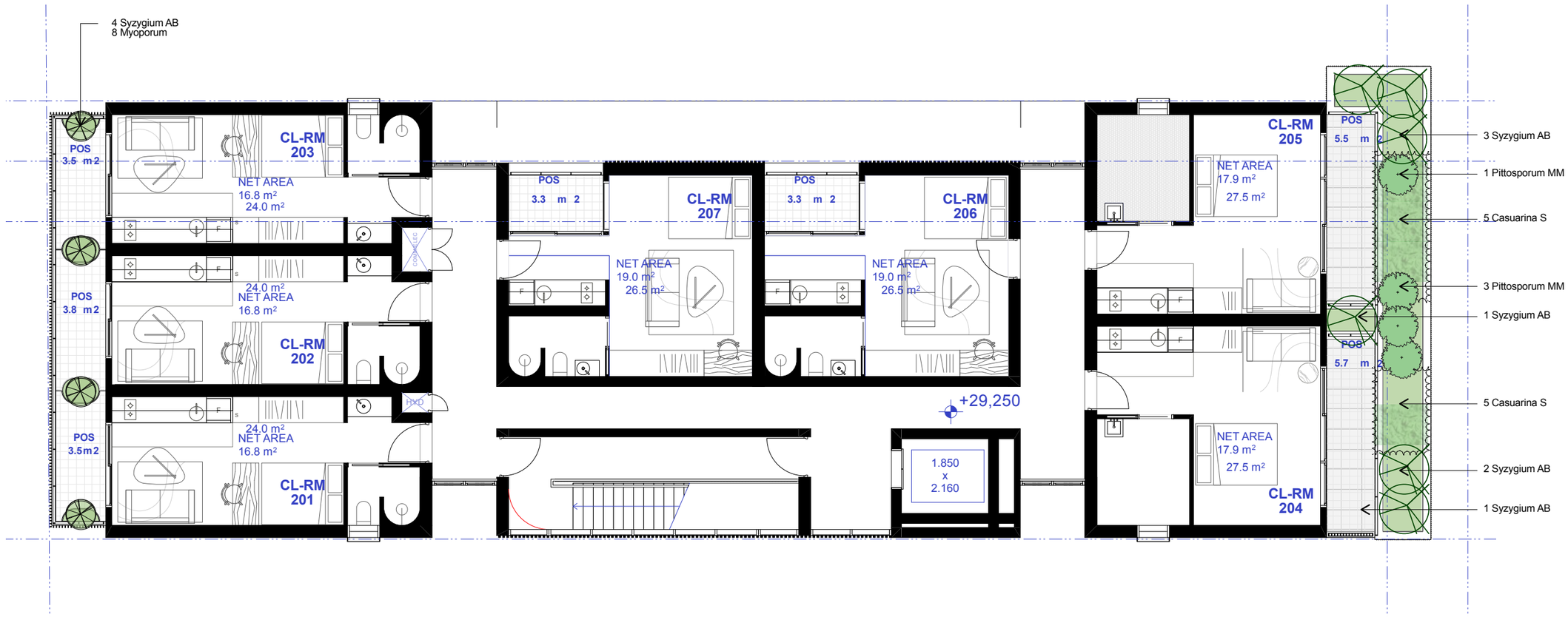
Pittosporum Miss Muffet



Casuarina Shagpile



Pennisetum Nafray



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DEVELOPMENT APPLICATION

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issue	date	description
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A	05.10.25	Update to arch. Amend to comments. DA issue
B	12.11.25	Update to arch. Coord SW. DA issue

north

project
63 Condor Street Burwood NSW

client
Meduri Ragonese Partnership

drawing title
Landscape Plan : Level 2

scale	project no.	drawing no.	issue
1:100 @ A3	25995	LP04	B

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Sydney, Australia

Nominated Architects
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G. McCORMACK ARB NSW 7536, ARBV 20415

ABN 76 129 130 285

November 2025

DESIGN REPORT

63 CONDER ST
BURWOOD NSW

prepared for

Meduri Ragonese Partnership

BENSON McCORMACK
ARCHITECTURE

Benson McCormack Architecture
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Lilyfield NSW 2040
Sydney, Australia

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G. McCORMACK ARB NSW 7536, ARBV 20415

ABN 76 129 130 285

DESIGN REPORT
INDEX

This design statement prepared by Benson McCormack Architects forms part of the Development Application (DA) submission for
63 CONDER ST, BURWOOD NSW seeking approval for:

Demolition of existing structure, construction of a co-living development and ancillary landscaping, drainage and associated site works.

This report should be read in conjunction with the accompanying architectural design package and associated consultants' reports. This report includes a Housing SEPP 2021 Design Verification and provides relevant information to address the design principles of the SEPP and the objectives of the Apartment Design Guide (ADG).

CONTENTS

DESIGN REPORT

COVER
INDEX 01
Acknowledgement of Country 02
Executive Summary 03

CONTEXT & CHARACTER
Regional Context 04
Site Analysis 05
Neighbourhood Character 06
Zoning and Planning Controls 07

BUILT FORM & SCALE
Massing 08
Massing 09

LANDSCAPE QUALITY
Landscape Strategy 10
Landscape Design 11

FUNCTIONALITY & BUILD QUALITY
Programmatic & Public Spaces 12
Serviceability & Waste Management 13

SUSTAINABILITY
Sustainability 14

AMENITY
Communal Facilities 15
Neighbouring Views & Outlook 16

SAFETY
Safety 17

HOUSING DIVERSITY & SOCIAL INTERACTION
Community & Unit Mix 18

AESTHETICS
Materiality 19
Articulation 20



View from Conder Street toward the development.

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ABN 76 129 130 285

DESIGN REPORT
Acknowledgement of Country

We acknowledge the Traditional Custodians of the Land on which this project is sited, **the Wangal people of the Eora nation**. We pay our respects to Elders past, present, and emerging.

OUR PHILOSOPHY

At Benson McCormack Architects we aim to enrich and enhance the built environment through creative and environmentally sustainable contributions to the public and private realms.

We believe the ability to practise architecture and engage with communities provides an opportunity and an obligation to participate in the continual improvement of our environment both for now and for future generations. No matter what the scale of commission, Benson McCormack architects take our commitments seriously to not only meet but exceed the expectations of our clients.

Through our practice of architecture we seek to question current belief systems, continually challenging the way we respond to projects and their briefs. The result delivers considered and dynamic ways to live, work and play for our clients and the wider community.

Our process of design – and the high-quality, sustainable architecture it produces – translates aspiration into tangible form. The result is architecture that answers the specific needs of the brief and contributes to the enhancement of the built and natural environments within which we live.



Brick pattern on side elevations and rear balconies overlook the communal open space.

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EXECUTIVE SUMMARY

This Design Report, prepared on behalf of **Meduri Ragonese Partnership**, supports the Development Application for a Co-Living Housing project at **63 Conder Street, Burwood**.

The proposed development aligns with the **Housing SEPP 2021** and the **R1 General Residential zoning** under **the Burwood Local Environmental Plan 2012**. The site, located at 63 Conder Street, has an area of **841m²**. Its strategic location provides excellent connectivity to Burwood Train Station, nearby bus services, and local shops and services, making it an ideal setting for a contemporary co-living development that addresses housing diversity and affordability in the local area.

This report complements the architectural design package by **Benson McCormack Architecture**, the Landscape Report by **Matthew Higginson Landscape Architecture**, and the Statement of Environmental Effects with appendices by **The Planning Hub**.

Address	63 Conder Street Burwood
Site Area	841.0 m^2

Site Controls	BURWOOD-LEP	HOUSING SEPP
- Maximum FSR	0.85:1	0.935:1
- Maximum GFA	714.9 m^2	786.3 m^2
- Maximum Height	8.5m	
- Zoning	R1 GENERAL RESIDENTIAL	

Proposed Number of Rooms:

- Single	0
- Double	20

Proposed maximum number of occupants:

- Total	40



Main co-living entry framed by landscaped edges, with accessible path leading to the communal open space.

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Sydney, Australia

Nominated Architects
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G. McCORMACK ARB NSW 7536, ARBV 20415

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REGIONAL CONTEXT

The map illustrates the strategic location of **Burwood** within the broader Inner West region, highlighting its strong connectivity and integration into Greater Sydney. Positioned between Liverpool Road and Parramatta Road, the site benefits from direct road and public transport connections to both **Sydney CBD** (12km) and **Parramatta CBD** (13km), making it an ideal location along this key urban growth corridor.

Key geographical and civic features, such as the **Burwood Town Centre**, **Burwood Park**, and nearby **Henley Park**, contribute to the area's character and livability. The site's proximity to schools, shops, and community facilities, as well as its walkable access to public transport, supports a vibrant and inclusive residential environment.

While major **rail corridors** (including the T2 Inner West & Leppington Line and T9 Northern Line) provide broader regional access, **Burwood Station**, just a short 10-15 minute walk away, serves as a key interchange with express services to both the Sydney CBD and Parramatta. Extensive **bus networks** along Burwood, Liverpool and Parramatta Road further enhance regional mobility and access to surrounding employment hubs and education precincts.

This regional context positions the site as a highly connected and accessible location, aligning with Burwood Council's strategic goals for increased housing diversity, sustainable transport use, and compact urban development.



Source: Benson McCormack Architecture

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Sydney, Australia

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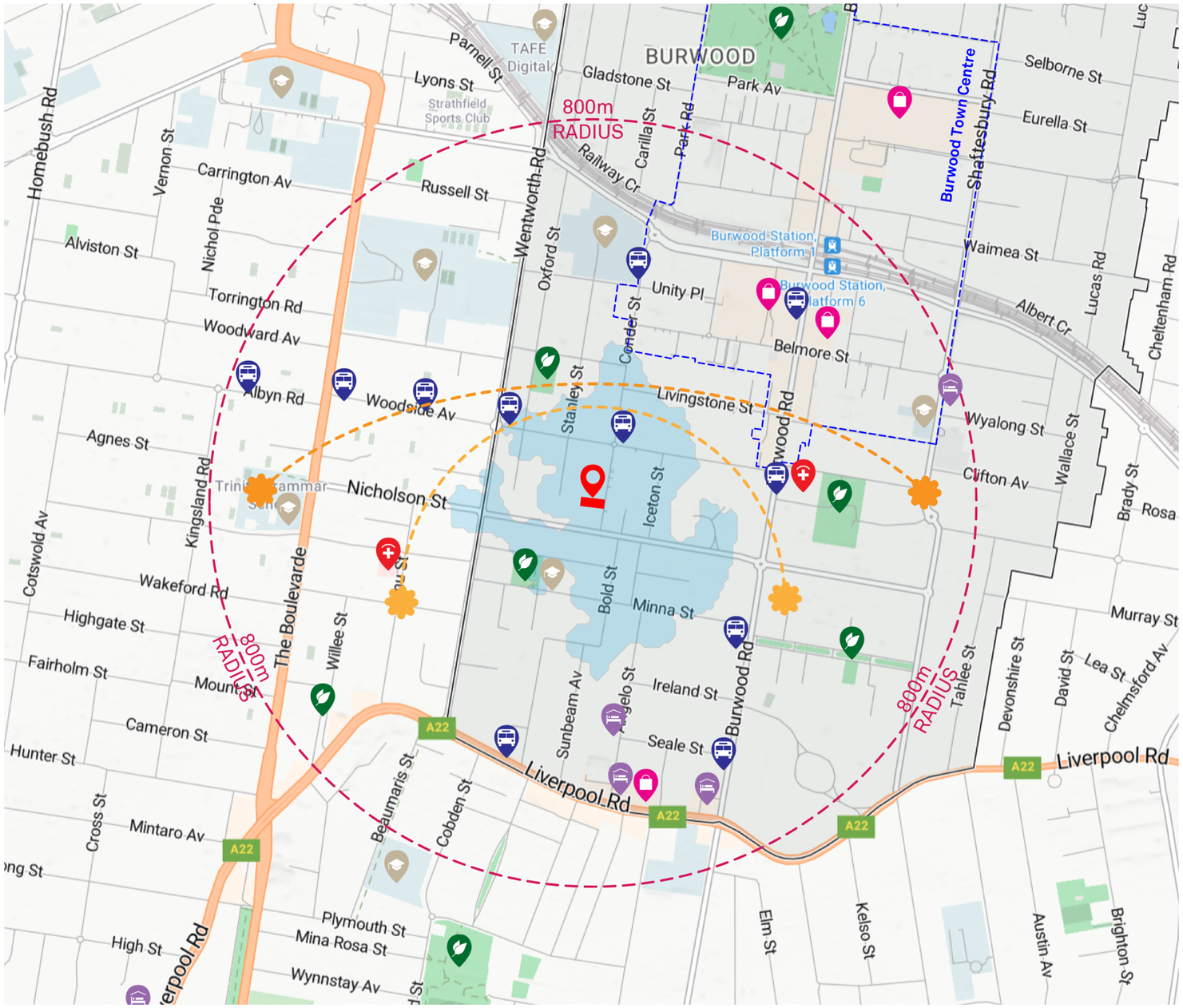
ABN 76 129 130 285

SITE ANALYSIS

The site is located at **63 Conder Street, Burwood,** within an **R1 General Residential zone,** offering an ideal opportunity for a well-integrated co-living development. Positioned adjacent to the **Burwood Town Centre** Perimeter Area, the site supports broader objectives of housing diversity and urban consolidation. The gently sloping topography and proximity to local heritage items have been sensitively addressed through the proposed built form and landscaping strategy, ensuring a respectful and contextually responsive design outcome.

CONNECTIVITY AND ACCESS

The site is conveniently located with direct access from **Conder Street**, enhancing both pedestrian and vehicular access. It is highly accessible by train via **Burwood Station**, which provides frequent express services to **Sydney CBD** and **Parramatta**, and is also serviced by multiple bus routes along Burwood Road and Parramatta Road. The site is within easy walking distance to essential amenities, including **Burwood Plaza, schools, parks,** and **community facilities.**



- BURWOOD
- THE SUBJECT SITE
- WITHIN A 5-MINUTE WALK
- BUS STATION
- PARK
- EDUCATION CENTRE
- MEDICAL CENTRE
- HOTEL
- SHOPPING CENTRE

Source: Benson McCormack Architecture

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NEIGHBOURHOOD CHARACTER

63 Conder Street is located in a transitional residential area at the edge of the Burwood Town Centre Perimeter Area, characterised by a mix of freestanding homes, older brick apartment buildings, and pockets of heritage housing. The immediate context is defined by low-rise residential forms, landscaped setbacks, and a consistent suburban streetscape rhythm.

The site is located behind **a heritage-listed Federation cottage at 25 Nicholson Street,** which fronts a different street and maintains a degree of separation from the proposed development. While the heritage item forms part of the broader neighbourhood character, it does not directly interface with the subject site.

DESIGN RESPONSE

The proposal introduces a **three-storey co-living development** comprising **20 co-living rooms**, shared an indoor **communal area**, and generous landscaped **communal open space**. The building addresses the street with a clear, legible entry and provides **vehicle access directly from Conder Street,** carefully integrated to minimise its visual and functional impact on the public domain.

The building's **articulated form, recessed upper level,** and **natural material palette** ensure the built form responds sensitively to the adjacent heritage item and surrounding low-rise context. Landscaped setbacks and deep soil zones contribute to a soft, green edge to the street.

The proposal prioritises **residential amenity** and **social interaction,** offering a high-quality co-living model that supports housing diversity while maintaining the area's established character.



63 Conder Street, The Subject Site, Brick Construction.



25 Nicholson Street, The Heritage Item 186, Brick Construction.



37 Nicholson Street, Recent Development, Concrete Construction.



66-70 Stanley Street, Recent Development, Concrete Construction.

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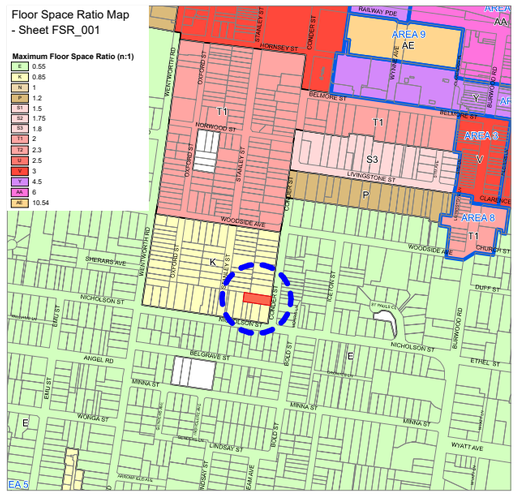
Lilyfield NSW 2040
Sydney, Australia

Nominated Architects
D. BENSON ARB NSW 7285, WA ARB 3301
G. McCORMACK ARB NSW 7536, ARBV 20415

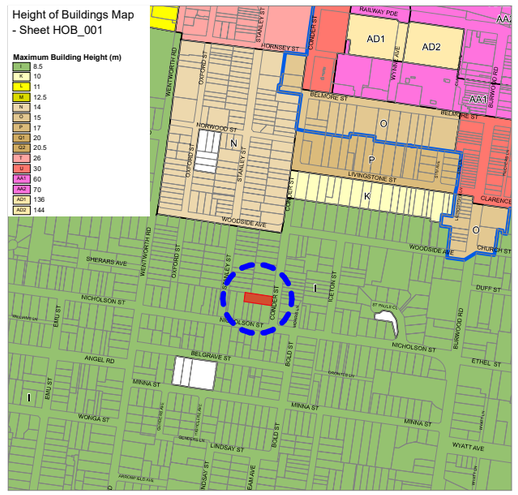
ABN 76 129 130 285

A
CONTEXT & CHARACTER
Zoning and Planning Controls

BURWOOD LEP MAPS 2012



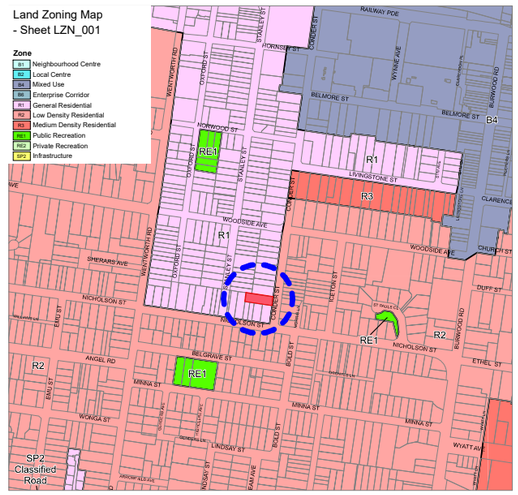
Floor Space Ratio
Maximum Floor Space Ratio for the site is 0.85:1.



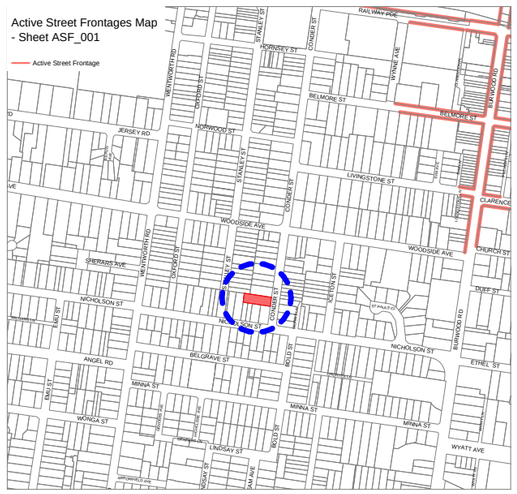
Height of Buildings
The site is located within the **I** (8.5m) height zone.



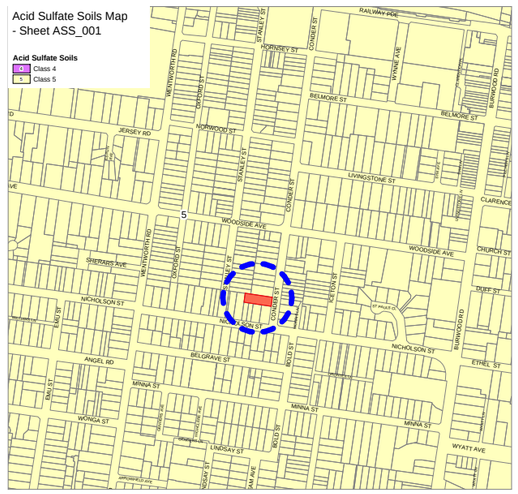
Minimum Lot Size
The site is subject to a minimum lot size of 400m^2.



Land Zoning Map
The site is located within R1 General Residential zone.



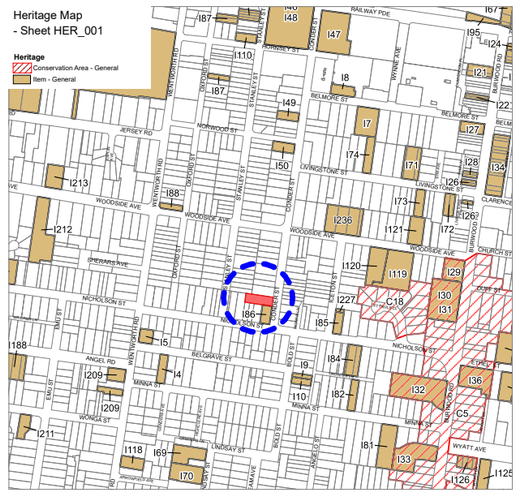
Active Street Frontages
Active street frontage controls do not apply to the site.



Acid Sulfate Soils
The site is within Class 5 Acid Sulfate Soils.



Building Height Plane
The site is not subject to a Building Height Plane.



Heritage Map
The site is not heritage-listed but adjoins Item 186.

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B
BUILT FORM & SCALE
Massing

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding context.

1. Context

63 Conder Street is located within the Burwood Local Government Area, on the traditional lands of the Wangal people. The site enjoys a well-connected suburban setting, within walking distance of Burwood Train Station, Burwood Road, and local schools, parks, and retail services.

The immediate context consists of low-rise residential buildings, including single- and two-storey residential dwellings, and older-style apartment blocks, alongside a heritage-listed Federation cottage at 25 Nicholson Street, directly adjoining the site. While the area is undergoing gradual change, witnessed by the 3 storey developments appearing in close proximity to the site, the area still retains a strong residential character, and the proposed development offers a sensitive response to both the existing built form and natural topography of the site.

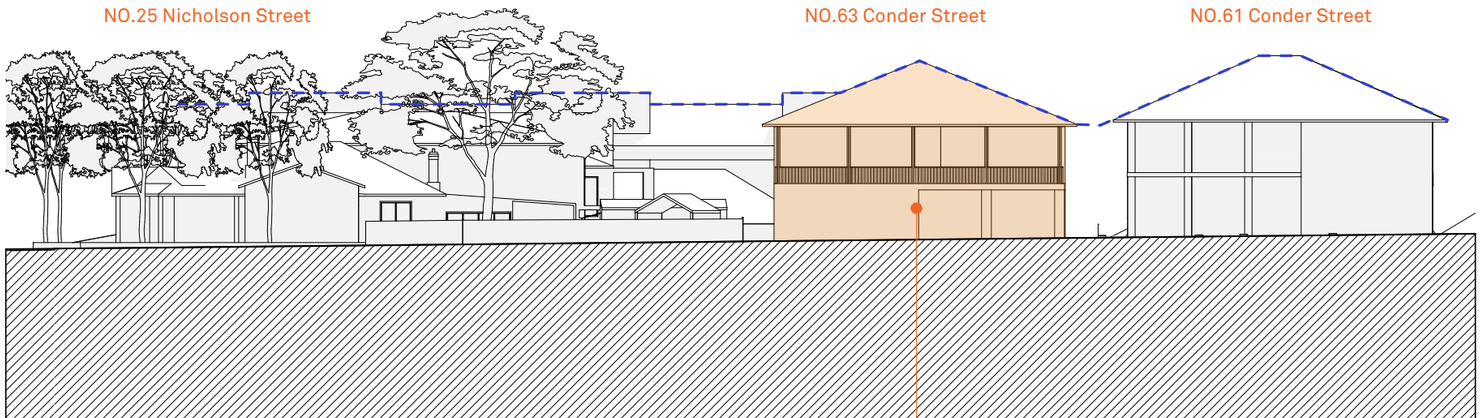
2. Controls

The proposed development complies with the intent and objectives of the Burwood Local Environmental Plan 2012, Burwood DCP 2023, and Housing SEPP 2021 (Chapter 3 – Co-Living Housing). The site is zoned R1 General Residential where co-living housing is permitted.

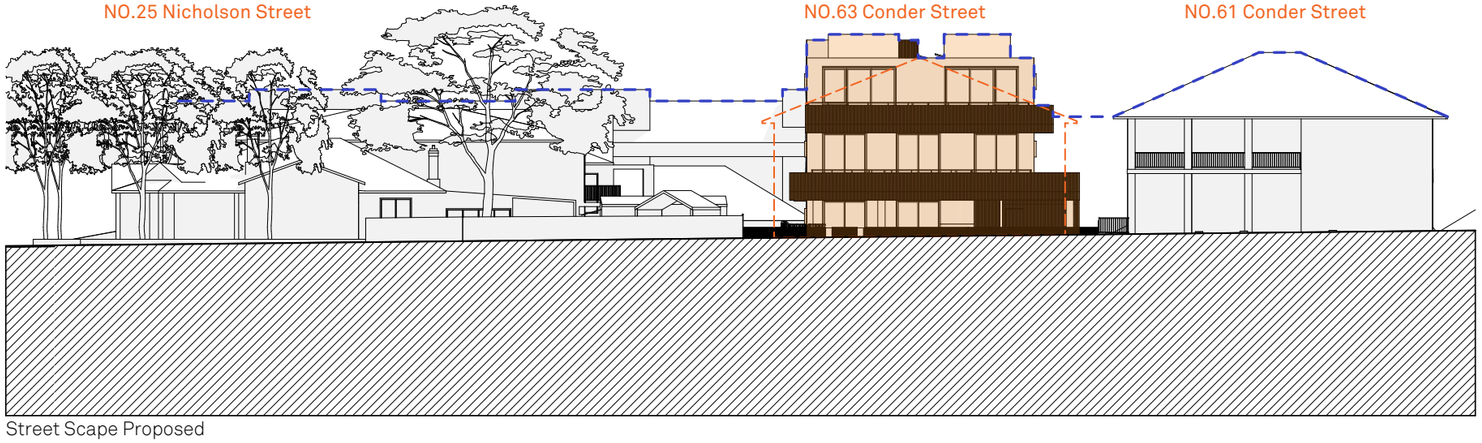
The proposal meets the maximum Floor Space Ratio (FSR) of 0.85:1, and with a 10% bonus under Housing SEPP, the GFA of 786.3 m² remains within the allowable threshold. While the proposed building height exceeds the 8.5m control, the design incorporates a recessed upper level, stepped massing, and landscaped setbacks, reducing visual bulk and ensuring an appropriate interface with the adjoining heritage-listed item at 25 Nicholson Street.

This approach reflects the emerging character of surrounding developments, including recent multi-storey co-living and townhouse projects such as those on Nicholson Street and Stanley Street, which exceed traditional low-rise forms. The proposal maintains compliance with solar access, Apartment Design Guide (ADG) setback controls, deep soil, and communal living areas requirements, and exceeds the minimum standards for communal open space, delivering a high level of residential amenity.

Vehicle access is provided from Conder Street, and all waste, bicycle, and motorcycle parking provisions are addressed in accordance with the DCP. Overall, the development supports diversity in housing choice and aligns with Burwood Council's vision for sustainable and inclusive residential growth.



Street Scape Existing



Street Scape Proposed

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B
BUILT FORM & SCALE
Massing

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding context.

Front Building Envelope (Conder Street)
The front façade along Conder Street has been carefully designed to respond to the low-rise suburban character of the area and the adjoining heritage-listed item at 25 Nicholson Street. The building incorporates a recessed upper level, articulated forms, and material variation to break down the overall massing and maintain a fine-grain streetscape rhythm. Landscape elements further soften the frontage and enhance the site's integration with surrounding dwellings.

Rear Building Envelope
The site does not have a rear laneway interface. The rear boundary is treated with **deep soil planting and a landscaped communal open space (COS),** which provides a green buffer to adjoining properties while enhancing on-site amenity. The rear setback complies with the Apartment Design Guide (ADG), supporting solar access, privacy, and visual separation. The massing is managed to minimise bulk and overshadowing to neighbours, particularly along upper levels.

Side Setback Alignments
Side setbacks are also compliant with the ADG, maintaining appropriate building separation, privacy, and light access. These setbacks create a respectful interface with neighbouring properties while contributing to the overall amenity and liveability of the development.

The proposed built form demonstrates a sensitive response to its context, aligning with Burwood Council's vision for high-quality, diverse, and well-integrated residential development.



View from communal open space towards communal living outdoor area, framed by layered planting for amenity and privacy.

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C
LANDSCAPE QUALITY
Landscape Strategy

Good design recognises that landscape and buildings function as an integrated and sustainable system, creating high-quality environments that relate positively to their neighbours and contribute to broader urban resilience.

Strategy
The landscaping strategy for 63 Conder Street has been developed to enhance amenity, privacy, and environmental performance, while supporting a visually attractive and liveable setting. Soft landscaping and deep soil zones are thoughtfully integrated around the building's perimeter to create a green buffer between the proposed development and neighbouring properties.

The design prioritises deep soil planting, with over 250.9 m² (29.8%) provided, exceeding the Burwood DCP requirement of 10%. Planting along Conder Street softens the street interface and provides visual continuity with the existing suburban character, while planting at the rear and sides of the site contributes to privacy, outlook, and biodiversity.

Context
The landscape design supports the site's topography and existing vegetation patterns while introducing new, locally appropriate planting. 108.7 m² of deep soil zones comply with the minimum 3.0m dimension standard and have been strategically placed to maximise effectiveness in stormwater absorption, root growth, and microclimate regulation.

The planting scheme enhances the visual interface to surrounding properties, reduces urban heat island effects, and promotes sustainable water management. A mix of soft and hard landscaping ensures a harmonious balance between built form and green space, supporting both functional site circulation and resident wellbeing.

The overall approach ensures that landscaping is not a secondary element, but a core component of the development's design vision, contributing to both environmental sustainability and urban character.



Access to the communal open space via an integrated accessible ramp, framed by greenery to enhance amenity and soften the built form.

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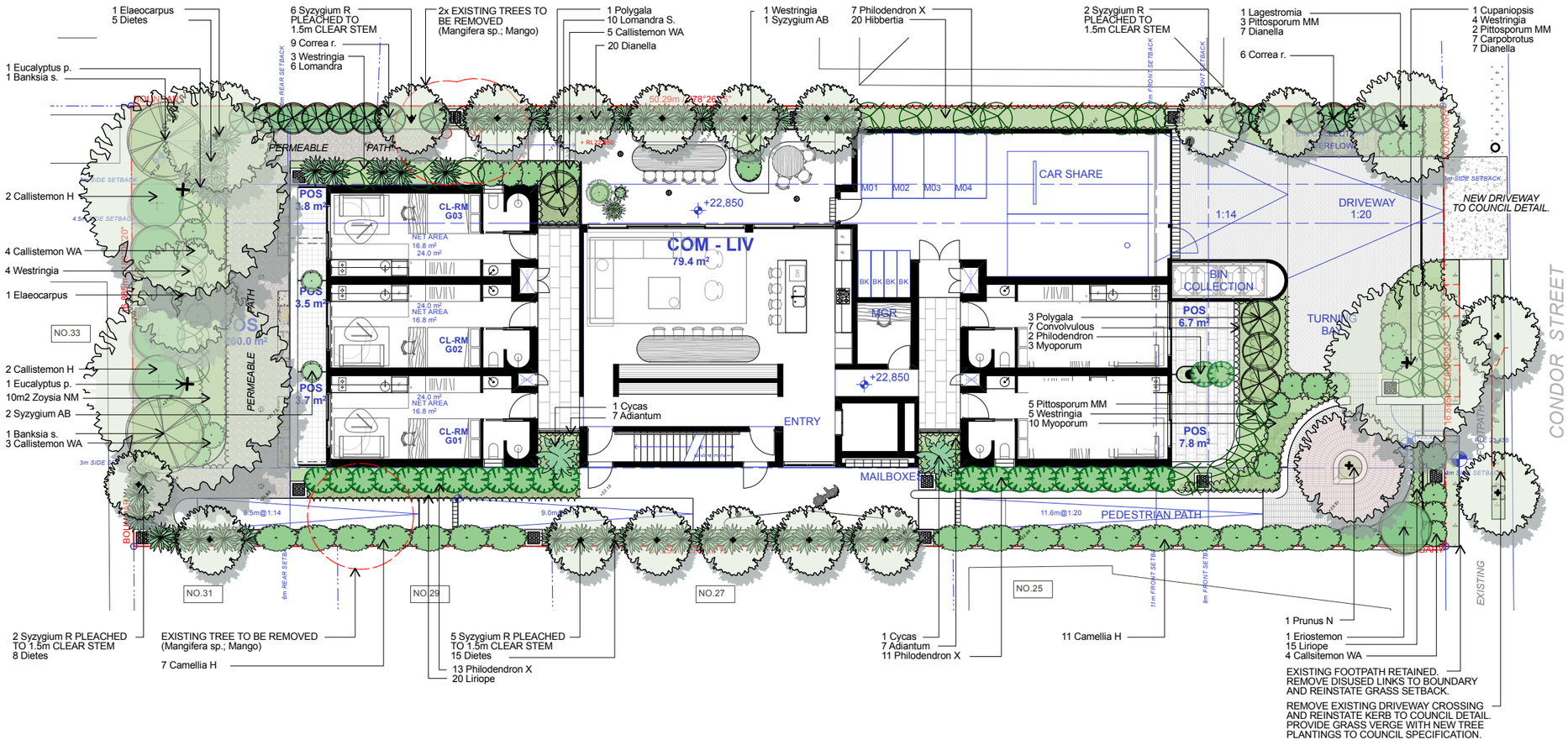
C
LANDSCAPE QUALITY
Landscape Design

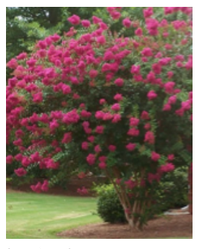



Eucalyptus punctata

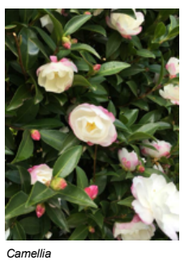

Elaeocarpus


Prunus Nigra


Cupaniopsis


Lagestroemia


Syzygium Resilience


Camellia

LEGEND:

EXISTING TREE - RETAIN

EXISTING TREE - REMOVE

SITE BOUNDARY

17.750 + EXISTING SPOT LEVEL

RL17.750 + PROPOSED SPOT LEVEL

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D
FUNCTIONALITY & BUILD QUALITY
Programmatic & Public Spaces

Good design meets the needs of the users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.

Programmatic Outlook

The proposed development at 63 Conder Street delivers a high-quality co-living housing typology that responds to the increasing demand for affordable, compact, and community-oriented living within established suburban settings. The building accommodates 20 co-living rooms across three levels, supported by generous communal spaces to foster social interaction, privacy, and residential amenity.

The ground floor includes a central communal living area of 79.4 m², located adjacent to a communal terrace which leads to a landscaped communal open space of 260.0 m² that wraps around the building. This arrangement creates a functional and inviting community hub that supports daily social interaction and shared use while providing clear delineation between private resident-only zones and shared communal space.

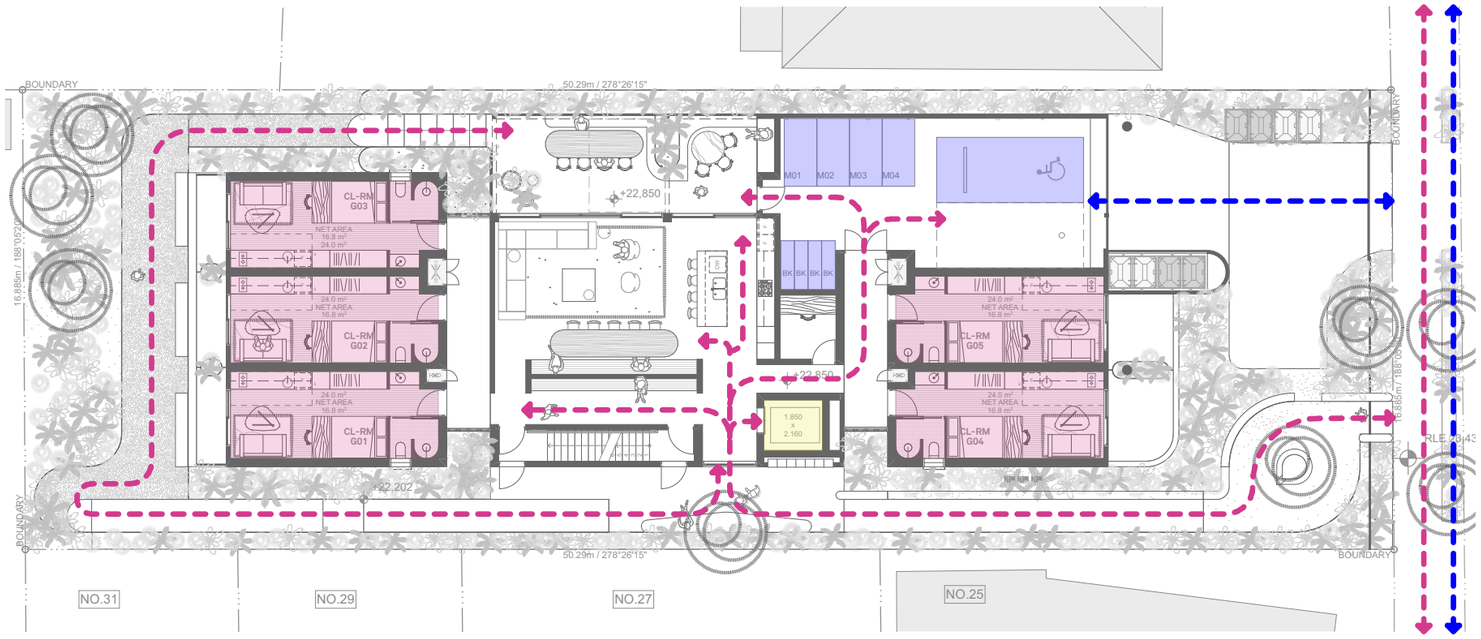
Internal circulation is efficient and legible, with direct access from Conder Street via a secure, accessible entry sequence.

The program is designed to maximise solar access, cross-ventilation, and the usability of shared spaces, while clearly defining resident privacy through secure access to individual rooms. Facilities such as bike & bicycle parking, and share-car space are discreetly integrated to the side of the entry, ensuring minimal visual and acoustic impact while supporting long-term functionality.

Public Space

The proposal enhances the public interface to Conder Street through well-considered landscaping, pedestrian pathways, and a clear building address. The ground floor entry sequence and communal frontage allow for passive surveillance, contributing to a safe, pedestrian-friendly streetscape.

Although the project is residential in nature, the design reinforces public-private separation, ensuring equitable access for residents while enhancing visual integration with the surrounding context. The communal open space is visible from shared corridors and living areas, promoting interaction while maintaining enclosure and privacy from neighbouring properties.



PEDESTARIAN ACCESS
VEHICULAR ACCESS

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D
FUNCTIONALITY & BUILD QUALITY
Serviceability & Waste Management

Good design meets the needs of the users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.

Serviceability
The design at 63 Conder Street, Burwood effectively integrates essential services while responding to the site's sloping topography, which falls from Conder Street (east) down towards the rear (west). A compliant driveway provides access to the garage, which accommodates:

- A car share space,
- 4 motorcycle parking spaces,
- 4 bicycle parking spaces adjacent to the building entry,
- And temporary bin holding areas located beside the garage door at ground level.

All parking and waste collection is accessed from Conder Street via a single consolidated driveway, maintaining clear separation from the residential entry and communal areas. These spaces are screened by landscaping and positioned to minimise visual impact while supporting long-term operational efficiency.

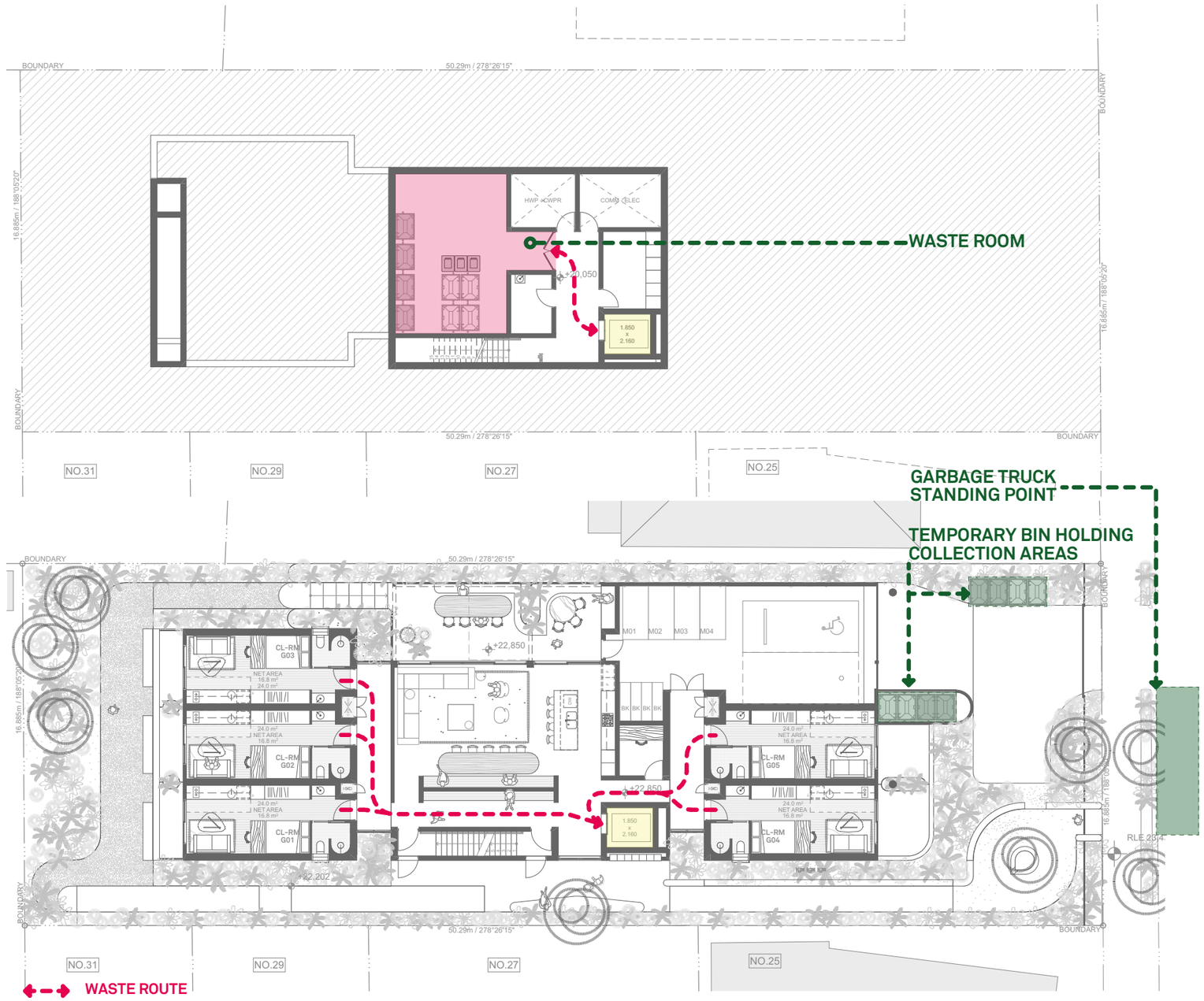
Waste Management
A dedicated waste room is provided in the basement level of the building, accommodating general waste, recycling, and organic bins in accordance with the requirements of the Housing SEPP 2021 and Burwood DCP 2023 for co-living developments.

On collection days, bins are transferred from the basement via the lift to temporary bin holding areas located discreetly at ground level, adjacent to the driveway. From this point, bins are wheeled via the driveway to a designated garbage truck standing point at the kerbside on Conder Street.

This arrangement ensures:

- Safe and efficient pickup for council services,
- No disruption to residents or vehicle circulation, and
- Full compliance with local waste servicing protocols.

The bin storage and collection process is designed for operational ease, minimal visual intrusion, and no adverse impact on the amenity of residents or the public domain.



