

APPENDIX 4 – PART 6 LOCAL PROVISION – EXAMPLE WORDING

6.6 Development on land at 42-60 Railway Parade Burwood

(1) This Clause applies to the following:

- (a) Land at 42-50 Railway Parade, Burwood, being Lot 1 DP 588368; and
- (b) Land at 52-60 Railway Parade, Burwood, being Lot 16 DP 832440.

(2) The objectives of this clause are to ensure that development on the land to which the clause applies:

- (a) Provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for non-residential accommodation purposes;
- (b) Provides for public benefits, including but not limited to active street frontages and publicly accessible open spaces;
- (c) Encourages reduced travel demand including the number of trips generated by development and the distances travelled, especially by car, to minimise the impact of vehicle movements on the Burwood Town Centre;
- (d) Delivers a higher standard of architectural and urban design excellence; and
- (e) Does not adversely impact the amenity of the precinct by reason of the scale and bulk of the development.

(3) Development consent must not be granted for development (including staged development) for the purposes of a new building, or alterations to an existing building, on the land unless the following conditions are satisfied:

- (a) Despite Clause 4.4 and Clause 4.4A, the floor space ratio does not exceed 10.54:1;
- (b) Despite Clause 4.3, the development on Lot 1 DP 588368 (marked as 'Block 1' on the Building Height Map) does not result in a building with a building height that exceeds 144 metres;
- (c) Despite Clause 4.3, the development on Lot 16 DP 832440 (marked as 'Block 2' on the Building Height Map) does not result in a building with a building height that exceeds 136 metres; and
- (d) The development has been assessed under Clause 6.5 Design Excellence in Zones B2 and B4 and the consent authority is of the opinion that the buildings exhibit design excellence.

(4) Despite subclause (3), development consent must not be granted for development (including staged development) for the purposes of a new building, or alterations to an existing building, on the land unless the following conditions are satisfied:

(a) Despite Clause 4.4A and subclause (3)(a), at least 32% of the gross floor area of the combined land is used for purposes other than residential accommodation (refer to Floor Space Ratio Map);

(b) Despite Clause 4.4A and subclause (3)(a), the total residential gross floor area on the combined land must not exceed 68% of total gross floor area (refer to Floor Space Ratio Map);

(c) Despite Clause 4.4A(4) and subclause (3)(a), the gross floor area of any 'Serviced Apartments' on the combined land must not exceed 10% of the total gross floor area.

(5) In clarification of subclause (3)(a), the calculation of gross floor area and Floor Space Ratio is based on the area of the land listed in subclause (1) and, for the avoidance of doubt, excludes Wynne Avenue, being Lot 1 DP 1135855.

(6) For the avoidance of doubt, Clause 4.3A(3) remains applicable to development on the land.

(7) To avoid doubt, Burwood Local Environmental Plan 2012 (Amendment No 14) applies to the determination of a development application made (but not finally determined) before the commencement of that Plan.