



Burwood Inc.1874

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

NOTICE OF BURWOOD LOCAL PLANNING PANEL MEETING

The meeting of the Burwood Local Planning Panel will be held at on Thursday 21 May 2026 at 6:00 PM to consider the matters contained in the attached Agenda.

Tommaso Briscese
General Manager

Agenda

For a Notice of Burwood Local Planning Panel Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Thursday 21 May 2026 at 6.00pm.

Welcome to the meeting of the Burwood Local Planning Panel

I declare the Meeting opened at

1. Acknowledgement of Country

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

2. Introduction of Panel Members

3. Recording of Meeting

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

4. Explanation of how the panel will operate

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

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

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

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

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

5. Apologies/Leave of Absences

6. Declarations of Interest by Panel Members

7. Chair introduction of Agenda Item

8. Council Officer Overview

9. Development Applications

(Item GB4/26) Planning Proposal - BLEP 2012 amendment to include provisions for Design Excellence Competitions..... 3

(Item GB5/26) 10 Daisy Street Croydon Park. Section 4.56 modification..... 65

Development Applications

(Item GB4/26) Planning Proposal - BLEP 2012 amendment to include provisions for Design Excellence Competitions

File No: 26/13585

Report by Senior Town Planner; Manager City Planning

Summary

Council has prepared a Planning Proposal (Attachment 1) to amend Clause 6.5 (Design excellence in Zones R1, R3, E1 and MU1) of the Burwood Local Environmental Plan (BLEP 2012) by introducing a new development standard that requires certain developments exceeding 55 metres in height (generally 17 storeys or more) to be subject to a competitive design process.

The Planning Proposal is in response to Council's resolution at its meeting on 28 October 2025, which endorsed the preparation of a Council-led Planning Proposal and public exhibition.

This report seeks the Burwood Local Planning Panel's endorsement 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

Background

Burwood Council has long maintained a strong focus on achieving high-quality development outcomes and embedding design excellence as a core principle across all scales of planning, from individual proposals to precinct-wide strategies. This commitment is reflected in the inclusion and ongoing expansion of design excellence provisions within the Burwood Local Environmental Plan 2012 (BLEP), as well as the establishment and continued use of the Burwood Design Review Panel to provide independent design advice. High-quality design is essential for creating functional, attractive and inclusive places that foster community wellbeing and identity.

As Burwood's role as a Strategic Centre continues to expand, supported by integrated land use and transport planning, it is critical that future high-density environments, particularly within Burwood North, deliver high-quality built form and public domain outcomes. Initiatives such as the

Burwood North Precinct Master Plan aim to provide housing, employment opportunities and public spaces in proximity to key transport nodes. A competitive design process will play an important role in ensuring these emerging communities benefit from urban environments that are liveable, inclusive and of enduring quality.

The benefits of competitive design processes are well established. They provide a robust mechanism for elevating design quality and aligning architectural and urban design outcomes with the public interest. Such processes foster innovation, attract high-calibre design talent, deliver multidisciplinary outcomes, and promote transparency and public confidence. Design competitions are widely used across metropolitan Sydney, including by the City of Sydney, Parramatta, Canada Bay and Penrith, to secure high-quality architectural outcomes. The NSW Government Architect's Design Competition Guidelines (September 2023) provide a consistent and transparent framework for the delivery of these processes.

Following updates to Clause 6.5 of the Burwood Local Environmental Plan 2012 (BLEP 2012), through the gazettal of the State Environmental Planning Policy Amendment (Croydon North Masterplan Precinct) 2026, design excellence is now mandated in Zones R1, R3, E1 and MU1.

In accordance with Council's resolutions of 29 January 2025 and 28 October 2025, Council endorsed the preparation of a Planning Proposal to further amend the BLEP 2012 by incorporating enhanced requirements for design competitions under Clause 6.5 across applicable zones.

The intent of these provisions is to require significant developments, such as mixed-use and residential flat buildings exceeding 55 metres (approximately 17 storeys) as identified in the October 2025 council report and resolution, to undergo a competitive design process in accordance with the NSW Government Architect's Design Competition Guidelines (September 2023). This process is intended to occur prior to the determination of a development application.

The proposed approach complements the existing Burwood Design Review Panel process and supports Council's broader objective of achieving high-quality architecture and public domain outcomes. Design competitions are a proven mechanism for delivering excellence and innovation in built form, while also contributing to place identity, liveability and the quality of the public realm.

Proposal

It is proposed to amend Clause 6.5 of BLEP to introduce a requirement for certain developments exceeding 55 metres in height (generally 17 storeys or more) to be subject to a competitive design process.

Development consent would not be granted unless a design competition has been undertaken and the Council has considered its outcomes.

This requirement would not apply to:

- Buildings of 55 metres or less in height (generally up to 17 storeys);
- Alterations or additions to existing buildings; or
- Applications seeking only modifications to an existing consent, unless the modification results in a taller building.

The 55m building height threshold was determined through a benchmark analysis, comparing competitive design process clauses in the City of Sydney, City of Parramatta, City of Canada Bay, and Penrith City Council LEPs. The 55m threshold is considered appropriate and reflects the scale and intensity of development expected in Burwood Town Centre and Burwood North, where a majority of uplift is anticipated.

Benchmarking Applicability Rationale

A benchmarking review was undertaken of design excellence and competitive design process clauses across the City of Sydney, City of Parramatta, City of Canada Bay and Penrith City Council. The review found that while height triggers vary (generally ranging from 24 metres to 55 metres), higher thresholds are typically applied in areas accommodating larger-scale, high-density development.

Based on this analysis, a 55-metre height threshold is considered an appropriate and proportionate standard for Burwood's strategic precincts. This threshold:

- reflects the scale and intensity of development anticipated in Burwood Town Centre and Burwood North;
- targets significant and complex developments where the benefits of a competitive design process are most pronounced;
- balances design quality expectations with economic feasibility and development viability; and
- retains flexibility for Council to require a design competition for strategic or site-specific proposals where warranted.

Accordingly, the proposed clause identifies a design competition trigger of 55 metres.

The proposed amendment to the wording of Clause 6.5 of BLEP is as follows:

Black Text = Existing LEP

Blue Text = new additional wording for planning proposal

6.5 Design excellence in Zones R1, R3 E1 and MU1

- (1) The objective of this clause is to deliver the highest standard of architectural, landscape and urban design.
- (2) This clause applies to development involving the erection of a new building of at least 3 storeys, or with a height of at least 12m, on land in the following zones—
 - (a) Zone R1 General Residential,
 - (b) Zone R3 Medium Density Residential,
 - (c) Zone E1 Local Centre,
 - (d) Zone MU1 Mixed Use.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence.
- (4) In deciding whether the development exhibits design excellence, the consent authority must have regard to the following matters—
 - (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),
 - (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,
 - (c) how any streetscape and heritage issues have been addressed,

- (d) whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,
 - (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,
 - (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),
 - (g) (Repealed)
 - (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,
 - (i) whether a high standard of ecologically sustainable design (including low-energy or passive design) will be achieved and overshadowing, wind effects and reflectivity will be minimised,
 - (j) for development in Zones E1 and MU1—whether open spaces in the development are designed and distributed in a way that meets the needs of residents and visitors.
- (5) Development consent must not be granted to the following development to which this clause applies unless a **competitive design process** has been held—
- (a) development relating to a new building that is proposed to have a building height of more than 55 metres, or
 - (b) development relating to a new building that is proposed to have more than 17 storeys.
- (6) Subclause (5) does not apply if—
- (a) the consent authority certifies in writing that a competitive design process is not required, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the advice of the design review panel.
- (7) In deciding whether to grant development consent to development referred to in subclause (5), the consent authority must take into account the results of the competitive design process.
- (8) In this clause **competitive design process** means a design competition held in accordance with the Design Competition Guidelines published by the NSW Department of Planning, Housing and Infrastructure in September 2023.

Consultation

The Draft Design Competition Provisions was publicly exhibited on Council's Participate Burwood online engagement platform for 48 days from 1 November - 19 December 2025 in accordance with

the requirements of the Environmental Planning and Assessment Regulation 2021 and Council's Community Participation Plan.

Members of the public, stakeholders and affected parties were able to view the proposal and provide their comments through the platform. Council received one (1) submission. The submission is summarised as follows:

Submission Received	Council's Response
<p>The submission raises concerns for how the application of the new provisions will be governed and the decisions regarding the design of future buildings. This is to avoid poor quality design and associated visual impacts.</p> <p>The submission highlights the importance of selecting the right candidates for the judging panel, to achieve positive changes and avoiding buildings mistakes of the past.</p>	<p>The primary intent of the new provisions is to achieve a high standard of architectural design and a high level of amenity for future high-density developments that trigger the design competition requirements. The design competition will be held in accordance with the Design Competition Guidelines (September 2023) prepared by the NSW Government Architect.</p> <p>A design competition involves the submission of design responses by a minimum of 3 design teams for a proposed development, allowing the comparative evaluation of different approaches.</p> <p>Applications are judged by the competition jury panel comprising of qualified design experts who have industry-recognised design qualifications and are registered in their profession. Accordingly, design competitions would be led by industry experts to ensure that the best architectural, urban design and planning outcomes are achieved.</p>

Planning or Policy Implications

The proposal introduces a new subclause to Clause 6.5 of the BLEP 2012 to strengthen the delivery of design excellence using competitive design processes. This amendment will require major developments to undergo a competitive design process, embedding best-practice design principles within the statutory planning framework.

The proposed amendment is consistent with the objectives of the Environmental Planning and Assessment Act 1979.

The Burwood Design Competition Guidelines will be prepared following Gateway Approval of the Planning Proposal to assist in the implementation of the program.

Financial Implications

There are no financial implications to amending the BLEP as proposed. If amended, Council's schedule of fees and charges will be updated accordingly to administer a competitive design process.

Conclusion

Council is proposing amendments to Clause 6.5 of the BLEP 2012 to introduce a requirement for certain developments exceeding 55 metres in height to be subject to a competitive design process. This requirement aims to improve design outcomes across Burwood's higher density areas and is consistent with other Councils within metropolitan Sydney.

It is recommended that the Burwood Local Planning Panel support the Planning Proposal and provide advice to Council to proceed with the proposed BLEP 2012 amendments.

Recommendation(s)

That the Burwood Local Planning Panel:

1. Support the Planning Proposal to amend Clause 6.5 of the BLEP 2012.
2. Support the Planning Proposal to proceed to Gateway Determination.
3. Delegate the General Manager to undertake minor modifications to any numerical, typographical, interpretation and formatting errors, or amend any element of the Planning Proposal to meet the requirements for Gateway Determination.

Attachments

- 1 [↓](#) Draft Planning Proposal Report - LEP Amendment - Design Excellence Competitions
- 2 [↓](#) Council Meeting Report - 28.10.2025 - LEP Amendment - Design Excellence Competitions
- 3 [↓](#) Council Meeting Minutes - 28 October 2025
- 4 [↓](#) NSW Government Architect Design Competition Guidelines 2023



Planning Proposal

Amendment to Clause 6.5 (Design excellence in Zones R1, R3, E1 and MU1) of the Burwood Council LEP 2012 to include new provisions for Design Excellence Competitions

May 2026

A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Burwood Local Environmental Plan (BLEP) 2012. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning, Housing and Infrastructure (DPHI) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.

Table of Contents

Introduction	3
Part 1 – Objectives and intended outcomes	3
Part 2 – Explanation of Provisions	4
Part 3 – Justification of Strategic and Site-specific merit.....	6
Part 4 – Project Timeline	15

Attachments

Attachment 1: Council Report

Attachment 2: Council Meeting Minutes

Attachment 3: Public submission

Introduction

Burwood Council proposes to amend the Burwood Local Environmental Plan (BLEP 2012) to update Clause 6.5 (Design excellence in Zones R1, R3, E1 and MU1), by introducing a new development standard that requires certain developments exceeding 55 metres in height (generally 17 storeys or more) to undergo a competitive design process.

It is proposed that competitions for design excellence are undertaken in accordance with the *Design Competition Guidelines* (September 2023) prepared by the NSW Government Architect.

This new design competition process will complement the existing Burwood Design Review Panel process and augment design outcomes across Burwood's higher density areas, supporting Council's broader goal of delivering high-quality architecture and public spaces.

This Planning Proposal has been prepared following Burwood Council's resolution of 28 October 2025, and is submitted to the Department of Planning, Housing and Infrastructure to seek Gateway Approval, to formally amend BLEP 2012.

Background

Burwood Council has long maintained a strong focus on achieving high-quality development outcomes and embedding design excellence as a core principle across all scales of planning – from individual proposals to precinct-wide strategies. High-quality design is essential for creating functional, attractive, and inclusive places that foster community wellbeing and identity.

As Burwood's role as a Strategic Centre continues to expand, supported by integrated land-use and transport planning, it is critical that future high-density environments – particularly in the Burwood Town Centre and Burwood North – deliver outstanding built-form and public-domain outcomes. Initiatives such as Council's Burwood North Precinct Masterplan and State Significant Developments in the Burwood Town Centre aim to provide housing, jobs, and public spaces around key transport nodes. A competitive design process will be essential to ensuring these future communities benefit from urban environments that are liveable, inclusive, and of enduring quality.

Part 1 – Objectives and intended outcomes

The purpose of this Planning Proposal is to amend the BLEP 2012 and update the development standards under Clause 6.5 to introduce a requirement for certain developments exceeding 55 metres in height (generally 17 storeys or more) to be subject to a competitive design process.

Design competitions are a proven mechanism for raising design quality and aligning architectural and urban design outcomes with the public interest. The requirement for design competitions is vital to the progression of Burwood as a city and role as a strategic centre which is continuing to expand and supported by integrated land-use and transport planning. It is therefore critical that future high-density environments, particularly in the Burwood Town Centre and Burwood North precinct, deliver outstanding built-form and public-domain outcomes.

Design competitions are widely used across metropolitan Sydney, including the City of Sydney, Parramatta, Canada Bay and Penrith, to secure high-quality architectural outcomes. The 55m building height threshold was determined through a benchmark analysis, comparing competitive design process clauses in the City of Sydney, City of Parramatta, City of Canada Bay, and Penrith City Council LEPs. The 55m threshold is considered appropriate and reflects the scale and intensity of development currently being proposed in the Burwood Town Centre and expected in Burwood North, where the majority of uplift is anticipated.

Council previously requested for the Department of Planning, Housing and Infrastructure to amend Clause 6.5 of the BLEP 2012 to enable design competitions for significant developments as part of the State Environmental Planning Policy Amendment (Croydon North Masterplan Precinct) 2026. This was not actioned as the higher-density development controls in Burwood Town Centre and Burwood North were not proposed under the Croydon Masterplan. Consequently, a separate, Council-led planning proposal is required to achieve the intended outcomes.

Part 2 – Explanation of Provisions

This Planning Proposal seeks Gateway Approval from DPHI to amend the *Burwood Local Environmental Plan 2012* (BLEP 2012) by amending the development standards in BLEP 2012 (in blue) as follows:

6.5 Design excellence in Zones R1, R3 E1 and MU1

- (1) The objective of this clause is to deliver the highest standard of architectural, landscape and urban design.
- (2) This clause applies to development involving the erection of a new building of at least 3 storeys, or with a height of at least 12m, on land in the following zones—
 - (a) Zone R1 General Residential,
 - (b) Zone R3 Medium Density Residential,
 - (c) Zone E1 Local Centre,
 - (d) Zone MU1 Mixed Use.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence.
- (4) In deciding whether the development exhibits design excellence, the consent authority must have regard to the following matters—
 - (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),
 - (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,
 - (c) how any streetscape and heritage issues have been addressed,

- (d) whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,
 - (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,
 - (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),
 - (g) (Repealed)
 - (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,
 - (i) whether a high standard of ecologically sustainable design (including low-energy or passive design) will be achieved and overshadowing, wind effects and reflectivity will be minimised,
 - (j) for development in Zones E1 and MU1—whether open spaces in the development are designed and distributed in a way that meets the needs of residents and visitors.
- (5) Development consent must not be granted to the following development to which this clause applies unless a **competitive design process** has been held—
- (a) development relating to a new building that is proposed to have a building height of more than 55 metres, or
 - (b) development relating to a new building that is proposed to have more than 17 storeys.
- (6) Subclause (5) does not apply if—
- (a) the consent authority certifies in writing that a competitive design process is not required, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the advice of the design review panel.
- (7) In deciding whether to grant development consent to development referred to in subclause (5), the consent authority must take into account the results of the competitive design process.
- (8) In this clause **competitive design process** means a design competition held in accordance with the Design Competition Guidelines published by the NSW Department of Planning, Housing and Infrastructure in September 2023.

Part 3 – Justification of Strategic and Site-specific merit

Section A – Need for the Planning Proposal

1. *Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?*

This Planning Proposal has been prepared as a result of Burwood Council's resolution of 28 October 2025.

The proposal complements the existing Burwood Design Review Panel process and supports Council's broader goal of ensuring high-quality architecture and public spaces.

2. *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The Planning Proposal is the only means of amending the BLEP 2012, to update Clause 6.5 and impose the requirement for design competitions for developments exceeding 55 metres in height. The intent of the new provisions is to raise design quality and achieve the best planning and amenity outcomes for future developments.

Section B – Relationship to the strategic planning framework

3. *Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy?*

Yes.

The inclusion of design competitions can align with the Greater Sydney Region Plan, Eastern City District Plan, the Burwood Local Strategic Planning Statement, and the draft Sydney Plan when they are used to implement and achieve the planning priorities and directions identified in these plans and policy documents.

A discussion on how the Planning Proposal meets the objectives and visions of each of these plans is provided below:

A Metropolis of Three Cities – Greater Sydney Region Plan

A Metropolis of Three Cities is a regional plan for Greater Sydney which was prepared by the Greater Cities Commission (GCC) in 2018. It sets a 40-year vision for the Greater Sydney region and is intended to inform key priorities for district and local plans.

The Greater Sydney Region Plan (The Region Plan) identifies key priorities for managing Greater Sydney's growth, focusing on the importance of meeting dwelling and employment targets, infrastructure and collaboration, liveability, productivity and sustainability.

Burwood is located within the Eastern Harbour City and is identified as a Strategic Centre given its accessibility and connectivity to both the Harbour CBD and Parramatta CBD. This location enables Burwood to access a broad range of goods, services and jobs which attracts high levels of private sector investment. As such, the Region Plan identifies Burwood as an area within a regionally significant urban growth area.

The updated Clause 6.5 of the BLEP 2012 will meet the following objectives of the Region Plan:

- **Objective 6:** Services and infrastructure meet communities' changing needs
- **Objective 12:** Great places that bring people together
- **Objective 22:** Investment and business activity in centres

Eastern City District Plan 2056

The GCC released the Eastern City District Plan (the District Plan) on 18 March 2018 to give effect to the Greater Sydney Regional Plan.

The District Plan is a 20-year plan which sets out a strategic planning context and aims to manage and support the growth of Greater Sydney's Eastern District, which includes Burwood. The District Plan contains priorities and actions to guide the development and planning of the Eastern District while improving the district's social, economic and environmental assets.

The new Clause 6.5 of the BLEP 2012 will facilitate achieving the following Planning Priorities under the District Plan:

- **Planning Priority E6:** Creating and renewing great places and local centres, and respecting the District's heritage

Burwood Local Strategic Planning Statement (LSPS)

Burwood Local Strategic Planning Statement delivers on the NSW Government's Regional Plan for Sydney, A Metropolis of Three Cities, and the Eastern City District Plan, implementing priorities and actions at the local level.

The LSPS sets out the Burwood community's economic, social and environmental land use needs up to 2040. Key elements of the LSPS Planning Priorities that align with the aspirations of this project include:

- **P4.** Provide high quality planning and urban design outcomes for key sites and precincts.
- **P5.** Identify local character areas considering preservation, enhancement and desired future character.

Draft Sydney Plan

The draft Sydney Plan sets out a 5-year housing target involving 3,300 new dwellings within Burwood. This will be facilitated through the intensification of housing developments in Burwood Town Centre and higher density in and around the Burwood North Metro station. Given that high-density built forms will increase, design excellence will be imperative to ensure new developments are of a high architectural standard, enhance urban liveability outcomes, and provide a positive contribution to the urban landscape and emerging character.

4. ***Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?***

Yes. The Planning Proposal is consistent with Council's Local Strategic Planning Statement (LSPS) which was endorsed by the former GSC in March 2020. Council's LSPS sets a long-term vision for the growth of the LGA and identifies objectives and planning priorities in achieving the goals.

Planning Priority 5 of the LSPS states *Identify local character areas considering preservation, enhancement and desired future character*. The LSPS also states that Council is working with the Government Architect NSW and DPIE (now DPPI) to improve urban design and public space outcomes in special character areas and to develop local character statements.

The proposed new provisions for design excellence competitions are in line with this LSPS planning priority as it requires large scale developments to undergo the design competition process set out by the Government Architect NSW to achieve the best architectural, urban design and amenity outcomes. Such developments will shape and enhance the future character of Burwood's high-density precincts.

5. *Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?*

Yes. The Planning Proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State Environmental Planning Policies.

6. *Is the Planning Proposal consistent with applicable State Environmental Planning Policies?*

Yes. The amendments proposed in this Planning Proposal will not contravene any State Environmental Planning Policies (SEPPs).

It is noted that the subject Planning Proposal would not contravene the development standards under the State Environmental Planning Policy Amendment (Croydon North Masterplan Precinct) 2026. Council previously requested for the Department of Planning, Housing and Infrastructure to amend Clause 6.5 of the BLEP 2012 to enable design competitions for significant developments as part of the State Environmental Planning Policy Amendment (Croydon North Masterplan Precinct) 2026. This was not actioned as the higher-density development controls in Burwood Town Centre and Burwood North were not proposed under the Croydon Masterplan. Consequently, a separate, Council-led planning proposal is required to achieve the intended outcomes.

All SEPPs applicable to the Burwood local government area are set out in Table 5 below, together with a comment regarding the Planning Proposal's consistency:

Table 5: Consistency with State Environmental Planning Policies

SEPPs	Comments
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Housing) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Industry and Employment) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Planning Systems) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Precincts—Central River City) 2021	Not relevant
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Not relevant
State Environmental Planning Policy (Precincts—Regional) 2021	Not relevant
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Not relevant
State Environmental Planning Policy (Primary Production) 2021	Not relevant
State Environmental Planning Policy (Resilience and Hazards) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Resources and Energy) 2021	Not relevant
State Environmental Planning Policy (Sustainable Buildings) 2022	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.

7. Is the Planning Proposal consistent with applicable Local Planning Directions (Former Ministerial Directions)?

Yes. Consistency with the list of Directions (under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* issued by the Minister for Planning) is set out in Table 6 below.

Table 6: Consistency with Local Planning (Former Ministerial) Directions

Direction		Comments
Focus area 1: Planning Systems		
1.1	Implementation of Regional Plans	The Planning Proposal is consistent with this Direction. The Planning Proposal is consistent with the applicable regional plan being the Greater Sydney Regional Plan: A Metropolis of Three Cities. Burwood falls under the Eastern City District within the Plan.
1.2	Development of Aboriginal Land Council land	Not relevant.
1.3	Approval and Referral Requirements	The Planning Proposal will not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development.
1.4	Site Specific Provisions	The Planning Proposal is consistent with this Direction. The amended BLEP provisions will require design competitions to be held for developments that are 55m and above, in Zones R1, R3, E1 and MU1.
1.4A	Exclusion of Development Standards from Variation	The new development standards proposed under Clause 6.5 of the BLEP 2012 do not contravene with the provisions under Clause 4.6 of the BLEP 2012.
Direction		Comments
Focus area 1: Planning Systems – Place based		
1.5	Parramatta Road Corridor Urban Transformation Strategy	The new development standards proposed under Clause 6.5 of the BLEP 2012 do not contravene with the visions and principles of the Parramatta Road Corridor Urban Transformation Strategy.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not relevant.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not relevant.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not relevant.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not relevant.
1.10	Implementation of the Western Sydney Aerotropolis Plan	Not relevant.

Direction		Comments
1.11	Implementation of Bayside West Precincts 2036 Plan	Not relevant.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not relevant.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not relevant.
1.14	Implementation of Greater Macarthur 2040	Not relevant.
1.15	Implementation of the Pymont Peninsula Place Strategy	Not relevant.
1.16	North West Rail Link Corridor Strategy	Not relevant.
1.17	Implementation of the Bays West Place Strategy	Not relevant.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not relevant.
1.19	Implementation of the Westmead Place Strategy	Not relevant.
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not relevant.
1.21	Implementation of South West Growth Area Structure Plan	Not relevant.
1.22	Implementation of the Cherrybrook Station Place Strategy	Not relevant.
Focus area 2: Design and Place		
Focus area 3: Biodiversity and Conservation		
3.1	Conservation zones	Not relevant.
3.2	Heritage Conservation	<p>Any future development application that involves a heritage item or is located within a heritage conservation area and triggers the requirements of the amended provisions under Clause 6.5 of the BLEP 2012, will be assessed in accordance with Clause 5.10 (Heritage Conservation) of the BLEP 2012. This approach ensures that all heritage items and conservation areas are appropriately protected. Furthermore, any proposal involving a heritage item or area must consider the protection and enhancement of such items as part of the design.</p> <p>Consequently, the Planning Proposal does not include any provisions that conflict with existing heritage conservation requirements.</p>
3.3	Sydney Drinking Water Catchments	Not relevant.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not relevant.

Direction		Comments
3.5	Recreation Vehicle Areas	Not relevant.
3.6	Strategic Conservation Planning	Not relevant.
3.7	Public Bushland	Not relevant.
3.8	Willandra Lakes Region	Not relevant.
3.9	Sydney Harbour Foreshores and Waterways Area	Not relevant.
3.10	Water Catchment Protection	Not relevant.
Focus area 4: Resilience and Hazards		
4.1	Flooding	Any development on land that is flood affected must consider flood controls and considerations in the design of the development.
4.2	Coastal Management	Not relevant.
4.3	Planning for Bushfire Protection	Not relevant.
4.4	Remediation of Contaminated Land	Any future development on land that is contaminated must be appropriately remediated and made suitable for the proposed use as part of the development.
4.5	Acid Sulfate Soils	Not relevant.
4.6	Mine Subsidence and Unstable Land	Not relevant.
Focus area 5: Transport and Infrastructure		
5.1	Integrating Land Use and Transport	Future development proposals triggering the new standards under Clause 6.5 the BLEP 2012 will need to consider access to transport and a green transport plan. The Planning Proposal is consistent with this Direction.
5.2	Reserving Land for Public Purposes	Not relevant.
5.3	Development Near Regulated Airports and Defence Airfields	Not relevant.
5.4	Shooting Ranges	Not relevant.
5.5	High Pressure Dangerous Goods Pipelines	Not relevant.

Focus area 6: Housing		
6.1	Residential Zones	The amended BLEP 2012 provisions will require design competitions to achieve the best design solutions for high rise developments within including Zones R1, R3, E1 and MU1 which permit residential development. Accordingly, the Planning Proposal is consistent with this Direction.
6.2	Caravan Parks and Manufactured Home Estates	Not relevant.
Focus area 7: Industry and Employment		
7.1	Employment Zones	Not relevant.
7.2	Reduction in non-hosted short-term rental accommodation period	Not relevant.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not relevant.
Focus area 8: Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	Not relevant.
Focus area 9: Primary Production		
9.1	Rural Zones	Not relevant.
9.2	Rural Lands	Not relevant.
9.3	Oyster Aquaculture	Not relevant.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Not relevant.

Section C – Environmental, Social and Economic Impact

- 8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?***

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats affected by the Planning Proposal.

- 9. *Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?***

No. There are no other likely environmental effects as a result of the Planning Proposal, such as flooding, landslip, bushfire hazard and the like.

- 10. *How has the Planning Proposal adequately addressed any social and economic effects?***

The Planning Proposal is considered to have a positive social effect for the community, as it seeks to achieve the best architectural, urban design and amenity outcomes for future high-density developments. The purpose of the design competition is to select the best design option for future development proposals, in order to create a positive contribution to the public domain and urban landscape within Burwood.

The Planning Proposal is not expected to have any adverse social or economic effects.

Section D – Infrastructure (Local, State and Commonwealth)

- 11. *Is there adequate public infrastructure for the Planning Proposal?***

The proposal relates to design excellence and seeks to improve design outcomes across Burwood's higher density areas. Any development application for any new high density/ high rise building must consider the adequacy of public infrastructure to support the proposed new development. Accordingly, all future development applications which trigger the new Clause 6.5 design competition requirements must consider the suitability of the development and the capacity for existing infrastructure to support the development.

Section E – State and Commonwealth Interests

- 12. *What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?***

Pre Gateway consultation

The proposal is minor in nature and as such, no State or Commonwealth authorities have been consulted as part of the preparation of this Planning Proposal.

Post Gateway consultation

Given the nature of the proposal, consultation with external government agencies is not considered necessary.

Part 4 – Community Consultation

The Draft Design Competition Provisions was publicly exhibited on Council’s Participate Burwood online engagement platform for 48 days from 1 November - 19 December 2025 in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021 and Council’s Community Participation Plan.

Members of the public, stakeholders and affected parties were able to view the proposal and provide their comments through the platform. Council received one (1) submission. The submission is summarised as follows:

Submission Received	Council’s Response
<p>The submission raises concerns for how the application of the new provisions will be governed and the decisions regarding the design of future buildings. This is to avoid poor quality design and associated visual impacts.</p> <p>The submission highlights the importance of selecting the right candidates for the judging panel, to achieve positive changes and avoiding buildings mistakes of the past.</p>	<p>The primary intent of the new provisions is to achieve a high standard of architectural design and a high level of amenity for future high-density developments that trigger the design competition requirements. The design competition will be held in accordance with the Design Competition Guidelines (September 2023) prepared by the NSW Government Architect.</p> <p>A design competition involves the submission of design responses by a minimum of 3 design teams for a proposed development, allowing the comparative evaluation of different approaches.</p> <p>Applications are judged by the competition jury which is a panel consisting of qualified design experts who have industry recognised design qualifications and are registered in their profession. As such, the design competitions will be led by industry experts to ensure that the best architectural and planning outcomes are achieved.</p>

Part 5 – Project Timeline

Stage	Action	Timing
Council Resolution	Endorse Planning Proposal	28 October 2025
Early exhibition	Exhibition on Participate Burwood	1 November - 19 December 2025
Report to BLPP	Endorse Planning Proposal to amend Clause 6.5 of BLEP 2012	May 2026
Gateway Determination	Submit to DPHI	June 2026
Post Exhibition	28 Days	July 2026
Review Submissions	Report to Council	2026
Finalisation	LEP Amendment (if approved)	End 2026

Attachment 1 – Council Report 28.10.2025

Council Meeting

28 October 2025

(Item 76/25) LEP Amendment - Design Excellence Competitions

File No: 25/52050

Report by Director City Strategy

Summary

This report seeks Council's endorsement to prepare a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP) by updating Clause 6.5 relating to Design Excellence. The amendment would require significant developments, such as mixed-use and apartment buildings over 55 metres (or approximately 17 storeys), to undergo a competitive design process in accordance with the *Design Competition Guidelines* (September 2023) prepared by the NSW Government Architect. This process aims to improve design outcomes across Burwood's higher-density areas and must occur prior to any approval being issued.

This report supersedes the earlier version presented to Council on 26 August 2025, following Council's decision to defer the matter pending further investigation. A review of height triggers for design competitions across other metropolitan councils has since been undertaken, resulting in an adjustment to the proposed height threshold from 28 metres to 55 metres.

The proposal complements the existing Burwood Design Review Panel process and supports Council's broader goal of ensuring high-quality architecture and public spaces – particularly within the Burwood Town Centre and Burwood North – where growth will involve complex residential developments. Design competitions are a proven method for achieving excellence and innovation in built form, whilst also delivering wider benefits to community identity, liveability, and the public domain.

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.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
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride

Background

Burwood Council has long maintained a strong focus on achieving high-quality development outcomes and embedding design excellence as a core principle across all scales of planning – from individual proposals to precinct-wide strategies. High-quality design is essential for creating functional, attractive, and inclusive places that foster community wellbeing and identity.

As Burwood's role as a Strategic Centre continues to expand, supported by integrated land-use and transport planning, it is critical that future high-density environments – particularly in Burwood North – deliver outstanding built-form and public-domain outcomes. Initiatives such as the *Burwood*

Council Meeting

28 October 2025

North Precinct Masterplan aim to provide housing, jobs, and public spaces around key transport nodes. A competitive design process will be essential to ensuring these future communities benefit from urban environments that are liveable, inclusive, and of enduring quality.

The benefits of a competitive design process are well established. It is a proven mechanism for raising design quality and aligning architectural and urban design outcomes with the public interest. Competitive processes elevate design standards, foster innovation, attract high-calibre design talent, deliver multidisciplinary outcomes, and promote transparency and public confidence. Design competitions are widely used across metropolitan Sydney – including the City of Sydney, Parramatta, Canada Bay and Penrith – to secure high-quality architectural outcomes. The NSW Government Architect's *Design Competition Guidelines* (September 2023) provide a consistent and transparent framework for the delivery of these processes (Attachment A).

Clause 6.5 of BLEP currently mandates design excellence in Zone E1 Local Centre and Zone MU1 Mixed Use. In accordance with Council's resolution of 29 January 2025, the requirement for design excellence is proposed to be extended to Zone R1 General Residential and Zone R3 Medium Density Residential through a BLEP amendment to be progressed alongside the gazettal of the Croydon SEPP.

Council's request at the time for the Department of Planning, Housing and Infrastructure to also amend Clause 6.5 to enable design competitions for significant developments as part of the Croydon SEPP is unlikely to proceed, as the higher-density development controls in Burwood Town Centre and Burwood North are not proposed under the Croydon Masterplan. Consequently, a separate, Council-led planning proposal is required to achieve this outcome.

Benchmarking and Amendment Rationale

The report tabled on 26 August 2025 proposed a design competition trigger at 28 metres in height. Council resolved not to proceed at that time and requested further investigation into the appropriateness of this threshold, particularly in relation to comparable clauses in other Local Environmental Plans (LEPs).

Following this direction, a benchmarking review was undertaken of design excellence and competitive design process clauses in the City of Sydney, City of Parramatta, City of Canada Bay, and Penrith City Council. The review found that whilst height triggers vary among councils (ranging from 24m to 55m), higher thresholds are generally applied in locations that accommodate larger-scale, high-density development.

Based on this review, a 55-metre height threshold is considered a more appropriate and proportionate standard for Burwood's strategic precincts. This threshold:

- Reflects the scale and intensity of development expected in Burwood Town Centre and Burwood North;
- Targets significant and complex projects where the potential design outcomes justify a formal design competition;
- Balances design quality expectations with economic feasibility and development viability; and
- Retains flexibility for Council to require a design competition for strategic or site-specific proposals when warranted.

Accordingly, this report puts forward a revised design competition trigger of 55 metres, replacing the previously tabled 28-metre threshold.

Proposal

It is proposed to amend Clause 6.5 of BLEP to introduce a requirement for certain developments exceeding 55 metres in height (generally 17 storeys or more) to be subject to a competitive design process.

Development consent would not be granted unless a design competition has been undertaken and the Council has considered its outcomes.

This requirement would not apply to:

- Buildings of 55 metres or less in height (generally up to 17 storeys);
- Alterations or additions to existing buildings; or
- Applications seeking only modifications to an existing consent, unless the modification results in a taller building.

Council would have discretion to certify in writing that a design competition is not necessary. Where a competition is not required, proposals would instead be referred to the Burwood Design Review Panel, and its findings must be considered by Council before determination.

Full details of the proposed amending provisions are contained in Attachment 1 to this report.

Consultation

If endorsed, the draft provision will be referred to the Burwood Local Planning Panel for comment in accordance with legislative requirements. A Planning Proposal will then be submitted to the Department of Planning, Housing and Infrastructure for Gateway determination. Following the issue of a Gateway determination, the clause will be placed on public exhibition for 28 days and referred to relevant agencies for consultation in accordance with the *Environmental Planning and Assessment Act 1979*.

Any submissions received during the exhibition period will be reviewed and addressed in a post-exhibition report, which will be presented to Council for consideration at the conclusion of the exhibition process.

Planning or Policy Implications

The proposal introduces a new subclause to BLEP to strengthen the delivery of design excellence using competitive design processes. This amendment will require major developments to undergo a competitive design process, embedding best-practice design principles within the statutory planning framework.

The proposed amendment is consistent with the objectives of the *Environmental Planning and Assessment Act 1979*.

Burwood Design Competition Guidelines would be prepared following gateway to assist in the implementation of the program.

Financial Implications

There are no financial implications to amending the BLEP as proposed. If amended, Council's schedule of fees and charges will be updated accordingly to administer a competitive design process.

Conclusion

The proposed amendment to Clause 6.5 of BLEP requiring design competitions for certain developments will ensure that Burwood continues to uphold high architectural and urban design standards for significant projects. It will also attract high-quality design expertise and professional talent to the LGA, reinforcing Burwood as a desirable place to live, work, visit, and invest. In addition, the amendment is consistent with State planning policy and recognised best practice in delivering design excellence.

Attachment 2 – Council Meeting Minutes 28.10.2025

(Item 76/25) LEP Amendment - Design Excellence Competitions

File No: 25/52050

Summary

This report seeks Council's endorsement to prepare a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP) by updating Clause 6.5 relating to Design Excellence. The amendment would require significant developments, such as mixed-use and apartment buildings over 55 metres (or approximately 17 storeys), to undergo a competitive design process in accordance with the *Design Competition Guidelines* (September 2023) prepared by the NSW Government Architect. This process aims to improve design outcomes across Burwood's higher-density areas and must occur prior to any approval being issued.