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E
SUSTAINABILITY
Sustainability

Good design combines positive environmental, social and economic outcomes.

ESD Strategy
The proposal for 63 Conder Street aims to embed sustainable design principles across building performance, material selection, energy use, and landscape integration. The development prioritises resource efficiency, thermal comfort, and long-term environmental outcomes while supporting social and economic sustainability.

Materiality
The material palette has been selected to complement the surrounding built character while ensuring durability, low maintenance, and low embodied energy. Materials with high environmental impact, such as engineered stone containing crystalline silica, have been excluded in favour of alternatives that promote occupant health and reduce lifecycle emissions.

Passive Design
The building is oriented to maximise solar access to habitable rooms and communal areas. Window placement and sizing are carefully balanced to optimise daylight, reduce glare, and improve thermal performance.

Renewable Energy
The development proposes the integration of photovoltaic (PV) panels to generate on-site renewable electricity. This initiative supports energy self-sufficiency and aligns with Burwood Council's sustainability goals.

Water Management
Stormwater will be captured and reused for landscape irrigation through a combined rain- & stormwater tank system. Water-sensitive urban design principles are embedded to manage runoff and minimise demand on potable water supply.

Landscaping
Landscaping is integral to the project's sustainability response, providing deep soil zones, native planting, and shaded areas that reduce the urban heat island effect. Planting enhances the visual quality of the site and contributes to urban biodiversity. The design prioritises permeable surfaces and a strong interface with the public domain to support ecological and community benefits.



Outdoor communal living area framed by vertical slatted screening, green landscaping, and an operable canopy.

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F
AMENITY
Communal Facilities

Good design positively influences internal and external amenity for both residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.

Neighbouring Outlook & Privacy

The proposed co-living development has been carefully designed to protect the privacy and outlook of surrounding residential properties while ensuring high levels of amenity for future occupants.

The building's orientation and setbacks have been designed in accordance with the Apartment Design Guide (ADG), particularly where rooms face adjoining residential properties. The co-living rooms located above the communal living area are oriented toward the northern boundary and are set back in accordance with ADG separation controls, maintaining appropriate privacy, solar access, and visual comfort for both neighbours and future residents.

These rooms enjoy an outlook toward the northern adjoining property, and their placement, along with deep landscape setbacks, ensures views are directed away from private open spaces. This arrangement minimises opportunities for direct overlooking while maximising access to daylight and natural ventilation.

Landscaped setbacks are provided along all side and rear boundaries, softening the interface between built form and neighbouring dwellings and contributing to visual and acoustic separation. Vegetation also buffers the communal open space, reducing potential amenity impacts from shared areas.

Glazing and facade articulation are designed to enhance daylight access while maintaining appropriate outlook control through setback distance and orientation. These measures collectively foster a respectful relationship with neighbouring properties and reinforce the low-scale residential character of the street, while enabling increased housing diversity in an appropriate form.



Communal living area with direct access to a semi-enclosed outdoor extension, creating layered shared spaces for residents.

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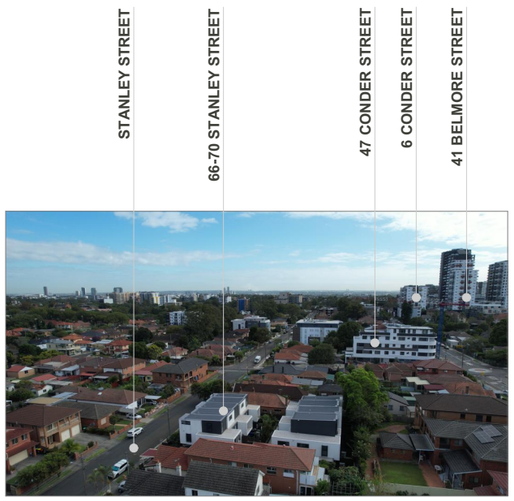
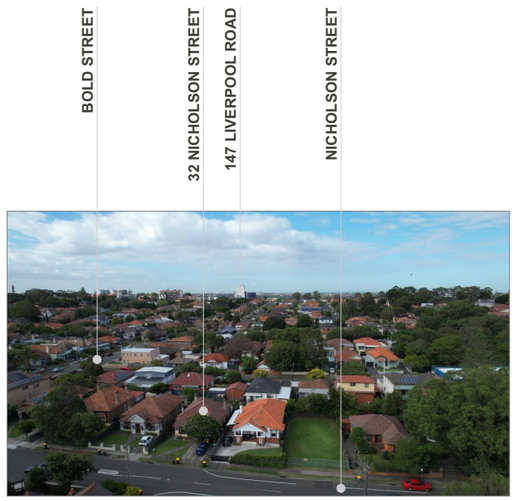
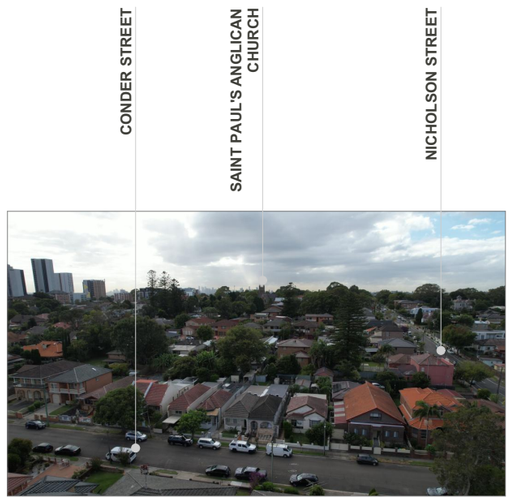
F
AMENITY
Neighbouring Views & Outlook



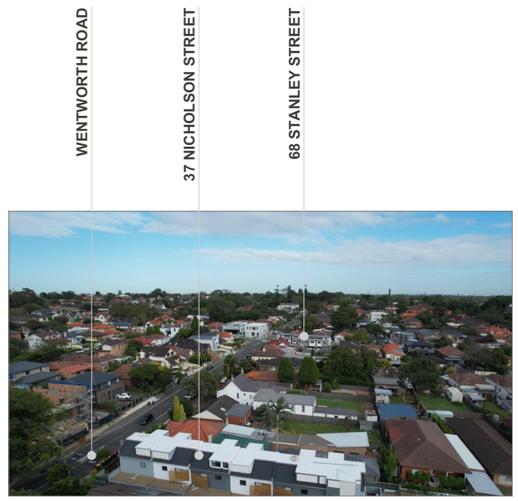
NORTH VIEW



SOUTH VIEW



EAST VIEW



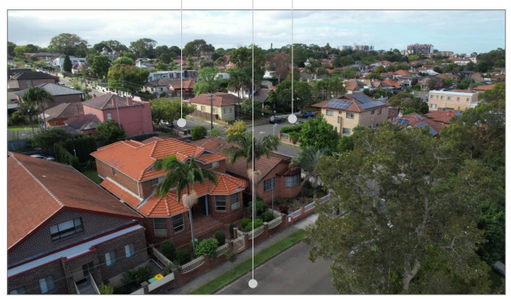
WEST VIEW



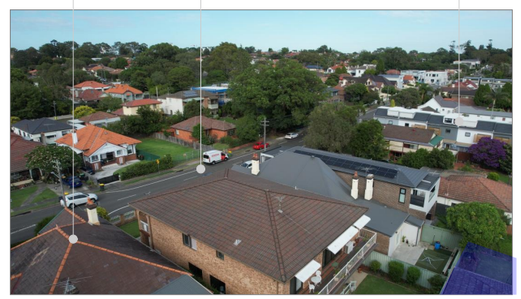
NORTH EAST VIEW



NORTH WEST VIEW



SOUTH EAST VIEW



SOUTH WEST VIEW

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G
SAFETY
Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purposes.

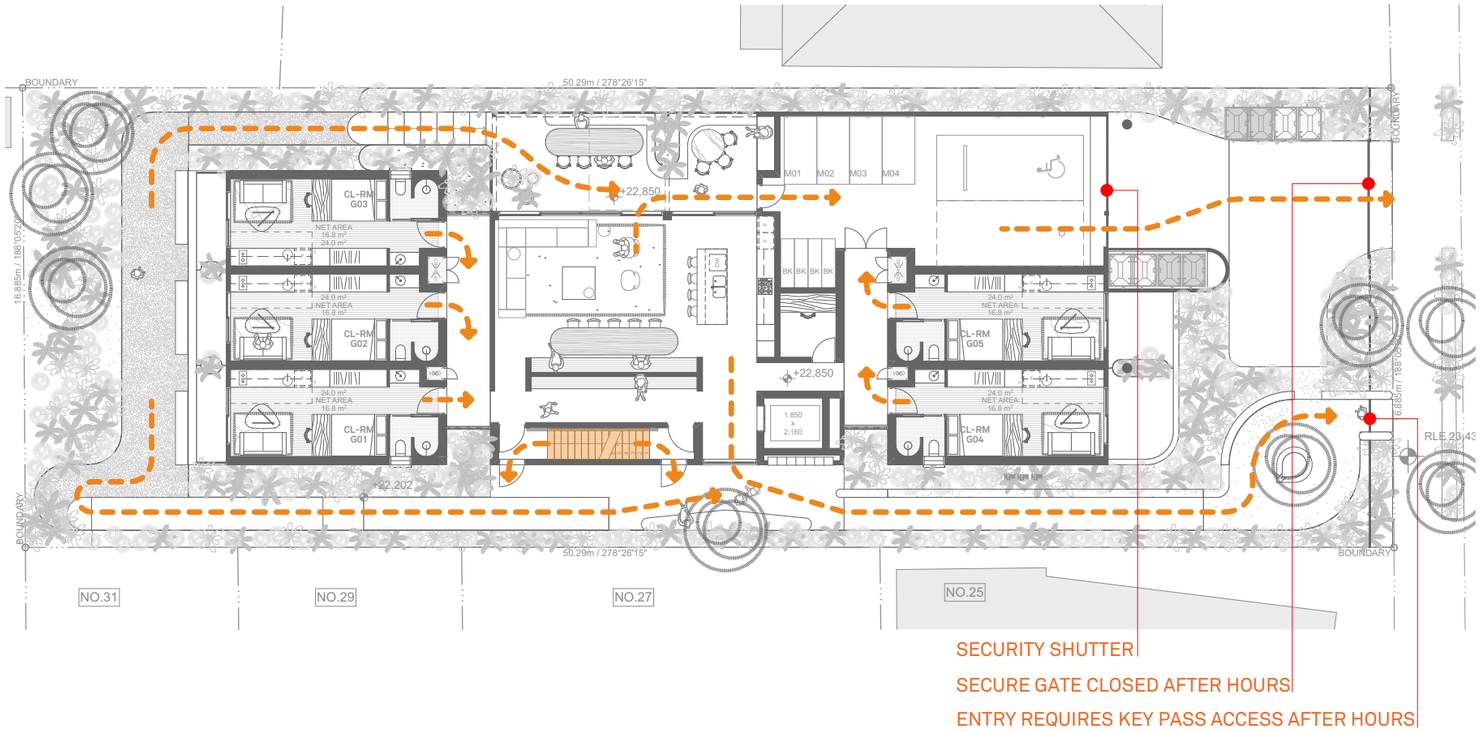
Safety in Design
The development incorporates principles of Crime Prevention Through Environmental Design (CPTED) to enhance safety and reduce opportunities for antisocial behaviour. The layout clearly defines private, communal, and service areas, maintaining a strong sense of legibility and territorial ownership.
Circulation paths are intuitive and direct, with entries and communal areas located in well-overlooked spaces, supported by clear sightlines and visibility from multiple rooms.

Natural Surveillance
Natural surveillance is promoted through the location of windows, entry points, and balconies that overlook the street and communal open space. The central communal living area opens directly to the COS, enabling informal monitoring and reinforcing a sense of community. Landscaping is low-profile and strategically placed to support open views across the site, avoiding concealed areas or blind spots.

Land Use & Activation
Although the development is residential in nature, the placement of communal areas at ground level adjacent to the main pedestrian path helps activate the frontage and support passive surveillance. Main entries are clearly identifiable and well-integrated into the building design, improving orientation and safety.

Building Design
The building's form and detailing reinforce defensible space principles. Entry points are recessed and clearly defined to signal access and enhance legibility. Facades are articulated with varied materials and depth to avoid blank walls and reduce visual bulk. Window placement promotes casual surveillance of the street and communal areas without compromising internal privacy. These elements collectively support safety, amenity, and a well-integrated streetscape presence.

Lighting
Lighting is thoughtfully integrated into the design to enhance safety, wayfinding, and amenity. Spillover lighting from the main entry, communal living area, and internal circulation zones provides ambient visibility and supports passive surveillance at night. External pedestrian paths, including the primary walkway from Conder Street to the central lobby and communal open space, are equipped with low-glare, well-distributed lighting fixtures to ensure safe and comfortable access after dark.



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H
HOUSING DIVERSITY & SOCIAL INTERACTION
Community & Unit Mix

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Community & Housing Diversity

The development contributes to housing diversity by delivering co-living accommodation that supports affordability, independent living, and social connection. The design offers private rooms with individual amenities, complemented by shared spaces that promote interaction and wellbeing.

At the heart of the building is a central communal living area located at ground level, providing a comfortable shared environment for residents. This space connects directly to a large communal open space (COS) at the rear of the site, creating a seamless indoor-outdoor interface that encourages informal gatherings, recreation, and relaxation.

Communal laundry is provided on the basement Level, with convenient access for all residents via lift and stair. These shared areas, combined with the centrally located lobby, support circulation and create natural points of social engagement.

The building layout balances privacy with opportunities for community, encouraging interaction without compromising comfort or autonomy. This model responds to the evolving needs of urban residents, offering an inclusive and well-integrated living environment within a low-rise residential context.



Seamless connection between the communal living area and its outdoor extension, providing layered amenity for residents.

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AESTHETICS
Materiality

Good design uses a variety of materials, colours and textures to respond to the existing, but also the future, context of the community.

Materiality

The material palette has been carefully selected to respond to both the heritage context and the emerging residential character of the surrounding neighbourhood. The design considers the immediate adjacency to Item 186 – 25 Nicholson Street, a heritage-listed Federation cottage, ensuring a respectful transition in scale, texture, and tone.

A muted, natural colour scheme is applied to maintain a quiet presence within the streetscape, while the use of warm-toned brick and lightweight cladding reinforces a contemporary residential expression. These materials reflect the durability and permanence of traditional dwellings, while also delivering a low-maintenance, modern aesthetic.

Lighter materials are introduced at upper levels to reduce perceived bulk and soften the building's appearance. This articulation helps manage scale in relation to the neighbouring heritage item, ensuring visual compatibility without direct imitation.

Accents in matte charcoal and soft grey contribute to a refined and cohesive palette. The simple yet robust material mix supports longevity and sustainability, while reinforcing the building's identity as a sensitive addition to its evolving urban setting.

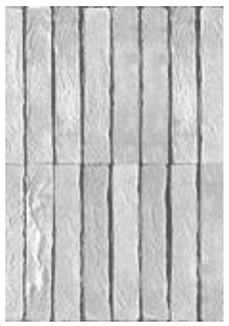
This balanced approach ensures the building sits comfortably within its context, respecting its heritage neighbour and contributing positively to the visual character and material rhythm of the street.



View of the development's north-east corner.



BK1 - Brick - Red-Brown Colour



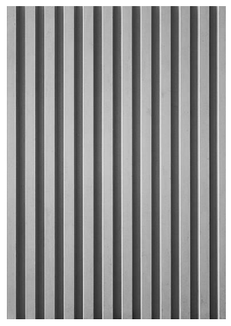
BK2 - Brick - Light Grey Colour



TSC1 - Timber Screen



CN1 - Off-form Concrete - Light Grey Colour



CN2 - Off-form Concrete - Ribbed - Light Grey Colour



CMR1 - Cement Render - Monument Grey Colour

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AESTHETICS
Articulation

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding context.

Articulation

The building form is articulated to respond sensitively to its suburban context and adjoining heritage item. The massing is broken down through a combination of recessed upper levels, stepped volumes, and horizontal and vertical modulation that reduce visual bulk and create a human-scaled, legible form.

On the Conder Street frontage, the building presents a well-composed facade with strong horizontal lines, balanced proportions, and varied material expression. A generous front setback and the use of deep balconies, planter integration, and textural variation help soften the street interface and reinforce a garden character appropriate to the residential setting.

Along the side boundaries, vertical breaks and subtle offsets in the building envelope are used to divide the elevations into smaller components, reducing perceived mass and improving visual separation between dwellings. These breaks are reinforced through changes in material tone, window rhythm, and planting zones, enhancing both articulation and privacy.

The combination of brickwork, ribbed concrete, and refined metal detailing provides visual depth, craftsmanship, and variation while maintaining a cohesive architectural language. Overall, the articulation strategy ensures the development integrates respectfully with the existing character of Conder Street, while presenting a contemporary and well-proportioned built form.



View from Conder Street toward the development.

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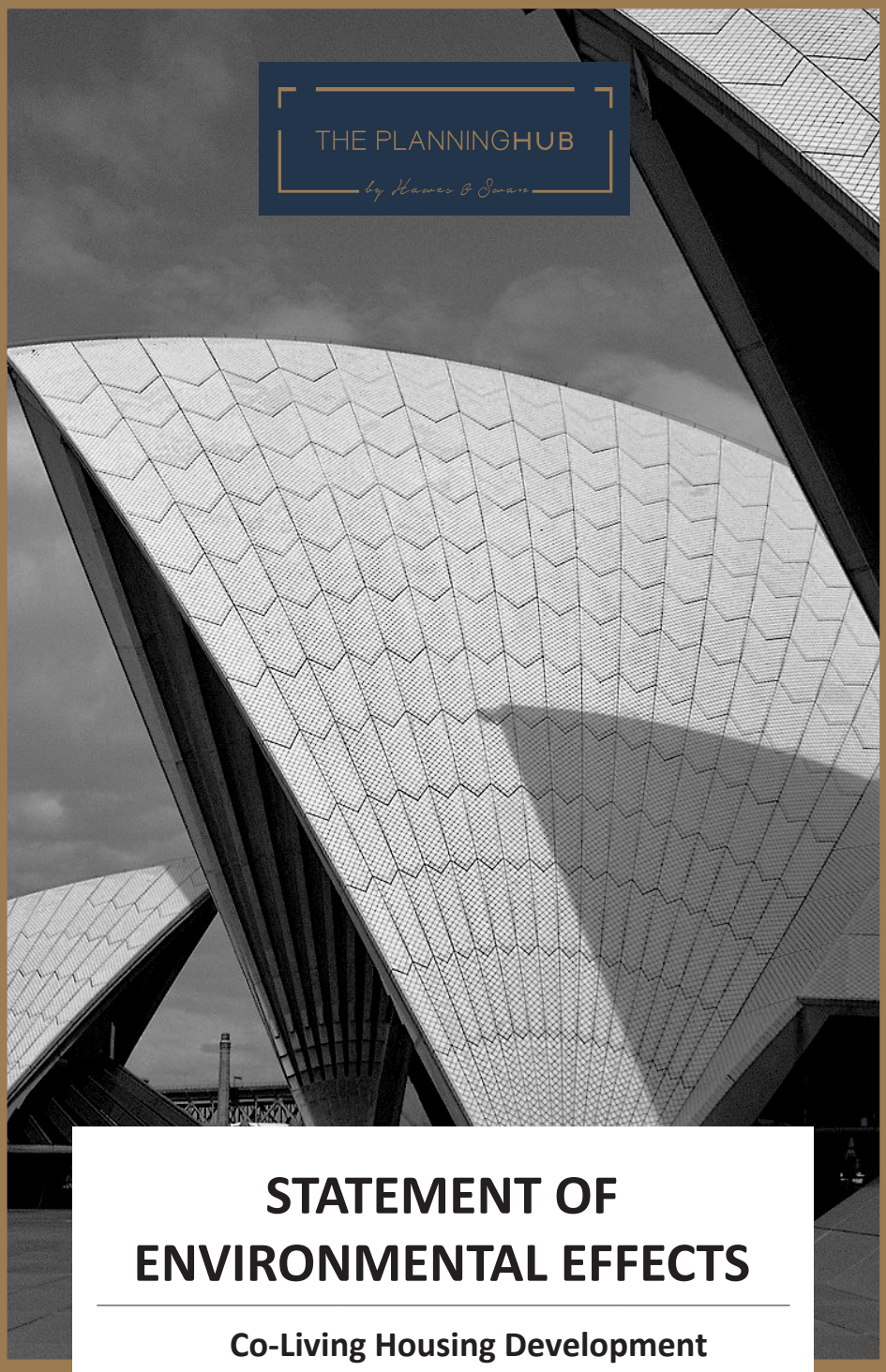
Design Report and 3D Renders



Design Report and 3D Renders





STATEMENT OF ENVIRONMENTAL EFFECTS

Co-Living Housing Development

63 Conder Street, Burwood

Statement of Environmental Effects
63 Conder Street, Burwood

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Table of Contents

1.0	Introduction	5
1.1	Project Context	6
1.2	Planning Framework and Referrals	6
2.0	Site Analysis	7
2.1	Site Description and Context	7
2.2	Existing Site Conditions	9
3.0	Proposed Development	9
3.1	Overview	9
3.2	Numerical Overview	11
3.3	Built Form and Design	11
3.4	Floor Space Ratio	14
3.5	Tree Removal & Landscaping	14
3.6	Access and Car Parking	15
3.7	Stormwater and Drainage	16
3.8	Waste Management	17
3.9	Safety and Security	17
4.0	Assessment of Environmental Impacts	19
4.1	Statutory Planning Framework and Compliance	19
4.2	Heritage Impact	23
4.3	Noise, Visual Impacts & Building Separation	24
4.4	Social and Economic Impacts	26
4.5	Site Suitability	27
4.6	Public Interest	27
5.0	Conclusion	27

Appendices

A Housing SEPP – Co-living Housing - Compliance Table
B Burwood LEP 2012 Compliance Table
C Burwood DCP Compliance Table

1.0 Introduction

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) submitted to Burwood Council. This DA proposes the demolition of existing structures, construction of a three (3) storey co-living development consisting of twenty (20) units, and associated site works at 63 Conder Street, Burwood.

The development will feature demolition, tree removal, earthworks, basement level amenities and services, construction of a three (3) storey co-living housing development consisting of twenty (20) units, and associated site works. Specifically, consent is sought for the erection and use of the following buildings and works:

- Demolition of existing structures and tree removal.
- Provision of a basement level comprising a waste room, bathroom, laundry and building services.
- Construction of a three (3) storey co-living housing development with a maximum building height of 10.813m and a maximum Floor Space Ratio of 0.918:1.
- Ground Floor to Level 2 comprises of twenty (20) co-living units and one (1) manager office.
- Provision of on-site parking consisting of one (1) car share space, four (4) motorcycle spaces, and four (4) bicycle parking spaces on the ground floor.
- Provision of residential communal open space with a total area of 260.m^2 and communal living area with a total area of 79.4m^2 on the ground floor.
- Key support infrastructure including earthworks, electrical, stormwater, sewer realignment and hard and soft landscaping.

This SEE provides a detailed description of the site and the proposal and provides an assessment of the proposal against the relevant heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*. That assessment has found that the proposal:

- Meets the objectives of the SEPP's, LEP and DCP where applicable;
- Will not result in significant negative impacts on surrounding land uses and environment;
- Is responsive to site context and presents a positive visual relationship with surrounding uses; and
- Is strongly in the public interest.

The SEE forms part of a suite of documents that are submitted in support of the application.

1.1 Project Context

The development site is located on the western side of Conder Street within an established residential area of the Burwood Locality. The site is situated within the Burwood Council Local Government Area (LGA) and is zoned R1 General Residential under the provisions of the Burwood Local Environmental Plan (LEP) 2012.

The surrounding area consists of a range of established low to medium density residential forms of development including dwellings houses, multi-dwelling housing development, and recently approved residential flat developments. Based on the zoning of the site and its location within the low and mid rise housing area, it is anticipated that the immediate area will transition to higher density forms of development in the near future and the subject site represents a unique opportunity to lead the redevelopment of the area to achieve the desired residential character of the surrounding area.

The key aims of the project can be summarised as follows:

- Provision of a co-living housing development that is consistent with the objectives of the State Environmental Planning Policy (Housing) 2021, Burwood Local Environmental Plan 2012 and Burwood Development Control Plan.
- Ensure that there is a high level of residential amenity and diversity of housing in the surrounding area.
- Provision of suitable mix of communal areas within the site that encourages the creation of a connected community.
- To provide a development that is consistent with the existing bulk, scale and design of development in the surrounding area.
- To have regard to the envisaged character and scale of development within the surrounding low and mid rise housing area and wider Burwood locality.

The proposed development has been designed to respond to the site's natural characteristics and the layout of the existing locality. The provision of a co-living housing development will support in meeting the housing needs of the community whilst enabling the development of diverse housing types in the surrounding locality.

1.2 Planning Framework and Referrals

The site is located in the Burwood Local Government Area (LGA) and as such the DA will be assessed by Council's Planning Assessment Team. In preparation of the development, consideration has been given to the following planning instruments:

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022;
- State Environmental Planning Policy (Housing) 2021;
- Burwood Local Environmental Plan 2012; and
- Burwood Development Control Plan.

Pursuant to Clause 2.19 and Schedule 6 of the SEPP (Planning System) 2021, the development has an Estimated Development Cost (EDC) of less than $30 million for general development. Therefore, the development will be determined by the Burwood Council.

2.0 Site Analysis

2.1 Site Description and Context

The proposed development relates to an allotment commonly known as 63 Conder Street and legally described as Lot 1 in DP 121878. The site has a total area of approximately 841m^2 with a frontage of approximately 16.88m to Conder Street. The site currently contains a two-storey dwelling house and associated structures.

The subject site is well served by existing public transport services, including being approximately 120m south of Woodside Avenue, 450m west of Burwood Road, and 550m south of Railway Parade where a range of existing bus services are provided. The site is also located within 900m walking distance of Burwood Station and 1.7km walking distance of Croydon Station. These roads and public transport provisions provide the main connectivity to Burwood and the subject site.

The site is also located within 300m walking distance of the Burwood Town Centre in which a range of existing services and facilities are provided that meet the needs of residents and vistors.

The site's locational context is shown at **Figure 1,** and a Site Aerial is provided in **Figure 2**.

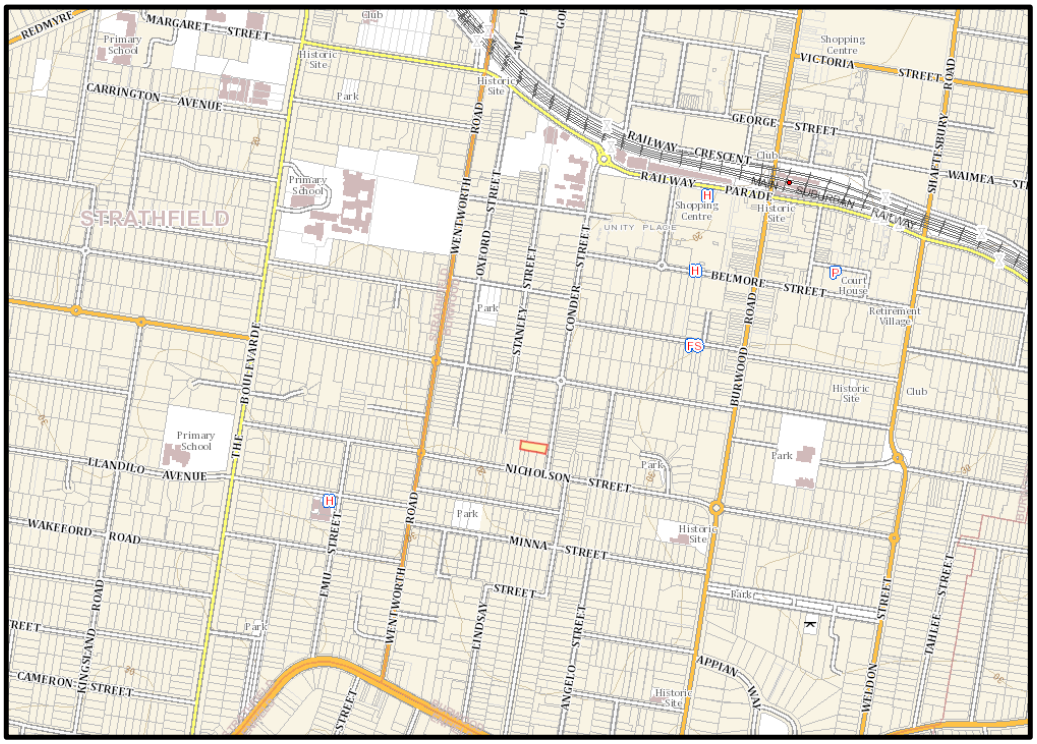

Figure 1: Locality Plan demonstrating the site outlined in red (Source – Six maps)



Figure 2: Site Aerial of the Subject Site (Source: Nearmap)

2.2 Existing Site Conditions

Specific details on the existing site conditions are provided as follows:

Landform and Services	Refer to the Survey Plan submitted in support of the application.
Existing Structures	The site currently contains a two-storey dwelling house and associated structures.
Access	The site currently contains vehicular access via Conder Street towards the east.
Heritage	The site does not contain a heritage item nor is it located within a heritage conservation area. However, the site adjoins Item I86 – 'Federation House' at 25 Nicholson Street being of local significance.

3.0 Proposed Development

3.1 Overview

This DA proposes the demolition of existing structures, construction of a three (3) storey co-living housing development consisting of twenty (20) co-living units, and associated site works at 63 Conder Street, Burwood. Specifically, consent is sought for the following works:

Demolition

- Demolition of existing structures including the two-storey dwelling house and associated structures.

Construction

- Construction of a three (3) storey co-living housing development with a maximum building height of 10.813m and a maximum Floor Space Ratio of 0.918:1. The proposed development will consist of twenty (20) co-living rooms in the following configuration:

  Basement

  - Provision of a single-level basement comprising a waste storage room, storage, bathroom, laundry, building services, and lifts and stairs providing access to upper levels.

  Ground Floor

  - Provision of on-site parking consisting of one (1) car share space, four (4) motorcycle spaces, and four (4) bicycle parking spaces on the ground floor.
  - Provision of 5 x co-living units consisting of bed, kitchen, living area, desk, bathroom and associated private open space areas.

- Provision of a manager's office.
- Provision of pedestrian paths providing access to the street and communal open spaces areas.
- Lifts and stairs providing access to upper and lower levels.

Levels 1 and 2

- Provision of 15 x co-living units consisting of bed, kitchen, living area, desk, bathroom and associated balconies.
- Lifts and stairs providing access to upper and lower levels.

- Provision of a communal living area with a total area of 79.4m^2 and a communal open space with a total area of 260.m^2 on the ground floor.

Associated Works

- Key support infrastructure including electrical, stormwater, and hard and soft landscaping.
- Removal of trees and earthworks facilitating the proposed development; and
- Alterations to the existing sewer alignment.



Figure 3:Photomontage of the Proposed Development (Source: Benson McCormack Architecture)

3.2 Numerical Overview

A numerical overview of the development is presented in **Table 1** below:

Table 1: Numerical Overview	
Feature	**Proposed**
Site Area	841m^2
Maximum Height	10.813m (3-storey)
Gross Floor Area	772.4m^2
Floor Space Ratio	0.918:1
Residential Apartments and Mix	20 co-living units
Car Parking Spaces	1 car share space
Bicycle Spaces	4 bicycle spaces
Motorcycle Spaces	4 motorcycle spaces
Communal Open Space	260m^2 (30.9%)
Communal Living Area	79.4m^2 (9.4%)
Deep soil	142.2m^2 (16.9%) with minimum dimensions of 3m.
Adaptable Units	2 units (10%)

3.3 Built Form and Design

The intent of the proposed development is to provide a well-designed co-living housing development that contributes to the provision of diverse housing typologies in the Burwood Locality. The design of the development is reflective of the intent of the current controls and the desired future character of the area.

The proposed design, scale and height align with the desired future character of the area when having regard to the site's location and site context. The elevations have been carefully designed to achieve an aesthetic outcome and composition based on the developments interface with Conder Street and adjoining properties. The facades and numerous architectural features provide articulation and interest to the elevations and result in a high-quality built form that contributes positively to the streetscape and the emerging built form.

The vision for the site is to deliver a well-designed co-living housing development that provides housing choice and affordability for the existing and planned future community within the precinct. This is reinforced through the addition of twenty suitably sized units that will support meeting the needs of the community in proximity to a range of existing facilities and services that meet the day-to-day needs of residents.

Whilst the development signifies a relatively significant uplift when compared to surrounding existing development (particularly south of Woodside Avenue), the proposed development has been designed to generally facilitate the desired future low to medium density character of the surrounding area as intended by the applicable planning controls. More specifically, development of a similar scale (i.e. residential flat building, multi-dwelling housing, etc.) are now permissible with development consent in both the R1 General Residential zone and the adjoining R2 Low Density zone pursuant to the low to mid-rise housing developments standards. This has resulted in an increase to the maximum permitted building height to 9.5m or 12.35m when having regard to the existing affordable housing incentives under the SEPP (Housing) 2021.

Having regard to the above, the proposed development seeks consent for a contravention to the maximum building height development standard of 8.5m. Specifically, the development seeks consent for a building height of 10.813m representing a contravention of 27.21% to that prescribed under the LEP. Given adjoining development could be similarly redeveloped to a maximum height of 12.35m, compliance with the development standard is unreasonable and unnecessary when having regard to the desired future character of the area.

The resultant scale and character of the proposed development is considered to be compatible with the desired future character of the immediate locality, particularly in light of the recently introduced provisions and incentives under the SEPP (Housing) 2021. The proposed design ensures that adjoining properties—whether in their existing state or redeveloped in accordance with the SEPP—will not be unreasonably impacted by overshadowing or loss of privacy. A Clause 4.6 Variation Request has been prepared in support of the application providing a detailed assessment of the variation against the relevant criteria.

Despite the variation to the maximum HOB development standard, the proposed development maintains a scale, height and form that is consistent with a range of existing development in the immediate precinct as demonstrated in **Figures 5** and **6** below.

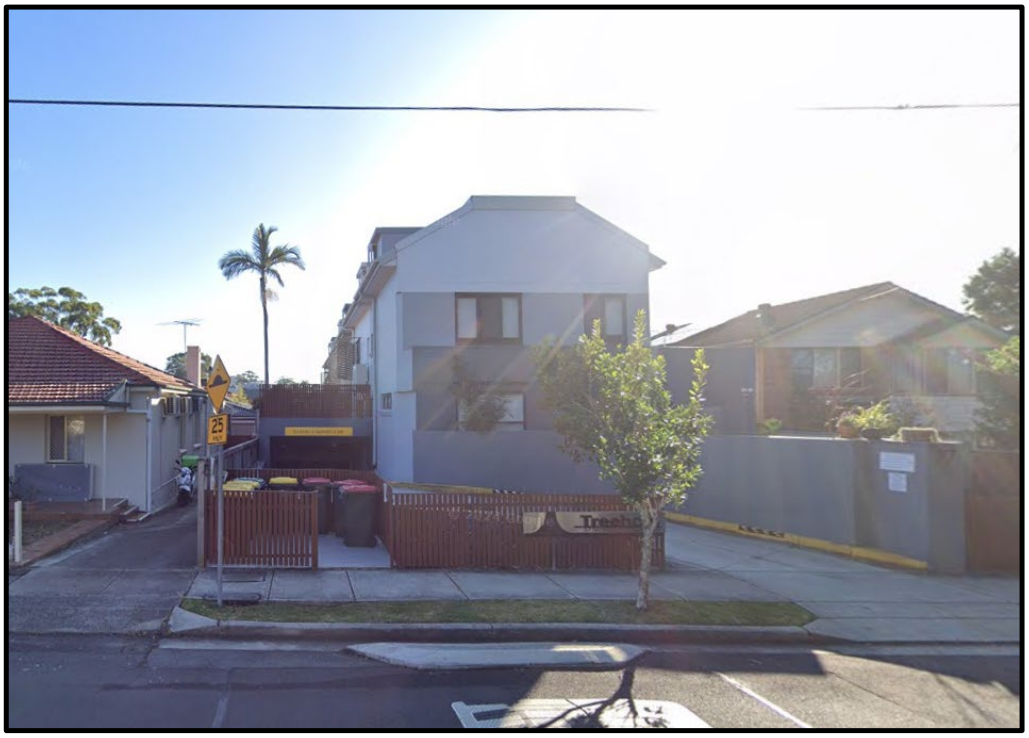

Figure 4:Existing three level multi-dwelling housing development at 37 Nicholson Street, Burwood approved under BD.2025.184



Figure 5:Existing three level multi-dwelling housing development at 66-70 Stanley Street approved under DA30/2025

3.4 Floor Space Ratio

Floor Space Ratio

The site is subject to an FSR of 0.85:1 pursuant to Clause 4.4 of the Burwood Local Environmental Plan 2012. This would allow for a total gross floor area (GFA) 714.85m^2 based on the site area of 841m^2.

This development application seeks consent to apply bonuses awarded under Chapter 3 - Diverse Housing of the State Environmental Planning Policy (Housing) 2021 relating to Co-Living Housing. Specifically, Section 68(2)(a)(i)&(ii) provides the following incentives for development involving Co-Living Housing.

(2) The following are non-discretionary development standards in relation to development for the purposes of co-living housing—
(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—
(i) the maximum permissible floor space ratio for residential accommodation on the land, and
(ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,

It is acknowledged that residential flat buildings are permissible with consent in the R1 zone pursuant the Burwood LEP 2012. The table below sets out the applicable maximum floor spaces ratio and gross floor area:

Table 2: GFA Calculations

Site Area	Maximum FSR Under LEP	Maximum GFA Under LEP	Additional FSR	New FSR	Additional GFA	New Total GFA
841m^2	0.85:1	714.85m^2	0.085:1	0.935:1	71.485m^2	786.335m^2

As demonstrated above, the maximum GFA for the development is 786.335m^2 equating to an FSR of 0.935:1. The proposed GFA of 772.4m^2 equating to an FSR of 0.918:1 complies with the maximum specified.

3.5 Tree Removal & Landscaping

Tree Removal

This Development Application proposes the removal of three (3) existing mango trees (Mangifera sp.) on the site to facilitate the proposed development as detailed in the Landscape Plans submitted in support of the application.

The trees are not native species and are an exempt species of tree for removal in accordance with Section 6.1.3 of the Burwood Development Control Plan.

Landscaping

A landscaping scheme has been developed in support of the proposed development. This scheme is illustrated in the Landscape Plans submitted in support of the application

260m^2 (30.9%) of outdoor communal open space (COS) is proposed on ground floor. These spaces have been designed to incorporate landscaping that will enhance the space and provide a high level of amenity for residents. This area also provides a functional space that can facilitate a number of communal interactions through the provision of cooking facilities and shading and is lined with suitable vegetation that enhances the amenity of the area.

In addition to the above, the development provides 79.4m2 (9.4%) of indoor communal living area on the ground floor. This area will be fitted out with a range of furniture, cooking facilities, dining facilities, and media provisions to encourage additional communal interactions and to enhance residential amenities.

3.6 Access and Car Parking

Pedestrian Access

- Direct street access is provided to the ground floor communal via a pedestrian path connecting to Conder Street.
- All units and the basement level are accessed via the communal living area where stairs and lifts are provided.
- Access to the ground floor communal open space will be restricted to residents and visitors and is achieved via the ground floor communal living spaces. Both side boundaries will be provided with suitable fencing and gates restricting access.

Vehicle Access and Car Parking

Section 68(2)(e) of the State Environmental Planning Policy (Housing) 2021 requires the following car parking for co-living housing:

(e) unless a relevant planning instrument specifies a lower number—
(i) for development on land in an accessible area—0.2 parking spaces for each private room, or
(ii) otherwise—0.5 parking spaces for each private room,

An accessible area is defined as follows pursuant the State Environmental Planning Policy (Housing) 2021:

(c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between—
(i) 6am and 9pm each day from Monday to Friday, both days inclusive, and
(ii) 8am and 6pm on each Saturday and Sunday.

The site is located 160m walking distance from a bus stop associated with Sydney Bus Service No. 407 providing connectivity between Strathfield Station and Burwood Station. This service has at least 1 bus per hour servicing the bus stop between 6am and 9pm each day from Monday to Friday and 8am and 6pm on each Saturday and Sunday.

As a result, the applicable requirement is a minimum of 0.2 parking spaces for each private room. Given there are 20 private rooms, the proposed development warrants a minimum 4 car parking spaces. The proposed 1 car parking space does not comply with the minimum specified.

The 1 car parking space servicing the co-living housing development is proposed to be a car share space. The space will effectively replace the requirement for four (4) privately owned vehicle parking spaces. The suitability of the proposed shortfall and use of shared space is discussed in detail in the accompanying Parking & Traffic Impact Assessment. Based on the findings of the report, it is satisfied the proposed development will contain adequate arrangements for parking to service the development.

The proposed variation to the minimum car parking development standard is accompanied by a Clause 4.6 Variation Request. The letter provides a detailed assessment of the variation against the relevant criteria.

3.7 Stormwater and Drainage

The relevant requirements and objectives of the Stormwater Drainage part of the Burwood Development Control Plan have been considered in the design of the proposed development. Stormwater Plans and specifications have been prepared to accompany the proposal.

It is acknowledged that the proposed stormwater drainage system relies upon a pump-out drainage solution which is prohibited in accordance with the Applicant Checklist forming part of Councils Stormwater Management Code. In accordance with Section 3.9 of the Stormwater Management Code, an easement has been sought as a gravity system will not appropriately drain towards Conder Street, to council land, or an existing Council pipeline within the development site.

All reasonable attempts have been made to obtain owner's consent for the acquisition of an easement over 80 Stanley Street (Lot 1 DP 67297) and 33 Nicholson Street, Burwood (Lot 2 DP908463) to the rear. During this process, the owners of the land to be burdened by the easement were offered adequate and above market compensation for any loss or other disadvantage that will arise from imposition of the easement in line with a Detailed Valuation Report. All attempts have been denied by the relevant landowner and documented evidence of the process is provided in support of the application

Given the above outcome, an alternative solutions comprising a pump-out drainage solution is considered appropriate to ensure stormwater appropriately drains towards Conder Street to allow for the orderly an economic development of land. The proposed solution will not arise adverse impacts on adjoining properties or cause flooding.

3.8 Waste Management

A Demolition and Construction Waste Management Plan and an Operational Waste Management Plan have been submitted in support of the application. The Waste Management Plan details the proposed waste management during demolition, construction and operational phases of the development. Key features include:

- Waste streams from building construction will be recycled and reused where possible.
- The proposed waste management facilities and equipment are to be designed and constructed to comply with council controls.
- All residential waste and recycling will be collected via Council's waste collection services.

3.9 Safety and Security

The following section outlines Crime Prevention through Environmental Design (CPTED) principles and uses these to assess the Architectural Plans for the proposed development. This assessment has been undertaken in accordance with the NSW Government's CPTED principles (outlined below), and the requirements of the Development Control Plan. The following section also outlines recommended mitigation measures to be considered in the final design.

There are a number of criteria to be considered when assessing CPTED as part of a development application. As stated by the NSW Government, CPTED aims to influence the design and management of buildings and places by:

- Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and Capture.
- Increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended.
- Reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'.
- Removing conditions that create confusion about required norms of behaviour.

To that end, the four key principles to minimise the opportunity for Crime are outlined in **Table 3** below:

Table 3: CPTED Key Principles

No.	PRINCIPLE	DEFINITION
1	**Natural Surveillance**	Involves maximising opportunities for passers-by or residents to observe what happens in an area (the 'safety in numbers' concept). This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting. Natural surveillance is a by-product of well-planned, well-designed and well-used space. Higher risk locations can also benefit from organised surveillance, which involves the introduction of formal measures such as on-site security guards or CCTV.

2	**Access Control**	Control of who enters an area so that unauthorised people are excluded, for instance, via physical barriers such as fences, grills etc. The business is 100% cashless and no cash on premises signage is provided.
3	**Territorial Reinforcement /Ownership**	People are more likely to protect territory they feel they own and have a certain respect for the territory of others. This can be expressed through installation of fences, paving, signs, good maintenance and landscaping. Territoriality relates to the way in which a community has ownership over a space.
4	**Space Management**	Ensures that space is appropriately utilised and cared for. Space management strategies include: activity coordination (i.e. having a specific plan for the way different types of activities are carried out in space), site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out lighting and the removal or refurbishment of decayed physical elements.

