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BURWOOD LOCAL PLANNING PANEL MEETING

MINUTES OF THE MEETING OF THE BURWOOD LOCAL PLANNING PANEL held at the CONFERENCE ROOM, 2 CONDER STREET BURWOOD on Wednesday 15 April 2026 commencing at 6:00 PM.

Attendance

Kevin Hoffman, Chair
Awais Piracha
Annette Ruhotas
Kristy Wellfare

Jai Reid, Manager City Development
Alastair Sim, Senior Development Planner
Julian Sciarrone, Executive Assessment Planner
Helen Budd, Executive Strategic Planner
Sumathi Navaratnam, Manager City Planning
Catherine Hanna, Cadet Planner
Zac Moore, Development Advisory Planner

Opening of meeting

The meeting opened at 6:00 pm

The Chair opened the meeting with Acknowledgement of Country.

Apologies

There were no apologies.

Declarations of Interest

There were no declarations of interests by Panel Members.

Address by the public on agenda items

Name	Item
Item GB1/26	Amendments to BLEP 2012 to include City Activation Exempt Provision
Item DA6/26	Section 4.55(2) of DA.2025.30 – Suite 3/1, Level 2, 1-17 Elsie St Burwood NSW 2134
Item DA7/26	Section 4.55(2) modification to DA.2018.112 at 106-108 Wentworth Road, Burwood
Item GB2/26	Planning Proposal – Planning Agreement Policy BLEP 2012 Amendments
Item DA8/26	Development Application DA.2025.88 at 63 Conder Street, Burwood
Item GB3/26	Heritage Delegations Update

General Business

(Item GB1/26) Amendments to BLEP 2012 to include City Activation Exempt Provisions

File No: 25/68633

Summary

Council has prepared a Planning Proposal (Attachment 1) to amend Schedule 2 of the Burwood Local Environmental Plan 2012 (BLEP) by adding new exempt development provisions to reduce red tape and facilitate further city activation initiatives without the need for a development application.

The Planning Proposal is in response to Council's resolution at its meeting on 23 September 2025, which endorsed the preparation of a Council-led Planning Proposal and public exhibition.

This report seeks the Burwood Local Planning Panel's Advice of the Planning Proposal for its progression to Gateway Determination.

Operational Plan Objective

- C.3 An urban environment that maintains and enhances our sense of identity and place.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.
- C3.2 Protect our unique built heritage and maintain or enhance local character.
- C.4 Sustainable, integrated transport, infrastructure and networks support population growth and improve liveability and productivity.
- C.4.2 Plan for a city that is safe, accessible and easy to get to and move around in.
- C.1.1 Support and deliver initiatives that encourage high-quality design, sustainable development and enhanced urban amenity.
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- C.10 A well informed community active in civic life, local planning and decision making
- C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making
- A.70 Work with developers to promote sustainable development
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride
- P.34 Facilitate the growth and prosperity of local businesses and target the growth of business sectors and growth industries
- A.79 Undertake activities that support new economic growth in the Burwood North Precinct and Burwood Town Centre
- A.80 Implement activities or initiatives that enhance Burwood's night-time economy

Background

On 23 September 2025 Council resolved to endorse the preparation of a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP 2012) by

incorporating new exempt development provisions under Schedule 2 of BLEP 2012. The intent of these new provisions is to reduce red tape and facilitate further city activation initiatives without the need for a development application. This is intended to be done whilst still maintaining appropriate governance through Local Government Act, Roads Act, and Crown Land Act legislation, as well as landowner consent where Council is the predominant landholder. These provisions would also support Council initiatives such as *Licence to Play*.

The proposed exempt development provisions would apply to public art on footpaths, including sculptures, murals and pavement installations; street art; the temporary use of Council land or roads for community and fundraising events; the display of goods on footpaths; outdoor dining associated with food and drink premises; mobile food vending vehicles (food trucks); and advertisements, such as bus and taxi rank shelter signs. These provisions are intended to create a more seamless implementation process for applicants seeking to improve the vibrancy of the Local Government Area (LGA), ultimately generating flow-on benefits for local businesses, the community, and visitors to Burwood.

These provisions were previously endorsed by Council in January 2025 as part of the Alternate Croydon Masterplan. However, the Department of Planning, Housing and Infrastructure (DPHI) has since advised that it will not proceed with the adoption of the exempt provisions via the Croydon SEPP as they have LGA-wide implications. As a result, to progress these initiatives, a Council Planning Proposal to amend Schedule 2 of BLEP 2012 is required.