This report supersedes the earlier version presented to Council on 26 August 2025, following Council's decision to defer the matter pending further investigation. A review of height triggers for design competitions across other metropolitan councils has since been undertaken, resulting in an adjustment to the proposed height threshold from 28 metres to 55 metres.

The proposal complements the existing Burwood Design Review Panel process and supports Council's broader goal of ensuring high-quality architecture and public spaces – particularly within the Burwood Town Centre and Burwood North – where growth will

involve complex residential developments. Design competitions are a proven method for achieving excellence and innovation in built form, whilst also delivering wider benefits to community identity, liveability, and the public domain.

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.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
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride

127/25 RESOLVED

That Council:

1. Endorse the preparation of a Planning Proposal to amend the Burwood Local Environmental Plan 2012, as outlined in Attachment 1.
2. Delegate authority to the General Manager to finalise the Planning Proposal for submission to the Department of Planning, Housing and Infrastructure for Gateway determination.
3. Receive a further report following the public exhibition of the draft amendment, outlining any submissions received and providing recommendations on the finalisation of the amendment.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang

Against: Nil

(Moved Deputy Mayor George Mannah/Seconded Councillor Alex Yang)

Attachment 3 – Public submissions

Submission – Design Excellence in Burwood – Proposed LEP Amendment

Date Submitted 21 November 2025, via Council's 'Participate Burwood' website

Whilst this is a positive move, which should avoid some of the extremely visually terrible apartment blocks that have been constructed in Burwood, in the last ten years or so. Witness the complete eyesore building on Railway Parade across from the Plaza and Library. It will all depend on who sits on the selection panel, their eye for change and their motivations. This will require very close scrutiny and governance.

(Item 76/25) LEP Amendment - Design Excellence Competitions

File No: 25/52050

Report by Director City Strategy

Summary

This report seeks Council's endorsement to prepare a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP) by updating Clause 6.5 relating to Design Excellence. The amendment would require significant developments, such as mixed-use and apartment buildings over 55 metres (or approximately 17 storeys), to undergo a competitive design process in accordance with the *Design Competition Guidelines* (September 2023) prepared by the NSW Government Architect. This process aims to improve design outcomes across Burwood's higher-density areas and must occur prior to any approval being issued.

This report supersedes the earlier version presented to Council on 26 August 2025, following Council's decision to defer the matter pending further investigation. A review of height triggers for design competitions across other metropolitan councils has since been undertaken, resulting in an adjustment to the proposed height threshold from 28 metres to 55 metres.

The proposal complements the existing Burwood Design Review Panel process and supports Council's broader goal of ensuring high-quality architecture and public spaces – particularly within the Burwood Town Centre and Burwood North – where growth will involve complex residential developments. Design competitions are a proven method for achieving excellence and innovation in built form, whilst also delivering wider benefits to community identity, liveability, and the public domain.

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.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
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride

Background

Burwood Council has long maintained a strong focus on achieving high-quality development outcomes and embedding design excellence as a core principle across all scales of planning – from individual proposals to precinct-wide strategies. High-quality design is essential for creating functional, attractive, and inclusive places that foster community wellbeing and identity.

As Burwood's role as a Strategic Centre continues to expand, supported by integrated land-use and transport planning, it is critical that future high-density environments – particularly in Burwood

North – deliver outstanding built-form and public-domain outcomes. Initiatives such as the *Burwood North Precinct Masterplan* aim to provide housing, jobs, and public spaces around key transport nodes. A competitive design process will be essential to ensuring these future communities benefit from urban environments that are liveable, inclusive, and of enduring quality.

The benefits of a competitive design process are well established. It is a proven mechanism for raising design quality and aligning architectural and urban design outcomes with the public interest. Competitive processes elevate design standards, foster innovation, attract high-calibre design talent, deliver multidisciplinary outcomes, and promote transparency and public confidence. Design competitions are widely used across metropolitan Sydney – including the City of Sydney, Parramatta, Canada Bay and Penrith – to secure high-quality architectural outcomes. The NSW Government Architect's *Design Competition Guidelines* (September 2023) provide a consistent and transparent framework for the delivery of these processes (Attachment A).

Clause 6.5 of BLEP currently mandates design excellence in Zone E1 Local Centre and Zone MU1 Mixed Use. In accordance with Council's resolution of 29 January 2025, the requirement for design excellence is proposed to be extended to Zone R1 General Residential and Zone R3 Medium Density Residential through a BLEP amendment to be progressed alongside the gazettal of the Croydon SEPP.

Council's request at the time for the Department of Planning, Housing and Infrastructure to also amend Clause 6.5 to enable design competitions for significant developments as part of the Croydon SEPP is unlikely to proceed, as the higher-density development controls in Burwood Town Centre and Burwood North are not proposed under the Croydon Masterplan. Consequently, a separate, Council-led planning proposal is required to achieve this outcome.

Benchmarking and Amendment Rationale

The report tabled on 26 August 2025 proposed a design competition trigger at 28 metres in height. Council resolved not to proceed at that time and requested further investigation into the appropriateness of this threshold, particularly in relation to comparable clauses in other Local Environmental Plans (LEPs).

Following this direction, a benchmarking review was undertaken of design excellence and competitive design process clauses in the City of Sydney, City of Parramatta, City of Canada Bay, and Penrith City Council. The review found that whilst height triggers vary among councils (ranging from 24m to 55m), higher thresholds are generally applied in locations that accommodate larger-scale, high-density development.

Based on this review, a 55-metre height threshold is considered a more appropriate and proportionate standard for Burwood's strategic precincts. This threshold:

- Reflects the scale and intensity of development expected in Burwood Town Centre and Burwood North;
- Targets significant and complex projects where the potential design outcomes justify a formal design competition;
- Balances design quality expectations with economic feasibility and development viability; and
- Retains flexibility for Council to require a design competition for strategic or site-specific proposals when warranted.

Accordingly, this report puts forward a revised design competition trigger of 55 metres, replacing the previously tabled 28-metre threshold.

Proposal

It is proposed to amend Clause 6.5 of BLEP to introduce a requirement for certain developments exceeding 55 metres in height (generally 17 storeys or more) to be subject to a competitive design process.

Development consent would not be granted unless a design competition has been undertaken and the Council has considered its outcomes.

This requirement would not apply to:

- Buildings of 55 metres or less in height (generally up to 17 storeys);
- Alterations or additions to existing buildings; or
- Applications seeking only modifications to an existing consent, unless the modification results in a taller building.

Council would have discretion to certify in writing that a design competition is not necessary. Where a competition is not required, proposals would instead be referred to the Burwood Design Review Panel, and its findings must be considered by Council before determination.

Full details of the proposed amending provisions are contained in Attachment 1 to this report.

Consultation

If endorsed, the draft provision will be referred to the Burwood Local Planning Panel for comment in accordance with legislative requirements. A Planning Proposal will then be submitted to the Department of Planning, Housing and Infrastructure for Gateway determination. Following the issue of a Gateway determination, the clause will be placed on public exhibition for 28 days and referred to relevant agencies for consultation in accordance with the *Environmental Planning and Assessment Act 1979*.

Any submissions received during the exhibition period will be reviewed and addressed in a post-exhibition report, which will be presented to Council for consideration at the conclusion of the exhibition process.

Planning or Policy Implications

The proposal introduces a new subclause to BLEP to strengthen the delivery of design excellence using competitive design processes. This amendment will require major developments to undergo a competitive design process, embedding best-practice design principles within the statutory planning framework.

The proposed amendment is consistent with the objectives of the *Environmental Planning and Assessment Act 1979*.

Burwood Design Competition Guidelines would be prepared following gateway to assist in the implementation of the program.

Financial Implications

There are no financial implications to amending the BLEP as proposed. If amended, Council's schedule of fees and charges will be updated accordingly to administer a competitive design process.

Conclusion

The proposed amendment to Clause 6.5 of BLEP requiring design competitions for certain developments will ensure that Burwood continues to uphold high architectural and urban design standards for significant projects. It will also attract high-quality design expertise and professional

talent to the LGA, reinforcing Burwood as a desirable place to live, work, visit, and invest. In addition, the amendment is consistent with State planning policy and recognised best practice in delivering design excellence.

Recommendation(s)

That Council:

1. Endorse the preparation of a Planning Proposal to amend the Burwood Local Environmental Plan 2012, as outlined in Attachment 1.
2. Delegate authority to the General Manager to finalise the Planning Proposal for submission to the Department of Planning, Housing and Infrastructure for Gateway determination.
3. Receive a further report following the public exhibition of the draft amendment, outlining any submissions received and providing recommendations on the finalisation of the amendment.

Attachments

- 1 Attachment 1 - Draft Design Competition BLEP amendments 2025
- 2 Attachment 2 - NSW Government Architect Design Competition Guidelines 2023



MINUTES OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 28 October 2025 commencing at 6:13 PM.

Attendance Councillor John Faker (Mayor)
Councillor George Mannah (Deputy Mayor)
Councillor Pascale Esber
Councillor David Hull
Councillor De Yi Wu-Coshott
Councillor Alex Yang

Opening of Meeting by the Mayor

The Mayor opened the meeting with a prayer and Acknowledgement of Country.

Apologies

120/25 RESOLVED
That Council grant Councillor Bhatta a leave of absence for this meeting.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Councillor Pascale Esber/Seconded Councillor Alex Yang)

Declarations of Interest

There were no declarations of interests by Councillors.

Declarations of Political Donations

There were no declarations of political interests by Councillors.

Confirmation of Minutes

121/25 RESOLVED
That the minutes of the ordinary meeting of the Council Meeting held on Tuesday 23 September 2025, as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Deputy Mayor George Mannah/Seconded Councillor Pascale Esber)

This is page 1 of the Minutes of the Ordinary Meeting of Burwood Council Meeting held on 28 October 2025

Minutes of Burwood Council Meeting

28 October 2025

Mayoral Minutes**(Item MM14/25) Celebrating Burwood's Recognition as Australia's Coolest Neighbourhood and #16 in the World**

File No: 25/53334

Summary

Every so often, a story comes along that perfectly captures what makes a city special. Right now, that story is ours.

Burwood has officially been named Australia's coolest neighbourhood, and 16th in the world by *Time Out* magazine.

In a global ranking that celebrates creativity, culture, and community, Burwood stood out as the only Sydney suburb to make the list, beating out inner-city icons and putting our diverse, dynamic heart firmly on the world stage.

According to *Time Out*, Burwood earned its place thanks to its vibrant food scene, authentic community feel, buzzing public spaces, thriving night-time economy and the sense that "something exciting is always happening." From the energy of Burwood Road to the hidden gems of our laneways and the warm welcome of our multicultural community, it's a recognition that reflects who we are, and where we're heading.

I want to acknowledge and sincerely thank everyone who has contributed to making Burwood the vibrant, welcoming, and globally recognised city it is today:

- Our residents, who bring warmth, diversity, and pride to every corner of our city.
- Our local businesses, cafés, restaurateurs, and creative entrepreneurs whose talent and diverse offering define our unique character.
- Our General Manager and staff, whose commitment to innovation and service excellence continues to set Burwood apart.
- Our State and Federal partners, whose collaboration and investment have helped unlock Burwood's potential as a connected, creative, and liveable centre.
- And our community groups, volunteers, and schools, who keep our city's spirit strong and inclusive.

This recognition speaks directly to Council's long-term vision to make Burwood a place that celebrates people, culture, and creativity. It reinforces the transformative impact of our efforts in shaping Burwood into a city that truly comes alive, day and night.

More than just a great place to live, this acknowledgment reflects what our community has always known: Burwood is a place to visit, invest, work, connect, experience and thrive.

122/25 RESOLVED

That:

1. Council notes and formally acknowledges Burwood's recognition by *Time Out* Magazine as Australia's coolest neighbourhood and #16 in the world, celebrating the collective effort of residents, local businesses, community groups, and Council staff in achieving this milestone.
2. The General Manager incorporate this recognition across appropriate Council communications, marketing, and promotional activities.

This is page 2 of the Minutes of the Ordinary Meeting of Burwood Council Meeting held on 28 October 2025

Minutes of Burwood Council Meeting

28 October 2025

- The Mayor writes to local businesses, and State and Federal partners to share this recognition, express Council's appreciation for their ongoing contribution, and invite continued collaboration in promoting Burwood as a leading destination for culture, creativity, and connection.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

Reports to Council**(Item 72/25) DCP Amendment - Update to Tree Permit Provisions - Adoption - Post Exhibition**

File No: 25/49438

Summary

On 26 August 2025, Council resolved to publicly exhibit proposed amendments to Clause 6.1 – Preservation of Trees and Vegetation of the Burwood Development Control Plan 2013 (BDCP) to ensure alignment with Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP) and Council's Sustainable Burwood Plan.

The proposed amendments aim to clarify provisions, reflect current legislation, and improve consistency with community expectations regarding tree removal and pruning. They also strengthen character assessment criteria and introduce replacement ratios of two or three trees for every one removed, depending on canopy loss.

The draft amendments were publicly exhibited for 28 days in accordance with Council's resolution. No submissions were received during the exhibition period.

It is therefore recommended that Council adopt and implement the proposed amendments to Clause 6.1 – Preservation of Trees and Vegetation of the BDCP.

123/25 RESOLVED

- That Council, pursuant to Section 3.43 of the *Environmental Planning & Assessment Act 1979* and in accordance with clause 14 of the *Environmental Planning & Assessment Regulation 2021*, adopt the amendments to Clause 6.1 Preservation of Trees and Vegetation of the Burwood Development Control Plan 2013 (BDCP) as detailed in attachment 1 of this report.
- That the General Manager be endorsed to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, prior to the finalisation of the amendment to the abovementioned sections of the Burwood DCP.
- That Council give public notice of the decision to approve the amendments to Burwood DCP, on its website within 28 days in accordance with Clause 14(2) of the *Environmental Planning and Assessment Regulation 2021*.
- That Council publish the updates on the NSW Planning Portal in accordance with the *Environmental Planning and Assessment Regulation 2021*.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Councillor Alex Yang/Seconded Councillor Pascale Esber)

This is page 3 of the Minutes of the Ordinary Meeting of Burwood Council Meeting held on 28 October 2025



**(Item 73/25) DCP Amendment - Update Acoustic Requirements for Active Centres
- Adoption - Post Exhibition**

File No: 25/49437

Summary

On 26 August 2025, Council resolved to publicly exhibit proposed amendments to the acoustic amenity provisions in Parts 3 and 4 of the Burwood Development Control Plan (BDCP).

The proposed amendments aim to strengthen acoustic standards to support housing delivery in mixed-use and entertainment precincts, while ensuring a high level of protection for residents in the Burwood Town Centre, higher-density neighbourhoods and other active areas.

The draft amendments were publicly exhibited for 28 days in accordance with Council's resolution. No submissions were received during the exhibition period.

It is therefore recommended that Council adopt and implement the proposed amendments to the acoustic amenity provisions in Parts 3 and 4 of the BDCP.

Operational Plan Objective

- A.80 Implement activities or initiatives that enhance Burwood's night time economy
- 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 surrounds
 - C3.2 Protect our unique built heritage and maintain or enhance local character
- C.4 Sustainable, integrated transport, infrastructure and networks to 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.11.2 Provide opportunity for engagement with the community to inform Council's decision-making.

124/25 RESOLVED

1. That Council, pursuant to Section 3.43 of the *Environmental Planning & Assessment Act 1979* and in accordance with clause 14 of the *Environmental Planning & Assessment Regulation 2021*, adopt the acoustic amenity provision amendments to Parts 3 and 4 of the Burwood Development Control Plan 2013 (BDCP) as detailed in attachment 1 of this report.
2. That the General Manager be endorsed to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, prior to the finalisation of the amendment to the abovementioned sections of the Burwood DCP.
3. That Council give public notice of the decision to approve the amendments to Burwood DCP, on its website within 28 days in accordance with Clause 14(2) of the *Environmental Planning and Assessment Regulation 2021*.
4. That Council publish the updates on the NSW Planning Portal in accordance with the *Environmental Planning and Assessment Regulation 2021*.

This is page 4 of the Minutes of the Ordinary Meeting of Burwood Council Meeting held on 28 October 2025

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Deputy Mayor George Mannah/Seconded Councillor Alex Yang)

(Item 74/25) DCP Amendment – Liveability Improvements to Apartment Developments

File No: 25/50193

Summary

At its meeting on 25 March 2025, Council endorsed a Mayoral Minute to review local planning controls with the intent of introducing new requirements for apartment developments, including residential flat buildings and shop-top housing. These requirements will focus on integrating design elements that enhance residential liveability and amenity.

This initiative responds to the continuing shift toward high-density living in and around the Burwood Town Centre and other high-density areas across the LGA, where apartments are increasingly becoming the predominant form of residential development. Council must therefore plan proactively for this future by ensuring that residential amenity is enhanced through high-quality design across both the public and private realms.

To support this outcome, it is proposed to amend the Burwood Development Control Plan (BDCP) to introduce new development controls applying to apartment developments assessed under Part 3 and Part 4 of the BDCP. The proposed amendments aim to achieve higher standards of liveability for current and future residents through improved provisions for communal spaces such as active roof areas and end-of-trip facilities along with wider corridors to enhance internal circulation, measures to improve climate resilience and resource efficiency, electric vehicle (EV) readiness, and building design requirements that strengthen streetscape amenity. Collectively, these measures will contribute to a more sustainable, liveable, and well-designed urban environment for residents and visitors alike.

Operational Plan Objective

- A.33 Undertake a comprehensive review of the Development Control Plan (DCP) 2012 and prepare a user friendly and interactive DCP
- 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.11.2 Provide opportunity for engagement with the community to inform Council's decision-making
- P.49 Ensure transparency and accountability in decision making

125/25 RESOLVED

1. That the proposed amendments to the Burwood Development Control Plan 2013 (BDCP), as outlined in **Attachment 1**, be endorsed for the purposes of public exhibition and be exhibited in accordance with relevant Legislation and Council's

This is page 5 of the Minutes of the Ordinary Meeting of Burwood Council Meeting held on 28 October 2025



Minutes of Burwood Council Meeting

28 October 2025

Community Engagement Strategy.

2. That following the exhibition of the DCP amendment, a report be brought to Council advising of any submissions and making recommendations on the finalisation of the draft amendment.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang

Against: Nil

(Moved Councillor Alex Yang/Seconded Deputy Mayor George Mannah)

(Item 75/25) Draft Voluntary Planning Agreement Policy for Exhibition

File No: 25/31593

Summary

Planning agreements, commonly referred to as Voluntary Planning Agreements (VPAs), are legal contracts between a planning authority and a developer. Introduced in NSW in 2005 under the *Environmental Planning and Assessment Act 1979* (EP&A Act), VPAs apply to planning proposals and development applications, allowing developers to voluntarily negotiate contributions to public infrastructure and services. VPA contributions may include land, monetary payments, public works or other public benefits. VPAs help fund infrastructure needed to support growth. They operate alongside Section 7.11 (formerly Section 94) and Section 7.12 (formerly Section 94A) contributions to secure additional infrastructure funding transparently.

Council currently operates under two Planning Agreement Policies, which sought to align with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act) and Clauses 4.3A and 4.4A of the Burwood Local Environmental Plan 2012 (BLEP 2012). These BLEP provisions allow, in certain circumstances, an additional 10% to the base BLEP Floor Space Ratio (FSR) on specific sites within and around the Burwood Town Centre where community infrastructure is provided or where contributions address car parking deficiencies. They also apply to other planning agreements associated with planning proposals and development applications involving variations to development standards under Clause 4.6 of the BLEP.

In response to updated Department of Planning, Housing and Infrastructure (DPHI) guidelines, and following advice from the Independent Commission Against Corruption (ICAC), a review of the existing framework has been undertaken. As a result, a new draft Planning Agreement (VPA) Policy has been prepared looking to enhance clarity, transparency, and consistency and replace the existing Council framework.

This report seeks Council's endorsement to publicly exhibit the Draft Planning Agreement Policy 2025 and to prepare a Planning Proposal to amend the BLEP so Clauses 4.3A and 4.4A can apply more broadly to higher density zones (R1, R3, MU1 and E1). This would support the provision of more community infrastructure, where a shortfall exists in existing contributions plans and look to provide better building design through mandatory design excellence, character tests and improved environmental sustainability standards.

Operational Plan Objective

- A.98 Undertake comprehensive community engagement programs to seek community input on Council projects, operations, initiatives and major decisions.
- C.3 An urban environment that maintains and enhances our sense of identity and

This is page 6 of the Minutes of the Ordinary Meeting of Burwood Council Meeting held on 28 October 2025

Minutes of Burwood Council Meeting

28 October 2025

- place.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.
 - 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.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

126/25 RESOLVED

That Council:

1. Endorse the Draft Burwood Planning Agreement Policy 2025 for public exhibition for a period of at least 28 days.
2. Endorse the preparation of a Planning Proposal to amend Clauses 4.3A and 4.4A of the Burwood Local Environmental Plan 2012, for the reasons outlined in this report and as detailed in Attachment 2.
3. Require that, following the consultation process, the General Manager prepare a report to Council summarising community feedback on the Draft Planning Agreement Policy and the proposed BLEP amendments for Council's consideration and determination.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang**Against: Nil**

(Moved Deputy Mayor George Mannah/Seconded Councillor Alex Yang)

(Item 76/25) LEP Amendment - Design Excellence Competitions

File No: 25/52050

Summary

This report seeks Council's endorsement to prepare a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP) by updating Clause 6.5 relating to Design Excellence. The amendment would require significant developments, such as mixed-use and apartment buildings over 55 metres (or approximately 17 storeys), to undergo a competitive design process in accordance with the *Design Competition Guidelines* (September 2023) prepared by the NSW Government Architect. This process aims to improve design outcomes across Burwood's higher-density areas and must occur prior to any approval being issued.

This report supersedes the earlier version presented to Council on 26 August 2025, following Council's decision to defer the matter pending further investigation. A review of height triggers for design competitions across other metropolitan councils has since been undertaken, resulting in an adjustment to the proposed height threshold from 28 metres to 55 metres.

The proposal complements the existing Burwood Design Review Panel process and supports Council's broader goal of ensuring high-quality architecture and public spaces – particularly within the Burwood Town Centre and Burwood North – where growth will

involve complex residential developments. Design competitions are a proven method for achieving excellence and innovation in built form, whilst also delivering wider benefits to community identity, liveability, and the public domain.

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.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
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride

127/25 RESOLVED

That Council:

1. Endorse the preparation of a Planning Proposal to amend the Burwood Local Environmental Plan 2012, as outlined in Attachment 1.
2. Delegate authority to the General Manager to finalise the Planning Proposal for submission to the Department of Planning, Housing and Infrastructure for Gateway determination.
3. Receive a further report following the public exhibition of the draft amendment, outlining any submissions received and providing recommendations on the finalisation of the amendment.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Deputy Mayor George Mannah/Seconded Councillor Alex Yang)

(Item 77/25) Proposed Fee Reduction Category: Road Closures for Transformative Precinct-Scale Development Delivering Significant Community Benefit - Endorsement for Public Exhibition

File No: 25/52400

Summary

This report proposes a new category of fee reduction for temporary road closure permits associated with transformative precinct-scale developments that deliver significant community benefit. The proposal responds to emerging trends in urban development within the Burwood local government area and establishes a framework to

Minutes of Burwood Council Meeting

28 October 2025

support exceptional projects while maintaining accountability and community outcomes.

Resolution is sought from Council to endorse the proposed fee reduction category for public exhibition in accordance with section 610E of the *Local Government Act 1993* (the Act).

Operational Plan Objective

- A.98 Comply with financial management responsibilities to promote transparency and accountability
- A.71 Undertake initiatives that support new economic growth in the Burwood North Precinct and Burwood Town Centre

128/25 RESOLVED

That Council:

1. Endorse for public exhibition for a period of 28 days the proposed fee reduction category under section 610E of the *Local Government Act 1993*:

Category

Transformative precinct-scale development delivering significant community benefit.

Eligibility criteria (all to be met)

- a) The project demonstrably changes and improves an entire precinct and requires extended temporary road closures greater than 8 weeks.
- b) A Voluntary Planning Agreement is in place (or approved in principle) that materially funds significant public infrastructure (for example, a major community or civic asset, a significant cultural or recreation destination, or a landmark community space).
- c) The project delivers additional community benefits beyond any Voluntary Planning Agreement contributions (for example, expanded employment outcomes, early delivery of public domain, enhanced public domain amenity).
- d) The applicant agrees to comply with all Construction Traffic Management Plans, minimises disruption, and provides communications to affected traders and/or residents.
- e) The fee reduction applies only to Council levied Road Closure line items in Council's Fees and Charges.

Relief offered

50% reduction to the relevant Road Closures line items in Council's Fees and Charges for the period or extent of closures approved in Construction Traffic Management Plans.

2. Unless the public exhibition period results in submissions opposing or proposing changes to the category, determine and adopt the new category referred to in item 1, with effect from the date immediately following the closure of public submissions.
3. Should the public exhibition result in public submissions that may require re-consideration of the proposal, the General Manager is required to report back to Council on the outcome of the public exhibition so Council can consider formally whether to determine the new category referred to in item 1.

This is page 9 of the Minutes of the Ordinary Meeting of Burwood Council Meeting held on 28 October 2025

Minutes of Burwood Council Meeting

28 October 2025

4. Approve the application of the proposed category to the road closures required in Wynne Avenue as part of the Burwood Place project, subject to public consultation and determination by Council as referred to in items 1–3.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Councillor Alex Yang/Seconded Deputy Mayor George Mannah)

(Item 78/25) Adoption of Audited Financial Reports for the Year Ended 30 June 2025

File No: 25/51173

Summary

In accordance with Section 418 (1)(a) of the Local Government Act 1993 (the Act), Council must fix a date for the meeting at which it proposes to present its Audited Financial Report, together with the Auditor's Report. The presentation of this Report to this Council Meeting fulfils this requirement.

In all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards and other mandatory professional reporting requirements and statutory requirements so as to present a view which is consistent with Council's understanding of the financial position, the operating result and cash flows.

Operational Plan Objective

2.3 Ensure financial sustainability and organisational effectiveness

129/25 RESOLVED

1. That in accordance with Section 413(2)(c) of the Local Government Act 1993 and Clause 215 of the Local Government (General) Regulation 2005, the Council make the following declaration:
 - a. That Councils Financial Reports have been drawn up in accordance with the Local Government Act 1993 and associated Regulations; the Statement of Accounting Concept; the local Government Code of Accounting Practice and Financial Reporting update April 2025; and the Australian Accounting Standards.
 - b. The Audited financial reports present fairly the Council's financial position and performance for the year
 - c. These reports accord with Council's accounting and other records
2. That the Council note that the 2024-2025 Audited Financial Reports and Auditor's Report will be forwarded to the Office of Local Government.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Councillor Alex Yang/Seconded Deputy Mayor George Mannah)

Minutes of Burwood Council Meeting

28 October 2025

(Item 79/25) Investment Report as at 30 September 2025

File No: 25/51148

Summary

In accordance with Clause 212 of the *Local Government (General) Regulation 2005*, this report details all money that Council has invested under Section 625 of the *Local Government Act 1993*.

Operational Plan Objective

A.103 Implement and monitor appropriate investment strategies and prepare monthly investment reports.

130/25 RESOLVED

1. That the investment report for 30 September 2025 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Councillor De Yi Wu-Coshott/Seconded Councillor Pascale Esber)

(Item 80/25) Risk Management Policy - For Adoption

File No: 25/49064

Summary

This report proposes the adoption of Council's Risk Management Policy following public exhibition.

Operational Plan Objective

A.113 Review and implement improvements to Council's Risk Management Framework

131/25 RESOLVED

That Council:

1. adopt the *Risk Management Policy* contained at Attachment 1 to this report,
2. endorse the General Manager to make minor modifications to any numerical, typographical, interpretation and formatting errors, and legislative updates to the *Risk Management Policy*, and
3. revoke the *Burwood Council Corporate Risk Management Policy* adopted in 2006.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Councillor De Yi Wu-Coshott/Seconded Councillor Alex Yang)

This is page 11 of the Minutes of the Ordinary Meeting of Burwood Council Meeting held on 28 October 2025

Minutes of Burwood Council Meeting

28 October 2025

(Item 81/25) Annual Disclosure of Interest Returns by Councillors and Designated Persons

File No: 25/34430

Summary

The General Manager is required under the *Local Government Act 1993* and supporting instruments to table written returns of interests for councillors and designated persons at a meeting of Council. Annual returns for the period 2024–25 are now due to be formally received and noted.

Operational Plan Objective

C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

132/25 RESOLVED

That Council notes:

1. the tabling of disclosure of interest returns in accordance with Part 4 of the *Codes of Conduct* and the *Local Government Act 1993* for the Council officials listed in this report, and
2. that mandatory proactive release of the returns via publication on the Council website has been effected in accordance with clause 4.2 of the *Codes of Conduct* and the *Government Information (Public Access) Act 2009*.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang

Against: Nil

(Moved Councillor Pascale Esber/Seconded Councillor Alex Yang)

This concluded the business of the meeting and Council rose at 6:54 pm.

The Minutes of the Ordinary Meeting held on 28 October 2025 were confirmed by Council at its meeting on 18 November 2025.



Cr John Faker
MAYOR

This is page 12 of the Minutes of the Ordinary Meeting of Burwood Council Meeting held on 28 October 2025

Design Competition Guidelines

Government Architect NSW

September 2023
planning.nsw.gov.au



Acknowledgement of Country

The Department of Planning and Environment acknowledges the Traditional Custodians of the land and pays respect to Elders past, present and future. We honour Australian Aboriginal and Torres Strait Islander peoples' primary cultural and spiritual relationships to place and their rich contribution to our society. To that end, all our work seeks to uphold the idea that if we care for Country, it will care for us.

The Rock Nature Reserve – Kengal
Aboriginal Place. Photo: Destination NSW.



Cover image: Phive – Parramatta Civic Hub by Manuelle Gautrand Architecture in partnership with Lacoste + Stevenson and Design Inc. Photo: Brett Boardman

Published by NSW Department of Planning and Environment
planning.nsw.gov.au

Title: Design Competition Guidelines

Acknowledgements

DPE and Government Architect New South Wales (GANSW) images only, unless otherwise captioned.

© State of New South Wales through Department of Planning and Environment 2023. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 2023) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

About these guidelines 4

1. Understanding design competitions 5

1.1 What is a design competition?	5
1.2 Benefits of design competitions	5
1.3 What is design excellence?	5
1.4 Who are the participants in a design competition?	5

2. Establishing a design competition 6

2.1 Competition settings	6
2.2 Roles and responsibilities	6
2.3 Jury composition	10
2.4 Selecting design teams	10
2.5 Cultural safety	11
2.6 Reference designs	11
2.7 Exhibiting the competition schemes and community engagement	11

3. Five steps of a design competition 12

3.1 Step 1: Design excellence strategy	12
3.2 Step 2: Competition brief	13
3.3 Step 3: Design competition – responses and presentation	13
3.4 Step 4: Competition report	14
3.5 Step 5: Design integrity process	15

4. Relationship of competitions to planning assessment 16

4.1 Integration with planning application	16
4.2 Role of competition reports and design integrity panels	17
4.3 Community involvement in the competition process	17
4.4 When a competition is not required	17

5. Governance and commercial considerations 18

5.1 Setting fees for the design response	18
5.2 Design fees for ongoing work	18
5.3 Budgets and commercial outcomes	18
5.4 Disqualification	18

Abbreviations

DA	development application
DIP	design integrity panel
EOI	expression of interest
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	environmental planning instrument
ESD	environmentally sustainable design
GANSW	Government Architect NSW
LEP	local environmental plan
SDRP	State Design Review Panel
SEPP	State environmental planning policy
SSDA	State significant development application

GOVERNMENT ARCHITECT NEW SOUTH WALES

This document was prepared by GANSW for the Department of Planning and Environment.

About these guidelines

These guidelines give practical advice on how to plan and deliver a fair and successful design competition that meets the requirements contained within an environmental planning instrument (EPI).

It is intended that these guidelines be applied and adapted to particular situations subject to the endorsement of the relevant decision maker (see Table 2).

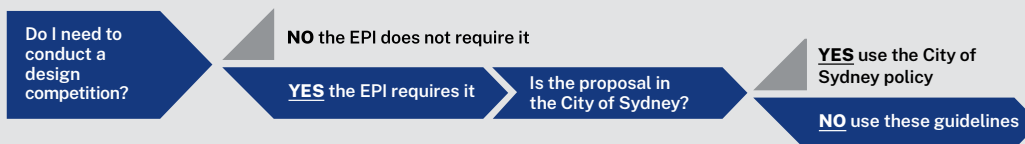
Good design is NSW Government policy. These Design Competition Guidelines are part of a suite of documents produced by the Department of Planning and Environment and Government Architect NSW (GANSW) to support good design.

Who should use these guidelines

The guidelines are for:

- all participants in a design competition
- consent authorities determining a development application (DA) where a design competition is required by an EPI
- competition managers seeking guidance on the design competition process
- councils guiding the design competition processes required by their local environmental plan (LEP).

Figure 1: How to determine if these guidelines should be used in running a design competition



How to use these guidelines

- **Part 1** explains design competitions and the benefits of conducting them.
- **Part 2** gives guidance on how to establish a design competition.
- **Part 3** provides detail on how a design competition is run.
- **Part 4** outlines the relationship between competitions and the NSW planning system.
- **Part 5** advises on governance and commercial considerations.

When to use these guidelines

These guidelines apply when an EPI relevant to the development requires a competitive design process to be carried out in accordance with the DPE Design Competition Guidelines 2023.

These guidelines do not apply to development in the City of Sydney where the city's Competitive Design Policy continues to apply.

Legislative context

The NSW planning system is guided by the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act), the Environmental Planning and Assessment Regulation, and various SEPPs and LEPs.

Environmental Planning and Assessment Act 1979

Design quality is integrated within this legislative framework through the objects of the EP&A Act which include 'to promote good design and amenity of the built environment'.

State environmental planning policies

Some SEPPs require developments that meet certain criteria to undergo a design competition as part of the design excellence process.

Local environmental plans

Many LEPs include what is commonly called a 'design excellence clause'. Usually, this clause will refer to design competitions, design review, or both, as ways of improving the quality of the built environment for certain developments.

Part one

Understanding design competitions

1.1 What is a design competition?

Design competitions are a well-established process used nationally and internationally to improve the design quality of our built environment. A design competition is a competitive process involving the submission of design responses by a minimum of 3 design teams for a proposed development. The best design response is selected by a jury on the basis of design-related criteria. Design competitions can be run by a public or private organisation and for any size or type of development including buildings, master plans of larger areas, landscaped areas and the public domain. They can also be conducted for projects that do not intend to have a built outcome for a specific site, such as an ideas competition for a new housing type.

For the purposes of these guidelines, a design competition is one that is required by an EPI and contains the following 5 steps:

1. design excellence strategy
2. competition brief
3. design response and jury presentation
4. competition report
5. design integrity process.

These are described in more detail in [‘Part 3 – Five steps of a design competition’](#).

1.2 Benefits of design competitions

Design competitions are a well-tested and successful model for delivering a high quality of design thinking and innovation. Competitions generate a range of responses to each design challenge, allowing the comparative evaluation of different approaches. This enables participants to analyse the relative merits of different design responses to a brief and builds confidence in the selected design as the best response.

1.3 What is design excellence?

In NSW the definition of design excellence is broadly consistent across planning legislation, where it is often summarised as ‘the highest standard of architectural, urban and landscape design.’ It also describes a variety of requirements and processes that are intended to support this. Design excellence clauses in EPIs vary in their detail, but often include mandatory considerations such as context, accessibility, public domain, streetscape, massing and sustainability.

1.4 Who are the participants in a design competition?

A design competition process has many participants, including:

- the council
- the consent authority (where this is not the council)
- the applicant
- design teams
- competition jurors and chair
- competition manager
- probity adviser
- technical advisers
- observers.

For more information about participants see [‘2.2 Roles and responsibilities’](#).

Part two

Establishing a design competition

2.1 Competition settings

A design competition required by an EPI should complete each of the 5 steps described in Part 3, however, some of the settings within each step may be varied to fit the scale, complexity and significance of the development. Details such as the number of design teams invited to participate and how they are selected, the period of time allowed for the design response to be submitted, and the size of the jury may be adapted to suit each project.

Generally, the more significant a project, the more open to participants the competition process should be. Table 1 provides an example of how settings may be adjusted to suit different development types. Context is also a consideration, for example, a relatively small public project may be highly significant to a local community.

Table 1: Examples of how a competition can be customised to respond to the scale, complexity and significance of a project

Scale and complexity	Number of design teams	Method for selecting design teams	Design team	Jury size	Design response time
Small-scale, simple, common building type	3	By invitation	Architects	3	4 weeks
Public building of local significance	3-5	Open expression of interest (EOI)	Architects, landscape architects	3-5	4-6 weeks
Medium-scale common building type	3-5	Invited EOI to 8-10 design teams or direct invitation	Architects, landscape architects	3-5	4-6 weeks
Large-scale and/or complex building or precinct	5	Open EOI or invited EOI to 10-12 design teams	Architects, landscape architects, other specialists	5	8 weeks
Large-scale and significant public building or precinct	6	Open EOI	Architects, landscape architects, urban designers, structural and environmental engineers, specialist consultants	5 +	12 weeks +

2.2 Roles and responsibilities

All participants have an important role to play in a successful design competition process.

Applicant

The applicant in this context refers to the owner, developer or agency seeking consent to a development application and initiating and funding the design competition.

The applicant generally leads the competition process and is responsible for ensuring it proceeds in accordance with these guidelines and any relevant EPI clauses. The applicant may provide overall direction for the competition through the:

- design excellence strategy
- competition brief, including nominating the design teams to compete in the competition and some members of the jury.