Car Parking Areas

Parking areas are typically common spaces for offences against property or persons. Relevant CPTED considerations for car parks include: access control, providing visibility, ensuring safe access for cars and pedestrians, and discouraging loitering. The following points provide a description of the sites proposed car parking area:

- Adequate lighting compliant with AS1158 will be provided to the ground level parking area, including bicycle parking, motorcycle parking and the single shared car parking space;
- Safe parking signage towards the entry to remind people to secure their cars, bicycles, motorcycles and valuables will be installed prior to the occupation of the development.

Entry and Exit Points

Entry and exit points are a key consideration for CPTED assessments because of the interface they provide with the surrounding area. Relevant CPTED considerations for entry and exit points include: access control, providing visibility, ensuring safe access for cars and pedestrians, and discouraging loitering. The subject DA proposes the following measures:

- Adequate lighting at all entry and exit points will be provided in accordance with the relevant Australian Standards;
- All entry/exit points are aesthetic and inviting and the landscaping, building position and activities are all orientated to maximise natural surveillance on entry/exit.
- Ground level landscaping has been selected so that it does not provide areas of concealment.

Internal Layouts

Key internal layout considerations in regard to CPTED include interfaces between public and private space; and the existence of ‘dead space’, ‘areas of entrapment’ and ‘areas of concealment’. The subject DA proposes the following measures:

- The design of new internal spaces does not create 'areas of entrapment or concealment, particularly in accessways;
- All entries have good sight lines, will be well lit and are in areas with ample room for access; and
- Clear definition between public and private access areas are provided and easily identifiable entries.
- Common corridors are linear, limited in length with uninterrupted lines of sight. They are designed with limited or no corners, limiting opportunities for concealment.

External Areas

Key external layout considerations in regard to CPTED include visibility, activation and prevention of vandalism and graffiti. The subject DA proposes the following measures:

- All external areas of the building will be well lit, particularly at night.
- No opportunities for concealment are provided by external building design or landscaping based on the design of the proposal.
- Ground level units have outward orientations, overlooking the public domain and common areas.

As identified above, the proposed development has been designed with regard to the principles of Crime Prevention Through Environmental Design. Landscaped areas within the development site will be maintained to a good standard. Clear delineation between public and private areas is proposed. Lighting that complies with AS1158 will be used.

The proposed development is therefore considered compliant with the requirements of CPTED.

4.0 Assessment of Environmental Impacts

4.1 Statutory Planning Framework and Compliance

An assessment of the proposal has been made against the relevant planning instruments applicable to the land and the proposal. The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022;
- State Environmental Planning Policy (Housing) 2021;
- Burwood Local Environmental Plan 2012; and
- Burwood Development Control Plan.

4.1.1 State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 - State and Regional Development

Pursuant to Clause 2.19 and Schedule 6 of the SEPP (Planning System) 2021, the development has an Estimated Development Cost (EDC) of less than $30 million for general development. Therefore, the development will be determined by the Burwood Council.

4.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Chapter 4 of the SEPP requires Council to consider whether the subject land of any development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.

The SEPP further requires the preparation of a report specifying the findings of a preliminary investigation of the land concerned, carried out in accordance with the contaminated land planning guidelines, to be considered by the consent authority before determining an application for consent to carry out development that would involve a change of use of that land.

The proposed development comprises residential accommodation on an existing residential lot. The development does not propose a change in use to a more sensitive land use, the site has been used for residential purposes for an extended period of time, is not located in an investigation area and is not on the contaminated land register. The site is therefore considered suitable for its intended use and no further investigation is deemed to be required.

4.1.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 to of the Biodiversity and Conservation SEPP 2021 aims to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

This Development Application proposes the removal of three (3) existing mango trees (Mangifera sp.) on the site to facilitate the proposed development as detailed in the Landscape Plans submitted in support of the application.

The trees are not native species and are an exempt species of tree for removal in accordance with Section 6.1.3 of the Burwood Development Control Plan.

Chapter 6 - Water Catchments

The subject site sits within the Sydney Harbour Catchment and therefore Chapter 6 of the Biodiversity and Conservation SEPP 2021 is applicable. The proposed development is consistent with the aims of Chapter 6 of the SEPP (to protect the environment of the Sydney Harbour Catchment system) and all of its planning controls.

Given the distance between this property and the Sydney Harbour system and the implementation of soil erosion and sediment controls measures in accordance with the requirements of Council's Engineering Specifications, no issues will be encountered as part of this Development Application.

4.1.4 State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 (Standards for residential development – BASIX) of State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP) sets out the standards that apply to 'BASIX development,' which is defined as:

> ***BASIX development*** *means the following development if it is not BASIX excluded development—*
>
> *(a) development that involves the erection, but not the relocation, of a BASIX building,*
>
> *(b) development that involves a change of building use by which a building becomes a BASIX building,*
>
> *(c) development that involves the alteration of a BASIX building, if the estimated development cost is $50,000 or more,*
>
> *(d) development for the purposes of a swimming pool or spa, or combination of swimming pools and spas, that—*
>
> *(i) services 1 dwelling only, and*
>
> *(ii) has a capacity, or combined capacity, of 40,000 litres or more.*

Pursuant to the Environmental Planning and Assessment Regulation 2021 (the Regs), a 'BASIX building' is defined as:

> ***BASIX building*** means a building that contains at least 1 dwelling, but does not include the following—
>
> (a) hotel or motel accommodation,
>
> (b) a boarding house, hostel or co-living housing that—
>
> (i) accommodates more than 12 residents, or
>
> (ii) has a gross floor area exceeding 300 square metres.

As the development comprises co-living housing with a gross floor area of 772.4m^2, that will accommodate more than 12 residents; the development is not a 'BASIX building' and a BASIX Certificate is not required.

4.1.5 State Environmental Planning Policy (Housing) 2021

Chapter 3 Diverse Housing

The aims of this chapter of the Housing SEPP are to enable the development of diverse housing types and to ensure new housing development provides residents with a reasonable level of amenity.

An assessment of the proposal against the relevant provisions applying to the co-living housing component of the development is provided at **Appendix A**.

4.1.6 Burwood Local Environmental Plan 2012

Permissibility

The site is situated within the Burwood Local Government Area (LGA) and is subject to the provisions of the Burwood Local Environmental Plan (LEP) 2012.

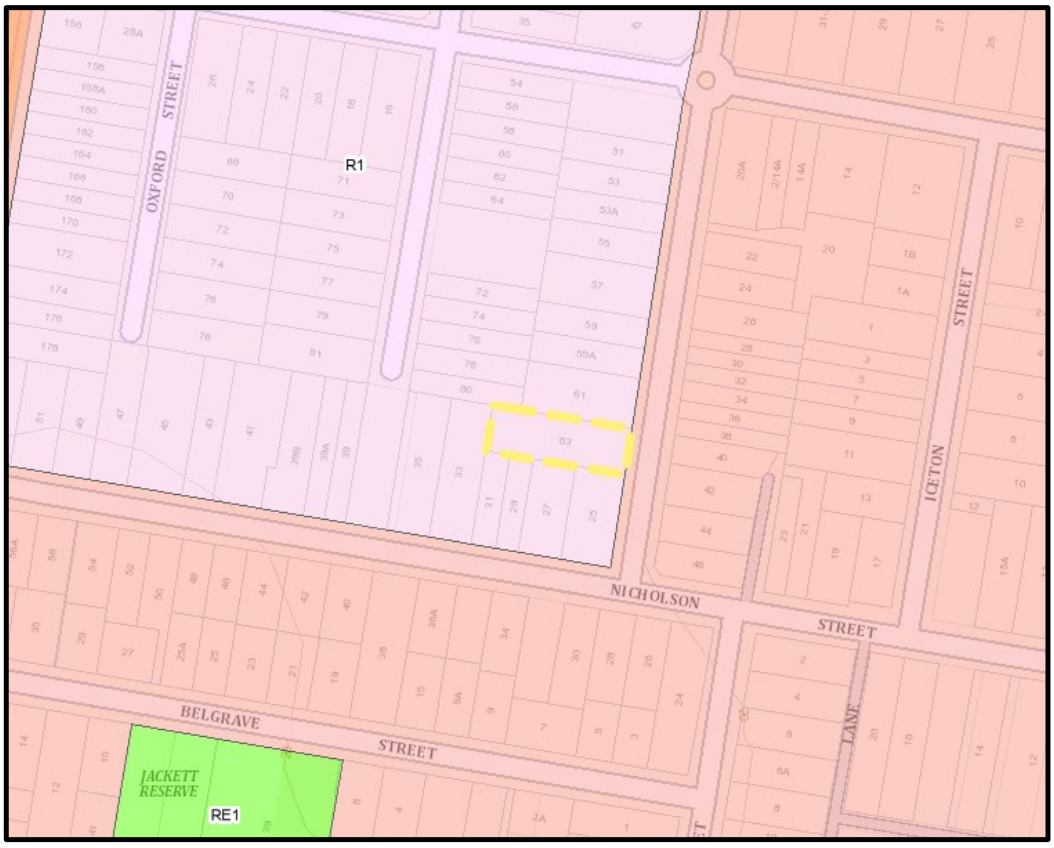

Figure 6: Land Zoning Map demonstrating the subject site as outlined in yellow (Source – NSW Legislation).

The site is zoned R1 General Residential under the provisions of the Burwood LEP. The proposed development consists of the construction of co-living housing (residential accommodation) which is prohibited in the R1 Zone under the LEP.

However, Section 67(b) of the Housing SEPP provides that 'development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of residential flat buildings or shop top housing is permitted under Chapter 5, Chapter 6 or another environmental planning instrument.' Development for the purpose of residential flat building is permissible with consent in the R1 Zone under the Burwood LEP.

Zone Objectives

The objectives of the R1 Zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment

It is considered that the proposed development is consistent with the relevant objectives of the R1 zone. Specifically, the proposed co-living housing development provides for the housing needs of the community in a form that will contribute positively to the diversity of housing types and densities in the surrounding locality. In addition, the site is in close proximity to a range of public transport options and other facilities and services that meet the day-to-day needs of residents.

Relevant Clauses

A full response to all requirements of the Burwood LEP 2012 is provided at **Appendix B**.

4.1.7 Burwood Development Control Plan

The Burwood Development Control Plan provides detailed provisions to supplement the Burwood LEP. An assessment of the proposal against the relevant development controls applying to the subject land is provided for at **Appendix C**.

4.2 Heritage Impact

The site does not contain a heritage item nor is it located within a heritage conservation area. However, pursuant Schedule 5 of the Burwood LEP 2012, the site adjoins an item of local significance along its southern boundary. Specifically, the site adjoins Item I86 – 'Federation House' at 25 Nicholson Street, Burwood (Lot A, DP 326584)

The State Heritage Inventory prescribes the following statement of significance in relation to the item:

- *No. 25 Nicholson Street, Burwood has historic and aesthetic significance as a very good example of a single storeyed c. 1920 house designed in the Federation bungalow style.*
- *The building retains its original form, character and detailing including a broken roof line with gables, symmetrical front facades constructed of face brickwork with brick quoining, a corner verandah with a flying entrance gable supported by squat rounded columns on wide brick piers, timber framed casement leadlight windows with highlight windows over, slate roofed window awnings with decorative timber brackets, timber and glass panelled entry door with highlight.*
- *The building makes a positive contribution to the Nicholson Street streetscape*

This application is accompanied by a Heritage Impact Assessment which provides an assessment of the potential impacts of the proposed development to the nearby I86. The assessment concludes with the following:

- *The proposed development is thoughtful, well-designed and succeeds in mitigating heritage impacts by taking advantage of the subject property's inherent spatial qualities, setting and lot characteristics.*
- *The proposed communal living building is located predominantly at the centre and rear of the subject property and is substantially set back from the neighbouring property.*
- *The building form is broken up using various architectural elements and treatments, is well designed, minimal and respectfully references the neighbouring historic property in its external treatments.*
- *Landscaping is also placed in open areas and applied to architectural elements to provide additional visual screening and to soften the overall building form. Key view lines and public interaction and appreciation of I86 would be minimally impacted within the public domain.*
- *NWT has assessed that the proposed development would have no physical impacts and no greater than minor visual impacts to I86.*
- *The intangible heritage values of the item as well as the characteristics and key heritage elements that contribute to its significance would remain largely unimpacted.*
- *The proposed development is sensitive to the heritage significance of I86 and broadly satisfy the relevant objectives, provisions and controls of the BLEP, BDCP and the principles codified in the Burra Charter.*

Based on the findings of the assessment, it is satisfied the proposed development is designed and sited to protect the heritage significance of the adjoining item.

4.3 Noise, Visual Impacts & Building Separation

Noise

An Acoustic Report has been submitted in support of the proposed development which details the potential noise impacts of surrounding land uses on the subject site and the potential acoustic impact of the proposal. Following the result of noise monitoring undertaken on site, the Acoustic Report provides a series of recommendations to ensure any adverse noise impacts on the proposed development are minimised.

Similarly, during construction, noise associated with the development will be managed in accordance with Council's requirements to ensure adjoining residents are not impacted by noise or vibration.

Building Separation

Section 69(2)(b) of the State Environmental Planning Policy (Housing) 2021 provides the following:

(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—

(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and

The proposed development is limited to a three-storey form. For buildings up 12m (4 Storeys), the ADG requires a 6m separation from habitable rooms, 3m to non-habitable room, and no separation is required between blank walls.

The building separation distances proposed for the development to the side and rear boundaries are as follows:

Southern and Northern Boundary (Side)

- Ground Floor to Level 2 – 3m (non-habitable rooms), 3m to blank walls, and 4.5m (habitable rooms).

It is noted that the portions of the building which are setback 3m from the southern boundary largely comprise of blanks walls which require no separation. However, the bathroom windows are non-habitable rooms and have been setback 3m from the boundary which complies with the minimum distance prescribed in the ADG. The bathroom windows are provided with high sill heights and will be suitably glazed to avoid adverse privacy impacts on adjoining properties. Additionally, corridor and entry openings relate to non-habitable rooms and have been set back a minimum 3m from the boundary.

The ground floor communal living area openings towards the northern boundary have been setback 4.5m from the boundary which does not comply with the minimum of 6m. These openings will be suitably screened by existing/proposed boundary fencing and will not arise adverse privacy impact on adjoining properties. Both boundaries will also be provided with suitable landscape planting that assist screen the openings from adjoining properties.

The upper-level balconies provide a separation of 4.5m to the edge of the balcony and 6m to the face of the glass adjoining the balcony. This minor non-compliance for the balcony is deemed to be reasonable given the living room windows are not oriented toward the boundary and the internal living area and kitchen comply with the separation requirement.

Western (rear)

- Ground Floor to Level 2 – 6m

All POS and balconies located along the rear boundary have been set back a minimum 6m from the boundary and comply with the minimum prescribed in the ADG.

Overshadowing

The DA is accompanied by hourly shadow diagrams which demonstrate that the proposed built form will not adversely reduce solar access on the properties to the south of the site, owing to the distribution of building bulk, scale, and building separation distances. In particular, the shadow diagrams include the following:

- Blue - The extent of shadow cast by the existing development.
- Orange - The extent of additional shadow cast from the proposed development.

- Hatched Areas – The extent of shadow cast by a Burwood DCP-compliant building envelope (to 8.5m).

In preparation of the development application, specific consideration has been placed on the impact of the proposed development on the adjoining properties to the south. The shadow diagrams confirm the following:

Table 4 – Shadow Assessment	
Street Address	**Comments**
25 Nicholson Street, Burwood	• Principle POS and main living areas are situated along the eastern elevation/boundary and will continue to receive minimum of 3 hours direct sunlight between 9.00am and 3.00pm on June 21 to at least 70% of the area.
27 Nicholson Street, Burwood	• It is acknowledged that principal POS areas are situated at the rear of the dwelling. It is also assumed direct access is provided to the main living areas on the ground level. • Between 9:00am and 11:00am, the POS and main living areas do not receive solar access. • Between 11:00am and 3:00pm, the POS and main living areas would be overshadowed by a compliant building envelope (to 8.5m) on 63 Conder Street. • The proposed development and associated variations do not increase overshadowing towards POS and living areas compared to a compliant building envelope.
29 Nicholson Street, Burwood	• Principle POS and main living areas are situated towards the rear. • Between 9:00am and 3:00pm, the POS and main living areas would be overshadowed by a compliant building envelope (to 8.5m) on 63 Conder Street. • The proposed development and associated variation do not increase overshadowing towards POS and living areas compared to a compliant building envelope.
31 Nicholson Street, Burwood	• Principle POS and main living areas are situated along the rear boundary and will continue to receive minimum of 3 hours direct sunlight between 9.00am and 3.00pm on June 21 to at least 70% of the area.

Despite the proposed development resulting in additional overshadowing on adjoining properties to the south, it is acknowledged proposed variation to maximum HOB and separation distances do not increase overshadowing on those adjoining properties when compared to a compliant-built form on 63 Conder Street. It is based on the above that the shadows casts on adjoining properties are deemed acceptable.

4.4 Social and Economic Impacts

The proposed development will bring with it a number of important social and economic benefits for the local and wider community, consisting of the following:

- Importantly, the proposed development provides a co-living housing development which will have social and economic benefits for the future residents.

- Enable uses that meet the needs of existing and future residents in the surrounding area;
- Promote enhanced neighbourhood safety and security through casual surveillance generated by the presence of a permanent new development and activity within the site;
- Provide short-term and long-term economic benefits through construction expenditure and employment.

4.5 Site Suitability

Having regard to the characteristics of the site and its location in Burwood, the development is considered to be appropriate having regard to the following elements:

- The zoning of the site permits the proposed use, and the development has been designed having regard to the prescriptive measures to achieve the desired character as required by the relevant SEPP's, LEP and DCP;
- The size and dimensions of the land are appropriate for accommodating the proposal in its current form;
- It provides a well-designed built form on a site envisaged for high density development within walking distance to various public transport options;
- The development is sited and designed to ensure no adverse impacts occur on surrounding development including overshadowing, noise, traffic impacts and site isolation.

4.6 Public Interest

The proposal will facilitate the development of the site by providing a development that meets the growing needs of the local and wider population. It is in the public interest to reinforce the importance of this location as a suitable development site for a co-living housing development. Generally, the proposal provides the following public benefits:

- It is consistent with the objects of the EP&A Act of encouraging the economic and orderly development of land;
- It has been carefully designed to ensure consistency with the applicable Council policies where possible;
- It provides a development with no adverse amenity impacts, noise impacts, traffic impacts, visual impacts or site isolation.
- It contributes positively to the diversity of housing options within the Burwood locality.

5.0 Conclusion

This proposal seeks approval for the demolition of existing structures, construction of a three (3) storey co-living development consisting of twenty (20) units, and associated site works at 63 Conder Street, Burwood.

The proposal is generally consistent with the relevant environmental planning instruments, including the Housing SEPP, the Burwood LEP 2012 and Burwood DCP.

Having regard to the above, and in light of the relevant heads of consideration listed under Section 4.15 of the Environmental Planning and Assessment Act, 1979 the proposal is reasonable and appropriate and warrants favourable consideration.

APPENDIX A

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 - COMPLIANCE TABLE

63 CONDER STREET, BURWOOD

Level 57
25 Martin Place
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State Environmental Planning Policy (Housing) 2021 63 Conder Street, Burwood			
Clause	**Requirement**	**Comment**	**Complies**
67 Co-living housing may be carried out on certain land with consent	Development for the purposes of co-living housing may be carried out with consent on land in a zone in which— (a) development for the purposes of co-living housing is permitted under another environmental planning instrument, or (b) development for the purposes of residential flat buildings or shop top housing is permitted under Chapter 5, Chapter 6 or another environmental planning instrument.	The subject site is zoned R1 General Residential under the provisions of the Burwood LEP 2012. Residential flat buildings are permitted with consent in the R1 zone and therefore development for the purposes of co-living housing is permitted with consent in the R1 zone.	**Yes**
68 – Non-discretionary development standards—the Act, s 4.15	(2) The following are non-discretionary development standards in relation to development for the purposes of co-living housing— (a) or development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than— (i) the maximum permissible floor space ratio for residential accommodation on the land, and (ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,	The site is subject to a FSR of 0.85:1 under the Burwood LEP 2012. The 10% bonus provides a maximum FSR of 0.935:1. As a result, the maximum GFA for development is 786.335m^2 equating to an FSR of 0.935:1. The proposed GFA of 772.4m^2 equating to an FSR of 0.918:1 complies with the maximum specified.	**Yes**

Housing SEPP Compliance Table – 63 Conder Street, Burwood

State Environmental Planning Policy (Housing) 2021 63 Conder Street, Burwood			
Clause	**Requirement**	**Comment**	**Complies**
	(b) for co-living housing containing 6 private rooms— (i) a total of at least 30m^2 of communal living area, and (ii) minimum dimensions of 3m for each communal living area	N/A. The proposed development contains 20 private rooms. See assessment below.	Yes
	(c) for co-living housing containing more than 6 private rooms— (i) a total of at least 30m^2 of communal living area plus at least a further 2m^2 for each private room in excess of 6 private rooms, and	The proposed development contains 20 private rooms and warrants a minimum of 58m^2 of communal living area. The proposed 79.4m^2 complies with the minimum specified.	Yes
	(ii) minimum dimensions of 3m for each communal living area,	The are included communal living area contains minimum dimensions of 3m.	Yes
	(d) communal open spaces— (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m	The proposed 260m^2 (30.9%) complies with the minimum of 20%. All areas included achieve minimum dimensions of 3m.	Yes

Housing SEPP Compliance Table – 63 Conder Street, Burwood

State Environmental Planning Policy (Housing) 2021 63 Conder Street, Burwood			
Clause	**Requirement**	**Comment**	**Complies**
	(e) unless a relevant planning instrument specifies a lower number— (i) for development on land in an accessible area—0.2 parking spaces for each private room, or (ii) otherwise—0.5 parking spaces for each private room,	An accessible area is defined as follows pursuant the State Environmental Planning Policy (Housing) 2021: *(c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the* Passenger Transport Act 1990*, that has at least 1 bus per hour servicing the bus stop between—* *(i) 6am and 9pm each day from Monday to Friday, both days inclusive, and* *(ii) 8am and 6pm on each Saturday and Sunday.* The site is located 160m walking distance from a bus stop associated with Sydney Bus Service No. 407 providing connectivity between Strathfield Station and Burwood Station. This service has at least 1 bus per hour servicing the bus stop between 6am and 9pm each day from Monday to Friday and 8am and 6pm on each Saturday and Sunday. As a result, the applicable requirement is a minimum of 0.2 parking spaces for each private room. Given there are 20 private rooms, the proposed development warrants a minimum of 4 car parking spaces. The proposed 1 car share space does not comply with the minimum specified. The co-living housing development is proposed to be serviced by one (1) car share space which will effectively replace the requirement for four (4) privately owned vehicle parking spaces. The suitability of the proposed shortfall and use of shared space is discussed in detail in the accompanying Parking & Traffic Impact Assessment. Based on the findings of the report, it is satisfied the	**On merit**

Housing SEPP Compliance Table – 63 Conder Street, Burwood

State Environmental Planning Policy (Housing) 2021 63 Conder Street, Burwood			
Clause	**Requirement**	**Comment**	**Complies**
		proposed development will contain adequate arrangements for parking to service the development. The proposed variation to the minimum car parking development standard is accompanied by a Clause 4.6 Variation Request. The letter provides a detailed assessment of the variation against the relevant criteria.	
	(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,	N/A. The site is not zoned R2 Low Density Residential or Zone R3 Medium Density Residential.	Yes
	(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.	N/A. The site is not zoned R4 High Density Residential.	Yes
69 Standards for co-living housing	(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that— (a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m2 and not less than—	All proposed rooms are intended to be capable of accommodating two occupants. As a result, all rooms are a minimum of $16m^2$ and do not exceed $25m^2$ (excluding any area used for the purposes of private kitchen or bathroom facilities).	Yes

Housing SEPP Compliance Table – 63 Conder Street, Burwood

State Environmental Planning Policy (Housing) 2021 63 Conder Street, Burwood			
Clause	**Requirement**	**Comment**	**Complies**
	(i) for a private room intended to be used by a single occupant—12m^2, or (ii) otherwise—16m^2, and		
	(b) the minimum lot size for the co-living housing is not less than— (i) for development on land in Zone R2 Low Density Residential—600m^2, or (ii) for development on other land—800m^2, and	The site is zoned R1 General Residential. The site has a Lot size of 841m^2 and complies with the minimum of 800m^2	Yes
	(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing— (i) will not contain more than 12 private rooms, and (ii) will be in an accessible area, and	N/A the site is zoned R1 General Residential.	N/A
	(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and	Appropriate workspace area for the manager is provided with the ground floor.	Yes
	(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes	N/A. The site is not located within a business zone.	Yes

Housing SEPP Compliance Table – 63 Conder Street, Burwood

State Environmental Planning Policy (Housing) 2021 63 Conder Street, Burwood			
Clause	**Requirement**	**Comment**	**Complies**
	unless another environmental planning instrument permits the use, and		
	(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and	Adequate bathroom, laundry and kitchen facilities are provided within the basement level. Each room also contains bathrooms.	Yes
	(g) each private room will be used by no more than 2 occupants.	No room will be occupied by more than 2 adult lodgers at any one time which can be suitably conditioned by Council.	Yes
	(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.	The proposed development includes adequate provision of bicycle and motorcycle parking.	Yes
	(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether— (a) the front, side and rear setbacks for the co-living housing are not less than— (i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or	N/A. The site is not located within Zone R2 Low Density Residential, R3 Medium Density Residential or R4 High Density Residential.	Yes

Housing SEPP Compliance Table – 63 Conder Street, Burwood

State Environmental Planning Policy (Housing) 2021 63 Conder Street, Burwood			
Clause	**Requirement**	**Comment**	**Complies**
	(ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and		
	(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and	The proposed development is limited to a three-storey form. For buildings up 12m (4 Storeys), the ADG requires a 6m separation to habitable rooms, 3m to non-habitable room, and no separation is required between blank walls towards a boundary. The building separation distances proposed for the development to the side and rear boundaries are as follows: <u>Southern and Northern Boundary (Side)</u> • Ground Floor to Level 2 – 3m (non-habitable rooms), 3m to blank walls, and 4.5m (habitable rooms). It is noted that the portions of the building which are setback 3m from the southern boundary largely comprise of blanks walls which require no separation. However, the bathroom windows are non-habitable rooms and have been setback 3m from the boundary which complies with the minimum distance prescribed in the ADG. The bathroom windows are provided with high sill heights and will be suitably glazed to avoid adverse privacy impacts on adjoining properties. Additionally, corridor and entry openings relate to non-habitable rooms and have been set back a minimum 3m from the boundary.	**Yes**

Housing SEPP Compliance Table – 63 Conder Street, Burwood

State Environmental Planning Policy (Housing) 2021 63 Conder Street, Burwood			
Clause	**Requirement**	**Comment**	**Complies**
		The ground floor communal living area openings towards the northern boundary have been setback 4.5m from the boundary which does not comply with the minimum of 6m. These openings will be suitably screened by existing/proposed boundary fencing and will not arise adverse privacy impact on adjoining properties. Both boundaries will also be provided with suitable landscape planting that assist screen the openings from adjoining properties. The upper-level balconies provide a separation of 4.5m to the edge of the balcony and 6m to the face of the glass adjoining the balcony. This minor non-compliance for the balcony is deemed to be reasonable given the living room windows are not oriented toward the boundary and the internal living area and kitchen comply with the separation requirement. <u>Western (rear)</u> • Ground Floor to Level 2 – 6m All POS and balconies located along the rear boundary have been set back a minimum 6m from the boundary and comply with the minimum prescribed in the ADG. The proposed development is therefore consistent with the building separation requirements of the ADG.	
	(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and	Refer to the Solar Access drawings forming part of the Architectural Plans. The communal living area on the ground floor will receive adequate provisions of solar access.	Yes

Housing SEPP Compliance Table – 63 Conder Street, Burwood

State Environmental Planning Policy (Housing) 2021 63 Conder Street, Burwood			
Clause	**Requirement**	**Comment**	**Complies**
	(f) the design of the building will be compatible with— (i) the desirable elements of the character of the local area, or (ii) for precincts undergoing transition—the desired future character of the precinct.	The overall aim of this project is to increase the quality and quantity of diverse housing options available in Burwood. The development will provide different housing typologies in the immediate precinct that support meet the needs of a growing population on a site that is within proximity to the Burwood Local Centre and in close proximity to the train station. The development is also located in close proximity to a range of services and facilities to meet the needs of the residents. The design, scale and height of the development is consistent with the current developments in the area and desired future character of the site having regard to its location and site context. The elevations have been carefully designed to achieve an aesthetic outcome and composition based on the developments interface with Conder Street and the adjoining properties. The facades incorporate architectural features and materials and colours that provide articulation and interest to the elevations and result in a high-quality built form that contributes positively to the streetscape and the emerging built form. The proposed development therefore considered to be compatible with and will positively contribute to the character of the local area.	**Yes**
70 No subdivision	Development consent must not be granted for the subdivision of co-living housing into separate lots.	Noted, no subdivision is proposed.	**N/A**

APPENDIX B

BURWOOD LOCAL ENVIRONMENTAL PLAN 2021 - COMPLIANCE TABLE

63 CONDER STREET, BURWOOD

Level 57
25 Martin Place
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Burwood Local Environmental Plan 2012 63 Conder Street, Burwood			
Clause	**Requirement**	**Comment**	**Complies**
2.7 – Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Consent is sought for the demolition of existing structures.	**Yes**
4.3 – Height of Building	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map - 8.5m	The proposed development seeks consent for a contravention to the maximum building height development standard of 8.5m. Specifically, the development seeks consent for a building height of 10.813m representing a contravention of 27.21% to that prescribed under the LEP. A variation to the maximum building height is sought in accordance with Section 4.6 (Exceptions to development standards), refer to the accompanying Clause 4.6 Variation Request.	**On Merit**
4.4 – Floor Space Ratio	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map – 0.85:1	The site is subject to an FSR of 0.85:1 pursuant to Clause 4.4 of the Burwood Local Environmental Plan 2012. This would allow for a total gross floor area (GFA) 714.85m^2 based on the site area of 841m^2 However, this development application seeks consent to apply bonuses awarded under Chapter 3 - Diverse Housing of the State Environmental Planning Policy (Housing) 2021 relating to Co-Living Housing which provide an additional 10% for co-living housing. As a result, the maximum GFA for the development is 786.335m^2 equating to an FSR of 0.935:1. The proposed GFA of 772.4m^2 equating to an FSR of 0.918:1 complies with the maximum specified.	**Yes**

LEP Compliance Table – 63 Conder Street, Burwood

Burwood Local Environmental Plan 2012 63 Conder Street, Burwood			
Clause	**Requirement**	**Comment**	**Complies**
4.6 – Exceptions to Development Standards	Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that— (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and (b) (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.	A variation to the maximum building height and number of parking spaces is sought in accordance with Section 4.6 (Exceptions to development standards), refer to the accompanying Clause 4.6 Variation Request.	Yes
5.10 Heritage conservation	To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	The site does not contain a heritage item nor is it located within a heritage conservation area. However, pursuant Schedule 5 of the Burwood LEP 2012, the site adjoins an item of local significance along its southern boundary. Specifically, the site adjoins Item I86 – 'Federation House' at 25 Nicholson Street, Burwood (Lot A, DP 326584). This application is accompanied by a Heritage Impact Assessment which provides an assessment of the potential impacts of the proposed development to the nearby I86. Based on the findings of the assessment, it is satisfied the proposed development is designed and sited to protect the heritage significance of the adjoining item.	Yes
5.21 Flood planning	To minimise the flood risk to life and property associated with the use of land,	N/A. The site is not mapped as being flood prone on Council's Consolidated flood Identification Map.	Yes

LEP Compliance Table – 63 Conder Street, Burwood

Burwood Local Environmental Plan 2012 63 Conder Street, Burwood			
Clause	**Requirement**	**Comment**	**Complies**
6.1 Acid Sulfate Soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is mapped as containing class 5 acid sulfate soils. The proposed earthworks are minor and are not located within 500 metres of adjacent Class 1, 2, 3 or 4 land.	Yes

APPENDIX C

BURWOOD DEVELOPMENT CONTROL PLAN - COMPLIANCE TABLE

63 CONDER STREET,

BURWOOD

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Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
2 – Site and Environmental Planning			
2.2 General Site Analysis	All Development Applications should prepare and submit a site analysis.	Refer to the site analysis drawings forming part of the Architectural Plans submitted in support of the application.	**Yes**
2.3 Views and Vistas	Development applications must identify existing views and vistas significant to the proposal, assess the impacts of the development and demonstrate how significant views and vistas are to be protected and enhanced.	The proposed development will not impact on any existing significant views or vistas based on site analysis taken.	**Yes**
2.4 Streetscapes	Development applications must identify streetscape characteristics, assess the impacts of the development and demonstrate how significant streetscape qualities are to be protected and enhanced.	The elevations have been carefully designed to achieve an aesthetic outcome and composition based on the developments interface with Conder Street. The facades and numerous architectural features provide articulation and interest to the elevations and result in a high-quality built form that contributes positively to the streetscape and the emerging built form. The proposed development has also been designed to respond sympathetically to heritage significance of the adjoining item. The proposed siting, materials and finishes, bulk or scale will not detract from significant contributing features of the adjoining item.	**Yes**
4 – Development in Residential Areas			
4.6 Transport and Parking in Residential Developments			

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
Provision	Basic parking requirement: Development in the R1, R2 and R3 zones must provide parking spaces on site for each proposed land use in accordance with Table 4. All parking generated by the development is to be provided on site, including any visitors parking. Contributions in lieu of onsite provision of parking will not be accepted in residential zones:		
	• Boarding house, Co-living housing: ○ Car Parking for residents – refer to the Housing SEPP	Refer to the Assessment provided in **Appendix A**.	**Yes**
	○ Bicycle parking – one space per five rooms or part thereof	The proposed development comprises 20 rooms and warrants a minimum 4 bicycle parking spaces. 4 spaces have been accommodated within the ground level.	**Yes**
	○ Motorcycle parking – one space per five rooms or part thereof	The proposed development comprises 20 rooms and warrants a minimum 4 motorcycle parking spaces. 4 spaces have been accommodated within the ground level.	**Yes**
	A Development Application in a Residential zone which is not Major Development (and excluding small scale residential development comprising 1-2 dwellings or other small scale development as determined by Council) is to be accompanied by a Transport, Traffic and Parking Impact Report prepared by a suitably qualified and experienced professional in traffic and transport.	Refer to the Parking and Traffic Assessment submitted in support of the application. The assessment concludes with the following: • *The site access arrangements are projected to result in motorists being capable of entering and exiting the subject site in a safe and efficient manner;* • *The proposed single off-street car parking space allocated to the development accords with the relevant Housing SEPP requirements, when taking into*	**Yes**

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
		consideration the car share nature of the space, being proposed for the exclusive use of co-living residents, which is expected to replace a minimum off-street parking requirement / demand of four (4) vehicles. • *The proposed off-street bicycle and motorcycle parking provision accords with the relevant Housing SEPP and BDCP 2013 requirements.* • *The internal passenger vehicle circulation arrangements are envisaged to provide for safe and efficient internal manoeuvring;* • *The surrounding road network operates with a good level of service during peak periods.* • *The subject development has been projected to generate up to two (2) peak hour vehicle trips to and from the subject site over and above the existing site use; and* • *The surrounding road network is considered to be capable of accommodating the minor extent of traffic projected to be generated by the subject development.*	
4.7 – Heritage in Residential Precincts			
Development in the Vicinity of a Heritage Property	Development of a heritage property, or development in its vicinity, must: • Provide an adequate area of land around the development to allow interpretation of the significant building or place • Not detract from the setting of the heritage property	The application is accompanied by a Heritage Impact Assessment. The assessment provides a detailed assessment of the relevant requirements prescribed in the DCP.	**Yes**

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
	• Retain and respect significant views/vistas from the public domain to a heritage property, as well as the views/vistas originating from the heritage property itself.		
5 – Other Development Provisions			
5.4 – Boarding House and Co-Living Housing			
5.4.1 Site Planning	The minimum lot size for a boarding house and co-living housing developments is to be consistent with the requirements of the Housing SEPP. The minimum site frontage for boarding house or co-living housing developments is 17m.	Refer to the SEPP Compliance Table in **Appendix A**. The site contains a frontage of 16.855m which does not comply with the minimum of 17m. The proposed shortfall represents a variation of 145mm or 0.85%. Despite the variation, the proposed continues to achieve the objectives of this requirement. In particular: • The site continues to contain sufficient width to accommodate vehicular access and car manoeuvring on site without dominating the streetscape. • Adequate communal open space is provided throughout the development resulting in a surplus of 71.8m2 or 46.41% to the minimum specified under the SEPP. • The shortfall of 145mm in site width is not significant enough to impact separation distances. Nevertheless, the proposed separation distances are adequate as they	**Yes** **On merit**

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
		do not arise adverse privacy or solar access impact on adjoining properties. Overall, the minor non-compliance will have a negligible impact on the development given the design demonstrates the site can accommodate a high-quality development that achieves a reasonable level of amenity for occupants and adjoining properties.	
	Development must not result in the isolation of adjoining land. Where a development may result in the creation of an isolated site or sites, the application must address the site isolation requirements under relevant sections of this DCP.	Based on the orientation of the site and adjoining properties, it is satisfied the development will not result in the creation of an isolated site or sites.	Yes
5.4.2 Local Streetscape Character	The development application is to be supported by a statement and detailed site analysis which demonstrates to Council's satisfaction the compatibility of the design of the development with the character of the local area.	Refer to the Design Statement submitted in support of the application.	Yes
	Boarding house and co-living housing developments located in the vicinity of a heritage item or within a Heritage Conservation Area must be designed to sympathetically address the significance of the heritage item or the Heritage Conservation Area. The development application is to be supported by a statement that demonstrates compatibility of the design of the development with the character of the local area. T	The application is accompanied by a Heritage Impact Assessment. The assessment provides a detailed assessment of the relevant requirements prescribed in the DCP and notes that 'the proposed development is sensitive to the heritage significance of I86 and broadly satisfy the relevant objectives, provisions and controls of the BLEP, BDCP and the principles codified in the Burra Charter.	Yes

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
5.4.3 Design Excellence	If Clause 6.5 of the BLEP 2012 does not apply, the new development must exhibit design excellence and the Development Application must identify, through a design statement, how design excellence will be achieved. The design statement must respond to the following:		
	(a) whether a high standard of architectural, landscape and urban design has been achieved (including in the materials used and in detailing appropriate to the location, building type and surrounding buildings),	The elevations have been carefully designed to achieve an aesthetic outcome and composition based on the developments interface with Conder Street and adjoining properties. The facades and numerous architectural features provide articulation and interest to the elevations and result in a high-quality built form that contributes positively to the streetscape and the emerging built form. The landscape design will also assist in integrating the proposed development into the streetscape.	Yes
	(b) whether the form and external appearance of the proposed building, and ground level detailing, will significantly improve the quality and amenity of the public domain,	The proposed form and external appearance are reflective desired future low to medium density character of the surrounding area as intended by the applicable planning controls. The development will provide an appropriate built form, scale and detailing that will significantly enhance the streetscape from a quality and amenity perspective.	Yes
	(c) how any streetscape and heritage issues have been addressed,	The application is accompanied by a Heritage Impact Assessment.	Yes

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
	(d) whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,	The proposed development will not impact on the amenity of the surrounding area, including disturbing significant views.	Yes
	(e) how traffic circulation and vehicular access will be addressed and whether the proposed development supports the provision of high quality pedestrian, cycle and service access	The proposed traffic circulation and vehicular access have been suitably designed to ensure they do not dominate the primary elevation. Additionally, the proposed development incorporates suitably designed pedestrian access that contributes positively to the overall design and amenity of internal areas.	Yes
	(f) whether any adverse effect on pedestrian movement and experience will be avoided (and whether the public transport interchange as the focal point for pedestrian movement in the surrounding area will be reinforced and the ease of pedestrian access to and from that interchange will be facilitated),	The proposed development will not impact on pedestrian movements and overall experience.	Yes
	(g) diversity of public open spaces at the ground level, as well as the roof and other levels of buildings,	The proposed development provides a range of internal and external communal open spaces. These spaces are functional and facilitate a number of communal interactions through the provision of cooking facilities, furniture, shading, media and vegetation that enhance the experience of users.	Yes

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
	(h) how the bulk, mass, modulation, separation, setback and height of buildings have been addressed and whether they are appropriate in the context of existing and proposed buildings.	Refer to the detailed discussion in **Section 3.3** of the SEE demonstrating how the building design is appropriate in the context of existing and proposed buildings.	**Yes**
	(i) whether a high standard of ecologically sustainable design (including lower energy or passive design) will be achieved and overshadowing, wind effects and reflectivity will be minimised.	The proposed development incorporates and range of windows and opening that encourage natural ventilation and solar access. Additionally, the proposed development will not arise adverse overshowing or glaring impacts on adjoining properties. Given the scale of the development, it is satisfied adverse wind effects will not arise.	**Yes**
5.4.4 Built form Design	The main entrance of the boarding house or co-living housing development is to be provided within the street elevation to address the street. Side entrances will only be permitted on sites with a secondary frontage and only where they result in a cohesive resolution of the streetscape and do not adversely impact upon neighbouring properties.	It is acknowledged that the main entrance to the development is provided along the side boundary. This has been undertaken to avoid a busy appearance along the front elevation and to ensure pedestrian access is suitably separated from vehicular access arrangements. The proposed variation is considered acceptable given the development continues to be designed to address the street and the location of the main entrance will not arise adverse amenity impacts on adjoining properties in terms of noise and privacy. It also permits a built form that is broken up along the side boundary to reduce the overall visual bulk and scale when viewed from the adjoining property.	**On merit**

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
	Boarding house and co-living housing developments must have a minimum floor to ceiling height of 2.7m for habitable rooms. Subterranean habitable rooms will not be supported	The proposed floor to floor heights of 3.2m can adequately accommodate floor to ceiling heights of 2.7m for habitable rooms.	Yes
	Any new boarding house and co-living housing developments in an R1 General Residential Zone shall provide a front setback that is equivalent to the predominant street setback or 6m, whichever is greater.	The proposed 9m align with the predominant street setback.	Yes
	Any new boarding house or co-living housing development that has at least 3 storeys, the building will comply with the minimum building separation distances specified in the Apartment Design Guide as required by Section 25 and Section 69 of the State Environmental Planning Policy (Housing) 2021.	Refer to the SEPP Compliance Table in **Appendix A**.	Yes
	In a residential zone, where a side or rear boundary of the development is contiguous with a heritage item, the required minimum setback is: • 5m for any part of the building at or above ground level, and • 4m for any underground excavation, irrespective of the setback of the heritage building from its boundary or landscaping of that setback.	The proposed setback of 3m does not comply with the minimum of 5m to the southern boundary. The application is accompanied by a Heritage Impact Assessment. The assessment provides the following in relation to the separation distance: • *The proposed development introduces a 3m setback from the communal living building and the southern boundary of the subject property. Although this setback does not satisfy this provision, the setback that has been proposed is acceptable from a heritage perspective and broadly satisfies this provision due to the following:*	On merit

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
		○ *The subject and neighbouring lots are perpendicular and differ in orientation and setting. The rear yard and areas of less heritage significance abut a small section of the southern boundary of the subject property.* ○ *The inherent and collective setback from the key heritage elements associated with I86 and the subject property and proposed communal living building are generous. The rear, front and side open gardens and yards to the neighbouring property would remain unchanged and largely unimpacted.* ○ *Deep soil landscaping and large trees would remain possible to the rear yard of the neighbouring property with the currently proposed setback.* ○ *The historic residence and key heritage elements associated with I86 are located well away from the subject property and proposed development. All construction and excavation works would not impact the structural stability of the historic residence the rear yard outbuildings and landscape elements.* ○ *The future development of the neighbouring property including the introduction of an extension, would remain fully possible and would not be significantly limited by the proposed development.*	

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
		○ *The proposed development would not have a significant impact on the amenities of the neighbouring property or the function of the historic residence. As noted, only a small section of the proposed communal living building is located in proximity to the neighbouring property. The south elevation of this building section includes no balconies and a small number of windows facing the neighbouring property, noting that there are no windows or points of visual access to the interior of the historic residence. Visual privacy to the rear yard is challenging to mitigate, even when regarding the existing, double storey brick residence in the subject property. Visual privacy is mitigated by plantings and built elements within the neighbouring property, the street scape and will be mitigated by new plantings as part of the proposed development.* Based on the above assessment, it is satisfied that the development provides an appropriate separation that will not detract from the heritage significance of the adjoining allotment.	
	The fire stairs, pump rooms or similar structures must not detract from the overall visual amenity of, and should not be located within the setback area.	The proposed fire stairs have been sited to avoid adverse visual amenity impacts on the street and to align with the	**On merit**

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
		proposed access arrangements. However, this has resulted in the fire stairs being provided along the side boundary. The proposed fire stairs are adequately separated from the boundary and do not impact on the visual amenity of adjoining residents. Specifically, the side elevations are appropriately broken up via varying setbacks and incorporate suitable materials and finishes. These measures ensure the development and associated fire stairs do not present an excessive visual bulk and scale when viewed from adjoining properties.	
	Development must locate the private open spaces and communal open space behind the front building line, with the exception of balconies or pergolas which may be located within the front setback area, however these must be designed so as to not encroach more than 1.5m into the front building setbacks.	Is noted that a portion of the ground floor private open spaces are located forward of the front building line. These spaces will be adequately screen by vegetation in accordance with the landscape plan and are provided with suitable openings to ensure they contribute positively to the public domain.	**On merit**
5.4.5 Visual Appearance and Articulation	Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character. Design solutions may include: • a composition of varied building elements, • a defined base, middle and top of buildings, • revealing and concealing certain elements, • changes in texture, material, detail and colour to modify the prominence of elements, and • varied roof forms that add visual interest.	The elevations of the development incorporate a suitable mix of building elements, materials, finishes that will contribute positively to the public domain. The second level has also been setback and provided within a suitable roof form to support reduce the overall visual bulk and scale of the development.	**Yes**

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include • well composed horizontal and vertical elements, • variation in floor heights to enhance the human scale, • elements that are proportional and arranged in patterns, • public artwork or treatments to exterior blank walls, and • grouping of floors or elements such as balconies and windows on taller buildings.	The second level has been setback to introduce well composed horizontal elements. Balconies, openings and windows have also proportional and arranged in pattern. Exterior blank walls are not proposed towards the streetscape.	Yes
	Large areas of blank, minimally or poorly articulated walls are not acceptable.	Suitable treatment is proposed to exterior wall associated with the fire stairs to ensure blank walls are not visible from the public domain.	Yes
	Development must not rely solely on the use of two-dimensional colour and materials to create visual interest. Modulation and articulation in the building form must be considered in the design of the building. Large span or proportion of rendered cement on elevations is not permitted.	Appropriate modulation and articulation are proposed to achieve an aesthetic outcome and composition based on the developments interface with Conder Street and adjoining properties.	Yes
	Important corners should be given visual prominence through a change in articulation materials or colour, roof expression or change in height.	The site is not a corner allotment.	Yes

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
5.4.6 Internal Design	The internal area of private rooms within co-living housing developments and boarding rooms must comply with the requirements of the Housing SEPP 2021.	Refer to the SEPP Compliance Table in **Appendix A**.	**Yes**
	Communal living areas in boarding house and co-living housing developments must comply with the requirements of the Housing SEPP 2021. The calculation of the area can include any dining area and area that is intended to be used for recreation, but cannot include bedrooms, bathrooms, laundries, reception area, storage, kitchens, car parking, loading docks, driveways, clothes drying areas, corridors and the like. Where communal living areas are situated:	As above.	**Yes**
	• on ground level of a development, these must be located adjacent to the outdoor communal open space; or	The communal living area directly adjoins the outdoor communal open space.	**Yes**
	For boarding house and co-living housing developments 4 storeys or more, a communal living area is to be provided for every 4 storeys or part thereof.	N/A. The proposed development does not exceed three storeys.	**Yes**
	A private kitchenette should include at minimum a sink, cupboards and cooktop. Laundry facilities can be integrated into the kitchenette. An area with a minimum width of 600mm immediately in front of the kitchen joinery must be provided for the purpose of kitchen. Details are	Each unit is provided with a private kitchenette should include at minimum a sink, cupboards and cooktop.	**Yes**

DCP Compliance Table – 63 Conder Street, Burwood

<table>
<tr><th colspan="4">Burwood Development Control Plan – Compliance Table
63 Conder Street, Burwood</th></tr>
<tr><th>Control</th><th>Requirement</th><th>Comment</th><th>Complies</th></tr>
<tr><td></td><td>to be included on the Architectural Plans submitted with the Development Application.