Resolution

The Panel acknowledges the officer's recommendation and request that Council staff consider the impact of the proposed provisions for 'Public art on footpaths, including sculptures, murals and pavement installations' and 'Advertisements—bus and taxi rank shelter signs' on heritage conservation areas, and whether the proposed provisions be amended to exclude the application of the proposed exempt development within a heritage conservation area.

The Panel voted unanimously.

Development Applications

(Item DA6/26) Section 4.55(2) of DA.2025.30 - Suite 3/1, Level 2, 1-17 Elsie St Burwood NSW 2134

File No: 26/3691

Owner: Burwood Council
Applicant: Mingkang Yang
Location: Suite 3/1, Level 2, 1-17 Elsie St Burwood NSW 2134
Zoning: **MU1 Mixed Use Zone under Burwood Local Environmental Plan 2012**

Proposal

The modification application seeks to adjust the internal layout, install louvres behind the first-floor balcony, reduce the maximum number of occupants, and enlarge the smoking room of the previously approved amusement centre on the commercial tenancy located at Suite 3/1, Level 2, 1-17 Elsie Street, Burwood.

The specifics of the proposed modification are as follows:

- Removal of two (2) toilets from the amusement centre
- Removal of a Mahjong room containing two tables and a dedicated bathroom
- Removal of the display room
- Amend the previously endorsed plan of management
- Increase the size of the smoking room
- Construction of two (2) new Mahjong rooms, each containing a single table
- Enclosing two Billiard rooms with new partition walls
- Revising the layout of the ancillary snack bar
- Construction of a new storage room adjacent to the main entrance
- Construction of a new reception and service counter
- Relocation of the server room
- Construction of a new reception counter
- Installation of louvres on the existing balcony adjacent to the smoking room
- Amend Condition 13 (a) to reduce the maximum number of occupants permitted on the premises from 210 to 145.

13 **MAXIMUM CAPACITY OF PERSONS**

- (a) The maximum number of persons (including staff and patrons) permitted in the premises at any one time is **145** persons.
- (b) Notwithstanding (a) above, the maximum number of staff and patrons on the premises must not exceed 110 persons between 1:00 AM and 8:00 AM.
 - (i). The manager is responsible for ensuring that the number of persons in the premises does not exceed that specified above.
 - (ii). A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises stating the maximum number of persons, as specified in the development consent, that are permitted in the premises.

BLPP Referral Criteria

Pursuant to the Ministerial directions dated 6 May 2024, under Section 9.1 of Environmental Planning and Assessment Act 1979, the DA is to be determined by the Burwood Local Planning Panel for the following reasons:

1. The consent authority, Council, is the landowner of the subject site. In accordance with the Ministerial order issued on 6 May 2024, where a development application or a modification of development relates to land owned by Council, the application must be referred to the local planning panel for determination.

Recommendation(s)

That Section 4.55(2) Modification Application of DA.2025.63 which seeks consent to adjust the internal layout, install louvres behind the first-floor balcony, reduce the maximum number of occupants, and enlarge the smoking room of the previously approved amusement centre on land at 1-17 Elsie Street BURWOOD, be approved, subject to the modified conditions provided within Attachment 1 of this report.

Reasons for the decision

The Panel reviewed the Council officer assessment report, architectural plans, and supporting documentation and heard from the applicant. The Panel supports the officer's assessment. The Panel is satisfied that the development as amended is substantially the same development as that originally approved and the amendment is supported.

The Panel voted unanimously.

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

File No: 26/13980

Owner: Ben Saade
Applicant: Kirapat (Nick) Khangrang c/o The Trustee for BCA UNIT TRUST
Location: 106-108 Wentworth Road, Burwood
Zoning: **R1 General Residential**

Proposal

This section 4.55(2) modification application proposes changes to an approved 5-storey residential flat building containing 19 apartments with basement car parking for 28 vehicles over 2 levels and associated site landscaping.

The development was originally granted consent under DA.2018.122 and later modified through a subsequent section 4.55 modification.

The proposed changes primarily result from Sydney Water requirements and necessary service diversions which have prompted design amendments, particularly to the front of the building. Additional amendments are also proposed with the stated aim of enhancing buildability, functionality, and overall construction efficiency.