The applicant chooses and engages a competition manager and technical advisers.

The applicant usually funds the competition including costs associated with the competition manager, the design teams, technical advisers and jury, and expenses related to the jury presentation day.

Competition manager

The competition manager coordinates the competition process, guides the applicant, and provides advice and services in relation to each stage.

The competition manager balances the interests and requirements of the applicant with those of the design teams and any statutory requirements.

To avoid conflicts of interest, the competition manager should not be:

- an owner, staff member or shareholder associated with any of the participating design teams
- an owner, staff member or shareholder associated with the applicant or the applicant’s companies
- a staff member or councillor with a role in the development assessment process for the project.

The competition manager’s role should include:

- preparing the design excellence strategy and competition brief
- preparing a list of professional appointments including jurors and technical advisers appropriate for the competition

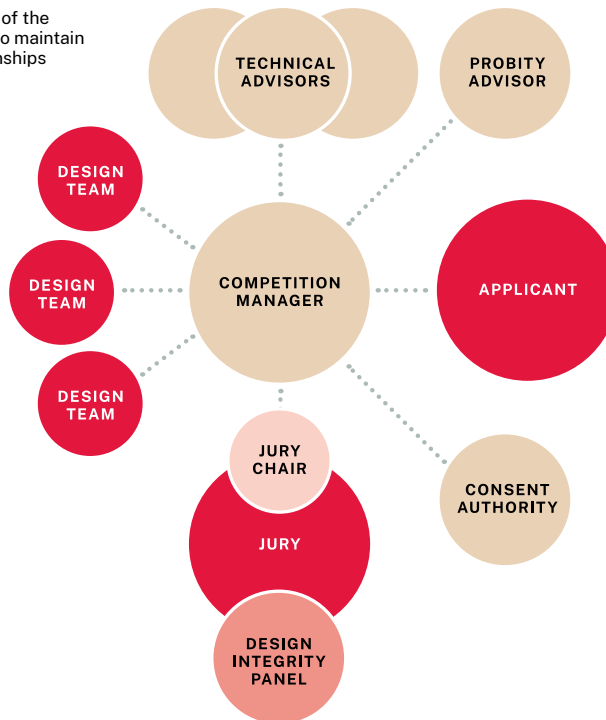
- ensuring all design teams have agreed fee arrangements in place for work to complete the project should they be nominated as the winners
- engaging with the consent authority and council (where different) and GANSW (where necessary)
- managing responses to questions from design teams during the competition process
- preparing the competition report and design integrity reports for the jury members to endorse and sign
- provide confidentiality agreements and a copy of the code of conduct to all relevant parties.

Design teams

A design team is a group of professional designers who collaborate to create a design response to the competition brief. A design team is usually led by an architect, and may include architects, landscape architects, First Nations design consultants, urban designers, heritage architects, structural or environmental engineers and other design experts.

Each design team presents its design response following the submission requirements set out in the competition brief.

Figure 2: Part of the role of the competition manager is to maintain and facilitate the relationships between all participants



Competition jury

The competition jury is a panel of qualified design experts selected to evaluate design competition submissions and choose the winning design response.

A jury is impartial, expert and knowledgeable, and able to commit sufficient time to the deliberation process. It is recommended that a majority of the jurors have industry-recognised design qualifications and be registered in their profession. See [‘2.3 Jury composition’](#) and [‘3.3 Choosing the winner’](#).

All jurors:

- represent the public interest
- have relevant design expertise and are recognised advocates for design excellence
- complete a confidentiality agreement and maintain the confidentiality of the competition process.

The jury:

- chooses a winning design response through the comparative evaluation of all submissions against the evaluation criteria
- reviews and endorses the competition report
- in some cases, participates in the design integrity process (see [‘3.5 Step 5: Design integrity’](#)).

Jury chair

The jury chair is a member of the competition jury nominated to facilitate and lead the jury discussions. See [‘3.3 Choosing the winner’](#).

The jury chair usually performs the following functions and:

- is nominated by the council for a local DA and by the department for an SSDA
- formally convenes the jury
- is responsible for ensuring discussions are relevant to the competition brief and project
- approves the attendance of observers during jury presentations and design integrity panel sessions
- is responsible for the final endorsement of the competition report.

It is recommended that the jury chair be available to clarify and explain the jury’s advice to the consent authority’s development assessment officers during the DA assessment process and until the application has been determined. This may include providing advice to planning panels if invited. See [‘4.2 Role of competition reports and design integrity panels’](#) for more information.

Probity adviser

A probity adviser is a consultant independent of all competition processes who will monitor that all participants are acting ethically, appropriately and in line with applicable codes of conduct.

A probity adviser is recommended for large, complex, or high-value projects, especially those involving public funds, or developments that are unusual or contentious.

Technical advisers

Technical advisers are suitably qualified professionals who provide specialist, independent advice during the competition process to the design teams, the applicant or the jury. They may include structural and environmental engineers, quantity surveyors and other subject-matter experts.

Technical advisers can provide:

- input to the brief
- capital investment value information and fee bands for ongoing work
- feedback to design teams at the mid-point review
- a summary report on design responses, to be issued to the jury
- briefings to the jury on the presentation day
- answers to questions during the jury deliberations.

Technical advisers are chosen and paid for by the applicant. They are required to maintain the confidentiality of the competitive design process and not discuss the design teams’ work with other staff within their own organisation or any other person before a decision on the winning scheme is made public. It is recommended that all technical advisers be provided with an agreed code of conduct and that they complete a confidentiality agreement provided by the competition manager.

Heritage advice

If the proposed development includes a heritage item, or is within a heritage conservation area, it is recommended that a heritage adviser approved by the consent authority be one of the technical advisers engaged by the applicant.

Observers

Observers are individuals attending a jury session only to observe the process. An observer is not involved with the judging of the submissions and is excluded from private deliberations of the jury. Observers can be present during the mid-point reviews, jury presentation day and design integrity process.

Observers may be part of the applicant’s team, stakeholders, representatives of the consent authority or relevant council, researchers or other relevant parties. They may have an ongoing role in the project or be observing for their own professional development.

All observers should have their attendance approved by the jury chair.

The jury chair may ask an observer specific questions, but otherwise observers do not make any comment or participate in any way in the judging of the submissions.

Council

The council provides expertise including advice on planning, heritage and other locality-specific matters relevant to the development.

When these guidelines apply, and the council is not the consent authority, it is recommended that the council be invited to provide feedback on the design excellence strategy and the competition brief before its endorsement. When these guidelines apply, and the council is the consent authority, it is recommended that the council should both review and endorse the design excellence strategy and competition brief.

In all cases, representatives from the council should attend the jury presentation as observers.

Consent authority

The consent authority is the entity responsible for determining the DA. This may be the council, Minister, the Independent Planning Commission, or a local, Sydney district or regional planning panel. The consent authority may change during the development application process, particularly if an application is referred to a planning panel after an application is submitted.

For State significant developments, representatives from the department and the relevant council should attend the jury presentation and design integrity panel sessions as observers. This is to provide advice to the jury (where asked to do so by the chair) and to facilitate a smoother development assessment process by ensuring all parties are well-informed. Similarly, for local projects, a council planner should attend the jury presentation and design integrity panel sessions.

GANSW

For State significant developments

For State significant developments, GANSW supports the department in administering the competition processes set out in these guidelines by:

- reviewing and endorsing the design excellence strategy and competition brief
- consulting with the council to obtain its feedback on the design excellence strategy and competition brief
- nominating the competition jury chair
- after the competition, endorsing the overall competition process has met the requirements for a competitive design process, including any nominated design integrity processes (see [3.4 Competition Report](#)).

In competition processes for State significant development where a council competition policy applies, GANSW will administer the competition process in accordance with that policy.

For developments

In council areas where these guidelines apply, GANSW may:

- provide comment on the design excellence strategy and competition brief where requested
- provide assistance as agreed with the consent authority.

2.3 Jury composition

The composition of the jury is critical. It must engender the respect of the design and development community and – in the case of an open EOI – it plays a significant role in generating interest in the project and participation from design teams. In establishing a jury, the applicant and other bodies nominating jury members should work together to ensure gender equity (wherever possible) and the inclusion of a range of design expertise, such as urban design and landscape architecture relevant to the project. For some developments, inclusion of jurors with cultural expertise and Indigenous knowledge appropriate for the project type or site should be considered.

The jury should have 3 members or 5 members, as appropriate for the scale and complexity of the project.

3-person jury

For a 3-person jury, one juror is usually nominated by each of the following:

- GANSW – as the jury chair
- the applicant
- the council

To avoid conflicts of interest, members of a 3-person jury may not be:

- an owner, staff member or shareholder associated with the applicant or the applicant's companies, or any of the participating design teams
- a staff member or councillor with an approval role in the development assessment process.

5-person jury

A 5-person jury has the same composition as a 3-person jury, and may also include:

- one juror nominated by the applicant (i.e. the applicant nominates 2 jurors overall)
- one juror nominated by the consent authority.

In a 5-person jury, one of the jurors nominated by the applicant may be an owner, shareholder or senior employee with the applicant or the applicant's companies, and if so, should be a design professional, or have demonstrated experience in the delivery of high-quality design projects.

Larger jury sizes may be appropriate for projects where additional expertise is necessary. The total number of jurors should be an odd number to avoid a stalemate.

2.4 Selecting design teams

Selection of design teams to prepare a design response for the competition is critical to the success of any competition. Design teams are endorsed by the consent authority (see [Table 2](#)). When shortlisting design teams, the applicant should consider the following:

- Diversity of experience and approach across teams will facilitate a range of responses to the competition brief and ensure the best value from the competition process.
- Emerging architects or design teams that have not worked in the relevant building type extensively can bring value through introducing new ways of thinking.
- Competitions provide opportunities for local design teams to expand their skills and capacity. While a proportion of international design teams may be considered, the consent authority must be confident their inclusion will bring value to the competition and the project outcome.
- The applicant must be confident they can work with any of the selected design teams through to the completion of the development, should they win.
- Prior experience of the relevant project type should not be the only selection criteria. Experience in projects of equivalent complexity will ensure a more diverse selection.
- Design teams should demonstrate the capacity to deliver the project, within their own organisation or by partnering with other practices.

EOI process

Where design teams are being selected using an open EOI process, it is recommended the competition jury be engaged in the selection process. This is particularly valuable for high-profile projects where the selection of teams may be guided by those with an in-depth knowledge of the design industries.

Open 2-stage design competitions

Open 2-stage competitions are often considered for projects seeking to attract broad public interest and promote high levels of design innovation. Competitions of this type may provide opportunities for lesser-known and emerging design teams to compete against more established design teams based on design response alone.

Stage 1: design team selection (or short-listing)

- Open to all (some limitations such as the requirement for local professional registration may apply)
- Submission requirements: capability statement and task appreciation
- Competition jury selects the shortlist

Stage 2: concept design development

— Short-listed design teams are paid to develop a design response for presentation to the jury.

Lead and supporting designers

The design team will often include various disciplines such as architecture, landscape architecture, urban design and others, with a nominated lead designer, usually an architect. It is recommended that the applicant state in the design excellence strategy which disciplines are needed as part of the design team. Unless stated otherwise in the competition brief, all disciplines should continue with the project if their team is selected as the winner of the competition.

Emerging practices

The term 'emerging practice' refers to a practice in the early stages of establishment, generally within ten years, or one that – while well-established and with a reputation for design excellence in different, smaller or less complex project types – is yet to undertake or is just beginning to undertake work of a larger, different or more complex type. Emerging practices can bring fresh thinking and new perspectives to design challenges.

2.5 Cultural safety

Where there are First Nations jurors or design team participants, or other participants who are providing First Nations knowledge and understanding, it is important to follow cultural protocols and address any cultural safety issues raised by First Nations participants.

2.6 Reference designs

A reference design is a preliminary design that tests the capacity of a site to accommodate permissible uses, floor space and height, taking into consideration amenity and environmental impacts. A reference design can also provide useful information on yield targets and performance aspects of a brief.

The reference design can be used to test and develop the brief and can provide confidence for the applicant that access, circulation and amenity requirements can be achieved within planning controls. It is recommended a reference design be developed for every competition. A reference design is not the same as a concept plan or stage 1 envelope.

A detailed reference design generally should not be included in the competition brief as it can hinder innovation and create the impression there is a preferred solution. It is recommended that key elements of the reference design be described in the brief using diagrams or text, as appropriate, where these are critical to the functional operation of the development. The consent authority may allow inclusion of a basic reference design as an appendix to the competition brief if it is considered essential to the understanding of the brief.

A design team that has developed a reference design may be included in the later competition stage. If the design team is to be excluded, they must be notified by the applicant before undertaking reference design work.

2.7 Exhibiting the design responses

After the winning design response is announced, public exhibition of all competition entries is recommended, particularly for public-funded and prominent projects. Public exhibition supports transparency of the competition process and is an important way to acknowledge the effort and output of participating design teams. It also builds capacity across the design and development industries through the sharing of design responses. Entries may be physically exhibited in a public space or online via a public-facing website alongside the names of their authors.

Part three
Five steps of a design competition

This part outlines 5 recommended steps to be followed for a design competition under these guidelines.

They are:

1. design excellence strategy
2. competition brief
3. design responses and jury presentation
4. competition report
5. design integrity process.

The time required to complete each step of the competition process varies, depending on the complexity and scale of the development.

Table 2: Endorsement of Process and Jury Chair Nomination

Local DA or SSDA	Consent authority	DES / brief / design teams endorsement	Chair nomination
Local Development	Council or Local Planning Panel	Council	Council
Regionally Significant Development	Sydney District and Regional Planning Panel	Council	Council
State Significant Development	Minister or IPC	GANSW	GANSW

3.1 Step 1: Design excellence strategy

A design excellence strategy outlines how a proposal will achieve design excellence and sets out the details of the competition process. It usually includes:

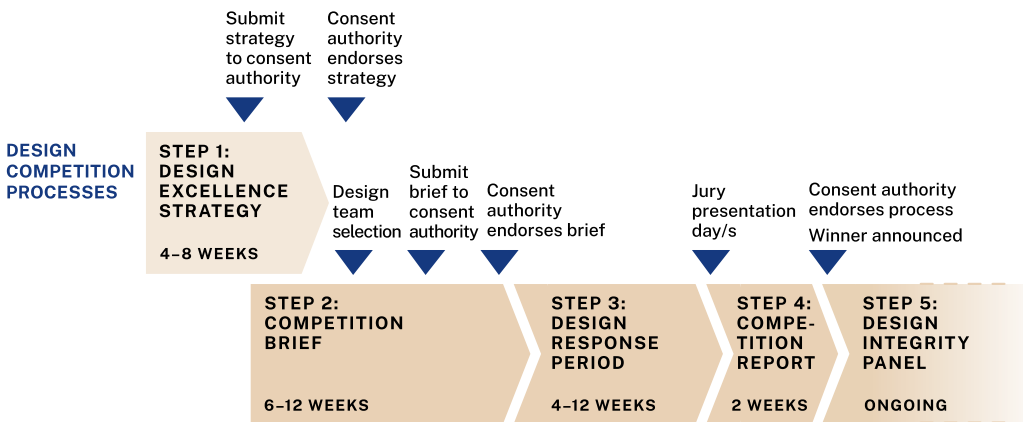
- the aims of the competition
- a short description of the site and program
- the capital investment value of the development
- the planning framework
- an outline of the competition process including key dates
- how the process will meet the relevant planning controls and align with these guidelines
- the number of design teams required to participate
- the disciplines to be included within design teams
- how design teams will be selected
- the number of jurors
- an outline of the design integrity process.

The design excellence strategy is procured by the applicant and typically prepared by the competition manager. It is reviewed and then endorsed by the council or GANSW as set out in Table 2 to ensure that the strategy appropriately explains the design excellence process for the development.

Where a 2-stage DA is to be prepared, the design excellence strategy should be included as part of the first stage (stage 1 or concept DA).

During the development of the design excellence strategy, the applicant will also usually be developing the reference design, gathering technical information to support the brief, and preparing the stage 1 DA (where relevant).

Figure 3: Time frames and milestones of a design competition



3.2 Step 2: Competition brief

The competition brief describes the competition process in full and contains all the information the design teams will need to complete their design responses. The competition brief is usually produced by the competition manager and then reviewed and endorsed by the council or GANSW as set out in Table 2. This ensures that the brief is suitable for the project and addresses all necessary considerations before its distribution to the design teams. In compiling the competition brief, the following items are generally addressed:

Competition details

- Description of the competition process
- The names of the design teams, including all collaborators
- Key dates, including:
 - design response period start date and submission deadline
 - site visits and briefings
 - mid-point reviews (where relevant)
 - jury presentation days
 - issuing of the competition report
 - announcement of the competition winner
- Names and qualifications of all jurors and the jury chair
- Detailed description of the design integrity process; see ‘3.5 Design integrity’
- Relevant Design Excellence considerations in any applicable EPIs and alignment with the competition design brief
- Fees to be paid to each of the design teams and, as appropriate, the awarding of any prizes, commissions, or bonuses to winning design teams
- Identity of the applicant
- Name and contact details of the competition manager.

Competition design brief

- Vision and principles for the development
- Capital investment value
- Planning framework and relevant controls, including draft or pending EPIs that may influence the project
- Proposed uses, gross floor areas and floor space ratios
- Functional and technical brief
- Details of environmentally sustainable design (ESD) targets and other benchmarks or standards that are to be achieved
- Site information including a detailed site survey, flood and bushfire studies where relevant, details of sun access planes, information about existing buildings, heritage information and any relevant supporting reports or policies
- Options for distributing any bonus floor space area or building height which may be granted by the consent authority for demonstrating design excellence through a

- design competition
- Summary reports of any stakeholder or community consultation which has been undertaken
- The endorsed design excellence strategy.

Submission requirements

Provide a clear list of the submission requirements for the design response, defined by a maximum page and word count. It is recommended that submission requirements for the design response be limited to matters that are necessary to explain the design response to the jury at a concept design stage.

The extent and level of detail of the submission requirements will influence the fees paid to design teams, the length of the design response period, the fees paid to jurors to review the design responses, and the amount of time required for jury presentations.

Governance

The competition brief describes the governance framework for the competition, such as:

- the process for the submission of fees by the design teams to complete the project following the competition; see ‘5.2 Design fees for ongoing work’
- the scope of services that will be required of the winning design team
- the process for clarifications and questions during the competition period, including those questions arising from a mid-point review
- a statement that all design teams’ names be clearly visible on entries, or that submissions are anonymous, and no identification of design teams is allowed
- a statement that the copyright and intellectual property rights of any entry to the competition remains with the originator of the work, and the originator is free to publish or exhibit the work after a stated date or milestone
- a statement that the jury’s decision will not fetter the consent authority in the assessment and determination of any subsequent development application
- a conflict-of-interest declaration signed by each member of the jury and a confidentiality agreement.

3.3 Step 3: Design competition – responses and presentation

The design competition response is the scheme developed and submitted by each design team in accordance with the requirements outlined in the competition brief. It is generally presented by representatives of the design team to the jury on the jury presentation day.

Design competition response period

Design teams have a set period to prepare a

their design responses. During this time the competition manager may field questions from any of the design teams. Answers to these questions are generally made available to all design teams so that all teams have access to the same information.

Mid-point review

The applicant may elect to hold a mid-point review to monitor the progress of the designs against technical and financial aspects of the competition brief. It is recommended that the technical advisers and the applicant's quantity surveyor be available for a short session where design teams may request feedback on the developing design responses. It is also recommended that the competition manager and probity adviser (where relevant) be present during mid-point reviews as observers. Jurors do not attend mid-point reviews. Any information given to one design team must be distributed to all design teams so that all have access to the same information.

Jury presentation day

The jury presentation day is when each competing team presents its design competition response to the jury. Time is usually allowed for briefings from technical advisers, questions and clarifications from the jury, and for the jury to discuss each proposal in private after all presentations have concluded. The jury chair will usually ask all observers, except those representing the council and consent authority, to leave the room while these discussions are taking place. For larger competitions the jury presentations may run over consecutive days.

It is recommended that the jury presentation day be convened by the competition manager within 2 weeks of the close of the competition response period. The jurors should receive a copy of submissions and technical reports at least one week before the jury presentation day and be allowed enough time to review all the submissions during that period. The competition manager should exclude materials that are additional to the requested submission documents, such as extra renders or models, to ensure equity for the design teams and clarity for the jury.

The jury should seek to complete its deliberations on the final jury presentation day.

Choosing the winner

The jury chair will generally try to negotiate a consensus decision on the winner, however, a majority vote may be used to decide a final outcome. In the unusual case of an even-numbered jury, the chair will have a deciding

vote. Judging will generally be against the evaluation criteria outlined in the brief.

The jury may, in exceptional circumstances, decline to declare a winner of the design competition if, in its opinion, none of the submissions have the potential to achieve design excellence. As this would require a new competition to be held this outcome is discouraged.

When deciding the winner is delayed

There are 2 scenarios where a jury may take longer to reach a conclusion:

- the jury has not reached a decision on the winner and the jury chair believes further discussion is necessary; the jury should try to reconvene within a week of the jury presentation day and make a decision during this meeting
- the jury cannot decide between 2 of the schemes and requires more information to make a decision. The jury should try to avoid this scenario wherever possible.

Where the jury cannot make a decision, and asks for additional material, the same questions should be issued to both design teams and a period of no less than 2 weeks allowed for responses. It is expected that both design teams be paid for this extra work. It is recommended that any design teams that have not been asked to provide additional information be informed that they have not been successful in the competition.

3.4 Step 4: Competition report

The competition report contains a summary of the competition process and documents the jury's decision including determination of the winner and the jury's recommendations. The competition report is usually prepared by the competition manager and reviewed and endorsed by all jury members.

The competition report usually includes:

- a summary of the competition process and a copy of the competition brief
- feedback on each of the design responses, outlining the merits and the weaknesses
- nomination of one design response as the winner of the competition and the winning design team for the purposes of design integrity
- a statement that the winning design response has the potential to achieve design excellence
- the rationale for the choice of the winning design and the qualities and attributes that must be retained to achieve design excellence
- areas that require further design development to achieve design excellence
- any ongoing requirements of the design integrity process; see '3.5 Design integrity' and '4.2 Role of competition reports and design integrity panels'

—a statement confirming the competition process has been carried out in accordance with requirements of the relevant EPI.

Competition feedback sessions

Unsuccessful design teams may request further feedback on their design response in addition to the competition report. This may take the form of a meeting with the jury chair and competition manager. Applicants and juries are encouraged to provide feedback to unsuccessful teams. It is recommended that feedback acknowledges the time and effort expended by design teams in participating in the competition and gives constructive advice for future opportunities.

3.5 Step 5: Design integrity

Design integrity is a process that ensures the design intent and design quality of the winning scheme is maintained or improved through subsequent design and development stages and through to construction. An overview of the various design integrity processes is provided below. The processes for ensuring design integrity are set out in the design excellence strategy and confirmed in the competition brief and report.

Engagement of the winning design team through to completion

The design team of the winning design response is to be appointed for the duration of the project, through to completion. The scope of design services provided by the winning team should be agreed and should include:

- preparation of drawings for a development application
- preparation of drawings for a construction certificate
- preparation of drawings/material for contract documentation
- continuity of design leadership through construction to occupation certificate.

The engagement of the winning design team is generally not affected if the site is sold. Some EPIs state that development consent must not be granted until a design competition has been held. A design competition is considered to have been held at the point when the winning design team has been engaged by the applicant.

After the competition, in the further design development and construction of the project, the consent authority may ask the lead designers at any time to confirm they have maintained a significant role in the process of developing the design.

In exceptional circumstances, the applicant and the nominated lead designers may agree the lead designers cannot continue with the project. In this case the applicant will most

likely need to reconvene the jury to establish a suitable solution to support delivery of design excellence and maintain the design integrity of the winning scheme. This may include convening a new design competition.

Design integrity panel

A design integrity panel (DIP) is a quorum of the competition jury engaged to review whether the project retains design integrity. A DIP should be formed from a minimum of 3 of the competition jury, using the same composition as a 3-person jury and including the chair. The DIP may then be convened by the applicant with assistance from the competition manager, with membership approved by the chair.

The DIP may then review the design to ensure the key design excellence attributes noted in the competition report are retained or improved upon through the development of the design, and that areas noted as requiring further design refinement are appropriately addressed.

It is recommended that DIP reviews occur before:

- lodgement of the DA
- lodgement of Response to Submissions
- lodgement of any significant design modification application.

In some cases, assessment officers or the consent authority may request further review of the project by the DIP. For further guidance on post-lodgement processes see [‘4.2 Role of competition reports and design integrity panels’](#).

The cost of running a DIP is usually borne by the applicant.

Design integrity reports

Each meeting of the DIP should be documented in a design integrity report. The report should include a statement confirming that the design retains or improves upon the design qualities exhibited in the competition-winning submission, and retains the potential to achieve design excellence. The report should specify whether further DIP sessions are recommended. Specific reference to advice and recommendations from the competition report and earlier DIP meetings should be made in each subsequent design integrity report to ensure all matters are addressed.

Design integrity reports are usually prepared by the competition manager and reviewed and endorsed by the DIP.

The competition report and design integrity reports are submitted to the consent authority with the DA and may inform the assessment of the planning application. For further guidance on post-lodgement processes see [‘4.2 Role of competition reports and design integrity panels’](#).

Part four

Relationship of competitions to planning assessment

4.1 Integration with planning application

The 5 steps of a design competition generally take place during the different stages of the preparation and assessment of a development application.

The following section describes how the steps outlined for the design competition relate to different types of planning applications.

It is recommended that the competition brief and subsequent steps not take place before the approval of a planning proposal or concept DA for the relevant site (where this is required). Design competitions should not be used as a way of promoting development envelopes outside existing controls.

Further, it is recommended that throughout the development assessment process, the considerations and requirements of the specific design excellence clause in the EPI that applies to the site be addressed and responded to. In some cases, this may involve negotiations with the consent authority to ensure the proposed timing of the competition is supported.

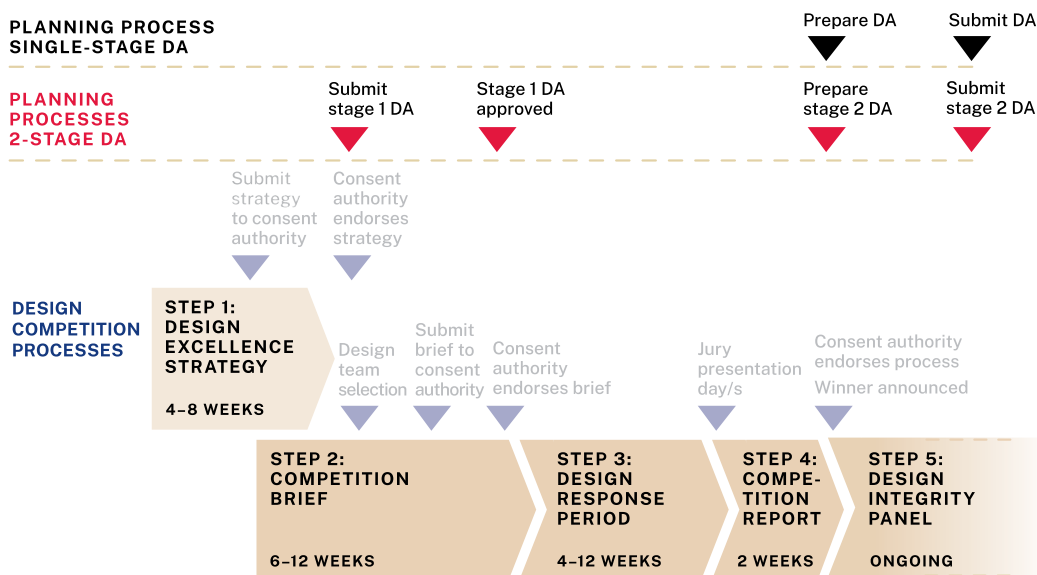
DA or State significant DA

For a DA or State significant DA (SSDA), the first 4 steps of the design competition are usually completed before lodgement of the DA.

Staged DA or concept DA

It is recommended that where there is a staged DA or concept DA, the design excellence strategy be submitted with the initial application. The remaining steps in the design competition should generally proceed after the approval of the initial stage or concept plan though this will depend on the requirements of any relevant EPI. The competition report and DIP reports will usually be submitted with any further staged DAs subject to the requirements of the relevant EPI. It is recommended the applicant discuss and agree the timing of the competition with the consent authority before commencing the 5 step competition process.

Figure 4: How the design competition process aligns with typical single-stage and 2-stage DA process



Planning envelopes

A concept DA or staged DA usually describes a planning envelope including controls such as heights, floor space ratios and setbacks the proposed development will be constructed within; this is often required for large and complex development. Where a concept DA or staged DA exists, the concept approval should be provided to design teams in the competition brief.

Planning proposals

Where a planning proposal is prepared with a DA, the design excellence strategy should be submitted with the planning proposal. It is recommended the remaining steps in the design competition process be held after the planning proposal has been approved in line with the steps outlined above.

4.2 Role of competition reports and design integrity panels

In assessing a development application, assessment officers and consent authorities are to consider the competition and DIP reports, which will assist when:

- assessing requests to vary development standards where an application does not strictly comply with the planning controls and the applicant has submitted that, for design reasons, such variations may achieve better outcomes
- establishing whether the recommendations of the jury and the DIP have been addressed
- the advice of the jury and DIP has not been adopted by the applicant, to establish whether this is an appropriate ground for refusal of the DA because the proposed development is not capable of achieving design excellence.

In some instances, assessment officers and consent authorities may require additional design quality advice to finalise their recommendations or to make a determination. They may refer the project back to the DIP if the application requires significant modification to achieve design excellence and the extent and nature of the changes require additional advice from the DIP.

The project is usually not referred back to the DIP during assessment if:

- the application does not reflect the DIP’s advice and design excellence has not been achieved; the application is refused
- the application achieves design excellence but requires minor modifications which can be managed via the conditions imposed on the development consent.

Conditions of consent may require further review by the DIP to resolve outstanding design excellence matters, for example review of external materials, facade prototypes, or other design-related features.

4.3 Community involvement in the competition process

While the competition process (Steps 1 to 5) is not open to the public, the community may comment on the winning scheme following lodgement of the DA or SSDA. The competition report (which includes the competition brief) and DIP report form part of the DA or SSDA submission. These may be viewed during the public exhibition stage of the assessment process which is managed by the consent authority.

4.4 When a competition is not required

Some EPIs contain a clause noting that in specific circumstances a design competition may not be required.

If the applicant’s development application is subject to such a clause and the applicant wishes to take advantage of it, they will generally need to ensure the development complies with any requirements in the particular EPI clause and submit a written request to the decision maker in the clause seeking confirmation that a design competition is not required. Any such correspondence should set out all criteria contained within the relevant EPI and show how these criteria have been satisfied.

Part five

Governance and commercial considerations

5.1 Setting fees for the design response

Design teams must be paid reasonably for the work involved in preparing a design response.

The design competition fee is influenced by the:

- extent and detail of submission requirements
- design response period
- complexity of the project
- number of specialist consultants and collaborators that are required as part of the design team
- the value of the design work provided to the applicant.

Design teams may decline to enter the competition if they consider the design response fee is inadequate to cover the work required.

5.2 Design fees for ongoing work

The winning design team is to be appointed on an ongoing basis to complete the design through to construction and project completion.

It is recommended that design teams be given a sample of the terms of engagement or contract and an indicative fee band that states the acceptable minimum and maximum amounts for ongoing fees. This fee band is usually provided by the applicant's cost consultant with consideration given to industry benchmarks, the scope of work and the quality of architectural services required.

Design teams may decline to enter the competition if they consider the fee band is inadequate to cover the work required.

To ensure the fees for ongoing work are competitive, fee proposals for completing the project are recommended to be submitted by each design team before the commencement of step 3 (see '[3.3 Step 3: Design competition: responses and presentation](#)'). To ensure fees play no role in selecting the winning scheme, appropriate probity measures should be adopted to ensure that fee proposals are not opened or shown to the applicant until after the winning scheme has been chosen.

5.3 Budgets and commercial outcomes

Design teams should try to provide a design response that has the potential to be delivered within the stated construction budget and that satisfies the commercial requirements of the brief. To help design teams meet budgets, the applicant may make the services of a cost consultant available during the preparation of submissions. Project budgets must try to be realistic and consider development complexity and the need to deliver design excellence.

Competition submissions represent a very early design stage, and design development may need to allow for significant refinement of the design to meet budgets. The jury will generally consider cost estimates when evaluating the design responses and may provide advice on how the design responses could be developed to address budget risks, where identified.

Cost consultants are technical advisers that are usually engaged and paid by the applicant.

5.4 Disqualification

Disqualification should be avoided wherever possible. It is recommended that design teams should only be disqualified if:

- an entry is received after the nominated closing time and date
- a design team discloses their identity in an anonymous competition
- a design team attempts to unethically influence the jury's decision
- the design is found not to be the original work of the declared design team.

In other circumstances, for example where design teams do not meet other submission requirements, disqualification may be considered but is not encouraged. Recommendations for disqualification come from the competition manager or the probity adviser. The jury should review any recommendation for disqualification but may choose not to support it. The decision should rest with the jury.

Credits

GANSW acknowledges and thanks the many councils, industry groups and agencies who have supported the development of this document through stakeholder workshops, working groups and other forums as well as consultants who have assisted in the development of this document.

Photography

All imagery by Government Architect New South Wales and Department of Planning and Environment unless stated.

Government Architect NSW team

Abbie Galvin
Olivia Hyde
Paulo Macchia

Angus Bell
Barnaby Bennett
Elizabeth Bowra
Ben Campbell
Rowanne Couch
Rose Davies
Rebecca Donney
Gail Fletcher
Marco Geretto
Jeremy Giacomini
Victoria Hamilton
Gabriela Heesh
Jillian Hopkins
Emma Kirkman
Dillon Kombumerri
Claire Krelle
Brindha Kugan
Sarah Lawlor
Carol Marra
Brooke Matthews
Melizza Morales Hoyos
Grace Mortlock
Guy Pinkerton
Lucy Rimmer
Barbara Schaffer
Chris Taylor
Rory Toomey
Darlene van der Breggen
Grace Wolstencroft



(Item GB5/26) 10 Daisy Street Croydon Park. Section 4.56 modification

File No: 26/21053

Report by Manager City Development

Summary

This report relates to a Section 4.56 Modification Application lodged under the Environmental Planning and Assessment Act 1979 for the development known as 10 Daisy Street, Croydon. Due to the significant level of community interest and submissions received throughout the assessment process, this report has been prepared by an external planning consultant engaged by Council to undertake an independent assessment of the application.

Background**Subject Site and Existing Development**

The Site was first used as a church since the early 1920s – and the present church buildings were completed in 1936. There are 2 x single storey buildings on site – a church hall at the front (generally used for church services, congregation and worship) and a smaller building at the rear, containing offices, amenities and a smaller hall.

Most of the site (not occupied by buildings) is turfed, and there are concrete paths and a small hard-stand car park/driveway for 1-2 vehicles at the front.

For many years, there was no development consent in place, or any other formal approval arrangements regarding the Church. There have been several more recent Development Applications (DAs) approved by Council at the Site, as summarised in the table below.

Development	Determination
DA2007/233 Extension to existing place of worship & demolition of existing separate assembly hall.	Approved by Council 21 Oct 2008
DA2012/25 Alterations and additions to existing church buildings with proposed new car park.	Determined
DA2019/28 Continuation of Church Premises - Changes to the activities and services approved at the site.	Approved via NSW Land & Environment Court 28 Nov 2019
DA2019/28.2 Modification of approved place of public worship to extend worship services, special occasions, bible study and modify conditions of consent.	Refused by Council (Local Planning Panel) 13 Mar 2025
DA2019/28.3 Modification of approved place of public worship to allow staggered arrival times (allow Church officers to arrive approx. 90mins before	(Current s4.56 application)

Development	Determination
<p>worship services instead of 30mins; designation of 2 on-street parking spaces for Church drop-off/pick-up; and encouragement of carpooling and sustainable transport options).</p> <p>These involve condition No's 2, 5, and 9 of the consent.</p>	

Source: Burwood Council DA tracker

Previous Section 4.56 Modification Application – DA2019.28.2

There was a previous s.4.56 modification application determined by Council at the Local Planning Panel meeting on 13 March 2025 – DA2019/28.2. This previous modification proposed various components which would have significantly expanded the Church operations, including (in summary):

- Increasing Church Services from 3 services per week – to 5 services per week.
- Allowing choir members, deacons and deaconesses to arrive up to 90mins prior to Church activities/services. (This component is similar to the current proposal).
- Extending the 3 “special occasions” (namely Holy Supper Devotional Prayer; Church Anniversary Thanksgiving; and Year End Thanksgiving) by 1 additional week for each occasion – ie from 1 week to 2 weeks each.
- Allowing Bible Study activities 3 nights per week (Mon, Thu and Fri) – these would have been additional activities as currently no Bible Study is allowed under the current consent.

This previous Modification Application DA2019/28.2 was referred to the Local Planning Panel meeting on 13 March 2025 – where the following determination was made:

That Application No 2019/28.02 for modifications to an approved Place of Public Worship at Lot 25-26 DP9297, No 10 Daisy St Croydon Park be refused for the following reasons:

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

In particular, the proposed modifications will cause further adverse impacts of on-street car parking, traffic impacts (increased number of vehicle movements and driver behaviour) and noise from people coming to/from the site. These impacts will adversely affect the amenity of the occupants of adjoining/nearby dwellings.

