

Appendix One

Proposed Amendment to BLEP 2012

It is proposed that the following two clauses will be inserted after clause 6.4 of Part 6 Additional local provisions of the BLEP 2012:

6.5 Material Public benefits and Floor Space Ratios in Burwood Town Centre

- (1) The objective of this clause is to allow increased density for development on certain land in the Burwood Town Centre where the developer provides a material public benefit that is acceptable to the Council and the material public benefit is over and above any development contribution that could be imposed on the development under section 94, 94A or 94EF of the Act.
- (2) This clause applies to development on land identified as "Area 1" or "Area 2" on the Floor Space Ratio Map.
- (3) The ratio of the gross floor area of any part of a building used for the purpose of residential accommodation to the site area as specified in clause 4.4A is increased to 2.60:1 for a building on land identified as "Area 1" on the Floor Space Ratio Map and to 3.45:1 for a building on land identified as "Area 2" on the Floor Space Ratio Map if:
 - (a) after the commencement of this clause and before development consent is granted to the development, the developer and the Council enter into a planning agreement as referred to in section 93F of the Act in relation to the development which requires the developer to dedicate land free of cost to the Council, pay a monetary contribution to the Council, or provide any other material public benefit, or any combination of them; and
 - (b) the land, monetary contribution or other material public benefit provided under the planning agreement is in addition to any development contribution that could be imposed on the development under section 94, 94A or 94EF of the Act.
- (4) This clause is excluded from the operation of clause 4.6.

6.6 Design excellence

- (1) The objective of this clause is to deliver in Burwood the highest standard of architectural and urban design of buildings and public spaces.
- (2) This clause applies to development involving the erection of a new building equal to or above three storeys on land to which this Plan applies.

- (3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether development exhibits design excellence, the consent authority must give consideration to whether the development:
 - (a) contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and
 - (b) is likely to protect and enhance the streetscape and quality of the public realm, and
 - (c) clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and
 - (d) minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and
 - (e) encourages casual surveillance and social activity in public places, streets, laneways and plazas, and
 - (f) is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and
 - (g) addresses any heritage issues and streetscape constraints, and
 - (h) protects and enhances the natural topography and vegetation including trees, watercourses or other significant natural features, and
 - (i) promotes vistas from public places to prominent natural and built landmarks, and
 - (j) uses high standards of architectural design, materials and detailing appropriate to the building type and location, and
 - (k) responds to environmental factors such as wind, reflectivity and permeability of surfaces, and
 - (l) coordinates shared utility infrastructure to minimise disruption at street level in public spaces.