The proposed changes are outlined in detail below:

Sydney Water Diversions and Resulting Amendments to Building Footprint and Envelope

The original development application proposed diverting a Sydney Water underground trunk drainage culvert, relying on coordination with adjoining landowners. However, as neighbouring property owners have not granted the necessary consents, the development has been redesigned so that Sydney Water assets are fully contained within the site. Following consultation with Sydney Water, the existing pipelines are now to be retained in situ and concrete-encased.

As a result, amendments to the building footprint and external form are required, including the introduction of a diagonal chamfer front façade, including the basement, to provide the clearances needed for the pipework alignment.

As a result of the changes, the gross floor area of the development has been reduced by 73.01 m², from 1,697.19 m² to 1,624.18 m².

Internal Layout and Apartment Mix Adjustments

Internal reconfiguration across multiple floors **accommodates** the revised service requirements and resulting front façade chamfer, with units (G.01, 1.01, 2.01, and 3.01) having altered layouts.

While the total number of units in the development remains unchanged (19 units), unit G.01 has been reduced from a three-bedroom to two-bedroom layout, and units 1.01, 2.01, and 3.01 have been reduced from three-bedroom to one-bedroom layouts.

Basement levels have reductions in parking and bicycle spaces, reconfigured storage, removal of certain services, and relocation of bulky waste areas.

Reduction in Parking Spaces

Residential car spaces reduced from 24 to 22
Bicycle storage spaces reduced from 10 to 8.

Complete Enclosure of Roof Lift Lobby

The previously open lift lobby canopy is proposed to be replaced with a full enclosure using fixed glazing and a door for improved weather protection.

Increase in Building Height and Adjustments of Floor Levels

Minor adjustments to floor levels are proposed, generally an increase of 100 mm, and a 10 mm increase at Ground Floor level, with the stated aim of improving construction feasibility and services coordination within the building.

As a result, the maximum building height increases from 21.48 m (RL 37.050) to 21.88 m (RL 37.450), an increase of 400 mm.

New façade treatment and extension of side balconies on Level 4

Modifications to the uppermost level (Level 4), including an updated front façade design and the addition of new, larger window openings, to achieve a more cohesive integration with the lower level and reduce the appearance of a “floating” or isolated form.

Northern side balconies have also been pushed out to regularise the form of the uppermost level.

Window and Façade Detailing

Façade window framing has been removed.

Addition of 5mm render groove line to the front façade to improve articulation.

Landscaping and Open Space

The proposal increases open space to 288.99m², incorporating 39.39m² of additional landscaped open space within the front setback area.

Planter boxes have been reduced in size to suit the selected plant species. Moreover, a large canopy Turpentine tree, expected to reach 25 m in height with a 12 m spread, has been added to the southwest corner of the site.

Amendments to conditions of consent

The application also proposes amendments to relevant conditions to reflect the changes proposed under this modification application.

BLPP Referral Criteria

Pursuant to the Ministerial direction, under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the DA is to be determined by the BLPP for the following reasons:

1. The development contravenes the Height of Buildings development standard imposed by the Burwood Local Environmental Plan by 10%.
2. Development to which State Environmental Planning Policy (Housing) 2021 - Chapter 4 Design of residential apartment development applies.

Recommendation(s)

That this section 4.55(2) modification to development consent no. **DA.2018.122**, which proposes amendments to an approved 5-storey residential flat building at 106–108 Wentworth Road, Burwood 2134, be refused for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the modified proposal is inconsistent with Chapter 2 – Standards for Residential Development (BASIX) of the State Environmental Planning Policy (Sustainable Buildings) 2022, as the development constitutes BASIX development and a valid amended BASIX certificate has not been provided.
2. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the modified proposal is inconsistent with clause 147(1)(a) of State Environmental Planning Policy (Housing) 2021, as it is inconsistent with Design Principles 1, 2, 4, 6 and 9 in Schedule 9.
3. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the modified proposal is inconsistent with clause 147(1)(b) of State Environmental Planning Policy (Housing) 2021, as it is inconsistent with Objective 3A-1, Objective 3C-1, Objective 3C-2, Objective 4M-1 and Objective 4M-2 of the Apartment Design Guide.
4. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the modified proposal is inconsistent with Part 4.1 – Residential Flat Buildings in the R1 Zone of the Burwood Development Control Plan, specifically:
 - a. Section 4.1.2 – Development Controls: Building Design, Objective O1.
5. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the likely impacts arising from the modified proposal, including built form and design impacts, are considered unacceptable. The applicant was provided with two opportunities to satisfactorily address these concerns through the submission of amended plans and supporting documentation; however, the identified issues remain unresolved.
6. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the development is not in the public interest having regard to reasons

for refusal listed at 1 - 5 above.