P27. Where communal kitchen rooms are provided within a development, these must be situated adjacent to the communal living area and must comply with the following requirements.

<table><tr><td>Class 1b Kitchen</td><td>A communal commercial grade kitchen area with kitchen sink and facilities for food preparation, tables and chairs in a central location, accessible to all residents with a minimum area of 6.5m^2 for one to six residents or 11m^2 for 7-12 residents</td></tr><tr><td>Class 3 Kitchen</td><td>A commercial grade communal kitchen and dining area with a minimum area of 15m^2 plus 1m2 per additional person above the minimum 12 persons.</td></tr><tr><td>Kitchen Requirements</td><td>The following must be provided in any kitchen as a minimum:
One sink for every six people with running hot and cold water.
One stove top cooker for every six people.
Exhaust ventilation.
A lockable drawer or cupboard for food storage for each guest in the kitchen area.</td></tr></table>
For co-living housing developments, private laundry facilities must be provided within each individual room.</td><td>Refer to the Architectural Plans demonstrating consistency with the relevant kitchen requirements.

Shared Laundry facilities have been provided in the basement level. This is considered adequate to service the development as it ensures the room maintain suitable areas that comply with the maximum area requirements of the SEPP. The provision of additional laundry space within the units would significantly impact on internal amenity by</td><td>Yes

On merit</td></tr>
</table>

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
	Where a communal laundry is provided, it is to provide: • 1 washing machine/dryer (or combo) for every 8 rooms or part thereof, and • 1 large laundry tub with running hot and cold water for every 8 rooms or part thereof.	reducing the available space for kitchenettes and living areas. The shared arrangement is the preferrable outcome. Refer to the Architectural Plans detailing the layout of the laundry.	Yes
	A least one outdoor clothes drying area shall be provided and located to maximise solar access. The outdoor clothes drying area must be well integrated within the landscape design and must not be located where visible from the street or public domain.	Suitable area for internal dryers has been provided in the communal laundry allowing for the appropriate drying of clothes. Outdoor drying facilities are not deemed to be required and would reduce the amenity of the communal open spaces proposed.	On merit
5.4.7 Visual Privacy and Acoustic Amenity	The siting of windows and other openings and communal or gathering spaces above ground level should avoid direct overlooking to adjoining residential uses. Where overlooking cannot be avoided, redirection of views to the front or rear should be incorporated into the design of the development.	Windows along the side elevation will not arise adverse overlooking impacts on adjoining properties. Additionally, balconies at the rear provided with suitable screening to avoid adverse overlooking impacts on adjoining properties.	Yes
	Bedrooms within boarding house and co-living housing developments must be designed to locate bedrooms away from significant internal and external noise sources.	Bedrooms on the ground floor have been appropriately sited away from indoor and outdoor communal areas.	Yes
	Consideration of the design of the development should aim to minimise the impact of noise internally and to the adjoining development. The design of the development should consider: • the location of openings relevant to adjoining uses and neighbouring properties,	Similar building uses have been sited back-to-back where practicable. Additionally, communal pen spaces areas have been sited in a manner that is generally consistent with adjoining properties to minimise the impact of noise internally and to the adjoining development.	Yes

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
	• locating similar building uses (such as bathrooms) back to back		
5.4.8 Landscaping and Open Space	A detailed landscape plan must be submitted with any development application for boarding house and co-living housing developments.	Refer to the Detailed Landscape Plans submitted in support of the application.	Yes
	Deep soil zones are to be provided to meet the following minimum requirements: • Site Area 800m2 – 1500m2 – Minimum dimension of 3m and 10% of site area.	The proposed 142m^2 (16.88%) with minimum dimensions of 3m complies with the minimum 10%.	Yes
	Planting in deep soil areas is to include trees that achieve a minimum mature height of 6m.	Refer to the Detailed Landscape Plan incorporating trees that achieve a minimum mature height of 6m.	Yes
	Private open space provided to individual rooms of boarding house or co-living housing development must have a minimum dimension of 1m and minimum area of 2m^2.	All private open space on balconies achieves the minimum specified.	Yes
	For rooms with access to the ground level or a podium, private open space must be provided to individual rooms, with access from the room.	All ground level units are provided with private open space with access from the room.	Yes
	For each room above ground level facing street along the front elevation, a private open space in the form of balcony must be provided to increase the visual interest and enhance the passive surveillance to the public domain.	Refer to the Architectural Plans incorporating balconies along the front elevation.	Yes

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
	Where possible private open space shall be provided to individual rooms. The private open space is to be designed so as to not to impact the amenity of neighbouring residential properties.	All rooms are provided with POS areas which are provided with suitable screening to avoid adverse overlooking impacts on adjoining properties where required.	Yes
	At least 50% of the required communal open space area is to receive 2 hours of direct sunlight between 9am and 3pm on 21 June.	The proposed communal open spaces will receive a minimum receive 2 hours of direct sunlight between 9am and 3pm on 21 June to at least 50% of the area, refer to the shadow diagrams submitted in support of the application.	Yes
	Communal facilities such as barbeques, seating and pergolas shall be provided within the communal open space. Details are to be included on the landscape plan submitted with the development application.	Refer to the landscape plans detailing the location of communal facilities within the communal open space area.	Yes
	Planting should be used to screen communal open space from adjoining properties or the public way, with trellis, screens with climbing vines or the like, used to complement deciduous tree planting.	Planting along the side and rear boundaries adequately screen the communal open space from adjoining properties	Yes
5.4.9 Parking	The number of car parking spaces will be provided at the rate as prescribed under the SEPP (Housing) 2021.	Refer to the SEPP Compliance Table in **Appendix A**.	Yes
	At least one parking space will be provided for a bicycle for every 5 rooms in co-living housing and boarding house development.	The proposed development comprises 20 rooms and warrants a minimum 4 Bicycle parking spaces. 4 spaces have been accommodated within the ground level.	Yes

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
	At least one parking space will be provided for a motorcycle for every 5 rooms in coliving housing and boarding house development.	The proposed development comprises 20 rooms and warrants a minimum 4 motorcycle parking spaces. 4 spaces have been accommodated within the ground level.	Yes
5.4.10 Operational Management	Co-living housing developments are to be managed by a manager who has overall responsibility including the operation, administration, cleanliness, maintenance and fire safety of the premises.	The proposed development includes the provision of a mangers office.	Yes
	P65. A development application for boarding house or co-living housing must be accompanied by a Plan of Management which provides all details relevant to the operation of the premise. The Plan of Management, as a minimum, must address the ongoing management and operational aspects of the development. A template Plan of Management is included at the Appendix 8.5.	A Plan of Management has been prepared in support of the application.	Yes
5.4.11 Fire Safety	The relevant fire safety requirements under the Building Code of Australia/ National Construction Code shall be considered at early state of the design of boarding house and co-living housing development.	Refer to the BCA Report submitted in support of the application.	Yes
	An Emergency Evacuation Plan must be prepared as part of the Plan of Management detailing the evacuation procedures in the event of the emergency, provision of resident log book, identifying the assembly point and detailing how residents will be made aware of the procedures contained within the plan. The Emergency Evacuation Plan must be clearly displayed within each room and in the communal living areas of the development. A condition of consent will be included in this regard.	Refer to the Emergency Evacuation Plan forming part of the Plan of Management submitted in support of the application.	Yes
5.4.12 Service Facilities	Garbage bin areas and external storage facilities shall be sited and designed for attractive visual appearance (e.g. with appropriate screening) and function and complement the architecture and	Garbage bin areas are adjoining the driveway are adequately setback from the front boundary and screen by the proposed landscaping.	Yes

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
	environs. The size, capacity and location of garbage bin areas shall be in accordance with the Waste Management provisions of this DCP. Mail box and postal facilities to be included and to comply with provisions P8, P9 and P10 under Section 3.2.4 Street-Front Activities and Building Access. Refer to Figure 1 and Figure 2.	Refer to the Architectural Plans detailing the location of mailboxes.	Yes
5.8 – Transport and Parking for Other Development			
Vehicular Access and Footpath Crossings	Vehicular access for development must be provided from lanes and minor or secondary streets where available, rather than major streets or Classified Roads. Vehicular access and footpath crossings must be minimised where provided the safety of pedestrians and cyclists must be maintained and there should be no more impacts on bus operations. Vehicular access must have a nominal width of 2.7 metres over the footpath, and be perpendicular to the kerb alignment.	The proposed site does not contain a secondary frontage. Vehicular access has been minimised to on crossing and will not conflict with pedestrians, cyclists or bus operations. The driveway has a width of 3.95m which complies with the minimum 2.7m.	Yes Yes
6 – Environmental Management			
6.1 – Preservation of Trees and Vegetation			
6.1.3 Development Application Required	To assist assessment and determination of applications, Council requires that an Arborist's report in relation to an application is to be prepared by a consulting Arborist who holds a minimum qualification of a Diploma (AQF Level 5) in Arboriculture.	This Development Application proposes the removal of three (3) existing mango trees (Mangifera sp.) on the site to facilitate the proposed development as detailed in the Landscape Plans submitted in support of the application.	Yes

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
		The trees are not native species and are an exempt species of tree for removal in accordance with Section 6.1.3 of the Burwood Development Control Plan.	
6.2 – Waste Management			
6.2.1 Aims and Objectives	This BDCP section specifies Council's requirements for waste management plans to be prepared and submitted in one or both of the following circumstances: • Type 1 – For the waste management practices associated with the ongoing use of the premises. • Type 2 – for the type, volume, and disposal methods of materials to be generated during demolition and construction. It must be lodged prior to the commencement of any works.	A Demolition and Construction Waste Management Plan and an Operational Waste Management Plan has been submitted in support of the application.	**Yes**
6.5 Stormwater Management			
Controls	Council has adopted a separate Stormwater Management Code that aims to: • To preserve and protect the amenity and property of existing residents, property owners and the community. • To ensure the safety of residents and the community. • To meet reasonable expectations and statutory requirements for the development of properties. • To protect the physical environment and receiving waters of catchments. To meet these aims Council requires that all developments/building works within the Burwood LGA incorporate stormwater drainage	Refer to the Stormwater Concept Plans submitted in support of the application demonstrating consistency with Stormwater Management Code. In addition, refer to the discussion in **Section 3.8** of the **SEE**.	**Yes**

DCP Compliance Table – 63 Conder Street, Burwood

Burwood Development Control Plan – Compliance Table 63 Conder Street, Burwood			
Control	**Requirement**	**Comment**	**Complies**
	facilities to collect and convey stormwater runoff to Council's system in accordance with the Code.		

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Plan of Management

Prepared for the Development Application to

Burwood Council

Co-Living Housing

63 Conder Street, Burwood

Prepared By
Benson McCormack Pty Ltd
November 2025

BENSON
McCORMACK
ARCHITECTURE

TABLE OF CONTENTS

1. INTRODUCTION 4
1.1 Objectives 4
2. THE SITE AND GENERAL OPERATION OF THE CO-LIVING HOUSING 5
2.1 Co-living Housing Details 5
3. OPERATION OF THE CO-LIVING PREMISES 7
3.1 Site Management 7
3.2 Accommodation Registration 7
3.3 Resident Identification 8
3.4 Manager Responsibilities 8
3.5 Resident Responsibilities 9
3.6 Visitors 9
3.7 Management of Communal Living and Outdoor Spaces 9
3.8 Co-Living Housing: Management of Car Share 10
3.9 Cleaning and Maintenance 10
3.10 Safety and Security 11
3.11 Waste Management 11
3.12 Fire Safety 12
3.13 Pets 12
3.14 Review of Plan of Management 12
4. MONITORING AND COMPLAINTS PROCEDURE 14
4.1 Complaints Procedure 14
4.2 Disputes 15

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LIST OF APPENDICES

Appendix A CONTACT DETAILS FOR MANAGER 16
Appendix B HOUSE RULES 17
Appendix C CHECK SHEET FOR NEW RESIDENTS 20
Appendix D COMPLAINT FORM 21

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1. INTRODUCTION

This document is the Plan of Management for the operation of the co-living housing development at 63 Conder Street, Burwood. It outlines the procedures and controls to be applied in the ongoing operations of the premises and to ensure the appropriate management of the site for its residents, the community, and all relevant stakeholders. The Plan of Management will form part of the orientation and introduction to co-living housing for prospective and present co-living housing residents. The Plan of Management is to be frequently updated to reflect any changes to the operations and procedures, and revisions are to be provided to the Burwood Council.

1.1 Objectives

The primary objective of this Plan of Management (the 'Plan') is to ensure the proposed co-living housing operates in a manner that maintains a high level of amenity for neighbouring properties and residents of the premises. Its objectives are to:

a. To detail the nature of the operation to ensure compliance with Council approvals and relevant conditions of consent.
b. To minimise disturbance to residents and neighbours.
c. To provide a procedure to receive and resolve complaints.
d. To maintain the internal and external appearance and cleanliness of the premises.
e. To ensure a person is readily contactable to assist in the ongoing implementation of this Management Plan.
f. To ensure the use of the premises will be controlled by the Plan, and that the Plan is enforceable.
g. To establish 'house rules' for all residents of the co-living housing premises.
h. To make provision for this plan to be amended from time to time with notification to the Council, in order to facilitate timely and responsive operational changes that will improve residential amenity within and external to the site.

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2. THE SITE AND GENERAL OPERATION OF THE CO-LIVING HOUSING

The site of the proposed *co-living housing* is:

63 CONDER STREET

BURWOOD NSW 2134

2.1 Co-living Housing Details

The ***co-living housing component*** of the site comprises the following:

- 20 private rooms;
  - Including 2 (two) accessible rooms.
- Pedestrian entry and lobby from Conder Street (Ground);
- 1 (one) manager's room in the Ground Floor;
- 1 (one) dedicated private car share space provided by the *co-living housing* management.
- 4 (four) motorcycle parking spaces;
- 4 (four) bicycle parking/storage spaces,
- Communal laundry (Basement 01);
- Waste holding area, including bulky waste (Basement 01);
- One (1) internal communal living area (Ground);
- Outdoor communal open space (Ground);
- Communal fire stairs and elevator/lift.

ROOM AND AMENITIES/FACILITIES SCHEDULE

The following schedule details each room and the maximum number of occupants.

Room Number	Maximum Occupants	Amenities/Facilities Provided
G01	2	**All private rooms will be fully furnished and contain:** • Kitchenette (sink, microwave, cupboards, fridge with freezer, cooktop, kettle, toaster, kitchen crockery, cooking tools, and utensils). • Bathroom (shower, toilet and hand-wash basin). • Bed (double). • Wardrobe and ancillary shelving. • Mirror. • Couch or desk. • Waste container/rubbish bin. • Suitable door latching device. • Blinds. • Wireless internet connection. • Dustpan and broom/bush. • Electrical outlets.
G02	2	
G03	2	
G04	2	
G05	2	
101	2	
102	2	
103	2	
104	2	
105	2	
106	2	
107	2	
108	2	

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201	2	• Emergency and Evacuation Plan. **All private residents and private rooms will have access to the following amenities and facilities:** • Communal recreational areas (indoor and outdoor) • Communal laundry. • Bicycle storage and parking areas. **All private residents are to arrange bookings through management or the provided online services for the following amenities and facilities:** • Use of the private car share vehicle. • Replacement of private rooms or communal amenities and fixtures. • Meetings with the manager.
202	2	
203	2	
204 (Accessible)	2	
205 (Accessible)	2	
206	2	
207	2	
Total Max. Residents	**40**	

A schedule of rooms and their maximum occupation will be located in the lobby of the co-living house in the form of a printed sign, and may be pinned to a community board. No additional guests or visitors are to stay in any private room above the maximum occupancy table above.

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3. OPERATION OF THE CO-LIVING PREMISES

The following details the operation of the premises that must be abided by to achieve the objectives of the Plan of Management.

3.1 Site Management

- Management of the premises will be coordinated by the on-site manager. Communication and bookings for communal facilities will be facilitated through either a digital platform or other suitable means such as email, noticeboard, or shared scheduling tool. The chosen system will allow residents to log maintenance requests, provide feedback, and access community information.
- It is the responsibility of the site owner and the assigned full-time on duty co-living site manager to ensure that the *co-living housing* operates in accordance with the terms of this Plan of Management as well as the conditions of development consent granted by Burwood Council.
    - The site manager is to be available during standard business hours (9am – 5pm) and make available emergency contact details to respond to out-of-hours incidents and enquiries.
- The co-living house manager is responsible for the day-to-day operation, administration, cleanliness, and fire safety of the co-living housing premises.
    - A copy of the Fire Safety Statement and current Fire Safety Schedule will be predominantly displayed in the communal lobby area, as required.
    - Emergency Evacuation Plans will be displayed within the corridors of each floor.
- The co-living house manager can be contacted at any time using the details provided in **Appendix A** of this document, or through the communication channels established for residents, such as email or phone.

3.2 Accommodation Registration

- The co-living house manager will maintain an **accommodation register** providing the names of all occupants, their full contact details, their agreed length of stay, and payment details.
- Each resident is to sign a **House Rules Agreement (Appendix B)** and sign an acknowledgment that they have been provided with this Plan of Management and the relevant appendices **(Appendix C)**.
- The minimum term for occupancy is 3 months, with the option to roll over the agreement at the end of a fixed term for a further agreed period.
- Failure by residents to adhere to rules as outlined within this Plan of Management and its appendices may result in the termination of the **Occupancy Agreement,** subject to provisions set out in the **Occupancy Agreement**.

Note: The Occupancy Agreement is a separate, binding document between the operator of the co-living housing development and the private resident. It is not prepared as part of this Plan of Management.

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The Occupancy Agreement is to detail whether a prospective resident owns a private car. The site owner and site manager may refuse an occupancy application of a resident with a private car, as there is no on-site parking and limited kerbside parking, with residents encouraged to utilise the bus stops proximate to the site, or to travel via bicycle or motorcycle.

3.3 Resident Identification

- The co-living house manager requires photo ID (eg: typically either a passport, driver's license, or relevant identification documentation) of each resident at the time of signing the **Occupancy Agreement**.
- Where the person is an Australian citizen and does not hold a drivers license or a passport, then an alternative ID that may not contain a photo can be accepted.

Note: The **Occupancy Agreement** is a separate, binding document between the operator of the co-living housing development and the private resident. It is not prepared as part of this Plan of Management.

3.4 Manager Responsibilities

- The co-living house manager shall be familiar with and aware of his or her responsibilities under such legislation as the Occupational Health and Safety Act 2000, and Occupational Health and Safety Regulation 2001.
- The co-living house manager shall be responsible for the implementation of management responsibilities as set out in the Plan of Management, Occupancy Agreement, and House Rules, including:
    a. Registration of all residents.
    b. Record of whether the resident owns a private vehicle, motorcycle or bicycle and record keeping of registration/number plates.
    c. Maintenance of all records in relation to resident registration and resident meetings.
    d. Ensuring that public transport information and brochures/timetables are provided to each of the residents within the co-living house and are made available upon request if not available on the community board.
    e. Keeping all common areas in an excellent state of cleanliness.
        i. Reporting and management of misconduct in communal spaces;
        ii. Monitoring of suspicious or anti-social behaviour;
        iii. Reporting of any damages to communal property.
    f. Supervising all maintenance operations, including landscaping, cleaning, waste management, fire safety, repair or replacement of damaged or broken furniture, and repair of any faulty services.
    g. The management and documentation of any disputes and/or complaints from co-living house residents and/or neighbours.
    h. Emergency and out-of-hour contact procedures.

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Note: The **Occupancy Agreement** is a separate, binding document between the operator of the co-living housing development and the private resident. It is not prepared as part of this Plan of Management.

3.5 Resident Responsibilities

- All residents are to comply with the **Occupancy Agreement**, the Plan of Management, and House Rules.
- Each resident shall permit the Co-living House Manager access as required to routinely inspect cleanliness, condition of furniture, and maintenance of services, as per the terms of the **Occupancy Agreement**. Generally, inspections are conducted every three or six months.
- Residents shall advise the co-living house manager of any broken furniture or faulty services within the co-living house.

Note: The **Occupancy Agreement** is a separate, binding document between the operator of the co-living housing development and the private resident. It is not prepared as part of this Plan of Management.

3.6 Visitors

- All visitors to communal areas or private rooms must be accompanied by a resident of the co-living development.
- No visitors are to park or store their vehicles (cars, motorcycles, bicycles, etc.) or property anywhere within the premises unless prior consent has been provided by the site manager.
- Greater occupancy than registered may result in termination of the Occupancy Agreement.
- Overnight guests or visitors require consent from the co-living house manager to ensure safety standards are upheld, particularly in case of emergencies or complaints.
    - Provision of consent is subject to vacancy within the building.
    - Visitors must be registered with the site manager.
    - The resident must accept full responsibility for the behaviour of their guest.

3.7 Management of Communal Living and Outdoor Spaces

- The outdoor communal area is to be available for use by the residents between 7:00 am and 10:00 pm, 7 days a week, except for New Year's Eve, when it will be available until 1:00 am on New Year's Day (the 1st of January each year).
- The indoor communal living rooms are to be available for the use of the residents between 7:00 am and 10:00 pm, 7 days a week, except for New Year's Eve when it will be available until 1 am on New Year's Day (the 1st of January each year).
- Private outdoor areas are to be used no later than 10:00 pm, in accordance with the recommendations of the Acoustic Report.
- Communal events (for example, Christmas and holiday parties) are to be agreed upon with the site manager. Noise is to be kept to a minimum, with any complaints actioned immediately.

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- Residents will be made aware to be thoughtful and considerate of other residents and neighbouring properties with respect to noise generated in communal areas. Etiquette signs and posters will be posted around communal areas.
- Communal landscaping maintenance will be undertaken by a private contractor appointed by the site owner. The landscape contractor will be responsible for removal of any green waste generated.

NOISE MANAGEMENT

- Hours of access to communal areas are restricted in accordance with the Acoustic Report prepared by Acoustic Dynamics.

3.8 Co-Living Housing: Management of Car Share

- The owner of the co-living housing site will provide one (1) private car share vehicle.
- Use of the shared vehicles will be managed through a booking system coordinated by the on-site manager. Residents will be able to nominate their intended length of use and make payment through the approved booking platform or directly via the manager. Bookings will be on a first-come, first-served basis.
    - A booking fee will apply to cover the ongoing maintenance and operational costs of the vehicle.
- The maximum length a resident may book the vehicle is 12 (twelve) hours.
- No resident is permitted to use the car share space provided at ground level for parking their private vehicle.
- Access to the car share space will be restricted to the resident who has made a valid booking. Use of the vehicle will be subject to the terms and conditions outlined in the **Occupancy Agreement**, which must be accepted prior to access being granted.
- Except in case of unforeseen vehicle failure, residents will be notified a minimum of seven (7) days prior to the vehicle being taken for regular car service.

Note: The **Occupancy Agreement** is a separate, binding document between the operator of the co-living housing development and the private resident. It is not prepared as part of this Plan of Management.

3.9 Cleaning and Maintenance

- The common areas, communal room, and communal open space are to be professionally cleaned at least once per week.
- Day-to-day clean up of the communal living room is the responsibility of the residents following their use of the living room area.
- Common areas and circulation spaces will be kept clean and free from obstruction, and monitored by the co-living house manager.
- Cleaning of individual resident rooms is the responsibility of the respective residents using the vacuum cleaners provided in their rooms.

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- The landscaped areas will be maintained regularly to ensure their health and appearance. Landscape maintenance and green waste removal will be managed by the property owner or their appointed manager, who may engage qualified personnel as required.
- Pest control by a professional contractor shall be carried out at least once a year.
- The co-living site manager will ensure the external presentation of the premises will be maintained to a high standard.
- Residents may request the site manager to arrange for cleaning contractors to clean their private rooms on a fee-for-service basis.

3.10 Safety and Security

- A security card or key will be issued to all registered residents. No additional cards or keys will be issued for visitors.
- The owner of the Co-living house shall ensure that CCTV security systems are installed and functional.
    - This includes all entry/exit points, lifts, bicycle storage and major common areas.
- Any resident failing to observe and obey the House Rules, and any cases of serious misconduct, will be dealt with by the Co-living House Manager. In the event of serious misconduct, the co-living house manager will issue disciplinary warnings and/or require a resident or a visitor to vacate the premises.
- If the resident or visitor does not comply with a request to leave the premises, the co-living site manager will call the Police.
    - Examples of serious misconduct include, but are not limited to, drug or alcohol abuse, sexual, racial, or religious harassment, theft, violence, or anti-social behavior.
- Residents are encouraged to advise the co-living house manager if they become aware that another resident or visitor is undertaking any of the misconduct at the property as outlined above. The co-living site manager will call the Police in cases of serious misconduct.

3.11 Waste Management

- All residents are responsible for transferring their private room waste to the common waste bin room located on Basement Level 01. This room will contain facilities for the separation of general waste, paper and cardboard recycling, container recycling, and food organics and garden organics (FOGO).
- The Manager will inspect and remove general waste from the communal living area daily.
- No waste from individual co-living rooms is to be stored within any common/communal spaces. Each room is provided with appropriate waste bins.
- The co-living site manager shall be responsible for transferring the bins between the waste storage room and the temporary collection point.
- Upon waste truck kerbside collection, the site manager is to return the bins to the internal waste bin holding area within a timely manner and not leave the bins kerbside for longer than 4.0hours after collection.

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- Clear signage will be displayed to identify general waste, recycling, and FOGO bins, as well as the Waste Storage Room. Additional signage within the Waste Storage Room will provide instructions on the correct use of waste and recycling facilities, including information on acceptable and non-recyclable materials. The co-living house manager will be responsible for ensuring that all waste and recyclable materials are placed and stored in the appropriate containers.

3.12 Fire Safety

- The Co-living house will comply with essential fire safety measures outlined in the Environmental Planning and Assessment Regulation 2021, including but not limited to the following:
    - An annual fire safety statement is to be obtained, and a copy is to be displayed prominently in the co-living house entry area and communal living rooms.
    - Each private room is to be fitted on the inside of the door with an evacuation plan detailing the emergency egress route.
    - The co-living house manager and residents are to be trained in relation to the operation of the evacuation plan.
    - Each private room and the communal living room are to be fitted with hard-wired smoke detectors.
- The building will include signage, such as:
    - NO-SMOKING within the premises, indoor and outdoor communal spaces, and private terraces and balconies.
    - DO NOT Disconnect Smoke Detectors to smoke in rooms.
- In the event of a fire, the fire alarm will sound. It is the duty of the co-living house manager to check all rooms and ensure that all people leave the building. An assembly point will be designated at the site in the evacuation plan.

3.13 Pets

- Pets may only be allowed to be kept on site, subject to arrangements made with the co-living house manager and inclusions in the **Occupancy Agreement**.

Note: The **Occupancy Agreement** is a separate, binding document between the operator of the co-living housing development and the private resident. It is not prepared as part of this Plan of Management.

3.14 Review of Plan of Management

- The Management Plan is to be reviewed on an annual basis.
    - The co-living house manager is responsible for the annual review process and amending the Management Plan as needed.
- Any modification to the Plan of Management must remain consistent with the development consent. Any amended Plan of Management must be distributed to Burwood Council.

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- Once amended, the co-living house manager must ensure that all residents receive an updated version of the Management Plan and are informed of the changes.

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4. MONITORING AND COMPLAINTS PROCEDURE

The co-living housing encourages active participation from the community in the ongoing operation of the business. A Complaint Management System will be developed to support a positive relationship between the co-living housing and its surrounding community.

4.1 Complaints Procedure

The co-living site manager will be available, either in person or by phone, to deal with any complaints as to the operation and management of the premises. Phone contact details for the co-living house manager are to be displayed within the community board of entry lobby.

The details of the contact person with respect to all inquiries or complaints in relation to the premises are shown in **Appendix A** of this Plan of Management.

The co-living site manager is responsible for recording all complaints, including complaints from residents, in **Appendix D**.

When receiving any complaints from community members, the co-living house manager will review the complaint and report to the NSW Police if it is a crime.

In receiving a complaint, the Manager is to adhere to the following guidelines:

- When taking a telephone call or a personal visit, ensure that you remain polite and that the visitor or enquirer is given every reasonable assistance.
- If the comment/complaint is about a problem that is actionable immediately, appropriate action is to be taken to alleviate the problem immediately, and the details are to be recorded in the Complaints Register of the action taken.
- If the problem is not actionable immediately, the complainant is to be contacted and informed of what action is proposed to resolve the issue, and a time frame provided – again, such action is to be recorded in the Complaints Register.
- Once all actions are completed, final details are to be recorded in the Complaints Register.

Noise complaints will be attended to promptly by the co-living house manager, who will take all reasonable steps to address and prevent any recurrence of the issue. The manager will also follow up with the complainant to confirm that the matter has been resolved to their satisfaction.

A copy of a Complaint Register form can be found under **Appendix D** and is to comprise the following details:

a. Complaint date and time
b. Name of person/police/council officer making the complaint
c. Contact details
d. Nature of the complaint
e. Action taken (by whom and when)

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f. Outcome and/or further action required

- The Complaint Register must be updated within 24 hours of a complaint being made.
- All complaints will be addressed by management within 24 hours of notification.
- The Complaints Register will be made available for inspection by the Police and/or Council upon request.
- Management of the co-living house will regularly review the Complaints Register and, where appropriate, amend the operating procedures to minimise any negative impacts of the Co-living house on residents in the co-living house and members of the surrounding community.

4.2 Disputes

The co-living house manager will convene quarterly meetings with residents to discuss any issues or problems that may need to be resolved. These meetings will be recorded in a **Residents' Meeting Minutes Register**, and all issues raised by these meetings will be recorded in the Minutes.

In the event of a dispute between residents, the co-living site manager will attempt to negotiate a resolution between the involved residents. If the dispute cannot be resolved, then the co-living house manager will make an interim determination regarding the dispute.

If one or both of the residents are not satisfied with the co-living site manager's interim determination, the matter will be referred to a Community Justice Centre for mediation or arbitration. The co-living site manager will amend the interim determination in line with the recommendations of the Community Justice Centre.

Disputes in relation to the **Occupancy Agreement** will be resolved in accordance with Clause 9 of the Standard Occupancy Agreement, which states that either party may apply to the NSW Civil and Administrative Tribunal (NCAT) to resolve a dispute about the **Occupancy Agreement**.

Note: The **Occupancy Agreement** is a separate, binding document between the operator of the co-living housing development and the private resident. It is not prepared as part of this Plan of Management.

In the event of a dispute with an external party, the co-living site manager will initially attempt to resolve the dispute. If the dispute cannot be resolved, then the matter will be referred to the owner. If the dispute still cannot be resolved, the owner will refer the matter to the Community Justice Centre for mediation or arbitration.

O Studio 5, 505 Balmain Road, Lilyfield NSW 2040 | **P** 02 9818 0777 | **F** 02 9818 0778 | **E** enquiries@bensonmccormack.com
Nominated Architect: David Benson NSW ARB 7285, WA ARB 3301 Nominated Architect: Glenn McCormack NSW ARB 7536, ARBV 20415

Appendix A: CONTACT DETAILS FOR MANAGER

NAME OF CO-LIVING HOUSE:

_____

ADDRESS OF CO-LIVING HOUSE:

_____

CONTACT DETAILS FOR CO-LIVING HOUSE MANAGER:

This information will be displayed on a sign at the entrance of the premises and also on signs available in each private room.

The contact person in respect of all enquiries in relation to the operation of these premises is:

Name: _____

Position: _____

Phone Number: _____

After Hours Contact Number: _____

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Appendix B: HOUSE RULES

These House Rules are supplementary to the Occupancy Agreement and the Plan of Management for the Co-living housing development. They provide information about the standards and procedures that all residents are required to meet. They are designed to achieve a safe and comfortable living environment in the co-living house.

Residents must read and sign the House Rules at the time of registering their occupancy.

The co-living site manager must provide all incoming residents with a copy of the House Rules. The House Rules will also be prominently displayed on the community noticeboard in the lobby and within all communal areas.

1. **Privacy and quiet enjoyment**

    1.1. Residents must respect the peace and privacy of other residents (within the Co-living house and external neighbours) at all times.
    1.2. Residents will ensure that noise levels are kept at an acceptable level and that noise generated within communal areas does not adversely impact neighbouring residents or residents within private rooms.
    1.3. A person must not cause or permit any musical instrument or electrically amplified sound equipment to be used within private rooms/private balcony in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open).
        i. No instrument or amplified sounds before 8:00 am and after 10:00 pm on any given day.
        ii. No musical instrument or electrically amplified sound equipment is to be used in the communal outdoor areas.
    1.4. No alcohol is permitted to be consumed in the common outdoor areas.
    1.5. The premises are non-smoking. This includes all private rooms/private balconies, common indoor and outdoor spaces.
    1.6. No parties are permitted, either in the common areas or in private rooms/private balconies.

2. **Health, Safety and Security**

    2.1. No illegal drugs are permitted on the premises.
    2.2. Residents shall not engage in drug or alcohol abuse; sexual, racial or religious harassment; theft, or any other anti-social behaviour.
    2.3. No glassware is permitted in the outdoor common open space area.
    2.4. No visitors are permitted on the premises unless attended by a resident.
    2.5. Residents are responsible for the behaviour of their visitors. Visitors are required to comply with the House Rules.
    2.6. The co-living site manager has the discretion to be able to ask any person to vacate the common areas, should they breach the House Rules.

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i. Conduct within communal areas will be monitored by CCTV.

2.7. No visitors are permitted to remain on the premises between the hours of 10:00 pm to 8:00 am, unless prior approval is obtained from the manager. An additional fee may be payable, and under no circumstances is the occupancy of the room to exceed 2 persons.

2.8. Residents must not allow unknown persons to enter the premises using their security key/card.

2.9. If a resident loses their security key/card, it will be necessary to pay for the replacement.

3. Communal areas

3.1. The communal living room is available for use between the hours of 7:00 am and 10:00 pm, except for New Year's Eve, when it will be available until 1 am on New Year's Day (the 1st of January each year).

3.2. The communal open spaces are available for use between the hours of 7:00 am and 10:00 pm, except for New Year's Eve, when it will be available until 1 am on New Year's Day (the 1st of January on each year).

4. Cleanliness and good order

4.1. Residents must place all rubbish in the bins provided. Waste is to be removed from individual rooms and disposed of in the waste bins located on Basement Level 01. Appropriate recycling of paper, cardboard, plastics, aluminium, steel, glass bottles, and cans is mandatory.

4.2. There shall be no littering or dumping of household waste in communal areas.

4.3. Residents are to keep their room, kitchenette, and bathroom clean at all times and make their room available for inspection by the co-living house manager per the **Occupancy Agreement**.

4.4. No clothes, washing, towels, or other items are to be placed on any window or within any balcony or balustrade. All laundry is to be completed within the communal laundry or internally in each private room.

4.5. No pets are permitted on the premises (unless otherwise stated within the **Occupancy Agreement**).

4.6. Residents must report any damage or maintenance requirements to the co-living site manager.

4.7. Residents must not remove or alter any furniture or fittings in the premises without prior written consent from the site manager.

5. Fire safety

5.1. Residents must keep common areas and corridors free of personal belongings to ensure there are no obstructions to the safe evacuation of the building.

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5.2. Residents must not interfere with or tamper with fire safety measures or equipment.
5.3. Candles and other naked flames are not to be used on the premises.

6. Parking spaces

6.1. No visitors are to park their vehicles (cars, motorcycles, bicycles etc) anywhere within the premises.

7. Mailboxes

7.1. Residents are required to clear their mailboxes at least once per week.

I hereby acknowledge that I have read and understood the House Rules:

Name: _____

Signature: _____

Co-living House Room Number: _____

Date: _____

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Appendix C: CHECK SHEET FOR NEW RESIDENTS

Please return this check sheet to the Manager after you have received and reviewed all the documents listed below.

I CERTIFY THAT I HAVE BEEN PROVIDED WITH PRINTED COPIES OF AND SIGNED:

- CO-LIVING PLAN OF MANAGEMENT
- CONTACT DETAILS FOR CO-LIVING MANAGER
- HOUSE RULES

Resident's Name: _____

Resident's Signature: _____

Co-living House Room Number: _____

Date: _____

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Appendix D: COMPLAINT FORM

RESIDENT/TENANT/OTHER LAND OWNERS CONCERNS – RECORD

Reference No _____

DATE _____
TIME _____

RESIDENT/LAND
OWNERS NAME: _____

RESIDENT/LAND
OWNERS ADDRESS: _____
_____

RESIDENT/LAND
OWNERS PHONE No: _____

RESIDENT/LAND
OWNERS CONCERN: _____
_____
_____

ACTION TAKEN: _____
_____
_____

ACTION COMPLETE: _____
_____
_____

DATE: _____
TIME: _____
BY: (Manager Name)

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Nominated Architect: David Benson NSW ARB 7285, WA ARB 3301 Nominated Architect: Glenn McCormack NSW ARB 7536, ARBV 20415

63 Conder Street, Burwood

Statement of Heritage Impact

Prepared for
Meduri Ragonese Partnership

Date
November 2025

Nwt. Heritage Consulting Pty/Ltd

Studio 51, 61 Marlborough Street • a
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63 Conder Street, Burwood

Statement of Heritage Impact

Report Number:	NWT25090
Heritage Status:	The property is not a heritage item of State or local significance. The property is not located within a heritage conservation area. The property is in proximity to heritage Item 86, *Federation House*, listed in Schedule 5 of the Burwood Local Environmental Plan 2012.
Address and location:	63 Conder Street, Burwood NSW 2134
Prepared For:	Meduri Ragonese Partnership
Date:	12 November 2025
Issue:	Final

Version	Date	Prepared By	Comments
1.0	12 November 2025	Anthony Dakhoul	For DA submission

Prepared by



Anthony Dakhoul
B.DArch, M.Arch, Associate RAIA
Director/Principal Heritage Consultant
NWT Heritage Consulting Pty Ltd

This report has been prepared in accordance with the brief provided by the client and has relied upon the information collected at the time and under the conditions specified in the report. All findings, conclusions or recommendations contained in the report are based on the aforementioned circumstances. The report is for the use of the client and no responsibility will be taken for its use by other parties. The client may, at its discretion, use the report to inform regulators and the public. © Reproduction of this report for educational or other non-commercial purposes is authorised without prior written permission from NWT provided the source is fully acknowledged. Reproduction of this report for resale or other commercial purposes is prohibited without NWT's prior written permission.