2. Pursuant to Section 4.56 and 4.15(1)(c) of the Environmental Planning & Assessment Act 1979, the Subject Site is unsuitable for the intensity and scale of the Church services and related activities proposed in this modification application. In particular, the site is located in a low-density residential area. The site is unable to provide adequate on-site parking to cater for the expected needs of people attending the site as proposed in this modification application. Further, the site's location in close proximity to adjoining dwellings means that there will also be significant adverse noise impacts arising from the Church services and activities.
3. Pursuant to Section 4.56 and 4.15(1)(d) and (e) of the Environmental Planning & Assessment Act 1979, in the circumstances of the case, approval of the proposed modifications would not be in the Public Interest.

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

Current Section 4.56 Modification Application – DA2019.28.3

In common with the previous s4.56 modification application as above – the current Application DA2019/28.3 is made under s.4.56 of the Environmental Planning & Assessment Act 1979, which deals with Modification by consent authorities of consents granted by the Court. A full assessment of the application against the matters listed in s.4.56 of the Act is provided later in this report.

The key dates and events for this application are summarised as follows (full details also provided later in this report):

- 4 Feb 2026 – Subject Application lodged with Council.
- 11 Feb 2026 – Internal Referrals and Neighbour Notification undertaken. The internal referrals were sent to Council’s Environmental Health, Traffic & Design, and Waste Services.
- Neighbour notification occurred for a minimum period from 18 Feb to 11 Mar 2026. Twenty (20) submissions were received, and these are discussed in detail later in this report.
- There have been no requests for information/amended plans from the applicant during the processing of the current application.

Proposal

Modification Application (under s.4.56 of the Environmental Planning & Assessment Act 1979) to an approved Place of Public Worship (Iglesia Ni Cristo Church of Christ).

The modifications propose changes to the Church operations, including:

- Staggered arrival times for Church officers. The application seeks to allow around 40 Church officers to arrive approximately 90 minutes before worship services (instead of 30 minutes as per the current consent condition).
- Designation of the existing on-street parking spaces as two temporary drop-off and pick-up spots in front of the Church. These areas would be clearly marked as “No Parking” only during adult worship service times, including the proposed extended arrival period and the approved departure period following the adult worship services.
- Encouragement of carpooling and the use of sustainable transport options by Church officers and congregation members.

The modifications involve changes to Condition No’s 2, 5 and 9 of Consent No DA2019/28, approved via the NSW Land and Environment Court on 28 November 2019. In particular, two of these conditions (No 2 and 9) relate to the approved Plan of Management (PoM), and in this regard, a revised PoM has been submitted for Council’s consideration.

The November 2019 approval by the NSW Land & Environment Court resulted in a significant expansion and intensification of the Church activities (eg in terms of number of persons attending, number of worship services and other activities such as Bible Study occurring per week etc) – compared to how the Church operated prior to the 2019 approval.

Residents through submissions have stated the current operation of the Church has caused significant impacts on the amenity of residents in Daisy St and also surrounding streets (eg noise, traffic movements in Daisy Street; and on-street parking in Daisy St and several other streets in the vicinity of the Church) – this has been demonstrated in previous applications considered by Council for this site which have attracted a large number of submissions.

Also, there have been strong concerns raised by local residents that the Church operations have not complied with the conditions of consent in the November 2019 approval.

Although the current modifications appear relatively minor in nature and do not propose any further expansion of the Church's operations (in terms of number of Worship Services per week, or number of worshipers attending the site etc), they will cause additional amenity impacts on Worship Days due to the earlier arrival of Church Officers; and also through the reduction in on-street parking (ie 2 on-street spaces proposed to become a "No Parking" zone, and used as drop-off/pick-up spaces).

On-street parking in Daisy St is already in extremely high demand, particularly on weekends in general but in particular while the Church is in operation, and any reduction in on-street parking availability is not supported.

BLPP Referral Criteria

The application has received more than 10 unique objection submissions (20 submissions received).

Summary Recommendation:

Refusal.

The Site

The subject site has a legal description of Lot 25-26 DP9297, and a street address of No 10 Daisy St Croydon Park. It is on the eastern side of the street mid-way between Lily St and Violet St, and is approximately 1.8km south of Burwood railway station.

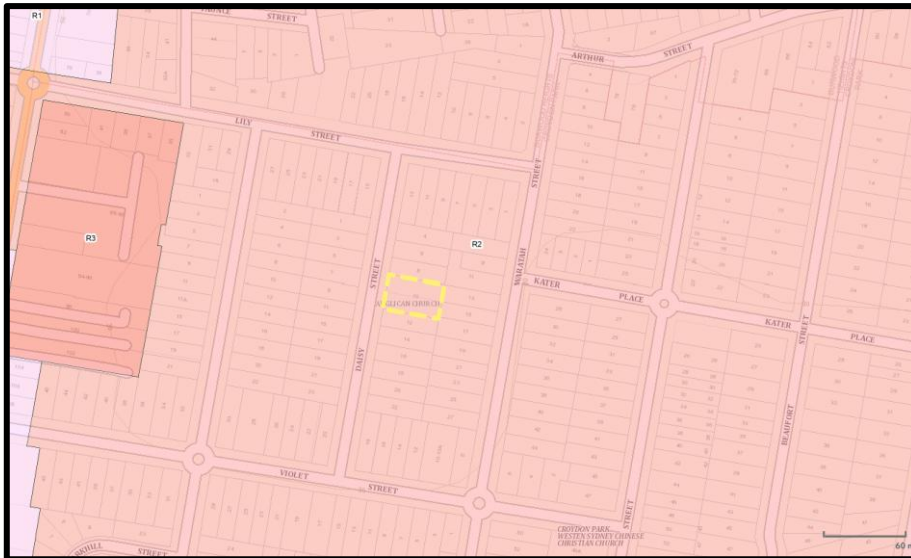
The site is a regular-shaped (rectangular) lot with a frontage of 24.4m and site area of 986m².

The site contains 2 x single storey buildings and was first used as a church in 1936. A church hall is at the front (generally used for church services, congregation and worship) and there is a smaller building at the rear, containing offices, amenities and a smaller hall.

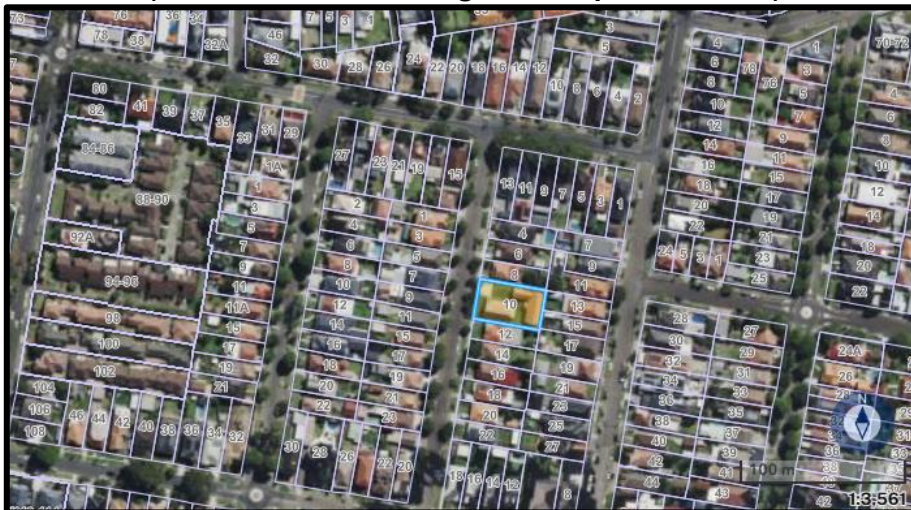
Most of the site (not occupied by buildings) is turfed, with some concrete paths and a small hard-stand car park/driveway for 1-2 vehicles at the front.

Surrounding development consists of mostly detached dwelling houses (1 and 2 storeys in height), consistent with the R2 Low Density Residential zoning of this location under Burwood LEP 2012. The Site is not a Heritage Item, or within a Heritage Conservation Area.

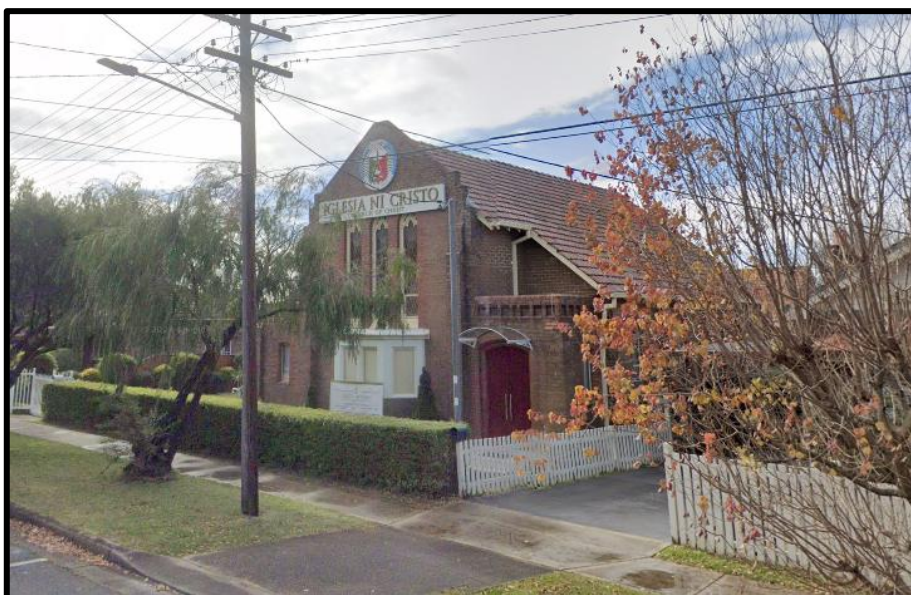
The following are a visual presentation of the site and it's surrounds – containing the Burwood LEP 2012 zoning map, air photo, and street-view images of the Site and immediately adjoining properties.



**Zoning Map – Burwood LEP 2012. Subject Site No 10 Daisy St Croydon Park shown by yellow outline
(Source: NSW Planning Portal Spatial Viewer)**



**Air Photo of the Subject Site No 10 Daisy St Croydon Park (shown with blue outline)
(Source: maps.six.nsw.gov.au)**



**Subject Site No 10 Daisy St Croydon Park showing front church building
(Source: Google Street View)**



**Subject Site No 10 Daisy St Croydon Park showing rear church building
(Source: Google Street View)**



**Immediate Adjoining Properties to the North (No 4, 6 and 8 Daisy St Croydon Park)
(Source: Google Street View)**



**Immediate Adjoining Properties to the South (No 12, 14 and 16 Daisy St Croydon Park)
(Source: Google Street View)**

Consultation

In accordance with Council's Community Consultation Plan, neighbours were notified of the proposed modification application for a minimum period from 18 Feb to 11 Mar 2026.

In response, twenty (20) submissions were received, mostly from residents of Daisy St but also from surrounding streets.

The issues of concern raised in the submissions are summarised and discussed in the following table:

Concern	Response
<p>1. Intensification of Church Activities. Concerns were raised regarding the increased number of church services, the additional Bible Study activities and the extension of the Church Special Occasions.</p>	<p><u>Comment:</u> This is the central issue of concern with this application, and the neighbours' concerns are valid and reasonable.</p> <p>The existing Church operations already cause significant amenity impacts when in operation. Although the current modifications appear to be relatively minor in nature, they will result in people (eg Deacons, deaconesses, Choir etc) arriving earlier than commencement of Worship times (by 90 minutes instead of the current requirement for 30 minutes prior) and this will intensify the amenity impacts.</p> <p>For example, the earlier arrival of deacons, deaconesses, Choir etc will bring associated traffic and parking movements earlier on Sunday mornings and Wednesday evenings (ie when the worship services are held).</p> <p>As discussed throughout this report, the proposed modifications will exacerbate impacts currently occurring on neighbourhood amenity, and overall the modifications are unacceptable.</p>
<p>2. Car Parking. Concerns were raised that as the site does not have on-site parking (ie 1-2 spaces in a front driveway) – almost all car parking needs to be accommodated on-street. This location already has high demand for on-street parking through normal residential demand and population density – and on-street parking from this development spreads to several streets away from the Site. The proposed modifications will worsen this situation regarding car parking.</p>	<p><u>Comment:</u> These concerns are also valid and reasonable. The current operations of the church enable realistic assessment to be made in terms of on-street parking, and the Church does generate significant car parking impacts in several surrounding streets.</p> <p>The current modifications will cause these current impacts to occur over a longer period on Worship days (ie through Church personnel arriving earlier), and they also involve a reduction in on-street parking by 2 spaces at the front of the Church if these are to be converted into pedestrian drop-off/pick-up area.</p> <p>This would be an unacceptable outcome – as on-street parking is already in high demand and Church worshipers' vehicles are parked in numerous streets surrounding Daisy St.</p>
<p>3. Traffic Impacts. Coupled with car parking issues, concerns were also raised regarding increased traffic generation and related issues such as blocked driveways, hazardous vehicle movement (double parking, u-turns etc) and cars stopping in the middle of the street for people to alight.</p>	<p><u>Comment:</u> These concerns are also valid and reasonable – in terms of the current Church operations.</p> <p>It is generally considered that the current modifications would not cause additional traffic generation, rather it would result in that traffic occurring over a wider period of time through earlier arrival of Church personnel.</p> <p>This will cause significant amenity impacts given that the Church Services are held on a Sunday.</p>
<p>4. Compliance Issues. Concern is raised that the development is already not operating in</p>	<p><u>Comment:</u> Consent conditions are in place under DA2019/28, and the Environmental Planning & Assessment Act 1979 provides enforcement powers to ensure that the development satisfies the</p>

Concern	Response
<p><i>accordance with the Land & Environment Court Consent (DA2019/28), and so any further church services/activities should not be approved.</i></p>	<p>consent condition requirements.</p> <p>Anecdotally, the local residents have raised strong concerns that the Church operations often breach the conditions of consent imposed by the NSW Land & Environment Court as part of the 2019 approval.</p> <p>The nature of the Church operations (ie Services occurring on weekends) makes it difficult for Council officers to monitor/enforce the consent conditions, and in reality it is the residents who observe and monitor whether the consent conditions are being satisfied, and also the residents who are impacted by any such non-compliances.</p> <p>As the Church Services occur on Wednesday evenings and Sunday mornings (ie outside standard working hours), it is very difficult to achieve effective, immediate resolution to any issues requiring enforcement actions.</p>
<p>5. Noise. <i>Concern is raised regarding the additional noise generated – both from on-site activities at the Church, and from people (and cars) entering/leaving the site particularly at night.</i></p>	<p><u>Comment:</u> Noise is currently generated both through Church activities occurring on-site, but also from people entering/leaving the site (eg walking, conversation, noise from vehicle movements). While it is noted that the noise outputs generally satisfy the relevant noise criteria (or can be required to ensure it does not cause “offensive noise” under the Protection of the Environment Operations Act 1997) – the noise impacts then become a more general planning consideration of what is reasonable in terms of impacts on neighbourhood amenity.</p> <p>In this regard, the only real potential additional noise source proposed in this application would be the additional arrival time window for Church personnel (ie 90 minutes prior to commencement of Church services instead of 30m as currently permitted).</p> <p>This would cause only minimal impact in terms of additional noise.</p>
<p>6. Modification to a Land & Environment Court Approval. <i>Concern is raised that the consent conditions imposed by the Court should not be varied or extended.</i></p>	<p><u>Comment:</u> The Environmental Planning & Assessment Act 1979 allows applicants to apply for modifications to Court consents (s.4.56), and this Section provides the requirements by which such applications are assessed. This s.4.56 assessment is provided previously in this report.</p>
<p>7. Community Character and Inconsistency with the R2 Low Density Residential zoning. <i>Concerns were raised regarding the Church’s consistency with the residential environment where it is located.</i></p>	<p><u>Comment:</u> These would only be valid/reasonable for a new proposal. The Church has existed on the site since 1936 and has development consent in place (DA2019/28) regarding it’s use/s.</p>

Referral Comments

The application was referred to the following Internal Referral Officers:

Traffic & Design Engineer: Has reviewed the application and provided the following comments:

On Street Parking

The proposal seeks to provide pick-up/drop off space by providing 'No Parking' signages in front of the church at Daisey Street. The proposed hours are 6pm to 9:30pm on Wednesday and 8am to 11:30am on Sunday.

An on-street parking utilisation survey has been provided to support the fact that there are additional spaces to spare on Daisy Street and other surrounding streets during the proposed 'No Parking' hours.

Traffic generation

The proposal claims that it does not intend to generate additional traffic and just that the patrons will be arriving early to prepare for the worship services.

This is acceptable from traffic perspective.

Conditions

- 1. While the request to introduce 'No Parking' during service hours is reasonable in technical terms, given the history of the development, feedback from community consultation should be taken into consideration prior to processing this request.*
- 2. 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.*
- 3. Following approval of the signages, drivers will not be allowed to park on the pick-up/drop off area and will need to find parking elsewhere after dropping off the patrons.*
- 4. No changes are proposed and shall not be made to any existing land use GFA and parking facilities. Any changes that warrant a change in traffic facilities shall be submitted for Council's approval.*

Assessment Officer's Comments: It is noted that the comments of Council's Traffic & Design Engineer are generally supportive of the proposal.

Although the comments are noted, it is considered that traffic and parking concerns are more of a general planning and amenity nature. For example, although the proposed modifications may not result in significant additional traffic movements or on-street parking demand, the nature of the additional traffic movements and on-street parking demand will occur on a Sunday morning (and Wednesday evening) which by their nature will cause additional amenity impacts.

Planning or Policy Implications

Statutory Requirements

This application is assessed under the provisions of s.4.56 of the Environmental Planning & Assessment Act 1979, as amended, which includes:

- Assessment under the heads of consideration in s.4.15 of the Act [required under s.4.56] Burwood Local Environmental Plan (LEP) 2012
- Burwood Development Control Plan (DCP) 2013
- The likely social, environmental and economic impacts of the development
- The suitability of the site for the development
- Submissions received from the neighbour notification/advertising process
- The Public Interest

These matters are considered in this report.

Planning Assessment

The current application is for modifications to a consent issued by the NSW Land & Environment Court. Such modifications are covered by s4.56 of the Environmental Planning & Assessment Act 1979. An assessment against the provisions of s.4.56 is provided in the following Table:

4.56 Modification by consent authorities of consents granted by the Court (cf previous s 96AA)

Section 4.56 Requirement	Comments
<p>(1) <i>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—</i></p> <p>(a) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and</i></p>	<p><u>Comment:</u> The development description (in DA2019/28 dated 28 November 2019 issued by the NSW Land & Environment Court) is: "... <i>expansion and enlargement of the existing use at 10 Daisy St Croydon Park as a place of public worship to the activities and services outlined in condition 3 of Annexure A</i>".</p> <p>The current application seeks continuation of this overall use as a "<i>place of public worship</i>", with modifications to particular conditions as discussed throughout this report. Therefore the current application is "<i>substantially the same development</i>" and thus satisfies s.4.56(1)(a).</p>
<p>(b) <i>it has notified the application in accordance with—</i></p> <p>(i) <i>the regulations, if the regulations so require, and</i></p> <p>(ii) <i>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</i></p>	<p><u>Comment:</u> The current modification application has been notified to neighbours as per Council's Neighbour Notification DCP – see "<i>Community Consultation</i>" section of this report, below.</p>
<p>(c) <i>it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to</i></p>	<p><u>Comment:</u> Council has made reasonable attempts to notify previous submitters to the original DA.</p>

Section 4.56 Requirement	Comments
<i>the last address known to the consent authority of the objector or other person, and</i>	
(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	<u>Comment:</u> The “ <i>Community Consultation</i> ” section of this report (below) summarises the submissions received from neighbours, and provides a planning response.
(1A) <i>In determining an application for a modification of a consent under this section, the consent authority must take the following into consideration:</i> (a) <i>the matters referred to in section 4.15(1), but only so far as the matters are of relevance to the application,</i> (b) <i>the reasons given by the consent authority for the grant of the consent sought to be modified, but only so far as the reasons are of relevance to the application.</i>	<u>Comment:</u> As required by s.4.56(1A)(1)(a), an assessment in terms of the heads of consideration in s.4.15(1) of the Environmental Planning & Assessment Act 1979 is undertaken below. Section 4.56(1A)(1)(b) is not relevant to this assessment, as the report recommends refusal of the application.
(1AA) <i>Section 4.15(1C) extends to an application for a modification under this section of a consent for targeted assessment development.</i>	<u>Comment:</u> Not relevant, this modification application does not relate to a consent for targeted assessment development.
(1B) <i>To avoid doubt, a consent authority is not prevented from modifying a consent under this section merely because the modification only modifies a condition of consent and would not result in a change to the development the subject of the consent.</i>	<u>Comment:</u> Noted. As stated previously, the proposed modifications are substantially the same development as the original approval.
(1C) <i>The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.</i>	<u>Comment:</u> Noted.
(2) <i>After determining an application for modification of a consent under this section, the consent authority must send a notice of its determination to each person who made a submission in respect of the application for modification.</i>	<u>Comment:</u> Noted, Council’s standard administrative processes will ensure that all submitters receive the Notice of Determination (ie made available via Council’s DA tracker).
(3) <i>The regulations may make provision for or with respect to the following—</i> (a) <i>the period after which a consent authority, that has not determined an application under this section, is taken to have determined the application by refusing consent,</i> (b) <i>the effect of any such deemed determination on the power of a consent authority to determine any such</i>	<u>Comment:</u> Noted.

Section 4.56 Requirement	Comments
<p>application,</p> <p>(c) <i>the effect of a subsequent determination on the power of a consent authority on any appeal sought under this Act.</i></p>	
(4) (Repealed)	-

Conclusion re s.4.56 Assessment:

This application (and Council's assessment thereof) satisfies the requirements of s.4.56 of the Environmental Planning & Assessment Act to enable it to be assessed and determined as a modification application to DA2019/28.

As noted above, s.4.56(1A) requires Council to assess the proposal in terms of the heads of consideration in s.4.15(1). This s.4.15(1) Assessment is undertaken as follows:

4.15 Evaluation (cf previous s 79C)

Section 4.15 Requirement	Comments
<p>(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</p>	
(a) the provisions of—	
(i) any environmental planning instrument, and	<p>The Site is in Zone R2 Low Density Residential under Burwood LEP 2012.</p> <p>The Development falls under the definition of "<i>Place of Public Worship</i>", which is not listed in the land uses "Permitted with Consent" and is therefore prohibited.</p> <p>However, as part of the NSW Land & Environment Court's determination to approve the original DA2019/28 – it was established that the Church at the site benefits from the "<i>Existing Use Rights</i>" provisions of the Environmental Planning & Assessment Act 1979.</p> <p>The development is therefore permissible under these "<i>Existing Use Rights</i>" under the Act.</p>
(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	No draft environmental planning instruments apply to the site or development.
(iii) any development control plan, and	<p>Burwood DCP 2013 provides the detailed development controls for the site/proposed development.</p> <p>There are no specific requirements for a Place of Public Worship under Burwood DCP 2013 that</p>

Section 4.15 Requirement	Comments
	would apply to the current modifications.
(iia) 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	None applicable.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	<p>Clause 164 of the Environmental Planning & Assessment Regulation 2021 provides the following requirements for <i>Enlargement, expansion and intensification of existing uses</i>:</p> <p>164 Enlargement, expansion and intensification of existing uses</p> <p>(1) Development consent is required for any enlargement, expansion or intensification of an existing use.</p> <p>(2) The enlargement, expansion or intensification must be—</p> <p>(a) for the existing use and for no other use, and</p> <p>(b) carried out only on the land on which the existing use was carried out immediately before the relevant day.</p> <p>The original DA2019/28 provided the development consent required to enlarge (intensify) to nature of the use of the site as it is currently approved to operate.</p> <p>The current application is a modification to change particular conditions.</p> <p>The application is acceptable for assessment under Clause 164 of the Environmental Planning & Assessment Regulation 2021.</p>
(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,	<p>The likely impacts of the development (ie specifically the proposed modifications as described in this application) are unacceptable as it is likely that there would be additional impacts to local residents in Daisy St and surrounding streets as a result of the current modifications.</p> <p>The November 2019 approval by the NSW Land & Environment Court resulted in a significant expansion and intensification of the Church activities (eg in terms of number of persons attending, number of worship services and other activities such as Bible Study occurring per week etc) – compared to how the Church operated prior to the 2019 approval.</p> <p>The current operation of the Church has caused significant impacts on the amenity of residents in Daisy St and also surrounding streets (eg noise, traffic movements in Daisy Street; and on-street parking in Daisy St and several other streets in the</p>

Section 4.15 Requirement	Comments
	<p>vicinity of the Church) – this has been demonstrated in previous applications considered by Council for this site which have attracted a large number of submissions.</p> <p>Also, there have been strong concerns raised by local residents that the Church operations have not complied with the conditions of consent in the November 2019 approval.</p> <p>Although the current modifications appear relatively minor in nature and do not propose any further expansion of the Church’s operations (in terms of number of Worship Services per week, or number of worshipers attending the site etc), they will cause additional amenity impacts on Worship Days due to the earlier arrival of Church Officers; and also through the reduction in on-street parking (ie the reduction of 2 on-street spaces to be replaced as drop-off/pick-up spaces).</p> <p>On-street parking in Daisy St is already in high demand and any reduction in on-street parking availability is not supported.</p>
(c) the suitability of the site for the development,	<p>Overall, matters relating to site suitability (eg natural constraints eg bushfire, flooding etc) have been addressed in previous approvals for the Church at this Site.</p> <p>Focusing on the current modification application – strong concerns have been raised regarding the overall suitability of this site for a Church (ie with the intensity of it’s current operations).</p>
(d) any submissions made in accordance with this Act or the regulations,	<p>The “<i>Community Consultation</i>” section of this report, below, gives consideration to the submissions received following neighbour notification.</p>
(e) the public interest.	<p>Overall, in the circumstances of the case, approval of the current modification application is not considered to be in the public interest.</p>

Conclusion

The proposed modifications have been assessed against the requirements of s.4.56, and the heads of consideration in s.4.15 of the Environmental Planning & Assessment Act 1979.

Overall, the proposed modifications are considered to be unacceptable.

The current operation of the Church has caused significant impacts on the amenity of residents in Daisy St and also surrounding streets (eg noise, traffic movements in Daisy Street; and on-street parking in Daisy St and several other streets in the vicinity of the Church) – this has been demonstrated in previous applications considered by Council for this site which have attracted a large number of submissions.

The proposal to amend Condition 5 (arrival time for Deacons, deaconesses and Choir) will involve a larger “window” of time for them to arrive at the site – so that such arrivals are spread over a longer period (ie 90 minutes instead of 30 minutes). Accordingly, the proposed modifications would result in these unacceptable amenity impacts occurring over a longer period (when the Church is being used for worship services).

Also, the proposed arrangements for “No Parking” restrictions in front of the site will result in reduced on-street parking availability, and therefore higher demand. This will in turn result in Church attendees having to park further away from the church during Worship services, which would cause amenity impacts further away in more adjoining streets.

Overall, on balance, the proposal is considered to be unacceptable and Refusal is recommended for the reasons set out in the Recommendation below.

Recommendation(s)

That Application No 2019/28.03 for modifications to an approved Place of Public Worship at Lot 25-26 DP9297, No 10 Daisy St Croydon Park be refused for the following reasons.

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

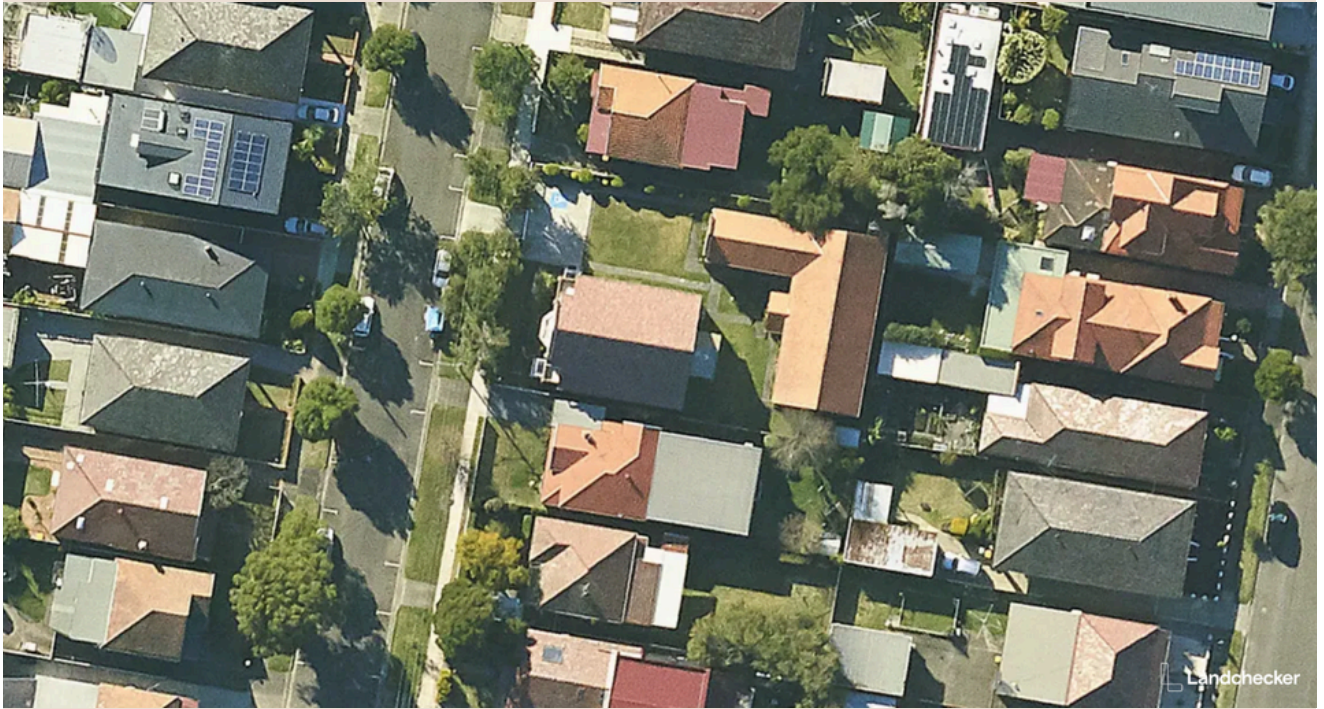
In particular, the proposed modifications will cause further adverse impacts associated with on-street parking and traffic impacts. The proposed extension to the arrival times for Church persons (Deacons, deaconesses and Choir) will extend these amenity impacts, and also the reduction in on-street parking availability during Church Services will reduce on-street parking availability and cause attendees to have to park further away from the Church, thus causing on-street parking impacts in adjoining streets further away from the Church.

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

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

Attachments

1. SEE (ie Planning Modification Report) - 10 Daisy Street Croydon Park - DA.2019.28
2. Proposed Plan of Management - 10 Daisy Street Croydon Park - DA.2019.28
3. Original DA Consent (Orders from the NSW Land & Environment Court).
4. Traffic and Parking Assessment- 10 Daisy Street Croydon Park - DA.2019.28



PLANNING MODIFICATION REPORT

Modification Application to the existing use of the
subject site as a place of public worship

On Behalf Of

Iglesia Ni Cristo

Prepared By

Planwave Pty Ltd

Project Site

10 Daisy Street,
Croydon Park



Planwave Pty Ltd

ABN: 24 671 937 474

contact@planwave.com.au

www.planwave.com.au

Report Contact

Boris Santana

Managing Director

Mb: +61 410 482 336

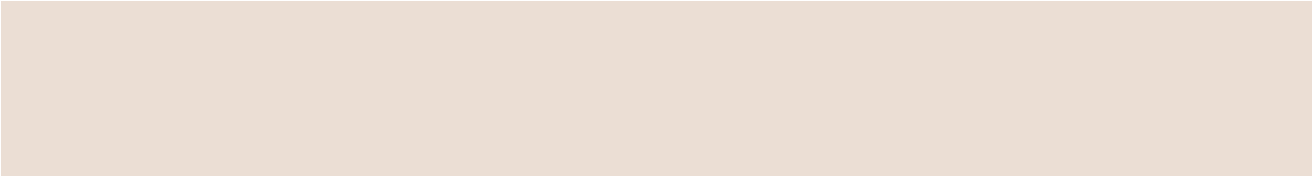
boris.santana@planwave.com.au

14 January 2026

Revision history		
Issue Reference	Issue Date	Issue Status
A	26 August 2025	First Draft
B	10 September 2025	For Pre-DA
C	14 January 2026	For DA Logdment

Contents

1. INTRODUCTION	4
1.1. SUBJECT SITE	4
1.2. FIRST MODIFICATION	5
1.3. PRE-DA MINUTES	6
2. THE PROPOSAL	9
2.2. CONDITIONS OF CONSENT	10
3. PLANNING CONTEXT AND REGULATORY FRAMEWORK	12
3.1. APPLICABLE PLANNING FRAMEWORK	12
3.2. MODIFICATION BY CONSENT AUTHORITIES OF CONSENTS GRANTED BY THE COURT	12
4. ENVIRONMENTAL ASSESSMENT	14
4.1. SECTION 4.15 (1)(A) MATTERS FOR CONSIDERATION – GENERAL	14
4.2. SECTION 4.15 (1)(B) THE LIKELY IMPACTS	14
4.3. SECTION 4.15 (1)(C) SUITABILITY OF THE SITE	16
4.4. SECTION 4.15 (1)(D) SUBMISSIONS MADE	16
4.5. SECTION 4.15 (1)(E) THE PUBLIC INTEREST	16
5. CONCLUSION	18



Tables and Figures

FIGURE 1 AERIAL IMAGE OF THE SUBJECT SITE- OUTLINED IN WHITE - IN ITS LOCAL CONTEXT (SOURCE:
LANDCHECKER, 2024) 5

TABLE 1 PRE-DA COMMENTS 6

TABLE 1 PROPOSED AMENDMENTS TO CONDITIONS 10

1. Introduction

This report has been prepared by Planwave Pty Ltd (Planwave) for submission to Burwood Council to accompany an application made pursuant to section 4.56 of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify the approved use of existing church and hall at 10 Daisy Street, Croydon Park. This is the second modification to the approved development (Proposed Modification 2).

A Development Application (DA) was lodged with Burwood Council on 20 March 2019, for the use of existing church and hall. DA 10.2019.28.1 was approved by the Land and Environment Court (LEC) on 28 November 2019. The Proposed Modification seeks to make changes to ingress times, improve pick-up and drop-off arrangements and update the Plan of Management (POM).

This report provides an overview of the approved development, describes the Proposed Modification, and provides a planning assessment of the relevant matters for consideration under sections 4.56 of the EP&A Act. For reasons set out in **Section 3** below, we consider that the application is within the requirements for a modification pursuant to section 4.56.

This report is supported by the following documentation:

- **Appendix A:** Traffic and Parking Assessment Statement, prepared by MLA Transport Planning.
- **Appendix B:** Revised Plan of Management (POM), prepared by Iglesia Ni Cristo.
- **Appendix C:** Statement of Compliance with Pre-DA advice on community consultation, prepared by Iglesia Ni Cristo.

Refer to the overview of the site, and the planning framework and assessment of environmental impacts below.

1.1. Subject Site

The subject site is known as 10 Daisy Street, Croydon Park and is legally described as Lots 25 and 26 in DP 9297. The subject site is rectangular in shape with a frontage of 24.4 metres to Daisy Street. The land contains a total area of 986 square metres.

The subject site contains two principal buildings, constructed for the purposes of a Church and Church Hall. Pedestrian and vehicular access is achieved directly from the

street. The buildings and grounds are in very good condition and are well maintained.

Adjoining development along both sides of Daisy Street are mostly single dwellings constructed in the 1920's, with some modern homes. Most properties in the street have their own driveways and garages.



Figure 1 Aerial image of the subject site- outlined in white - in its local context (Source: Landchecker, 2024)

1.2. First Modification (Previous)

To accommodate a growing congregation and better meet the needs of its existing members, the Church lodged a Modification Application (MA) with Council on 10 October 2024. The MA (DA.2019.028) sought to modify the above court-issued development consent to *expand* the Church's approved activities, including:

1. Two additional adult worship services per week, resulting in a total of four adult worship services per week (each service limited to 140 persons).
2. Adjust ingress times by allowing 40 personnel (Deacons, Choir, etc.) to enter 90 minutes prior to services for preparation.
3. Introduce Bible study sessions on Monday, Thursday, and Friday nights, each of which are limited to 20 attendees.

Council publicly notified the MA for an extended period and received a total of twenty-nine (29) submissions, all objecting to the MA. As a result, the MA was referred to a Local Planning Panel (LPP) meeting with a recommendation for refusal.

A detailed submission contesting Council's recommendation was lodged in reply. Despite this, this application was refused on 13 March 2025.

1.3. Proposed Modification (Current)

The Proposed Modification is specifically focused on improving operational efficiency and safety relating to arrival and drop-off processes during worship services. The proposed changes are:

1. Staggered arrival times for Church officers. The Church are seeking to allow around 40 Church officers to arrive approximately 90 minutes before worship services instead of the current 30 minutes before.
2. Designation of two temporary drop-off and pick-up spots in front of the Church. These areas would be clearly marked as “No Parking” only during adult worship service times, including the proposed extended arrival period and the approved departure period following the adult worship services.
3. Encouragement of carpooling and the use of sustainable transport options by Church officers and congregation members.

Importantly, the Proposed Modification does not include any changes that would increase the intensity of the church use or its operations.

1.4. Pre-DA minutes

A pre-lodgement meeting was had with Council on 21 November 2024 regarding the Proposed Modification. On 28 November 2024, Council provided comments that have been addressed in **Table 1** below.