Reasons for the decision

The Panel reviewed the Council officer's assessment report, architectural plans, and supporting documentation, inspected the development site and familiarised itself with the environment, and heard from the applicant and the objectors. The Panel does not consider the development responds satisfactorily to the site and agrees with the officer's recommended reasons for refusal. The Panel notes the ability of the applicant to seek a review of the determination in accordance with 8.2 of the Environmental Planning and Assessment Act 1979.

The Panel voted unanimously.

(Item GB2/26) Planning Proposal - Planning Agreement Policy BLEP 2012 Amendments

File No: 26/9817

Summary

Council at its meeting of 28 October 2025 considered a report (**Attachment 1**) outlining details of a new Draft Burwood Planning Agreement Policy 2025 to align with updated legislation and guidelines. At this meeting Council resolved (**Attachment 2**) to publicly exhibit the Draft Burwood Planning Agreement Policy 2025 (**Attachment 3**) and proposed amendments to the Burwood Local Environmental Plan 20212 (BLEP) to enable the delivery of community infrastructure to a broader catchment of high-density developments within the Burwood local government area.

Council has prepared a Planning Proposal to amend Clause 4.3A (Exceptions to height of buildings) and Clause 4.4A (Exceptions to floor space ratio) of the Burwood Local Environmental Plan (BLEP) 2012, ensuring these provisions are consistent with the Draft Planning Agreement Policy 2025.

The new Draft Planning Agreement Policy 2025 (draft Policy) was prepared to align with updated legislation and best practice, State Government guidelines and ensure public benefits from development are delivered fairly and transparently.

The proposed amendments aim to expand bonus floor space provisions beyond the Burwood Town Centre to higher-density zones including Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre, and Zone MU1 Mixed Use, support the delivery of community infrastructure more broadly across the LGA, and require developers to achieve design excellence, respond appropriately to the desired local character, and improve sustainability performance.

This report seeks the Burwood Local Planning Panel's endorsement of the Draft Planning Proposal to amend Clauses 4.3A and 4.4A of the BLEP 2012, enabling it to progress to Gateway Determination.

Operational Plan Objective

- C.1.1 Support and deliver initiatives that encourage high-quality design, sustainable development and enhanced urban amenity.
- C.11.1 Conduct Council business with transparency, accountability, compliance

- C.3.1 and probity that ensures community confidence in decision making.
Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.

Resolution

The Panel acknowledges the officer's recommendation and request that that Council staff review the value capture amount under the draft VPA policy to take into account feasibility arrangements.

As a note the Panel recommends that Council staff investigate a working group with the adjoining Councils of Strathfield and Canada Bay to consider town centre coordination.

The Panel voted unanimously.

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

File No: 26/14508

Owner: Mr R Ragonese & Mrs P Meduri
Applicant: Glenn McCormack c/o BENSON MCCORMACK PTY LTD
Location: 63 Conder Street, Burwood
Zoning: R1 General Residential

Proposal

The development application, as amended, seeks consent for the demolition of existing structures and construction of a three-storey co-living housing development for a total of 40 residents, comprising 20 self-contained co-living rooms (max. 2 residents per room), communal indoor and outdoor spaces, basement-level amenities, and associated landscaping and stormwater drainage works.

The proposal is outlined in detail below:

Co-Living Building Overview

- Demolition of the existing detached dwelling house and ancillary structures.
- Construction of a three-storey co-living housing building with a height of 10.813 m, containing twenty (20) co-living rooms, each containing a kitchenette, bathroom, study/workstation and bed. Each room will accommodate a maximum of two (2) residents.
- The building will contain a manager's office located on the ground floor to support on-site management and resident safety.
- A basement level containing a shared laundry room, bathroom, bicycle store room with 25 spaces (amended plans increased bicycle spaces from 3 to 25), on-site detention tank, rainwater tank, building services, accessed via stairs and lift.
- Four motorcycle spaces located at ground level (amended plans repositioned the motorcycle spaces to ensure unobstructed access at all times).
- Waste room area located on the ground floor (amended plans relocated the bulky waste and bin storage from the basement level to the ground floor for simpler and safer access).

Communal Spaces

- The proposal provides 79m² of internal communal space, including shared kitchen, dining, media and lounge areas.
- 260m² of landscaped communal open space, including outdoor cooking facilities, seating and social areas.
- The design of the communal open space incorporates a 2.7 m acoustic barrier set back 900 mm from the northern side boundary, with a 5 metre-high landscaped buffer, and a combination of fixed and retractable roof elements to improve privacy and mitigate noise.

