



New South Wales

Burwood Local Environmental Plan No 48

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S00/00524/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

Burwood Local Environmental Plan No 48

1 Name of plan

This plan is *Burwood Local Environmental Plan No 48*.

2 Aims of plan

This plan aims:

- (a) to provide a greater flexibility for residential development in the 2 (b1), 2 (b2), 2 (c1) and 3 (a) zones within Burwood local government area, and
- (b) to address the requirements of the Roads and Traffic Authority in relation to development adjacent to arterial roads in that area.

3 Land to which plan applies

This plan applies to land within the Burwood local government area that is shown edged heavy black on the maps marked “Burwood Local Environmental Plan No 48” deposited in the office of the Council of that area.

4 Amendment of Burwood Planning Scheme Ordinance

Burwood Planning Scheme Ordinance is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Interpretation

Insert at the end of the definition of *scheme map* in clause 4 (1):

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[2] Clause 24 Erection or use of buildings or works

Omit “attached to and used in conjunction with” from the matter relating to Zone No 3 (a) (the Business General zone) in Column V of the Table to clause 24.

Insert instead “attached to or used in conjunction with”.

[3] Clauses 76A and 78B

Insert after clause 76:

76A Noise and vibration management along traffic and transport routes

- (1) Residential developments:
 - (a) must not be carried out in the vicinity of arterial roads or railway lines unless appropriate noise mitigation measures (such as building siting, materials and design, and noise barriers) are implemented to provide residents with an acceptable internal acoustic environment, and
 - (b) must not be carried out in the vicinity of railway lines unless appropriate vibration mitigation measures are implemented to provide residents with an acceptable internal acoustic (vibration exposure) environment.
- (2) The mitigation measures required by paragraphs (a) and (b) of subclause (1) are to be undertaken in accordance with a detailed noise and vibration impact assessment report prepared by an acoustic consultant. The acoustic consultant is to have regard to the following:

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Schedule 1

Amendments

- (a) AS/NZS 2107:2000 *Acoustics—Recommended design sound levels and reverberation times for building interiors*,
- (b) AS 3671-1989 *Acoustics—Road traffic noise intrusion—Building, siting and construction*,
- (c) British Standard BS 6472:1992 *Guide to evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz)*,
- (d) Chapter 174 (Vibration in buildings) of the New South Wales Environment Protection Authority's *Environmental Noise Control Manual*,
- (e) the New South Wales Environment Protection Authority's *Environmental criteria for road traffic noise*.

(3) In this clause, ***arterial road*** has the same meaning as in clause 76B.

76B **Vehicular access along arterial roads**

- (1) Subject to subclause (2), a person must not carry out development on land that adjoins an arterial road unless vehicular access to the land is available only by way of another road (not being another arterial road).
- (2) A person may, with development consent, carry out development that provides for permanent vehicular access to a an arterial road if, in the opinion of the Council, alternative access to that development is neither practicable nor provided by another road, a proposed road or a vehicle access way identified in a development control plan.
- (3) Prior to determining any development application which provides for access to an arterial road, the Council must consult with the Roads and Traffic Authority.
- (4) In this clause, ***arterial road*** means a road that carries through traffic from one area or district to another, and includes a main road, State highway, freeway or tollway within the meaning of the *Roads Act 1993*.

[4] Clause 79B

Insert in appropriate order:

79B Development of certain land—Georges River Road, Croydon Park

- (1) This clause applies to land shown edged heavy black on the map marked “Burwood Local Environmental Plan No 48—Sheet 4” deposited in the office of the Council.
- (2) A person must not carry out development on land to which this clause applies for the purpose of a residential flat building (other than units for aged persons, duplex flats, maisonettes, semi-detached cottages, terrace buildings, group houses, villa homes, town houses and the like).