Table 1 Pre-DA Comments

Key Planning Matters	Response
<p>It is strongly advised that the applicant/Church Group commence communications with adjoining property owners throughout Daisy Street, prior to the formal lodgement of the development application to Council. This will give both the Church members and community an opportunity to understand the changes proposed. Council anticipates the proposal will subsequently result in a large number of submissions being received.</p>	<p>The Church has fully complied with this advice and has undertaken meaningful early engagement with residents in the locality. Refer to Appendix C for more details.</p>

The Statement of Environmental Effects which accompanies the DA package, will need to address Section 4.56 of the EP&A Act 1979 (No. 203). Specific reference should be made as to how the proposal will not affect the traffic and parking arrangements in the street, as well as how the Church seeks to improve its efficiency.

The SEE provides specific reference to how the proposal will not affect traffic and parking arrangements in the street, as well as how the Church seeks to improve its efficiency.

Refer to Section 4.2 for more information. Note, this discussion is based on the traffic and parking analysis that was undertaken for this project. Refer to the traffic and parking impact statement at **Appendix B**.

Traffic Engineer for comment. In their referral response, the following was advised:

- Details regarding the commuting patterns and parking arrangements for the early arriving group of 40 staff members must be provided.
- A separate request for the installation of ‘No Parking’ signage shall be submitted to Council via email.
- Consultation with affected neighbouring properties regarding the proposed signage will commence only after the development application (DA) has been approved.

The traffic and parking impact statement at **Appendix B** provides the relevant commuting details for the 40 staff members.

A separate request for the installation of ‘No Parking’ signage shall be submitted to Council via email.

Consultation with the affected neighbouring properties regarding the proposed signage has occurred. It was made clear that this MA seeks approval for the signage.

As part of the assessment of the subject DA, the proposal was referred to Council’s Senior Environmental Health Officer for comment. In their referral response the following was advised:

Regarding the submitted plan of management – Section 7 *Miscellaneous noise management*, the statement below is not in accordance with legislation.

‘Air conditioning plant must not emit noise levels exceeding 36dBA at the residential boundary at any time.’

The statement in the POM is consistent with Condition 12 of the Conditions of Consent, which was proposed by Council and agreed to by Iglesia Ni Cristo during the appeal proceedings in *Iglesia Ni Cristo v Burwood Council* [2019] NSWLEC 1579.

Amending the POM would make the proposal inconsistent with this existing condition. Accordingly, we request that Council reconsider its request in this context. If Council maintains its request, we would appreciate further clarification.

The 36dBA will need to be amended to 5dBA with an amended plan of management, which will need to be sent to Council to reflect this prior to approval.

2. The Proposal

The Proposed Modification arises from a desire to enhance the existing operation to better meet the needs of the current congregation. Importantly, the Proposed Modification does not include any changes that would increase the intensity of the church use or its operations. The proposed changes are outlined below.

2.1.1. Ingress Times

The current POM and consent conditions restrict attendees from arriving more than 30 minutes before worship services. The Church seeks to amend these to allow up to 40 personnel (e.g. Deacons, Choir, etc.) to enter 90 minutes prior to each service.

This amendment allows them to prepare the Church and reduces peak vehicle arrivals that otherwise occur shortly before services commence when the majority of the congregation arrives to attend the gathering.

2.1.2. Pick-Up and Drop-Off Arrangements

The POM permits church members to be dropped off and picked up within the driveway. To facilitate safe and efficient drop-offs and reduce the need for vehicles to enter and circulate within the driveway, the Church proposes to convert on-street parking spaces in front of the chapel into a designated drop-off and pick-up zone.

This zone will only operate during adult worship services, including the proposed extended arrival period (i.e., as explained in Section 2.1.1 of this SEE) and the approved departure period following the adult worship services. Accordingly, a “no parking” zone is proposed for the following times:

- Wednesday: 6:00pm to 9:30pm,
- Sunday: 8:00am to 11:30am.

Outside of these hours, the “no parking” restriction will not apply, and the current unrestricted parking will remain. Refer to **Figure 2** for the proposed location of the “no parking” zone.

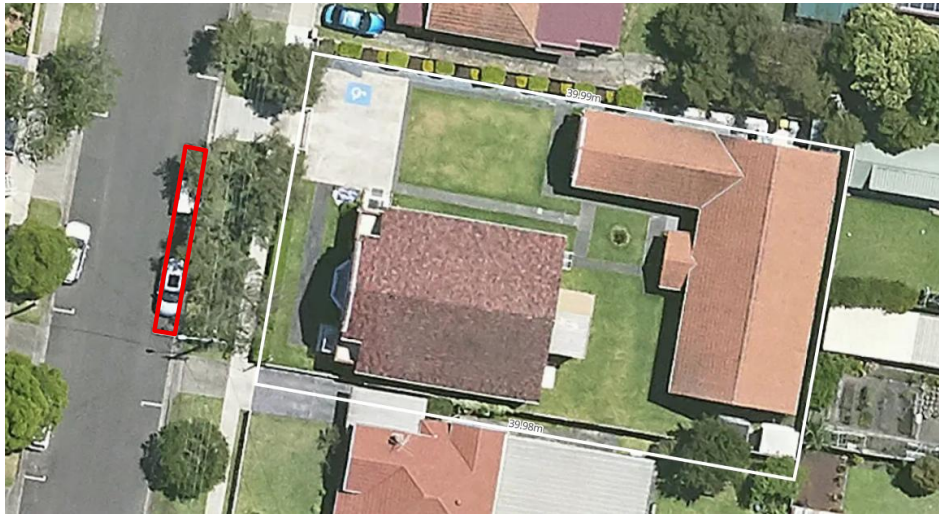


Figure 2 Aerial image of the subject site and proposed “no parking” zone outlined in red (Source: Landchecker, 2025 with Planwave edits)

2.1.3. Plan of Management

In addition to the above amendments, the approved POM is proposed to be amended to encourage and facilitate carpooling and more sustainable travel methods among staff and attendees/patrons.

2.2. Conditions of Consent

To facilitate the Proposed Modification outlines above, it is proposed to amend Condition 2, 5 and 9 to read as follows (as emphasised by Planwave in red):

Table 2 Proposed Amendments to Conditions

General	
2	<p>The development the subject of this approval is for the use of the premises as a place of public worship (Church). The approved use is to carried out strictly in accordance with:</p> <ol style="list-style-type: none"> 1. The Plan of Management prepared for Iglesia Ni Cristo for the ongoing use of the church located at 10 Daisy Street, Croydon Park as revised on 28 August 2025 on 1 November 2019 and approved by the Court and as amended from time to time (in accordance with Section 8 of the Plan of Management) (the Plan of Management); and

2. *The conditions of this approval.*

Planning

5 *Church attendees/patrons shall not arrive on the site more than 30 minutes prior to the scheduled starting time of activities/services ~~and all patrons must leave the subject site within 30 minutes of the scheduled finish times for all church activities/services.~~ Church staff (up to 40 persons) may arrive on the site up to 90 minutes prior to the scheduled commencement of worship services to allow for preparation. All patrons, including staff, must leave the subject site within 30 minutes of the scheduled finish times for all church activities/services.*

Environmental Management

9 *The premises shall be operated and maintained in accordance with the Plan of Management "Iglesia Ni Cristo 10 Daisy Street Croydon Park" ~~Revision 2~~ Revision 4 dated ~~1 November 2019~~ 28 August 2025.*

3. Planning Context and Regulatory Framework

3.1. Applicable Planning Framework

The Statement of Environmental Effects (SEE) submitted for the Development Application took into consideration relevant legislation and regulations applicable to the proposal, including: the Environmental Planning and Assessment Act 1979 (EP&A Act) and applicable Regulations, and Burwood Local Environmental Plan (BLEP) 2012.

Having regard to the above, the Proposed Modification does not engage any further legislative provisions, and the overall development of the site remains substantially the same. Accordingly, the same legislative consideration as was undertaken for the approved development remains applicable to the Proposed Modification.

3.2. Modification by consent authorities of consents granted by the Court

Section 4.56(1) of the EP&A Act provides that:

“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development 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 the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, and*
 - (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*
- (c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- (d) it has considered any submissions made concerning the proposed*

modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

3.2.1. Substantially The Same

For the following reasons, it is our view that the Proposed Modification will result in a development that is substantially the same as the approved development:

- The Proposed Modification only seeks to amend ingress times for worship services and improve existing pick-up and drop-off arrangements;
- There is no change in the total number of activities or church attendees to be accommodated compared to the previously approved use of the site;
- The Proposed Modification does not introduce new environmental impacts or require additional mitigation measures; and
- The changes will not preclude the development from complying with the conditions of consent, except where proposed to be modified.

For the above reasons, the consent authority may be satisfied that the Proposed Modification will not transform the development or render it anything other than substantially the same development.

3.2.2. Notification

As per Council’s request, proactive steps were taken to inform surrounding neighbours of the nature of the MA prior to lodgement and provide them with an opportunity to comment in advance.

Letters were delivered to surrounding households on 5 November 2025. As of 12 January 2026, the Church has not received any responses or feedback in relation to this correspondence.

Notwithstanding this, in the event any submissions are made to this Proposed Modification application, they will be duly considered and addressed.

4. Environmental Assessment

Pursuant to 4.56(1A) of the EP&A Act, 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. This section provides an assessment against 4.15(1) of the EP&A Act.

4.1. Section 4.15 (1)(a) Matters for Consideration – General

4.1.1. Environmental Planning Instrument

The site is within the R2 – Low Density Residential zone under the BLEP 2012 and the use of the Site as a church (place of public worship) is not permissible development within this zone. Notwithstanding, it is recognised that the subject site benefits from “existing use rights” as defined by the EP&A Act 1979 for the purpose of a church.

4.1.2. Draft Environmental Planning Instrument

At the time of preparing this modification there were no draft planning instruments which would affect this proposal.

4.1.3. Development Control Plan

The Proposed Modification has been assessed against the controls contained in the Burwood Development Control Plan (BDCP). The assessment has identified that the proposal continues to meet the objectives of DCP requirements.

4.1.4. Any Planning Agreements

No planning agreement is relevant to the modified proposal.

4.1.5. The Regulations

Section 163 of the EP&A Regulation 2021 (formerly known as Clause 41 and 42 of EP&A Regulation 2000) requires development consent for any changes to an existing use. The Proposed Modification amends this approved operation via this mechanism.

4.2. Section 4.15 (1)(b) The Likely Impacts

A discussion of the likely impacts resulting from the Proposed Modification is set out below.

4.2.1. Traffic and Parking Impacts

The traffic and parking impacts associated with the Proposed Modification are considered in the Traffic and Parking Assessment Statement at **Appendix A**.

Traffic Impacts

The Proposed Modification does not involve the intensification of the church use or operation, therefore the traffic generation potential of the proposed church operation will remain consistent with the original approved church development.

Notwithstanding the above, the proposal seeks approval to permit the staggered arrival of church staff members. This would have the effect of spreading the arrival trips over a longer period, thus effectively reducing the peak hour vehicle trips. This change is expected to provide positive traffic impacts to the surrounding area.

Overall, the traffic generation of the proposed church development would be no worse than that of the originally approved church development, and thus the traffic effects of the revised proposed church operation would be satisfactory.

Parking Impacts

The proposed drop-off/pick-up zone will occupy two car kerbside parking spaces when it is in operation. A parking utilisation survey of the nearby kerbside parking was conducted to assess the effects of removing these two kerbside parking spaces in the surrounding area.

The parking utilisation was conducted on Wednesday 6 August 2025 from 6:00pm to 10:00pm and on Sunday 10 August 2025 from 8:00am to 1:00pm. The survey days and times coincide with the proposed operational hours of the “no parking” restriction. It is further noted that worship services were held during these periods, consistent with the times approved in the court-issued consent.

From the survey results, it can be seen that the surrounding streets within the vicinity of the site including Daisy Street, had spare parking capacity during the worship periods. Therefore, the proposed part-time removal of two kerbside parking spaces for use as a drop-off and pick-up zone is not expected to create any discernible parking effects to the local area.

4.3. Section 4.15 (1)(c) Suitability of the Site

There are no known site conditions that would hinder the Proposed Modification. The proposed changes are acceptable and will result in improved outcomes for the local community.

4.4. Section 4.15 (1)(d) Submissions Made

As per Council's request, proactive steps were taken to inform surrounding neighbours of the nature of the MA prior to lodgement and provide them with an opportunity to comment in advance.

Letters were delivered to surrounding households on 5 November 2025. As of 12 January 2026, the Church has not received any responses or feedback in relation to this correspondence.

Notwithstanding this, in the event any submissions are made to this Proposed Modification application, they will be duly considered and addressed.

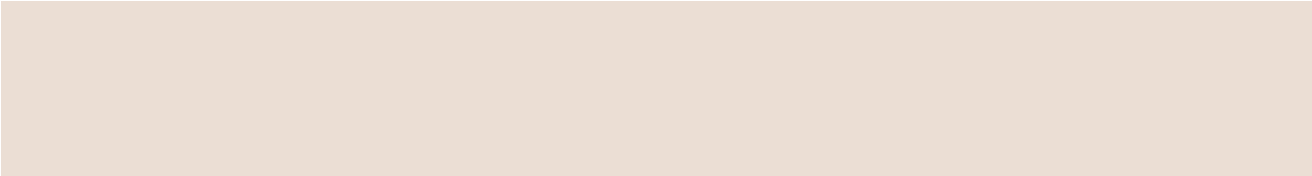
4.5. Section 4.15 (1)(e) The Public Interest

Places of worship like Iglesia Ni Cristo provide social, cultural and community services benefiting the wider community. Accordingly, facilitating safe and efficient access through the introduction of a designated drop-off and pick-up area for church attendees supports these broader community objectives and benefits to the wider community as a whole.

The proposed drop-off and pick-up area reduce the need for vehicles to reverse into or out of the driveway for these activities, thereby minimising potential hazards to pedestrians and other road users. The proposed drop-off and pick-up area allows multiple vehicles to safely access the site simultaneously, reducing the risk of congestion-related incidents.

The proposed drop-off and pick-up area are also expected to reduce street congestion, as it allows up to two vehicles to drop off and pick up their passengers, and congestion associated with vehicles waiting to enter the driveway. It is also expected that the proposed drop-off and pick-up area will reduce random stopping and sudden manoeuvres, which could otherwise disrupt traffic flow.

Moreover, the proposed drop-off and pick-up area does not permanently remove public access to the two kerbside spaces. The proposed drop-off and pick-up zone will only operate on a part-time basis when there is a worship service.



In light of the above, it is our conclusion that the proposed part-time “no parking” zone for use as a drop-off and pick-up area predominantly by church attendees represents a practical improvement over the existing arrangement.

5. Conclusion

This report has been prepared by Planwave to modify 10.2019.28.1 for the use of existing church and hall, pursuant to section 4.56 of the EP&A Act.

The Proposed Modification is the result of the desire to improve the existing operational arrangements to better accommodate the need of existing members of the congregation. It is substantially the same development as the development for which consent was originally granted.

It is considered the Proposed Modification will improve traffic and parking outcomes of the approved development. Existing mitigation measures in the approved POM will continue to be adequate. In this regard, the Proposed Modification continues to remain compatible with its local character.

Having regard to the matters discussed within this report, it is recommended that Burwood City Council grant consent to the Proposed Modification.



IGLESIA NI CRISTO CHURCH OF CHRIST

PLAN OF MANAGEMENT

10 Daisy Street Croydon Park



Revision	4
Revision Date	28 August 2025
Initial Issue Date	11 March 2019



IGLESIA NI CRISTO
CHURCH OF CHRIST

• *CONTENTS*

1.	INTRODUCTION.....	3
2.	ADMINISTRATION	3
3.	FACILITIES.....	5
4.	MAINTENANCE AND CLEANING.....	6
5.	SAFETY AND SECURITY	7
6.	MISCELLANEOUS.....	10
7.	COMPLAINT REPORTING.....	11
8.	POM REVIEW.	11

#15186728v1



IGLESIA NI CRISTO
CHURCH OF CHRIST

1. INTRODUCTION

This document is a Plan of Management ('POM') which seeks to control the operational impacts associated with the ongoing use of the Church located at **10 Daisy Street, Croydon Park NSW 2133 ('the Site')**, particularly impacts upon the surrounding residential environment.

The primary purpose is that of a place of worship, where regular church services and associated activities are conducted each week. Special events such as weddings are held by request.

Development on the Site includes:

- The Main Chapel
- The Hall and administrative offices
- Toilet facilities
- Garbage storage area
- Car parking for two (2) vehicles

This POM demonstrates a commitment by the Iglesia ni Cristo (Church of Christ) to put into place necessary management procedures for the Church including; appropriate security of the premises, the receipt and reporting of complaints and an ongoing review mechanism.



IGLESIA NI CRISTO
 CHURCH OF CHRIST

2. ADMINISTRATION

- Church Activities and Hours of Operation*

Iglesia Ni Cristo (Church of Christ) shall not schedule any church activity to commence on the Site before **8:00am** on any day. **Attendees of the Church** are not to arrive more than **half an hour** before an activity. For Worship Services, Choir Members, Deacons and Deaconesses may arrive no more than one and a half hours before the service.

Activity	Occurrence	Day/Time		Maximum No of Persons on-site
Officers Meeting	Weekly	Saturday	6:00pm-7:00pm	25
Worship Services	Weekly (5 Services)	Wednesday Sunday (Adult) Sunday (Child)	7:30pm-9:00pm 9:30am-11:00am 11:30am-12:30pm	140 140 50
Choir Practice	Weekly (2 Practices)	Saturday Sunday	5:00pm-8:00pm 3:00pm-6:00pm	40
Gardening, Cleaning & Maintenance	Weekly	Saturday	8:00am-12:00pm	20
Bible Expositions	Monthly	Last weekend of the month	7:00pm-9:00pm	120
Weddings*	By Request	Not specified		140

* **Weddings-** Because the Church on the Site is small, a request for a wedding happens only occasionally. Aside from the wedding ceremony, a practice for the ceremony is held one evening in the week beforehand from approximately 6:00pm to 9:00pm and this only involves the wedding party.

#15186728v1



IGLESIA NI CRISTO
CHURCH OF CHRIST

There are 3 major Church Occasions in a year. These **special services** conducted on the Site are:

Activity	Occurrence	Day/Time	Maximum No of Persons on-site
Holy Supper Devotional Prayer	March and April each year for 1 week	Monday to Saturday 8:00am-8:00pm	Approximately 50
Church Anniversary Thanksgiving Services	Last week of July each year	Monday to Saturday 8:00am-8:00pm	Approximately 50
Year End Thanksgiving	2 nd week of December each year	Monday to Saturday 8:00am-8:00pm	Approximately 50

- *Church Administration*

Regular Church administration activities are conducted every week on the Site after the Sunday Worship services. These activities involve approximately **12 to 15 Church Officers and may continue until 6:00pm.**

Occasionally a small number of Church Officers may be required to attend at the premises to complete administrative tasks on any day but as Church Officers are all volunteers, this is usually **after normal work hours, up to 10:00pm.**

It is a normal Church practice (in all 6000+ Congregations around the world) for **2 to 4 Church Officers** to attend at the Site **at random times throughout the week** for a short period to check the **security of the premises.**

- *Management and Access*

All volunteer Members of the Church shall complete Operations Training (refer to **Appendix 1**) and be instructed in the contents of this POM and the general operational procedures of the Church; including traffic and parking control, workplace health and safety and emergency evacuation procedures.

No keys shall be given out to any person unless they have completed Operations Training and the keys are accompanied with written instructions on the security procedures to be followed on the Site. This is to ensure the building is used safely and responsibly.

Access to the Site and the buildings is limited and only provided to the Head Deacons and the Minister of the Church. This Leadership Group is responsible for providing access to the Site for all activities. The operations of the Church are divided into several Departments and each Department Head may borrow keys to have access to the Site on an as required basis.

Any special activities (e.g. a wedding) conducted on the Site are required to be approved by the Minister of the Church and the Leadership Group.

The Site has multiple levels of keys that will permit users access only to certain areas. This allows the different Departments to maintain and secure their ministry items, storage cupboards and office areas.

#15186728v1



IGLESIA NI CRISTO
CHURCH OF CHRIST

3. FACILITIES

• *Facilities and their Use*

The facilities on the Site are used for the following activities:

Facility	Use
Main Chapel	<ul style="list-style-type: none"> • Worship Services (Adult and Children) • Church Officers' Meetings • Choir Practice • Weddings
Church Hall & Annex	<ul style="list-style-type: none"> • Church Hall for morning tea & supper after Worship Services * • Administrative Offices • CCTV monitors • Choir change rooms • 2 storerooms • Male and female toilets (internal and external)
Tool Shed	<ul style="list-style-type: none"> • Gardening tools and equipment
Garbage Storage	<ul style="list-style-type: none"> • Garbage and recycling bin storage

* The Church Hall and Annex are used for morning tea & supper after Worship Services. Under no circumstances shall food and drink be served on any outdoor area of the Site.

4. Traffic and Parking Management

• *Car Parking Practices*

A handout will be given out to all new members of the Church to inform the members about the car parking practices to be complied with as set out in this section.

All members of the Church who live nearby shall be encouraged to walk to the Site and not drive.

○ *On-site Car Parking*

There are **2 car parking spaces on the Site**. Access is provided via a concrete driveway off Daisy Street. These spaces are reserved for the Minister and District Minister when Worship Services are held except when these spaces are required by persons needing accessible parking. Outside of the times of the church activities listed in 2. ADMINISTRATION, the gates on the front boundary shall be locked to prevent unauthorised access to these spaces and to the Site.

○ *Drop off and pick up*

During adult worship services, attendees and staff must use the "NO PARKING" zone on Daisy Street in front of the site for drop-off and pick-up of elderly persons and families with children. The use of the driveway for this purpose is strictly prohibited.

#15186728v1



IGLESIA NI CRISTO
CHURCH OF CHRIST

At all other times, the driveway may be used to drop off the elderly or families with very young children. When doing so, drivers must always stay with their vehicles.

The Church is to install clear on-site signage and regularly disseminate information to attendees and staff regarding the designated drop-off and pick-up arrangements.

No dropping off or picking up passengers in the middle of the street shall occur.

Parking and passengers getting in and out of cars must be done as quietly as possible. Church attendees must not litter or leave litter in the street.

- Carpooling

Staff members with similar travel characteristics (e.g. living or working in close proximity) are to be scheduled to assist with worship service preparation on the same day to maximise opportunities for carpooling.

The Church to facilitate carpooling opportunities through internal communication channels, such as regular meetings, a group chat on social media, or a shared spreadsheet for staff to coordinate and register carpool preferences.

- Public Transport

Staff members and attendees will be encouraged to use public transport services to access the site where possible.

The Church to provide information on available public transport routes and options to staff and attendees through church communications and on-site noticeboards.

- Parking attendants

Volunteer members of the Church shall be placed on a roster to act as **Parking Attendants**. Parking Attendants shall be used to direct traffic on days when Worship Services, Bible Expositions, the 3 major Church Occasions and weddings are held. Parking Attendants shall be responsible for overseeing the **use of the on-site car spaces**, ensuring the safe drop off and pick up of members, and ensuring that members parking in Daisy Street do not block any driveways of residences. Church attendees must not litter or leave litter in the street.



IGLESIA NI CRISTO
CHURCH OF CHRIST

5. MAINTENANCE AND CLEANING

- *General*

All members of the Church are responsible to ensure that all internal and external areas of the Site are left clean and clear of all rubbish and waste. The church policy is to *leave the Site cleaner than you found it*. The attitude to continually keep the Site well maintained and clean reflects the value and benefit of using the facilities and shows respect for all ministry groups sharing the Church facilities.

- *Cleaning internal areas*

Cleaning the internal areas of the Main Chapel and the Church Hall and Annex is to be carried out by volunteer members of the Church on a roster basis and shall occur immediately following the morning tea or supper served after weekly Worship Services. This involves vacuuming and sweeping and will usually take approximately 30 minutes. All food or perishable waste items shall be emptied into the bins within the garbage storage area. *Under no circumstances is perishable waste to be left inside or outside the building overnight.*

- *Maintenance of external areas*

Volunteer members of the Church or contractors shall carry out general maintenance of the grounds and external areas of the buildings either on Saturday or Sunday for approximately 3 hours (**either 8:00am – 11:00 pm or 2:00pm – 5:00pm**).

Activities involve cleaning windows, clearing gutters, minor repairs, lawnmowing, trimming hedges, pruning plants and sweeping (using air blowers), as necessary. Mowing the verge and sweeping the street in front of the Site is carried out at the same time.

- *Toilets*

Toilets shall be cleaned and stocked weekly by volunteer members of the Church on a roster basis. The cleaning implements (e.g. mop and bucket etc..) are not to be used in other areas of buildings on the Site to prevent cross contamination.

- *Waste Management*

A separate garbage storage area shall be provided for the 3-types of waste bins provided by Burwood Council:

- Red for general waste
- Green for vegetative matter
- Yellow for recyclable waste.

While stored on the Site the bins shall be kept out of view from neighbours and from the street.

Officers of the Church shall place the bins on the street frontage on **Sunday night for collection** the following day by Burwood Council. The bins shall be brought back on the Site by Officers of the Church after normal working hours on Monday. A tap and hose are to be provided within the garbage store area for cleaning the bins as required

- *Weddings*

A bond shall be taken at the time of the booking for a wedding is made so that professional cleaners can be used after the event.

#15186728v1



IGLESIA NI CRISTO
CHURCH OF CHRIST

6. SAFETY AND SECURITY

- *Security Keys*

Only the Head Deacons and the Minister of the Church shall have a key to the gates and to the buildings on a permanent basis.

There are multiple levels of keys that will permit access only to certain areas. Other Officers of the Church may borrow the keys to have access for scheduled and non-scheduled activities. All key holders shall be responsible for the Church property and shall have undertaken Operations Training. With the privilege to open doors comes the responsibility to check all doors windows and ensure they are locked when leaving the premises.

Keys are issued to enable and facilitate ministry. Keys shall not be issued for personal use of Church property (e.g. chairs & tables, crockery, facilities, etc..) without prior arrangement with the Leadership Group.

Keys are required to be returned promptly following the completion of the activity.

Keys are not to duplicated under any circumstances. Lost keys shall be immediately reported to the Leadership Group.

- *Emergency Contact*

The persons nominated as the emergency contacts are:

Name	Position	Contact Number
Renan Almario	Resident Minister	0451901914
Edgardo Manebog	Head Deacon	0403337919
Roberto De Gula	2 nd Head Deacon	0402443360
Erwin Miranda	3 rd Head Deacon	0412490688

- *Fire Safety*

Diagrams and procedures shall be placed in prominent positions for all members to see and easily follow. All exits and egress paths shall always be kept clear and free of obstructions.

The premises shall be checked annually by a registered Fire Safety Technician to ensure that fire safety and essential fire safety measures in the building are maintained. Any faults are documented and rectified immediately.

Annual certification shall be displayed in the Church office and a copy sent to Council.

At least 1 member of the Leadership Group shall be nominated as a Fire Warden. The Fire Warden shall ensure that upon hearing the alarm that all persons evacuate all buildings in a timely and controlled manner, making sure that people with special needs are assisted. The Fire Warden shall check toilets and all unlocked rooms. The Fire Warden shall call Emergency 000 and give their name, the Church address and describe the extent of the fire and smoke. The Fire warden shall complete the Emergency Evacuation Checklist (refer **Appendix 2**).

#15186728v1



IGLESIA NI CRISTO
CHURCH OF CHRIST

An emergency evacuation drill shall be conducted annually for the Leadership Group and Church members.

• *Security Monitoring and Alarms*

Both the Main Chapel and the Church Hall and Annex have an alarm system and CCTV. The recording system for the CCTV is in a storage room in the Church Hall and Annex. When entering the buildings, the alarm should be "Armed". If the alarm is "Disarmed" it may be because:

1. The last person forgot to arm it
2. There is a fault with the alarm system
3. There has been a break-in.

If a break-in is suspected, then a member of the Leadership Group shall be contacted immediately. If a break-in area is confirmed, then the police are to be called immediately. In either situation, leave the building immediately for safety and do not disturb any obvious crime scenes.

There are 3 sets of spotlights lighting the sides of Annex building and rear of the Chapel and these are manually operated (i.e. not sensor or on a timer). These lights shall be turned 'ON' during Wednesday night worship service and other nightly activities and are turned 'OFF' after the activity.

Other low wattage peripheral lights are not principally intended for security purposes but provide enough lighting to allow casual surveillance of persons on the Site after dark. The Church shall install and maintain a low wattage light to illuminate the preface of the main chapel overnight to assist with the casual surveillance of the Site.

• *Closing the Facility*

The person who opens the building shall be responsible to ensure it is securely locked and alarms are activated.

A check shall be carried out to ensure that all people have exited the building. All air conditioning units and lights shall be switched off.

After the last person has left the Site all gates shall be locked.

• *Workplace Health & Safety*

All volunteer Members of the Church shall complete Operations Training (refer to **Appendix 1**) and be instructed in the contents of this POM and the general operational procedures of the Church; including traffic and parking control, workplace health and safety and emergency evacuation procedures.

Annual training shall be given to all volunteers so they will be appropriately briefed and kept up to date with current procedures and processes.

All members of the Church will be made aware of emergency and evacuation procedures. All Officers of the Church will be trained to supervise any actions necessary to ensure a smooth process is followed in any emergency and be aware of nominated evacuation points.

All Officers of the Church shall be made aware of their responsibilities under the relevant legislation such as the *NSW Work Health and Safety Act 2011* and the *NSW Work Health and Safety Regulation 2011*.

#15186728v1



IGLESIA NI CRISTO
CHURCH OF CHRIST

The following safety guidelines shall be observed at the church by the Leadership Group:

- All hazards (e.g. broken chairs, broken glasses, loose carpets, missing light bulbs etc...) should be removed, repaired or replaced as quickly as possible,
- All workspaces shall be kept clean and tidy and free of hazards,
- Passageways and aisles and emergency exits within the buildings are to be kept clear at all times,
- Stored materials and products shall not to be stacked higher than a safe height (such as no higher than the average height of a person),
- All no alcohol and no smoking rules are to be strictly observed,
- The Site will display the appropriate safety signage required by law.

All chemicals, whether cleaners or paints are to have a Safety Data Sheet filed with the Church office so that in the event of spillage, contact with skin or swallow event, the correct treatment can be applied. Chemicals shall be stored in locked cupboards or locked storerooms where access is prohibited to children.

• *First Aid*

First Aid kits shall be located within every building on the Site. Each Department shall have a nominated first aid person with a current first aid certificate or higher qualification. All first aid volunteers shall obtain CPR training, First Aid certificates and/or emergency response training and these are to be kept current.

• *Incident Reporting*

An Incident Report (refer to **Appendix 3**) will be required to be completed as soon as practicable after an incident or injury. This shall be submitted to the Leadership Group no later than the following day. For all incidents which necessitate action by an emergency service, Fire Brigade or Police an Incident Report shall be completed and submitted the same day.



IGLESIA NI CRISTO
CHURCH OF CHRIST

7. MISCELLANEOUS

- *Alcohol and Smoking*

Alcohol consumption and smoking shall always be prohibited on the Site.

- *Noise Management*

All activities on the Site shall be conducted and Church members are always to be controlled so that no offensive noise emanates from the premises which would adversely effect the amenity of the adjoining residents. The use of the premises, building services, 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 any residential receiver.

All windows and doors of the Church shall be kept closed during prayer meetings, Worship Services, choir practice, Bible Expositions, and Weddings.

The Church Administration shall not allow any music to be played on the premises that has no relation to the Church.

Air conditioning plant must not emit noise levels exceeding 36dBA at the residential boundary at any time. No air conditioning plant equipment shall be operated:

- (i) Before 8am or after 10pm on any Sunday or public holiday, or
- (ii) Before 7am or after 10pm on any other day.

Measures shall be in place to ensure that all activities on the Site are always conducted and controlled so that no interference occurs to the amenity of the adjoining properties. The following measures shall be implemented:

- Weekly instructions shall be read at the conclusion of each Worship Service instructing Church members to leave the Site and surrounds in a quiet and orderly manner
- **Children will not be allowed to play on the front lawn adjacent to 8 Daisy Street at any time.**
- Loitering outside the Site is prohibited
- Using any neighbour's driveways to make a 3-point turn is prohibited
- Parking vehicles across any neighbour's driveway is prohibited
- Traffic wardens shall be assigned every worship service **to assist and direct vehicles arriving at the Site.**



IGLESIA NI CRISTO
CHURCH OF CHRIST

8. COMPLAINT REPORTING

A member of the Leadership Group shall be nominated (the Nominee) to Burwood Council to be the **point of contact** for any complaints that arise from the activities at the Church. Complaints should be directed to the Nominee in the first instance.

The Nominee shall keep a written log of complaints and events and shall provide a report on each complaint or event to the Leadership Group. **The written log shall be made available to Council Officers and the NSW Police upon request.**

The Nominee shall address any complaint in a timely fashion and without undue delay. All complaints shall be responded to by the Nominee within 10 days after receipt or referred to other authorities, such as the police or Council, if required.

A notice shall be placed at the entrance of the Site which shall have the Nominee's name and contact details.

#15186728v1



IGLESIA NI CRISTO
CHURCH OF CHRIST

9. POM REVIEW

The POM is to be reviewed within 30 days following the anniversary of development consent and shall incorporate any operational changes that have been adopted by the Church Leadership Group throughout the preceding year. If amendments are considered to be required, the Leadership Group shall notify Burwood Council of such proposed amendments, for approval by it, which approval will not be unreasonably withheld. A copy of any revised POM will be forwarded to the Council as soon as practicable after advice by Council of its approval.

#15186728v1



IGLESIA NI CRISTO
CHURCH OF CHRIST

Appendix 1

Operations Training Checklist

Induction Site/location:	
Date of Training:	

No.	Training Topic	Tick as completed
1	Introduction	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	Facility Details	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	Parking and Traffic Management procedures	<input type="checkbox"/> Yes <input type="checkbox"/> No
4	Security Procedures: Alarm and Locking up responsibilities	<input type="checkbox"/> Yes <input type="checkbox"/> No
5	How to control the lights - switching and operation	<input type="checkbox"/> Yes <input type="checkbox"/> No
6	How to access and use the phones with the access code	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	Cleaning and Ministry Cleaning Responsibilities	<input type="checkbox"/> Yes <input type="checkbox"/> No
8	Waste and Bin responsibilities	<input type="checkbox"/> Yes <input type="checkbox"/> No
9	Fire Safety and Fire Drill procedures	<input type="checkbox"/> Yes <input type="checkbox"/> No
10	First Aid Policy and procedures	<input type="checkbox"/> Yes <input type="checkbox"/> No
11	Work Health and Safety policy and procedures	<input type="checkbox"/> Yes <input type="checkbox"/> No
12	Air Conditioning Controls	<input type="checkbox"/> Yes <input type="checkbox"/> No
13	Complaints procedure	<input type="checkbox"/> Yes <input type="checkbox"/> No
If answered NO to any questions above, explain why not:		
Areas for Improvement:		

Participant Name: _____

Signature: _____

Date: _____

Training Officer: _____

Signature: _____

Date: _____

#15186728v1



IGLESIA NI CRISTO
CHURCH OF CHRIST

#15186728v1



IGLESIA NI CRISTO
CHURCH OF CHRIST

Appendix 2

Emergency Evacuation Checklist			
Site/location:			
Date of Fire Drill:			
No.	EVACUATION SEQUENCE	Tick as task is completed	
1.	Alarm sounded		
2.	Fire Warden responds		
3.	Fire Warden checks floor/area/site		
4.	Evacuation commenced		
5.	Fire Warden declares floor/area/site clear		
6.	Arrive at evacuation point/assembly area		
7.	Fire Warden checks personnel present		
8.	Evacuation completed		
9.	Fire Drill terminated		
10.	Did First Aid kits arrive at evacuation point/assembly area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11.	Was the Attendance/Visitor's Book at the assembly area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12.	Were the toilets checked?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13.	Did staff, visitors and contractors use the nearest safe exit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
14.	Did staff, visitors and contractors walk safely, without running?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
15.	Were the machines off, if safe to do so?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
16.	If answered NO to any questions above, explain why not:		
17.	Areas for Improvement:		

Fire Warden:
 Signature:

Date:

Manager:

Signature:

Date:

#15186728v1

What was the Root cause of the incident?

Corrective actions instigated to prevent reoccurrence (both immediate and ongoing)?

Was there any damage to equipment and or buildings/property due to the incident? Has the Leadership Group been informed to ensure to ensure site is made safe and repairs conducted if applicable?

Notifications

Has the issue been escalated to the authorities (where required)?

TB Church Leadership Group Notified	Yes	No	Who:	Date:
-------------------------------------	-----	----	------	-------

How Notified (Phone/Email):

Insurance Notified:	Yes	No	Who:	Date:
---------------------	-----	----	------	-------

Is the incident a 'Serious Event' notifiable to Work Safe?

Other Details



Land and Environment Court New South Wales

Case Name: Iglesia Ni Cristo v Burwood Council

Medium Neutral Citation: **[2019] NSWLEC 1579**

Hearing Date(s): 22-23 October 2019; 22 November 2019

Date of Orders: 28 November 2019

Date of Decision: 28 November 2019

Jurisdiction: Class 1

Before: Gray C

Decision: The Court orders that:
(1) The appeal is upheld.
(2) Development consent is granted for expansion and enlargement of the existing use of 10 Daisy Street, Croydon Park as a place of public worship to the activities and services outlined in condition 3 of Annexure A, subject to the conditions of consent in Annexure A.
(3) The exhibits are returned, except for Exhibits 10, 11, A, C and E.