Table of Contents

1 Introduction 5
1.1 Project Background 5
1.2 Methodology 5
1.3 Authorship 5
1.4 Site location and context 6
1.5 Heritage item and listings 8
1.6 Statutory framework 9
1.7 Historical analysis 11
1.8 Physical description 17
2 Significance 25
2.1 Significance of the subject property 25
2.2 Significance of I86 *Federation House* 25
3 Proposed development 27
3.1 Architectural design 27
3.2 Design rationale 33
4 Heritage impact assessment 34
4.1 Assessment guidelines 34
4.2 Heritage Impact assessment 35
4.3 Adherence to BDCP objectives and provisions 38
5 Conclusion and recommendations 43
6 Bibliography 44
Appendix A 45

Tables

Table 1.1 Heritage register search – the subject property 8
Table 2.1 Significance assessment – *I86 Federation House* 25
Table 4.1 Relevant impact assessment questions 34
Table 4.2 Impact assessment gradings 34

Table 4.3 Adherence to relevant BDCP heritage objectives and provisions 38

Plates

Plate 1.1 Site context map including location of the subject property in blue. Source: Base map by STD Explorer, copyright © NSW Spatial Services 2025. Diagram by NWT 2025. 7

Plate 1.2 Heritage map HER_001BA with location of the subject property in blue. Source: BLEP 2012. 9

Plate 1.3 Historic parish map dating from the 1880s with the approximate location of the subject property in blue, in relation to early land parcels. the Source: NSW HLRV 12

Plate 1.4 Historic parish map dating from the 1914 with the approximate location of the subject property in blue. the Source: NSW HLRV. 13

Plate 1.5 Land title subdivision map c.1877 with the subject property highlighted in red. Source: NSW HLRV. 13

Plate 1.6 Land title subdivision map c.1886 with the subject property highlighted in blue. Source: NSW HLRV. 14

Plate 1.7 Historical aerial photograph c.1930 with the location of the subject property highlighted in blue. Source: Source: © State of NSW (Spatial Services, NSW). 14

Plate 1.8 Historical aerial photograph c.1961 with the location of the subject property highlighted in blue. Source: © State of NSW (Spatial Services, NSW). 15

Plate 1.9 Historical aerial photograph c.1978 with the location of the subject property highlighted in blue. Source: Source: © State of NSW (Spatial Services, NSW). 15

Plate 1.10 Historical aerial photograph c.1986 with the location of the subject property highlighted in blue. Source: Source: © State of NSW (Spatial Services, NSW). 16

Plate 1.11 The main elevation of the subject building from Conder Street. 17

Plate 1.12 The main elevation of the subject building. 18

Plate 1.13 The rear elevation of the subject building from the rear yard. 18

Plate 1.14 View the neighbouring property (I86) from Nicholson Street, looking north-west. 19

Plate 1.15 Main (south) elevation of I86, along Nicholson Street looking north. 20

Plate 1.16 View to the rear yard of I86, near to the property, along Conder Street. 20

Plate 1.17 Diagrammatic representation of the relationship between the subject property and I86. Source: Base map by STD Explorer, copyright © NSW Spatial Services 2025. Diagram by NWT 2025. 22

Plate 1.18 Relationship between the subject property (blue arrow) and the neighbouring property main building section (red) and rear extension (orange), looking west on Conder Street. 23

Plate 1.19 View of the neighbouring property from the front yard of the subject property, looking south-west. 23

Plate 1.20 Relationship between the subject property and the rear of the neighbouring property along Conder Street. 24

Plate 3.1 Proposed demolition plan. 27

Plate 3.2 Proposed ground floor plan. 28

Plate 3.3 Proposed First Floor plan. 28

Plate 3.4 Proposed Second Floor plan. 29

Plate 3.5 Proposed roof plan. 29

Plate 3.6 Proposed north elevation. 30

Plate 3.7 Proposed south elevation. 30

Plate 3.8 Proposed east elevation. 31

Plate 3.9 Proposed building sections. 31

Plate 3.10 Proposed finishes schedule. 32

Plate 3.11 3D visualisation of the proposed development form Conder Street, looking south-west. 32

Plate 3.12 3D visualisation of the proposed development form Conder Street, looking west. 33

Plate 4.1 Diagrammatic illustration of the relationship between the proposed communal living building and I86. 36

1 Introduction

1.1 Project Background

NWT Heritage Consulting Pty Ltd (NWT) has prepared this statement of heritage impact (SoHI) for the proposed construction of a communal living building (proposed development) at 63 Conder Street, Burwood (subject property).

Benson McCormack Architecture (BMA) have prepared architectural documentation dated 12 November 2025, defining the proposed works (Appendix A). BMA is seeking development application (DA) approval for the proposed development from Burwood Council (Council), (Appendix A).

The subject property is not listed as an item of local heritage significance, nor is it located in a heritage conservation area identified in Schedule 5 of the Burwood Local Environmental Plan 2012 (BLEP).

The subject property shares a portion of its southern property boundary with locally listed heritage item 86, *Federation House* (I86). I86 is an historic, private residence located at 25 Nicholson Street, Burwood (the neighbouring property). No other heritage items are located in proximity to the subject property.

As per Section 5.10 of the BLEP and Section 4.7 of the Burwood Development Control Plan 2012 (BDCP), Council requires the preparation of a heritage impact assessment to assess potential impacts of the proposed development to I86.

This SoHI aims to satisfy all Council conditions and would accompany a future DA to Council seeking approval of the proposed works.

1.2 Methodology

The SoHI has been prepared in accordance with the relevant objectives and controls codified in the BLEP and BDCP as well as the assessment requirements, guidelines and principles of:

- The Australian International Council on Monuments and Sites, Charter for Places of Cultural Significance (also known as the *Burra Charter*, Australia ICOMOS 2013).
- The *Guidelines for preparing a statement of heritage impact* document (NSW Department of Planning and Environment 2023).
- The *Assessing heritage significance: Guidelines for assessing places and objects against the Heritage Council of NSW criteria* document (NSW Department of Planning and Environment 2023).

1.3 Authorship

This report has been prepared by Anthony Dakhoul (B. Arch, M. Arch, Associate RAIA), principal heritage consultant of NWT. All photographs and images provided in this report have been captured by NWT unless otherwise noted. All images prepared, captured or provided by NWT in this report are copyright © and are not to be reproduced without written consent from NWT.

1.4 Site location and context

The subject property is located at the formal address of 63 Conder Street, Burwood 2134 (Plate 1.1) with a real property address of Lot 1, DP 121878 (the subject lot). The subject property is within the Burwood Local Government Area (LGA), the Parish of Concord and County of Cumberland.

The subject lot is rectilinear in shape with an east-west orientation, covering an area of approximately 841 m2. Pedestrian and vehicular access to the subject property is exclusively via Conder Street to the eastern property boundary. Conder Street is a general, two-way roadway in a predominantly residential area (zoned R1: General Residential). Conder Street includes pedestrian footpaths to both aspects and minimal plantings and turfing.

The subject property shares boundaries with similar residential properties to the north, south and west. The majority of the surrounding built context includes both single and double storey residences occupying varied lot sizes.

The subject property includes a double storey, masonry residence dating from the 1970s. I86 (neighbouring property) is located to the south of the subject property, at the corner of Nicholson and Conder streets. The subject property and neighbouring property front different roads, are perpendicular in orientation, vary in lot size and include residential buildings of different forms and periods of construction. As such, the north boundary of the neighbouring property and I86 intersects with only one third the length of the south boundary to the subject property.



Plate 1.1 Site context map including location of the subject property in blue. Source: Base map by STD Explorer, copyright © NSW Spatial Services 2025. Diagram by NWT 2025.

1.5 Heritage item and listings

Relevant statutory registers reviewed as a part of this assessment include:

- The State Heritage Register (SHR) - this register is made under Part 3A of the Heritage Act;
- The s.170 register - this register is made under Section 170 of the Heritage Act;
- Schedule 5 of the Burwood Local Environmental Plan 2012 (BLEP); and
- State Heritage Inventory (SHI). The SHI is not a single statutory register, but a central collection of locally listed statutory heritage items maintained by Heritage NSW.

The results of the review are as follows:

- The subject property **is not** identified as an item of individual National or State level significance in the World Heritage List (WHL), Commonwealth Heritage List (CHL) or State Heritage Register (SHR) and is not associated with any other items listed in these heritage registers.
- The subject property **is not** owned, managed or operated by a Government body and is not listed in an individual Government department Section 170 (s.170) heritage registers.
- The subject property **is not** listed as an individual item of local heritage significance in Schedule 5 of the BLEP. The subject property **is not** located in a heritage conservation area.
- The subject property **is located** in proximity to Item 86 *Federation House* (I86), an item of local heritage significance, listed in Schedule 5 of the BLEP.
- No other heritage items are located near to the subject property.

The above findings have been summarised in Table 1.1 below.

Table 1.1 Heritage register search – the subject property

Jurisdiction	Heritage Register	Listing
National	None	None
State	None	None
Local	Schedule 5, BLEP	None
Non-statutory	None	None
Heritage items in close proximity		
National	None	None
State	None	None
Local	Schedule 5, BLEP	Item 86 *Federation House* – located directly south of the subject property.
Non-statutory	None	None

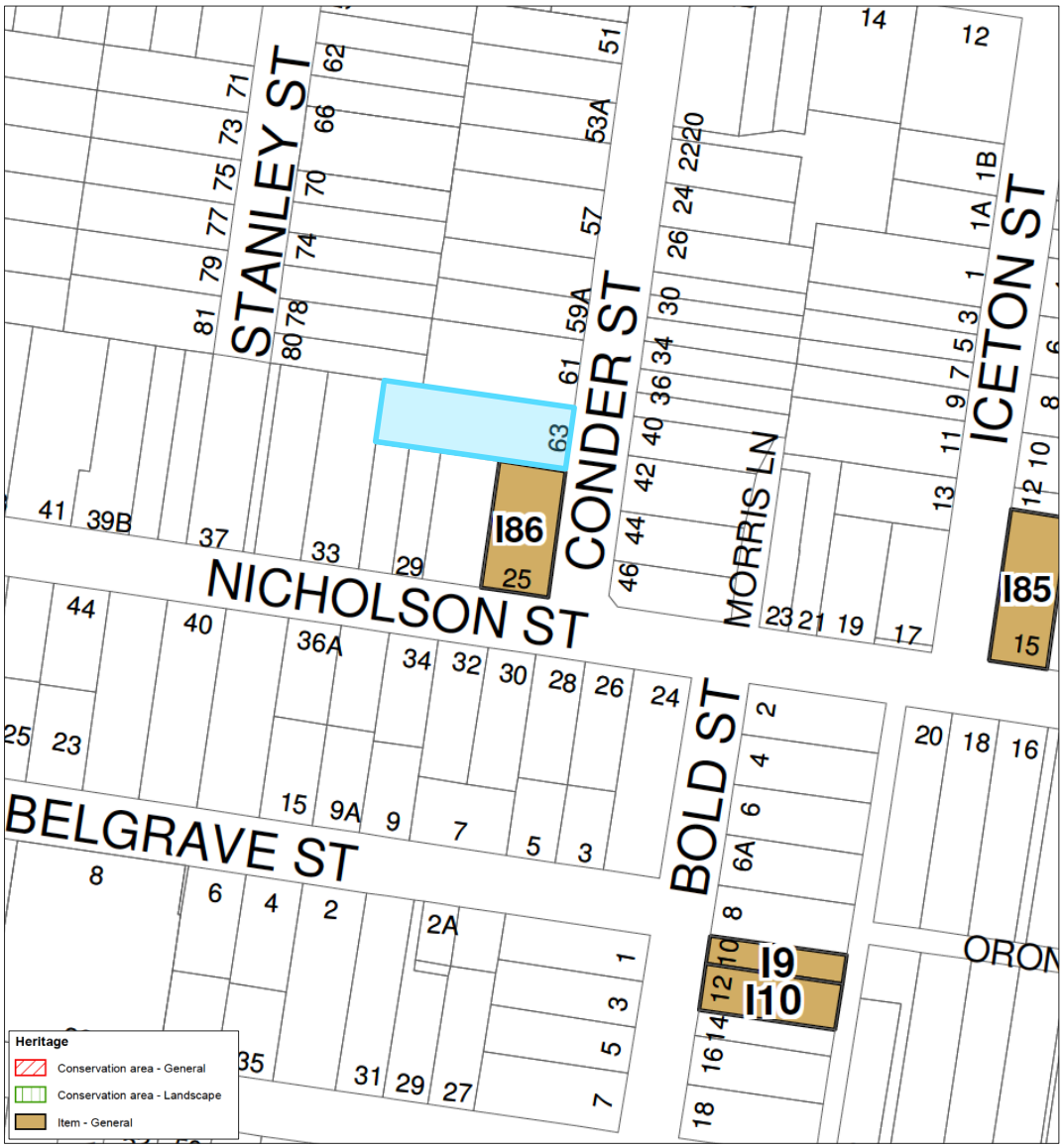


Plate 1.2 Heritage map HER_001BA with location of the subject property in blue. Source: BLEP 2012.

1.6 Statutory framework

1.6.1 Preamble

The subject property is not an individual item of local heritage significance nor is not located in a heritage conservation area. The subject property is located near to a locally listed heritage item (I86), sharing a portion of its southern boundary with the item. Due to its proximity to I86, the statutory controls of the *Environmental Planning and Assessment Act 1979* (EP&A Act) apply to the proposed works.

The EP&A Act directs council to prepare a local environmental plan (LEP) and development control plans (DCPs) for their local government. Schedule 5 of the LEP provides a list of identified environmental heritage within the local government area, impacts to which are to be considered during the development assessment and approval process. DCPs provide policies that are specific to the local environment and character of the LGA or a subset of the LGA.

1.6.2 Burwood Local Environmental Plan 2012

Section 5.10 of the BLEP provides broad objectives and controls related to environmental heritage in the Burwood LGA. The main objectives of Section 5.10 are to set out the specific requirements relating to proposals affecting heritage items and items of archaeological heritage or located in the vicinity of heritage items listed in Schedule 5 of the BLEP. Section 5.10 of the BLEP lists the following broad objectives:

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; and*
d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

1.6.3 Burwood Development Control Plan 2012

Section 4.7 of the BDCP includes guidelines for developments of and near to heritage in residential precincts within the Burwood LGA. The adherence of the proposed works have been assessed in Section 3 of this report, based on the following relevant BDCP sections and their specific controls and objectives:

- **Section 4.7.2 – Heritage Controls**
  - *General Provisions*
  - *Development in the Vicinity of a Heritage Property.*

1.6.4 State Environmental Planning Policy (Housing) 2021

The State Environmental Planning Policy (Housing) 2021 (Housing SEPP), applies to the proposed development. Chapter 3, Part 3 of the Housing SEPP relates to Diverse housing, specifically Co-living housing. Part 3 does not include any specific, heritage related provisions or controls.

1.7 Historical analysis

1.7.1 History of the subject property

Very little historical information is available in publicly accessible resources that relates to the history of the subject property. The following can be summarised and inferred, based on available historical resources:

- The earliest, historic land title records for the subject property dating from 1877 note that the subject property was part of the large, 1,000 acre, historic land parcel granted to William Faithful in 1810.
- Historic parish mapping dating from the both the 1880s and 1895 do however illustrate that the land parcel was owned by Alexander Riley (Plate 1.3). Other sources confirm this and indicate that it was, in fact, first granted to Thomas Rowley in 1799 and later purchased by Riley in 1812.
- Historic parish mapping dating from 1914 (Plate 1.4) may provide a plausible answer to the above contradictions. This mapping indicates that the 1,000 acre Rowley land grant was divided into two sections; the northern section covering 760 acres, originally granted to Rowley and later purchased by Riley and the southern sanction covering 240 acres, purchased by Faithful. It is unclear when this division was enacted.
- The subject property and much of the suburb of Burwood was located in the Rowley section whilst the neighbouring property (I86) was located in the Faithful section.
- Historic land title records associated with the subject site note the following:
  - The oldest records (Vol. 300, Fol. 40) date from 1877 (Plate 1.5) and illustrate that the subject property was part of a much larger collection of properties predominantly located along Nicholson Street and spanning from Conder Street to Spring Street. The owner of these properties at this time was Andrew Sutherland Low.
  - Records dating from 1878 (Vol. 339, Fol. 21) illustrate that ownership was transferred to John Menzies. The 1877 property was minimally subdivided to exclude one lot (Lot 3).
  - Records dating from 1882 (Vol. 568, Fol. 194) illustrate that ownership was transferred to Andrew Menzies and the 1877 property was significantly subdivided. The subject property was now a part of a property that spanned a part of Nicholson Street and Conder Street.
  - Records dating from 1886 (Vol. 790, Fol. 242) (Plate 1.6) illustrate that the subject property boundaries as currently defined were established in this time. Ownership of this property is attributed to Septimus Charles Sindley. The neighbouring property (I86) was owned by A. H. Muncaster at the time.
  - Records dating from 1939 (Vol. 5034, Fol. 121) illustrate that the owner of the subject property was Leonard David Sr and the overall boundaries of the property remained unchanged.
  - Paolo and Concetta Ragonese are noted as owners of the subject property from 1978 till the present.
- Historic aerial photographs dating from 1930 to 1986 (Plate 1.7 to Plate 1.10) illustrate that an historic residence and at least two outbuildings were present in the property from 1930 to 1978.
- By 1986, these buildings and structures were demolished and the existing residence was constructed. It is unclear when the historic residence was constructed however it is likely to have

been a late Victorian or Federation period structure, constructed after 1886 when the current property lot was defined.

- No other significant changes to the subject property have been identified from 1986 till 2025.

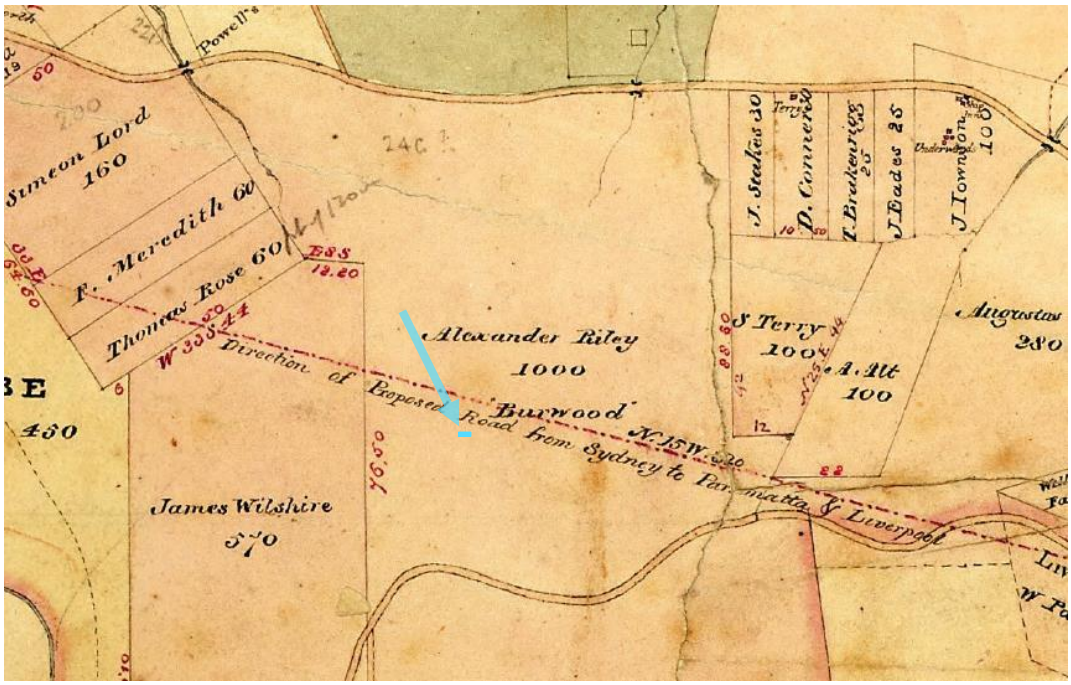


Plate 1.3 Historic parish map dating from the 1880s with the approximate location of the subject property in blue, in relation to early land parcels. the Source: NSW HLRV

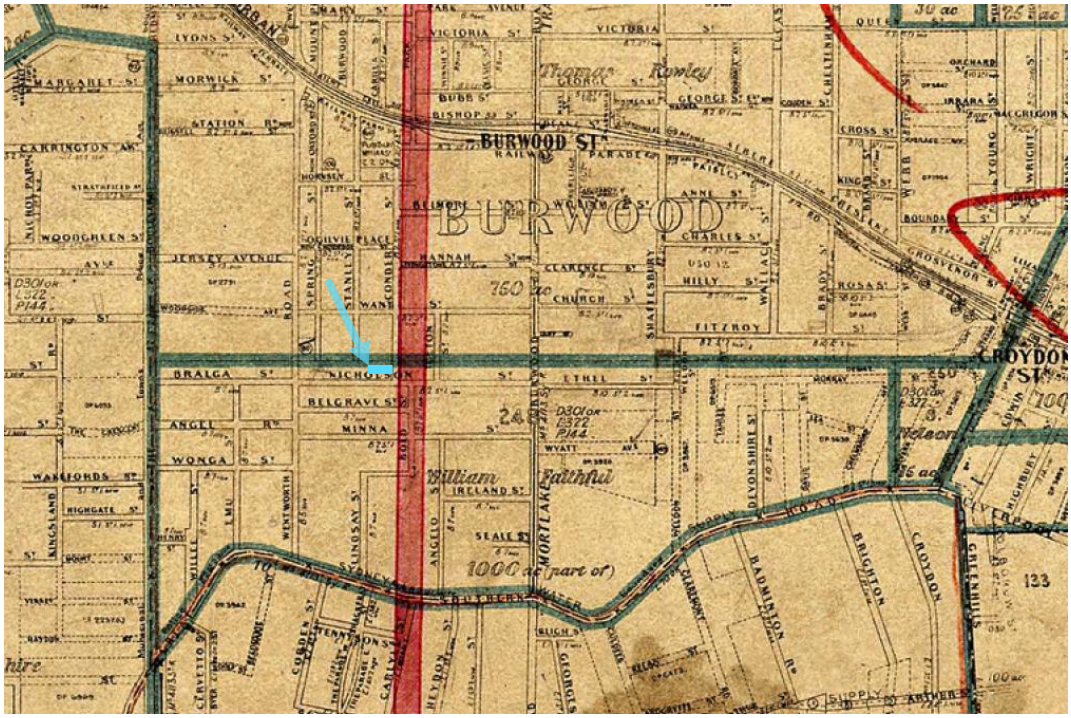


Plate 1.4 Historic parish map dating from the 1914 with the approximate location of the subject property in blue. the Source: NSW HLRV.

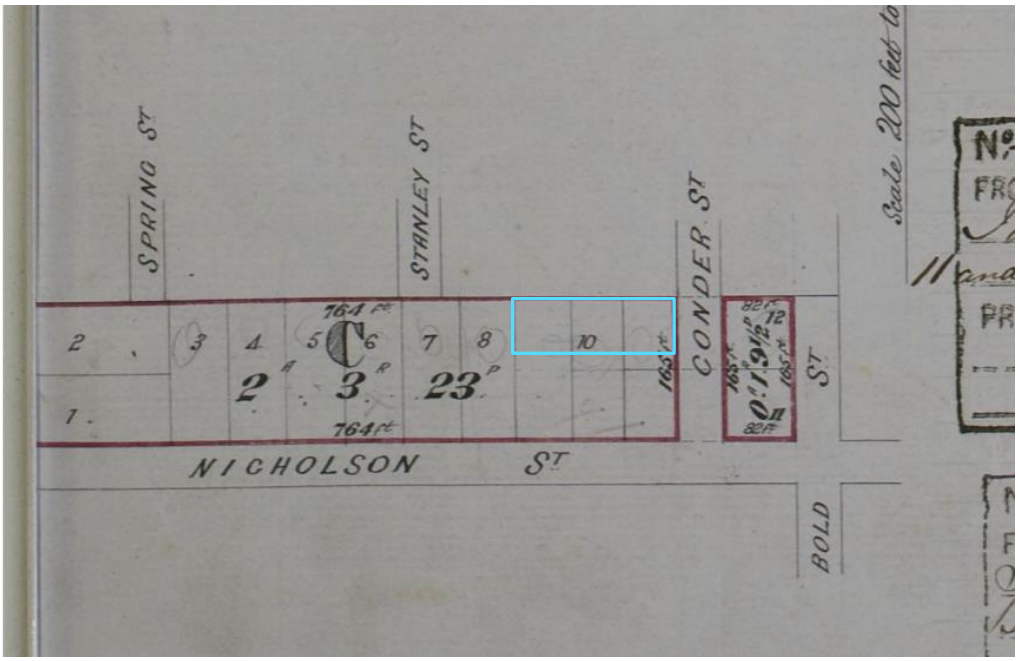


Plate 1.5 Land title subdivision map c.1877 with the subject property highlighted in red. Source: NSW HLRV.

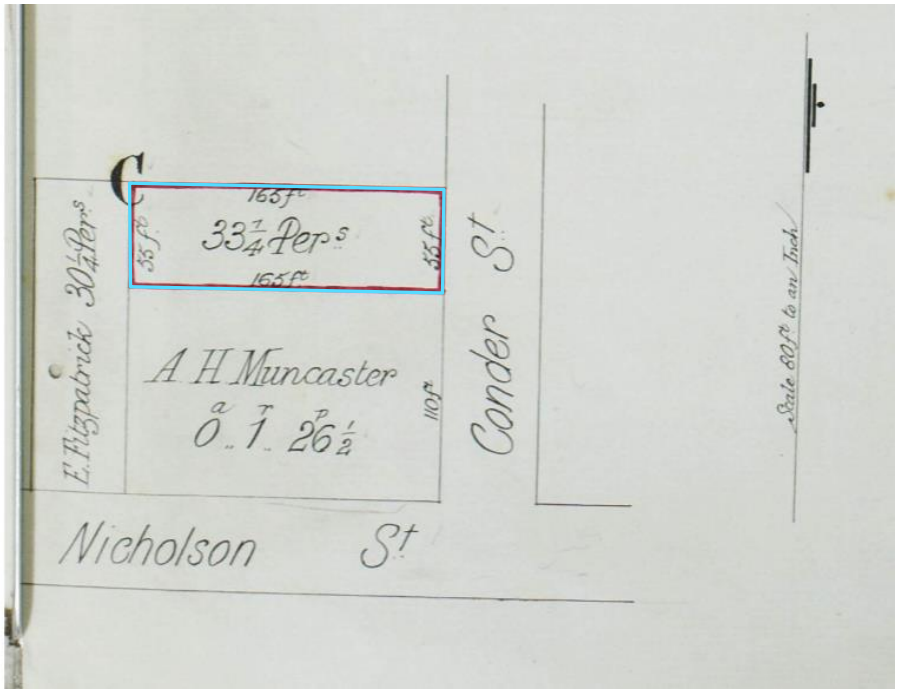


Plate 1.6 Land title subdivision map c.1886 with the subject property highlighted in blue. Source: NSW HLRV.

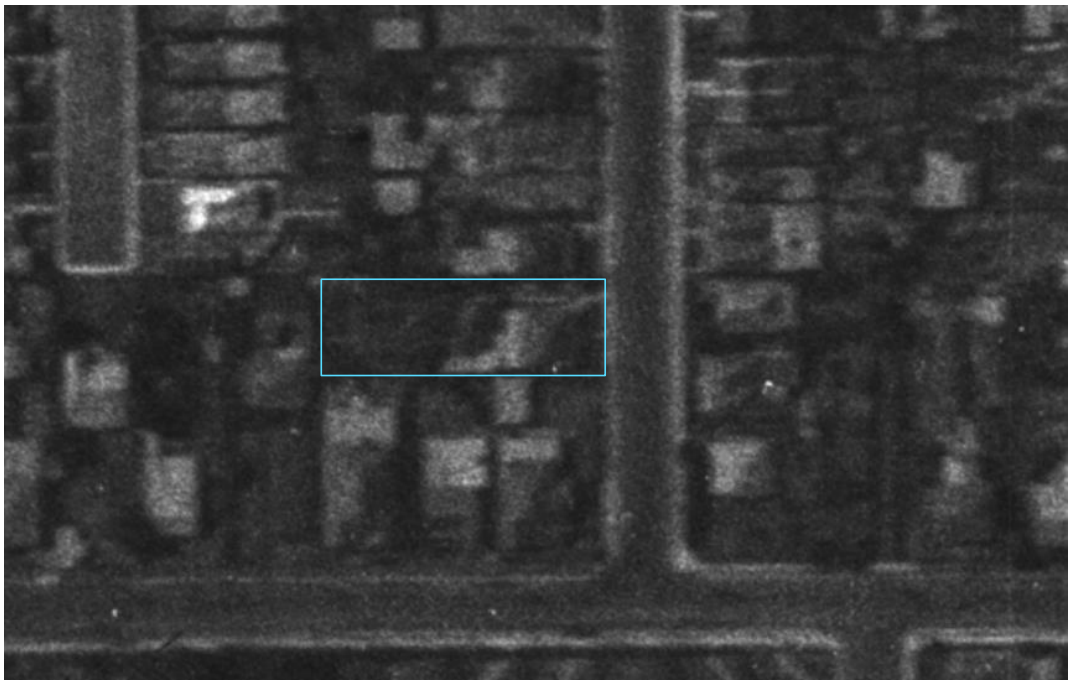


Plate 1.7 Historical aerial photograph c.1930 with the location of the subject property highlighted in blue. Source: Source: © State of NSW (Spatial Services, NSW).



Plate 1.8 Historical aerial photograph c.1961 with the location of the subject property highlighted in blue. Source: © State of NSW (Spatial Services, NSW).



Plate 1.9 Historical aerial photograph c.1978 with the location of the subject property highlighted in blue. Source: Source: © State of NSW (Spatial Services, NSW).



Plate 1.10 Historical aerial photograph c.1986 with the location of the subject property highlighted in blue. Source: Source: © State of NSW (Spatial Services, NSW).

1.7.2 History of the neighbouring property (I86)

The State Heritage Inventory (SHI) listing for I86 (Heritage Item ID: 1250180) includes the following historical notes:

> The first land grants in the Burwood district included those to Thomas Rowley in 1799 and William Faithful in 1808. In 1812, Rowley's 'Burwood Farm' was bought by Alexander Riley, who built the first house in the district, 'Burwood Villa' in 1814.
>
> Early activity in the area included farming activities, collection of timber and the development of service industries along Parramatta and Liverpool Roads. A railway was constructed in 1855 to link Sydney and Parramatta, with Burwood being one of the six stops. It became a passenger service for the wealthy city businessmen who lived in villa estates. A village subdivision was laid out around the railway line in 1854, and the area remained relatively open. Through to the 1880's, a number of gentleman's estates were established in and around Burwood.
>
> By 1895 the villa estates had largely been subdivided. Burwood remained an attractive railway suburb of gentlemen's residences and during the following two decades its character as a garden suburb developed as there was limited industrial development in the area, but there was a variety of service industries as well as some modest homes.
>
> In Australia the Federation architecture exhibits qualities that are similar from English models from which it drew inspiration. Buildings in this style are domestic in scale and use traditional vernacular motifs to achieve informality of planning, massing, fenestration and landscaping.

1.8 Physical description

1.8.1 The subject property and residence

The subject property includes a two-storey, late twentieth century residential building characterised by the following:

- A masonry structure.
- A simple, rectilinear form.
- A hipped roof with terracotta, Marseilles roof tiles, metal gutters and downpipes and fibro sheet eaves.
- Metal framed sliding and single hung windows to all elevations.
- Two garage portals with metal garage doors.
- An upper level, main elevation balcony including cement balustrades with 'Kent' style baluster posts and Corinthian columns supporting the roof structure.
- Ground floor and upper level balconies to the rear elevation, facing the rear yard.
- A front yard with a concrete driveway, planters with brick planter walls and a turfed area.
- A rear yard of the property is predominantly turfed with some concreted areas.



Plate 1.11 The main elevation of the subject building from Conder Street.



Plate 1.12 The main elevation of the subject building.



Plate 1.13 The rear elevation of the subject building from the rear yard.

1.8.2 The neighbouring property (I86)

The State Heritage Inventory (SHI) listing for I86 (Heritage Item ID: 1250180) includes the following physical description:

> Single storey c. 1920 Federation Bungalow with a slate tiled hipped and gabled roof with terracotta cresting and roughcast and brick chimneys. Located on the corner of Conder Street the most dominant feature of this house is the broken roof line with gables. The front facades are symmetrical and constructed of face brickwork with brick quoining. The slate roof extends down to form a corner verandah with a flying entrance gable supported by squat rounded columns on wide brick piers. Projecting gables face both streets with roughcast and decorative painted rendered battens to the apex. Other features include timber framed casement leadlight windows with highlight windows over, slate roofed window awnings with decorative timber brackets, timber and glass panelled entry door with highlight.
>
> There is a medium sized front garden with large trees and plants and a concrete path leading to the tessellated tiled verandah. There is a low brick wall with short timber picket above on the front boundary with a corner gate. There is a driveway off Conder Street with rear garage.
>
> **Modifications**
>
> Aluminium security screen door and a low rendered brick fence. A low brick fence and attractive garden provide an appropriate setting. It also has gables facing both streets, a corner gate and a small entrance gable.

The neighbouring property is situated at the corner of Nicholson Street and Conder Street with a primary elevation and frontage to Nicholson Street. The historic residence associated with I86 is partly obstructed by front and side boundary fencing as well as tall mature trees and shrubs, particularly to the east elevation along Conder Street. Outbuildings and rear structures similarly obstruct views to the rear of the property along Conder Street and within the subject property.



Plate 1.14 View the neighbouring property (I86) from Nicholson Street, looking north-west.



Plate 1.15 Main (south) elevation of I86, along Nicholson Street looking north.



Plate 1.16 View to the rear yard of I86, near to the property, along Conder Street.

1.8.3 Relationship between subject property and I86

The subject property and neighbouring property (I86) are located onto lots that share a common boundary and proximity. Both properties are however fundamentally different, individually and in relation to each other, in the following ways that assist in the mitigation of heritage impacts:

- In c.1886 the subject property was formally subdivided from a larger lot that included the neighbouring property. Since c.1886, both properties have been owned by different individuals and experienced differing developments. The historical association between both properties is very minimal with no developmental and architectural association, particularly after the demolition of all pre-1970s historic buildings in the subject property.
- The subject lot and neighbouring lot differ significantly in orientation and total area; the subject lot is larger, more elongated and oriented east-west, whilst the neighbouring lot is oriented north-south and occupies a more compact, smaller area in relation to the subject property.
- The subject property fronts only Conder Street where all access to the property is achieved. The neighbouring property is a corner lot located on both Nicholson Street and Conder Street. The neighbouring property fronts and is accessed via both streets, however Nicholson Street is identified as the formal frontage Conder Street is where secondary and vehicular access to the neighbouring property is achieved.
- The subject property only shares about a third of the south boundary (approx. 50.5m) with the full northern boundary of the neighbouring property (approx. 17.7m).
- The key historic building section associated with I86 is the brick cottage, main building section that is located primarily to the south and south-west sections of the neighbouring property, well away from the subject property and more prominent on Nicholson Street. There is an approx. 15m distance between the southern boundary of the subject property and rear elevation of the neighbouring property's main building section.
- The less significant, rear extension and out buildings associated with I86, as well as its rear yard, are in closer proximity to the subject property. There is an approx. 9.8m distance between the southern boundary of the subject property and rear elevation of the neighbouring property's rear extension.
- The subject property is located well away from the key view lines, to and from the neighbouring property and public domain, and in particular, the view lines that allow for the interpretation and appreciation of the main building section; the key heritage element associated with I86.
- Existing plantings within the neighbouring property provide significant visual screening, primarily along Conder Street whilst the less significant outbuildings to the rear of the neighbouring property provide somewhat of a visual buffer between both properties.

Refer to Plates 1.17 to 1.20 below for diagrammatic illustrations and photographs of the above analysis and a visualisation of the contextual and spatial relationship between the subject property and neighbouring property.



Plate 1.17 Diagrammatic representation of the relationship between the subject property and I86. Source: Base map by STD Explorer, copyright © NSW Spatial Services 2025. Diagram by NWT 2025.



Plate 1.18 Relationship between the subject property (blue arrow) and the neighbouring property main building section (red) and rear extension (orange), looking west on Conder Street.



Plate 1.19 View of the neighbouring property from the front yard of the subject property, looking south-west.



Plate 1.20 Relationship between the subject property and the rear of the neighbouring property along Conder Street.

2 Significance

2.1 Significance of the subject property

The subject lot was formally sub-divided and established in 1886 and an historic residence and associated built elements were likely constructed in the late nineteenth and early-twentieth century. Regardless, in the late nineteenth century, all historic buildings and built elements were demolished and the existing residence and associated built elements were introduced. The subject site does not include any remaining historic budlings, structures, landscapes or items. All evidence and structures associated with the former residence and associated built elements have been demolished.

In light of the above, the subject property **does not** satisfy any of the seven (7) significance criterion for State or local heritage significance, established in the *Assessing heritage significance: Guidelines for assessing places and objects against the Heritage Council of NSW criteria* document prepared by the NSW Department of Planning and Environment 2023.

2.2 Significance of I86 *Federation House*

The SHI listing for I86 (Heritage Item ID: 1250180) includes the following statement of significance:

> The No. 25 Nicholson Street, Burwood has historic and aesthetic significance as a very good example of a single storeyed c. 1920 house designed in the Federation bungalow style.
>
> The building retains its original form, character and detailing including a broken roof line with gables, symmetrical front facades constructed of face brickwork with brick quoining, a corner verandah with a flying entrance gable supported by squat rounded columns on wide brick piers, timber framed casement leadlight windows with highlight windows over, slate roofed window awnings with decorative timber brackets, timber and glass panelled entry door with highlight.
>
> The building makes a positive contribution to the Nicholson Street streetscape

The SHI listing for I86 (Heritage Item ID: 1250180) includes the following assessment of significance:

Table 2.1 Significance assessment – *I86 Federation House*

Criterion	SHI Listing Assessment
Criteria a) Historical Significance	The site and building are of local historical significance as part of an early subdivision and Federation period of development in the local area constructed in c.1920.
Criteria b) Historical Association	The subject property **does not** meet this criterion for State or Local heritage significance.
Criteria c) Aesthetic/Technical Significance	The building is of local aesthetic significance as a very good intact example of a two storey c. 1920 house designed in the Federation Bungalow style. The building retains its original form, character and detailing including a broken roof line with gables, symmetrical front facades constructed of face brickwork with brick quoining, a corner verandah with a

Table 2.1 Significance assessment – *I86 Federation House*	
Criterion	SHI Listing Assessment
	flying entrance gable supported by squat rounded columns on wide brick piers, timber framed casement leadlight windows with highlight windows over, slate roofed window awnings with decorative timber brackets, timber and glass panelled entry door with highlight.
Criteria d) Social Significance	The subject property **does not** meet this criterion for State or Local heritage significance.
Criteria e) Research Potential	The subject property **does not** meet this criterion for State or Local heritage significance.
Criteria f) Rarity	The subject property **does not** meet this criterion for State or Local heritage significance.
Criteria g) Representative	The building is a very good representative example of a single storey Federation bungalow that was constructed in c.1920.

Several ancillary structures and built elements are located within the curtilage of I86. The key heritage element associated with I86 is the single storey, masonry main building section. The rear extension and brick outbuilding are historic elements associated with I86 and contribute to the overall heritage significance of the item. The carport, awning structure is of no heritage significance as a recent built elements.

3 Proposed development

3.1 Architectural design

NWT has been provided architectural documentation by Benson McCormack Architecture dated 12 November 2025 that describes and illustrates the following proposed works to the subject property (Appendix A):

- The demolition of the existing residence and all other built elements, structures and landscape elements located in the subject property.
- The construction of a new three storey communal living building that includes:
  - Twenty studio rooms.
  - A ground floor communal living area.
  - A single car share parking area and four motorbike parking spaces.
  - A central, basement level.
  - Landscaping and green spaces including footpaths.

The following images provide an illustration of the proposed works, sourced from the provide architectural documentation.



Plate 3.1 Proposed demolition plan.

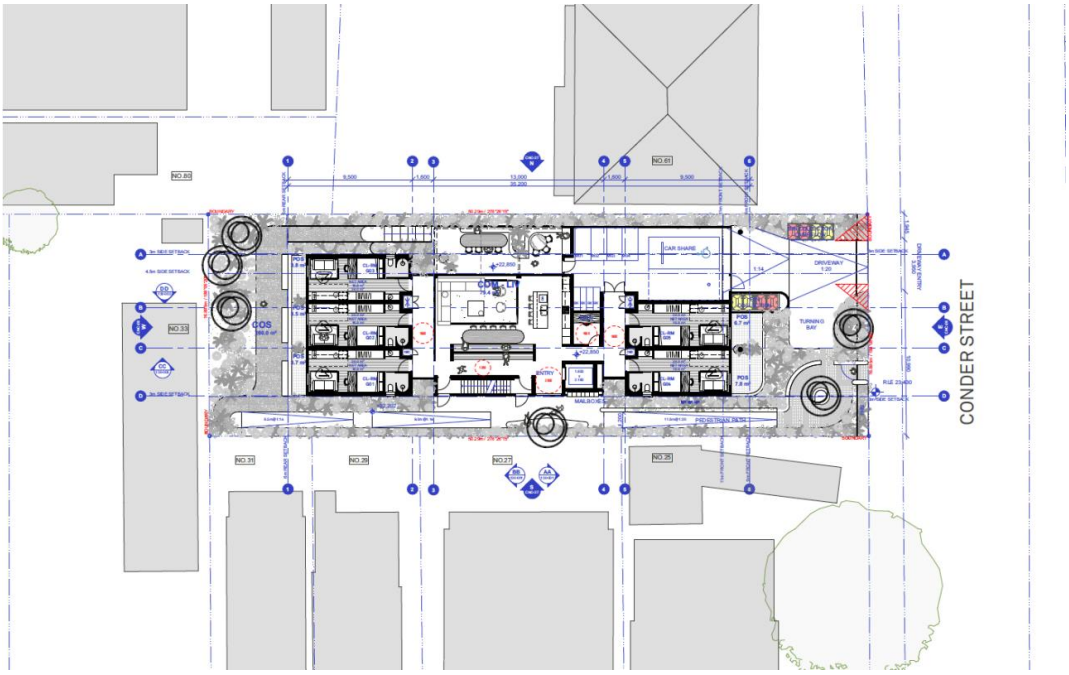


Plate 3.2 Proposed ground floor plan.

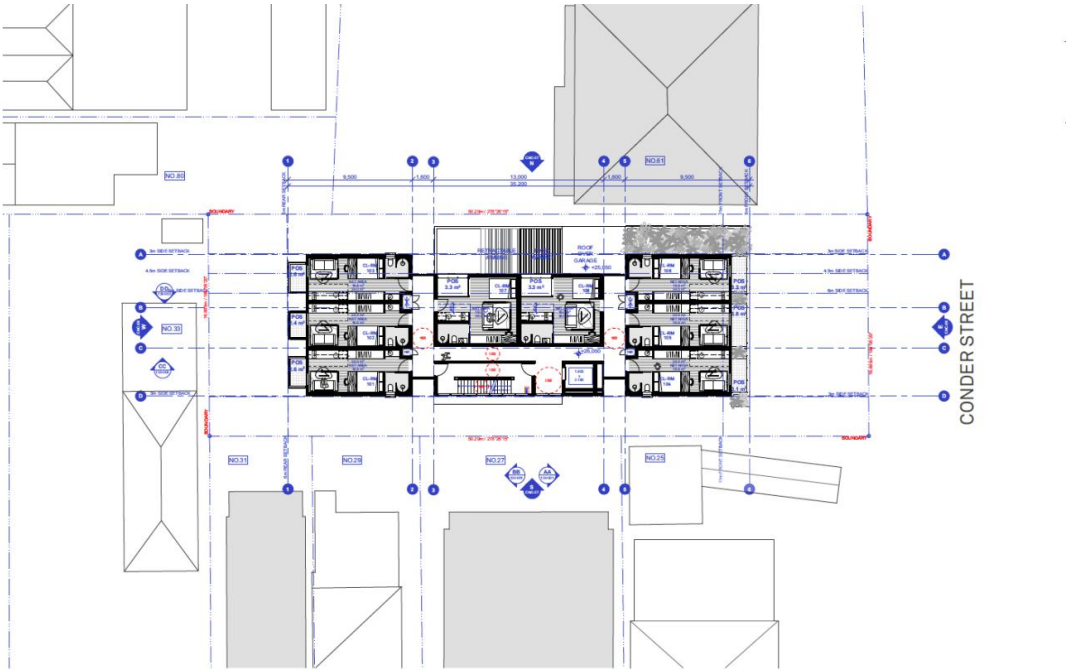


Plate 3.3 Proposed First Floor plan.