Waste Management

- Bulky waste storage relocated to the ground floor adjacent to the waste room and motorcycle spaces, upon advice from Council.
- Bin storage relocated to ground floor on a level surface, resolving safety and operational concerns, upon advice from Council.
- Dedicated FOGO bins provided and total waste capacity to meet Council's requirements.
- Inclusion of an Operational Waste Management Plan confirming commercial collection (rather than Council collection), on-site bulky waste collection, and procedures for bin movement if the lift is inoperable.

Stormwater Management

- Amended plans have revised the originally proposed pump out drainage system to a gravity-based stormwater drainage system, to meet Council's requirements.
- Stormwater discharge is via a proposed drainage easement over the adjoining property at No. 33 Nicholson Street.

Access, Parking & Transport

- 1 car-share parking space located within the building at ground floor level.
- 4 motorcycle spaces located within the building at ground floor level.
- 25 bicycle spaces located within the basement, increased from 3 to 25 in response to Council's advice.
- Pedestrian access to the building provided along the southern boundary.

Landscaping & Site Works

- Provision of site landscaping, tree planting and deep soil areas across the site, including but not limited to a landscaped buffer adjacent to the northern boundary.

BLPP Referral Criteria

Pursuant to the Ministerial direction dated 6 May 2024, under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the DA is to be determined by the BLPP for the following reasons:

1. The development contravenes development standards imposed by an environmental planning instrument by 10% or more.
2. Ten (10) or more unique submissions by way of objection. Fifteen (15) unique submissions by way of objection were received by Council.

Recommendation(s)

That development application no. DA.2025.88, which proposes the demolition of existing structures and construction of a three-storey co-living housing development comprising 20 self-contained co-living rooms, communal indoor and outdoor spaces, basement-level amenities, and associated landscaping and stormwater drainage works, at 63 Conder Street, Burwood, be approved subject to the conditions of approval (including deferred commencement conditions) contained in **Attachment 1**.

Reasons for the decision

The Panel reviewed the Council officer's assessment report, architectural plans, supporting documentation, and all objections, inspected the development site and familiarised itself with the environment, and heard from the applicant and objectors. The Panel has reviewed the 4.6 variation requests relating to car parking and height and is satisfied adequate justification has been given to warrant varying the development standards while remaining consistent with the zone and development standard objectives.

The use as a co-living development is noted as a permissible use within the R1 zone and is consistent with the desired future character within the Low to Mid Rise Housing Area and increasing the diversity of housing. In relation to car parking, the Panel notes existing residential parking schemes in place and a recommended condition of consent prohibiting future residents from obtaining a parking permit. This will serve to discourage potential tenants who own a vehicle, and encourage participation in the shared vehicle requirement, and/or the use of motor bikes or bicycles as alternative personal transport.

The Panel voted unanimously.

(Item GB3/26) Heritage Delegations Update

File No: 26/14852

Summary

This report seeks to continue delegations that allow Council staff to determine minor works to locally listed heritage items (and certain tree works on heritage-listed sites), rather than requiring determination by the Local Planning Panel.

This will support timely assessment of routine applications (such as homeowner works and trading hours), reduce the number of minor matters reported to the LPP, shorten waiting times for applicants and owners, and allow the LPP to focus on more complex and contentious applications.

Recommendation(s)

Under section 2.20(8) of the *Environmental Planning and Assessment Act 1979*, the Burwood Local Planning Panel resolves to continue to delegate its determining functions on the following development types to the General Manager, Director City Strategy and Manager City Development:

1. Minor alterations and additions to a heritage item, being defined to include:

1. Maintains at least 90% of the heritage fabric; or
2. Does not adversely affect the heritage significance of the heritage item; and
3. Is supported in writing by Council's appointed heritage advisor/expert.

2. Works to trees that are

1. Heritage listed; or
2. On a heritage **listed** site **including conservation areas and individual items:**

and that:

1. Affect less than (or equal to) 10% of the tree canopy; and
2. Will not adversely impact upon the health of the tree; and
3. Will not adversely impact upon the heritage significance of the tree or place; and
4. Is supported in writing by Council's appointed heritage advisor/expert.

The Panel resolved to allow the permanent delegation of its functions for minor works to heritage items and trees as described in the recommendations.

The Panel voted unanimously.

The meeting closed at 8:10pm.