

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-77260958 Mixed-use development with in-fill affordable housing, 2-4 Burleigh Street and 20-24 Railway Parade, Burwood
Applicant	NSW HOUSING CORPORATION PTY LTD
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Housing and Key Sites Assessments has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

8 May 2026

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- all information submitted to the department during the assessment of the development application and any additional information considered in the department's assessment report;
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's assessment report.

The key reasons for granting consent to the development application are as follows:

- the proposal would provide a range of benefits for the region and the State as a whole, including a direct investment of \$117,976,065 and creation of 215 construction jobs and 35 operational jobs;
- the proposal is permissible with development consent, and would support NSW Government priorities to deliver well-located housing as it would deliver 48 apartments, including 18 affordable housing apartments, in a highly accessible location
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the proposal is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines; and
- weighing all relevant considerations, the proposal is in the public interest.

Attachment 1 – Consideration of Community Views

The Applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary’s environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the proposal.

Once the EIS was submitted to the department it was placed on exhibition from 30 April 2025 until 27 May 2025 (28 days). 29 submissions were received, including 17 objections, two comments and 10 in support of the project. Burwood Council (Council) objected to the proposal.

A Department officer visited the site and surrounding area on 15 January 2026 to gain a better understanding of the site context and the issues raised in submissions.

The key issues raised by the community (including in submissions) and considered in the Department’s assessment report and by the decision maker include built form and design, and residential amenity. Other issues are addressed in detail in the Department’s assessment report.

Issue	Consideration
<p>Traffic and parking</p> <ul style="list-style-type: none"> • traffic congestion • pedestrian and traffic safety concerns • lack of car parking • EV charging 	<p>The proposal is unlikely to cause adverse traffic or parking impacts as:</p> <ul style="list-style-type: none"> • the estimated traffic generation during peak periods would not adversely impact the operation of nearby intersections • the proposal provides adequate parking, subject to conditions requiring allocation to the proposed uses • EV charging infrastructure is required under the National Construction Code <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> • Deferred commandment condition requiring deletion of the porte cochere and relocation of the hotel pick up/drop off to the basement • undertake a road safety audit to inform whether additional safety measures are required along Railway Parade • access and parking to comply with the relevant Australian Standards • re-allocation of parking to market and affordable housing, visitor parking and non-residential uses • implementation of the Green Travel Plan
<p>Amenity impacts</p> <ul style="list-style-type: none"> • overshadowing • privacy • noise • outlook 	<p>The overshadowing impacts of the proposal are reasonable in the context of the site’s location within the Burwood Town Centre and the expected high-density development envisaged for the site.</p> <p>The proposal is unlikely to result in adverse privacy impacts as the proposal has been designed to provide services and non-habitable uses along the eastern boundary to prevent privacy impacts to future development to the east. The habitable rooms and balconies are positioned at the corners of the building to maximise the distance between neighbouring properties, and are designed with a mix of blank walls, opaque glass and fixed open louvres to mitigate visual privacy impacts.</p> <p>The Applicant provided a Noise and Vibration Impact Assessment (NVIA) which provides details of acoustic design and other mitigation measures to prevent unreasonable noise impacts to the surrounding area.</p> <p>The proposal would not adversely impact on outlook noting that it is consistent with the height and density floor space which apply to the site and the emerging high rise character of Burwood town centre.</p> <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> • Implementation of the NVIA
<p>Compatibility with neighbouring area</p> <ul style="list-style-type: none"> • bulk and scale 	<p>The proposal fully complies with the maximum permissible building height and does not exceed the building height planes in the Burwood Local Environmental</p>

<ul style="list-style-type: none"> • height • heritage impacts to Church and suburb character 	<p>Plan 2012 (BLEP). The proposed floor space complies with the Housing SEPP, noting that 15% of the overall gross floor area is provided as affordable housing for a 15 year period.</p> <p>The Applicant provided a Heritage Impact Statement (HIS) and supplementary heritage advice which assesses the impacts of the proposal on the State heritage listed Burwood Station and a number of locally listed items including the St Nectarios Church. The HIS and supplementary heritage advice concludes that the proposal has an acceptable impact to the immediate precinct and broader town centre subject to recommendations of the HIS.</p> <p>The Department is satisfied that the proposal is unlikely to result in unreasonable adverse heritage impacts on the neighbouring heritage items or the character of Burwood as:</p> <ul style="list-style-type: none"> • the proposal fully complies with the development standards that apply to the site • the proposal provides ground level setbacks, consistent with the Burwood Development Control Plan and a two level podium to respect the scale to the surrounding heritage items (St Nectarios Church and the terraces at 12-22 Burleigh Street) • the podium materials incorporate sandstone columns to compliment the church façade. <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • compliance with the recommendations of the HIS including preparation of photographic archival recordings of the site and a Heritage Interpretation Plan and Strategy, and an unexpected finds protocol be implemented during construction works.
<p>Construction impacts</p> <ul style="list-style-type: none"> • noise • dust 	<p>The Department is satisfied that the proposal can be properly constructed without causing unreasonable environmental impacts, in terms of noise and vibration, traffic and safety, air quality and light pollution.</p> <p>The Department recommends conditions to prevent unreasonable adverse impacts to neighbouring residents, adjoining developments, or the public domain.</p> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • compliance with the recommendations of the NVIA • preparation and implementation of a Construction Environmental Management Plan, a Construction Noise and Vibration Management Plan (CNVM), a Construction Traffic and Pedestrian Management Plan, Air Quality Management Plan as well as other management plans, with mitigation measures to manage impacts • standard, ICNG stipulated construction hours being Monday to Friday – 7am to 6pm and Saturday 8am to 1pm • reduced construction hours and respite periods for noisy activities such as rock breaking and piling • no ‘offensive noise’ under the <i>Protection of the Environment Operations Act 1997</i> • preparation of pre- and post-construction dilapidation reports.
<p>Insufficient social and public transport infrastructure</p>	<p>The proposal is located within an existing urban area with access to public transport, community services, retail, schools and other infrastructure. The proposal is consistent with the strategic intent to increase housing density in accessible areas.</p>