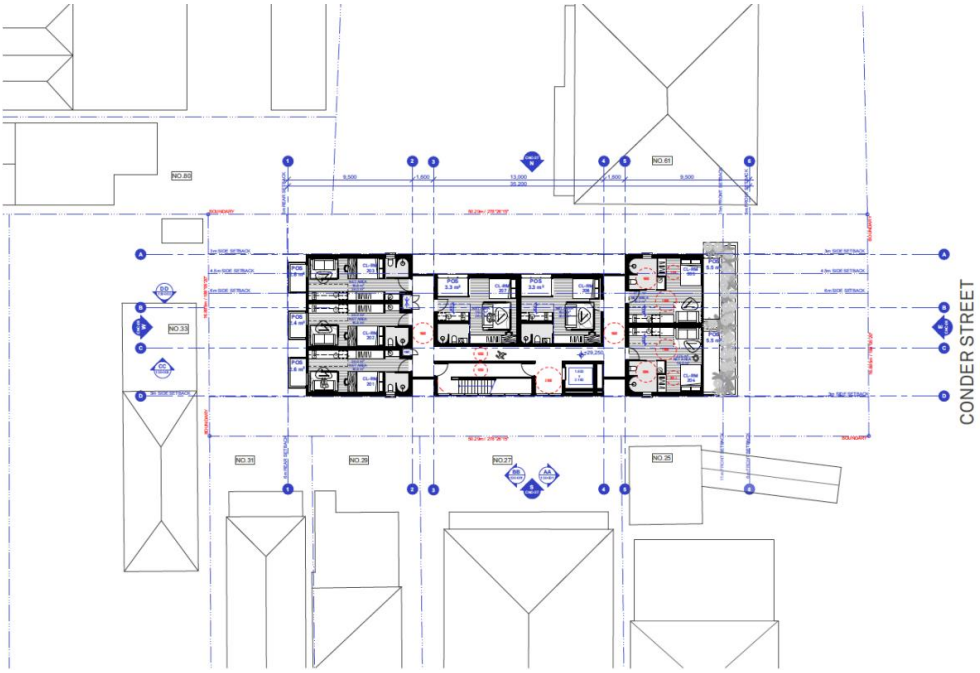


Plate 3.4 Proposed Second Floor plan.

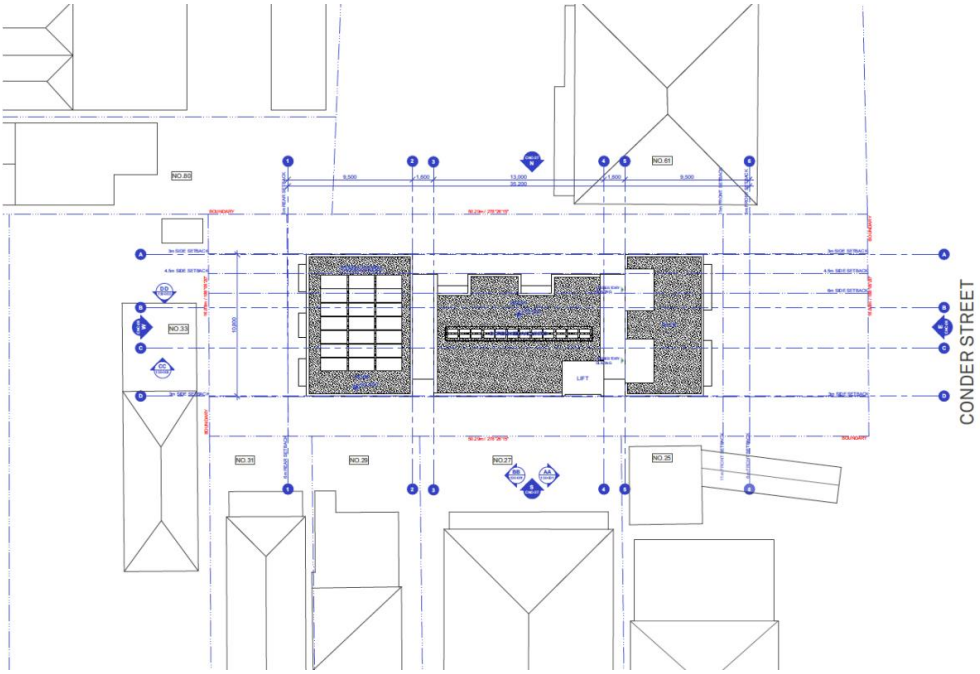
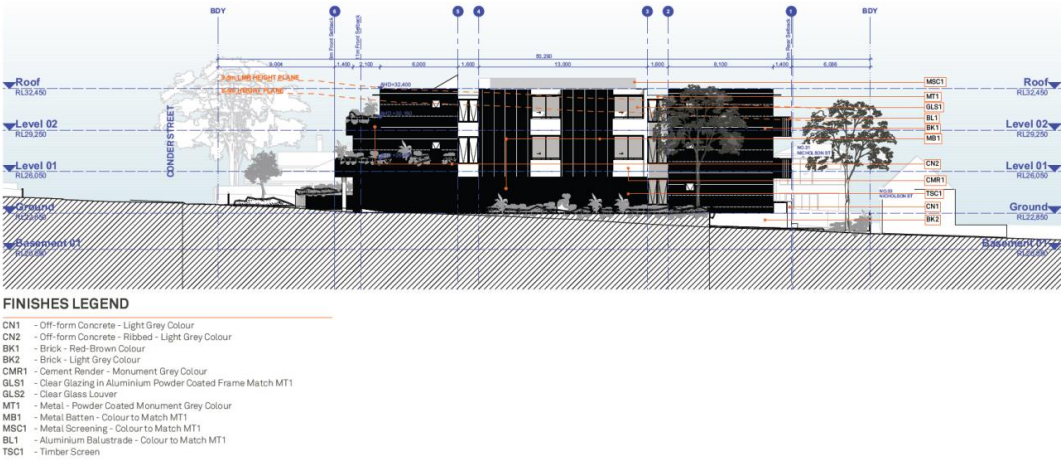


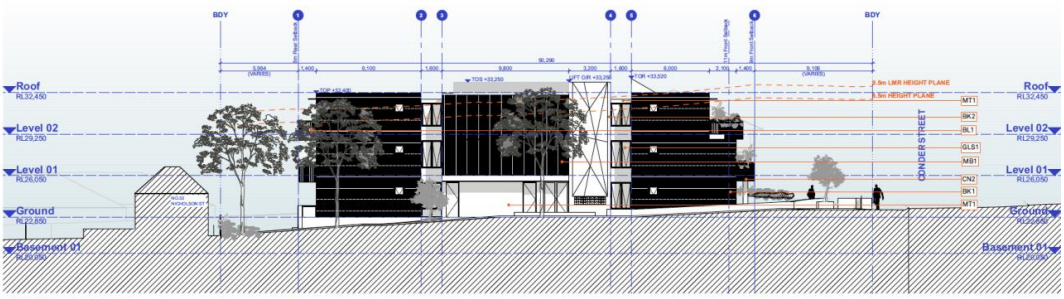
Plate 3.5 Proposed roof plan.



FINISHES LEGEND

CN1 - Off-form Concrete - Light Grey Colour
CN2 - Off-form Concrete - Ribbed - Light Grey Colour
BK1 - Brick - Red-Brown Colour
BK2 - Brick - Light Grey Colour
CMR1 - Cement Render - Monument Grey Colour
GLS1 - Clear Glazing in Aluminium Powder Coated Frame Match MT1
GLS2 - Clear Glass Louver
MT1 - Metal - Powder Coated Monument Grey Colour
MB1 - Metal Batten - Colour to Match MT1
MSC1 - Metal Screening - Colour to Match MT1
BL1 - Aluminium Balustrade - Colour to Match MT1
TSC1 - Timber Screen

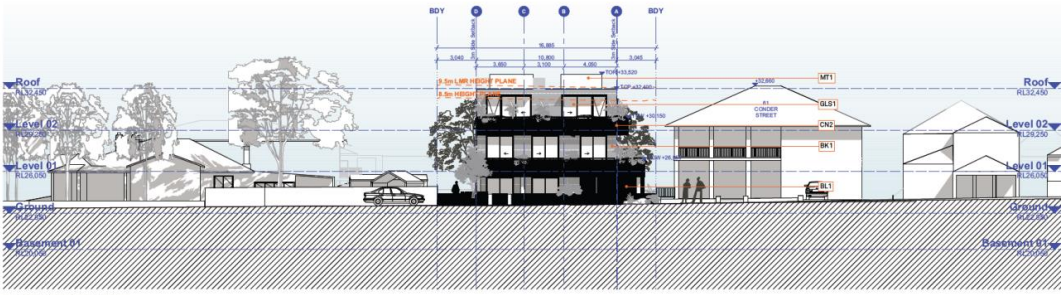
Plate 3.6 Proposed north elevation.



FINISHES LEGEND

CN1 - Off-form Concrete - Light Grey Colour
CN2 - Off-form Concrete - Ribbed - Light Grey Colour
BK1 - Brick - Red-Brown Colour
BK2 - Brick - Light Grey Colour
CMR1 - Cement Render - Monument Grey Colour
GLS1 - Clear Glazing in Aluminium Powder Coated Frame Match MT1
GLS2 - Clear Glass Louver
MT1 - Metal - Powder Coated Monument Grey Colour
MB1 - Metal Batten - Colour to Match MT1
MSC1 - Metal Screening - Colour to Match MT1
BL1 - Aluminium Balustrade - Colour to Match MT1
TSC1 - Timber Screen

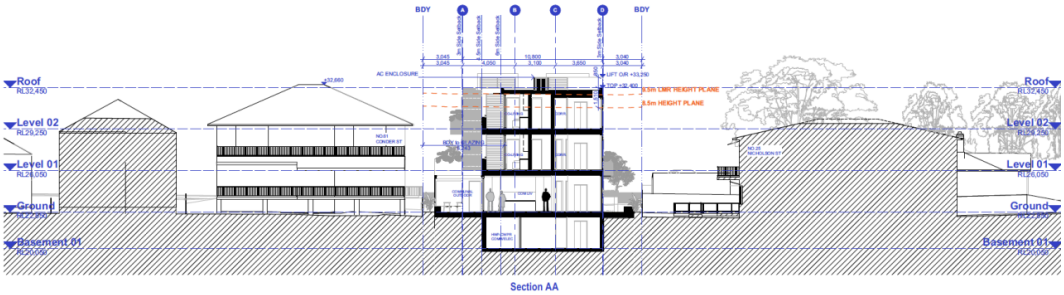
Plate 3.7 Proposed south elevation.



FINISHES LEGEND

CN1 - Off-form Concrete - Light Grey Colour
CN2 - Off-form Concrete - Ribbed - Light Grey Colour
BK1 - Brick - Red-Brown Colour
BK2 - Brick - Light Grey Colour
CMR1 - Cement Render - Monument Grey Colour
GLS1 - Clear Glazing in Aluminium Powder Coated Frame Match MT1
GLS2 - Clear Glass Louver
MT1 - Metal - Powder Coated Monument Grey Colour
MB1 - Metal Batten - Colour to Match MT1
MSC1 - Metal Screening - Colour to Match MT1
BL1 - Aluminium Balustrade - Colour to Match MT1
TSC1 - Timber Screen

Plate 3.8 Proposed east elevation.



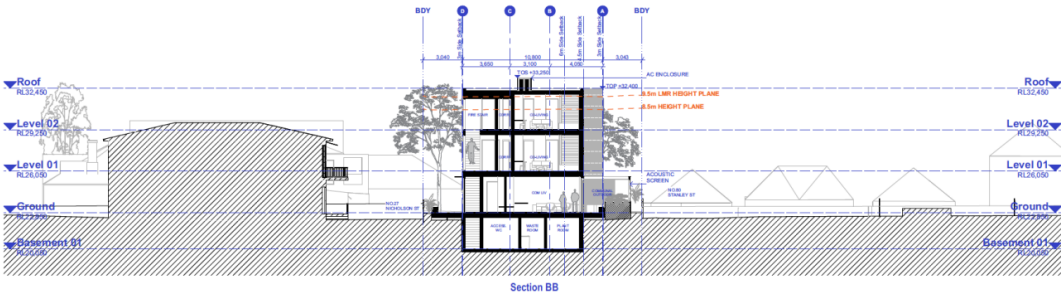


Plate 3.9 Proposed building sections.

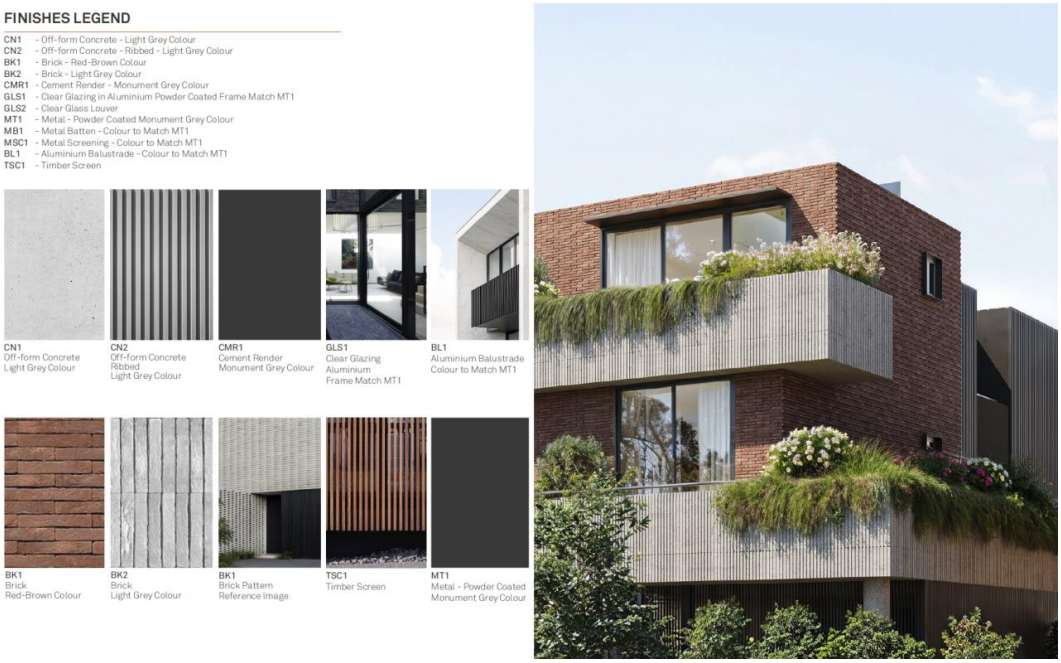


Plate 3.10 Proposed finishes schedule.



Plate 3.11 3D visualisation of the proposed development form Conder Street, looking south-west.



Plate 3.12 3D visualisation of the proposed development form Conder Street, looking west.

3.2 Design rationale

The following design rationale has been provided by BMA:

> The design for 63 Conder Street draws inspiration from the brick character of the adjoining heritage dwelling and the surrounding streetscape. The proposal establishes a contemporary residential form that respects its context through careful attention to scale, proportion, and materiality.
>
> The building is composed to read more like a large house than a multi-unit development, with strong horizontal lines, balanced proportions, and a generous front setback that opens up the view corridor along Conder Street. This allows the heritage dwelling to remain the focal point of the streetscape while the new building sits quietly within its setting.
>
> Brick is the primary material, chosen for its warmth, texture, and connection to the heritage fabric. Its expression is complemented by ribbed concrete, which provide a sense of craftsmanship and permanence. Refined metal detailing and screening add depth and softness, enhancing the building's residential character.
>
> Lush planting integrated along balconies and within the facade softens the building's edges and reinforces the notion of a residential garden form. The combination of brickwork, greenery, and crafted detailing creates a timeless and contextually sensitive design that contributes positively to the evolving character of Conder Street while maintaining a respectful dialogue with the adjoining heritage dwelling.

4 Heritage impact assessment

4.1 Assessment guidelines

This assessment of heritage impact has been conducted with consideration of the following assessment questions identified in the Heritage NSW *Guidelines for preparing a statement of heritage impact (*NSW Department of Planning and Environment 2023), relevant to the proposed works**:**

Table 4.1 Relevant impact assessment questions

Proposed Change to Heritage Item	Impact assessment questions
New development adjacent to a heritage item or in a heritage conservation area (including additional buildings and dual occupancies)	• How is the impact of the new development on the heritage significance of the item to be minimised? • How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects? • Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)? • Will the additions visually dominate the heritage item? How has this been minimised? Will the public, and users of the item, still be able to view and appreciate its significance?

The following assessment of the degree of impacts listed in Table 4.2 has been developed to provide a systematic assessment method, with reference to the levels of grading identified by heritage specialist Dennis Gojak.

Table 4.2 Impact assessment gradings

Impact Grading	Impact type
Major	Impacts that substantially affects fabric or values of State significance. Visual impacts will substantially affect the significance and the setting of the item.
Moderate	Impacts that cause irreversible loss of fabric or values of local significance; minor impacts on State significance. Visual impacts will affect the significance and the setting of the item but can be ameliorated through active management.
Minor	Impacts that cause reversable loss of local significance fabric or where mitigation retrieves some value of significance; loss of fabric not of significance but which supports or buffers local significance values. Visual impacts may affect the significance and the setting of the item but can be ameliorated through active management.
Negligible	Negligible or no impacts (enhances access to understanding or conservation of fabric or values of State significance. Visual impacts to significance and setting will not be noticeable.

Table 4.2	Impact assessment gradings
Impact Grading	Impact type
Positive	Impacts that enhance access to understanding or conservation of fabric or values of local and State significance. The enhancement of visual qualities and setting are a result of the design.

4.2 Heritage Impact assessment

Considering the proposed development (Section 3), the following impact assessment takes into consideration the relevant assessment questions (Table 4.1).

How is the impact of the new development on the heritage significance of I86 to be minimised?

The proposed development mitigates heritage impacts to I86 in two ways:

1. The inherent characteristics of the subject property and its spatial relationship to the neighbouring property; and

2. Through the design decisions embedded in the proposed design of the communal living building and associated external areas that have been shaped by consideration of the characteristics and heritage values of I86.

In summary of Section 1.8.3 of this report, the relationship between the subject property and neighbouring property inherently minimises heritage impacts in the following manner:

- Both properties share divergent and different development histories, particularly after the formal subdivision of the subject property in 1886. The development of the subject property would not impact the historical significance of developments to the neighbouring property.
- The subject lot and neighbouring lots are significantly different in orientation and total area. The subject property fronts only Conder Street whilst the neighbouring property predominantly fronts Nicholson Street (refer to Plate 2.15). The proposed development would maintain these characteristics and by extension the significance of the setting of the neighbouring property.
- The subject property only shares about a third of the south boundary (approx. 50.5m) with the full northern boundary of the neighbouring property (approx. 17.7m). Only a small, eastern section of the proposed communal living building would be in close proximity to and in direct view of the neighbouring property. The majority of the structure, form and bulk associated with the proposed communal living building is situated to the centre and west of the subject property, well away from I86, greatly mitigating visual impacts.
- The historic residence associated with I86 is situated well away from the southern, shared boundary of the subject property, inherently reducing visual impacts. The minimisation of visual impacts is further compounded when considering that there is an approx. 18m distance from the north elevation of the main building section (key heritage element) and a 12.8m distance from the north elevation of the rear extension to the south elevation of the proposed communal living

building. Both distances provide a more than adequate and appropriate spatial buffer that protects the heritage values of I86 and significantly mitigates visual impacts.

- The proposed development is to be located and positioned within the subject property with no impacts to key view lines to and from the neighbouring property and the public domain, particularly at the intersection of Conder Street and Nicholson Street. At this location, the majority of the form of the proposed communal living building would be obscured by buildings, built elements and landscaping within the neighbouring property.
- Plantings and built elements within the neighbouring property provide additional visual screening to the proposed communal living building within the public domain, further reducing visual impacts. The historic residence associated with I86 would remain prominent, easily interpreted and appreciated from the public domain.

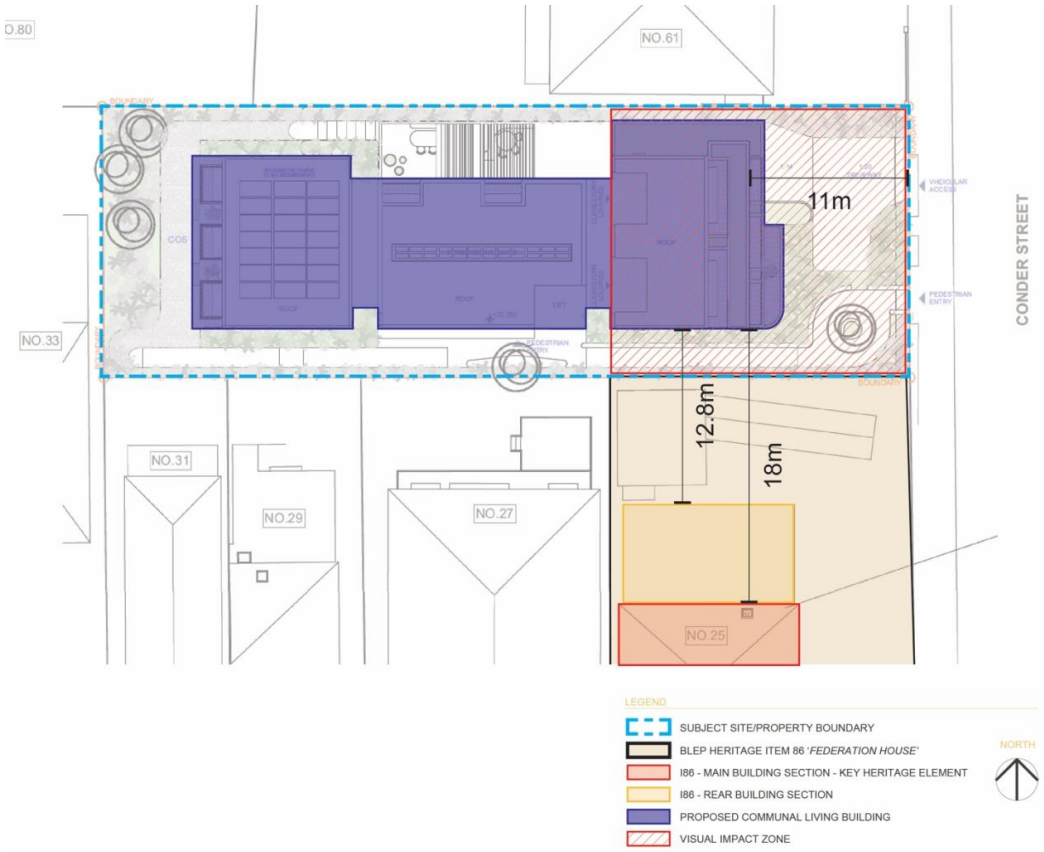


Plate 4.1 Diagrammatic illustration of the relationship between the proposed communal living building and I86.

The proposed communal living building spans three-storeys, slightly taller than existing double storey residence. The proposed communal living building is however larger in height and scale than its surrounding context, including in relation to the buildings and built elements present within the neighbouring property. The following decisions regarding the design of the proposed communal living building and landscaping assist in mitigating visual impacts to I86:

- The proposed development would be conducted exclusively within the boundaries of the subject property. There would be no changes occurring within the neighbouring property.
- The proposed communal living building is a single structure however external, architectural elements such as brickwork, curtain windows, screens, windows, balconies, garden beds and doorways break up the building form and soften edges. External elevations alternate in distance from side setbacks and the communal living building would appear as three different built sections. This dramatically reduces the bulk and visual presence of the proposed communal living building as experienced in the neighbouring property and public domain. The proposed communal living building does not read a monolithic structure and does not include large spans of plain, external walls.
- The small section of the south elevation of the proposed communal living building that is located in proximity to the northern boundary of the neighbouring property is minimal in its visual impact; the external wall is staggered, includes a masonry structure in warm tones, planters, small, vertically proportioned windows and is located well away from the historic residence associated with I86. The wall itself is not cluttered and does not include a high concentration of decorative elements that might distract the general public from viewing I86 in the public domain where key view lines are achieved. The proposed south elevation provides an understated backdrop to I86 when viewed looking north-west along Conder Street or north along Nicholson Street, allowing I86 to maintain its prominence within the streetscape.
- The materiality and colours that have been proposed as finishes to the communal living building are recessive, neutral and reference the colouring and character of the historic residence associated with I86. This includes the use of red brick masonry as the primary building material with appropriate, neutral colours applied to walls and architectural elements.
- These design decisions consciously reference the characteristics, materiality and decorative elements associated with I86 in a contemporary and respectful manner that does not mimic historic built elements or detailing associated with I86, satisfying Article 22 of the Burra Charter.
- The proposed development would not affect key view lines to and from the neighbouring property and public domain. The proposed communal living building would not visually dominate I86 in the public areas where these key view lines are achieved being along Nicholson Street and the corner of Nicholson Street and Conder Street (Plate 2.15).
- Landscaping has been consciously utilised as part of the proposed development to assist in mitigating visual impacts to I86. Proposed landscaping has been proposed throughout the subject property, applied to the proposed communal living building, and in particular, to the south boundary of the subject property. Tall and medium sized plantings including trees and shrubs to the southern boundary of the subject property would assist in softening the appearance of the proposed communal living building south elevation and would obstruct views to and from both properties to provide privacy and visual screening.

4.3 Adherence to BDCP objectives and provisions

Table 4.3 Adherence to relevant BDCP heritage objectives and provisions

Control No.	Objective/Control Description	NWT Comment
Section 4.7 – Heritage In Residential Precincts		
Section 4.7.2 – Heritage Controls		
O1	Retain and conserve heritage items and contributory items within heritage conservation areas and maintain their heritage significance.	The proposed development would not constitute the demolition of any buildings, built elements and landscaping within the neighbouring property including the historic residence associated with I86. The contextual and physical heritage significance of I86 would be retained and unchanged.
O4	Ensure development in the vicinity of a heritage item or heritage conservation area is designed and sited to protect the heritage significance of the item or heritage conservation area.	Although in close proximity to a heritage item, the subject property shares only a small percentage of its southern boundary with the neighbouring property. In all other regards, both properties differ in their characteristics and context including orientation, total area, frontage and historical developments. The nature and location of the proposed development inherently contributes to the mitigation of heritage impacts. The siting of the proposed development has been considered to mitigate impacts, in particular visual impacts due to the height, scale and bulk of the proposed communal living building. The majority of the form associated with the proposed communal living building would be located to the centre and rear of the subject property, well away from the neighbouring property. The proposed communal living building would be largely hidden from view along Nicholson Street and would not impact key view lines to I86 in the public domain. Substantial setbacks have also been provided from the proposed communal living building and the historic residence associated with I86. Proposed and

		inherent setbacks greatly mitigate visual impacts and allow the historic residence to maintain its visual prominence in the surrounding public domain and within the neighbouring property. The architectural design and landscape elements associated with the proposed development aim to reference and respect the context and character of I86. The bulk and scale of the proposed communal living building is broken up with sympathetic external treatments, materials and colours. The overall architectural expression is understated with controlled articulation, and a strong emphasis on integrated planting within the façade. Plantings in balcony planters and other screening elements soften the proposed communal living building and screen views to and from the neighbouring residence. This allows the new building to present as a contemporary residential garden form, ensuring the heritage dwelling retains its primacy within the streetscape. **This provision has been satisfied.**
O5	Retain the original subdivision and building patterns of heritage conservation areas and heritage listed properties.	The proposed development does not include changes to the existing subdivision and lot sizes and patterns to the subject property and all neighbouring properties. **This provision has been satisfied.**
P3	Council will require the submission of a heritage statement, prepared in accordance with the NSW Heritage Branch guideline Statements of Heritage Impact, where development is proposed adjacent to a heritage property.	This SoHI has been prepared to satisfy this provision of the BDCP. **This provision has been satisfied.**

Development in the Vicinity of a Heritage Property		
P40	New development, or alterations and additions to existing development, that is located in the vicinity of a heritage property, must be designed and sited to: - Have regard for, and be compatible with, the significance of the heritage property. - Reflect the bulk, scale, height and proportion of the heritage property. - Respect the front garden setting, any established setbacks, and views and vistas of the heritage property. - Be recessive in character and not dominate the heritage property. - Interpret the materials and architectural detailing of the heritage property. - Respond to the building alignment of the heritage property.	The proposed development satisfies this BDCP provision in the following ways: - The proposed development respects the context, setting and character of the key heritage elements associated with the neighbouring property. - Would not impact the front garden setting, established setbacks and would have no greater than minor impact on view lines, only to select areas along Conder Street. View lines are unimpacted in the public domain along Nicholson Street, with only minor visual impacts looking north along Nicholson Street due to the height of the proposed communal living building. - The proposed communal living building is set back well away from the key heritage elements associated with I86, and although larger in height and scale, the building would be largely recessive within the neighbouring property and public domain along Nicholson Street and Conder Street. - The proposed development is to be introduced to the subject property that greatly differs to the neighbouring property in orientation, total area and historical development. The alignment of the historic residence associated with I86 is more closely associated with other buildings along Nicholson Street rather than the subject property. proposed development is therefore not required to respond building alignments and patterns that characterise the neighbouring property. **This provision has been satisfied.**
P40A	Any development having three storeys or more which is contiguous to a heritage property will be expected to observe a 5m minimum setback from the heritage property's boundary (and 4m minimum setback for any below-ground excavation/basement).	The proposed development introduces a 3m setback from the communal living building and the southern boundary of the subject property. Although this setback does not satisfy this provision, the setback that has been proposed is acceptable from a heritage perspective and broadly satisfies this provision due to the following:

	The purpose of this setback is to: - Provide for a sensitive separation of buildings and maintenance of a heritage item's setting, particularly the "open garden setting" and generous setbacks typical of heritage-listed houses. A setback will be required irrespective of the setback of the heritage building from its boundary. - Enable deep soil landscaping and substantial trees to be accommodated on the development site to provide a landscape buffer. This requirement applies irrespective of whether there is existing landscaping on the heritage property. - Limit the potential for excavation and construction works to negatively affect the structural stability of the heritage item or affect established trees/landscaping within the heritage property. - Not prejudice the future development of heritage properties, particularly extensions. It is important that heritage places remain viable into the future. - Limit the opportunity for negative impacts upon the amenity (especially noise and visual privacy) enjoyed by the residents/occupants of the heritage property.	- The subject and neighbouring lots are perpendicular and differ in orientation and setting. The rear yard and areas of less heritage significance abut a small section of the southern boundary of the subject property. - The inherent and collective setback from the key heritage elements associated with I86 and the subject property and proposed communal living building are generous. The rear, front and side open gardens and yards to the neighbouring property would remain unchanged and largely unimpacted. - Deep soil landscaping and large trees would remain possible to the rear yard of the neighbouring property with the currently proposed setback. - The historic residence and key heritage elements associated with I86 are located well away from the subject property and proposed development. All construction and excavation works would not impact the structural stability of the historic residence the rear yard outbuildings and landscape elements. - The future development of the neighbouring property including the introduction of an extension, would remain fully possible and would not be significantly limited by the proposed development. - The proposed development would not have a significantly impact on the amenities of the neighbouring property or the function of the historic residence. As noted, only a small section of the proposed communal living building is located in proximity to the neighbouring property. The south elevation of this building section includes no balconies and a small number of windows facing the neighbouring property. These windows are high-level awning windows provided only for ventilation and include obscured glazing. - There are no direct view lines into the interior of the historic residence and no visual overlooking from the south elevation of the proposed communal living building to the neighbouring property. - Visual privacy to the rear yard is challenging to mitigate, even when regarding the existing, double storey brick residence in the subject

		property. Visual privacy is mitigated by plantings and built elements within the neighbouring property, the street scape and will be mitigated by new plantings as part of the proposed development. **The aims of this provision have been broadly satisfied by the proposed development regardless of non-compliance with the prescribed 5m setback.**
P40B	Any development located on a site contiguous with a heritage property, shall have regard to the following: - The front setback area of the development is to maintain an open setting for the heritage item such as by way of a lower front fence height, sensitive location of the pedestrian access path/entrance, and landscaping. The "privatisation" of the front setback – characterised by courtyards, fences dividing private open space, multiple entries, and high walls – should be avoided. Structures (e.g. bin enclosures, covered letterboxes, fire stairs) should be avoided in the front setback.	The subject property and neighbouring property do not share a common orientation and include differing frontages. The northern boundary of the neighbouring property is shared with approximately one third of the southern boundary of the subject property. The front setbacks and areas to the neighbouring property would therefore be unimpacted by any new developments in the subject property. **This provision has been satisfied.**
	- The location of driveways in close proximity to the heritage item's boundary is to be avoided. Driveways have the potential to adversely impact the amenity of the heritage property, its setting, cause excavation impacts, and reduce landscaping of the new development.	The proposed driveway is located to the north-east of the subject property and well away from the northern boundary of the neighbouring property. **This provision has been satisfied.**
	- The location of multiple courtyards or private open spaces along the boundary of the heritage item is to be avoided. This densification of use has the potential to impact the amenity of the heritage property's residents/occupants.	No courtyards or private open spaces are located near to the northern boundary of the neighbouring property. **This provision has been satisfied.**

5 Conclusion and recommendations

The proposed development is thoughtful, well-designed and succeeds in mitigating heritage impacts by taking advantage of the subject property's inherent spatial qualities, setting and lot characteristics. The proposed communal living building is located predominantly at the centre and rear of the subject property and is substantially set back from the neighbouring property. The building form is broken up using various architectural elements and treatments, is well designed, minimal and respectfully references the neighbouring historic property in its external treatments.

Landscaping is also placed in open areas and applied to architectural elements to provide additional visual screening and to soften the overall building form. Key view lines and public interaction and appreciation of I86 would be minimally impacted within the public domain.

NWT has assessed that the proposed development would have no physical impacts and no greater than minor visual impacts to I86. The intangible heritage values of the item as well as the characteristics and key heritage elements that contribute to its significance would remain largely unimpacted.

The proposed development is sensitive to the heritage significance of I86 and broadly satisfy the relevant objectives, provisions and controls of the BLEP, BDCP and the principles codified in the Burra Charter.

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Appendix A

Architectural Documentation

Prepared by Benson McCormack Architecture
Dated 12 November 2025

THE PLANNINGHUB

by Hawes & Swan

REQUEST UNDER CLAUSE 4.6 OF THE BURWOOD LEP 2012

Co-living Housing Development
63 Conder Street, Burwood

Clause 4.6 Variation Request
63 Conder Street, Burwood

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Project Name: 63 Conder Street,

Job Reference: Burwood 25/011

Date Approved: 11 November 2025

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1.0 The Proposal

This request is written in support of an application that proposes the demolition of existing structures, construction of a three (3) storey co-living development consisting of twenty (20) units, and associated site works at 63 Conder Street, Burwood.

This Clause 4.6 Variation Request relates to a proposed variation to the height of buildings development standard as prescribed by Clause 4.3 the Burwood Local Environmental Plan (LEP) 2012.

1.1 Relevant Case Law

Clause 4.6 of the Burwood LEP 2012 allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the LEP or any other environmental planning instrument.

In accordance with Clause 4.6(3), development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Assistance on the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court (the Court) and the NSW Court of Appeal in:

1. Wehbe v Pittwater Council [2007] NSW LEC 827;
2. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009;
3. Randwick City Council V Micaul Holdings Pty Ltd [2016] NSWLEC 7;
4. Brigham v Canterbury-Bankstown Council [2018] NSWLEC 1406;
5. Initial Action v Woollahra Municipal Council [2018] NSWLEC 118; and
6. Turland v Wingercarribee Shire Council [2018] NSWLEC 1511.

The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised by Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA 446 [42]-[51] and repeated in *Initial Action* [17]-[21]. Although Wehbe concerned a SEPP 1 objection, the common ways to demonstrate that compliance with a development standard is unreasonable or unnecessary in Wehbe are equally applicable to cl 4.6 (*Initial Action* [16]):

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the development standard is not relevant to the development, so that compliance is unnecessary;
3. Underlying objective or purpose would be defeated or thwarted if compliance was required, so that compliance is unreasonable;
4. The development standard has been abandoned by the council; or
5. The zoning of the site was unreasonable or inappropriate so that the development standard was also unreasonable or unnecessary (note this is a limited way of establishing that compliance is not necessary as it is not a way to effect general planning changes as an alternative to strategic planning powers).

The five ways to demonstrate compliance is unreasonable/unnecessary are not exhaustive, and it may be sufficient to establish only one way (*Initial Action* [22]). This Clause 4.6 Variation Request relies on the following:

- The objectives of the development standard are achieved notwithstanding noncompliance with the standard.

The environmental planning grounds relied on in the written request under cl 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Initial Action* [24]).

1.2 Relevant Development Standard

Burwood LEP 2012

The development standard to which this objection relates is Clause 4.3 of the Burwood LEP 2012. Clause 4.3(2) states the following:

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map

Figure 1 below provides an extract of the Height of Buildings Map.



Figure 1: Height of Building Map – (Source – Burwood Council)

Comment:

The applicable maximum height shown for the land on the Height of Buildings Map under the Burwood LEP is 8.5m.

1.3 Is the Planning Control in Question a Development Standard?

'Development Standards' are defined under Section 1.4(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as follows:

> *development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of: …*
>
> *(a) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work…"*

Comment:

The maximum building height prescribed under Clause 4.3 of the Burwood LEP 2012 is clearly a development standard.

2.0 The Contravention

The proposal results in the following variation to the maximum building height development standard as demonstrated in the table below:

Table 1: Variation to the Maximum Building Height Control			
Maximum Building Height	**Control**	**Proposed**	**Variation**
	8.5m	10.813m	2.313m or 27.21%

As illustrated on the Architectural Drawings prepared in support of the application, the development proposes a building height of 10.813m resulting in a variation of 2.313m or 27.21% to the control. The proposed variation is detailed in **Figure 2** and **3** below.

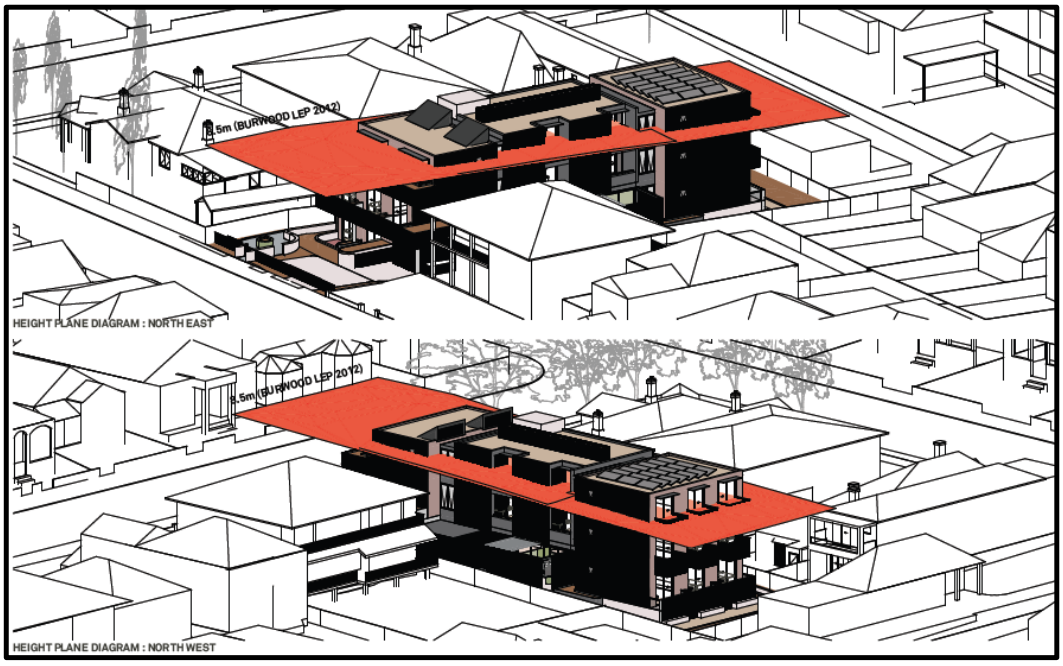

Figure 2: Figure 2: Height Plane Diagram (Source: Mackenzie Architects)

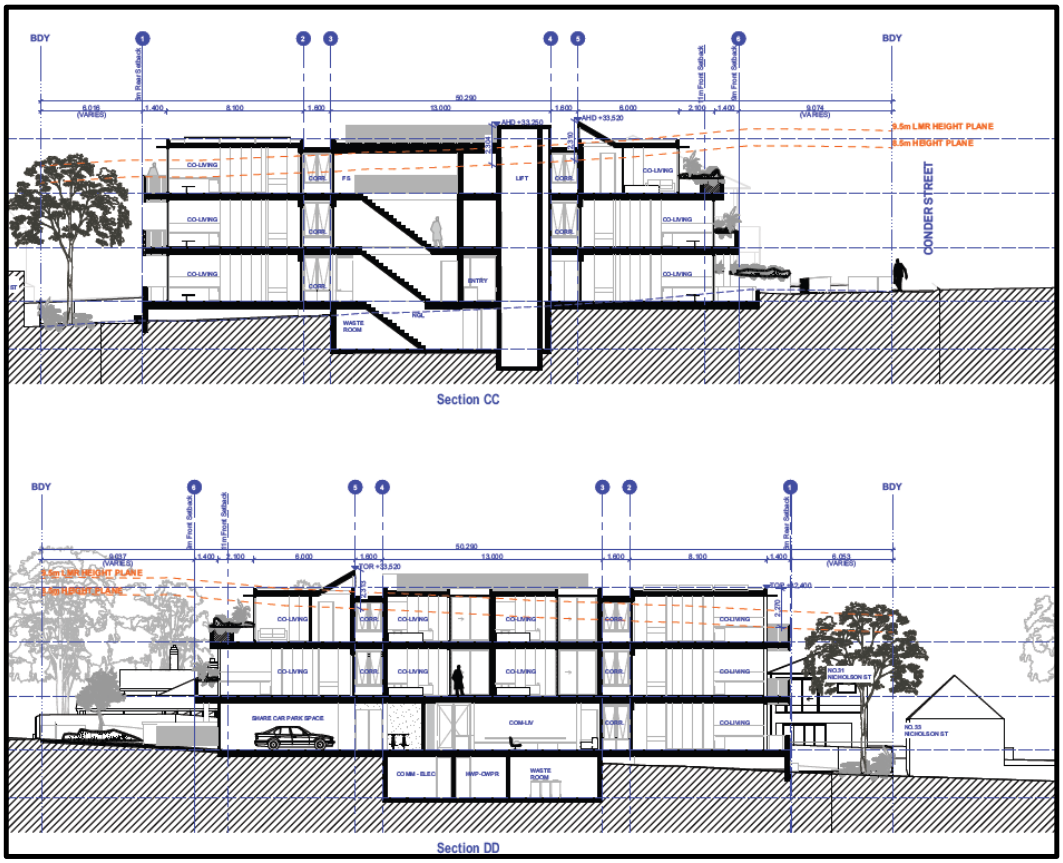

Figure 3: Section Diagram (Source: Benson McCormack Architecture)

3.0 Justification of the Contravention

It is our opinion that the proposal satisfies at least one of the five ways established in Wehbe that demonstrate that the development standard is unreasonable and unnecessary for the reasons set out below.

3.1 The Objectives of the Development Standard are Achieve Notwithstanding Noncompliance with the Standard

Burwood Local Environmental Plan 2012

The objectives of Clause 4.3 are outlined as follows:

- ***to establish the maximum height of buildings to encourage medium density development in specified areas and maintain Burwood's low-density character in other areas,***

  Whilst the development signifies a relatively significant numerical uplift when compared to surrounding existing development (particularly south of Woodside Avenue), the building has been

designed to generally facilitate the envisaged future low to medium density character of the surrounding area. More specifically, development of a similar medium density scale and form (i.e. residential flat building, multi-dwelling housing, etc.) are now permissible with development consent in both the R1 General Residential zone and the adjoining R2 Low Density zone pursuant to the low to mid-rise housing developments standards.

These provisions have established an increase to the maximum permitted building height to 9.5m (or 12.35m with affordable housing incentives included). The resultant building height aligns with the recently established maximum height of building development standards and will contribute positively to the desired future low to medium scale character of the surrounding area.

- ***to control the potentially adverse impacts of building height on adjoining areas.***

  The proposed variation to the maximum building height development standard does not contribute to any adverse impact on adjoining properties. In particular, the following is noted:

  - The proposed variation to maximum HOB does not increase overshadowing those adjoining properties when compared to a compliant-built form on 63 Conder Street.
  - Appropriate bathroom windows and openings along the side boundary are provided with high sill height and/or glazing to avoid adverse privacy impacts on adjoining properties.

3.2 Consistency with Zone Objectives

The site is zoned R1 General Residential under the Burwood LEP, and the objectives are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is consistent with the land use objectives of the R1 General Residential zone and the proposed variation to the maximum building height development standard does not hinder the proposal's ability to satisfy the objectives as the proposed co-living housing development provides for the housing needs of the community in a form that will contribute positively to the diversity of housing types and densities in the surrounding locality.