Catchwords: APPEAL – development application – existing use as place of public worship – enlargement of existing use – acoustic impacts – traffic and parking impacts – development control plan parking requirements – whether on-street parking is adequate

Legislation Cited: Burwood Local Environmental Plan 2012
Environmental Planning and Assessment Act 1979
Road Rules 2014

Cases Cited: Burwood Council v Iglesia Ni Cristo (No 2) [2019] NSWLEC 159
Cracknell & Lonergan Architects Pty Ltd v Leichhardt Municipal Council (2012) 193 LGERA 151
Fodor Investments Pty Ltd v Hornsby Shire Council (2005) 141 LGERA 14; [2005] NSWLEC 71
Iris Diversified Property Pty Ltd v Randwick City Council (2010) 173 LGERA 240; [2010] NSWLEC 58

Jonah Pty Limited v Pittwater Council (2006) 144
LGERA 408; [2006] NSWLEC 99
oOh! Media Assets Pty Ltd v The Council of the City of
Sydney [2016] NSWLEC 47
Saffioti v Kiama Municipal Council [2019] NSWLEC 57
Stockland Development Pty Ltd v Manly Council
(2004) 136 LGERA 254; [2004] NSWLEC 472
Stromness Pty Ltd v Woollahra Municipal Council
[2006] NSWLEC 587
Zhang v Canterbury City Council (2001) 115 LGERA
373

Texts Cited: Burwood Development Control Plan – Amendment 4

Category: Principal judgment

Parties: Iglesia Ni Cristo (Applicant)
Burwood Council (Respondent)

Representation: Counsel:
S Berveling (Applicant)
R White (Respondent)

Solicitors:
McCabe Curwood (Applicant)
Houston Dearn O'Connor (Respondent)

File Number(s): 2019/138484

Publication Restriction: No

JUDGMENT

- 1 **COMMISSIONER:** Iglesia Ni Cristo ("Iglesia") is a Christian religious organisation that has been using premises at 10 Daisy Street, Croydon Park as a place of public worship since 2012. The site at 10 Daisy Street has the benefit of an existing use as a place of public worship, but development consent is required by Iglesia to enlarge or expand that existing use to allow them to hold worship services on Wednesdays and Sundays, to hold three week long occasions of celebration each year, and to hold other church related activities on a regular basis, such as meetings, choir practice and bible expositions. On 20 March 2019, Iglesia lodged a development application with Burwood Council ("the Council") seeking that consent. Following the expiry of the period after which a development application is deemed to be refused, Iglesia lodged an appeal pursuant to s 8.7 of the *Environmental Planning and Assessment Act 1979* ("EPA Act"), which appeal forms the subject of these proceedings.
- 2 The Council agrees to the granting of development consent subject to conditions of consent that require the management of the premises through a Plan of Management, and that limits the number of persons who can attend the site at any one time to 70. The basis for the Council's position is that it seeks to limit the traffic, parking and acoustic impacts of the activities of Iglesia at the site, given its context within a residential area.
- 3 For reasons that are outlined below, I have determined that the acoustic impact of the proposed expansion of the existing use is acceptable with the imposition of appropriate conditions of consent. I have also found that the traffic and parking impact of the expansion of the existing use is acceptable, and that the poor parking behaviour that has previously occurred within the street will be prevented and managed effectively through the Plan of Management. As such, I have determined that there is no basis upon which to limit the persons in attendance to the number proposed by the Council.

The development application

- 4 The development application was lodged by Iglesia after the commencement of proceedings by the Council in Class 4 of the Court's jurisdiction, in which the Council sought declaratory relief with respect to the characterisation and extent of the existing use. At the time of the hearing of the present appeal, the decision in the Class 4 proceedings had not been given. Judgment was subsequently handed down by Robson J on 7 November 2019 in *Burwood Council v Iglesia Ni Cristo (No 2)* [2019] NSWLEC 159, in which His Honour made the following orders:

- "1. Declare that the premises, being Lots 25 and 26 in DP 9297 and known as 10 Daisy Street, Croydon Park NSW 2133 ('premises') may be used as a place of public worship (including for the provision of religious instruction and religious training):
- (a) one day a week; and
 - (b) for occasional religious days of significance; and
 - (c) for funerals and weddings.
2. Iglesia Ni Cristo ('Iglesia') is restrained from using the premises as a place of public worship (including for the provision of religious instruction and religious training) beyond the scope of Order (1) until such time as Iglesia has obtained development consent for the enlargement of the use.
3. Orders (1) and (2) are suspended for three months from 7 November 2019.
4. Costs reserved."

- 5 As such, the lawful existing use is confined to the scope described in order 1. In making these orders, Robson J determined that development consent was required for the current use of the premises. At [103]-[104] his Honour states:

"103. I accept Council's submission that, like *Houlakis*, **the extension of the hours of operation of the Church has resulted in an enlargement of the use as it existed in February 1986**. However, I do not consider the concerns regarding members of the Church staying at the premises overnight to be persuasive as the evidence demonstrates that such activity is limited and is in response to security concerns. As such, I do not accept Iglesia's submission that in the absence of any conditions limiting hours of operation and patronage, there is no enlargement, expansion or intensification of the use within the meaning of s 4.66(2) of the EPA Act so as to require development consent for the current use of the premises.

104. The evidence of the residents, in particular the long-term residents, provides an understanding of the activities undertaken at the premises as at February 1986. As I have noted earlier, this evidence was unchallenged and, as such, it is clear that the use as at February 1986 constituted a much more modest use of the premises in relation to the number of services being

conducted. Simply stated, I find that there has been an enlargement of the use brought about by the increase in the services as at the date of the summons (and presently conducted) compared with the position in February 1986.”

- 6 The proposed development the subject of the development application before the Court is to enlarge the use, from that described in order 1 in *Burwood Council v Iglesia Ni Cristo (No 2)*, to the following activities and services (“the proposed development”):

Activity	Occurrence	Day/Time	
Officers Meeting	Weekly	Saturday	6:00pm-7:00pm
Worship Services	Weekly (3 Services)	Wednesday Sunday (Adult) Sunday (Child)	7:30pm-9:00pm 9:30am-11:00am 11:30am-12:30pm
Choir Practice	Weekly (2 Practices)	Saturday Sunday	5:00pm-8:00pm 3:00pm-6:00pm
Gardening, Cleaning & Maintenance	Weekly	Saturday	8:00am-12:00pm
Bible Expositions	Monthly	Last weekend of the month but may vary	7:00pm-9:00pm
Weddings *	By request	Not specified	
Holy Supper Devotional Prayer	March each year for 1 week	Monday to Saturday	8:00am-8:00pm
Church Anniversary Thanksgiving Services	Last week of July each year	Monday to Saturday	8:00am-8:00pm
Year End Thanksgiving	2 nd week of December each year	Monday to Saturday	8:00am-8:00pm

- 7 Iglesia is prepared to limit the number of persons who can attend the site for each of the above activities and services, with a limit of 140 for the services on Wednesday evening and Sunday morning, 140 for weddings, 120 for bible

expositions, and various lower limits for the other activities and services. The development application is accompanied by a Plan of Management that manages the times of regular activities and services, the noise emanating from the premises, and the car parking behaviour of attendees. The management of car parking includes rostered parking attendants who have oversight and responsibility for managing parking on the site, parking on the street, and the dropping off and picking up passengers on the driveway.

The site and its locality

- 8 The site comprises two allotments legally described as Lots 25 and 26 in Deposited Plan 9297, with a total area of 973.8m² and a 24.38m frontage to Daisy Street. The site has a natural fall of approximately 1.4m from the Daisy Street frontage to the rear (eastern) boundary.

- 9 There are two single storey structures on the site. At the rear of the site is the original brick church, which was built in the 1920s, and is now used as a hall and office. The present church building, which commenced construction in 1935, is located in front of the earlier constructed building. Figure 1 is an aerial photograph of the site.



Figure 1: Aerial view of the site at 10 Daisy Street (Source: <https://maps.six.nsw.gov.au/>)

- 10 The site is located in a low density residential area characterised by a mix of single and double storey dwellings dating back to the 1920s.

The planning framework

The existing use provisions

- 11 The term “existing use” is defined in s 4.65 of the EPA Act, which provides:

4.65 Definition of “existing use” (cf previous s 106)

In this Division, *existing use* means:

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and
- (b) the use of a building, work or land:
 - (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
 - (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the

consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

- 12 Section 4.66 allows an existing use to continue. It provides:

4.66 Continuance of and limitations on existing use (cf previous s 107)

(1) Except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use.

(2) Nothing in subsection (1) authorises:

- (a) any alteration or extension to or rebuilding of a building or work, or
- (b) any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or
- (c) without affecting paragraph (a) or (b), any enlargement or expansion or intensification of an existing use, or
- (d) the continuance of the use therein mentioned in breach of any consent in force under this Act in relation to that use or any condition imposed or applicable to that consent or in breach of any condition referred to in section 4.17 (1) (b), or
- (e) the continuance of the use therein mentioned where that use is abandoned.

(3) Without limiting the generality of subsection (2) (e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.

- 13 Section 4.66(2) makes it clear that the continuance of an existing use permitted by subs (1) does not authorise a change to the existing use, including any enlargement or expansion or intensification. Instead, s 4.67 of the EPA Act allows regulations to be made with respect to changes to an existing use. Section 4.67 of the EPA Act provides:

4.67 Regulations respecting existing use (cf previous s 108)

(1) The regulations may make provision for or with respect to existing use and, in particular, for or with respect to:

-
- (c) the enlargement or expansion or intensification of an existing use.
-

(2) The provisions (in this section referred to as **the incorporated provisions**) of any regulations in force for the purposes of subsection (1) are taken to be incorporated in every environmental planning instrument.

(3) An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an

instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force.

...

- 14 Clause 42 of the Environmental Planning and Assessment Regulation 2000 (NSW) ("EPA Regulation") makes it clear that development consent is required for any enlargement, expansion or intensification of the existing use and provides:

42 Development consent required for enlargement, expansion and intensification of existing uses (cf clause 40 of EP&A Regulation 1994)

- (1) Development consent is required for any enlargement, expansion or intensification of an existing use.
- (2) The enlargement, expansion or intensification:
- (a) must be for the existing use and for no other use, and
 - (b) must be carried out only on the land on which the existing use was carried out immediately before the relevant date.

- 15 In light of the decision of Robson J in *Burwood Council v Iglesia Ni Cristo* (No 2), the existing use of the site the subject of the present proceedings is for a place of public worship, but the proposed development is an enlargement of the existing use and therefore development consent is required for that enlargement or intensification pursuant to cl 42 of the EPA Regulation.

The zoning of the land and applicable controls

- 16 Section 4.15(1)(a) of the EPA Act requires that the Court, in exercising the functions of the consent authority to determine the development application, consider the provisions of any applicable environmental planning instrument, development control plan, planning agreement, and regulations. Section 4.15(1) also requires consideration of the likely impacts of the development, the suitability of the site for development, any submissions made, and the public interest.
- 17 The site is zoned R2 Low Density Residential pursuant to the provisions of the Burwood Local Environmental Plan 2012 ("BLEP 2012"), which applies to the subject site.

- 18 Whilst a place of public worship is a prohibited use in the R2 Low Density Residential zone, as set out above, the site benefits from an existing use for a place of public worship, and therefore that use can be continued (pursuant to s 4.66(1) of the EPA Act) and can be enlarged or intensified with development consent (pursuant to s 4.67 of the EPA Act and cl 42 of the EPA Regulation).
- 19 Clause 2.3(2) of the BLEP 2012 requires the Court to “have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”. The zone objectives are:
- To provide for the housing needs of the community within a low density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- 20 The relevant development control plan is the Burwood Development Control Plan – Amendment 4 (“BDCP”). Table 4 in Section 4.6 of the BDCP concerns the minimum car parking requirements and applies to development in the R2 Low Density Residential zone. For a place of public worship it requires 1 on-site parking space for every 10 seats where fixed seating is provided, resulting in a requirement of 14 spaces where there is seating for 140 patrons.

The incorporated provisions

- 21 Clause 42, which provides that development consent is required for enlargement, expansion or intensification of an existing use, is taken to be incorporated in the BLEP 2012 by virtue of s 4.67(2) of the EPA Act. Pursuant to s 4.67(3), “any provisions that... would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force”.
- 22 With respect to provisions in a development control plan which might derogate from incorporated provisions, Iglesia referred to s 3.43(5) which provides:

...
(5) A provision of a development control plan (whenever made) has no effect to the extent that—

- (a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or
- (b) it is inconsistent or incompatible with a provision of any such instrument.

- 23 In describing the effect of s 4.67(3) in *Saffioti v Kiama Municipal Council* [2019] NSWLEC 57 with respect to a provision of the Kiama Local Environmental Plan 2011, Preston CJ of LEC said at [68]-[69] (emphasis added):

“68. Any entitlement to change an existing use comes from Part 5 of the EPA Regulation made under s 4.67 of the EPA Act. Clause 41 does provide that an existing use may be changed in one or more of the ways specified in cl 41(1) and cll 42 – 45 of the Regulation, but “subject to” the provisions of Part 5. Each of the provisions of cll 42 – 45 of the EPA Regulation require development consent for the particular change in the existing use specified in the clause. Of relevance here, cl 42 requires development consent for any enlargement, expansion or intensification of an existing use.

69. Accordingly, there is no entitlement to change an existing use in one or more of the ways permitted by the incorporated provisions, only to make a development application seeking consent to change an existing use in one or more of the ways permitted by the incorporated provisions and have a consent authority consider and determine that development application. **The test, therefore, is not whether cl 6.4(4) of KLEP detracts from or deleteriously impinges upon any entitlement to enlarge, expand or intensify the existing use, but rather the entitlement to make, and have the consent authority consider and determine, a development application seeking consent to enlarge, expand or intensify the existing use.**”

- 24 This is consistent with the decisions of the Court in *Cracknell & Lonergan Architects Pty Ltd v Leichhardt Municipal Council* (2012) 193 LGERA 151; [2012] NSWLEC 194, *Iris Diversified Property Pty Ltd v Randwick City Council* (2010) 173 LGERA 240; [2010] NSWLEC 58 and *oOh! Media Assets Pty Ltd v The Council of the City of Sydney* [2016] NSWLEC 47.

- 25 Consistent with the decision in *Saffioti v Kiama Municipal Council*, I consider that the requirement in cl 2.3(2) of the BLEP 2012 to consider the objectives of the zone is not a provision that derogates from the entitlement to make a development application for, and to have the consent authority consider, the enlargement or intensification of an existing use. Rather, the BLEP 2012 must be considered in determining the development application for that

enlargement or intensification, pursuant to s 4.15(1) of the EPA Act, and the objectives of the zone must be considered in determining whether such an enlargement or intensification is appropriate.

26 Similarly, I consider that s 4.15(1) of the EPA Act requires me to consider the BDCP in determining the development application for enlargement or intensification, including the requirement of the BDCP with respect to parking. I do not consider that a clause of the BDCP that prescribes a certain car parking provision rate, of itself, is "inconsistent or incompatible" (within the meaning of s 3.43(5) of the EPA Act) with the incorporated provisions. The car parking rates in the BDCP "reflects a council's expectation", using the words of McClellan CJ in *Stockland Development Pty Ltd v Manly Council* (2004) 136 LGERA 254, and those rates cannot be considered a non-discretionary development standard or determinative of the application (see *Zhang v Canterbury City Council* (2001) 115 LGERA 373 at [75]). They are not "inconsistent or incompatible" with the entitlement to make, and have the consent authority consider and determine, the development application. Those parking rates are therefore a relevant matter for the Court's consideration, but the provisions of the BDCP must be applied flexibly in accordance with s 4.15(3A)(b), which mandates for the Court, in exercising the functions of the consent authority, to "be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development." This is considered further below.

27 The decisions of the Court in *Stromness Pty Ltd v Woollahra Municipal Council* [2006] NSWLEC 587 and *Fodor Investments v Hornsby Shire Council* (2005) 141 LGERA 14 need to be read in light of the later decisions of the Court. Consistent with the planning principle in *Fodor Investments v Hornsby Shire Council*, the impact on adjoining neighbours remains a relevant consideration when carrying out an assessment of the development application in accordance with s 4.15(1).

Resident evidence of current impacts

- 28 The hearing commenced with a site inspection, at which I heard evidence and submissions from four local residents. The site inspection also entailed attending the neighbouring property at 12 Daisy Street and viewing the site from their living room window. In addition to this, the Council read:
- Four affidavits of Paul Boutros, resident of 9 Daisy Street, Croydon Park, all dated 14 October 2019;
 - Two affidavits of Michael Borosdevi, resident of 20 Violet Street, Croydon Park, each dated 17 October 2019; and
 - An affidavit of Nicholas Williams, resident of 12 Daisy Street, Croydon Park, dated 16 October 2019.
- 29 The affidavit evidence outlined observations of use of the site, both historically, as well as the current frequency and hours of use. Much of this is evidence of the times and dates people were at the site, how many people they saw enter/exit the site, what those people were wearing on some occasions, observations of people being dropped off by car, observations of people sleeping in their cars, and the locations where people attending the site were parking their cars. I do not consider that such evidence is relevant to, or assists me in, my determination of the development application.
- 30 The actual amenity impacts described by the residents in their evidence on-site and contained (in a limited form) in the affidavits, is as follows:
- Disturbance caused by cars driving up and down the street as they look for car parking spaces, and performing u-turns in private driveways.
 - Disturbance caused by cars arriving in the early hours of the morning, including lights flashing into the home and the noise of car doors closing and people talking.

- Illegal parking occurring, with evidence of two occasions when a car was partially parked across a resident's driveway and a further occasion when a car had stopped on the road (with a driver and passenger in the vehicle) across a resident's driveway.
- Evidence of cars parking across the driveway of the site.
- Loss of available on-street parking.
- Acoustic impact of the air-conditioning units.
- Privacy impacts to 12 Daisy Street when functions are occurring in the rear grassed area.

31 Given that the current use of the site by Iglesia is an enlargement of the existing use (in accordance with the decision of Robson J), the evidence of current amenity impacts can be relevant in evaluating the likely impacts of the proposed development, whether those impacts are acceptable and how those impacts might be managed. This is consistent with the decision of Preston CJ of LEC in *Jonah Pty Limited v Pittwater Council* (2006) 144 LGERA 408; [2006] NSWLEC 99, in which His Honour said (at [38]):

"For instance, past conduct (regardless of whether it is unlawful) may have given rise to unacceptable impacts, such as unacceptable acoustic impacts on adjoining properties. The experience of impacts of the past use could be relevant in evaluating, first, the likely impacts of a prospective use for which consent is sought of the same or similar character, extent, intensity and other features as the past use, secondly, the acceptability of the likely impacts and thirdly, if likely impacts are considered to be unacceptable, the appropriate measures that ought to be adopted to mitigate the likely impacts to an acceptable level."

32 There are, however, key differences between the past use the subject of the residents' evidence and what is proposed in the development application. The past use of the site was not managed through a Plan of Management, which is now proposed by the development application. Further, the amenity impacts caused by cars arriving in the local area in the early hours of the morning arose due to church services that commenced at 5:30am, whereas no such

services are proposed in the development application. The other amenity impacts identified by the residents are discussed in my consideration below, including how those impacts are proposed to be acceptably managed through the Plan of Management and conditions of development consent.

Expert evidence

- 33 Mr Robert Toohey, a town planner employed by the Council, and Mr Brian Kirk, a town planner engaged by Iglesia, gave expert opinion evidence concerning the town planning issues in the form of a joint report and in oral evidence.
- 34 Mr Stephen Cooper, an acoustic consultant engaged by the Council, and Mr Barry Murray, an acoustic consultant engaged by Iglesia, gave expert opinion evidence on the acoustic impact of the use of the site.
- 35 Mr Matthew McCarthy, a traffic engineer engaged by the Council, and Mr Robert Varga, a traffic engineer engaged by Iglesia, gave expert opinion evidence on the parking impact of the use of the site. This evidence included considering a parking survey commissioned by Mr McCarthy and conducted by Curtis Traffic Surveys.
- 36 The expert evidence is considered below.

The acoustic impact

- 37 The Council identified a number of noise sources in the operation of the site that could cause adverse acoustic impacts. They are the noise from the outdoor areas, the noise associated with on-street parking, the noise from the air-conditioning units, and the noise from within the building.
- 38 The evidence of Mr Cooper and Mr Murray is that, with the proposed service times in the Plan of Management, there will be no noise disturbance in the night time period caused by on-street parking. The night time period is defined as being from 10pm to 7am, and extends to 8am on Sundays.

- 39 Mr Murray opines that closing doors and windows of the church building during services, prayer meetings, choir practice, bible expositions and weddings will ensure that noise from within the buildings will comply with the relevant acoustic criterion. This is not disputed by Mr Cooper. The proposed conditions of consent, which are agreed by Iglesia, include the following:

"The use of the premises, building services, 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 any residential receiver."

- 40 Mr Cooper and Mr Murray also agree that the noise from the air-conditioning units can be managed through appropriate acoustic attenuation and conditions restricting the use of air-conditioning to certain hours. The conditions proposed by the Council, and agreed to by Iglesia are:

"Mechanical ventilation and/or air conditioning systems and equipment shall be designed and installed in locations that do not cause any noise nuisance or disturbance to nearby residential properties.

Air conditioning plant must not emit noise levels exceeding 36dBA at the residential boundary at any time. No air conditioning plant equipment shall be operated:

- (i) Before 8am or after 10pm on any Sunday or public holiday, or
- (ii) Before 7am or after 10pm on any other day."

- 41 Mr Cooper also opined that adherence to the hours of operation for the air conditioning would be best achieved through a time clock that is attached to the air conditioning such that it automatically turns off at 10pm.

- 42 On the evidence of Mr Cooper and Mr Murray, I accept that the expansion of the existing use to the times described above has an acceptable acoustic impact on the neighbouring residents, and that the proposed conditions with respect to the emission of noise from the premises and the air-conditioning and are appropriate to manage the acoustic impact. Whilst a time clock is an appropriate way to ensure that there is compliance with the operating times for the air-conditioning units, it need not be required by way of condition but may nevertheless be utilised by Iglesia to achieve compliance.

- 43 The remaining issue concerns the acoustic impact of the use of the outdoor area between the church building and the church hall at the rear, which was not raised by the Council in its Statement of Facts and Contentions. Both Mr Cooper and Mr Murray agree that it could be the source of an acoustic impact given that the living room of 12 Daisy Street is immediately to the south. As a result, the Council seeks a condition that the area not be used at any one time for more than 6 people, or 6 children. Iglesia opposes such a condition, and instead considers it appropriate to allow the area to be used for outdoor activities up to 12 times per year (on average, once a month) but only between 10am and 4pm on a Saturday or Sunday, and limited to a 3 hour duration, with any gazebo erected to be enclosed on its southern side. Such a condition is supported by the evidence of Mr Kirk, who opined that the area is sufficiently small to limit the numbers of people who will be there, and the limit on the number of occasions to 12 a year will manage the impacts on the neighbour.
- 44 I accept Iglesia's submission that limiting the use of the outdoor area to 12 occasions per year is sufficient to mitigate the acoustic impact of use of that area, as the residents of 12 Daisy Street did not identify noise disturbance from the outdoor area as a source of concern during the on-site inspection, despite a direct question from Dr Berveling with respect to the same. I also accept the evidence of Mr Kirk that the number of persons in that area is restricted due to its size. Further, I consider that the average use of that area once a month makes it typical of a residential use of an outdoor area of the same size.

Parking and traffic impact

- 45 The Council contends that the parking provided for the development, which is currently two spaces, is inadequate and overflow parking in the street has an unacceptable adverse impact on the amenity of residents. To reduce that impact so that it is acceptable, the Council's position is that the maximum number of people at the site at any one time should be limited to 20, or to 50 or 70 (depending on the occasion) if the parking layout is changed to allow for

5 car parking spaces. As such, they propose conditions limiting the number of persons on the site, as well as requiring Iglesia to construct 5 off-street car parking spaces. The construction of 5 off-street car parking spaces is consistent with a development application for alterations to create the car parking area for 5 spaces, which was lodged by Iglesia in 2012 and remains undetermined by the Council.

- 46 In support of its position, the Council relies on the residents' evidence of poor parking behaviour by those who attend the site, including driving up and down the street looking for car parks, performing u-turns and parking across driveways. The Council submits that the evidence of the residents with respect to parking behaviour is a relevant consideration in evaluating the acceptability of the impacts of the proposed expanded use. In this respect, the Council submits that the evidence of Mr McCarthy is that the proposed development creates a demand for 56 car parking spaces, and the impact of those 56 cars looking for parking spaces is unacceptable on the basis of the evidence of the residents. That impact is cars circling the street to look for parking spaces, cars double parking during drop-off and pick-up, illegal parking across driveways, and 3-point turns taking place in resident driveways. The Council submits that this parking behaviour is unacceptable and is caused by the lack of on-site parking, together with the number of people using the site. The Council therefore says that the number of people using the site should therefore be reduced.
- 47 The Council also relies upon the evidence of Mr Toohey, who considers that the number of persons on the site should be limited in accordance with the car parking rate in the BDCP. He opines that Iglesia should be given the benefit of two parking spaces on the street, plus 5 off-street spaces, and by applying the ratio of 1 car space for 10 persons from the BDCP, this leads to a maximum of 70 on the site at any one time. Mr Toohey considered that there would otherwise be the ongoing amenity impact occasioned by what he referred to as "double-parking", which was described by him as a car stopping on the road to allow a passenger to be dropped off. Further, the Council relies on the

evidence of Mr McCarthy, whose surveys demonstrate that on Wednesday evenings Daisy Street is "parked out".

- 48 Iglesia submits, to the contrary, that the evidence of the traffic engineers demonstrates that even on the survey conducted by the Mr McCarthy, there is sufficient parking available in the surrounding streets to accommodate the current capacity and the capacity sought. Iglesia submits that no landowner has a right to park on a public road outside his or her property, and so the available capacity of the public road can be utilised for the sporadic peaks of parking demand occasioned by the proposed expansion of the existing use. To further demonstrate that there is parking capacity in the local streets around the site, Iglesia also relies on a memorandum dated 15 January 2018 from the Acting General Manager to the Mayor of the Council following a 7 day parking survey of Daisy Street and the surrounding streets, Violet Street, Rose Street, Lily Street and Waratah Street (Ex E). The memorandum concludes that the parking associated with the church is acceptable, as follows:

"Overall the street rarely reaches 100% parking occupancy which indicates that residents and their visitors are able to find parking within the street. Naturally parking demand is highest around the Church during the peak times of Saturday evening and Sunday morning. However, it should be noted that on the Saturday and Sunday approximately one third of vehicles were observed to be parked continuously in Daisy Street from 9.00am to 9.00pm (being the study period) without moving. These vehicles likely belong to residents (including trailers which have been left parked in the street). The fact that Daisy Street rarely reaches 100% parking occupancy even with these vehicles parked within the street, indicates that parking associated with the Church can be considered to be reasonable."

- 49 Iglesia also submits that the proposed Plan of Management provides the mechanism that will manage the on-street parking so as to minimise the impact on residents in the locality, including by making it clear that the driveway can be used for drop-off, that no dropping off or picking up passengers is to occur in the middle of the street, that using a resident's driveway to make a 3-point turn is discouraged, and that parking across a resident's driveway is prohibited. The Plan of Management requires volunteer members of Iglesia to be on a roster as parking attendants, who will oversee

the use of the on-site parking spaces, ensuring the safe drop off and pick up of members, and ensuring members do not block residents' driveways. Iglesia says that the Plan of Management, together with the condition of consent preventing attendees from arriving 30min before a scheduled start time, or leaving 30min after, the scheduled finish time for church activities and services, will be effective in preventing the poor parking behaviour and in minimising the impact of using on-street parking.

- 50 Accordingly, Iglesia submits that the availability of street parking and the proposed management of on-street parking in accordance with the Plan of Management prevents there from being adverse amenity parking or traffic impacts occasioned by the proposed enlargement, expansion or intensification of the existing use.

The parking and traffic impact is acceptable

- 51 Whilst there is an impact on the availability of parking within Daisy Street occasioned by the current use of the site, and therefore by the expansion of the existing use, I do not consider that impact to be unacceptable. Nor do I find the amenity impacts caused by the utilisation of on-street parking to be unacceptable. I reach this conclusion for the following reasons.
- 52 Firstly, although the BDCP requirement for 14 car spaces is not met on the site, the evidence clearly establishes that there is sufficient parking available on the street to accommodate both the needs of the residents and the needs generated by the proposed development. The areas surveyed by Curtis Traffic Surveys (on behalf of Mr McCarthy) are shown in Figure 2.

- When operating on Wednesday evening with 84 people on site, there was a parking demand of between 26 and 53 spaces. The additional demand if 140 people are in attendance is between 18 and 22 spaces. The spare capacity surveyed at that time was, at a minimum, 28 spaces. Accordingly, the additional parking demand if 140 persons attend the site can be accommodated within the spare capacity across all zones.

- 54 The evidence therefore establishes that there will remain spare on-street parking capacity at the times when Iglesia intends to operate with an attendance of 140, and therefore that there is sufficient parking available on the street to accommodate the on-street parking demands generated by the capacity proposed by Iglesia, in addition to the parking demands of the residents. This is consistent with the surveys referred to in the Memorandum to the Mayor (Ex E). Given that the conditions of consent require attendees to leave within 30min of the conclusion of the service, and that this will be managed through the Plan of Management, I also accept the evidence of Mr Varga that there would be minimal additional demand on parking on Sundays occasioned by an overlap between people leaving the adult service and those arriving for the child service. In any event, the survey evidence shows that "all visitors arrive for the adult and child session on Sunday prior to the start of the adult session, but not many visitors arrive just prior to the start of the child session" (Ex 5 Annexure D).
- 55 As such, although the standard with respect to the minimum provision of on-site parking spaces in the BDCP is not met, I accept that the availability of on-street parking is sufficient to provide an alternative solution for the provision of parking supply to meet the needs of both the residents and the users of the site, consistent with objective O1 of Part 4.6 of the BDCP. The use of the on-street parking as an alternative solution is appropriate in the circumstances of the present application, where an existing use is relied upon, where there are no building works proposed and where the parking demand generated by the site is occasional rather than constant.

- 56 Secondly, I accept that the Plan of Management will manage the parking behaviour of attendees in a manner so as to prevent the adverse impacts caused by parking across driveways and performing u-turns in residents' driveways. The Plan of Management specifically prohibits parking across residents' driveways and performing u-turns using residents' driveways, and makes it clear that pick-up and drop-off of passengers can occur in the driveway of Iglesia. It then seeks to control that behaviour through the use of parking attendants, who will "oversee use of the on-site car spaces, ensuring the safe drop off and pick up of members, and ensuring that members parking in Daisy Street do not block any driveways of residences."
- 57 Thirdly, I do not accept the Council's submission that the driving of vehicles up and down the street looking for parking causes an unacceptable traffic or amenity impact. Vehicles driven up and down the street at low speed is a usual activity associated with traffic on a residential road, and there is no evidence that Daisy Street (or any of the surrounding intersections) is operating at or close to traffic capacity.
- 58 The above three reasons are sufficient for me to form the conclusion that the traffic and parking impact of the enlargement or expansion of the existing use to that in the proposed development is acceptable. However, I make a fourth and fifth observation that also support this finding.
- 59 Fourthly, it is clear that the current parking pressure within Daisy Street that is expressed within the residents' evidence and submissions is exacerbated by the residents' expectations that the street parking should only be available to them, and their resulting decision to park their cars and trailers on the street. The parking surveys undertaken by Curtis Traffic Surveys demonstrate that very few residents of Daisy Street (each of which has a driveway) are parking in their driveways, and it is clear from the observations on-site and in the surveys referred to in Ex E that residents are parking both cars and trailers on the street. This behaviour, including the parking of a resident's trailer on the street frontage of the church site, reduces the available parking in the street and increases potential for poor parking behaviour from other users of the

public road who need to find parking. Contrary to the expectations of the residents, there is no entitlement for residents to park on the street in front of their properties. Given the availability of driveways for parking, and the availability of parking on other streets within a short distance of Daisy Street as outlined in [52]-[54], any displacement of parking that is caused to residents during the sporadic peak periods of use of the site (Wednesday and Sunday services) is minor and does not create an unacceptable impact.

- 60 Fifthly, the main amenity issue identified by Mr Toohey was drivers "double parking" during the brief period of around 45 seconds when drivers are dropping off passengers to the church. I consider that this is resolved by the provision in the Plan of Management for church members to be dropped off and picked up on the driveway of the church, which is permitted by r 198 of the Road Rules 2014 and will be managed by a parking attendant. I note that if this nevertheless remains a genuine concern for the Council, then it could be resolved by the Council taking steps to have an area in front of the site that is marked as "No parking", which will allow the area to be free for cars to stop to drop off and pick up passengers in accordance with r 168 of the Road Rules.
- 61 For the above reasons, I am satisfied that the proposed expansion of the existing use to the services and activities proposed by Iglesia, with a total capacity of 140, will not cause an unacceptable traffic or parking impact. As such, I do not accept the Council's position that the capacity should be limited to a smaller number.

Whether 5 spaces should be provided

- 62 It is apparent that the provision of 5 car parking spaces on the site would be alleviate some of the parking pressure on Daisy Street and surrounds. However, in light of my finding that there is no unacceptable traffic or parking impact occasioned by the expansion of the existing use in accordance with the Plan of Management, there is no basis for requiring it as a condition of the present development application. Further, any works carried out on the site to

achieve 5 car spaces would need to reflect what is sought in the development application for the car park shown in Ex 10. There is no evidence to support the planning merits of that application, and Mr Toohey's evidence was not sufficient in that regard. I accept Mr Kirk's evidence that any such development application needs proper consideration and assessment, including an assessment with respect to the loss of trees and landscaping. Without evidence that allows me to carry out that assessment, it is not appropriate to impose a condition of consent that would effectively avoid its proper consideration and assessment.

- 63 As such, I consider that it is sufficient that the conditions of consent require works to be done to bring the 2 existing car spaces into compliance with the Australian standard AS/NZS 2890.1 - 2004 for parking and to have at least one car space compliant with the Australian standard AS/NZS 2890.6 - 2009 for car parking for people with disabilities.

Plan of Management

- 64 In *Renaldo Plus 3 Pty Limited v Hurstville City Council* [2005] NSWLEC 315, Commissioner Brown set out the following planning principle with respect to a Plan of Management:

"In considering whether a Management Plan is appropriate for a particular use and situation, the following questions should be considered:

1. Do the requirements in the Management Plan relate to the proposed use and complement any conditions of approval?
2. Do the requirements in the Management Plan require people to act in a manner that would be unlikely or unreasonable in the circumstances of the case?
3. Can the source of any breaches of the Management Plan be readily identified to allow for any enforcement action?
4. Do the requirements in the Management Plan require absolute compliance to achieve an acceptable outcome?
5. Can the people the subject of the Management Plan be reasonably expected to know of its requirements?
6. Is the Management Plan to be enforced as a condition of consent?

7. Does the Management Plan contain complaint management procedures?

8. Is there a procedure for updating and changing the Management Plan, including the advertising of any changes?"

65 The Council submits that whilst the Plan of Management is broadly consistent with these principles, its procedure for being updated is not adequate as it does not incorporate advertising any changes and consultation with local residents with respect to any such change. I do not accept that this makes the Plan of Management inadequate. The Plan of Management provides the following with respect to its ongoing review:

"The POM is to be reviewed within 30 days following the anniversary of development consent and shall incorporate any operational changes that have been adopted by the Church Leadership Group throughout the preceding year. If amendments are considered to be required, the Leadership Group shall notify Burwood Council of such proposed amendments, for approval by it, which approval will not be unreasonably withheld. A copy of any revised POM will be forwarded to the Council as soon as practicable after advice by Council of its approval."

66 Given that the Plan of Management concerns the operational management of the site, and the times of the services and activities are contained in the conditions of consent, I consider it sufficient for the Plan of Management to specify that the approval of the Council is required for its amendment. In the course of determining whether approval should be granted, it is matter for the Council as to whether it consults with the local community concerning any proposed changes. I note that any changes to the service times or maximum numbers would require an application to modify the consent.

67 I otherwise accept that the Plan of Management is satisfactory and meets the requirements established by the planning principle in *Renaldo Plus 3 Pty Limited v Hurstville City Council*. I accept the submissions of Iglesia that the Plan of Management relates to the proposed use and complements the conditions of consent, does not require people to act in a manner that is unlikely or unreasonable, and allows breaches to be readily identified by reference to the times of activities, the number of people on site and the use of parking attendants. The Plan of Management is also required to be

provided to church members, and is incorporated in and consistent with the proposed conditions of development consent. It also provides a process for receiving and managing complaints, and requires that a name and number be displayed at the entrance to the site to a person nominated to receive and manage complaints.

Concerns of the residents

68 As outlined in my consideration of the traffic, parking and acoustic impacts of the proposed development, I consider that none of the evidence or concerns of the residents warrant refusal of the development application. The acoustic evidence demonstrates that, with the elimination of early morning services, the proposed development will not cause an adverse acoustic impact on neighbouring residents during the night time (sleep disturbance) period (see [38] above). The issue with respect to the air conditioning unit is resolved by conditions of consent (see [40]). Further, the evidence also demonstrates that there is sufficient on-street parking to accommodate the parking demands of the proposed development and the local residents, and I accept that the Plan of Management will be effective in managing poor parking behaviour.

Outcome of the appeal

69 For the reasons set out above, I am satisfied that the proposed enlargement of the existing use can be appropriately managed in accordance with the conditions of consent agreed to by Iglesia and the proposed Plan of Management, and will not cause unacceptable adverse impacts. As such, I do not consider the proposed development to be antipathetic to the objectives of the zone to provide for the housing needs of the community or to provide facilities and services to meet the day to day needs of residents. I accept the evidence that there is sufficient on-street parking to accommodate the capacity sought by Iglesia for each service or activity the subject of the enlargement, and that no reduction in those numbers is warranted.