	<p>The proposal is subject to the following contributions to assist in the delivery of improved local and State infrastructure:</p> <ul style="list-style-type: none"> • Section 7.11 contributions to contribute to local infrastructure and amenities • Housing and Productivity Contribution to contribute to State and local infrastructure. <p>Further, the Applicant will need to enter a VPA with Council for a monetary contribution for community infrastructure in addition to payment of section 7.11 local contributions and the HPC.</p> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • Deferred commencement condition – requiring execution of VPA for contributions to community infrastructure • payment of infrastructure contributions • advice from approved utilities prior to the commencement of works that arrangements have been made to ensure provision of adequate services.
<p>Impact on property values</p>	<p>The Department has undertaken a detailed assessment of the proposal having regard to the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act) including consideration of all relevant planning instruments, including the Housing SEPP and the BLEP, the views of the community, Council and advice from relevant agencies. The Department has also considered the likely impacts of the proposal and suitability of the site and concludes that the proposal would have acceptable impacts and is in the public interest.</p>
<p>Consultation</p> <ul style="list-style-type: none"> • lack of pre-lodgement consultation • lack of exhibition correspondence • website difficult to navigate 	<p>The Department is satisfied that the Applicant's Engagement Report demonstrates that satisfactory community consultation has been undertaken in accordance with Undertaking Engagement Guidelines for State Significant Projects.</p> <p>The Department exhibited and notified the application to adjoining landowners in accordance with the Department's Community Participation Plan. The Department publicly exhibited the Applicant's EIS for 28 days, notifying adjoining landowners of the exhibition and displayed the application on the Department's website.</p>
<p>Overdevelopment of Burwood town centre</p>	<p>The proposal is compatible with the desired future character of the Burwood town centre, is permissible with consent in the Mixed-Use zone and fully complies with the height and floor space development standards which apply to the site.</p>
<p>Concern over hotel land use</p>	<p>The proposed hotel is permissible with consent and consistent with the objectives of the Mixed-Use zone to encourage a diversity of uses.</p> <p>The Department has considered the potential impacts of the hotel use as part of its assessment and is satisfied that the proposed hotel is unlikely to result in any unreasonable adverse impacts in terms of traffic, noise, waste or other operational impacts.</p> <p>The hotel fit out and operation would be subject to a separate application which would further assess and determine any required mitigation measures required to prevent unreasonable impacts.</p> <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> • Limit on consent – no approval for the fit out or operation of the hotel
<p>Negative precedent set by the proposal</p>	<p>The Department has undertaken a detailed assessment of the merits proposal having regard to the requirements of the Housing SEPP, the BLEP and has considered the views of the community, Council and advice from relevant agencies. The Department has also considered the likely impacts of the</p>

	proposal and suitability of the site and concludes that the proposal would have acceptable impacts and is in the public interest.
Social impacts	<p>The Applicant's Crime Prevention through Environmental Design (CPTED) report outlines the measures taken to provide safe and secure environmental outcomes. These measures include:</p> <ul style="list-style-type: none"> • site activation and increased passive surveillance opportunities • secure parking and building access • appropriate lighting, closed circuit tv monitoring and graffiti resistant materials <p>The Department is satisfied that appropriate measures can be implemented to minimise antisocial behaviour.</p>
Design concerns related to the: <ul style="list-style-type: none"> • porte cochere • setbacks • external materials • interface with public domain 	<p>The Department considers that:</p> <ul style="list-style-type: none"> • the proposal incorporates measures to mitigate privacy impacts associated with the reduced setbacks • external materials proposed are appropriate for the scale of development and the context of the site <p>The Department has recommended that the proposed hotel drop-off and pick-up operations be relocated to the basement and that the porte-cochere (including associated driveways) be replaced with landscaping and public art to improve the interface with the public domain, including improved pedestrian-vehicle outcomes.</p> <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> • relocation of the hotel drop-off and pick-up operations from the ground floor to the basement • removal of the porte cochere and driveways and replacement with landscaping and public art.
Landscaping and communal open space details	<p>The Landscape plans provide details of hard and soft landscaping to enhance the development and contribute to the public domain. The proposal activates the street by providing ground floor retail and lobby entrances. The removal of the porte cochere and relocation of the hotel drop off and pick up area to the basement will provide further opportunities for enhanced landscaping and streetscape outcomes at the corner of Railway Parade and Burleigh Street. COS has been provided in accordance with requirements of the ADG and incorporate seating areas, BBQ facilities and a range of planting.</p> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • Amended landscape plans including removal of the porte cochere and replacement with landscaping
Operational waste management	<p>The Applicant provided an Operational Waste Management Plan (OWMP) which proposes private collection of all residential and non-residential waste from the ground level service loading bay. It also provided detailed recommendations by Council in relation to recycling bins on each residential floor and provision for FOGO bins.</p> <p>The Department is satisfied that waste management arrangements are appropriate.</p> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • compliance with the recommendations of the OWMP.