In addition, the site is in close proximity to a range of public transport options and other facilities that meet the day-to-day needs of residents.

3.3 Impacts of Contravention

Site context is a key consideration when determining the appropriateness and necessity of a development standard and the potential impacts of a contravention. Whilst the site is located within an established residential area of the Burwood locality, the immediate area is captured within the Low to Mid Rise Housing area. As a result, it is expected that the area will transition to more medium density forms of development with maximum height of building ranging between maximum permitted building height to

9.5m and 12.35m. The subject site represents a unique opportunity to lead the redevelopment of the area in line with the desired scale and density in order to achieve the desired future character.

This development application primarily seeks consent for the construction of a three (3) storey co-living development consisting of twenty (20) units. The resultant form provides a building height of 10.813m, being a variation of 2.313m or 27.21% to the maximum building height development standard of 8.5m. Areas of exceedance are generally limited to a minor portion of the building volume on the second level and the services on the roof. The areas of exceedance ensure the floor space ratio incentives for co-living development can be realised on site and ensure the resultant-built form aligns with the anticipated building heights of the surrounding area when redeveloped in line with Chapter 2 and 6 of the SEPP (Housing) 2021.

The proposed variation is in the public's interest as it permits the construction of a built form that will positively contribute to meeting the diverse housing needs of the community within the surrounding area. The areas of exceedance will not result in a development that presents an excessive visual bulk or scale when viewed from the public domain and will not arise adverse amenity impacts on adjoining properties in terms of solar access, overshadowing, privacy, or noise. Furthermore, the proposal will not inhibit the ability for adjoining properties being similarly redeveloped to a suitable scale and in line with the current planning controls.

Based on the lack of impacts and evident community benefits, it is considered that compliance with Clause 4.3 is unreasonable in the circumstances of the case and there are sufficient environmental planning grounds to justify the contravention as outlined in the subsequent sections of this report.

4.0 Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case (Clause 4.6(3)(a))?

Clause 4.6(3)(a) of the SEPP requires the departure from the development standard to be justified by demonstrating:

- ***Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case***

Comment

The development demonstrates that the development standard is unreasonable or unnecessary as follows:

- The proposed development is consistent with the objectives of the zone and development standard.
- The development largely reflects the anticipated built form allowable under current controls having regard to the affordable housing incentives and LMR provisions prescribed under the Housing SEPP.
- The lack of incentives for building heights under the Housing SEPP does not encourage the delivery of diverse housing in the locality or ensure the incentives for floor space can be achieved.
- The proposed variation to maximum HOB does not increase overshadowing on adjoining properties to the south when compared to a compliant-built form on 63 Conder Street.

- The areas of height exceedance are also adequately separated from adjoining properties, and the elevations are suitably varied and treated to ensure an excessive visual bulk and scale is not presented to adjoining properties.
- The proposal is considered to be appropriate in the context of the site.

Therefore, compliance with the development standard is unnecessary in the circumstances of the case.

5.0 Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard (Clause 4.6(3)(b))?

There are sufficient environmental planning grounds to justify the proposed variation to the development standard, including the following:

- The variation directly facilitates the delivery of diverse housing on the site, being close to services and amenities including Burwood local centre and train station;
- The development largely reflects the anticipated built form allowable under current controls having regard to the affordable housing incentives and LMR provisions prescribed under the Housing SEPP.
- The areas of exceedance allow the floor space ratio incentives for co-living development to be realised.
- The visual bulk and scale of the development remain appropriate for the site and surrounding area.
- The proposal does not result in any adverse amenity impact on future residents or adjoining properties.
- The proposed variation does not inhibit the ability of adjoining properties to be similarly redeveloped.
- The proposed variation results in an improved environmental planning outcome for the site with improved internal amenity and use of the site without any adverse visual or amenity impacts on surrounding development.

Therefore, it is considered there are sufficient environmental planning grounds to justify the proposed variation to the development.

6.0 Public Benefit

There would be no public benefit in maintaining the development standard in this case, as:

- All other relevant development standards applicable have been met;
- Maintaining the standard would not deliver diverse housing options within the surrounding area, and as such there would continue to be additional strain on the housing market in the locality.
- The development offers diverse housing options in a suitable location that is in proximity to public transport options and provided with a range of services and facilities.

7.0 Conclusion

The proposed departure from the maximum height of buildings requirement is based on the reasons outlined in this request that are summarised as follows:

- It is considered that this proposal represents an individual circumstance in which Clause 4.6 was intended to apply, allowing compliance with unreasonable or unnecessary development standards to be set aside.
- The proposed development will not create an undesirable precedent.
- There are sufficient environmental planning grounds to justify contravening the building height standard in this instance.

In view of all of the above, it is considered that this written request has adequately addressed the matters required by Clause 4.6(3) of Burwood LEP 2012. Council's support to contravene the maximum height of buildings set out under Clause 4.3 Burwood LEP 2012 should be granted.



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REQUEST UNDER CLAUSE 4.6 OF THE BURWOOD LEP 2012

Co-living Housing Development
63 Conder Street, Burwood

Clause 4.6 Variation Request
63 Conder Street, Burwood

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Prepared For: Meduri Ragonese Partnership

Project Name: 63 Conder Street,

Job Reference: Burwood 25/011

Date Approved: 11 November 2025

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1.0 The Proposal

This request is written in support of an application that proposes the demolition of existing structures, construction of a three (3) storey co-living development consisting of twenty (20) units, and associated site works at 63 Conder Street, Burwood.

This Clause 4.6 Variation Request relates to a proposed variation to the minimum car parking non-discretionary development standard as prescribed by Clause 68(2)(e)(i) of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

1.1 Clause 4.6 & Relevant Case Law

Clause 4.6 of the Burwood LEP 2012 allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the LEP or any other environmental planning instrument.

Clause 4.6 (3) of the LEP provides:

> *(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:*
>
> *(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
> *(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Assistance on the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court (the Court) and the NSW Court of Appeal in:

1. Wehbe v Pittwater Council [2007] NSW LEC 827;
2. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009;
3. Randwick City Council V Micaul Holdings Pty Ltd [2016] NSWLEC 7;
4. Brigham v Canterbury-Bankstown Council [2018] NSWLEC 1406;
5. Initial Action v Woollahra Municipal Council [2018] NSWLEC 118; and
6. Turland v Wingecarribee Shire Council [2018] NSWLEC 1511.

The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised by Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA 446 [42]-[51] and repeated in *Initial Action* [17]-[21]. Although Wehbe concerned a SEPP 1 objection, the common ways to demonstrate that compliance with a development standard is unreasonable or unnecessary in Wehbe are equally applicable to cl 4.6 (*Initial Action* [16]):

1. The objectives of the development standard are achieved notwithstanding noncompliance with the standard;
2. The underlying objective or purpose of the development standard is not relevant to the development, so that compliance is unnecessary;
3. Underlying objective or purpose would be defeated or thwarted if compliance was required, so that compliance is unreasonable;
4. The development standard has been abandoned by the council; or
5. The zoning of the site was unreasonable or inappropriate so that the development standard was also unreasonable or unnecessary (note this is a limited way of establishing that compliance is not necessary as it is not a way to effect general planning changes as an alternative to strategic planning powers).

The five ways to demonstrate compliance is unreasonable/unnecessary are not exhaustive, and it may be sufficient to establish only one way (*Initial Action* [22]). This Clause 4.6 Variation Request relies on the following:

- The objectives/intent of the development standard are achieved notwithstanding noncompliance with the standard.

The environmental planning grounds relied on in the written request under cl 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Initial Action* [24]).

1.2 Relevant Development Standard

The development standard to which this objection relates is Clause 68(2)(e)(i) of the Housing SEPP. Clause 68(2)(e)(i) sets out the following:

(2) The following are non-discretionary development standards in relation to development for the purposes of co-living housing—
(e) unless a relevant planning instrument specifies a lower number—
(i) for development on land in an accessible area—0.2 parking spaces for each private room, or
(ii) otherwise—0.5 parking spaces for each private room,

Comment:

An accessible area is defined as follows pursuant the State Environmental Planning Policy (Housing) 2021:

(c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between—

(i) 6am and 9pm each day from Monday to Friday, both days inclusive, and

(ii) 8am and 6pm on each Saturday and Sunday.

The site is located 160m walking distance from a bus stop associated with Sydney Bus Service No. 407 providing connectivity between Strathfield Station and Burwood Station. This service has at least 1 bus per hour servicing the bus stop between 6am and 9pm each day from Monday to Friday and 8am and 6pm on each Saturday and Sunday.

As a result, the applicable requirement is a minimum of 0.2 parking spaces for each private room. Given there are 20 private rooms, the proposed development warrants a minimum of 4 car parking spaces.

1.3 Is the Planning Control in Question a Development Standard?

'Development Standards' are defined under Section 1.4(1) of the EP&A Act as follows:

"development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of: …

(g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,…"

Comment:

The minimum car parking control under Clause 68(2)(e)(i) of the Housing SEPP is clearly a development standard.

2.0 The Contravention

The proposal results in the following variation to minimum car parking control as demonstrated in the table below:

Table 1: Variation to Council's Maximum HOB Control			
	Control	**Proposed**	**Variation**
Minimum Car Parking Requirement	4 Car Parking Spaces	1 Shared Car Parking Spaces	3 Car Parking Spaces (75%)

As described in the Statement of Environmental Effects (SEE) and identified in the Architectural Plans, the development requires a total of 4 car parking spaces. The development includes the provision of 1 shared car parking space which does not comply with the minimum specified.

3.0 Justification of the Contravention

It is our opinion that the proposal satisfies at least one of the five ways established in Wehbe that demonstrate that the development standard is unreasonable and unnecessary for the reasons set out below.

3.1 The objectives of the development standard are achieved notwithstanding noncompliance with the standard

The Housing SEPP does not include specific objectives for the car parking development standard. Notwithstanding, the objective is linked to ensuring sufficient car parking to service the development and to avoid adverse traffic and parking impacts on the surrounding area.

The application is accompanied by a Parking and Traffic Impact Assessment. The assessment concludes with the following:

- *The site access arrangements are projected to result in motorists being capable of entering and exiting the subject site in a safe and efficient manner;*
- *The proposed single off-street car parking space allocated to the development accords with the relevant Housing SEPP requirements, when taking into consideration the car share nature of the space, being proposed for the exclusive use of co-living residents, which is expected to replace a minimum off-street parking requirement / demand of four (4) vehicles;*
- *The proposed off-street bicycle and motorcycle parking provision accords with the relevant Housing SEPP and BDCP 2013 requirements;*
- *The internal passenger vehicle circulation arrangements are envisaged to provide for safe and efficient internal manoeuvring;*
- *The surrounding road network operates with a good level of service during peak periods;*
- *The subject development has been projected to generate up to two (2) peak hour vehicle trips to and from the subject site over and above the existing site use; and*
- *The surrounding road network is considered to be capable of accommodating the minor extent*

Based on the findings of the assessment, it is satisfied that the implied objectives of the development standard are not undermined by the proposed variations given the single car parking space is proposed to form a car share space for the exclusive use of co-living residents. In this regard, the single car share space is capable of adequately replacing the required four (4) standard car parking spaces and will not arise adverse traffic and parking impacts on the surrounding area.

3.2 Impacts of the Contravention

Site context is a key consideration when determining the appropriateness and necessity of a development standard and the potential impacts of a contravention. The subject site is located within very close walking distance bus services operating along Conder Street, close walking distance to additional bus services operating along Burwood Road and reasonable walking distance to rail services operating out of Burwood Railway Station.

It is accordingly expected that a significant proportion of the future site users will utilise the surrounding public transport infrastructure to access destinations throughout the Sydney metropolitan area. The capacity of the existing public transport system is unlikely to be measurably affected by any additional demand associated with the development and associated shortfall in car parking spaces given its limited scale. This will be supported by adequate bicycle and motorcycle parking spaces in accordance with the minimum rates specified within the Burwood Development Control Plan.

As set out in the accompanying Parking and Traffic Impact Assessment, the proposed development has been projected to generate up to three (3) peak hour movements, or two (2) movements over and above that currently capable of being generated by the existing site use, to and from the site. Such an extent of traffic, comprising of one additional vehicle movement every 30 minutes during weekday commuter peaks over and above that capable of being generated by the existing site use, is not projected to result in any unreasonable impacts on the existing operational performance of the surrounding local road network.

It is noted that there is precedent to the proposed arrangement as found in a development consent that was granted for a boarding house development at 10 Naree Road, Frenches Forest. This development was approved to be serviced by a car share space which effectively replaced five (5) privately owned vehicle parking spaces. The Parking and Traffic Impact Assessment further notes that the sustainable transport accessibility including the Transit Score, bus stop accessibility, proximity to car share vehicles and prevalence of private vehicle ownership, the site situated at 63 Conder Street provides equal or greater access to suitable transport and therefore less reliance upon privately owned vehicles than the site situated at 10 Naree Road, Frenchs Forest.

Based on the above, it is satisfied that the proposed variation will not arise adverse traffic and parking impacts on the surrounding area.

3.3 Consistency with R1 General Residential Zone Objectives

The site is zoned R1 General Residential under the Burwood LEP, and the objectives are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is consistent with the land use objectives of the R1 General Residential zone and the proposed variation to the minimum car parking development standard does not hinder the proposal's ability to satisfy the objectives. Specifically, the proposed co-living housing development provides for the

housing needs of the community in a form that will contribute positively to the diversity of housing types and densities in the surrounding locality.

In addition, the site is in close proximity to a range of public transport options and other facilities that meet the day-to-day needs of residents. Future residents will not be reliant private car ownership given the proximity to a range of sustainable transport alternatives.

4.0 Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case (Clause 4.6(3)(a))?

Clause 4.6(3)(a) of the SEPP requires the departure from the development standard to be justified by demonstrating:

- ***Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case***

Comment

The development demonstrates that the development standard is unreasonable or unnecessary as follows:

- The proposed development is consistent with the objectives of the zone and the intent of the development standard.
- The single shared space is capable of adequately replacing the required four (4) standard car parking spaces.
- The proposal does not arise adverse traffic and parking impacts on the surrounding road networks.
- Future residents will not be reliant private car ownership given the proximity to a range of sustainable transport alternatives.
- There are no adverse impacts on neighbouring properties as a result of the breach of the car parking development standard.
- The proposal is considered to be appropriate in the context of the site.
- The proposed variation results in an improved environmental planning outcome for the site.

Therefore, compliance with the development standard is unnecessary in the circumstances of the case.

5.0 Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard (Clause 4.6(3)(b))?

Clause 4.6(3)(b) of the SEPP requires the departure from the development standard to be justified by demonstrating:

- ***There are sufficient environmental planning grounds to justify contravening the development standard***

Comment

There are sufficient environmental planning grounds to justify the proposed variation to the development standard, including the following:

- The variation does not hinder the effective delivery of diverse housing on the site.
- The proposal does not arise adverse traffic and parking impacts on the surrounding road networks.
- The proposed development is in walking distance of a range of existing services and amenities including Burwood local centre and train station, minimizing the reliance of private car ownership.
- The proposed development will not significantly increase reliance on-street car parking demand given its proximity to a range of sustainable transport modes.
- Adequate adequate bicycle and motorcycle parking spaces are provided further reducing reliance on private car ownership.
- The proposal does not result in any adverse amenity impact on future residents or adjoining properties.
- The proposed variation does not inhibit the ability of adjoining properties to be similarly redeveloped.

Therefore, it is considered there are sufficient environmental planning grounds to justify the proposed variation to the development.

6.0 Conclusion

The proposed contravention of the minimum car parking development standard is based on the reasons outlined in this request that are summarised as follows:

- It is considered that this proposal represents an individual circumstance in which Clause 4.6 was intended and to be available to set aside compliance with unreasonable or unnecessary development standards.
- The proposed development will not create an undesirable precedent.
- There are sufficient environmental planning grounds to justify contravening the minimum car parking development standard in this instance.

In view of all of the above, it is considered that this written request has adequately addressed the matters required by Clause 4.6(3) of the Burwood LEP 2012 and Council's support to contravene the minimum car parking development standard of Clause 68(2)(e)(i) of the Housing SEPP is therefore sought.



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25 March 2026

Alastair.sim@burwood.nsw.gov.au

Alastair Sim
Burwood Council
PO Box 240
Burwood NSW 1805

Dear Alastair,

RE: Response to Request for Additional Information DA.2025.88 AT 63 Conder Street, Burwood

This letter has been prepared on behalf of the applicant to provide a response to Councils Request for additional information on Development Application **DA.2025.88** dated 3 March 2026 for development at 63 Conder Street, Burwood.

This letter sets out a response to each of matters raised in Council's letter dated 3 March 2026. The following supporting documents have been prepared and are provided as attachments to this letter:

- Amended Civil Engineering Plans
- Amended Architectural Plans
- Amended Operational Waste Management Plan

1.0 Stormwater Drainage

As advised on 23rd January 2026, the stormwater drainage concept plans prepared by Telford Civil are not satisfactory. Pump drainage is not permitted except for drainage of basement (below ground level) only. The applicant must obtain a drainage easement for gravity drainage which shall be connected to Council's underground pipe drainage system. Furthermore, a charge drainage is not feasible for this development since the property needs an on-site stormwater detention (OSD) system

As a result, it is recommended that this matter be dealt with through the inclusion of a 'Deferred Commencement' condition requiring that a drainage easement be obtained over an adjoining property.

Council may advise the Burwood Local Planning Panel that an amended stormwater design be accepted by Council as part of the Deferred Commencement condition necessitating the establishment of the easement within 5 years following the determination of the application.

Please submit amended stormwater plans demonstrating discharge to a proposed/future drainage easement. Please note that architectural and/or landscape plans may also need to be amended depending on underground stormwater pipe location, so there is minimal conflict with tree roots

Comment

The design has been amended to provide a gravity drainage system via an easement over 33 Nicholson Street, Burwood to the west of the site as demonstrated in the Amended Civil Engineer Plans and Architectural Plans provided as attachments to this letter.

The amended design demonstrates a compliant drainage system that will require the creation of an easement. The applicant is happy for the consent to be issued as deferred commencement consent requiring the creation of an easement within 5 years to make the consent operational.

2.0 Waste Management

The application has been reviewed by Council's Manager of Waste & Cleansing. The following matters requiring attention have been identified for your action:

***1) Bulky Waste area** – the bulky waste storage area should be located at ground floor level rather than in the basement. The basement is not considered a suitable location for the movement or storage of bulky waste due to operational inefficiencies and safety concerns, particularly when a lift is out of order.*

Council recommends internally relocating the bulky waste storage area to the ground-floor level, adjacent to the car share space and ensuring it is appropriately screened from public view. This may require reconfiguration of the building including the front ground-floor co-living rooms where necessary.

Comment

The design of the development has been amended to relocate the bulky waste storage area to the ground floor adjacent to the waste room and motorcycle parking. Refer to the Amended Architectural Plans for further details.

***2) Bin Collection area** – The designated bin collection area located directly in front of the building appears to be positioned partway down a driveway ramp, which introduces both operational and safety concerns.*

For collection staff to safely manoeuvre bins, they must be placed on a level or near-level surface, ideally with a gradient no steeper than 1:50. The current ramp location does not meet this standard.

The design must allow bins to be moved first from the bin collection area onto a level, flat surface, to ensure they do not immediately roll down a sloped section of the driveway when removed from the bin collection area.

Comment

The bin storage area has been relocated to the ground floor to remove the need for a separate dedicated collection area and overflow area. Refer to the Amended Architectural Plans for further details.

3) Bin Collection Overflow area *– The bin collection overflow area located adjacent to the northern boundary is currently not supported, as there is concern that it will, in practice, become a permanent bin storage area. This would detract from the quality of the front landscaping and the overall streetscape presentation of the development. It is also located on a sloped driveway which also introduces both operational and safety concerns*

The bins shown on the bin collection overflow area should be removed from the plans, and any required additional capacity required should ideally be incorporated into the primary bin collection area.

However, it is advised that the currently proposed overflow area be replaced with a level, permeable paved surface. This will provide greater adaptability should the space need to be converted into a bin overflow area or a bulky waste collection area in the future, subject to further approval from Council.

Comment

The bin storage area has been relocated to the ground floor to remove the need for a separate dedicated collection area and overflow area. Refer to the Amended Architectural Plans for further details.

4) FOGO (Food organics garden organics) *– The submitted waste management plan provides the following:*

"Any requirements for adjusting the capacity of the waste facilities may be achieved by changing the number of bins, the bin sizes or collection frequencies. Building management will be required to negotiate any changes to bins or collections with the collection service provider..."

This approach is not considered appropriate for this type of development. The aim is to ensure that the site has adequate waste storage capacity and a compliant collection point from the outset, based on predicted waste generation.

No provision has been made for FOGO bins, which will be required under the future organics collection system. Once FOGO is introduced, general waste volumes are expected to decrease. However, given the

absence of a confirmed FOGO rollout date and service level, it is recommended that an additional 50% storage capacity be incorporated into the design to accommodate future FOGO bins and any transitional service requirements.

Comment

Dedicated FOGO bins have been included in the revised ground floor waste storage area. Refer to the Amended Architectural Plans for further details.

5) Further amendments to the operational waste management plan. Amendments required to the operational waste management plan include but are not limited to:

a. Delete references to Council waste collection. This development shall be a commercial collection. The owner/occupier of the premises is to enter an agreement with registered waste company or provider for the regular collection of all ongoing waste material generated from the premises.
b. Delete references to kerbside bulky waste collection. Bulky waste will not be placed on the kerbside, as the site layout and frontage do not allow for safe placement without obstructing the public domain. Collection of bulky waste must occur on-site.
c. Further details. Provide further details of how bins in the basement will be emptied should the lift be out of order. Also ensure that the lift door is large enough to fit the bins inside.

In summary, please amend the architectural plans and the ongoing waste management plan to address the matters raised above.

Comment

An Amended Operational Waste Management Plan has been prepared that addresses all relevant items raised by Council. Refer to the Amended Operational Waste Management Plan and Architectural Plans for further details.

3.0 Motorbike and Bicycle Parking Areas

The following matters are required to be addressed:

***1) Motorbike parking access**. Ensure that the four motorbike parking spaces remain accessible at all times, including when a car is parked in the car-share space. Motorbikes must be able to safely enter and exit their spaces without being obstructed by vehicles, doorways, or any other built elements.*

***2) Additional bicycle parkin**g. Council is of the view that the proposed development would benefit from the provision of some additional bicycle parking spaces. Given that the bulky waste storage area should be relocated to the ground-floor level rather than the basement, this may free up space within the basement that could be utilised to accommodate additional secure bicycle parking.*

Comment

The design of the development has been amended to relocate / redesign the motorcycle parking to ensure they are accessible at all times and to provide 25 bicycle spaces within the basement level. Refer to the Amended Architectural Plans for further details.

4.0 Amenity Impacts of Proposed Communal open Space

Council has received submissions raising concerns regarding the proposed communal open space located adjacent to the northern boundary of 61 Conder Street. For example, submissions state:

'The design proposes communal open space directly adjacent to the northern boundary of 61 Conder Street, with permitted use up to 10pm. The Acoustic Report makes the unrealistic assumption that all users will speak in "normal speech" and does not assess the likely impact o fgroups of residents affected by alcohol.

To mitigate noise, the report recommends installation of a 2.7-metre acoustic barrier along the boundary. Such a structure would be visually intrusive, inconsistent with residential character, and may obstruct necessary maintenance of the vegetation strip along that boundary.

The report also fails to consider future redevelopment of neighbouring properties (which may require windows at upper levels along that boundary) and the resulting changed noise environment.'

and...

'The noise abatement solution of a nearly 3 metre fence in the outdoor communal area seems ridiculous, as it would appear uncharacteristic and not blend into the surrounding environment'

Council requests that the Applicant provide a detailed response to the concerns outlined above and explain how potential amenity impacts will be appropriately mitigated. In particular, please address the following:

- *The suitability of the acoustic assumptions used in the report, including vocal-noise assumptions and potential behaviour of groups of residents;*

Comment

The acoustic assumptions in the report submitted with the application were selected as an unlikely worst-case scenario of all residents outside simultaneously.

Similar modelling was conducted of 75% of residents using the outdoor communal space concurrently with a mixture of raised and normal voices (as may occur if a group of residents were affected by alcohol) and it returned similar results, within a decibel of the listed noise emission with the proposed design.

As such the maximum number of occupants using the space simultaneously was chosen to be presented as it was considered to be the scenario that was the likely worst-case impact on the neighbouring receivers, in the unlikely event that it occurs.

We note that the use of any residential yard space or balcony may involve alcohol affected residents. In this development, the proposed management measures, coupled with architectural mitigation, will assist in minimising noise impacts to ensure the acoustic amenity of neighbours is adequately protected at all times.

Further to the above, we note that there is no numerical criterion for the emission of noise from the communal space of a residential development. The acoustic assumptions provided in the report submitted with the applicant are therefore suitable and accurate to ensure that the potential noise impacts of the development are adequately addressed to minimise impacts on adjoining properties.

- *The visual, maintenance, and amenity implications of the proposed 2.7-metre acoustic barrier along the northern boundary;*

Comment

The proposed 2.7m acoustic barrier is setback 900mm from the side boundary with landscaper buffer proposed between the barrier and a 1.8m fence on the boundary. The 900mm landscaped setback contains planting that will reach a mature height of up to 5m.

The provision of a 1.8m boundary fence and landscaping to a height of 5m will ensure the 2.7m acoustic barrier will not result in any adverse amenity impacts on adjoining properties. The landscaping will ensure the design of the barrier and overall development are integrated into the area and allow for adjoining sites to be redeveloped without any visual privacy, amenity or acoustics impacts.

The Communal Open Space (COS) area also includes the provision of a part-fixed and part-operable roof that ensures any potential overlooking or visual impacts are adequately mitigated. Suitable access is provided along the boundary for any required landscape or barrier maintenance.

Refer to the Boundary Interface and 3D Diagram COS (Sheets DA-601-001 and 002) provided in the Amended Architectural Plans for further details.

- *How the design accounts for the potential future redevelopment of neighbouring sites, including possible changes in window placement and future noise-sensitivity conditions.*

If further design refinements to the communal open space are necessary to mitigate noise or amenity impacts, please incorporate these into amended architectural plans. The Plan of Management may also require updating to include additional operational controls to minimise noise impact.

Comment

The Acoustic Assessment submitted with the application included the windows on the southern and western facades on the first floor of 61 Conder Street, as these are likely to be the potentially worst impacted receiver locations.

While future windows or receiver locations may cause a minor change in the amount of noise received from the development, noise associated with the use of the outdoor communal space is considered acceptable noting that any development seeking to increase height or density on adjacent sites would be required to comply with increased setback and separate distances as detailed in the Amended Architectural Plans. The current location of adjoining windows and outdoor areas is therefore considered to be the worst case scenario with any future development resulting in lesser impacts.

The location and design of the COS is therefore considered to be acceptable and ensures that any potential privacy or amenity impacts on adjoining properties are appropriately mitigated.

5.0 Finished Levels (RLs) To be Shown on Ground Level Plan

Please amend the Ground Level Plan (DA-110-002) to include finished levels (RLs) for the external and internal driveway, turning bay, pedestrian pathways, any retaining walls or acoustic barriers, new fencing, terraces/verandas (private open space), communal open space, and landscaped areas.

Comment

The Amended Architectural Plans include additional RLs to show levels throughout the site.

6.0 Conclusion

We trust that this response and the accompanying documentation address the issues raised and the application can be forwarded to the Local Planning Panel for determination at the next meeting.

Should you wish to discuss any of the details of this response please do not hesitate to contact Lachlan on 9220 1786 or lachlan@theplanninghub.com.au

Yours sincerely,



LACHLAN RODGERS
ASSOCIATE | THE PLANNINGHUB

LOCAL PLANNING PANELS DIRECTION – DEVELOPMENT APPLICATIONS AND APPLICATIONS TO MODIFY DEVELOPMENT CONSENTS

I, the Minister for Planning and Public Spaces, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The Hon. Paul Scully MP
Minister for Planning and Public Spaces

Dated: 6/3/24

Objective

The objective of this direction is to identify the development applications and applications to modify development consents that are to be determined by local planning panels on behalf of councils.

Application

This direction applies to councils in the Greater Sydney Region, Wollongong and Central Coast. It also applies to any other council that constitutes a local planning panel under the *Environmental Planning and Assessment Act 1979* (the Act).

Interpretation

A word or expression used in this direction has the same meaning as it has in the standard local environmental plan prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* made under the Act, unless it is otherwise defined in this direction.

Direction

1. Local planning panels of councils in the areas identified in the Table below are to determine development applications for development of a kind specified in the corresponding Schedule to this direction.

Table -

Council	Development
Bayside, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Georges River, Hawkesbury, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Randwick, Ryde, Strathfield, Waverley, Willoughby, Wollondilly, Woollahra, and any other council that constitutes a local planning panel under the Act	Schedule 1
Blacktown, Canterbury-Bankstown, Central Coast, Cumberland, Fairfield, Inner West, Liverpool, Northern Beaches, Parramatta, Penrith, Sutherland, The Hills, Wollongong	Schedule 2
City of Sydney	Schedule 3

2. Local planning panels are to determine applications under section 4.55(2) of the Act for the modification of development consents granted by the panel that:

   - propose amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or
   - propose amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or
   - meet the criteria for development applications set out in the Schedules to this direction relating to conflict of interest, contentious development or departure from development standards.

Note: Councils in the areas identified in the Table to this direction are generally precluded from exercising consent authority functions by operation of section 4.8(2) of the Act. This means councils should make arrangements for the determination of all other modification applications under section 4.55(2), as well as sections 4.55(1) and (1A) of the Act, by council staff. Councils should also make arrangements for the determination of modification applications under section 4.56 of the Act by either the local planning panel or council staff.

This direction takes effect on the date of this direction and applies to development applications and applications to modify development consents lodged but not determined before the date of this direction.

SCHEDULE 1

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and* Assessment *Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item, or

(d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An ***approved submissions policy*** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number and nature of submissions received about development.

A ***unique submission*** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment development) applies.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

  (i) a club licence under the *Registered Clubs Act 1976,*

  (ii) a hotel (general bar) licence under the *Liquor Act 2007,* or

  (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007.*

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 2

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes which requires:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item, or

(d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case - is the subject of 10 or more unique submissions by way of objection.

An ***approved submissions policy*** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

A ***unique submission*** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act* 2007, or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act* 2007.

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 3

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes which requires:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item,

(d) development for the purpose of end of journey facilities, or

(e) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case – is the subject of 25 or more unique submissions by way of objection.

An ***approved submissions policy*** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

A ***unique submission*** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

3. Departure from development standards

For development for the purpose of dwelling houses, dual occupancies and attached dwellings, development that contravenes a development standard imposed by an environmental planning instrument by more than 25% or non-numerical development standard.

For all other development, development that contravenes a development standard

imposed by an environmental planning instrument by 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act 2007,* or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007.*

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

Environmental Planning and Assessment (Statement of Expectations) Order 2024

I, Paul Scully, the Minister for Planning and Public Spaces, make this Order under section 9.6(9) of the *Environmental Planning and Assessment Act 1979.*

The Hon. Paul Scully MP
Minister for Planning and Public Spaces

Dated: 1/7/2024

Explanatory note

The object of this Order is to set expectation for councils in relation to their performance of a range of planning and development functions under the *Environmental Planning and Assessment Act 1979*. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator or Sydney district or regional planning panel to exercise a council's functions. It is made under section 9.6(9) of the Act.

Contents

Part 1 Preliminary

1 Name of Order
2 Commencement
3 Definitions

Part 2 Planning and development matters

4 Heads of consideration
5 Minister's expectations

Environmental Planning and Assessment (Statement of Expectations) Order 2024

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of Order

This Order is the *Environmental Planning and Assessment (Statement of Expectations) Order 2024*.

2 Commencement

This Order commences on 1 July 2024

3 Definitions

(1) In this Order—

the Act means the *Environmental Planning and Assessment Act 1979*

Department means the Department of Planning, Housing and Infrastructure

Gateway determination means a determination made by the Minister (or delegate) under section 3.34 of the Act.

LEP means a local environmental plan.

LSPS means a local strategic planning statement.

Minister means the Minister for Planning and Public Spaces.

Minister's expectations means the expectations of the Minister in relation to the performance of a council in dealing with planning and development matters, as set out in clause 5 of this Order.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Words used in this Order have the same meaning as words used in the Act.

(3) Notes included in this Order do not form part of this Order.

Part 2 Planning and development matters

4 Heads of consideration

The heads of consideration to be taken into consideration in exercising the power under s.9.6(1)(b) of the Act are:

(a) Whether or not the Council has failed to meet the Minister's expectations in relation to council performance.

(b) The duration, frequency and degree to which the council has performed, or failed to perform, in accordance with the Minister's expectations.

(c) The range and type of planning and development matters in respect of which the council has performed, or failed to perform, in accordance with the Minister's expectations.

(d) Whether or not an appointment under s.9.6(1)(b) should be made in relation to one or more of a particular class of planning and development matter, or all planning and development matters dealt with by the council.

(e) The effect of any caretaker period preventing a council's performance in dealing with the planning and development matters (or any particular class of such matters) as set out in clause 5.

(f) The individual circumstances of each council, for example whether external events like natural disasters have impacted the council, or council has received an unexpectedly high volume of DAs compared to their current staffing levels.

(g) Whether or not other available interventions or support have failed to result in improvements to council performance in relation to the Minister's expectations.

(h) With respect to development applications for residential accommodation:

- Whether the Minister's expectations have been met for development assessment timeframes, and
- Whether the Council has been identified as having a key responsibility in the delivery of housing supply by the NSW government.

(i) The public interest.

5 Minister's Expectations

(1) **Development assessment**
A council should:

(a) Prepare assessment reports for a regionally significant development application and refer to the relevant Sydney district and regional planning panel as soon as practical and within an average of 250 days from lodgement.

(b) Lodge development applications for which it is the consent authority as soon as practical and within an average of:
- From 1 July 2024 to 30 June 2025: 14 days from submission
- From 1 July 2025 onwards: 7 days from submission.

(c) Determine development applications for which it is the consent authority (including DAs determined by a local planning panel) as soon as practical and whichever is the lesser of council's previous financial year average, or an average of:
- From 1 July 2024 to 30 June 2025: 115 days from lodgement
- From 1 July 2025 to 30 June 2026: 105 days from lodgement
- From 1 July 2026 to 30 June 2027: 95 days from lodgement
- From 1 July 2027 onwards: 85 days from lodgement.

(d) Comply with the procedural and reporting requirements prescribed in the *Guide to Varying Development Standards*, for development applications that involve variations to development standards.

(2) **Planning proposals**
A council should:

(a) decide whether to support a proponent-initiated planning proposal and submit it for gateway determination within the "planning proposal" stage benchmark timeframes in the LEP Making Guideline.

(b) as the Planning Proposal Authority, publicly exhibit a planning proposal, respond to submissions, and either resolve to use Local Plan Making Authority delegations or request the Department to make the plan within the "public exhibition and assessment" stage benchmark timeframes set out in the LEP Making Guideline.

(c) as Local Plan Making Authority, make a LEP which has been delegated to council within the "finalisation" stage benchmark timeframes set out in the LEP Making Guideline.

(3) **Strategic planning**
A council should:

(a) prepare or review its LSPS in accordance with the requirements of the Act, and standards and timeframes identified by the Department.

(b) prepare a local planning strategy (such as a local housing strategy) to ensure the actions identified in the relevant regional or district strategic plan (including any dwelling provision targets) and local strategic planning statements are delivered in accordance with the standards and timeframes identified by the Department.

(c) give effect to an adopted local planning strategy (such as a local housing strategy) and any Department approval requirements (including submission of Implementation Delivery Plans) in accordance with the standards and timeframes identified by the Department.

(d) consider State Environmental Planning Policies or other strategies and policies of the Government, the Minister or the Department concerning planning and development matters when preparing an LSPS, local planning strategy or other plan provided for under the Act.

General Business

(Item GB1/24) Delegation of Functions from Burwood Local Planning Panel to Council Officers in Planning Appeals

File No: 24/12397

Report by Manager City Development

Report

Since the introduction of Local Planning Panels under the Environmental Planning and Assessment Act 1979 *('EPA Act')*, the NSW Minister for Planning has issued a number of directions pursuant to section 9.1 of the Environmental Planning and Assessment Act 1979 (**the EPA Act**).

Relevant to this report is the *Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents* dated 6 May 2024 (**the Direction**).

The Direction identifies the type of development applications and modification applications that must be considered by Council's Local Planning Panel (**LPP**). A copy of the Direction is annexed at "**Attachment 1**".

Following the amendment to the EPA Act of 1 March 2018, the LPP has the control and direction section 8.15(4) of the EPA Act of the conduct of an appeal commenced pursuant to under Section 8.7, 8.8, 8.9 of the EPA Act and any subsequent appeal arising from a decision in those proceedings (**Planning Appeals**) that relates to an application that was determined by the LPP pursuant to the Direction.

Prior to the amendments to the EPA Act, senior Council staff were delegated with the authority to manage Planning Appeals and to give instructions with respect to resolving or defending matters. This report requests that the LPP delegate their functions of control and direction of Planning Appeals to senior Council staff of the Council to allow for the efficient and cost effective conduct of proceedings.

Section 8.15(4) of the EPA Act now provides that:

> *(4) If the determination or decision appealed against under this Division was made by a Sydney district or regional planning panel or a local planning panel, the council for the area concerned is to be the respondent to the appeal but is subject to the control and direction of the panel in connection with the conduct of the appeal. The council is to give notice of the appeal to the panel.*

Council's position is that section 8.15(4) of the EPA Act does not apply to deemed refusals because a Local Planning Panel is not defined as a consent authority under section 4.5 of the EPA Act.

Although Council is the respondent in any appeal to the Court, in Planning Appeals that relate to a determination of the LPP, Council's conduct of the class 1 proceedings is subject to the control and direction of the LPP. This means that appeals to which section 8.15(4) applies will need to be reported to and instructions obtained from the LPP. By reason of section 2.20(8) of the EPA Act, the LPP cannot delegate its functions to a single Panel member and therefore a decision of the full Panel is required before solicitors are provided with any instructions.

Such a process is cumbersome in practice. Furthermore, the provision makes it difficult for Council to comply with the Court's requirements that:

> *The parties are to participate, in good faith, in the conciliation conference (see s34(1A) of the Land and Environment Court Act 1979), including preparing to be able to fully and meaningfully participate, having authority or the ready means of obtaining authority to reach agreement and genuinely endeavouring to reach agreement at the conciliation conference* (Paragraph 47 Practice Note – Class 1 Development Appeals).

In order to ensure that Council can most efficiently and expediently conduct and manage the Planning Appeals process, it is appropriate that the LPP delegate all its Planning Appeal functions under section 8.15(4) to the General Manager, Director City Strategy and Manager City Development with the condition that in the case of a Planning Appeal relating to a decision of the Panel that is contrary to an assessment report, the General Manager, Direct City Strategy or Manager City Development will consult with the Chair of

the Panel that made the relevant decision, as to the conduct of the Planning Appeal within fourteen (14) days of Council being served with the appeal.

Section 2.20(8) of the EPA Act allows Local Planning Panels to delegate any of their functions to the General Manager or other staff of the Council. Such a delegation does not require a resolution of the Council under section 381 of the Local Government Act 1993.

The requirement for the General Manager, Director City Strategy and Manager City Development to consult with the Chair of the Panel about the conduct of the appeal means that the Panel can be satisfied that Council will conduct the appeal with the LPP's decision in mind. If the LPP Chair was concerned that an appeal was not being conducted in a manner consistent with its determination, the LPP could resolve to revoke the delegation in that specific matter.

Any judicial review proceedings relating to a determination of the Panel are not the subject of section 8.15(4) of the EPA Act and Council will have the control and direction of such proceedings. Nevertheless, Council would intend to notify the LLP in the event that judicial review proceedings of an LLP decision are commenced.

Financial Implications

Should the delegation not be provided to the General Manager, Director City Strategy and Manager City Development, then there are likely to be additional legal costs associated with the management of legal proceedings.

Conclusion

Under the EPA Act the LPP currently has the control and direction of the conduct of the proceedings in any Planning Appeals relating to a determination of the LPP. In view of the practical realities of conciliation conferences and the need for instructions at short notice, together with the clear advantages of having an officer present at the conciliation with delegation to give instructions with respect to settlement or the defence of a Planning Appeal, it is appropriate for the LPP to delegate its functions under 8.15(4) of the EPA Act, to the General Manager, Director City Strategy and Manager City Development.

Recommendation(s)

That pursuant to Section 2.20(8) of the *Environmental Planning and Assessment Act 1979*, the Burwood Local Planning Panel delegate its functions (i.e. all Planning Appeal functions) as referred to in Section 8.15(4) of the *Environmental Planning and Assessment Act 1979* to the General Manager, Director City Strategy and Manager City Development to independently manage all Planning Appeal functions subject to the requirement that, in the case of a Planning Appeal relating to a decision of the Burwood Local Planning Panel that is contrary to an assessment report, the General Manager, Direct City Strategy or Manager City Development will consult with the Chairperson of the Burwood Local Planning Panel that made the relevant decision, as to the conduct of the Planning Appeal within fourteen (14) days of Council being served with the appeal.

Attachments

1 Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents

LOCAL PLANNING PANELS DIRECTION – DEVELOPMENT APPLICATIONS AND APPLICATIONS TO MODIFY DEVELOPMENT CONSENTS

I, the Minister for Planning and Public Spaces, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

[redacted]

The Hon. Paul Scully MP
Minister for Planning and Public Spaces

Dated: 6/3/24

Objective

The objective of this direction is to identify the development applications and applications to modify development consents that are to be determined by local planning panels on behalf of councils.

Application

This direction applies to councils in the Greater Sydney Region, Wollongong and Central Coast. It also applies to any other council that constitutes a local planning panel under the *Environmental Planning and Assessment Act 1979* (the Act).

Interpretation

A word or expression used in this direction has the same meaning as it has in the standard local environmental plan prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* made under the Act, unless it is otherwise defined in this direction.

Direction

1. Local planning panels of councils in the areas identified in the Table below are to determine development applications for development of a kind specified in the corresponding Schedule to this direction.

Table -

Council	Development
Bayside, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Georges River, Hawkesbury, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Randwick, Ryde, Strathfield, Waverley, Willoughby, Wollondilly, Woollahra, and any other council that constitutes a local planning panel under the Act	Schedule 1
Blacktown, Canterbury-Bankstown, Central Coast, Cumberland, Fairfield, Inner West, Liverpool, Northern Beaches, Parramatta, Penrith, Sutherland, The Hills, Wollongong	Schedule 2
City of Sydney	Schedule 3

2. Local planning panels are to determine applications under section 4.55(2) of the Act for the modification of development consents granted by the panel that:

- propose amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or
- propose amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or
- meet the criteria for development applications set out in the Schedules to this direction relating to conflict of interest, contentious development or departure from development standards.

Note: Councils in the areas identified in the Table to this direction are generally precluded from exercising consent authority functions by operation of section 4.8(2) of the Act. This means councils should make arrangements for the determination of all other modification applications under section 4.55(2), as well as sections 4.55(1) and (1A) of the Act, by council staff. Councils should also make arrangements for the determination of modification applications under section 4.56 of the Act by either the local planning panel or council staff.

This direction takes effect on the date of this direction and applies to development applications and applications to modify development consents lodged but not determined before the date of this direction.

SCHEDULE 1

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and* Assessment *Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item, or

(d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An ***approved submissions policy*** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number and nature of submissions received about development.

A ***unique submission*** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment development) applies.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act 2007,* or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007.*

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 2

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes which requires:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item, or

(d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case - is the subject of 10 or more unique submissions by way of objection.

An ***approved submissions policy*** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

A ***unique submission*** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act* 2007, or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act* 2007.

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

Item Number GB1/24 - Attachment 1
Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents

SCHEDULE 3

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes which requires:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item,

(d) development for the purpose of end of journey facilities, or

(e) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case – is the subject of 25 or more unique submissions by way of objection.

An ***approved submissions policy*** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

A ***unique submission*** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

3. Departure from development standards

For development for the purpose of dwelling houses, dual occupancies and attached dwellings, development that contravenes a development standard imposed by an environmental planning instrument by more than 25% or non-numerical development standard.