70 The Court orders that:

- (1) The appeal is upheld.
- (2) Development consent is granted for expansion and enlargement of the existing use of 10 Daisy Street, Croydon Park as a place of public worship to the activities and services outlined in condition 3 of Annexure A, subject to the conditions of consent in Annexure A.
- (3) The exhibits are returned, except for Exhibits 10, 11, A, C and E.



Joanne Gray

Commissioner of the Court

Annexure 'A'
Iglesia Ni Cristo v Burwood Council

Conditions of Consent

10 Daisy Street, Croydon Park – Use of existing church and hall

GENERAL

- 1) The development is to be carried out in accordance with the plans and documentation listed below, except where amended by the conditions of consent:
 - Architectural Plans prepared by *Third Wave Design* consisting of the Drawing No's listed below all dated 25/02/19:
 - 1.01 Site Plan dated
 - 1.02 Ground Floor Plan
 - 1.03 Roof Plan
 - 3.01 Elevations South & North
 - 3.02 Elevations West & North Church
 - 3.03 Elevations East Hall & East Church

- 2) The development the subject of this approval is for the use of the premises as a place of public worship (Church). The approved use is to carried out strictly in accordance with:
 1. The Plan of Management prepared for Iglesia Ni Cristo for the ongoing use of the church located at 10 Daisy Street, Croydon Park as revised on 1 November 2019 and approved by the Court and as amended from time to time (in accordance with section 8 of the Plan of Management) (the **Plan of Management**); and
 2. The conditions of this approval.

PLANNING

- 3) All regular activities and/or services carried out on the subject site shall at all times comply with the starting and finishing times as shown in the schedule below, which forms part of this Development Consent.

Activity	Occurrence	Day/Time		Maximum Nos: of
Officers Meeting	Weekly	Saturday	6:00pm- 7:00pm	25
Worship Services	Weekly (3 Services)	Wednesday	7:30pm-9:00pm	140
		Sunday (Adult)	9:30am-11:00am	140
		Sunday (Child)	11:30am-12:30pm	50

Choir Practice	Weekly (2 Practices)	Saturday Sunday	5:00pm-8:00pm 3:00pm-6:00pm	40
Gardening & Cleaning	Weekly	Saturday	8:00am-12:00pm	20
Bible Expositions	Monthly	Last weekend of the month but may vary	7:00pm-9:00pm	120
Weddings *	By request	Not specified		140

The subject site shall only be used for 3 major Church Occasions in a year. These **special services** conducted on the site are shown below:

Activity	Occurrence	Day/Time	Max. Nos: of Persons
Holy Supper Devotional Prayer	March each year for 1 week	Monday to Saturday 8.00am-8:00pm	50
Church Anniversary Thanksgiving Services	Last week of July each year	Monday to Saturday 8.00am – 8.00pm	50
Year End Thanksgiving	2 nd week of December each year	Monday to Saturday 8.00am - 8:00pm	50

- 4) Only activities and/or services specified in the table above in condition 3 and ancillary activities (including cleaning) are to take place on site. The site shall not be used for any further activities and/or services.
- 5) Church attendees/ patrons shall not arrive on the site more than 30 minutes prior to the scheduled starting time of activities/ services and all patrons must leave the subject site within 30 minutes of the scheduled finish times for all church activities/ services.
- 6) The maximum number of church patrons onsite attending any events, activities or worship services shall not exceed the numbers listed in the above tables at condition 3.
- 7) A sign shall be erected in the front yard of the site which clearly displays the times and dates upon which church services are conducted on the site. The signage panel shall be restricted to a minimum width of 1.0m and a maximum height of 0.5m and not be illuminated. The sign shall include a contact name and number for someone

Appeal No 19/138484

from the church community should the residents which to raise issues about the management of the activities/ services undertaken in the church and church hall.

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

ENVIRONMENTAL MANAGEMENT

- 9) The premises shall be operated and maintained in accordance with the Plan of Management "Iglesia Ni Cristo 10 Daisy Street Croydon Park" Revision 2 dated 1 November 2019
- 10) The use of the premises, building services, 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 any residential receiver.
- 11) Mechanical ventilation and/or air conditioning systems and equipment shall be designed and installed in locations that do not cause any noise nuisance or disturbance to nearby residential properties.
- 12) Air conditioning plant must not emit noise levels exceeding 36dBA at the residential boundary at any time. No air conditioning plant equipment shall be operated:
- (i) Before 8am or after 10pm on any Sunday or public holiday, or
 - (ii) Before 7am or after 10pm on any other day.
- 13) The activities carried out in the Church and ancillary buildings shall be limited to those as outlined within the Plan of Management (inclusive of operating times) and only be undertaken between the hours of 8.00am and 8.00pm on weekends and public holidays and 7.00am and 9.00pm on any other day in accordance with the requirements of The Protection of the Environment (Noise Control) Regulation 2008.
- 14) The use of the garden area at the front of the property is to be monitored and regulated to mitigate any noise impacts on nearby receivers attributable to the Church.
- 15) The Rear Lawn area may be used for outdoor activities up to 12 times per year and then only between 10:00am and 4:00pm on a Saturday or Sunday. Any such activity:
- shall not exceed 3 hours in duration;
 - shall not include the use of Portaloo's; and
 - any gazebo erected for that function is to be enclosed on its southern side.
- 16) The open space at the front of the site is not to be used as a Children's play area or playground.
- 17) Wardens shall be assigned every worship service to assist and direct vehicles arriving and departing the premises and to manage and reduce noise generated by congregation members arriving and departing by ensuring they arrive or leave

promptly.

- 18) A copy of the Plan of Management is to be onsite and available to members of the Church.
- 19) A handout setting out the requirements in sections 3 and 6 of the Plan of Management is to be provided to all members of the Church annually before 1 December and is to be provided to all new members.

TRAFFIC & PARKING MANAGEMENT

- 20) A minimum of 2 off-street car parking spaces and 3 bicycle parking spaces must be provided on-site at all times. 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. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.
- 21) Of the required 2 car parking spaces, at least one must be designed 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 car parking for people with disabilities.
- 22) The vehicular crossing between the property boundary and the full width of the footpath must be constructed in accordance with Council's Standard Vehicular Crossing specification.
- 23) At all times the car parking spaces must be kept clear of goods and must not be used for storage purposes, including garbage storage.



Our Ref:

23 December 2025

Planwave Pty Ltd
Email: boris.santana@planwave.com.au

Attention: Mr Boris Santana

Dear Boris,

**RE: 10 DAISY ST, CROYDON PARK PROPOSED CHURCH EXPANSION,
DA 10.2019.28.1 S4.56 MODIFICATION APPLICATION – TRAFFIC AND
PARKING REVIEW**

As requested, MLA Transport Planning (MLA) has conducted a traffic and parking assessment to accompany a S4.56 modification application to be lodged with Burwood Council. The S4.56 application seeks approval to amend the approved development granted in Development Application No. DA 10.2019.28.1. Our findings are contained herein.

Background

The site at 10 Daisy Street, Croydon Park is an approved place of public worship and is currently occupied by Iglesia Ni Cristo.

In March 2019, a development application (DA 10.2019.28.1) was lodged with Burwood Council (Council) seeking approval for the continued use of the site at 10 Daisy Street, Croydon Park as a place of public worship. The development was refused by Council for reasons relating to planning, acoustics and traffic.

Following the refusal, an appeal (19/138484) was lodged with the Land and Environmental Court of NSW (LEC). With consideration to relevant expert advice, the LEC upheld the appeal in November 2019. The proposed development was granted consent subject to conditions and the approved Plan of Management (PoM).

Following the LEC approval, a S4.56 modification application is being prepared for submission seeking approval to amend certain elements of the original approved church development. This traffic statement addresses the traffic and parking effects arising from the proposed modifications.

MLA Transport Planning
Level 14, 275 Alfred St
NORTH SYDNEY NSW 2060



Approved Development

The Consent together with the PoM permits the Church to hold the following activities:

- 1 x weekly meeting
- 3 x weekly services (two adult plus one child services)
- 2 x weekly choir practices
- 1 x weekly gardening and cleaning
- 1 x monthly bible exposition
- weddings (event frequency and number not specified in the approval), and
- 3 x major services per year.

The approved activities together with their occurrence, days and times and the maximum number of attendees are presented in Table 1.

Table 1: Approved Church Activities

Activity	Occurrence	Day/Time	Maximum Nos of Persons
Officers Meeting	Weekly	Saturday 6:00pm – 7:00pm	25
Worship Services	Weekly	Wednesday 7:30pm – 9:00pm Sunday (Adult) 9:30am – 11:00am Sunday (Child) 11:30am – 12:30pm	140 140 50
Choir Practice	Weekly	Saturday 5:00pm – 8:00pm Sunday 3:00pm – 6:00pm	40 40
Gardening and Cleaning	Weekly	Saturday 8:00am – 12:00pm	20
Bible Expositions	Month	Last weekend of the month but may vary 7:00pm to 9:00pm	120
Holy Supper Devotional Prayer	March each year for a week	Monday to Saturday 8:00am – 8:00pm	50
Church Anniversary Thanksgiving Service	Last week of July each year	Monday to Saturday 8:00am – 8:00pm	50
Year End Thanksgiving	Second week of December each year	Monday to Saturday 8:00am – 8:00pm	50

In addition, the Consent, specifically Condition #5, stipulates that church attendees and patrons must not arrive more than 30 minutes before the scheduled start time and must leave the site within 30 minutes of the scheduled finish time.



Proposed S4.56 Modifications

This S4.56 modification application seeks approval to amend Condition #5 in the Consent which restricts the arrival and departure times of church attendees/patrons. Condition #5 reads as follows:

Church attendees/ patrons shall not arrive on the site more than 30 minutes prior to the scheduled starting time of activities/ services and all patrons must leave the subject site within 30 minutes of the scheduled finish times for all church activities/services.

It is proposed to amend the condition to permit the staggered arrival of church staff to allow adequate service preparation during the approved worship services. To this effect, it is proposed that for up to 40 staff members including deacons, choir, etc be permitted to arrive up to 90 minutes before the scheduled commencement time of the worship services. The proposed rewording of the condition is as follows:

Church attendees/patrons shall not arrive on the site more than 30 minutes prior to the scheduled starting time of activities/services. Church staff (up to 40 persons) may arrive on the site up to 90 minutes prior to the scheduled commencement of worship services to allow for preparation. All patrons, including staff, must leave the subject site within 30 minutes of the scheduled finish times for all church activities/services.

The approved PoM will also be amended accordingly.

In addition, the application seeks approval for a 13.5m length of "NO PARKING" restrictions to be installed on Daisy Street along site's frontage. It is proposed that the "NO PARKING" restrictions be operational during the approved adult worship services on the following days and times:

- Wednesday 6:00pm to 9:30pm, and
- Sunday 8:00am to 11:30am.

Outside of these hours, the "NO PARKING" restriction will not apply, and the current unrestricted parking will remain.

The proposed times for the "NO PARKING" restriction reflect the above proposed amendment to Condition #5.

The "NO PARKING" zone is proposed to be used as a drop-off and pick-up zone for church patrons as well as the general public. Under the current NSW Road Rules, the proposed "NO PARKING" zone would allow vehicles to drop off and pick up passengers, or load and unload goods, for less than two minutes, provided the driver remains within three metres of the vehicle.



Figure 1 shows the location of the proposed “NO PARKING” restriction and the associated signage to implement it.

Figure 1: Proposed No Parking Restriction



In addition, it is noted that the installation of the “NO PARKING” restriction will require additional approval from Burwood Local Traffic Committee following the approval of this S4.56 modification application.

Finally, it is noted that the revised proposed church development does not involve any modifications that would change the intensification of the church use or operation, including no changes to the approved maximum number of attendees, the number, the occurrence and duration of the activities.

Traffic Effects

As noted previously, the revised proposed church development does not involve the intensification of the church use or operation, therefore the traffic generation potential of the proposed church development will remain consistent with the original approved church development.

Notwithstanding the above, the modification application seeks approval to permit the staggered arrival of church staff members. This would have the effect of spreading the arrival trips over a longer period, thus effectively reducing the peak hour vehicle trips. This change is expected to provide positive traffic impacts to the surrounding area.



The potential for the proposed staggered arrival of church staff members to reduce the opportunity for carpooling is discussed further below.

Overall, the traffic generation of the proposed church development would be no worse than that of the originally approved church development, and thus the traffic effects of the revised proposed church development would be satisfactory.

Parking Effects

The proposed modifications in this S4.56 modification application include the installation of a "NO PARKING" restriction on Daisy Street in front of the site. The restriction, located between the site's driveway and the driveway to No. 12 Daisy Street, would occupy approximately 13.5m of kerb length. It is proposed for the "NO PARKING" zone to be used as a drop-off and pick-up zone for church patrons and the general public.

The "NO PARKING" restriction is to be operational only during the adult worship services, including the extended arrival times for church staff preparing for worship, on the following days and times:

- Wednesday 6:00pm to 9:30pm, and
- Sunday 8:00am to 11:30am.

Outside of these hours, the current unrestricted parking will be applicable.

The proposed "NO PARKING" restriction is intended to facilitate the safe, convenient and efficient drop-off and pick-up of church patrons in front of the site during the worship services, with drivers required to park elsewhere.

The proposed drop-off/pick-up zone will occupy two car kerbside parking spaces when it is in operation. A parking utilisation survey of the nearby kerbside parking was conducted to assess the effects of removing these two kerbside parking spaces in the surrounding area.

The parking utilisation survey was conducted on Wednesday 6 August 2025 from 6:00pm to 10:00pm and on Sunday 10 August 2025 from 8:00am to 1:00pm. The survey days and times coincide with the proposed operational hours of the "NO PARKING" restriction. It is further noted that worship services were held during these periods, consistent with the times approved in the Consent.

The survey involves a patrol of all available car parking spaces within the survey area at hourly intervals and record the number of occupied and unoccupied car parking spaces. Figure 2 shows the streets where the parking survey has been carried out.

In addition to the Daisy Street zone, and the Daisy Street/Lily Street/Violet Street zone, the survey area has been divided into two further zones with the subject site at the centre of each zone. The inner zone includes all kerbside parking spaces within a 5-



minute walk of the subject site (which also encompasses the Daisy Street and the Daisy Street/Lily Street/Violet Street zones) and is shown in Figure 2 in blue. The outer zone includes all kerbside parking spaces within a 10-minute walk of the subject site and is shown in pink in Figure 2.

It is further noted that in terms of the survey coverage area, the inner zone is consistent with the parking surveys conducted by the traffic experts during the LEC proceedings.

Figure 2: Parking Utilisation Survey Locations



A summary of the parking utilisation survey results is presented in the charts below, with the detailed output provided in Attachment One.

Figure 3 and Figure 4 indicate that, within Daisy Street (only), between three and 11 kerbside car parking spaces were unoccupied during the survey periods. Similarly, Figure 5 and Figure 6 indicate that, within Daisy Street, Lily Street and Violet Street, between 46 and 57 car spaces were unoccupied. Figure 7 and Figure 8 indicate that



the 5-minute inner zone and 10-minute outer zone, had a minimum of 76 unoccupied car spaces.

Figure 3: Wednesday Parking Utilisation Survey Results – Daisy St Only

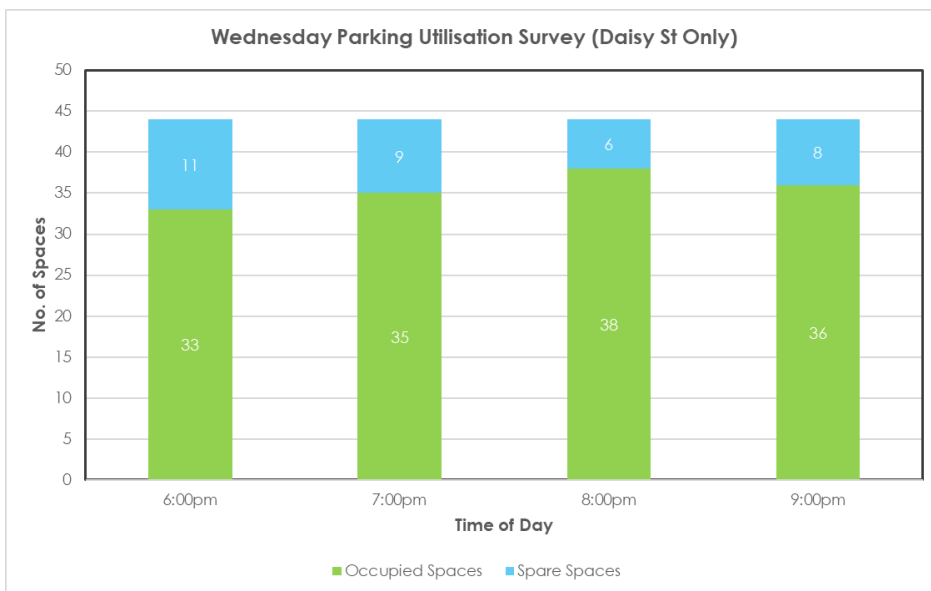


Figure 4: Sunday Parking Utilisation Survey Results – Daisy St Only

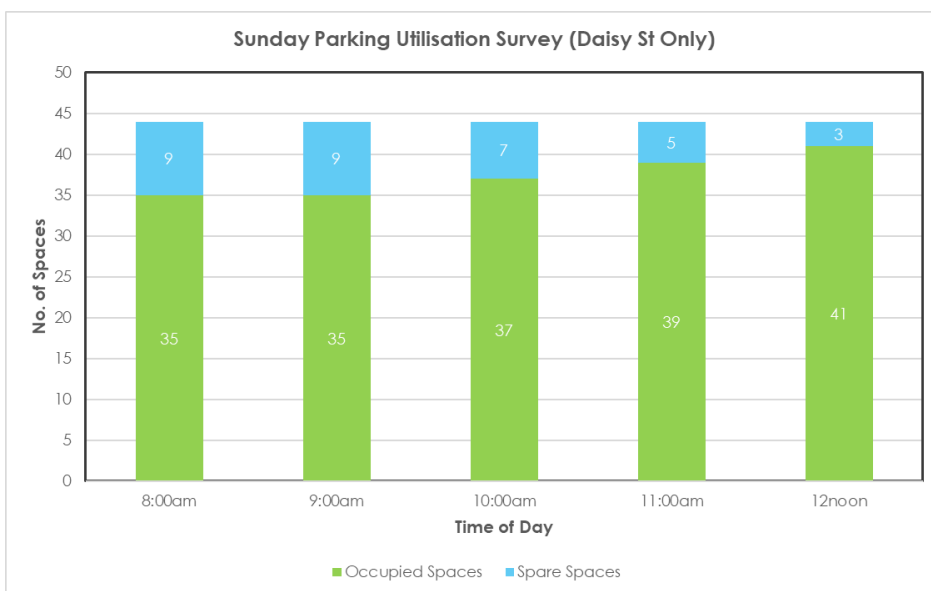




Figure 5: Wednesday Parking Utilisation Survey Results – Daisy St/Lily St/Violet St

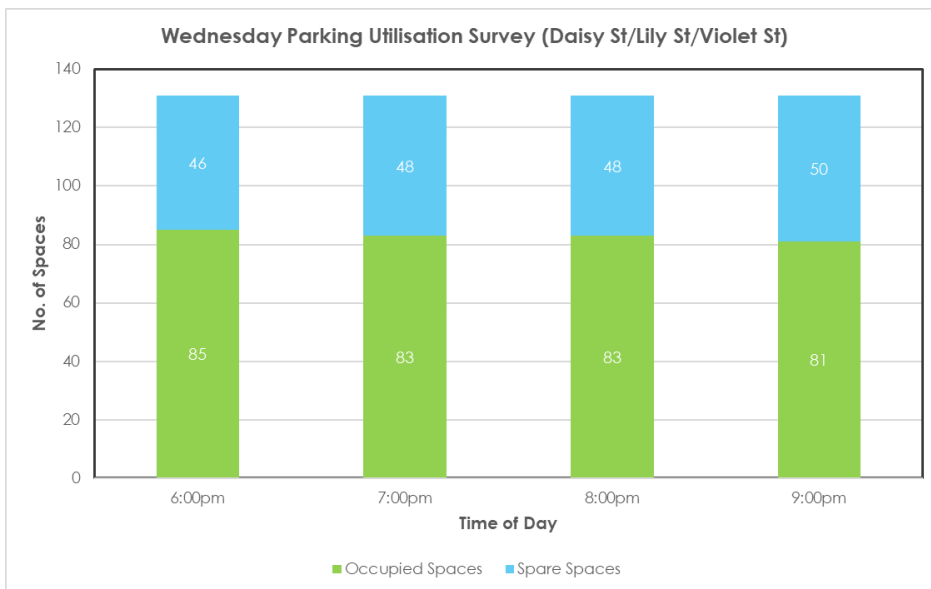


Figure 6: Sunday Parking Utilisation Survey Results – Daisy St/Lily St/Violet St

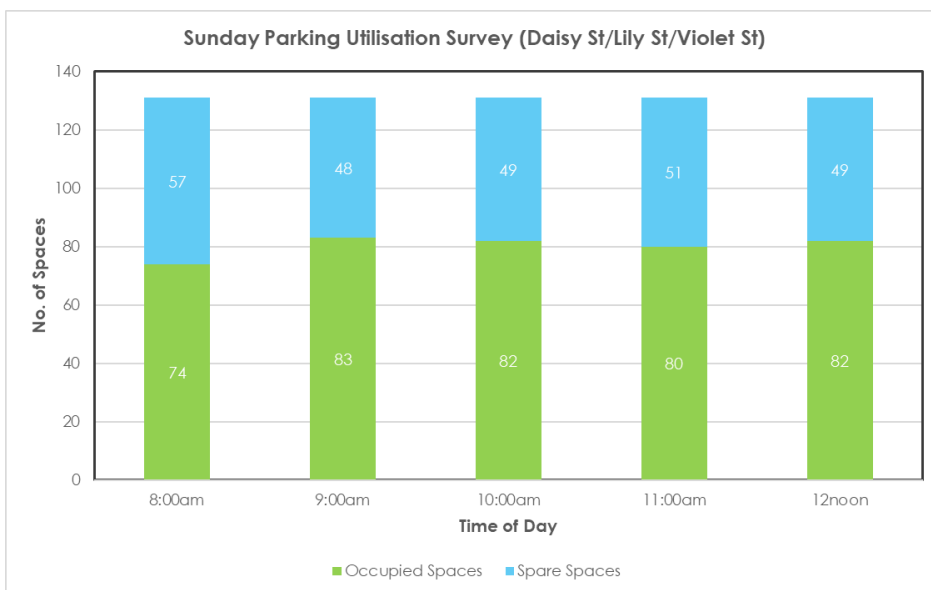




Figure 7: Wednesday Parking Utilisation Survey Results – (5&10-Min Zones)

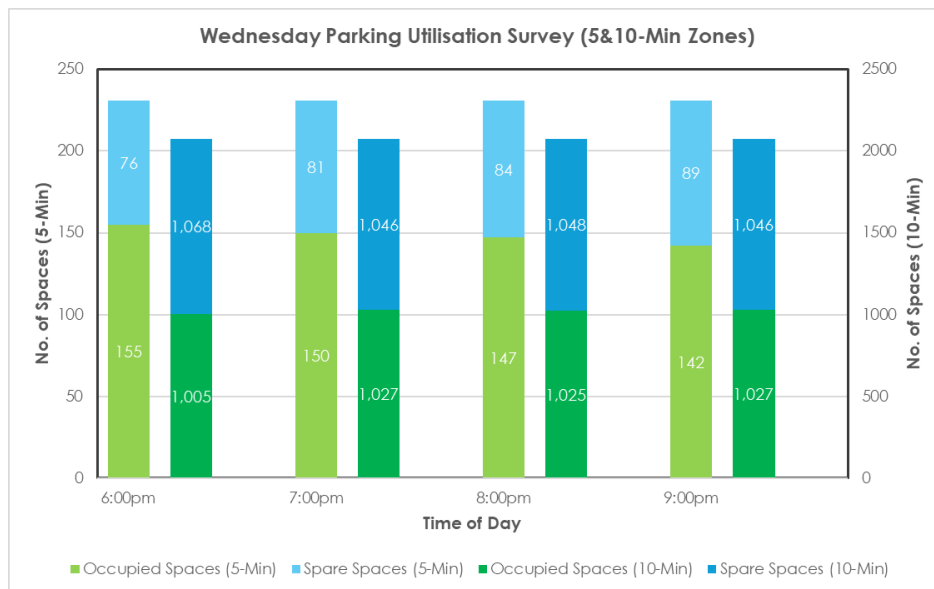
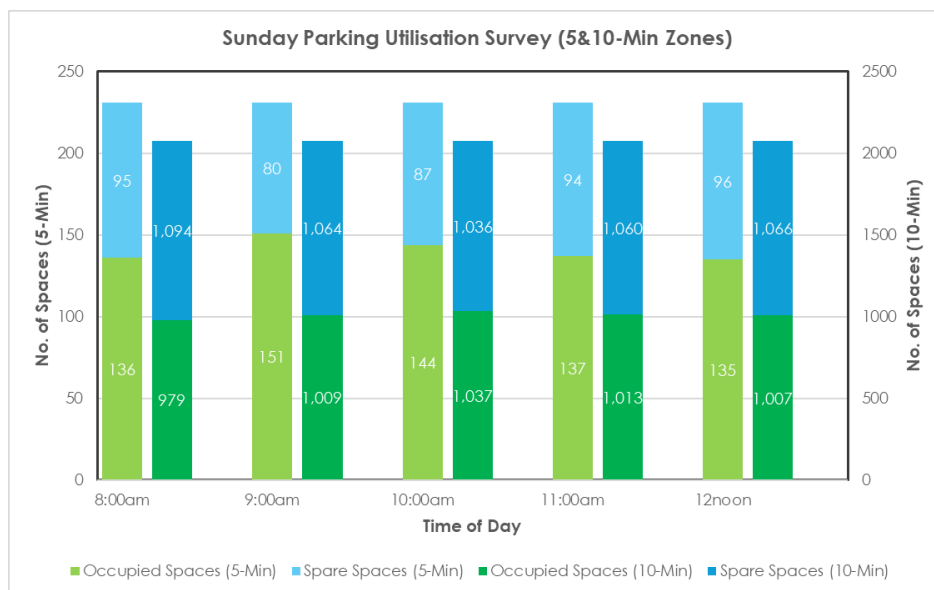


Figure 8: Sunday Parking Utilisation Survey Results – (5&10-Min Zones)



From the survey results, it can be seen that the surrounding streets within the vicinity of the site including Daisy Street, had spare parking capacity during the worship periods. Therefore, the proposed part-time removal of two kerbside parking spaces for use as a



drop-off and pick-up zone is not expected to create any discernible parking effects to the local area.

In relation to the potential for the proposed staggered arrival of staff members (for worship service preparation) to reduce the opportunity for carpooling, it is proposed that staff members with similar travel characteristics be scheduled to assist with service preparation on the same day or worship service. For example, staff members who live or work near one other would be scheduled and assigned to the same worship service so that they can travel together in the same vehicle to the site. To further facilitate the potential for carpooling, it is recommended that the Church use regular meetings and/or establish a group chat on social media, or even a simple spreadsheet for staff to coordinate and register carpool opportunities and preferences.

In addition, staff members as well as attendees will be encouraged to use public transport services to access the site where possible, as this will help reduce parking demand and minimise traffic impacts and promote more sustainable travel methods.

It is recommended that the approved PoM be amended to include the above measures, including a stated objective in the PoM to encourage and facilitate carpooling and more sustainable travel methods among staff and attendees/patrons.

Furthermore, the approved PoM is to be amended to require attendees and staff to use the proposed drop-off and pick-up zone, rather than the current arrangement of using the church driveway for this purpose.

Public Benefit of Proposed Drop-Off Arrangement

The church currently uses its driveway for drop-off and pick-up of attendees. Anecdotally, this arrangement functions satisfactorily, however, there is only capacity for one vehicle at a time and requires vehicles to perform reverse manoeuvres when accessing the site.

The proposed conversion of two public kerbside parking spaces into a drop-off and pick-up zone, which would be used predominantly by church attendees, would provide public benefits in the form of safety enhancements and improved traffic flow benefiting the wider community.

The proposed drop-off and pick-up area reduces the need for vehicles to reverse into or out of the driveway, minimising potential hazards to pedestrians and other road users. The proposed drop-off and pick-up area allows multiple vehicles to safely access the site simultaneously, reducing the risk of congestion-related incidents.

The proposed drop-off and pick-up area is also expected to reduce street congestion, as it allows up to two vehicles to drop off and pick up their passengers, and also congestion associated with vehicles waiting to enter the driveway. It is also expected



that the proposed drop-off and pick-up area will reduce random stopping and sudden manoeuvres, which could otherwise disrupt traffic flow.

In addition, churches like Iglesia Ni Cristo provide social, cultural and community services benefiting the wider community. Accordingly, facilitating safe access through the introduction of a designated drop-off and pick-up area for church attendees supports these broader community objectives and benefits to the wider community as a whole. Furthermore, the parking utilisation survey indicates that during the operation of the "NO PARKING" restriction, there would be sufficient spare kerbside parking capacity to permit the removal of two kerbside parking spaces for this purpose.

Furthermore, the proposed drop-off and pick-up area does not permanently remove public access to the two kerbside spaces. The proposed drop-off and pick-up zone will only operate on a part-time basis when there is a worship service.

In light of the above, it is our conclusion that the proposed part-time "NO PARKING" zone for use as a drop-off and pick-up area predominantly by church attendees represents a practical improvement over the existing arrangement. It enhances safety, reduces congestion and supports the wider community, while the community will continue to have access to these two kerbside spaces outside of the worship periods.

Early Arriving Staff Commuting Patterns

In a pre-DA advice from Council dated 22 September 2025, Council requested that details of the commuting patterns and parking arrangements for the early arriving staff be provided.

The commuting patterns of the nominated staff who will be arriving early for service preparation duties are provided in Attachment Two. In relation to parking arrangements, these staff are expected to use the proposed "NO PARKING" zone to drop off staff and any required items for their service preparation, and then proceed to nearby streets to seek a parking space.

Summary and Conclusion

This traffic statement accompanies a S4.56 modification application seeking approval to modify elements of an approved church development at 10 Daisy Street, Croydon Park. It assesses the traffic and parking effects arising from the proposed modifications.

As the revised proposed church development does not include any intensification of the church use and operation, the level of development traffic will remain consistent with the approved development. Additionally, it is noted that the proposed extended arrival time of church staff will have the effect of spreading arrival trips over a longer period, thus reducing the peak hour vehicle trips which is expected to provide positive traffic impacts to the local area.



In relation to the parking effects due to the proposed modifications, the parking utilisation surveys indicate that there is sufficient spare kerbside parking capacity within Daisy Street as well as within the immediate vicinity of the site. As such, the proposed part-time drop-off and pick-up zone is not expected to create any discernible parking effects to the local area.

Overall, the traffic and parking aspects of the revised proposed church development are considered to be satisfactory.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Michael Lee', written over a faint circular stamp or watermark.

Michael Lee
Director

- Encl. Attachment One – Parking Utilisation Survey Results
- Attachment Two – Early Arrival Staff Commuting Patterns

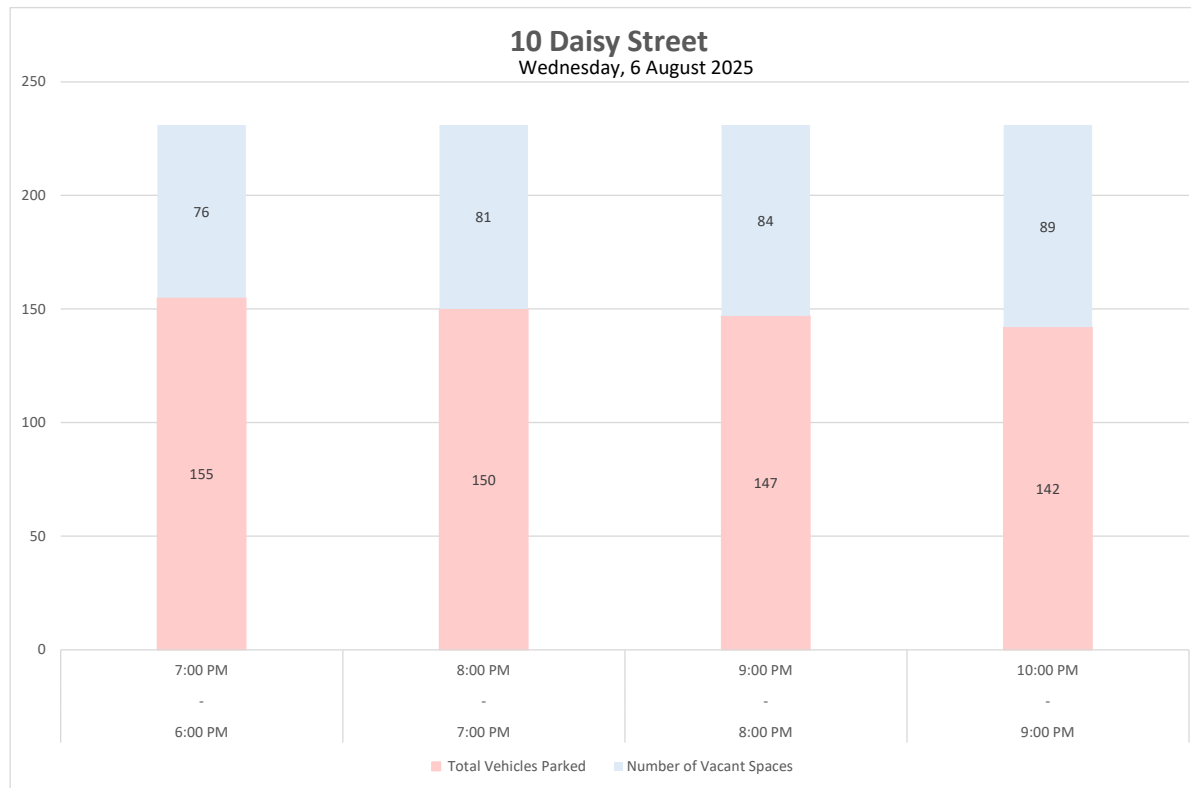


Attachment One

Parking Utilisation Survey Results

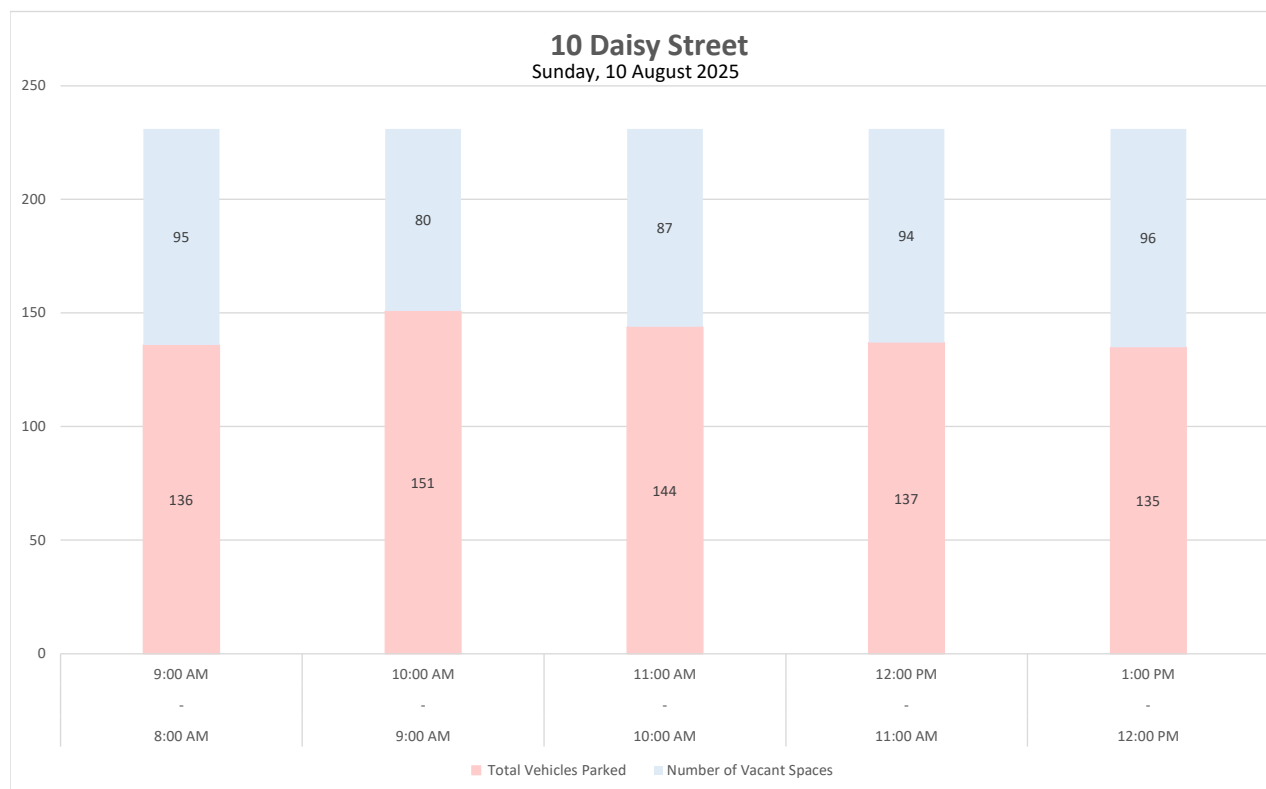
Location	10 Daisy Street
Suburb	ASHFIELD
Client	MLA
Job No/Name	25160
Survey Duration	10 HOURS
Day/Date	Wednesday, 6 August 2025

