



New South Wales

Burwood Local Environmental Plan 2012 (Amendment No 12)

under the

Environmental Planning and Assessment Act 1979

The Greater Sydney Commission makes the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

STEPHEN MURRAY

As delegate for the Greater Sydney Commission

Burwood Local Environmental Plan 2012 (Amendment No 12)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Burwood Local Environmental Plan 2012 (Amendment No 12)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land to which *Burwood Local Environmental Plan 2012* applies.

Schedule 1 Amendment of Burwood Local Environmental Plan 2012

[1] Clause 4.4A Exceptions to floor space ratio

Omit “identified as” wherever occurring in clause 4.4A (3) and (4). Insert instead “in”.

[2] Clause 4.4A (3) and (4)

Omit “Area 1”, “Area 2”, “Area 3”, “Area 4”, “Area 5”, “Area 6”, “Area 7” and “Area 8” wherever occurring.

Insert instead “Area 1”, “Area 2”, “Area 3”, “Area 4”, “Area 5”, “Area 6”, “Area 7” and “Area 8”, respectively.

[3] Clause 4.4A (3) and (4)

Omit “on the Floor Space Ratio Map” wherever occurring.

[4] Clause 4.4A (5)–(9)

Insert after clause 4.4A (4):

- (5) Despite clause 4.4, the floor space ratio for a building on land in Area 1 or Area 2 may exceed the floor space ratio shown for the land on the Floor Space Ratio Map if:
 - (a) the floor space ratio for the building does not exceed:
 - (i) 6.6:1—if the building is in Area 1, or
 - (ii) 4.95:1—if the building is in Area 2, and
 - (b) the gross floor area of the part of the building used for the purpose of residential accommodation does not exceed the following percentage of the gross floor area of the building:
 - (i) 40 percent—if the building is in Area 1, or
 - (ii) 70 percent—if the building is in Area 2.
- (6) Subclause (5) applies in relation to proposed development only if:
 - (a) the proposed development on the land includes development resulting in community infrastructure or the use of land as community infrastructure, and
 - (b) the consent authority is satisfied that the community infrastructure is appropriate for the Burwood Town Centre, taking into account the nature of the community infrastructure and its value to the community working or residing in the Burwood Town Centre.
- (7) Subclause (3) does not apply in relation to a building in Area 1 or Area 2 if subclause (5) is applied to the building.
- (8) For the purposes of this clause, land is in *Area 1*, *Area 2*, *Area 3*, *Area 4*, *Area 5*, *Area 6*, *Area 7* or *Area 8* if the land is identified as “Area 1”, “Area 2”, “Area 3”, “Area 4”, “Area 5”, “Area 6”, “Area 7” or “Area 8”, respectively, on the Floor Space Ratio Map.
- (9) In this clause, *community infrastructure* means any of the following:
 - (a) a recreation area,
 - (b) a community facility,
 - (c) an information and education facility.

[5] Clause 4.6 Exceptions to development standards

Insert after clause 4.6 (8) (ca):

- (cb) clause 4.4A (5)–(7).

[6] Clause 6.5

Insert after clause 6.4:

6.5 Design excellence in Zones B2 and B4

- (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 3 or more storeys on land in Zone B2 Local Centre or Zone B4 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) whether the development supports an integrated land use mix in Zones B2 and B4, including a diversity of public open spaces at the ground level, as well as the roof and other levels of buildings,
 - (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.