For all other development, development that contravenes a development standard

imposed by an environmental planning instrument by 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act 2007,* or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007.*

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

(Item GB2/24) Delegation of Functions to Burwood Local Planning Panel from General Manager

File No: 24/12422

Report by Manager City Development

Report

Since the introduction of Local Planning Panels under the Environmental Planning and Assessment Act 1979 *('EPA Act')* in 2018, the NSW Minister for Planning has issued a number of directions pursuant to section 9.1 of the Environmental Planning and Assessment Act 1979 (**the EPA Act**).

Relevant to this report is the *Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents* dated 6 May 2024 (**the Direction**).

The Direction identifies **at a minimum** the type of development applications and modification applications that must be considered by the Burwood Local Planning Panel (BLPP). A copy of the Direction is annexed at "**Attachment 1**".

All other development applications, modifications to consent and review of determination applications under the Part 4 of the Environmental Planning and Assessment Act 1979 are determined by the NSW Sydney District Planning Panel, the NSW Independent Planning Commission or under Council staff delegations.

At Burwood Council, the determination applications under the Part 4 of the Environmental Planning and Assessment Act 1979 are delegated to the General Manager via section 377 of the Local Government Act 1993. A copy of the Direction is annexed at "**Attachment 2**".

A sub-delegation of functions such as the determination of applications under Part 4 of the Environmental Planning and Assessment Act 1979 are permitted to be provided from the General Managers under s378 of the *Local Government Act 1993 "…to any person or **body** (including another employee of the council)."*

The Burwood Local Planning Panel, is considered a ***'body'*** under the s378 of the *Local Government Act 1993* provision.

Accordingly, following an initial review of Council's delegations, it is considered that in some circumstances, additional matters to those detailed under the 9.1 Ministerial Direction would be in the public interest to be considered in a public forum, by an independent body and determined by the Burwood Local Planning Panel instead of under staff delegation.

As such, pursuant to s378 of the *Local Government Act 1993*, the General Manager of Burwood Council has issued two new separate delegations:

Firstly, that either the Director City Strategy or Manager City Development of Burwood Council are delegated to:

1) *Exercise the power under section 4.16 of the Environmental Planning and Assessment Act 1979 to determine development applications for development consent subject to the following limitations:*

   a) *the delegate is satisfied that the concerns of any objectors identified in written objections received by Council have been considered by the assessment officer in the assessment report; and*
   b) *the development is not one which has been specified by the Minister by direction or circular as requiring determination by the Burwood Local Planning Panel.*
   c) *the development is not one which has been specified by the Minister by direction or circular, legislation or any other Environmental Planning Instrument as requiring determination by a NSW Sydney District Planning Panel or the NSW Independent Planning Commission.*

2) ***Authority to refer any other Application made under Part 4 of the Environmental Planning and Assessment Act 1979 (including Development Applications, Modification to Development Consent Applications, Review of Determination Applications) or Division 6.7 of the Environmental Planning and Assessment Act 1979 (Building Information Certificate Applications) for determination which would ordinarily be delegated for determination to a***

Council Officer which in the opinion of either the Burwood Council's Director City Strategy or Manager City Development considers it to be in the public interest to have considered and determined by the Burwood Local Planning Panel.

A copy of this delegation is annexed at "**Attachment 3**".

Secondly, in the event the delegation under Part 2 above is exercised by either the Director City Strategy or Manager City Development of Burwood Council, the Burwood Local Planning Panel are delegated to:

1) Determination of any other Application made under Part 4 of the Environmental Planning and Assessment Act 1979 (including Development Applications, Modification to Development Consent Applications, Review of Determination Applications) or Division 6.7 of the Environmental Planning and Assessment Act 1979 (Building Information Certificate Applications) which would ordinarily be delegated for determination to a Council Officer which in the opinion of either the Burwood Council's Director City Strategy or Manager City Development considers it to be in the public interest to have considered and determined by the Burwood Local Planning Panel.

A copy of this delegation is annexed at "**Attachment 4**".

Financial Implications

Additional applications considered by the BLPP are covered in existing budgets and financial agreements with Panel Members.

Conclusion

Under the EPA Act, the *Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents* dated 6 May 2024 s9.1 Ministerial Direction identifies **the minimum** the types of development applications and modification applications that must be considered by Council's Local Planning Panel (**LPP**).

In this instance Burwood Council has identified that from time to time that in some circumstances, additional matters to those detailed under the 9.1 Ministerial Direction would be in the public interest to be considered in a public forum, by an independent body and determined by the Burwood Local Planning Panel instead of under staff delegation.

Accordingly, Council's General Manager has provided appropriate delegations under s378 of the Local Government Act 1993 firstly for the Director City Strategy or Manager City Development to refer additional matters to the BLPP for consideration and determination and secondly for the BLPP to have the delegated authority to determine those additional applications referred.

Recommendation(s)

That the Burwood Local Planning Panel receive and note that pursuant to s378 of the Local Government Act 1993 the delegations provided by the General Manager of Burwood Council under Attachments 3 and 4 of this report, which provide that:

1) The Director City Strategy or Manager City Development have the authority to refer applications to the BLPP where in their opinion it is in the public interest to do so which is in addition to those specified under the s9.1 Ministerial Direction *Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents* dated 6 May 2024 (as amended); and
2) The Burwood Local Planning Panel to have the delegated authority to determine any additional applications referred to it from the Director City Strategy or Manager City Development.

Attachments

1 Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents
2 Delegations from Council to the General Manager adopted by Council 18.10.2022
3 General Manager Delegation - Determination of any application referred to BLPP for Determination by Director or Manager 7.12.2023

4 General Manager Delegation - Determination of Development Applications and ability to refer application to BLPP for determination 7.12.2023

LOCAL PLANNING PANELS DIRECTION – DEVELOPMENT APPLICATIONS AND APPLICATIONS TO MODIFY DEVELOPMENT CONSENTS

I, the Minister for Planning and Public Spaces, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

[redacted]

The Hon. Paul Scully MP
Minister for Planning and Public Spaces

Dated: 6/3/24

Objective

The objective of this direction is to identify the development applications and applications to modify development consents that are to be determined by local planning panels on behalf of councils.

Application

This direction applies to councils in the Greater Sydney Region, Wollongong and Central Coast. It also applies to any other council that constitutes a local planning panel under the *Environmental Planning and Assessment Act 1979* (the Act).

Interpretation

A word or expression used in this direction has the same meaning as it has in the standard local environmental plan prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* made under the Act, unless it is otherwise defined in this direction.

Direction

1. Local planning panels of councils in the areas identified in the Table below are to determine development applications for development of a kind specified in the corresponding Schedule to this direction.

Table -

Council	Development
Bayside, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Georges River, Hawkesbury, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Randwick, Ryde, Strathfield, Waverley, Willoughby, Wollondilly, Woollahra, and any other council that constitutes a local planning panel under the Act	Schedule 1
Blacktown, Canterbury-Bankstown, Central Coast, Cumberland, Fairfield, Inner West, Liverpool, Northern Beaches, Parramatta, Penrith, Sutherland, The Hills, Wollongong	Schedule 2
City of Sydney	Schedule 3

2. Local planning panels are to determine applications under section 4.55(2) of the Act for the modification of development consents granted by the panel that:

- propose amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or
- propose amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or
- meet the criteria for development applications set out in the Schedules to this direction relating to conflict of interest, contentious development or departure from development standards.

Note: Councils in the areas identified in the Table to this direction are generally precluded from exercising consent authority functions by operation of section 4.8(2) of the Act. This means councils should make arrangements for the determination of all other modification applications under section 4.55(2), as well as sections 4.55(1) and (1A) of the Act, by council staff. Councils should also make arrangements for the determination of modification applications under section 4.56 of the Act by either the local planning panel or council staff.

This direction takes effect on the date of this direction and applies to development applications and applications to modify development consents lodged but not determined before the date of this direction.

SCHEDULE 1

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and* Assessment *Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item, or

(d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An ***approved submissions policy*** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number and nature of submissions received about development.

A ***unique submission*** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment development) applies.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act 2007,* or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007.*

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 2

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes which requires:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item, or

(d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case - is the subject of 10 or more unique submissions by way of objection.

An ***approved submissions policy*** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

A ***unique submission*** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act* 2007, or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act* 2007.

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

Item Number GB2/24 - Attachment 1
Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents

SCHEDULE 3

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes which requires:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item,

(d) development for the purpose of end of journey facilities, or

(e) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case – is the subject of 25 or more unique submissions by way of objection.

An ***approved submissions policy*** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

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3. Departure from development standards

For development for the purpose of dwelling houses, dual occupancies and attached dwellings, development that contravenes a development standard imposed by an environmental planning instrument by more than 25% or non-numerical development standard.

For all other development, development that contravenes a development standard

imposed by an environmental planning instrument by 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act 2007,* or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007.*

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

Inc.1874
Burwood
Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

DELEGATIONS FROM COUNCIL TO THE GENERAL MANAGER

2 Conder Street, BURWOOD NSW 2134
PO Box 240, BURWOOD NSW 1805
Phone: 9911-9911 - Fax: 9911-9900
Email: Council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

Public Document
Adopted by Council: 18 October 2022 (Min. no. 140/22)
Content Manager No.: 19/44296[v2]
Version No.: 7
Ownership: Governance & Risk

Purpose

To delegate functions to the General Manager in accordance with section 377 of the *Local Government Act 1993* to facilitate the exercise of Burwood Council functions.

This instrument of delegation specifies the limits of authority, responsibility and accountability for decisions made under delegation.

Delegations

Council delegates to the General Manager (or to the person who acts in that position):

a) all of the functions, powers, duties and authorities of Council that it may lawfully delegate under the *Local Government Act 1993* or any other Act, regulation, instrument, rule or the like

b) any functions, powers, duties and authorities delegated to the Council by any authority, body, person or the like

other than the exceptions outlined in this instrument of delegation.

Exceptions

Expenditure

Prescribed Organisations

The General Manager cannot expend more than $1,000,000 via a prescribed organisation i.e.: Local Government Procurement (LGP) and Procurement Australia (PA).

The General Manager has the discretion to refer any expenditure to Council for determination.

Council Resolved Projects

Where Council has approved the project, either through a Council resolution or the Operational and Capital Works Program, the General Manager cannot expend more than the resolved dollar value.

Other Matters

Writing Off Accounts

The General Manager does not have the delegation to approve the writing off of accounts greater than $10,000. Write offs are reported to Council on an annual basis.

Writing Off Stores and Materials

The General Manager does not have the delegation to approve the writing off of stores and materials greater than $10,000.

Burwood
Inc.1874

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GENERAL MANAGER'S INSTRUMENT OF DELEGATION

With immediate effect and pursuant to s378 of the *Local Government Act 1993*, I, Tommaso Briscese, General Manager of Burwood Council, delegate the following functions to the persons identified in the Schedule 1 of this instrument of delegation **('Instrument')**:

1) Determination of any Application made under Part 4 of the *Environmental Planning and Assessment Act 1979* (including Development Applications, Modification to Development Consent Applications, Review of Determination Applications) or Division 6.7 of the *Environmental Planning and Assessment Act 1979* (Building Information Certificate Applications) which would ordinarily be delegated for determination to a Council Officer which in the opinion of either the Burwood Council's Director City Strategy or Manager City Development considers it to be in the public interest to have considered and determined by the Burwood Local Planning Panel.

The exercise of any function pursuant to this Instrument is subject to the conditions and limitations set out in Schedule 2 of this Instrument.

[redacted]

Tommaso Briscese
General Manager

Dated: 7/12/2023

Schedule 1

For the purposes of this Instrument, a delegate includes each person or body holding the position within or on behalf Burwood Council set out below, together with any person appointed to act in that position:

1. *'Burwood Local Planning Panel'* as appointed under Division 2.5 of the Environmental Planning and Assessment Act 1979.

Schedule 2

Conditions and Limitations Applying to Delegated Functions

The conditions and limitations set out in the General Manager's delegation apply, with the following further condition(s):

1 Nil.

Item Number GB2/24 - Attachment 4
General Manager Delegation - Determination of Development Applications and ability to refer application to BLPP for determination 7.12.2023

Burwood
Inc.1874

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2 Conder St, Burwood 2134
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GENERAL MANAGER'S INSTRUMENT OF DELEGATION

With immediate effect and pursuant to s378 of the *Local Government Act 1993*, I, Tommaso Briscese, General Manager of Burwood Council, delegate the following functions to the persons identified in the Schedule 1 of this instrument of delegation **('Instrument')**:

1) Exercise the power under section 4.16 of the Environmental Planning and Assessment Act 1979 to determine development applications for development consent subject to the following limitations:

   a) the delegate is satisfied that the concerns of any objectors identified in written objections received by Council have been considered by the assessment officer in the assessment report; and
   b) the development is not one which has been specified by the Minister by direction or circular as requiring determination by the Burwood Local Planning Panel.
   c) the development is not one which has been specified by the Minister by direction or circular, legislation or any other Environmental Planning Instrument as requiring determination by a NSW Sydney District Planning Panel or the NSW Independent Planning Commission.

2) Authority to refer any other Application made under Part 4 of the *Environmental Planning and Assessment Act 1979* (including Development Applications, Modification to Development Consent Applications, Review of Determination Applications) or Division 6.7 of the *Environmental Planning and Assessment Act 1979* (Building Information Certificate Applications) for determination which would ordinarily be delegated for determination to a Council Officer which in the opinion of either the Burwood Council's Director City Strategy or Manager City Development considers it to be in the public interest to have considered and determined by the Burwood Local Planning Panel.

The exercise of any function pursuant to this Instrument is subject to the conditions and limitations set out in Schedule 2 of this Instrument.

[redacted]
Tommaso Briscese
General Manager

Dated: 7/12/2023

Schedule 1

For the purposes of this Instrument, a delegate includes each person or body holding the position within or on behalf Burwood Council set out below, together with any person appointed to act in that position:

1. *Director City Strategy - City Strategy Directorate. Burwood Council*
2. *Manager City Development - City Strategy Directorate. Burwood Council*

Schedule 2

Conditions and Limitations Applying to Delegated Functions

The conditions and limitations set out in the General Manager's delegation apply, with the following further condition(s):

1 Nil.

General Business

(Item GB4/24) Delegation of Functions from Burwood Local Planning Panel to Council Officers, Minor Heritage Works

File No: 24/35759

Report by Manager City Development

Report

Background

Since the introduction of Local Planning Panels under the *Environmental Planning and Assessment Act 1979* (the EPA Act), the NSW Minister for Planning has issued a number of directions pursuant to section 9.1 of the EPA Act.

Relevant to this report is the *Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents* dated 6 March 2024 (the Direction).

The Direction identifies at a minimum the type of development applications and modification applications that must be considered by Council's Local Planning Panel (LPP). A copy of the Direction is annexed at "**Attachment 1**".

Previous delegations to staff

At its meeting on 14 May 2024, the LPP considered two reports seeking:

a) Delegation of Functions from LPP to Council Officers in Planning Appeals, and
b) Delegation of Functions to the LPP from the General Manager.

The intent of these reports was to allow appeals to be dealt with in an efficient and timely manner and to allow additional applications to be considered and determined by the LPP if referred to it by the Director City Strategy or the Manager City Development. A copy of these reports are annexed at **"Attachment 2"**.

Proposed Changes

In order to improve the efficiency of the LPP and reduce delays for applicants, it is recommended that determination of some of the less complex and uncontroversial applications be delegated back to Council staff.

Under section 2.20(8) of the EPA Act:

A local planning panel may delegate any function of the panel under this or any other Act (other than this power of delegation) to the general manager or other staff of the council…

It is recommended that the LPP exercise this power in relation to minor works to sites that are identified as heritage items (including trees). As examples this could relate to an application for an internal fitout to a modified tenancy within a locally listed heritage item or the replacement of an under awning sign. This is discussed in more detail below.

This will reduce the potential volume of minor Development Applications being reported to each LPP meeting, reduce waiting times for applicants, and improve the ability of the LPP to deal with genuinely complex and controversial matters.

1. Works to local heritage items

Currently, all applications involving alterations or tree lopping on local heritage listed sites are required to be reported to the LPP. This follows a narrow interpretation of the term 'demolition' by the Department of Planning in the requirement for LPP to determine all Development Applications involving 'demolition of a heritage item'.

It is appropriate that the LPP delegate to staff the power to determine Development Applications for locally listed heritage sites where:

- All or most of the significant heritage fabric is maintained;
- There is no adverse impact on the significant heritage fabric or setting of the item; and
- It is agreed by Council's heritage officer that the development can proceed.

Further, it is appropriate that the LPP delegate to staff the power to determine Development Applications for minor works to trees that are either

- Heritage listed; or
- On or overhanging the site of a heritage item

that affect less than (or equal to) 10% of the tree canopy where Council's experts confirm that the proposal:

- Will not adversely affect the health of the tree; and
- Will not adversely affect the heritage significance of the tree or place.

2. Caveats

a) This delegation would only be of effect if a Development Application is not required to go before the LPP for another reason. For example, if solely due to the matter being delegated back to Council. If a minor heritage item as discussed above met another LPP threshold 'trigger' – say, for example, 10 objections, or the property were Council owned – then the application would still need to be reported for determination to the LPP.

b) If a Council Officer is uncertain as to the subjective elements of this delegation (terms such as 'adverse impact'), a briefing may be held with the LPP to make sure a particular application falls within the reasonable limits of the delegation.

Financial Implications

Additional applications considered by the LPP are covered in existing budgets and financial agreements with Panel Members.

Conclusion

Under the EPA Act the LPP is currently required to consider all applications for locally listed heritage items. It is appropriate for the LPP to delegate its functions under section 2.20(8) of the EPA Act, to the General Manager, Director City Strategy and Manager City Development. To avoid unnecessary delays and to ensure the LPP deal with genuinely complex and controversial matters.

Recommendation(s)

Under section 2.20(8) of the *Environmental Planning and Assessment Act 1979*, the Burwood Local Planning Panel resolves to delegate its determining functions on the following development types to the General Manager, Director City Development and Manager City Development:

1. Minor alterations and additions to a heritage item, being defined to include:

a) Maintenance of at least 90% of the heritage significant fabric; or

b) Little or no adverse impact on the heritage fabric or setting of the item; and
c) Where there is agreement by Council's heritage expert that the development can proceed.

2. Works to trees that are
a) Heritage listed; or
b) On a heritage site;

and, that
c) Affect less than (or equal to) 10% of the tree canopy; and
d) Will not adversely impact upon the health of the tree; and
e) Will not adversely impact upon the heritage significance of the tree or place; and
f) Where there is agreement by Council's experts that the development can proceed.

Attachments

1 BLPP 10 September 2024 - Attachment A - LPP Direction
2 BLPP - 10 September 2024 - Attachment B - Reports of BLPP - 14 May 2024

LOCAL PLANNING PANELS DIRECTION – DEVELOPMENT APPLICATIONS AND APPLICATIONS TO MODIFY DEVELOPMENT CONSENTS

I, the Minister for Planning and Public Spaces, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

[redacted]

The Hon. Paul Scully MP
Minister for Planning and Public Spaces

Dated: 6/3/24

Objective

The objective of this direction is to identify the development applications and applications to modify development consents that are to be determined by local planning panels on behalf of councils.

Application

This direction applies to councils in the Greater Sydney Region, Wollongong and Central Coast. It also applies to any other council that constitutes a local planning panel under the *Environmental Planning and Assessment Act 1979* (the Act).

Interpretation

A word or expression used in this direction has the same meaning as it has in the standard local environmental plan prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* made under the Act, unless it is otherwise defined in this direction.

Direction

1. Local planning panels of councils in the areas identified in the Table below are to determine development applications for development of a kind specified in the corresponding Schedule to this direction.

Table -

Council	Development
Bayside, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Georges River, Hawkesbury, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Randwick, Ryde, Strathfield, Waverley, Willoughby, Wollondilly, Woollahra, and any other council that constitutes a local planning panel under the Act	Schedule 1
Blacktown, Canterbury-Bankstown, Central Coast, Cumberland, Fairfield, Inner West, Liverpool, Northern Beaches, Parramatta, Penrith, Sutherland, The Hills, Wollongong	Schedule 2
City of Sydney	Schedule 3

2. Local planning panels are to determine applications under section 4.55(2) of the Act for the modification of development consents granted by the panel that:

   - propose amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or
   - propose amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or
   - meet the criteria for development applications set out in the Schedules to this direction relating to conflict of interest, contentious development or departure from development standards.

Note: Councils in the areas identified in the Table to this direction are generally precluded from exercising consent authority functions by operation of section 4.8(2) of the Act. This means councils should make arrangements for the determination of all other modification applications under section 4.55(2), as well as sections 4.55(1) and (1A) of the Act, by council staff. Councils should also make arrangements for the determination of modification applications under section 4.56 of the Act by either the local planning panel or council staff.

This direction takes effect on the date of this direction and applies to development applications and applications to modify development consents lodged but not determined before the date of this direction.

SCHEDULE 1

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and* Assessment *Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item, or

(d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An ***approved submissions policy*** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number and nature of submissions received about development.

A ***unique submission*** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment development) applies.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act 2007,* or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007.*

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 2

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes which requires:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item, or

(d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

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3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act* 2007, or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act* 2007.

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 3

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes which requires:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item,

(d) development for the purpose of end of journey facilities, or

(e) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case – is the subject of 25 or more unique submissions by way of objection.

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For development for the purpose of dwelling houses, dual occupancies and attached dwellings, development that contravenes a development standard imposed by an environmental planning instrument by more than 25% or non-numerical development standard.

For all other development, development that contravenes a development standard

imposed by an environmental planning instrument by 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

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(ii) a hotel (general bar) licence under the *Liquor Act 2007,* or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007.*

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

General Business

(Item GB1/24) Delegation of Functions from Burwood Local Planning Panel to Council Officers in Planning Appeals

File No: 24/12397

Report by Manager City Development

Report

Since the introduction of Local Planning Panels under the Environmental Planning and Assessment Act 1979 *('EPA Act')*, the NSW Minister for Planning has issued a number of directions pursuant to section 9.1 of the Environmental Planning and Assessment Act 1979 (**the EPA Act**).

Relevant to this report is the *Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents* dated 6 May 2024 (**the Direction**).

The Direction identifies the type of development applications and modification applications that must be considered by Council's Local Planning Panel (**LPP**). A copy of the Direction is annexed at "**Attachment 1**".

Following the amendment to the EPA Act of 1 March 2018, the LPP has the control and direction section 8.15(4) of the EPA Act of the conduct of an appeal commenced pursuant to under Section 8.7, 8.8, 8.9 of the EPA Act and any subsequent appeal arising from a decision in those proceedings (**Planning Appeals**) that relates to an application that was determined by the LPP pursuant to the Direction.

Prior to the amendments to the EPA Act, senior Council staff were delegated with the authority to manage Planning Appeals and to give instructions with respect to resolving or defending matters. This report requests that the LPP delegate their functions of control and direction of Planning Appeals to senior Council staff of the Council to allow for the efficient and cost effective conduct of proceedings.

Section 8.15(4) of the EPA Act now provides that:

> *(4) If the determination or decision appealed against under this Division was made by a Sydney district or regional planning panel or a local planning panel, the council for the area concerned is to be the respondent to the appeal but is subject to the control and direction of the panel in connection with the conduct of the appeal. The council is to give notice of the appeal to the panel.*

Council's position is that section 8.15(4) of the EPA Act does not apply to deemed refusals because a Local Planning Panel is not defined as a consent authority under section 4.5 of the EPA Act.

Although Council is the respondent in any appeal to the Court, in Planning Appeals that relate to a determination of the LPP, Council's conduct of the class 1 proceedings is subject to the control and direction of the LPP. This means that appeals to which section 8.15(4) applies will need to be reported to and instructions obtained from the LPP. By reason of section 2.20(8) of the EPA Act, the LPP cannot delegate its functions to a single Panel member and therefore a decision of the full Panel is required before solicitors are provided with any instructions.

Such a process is cumbersome in practice. Furthermore, the provision makes it difficult for Council to comply with the Court's requirements that:

> *The parties are to participate, in good faith, in the conciliation conference (see s34(1A) of the Land and Environment Court Act 1979), including preparing to be able to fully and meaningfully participate, having authority or the ready means of obtaining authority to reach agreement and genuinely endeavouring to reach agreement at the conciliation conference* (Paragraph 47 Practice Note – Class 1 Development Appeals).

In order to ensure that Council can most efficiently and expediently conduct and manage the Planning Appeals process, it is appropriate that the LPP delegate all its Planning Appeal functions under section 8.15(4) to the General Manager, Director City Strategy and Manager City Development with the condition that in the case of a Planning Appeal relating to a decision of the Panel that is contrary to an assessment report, the General Manager, Direct City Strategy or Manager City Development will consult with the Chair of

the Panel that made the relevant decision, as to the conduct of the Planning Appeal within fourteen (14) days of Council being served with the appeal.

Section 2.20(8) of the EPA Act allows Local Planning Panels to delegate any of their functions to the General Manager or other staff of the Council. Such a delegation does not require a resolution of the Council under section 381 of the Local Government Act 1993.

The requirement for the General Manager, Director City Strategy and Manager City Development to consult with the Chair of the Panel about the conduct of the appeal means that the Panel can be satisfied that Council will conduct the appeal with the LPP's decision in mind. If the LPP Chair was concerned that an appeal was not being conducted in a manner consistent with its determination, the LPP could resolve to revoke the delegation in that specific matter.

Any judicial review proceedings relating to a determination of the Panel are not the subject of section 8.15(4) of the EPA Act and Council will have the control and direction of such proceedings. Nevertheless, Council would intend to notify the LLP in the event that judicial review proceedings of an LLP decision are commenced.

Financial Implications

Should the delegation not be provided to the General Manager, Director City Strategy and Manager City Development, then there are likely to be additional legal costs associated with the management of legal proceedings.

Conclusion

Under the EPA Act the LPP currently has the control and direction of the conduct of the proceedings in any Planning Appeals relating to a determination of the LPP. In view of the practical realities of conciliation conferences and the need for instructions at short notice, together with the clear advantages of having an officer present at the conciliation with delegation to give instructions with respect to settlement or the defence of a Planning Appeal, it is appropriate for the LPP to delegate its functions under 8.15(4) of the EPA Act, to the General Manager, Director City Strategy and Manager City Development.

Recommendation(s)

That pursuant to Section 2.20(8) of the *Environmental Planning and Assessment Act 1979*, the Burwood Local Planning Panel delegate its functions (i.e. all Planning Appeal functions) as referred to in Section 8.15(4) of the *Environmental Planning and Assessment Act 1979* to the General Manager, Director City Strategy and Manager City Development to independently manage all Planning Appeal functions subject to the requirement that, in the case of a Planning Appeal relating to a decision of the Burwood Local Planning Panel that is contrary to an assessment report, the General Manager, Direct City Strategy or Manager City Development will consult with the Chairperson of the Burwood Local Planning Panel that made the relevant decision, as to the conduct of the Planning Appeal within fourteen (14) days of Council being served with the appeal.

Attachments

1⇩ Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents

LOCAL PLANNING PANELS DIRECTION – DEVELOPMENT APPLICATIONS AND APPLICATIONS TO MODIFY DEVELOPMENT CONSENTS

I, the Minister for Planning and Public Spaces, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

[redacted]

The Hon. Paul Scully MP
Minister for Planning and Public Spaces

Dated: 6/5/24

Objective

The objective of this direction is to identify the development applications and applications to modify development consents that are to be determined by local planning panels on behalf of councils.

Application

This direction applies to councils in the Greater Sydney Region, Wollongong and Central Coast. It also applies to any other council that constitutes a local planning panel under the *Environmental Planning and Assessment Act 1979* (the Act).

Interpretation

A word or expression used in this direction has the same meaning as it has in the standard local environmental plan prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* made under the Act, unless it is otherwise defined in this direction.

Direction

1. Local planning panels of councils in the areas identified in the Table below are to determine development applications for development of a kind specified in the corresponding Schedule to this direction.

Table -

Council	Development
Bayside, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Georges River, Hawkesbury, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Randwick, Ryde, Strathfield, Waverley, Willoughby, Wollondilly, Woollahra, and any other council that constitutes a local planning panel under the Act	Schedule 1
Blacktown, Canterbury-Bankstown, Central Coast, Cumberland, Fairfield, Inner West, Liverpool, Northern Beaches, Parramatta, Penrith, Sutherland, The Hills, Wollongong	Schedule 2
City of Sydney	Schedule 3

2. Local planning panels are to determine applications under section 4.55(2) of the Act for the modification of development consents granted by the panel that:

- propose amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or
- propose amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or
- meet the criteria for development applications set out in the Schedules to this direction relating to conflict of interest, contentious development or departure from development standards.

Note: Councils in the areas identified in the Table to this direction are generally precluded from exercising consent authority functions by operation of section 4.8(2) of the Act. This means councils should make arrangements for the determination of all other modification applications under section 4.55(2), as well as sections 4.55(1) and (1A) of the Act, by council staff. Councils should also make arrangements for the determination of modification applications under section 4.56 of the Act by either the local planning panel or council staff.

This direction takes effect on the date of this direction and applies to development applications and applications to modify development consents lodged but not determined before the date of this direction.

SCHEDULE 1

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and* Assessment *Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item, or

(d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An ***approved submissions policy*** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number and nature of submissions received about development.

A ***unique submission*** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment development) applies.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976*,

(ii) a hotel (general bar) licence under the *Liquor Act 2007*, or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 2

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

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(c) maintenance and restoration of a heritage item, or

(d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case - is the subject of 10 or more unique submissions by way of objection.

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Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. **Sensitive development**

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act* 2007, or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act* 2007.

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

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1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

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(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*

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(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

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(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item,

(d) development for the purpose of end of journey facilities, or

(e) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case – is the subject of 25 or more unique submissions by way of objection.

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3. Departure from development standards

For development for the purpose of dwelling houses, dual occupancies and attached dwellings, development that contravenes a development standard imposed by an environmental planning instrument by more than 25% or non-numerical development standard.

For all other development, development that contravenes a development standard

imposed by an environmental planning instrument by 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act 2007,* or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007.*

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

(Item GB2/24) Delegation of Functions to Burwood Local Planning Panel from General Manager

File No: 24/12422

Report by Manager City Development

Report

Since the introduction of Local Planning Panels under the Environmental Planning and Assessment Act 1979 *('EPA Act')* in 2018, the NSW Minister for Planning has issued a number of directions pursuant to section 9.1 of the Environmental Planning and Assessment Act 1979 (**the EPA Act**).

Relevant to this report is the *Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents* dated 6 May 2024 (**the Direction**).

The Direction identifies **at a minimum** the type of development applications and modification applications that must be considered by the Burwood Local Planning Panel (BLPP). A copy of the Direction is annexed at "**Attachment 1**".

All other development applications, modifications to consent and review of determination applications under the Part 4 of the Environmental Planning and Assessment Act 1979 are determined by the NSW Sydney District Planning Panel, the NSW Independent Planning Commission or under Council staff delegations.

At Burwood Council, the determination applications under the Part 4 of the Environmental Planning and Assessment Act 1979 are delegated to the General Manager via section 377 of the Local Government Act 1993. A copy of the Direction is annexed at "**Attachment 2**".

A sub-delegation of functions such as the determination of applications under Part 4 of the Environmental Planning and Assessment Act 1979 are permitted to be provided from the General Managers under s378 of the *Local Government Act 1993 "…to any person or **body** (including another employee of the council)."*

The Burwood Local Planning Panel, is considered a ***'body'*** under the s378 of the *Local Government Act 1993* provision.

Accordingly, following an initial review of Council's delegations, it is considered that in some circumstances, additional matters to those detailed under the 9.1 Ministerial Direction would be in the public interest to be considered in a public forum, by an independent body and determined by the Burwood Local Planning Panel instead of under staff delegation.

As such, pursuant to s378 of the *Local Government Act 1993*, the General Manager of Burwood Council has issued two new separate delegations:

Firstly, that either the Director City Strategy or Manager City Development of Burwood Council are delegated to:

1) *Exercise the power under section 4.16 of the Environmental Planning and Assessment Act 1979 to determine development applications for development consent subject to the following limitations:*

   a) *the delegate is satisfied that the concerns of any objectors identified in written objections received by Council have been considered by the assessment officer in the assessment report; and*
   b) *the development is not one which has been specified by the Minister by direction or circular as requiring determination by the Burwood Local Planning Panel.*
   c) *the development is not one which has been specified by the Minister by direction or circular, legislation or any other Environmental Planning Instrument as requiring determination by a NSW Sydney District Planning Panel or the NSW Independent Planning Commission.*

2) ***Authority to refer any other Application made under Part 4 of the Environmental Planning and Assessment Act 1979 (including Development Applications, Modification to Development Consent Applications, Review of Determination Applications) or Division 6.7 of the Environmental Planning and Assessment Act 1979 (Building Information Certificate Applications) for determination which would ordinarily be delegated for determination to a***

Council Officer which in the opinion of either the Burwood Council's Director City Strategy or Manager City Development considers it to be in the public interest to have considered and determined by the Burwood Local Planning Panel.

A copy of this delegation is annexed at "**Attachment 3**".

Secondly, in the event the delegation under Part 2 above is exercised by either the Director City Strategy or Manager City Development of Burwood Council, the Burwood Local Planning Panel are delegated to:

1) ***Determination of any other Application made under Part 4 of the Environmental Planning and Assessment Act 1979 (including Development Applications, Modification to Development Consent Applications, Review of Determination Applications) or Division 6.7 of the Environmental Planning and Assessment Act 1979 (Building Information Certificate Applications) which would ordinarily be delegated for determination to a Council Officer which in the opinion of either the Burwood Council's Director City Strategy or Manager City Development considers it to be in the public interest to have considered and determined by the Burwood Local Planning Panel.***

A copy of this delegation is annexed at "**Attachment 4**".

Financial Implications

Additional applications considered by the BLPP are covered in existing budgets and financial agreements with Panel Members.

Conclusion

Under the EPA Act, the *Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents* dated 6 May 2024 s9.1 Ministerial Direction identifies **the minimum** the types of development applications and modification applications that must be considered by Council's Local Planning Panel (**LPP**).

In this instance Burwood Council has identified that from time to time that in some circumstances, additional matters to those detailed under the 9.1 Ministerial Direction would be in the public interest to be considered in a public forum, by an independent body and determined by the Burwood Local Planning Panel instead of under staff delegation.

Accordingly, Council's General Manager has provided appropriate delegations under s378 of the Local Government Act 1993 firstly for the Director City Strategy or Manager City Development to refer additional matters to the BLPP for consideration and determination and secondly for the BLPP to have the delegated authority to determine those additional applications referred.

Recommendation(s)

That the Burwood Local Planning Panel receive and note that pursuant to s378 of the Local Government Act 1993 the delegations provided by the General Manager of Burwood Council under Attachments 3 and 4 of this report, which provide that:

1) The Director City Strategy or Manager City Development have the authority to refer applications to the BLPP where in their opinion it is in the public interest to do so which is in addition to those specified under the s9.1 Ministerial Direction *Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents* dated 6 May 2024 (as amended); and
2) The Burwood Local Planning Panel to have the delegated authority to determine any additional applications referred to it from the Director City Strategy or Manager City Development.

Attachments

1⇩ Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents
2⇩ Delegations from Council to the General Manager adopted by Council 18.10.2022
3⇩ General Manager Delegation - Determination of any application referred to BLPP for Determination by Director or Manager 7.12.2023

4⇩ General Manager Delegation - Determination of Development Applications and ability to refer application to BLPP for determination 7.12.2023

LOCAL PLANNING PANELS DIRECTION – DEVELOPMENT APPLICATIONS AND APPLICATIONS TO MODIFY DEVELOPMENT CONSENTS

I, the Minister for Planning and Public Spaces, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

[redacted]

The Hon. Paul Scully MP
Minister for Planning and Public Spaces

Dated: 6/5/24

Objective

The objective of this direction is to identify the development applications and applications to modify development consents that are to be determined by local planning panels on behalf of councils.

Application

This direction applies to councils in the Greater Sydney Region, Wollongong and Central Coast. It also applies to any other council that constitutes a local planning panel under the *Environmental Planning and Assessment Act 1979* (the Act).

Interpretation

A word or expression used in this direction has the same meaning as it has in the standard local environmental plan prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* made under the Act, unless it is otherwise defined in this direction.

Direction

1. Local planning panels of councils in the areas identified in the Table below are to determine development applications for development of a kind specified in the corresponding Schedule to this direction.

Table -

Council	Development
Bayside, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Georges River, Hawkesbury, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Randwick, Ryde, Strathfield, Waverley, Willoughby, Wollondilly, Woollahra, and any other council that constitutes a local planning panel under the Act	Schedule 1
Blacktown, Canterbury-Bankstown, Central Coast, Cumberland, Fairfield, Inner West, Liverpool, Northern Beaches, Parramatta, Penrith, Sutherland, The Hills, Wollongong	Schedule 2
City of Sydney	Schedule 3

2. Local planning panels are to determine applications under section 4.55(2) of the Act for the modification of development consents granted by the panel that:

   - propose amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or
   - propose amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or
   - meet the criteria for development applications set out in the Schedules to this direction relating to conflict of interest, contentious development or departure from development standards.

Note: Councils in the areas identified in the Table to this direction are generally precluded from exercising consent authority functions by operation of section 4.8(2) of the Act. This means councils should make arrangements for the determination of all other modification applications under section 4.55(2), as well as sections 4.55(1) and (1A) of the Act, by council staff. Councils should also make arrangements for the determination of modification applications under section 4.56 of the Act by either the local planning panel or council staff.

This direction takes effect on the date of this direction and applies to development applications and applications to modify development consents lodged but not determined before the date of this direction.

SCHEDULE 1

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and* Assessment *Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes:

(a) internal alterations and additions to any building that is not a heritage item,

(b) advertising signage,

(c) maintenance and restoration of a heritage item, or

(d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or

(b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An ***approved submissions policy*** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number and nature of submissions received about development.

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3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. Sensitive development

(a) Designated development.

(b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment development) applies.

(c) Development involving the demolition of a heritage item.

(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976*,

(ii) a hotel (general bar) licence under the *Liquor Act 2007*, or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 2

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*

(d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or

(e) a relative (within the meaning of the *Local Government Act 1993)* of a person referred to in (b) to (d).

but not development for the following purposes which requires:

(a) internal alterations and additions to any building that is not a heritage item,

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(a) Designated development.

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(d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

(i) a club licence under the *Registered Clubs Act 1976,*

(ii) a hotel (general bar) licence under the *Liquor Act* 2007, or

(iii) an on-premises licence for public entertainment venues under the *Liquor Act* 2007.

(e) Development for the purpose of sex services premises and restricted premises.

(f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 3

1. **Conflict of interest**

Development for which the applicant or land owner is:

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(b) a councillor,

(c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*

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Development that:

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For development for the purpose of dwelling houses, dual occupancies and attached dwellings, development that contravenes a development standard imposed by an environmental planning instrument by more than 25% or non-numerical development standard.

For all other development, development that contravenes a development standard

imposed by an environmental planning instrument by 10% or non-numerical development standards.

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(f) Development applications for which the developer has offered to enter into a planning agreement.

Inc.1874
Burwood
Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

DELEGATIONS FROM COUNCIL TO THE GENERAL MANAGER

2 Conder Street, BURWOOD NSW 2134
PO Box 240, BURWOOD NSW 1805
Phone: 9911-9911 - Fax: 9911-9900
Email: Council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

Public Document
Adopted by Council: 18 October 2022 (Min. no. 140/22)
Content Manager No.: 19/44296[v2]
Version No.: 7
Ownership: Governance & Risk

Delegations from Council to the General Manager adopted by Council 18.10.2022

Purpose

To delegate functions to the General Manager in accordance with section 377 of the *Local Government Act 1993* to facilitate the exercise of Burwood Council functions.

This instrument of delegation specifies the limits of authority, responsibility and accountability for decisions made under delegation.

Delegations

Council delegates to the General Manager (or to the person who acts in that position):

a) all of the functions, powers, duties and authorities of Council that it may lawfully delegate under the *Local Government Act 1993* or any other Act, regulation, instrument, rule or the like

b) any functions, powers, duties and authorities delegated to the Council by any authority, body, person or the like

other than the exceptions outlined in this instrument of delegation.

Exceptions

Expenditure

Prescribed Organisations

The General Manager cannot expend more than $1,000,000 via a prescribed organisation i.e.: Local Government Procurement (LGP) and Procurement Australia (PA).

The General Manager has the discretion to refer any expenditure to Council for determination.

Council Resolved Projects

Where Council has approved the project, either through a Council resolution or the Operational and Capital Works Program, the General Manager cannot expend more than the resolved dollar value.

Other Matters

Writing Off Accounts

The General Manager does not have the delegation to approve the writing off of accounts greater than $10,000. Write offs are reported to Council on an annual basis.

Writing Off Stores and Materials

The General Manager does not have the delegation to approve the writing off of stores and materials greater than $10,000.

Burwood
Inc.1874

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E council@burwood.nsw.gov.au

GENERAL MANAGER'S INSTRUMENT OF DELEGATION

With immediate effect and pursuant to s378 of the *Local Government Act 1993*, I, Tommaso Briscese, General Manager of Burwood Council, delegate the following functions to the persons identified in the Schedule 1 of this instrument of delegation **('Instrument')**:

1) Determination of any Application made under Part 4 of the *Environmental Planning and Assessment Act 1979* (including Development Applications, Modification to Development Consent Applications, Review of Determination Applications) or Division 6.7 of the *Environmental Planning and Assessment Act 1979* (Building Information Certificate Applications) which would ordinarily be delegated for determination to a Council Officer which in the opinion of either the Burwood Council's Director City Strategy or Manager City Development considers it to be in the public interest to have considered and determined by the Burwood Local Planning Panel.

The exercise of any function pursuant to this Instrument is subject to the conditions and limitations set out in Schedule 2 of this Instrument.

[redacted]
Tommaso Briscese
General Manager
Dated: 7/12/2023

Schedule 1

For the purposes of this Instrument, a delegate includes each person or body holding the position within or on behalf Burwood Council set out below, together with any person appointed to act in that position:

1. *'Burwood Local Planning Panel'* as appointed under Division 2.5 of the Environmental Planning and Assessment Act 1979.

Schedule 2

Conditions and Limitations Applying to Delegated Functions

The conditions and limitations set out in the General Manager's delegation apply, with the following further condition(s):

1 Nil.

Burwood
Inc.1874

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GENERAL MANAGER'S INSTRUMENT OF DELEGATION

With immediate effect and pursuant to s378 of the *Local Government Act 1993*, I, Tommaso Briscese, General Manager of Burwood Council, delegate the following functions to the persons identified in the Schedule 1 of this instrument of delegation (**'Instrument'**):

1) Exercise the power under section 4.16 of the Environmental Planning and Assessment Act 1979 to determine development applications for development consent subject to the following limitations:

   a) the delegate is satisfied that the concerns of any objectors identified in written objections received by Council have been considered by the assessment officer in the assessment report; and
   b) the development is not one which has been specified by the Minister by direction or circular as requiring determination by the Burwood Local Planning Panel.
   c) the development is not one which has been specified by the Minister by direction or circular, legislation or any other Environmental Planning Instrument as requiring determination by a NSW Sydney District Planning Panel or the NSW Independent Planning Commission.

2) Authority to refer any other Application made under Part 4 of the *Environmental Planning and Assessment Act 1979* (including Development Applications, Modification to Development Consent Applications, Review of Determination Applications) or Division 6.7 of the *Environmental Planning and Assessment Act 1979* (Building Information Certificate Applications) for determination which would ordinarily be delegated for determination to a Council Officer which in the opinion of either the Burwood Council's Director City Strategy or Manager City Development considers it to be in the public interest to have considered and determined by the Burwood Local Planning Panel.

The exercise of any function pursuant to this Instrument is subject to the conditions and limitations set out in Schedule 2 of this Instrument.

[redacted]
Tommaso Briscese
General Manager

Dated: 7/12/2023

Schedule 1

For the purposes of this Instrument, a delegate includes each person or body holding the position within or on behalf Burwood Council set out below, together with any person appointed to act in that position:

1. *Director City Strategy - City Strategy Directorate. Burwood Council*
2. *Manager City Development - City Strategy Directorate. Burwood Council*

Schedule 2

Conditions and Limitations Applying to Delegated Functions

The conditions and limitations set out in the General Manager's delegation apply, with the following further condition(s):

1 Nil.