UID	Street Name	Parking Restriction	Capacity	6:00 PM	7:00 PM	8:00 PM	9:00 PM
				7:00 PM	8:00 PM	9:00 PM	10:00 PM
D1	Daisy Street	On Street Parking	22	19	20	21	20
D2	Daisy Street	On Street Parking	22	14	15	17	16
RS1	Rose Street	On Street Parking	28	20	18	16	16
RS2	Rose Street	On Street Parking	29	19	16	14	12
W4	Waratah Street	On Street Parking	20	16	17	18	18
W5	Waratah Street	On Street Parking	8	6	6	5	5
W6	Waratah Street	On Street Parking	15	9	10	11	10
LS1	Lily Street	On Street Parking	11	6	7	7	7
LS2	Lily Street	On Street Parking	28	18	15	14	13
LS3	Lily Street	On Street Parking	12	7	5	4	4
VL3	Violet Street	On Street Parking	7	5	6	7	7
VL4	Violet Street	On Street Parking	18	12	10	8	8
VL5	Violet Street	On Street Parking	11	4	5	5	6
Total Vehicles Parked			231	155	150	147	142
Number of Vacant Spaces				76	81	84	89
% of Capacity Used				67.1%	64.9%	63.6%	61.5%



Location	10 Daisy Street
Suburb	ASHFIELD
Client	MLA
Job No/Name	25160
Survey Duration	10 HOURS
Day/Date	Sunday, 10 August 2025

UID	Street Name	Parking Restriction	Capacity	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM
				- 9:00 AM	- 10:00 AM	- 11:00 AM	- 12:00 PM	- 1:00 PM
D1	Daisy Street	On Street Parking	22	20	20	20	21	22
D2	Daisy Street	On Street Parking	22	15	15	17	18	19
RS1	Rose Street	On Street Parking	28	19	15	16	15	14
RS2	Rose Street	On Street Parking	29	12	13	14	13	12
W4	Waratah Street	On Street Parking	20	17	21	19	17	16
W5	Waratah Street	On Street Parking	8	4	6	3	3	2
W6	Waratah Street	On Street Parking	15	10	13	10	9	9
LS1	Liy Street	On Street Parking	11	4	5	5	5	6
LS2	Lily Street	On Street Parking	28	11	16	13	13	14
LS3	Lily Street	On Street Parking	12	2	6	6	5	4
VL3	Violet Street	On Street Parking	7	7	7	7	5	4
VL4	Violet Street	On Street Parking	18	9	8	9	8	7
VL5	Violet Street	On Street Parking	11	6	6	5	5	6
Total Vehicles Parked			231	136	151	144	137	135
Number of Vacant Spaces				95	80	87	94	96
% of Capacity Used				58.9%	65.4%	62.3%	59.3%	58.4%



Location	10 Daisy Street
Suburb	ASHFIELD
Client	MLA
Job No/Name	25160
Survey Duration	10 HOURS
Day/Date	Wednesday, 6 August 2025

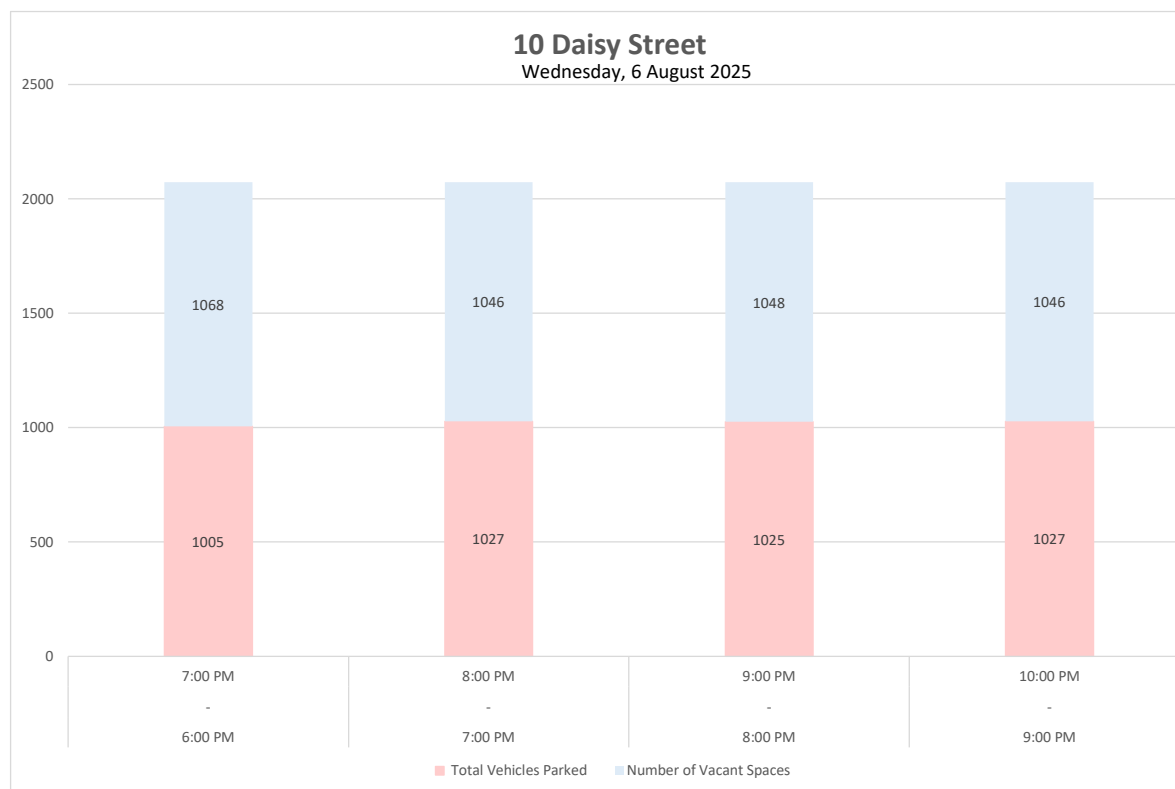
UID	Street Name	Parking Restriction	Capacity	6:00 PM	7:00 PM	8:00 PM	9:00 PM
				- 7:00 PM	- 8:00 PM	- 9:00 PM	- 10:00 PM
D1	Daisy Street	On Street Parking	22	19	20	21	20
D2	Daisy Street	On Street Parking	22	14	15	17	16
RS1	Rose Street	On Street Parking	28	20	18	16	16
RS2	Rose Street	On Street Parking	29	19	16	14	12
RS3	Rose Street	On Street Parking	8	3	3	3	3
RS4	Rose Street	On Street Parking	12	4	5	7	8
RS5	Rose Street	On Street Parking	3	1	1	2	2
RS6	Rose Street	On Street Parking	29	17	16	15	14
RS7	Rose Street	On Street Parking	7	3	2	2	2
RS8	Rose Street	On Street Parking	16	5	6	7	6
PH1	Parkhill Street	On Street Parking	24	1	2	4	4
PH2	Parkhill Street	On Street Parking	5	0	0	0	0
PH3	Parkhill Street	On Street Parking	9	8	6	5	5
PH4	Parkhill Street	On Street Parking	5	1	1	1	1
W1	Waratah Street	On Street Parking	15	0	1	2	2
W2	Waratah Street	On Street Parking	20	3	2	2	2
W3	Waratah Street	On Street Parking	9	6	5	5	5
W4	Waratah Street	On Street Parking	20	16	17	18	18
W5	Waratah Street	On Street Parking	8	6	6	5	5
W6	Waratah Street	On Street Parking	15	9	10	11	10
W7	Waratah Street	On Street Parking	5	4	3	3	3
W8	Waratah Street	On Street Parking	18	15	15	16	16
W9	Waratah Street	On Street Parking	9	5	5	7	7
W10	Waratah Street	On Street Parking	4	4	4	3	3
W11	Waratah Street	On Street Parking	15	7	8	8	8
W12	Waratah Street	On Street Parking	9	3	4	4	5
KA1	Kent Avenue	On Street Parking	7	6	6	6	6
KA2	Kent Avenue	On Street Parking	6	0	0	1	1
LS1	Lily Street	On Street Parking	11	6	7	7	7
LS2	Lily Street	On Street Parking	28	18	15	14	13
LS3	Lily Street	On Street Parking	12	7	5	4	4

LS4	Lily Street	On Street Parking	8	4	6	6	6
LS5	Lily Street	On Street Parking	14	7	8	8	8
FC1	Faunce Street	On Street Parking	13	3	3	5	5
FC2	Faunce Street	On Street Parking	10	2	3	4	4
VL1	Violet Street	On Street Parking	10	10	9	8	7
VL2	Violet Street	On Street Parking	14	12	12	11	10
VL3	Violet Street	On Street Parking	7	5	6	7	7
VL4	Violet Street	On Street Parking	18	12	10	8	8
VL5	Violet Street	On Street Parking	11	4	5	5	6
VL6	Violet Street	On Street Parking	13	10	9	8	9
VL7	Violet Street	On Street Parking	11	5	6	7	7
VL8	Violet Street	On Street Parking	3	3	3	3	3
VL9	Violet Street	On Street Parking	4	3	4	4	4
KT1	Kater Place	On Street Parking	9	4	4	6	5
KT2	Kater Place	On Street Parking	9	6	7	8	8
KT3	Kater Place	On Street Parking	13	4	5	5	6
KT4	Kater Place	On Street Parking	8	7	6	6	6
KT5	Kater Place	On Street Parking	16	6	6	5	5
KT6	Kater Place	On Street Parking	12	5	3	3	4
GG1	George Street	On Street Parking	9	4	6	5	5
GG2	George Street	On Street Parking	32	15	16	17	18
GG3	George Street	On Street Parking	29	8	10	10	10
EM1	Elm Street	On Street Parking	4	4	4	4	3
EM2	Elm Street	On Street Parking	4	3	3	4	3
EM3	Elm Street	On Street Parking	2	0	0	1	1
EM4	Elm Street	On Street Parking	13	12	12	13	13
BL1	Bligh Street	On Street Parking	1	0	0	0	0
BL2	Bligh Street	On Street Parking	2	1	1	1	1
B1	Burwood Road	On Street Parking	5	2	2	0	0
B2	Burwood Road	On Street Parking	35	21	19	18	18
B3	Burwood Road	On Street Parking	47	22	25	24	25
B4	Burwood Road	On Street Parking	6	3	6	5	5
B5	Burwood Road	On Street Parking	18	12	13	13	13
B6	Burwood Road	On Street Parking	28	10	13	14	14
B7	Burwood Road	On Street Parking	3	2	2	2	2
B8	Burwood Road	On Street Parking	28	17	15	11	10

B9	Burwood Road	On Street Parking	13	8	9	9	9
B10	Burwood Road	On Street Parking	6	2	2	1	1
CA1	Cobbitty Avenue	On Street Parking	9	3	5	6	6
CA2	Cobbitty Avenue	On Street Parking	6	0	1	2	2
M1	Mitchell Street	On Street Parking	19	5	5	6	6
M2	Mitchell Street	On Street Parking	13	7	8	8	8
M3	Mitchell Street	On Street Parking	15	3	3	2	2
M4	Mitchell Street	On Street Parking	5	2	3	4	3
ST1	Stanley Street	On Street Parking	3	2	2	1	2
ST2	Stanley Street	On Street Parking	2	2	2	2	2
LA1	Llangollan Avenue	On Street Parking	15	2	3	3	3
LA2	Llangollan Avenue	On Street Parking	18	2	2	2	2
AN1	Ann Street	On Street Parking	11	3	2	2	2
AN2	Ann Street	On Street Parking	19	1	2	3	2
AN3	Ann Street	On Street Parking	26	13	12	12	12
AN4	Ann Street	On Street Parking	12	2	3	4	4
AN5	Ann Street	On Street Parking	14	3	5	5	5
BA1	Baker Street	On Street Parking	5	2	2	1	1
BA2	Baker Street	On Street Parking	14	4	5	6	7
BA3	Baker Street	On Street Parking	10	2	3	3	3
BA4	Baker Street	On Street Parking	9	3	5	4	4
BA5	Baker Street	On Street Parking	12	6	5	5	5
HU1	Hunt Street	On Street Parking	16	10	11	11	12
HU2	Hunt Street	On Street Parking	17	9	10	11	12
SH1	Shelley Street	On Street Parking	12	8	8	8	8
SH2	Shelley Street	On Street Parking	12	7	9	9	9
CD1	Culdees Road	On Street Parking	5	3	4	4	4
CD2	Culdees Road	On Street Parking	25	17	18	19	20
CD3	Culdees Road	On Street Parking	11	6	8	9	9
KS1	Kelso Street	On Street Parking	22	11	13	14	15
KS2	Kelso Street	On Street Parking	33	10	10	11	12
AD1	Ardgryffe Street	On Street Parking	4	2	3	4	5
AD2	Ardgryffe Street	On Street Parking	9	9	9	7	8
AD3	Ardgryffe Street	On Street Parking	8	2	2	2	2
AD4	Ardgryffe Street	On Street Parking	8	2	2	2	2
CL1	Claremont Road	On Street Parking	8	1	2	2	2

CL2	Claremont Road	On Street Parking	37	8	10	12	11
CL3	Claremont Road	On Street Parking	23	5	7	8	8
BR1	Badminton Road	On Street Parking	10	7	8	8	8
BR2	Badminton Road	On Street Parking	9	9	8	7	8
A1	Arthur Street	On Street Parking	7	3	3	3	3
A2	Arthur Street	On Street Parking	3	2	3	3	3
A3	Arthur Street	On Street Parking	19	1	1	1	1
A4	Arthur Street	On Street Parking	14	0	0	0	0
A5	Arthur Street	On Street Parking	9	2	2	1	1
A6	Arthur Street	On Street Parking	8	0	0	2	2
A7	Arthur Street	On Street Parking	8	3	3	3	3
SY1	Seymour Street	On Street Parking	31	11	12	13	12
SY2	Seymour Street	On Street Parking	29	9	9	10	10
SY3	Seymour Street	On Street Parking	18	9	11	12	12
SY4	Seymour Street	On Street Parking	20	8	5	5	5
SY5	Seymour Street	On Street Parking	4	0	0	0	0
SY6	Seymour Street	On Street Parking	6	3	2	1	1
GR1	Georges River Road	On Street Parking	16	2	2	0	0
GR2	Georges River Road	On Street Parking	9	0	0	0	0
GR3	Georges River Road	On Street Parking	15	0	0	0	0
GR4	Georges River Road	On Street Parking	17	11	9	8	8
GR5	Georges River Road	On Street Parking	7	0	0	0	0
GR6	Georges River Road	On Street Parking	11	1	1	1	1
GR7	Georges River Road	On Street Parking	6	0	1	1	1
GR8	Georges River Road	On Street Parking	6	2	2	1	1
GR9	Georges River Road	On Street Parking	6	5	3	2	2
GR10	Georges River Road	On Street Parking	3	3	2	1	2
WA1	Windsor Avenue	On Street Parking	8	7	7	6	6
WA2	Windsor Avenue	On Street Parking	7	6	5	5	5
BA1	Balmoral Avenue	On Street Parking	20	15	12	13	11
BA2	Balmoral Avenue	On Street Parking	11	7	7	9	8
BA3	Balmoral Avenue	On Street Parking	5	4	3	3	3
ML1	Melrose Street	On Street Parking	16	5	6	6	6
ML2	Melrose Street	On Street Parking	12	4	5	6	6
HT1	Hampton Street	On Street Parking	24	18	16	17	18
HT2	Hampton Street	On Street Parking	20	17	18	16	17

CS1	Clyde Street	On Street Parking	15	12	13	13	12
CS2	Clyde Street	On Street Parking	6	6	6	6	6
BY1	Boyle Street	On Street Parking	4	2	3	3	3
BY2	Boyle Street	On Street Parking	8	4	3	3	3
BY3	Boyle Street	On Street Parking	3	2	3	3	3
BY4	Boyle Street	On Street Parking	16	13	15	14	15
BY5	Boyle Street	On Street Parking	19	16	17	15	16
BY6	Boyle Street	On Street Parking	9	6	5	5	5
BY7	Boyle Street	On Street Parking	8	6	6	7	7
BY8	Boyle Street	On Street Parking	9	7	8	8	8
BY9	Boyle Street	On Street Parking	19	11	10	9	9
NA1	Nance Lane	On Street Parking	12	2	2	1	1
BU1	Beaufort Street	On Street Parking	33	15	13	14	14
BU2	Beaufort Street	On Street Parking	29	19	15	12	12
BU3	Beaufort Street	On Street Parking	21	10	9	9	9
BU4	Beaufort Street	On Street Parking	26	18	16	14	14
BU5	Beaufort Street	On Street Parking	12	12	11	8	8
BU6	Beaufort Street	On Street Parking	5	5	5	4	5
Total Vehicles Parked			2073	1005	1027	1025	1027
Number of Vacant Spaces				1068	1046	1048	1046
% of Capacity Used				48.5%	49.5%	49.4%	49.5%



Traffic Information Specialist

ABN: 42 613 389 923
Email info@tistrffic.com.au



Location	10 Daisy Street
Suburb	ASHFIELD
Client	MLA
Job No/Name	25160
Survey Duration	10 HOURS
Day/Date	Sunday, 10 August 2025

UID	Street Name	Parking Restriction	Capacity	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM
				- 9:00 AM	- 10:00 AM	- 11:00 AM	- 12:00 PM	- 1:00 PM
D1	Daisy Street	On Street Parking	22	20	20	20	21	22
D2	Daisy Street	On Street Parking	22	15	15	17	18	19
RS1	Rose Street	On Street Parking	28	19	15	16	15	14
RS2	Rose Street	On Street Parking	29	12	13	14	13	12
RS3	Rose Street	On Street Parking	8	3	3	3	3	3
RS4	Rose Street	On Street Parking	12	4	6	5	6	7
RS5	Rose Street	On Street Parking	3	2	1	2	2	2
RS6	Rose Street	On Street Parking	29	15	13	16	15	13
RS7	Rose Street	On Street Parking	7	3	2	3	3	2
RS8	Rose Street	On Street Parking	16	7	11	9	10	11
PH1	Parkhill Street	On Street Parking	24	4	3	3	3	3
PH2	Parkhill Street	On Street Parking	5	0	0	0	0	0
PH3	Parkhill Street	On Street Parking	9	5	6	5	5	5
PH4	Parkhill Street	On Street Parking	5	1	0	0	0	0
W1	Waratah Street	On Street Parking	15	4	4	3	3	3
W2	Waratah Street	On Street Parking	20	3	6	5	4	3
W3	Waratah Street	On Street Parking	9	4	3	2	2	3
W4	Waratah Street	On Street Parking	20	17	21	19	17	16
W5	Waratah Street	On Street Parking	8	4	6	3	3	2
W6	Waratah Street	On Street Parking	15	10	13	10	9	9
W7	Waratah Street	On Street Parking	5	2	4	2	2	3
W8	Waratah Street	On Street Parking	18	12	13	15	14	14

Traffic Information Specialist

ABN: 42 613 389 923

Email info@tistrtraffic.com.au



W9	Waratah Street	On Street Parking	9	3	8	5	5	6
W10	Waratah Street	On Street Parking	4	3	4	4	3	3
W11	Waratah Street	On Street Parking	15	9	10	11	10	8
W12	Waratah Street	On Street Parking	9	4	5	6	5	4
KA1	Kent Avenue	On Street Parking	7	5	6	5	5	5
KA2	Kent Avenue	On Street Parking	6	2	1	0	1	1
LS1	Lily Street	On Street Parking	11	4	5	5	5	6
LS2	Lily Street	On Street Parking	28	11	16	13	13	14
LS3	Lily Street	On Street Parking	12	2	6	6	5	4
LS4	Lily Street	On Street Parking	8	4	4	6	7	9
LS5	Lily Street	On Street Parking	14	8	9	8	6	5
FC1	Faunce Street	On Street Parking	13	7	5	6	6	6
FC2	Faunce Street	On Street Parking	10	5	4	5	5	5
VL1	Violet Street	On Street Parking	10	7	9	8	7	7
VL2	Violet Street	On Street Parking	14	9	10	9	9	8
VL3	Violet Street	On Street Parking	7	7	7	7	5	4
VL4	Violet Street	On Street Parking	18	9	8	9	8	7
VL5	Violet Street	On Street Parking	11	6	6	5	5	6
VL6	Violet Street	On Street Parking	13	5	5	6	6	6
VL7	Violet Street	On Street Parking	11	6	4	5	4	4
VL8	Violet Street	On Street Parking	3	2	3	3	3	3
VL9	Violet Street	On Street Parking	4	4	4	4	4	4
KT1	Kater Place	On Street Parking	9	5	9	8	8	9
KT2	Kater Place	On Street Parking	9	5	9	9	8	6
KT3	Kater Place	On Street Parking	13	5	7	5	6	5
KT4	Kater Place	On Street Parking	8	6	7	5	4	5
KT5	Kater Place	On Street Parking	16	5	5	5	5	5

Traffic Information Specialist

ABN: 42 613 389 923

Email info@tistraffic.com.au



KT6	Kater Place	On Street Parking	12	7	7	7	6	6
GG1	George Street	On Street Parking	9	5	6	5	5	5
GG2	George Street	On Street Parking	32	16	16	17	18	19
GG3	George Street	On Street Parking	29	9	6	5	6	7
EM1	Elm Street	On Street Parking	4	4	3	3	3	2
EM2	Elm Street	On Street Parking	4	1	3	4	4	4
EM3	Elm Street	On Street Parking	2	1	2	1	1	1
EM4	Elm Street	On Street Parking	13	12	6	11	11	12
BL1	Bligh Street	On Street Parking	1	1	0	0	0	0
BL2	Bligh Street	On Street Parking	2	0	2	1	1	1
B1	Burwood Road	On Street Parking	5	0	0	0	0	0
B2	Burwood Road	On Street Parking	35	15	17	18	16	14
B3	Burwood Road	On Street Parking	47	26	21	24	25	26
B4	Burwood Road	On Street Parking	6	5	3	4	4	3
B5	Burwood Road	On Street Parking	18	14	11	13	12	12
B6	Burwood Road	On Street Parking	28	13	14	16	17	17
B7	Burwood Road	On Street Parking	3	3	3	3	2	2
B8	Burwood Road	On Street Parking	28	10	10	9	9	10
B9	Burwood Road	On Street Parking	13	10	9	10	10	11
B10	Burwood Road	On Street Parking	6	1	1	2	2	2
CA1	Cobbitty Avenue	On Street Parking	9	5	4	4	4	4
CA2	Cobbitty Avenue	On Street Parking	6	0	0	0	0	0
M1	Mitchell Street	On Street Parking	19	6	7	8	9	8
M2	Mitchell Street	On Street Parking	13	7	6	5	5	4
M3	Mitchell Street	On Street Parking	15	4	6	5	6	6
M4	Mitchell Street	On Street Parking	5	5	4	5	5	5
ST1	Stanley Street	On Street Parking	3	3	3	3	3	3

Traffic Information Specialist

ABN: 42 613 389 923

Email info@tistrtraffic.com.au

ST2	Stanley Street	On Street Parking	2	2	1	2	2	2
LA1	Llangollan Avenue	On Street Parking	15	4	3	2	3	3
LA2	Llangollan Avenue	On Street Parking	18	2	2	3	3	4
AN1	Ann Street	On Street Parking	11	1	3	1	1	2
AN2	Ann Street	On Street Parking	19	3	3	2	2	3
AN3	Ann Street	On Street Parking	26	11	8	10	10	9
AN4	Ann Street	On Street Parking	12	5	4	3	3	4
AN5	Ann Street	On Street Parking	14	7	5	6	6	6
BA1	Baker Street	On Street Parking	5	1	1	1	1	1
BA2	Baker Street	On Street Parking	14	5	4	5	5	5
BA3	Baker Street	On Street Parking	10	1	3	3	3	4
BA4	Baker Street	On Street Parking	9	4	5	4	4	3
BA5	Baker Street	On Street Parking	12	7	5	4	5	5
HU1	Hunt Street	On Street Parking	16	10	10	12	11	11
HU2	Hunt Street	On Street Parking	17	10	11	11	11	12
SH1	Shelley Street	On Street Parking	12	7	5	6	6	7
SH2	Shelley Street	On Street Parking	12	10	7	8	9	9
CD1	Culdees Road	On Street Parking	5	5	4	3	4	5
CD2	Culdees Road	On Street Parking	25	21	18	20	19	18
CD3	Culdees Road	On Street Parking	11	11	10	11	11	11
KS1	Kelso Street	On Street Parking	22	14	15	17	19	21
KS2	Kelso Street	On Street Parking	33	12	11	11	11	11
AD1	Ardgryfle Street	On Street Parking	4	4	2	3	3	2
AD2	Ardgryfle Street	On Street Parking	9	6	7	6	6	6
AD3	Ardgryfle Street	On Street Parking	8	2	2	2	2	2
AD4	Ardgryfle Street	On Street Parking	8	2	2	2	2	2
CL1	Claremont Road	On Street Parking	8	3	3	3	3	2

Traffic Information Specialist

ABN: 42 613 389 923

Email info@tistrtraffic.com.au



CL2	Claremont Road	On Street Parking	37	8	9	8	7	6
CL3	Claremont Road	On Street Parking	23	8	5	8	8	7
BR1	Badminton Road	On Street Parking	10	5	5	6	6	6
BR2	Badminton Road	On Street Parking	9	5	4	5	5	5
A1	Arthur Street	On Street Parking	7	3	3	3	4	4
A2	Arthur Street	On Street Parking	3	3	3	3	2	2
A3	Arthur Street	On Street Parking	19	1	1	1	1	1
A4	Arthur Street	On Street Parking	14	0	1	0	0	1
A5	Arthur Street	On Street Parking	9	2	2	3	3	3
A6	Arthur Street	On Street Parking	8	3	3	3	3	3
A7	Arthur Street	On Street Parking	8	2	3	2	2	2
SY1	Seymour Street	On Street Parking	31	12	10	11	9	7
SY2	Seymour Street	On Street Parking	29	9	5	6	7	8
SY3	Seymour Street	On Street Parking	18	11	9	10	8	9
SY4	Seymour Street	On Street Parking	20	7	5	6	7	7
SY5	Seymour Street	On Street Parking	4	1	2	1	1	2
SY6	Seymour Street	On Street Parking	6	5	5	5	5	5
GR1	Georges River Road	On Street Parking	16	1	1	1	1	1
GR2	Georges River Road	On Street Parking	9	0	0	0	0	0
GR3	Georges River Road	On Street Parking	15	0	0	0	0	0
GR4	Georges River Road	On Street Parking	17	7	0	7	8	8
GR5	Georges River Road	On Street Parking	7	0	0	0	0	1
GR6	Georges River Road	On Street Parking	11	2	1	1	1	1
GR7	Georges River Road	On Street Parking	6	2	5	4	5	4
GR8	Georges River Road	On Street Parking	6	4	4	4	5	5
GR9	Georges River Road	On Street Parking	6	2	5	5	5	6
GR10	Georges River Road	On Street Parking	3	0	3	3	2	1

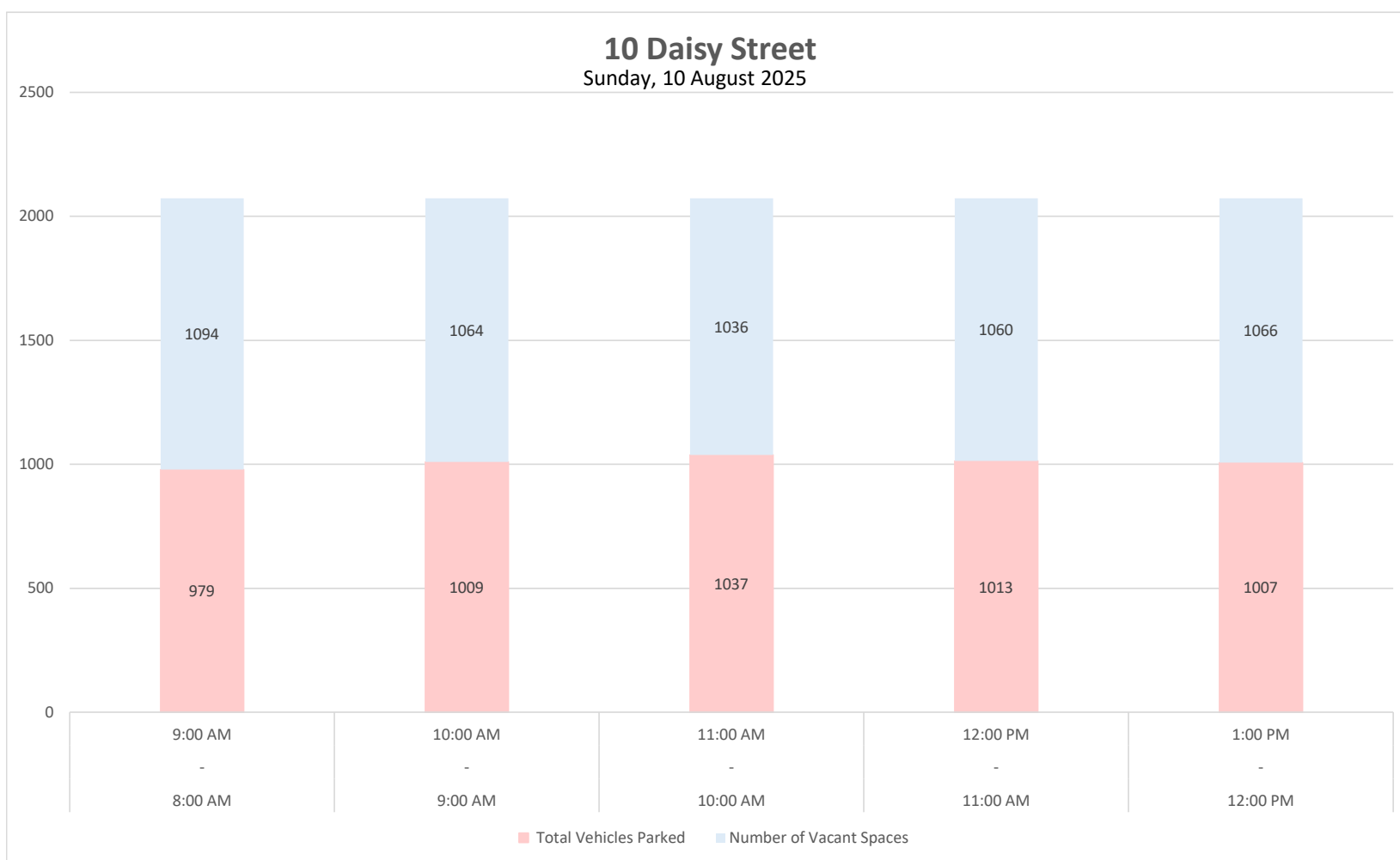
Traffic Information Specialist

ABN: 42 613 389 923

Email info@tistrtraffic.com.au

WA1	Windsor Avenue	On Street Parking	8	7	5	6	7	8
WA2	Windsor Avenue	On Street Parking	7	5	5	7	7	7
BA1	Balmoral Avenue	On Street Parking	20	10	14	12	11	10
BA2	Balmoral Avenue	On Street Parking	11	10	9	7	8	8
BA3	Balmoral Avenue	On Street Parking	5	2	1	3	4	5
ML1	Melrose Street	On Street Parking	16	6	6	6	6	6
ML2	Melrose Street	On Street Parking	12	5	5	6	8	8
HT1	Hampton Street	On Street Parking	24	17	16	17	16	16
HT2	Hampton Street	On Street Parking	20	16	15	16	16	17
CS1	Clyde Street	On Street Parking	15	13	13	14	13	13
CS2	Clyde Street	On Street Parking	6	6	5	6	5	5
BY1	Boyle Street	On Street Parking	4	4	3	4	4	3
BY2	Boyle Street	On Street Parking	8	4	9	8	7	6
BY3	Boyle Street	On Street Parking	3	0	3	3	3	2
BY4	Boyle Street	On Street Parking	16	11	13	15	14	13
BY5	Boyle Street	On Street Parking	19	14	16	17	14	14
BY6	Boyle Street	On Street Parking	9	5	8	6	8	8
BY7	Boyle Street	On Street Parking	8	7	8	8	6	5
BY8	Boyle Street	On Street Parking	9	7	9	7	6	6
BY9	Boyle Street	On Street Parking	19	7	9	8	8	7
NA1	Nance Lane	On Street Parking	12	2	12	12	8	5
BU1	Beaufort Street	On Street Parking	33	10	11	12	11	9
BU2	Beaufort Street	On Street Parking	29	8	6	9	8	8
BU3	Beaufort Street	On Street Parking	21	9	12	10	10	10
BU4	Beaufort Street	On Street Parking	26	16	12	15	14	16
BU5	Beaufort Street	On Street Parking	12	5	8	8	7	7
BU6	Beaufort Street	On Street Parking	5	3	4	5	4	5

Total Vehicles Parked	2073	979	1009	1037	1013	1007
Number of Vacant Spaces		1094	1064	1036	1060	1066
% of Capacity Used		47.2%	48.7%	50.0%	48.9%	48.6%



Traffic Information Specialist

ABN: 42 613 389 923
 Email info@tistrtraffic.com.au



Attachment Two

Early Arrival Staff Commuting Patterns

NO	NAME	SUBURB - WORK	POSTCODE - WORK	WORK START	WORK ENDS	Mode of Transport	Carpool (if relevant)
1	ROSELIA DAQUIZ MEDINA MAÑEBOG	**retired**	n/a	n/a	n/a	Car	Car 1
2	EDGARDO SERRANO MAÑEBOG	Alexandria	2015	9am	5pm	Car	
3	GEM MARCALEDO AFENIR	Campsie	2194	9am	5pm	Car	
4	CHRISTINE JAN ENRIQUEZ MESIAS AFENIR	Campsie	2194	9am	5pm	Car	Car 2
5	WENDY ANN MANALO	Sydney CBD	2000	9am	5pm	Car	Car 3
6	EDWIN BEATON	Sydney CBD	2000	Shift work - start and end times vary		Car	Car 4
7	JOHN MARK DIMAPILIS	Sydney CBD	2000	Shift work - start and end times vary		Car	Car 5
8	DOLLY MARIS VILLANUEVA	Sydney CBD	2000	Shift work - start and end times vary		Car	Car 6
9	JOSEFINA NATIVIDAD VILLANUEVA	Randwick	2031	Shift work - start and end times vary		Car	
10	JASTIN ANGELO MUNSAYAC MICLA	Randwick	2031	Shift work - start and end times vary		Car	Car 7
11	JASMIN MENDOZA MICLA	Concord West	2137	Shift work - start and end times vary		Car	
12	HELENA MOIRA LEBUMFACIL	North Strathfield	2137	Shift work - start and end times vary		Car	Car 8
13	TYLER DANIEL LEBUMFACIL	n/a	n/a	n/a	n/a	Car	
14	ALEXANDER ANTONIO AGUINALDO	Bankstown	2199	Shift work - start and end times vary		Car	Car 9
15	GIRLIE DELA CRUZ AGUINALDO	Liverpool	2170	9am	5pm	Car	
16	XANDER IRVIN AGUINALDO	Sydney CBD	2000	9am	5pm	Car	Car 10
17	JODINE ANGELIZ YAP ARGAYOSO	Sydney CBD	2000	9am	5pm	Car	
18	ARMENIO DA SILVA	Croydon Park	2133	Shift work - start and end times vary		Car	Car 11
19	LORNA DA SILVA	Croydon Park	2133	Shift work - start and end times vary		Car	
20	NOEL SABANDO	Sydney CBD	2000	7am	3pm	Car	Car 12
21	RJ LOERNZ SANTOS DEMILLO	Sydney CBD	2000	Shift work - start and end times vary		Car	Car 13
22	JEANNE SANTOS DEMILLO	Greenacre	2190	Shift work - start and end times vary		Car	
23	ALVIN BUELVA	Sydney CBD	2000	Shift work - start and end times vary		Car	Car 14
24	FLORABELLA BUELVA	Surry Hills	2010	9am	5pm	Car	

25	LE'ROI TORRES	North Strathfield	2137		Shift work - start and end times vary	Car	Car 15
26	GEORGE FLORES	Strathfield	2135	4am	12pm	Car	
27	CONNIE ABAT BELTRAN FLORES	Sydney CBD	2000	9am	5pm	Car	Car 16
28	AUBREY BOLANIO	Sydney CBD	2000	9am	5pm	Car	
29	MARVIN TORRES QUEVEDO	Sydney CBD	2000	9am	5pm	Car	Car 17
30	LAILANIE QUEVEDO	n/a	n/a			Car	
31	GALE CAÑETE ARCEVAL	Kingsgrove	2208	9am	5pm	Car	Car 18
32	PABLITO CABALQUINTO NOLASCO	Punchbowl	2196	Shift work - start and end times vary		Uber	n/a
33	ROLANDO MONTEVERDE	n/a	n/a	n/a	n/a	Uber	n/a
34	STEPHANIE NICOLE LIMUCO	North Sydney	2060	Shift work - start and end times vary		Walk	n/a
35	RISHED ELAINE MORALES	Sydney CBD	2000	Shift work - start and end times vary		Public Transport	n/a
36	LARA SHIEN MENDOZA	Burwood	2134	Shift work - start and end times vary		Public Transport	n/a
37	SUZZANE ABALOS MENDOZA	Burwood	2134	Shift work - start and end times vary		Public Transport	n/a
38	YORAH HARNA MADAMBA	Mascot	2020	Shift work - start and end times vary		Public Transport	n/a
39	ROYL PATRICK MADAMBA	Sydney CBD	2000	Shift work - start and end times vary		Public Transport	n/a
40	ANNE JELYQA FAUSTORILLA LLANETA	Sydney CBD	2000	7am	3pm	Public Transport	n/a